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SENATE—*Tuesday, July 17, 2001*

The Senate met at 9 a.m. and was called to order by the Presiding Officer, the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, we confess anything that may be disturbing our peace with You as we begin this day. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or destructive innuendos we may have spoken. Forgive any way that we have brought acrimony to our relationships instead of helping to bring peace into any misunderstanding among or between the people of our lives. You have shown us that being a reconciler is essential for continued, sustained experience of Your peace. Most of all, we know that lasting peace is the result of Your indwelling spirit, Your presence in our minds and hearts.

Show us how to be communicators of peace that passes understanding, bringing healing reconciliation, deeper understanding, and hope and communication.

In the name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 17, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. DASCHLE. Madam President, today the Senate will resume consideration of the Bankruptcy Reform Act. The prior agreement called for 3 hours of debate prior to a rollcall vote on cloture of a substitute amendment at approximately 12 o'clock today. There will be a recess for the weekly party conferences from 12:30 to 2:15. We expect to return then to the Energy and Water Appropriations Act today, with rollcall votes on amendments expected throughout the afternoon.

Last week the Senate confirmed 53 nominations. I don't know that there has been a week in recent times where we have accomplished that much with regard to nominations. I expect to continue that level of progress this week. There are currently 10 nominations on the Executive Calendar. Our caucus is prepared to move immediately on 8 of those 10. One of the remaining two, Mr. GRAHAM, already has a time agreement regarding his consideration. I expect to be able to dispose of his nomination between the energy and water appropriations bill, which we will resume after the bankruptcy bill is sent to conference, and the Transportation appropriations bill. I also expect to dispose of the Ferguson nomination at that time.

The legislative branch appropriations bill is on the calendar. The committee staff has informed us that they know of no amendments. So we hope to be able to complete action on that bill as well this week.

If we can accomplish these items, including the Transportation bill, by the close of business on Thursday, then we will not have votes this Friday. If not, of course, we will then be on the bill on Friday with votes possible throughout the day.

That is the plan for the week. We will do bankruptcy this morning, energy and water this afternoon for whatever length of time it takes. Tomorrow we will do the Graham nomination, then the Transportation and legislative appropriations bills.

This will be a busy week but, I think, a productive week. Hopefully, we can accomplish a good deal by continuing to work together.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 333, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 333) to amend title 11, United States Code, and for other purposes.

Pending:

> Leahy/Hatch/Grassley amendment No. 974, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 3 hours for debate, 2 hours under the control of the Senator from Minnesota, Mr. WELLSTONE, and 1 hour to be equally divided between the chairman and ranking member of the Judiciary Committee or their designees.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I yield myself such time as I need from the time allotted to Senator HATCH.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I urge my colleagues to support the cloture motion to substitute the language

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

of S. 420 to H.R. 333, the House bankruptcy bill.

As we all know, the substitute amendment to the House bill is the text of the bill that passed the Senate on March 15 by an overwhelmingly bipartisan vote of 83–15. This bill went through hearings and markups in Judiciary, went through an extensive amendment process on the floor, so no one can dispute that this is a bipartisan bill that has gone through a bipartisan process in the Senate.

The bill has gone through the regular order and we should proceed to conference under the regular order.

There are a lot of reports out there that have distorted the truth about this bill. Many groups have said this bill is very controversial. That is not the case. I first started working on bankruptcy reform back in the 1990s, when Senator Heflin, now retired, and I set up a Bankruptcy Review Commission to study the bankruptcy system. This commission was not made up of any Members of the Congress. It was made up of experts in the area of bankruptcy to study the issue so that what we did in this Chamber, with their recommendations, would be done right.

The debate that set up the Bankruptcy Review Commission was prompted by small business and other small proprietors that had problems with individuals who were reneging on their debts but then turned out, it seemed, to have the ability to pay their bills. The impact on these small businesses, obviously, was significant: Prices had to be raised for items; maybe some businesses went out of business. When that happens, employees are laid off. There is no sense having this economic condition, not because we want to deny people a fresh start, because it has been a policy of our bankruptcy laws to let people have a fresh start when they are in financial straits through no fault of their own—natural disaster, high medical bills, et cetera—but when people have the ability to repay, then they should not get off scot-free and cause employees of businesses that go out of business to lose jobs.

We want to be fair to everybody. You can't be fair to businesses and employees that lose their businesses and jobs when somebody who has the ability to pay bills gets off without paying those bills.

I was interested in what was going on in the bankruptcy system in the early 1990s when we set up this commission because of my concern about fundamental fairness.

Why should people get out of repaying their debts if they can pay them? The issue is not new. In fact, the issue of bankruptcy and personal responsibility has been debated since the 1930s, and Congress has made numerous attempts to decrease the moral stigma associated with bankruptcy. As in previous versions of the bankruptcy bill, the language in the substitute amendment is part of an effort to ensure that bankruptcy is reserved for those who truly need it, and that persons with the means to repay their debts should assume their responsibilities.

Some say this bill is unfair and unbalanced because it makes it harder for normal people to avail themselves of bankruptcy. This is just not true either.

First, the bankruptcy bill applies to everyone, rich and poor, and the premise behind the bill—that you should pay your debts if you can—does not discriminate against poor people. In fact, there is a safe harbor provision for lower income people. The bill specifically exempts people who earn less than the median income for their State. And for those consumers to which the bill does apply, the means test that is set forth in the bill is flexible, as it should be. It takes into account the reasonable expenses of a debtor as applicable under standards not set by me but issued by the IRS for the area in which the debtor resides. The means test permits every person to deduct 100 percent of medical expenses. The means test permits every person to deduct expenses for the support and care of elderly parents, grandparents, and disabled children. In addition, the means test would permit battered women to deduct domestic violence expenses and protects their privacy. Furthermore, the means test allows every consumer to show "special circumstances" to avoid a repayment plan, just in case there is something within this formula that just doesn't fit every particular family in America.

Let me again remind people about the enhanced consumer protections and credit card disclosures that are contained in the bill. The bankruptcy bill requires credit card companies to provide key information about how much a customer owes on his credit card, as well as how long it is going to take to pay off the balance by making just a minimum payment. We do that by requiring that the credit card companies set up a toll-free number for consumers to get information on their specific credit card balances.

The bill prohibits deceptive advertising of low introductory rates. The bill provides for penalties on creditors who refuse to renegotiate reasonable payment schedules outside of bankruptcy. The bill strengthens enforcement against abusive creditors and increases penalties for predatory debt collection practices. The bill also includes credit counseling programs to help avoid and break the cycle of indebtedness.

Let me remind colleagues about the provisions contained in this bill that will help women and children because there has been a dramatic change in the direction of this legislation when it was introduced three Congresses ago until it now has reached the point where it is today. The bill before us makes family support obligations the first priority in bankruptcy. The bill makes staying current on child support a condition of discharge. The bill gives parents and State child support enforcement collection agencies notice when a debtor who owes child support or alimony files for bankruptcy. It also requires bankruptcy trustees to notify child support creditors of their right to use State support child support enforcement agencies to collect outstanding amounts due. The bill also permits battered women to deduct domestic violence expenses and protects their privacy in bankruptcy.

I also remind colleagues that we adopted a number of amendments in the Judiciary Committee and in this Chamber that make this a bipartisan bill. It started out as a bipartisan bill anyway, through the help of Senator TORRICELLI of New Jersey. If I am correct, I believe we adopted something on the order of 8 amendments in the Judiciary Committee and 30 amendments on the floor of the Senate. For example, the Senate adopted an amendment that, for the first time, would protect consumer privacy when businesses go into bankruptcy. Specifically, the Senate agreed that personally identifiable information given by a consumer to a business debtor in bankruptcy should have privacy protections. The Senate also created a consumer privacy ombudsman in the bankruptcy court.

The Senate agreed to amendments that expand farmer eligibility in bankruptcy and facilitate postbankruptcy proceedings for farmers. The list goes on. While I did not agree with all of the amendments adopted, the Senate went through a lengthy and fair process. That is why it got an 83–15 vote. The whole process doesn't need to be repeated now. Some of those 15 who voted against it won't give up, and that is their right under the Senate rules. But, eventually, an overwhelming majority in the Senate wins out. Maybe all the time a majority in the Senate doesn't win out, but eventually an overwhelming majority in the Senate wins out. And if it doesn't, it should. This is one of those times. So we need to go to conference now and iron out the differences with the House.

I am asking my colleagues to join me in supporting this bill. We need to send a message that people cannot use bankruptcy as a financial tool or an easy way out of paying their debt. The bill promotes responsible borrowing and provides financial education to financially troubled consumers. It also provides some of the more proconsumer provisions relative to credit card companies in years. We have not dealt with these issues in years. This bill deals with it and it should. We all recognize that the proliferation of advertising for credit cards and the junk mail we get is part of the cause that we have people in bankruptcy.

It also creates new protections for patients when hospitals and nursing homes declare bankruptcy. The bill makes permanent chapter 12 bankruptcy for family farmers and lessens the capital gains tax burden on financially strapped farmers who declare bankruptcy. This is a bill that the Senate passed with this overwhelming margin, which my colleagues probably get tired of my mentioning so many times, but it was 83-15. So I think it is just common sense. Maybe common sense doesn't rule around this institution enough, but it is common sense that we move on to the next step. I urge my colleagues to vote in support of the cloture and in support of the Leahy-Hatch-Grassley substitute amendment.

I yield the floor, and since there are no other Members present, I suggest the absence of a quorum and that it be charged to Senator WELLSTONE. I have been advised by staff that that is the proper thing to do.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, my understanding is that there may be a number of other Senators who are coming to the floor to speak in opposition to the bankruptcy bill. Senator DURBIN may try to come down. So Senator DURBIN and others know, when they come I will simply break my remarks and others can speak at their convenience.

At the beginning of last week, the majority leader moved to proceed to the bill and I objected. Then we had a cloture vote on the motion to proceed. In the time I had, I implored, called upon, begged the Senate to step back from the brink and to decline to go to conference with the House on this so-called bankruptcy reform. I believe we would be making a grave mistake.

I am trying to figure out a way not to repeat all the arguments I made last week. I will simply say I think this is a measure we are going to deeply regret. There are a lot of people—Elizabeth Warren comes to mind, law professor at Harvard—who have done some very important scholarship at Harvard in this area. I don't know that I can think of a single law professor who has argued in favor of this bill. Maybe there is someone somewhere. The opinion of the scholars in the field, the opinion of people who work in the field, is almost unanimous that this is a huge mistake.

We need to understand that bankruptcy is something most families do not think they will ever need. They do not think they will ever need to file for bankruptcy. But it is really a safety net, not just for low-income families but for middle-income families as well.

Fifty percent of the people who file for bankruptcy in our country today do it because of a medical bill. You have a double whammy. It is not just the situation where you have the expense of the medical bills but also it may be that, because of the illness or injury, you yourself are not able to work so you are hit both ways, or it might be your child's medical bill, but also you may not be able to bring in the income because you are not able to go to work because you need to be at home taking care of your child. That is 50 percent of the people. We are not talking about deadbeats.

Frankly, most of the rest of the cases can be explained—it should not surprise anybody—by loss of job or divorce. These are the major explanatory variables why people file for bankruptcy, file for chapter 7. The irony of it—and I tried to make this argument last week as well—is that for a long time my colleagues were facing a problem that did not exist; that is to say, they were talking about all the abuse and all the ways in which people were gaming the system in American bankruptcy, but they came out with a record that said that is 3 percent of the debt. So let's come out with legislation that deals with the 3 percent, but let's not have legislation where people who find themselves in terrible economic circumstances no longer are able to rebuild their lives, all because of a small number of people who abuse the system.

Moreover, actually the bankruptcies were going down. So quite to the contrary of the claim we had this rash of bankruptcies and people no longer felt any stigma or shame and people were no longer responsible, none of it really held up very well if you closely examined the arguments.

Now what we have, in case anybody has not noticed, is an economy that is leveling off with a turn downward. It is not the boom economy we saw while the Presiding Officer's husband, President Clinton, was President of the United States of America. It is a different economy now. There are going to be more people who will lose their jobs and more people who will be faced with these difficult economic circumstances through no fault of their own. We are going to make it well nigh impossible for them to rebuild their lives.

Madam President, I argued last week that we are hardly talking about deadbeats. This bill assumes people who file for chapter 7 are deadbeats and they are not. The means test aside, there are 15 provisions in the House and Senate-passed bills that will affect all debtors, regardless of their income—15 provisions. The means test will not protect them. The safe harbor will not protect them. These provisions are going to make bankruptcy relief more complicated, more expensive, and therefore harder to achieve for debtors—again, regardless of income. That means they will also fall the hardest, in terms of the people who will be most affected by this legislation, on low- and moderate-income debtors.

The irony is that those who advocate for this bill justify it by arguing that we need to go after the wealthy deadbeats. But if the cost of filing for bankruptcy doubles, which is exactly what it does in this bill, who gets hurt the most? A middle-income family who had to save for 6 months, under current law, to pay for an attorney and for filing fees, or a multimillionaire like the ones the proponents cite in this statement? It just makes no sense.

There will be no problem for millionaires who are gaming the system. They are not the people who get hurt by this legislation. This legislation is the most harsh on the most vulnerable.

I also argued and tried to make the case that this couldn't be a worse time to do this in terms of where the economy is headed.

So while the bill would be terrible for consumers and for regular working-class families even in the best of times, its effects will be all the more devastating now that we have a weakening economy.

Colleagues, you are going to regret this.

It boggles the mind that at a time when Americans are most economically vulnerable and when they are most in need for protection from financial disaster we would eviscerate the major fiscal safety net in our society for the middle class. It is the height of insanity that we would be contemplating doing what we are doing right now given what is happening to this economy.

Colleagues, I couldn't support this legislation in the best of times. Even in the sunniest of economic circumstances, there are many families who are down on their luck and who are sent to the sidelines. Bankruptcy relief lets these families rebuild their lives again. It is a little bit like "there but for the grace of God go I."

I think Time magazine had a series which was just a blistering attack on this bill. They did it in two ways. They did it, first of all, by talking about what this legislation means in times—which quite often on the floor of the Senate we don't make those connections as we should—to a lot of these families and what happened to these families because of their economic circumstances. They did not ask that their child be stricken by a terrible illness. They did not ask for the physical pain. They did not ask for the economic pain. But we are going to make it harder for them to rebuild their lives. People do not ask to be laid off work. People do not ask that their families be shredded because there is a divorce. You wish it would not have to happen. But it does happen. Sometimes someone is at fault and sometimes no one is at fault, but it happens.

It is usually the woman who is the one taking care of the children, and she doesn't have the income she once had. These are the kinds of citizens who file for bankruptcy relief. That is why every labor organization, civil rights, women's, and consumer organizations in the country and more—religious organizations—oppose this legislation.

This legislation is a testimony to the absolutely sickening power of the financial services industry in Congress. We wouldn't be doing this otherwise.

I did not say this is a one-to-one correlation. Anyone can play the game that people vote this way because they are in the pockets of the financial services. That is not the argument that I make. Everybody can say that about everybody who votes in the Senate on every issue.

What I am saying is not at the personal level but at the institutional level in terms of who has the lobbying coalition, who is ever present, who has all the financial resources, and who has the political power. This industry has a heck of a lot more power than "ordinary consumers and ordinary citizens" who are the very people we ought to be representing.

I want to make it clear that this is not a debate about winners and losers because we all lose if we erode the middle class in this country. We all lose if we take away some of the critical underpinnings that shore up working families. Sure, in the short run big banks and credit card companies may take their profits. But in the long run, it is going to be ordinary families and entrepreneurs—all businesspeople—who take the risk and who are going to pay the price.

This isn't a debate about reducing the high number of bankruptcies. In no way will this legislation do that. Indeed, I would argue that by rewarding reckless lending that got us here in the first place, you are going to see more consumers overburdened by debt.

By the way, there isn't hardly a word in this legislation that calls on these credit card companies to be accountable. It is all a one-way street.

This debate is about punishing failure—whether self-inflicted or uncontrolled and unexpected. This is a debate about punishing failure. If there is one thing that our country has learned, punishing failure doesn't work. You need to correct the mistakes. You need to prevent abuse. But you also need to lift people up when they stumble and not beat them down.

I thought I made a pretty good case last week. I didn't think it was really refuted. The proponents of the bill came down and they did their thing, but I don't think they did much damage to my argument.

What did the proponents of this legislation say? We need to talk about this. It might be that it is going to go through. But, darn it, there ought to be some discussion before the Senate about what we are doing.

What do the proponents say? My friend from Alabama got up and complained that I was taking on or presenting this critique of the big banks and credit card companies. He said this is a bankruptcy bill, and it only deals with the bankruptcy code and bankruptcy court reform. Therefore, holding the lender accountable is not appropriate.

That was one criticism. It sounded a little bizarre to me, as much fondness as I have for him. I think it sounds kind of bizarre to most commonsense Americans in Minnesota who reach in their mailboxes every day of the week and pull out a handful of credit card solicitations. But apparently some of my colleagues see no connection whatsoever between the irresponsibility of the lenders and the high number of bankruptcies. That is preposterous.

The reason colleagues do not see any connection between the irresponsibility of the lenders and the high number of bankruptcies is because they don't want to see any connection because these folks have a lot of clout and a lot of power.

Both the House and the Senate bills basically give a free ride to banks and credit card companies that deserve much of the blame for the high number of bankruptcy filings because of their lose credit card standards. Even the Senate bill, which is better than the House bill, does very little to address this problem. There are some minor disclosure provisions in the Senate bill. But even those don't go nearly as far as they should. Lenders should not be rewarded for reckless lending.

Where is the balance? If you are holding a debtor accountable, why are you not holding lenders accountable in this legislation?

Let me just give you some examples of some of the poor choices that can be made. In this particular case I am talking about the lenders—not the borrowers. Here are some real world examples.

. In June of 1999 the Office of the Comptroller of the Currency reached a settlement with Providian Financial Corporation in which Providian agreed to pay at least $300 million to its customers to compensate them for using deceptive marketing tactics. Among these were baiting customers with "no annual fees" but then charging an annual fee unless the customer accepted the $156 credit protection program—coverage which was itself deceptively marketed. The company also misrepresented the savings their customers would get from transferring account balances from another card.

In 1999, Sears, Roebuck & Co. paid $498 million in settlement damages and $60 million in fines for illegally coercing reaffirmations—agreements with borrowers to repay debt—from its cardholders. But apparently this is just the cost of doing business: bankruptcy judges in California, Vermont, and New York have claimed that Sears is still up to its old strong arm tactics but is now using legal loopholes to avoid disclosure. Now, I say to my colleagues, Sears is a creditor in one third of all personal bankruptcies. And by the way, this legislation contains provisions that would have protected Sears from paying back any monies that customers were tricked into paying under these plans.

That is unbelievable. I will tell you something. With the one-sidedness of this legislation, there is no wonder. Again, I am not attacking colleagues at a personal level but at an institutional level. No wonder ordinary people think the political process in Washington is dominated by powerful folks and that powerful interests are opposed to them.

How else can one explain the complete lack of balance? July 2000, North American Capital Corporation, a subsidiary of GE, agreed to pay a $250,000 fine to settle charges brought by the Federal Trade Commission that the company had violated the Fair Debt Collection Practices Act by lying to and harassing customers during collections.

Another example: October 1998, the Department of Justice brought an antitrust suit against Visa and Mastercard, the two largest credit card associations, charging them with illegal collusion that reduced competition and made credit cards more expensive for borrowers.

To make the argument that when we look at bankruptcies we only hold those who are the lenders accountable and not the creditors makes no sense whatsoever.

The goal of this bill was supposed to be to reduce bankruptcies. That is why the big banks and credit card companies have been pushing for it. They are the only ones pushing for it. I am hard pressed to find one bankruptcy judge in the United States who supports this legislation. I am hard pressed to find one bankruptcy expert in the United States who supports this legislation. This legislation was written by and for the lenders. It is that simple.

Maybe it is different in Rhode Island; I doubt it. I can't remember a conversation in a coffee shop anywhere in Minnesota, be it metro or be it in greater Minnesota, out in rural Minnesota, where people have rushed up to me and said: What we want you to do is please support that bankruptcy bill which will make it more difficult for people who are going under because of medical bills or because they have lost their job or because of a divorce in their family to rebuild their lives. Please, Senator, that is our priority.

I hear people talking about children and a good education. I hear young working people talking about affordable child care. I hear elderly people talking about the price of prescription drugs. I hear elderly people terrified, along with their children, about what will happen to them at the end of their life if they are faced with catastrophic medical expenses. I hear people talking about all of the health insecurity they feel because they don't believe they have good coverage or because it costs much more than they can afford.

I hear veterans who are concerned about veterans health care. This Thursday we are going to have a hearing in the veterans committee, which Senator ROCKEFELLER chairs, on homeless veterans. I am guessing that probably a third of all the homeless males—too many are women and children—are veterans, and most of them are Vietnam vets. Many of them are struggling with PTSD. Many are struggling with substance abuse. It is a scam that these veterans are homeless in America.

I hear discussion about why can't we do better for veterans. I hear concern about the environment. I hear concern about energy costs. I hear concern about a fair price in farm country. I hear small businesspeople talk to me about how hard it is to have access to capital. I don't see the ground swell of support all around the United States for this piece of legislation.

What in the world are we doing debating this piece of legislation in the Senate today? Why is this legislation out here? What kind of good does this do for the people we represent? It does a lot of good for the credit card companies. It does a lot of good for the financial services industry. I know that. I would just like somebody to explain to me how it does a lot of good for ordinary people, those folks who don't hire the lobbyists, the people who don't have the big bucks, the people we see every day. I hope we see them every day when we are back home.

It is ridiculous on its face that we can divorce the behavior of the credit card companies from the high number of bankruptcies. Indeed, all the evidence points to the fact that the lenders and their poor practices are a big part of the problem. It is just outrageous we don't take them on.

I call this going down the path of least political resistance. It is easy to pass legislation that has such a cruel and harsh effect on people who are being put under because of medical bills or because they have lost their jobs. They don't have that much economic clout, and they don't have that much political clout. As a matter of fact, I will come up with an amendment on our bill sometime when there is an appropriate vehicle that will go after the credit card companies and the lenders on their lending practices; we will have a vote on it. Then it will be more difficult because we have to go against those interests, but we ought to at least have some balance.

In the debate last week, my friend from Alabama stood up and said that the core of this bill is the means test. All the means test does is force those folks with high incomes to go to chapter 13. What is wrong with that? Therefore, the bill doesn't hurt low-income people.

The means test is only 9 pages of a 200-page bill. If the means test were all this bill consisted of, then it would have passed 12 years ago. We have been trying to hold this matter up for 2½ years, something such as that.

The bankruptcy bill purports to target abuses of the bankruptcy code by wealthy scofflaws and deadbeats who make up 3 percent of the filers, according to the American Bankruptcy Institute. Yet hundreds of thousands of Americans file for bankruptcy every year, not to game the system but because they are overwhelmed by medical bills or job loss or divorce.

Unfortunately, there are at least 15 provisions in both bills that make it harder to get a fresh start regardless of whether the debtor is a scofflaw and/or a person who must file because they are made insolvent by their medical debt. These include, but are in addition to, the means test.

Neither the means tests nor the safe harbor in this bill applies to the vast majority of the new burdens placed on debtors under both bills. Debtors will face these hurdles to filing regardless of their circumstance.

The final point made by proponents last week was actually made by several Senators. I think in some ways it is the most insidious. The argument advanced is that the bill is good for women and children because it places child support as the first priority debt to be paid in bankruptcy.

First, it is the case that this is a useful change in the law as far as it goes. Unfortunately, it doesn't go very far. Child support is already nondischargeable in bankruptcy. In theory under this bill, a woman who is owed child support is more likely to receive that support from her deadbeat husband while he is going through bankruptcy. But once he emerges from bankruptcy, the other provisions of these bills will make it less likely that his ex-wife or kids will get anything.

Under current law, an ex-spouse postbankruptcy often has few other debts; they have all been discharged. The child support is nondischargeable. After his other debts are gone, the ex-spouse can devote more of their income to their support obligations. In this way, the current law actually helps women and children because they don't have to compete with other more sophisticated creditors postbankruptcy. But under this bill, the ex-spouse will emerge with much more debt than under current law. Less credit card debt is dischargeable. Creditors will have more leeway to force reaffirmations, agreements where debtors reaffirm their intention to pay back debt, and so the debt is not wiped out in bankruptcy.

The net effect is that women and children whose spouses file for bankruptcy under this bill will have to compete more than ever with auto dealers, with big retailers such as Sears, and with credit card companies for the paycheck of their ex-husband. Do we think they are going to do well?

The Senate giveth with one hand and taketh away with the other. That is part of the reason that 31 groups that are devoted to women's and children's issues oppose this bill.

I can't think of one women's or children's organization that supports this legislation.

May I make one other point. There is another reason. That is, one group of citizens—in fact, it is the fastest growing number of citizens who file for bankruptcy—are women. Since 1981, the number of women filing increased 700 percent. Divorced women are the ones who end up supporting the children. Income drops.

Are single women with children deadbeats? This bill assumes they are. The new nondischargeability of credit card debt will hit hard those women who use the cards to tide them over after a divorce until their income stabilizes. The "safe harbor" in the House bill, which proponents argue will shield low- and moderate-income debtors from the means test, will not benefit many single mothers who need help the most because it is based on the combined income of the debtor and the debtor's spouse—are you ready for this—even if they are separated, the spouse is not filing for bankruptcy, and the spouse is providing no debt for the debtor and her children. That is figured in as the mother's income.

I will tell you something. This is one harsh, mean-spirited piece of legislation, and I am stunned that so many Senators are supporting it.

Now, while I am waiting for Senator DURBIN to come to the floor, let me talk about the pending amendment to this bill, which is actually the text of the bill that the Senate passed earlier this year. Here is where I will give the Senate some credit. We started this year with a truly terrible, completely one-sided bill. It was basically identical to the House version. The committee marked it up over the chairman's objections and made improvements. Once it was considered by the Senate, additional improvements were made. The Senate bill is still a very bad piece of legislation. Unfortunately, most of what we have accomplished has been nibbling around the edges. But it is better than the House bill; that is clear.

The Senate bill has better credit card disclosure provisions. They are inadequate, but the House is completely silent on that. The Senate bill allows more credit to be discharged, thanks to an amendment by Senator BOXER. The Leahy amendment fixed the "separated spouse problem" with the safe harbor. Why there was even a fight on that is beyond me. The House bill has no such fix.

The Senate bill is less harsh when it comes to filing chapter 13 cases. We also limited some but not all of the hurdles this bill creates in the successful filing of chapter 13 cases.

A Feingold amendment adopted in committee protects, to some degree, renters from eviction if they pay the overdue rent when they file for bankruptcy.

Very significant is the Kohl amendment on the homestead exemption. With its adoption, the Senate takes on wealthy debtors who file frivolous claims and shield their assets in multimillion-dollar mansions. This is a real abuse of the current system and it ought to be corrected. Five States, under current law, allow a debtor to shield from creditors an unlimited amount of equity in their home. In fact, the Florida Supreme Court, in a case last month, established that even if a debtor uses Florida's unlimited homestead exemption for nakedly fraudulent purposes, there is nothing the courts can do. You would think that with all the bluster of the proponents of the bill about curbing abuse of the deadbeats they would rush to close this loophole. Not so. Senator KOHL had to drag the Senate kicking and screaming to plug this obvious gap.

Unfortunately, the House and the President have drawn a line in the sand over this issue. While the House of Representatives—or at least the majority party in the House—and the President of the United States of America support harsh, punitive hurdles to a fresh start for low- and moderate-income folks who virtually nobody claims are abusing the system, they are unprepared to go to the mat for folks who want to protect their mansions and who are openly flouting their obligation.

May I repeat this again. The Republicans in the House of Representatives and the President of the United States support a very harsh and punitive piece of legislation making it very difficult for people to rebuild their lives—people who have been put under because of medical bills, for example. On the other hand, they have no problem with folks who want to protect their property and protect their income by buying these multimillion-dollar mansions in States in the country and shielding themselves from any obligation.

It doesn't get any weirder than that—actually, it does. It does if the Senate conferees—and I don't have any illusion; this bill will go to conference—knuckle under to the House on any of these issues. I think the Senate conferees should be trying to improve this bill further in conference. I think that is Senator LEAHY's intention, and I salute him for it. But I certainly hope you can get the backing of the Senate conferees.

I have to worry about what is going to happen in the conference committee. Look at the past. Look at the evidence from the past. Since 1998, the House has passed terrible bills. The Senate has passed better bills. Every time it emerges from conference, it is a nightmare. I hope that doesn't happen again, and I certainly hope all of the Senate conferees will stick with the Senate position on the Kohl amendment, the Schumer amendment, and other efforts which have made the bill at least slightly better.

This time, I am sorry to say, this legislation is much more likely to become law. With this President, this ridiculous giveaway to the big banks and credit card companies is going to make it. To the everlasting credit of President Clinton, he vetoed this legislation. Look, I was certainly one of his critics in the Senate. I have to admit that sometimes as I look at the values and policy preferences of this administration, I certainly miss the Clinton administration. I certainly do. But to give credit where it is due, President Clinton vetoed this legislation.

The White House has all but said they will sign the bill, as long as it protects wealthy deadbeats and their mansions. That is the position of the White House: We will sign this piece of legislation as long as you guarantee us that you will protect the wealthy deadbeats and their mansions—as in Texas.

I am afraid, given what wealth and power get you in this town, given the kind of backing this bill has, and given that some of the biggest investors of both parties are involved, it is going to be far too easy for the majority of the conferees to go along with this proposition. I am sorry, I am going to repeat this again. People in Minnesota—I do no damage to the truth—and I think people in Rhode Island do not know about this legislation or any of the details. I promise you, they will be deeply offended with this proposition, that a whole lot of people—because a few people game the system. True, a small percentage. Every independent study says that regarding bankruptcy. If we pass this piece of legislation that basically makes it impossible for a lot of good people, middle-class people, low- and moderate-income people, who, through no fault of their own—there but for the grace of God go I—through the loss of job, medical bills, you name it, find themselves in brutal circumstances, this legislation is going to make it difficult to rebuild their lives.

At the same time, this piece of legislation, because of the insistence of the President and the Republicans in the House of Representatives, is going to protect wealthy deadbeats and their mansions and enable people to shield their assets—not the people I am talking about but the wealthy people. Does that make any sense whatsoever? That offends me as a Senator from Minnesota.

I hope I am wrong. I hope the Democratic conferees in the Senate will support Senator LEAHY, the chairman. He has done good work on this bill under very difficult circumstances. He did good work with an equally divided Senate. I don't agree on the final product, but I am not going to ignore some of the improvements. I just hope the Democrats in the Senate do not let him down.

Mr. President, I will conclude on this note. Last week, the Senate voted to move forward to conference. The Senate voted overwhelmingly. I think it is fair to say that. The die is cast. It is going to happen. I can block the Senate, I suppose, for a week, but the result will be no different. I know that.

I came to the Chamber last week. I have come to the Chamber today. I will have another amendment probably postcloture, but I do not know how to stop this any longer. I do not know of any way to stop it.

Let me say this: I will have an amendment that is going to call for a GAO study of this bill over the next 2 years, and I say to Senators, there should be 100 votes for it. I will wait to use my hour after the vote to talk about it, but there should be 100 votes for it.

I am going to go over each of the arguments and ask GAO to look at them, and we will see who is right or wrong. I am not saying that in some macho way. I am saying at a minimum we ought to be willing to have an evaluation of this legislation and what it is going to do to people.

I do not regret holding up this legislation. Maybe it comes with being 5 foot 6 inches. I am almost defiantly proud, along with the help of other Senators, in stopping this, in blocking it, in fighting it. I do not regret it at all. This bill should not be moving forward. I do not think it should be a priority. I am in disagreement with the Senate majority leader on this question. I think it is too harsh and too one-sided. Unfortunately, it is a perfect reflection of who all too often has the power in the Nation's Capital. With the economy heading in the wrong direction right now and slowing up and people losing jobs and people being underemployed—that is to say, they are not counted among the ranks of the official unemployed, but they are not working at the kinds of jobs they would be working at with a better economy, and people under more economic pressure and more economic strain—this is the worst time to pass this legislation.

In fact, I do not know—maybe this is a stretch. I read an article the other day in the New York Times that a number of economists were expressing their concern that it has been the consumer spending which has kept the economy going because a lot of business investment is way down now. They are saying they do not know how much longer consumers will continue to spend. There is a fair amount of debt.

I imagine this legislation may, in fact, add to our economic troubles. People may be even more skiddish about consuming; they may be even more reluctant to be buyers, especially if they are going to wind up in the poorhouse for the rest of their life.

This legislation does not make sense on economic grounds. It does not make sense in terms of what people in our States are asking us to do and what our priorities should be. This legislation should not be before the Senate. I am in disagreement with my majority leader on this question. This legislation violates the basic standard of elementary justice. It is going to pass, but it should not.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the quorum call be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. My understanding, Mr. President, is Senator HUTCHISON of Texas and Senator BROWNBACK want to speak, and if they do, I allocate to each one of them 10 minutes. My understanding is Senator DURBIN also wants to speak. I allocate to the Senator the rest of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I rise today, as I did earlier this year, in opposition to the Senate-passed bankruptcy bill, Senate bill 420. It is likely this week we will appoint conferees and start the debate about this bankruptcy bill.

Let me say at the outset, I support bankruptcy reform. A few years ago, as a member of the Judiciary Committee, I was the ranking Democrat on the subcommittee that produced a bankruptcy bill. At the time, we saw a rather dramatic increase of public bankruptcy filings across America, and there also appeared to be, and I believe there are, serious abuses where people are going to bankruptcy court to be discharged from debts when, in fact, they could pay many of those debts. When a person is able to pay their debts and does not, for whatever reason, the economy absorbs it and all of us as consumers are taxed or end up paying the cost of those unpaid debts. It is passed along in one version or another.

So bankruptcy reform in and of itself is warranted and should be part of our agenda. I was happy to be part of the creation of a bill a few years ago which dealt with changing our bankruptcy code.

Bankruptcy law is one of the most arcane laws in America. Although it affects probably more Americans than we imagine, it is an area of the law to which very few people pay attention. Almost by accident, I took a course in bankruptcy law in law school at Georgetown. As a practicing attorney in Springfield, IL, I was appointed as a trustee in bankruptcy for a local truckstop that was going bankrupt. Those were my two brushes in the law with bankruptcy. Other than that, I didn't include it in my practice, and I paid little attention to it. When the time came to debate it in the Senate Judiciary Committee, it turned out I had more experience in bankruptcy law than any other Senator. It is a rather obscure area of the law that, unless it is focused on, is difficult to understand, and more difficult to suggest meaningful reforms that make a difference.

What I tried to do in the earlier debate on the bankruptcy law was to suggest that if there are abuses, there should be reforms so people do not abuse the bankruptcy process. But we should also look to the other side of the ledger. There are abuses on the credit side, on the financing of debt side, which also should be addressed as part of bankruptcy reform. I believe this balanced approach, saying don't go in and abuse the bankruptcy courts, is a good one as long as we couple it with an admonition, warning, a prohibition in the law, if necessary, against those who abuse the credit side.

I still remember and I have repeated it often, those who came to see me first about bankruptcy reform—these are people from banks and financial industry and credit card companies—said it used to be filing bankruptcy was something of which people were ashamed. They didn't want to do it, they didn't want to admit they had done it. They were embarrassed by the experience. Now, in the words of those who came to see me, bankruptcy has lost its moral stigma.

I am not sure if that is altogether true. In fact, I question whether it is true except in isolated cases. I said back to them: Do you believe there is a moral stigma attached to credit practices, as well?

The fact is, when I went to a college football game in Illinois and went up the ramp, and as I started to go into the stadium in Champaign-Urbana there stood someone offering me a free T-shirt for signing up for a University of Illinois credit card sponsored by one of the major credit card companies. Let me make it clear, they were not looking for me at the top of the stairs. They were looking for students to try to get them to sign up for credit cards and get deeper into debt. Where is the moral stigma there? Who is asking the hard question whether that student can pay off a debt?

At the University of Indiana a few years ago, the dean of students said the No. 1 reason kids were dropping out of school and taking some time away from school was to pay off credit card debts. So I say to the credit industry, when we are talking about moral stigma, do you think twice about offering credit cards?

I suggest to anybody listening to this debate, go home tonight and open your mail. How many new solicitations will you receive for a new credit card? Literally hundreds of millions of them descend on America. Are hard questions asked whether a person is creditworthy? Perhaps. But in many cases, no.

You see people getting deeper and deeper into debt, finally being pushed over the edge into bankruptcy court. I suggest as part of this bankruptcy debate, let's ask the question on both sides: Who is abusing the bankruptcy court? But also, who is abusing when it comes to offering credit in the United States?

I think, to address bankruptcy reform in that context is an honest approach. It is one that I think is sensible and balanced. The bill I supported that passed this Senate a few years ago with 97 votes was a balanced bill. This bill we have before us is not. This bill, which has been pushed through by the credit industry, by the financial institutions, sadly, does not have the balance that I think is absolutely essential.

I had hoped we would be able to come up with such a bill. That has not happened. We had a conference committee after we passed this bill a few years ago. It was a conference committee in name only because what it boiled down to was the Republican members of the conference committee did not invite the Democrats to attend. They sat down with the financial industry and wrote a bill and said take it or leave it, and we left it, as we should have.

Fast forward a couple of years: Same experience, credit industry comes forward with a bill, they refuse to include in there protections for consumers when it comes to credit, and that bill died as well.

Now we are in the third chapter of this long saga and we are considering this bankruptcy bill, which is S. 420. The question is whether or not we will report out a bill from conference that addresses some of the issues I have raised.

I think this bill has some serious defects and weaknesses. I am disappointed the Senate failed to take the opportunity to achieve meaningful reform on credit card disclosure and marketing practices.

There was a recent study by the Federal Reserve Bank in Boston. It concludes that the rise in personal bankruptcy in America roughly mirrors the increase in credit card loans outstanding—a direct relationship. So we see people getting deeper and deeper into credit card debt until a moment comes that pushes them over the edge. What is that moment? Perhaps it is when the debt becomes intolerably high, or the loss of a job, or a serious illness, or a divorce. These sorts of things push people over the edge and into bankruptcy court. But the reason they reach these terrible situations has a lot to do with credit card debt in America that continues to grow.

I was back in Illinois over the weekend and ran into a couple who started talking about some of the outrageous things happening to them. They told me a story about some of the things of which I was not aware. The fellow said:

> Our family, like a lot of families, has several credit cards.

This is on a Friday night at the Navy Pier in Chicago. He pulled me over, and we weren't even talking about bankruptcy. He said:

> I wanted to ask you about credit card companies. Did you know if you fail to make a timely payment on one of your credit cards that information is shared among the credit card companies? What happened is that I missed a payment on one of my furniture loans. As a result, my monthly interest rate on all my credit cards went from 12 to 20 percent. I called them and said I made timely payments on all these credit cards. They said, "But you missed your furniture loan over here."

He said:

> Is that right? Is that fair?

I said:

> The sad reality is, that is probably part of your contract.

I am a lawyer. When I flip over that monthly statement from the credit card companies—I have reached the point where I need pretty good glasses to read something, but I could not even make sense of the fine print on the back of my monthly credit card statement. I imagine most Americans, when they sign up for a credit card or see the monthly statement, don't say, Dear, we are not going to be able to go out to the movie because I need to take the next half-hour and read the back of my monthly credit card statement. People don't do that. But there are things going on with those credit cards that can severely disadvantage you.

We had an opportunity to do something about it in this bill and we did not do it. We did not do it. One of the things I pushed for I think is so basic, I cannot believe the credit card industry opposed it. Let me tell you what it was. On each monthly statement they say: Here is the minimum monthly payment. This is all we really want to receive from you.

I suggested as part of that monthly statement they say: This is the minimum monthly payment which you can make on your credit card balance. If you make that minimum monthly payment, here are the number of months you will have to pay to eliminate the balance completely. Here is how much you will have paid in principal and how much in interest. So people would be knowledgeable when they made a minimum monthly payment that in fact they were really signing up for paying off that balance over a period of years—and it is literally years—if they made the minimum monthly payment. Because what credit card companies do is keep charging interest so you just never catch up with yourself.

I suggested the credit card companies at least give us that information so consumers across America will be knowledgeable: OK, I have a $2,000 balance. If the minimum monthly payment is $25—or whatever it happens to be—how long is it going to take me to pay off that balance? Guess what. It is about 5 or 6 years or more. So, will I just pay $25? If I could, I would pay more. Let's get rid of that balance because the interest is going to accumulate.

I went to the credit card industry and said: Include that information in the monthly statement. That cannot be something you would oppose. Do you know what they said? We just can't figure that out. We can't calculate that. We cannot produce that information for every borrower, it is just too complicated.

Baloney. With computers today and all the information we have available, that would be an easy calculation. But the credit card industry doesn't want you to know it. They want you to dig that hole deeper and deeper because they make money in the process.

People who genuinely need credit, who may in a bad month only be able to make that minimum monthly payment—that is a situation that families can face. But shouldn't consumers be informed in America? When we talk about a bankruptcy reform bill, is it unreasonable to suggest that kind of credit card disclosure be part of that bill? The credit card industry said flat no, and it is not included.

Let me tell you another area that really rankles me. This is an amendment I offered on the bill, the bankruptcy bill here on the floor. It relates to a situation called predatory lenders. You read about them occasionally and see them on television. We see stories on some of the news reports. Here is what it is. You have people who prey on those who are elderly and not well informed and have them sign up for new debt on their homes, particularly for home improvements or vinyl siding or a new furnace or whatever it happens to be. They put provisions in those predatory loans that give them an opportunity to make extraordinarily high interest profits off those predatory loans, and they include other provisions called balloon payments and the like.

How many times have you read in the newspaper or watched on TV the story of a retired widow—and it has happened in the city of Chicago where I represent a lot of people—a retired widow who was safely in her little home for which she saved up for her life, and some smooth talker came by and had her sign up for what turned out to be a new mortgage on her home with really bad conditions and terms. So as time went on—usually the work turns out to be shoddy and the debt turns out to be intolerable, and it reaches a breaking point. When it reaches that breaking point, sometimes this person, in retirement, in their safe little family home, stands the risk of losing their home because of these predatory lending situations.

These are the most deceptive loans in America. They cost borrowers an estimated $11 billion each year in lost equity, back-end penalties, and excess interest paid.

The American Association of Retired Persons, the largest group of seniors in America, did a survey. Eight out of ten Americans over the age of 65 own their home free of any mortgage. That is good. It shows people have planned ahead. When they reach retirement, they want to have that home and not have to worry about a monthly mortgage payment. We want seniors to be in that position.

However, the unscrupulous lenders out there know those seniors have an asset and if they can get their hands on it, get their hooks into that senior, they set out to do that, and foreclosure is often the result when the senior fails to make these outrageous loan payments. The elderly person, the senior living alone or a person from a low-income neighborhood, can get a cold call from a telemarketer or a visit from somebody knocking on the door, telling them how they can get a new roof or windows: We can give you insulated windows with a little cheap loan; just sign up. It usually puts the unsuspecting victim in danger of losing their home. Almost before the victims knew what hit them, they are whacked with outrageous fees, $8,000 or more, slapped with skyrocketing interest rates and battered into a financial hole they never get out of.

This is what happened to Janie and Gilbert Coleman from Bellwood. The Colemans had purchased their home with a court settlement and had no mortgage payment at all. But this elderly couple with a 9th grade education had Social Security disability income and predators mortgage lenders moved in for the kill.

Although the Colemans were first able to meet the $200 monthly payments on a $12,000 loan, 8 years and 5 refinancings later they found themselves $130,000 buried in debt.

They borrowed $12,000. Over a period of 8 years, with all of the refinancing and all of the interest payments on this little home, the debt grew to $130,000. That is what I am talking about.

Six loans were made to the Colemans. Four of these loans were made by a national lender, Associates, including two loans made just seven weeks apart.

Associates repeatedly sold the Colemans insurance that they did not want or need. And twice they were charged more for fees and insurance than they received.

Associates, a lending arm of Citigroup, is now the target of a multimillion dollar lawsuit filed by the Federal Trade Commission.

Associates earned over $1 billion in premiums last year but paid only $668 million in benefits.

This is a situation that is also going to illustrate what I am talking about.

People like 72-year-old Bessy Alexander from the South Side who believed that she was getting a fixed rate but really received a mortgage with an interest rate adjusting upward every 6 months—from an initial rate 10.75 percent to as high as 17.25 percent.

People like Nancy and Harry Swank of Roanoke, IL, who took a small loan from Associates to pay for a new stove and ended up with two loans, one at nearly 19 percent interest, totaling over $76,000, well above the $60,000 value of their home.

They started off buying a stove for their $60,000 home. When it was all over, they owed $76,000 more than the value of their home.

People like 70-year-old Mrs. Genie McNab and other victims of predatory lending practices testified in 1998 before the Special Committee on Aging in a hearing chaired by Senator GRASSLEY.

If my colleagues have not done so already, I would encourage them to read the committee report from this hearing for a human face on this issue.

You ask yourself, what does this have to do with the bankruptcy bill that is before us? I will tell you what it does. I said in my amendment that if you have been guilty of violating fair credit practices, if you have taken advantage of people such as those I have described, if you are in a position as a company where you have used the law improperly and now have a foreclosure against someone who is going into bankruptcy court, we will not allow you to walk in and claim you have clean hands in bankruptcy court and take the home. Predatory lenders would have been put on notice that when it was all said and done after they battered these elderly people to the point where they can no longer make payments and force them into bankruptcy that our bankruptcy code will not protect these vultures.

My amendment lost on the floor of the Senate by one vote. You think to yourself, if you are going to have a balanced bill that says people shouldn't file for bankruptcy who have used the process, shouldn't the balance in the law also extend to creditors who walk into bankruptcy court and want the protection of our legal system to collect from these poor people who have been swindled out of their life savings? That seems fairly obvious to me. Doesn't it really suggest a balance in the law that we should have?

My amendment was defeated. Who defeated it? The financial institutions that don't want to be held accountable for their lending practices. That to me is one of the sad realities of the law that faces us.

We know who these predatory lenders are. When we had this testimony before our committees, we asked them: How do you pick out the homes of the people who you are going after? Well, they said, we look for primarily elderly people—primarily elderly widows, those who appear to be able to make a decision and sign the document but don't have a lot of advice from lawyers, or relatives, or anyone on whom they can rely.

They catch them in the most vulnerable situation. They take advantage of them. They take their money. They take their homes away, and they take it away in our court system. This bankruptcy law which we are now considering should be protecting those people instead of preying on them as it does.

There is a study I would like to share with you entitled "Unequal Burden: Income and Racial Disparities in Subprime Lending in America" by the U.S. Department of Housing and Urban Development. They found that: subprime loans are five times more likely in black neighborhoods than in white neighborhoods. In addition, homeowners in high-income black areas are twice as likely as homeowners in low-income white areas to have subprime loans.

Unsuspecting minority and low- to moderate-income consumers—often equity rich and cash poor—are targeted by predatory lenders that extend credit to high-risk borrowers ineligible for conventional loans. Of course, predatory lenders do not commit outright fraud. Many of these borrowers lack not only sufficient funds but also financial literacy. And they take advantage of them.

Let me tell you what one of these predatory lenders said when he was assured that he would be testifying behind the screen so that the television cameras couldn't see his face. He was so embarrassed and afraid that he didn't want to say this in public.

My perfect customer would be an uneducated woman who is living on a fixed income, hopefully from her deceased husband's pension and Social Security, who has her house paid off, is living off of credit cards, but having a difficult time keeping up with payments, and who must make a car payment in addition to her credit card payments.

There you have it. When you are out there looking for your prey as a predatory lender, that is what you are looking for. Your hope is that you push them so deeply into debt that they make all the payments they can until they reach the breaking point and then they go into bankruptcy court and you take the home.

Oh, what a happy day it must be that these predatory lending offices just picked up another home from another widow in bankruptcy court.

When I put the amendment on the floor, I basically wanted to spoil this party that these predatory lenders have at the expense of senior citizens across America. My amendment failed by one vote. This bill does not address that problem. To think we can call this bankruptcy reform and not offer that kind of balance, as far as I am concerned, is disgraceful.

We have seen the percentage of these predatory loans in precincts across the United States. It seems over and over again that these situations are where elderly people have become victims. Predatory lending is an epidemic.

Seven years ago, mortgages to people with below average credit was a $35 billion business. Today, it is a $140 billion business.

Who are we talking about? We are talking about somebody's parents, or grandparents, who are caught unsuspecting by one of these predatory lenders who are ultimately going to run the risk of losing the home they saved for their entire lives. AARP—with 34 million members—has launched a campaign to fight this problem.

I know Senator SARBANES of Maryland, the Senate Banking Committee chairman, is going to have hearings this month on lenders that take advantage of vulnerable borrowers. I commend him for his leadership on this important issue.

Why wasn't this included in the bankruptcy bill? We have Senators standing up and saying: We need to protect these predator lenders. That is exactly what happened. I lost by one vote.

Let me talk to you for a moment about credit card disclosure and whether or not there is more information that we can ask for so we can have some balance when it comes to credit card predators across the United States.

There are 78 million creditworthy households in America. Remember that number—78 million. Each year there are 3.5 billion credit card solicitations. As I said, go home tonight and look through your mail. You are going to find them. If it is not there tonight, it will be there tomorrow night asking you to sign up for a new credit card. They are coming at you in every direction—not just through the mail, but in magazines, television; wherever you turn, they want us to sign up for more credit cards. Frankly, I think you understand what they are looking for.

One of the things they like to do is go after college students. There is a brand loyalty here. Major credit card companies think that when they set up a college student for a credit card, the college student will stick with their credit card for the rest of their lives. They do not ask hard questions as to whether the student will pay off the debt.

One of the things that I suggested about the minimum monthly payments was rejected by the credit card industry. I don't think it is a difficult thing to calculate. If you were to pay a 2-percent monthly minimum on a balance of about $1,300, it would take you 93 months to pay it off. We are talking about over 7 years with your minimum monthly payment.

I am not for credit rationing. I believe credit cards have done quite a bit of good for a number of people. The credit card industry knows the fact that 10 or 20 years ago it might have been impossible for someone such as a waitress to get a credit card. Today they can in America. That is a good thing. There are times when credit cards are invaluable for individuals and their families. But we see that the credit card industry is not just offering credit to people who otherwise might not have a chance to get it; we see them overwhelmingly offering credit way beyond the means of people to pay it off. I think the monthly statement should be a lot more informative.

Let me also go to one other issue before I give the floor to my colleague from Kansas. One of the issues which is part of this is the so-called homestead exemption. The homestead exemption is this: If you go into bankruptcy court and you say you have more debts than you can possibly pay off, you list all of your debts and all of your assets. And many States have said one of the things that you are able to retain is your homestead or your home. The value that you are able to keep depends on the State in which you live. So each State kind of defines what a home can be worth to be exempt from bankruptcy.

On its face it doesn't sound unreasonable that people would be allowed to keep their home even if they are bankrupt. You wouldn't want them to be homeless or out on the street. But there is such a gross disparity in the exemptions States offer for this homestead that we have seen some terrible and outrageous abuses.

There was a fellow who was the commissioner of baseball, Bowie Kuhn, who many years ago decided to file for bankruptcy. Before he filed, he moved to Florida. Why did he move to Florida? He bought himself a mansion worth hundreds of thousands of dollars. Then he filed for bankruptcy in Florida, and he was able to keep all of the money that he put in that mansion set aside and not opened to the creditors because Florida had a very generous homestead exemption.

The same thing is true in many other States. One of the famous actors, Burt Reynolds, did the same thing; he bought himself a big ranch worth over $2 million and then filed for bankruptcy realizing that he had protected his assets. That is allowed; that is part of State law.

The PRESIDING OFFICER (Ms. LANDRIEU). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. If we are going to have real bankruptcy reform, then shouldn't we have some consistency? The poor person I mentioned earlier who goes into court suffering from a predatory lender and is about to lose her home, for which she saved for a lifetime, is not going to have the same advantages that this actor and this commissioner of baseball had when it comes to a homestead exemption.

If it is real bankruptcy reform, it should address all levels of income in this country. It should be fair to every one. This bill is not.

O.J. Simpson filed for bankruptcy after being ordered by the court to pay a $33.5 million judgment. He got to keep his $650,000 Los Angeles home. These poor people I talked about in Chicago who are about to lose their little home over predatory lenders don't have the advantage O.J. Simpson had in California. That isn't fair.

Actor Burt Reynolds' home was worth $2.5 million. He got to keep that. Onetime corporate raider Paul A. Bilzerian kept his extravagant 11-bedroom, 36,000 square foot estate, the largest in the Tampa Bay area. It had a basketball court, movie theater, nine-car garage, elevator, and it was worth $5 million. Because Florida law is very generous to wealthy people filing for bankruptcy, he was able to keep his home. The person I talked about in the city of Chicago didn't have that benefit.

Elmer Hill, Tennessee coal broker, 3 days before being ordered to pay $15 million to a company he defrauded, shielded his assets by purchasing a $650,000 waterfront home in Florida and paying $75,000 to furnish it. Then he declared bankruptcy. The Florida Supreme Court recently ruled he was permitted to keep his home. The court said that "a debtor with specific intent to hinder, delay or defraud creditors" is presently able to shield his or her assets in their home.

Senator KOHL of Wisconsin offered an amendment to reform this. I supported it. The amendment passed. But, the interests that support wealthy people here want this provision stripped in conference.

When we consider bankruptcy reform, should we not have basic fairness? Shouldn't all families across America, regardless of their wealth and income, be treated fairly? Sadly, this bill does not.

I will not be supporting this bankruptcy bill in its current form.

I ask unanimous consent that Senator TORRICELLI be allocated 10 minutes of the time controlled by the proponents of the substitute amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I appreciate the comments of my colleague from Illinois who I have some agreement with on the bankruptcy bill, although not on the homestead provision. I want to articulate why I have a different viewpoint.

Overall, I believe the House version of this legislation, the bankruptcy legislation, is a good piece of legislation with which we can work. I have worked hard on it. We have worked hard for a number of years on getting bankruptcy reform. The last conference report on bankruptcy passed with over 70 votes, which is a substantial vote and the agreement of a number of people.

One of the key provisions that was worked out on this overall bankruptcy legislation was the homestead provision. That is key to me. It is key to my State because of the nature of the homestead provision throughout bankruptcy and the bankruptcy code's history, how we have left that to the States. In previous bankruptcy bills, we have constantly left the homestead provision to the States, which is where it should be. The States should determine this.

In seven States in this country, including my own of Kansas, there is a homestead provision that is in our State's constitution. The founders of my State saw as so important the protection of the homestead that they provided in the constitution of our State a protection for the homestead of 160 acres, 160 contiguous acres to be in a farm, or one acre in town of contiguous acreage in protecting that home. They said this is something that is central to us. I will talk about why that is central.

It is central because farming, agriculture has been so much a part of our State's past. A number of farmers would borrow to protect, not against the homestead; they would borrow against other areas for the farm and leave the homestead out of it because if they would lose the farm, they could at least protect their home and 160 contiguous acres.

I used to be a lawyer in private practice prior to getting involved in public office. As such, I would examine a number of abstracts. Abstracts are titles to the land. They are histories of the land—who used to own it, who had a mortgage against the land, who had a lien against the property. You would examine that to see if there was clear title to the land or not.

You could track a piece of property and see the farm cycles in it. If the years were going well, there wouldn't be a mortgage against the property. If it was going poorly, there would be a mortgage against the property. But almost always they would leave clear and free, if they possibly could, that homestead because just as sure as you would get one bad year, you might get 2, and then you might get 3, and then you would lose the farm.

The history would follow the farm cycle. Just as farm prices and farm production would go down, mortgages would mount up. And then you would have a loss of the farm.

They would set aside and protect this homestead. They wouldn't put a mortgage against it, if at all possible, because our State's constitution said they could keep that homestead to start farming again. If they got on the bottom of the trough, lost the rest of the farm, lost livestock, they could still have that home and 160 acres to be able to start farming again and build back up in a cycle.

We built this into our State's constitution. Seven other States did. It was an important part of maintaining that farming tradition and of keeping people on the farm. That is what it did.

In the last cycle we went through, which was the early 1980s, I was still practicing law at that time. We continued to have at that time the homestead provision for family farmers, where you would leave within that a home and 160 acres. There are a number of people in Kansas who are still farming today because they didn't mortgage the homestead. They lost much of the rest of the farm in the downturn of the farm cycle, but they were able to rebuild around that home and 160 acres and start and move forward again.

It was used then. It will be used again in the next farm cycle, if we don't take that right away in the Bankruptcy Reform Act of 2001.

What has taken place is that this has been a long, hard-fought battle over the past several years—the bankruptcy reform that we have put forward. We worked out a compromise in the House that protects the sanctity of those State laws on homestead provisions and allows accumulation of a certain amount of property. It doesn't allow fraud. If you are trying to move money into the homestead within 5 years of bankruptcy, that can get pulled back out in bankruptcy proceedings. It doesn't allow you to fraudulently say: I am going to cash out this asset and put that into my homestead as a way of building up equity on the homestead. That can all be set aside by the court. This was a carefully compromised package that came from the House bill.

The problem is in the Senate bill where it takes away the States rights to establish a homestead. There was an exemption provision carved out for the family farm by Senator KOHL, for which I am grateful; but it wasn't within the home in town. So now you have the Federal Government, for the first time in 120 years, telling the States what is the homestead. They have not done that for 120 years. We should not do that now. This is the wrong time for us to start; it is the wrong thing for us to do to take that away.

As I understand it, we are going to vote on inserting the Senate package, which takes away this homestead right from the States. That is in the Senate package on which we will soon be voting. I am opposed to doing that, and I will vote against that bill if it continues to maintain that type of homestead provision which takes away the homestead rights from the States and puts it into Federal bankruptcy law. That is against our State's constitution and against the constitution in seven other States in this country. We should not be doing that. It is a bad precedent to start.

I have no doubt that if we start it in this bankruptcy reform, in the next bankruptcy reform we do we will go after the family farm homestead provision because there will be some allegation of, OK, there was somebody who shielded assets here and they were able to protect too much, going through a family farm type of setting, and then we will set it aside. There will undoubtedly be an example or two, but we find in most of the lawsuits—the vast majority—that there are not abuses taking place to the homestead provisions. It would be wrong for us to say we have a couple of examples, and because of the abuse in a couple of cases we want to take this right completely away from the States for thousands of people, hundreds of thousands of people who have depended upon this for the past 120, 130 years.

I think particularly if we start down this road of Federalizing the homestead provision, while we may not hit the family farmers now, we will the next time around, and that would be a wrong way for us to go.

I want to make it clear on this point again that if there is fraud involved, if somebody is taking assets from another area and putting them in the homestead to hide from a creditor, that is covered by the law. You cannot do that today. You cannot do that under the provision that is in the House bill, and we should not allow people to do that. So we are not talking about fraudulent transactions. Many examples cited by my colleagues on the homestead provision actually involve fraudulent transactions. They are against the law and they should be. We should not allow people to fraudulently hide assets. But we should not, as well, take away this homestead provision from States on homes and family farms because of allegations of examples that don't even apply in the situation. This is not fraud—what I am talking about. This is about a basic home, a home on 160 acres in the country, if you are a family farmer.

The Kohl amendment in the Senate version is one that I vigorously oppose because it jeopardizes the compromise that was worked out last year in the bankruptcy bill, and I believe it jeopardizes the fate of the entire bill, as well, because of what it does to the homestead provision. That is what this amendment is about.

I urge my colleagues to vote against inserting the text of the Senate bill into H.R. 333 and to support, instead, the House version, which contains the compromise language with which I am comfortable, and with which I believe Senator HUTCHISON of Texas is comfortable as well. It maintains the homestead provision and authority in the States, with some limitation on it, which is a concession on our part.

The Senate bankruptcy bill, if it is inserted in the House version with the Kohl amendment included, radically alters the homestead provision from what was crafted last year. It is in this carefully balanced legislation we have before us. If the Senate language is put in with the Kohl amendment that takes away the homestead rights from the States, I will be vigorously opposing this legislation, as will a number of other colleagues who have similar homestead problems, given the constitutions within their States. I urge my colleagues to vote against doing that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from New Jersey is recognized for up to 10 minutes.

Mr. TORRICELLI. I thank the Chair.

Madam President, for more than 4 years, the Senate has been considering various proposals to address the bankruptcy system in the United States. Everyone on all sides of this debate seems to have agreed the bankruptcy system is in need of serious repair.

There have, however, been many questions about how to address the problem. In both the 105th and 106th Congresses, efforts to pass bankruptcy reform came very close. In the final days of each session, we could not make the mark.

At the start of the 106th Congress when I assumed the role of the ranking Democratic member on the Judiciary subcommittee of jurisdiction, I felt some optimism that we could succeed. In the previous Congress, Senator DURBIN had come very close, and we began with an outline of his legislation.

During the 106th Congress, literally hundreds of hours were spent with Senators GRASSLEY, BIDEN, HATCH, SESSIONS, and LEAHY over many of these very difficult issues.

The bill before the Senate today is a culmination of all of those hours, months, indeed, years of work. It represents the suggestions of many Members of this Senate now included in provisions of this bill.

It is a fair bill. It genuinely represents the sentiments of the Senate and both political parties. It improves the bankruptcy system, eliminating many of its abuses without doing injury to vulnerable Americans and continuing the protection that Americans need to reorganize their lives. It may be tougher than current law, but it is also fair.

The best indication, I believe, of our success in this effort is the bipartisan vote in the Senate itself earlier this year when the bill passed by an 83–15 vote.

For the Senate to speak in such a loud, consistent, and bipartisan voice is probably a reflection of the understanding of the depth of the problem. In 1998, during the largest economic expansion in American history, 1.4 million Americans sought bankruptcy protection. That is a staggering 350-percent increase since 1980.

In 1999, filings were reduced by 100,000 but still remained at the 1.3 million filing level. It is estimated that 70 percent of these filings were made in chapter 7, allowing a debtor to obtain relief from most of their unsecured debts. Conversely, only 30 percent of filings were in chapter 13 which requires a repayment plan.

The Department of Justice has estimated that 182,000 people per year, people currently filing under chapter 7 to avoid their debts, properly belong in chapter 13 where they will repay part of their debts. The difference is not insignificant. If those 182,000 people were moved into chapter 13 and were paying those debts which were affordable, $4 billion would be returned to creditors.

Critics of the bill argue that $4 billion would only enrich large financial institutions, transferring money from people who live marginal economic lives to wealthy institutions. That claim ignores the fact that much of the debt burden that is avoided by chapter 7 filings also goes to local contractors—the mechanic on the corner, the small retailer, the family business which provides services or goods, only to face someone entering into bankruptcy and avoiding paying their debts. This creates a situation where one debtor passes a debt on to a family business and causes that business to fail and then another family business. It is not fair, and it is not right.

Critics have also argued that bankruptcy reform will deny poor people the protection of the bankruptcy system, recognizing the bankruptcy system has always been an important part of American life, giving people a second chance, ensuring that because someone has made a mistake or, more likely, through a problem of health in the family or divorce, illness, they are not denied a chance of fulfilling a prosperous life.

This claim simply is not true. No American is being denied access to bankruptcy. Indeed, the bill contains several provisions to ensure that no one genuinely in need of debt cancellation is prevented from receiving a fresh start under chapter 7. It is done in several ways.

First, the bill gives the judge discretion to consider the debtor's special circumstances under which they are unable to meet a payment plan, an escape clause where a judge can always ensure that a person with no means is given chapter 7 protection.

Second, it contains a safe harbor to ensure that all debtors earning less than the State median income will have access to chapter 7 without qualification. If one is under the median income, one is in chapter 7, period.

Third, the bill adds a floor to the means test to guarantee that debtors unable to pay more than $6,000 of their outstanding debt will not be moved into chapter 13: Again, protection for people of modest means.

All this gives people of lower income a chance to sweep away their debts and to start again an American life. It has always been our way.

Finally, probably the most unfair criticism and the one to which I am most sensitive is the issue of whether this adds a new burden to women and children. The bill contains language that Senator HATCH and I offered in an amendment to protect exactly this element of our society: single parents and children in need of protection.

Under current law, when it comes to prioritizing which debts must be paid off first, child support is seventh in bankruptcy court. It ranks after rent, storage garages, accountant fees, tax claims, or other claims by government, and that is wrong.

Not only does this new bill not make it worse, we make it better. Under the bill, child support is moved to where it belongs: First, ahead of government, other businesses, or financial institutions. The obligations of a father or mother to their child will never be put behind another debt.

Finally, this compromise deals with one other area of the law that is equally important. We were not going to reform bankruptcy laws without doing something about the overreaching efforts by the credit card industry itself.

The credit card industry yearly has more than 3.5 billion solicitations of Americans, encouraging them to incur debt. That is 41 mailings for every American household, 14 for every man, woman, and child in the Nation. Not surprisingly, with this level of solicitation, Americans with incomes below the poverty line have doubled their credit usage in the last decade. The result is not surprising. This doubling of credit usage has involved 27 percent of families earning less than $10,000 a year, having consumer debt that is 40 percent or more of their income.

If we are going to do something about the abuse of bankruptcy laws, it is only right and fair we do something about the credit industry encouraging Americans to incur debts they cannot afford and in which they should not have become involved.

We deal with these abuses of the credit industry in several ways. First, we require that lenders prominently disclose the following aspects of their debt solicitations: The effects of making only the minimum payment every month; second, when late fees will be imposed; third, the date on which introductory or teaser rates will expire, as well as what the permanent rate will be after that time.

This is balanced legislation protecting the most vulnerable Americans who have marginal economic lives; ensuring that single parents and children are protected; ensuring that the credit industry itself has new obligations but also ensuring that bankruptcy laws are not misused and do not become an opportunity for Americans to escape the financial obligations they have willfully encountered and passing that burden on to other small businesses or institutions that cannot afford them.

Madam President, $4 billion of unpaid bills, unfairly passed on to others, is more than American businesses, industries, family firms, and farms should have to incur.

At long last we have reached reform of our bankruptcy laws. It is a good moment for the Senate and for the Judiciary Committee for these years of struggle with this legislation. I commend again Senator LEAHY, Senator HATCH, and all who joined in the process through the years.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, I am pleased to rise today to support the motion to invoke cloture on the substitute amendment to H.R. 333. The substitute language is the text of S. 420, the Bankruptcy Reform Act, which passed this Chamber with a bipartisan vote of 83 to 15 on March 15. As you may recall, the conference report to last year's bill, H.R. 833, passed the Senate by a similarly wide margin just last December, but was pocket-vetoed by President Clinton at the end of the legislative session.

Today, we are another step closer to getting this bill to conference and heading down the home stretch of this legislative marathon. It is time to wrap up this debate and appoint conferees who will present a good bill to the President for his signature so American consumers can reap the benefits.

As my colleagues well know, we have cooperated and compromised at every step along the way in order to produce a fair piece of legislation that provides new consumer protections, helps children in need of child support, and makes other necessary reforms to a system that is open to abuse.

Contrary to the views of the bill's opponents, this legislation does not make it more difficult for people to file for bankruptcy, but it does eliminate some of the opportunities for abuse that exist under the current system. Right now, certain debtors with the demonstrated ability to pay continue to abuse the system at the expense of everyone else. Current law perpetuates a system in which people with high incomes can run up massive debts, and then use bankruptcy to get out of honoring them. In the end, all of us pay the price for those who abuse the system in the form of higher interest rates and rising consumer prices.

I am optimistic that this much needed bankruptcy reform legislation will be signed into law this year once the procedural roadblocks put down by the narrow opposition have been removed. It is beyond time to appoint conferees and to enact meaningful bankruptcy reform. As I have said many times here on the floor, and just as lately as last week, the American people have waited long enough.

I also oppose amendments that may be offered at this stage after we invoke cloture.

I take very seriously the role of the Senate as a deliberative body, but with respect to this reform bill, I am beginning to feel like the passenger on the *Titanic* who said, "I asked for ice, but this is ridiculous." The offering of any additional amendments on this bill at this stage will set a dangerous precedent for reopening bills that have already been fully considered here on the Senate floor. I urge any and all of the 83 Senators who voted for this bill in March to vote to defeat these amendments to send a clear message that "final passage" means just that. Resolving remaining issues is the job of a conference committee. It is simply fortunate, and, in my opinion bad faith, to reopen issues after holding a hearing and mark-up in committee followed by a prolonged debate on the floor, with almost one hundred amendments considered at that time.

No one can say that the Senate has not already adequately considered bankruptcy reform. The Senate has literally been engaged in the process of deliberating on this issue for years, with numerous hearings, markups, and votes. Back in 1997, a comprehensive bankruptcy reform bill was developed by Senators GRASSLEY and DURBIN which we marked up and reported out of committee in May of 1998. In September of that year, the Senate passed bankruptcy reform by a vote of 97 to 1. This overwhelming Senate vote in favor of bankruptcy reform was followed by the appointment of conferees, negotiations with the House, and in October of 1998, an overwhelming House vote in favor of the conference report.

Although the motion to proceed to consideration of the conference report was agreed to in the Senate by a strong vote of 94 to 2, the Senate ran out of time for a vote on final passage before the end of the Congress.

In February of 1999, Representative GEORGE GEKAS introduced bankruptcy reform again, which passed out of the House in May of 1999 by another overwhelming vote of 313 to 108. Then, the Senate Judiciary Committee once again marked up Senator GRASSLEY's bill and in May of 1999, we reported it out of committee.

Then, in February of last year, the reform legislation passed the Senate by another impressive margin of 83 to 14. The Senate requested a conference, but the objection of a single member from the other side of the aisle blocked the appointment of conferees. As a result, we had to turn to an informal conference process with the House. With a great deal of effort by members on both sides of the aisle, we reached a compromise agreement on over 400 pages of legislation, and on all but one issue.

In October of 2000, the House passed the bankruptcy reform conference report, and in December, the Senate passed it by yet another vote of 70 to 28. And, as my colleagues know, later that month, the President pocket-vetoed the legislation.

The issue of bankruptcy reform is not a new one. We have studied it, held hearings on it, compromised on it, and come to resolution on it with veto-proof margins, in both houses time and again. An elaborate record that sets out the issues, documents the debate and makes the compelling case for reform is available to anyone who cares to give it their attention. At some point, the process of deliberation needs to come to a close, and the will of the Congress needs to be exercised

Only those who want to use delay to kill bankruptcy reform altogether could possibly argue for more process. Now is our opportunity to enact into law the legislation that the Congress supports and that the American people want. Let's get on with the Nation's business.

I would hope that we defeat any obstructionist amendments at this stage, or we may never see the end to any legislation already passed by this body ever again.

I yield the floor:

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak on this motion for up to 15 minutes, and at the conclusion of my remarks that the vote on the motion commence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I commend the Senator from Minnesota for his efforts to educate our colleagues and the American people about the unfairness of this bankruptcy bill. It has been a lonely struggle for him, but the Senator from Minnesota has never avoided a struggle because it is lonely. He has succeeded in framing the issues for the conference quite well. Are we passing this reform for the credit card companies or for consumers? Who is the Senate working on behalf of here?

Are we going to pass a bill that passes muster with bankruptcy law experts in the law schools and the courts or with the big banks?

I spoke back when we considered this bill in March about the problems with this legislation and why I believe it should not be passed. Even with the addition of a number of important amendments during the Senate debate—and I hope that the bill that emerges from conference is more like that bill than the House bill—I still believe that the bill will do terrible damage to the bankruptcy system in this country, and even more importantly, to many hard-working American families who will bear the brunt of the unfair so-called "reforms" that are included in this bill. It is unfortunate to have to say it, but this is a harsh and unfair measure pushed by the most powerful and wealthy lobbying forces in this country, and it will harm the most vulnerable of our citizens. I voted against the bill when it came up for final passage in March, and I voted against proceeding to it last week. I continue to support bankruptcy reform, but not this version.

One of the major problems with the bill that came to the Senate floor was fixed by an amendment offered by the senior Senator from my State, Mr. KOHL. Senator KOHL has been crusading for years against the millionaire's loophole in the bankruptcy law—abuse of the unlimited homestead exemption. By a lopsided vote of 60–39, the Senate voted not to table his amendment to set a national ceiling on the use of that exemption. It is clear to everyone that the fate of Senator KOHL's homestead exemption will be the most fiercely contested issue in a House-Senate conference.

Let me put it as simply and clearly as I can: A bankruptcy reform bill that does not contain limits on abuse of the homestead exemption is a fraud on the American people. We cannot claim to be acting in an even handed fashion if we leave this major loophole untouched, while at the same time imposing harsh new limitations on average hard working people forced by circumstances to seek the protection of the bankruptcy laws.

There are a number of other problems with the bill that I hope the conference committee will try to work out. I will take my remaining time this morning to highlight one. It has to do with the new definition of "household goods" in section 313 of the substitute amendment.

As written, this bill very quietly undermines an extremely important protection that current bankruptcy law offers to debtors. Section 313 is a gift to finance companies who have what I consider to be a questionable practice of taking liens on the personal property of the people to whom they lend money.

To understand how unfair the bill is here, my colleagues must be aware that the practice of taking a non-purchase money security interest in certain household goods has been illegal for many years. Under 16 C.F.R. § 444.2, a regulation first promulgated by the Federal Trade Commission during the Reagan Administration, it is an unfair credit practice under section 5 of the Federal Trade Commission Act for a lender to "take or receive from a consumer an obligation that constitutes or contains a non-possessory security interest in household goods other than a purchase money security interest."

Let me take a step back and remind my colleagues of the difference between a purchase money security interest and a non-purchase money security interest. A purchase money security interest is a lien that is taken on the property that is being purchased with the proceeds of a loan. For example, an auto manufacturer or a bank takes a purchase money security interest in your car when you get a loan to pay for it. That security means the lender can repossess the car to satisfy the loan if you don't make your payments. Major department stores might take a purchase money security interest in a home entertainment center or a computer or a major appliance that you buy on credit. It makes perfect sense for these lenders to be secured creditors and to protect their interest in getting their loans repaid. No one has a problem with that.

But when a finance company takes an interest in property already in the home to secure a loan, property that is already purchased and paid for, that is a non-purchase money security interest. And as I said, the FTC determined long ago that such an interest on household goods is illegal. The FTC's definition of household goods, however, is limited. On this chart, you can see the definition of household goods in the FTC regulation—clothing, furniture, appliances, one radio and one television, linens, crockery, kitchenware, and personal effects, including wedding rings.

So this definition of household goods is relatively narrow. It includes only a single TV, for example, and it doesn't cover things such as CD players that hadn't even been invented in 1984, or personal computers that were not nearly as common in family homes as they are today. Nonetheless, the FTC rule prohibits finance companies from taking non-purchase money liens on items covered by this definition.

But finance companies that like having these liens as a bargaining chip with their borrowers have hardly been deterred. They want to turn what is essentially an unsecured loan into a secured loan. So they take liens in everything in the house they can get their hands on that is not on the FTC's list of household goods.

This chart shows a typical form that the finance companies use to get borrowers to list their personal property when they apply for a loan. They take a lien on everything that a borrower identifies—things like garden tools, jewelry, rugs, cameras, exercise equipment. Make no mistake, these companies have no intention of repossessing these items—most of them are probably worthless—they just use them as a threat to try to get their loans repaid. This chart shows a typical loan application with a list of household goods that these lenders try to take an interest in. They try to cover it all: bicycles, tennis rackets, hedge trimmers, leaf blowers, mirrors, model airplanes, sleeping bags, the list goes on and on and on.

Under section 522(f) of the Bankruptcy Code, a debtor can apply to the bankruptcy court to avoid these non-purchase money liens in household goods. And the courts have generally interpreted household goods broadly to include all items kept in or around the home to facilitate the day-to-day living of the debtor. The courts have specifically rejected the narrow list of household goods contained in the FTC's regulation as too narrow.

Remember, in bankruptcy, liens can't be avoided on extremely expensive items. The power of lien avoidance under section 522(f) only applies to property that falls under an exemption from the bankruptcy estate, and there are strict limits on the value of property that is exempt from liquidation in bankruptcy under State and Federal law. But the power of lien avoidance serves the purpose of treating creditors equally and fairly, particularly in Chapter 13, and it protects debtors from being pressured into reaffirming debts that they would otherwise be able to discharge in bankruptcy because they fear they will lose their family heirlooms or their child's model airplanes.

Section 313 of the bill is a new and very restrictive definition of household goods for purposes of the lien avoidance power. It essentially codifies the FTC's list of household goods and makes it the exclusive list of household goods on which liens can be avoided in bankruptcy.

This chart shows how section 313 compares to the FTC's definition. The bill would turn the law on its head. In effect, it says that virtually the only liens that can be avoided are those that the FTC's regulation already prohibits. As you can see here, liens can be avoided on clothing, furniture, appliances, one radio and one television, linens, crockery, kitchenware, and personal effects, including wedding rings—all items that are on the FTC's list already.

Thus, under this definition, section 522(f) lien avoidance, which is intended to protect the exemptions for personal property that states and federal law provide, is almost completely gutted.

All of the things I mentioned before that finance companies commonly take liens in are not included in the definition—garden tools, jewelry, rugs, cameras, exercise equipment, bicycles, tennis rackets, hedge trimmers, leaf blowers, mirrors, model airplanes, and sleeping bags. Finance companies can take liens in these items and enforce them in a bankruptcy case.

The real problem here is that no list can be exhaustive. And there is really no reason to have an exhaustive list anyway. The courts are fully capable of determining in a bankruptcy case what kinds of things are standard household items. The list in the bill is far too narrow, and there is absolutely no evidence that there are abuses taking place that need to be addressed.

The reason that this provision is in the bill is simple—the finance companies that support the bill want more power to take these borderline unethical liens. They want more power to coerce people into reaffirming debts because they don't want their home stripped bare by a company that holds an interest in everything in it. This provision is part of the "deal" between all the creditors that support this bill. All of them are getting their special protections in this bill, and consumers are left with nothing.

Mr. President, I was prepared to offer an amendment to strike section 313 back in March, but time ran out before I could offer it. I filed it so that it could be offered once cloture is invoked. I will not offer it today, but I believe we should remove this offensive provision in conference. That would move this bill just a little closer to one that actually treats American families fairly.

I thank my colleague from Minnesota for all he has done to fight for American families on this issue. I yield back the balance of my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 974, the text of S. 420, as passed by the Senate, for H.R. 333, the bankruptcy reform bill:

> John Breaux, Harry Reid, Byron Dorgan, E. Benjamin Nelson of Nebraska, Kent Conrad, Thomas Carper, Chuck Grassley, Daniel Inouye, Joe Biden, Robert Torricelli, Joseph Lieberman, Blanche Lincoln, Max Baucus, Zell Miller, James Jeffords, Tim Johnson, and Patrick Leahy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on amendment No. 974 to H.R. 333, an act to amend title 11, United States Code, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

I further announce that if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote "yea."

The yeas and nays resulted—yeas 88, nays 10, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—88

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—10

Boxer
Brownback
Corzine
Dayton
Dodd
Durbin
Feingold
Harkin
Hutchison
Wellstone

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING — 1

Smith (NH)

The PRESIDING OFFICER. On this question, the yeas are 88, the nays are 10, with 1 Senator responding "present." Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I know the hour for recess is here, but at 2:15 I will renew a unanimous consent agreement that Senator DOMENICI and I have offered on at least two or three separate occasions on previous days to have a cutoff time for the filing of amendments to the energy and water appropriations bill. I hope both the Democrats and Republicans during their noon conferences take up this issue. It is an important bill. Until there is a filing of amendments, staff cannot work on these to see if we can accept some of them. It would be helpful in moving this bill and having a fair, responsible piece of legislation so we wouldn't have to work on these at the last minute.

I will renew my request at 2:15.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I ask what is the pending matter before the Senate?

The PRESIDING OFFICER. Under the previous order, the Senate is to stand in recess until 2:15.

Mr. DODD. Mr. President, I ask unanimous consent I may be allowed to address the Senate as in morning business for the next 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized.

ELECTIONS

Mr. DODD. Mr. President, I am going to come to the floor later with lengthier remarks, but there are two subject matters I want to bring to the attention of my colleagues that I am sure they have taken note of over the last several days. The first is the continuing reports about last year's elections in the United States. Obviously, there was particular focus on the State of Florida. But, Mr. President, as you know because of your deep interest in the subject as well, we believe this was not exclusively a Florida issue. Nor was it merely an issue involving the national election last year. Mr. President, we have a serious problem, based on a number of studies that have been conducted by Members of the other body as well as the Civil Rights Commission and the Massachusetts Institute of Technology, whereby as many as 6 million people did not have their votes counted last year. That is in addition, I suppose, to the 3 million people we now know who actually tried to vote but were told they were not allowed to vote despite the fact they actually had the right.

That is now 9 million people. I know of 10 million people who are blind in this country who did not vote last year. Only one State in the United States actually allows people who are blind to go in and vote on their own. In any other jurisdiction, if you are blind you must be accompanied by someone else. You never get to vote in private, in spite of the fact there is hardly an elevator in America built in the last 5 years where there is not Braille to assist you. You can operate an elevator alone but you cannot cast a ballot alone in the United States.

So there is a growing sense of scandal, in my view, not because someone was involved in some criminal enterprise to deprive people of the right to vote or to manufacture or manipulate the outcome of the election. I use the word "scandal" to speak of a situation in which only one out of every two eligible Americans is casting his or her vote. And even those who do are not having their votes counted properly; that is of deep concern to me.

Patrick Henry, one of the great voices that gave birth to this Nation, once said that the right to vote is the right upon which all other rights depend. I believe he was correct more than 230 years ago, and even now, as we enter into the 21st century.

We lecture the world all the time on how to conduct free and democratic elections, yet there is a growing body of evidence that suggests we could do a much better job in America in how our elections are conducted, in what support we provide our local communities and precincts, and by setting some national standards so we never again idly sit and watch an election during which as many as 6 million votes went uncounted. These were people who exercised their civic responsibility and showed up on election day to cast a ballot and, because of faulty machinery or other shortcomings, their ballots were never counted—not to mention the people suffering a variety of physical disabilities who were denied that right as well.

It is my hope that in the coming weeks, as we gather more information from across the country about how we could do a better job, we will put adequate resources into this. I say this as my seatmate, normally sitting to my right, is now sitting over here in a chair to the left—the chairman of the Appropriations Committee. I have not had a chance to speak with the chairman about this. I will not abuse a public forum to do so at this moment, but I know he cares about these issues as much as I do, and we might talk about how we might provide some resources to our States to ensure that the equipment is modernized, that we no longer have machinery that is a half century old in some cases, as it is, to be used by people who wish to cast their ballots. My hope is we can come up with some national standards, provide the resources to our States, and do a much better job, a much better job in seeing to it that people vote in this country and that their votes are then counted.

I cannot begin adequately to express the sense of outrage I sense among people all across this country who were so terribly disappointed, to put it mildly, who went to vote and discovered their votes were not counted.

Put aside your feelings about the outcome of the election. We have a President. His name is George W. Bush. I stood on the west front of the Capitol on January 20, and I certainly believe in the depths of my soul that this is the President of the United States. My concerns are not about the legitimacy of the person who sits in the White House. My concerns are about the legitimacy of a process that I think is in dire need of repair—the election process in this country.

I don't know how much more evidence we need to have accumulated by independent studies based on last year's results, especially now that the New York Times, Miami Herald, other newspapers, as well as the organizations I have already mentioned, have looked at the elections of last year and have concluded by and large that there are serious problems with the present electoral process.

I would like to address this issue at greater length later today, but I wanted to raise the matter here before we went into recess over the next hour or two.

Finally, I would like to mention a matter that I think is tremendously important—and I should point out to my colleagues here that the Presiding Officer shares an equal passion about this issue as the Senator from Connecticut. I look forward very much, working with him as a member of the Judiciary Committee that has very specific jurisdiction over the Voting Rights Act of 1965, on how we can listen to people across this country, gather as much adequate information as we can and then propose to our colleagues some meaningful ideas, both resources and ideas, on how we can minimize the electoral problems that occurred not just last year but have been occurring over the last number of years.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. DODD. The second subject matter is the Elementary and Secondary Education Act. This morning the New York Times as well as others reported that there were serious reservations being expressed by superintendents of schools and educators across the country about this mandating of testing in the third, fourth, fifth, sixth, seventh, and eighth grades. I certainly want to see young people tested. I think it is worthwhile to know how children are doing under the elementary and secondary educational system of the country, but I am getting concerned that we are merely taking the educational temperature of these children without really dealing with the problem that has caused the public to lose faith in our public school system.

Every day the numbers indicate there is greater concern about the quality of public education. I think we can do a better job. But I do not necessarily believe that just testing kids every year, and at what cost, is necessarily going to improve the quality of education. So while I am not opposed to testing, I think we ought to think more about what we can do for those children who are failing, what ideas can we come up with and work on with our local communities and States to improve the quality of teachers, the quality of classrooms, the quality of educational materials, wiring schools to take advantage of the explosion in technology and information that is available.

I always find it somewhat mortifying when the Federal Government lectures the country about the quality of education, where we lecture local school districts, States and school boards about what they ought to be doing. The Federal Government contributes less than one-half of 1 percent of the entire Federal budget dedicated to elementary and secondary education. I find that scandalous, to use the word I used when talking about the election process. The fact that the Federal Government in its resources only contributes one-half of 1 percent of its budget to the elementary and secondary educational needs of America's children; that of every dollar that gets spent on education the Federal Government's one-half of 1 percent amounts to about 6 cents. Mr. President, 94 cents of every education dollar comes mostly from local property taxes and some from the States.

In my view, in the 21st century we ought to become an equal partner with local communities and States: one-third, one-third, one-third. That can reduce property taxes and provide more meaningful resources to communities that do not have the wealth, the support for the kinds of educational opportunities their students should have. No child in America ought to have the quality of their educational opportunity be determined solely by the wealth of the community in which they happen to have been born. That is just wrong.

If you are born in America, you ought to have an equal opportunity for a good education. It seems to me that the Federal Government ought to do a better job of being supportive, particularly as we write bills that mandate testing, without putting the resources there to allow communities to pay for these additional burdens.

For the last 35 years we did that on special education. We mandated a law that said you had to provide for the special education needs of children. Then we never came up with the money to pay for those costs. The bill we just passed in the Senate now mandates full funding of the 40-percent requirement of special education, but it has taken 35 years to do it. We have allowed for full funding of title I, but I would like to know when President Bush is going to tell us what sort of resources the Federal Government is going to commit to these elementary and secondary educational needs.

The President talks about how he wants this done, but I am waiting yet to hear from the White House. How much money is the administration willing to commit to full funding of title I and to special education needs?

They are telling us that they want to have mandatory testing. They want accountability, but they are unwilling to say whether or not they will commit the necessary resources to achieve those goals.

I hope the administration, as they urge us to get ready to pass this bill in conference, will also heed their own advice and more quickly expedite the commitments made by the President as to what resources will be provided.

It is now only a matter of a few weeks before children and their parents start to prepare to go back to school. We ought not wait much longer to get the job done.

My point of these brief remarks is to urge the administration to step up to the plate and tell us what the resources are. If they are not going to make any at all, then we ought to rethink this bill. Do not tell me the administration will mandate costs on the local community and then not have the resources to pay for it. And do not tell me that Americans will have to watch property taxes go through the ceiling because Uncle Sam tested their children every year from the third to the eighth grade without providing the resources to help communities and parents meet those greater educational goals.

Both on election reform, and on education, I hope we can get something done.

I wish the President would support election reform. I hope he will speak up and tell us what sort of resource commitments he is willing to make to support the elementary and secondary education needs of America's children.

I appreciate the indulgence of the Chair in listening to these brief remarks.

I yield the floor.

The PRESIDING OFFICER. I thank the Senator from Connecticut.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:51 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I have been in conversation with my counterpart, Senator NICKLES. We both recognize the importance of moving this bill and other appropriation bills. At this time, however, after consulting with Senator NICKLES, we are not going to ask for a unanimous consent agreement that there be a time for filing of amendments.

Senator DOMENICI and I will work through these amendments. We know there are several amendments, and as soon as we get off the bankruptcy bill, Senator STABENOW is going to offer one. There may be others. Senator DOMENICI and I will work through them.

When we get to a point where we think the amendments are not coming in, we will move to third reading, and we will keep the leadership of the minority advised as to what we are doing.

I appreciate the advice and counsel and suggestions made by my friend from Oklahoma. We will do our best to abide by these.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator REID. I appreciate his not entering a request to limit or say that all amendments would have to be filed by a certain period of time. I encourage my colleagues to work with the managers of this bill, Senator DOMENICI on our side, if they have amendments, to bring those to his attention.

It is certainly not our intention to procrastinate on this bill. We would like to see the amendments that are pending and do some homework on the amendments, consider them, take them up, pass them or defeat them, and come to final passage in the not too distant future.

I urge all of our colleagues, Republicans and Democrats, if they have amendments, to please bring those forward so we can deal with those appropriately and finish consideration of this important bill.

Mr. REID. Mr. President, if my friend will yield, the other thing I would like to bring to the attention of the Senate is, as soon as we finish this bill, we move to one of President Bush's very important nominations; that is, of Mr. Graham. The agreement that has been made by the two leaders and that is now part of the Senate record is that as soon as we finish this bill, we will move to that nomination. There is a time agreement that has already been made on that matter. The sooner we finish this bill, the sooner we can get to this important nomination of President Bush.

Mr. NICKLES. Mr. President, I concur. I compliment Senator REID for bringing forward Mr. Graham's nomination. That is a very important nomination. It deals with the Office of Regulatory Affairs. It deals with the cost of regulations. You cannot go a day without seeing some regulations that have an impact in the billions and billions of dollars. It is very difficult for President Bush to deal with this issue and not have his person installed as head of the office. We will have 7 hours of debate on Mr. Graham's nomination. I look forward to that debate and to his confirmation as well.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I thank my two colleagues. This is reasonable. I am concerned that when we have before us an important issue such as this energy bill, which really bears a lot on where we are going in this whole area of energy—and it is very important to me and to the American people—we get the amendments in. But this idea of having them filed by a certain time I think is really tough. We need a list perhaps. But thank you very much for this little change in direction.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001—Continued

Mr. WELLSTONE. I say to the majority whip, am I to do my amendment to the bankruptcy bill?

Mr. REID. The Senator is right. I believe the Chair would tell us that there is only one amendment to be in order, which is the amendment of the Senator from Minnesota. The Senator agreed to an hour time limit, it is my understanding. I think the Senator should move forward so we can get to the energy bill as soon as possible.

AMENDMENT NO. 977 TO AMENDMENT NO. 974

Mr. WELLSTONE. Mr. President, I send amendment No. 977 to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 977 to amendment No. 974.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the General Accounting Office to conduct a study of the effects of the Act on bankruptcy filings, and for other purposes)

At the appropriate place, insert the following:

SEC. . STUDY OF THE EFFECT OF THE BANKRUPTCY REFORM ACT OF 2001.

(a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study to determine—

(1) the impact of this Act and the amendments made by this Act on—

(A) the number of filings under chapter 7 and chapter 13 of title 11, United States Code;

(B) the number of plan confirmations under chapter 13 of title 11, United States Code, and the number of such plans that are successfully completed; and

(C) the cost of filing for bankruptcy under chapter 7 and chapter 13 of title 11, United States Code, in each State;

(2) the effect of the enactment of this Act on—

(A) the availability and marketing of credit; and

(B) the price and terms of credit for consumers; and

(3) the extent to which this Act and the amendments made by this Act impact the ability of debtors below median income to obtain bankruptcy relief.

(b) REPORT TO CONGRESS.—Not later than 2 years after the effective date of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a).

(c) DATA COLLECTION BY UNITED STATES TRUSTEES.—

(1) IN GENERAL.—The Director of the Executive Office for United States Trustees shall collect data on the number of reaffirmations by debtors under title 11, United States Code, the identity of the creditors in such reaffirmations, and the type of debt that is reaffirmed.

(2) AVAILABILITY.—Periodically, but not less than annually, the Director shall make available to the public the data described in paragraph (1) in such manner as the Director may determine.

Mr. WELLSTONE. Mr. President, I want to get to the substance of my amendment in a moment. I want to respond for a moment to some of the comments from my colleague from Utah, Senator HATCH. The Senator from Utah said he was going to oppose this amendment because it was a "delaying" amendment.

I want Senators to know that I offer this amendment in good faith as an effort, in a modest way, to improve this bill. It says let's have a GAO study and look at the bankruptcy bill and analyze the effect of it. I don't know how Senators can vote against this, but I want to make it clear that a Senator could file a thousand amendments if this was all about delay. To my knowledge, this is the only amendment—my colleague from Wisconsin, Senator FEINGOLD, had filed an amendment, but I don't think he is going to offer it.

I just want to be clear that your vote on this amendment is a vote on whether or not you think we should be accountable for our vote. That is really what it is. So I don't want anybody to say I can vote against this amendment because it is some kind of a delaying tactic. That is simply not the case. What we have to say to people back in our States is: Look, in good conscience, I voted against an amendment to do a careful evaluation of this bankruptcy bill to see how it is working. You can figure out how you want to fill in the blank. That is the argument you have to make. You can't say: I voted against this amendment because it was a strategy of delay. That is ridiculous. It is just one amendment.

The second thing I have to do because you have to have a twinkle in your eye, and I think the Chair is one of the best at that. I just received today a solicitation from MBNA, which I think is the largest credit card bank in the country. They offered me a credit line of up to $100,000. There is an introductory 1.7-percent annual percentage rate, including cash advance. I thank the credit card industry for not taking this personally. This is sent to people—to our kids and grandchildren—every day.

This amendment is straightforward. I hope, I say to the Chair, that it will garner universal support. It should. It doesn't attempt to undo anything the Senate did earlier this year. It doesn't revisit any of the debate that we have had. This is no trick.

Look, if I had my way, I would kill this bill. For 2½ years, I have been trying to do that. This amendment is all about accountability. The main provision of the amendment requires that the GAO do a study of the impact of the bankruptcy bill on debtors and consumers of credit. It is that simple. Both sides have made dramatic arguments or dramatic claims about this legislation. In my case, they have been negative. In the case of some of my colleagues, they have been positive.

My amendment says, OK, 2 years after this bill has become effective, let's have the General Accounting Office give us a report on how things have turned out. How in the world—I am amazed that there is opposition. There was a great Swedish sociologist, Gunnar Myrdal, who wrote, "Ignorance is never random." Sometimes maybe we don't want to know what we don't want to know. But I think it is really hard for Senators, Democrats and Republicans, to make an argument that you are unwilling to let the GAO do a study of this careful policy evaluation. That is what this amendment says. Will we be accountable for the votes we cast? For those who think it will be a great bill, you will get a chance to see. For those who think it is going to be harsh in its impact on people, of course, we want to know.

We are going to ask the GAO to study six things.

First, we are going to ask the GAO to report on the impact of the bill on the number of filings under chapter 7 and chapter 13. This is important because the proponents of the bill have been something of a moving target on this issue. They argue that the point of the bill—particularly the means test—is to force more debtors who are now filing for chapter 7 into chapter 13—the logic being they can afford to do so.

I have heard colleagues say that is the only thing this is about. People should not get away with filing chapter 7 when they really have the money and they can instead file for chapter 13. But then the American Bankruptcy Institute found that very few people abuse chapter 7. Perhaps as low as 3 percent do that. And then the chapter 13 trustees reported that this bill will actually reduce chapter 13 filings by 20 percent from the current level because of the problem through additional burdens that the bill creates for chapter 13 filers.

Now, the proponents admit there may be fewer successful 13s. Also, I have argued that access to both chapters 7 and 13 are going to be reduced because of the means test and other burdensome requirements.

Let's find out. Those of you who say you are for the bill, you say it is because people have been gaming the system, but the evidence doesn't support that claim. I have talked about who the people are. Fifty percent of the people file for bankruptcy because of medical bills, or people have lost jobs, or there has been a divorce. But what I am saying is, since now we know that, in fact, there may not be so much abuse, and that many people can't file successfully for chapter 13, and maybe even are less able to do so under this legislation, let's have a study. Let's look at this. Two years hence, let's look at how this has worked. How can anybody be opposed to a careful policy evaluation?

Second, the GAO will look at chapter 13 specifically and the impact of this act on the number of plan confirmations in chapter 13 and the number of chapter 13 plans successfully completed. This is a key question because 67 percent of chapter 13 cases fail under current law. I will repeat that. Under current law, 67 percent of the people can't make it. If this legislation is going to make it even more difficult for people to make it, and this is what my colleagues call reform, what this amendment says is let's see what has happened. Let's see if I am right. Or forget me. Let's see if the U.S. Trustees are right, and if we aren't, no harm has been done. But if we are right, then perhaps the Congress might want to revisit this legislation.

When it becomes clear that a lot of hard-working people, through no fault of their own, wound up in very difficult, hellish financial circumstances, and then could not rebuild their lives because of this legislation, don't you think we want to know?

Colleagues, if you are right, you are right. But if you are wrong, you want to know if you are wrong. How can any Senator vote against this amendment?

Third, the General Accounting Office will examine the impact on the cost of filing chapter 7 and chapter 13 bankruptcies in each State. This is another key question—whether or not this bill will allow debtors to get bankruptcy relief. There is overwhelming evidence that the cost of filing bankruptcy is a major hurdle. Some families are going to have to save for months in order to do it.

They are, after all, insolvent. It is also a virtual certainty that this bill will make it more expensive to file, as the Wall Street Journal noted earlier this year. Again, let's hold ourselves accountable and have the General Accounting Office study this issue for certain.

Fourth, the GAO will report on the impact of the bill on the availability and marketing of credit. Something very interesting happened in 1999 and 2000 while the proponents of so-called reform were bleating about the rising number of bankruptcies. The bean counters in the consumer credit industry realized that all these bankruptcies were not good for profits so they started lending less money, and they were more careful about who they lent the money to and, in fact, overall consumer debt level actually declined in 1998, and guess what. We had fewer bankruptcies. This trend continued to 1999 and 2000. Bankruptcies only started rising again as the economy started to turn downward.

Several economists have suggested that when you restrict access to bankruptcy protection, as this bill does, you are going to increase the number of filings and defaults because the banks are going to be more willing to lend the money to marginal candidates because they do not have to worry about people then filing for bankruptcy. Indeed, it is no accident that that is exactly what happened after the bill was passed in 1984.

As the May 21 issue of Business Week notes in an article titled "Reform That Could Backfire":

> Indeed, [Mark] Zandi believes that tougher bankruptcy laws will simply induce lenders to ease their standards even more. States with the highest bankruptcy rates already have stringent wage garnishment laws, yet net losses to credit card issuers in such States have been similar to those in States following less restrictive bankruptcy rules.

Let's see if the experts are right. Have the General Accounting Office do a study.

Fifth, we want to look at the effective so-called reform bill on the price and terms of credit for consumers. What we hear by the credit card companies and proponents of these bills is that all of these bankruptcies have led to higher interest charges and fees for honest consumers. That is because, they say, the credit card companies and banks pass on the costs of the default to consumers.

In fact, I remind colleagues, the credit card companies have calculated the cost of this tax on consumers to be $400 per year. This has been cited as a reason that we need reform. The decent, hard-working people are getting charged $400 more a year because of people who are the slackers and are gaming the system, although there are not very many slackers.

Maybe this is all true, but it only matters in the context of the bill if passing this "reform" measure actually results in savings to consumers.

By the way, there is not much evidence that is going to happen. Consider this: In 1999 and 2000, when bankruptcy rates and defaults were dropping sharply, interest rates and fees on credit cards were actually rising, and the bank and credit card lender profits were also rising. This suggests that if there were any savings, they were not passed on to consumers.

If this industry is going to run the show, let's insist, after this bill passes, there are going to be these great savings for consumers. Let's just do a careful study of that.

Sixth, the GAO will investigate the extent to which the bill impacts the ability of debtors below median income to obtain bankruptcy relief.

I have heard colleagues say over and over that nothing in this bill will affect the ability of low-income debtors to get a fresh start. In fact, I heard the Senator from Alabama make that claim the other day. If that is the case and if the only thing this legislation is about is going after those people who are the slackers or the cheaters, then let's take a look at it.

As I said before, there are a lot of provisions in this bill that are going to make it much harder for people to get a fresh start, and it has nothing to do with whether or not they were cheaters or slackers. I am talking about the people who have really been put under, no fault of their own.

Let's have the GAO take a look at this question: Are we going to have a lot of debtors who are going to face these hurdles to filing regardless of their circumstances?

Finally, there is one other part of this amendment. It directs the Director of the Office of U.S. Trustees to collect data on reaffirmation agreements, the identity of the creditors in such reaffirmations, and the type of debt that is reaffirmed.

Under this bill, creditors will have more leeway to force reaffirmations—agreements where debtors reaffirm their intention to pay back the debt and so the debt is not wiped out in bankruptcy. Unfortunately, these agreements are commonly abused by creditors under current law.

I talked about what happened with Sears, Roebuck. They paid $498 million in settlement damages in 1999 and $60 million in fines for illegally coercing reaffirmations—agreements with borrowers to repay debt—from its cardholders. Apparently this is just the cost of doing business. Bankruptcy judges in California, Vermont, and New York have claimed that Sears is still up to its old strong-arm tactics but is now using legal loopholes to avoid disclosure. This amendment will bring some transparency to the reaffirmations and allow us to study how they are being abused.

This is a modest amendment. I have been fighting this bankruptcy bill for a long time, and other Senators have been out here fighting. If it is going to go to conference committee, then I am going to depend on Senator LEAHY and others to improve this bill, although I think there is going to be a vote we are going to deeply regret.

The most vulnerable people are the ones who are going to pay the price. The economy is turning downward and a lot of people may find themselves in terrible circumstances—no fault of their own—and are going to have a very difficult time rebuilding their lives.

I am amazed that the credit card industry in institutional terms—not Senator to Senator. Every Senator votes how he or she thinks is right. I am saying can we not at least do an evaluation? Can we not at least make sure that 2 years from now we have the General Accounting Office do a study so we know what is happening around the country?

If the proponents of this legislation are right and this truly was a reform and it truly works well and all of the harsh and negative consequences I have spent hours talking about do not turn out to be the case, I will be glad to be proven wrong. But for those of you who support this legislation, surely you also, first of all, want to be right, but if you are wrong and I am right, then you want to know you are wrong so you can change the course of policy. You do not want to see a lot of innocent people, ordinary citizens hurt by this legislation just because the large financial service industry has such clout. We all know about their power. We all know that this is one-sided.

There is not a word in this legislation—I am sorry, on the Senate side, there is a minuscule piece on disclosure, but nowhere are they called into question or called into accountability. They pump this stuff out every day. I got one today. Credit line up to $100,000. Our children get it. Every day they send this stuff out in the mail. Every day they try to hook people on their credit, and we are arguing that when it comes to bankruptcy, the only people who are at fault are the people who wind up in trouble, not these big credit card companies for their irresponsible, reckless lending policies.

Shouldn't we call on them to be more accountable? We have not. Shouldn't there be more balance to this legislation? There is not. Am I right that a lot of low- and moderate-income people are going to be hurt, that a lot of single-parent families headed by women are going to be hurt? Am I right that a lot of children who live in these families are going to be hurt? Am I right that a lot of families who have been put under because of medical bills are going to be hurt? Am I right that families—because the husband or the wife, the major wage earner, loses his or her job and finds themselves in terrible circumstances—are going to be hurt?

I think I am right. If I am wrong, I will be prayerfully thankful to be wrong. If I am right and you are wrong, you will want to know you are wrong so we can do something in a hurry before a whole lot of ordinary citizens get hurt very badly by this legislation.

Every Senator should vote for this amendment. There is no reason to vote no.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that we leave the bankruptcy legislation now before the Senate until the hour of 3:20, at which time we expect Senator Hatch to return and speak on the amendment of the Senator from Minnesota. Senator Domenici and I would like to go to the energy and water bill during this short period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. Domenici pertaining to the introduction of S. 1186 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

AMENDMENT NO. 987

Ms. STABENOW. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Ms. Stabenow) for herself, Mr. Fitzgerald, Mr. Levin, Mr. Durbin, Mr. Dayton, Mr. Feingold, Mr. Schumer, Mr. Kohl, Mr. Wellstone, Mrs. Clinton, Mr. Bayh, and Mr. Voinovich proposes an amendment numbered 987.

Ms. STABENOW. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds to conduct a study on the effects of oil and gas drilling in the Great Lakes)

On page 2, line 18, before the period, insert the following: ", of which such sums as are necessary shall be used by the Secretary of the Army to conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): *Provided*, That during the fiscal year for which this Act makes funds available and during each subsequent fiscal year, no Federal or State permit or lease shall be issued for oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (including in or under any river flowing into or out of the lake)".

Ms. STABENOW. Mr. President, my amendment, which is a bipartisan amendment and which shares the strong support of colleagues from around the Great Lakes Basin, seeks to protect the waters of the Great Lakes by asking for a study of the impact of any oil and gas drilling in our Great Lakes. And it places a moratorium on new drilling until we have factual scientific review of the danger of any potential oil and gas drilling.

In case my colleagues are not aware, 30 to 50 new oil and gas drilling permits could be issued as soon as the next few weeks for extraction under Lake Michigan and Lake Huron. This is moving forward only in the waters of the State of Michigan despite the overwhelming opposition of almost all local communities that would be affected by drilling and by the public at large.

We don't want to see these oil rigs dotting the shoreline of Lake Michigan or any of our beaches around the Great Lakes.

This amendment says that before anything as serious as this picture shows would occur we want to make sure that the Army Corps of Engineers does a complete study and analysis, and that we have thoughtful consideration of the impact this would create.

I want to make it clear that this is a local and regional issue. Drilling in the Great Lakes is not a part of President Bush's energy strategy, nor is it a component of any of the major energy bills pending in Congress.

We are talking about the Great Lakes Basin. We have one of our Nation's most precious public natural resources. As you can imagine, the citizens of the Great Lakes and all of the States involved are very proud and protective of the Great Lakes waters. We have 33 million people who rely on the Great Lakes for their drinking water, including 10 million from Lake Michigan alone.

Millions of people use the Great Lakes each year to enjoy the beaches, great fishing, and boating. We welcome everyone to come and enjoy the splendor of the Great Lakes.

The latest estimate shows that recreational fishing totals $1.5 billion to Michigan's tourist economy alone. The Great Lakes confines also are home to wetlands, dunes, and endangered species and plants, including the rare piping plover, Michigan monkey flower, Pitcher's thistle, and the dwarf-lake iris. Lake Michigan alone contains over 417 coastal wetlands, the most of any Great Lake.

As you can see, we are proud of our lakes. All of the States surrounding the Great Lakes have a stake in what happens in these waters, as do all of us, because this is 20 percent of the world's fresh water. All of us have a stake in making sure we are wise stewards of this important waterway.

Great Lakes drilling would place the tourism economy, the Great Lakes ecosystem, and a vital source of drinking water at great risk for a small amount of oil.

Last year, Michigan produced about 2 minute's worth of oil from Great Lakes drilling of seven wells that have been in place since 1979. Since 1979, Michigan's wells have only produced 33 minutes of oil. U.S. consumers use 7 billion barrels per year.

This is not about a large source of oil. We are deeply concerned about the risks involved in drilling.

I cannot stress enough how important tourism is to the Michigan economy. Families from all over the country come to visit Mackinaw Island and the hundreds and hundreds of miles of beaches up and down Michigan's coastline.

As I know my colleagues feel the same about their borders and their coasts around Wisconsin, Ohio, Indiana, Illinois, New York, and Minnesota, all around the Great Lakes we are proud of and depend on tourism as a part of our economy.

As it gets warmer and warmer and more and more humid here, we welcome people to come and visit the beautiful Great Lakes' shoreline and the wonderful weather that we are now having in Michigan.

It is estimated, unfortunately, that a single quart of oil—a single quart of oil—through a mishap of any kind could foul as much as 2 million gallons of water. That is our fear.

If an oil spill happened in one of Michigan's tourist locations, it could ruin these local economies forever.

The Great Lakes are all interconnected and they border eight States, as we know, from Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York.

This means that an oil spill in Lake Michigan could wash up on the shores of Michigan, Indiana, Illinois, and Wisconsin. That is why we need to have the Federal Government study this issue because it affects more than just one State.

My amendment is a reasonable and prudent approach to the issue of any oil and gas drilling in the Great Lakes. It asks the Army Corps of Engineers to study the safety and environmental impact of drilling under the Great Lakes. It places a moratorium on new drilling.

Once this study is concluded, Congress can review this information and decide whether or not the moratorium should continue.

This is not a partisan issue. I am joining with colleagues on both sides of the aisle led by Senator FITZGERALD from Illinois, my Republican colleague.

I am so pleased to have colleagues on both sides of the aisle coming together to protect our wonderful natural resource called the Great Lakes.

We have in addition two prominent Republican Governors who have come out strongly against drilling in the Great Lakes.

If I might read their statements, Ohio Governor Bob Taft has stated that he cannot see any situation where he would support drilling under Lake Erie.

Governor Taft has ruled out drilling under the lake, saying many environmental issues would need to be considered before any drilling could be approved.

That was April 11 of this year.

Second, the Governor of Wisconsin, Gov. Scott McCullum, also stated his opposition to Great Lakes drilling. Governor McCullum's spokeswoman stated that he "doesn't want any oil exploration in the Great Lakes. If it's for oil and it's going to interfere with the Great Lakes, then he opposes it."

That was June 5 of this year.

This is a bipartisan issue—a joining together of those of us who believe very strongly that we have a special responsibility as stewards of this wonderful natural resource.

I encourage my colleagues to join us from both sides of the aisle to support this study and this prudent approach by placing a moratorium and studying this critical issue before anything moves forward.

It is important that 20 percent of the world's supply of fresh water be protected and that we be responsible in our approach. I am pleased I have from around the Great Lakes colleagues who are joining me in this important amendment.

I thank the chairman of the subcommittee for his assistance as well, Senator REID, and colleagues and staff who have been involved in putting this critical amendment together.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, 33 million people rely on the Great Lakes for drinking water, including 10 million on Lake Michigan alone. Millions of people use our Great Lakes for recreation, such as swimming, fishing, and boating. It is simply irresponsible to risk contamination of this source of drinking water and a large portion of our tourism industry and our recreation without studying the potential damages of drilling.

Our pristine Great Lakes' coastlines are home to wetlands, over 400 of them along Lake Michigan alone, and to some of the world's most spectacular sand dunes. They are home to endangered species. Even advocates of drilling acknowledge that some damage at the shoreline is inevitable from more and more slant drilling. It just is not worth the potential harm for the small amount of oil that could be produced in the Great Lakes. That is all we are talking about, a very small drop in a very large bucket, taking risks that we should not be taking with about 20 percent of the world's supply of fresh water.

The Great Lakes are a shared natural resource. That means that many of the States need to work together in order to protect them. What that also means is that if we are going to protect them, we must work at a broader level than just one State. That is why Governors of many States have stated their opposition to drilling of the kind which is being proposed.

One of our highest priorities in the Great Lakes area is to protect the ecological health of the Great Lakes and the economic and recreational value of our lands, our wetlands, our beaches, and our shorelines.

This amendment would accomplish that goal. I hope this body will support the amendment. I believe most of the Senators from the Great Lakes States support the amendment. It is an issue which is much broader than one State. We should be very leery, and very careful, before action is taken without adequate study of slant drilling beneath the Great Lakes because of the potential ecological damage that could be done, particularly along our shorelines.

For that reason, I hope this body will give a strong endorsement to the amendment of Senator STABENOW. It is the cautious, conservative thing to do. It does not jeopardize more than a minute amount of our energy supply, and it does that for a very good cause—the protection of one of the world's truly great natural assets, the source of about 20 percent of the world's fresh water.

I yield the floor.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have conferred with the two managers, and Senators STABENOW, LEVIN, and FITZGERALD who have an interest in this issue. We are confident we will resolve the issue. We have staff now working on preparing the necessary amendment, and we will do that subject to the approval of the movers of this amendment. In the meantime, we ask that we move off this amendment, that it be set aside, and that we move to Senator HATCH, who wants to move to the bankruptcy bill, which is now part of the order before the Senate.

The PRESIDING OFFICER. Under a previous order, the Senate will resume consideration of the bankruptcy bill——

Mr. DOMENICI. Mr. President, may I have 30 seconds before we do that?

I want to clear up the record. We have not spoken yet. This idea about drilling in the Great Lakes is not part of President Bush's energy policy. So we are not here arguing that the President should not get what he wants; their policy does not involve the notion of drilling in the Great Lakes. We are trying to put something together that would be a moratorium that would be satisfactory to the Great Lakes' Senators. We should have that ready soon, which we will be willing to accept and go to conference and do everything we can to keep it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, I thank Senator DOMENICI and Senator REID and also the sponsor of this amendment, Senator STABENOW. I have been pleased to support this amendment, which would place a moratorium on drilling for oil in the Great Lakes. As a Senator from a State which has a large urban area—namely, the city of Chicago—and the surrounding communities that rely on Great Lakes water for drinking water, I think this moratorium is well advised.

Illinois, as a practical matter, doesn't allow any drilling off its Lake Michigan coast. The issue has arisen, however, in Senator STABENOW's State. I think this amendment has worked out very well. I appreciate Senator DOMENICI's commitment to work to try to hold this amendment in conference.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to thank Senator DOMENICI and Senator REID for working with us on this amendment to put together something that is a reasonable moratorium while a study is being conducted by the Army Corps of Engineers. As my friend from Illinois mentioned, this is important to all of us in the Great Lakes. We want to make sure that wise decisions are made. And for those of us in Michigan, we are extremely concerned about any effort to move ahead now with drilling in oil and gas reserves.

I thank my colleagues and I look forward to working with them to make sure this language moves all the way through the process and, in fact, becomes law.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend Senators STABENOW and FITZGERALD and all the cosponsors of this amendment. It is a very reasonable outcome that has been agreed to. Their leadership is really important in getting this done. We are very grateful for the support of Senator REID and Senator DOMENICI for this outcome and their commitment to fight for the Senate position in conference.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in support of Senator STABENOW's amendment. This amendment simply asks that a study be conducted on the environmental effects of drilling in the Great Lakes. And to give that study time to be completed, a moratorium be placed on drilling for the next 2 years.

Before we put in jeopardy one of the world's largest bodies of freshwater, it is sound public policy that we first have a better understanding of the impact drilling would have on the Great Lakes.

After all, the Great Lakes contain 20 percent of the world's freshwater and 95 percent of the freshwater in the United States. The Great Lakes contain 6 quadrillion gallons of freshwater—only the polar ice caps and Lake Baikal in Siberia contain more.

Preserving our world's supply of freshwater is becoming increasingly important as the population grows. Think of it this way, if you put all the water in the world in a 1 gallon container, 1 tablespoon of that would represent all the freshwater in the world. And 1/5 of that tablespoon would represent the freshwater from the Great Lakes.

Lake Michigan alone provides safe drinking water for more than 10 million people every day. More than 33 million people live in the Great Lakes basin.

In addition to providing vital drinking water, the Great Lakes are a source of a thriving tourism industry, and provide ecological diversity and habitat for migratory waterfowl and fish.

Last week, the Senate passed my amendment to the Interior spending bill to prevent energy developing in our national monuments. Much like our national monuments, the Great Lakes will do little to add to our energy independence.

The 13 directionally drilled wells on the Michigan shore (7 of which are still in operation) have produced, since 1979, less than half a million barrels of oil. In contrast, the United States consumes more than 18 million barrels of oil a day, according to the American Petroleum Institute. So all the oil drilled from the Great Lakes in the past 20 years has amounted to less than 1 hour's worth of U.S. oil consumption.

As many as 30 new wells have been proposed for oil drilling under Lake Michigan and Lake Huron. Even if we produced 30 times as much oil from these new wells as we have from the older ones, it wouldn't supply enough crude oil to keep the United States running for one day.

A serious accident could contaminate Lake Michigan and put at risk the drinking water used by millions of people from Illinois, Michigan, and Wisconsin. Putting our Nation's largest supply of fresh water at risk for less than a day's worth of oil makes no sense.

Modern technology may reduce the chances for a bad oil spill, but there are always uncontrollable factors, as we saw with the *Exxon Valdez*. Who would have thought that just one tanker could do so much damage? The *Exxon Valdez* measured 986 feet long—about the size of three football fields. But it spilled 10.8 million gallons of oil. It affected about 1,300 miles of shoreline. And it cost about $2.1 billion for Exxon to cleanup.

Proponents of drilling in the Great Lakes focus on the revenues to be gained or the oil to be produced. Sensible expansion of crude oil production can be a valuable component of a new energy strategy. But we should focus also on improved energy efficiency and target production in areas where the environmental risks are not as great.

Let's take care to protect our natural resources, and explore for oil and gas in environmentally safe locations. There is no sound reason to put the Great Lakes at risk.

BANKRUPTCY ABUSE PREVENTION AND CONSUMER PROTECTION ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I think we are ready to go to a vote on the Wellstone amendment. So I raise a point of order that the amendment of the Senator from Minnesota is not germane.

The PRESIDING OFFICER. The point of order is not well taken.

Mr. HATCH. As I understand it, the yeas and nays are ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HATCH. Mr. President, I suggest we move to a vote.

The PRESIDING OFFICER. The clerk will call——

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, we are going to have a vote in a moment. I understand the Chair ruled in my favor on the point of order. I am glad that the Chair did so.

Let me be real clear about this amendment. There is no delay whatsoever. This is one amendment. There could be many amendments. This is one amendment. We have had Senators on both sides of this question. Some of us have argued very much in the positive about this legislation, and some of us have argued very much in the negative about this legislation.

Let the General Accounting Office take a look at this 2 years from now and give us a careful evaluation about how it is working, look at its impact on chapter 7, look at its impact on chapter 13, look at its impact on low- and moderate-income citizens, look at its impact on children and single-parent families. That is all my amendment says.

I say to colleagues, if I am wrong about this legislation, which I believe is unbelievably harsh, which I think is a testimony to the power of the financial service industry, I will be pleased to be wrong. But if my colleagues are wrong, they are going to want to know they are wrong. They are going to want to know what the impact is. I hope Senators will vote for this amendment.

All it calls for is a General Accounting Office study. At the very minimum we should all be accountable for the vote we cast, and I believe that is what this amendment is about.

The yeas and nays have been ordered. I hope colleagues will support it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it calls for more than that. It calls for data collection and other matters. I rise in opposition to this amendment. I will be very short, and we can go to the vote.

Senator WELLSTONE's amendment, which I am sure is well intended, is both dilatory and duplicative. Section 205 of the Senate bill also includes a GAO study on the reaffirmation process. This amendment was offered by Senators LEAHY and REID and agreed to by unanimous consent just before final passage of the bankruptcy bill on March 15.

At this point, this boils down to a question of both process and substance. Again, final passage should mean final passage. I urge my colleagues to vote no on this amendment for these simple reasons.

I am prepared to go to the vote.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my colleague from Utah, he is absolutely right, the legislation does call for some studies, but there is nothing in the legislation that calls for a GAO study of all of the issues I indicated which are terribly important in understanding whether this legislation works. That is all I am saying. Let's at least have a policy evaluation to see how this works. I certainly hope colleagues will support this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 977. The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote "nay."

The PRESIDING OFFICER (Mrs. MURRAY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Byrd
Cantwell
Carnahan
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchison
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Stabenow
Wellstone
Wyden

NAYS—46

Allard
Allen
Bennett
Bunning
Burns
Campbell
Carper
Chafee
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Jeffords
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

Smith (NH)

The amendment (No. 977) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. FEINGOLD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment in the nature of a substitute?

If not, the question is on agreeing to amendment No. 974, as amended.

The amendment (No. 974), as amended, was agreed to.

The PRESIDING OFFICER. The question is one the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from New Hampshire (Mr. SMITH) is necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—82

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Feinstein
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Reid
Roberts
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—16

Boxer
Brownback
Corzine
Dayton
Dodd
Durbin
Feingold
Harkin
Hutchison
Kennedy
Kerry
Nelson (FL)
Reed
Rockefeller
Sarbanes
Wellstone

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

Smith (NH)

The bill (H.R. 333), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 333) entitled "An Act to amend title 11, United States Code, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Reform Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
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SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13"*;*

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in paragraph (1), as redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not at the request or suggestion of" and inserting "trustee, bankruptcy administrator, or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title," after "consumer debts"; and

(III) by striking "a substantial abuse" and inserting "an abuse"; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

"(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

"(II) $10,000.

"(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the entry of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10408), or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

"(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, siblings, children, and grandchildren of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case) who is not a dependent and who is unable to pay for such reasonable and necessary expenses.

"(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

"(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child under the age of 18 years up to $1,500 per year per child to attend a private or public elementary or secondary school, if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary, and that such expenses are not already accounted for in the Internal Revenue Service standards referred to in section 707(b)(2) of this title.

"(V) In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for housing and utilities, in excess of the allowance specified by the Local Standards for housing and utilities issued by the International Revenue Service, based on the actual expenses for home energy costs, if the debtor provides documentation of such expenses.

"(iii) The debtor's average monthly payments on account of secured debts shall be calculated as—

"(I) the sum of—

"(aa) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

"(bb) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts; divided by

"(II) 60.

"(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as—

"(I) the total amount of debts entitled to priority; divided by

"(II) 60.

"(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

"(ii) In order to establish special circumstances, the debtor shall be required to—

"(I) itemize each additional expense or adjustment of income; and

"(II) provide—

"(aa) documentation for such expense or adjustment to income; and

"(bb) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

"(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

"(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

"(II) $10,000.

"(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that shows how each such amount is calculated.

"(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not apply or has been rebutted, the court shall consider—

"(A) whether the debtor filed the petition in bad faith; or

"(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

"(4)(A) The court shall order the counsel for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion brought under section 707(b), including reasonable attorneys' fees, if—

"(i) a trustee appointed under section 586(a)(1) of title 28 or from a panel of private trustees maintained by the bankruptcy administrator brings a motion for dismissal or conversion under this subsection; and

"(ii) the court—

"(I) grants that motion; and

"(II) finds that the action of the counsel for the debtor in filing under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

"(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, at a minimum, the court shall order—

"(i) the assessment of an appropriate civil penalty against the counsel for the debtor; and

"(ii) the payment of the civil penalty to the trustee, the United States trustee, or the bankruptcy administrator.

"(C) In the case of a petition, pleading, or written motion, the signature of an attorney shall constitute a certification that the attorney has—

"(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

"(ii) determined that the petition, pleading, or written motion—

"(I) is well grounded in fact; and

"(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

"(D) The signature of an attorney on the petition shall constitute a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

"(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion brought by a party in interest (other than a trustee, United States trustee, or bankruptcy administrator) under this subsection if—

"(i) the court does not grant the motion; and

"(ii) the court finds that—

"(I) the position of the party that brought the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

"(II) the party brought the motion solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

"(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

"(C) For purposes of this paragraph—

"(i) the term 'small business' means an unincorporated business, partnership, corporation, association, or organization that—

"(I) has less than 25 full-time employees as determined on the date the motion is filed; and

"(II) is engaged in commercial or business activity; and

"(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

"(I) a parent corporation; and

"(II) any other subsidiary corporation of the parent corporation.

"(6) Only the judge, United States trustee, or bankruptcy administrator may bring a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.

"(7) No judge, United States trustee, panel trustee, bankruptcy administrator or other party in interest may bring a motion under paragraph (2), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief when multiplied by 12, is equal to or less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.".

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

"(10A) 'current monthly income'—

"(A) means the average monthly income from all sources which the debtor, or in a joint case, the debtor and the debtor's spouse, receive without regard to whether the income is taxable income, derived during the 6-month period preceding the date of determination, which shall be the date which is the last day of the calendar month immediately preceding the date of the bankruptcy filing. If the debtor is providing the debtor's current monthly income at the time of the filing and otherwise the date of determination shall be such date on which the debtor's current monthly income is determined by the court for the purposes of this Act; and

"(B) includes any amount paid by any entity other than the debtor (or, in a joint case, the debtor and the debtor's spouse), on a regular basis to the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act and payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;".

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The trustee shall—"; and

(2) by adding at the end the following:

"(b)(1) With respect to an individual debtor under this chapter—

"(A) the United States trustee or bankruptcy administrator shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

"(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

"(2) The United States trustee or bankruptcy administrator shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee or bankruptcy administrator does not believe that such a motion would be appropriate, if the United States trustee or bankruptcy administrator determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

"(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census.

"(3) In any case in which a motion to dismiss or convert, or a statement is required to be filed by this subsection, the United States trustee or bankruptcy administrator may decline to file a motion to dismiss or convert pursuant to section 704(b)(2) if the product of the debtor's current

monthly income multiplied by 12 exceeds 100 percent, but does not exceed 150 percent of—

"(A)(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census; or

"(ii) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; and

"(B) the product of the debtor's current monthly income, reduced by the amounts determined under section 707(b)(2)(A)(ii) (except for the amount calculated under the other necessary expenses standard issued by the Internal Revenue Service) and clauses (iii) and (iv) of section 707(b)(2)(A), multiplied by 60 is less than the lesser of—

"(i) 25 percent of the debtor's nonpriority unsecured claims in the case or $6,000, whichever is greater; or

"(ii) $10,000.".

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

"(d) In an individual case under chapter 7 in which the presumption of abuse is triggered under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has been triggered.".

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee, bankruptcy administrator or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, as amended by this section, is amended by adding at the end the following:

"(c)(1) In this subsection—

"(A) the term 'crime of violence' has the meaning given that term in section 16 of title 18; and

"(B) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18.

"(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victims dismiss a voluntary case filed by an individual debtor under this chapter if that individual was convicted of that crime.

"(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.".

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(7) the action of the debtor in filing the petition was in good faith;".

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "to unsecured creditors" after "to make payments"; and

(2) by striking paragraph (2) and inserting the following:

"(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

"(A) for the maintenance or support of the debtor or a dependent of the debtor or for a domestic support obligation that first becomes payable after the date the petition is filed and for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as that term is defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

"(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

"(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4.".

(i) SPECIAL ALLOWANCE FOR HEALTH INSURANCE.—Section 1329(a) of title 11, United States Code, is amended by inserting the following new paragraph—

"(4) reduce amounts to be paid under the plan by the actual amount expended by the debtor to purchase health insurance for the debtor and any dependent of the debtor (if those dependents do not otherwise have health insurance coverage) if the debtor documents the cost of such insurance and demonstrates that—

"(A) such expenses are reasonable and necessary;

"(B)(i) if the debtor previously paid for health insurance, the amount is not materially larger than the cost the debtor previously paid or the cost necessary to maintain the lapsed policy, or;

"(ii) if the debtor did not have health insurance, the amount is not materially larger than the reasonable cost that would be incurred by a debtor who purchases health insurance and who has similar income, expenses, age, health status, and lives in the same geographic location with the same number of dependents that do not otherwise have health insurance coverage; and

"(C) the amount is not otherwise allowed for purposes of determining disposable income under section 1325(b) of this title.

Upon request of any party in interest the debtor shall file proof that a health insurance policy was purchased.".

(j) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 11 or 13.".

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

"(1) a brief description of—

"(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

"(B) the types of services available from credit counseling agencies; and

"(2) statements specifying that—

"(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a bankruptcy case shall be subject to fine, imprisonment, or both; and

"(B) all information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General.".

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who are appointed under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate individual debtors on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the

credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) Report.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) Who May Be a Debtor.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless that individual has, during the 180-day period preceding the date of filing of the petition of that individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted that individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved nonprofit budget and credit counseling agencies for that district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from that agency by reason of the requirements of paragraph (1).

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling service may be disapproved by the United States trustee or bankruptcy administrator at any time.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.".

(b) Chapter 7 Discharge.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after the filing of the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111.

"(12)(A) Paragraph (11) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of that district determines that the approved instructional courses are not adequate to service the additional individuals required to complete such instructional courses under this section.

"(B) Each United States trustee or bankruptcy administrator that makes a determination described in subparagraph (A) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(c) Chapter 13 Discharge.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g) The court shall not grant a discharge under this section to a debtor, unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(h) Subsection (g) shall not apply with respect to a debtor who resides in a district for which the United States trustee or bankruptcy administrator of the bankruptcy court of that district determines that the approved instructional courses are not adequate to service the additional individuals who would be required to complete the instructional course by reason of the requirements of this section.

"(i) Each United States trustee or bankruptcy administrator that makes a determination described in subsection (h) shall review that determination not later than 1 year after the date of that determination, and not less frequently than every year thereafter.".

(d) Debtor's Duties.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

"(b) In addition to the requirements under subsection (a), an individual debtor shall file with the court—

"(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

"(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).".

(e) General Provisions.—

(1) In general.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"§111. Credit counseling services; financial management instructional courses

"(a) The clerk of each district shall maintain a publicly available list of—

"(1) credit counseling agencies that provide 1 or more programs described in section 109(h) currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable; and

"(2) instructional courses concerning personal financial management currently approved by the United States trustee or the bankruptcy administrator for the district, as applicable.

"(b) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency or instructional course concerning personal financial management as follows:

"(1) The United States trustee or bankruptcy administrator shall have thoroughly reviewed the qualifications of the credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the programs or instructional courses which will be offered by such agency or provider, and may require an agency or provider of an instructional course which has sought approval to provide information with respect to such review.

"(2) The United States trustee or bankruptcy administrator shall have determined that the credit counseling agency or course of instruction fully satisfies the applicable standards set forth in this section.

"(3) When an agency or course of instruction is initially approved, such approval shall be for a probationary period not to exceed 6 months. An agency or course of instruction is initially approved if it did not appear on the approved list for the district under subsection (a) immediately prior to approval.

"(4) At the conclusion of the probationary period under paragraph (3), the United States trustee or bankruptcy administrator may only approve for an additional 1-year period, and for successive 1-year periods thereafter, any agency or course of instruction which has demonstrated during the probationary or subsequent period that such agency or course of instruction—

"(A) has met the standards set forth under this section during such period; and

"(B) can satisfy such standards in the future.

"(5) Not later than 30 days after any final decision under paragraph (4), that occurs either after the expiration of the initial probationary period, or after any 2-year period thereafter, an interested person may seek judicial review of such decision in the appropriate United States District Court.

"(c)(1) The United States trustee or bankruptcy administrator shall only approve a credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters as relate to the quality, effectiveness, and financial security of such programs.

"(2) To be approved by the United States trustee or bankruptcy administrator, a credit counseling agency shall, at a minimum—

"(A) be a nonprofit budget and credit counseling agency, the majority of the board of directors of which—

"(i) are not employed by the agency; and

"(ii) will not directly or indirectly benefit financially from the outcome of a credit counseling session;

"(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

"(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

"(D) provide full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by the debtor and how such costs will be paid;

"(E) provide adequate counseling with respect to client credit problems that includes an analysis of their current situation, what brought them to that financial status, and how they can develop a plan to handle the problem without incurring negative amortization of their debts;

"(F) provide trained counselors who receive no commissions or bonuses based on the counseling session outcome, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

"(G) demonstrate adequate experience and background in providing credit counseling; and

"(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

"(d) The United States trustee or bankruptcy administrator shall only approve an instructional course concerning personal financial management—

"(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

"(A) trained personnel with adequate experience and training in providing effective instruction and services;

"(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such course of instruction;

"(C) adequate facilities situated in reasonably convenient locations at which such course of instruction is offered, except that such facilities may include the provision of such course of instruction or program by telephone or through the Internet, if the course of instruction or program is effective; and

"(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such course of instruction or program, including any evaluation of satisfaction of course of instruction or program requirements for each debtor attending such course of instruction or program, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee, bankruptcy administrator, or chief bankruptcy judge for the district in which such course of instruction or program is offered; and

"(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

"(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

"(B) is otherwise likely to increase substantially debtor understanding of personal financial management.

"(e) The District Court may, at any time, investigate the qualifications of a credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such credit counseling agencies. The District Court may, at any time, remove from the approved list under subsection (a) a credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

"(f) The United States trustee or bankruptcy administrator shall notify the clerk that a credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

"(g)(1) No credit counseling service may provide to a credit reporting agency information concerning whether an individual debtor has received or sought instruction concerning personal financial management from the credit counseling service.

"(2) A credit counseling service that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

"(A) any actual damages sustained by the debtor as a result of the violation; and

"(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.".

(2) Clerical Amendment.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"111. Credit counseling services; financial management instructional courses.".

(f) Limitation.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

"(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

"(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.".

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) Reduction of Claim.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on unsecured consumer debts by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed by an approved credit counseling agency described in section 111 acting on behalf of the debtor;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).".

(b) Limitation on Avoidability.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment plan between the debtor and any creditor of the debtor created by an approved credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title (including a plan of reorganization confirmed under chapter 11 of this title), unless the plan is dismissed, in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

"(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

"(2) such act is in the ordinary course of business between the creditor and the debtor; and

"(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.".

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION PRACTICES.

(a) In General.—Section 524 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;";

(2) by adding at the end the following:

"(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement, statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with the reaffirmation.

"(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

"(3) The disclosure statement required under this paragraph shall consist of the following:

"(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

"(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

"(C) The 'Amount Reaffirmed', using that term, which shall be—

"(i) the total amount which the debtor agrees to reaffirm, and

"(ii) the total of any other fees or cost accrued as of the date of the disclosure statement.

"(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

"(i) 'The amount of debt you have agreed to reaffirm'; and

"(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

"(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

"(i) if, at the time the petition is filed, the debt is open end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

"(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b) (5) and (6)), as applicable, as disclosed to the debtor in the most recent periodic statement prior to the agreement or, if no such periodic statement has been provided the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different

simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II);

"(ii) if, at the time the petition is filed, the debt is closed end credit as defined under the Truth in Lending Act (15 U.S.C. 1601 et seq.), then—

"(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act (15 U.S.C. 1638(a)(4)), as disclosed to the debtor in the most recent disclosure statement given the debtor prior to the reaffirmation agreement with respect to the debt, or, if no such disclosure statement was provided the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

"(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act (15 U.S.C. 1601 et seq.), by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

"(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the obligations you are reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

"(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

"(i) by making the statement: 'Your first payment in the amount of $ is due on but the future payment amount may be different. Consult your reaffirmation or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

"(ii) by making the statement: 'Your payment schedule will be:', and describing the repayment schedule with the number, amount and due dates or period of payments scheduled to repay the obligations reaffirmed to the extent then known by the disclosing party; or

"(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

"(I) The following statement: 'Note: When this disclosure refers to what a creditor "may" do, it does not use the word "may" to give the creditor specific permission. The word "may" is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirmation or what the law requires, talk to the attorney who helped you negotiate this agreement. If you don't have an attorney helping you, the judge will explain the effect of your reaffirmation when the reaffirmation hearing is held.'.

"(J)(i) The following additional statements:

"'Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

"'1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

"'2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

"'3. If you were represented by an attorney during the negotiation of the reaffirmation agreement, the attorney must have signed the certification in Part C.

"'4. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, you must have completed and signed Part E.

"'5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

"'6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

"'7. If you were not represented by an attorney during the negotiation of the reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your agreement. The bankruptcy court must approve the agreement as consistent with your best interests, except that no court approval is required if the agreement is for a consumer debt secured by a mortgage, deed of trust, security deed or other lien on your real property, like your home.

"'Your right to rescind a reaffirmation. You may rescind (cancel) your reaffirmation at any time before the bankruptcy court enters a discharge order or within 60 days after the agreement is filed with the court, whichever is longer. To rescind or cancel, you must notify the creditor that the agreement is canceled.

"'What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy. That means that if you default on your reaffirmed debt after your bankruptcy is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of the agreement in the future under certain conditions.

"'Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

"'What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

"(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

"'6. If you were represented by an attorney during the negotiation of the reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

"(4) The form of reaffirmation agreement required under this paragraph shall consist of the following:

"'Part B: Reaffirmation Agreement. I/we agree to reaffirm the obligations arising under the credit agreement described below.

"'Brief description of credit agreement:

"'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

"'Signature: Date:

"'Borrower:

"'Co-borrower, if also reaffirming:

"'Accepted by creditor:

"'Date of creditor acceptance:'.

"(5)(A) The declaration shall consist of the following:

"'Part C: Certification by Debtor's Attorney (If Any).

"'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

"'Signature of Debtor's Attorney: Date:'.

"(B) In the case of reaffirmations in which a presumption of undue hardship has been established, the certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

"(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

"(6)(A) The statement in support of reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

"'1. I believe this agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $, leaving $ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here: .

"'2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(B) Where the debtor is represented by counsel and is reaffirming a debt owed to a creditor

defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)), the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'I believe this agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(7) The motion, which may be used if approval of the agreement by the court is required in order for it to be effective and shall be signed and dated by the moving party, shall consist of the following:

"'Part E: Motion for Court Approval (To be completed only where debtor is not represented by an attorney.). I (we), the debtor, affirm the following to be true and correct:

"'I am not represented by an attorney in connection with this reaffirmation agreement.

"'I believe this agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement above, and because (provide any additional relevant reasons the court should consider):

"'Therefore, I ask the court for an order approving this reaffirmation agreement.'.

"(8) The court order, which may be used to approve a reaffirmation, shall consist of the following:

"'Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

"(9) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(A) such creditor retains a security interest in real property that is the debtor's principal residence;

"(B) such act is in the ordinary course of business between the creditor and the debtor; and

"(C) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.

"(l) Notwithstanding any other provision of this title:

"(1) A creditor may accept payments from a debtor before and after the filing of a reaffirmation agreement with the court.

"(2) A creditor may accept payments from a debtor under a reaffirmation agreement which the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

"(m)(1) Until 60 days after a reaffirmation agreement is filed with the court (or such additional period as the court, after notice and hearing and for cause, orders before the expiration of such period), it shall be presumed that the reaffirmation agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of the reaffirmation agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation which identifies additional sources of funds to make the payments as agreed upon under the terms of the reaffirmation agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove the agreement. No agreement shall be disapproved without notice and hearing to the debtor and creditor and such hearing shall be concluded before the entry of the debtor's discharge.

"(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)(iv)).".

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

"(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

"(b) UNITED STATES DISTRICT ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION.—The individuals referred to in subsection (a) are—

"(1) a United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation (within the meaning of section 3107) for each field office of the Federal Bureau of Investigation.

"(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

"(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case which may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.".

(2) CLERICAL AMENDMENT.—The analysis for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.".

SEC. 204. PRESERVATION OF CLAIMS AND DEFENSES UPON SALE OF PREDATORY LOANS.

Section 363 of title 11, United States Code, is amended by adding at the end the following:

"(p) Notwithstanding subsection (f), if a person purchases any interest in a consumer credit transaction that is subject to the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any interest in a consumer credit contract as defined by the Federal Trade Commission Preservation of Claims Trade Regulation, and that interest is purchased through a sale under this section, then that person shall remain subject to all claims and defenses that are related to the consumer credit transaction or contract, to the same extent as that person would be subject to such claims and defenses of the consumer had the sale taken place other than under title 11.

SEC. 205. GAO STUDY ON REAFFIRMATION PROCESS.

(a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study of the reaffirmation process under title 11, United States Code, to determine the overall treatment of consumers within the context of that process, including consideration of—

(1) the policies and activities of creditors with respect to reaffirmation; and

(2) whether consumers are fully, fairly and consistently informed of their rights pursuant to this title.

(b) REPORT TO CONGRESS.—Not later than 1½ years after the date of enactment of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a), together with any recommendations for legislation to address any abusive or coercive tactics found within the reaffirmation process.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt that accrues before or after the entry of an order for relief under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before or after entry of an order for relief under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child, or parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt;".

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as redesignated—

(A) by striking "Third" and inserting "Fourth"; and

(B) by striking the semicolon at the end and inserting a period;

(6) in paragraph (5), as redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as redesignated, the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such child, without regard to whether the claim is filed by such person or is filed by

a governmental unit on behalf of that person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date the petition was filed are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a government unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.".

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first become payable after the date on which the petition is filed.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period, beginning on the date that the first payment is due under the plan, will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following:

"(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims;";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) if the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order for such obligation that first become payable after the date on which the petition is filed.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a) (as amended by this Act), by adding at the end the following:

"(8) the debtor is required by a judicial or administrative order or statute to pay a domestic support obligation, the debtor has paid all amounts payable under such order or statute for such obligation that first becomes payable after the date on which the petition is filed; and";

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for in the plan) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement or continuation of a civil action or proceeding—

"(i) for the establishment of paternity;

"(ii) for the establishment or modification of an order for domestic support obligations;

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

"(v) regarding domestic violence;

"(B) the collection of a domestic support obligation from property that is not property of the estate;

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order;

"(D) the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under State law, as specified in section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16));

"(E) the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act (42 U.S.C. 666(a)(7));

"(F) the interception of tax refunds, as specified in sections 464 and 466(a)(3) of the Social Security Act (42 U.S.C. 664 and 666(a)(3)) or under an analogous State law; or

"(G) the enforcement of medical obligations as specified under title IV of the Social Security Act (42 U.S.C. 601 et seq.);".

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;";

(B) in paragraph (15)—

(i) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

(ii) by inserting "or" after "court of record,"; and

(iii) by striking "unless—" and all that follows through the end of the paragraph and inserting a semicolon; and

(C) by striking paragraph (18); and

(2) in subsection (c), by striking "(6), or (15)" each place it appears and inserting "or (6)".

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));";

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or"; and

(3) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;".

SEC. 218. DISPOSABLE INCOME DEFINED.

(a) Confirmation of Plan Under Chapter 12.—Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".

(b) Confirmation of Plan Under Chapter 13.—Section 1325(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a *domestic support obligation that first becomes payable after the date on which the petition is filed" after "dependent of the debtor".*

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) Duties of Trustee Under Chapter 7.—Section 704 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(10) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c); and"; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(10), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides for assistance in collecting child support during and after the bankruptcy procedures;

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(iii) include in the notice an explanation of the rights of the holder of the claim to payment of the claim under this chapter; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 727, notify the holder of that claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(b) Duties of Trustee Under Chapter 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (a)(7), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides) of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1141, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (3), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(c) Duties of Trustee Under Chapter 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify, in writing, the State child support agency (of the State in which the holder of the claim resides), and the holder of the claim, of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1228, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

(d) Duties of Trustee Under Chapter 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if, with respect to an individual debtor, there is a claim for a domestic support obligation, provide the applicable notification specified in subsection (d)."; and

(2) by adding at the end the following:

"(d)(1) In any case described in subsection (b)(6), the trustee shall—

"(A)(i) notify in writing the holder of the claim of the right of that holder to use the services of a State child support enforcement agency established under sections 464 and 466 of the Social Security Act (42 U.S.C. 664, 666) for the State in which the holder resides; and

"(ii) include in the notice under this paragraph the address and telephone number of the child support enforcement agency; and

"(B)(i) notify in writing the State child support agency of the State in which the holder of the claim resides of the claim;

"(ii) include in the notice under this paragraph the name, address, and telephone number of the holder of the claim; and

"(iii) at such time as the debtor is granted a discharge under section 1328, notify the holder of the claim and the State child support agency of the State in which that holder resides of—

"(I) the granting of the discharge;

"(II) the last recent known address of the debtor;

"(III) the last recent known name and address of the debtor's employer; and

"(IV) with respect to the debtor's case, the name of each creditor that holds a claim that—

"(aa) is not discharged under paragraph (2), (4), or (14) of section 523(a); or

"(bb) was reaffirmed by the debtor under section 524(c).

"(2)(A) A holder of a claim or a State child support agency may request from a creditor described in paragraph (1)(B)(iii)(IV) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable to the debtor or any other person by reason of making that disclosure.".

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

"(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

"(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

"(B) any other educational loan that is a qualified education loan, as that term is defined in section 221(e)(1) of the Internal Revenue Code of 1986, incurred by an individual debtor;".

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking "an attorney or an employee of an attorney" and inserting "the attorney for the debtor or an employee of such attorney under the direct supervision of such attorney";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the preparer shall be required to—

"(A) sign the document for filing; and

"(B) print on the document the name and address of that officer, principal, responsible person or partner."; and

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice to debtors concerning bankruptcy petition preparers, which shall be on an official form issued by the Judicial Conference of the United States.

"(B) The notice under subparagraph (A)—

"(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

"(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

"(iii) shall—

"(I) be signed by—

"(aa) the debtor; and

"(bb) the bankruptcy petition preparer, under penalty of perjury; and

"(II) be filed with any document for filing.";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) For purposes" and inserting "(2)(A) Subject to subparagraph (B), for purposes"; and

(ii) by adding at the end the following:

"(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the preparer."; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking "(d)(1)" and inserting "(d)"; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

"(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

"(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

"(i) whether—

"(I) to file a petition under this title; or

"(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

"(ii) whether the debtor's debts will be eliminated or discharged in a case under this title;

"(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

"(iv) concerning—

"(I) the tax consequences of a case brought under this title; or

"(II) the dischargeability of tax claims;

"(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

"(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

"(vii) concerning bankruptcy procedures and rights.";

(6) in subsection (f)—

(A) by striking "(f)(1)" and inserting "(f)"; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking "(g)(1)" and inserting "(g)"; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as redesignated, the following:

"(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.";

(C) in paragraph (2), as redesignated—

(i) by striking "Within 10 days after the date of filing a petition, a bankruptcy petition preparer shall file a" and inserting "A";

(ii) by inserting "by the bankruptcy petition preparer shall be filed together with the petition," after "perjury"; and

(iii) by adding at the end the following: "If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).";

(D) by striking paragraph (3), as redesignated, and inserting the following:

"(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

"(i) rendered by the preparer during the 12-month period immediately preceding the date of filing of the petition; or

"(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

"(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

"(C) An individual may exempt any funds recovered under this paragraph under section 522(b)."; and

(E) in paragraph (4), as redesignated, by striking "or the United States trustee" and inserting "the United States trustee, the bankruptcy administrator, or the court, on the initiative of the court,";

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

"(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on motion of the debtor, trustee, United States trustee, or bankruptcy administrator, and after the court holds a hearing with respect to that violation or act, the court shall order the bankruptcy petition preparer to pay to the debtor—";

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking "a violation of which subjects a person to criminal penalty";

(ii) in subparagraph (B)—

(I) by striking "or has not paid a penalty" and inserting "has not paid a penalty"; and

(II) by inserting "or failed to disgorge all fees ordered by the court" after "a penalty imposed under this section,";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued upon motion of the court, the trustee, the United States trustee, or the bankruptcy administrator."; and

(11) by adding at the end the following:

"(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

"(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

"(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

"(B) advised the debtor to use a false Social Security account number;

"(C) failed to inform the debtor that the debtor was filing for relief under this title; or

"(D) prepared a document for filing in a manner that failed to disclose the identity of the preparer.

"(3) The debtor, the trustee, a creditor, the United States trustee, or the bankruptcy administrator may file a motion for an order imposing a fine on the bankruptcy petition preparer for each violation of this section.

"(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

"(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.".

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, is amended by inserting after paragraph (9) the following:

"(10) Tenth, allowed claims for death or personal injuries resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.".

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) IN GENERAL.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and";

(iii) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986."; and

(iv) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.";

(C) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding";

(D) by striking "paragraph (2)" each place it appears and inserting "paragraph (3)";

(E) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)";

(F) by striking "Such property is—"; and

(G) by adding at the end the following:

"(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the commencement of the case under section 301, 302, or 303 of this title, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of that distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of that amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon;

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan that satisfies the requirements of section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) in the case of a loan from a thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;"; and

(4) by adding at the end of the flush material at the end of the subsection, the following: "Nothing in paragraph (19) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b) of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(c) EXCEPTIONS TO DISCHARGE.—Section 523(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) a loan from the thrift savings plan described in subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title.

Nothing in paragraph (18) may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title.".

(d) PLAN CONTENTS.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.".

(e) ASSET LIMITATION.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

"(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of that Code or a simple retirement account under section 408(p) of that Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 (which amount shall be adjusted as provided in section 104 of this title) in a case filed by an individual debtor, except that such amount may be increased if the interests of justice so require.".

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) EXCLUSIONS.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) by redesignating paragraph (5) as paragraph (10); and

(C) by inserting after paragraph (4) the following:

"(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of such account was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were placed in such account;

"(B) only to the extent that such funds—

"(i) are not pledged or promised to any entity in connection with any extension of credit; and

"(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

"(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

"(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of filing of the petition, but—

"(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a son, daughter, stepson, stepdaughter, grandchild, or step-grandchild of the debtor for the taxable year for which funds were paid or contributed;

"(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

"(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;"; and

(2) by adding at the end the following:

"(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).".

SEC. 226. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (2) the following:

"(3) 'assisted person' means any person whose debts consist primarily of consumer debts and whose non-exempt assets are less than $150,000;";

(2) by inserting after paragraph (4) the following:

"(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;"; and

(3) by inserting after paragraph (12) the following:

"(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

"(A) any person that is an officer, director, employee or agent of that person;

"(B) a nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(C) a creditor of the person, to the extent that the creditor is assisting the person to restructure any debt owed by the person to the creditor;

"(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such a depository institution or credit union; or

"(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.".

(b) CONFORMING AMENDMENT.—Section 104(b)(1) of title 11, United States Code, is amended by inserting "101(3)," after "sections".

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§526. Restrictions on debt relief agencies

"(a) A debt relief agency shall not—

"(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

"(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

"(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

"(i) the services that such agency will provide to such person; or

"(ii) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

"(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

"(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

"(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

"(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and hearing, to have—

"(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

"(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

"(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

"(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees as determined by the court.

"(4) The United States District Court for any district located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

"(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

"(A) enjoin the violation of such section; or

"(B) impose an appropriate civil penalty against such person.".

"(d) No provision of this section, section 527, or section 528 shall—

"(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

"(2) be deemed to limit or curtail the authority or ability—

"(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

"(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting before the item relating to section 527, the following:

"526. Debt relief enforcement.".

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§527. Disclosures

"(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

"(1) the written notice required under section 342(b)(1) of this title; and

"(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

"(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

"(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 of this title must be stated in those documents where requested after reasonable inquiry to establish such value;

"(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

"(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the proceeding under this title or other sanction including, in some instances, criminal sanctions.

"(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) with the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

"'IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

"'If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

"'The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

"'Before filing a bankruptcy case, either you or your attorney should analyze your eligibility

for different forms of debt relief made available by the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a "trustee" and by creditors.

"'If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so and a creditor is not permitted to coerce you into reaffirming your debts.

"'If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

"'If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what needs to be done from someone familiar with that type of relief.

"'Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

"(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

"(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

"(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

"(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506 of this title.

"(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 526 the following:

"527. Disclosures.".

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§528. Requirements for debt relief agencies

"(a) A debt relief agency shall—

"(1) not later than 5 business days after the first date such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

"(A) the services such agency will provide to such assisted person; and

"(B) the fees or charges for such services, and the terms of payment;

"(2) provide the assisted person with a copy of the fully executed and completed contract;

"(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

"(4) clearly and conspicuously using the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

"(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

"(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

"(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

"(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

"(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

"(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by this Act, is amended by inserting after the item relating to section 527, the following:

"528. Debtor's bill of rights.".

SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by individual debtors under such title, the names and social security numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

SEC. 231. PROTECTION OF NONPUBLIC PERSONAL INFORMATION.

(a) IN GENERAL.—Section 363(b)(1) of title 11, United States Code, is amended by striking the period at the end and inserting the following:", except that if the debtor has disclosed a policy to an individual prohibiting the transfer of personally identifiable information about the individual to unaffiliated third persons, and the policy remains in effect at the time of the bankruptcy filing, the trustee may not sell or lease such personally identifiable information to any person, unless—

"(A) the sale is consistent with such prohibition; or

"(B) the court, after notice and hearing and due consideration of the facts, circumstances, and conditions of the sale or lease, approves the sale or lease.".

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (41) the following:

"(41A) 'personally identifiable information', if provided by the individual to the debtor in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes—

"(A) means—

"(i) the individual's first name (or initials) and last name, whether given at birth or adoption or legally changed;

"(ii) the physical address for the individual's home;

"(iii) the individual's e-mail address;

"(iv) the individual's home telephone number;

"(v) the individual's social security number; or

"(vi) the individual's credit card account number; and

"(B) means, when identified in connection with one or more of the items of information listed in subparagraph (A)—

"(i) an individual's birth date, birth certificate number, or place of birth; or

"(ii) any other information concerning an identified individual that, if disclosed, will result in the physical or electronic contacting or identification of that person;".

SEC. 232. CONSUMER PRIVACY OMBUDSMAN.

(a) IN GENERAL.—

(1) APPOINTMENT ON REQUEST.—If the trustee intends to sell or lease personally identifiable information in a manner which requires a hearing described in section 363(b)(1)(B), the trustee shall request, and the court shall appoint, an individual to serve as ombudsman during the case not later than—

(A) on or before the expiration of 30 days after the date of the order for relief; or

(B) 5 days prior to any hearing described in section 363(b)(1)(B) of title 11, United States Code, as amended by this Act.

(2) DUTIES OF OMBUDSMAN.—It shall be the duty of the ombudsman to provide the court information to assist the court in its consideration of the facts, circumstances, and conditions of the sale or lease under section 363(b)(1)(B) of title 11, United States Code, as amended by this Act. Such information may include a presentation of the debtor's privacy policy in effect, potential losses or gains of privacy to consumers if the sale or lease is approved, potential costs or benefits to consumers if the sale or lease is approved, and potential alternatives which mitigate potential privacy losses or potential costs to consumers.

(3) NOTICE TO OMBUDSMAN.—The ombudsman shall receive notice of, and shall have a right to appear and be heard, at any hearing described in section 363b(1)(B) of title 11, United States Code, as amended by this Act.

(4) CONFIDENTIALITY.—The ombudsman shall maintain any personally identifiable information obtained by the ombudsman under this title as confidential information.

(b) APPOINTMENT.—If the court orders the appointment of an ombudsman under this section, the United States Trustee shall appoint 1 disinterested person, other than the United States trustee, to serve as the ombudsman.

(c) COMPENSATION OF CONSUMER PRIVACY OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended in the matter preceding subparagraph (A), by inserting "an ombudsman appointed under section 332," before "an examiner".

SEC. 233. PROHIBITION ON DISCLOSURE OF IDENTITY OF MINOR CHILDREN.

(a) PROHIBITION.—Chapter 1 of title 11, United States Code, is amended by adding after section 111, as added by this Act, the following:

"§ 112. Prohibition on disclosure of identity of minor children

"In a case under this title, the debtor may be required to provide information regarding a minor child involved in matters under this title, but may not be required to disclose in the public records in the case the name of such minor child. Notwithstanding section 107(a), the debtor may be required to disclose the name of such minor child in a nonpublic record maintained by the court. Such nonpublic record shall be available for inspection by the judge, United States Trustee, the trustee, or an auditor under section 603 of the Bankruptcy Reform Act of 2001. Each such judge, United States Trustee, trustee, or auditor shall maintain the confidentiality of the identity of such minor child in the nonpublic record.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

"112. Prohibition on disclosure of identity of minor children.".

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. REINFORCEMENT OF THE FRESH START.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking "by a court" and inserting "on a prisoner by any court",

(2) by striking "section 1915(b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915", and

(3) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) if a single or joint case is filed by or against an individual debtor under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

"(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

"(B) upon motion by a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

"(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors, if—

"(I) more than 1 previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was pending within the preceding 1-year period;

"(II) a previous case under any of chapter 7, 11, or 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

"(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

"(bb) provide adequate protection as ordered by the court; or

"(cc) perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

"(aa) if a case under chapter 7, with a discharge; or

"(bb) if a case under chapter 11 or 13, with a confirmed plan which will be fully performed; and

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

"(4)(A)(i) if a single or joint case is filed by or against an individual debtor under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

"(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

"(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

"(C) a stay imposed under subparagraph (B) shall be effective on the date of entry of the order allowing the stay to go into effect; and

"(D) for purposes of subparagraph (B), a case is presumptively not filed in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors if—

"(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

"(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to pay adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to action of such creditor.".

SEC. 303. CURBING ABUSIVE FILINGS.

(a) IN GENERAL.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real estate, if the court finds that the filing of the bankruptcy petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, the real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting the real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under this subsection shall be binding in any other case under this title purporting to affect the real property filed not later than 2 years after the date of entry of such order by the court, except that a debtor in a subsequent case may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (19), as added by this Act, the following:

"(20) under subsection (a), of any act to enforce any lien against or security interest in real property following the entry of an order under section 362(d)(4) as to that property in any prior bankruptcy case for a period of 2 years after entry of such an order, except that the debtor, in a subsequent case, may move the court for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a bankruptcy case; or

"(B) if the bankruptcy case was filed in violation of a bankruptcy court order in a prior bankruptcy case prohibiting the debtor from being a debtor in another bankruptcy case;".

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a) (as so designated by this Act)—

(A) in paragraph (4), by striking ", and" at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in an individual case under chapter 7 of this title, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in that personal property unless, in the case of an individual debtor, the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

"(A) enters into an agreement with the creditor pursuant to section 524(c) of this title with respect to the claim secured by such property; or

"(B) redeems such property from the security interest pursuant to section 722 of this title.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) of this title is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee brought before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362—

(A) in subsection (c), by striking "(e), and (f)" and inserting "(e), (f), and (h)";

(B) by redesignating subsection (h) as subsection (k); and

(C) by inserting after subsection (g) the following:

"(h)(1) In an individual case under chapter 7, 11, or 13, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2) of this title—

"(A) to file timely any statement of intention required under section 521(a)(2) of this title with respect to that property or to indicate in that statement that the debtor will either surrender the property or retain it and, if retaining it, either redeem the property pursuant to section 722 of this title, reaffirm the debt it secures pursuant to section 524(c) of this title, or assume the unexpired lease pursuant to section 365(p) of this title if the trustee does not do so, as applicable; and

"(B) to take timely the action specified in that statement of intention, as it may be amended before expiration of the period for taking action, unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms.

"(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the proceeding on the motion."; and

(2) in section 521—

(A) in subsection (a)(2), as so designated by this Act, by striking "consumer";

(B) in subsection (a)(2)(B), as so designated by this Act—

(i) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a) of this title"; and

(ii) by striking "forty-five day" and inserting "30-day";

(C) in subsection (a)(2)(C), as so designated by this Act, by inserting ", except as provided in section 362(h) of this title" before the semicolon; and

(D) by adding at the end the following:

"(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h) of this title, with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549 of this title, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement which has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.".

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) In General.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

"(i) the plan provides that—

"(I) the holder of such claim retain the lien securing such claim until the earlier of—

"(aa) the payment of the underlying debt determined under nonbankruptcy law; or

"(bb) discharge under section 1328; and

"(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and".

(b) Restoring the Foundation for Secured Credit.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following flush sentence:

"For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 3-year period preceding the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.".

(c) Definitions.—Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by inserting after paragraph (13) the following:

"(13A) 'debtor's principal residence'—

"(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

"(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;"; and

(2) by inserting after paragraph (27), the following:

"(27A) 'incidental property' means, with respect to a debtor's principal residence—

"(A) property commonly conveyed with a principal residence in the area where the real estate is located;

"(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

"(C) all replacements or additions;".

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3)(A) of title 11, United States Code, as so designated by this Act, is amended—

(1) by striking "180 days" and inserting "730 days"; and

(2) by striking ", or for a longer portion of such 180-day period than in any other place" and inserting "or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place".

SEC. 308. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting "subject to subsection (o)," before "any property"; and

(2) by adding at the end the following new subsection:

"(o)(1) As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that exceeds, in the aggregate, $125,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(C) a burial plot for the debtor or a dependent of the debtor.

"(2) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of that farmer.".

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) Stopping Abusive Conversions From Chapter 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B)—

(A) by striking "in the converted case, with allowed secured claims" and inserting "only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) with respect to cases converted from chapter 13—

"(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the chapter 13 proceeding; and

"(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.".

(b) Giving Debtors the Ability To Keep Leased Personal Property by Assumption.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

"(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

"(2)(A) In the case of an individual under chapter 7, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

"(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

"(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

"(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.".

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, is amended—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking "or" at the end and inserting "and"; and

(C) by adding at the end the following:

"(iii) if—

"(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

"(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or".

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

"(A) proposed by the plan to the trustee;

"(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

"(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

"(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

"(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

"(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $750 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the term 'extension of credit under an open end credit plan' means an extension of credit under an open end credit plan, within the meaning of the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.);

"(II) the term 'open end credit plan' has the meaning given that term under section 103 of the Consumer Credit Protection Act (15 U.S.C. 1602); and

"(III) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

(a) IN GENERAL.—Section 362(b) of title 11, United States Code, is amended—

(1) by inserting after paragraph (21), as added by this Act, the following:

"(23) under subsection (a)(3), of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor seeking possession of residential property—

"(A) on which the debtor resides as a tenant; and

"(B) with respect to which—

"(i) the debtor fails to make a rental payment that first becomes due under the unexpired specific term of a rental agreement or lease or under a tenancy under applicable State or local rent control law, after the date of filing of the petition or during the 10-day period preceding the date of filing of the petition, if the lessor files with the court a certification that the debtor has not made a payment for rent and serves a copy of the certification upon the debtor; or

"(ii) the debtor has a month to month tenancy (or one of shorter term) other than under applicable State or local rent control law where timely payments are made pursuant to clause (i) if the lessor files with the court a certification that the requirements of this clause have been met and serves a copy of the certification upon the debtor.

"(24) under subsection (a)(3), of the commencement or continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor seeking possession of residential property, if during the 2-year period preceding the date of filing of the petition, the debtor or another occupant of the leased premises—

"(A) commenced another case under this title; and

"(B) failed to make any rental payment that first became due under applicable nonbankruptcy law after the date of filing of the petition for that other case;

"(25) under subsection (a)(3), of an eviction action, to the extent that it seeks possession based on endangerment of property or the illegal use of controlled substances on the property, if the lessor files with the court a certification that such an eviction has been filed or the debtor has endangered property or illegally used or allowed to be used a controlled substance on the property during the 30-day period preceding the date of filing of the certification, and serves a copy of the certification upon the debtor;";

(2) by adding at the end of the flush material at the end of the subsection the following: "With respect to the applicability of paragraph (23) or (25) to a debtor with respect to the commencement or continuation of a proceeding described in any such paragraph, the exception to the automatic stay shall become effective on the 15th day after the lessor meets the filing and notification requirements under any such paragraph, unless—

"(A) the debtor files a certification with the court and serves a copy of that certification upon the lessor on or before that 15th day, that—

"(i) contests the truth or legal sufficiency of the lessor's certification; or

"(ii) states that the tenant has taken such action as may be necessary to remedy the subject of the certification under paragraph (23)(B)(i), except that no tenant may take advantage of such remedy more than once under this title; or

"(B) the court orders that the exception to the automatic stay shall not become effective, or provides for a later date of applicability."; and

(3) by adding at the end of the flush material added by paragraph (2), the following:

"Where a debtor makes a certification under subparagraph (A), the clerk of the court shall set a hearing on a date no later than 10 days after the date of the filing of the certification of the debtor and provide written notice thereof. If the debtor can demonstrate to the satisfaction of the court that the rent payment due post-petition or 10 days prior to the petition was made prior to the filing of the debtor's certification under subparagraph (A), or that the situation giving rise to the exception in paragraph (25) does not exist or has been remedied to the court's satisfaction, then a stay under subsection (a) shall be in effect until the termination of the stay under this section. If the debtor cannot make this demonstration to the satisfaction of the court, the court shall order the stay under subsection (a) lifted forthwith. Where a debtor does not file a certification under subparagraph (A), the stay under subsection (a) shall be lifted by operation of law and the clerk of the court shall certify a copy of the bankruptcy docket as sufficient evidence that the automatic stay of subsection (a) is lifted.".

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking "six" and inserting "8"; and

(2) in section 1328, by inserting after subsection (e) the following:

"(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for by the plan or disallowed under section 502, if the debtor has received a discharge—

"(1) in a case filed under chapter 7, 11, or 12 of this title during the three-year period preceding the date of the order for relief under this chapter, or

"(2) in a case filed under chapter 13 of this title during the two-year period preceding the date of such order, except that if the debtor demonstrates extreme hardship requiring that a chapter 13 case be filed, the court may shorten the two-year period.".

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) DEFINITION.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

"(i) clothing;

"(ii) furniture;

"(iii) appliances;

"(iv) 1 radio;

"(v) 1 television;

"(vi) 1 VCR;

"(vii) linens;

"(viii) china;

"(ix) crockery;

"(x) kitchenware;

"(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor, but only 1 personal computer only if used primarily for the education or entertainment of such minor children;

"(xii) medical equipment and supplies;

"(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor; and

"(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor.

"(B) The term 'household goods' does not include—

"(i) works of art (unless by or of the debtor or the dependents of the debtor);

"(ii) electronic entertainment equipment (except 1 television, 1 radio, and 1 VCR);

"(iii) items acquired as antiques;

"(iv) jewelry (except wedding rings); and

"(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.".

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by this section, with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact that section 522(f)(4) of that title, as added by this section, has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to section 522(f)(4) of title 11, United States Code, consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) IN GENERAL.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);".

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.".

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(C) by adding at the end the following:

"(2) If, within the 90 days prior to the date of the filing of a petition in a voluntary case, the creditor supplied the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number. In the event the creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if the creditor supplied the debtor in the last 2 communications with the current account number of the debtor and the address at which the creditor wishes to receive correspondence, then the debtor shall send any notice required under this title to the address provided by the creditor and such notice shall include the account number."; and

(2) by adding at the end the following:

"(e) At any time, a creditor, in a case of an individual debtor under chapter 7 or 13, may file with the court and serve on the debtor a notice of the address to be used to notify the creditor in that case. Five days after receipt of such notice, if the court or the debtor is required to give the creditor notice, such notice shall be given at that address.

"(f) An entity may file with the court a notice stating its address for notice in cases under chapters 7 and 13. After 30 days following the filing of such notice, any notice in any case filed under chapter 7 or 13 given by the court shall be to that address unless specific notice is given under subsection (e) with respect to a particular case.

"(g)(1) Notice given to a creditor other than as provided in this section shall not be effective notice until that notice has been brought to the attention of the creditor. If the creditor designates a person or department to be responsible for receiving notices concerning bankruptcy cases and establishes reasonable procedures so that bankruptcy notices received by the creditor are to be delivered to such department or person, notice shall not be considered to have been brought to the attention of the creditor until received by such person or department.

"(2) No sanction under section 362(k) or any other sanction that a court may impose on account of violations of the stay under section 362(a) or failure to comply with section 542 or 543 may be imposed on any action of the creditor unless the action takes place after the creditor has received notice of the commencement of the case effective under this section.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (a), as so designated by this Act, by striking paragraph (1) and inserting the following:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if applicable, a certificate—

"(I) of an attorney whose name is on the petition as the attorney for the debtor or any bankruptcy petition preparer signing the petition under section 110(b)(1) indicating that such attorney or bankruptcy petition preparer delivered to the debtor any notice required by section 342(b); or

"(II) if no attorney for the debtor is indicated and no bankruptcy petition preparer signed the petition, of the debtor that such notice was obtained and read by the debtor;

"(iv) copies of all payment advices or other evidence of payment, if any, received by the debtor from any employer of the debtor in the period 60 days before the filing of the petition;

"(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

"(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of filing;"; and

(2) by adding at the end the following:

"(e)(1) At any time, a creditor, in the case of an individual under chapter 7 or 13, may file with the court notice that the creditor requests the petition, schedules, and a statement of affairs filed by the debtor in the case, and the court shall make those documents available to the creditor who requests those documents.

"(2)(A) The debtor shall provide either a tax return or transcript at the election of the debtor, for the latest taxable period prior to filing for which a tax return has been or should have been filed, to the trustee, not later than 7 days before the date first set for the first meeting of creditors, or the case shall be dismissed, unless the debtor demonstrates that the failure to file a return as required is due to circumstances beyond the control of the debtor.

"(B) If a creditor has requested a tax return or transcript referred to in subparagraph (A), the debtor shall provide such tax return or transcript to the requesting creditor at the time the debtor provides the tax return or transcript to the trustee, or the case shall be dismissed, unless the debtor demonstrates that the debtor is unable to provide such information due to circumstances beyond the control of the debtor.

"(3)(A) At any time, a creditor in a case under chapter 13 may file with the court notice that the creditor requests the plan filed by the debtor in the case.

"(B) The court shall make such plan available to the creditor who requests such plan—

"(i) at a reasonable cost; and

"(ii) not later than 5 days after such request.

"(f) An individual debtor in a case under chapter 7, 11, or 13 shall file with the court at the request of the judge, United States trustee, or any party in interest—

"(1) at the time filed with the taxing authority, the Federal tax returns or transcript thereof required under applicable law, with respect to the period from the commencement of the case until such time as the case is closed;

"(2) at the time filed with the taxing authority, the Federal tax returns or transcript thereof required under applicable law, that were not filed with the taxing authority when the schedules under subsection (a)(1) were filed with respect to the period that is 3 years before the order of relief;

"(3) any amendments to any of the Federal tax returns or transcripts thereof, described in paragraph (1) or (2); and

"(4) in a case under chapter 13, a statement subject to the penalties of perjury by the debtor of the debtor's income and expenditures in the preceding tax year and monthly income, that shows how the amounts are calculated—

"(A) beginning on the date that is the later of 90 days after the close of the debtor's tax year or 1 year after the order for relief, unless a plan has been confirmed; and

"(B) thereafter, on or before the date that is 45 days before each anniversary of the confirmation of the plan until the case is closed.

"(g)(1) A statement referred to in subsection (f)(4) shall disclose—

"(A) the amount and sources of income of the debtor;

"(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

"(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in subsection (e)(2)(A) and subsection (f) shall be available to the United States trustee, any bankruptcy administrator, any trustee, and any party in interest for inspection and copying, subject to the requirements of subsection (h).

"(h)(1) Not later than 180 days after the date of enactment of the Bankruptcy Reform Act of 2001, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

"(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section

"(3) Not later than 1 year and 180 days after the date of enactment of the Bankruptcy Reform Act of 2001, the Director of the Administrative Office of the United States Courts shall prepare and submit to Congress a report that—

"(A) assesses the effectiveness of the procedures under paragraph (1); and

"(B) if appropriate, includes proposed legislation to—

"(i) further protect the confidentiality of tax information; and

"(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

"(i) If requested by the United States trustee or a trustee serving in the case, the debtor shall provide—

"(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; and

"(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(j)(1) Notwithstanding section 707(a), and subject to paragraph (2), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the filing of the petition commencing the case, the case shall be automatically dismissed effective on the 46th day after the filing of the petition.

"(2) With respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

"(3) Upon request of the debtor made within 45 days after the filing of the petition commencing a case described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.".

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a).".

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

"(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

"(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.";

(2) in section 1325(b)(1)(B), by striking "three-year period" and inserting "applicable commitment period"; and

(3) in section 1325(b), as amended by this Act, by adding at the end the following:

"(4) For purposes of this subsection, the 'applicable commitment period'—

"(A) subject to subparagraph (B), shall be—

"(i) 3 years; or

"(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner last reported by the Bureau of the Census;

"(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals last reported by the Bureau of the Census; or

"(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals last reported by the Bureau of the Census, plus $525 per month for each individual in excess of 4; and

"(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period."; and

(4) in section 1329(c), by striking "three years" and inserting "the applicable commitment period under section 1325(b)(1)(B)".

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by an attorney be submitted only after the debtor or the debtor's attorney has made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good-faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in the case of an individual filing under chapter 7, 11, or 13, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) that 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.".

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§1115. Property of the estate

"(a) In a case concerning an individual debtor, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.".

"(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the

debtor shall remain in possession of all property of the estate.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1115. Property of the estate.".

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case concerning an individual, provide for the payment to creditors through the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.".

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(15) In a case concerning an individual in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value of the property to be distributed under the plan on account of such claim is, as of the effective date of the plan, not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the debtor's projected disposable income (as that term is defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the term of the plan, whichever is longer.".

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case concerning an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14)".

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge an individual debtor"; and

(2) by adding at the end the following:

"(5) In a case concerning an individual—

"(A) except as otherwise ordered for cause shown, the discharge is not effective until completion of all payments under the plan; and

"(B) at any time after the confirmation of the plan and after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if—

"(i) for each allowed unsecured claim, the value, as of the effective date of the plan, of property actually distributed under the plan on account of that claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and

"(ii) modification of the plan under 1127 of this title is not practicable.".

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a case concerning an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

"(f)(1) Sections 1121 through 1128 of this title and the requirements of section 1129 of this title apply to any modification under subsection (a).

"(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125, as the court may direct, notice and a hearing, and such modification is approved.".

SEC. 322. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

(a) IN GENERAL.—Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (6), as added by this Act, the following:

"(7) any amount—

"(A) withheld by an employer from the wages of employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

"(ii) a health insurance plan regulated by State law whether or not subject to such title; or

"(B) received by the employer from employees for payment as contributions to—

"(i) an employee benefit plan subject to title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986, a deferred compensation plan under section 457 of the Internal Revenue Code of 1986, or a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986, except that amount shall not constitute disposable income, as defined in section 1325(b)(2) of this title; or

"(ii) a health insurance plan regulated by State law whether or not subject to such title;".

(b) APPLICATION OF AMENDMENT.—The amendments made by this section shall not apply to cases commenced under title 11, United States Code, before the expiration of the 180-day period beginning on the date of enactment of this Act.

SEC. 323. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) IN GENERAL.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking "Notwithstanding" and inserting "Except as provided in subsection (e)(2), and notwithstanding"; and

(2) by striking subsection (e) and inserting the following:

"(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

"(1) of all the property, wherever located, of the debtor as of the date of commencement of such case, and of property of the estate; and

"(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.".

(b) APPLICABILITY.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 324. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2), by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4), by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b) and 30.76 per centum of the fees hereafter collected under 28 U.S.C. section 1930(a)(1) and 25 percent of the fees hereafter collected under 28 U.S.C. section 1930(a)(3) shall be deposited as offsetting receipts to the fund established under 28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

SEC. 325. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

"(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.".

SEC. 326. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) In the case of an individual debtor under chapters 7 and 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of filing the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purpose, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.".

SEC. 327. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: "other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under *an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of paragraph (b)(l);''; and*

(B) in paragraph (2)(D), by striking ''penalty rate or provision'' and inserting ''penalty rate or penalty provision'';

(2) in subsection (c)—

(A) in paragraph (2), by inserting ''or'' at the end;

(B) in paragraph (3), by striking ''; or'' at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking ''; except that'' and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting ''or of a kind that section 365(b)(2) of this title expressly does not require to be cured'' before the semicolon at the end;

(2) in subparagraph (C), by striking ''and'' at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

''(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a non-residential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and''.

SEC. 328. NONDISCHARGEABILITY OF DEBTS INCURRED THROUGH VIOLATIONS OF LAWS RELATING TO THE PROVISION OF LAWFUL GOODS AND SERVICES.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking ''or'' at the end;

(2) in paragraph (18), as added by section 224 of this Act, by striking the period at the end of subparagraph (B) and inserting ''; or'';

(3) by adding at the end of the flush material immediately following that paragraph (18), as added by section 224 of this Act, the following: ''Nothing in paragraph (19) shall be construed to affect any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the first amendment to the Constitution of the United States.''; and

(4) by inserting before the flush material following that paragraph (18), the following:

''(19) that results from any judgment, order, consent order, or decree entered in any Federal or State court, or contained in any settlement agreement entered into by the debtor, including any court-ordered damages, fine, penalty, citation, or attorney fee or cost owed by the debtor, arising from—

''(A) an action alleging the violation of any Federal, State, or local statutory law, including but not limited to violations of sections 247 and 248 of title 18, that results from the debtor's—

''(i) harassment of, intimidation of, interference with, obstruction of, injury to, threat to, or violence against, any person—

''(I) because that person provides or has provided lawful goods or services;

''(II) because that person is or has been obtaining lawful goods or services; or

''(III) to deter that person, any other person, or a class of persons from obtaining or providing lawful goods or services; or

''(ii) damage or destruction of property of a facility providing lawful goods or services; or

''(B) a violation of a court order or injunction that protects access to a facility that provides lawful goods or services or the provision of lawful goods or services.''.

SEC. 329. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

''(A) the actual, necessary costs and expenses of preserving the estate, including wages, salaries, or commissions for services rendered after the commencement of the case, and wages and benefits awarded pursuant to an action brought in a court of law or the National Labor Relations Board as back pay attributable to any period of time after commencement of the case as a result of the debtor's violation of Federal or State law, without regard to when the original unlawful act occurred or to whether any services were rendered if the court determines that the award will not substantially increase the probability of layoff or termination of current employees or of nonpayment of domestic support obligations during the case;''.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, as amended by this Act, is amended by inserting after paragraph (48) the following:

''(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);''.

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (24), as added by this Act, the following:

''(25) under subsection (a), of—

''(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

''(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by the securities self regulatory organization to enforce such organization's regulatory power; or

''(C) any act taken by the securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;''.

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

''(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.''.

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking ''10'' each place it appears and inserting ''30''.

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

''(4)(A) Subject to subparagraph (B), in any case under any chapter of this title, an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

''(i) the date that is 120 days after the date of the order for relief; or

''(ii) the date of the entry of an order confirming a plan.

''(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days upon motion of the trustee or lessor for cause.

''(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.''.

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking ''subsection'' the first place it appears and inserting ''subsections (b) and''.

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

''(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1))), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.''.

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

''(3) A committee appointed under subsection (a) shall—

''(A) provide access to information for creditors who—

''(i) hold claims of the kind represented by that committee; and

''(ii) are not appointed to the committee;

''(B) solicit and receive comments from the creditors described in subparagraph (A); and

''(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).''.

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection designated as subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (i);

(2) in subsection (i), as so redesignated, by inserting ''and subject to the prior rights of holders of security interests in such goods or the proceeds thereof,'' after ''consent of a creditor,''; and

(3) by adding at the end the following:

''(j)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

"(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any applicable State statute that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Reform Act of 2001, or any successor thereto.".

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "(A) In" and inserting "In."; and

(B) by inserting "to an examiner, trustee under chapter 11, or professional person" after "awarded"; and

(2) by adding at the end the following:

"(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326 of this title.".

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

"(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.".

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

"(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

"(B) made according to ordinary business terms;";

(2) in paragraph (8), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.".

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting ", or a nonconsumer debt against a noninsider of less than $10,000," after "$5,000".

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking "On" and inserting "(1) Subject to paragraph (2), on"; and

(2) by adding at the end the following:

"(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

"(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.".

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "such period" and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,".

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: "Notwithstanding any local court rule, provision of a State constitution, any other Federal or State law that is not a bankruptcy law, or other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

"(14) 'disinterested person' means a person that—

"(A) is not a creditor, an equity security holder, or an insider;

"(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

"(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;".

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, as amended by this Act, is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and".

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

"(B) Upon the filing of a report under subparagraph (A)—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(C) In the case of any dispute arising out of an election described in subparagraph (A), the court shall resolve the dispute.".

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

"(i) a cash deposit;

"(ii) a letter of credit;

"(iii) a certificate of deposit;

"(iv) a surety bond;

"(v) a prepayment of utility consumption; or

"(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

"(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

"(2) Subject to paragraphs (3) and (4), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

"(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

"(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

"(i) the absence of security before the date of filing of the petition;

"(ii) the payment by the debtor of charges for utility service in a timely manner before the date of filing of the petition; or

"(iii) the availability of an administrative expense priority.

"(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of filing of the petition without notice or order of the court.".

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the" and inserting "The"; and

(2) by adding at the end the following:

"(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such debtor has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term "filing fee" means the filing required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

"(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

"(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.".

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms directing

debtors under chapter 11 of title 11, United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in which the debtor holds a substantial or controlling interest.

(b) PURPOSE.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

SEC. 420. DUTIES WITH RESPECT TO A DEBTOR WHO IS A PLAN ADMINISTRATOR OF AN EMPLOYEE BENEFIT PLAN.

(a) IN GENERAL.—Section 521(a) of title 11, United States Code, as so designated by section 106(d) of this Act, is amended-

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) unless a trustee is serving in the case, if at the time of filing, the debtor, served as the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002)) of an employee benefit plan, continue to perform the obligations required of the administrator.".

(b) DUTIES OF TRUSTEES.—Section 704(a) of title 11, United States Code, as so designated and otherwise amended by this Act, is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(12) where, at the time of the time of the commencement of the case, the debtor served as the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002)) of an employee benefit plan, continue to perform the obligations required of the administrator;".

(c) CONFORMING AMENDMENT.—Section 1106(a) of title 11, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) perform the duties of the trustee, as specified in paragraphs (2), (5), (7), (8), (9), (10), (11), and (12) of section 704;".

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon "and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information"; and

(2) by striking subsection (f), and inserting the following:

"(f) Notwithstanding subsection (b), in a small business case—

"(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

"(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

"(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

"(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 20 days before the date of the hearing on confirmation of the plan; and

"(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.".

SEC. 432. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, as amended by this Act, is amended by striking paragraph (51C) and inserting the following:

"(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

"(51D) 'small business debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent, liquidated secured and unsecured debts as of the date of the petition or the order for relief in an amount not more than $3,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $3,000,000 (excluding debt owed to 1 or more affiliates or insiders);".

(b) CONFORMING AMENDMENT.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) REPORTING REQUIRED.—

(1) IN GENERAL.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§308. Debtor reporting requirements

"(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(b) A small business debtor shall file periodic financial and other reports containing information including—

"(1) the debtor's profitability;

"(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(4)(A) whether the debtor is—

"(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(ii) timely filing tax returns and other required government filings and paying taxes and other administrative claims when due;

"(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) PROPOSAL OF RULES AND FORMS.—The Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States shall propose for adoption amended Federal Rules of Bankruptcy Procedure and Official Bankruptcy Forms to be used by small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative claims when due.

(b) PURPOSE.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) the small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help the small business debtor to understand the small business debtor's financial condition and plan the small business debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) DUTIES IN CHAPTER 11 CASES.—Subchapter I of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"§1116. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court waives that requirement after notice and hearing, upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns and other required government filings; and

"(B) subject to section 363(c)(2), timely pay all administrative expense tax claims, except those being contested by appropriate proceedings being diligently prosecuted; and

"(7) allow the United States trustee, or a designated representative of the United States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) Clerical Amendment.—The table of sections for chapter 11 of title 11, United States Code, is amended by adding at the end of the matter relating to subchapter I the following:

"1116. Duties of trustee or debtor in possession in small business cases.".

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and hearing; or

"(B) the court, for cause, orders otherwise;

"(2) the plan, and any necessary disclosure statement, shall be filed not later than 300 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e), within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e)(1) In a small business case, the plan shall be confirmed not later than 45 days after the date that a plan is filed with the court as provided in section 1121(e).

"(2) The 45-day period referred to in paragraph (1) may be extended only if—

"(A) the debtor, after notice and hearing, demonstrates that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time at which the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the entry of order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor and ascertain the state of the debtor's books and records and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ", may"; and

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and".

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by this Act is amended—

(1) in subsection (k), as redesignated by this Act—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages."; and

(2) by adding at the end the following:

"(l)(1) Except as provided in paragraph (2) of this subsection, the provisions of subsection (a) do not apply in a case in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has succeeded to substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C).

"(2) This subsection does not apply—

"(A) to an involuntary case involving no collusion by the debtor with creditors; or

"(B) to the filing of a petition if—

"(i) the debtor proves by a preponderance of the evidence that the filing of that petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) Expanded Grounds for Dismissal or Conversion.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interest of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted if the debtor or another party in interest objects and establishes that—

"(A) there is a reasonable likelihood that a plan will be confirmed within the timeframes established in sections 1121(e) and 1129(e) of this title, as amended, or in cases in which these sections do not apply, within a reasonable period of time; and

"(B) the grounds include an act or omission of the debtor—

"(i) for which there exists a reasonable justification for the act or omission; and

"(ii) that will be cured within a reasonable period of time fixed by the court.

"(3) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, the term 'cause' includes—

"(A) substantial or continuing loss to or diminution of the estate;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

"(D) unauthorized use of cash collateral harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) repeated failure timely to satisfy any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee or the bankruptcy administrator;

"(I) failure timely to pay taxes due after the date of the order for relief or to file tax returns due after the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan;

"(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date on which the petition is filed.

"(5) The court shall commence the hearing on any motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of the hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.".

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Administrative Office of United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before or after the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting "notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary"; and

(2) by striking the last sentence and inserting the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560, 561, 562" after "557,".

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of each district shall collect statistics regarding individual debtors with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be on a standardized form prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than October 31, 2002, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by those debtors;

"(B) the current monthly income, average income, and average expenses of those debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

"(C) the aggregate amount of debt discharged in the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the filing of the petition and the closing of the case;

"(E) for the reporting period—

"(i) the number of cases in which a reaffirmation was filed; and

"(ii)(I) the total number of reaffirmations filed;

"(II) of those cases in which a reaffirmation was filed, the number of cases in which the debtor was not represented by an attorney; and

"(III) of those cases in which a reaffirmation was filed, the number of cases in which the reaffirmation was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders determining the value of property securing a claim issued;

"(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's counsel or damages awarded under such Rule.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) AMENDMENT.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"§ 589b. Bankruptcy data

"(a) RULES.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees, as the case may be, in cases under chapter 11 of title 11.

"(b) REPORTS.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

"(c) Required Information.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

"(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

"(3) appropriate privacy concerns and safeguards.

"(d) Final Reports.—Final reports proposed for adoption by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General, shall propose, include with respect to a case under such title—

"(1) information about the length of time the case was pending;

"(2) assets abandoned;

"(3) assets exempted;

"(4) receipts and disbursements of the estate;

"(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

"(6) claims asserted;

"(7) claims allowed; and

"(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

"(e) Periodic Reports.—Periodic reports proposed for adoption by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General, in the discretion of the Attorney General, shall propose, include—

"(1) information about the standard industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(2) length of time the case has been pending;

"(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

"(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

"(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 603. AUDIT PROCEDURES.

(a) In General.—

(1) Establishment of procedures.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information which the debtor is required to provide under sections 521 and 1322 of title 11, and, if applicable, section 111 of title 11, in individual cases filed under chapter 7 or 13 of such title. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) Procedures.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) Amendments.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Reform Act of 2001; and"; and

(2) by adding at the end the following:

"(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Reform Act of 2001.

"(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the bankruptcy court shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.".

(c) Amendments to Section 521 of Title 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by this Act, is amended in each of paragraphs (3) and (4) by inserting "or an auditor appointed under section 586(f) of title 28" after "serving in the case".

(d) Amendments to Section 727 of Title 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.".

(e) Effective Date.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) Treatment of Certain Liens.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions which arise after the filing of a petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of that property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

"(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement and, if so filed, shall be allowed as a single claim.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting "at the address and in the manner designated in paragraph (1)" after "determination of such tax";

(2) by striking "(1) upon payment" and inserting "(A) upon payment";

(3) by striking "(A) such governmental unit" and inserting "(i) such governmental unit";

(4) by striking "(B) such governmental unit" and inserting "(ii) such governmental unit";

(5) by striking "(2) upon payment" and inserting "(B) upon payment";

(6) by striking "(3) upon payment" and inserting "(C) upon payment";

(7) by striking "(b)" and inserting "(2)"; and

(8) by inserting before paragraph (2), as so designated, the following:

"(b)(1)(A) The clerk of each district shall maintain a listing under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

"(i) designate an address for service of requests under this subsection; and

"(ii) describe where further information concerning additional requirements for filing such requests may be found.

"(B) If a governmental unit referred to in subparagraph (A) does not designate an address and provide that address to the clerk under that subparagraph, any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of that governmental unit.".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§511. Rate of interest on tax claims

"(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

"(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 510 the following:

"511. Rate of interest on tax claims.".

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "for a taxable year ending on or before the date of filing of the petition" after "gross receipts";

(B) in clause (i), by striking "for a taxable year ending on or before the date of filing of the petition"; and

(C) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

"(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period; plus 90 days."; and

(2) by adding at the end the following:

"An otherwise applicable time period specified in this paragraph shall be suspended for (i) any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus (ii) any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking "assessed" and inserting "incurred".

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314 of this Act, is amended by striking "paragraph" and inserting "section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),".

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt described in subparagraph (A) or (B) of section 523(a)(2) that is owed to a domestic governmental unit or owed to a person as the result of an action filed under subchapter III of chapter 37 of title 31, United States Code, or any similar State statute, or for a tax or customs duty with respect to which the debtor—

"(A) made a fraudulent return; or

"(B) willfully attempted in any manner to evade or defeat that tax or duty.".

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking "the debtor" and inserting "a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning an individual debtor's tax liability for a taxable period ending before the order for relief under this title".

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "deferred cash payments," and all that follows through the end of the subparagraph, and inserting "regular installment payments in cash—

"(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

"(ii) over a period ending not later than 5 years after the date of the entry of the order for relief under section 301, 302, or 303; and

"(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for in the plan (other than cash payments made to a class of creditors under section 1122(b)); and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) PAYMENT OF TAXES REQUIRED.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned within a reasonable period of time after the lien attaches by the trustee of a bankruptcy estate under section 554 of title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed under chapter 7 of title 11; or

"(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) PAYMENT OF AD VALOREM TAXES REQUIRED.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) REQUEST FOR PAYMENT OF ADMINISTRATIVE EXPENSE TAXES ELIMINATED.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;".

(d) PAYMENT OF TAXES AND FEES AS SECURED CLAIMS.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by this Act, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i), by inserting "or given" after "filed"; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following:

"For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by this Act, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) FILING OF PREPETITION TAX RETURNS REQUIRED FOR PLAN CONFIRMATION.—Section 1325(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.".

(b) ADDITIONAL TIME PERMITTED FOR FILING TAX RETURNS.—

(1) IN GENERAL.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"§ 1308. Filing of prepetition tax returns

"(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

"(2) Upon notice and hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 13 of title 11, United States Code, is amended by inserting after the item relating to section 1307 the following:

"1308. Filing of prepetition tax returns.".

(c) DISMISSAL OR CONVERSION ON FAILURE TO COMPLY.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.".

(d) TIMELY FILED CLAIMS.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following: ", and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required".

(e) RULES FOR OBJECTIONS TO CLAIMS AND TO CONFIRMATION.—It is the sense of Congress that the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose for adoption amended Federal Rules of Bankruptcy Procedure which provide that—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, no objection to a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case," after "records"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (25), as added by this Act, the following:

"(26) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the order for relief against an income tax liability for a taxable period that also ended before the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, upon motion of the trustee and after notice and hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of that authority in the setoff under section 506(a);".

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) IN GENERAL.—Section 346 of title 11, United States Code, is amended to read as follows:

"§ 346. Special provisions related to the treatment of State and local taxes

"(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

"(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make said returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

"(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the

case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

"(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

"(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

"(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

"(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

"(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

"(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

"(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

"(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the order for relief under this title to the extent that—

"(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

"(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

"(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

"(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

"(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

"(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.".

(b) CONFORMING AMENDMENTS.—

(1) Section 728 of title 11, United States Code, is repealed.

(2) Section 1146 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

(3) Section 1231 of title 11, United States Code, is amended—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(k)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

"(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.".

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

"CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

"Sec.
"1501. Purpose and scope of application.

"SUBCHAPTER I—GENERAL PROVISIONS

"1502. Definitions.
"1503. International obligations of the United States.
"1504. Commencement of ancillary case.
"1505. Authorization to act in a foreign country.
"1506. Public policy exception.
"1507. Additional assistance.
"1508. Interpretation.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"1509. Right of direct access.
"1510. Limited jurisdiction.
"1511. Commencement of case under section 301 or 303.
"1512. Participation of a foreign representative in a case under this title.
"1513. Access of foreign creditors to a case under this title.
"1514. Notification to foreign creditors concerning a case under this title.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"1515. Application for recognition.
"1516. Presumptions concerning recognition.
"1517. Order granting recognition.
"1518. Subsequent information.
"1519. Relief that may be granted upon filing petition for recognition.
"1520. Effects of recognition of a foreign main proceeding.
"1521. Relief that may be granted upon recognition.
"1522. Protection of creditors and other interested persons.
"1523. Actions to avoid acts detrimental to creditors.
"1524. Intervention by a foreign representative.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
"1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
"1527. Forms of cooperation.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"1528. Commencement of a case under this title after recognition of a foreign main proceeding.
"1529. Coordination of a case under this title and a foreign proceeding.
"1530. Coordination of more than 1 foreign proceeding.
"1531. Presumption of insolvency based on recognition of a foreign main proceeding.
"1532. Rule of payment in concurrent proceedings.

"§ 1501. Purpose and scope of application

"(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

"(1) cooperation between—

"(A) United States courts, United States trustees, trustees, examiners, debtors, and debtors in possession; and

"(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

"(2) greater legal certainty for trade and investment;

"(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

"(4) protection and maximization of the value of the debtor's assets; and

"(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

"(b) This chapter applies where—

"(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

"(2) assistance is sought in a foreign country in connection with a case under this title;

"(3) a foreign proceeding and a case under this title with respect to the same debtor are taking place concurrently; or

"(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

"(c) This chapter does not apply to—

"(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

"(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

"(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter

7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

"(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 1502. Definitions

"For the purposes of this chapter, the term—

"(1) 'debtor' means an entity that is the subject of a foreign proceeding;

"(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

"(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

"(4) 'foreign main proceeding' means a foreign proceeding taking place in the country where the debtor has the center of its main interests;

"(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, taking place in a country where the debtor has an establishment;

"(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

"(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

"(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

"§ 1503. International obligations of the United States

"To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

"§ 1504. Commencement of ancillary case

"A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

"§ 1505. Authorization to act in a foreign country

"A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

"§ 1506. Public policy exception

"Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

"§ 1507. Additional assistance

"(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

"(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

"(1) just treatment of all holders of claims against or interests in the debtor's property;

"(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

"(3) prevention of preferential or fraudulent dispositions of property of the debtor;

"(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

"(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

"§ 1508. Interpretation

"In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 1509. Right of direct access

"(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

"(b) If the court grants recognition under section 1515, and subject to any limitations that the court may impose consistent with the policy of this chapter—

"(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

"(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

"(3) a court in the United States shall grant comity or cooperation to the foreign representative.

"(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

"(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

"(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

"(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

"§ 1510. Limited jurisdiction

"The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 1511. Commencement of case under section 301 or 303

"(a) Upon recognition, a foreign representative may commence—

"(1) an involuntary case under section 303; or

"(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

"(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

"§ 1512. Participation of a foreign representative in a case under this title

"Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 1513. Access of foreign creditors to a case under this title

"(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

"(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726 of this title, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

"(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

"(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 1514. Notification to foreign creditors concerning a case under this title

"(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

"(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

"(c) When a notification of commencement of a case is to be given to foreign creditors, the notification shall—

"(1) indicate the time period for filing proofs of claim and specify the place for their filing;

"(2) indicate whether secured creditors need to file their proofs of claim; and

"(3) contain any other information required to be included in such a notification to creditors under this title and the orders of the court.

"(d) Any rule of procedure or order of the court as to notice or the filing of a claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 1515. Application for recognition

"(a) A foreign representative applies to the court for recognition of the foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

"(b) A petition for recognition shall be accompanied by—

"(1) a certified copy of the decision commencing the foreign proceeding and appointing the foreign representative;

"(2) a certificate from the foreign court affirming the existence of the foreign proceeding and of the appointment of the foreign representative; or

"(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of the foreign proceeding and of the appointment of the foreign representative.

“(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

“(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

“§ 1516. Presumptions concerning recognition

“(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding (as defined in section 101) and that the person or body is a foreign representative (as defined in section 101), the court is entitled to so presume.

“(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

“(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

“§ 1517. Order granting recognition

“(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

“(1) the foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

“(2) the foreign representative applying for recognition is a person or body as defined in section 101; and

“(3) the petition meets the requirements of section 1515.

“(b) The foreign proceeding shall be recognized—

“(1) as a foreign main proceeding if it is taking place in the country where the debtor has the center of its main interests; or

“(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

“(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

“(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. The case under this chapter may be closed in the manner prescribed under section 350.

“§ 1518. Subsequent information

“From the time of filing the petition for recognition of the foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

“(1) any substantial change in the status of the foreign proceeding or the status of the foreign representative's appointment; and

“(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

“§ 1519. Relief that may be granted upon filing petition for recognition

“(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

“(1) staying execution against the debtor's assets;

“(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

“(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

“(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

“(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

“(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

“(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

“(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

“§ 1520. Effects of recognition of a foreign main proceeding

“(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

“(1) sections 361 and 362 apply with respect to the debtor and that property of the debtor that is within the territorial jurisdiction of the United States;

“(2) sections 363, 549, and 552 of this title apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

“(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

“(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

“(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

“(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

“§ 1521. Relief that may be granted upon recognition

“(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

“(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

“(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

“(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

“(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

“(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

“(6) extending relief granted under section 1519(a); and

“(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

“(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

“(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

“(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

“(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

“(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(l) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

“§ 1522. Protection of creditors and other interested persons

“(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

“(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3) of this title, to conditions it considers appropriate, including the giving of security or the filing of a bond.

“(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

“(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

“§ 1523. Actions to avoid acts detrimental to creditors

“(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

“(b) When the foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

“§ 1524. Intervention by a foreign representative

“Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with foreign courts or foreign representatives, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, foreign courts or foreign representatives, subject to the rights of parties in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with foreign courts or foreign representatives.

"(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with foreign courts or foreign representatives.

"§ 1527. Forms of cooperation

"Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

"If a foreign proceeding and a case under another chapter of this title are taking place concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) If the case in the United States is taking place at the time the petition for recognition of the foreign proceeding is filed—

"(A) any relief granted under section 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

"(B) even if the foreign proceeding is recognized as a foreign main proceeding, section 1520 does not apply.

"(2) If a case in the United States under this title commences after recognition, or after the filing of the petition for recognition, of the foreign proceeding—

"(A) any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if the foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§ 1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§ 1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§ 1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ", and this chapter, sections 307, 362(l), 555 through 557, and 559 through 562 apply in a case under chapter 15"; and

(2) by adding at the end the following:

"(j) Chapter 15 applies only in a case under such chapter, except that—

"(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

"(2) section 1509 applies whether or not a case under this title is pending.".

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of the foreign proceeding;".

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.".

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 15 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking "or 13" and inserting "13, or 15,".

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

"§ 1410. Venue of cases ancillary to foreign proceedings

"A case under chapter 15 of title 11 may be commenced in the district court for the district—

"(1) in which the debtor has its principal place of business or principal assets in the United States;

"(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

"(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.".

(d) OTHER SECTIONS OF TITLE 11.—

(1) Section 109(b)(3) of title 11, United States Code, is amended to read as follows:

"(3)(A) a foreign insurance company, engaged in such business in the United States; or

"(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101) in the United States.".

(2) Section 303(k) of title 11, United States Code, is repealed.

(3)(A) Section 304 of title 11, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 3 of title 11, United States Code, is amended by striking the item relating to section 304.

(C) Section 306 of title 11, United States Code, is amended by striking ", 304," each place it appears.

(4) Section 305(a)(2) of title 11, United States Code, is amended to read as follows:

"(2)(A) a petition under section 1515 of this title for recognition of a foreign proceeding has been granted; and

"(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension.".

(5) Section 508 of title 11, United States Code, is amended—

(A) by striking subsection (a); and

(B) in subsection (b), by striking "(b)".

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—Section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(i)) is amended by inserting ", resolution, or order" after "any similar agreement that the Corporation determines by regulation".

(b) DEFINITION OF SECURITIES CONTRACT.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(c) DEFINITION OF COMMODITY CONTRACT.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(d) DEFINITION OF FORWARD CONTRACT.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV) including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.".

(e) DEFINITION OF REPURCHASE AGREEMENT.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V) including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(f) Definition of Swap Agreement.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

"(vi) Swap agreement.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V) including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this title only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.".

(g) Definition of Transfer.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

"(viii) Transfer.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.".

(h) Treatment of Qualified Financial Contracts.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking "paragraph (10)" and inserting "paragraphs (9) and (10)";

(B) in clause (i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration"; and

(C) by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);"; and

(2) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);".

(i) Avoidance of Transfers.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States (12 U.S.C. 91) or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Corporation".

SEC. 902. AUTHORITY OF THE CORPORATION WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) In General.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(1) in subparagraph (E), by striking "other than paragraph (12) of this subsection, subsection (d)(9)" and inserting "other than subsections (d)(9) and (e)(10)"; and

(2) by adding at the end the following new subparagraphs:

"(F) Clarification.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

"(G) Walkaway clauses not effective.—

"(i) In general.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

"(ii) Walkaway clause defined.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(b) Technical and Conforming Amendment.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) Transfers of Qualified Financial Contracts to Financial Institutions.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

"(9) Transfer of qualified financial contracts.—

"(A) In general.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

"(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

"(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

"(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) Transfer to foreign bank, foreign financial institution, or branch or agency of a foreign bank or financial institution.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) Transfer of contracts subject to the rules of a clearing organization.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) Definitions.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution, and the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.".

(b) Notice to Qualified Financial Contract Counterparties.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking "the conservator" and all that follows through the period and inserting the following: "the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.".

(c) RIGHTS AGAINST RECEIVER AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or sections 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge bank.

"(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.".

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person)."; and

(3) by including at the end of section 11(e) the following new paragraph:

"(17) SAVINGS CLAUSE.—The meaning of terms used in this subsection (e) are applicable for purposes of this subsection (e) only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities law (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.".

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.".

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) DEFINITIONS.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon ", or is exempt from such registration by order of the Securities and Exchange Commission"; and

(B) in subparagraph (B), by inserting before the period ", that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act, or that is a multilateral clearing organization (as defined in section 408 of this Act)";

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;"; and

(C) by amending subparagraph (C) (as redesignated) to read as follows:

"(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;";

(3) in paragraph (11), by inserting before the period "and any other clearing organization with which such clearing organization has a netting contract";

(4) by amending paragraph (14)(A)(i) to read as follows:

"(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or closeout values relating to such obligations or entitlements) among the parties to the agreement; and"; and

(5) by adding at the end the following new paragraph:

"(15) PAYMENT.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.".

(b) ENFORCEABILITY OF BILATERAL NETTING CONTRACTS.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(f) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).".

(c) ENFORCEABILITY OF CLEARING ORGANIZATION NETTING CONTRACTS.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code)."; and

(2) by adding at the end the following new subsection:

"(h) ENFORCEABILITY OF SECURITY AGREEMENTS.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization *shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.*

(d) Enforceability of Contracts With Uninsured National Banks, Uninsured Federal Branches and Agencies, Certain Uninsured State Member Banks, and Edge Act Corporations.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by inserting after section 406 the following new section:

"SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.

''(a) In General.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, except that for such purpose—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver or conservator appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank; and

''(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank, an uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act.

''(b) Liability.—The liability of a receiver or conservator of an uninsured national bank, uninsured Federal branch or agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

''(c) Regulatory Authority.—

''(1) In general.—The Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency and the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank that operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Act, in consultation with the Federal Deposit Insurance Corporation, may each promulgate regulations solely to implement this section.

''(2) Specific requirement.—In promulgating regulations, limited solely to implementing paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act, the Comptroller of the Currency and the Board of Governors of the Federal Reserve System each shall ensure that their regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

''(d) Definitions.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.''.

SEC. 907. BANKRUPTCY CODE AMENDMENTS.

(a) Definitions of Forward Contract, Repurchase Agreement, Securities Clearing Agency, Swap Agreement, Commodity Contract, and Securities Contract.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking ''means a contract'' and inserting ''means—

''(A) a contract'';

(ii) by striking '', or any combination thereof or option thereon;'' and inserting '', or any other similar agreement;''; and

(iii) by adding at the end the following:

''(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

''(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

''(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

''(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D) including any guarantee or reimbursement obligation by or to a forward contract merchant or financial participant in connection with any agreement or transaction referred to in any such subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;'';

(B) in paragraph (46), by striking ''on any day during the period beginning 90 days before the date of'' and inserting ''at any time before'';

(C) by amending paragraph (47) to read as follows:

''(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

''(A) means—

''(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, mortgage loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

''(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

''(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

''(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

''(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv) including any guarantee or reimbursement obligation by or to a repo participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

''(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;'';

(D) in paragraph (48), by inserting '', or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission,'' after ''1934''; and

(E) by amending paragraph (53B) to read as follows:

''(53B) 'swap agreement'—

''(A) means—

''(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is—

''(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

''(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

''(III) a currency swap, option, future, or forward agreement;

''(IV) an equity index or equity swap, option, future, or forward agreement;

''(V) a debt index or debt swap, option, future, or forward agreement;

''(VI) a total return, credit spread or credit swap, option, future, or forward agreement;

''(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

''(VIII) a weather swap, weather derivative, or weather option;

''(ii) any agreement or transaction that is similar to any other agreement or transaction referred to in this paragraph and that—

''(I) is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms

and conditions incorporated by reference therein); and

“(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

“(iii) any combination of agreements or transactions referred to in this subparagraph;

“(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

“(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

“(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v) including any guarantee or reimbursement obligation by or to a swap participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

“(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.”;

(2) in section 741(7), by striking paragraph (7) and inserting the following:

“(7) ‘securities contract’—

“(A) means—

“(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(ii) any option entered into on a national securities exchange relating to foreign currencies;

“(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

“(iv) any margin loan;

“(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

“(vi) any combination of the agreements or transactions referred to in this subparagraph;

“(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

“(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

“(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph including any guarantee or reimbursement obligation by or to a stockbroker, securities clearing agency, financial institution, or financial participant in connection with any agreement or transaction referred to in this subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

“(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan.”; and

(3) in section 761(4)—

(A) by striking “or” at the end of subparagraph (D); and

(B) by adding at the end the following:

“(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

“(G) any combination of the agreements or transactions referred to in this paragraph;

“(H) any option to enter into an agreement or transaction referred to in this paragraph;

“(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

“(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph including any guarantee or reimbursement obligation by or to a commodity broker or financial participant in connection with any agreement or transaction referred to in this paragraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;”.

(b) DEFINITIONS OF FINANCIAL INSTITUTION, FINANCIAL PARTICIPANT, AND FORWARD CONTRACT MERCHANT.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

“(22) ‘financial institution’ means—

“(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when any such Federal reserve bank, receiver, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741, such customer; or

“(B) in connection with a securities contract, as defined in section 741, an investment company registered under the Investment Company Act of 1940;”;

(2) by inserting after paragraph (22) the following:

“(22A) ‘financial participant’ means—

“(A) an entity that, at the time it enters into a securities contract, commodity contract, swap agreement, repurchase agreement, or forward contract, or at the time of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period; or

“(B) a clearing organization (as that term is defined in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991);”; and

(3) by striking paragraph (26) and inserting the following:

“(26) ‘forward contract merchant’ means a Federal reserve bank, or an entity the business of which consists in whole or in part of entering into forward contracts as or with merchants in a commodity, as defined in section 761 or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;”.

(c) DEFINITION OF MASTER NETTING AGREEMENT AND MASTER NETTING AGREEMENT PARTICIPANT.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

“(38A) ‘master netting agreement’—

“(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or closeout, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing, including any guarantee or reimbursement obligation related to 1 or more of the foregoing; and

“(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

“(38B) ‘master netting agreement participant’ means an entity that, at any time before the filing of the petition, is a party to an outstanding master netting agreement with the debtor;”.

(d) SWAP AGREEMENTS, SECURITIES CONTRACTS, COMMODITY CONTRACTS, FORWARD CONTRACTS, REPURCHASE AGREEMENTS, AND MASTER NETTING AGREEMENTS UNDER THE AUTOMATIC-STAY.—

(1) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by this Act, is amended—

(A) in paragraph (6), by inserting “, pledged to and under the control of,” after “held by”;

(B) in paragraph (7), by inserting “, pledged to and under the control of,” after “held by”;

(C) by striking paragraph (17) and inserting the following:

“(17) under subsection (a), of the setoff by a swap participant or financial participant of a

mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant or financial participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to and under the control of, or due from such swap participant or financial participant to margin, guarantee, secure, or settle any swap agreement;''; and

(D) by inserting after paragraph (26), as added by this Act, the following new paragraph:

''(27) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to and under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; or''.

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

''(m) LIMITATION.—The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (27) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.''.

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking ''under a swap agreement'';

(B) by striking ''in connection with a swap agreement'' and inserting ''under or in connection with any swap agreement''; and

(C) by inserting ''or financial participant'' after ''swap participant'' each place that term appears; and

(2) by adding at the end the following:

''(k) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.''.

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.''.

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§555. Contractual right to liquidate, terminate, or accelerate a securities contract''; *and*

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''.

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement'';

(2) in the first sentence, by striking ''liquidation'' and inserting ''liquidation, termination, or acceleration''; and

(3) in the third sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§560. Contractual right to liquidate, terminate, or accelerate a swap agreement'';

(2) in the first sentence, by striking ''termination of a swap agreement'' and inserting ''liquidation, termination, or acceleration of one or more swap agreements'';

(3) by striking ''in connection with any swap agreement'' and inserting ''in connection with the termination, liquidation, or acceleration of one or more swap agreements''; and

(4) in the second sentence, by striking ''As used'' and all that follows through ''right,'' and inserting ''As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,''.

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

''§561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15

''(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

''(1) securities contracts, as defined in section 741(7);

''(2) commodity contracts, as defined in section 761(4);

''(3) forward contracts;

''(4) repurchase agreements;

''(5) swap agreements; or

''(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

''(b) EXCEPTION.—

''(1) IN GENERAL.—A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

''(2) COMMODITY BROKERS.—If a debtor is a commodity broker subject to subchapter IV of chapter 7—

''(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under that subchapter IV; and

''(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor and traded on or subject to the rules of a contract market designated under

the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

"(3) CONSTRUCTION.—No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

"(A) a cross-margining agreement or similar arrangement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under paragraph (1) or (2) of section 5c(c) of the Commodity Exchange Act and has not been abrogated or rendered ineffective by the Commodity Futures Trading Commission; or

"(B) any other netting agreement between a clearing organization, as defined in section 761, and another entity that has been approved by the Commodity Futures Trading Commission.

"(c) DEFINITION.—As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

"(d) CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15 of this title, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.".

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, securities clearing agency, swap participant, repo participant, financial participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(B)(ii), by inserting before the semicolon the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)";

(2) in subsection (a)(3)(C), by inserting before the period the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561 of this title)"; and

(3) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(27), 555, 556, 559, 560, 561".

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant,";

(2) in sections 362(b)(7) and 546(f), by inserting "or financial participant" after "repo participant" each place that term appears;

(3) in section 546(e), by inserting "financial participant," after "financial institution,";

(4) in section 548(d)(2)(B), by inserting "financial participant," after "financial institution,";

(5) in section 548(d)(2)(C), by inserting "or financial participant" after "repo participant";

(6) in section 548(d)(2)(D), by inserting "or financial participant" after "swap participant";

(7) in section 555—

(A) by inserting "financial participant," after "financial institution,"; and

(B) by striking the second sentence and inserting the following: "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act), or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice";

(8) in section 556, by inserting ", financial participant," after "commodity broker";

(9) in section 559, by inserting "or financial participant" after "repo participant" each place that term appears; and

(10) in section 560, by inserting "or financial participant" after "swap participant".

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.
"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.
"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 907A. SECURITIES BROKER/COMMODITY BROKER LIQUIDATION.

The Securities and Exchange Commission and the Commodity Futures Trading Commission may consult with each other with respect to whether, under what circumstances, and the extent to which security futures products will be treated as commodity contracts or securities in a liquidation of a person that is both a securities broker and a commodity broker, and with respect to the treatment in such a liquidation of accounts in which both commodity contracts and securities are carried.

SEC. 908. RECORDKEEPING REQUIREMENTS.

Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may by regulation require more detailed recordkeeping by any insured depository institution with respect to qualified financial contracts (including market valuations) only if such insured depository institution is in a troubled condition (as such term is defined by the Corporation pursuant to 12 U.S.C. 1831i).";

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

"(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

"(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

"(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

"(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.".

SEC. 910. DAMAGE MEASURE.

(a) In General.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by this Act, the following:

"§562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements

"If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date of such liquidation, termination, or acceleration."; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by this Act) the following:

"562. Damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) Claims Arising From Rejection.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 562 of this title shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.".

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) Exception From Stay.—

"(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101, 741, and 761 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

"(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

"(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.".

SEC. 912. ASSET-BACKED SECURITIZATIONS.

Section 541 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting after paragraph (7), as added by this Act, the following:

"(8) any eligible asset (or proceeds thereof), to the extent that such eligible asset was transferred by the debtor, before the date of commencement of the case, to an eligible entity in connection with an asset-backed securitization, except to the extent such asset (or proceeds or value thereof) may be recovered by the trustee under section 550 by virtue of avoidance under section 548(a);"; and

(2) by adding at the end the following new subsection:

"(f) For purposes of this section—

"(1) the term 'asset-backed securitization' means a transaction in which eligible assets transferred to an eligible entity are used as the source of payment on securities, including, without limitation, all securities issued by governmental units, at least one class or tranche of which was rated investment grade by one or more nationally recognized securities rating organizations, when the securities were initially issued by an issuer;

"(2) the term 'eligible asset' means—

"(A) financial assets (including interests therein and proceeds thereof), either fixed or revolving, whether or not the same are in existence as of the date of the transfer, including residential and commercial mortgage loans, consumer receivables, trade receivables, assets of governmental units, including payment obligations relating to taxes, receipts, fines, tickets, and other sources of revenue, and lease receivables, that, by their terms, convert into cash within a finite time period, plus any residual interest in property subject to receivables included in such financial assets plus any rights or other assets designed to assure the servicing or timely distribution of proceeds to security holders;

"(B) cash; and

"(C) securities, including without limitation, all securities issued by governmental units;

"(3) the term 'eligible entity' means—

"(A) an issuer; or

"(B) a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and transferring eligible assets directly or indirectly to an issuer and taking actions ancillary thereto;

"(4) the term 'issuer' means a trust, corporation, partnership, governmental unit, limited liability company (including a single member limited liability company), or other entity engaged exclusively in the business of acquiring and holding eligible assets, issuing securities backed by eligible assets, and taking actions ancillary thereto; and

"(5) the term 'transferred' means the debtor, under a written agreement, represented and warranted that eligible assets were sold, contributed, or otherwise conveyed with the intention of removing them from the estate of the debtor pursuant to subsection (b)(8) (whether or not reference is made to this title or any section hereof), irrespective and without limitation of—

"(A) whether the debtor directly or indirectly obtained or held an interest in the issuer or in any securities issued by the issuer;

"(B) whether the debtor had an obligation to repurchase or to service or supervise the servicing of all or any portion of such eligible assets; or

"(C) the characterization of such sale, contribution, or other conveyance for tax, accounting, regulatory reporting, or other purposes.".

SEC. 913. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—This title shall take effect on the date of enactment of this Act.

(b) Application of Amendments.—The amendments made by this title shall apply with respect to cases commenced or appointments made under any Federal or State law on or after the date of enactment of this Act, but shall not apply with respect to cases commenced or appointments made under any Federal or State law before the date of enactment of this Act.

SEC. 914. SAVINGS CLAUSE.

The meaning of terms used in this title are applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) Reenactment.—

(1) In general.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277, 112 Stat. 2681-610), and amended by this Act, is reenacted.

(2) Effective date.—Subsection (a) shall be deemed to have taken effect on July 1, 2000.

(b) Conforming Amendment.—Section 302 of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

(a) In General.—Section 104(b) of title 11, United States Code, is amended by adding at the end the following:

"(4) The dollar amount in section 101(18) shall be adjusted at the same times and in the same manner as the dollar amounts in paragraph (1) of this subsection.".

(b) Effective Date.—The first adjustment required by section 104(b)(4) of title 11, United States Code, as added by subsection (a) of this section, shall occur on the later of—

(1) April 1, 2001; or

(2) 60 days after the date of enactment of this Act.

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) Contents of Plan.—Section 1222(a)(2) of title 11, United States Code, is amended to read as follows:

"(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

"(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

"(B) the holder of a particular claim agrees to a different treatment of that claim;".

(b) SPECIAL NOTICE PROVISIONS.—Section 1231(b) of title 11, United States Code, as so designated by this Act, is amended by striking "a State or local governmental unit" and inserting "any governmental unit".

SEC. 1004. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "$1,500,000" and inserting "$3,000,000"; and

(B) by striking "80" and inserting "50"; and

(2) in subparagraph (B)(ii)—

(A) by striking "$1,500,000" and inserting "$3,000,000"; and

(B) by striking "80" and inserting "50".

SEC. 1005. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking "the taxable year preceding the taxable year" and inserting "at least 1 of the 3 calendar years preceding the year".

SEC. 1006. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) IN GENERAL.—Section 1225(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) If the plan provides for specific amounts of property to be distributed on account of allowed unsecured claims as required by paragraph (1)(B), those amounts equal or exceed the debtor's projected disposable income for that period, and the plan meets the requirements for confirmation other than those of this subsection, the plan shall be confirmed.".

(b) MODIFICATION.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

"(d)(1) A modification of the plan under this section may not increase the amount of payments that were due prior to the date of the order modifying the plan.

"(2) A modification of the plan under this section to increase payments based on an increase in the debtor's disposable income may not require payments to unsecured creditors in any particular month greater than the debtor's disposable income for that month, unless the debtor proposes such a modification.

"(3) A modification of the plan in the last year of the plan shall not require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed, unless the debtor proposes such a modification.".

SEC. 1007. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' includes—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products;

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A); and

"(C) the transporting by vessel of a passenger for hire (as defined in section 2101 of title 46) who is engaged in recreational fishing;

"(7B) 'commercial fishing vessel' means a vessel used by a fisherman to carry out a commercial fishing operation;";

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation (including aquaculture for purposes of chapter 12)—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;"; and

(3) by inserting after paragraph (19A) the following:

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

*(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";*

(2) in section 1201, by adding at the end the following:

"(e)(1) Notwithstanding any other provision of law, for purposes of this subsection, a guarantor of a claim of a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.

"(2) For purposes of a claim that arises from the ownership or operation of a commercial fishing operation, a co-maker of a loan made by a creditor under this section shall be treated in the same manner as a creditor with respect to the operation of a stay under this section.";

(3) in section 1203, by inserting "or commercial fishing operation" after "farm";

(4) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property of a commercial fishing operation (including a commercial fishing vessel)"; and

(5) by adding at the end the following:

"§ 1232. Additional provisions relating to family fishermen

"(a)(1) Notwithstanding any other provision of law, except as provided in subsection (c), with respect to any commercial fishing vessel of a family fisherman, the debts of that family fisherman shall be treated in the manner prescribed in paragraph (2).

"(2)(A) For purposes of this chapter, a claim for a lien described in subsection (b) for a commercial fishing vessel of a family fisherman that could, but for this subsection, be subject to a lien under otherwise applicable maritime law, shall be treated as an unsecured claim.

"(B) Subparagraph (A) applies to a claim for a lien resulting from a debt of a family fisherman incurred on or after the date of enactment of this chapter.

"(b) A lien described in this subsection is—

"(1) a maritime lien under subchapter III of chapter 313 of title 46 without regard to whether that lien is recorded under section 31343 of title 46; or

"(2) a lien under applicable State law (or the law of a political subdivision thereof).

"(c) Subsection (a) shall not apply to—

"(1) a claim made by a member of a crew or a seaman including a claim made for—

"(A) wages, maintenance, or cure; or

"(B) personal injury; or

"(2) a preferred ship mortgage that has been perfected under subchapter II of chapter 313 of title 46.

"(d) For purposes of this chapter, a mortgage described in subsection (c)(2) shall be treated as a secured claim.".

(d) CLERICAL AMENDMENTS.—

(1) TABLE OF CHAPTERS.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(2) TABLE OF SECTIONS.—The table of sections for chapter 12 of title 11, United States Code, is amended by adding at the end the following new item:

"1232. Additional provisions relating to family fishermen.".

(e) Applicability.—

Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801, et seq.).

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27A), as added by this Act, as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric, or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) Patient and Patient Records Defined.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any person who obtains or receives services from a health care business;

"(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;".

(c) Rule of Construction.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) In General.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§351. Disposal of patient records

"If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall—

"(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the last known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

"(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

"(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.".

(b) Clerical Amendment.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 350 the following:

"351. Disposal of patient records.".

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as that term is defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business;

"(9) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or related to a failure to operate or penalty provisions, for the period of 2 years following the later of the rejection date or date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from a nondebtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6); and".

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) In General.—

(1) Appointment of ombudsman.—Subchapter II of chapter 3 of title 11, United States Code, is amended by inserting after section 331 the following:

"§332. Appointment of ombudsman

"(a) In General.—

"(1) Authority to appoint.—Not later than 30 days after a case is commenced by a health care business under chapter 7, 9, or 11, the court shall order the appointment of an ombudsman to monitor the quality of patient care to represent the interests of the patients of the health care business, unless the court finds that the appointment of the ombudsman is not necessary for the protection of patients under the specific facts of the case.

"(2) Qualifications.—If the court orders the appointment of an ombudsman, the United States trustee shall appoint 1 disinterested person, other than the United States trustee, to serve as an ombudsman. If the health care business is a long-term care facility, the trustee may appoint a person who is serving as a State Long-Term Care Ombudsman appointed under title III or VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq., 3058 et seq.).

In the event that the trustee does not appoint the State Long-Term Care Ombudsman to monitor the quality of patient care in a long-term care facility, the court shall notify the individual who serves as the State Long-Term Care Ombudsman of the name and address of the individual who is appointed.

"(b) Duties.—An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care, to the extent necessary under the circumstances, including interviewing patients and physicians;

"(2) not later than 60 days after the date of appointment, and not less frequently than every 60 days thereafter, report to the court, at a hearing or in writing, regarding the quality of patient care at the health care business involved; and

"(3) if the ombudsman determines that the quality of patient care is declining significantly or is otherwise being materially compromised, notify the court by motion or written report, with notice to appropriate parties in interest, immediately upon making that determination.

"(c) Confidentiality.—An ombudsman shall maintain any information obtained by the ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. The ombudsman may not review confidential patient records, unless the court provides prior approval, with restrictions on the ombudsman to protect the confidentiality of patient records. If the individual appointed as ombudsman is a person who is also serving as a State Long-Term Care Ombudsman appointed under title III or title VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq., 3058 et seq.), that person shall have access to patient records, consistent with authority spelled out in the Older Americans Act and State laws governing the State Long-Term Care Ombudsman program.".

(2) Clerical amendment.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 331 the following:

"332. Appointment of ombudsman.".

(b) Compensation of Ombudsman.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter preceeding subparagraph (A), by inserting "an ombudsman appointed under section 331, or" before "a professional person"; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) In General.—Section 704(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(11) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care.".

(b) Conforming Amendment.—Section 1106(a)(1) of title 11, United States Code, is amended by striking "sections 704(2), 704(5), 704(7), 704(8), and 704(9)" and inserting "paragraphs (2), (5), (7), (8), (9), and (11) of section 704(a)".

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (27), as added by this Act, the following:

"(28) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)) pursuant to title XI of such Act (42 U.S.C. 1301 et seq.) or title XVIII of such Act (42 U.S.C. 1395 et seq.).".

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by this Act, is amended—

(1) by striking "In this title—" and inserting "In this title, the following definitions shall apply:";

(2) in each paragraph, by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A) and (38), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph;

(6) by striking paragraph (54) and inserting the following:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property."; and

(7) in each of paragraphs (1) through (35), in each of paragraphs (36) and (37), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, as amended by section 308 of this Act, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking "subsection (c) or (d) of"; and

(2) in section 552(b)(1), by striking "product" each place it appears and inserting "products".

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so designated by this Act, is amended by striking "attorney's" and inserting "attorneys'".

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by this Act, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103–394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14);

(2) in subsection (a)(9), by striking "motor vehicle" and inserting "motor vehicle, vessel, or aircraft"; and

(3) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1), or that".

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting "365 or" before "542".

SEC. 1213. PREFERENCES.

(a) IN GENERAL.—Section 547 of title 11, United States Code, as amended by this Act, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (i)"; and

(2) by adding at the end the following:

"(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

(b) APPLICABILITY.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of" each place it appears;

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, as amended by this Act, is amended by inserting "1123(d)," after "1123(b),".

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1219. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 1220. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 1221. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) SALE OF PROPERTY OF ESTATE.—Section 363(d) of title 11, United States Code, is amended by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.".

(b) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1129(a) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) TRANSFER OF PROPERTY.—Section 541 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(g) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) APPLICABILITY.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1222. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking "20" and inserting "30".

SEC. 1223. BANKRUPTCY JUDGESHIPS.

(a) SHORT TITLE.—This section may be cited as the "Bankruptcy Judgeship Act of 2001".

(b) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following judgeship positions shall be filled in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the district of Delaware.

(D) Two additional bankruptcy judgeships for the southern district of Florida.

(E) One additional bankruptcy judgeship for the southern district of Georgia.

(F) Three additional bankruptcy judgeships for the district of Maryland.

(G) One additional bankruptcy judgeship for the eastern district of Michigan.

(H) One additional bankruptcy judgeship for the southern district of Mississippi.

(I) One additional bankruptcy judgeship for the district of New Jersey.

(J) One additional bankruptcy judgeship for the eastern district of New York.

(K) One additional bankruptcy judgeship for the northern district of New York.

(L) One additional bankruptcy judgeship for the southern district of New York.

(M) One additional bankruptcy judgeship for the eastern district of North Carolina.

(N) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(O) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(P) One additional bankruptcy judgeship for the district of Puerto Rico.

(Q) One additional bankruptcy judgeship for the western district of Tennessee.

(R) One additional bankruptcy judgeship for the eastern district of Virginia.

(S) One additional bankruptcy judgeship for the district of South Carolina.

(T) One additional bankruptcy judgeship for the district of Nevada, and one for the district of Delaware.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vacancy—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1).

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary bankruptcy judgeship positions authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee under paragraphs (1), (3), (7), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 11 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 13 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 11 years or more after August 29, 1994, with respect to the district of Puerto Rico; and

(D) 11 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to temporary judgeship positions referred to in this subsection.

(d) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: "Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the United States court of appeals for the circuit in which such district is located."; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking "2" and inserting "3"; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking "Middle and Southern . . . . . . 1".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 1224. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

"(A) by prorating such amount over the remaining duration of the plan; and

"(B) by monthly payments not to exceed the greater of—

"(i) $25; or

"(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan."; and

(2) by adding at the end the following:

"(d) Notwithstanding any other provision of this title—

"(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior proceeding under this title; and

"(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).".

SEC. 1225. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

"(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the filing of the petition;".

SEC. 1226. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test and reaffirmations under section 707(b) of title 11, United States Code, as amended by this Act.

SEC. 1227. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

"(c)(1) Except as provided in subsection (d) of this section and subsection (c) of section 507, and subject to the prior rights of holders of security interests in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, not later than 45 days prior to the date of the commencement of a case under this title, but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

"(A) not later than 45 days after the date of receipt of such goods by the debtor; or

"(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

"(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(7).".

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

"(10) the value of any goods received by the debtor not later than 20 days prior to the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.".

SEC. 1228. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual seeking bankruptcy under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code,. unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a bankruptcy case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1229. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1230. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, is amended by inserting after paragraph (8), as added by this Act, the following:

"(9) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

"(A) the tangible personal property is in the possession of the pledgee or transferee;

"(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

"(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b) of this title; or".

SEC. 1231. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the United States district court for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the United States district court for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.".

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the United States district court in the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

"(4) The Attorney General shall prescribe procedures to implement this subsection.".

SEC. 1232. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following:

"The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.".

SEC. 1233. EXPEDITED APPEALS OF BANKRUPTCY CASES TO COURTS OF APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking "Subject to subsection (b)," and inserting "Subject to subsections (b) and (d)(2),"; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following:

"(2)(A) A court of appeals that would have jurisdiction of a subsequent appeal under paragraph (1) or other law may authorize an immediate appeal of an order or decree, not otherwise appealable, that is entered in a case or proceeding pending under section 157 or is entered by the district court or bankruptcy appellate panel exercising jurisdiction under subsection (a) or (b), if the bankruptcy court, district court, bankruptcy appellate panel, or the parties acting jointly certify that—

"(i) the order or decree involves—

"(I) a substantial question of law;

"(II) a question of law requiring resolution of conflicting decisions; or

"(III) a matter of public importance; and

"(ii) an immediate appeal from the order or decree may materially advance the progress of the case or proceeding.

"(B) An appeal under this paragraph does not stay proceedings in the court from which the order or decree originated, unless the originating court or the court of appeals orders such a stay.".

(b) PROCEDURAL RULES.—

(1) TEMPORARY APPLICATION.—A provision of this subsection shall apply to appeals under section 158(d)(2) of title 28, United States Code, as added by subsection (a) of this section, until a rule of practice and procedure relating to such provision and appeal is promulgated or amended under chapter 131 of such title.

(2) CERTIFICATION.—A district court, bankruptcy court, or bankruptcy appellate panel may enter a certification as described in section 158(d)(2) of title 28, United States Code, during proceedings pending before that court or panel.

(3) PROCEDURE.—Subject to the other provisions of this subsection, an appeal by permission under section 158(d)(2) of title 28, United States Code, shall be taken in the manner prescribed in rule 5 of the Federal Rules of Appellate Procedure.

(4) FILING PETITION.—When permission to appeal is requested on the basis of a certification of the parties, a district court, bankruptcy court, or bankruptcy appellate panel, the petition shall be filed within 10 days after the certification is entered or filed.

(5) ATTACHMENT.—When permission to appeal is requested on the basis of a certification of a district court, bankruptcy court, or bankruptcy appellate panel, a copy of the certification shall be attached to the petition.

(6) PANEL AND CLERK.—In a case pending before a bankruptcy appellate panel in which permission to appeal is requested, the terms "district court" and "district clerk", as used in rule 5 of the Federal Rules of Appellate Procedure, mean "bankruptcy appellate panel" and "clerk of the bankruptcy appellate panel", respectively.

(7) APPLICATION OF RULES.—In a case pending before a district court, bankruptcy court, or bankruptcy appellate panel in which a court of appeals grants permission to appeal, the Federal Rules of Appellate Procedure apply to the proceedings in the court of appeals, to the extent relevant, as if the appeal were taken from a final judgment, order, or decree of a district court, bankruptcy court, or bankruptcy appellate panel exercising appellate jurisdiction under subsection (a) or (b) of section 158 of title 28, United States Code.

SEC. 1234. EXEMPTIONS.

Section 522(g)(2) of title 11, United States Code, is amended by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 1235. INVOLUNTARY CASES.

Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting "as to liability or amount" after "bona fide dispute"; and

(B) striking "if such claims" and inserting "if such undisputed claims"; and

(2) in subsection (h)(1), by inserting before the semicolon the following: "as to liability or amount".

SEC. 1236. FEDERAL ELECTION LAW FINES AND PENALTIES AS NONDISCHARGEABLE DEBT.

Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14A) (as added by this Act) the following:

"(14B) incurred to pay fines or penalties imposed under Federal election law;".

SEC. 1237. NO BANKRUPTCY FOR INSOLVENT POLITICAL COMMITTEES.

Section 105 of title 11, United States Code, is amended by adding at the end the following:

"(e) A political committee subject to the jurisdiction of the Federal Election Commission under Federal election laws may not file for bankruptcy under this title.".

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: .' (the blank space to be filled in by the creditor).

"(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: .' (the blank space to be filled in by the creditor).

"(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: .' (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

"(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

"(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

"(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

"(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Reform Act of 2001, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

"(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the program described in subclause (I).

"(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

"(H) The Board shall—

"(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

"(ii) establish the table required under clause (i) by assuming—

"(I) a significant number of different annual percentage rates;

"(II) a significant number of different account balances;

"(III) a significant number of different minimum payment amounts; and

"(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

"(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

"(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

"(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

"(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: ______.' (the blank space to be filled in by the creditor).".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the "Board") shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISER.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(b) NON-OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) CREDIT ADVERTISEMENTS.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(c) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) EFFECTIVE DATE.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) INTRODUCTORY RATE DISCLOSURES.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) ADDITIONAL NOTICE CONCERNING 'INTRODUCTORY RATES'.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(B) EXCEPTION.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) CONDITIONS FOR INTRODUCTORY RATES.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(D) DEFINITIONS.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) RELATION TO OTHER DISCLOSURE REQUIREMENTS.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) INTERNET-BASED APPLICATIONS AND SOLICITATIONS.—

"(A) IN GENERAL.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the information described in paragraph (6).

"(B) FORM OF DISCLOSURE.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

"(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment fee to be imposed if payment is made after such date.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the

level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) Study.—

(1) In general.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of bankruptcy cases filed under title 11, United States Code.

(2) Extension of credit.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) Regulations.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term "clear and conspicuous", as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) Examples.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) Standards.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

TITLE XIV—EMERGENCY ENERGY ASSISTANCE AND CONSERVATION MEASURES

SEC. 1401. SHORT TITLE.

This title may be cited as the "Energy Emergency Response Act of 2001".

SEC. 1402. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) high energy costs are causing hardship for families;

(2) restructured energy markets have increased the need for a higher and more consistent level of funding for low-income energy assistance programs;

(3) conservation programs implemented by the States and the low-income weatherization program reduce costs and need for additional energy supplies;

(4) energy conservation is a cornerstone of national energy security policy;

(5) the Federal Government is the largest consumer of energy in the economy of the United States; and

(6) many opportunities exist for significant energy cost savings within the Federal Government.

(b) Purposes.—The purposes of this title are to provide assistance to those individuals most affected by high energy prices and to promote and accelerate energy conservation investments in private and Federal facilities.

SEC. 1403. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION AND STATE ENERGY GRANTS.

(a) LIHEAP.—(1) Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2001 through 2005.".

(2) Section 2605(b)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)) is amended by adding at the end the following: "and except that during fiscal year 2001, a State may make payments under this title to households with incomes up to and including 200 percent of the poverty level for such State".

(b) Weatherization Assistance.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "For fiscal years 1999 through 2003 such sums as may be necessary" and inserting: "$310,000,000 for fiscal years 2001 and 2002, $325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005.".

(c) State Energy Conservation Grants.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary" and inserting: "$75,000,000 for each of fiscal years 2001 through 2005".

SEC. 1404. FEDERAL ENERGY MANAGEMENT REVIEWS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(e) Priority Response Reviews.—Each agency shall—

"(1) not later than October 1, 2001, undertake a comprehensive review of all practicable measures for—

"(A) increasing energy and water conservation; and

"(B) using renewable energy sources; and

"(2) not later than 180 days after completing the review, implement measures to achieve not less than 50 percent of the potential efficiency and renewable savings identified in the review.".

SEC. 1405. COST SAVINGS FROM REPLACEMENT FACILITIES.

Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)) is amended by adding at the end the following:

"(3)(A) In the case of an energy savings contract or energy savings performance contract providing for energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities, benefits ancillary to the purpose of such contract under paragraph (1) may include savings resulting from reduced costs of operation and maintenance at such replacement buildings or facilities when compared with costs of operation and maintenance at the buildings or facilities being replaced.

"(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may take into account (through the procedures developed pursuant to this section) savings resulting from reduced costs of operation and maintenance as described in subparagraph (A).".

SEC. 1406. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

SEC. 1407. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) Energy Savings.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term 'energy savings' means a reduction in the cost of energy, water, or wastewater treatment from a base cost established through a methodology set forth in the contract, used by either—

"(A) an existing federally owned building or buildings or other federally owned facilities as a result of—

"(i) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(ii) more efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(iii) more efficient use of water at an existing federally owned building or buildings, in either interior or exterior applications; or

"(B) a replacement facility under section 801(a)(3).".

(b) Energy Savings Contract.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for—

"(A) the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy, water conservation, or wastewater treatment measure or series of measures at one or more locations; or

"(B) energy savings through the construction and operation of one or more buildings or facilities to replace one or more existing buildings or facilities.".

(c) Energy or Water Conservation Measure.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read a follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

"(B) a water conservation measure that improves the efficiency of water use, is life cycle cost effective, and involves water conservation, water recycling or reuse, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not affecting the power generating operations at a federally owned hydroelectric dam.".

SEC. 1408. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect upon the date of enactment of this title.

TITLE XV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1501. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) Application of Amendments.—Except as otherwise provided in this Act, the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

TITLE XVI—MISCELLANEOUS PROVISIONS

SEC. 1601. REIMBURSEMENT OF RESEARCH, DEVELOPMENT, AND MAINTENANCE COSTS.

(a) IN GENERAL.—Not later August 1, 2001, the Federal Crop Insurance Corporation shall promulgate final regulations to carry out section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 522(b)), without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Corporation shall use the authority provided under section 808 of title 5, United States Code.

(c) EFFECTIVE DATE.—The final regulations promulgated under subsection (a) shall take effect on the date of publication of the final regulations.

SEC. 1602. STUDY OF THE EFFECT OF THE BANKRUPTCY REFORM ACT OF 2001.

(a) STUDY.—The General Accounting Office (in this section referred to as the "GAO") shall conduct a study to determine—

(1) the impact of this Act and the amendments made by this Act on—

(A) the number of filings under chapter 7 and chapter 13 of title 11, United States Code;

(B) the number of plan confirmations under chapter 13 of title 11, United States Code, and the number of such plans that are successfully completed; and

(C) the cost of filing for bankruptcy under chapter 7 and chapter 13 of title 11, United States Code, in each State;

(2) the effect of the enactment of this Act on—

(A) the availability and marketing of credit; and

(B) the price and terms of credit for consumers; and

(3) the extent to which this Act and the amendments made by this Act impact the ability of debtors below median income to obtain bankruptcy relief.

(b) REPORT TO CONGRESS.—Not later than 2 years after the effective date of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a).

(c) DATA COLLECTION BY UNITED STATES TRUSTEES.—

(1) IN GENERAL.—The Director of the Executive Office for United States Trustees shall collect data on the number of reaffirmations by debtors under title 11, United States Code, the identity of the creditors in such reaffirmations, and the type of debt that is reaffirmed.

(2) AVAILABILITY.—Periodically, but not less than annually, the Director shall make available to the public the data described in paragraph (1) in such manner as the Director may determine.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I ask unanimous consent that H.R. 333, the bankruptcy reform bill, as passed by the Senate, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

Mr. REID. Madam President, it is my understanding that we are now back on the energy and water appropriations bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Vermont, Mr. JEFFORDS, be recognized to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to praise the managers of the energy and water appropriations bill for their commitment to renewable energy. I particularly want to thank Senator REID for his leadership in bringing additional funding to advance the cause of clean energy in this Nation.

Growing problems associated with fossil fuel energy use, including fine particulates and global warming, make it critically important that renewable energy play a much larger part in future energy needs.

Each year, the important role renewable energy should play in meeting our future energy needs becomes more apparent. This year 61 Senators joined Senator BINGAMAN and myself in requesting an increase for renewable energy in this year's budget. I am happy to say that this is seven more Senators than we had last year.

I am also happy to say that Chairman REID and Ranking Member DOMENICI provided almost $60 million more than last year for renewable energy and $160 million more than was requested by the administration. They recognize the importance of renewable energy and once again demonstrated their strong Senate leadership on this issue.

For many years, I have come to this Chamber to offer an amendment on renewable energy. This year is the second year in a row that I come to ask Members to praise—not raise—the renewable energy budget. This is a practice to which I could easily become accustomed to.

There is perhaps no better time to push these technologies forward. Our Nation is focused on energy issues unlike it was in the last decade. We are at crossroads where we can begin to see the end of the path toward a clean, sustainable energy future. Renewable energy is the most important landmark on that path.

Today, renewables are beginning to take hold. Our faith in these clean energy sources has not been without merit. Wind power, for example, is the fastest growing form of energy in the world. In the United States, my home State of Vermont is a leader in the use of wind power. My wind energy bill with representatives Blanchard and Mineta started this program in the late 1970's. Worldwide almost 4,000 megawatts of new wind energy capacity were added in the year 2000. This year will likely see a similar, if not larger increase.

Although much of that capacity was added outside the United States, many of the high-tech jobs needed to make that possible came from inside the United States. And as the use of wind energy goes up, the costs will only come down. The best news of all is that our own wind resources remain largely untapped.

Other forms of renewable energy—such as solar, biomass and geothermal—have the same kinds of benefits:

These technologies provided high-tech jobs for U.S. workers.

They help reduce acid rain and other forms of air pollution, including greenhouse gas emissions.

They are not subject to the kinds of supply changes that lead to large fluctuations in the price of fossil fuels and they help us reduce our dependence on foreign sources of fossil fuels.

This is good for the health of citizens and for the health of our economy.

I thank Senators REID and DOMENICI, once again, for their leadership on this issue. I will continue to assist in whatever way I can to ensure that the strong statement made by the Senate today will be included in the final energy and water appropriations bill.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I say to my friend from Vermont, there are a lot of reasons that we increased the funding for renewables, but there is no reason more than the diligence the Senator from Vermont has shown over the past several years on this issue. As a result of his tenacity, every year we have had to increase the funding in this bill.

Senator DOMENICI and I thought: We are not going to do this anymore. The Senator should know his handprints are all over this part of the bill dealing with renewables. But for his efforts, it would not be here.

I am a real believer in renewables. Any long-term energy policy we are going to have in this country will not be successful unless a large segment of it deals with renewables. I express my appreciation to the Senator.

Mr. JEFFORDS. Madam President, I thank the Senator for those kind comments, and I assure him I will continue to work to improve our situation in this regard.

I yield the floor.

AMENDMENT NO. 987, AS MODIFIED

Mr. REID. Madam President, there is a matter pending. The Senator from Michigan has a modification to her amendment to have the amendment accepted.

On behalf of Senator DOMENICI and myself, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 2, line 18, before the period, insert the following: ", of which such sums as are necessary shall be used by the Secretary of the Army to conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): *Provided*, That during the fiscal years 2002 and 2003, no Federal or State permit or lease shall be issued for oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (including in or under any river flowing into or out of the lake)".

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I inquire of the Senator from Nevada, is this the amendment we worked out when we put in a quorum call?

Mr. REID. I say to my friend from New Mexico, that is right. Our staffs have done just exactly what we asked them to do.

Mr. DOMENICI. Not only do we not have any objection, but we think it is a good compromise and ought to be accepted. We will do our best in conference to retain it.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I thank my colleagues and leader who are working so hard. I very much appreciate both Senator REID and Senator DOMENICI working with us to fashion a 2-year ban on any drilling of oil and gas in the Great Lakes, coupled with a study that would be commenced by the Army Corps of Engineers as to the environmental impacts of any future drilling.

I am very appreciative of the leadership on both sides of the aisle from our colleagues and their willingness to work with me to make sure the Senate language is adopted by the Congress in the conference committee.

I also thank staff who have worked very hard on this amendment—Sander Lurie, Noushin Jahanian, and my chief of staff, Jean Marie Neal—for all their hard work.

Mr. DOMENICI. Madam President, it is my understanding Senator REID was on the floor with reference to the amendment regarding the Great Lakes. It was his and my understanding we had agreed to that amendment. I think we stopped short of the magic words "agreeing" to it.

I indicate there is no further debate on the amendment, and we yield back all time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 987, as modified.

The amendment (No. 987), as modified, was agreed to.

Mr. DOMENICI. I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, we have the bill before the Senate and have recently accepted an amendment, and we have had a number of statements on the bill. Senator DOMENICI and I hope to move forward with amendments. I have spoken to the Senator from Idaho who has an amendment to offer, although he will not offer it this evening. We are waiting for him to offer that amendment.

Senator DOMENICI and I will be patient for the next little bit, but tomorrow afternoon if we do not have people offering amendments, we will move to third reading. It is not fair to everyone else. I say to my friends in the minority, they have been very anxious to move forward on nominations. We have the President's choice to lead his consumer safety board and we have agreed to go forward on that. It has been reported out of the committee. We have a time set for debating that nomination. That cannot take place until we finish this bill.

In addition to that, Senator DASCHLE wants to work on the Transportation appropriations bill. We have a number of things we need to do this week. We are not accomplishing them now. Part of it is not the fault of the minority or the majority who have interests in this bill. Part of the problem is having been interrupted by the bankruptcy legislation which takes our eye off the mark. We are back on it now and there is nothing to take us off this until we complete the bill.

We have submitted an unanimous consent agreement not on a filing deadline for amendments but, rather, a finite list of amendments. That is now being circulated. We hope that can be approved.

As chairman of this subcommittee and also the Transportation Subcommittee under the Environment and Public Works Committee, I spend a lot of my time thinking about and worrying about the State of our Nation's physical infrastructure. The American Society of Civil Engineers' 2001 report card for America's infrastructure gives the Nation's infrastructure a cumulative grade of D+. That is pretty low. The two prime reasons for the rating include explosive population growth, lack of current investment, and growing obsolescence of an aging system, identified as problems in California and in the Nation's decaying water structure. We have created some of the problems in Washington by setting, for example, water quality standards that rural America simply does not have the money to meet. With these problems, our infrastructure is in a deep state of distress.

In Nevada, we are witnessing these problems on a daily basis. We have the most urban State in America. It is surprising to people when they learn Nevada is more urban than California, Illinois, Michigan, New York, and Florida. The reasons for that is 90 percent of the people live in the metropolitan areas of Las Vegas and Reno. Only 10 percent of the people live outside those metropolitan areas. However, in that 10 percent, it is very rural and it is an example of what we have in rural America.

The growth in the Las Vegas area has been phenomenal. We are having to build schools, roads, water systems, and all other basic infrastructure for modern life for the exploding population. We are having trouble keeping up. We have to build one school each month to keep up with the growth of school districts. We were the sixth largest school district a few months ago; we are now the fifth largest school district. There were 240,000 students in that school district, one new school each month. We hold the record in America for dedicating 18 new schools in one year.

The superintendent of education in Clark County where Las Vegas is located it not a superintendent of education; that person is a superintendent of construction. He spends a great deal of his time simply dealing with construction

At the same time, smaller communities throughout rural Nevada do not have clean drinking water due to natural contaminants in the ground water. The costs for moving the contaminants is several times the annual budgets of most small communities. Flooding problems throughout Nevada continue to devastate lives and property. As I said yesterday, people wonder, how can you have flooding problems in Nevada?

The Senator from Washington, the Presiding Officer, knows the whole State of Washington is not like Seattle, but as you move east in the State of Washington it becomes much the same as some parts of Nevada. I don't know if it could be called desert, but it sure doesn't rain very much so the Presiding Officer understands what I am talking about when I talk about the fact that these rural, arid areas can suffer from real flood problems. It happens. When the rains come the waters come, and they cause all kinds of degradation to property and sometimes lives are lost.

Environmental projects are sorely needed when we restore the natural areas of our environment, not only in Nevada but all over the country. Our Nation's medium and large cities have similar problems as well. Hartford, Atlanta, Chicago, and Richmond have antiquated storm systems that allow sewage and storm water runoff to be collected by the same system and sent to a treatment plant. During heavy rains, these systems are overwhelmed and raw sewage is dumped into our Nation's waterways.

Many of our citizens still live with the threat of flooding. Environmental restorations of degraded ecosystems are needed throughout our country. The infrastructure that makes up our inland and coastal waterways is really aging. The Corps of Engineers operates 276 navigation locks at 230 sites around the country. One hundred fifty of these locks are more than 50 years old. Nearly 100 of the remaining locks are nearly 25 years old. Most of these structures continue to perform as designed, but evidence of the need for reconstruction and modernization is becoming, very evident. Some facilities have reached their capacity and have reached the end of their design lives.

The Army Corps has been serving our Nation's infrastructure needs for more than 200 years, primarily in the areas of navigation and flood control. While some may quibble with individual projects that Congress instructs the Corps to undertake, no one can question the value that the Corps has historically played and continues to play in our Nation's development. However, we are slowly but surely strangling the Corps and our Nation's infrastructure to death with our fiscal inattention.

Financial shortfalls year in and year out in the water accounts of the Army Corps have now resulted in the backlog of $40 billion in authorized projects. They are awaiting the first dollar of funding; $40 billion of authorized projects have yet to receive their first dollar of funding.

This shortfall just takes into account the Corps' historic missions of navigation and flood control and does not take into account some of the new directions Congress has pushed the Corps in recent years. It is wrong to give short shrift to important components of our Nation's infrastructure. Flood control projects protect human lives and property. Navigation projects ensure that our Nation's economic engine continues to hum.

We have received some criticism in this bill that we spent too much money on dredging, having water areas made clear so dredges can come up and down. There are examples given that a lot of these projects that we have, there is not much commerce moving. But think what it would do if we did not have this barge traffic. It would only add to the trains that are already overwhelmed. It would only add to the number of trucks, and in my opinion there are too many of them on the roads anyway. So we have to understand that these projects are important.

In the western United States, the Bureau of Reclamation is facing similar issues as the Army Corps, an aging inventory of projects and a shrinking budget. Many do not realize Reclamation has been around for almost 100 years. Next year will be the 100th anniversary of the first ever Bureau of Reclamation project. It took place in Nevada. It was the Newlands Project named after the Nevada Congressman and it was to supposedly make the desert blossom like a rose.

A few problems developed as it was blossoming. It dried up one river. Lake Winnemucca is as dry as this table. Pyramid Lake is beautiful. There are only 21 lakes like it in the world, desert terminus lakes. We have two of them in Nevada. It almost dried up, but it is now on the road to recovery because of actions taken by this Congress to reverse some of the bad parts of the Newlands Act. But the Army Corps does the best it can, as has been said, with the tools it has.

The Newlands Project has done good for Nevada but also bad. We have to keep changing these projects. I cannot imagine what this part of Nevada would look like today without what has happened with water, but I can imagine what it used to look like with water going into these two lakes, one of which is now dried up.

Still, we continue to underinvest in both of these agencies. The need for water for municipal and industrial uses is not declining. The need for flood control is not declining. The need for a modern navigation system to transport products to market is not declining. Yet the budgets of these two agencies seems to continue to dwindle.

For example, I talked about the Newlands Project. One hundred years ago, people were enticed to come there. We said: This is going to be great for you and generations to come. People did come there. They have been farming for generations. Now the Federal Government has interfered, causing a disruption in their lives. It is not the fault of the farmers, but certainly the people who put in these reclamation projects did not understand what the full brunt of these programs would be.

So I repeat, we need to go back. We need to go back and review and change some of these projects. We have not had the money in the past to do that. We still don't. As I have indicated, we continue to underinvest in both of these agencies.

The need for water for municipal and industrial uses is not declining. The need for flood control is not declining. The need for a modern navigation system to transfer products to market is not declining. Yet the budgets of these two agencies continue to dwindle.

Public investment including authorization for water infrastructure in 1960 amounted to 3.9 percent of the gross domestic product. Today that figure is down to 2.6 percent, approximately. That may not sound like much of a change, but let's look at the Corps during that period.

In the mid-1960s, the country was investing $4.5 billion annually in new water infrastructure. Today, it is less than $1.5 billion. That is a significant change. From 1960 to now, we have gone from $4.5 billion to $1.5 billion. Our water resource needs are no less today than they were 40 years ago; They are more. Yet we are investing one-third as much.

One major impact of that reduction is the increasingly drawn out construction schedules forced by underfunding these projects. These artificially lengthened schedules cause a loss of some $5 billion in annual benefits and increase the cost of these products by some $500 million.

When many of these reclamation projects came into being, the main, the only intent was for agricultural purposes. Over the years, it has been found that some areas are very interested in these reclamation projects because of the recreation aspects of them. People like to water ski. They like to fish. They like to boat. They like to have picnics on the beach. Now they are competing with these farming projects. We need to go back and take a look at them.

These artificially lengthened schedules cause the loss, as I have indicated, of some $5 billion in benefits, either agricultural or recreational, and increase the cost of these projects by some $500 million—and that is each year. Failure to invest in maintenance, major rehabilitation, research and development, and new infrastructure resulted in the gradual reduction in the value of our capital water resources stock and, in turn, the benefits we receive.

The value of the Corps' capital stock peaked in 1981 with a replacement value of $150 billion. Today its estimated value has decreased to $124 billion. We need to reverse this trend. Public infrastructure is too important to our lives.

Federal waterway projects, including ports and inland waterways, handle more than 2.2 billion tons of our Nation's cargo, valued at more than $660 billion. As I said before, we could try to put that on trains, on trucks, on airplanes—2.2 billion tons of our Nation's cargo. I do not think that would be a good idea.

These waterways generate more than 13 million jobs, and Federal taxes collected at ports generate more than $150 billion a year. Federal flood control projects prevent more than $2 billion per year in damages, and my being from Nevada, I can vouch for that. Even though Las Vegas gets 4 inches of rain a year, the flood control projects probably save hundreds of millions of dollars more than that in property damage, loss of production, and certainly in lives.

Federal flood control projects prevent more than $2 billion per year in damages. Recreation provided by Federal water projects provide more than 500,00 jobs and provide recreational opportunities to more than 10 percent of the U.S. population. Water stored at Federal projects provides more than 250 million acre-feet of water for municipal, rural, and industrial users.

How much water is that? Las Vegas with 1.6 million people uses just a little more water than that. Two-hundred and fifty million acre-feet of water is stored at Federal projects. That is important.

Finally, Federal water projects provide nearly 30 percent of our Nation's hydropower or about 4 percent of our total electric capacity. In the west, Federal hydropower project provide an even higher percentage of the total electric capacity—as we have recently learned with the California energy crisis.

Public water infrastructure is the only Federal program that is required to be analyzed on a strict benefit to cost basis. The water infrastructure provided by the Army corps alone provides an annual rate of return of approximately 26 percent. The steam of benefits are realized as flood damages prevented, reduced transportation costs, electricity, recreation, and water supply services.

Society's values are increasingly emphasizing sustainability and ecological considerations in water infrastructure management and development. Like most people, I support these considerations.

The Army corps and reclamation expend nearly a quarter of their annual budgets on environmental projects. These ranges from major restoration projects such as the Comprehensive Everglades Restoration, to smaller projects, such as oyster recovery efforts in the Chesapeake Bay. Both agencies will continue to meet the nation's challenges in this arena.

As you can see, I am one who firmly believes that investments in our nation's infrastructure more than pay for themselves through improved productivity and efficiency. To ignore these needs in the short term is going to cause us problems over the long haul.

All of this is to say that we, as a body, need to think about the state of our nation's infrastructure comprehensively and soon.

Our physical infrastructure sustains our way of life, so we must sustain it.

We are here today to discuss energy and water matters, but, in the next few weeks, I hope to come back to the floor to discuss our nation's transportation infrastructure, another area of concern.

Before I close, I want to say some words of praise for the Federal employees and contractors that populate the departments, agencies, and other organizations that are funded under this bill.

Members of Congress are frequently critical of Federal agencies and departments, particularly ones where we have an oversight role. As I mentioned earlier, I have been a frequent critic of the Department of Energy.

But I have said that I think things are greatly improving as a result of some work done by Senator DOMENICI and some of his colleagues.

None of that is to suggest that I, or any other Member, am anything other than proud of the hard work and accomplishments of our Federal workforce, including, contractors, lab employees, and others that make these important organizations run.

I invite everyone who has the opportunity—as I have had—to go to the Federal Laboratories and some of our test sites where they have done things relating to the cold war—places where Federal employees are in love with their jobs. They spend long hours with little recognition. Many of these agencies, such as the Corps of Engineers, the Bureau of Reclamation, and Department of Energy, that we fund in this bill I think do a wonderful job. I have very few criticisms of the employees. There is a tiny fraction—as in any organization—that tries to cause trouble to the whole organization, but as far as I am concerned, they haven't succeeded.

I throw a bouquet to those entities funded within this bill, and I am very proud of working with them. We expect a lot of these organizations. With very few exceptions, they live up to all of my expectations and the demands we impose on them. I think they serve our Nation with distinction. I think I speak for Senator DOMENICI when I say we appreciate all the work they do.

My friend from New Mexico has been very patient with me. We are waiting for somebody to come and offer the next amendment. The floor is open. This is a good time to do it. After 5 o'clock, we are happy to work, if the leader wants to work awhile tonight. But because I think we are not coming in until 10:30 tomorrow because we have a special order in the morning dealing with our dear friend, Paul Coverdell, we are not going to be able to start on this bill until 10:30 in the morning. I hope we can get some work done tonight.

I repeat that we are not going to be able to go to the nomination until we complete this bill. There are, I believe, 7 hours on it. All that time probably won't be used. But then we have the Transportation appropriations bill on which we need to also work this week. I hope Members will come and help work through this bill. If there are problems, tell us. We have had a number of Members come to us during the vote—some Democrat—and we have been able to recognize what the problems are, and we have been able in most instances to satisfy the problems.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the Chair.

Let me say to the Republican Senators that it is important you begin to tell us what amendments you have. Obviously, we haven't been on this bill very long. For anybody who thinks we are wasting time, when you consider all the time we took off this bill to do other things, we have been on it only a few hours. This is a serious bill with a lot of serious issues.

Once again, we are hopeful that Senators will be able to come up with amendments. If in fact we can't complete that list this evening, we will do our best, and we will inform the distinguished chairman of our best efforts. For now, I once again ask if you have amendments, let us know through the Cloakroom. We can start listening. I think we only have a few at this point. We have specifically requested amendments on our side.

I do not know about our distinguished friend, the chairman of the subcommittee. Have you begun to accumulate a list? Is it small like our list?

Mr. REID. Yes. We are getting our Senators to tell us what amendments they want to offer. That is also being done on the other side. Hopefully, within a short time we will have at least a finite list, and hopefully we will be able to work through that. Of course, our very able staff will work through them also. I hope we can have that done pretty soon.

Mr. DOMENICI. Thank you.

Mr. President, let me proceed with some discussion while we wait for the activities and desires of our Senators, both Democrat and Republican.

First, I want to make a comment about the President's energy policy. Then I would like very much to talk about the future in terms of the economies of the world, prosperity and growth, and how it is related to energy, and how I see that future compared with others.

First, let me talk about the President's energy policy. It is contained in notebook form. For anyone who wants to read it from cover to cover, it is a cover-to-cover approach. It covers almost every issue. They have assessed almost every kind of energy and conservation issue that I believe has been in or around Washington, or anywhere in this Nation. They have begun to list what our energy needs of the future are and to come up with them in a rather basic way to let people challenge what we need in the future. That is all well and good.

But essentially, I would like to make a point that has not been made very often. If you look at the whole policy on energy that the President submitted to us—which was worked on for weeks on end by the Vice President and a distinguished staff, some of whom used to serve us here in the Senate—let's talk just a bit about how much new energy we are going to need out to 2020. They worked on it with economic experts, with projectors of growth, and with those who could estimate the electricity needs of our country for certain episodes during the next 20 years.

The conclusion was that the current ratio between energy demand and the gross domestic product might remain constant. Now gross domestic product is what we all reference to measure how much growth we have and how much we grow is measured as an addition to gross domestic product. When it is growing over a sustained period of time at a powerful rate, in America we equate that with prosperity, with jobs, with more opportunity, and higher pay for those who are not earning so. I don't think they have estimated the gross domestic product increase for the next 20 years at any exceptional rate, but rather sustained—something like blue chip experts estimate.

In doing that, we concluded we would need 77 percent more energy in 2020 than we are producing today.

If we drew a pie chart of a certain size which showed how much we are using today and then drew one around the outside, you would add 77 percent. Or you could take 2020 and draw one big pie. Then you would show a piece of it that is current needs and another piece that is future. In any event, the piece that is future needs would be 77 percent more than we are using today.

Most interesting, this national energy policy recommends conservation and efficiency measures that would reduce that increase by over half, resulting in us only needing to produce 29 percent in real energy additions.

The rest of it would be made up by enhancing and increasing our conservation and our efficiency. And there are numerous examples there on how you would increase efficiency, which equals a lot of research on products that will use less, on conservation. All kinds of things that we have already learned to do and are doing well, we would do more and do better.

Frankly, the President and some of the President's spokesmen may have started off talking about supply. We might have gotten a little bit excited about it. Some people in the country asked: What about conservation?

Well, I am just recalling, when it is all finally done, this is what it is: 77 percent new energy need; only 29 percent of it with new powerplants. They may use natural gas, which seems to be almost the singular source of every new powerplant in the country, and that can't continue forever. We will have to do some others. There's not been many new coal-burning powerplants, even though we are applying clean coal technology and, yes, not a new nuclear plant for two decades or so. But everything is moving in the direction of "let's do it better." Let's do it more efficiently; let's do it cleaner. And let's permit America to grow.

That is for starters. I am not changing any of that when I speak of this bill being a very good start in implementing an energy policy that moves us in the direction of diversity of energy, not just one kind; diversity so there is competition; diversity so that, in fact, you can address some overarching issues such as ambient air pollution that produces global warming.

We ought to be able to address some of those issues in our future thinking, because they are caused by certain types of energy being used to produce our energy supply, by kinds that produce the carbon dioxide and other things that go into the atmosphere and cause pollution. What if we can produce energy that causes little or none of those gases or much less of those. You can understand that clearly we don't have to be worried about global warming to the extent that we reduce the very essence of global warming pollutants in the basic supply of energy for electricity in our country.

Obviously, we are not talking as much about automobiles and their pollution here, but clearly, it is a very powerful thing to just look at the electricity needs and see if we can do that in a way that truly helps us with reference to global warming instead of hurting us.

There are a lot of people around that say there is a Kyoto agreement and we should follow it, even though the Senate voted about 2½ to 3 years ago, 95–0, that the Senate would not ratify the Kyoto agreement if they sent it to us. It seems to me every time we get in this debate in this country and the President is talked to about Kyoto, or for those who argue with him overseas, nobody even brings up the subject: "What about the Senate which voted 95–0 that we did not want to enforce that kind of program because it would put too much pressure on our future in terms of prosperity and, yes, indeed, may put a lot of pressure on countries that truly need to build new electric generating capacity so they can prosper."

What I am suggesting is, this bill moves in the direction of what we might very well call "beyond Kyoto" or what we may call "prosperity beyond Kyoto."

I will go through some of the very exciting things that are done in this bill that permit us to move in the direction of having a mindset beyond the Kyoto agreement, having a mindset for great prosperity for the underdeveloped countries and the developed countries in terms of being able to use energy for growth and prosperity without concern about global warming.

This is a pretty big vision, a pretty big idea, but frankly, I believe America should do it. I believe our President should take the lead.

I will go through a few things we are doing here and then fit them into a wrap-up as to how that could be America's vision beyond Kyoto.

First, the renewable energy programs in this country have made great strides in terms of innovation, proving concepts, but today it is still a very small portion of the energy production in our country. We ought to do what we did in this bill—increase our focus on renewables, ask that more be done in that area, and that it be part of a great inventory of potential products for this "beyond Kyoto" idea.

In this bill we made a good start. We funded renewable programs to the tune of $435 million. This is not legislation saying we shall have solar and who will do what. It just says we have these programs going, the Department of Energy shall manage $435 million during this year for the various renewable programs we have. That is 16 percent higher than current levels. There is no question that if we keep the pressure on and have a broader vision, this would be part of what we can do better. We can impose on that kind of technology to do more.

Then there are hydrogen-based technologies. Some think the world ought to be on a hydrogen diet for energy in the not too distant future, and some think it could be the basis for future growth projections. I am not quite there yet, but clearly it belongs in the equation. We have added about 30 percent to the research in that area.

This might end up decreasing our use of petroleum products in transportation, even though our basic agenda here is not with reference to the automobile and the internal combustion engine and the like. That research is largely being moved ahead in another appropriations bill.

High temperature superconductivity is important because it causes us to waste a lot less electricity as you run the electricity down the lines. Superconductivity would make it such that you would lose very little, if any, a very dramatic step forward. We have increased that about 20 percent, hoping that our great scientists can move into superconductivity and capture some of the waste that now goes into transmitting electricity—an exciting kind of idea.

Geothermal: We know there is a lot of it out there. We have added some research money, although we have been doing this for many years; that is, spending money on this system. We think we should try harder and do more.

Wind systems: They are already in existence. Now I am not one who thinks that wind energy can be as big a component of the future as others, just because I have observed what we currently do and I can't visualize doing 10 times as much or 50 times as much. But in any event, we said let's proceed with a little more dispatch.

And then on the side that we would call nuclear: The problem is that when you say nuclear power, people think of driving by a nuclear powerplant. Incidentally, you don't see any smoke come out of the chimneys because there is none. You don't see any pollution because there is none.

The spent fuel rods are inside that machine, and to the extent they are not careful with those, that creates some source of problem for human beings. But these are gigantic nuclear powerplants. They are almost all of one type. It is amazing how the American people, over the last 15 years, have grown more accustomed to driving by them and living with them, such that today in America there is a willingness to take another look at nuclear.

I know as soon as we take another look there will be those who would like to blindfold us right now and say: "Stop that. It is terrible, bad for everything."

Let me tell you, it is not bad for global warming; I will guarantee you that. If any group of environmentalists are really committed to solving the problem of global warming, let them at least listen to a proposal that would bring the world into contact with a new generation of nuclear powerplants. We might be able to set a goal for 10 or 15 years from now when we would be diminishing the pollution that would be commensurate with that growth, as far as global warming is concerned.

Why should that be dismissed when it is that profound and gigantic a potential? Why would we dismiss clean coal, moving it to the furthest level of cleanliness, even if it costs a lot of money to do the research? Why would we say that would not work? What are we supposed to live on?

Right now, people would say: Your State will continue to flourish, Senator DOMENICI. Natural gases will do it. New Mexico is the fourth largest producer, and it is going up and away. Every new powerplant we have heard of, including the three in New Mexico—that won't be for our people but for somebody else—will be built with natural gas, as far as we know. We didn't have any for many years. The price is causing people to invest in natural gas. For the long term, you need natural gas, but you also need some other things.

What does this bill do about nuclear? Well, first, there are some very significant increases and some very interesting approaches to keeping this option alive. For the 21 percent that we already get from nuclear power today, we need to make sure we don't close those plants down prematurely but continue them for their entire useful life and do what we can to make sure that transition is smooth, functional, and safe.

Now, let me go through some of the things we are doing to create this option. This bill pushes nuclear power forward with the following initiatives: $19 million for university research reactor support—that is a $7 million increase—to make sure our country has the educational resources necessary for an economy that continues to rely substantially on nuclear power—the old ones plus new ones. After all, we came up with this technology. Some of our great companies built these powerplants. They are all over the world, although we didn't build all of them in foreign countries

Seventy-eight percent of France's electricity comes from nuclear power. If you tell people that, they say they don't believe it, or so what? Well, they have a lot less problems with greenhouse gases than we do—sufficiently less that Mr. Chirac can lecture our President about it. That is pretty interesting. If we had 68 or 70 percent of our electricity from nuclear plants, we might be lecturing him. But we don't; we have 21 percent. Germany has around 35 percent, and Japan is building new ones—in fact, as we speak, they are building new ones.

The United States is sitting on this problem of not having enough energy so we can maintain our prosperity in the future. We say our universities used to be the pride of the world in terms of creating nuclear physicists and design engineers who worked in this field. All of the universities, except a few, have dramatically reduced these programs and are very excited about building some of this back into their programs through intramural-type grant programs, where they can do research and learn these particular scientific professions.

There is a $4 million increase in a program to improve the reliability of our 103 existing nuclear powerplants. Let me suggest another thing that is little known. While we had some brownouts in California and some shortages elsewhere, they were minimized because the Nuclear Regulatory Commission and the nuclear powerplant industry in America had been working so well together, and the licensing process and the regulatory processed worked so well during the last decades, that more energy was produced by the nuclear powerplants by upping their capacity in total safety, such that, on average, they increased by the equivalent of 22 new powerplants. Nobody knows that, but that happened.

So while we are looking around for new sources, these licensed facilities, getting up in years, ratcheted up a bit and produced the energy equivalent of 22 new nuclear powerplants on top of the 100-plus we have in the United States.

This bill continues with an increase of $7 million for a total of $14 million, in an area which is very exciting. I hope it will be used prudently. In fact, I hope it will be used to join with partners in the world to produce something really important. This is for the next generation of nuclear reactors. Some people call it generation IV reactors. There are a couple of them in the design stage today, and some people have read about them. They are very exciting new technology.

They are going to produce nuclear reactors that are passively safe. That means that their makeup, in terms of the physics, is such that they can't melt down. They will not have a meltdown possibility in the generation IV reactors that will be produced. In addition, they will have much less left over, much less unused, enriched uranium, so there is much less risk. This reduces greatly the proliferation concerns, with reference to the byproduct from the reactors.

This bill also addresses the Nuclear Regulatory Commission—which, incidentally, has been doing an outstanding job. The chairman now is a Democrat appointee. We urged the President to keep him on. He has been so exciting and powerful and such a force in terms of leading that Nuclear Regulatory Commission in the right direction toward the safety and well-being of our people, and maintaining the essence of our nuclear industry. We hope he is going to remain as the chairman. Now, I don't think I was saying anything out of school there. I think the chairman knows what is thought of him. I think I may have indicated that he is going to stay on and he wants to stay on.

Remember, just a few years ago we didn't have any money in these programs that I am talking about. We decided it was best to have an Energy Department for this great United States. But back then, when you walked in the door, what we wanted was no nuclear energy and nothing nuclear in the Department of Energy for the greatest nation on Earth. That is the end to which we had gone in terms of our anti-nuclear-power sentiments. I am not exaggerating; that is a truism.

I was fortunate to be chairman of the subcommittee for 6 years. My good friend was ranking member part of the time—Senator REID. We started to build a little bit of nuclear energy capacity back up, so that now they are no longer ashamed. Obviously, they have divisions and departments that are doing nuclear work, so they can't hide anymore. I think they are very forward-thinking about it.

But just remember, with generation IV we are not talking about the kind of reactors we have now, although they are pretty safe and people now are excited about how clean they are.

The only thing people who oppose nuclear power are saying is: What about the waste that comes out of them? We are doing well when we can produce energy that will no longer cause any global warming, but we have a problem of how do we get rid of the waste. Just think of this. What is the dimension of this problem?

I want to speak of it in physical dimensions. A football field—you have a number in your great State, Mr. President. A football field 12 feet deep is the waste problem of America. That is how big it is. When people scare us to death about it, the truth is, it is just a matter of human beings deciding with technical excellence, engineering expertise, and resources what to do about that. You can either bury it, put it away for an interim period of time, or change it from its current form to another.

In Europe, they are not in a hurry to bury it permanently. They are doing other things with it—interim storage—and they are moving ahead with other technologies to make the end product far less toxic.

This bill says we are not going to fund Yucca Mountain, the permanent repository, as much as we have in the past. Although we will go to conference, where the House has a higher number to keep it going. We will have that debate in conference, and we do not always win every nickel and every penny. So we are looking forward to going to conference and seeing what can be done.

There are two other technologies that are right there ready to go. One of them is called accelerator transmutation. This is very exciting new technology, proven out beyond the experimental stage, and we have $70 million to continue the work.

It is an accelerator, therefore it is not a nuclear reactor, that will change what high-level waste is as this accelerator does its work on the waste product. Ultimately, just to make it simple, what it will produce is a residue that instead of having a half-life in the neighborhood of tens of thousands of years, the residue will have a half-life in the neighborhood of 700 years. After 300 years, it would be no more dangerous than uranium ore from the ground.

If we can get a byproduct like that, there is nobody who would stand up and say we cannot handle that. What is difficult to handle is proving modular-wise and scientific-wise what will happen 10,000 years from now when we put something underground and leave it there. That is what makes the problem and the job for nuclear power of the future a difficult one. I repeat. We are singularly the only country saying let's put it underground and forget about it forever, when it has only used up 5 percent of its energy. Ninety-five percent of the energy is still in the rod that you put in the ground.

So true and so powerful is that statement that you cannot talk to the Russian leaders at any level about energy. You cannot talk to any of them about getting rid of the waste product in any way other than using it, which is amazing. As a matter of fact, they just put out word the other day that if we are so frightened about the waste product, they would accept it. Nobody is seriously thinking about that, although maybe some are. But it just shows you the difference, the mentality between those who have worked that problem in Russia. Some of them learned from us; we learned some from them.

They had the greatest nuclear scientists; we had the greatest. We never did decide who had the best. They both had so much respect for each other in nuclear weaponry; I think that kept us from ever having war. You can bet the greatest scientists working on our nuclear weapons knew exactly who the greatest scientists were over there. And they were the greatest. They were not just getting a degree in physics and going over and taking on a program. They were fantastic people. That expertise has come down to nuclear reactor waste and they understand it. They even moved to the next generation of nuclear power, breeder reactors, which we have become so frightened about that even Senator DOMENICI does not talk about it. So we moved to an interim discussion of the kind of nuclear reactors we are talking about today.

We have transmutation, a big word which means changing the makeup and content of this product into something far less toxic.

Incidentally, it has two other uses that are very positive that come out of this accelerator process, one of which is to produce all the radioactive isotopes you need for the medical programs of the country. One of these major accelerators would provide all you need.

Plus another use that is rather significant would be to back up our tritium production; it will do that, too. We are currently going to use reactors to do that job. Under Secretary of Energy Bill Richardson we decided to do it down in Tennessee at one of their TVA nuclear reactors. So that is where the tritium in the program will be produced. This could even be a backup for that reactor in the event we moved ahead.

Some people talk about the estimated costs of transmutation. They use the numbers wrong because the total number over a long period of time, when they tell you how much that is, does not take into consideration how much electricity it produces. It is just telling you what it costs. That would be like saying the next 10 nuclear powerplants, my gosh, are going to cost $1.5 billion each, but you don't know how much electricity it produces. You just hold to the $15 billion number.

Let me emphasize I want to stop using the word "waste" and use "spent fuel" because I just gave you an example of how much of the energy is still in the spent fuel. It is 95 percent. It is still energy that can be used. As long as we have cheap uranium, it is obvious we are not going to go full speed ahead to produce byproducts that cost a lot of money. In the process we do know these are some of the approaches to making sure we have options in the future.

To wrap up the vision, the vision is to take these resources and others the administration might need to ask us for and produce a commitment by the United States of America, led by our President, to put together a 10-, 15-, or 20-year plan that says "beyond Kyoto" and say to the world: "Let's bring together the electricity-producing resources we have been discussing—renewables, biomass, clean coal, nuclear—let's bring them together and decide in a scheduled approach to begin to produce them so that we can begin to use them in the world without any effect on global warming.

It is very doable. We ought to be excited about it. It means this problem in America might have brought out the best in us. We may be able to tell poor countries with these new reactors that we can put one in every country. They will be very small. They will be modular in size. Perhaps they will be 50 megawatts each instead of 1,000 megawatts. Perhaps they have the characteristics I described here. But let's set the world under our leadership to working on these kind of criteria and then develop the science and technology with our businesses and other countries to do it.

I have asked the President to think about this. I call it now "reaching beyond Kyoto," but it may be "prosperity in abundance for everyone post-Kyoto." It may be an equal title because if, in fact, we have to restrain the growth substantially because the energy source is polluting and thus causes some problems with reference to global warming, then it is an admission that other people cannot become as wealthy as we are; that they cannot have as many things as we have.

We constantly remind the world how much energy we use, and, yes, we do; we use more than any other country. We use maybe 25 percent. But this little country, America, also produces about 25 percent of the gross domestic product of the world, too.

We have a chance to reach beyond this bill, beyond the discussions about an energy policy in detail with reference to each of these different things on transmission lines, using the public domain for more gas and oil, and to set a goal beyond all of that which would say to the United States and the world: You can almost pick your resource because if you do not have any coal, you can use uranium; you can use these new fourth-generation reactors. If you have coal, we are developing the cleanest of coal technology so you can use that, be a nonpolluter and grow.

I think it makes a lot of sense. I am pleased to have thought it through a little bit and to have spoken to it a couple times. The Senator can tell I might have spoken about it one time or another. Yes, I have. It is a pretty good message to be accompanying an energy and water bill if, in fact, this bill is supposed to be doing something about the energy crisis.

We have discussed the approach that there might be something in America that says it is good enough for an America of the future and an America that can help lead the world in the future. I yield the floor.

Mr. CONRAD. Mr. President, I am pleased to rise today in support of S. 1171, the Energy and Water Development Appropriations Act for fiscal year 2002.

The Senate bill provides $24.96 billion in discretionary budget authority, which will result in new outlays in 2002 of $16.2 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $24.7 billion in 2002. Of that total, $15.2 billion in budget authority and $14.9 billion in outlays is for defense spending. The Senate bill is within its Section 302(b) allocations for budget authority and outlays for both general purpose and defense spending. Further, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process. I also commend subcommittee Chairman REID and Senator DOMENICI for not only bringing this important measure to the floor within its allocation, but also for providing significant additional resources above the President's request for both the Department of Energy's Atomic Energy Defense Programs, which will help dramatically reduce the threat of proliferation of nuclear warheads, materials, and expertise in the former Soviet Union, and for renewable energy resources, which will help ensure an energy portfolio that balances the Nation's long-term needs for both energy and the environment. I hope all Senators will join me in thanking our able colleagues from Nevada and New Mexico for their vision and good work.

I urge the adoption of the bill.

I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1171, ENERGY AND WATER DEVELOPMENT, 2002; SPENDING COMPARISONS—SENATE REPORTED BILL

[In millions of dollars]

	General purpose	Defense	Mandatory	Total
Senate-reported bill:				
Budget Authority	9,713	15,247	0	24,960
Outlays	9,782	14,908	0	24,690
Senate 302(b) allocation: [1]				
Budget Authority	9,713	15,247	0	24,960
Outlays	24,916	0	0	24,916
House-passed:				
Budget Authority	9,670	14,034	0	23,740
Outlays	9,806	14,122	0	23,928
President's request:				
Budget Authority	9,003	13,514	0	22,517
Outlays	9,336	13,758	0	23,094
SENATE-REPORTED BILL COMPARED TO:				
Senate 302(b) allocation: [1]				
Budget Authority	0	0	0	0
Outlays	(226)	0	0	(226)
House-passed:				
Budget Authority	43	1,213	0	1,256
Outlays	(24)	786	0	762
President's request:				
Budget Authority	710	1,733	0	2,443
Outlays	446	1,150	0	1,596

[1] The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. This table combines defense and nondefense outlays together as "general purpose" for purposes of comparing the Senate-reported outlays with the subcommittee's allocation.

Notes.—Details may not add to totals due to rounding. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation.

LAKE BOND

Mr. HUTCHINSON. I would like to thank the Senator for his support of continued funding for a small flood control project for Bono, Arkansas, which is very important to me. I appreciate his efforts to help me secure language in the statement of managers which would fund this project under the section 205 small flood control projects program.

Mr. DOMENICI. I say to my good friend from Arkansas that I understand the situation in Arkansas and the reason for his amendment. I am happy to support report language which will take care of this project in place of the Senate voting on your amendment.

Mr. HUTCHINSON. I thank the ranking member and I also thank the honorable chairman, Senator REID, for his help with this vital flood control project.

I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Nevada.

APPOINTMENT OF CONFEREES—H.R. 333

Mr. REID. I ask unanimous consent, with respect to H.R. 333, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, with no intervening action.

There being no objection, the Presiding Officer appointed Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. DURBIN, Mr. HATCH, Mr. GRASSLEY, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, and Mr. MCCONNELL conferees on the part of the Senate.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING ELIZABETH LETCHWORTH

Mr. DASCHLE. Mr. President, earlier today both the Democratic and Republican Conferences unanimously passed resolutions which I believe ought to be made part of the RECORD at this point during the business of the Senate.

I ask unanimous consent that both resolutions by read at this time.

The PRESIDING OFFICER. Without objection, the clerk will read the Democratic resolution.

The assistant legislative clerk read as follows:

RESOLUTION COMMENDING ELIZABETH LETCHWORTH

Whereas Elizabeth Letchworth has served the Senate for over 25 years serving as both Secretary for the Majority and Secretary for the Minority;

Whereas she has worked for, and with, 6 different Majority Leaders;

Whereas, though she has worked for our colleagues on the other side of the aisle, her assistance, over the years, to members of the Democratic conference has often been appreciated.

Whereas her institutional memory, unflappable demeanor, and good humor will be missed by Senators and staff alike on both sides of the aisle: Now therefore be it

Resolved by the Democratic Conference, That Elizabeth Letchworth is to be commended and thanked for her many years of service to the Senate and wishes her, and her husband Ron, all the best in the years to come.

The PRESIDING OFFICER. The clerk will read the Republican resolution.

The assistant legislative clerk read as follows:

RESOLUTION RELATING TO THE RETIREMENT OF ELIZABETH LETCHWORTH

Whereas Elizabeth B. Letchworth has served this conference ably and honorably for over 25 years;

Whereas in 1995 she was elected as the Secretary for the Majority becoming the first women to hold this post;

Whereas during her service she has assisted all members of this Republican Conference with diligence and professionalism;

Whereas her knowledge of the Senate rules and Institutional history has been a valuable asset to all Members: Now therefore be it

Resolved, That the Republican Conference extends its sincere thanks to Elizabeth B. Letchworth for her service for over 25 years and wishes her all the best in her future endeavors.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for allowing me to comment on these resolutions. I would like to begin by thanking the Democratic caucus for doing this. This is a very magnanimous gesture and I know it is being done because of appreciation for the job that our floor assistants do, but specifically for the job that has been done over many, many years by Elizabeth Letchworth. She protects the institution. She loves the institution. She works not only with Republicans but, as your resolution says, with Democrats too, Senators on both sides of the aisle, collectively and individually. So we in the Republican Conference appreciate the generosity of your resolution and the fact that you did that.

We did one also. But I must confess, when I made the announcement that she would be leaving after 25 years, there was a very strong round of boos and objections to the whole idea. I said: My colleagues, this is not in the form of a motion; this is an announcement of a decision that has been made by a friend and loved one—to which they stood and applauded, unanimously thanking her for her dedication and professionalism.

I believe later on we will have a resolution on behalf of the entire Senate at a time when we will notify all of our colleagues that it would be appropriate for them to come to the floor and express their appreciation. I know she has a special relationship with Senator BYRD, for instance, because she not only knows his love of the institution but respects his knowledge of the rules and his insistence that we comply with them, sometimes when we are a little bit derelict in doing that. So we will have that opportunity to speak further. At that time, I will go into great detail about her Senate service.

We all know she has been part of the institution for 25 years. It is hard to believe, looking at her, that she has been here 25 years. It is obvious, Senator BYRD, that she was very young when she started working for the Senate—and that in fact is true. She came here, I believe, as a page, working for then-Senator Hugh Scott from Pennsylvania. I know she did a great job there.

Over the years she has worked in the Cloakroom, worked as a floor assistant, worked for Senator Baker, Senator Dole, and for me when I was majority leader and when I was minority leader. She has served so well as the Secretary for the Majority since 1995 and Secretary for the Minority for the past few weeks. She has just done an outstanding job.

I appreciate her knowledge of the rules, but I also appreciate her determination to make sure we conduct ourselves appropriately, knowing what the rules are. We have been through some tough times while she has been here, both in the majority and the minority. We did the historic impeachment trial for only the second time in history, and I think we did it in a way that was appropriate. We complied with our responsibility under the Constitution. We did it in a reasonable period of time, and we tried to make sure we did it in a respectful way and a fair way for all concerned. That took a lot of time, a lot of effort by our floor assistants, by all of our staff members.

But beyond her knowledge is just the fact that she is a very fine person. I have grown to appreciate her, love her, admire her—as a member of the family, if you will. I must say she has shown great, great wisdom because in the husband to whom she is married she chose one with a Mississippi background, so she truly became even further a member of the family by making that wise decision.

They have plans for the future that include a little more free time, not quite as many nights here in the Senate Chamber, 6 or 7 or 9 or so on a Thursday night, but also, hopefully, some business investments that will be a great success—just, most importantly, some personal time.

To Elizabeth Letchworth and to Ron I offer my most sincere appreciation personally and the appreciation of the Senate Republican Conference.

Again, my thanks to Senator DASCHLE and our Democratic colleagues for their gesture in their resolution also.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I think the distinguished Republican leader has spoken for all of us in expressing his affection and his gratitude for a very special person. This will not be our farewell speech. We will give that later as it accompanies an official Senate resolution that I am certain will be offered on a bipartisan basis by the two leaders and perhaps with the cosponsorship of others but certainly with the unanimous, enthusiastic support of the entire Senate. But we take the floor this afternoon to acknowledge the decision Elizabeth has made and to call attention to that decision and to express our gratitude and our deep affection for a person to whom we have turned, on both sides of the aisle, on countless occasions.

I have been leader now for about 7 years. I have had the good fortune of working with Elizabeth all 7 of those years. But that is just less than a third of the time she has worked in various capacities in this Chamber.

She has served the Senate, not just the Republican caucus but the Senate, so admirably, so professionally, so capably that it goes without saying that on occasions such as this it is a heartfelt gesture for us to pass a resolution as we did in the caucus this afternoon.

I might say, even though she wasn't there, there was rousing applause after the resolution passed, with the hope that she might have heard it even though she wasn't in the room.

Isaac Bassett was the second page to serve in the Senate. He was Daniel Webster's choice as a page. He served here for a long period of time, over a half a century. Isaac Bassett wrote prodigiously about his experiences and never rose to a level any higher than Assistant Doorkeeper. Isaac Bassett would talk about his remarkable view of history. To read his notes is to read history in the first person. I think Elizabeth could write notes in the first person about the history she has witnessed, as Senator LOTT has noted.

She could write history that I am sure would enlighten all of us. I am sure it would be every bit as valuable to future historians and future citizens a hundred years from now as Isaac Bassett's notes are to me today. Regardless of how much history she writes, she should know that she has helped make history. She has been a witness to history. As she has witnessed history, and as she has made it, she has done it in a way that will make her family and future generations very proud.

Today, rather than saying farewell, we simply say that we admire her, and we are grateful to her not only for what she has done but for what she will continue to do here in the Senate for the next few weeks and beyond as she serves in other roles and recognizes the importance of being a member of the family that goes beyond the Senate.

I yield the floor.

Mr. STEVENS. Mr. President, I received late word of this little seance and wanted to make sure that I was present to thank our friend who is retiring.

My first father-in-law said that English is the only language in which that word means other than go to bed. I am glad to know that Elizabeth is going on to another career and a beautiful place in the country. And I am here to wish her very well.

I can remember the various steps of her employment in the Senate. At each level she has excelled and deserved the promotions she has gotten. But above all, Catherine and I will remember the trips that she and her husband have taken with us as she represented the Senate so well as one of our officers.

I have no prepared remarks. I heard the leaders' very kind remarks. I join with both leaders in wishing you well and expressing our sadness that you are leaving because you have been really one of the Senate in terms of your services here. We will miss you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, as one who has served with Elizabeth for these long years now, I will have something to say on another day about that service and about my feeling toward her.

KATHARINE GRAHAM

Mr. BYRD. Mr. President, Washington Post publisher Katharine Graham, who passed away today, was a towering figure in the world of journalism.

Her courageous stance during the publication of the Pentagon Papers in 1971 and during the Watergate saga, and her steadfast support for her editors and reporters during those trying times, left an unalterable mark upon American journalism and earned her a place in history. With Mrs. Graham at the helm, the Post became one of the leading newspapers in the United States and a veritable American institution.

During her three decades at the helm of the Post she became one of the most influential and admired women in the business world. She was the first woman to head a Fortune 500 company and the first woman to serve as a director of the Associated Press.

Mrs. Graham was an accomplished scribe in her own right. She began her career as a newspaper reporter in San Francisco. After her many successful years in the business end of journalism, she returned to writing and in 1997, at the age of 80, earned a Pulitzer Prize for her autobiography, "Personal History."

Despite the Post's success under her leadership, Mrs. Graham remained modest about her own role. In words that could serve as a guide to future publishers, or even to United States Senators, she said:

> You inherit something and you do what you can. And so the person who succeeds you inherits something different, and you add to it or you subtract from it . . . . But you never totally control it.

Katharine Graham certainly added "something" to the world of American journalism—a mark of professionalism and integrity that time cannot erase.

Personally, I shall recall her as gracious, elegant, and extremely dignified. She had a bearing one did not forget. She will serve as an example of journalism at its best for many, many years to come.

Erma and I extend our condolences to Mrs. Graham's family and her host of friends.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, it is nearly 6:30 and we have not had an opportunity to make much progress on the energy and water appropriations bill. I am a little disappointed. I had hoped that we could move at least to the adoption of a few of the amendments that I know are pending. I am hopeful that we can get an agreement on a finite list tomorrow morning. The Republican leader has indicated that might be a possibility tomorrow morning.

We have colleagues on both sides of the aisle who, I know, have amendments, and I hope they can come to the floor as quickly as possible and begin offering them. I will say to those who may feel the need to drag this out that we have to get this work done. If we can't get it done between now and Thursday night, of course, we will have no recourse but to continue for a reasonably full day on Friday—Friday morning and at least a part of Friday afternoon.

I will also say that these appropriations bills I know are important to the administration, important to the Congress, and I hope nobody makes any definite date for their plans for the August recess. We are going to finish this work, and if we have to bump into the August recess some to complete it, we will do that. Each day we delay now possibly entails additional days at the end of the July work period that we will have to use in order to accommodate the work. We will not allow this work to go over until September. We will stay here. That is not meant to be anything other than an observation of the reality of our responsibilities here.

So I just caution everybody not to let these days go by thinking that somehow it is time that we can make up down the road. We are going to have to make it up before we leave for the August break.

So I hope we can make this a productive week. My hope is that we can complete our work on the energy and water bill in a reasonably prudent period of time, and then we will move on to the Graham nomination, which I know is important to the administration, as well as other nominations.

I am hopeful, as well, that we will take up the legislative branch appropriations and Transportation. It would be my expectation that we can make a lot of progress on those bills as well. Senators have to come to the floor to offer amendments. I thank my colleague, the chairman of the Subcommittee on Energy and Water, for his effort in getting us to this point. I know he shares my interest in working for whatever length of time is necessary.

I think I will announce at this point that there will be no more rollcall votes tonight. But it is with the expectation that we can get a finite list of amendments, and we could be in late tomorrow. We will take amendments, and if we have to do it, we will do other work. We will stay in to accommodate the need to get a lot of additional matters done before the end of the week. So there will be no more votes tonight. There will be a number of votes tomorrow.

I yield to the Senator from Nevada.

Mr. REID. I say to the majority leader, I know he has an important statement to give. I wanted to make this observation. These are not Senate bills alone. The President of the United States needs these bills to operate the Government. He needs these bills, as we do. I think if there were ever a time when we needed to work together, it is now. We have a Democratic majority in the Senate, a Republican majority in the House, and a Republican President. These bills are our joint responsibility. If anybody thinks they are being clever by stalling, they are only hurting George W. Bush, not us. He runs the Government of this country. Would the Senator agree with me in that regard?

Mr. DASCHLE. The Senator is absolutely right. Just today, I have had, I don't know the number but I would say countless discussions with my colleagues about other legislative items that ought to come up, and all with good reason.

There are a number of authorizations and legislative issues that deserve the consideration of the Senate. What we have said is that we want to work as the Senator suggests, in a very constructive way, in an effort to try to accommodate the priorities of the administration, as well as the Congress, in achieving what we know we have to in passing these appropriations bills. It is important to get the work done, and it is important to spend the time on the Senate floor to ensure that happens. We have not had a very productive couple of hours, but I am confident that tomorrow will be a much more productive day.

Mr. REID. If I can say one more thing, the majority leader and the minority leader and the two managers of this bill, Senator DOMENICI and I, had a conference earlier in the day. Senator DOMENICI said he thought we could finish the bill tomorrow. He is one of the real pros here, very experienced. He knows this bill as well as anyone. So I take the Senator at his word, as I do everything he tells me.

I say to the majority leader, tomorrow it would seem to me that we not only have to finish this bill but also we have the Graham nomination that we have to finish tomorrow. Because the majority leader told me this previously—and everybody should understand this—we could be working well into tomorrow night, real late, to finish the assigned time we have on the Graham amendment. Is that a fact?

Mr. DASCHLE. The Senator is correct. If I didn't say it as clearly as I needed to, let me repeat it. We will have a full day tomorrow. We will be, hopefully, completing our work on energy and water and taking up the Graham nomination. My hope is that we can complete both of those tomorrow. We will stay late and make some decision late in the day about how much time may be required. But there is no reason to believe that we cannot finish energy and water and the Graham nomination before the end of the day tomorrow.

So Senators should be prepared to work late tomorrow in order to accommodate those two very important priorities—again, not just to us but certainly to the administration. The administration has made it very clear that this Graham nomination is important, and they have a right to assert that. We will attempt to accommodate their desire to complete the work on that confirmation before the end of the day tomorrow.

THE LIFE AND EXTRAORDINARY CONTRIBUTIONS OF KATHARINE GRAHAM

Mr. DASCHLE. Mr. President, I join my colleagues in expressing my great admiration for Katharine Graham and my profound sadness on her passing.

I also convey my regrets to Mrs. Graham's family and friends. Our thoughts and prayers are with them on this very sad day.

America lost a legend this afternoon.

Katharine Meyer Graham was a woman of great dignity, intelligence, and wit. She was a pioneer. She was a patriot who believed deeply in the strength of our democracy, and in the indispensability of a free press in preserving this democracy.

Much has been made of Mrs. Graham's gender—and rightly so. No woman has ever achieved what she achieved in journalism, and her accomplishments helped change people's perceptions about the role women could play in journalism, in business, and in the world. But Katharine Graham needs no modifiers.

She was not simply one of the best woman newspaper publishers in the country; she was one of the best newspaper publishers America has ever seen—period.

Katharine Graham was a 46-year-old widowed mother of four when she took over as president of the Washington Post in 1963.

At the time, the Post was one of three daily papers in Washington and not even the best or most widely read of the bunch.

A decade later, largely because of the courage and the extraordinary talent of Katharine Graham and editor Ben Bradlee, the Post was not only indisputably the best newspaper in Washington; it was one of the best newspapers in the world.

In June 1971, with Katharine Graham's backing, the Washington Post joined the New York Times in fighting a court order banning publication of the so-called Pentagon Papers.

Thirty years later, the Supreme Court decision overturning that injunction remains one of the most important decisions in first amendment law.

One year later, in June 1972—again with Katharine Graham's blessing—the Post began its coverage of the Watergate break-in and cover-up. She never wavered in her support of her reporters and their quest for the truth.

Mrs. Graham was modest about her professional achievements. She once said of her paper's Watergate coverage:

> The best we could do was to keep investigating . . . to look everywhere for hard evidence . . . to get the details rights . . . and to report accurately what we found.

She made it sound almost like a routine story. It was, of course, anything but routine.

It led eventually to the resignation of a President of the United States, and it earned the Post the Pulitzer Prize for Public Service.

Over the next nearly three decades, there would be many other awards and accolades for Katharine Graham, including a Pulitzer of her own—the Pulitzer Prize for Biography for her 1998 autobiography, "Personal History."

We are so fortunate that in what would be the last years of her life, she took the time to sit down and write an incredible story that had largely gone untold—her story.

In recalling her sudden ascendancy as president of the Post, she remarked:

> What I essentially did was to put one foot in front of the other, shut my eyes and step off the ledge. The surprise was that I landed on my feet.

For those who knew her, for those who loved her, and for those of us who were simply lucky enough to have met her and seen her work, Katharine Graham's success seems no surprise at all. She was a woman of remarkable insight and remarkable strength.

My deepest sympathies go out to her children, Donald, Lally, William, and Stephen, her many grandchildren, and her great-grandchildren.

Our Nation's Capital will not be the same without her and neither will American journalism.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LORI A. FORMAN TO BE ASSISTANT ADMINISTRATOR OF AID FOR ASIA AND NEAR EAST

Mr. DASCHLE. Mr. President, I come to the floor, as I did earlier this spring, to commend the efforts of a South Dakotan who is having a direct impact on America's international interests. Last Thursday evening, I was proud when the Senate confirmed Lori A. Forman, born and raised in Sioux Falls, SD, to be Assistant Administrator of USAID for Asia and the Near East. She is the first South Dakotan nominated and confirmed to serve in the Bush Administration.

The Assistant Administrator for Asia and the Near East, ANE, has a tremendous responsibility. Stretching from Morocco in the West to the Philippines in the East, the ANE region is large and diverse and covers a wide range of issues of critical importance to the U.S., including the challenges posed by terrorism and the proliferation of weapons of mass destruction.

The region is also home to vital economic interests. As a market for U.S. goods and services, it is second only to Europe. Countries in the region provide 50 percent of the oil consumed in the United States and control vital shipping lanes for the world's commerce. As the world witnessed with the Asian Financial Crisis in 1997, instability in this region has direct and significant ramifications for global economic interests.

Furthermore, the region poses a development challenge for the United States. According to the World Bank, the ANE region accounts for more than two-thirds of the world's extremely poor. And those poor are succumbing more and more to the threat of infectious disease, especially HIV/AIDS. In India alone, there are 1,500 additional cases of HIV daily.

In such an important region, USAID requires a talented and experienced Assistant Administrator. Our interests there are too vital and the costs of failure too high for us to accept anyone but the finest.

I can think of no better candidate than Lori Forman. She has written extensively on the development challenges in Asia. Her writings are based on years of experience—in both the governmental and non-governmental sectors—as a development practitioner throughout Asia. She knows the region and Washington, ensuring that assistance will get to the people for whom it is intended, not become tied up in bureaucratic wrangling here.

Lori has an additional asset which has served her well in her career—and will continue to serve her well. Though she has been engaged in Asia policy for much of the last 25 years, she is from the Great State of South Dakota. In South Dakota we pride ourselves on humility, self-reliance and hard work, traits that are valuable, even crucial, to anyone in the development field.

Americans from each and every state are having a positive impact on the lives of people the world over. I am particularly proud when individuals from

South Dakota have done such a fine job. Lori Forman's efforts make me proud, America stronger and the world better.

TRIBUTE TO COY SHORT

Mr. THURMOND. Mr. President, whether as an officer in the United States Army or as a dedicated public servant at the Social Security Administration, Coy A. Short has served his Nation with honor and integrity. After two and a half decades of devoted service, Coy will retire from the Social Security Administration, and I rise today to pay tribute to a man who has made countless contributions to the welfare of America.

Coy has a rich history of public service which began when he volunteered to serve as an officer in the United States Army. Recognized as a leader with a solid work ethic and uncompromising character, Coy eventually rose to the rank of Captain. After departing the Army, he has continued to support our Armed Forces. He served as Chairman of the Georgia Committee for Employer Support of the Guard and Reserve for over ten years, and continues to work with this committee and other organizations dedicated to assisting our men and women in uniform.

Coy's selfless involvement with these associations has resulted in his receipt of numerous awards and recognitions, including the Sam Nunn Award, the Oglethorpe Distinguished Service Medal for Outstanding Support of the Georgia Guard, and the Patrick Henry Award from the National Guard Association both in 1997 and 1999. Also, in 1998, he was appointed to the prestigious position of Ambassador for the U.S. Army Reserve.

Though a successful businessman, Coy's devotion to his country eventually lured him back to the realm of public service. In 1977, he began his career at the Social Security Administration—an agency on which many livelihoods depend.

During Coy's tenure with the Social Security Administration, his workhorse attitude and proficient managerial skills enabled him to quickly ascend through the ranks. He held several management positions at both district and branch offices throughout the Atlanta region and served as Director of the Office of Congressional, Governmental and External Affairs prior to his selection as Deputy Regional Commissioner. Though a humble man, whose greatest reward is assisting others, he was recognized for his dedication to the Social Security Administration with their highest award, the "Commissioner's Citation."

It has been a privilege to know Coy for the last thirty years. He is a true patriot, and I commend him for his service to our Nation. Though the Administration will be losing one of their finest, they will no doubt continue to benefit from his contributions for years to come. I wish him, his wife Judy, and their two children, Greg and Karen, health, happiness, and success in all of their future endeavors.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the 2001 budget through July 10, 2001. The estimates of budget authority, outlays, and revenues are consistent with the assumptions of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, which replaced H. Con. Res. 290, the concurrent resolution on the budget for fiscal year 2001.

The estimates show that current level spending in 2001 is below the budget resolution by $12.1 billion in budget authority and by $8 billion in outlays. The current level is $1 million above the revenue floor in 2001.

I ask unanimous consent that a letter to me from Dan L. Crippen, Director, CBO, and an accompanying report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 2001.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2001 budget and are current through July 10, 2001. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002, which replaced H. Con. Res. 290, the Concurrent Resolution on the Budget for Fiscal Year 2001.

Since my last report, dated March 27, 2001, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for 2001: an act to provide reimbursement authority to the Secretaries of Agriculture and the Interior from wildland fire management funds (P.L. 107-13), the Fallen Hero Survivor Benefit Fairness Act of 2001 (P.L. 107-15), the Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107-16), and an act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees during fiscal year 2001 (P.L. 107-18). The effects of these new laws are identified in Table 2.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT, AS OF JULY 10, 2001

[In billions of dollars]

	Budget resolution	Current level[1]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	1,568.4	1,556.3	−12.1
Outlays	1,515.3	1,507.2	−8.0
Revenues	1,556.7	1,556.7	([2])
Debt Subject to Limit	5,660.7	5,628.3	−32.4
OFF-BUDGET			
Social Security Outlays	434.6	434.6	0.0
Social Security Revenues	504.1	504.1	0.0

[1] Current level is the estimated effect on revenue and direct spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JULY 10, 2001

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,630,462
Permanents and other spending legislation	928,957	879,358	n.a.
Appropriation legislation[1]	942,112	942,622	n.a.
Offsetting receipts	−314,754	−314,754	n.a.
Total, enacted in previous sessions	1,556,315	1,507,226	1,630,462
Enacted this session:			
An act to provide reimbursement authority to the Secretaries of Agriculture and the Interior from wildland fire management funds (P.L. 107–13)	0	3	0
Fallen Hero Survivor Benefit Fairness Act of 2001 (P.L. 107–15)	0	0	−1
Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107–16)[2]	0	0	−73,808
An act to clarify the authority of the Dept. of Housing and Urban Development with respect to the use of fees (P.L. 107–18)	6	4	2
Total, enacted this session	6	7	−73,807

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2001 SENATE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES, AS OF JULY 10, 2001—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Total Current Level	1,556,321	1,507,233	1,556,655
Total Budget Resolution	1,568,430	1,515,278	1,556,654
Current Level Over Budget Resolution	n.a.	n.a.	1
Current Level Under Budget Resolution	12,109	8,045	n.a.
Memorandum:			
Emergency designations for bills enacted this session	0	0	0

[1] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[2] The estimated budgetary impact of P.L. 107-16 was provided by the Joint Committee on Taxation.

Note.—n.a. = not applicable.

Sources: Congressional Budget Office and Joint Committee on Taxation.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 25, 1996 in Trevose, PA. A gay man, James Rebuck, 55, was stabbed to death at his residence after he allegedly made a pass at a man at a bar. David Alan Elliott, 23, and Scott Stocklin were charged with first-degree murder, burglary, criminal conspiracy and possession of deadly instruments.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

VA LEADS THE NATION IN QUALITY OF CARE

Mr. ROCKEFELLER. Mr. President, the Department of Veterans Affairs has made great strides in becoming a leader within the health care profession. Too often, we dwell only on what is going wrong or what else can be done. However, as Chairman of the Committee on Veterans' Affairs, I would like to instead draw attention to what VA has done to bring a high quality of care to our nation's veterans. While there is no doubt that VA go even further in this area, we know that they have made great strides in delivering the standard of care veterans deserve.

A few years ago, the Democratic staff of the Committee on Veterans' Affairs issued a report examining the standards of quality within the VA Health Care system. VA spends considerable effort and resources aimed at providing veterans with the highest quality health care in its hospitals and clinics. Over the years, VA has developed dozens of programs devoted exclusively to quality of care issues, yet public attention continues to be focused on examples of poor care within the health care system.

With nearly 950 sites and growing, VA operates the largest health care system in the United States. Veterans should know that the care at one VA hospital or clinic is at the same high quality level as the care at another VA health care facility. The study concluded that this can only be possible if the VA has a national system of quality which has built-in safeguards sufficient to overcome the inevitable fact that human error will always occur.

The committee is currently working on a follow-up to the original study. As more technological solutions to the problem of quality standardization are implemented, they will need to be examined. Quality of care is a vital issue to which I am very committed, and will continue to monitor closely as the VA health care system reconfigures itself to accommodate the changing demographics of the population it serves.

Coronary disease care is one area in particular that VA has excelled in with regard to quality of care. With coronary atherosclerosis being the second-most frequent diagnosis among veterans enrolled in VA health care, it is imperative that VA is able to treat this condition with the best care possible. They have met that challenge, with VA medical facilities now providing the same level of care as non-VA hospitals. The New England Journal of Medicine recently published a report that made this conclusion, based on a study of heart attack patient care within VA. The report also applauded VA's efforts to improve their overall quality of care.

I ask unanimous consent that an article from The Topeka Capital-Journal, highlighting the report from The New England Journal of Medicine on the study of VA's quality of care, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VA System Quietly Becoming Model for Health Care

(By Mathew J. Kelly)

It has long been one of American medicine's most precious assets and, until recent years, its best-kept secret.

On Dec. 27, the New England Journal of Medicine (NEJM) published a report on a study that found the quality of care for heart attack patients is as high in Department of Veterans Affairs medical facilities as in non-VA hospitals.

At first review, that might seem like faint praise—but not for a health care system often singled out to prove its value and justify its existence. And it continues to do so. The accompanying NEJM commentary of a VA doctor nailed it: "Overall, the [VA health care system's] quest to improve quality must be regarded as a laudable success and itself deserves study for lessons that may have general value."

The study and associated observations corroborate what we in VA have long been aware of—the exceptional quality of care we provide, and the fact that VA is a model for the health care industry, often outperforming the private sector. VA is delivering cutting-edge health care, and its patients and the medical world are noticing and applauding.

For too long VA has methodically and quietly improved the way it delivers health care to a special population, while allowing the public to believe that our hospitals are like those shown in movies such as 'Born on the Fourth of July" and "Article 99." At the time these motion pictures were released, the portrayal was inaccurate, and today, they and the images they conjure are even more distorted.

The Department of Veterans Affairs health care delivery system, once maligned, has overcome the stereotypes, is quieting its critics, and has established itself as a force in health care delivery, research, and medical education, and in such special services as blind rehabilitation, severe psychological conditions, prosthetics and spinal cord injury. Of the latter, actor Christopher Reeve, now quadriplegic, said, "The whole VA system today is a model for what research can and must be. And when I look down the list of accomplishments of various centers and how proactive it is, I just rejoice."

The patient population VA cares for is, on average, significantly older and poorer than the non-veteran population, more likely to have mental illness or substance abuse problems, more likely to have hepatitis C, more likely to have multiple diseases, and less likely to be married and have a social support structure. Despite these challenges, VA health care has transformed itself into what Dr. Donald Berwick, President and CEO of the Institute for Healthcare Improvement, calls "the most impressive work in the country so far on patient safety" and "the benchmark in many areas."

Even though the veteran population is declining, veterans' health problems are increasing as they age. More veterans than ever are enrolling for VA health care. In the last five years, VA, which operates the nation's largest integrated health care organization, has shifted from an inpatient-focused system—we have closed more than half of our acute care beds—to one that is outpatient-based.

To apply for health care, veterans can now fill out and submit an easy-to-follow Internet-based application form, which is automatically electronically mailed to the VA health care facility selected by the veteran. VA employees register the data, print the form and mail it back to the veteran for signature. Veterans can also print out the completed form and mail it to a VA health care facility themselves.

Since 1996, when all honorably discharged veterans became eligible to enroll for VA health care, more than a half-million additional veterans have done so. Why? Every VA patient now has a primary care provider and team. VA has computerized mail-out pharmacy services that ensure the timely delivery of drugs to patients. VA has instituted aggressive performance measures that have led to implementation of the best practices of government and private sector health care. On average, VA medical facilities now receive higher accreditation scores than do private sector facilities.

While this transformation was taking place, VA became an industry leader in such areas as patient safety, surgical quality assessment, the computerization of medical records, telehealth, preventive screenings and immunizations.

There have been no big wars lately, no long lines of troops coming home, no welcoming parades necessary. And as these events and the years between fade, so too do memories. It might be only human to become complacent about those who not so long ago left their families, their schools, their jobs, and the security of their lives because their country asked. They now need our help, as will future generations of servicemen and women, but platitudes on Veterans Day and Memorial Day are woefully inadequate. Words alone will not mend broken spirits and cannot heal broken bodies. The best possible care—the type VA provides as part of a comprehensive system of benefits—is the most appropriate honor we can bestow on veterans.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 16, 2001, the Federal debt stood at $5,709,313,725,685.43, five trillion, seven hundred nine billion, three hundred thirteen million, seven hundred twenty-five thousand, six hundred eighty-five dollars and forty-three cents.

Five years ago, July 16, 1996, the Federal debt stood at $5,158,430,000,000, five trillion, one hundred fifty-eight billion, four hundred thirty million.

Ten years ago, July 16, 1991, the Federal debt stood at $3,541,429,000,000, three trillion, five hundred forty-one billion, four hundred twenty-nine million.

Fifteen years ago, July 16, 1986, the Federal debt stood at $2,069,283,000,000, two trillion, sixty-nine billion, two hundred eighty-three million.

Twenty-five years ago, July 16, 1976, the Federal debt stood at $618,625,000,000, six hundred eighteen billion, six hundred twenty-five million, which reflects a debt increase of more than $5 trillion, $5,090,688,725,685.43, five trillion, ninety billion, six hundred eighty-eight million, seven hundred twenty-five thousand, six hundred eighty-five dollars and forty-three cents during the past 25 years.

ADDITIONAL STATEMENTS

PRAISE FOR GEORGIA'S KWAME BROWN ON BEING NBA'S NUMBER ONE DRAFT

• Mr. MILLER. Mr. President, every one of us has a life story. Every person is a book, and I would like to tell you about one young man from the state of Georgia who is beginning a new chapter in his.

Kwame Brown has known adversity since the age of 5, when his parents split up for good and he landed in a shelter with his mother and siblings for 10 months. With the help of relatives, Kwame and his family got out of that shelter and things got better—but not by much. Kwame's mother, Joyce, raised him and his seven siblings by herself in Brunswick, GA, supporting the family by cleaning hotel rooms. That job ended in 1993 when a back injury and other health problems left Ms. Brown unable to work. Since then, the family has scraped by on a monthly disability check and a few extra dollars from babysitting. Their mode of transportation: a bicycle. Such adversity would break most families, but not Kwame Brown's family.

With the help of a church mentor, Kwame and his siblings became focused and set goals for themselves. Kwame decided he wanted to be a better student and a better basketball player. Through his faith and many hours of hard work, Kwame improved his grades so much that he landed on the honor roll at Brunswick's Glynn Academy. And now he has achieved something that no other person in this country ever has.

On June 27, 2001, 19-year-old Kwame became the first high school player ever to be picked as the No. 1 draft in the NBA. This young man who once lived in a neighborhood so poor it was nicknamed "The Bottom" has pulled himself up to the very top.

At 6-feet-11 inches tall and 240 pounds, Kwame averaged 20.1 points, 13.3 rebounds and 5.8 blocked shots as a senior last year at Glynn Academy; he scored 1,539 career points. His exceptional talent has given rise to a number of awards. He was named to McDonald's All-America Team and USA Today's All-USA First team. He was also Georgia's High School Player of the Year.

Kwame Brown is not only a star on the court. His off-the-court life is just as exemplary. Even though he went against his mother's wishes in postponing plans to attend the University of Florida, Kwame believes that his decision to enter the NBA will allow him to give his family a better life than they have ever known. And he has promised his mother and himself that he will still get that college education. First, he wants to give his mother something she has never had: the keys to a brand new home.

Basketball legend Michael Jordan, who is part-owner of the Wizards, called Kwame "a confident kid who understands his surroundings . . . He comes from a family where nothing has been given to him. He has gotten this far with hard work and a little dreaming."

I am honored to recognize Kwame Brown, a young man who is not only a talented athlete, but also humble, wise and mature beyond his years. I look forward to this new chapter in Kwame's life with great anticipation. I know his will be a fascinating story with a wonderful ending.•

TRIBUTE TO JAMES LAKE

• Mr. CRAIG. Mr. President, I rise today to pay tribute to James Lake upon the occasion of his completion in June of a tenure as the President of the American Nuclear Society for the 2000/2001 year. The American Nuclear Society is an international scientific and educational organization established in 1954. Its membership now has approximately 11,000 engineers, scientists, administrators, and educators representing over 1,600 corporations, educational institutions, and government agencies.

The work of nuclear engineers and scientists is especially relevant to meeting the increasing need of the Nation for electricity. Around the United States, there is a growing public interest in new nuclear plants which offer an economical, safe and environmentally-friendly alternative for the generation of electricity. The development of nuclear professionals is a valuable service for the Nation that advances our energy security and economic well-being.

Jim Lake's service as the President of the American Nuclear Society this year has helped to stimulate the interest in new nuclear generation which has stemmed from energy shortages in California and higher energy prices in many areas. He has crossed the Nation many times this year to meet with nuclear professionals, industry executives, public servants, educators and students to seek their views and ideas on an expanding role for nuclear energy in the Nation's future. He has represented the professionals of the United States in many forums overseas, and has brought home a broad perspective on nuclear energy's role in a balanced energy portfolio.

Jim Lake's career now spans twenty-eight years, of which he has spent the last seventeen at the Idaho National Engineering and Environmental Laboratory in my State. As he completes his tenure as President, he returns to the Laboratory as an Associate Laboratory Director with an enthusiasm for nuclear energy that is fueled by his many experiences of the last year.

Always interested in the development of the professionals at the Laboratory, Jim has been an active and tireless supporter of the Idaho Section of the American Nuclear Society. His leadership of that section resulted in its award for Outstanding Section Management in 1992. The Idaho Section has won many awards in the last ten years and is considered to be truly one of the best in the society.

Jim Lake attended the Georgia Institute of Technology, receiving a Master's degree in 1969 and a Doctoral degree in 1972. He was elected a Distinguished Engineering Alumnus by Georgia Tech in 1996, and a Fellow of the American Nuclear Society in 1992. He is the author of over thirty technical publications in the disciplines of reactor physics, nuclear engineering and nuclear reactor design. I ask my colleagues to join me in extending our deep appreciation to Jim Lake for his outstanding service, for his leadership of the American Nuclear Society and in wishing him well in all future endeavors.●

IN RECOGNITION OF WILLIAM N. GUERTIN

● Mrs. FEINSTEIN. Mr. President, I am pleased today to commend Mr. William N. Guertin for his election as President of the American Association of Medical Society Executives and for his 30 years of service to the medical doctors of Alameda-Contra Costa counties and his many achievements.

Mr. Guertin has been a member of the Alameda-Contra Costa Medical Association, ACCMA, since 1971, and has held two executive offices, Assistant Executive Director and Executive Director. The ACCMA serves over 3,100 doctors and is the second largest medical association in California.

Mr. Guertin's leadership supported many California doctors' efforts to help, cure, and care for people in need of support and medical help. He has worked to create programs that promote public health, quality access to care, and professional standards in California. Mr. Guertin has worked to protect physicians from impositions that would interfere with their ability to interact successfully with their patients. Mr. Guertin created the first doctor-owned professional liability insurance carrier in California, at a time when doctors were not able to obtain the insurance necessary to practice quality medicine.

The practice of medicine has long been a profession of people who devote their time and effort to helping others. Mr. Guertin has worked tirelessly for the past 30 years to facilitate the work of physicians and to enhance the quality of care for the people of Alameda-Contra Costa counties.

For these reasons, I congratulate Mr. Guertin on his new position as President of the American Association of Medical Society Executives. I am confident that Mr. Guertin will succeed in his new position and work to augment the lives of patients and physicians throughout the Nation.●

JAN KARSKI—A QUIET HERO

● Mr. DEWINE. Mr. President, today I remind my colleagues of a story I read in the New York Times almost exactly one year ago today. It was the July 15, 2000, obituary of a man named Jan Karski. I was absolutely fascinated by this man's life story and with the first anniversary of his death, I am reminded of the role he played in our modern history. Like few others, he had a unique window view into an appalling and shameful era of history—the Holocaust. Let me explain.

During World War II, Jan Karski brought to the Allied leaders in the West—and at no small risk to his own life—what is believed to be the first eyewitness reports of Hitler's indescribable acts of hate and cruelty against the Jews. In 1942, Jewish resistance leaders asked Jan, then a 28-year-old courier for the Polish underground, be their voice to the West—to convey to the Allies an actual eyewitness account of the Jewish genocide in Europe.

He readily accepted this dreadful task, as he knew that someone had to tell the world exactly what was happening in Europe. Though he succeeded in relaying the nightmarish sights to Western leaders, his reports were met initially by indifference. While many others eventually would confirm Jan's horrifying accounts of the Jewish concentration camps and the Warsaw Ghetto in Poland, he was one of the first—and one of very few—to take a stand against these atrocities.

We are discovering that Jan's voice was not the only warning of the wholesale slaughter of innocent human life by Nazi Germany. As we speak, a dedicated group of individuals, both in government and in the private sector, are declassifying and releasing to the public thousands and thousands of pages of previously classified material about Nazi war criminals, persecution, and looting. This effort is the result of the "Nazi War Crimes Disclosure Act"—legislation I wrote into law with my friends and colleagues from New York, Senator PATRICK MOYNIHAN and Congresswoman CAROLYN MALONEY.

Just this past April, in fact, our law made history with the release of 10,000 pages of previously classified Central Intelligence Agency, (CIA), files on 20 key figures from the Nazi party, including Adolf Hitler, Klaus Barbie, Adolf Eichmann, Kurt Waldheim, Heinrich Mueller, and Josef Mengele. And, prior to that last summer, 400,000 pages of other historical documents were released.

A number of those documents contained information that Fritz Kolbe provided to U.S. intelligence authorities in 1943. Mr. Kolbe was a member of the German resistance and worked in the German Foreign Office. Code-named "George Wood," Mr. Kolbe put his life on the line by traveling to Switzerland, carrying highly sensitive information on Nazi activities for delivery to U.S. intelligence agents. A complete set of these documents in translation is now available for historical review. Also available in its entirety is the U.S. State Department's complete debrief of Mr. Kolbe from September 1945. This document shows that he did not act alone, but relied on what he called his "Inner Circle," which consisted of as many as 20 other Germans. The names of these individuals are not well known members of the resistance—they are ordinary people, like Jan Karski.

While the gruesome reality of Nazi Germany eventually became clear to the world and as the Allies acted to end Hitler's evil regime, Jan's job—his mission—never really ended. For the rest of his life, he carried with him the sights, the sounds, the smells, and the sadness of the Holocaust. Karski, himself, once said: "This sin will haunt humanity to the end of time. It does haunt me. And, I want it to be so."

Jan Karski wanted us all to be haunted by the Holocaust. He wanted us never to forget. He devoted his life to ensuring that such inhumane horror would be present forever in our collective conscience, so that we, above all else, will never let this dark chapter in our history ever, ever repeat itself.

While we often think of heroes in terms of epic feats on the battlefield or in the face of great danger, Jan Karski is no less a hero for giving a voice to a silent slaughter. I ask my colleagues to think about that and to take some time to consider the life of Jan Karski and the life of Fritz Kolbe. Their stories, along with others newly discovered, help fill the holes of history, while revisiting a fundamental, troubling question of what the West knew about the Holocaust and when we knew it.

I encourage my colleagues to learn more about Jan and Fritz. Read last year's New York Times obituary about Jan's life. Talk about his story with your families. To understand the Holocaust is to remember the lives of Jan Karski and Fritz Kolbe—to remember—"always remember," as Jan would say—what their sacrifices meant—and still mean—for our world.●

TRIBUTE TO DR. MORTIMER ADLER

• Mrs. BOXER. Mr. President, today I would like to pay tribute to a great American who passed away on June 28, at the age of 98½—an American whose life spanned virtually the entire 20th century and whose work influenced the course of the century.

Dr. Mortimer Jerome Adler, author, educator and philosopher was born in New York City and subsequently moved to California where he lived a great portion of his life.

Mortimer Adler devoted his life to the pursuit of wisdom, understanding, truth and knowledge, and to sharing what he learned with others. After having read John Stuart Mill's Autobiography at age 14 and learning that Mill had read Plato by the time he was five, he hit the books and never looked back.

A prolific writer, Adler authored well over 50 books, including How to Read a Book; The American Testament; The Common Sense of Politics; Aristotle for Everyone; Ten Philosophical Mistakes; and Art, the Arts and the Great Ideas. It is readily apparent, Mr. President, that his interests were wide ranging and extensive. As editor of the Encyclopedia Britannica, Adler was responsible for revamping the encyclopedia in the form we know it today. He was also editor of the 60 volume set, The Great Books of the Western World and was also instrumental in devising the Great Books reading program, a book discussion program with chapters throughout the United States in which participants read and discuss classic texts.

A professor at several universities including Columbia University and the University of Chicago, Mortimer Adler was probably the only person in America to receive his PhD before receiving his high school diploma, bachelors or masters degrees. As part of his unending quest to reform the American education system, he wrote, on behalf of the Paideia Group, The Paideia Proposal, a book explaining how and why the education that the best receive should be the education that all receive.

Known as "Everyone's Philosopher" or "the Philosopher of the Common Man," Mortimer Adler spent a lifetime demonstrating that philosophy was not a field only for some, but an endeavor for everyone. As the title of a journal that he published since the early 90's puts it succinctly, "Philosophy is Everybody's Business."

He was also the founder of the Institute for Philosophical Research and was instrumental in founding the Aspen Institute, an organization which engages leaders in business, academia and politics in discussions of perennial ideas using classic texts to facilitate discussion.

Only rarely does a person of Mortimer Adler's intellect and ability come along. We are fortunate that Professor Adler was with us for as long as he was.•

TRIBUTE TO LT. GEN. HENRY T. GLISSON

• Mr. ALLEN. Mr. President, I rise today to honor a lifetime commitment to serving the United States of America. On August 31, 2001, Lt. Gen. Henry T. Glisson of Alexandria, Virginia, will retire as a Lieutenant General after 34 years of dedicated service in the United States Army.

General Glisson was commissioned as a Second Lieutenant of the Quartermaster Corps through the Reserve Officer Training Corps program at North Georgia College, where he earned his bachelor of science degree in Psychology. Thereafter, he received his master's degree in Education from Pepperdine University of California. His military educational background includes the Quartermaster Officer Basic and Advanced Courses, the Command and General Staff College, and the Army War College.

Selected as a Regular Army Officer in 1967, and detailed to the Infantry for 18 months, his early years included assignment as a Platoon Leader for the 549th Quartermaster Company, Air Delivery, and Aide-de-Camp for the Commanding General of the U.S. Army in Japan; Advisory in the U.S. Military Assistance Command in Vietnam; and S4, Logistics, and Commander of the Headquarters Company of the 2nd Battalion of the 5th Infantry; Commander of Company C of the 425th Support Battalion; Executive Officer/S3 of the 25th Supply and Transport Battalion.

From 1978 to 1982, he served as the S3 of the Division Support Command; Executive Officer of 701st Maintenance Battalion; and Commander of the Materiel Management Center of the 1st Infantry Division in Fort Riley, Kansas. His next assignment was Commander of the 87th Maintenance Battalion of the 7th Support Group for the United States Army in Europe. He served as Chief of the Quartermaster Branch of the United States Army Military Personnel Command in Alexandria, Virginia, from 1985 to 1987.

In 1989 he became Commander of Division Support Command for the 4th Infantry Division in Fort Carson, Colorado. He returned to the Pentagon in 1991, serving as the Executive Officer and Special Assistant to the Deputy Chief of Staff for Logistics; and then as Deputy Director, Directorate for Plans and Operations in the Office of the Deputy Chief of Staff for Logistics. In 1993, he was promoted to Brigadier General and has served in four consecutive command assignments: Commander of the Defense Personnel Support Center for the Defense Logistics Agency; Commander of the U.S. Army Soldier Systems Command of the U.S. Army Materiel Command; and 44th Quartermaster General and Commandant of the U.S. Army Quartermaster Center and School. In 1997, he was promoted to Lieutenant General and began his service as Director of the Defense Logistics Agency in Fort Belvoir, Virginia.

His tireless and selfless dedication to serving his country is represented by the many decorations he has earned, including the Defense Distinguished Service Medal, the Defense Superior Service Medal, the Legion of Merit with Five Oak Leaf Clusters, the Bronze Star with "V" Device, the Bronze Star, the Purple Heart, the Meritorious Service Medal with Four Oak Leaf Clusters, the Army Commendation Medal, the Air Medal, the Combat Infantryman Badge, the Parachutist Badge, the Parachute Rigger Badge and the Army Staff Identification Badge.

In closing, I wish to commend General Glisson for his many years of distinguished service to our Nation, protecting our freedoms of life, liberty and the pursuit of happiness. I wish him and his wife, Sherry, Godspeed in his retirement.•

TRIBUTE TO REVEREND CHRISTIAN

• Mr. CORZINE. Mr. President, I bring to the attention of my colleagues a great man in the State of New Jersey, Rev. Ron Christian.

Reverend Christian is a man of integrity who is committed to the spiritual, mental, social, civil, and economic well-being of his congregation and of the residents of Essex County.

I want to congratulate him on his installation as the pastor of the Christian Love Baptist Church. He is a dynamic gentleman who has turned his life around and has become a leader and role model in the community.

Reverend Christian is a true American, who believes that all people should have access to America's Promise. He has the enviable gift of being able to bring people together to work for a common cause. Reverend Christian is an unselfish man whose motivation is not self-gratification. He possesses a higher calling.

On July 8, Reverend Christian became the pastor of the Christian Love Baptist Church in Irvington, New Jersey. I am certain that under his guidance, Christian Love Baptist Church will experience enormous growth and will continue its tradition of being a warm congregation filled with joy and love.

Reverend Christian's devotion to the community is very well known, and the State of New Jersey is a better place because of his leadership.

Lastly, I am proud to call Reverend Christian a friend. It is an honor for me to bring him to your attention.•

ALBUQUERQUE HISPANO CHAMBER OF COMMERCE GRAND OPENING

• Mr. DOMENICI. Mr. President, I rise today and ask my colleagues to join me in congratulating the Albuquerque Hispano Chamber of Commerce in my home state of New Mexico, as they continue their work to serve the community, with the opening of their Barelas Job Opportunity Center.

The Albuquerque Hispano Chamber of Commerce was founded in May 1975 and is dedicated to improving the quality of life for citizens, by promoting economic and education activities, with an emphasis on small business.

In those many years, the Albuquerque Hispano Chamber of Commerce has helped small business people by providing much needed services and informing them of business opportunities. It also serves as an advocate for issues affecting the small businessperson.

Through the Chamber, the entrepreneur also has access to a portal through which they can contribute to the economic and civic development of the community.

The Chamber just moved into a new building in an area of Albuquerque that is not affluent or wealthy, but one that is predominately Hispanic, and with history and pride: the South Valley. It is a fitting location for the Chamber, since it has always worked to protect, perpetuate and promote the Hispanic Culture, language and tradition.

The Albuquerque Hispano Chamber of Commerce will now be able to take their assistance a step further with the opening of their Barelas Job Opportunity Center within their new building.

The Opportunity Center, to be dedicated on August 10, 2001, will allow the Chamber to provide even more services individually designed to help members and small businesspersons with their business needs.

The Barelas Job Opportunity Center will serve the neighborhood, community, State and Nation for generations to come.

I applaud the Albuquerque Hispano Chamber of Commerce as it opens its new Barelas Job Opportunity Center. The Chamber has made a great impact on our community and with the new Job Opportunity Center, will continue and further its contribution. We wish them much continued success in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIERRA LEONE—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sierra Leone that was declared in Executive Order 13194 of January 18, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 17, 2001.*

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 360. An act to honor Paul D. Coverdell.

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

At 3:14 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 360. An act to honor Paul D. Coverdell.

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 17, 2001, she had presented to the President of the United States the following enrolled bills:

S. 360. An act to honor Paul D. Coverdell.

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

*Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration.

*Ellen G. Engleman, of Indiana, to be Administrator of the Research and Special Programs Administration, Department of Transportation.

*Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of Commerce.

By Mr. BAUCUS for the Committee on Finance.

*Wade. F. Horn, of Maryland, to be Assistant Secretary for Family Support, Department of Health and Human Services.

*Kevin Keane, of Wisconsin, to be an Assistant Secretary of Health and Human Services.

*William Henry Lash, III, of Virginia, to be an Assistant Secretary of Commerce.

*Brian Carlton Roseboro, of New Jersey, to be an Assistant Secretary of the Treasury.

*Allen Frederick Johnson, of Iowa, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated, on July 13, 2001, during the recess ofthe Senate:

By Mrs. MURRAY:

S. 1178. An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated, on July 17, 2001:

By Mr. CLELAND (for himself and Mr. MILLER):

S. 1184. A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office"; to the Committee on Governmental Affairs.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 1185. A bill to amend title XVIII of the Social Security Act to assure access of medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. BINGAMAN, Mr. BAUCUS, Mr. CRAPO, Mr. ALLARD, Mr. JOHNSON, and Mr. KYL):

S. 1186. A bill to provide a budgetary mechanism to ensure that funds will be available to satisfy the Federal Government's responsibilities with respect to negotiated settlements of disputes related to Indian water rights claims and Indian land claims; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. BUNNING:

S. 1187. A bill to provide for the management of environmental matters at the Paducah Gaseous Diffusion Plant, Kentucky, through the Assistant Secretary of Energy for Environmental Management; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (for himself and Mr. CLELAND):

S. 1188. A bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. DORGAN):

S. 1189. A bill to require the Federal Communications Commission to amend its daily newspaper cross-ownership rules, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION ON CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN:

S. Res. 135. A resolution honoring Drs. Arvid Carlsson, Paul Greengard, and Eric R. Kandel for being awarded the Nobel Prize in Physiology or Medicine for 2000, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS (for himself, Mr. SMITH of Oregon, Mr. LOTT, and Mr. ALLEN):

S. Con. Res. 60. A concurrent resolution expressing the sense of the Congress that the continued participation of the Russian Federation in meetings of the Group of Eight countries must be conditioned on the Russian Federation's voluntary acceptance of and adherence to the norms and standards of democracy; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 29, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 174

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 174, a bill to amend the Small Business Act with respect to the microloan program, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 358

At the request of Mr. BREAUX, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 358, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes.

S. 400

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 400, a bill to lift the trade embargo on Cuba, and for other purposes.

S. 401

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 401, a bill to normalize trade relations with Cuba, and for other purposes.

S. 402

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 402, a bill to make an exception to the United States embargo on trade with Cuba for the export of agricultural commodities, medicines, medical supplies, medical instruments, or medical equipment, and for other purposes.

S. 457

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 457, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 540

At the request of Mr. DEWINE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 611

At the request of Ms. MIKULSKI, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Washington (Ms. CANTWELL), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 658

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 658, a bill to amend title 32, United States Code, to authorize units of the National Guard to conduct small arms competitions and athletic competitions, and for other purposes.

S. 668

At the request of Mr. AKAKA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 668, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 723

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 760

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 830

At the request of Mr. CHAFEE, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 847

At the request of Mr. DAYTON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 847, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 866

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 866, a bill to amend the Public Health Service Act to provide for a national media campaign to reduce and prevent underage drinking in the United States.

S. 882

At the request of Ms. MIKULSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 882, a bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes.

S. 885

At the request of Mr. HUTCHINSON, the names of the Senator from New York (Mrs. CLINTON) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 887

At the request of Mr. WELLSTONE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 887, a bill to amend the Torture Victims Relief Act of 1986 to authorize appropriations to provide assistance for domestic centers and programs for the treatment of victims of torture.

S. 890

At the request of Mr. MCCAIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 890, a bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement.

S. 940

At the request of Mr. DODD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 1017

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1017, supra.

S. 1047

At the request of Mr. GRAMM, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1047, a bill to amend the Internal Revenue Code of 1986 to provide for nonrecognition of gain on dispositions of dairy property which is certified by the Secretary of Agriculture as having been the subject of an agreement under the bovine tuberculosis eradication program, and for other purposes.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. 1052

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1052, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1078

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1078, a bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods.

S. 1079

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1079, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1104

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1104, a bill to establish objectives for negotiating, and procedures for, implementing certain trade agreements.

S. 1116

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1116, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. CON. RES. 53

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

At the request of Mr. HAGEL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 53, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND (for himself and Mr. MILLER):

S. 1184. A bill to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office"; to the Committee on Governmental Affairs.

Mr. CLELAND. Mr. President, I rise today to recognize Mr. Earl Shinhoster for his distinguished career of service to the public and the cause of civil and human rights. In tribute to Mr. Shinhoster I hereby introduce legislation to designate the facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, as the "Earl T. Shinhoster Post Office." Before his tragic death on June 12, 2000, he had been an active member of the National Association for the Advancement of Colored People, NAACP, for more than 30 years as both a volunteer and staff member, most recently as Acting Executive Director and Chief Executive Officer of its National Board of Directors in 1996, and Southeast Regional Director from 1978–1994.

In May 1998, Mr. Shinhoster was Chairman of the Georgia Delegation to the National Summit on Africa and he was the Field Director for the National Democratic Institute in Accra, Ghana from 1996 to 1997 where he observed and monitored the 1996 Presidential and Parliamentary elections. He also monitored and observed the electoral process in South Africa and Nigeria. He was active on both the State and local level serving in the administration of Georgia Governor George Busbee from 1975 to 1978 as Director of the Governor's Office of Human Affairs. In 1998, Mr. Shinhoster served as Coordinator of Voter Education for the State's Election Division.

Earl Shinhoster earned his Bachelor of Arts degree in political science from Morehouse College in Atlanta, GA in 1972 before pursuing legal studies at Cleveland State University College of Law in Cleveland, OH. The particular Post Office to be named after him is the same Post Office in South DeKalb where he retrieved his mail and is located in the same community where his family and friends still reside today. I, along with Senator MILLER, urge my colleagues to support this legislation and recognize Mr. Shinhoster's long and distinguished career as a public servant promoting civil and human rights in Georgia, the United States, and around the world. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1184

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF EARL T. SHINHOSTER POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 2853 Candler Road in Decatur, Georgia, shall be known and designated as the "Earl T. Shinhoster Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Earl T. Shinhoster Post Office.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 1185. A bill to amend title XVIII of the Social Security Act to assure access of Medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program; to the Committee on Finance.

Mr. WYDEN. Mr. President, today Senator SNOWE and I are introducing our bipartisan legislation to provide a Medicare prescription drug benefit. Yesterday, I spoke about our proposal, The Senior Prescription Insurance Coverage Equity Act of 2001. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Seniors Prescription Insurance Coverage Equity (SPICE) Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. SPICE drug benefit program.

"PART D—SPICE DRUG BENEFIT PROGRAM

"Sec. 1860A. Establishment of SPICE drug benefit program.
"Sec. 1860B. SPICE prescription drug coverage.
"Sec. 1860C. Enrollment under SPICE drug benefit program.
"Sec. 1860D. Enrollment in a policy or plan.
"Sec. 1860E. Medicare Drug Plan for Noncompetitive Areas.
"Sec. 1860F. Selection of private entities to provide basic coverage.
"Sec. 1860G. Providing information to beneficiaries.
"Sec. 1860H. Premiums.
"Sec. 1860I. Approval for entities offering SPICE prescription drug coverage.
"Sec. 1860J. Payments to entities.
"Sec. 1860K. Financial assistance to obtain SPICE prescription drug coverage.
"Sec. 1860L. Employer incentive program for employment-based retiree drug coverage.
"Sec. 1860M. SPICE Board.
"Sec. 1860N. SPICE Prescription Drug Account in the Federal Supplementary Medical Insurance Trust Fund.".
Sec. 3. SPICE prescription drug coverage under Medicare+Choice plans.
Sec. 4. Medigap revisions and transition provisions.
Sec. 5. Provision of information on SPICE drug benefit program under health insurance information, counseling, and assistance grants.
Sec. 6. Personal Digital Access Technology Demonstration Project.

SEC. 2. SPICE DRUG BENEFIT PROGRAM.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

"PART D—SPICE DRUG BENEFIT PROGRAM

"ESTABLISHMENT OF SPICE DRUG BENEFIT PROGRAM

"SEC. 1860A. (a) ACCESS TO SPICE PRESCRIPTION DRUG COVERAGE.—

"(1) IN GENERAL.—Beginning in 2003, the SPICE Board (established under section 1860M) shall provide for a SPICE drug benefit program under which all eligible medicare beneficiaries who voluntarily enroll under this part shall be entitled to obtain SPICE prescription drug coverage (meeting the terms and conditions under this part) as follows:

"(A) MEDICARE+CHOICE PLAN.—If the eligible medicare beneficiary is eligible to enroll in a Medicare+Choice plan, the beneficiary may enroll in the plan and obtain SPICE prescription drug coverage (as defined in section 1860B(a)) through such plan.

"(B) MEDICARE SUPPLEMENTAL POLICY.—If the eligible medicare beneficiary is not enrolled in a Medicare+Choice plan but is enrolled in a medicare supplemental policy, the beneficiary may—

"(i) obtain SPICE prescription drug coverage through such policy; or

"(ii) waive basic coverage (as defined in section 1860B(b)) pursuant to section 1860C(a)(3) and obtain financial assistance pursuant to section 1860K(c) for stop-loss coverage (as defined in section 1860B(c)) provided under such policy.

"(C) MEDICARE DRUG PLAN FOR NONCOMPETITIVE AREAS.—If the eligible medicare beneficiary is not enrolled in a Medicare+Choice plan, a medicare supplemental policy, or a basic coverage plan under section 1860F, and there is a Medicare Drug Plan for Noncompetitive Areas available in the area in which the beneficiary resides, the beneficiary may obtain SPICE prescription drug coverage under this part through enrollment in such plan.

"(D) BASIC COVERAGE ONLY THROUGH A PRIVATE ENTITY.—If the eligible medicare beneficiary is not enrolled in a Medicare+Choice plan, a medicare supplemental policy, or a Medicare Drug Plan for Noncompetitive Areas, the beneficiary may obtain basic coverage (including financial assistance for such coverage under section 1860K(b) and access to negotiated prices under section 1860B(d)) through enrollment in a plan offered by a private entity with a contract to offer such plan under section 1860F.

"(2) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible medicare beneficiary to enroll in the program established under this part.

"(3) ADMINISTRATION OF BENEFITS.—In providing SPICE prescription drug coverage to an eligible medicare beneficiary under this part, an entity offering a medicare supplemental policy, a Medicare+Choice plan, a Medicare Drug Plan for Noncompetitive Areas, or a basic coverage plan under section 1860F may—

"(A) directly administer the benefits under such coverage; or

"(B) contract with an entity that meets the applicable requirements under this part to administer such benefits.

"(b) ACCESS TO ALTERNATIVE PRESCRIPTION DRUG COVERAGE.—In the case of an eligible medicare beneficiary who has creditable prescription drug coverage (as defined in section 1860C(b)(4)) under a policy or plan, such beneficiary—

"(1) may continue to receive such coverage under such policy or plan and not enroll under this part; and

"(2) pursuant to section 1860C(b)(3), is permitted to subsequently enroll under this part and obtain SPICE prescription drug coverage without any penalty if such policy or plan terminated, ceased to provide, or substantially reduced the value of the prescription drug coverage under such plan or policy.

"(c) FINANCIAL ASSISTANCE.—

"(1) UNDER SPICE DRUG BENEFIT PROGRAM.—Under the SPICE drug benefit program, the SPICE Board shall provide financial assistance, with such assistance varying depending upon the income of such beneficiary, for any eligible medicare beneficiary enrolled under this part who voluntarily obtains—

"(A) basic coverage (pursuant to subsection (b) of section 1860K); or

"(B) stop-loss coverage (pursuant to subsection (c) of such section).

"(2) ASSISTANCE TO GROUP HEALTH PLANS THAT PROVIDE PRESCRIPTION DRUG COVERAGE TO ELIGIBLE MEDICARE BENEFICIARIES.—Pursuant to the Employer Incentive Program established under section 1860L, the SPICE

Board shall make payments to employers and other sponsors of employment-based health care coverage to encourage such employers and sponsors to provide adequate prescription drug coverage to retired individuals.

"(d) ELIGIBLE MEDICARE BENEFICIARY DEFINED.—For purposes of this part, the term 'eligible medicare beneficiary' means an individual who is entitled to benefits under part A and enrolled under part B.

"(e) FINANCING.—The costs of providing benefits under this part shall be payable from the SPICE Prescription Drug Account (as established under section 1860N) within the Federal Supplementary Medical Insurance Trust Fund under section 1841.

"SPICE PRESCRIPTION DRUG COVERAGE

"SEC. 1860B. (a) IN GENERAL.—For purposes of this part, the term 'SPICE prescription drug coverage' means coverage consisting of the following:

"(1) BASIC COVERAGE.—Basic coverage (as defined in subsection (b)) and access to negotiated prices under subsection (d), except as waived pursuant to section 1860C(a)(3).

"(2) STOP-LOSS COVERAGE.—Stop-loss coverage (as defined in subsection (c)).

"(b) BASIC COVERAGE.—For purposes of this part, the term 'basic coverage' means coverage of covered outpatient drugs (as defined in subsection (e)) that meets the following requirements:

"(1) DEDUCTIBLE.—The coverage has an annual deductible—

"(A) for 2003, that is equal to $350; or

"(B) for a subsequent year, that is equal to the amount specified under this paragraph for the previous year increased by the percentage specified in paragraph (4) for the year involved.

Any amount determined under subparagraph (B) that is not a multiple of $5 shall be rounded to the nearest multiple of $5.

"(2) COINSURANCE.—The coverage has coinsurance (for the cost of a covered outpatient drug above the annual deductible specified in paragraph (1) for the year and up to the initial coverage limit specified in paragraph (3) for the year) that does not exceed 25 percent of the cost of such drug.

"(3) INITIAL COVERAGE LIMIT.—

"(A) IN GENERAL.—The coverage has an initial coverage limit for covered outpatient drugs in a year that is reached when the eligible medicare beneficiary has incurred the applicable amount of out-of-pocket expenses in the year.

"(B) APPLICABLE AMOUNT DEFINED.—For purposes of subparagraph (A), the term 'applicable amount' means—

"(i) for 2003, $3,000; or

"(ii) for a subsequent year, the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (4) for the year involved.

Any amount determined under clause (ii) that is not a multiple of $25 shall be rounded to the nearest multiple of $25.

"(C) APPLICATION.—In applying paragraph (1)—

"(i) incurred out-of-pocket expenses shall only include expenses incurred for the annual deductible (described in paragraph (1)) and coinsurance (described in paragraph (2)); and

"(ii) such expenses shall be treated as incurred without regard to whether the individual or another person, including a State program or other third-party coverage, has paid for such expenses.

"(4) ANNUAL PERCENTAGE INCREASE.—For purposes of this part, the annual percentage increase specified in this paragraph for a year is equal to the annual percentage increase in average per capita aggregate expenditures for benefits under this title, as determined by the Secretary for the 12-month period ending in July of the previous year.

"(c) STOP-LOSS COVERAGE.—For purposes of this part, the term 'stop-loss coverage' means coverage of covered outpatient drugs in a year without any coinsurance after the eligible medicare beneficiary has reached the initial coverage limit specified in subsection (b)(3) for the year.

"(d) ACCESS TO NEGOTIATED PRICES.—Under SPICE prescription drug coverage offered under a policy or plan, the entity offering the policy or plan (or the administering entity pursuant to subsection (a)(3)(B)) shall provide beneficiaries with access to negotiated prices (including applicable discounts) used for payment for covered outpatient drugs, regardless of the fact that no benefits may be payable under the coverage with respect to such drugs because of the application of the annual deductible.

"(e) COVERED OUTPATIENT DRUGS DEFINED.—

"(1) IN GENERAL.—Except as provided in this subsection, for purposes of this part, the term 'covered outpatient drug' means—

"(A) a drug that may be dispensed only upon a prescription and that is described in subparagraph (A)(i) or (A)(ii) of section 1927(k)(2); or

"(B) a biological product described in clauses (i) through (iii) of subparagraph (B) of such section or insulin described in subparagraph (C) of such section,

and such term includes any use of a covered outpatient drug for a medically accepted indication (as defined in section 1927(k)(6)).

"(2) EXCLUSIONS.—

"(A) IN GENERAL.—Such term does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents) and except to the extent otherwise specifically provided by the SPICE Board with respect to a drug in any of such classes.

"(B) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be so considered if payment for such drug is available under part A or B or would be available under part B but for the application of a deductible under such part (but shall be so considered if such payment is not available because benefits under part A or B have been exhausted).

"(3) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be so considered under a policy or plan if the policy or plan excludes the drug under a formulary that meets the requirements of section 1860I(c)(3) (including providing an appeal process).

"(4) APPLICATION OF GENERAL EXCLUSION PROVISIONS.—An entity may exclude from SPICE prescription drug coverage any covered outpatient drug—

"(A) for which payment would not be made if section 1862(a) applied to part D; or

"(B) which are not prescribed in accordance with the policy or plan or this part.

Such exclusions are determinations subject to reconsideration and appeal pursuant to section 1860I(c)(6).

"ENROLLMENT UNDER SPICE DRUG BENEFIT PROGRAM

"SEC. 1860C. (a) ESTABLISHMENT OF PROCESS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The SPICE Board, in consultation with the Secretary, the National Association of Insurance Commissioners, issuers of medicare supplemental policies, and Medicare+Choice organizations, shall establish a process through which an eligible medicare beneficiary (including an eligible medicare beneficiary enrolled in a Medicare+Choice plan) may enroll under this part.

"(B) SIMILAR TO PART B.—

"(i) IN GENERAL.—Except as provided in clause (ii), the process established under subparagraph (A) shall be similar to the process for enrollment in part B under section 1837.

"(ii) BENEFICIARY MUST AFFIRMATIVELY ENROLL.—Notwithstanding section 1837(f), such process shall require that an eligible medicare beneficiary affirmatively enroll under this part rather than deeming the beneficiary to be so enrolled if certain requirements are met.

"(2) REQUIREMENT OF ENROLLMENT.—An eligible medicare beneficiary must enroll under this part in order to be eligible to receive SPICE prescription drug coverage, including financial assistance for basic and stop-loss coverage under section 1860K.

"(3) WAIVER OF BASIC COVERAGE FOR MEDIGAP ENROLLEES.—

"(A) IN GENERAL.—The process established under paragraph (1) shall permit a beneficiary enrolled under this part and enrolled under a medicare supplemental policy to—

"(i) waive the basic coverage available under this part; and

"(ii) rescind such waiver in order to obtain such coverage.

"(B) RULES.—If a beneficiary waives basic coverage pursuant to subparagraph (A)(i), the following rules shall apply:

"(i) Such waiver shall not effect the stop-loss coverage that the beneficiary receives under the medicare supplemental policy, including the entitlement to financial assistance under section 1860K(c) for such coverage.

"(ii) The beneficiary shall not be liable for the basic monthly premium under section 1860H(a).

"(iii) The beneficiary shall not receive basic coverage but shall be entitled to negotiated prices for covered outpatient drugs as if the beneficiary had not waived such coverage.

"(iv) If the beneficiary subsequently rescinds such waiver pursuant to subparagraph (A)(ii), the beneficiary shall be subject to the late enrollment penalty under subsection (b).

"(b) LATE ENROLLMENT PENALTY.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, in the case of an eligible medicare beneficiary whose coverage period under this part began pursuant to an enrollment after the beneficiary's initial enrollment period under part B (determined pursuant to section 1837(d)) and not pursuant to the open enrollment period described in subsection (c), the SPICE Board shall establish procedures for increasing the amount of the basic monthly premium under section 1860H(a) applicable to such beneficiary—

"(A) by an amount that is equal to 25 percent of such premium for each full 12-month period (in the same continuous period of eligibility) in which the eligible medicare beneficiary could have been enrolled under this part but was not so enrolled; or

"(B) if determined appropriate by the SPICE Board, by an amount that the SPICE Board determines is actuarily sound for each such period.

"(2) PERIODS TAKEN INTO ACCOUNT.—For purposes of calculating any 12-month period under paragraph (1), there shall be taken into account—

"(A) the months which elapsed between the close of the eligible medicare beneficiary's initial enrollment period and the close of the enrollment period in which the beneficiary enrolled;

"(B) in the case of an eligible medicare beneficiary who reenrolls under this part, the months which elapsed between the date of termination of a previous coverage period and the close of the enrollment period in which the beneficiary reenrolled; and

"(C) in the case of an eligible medicare beneficiary who is enrolled under this part but has waived basic coverage pursuant to subsection (a)(3), the months which elapsed between the effective date of such waiver and the effective date of the rescission of such waiver.

"(3) PERIODS NOT TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of calculating any 12-month period under paragraph (1), subject to subparagraph (B), there shall not be taken into account months for which the eligible medicare beneficiary can demonstrate that the beneficiary—

"(i) met such exceptional conditions (including conditions recognized under section 1851(e)(4)(D)) as the SPICE Board may provide; or

"(ii) had creditable prescription drug coverage (as defined in paragraph (4)).

"(B) APPLICATION.—The exception described in subparagraph (A)(ii) shall only apply with respect to a coverage period the enrollment for which occurs before the end of the 63-day period that begins on the first day of the month which includes the date on which the policy or plan involved terminates, ceases to provide, or substantially reduces the value of the prescription drug coverage under such policy or plan.

"(4) PRESCRIPTION DRUG COVERAGE.—For purposes of this part, the term 'creditable prescription drug coverage' means any of the following:

"(A) MEDICAID PRESCRIPTION DRUG COVERAGE.—Prescription drug coverage under a medicaid plan under title XIX, including through the Program of All-inclusive Care for the Elderly (PACE) under section 1934, through a social health maintenance organization (referred to in section 4104(c) of the Balanced Budget Act of 1997), or through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of a interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

"(B) PRESCRIPTION DRUG COVERAGE UNDER GROUP HEALTH PLAN.—Any outpatient prescription drug coverage under a group health plan, including a health benefits plan under the Federal Employees Health Benefit Plan under chapter 89 of title 5, United States Code, and a qualified retiree prescription drug plan as defined in section 1860L(e)(3).

"(C) PRESCRIPTION DRUG COVERAGE UNDER CERTAIN MEDIGAP POLICIES.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs but only if the policy was in effect on December 31, 2002, and only until the date such coverage is terminated.

"(D) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program.

"(E) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code.

"(5) PERIODS TREATED SEPARATELY.—Any increase in an eligible medicare beneficiary's basic monthly premium under paragraph (1) with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which the beneficiary may have.

"(6) CONTINUOUS PERIOD OF ELIGIBILITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this subsection, an eligible medicare beneficiary's 'continuous period of eligibility' is the period that begins with the first day on which the beneficiary is eligible to enroll under section 1836 and this part and ends with the beneficiary's death.

"(B) SEPARATE PERIOD.—Any period during all of which an eligible medicare beneficiary satisfied paragraph (1) of section 1836 and which terminated during or before the month preceding the month in which the beneficiary attained age 65 shall be a separate 'continuous period of eligibility' with respect to the beneficiary (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this subparagraph).

"(c) OPEN ENROLLMENT PERIOD FOR CURRENT BENEFICIARIES IN WHICH LATE ENROLLMENT PROCEDURES DO NOT APPLY.—The SPICE Board shall establish an applicable period, which shall begin on the date on which the SPICE Board first begins to accept enrollments under this part, during which any eligible medicare beneficiary may enroll under this part without the application of the late enrollment procedures established under subsection (b)(1).

"(d) PERIOD OF COVERAGE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an eligible medicare beneficiary's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

"(2) OPEN ENROLLMENT.—An eligible medicare beneficiary who enrolls under the program under this part pursuant to subsection (c) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(3) RESCISSION OF WAIVER.—The SPICE Board shall establish procedures regarding coverage periods for an eligible medicare beneficiary enrolled under this part who previously waived basic coverage under subsection (a)(3) and now wishes to rescind such waiver.

"(4) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2003.

"(e) TERMINATION.—

"(1) IN GENERAL.—The causes of termination specified in section 1838 shall apply to this part in the same manner as they apply to part B.

"(2) COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B.—

"(A) IN GENERAL.—In addition to the causes of termination described in paragraph (1), the SPICE Board shall terminate an individual's coverage under this part if the individual is no longer enrolled in either part A or B.

"(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of termination of coverage under part A or (if earlier) under part B.

"(3) PROCEDURES REGARDING TERMINATION OF A BENEFICIARY UNDER A PLAN OR POLICY.—The SPICE Board shall establish procedures for determining the status of an eligible medicare beneficiary's enrollment under this part if the beneficiary's enrollment in a medicare supplemental policy, a Medicare+Choice plan, a Medicare Drug Plan for Noncompetitive Areas, or a basic coverage plan under section 1860F is terminated by the entity offering such policy or plan for cause (under the applicable requirements established under this title).

"ENROLLMENT IN A POLICY OR PLAN

"SEC. 1860D. (a) ENROLLMENT IN MEDICARE DRUG PLAN FOR NONCOMPETITIVE AREAS.—The SPICE Board shall establish a process through which an eligible medicare beneficiary who is enrolled under this part (but not enrolled in a medicare supplemental policy, a Medicare+Choice plan, or a basic coverage plan under section 1860F) and resides in an area in which a Medicare Drug Plan for Noncompetitive Areas is available may enroll in such plan. Such process shall include rules for enrollment, disenrollment, and termination of enrollment in such plan.

"(b) ENROLLMENT IN A MEDICARE SUPPLEMENTAL POLICY OR A MEDICARE+CHOICE PLAN.—Enrollment in a medicare supplemental policy or a Medicare+Choice plan is subject to the rules for enrollment in such policy or plan under sections 1882 and 1851, respectively.

"(c) ENROLLMENT IN A BASIC COVERAGE PLAN OFFERED BY A PRIVATE ENTITY WITH A CONTRACT UNDER THIS PART.—The SPICE Board shall establish a process through which an eligible medicare beneficiary who is enrolled under this part (but not enrolled in a medicare supplemental policy, a Medicare+Choice plan, or a Medicare Drug Plan for Noncompetitive Areas) may enroll in a basic coverage plan offered by a private entity with a contract under section 1860F to offer such plan. Such process shall include rules for enrollment, disenrollment, and termination of enrollment in such plan.

"(d) COORDINATION OF ENROLLMENTS, DISENROLLMENTS, AND TERMINATIONS OF ENROLLMENTS.—The SPICE Board shall establish procedures for coordinating enrollments, disenrollments and terminations of enrollments under plans described in subsections (a) and (c) with enrollments, disenrollments and terminations of enrollments under part C.

"MEDICARE DRUG PLAN FOR NONCOMPETITIVE AREAS

"SEC. 1860E. (a) IN GENERAL.—The SPICE Board shall provide for a Medicare Drug Plan for Noncompetitive Areas that—

"(1) provides enrollees with SPICE prescription drug coverage; and

"(2) is available to eligible medicare beneficiaries residing in an area that has been designated by the SPICE Board as a noncompetition area.

"(b) DESIGNATION OF NONCOMPETITION AREA.—

"(1) IN GENERAL.—The SPICE Board shall establish procedures for designating areas as noncompetition areas.

"(2) NONCOMPETITION AREA DEFINED.—

"(A) IN GENERAL.—For purposes of this section, the term 'noncompetition area' means an area in which only 1 or no medicare supplemental policy is available to eligible medicare beneficiaries residing in the area.

"(B) CONSTRUCTION REGARDING MULTIPLE POLICIES OFFERED BY SINGLE ISSUER.—If there is an entity that offers more that 1 type of medicare supplemental policy in an area, then that area is not a noncompetition area for purposes of this section.

“(c) Contracts.—In order to provide the Medicare Drug Plan for Noncompetitive Areas under this section, the SPICE Board shall do 1 of the following:

“(1) Single contract that covers all noncompetition areas.—Enter into a contract with 1 entity to administer and deliver the benefits under the plan in every designated noncompetition area.

“(2) Multiple contracts.—Enter into a contract with 1 entity to administer and deliver the benefits under the plan in 1 or more (but less than all) of the designated noncompetition areas.

“(d) Bidding Process.—

“(1) In general.—The SPICE Board shall establish procedures under which the SPICE Board accepts bids submitted by entities and awards a contract (or contracts pursuant to subsection (c)(2)) to an entity in order to administer and deliver the benefits under the Medicare Drug Plan for Noncompetitive Areas to eligible medicare beneficiaries.

“(2) Competitive procedures.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into contracts under this section.

“(e) Requirements for Entities.—

“(1) In general.—The SPICE Board may not award a contract to an entity under this section unless the entity meets such terms and conditions as the SPICE Board shall specify, including the following:

“(A) The terms and conditions described in section 1860I(c).

“(B) The entity meets the quality and financial standards specified by the SPICE Board.

“(C) The entity meets applicable State licensure requirements.

“(2) Premiums.—The terms and conditions specified under paragraph (1) shall—

“(A) permit an entity with a contract under this section to require that beneficiaries enrolled in the plan covered by the contract pay a premium for benefits provided under the contract; and

“(B) except as provided in section 1860H(b)(3) (relating to an increased premium for delayed enrollment under this part), require that the amount of any such premium is the same for all beneficiaries enrolled in the plan.

“SELECTION OF PRIVATE ENTITIES TO PROVIDE BASIC COVERAGE PLANS

“Sec. 1860F. (a) Selection of Entities.—

“(1) In general.—The SPICE Board shall establish procedures under which the SPICE Board—

“(A) accepts bids submitted by private entities for the basic coverage plans which such entities intend to offer in an area established under subsection (b); and

“(B) awards contracts to such entities to provide such plans to eligible medicare beneficiaries in the area.

“(2) Competitive procedures.—Competitive procedures (as defined in section 4(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(5))) shall be used to enter into contracts under this section.

“(b) Areas for Contracts.—

“(1) In general.—The SPICE Board shall determine the areas to award contracts under this section.

“(2) No administrative or judicial review.—The determination of contract areas under paragraph (1) shall not be subject to administrative or judicial review.

“(3) Multiple contracts.—If determined appropriate, the SPICE Board may award more than 1 contract in a contract area.

“(c) Requirements for Entities.—

“(1) In general.—The SPICE Board may not award a contract to a private entity under this section unless the entity meets such terms and conditions as the SPICE Board shall specify, including the following:

“(A) The terms and conditions described in section 1860I(c).

“(B) The entity meets the quality and financial standards specified by the SPICE Board.

“(C) The entity meets applicable State licensure requirements.

“(D) Under the plan, the entity will provide basic coverage with access to negotiated prices.

“(d) Private Entity Defined.—For purposes of this part, the term ‘private entity’ means any private entity that the SPICE Board determines to be appropriate to provide basic coverage plans to eligible medicare beneficiaries under this part, including—

“(1) a pharmacy benefit management company;

“(2) a retail pharmacy delivery system;

“(3) a health plan or insurer;

“(4) any other private entity approved by the SPICE Board; or

“(5) any combination of the entities described in paragraphs (1) through (4) approved by the SPICE Board.

“PROVIDING INFORMATION TO BENEFICIARIES

“Sec. 1860G. (a) Activities.—

“(1) In general.—The SPICE Board shall provide for activities that are designed to broadly disseminate information to eligible medicare beneficiaries (and prospective eligible medicare beneficiaries) on the SPICE drug benefit program under this part.

“(2) Late enrollment penalties to be well publicized.—The SPICE Board shall ensure that information on the sanctions for delayed enrollment under section 1860C(b) and on the possibility of increased premiums for stop-loss coverage under section 1860H(b)(3) are well publicized.

“(3) Special rule for initial enrollment under the program.—

“(A) Consultation.—The SPICE Board shall consult with the Secretary, issuers of medicare supplemental policies, State insurance commissioners, Medicare+Choice organizations, and interested consumer organizations in developing the activities described in paragraph (1) that will be used to provide information regarding the initial enrollment under this part during the period described in section 1860C(c).

“(B) Timeframe.—The activities described in paragraph (1) shall ensure that eligible medicare beneficiaries (and prospective eligible medicare beneficiaries) are provided with such information not later that December 1, 2002, in order to ensure that coverage under this part may be effective as of January 1, 2003.

“(4) Coordination with activities performed by the secretary.—The SPICE Board shall work with the Secretary to ensure that the activities provided under this subsection are coordinated with the activities performed by the Secretary that provide information with respect to benefits under this title to eligible medicare beneficiaries and prospective eligible medicare beneficiaries.

“(b) Requirements.—

“(1) In general.—The activities described in subsection (a) shall—

“(A) be similar to the activities performed under section 1851 (including the approval of policy marketing materials and maintaining a toll-free number and an Internet site); and

“(B) include provisions to ensure that consumer counselors are available to provide face-to-face counseling to eligible medicare beneficiaries (and prospective eligible medicare beneficiaries) on the SPICE drug benefit program under this part.

“(2) Contracts to provide consumer counseling.—The SPICE Board may contract with private entities to provide the consumer counseling described in paragraph (1)(B).

“(c) Coordination With Other Information.—The SPICE Board shall, in cooperation with the Secretary, enter into such arrangements as may be appropriate to disseminate the information referred to in subsection (a) in coordination with materials distributed by the Secretary to medicare beneficiaries, including the medicare handbook under section 1804 and materials distributed under section 1851(d).

“PREMIUMS

“Sec. 1860H. (a) Premium for Basic Coverage for All Beneficiaries.—

“(1) Annual establishment of basic monthly premium rates.—The SPICE Board shall, during September of each year (beginning in 2002), determine and promulgate a basic monthly premium rate for the succeeding year in accordance with the provisions of this subsection.

“(2) Actuarial determinations.—

“(A) Determination of annual benefit and administrative costs for basic coverage.—The SPICE Board shall estimate annually for the succeeding year the amount equal to the total of the benefits (including financial assistance provided under subsections (b) and (c) of section 1860K and payments made to sponsors under section 1860L) and administrative costs that will be payable from the SPICE Prescription Drug Account within the Federal Supplementary Medical Insurance Trust Fund for providing benefits under this part in such calendar year.

“(B) Determination of basic monthly premium rates.—

“(i) In general.—The SPICE Board shall determine the basic monthly premium rate for such succeeding year, which shall be $\frac{1}{12}$ of the amount determined under subparagraph (A), divided by the average total number of enrollees under this part who have not waived basic coverage under section 1860C(a)(3) (as estimated for the year), and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

“(ii) Premium reduced by amount of financial assistance.—The amount that shall be charged a beneficiary for basic coverage under this part is the basic monthly premium determined under clause (i), reduced by the amount of the financial assistance for basic coverage determined for the beneficiary under section 1860K(b).

“(3) Publication of assumptions.—The SPICE Board shall publish, together with the promulgation of the basic monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under paragraphs (1) and (2).

“(4) Collection of premiums.—Any basic monthly premium applicable to an eligible medicare beneficiary pursuant to this subsection, after application of the reduction described in paragraph (2)(B)(ii) and any increase for late enrollment under section 1860C(b), shall be collected and credited to the SPICE Prescription Drug Account in the same manner as the monthly premium determined under section 1839 is collected and credited to the Federal Supplementary Medical Insurance Trust Fund under section 1840.

"(b) Premiums for Stop-Loss Coverage.—

"(1) Beneficiary responsible for making payment directly to entity.—Subject to paragraph (2), any eligible medicare beneficiary who is receiving stop-loss coverage, either through enrollment in a medicare supplemental policy, a Medicare+Choice plan, or a Medicare Drug Plan for Noncompetitive Areas, shall be responsible for making payments for any premiums required under the policy or plan for such coverage directly to the entity offering such policy or plan.

"(2) Premium reduced by amount of financial assistance.—The entity offering such policy or plan shall reduce the premium described in paragraph (1) by the amount of the financial assistance for stop-loss coverage determined for the beneficiary under section 1860K(c).

"(3) Increase in premium for late enrollment or for lack of continuous stop-loss coverage.—In the case of an eligible medicare beneficiary who is subject to a late enrollment penalty under section 1860C or who has not had continuous stop-loss coverage under this part because the beneficiary was enrolled in a basic coverage plan under section 1860F, the entity offering the medicare supplemental policy, the Medicare+Choice plan, or the Medicare Drug Plan for Noncompetitive Areas in which the beneficiary is enrolled may, notwithstanding any provision in this title, increase the portion of the premium attributable to stop-loss coverage that is otherwise applicable to such beneficiary for such enrollment in a manner that reflects the additional actuarial risk involved. Such a risk shall be established through an appropriate actuarial opinion of the type described in subparagraphs (A) through (C) of section 2103(c)(4).

"APPROVAL FOR ENTITIES OFFERING SPICE PRESCRIPTION DRUG COVERAGE

"Sec. 1860I. (a) Approval.—No payments may be made to an entity offering a policy or plan that provides SPICE prescription drug coverage under section 1860J unless the entity has been approved by the SPICE Board.

"(b) Procedures.—

"(1) In general.—The SPICE Board shall establish procedures for approving entities that offer policies and plans that provide SPICE prescription drug coverage under this part, including an entity with a contract under section 1860F.

"(2) Coordination.—The procedures established under subparagraph (A) shall be coordinated with—

"(A) in the case of the approval of medicare supplemental policies, the procedures for approval of such policies under State law; and

"(B) in the case of the approval of Medicare+Choice plans, the procedures established by the Secretary for approval of such plans under part C.

"(c) Terms and Conditions.—The SPICE Board may not approve an entity under subsection (b) unless the entity, with respect to such policy or plan, meets such terms and conditions as the SPICE Board shall specify, including the following:

"(1) Dissemination of information.—

"(A) General information.—The entity shall disclose, in a clear, accurate, and standardized form to each enrollee under the policy or plan at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such policy or plan. Such information shall include the following:

"(i) Access to covered outpatient drugs, including access through pharmacy networks.

"(ii) How any formulary used by the entity functions.

"(iii) Coinsurance and deductible requirements.

"(iv) Grievance and appeals procedures.

"(B) Disclosure upon request of general coverage, utilization, and grievance information.—Upon request of an individual eligible to enroll under the policy or plan, the entity shall provide the information described in section 1852(c)(2) (other than subparagraph (D)) to such individual.

"(C) Response to beneficiary questions.—The entity shall have a mechanism for providing specific information regarding the policy or plan to enrollees upon request and shall make available, through the Internet website described in paragraph (7) and in writing upon request, information on specific changes in its formulary.

"(D) Claims information.—The entity shall furnish to each enrollee under the plan or policy in a form easily understandable to such enrollees an explanation of benefits (in accordance with section 1806(a) or in a comparable manner) and a notice regarding how close the enrollee is to getting stop-loss coverage for the year, whenever prescription drug benefits are provided under this part (except that such notice need not be provided more often than monthly).

"(2) Access to covered benefits.—

"(A) Assuring pharmacy access.—The entity shall secure the participation of sufficient numbers of pharmacies to ensure convenient access (including adequate emergency access) for enrollees under the policy or plan. Nothing in the preceding sentence shall be construed as requiring the participation of all pharmacies in any area under a policy or plan.

"(B) Access to negotiated prices for prescription drugs.—The entity shall issue a card that may be used by an enrollee under the policy or plan to assure access to negotiated prices pursuant to section 1860B(d).

"(3) Formularies.—If an eligible entity uses a formulary under the policy or plan, such entity shall—

"(A) establish the formulary based on the medical needs of eligible medicare beneficiaries;

"(B) ensure that the formulary includes drugs within all therapeutic categories and classes of covered outpatient drugs (although not necessarily for all drugs within such categories and classes);

"(C) have in place an appeals process—

"(i) under which any eligible medicare beneficiary could receive any medically necessary covered outpatient drug that is not on the formulary;

"(ii) that does not impose a significant financial burden on an eligible medicare beneficiary or delay the provision of medically necessary covered outpatient drugs to such a beneficiary; and

"(iii) that provides for at least a level of protection that is similar to or better than the level of protection provided with respect to benefits under Medicare+Choice plans under part C; and

"(D) provide notification to enrollees of any change in the formulary at least 60 days prior to such change.

"(4) Cost and utilization management; quality assurance; medication therapy management program.—

"(A) In general.—The entity shall have in place—

"(i) an effective cost and drug utilization management program, including appropriate incentives to use generic drugs when appropriate;

"(ii) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in subparagraph (B); and

"(iii) a program to control fraud, abuse, and waste.

"(B) Medication therapy management program.—

"(i) In general.—A medication therapy management program described in this subparagraph is a program of drug therapy management and medication administration that is designed to assure that covered outpatient drugs under the policy or plan are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

"(ii) Elements.—Such program may include—

"(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

"(II) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

"(iii) Development of program in cooperation with licensed pharmacists.—The program shall be developed in cooperation with licensed pharmacists and physicians.

"(iv) Considerations in pharmacy fees.—The entity shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

"(C) Treatment of accreditation.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to policies and plans under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

"(i) Subparagraph (A) (including quality assurance), including medication therapy management program under subparagraph (B).

"(ii) Paragraph (2)(A) (relating to access to covered benefits).

"(iii) Paragraph (8) (relating to confidentiality and accuracy of enrollee records).

"(5) Grievance mechanism.—The entity shall provide meaningful procedures for hearing and resolving grievances between the entity (including any entity or individual through which the entity provides covered benefits) and enrollees of the policy or plan under this part in accordance with section 1852(f).

"(6) Coverage determinations, reconsiderations, and appeals.—The entity shall meet the requirements of section 1852(g) with respect to covered benefits under the policy or plan it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

"(7) Provide information on the Internet.—The entity shall maintain a web site on the Internet that provides eligible medicare beneficiaries with information regarding any policy or plan offered by the entity that provides SPICE prescription drug coverage.

"(8) Confidentiality and accuracy of enrollee records.—The entity shall meet the requirements of section 1852(h) with respect to enrollees under this part in the same manner as such requirements apply to a

Medicare+Choice organization with respect to enrollees under part C.

“(d) SPICE Board Models for Formularies.—

“(1) Model.—The SPICE Board may issue models for formularies for use in providing covered outpatient drugs under this part. Such models, and any revised models (pursuant to paragraph (3)) shall meet the requirements of subparagraphs (A) and (B) of subsection (c)(3).

“(2) Effect of compliance with a model.—If the SPICE Board determines that a formulary used by an entity offering a policy or plan that provides SPICE prescription drug coverage is in compliance with a model formulary issued under paragraph (1), or the revised model (as the case may be), then the entity shall be deemed to meet the requirements of subparagraphs (A) and (B) of subsection (c)(3).

“(3) Revisions of models.—

“(A) In general.—The SPICE Board may periodically (but not more frequently than annually) revise any model established under this subsection.

“(B) Period to comply with revision.—If the SPICE Board revises a model formulary pursuant to subparagraph (A), the SPICE Board shall provide for an appropriate period of time for entities who were in compliance with such model before such revision to comply with the revised model.

“(e) Rule of Construction Regarding Cost-Effective Provision of Benefits.—Nothing in this part shall be construed as preventing an entity that provides SPICE prescription drug coverage under a policy or plan from employing mechanisms to provide such coverage economically, including the use of—

“(1) formularies (pursuant to subsection (c)(3));

“(2) alternative methods of distribution;

“(3) generic drug substitution;

“(4) pharmacy networks; and

“(4) mail order pharmacies.

“PAYMENTS TO ENTITIES

“Sec. 1860J. (a) Payments for Administering Basic Coverage.—

“(1) In general.—The SPICE Board shall establish procedures for making payments to an entity offering a medicare supplemental policy, a Medicare+Choice plan, a Medicare Drug Plan for Noncompetitive Areas, or a basic coverage plan under section 1860F for—

“(A) in accordance with the provisions of this part, the costs of covered outpatient drugs provided under basic coverage to eligible medicare beneficiaries—

“(i) enrolled under such policy or plan and under this part; and

“(ii) entitled to such coverage; and

“(B) pursuant to paragraph (2), administering the basic coverage on behalf of beneficiaries described in subparagraph (A).

“(2) Administrative fee.—

“(A) Procedures.—The procedures established pursuant to paragraph (1) shall provide for payment to the entity of an administrative fee for each prescription filled by the entity for an eligible medicare beneficiary enrolled in the policy or plan offered by such entity. Subject to paragraph (3), the entity shall not be at risk for providing basic coverage for a beneficiary.

“(B) Amount.—The fee described in paragraph (1) shall be—

“(i) negotiated by the SPICE Board; and

“(ii) consistent with such fees paid under private sector pharmaceutical benefit contracts.

“(C) Reduction of administrative costs.—The SPICE Board shall work with entities receiving payments under this section on ways to control the administrative costs associated with providing basic coverage under this part.

“(3) Risk corridors tied to performance measures and other incentives for entity providing medicare drug plan for noncompetitive areas.—In the case of payments to an entity with a contract to provide a Medicare Drug Plan for Noncompetitive Areas, the procedures established under paragraph (1) may include the use of—

“(A) risk corridors tied to performance measures that have been agreed to between the entity and the SPICE Board under the contract; and

“(B) any other incentives that the SPICE Board determines appropriate.

“(4) Secondary payer provisions.—The provisions of section 1862(b) shall apply to basic coverage provided under this part.

“(b) Payment of Financial Assistance to Entities for Provision of Stop-Loss Coverage.—

“(1) In general.—The SPICE Board shall establish procedures for making financial assistance payments for stop-loss coverage to an entity offering a medicare supplemental policy, a Medicare+Choice plan, or a Medicare Drug Plan for Noncompetitive Areas on behalf of an eligible medicare beneficiary enrolled in such policy or plan and under this part.

“(2) Amount of financial assistance payment.—The amount of the financial assistance payments on behalf of an eligible medicare beneficiary for stop-loss coverage is equal to the amount determined for the beneficiary under section 1860K(c).

“(3) Entity providing stop-loss coverage at risk.—The entity providing stop-loss coverage, and not the SPICE Board, shall be at risk for the provision of such coverage.

“FINANCIAL ASSISTANCE TO OBTAIN SPICE PRESCRIPTION DRUG COVERAGE

“Sec. 1860K. (a) In General.—The SPICE Board shall provide financial assistance, in accordance with this section, with respect to eligible medicare beneficiaries who have SPICE prescription drug coverage through enrollment in a medicare supplemental policy, a Medicare+Choice plan, a Medicare Drug Plan for Noncompetitive Areas, or a basic coverage plan under section 1860F.

“(b) Assistance for Basic Coverage.—

“(1) In general.—The amount of financial assistance with respect to an eligible medicare beneficiary for basic coverage is equal to the following percentage of the basic monthly premium determined under subsection (a) of section 1860H (without regard to any increase for late enrollment under subsection (b) of such section):

“(A) 100 percent if income below 150 percent of poverty.—In the case of an eligible medicare beneficiary who applies for enhanced financial assistance under subsection (d) and whose income (as determined under such subsection) does not exceed 150 percent of the poverty line, the percentage is 100 percent.

“(B) Other percent if income between 150 and 175 percent of poverty.—In the case of an eligible medicare beneficiary who applies for enhanced financial assistance under subsection (d) and whose income (as determined under such subsection) is greater than 150 percent, but does not exceed 175 percent, of the poverty line, the SPICE Board shall specify the percentage consistent with the following rules:

“(i) Range.—The percentage may not exceed 100 percent nor be less than 25 percent.

“(ii) Sliding scale.—The percentage may not be higher for eligible medicare beneficiaries whose income is higher.

“(C) 25 percent for other beneficiaries.—In the case of any other eligible medicare beneficiary, the percentage is 25 percent.

“(2) Form of assistance.—Financial assistance under this subsection shall be provided in the form of a reduction of the basic monthly premium pursuant to section 1860H(a)(2)(B)(ii).

“(c) Assistance for Stop-Loss Coverage.—

“(1) Amount.—

“(A) In general.—The amount of financial assistance for stop-loss coverage with respect to an eligible medicare beneficiary enrolled under this part and in a medicare supplemental policy, a Medicare+Choice plan, or a Medicare Drug Plan for Noncompetitive Areas for stop-loss coverage is equal to the following percentage of the national average medigap stop-loss monthly premium for the region in which the beneficiary resides (as determined under paragraph (2)):

“(i) 100 percent if income below 150 percent of poverty.—In the case of an eligible medicare beneficiary described in subsection (b)(1)(A), the percentage is 100 percent.

“(ii) Other percent if income between 150 and 175 percent of poverty.—In the case of an eligible medicare beneficiary described in subsection (b)(1)(B), the SPICE Board shall specify the percentage consistent with the rules described in clauses (i) and (ii) of such subsection.

“(iii) 25 percent for other beneficiaries.—In the case of any other eligible medicare beneficiary, the percentage is 25 percent.

“(B) Form of assistance.—Financial assistance under this subsection for beneficiaries shall be provided in the form of a payment to the entity offering the policy or plan in which the beneficiary is receiving stop-loss coverage pursuant to section 1860J(b).

“(2) Establishment of national average medigap stop-loss monthly premium.—

“(A) In general.—The SPICE Board shall, during September of each year (beginning in 2002), estimate a national average medigap stop-loss monthly premium for each region (as determined by the Board) of the total geographic area served by the programs under this part that will be applicable for the succeeding year.

“(B) Definition of national average medigap stop-loss monthly premium.—For purposes of subparagraph (A), the term ‘national average medigap stop-loss monthly premium’ means, with respect to a region, the average of the portion of the monthly premiums charged by medicare supplemental policies in that region for providing stop-loss coverage to beneficiaries enrolled under this part.

“(3) Limitations.—

“(A) Financial assistance may not exceed premium.—In the case of financial assistance provided under this subsection with respect to stop-loss coverage provided under a policy or plan, the amount of the financial assistance may not exceed the amount of the portion of the premium charged for enrollment in the policy or plan that is related to the provision of stop-loss coverage.

“(B) Entity must reduce premium.—No financial assistance shall be made available with respect to stop-loss coverage provided by an entity to an eligible medicare beneficiary unless the entity provides assurances satisfactory to the SPICE Board that the entity shall reduce the amount otherwise charged the beneficiary for such coverage by an amount equal to the amount of such assistance.

"(d) APPLICATION FOR ENHANCED FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—The SPICE Board shall establish procedures under which a beneficiary who desires enhanced financial assistance under this section may voluntarily apply for an income determination.

"(2) REQUIREMENTS REGARDING INFORMATION.—

"(A) INFORMATION FROM BENEFICIARY.—The procedures established under paragraph (1) shall require the beneficiary to submit with the application for enhanced financial assistance such information that the SPICE Board determines necessary to make the income determination with respect to such beneficiary.

"(B) INFORMATION FROM OTHER GOVERNMENT AGENCIES.—Under the procedures established under paragraph (1), if an individual voluntarily applies for enhanced financial assistance under this section, the individual is deemed to have consented to the SPICE Board seeking and using income-related information from other Government agencies in order to make the income determination with respect to such beneficiary.

"(C) RESTRICTION ON USE OF INFORMATION.—Information obtained under subparagraph (A) or (B) may be used by officers and employees of the SPICE Board only for the purposes of, and to the extent necessary in, carrying out their responsibilities under this part.

"(3) PERIODIC REDETERMINATIONS.—Such income determinations shall be valid for a period (of not less than 1 year) specified by the SPICE Board.

"(e) INCOME DETERMINATIONS.—The SPICE Board shall establish procedures for making income determinations under this section.

"(f) POVERTY LINE.—In this section, the term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE

"SEC. 1860L. (a) PROGRAM AUTHORITY.—The SPICE Board shall develop and implement a program under this section to be known as the 'Employer Incentive Program' that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription drug benefits to retired individuals by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

"(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription drug plan (as defined in subsection (e)(3)), a sponsor shall meet the following requirements:

"(1) ASSURANCES.—The sponsor shall—

"(A) annually attest, and provide such assurances as the SPICE Board may require, that the coverage offered by the sponsor is a qualified retiree prescription drug plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

"(B) guarantee that it will give notice to the SPICE Board and covered retirees—

"(i) at least 120 days before terminating its plan; and

"(ii) immediately upon determining that the actuarial value of the prescription drug benefit under the plan falls below the actuarial value of the basic coverage under the SPICE prescription drug coverage under this part.

"(2) BENEFICIARY INFORMATION.—The sponsor shall report to the SPICE Board, for each calendar quarter for which it seeks an incentive payment under this section, the names and social security numbers of all retirees (and their spouses and dependents) covered under such plan during such quarter and the dates (if less than the full quarter) during which each such individual was covered.

"(3) AUDITS.—The sponsor and the employment-based retiree health coverage plan seeking incentive payments under this section shall agree to maintain, and to afford the SPICE Board access to, such records as the SPICE Board may require for purposes of audits and other oversight activities necessary to ensure the adequacy of prescription drug coverage, the accuracy of incentive payments made, and such other matters as may be appropriate.

"(4) OTHER REQUIREMENTS.—The sponsor shall provide such other information, and comply with such other requirements, as the SPICE Board may find necessary to administer the program under this section.

"(c) INCENTIVE PAYMENTS.—

"(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall be entitled to have payment made by the SPICE Board on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined in paragraph (2), for each retired individual (or spouse) who—

"(A) was covered under the sponsor's qualified retiree prescription drug plan during such quarter; and

"(B) was eligible for, but was not enrolled in, the SPICE drug benefit program under this part.

"(2) AMOUNT OF INCENTIVE.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to 25 percent of the basic monthly premium amount payable by an eligible medicare beneficiary enrolled under this part, as set for the calendar year pursuant to section 1860H(a) and without application of and financial assistance for such premium under section 1860K(b).

"(3) PAYMENT DATE.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

"(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the SPICE Board determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

"(e) DEFINITIONS.—In this section:

"(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term 'employment-based retiree health coverage' means health insurance coverage or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

"(2) EMPLOYER.—The term 'employer' has the meaning given the term in section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

"(3) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' means health insurance coverage or other coverage of health care costs included in employment-based retiree health coverage that—

"(A) provides coverage of the cost of prescription drugs whose actuarial value (as defined by the SPICE Board) to each retired beneficiary equals or exceeds the actuarial value of the basic coverage provided to an individual enrolled in the SPICE drug benefit program under this part; and

"(B) does not deny, limit, or condition the coverage or provision of prescription drug benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' in section 3(16)(B) of the Employer Retirement Income Security Act of 1974.

"SPICE BOARD

"SEC. 1860M. (a) ESTABLISHMENT.—There is established within the Department of Health and Human Services, a Seniors Prescription Insurance Coverage Equity Office, which shall be—

"(1) outside of the Centers for Medicare & Medicaid Services; and

"(2) run by a board to be known as the SPICE Board.

"(b) DUTIES.—

"(1) ADMINISTRATION OF SPICE DRUG BENEFIT PROGRAM.—

"(A) IN GENERAL.—The SPICE Board shall administer the SPICE drug benefit program under this part.

"(B) NONINTERFERENCE.—In carrying out its duty under subparagraph (A), the SPICE Board may not—

"(i) require a particular formulary or institute a price structure for the reimbursement of covered outpatient drugs;

"(ii) interfere in any way with negotiations between entities providing SPICE prescription drug coverage under part D and drug manufacturers, wholesalers, or other suppliers of covered outpatient drugs; and

"(iii) otherwise interfere with the competitive nature of providing such coverage through such entities.

"(2) ONGOING STUDIES.—The SPICE Board shall conduct ongoing studies of the following issues:

"(A) The administration of this part.

"(B) The provision of information about the program under the health insurance information, counseling, and assistance grants under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

"(C) Ways in which drug utilization can be used to provide better overall care for eligible medicare beneficiaries.

"(D) Savings and potential savings in Federal health care programs which may occur, or can be attributed to, eligible medicare beneficiary access to, and utilization of, covered outpatient drugs.

"(E) Trends in premium increases and factors that contribute to changes in premiums.

"(F) Integration of the SPICE drug benefit program into a reformed medicare program.

"(G) The ability of eligible medicare beneficiaries to afford SPICE prescription drug coverage.

"(H) The impact of the program on the prescription drug benefits offered under group health plans.

“(I) The appropriateness of the levels of financial assistance provided under this part.

“(3) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than June 1 of each year (beginning with 2004), the SPICE Board shall submit an annual report to Congress on the program under this part.

“(B) INFORMATION ON STUDIES.—Such report shall include a detailed statement on the issues studied under paragraph (2).

“(C) RECOMMENDATIONS.—Such report shall include such recommendations for legislation and administrative actions as the SPICE Board considers appropriate.

“(4) PROVISION OF RECOMMENDATIONS AND INFORMATION TO SECRETARY.—The SPICE Board shall provide recommendations and necessary information regarding the SPICE drug benefit program to the Secretary in order for the Secretary to—

“(A) integrate such information with information regarding the other programs under this title; and

“(B) provide health insurance information, counseling, and assistance grants under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

“(c) DEMONSTRATION PROJECT AUTHORITY.—

“(1) IN GENERAL.—Subject to paragraph (2), the SPICE Board shall have the authority to conduct demonstration projects for the purpose of demonstrating ways to improve the quality of services provided under the SPICE drug benefit program, including ways to reduce medical errors.

“(2) CONSULTATION WITH SECRETARY.—The SPICE Board shall consult with the Secretary before conducting any demonstration project.

“(d) MEMBERSHIP OF SPICE BOARD.—

“(1) NUMBER AND APPOINTMENT.—

“(A) IN GENERAL.—The SPICE Board shall be composed of 7 members appointed by the President, by and with the advice and consent of the Senate.

“(B) SPECIFIC REPRESENTATIVES.—In making appointments under subparagraph (A), the President shall ensure that the following groups are represented on the SPICE Board:

“(i) Consumers.

“(ii) Private health plan insurers (including insurers that offer fee-for-service and managed care plans) with expertise in the quality, scope, and marketing of health care services.

“(iii) Certified geriatric pharmacists.

“(iv) The Centers for Medicare & Medicaid Services.

“(v) State insurance commissioners.

“(C) SECRETARY OF HHS.—In addition to the 7 members appointed under subparagraph (A), the Secretary shall be a nonvoting, ex officio member of the SPICE Board.

“(2) DEADLINE FOR INITIAL APPOINTMENT.—The initial members of the SPICE Board shall be appointed by not later than 6 months after the date of enactment of this section.

“(3) TERMS.—

“(A) IN GENERAL.—The terms of the members of the SPICE Board shall be for 6 years, except that of the members first appointed—

“(i) three shall be appointed for terms of 6 years;

“(ii) two shall be appointed for terms of 4 years; and

“(iii) two shall be appointed for terms of 2 years.

“(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

“(4) CHAIRPERSON.—The President shall designate the chairperson of the SPICE Board, except that the representative from the Centers for Medicare & Medicaid Services may not be designated as chairperson.

“(e) OPERATION OF THE BOARD.—

“(1) MEETINGS.—The SPICE Board shall meet at the call of the chairperson or upon the written request of a majority of its members.

“(2) QUORUM.—A majority of the members of the SPICE Board shall constitute a quorum, but a lesser number of members may hold hearings.

“(f) POWERS OF THE SPICE BOARD.—

“(1) HEARINGS.—The SPICE Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the SPICE Board considers advisable to carry out the purposes of this part.

“(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the chairperson of the SPICE Board, the head of any Federal department or agency shall furnish such information to the SPICE Board as is necessary to carry out the functions of the SPICE Board under this part.

“(3) POSTAL SERVICES.—The SPICE Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(4) GIFTS.—The SPICE Board may accept, use, and dispose of gifts or donations of services or property.

“(g) BOARD PERSONNEL MATTERS.—

“(1) MEMBERS.—

“(A) COMPENSATION.—Each member of the SPICE Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the SPICE Board. All members of the SPICE Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(B) TRAVEL EXPENSES.—The members of the SPICE Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the SPICE Board.

“(C) REMOVAL.—The President may remove a member of the SPICE Board only for neglect of duty or malfeasance in office.

“(2) STAFF.—

“(A) IN GENERAL.—The chairperson of the SPICE Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the SPICE Board to perform its duties. The employment of an executive director shall be subject to confirmation by the SPICE Board.

“(B) COMPENSATION.—The chairperson of the SPICE Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

“(C) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the SPICE Board without further reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the SPICE Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“SPICE PRESCRIPTION DRUG ACCOUNT IN THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

“SEC. 1860N. (a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is created within the Federal Supplementary Medical Insurance Trust Fund established by section 1841 an account to be known as the ‘SPICE Prescription Drug Account’ (in this section referred to as the ‘Account’).

“(2) FUNDS.—The Account shall consist of such gifts and bequests as may be made as provided in section 201(i)(1), and such amounts as may be deposited in, or appropriated to, such fund as provided in this part.

“(3) SEPARATE FROM REST OF TRUST FUND.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplementary Medical Insurance Trust Fund.

“(b) PAYMENTS FROM ACCOUNT.—

“(1) IN GENERAL.—The Managing Trustee shall pay from time to time from the Account such amounts as the SPICE Board certifies are necessary to make payments to operate the program under this part, including payments to entities under section 1860J, payments to sponsors under section 1860L, and payments with respect to administrative expenses under this part in accordance with section 201(g).

“(2) TREATMENT IN RELATION TO PART B PREMIUM.—Amounts payable from the Account shall not be taken into account in computing actuarial rates or premium amounts under section 1839.

“(c) APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTION.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Account an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the premiums collected under section 1860H(a)(4).”.

(b) CONFORMING AMENDMENTS TO FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(1) in the last sentence of subsection (a)—

(A) by striking “and” before “such amounts”; and

(B) by inserting before the period the following: “, and such amounts as may be deposited in, or appropriated to, the SPICE Prescription Drug Account established by section 1860N”; and

(2) in subsection (g), by inserting after “by this part,” the following: “the payments provided for under part D (in which case the payments shall be made from the SPICE Prescription Drug Account in the Trust Fund),”.

(c) ADDITIONAL CONFORMING CHANGES.—

(1) Conforming references to previous part D.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) Secretarial submission of legislative proposal.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this Act.

SEC. 3. SPICE PRESCRIPTION DRUG COVERAGE UNDER MEDICARE+CHOICE PLANS.

(a) Special Rules.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended by adding at the end the following new subsection:

"(j) Rules for Provision of SPICE Prescription Drug Coverage.—

"(1) Plan required to provide coverage if beneficiary enrolled in part D.—

"(A) In general.—In the case of an individual that is enrolled in a Medicare+Choice plan and enrolled under part D, the basic benefits required to be provided under section 1852(a)(1)(A) shall include SPICE prescription drug coverage (as defined in section 1860B(a)) under the terms and conditions for such coverage established under part D, including the terms and conditions described in section 1860I(c).

"(B) Voluntary enrollment in part D.—An individual enrolled in a Medicare+Choice plan shall not be required to enroll under part D.

"(2) Limitation on enrollee liability.—In the case of an individual described in paragraph (1)(A), with respect to SPICE prescription drug coverage, a Medicare+Choice organization may not require that such individual pay a deductible or a coinsurance percentage that exceeds the deductible or coinsurance percentage applicable for such coverage pursuant to part D.

"(3) Premium for stop-loss coverage.—

"(A) In general.—Subject to subparagraph (B), a Medicare+Choice organization offering a Medicare+Choice plan on behalf of an individual described in paragraph (1)(A) may require the individual to pay a premium for stop-loss coverage (as defined in section 1860B(c). Any such premium shall be considered to be part of the Medicare+Choice monthly basic premium (as defined in section 1854(b)(2)(A)) that the individual is responsible for.

"(B) Organization required to reduce premium by amount of financial assistance.—A Medicare+Choice organization receiving a payment for financial assistance for stop-loss coverage on behalf of an individual described in paragraph (1)(A) pursuant to subsection (b) of section 1860J shall reduce any premium described in subparagraph (A) by the amount of such financial assistance.

"(4) Payments to organization for SPICE prescription drug coverage pursuant to part D rules.—The SPICE Board (established under section 1860M) shall make payments to a Medicare+Choice organization offering a Medicare+Choice plan on behalf of an individual described in paragraph (1)(A) pursuant to the payment mechanisms described in subsections (a) and (b) of section 1860J. Such payments shall be coordinated with payments made to such organization under section 1853.

"(5) Coordinated enrollment.—The Secretary shall work with the SPICE Board to coordinate enrollment under this part with enrollment under part D.".

(b) Effective Date.—The amendment made by this section shall apply to items and services provided under a Medicare+Choice plan on or after January 1, 2003.

SEC. 4. MEDIGAP REVISIONS AND TRANSITION PROVISIONS.

(a) Establishment of SPICE Medigap Policies.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

"(v) SPICE Medigap Policies.—

"(1) Revision of benefit packages.—

"(A) In general.—Notwithstanding subsection (p), the benefit packages established under such subsection shall be revised so that—

"(i) if the policyholder is enrolled under part D, basic coverage (as defined in section 1860B(b)) is available as part of each benefit package;

"(ii) each benefit package includes stop-loss coverage (as defined in section 1860B(c)) in the core group of basic benefits described in subsection (p)(2)(B);

"(iii) no benefit package (including each benefit package classified as 'H', 'I', or 'J' under the standards established by such subsection (p)(2), and the benefit package classified as 'J' with a high deductible feature described in subsection (p)(11)) includes prescription drug coverage other than the basic coverage required under clause (i) (if applicable), or the stop-loss coverage required under clause (ii); and

"(iv) except as revised under the preceding clauses or pursuant to subsection (p)(1)(E), the benefit packages are identical to the benefit packages that were available on the date of enactment of the Seniors Prescription Insurance Coverage Equity (SPICE) Act of 2001.

"(B) Administration of benefits.—Pursuant to section 1860A(a)(3), an issuer of a medicare supplemental policy revised under such subparagraph may directly administer the prescription drug benefits required under the policy or may contract with an entity that meets the applicable requirements under part D to administer such benefits.

"(C) Manner of revision.—The benefit packages revised under this section shall be revised in the manner described in subparagraph (E) of subsection (p)(1), except that for purposes of subparagraph (C) of such subsection, the standards established under this subsection shall take effect not later than January 1, 2003.

"(2) Guaranteed issuance and renewal of new policies.—The provisions of subsections (q) and (s) shall apply to medicare supplemental policies revised under this subsection in the same manner as such provisions apply to medicare supplemental policies issued under the standards established under subsection (p).

"(3) Opportunity of current policyholders to purchase revised policies.—

"(A) In general.—No medicare supplemental policy of an issuer with a benefit package that is revised under paragraph (1) shall be deemed to meet the standards in subsection (c) unless the issuer—

"(i) provides written notice during the 60-day period immediately preceding the period established under section 1860C(c), to each policyholder or certificate holder of a medicare supplemental policy issued by that issuer (at the most recent available address) of the offer described in clause (ii) and of the fact that, so long as they retain coverage under such policy, they are unable to obtain SPICE prescription drug coverage (as defined in section 1860B(a)) under part D; and

"(ii) offers the policyholder or certificate holder under the terms described in subparagraph (B), during at least the period established under subsection (c) of section 1860C, institution of coverage effective for the period described in subsection (d) of such section, a medicare supplemental policy with the benefit package that has been revised under paragraph (1) of this subsection that the Secretary determines is most comparable to the policy in which the individual is enrolled.

"(B) Terms of offer described.—The terms described under this subparagraph are terms which do not—

"(i) deny or condition the issuance or effectiveness of a medicare supplemental policy described in subparagraph (A)(ii) that is offered and is available for issuance to new enrollees by such issuer;

"(ii) discriminate in the pricing of such policy because of health status, claims experience, receipt of health care, or medical condition; or

"(iii) impose an exclusion of benefits based on a preexisting condition under such policy.

"(4) Opportunity of other eligible individuals to purchase revised policies.—No medicare supplemental policy of an issuer with a benefit package that is revised under paragraph (1) shall be deemed to meet the standards in subsection (c) unless, during at least the period established under section 1860C(c), the issuer permits each eligible medicare beneficiary (as defined in section 1860A(d), but who is not described in paragraph (3)) to purchase any medicare supplemental policy that has been revised under paragraph (1) with institution of coverage effective for the period described in section 1860C(d) under the terms of the offer described in paragraph (3)(B).

"(5) Grandfathering of current policyholders.—

"(A) In general.—Except as provided in subparagraph (B), no person may sell, issue, or renew a medicare supplemental policy with a benefit package that has not been revised under this subsection on or after January 1, 2003.

"(B) Grandfathering.—Each policyholder or certificate holder of a medicare supplemental policy as of December 31, 2002, may continue to receive benefits under such policy and may renew such policy as if this subsection had not been enacted, except that such beneficiary shall not be eligible to enroll for SPICE prescription drug coverage (as defined in section 1860B(a)) under part D during the period in which such policy is in effect.

"(6) Penalties.—Each penalty under this section shall apply with respect to policies revised under this subsection as if such policies were issued under the standards established under subsection (p), including the penalties under subsections (a), (d), (p)(8), (p)(9), (q)(5), (r)(6)(A), (s)(4), and (t)(2)(D).".

(b) NAIC Study and Report.—

(1) Study.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall contract with the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") to conduct a study—

(A) to determine whether the portion of the benefit packages revised under section 1882(v) of the Social Security Act (as added by subsection (a)) relating to parts A and B of the medicare program should be revised as a result of the establishment of SPICE prescription drug coverage (as defined in section 1860B(a) of such Act, as added by section 2) and whether the total number of such benefit packages should be reduced;

(B) to identify methods to ensure that any financial assistance paid to issuers of medicare supplemental policies on behalf of enrollees for providing stop-loss coverage (as defined in section 1860B(c) of the Social Security Act, as added by section 2) made available under the benefit packages revised under section 1882(v) of such Act (as so added) is not used to subsidize any other benefits, including the benefits relating to parts A and B of the medicare program; and

(C) to assess the practicality and viability of establishing a medicare supplemental policy that only provides SPICE prescription drug coverage (as so defined).

(2) Report.—Not later than 6 months after the date of enactment of this Act, the NAIC shall submit to Congress and the Secretary a report on the study conducted under paragraph (1) together with such recommendations as the NAIC determines appropriate.

SEC. 5. PROVISION OF INFORMATION ON SPICE DRUG BENEFIT PROGRAM UNDER HEALTH INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.

Section 4360(b)(2)(A)(ii) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4(b)(2)(A)(ii)) is amended by striking "and information" and inserting ", information regarding the SPICE drug benefit program under part D of title XVIII of the Social Security Act, and information".

SEC. 6. PERSONAL DIGITAL ACCESS TECHNOLOGY DEMONSTRATION PROJECT.

(a) Demonstration Project.—

(1) In general.—The SPICE Board (established under section 1860M of the Social Security Act (as added by section 2)) shall conduct a demonstration project for the purpose of increasing the use of Personal Digital Access Technology in prescribing covered outpatient drugs (as defined in section 1860B(e) (as so added)) for eligible medicare beneficiaries receiving SPICE prescription drug coverage under part D of title XVIII of such Act (as so added).

(2) Aspects of project.—The demonstration project shall address ways in which the use of Personal Digital Access Technology can be used to—

(A) avoid adverse drug reactions among such beneficiaries, including problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse and misuse;

(B) transmit information about the coverage of covered outpatient drugs under the policy or plan in which such a beneficiary is receiving SPICE prescription drug coverage to prescribing physicians;

(C) increase the use of generic drugs by such beneficiaries; and

(D) increase the compliance of entities offering policies or plans that provide SPICE prescription drug coverage with the requirements under part D of title XVIII of the Social Security Act (as added by section 2).

(3) Inclusion of providers.—In conducting the demonstration project, the SPICE Board shall include—

(A) physicians;

(B) pharmacists;

(C) entities that offer policies or plans that provide SPICE prescription drug coverage; and

(D) any entity (including a pharmacy benefits management company) that contracts with an entity described in subparagraph (C) to provide benefits under such policies or plans.

(4) Duration of projects.—The demonstration project shall be conducted over a 3-year period.

(b) Reports to Congress.—

(1) In general.—

(A) Initial report.—Not later than 18 months after the SPICE Board implements the demonstration project, the SPICE Board shall submit to Congress an initial report on the demonstration project.

(B) Final report.—Not later that 6 months after the conclusion of the project, the SPICE Board shall submit to Congress a final report on the demonstration project.

(2) Contents of reports.—The reports described in paragraph (1) shall include the following:

(A) A detailed description of the demonstration project.

(B) An evaluation of the demonstration project.

(C) Recommendations for legislation that the SPICE Board determines to be appropriate as a result of the demonstration project.

(D) Any other information regarding the demonstration project that the SPICE Board determines to be appropriate.

(c) Funding.—Expenditures made for carrying out the demonstration project shall be made from funds otherwise appropriated to the Secretary of Health and Human Services.

Ms. SNOWE. Mr. President, I am pleased to join with my friend and colleague, Senator RON WYDEN, in the introduction of the Seniors Prescription Insurance Coverage Equity Act of 2001, or "SPICE." I want to thank him for his enthusiasm about and his commitment to this joint venture.

It was just about two years ago now that Senator WYDEN and I introduced this bill for the first time. SPICE 2001 is the product of almost three years of work and development. Since 1999, when we first tackled this issue, there has been much discussion about how to design a prescription drug coverage plan that is both comprehensive and affordable, that provides choice but guarantees availability of basic coverage. And, perhaps most importantly, one that is workable for seniors, the Medicare program and one that private providers will offer. We believe we have struck this balance in SPICE 2001.

I believe that this bill is a benchmark for the Senate's consideration of a comprehensive out-patient prescription drug program under Medicare. I offer this bill today, with my friend Senator WYDEN because it is the product of a three year collaborative effort to provide our Nation's seniors with prescription drug coverage, and I offer it with the hopes that it will be considered as part of a broader reform when the Senate takes one up.

Americans age 65 and older are only 12 percent of the population but account for over 40 percent of all drug spending. Which isn't surprising considering that over the past five years, per capita drug spending for the Medicare population has approximately doubled, reaching an estimated $1,756 this year.

This comes at a time where fewer retirees have health coverage from their former employers than ever before. In 1998, an estimated 66 percent of large employers offered retiree health coverage, fewer than 40 percent did so in 2000. At a time when fewer and fewer of our seniors have retiree health care coverage from their former employers, and when the cost of prescription drugs are skyrocketing, no one can argue that it isn't essential we ensure that Medicare beneficiaries have comprehensive coverage for outpatient prescription drugs. And, this is a problem, I might add, which will only grow when the 77 million Baby Boomers begin to enter Medicare in 2011.

For the past several years, Senator WYDEN and I have been united in our belief that we owe it to our seniors to develop the best and most practical solution. SPICE 2001 represents a straightforward, comprehensive, and responsible approach that should appeal to anyone who believes that seniors need prescription drug coverage.

To accomplish these goals we have built upon the model of the first SPICE bill and added components that have continued to be part of the larger debate on this issue—that of public programs versus private competition. As a result, SPICE 2001 now creates a partnership between the Federal Government and private insurers to share the cost, and the risk, of offering outpatient prescription drug coverage for our senior population.

Specifically, SPICE 2001 creates a prescription drug coverage program for all Medicare beneficiaries enrolled in both Part A and Part B, and who choose to enroll. SPICE offers a premium subsidy of at least 25 percent to all enrollees. To provide extra assistance to those who need it most, there is a 100 percent premium subsidy for those whose income is at or under 150 percent of poverty, $12,885 for a single person and $17,415 for a couple. Those whose income is between 150 percent and 175 percent of poverty, $15,033 for an individual and $20,318 for a couple, will receive a subsidy based on a sliding scale down to 25 percent of the cost of the premium.

SPICE 2001 offers two choices in the coverage so they can pick a plan to best serve their needs. One option is basic coverage, with a $350 deductible and a 25 percent coinsurance requirement. This can be purchased with a Stop-loss plan of $3,000 or separately.

The second option is stop-loss coverage. While only 17 percent of beneficiaries have costs above $3,000, they account for almost 54 percent of all spending on prescription drugs. This coverage is provided completely through the private insurer. According to CBO's January 2001 baseline projections, 83 percent of those enrolled in Medicare fee for service plans pay less than $3,000 for their drugs. For these seniors, they might only want to purchase the basic coverage. Those who need more than just the basic coverage can buy them both. For those who can manage their spending and only want to protect themselves from catastrophic expenses, they can purchase stop-loss coverage.

And, importantly, all SPICE enrollees receive the benefit of the negotiated discount on the cost of their prescription drugs, starting with their first prescription.

Choice is one of the cornerstones of this program. Seniors will not only have the choice of their level of coverage but will be able to choose from a variety to have their care delivered. SPICE can be run through Medigap, Medicare+Choice plans, or private entities. In areas where there are no insurers, the SPICE Board will have the authority to negotiate with entities to bring them into the market.

One of the perennial arguments against government sponsored or assisted prescription drug coverage for our retirees has been that if we did it, employers wouldn't. We already know that fewer employers are offering retiree health benefits than just 12 years ago, this is a trend we hope to discourage. This is why the SPICE Board is authorized to provide the 25 percent premium subsidy as an incentive to employers who provide prescription drug coverage for their retirees. It is critical we encourage employers to continue to offer this type of coverage and we acknowledge that in this bill.

According to a 1998 Wall Street Journal poll, 80 percent of retirees use a prescription drug every day. The average Medicare beneficiary fills a prescription 18 times a year. It is long past time that we ensure that these prescriptions are covered.

SPICE 2001 offers something for everyone interested in providing our seniors with prescription drug coverage. It is a program that can be incorporated in existing health plans, will be run through a government Board whose sole purpose is ensuring that this program runs well, and will foster competition and allow for choice in both coverage and providers.

By Mr. DOMENICI (for himself, Mr. INOUYE, Mr. CAMPBELL, Mr. BINGAMAN, Mr. BAUCUS, Mr. CRAPO, Mr. ALLARD, Mr. JOHNSON, and Mr. KYL):

S. 1186. A bill to provide a budgetary mechanism to ensure that funds will be available to satisfy the Federal Government's responsibilities with respect to negotiated settlements of disputes related to Indian water rights claims and Indian land claims; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

Mr. DOMENICI. Mr. President, both as chairman and now as the ranking member on the Budget Committee, I have been working over the last year with the Western Governors' Association, the Western Regional Council, the Native American Rights Fund, the Western States Water Council, as well as several Indian tribes to correct what I believe to be a flaw in the Budget Enforcement Act as it relates to the Federal funding of Indian land and water settlements.

I, along with a group of bipartisan Senators, including the chairman and ranking member of the Indian Affairs Committee are introducing today legislation that will help Congress fulfill its commitment to authorized Indian land and water settlements.

In FY 2002, the President's request for Indian land and water settlements funding was $61 million. This represents an increase from fiscal year 2001 of $23 million. The increase is due to the authorization of several large settlements in California, Colorado, Michigan, New Mexico, and Utah.

I am pleased to report that the full request was included in both the Senate and House passed budget resolutions. In turn, the request was fully appropriated in both the House and Senate versions of the fiscal year 2002 Interior appropriations bill. This is a tremendous first step in making sure the Congress fulfills its obligation regarding these settlements. But it is only the first step.

In the near future, there are, at least, three additional large settlements likely to come before Congress. The States involved in these settlements are Arizona, Idaho, and Montana. Under current budgetary treatment these settlements will be difficult to fund without taking critical resources from other Bureau of Indian Affairs programs.

Currently, once the settlements have been agreed to by the parties involved, the settlements come to Congress for authorization and appropriation. When all appropriations have been distributed the Indians give up any future claims to the land or the water.

Appropriations for these settlements are usually spread over 3–10 years depending on the size of the settlement. The payout in one year for an individual settlement does not usually exceed $30 million.

I feel, however, that the current budget mechanisms have unfairly treated the handling of Indian land and water settlements in relation to other federally funded Indian programs.

The problem with the current status is that, due to the statutory discretionary caps, the perception exists that there is not enough money in BIA's budget to spend on settlements without taking money from other programs in their budget, such as Indian school construction, education, community development.

The legislation I am introducing today, the Fiscal Integrity of Indian Settlements Protection Act of 2001, provides for a cap adjustment similar to the one that deals with U.N. arrearages. It would be for authorized Indian land and water settlements and would set a ceiling on what could be spent in one year. Under this proposal, the settlements would still have to be authorized and appropriated, but it would hold the BIA budget harmless for the cost of the settlements.

Let me be clear, if these claims are not settled, the US government still can be held liable in court. Claims that go through the court process are authoritatively paid out of the Claims and Judgement Fund. In most cases, negotiated settlements provide more water to the tribes and a less expensive bill to the Federal Government.

Frankly, this simple cap adjustment for authorized and appropriated monies for settlements provides a win-win situation for all parties involved.

We have made good progress toward funding our Indian responsibilities these past few years. This legislation is a very important step.

I, along with Senators INOUYE, CAMPBELL, ALLARD, BAUCUS, BINGAMAN, CRAPO, JOHNSON, and KYL, urge my colleagues to support this bill and future funding of Indian land and water settlements.

I ask unanimous consent that a letter from the Ad Hoc Group on Indian Water Rights be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AD HOC GROUP ON
INDIAN WATER RIGHTS,
June 27, 2001.

Members of the United States Senate,
Washington, DC.

DEAR SENATOR: We write to urge your support and co-sponsorship of proposed legislation to be introduced shortly entitled the "Fiscal Integrity of Indian Settlements Protection Act of 2001". A "Dear Colleague" letter by Senators Domenici, Bingaman, Crapo, Inouye, Kyl, and Campbell was sent to your office on May 23, 2001, describing the bill.

Across the country, numerous negotiations are on-going to settle complex Indian land and water claims. Funding for these settlements is one of the biggest hurdles to overcome. This legislation is important so that Indian land and water right settlements can be completed in a timely manner, consistent with the federal government's responsibility and liability associated with them, and without taking scarce resources from other critical programs within the Department of the Interior.

Three settlements were approved by the last Congress and others are expected to be submitted to this Congress. Under current budgetary policy, funding of land and water right settlements must be offset by a corresponding reduction in some other discretionary component of the Interior Department's budget. It is difficult for the Administration, the states and the tribes to negotiate settlements knowing that they may not be funded because funding can occur only at the expense of some other tribe or essential Interior Department program.

We believe that the funding of land and water right settlements is an important obligation of the United States government. The obligation is analogous to, and no less serious than, the obligation of the United States to pay judgments which are rendered against it. We urge that steps be taken to change current budgetary policy to ensure that any land or water settlement, once authorized by the Congress and approved by the President, will be funded. If such a change is not made, these claims will likely be relegated to litigation, an outcome that should not be acceptable to the Administration, the Congress, the tribes or the states.

The members of the Ad Hoc Group on Indian Water Rights have consistently supported the negotiated settlement of Indian land and water right disputes, and have been actively engaged in drawing more awareness to the important issues associated with settlement of land and water right claims. We believe that unless the current budgetary processes for land and water settlements are changed, funding will continue to be a barrier to finalizing these settlements.

Again, we urge you to cosponsor the "Fiscal Integrity of Indian Settlements Protection Act of 2001" and support its passage to ensure congressional funding for Native American land and water rights settlements once they have been formally executed by the parties and authorized by Congress.

Sincerely,

JANE DEE HULL,
Co-Lead Governor on Indian Water Right Settlements, Western Governors' Association.

JOHN KUTZHABER,
Co-Lead Governor on Indian Water Right Settlements, Western Governors' Association.

KIT KIMBALL,
Director, Western Regional Council.

JOHN ECHOHAWK,
Executive Director, Native American Rights Fund.

MICHAEL BROPHY,
Chairman, Western States Water Council.

By Mr. ROCKEFELLER (for himself and Mr. CLELAND):

S. 1188. A bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes, to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am proud to introduce today with Senators CLELAND and SPECTER the Department of Veterans Affairs Nurse Recruitment and Retention Enhancement Act of 2001.

On June 14, 2001, the Committee on Veterans' Affairs held a hearing to explore reasons for the imminent shortage of professional nurses in the United States, and how this shortage will affect health care for veterans served by Department of Veterans Affairs' health care facilities.

Working conditions for nurses, never easy, have become even more challenging in recent years. Managed care principles lead hospitals to admit only the very sickest of patients with the most complex health care needs. As the pool of highly trained nurses shrinks, many health care providers rely heavily upon mandatory staff overtime to meet staffing needs. Several registered nurses, including Sandra McMeans from my state of West Virginia, testified before the committee that unpredictable and dangerously long working hours lead to nurses' fatigue and frustration, and patient care suffers.

The legislation we introduce today includes a requirement that VA produce a policy on staffing standards. Such a policy shall be developed in consultation with the VA Under Secretary for Health, the Director of VA's National Center for Patient Safety, and VA's Chief Nurse. While we leave it up to VA to develop the standards, the policy must consider the numbers and skill mix required of staff in specific medical settings, such as critical care and long-term care.

Because mandatory overtime was frequently cited at the committee's June hearing as being of serious concern, the legislation includes a requirement that the Secretary report to the Committee on Veterans' Affairs on the use of overtime by licensed nursing staff and nursing assistants in each facility. This is a critical first step to determining what can be done to reduce the amount of mandatory overtime. We will continue to monitor this issue with rigor and pledge to work to reduce the burdens borne by our nurses.

In terms of providing sufficient pay, our legislation mandates that VA provide Saturday premium pay to certain health professionals. These group of professionals include licensed practical nurses, LPN's, certified or registered respiratory therapists, licensed physical therapists, licensed vocational nurses, pharmacists, and occupational therapists. This group of workers are known as "hybrids" as they straddle two different personnel authorities, titles 38 and 5 of the United States Code. Hybrid status allows for the direct hiring and a more flexible compensation system.

This is an issue of equity, especially for LPN's who work alongside other nurses on Saturday. While registered nurses, RN's are mandated to receive Saturday premium pay, they may be working alongside an LPN who is not. Factoring in the looming nurse shortage, we should be doing all we can to improve VA's ability to recruit and retain these caregivers.

Currently, hospital directors have the discretion to provide Saturday premium pay. Of the 17,000 hybrid employees, 8,000 are not receiving the pay premium.

In my own State of West Virginia, many LPN's are not receiving Saturday premium pay. Deborah Dixon is an LPN at the VA Medical Center in Huntington, WV. She works nights 6 days in a row, has 2 days off, works nights 5 days, then has 1 day off, then works 4 nights and has 3 days off. As a result, she has off every third weekend. She says that "LPN's deserve Saturday premium pay. It feels like discrimination. It makes me wonder why LPN's are not being respected.

I believe this change in law will make pay more consistent and fair for our health care workers.

Programs initiated within VA to improve conditions for nurses and patients have focused on issues other than staffing ratios, pay, and hours. A highly praised scholarship program that I spearheaded allows VA nurses to pursue degrees and training in return for their service, thus encouraging professional development and improving the quality of health care. Included within the legislation we introduced today are modifications to the existing scholarship and debt reduction programs. These changes are intended to improve the programs by providing additional flexibility to recipients.

In the Upper Midwest, the special skills of nurses and nurse practitioners are being recognized in clinics that provide supportive care close to the veterans who need it. The legislation before us seeks to encourage more nurse-managed clinics and also includes a requirement that VA evaluate these clinics.

There are various other provisions included in the bill. One provision requires that VA nurses enrolled in the Federal Employee Retirement System have the same ability to include unused sick leave as part of the retirement year calculation that VA nurses enrolled in the Civilian Retirement System have. The legislation also would amend the treatment of part-time service performed by certain title 38 employees prior to April 7, 1986, for purposes of retirement credit. Currently, part-time service performed by title 5 employees prior to April 7, 1986, is treated as full-time service; however, title 38 employees' part-time services prior to April 7, 1986, is counted as part-time service and therefore results in lower annuities for these employees. Retired nurses, such as Tonya Rich from Morgantown, WV, who has contacted me, stress the inequity of the situation. In order to rectify this, our legislation exempts registered nurses, physician assistants, and expanded-function dental auxiliaries from the requirement that part-time service performed prior to April 7, 1986, be prorated when calculating retirement annuities.

This bill is a good start, but clearly, we must remain vigilant. Although the nursing crisis has not yet reached its projected peak, the shortage is already endangering patient safety in the areas of critical and long-term care, where demands on nurses are greatest. We must encourage higher enrollment in nursing schools, improve the work environment, and offer nurses opportunities to develop as respected professionals, while taking steps to ensure safe staffing levels in the short-term.

We do not have the luxury of reflecting upon this problem at length; we must act now. Fortunately, we have as allies hardworking nurses who are dedicated to helping us find ways to improve working conditions and to recruit more young people to the field.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Nurse Recruitment and Retention Enhancement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ENHANCEMENT OF RECRUITMENT AUTHORITIES

Sec. 101. Enhancement of employee incentive scholarship program.
Sec. 102. Enhancement of education debt reduction program.
Sec. 103. Report on requests for waivers of pay reductions for reemployed annuitants to fill nurse positions.

TITLE II—ENHANCEMENT OF RETENTION AUTHORITIES

Sec. 201. Additional pay for Saturday tours of duty for additional health care professional in the Veterans Health Administration.
Sec. 202. Unused sick leave included in annuity computation of registered nurses with the Veterans Health Administration.
Sec. 203. Evaluation of Department of Veterans Affairs nurse managed clinics.
Sec. 204. Staffing levels for operations of medical facilities.
Sec. 205. Annual report on use of authorities to enhance retention of experienced nurses.
Sec. 206. Report on mandatory overtime for nurses and nurse assistants in Department of Veterans Affairs facilities.

TITLE III—OTHER MATTERS

Sec. 301. Organizational responsibility of the Director of the Nursing Service.
Sec. 302. Computation of annuity for part-time service performed by certain health-care professionals before April 7, 1986.
Sec. 303. Modification of nurse locality pay authorities.
Sec. 304. Technical amendments.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ENHANCEMENT OF RECRUITMENT AUTHORITIES

SEC. 101. ENHANCEMENT OF EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM.

(a) PERMANENT AUTHORITY.—(1) Section 7676 is repealed.

(2) The table of sections at the beginning of chapter 76 is amended by striking the item relating to section 7676.

(b) MINIMUM PERIOD OF DEPARTMENT EMPLOYMENT FOR ELIGIBILITY.—Section 7672(b) is amended by striking "2 years" and inserting "one year".

(c) SCHOLARSHIP AMOUNT.—Subsection (b) of section 7673 is amended—

(1) in paragraph (1), by striking "for any one year" and inserting "for the equivalent of one year of full-time coursework"; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) in the case of a participant in the Program who is a part-time student, shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the course of education or training being pursued by the participant as the coursework carried by the student bears to full-time coursework in that course of education or training.".

(d) LIMITATION ON PAYMENT.—Subsection (c) of section 7673 is amended to read as follows:

"(c) LIMITATIONS ON PERIOD OF PAYMENT.—(1) The maximum number of school years for which a scholarship may be paid under subsection (a) to a participant in the Program shall be six school years.

"(2) A participant in the Program may not receive a scholarship under subsection (a) for more than the equivalent of three years of full-time coursework.".

(e) FULL-TIME COURSEWORK.—Section 7673 is further amended by adding at the end the following new subsection:

"(e) FULL-TIME COURSEWORK.—For purposes of this section, full-time coursework shall consist of the following:

"(1) In the case of undergraduate coursework, 30 semester hours per undergraduate school year.

"(2) In the case of graduate coursework, 18 semester hours per graduate school year.".

(f) ANNUAL ADJUSTMENT OF MAXIMUM SCHOLARSHIP AMOUNT.—Section 7631 is amended—

(1) in subsection (a)(1), by striking "and the maximum Selected Reserve member stipend amount" and inserting "the maximum Selected Reserve member stipend amount, the maximum employee incentive scholarship amount,"; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (6); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'maximum employee incentive scholarship amount' means the maximum amount of the scholarship payable to a participant in the Department of Veterans Affairs Employee Incentive Scholarship Program under subchapter VI of this chapter, as specified in section 7673(b)(1) of this title and as previously adjusted (if at all) in accordance with this section.".

SEC. 102. ENHANCEMENT OF EDUCATION DEBT REDUCTION PROGRAM.

(a) PERMANENT AUTHORITY.—(1) Section 7684 is repealed.

(2) The table of sections at the beginning of chapter 76 is amended by striking the item relating to section 7684.

(b) ELIGIBLE INDIVIDUALS.—Subsection (a)(1) of section 7682 is amended—

(1) by striking "under an appointment under section 7402(b) of this title in a position" and inserting "in a position (as determined by the Secretary) providing direct-patient care services or services incident to direct-patient care services"; and

(2) by striking "(as determined by the Secretary)" and inserting "(as so determined)".

(c) MAXIMUM DEBT REDUCTION AMOUNT.—Section 7683(d)(1) is amended—

(1) by striking "for a year"; and

(2) by striking "exceed—" and all that follows through the end of the paragraph and inserting "exceed $44,000 over a total of five years of participation in the Program, of which not more than $10,000 of such payments may be made in each of the fourth and fifth years of participation in the Program.".

(d) ANNUAL ADJUSTMENT OF MAXIMUM DEBT REDUCTION PAYMENTS AMOUNT.—(1) Section 7631, as amended by section 101(f) of this Act, is further amended—

(A) in subsection (a)(1), by inserting before the period at the end of the first sentence the following: "and the maximum education debt reduction payments amount"; and

(B) in subsection (b), by inserting after paragraph (4) the following new paragraph (5):

"(5) The term 'maximum education debt reduction payments amount' means the maximum amount of education debt reduction payments payable to a participant in the Department of Veterans Affairs Education Debt Reduction Program under subchapter VII of this chapter, as specified in section 7683(d)(1) of this title and as previously adjusted (if at all) in accordance with this section.".

(2) Notwithstanding section 7631(a)(1) of title 38, United States Code, as amended by paragraph (1), the Secretary of Veterans Affairs shall not increase the maximum education debt reduction payments amount under that section in calendar year 2002.

(e) TEMPORARY EXPANSION OF INDIVIDUALS ELIGIBLE FOR PARTICIPATION IN PROGRAM.—(1) Notwithstanding section 7682(c) of title 38, United States Code, the Secretary of Veterans Affairs may treat a covered individual as being a recently appointed employee in the Veterans Health Administration under section 7682(a) of that title for purposes of eligibility in the Education Debt Reduction Program if the Secretary determines that the participation of the individual in the Program under this subsection would further the purposes of the Program.

(2) For purposes of this subsection, a covered individual is any individual otherwise described by section 7682(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, who—

(A) was appointed as an employee in a position described in paragraph (1) of that section, as so in effect, between January 1, 1999, and September 30, 2000; and

(B) is an employee in such position, or in another position described in paragraph (1) of that section, as so in effect, at the time of application for treatment as a covered individual under this subsection.

(3) The Secretary shall make determinations regarding the exercise of the authority in this subsection on a case-by-case basis.

(4) The Secretary may not exercise the authority in this subsection after December 31,

2001. The expiration of the authority in this subsection shall not affect the treatment of an individual under this subsection before that date as a covered individual for purposes of eligibility in the Education Debt Reduction Program.

(5) In this subsection, the term "Education Debt Reduction Program" means the Department of Veterans Affairs Education Debt Reduction Program under subchapter VII of chapter 76 of title 38, United States Code.

SEC. 103. REPORT ON REQUESTS FOR WAIVERS OF PAY REDUCTIONS FOR REEMPLOYED ANNUITANTS TO FILL NURSE POSITIONS.

(a) REPORT.—Not later than November 30 of each of 2001 and 2002, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report describing each request of the Secretary, during the fiscal year preceding such report, to the Director of the Office of Personnel Management for the following:

(1) A waiver under subsection (i)(1)(A) of section 8344 of title 5, United States Code, of the provisions of such section in order to meet requirements of the Department of Veterans Affairs for appointments to nurse positions in the Veterans Health Administration.

(2) A waiver under subsection (f)(1)(A) of section 8468 of title 5, United States Code, of the provisions of such section in order to meet requirements of the Department for appointments to such positions.

(3) A grant of authority under subsection (i)(1)(B) of section 8344 of title 5, United States Code, for the waiver of the provisions of such section in order to meet requirements of the Department for appointments to such positions.

(4) A grant of authority under subsection (f)(1)(B) of section 8468 of title 5, United States Code, for the waiver of the provisions of such section in order to meet requirements of the Department for appointments to such positions.

(b) INFORMATION ON RESPONSES TO REQUESTS.—The report under subsection (a) shall specify for each request covered by the report—

(1) the response of the Director to such request; and

(2) if such request was granted, whether or not the waiver or authority, as the case may be, assisted the Secretary in meeting requirements of the Department for appointments to nurse positions in the Veterans Health Administration.

TITLE II—ENHANCEMENT OF RETENTION AUTHORITIES

SEC. 201. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY FOR ADDITIONAL HEALTH CARE PROFESSIONAL IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7454(b) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) Health care professionals employed in positions referred to in paragraph (1) shall be entitled to additional pay on the same basis as provided for nurses in section 7453(c) of this title.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to pay periods beginning on or after that date.

SEC. 202. UNUSED SICK LEAVE INCLUDED IN ANNUITY COMPUTATION OF REGISTERED NURSES WITH THE VETERANS HEALTH ADMINISTRATION.

(a) ANNUITY COMPUTATION.—Section 8415 of title 5, United States Code, is amended by adding at the end the following:

"(i) In computing an annuity under this subchapter, the total service of an employee who retires from the position of a registered nurse with the Veterans Health Administration on an immediate annuity, or dies while employed in that position leaving any survivor entitled to an annuity, includes the days of unused sick leave to the credit of that employee under a formal leave system, except that such days shall not be counted in determining average pay or annuity eligibility under this subchapter.".

(b) DEPOSIT NOT REQUIRED.—Section 8422(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" before "Under such regulations"; and

(2) by adding at the end the following:

"(2) Deposit may not be required for days of unused sick leave credited under section 8415(i).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the enactment of this Act, and shall apply to individuals who separate from service on or after that effective date.

SEC. 203. EVALUATION OF DEPARTMENT OF VETERANS AFFAIRS NURSE MANAGED CLINICS.

(a) EVALUATION.—The Secretary of Veterans Affairs shall carry out an evaluation of the efficacy of the nurse managed health care clinics of the Department of Veterans Affairs. The Secretary shall complete the evaluation not later than 18 months after the date of the enactment of this Act.

(b) CLINICS TO BE EVALUATED.—(1) In carrying out the evaluation under subsection (a), the Secretary considers nurse managed health care clinics, including primary care clinics and geriatric care clinics, located in three different Veterans Integrated Service Networks (VISNs) of the Department.

(2) If there are not nurse managed health care clinics located in three different Veterans Integrated Service Networks as of the commencement of the evaluation, the Secretary shall—

(A) establish nurse managed health care clinics in additional Veterans Integrated Services Networks such that there are nurse managed health care clinics in three different Veterans Integrated Service Networks for purposes of the evaluation; and

(B) include such clinics, as so established, in the evaluation.

(c) MATTERS TO BE EVALUATED.—In carrying out the evaluation under subsection (a), the Secretary shall address the following:

(1) Patient satisfaction.

(2) Provider experiences.

(3) Cost of care.

(4) Access to care, including waiting time for care.

(5) The functional status of patients receiving care.

(6) Any other matters the Secretary considers appropriate.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation carried out under subsection (a). The report shall address the matters specified in subsection (c) and include any other information, and any recommendations, that the Secretary considers appropriate.

SEC. 204. STAFFING LEVELS FOR OPERATIONS OF MEDICAL FACILITIES.

(a) IN GENERAL.—Section 8110(a) is amended—

(1) in paragraph (1), by inserting after "complete care of patients," in the fifth sentence the following: "and in a manner consistent with the policies of the Secretary on overtime,"; and

(2) in paragraph (2)—

(A) by inserting ", including the staffing required to maintain such capacities," after "all Department medical facilities";

(B) by striking "and to minimize" and inserting ", to minimize"; and

(C) by inserting before the period the following: ", and to ensure that eligible veterans are provided such care and services in an appropriate manner".

(b) NATIONWIDE POLICY ON STAFFING.—Paragraph (3) of that section is amended—

(1) in subparagraph (A), by inserting "the adequacy of staff levels for compliance with the policy established under subparagraph (C)," after "regarding"; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) The Secretary shall, in consultation with the Under Secretary for Health, establish a nationwide policy on the staffing of Department medical facilities in order to ensure that such facilities have adequate staff for the provision to veterans of appropriate, high-quality care and services. The policy shall take into account the staffing levels and mixture of staff skills required for the range of care and services provided veterans in Department facilities.".

SEC. 205. ANNUAL REPORT ON USE OF AUTHORITIES TO ENHANCE RETENTION OF EXPERIENCED NURSES.

(a) ANNUAL REPORT.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7324. Annual report on use of authorities to enhance retention of experienced nurses

"(a) ANNUAL REPORT.—Not later than January 31 each year, the Secretary, acting through the Under Secretary for Health, shall submit to Congress a report on the use during the preceding year of authorities for purposes of retaining experienced nurses in the Veterans Health Administration, as follows:

"(1) The authorities under chapter 76 of this title.

"(2) The authority under VA Directive 5102.1, relating to the Department of Veterans Affairs nurse qualification standard, dated November 10, 1999, or any successor directive.

"(3) Any other authorities available to the Secretary for those purposes.

"(b) REPORT ELEMENTS.—Each report under subsection (a) shall specify for the period covered by such report, for each Department medical facility and for each Veterans Integrated Service Network, the following:

"(1) The number of waivers requested under the authority referred to in subsection (a)(2), and the number of waivers granted under that authority, to promote to the Nurse II grade or Nurse III grade under the Nurse Schedule under section 7404(b)(1) of this title any nurse who has not completed a bachelors of science in nursing in a recognized school of nursing, set forth by age, race, and years of experience of the individuals subject to such waiver requests and waivers, as the case may be.

"(2) The programs carried out to facilitate the use of nursing education programs by experienced nurses, including programs for flexible scheduling, scholarships, salary replacement pay, and on-site classes.".

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7323 the following new item:

"7324. Annual report on use of authorities to enhance retention of experienced nurses.".

(b) INITIAL REPORT.—The initial report required under section 7324 of title 38, United States Code, as added by subsection (a), shall be submitted in 2002.

SEC. 206. REPORT ON MANDATORY OVERTIME FOR NURSES AND NURSE ASSISTANTS IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the mandatory overtime required of licensed nurses and nurse assistants providing direct patient care at Department of Veterans Affairs medical facilities during 2001.

(b) MANDATORY OVERTIME.—For purposes of the report under subsection (a), mandatory overtime shall consist of any period in which a nurse or nurse assistant is mandated or otherwise required, whether directly or indirectly, to work or be in on-duty status in excess of—

(1) a scheduled workshift or duty period;

(2) 12 hours in any 24-hour period; or

(3) 80 hours in any period of 14 consecutive days.

(c) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the amount of mandatory overtime described in that subsection at each Department medical facility during the period covered by the report.

(2) A description of the mechanisms employed by the Secretary to monitor overtime of the nurses and nurse assistants referred to in that subsection.

(3) An assessment of the effects of the mandatory overtime of such nurses and nurse assistants on patient care, including its contribution to medical errors.

(4) Recommendations regarding mechanisms for preventing requirements for amounts of mandatory overtime in other than emergency situations by such nurses and nurse assistants.

(5) Any other matters that the Secretary considers appropriate.

TITLE III—OTHER MATTERS

SEC. 301. ORGANIZATIONAL RESPONSIBILITY OF THE DIRECTOR OF THE NURSING SERVICE.

Section 7306(a)(5) is amended by inserting ", and report directly to," after "responsible to".

SEC. 302. COMPUTATION OF ANNUITY FOR PART-TIME SERVICE PERFORMED BY CERTAIN HEALTH-CARE PROFESSIONALS BEFORE APRIL 7, 1986.

Section 7426 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The provisions of subsection (b) shall not apply to the part-time service before April 7, 1986, of a registered nurse, physician assistant, or expanded-function dental auxiliary. In computing the annuity under the applicable provision of law specified in that subsection of an individual covered by the preceding sentence, the service described in that sentence shall be credited as full-time service.".

SEC. 303. MODIFICATION OF NURSE LOCALITY PAY AUTHORITIES.

Section 7451 is amended—

(1) in subsection (d)(3)—

(A) in subparagraph (A), by striking "beginning rates of" each time it appears;

(B) in subparagraph (B), by striking "beginning rates of"; and

(C) in subparagraph (C)(i), by striking "beginning rates of" each time it appears;

(2) in subsection (d)(4)—

(A) by striking "or at any other time that an adjustment in rates of pay is scheduled to take place under this subsection" in the first sentence; and

(B) by striking the second sentence; and

(3) in subsection (e)(4)—

(A) in subparagraph (A), by striking "grade in a";

(B) in subparagraph (B)—

(i) by striking "grade of a"; and

(ii) by striking "that grade" and inserting "that position"; and

(C) in subparagraph (D), by striking "grade of a".

SEC. 304. TECHNICAL AMENDMENTS.

Section 7631(b) is amended by striking "this subsection" each place it appears and inserting "this section".

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. DORGAN):

S. 1189. A bill to require the Federal Communications Commission to amend its daily newspaper cross-ownership rules, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise to introduce legislation, the Media Ownership Act of 2001, designed to rectify the increasing trend toward consolidation and away from a vibrant exchange of news and information in today's media marketplace. I am joined in this effort by my colleagues, Senators INOUYE and DORGAN, who for years have demonstrated their tireless pursuit of the public interest in the sensible regulation of media ownership.

This legislation is necessary to stem the tide toward concentration in the broadcast and newspaper industries and force a thorough and reasoned examination of the claims that further consolidation will serve the public interest. While the phrase "public interest" may have a vague ring to it, its meaning should be quite clear to the five members of the Federal Communications Commission, which itself observed just a few months ago that it has both "the duty and authority under the Communications Act to promote diversity and competition among media voices."

Notwithstanding that duty, it has come to my attention that the FCC is planning a Notice of Proposed Rulemaking to relax or eliminate the newspaper-broadcast cross ownership rule. In addition, I understand that the FCC may consider revising, among other media ownership restrictions, the 35 percent national broadcast ownership cap later this year. I do not believe that those rules should be changed at this time. Others disagree. This legislation will enhance our debate on these issues.

Locally relevant, independent programmers and distributors of media content are critically important energizers of civic discourse in this country. Indeed, that independence, localism and diversity are what separate our nation from countries where information is not allowed to flow freely. Accordingly, any proceeding to revisit existing ownership rules involving broadcast, print, or cable television must examine the potential impact that undue influence over local and national media outlets may have on our democracy.

Because Congress understood the difficulty the Commission faces in quantifying democratic values such as localism and diversity, it gave the Commission the explicit and implicit statutory authority and responsibility to establish and maintain ownership caps in the media industry. Pursuant to that authority, the FCC has imposed limits on the ownership of broadcast and cable television properties, and on the cross-ownership within a market between broadcast and cable television stations, broadcast television and radio stations, and broadcast television and radio stations and newspapers.

These ownership restrictions are based on factors outside the bounds of a traditional competitive analysis, and carry with them the authority to prevent consolidation before it rises to the level necessary to trigger antitrust intervention. for example, in light of the importance of promoting localism and diversity, a higher importance must be ascribed to preserving the balance of power between the networks and local stations than would otherwise be expected under traditional competition analysis.

The reasons for this are simple, diversity in ownership promotes competition. Diversity in ownership creates opportunities for smaller companies, and local businessmen and women. Diversity in ownership allows creative programming and controversial points of views to find an outlet. Diversity in ownership promotes choices for advertisers. And diversity in ownership and the related restriction on national ownership groups preserves localism. And what in turn does this mean? Millions of Americans regularly receive their local news by watching their local broadcast stations or reading their daily newspaper. For these citizens, localism still matters.

The proponents of increased consolidation, however, claim that the transformed media landscape demands a deregulatory response. In my view, the burden should rest on those who wish to change the rules of the game to justify those changes. If localism and diversity can be preserved in a consolidated marketplace, prove it. Arguments alone are not persuasive.

Prior to the 1996 Telecommunications Act, the top radio station group owned 39 stations and generated annual revenues of $495 million. Today, the top group owns over 1100 stations and generates revenues of almost $3.2 billion annually. This consolidation directly undercut diversity and localism in the radio marketplace. A year before Congress passed the Telecommunications Act, the FCC lifted the rules that prohibited broadcast networks from owning and creating their own television programming. This sanctioned consolidation freed the networks to seek economic stakes in, and ownership of, television programs. As the Washington Post reported last fall in an article entitled, "Even Hits can Miss in TV's New Economy", "Just as supermarket might reserve its best shelf space for its house brands, the networks have begun to favor their in house programs over shows created by others, which are often less profitable in the long term." So we see what deregulation has brought us with radio and the market for television programming. Similar consolidation among other major media outlets should only be allowed after a thorough analysis that justifies permitting such concentration.

The legislation that we introduce today addresses the FCC's lack of enforcement of the newspaper-broadcast cross ownership rule. The FCC's jurisdiction over newspaper broadcast ownership combinations arises from its authority to oversee broadcast communications licenses. In practice, the FCC has applied the rule only when there is a transfer or renewal of a broadcast license. So, if a broadcast station owner acquires a newspaper in the same market, there is no FCC review of the cross ownership until the station's license is up for renewal. If a newspaper owner acquires a broadcast station, however, the rule is immediately triggered because the FCC has to approve the transfer of the station's broadcast license for the transaction to go forward. When the rule was adopted, television broadcast licenses were renewed every three years. Accordingly, even when the FCC did not immediately enforce the rule, the combined entity was aware it would have to come into compliance, either by requesting a waiver, or divesting either the station or newspaper, within a short period of time.

Today, however, broadcast station licenses are only renewed every eight years, thereby creating a significant loophole in the cross ownership rule, if it is only enforced by the Commission at the time of license renewals. Our bill would require the FCC to review immediately existing cross ownership combinations. The legislation requires a broadcast licensee to inform the FCC when it acquires a newspaper that would place the license in violation of the newspaper-broadcast cross ownership rule. Upon receipt of this information, the FCC could take a range of action under the legislation, including forcing divestiture, or granting a waiver to allow the combination to go forward.

In addition, our legislation steps up a process whereby we in Congress can scrutinize any alternative that the Commission devises to replace the current media ownership rules, and compare the efficacy of a new cap or ownership measurement system against the current rules, to determine whether a new measurement provides a better mechanism to promote diversity and localism. Accordingly, our bill requires the FCC to provide to the House and Senate Commerce Committees, any proposed media ownership rule changes eighteen months before they become effective. These proposals must be transmitted to the Commerce committees along with clear and ample explanation of how the new formulations will better meet the Commission's public interest obligation to promote competition, diversity, and localism.

The legislation we are introducing takes two important steps. First, it forces the FCC to enforce the current version of the FCC's newspaper-broadcast cross ownership rule. Second, it provides a check on those who might otherwise move quickly to repeal other media ownership limits without regard to the impact of the consequent consolidation on diversity, localism, and competition in the media marketplace.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FCC DAILY NEWSPAPER CROSS-OWNERSHIP RULE.

(a) Immediate Review.—

(1) In general.—The Federal Communications Commission shall modify section 73.3555(d) of its regulations (47 C.F.R. 73.3555(d)) to provide for the immediate review of a license for any AM, FM, or TV broadcast station held by any party (including all parties under common control) that acquires direct or indirect ownership, operation, or control of a daily newspaper.

(2) Notice to commission.—The modification under paragraph (1) shall require that any licensee covered by that paragraph notify the Committee of the acquisition of the ownership, operation, or control of a daily newspaper upon the acquisition of such ownership, operation, or control.

(b) Remedial Action.—The Commission shall further modify section 73.3555(d) of its regulations (47 C.F.R. 73.3555(d)) to require modification or revocation of the license, or divestiture of such ownership, operation, or control of the daily newspaper, unless the Commission determines that direct or indirect ownership, operation, or control of the daily newspaper by that party will not cause a result described in paragraph (1), (2), or (3) of that section.

(c) 6-Month Deadline for Compliance.—Under the regulations as modified under subsection (b), if the Commission does not make a determination described in subsection (b), the Commission shall require the modification, revocation, or divestiture to be completed not later than the earlier of—

(1) the date that is 180 days after the date on which the Commission issues the order requiring the modification, revocation, or divestiture; or

(2) the date by which the Commission's regulations require the license to be renewed.

(d) Application to Existing Arrangements.—

(1) In general.—In applying its regulations, as modified pursuant to this section, to any license for an AM, FM, or TV broadcast station that is held on the date of the enactment of this Act by a party that also, as of that date, has direct or indirect ownership, operation, or control of a daily newspaper, the Commission—

(A) may grant a permanent or temporary waiver from the modification, revocation, or divestiture requirements of the modified regulation if the Commission determines that the waiver is consistent with the principles of competition, diversity, and localism in the public interest; and

(B) shall not apply the modified regulation so as to require modification, revocation, or divestiture in circumstances in which section 73.3555(d) of the Commission's regulations (47 C.F.R. 73.3555(d)) does not apply because of Note 4 to that section.

(2) Notice to commission.—A licensee of a license described by paragraph (1) shall notify the Commission not later than 30 days after the date of the enactment of this Act that the license is covered by paragraph (1).

SEC. 2. REVIEW BASED ON TRANSACTIONS.

The Federal Communications Commission shall further modify section 73.3555 of its regulations (47 C.F.R. 73.3555) so that the Commission will determine compliance with section 73.3555(d) of its regulations, as modified by the Commission pursuant to section 1 of this Act, whenever a party (including all parties under common control)—

(1) that holds a license for an AM, FM, or TV broadcast station acquires direct or indirect ownership, operation, or control of a daily newspaper; or

(2) that directly or indirectly owns, operates, or controls a daily newspaper acquires a license for an AM, FM, or TV broadcast station.

SEC. 3. FCC TO JUSTIFY REPEAL OR MODIFICATION OF REGULATIONS UNDER REGULATORY REFORM.

Section 11 of the Communications Act of 1934 (47 U.S.C. 161) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) Relaxation or Elimination of Media Ownership Rules.—If, as a result of a review under subsection (a)(1), the Commission makes a determination under subsection (a)(2) with respect to its regulations governing multiple ownership (47 C.F.R. 73.3555), then not less than 18 months before the proposed repeal or modification under subsection (c) is to take effect, the Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives—

"(1) a statement of the proposed repeal or modification; and

"(2) an explanation of the basis for its determination, including an explanation of how the proposed repeal or modification is expected to promote competition, diversity, and localism in the public interest.".

SEC. 4. DEADLINE FOR MODIFICATION OF REGULATIONS.

The Federal Communications Commission shall complete the modifications of its regulations required by sections 1 and 2 of this Act not later than 1 year after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 135—HONORING DRS. ARVID CARLSSON, PAUL GREENGARD, AND ERIC R. KANDEL FOR BEING AWARDED THE NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE FOR 2000, AND FOR OTHER PURPOSES

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas on October 9, 2000, the Nobel Assembly at the Karolinska Institute awarded the Nobel Prize in Physiology or Medicine for 2000 to Drs. Arvid Carlsson, Paul Greengard, and Eric R. Kandel for their pioneering discoveries in the field of neuroscience;

Whereas these discoveries have been crucial in achieving a fuller understanding of the normal function of the brain and the mechanisms by which brain cells communicate with each other at the molecular level to create moods and memories in individuals;

Whereas the World Health Organization has found that 4 of the 10 leading causes of disability for persons age 5 and older are mental disorders;

Whereas schizophrenia, depression, bipolar disorder, Alzheimer's disease, and other mental disorders affect nearly 1 in 5 people in the United States each year;

Whereas the work of Drs. Carlsson, Greengard, and Kandel has laid a foundation for the development of drugs and other treatments for mental illnesses and neurological disorders that promise to be more effective and to have fewer or less acute side effects; and

Whereas the National Institutes of Health contributed to advances in the field of neuroscience by providing grants and research support to Drs. Carlsson, Greengard, and Kandel for a period exceeding 30 years: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors Drs. Arvid Carlsson, Paul Greengard, and Eric R. Kandel for their cumulative achievements in advancing scientific understanding in the field of neuroscience;

(2) expresses support for the ongoing efforts of the National Institutes of Health to fund and assist researchers in developing treatments for mental illnesses and neurological disorders;

(3) expresses support for the ongoing efforts of the American College of Neuropsychopharmacology, a scientific society whose principal functions are to further research and education in neuropsychopharmacology and related fields, and to encourage scientists to enter research careers in fields related to the treatment of diseases of the nervous system including psychiatric, neurological, behavioral, and addictive disorders; and

(4) expresses support for efforts to promote mental health for all people in the United States through advances in science and overcoming societal attitudes, fears, and misunderstandings concerning mental illness.

SENATE CONCURRENT RESOLUTION 60—EXPRESSING THE SENSE OF THE CONGRESS THAT THE CONTINUED PARTICIPATION OF THE RUSSIAN FEDERATION IN MEETINGS OF THE GROUP OF EIGHT COUNTRIES MUST BE CONDITIONED ON THE RUSSIAN FEDERATION'S VOLUNTARY ACCEPTANCE AND ADHERENCE TO THE NORMS AND STANDARDS OF DEMOCRACY

Mr. HELMS (for himself, Mr. SMITH of Oregon, Mr. LOTT, and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 60

Whereas the Group of Seven (G–7) was established as a forum of the heads of state or heads of government of the world's largest, industrialized democracies to meet annually in a summit meeting;

Whereas those countries which are members of the Group of Seven are pluralistic societies, with democratic political institutions and practices committed to the promotion of universally recognized standards of human rights, individual liberties, and rule of law;

Whereas, in 1991 and subsequent years, the G-7 invited the Russian Federation to a postsummit dialogue, and in 1998 the G-7 formally invited the Russian Federation to participate in an annual gathering that thereafter became known as the Group of Eight (G–8);

Whereas the invitation to then President Yeltsin of the Russian Federation to participate in these annual summits was to reinforce his commitment to democratization and economic liberalization, recognizing the fact that the Russian Federation's economy was not of the size and character of those of the G–7 economies and that its government's commitment to democratic principles was uncertain;

Whereas free news media are fundamental to the functioning of a democratic society and essential for the protection of individual liberties and such freedoms can exist only in an environment that is free of state control of the news media, that is free of any form of state censorship or official coercion of any kind, and that is protected and guaranteed by the rule of law;

Whereas the Government of the Russian Federation has undertaken a series of actions hostile and destructive toward independently operated media enterprises and journalists, particularly those news outlets and journalists that have been critical of government policies and government actions;

Whereas the Government of the Russian Federation continues its indiscriminate war against the people of Chechnya, a war in which Russian forces have caused the deaths of countless thousands of innocent civilians, caused the displacement of well over 400,000 innocent individuals, forcibly relocated refugee populations, and have committed widespread atrocities, including summary executions, torture, and rape;

Whereas the Department of State's Annual Report on International Religious Freedom 2000 concluded that the Government of the Russian Federation "does not always respect [its Constitution's] provision for equality of religions, and some local authorities imposed restrictions on some religious minority groups";

Whereas the continued participation of the Government of the Russian Federation in the Group of Eight must be conditioned on the former's acceptance of and adherence to the norms and standards of democracy; and

Whereas the next summit meeting of the G–8 countries will take place from July 20 to July 23, 2002 in Genoa, Italy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President should use the Genoa summit meeting of the G–8 to condition future G–8 meetings upon a clear and unambiguous demonstration of commitment by the Government of the Russian Federation to adhere to the norms and standards of democracy and fundamental human rights, and that this must include—

(A) an immediate end to Russian military operations in Chechnya and the initiation of genuine negotiations for a just and peaceful resolution of the conflict in that region with the democratically elected Government of Chechnya led by Aslan Maskhadov;

(B) granting international missions immediate and full and unimpeded access into Chechnya and surrounding regions so that they can provide humanitarian assistance and investigate alleged atrocities and war crimes;

(C) respect for the existence of a free, unfettered, and independent media and the free exchange of ideas and views, including the freedom of journalists to publish opinions and news reports without fear of censorship or punishment, the right of people to receive news without government interference and harassment, and opportunities for private ownership of media enterprises;

(D) freedom of all religious groups to practice their faith in the Russian Federation, without government interference on the rights and the peaceful activities of such religious organizations; and

(E) equal treatment and respect for the human rights of all citizens of the Russian Federation;

(2) the President and the Secretary of State should take all necessary steps to suspend the participation of the Russian Federation in meetings of the G–8 countries after the Genoa summit meeting should the Government of the Russian Federation fail to adhere to the norms and standards described in paragraph (1); and

(3) the President and Secretary of State are requested to convey to appropriate officials of the Government of the Russian Federation, including the President, the Prime Minister, and the Minister of Foreign Affairs, and appropriate officials of the G–7 countries this expression of the views of Congress.

AMENDMENTS SUBMITTED AND PROPOSED

SA 981. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 982. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 983. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 984. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 985. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 986. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 987. Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. DURBIN, Mr. DAYTON, Mr. FEINGOLD, Mr. SCHUMER, Mr. KOHL, Mr. WELLSTONE, Mrs. CLINTON, Mr. BAYH, and Mr. VOINOVICH) proposed an amendment to the bill H.R. 2311, supra.

SA 988. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 989. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 990. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 991. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 992. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 993. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 994. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 995. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 996. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 997. Mr. CONRAD (for himself, Mr. DORGAN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 998. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 999. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1000. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1001. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1002. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1003. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1004. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1005. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1006. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1007. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1008. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1009. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 981. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 18, after "expended" insert ", of which $2,000,000 shall be made available to the James River Water Development District, South Dakota, for completion of an environmental impact statement for the channel restoration and improvement project authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128)".

SA 982. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, line 7, after "expended,", insert the following: "of which $16,500,000 shall be available for the Mid-Dakota Rural Water Project;".

SA 983. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 18, before the period, insert the following: ", *Provided*, that using $100,000 of the funds provided herein for the States of Maryland, Virginia, Pennsylvania and the District of Columbia, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address the sediments behind the dams on the lower Susquehanna River."

SA 984. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, before the period on line 10, insert the following: "*Provided further*, within the amount herein appropriated, Western Area Power Administration is directed to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies. WAPA shall publish a study by July 31, 2002 that contains recommendations of the most cost-effective methods and technologies to enhance electricity transmission from lignite and wind energy: *Provided further*, That these funds shall be non-reimbursable: *Provided further*, That these funds shall be available until expended."

SA 985. Mr. HUTCHINSON submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 3, after "expended,", insert the following: "of which not less than $50,000 shall be used to carry out small flood control projects under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for Bono, Arkansas;".

SA 986. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . NOME HARBOR TECHNICAL CORRECTIONS.

Section 101(a)(1) of Public Law 106–53 (the Water Resources Development Act of 1999) is amended by—

(A) striking "$25,651,000" and inserting in its place "$39,000,000"; and

(B) striking "$20,192,000" and inserting in its place "$33,541,000".

SA 987. Ms. STABENOW (for herself, Mr. FITZGERALD, Mr. LEVIN, Mr. DURBIN, Mr. DAYTON, Mr. FEINGOLD, Mr. SCHUMER, Mr. KOHL, Mr. WELLSTONE, Mrs. CLINTON, Mr. BAYH, and Mr. VOINOVICH) proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes, as follows:

On page 2, line 18, before the period, insert the following: ", of which such sums as are necessary shall be used by the Secretary of the Army to conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): *Provided*, That during the fiscal year for which this Act makes funds available and during each subsequent fiscal year, no Federal or State permit or lease shall be issued for oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (including in or under any river flowing into or out of the lake)".

SA 988. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 7, before the colon, insert the following: ", and of which not more than $6,173,000 shall be made available for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama (of which none of the funds shall be used for dredging in the State of Florida)".

SA 989. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 24, before the period, insert the following: ": *Provided further*, That the amounts made available under this heading for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama (other than amounts made available for specific hydrologic reconnections and slough restorations), shall be expended only for activities at or north of the Jim Woodruff Lock and Dam".

SA 990. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 16 and 17, insert the following:

SEC. . HABITAT OF ENDANGERED AND THREATENED SPECIES OR SPORTFISH.

None of the funds made available by this Act may be used to disrupt the critical habitat of endangered species or threatened species (as those terms are defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)) or the habitat of sportfish.

SA 991. Mr. GRAHAM submitted an amendment intended to the proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 16 and 17, insert the following:

SEC. . DEPOSIT OF DREDGED MATERIAL ON WETLAND.

None of the funds made available by this Act may be used to deposit dredged material on wetland subject to a permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

SA 992. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 25, strike "$1,833,263,000" and insert "$1,633,263,000".

On page 8, line 7, before the colon, insert the following: ", and of which not more than $6,173,000 shall be made available for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama (of which none of the funds shall be used for dredging in the State of Florida)".

SA 993. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 3, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, at the end of line 24, before the period, insert: ": *Provided further*, That $500,000 of the funds appropriated herein shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island."

SA 994. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 24, add the following: "Project at the University of New Hampshire authorized under section 8(b) of the Water Resources Development Act of 1988 (33 U.S.C. 2314(b)), $1,000,000:".

SA 995. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table: as follows:

On page 2, line 18, before the period, insert the following: ", of which not less than $300,000 shall be used for study and design of the project at Seabrook Harbor, New Hampshire, under the Act of August 13, 1946 (33 U.S.C. 426e et seq.)".

SA 996. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table: as follows:

On page 8, line 7, before the colon, insert the following: ", and of which not less than $400,000 shall be used to carry our maintenance dredging of the Sagamore Creek Channel, New Hampshire".

SA 997. Mr. CONRAD (for himself, Mr. DORGAN, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, before the period on line 10, insert the following: ": *Provided further*, That of the amount herein appropriated, not less than $200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between Belfield and Hettinger, North Dakota".

SA 998 Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other proposed; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. (a) RESCISSIONS.—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) DEBT REDUCTION.—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 999. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 16 and 17, insert the following:

SEC. 1 . APALACHICOLA, CHATTAHOOCHEE, AND FLINT RIVERS, GEORGIA, FLORIDA, AND ALABAMA.

(a) FINDING.—Congress finds that the disposal of dredged material from the Federal navigation channel in the Apalachicola River by placement inside the riverine ecosystem using within-bank or floodplain disposal sites is not consistent with the protection of the environment as required under the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(b) PROJECT MODIFICATION.—The project for navigation, Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 17), and modified by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595), is modified to direct the Secretary to transport dredged material to environmentally acceptable disposal sites approved by the States of Georgia, Florida, and Alabama and within the boundaries of the States, in lieu of using within-bank or floodplain disposal sites.

SA 1000. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 7, before the colon, insert the following: ", and of which not less than $8,173,000 shall be made available for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama (of which not less than $500,000 shall be used to restore the historic hydrologic connection between the Apalachicola River and Virginia Cut that has been affected by the project for navigation, Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 17), and modified by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595))".

SA 1001. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 16 and 17, insert the following:

SEC. 1 . APALACHICOLA, CHATTAHOOCHEE, AND FLINT RIVERS, GEORGIA, FLORIDA, AND ALABAMA.

(a) FINDING.—Congress finds that the disposal of dredged material from the Federal navigation channel in the Apalachicola River by placement inside the riverine ecosystem using within-bank or floodplain disposal sites is not consistent with the protection of the environment as required under the Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(b) PROJECT MODIFICATION.—The project for navigation, Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 17), and modified by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595), is modified to direct the Secretary to transport dredged material from the Apalachicola River to environmentally acceptable disposal sites approved by the States of Georgia, Florida, and Alabama and within the boundaries of the States, in lieu of using within-bank or floodplain disposal sites.

SA 1002. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 16 and 17, insert the following:

SEC. ___. IMPACT OF NAVIGATIONAL DREDGING ON LOCAL ECONOMIES OF FLORIDA.

None of the funds made available by this Act may be used to conduct navigational dredging until the Secretary of the Army—

(1) completes a cost-benefit analysis of the impact of navigational dredging on the economies of local areas in the State of Florida, including oyster harvesting, tupelo honey production, shrimp production, blue crab production, commercial sportfishing, and recreational activities; and

(2) submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the analysis.

SA 1003. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 16 and 17, insert the following:

SEC. . CUMULATIVE IMPACT OF NAVIGATIONAL DREDGING ON WILDLIFE AND HABITAT.

None of the funds made available by this Act may be used to conduct navigational dredging until the Secretary of the Army—

(1) completes an assessment of the cumulative impact of navigational dredging on wildlife and habitat; and

(2) submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the assessment.

SA 1004. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 20, after "expended," insert "of which $4,000,000 shall be available for the West River/Lyman-Jones Rural Water System to provide rural, municipal, and industrial drinking water for Philip, South Dakota, in accordance with the Mni Wiconi Project Act of 1988 (102 Stat. 2566; 108 Stat. 4539),".

SA 1005. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, add the following:

SEC. 312. (a) IN GENERAL.—The Secretary of Energy shall provide for the management of environmental matters (including planning and budgetary activities) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, through the Assistant Secretary of Energy for Environmental Management.

(b) PARTICULAR REQUIREMENTS.—(1) In meeting the requirement in subsection (a), the Secretary shall provide for direct communication between the Assistant Secretary of Energy for Environmental Management and the head of the Paducah Gaseous Diffusion Plant on the matters covered by that subsection.

(2) The Assistant Secretary shall carry out activities under this section in direct consultation with the head of the Paducah Gaseous Diffusion Plant.

SA 1006. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 6, before the period, insert the following: ": *Provided further*, That, with respect to the environmental infrastructure project in Lebanon, New Hampshire, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed before the date of execution of the project cooperation agreement, if the Secretary determines the work is integral to the project."

SA 1007. Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 3, strike "$1,570,798,000, to remain available until expended" and insert "$1,572,798,000, to remain available until expended, of which $2,000,000 shall be derived from a transfer from amounts made available under the heading "GENERAL EXPENSES"; and of which $2,000,000 shall be available to carry out the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.) after the first meeting of the Estuary Habitat Restoration Council".

SA 1008. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following: "of which $500,000 shall be made available to assist the State of Oregon with design activities related to installation of electric irrigation water pumps at the Savage Rapids Dam on the Rogue River, Oregon, using authority provided by Public Law 92–199."

SA 1009. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place, insert the following: "of which $500,000 shall be made available to conduct planning, technical, design, feasibility and other analyses under authority provided by Public Law 92–199 to evaluate the feasibility of installation of electric irrigation water pumping facilities at the Savage Rapids Dam on the Rogue River, Oregon."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 17, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss the next Federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 19, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss the nutrition title of the next Federal farm bill.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, would like to announce that the Committee on Indian Affairs will meet on July 18, 2001, at 9:30 a.m., in room 485 Russell Senate Building to conduct a hearing on "Indian Tribal Good Governance Practices As They Relate to Tribal Economic Development."

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 19, 2001, at 10 a.m., in room 485 Russell Senate Building to conduct a business meeting on pending committee business.

Those wishing additional information may contact committee staff at 202/224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, July 17, 2001. The purpose of this hearing will be to discuss the next Federal farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 17, 2001, at 9:30 a.m., in open session to continue to receive testimony on ballistic missile defense programs and policies, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 17, 2001, at 9:30 a.m., on media concentration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 17, 2001, at 12 p.m., on pending committee business in S–216 of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 17, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on legislative proposals related to reducing the demand for petroleum products in the light duty vehicle sector including titles III and XII of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; title VII of S. 388, the National Energy Security Act of 2001; S. 883, the Energy Independence Act of 2001; S. 1053, Hydrogen Future Act of 2001; and S. 1006, Renewable Fuels for Energy Security Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session of the Senate on Tuesday, July 17, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Tuesday, July 17, 2001, at 10 a.m., in Dirksen 226.

Panel I: Senator TIM HUTCHINSON of Arkansas, Senator BLANCHE LINCOLN of Arkansas, Representative JAMES SENSENBRENNER, Jr. of Wisconsin, Representative JOHN CONYERS of Michigan.

Panel II: ASA HUTCHINSON, of Arkansas, to be Administrator of Drug Enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on national Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 17, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 281, to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial; S. 386 and H.R. 146, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Great Falls Historic District in Paterson, NJ, as a unit of the National Park System, and for other purposes; S. 513 and H.R. 182, to amend the Wild and Scenic Rivers Act to designate a segment of the Eightmile River in the State of Connecticut for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; S. 921 and H.R. 1000, to adjust the boundary of the William Howard Taft National Historic Site in the State of Ohio, to authorize an exchange of land in connection with the historic site, and for other purposes; S. 1097, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; and H.R. 1668, to authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING AND THE DISTRICT OF COLUMBIA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, July 17, 2001, at 2:30 p.m., for a hearing to examine "Expanding Flexible Personnel Systems Governmentwide."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Lauren Banks, who is a member of Senator HARKIN's staff, be granted the privilege of the floor during the Senate's consideration of the bankruptcy bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 18, 2001

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Wednesday, July 18. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, there be a period for morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator LOTT, or his designee, 9:30 a.m. to 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Mr. President, on Wednesday, the Senate will convene at 9:30 a.m. with 1 hour of morning business under the control of Senator LOTT, or his designee, for memorials on the 1-year anniversary of the death of Senator Paul Coverdell. At 10:30 a.m., the Senate will resume consideration of the Energy and Water Development Appropriations Act. Rollcall votes on amendments to the Energy and Water Development Appropriations Act are expected throughout the day on Wednesday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DASCHLE. Mr. President, if there is no other business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Wednesday, July 18, 2001, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 17, 2001:

SOCIAL SECURITY ADMINISTRATION

JO ANNE BARNHART, OF DELAWARE, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2007, VICE KENNETH S. APFEL, TERM EXPIRED.

DEPARTMENT OF STATE

DANIEL R. COATS, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

MARIE T. HUHTALA, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

DEPARTMENT OF VETERANS AFFAIRS

JOHN A. GAUSS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION AND TECHNOLOGY), VICE DAVID E. LEWIS, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TO BE APPOINTED AS CHIEF OF STAFF, UNITED STATES AIR FORCE UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 8033:

To be general

GEN. JOHN P. JUMPER, 7457

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARYLIN J. MUZNY, 1719

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. THOMAS W. ERES, 7180

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN B. SYLVESTER, 4619

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

COL. KEVIN M. SANDKUHLER, 7415

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JAMES C. DAWSON JR., 7743

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WALTER F. DORAN, 4942

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. TIMOTHY J. KEATING, 8508

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MICHAEL G. MULLEN, 9509

HOUSE OF REPRESENTATIVES—*Tuesday, July 17, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 17, 2001.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

CANCELLATION OF BLUEGRASS MUSIC BY WAMU

Mr. COBLE. Mr. Speaker, several years ago when I arrived in Washington as a newly elected Congressman and an unabashed bluegrass and country music enthusiast, one of my first noncongressional, self-appointed assignments was to identify the right radio station. WAMU 88.5 was that station.

Ray Davis and Jerry Gray, genial down-home hosts, escorted us through bluegrass country Monday through Friday. At that time the bluegrass program, as I recall, was aired from noon until 6 p.m. That time slot subsequently was reduced by half running them from 3 until 6 p.m. I did not take umbrage with this change and concluded it was not unreasonable. Six hours is, after all, a formidable block of time and reducing it to 3 hours appeared to be a fair compromise.

The recent heavy-handed action taken by WAMU is neither fair nor a compromise; and as I told a Washington Post reporter recently, as we say in the rural South, I am hopping mad about it.

The powers that be at WAMU have eliminated the Monday through Friday bluegrass that we so much enjoyed with Ray Davis and Jerry Gray. What were 3 hours of bliss have become 3 hours of painful silence; and it appears this silencing exercise was executed abruptly, with precision and with no advanced warning.

Were Ray Davis and Jerry Gray afforded the courtesy of saying good-bye to their host of loyal listeners? Obviously not.

I am told that now in the D.C. listening area we have two giants of public radio both supported by taxpayers, presumably tax exempt, broadcasting identical programs an hour apart and both broadcasting these programs twice to captive drive-time audiences. What became of diversity, the commodity so frequently promoted by public radio?

Many listeners of WAMU have contacted me about this matter and most of these listeners are versatile in their musical tastes. They enjoy bluegrass and country, as do I, but they enjoy the classics as well, as do I. But the WAMU decision-makers have made the former more difficult to receive than the latter. We no longer hear Jim and Jesse and the Virginia Boys play and sing Paradise or Better Times A Comin'. We no longer hear Earl Scruggs, ably backed by Lester Flatt and the Foggy Mountain Boys as he plays the Flint Hill Special. During December's yuletide season, the Monday through Friday bluegrass fans will be deprived of Christmas Time A Comin' by Bill Monroe and the Bluegrass Boys or the Country Gentlemen's version of Back Home at Christmas Time.

We, the Monday through Friday group, will have to make adjustments. As a member of Congress, I have consistently contributed to WAMU's various campaigns. I may have to direct my future contributions elsewhere because I do not appreciate the manner in which it appears WAMU terminated the Monday through Friday bluegrass programs.

Ray Davis and Jerry Gray deserve better. WAMU's listeners deserve better. These listeners, by the way, are intensely loyal. So WAMU may be pursuing a volatile course.

Again, Mr. Speaker, drawing from my days in the rural South, when youngsters misbehaved they were taken to the woodshed. You know, perhaps the WAMU management team members need to be introduced to the woodshed. For it is my belief they have misbehaved to the detriment of many innocent observers.

A BAD OMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, the trial of Slobadon Milosevic threatens U.S. sovereignty. The fact that this trial can be carried out, in the name of international justice, should cause all the Americans to cast a wary eye on the whole principal of the U.N. War Crimes Tribunal. The prosecution of Milosevic, a democratically elected and properly disposed leader of a sovereign country, could not be carried out without full U.S. military and financial support. Since we are the only world superpower, the U.N. court becomes our court under our control. But it is naive to believe our world superpower status will last forever. The precedence now being set will 1 day surely come back to haunt us.

The U.S. today may enjoy dictating policy to Yugoslavia and elsewhere around the world, but danger lurks ahead. The administration adamantly and correctly opposes our membership in the permanent International Criminal Court because it would have authority to exercise jurisdiction over U.S. citizens without the consent of the U.S. government. But how can we, with a straight face, support doing the very same thing to a small country, in opposition to its sovereignty, courts, and constitution. This blatant inconsistency and illicit use of force does not go unnoticed and will sow the seeds of future terrorist attacks against Americans or even war.

Money, as usual, is behind the Milosevic's extradition. Bribing Serbian Prime Minister Zoran Djindjic, a U.S.-sponsored leader, prompted strong opposition from Yugoslavian Prime Minister Zoran Zizic and Yugoslavian President Vojislaw Kostunica.

A Belgrade historian, Aleksa Djilas, was quoted in The New York Times as saying: "We sold him for money, and we won't really get very much money for it. The U.S. is the natural leader of the world, but how does it lead? This justifies the worst American instincts, reinforcing this bullying mentality."

Milosevic obviously is no saint but neither are the leader of the Croates,

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Albanians or the KLA. The NATO leaders who vastly expanded the death and destruction in Yugoslavia with 78 days of bombing in 1999 are certainly not blameless. The $1.28 billion promised the puppet Yugoslavian government is to be used to rebuild the cities devastated by U.S. bombs. First, the American people are forced to pay to bomb, to kill innocent people and destroy cities, and then they are forced to pay to repair the destruction, while orchestrating a U.N. kangaroo court to bring the guilty to justice at the Hague.

For all this to be accepted, the press and internationalists have had to demonize Milosevic to distance themselves from the horrors of others including NATO.

NATO's air strikes assisted the KLA in cleansing Kosovo of Serbs in the name of assisting Albanian freedom fighters. No one should be surprised when that is interpreted to mean tacit approval for Albanian expansionism in Macedonia. While terrorist attacks by former members of the KLA against Serbs are ignored, the trial of the new millennium, the trial of Milosevic, enjoys daily support from the NATO-U.S. propaganda machine.

In our effort to stop an independent-minded and uncooperative with the international community president of a sovereign country, U.S. policy was designed to support an equally if not worse organization, the KLA.

One of the conditions for ending the civil war in Kosovo was the disbanding of the KLA. But the very same ruthless leaders of the KLA, now the Liberation Army of Presovo, are now leading the insurrection in Macedonia without NATO lifting a finger to stop it. NATO's failed policy that precipitated the conflict now raging in Macedonia is ignored.

The U.N. War Tribunal in the Hague should insult the intelligence of all Americans. This court currently can only achieve arrest and prosecution of leaders of poor, small, or defeated nations. There will be no war criminals brought to the Hague from China, Russia, Britain, or the United States no matter what the charges. But some day this approach to world governing will backfire. The U.S. already has suffered the humiliation of being kicked off the U.N. Human Rights Commission and the Narcotics Control Commission. Our arrogant policy and attitude of superiority will continue to elicit a smoldering hatred toward us and out of sheer frustration will motivate even more terrorist attacks against us.

Realizing the weakness of the charges against Milosevic the court has quietly dropped the charges for committing genocide. In a real trial, evidence that the British and the United States actually did business with Milosevic would be permitted. But almost always, whoever is our current most hated enemy, has received help and assistance from us in the past. This was certainly the case with Noriega and Saddam Hussein and others, and now it's Milosevic.

Milosevic will be tried not before a jury of his peers but before a panel of politically appointed judges, all of whom were approved by the NATO countries, the same countries which illegally bombed Yugoslavia for 2½ months. Under both U.N. and international law the bombing of Serbia and Kosovo was illegal. This was why NATO pursued it and it was not done under a U.N. resolution.

Ironically, the mess in which we've been engaged in Yugoslavia has the international establishment supporting the side of Kosovo independence rather than Serbian sovereignty. The principle of independence and secession of smaller government entities has been enhanced by the breakdown of the Soviet system. If there's any hope that any good could come of the quagmire into which we've rapidly sunk in the Balkans, it is that small independent nations are a viable and reasonable option to conflicts around the world. But the tragedy today is that no government is allowed to exist without the blessing of the One World Government leaders. The disobedience to the one worlders and true independence is not to be tolerated. That's what this trial is all about. "Tow the line or else," is the message that is being sent to the world.

NATO and U.S. leaders insist on playing with fire, not fully understanding the significance of the events now transpiring in the Balkans. If policy is not quickly reversed, events could get out of control and a major war in the region will erupt.

We should fear and condemn any effort to escalate the conflict with troops or money from any outside sources. Our troops are already involved and our money calls the shots. Extricating ourselves will get more difficult every day we stay. But the sooner we get out the better. We should be listening more to candidate George Bush's suggestion during the last campaign for bringing our troops home from this region.

The Serbs, despite NATO's propaganda, will not lightly accept the imprisonment of their democratically elected (and properly disposed) president no matter how bad he was. It is their problem to deal with and resentment against us will surely grow as conditions deteriorate. Mobs have already attacked the American ambassador to Macedonia for our inept interference in the region. Death of American citizens are sure to come if we persist in this failed policy.

Money and power has permitted the United States the luxury of dictating terms for Milosevic's prosecution, but our policy of arbitrary interventions in the Balkans is sowing the seeds of tomorrow's war.

We cannot have it both ways. We cannot expect to use the International Criminal Tribunal for Yugoslavia when it pleases us and oppose the permanent International Criminal Court where the rules would apply to our own acts of aggression. This cynical and arrogant approach, whether it's dealing with Milosevic, Hussein, or Kadafi, undermines peace and presents a threat to our national security. Meanwhile, American citizens must suffer the tax burden from financing the dangerous meddling in European affairs, while exposing our troops to danger.

A policy of nonintervention, friendship and neutrality with all nations, engagement in true free trade (unsubsidized trade with low tariffs) is the best policy if we truly seek peace around the world. That used to be the American way.

INTRODUCTION OF LOWER LOS ANGELES RIVER AND SAN GABRIEL RIVER WATERSHEDS STUDY ACT OF 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 5 minutes.

Ms. SOLIS. Mr. Speaker, today I rise to bring forward legislation that I want to introduce regarding the Lower Los Angeles River and the San Gabriel River Watershed Study Act of 2001.

Mr. Speaker, I grew up in the shadow of one of the largest landfills in the country, communities exposed to high levels of smog, and one of the largest Superfund sites in the region. All this has inspired my passion to preserve our remnants of open space.

Today, children in my district are still living next to this landfill, and their playgrounds are often small concrete slabs with little green space. With this knowledge, today I introduce the Lower Los Angeles River and San Gabriel River Watershed Study Act of 2001. The bill will study the Lower Los Angeles River and the San Gabriel River and portions of the San Gabriel Mountains for potential inclusion in the National Parks Service system.

The bill will direct the National Park Service to study the area and its natural, historic, scenic, recreational, and national significance.

If deemed appropriate, I plan to introduce a bill that will officially designate the area. Thus, laying the groundwork for open space preservation, environmental revitalization, curbing urban sprawl, and giving communities of color the option of experiencing more than car horns and skyscrapers.

Currently, there are only five national recreation areas near urban centers. Such urban parks combine scarce spaces with the preservation of significant historic resources and important natural areas in locations that can provide outdoor recreation for large numbers of people. The population growth in California, as you know, is projected to double in over the next 40 years. It is of critical importance to plan for the future of open space.

Study after study find that open space creates high property values, more community-oriented events, and safer environments for our families. It is estimated that there are less than one-half acre square space per 1,000 residents in low-income areas, and up to 1.7 acres in West Los Angeles. Yet, three to four acres of open space per 1,000 residents is what is recommended by our Park Service.

After the 1992 riots in Los Angeles, nearly 77 percent of neighborhood residents when asked what they felt was most important felt that improved parks and recreation facilities was absolutely critical and important to the restoration of their communities.

There is a growing concern that poor planning has resulted in the loss of too much open space in the San Gabriel Valley and in the foothills of the San Gabriel Mountains. The threat of the total buildout of the last remnants of open space has increased concern about the cumulative impacts of that buildout on what little remains of our natural resources.

This concern has reached a critical mass, sparking community action to form local conservancies. In fact, I was a partner in helping to establish one of the largest urban conservancies in the State of California effecting well over 6 million people.

There is a need out there to provide open space. People in my community and across the country want to see that there is some preservation and some area for families to recreate. As a California State Senator, I was proud to have introduced that piece of legislation last year.

There are over 30 local community governments and organizing groups that are now waiting for us to move ahead at the Federal level to create this park service area.

Mr. Speaker, I would like to insert the following editorial published on May 30, 2001 of the San Gabriel Valley Tribune.

It is time for the Federal Government to offer the next step for protection and revitalization in the San Gabriel Valley. This study is the first step in accomplishing that venture.

[From the San Gabriel Valley Tribune, May 30, 2001]

OUR VIEW: BUSH SHOULD JOIN SOLIS PARK PLAN

The president was in town this week visiting Camp Pendleton and meeting with Gov. Gray Davis in Los Angeles on energy issues. Some say President George W. Bush should use this visit to improve his standing on the environment, an issue dear to Golden Staters. Specifically, he should support Rep. Hilda Solis' idea to declare the San Gabriel River—and 2,000 acres around it—a national recreation area.

Solis, who has not formalized her idea, but rather is sending it up as a trial balloon, wants to siphon federal dollars into making the river a national park. Last year, $1.38 billion was available through the National Park Service. While we support the preservation and maintenance of more traditional national parks, we believe the feds should change direction and provide for creation of closer-in, urban green spaces.

Efforts are under way to restore the 29-mile San Gabriel River, which runs from the Angeles National Forest to the beach. Our river, and our forest for that matter, are visited by just as many people as many national parks—eight million a year visit the Angeles, which includes the river's West Fork and the East Fork regions. Creating more urban recreation areas can be more important than preserving chunks of wild lands in remote parts of the country because these are closer to millions of people who need a green space to de-stress, relax and get away from the burdens of everyday life.

In addition, it seems as if the new San Gabriel and Lower Los Angeles Rivers and Mountain Conservancy started by Solis and Sally Havice is stalled, but it's nothing that a little federal momentum could not kick start.

We would like to see an education center, more bike trails and more river access for hikers, horseback riders, birders, mountain bikers, picnickers and all.

Likewise, to the west, the Arroyo Seco should be restored. The Arroyo Seco Foundation and North East Trees are working on a plan to make the river that runs through Pasadena, South Pasadena to Los Angeles a place of beauty instead of a concrete channel off-limits to visitors.

These are projects that are not about saving a species of frog or fish but rather, about saving a quality of life for almost 2 million San Gabriel Valley residents who increasingly spend more time in their cars in traffic than in nature. Many have come here from Mexico, as the new census figures show, living in poorer and middle-class neighborhoods of South El Monte, El Monte, Pico Rivera, Northwest Pasadena, El Sereno, Azusa and Duarte and rarely go beyond the streets where they live.

Most do not have the means to travel to Yosemite, Mammoth Lakes and other spots that are favorites of the Valley's more well-to-do population. Hence, more than 75 percent of those who visit the East Fork, Whittier Narrows, Marrano Beach and Santa Fe Dam are Latino.

The Bush Administration can't miss this chance to start working on an urban, national park that will benefit Latinos in California.

It's an opportunity for Bush to improve his image in the state and at the same time work with Democrat Solis in a bipartisan effort. Sounds like win-win-win to us.

INTRODUCTION OF ABUSIVE TAX SHELTER SHUTDOWN ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, most of us can appreciate the feeling of the fellow who declared, "I am proud to be paying taxes, but I could be just as proud for half the money!"

Some taxpayers have, in fact, discovered a way to get out for half the money by exploiting abusive tax avoidance schemes, gimmicks, and tax shelters. For the millions of Americans who are paying their fair share of taxes, it is long past time to plug some of the loopholes and eliminate the tax inequities that threaten public confidence in our tax system.

Today, together with the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and a number of my Democratic colleagues on the committee, I am introducing the Abusive Tax Shelter Shutdown Act to address these concerns.

With the Bush administration already dipping into the Medicare trust fund to pay for its many undertakings, we face a challenge. To implement a patients' bill of rights, to ensure that the dipping into the Medicare trust fund does not extend to an invasion of the Social Security trust fund, and to provide reasonable tax relief, we must ensure that lower tax revenues are offset. We must secure what are known around this House as "pay-for's" to pay for the enactment of any new initiatives.

With the bill that we are introducing today, we say: what better place to start than with the high rollers who are cheating and gaming our tax system.

This new bill represents a refinement of legislation that I originally introduced in 1999. The Washington Post, the Los Angeles Times, and several other newspapers have already endorsed that initiative. The abuses that it addresses were first brought to my attention by a constituent in Austin who directed my attention to this Forbes magazine. Forbes, which proudly proclaims itself "the capitalist tool," did a cover story called "Tax Shelter Hustlers" with a fellow in a fedora on the cover, and stated, "Respectable accountants are peddling dicey corporate loopholes." Inside, that cover story begins, "Respectable tax professionals and respectable corporate clients are exploiting the exotica of modern corporate finance to indulge in extravagant tax dodging schemes."

Forbes reported that Big 5 accounting firms require staffers, in one case, to come up with at least one new corporate tax dodge per week. The literal hustling of these improper tax avoidance schemes is so commonplace that the representative of one major Texas-based multinational indicated that he gets a cold call every day from someone hawking such shelters.

As Stefan Tucker, former Chair of the American Bar Association Tax Section, a group comprised of 20,000 tax lawyers across the country, told the Senate Finance Committee: "[T]he concerns being voiced about corporate tax shelters are very real; these concerns are not hollow or misplaced, as some would assert. We deal with corporate and other major taxpayer clients every day who are bombarded, on a regular and continuous basis, with ideas or "products" of questionable merit."

Two years later, we have this sequel from Forbes which raises the question, "How to cheat on your taxes?" It concludes that the marketing of push-the-edge and over-the-edge tax shelters "represent the most striking evidence of the decline in [tax] compliance" in our country today. The "outrageous shelters" that it reports about in its cover story are literally "tearing this country's tax system apart." It raises the question that more and more taxpayers are asking: "Am I a chump for paying what I owe?"

Here is basically what this bill seeks to do: First, it seeks to stop these schemes that have no "economic substance." That is, deals that are done not to achieve economic gain in a competitive marketplace or for other legitimate business reasons but to generate losses that offer a way to avoid the tax collector.

Second, it prevents tax cheats from buying the equivalent of a "get-out-of-jail-free" card to protect themselves in the unlikely event that they get caught. Some fancy legal opinion cannot be used as insurance against penalties for tax underpayments on transactions that have no economic substance.

Third, the bill increases and tightens penalties for tax dodging so that there is at least some downside risk to cheating.

Fourth, it requires the promoters and hustlers who market tax shelters to share a little of the penalty themselves with the offending taxpayer.

Fifth, it punishes the lawyers who write "penalty insurance" opinions that any reasonable person would know are unjustified.

Sixth, it penalizes those who fail to follow the disclosure rules. It recognizes that too often secrecy is the growth hormone for these complex tax-cheating shelter gimmicks.

Seventh, it expands the types of tax shelters that must be registered with the IRS, thereby facilitating tax enforcement.

Finally, it targets a few of what some might view as "attractive nuisances." That is, tax code provisions that are particularly subject to manipulation and misuse.

Battling these shelters one at a time, through years of costly litigation, has not prevented the steady growth in abusive practices. Indeed, the creativity and speed with which new and more complicated tax shelters are devised is remarkable. Following judicial and administrative rulings, tax shelters are repackaged and remarketed with creative titles like sequels to bad movies.

One type of gimmickery, called LILO, has been used by an American company, which rents a Swiss town hall, not for any gathering, but only to rent it immediately back to the Swiss. The corporation takes a deduction from current taxable income for the total rental expense, while deferring income from its "re-rental" until far into the future. Within months of Treasury shutting down such abusive LILO transactions, products were soon being sold as the "Son of LILO," with only a modicum of difference from the previous version.

I have modified this legislation to take into account the comments that were raised at a November 1999 Committee on Ways and Means hearing. I have incorporated recommendations from the American Bar Association tax section, and bipartisan suggestions from leaders of the Senate Finance Committee last year. This bill has been carefully designed to curtail egregious behavior without impacting legitimate business deals.

Most of these refinements have had a very plain purpose: eliminate the excuse for inaction. This bill should now be acceptable to everyone but most blatant shelter hustlers. But that may not be the case.

Treasury Secretary Paul O'Neill recently gave an interview to a London newspaper in which he favored eliminating corporate taxation. If that is the ultimate objective, if he just waits a little while maintaining the same attitude of indifference in the face of rapidly proliferating shelter schemes it may eventually be accomplished. This will leave just a few "corporate chumps" paying anything close to their fair share.

Most taxpayers realize that if someone in the corporate towers or just down the street is not paying their fair share, you and I, and the others who play by the rules, must pay more to pick up the slack. And that slack, that loss of revenue to abusive tax shelters, is not estimated to exceed $10 billion per year.

And that lost revenue could be put to better use. The bipartisan leaders of the managed care reform bill in the last Congress relied upon this proposal to offset any reduced federal revenues associated with adopting the Patients Bill of Rights. Although blocked procedurally, Representative CHARLIE NORWOOD (R-GA) got it right in telling the House Rules Committee, "There is a large difference in what you call a tax increase and stopping bogus tax shelters. That is really two different things. They aren't just asking them to pay more taxes, we are trying to keep them from cheating the system."

Today, we sponsors of this legislation offer a constructive way of correcting abusive tax shelters, described by former Treasury Secretary Larry Summers as "the most serious compliance issue threatening the American tax system." Battling corporate tax cheats is not a partisan issue, it is a question of fundamental fairness. This Congress should promptly respond.

TECHNICAL EXPLANATION OF H.R., THE "ABUSIVE TAX SHELTER SHUTDOWN ACT OF 2001"

TITLE I—CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE (SEC. 101)

PRESENT LAW

In general

The Internal Revenue Code ("Code") provides specific rules regarding the computation of taxable income, including the amount, timing, and character of items of income, gain, loss and deductions. These rules are designed to provide for the computation of taxable income in a manner that provides for a degree of specificity to both taxpayers and the government. Taxpayers generally may plan their transactions in reliance on these rules to determine the federal income tax consequences arising from the transactions.

Notwithstanding the presence of these rules for determining tax liability, the claimed tax results of a particular transaction may be challenged by the Secretary of the Treasury. For example, the Code grants the Secretary various authority to challenge tax results that would result in an abuse of these rules or the avoidance or evasion of tax (Secs. 269, 446, 482, 7701(l)). Further, the Secretary can challenge a tax result by applying the so-called "economic substance doctrine." This doctrine has been applied by the courts to deny unwarranted and unintended tax benefits in transactions whose undertaking does not result in a meaningful change to the taxpayer's economic position other than a purported reduction in federal income tax. Closely related doctrines also applied by the courts (sometimes interchangeable with the economic substance doctrine) include the so-called "sham transaction doctrine" and the "business purpose doctrine". (See, for example, *Knetsch* v. *United States*, 364 U.S. 361 (1960) denying interest deductions on a "sham transaction" whose only purpose was to create the deductions.) Also, the Secretary can argue that the substance of a transaction is different from the form in which the taxpayer has structured and reported the transaction and therefore, the taxpayer applied the improper rules to determine the tax consequences. Similarly, the Secretary may invoke the "step-transaction doctrine" to treat a series of formally separate "steps" as a single transaction if the steps are integrated, interdependent, and focused on a particular result.

Economic substance doctrine

The economic substance doctrine is a common law doctrine denying tax benefits in transactions which, apart from their claimed tax benefits, have little economic significance.

The seminal authority for the economic substance doctrine is the Supreme Court and Second Circuit decisions in *Gregory* v. *Helvering* (293 U.S. 465 (1935), *aff'g* 69 F.2d 809 (2d Cir. 1934). In that case, a transitory subsidiary was used to effectuate a tax-advantaged distribution form a corporation. Notwithstanding that the transaction satisfied the literal definition of a tax-free reorganization, the courts denied the intended benefits of the transactions, stating: "The purpose of the [reorganization] section is plain enough, men [and women] engaged in enterprises—industrial, commercial, financial, or an other—might wish to consolidate, or divide, to add to, or subtract from, their holdings. Such transactions were not to be considered 'realizing' and profit, because the collective interests still remained in solution. But the underlying presupposition is plain that the readjustment shall be undertaken for reasons germane to the conduct of the venture in hand, not as an ephemeral incident, egregious to its prosecution. To dodge the shareholder's taxes is not one of the transactions contemplated as corporate 'reorganizations'." (69 F.2d at 811).

The economic substance doctrine was applied in the case of *Goldstein* v. *Commissioner* (364 F.2d 734 (2d Cir. 1966)) involving a taxpayer who borrowed to acquire Treasury securities. Under the law then in effect, she was able to deduct a substantial amount of prepaid interest. Notwithstanding that the Code allowed a deduction for the prepaid interest, the Court disallowed the deduction stating: "this provision [sec. 163(a)] should not be construed to permit an interest deduction when it objectively appears that a taxpayer has borrowed funds in order to engage in a transaction that has no substance or purpose other than to obtain the tax benefit of an interest deduction."

Likewise in *Shelton* v. *Commissioner* (94 T.C. 738 (1990)), a taxpayer borrowed money to purchase Treasury bills. Under the law at that time, the interest on the borrowing was deductible, but interest on the Treasury bills did not have to be accrued currently. The taxpayer deducted the interest on the borrowing currently and deferred the interest income. The court, as in the *Goldstein* case, disallowed the interest deduction because the transaction lacked economic substance. Similarly, the economic substance doctrine has been applied to disallow losses in cases where taxpayers invested in commodity straddles (*Yosha* v. *Commissioner*, 861 F.2d 494 (7th Cir. 1988)).

Recently, the courts have applied the economic substance doctrine to deny the benefits of an intricate plan principally designed to create losses by investing in a partnership holding debt instruments that were sold for contingent installment notes. Both the Tax Court and the Court of Appeals for the Third Circuit held that the transaction lacked economic substance and thus disallowed the "artificial loss" (*ACM Partnership* v. *Commissioner*, 157 F.3d 231 (3d Cir. 1998), *aff'g* 73 T.C.M. 2189 (1997)). The Tax Court opinion stated: "the transaction must be rationally related to a useful nontax purpose that is plausible in light of the taxpayer's conduct and useful in the light of the taxpayer's economic situation and intentions. Both the utility of the stated purpose and the rationality of the means chosen to effectuate it must be evaluated in accordance with the commercial practices in the relevant industry . . . A rational relationship between purpose and means ordinarily will not be found unless there was a reasonable expectation that the nontax benefits would at least be commensurate with the transaction costs."

Courts have likewise denied the tax benefits in cases involving the misuse of seller-financed corporate-owned life insurance (*Winn-Dixie Stores, Inc.* v. *Commissioner*, 113 T.C. No. 21 (1999); *American Electric Power Inc.* v. *United States* (S.D. Ohio, No. C2-99-724, Feb. 20, 2001)) and foreign tax credits (*Compaq Computer Corp.* v. *Commissioner*, 113 T.C. No. 17 (1999). However, see *IES Industries* v. *United States*, 2001 U.S. App. LEXIS 12881 (8th Cir. June 14, 2001) for a contrary decision) in transactions the court determined were lacking economic substance.

Business purpose doctrine

The courts use the business purpose doctrine (in combination with economic substance) as part of a two-prong test for determining whether a transaction should be disregarded for tax purposes: (1) the taxpayer was motivated by no business purpose other than obtaining tax benefits in entering the transaction, and (2) the transaction lacks economic substance (*Rice's Toyota World*, 752 F.2d 89, 91 (1985)). In essence a transaction will be respected for tax purposes if it has "economic substance or encouraged by business or regulatory realities, is imbued with tax-independent consideration, and is not shaped solely by tax-avoidance features that have meaningless label attached." (*Frank Lyon Co.* v. *Commissioner*, 435 U.S. 561 (1978)).

EXPLANATION OF PROVISION

In general

Under the bill, the economic substance doctrine is made uniform and is enhanced. The bill provides that in applying the economic substance doctrine, a transaction will be treated as having economic substance only if the transaction changes in a meaningful way (apart from Federal income tax consequences) the taxpayer's economic position, and the transaction has a substantial nontax purpose which would be reasonably accomplished by the transaction. This aspect of the bill clarifies the judicial application of the economic substance doctrine and would overturn the results in certain court cases, such as the result in *IES Industries* (see above). The bill provides that if a profit potential is relied on to demonstrate that a transaction results in a meaningful change in economic position (and therefore has economic substance), the present value of the reasonably expected pre-tax profit must be substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected. The potential for a profit not in excess of a risk-free rate of return will not satisfy the test. In determining pre-tax profit, fees and other transaction expenses and foreign taxes are treated as expenses.

Under the bill, a taxpayer may rely on factors other than profit potential for a transaction to have a meaningful change in the taxpayer's economic position; the bill merely sets forth a minimum profit potential if that test is relied on to demonstrate a meaningful change in economic position.

In applying the profit test to the lessor of tangible property, depreciation and tax credits (such as the rehabilitation tax credit and the low income housing tax credit) are not to be taken into account in measuring tax benefits. Thus, a traditional leveraged lease is not affected by the bill to the extent it meets the present law standards.

Except as the bill otherwise specifically provides, judicial doctrines disallowing tax benefits for lack of economic substance, business purpose, or similar reasons will continue to apply as under present law.

Transactions with tax-indifferent parties

The bill also provides special rules for transactions with tax-indifferent parties. For this purpose, a tax-indifferent party means any person or entity not subject to Federal income tax, or any person to whom an item would have no substantial impact on its income tax liability, for example, by reasons of its method of accounting (such as mark-to-market). Under these rules, the form of a financing transaction will not be respected if the present value of the tax deductions to be claimed is substantially in excess of the present value of the anticipated economic returns to the lender. Also, the form of a transaction with a tax-indifferent party in excess of the tax-indifferent party's economic gain or income or if it results in the shifting of basis on account of overstating the income or gain of the tax-indifferent party.

EFFECTIVE DATE

The provision applies to transactions after the date of enactment.

TITLE II—PENALTIES

1. Modifications to accuracy-related penalty (sec. 201)

PRESENT LAW

A 20-percent penalty applies to any portion of an underpayment of income tax required to be shown on a return to the extent that it is attributable to negligence or to a substantial understatement of income tax. For purposes of the penalty, an understatement is considered "substantial" if it exceeds the greater of (1) 10 percent of the tax required to be shown on the return, or (2) $5,000 ($10,000 in the case of a C corporation that is not a personal holding company).

The penalty does not apply if there was reasonable cause for the understatement and the taxpayer acted in good faith with respect to the understatement. In addition, except in the case of a tax shelter, the substantial understatement penalty does not apply if there was substantial authority for the tax treatment of an item or if there was adequate disclosure of the item and reasonable basis for the treatment of the item. In the case of a tax shelter of a noncorporate taxpayer, the substantial authority exception applies if the taxpayer reasonably believed that the claimed treatment was more likely than not the proper treatment. For this purpose, a tax shelter means a partnership or other entity, plan or arrangement, if a significant purpose of the entity, plan or arrangement was the avoidance or evasion of Federal income tax.

EXPLANATION OF PROVISION

Enhanced penalty for disallowed noneconomic tax attributes

The bill increases the accuracy-related penalty for underpayments attributable to disallowed noneconomic tax attributes. The rate of the penalty is increased to 40 percent unless the taxpayer discloses to the Secretary of the Treasury or his delegate such information as the Secretary shall prescribe with respect to such transaction. No exceptions (including the reasonable cause exception) to the imposition of the penalty will apply in the case of disallowed noneconomic tax attributes.

The enhanced penalty applies to the extent that the underpayment is attributable to the disallowance of any tax benefit because of a lack of economic substance (as provided by the bill), because the transaction was not respected under the rules added by the bill relating to transactions with tax-indifferent parties, because of a lack of business purpose or because the form of the transaction does not reflect its substance, or because of any similar rule of law disregarding meaningless transactions whose undertaking were not in the furtherance of a legitimate business or economic purpose.

Modifications to substantial understatement penalty

The bill makes several modifications to the substantial understatement penalty. First, the bill treats an understatement as substantial if it exceeds $500,000, regardless of whether it exceeds 10 percent of the taxpayer's total tax liability. Second, the bill treats tax shelters of noncorporate taxpayers the same as the present law treatment of corporate tax shelter; thus the exception from the penalty for substantial authority (under section 6662(b)(2)(B)(i)) will not apply. Third, the bill provides that the determination of the amount of underpayment shall not be less than the amount that would be determined if the items not attributable to a tax shelter or to a transaction having disallowed noneconomic tax attributes (discussed below) were treated as being correct. Finally, an underpayment may not be reduced by reason of filing an amended return after the taxpayer is first contacted by the IRS regarding the examination of its return.

EFFECTIVE DATE

The enhanced penalty applies to transactions after the date of enactment. The modifications to the substantial understatement penalty apply to taxable years ending after the date of enactment.

2. Promoter penalties (sec. 202)

PRESENT LAW

Any person who (1) organizes any partnership, entity, plan, or arrangement, or (2) participates in the sale of any interest in such a structure, and makes or furnishes a statement (or causes another to make or furnish a statement) with respect to any material tax benefit attributable to the arrangement or structure that the person knows (or has reason to know) is false or fraudulent is subject to a penalty. The amount of the penalty is equal to the lesser of (1) $1,000 or (2) 100 percent of the gross income derived by the promoter from each activity (sec. 6700(a)). There is no statute of limitations on the assessment of a penalty under section 6700 (*Capozzi* v. *Commissioner*, 980 F.2d 872 (2nd Cir. 1992); *Lamb* v. *Commissioner*, 977 F.2d 1296 (8th Cir. 1992)).

EXPLANATION OF PROVISION

The bill imposes a penalty on any substantial promoter of a tax avoidance strategy if the strategy fails to satisfy any of the judicial doctrines that may be applied in the disallowance of noneconomic tax attributes (as described in section 201 of the bill).

A tax avoidance strategy means any entity, plan, arrangement, or transaction a significant purpose of which is the avoidance or evasion of Federal income tax. A substantial promoter means any person (and any related person) who participates in the promotion, offering, or sale of a tax avoidance strategy to more than one potential participant and for which the person expects to receive aggregate fees in excess of $500,000.

The IRS can assess a penalty on a promoter independent of the taxpayer's audit, and the promoter can challenge the penalty prior to a final determination with respect to the taxpayer's disallowed tax benefit. The promoter can challenge the imposition of the penalty in court independent of any litigation with the taxpayer.

The amount of the penalty equals 100 percent of the gross income derived (or to be derived) by the promoter from the strategy. This would include contingent fees, rebated fees, and fees that are structured as an interest in the transaction. Coordination rules are provided to avoid the imposition of multiple penalties on promoters (i.e., the penalty does not apply if a penalty is imposed on the substantial promoter for promoting an abusive tax shelter under present-law section 6700(a)). As under present-law section 6700, there is not statute of limitations on the assessment of the penalty.

The bill also increases the present-law promoter penalty to the greater of $1,000 or 100 percent of the gross income derived (or to be derived) by the promoter from each activity.

EFFECTIVE DATE

The penalty for promoting tax avoidance strategies applies with respect to any interest in a tax avoidance strategy that is offered after the date of enactment. The increase in the present-law penalty for promoting abusive tax shelters applies to transactions after the date of enactment.

3. Modifications to the aiding and abetting penalty (sec. 203)

PRESENT LAW

A penalty is imposed on any person who aids, assists in, procures, or advises with respect to the preparation or presentation of any return or other document if (1) the person knows (or has reason to believe) that the return or other document will be used in connection with any material matter arising under the tax laws, and (2) the person knows that if the portion of the return or other document were so used, an understatement of the tax liability would result (sec. 6701). An exception is provided for individuals who furnish mechanical assistance with respect to a document.

The amount of the penalty is $1,000 for each return or other document ($10,000 in the case of returns and documents relating to the tax of a corporation).

EXPLANATION OF PROVISION

The bill modifies the aiding and abetting penalty as it relates to any person who offers an opinion regarding the tax treatment of an item attributable to a tax shelter or any other transaction involving a noneconomic tax attribute.

Under the bill, a penalty is imposed on any person who is involved in the creation, sale, implementation, management, or reporting of a tax shelter, or of any partnership, entity, plan or arrangement that involves the disallowance of a noneconomic tax attribute (as described in section 201 of the bill), but only if (1) the person opines, advises, or indicates that the taxpayer's treatment of an item attributable to such a transaction would more likely than not prevail or not give rise to a penalty, and (2) the opinion, advice, or indication is unreasonable. If the opinion involved a higher standard (for example, a 'should opinion), and the opinion was unreasonable, then the person who offered the opinion would be subject to the proposed penalty. An opinion would be considered unreasonable if a reasonably prudent and careful person under similar circumstances would not have offered such an opinion.

The amount of the penalty is 100 percent of the gross proceeds derived by the person from the transaction. In addition, upon the imposition of this penalty, the Secretary is required to notify the IRS Director of Practice and any appropriate State licensing authority of the penalty and the circumstances under which it was imposed. Also, the Secretary must publish the identity of the person and the fact that the penalty was imposed on the person.

EFFECTIVE DATE

The provision applies to transactions entered into after date of enactment.

4. Penalty for failure to maintain list of investors (sec. 204)

PRESENT LAW

Any person who organizes a potentially abusive tax shelter or who sells an interest in such a shelter must maintain a list that identifies each person who purchased an interest in the shelter (sec. 6112). A potentially abusive tax shelter means (i) any tax shelter with respect to which registration is required under section 6111, and (ii) any entity, investment plan or arrangement, or any other plan or arrangement that is of a type that has a potential for tax avoidance or evasion and that is designated in regulations issued by the Secretary. The investor list must include the name, address and taxpayer identification number of each purchaser, as well as any other information that the Secretary may require. The lists must generally be maintained for seven years.

The penalty for any failure to meet any of the requirements of this provision if $50 for each person with respect to whom there is a failure, up to a maximum of $50,000 in any calendar year. The penalty is not imposed where the failure is due to reasonable cause and not due to willful neglect. This penalty is in addition to any other penalty provided by law.

EXPLANATION OF PROVISION

The bill increases the penalty for the failure to maintain investor lists in connection with the sale of interests in a tax shelter (as defined in section 6662(d)(2)(C)(iii) or in any partnership, entity, plan or arrangement that involves the disallowance of a noneconomic tax attribute (as described in section 201 of the bill). In these cases, the penalty is equal to the greater of 50 percent of the gross proceeds derived (or to be derived) from each person with respect to which there was a failure (with no maximum limitation).

EFFECTIVE DATE

The increased penalty applies to transactions entered into after date of enactment.

5. Penalty for failure to disclose reportable transactions (sec. 205)

PRESENT LAW

A taxpayer must file a return or statement in accordance with the forms and regulations prescribed by the Secretary (including any required information). (See Section 6011). In February 2000, the Treasury Department issued temporary and proposed regulations under section 6011 that require corporate taxpayers to include in their tax return information with respect to certain large transactions with characteristics that may be indicative of tax shelter activity.

Specifically, the regulations require the disclosure of information with respect to "reportable transactions." There are two categories of reportable transactions. The first category covers transactions that are the same as (or substantially similar to) tax avoidance transactions the IRS has identified in published guidance (a "listed" transaction) and that are expected to reduce a corporation's income tax liability by more than $1 million in any year or by more than $2 million for any combination of years. (Treas. Reg. sec. 1.6011–4T(b)(2) and –(b)(4)). The second category covers transactions that are expected to reduce a corporation's income tax liability by more than $5 million in any single year or $10 million for any combination of years and that exhibit at least two of six enumerated characteristics. (Treas. Reg. sec. 1.6011–4T(b)(3) and –(b)(4)).

There is no penalty for failing to adequately disclose a reportable transaction. However, the nondisclosure could indicate that the taxpayer has not acted in "good faith" with respect to the underpayment. (T.D.8877).

EXPLANATION OF PROVISION

The bill imposes a penalty for failing to disclose the required information with respect to a reportable transaction (unless the failure was due to reasonable cause and not due to willful neglect). The amount of the penalty is equal to the greater of (1) five percent of any increase in Federal income tax which results from a difference between the taxpayer's treatment of the items attributable to the reportable transaction and the proper tax treatment of such items, or (2) $100,000. If the failure to disclose relates to a listed transaction (or a substantially similar transaction), the percentage rate is increased to 10 percent of any increase in tax from the transaction (or, if greater, $100,000).

The penalty for failure to disclose information with respect to a reportable transaction is in addition to any accuracy-related penalty that may be imposed on the taxpayer.

EFFECTIVE DATE

The provision applies to transactions entered into after date of enactment.

6. Registration of certain tax shelters offered to non-corporate participants (sec. 206)

PRESENT LAW

A promoter of a confidential corporate tax shelter is required to register the tax shelter with the IRS (sec. 6111(d)). Registration is required not later than the next business day after the day when the tax shelter is first offered to potential users. For this purpose, a confidential corporate tax shelter includes any entity, plan, arrangement or transaction (1) a significant purpose of which is the avoidance or evasion of Federal income tax for a direct or indirect participant that is a corporation, (2) that is offered to any potential participant under conditions of confidentiality, and (3) for which the tax shelter promoters may receive aggregate fees in excess of $100,000.

The penalty for failing to timely register a confidential corporate tax shelter is the greater of $10,000 or 50 percent of the fees payable to any promoter with respect to offerings prior to the date of late registration unless due to reasonable cause (sec. 6707(a)(3)). Intentional disregard of the requirement to register increases the 50-percent penalty to 75 percent of the applicable fees.

EXPLANATION OF PROVISION

The bill deletes the requirement that a direct or indirect participant must be a corporation. Thus, the provision extends the present-law registration requirements to include a promoter of any confidential tax shelter (regardless of the participant). The penalty for failing to timely register a confidential tax shelter remains unchanged (i.e., the greater of $10,000 or 50 percent of the fees payable to any promoter with respect to offerings prior to the date of late registration).

EFFECTIVE DATE

The provision applies to any tax shelter interest that is offered to potential participants after the date of enactment.

TITLE III—LIMITATIONS ON IMPORTATION AND TRANSFER OF BUILT-IN LOSSES

1. Limitation on importation of built-in losses (sec. 301)

PRESENT LAW

Under present law, the basis of property received by a corporation in a tax-free incorporation, reorganization, or liquidation of a subsidiary corporation is the same as the adjusted basis in the hands of the transferor, adjusted for gain or loss recognized by the transferor (Secs. 334(b) and 362(a) and (b)). If a person or entity that is not subject to U.S. income tax transfers property with an adjusted basis higher than its fair market value to a corporation that is subject to U.S. income tax, the "built-in" loss would be imported into the U.S. tax system, and the transferee corporation would be able to recognize the loss in computing its U.S. income tax.

EXPLANATION OF PROVISION

The bill provides that if a net built-in loss is imported into the U.S. in a tax-free organization or reorganization from persons not subject to U.S. tax, the basis of all properties so transferred will be their fair market value. A similar rule will apply in the case of the tax-free liquidation by a domestic corporation of its foreign subsidiary.

Under the bill, a net built-in loss is considered imported into the U.S. if the aggregate adjusted bases of property received by a transferee corporation subject to U.S. tax from persons not subject to U.S. tax with respect to the property exceeds the fair market value of the properties transferred. Thus, for example, if in a tax-free incorporation, some properties are received by a corporation from U.S. persons, and some properties are relieved from foreign persons not subject to U.S. tax, this provision applies to the aggregate properties relieved from the foreign persons. In the case of a transfer by a partnership (either domestic or foreign), this provision applies as if the properties had been transferred by each of the partners in proportion to their interests in the partnership.

EFFECTIVE DATE

The provision applies to transactions after the date of enactment.

2. Disallowance of partnership loss transfers (sec. 302)

PRESENT LAW

Contributions of property

Under present law, if a partner contributes property to a partnership, generally no gain or loss is recognized to the contributing partner at the time of contribution (Sec. 721). The partnership takes the property at an adjusted basis equal to the contributing partner's adjusted basis in the property (Sec. 723). The contributing partner increases its basis in its partnership interest by the adjusted basis of the contributed property (Sec. 722). Any items of partnership income, gain, loss and deduction with respect to the contributed property is allocated among the partners to take into account any built-in gain or loss at the time of the contribution (Sec. 704(c)(1)(A)). This rule is intended to prevent the transfer of built-in gain or loss from the contributing partner to the other partners by generally allocating items to the noncontributing partners based on the value of their contributions and by allocating to the contributing partner the remainder of each item. (Note: where there is an insufficient amount of an item to allocate to the noncontributing partners, Treasury regulations allow for reasonable allocations to remedy this insufficiency. Treas. Reg. sec. 1-704(c) and (d)).

If the contributing partner transfer its partnership interest, the built-in gain or loss will be allocated to the transferee partner as it would have been allocated to the contributing partner (Treas. Reg. sec. 1.704–3(a)(7). If the contributing partner's interest is liquidated, there is no specific guidance preventing the allocation of the built-in loss to the remaining partners. Thus, it appears that losses can be "transferred" to other partners where the contributing partner no longer remains a partner.

Transfers of partnership interests

Under present law, a partnership does not adjust the basis of partnership property following the transfer of a partnership interest unless the partnership has made a one-time election under section 754 to make basis adjustments (Sec. 743(a)). If an election is in effect, adjustments are made with respect to the transferee partner in order to account for the difference between the transferee partner's proportionate share of the adjusted basis of the partnership property and the transferee's basis in its partnership interest (Sec. 743(b)). These adjustments are intended to adjust the basis of partnership property to approximate the result of a direct purchase of the property by the transferee partner. Under these rules, if a partner purchases an interest in a partnership with an existing built-in loss and no election under section 754 in effect, the transferee partner may be allocated a share of the loss when the partnership disposes of the property (or depreciates the property).

Distributions of partnership property

With certain exceptions, partners may receive distributions of partnership property without recognition of gain or loss by either the partner or the partnership (Sec. 731 (a) and (b)). In the case of a distribution in liquidation of a partner's interest, the basis of the property distributed in the liquidation is equal to the partner's adjusted basis in its partnership interest (reduced by any money distributed in the transaction) (Sec. 732(b)). In a distribution other than in liquidation of a partner's interest, the distributee partner's basis in the distributed property is equal to the partnership's adjusted basis in the property immediately before the distribution, but not to exceed the partner's adjusted basis in the partnership interest (reduced by any money distributed in the same transaction)(Sec. 734(a)).

Adjustments to the basis of the partnership's undistributed properties are not required unless the partnership has made the election under section 754 to make basis adjustments (sec. 734(a)). If an election is in effect under section 754, adjustments are made by a partnership to increase or decrease the remaining partnership assets to reflect any increase or decrease in the adjusted basis of the distributed properties in the hands of the distributee partner (Sec. 734(b)). To the extent the adjusted basis of the distributed properties increases (or loss is recognized) the partnership's adjusted basis in its properties is decreased by a like amount; likewise, to the extent the adjusted basis of the distributed properties decrease (or gain is recognized), the partnership's adjusted basis in its properties is increased by a like amount. Under these rules, a partnership with no election in effect under section 754 may distribute property with an adjusted basis lower than the distributee partner's proportionate share of the adjusted basis of all partnership property and leave the remaining partners with a smaller net built-in gain or a larger net built-in loss than before the distribution.

DESCRIPTION OF PROVISION

Contributions of property

Under the bill, a built-in loss may be taken into account only by the contributing partner and not by other partners. Except as provided in regulations, in determining the amount of items allocated to partners other than the contributing partner, the basis of the contributed property shall be treated as the fair market value on the date of contribution. Thus, if the contributing partner's partnership interest is transferred or liquidated, the partnership's adjusted basis in the property will be based on its fair market value at the date of contribution, and the built-in loss will be eliminated. (Note: it is intended that a corporation succeeding to attributes of the contributing corporate partner under section 381 shall be treated in the same manner as the contributing partner).

Transfers of partnership interests

The bill provides that the basis adjustment rules under section 743 will be required in the case of the transfer of a partnership interest with respect to which there is a substantial built-in loss. For this purpose, a substantial built-in loss exists where the transferee partner's proportionate share of the adjusted basis of the partnership property exceeds 110 percent of the transferee partner's basis in the partnership interest in the partnership. Thus, for example, assume that partner A sells his partnership interest to B for its fair market value of $100. Also assume that B's proportionate share of the adjusted basis of the partnership assets is $120. Under the bill, section 743(b) will apply and require a $20 decrease in the adjusted basis of the partnership assets with respect to B, so that B would recognize no gain or loss if the partnership immediately sold all of its assets for their fair market value.

Distribution of partnership property

The bill provides that the basis adjustments under section 734 are required in the case of a distribution with respect to which there is a substantial basis reduction. A substantial basis reduction means a downward adjustment to the partnership assets (had a section 754 election been in effect) greater than 10 percent of the adjusted basis of the assets.

Thus, for example, assume that A and B each contributed $25 to a newly formed partnership and C contributed $50 and that the partnership purchased LMN stock for $30 and XYZ stock for $70. Assume that the value of each stock declined to $10. Assume LMN stock is distributed to C in liquidation of its partnership interest. As under present law, the basis of LMN stock in C's hands if $50. C would recognize a loss of $40 if the LMN stock were sold for $10.

Under the bill, there is a substantial basis adjustment because the $20 increase in the adjusted basis of asset 1 (sec. 734(b)(2)(B)) is greater than 10 percent of the adjusted basis of partnership assets of $70. Thus, the partnership would be required to decrease the basis of XYZ stock (under section 734(b)(2)) by $20 (the amount by which the basis LMN stock was increased), leaving a basis of $50. If the XYZ stock were then sold by the partnership for $10, A and B would each recognize a loss of $20.

EFFECTIVE DATE

The provision applies to contributions, transfers, and distributions (as the case may be) after date of enactment.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 22 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 10 a.m.

PRAYER

Rabbi Mitchell Wohlberg, Beth Tfiloh Congregation, Baltimore, Maryland, offered the following prayer:

I come from a tradition where Tuesdays are considered most propitious: weddings, moving to a new home, good things are to take place on Tuesday.

It goes all the way back to the first week of creation, where we note that, unlike other days of that first week, on the second day, on Monday, the Bible does not tell us "and God saw that it was good," while on the next day, the first Tuesday, two times it says, "and God saw that it was good."

According to the Talmud, this is because on the second day of the week the waters were parted. That symbolizes the division. That is no good. On the first Tuesday, the third day of the week, the waters were brought together again, and that symbolizes unity, and that is doubly good.

In this spirit, we pray: Almighty God, may a unity of purpose bring together all the esteemed Members of the United States House of Representatives. Let all its Members realize that we can disagree without being disagreeable, that we can walk shoulder to shoulder without seeing eye to eye on every subject.

Together let us pray for the day which will witness the prophetic dream of a world in which none shall hurt, none shall destroy, for the Earth will be filled with the knowledge of Thee as the waters cover the sea.

And let us say Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO RABBI MITCHELL WOHLBERG

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, I feel privileged to know Rabbi Mitchell Wohlberg. Since 1978, he has been the spiritual leader of Beth Tfiloh congregation, the largest Orthodox Jewish congregation in Baltimore, the congregation of which I am a member.

Let me tell the Members a little bit about Rabbi Wohlberg. I have known Rabbi Wohlberg for many years and have often sought his guidance and counsel. He is a spellbinding speaker, and is famous for his thoughtful sermons that are able to clarify complicated issues.

Rabbi Wohlberg is also known for his involvement in the Jewish communal life. He has been a board member at The Associated Jewish Community Federation of Baltimore; a member of the executive committee of the Rabinnical Council of America, and is a recipient of the humanitarian award for the Louis Z. Brandeis District of the ZOA.

He comes from a committed and unique family where his father (of blessed memory) was and his two brothers were and also are Rabbis, all ordained by the Yeshiva University. Rabbi Wohlberg is a driving force behind the Beth Tfiloh School, an outstanding Jewish day school in Baltimore.

I know all my colleagues will join me in thanking Rabbi Wohlberg for offering this morning's opening prayer.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RITA MIREMBE REVELL

The Clerk called the Senate bill (S. 560) for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

There being no objection, the Clerk read the Senate bill, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR RITA MIREMBE REVELL (A.K.A. MARGARET RITA MIREMBE).

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment of this Act, upon payment of the required visa fees not later than 2 years after the date of enactment of this Act.

(b) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent residence to Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe), the Secretary of State shall instruct the proper officer to reduce by the appropriate number, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RABON LOWRY

The Clerk called the bill (H.R. 807) for the relief of Rabon Lowry of Pembroke, North Carolina.

There being no objection, the Clerk read the bill as follows:

H.R. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIM.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Rabon Lowry of Pembroke, North Carolina, individually and as president of Pembroke Machine Company, Inc., the sum of $1,000,000 for damages he incurred as a result of a breach of Government Contract number DAAA09–85–C–0630 by the Department of the Army.

(b) CONDITIONS OF PAYMENT.—The payment shall be in full satisfaction of any claims Rabon Lowry or Pembroke Machine Company may have against the United States arising from Government Contract number DAAA09–85–C–0630.

SEC. 2. LIMITATION ON AGENTS AND ATTORNEYS FEES.

It shall be unlawful for an amount that exceeds 10 percent of the sum described in section 1 to be paid to or received by any agent or attorney for any service rendered in connection with the benefits provided by this Act. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

APPLAUDING SNOWFLAKES ADOPTION PROGRAM FOR GIVING EMBRYOS A CHANCE AT LIFE

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, many of my colleagues have recently called for Federal funding to destroy human embryos for research. They cite the fact that stem cells obtained from these embryos could give life.

They are forgetting two vital facts: One, stem cells can be acquired from adults; and two, these human embryos are life and deserve our care and protection.

There are thousands of embryos in existence, each one waiting in what some called frozen orphanages for a chance at life. For them, I support alternatives that do not destroy them, alternatives like Snowflake Adoption Program.

Embryo adoption affirms life while providing a family the opportunity to welcome a child into their family. Some say these human embryos can give life, if only we could use Federal funds to destroy them.

We must remember that these embryos are already life, and I applaud the Snowflakes Adoption Program for giving many of them a chance.

PRESIDENT SHOULD ADDRESS ENERGY CRISIS IN CALIFORNIA

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I have to say to the President, hello. We in California and the rest of the Nation are still facing an energy crisis.

Fifty-five percent of the small businesses in my community of San Diego face bankruptcy this year because of the high prices, and yet, not one of the 105 recommendations in the President's energy plan deal with this situation in California and the West.

None of the President's speakers sent out over the weekend came out West. Why not, Mr. President? We are facing a crisis of price. Please address this crisis. Please institute cost-based rates for electricity in California and refund the criminal overcharges that we have been paying since last June.

Mr. President, hello. We in California are still suffering.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise the Members that when addressing the House, remarks should be addressed to the Speaker, not to a member of the Executive Branch or a Member of the Senate.

ENERGY SECURITY ACT WILL DIVERSIFY OUR SUPPLY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, no one can argue and no one can deny that the skyrocketing oil and gas prices and the rolling blackouts throughout the West do demonstrate the critical need to increase and diversify our energy production.

Alternative fuels, such as wind and solar and geothermal, can produce the energy of that future. Abundant on our public lands, these resources are clean alternatives that can be produced with minimal environmental impact and no emissions.

In fact, every time we use these fuels, we actually reduce emissions by minimizing the need to burn oil and coal to produce the same amount of energy otherwise.

Alternative energies are highly abundant on our public lands, especially in my home State, Nevada, which boasts the highest amount of geothermal resources in the Nation. The development of geothermal and other alternative energies will provide Americans with an additional clean energy supply that will help in lowering the prices and reducing our dependence on foreign sources.

The Energy Security Act recognizes the potential of alternative fuels, and provides the opportunity to finally develop these clean energy resources on our public lands.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

HONORING PAUL D. COVERDELL

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 360) to honor Paul D. Coverdell.

The Clerk read as follows:

S. 360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PEACE CORPS HEADQUARTERS.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the headquarters offices of the Peace Corps, wherever situated, shall be referred to as the "Paul D. Coverdell Peace Corps Headquarters".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the headquarters or headquarters offices of the Peace Corps shall, on and after such date, be considered to refer to the Paul D. Coverdell Peace Corps Headquarters.

SEC. 2. WORLD WISE SCHOOLS PROGRAM.

Section 603 of the Paul D. Coverdell World Wise Schools Act of 2000 (title VI of Public Law 106–570) is amended by adding at the end the following new subsection:

"(c) NEW REFERENCES IN PEACE CORPS DOCUMENTS.—The Director of the Peace Corps shall ensure that any reference in any public document, record, or other paper of the Peace Corps, including any promotional material, produced on or after the date of enactment of this subsection, to the program described in subsection (a) be a reference to the 'Paul D. Coverdell World Wise Schools Program'.".

SEC. 3. PAUL D. COVERDELL BUILDING.

(a) AWARD.—From the amount appropriated under subsection (b) the Secretary of

Education shall make an award to the University of Georgia to support the construction of the Paul D. Coverdell Building at the Institute of the Biomedical and Health Sciences at the University of Georgia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 360.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am proud to rise today to call up S. 360, a bill to honor the late Senator from Georgia, Paul Coverdell. I believe the enactment of this legislation is a fitting and appropriate way to memorialize Senator Coverdell and his work.

We were all shocked and saddened last July when he died so unexpectedly. The State of Georgia lost one of its greatest public servants, a soft-spoken and tireless public servant who served the people first and politics second.

In a public career spanning three decades, from the Georgia Senate to the Peace Corps to the U.S. Senate, he served with dignity and earned everybody's respect.

Mr. Speaker, this resolution has three components. The bill names the Washington headquarters of the Peace Corps after Paul Coverdell. The legislation reaffirms language approved at the end of last year to ensure that the Peace Corps World Wise Schools Program will carry his name, as well.

Senator Coverdell created the program during his tenure as Peace Corps director. The World Wise Schools initiative links Peace Corps volunteers serving around the globe with the classrooms here in the United States. Senator Coverdell correctly saw that such an effort would promote cultural awareness and foster an appreciation for global connections.

Finally, the legislation authorizes an appropriation of $10 million, to be augmented by $30 million of State and private funds to construct the Paul D. Coverdell building for biomedical and health sciences at the University of Georgia.

Senator Coverdell was a tireless supporter of education in Georgia, and this building will be a living memorial to him, and an unparalleled resource for the students, researchers, and educators of his State and our Nation.

I can believe there can be no more fitting tribute to Senator Coverdell and to all he achieved for the people of Georgia and the country that he loved and served until the day he died.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. Mr. Speaker, S. 360 honors our former colleague, Senator Paul Coverdell, for his service to the country. Senator Coverdell served the citizens of the State of Georgia and the United States for over three decades as a State legislator, as Peace Corps director, and as United States Senator. I believe that this bill is a fitting and appropriate way to memorialize Paul Coverdell's work and service to our Nation.

This legislation, introduced by the distinguished minority leader of the Senate, TRENT LOTT, has three components. The bill names the Washington headquarters of the Peace Corps after Paul Coverdell, and ensures that the Peace Corps' World Wise Schools program will carry his name, as well.

Senator Coverdell served as Peace Corps director from 1989 to 1991, critical years during which we witnessed the implosion of the Soviet Union and the opening up of Eastern Europe.

When the Berlin Wall came down, Senator Coverdell seized the opportunity to move the Peace Corps into Eastern Europe to promote freedom and democracy. This move not only broadened the agency's mission, but also increased et cetera prestige across the globe.

During his tenure as Peace Corps director, Senator Coverdell established the widely-acclaimed World Wise Schools program.

□ 1015

Under this program, Mr. Speaker, Peace Corps volunteers who have returned to the United States visit schools to give their students impressions and lessons from their overseas service. Senator Coverdell correctly saw that such an effort would promote cultural awareness and foster appreciation of global connections.

Finally, Mr. Speaker, our legislation authorizes funds to construct the Paul Coverdell Building for Biomedical and Health Sciences at the University of Georgia. Paul was a tireless supporter of education in Georgia, and this building will be a living memorial to him and an unparalleled resource for the students, researchers, and educators of his State and of our Nation.

Mr. Speaker, this is a fitting tribute to a great man and a good friend. I urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I first met Paul Coverdell in 1972. He was one of few Republicans in the Georgia State Senate, soon to become its Republican leader, a position he served in for 15 years.

He had come to Georgia as a teenager from Iowa. He then attended the University of Missouri, graduated with a degree in journalism, and he went from there to the Army and was stationed at Okinawa and Taiwan. When he returned to Atlanta, he involved himself in a very, ultimately very, successful insurance business, the Coverdell Insurance Company, and continued his activities in politics.

In 1989, as has been said, he received an appointment as the head of the Peace Corps from President George Bush. I was curious as to why that was the position he wanted, since he could have had many others. He and President Bush were very close friends for very many years. But he told me that things were changing all over the world; that socialism and communism were going to ultimately be extinct. He had watched the uprisings in Poland in 1980. And, of course, it was not long after he became the head of the Peace Corps that the walls came down. He sent, through the Peace Corps, its first volunteers to Bulgaria, the Czech and Slovak Republics, Hungary, Poland and Romania. And he also paved the way for the establishment of Peace Corps programs in China and Mongolia.

When he stepped down from the Peace Corps, he ran for the United States Senate and won. So he won four elections that year. He came very close in a primary, a primary runoff, a general election, and a general election runoff. And one of the first assignments he sought when he came to the Senate was the Committee on Agriculture, an industry that is so important to our State.

He got himself involved behind the scenes in the Senate as a hard worker. And those of us who have known him for all these years knew, he had always been a hard worker and he liked to work behind the scenes. It became part of the lore of the Senate that whenever a sticky issue came up, the Senate leader TRENT LOTT would say, "Send it to Mikey." There was a commercial at the time saying "Mikey will do anything; Mikey will eat anything." But the funny part of the story was that Paul had never heard of Mikey. He just thought it was a neat idea he was given all these challenges.

He focused on education, and it was his savings accounts targeted at children and children through high school that passed, along with Senator TORRICELLI. They were the authors of the A-Plus Accounts, or Education Savings Accounts. They now allow for a $2,000 education savings account so parents can set aside for public or private K through 12 expenses tax free.

He was also a leader in Latin American drug enforcement, authoring a Federal law requiring the annual listing of the world's top suspected drug dealers in 1999, the Foreign Narcotics Kingpin Designation Act.

This bill is a tribute to a lifetime of hard work for the people of this country, the people of Georgia, and for his party, in that order. The $10 million authorization for the University of Georgia to construct the Paul D. Coverdell building at the Institute of Biomedical and Health Sciences at the University of Georgia is one-fourth of the cost of that project. Our Governor has committed $10 million in State matching funds, and the University of Georgia has already arrived at the other $20 million privately to build this living memorial, as the gentleman from California (Mr. LANTOS) said, to a lifetime of service.

I recall waking up the morning that I heard that Paul had died and felt that there was a huge hole in my life because he had been a large part of it for 25 years. I am most sad that most of America will never know how much he is missed because his work was so quiet and so behind the scenes. I thought sometime ago that I cannot, over 25 years of working with this man, think of a single former friend of Paul's, not a single one, who ever left his side in anger, because Paul was such a decent and gentle man. This is a fitting tribute to that decent and gentle man.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my distinguished colleague and good friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I hesitate to do this, and I will probably be the only member in this body to do so, but I oppose this resolution.

I am sure that Paul Coverdell was a far more accomplished politician than I will ever be and that many in this body will ever be; but I do not consider him to be a great man, I do not consider many people in our generation to be great, and certainly not this generation of political leaders. And that is what I would like to speak to today.

I think we are a self-indulgent generation that operates on the assumption that the heroes in our experience are the only ones that matter. We build buildings on every piece of prime open space and name buildings after people in our experience rather than leave their legacy to the test of time. We put our own spin on history.

We have been blessed with the longest period of sustained peace and prosperity that any generation has ever experienced that they did not have to struggle for, and yet we reward ourselves by spending our surplus and giving ourselves deep tax cuts all at the expense of our children and grandchildren. We operate under the assumption that subsequent generations will never have heroes as great as those in our experience, and that is self-indulgence and self-deception.

Specifically to the Peace Corps Building, why not name it after Mrs. Ruppe, who headed the Peace Corps for 8 years under the Reagan administration, who for 2 years did not take a salary because she did not feel she understood the Peace Corps well enough. There are many people who deserve it, for example Sargent Shriver, who started it. But most importantly, all those Peace Corps volunteers who struggled and sacrificed and who made a real difference in the lives of the poor and oppressed around the world, what they want is for the building to continue to be named the Peace Corps Building after the organization, the mission and the volunteers, and that is as it should be.

And thus, I will oppose this resolution.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I want to thank my colleague from Illinois, the chairman of the Committee on International Relations, for bringing this bill to the floor today, and I do think that it is certainly fitting.

I also want to thank my colleagues from the Georgia delegation for their hard work. Our committee shared some of this jurisdiction early on, and in an effort to move this bill today, I yielded to the gentleman from Illinois to bring this bill up. Why? Because Paul Coverdell was our friend. Not only was he a director of the Peace Corps under President George Bush's reign in the late 1980s and early 1990s, he was a respected member of the Georgia legislature.

Paul was an insurance agency owner. He understood the private sector. I know Paul because he and I worked closely during my years in the Republican leadership here in the House, with Paul representing the Republican leadership in the Senate. We worked closely in a meeting that occurred every single week for about 4 years. I can tell my colleagues that Paul Coverdell was a man of great integrity, someone who worked very hard on behalf of his constituents and on behalf of his Members of the Senate. Not only did he work with his Republican Members but with his Democrat Members as well.

And when I look back through the 10 years I spent in this Congress, I can tell my colleagues that there are but few people who rise to the stature of former Senator Paul Coverdell. Why? Not just because he worked there, not just because he worked with all his colleagues on both sides of the aisle, but because Paul Coverdell was a man of great integrity who believed strongly in the words of freedom. He understood the private sector, understood the need to allow the genius of the private sector and individuals to be all that they can be and stood up proudly for that each and every day.

We miss Paul Coverdell here in the halls of Congress. I rise today to support this resolution to honor him as a man that we all can look up to, not only today but for generations to come.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 5 minutes to my good friend and distinguished colleague, the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, today I rise to oppose S. 360, the bill sent to us from the other body, to place the name of the late Senator Paul Coverdell on the Peace Corps headquarters. While I did not know Senator Coverdell, my opposition to this bill is not intended to show any disrespect upon a man that served our Nation with honor and dignity and proud public service.

Senator Coverdell, as the Peace Corps' 11th director, and as a United States Senator from Georgia, was an advocate for the agency, for volunteers, for the value returned volunteers contribute to our communities here at home. Mr. Speaker, the National Peace Corps Association, which advocates on behalf of the agency and returned volunteers, opposes placing the name of Senator Coverdell on the Peace Corps headquarters.

Mr. Speaker, I submit for the RECORD the following letter from the National Peace Corps Association.

NATIONAL PEACE
CORPS ASSOCIATION,
Washington, DC, July 17, 2001.

Hon. BETTY MCCOLLUM,
Longworth House Office Building, Washington, DC.

DEAR REP. MCCOLLUM: We have just learned that you plan to address the House regarding House bill S-360, which includes a provision to rename the Peace Corps Headquarters, wherever sited, after the late Senator Paul Coverdell. The National Peace Corps Association, the alumni organization of former Volunteers and staff of the Peace Corps with more than 13,000 members, opposes that section of the bill. We believe, based on the reactions of former Volunteers around the country, that this position reflects the view of a clear majority of former Peace Corps Volunteers.

We have great respect for the late Senator Coverdell and the leadership that he provided as Peace Corps Director. We note especially his establishment of the World Wise Schools Program (now named after him), which brings the Peace Corps experience directly into classrooms here in the United States.

However, it is the view of the National Peace Corps Association that, as the heart of the Peace Corps is the Volunteers themselves, the headquarters should not be named after any single director, no matter how distinguished.

We have no objection to the other parts of the bill.

Thank you.

DANE F. SMITH,
President.

Mr. Speaker, returned volunteers from my Minnesota district have contacted me, and they do not want the Peace Corps headquarters named for any individual. They oppose this legislation.

Mr. Speaker, I am also submitting for the RECORD at this point the following constituent letters from the returned Peace Corps volunteers.

ST. PAUL, MN,
March 2, 2001.

I am a returned Peace Corps Volunteer (Zaire 1973–75) and wish to express my very strong opposition to the bill which was passed by the Senate and referred to the House, S. 360. RFH. This bill would name the new Peace Corps building in Washington after Senator Paul Coverdell. Senator Coverdell was a brief and undistinguished director of the Peace Corps. If the building is to be named, it should be for people who made a major contribution: President Kennedy set it up, Hubert Humphrey supplied the suggestion, Sargent Shriver was the first and very dynamic director, and Loret Ruppe (if they want a Republican) was also a very dynamic and much appreciated director. I have received many communications from other former Volunteers and the opposition to naming the building after Coverdell is very strong among all I have heard from. There are over 5,000 former volunteers in Minnesota, and about 160,000 nationwide. It would be an insult to all of us to let the Peace Corps headquarters be used in this political way. Thanks,

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ST. PAUL, MN,
March 1, 2001.

Re: S. 360.RFH.

Happy Peace Corps Day!

Today is the 40th anniversary of the founding of the United States Peace Corps! Since then about 161,000 Americans, young and old and in-between, have represented the best of our country around the world, sharing their expertise in helping the poorest of nations develop, and, just as important, sharing the friendship of the American people. The recruiting slogan of the Peace Corps "The toughest job you'll ever love," is true—although full of rewards, this is not easy work! Over 300 Peace Corps volunteers have even died while in service (mostly in auto crashes).

But I am writing you now about a proposal by Senators Trent Lott and Phil Graham to name the Peace Corps building in Washington after the late Senator Paul Coverdell, who served as Peace Corps director for barely two years in the early '90s. This is a slap in the face of Peace Corps' 161,000 alumni. It is not that Coverdell was that bad Peace Corps director; it's just that he wasn't a distinguished one. And it appears that he wasn't even that interested in the job, using the office to campaign for his Senatorial seat.

There are far more appropriate people to name the building after, like JFK, who founded the Peace Corps, or Sargent Shriver, it's first director, or the late Loret Ruppe, a director who was at once both warm and supportive to the volunteers in the field, and shrewdly effective on Capitol Hill. Or it could be named after all 161,000 of us who served, with special attention to the 300 who died while serving.

Naming it after Coverdell would be an extreme insult to us.

Sincerely,

———,
RPCV Lesotho, 1987–90.

P.S. I just heard that this bill has already passed the Senate. Thus it even more critical that you try to stop it. The bill number is S. 360.RFH.

Mr. Speaker, I stand here today opposed to S. 360 because it places the name of one man on the Peace Corps headquarters, and it is very clear that the Peace Corps was never intended to be about one person.

The Peace Corps is about the 7,300 Americans that are currently serving our Nation with pride and distinction in more than 77 countries. The Peace Corps is about the more than 163,000 Americans, including 5,000 Minnesotans, that have served as volunteers in the most remote corners of the planet.

The Peace Corps is about all 15 directors and the thousands of dedicated staff, past and present, that have supported volunteers abroad and returned volunteers at home. And sadly, the Peace Corps is also about the 300 men and women that have died serving their country as volunteers.

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Mr. Speaker, today we are asked to place the name of a former Peace Corps director on the agency's headquarters. Yet this administration has still not seen fit to nominate a director to go inside and work in the Peace Corps headquarters to lead the agency forward.

As we celebrate the 40th anniversary of the Peace Corps this year, President John F. Kennedy stated that the Peace Corps, "is not designed as an instrument of diplomacy or propaganda or ideology conflict. It is designed to permit our people to exercise more fully their responsibilities in the great common cause of world development."

Mr. Speaker, I ask my colleagues in the House to respect the thousands of former volunteers and their service to America by not naming the Peace Corps headquarters. Please oppose S. 360, and let us find another way to honor and respect the memory of the late Senator Coverdell.

Mr. HYDE. Mr. Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from California (Mr. LANTOS) and the gentleman from Ohio (Mr. BOEHNER) for their support of this legislation and for moving it forward.

Mr. Speaker, I am a friend of Paul Coverdell's family, his wife Nancy, and certainly was a good friend of Mr. Coverdell; and I am proud to stand in support of this. I am saddened and disturbed by those who are in opposition of this legislation. I would ask, Mr. Speaker, is there a road, is there a bridge, is there a building in the United States of America that was built by one person, one personality, one act of one man? I would say certainly there is not. Yet routinely we in this body name roads, bridges and buildings after one person. It is symbolic. It does not say there was no one else involved in it. It only says here was somebody who was typical of the spirit of that group or that organization.

Mr. Speaker, we cannot name every building after everybody. It is too bad because we know all great acts and great institutions have myriads players. That is what we are doing today, not to slight others, but to commemorate many through naming it for one person.

Mr. Speaker, I would ask my colleagues who are opposed to this to abandon their pettiness and ask them to abandon a little veiled partisanship that seems to be taking place. If this is their standard, it must disturb them greatly when we name the post offices and buildings and roads and bridges which we routinely do under the suspension calendar.

I want to talk a little bit about Paul Coverdell. I first learned about him in 1974. At that time, he was a candidate for the Georgia Senate; and my mother, who was urging me to look into a political career or be interested in politics, she cut out an article from the Atlanta Constitution about a guy running for the Senate. And this guy was doing something unconventional. Rather than just working the good old boys barbecue circuit and going to the back room power brokers, he was a reformer. He was standing by the side of the road and knocking on doors and going direct to the voters, the unknown and the unnamed and untitled voters, to say, "I am Paul Coverdell. I would like to be Georgia's next senator. Here is what I stand for. Do you have any questions?" In 1974, that was an unconventional campaign.

Mr. Speaker, when Paul got to the Georgia Senate, at that time there were only three Republicans in the Georgia Senate. When I joined it in 1984, and I was a member of the General Assembly with the gentleman from Georgia (Mr. ISAKSON), the gentleman from Georgia (Mr. LINDER) and the gentleman from Georgia (Mr. COLLINS), there were nine Republican Senators. Paul Coverdell was the minority leader; and yet, despite the numerical odds against him, he never was without ideas. He played in the arena. He was a force in the arena because of his ideas.

Mr. Speaker, I remember one idea he had on DUI legislation. His approach, rather than just keep increasing the DUI penalties, he said a lot of these repeat offenders are alcoholics. Why not require an assessment and then rehabilitation. That was a new idea, but that was typical of Paul Coverdell.

Mr. Speaker, when he came to the United States Senate and when he served in the Peace Corps, he was also a man of ideas. As a Peace Corps director, he had a world vision. So many directors prior to him used this as a political plum for backing the right candidate for President, but not Paul Coverdell.

Mr. Speaker, he went into the most difficult and remote places and countries and said, "How can we help with health care? Are there better farming techniques out there? Is there a way to get cleaner water? What can we do for the children?"

I remember during that period of time when he was director of the Peace Corps, we had a meeting at our house. We had all kinds of Peace Corps volunteers there. It is interesting to hear some of the comments today. I do not remember any of those volunteers being resentful of Paul Coverdell's leadership. They loved the fact that he would ask former volunteers what they thought.

Mr. Speaker, we were in the middle of our meeting and Mr. Coverdell was giving a world view wrap-up, and my little girl who was 4 years old came running into the room. She had been playing out in the backyard with the other kids, and she said, "Mom and Dad, I fell off the slide, and I hurt my heinie, and all the other children are laughing at me." The room full of grown-ups fell silent; and all eyes went to the little girl who was at the foot of this soon-to-be U.S. Senator, a very dignified and somewhat sophisticated man and a tad old-fashioned in his mannerisms, to a very positive extent, I might add, and he looked down at her and smiled. It said it all. Everything was fine, and the little girl got herself back together and ran back out on the playground with the rest of the kids.

Mr. Speaker, that was the grace and charm of Paul Coverdell. Here is a man with a world view but could look at a 4-year-old girl and say, everything is okay. That is what made Paul Coverdell special.

Mr. Speaker, when he came to Washington both with the Peace Corps and as a U.S. Senator he worked for farmers and veterans. He worked for education. He was a member of the back rooms with the high and connected, yet he never forgot the common person.

Mr. Speaker, I am proud to support this legislation, and I think those who will study the life of Paul Coverdell will also be proud to support it as well.

Mr. LANTOS. Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE) and I thank the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, for their hard work and the gentleman from Georgia (Mr. LINDER) for his hard work on this bill.

Mr. Speaker, this is the people's House, and I would like to answer the question asked in the limited objection to this bill: Did Paul Coverdell possess the greatness to receive this honor?

Mr. Speaker, if I ask any woman in America what is great about a man, they would say one that is a man of fidelity and lives true to his values and his marriage throughout his career, and Paul did that to Nancy.

Mr. Speaker, if I ask a bureaucrat what is great about an American, they would say give me a director who not only talks the talk but walks the walk; and Paul Coverdell walked Eastern Europe, he walked battlefields, he walked back jungles.

If I ask a legislator what is greatness, they would say someone who is willing to reform and stand against great odds.

Mr. Speaker, Paul Coverdell was the minority leader of the Georgia House when the odds politically were 11–1. He passed drunk driving laws and tolerance laws that brought about reform in our State, saving of lives and addressing the appropriate way one should behave.

Mr. Speaker, if I ask a man or woman in the U.S. military what is greatness, they would say give me a politician who served his country and risked his life; and Paul Coverdell served with distinction as an officer in the United States military.

Mr. Speaker, in this day and time when the failures of a few elected politicians become fodder for nightly television and coffee-table discussions, it is appropriate that S. 360 recognizes one of us whose life was an example of greatness, a man who dispelled all of those images some like to portray of us.

Mr. Speaker, Paul Coverdell did it with an articulate voice, with hard work and dedication and with commitment. Personally, I am sorry we are here today for this because I wish Paul Coverdell was alive. I wish he was right here. God took him far too soon. But I am pleased we honor him with this recognition of the Peace Corps building, and I am pleased we honor him with this great building at the University of Georgia.

Mr. Speaker, I appreciate the opportunity to commend my friend, a great person, Paul Coverdell.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I rise in support of the authorization for funds for the Paul D. Coverdell Building at the Institute of Biomedical and Health Sciences at the University of Georgia.

It is appropriate because this man we seek to honor, Paul Coverdell, was a teacher's teacher. He led by the strength of his character and the strength of his ideas. He never missed an opportunity to educate his colleagues, the press and the public. He was a hard-working, thoughtful legislator who was a leader, a good man and a very good public servant.

To me, Paul Coverdell was more than a colleague. He was a true friend, a mentor.

Mr. Speaker, when I was first elected to the Georgia State Senate, we walked together through his neighborhood so he could educate me on the difficulty of serving in the Georgia State Senate as one of the 11 that were mentioned earlier. But that was his style. He was quiet, purposeful. He was a teacher, someone who was more concerned about getting the job done than who received credit.

Mr. Speaker, the job of a scientist or doctor researching medicine and health is long, hard and painstaking. It is also often a labor in obscurity. The fruits of research, however, can have a major impact on lives today and in the future. This building's dedication to education, to improve people's lives and the future of this country is why those of us who knew Paul Coverdell believe this building is an appropriate monument to a real patriot, Paul Coverdell.

Mr. HYDE. Mr. Speaker, I have only one further request for time.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time, and it is an honor to speak on this measure before the House today.

Mr. Speaker, exactly 20 years ago this month we had completed the first legislative session in which I participated as a freshman member of the Georgia Senate. When I arrived there, Paul Coverdell was already entrenched in that body. He and I were on different sides of the political spectrum, but I soon learned that he was a man that everyone respected first for his integrity and, secondly, for his willingness to work without regard for personal gratification or recognition.

Mr. Speaker, it is appropriate that we dedicate this building and this entire enterprise to his memory today. For those that suggest that we are self-indulgent by recognizing one of our own generation, I would simply say a generation that is without heroes or models of public service is indeed a bankrupt generation. Thankfully, we have the Paul Coverdells of our day. It is appropriate that we take action to recognize him.

Mr. NORWOOD. Mr. Speaker, today we approve important legislation in honor of Paul Coverdell, a sterling example of what a U.S. Senator should be about. And this measure we pass is more than a gesture, it is legislation of substsance. I believe Senator Coverdell would be quite pleased with that fact.

We honor his memory by designating that Peace Corps Headquarters be named in his honor.

We honor his legacy of achievement by appropriating funds for the completion of a state of the art health research center at the University of Georgia, one that will provide benefits for all the people of America for generations to come.

Why do we so honor this man? Paul Coverdell provided the kind of leadership for Georgia, America, and the world, that will be sorely missed.

Paul Coverdell was unshakable in his resolve to support the right policies for Georgia and America. Yet in 6 years of serving with him in Congress, I never heard him utter an unkind word toward an opponent.

He was a man of reason and principle, and provided a shining example of civility in action in the arena of public debate.

He never backed down on principle, yet he held his ground with dignity and respect for the positions of those who disagreed. And he never gave up.

Since coming to Washington in 1993, Senator Coverdell fought to improve the education of America's children. That fight continues today. Because of his efforts, I believe that fight will eventually be won. When it is, the final product will have the fingerprints of Paul Coverdell on every page.

Senator Coverdell was likewise a champion of those who have served this country in our armed forces.

When Congress forgot the promises made to our veterans, Paul Coverdell reminded us all of those commitments. His legislation to restore those promises is still pending in both chambers.

In this House, 305 members have cosponsored this legislation, The Keep Our Promises To America's Military Retirees Act. The finest tribute we could all pay to this true statesman would be to pass that measure into law before this session ends. Today, I recommit myself to helping make that happen.

There are far too many issues to mention in which Senator Coverdell played a decisive role. But we do need to reflect on Paul Coverdell's public service before he became a Senator, for it reflects a lifetime of public service.

He began adult life by serving America in the U.S. Army in Okinawa, Korea, and the Republic of China.

He served his State in the Georgia Senate for nearly two decades.

He served America and the world as Director of the Peace Corps, where his leadership in building democracy was vital in reclaiming much of Eastern Europe from the dictatorship of communism.

Paul Coverdell can no longer be with us in body. But the wisdom, generosity, civilty, patriotism, and dedication that he brought to this Congress will never die.

We honor his memory today through enactment of this important legislation.

But I say we should continue to honor his life's work by seeing his missions through—from giving our children a choice in education, to restoring the health care of the defenders of America.

Mr. Speaker, let us pay tribute to a great leader, by not only passing this bill today, but also redoubling our efforts to see all the reforms of Senator Paul Coverdell enacted into law.

Mr. SHOWS. Mr. Speaker, I rise today in support of S. 360, which honors the memory of our esteemed colleague, Paul Coverdell.

As a respected Member of the U.S. Senate and leader of the Peace Corps, Paul Coverdell's devotion to public service knew no partisan bounds. It is fitting that we consider a measure honoring him.

But rather than having buildings named after him, I believe a more fitting tribute would be to finish the work he helped start, to restore health care to America's military retirees.

Paul Coverdell was one of the four original sponsors of The Keep Our Promise to America's Military Retirees Act. Along with Senator TIM JOHNSON, Congressman CHARLIE NORWOOD and myself, Senator Coverdell introduced the bill that is largely credited with giving rise to Tricare for Life.

TFL will go a long way to restoring earned health care to many elderly military retirees, but we need to keep our promise to all military retirees.

TFL does not help military retirees who don't qualify for Medicare and don't have access to quality care at military bases. We need to keep our promise to them.

And retirees who entered the service prior to 1956 actually had heath care benefits taken away from them. We need to keep our promise to them, too. That is what Paul Coverdell wanted and that is what we should do.

Paul Coverdell would prefer a legacy of helping restore health care to people who need it, who earned it and were promised it.

We should honor the memory of our late colleague by passing the Keep Our Promise to America's Military Retirees Act.

Mr. LEVIN. Mr. Speaker, I rise in respectful opposition to S. 360. Let me make it clear that my opposition to this measure is in no way, shape or form a reflection on Senator Paul Coverdell or his memory. Paul Coverdell was an able Senator and dedicated public servant. He deserves to be honored by the Congress of the United States; indeed, we did so last year when we passed the Paul Coverdell National Forensic Sciences Improvement Act. This was a fitting tribute as Senator Coverdell made the improvement of forensic science services one of his highest priorities.

The Congress frequently names buildings, post offices and bridges after individuals. The Peace Corps is different. This organization is the work of thousands of dedicated men and women who volunteer to serve in the most remote corners of our planet. The Peace Corps is the sum of their efforts, not the work of any individual.

I received a letter on this subject from one of my constituents who was himself a Peace Corps volunteer. He writes, "As a former Peace Corps Volunteer, I am requesting that S. 360 not be brought to the House floor as a non-controversial bill. I, along with what I suspect is a majority of former volunteers, am against the idea of naming the Peace Corps Headquarters after the late Senator Coverdell. I have nothing against the late Senator. It's my understanding that he was a good man who did his best as a Senator and a Peace Corps Director. However, the Peace Corps building should not be named after any one single person . . . ."

In the memory of the thousands of men and women, including Paul Coverdell, who have served the Peace Corps, I urge my colleagues to join me in opposing this legislation.

Mr. BARR of Georgia. Mr. Speaker, today we honor Senator Paul D. Coverdell for a lifetime of service to the people of Georgia and this country. S. 360 dedicates the U.S. Peace Corps Volunteers Headquarters, the World Wise Schools Programs, and a yet to be constructed building at the University of Georgia, to this outstanding public servant. Paul Coverdell was an honorable man and this is the least we can do for someone who gave so much of his life to serving the community and the nation.

Known for his unfailing work ethic, the Senator was not one to let grass grow under his feet. A veteran of the U.S. Army and the Peace Corps, Senator Coverdell was elected to Georgia State Senate in 1970 where he served as minority leader for 15 years. He was then appointed director of the U.S. Peace Corps Volunteers in 1989, a position from which he initiated the World Wise Schools Programs, pairing students with Corps volunteers, to give them a personal experience serving the world's less fortunate. It is only fitting we rename the Peace Corps Volunteers Headquarters Building and the World Wise Schools Programs, in his honor.

Deeply concerned with education policy, Senator Coverdell chaired the Senate Republican Task Force on Education, in addition to drafting legislation to create Education Savings Accounts. He was also a strong proponent of drug policy reform—he defended the decision to continue U.S. support for the fight of the Colombian drug trade; and he authored the 1999 Foreign Kingpin Designation Act.

I am proud to have served with my fellow Georgian, Senator Paul D. Coverdell. Though we can never replace him, he will not be forgotten. On this day, I ask my colleagues to remember him as a man of principle and conviction, and offer S. 360 as a small token of our appreciation for his life and legacy.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 360.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. McCOLLUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1045

REPORT ON H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2002

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–142) on the bill (H.R. 2506) making appropriations for Foreign Operations, Export Financing, and Related Programs, and for sundry independent agencies and corporations for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. ISAKSON). Under clause 1 of rule XXI, all points of order are reserved.

MAKING IN ORDER ON JULY 18, 2001, OR ANY DAY THEREAFTER, CONSIDERATION OF H.J. RES. 50, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. LINDER. Mr. Speaker, I ask unanimous consent that it be in order at any time on July 18, 2001, or any day thereafter, to consider in the House the joint resolution (H.J. Res. 50) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China;

That the joint resolution be considered as read for amendment;

That all points of order against the joint resolution and against its consideration be waived;

That the joint resolution be debatable for 2 hours equally divided and controlled by the chairman of the Committee on Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution;

That pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and

That the provisions of section 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China for the remainder of the first session of the 107th Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.J. RES. 36, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 189 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution and any amendment thereto to final passage without intervening motion except: (1) two hours of debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) an amendment in the nature of a substitute, if offered by Representative Conyers of Michigan or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 189 is a modified closed rule providing for the consideration of a constitutional amendment which would authorize Congress to ban the physical desecration of the American flag.

H. Res. 189 provides for 2 hours of debate in the House of Representatives, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Upon the adoption of this rule, H.J. Res. 36 is made in order and considered as read. The rule also makes in order a substitute amendment if offered by the gentleman from Michigan (Mr. CONYERS) or his designee, which shall be separately debatable for 1 hour, equally divided between a proponent and an opponent. All points of order are waived against this amendment.

Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, this rule would allow Congress to debate legislation that protects our American heritage by protecting one of our most important symbols, our flag. Most Americans look to the flag as a symbol of our unity, our sovereignty and our democracy. Throughout the years, millions of Americans have fought and died for this country, and they look to the flag as the embodiment of our country's values.

Two reasons for supporting this measure come to mind as we consider this legislation: first, from a logical standpoint, if we prohibit the destruction of U.S. currency by law, then surely protecting our symbol of freedom and democracy is just as important.

The second reason is a more powerful one. Many Members believe it is the duty of Congress to protect the integrity of our heritage from individuals who disrespect this country.

It is in the best interests of the American people to pass this legislation, and I wholeheartedly support it. In fact, I am an original cosponsor of H.J. Res. 36.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, let me thank the gentleman for yielding me this time. It is a pleasure to serve on the Committee on Rules with the gentleman from Georgia (Mr. LINDER).

Mr. Speaker, I rise in strong opposition to House Joint Resolution 36. I firmly believe that passing this constitutional amendment would abandon the very values and principles upon which this country was founded.

Make no mistake, I deplore the desecration of the flag. The flag is a symbol of our country and a reminder of our great heritage. I find it unfortunate and repugnant that a few individuals choose to desecrate that which we hold so dear. However, it is because of my love for the flag and the country for which it stands that, unfortunately, I have no choice but to oppose this well-intentioned yet misguided, in my view, legislation.

Our country was founded on certain principles. Chief among these principles is freedom of speech and expression. These freedoms were included in the Bill of Rights because the Founding Fathers took deliberate steps to avoid creating a country in which individuals' civil liberties could be abridged by the Government. Yet that is exactly what this amendment would do. It begins a dangerous trend in which the Government can decide which ideas are legal and which must be suppressed.

Ultimately, we must remember that it is not simply the flag we honor but, rather, the principles it embodies. To restrict people's means of expression would do nothing but abandon those principles, and to destroy these principles would be a far greater travesty than to destroy its symbol. Indeed, it would render the symbol meaningless.

Earlier this month, Mr. Speaker, I was with a group of 15 Members of Congress who were visiting the American cemetery in Normandy, France. There we saw the graves of more than 9,000 men and women who gave their lives not just for the liberation of Europe but in defense of an idea: democracy, and all that it stands for. What democracy stands for is forever enshrined in our Constitution. These men and women who died for an idea, and the patriots who came before and after them, understand that idea.

I brought back these two flags, this one especially, the American flag. The other is the flag of France. I hold it here to remind myself of what others gave so that I may be here today in this country which protects individual rights and liberties more than any other country in the world. Understand, though, this flag itself has little inherent value. It is cloth attached to a piece of wood. The value of this cloth is in the messages that it conveys and the country that it stands for and the people who have fought and died to keep this flag and others like it flying high and free. Those men who died storming Omaha and Utah Beaches did not fight for a flag; they fought for the idea that our flag represents. This amendment, in my view, would diminish what those brave men and women fought and died for.

The last time Congress debated a similar bill, retired four-star general and current Secretary of State Colin Powell said that he would not support amending the Constitution to protect the flag. In fact, General Powell said, "I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

We are too secure as a Nation to risk our commitment to freedom by endeavoring to legislate patriotism. If we tamper with our Constitution because of the antics of a handful of thoughtless and obnoxious people, we will have reduced the flag as a symbol of freedom, not enhanced it.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule. The American flag serves a unique role as the symbol of the ideals upon which America was founded. It is a national asset that helps to preserve our unity, our freedom, and our liberty as Americans. This symbol represents our country's many hard-won freedoms paid for with the lives of thousands and thousands of young men and women over this Nation's history. For years, 48 States and the District of Columbia enforced laws prohibiting the physical desecration of the American flag. In the 1989 Texas v. Johnson ruling, the United States Supreme Court in a 5–4 vote overthrew what until then had been settled law and ruled that flag desecration as a means of public protest is an act of free expression protected by the first amendment to the U.S. Constitution. A year later, essentially reiterating its Johnson ruling, the court in U.S. v. Eichman, another 5–4 ruling, by the way, struck down a Federal statute prohibiting the physical desecration of the flag despite the court's own conclusion that the statute was content-neutral.

In the years since these two rulings were handed down, 49 States have passed resolutions calling upon this Congress to pass a flag protection amendment and send it back to the States for ratification. Although a constitutional amendment should be approached only after much reflection, the U.S. Supreme Court's conclusions in the Johnson and the Eichman cases have left the American people with no other alternative but to amend the Constitution to provide Congress the authority to prohibit the physical desecration of the American flag. The amendment enjoys strong support throughout the Nation, indicating that it will likely be adopted by the States should this Congress approve the language.

I urge my colleagues to approve this rule and move to full debate and pass H.J. Res. 36.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise in opposition to the rule.

Mr. Speaker, this rule allows the well-settled law of this nation to be called into question at the whim of special interest groups who disagree with the value we Americans place on freedom of speech. By allowing this debate to occur, the leadership has signaled its intention to favor its ideological companions without regard for legal precedent or constitutional muster.

In 1989 the Supreme Court was faced with a difficult balancing test. *Texas v. Johnson*, 491 U.S. 397, forced the court to examine whether the interests of this nation in protecting the symbol of its freedom are outweighed by the individual freedoms of its citizens. The Court did not shy away from this dilemma, holding that the government cannot prohibit the expression of an idea society finds offensive, and that not even the flag is recognized as an exception to this principle.

Following this rights-affirming decision, Congress passed the "Flag Protection Act of 1989," which attempted to criminalize the conduct of those who might use the flag for free speech purposes. The next session the Supreme Court invalidated this law on the same grounds it ruled on during its previous session. The Court held that attempting to preserve the physical integrity of the flag is only related to the flag as an article of speech or conduct in *United States v. Eichman*, 496 U.S. 310 (1990).

Now, Mr. Speaker, over ten years later, Congress is again attempting to impermissibly affect the ability of citizens to speak freely by taking the normously grave step of amending the Constitution of the United States. Supporters of this amendment argue that the step is warranted considering the Supreme Court's opinion on the flag; I contend the Supreme Court's opinion requires my opposition to this rule.

Mr. Speaker, it has almost become cliche to point out that we are a nation of laws, not persons. However, in this circumstance, that is exactly my point. The Supreme Court has spoken in an unambiguous way about the balancing of interests between the flag and the rights of individuals. On two separate occasions the right of individuals to speak has won.

Instead of honoring the decisions of the Court, and thereby respecting the separation of powers within the federal government, the House leadership instead chose to play politics with the law. On this day we begin subjecting legal opinions to the whims of the legislative branch in a new and chilling way. Any coalition with close enough ties to the majority might hope to see their pet project ratified as an amendment to our Constitution.

Mr. Speaker, not only this resolution, but also this very debate cast a long shadow over our long history of separation of powers. I contend it is our rights as citizens and our legal system that suffer. I oppose this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING MILITARY AND DEFENSE CONTRACTOR PERSONNEL RESPONSIBLE FOR SUCCESSFUL BALLISTIC MISSILE TEST

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 195) commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001, and for other purposes.

The Clerk read as follows:

H. RES. 195

Whereas at 11:09 p.m., eastern daylight time on July 14, 2001, the United States successfully tested an interceptor missile against a target Minuteman intercontinental ballistic missile in flight;

Whereas the target missile was launched from Vandenburg Air Force Base, California, and was traveling at approximately 140 miles above the Earth at a speed of greater than 11,000 feet per second, which is more than three times faster than a high-powered rifle bullet, when struck by the interceptor missile;

Whereas the interceptor missile was also traveling at a speed greater than 11,000 feet per second at the time of impact;

Whereas more than 35,000 Americans contributed to the successful test, including the Air Force team which launched the target missile from Vandenburg Air Force Base and the Army team which developed the radar and kill vehicle, the Navy and Coast Guard team which provided security for the test, the Ballistic Missile Defense Organization team which supervised the testing program, and the contractor team consisting of thousands of American scientists, engineers, and blue collar workers employed by the prime contractors and hundreds of small businesses; and

Whereas the House of Representatives understands that testing of ballistic missile defenses will involve many failures as well as successes in the future, the House of Representatives nonetheless commends the effort and ingenuity of those who worked so hard to make the test a success: Now, therefore, be it

Resolved, That the House of Representatives thanks and commends the thousands of United States military and Government personnel, contractors, engineers, scientists, and workers who worked diligently to make the July 14, 2001, missile defense intercept test a success.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans sometimes do great things. At 11:09 p.m. Eastern Standard Time last Saturday, the work of some 35,000 Americans, including service personnel from the Air Force, the Navy, the Coast Guard, and the Army combined to produce a wondrous success in our missile defense testing program.

□ 1100

It was extraordinary, Mr. Speaker. We had an interceptor that was launched from Vanderbilt Air Force Base in California, heading west, achieving a speed of some 11,000 feet per second, or more than three times faster than a high powered rifle bullet; and an interceptor was launched from Kwajalein Island, also achieving a speed of close to 11,000 feet per second, also going much faster than a rifle bullet; and at 11:09 eastern time that interceptor successfully hit the target vehicle and destroyed it 148 miles above the Earth over the Western Pacific.

Mr. Speaker, I think Americans need to draw a number of conclusions from this very successful test. First, it is absolutely appropriate that we in the House of Representatives commend all the great people who worked on this program, and we intend to do that fully. Of course, the Army developed the radar and the kill vehicle working from their missile defense headquarters in Huntsville, Alabama. The Air Force in this case launched the Minuteman missile, which was the target missile, from Vanderbilt Air Force Base. We had Navy and Coast Guard monitoring and providing security in the Pacific. So we had thousands and thousands of men and women in uniform supporting these tests, all the way from folks who were doing basic security work to folks who were doing some very high-level physics work.

Along with that, we had lots of Americans, scientists, engineers, blue-collar workers, some working for major contractors and others working for small business. One thing we have learned in this missile defense business is that the innovators, sometimes the smartest guys, are in the companies with 20, 30, 40, 50 people, and all of these people combined to produce a success that was stupendous. It was remarkable.

The idea that people, you could raise two high-powered rifles, so to speak, farther apart than Los Angeles and New York, and shoot at a point toward the center of the country, and those two high-powered rifle bullets would hit precisely together at a point over the Midwest, is an extraordinary thing. It is something that many people thought was impossible.

So I think it is entirely appropriate for the full House, on both sides of the aisle, regardless of what your position is on the ABM treaty or missile defense, to commend the wondrous efforts of the men and women of our uniformed services, and also all the folks working in business to make this thing work, all the contractor personnel who made it go.

Secondly, I think we have to acknowledge we have got a long road ahead in this program. As our resolution states, we are going to have lots of successes; we are going to have lots of failures. I am reminded that with Polaris, the Polaris tests numbered over 120, and it failed more than 50 percent of the time. The first time we put up surveillance satellite capability, our first 11 launches failed before we succeeded. Yet that was a very important capability to achieve.

So you have to have lots of failures. In fact, if you test rigorously, if you make these tests as difficult as you possibly can, while still learning a lot, you are going to have failures. I think we will have failures in the future, just as we are going to have failures with our other theater missile defense systems. But, nonetheless, Mr. Speaker, we have proven that not only can you hit a bullet with a bullet, but you can hit something going three times as fast as a bullet with an interceptor going three times as fast as a bullet, and that is truly extraordinary.

Mr. Speaker, this is a good day for America. It is a great milestone in this missile defense program that we have. We have a lot of hard work ahead. We have got lots of challenges, these tests will get tougher and tougher; and in the future, of course, we will have failures as well as successes.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to join the gentleman from California (Mr. HUNTER) in support of this bill, as a cosponsor of the bill, as well as the floor manager for the bill on our side of the aisle.

The road to Saturday's successful intercept has been long and arduous; and we have miles to go before we can say we have gotten there, even gotten to the point where we have what we call a limited defense system capable of defending us against rogue missile attacks, simple rogue missile attacks, or perhaps unauthorized or accidental strike. We have a long way to go, and we should not let the euphoria of this moment obscure that fundamental fact.

Indeed, if we have learned anything since March 23, 1983, when Mr. Reagan made his speech and proposed what became the Strategic Defense Initiative, it is that missile defense is not likely, unfortunately, to make nuclear weapons impotent and obsolete. It may enhance deterrence, but it is unlikely to replace deterrence. That is a fundamental point.

Nevertheless, I think enhancing deterrence is a worthy goal. I think that if we can prove through testing, like the tests that we held Saturday night, rigorous testing, that gets more and more demanding and challenging with each test, that eventually takes on countermeasures as well, if we can prove after this kind of rigorous testing that we have a system worthy of deploying, that will give us limited protection against the kind of threat I just described, it is worth deploying; and I think it is worth observing what was accomplished Saturday night, because it moves us in that direction.

Let me emphasize that testing is critical. I have been a long-time supporter of that. We do not want to fool ourselves into thinking that we have got a system that can take on this daunting challenge when, in fact, it can easily be overcome or is not capable of what it is touted to be. We do not want to fool ourselves by deploying some kind of scarecrow system.

We associate ballistic missile defense with Mr. Reagan's speech on March 23, 1983; but in truth both administrations, the Clinton administration, the Reagan administration, the Bush administration, going all the way back to Lyndon Baines Johnson in 1967, have supported missile defense in one form or another.

Indeed, the safeguard system originated in 1967 with President Johnson's administration. It was taken to the point that it was deployed. The Spartan system failed a number of times. No one felt that it was a complete and good defense system; and after spending what would amount in today's money of about $20 billion, we abandoned the system in North Dakota.

We kept spending money on ballistic missile defense in Democratic and Republican administrations. There were systems that have long been forgotten, like the BAMBI, which was a boost-phase interceptor, which was abandoned because it could not be proven to be invulnerable to counterattacks in fixed orbits in space.

Indeed, the path to Saturday night is littered with systems that simply could not meet the mettle. We have spent a lot of money, $60 billion since 1983, to get where we have gotten; but we have had some successes, and I think it is right to take some time aside to savor those success.

I think the gentleman from California (Mr. HUNTER) would agree we should not forget that this was not the first intercept with this system. Indeed, the first intercept occurred 2 years ago under the Clinton administration. This was a Clinton administration system. They in effect brought the technology to the point where it could be tested Saturday night and proven to work at least in those circumstances.

Mr. Speaker, when the test was concluded, General Kadish, who is doing a commendable job as the manager of this program, a very practical, pragmatic man, told everybody there, all the press there, when they asked him what should we deduce from the success we just had, he said if you just lower the level a little bit and let us proceed in a rigorous disinterested way, let us not get too excited about this thing, let us do our work, we think we can prove to you that we have got something worthy of deploying.

I think it is very, very fitting and very, very appropriate for us to rise today to commend the thousands of people who have made this a success.

While we are at it, I think we might commend a lot of other people in the so-called military-industrial complex, which is what we call them when we are usually disappointed, when we are usually confounded by the bills they present us, when we are usually suspicious of what they are up to.

When they succeed like Saturday night, we call them the arsenal of America. There are a lot of people out there are working in the arsenal of America making the F-22 meet its test every day. There are a lot of them working in other programs, like the THAAD, which was almost discarded. We gave it some extra money and another chance. They went out and made it work. They have just brought to fruition the PAC-3.

So there are successes, and we should commend them for their enormous technological capability, their perseverance and ability that brought us this far. I hope that this sort of bipartisan occasion today is an example of how we can treat ballistic missile defense in the future. It has been a political totem, frankly. I would like to see it treated like any other weapons system, the F-22, the C-17, you name it. If it meets the mettle, we go forward with it; but it if it does not, it should be held to the same standards, truly with the same sort of rational examination and expectation we would any military system.

Mr. Speaker, I reserve the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, leaders of China and Russia have just kissed, signed an agreement, and referred to Uncle Sam as an imperialist. China got our secrets from spies and from buying, with the help of Janet Reno. Russia got them from the FBI and Robert Hanssen. All of our enemies know our technology.

I was not an original supporter of the Star Wars initiative, but I am now. America cannot be defended by the neighborhood crime watch. When they took our spy plane, I do not know what the big crisis was; China made everything that was in it.

We have got a tremendous problem on our hands, and the only way to protect the American people is to continue with our technology buildup to provide a reasonable shield.

This test, and I commend all of those involved, gives us hope for the beginning of an initiative started by former President Reagan, and I commend him here today. He had the vision and the foresight to see that America would be challenged by maybe even rogue nations with nuclear capability that was illegally gained from America.

Beam me up here.

I want to join the gentleman from California (Mr. HUNTER) in saluting all of those involved, and recommend to the Congress of the United States that we go forward and continue to fund this initiative. Our number one priority is national security, and we should get that job done.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman from South Carolina for yielding me time.

Mr. Speaker, apparently I am the only person who is going to come out here and raise a question. Everybody who has watched the military industrial complex develop weapons systems must be amazed that the day after something happens in the Pacific, we run out on the floor in this virtual reality Congress to make a PR event, which will be in the newspapers, as though we have succeeded. Now we must put out $60 billion or $100 billion.

If you listen carefully to the words of the gentleman from South Carolina (Mr. SPRATT), this thing has failed over and over again. This is only the second time out of four, in a system where you put the problem out there and you have the answer, and you shoot at it, and two out of four times you have missed.

Now, how can anybody be excited about a system like that? If I know what the pitcher is going to throw and I stand here, I am going to hit it. Everybody knows that. That is why they hide the pitcher's signals between the catcher's legs. They do not want people to know at bat what the pitcher is going to throw. But here we have this system, right here and right here, and twice we missed it; and we are out here congratulating.

I do not say anything about the employees. Boeing has worked on all kinds of these programs, but we never came out and congratulated them the first time they succeeded. This is simply to build up a momentum in this society for a system which, as the gentleman from Ohio (Mr. TRAFICANT) says, is driving the Chinese and the Russians together.

To put this system up, we have to tear up the ABM treaty. The Russians have said do not do it; it has kept peace for 50 years. The Chinese have said do not do it.

□ 1115

Why are we out here whipping up the public to believe this is a good idea?

I am going to vote against the resolution; not against the people, but against the purpose of it.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

I think one aspect of this resolution that the gentleman from South Carolina (Mr. SPRATT) and I have coauthored is that it does not speak to the politics of missile defense or the ABM Treaty or the relationship of the Soviet Union and the United States. What it does speak to is a technological challenge that we gave lots of people, many of whom make great sacrifices to work in the uniform of the United States or who go to work everyday in various places around this country, working either for the government or for private business, whether they are physicists or engineers or blue collar workers, working on a program that I would state again is monumental in its success.

Once again, both of these systems were going three times faster than a high-powered rifle bullet, and they collided 148 miles above the earth, some 4,800 miles off into the Pacific, an extraordinary thing. It is like having somebody stand in San Diego with a high-powered rifle shooting to the center of the country and somebody standing in New York doing the same thing, except the high-powered rifles really went three times as fast as an ordinary high-powered rifle, and having those little bullets collide in midair.

Now, I think that is an extraordinary thing. Indeed, it is something that a lot of critics of this system said was impossible: hitting a bullet with a bullet. But I think if we look at the resolution that the gentleman from South Carolina (Mr. SPRATT) and I have cosponsored, it does not say that this is the end of the line and that somehow we have now achieved absolute defense against incoming ballistic missiles.

What it does say, and I quote: "The House of Representatives understands that testing of ballistic missile defenses will involve many failures as well as successes in the future. The House of Representatives, nonetheless, commends the effort and ingenuity of those who worked so hard to make the test a success."

Mr. Speaker, when Billy Mitchell came back to the Coolidge administration in the 1920s, one of his messages was that we had entered the age of air power, whether Americans liked it or not. He recommended to a then Republican administration that they spend a lot of money developing air power. Well, we had a number of budget hawks who did not want to do that, and we did not do as much as we should have. As a result of that, we were not as ready as we should have been for World War II.

Well, today, Mr. Speaker, and particularly since the Gulf War when Americans were killed for the first time with ballistic missiles fired by Saddam Hussein, we realize that we live now not in the age of air power but in the age of missiles. When we look at the array of military systems across the board that we have, and the gentleman from South Carolina and I work on a daily basis with lots of other great Democrat and Republican members of the Committee on Armed Services, we know that we build systems to stop ships. We build systems to detect submarines. We build systems to handle tactical aircraft, fighter aircraft. We build systems to take down bombers. We build systems to handle and that can handle capably just about every type of offensive weapon that an enemy could throw at us, except one.

So the one question I have always asked the Secretary of Defense when he appears before myself and the other members of the Committee on Armed Services is: Could you today, could you today stop a single incoming ICBM, Intercontinental Ballistic Missile, coming into an American city? And the answer always is, whether it is a Democrat or Republican administration: No; today we cannot do that.

Well, that is what we are working toward, Democrats and Republicans, people in uniform and people out of uniform, is to achieve that capability.

I think that it is very important for us to understand, and the reason the gentleman from South Carolina (Mr. SPRATT) and I put this language in, acknowledging that there are going to be failures in this testing program as well as successes and the difficulty of this program. We are going to have decoys. That is, when the offensive missile puts its warhead, projects its warhead off of the booster system, it is going to have perhaps decoys that would attract the interceptor missile; and the interceptor missile would end up hitting decoys, not being able to discriminate between a decoy and a real warhead. We have to work that problem. We have to be able to handle that problem.

We are going to have, in some cases, perhaps evasive maneuvers. We are going to have lots of problems. We are going to have in some cases multiple shots; that is, a number of warheads coming in that we have to handle at one time. We may have to handle the effects of a nuclear burst at some point.

On the other hand, Mr. Speaker, the alternative is for us to do nothing. The old saying is, "You don't do anything until you can do everything, so you do nothing;" and I think that is an inappropriate position for the United States to take. If we do not try to build a defense and do not try to develop this interception capability, this will be the first time in this century that the United States has looked at a weapon, at an offensive weapon, and decided that they are not going to try to learn how to defend against it. I think that would be a mistake.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Let me just take a minute to comment on the legislative history of this resolution.

I first learned of this resolution when I got a call yesterday afternoon from the gentleman from California (Mr. HUNTER) on the golf course. He had his staff busy at work on this, and he wanted to send me a copy of it. Over the evening, we proposed a number of changes to the preamble and to the resolving clause. The gentleman from California (Mr. HUNTER), to his credit, acknowledged our purpose, which was to confine this resolution to the purpose at hand; that is, commending those who have accomplished what is a daunting feat. It is done every day, but this is a particularly daunting feat. It was a big challenge. So we want to send them a message of commendation. We took out references as to how much we should infer or read from this particular success as to whether or not we would one day have a big missile field over the country so that those who disagree could at least send a word of commendation to the people who have so ably pulled off this test.

Mr. Speaker, I commend the gentleman from California (Mr. HUNTER) for working with me, but I want to say to my side that this is a much pared-back resolution which we resolved through genuine compromise and I agreed to cosponsor about 1 minute before this debate began.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, that was a good decision, I might say to the gentleman.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Although I am proud of the men and women in our military service and those working for defense contractors who were part of this success, I have to rise in opposition to the resolution for several reasons, first, in terms of process. As the gentleman from South Carolina said, this resolution was never considered by the Committee on Armed Services. It was just brought to the attention of the minority yesterday at 5 o'clock. There was no consultation with the minority until then. I think many Members really do not have a grip on the implications of what it is we are voting on.

Second, precedent. This resolution commends the U.S. military personnel and contractors for the apparently successful national missile defense tests of last Saturday. BMDO says it will conduct 10 more tests in the next year. So do we pass a resolution each time it hits? Should we pass a resolution each time it misses? Because there are some Members who would want to do that, although I am not one of them. Would the majority support their right to offer such a resolution? What kind of precedent are we setting? Will we feel compelled to vote every time a major weapons system passes a milestone? The F-22, for example. Why not pass a resolution every time a community gets a COPS grant or a housing grant?

My third objection is substance. General Kadish, in the post-test briefing, cautioned that scientists could need months to finish analyzing the test results: "We do not know for certain that every objective was met," he said. "In all probability, some of them were not." I believe it is irresponsible to put the House on record before there has been a full analysis.

Now, the gentleman from Pennsylvania (Mr. WELDON) on the Republican side, who has worked on this issue for years, and I do not see eye to eye on missile defense very much, but together we sent a "Dear Colleague" last week urging Members not to rush to judgment on the test results, positive or negative. We quoted General Kadish: "I do not believe it is helpful to overplay our successes or failures." This resolution runs counter to the spirit of his plea. It is not productive. When the gentleman from Pennsylvania (Mr. WELDON) and I can actually agree on something related to missile defense, we hope a few other Members will listen.

Finally, politics. This resolution will not help solve NMD's technological problems. It will not resolve the ABM Treaty issues. It will not get us to deployment any faster. In my opinion, it serves no purpose other than a political one. The best thing we could do for national missile defense is to reduce the political and idealogical motivation and focus on the technology, on the strategic and security issues.

For those reasons, I believe this resolution is ill-advised and should be withdrawn or defeated.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Let me just remind my colleague who just spoke that there are a couple of things that General Kadish did agree on with respect to the test. First, the intercept was made. The interceptor missile, traveling three times the speed of a high-powered rifle bullet, fired from Kwajalein Island did intercept a target missile coming from Vandenburg that also was going three times the speed of a high-powered rifle bullet. Literally, a bullet hit a bullet 138 miles above the earth in the mid-Pacific. That is a fact.

It is true that we monitored this test with a lot of technology, that it is an in-depth test. There is a lot of analysis going on right now, and we are going to see how much information we harvest from this. But I would just tell my friend that I went on record before this test happened saying that I was going to support the continued funding of this program, whether it succeeded or failed, because I believe that this is an important national priority. That is my position.

But, nonetheless, if the gentleman looks at the enormity of American effort that went into this test, over 35,000 people in the uniformed services and out participating; and if this was a space shot, if this was an exploratory shot into space involving the Challenger or some other aspect of what I would call domestic space exploration, this test would have been given great publicity and great kudos by the media and the United States. I would remind my colleagues, these folks in the uniformed services who work on missile defense work just as hard, put in just as many hours and are just as ingenious as the folks that work on domestic space exploration.

I thought it was absolutely fitting, and I still do, to give them recognition. We have made it very clear. We say that there are going to be lots of failures as well as successes, and we understand that. This is not an attempt to change the ABM Treaty. It is an attempt to acknowledge the American genius that played itself out on Saturday night.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank my colleagues for bringing this very important resolution to the floor.

I think about what I have heard this morning, and it occurs to me that some things that we debate here are not very clear, but others are quite clear. National security is spoken of in the Constitution as one of our primary responsibilities.

I do not really see this as a political or as a public relations issue. It is a philosophical issue. The gentleman from California (Mr. HUNTER) and others and myself believe that strong national security, the protection of our families and our country against foreign aggression with missiles is very important to our future. This was a milestone. A technically very difficult assignment was met. It was successful, and we are moving in the right direction.

In this day and age, when philosophies clash here, I think it is important to set the record straight: This is about sound science; this is not science fiction. We have the ability to produce this protective system. It can be done only by continued effort to protect this country and future generations. And I applaud the gentleman from California (Mr. HUNTER), I applaud our men and women in uniform, and I think it behooves us to continue to support this resolution and to make sure that this country, both space and space inside and outside, are protected. I think this resolution is very timely.

□ 1130

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I sent a letter to Secretary Rumsfeld today which cites reports that certain modifications were made to the test vehicle and warhead to greatly increase the likelihood of success.

In the letter, I state that Congress must know which modifications were made, how they contributed to the success, and the likelihood that such modifications could be used in a real engagement of the missile defense system.

I asked if the kill vehicle or dummy warhead employed a GPS, global positioning system, and if so, at what stages was the GPS system used.

I asked, did the kill vehicle or dummy warhead employ a C-band radar system, and if so, at what stages was the C-band radar system used.

I asked, did either the GPS system or C-band radar system communicate with or reveal any information to the Target Object Map.

I asked if the software modifications to the tracking computer or infrared tracking system provided information to the kill vehicle not normally available in a real-life scenario.

I think before Congress acts on such a resolution, it would be nice to get an answer to some of these questions. Otherwise, what we have is a situation here where we are into a dark fantasyland, where the threat of a nuclear strike against the United States is being exaggerated or it is nonexistent.

Our task as Nation and as a world should be to get rid of existing nuclear arms, to stop nuclear proliferation to new countries, to deal with arms control and arms elimination.

We have people who are actually predicting nuclear war in the future. We are back to the days of the Cold War. We have a responsibility to work for peace, not through nuclear proliferation, not through nuclear rearmament, not through building bigger and better missile systems or systems which defeat the ABM treaty or the nonproliferation treaty, but through the painstaking work, the daily work of diplomacy, of human relations, of seeking cooperation between nations.

It is fascinating that we have technology to restart the arms race, that we have technology which violates the nonproliferation treaty, that we have technology which violates the ABM treaty. But it would be even more fascinating if we used this opportunity to start a new dawn of peace where we get rid of nuclear weapons once and for all.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, today we are debating a resolution commending defense contractors and the military for the ballistic missile defense test of July 14, 2001. This test, not the personnel, mind you, but this test, is really something to condemn, not to commend.

The defense industry and the Pentagon have now passed their half-scaled-down, simplified test. This is really nothing to celebrate. When our schools have that failure rate, the President wants to close them down. The military-industrial complex is apparently held to a much lower standard.

More fundamentally, this test moves us ever closer to violating the anti-ballistic missile treaty. We signed and ratified the ABM because we recognize that missile defense systems could destabilize more than they could protect.

We cannot go back on our word and abandon this treaty. Peace is really our national security. We cannot be a nation that approaches nonproliferation while really practicing escalation, and that is what this test has taken us down the road to. Instead of leading the way towards responsible disarmament, we are unraveling arms control agreements.

We must be a nation that decides where we really want to go. Do we want to go down a path to a new arms race, or forward to a real post-Cold War peace?

Attempts to build a national missile defense system are really not enhancing our national security, they are destabilizing the world, which I heard over and over again just 2 weeks ago from our European allies. Violating treaties does not make the world a safer place.

Congress should not be celebrating spending billions and billions of dollars on national missile defense. We should be standing by our treaty agreements, we should be working to end nuclear proliferation, and we should be spending that money on vital national needs, such as health care, education, and housing.

Yes, there are dangers in the world, but missile defense systems will spark new arms races, nuclear proliferation, violated treaties, and destabilizations, and also billions in spending. These are the fruits of missile defense. That is nothing to celebrate.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say that all Americans remember the fact that some 28 Americans were killed in Desert Storm by ballistic missiles. Those Americans who were killed by those incoming Scuds were not killed by tanks, they were not killed by machine gun fire, they were not killed by fighter attack aircraft, they were killed by ballistic missiles.

Those Scud missiles were going faster than a bullet, and we threw up some Patriot missiles, defending against those incoming Scuds. We got some, we missed some. There is a discrepancy as to how many we got and how many we missed. But at the end, when the smoke cleared, 28 Americans were dead and some 100 were wounded.

We have troops around the world, and at some point, and I think we have reached that point, we have to acknowledge that we are squarely in the age of missiles. Missiles will kill Americans in the future, I think we can predict that, unless we build defenses.

The idea that unless we build a perfect defense, we do not have any defense, does not make any sense. Certainly some of those young people who were in Saudi Arabia who were the targets of those Scud missile attacks did come home alive because some of those Patriot missiles that we had defending against the attacks did hit their targets, and some of those Scuds were knocked out of the sky before they could kill Americans.

We have slow missiles, the Scuds; we have medium-speed missiles, the missiles like the SS–20s; and we have very high-speed missiles, like the Minuteman missiles like the target we shot at over the Pacific.

It is very clear these tests are going to get tougher. They have to get tougher to replicate what we think will be operational conditions. We are going to have lots of misses in the future. But for us to not pursue this capability to defend our troops and our people in American cities would be disregarding our obligation as a Congress of the United States to preserve national security.

Mr. Speaker, I reserve the balance of my time.

Mr. SPRATT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on Saturday night, in the euphoria after the test, General Kadish warned against reading too much into this single test. He warned specifically that we have a long way to go before we have a system we can deploy.

I think, at this moment and in days ahead, we should bear his caution in mind and take his prudence to heart. This test shows that the technology for an operational system is within our reach, and that is good news. This was a daunting feat. That is why I support this commendation. But it is not yet within our grasp.

We should continue with this ground-based system, we should commend the people who were developing it, testing it. They are working hard, and they deserve our gratitude. But we should not fool ourselves. Challenges remain. This system should be held to the same standards as any other weapons system before we make the decision to deploy.

Mr. Speaker, I think it would probably be appropriate to quote Churchill after North Africa at this point, who was asked, "What does this signify?" He said "It is not the end. It is not even the beginning of the end. It is, perhaps, the beginning of the beginning."

Maybe we are a bit farther ahead than that, but that is where we stand. We should not get too carried away or euphoric about one single test. There are many more to come.

This resolution itself says we had better be prepared for failures, because they are likely to happen, particularly if the program does what we have asked it to do, and that is begin with the simple and move to the complex; add with each test more rigor, more difficulty, countermeasures, and other things. We are going to see failures before we have a system that we can judge.

One further point, and it is a critical point. This system, the ballistic missile system and all its components, is different from other weapons systems in the sense that it is affected and controlled by a treaty called the ABM treaty of 1972.

This treaty, some support it, some do not, but in any event, it is an integral part of our arms control relationship with the Soviet Union and today with Russia. It underlies START II, it makes possible START III, and we must be careful not to create a rupture with Russia over the provisions of the treaty. In anything we do, we should try to make it treaty compliant, or at least make it possible by a mutual amendment to the treaty.

If we deploy this system and create a rupture in our relationship with Russia, if we abrogate the ABM treaty and simply walk away from it defiantly, we can see the Russians, as they have threatened, pull out of START II, forego START III, and call an end to cooperative threat reduction, which has removed hundreds of warheads that were a menacing threat to us.

If we did that, if that was the end result, then the net result for our national security would be a greater threat and not a lesser threat as a result of deploying ballistic missile defense. Those sober words need to be borne in mind as we pass this celebratory resolution.

Mr. Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. Kucinich).

Mr. KUCINICH. I think we can all appreciate the work of all Federal employees who work in defense-related matters, but that is not really what this resolution's subtext is about. This is an attempt to approve a process which violates the ABM treaty and which, in its essence, will restart the arms race.

There is no reason for the United States and Russia and China to be engaged in a showdown over nuclear arms. We need to get rid of nuclear weapons, we need to enforce our arms treaties, and we need not to move forward with this Star Wars program which wastes taxpayer dollars and which diverts us from the necessary work of building a new peace in our world.

Mr. HUNTER. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding time to me.

I think it is interesting, the debate over this system, as to whether the science is there or not, because I recall a time 30 years ago when President Kennedy, with great courage, said, "We will put a man on the moon by the end of this decade," and we did not have any of that science, but we achieved it.

When this Nation can put itself behind a project, it will succeed.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to conclude this debate, we are saying to the men and women of the Armed Services, to the men and women of the Ballistic Missile Defense Organization, and all those folks in big and small businesses, the 35,000 people that made this test a success, good work. It was a job well done. Now let us roll up our sleeves and go on to the next challenge.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the gentleman from South Carolina (Mr. SPRATT) mentioned a golf course. The Republicans did beat the Democrats in the annual golf tournament yesterday, with the leadership of the gentleman from Ohio (Mr. OXLEY). I know he will be interested in that.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, House Resolution 195.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HUNTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

CONTINUING NATIONAL EMERGENCY WITH RESPECT TO SIERRA LEONE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-102)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sierra Leone that was declared in Executive Order 13194 of January 18, 2001.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 17, 2001.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately noon.

Accordingly (at 11 o'clock and 44 minutes a.m.), the House stood in recess until approximately noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at noon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in following order:

S. 360, by the yeas and nays;

H. Res. 195, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

HONORING PAUL D. COVERDELL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 360.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the Senate bill, S. 360, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 330, nays 61, answered "present" 11, not voting 31, as follows:

[Roll No. 229]

YEAS—330

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rangel
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Velázquez
Walden
Walsh
Wamp
Watson (CA)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—61

Abercrombie
Baldwin
Berkley
Brown (OH)
Capuano
Conyers
DeFazio
DeLauro
Doggett
Dooley
Eshoo
Farr
Fattah
Flake
Frank
Frost
Hastings (FL)
Hinchey
Honda
Jackson (IL)
Kennedy (MN)
Kennedy (RI)
Kerns
LaFalce
Lee
Levin
Lofgren
Luther
Markey
McCarthy (MO)
McCollum
McDermott
McGovern

Meehan
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Paul
Payne
Price (NC)
Rahall
Ramstad
Rivers
Royce
Sabo
Schaffer
Schakowsky
Sherman
Slaughter
Stark
Tancredo
Thompson (CA)
Tierney
Visclosky
Waxman
Wu

ANSWERED "PRESENT"—11

Barrett
Becerra
Bonior
Clayton
Hinojosa
Hoekstra
Jones (OH)
Menendez
Petri
Shays
Watt (NC)

NOT VOTING—31

Berman
Bishop
Bryant
Coyne
DeGette
Delahunt
Gephardt
Herger
Hostettler
Hutchinson
Jefferson
Kind (WI)
Kleczka
LaTourette
McInnis
Neal
Owens
Platts
Putnam
Reyes
Riley
Sanders
Sawyer
Scarborough
Schiff
Spence
Towns
Udall (CO)
Vitter
Waters
Watkins (OK)

☐ 1230

Mr. STARK, Mr. GEORGE MILLER of California, Ms. LEE, Ms. LOFGREN, Mr. WU, Mr. CAPUANO, Ms. BERKLEY, Mr. LUTHER, Ms. DELAURO, Mr. MEEHAN, Mr. MARKEY, Ms. ESHOO, Ms. MCCARTHY of Missouri, Messrs. KERNS, MORAN of Virginia, MCDERMOTT, THOMPSON of California, SHERMAN, DOOLEY of California, HASTINGS of Florida, KENNEDY of Minnesota, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Messrs. RAMSTAD, FROST, JACKSON of Illinois, and FATTAH changed their vote from "yea" to "nay."

Mr. STUPAK and Ms. ROYBAL-ALLARD changed their vote from "nay" to "yea."

Mr. PETRI, Mrs. CLAYTON, Mr. BONIOR, and Mr. WATT of North Carolina changed their vote from "yea" to "present."

Mr. GUTIERREZ changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

COMMENDING MILITARY AND DEFENSE CONTRACTOR PERSONNEL RESPONSIBLE FOR SUCCESSFUL BALLISTIC MISSILE TEST

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 195.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and agree to the resolution, H. Res. 195, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 77, answered "present" 6, not voting 29, as follows:

[Roll No. 230]

YEAS—321

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
McNulty
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Walden
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—77

Ackerman
Allen
Baird
Baldacci
Baldwin
Barrett
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Capuano
Cardin
Clay
Clayton
Clyburn
Conyers
Davis (IL)
Doggett
Eshoo
Farr
Filner
Frank
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Holt
Honda
Jackson (IL)
Jones (OH)
Kaptur
Kilpatrick
Kucinich
LaFalce
Larsen (WA)
Lee
Levin
Lewis (GA)
Luther
Markey
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Nadler
Neal
Oberstar
Olver
Pastor
Paul
Payne
Rangel
Rivers
Rush
Sabo
Sawyer
Schakowsky
Slaughter
Solis
Stark
Stupak
Thompson (CA)
Tierney
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Weiner
Woolsey
Wynn

ANSWERED "PRESENT"—6

Crowley
DeFazio
Dingell
Jackson-Lee (TX)
Obey
Pelosi

NOT VOTING—29

Berman
Bishop
Bryant
Burr
Coyne
DeGette
Delahunt
Gephardt
Harman
Herger
Hostettler
Israel
Jefferson
Kleczka
LaTourette
McInnis
Owens
Putnam
Reyes
Riley
Sanders
Scarborough
Schiff
Spence
Towns
Udall (CO)
Vitter
Waters
Watkins (OK)

☐ 1240

So, (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 189, I call up the joint resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 189, the joint resolution is considered read for amendment.

The text of House Joint Resolution 36 is as follows:

H.J. RES. 36

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein),

SECTION 1. CONSTITUTIONAL AMENDMENT.

The following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"The Congress shall have power to prohibit the physical desecration of the flag of the United States.".

The SPEAKER pro tempore. After two hours of debate on the joint resolution, it shall be in order to consider an amendment in the nature of a substitute, if offered by the gentleman from Michigan (Mr. CONYERS), or his designee, which shall be considered read and debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 1 hour of debate on the joint resolution.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 36.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, House Joint Resolution 36 proposes to amend the United States Constitution to allow Congress to prohibit the physical desecration of the flag of the United States. The proposed amendment reads, "The Congress shall have power to prohibit the physical desecration of the flag of the United States."

The amendment itself does not prohibit flag desecration; it merely empowers Congress to enact legislation to prohibit the physical desecration of the flag and establishes boundaries within which it may legislate.

The American flag serves as a unique symbol of the ideas upon which America was founded. It is a national asset that helps preserve our unity, our freedom, and our liberty as Americans. This symbol represents our country's many hard-won freedoms, paid for with the lives of thousands of young men and women. The American people want their elected representatives to protect this cherished symbol.

Prior to the Supreme Court's ruling in 1989 in Texas v. Johnson, 48 States and the Federal Government had laws prohibiting desecration of the flag. Since that ruling, however, neither the States nor the Federal Government have been able to prohibit its desecration. In Johnson, the court, by a 5 to 4 vote, held that burning an American flag as part of a political demonstration was expressive conduct protected by the first amendment.

In response to Johnson, Congress overwhelmingly passed the Flag Protection Act of 1989, which amended the Federal flag statute to focus exclusively on the conduct of the actor, irrespective of any expressive message he or she might be intending to convey.

In 1990, the Supreme Court, in another 5 to 4 ruling, in U.S. v. Eichman, struck down that act as an infringement of expressive conduct protected by the first amendment, despite having also concluded that the statute was content-neutral. According to the Court, the Government's desire to protect the flag "is implicated only when the person's treatment of the flag communicates a message to others." Therefore, any flag desecration statute, by definition, will be related to the suppression of free speech, and, thus, run afoul of the first amendment.

Prohibiting physical desecration of the American flag is not inconsistent with first amendment principles. Until the Johnson and Eichman cases, punishing flag desecration had been viewed as compatible with both the letter and spirit of the first amendment, and both Thomas Jefferson and James Madison strongly supported government actions to prohibit flag desecration.

The first amendment does not grant individuals an unlimited right to engage in any form of desired conduct. Urinating in public or parading through the streets naked may both be done by a person hoping to communicate a message; yet both are examples of illegal conduct during which political debate or a robust exchange occurs.

□ 1245

As a result of the Court's misguided conclusions in Johnson and Eichman, however, flag desecration, or what Justice Rehnquist described as a "grunt," now receives first amendment protection similar to that of the pure political speech that the first amendment speech clause was created to enhance.

In the years since the Johnson and Eichman rulings were handed down, 49 States have passed resolutions calling upon Congress to pass a constitutional amendment to protect the flag and send it back to the States for ratification. Although a constitutional amendment should only be approached after much reflection, the Supreme Court's conclusions in Johnson and Eichman have left the American people with no other alternative but to amend the Constitution to provide Congress the authority to prohibit the physical desecration of the American flag.

In a compelling dissent from the Johnson majority's conclusion, Chief Justice Rehnquist, joined by Justices O'Connor and White stated: "The American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas. Millions and millions of Americans regard it with almost mystical reverence, regardless of what sort of social, political, or philosophical beliefs they may have."

Mr. Speaker, this proposed amendment is bipartisan legislation supported by Americans from all walks of life because they know the importance of this cherished national symbol. I urge my colleagues to support this important constitutional amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if one does not have much to do today, this is a great way to spend the afternoon, discussing for the fifth time whether the Congress should amend the Constitution with reference to flag desecration. Now, the answer has been "no" all of these other times. So I ask the House rhetorically, why does not the other body take this measure up first, for once, instead of us? Is there some protocol not known to the ranking member of the committee? There are many other things that could be done in the interest of furthering the democratic spirit of the United States.

Now, on behalf of everybody in the House, I would like to be the first to assert the boilerplate language so that my colleagues will not all have to repeat it again. I deplore desecration of the flag in any form, but I am strongly opposed to this resolution because it goes against the ideals and elevates a symbol of freedom over freedom itself.

I would like unanimous consent to say that for everybody that is going to want to say that, to make sure that everybody understands that those who oppose this measure are patriotic and are not by implication, direct or otherwise, supporting any kind of desecration of the flag. We do not do that. That is not what we are here for.

So that leaves two other points to be made, the same ones made before. The first is Justice Oliver Wendell Holmes. This is 1929: "The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate." Okay, got that? All right. That is five times in my career that we go through this.

Then the final point that should be made is that, in 1989, the Supreme Court said that all the State laws in the country banning flag-burning and making it illegal are themselves illegal. Then the Congress tried to do it. And the Supreme Court, not the most progressive part of the Federal system, said, no, you cannot do it, Congress.

And now, for the fifth time, we do not even agree on it ourselves. We do not want to do it. Basically, the legislative body of the United States of America does not want to make an amendment to our Constitution appropriate to accomplish what State laws tried and what Justice Oliver Wendell Holmes talked about, and many others.

In effect, what we are trying to do is not to punish those who feel differently about these matters. The better course is to persuade them that they are wrong. We can imagine no more appropriate response to burning a flag than waving our own flag; no way to counter a flag-burner's message than by saluting the flag. We do not consecrate the flag by punishing its desecration because, in doing so, we dilute the freedom that this cherished emblem represents.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the principal author of this very important resolution.

Mr. CUNNINGHAM. Mr. Speaker, I do not believe that the primary threat to our country comes from a bomb, or hostile nation. I do believe that the threat to this Nation comes from within, from those that would taint the values of this country of religion and our beliefs and our flag. Mr. Speaker, 23 nations, 23 civilizations have been destroyed from within for this very type and form of demagoguery; degradation of values.

Mr. Speaker, this is not political to us that support the flag. I have lists here of every single ethnic group in the United States, gender groups, children, senior citizens that support the amendment.

The other side just stated, there is not much to do today, if one wants to listen to this, to trivialize the event. To us, to every single veterans' group, to 80 percent of the American people, 49 States that had laws on the books was overruled of 200 years of history, 200 years of tradition, by a one-vote margin in our courts. Is it wrong because nine people in a 5 to 4 decision decided otherwise? Yes. That is why we are here today. We believe that it is wrong.

It is not hard to make this decision when one knows what their values are, and one cannot rule by "but." People say, well, I deplore the burning of the American flag, but. It is not hard to make the decision when one knows their values and what they are by deed heart; mind.

I have in this folder literally hundreds of letters from third graders, from fourth graders, from fifth graders about what the flag means to them. This is more than just a piece of cloth. It is something that our children, our grandchildren, our grandparents have thought and talk about what it means to them. To watch somebody burn the American flag represents a destruction of those values, of those ideas and of those thoughts. That is why we are opposed to it.

I was witness to a young Hispanic that was protesting proposition 187. He was opposed to the proposition. But in his midst, there was a group of Hispanics that turned to burn the American flag. This young Hispanic grabbed the flag and protected it and was beaten by the group that was burning the American flag.

If we take a look at our Nation, every ethnic group stood behind this flag, every veterans' group. Mr. Speaker, 372 Members of this body, 372, voted for this amendment, and it will pass today. But yet, there is a group out there that would fight against it.

Mr. Speaker, if one has nothing more to do, watch us today? I hear that in disgust.

Mr. Speaker, as an example of what the flag means, I was overseas and there was a friend of mine that was a prisoner of war for 7 years. It took him 5 years to knit an American flag on the inside of his shirt, and he would share that flag with his comrades until the Vietnamese guards broke in, and they saw the POW without his shirt. They ripped the flag to pieces, and they threw it on the ground. They took him out, and they beat this POW for hours, and they brought him back, unconscious to the point where his comrades thought that he was not going to survive. His comrades comforted him as much as they could, and they went about their work. A few moments later, they saw this broken, bodied POW crawl to the center of the floor and watched him as he started gathering those bits of thread to knit another flag.

Mr. Speaker, we are not here just to waste time. This is what this country stands for, its flag, whether it is the right to be able to say a prayer, to honor our flag, or to honor our traditions.

Mr. CONYERS. Mr. Speaker, I hope that my distinguished friend from California, I hope that his moving plea is taken over to the other body, which every year turns back this work.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the distinguished ranking member of the subcommittee.

☐ 1300

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would say to my esteemed and honorable friend, the gentleman from California (Mr. CUNNINGHAM), his cause is extremely noble. I honor him as I honor those who have served in the United States military and those who sit as Americans with the privilege and freedom of pledging allegiance to the flag of the United States, a nation representing the freest persons in the world.

Humbly I say in debate that I love America and I love the flag. I come from a generation that required the pledge of allegiance every single morning, and through the process of the Committee on the Judiciary, I have come to understand the value of the Constitution of the United States and the privileges that are given.

Might I say that I also stand here as an American who did not come to this Nation free. I realize the importance of changing laws, for this Constitution declared me as three-fifths of a person, and the early history of this flag had slavery.

In spite of all of that, in a tumultuous civil rights movement, I can frankly say, I love America. But I am warned and cautious about what America stands for. I believe that America stands for freedom of expression, freedom of choices, freedom of the ability to express one's religion, and, as well, to express one's opposition.

In the last 20 years, I do not think any one of us could count a time that we have seen a flag-burning. I would simply say that the very moving story of my colleague suggested that, in fact, there might be question as to whether or not desecrating a flag includes sewing it into one's pocket.

This Constitution and the symbol of the flag represents who we are as a nation. The flag is a symbol. This legislation which would require, an amendment to the Constitution of the United States counter what our Constitution stands for. If we just think about it, it counters what the flag stands for freedom and justice.

Let me read very briefly the words of a veteran, a constituent of mine who writes to urge us to oppose House Joint Resolution 36, the proposed constitutional amendment to outlaw desecration of the United States flag.

He agrees with other veterans, such as General Colin Powell and Senator John Glenn, that ". . . such legislation is an unnecessary intrusion and a threat to the rights and liberties I chose to defend during my military service. Those who favor the proposed amendment say they do so in honor of the flag, but in proposing to unravel the first amendment, they desecrate what the flag represents and what I swore to defend and risked dying for when I took my military oath of office, the Constitution and the principles of liberty and freedom."

Mr. Speaker, that is why I am here on the floor of the House, not to desecrate the flag or disrespect it, but to defend the principles of liberty and freedom. Do we need language to tell us how cherished and precious our flag is? Do we need to deny someone else their right to the opposition?

I am reminded of the tenets of Christianity. It is not by the word we speak, but by our deeds. And if, in fact, our deeds are honoring the flag of the United States, then it will counter those deeds of someone else who we believe dishonors that flag, because we have the right to express our freedom and our beliefs, and they likewise have the right to express theirs.

I call upon this Congress, though I know this House has repeatedly voted three or four times on this particular resolution and it has not prevailed, but the Supreme Court, with which I have agreed and disagreed, twice has said the rules to eliminate the desecration of the symbol of the flag take away the rights under this Constitution and the principles we hold so dear.

I would much rather defend, if I was given the privilege, the gentleman's right to speak in opposition to me, as opposed to upholding a cloth which I believe stands brightly and boldly on its own without intrusion by legislation which denies the privilege of the rights of freedom and dignity.

I submit for the RECORD the letter to which I referred earlier, as follows:

HOUSTON, TX,
June 6, 2001.

Hon. SHEILA JACKSON LEE,
Cannon House Office Building, House of Representatives, Washington, DC.

REPRESENTATIVE JACKSON LEE: As your constituent, I strongly urge you to oppose HJ Res. 36/SJ Res. 7, the proposed constitutional amendment to outlaw desecration of the United States flag. I agree with other veterans such as General Colin Powell and Senator John Glenn that such legislation is an unnecessary intrusion and a threat to the rights and liberties I chose to defend during my military service. Those who favor the proposed amendment say they do so in honor of the flag. But in proposing to unravel the First Amendment, they desecrate what the flag represents, and what I swore to defend—and risked dying for—when I took my military oath of office: the Constitution and its principles of liberty and freedom.

While flag burning is rare, it can be a powerful and important form of speech. As a patriotic American, I may be deeply troubled by the content of this political speech.

However, it is a far worse crime against this country and dishonors veterans that Congress annually attempts to take away our right to freedom of expression.

Again, I urge you to oppose HJ Res. 36/SJ Res. 7. Of the gallant Americans who fought and died in the service of our country within the last 200 years, I tell you this: They did not die defending the flag. They died defending our freedom and the ideals upon which our country was founded. Don't cheapen their sacrifice by supporting this misguided amendment.

I look forward to hearing your thoughts on this proposed constitutional amendment.

Respectfully,

CHARLES A. SPAIN, Jr.

Mr. Speaker, I rise, once again, in opposition to this amendment to the Constitution to prohibit physical desecration of the flag of the United States because it is unnecessary and is a flagrant chilling of free speech protected by the First Amendment.

Supporters of this constitutional amendment are responding to the 1989 and 1990 Supreme Court decisions that struck down state and federal statutes that barred flag desecration on constitutional grounds that they chilled our First Amendment right to free speech and expression. The Court was right then, and we should follow its example today.

Mr. Speaker, make no mistake about it: this amendment compromises the Bill of Rights, which is fundamental to our freedom of speech and expression. These are, perhaps, our most basic tenets and pillars of our American democratic system.

In *West Virginia Board of Education* v. *Barnette,* 319 U.S. 624 (1943), esteemed Justice Jackson wrote the following warning for those in government who would seek to force their thoughts upon the citizenry: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein." Id., at 642. The resolution on the floor today amends the Bill of Rights for the first time in 210 years, and would set a dangerous precedent by opening the floodgates for the restructuring of our democracy by eroding the basic tenets of freedom and liberty that define our Nation.

Furthermore, this amendment would open the door to excessive litigation because the wording is vague on its face. For example, the amendment fails to define "flag" and "desecration" which are at the very heart of the amendment. These alone are reason enough to strike down the amendment on vagueness grounds.

Supporters of this amendment to constrain speech and dissent based on its content have read *United States* v. *Eichman,* 496 U.S. 310 (1990), as meaning that sweepingly general language is somehow less of an affront to free speech than specific prohibitions like those in the repealed "Flag Protection Act of 1989." The opposite is true: the amendment is overbroad, giving Congress the power to criminalize political and expressive acts of speech and expression that fall short of flag burning. Thus, the amendment we discuss today will result in a sweeping abridgment of the whole Bill of Rights. This body cannot be responsible for such a reckless act.

Mr. Speaker, I believe that our flag is a symbol of our freedom, our liberty, and our system of justice. I personally find flag burning and desecration to be offensive and disgraceful. But I stand with the Supreme Court in my belief such conduct falls within the scope of the First Amendment, the lynchpin of our democracy. So while it hurts to watch a few individuals who publicly desecrate our flag, the fact that we allow such speech is what makes us free and what makes us great as a nation.

If we are truly concerned about honoring the flag and the millions of Americans who have fought under it for the freedom that it represents, we must, above all else, protect the Constitution and the Bill of Rights, and oppose such efforts to diminish the historical precedent that they represent. As one of our nation's greatest patriots, Colin Powell, recently stated about this amendment, "I would not amend that great shield of democracy to hammer a few miscreants. The flag will be flying proudly long after they have slunk away."

Mr. Speaker, our flag is a symbol of our freedom, not freedom itself. I encourage my colleagues to avoid the unwise path of unnecessarily amending the Constitution, and I urge them to vote "no" on H.J. Res. 36.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership in pushing for this amendment to be argued and debated today on the floor of the House.

I also want to thank the principal sponsor of this constitutional amendment, the gentleman from California (Mr. CUNNINGHAM), who spoke with such emotion and so eloquently just a few moments ago. No one is more qualified in actually putting his life on the line for his country than the gentleman from California (Mr. CUNNINGHAM). I want to thank him for that.

The flag is the most powerful symbol of the ideals upon which America was founded. It is a national asset that helps to protect and preserve our unity, our freedom, and our liberty as Americans.

As our country has grown and welcomed those from diverse religious and cultural backgrounds, the flag's power to unify our Nation has become even more evident, bringing together all Americans, young and old, to champion those principles upon which this country was built, principles for which our servicemen and women have fought and died, and principles that have moved so many individuals throughout history to leave their homes and families and travel to America to build a new life. A symbol that binds a nation together, as our flag does, already fulfills a unique role in our democratic process.

Since 1994, however, there have been at least 86 reported incidences of flag desecration. These incidences have occurred in 29 States. They have occurred here in the District of Columbia. They have occurred in Puerto Rico. Since the U.S. Supreme Court ruled in Texas v. Johnson that burning an American flag as part of a political demonstration was expressive conduct protected by the first amendment to the United States Constitution, the States have been powerless to prevent the physical desecration of this most valued symbol.

In response to Johnson in September, 1989, Congress overwhelmingly passed the Flag Protection Act of 1989, which amended the Federal Flag Statute to focus exclusively on the conduct of the act, irrespective of any expressive message he or she might be intending to convey.

Later that year, however, in another five to four ruling in the U.S. Supreme Court, United States v. Eichman, they struck down that act as an infringement of expressive conduct protected by the first amendment.

Because of the Johnson and Eichman decisions, the only remedy left to Congress to protect the flag from acts of desecration is a constitutional amendment. Many would argue that we should not amend the Constitution for this purpose. This is the only way that we can protect the flag.

The amendment before the House would restore to Congress the authority to prohibit the physical desecration of the flag. The amendment, as the chairman stated, itself does not prohibit flag desecration. It merely empowers Congress to enact legislation to prohibit the physical desecration of the flag, and establishes boundaries within which it may legislate. Work on a statute will come at a later date, after the amendment is ratified by three-fourths of the States.

Vigilant protection of freedom of speech and, in particular, political speech is central to our political system. Until the Johnson and Eichman cases, however, punishing flag desecration had been viewed as compatible with both the letter and the spirit of the first amendment.

The first amendment freedoms do not extend and should not be extended to grant an individual an unlimited right to engage in any form of desired conduct under the cloak of free expression. Both State and Federal criminal codes are full of examples of conduct that is prohibited in our country, regardless of whether it is cloaked in the first amendment.

Furthermore, obscenity laws, libel and slander laws, copyright laws, and even perjury laws, they all reflect the fact that some forms of expression and sometimes even the content of that expression may be regulated and even prohibited without violating the first amendment.

We cannot burn our draft cards. We cannot burn money. There are many acts we cannot perform. The flag protection amendment simply reflects society's interest in maintaining the flag as a national symbol by protecting it from acts of physical desecration. It will not interfere with an individual's ability to express his or her ideas, whatever they may be, by any other means.

This amendment has been approved by this Chamber twice and enjoys the support of a supermajority of the House of Representatives. It is supported by a majority of the United States Senators and 49 out of 50 State legislatures, which have passed resolutions calling on Congress to pass the amendment and send it back to the States for ratification.

Perhaps, most importantly, the amendment is supported by an overwhelming majority of the American people. It is time for Congress to answer their calls to preserve and protect the one symbol that embodies all that our Nation represents.

For the veterans who risked their lives for our country and our freedoms, for our children who view our flag with admiration and devotion, and for every American who believes that our flag deserves protection, I urge my colleagues to support this important amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), an able member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I think all of us have had this experience walking into the Capitol, especially at night when we are in session, and we see our beautiful American flag flying over the Capitol of the freest country in the world, and it is so moving it is almost hard to keep walking by.

I think no matter where one comes down on this amendment, there is not a single Member of Congress who thinks it is good or right to deface or in any way dishonor the flag of the United States. If we felt that, we would not be elected to Congress. We would not be here serving the Nation in the freest legislative body in the world.

Every day, we start our legislative session with these words: "I pledge allegiance to the flag of the United States of America and to the Republic, for which it stands, one Nation, under God, with liberty and justice for all."

The flag stands for something. It stands for the freest country in the world. Our country is free for a lot of reasons. It is free because brave men and women went out and heard the call to protect us, to take up arms, and to protect us over the decades and centuries when our country was attacked by those who would not allow us to have our freedom.

But we are also free because we live under the rule of law. One of the most important aspects of that is the first amendment. Let me just refresh our memory on what the first amendment says.

It says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or of the right of the people peaceably to assemble and to petition the government for a redress of grievances."

The Supreme Court, which has been the interpreter of our Constitution since the beginning of our Republic, has said that destruction or wrongdoing towards our flag is protected by the first amendment. These are not liberal, wild-eyed justices, but Justice Scalia, probably the most conservative member of the Supreme Court, signed the opinion saying that flag-burning is protected by the first amendment.

All of us, when we became Members of this body, took an oath of office. We said: "I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and in this case domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office in which I am about to enter," and then we say, "so help me God."

I am not going to turn my back on the Constitution today.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, the Old Glory Condom Corporation lost the decision. They were not allowed to sell red, white, and blue condoms, so they appealed. They said their red, white, and blue condoms were a patriotic symbol, and, yes, Members guessed it, the U.S. Trademark Office of Appeals agreed. The panel said the Old Glory condom is not unconstitutional. One can wear it.

If that is not enough to constipate our veterans, two men from Columbus, Ohio, were recently charged with burning a gay pride flag during a parade. Think about it. It is illegal to burn leaves and trash in America. It is illegal to damage a mailbox. Now it is illegal to burn a gay pride flag. And it is completely legal and patriotic to wear a red, white, and blue condom.

Beam me up, Mr. Speaker. I think if American citizens want to make a political statement, they should burn their brassieres, burn their boxer shorts, but leave Old Glory alone, period.

I support this resolution. It is about time. A people that do not honor and respect their flag do not honor and respect their neighbors nor their country. This is more than about a flag. The gentlewoman from California is right, we pledge allegiance to the flag and to the Nation for which the flag stands; the flag, which our veterans carried in the war, those who were shot down, only to have it picked up by somebody else, surely to be shot down again. It should not be treated like an Old Glory condom.

□ 1315

I also urge this House to take up H.R. 2242 that would make June 14, Flag Day, a national holiday. I think the flag should be set apart, and it is certainly not going to violate anybody's first amendment rights to do so.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK. Mr. Speaker, the remarks of the gentleman from Ohio give us a chance to deal with the common misapprehension and misunderstanding that somehow we have more rights to burn a flag than we have to burn other things. That simply is not true; and indeed, presumably the person who burned a gay pride flag had burned someone else's gay pride flag. It is entirely legal, I am sure, for someone to burn their own gay pride flag. It is not legal to burn someone else's flag. If, in fact, we burn someone else's American flag, we are guilty of theft, destruction of property, vandalism; and that, of course, can be punished.

We had an incident described where someone disrupted the funeral of a man who had been shot by a police officer and burned a flag. That was a violation of law on many counts. So we are not here advocating a policy whereby we can burn a flag when we cannot burn anything else. Yes, there are many cities and States and communities that have laws against burning in certain seasons. No, the flag is not an exemption to that. So let us put that to rest. It is not a case where we have more protection to burn other things. Any law against vandalism, disturbing the peace, theft, destruction of someone else's property, that applies whether it is a flag or anything else.

What we are opposed to, those who oppose this amendment, is the notion that because some people seek to express views that almost all of us find terribly obnoxious, in the most offensive possible way, namely, by burning a flag, that we should make it illegal. And here is why: first, this takes what I would have thought was a very unconservative position. It takes a very expansive view of government. What it says is, that which the Government does not prohibit it condones.

We are told that if we do not make it illegal for people to burn the flag, we are somehow allowing that and maybe even showing it is okay. No, I hope we live in a society in which we make laws to protect people from being interfered with by others; but we do not take the view that whatever the Government does not outlaw, it is somehow condoning. That is an extraordinarily expansive view of government that would erode liberty. So we ought to be clear that the absence of a law that says something is illegal is in no sense an approval of it.

People who say, yes, but still this is so offensive, burning a flag, desecrating a flag to express oneself, that we have to make it illegal. Okay, this is then the theory. The theory is that if we do not make it illegal to destroy or desecrate a particular symbol, we are devaluing that symbol. The problem with that is that it does not go far enough. The flag is a very dear symbol to many Americans; perhaps to most it is the most important symbol. But are there not people in this society who we admire because they think some other symbol is more important? What about religious symbols? Must people be told in their hierarchy of symbolic value that State comes above church; that the embodiment of the Government somehow is entitled to more protection than the embodiment of their religious faith?

The Supreme Court did not just say we could burn a flag; it said also that we could burn a cross. There was a Supreme Court decision in which a conviction was overturned of someone who burned a cross. Now, once again, it had better have been his cross on his property. We cannot go burning someone else's cross. But the Supreme Court said the symbolic act of burning a cross is constitutionally protected.

What we will do today if we ratify this amendment, or send it for ratification, is to say we will protect the American flag but not the cross. Because once we have put forward the principle that, if the Government thinks something is terrible it should outlaw it, then what do we say to people who think it is terrible to burn a cross? The cross is a symbol of a powerful religion, a religion that has, undoubtedly, had more impact on humanity than any other; and people who burn it are turning this profound religious symbol of all of man's best instincts, of man's tribute to the best in the universe, people are turning it into a symbol of racism, because the burning of the cross has become associated with racism.

Now, the Supreme Court said that is okay. Do those of us who support that decision think it is okay? No, we think it is despicable. But we think it is a mark of a free society that despicable people are allowed to express themselves in despicable ways, as long as they have not taken anybody else's property or otherwise injured anybody. We do not simply punish expression. But for those who want to ratify this amendment, do we now get an amendment that overturns the decision that says it is okay to burn a cross? Or do we say that we, the Government of the United States, protect the flag because that is a symbol of our Nationhood, but the cross, that symbol of some of the most profound values human beings are capable of conceiving, it is okay to burn that? It is not only okay to burn that, it is okay to take that wonderful symbol and turn it into a reminder of the worst aspect of American history: racism.

So that is what we are dealing with today. We have a choice of saying that we will continue the situation in which we believe in limited government, in which government intervenes when one individual's rights are threatened by another, in which we protect private property and we prevent disruption of the peace, but in which we say if some individual, choosing to be as vile as can be and give offense by his or her means of expression, chooses to burn his or her own flag on his or her own property, that we are going to penalize that criminally. But if that individual decides to burn a cross to symbolize racism, if that individual decides to destroy or deface any other symbol, no matter how profound, that is okay.

It seems to me that leaves us in an untenable position. Because either we believe that what an individual does to express himself or herself is not a matter for the law, or we say we value this one symbol but we devalue all the others. I think we are better off as a society letting people express themselves as freely as possible and having the rest of us argue against it. The alternative is to set the principle that if the Government does not outlaw something, it is somehow condoning it. And if it does not outlaw the desecration of a particular symbol, it somehow devalues that symbol.

I think that will do more damage because it will leave more valuable symbols in fact devalued by being excluded from this new form of protection. So I hope the amendment is defeated.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I stand in support of H.R. 36, to give Congress the power to outlaw flag burning.

As a veteran, this issue is very important and close to my heart. As we look at it not only as a veteran but as we look at what has been said right now, people have talked about the constitutional amendment dealing with expression, freedom of expression, the right to liberty. We also have the right to interpret, when we look at the Constitution, to examine what our forefathers, who wrote the legislation sometime ago, actually meant. And sometimes there is time for a change, and this is a time for a change that we have to realize.

As a symbol, many of our veterans have fought for our country. Because of the sacrifices they have made, we enjoy peace and freedom today. Because of that symbol many individuals have died. When we look at someone who has been buried and the flag is turned over to the family, it is that symbol that is turned over. When I turn around and look at the flag behind me, it is that symbol I salute. When I attend a service, it is that symbol I salute. When I see the changing of the colors, it is that symbol, it is what America is. It is what this country was founded on.

To everyone who has fought for us, from the beginning to now, in each and every one of our wars, it is a form of expression. It is one we should have. We should never ever desecrate the flag.

When we look at many of the veterans that are willing to sacrifice and stand up and fight for us, what have they done? Are we going to say that they have gone out and fought in every war and that we do not realize there is a symbol? When someone fell with that flag and someone else picked it up and they charged, why did they do that? Because it is a symbol of freedom, freedom of expression for our area.

We must stand up and protect the flag. And let me tell my colleagues, anyone who desecrates the flag, shame on us, shame on them. It is time for a change. We have to make the change to protect what America was built on; those freedoms that are very important to us. That flag is part of that freedom and that symbol and represents every American, every individual in this country.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. NADLER), the ranking member on the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, I rise in opposition to this misguided constitutional amendment and urge my colleagues to vote against it.

We are faced today with a choice that will be, for many Members of this body, a difficult one. The choice, put simply, is between a symbol, a revered symbol, and the fundamental values it represents. The flag of the United States is a symbol. It is a symbol that has the power to move people deeply. When we see the picture of the flag being raised by the Marines over Mt. Suribachi or when we see it draped over a casket or when we see it being carried in the streets as a symbol of the fight for social justice, as it was by Dr. King and so many other courageous individuals over the years who fought to ensure that America would one day live up to its promise, it is hard not to be moved.

Indeed, Mr. Speaker, as we stand here today debating what would be the very first amendment to the Bill of Rights, I feel humbled to look at the flag hanging behind you in this Chamber and know that a very heavy responsibility weighs on every Member of this House.

We have heard and will hear many moving arguments about the sacrifices made for the flag, of the people who died for the flag, the soldiers, of the importance of the flag to so many Americans. But the real significance of the flag is those important values, the fundamental freedoms, and the way of life it represents. That is why so many have sacrificed so much. Not for the peace of colored cloth, but for those values. And we dishonor their sacrifice, we ensure that those sacrifices were made in vain if we now start down the road to undermine the freedoms the flag represents, allegedly to protect the flag.

Let us not revere the symbol over what it represents. Let us not render our flag a hollow symbol. It has been said that the sin of idolatry is the sin of elevating the symbol over the substance. The substance we are talking about is liberty and freedom of expression. It is that that we must protect, and it is that which this amendment jeopardizes.

Mr. Speaker, veterans, General Colin Powell, religious leaders, and many other Americans understand how important our freedom of expression really is, even if that expression is sometimes politically unpopular, even if it may offend people, even if it makes people angry, even if it costs votes. If those who came before us were willing to place their lives, their fortunes, and their sacred honor for those freedoms, I think we can risk some votes to secure their continuance.

We have debated this amendment many times. We all know the arguments. It might be easy to trivialize the question we have debated so many times, but this is serious business because we are talking about amending the first amendment, the queen of the amendments that have protected our freedoms since the beginning of our Nation.

If any Member has any doubts about whether this amendment is about protecting the flag or is really about constraining freedom of expression, they should ask themselves, what is the difference between burning an old tattered flag, which U.S. law and the American Legion tell us is the appropriate, respectful way to dispose of a flag, and burning it at a protest rally? There is only one difference, and that is the opinion, the political opinion, the message being conveyed, and we are criminalizing the message.

We have all seen, I would assume everyone in this Chamber has watched movies over the years, and we have seen movies in which actors play enemy soldiers, Nazi soldiers, Chinese Communist soldiers in Korea; and during that movie they desecrate the American flag, they tear it to bits or trample upon it or spit upon it or burn it. No one suggests we ought to arrest the actors. No one suggests the actors have committed a crime because they are playing a role. The only crime this amendment seeks to create is not for those actors to destroy the flag in some future movie, it is for someone to burn the flag or otherwise disrespect it in the course of a political protest.

That is why the Supreme Court, quite rightly, said we cannot make that illegal because it is the core political speech that we would be making illegal. It is not the flag at issue; it is the opinion being expressed.

Do my colleagues know current Federal law makes it a crime to use the flag in advertising, including political advertising? That is current law because Congress thought it was disrespectful to use the flag in advertisements. If this amendment passes, that law will be enforceable. Now it is not because it is unconstitutional. Yet I would venture to say that most Members of this Congress have violated that law by using the flag in political ads. Is it the intent of the sponsors to crack down on that form of flag desecration?

Mr. Speaker, our freedoms are more important than any one individual who wants to make a point by burning a flag. Our country has survived those few individuals who want to burn the flag.

□ 1330

Our country will rise above it in the future.

The real damage to the flag is that too many people may be willing to desecrate our Bill of Rights to make a political point. That is something that will be very hard for this Nation to rise above, and that is why this amendment must be defeated.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise today to pledge my enthusiastic support for the flag protection amendment. I will be darned if I am going to accept the technicalities that we talk about and we have heard this afternoon.

I know the law is technical, but we are bogged down in technicalities. There is a breeze, a gentle breeze going through these Chambers today. Seven hundred thousand brave men and women gave their lives since the beginning of this Republic. We ought to seize back the responsibilities given to us by the voters. We should never kowtow to any other branch of government, regardless of their decision.

The Supreme Court is not absolute. Only God is absolute on any decision. The fact that we quote Justice Scalia makes me stronger in my conviction that we must pass this.

This is not just any other symbol to my colleagues and brothers. I am sorry. This is not just any other symbol. This is the symbol of democracy, Mr. Speaker. We are here to uphold that symbol. I am proud to stand with those who support this resolution.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, at the end of this month I have a law review article coming out in a University of Arkansas at Little Rock Law Review on the congressional oath of office. It is a rambling discussion probably guaranteed to put the reader to sleep, but it pulls together some of the history of the Congressional oath of office. I intend to distribute it to all Members next month and seek out their thoughts and criticisms.

In the course of that research, I ran across some vignettes from history that I think are relevant to this debate today. Let me share with you some news stories taken from the New York Times in years of great strife worldwide.

The first one I would like to read is from April 7, 1917. Headline: Diners Resent Slight to the Anthem. Attack a Man and Two Women Who Refuse to Stand When It Is Played.

There was much excitement in the main dining room at Rector's last night following the playing of the "Star Spangled Banner." Frederick S. Boyd, a former reporter on the New York Call, a Socialist newspaper, was dining with Miss Jessie Ashley and Miss May R. Towle, both lawyers and suffragists.

The three alone of those in the room remained seated. There were quiet, then loud and vehement protests, but they kept their chairs. The angry diners surrounded Boyd and the two women and blows were struck back and forth, the women fighting valiantly to defend Boyd. He cried out he was an Englishman and did not have to get up, but the crowd would not listen to explanation.

Boyd was beaten severely when Albert Dasburg, a head waiter, succeeded in reaching his side. Other waiters closed in and the fray was stopped. The guests insisted upon the ejection of Boyd and his companions, and they were asked to leave. They refused to do so and they were escorted to the street and turned over to a policeman who took Boyd to the West 47th Street Station, charged with disorderly conduct.

Before Magistrate Corrigan in Night Court Boyd repeated that he did not have to rise at the playing of the national anthem, but the court told him that while there was no legal obligation, it was neither prudent nor courteous not to do so in these tense times. Boyd was found guilty of disorderly conduct and was released on suspended sentence.

Another one, July 2, 1917. Headline: Boston "Peace" Parade Mobbed. Soldiers and Sailors Break Up Socialist Demonstration and Rescue Flag. Socialist Headquarters Ransacked and Contents Burned, Many Arrests for Fighting.

Riotous scenes attended a Socialist parade today which was announced as a peace demonstration. The ranks of the marchers were broke up by self-organized squads of uniformed soldiers and sailors, red flags and banners bearing socialistic mottos were trampled on, and literature and furnishings in the Socialist headquarters in Park Square were thrown into the street and burned.

At Scollay Square there was a similar scene. The American flag at the head of the line was seized by the attacking party, and the band, which had been playing "The Marseillaise," with some interruptions, was forced to play "The Star Spangled Banner," while cheers were given for the flag.

From April 5, 1912. Headline: Forced to Kiss the Flag. 100 Anarchists Are Then Driven from San Diego.

Nearly 100 industrial workers of the world, all of whom admitted they were anarchists, knelt on the ground and kissed the folds of an American flag at dawn today near San Onofre, a small settlement a short distance this side of the Orange County boundary line.

The ceremony, which was most unwillingly performed, was witnessed by 45 deputy constables and a large body of armed citizens of San Diego.

And the last one from March 26, 1918: Pro-Germans Mobbed in Middle West. Disturbances Start in Ohio and are Renewed in Illinois, Woman Among Victims.

Five businessmen of Delphos, a German settlement in western Allen County near here, accused of pro-Germanism, were hunted out by a volunteer vigilance committee of 400 men and 50 women of the town, taken into a brilliantly lighted downtown street and forced to kiss the American flag tonight under pain of being hanged from nearby telephone poles.

What do these stories have to do with this very important and heartfelt debate today so ably conducted by the chairman and ranking member?

The decision we make today, it seems to me, is a balancing, a weighing, of what best preserves freedom for Americans. There may well be a decrease in public deliberate incidents of flag desecration, acts that we all deplore, if this amendment becomes part of our Constitution, although they are already quite rare.

On the other side of the ledger, if this amendment becomes part of our Constitution, in my opinion it will become a constitutionally sanctioned tool for the majority to tyrannize the minority. As evidenced by these anecdotes from a time of great divisiveness in our Nation's history, a time much different from today, government, which ultimately is human beings with all of our strengths and weaknesses, will use this amendment to question the patriotism of vocal minorities, will use it to find excuses to legally attack demonstrations which utilize the flag in an otherwise appropriate manner, except for the fact that the flag is carried by those speaking for an unpopular minority.

Mr. Speaker, I do not think our Constitution will be improved nor our freedoms protected by placing within it enhanced opportunity for minority views to be legally attacked ostensibly because of their misuse of the flag, but in reality because of views that many consider out of the mainstream.

Mr. Speaker, I urge a "no" vote on this proposed amendment and for the same reasons a "no" vote on the substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I rise today in support of House Joint Resolution 36, which would outlaw the physical desecration of the American flag.

Our flag represents the cherished freedoms Americans enjoy to the envy of other Nations. To our Nation's veterans and military retirees, it is a constant reminder of the ultimate sacrifice they have made. Destroying our flag is an affront to all Americans, but to veterans and military retirees it is much more than that. Our veterans and military retirees have put their lives on the line for our country, and the American flag is one thing they can hold and say, "This is what I have defended with my life."

My father was a prisoner of war in World War II, captured at the Battle of the Bulge. He fought to protect our democratic freedoms. If I did not vote for this resolution today, he would whip me, and I am 54 years old.

Mr. Speaker, he did not fight to let Americans destroy the very symbol of their very freedoms that he was willing to die for. Destroying the flag is tantamount to physically assaulting those heroes who would lay down their lives for their country. It is against the law for one American to assault another, and so should it be against the law for one American to assault an entire class of American heroes.

Mr. Speaker, we need to honor America's heroes and pass the resolution.

Mr. CONYERS. Mr. Speaker, I yield 8 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, the Founding Fathers must be very puzzled looking down on us today. Instead of seeing us dealing with the very real challenges that face our Nation, they see us laboring again under this compulsion to amend the document that underpins our democracy. They see a house of dwarfs trying to give this government a great new power at the expense of the people and, for the first time, to stifle dissenters and the way in which they dissent.

The threat must be great, they must be saying, to justify changing the Bill of Rights for the first time and decreasing rather than increasing the rights of the people. They see our beloved Bill of Rights being eroded into the Bill of Rights and Restrictions.

What is the threat? What is the threat, Mr. Speaker? I ask again, what is the threat? Is our democracy at risk? What is the crisis to the Republic? What is the challenge to our way of life? Where is our belief system being threatened? Are people jumping from behind parked cars, waving burning flags at us, trying to prevent us from getting to work and causing America to grind to a halt?

Mr. Speaker, do we really believe that we are under such a siege because of a few lose cannons? Do we need to change our Constitution to save our democracy, or are we simply offended?

The real threat to our society is not the occasional burning of a flag, but the permanent banning of the burners. The real threat is that some of us have now mistaken the flag for a religious icon to be worshipped as pagans would, rather than to be kept as the beloved symbol of our freedom that is to be cherished.

These rare but vile acts of desecration that have been cited by those who would propose changing our founding document do not threaten anybody. If a jerk burns a flag, America is not threatened. If a jerk burns a flag, democracy is not under siege. If a jerk burns a flag, freedom is not at risk and we are not threatened. My colleagues, we are offended; and to change our Constitution because someone offends us is in itself unconscionable.

Mr. Speaker, the courts have said that the flag stands for the right to burn the flag. The Nazis and the Fascists and the Imperial Japanese Army combined could not diminish the constitutional right of even one single American. Yet, in an act of cowardice, we are about to do what they could not.

Mr. Speaker, where are the patriots? Where are the patriots? Whatever happened to fighting to the death for the rights of someone with whom we disagree? We now choose, instead, to react by taking away the right to protest. Even a despicable low-life malcontent has a right to disagree, and he has the right to disagree in an obnoxious fashion if he wishes. That is the true test of free expression, and we are about to fail that test.

Real patriots choose freedom over symbolism. That is the ultimate contest between substance and form. Why does the flag need protecting? Is it an endangered species? Burning one flag or burning 1,000 flags does not endanger it. It is but a symbol. But change just one word of the Constitution of this great Nation, and it and we will never be the same.

We cannot destroy a symbol. Yes, people have burnt the flag, but, Mr. Speaker, it still exists. There it is, hanging right in back of us. It represents our beliefs.

Poets and patriots will tell us men have died for the flag, but that language itself is symbolic language. People do not die for symbols. They fight and they die for freedom. They fight and they die for democracy. They fight and they die for values. To fight and die for the flag is to fight and die for the cause in which we believe. Today some would have us change all of that.

We love and we honor and respect our flag for that which it represents. It is different from all other flags. I notice in the amendment that we do not make it illegal to burn someone else's flag in someone else's country, and that is because our flag is different.

□ 1345

No, not because of the colors or the shape or the design. They mostly have stars and some have stripes and scores and dozens are red, white, and blue.

Our flag is unique because it represents our unique values. It represents tolerance for dissent. This country was founded by dissenters that others found obnoxious.

What is a dissenter? In this case it is a social protester who feels so strongly about an issue that he would stoop so low as to try to get under our skin, to try to rile us up to prove his point, and to have us react by making this great Nation less than it was.

How do we react? Dictators and dictatorships make political prisoners of those who burn their Nation's flags, not democracies. We tolerate dissent and dissenters, even the despicable dissenters.

What is the flag, Mr. Speaker? The American flag? Yes, it is a piece of cloth. It is red, it is white and blue. It has 50 stars and 13 stripes. But if we pass this amendment and desecrators decide to start a cottage industry and make flags with 55 stars and burn them, will we rush to the floor to amend the Constitution again?

If they add a stripe or two and set it ablaze, surely it would look like our flag, but is it? Do we rush in and count the stripes before we determine whether or not we are constitutionally offended? What if the stripes are orange instead of red? How do we interpret that? What mischief do we do here? If it is a full color, full-sized picture of a flag that they burn, is it a crime to desecrate a symbol of a symbol? What are we doing?

Our beloved flag represents this great Nation, Mr. Speaker. We love our flag because there is a republic for which it stands, made great by a Constitution that we have sworn to protect, a Constitution given to our care by giants and about to be nibbled to death by dwarfs.

Mr. Speaker, I call upon the patriots of the House to rise and to defend the Constitution, to resist the temptation to drape ourselves in the flag and to hold sacred the Bill of Rights. Defend our Constitution. I urge the defeat of this ill-conceived amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE), the distinguished former chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I do not intend to ascribe cowardice or lack of patriotism to people who disagree with me, although I listened to the last speaker ask, where are the patriots? I could direct him to some. Try BOB STUMP who lied about his age so he could enlist in the Navy in World War II. There are plenty of patriots around. I have earned the right to stand here and debate this issue because I fought in combat in the South Pacific in World War II. I like to think I am almost as patriotic as the gentleman named ACKERMAN.

I heard rights, rights, rights. Not one word about responsibility. Responsibility. But that is part of this debate. This is a good debate. We ought to once in a while look at our core principles and see if there is anything that distinguishes us from the rest of the world.

We look around this Chamber and we see the splendid diversity of America. We see men and women whose great grandparents came from virtually every corner of the globe. What holds this democratic community together? A common commitment to certain moral norms. That is the foundation of our democratic experiment.

Human beings do not live by abstract ideas alone. Those ideas are embodied in symbols. And what is a symbol? A symbol is more than a sign. A sign conveys information. A symbol is much more richly textured. A symbol is material reality that makes a spiritual reality present among us. An octagonal piece of red metal on a street corner is a sign. The flag is a symbol. Vandalizing a No Parking sign is a misdemeanor, but burning the flag is a hate crime, because burning the flag is an expression of contempt for the moral unity of the American people that the flag symbolically makes present to us every day.

Why do we need this amendment now? Is there a rash of flag burning going on? Certainly not. But we live in a time of growing disunity. Our society is pulled apart by the powerful centrifugal force of racism, ethnicity, language, culture, gender, and religion. Diversity can be a source of strength, but disunity can be a source of peril. If you stop and think, the world is torn by religious and ethnic divisions that make war and killing and death and terror the norm in so many countries: Ireland, the Middle East, the Balkans, Rwanda. Look around the globe and see what hate can do to drive fellow human beings apart.

This legislation makes a statement that needs to be made, that our flag is the transcendent symbol of all that America stands for and aspires to be and hence deserves special protection of the law.

We Americans share a moral unity expressed so profoundly in our country's birth certificate, the Declaration of Independence. "We hold these truths to be self-evident," Jefferson wrote. The truth that all are equal before the law. We share that, across race, gender, religion. The truth that the right to life and liberty is inalienable and inviolable. The truth that government is intended to facilitate and not impede the people's pursuit of happiness.

Adherence to these truths is the foundation of civil society, of democratic culture in America.

And what is the symbol of our moral unity amidst our racial, ethnic, and religious diversity? Old Glory, the stars and stripes.

In seeking to provide constitutional protection for the flag, we are seeking to protect the moral unity that makes American democracy possible. We have spent the better part of the last 30 years telling each other, shouting to each other, all the things that divide us. It is time to start talking about the things that unite us, that make us all, together, Americans. The flag is the embodiment of the unity of the American people, a unity built on those "self-evident" truths on which the American experiment rests, the truths which are our Nation's claim to be a just society.

Let us take a step toward national reconciliation, and toward constitutional sanity, by adopting this amendment. The flag is our connection to the past and proclaims our hopes and aspirations for the future.

Too many Americans have marched behind it, too many have come home in a box covered by the flag, too many parents and widows have clutched the flag to their hearts as the last remembrance of their beloved to treat that flag with anything less than reverence and respect.

One hundred eighty-seven years ago during the British bombardment of Baltimore, Francis Scott Key looked toward Fort McHenry in the early dawn and asked his famous question. To his joy he saw our flag was still there. And how surprised he would be to learn our flag is even planted on the Moon.

But, most especially, it is planted in the hearts of every loyal American. Four Supreme Court justices agreed with us. A ton of professors agree with us. This is not a settled issue. Five to four Supreme Court justices come down on the side of the flag.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. I thank the gentleman for yielding me this time.

Mr. Speaker, I do not think what we are doing here today is a contest between who is the most patriotic. I do not think that is it at all. Nobody here in the debate is unpatriotic. But I think the debate is possibly defining patriotism.

But I am concerned that we are going to do something here today that Castro did in Cuba for 40 years. There is a prohibition against flag burning in Cuba. And one of the very first things that Red China did when it took over Hong Kong was to pass an amendment similar to this, to make sure there is no desecration of the Red Chinese flag. That is some of the company that we are keeping if we pass this amendment.

A gentleman earlier on said that he fears more of what is happening from within our country than from without. I agree with that. But I also come down on the side that is saying that the threat of this amendment is a threat to me and, therefore, we should not be so anxious to do this. I do not think you can force patriotism.

I also agree with the former speaker who talked about responsibility. I agree it is about responsibility. But it also has something to do with rights. You cannot reject rights and say it is all responsibility and therefore we have to write another law. Responsibility implies a voluntary approach. You cannot achieve patriotism by authoritarianism, and that is what we are talking about here.

I think we all agree with respect to the flag and respect for our country. It is all in how we intend to do this. And also this idea about veterans, because you are a veteran that you have more wisdom. I do not think so. I am a veteran, but I disagree with other veterans. Keith Kruel, who was a past national commander of the American Legion had this to say:

"Our Nation was not founded on devotion to symbolic idols, but on principles, beliefs, and ideals expressed in the Constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a 'golden calf.' A patriot cannot be created by legislation."

He was the national commander of the American Legion. So I am not less patriotic because I take this different position.

Another Member earlier mentioned that this could possibly be a property rights issue. I think it has something to do with the first amendment and freedom of expression. That certainly is important, but I think property rights are very important here. If you have your own flag and what you do with it, there should be some recognition of that. But the retort to that is, oh, no, the flag belongs to the country. The flag belongs to everybody. Not really. If you say that, you are a collectivist. That means you believe everybody owns everything. Who would manufacture the flags? Who would buy the flags? Who would take care of them? So there is an ownership. If the Federal Government owns a flag and you are on Federal property, even, without this amendment, you do not have the right to go and burn that flag. If you are causing civil disturbances, that is handled another way. But this whole idea that there could be a collective ownership of the flag, I think, is erroneous.

The first amendment, we must remember, is not there to protect noncontroversial speech. It is to do exactly the opposite. So, therefore, if you are looking for controversy protection it is found in the first amendment. But let me just look at the words of the amendment. Congress, more power to the Congress. Congress will get power, not the States. That is the opposite of everything we believe in or at least profess to believe in on this side of the aisle.

To prohibit. How do you prohibit something? You would need an army on every street corner in the country. You cannot possibly prevent flag burning. You can punish it but you cannot prohibit it. That word needs to be changed eventually if you ever think you are going to get this amendment passed.

Physical desecration. Physical, what does it mean? If one sits on it? Do you arrest them and put them in jail? Desecration is a word that was used for religious symbols. In other words, you are either going to lower the religious symbols to the state or you are going to uphold the state symbol to that of religion. So, therefore, the whole word of desecration is a word that was taken from religious symbols, not state symbols. Maybe it harks back to the time when the state and the church was one and the same.

I urge a "no" vote on this amendment.

Mr. Speaker, loyalty and conviction are admirable traits, but when misplaced both can lead to serious problems.

More than a decade ago, an obnoxious man in Dallas decided to perform an ugly act: the desecration of an American flag in public. His action violated a little-known state law prohibiting desecration of the flag. He was tried in state court and found guilty.

As always seems to be the case, though, the federal government intervened. After winding through the federal system, the Supreme Court—in direct contradiction to the Constitution's 10th Amendment—finally ruled against the state law.

Since then Congress has twice tried to overturn more than 213 years of history and legal tradition by making flag desecration a federal crime. Just as surely as the Court was wrong in its disregard for the Tenth Amendment by improperly assigning the restrictions of the First Amendment to the states, so are attempts to federally restrict the odious (and very rare) practice of Americans desecrating the flag.

After all, the First Amendment clearly states that it is Congress that may "make no laws" and is prohibited from "abridging" the freedom of speech and expression. While some may not like it, under our Constitution state governments are free to restrict speech, expression, the press and even religious activities. The states are restrained, in our federal system, by their own constitutions and electorate.

This system has served us well for more than two centuries. After all, our founding fathers correctly recognized that the federal government should be severely limited, and especially in matters of expression. They revolted against a government that prevented them from voicing their politically unpopular views regarding taxation, liberty and property rights. As a result, the founders wanted to ensure that a future monolithic federal government would not exist, and that no federal government of the United States would ever be able to restrict what government officials might find obnoxious, unpopular or unpatriotic. After all, the great patriots of our nation—George Washington, Thomas Jefferson, Patrick Henry, and Benjamin Franklin—were all considered disloyal pests by the British government.

Too often in this debate, the issue of patriotism is misplaced. This is well addressed by Keith Kruel, an Army veteran and a past national commander of the American Legion. He has said that, "Our nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the constitution and its Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a 'golden calf.' . . . A patriot cannot be created by legislation."

Our nation would be far better served that if instead of loyalty to an object—what Mr. Kruel calls the "golden calf"—we had more Members of Congress who were loyal to the Constitution and principles of liberty. If more people demonstrated a strong conviction to the Tenth Amendment, rather than creating even more federal powers, this issue would be far better handled.

For more than two centuries, it was the states that correctly handled the issue of flag desecration in a manner consistent with the principle of federalism. When the federal courts improperly intervened, many people understandably sought a solution to a very emotional issue. But the proposed solution to enlarge the federal government and tread down the path of restricting unpopular political expression, is incorrect, and even frightening.

The correct solution is to reassert the 10th Amendment. The states should be unshackled from unconstitutional federal restrictions.

As a proud Air Force veteran, my stomach turns when I think of those who defile our flag. But I grow even more nauseous, though, at the thought of those who would defile our precious constitutional traditions and liberties.

Loyalty to individual liberty, combined with a conviction to uphold the Constitution, is the best of what our flag can represent.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding me this time.

Mr. Speaker, after surviving the bloodiest battlefield since Gettysburg, a brave platoon of Marines trudged up Mount Suribachi on Sulfur Island with a simple task, to raise the flag above the devastation below. When the flag was raised by Sergeant Mike Strank and his platoon, history records that a thunderous cheer rose from our troops on land and on sea, in foxholes and on stretchers. Hope returned to that field of battle when the American flag began flapping in the wind.

It is written that without a vision, the people perish. The flag, Mr. Speaker, was the vision that inspired and rallied our troops at Iwo Jima. The flag is still the vision for all Americans who still cherish those who stood ready to make the necessary sacrifices.

Mr. Speaker, by adopting this flag protection amendment, we will raise Old Glory yet again. We will raise her above the decisions of a judiciary wrong on both the law and the history. And in some small way, we will raise the flag above the cynicism of our times, saying to my generation of Americans those most unwelcome of words, "There are limits." To say to my generation of Americans, out of respect for all those who serve beneath it and some who died within the sight of it, that there are boundaries necessary to the survival of freedom.

□ 1400

C.S. Lewis said, "We laugh at honor, and we are shocked to find traitors in our midst." Leave us this day to cease to laugh at honor, to elevate to dishonor of our unique national symbol to some sacred right, and let us pass this amendment to restore Old Glory the modest protections of the law that those who venerate her so richly deserve.

Vote yes to the resolution and raise the American flag to her Old Glory again.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON) who, previous to her congressional experience, worked in the field of labor with my late father.

Ms. CARSON of Indiana. Mr. Speaker, I certainly thank the honorable gentleman from Michigan (Mr. CONYERS) for yielding me time. I did have the benefit of working for his father as an international representative when John was still running around trying to find out whether or not he was going to Congress. So it is a pleasure to come, Mr. Speaker, to the floor and benefit from all of this historic and intellectual dialogue that preceded me.

I come here today to exercise a constitutional right granted to me as a citizen of the United States, and that is freedom of speech. I have a great deal of reverence for the United States flag. I wave it at my residence every opportunity, and am very saddened by those flags that are often lowered over capitols and buildings in commemoration of some fallen hero, if you will.

My adoration and respect, however, does not exceed my commitment to the integrity of the first amendment of the United States Constitution. Many of us learned in our educational experience of Patrick Henry, who said, "I may not agree with the words that you say, but certainly would defend your right to say it." As I recall, Patrick Henry was in fact one of the signers of the Constitution.

One of my first and foremost commitments as a Member here is on behalf of our country's veterans. My name, Julia Carson, is derived from a Korean War Marine, 100 percent service-connected veteran, who struggles now to even gain any type of mobility. I am very supportive of veterans and recognize their interests in preserving this flag. My son, Sam Carson, is a former member of the United States Marine Corps.

So, as a ranking member of the Committee on Veterans' Affairs Subcommittee on Oversight and Investigation, I am working hard to address the needs of our veterans, to assure that the fight for freedom does not go unappreciated or uncompensated.

Great Americans such as Vietnam veteran and former Senator Kerry, former head of the Joint Chiefs of Staff and our current Secretary of State, the Honorable Colin Powell, have expressed their opposition to this amendment. These are great men who served this country with distinction.

General Powell has stated, "If they are destroying a flag that belongs to someone else, that is a prosecutable crime. But if it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead."

These men feel that in spite of their own commitment to the integrity of the American flag, they do not want their personal views to infringe on the rights of free speech of other Americans.

Francis Scott Key wrote, and we all recall that tune, "O'er the ramparts we watch'd, were so gallantly streaming. And the rockets' red glare, the bombs bursting in air, gave proof through the night that our flag was still there. O say, does that star spangled banner yet wave, o'er the land of the free and the home of the brave?"

It does still wave, Mr. Speaker, despite House Resolution 36. Our flag will still be there. The constitutional amendment proposed here today is totally unnecessary. That is why I am going to vote against it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a tremendous honor for me to be here today to support the protection of our American heritage, a symbol and a reminder of our cherished freedom, the American flag. The flag is a symbol of the birth of this great Nation and the many wars fought to win our freedom.

I spent 7 long years as a POW in Vietnam, half of that in solitary confinement. I think you heard the gentleman from California (Mr. CUNNINGHAM) relate earlier the story of Mike Christian, who was beaten for making a flag. He sewed that flag to remind himself of home and the freedom that it stands for. It was a symbol and great comfort to all of us. As POWs, we would pledge allegiance and salute it each day. That tiny, tiny flag sewn together meant so much to us, far, far away from home, more than words can describe.

I stand here today to honor all our military men and women who have fought throughout the years for this great Nation.

How about the Marine memorial, the Iwo Jima Memorial? Does that not mean something to you? I think that flag meant something to those boys that put it up there.

The Middlekauff Ford dealership in Plano, Texas built a huge flagpole and put an oversized flag on it. Do you know what? Some of the people said, It makes too much noise when the wind blows. It keeps us awake at night.

Do you know what Rick Middlekauff said? He said, ladies and gentlemen, that is the sound of freedom. And he left it up there, and they quit griping about it.

It is something that I think that we must respect. We must treat it with respect and protect it from desecration.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise today as a proud and patriotic American to oppose this resolution. Here is what some of the veterans have said about this amendment.

Jack Heyman, Fort Myers Beach, Florida, a Korean War veteran, said, "I know of no American veteran who put his or her life on the line to protect the sanctity of the flag. That is not why we fulfilled our patriotic duty. We did so and still do to protect our country and our way of life and to ensure that our children enjoy the same freedoms for which we fought."

Mr. Heyman's great grandfather was a Pennsylvania Regular during the Civil War; his father served in the Navy during World War I; his brother fought in World War II; and one of his children served in the Army following the Vietnam War.

Bill McCloskey, a Vietnam War veteran from Bethesda, Maryland, said, "Ultimately, Americans and our representatives on Capitol Hill must realize that when a flag goes up in flames, only a multi-colored cloth is destroyed. If our freedoms are lost, the true fabric of our Nation is frayed and weakened."

Brad Bustany, West Hollywood, California, a Gulf War veteran, said, "My military service was not about protecting the flag; it was about protecting the freedoms behind it. The flag amendment curtails free speech and expression in a way that should frighten us all."

And how will Congress begin defining what the flag and desecration even mean? Our flag is ubiquitous. It is found in such places as commerce, art and memorials. Will Congress bar display of the flag on brand-name apparel, defining it as desecration? Will flag bathing suits be desecration, and thus prohibited? How will Congress enforce such an amendment? Where will this begin and where will it end?

Freedom of speech, even when it hurts, and it does hurt many of us, is the truest test of our dedication to the principles that our flag represents. Punishing desecration of the flag deludes the very freedom that makes this emblem so precious, so revered, and worth revering.

I urge my colleagues to vote no on this amendment and yes to upholding our Constitution and our democracy.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I would like to thank the chairman of the Committee on the Judiciary for yielding me this time and for his leadership on this issue as we once again try to set the record straight.

This has been a great debate, but I have been appalled by some on the other side who have suggested that the flag amendment is going to change the Bill of Rights to our Constitution. It does nothing of the sort.

Our Founding Fathers wrote the Bill of Rights, including the first amendment, exactly right; and this amendment does not change that in any way. What did change the first amendment was a misinterpretation of that amendment by a 5 to 4 decision of the Supreme Court. One vote changed 200 years of American history. One vote changed 48 States' and the Federal Government's flag protection anti-desecration laws, and all we are trying to do is set the record straight. We have been asked to do that by 49 State legislatures; 80 percent of the American people in poll after poll show their support for this amendment, and this is a bipartisan effort.

The U.S. Supreme Court has historically shared our view. Such great champions of civil liberty and free expression as Hugo Black and Earl Warren when they served on the Supreme Court made clear their beliefs that flag desecration was not protected by the first amendment. As Justice Black stated, "It passes my belief that anything in the Federal Constitution bars making the deliberate burning of the American flag an offense."

So we are simply setting the record straight. As Chief Justice William Rehnquist said in his dissenting opinion, "Surely one of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people, whether it be murder, embezzlement, pollution or flag burning."

Burning the flag is not speech deserving protection. It is a despicable act. I urge my colleagues to support this constitutional amendment.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I might say, the people of New York would be proud of you up there today.

Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) very much. The gentleman has served the State of Michigan in such an exemplary way for so many years. And I might say about him too, I used to live in the State of Michigan, even though it did not change my accent.

This bill is not about one's freedom of speech; it is about one's respect for our country and the rights provided by it.

As a veteran of the U.S. Army and serving 29 years in the Army National Guard, I do not have to be told about the need to respect our flag. But there are many out there who take this symbol for granted. It seems as though they fail to recognize what has been sacrificed over the past 225 years of our existence.

The flag not only serves as a sacred symbol of the principles upon which our Nation was founded, it also represents the many sacrifices our veterans have made throughout the history of our Nation to protect our precious freedoms and preserve our democracy.

I fully support one's right to express himself or herself freely, but when it comes to Old Glory and displaying such a gross disrespect for something as precious as our national symbol of freedom, I feel it is necessary for Congress to draw the line.

In this country, whatever idea a flag burner wants to communicate, can be expressed just as effectively in many other ways. Burning our flag communicates nothing but a lack of respect. We should not protect such horrendous behavior, when our forefathers, our veterans and many patriotic citizens of our great land sacrificed and fought to protect the freedom it symbolizes.

This amendment to protect our flag is an appropriate and powerful "thank you" to every veteran who fought and died to defend this flag and the country for which it stands. This flag is a national asset.

The SPEAKER pro tempore (Mr. QUINN). The time of the gentleman from Tennessee has expired.

Mr. CONYERS. Mr. Speaker, I yield 1 additional minute to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, that is very gracious of the gentleman from Michigan (Mr. CONYERS), knowing the gentleman does not necessarily agree with my position totally, but he has always been fair as one of the great leaders in the House of Representatives.

□ 1415

This flag is a national asset, and I strongly believe it deserves our unquestioned respect and protection.

I pledge my full support for this amendment, and I hope that my colleagues will vote to support its passage.

I have heard from a lot of veterans at home, but not just veterans. I have heard from people from all walks of life. Mr. Speaker, we have a lot to be proud of in this country. We celebrated our 200th birthday in 1976. I would ask my colleagues, do they know what the average longevity of the great democracies of the past is? It is 200 years. We celebrated our 200th birthday in 1976. But if we want to celebrate our 300th birthday, we have to rededicate and recommit ourselves.

Mr. Speaker, what I said a while ago is the way I feel. Yes, one can protest. Yes, one can disagree. Yes, one can feel strongly on a particular issue. But one does not have to burn "Old Glory." One can show one's protest, one can show one's frustration in other ways. Support this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

Mr. PLATTS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, on behalf of my constituents and my late father, Judge Platts, an Army veteran who felt very strongly about protecting the American flag from desecration, I rise in full support of this proposal.

House Joint Resolution 36 is important for many reasons. The American flag is of great importance not only to the men and women of the United States of America but also to the citizens of the world.

Every time we raise or lower the many flags flown all over the world, we have given thanks and shown appreciation not only to our veterans who fought and gave their lives to ensure the freedoms we know today but to the many citizens who work daily to preserve those freedoms. Desecration of this commanding symbol, whether it is by burning, tearing, or other mutilation, undermines the powerful sense of patriotism that Americans feel whenever they see the red, white and blue. To many, desecrating the American flag not only destroys the cloth, it also destroys the memories and destroys the memories and devotion thousands of veterans and others carry with them throughout their daily lives.

In this day of world conflict, we must remember that the Stars and Stripes has been a force that holds communities together. Mr. Speaker, I agree with the gentleman from California (Mr. CUNNINGHAM) that "The American flag is a national treasure. It is the ultimate symbol of freedom, equal opportunity, and religious tolerance. Amending our Constitution to protect the flag is a necessity."

Mr. Speaker, I look to our Founding Fathers and how they treated the flag as to whether they thought the first amendment should protect burning the flag, desecrating the flag. When they went into battle, a soldier would carry the flag; and if that soldier fell, another soldier would put down their weapon and pick up the flag. That is a pretty clear indication that they did not intend the first amendment to protect desecration of the flag.

Mr. Speaker, I urge a "yes" vote and hope that we will have a very strong bipartisan vote in favor of this proposal.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this proposed constitutional amendment. The need for such an amendment arises from a Supreme Court that has persistently stated that we must tolerate flag desecration as protected speech. Clearly, I believe the Supreme Court has it wrong.

The flag is a unique symbol that merits our special recognition. I find it ironic that the Federal Government can compel men and women into the Armed Forces where they may die under the flag but, evidently, may not prohibit the desecration of the very symbol for which they fight.

This proposed amendment places the debate exactly where our framers intended for it to take place: in the town halls across America. It is the American people, not the Supreme Court, that have the ultimate responsibility to answer constitutional questions.

Mr. Speaker, I believe the flag is a unique symbol. When those who have given the last full measure of devotion are given the respect they deserve, we honor them by draping their coffin with the flag. They honor our country with their sacrifice, and we honor them with the flag.

Moreover, Mr. Speaker, I find the words of the Pledge of Allegiance telling. Just last week, President Bush had the opportunity to visit Ellis Island and to lead the crowd in the Pledge of Allegiance, just as so many immigrants have done before: "I pledge allegiance to the flag of the United States of America, and to the Republic, for which it stands." I would underscore that this simple phrase recited every morning in this very Chamber pledges our allegiance to the flag itself, not only to the Republic. The "and" separates the two phrases so that we pledge our devotion both to the flag and to our Republic.

Mr. Speaker, some argue that the ideals of the flag are the only things that matter. I find the words of the pledge enlightening, and I respectfully disagree.

The flag itself occupies a unique place in our Republic. It is the one symbol that merits our allegiance. Why do we continue to pledge our devotion and support to a flag if we are not willing to protect it from desecration?

Mr. Speaker, I urge my colleagues to support the proposed amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of House Joint Resolution 36 proposing a constitutional amendment that would grant Congress the power to prohibit the physical desecration of the United States flag.

The American flag is a revered symbol of our country and of the principles of freedom and liberty we hold dear. I know for America's war veterans the flag is valued as a symbol of the sacrifices they and their fellow servicemen made to defend our land. Indeed, hundreds of thousands of servicemen gave their lives defending our country, and we must never forget the price they paid for the freedoms we enjoy.

As a member of the House Committee on Armed Services, it is our priority to restore our military's readiness and strength and also ensure that our veterans are treated with the respect and gratitude that is due them. That includes standing with them to defend the honor due to our national colors.

Mr. Speaker, I urge my colleagues to join me in support of this resolution.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Speaker, I rise in support of this important piece of legislation and I applaud the gentleman from California (Mr. CUNNINGHAM) for his tireless advocacy on this issue.

Justice John Paul Stevens, speaking for the Supreme Court minority opinion in the United States v. Eichman in 1990 stated, "Thus, the government may, indeed, it should, protect the symbolic value of the flag without regard to the specific content of the flag burner's speech. It is, moreover, equally clear that prohibition does not entail any interference with the speaker's freedom to express his or her ideals by other means. It may well be true that other means of expression may be less effective in drawing attention to those ideas, but that is not itself a sufficient reason for immunizing rising flag burning. Presumably, a gigantic fireworks display or a parade of nude models in a public park might draw even more attention to a controversial message, but such methods of expression are nonetheless subject to regulation."

There is a lot of talk about free speech, but passage of this will not prevent anyone from saying anything more than our law already does. If one does not like what the country is doing, or if one is upset about anything at all, one can stand on the street corner and say whatever comes to one's mind, and that right is protected. It is part of what makes this country great that we have this freedom; that, despite differences of opinion, we still manage to move on and respect what other people have to say.

But while we enjoy this freedom of speech today, there are still certain things we cannot do or say by law. We have laws against libel, slander, perjury, obscenity and indecent exposure in public. Just as it is within the realms of the Federal Government to limit this kind of conduct, it is also right for it to regulate a clear attack on its sovereignty and dignity by protecting our flag.

To me, our flag represents not only the sacrifices of those who came before us, but also the hope for our future generations. It is both the past and the present which makes us a great people and what so many Americans have fought so hard to preserve.

I am privileged to serve on the Veterans' Affairs Committee and to have such constructive interaction with so many current and retired members of our Armed Forces. We have more than 350,000 veterans in the State of South Carolina, many of whom are in my district. If I can go back home and tell them anything, I would say that I voted to make sure that their sacrifices were not forgotten. That the flag that serves as our national symbol of unity—and a symbol of what so many of their brethren gave their lives for—shall be revered, not desecrated.

Again, I urge you all to vote for this legislation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I rise today as an original cosponsor of the flag protection amendment, and I ask all of my colleagues to join 250 cosponsors and support the passage of H.J. Res. 36, this important measure.

The American flag embodies the hopes, sacrifices, and freedoms of this great Nation and its people. The American flag is more than just a symbol, it is the fabric that binds our Nation, its citizens, and those brave individuals who have sacrificed to preserve our unity and our independence.

I remember June 29 of last year when I was joined by more than 75 Long Island veterans and high school students and we called upon our Federal officials to pass a similar measure. The meaning of the American flag could easily be seen in the eyes of these veterans. It is in the eyes of our children, who every day look upon our flag as they recite the Pledge of Allegiance as they start each and every school day.

There is not a place, a setting, or an event where the American flag is flown where its true meaning is not understood. To those in need, when they see the Stars and Stripes, they know America has arrived to help. To our neighbors around the world, the flag means an ally is not far away. Our flag is the symbol of America's compassion, perseverance, and values. The American flag is America. It is a part of the tapestry that makes America so great.

Mr. Speaker, I call upon my colleagues to, once again, in overwhelming numbers, support and pass H.J. Res. 36, the flag protection amendment.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

I rise today in opposition to H.J. Res. 36, which would amend the Constitution to allow Congress to pass laws banning the desecration of the flag. I find it absolutely abhorrent that anyone would burn our flag, and that is why I voted for the Flag Protection Act of 1989, which the Supreme Court overturned in a 5-to-4 decision in 1990.

If I saw someone desecrating the flag, I would do what I could to stop them at risk of personal injury or even incarceration. For me, that would be a badge of honor.

But I think this constitutional amendment is an overreaction to a nonexistent problem. Keep in mind, the Constitution has been amended 17 times since the Bill of Rights was passed in 1791. This is the same Constitution that eventually outlawed slavery, gave blacks and women the right to vote, and guarantees freedom of speech and freedom of religion.

Mr. Speaker, amending the Constitution is a very serious matter. I do not think we should allow a few obnoxious attention-seekers to push us into a corner, especially since no one is burning the flag now, without an amendment.

I agree with Colin Powell, who at the time was Chairman of the Joint Chiefs of Staff and is now the Secretary of State. General Powell wrote that it was a mistake to amend the Constitution, "that great shield of democracy, to hammer a few miscreants."

When I think about the flag, I think about the men and women who died defending it and the families they left behind.

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What they were defending was the Constitution of the United States and the rights it guarantees, as embodied by the flag.

I love the flag for all it represents, but I love the Constitution even more. The Constitution is not just a symbol, it is the very principles on which our Nation was founded. I urge my colleagues to vote against this resolution.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we have had a very vigorous debate that talks about the pros and cons of the flag protection constitutional amendment. I believe that all of the arguments that have been sincerely placed against this amendment really do not have merit and should be ignored, and this amendment should be passed.

First, we have had the argument that this amendment amends the Bill of Rights. It does no such thing. There is no statement in the text of the amendment that the first amendment is modified in any way, amended in any way, or repealed in any way.

Secondly, we have heard the argument that this should be protected free speech under the Constitution of the United States. But what we are talking about here is not speech, we are talking about actions and burning or otherwise desecrating the flag of the United States of America.

Nobody is right to express themselves on any issue facing our country, on any candidate for office, on the performance or voting record of any incumbent officeholder this way. No one is in any way diminished by this constitutional amendment. What this constitutional amendment does is to give Congress the power to prohibit actions, not speech, that desecrates the flag of the United States of America.

Some also believe that the right to free speech is unlimited as a result of the first amendment. That is not the case at all. No one can shout "fire" in a crowded theater. No one can issue defamatory statements, whether verbally or in writing, without being called to account. There are limits on free speech, and 80 percent of the American people believe that a flag desecration constitutional amendment is a limit that we ought to have, not on speech but on actions.

Then we have heard that the Supreme Court of the United States, on a five-to-four decision, has said that this is protected political expression. We have heard that we should not amend the Constitution because we disagree with a Supreme Court decision.

Our Constitution has been amended 17 times since the Bill of Rights was ratified in 1791. Three of those 17 amendments overturned Supreme Court decisions that two-thirds of the Congress and three-quarters of the State legislatures decided were not good law.

The 11th amendment construing the judicial power of the United States overturned such a Supreme Court decision. The 14th amendment granting equal protection under the law in the eyes of both the Federal and State government overturned the Dred Scott decision. The sixteenth amendment, which allowed the Congress to impose an income tax, overturned a decision that said that the Federal income tax violated the constitutional prohibition on not having proportional allocation of taxes among the States.

So when the Supreme Court is wrong, one of the remedies that the Congress and the States have is to amend the Constitution of the United States to correct the errors of the Supreme Court.

Those nine people across the street, in a co-equal branch of government, are entitled deference to their decisions, but they are not infallible, and they do make mistakes. In the case of both the Johnson and the Eichman case, they have made a mistake.

One of the checks and balances that the Framers of the Constitution placed on the judicial branch of government is to authorize the Congress and the States to amend the Constitution of the United States. This should not be done lightly, and it has not been done lightly.

But given the fact that the Supreme Court twice has said that any statute, Federal or State, proposing criminal penalties for the physical desecration of the flag of the United States of America is unconstitutional, the only alternative we have as a nation is for us today, by a two-thirds vote, to approve this amendment for the other body to follow suit and three-quarters of the States to ratify this amendment.

Today we have an opportunity to correct a wrong of the Supreme Court. The House should do the right thing, Mr. Speaker, and pass this constitutional amendment.

Mr. GEPHARDT. Mr. Speaker, I would like to express my support in protecting the sanctity of our Nation's greatest symbol of freedom and liberty: the American flag. Regretfully, prior obligations to my constituents in St. Louis keep me from being present to debate this bill on the floor. I therefore submit this statement for the record.

In 1989, the U.S. Supreme Court struck down a Texas statute that provided criminal sanctions for the burning of an American flag. In a 5–4 decision, the Court provided that the desecration of the flag was an act of free expression, a freedom protected under the first amendment of our Constitution.

On behalf of all the men and women who fought and died for this nation, for their families, and for all Americans, I join my colleagues in supporting H.J. Res. 36, the Flag Protection Constitutional Amendment. My support of this amendment is consistent with my votes cast in favor of past successful attempts in the House of Representatives to protect this American treasure.

I often meet with the many veterans from my district, those who served our Nation courageously in World War II, Korea, and Vietnam. To them, the flag symbolizes their struggle and triumph, flying as a constant reminder of their bravery and our gratitude. I believe the desecration of our flag jeopardizes that symbolic value, and undermines the courage that we must forever salute.

I support this amendment not as a Republican or Democrat, but as an American. I call on all members, from both sides of the aisle, to join together in a bipartisan fashion to support this amendment and keep the symbol of our American dream alive.

Mr. BLUMENAUER. Mr. Speaker, the purpose of our constitution should be to establish the structure of government and to protect the fundamental rights of citizens. We have amended the constitution only 17 times since the establishment of the Bill of Rights in 1791. The proposed amendment is not a fundamental right or an alteration of the structure of government. Abandoning that principle leads us to a slippery slope, which potentially cheapens the process of amendments and could weaken the constitutional framework.

I also oppose this amendment because of the same reasons some of my friends support it: because I respect the flag of the United States of America. I find it abhorrent, distasteful, and sad when it is desecrated. Since I've been in Congress, to my knowledge, there has not been a single flag burning in my community, and probably in my whole state. Certainly no one has brought it to my attention. I will guarantee you the second we raise the act of expression of political protest by burning the flag to status of a crime, we will have explosion of instances where in fact the flag is burned. Perversely, the reaction to this amendment would lead to what supporters want to avoid, the desecration of the American flag.

Because its not needed, because it's contrary to the principles of the Constitutional action, and because, sadly, it would encourage desecration of our flag, I oppose the amendment and urge my colleagues to do likewise.

Mr. BARCIA. Mr. Speaker, once again, I rise today in support of the Constitutional Amendment prohibiting the physical desecration of the flag. I believe our Nation's flag is the centerpiece of our Nation's sovereignty and a symbol that separates the United States from other nations. It is important to remember the ideals our flag represents—freedom, democracy, and national pride. And one must also remember the men and women, who loved the freedom and liberty the flag represents so much, they were willing to risk their lives defending it and the values it embodies.

I am proud to once again to be an original cosponsor of this legislation to amend the Constitution to prohibit the desecration of the flag—which the brave men and women of our armed forces have repeatedly fought to defend. All too often desecration of the flag is used as a vehicle to voice differing opinions between American citizens and our government. Our brothers, fathers, sisters and mothers fought and died for our flag in the name of free speech. I believe the right to deface that symbol of freedom is not what they were fighting to protect. Let our nation be unified in the fact that there are some things too important to defile, too important to sully, and chief among them is our flag.

From the hands of Betsy Ross, through the eyes of Francis Scott Key during the bombardment of Fort McHenry, to the raising at Iwo Jima, our flag has represented the hopes and beliefs of generations of Americans. It symbolizes resolve. It symbolizes freedom. It symbolizes democracy. It symbolizes America, and it deserves to be protected.

Mr. Speaker, I urge my colleagues to support this Constitutional Amendment.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in support of House Joint Resolution 36, legislation I have cosponsored to amend the Constitution of the United States to authorize Congress to prohibit the physical desecration of the flag of the United States.

Ol' Glory has served to remind American citizens of our soldiers who fought for freedom, liberty, and democracy here on our own shores and throughout the world since the Continental Congress adopted the Flag Resolution of 1777. The very sight of the American flag flying high has the ability to rouse unparalleled pride and patriotism not only in the people of the United States of America but in freedom loving people throughout the world. Countless men and women have put the good of our country ahead of their own lives to protect the sanctity of liberty and democracy, which our flag represents. We must never allow ourselves to forget that the flag that flies here in this chamber, above this great building, and throughout our nation is a reminder of the enduring values for which these American service men and women fought and may have died.

Not only does our great flag symbolize the tireless struggle of our armed services for democracy both here and abroad, but it also serves as a bright beacon of hope to oppressed people throughout the world who dream of living under a democratic government as great and as resilient as out own. The American flag flies for all Americans, regardless of race, creed, or religion. It is a symbol of the American dream, of honor, justice, and equality. The flag is a commitment to our children and grandchildren that they will have the same freedoms, liberties, and opportunities that we have. The Stars and Stripes inspires pride in the accomplishments of our noble country, and it should be regarded with respect and admiration for the important role it plays in the lives of Americans. When the desecration of Ol' Glory is used as a protest, far more than a single flag is being violated. The devotion of American citizens to our great nation is being battered. Many Americans have died defending our flag and what it represents.

Mr. Speaker, may the American flag forever soar proudly above our glorious nation. May it always be a source of courage and inspiration for those who carry it into battle, a symbol of hope for the downtrodden of foreign lands, and a reminder that we are the land of the free only because we are the home of the brave.

Mr. SWEENEY. Mr. Speaker, I rise today in support of House Joint Resolution 36—The Flag Protection Constitutional Amendment.

In doing so, I rise to defend and protect the very symbol of our nation's unyielding promise of hope and opportunity.

I rise to defend the memory of countless Americans, both men and women, who sacrificed their lives fighting for their country in time of war so that the values and ideals represented by our nation's symbol could be protected.

I rise to defend the integrity and the mission of our men and women in the armed forces today, who stand in defense of our Nation's Flag on American * * * as well as foreign soil around the world, so that the very symbol of their commitment to those American values will not be compromised.

The desecration, destruction and disrespect of our nation's Flag are contemptible acts against our nation's principles.

The protection of our National Symbol from desecration is an essential part of preserving our Nation's sense of duty, citizenship and allegiance to a community fabric unlike that of any other nation.

We must protect our Constitution from those seeking to distort it while cloaking themselves in a disguise of free speech. The American people cry out for us to do so. Forty-nine state legislatures have appealed to this Congress to pass a Flag protection constitutional amendment.

In conclusion, Mr. Speaker, I remind my colleagues that this a nation that promises more than just life, liberty and the pursuit of happiness. It is a nation that offers as its foundation of principles the dignity, respect and self-sacrifice for the ideals upon which it was built.

I urge passage of this resolution because it is the right thing for the Flag, and because it is the right thing for the United States of America.

Mr. KLECZKA. Mr. Speaker, the American flag is a visible symbol of all the elements that make our nation great. A strong military, a system of checks and balances, a government by and for the people. Underlying these ideals is the Constuition and the Bill of Rights, perhaps the most perfect document yet created by man in pursuit of a fair and just government.

Central to the Constitution are the rights and freedoms delineated in the Bill of Rights, which has yet to be amended, although over 200 years have passed since these tenets were drafted. Every American is familiar with the first of these amendments, which states unequivocally that Congress shall make no law respecting an establishment of religion or abridge the freedom of speech.

As former Commander of the American Legion Keith A. Kreul states, "Our nation was not founded on devotion to symbolic idols, but on principles, beliefs and ideals expressed in the Constitution and the Bill of Rights. American veterans who have protected our banner in battle have not done so to protect a "golden calf." Instead, they carried the banner forward with reverence for what it represents—our beliefs and freedom for all. Therein lies the beauty of our flag."

The freedom to publicly voice one's dissent of their government is a quality that separates our great nation from others. The United States of America has a long and proud history of providing this right to its citizens, and I do not believe that the voice of freedom should be muzzled. The amendment to the Constitution before us today, which would allow Congress to prohibit the desecration of our flag, effectively says that we are afraid of a very small number of people who choose—under the rights granted them in the Constitution—to defile this cherished symbol.

While the desecration of our flag generates an almost universal reaction of disgust by Americans, we are strong enough as a nation to allow individuals to express themselves in this manner, and stronger still to resist the urge to stamp out free speech that challenges us.

There have been only a very small number of incidents of flag burning over the course of our history. In fact, between 1777 and 1989, there were only 45 reported incidents, and in the years since, fewer than 10 incidents have been reported annually. This hardly merits the first ever change to the Bill of Rights, much less any action that could restrict our most coveted freedom.

This resolution is essentially a solution in search of a problem. I oppose this proposed amendment, which diminishes the flag's value by taking away from the freedoms that it represents.

Mr. FILNER. Mr. Speaker, we all love, cherish and respect our flag. Our flag is a symbol of our great nation, a symbol of our fundamental values of freedom, liberty, justice and opportunity.

And it is those values we must protect.

I stand today with Jim Warner, a Vietnam veteran and former prisoner of war, who said: "Rejecting this amendment would not mean that we agree with those who burned our flag, or even that they have been forgiven. It would, instead, tell the world that freedom of expression means freedom, even for those expressions we find repugnant."

I stand today with the San Diego Union-Tribune, my hometown paper, which has editorialized against "the drastic step of amending the Constitution because of the abhorrent conduct of that lone demonstrator and the handful of others who seek attention from time to time by burning the flag."

Compromising the Bill of Rights, which has stood the test of time, is not the action needed to ensure the strength of our nation. We must do that through proper education of our children—nurturing their love and patriotism of our country—and respect for our flag and national symbols.

We can choose the easy path and simply make a law and outlaw an action. Or we can take the difficult and correct path of guiding our citizens back to the ideals of our founding fathers. The more difficult path puts true meaning back into our respect for the flag.

I choose the more meaningful path, the one that will guarantee that our flag will fly proudly—and our Bill of Rights will continue unchanged—for generations to come.

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Veterans' Affairs Committee, I rise today to join with the vast majority of American citizens who support an amendment to the Constitution to protect the Flag of the United States from physical desecration. It was just over 12 years ago that the Supreme Court, in a narrow 5-to-4 decision, ruled that all Federal and State statutes prohibiting the physical desecration of the flag were unconstitutional.

The flag of the United States of America needs to be protected as a sign of our freedom. I believe that flag desecration is a slap in the face to the millions of American veterans who fought and died to protect the flag, and the democracy and liberty for which it symbolizes.

Over the years of our Republic's existence, countless men have marched into battle under the banner of Old Glory. Many have died or risked their lives to prevent the flag of their unit from falling into enemy hands. The number of accounts of heroism to protect the flag in the heat of battle are so numerous that they cannot be counted. But let me recount just one true tale of such bravery.

Many of my colleagues have seen the movie, Glory, which tells the story of the 54th Massachusetts Colored Infantry—an African American unit which fought at Fort Wager, South Carolina, in July 1863. One soldier who saw action in this battle was Sergeant William Carney, a 23-year-old ex-slave. During the action, the color bearer of the 54th Massachusetts was wounded. Dropping his weapon, Sergeant Carney picked up the flag before it hit the ground. He marched forward with his unit. However, in the subsequent engagement, the 54th Massachusetts suffered staggering casualties in a frontal assault on a fortified position, and his unit was forced to pull back.

Sergeant Carney, at great risk to his safety, retrieved the flag so it would not fall into Confederate hands. Crossing a marsh in waist-high water, he was shot in the chest, and in his right arm. Yet still he held onto the flag. He was then shot in the leg. Still, he clenched the flag tightly to his chest, protecting it from harm and capture. Another bullet grazed his head. A passing soldier from a different unit offered to relieve him, but he refused, saying "No one but a member of the 54th will ever carry these colors." Sergeant Carney, bleeding from multiple gunshot wounds, returned the flag to his camp, telling his comrades, "Boys, I only did my duty. Our flag never touched the ground."

William Carney was later awarded the Medal of Honor for his extraordinary heroism under enemy fire. He was the first African American in American history to earn the nation's highest honor for bravery in combat.

To this very day, military units still field a color guard to honor the flag.

The flag has served, and continues to serve, as a source of inspiration, courage, and purpose. I ask my colleagues: how can we justify allowing the flag to be blatantly desecrated or burned, when so many of our brave soldiers have died, been wounded, or took enormous risks to protect the flag from harm? What could we possibly say to these persons, now that the Supreme Court has allowed the flag to be desecrated? That their sacrifice was in vain? That they were stupid and silly to have ever taken such risks? That they sweated, ducked bullets, and bled to protect the flag from harm so some social miscreant could just trash it a few years later?

How can a symbol continue to be so enduring, and function to inspire such deeds of heroism, when we allow it to be desecrated? My colleagues, I submit that if we do not take action to protect our flag, it will simply become one more element in the ongoing coarsening of our society. If we do not respect the flag, it will send a subtle, yet powerful, message that nothing is worth respecting. Flag burning is not free speech. It is an act of hatred and nihilism. It is not a call for reform. It is a disgrace. The right to dissent does not include the right to desecrate. To desecrate the flag crosses a line of ugliness.

I know people the world over who cherish the American flag and the hope it has held for people in different crises around the globe. Freedom is not free. The cherished freedoms, rights, and liberties we all enjoy today were purchased only through the enormous sacrifices of the men and women in our military today—veterans, past and present. If we allow our flag to be desecrated, and fail to protect it, we dishonor their sacrifice and their service.

Mr. Speaker, the Court was wrong in deciding the Texas v. Johnson case. It was wrong one year later when it reaffirmed this position in another 5-to-4 decision in United States v. Eichman. The amendment to the constitution we are now considering, H. J. Res. 36, will overturn both decisions of the Court and grant the Congress the authority to enact constitutionally-permitted language to protect the flag.

The Supreme Court's 5-to-4 rulings on flag burning were most unfortunate and an erroneous interpretation of what our forefathers, and we as a people, define as free speech. The opponents of this amendment have tried to depict this as an infringement on the first amendment rights of all Americans. This is simply false.

Mr. Speaker, I yield to no one in my support of the first amendment. As Vice Chairman of the International Relations Committee and Co-Chairman of the Helsinki Commission, I have continually fought for the expansion of these freedoms throughout the world. I have worked for the release of countless prisoners of conscience whose only crime has been that they wanted to express political or religious ideas that their governments opposed.

I have worked just as hard to insure that these same freedoms—freedom of conscience, freedom of speech, and freedom of religion—continue to be strongly protected here in the United States.

However, Mr. Speaker, no right is unlimited.

There are those who claim that any limitation of the right to free speech is an intolerable infringement upon our rights guaranteed to us in the Bill of Rights. Upon single examination this proves to be totally false.

In a unanimous 1942 Supreme Court decision, Chaplinsky v. New Hampshire, the Court said:

> . . . it is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "fighting" words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.

Mr. Speaker, there is also an important distinction to be drawn between the freedom to express an idea and the freedom to use any method to express that idea. While one has a right to express virtually any idea in a public forum, the means of expression can be regulated. As Justice Stevens pointed out in his dissent:

> Presumably a gigantic fireworks display or a parade of nude models in a public park might draw even more attention to a controversial message, but such methods of expression are nevertheless subject to a regulation.

In his dissent in Texas v. Johnson, Justice Stevens said that the Court was wrong in asserting that the flag burner was prosecuted for expressing a political idea. Rather, Stevens went on to say, he "was prosecuted because of the method he chose to express his [idea]."

And again, Justice Stevens stated:

> It is moreover, equally clear that the prohibition [against flag desecration] does not entail any interference with the speaker's freedom to express hie or her ideas by other means.

As Oliver Wendell Holmes asserted years ago, no one has the right to shout fire in a crowded movie theater.

Mr. Speaker, despite some of the claims made here today, it is constitutionally permissible to regulate both the content and the means of expression of free speech, provided that it is done only in certain very narrow and well-defined circumstances and only if an overriding public interest is threatened. Let me emphasize that the circumstances must be narrow, well defined and justified in the public interest.

Mr. Speaker, prohibiting the physical desecration of the flag is both a narrow and well-defined restriction. Despite arguments to the contrary, it is not the first step toward curtailing political dissent, nor is it impossible to define. This argument represents at best a gross distortion of the effect of this amendment.

This leaves only the question of whether the protection of the flag serves a purpose worthy of special consideration. On this point, as Chairman of the House Veterans' Affairs Committee, I join with the overwhelming majority of the American public who say, emphatically, yes.

Since the creation of the American flag, it has stood as a symbol of our sacred values and aspirations. Far too many Americans have died in combat to see the symbol of what they were fighting for reduced to just another object of public derision. Simply put, it is a gross insult to every patriotic American to see the symbol of their country publicly desecrated. They will not tolerate it, and neither will I.

Mr. Speaker, the amendment to the Constitution we are considering today will restore the flag to its proper position as a symbol of our Nation, without restricting the freedom of expression for any of our citizens. I would hope that all of my colleagues would join with me in support of this amendment.

Mr. MURTHA. Mr. Speaker, I'm proud to have joined with Congressman DUKE CUNNINGHAM in introducing this Constitutional Amendment to prohibit the desecration of the American Flag.

The American Flag is recognized around the world as a symbol of freedom, equal opportunity, and religious tolerance.

Many thousands of Americans fought and suffered and died in ways too numerous to list in order to establish and preserve the rights we sometimes take for granted, rights which are symbolized by our Flag. It is a solemn and sacred symbol of the many sacrifices made by our Founding Fathers and our Veterans throughout several wars as they fought to establish and protect the founding principles of our great Nation.

Most Americans, Veterans in particular, feel deeply insulted when they see our Flag being desecrated. It is in their behalf, in their honor and in their memory that we have championed this effort to protect and honor this symbol.

We are a free Nation. No one would disagree that free speech is indeed a cherished right and integral part of our Constitution that has kept this Nation strong and its Citizens free from tyranny. Burning and destruction of the flag is not speech. It is an act. An act that inflicts insult—insult that strikes at the very core of who we are as Americans and why so many of us fought—and many died—for this country.

There are, in fact, words and acts that we as a free Nation have deemed to be outside the scope of the First Amendment—they include words and acts that incite violence; slander; libel; and copyright infringement. Surely among these, which we have rightly determined diminish rather than reinforce our freedom, we can add the burning of our Flag—an act that strikes at the very core of our national being.

No, this is not a debate about free speech. Our flag stands for free speech and always will.

Over 100 years ago some words were written that most of us remember reciting in school. They sum up what we vote on today:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Let us join today in overwhelmingly passing this amendment to revere, preserve and protect our Flag, the symbol of our country, the embodiment of our principles, and the emblem of our people.

Mr. SIMMONS. Mr. Speaker, I rise today in strong support of House Joint Resolution 36, the Constitutional Amendment to prohibit flag desecration.

Our flag is the strongest symbol of the American character and its values. It tells the story of victories won—and battles lost—in defending the principles of freedom and democracy.

These are stories of real men and women who have selflessly served this nation in defending that freedom. Any many of them traded their lives for it. Gettysburg, San Juan Hill, Iwo Jima, Korea, Da Nang, Persian Gulf—our men and women had one common bond: the American flag.

The American flag belongs to them, as it belongs to all of us.

Supreme Court Justice Paul Stevens reminded us of the significance of our flag when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas . . . . So it is with the American flag. It is more than a proud symbol of courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Critics of the amendment believe it interferes with freedom of speech. I disagree. Americans enjoy more freedoms than any other people in the world. They have access to public television. They can write letters to the editors to express their beliefs, or call in to radio stations. Americans can stand on the steps of the nation's capitol building to demonstrate their cause.

They do not need to desecrate our noble flag to make their statement, and I do not believe protecting the flag from desecration deprives Americans of the opportunity to speak freely.

And let us be clear: speech, not desecration, is protected by the Constitution. Our Founding Fathers protected free speech and freedom of the press because in a democracy, words are used to debate and persuade, and to educate. A democracy must protect free and open debate, regardless of how disagreeable some might find the views of others. Prohibiting flag desecration does not undermine that tradition.

The proposed amendment would protect the flag from desecration, not from burning. As a member of the American Legion, I have supervised the disposal of over 7,000 unserviceable flags. But this burning is done with ceremony and respect. This is not flag desecration.

Over 70 percent of the American people want the opportunity to vote to protect their flag. Numerous organizations, including the Medal of Honor Recipients for the Flag, the American Legion, the American War Mothers, the American G.I. Forum, and the African-American Women's Clergy Association all support this amendment.

Forty-nine states have passed resolutions calling for constitutional protection for the flag. In the last Congress, the House of Representatives overwhelmingly passed this amendment by a vote of 310–114, and will rightfully pass it again this year.

Mr. Speaker, I am proud to be an original cosponsor of H.J. Res. 36 and ask that my colleagues join me in supporting this important resolution that means so much to so many.

Mr. COLLINS. Mr. Speaker, I rise today to offer my strong support for House Joint Resolution 36, which I have cosponsored, and thank my colleague, Mr. Cunningham, for his continued effort to protect this important symbol of our freedom, the United States flag.

The vast majority of my constituents in Georgia's Third District have contacted me and stated that they share this belief that among the countless ways to show dissent, the desecration of the flag should not be one of them.

Opponents of this amendment state that it would reduce our First Amendment freedoms. This is simply not so. Rather this amendment would serve to restore the protection our flag had been accorded over most of our nation's history.

The American flag represents not only our freedom but serves as a constant reminder of the ideals embodied in our Declaration of Independence that countless Americans have served to defend, preserve and protect over our nation's 225 year history.

In the Declaration of Independence, the founders acknowledged that we are created equal and that we have been endowed by our Creator with certain rights to life, liberty and the pursuit of happiness.

These are the ideals for which countless Americans have fought, bled and died and it is these ideals upon which our Constitution is founded. It is these ideals which we are elected to preserve. Today, we can renew our affirmation of these principles, so clearly stated in the Declaration of Independence, by preserving the most visible symbol of our Republic.

Upon three separate occasions, this House has rightfully voted to protect our nation's flag. Today, the United States House of Representatives will again affirm its commitment to protect this symbol of our great nation.

For the thousands of Americans who have fought and died for their country, the flag is more than a piece of cloth.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.J. Res. 36 "The Flag Protection Constitutional Amendment." This constitutional amendment would undermine the very principles for which the flag stands—freedom and democracy.

The First Amendment to the Constitution reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof: or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

By writing the First Amendment, our nation's founders made sure that the Constitution protected the right of all citizens to object to the workings of their government. Freedom of expression is what makes the United States of America so strong and great—it is the bedrock of our nation and has made our democracy a model for the rest of the world.

The Supreme Court has twice upheld a citizen's right to burn the flag as symbolic speech protected by the Constitution. If this Flag Protection Amendment were enacted, it would be the first time in our history that the Bill of Rights was amended to limit American's freedom of expression.

Whlie the idea of someone burning or destroying an American flag is upsetting, the consequences of taking away that right are far more grave. Once we start limiting our citizens' freedom of expression, we walk down a dark road inconsistent with our history and our founding principles. Our government's toleration of criticism is one of our nation's greatest strengths.

This amendment isn't a matter of patriotism, it is a matter of protecting the rights of all of our citizens, particularly the right to dissent. Let us uphold our commitment to freedom and democracy. Let us uphold our commitment to the principles upon which our nation has flourished for over 200 years. Vote no on this amendment.

Mr. GRAVES. Mr. Speaker, it is an honor to rise today to support House Joint Resolution 36. The flag protection Constitutional amendment. I also want to extend my appreciation to our veterans and the men and women in our armed forces for their service to our nation and their vigilance and sacrifice in both times of peace and war.

The American flag embodies many different things to different people. To me, the flag represents the many men and women in our Nation's history who have selflessly served and died defending our country and its freedoms. Mr. Speaker, it is our obligation as Americans to defend this nation, its heritage, and its honor. Our flag embodies the struggles, the victories, and the bonds that unite our Nation and its people. Today, I will continue to support a Constitutional amendment that will honor those men and women who have died in service to our country by prohibiting the physical desecration of our national colors.

Today, we have an opportunity to renew our allegiance to the American flag. Together, we stand collectively to honor its glory and its vibrant colors that continue to wave through the skies that blanket the dreams and hopes of our beloved America. America truly is the land of the free and the home of the brave, and I am honored that we can share and enjoy the peace and the prosperity of this great nation. Mr. Speaker, I ask my colleagues to join me in supporting House Joint Resolution 36.

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the Flag Protection Amendment.

Why are we here today. The Congress of the United States has already acted to pass flag protection legislation. However, a majority of the Supreme Court—by the narrowest of margins—has ruled that Congress does not possess the authority to legislate in this important area. It has twice overturned laws that prohibit flag burning. In both cases, the decision has been handed down by a narrow margins of 5 to 4.

I happen to disagree with the Court. So do such distinguished constitutionalists as Justices Stevens and White. They hold that burning of the U.S. flag is not an expression protected by the First Amendment. Instead, they believe that flag burning is an action, and a repugnant one. Therein lies the distinction. Burning a flag is conduct, not speech.

Still, we need to pass this Constitutional amendment today and begin the process of ratification. Only then, can Congress honor its responsibility to protect this sacred national symbol.

I believe strongly in this amendment, although I believe it to be an issue on which patriotic Americans of good faith can, and do, have legitimate differences. Many assert that burning a flag endangers no one. Using that standard, one would then assume that we would not see the inherent violation of decency of throwing blood on the U.S. Capitol, painting a swastika on a synagogue, or defacing a national monument. These actions also endanger no one. And, yet, laws have been wisely enacted to prohibit these actions. How can we not protect our country's most treasured symbol from such actions?

The American flag was created to honor our country. Let us pass this Constitutional amendment created to protect the honor of our flag.

Support this joint resolution. Support the amendment. Protect the flag.

Mr. KIND. Mr. Speaker, again we are brought together to debate the rights of a free people against the honor and meaning of our national flag—to debate the necessity of providing legal protection to the most honored and recognized symbol of freedom in the world. This is not a matter to be approached carelessly, and I appreciate this opportunity to reaffirm my faith in the Constitution and the Wisdom of our Nation's founders.

If there is one bright shining star in our Constitutional constellation, it is the First Amendment of the Bill of Rights. That is the amendment that embodies the very essence upon which our democracy was founded because it stands for the proposition that anyone in this country can stand up and criticize this government and its policies without fear of prosecution. But here we are yet again in the 107th Congress debating an amendment that would seriously weaken the First Amendment and Freedom of expression in this country.

There are few things that evoke more emotion, passion, pride or patriotism than the American flag; I recognize that. But I am forced to question the need for a Constitutional amendment to remedy a problem that doesn't seem to exist, or provide legal protection to something that doesn't seem endangered. As a matter of occurrence, the recorded incidence of public flag desecration is extremely rare. While this explanation, on its face, is not sufficient to oppose to this amendment, it illustrates an inherent respect for the flag and a recognition of what it means to American history and the individuals who gave their life in protection of the freedoms and way of life we cherish everyday. To attempt to enforce this understanding through legal means serves to undermine this self-realization and only encourage the proliferation of such acts because of the attention some people crave.

Now I want to be clear. I am going to oppose this amendment, not because I condone or I do not feel repulsed by the senseless act of disrespect that is shown from time to time against one of the most cherished symbols of our country, the American flag. But because I recognize that our constitution can be a pesky document sometimes. It challenges us, and it reminds us that this democracy of ours requires a lot of hard work. It was never meant to be easy. Our democracy, rather, is all about advanced citizenship. It is about the rights and liberties embodied in the Constitution that will put up a fight against what we believe and value most in our lives. We have to recognize that free speech means exactly that, free speech. It is the right of anyone in this nation to peaceably express his or her beliefs about the government directly to the government without fear of tyrannical retaliation. As stated by Vietnam veteran and former prisoner of war James H. Warner on this matter, "rejecting this amendment would . . . tell the world that freedom of expression means freedom, even for those expressions we find repugnant."

This protection of freedom is what advanced citizenship is about. This is the challenge of the Constitution, and yes, the Supreme Court has ruled on numerous occasions that the repulsive disrespect and the idiotic act of desecrating the American flag is freedom of expression protected under the First Amendment. As former Supreme Court Justice Jackson said in the Barnette decision, and I quote: "Freedom to differ cannot just be limited to those things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the very heart of the existing order."

On this matter, I also agree with the statements of former General and current Secretary of State Colin Powell. When asked for his views on the amendment before us, Secretary Powell stated, ". . . the First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. This flag will be flying proudly long after they have slunk away. . . ."

In another opinion I urge my colleagues to hear, former Senator, and American hero, John Glenn stated in his opposition to this amendment before the Senate Judiciary Committee in the 106th Congress, "That commitment to freedom is encapsulated and encoded in our Bill of Rights, perhaps the most envied and imitated document anywhere in this world. The Bill of Rights is what makes our country unique. It is what has made us a shining beacon of hope, liberty, of inspiration to oppressed peoples around the world for over 200 years . . ."

We must cherish the history and meaning of bill of rights and realize the impact of our actions here today. Are a few acts of senseless desecration the motivation for passing this amendment to the Constitution? There are other ways of dealing with content neutral acts. If someone steals my flag, they can be prosecuted for theft and trespassing. If they steal my flag and burn it, they can be prosecuted for theft, trespass, and criminal damage to property. If they burn it on a crowded subway station, they can also be prosecuted for inciting a riot, reckless endangerment, criminal damage to property and theft. There are other ways that this type of conduct can be prosecuted, but if someone buys a flag, goes down in their basement and, because they do not like the government, decides to desecrate it or burn it, are we going to obtain search warrants and arrest warrants to go in and arrest that person and prosecute them? We do not need to do that.

Make no doubt about it, this amendment will do nothing less than amend the First Amendment of the Bill of rights for the first time in our Nation's history. And it sets a precedent that the fundamental protections afforded to the American people, the freedoms that portray what America is, do not really protect all that is claimed. It is for these reasons that I encourage my colleagues to oppose this amendment and not change 212 years of history in this country.

Mr. HAYES. Mr. Speaker, America is the land of the free, home of the brave. But the liberty we enjoy did not come without a price. Many Americans have made the ultimate sacrifice so that we may live in peace and freedom. They died nobly for us. Now it is our responsibility as Americans to live nobly in their memory.

One of the first and foremost ways we can honor our fallen heroes is to protect the American flag. The brave men and women who died for the fight of freedom deserve to be honored by the flying of the stars and stripes. Our flag represents the freedoms we enjoy, the spirit of democracy, and the sacrifices of all those who have worked to make this nation what it is today. I am honored to support this measure that protects the great symbol of the United States of America.

Our nation's veterans, active duty and reserve forces draw their strength not from America's great material wealth. Rather, these individuals draw their strength from the belief that there are some causes that are worth dying for, a conviction rooted in principle and represented by our flag. The patriots that have fought for our freedoms knew in their hearts that their cause was righteous, that making the ultimate sacrifice for freedom, liberty, and justice was worth the risk.

Thus, we as a Congress have the opportunity to do what is right. We have a responsibility to honor the memory of those who have died for our freedom and to say to those who live, "we will not let your sacrifice be in vain." The American flag and the principles for which it flies are deserving of honor and protection. Today we need to pass this legislation and send a clear message that we will not tolerate desecration of the American flag.

Mr. OXLEY. Mr. Speaker, I stand in strong support of H. J. Res. 36, which calls for a constitutional amendment to allow Congress to heed the overwhelming majority of our constituents and protect our nation's flag.

Old Glory is not just another piece of cloth—nor is it a political tool for one side or another to use in debate. Our flag is the most visible symbol of the nation, a unifying force in times of peace and war. Americans from both sides of the political spectrum back the action we are taking today in sending this issue to the states. Since the Supreme Court invalidated state flag protection laws in 1989, 49 state legislatures have passed resolutions petitioning Congress to propose this amendment.

Mr. Speaker, my hometown of Findlay, Ohio, is known as Flag City USA. Main Street and other major downtown thoroughfares are lined with flags in a patriotic salute to our great nation. Arlington, Ohio, which I am also privileged to represent, enjoys the designation Flag Village USA. The messages I receive from Findlay, Arlington, and throughout the Fourth Ohio District are clear: the American people favor the protection of Old Glory by staggering margins.

I am proud to be an original cosponsor of DUKE CUNNINGHAM's joint resolution, and recognize him for his longstanding, unwavering leadership on this issue. I urge my colleagues to support their constituents and vote in favor of sending this amendment to the states.

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this resolution.

I am not in support of burning the flag. But I am even more opposed to weakening the first amendment, one of the most important things for which the flag itself stands.

As the Denver Post put it just last month,

> The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity.

I completely agree. So, like Secretary of State Colin Powell, former Senator John Glenn, and others who have testified against it, I will oppose this resolution.

For the benefit of our colleagues, I am attaching the Denver Post's editorial on this subject:

FLAG AMENDMENT SHOULD DIE

Monday, June 25, 2001.—Although a proposed constitutional amendment to ban desecration of the American flag continues to lose steam, it nonetheless is once again being considered in the U.S. House.

The amendment, one of the most contentious free speech issues before Congress, would allow penalties to be imposed on individuals or groups who burn or otherwise desecrate the flag.

In past years, the amendment has succeeded in passing the House only to be killed, righteously, on the Senate floor.

The American flag represents freedom. Many men and women fought and died for this country and its constitutional freedoms under the flag. They didn't give their lives for the flag; they died for this country and the freedom it guarantees under the Bill of Rights. Those who choose to desecrate the flag can't take away its meaning. In fact, it is our constitutional freedoms that allow them their reprehensible activity.

American war heroes like Secretary of State Colin Powell and former Sen. John Glenn strongly oppose this amendment. Glenn has warned that "it would be a hollow victory indeed if we preserved the symbol of freedoms by chopping away at those fundamental freedoms themselves."

In addition, the Supreme Court has ruled that desecration of the flag should be protected as free speech.

Actual desecration of the flag is, in fact, a rare occurrence and hardly a threat. There have been only a handful of flag-burnings in the last decade. It's not a national problem. What separates our country from authoritarian regimes is the guarantee of freed speech and expression. It would lessen the meaning of those protections to amend our Constitution in this way.

The amendment is scheduled to go before the House this week, although if it passes it would still have to face a much tougher audience in the Senate. The good news is that House support of the amendment has been shrinking in recent years. It is possible that if that trend continues, the amendment could not only die this year but fail to return in subsequent years. We urge House lawmakers to let this issue go.

Mr. BUYER. Mr. Speaker, I rise in support of this amendment to empower Congress to enact legislation to protect Old Glory from desecration.

This is not an issue about what people can say about the flag, the United States, or its leaders. Those rights are fully protected. The issue here is that the flag, as a symbol of our Nation, is so revered that Congress has a right and an obligation, to prohibit its willful and purposeful desecration. It is the conduct that is the focus.

I have seen our flag on a distant battlefield. I understand what it represents . . . the physical embodiment of everything that is great and good about our Nation. It represents the freedom of our people, the courage of those who have defended it, and the resolve of our people to protect our freedoms from all enemies, foreign and domestic.

It is no coincidence that when foreigners wish to criticize America, they burn the American flag. I am sure we all remember the searing images of the flag of our Embassy in Iran which was torn from its pole and burned on the street. They burned the flag because it is not just some piece of cotton or nylon with pretty colors. Old Glory is the embodiment of all that is America . . . the freedoms of the Constitution, the pride of her citizens, and the honor of her soldiers, not all of whom made it home.

Across the river from here is a memorial to the valiant efforts of our soldiers to raise the flag at Iwo Jima. It was not just a piece of cloth that rose on that day over 50 years ago. It was the physical embodiment of all we, as Americans, treasure . . . the triumph of liberty over totalitarianism; the duty to pass the torch of liberty to our children undimmed.

The flag is a symbol worth defending. I urge the adoption of the flag protection amendment.

Mr. CRENSHAW. Mr. speaker, I rise today in support of H.J. Res. 36, which would give the Congress the power to prevent the desecration of our Nation's flag.

The American flag is a national treasure and our Nation's ultimate symbol of freedom. The American flag represents all that unites us as one nation under God. It is a constant reminder of the ideals we share—patriotism, loyalty, love of country. Because of its significance, we should seek to provide the flag some measure of protection.

The measure we are considering today includes a simple phrase: "Congress shall have the power to prohibit the physical desecration of the flag of the United States." This clear and concise statement will return to the American people a right and responsibility which the Supreme Court took away a little more than a decade ago. It will empower Congress to restore legal protection for the flag that existed under Federal law and the laws of 48 States prior to the Court's ruling.

Millions of Americans have fought and died in defense of the United States and the flag which represents our Nation. Allowing persons the legal protection to desecrate the flag dishonors our Nation's veterans who served defending our way of life. Many of the nearly 150,000 veterans which live in the five counties which make up my district have expressed their strong support for this measure.

I support this resolution for many reasons, including the fact that I want to make sure that we honor the sacrifice of veterans. I want our young people to know that with liberty comes civic responsibility. I want to restore a sense of pride in our Nation and its rich history. I urge my colleagues to join me in supporting this resolution.

Mr. DINGELL. Mr. Speaker, I rise today to express my outrage at a deplorable and despicable act which disgraces the honor of our country—the burning of the U.S. flag. Behind the Speaker hangs our flag. It is the most beautiful of all flags, with colors of red, white, and blue, carrying on its face the great heraldic story of 50 States descended from the original 13 colonies. I love it. I revere it. And I have proudly served it in war and peace.

However, today I rise in opposition to H.J. Res. 36, the flag amendment, which for the first time in over 200 years would amend our Bill of Rights.

Mr. Speaker, throughout our history, millions of Americans have served under this flag during wartime; some have sacrificed their lives for what this flag stands for: our unity, our freedom, our tradition, and the glory of our country. I have proudly served under our glorious flag in the Army of the United States during wartime, as a private citizen, and as an elected public official. And like many of my colleagues, I treasure this flag and fully share the deep emotions it invokes.

But while our flag may symbolize all that is great about our country, I swore an oath to uphold the great document which defines our country, the Constitution of the United States. The Constitution is not as visible as is our wonderful flag, and oftentimes we forget the glory and majesty of this magnificent document—our most fundamental law and rule of order. This document defines our rights, liberties and the structure of our government. Written in a few short weeks and months in 1787, it created a more perfect framework for government and unity, and defined the rights of the people in this great republic.

The principles spelled out in this document define how an American is different from a citizen of any other nation in the world. And it is because of my firm belief in these principles—the same principles I swore an oat to uphold—that I must oppose this amendment. If this amendment is adopted, it will be the first time in the entire history of the United States that we have cut back on our liberties as Americans as defined in the Bill of Rights.

Prior to the time the Supreme Court spoke on this matter, and defined acts of physical desecration to the flag under certain conditions as acts of free speech protected by the Constitution, I would have happily supported legislation which would protect the flag. While I have reservations about the propriety of these decisions, the Supreme Court is, under our great Constitution, empowered to define Constitutional rights and assure the protection of all the rights of free citizens in the United States.

Today, we are forced to make a difficult decision. There is regrettably enormous political pressure for us to constrain rights set forth in the Constitution to protect the symbol of this nation. This vote is not a litmus test of one's patriotism. What we are choosing today is between the symbol of our country and the soul of our country.

When I vote today, I will vote to support and defend the Constitution in all its majesty and glory, recognizing that to defile or dishonor the flag is a great wrong; but recognizing that the defense of the Constitution, and the rights guaranteed under it, is the ultimate responsibility of every American.

I urge my colleagues to honor our flag by honoring a greater treasure to Americans, our Constitution. Vote down this bill.

Mr. GEKAS. Mr. Speaker, it unifies our soldiers in the midst of battle and provides the direction and morale they need to protect our freedom. It unifies our citizens in times of trouble and gives us reason to reflect on and celebrate our freedom. It is our American flag and for these reasons and more it is a symbol—perhaps the ultimate symbol—of our freedom.

That freedom has not come easily and has not always grown peacefully, but throughout 200 years of history, our flag has always held the value and meaning of the United States and continues to command respect and admiration around the world.

Freedom is America's greatest and most recognized attribute. It is symbolized by our flag and evident in the way our flag is treated and handled. If we afford our flag our deepest respect, we are cherishing our freedom and praising our nation. When we fail to recognize the significance of our flag, we will fail to recognize the significance not only of our freedom, but also of the potential for freedom around the world.

Let us recognize the thoughtful objections of our opponents and their concern for such an amendment offending the first amendment freedoms. We note that protecting the flag—the symbol of our country—truly protects and respects all our freedoms.

We can not take our freedom for granted. We must teach our children and our future leaders the importance of our freedom and the American flag. Millions of soldiers have fought for our flag and for all that it symbolizes. Many of them have died and many more have been injured. We can not forget that their courage and sacrifice was not only to guarantee their freedom, but also to guarantee our freedom. Furthermore, they did not fight so that we could allow the flag to lose its symbolic importance and deserving respect—the opposite, in fact. They fought to strengthen the value that America holds and that the flag represents.

Some nations have a unifying symbol that originates from their royalty such as a crown or scepter. Other nations have a unifying symbol such as a crest, cross, or other religious symbol. The United States' unifying symbol is her flag, and that originates from nowhere but our unending desire to uphold our freedom and to spread freedom to all peoples in all nations. From Fort McHenry to Iwo Jima, from Hawaii to Maine, from the Earth to the Moon and beyond the bounds of our solar system, this flag has always stood and continues to stand as our strongest unifying symbol—a symbol of history's greatest and freest nation.

It is time for the value we hold in the American flag to be reflected in our laws. By doing so, we are formally addressing the significance of the flag and the significance of denigrating our flag. Even more importantly, we are formally addressing the significance of freedom.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today in support of our American flag, and as a proud original cosponsor of House Joint Resolution 36 to prohibit the physical desecration of our most cherished national symbol.

The American flag is probably the most recognizable symbol in the world. Wherever it flies, it represents freedom. Millions of Americans who served our nation in war have carried our flag into battle. They have been killed or injured just for wearing it on their uniform, because our flag represents freedom and liberty, the most feared powers known to tyranny. Where there is liberty, there is hope. And hope extinguishes the darkness of hatred, fear and oppression.

America is not a perfect nation. But to the world, our flag represents that which is right in our nation. To Americans, it represents what Chief Justice Charles Evans Hughes referred to as our "National unity, our national endeavor, our national aspiration." It is a remembrance of past struggles in which we have persevered to remain as one nation under God, indivisible, with liberty and justice for all. Those who would desecrate our flag and all it represents show no respect for the brave men and women for whom the ideals and honor of this nation were dearer than life.

Mr. Speaker, this bill will not make individuals who desecrate our flag love our nation or those who sacrificed to secure the freedoms we have today. But, by protecting our flag, we will give Americans a unified voice for decrying these reprehensive acts.

I urge my colleagues to support this amendment.

Mr. FORBES. Mr. Speaker, I rise in strong support of Housing Joint Resolution 36, which would allow Congress to take action to protect the American flag from desecration.

In fact, one of my very first acts upon being sworn in just last month was to cosponsor this important resolution. Some very respected people have called the flag a mere piece of cloth. But, I have spoken to many of the men and women who fought and had comrades die for that piece of cloth and all that it symbolizes. To those patriots, it is much more than just another piece of cloth.

A quick review of America's history of jurisprudence indicates that our nation has a long tradition of protecting the flag. It was not until recently, in 1989, that a closely divided Supreme Court reinterpreted our Constitution to allow for the physical desecration of the flag. Congress has tried to restore the interpretation that gave some protection to the flag. But it is only through a Constitutional amendment that we will be able to do so without fear that the courts will again erase our good work.

It is important to note, Mr. Chairman, that this is simply a first step on a long road that we take today to protect the flag. Even once the Congress passes this resolution and it is ratified by the states, this language only gives Congress the authority to pass a law to protect the flag. That will be the appropriate time to debate the specifics of how we will protect the flag. Items such as what constitutes desecration and how do we prosecute the offenders will be better discussed then. Today, we merely seek to give Congress the authority to have that debate.

So, I urge my colleagues to stand with the men and women who have patriotically served their country under the American flag and to support this resolution. If for no other reason, we should protect the flag out of respect for those individuals who sacrificed so much so that we might even have this debate today. But, we should also do so out of our own sense of patriotism and pride.

Mr. GILMAN. Mr. Speaker, as a proud American, World War II Veteran, and as a Member of Congress; I rise in strong support of H.J. Res. 36, the Flag Protection Amendment of which I am a cosponsor.

Mr. Speaker, Texas v. Johnson, and its progeny decided by the United States Supreme Court in 5–4 decisions holds that it is permissible under the 1st Amendment to burn or desecrate our Flag, the symbol of our great nation. That is outrageous. Those cases present clear examples and beg for a Constitutional Amendment to preserve the honor and integrity of "Old Glory." Let it be known by Constitutional Amendment that those who seek to desecrate or burn the American Flag will be required to suffer the consequences.

Mr. Speaker, in the 106th Congress, a resolution to propose an anti-desecration amendment to the United States Constitution passed in the House by a vote of 305 to 124. Regrettably our colleagues in the Senate failed to achieve the required ⅔ votes necessary to sustain the amendment.

Mr. Speaker, "Old Glory," is more than a symbol of our great nation. It is the foundation of our great nation! Our flag, atop masts throughout our Nation and throughout the world is a beacon of liberty, freedom and democracy. It adorns the uniforms of our dedicated men and women of the Armed Services, we honor our flag by saluting it at sports events, we "pledge allegiance to the flag of the United States of America . . .," we fly it at half-mast to show our respect for our fallen great Americans, and it adorns their caskets as well. We vividly recall a young John Fitzgerald Kennedy, Jr., saluting his slain father, President John Fitzgerald Kennedy, as the flag draped caisson made its way to Arlington National Cemetery, or our flag being placed on the moon, or atop the highest peaks in the world, that were conquered by proud Americans.

Mr. Speaker, to say that the desecration of our flag is protected by the First Amendment is to forget that freedom of expression is not absolute. As Chief Justice Rehnquist stated in his eloquent and patriotic dissent in Texas v. Johnson, which I urge my colleagues and all Americans to read, and which I will enter into the Congressional Record, there are the categories of the lewd and obscene, the profane, the libelous, and the "fighting words"—those words which their very utterance inflict injury or tend to incite an immediate breach of the peace, that do not enjoy 1st Amendment protection. Just as one cannot yell 'fire' in a crowded theater, and claim immunity under the First Amendment's freedom of speech; one must never be able to desecrate our flag and claim immunity under the First Amendment!

Mr. Speaker, during World War II, when those courageous Marines placed our flag atop a makeshift flag pole atop Mt. Suribachi, Iwo Jima, at the cost of more than 6,000 lives of our brave Marines, President Roosevelt, in saluting their courage, stated, "when uncommon valor was a common virtue." I urge that all those who believe that the American Flag can be desecrated in the name of the First Amendment go and walk through the hallowed grounds in Arlington, Virginia, where the Iwo Jima Memorial is situated honoring those brave Marines on that day. To see our flag flying in the breeze makes us all proud to be Americans!

Mr. Speaker, I urge my colleagues to fully support H.J. Res. 36, protecting the honor and integrity of our flag.

Mr. NETHERCUTT. Mr. Speaker, I rise to express my support for this proposed Constitutional Amendment.

Our founding fathers' war-time soliloquies championed freedom in opposition to tyranny and oppression. However, in deciding to revolt and in establishing a government based on liberal beliefs, the founding fathers were aware of the dangerous tendencies of excessive liberty—including freedom of expression. On numerous occasions the Supreme Court has maintained that certain forms of speech are not protected—that freedom and liberty are not license.

Those who desecrate the flag often claim they do so for at least one of two reasons. First, they are advocating the destruction of government. This argument makes it very easy to support the proposed amendment, and the Supreme Court has held that this is not protected speech.

Second, perpetrators of this act claim to be supporting ideals of America's past that have disappeared. This claim is also an invalid justification. The flag not only represents the current state of America, but it also represents the past. It is America in its totality. It is a symbol of the collective expression of all our policies, the wars we have fought and the justification for so many honorable deaths. These deaths were in defense of many ideals, one of which is not unrestricted freedom of speech. What the flag stands for cannot be divided in parts at one's convenience and used to protest something pertaining to one or even several areas of our society. It is an expression of the whole. When a flag is destroyed, the perpetrator destroys all the ideals the flag represents.

This Congress has the power to set a new precedent. There is substantial public support for this initiative. The Greek philosopher Plato wrote in his famous work Republic, "Extreme freedom can't be expected to lead to anything but a change to extreme slavery, whether for a private individual or for a city." I believe that respect for our national symbol is a minimal restriction on excessive political and artistic expression in our nation. I urge my colleagues to support this Constitutional Amendment.

Mr. PUTNAM. Mr. Speaker, I rise today to request the support of this body for the passage of H.J. Res. 36—the Flag Protection Amendment. This legislation will clarify once and for all that the language of Title 4 United States Code, section 8, "No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing" is the law of the land, as well as the sentiment of most Americans.

Some opponents of this legislation say that we cannot infringe on the First Amendment and the right to free speech. Others argue that the wording of the First Amendment is sacred, and we must not adjust the Bill of Rights to include this protection. But, I ask you to take a moment and think about the Founding Fathers. How could they have known that one day this would be in question? How could they have imagined that the flag of the country they pledged their lives, fortunes and sacred honor to bring into being would be burned as an act of "speech" by people who enjoy the protections of the Nation they sacrificed so much to build? There is no evidence they thought desecrating the flag would be speech, protected by the First Amendment. They would have known, and we must recognize, that destroying the flag is an action, not speech.

Mr. Justice White in the 1974 Supreme Court case of Smith v. Goguen said, "There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial or to prevent overlaying it with words or other objects. The flag is itself a monument, subject to similar protection."

Mr. Speaker, I am fortunate to have many veterans residing in my district. While thinking of what I was to say to you today, my thoughts turned to them. We are a nation standing strong today because those heroes kept our flag flying in spite of the hardship and sacrifice of war. The flag gave them strength when they were far from home. Our history is full of testimony that the image that kept our troops moving forward and prisoners enduring their captivity was the red, the white, and the blue. Surely the flag is as much a monument to their sacrifice as any tablet of stone or plaque of bronze; and should it not, then, as Justice White suggested receive the same protection as other monuments?

By adding this amendment to the Constitution, we are not taking away the freedoms that our flag symbolizes, rather we are protecting our most compelling monument to those who died—and lived—to make those freedoms possible. I urge you to vote "yes" to H.J. Res. 36.

Mr. KERNS. Mr. Speaker, I rise today as we consider an important piece of legislation to protect the symbol of freedom known around the world—the United States flag. Our American flag is more than just fabric and stitching. It represents the sacrifices made by generations of Americans to ensure the liberties that we enjoy each day. The fundamental principles of freedom, opportunity, and faith are woven into old glory. On porches and main streets throughout Indiana and our great nation, Americans display the stars and stripes as a symbol of their patriotic pride for our country. From the revolutionary war to modern times, the United States flag has been and continues to serve as the primary symbol of freedom and justice in the world. As a national treasure, I believe that our flag deserves our highest respect. For this reason, I ask my colleagues to support this legislation to protect the great symbol of freedom—the United States flag.

Mr. HOLT. Mr. Speaker, I rise today in opposition to this amendment.

Just as everyone here today, I view the American flag with a special reverence, and I am deeply offended when people burn or otherwise abuse this precious national symbol.

When I was in school, not only did we pledge allegiance to the flag every morning, but we were also honored to be selected to raise or lower the flag in front of my school.

Each one of us took on this task with the utmost seriousness and respect.

I believe that we should still be teaching young people to respect the flag and what it represents.

Our Constitution is the document that provides the basis for our great country. For two centuries and a decade, the Constitution—the greatest invention of humans—has allowed our diverse people to live together, to balance our various interests, and to thrive.

It has provided each citizen with broad, basic rights.

It doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom.

It tells us that we are free to assemble peacefully. We are free to petition our government; we are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It secures the right and means of voting.

It is these freedoms that define what it is to be an American.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function.

This Resolution before us today would not perfect the operation of our self-government. It would not expand our citizen's rights.

Proponents of this constitutional amendment argue that we need to respect our flag.

I believe that the vast majority of Americans already respect our flag.

The issue before us is whether our Constitution should be amended so that the Federal Government can prosecute the handful of Americans who show contempt for the flag.

To quote James Madison, is this a "great and extraordinary occasion" justifying the use of a constitutional amendment?

The answer is no; this is not such an occasion.

I oppose this amendment because I believe that while attempting to preserve the symbol of the freedoms we enjoy in this country, it actually would harm the substance of these freedoms.

Mr. LEVIN. Mr. Speaker, I do not approve of people burning the U.S. flag. The flag serves as a proud symbol of our country, denoting truth, freedom and democracy. But as offensive as flag desecration is, I do not believe we can protect the flag by weakening the constitution.

One of this country's most cherished principles is that of free speech as found in the First Amendment. As Justice Oliver Wendell Holmes once wrote, "The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate, the conduct and action we seriously dislike."

Should this amendment be approved, it could open a Pandora's box prohibiting other activities. Who is to say restrictions won't be placed on desecrating religious symbols or texts, or even the Constitution and Declaration of Independence? The possibilities are limitless and all would stand in opposition to what the founding fathers intended by giving citizens the right of freedom of speech.

Mr. Speaker, I would never condone burning the American flag. But carving out exceptions to the First Amendment is a slippery slope we should not venture down.

The SPEAKER pro tempore (Mr. QUINN). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTUTUTE OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WATT of North Carolina:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.".

The SPEAKER pro tempore. Pursuant to House Resolution 189, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 30 minutes.

Is the gentleman from Wisconsin (Mr. SENSENBRENNER) opposed to the amendment in the nature of a substitute?

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) will be recognized in opposition.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), outside of the debate on this amendment, to speak on general debate.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague and classmate, the gentleman from North Carolina, for yielding time to me.

Like our system goes here in Congress, I have a markup going on in the Committee on Energy and Commerce on the energy bill, and have been running back and forth. I appreciate the courtesy of the gentleman, my colleague, in yielding time to me.

Mr. Speaker, I rise today in support of the resolution and as a proud cosponsor of the original resolution to protect one of our Nation's most sacred and beloved symbols, our flag, from desecration.

This is the fourth consecutive Congress that we have taken up this resolution. I hope this time our colleagues in the Senate will join us in passing this amendment and sending it on to the States for ratification.

Our flag is a symbol of the men and women who have fought and died for our country. Their sacrifice is represented by that flag. To millions of Americans, the flag is more than just colored dye and cotton, it is the physical manifestation of our pride, our honor, and our dignity both here and around the world.

To see it stomped, burned, or otherwise desecrated is an affront to ordinary hardworking Americans. We cannot do anything about someone doing it in other parts of the world, but we can do something about it in our own country.

To those who argue that this sacred symbol is just a piece of cloth, I challenge them to remember some of the ways our flag is used: leading our athletes during opening ceremonies for the Olympics, flying at half staff to mark national tragedies, and covering the remains of our brave soldiers and service personnel who have given their lives for our country.

When the flag is desecrated, so, too, are the moments in these memories. I hope my colleagues will join me in voting for this resolution.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the underlying proposed constitutional amendment that is the subject of this debate, and which has been the subject of general debate for now almost 2 hours, reads: "The Congress shall have power to prohibit the physical desecration of the flag of the United States."

The proposed amendment in the nature of a substitute, which I am offering to the underlying proposed constitutional amendment, reads: "Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States."

We should be clear that many people think that the desecration, the burning of a flag, is a part of an expression against the United States, against some action of the United States, and is a protected means of speech. The Supreme Court has so held, and if the Supreme Court did not hold such, I think that we would be in a position where we could selectively decide who could burn a flag and who could not burn a flag based on whether we agreed with the expression that they were intending to make or whether we disagreed with the expression they intended to make.

As we will hear, I am sure, from the gentleman from Virginia (Mr. SCOTT), who has studied this issue at some length, there are many, many occasions, and many of us in this House have been invited to occasions where the United States flag is burned. It is part of the ritual for doing away with a flag in a graceful way. That is an expression of our respect for the flag, because we have a designated way to dispose of the flag.

On the other hand, when people rise and make a statement against the United States government, many of them, some of them, have chosen to make that expression against the United States by burning the flag.

So when we talk about desecration of a flag or burning of a flag, one means of burning the flag would be protected when we agreed or the majority agreed with the expression that was being made.

The other means, when we disagreed with the expression that the protester or person who was making a statement against the United States was making, then we would, in effect, be stopping that person from exercising their freedom of speech.

The problem comes that if we put the proposed constitutional amendment in our Constitution as it is written, the Supreme Court is going to come to a very serious fork in the road. One amendment would say that we prohibit the physical desecration of the flag, and the Supreme Court has already held that in some cases that is constitutionally protected free speech. The first amendment will still be on the books, so the Supreme Court will have to decide which one of these constitutional amendments, the first amendment or this proposed constitutional amendment which we are debating, will it give precedence to.

The amendment in the nature of a substitute resolves that dispute. It basically says that if one can do away with or if Congress can pass a law that prohibits the physical desecration of the flag of the United States in such a way that it does not impinge, does not discriminate against people who are expressing their views, then it can do so. But if the Congress passes a law which does impinge on the freedom of expression, then it should be clear that the first amendment to the Constitution, which has served this Nation well for low so many years, should be the controlling amendment to the Constitution.

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And so it is in that context that we offer this substitute.

I wanted to give this opening statement so that everybody would understand that we are trying to resolve a potential dispute between two potentially conflicting provisions in the Constitution.

Mr. Speaker, having kind of framed the issue in that way, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute by the gentleman from North Carolina (Mr. WATT). And so that the membership is clear what the gentleman from North Carolina (Mr. WATT) is trying to do, I would like to read his proposed constitutional amendment: "Not inconsistent with the first article of amendment to this constitution, the Congress shall have the power to prohibit the physical desecration of the flag of the United States."

Now, the only difference between the substitute of the gentleman from North Carolina and House Joint Resolution 36 is the phrase "not inconsistent with the first article of amendment to this constitution." What the substitute does is to punt this issue right back to the Supreme Court of the United States, because the Court twice, in a 5 to 4 decision in the Johnson and Eichman cases, allowed flag desecration based on first amendment grounds.

This is kind of a not-so-subtle way of saying that the Supreme Court was right, because if we send this whole issue back to the Supreme Court, they will use the precedent that they established in 1989 and 1990 as controlling and allow flag desecration to go on. But I think there is a greater issue involved than just the issue of whether or not the Constitution should be amended to prohibit flag desecration, and that is whether or not this House of Representatives should go along with unraveling the elaborate system of checks and balances put into our Constitution by the framers in order to prevent one branch of government from becoming too powerful.

As I said during the general debate, Mr. Speaker, the amendment procedure for the Constitution of the United States was, in part, designed to prevent the courts from becoming too powerful. Three of the 17 amendments that were proposed following the Bill of Rights, and ratified by the States, overturned court decisions that were determined not to be good law by the Congress and by three-quarters of the State legislatures.

Now, if the gentleman from North Carolina and the supporters of his amendment want to toss this matter back to the courts, then just defeat the amendment that we are debating today. Because that will mean that the court decisions in Johnson and Eichman will be the controlling law until the Supreme Court changes its mind and either overrules or modifies its decisions.

I believe that the House of Representatives today should hit this issue head on. If my colleagues do not want a constitutional amendment to protect the flag from physical desecration, then vote it down on the merits on the floor, but do not put this House on record saying that if we agree with the Supreme Court decision then we should amend the Constitution in order to ratify that Supreme Court decision, because that is what the substitute offered by the gentleman from North Carolina does.

Vote down the Watt substitute, pass the original amendment that has been reported by the Committee on the Judiciary.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Watt amendment, and I thank the gentleman for yielding me this time.

Once again it is around the 4th of July, and we are discussing the current version of what is often referred to as the "flag burning amendment." The gentleman from North Carolina has offered a meaningful alternative, one that will continue to protect the rights of free speech under the first amendment and is consistent with the opinions of former Senator John Glenn and Secretary of State Colin Powell, both of whom have spoken out in support of protecting the right of free speech and against the underlying amendment in its present form.

The Supreme Court has considered the restrictions which are permissible by the Government under the first amendment. For example, with respect to speech, time, place and matter may generally be regulated, while content cannot. So if a group or individual wishes want to have a protest march, the Government can restrict the particulars of the march: what time it is held, where it is held, how loud it can be. But it cannot restrict what people are marching about. We cannot allow some marchers and ban others just because we disagree with the message.

The only exception to the prohibition on regulation of content are situations, for example, where speech creates an imminent threat of violence. Burning a flag will not necessarily create an imminent threat of violence, particularly if someone is burning his own flag in his own back yard. Yet this is precisely the behavior prohibited by the underlying amendment.

We should all understand that flags are burned every day in this country. Indeed, flag burning is considered the proper way to retire a flag. And every year around Flag Day or the 4th of July, flags are burned en masse in order to retire them. When these flags are burned, those attending the ceremony or doing the burning say something respectful about the flag. Flag burning under those circumstances is considered appropriate and would remain legal under this amendment. However, when protestors burn a flag in exactly the same manner, but when accompanied by words of protest, well, the underlying amendment would make that instance of flag burning illegal.

So, if we say something nice while burning a flag, that is okay; but if something is said which offends the local sheriff as the flag is burned, then it would be illegal. This is nothing less than an attempt to suppress speech, and government officials should not be in the position of deciding which speech is good and which speech is bad. I believe the Watt amendment will help remedy this problem by requiring the criminalization of flag burning related to crimes must be consistent with the first amendment.

Now, there would still be other problems, like what is a flag? Is a picture of a flag, a flag? What is desecration and what does that mean? Who gets to decide when an expression constitutes desecration? And what other symbols, like Bibles or copies of the Constitution, should also be protected? Those problems still remain, but I ask my colleagues to join me in supporting this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the substitute amendment of the gentleman from North Carolina (Mr. WATT).

The gentleman from Virginia (Mr. SCOTT) has, in essence, indicated that it is going to be difficult or perhaps impossible to differentiate between appropriate burning of the flag or proper burning of the flag and an inappropriate or desecrating of the flag. This argument has been made other times. How do we differentiate between the two? This is done by tradition and by practice. For 100 years, our courts and the American people were able to tell the difference between desecration and the proper disposal of worn flags.

In the absence of a provision of some way to dispose of American flags, we would have to maintain them into perpetuity. It did not present a problem before, it has not throughout our Nation's history, and there is no reason to think it would be a problem now. In 1989, Congress passed the Flag Protection Act and was able to define desecration and flag. Additionally, the U.S. Code defines the terms and it always has.

In any event, we trust the good common sense of the American people and the fairness of the courts to resolve any unforeseen problems. And, ultimately, that is what would happen if there was a disagreement on whether something was an appropriate disposal of a flag in one person's mind or desecration in the other. The courts could step in, as has happened in the past. We should be able to easily differentiate between a ceremony that many of us have gone to on Memorial Day, for example. Many of us go back into our districts and participate in those ceremonies. That is clearly different than a person who goes out and desecrates a flag or sets it on fire, as has happened.

Again, some have argued this does not happen any more. It has happened 86 times in the recent past, in 29 States and in the District of Columbia and in Puerto Rico, for example. We are able to differentiate, just as we are able to differentiate, for example, a surgeon who has a scalpel and operates on a person to assist them, to do something, to cure a disease or to cure some problem that person has from another person coming up with a knife and stabbing a person with it. It is easy to differentiate between the two, just as it is easy to differentiate between appropriate disposal of the flag and not appropriate disposal.

The gentleman's substitute amendment, again, says "not inconsistent with the first article of amendment of this constitution." We already know what this Supreme Court, at least five of the justices of the Supreme Court, think about desecration of the flag. We know that they think that it amounts to expression and that that is protected by the first amendment in that 5 to 4 decision. And since this language would come first in the amendment, it would be controlling. So, in essence, if we would pass the substitute amendment of the gentleman from North Carolina as he proposes, it would appear that we are passing an amendment to protect the flag, to stop desecration of the flag in this country; but in essence, we would be passing absolutely nothing. It would be a sham. For that reason, I oppose the amendment.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this well-intentioned amendment. When I was first elected to the House, I cosponsored the flag burning amendment. I did so for many of the same reasons that proponents of the amendment have expressed today. It is disturbing to think of someone burning the flag of the United States. It is an action that holds in contempt the greatness of this Nation and all those who gave up their lives defending this symbol of freedom that our flag represents. It is an act for cowards.

And yet looking back, I was moved by my heart more than my head. History informs us that the strength of America is derived from its basic ideals, one of the most important of which is tolerance for the full expression of ideas, even the most obnoxious ones.

For more than 2 centuries, the first amendment to the Constitution has safeguarded the right of our people to write or publish almost anything without interference, to practice their religion freely and to protest against the Government in almost every way imaginable. It is a sign of our strength that, unlike so many repressive nations on earth, ours is a country with a constitution and a body of laws that accommodates a wide-ranging public debate. We must not become the first Congress in U.S. history to chill public debate by tampering with the first amendment.

Mr. Speaker, H. L. Mencken once said, "The trouble with fighting for human freedom is that one spends most of one's time defending scoundrels, for it is against scoundrels that oppressive laws are first aimed. And oppression must be stopped at the beginning if it is to be stopped at all." Flag burners are generally scoundrels. On that much we would agree. But we ought not give them any more attention than they deserve.

Mr. Speaker, former Senator Chuck Robb sacrificed his political career by doing such things as voting against this amendment in order to defend the very freedoms that the American flag represents.

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In his Senate floor statement last year, he described how he had been prepared to give up his life in the Vietnam War in order to protect the very freedoms that this constitutional amendment would suppress. He did wind up giving up his political career by showing the courage to vote against this amendment.

Not having fought in a war, I should do no less than Senator Robb did in defense of the freedom he and so many of my peers were willing to defend with their lives.

This amendment should be defeated. I think the substitute amendment is appropriate. It should be supported. But this amendment should be defeated in our national interest, regardless of the consequences to our personal and political interests.

Mr. SENSENBRENNER: Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise against the substitute offered by the gentleman from North Carolina (Mr. WATT).

We have seen this debate before where our side has proposed the flag constitutional amendment and we have seen your side always provide a substitute. Generally, your substitute has been a method to give you the ability to vote for it and still go back to your constituents and say that you believe that the physical desecration of the flag of the United States is bad. That is what your amendment is, quite simply. Because if you were really sincere about this debate, you would not have this sentence in your substitute amendment: "Not inconsistent with the first article of amendment to this Constitution."

I am sure that my colleagues would be willing to explain why they would have that in if, in fact, they felt that the Congress should have the power to prohibit the physical desecration of the flag of the United States. But the fact that you put that in with a contingency would show that you do not really have your heart in this debate. This is really, in my opinion, just the opportunity for those who are in swing districts to have the opportunity to vote for something and vote against ours.

When we look at what we have offered in the original flag constitutional amendment, H.J.Res. 36, we are simply saying that our flag is not just a piece of cloth, we are saying it is something much more. To desecrate it is to desecrate the memory of thousands of Americans who have sacrificed their lives to keep that banner flying intact. So it is to desecrate everything this country stands for.

I would remind the Members who do not support our original amendment and support the substitute that we also note in our laws we protect our money from desecration, destruction. So if that is true for our money, why is that not true for the flag?

Obviously there is a debate on this all the time and we cannot get complete support on this, but I think in this case that we can talk and talk and talk about first amendment rights and everything but clearly that your amendment is just really subterfuge to try to protect Members who want to have it both ways.

Supreme Court Justice John Paul Stevens claims that the act of flag burning has nothing to do with disagreeable ideas, but rather involves conduct that diminishes the value of an important national asset. The act of flag burning is meant to provoke and arouse and not to reason. Flag burning is simply an act of cultural and patriotic destruction.

The American people revere the flag of the United States as a unique symbol of our Nation, representing our commonly held belief in liberty and justice. Regardless of our ethnic, racial or religious diversity, the flag represent oneness as a people. The American flag has inspired men and women to accomplish courageous deeds that won our independence, made our Nation great and, of course, advanced our values throughout the world which the rest of the country is adopting. Mr. Speaker, I say we should defeat this substitute.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me address the comments made by my colleague, the gentleman from Florida (Mr. STEARNS), and make it absolutely clear to him that for those of us who have different opinions about what the first amendment covers than yours, it does not mean that we do not have political heart. It just means we have a difference of opinion.

Those of us who have stood for the first amendment to the Constitution are people like myself who, in the practice of law, actively defended the right of the Ku Klux Klan to march.

Mr. Speaker, maybe my colleagues can say I do not have any heart. Maybe my colleagues can say I am looking for political cover. But when I go back into my community and stand up for the right of the KKK to march and express themselves, I think that gives some indication of what I feel about the first amendment and the right that all of us, I think, are fighting to protect, which is the right of people to express themselves, whether we agree with what they are saying or disagree with what they are saying.

This is not about seeking political cover. This is about protecting the very Constitution that we are operating under and have been operating under for years and years.

Mr. Speaker, I want to make that clear to the gentleman. This is not, as the gentleman characterized it, a political exercise. And the gentleman should also be clear that this is not the Republican side versus our side, that is the Democratic side. The last time I checked, there were people of goodwill, both Republicans and Democrats, on both sides of the aisle on this issue.

The one thing that I think we all agree on is that we believe in this country and the principles on which it was founded, and we will all fight and defend those principles. I finally got to that point with the gentleman from California (Mr. CUNNINGHAM), my good friend, who is in the Chamber. We got past that. Let us not call names.

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, could the gentleman give me an example where in his mind the authors of this substitute give a specific example where the first amendment would be in conflict with physical desecration of the flag?

Mr. WATT of North Carolina. Reclaiming my time, I have a very limited amount of time. Had the gentleman been on the floor at the outset of this debate, he would have heard what this amendment is all about. The only way I can do that now is to go back and restate it. It is in the record, though. I will just stand on the record.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time to close.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I ask the gentleman to yield so I can respond briefly to the gentleman from Florida (Mr. STEARNS) because I think it is important to know about the importance of the first amendment.

When we talk about some burning would be legal and some would not, if someone is being arrested because of the message, if someone is burning the flag and says something nice about the Vietnam War, would that be desecration? If someone says something in protest of the Vietnam War, would that be desecration? It is the same act. If the local sheriff happens to be of a particular view on that, he would want to arrest the burner because he is offended.

Mr. Speaker, that is why it is important that we have the first clause in the Watt amendment. It would have to be consistent with the first amendment. The first amendment would say that one cannot restrict by virtue of the content. We can restrict the way the flag is burned, the time the flag is burned, but not the message delivered when the burning is going on.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for his intervention.

Mr. Speaker, in closing, first of all, I want to respond to the comments of the gentleman from Wisconsin (Mr. SENSENBRENNER) that he made in his opening statement, that the effect of this proposed substitute would be to punt this proposed issue back to the United States Supreme Court.

It is interesting that the chairman of the Committee on the Judiciary would say that, because, by passing the underlying proposal, we do not do away with the first amendment to the Constitution. The Supreme Court is going to have to reconcile this proposed constitutional amendment with the first amendment as it stands now; and so the notion that we are somehow, by not putting the language that we have proposed in the constitutional amendment, are going to save ourselves from the United States Supreme Court interpreting the first amendment is just not the case.

At some point this issue is going back to the Supreme Court, whether it goes back under my substitute or whether it goes back under the proposed constitutional amendment.

We can say to ourselves we have resolved this issue, but if in fact it is speech to burn a flag in the course of a demonstration or protest expressing one's self, if it was protected by the first amendment before this proposed constitutional amendment, then that act is still going to be protected by the first amendment unless the effect of this is to repeal the first amendment.

So it is not as if we are doing away with the first amendment. In any event, this all must be resolved. I do not think there is any credibility in that analysis. This issue is going back to the Supreme Court, and the Supreme Court will reconcile whatever amendment we make.

I am just trying to make it clear that in my order of priorities I want the first amendment to the Constitution, which has been on the books for all these years that our country has been around, to still be the preeminent amendment to the Constitution. I do not want something that this Congress has done in the heat of some political moment to supersede that.

Second, I want to close by just saying how much I have come to welcome this debate. When we first started doing this 5 or 6 years ago, I actually resented having to do this every year. Now I actually think that it is a good debate for our country.

Mr. Speaker, 5 or 6 years ago when I first started debating this, I used to think, as the gentleman from Florida (Mr. STEARNS) now thinks, that everybody on the opposite side of this issue was unAmerican because they did not believe in the first amendment.

Mr. Speaker, folks used to come in the Chamber and they would shout at me that I was unAmerican because I did not support what they wanted; and I would shout at them that they were unAmerican because they did not believe in what I believed in.

☐ 1515

I think about 2 or 3 years into the debate, it became apparent to me that everybody on all sides of this issue is a patriot. And I think we finally got to that resolution last year or the year before last when we had a very, very dignified debate that allowed everybody to express their opinions on this proposed constitutional amendment, on the proposed substitute, and everybody went away understanding more fully what free speech and expression is all about and why we value our country as we do regardless of where we stand on this issue.

There is dignity in this debate. It is not a partisan debate. It is not a racial debate. It is not a philosophical debate. This is all about what you think this country stands for and what you think the first amendment stands for. I applaud my colleagues for engaging in this dignified debate.

Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am willing to stipulate that everybody who has debated this question today, on either side of the issue, is just as patriotic as everybody else. There is a legitimate difference of opinion on whether or not we should propose a constitutional amendment for the States to consider and ratify to protect the United States flag from physical desecration. I think that the case is overwhelming on why we ought to do that.

I would just like to cite one legal decision from my home State, in the case of the State of Wisconsin v. Matthew C. Janssen, Supreme Court of Wisconsin, decided on June 25, 1998, where the State Supreme Court, citing the Johnson and Eichman cases as precedent, declared unconstitutional the Wisconsin flag desecration statute in the case where the defendant defecated on the American flag. And there the court determined that because the defendant claimed that this disgusting act was a political expression, he could not be criminally prosecuted because the statute was unconstitutional.

Now, if there ever was a reason why we should overturn the Johnson and Eichman cases, this decision of the Wisconsin Supreme Court, I believe, is a case in point. I think that whether one supports or opposes House Joint Resolution 36 goes down to a question of values. We have heard those values spoken today very eloquently on both sides. But I think that protecting the flag should be one of our paramount goals, because the flag does stand for all Americans. The flag does stand for the principles that are contained in the Declaration of Independence and the Constitution. The flag does stand for the values that 700,000 young men and young women died for in the wars that this country has fought over the last 225 years. If we can say that it is a Federal crime to burn a dollar bill, we ought to be able to say it is a Federal crime to burn the American flag.

I urge the defeat of the substitute and the passage of the constitutional amendment.

Mr. CONYERS. Mr. Speaker, I strongly support the substitute offered by Mr. WATT.

This substitute goes to the heart of what we're debating. If the sponsors of H.J. Res. 36 really believe that the proposed amendments does not supersede the First Amendment, they ought to have no problem supporting this substitute.

And if H.J. Res. 36 does supersede the First Amendment, then the sponsors should have the courage to admit it—so the American people can make an informed decision about this issue.

In my view it is clear that H.J. Res. 36 directly alters the free speech protections of the First Amendment. There can be no doubt that "symbolic speech" relating to the flag falls squarely within the ambit of traditionally protected speech.

Our nation was born in the dramatic symbolic speech of the Boston Tea Party, and our courts have long recognized that expressive speech associated with the flag is protected under the First Amendment.

Also, as H.J. Res. 36 is currently drafted, it will allow Congress to outlay activities that go well beyond free speech. The amendment gives us no guidance whatsoever as to what if any provisions of the First Amendment, the Bill of Rights, or the Constitution in general that it is designed to overrule.

Some have suggested that the amendment goes so far as to allow the criminalization of wearing clothing with the flag on it. This goes well beyond overturning the Johnson case and indicates that the flag desecration amendment could permit prosecution under statutes that were otherwise unconstitutionally void cf vagueness.

For example, the Supreme Court in 1974 declared unconstitutionally vague a statute that criminalized treating the flag contemptuously and did not uphold the conviction of an individual wearing a flag patch on his pants. So unless we clarify H.J. Res. 36, the legislation would allow such a prosecution despite that statute's vagueness.

Finally, it is insufficient to respond to these concerns by asserting that the courts can easily work out the meaning of the terms in the same way that they have given meaning to other terms in the Bill of Rights such as "due process."

Unlike the other provisions of the Bill of Rights, H.J. Res. 36 represents an open-ended and unchartered invasion of our rights and liberties, rather than a back-up mechanism to prevent the government from usurping our rights.

I urge the Members to support the substitute and oppose altering the Bill of Rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 189, the previous question is ordered on the joint resolution and on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WATT of North Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 100, nays 324, not voting 9, as follows:

[Roll No. 231]

YEAS—100

Abercrombie
Allen
Baldwin
Barrett
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Capuano
Cardin
Clay
Clayton
Clyburn
Coyne
Cummings
Davis (IL)
DeFazio
Dicks
Engel
Etheridge
Evans
Fattah
Frank
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaFalce
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lewis (GA)
Lowey
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Moran (VA)
Nadler
Neal
Obey
Olver
Pastor
Paul
Payne
Pelosi
Price (NC)
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Shadegg
Slaughter
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler

NAYS—324

Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kucinich
LaHood
Langevin
Largent
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon

McNulty
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schakowsky
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bishop
Delahunt
Gephardt
Jefferson
Owens
Reyes
Riley
Schiff
Spence

☐ 1557

Messrs. McINTYRE, DeMINT, THOMPSON of California, PICKERING, STARK, McDERMOTT, SERRANO, and Ms. LOFGREN, Ms. LEE, Mrs. NAPOLITANO, Ms. VELAZQUEZ, and Mrs. DAVIS of California changed their vote from "yea" to "nay."

Messrs. RANGEL, ALLEN, DICKS, McGOVERN, and HILLIARD changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LINDER). The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 298, nays 125, not voting 10, as follows:

[Roll No. 232]

YEAS—298

Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pence
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—125

Abercrombie
Ackerman
Allen
Baldwin
Barrett
Becerra
Berman
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Capuano
Cardin
Carson (IN)
Clay
Clayton
Conyers
Coyne
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Dreier
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Frank
Gilchrest
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McKinney
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Mink
Moore
Moran (VA)
Nadler
Oberstar
Obey
Olver
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Price (NC)
Rangel
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Shays
Slaughter
Snyder
Solis
Stark
Tanner
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—10

Bishop
Delahunt
Gephardt
Jefferson
Kolbe
Owens
Reyes
Riley
Schiff
Spence

☐ 1614

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETERSON of Minnesota. Mr. Speaker, during rollcall vote No. 232 on H.J. Res. 36, I mistakenly recorded my vote as "nay" when I should have voted "aye".

Stated against:

Mr. KOLBE. Earlier today, I was absent during the vote on final passage of H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Had I been present, I would have voted "nay" on this vote, No. 232.

ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS TO H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules plans to meet tomorrow on Wednesday, July 18, 2001, to grant a rule for the consideration of H.R. 2506, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002.

□ 1615

The Committee on Rules may grant a rule which would require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Appropriations filed its report on the bill today. Members should draft their amendments to the bill as reported by the Committee on Appropriations.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 192 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided" on page 19, line 13, through "workyears:" on line 19. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 192 is an open rule providing for the consideration of H.R. 2500, the FY 2002 Commerce, Justice, State, the Judiciary, and related agencies appropriations bill. Overall, this bill provides roughly $38 billion in funding for a variety of Federal departments and agencies, about $600 million over the President's budget request.

H. Res. 192 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and all points of order are waived against consideration of the bill.

The rule also provides that the bill be considered for amendment by paragraph. H. Res. 192 waives clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, against provisions in H.R. 2500, except as otherwise specified in the rule. The rule also authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Once H. Res. 192 is approved, the House can begin its consideration of the fiscal year 2002 Commerce, Justice, State, the Judiciary appropriations bill. A number of critically important Federal agencies receive their funding from this measure, including the Federal Bureau of Investigation, the Immigration and Naturalization Service, the Drug Enforcement Administration, the Federal Communications Commission, the Securities and Exchange Commission, and the Small Business Administration, among others.

I want to commend my friend and colleague, the gentleman from Virginia (Mr. WOLF), for the manner in which he and his ranking minority member, the gentleman from New York (Mr. SERRANO) have crafted this bill. It is funded within the guidelines of FY 2002 Budget Resolution we passed earlier this year, and they have done so while still providing for some significant funding increases for certain departments and agencies within H.R. 2500.

The Committee on Rules approved this rule by voice vote yesterday, and I urge my colleagues to support it so that we may proceed with the general debate and consideration of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, let me thank the gentleman from Georgia (Mr. LINDER) for yielding me this time. This seems to be my and his day for rulemaking here in the House.

Mr. Speaker, I rise in support of the Commerce, Justice, State, Judiciary, and related agencies appropriations bill for fiscal year 2002 and in support of the rule. I want to congratulate the gentleman from Virginia (Mr. WOLF), the chairman of this subcommittee, and the ranking member, the gentleman from New York (Mr. SERRANO), for their work on this bill and for their recognition of the importance to the entire country of the necessary departments and agencies it funds. In years past, this has been a very controversial bill. I am satisfied that this year we have a bill that is fair, balanced, and enjoys wide bipartisan support.

For a moment, let me just say how important to the American people this bill is. It funds programs like the Legal Services Corporation and the Immigration and Naturalization Service. It increases funding for the Equal Employment Opportunity Commission and the United States Commission on Civil Rights. Additionally, this bill funds the very critical programs that our embassies around the world carry out every day. These hardworking unheralded women and men work hard for the American people every day and everywhere. From Baku to Buenos Aires, and from Quito to Cairo, our foreign service personnel have some of the most difficult jobs in the world. The increases in funding in this bill for embassy and consular security are most needed and should, in my opinion, be increased.

Mr. Speaker, in addition to the programs of national interest that I alluded to above, this bill contains a number of significant projects important to my south Florida district that I would like to highlight briefly. I am pleased this bill contains more than $1.4 million for the continued restoration of the south Florida ecosystem.

Funding for these projects includes important work being done at the National Coral Reef Institute in Dania Beach, Florida; and I am thrilled that Congress continues its commitment to this facility through this bill.

Protection of Florida's unique environment and the animals that inhabit it are aided by this bill. Specifically, this bill allocates $1.7 million for the Marine Mammal Commission for continuation of studies to further protect the endangered Florida manatee.

Additionally, this bill continues funding for the Caribbean Initiative, which provides added resources to the FBI, DEA, and the INS for the region that includes Puerto Rico, the Caribbean, and south Florida.

I am pleased to see that the bill before us includes significant funding for the Community Oriented Policing Services, the COPS program, administered by the Department of Justice. Specifically, the committee report recommends that funds be directed to the largest school district in my State, Miami-Dade County Public Schools, for technology equipment for school policing activities.

Finally, Mr. Speaker, let me mention that later in this debate I will offer an amendment for funding to an important project in a very small city in my district that is in desperate need, Pahokee, Florida. Looking ahead, I thank the ranking member for working with me on my amendment and for the thoughtful consideration of it.

Mr. Speaker, this is a good bill; and the rule is fine, as far as it goes. Again, Mr. Speaker, I thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for bringing an excellent bill to the House. This is a bipartisan bill that helps millions of Americans from coast to coast, and I urge passage of the bill and adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule and wish to talk specifically about one of the most impressive components of this piece of legislation we are going to be voting on in terms of the Justice appropriations.

As a proud original cosponsor of the COPS program and the only member of the Subcommittee on Crime from Congress, I want to take this time to applaud the efforts of the chairman, the gentleman from Virginia (Mr. WOLF), in reinstating the funding for the COPS program at $1 billion, which is $158 million more than the President requested. This is a critically important program to our law enforcement community and to the safety of our citizens.

In my community of central Florida, for example, we have added more than 500 police officers since 1994. We have added 110,000 police officers across the country. Over two-thirds of our police departments have benefited from this program. What happened? We saw a dramatic downturn in crime. Every year since 1994, the crime rate has gone down.

Recently, I held a roundtable in my community and invited all of the sheriffs and all the chiefs of police. Some were elected; some were appointed. Some were Republican; some were Democrat. Some headed up large police departments; some headed up small. They all had one common goal. Their number one criminal justice priority was to fully fund the COPS program because they saw it made a meaningful difference in the lives of citizens in Orlando.

I want to applaud the leaders in funding this program and let them know this will continue to make a meaningful difference in people's lives because of their leadership.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1831

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WHITFIELD) at 6 o'clock and 31 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7, COMMUNITY SOLUTIONS ACT OF 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–144) on the resolution (H. Res. 196) providing for consideration of the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2500, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2500.

□ 1833

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of the full Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I want to announce to Members that as we begin consideration of this very important appropriations bill that because of the heavy schedule for the floor this week, we would like to accomplish an agreement on limiting time on amendments, as we have done on other bills. In order to be fair to the membership, in order to do this, I would like to urge Members who have an amendment that they would like to have considered to this bill, that they present that as soon as they possibly can so that as we begin to create the universe of amendments that we will be considering, so that we will not leave anybody out.

The schedule for the balance of the evening will be announced at a later time by the majority leader, but at this point we are prepared to go into the general debate on the bill.

I want to say a word of congratulations to the gentleman from Virginia (Chairman WOLF) for the tremendous leadership that he has shown in this, his first year as chairman of this particular subcommittee, and also to the gentleman from New York (Mr. SERRANO), who is the ranking member. There has been a very cooperative effort between the gentleman and the chairman. They both have done a good job. Their staffs have worked diligently to present a good, fair bill.

Will it satisfy everybody? I know there are a lot of folks that would like to see more money appropriated by this bill; others think it appropriates too much. So it is probably just at about the right place.

So, again, I want to compliment the gentleman from Virginia (Chairman WOLF), who has done an outstanding job in providing the leadership for the subcommittee, and his partner in this effort, the gentleman from New York (Mr. SERRANO), who also has been a very constructive member of the subcommittee in getting us to this point.

I am hopeful that we can expedite this bill. We have four other appropriations bills, plus the conference report on the supplemental, awaiting consideration by the House, so the sooner we can expedite this business, the sooner we can get on to the rest of the appropriations business.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to begin consideration of H.R. 2500, the Departments of Commerce, Justice, State, the Judiciary, and related agencies. The bill provides funding for programs whose impact ranges from the safety of people in their homes and communities, to the conduct of diplomacy around the world, to predicting the weather from satellites in outer space.

The bill before the Committee and in the House today reflects the delicate balance of needs and requirements. We have drafted what I consider to be a responsible bill for fiscal year 2002 spending levels for the departments and agencies under the subcommittee's jurisdiction. We have had to carefully prioritize the funding in this bill and make hard judgments with regard to scarce resources.

Overall, the bill before the committee recommends a total of $38.5 billion in discretionary funding, of which $38.1 bill is general-purpose discretionary, and $440 million is for the discretionary conservation function. The bill is $972 million above the enacted level for fiscal year 2001, and $600 million above the President's request.

For the Department of Justice, the bill provides $21.5 billion in discretionary funding, $672 million above last year's level and $623 million above the President's request. This includes a $455 million increase to address critical detention requirements to house criminals and illegal aliens.

It also includes $5 million in support of the President's faith-based initiative at the Federal Bureau of Prisons, including a pilot program at Petersburg, Virginia, and Leavenworth, Kansas, Federal penitentiaries. I firmly believe that faith can have a positive impact on the lives of those incarcerated, and I know that we must provide prisoners with something more positive than just putting them in prison; and a faith-based initiative which will be open to all faiths I believe can make a big impact in reducing recidivism.

There is a $469 million increase for the Drug Enforcement Administration, the Federal Bureau of Investigation, and the U.S. Attorneys to enhance Federal law enforcement's ability to fight the war on violent crime and drugs and to combat cybercrime and national security threats.

We have also included report language that will ensure that the Inspector General at the Department of Justice will have the full authority, for the first time, to investigate allegations of employee misconduct within both the FBI and the DEA. Again, this will be the first time that the IG will have permission to look at the whole Department, including the FBI and DEA.

This move is significant, given the problems that have plagued the FBI, and the DEA to a lesser extent. Having this added measure of oversight will be a good thing for the FBI and the DEA, and it will hopefully begin to restore the American people's faith in these two valiant and extremely important organizations. There are good men and women who are in both agencies who serve the country very well; and by giving the IG having the ability to look, I think will be a good thing.

There is a $252 million increase for the Immigration and Naturalization Service to enforce our immigration laws, hire additional Border Patrol agents, and continue the interior enforcement effort. This funding level also includes the President's request for an additional $45 million to achieve a 6-month application processing standard. There is a $150 million increase to enforce Federal and State gun laws and distribute gun safety locks.

This also empowers local communities to fight crime by providing $4.3 billion for State and local law enforcement assistance. This includes funding for Violence against Women Act programs, victims of trafficking grants, the State Criminal Alien Assistance program, and local law enforcement block grant programs, COPS and juvenile justice programs.

For the Department of Commerce, the bill provides $5.2 billion, $21 million above the request. It provides full funding for the U.S. trade agencies, Census, and the National Institute of Standards and Technology, an increase of $29 million over the President's request for the National Oceanic and Atmospheric Administration, including the National Weather Service.

The bill also includes $440 million on the conservation category as negotiated in the fiscal year 2001 Interior appropriations bill.

The National Weather Service has been diligent in its pursuit of a new National Severe Storm Laboratory building in Norman, Oklahoma. The gentleman from Oklahoma, Mr. WATTS has been vigilant in his pursuit to provide the required capabilities of this laboratory. Beginning in 1998, he has obtained funding to establish the National Severe Storms Laboratory.

This year, through the efforts of the chairman of the Subcommittee on Treasury, Postal Service and General Government, the gentleman from Oklahoma (Mr. ISTOOK), there is an agreement with the General Services Administration to actually construct this building. This committee has agreed to provide the above-standard GSA costs specific to the requirements for NOAA. This facility will allow NOAA to improve the detection of tornadoes nationwide. The bill also includes the full $440 million, as I said, under the conservation category program as negotiated in the fiscal year 2001 Interior appropriations bill. So this I think will help the gentleman from Oklahoma Mr. (WATTS) and the gentleman from Oklahoma (Mr. ISTOOK) and the University of Oklahoma to deal with that issue dealing with NOAA.

For Judiciary, $63 million will begin the renovations at the U.S. Supreme Court, about half the amount needed to protect the life, safety and security of the millions of people who use that building. Also a cost-of-living increase to the attorneys who ensure the fairness of our criminal justice system by representing indigents in criminal cases.

For the State Department and the Broadcasting Board of Governors, the bill provides $7.7 billion, $837 million above last year's appropriations, per the request of the Bush administration and per the request of Secretary Powell.

It includes a programming increase of $419 million for diplomatic readiness and reform, including 360 new positions and major technology modernization, $1.3 billion, the full request, the full request, because of embassy security problems, for urgent embassy security needs, including the construction of new secure replacement embassies and consulates.

Just last week, on July 12, the State Department released its first annual report on sexual trafficking in persons. The Congress ought to know that at least 700,000 individuals a year, many women and children, are trafficked each year across international borders for sexual purposes. These victims are often subject to threats and violence and horrific living conditions. We must not tolerate this equivalent of modern-day slavery.

The bill includes $3.8 million for important new initiatives to combat trafficking, including the cost of an office within the State Department to coordinate interagency anti-trafficking activities, and an international conference to develop systematic international solutions to the problem. Fifty thousand people are brought to this country alone every year for that purpose, and the subcommittee plans on holding a hearing, in-depth hearings on this, when we come back after the Labor Day break.

The bill also includes $479 million for the Broadcasting Board of Governors, $9 million above the request, which includes funding for broadcasting initiatives in East Asia and the Middle East, and also making sure that the broadcasts get to the country of Sudan, where we know that they have slavery.

For the miscellaneous and related agencies, the bill includes $2.1 billion, $300 million above the current year level; $728 million for the Small Business Administration, an increase of $186 million above the President's request for important lending and assistance programs for the Nation's entrepreneurs; $232 million for the Maritime Administration, an increase of $128 million above the President's request, including funding for the Maritime Security Program, the title 11 loan program and the important efforts to dispose of the backlog of obsolete merchant vessels, which we hope we can finally put to rest once and for all.

$438 million, the requested amount for the Securities and Exchange Commission. I strongly support the SEC's recent effort to strengthen their enforcement of disclosure rules. Foreign corporations doing business in Sudan and other places playing a direct role in human rights abuses in Sudan have been able to offer securities to American investors; and as a result, these investors are unwittingly helping to subsidize these atrocities. American investors are helping to subsidize terrorism. American investors are helping to subsidize slavery.

We appreciate what the SEC did, and we will continue to insist on the full exercise of existing authorities to inform and protect American investors in this area, and this message goes out to the new chairman of the SEC when he takes over. But I appreciate the acting chairman's efforts in this regard.

□ 1845

Mr. Chairman, this bill provides funding of $3 million for the Commission on International Religious Freedom to monitor violations of religious freedom abroad and make policy recommendations to the State Department. I am particularly concerned about the denial of equal treatment to Coptic Christians by the government of Egypt. Funding for this Commission will help to ensure that such violations are given the attention they deserve by our foreign policymakers, whether being Egypt, whether being China, or wherever it may be.

This is a very quick summary of the recommendations before the House today. The bill gives no ground on the ongoing war against crime and drugs and provides the resources to State and local law enforcement that has helped bring the violent crime rate down to its lowest level since the Justice Department began tracking it. It includes major increases for the State Department to allow the Secretary, Secretary Powell, to rejuvenate and reform the Department and to continue the important, ongoing efforts to improve embassy security. It represents our best take on matching the needs with scarce resources.

I want to thank the gentleman from New York (Mr. SERRANO), the ranking member, who has been very effective and, I might say, these get to be sort of pro forma things, but, really, the gentleman is a good friend and someone we have worked very, very closely with. I want him to know that I appreciate his principal commitment, his thorough understanding of the programs in this bill, and I like sitting next to him with his great sense of humor, so I just wanted to thank him.

I also would like to thank all of the members of the subcommittee for their help. The gentleman from Kentucky (Mr. ROGERS), who had been the chairman of this committee for 6 years, has helped me with regard to a number of issues. I would also like to thank the gentleman from Arizona (Mr. KOLBE), the gentleman from North Carolina (Mr. TAYLOR), and the gentleman from Ohio (Mr. REGULA), the gentleman from Iowa (Mr. LATHAM), the gentleman from Florida (Mr. MILLER), the gentleman from Louisiana (Mr. VITTER), the gentleman from West Virginia (Mr. MOLLOHAN), the gentlewoman from California (Ms. ROYBAL-ALLARD), the gentleman from Alabama (Mr. CRAMER), and the gentleman from Rhode Island (Mr. KENNEDY).

Finally, I want to thank the gentleman from Florida (Mr. YOUNG), the full committee chairman, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their help in moving this bill forward.

I would also be remiss if I failed to mention how much I appreciate the professionalism and the cooperation of both the minority staff and the majority staff.

I would like to thank the majority staff, Mike Ringler, who handles the budgets of the State Department and the United Nations; Leslie Albright, who ably works the Justice Department law enforcement programs, including the DEA, the U.S. Marshal Service and the FBI; Christine Ryan, a former FBI professional who oversees the Commerce Department budget and who is marrying a Marine Corps officer in a few short weeks when we finally finish this bill.

I also want to thank Julie Miller, an extremely professional OMB official, who may even stay with the committee if we can get the approval, who has been detailed to the committee; and Carrie Hines, another top-notch professional who has been detailed to the committee.

I appreciate the top-notch efforts of Gail Del Balzo, whose experience on the Senate Budget Committee, as assistant parliamentarian of the Senate and as general counsel of CBO, has prepared her well for the position of clerk of this subcommittee.

These young professionals put in countless hours working weekends and late into the night. It is time spent away from their families and their friends, and yet they are dedicated to doing what is best for the American people, and we really appreciate them very much.

On the minority side, I want to say exactly the same thing. In particular, I would like to thank Sally Chadbourne, Lucy Hand, Nadine Berg, Rob Nabors and Christine Maloy from the democratic staff who were willing to pitch in during all the long hours spent putting this bill together. It has been a unique experience. It has been more bipartisan than I have seen, quite frankly, for a long, long while.

With that, I will just end by saying we tried hard to produce the best bill possible. It probably is not like the Ten Commandments. It is not perfect. I am sure there could be some changes here. While there cannot be any changes to the Ten Commandments, there can be in this bill, but we did not have that vision that the good Lord has, so we will be taking some amendments and doing some things, but I do hope Members will support the bill.

APPROPRIATIONS BILL, 2002 (H.R. 2500)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	88,518	93,433	91,668	+3,150	-1,765
Joint automated booking system	15,880	15,957	15,957	+77	....
Narrowband communications	204,549	104,606	104,615	-99,934	+9
Counterterrorism fund	4,989	4,989	4,989	....	....
Telecommunications carrier compliance fund	100,488	....	....	-100,488	....
Defense function	100,488	....	....	-100,488	....
Administrative review and appeals:					
Direct appropriation	160,708	178,499	178,751	+18,043	+252
Detention trustee	998	1,718	1,721	+723	+3
Office of Inspector General	41,484	45,495	50,735	+9,251	+5,240
Total, General administration	718,102	444,697	448,436	-269,666	+3,739
United States Parole Commission					
Salaries and expenses	8,836	10,862	10,915	+2,079	+53
Legal Activities					
General legal activities:					
Direct appropriation	534,592	566,822	568,011	+33,419	+1,189
Vaccine injury compensation trust fund (permanent)	4,019	4,028	4,028	+9	....
Antitrust Division	120,838	140,973	141,366	+20,528	+393
Offsetting fee collections - carryover	-25,000	-51,550	-36,000	-11,000	+15,550
Offsetting fee collections - current year	-95,838	-89,423	-105,366	-9,528	-15,943
Direct appropriation	....	....	....	....	....
United States Attorneys:					
Direct appropriation	1,247,631	1,346,289	1,353,968	+106,337	+7,679
United States Trustee System Fund	125,997	154,044	145,937	+19,940	-8,107
Offsetting fee collections	-119,997	-147,044	-138,937	-18,940	+8,107
Interest on U.S. securities	-6,000	-7,000	-7,000	-1,000	....
Direct appropriation	....	....	....	....	....
Foreign Claims Settlement Commission	1,105	1,130	1,136	+31	+6
United States Marshals Service:					
Direct appropriation	571,435	619,818	622,646	+51,211	+2,828
Construction	18,088	6,621	6,628	-11,460	+7
Justice prisoner and alien transportation system fund	13,470	....	....	-13,470	....
Total, United States Marshals Service	602,993	626,439	629,274	+26,281	+2,835
Federal prisoner detention	596,088	724,682	724,682	+128,594	....
Fees and expenses of witnesses	125,573	156,145	148,494	+22,921	-7,651
Community Relations Service	8,456	9,269	9,269	+813	....
Assets forfeiture fund	22,949	22,949	21,949	-1,000	-1,000
Total, Legal activities	3,143,406	3,457,753	3,460,811	+317,405	+3,058
Radiation Exposure Compensation					
Administrative expenses	1,996	1,996	1,996	....	....
Payment to radiation exposure compensation trust fund	10,776	10,776	10,776	....	....
Total, Radiation Exposure Compensation	12,772	12,772	12,772	....	....
Interagency Law Enforcement					
Interagency crime and drug enforcement	325,181	338,106	340,189	+15,008	+2,083
Federal Bureau of Investigation					
Salaries and expenses	2,791,795	3,050,472	3,042,606	+250,811	-7,866
Counterintelligence and national security	436,687	455,387	448,467	+11,780	-6,920
Direct appropriation	3,228,482	3,505,859	3,491,073	+262,591	-14,786
Construction	16,650	1,250	1,250	-15,400	....
Total, Federal Bureau of Investigation	3,245,132	3,507,109	3,492,323	+247,191	-14,786
Drug Enforcement Administration					
Salaries and expenses	1,443,669	1,547,929	1,543,083	+99,414	-4,846
Diversion control fund	-83,543	-67,000	-67,000	+16,543	....
Total, Drug Enforcement Administration	1,360,126	1,480,929	1,476,083	+115,957	-4,846
Immigration and Naturalization Service					
Salaries and expenses	3,118,999	3,388,001	3,371,440	+252,441	-16,561
Enforcement and border affairs	(2,541,453)	(2,737,341)	(2,738,517)	(+197,064)	(+1,176)
Citizenship and benefits, immigration support and program direction	(577,546)	(650,660)	(632,923)	(+55,377)	(-17,737)

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Fee accounts:					
Immigration user fee	(494,384)	(591,866)	(591,866)	(+97,482)	
Land border inspection fund	(1,670)	(1,714)	(2,944)	(+1,274)	(+1,230)
Immigration examinations fund	(969,851)	(1,258,088)	(1,376,871)	(+407,020)	(+118,783)
Breached bond fund	(80,600)	(120,763)	(139,935)	(+59,335)	(+19,172)
Immigration enforcement fines	(1,850)	(5,510)	(12,994)	(+11,144)	(+7,484)
H-1b Visa fees	(1,125)	(16,000)	(16,000)	(+14,875)	
Subtotal, Fee accounts	(1,549,460)	(1,993,941)	(2,140,610)	(+591,130)	(+146,669)
Construction	133,009	128,410	128,454	-4,555	+44
Total, Immigration and Naturalization Service	(4,801,468)	(5,510,352)	(5,640,504)	(+839,016)	(+130,152)
Appropriations	(3,252,008)	(3,516,411)	(3,499,894)	(+247,886)	(-16,517)
(Fee accounts)	(1,549,460)	(1,993,941)	(2,140,610)	(+591,130)	(+146,669)
Federal Prison System					
Salaries and expenses	3,500,172	3,829,437	3,845,971	+345,799	+16,534
Prior year carryover	-31,000		-15,000	+16,000	-15,000
Direct appropriation	3,469,172	3,829,437	3,830,971	+361,799	+1,534
Buildings and facilities	833,822	833,273	813,552	-20,270	-19,721
Federal Prison Industries, Incorporated (limitation on administrative expenses).	3,421	3,429	3,429	+8	
Total, Federal Prison System	4,306,415	4,666,139	4,647,952	+341,537	-18,187
Office of Justice Programs					
Justice assistance	417,299	407,677	408,371	-8,928	+694
(By transfer)	(6,632)	(6,632)	(6,632)		
State and local law enforcement assistance:					
Direct appropriations:					
Local law enforcement block grant	521,849	400,000	521,849		+121,849
Boys and Girls clubs (earmark)	(60,000)		(60,000)		(+60,000)
Police athletic league (earmark)			(6,000)	(+6,000)	(+6,000)
Grants, contracts, and other assistance (earmark)	(19,956)	(19,956)	(19,956)		
State prison grants	684,990			-684,990	
Tribal prison construction		35,191	35,191	+35,191	
State criminal alien assistance program	399,120	265,000	565,000	+165,880	+300,000
Cooperative agreement program		35,000	35,000	+35,000	
Indian tribal courts program	7,982	7,982	7,982		
Indian grants	4,989	4,989	4,989		
Byrne grants (formula)	498,900	500,000	500,000	+1,100	
Byrne grants (discretionary)	68,898		70,000	+1,102	+70,000
Juvenile crime block grant	249,450	249,450	249,450		
Drug courts	49,890	50,000	50,000	+110	
Violence Against Women grants	288,044	309,665	309,665	+21,621	
State prison drug treatment	62,861	73,861	73,861	+11,000	
Stalking and domestic violence grants program		3,000	3,000	+3,000	
Violent Crimes Against Women on Campus		10,000	10,000	+10,000	
Legal assistance for victims		40,000	40,000	+40,000	
Protection for older and disabled women		5,000	5,000	+5,000	
Safe Havens for Children pilot program		15,000	15,000	+15,000	
Parental kidnapping laws report		200	200	+200	
Forensic exams of domestic violence study		200	200	+200	
Education and training to end violence against and abuse of women with disabilities		7,500	7,500	+7,500	
Other crime control programs	5,687	5,688	5,688	+1	
Assistance for victims of trafficking			10,000	+10,000	+10,000
Total, State and local law enforcement	2,842,660	2,017,726	2,519,575	-323,085	+501,849
Weed and seed program fund	33,925	58,925	58,925	+25,000	
Community oriented policing services:					
Direct appropriations:					
Public safety and community policing grants	533,823	271,856	421,856	-111,967	+150,000
Management administration	31,755	32,812	32,994	+1,239	+182
Crime identification technology	129,714	255,404	213,611	+83,897	-41,793
Safe schools initiative	(17,462)	(17,000)	(17,000)	(-462)	
Upgrade criminal history records	(34,923)	(35,000)	(35,000)	(+77)	
DNA identification/crime lab	(29,934)	(70,000)	(75,000)	(+45,066)	(+5,000)
Methamphetamine	48,393	48,393	48,393		
Community prosecutors	99,780	99,780	99,780		
Crime prevention	46,897	46,864	46,864	-33	
COPS technology	139,692	100,000	150,000	+10,308	+50,000
Total, Community oriented policing services	1,030,054	855,109	1,013,498	-16,556	+158,389
Juvenile justice programs	297,940	297,940	297,940		

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Public safety officers benefits program:					
Death benefits	33,224	33,224	33,224	....	....
Disability benefits	2,395	2,395	2,395	....	....
Total, Public safety officers benefits program	35,619	35,619	35,619	....	....
Total, Office of Justice Programs	4,657,497	3,672,996	4,333,928	-323,569	+660,932
Total, title I, Department of Justice	21,029,475	21,107,774	21,723,303	+693,828	+615,529
(By transfer)	(6,632)	(6,632)	(6,632)	....	....
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	29,452	30,097	30,097	+645	....
International Trade Commission					
Salaries and expenses	47,994	51,440	51,440	+3,446	....
Total, Related agencies	77,446	81,537	81,537	+4,091	....
DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	336,702	332,590	347,654	+10,952	+15,064
Offsetting fee collections	-3,000	-3,000	-3,000	....	....
Direct appropriation	333,702	329,590	344,654	+10,952	+15,064
Export Administration					
Operations and administration	57,477	61,643	61,643	+4,166	....
CWC enforcement	7,234	7,250	7,250	+16	....
Total, Export Administration	64,711	68,893	68,893	+4,182	....
Economic Development Administration					
Economic development assistance programs	410,973	335,000	335,000	-75,973	....
Salaries and expenses	27,938	30,557	30,557	+2,619	....
Total, Economic Development Administration	438,911	365,557	365,557	-73,354	....
Minority Business Development Agency					
Minority business development	27,254	28,381	28,381	+1,127	....
Total, Trade and Infrastructure Development	942,024	873,958	889,022	-53,002	+15,064
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	53,627	62,515	62,515	+8,888	....
Bureau of the Census					
Salaries and expenses	156,881	168,561	169,424	+12,543	+863
Periodic censuses and programs	275,798	374,835	350,376	+74,578	-24,459
Total, Bureau of the Census	432,679	543,396	519,800	+87,121	-23,596
National Telecommunications and Information Administration					
Salaries and expenses	11,412	14,054	13,048	+1,636	-1,006
Public telecommunications facilities, planning and construction	43,404	43,466	43,466	+62	....
Information infrastructure grants	45,400	15,503	15,503	-29,897	....
Total, National Telecommunications and Information Administration	100,216	73,023	72,017	-28,199	-1,006
United States Patent and Trademark Office					
Current year fee funding	782,119	856,701	846,701	+64,582	-10,000
(Prior year carryover)	(254,889)	(282,300)	(282,300)	(+27,411)	....
Total, Patent and Trademark Office	(1,037,008)	(1,139,001)	(1,129,001)	(+91,993)	(-10,000)
Offsetting fee collections	-782,119	-856,701	-846,701	-64,582	+10,000
Total, Economic and Information Infrastructure	586,522	678,934	654,332	+67,810	-24,602
SCIENCE AND TECHNOLOGY					
Technology Administration					
Under Secretary for Technology/ Office of Technology Policy					
Salaries and expenses	8,062	8,238	8,094	+32	-144

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Institute of Standards and Technology					
Scientific and technical research and services	311,929	347,288	348,589	+36,660	+1,301
Industrial technology services	250,285	119,266	119,514	-130,771	+248
Construction of research facilities	34,802	20,893	20,893	-13,909	
Total, National Institute of Standards and Technology	597,016	487,447	488,996	-108,020	+1,549
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	1,865,058	2,009,309	1,893,298	+28,240	-116,011
Conservation		168,000	304,000	+304,000	+136,000
(By transfer from Promote and Develop Fund)	(67,850)	(68,000)	(68,000)	(+150)	
(By transfer from Coastal zone management)	3,193	3,000	3,000	-193	
Total, Operations, research and facilities	1,868,251	2,180,309	2,200,298	+332,047	+19,989
Procurement, acquisition and construction	681,397	738,861	723,000	+41,603	-15,861
Conservation		26,000	26,000	+26,000	
Total, Procurement, acquisition and construction	681,397	764,861	749,000	+67,603	-15,861
Coastal and ocean activities	419,076			-419,076	
Pacific coastal salmon recovery	73,837	20,000	25,000	-48,837	+5,000
Conservation		90,000	110,000	+110,000	+20,000
Coastal zone management fund	-3,200	-3,000	-3,000	+200	
Fishermen's contingency fund	950	952	952	+2	
Foreign fishing observer fund	191	191	191		
Fisheries finance program account	287	287	287		
Environmental improvement and restoration fund		10,000	10,000	+10,000	
Total, National Oceanic and Atmospheric Administration	3,040,789	3,063,600	3,092,728	+51,939	+29,128
Total, Science and Technology	3,645,867	3,559,285	3,589,818	-56,049	+30,533
Appropriations	(3,645,867)	(3,275,285)	(3,149,818)	(-496,049)	(-125,467)
Conservation		(284,000)	(440,000)	(+440,000)	(+156,000)
Departmental Management					
Salaries and expenses	35,841	37,652	37,843	+2,002	+191
Office of Inspector General	19,956	21,176	21,176	+1,220	
Total, Departmental management	55,797	58,828	59,019	+3,222	+191
Total, Department of Commerce	5,152,764	5,089,468	5,110,654	-42,110	+21,186
Total, title II, Department of Commerce and related agencies	5,230,210	5,171,005	5,192,191	-38,019	+21,186
Appropriations	(5,230,210)	(4,887,005)	(4,752,191)	(-478,019)	(-134,814)
Conservation		(284,000)	(440,000)	(+440,000)	(+156,000)
(By transfer)	(67,850)	(68,000)	(68,000)	(+150)	
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,698	1,698	1,808	+110	+110
Other salaries and expenses	35,814	40,416	40,258	+4,444	-158
Total, Salaries and expenses	37,512	42,114	42,066	+4,554	-48
Care of the building and grounds	7,513	117,742	70,000	+62,487	-47,742
Total, Supreme Court of the United States	45,025	159,856	112,066	+67,041	-47,790
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,021	2,021	2,079	+58	+58
Other salaries and expenses	15,874	18,425	17,208	+1,334	-1,217
Total, Salaries and expenses	17,895	20,446	19,287	+1,392	-1,159
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,525	1,525	1,633	+108	+108
Other salaries and expenses	10,907	11,587	11,440	+533	-147
Total, Salaries and expenses	12,432	13,112	13,073	+641	-39
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	248,000	250,000	250,434	+2,434	+434
Other salaries and expenses	3,104,879	3,485,774	3,381,506	+276,627	-104,268
Direct appropriation	3,352,879	3,735,774	3,631,940	+279,061	-103,834
Vaccine Injury Compensation Trust Fund	2,596	2,692	2,692	+96	
Defender services	434,043	521,517	500,671	+66,628	-20,846
Fees of jurors and commissioners	59,436	50,131	48,131	-11,305	-2,000

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Court security	199,136	228,433	224,433	+25,297	-4,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	4,048,090	4,538,547	4,407,867	+359,777	-130,680
Administrative Office of the United States Courts					
Salaries and expenses	58,212	63,029	60,029	+1,817	-3,000
Federal Judicial Center					
Salaries and expenses	18,736	20,323	20,235	+1,499	-88
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	35,700	37,000	37,000	+1,300	
United States Sentencing Commission					
Salaries and expenses	9,909	12,400	11,575	+1,666	-825
General Provisions					
Judges pay raise (sec. 304)	8,782	8,000		-8,782	-8,000
Total, title III, the Judiciary	4,254,781	4,872,713	4,681,132	+426,351	-191,581
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	2,758,076	3,217,405	3,166,000	+407,924	-51,405
Worldwide security upgrade	409,098	487,735	487,735	+78,637	
Total, Diplomatic and consular programs	3,167,174	3,705,140	3,653,735	+486,561	-51,405
Capital investment fund	96,787	210,000	210,000	+113,213	
Office of Inspector General	28,427	29,264	29,264	+837	
Educational and cultural exchange programs	231,078	242,000	237,000	+5,922	-5,000
Representation allowances	6,485	9,000	6,485		-2,515
Protection of foreign missions and officials	15,433	10,000	9,400	-6,033	-600
Embassy security, construction and maintenance	416,059	475,046	470,000	+53,941	-5,046
Worldwide security upgrade	661,541	815,960	815,960	+154,419	
Emergencies in the diplomatic and consular service	5,465	15,500	10,000	+4,535	-5,500
(By transfer)	(3,991)	(4,000)	(4,000)	(+9)	
Commission on Holocaust Assets in U.S. (by transfer)	(1,397)			(-1,397)	
Repatriation Loans Program Account:					
Direct loans subsidy	590	612	612	+22	
Administrative expenses	603	607	607	+4	
(By transfer)	(998)	(1,000)	(1,000)	(+2)	
Total, Repatriation loans program account	1,193	1,219	1,219	+26	
Payment to the American Institute in Taiwan	16,309	17,044	17,044	+735	
Payment to the Foreign Service Retirement and Disability Fund	131,224	135,629	135,629	+4,405	
Total, Administration of Foreign Affairs	4,777,175	5,665,802	5,595,736	+818,561	-70,066
International Organizations and Conferences					
Contributions to international organizations, current year assessment	868,917	878,767	850,000	-18,917	-28,767
Contributions for international peacekeeping activities, current year	844,139	844,139	844,139		
Total, International Organizations and Conferences	1,713,056	1,722,906	1,694,139	-18,917	-28,767
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	7,126	7,452	24,705	+17,579	+17,253
Construction	22,900	25,654	5,520	-17,380	-20,134
American sections, international commissions	6,726	10,311	10,311	+3,585	
International fisheries commissions	19,349	19,780	19,780	+431	
Total, International commissions	56,101	63,197	60,316	+4,215	-2,881
Other					
Payment to the Asia Foundation	9,230	9,250	9,250	+20	
Eisenhower Exchange Fellowship program trust fund	499	500	500	+1	
Israeli Arab scholarship program	374	375	375	+1	
East-West Center	13,470	13,500	9,400	-4,070	-4,100
National Endowment for Democracy	30,931	31,000	33,500	+2,569	+2,500
Total, Department of State	6,600,836	7,506,530	7,403,216	+802,380	-103,314
RELATED AGENCY					
Broadcasting Board of Governors					
International Broadcasting Operations	398,093	428,234	453,106	+55,013	+24,872
Broadcasting to Cuba	22,048	24,872		-22,048	-24,872
Broadcasting capital improvements	20,313	16,900	25,900	+5,587	+9,000
Total, Broadcasting Board of Governors	440,452	470,006	479,006	+38,554	+9,000
Total, title IV, Department of State	7,041,288	7,976,536	7,882,222	+840,934	-94,314
(By transfer)	(6,386)	(5,000)	(5,000)	(-1,386)	

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Maritime security program	98,483	....	98,700	+217	+98,700
Operations and training	86,719	89,054	89,054	+2,335	....
Ship disposal	....	10,000	10,000	+10,000	....
Maritime Guaranteed Loan (Title XI) Program Account:					
Guaranteed loans subsidy	29,934	....	30,000	+66	+30,000
Administrative expenses	3,978	3,978	3,978	....	....
Total, Maritime guaranteed loan program account	33,912	3,978	33,978	+66	+30,000
Total, Maritime Administration	219,114	103,032	231,732	+12,618	+128,700
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	489	489	489	....	....
Commission on Civil Rights					
Salaries and expenses	8,880	9,096	9,096	+216	....
Commission on International Religious Freedom					
Salaries and expenses	....	3,000	3,000	+3,000	....
Commission on Ocean Policy					
Salaries and expenses	998	....	....	-998	....
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,367	1,499	1,499	+132	....
Congressional-Executive Commission on the People's Republic of China					
Salaries and expenses	499	500	500	+1	....
Equal Employment Opportunity Commission					
Salaries and expenses	303,195	310,406	310,406	+7,211	....
Federal Communications Commission					
Salaries and expenses	229,494	248,545	238,597	+9,103	-9,948
Offsetting fee collections - current year	-200,146	-218,757	-218,757	-18,611	....
Direct appropriation	29,348	29,788	19,840	-9,508	-9,948
Federal Maritime Commission					
Salaries and expenses	15,466	16,450	15,466	....	-984
Federal Trade Commission					
Salaries and expenses	147,154	156,270	155,982	+8,828	-288
Offsetting fee collections - carryover	-1,900	....	....	+1,900	....
Offsetting fee collections - current year	-145,254	-156,270	-155,982	-10,728	+288
Direct appropriation	....	....	....	....	....
Legal Services Corporation					
Payment to the Legal Services Corporation	329,274	329,300	329,300	+26	....
Marine Mammal Commission					
Salaries and expenses	1,696	1,732	1,732	+36	....
National Veterans Business Development Corporation					
Salaries and expenses	....	4,000	4,000	+4,000	....
Pacific Charter Commission					
Salaries and expenses	....	....	2,500	+2,500	+2,500
Securities and Exchange Commission					
Current year fees	127,519	109,500	109,500	-18,019	....
2000 fees	294,351	328,400	328,400	+34,049	....
Direct appropriation	421,870	437,900	437,900	+16,030	....
Small Business Administration					
Salaries and expenses	367,824	321,219	303,581	-64,243	-17,638
Office of Inspector General	11,927	11,927	11,927	....	....
Business Loans Program Account:					
Direct loans subsidy	2,245	1,500	1,500	-745	....
Guaranteed loans subsidy	162,801	....	77,000	-85,801	+77,000
Administrative expenses	128,716	129,000	129,000	+284	....
Total, Business loans program account	293,762	130,500	207,500	-86,262	+77,000

APPROPRIATIONS BILL, 2002 (H.R. 2500)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Disaster Loans Program Account:					
Direct loans subsidy	75,972		84,510	+8,538	+84,510
Administrative expenses	108,116	75,354	120,354	+12,238	+45,000
Gainsharing		3,000			-3,000
Total, Disaster loans program account	184,088	78,354	204,864	+20,776	+126,510
Total, Small Business Administration	857,601	542,000	727,872	-129,729	+185,872
State Justice Institute					
Salaries and expenses 1/	6,835	15,000	6,835		-8,165
Total, title V, Related agencies	2,196,632	1,804,192	2,102,167	-94,465	+297,975
TITLE VII - RESCISSIONS					
DEPARTMENT OF JUSTICE					
Drug Enforcement Administration					
Drug diversion fund (rescission)	-8,000			+8,000	
DEPARTMENT OF COMMERCE					
Departmental Management					
Emergency oil and gas guaranteed loan program account (rescission)		-115,000	-115,000	-115,000	
Emergency steel guaranteed loan program account (rescission)		-10,000	-10,000	-10,000	
RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Maritime Guaranteed Loan (Title XI) Program Account:					
Guaranteed loans subsidy (rescission)	-7,644			+7,644	
Total, title VII, Rescissions	-15,644	-125,000	-125,000	-109,356	
TITLE IX					
Wildlife conservation and restoration planning	49,890			-49,890	
Grand total:					
New budget (obligational) authority	39,786,632	40,807,220	41,456,015	+1,669,383	+648,795
Appropriations	(39,802,276)	(40,648,220)	(41,141,015)	(+1,338,739)	(+492,795)
Conservation		(284,000)	(440,000)	(+440,000)	(+156,000)
Rescissions	(-15,644)	(-125,000)	(-125,000)	(-109,356)	
(By transfer)	(80,868)	(79,632)	(79,632)	(-1,236)	

1/ The President's budget proposed $6.85 million for State Justice Institute.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2500.

I must begin by expressing my appreciation to the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, and his great staff for the fair and bipartisan way they have handled this bill, with full consultation with our side. While we do not agree with every recommendation in the bill, we believe that, on balance, it is worthy of wide support on both sides of the aisle.

I have sat in hearings and markups with the gentleman from Virginia (Mr. WOLF) for the last 3 years, but this is my first with him at the helm of the Subcommittee on Commerce, Justice, State, and Judiciary. Having similarly landed at the top of the subcommittee with no prior service on it, I know how hard he has had to work to master the many and varied agencies and issues now under his jurisdiction, and I admire how well he has done.

Staff on both sides of the aisle have made tremendous contributions to this process. They are Gail and Mike, Christine, Leslie, Julie and Carrie for the majority, as well as Jeff from the personal staff of the gentleman from Virginia (Mr. WOLF); on our side, Sally, Rob, Christine; and from my own staff, Lucy and Nadine. These are folks who are professionals, who do their job well and who make us look good all the time and, therefore, serve our country and its citizens very well.

Mr. Speaker, the budget request was troubling, with deep cuts to important programs and questionable assumptions about congressional actions on fees and program changes. This bill is a great improvement on that budget request. Perhaps most important, the bill restores many of the unreasonable cuts proposed in the President's budget for State and local law enforcement and COPS. The budget request was almost $1 billion below fiscal year 2001 levels for these programs, but the bill restores $661 million, including $150 million for COPS hiring. We are not all the way back, but we are moving in the right direction.

The bill supports the Secretary of State's initiatives to invest in diplomatic readiness as well as the security, technology and infrastructure requirements of the State Department. The bill includes $7.4 billion for the State Department, an increase of $802 million, or 12 percent above the current year. For core diplomatic activities under the Administration of Foreign Affairs account, the bill is 17 percent above fiscal year 2001. A significant investment is needed to ensure that the Secretary has adequate resources, both people and technology, to carry out our foreign policy and national security objectives and to ensure that our employees overseas work in the most secure environment.

In contrast to bills in past years from this subcommittee, the bill fully funds the request for international peacekeeping. Peacekeeping, as we all know, can advance U.S. policy goals at a fraction of the cost of sending U.S. forces into trouble spots.

While the funding provided for assessed contributions to the U.N. and other international organizations is close to the amount requested, there are no funds for rejoining UNESCO as proposed in the House-passed State Department authorization bill, which could create a problem down the line. The fence around $100 million of U.N. dues, pending certification that the U.N. is not exceeding its budget, has raised administration concern. But, unlike similar provisions in past House bills, it draws attention to the need for budget discipline but should not lead to any new arrears.

Our side, Mr. Chairman, is quite pleased with the overall level of funding for NOAA whose activities in coastal and ocean conservation, the management and preservation of our Nation's fisheries, the weather forecasting activities, as well as the satellites and data systems that support them, plus critical research into global climate change and other oceanic and atmospheric phenomena are so important to our economy and environment as well as to the health and safety of our people. Within NOAA, Conservation Trust Fund activities are fully funded.

We are also delighted to see the Legal Services Corporation funded at the requested level, avoiding the exercise on the House floor we have had to go through for the last 6 years to restore cuts made in committee that are not supported by a majority in Congress.

I want to take special occasion to thank the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, for the ability to get this program funded this way. We always put an amendment on the floor, and it passes with bipartisan support and a lot of votes, and I have always wondered why we had to do it this way. Well, this bills speaks to that issue right away, without having to go through that exercise.

The full requests for the EEOC and the Civil Rights Commission are included, and the Justice Department's Civil Rights Division is funded above current services, supporting not only the administration's initiatives on voting rights and the rights of the disabled but also an initiative to investigate and prosecute civil rights abuses against inmates in prisons or other institutions.

The largest concern we have, however, with this bill is with the Small Business Administration, SBA. The administration sent up a budget based on unrealistic assumptions about Congress's willingness to increase fees for important loan programs and to shift disaster funding to a new government-wide emergency fund, neither of which is going to happen. The chairman of the subcommittee has done a good job in partially restoring these funds, but more needs to be done, and we will work with him to be sure the smallest and neediest small businesses are not left behind.

Again, Mr. Chairman, this is a good bill. If our colleagues read the minority views in the report, which every subcommittee Democrat signed, they will see that we all believe that as long as no harmful floor amendments are adopted this bill deserves to pass with a strong bipartisan vote.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I rise today in support of the fiscal year 2002 Commerce, State, Justice bill. I do especially want to commend the chairman and the ranking member for crafting a fair and balanced bill that takes into account the priorities of the President and the Congress.

I have a special interest in trade issues, and the bill provides full funding for the trade agencies which carry out several important functions. The trade laws, in view of our economic situation, become even more important so that we get not only free trade but fair trade in our economy.

We provide the full funding request for embassy security. I can remember as a member of this committee when we were very concerned about embassy security, and we traveled to a number of places. It was a serious problem. I think the chairman is trying to address that, and it is important that he do so.

We do have full funding for the Legal Services Corporation. I refer to that as the equivalent of the Medicaid program in the area of legal matters. I know that the new president of the system, one of our former colleagues, former Congressman John Erlenborn, will do a great job of giving leadership to the Legal Services Corp.

I especially want to thank the chairman for providing $2.5 million for the continuation of the partnership between the JASON project and the National Oceanic and Atmospheric Administration. The JASON project is a state-of-the-art education program that brings scientists into classrooms through advanced interactive telecommunications technology. The program is really designed to excite students about the sciences and to encourage them to pursue higher education in the sciences.

We have had many speeches on this floor about the importance of science and science education. The JASON project benefits from the scientific information and expertise available from NOAA that can be incorporated into the JASON curriculum and the annual expedition. It extends benefits by encouraging students to become future scientists.

Finally, I would like to mention the Ohio WEBCHECK program. This innovative and award-winning program allows for quick and convenient background checks to be completed over the Internet.

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The Ohio system allows fingerprint images of two fingers and two thumbs to be electronically transmitted for a criminal background check through the Ohio Bureau of Criminal Identification. This is especially important for people who are hiring counselors, who are hiring adults that deal with children. It avoids a lot of problems.

Last year, we provided $5 million of Federal funding to hook WebCheck into the FBI fingerprint system for a more comprehensive national check. I want to thank the chairman for recommending additional funding for this project so that it can be completed in a manner that will make it possible for all States to set up similar programs and hook them into the FBI system.

Having a quick, convenient, and comprehensive national background check system will provide a safer environment for our children and the elderly. I strongly urge my colleagues to support this appropriations bill.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 2500, the appropriations measure funding the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

I want to compliment the chairman, who has done a terrific job, the gentleman from Virginia (Chairman WOLF), and the ranking member, the gentleman from New York (Mr. SERRANO), who has done an equally terrific job in putting this bill together. By and large, it restores many of the cuts proposed in the President's budget request.

In his budget request, President Bush asked the Congress to rescind $10 million from the remaining unobligated balances in the Emergency Steel Guarantee Loan Program Account. In response to the President's request to rescind the steel loan guarantee money, the committee has indeed rescinded it.

As my colleagues will recall, the Emergency Loan Guarantee Act was established in 1999 to assist American steel producers who have been battling an onslaught of illegally-dumped foreign steel which has crippled the U.S. steel industry.

Our domestic steel industry is in crisis. There simply is no other way to describe it. Approximately 23,000 steelworkers have lost their jobs as a result of this crisis, and 18 steel producers have filed for bankruptcy. Current import levels still remain well above precrisis levels.

President Bush recently requested that the International Trade Commission initiate a 2001 investigation on the impact of steel imports on our U.S. steel industry.

Given all of these facts, now is not the time to rescind monies from the very fund established to help our domestic steel industry weather the storm. I recognize that unobligated balances exist in the account created for this program. Changes were needed to make the program more accessible to American steel companies without imposing significant additional costs on the Federal Government.

Under the leadership of Senator BYRD, changes to the Emergency Steel Loan Guarantee Act were recently approved by the other body. Hopefully, these changes will make the program more accessible to more of our steel producers.

That being the case, it seems unwise at this time to rescind funds from this important program. I am hopeful that during conference, this rescission can be eliminated.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to begin by thanking our chairman, the gentleman from Virginia (Mr. WOLF), for the excellent leadership he provided in this subcommittee, and also my ranking member, the gentleman from New York (Mr. SERRANO), for his work in this important piece of legislation and all that this legislation is going to do to fund important projects.

As a member of the subcommittee, and a new Member, I know very difficult decisions had to be made. While I was pleased with many of the decisions that were made, I would like to take this opportunity to raise a few of the issues that I believe deserve even greater attention.

First and foremost is the Office of Juvenile Justice and Delinquency Prevention, which was funded at the same level as last year's request. In particular, I want to bring this House's attention to title V of OJJTP, which was also held at last year's level.

There are few areas in government where programs work more effectively and we get more of a return on our dollar than in the area of title V, which funds critically successful initiatives such as the Safe Schools and Healthy Students Program. This helps keep kids out of trouble, and it also helps provide flexible resources to our districts. Mr. Chairman, I requested a greater allocation in this area.

In other areas, let me briefly touch upon the area of economic development. I think we should not have reduced funding for the EDA, the Economic Development Administration, or eliminated funding for the New Markets Initiative.

In addition, I think we should also have pushed more for trade agreements and globalization adjustment assistance through the EDA that I think will be even more important as we move into a global economy. I pointed that out to Secretary Evans and Ambassador Zoellick.

For our efforts in Native American country, let me say that with even modest increases, I believe we could have accomplished much more, particularly on Native American reservations where the alcoholism rate occurs at 950 percent times the non-native communities .

With violent crime on the rise on native reservations, and with 90 percent of it attributed to alcohol-related crime, I think we should be putting more resources in this effort.

Finally, as a Representative of the "Ocean State," Rhode Island, I would like to support all those initiatives that go into the National Oceanographic and Atmospheric Administration. The administration's request in the committee's bill offers funding for programs like Sea Grant and Coastal Zone Management, but does not offer enough funding for those critical areas like nonpoint source pollution. This is the runoff from our highways every time it rains a great deal, and all the runoff pollutes our bays. It also affects our fishing stock.

Let me conclude by once again congratulating the chairman for his important leadership, thank the ranking member for his great leadership, and say that I look forward to working with both of them on continued funding for these priorities that I have just outlined, as well as many others that I have not had time to delineate.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman very much for yielding time to me. I also want to thank the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for the fine work they have done on this bill. I do plan to support it.

I rise now to indicate my concern over a provision mentioned by my colleague, the gentleman from West Virginia, a few minutes ago about the rescission of $10 million from the $145 million Steel Loan Guarantee Program.

The problems that the steel industry faces are manyfold, but one is the complete collapse of the ability to get financing, as well as the number of companies now that find themselves in bankruptcy in the United States of America.

Since December 31, 1997, we have now had 18 companies declare bankruptcy, and one of the concerns that the industry faces is securing financing. We have a loan guarantee program in place. It took a period of time to get up and running with it. There were initially some problems as far as the bureaucracy contained therein, and the problem continues to persist as far as securing the guarantees for private investment firms to loan the industry money. Today those guarantees are at 85 percent.

Given the fact that 21 percent of all steel capacity in the United States of America today is in bankruptcy, I think the provision in this bill sends a very negative and very bad signal to those financial institutions as far as reduction in the monies that will be available for those guarantees for the fiscal year. We are not only talking about tonnage in bankruptcy, we are not only talking about companies in bankruptcy, we are talking about people.

The fact is, we have 42,556 Americans working for those 18 companies, some of which may not make it without this loan guarantee program. We have to couple that with the 23,000 people who, over the last 2½ years, have also lost their jobs in this industry.

I am concerned that this program has a rescission attached to it. I would hope that it can be rectified in conference with the Senate at some future date.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to clarify something. There were a number of questions by Members with regard to the gun safety lock issue. I would like to make a clarification for the RECORD in the interest of this.

Regarding the distribution of gun safety locks, the report accompanying this bill expresses the committee's support for the use of gun safety locks, and would encourage the distribution of these locks to handgun owners.

The report also expresses the committee's concern regarding reports that some of these safety locks have failed or do not work on certain handguns. We understand that the Department of Justice is reviewing the availability of standards for gun safety locks, and private industry groups have also sought the promulgation of such standards.

The report directs the Department of Justice to develop national standards for gun safety locks. The committee intends for the Department to consult with private industry groups and other interested parties in the development of these standards.

Further, we understand the interim standard for gun safety locks could be in place in 6 months.

Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. Dicks).

Mr. DICKS. Mr. Chairman, I rise in very strong support of this important legislation. I want to first of all thank the chairman, the gentleman from Virginia (Mr. WOLF), in his first year as Chairman of this important appropriations subcommittee, and the gentleman from New York (Mr. SERRANO), the ranking Democratic member and his staff. I particularly want to tell them how much I appreciate their cooperation in funding the so-called "conservation amendment."

Last year, the Congress adopted a provision that started at $1.6 billion last year and will increase up to $2.4 billion by 2006 based on the Violent Crime Trust Fund model, which keeps the authority for spending for these important conservation programs, of which there are $443 million in this bill, within the jurisdiction of the Committee on Appropriations, and allows us to have annual oversight.

But what it has done is double and now even more than double the amount of money that is available for conservation spending.

There were some last year who were advocating an entitlement that would have taken this off the budget. I just want to compliment the chairman and the ranking member for helping us keep our commitment and telling the people of the country that we, the appropriators, are just as interested in conservation. We have programs like coastal zone management, the Pacific salmon recovery initiative, and they go on and on and on, that will be benefited by this important provision. I am pleased that, when we add this up, it is $1.76 billion for conservation this year between the Interior appropriations bill and State, Justice, and Commerce.

Out in my part of the world, we are fighting to try and restore the salmon runs in Washington, Oregon, Idaho, California, and in Alaska that have been severely hurt.

This money, 110 million for the Pacific Salmon Recovery program, goes back to our Governors and then through programs for habitat recovery which is absolutely essential. The bill also provides an additional 25 million to the U.S. Canada Pacific Salmon Treaty program. I want to say how much I support this bill. I urge the House to give overwhelming support for this important legislation.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today's bill provides funding for many critical priorities. I believe that the gentleman from Virginia (Chairman WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO), have produced a bill that is an improvement over the past years. I thank them for their hard work on this legislation, which benefits many.

Unfortunately, I am afraid their hard work has fallen short for one of the most productive forces for America today, our small businesses. This bill will severely cut the Small Business Administration's funding level.

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The recent "long boom," our greatest in history, came as a direct result of the productivity of American small companies and entrepreneurs. Small businesses employ half our workers, account for half our GDP, and grow almost 60 percent faster than large corporations.

Mr. Speaker, much of this success has been made possible through the programs of the Small Business Administration. But this bill will cut SBA's tap that currently provides capital liquidity to small business across the country. It will, I fear, dry up assistance just when we most need to give our economy a boost.

This bill proposes to cut funding for the SBA from $860 million this year to $728 million next year. Ten programs will be zeroed out and another half dozen or more will be so severely underfunded as to render them ineffective.

Later today, my colleague, the gentlewoman from New York (Mrs. KELLY), and I will offer an amendment to restore $17 million in funding for SBA. While still short of last year's level, our amendment will maintain the very successful 7(a) general long guarantee program and two small business assistance programs, PRIME and BusinessLinc.

Our amendment is important because small business is big business in America. We aim to support the SBA's mission of providing technical assistance and guarantees to today's entrepreneurs, who are often tomorrow's Intel, Apple, or FedEx. Most importantly, we want to provide the tools that help so many better themselves, their families and their communities. That is the point, after all, of a strong economy.

Mr. WOLF. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to my long-time colleague, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Commerce, Justice, State bill, and would like to express my gratitude to the chairman, the gentleman from Virginia (Mr. WOLF), for his hard work in crafting this bipartisan bill. I would also like to recognize my good friend, the gentleman from the Bronx, New York, (Mr. SERRANO), who has worked tirelessly for his constituents, for all of New York City, and for all of America from his position on the Committee on Appropriations and throughout his many, many years in Congress.

With regard to international issues, as both the representative of one of the most diverse congressional districts in the Nation and a member of the Committee on International Relations, I would like to applaud this committee for recognizing the value inherent in the United States playing a key role in the international community and in particular supporting international peacekeeping operations.

Here at home, this legislation also provides important funding for a number of community service and anti-crime programs, effective programs that have helped our Nation, especially my hometown of New York City, experience the lowest crime rate in decades. We need to continue to invest in our people, both here in the U.S. and abroad. This bill does that, and I congratulate the chairman and the ranking member for their work and for their dedication.

The CHAIRMAN. The Chair would advise the Members that the gentleman from Virginia (Mr. WOLF) has 10½ minutes remaining, and the gentleman from New York (Mr. SERRANO) has 10 minutes remaining.

Mr. SERRANO. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), our ranking member.

Mr. OBEY. Mr. Chairman, I simply would like to do two things: first of all, congratulate the gentleman for the bill he has brought to us. I obviously do not agree with all of it, but I certainly intend to support it unless some surprises occur on the House floor. I think he has done a good job.

Having said that, I would like to try to determine whether or not we can reach a reasonable understanding about what our plans are for this evening. The problem we face is that at this point we have some 31 amendments filed, we have other amendments that are being faxed to the leadership on both sides of the aisle, and the longer that this process goes on, the more amendments we are going to have to deal with for the remainder of consideration of this bill.

I would simply rise at this point to say that I would like to see us reach an agreement under which we could ask all Members to have their amendments in tonight so that we would be able tomorrow to try to work out time agreements on all these subsequent amendments. And if we can do that, we can have some chance of finishing the bill either tomorrow or early the next day.

The problem we face, as I understand it, is that this committee is not going to be allowed back on the floor tomorrow morning. We are going to be superceded by another bill, and I am told by majority staff that that means we are not likely to get to the floor until 2:30 or 3 p.m. tomorrow afternoon. If that is the case, and if we have 60 amendments pending, there is no way on God's green earth we will even finish this bill tomorrow.

So it seems to me if we want to accelerate our opportunity to finish this bill, we would first of all try to get an agreement that Members, if they want amendments considered, would have to get them in tonight; and then we can try tomorrow, while the other bill is being worked on, the gentleman from Virginia and the gentleman from New York can try to work out a time agreement on whatever amendments we have remaining.

I just want the House to understand that I am perfectly willing to try to work out these arrangements, but we have been in committee since 10 a.m. this morning. We did not start this bill until 7 p.m. That was not our call; it was the majority that did the scheduling, and it seems to me that we ought to know that we will get out of here at a reasonable time tonight. I do not enjoy the prospect of having amendments being debated here and Members coming in in the middle of the night having no idea what we have been debating and voting on the fly. I do not think that serves the interest of this institution.

So I want to notice the House that if we cannot get an agreement on a reasonable time to get out of here tonight, I will begin a series of motions; and we are not going to get very far on this bill.

With that, I thank the gentleman for yielding me this time.

Mr. WOLF. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, in 1998 this House passed landmark legislation. We passed legislation trying to get the Justice Department under control. Some of my colleagues may remember Joe McDade, who was a personal friend to many of us and who went through 8 years of the Justice Department investigating him and indicting him; and then, in about 4 hours of deliberation by a jury, he was found not guilty.

We passed legislation then saying that the Justice Department would have to reimburse out of their money anybody that was indicted and not convicted. That still stands today. We also passed legislation that said any prosecutor, meaning any U.S. Attorney, must practice under the State laws, the ethics of the State laws. Well, the Justice Department, some U.S. Attorneys, have fought us all during this period of time. Matter of fact, in this legislation, prosecutors from all over the country came to this body, lobbied against us, the White House lobbied against us, and we beat them 350 to 50. Why? Because there was no confidence in the Justice Department. No confidence in the FBI.

During that trial, Joe McDade, where they charged him as a subcommittee chairman with racketeering, they charged him with illegal gratuities, meaning campaign contributions; they charged him with bribes, meaning honorariums. They leaked information during this entire 6 years. I sat by Joe McDade when I was chairman of the committee and he was the ranking member on the Subcommittee on Defense, and every day he deteriorated in health and emotional stability, and it ruined his life for 8 years. He was acquitted, but he still has not gotten over this.

Now, the point I am making today is that I was prepared to introduce legislation, because two of the things that were introduced that were thrown out in conference, and it was an omnibus bill, is that there would be an independent counsel investigate the Justice Department and then it would publicize what happened to the people that did wrongdoing. Those two things were thrown out. Now, I have hesitated since that time because the Justice Department kept saying we are going to get it under control. Well, I find the new Deputy Attorney General has said some things that give me confidence that he is going to try to get the FBI and the Justice Department under control. I have confidence the new FBI director realizes that the public has lost confidence in the FBI.

As a matter of fact, this House would not have voted 350 to 50 to condemn or to put controls on the Justice Department and the U.S. Attorneys if it had not been for the lack of confidence of the public throughout this great country. But I am not going to offer that amendment, those two amendments, because I believe the new Attorney General and the Deputy Attorney General and the FBI director are moving in the right direction. But I hope by this time next year that this subject will be a subject of the past and people will regain confidence in the FBI and the Justice Department.

Mr. SERRANO. Mr. Chairman, I yield myself 2 minutes. I just wanted to tell the chairman, the gentleman from Virginia (Mr. WOLF), that the comments of the gentleman from Wisconsin (Mr. OBEY) are well taken by this ranking member.

We want to work out the best possible situation to work in the proper manner and in the way that we will do justice to the bill and to the amendments and to the Members. I will agree also to a time limit on amendments. However, I must say once again, as I did last year, and in a loud voice, that I cannot understand why it is that we put a rule on the floor that is open-ended and then we immediately move to curtail.

So next year, if I am still around in this situation, I assure my colleague that I will oppose any rule that is open-ended, because it is really not an open-ended rule. But I will support time limitations to make the process move forward.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER) for a colloquy.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to engage in this colloquy regarding the Congressional Executive Commission on the People's Republic of China.

As the chairman knows, the Congressional-Executive Commission on the People's Republic of China is being created pursuant to P.L. No. 106-286. This Member is pleased to note the distinguished gentleman from Virginia (Mr. WOLF) is also a member of this important commission designed to report on human rights development and the rule of law in the People's Republic of China.

Because it was expected to take considerable time to bring the commission's operations into being, including the actual naming of the congressional and executive branch members, the fiscal year 2001 appropriation was set at only $.5 million. We expect the commission will begin functioning in the coming weeks. Therefore, in anticipation of a full active commission, this Member had earlier suggested an amount of $1.5 million to cover the commission's operations for the full fiscal year of 2002.

This Member would ask the chairman about his willingness to seek adequate funding for the commission, as we would certainly trust the chairman's judgment in seeking such adequate funding in conference.

Mr. LEVIN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Michigan.

Mr. LEVIN. I thank the gentleman for yielding. Mr. Chairman, I would strongly support what the gentleman from Nebraska has proposed.

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As relating to the appropriations for the Congressional Executive Commission on China, currently half a million is appropriated for that Commission. We understand that the gentleman's staff is in agreement that the Commission needs $1.5 million for fiscal year 2002 and that the gentleman, the distinguished chairman, will pursue $1.5 million for fiscal year 2002 in conference.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman from Michigan is absolutely correct, quite frankly, if they needed $2 million to do a good job, particularly with regard to China, but we will agree and make sure that that $1.5 million is in there as per the request of the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN).

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, I would like to thank the chairman for the inclusion of funding for marine protected areas in this bill.

In the Chesapeake Bay we are already using marine protected areas to ensure the recovery of species such as oysters and blue crabs. We are finding that with the involvement of recreational and commercial fishermen as well as Federal, State and local governments, marine protected areas will play a critical role in restoring overexploited fish species.

As chairman of the subcommittee on this issue, I am a strong proponent of using a variety of types of marine protected areas to ensure conservation and sustainable use of our marine resources in the Chesapeake and throughout our Nation's waters.

The President's funding request for marine protected areas is based upon this principle as described in Executive Order 13158, which reads, in part, "An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for the future generations."

We feel that including the President's executive order in this colloquy is fundamental to sound marine resources.

I would like to conclude, is it the intent of the chairman that the National Oceanic and Atmospheric Administration may use funds appropriated for implementation of the Marine Protected Areas Executive Order 13158, as supported by the Secretary of Commerce on June 4, 2001, and in accordance with the President's budget request?

Specifically, in addition to direction given in the committee report for NOAA to develop a marine protected atlas, is it the intent of the chairman that funds may be used to implement the full scope of the Executive Order 13158, including the implementation of the Marine Protected Area Federal Advisory Committee, the development of a framework for communication amongst agencies and programs that utilize marine protected areas, and the consultation with State and local partners in preparation for expanding the scope of the Nation's marine protected areas?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the chairman.

Mr. WOLF. Mr. Chairman, I thank the gentleman for his interest in the Chesapeake Bay. Quite frankly, no one has done more for the bay than the gentleman from Maryland (Mr. GILCHREST).

The committee does not intend to limit the ability of NOAA to implement the Executive Order 13158 on marine protected areas. Furthermore, the committee fully supports the President's budget request for marine protected areas.

Mr. GILCHREST. Mr. Chairman, I would like to thank the chairman for his help in this issue.

Mr. SERRANO. Mr. Chairman, I will yield myself whatever time I may consume in closing.

Notwithstanding the fact that there are some things, mechanics, that we have to work out as to the debate and how we handle amendments and everything else, I just wanted to close on this side by saying, as I said before, that this is a good bill, that Chairman WOLF has done a great job with both staffs in putting together a bill that we can support, as we heard from our ranking member, the gentleman from Wisconsin, Mr. OBEY.

As I said, notwithstanding whatever other problems we have, he intends to support the bill. I am hoping after all is said and done no harmful amendments have hurt the bill in any way. In that case, at this moment I would ask for all Members in bipartisan fashion to support the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I will thank the gentleman. This will be the last time I thank him for his comments. I think there will be no negative amendments like that, and I ask Members on final passage to support the bill.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I rise in support of the legislation. As the chairman of the Subcommittee on Environment, Technology and Standards, which has jurisdiction over NOAA and NIST programs within the Department of Commerce, I wish to commend the new chairman of the Subcommittee on

Commerce, Justice and State on crafting this appropriations bill.

Most Americans do not realize that NOAA makes up over 65 percent of the Department of Commerce's budget, covering a wide range of programs from studying our climate to mapping the ocean floor.

I am pleased to see that the subcommittee has recognized the importance of NOAA and has funded the agency at a level slightly above the President's request for fiscal year 2002.

I am also pleased that the appropriations bill increases funding for labs inside of the National Institute of Standards and Technology. Over the past 100 years, NIST and its employees have not let us down. It is all but impossible to name a major innovation which has improved our quality of life with which NIST has not had some involvement. NIST Federal laboratories have partnered with industry to initiate innovations for safer and more fuel-efficient automobiles, biomedical breakthroughs like breast cancer diagnostics, refrigerant and air conditioning standards, analysis of DNA, and calibrations for wireless telecommunication systems, among numerous others.

Mr. Chairman, I strongly support the increase for NIST labs, and I hope that the chairman will be able to preserve this funding during conference negotiations with the Senate.

Mr. Chairman, let me highlight a few key programs that are funded by this bill: the Sea Grant program, which provides grants supporting vital marine research and education programs at universities all across the country; the Great Lakes Environmental Lab, which has a solid history of important scientific contributions and ensures continued high-quality coastal science. It also fully funds the ARGO Float Program, which is crucial to global climate studies which have taken on increased importance to us.

In addition, it provides National Weather Service forecasts and warnings which more than pays for itself, monitors the water levels of the Great Lakes, and plays a major change in climate change research. This bill will help ensure that NOAA is able to fulfill its many missions, and that NIST will continue to serve our country well.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. WATTS of Oklahoma, Mr. Chairman, today I rise to support H.R. 2500, the Commerce Justice State Appropriations Act. Mr. Chairman, by passing this bill the House will take an important stand against methamphetamine production across this country.

The drug, Methamphetamine, has become one of the most dangerous items on our streets. This drug is composed of products like rat poison, Comet, bleach, and lighter fluid. This drug can be injected, inhaled, or smoked. People around this country are spending their hard earned money to inject into their veins rat poison and bleach that was mixed in somebody's toilet. The negative effects of this on the human body are horrendous: insomnia, depression, malnutrition, liver failure, brain damage, and death.

This terrible drug not only affects those who use it but can also be deadly to innocent Americans whose homes are near these labs. In my home state of Oklahoma in 2000, we had over 1,000 methamphetamine labs explode and need to be cleaned up by the Oklahoma State Bureau of Investigation. In 1994, there were eleven meth labs, let me repeat that six years ago there were 11 meth labs in my home state of Oklahoma, now there are over 1,000. And, every time one of these labs explodes families are exposed to toxic and lethal fumes that are disbursed to the surrounding neighborhood. Innocent young children and seniors are rushed to the emergency room to be treated for inhalation of these toxic and deadly fumes.

By passing H.R. 2500, the House will fund $48.3 million dollars to state and local law enforcement agencies to help combat methamphetamine production and meth lab cleanup. This money will start to turn back the tide against these labs, and protect our families and neighborhoods. This money will be used to train officers to find these labs and most importantly clean the toxic remains of these labs.

Mr. Chairman, I commend you and your committee for including the people of Oklahoma in this Methamphetamine HotSpots program. This money is desperately needed to keep Oklahoma neighborhoods safe.

Mr. Chairman, I urge my colleagues to stand with me today against this dangerous, deadly drug and support H.R. 2500 the Commerce Justice State Appropriations Act.

Mr. KILDEE. Mr. Chairman, I want to thank CJS Subcommittee Chairman FRANK WOLF and Senior Democratic Member JOSE SERRANO for working hard to provide adequate funding for the Department of Justice's portion of the Indian Country Law Enforcement initiative. I am pleased that the subcommittee funded the Indian Programs that are included in the Indian Country Law enforcement initiative at the levels contained in the President's fiscal year 2002 budget request.

I, however, hope that as this bill makes its way through the legislative process, that you will support funding increases for the following items:

1. Cops grant set aside for Indians.
2. Tribal Courts.
3. Indian alcohol and substance abuse programs.
4. Title V Grants that support tribal juvenile justice systems.
5. Grants to fund the construction of detention facilities in Indian Country.
6. Tribal criminal justice statistics collection.

Mr. Chairman, each of those programs are critical to the tribal justice systems. While national crime rates continue to drop, crime rates on Indian lands continue to rise. What is particularly disturbing is the violent nature of Indian country crime: violence against women, juvenile and gang crime, and child abuse remain serious problems.

In its 1999 report, American Indians and Crime, the Bureau of Justice Statistics found that American Indians and Alaska Natives have the highest crime victimization rates in the nation, almost twice the rate of the nation as a whole.

The report revealed that violence against American Indian women is higher than other groups. That American Indians suffer the nation's highest rate of child abuse. Since 1994, Indian juveniles in federal custody increased by 50%. Even more troubling is that 55% of violent crime against American Indians, the victims report that the offender was under the influence of alcohol, drugs or both. That figure represents the highest rate of any group in the nation.

Mr. Chairman, the Department of Justice and the Department of Interior developed the Indian country law enforcement initiative to improve the public safety and criminal justice in Indian communities.

Let us work together to increase the funding levels in conference and provide the tribal justice systems with the funding necessary to combat criminal activity in Indian country.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $91,668,000, of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and $8,451,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2001: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and $4,997,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the preceding proviso: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

Ms. CARSON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Boys and Girls Clubs of America. I support its continued funding, which equals last year's level.

The Commerce-Justice-State appropriations bill gives the National Institute of Justice authority to use Local Law Enforcement Block Grants to support the Boys and Girls Clubs.

The Boys and Girls Clubs offer young people the ability to know that someone cares about them. Club programs and services promote and enhance the development of boys and girls by instilling a sense of competence, usefulness, belonging, and influence.

These clubs give young people a chance to go during their free time where they can interact with others in a positive social environment.

The clubs serve over 3.3 million boys and girls. This is in over 2,800 locations around the world. About one half of those are from single parent families and almost two-thirds are from minority families.

The challenges these children must cope with outstrip problems faced by previous generations. Drug, gang, and gun-related violence has risen to previously unimaginable heights. But their place of refuge has not changed, because Boys and Girls Clubs continue to do what they do best—using proven programs and caring staff to save lives.

The Boys and Girls Clubs teaches young people in many areas of life. These include: character and leadership, education and career, health and life skills, the arts, sports, fitness and recreation, and specialized programs.

Most important is the Boys and Girls Clubs is neighborhood based—an actual place for the children to go—designed solely for youth programs and activities.

Support the Boys and Girls Clubs of America.

AMENDMENT OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BRADY of Texas:

Page 2, line 7, after the dollar amount insert the following: "(increased by $2,500,000)".

Page 57, line 14, after the dollar amount insert the following: "(decreased by $5,000,000)".

Page 71, line 4, after the dollar amount insert the following: "(increased by $2,500,000)".

Mr. BRADY of Texas. Mr. Chairman, my amendment is simple. I want to ensure that the Department of State and the Department of Justice have the resources they need to start the process to close safe havens around the world for fugitives who commit crimes in America and flee our justice.

We can do this by updating and modernizing extradition treaties, as well as negotiating new ones. This problem is growing. The world is getting smaller; and whereas in the past criminals would flee to the county or State line to flee justice, today they flee the country and even the continent. We have more than 3,000 indicted criminals who have fled America and are out of our reach. The crimes they have committed or are charged with are serious. They include murder, terrorism, drug trafficking, child abduction, money laundering, financial fraud, and the new growing area of cybercrime.

Currently, America has international extradition agreements with only 60 percent of the world's countries. Unfortunately, it is important to note that nearly half of these were enacted before World War II, so they are hopelessly outdated. Even the others, State Department officials tell us those enacted prior to 1970 are basically ineffective because only specific crimes are listed in the treaties as extraditable, and crimes have changed a lot in the last three decades.

Mr. Chairman, we have crimes that are growing and criminals who are fleeing more and more, with criminal justice tools that are more outdated and less effective. This is not justice. It is not fair to the victims of these crimes, and it is not acceptable any longer.

Mr. Chairman, I am always cautious about how and where the hard-earned dollars of the American taxpayer are spent. More funding is necessary to help close these safe havens. Furthermore, this is something that can only be done by our Federal Government. It will not happen overnight. It will take many years, but we are capable of doing it.

Mr. Chairman, I had a provision inserted in the State Department fiscal year 2000 authorization bill requiring them to report back to us on our extradition agreements. I must say I was disappointed in the report. They seemed to gloss over the problems, perhaps to put politics over justice.

I am hopeful that the new administration will take a stronger position on closing these safe havens. This amendment is strictly designed to urge the new leadership of the Justice Department and State Department to let Congress know that we are serious about closing these safe havens, that we want both agencies to work together and with Congress to update our treaties and to work toward the day where there is nowhere on this world to hide for those who commit crimes against America.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, the gentleman from Texas has played a leading role in trying to close safe havens abroad, and I share his desire to do that.

In response to the gentleman's concerns, the committee has included report language for the Department of State to work with the Department of Justice to bolster our efforts to negotiate extradition treaties.

We expect that the Department of Justice and Department of State will use increased funding in fiscal year 2002 for this purpose. Let me add, if the gentleman from Texas would like, after we move beyond debate and pass the bill, we can have a meeting with Department of Justice and Department of State to make sure that they know the intensity that both of us feel with regard to this.

Mr. BRADY of Texas. Mr. Chairman, I thank the gentleman from Virginia for his efforts. With his commitment to ensure that the Department of Justice and Department of State are being provided with the necessary resources and that these agencies understand that Congress expects them to put a greater emphasis on negotiating and enforcing extradition treaties, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, $15,957,000, to remain available until expended.

NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, $104,615,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $4,989,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further*, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $178,751,000.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, $1,721,000: *Provided*, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $50,735,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $10,915,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $568,011,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, $18,835,000 shall remain available until expended only for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, the Community Relations Service, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $105,366,000: *Provided*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $105,366,000 of offsetting collections derived from fees collected in fiscal year 2002 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $1,353,968,000; of which not to exceed $2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That not to exceed $2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,571 positions and 9,776 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), $145,937,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $145,937,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $1,136,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service, including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, $622,646,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the United States Marshals Service, not to exceed 4,128 positions and 3,993 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Marshals Service.

CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, $6,628,000 to remain available until expended.

FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service, but not including expenses otherwise provided for in appropriations available to the Attorney General, $724,682,000, to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $148,494,000, to remain available until expended; of which not to exceed $6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $5,000,000 may be made available for the purchase, installation, and maintenance of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,269,000 and, in addition, up to $1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, $21,949,000, to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $1,996,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund of claims covered by the Radiation Exposure Compensation Act as in effect on June 1, 2000, $10,776,000.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $340,189,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, $3,491,073,000; of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed $1,000,000 for undercover operations shall remain available until September 30, 2003; of which not less than $448,467,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Federal Bureau of Investigation, not to exceed 24,935 positions and 24,488 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Federal Bureau of Investigation.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $1,250,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, $1,476,083,000; of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed $2,000,000 for laboratory equipment, $4,000,000 for technical equipment, and $2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2003; of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 7,654 positions and 7,515 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 3,165 passenger motor vehicles, of which 2,211 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service Buffalo Detention Facility, $2,738,517,000; of which not to exceed $5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed $5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2002: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 20,465 positions and 20,066 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", $632,923,000, of which not to exceed $400,000 for research shall remain available until expended: *Provided*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriations Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: *Provided further*, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and $4,300,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2002: *Provided further*, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Immigration and Naturalization Service, not to exceed 3,146 positions and 3,523 full-time equivalent workyears shall be supported from the funds appropriated under this heading in this Act for the Immigration and Naturalization Service: *Provided further*, That, notwithstanding any other provision of law, during fiscal year 2002, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $128,454,000, to remain available until expended: *Provided*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 685, of which 610 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $3,830,971,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2003: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses or other custodial facilities.

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Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I understand we have come to the amendment of the gentleman from Virginia (Mr. SCOTT), and I know he is on the House floor somewhere. I take that back. He is on the House floor, but his amendment is not.

Mr. SCOTT. Mr. Chairman, if the gentleman will yield, we have had a discussion with the gentleman from Virginia (Mr. WOLF); and I think we are going to be able to work the amendment out without going through the process of considering it on the floor. I think we have worked things out. It involves a prison study. I appreciate the cooperation of the gentleman from Virginia.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $813,552,000, to remain available until expended, of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this or any other Act may be transferred to "Salaries and Expenses", Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $187,877,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102–534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819 and 821 of the Antiterrorism and Effective Death Penalty Act of 1996 and for other counterterrorism programs, $220,494,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); $2,519,575,000 (including amounts for administrative costs, which shall be transferred to and merged with the "Justice Assistance" account), to remain available until expended as follows:

(1) $521,849,000 for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, Guam shall be considered a "State", the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in subparagraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728, and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program, of which:

(A) $60,000,000 shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided*, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers,

(B) $6,000,000 shall be for the National Police Athletic League pursuant to Public Law 106–367, and

(C) $19,956,000 shall be available for grants, contracts, and other assistance to carry out section 102(c) of H.R. 728;

(2) $565,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended;

(3) $35,000,000 for the Cooperative Agreement Program;

(4) $48,162,000 for assistance to Indian tribes, of which:

(A) $35,191,000 shall be available for grants under section 20109(a)(2) of subtitle A of title II of the 1994 Act,

(B) $7,982,000 shall be available for the Tribal Courts Initiative, and

(C) $4,989,000 shall be available for demonstration grants on alcohol and crime in Indian Country;

(5) $570,000,000 for programs authorized by part E of title I of the 1968 Act, notwithstanding the provisions of section 511 of said Act, of which $70,000,000 shall be for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs;

(6) $11,975,000 for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act;

(7) $2,296,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act;

(8) $998,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act;

(9) $184,537,000 for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, of which:

(A) $1,000,000 shall be for the Bureau of Justice Statistics for grants, contracts, and other assistance for a domestic violence Federal case processing study,

(B) $5,200,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research and evaluation of violence against women,

(C) $10,000,000 shall be for the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended, and

(D) $5,000,000 shall be for the National Institute of Justice for grants, contracts, and other assistance for research on family violence;

(10) $64,925,000 for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act;

(11) $39,945,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act;

(12) $4,989,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects;

(13) $3,000,000 for grants to States and units of local government to improve the process for entering data regarding stalking and domestic violence into local, State, and national crime information databases, as authorized by section 40602 of the 1994 Act;

(14) $10,000,000 for grants to reduce Violent Crimes Against Women on Campus, as authorized by section 1108(a) of Public Law 106–386;

(15) $40,000,000 for Legal Assistance for Victims, as authorized by section 1201 of Public Law 106–386;

(16) $5,000,000 for enhancing protection for older and disabled women from domestic violence and sexual assault as authorized by section 40801 of the 1994 Act;

(17) $15,000,000 for the Safe Havens for Children Pilot Program as authorized by section 1301 of Public Law 106–386;

(18) $200,000 for a report of effects of parental kidnapping laws in domestic violence cases, as authorized by section 1303 of Public Law 106–386;

(19) $200,000 for the study of standards and processes for forensic exams of domestic violence, as authorized by section 1405 of Public Law 106–386;

(20) $7,500,000 for Education and Training to end violence against and abuse of women with disabilities, as authorized by section 1402 of P.L. 106–386;

(21) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386;

(22) $73,861,000 for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act: *Provided*, That States that have in-prison drug treatment programs, in compliance with Federal requirements, may use their residential substance abuse grant funds for treatment, both during incarceration and after release;

(23) $898,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act;

(24) $50,000,000 for Drug Courts, as authorized by title V of the 1994 Act;

(25) $1,497,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act;

(26) $1,995,000 for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act;

(27) $249,450,000 for Juvenile Accountability Incentive Block Grants, of which $38,000,000 shall be available for grants, contracts, and other assistance under the Project ChildSafe Initiative, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105–119, but all references in such provisions to 1998 shall be deemed to refer instead to 2002, and Guam shall be considered a "State" for the purposes of title III of H.R. 3, as passed by the House of Representatives on May 8, 1997; and

(28) $1,298,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act:

Provided, That funds made available in fiscal year 2002 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $58,925,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies, non-profit organizations, and agencies of local government engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs), $1,013,498,000, to remain available until expended: *Provided*, That no funds that become available as a result of deobligations from prior year balances, excluding those for program management and administration, may be obligated except in accordance with section 605 of this Act: *Provided further*, That section 1703 (b) and (c) of the 1968 Act shall not apply to nonhiring grants made pursuant to part Q of title I thereof (42 U.S.C. 3796dd et seq.): *Provided further*, That all prior year balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services may be transferred into this appropriation.

AMENDMENT OFFERED BY MR. LUCAS OF OKLAHOMA

Mr. LUCAS of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUCAS of Oklahoma:

Page 33, line 18, insert after the dollar amount the following: "(increased by $11,700,000)".

Page 34, line 7, insert after the first dollar amount the following: "(increased by $11,700,000)".

Page 34, line 16, insert after the dollar amount the following: "(increased by $11,700,000)".

Page 81, line 24, insert after the dollar amount the following: "(reduced by $11,700,000)".

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise to offer the following amendment to increase the funding for the methamphetamine enforcement and cleanup under the COPS program by $11.7 million. This increase is equal to the amount requested earlier this year by the Congressional Caucus to Fight and Control Methamphetamines, of which I am a member.

Mr. Chairman, meth is arguably the fastest growing drug threat in America today, with my home State of Oklahoma ranking number one, unbelievable as it may be, per capita in the Nation in the number of meth lab seizures. Over the past 7 years, the number of Oklahoma meth lab seizures has increased by an unbelievable 8,000 percent. With an average cleanup cost per lab of $3,500, that equals a substantial financial strain on Oklahoma as well as the Nation.

Since 1994, DEA seizures of meth labs have increased more than sixfold nationwide. We are halfway through the year, and already there have been more DEA and State and local meth lab cleanups than in the entirety of the last year.

Mr. Chairman, an increase in funding is vital for State and local enforcement programs in their struggle to combat meth production and distribution and to remove and dispose of hazardous materials at meth labs.

I urge Members' support for our amendment and their help in our fight against this extremely destructive and addictive synthetic drug.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

This amendment would take $11 million from the Broadcasting Board of Governors, International Broadcasting Operations account. A reduction of this magnitude would trigger a significant reduction-in-force affecting up to 100 employees; it would silence the Voice of America in at least a dozen foreign language services around the globe; and it would force reductions of worldwide broadcast hours.

In fact, it goes just the opposite. We are trying to broadcast in the Sudan where there is slavery, terrorism, and this would take us back the other way.

The amendment would also eliminate funding for a new program initiative already under way to improve and expand broadcasting to the Middle East and Sudan in Arabic. This new program is designed to give the U.S. a voice in a very, very critical area.

U.S. broadcasting to the region is now ineffective, and the U.S. is not playing a role to counterbalance hate radio that is prevalent in the Middle East. This amendment would prevent this revamping of current programming and transmission strategies from moving forward.

The amendment would cause a rollback of efforts to fight jamming of U.S. broadcasts by governments such as China. When I was in Tibet, everyone I spoke to in Tibet listened to Radio Free China. Also, Vietnam that denies their citizens access to information. This jamming cuts off what for many is the only available source of objective news and information.

These offsets that the gentleman has chosen are simply unacceptable and would pretty much wipe out what the committee did. I strongly urge the rejection of the amendment.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

There is a way that the gentleman could get a lot of support on this side for his amendment; and that is, if he directs the cut to broadcasting to Cuba. So my question to him is, would he be willing to take the full amount out of broadcasting to Cuba?

Mr. LUCAS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Oklahoma.

Mr. LUCAS of Oklahoma. Mr. Chairman, I am not sure at this particular time that I am in a position necessarily to agree to that. I would say this, though, in regards to both the outstanding chairman and the ranking member, that looking at this budget, clearly there is a $32 million increase for International Broadcasting Operations. I acknowledge that there is 7.8 percent increase in this particular fund and that my reduction would lower that increase to 5 percent. But the bottom line remains to me, we have a huge methamphetamine problem that is consuming our society here at home. I think we have an obligation to try and respond to that. I wish I could respond favorably to the gentleman, but I cannot.

Mr. SERRANO. Reclaiming my time, I guess that by that statement that is a "no," but I just want to make sure before I sit down that I made it clear to him that he had a great opportunity to pick up a lot of support on this side if he directs that fine amendment to a cut in Cuba broadcasting. If he did that, I would support him and he would be surprised how many Members on this side would support him. But I guess the answer is no, so in general terms, we would oppose cutting broadcasting because it would hurt areas of the world that need the support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LUCAS of Oklahoma. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS) will be postponed.

Mr. WOLF. Mr. Chairman, earlier I had promised the gentleman from Utah (Mr. CANNON) that his amendment could be in order and be offered and he was not here. I know there is at least one Member on the other side.

Mr. Chairman, I ask unanimous consent that the gentleman from Utah (Mr. CANNON) be permitted to go back and offer his amendment and that the gentleman from New York (Mr. HINCHEY) be permitted to do the same.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, and I am not going to object, but I make this reservation in order to have just a minute to say that we will agree to this, but Members have an obligation to be here as the bill is being presented if they have an amendment. We will agree to it on this particular unanimous consent request. We will not agree to it for any further UCs to go back to anyplace in the bill.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. OBEY. Mr. Chairman, reserving the right to object, I do so only to emphasize my total agreement with the comment of the gentleman from Florida. We will in this instance agree to go back because there is one Member from each party who would otherwise not be able to offer their amendments. But I think Members need to understand it is hard enough for the committee to manage a bill. We try our level best to accommodate Members. And we try to help them shape their amendments if they need help, but Members need to be here when those amendments come up in the regular bill. If they are not here, the committee cannot be expected to jump through hoops in the future.

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So I think Members need to understand from here on out on this bill, if you want to offer an amendment, you have to be here at that point in the bill when the amendment is eligible; or else they will not be eligible for offering. We are trying to help Members get out at a reasonable time tonight and make certain that Members' amendments are going to be dealt with tomorrow, but we need the cooperation of Members.

So, again, I want to repeat what was said earlier. I also would urge any Member who is talking about filing an amendment to get that amendment filed in the RECORD tonight so that we know what universe of amendments we are going to be dealing with tomorrow, because the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) are going to have a lot of things to do tomorrow, and they will have an opportunity to put together some kind of an agreement in the morning. But we need to know which amendments Members are going to offer. So if they are going to offer amendments, they need to get them filed in the RECORD tonight to facilitate the committee business.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia (Mr. WOLF) that the gentleman from Utah (Mr. CANNON) and the gentleman from New York (Mr. HINCHEY) be permitted to have their amendments considered out of order?

There was no objection.

AMENDMENT OFFERED BY MR. CANNON

Mr. CANNON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CANNON:

On page 12, line 21, strike "as in effect on June 1, 2000".

Mr. CANNON. Mr. Chairman, I would like to first thank the gentleman from Florida (Chairman YOUNG), the gentleman from Virginia (Chairman WOLF), and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for their condescension in this matter.

Mr. Chairman, this amendment would simply eliminate a distinction in classes of people that Congress has already decided should be considered as one class. We recognize that there is not enough money available for the whole trust fund or to fund all of the claims under the Radiation Exposure and Compensation Act, and I would just like to maintain a group, instead of making a distinction between groups.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we accept the amendment. We sympathize with the gentleman's concerns regarding individuals not receiving their compensation payments. The bill includes $10,766,000 to make payments to individuals who qualify for compensation under the original Radiation Exposure Act.

The gentleman has a very, very good point. This program has now become in effect an entitlement program, with little or no discretionary funds available to pay for it. Both the administration and the budget resolution propose to convert this to a mandatory activity.

I strongly support this proposal. I think the gentleman has a very good point. I read the article in the newspaper the other day about the elderly lady in Maryland whose husband died of radiation. Most of these people are getting very old, so I think it is important to provide it so everyone can be involved.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I have in fact introduced a bill in the House that would make this a mandatory expenditure instead of discretionary. My colleague from Utah in the other body has also introduced a bill. I suspect that the likelihood that this will pass this Congress is very high, and that I think it would eliminate the concern and the problem we have here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HINCHEY:

In title I, in the item relating to "FEDERAL PRISON SYSTEM—BUILDINGS AND FACILITIES", after the aggregate dollar amount, insert the following: "(reduced by $73,000,000)".

In title II, in the item relating to "ECONOMIC DEVELOPMENT ADMINISTRATION—ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS", after the aggregate dollar amount, insert the following: "(increased by $73,000,000)".

Mr. HINCHEY. Mr. Chairman, this amendment would increase funding for the Economic Development Administration by $73 million. This would simply level-fund EDA at what it had last year.

Since 1965, the EDA has been helping communities build their infrastructure, develop their business base, rebuild their economies in the wake of natural disasters, plant closings and military base realignments, and also address persistent unemployment and underemployment problems.

Over the years, EDA has invested more than $16 billion all across the country. It has been a good investment, generating almost three times as much supporting private investment. EDA public works programs help fund locally developed infrastructure projects that are critical to attracting private sector businesses to local communities. Every dollar of EDA public works money generates an additional $10 in private investment results. It is clear, I think, that in each and every one of our districts, we have seen the effects of EDA.

We offset this $73 million by decreasing the prison construction account by a like amount, $73 million. The bill provides $813.5 million for prison construction. With this reduction, there is still more than $740 million left in this account to build new Federal prisons.

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to thank the gentleman from New York for introducing this amendment to increase funding for EDA.

A program close to my heart within EDA, and I know the gentleman from Virginia would appreciate this, is the Trade Adjustment Assistance for Firms program administered by the Department of Commerce. This program has been incredibly successful in the State of New Jersey.

We need this help in the Garden State. It has not seen many benefits from the unfair trade agreements, such as NAFTA. John Walsh has done a tremendous job in New Jersey with the little resources that he has. This bill merely provides TAA level funding which is wholly unacceptable at this point.

The response for TAA is overwhelming, Mr. Chairman. The implementation of NAFTA and the globalization we see under WTO has only highlighted the demands for firms for this assistance. In New Jersey last year, 4,000 jobs were retained or created with the help of the TAA. This is critical.

It is interesting that in this country, many times the only way we can get health care is if you go to prison. What we are saying to the displaced workers in this globalization of trade, and the gentleman from Virginia knows this is quite true, these people have no place to go. We need this money best spent for our own workers.

That is not to say that Federal prisons do not need to be built; but we need to take care of our own workers first that are being displaced by the trade agreements, the plethora of trade agreements that we see before us.

We know that this is an unfair trade agreement that is to be before us in a few weeks. It destroys firms. It sends jobs overseas. I have witnessed that in my own district. By saving companies in peril, the TAA has created and saved jobs in communities around this country.

There is nothing worse, Mr. Chairman, than the displaced worker who has been displaced by a job overseas that he should have had retained. TAA has averted the need for millions of dollars in unemployment compensation, Dislocated Workers' Compensation, welfare cash assistance, food stamps and other programs. This is money within the economy itself.

The entire New Jersey delegation contacted this subcommittee in a bipartisan manner to support increased funding for the TAA to a level of no less than $24 million. This amendment will help us come close to adequately addressing the needs of American manufacturers and our changing global economy.

I thank the gentleman from New York (Mr. HINCHEY); I thank the gentleman from Virginia (Mr. WOLF); and I thank the chairman, for our workers need no less.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to this amendment. A reduction in funding for the buildings and facilities program will delay construction of seven partially funded projects.

One should go to a prison and see the conditions in the prison. One of the biggest problems in prison is prison rape, where the men are double and tripled bunked and have no place to go.

The Bureau of Prisons is currently operating at 33 percent above the rate of capacity, system-wide. Crowding at medium-security facilities is 58 percent above the rate of capacity, and 48 percent at high-security penitentiaries.

While the gentleman has some merit to the concept of what he wants to do, he should not take money from the prisons. You cannot put a man or woman in prison for 15 years with terrible conditions and no rehabilitation and expect them to come out and be decent citizens. Higher levels of crowding potentially endanger staff, inmates, and the community. In fact, as you can almost say, to do this could bring about riots in the prisons.

Further, the Bureau of Prisons is experiencing its third consecutive year of record population growth in fiscal year 2000, of over 11,400 inmates; and all indications are that it will continue to grow. The projections are inmate population will increase by 36 percent by the fiscal year 2008.

Infrastructure at existing Bureau of Prisons facilities is severely taxed by over-utilization, which causes maintenance problems, premature deterioration of physical plants. Of the Bureau of Prisons' 98 facilities, a third are over 50 years old and over half are over 20 years old. These facilities were not designed to operate at this level.

Finally, reducing the new construction funds means there will be no additional capacity for female inmates. The Bureau of Prisons female population is expected to increase 50 percent by the end of fiscal year 2008, resulting in a critical shortage of bed space for female inmates. Since 1994, only one facility has been added to provide female capacity, and that was accomplished with the conversion of a male facility for female use.

Delaying the secure facilities for female offenders would also increase the system-wide crowding levels, since male institutions cannot be returned to housing male offenders as planned.

Before I got elected to Congress, I worked in a program called Man-to-Man down at Lorton Reformatory. This amendment would be a terrible thing to do. Had the gentleman been able to find some other money some other place, we could look at it, but to take it out of the construction of prisons, where the conditions in the prisons are so miserable. In fact, I am going to be introducing a bill with a Member from your side with regard to asking for an investigation and study of prison rape. If you could see the number of men who are raped in prisons around this country, it would be a worldwide disgrace. We want people to see it so we can do something about it.

Mr. Chairman, I strongly urge my colleagues to vote against this amendment. This would be bad, and I think it would create conditions that I think, frankly, would be unfortunate for the prisons.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, do we want to build bigger jails, or do we want to build a better economy? No one is saying on this floor that we do not need to build more Federal prisons. No one is saying that. But this administration is asking us to listen to them on the issue of trade.

The gentleman from Virginia has spoken on this floor many times about displaced workers, about human rights; and I have followed the gentleman's point and been in support. If one listens to those who want to trade and open up the floodgates, because nothing is free, this trade is a cure that will increase employment, which will increase productivity and end human rights abuses. It will promote democracy, we hear, democracy, and do just about everything one wants. These are all unproved theories.

It seems to me we could take some money from that large pool of building prisons. There is no debate about the need, Mr. Chairman, but the question is, what about our own workers? The TAA has been a responsible agency. The gentleman has supported it, and we have all supported it, to help those people who have been displaced as we have exported our jobs all over the world, to countries that do not respect us and do not respect human rights. Yet we stand here on the brink of another debate on trade, a few of those dollars, a few of those dollars, to TAA.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. PASCRELL. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we cannot take it out of the prisons. The conditions there, I agree, I will be with the gentleman tomorrow or the next day on not granting MFN or PNTR to China, but I just do not think you can take it out of the prisons. The conditions in the prisons are so difficult and so bad.

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So that is the problem that I have with the amendment. We just cannot take it out of the prisons.

Mr. PASCRELL. Mr. Chairman, reclaiming my time, this is 10 percent. We are not talking about the prisoners, we are talking basically about construction. This bill only talks about construction.

Retaining and creating jobs, the TAA, has generated Federal and State revenues, tax revenues, at a ratio of $12 for every dollar appropriated by this Congress. It has been a bipartisan program. We know the errors of NAFTA as well as the other trade agreements. To me, the American worker and the American working family is more important, if I have to make a priority. Now, when we have all priorities, we have no priority.

All we are asking for is a few dollars in the TAA program, which the gentleman knows has worked and has been successful, to help the workers in America that have been displaced by our trade agreements.

Mr. Chairman, our manufacturers and fabricators and dye shops all over America ask for our support. Will we turn our backs on them? We have an opportunity in this legislation with this amendment for a few dollars to help those dislocated workers. Otherwise, we will be into the empty words of the trade debate in a few weeks, and what will we have accomplished?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

The Clerk will read.

The Clerk read as follows:

Of the amounts provided:

(1) for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, $470,249,000 as follows: $330,000,000 for the hiring of law enforcement officers, including school resource officers; $20,662,000 for training and technical assistance; $25,444,000 for the matching grant program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); $31,315,000 to improve tribal law enforcement including equipment and training; $48,393,000 for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in "drug hot spots"; and $14,435,000 for Police Corps education, training, and service under sections 200101–200113 of the 1994 Act;

(2) for crime technology, $363,611,000 as follows: $150,000,000 for a law enforcement technology program; $35,000,000 for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601); $40,000,000 for DNA testing as authorized by the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106–546); $35,000,000 for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, and for improvements to State and local forensic laboratories' general science capacity and capability; and $103,611,000 for grants, contracts and other assistance to States under section 102(b) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which $17,000,000 is for the National Institute of Justice for grants, contracts, and other agreements to develop school safety technologies and training;

(3) for prosecution assistance, $99,780,000 as follows: $49,780,000 for a national program to reduce gun violence, and $50,000,000 for the Southwest Border Prosecutor Initiative;

(4) for grants, training, technical assistance, and other expenses to support community crime prevention efforts, $46,864,000 as follows: $14,967,000 for Project Sentry; $14,934,000 for an offender re-entry program; and $16,963,000 for a police integrity program; and

(5) not to exceed $32,994,000 for program management and administration.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended ("the Act"), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $278,483,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, $6,832,000 shall be available for expenses authorized by part A of title II of the Act, $88,804,000 shall be available for expenses authorized by part B of title II of the Act, and $50,139,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That $26,442,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) $11,974,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $9,978,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $15,965,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $94,791,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which $12,472,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which $14,967,000 shall be available for the Safe Schools Initiative including $5,033,000 for grants, contracts, and other assistance under the Project Sentry Initiative; and of which $37,000,000 shall be available for grants, contracts and other assistance under the Project ChildSafe Initiative: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, $10,976,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $8,481,000, to remain available until expended, as authorized by section 214B of the Act.

PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340); and $2,395,000, to remain available until expended for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96–132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the effective date of a subsequent Department of Justice Appropriation Authorization Act.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

AMENDMENT OFFERED BY MS. DEGETTE

Ms. DEGETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DEGETTE:

Page 39, strike lines 18 through 24 (and make such technical and conforming changes as may be appropriate).

Ms. DEGETTE. Mr. Chairman, the amendment I am offering here tonight is very straightforward. It removes the language of the bill that prohibits the use of Federal funds for abortion services for women in Federal prison.

Unlike other American women who are denied Federal coverage of abortion services, most women in prison are indigent. They have little access to outside financial help, and they earn extremely low wages in prison jobs.

They are also often incarcerated in prisons that are far away from their support system of family and friends and, as a result, inmates in the Federal Prison System are completely dependent on the Bureau of Prisons for all their needs, including food, shelter, clothing, and all on their aspects of their medical care. These women are not able to work at jobs that would enable them to pay for medical services, including abortion services, and most of them do not have the support of families to pay for those services.

The overwhelming majority of women in Federal prisons work on the general pay scale and earn from 12 cents to 40 cents an hour, which equals roughly $5 to $16 a week. Let me repeat that. The average woman inmate in prison earns $5 to $16 per week. The average cost of an early outpatient abortion ranges from $200 to $400, and it goes up from there.

Even if a woman in the Federal Prison System earned the maximum wage on the general pay scale and worked 40 hours a week, which many prisoners are not able to do, she would not earn enough in 12 weeks to pay for an abortion in the first trimester if she so chose, and, of course, after that, the cost and risks of an abortion go up dramatically.

So, the woman in prison is caught in a vicious cycle. Even if she saved her entire income, every single penny, she could never afford an abortion on her own. Therefore, women in prison do not have any choice at all.

Congress's continued denial of coverage of abortion services for Federal inmates has effectively shut down the only avenue these women have to pursue their constitutional right to choose.

Let me remind my colleagues, for the last 28 years, women in America have had a constitutional right to choose abortion as a reproductive choice. This right does not disappear when a woman walks through the prison doors. The consequence of the Federal funding ban is that inmates who have no independent financial means, which is most of them, are foreclosed from their constitutional choice of an abortion in violation of their rights under the Constitution.

With the absence of funding by the very institution prisoners depend on for the rest of their health services, many pregnant women prisoners are, in fact, forced to carry unwanted pregnancies to term. Motherhood is mandated for them.

I think it is important to point out that the anti-choice movement in Congress has denied coverage for abortion services to women in the military, denied coverage for women who work for the government, for poor people, and for all women insured by the Federal Employees Health Benefits Plan.

I vehemently disagree with all of these restrictions. I think they are wrong, and I think they are mean-spirited. But frankly, this restriction is the worst of all, and here is why: it targets the people who have the fewest resources and the least number of options. It effectively denies these women their fundamental right to choose. It is not just coercive, it is downright inhumane.

Now, let me talk for a moment about the types of women in the Federal Prison System. Many are victims of physical and sexual abuse. That is how they got pregnant, oftentimes. Two-thirds of the women who are incarcerated are incarcerated for nonviolent drug offenses. Many of them are HIV-infected, and many of them have full-blown AIDS. Congress thinks that it is in our country's best interest to force motherhood on these women? It is simply not our place to make this decision.

Mr. Chairman, what will happen to these children? What will happen to the children of mothers who have unwanted babies in prison? Frankly, I think this is the worst kind of government intrusion into the most personal of decisions. I wholeheartedly support the right of women in prison to bring their pregnancy to term if they so choose. They, not me, not anyone here, should make that decision for them.

I want to make it perfectly clear what this amendment is really about. It is about forcing some women, against their will, to bear a child in prison, when that child will be shortly taken away from them at birth, and then, to have that child raised heaven knows where. It is cruel and it is unfair to force them to go through this pregnancy and, therefore, I urge my colleagues to vote for the DeGette amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the gentlewoman's amendment.

The provision in the bill the amendment seeks to strike does only one thing: it prohibits Federal tax dollars from paying for abortions for Federal prison inmates, except in the case of rape or the life of the mother.

This is a very longstanding provision, one that has been carried in 12 of the last 13 Commerce, State, Justice, and Judiciary appropriation bills. The House has consistently, year after year, rejected this amendment. Last year, this very amendment was rejected by a vote of 254 to 156. Time and again the Congress has debated this issue of whether Federal tax dollars should be used for abortion, and the answer has been no.

Mr. Chairman, I urge the rejection of the gentlewoman's amendment.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the DeGette amendment. In recent years, a woman's access to abortion has been restricted bill by bill, vote by vote. The DeGette amendment seeks to correct one of these unjust restrictions.

Women in Federal prisons should not be made to check all of their rights at the door. Women have a constitutional right to choose, which should not be denied even if they are incarcerated.

Facing an unintended pregnancy is a tough situation for any woman, but a woman in prison is faced with very few choices. These women will have very limited prenatal care. Some women in prison will choose to carry the pregnancy to term, and I support this choice. But without the right to choose, their only option is to go through childbirth while incarcerated, and then to give their child up.

Mr. Chairman, I urge my colleagues to support this amendment which removes the ban on the use of Federal funds for abortion services for women in Federal prisons. These women have little or no access to outside financial or even family assistance and earn extremely low wages from prison jobs. Women in prison deserve the same choices they would receive for any other medical condition. We need equity in reproduction services.

The ban on abortion assistance denies them of their constitutional rights. Women in prison must not be denied their right to choose when these prisons cannot guarantee a safe delivery or treatment while pregnant. The right to choose is meaningless without the access to choose.

Mr. Chairman, I urge a "yes" vote on the DeGette amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the DeGette amendment.

For women in prison, this amendment projects their constitutional right to reproductive services, including abortion. Without this amendment, women in prison are denied the right to health care benefits that every other woman has available to them. We are not saying women in prison cannot choose to have a child, we are simply saying they have a right to choose not to have a child.

Once again, the anti-choice movement is targeting their efforts on women who have limited options. Most women in prison have few resources and little outside support. Denying abortion coverage to women in Federal prisons is just another direct assault on the right of all women to have reproductive choice.

Mr. Chairman, it is time to honor the Supreme Court decision in Roe v. Wade and acknowledge that every woman has a right to have access to safe, reliable abortion services. We must stop these piecemeal attempts to roll back women's reproductive freedom and we must provide the education and the resources needed to prevent unwanted pregnancies.

□ 2030

Mr. Chairman, I ask my colleagues, vote for the DeGette amendment and protect a woman's right to reproductive choice.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is not a common occurrence, but it does happen. When it happens, it is under tragic circumstances. For this Congress to prevent a woman from being able to make reasonable choices that influence the rest of her life is just unconscionable.

Women do get arrested and are incarcerated while pregnant. Some women are impregnated by guards. For whatever reason, some women find themselves in untenable positions in prison. To deny them the constitutional rights that women fortunately have in the United States because they are imprisoned is wrong. For us to be the vehicle that denies those rights is unconscionable.

Think of the child that is born into a situation where its mother is incarcerated in prison. Children need to be born into a loving, nurturing, wanted situation. What could be worse than to be forced to give birth to a child that might be the result of a rape in prison that would be a child that one could not care for, that one could not raise in the way all of us were raised?

The woman deserves the right to choose. She should not be denied that. This amendment should be supported.

Ms. LEE. Mr. Chairman, I rise in strong support of the DeGette amendment, which would strike language banning the use of Federal funds for abortion services for women in Federal prisons.

Since women in prison are completely dependent on the Federal Bureau of Prisons for all of their health care services, the ban on the use of Federal funds is a cruel policy that traps women by denying them access to reproductive care.

Abortion is a legal option for women in America. The ban for women in Federal prisons is unconstitutional because freedom of choice is a right that has been protected under our Constitution for more than 25 years.

Furthermore, the great majority of women who enter our Federal prison system are impoverished and often isolated from family, friends, and resources.

We are dealing with very complex histories that often tragically include drug abuse, homelessness, HIV/AIDS and physical and sexual abuse.

To deny basic reproductive choice would only make worse the crisis faced by the women and the Federal prison system.

The ban on the use of Federal funds is a deliberate attack by the antichoice movement to ultimately derail all reproductive options.

Limiting choice for incarcerated women puts other populations at great risk. This dangerous slippery slope erodes the right to choose little by little.

We are denying these women the right to health care benefits that every other woman has readily available to them.

Women in prison receive limited prenatal care, have limited resources, and must endure the fear of losing custody of their infant upon birth. These circumstances make it an extremely difficult situation for pregnant prisoners.

It is my belief that freedom of access must be unconditionally kept intact.

Therefore, I strongly urge my colleagues to protect this constitutional right for women in America and vote 'yes' on the DeGette amendment.

Mr. NADLER. Mr. Chairman, I rise to support the DeGette Amendment to strike the ban on abortion funding for women in federal prison. This ban is cruel, unnecessary, and unwarranted.

Mr. Chairman, a woman's sentence should not include forcing her to carry a pregnancy to term. Most women in prison are poor, have little or no access to outside financial help, and earn extremely low wages from prison jobs. Inmates in general work 40 hours a week and earn between 12 to 40 cents per hour. They totally depend on the health services they receive from their institutions. Most female prisoners are unable to finance their own abortions, and, therefore, are in effect denied their constitutional right to an abortion.

Earning the maximum rate of wages, a female prisoner would need to work 40 hours a week for 12 and ½ weeks just to be able to afford the lowest cost of a first trimester abortion ($200), but by that time she is no longer in the first trimester and, therefore, the cost of the abortion would be higher. So she would need to work even more to pay for the higher cost and more dangerous abortion. However, she will never make enough money in prison to pay for a timely, safe abortion even if she saves every penny she earns from the moment of conception. Why? Because the cost of later and later term abortions (from $200 to $700 to $1200) increases faster than her ability to earn money. So the legislation essentially bans abortion services for women in prison.

Remember, many women prisoners are victims of physical or sexual abuse and are pregnant before entering prison. In addition, they will almost certainly be forced to give up their children at birth. Why should we add to their anguish by denying them access to reproductive services?

Even worse, prison health services are inadequate for pregnant women. A 1999 report by Amnesty International USA revealed that gynecological services for women in prisons are inadequate and of poor quality. So, not only are we forcing women to carry pregnancies to term, but we are forcing them to do so in an environment where medical conditions are notoriously bad. We, therefore, increase the risk of late-term miscarriages and other potentially life threatening complications. That is dangerous and unnecessary.

Furthermore, we ought to keep this debate in perspective. This ban on abortions does not stop thousands of abortions from taking place, rather it places an unconstitutional burden on a few women facing a difficult situation. Statistics show that there are approximately 10,448 women in federal prison, that only 4 had abortions in FY 1998 and only 2 had abortions in FY 1999. There were only 56 births in FY 1998, and 24 births in FY 1999. So this is a very small group of people.

I know full well that the authors of this ban would take away the right to choose from all American women if they could, but since they are prevented from doing so by the Supreme Court (and the popular will of the American people who overwhelmingly support choice) they have instead targeted their restrictions on women in prison. Women in prison, who are perhaps the least likely to be able to object.

Well watch out America. After they have denied reproductive health services to all women in prison, all federal employees, all women in the armed forces, and all women on public assistance, then they will once again try to ban all abortions in the United States. And they won't stop there, we know that many anti-choice forces want to eliminate contraceptives as well. It is a slippery slope that denies the realities of today, punishes women, and threatens their health and safety. This radical agenda must be stopped now.

I urge my colleagues to support the DeGette amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as an advocate for Women's Choice I strongly support Representative DEGETTE's amendment. Representative DEGETTE's amendment will strike the language in the Commerce Justice State Appropriations bill which would prohibit federal funds from being used for abortions in prison.

Abortion is a legal health care option for American women, and has been for over 20 years. Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, the ban, in effect will prevent these women from seeking the needed reproductive health care that should be every women's right—the right to choose an abortion.

We know that most women who enter prison are poor. Many of them are victims of physical and sexual abuse, and some of them are pregnant before entering prison. An unwanted pregnancy is a difficult issue in even the most supportive environs. However, limited prenatal care, isolation from family and friends and the certain custody loss of the infant upon birth present circumstances which only serve to worsen an already very dire situation.

In 1993, Congress lifted the funding restrictions that since 1987 had prohibited the use of federal funds to provide abortion services to women in federal prisons except during instances of rape and life endangerment. Women who seek abortions in prison must receive medical religious and/or social counseling sessions for women seeking abortion. There must be written documentation of these counseling sessions, and any staff member who morally or religiously objects to abortion need not participate in the prisoner's decision making process.

There was a 75 percent growth in the number of women in Federal prisons over the last decade. Currently, the growth rate for women is twice that of men in prison. Yet, the rate of infection for HIV and AIDs in women exceeds the rate of infection for men in prison, and pregnant women are of course at risk of passing on this disease to their unborn children.

This ban on federal funds for women in prison is another direct assault on the right to choose. This ban is just one more step in the long line of rollbacks on women's reproductive freedoms. We must stop this assault on reproductive rights.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DEGETTE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to engage in a friendly filibuster on behalf of the House, because what we are trying to do is to bring to the House floor a unanimous consent agreement so that Members will understand what the intention is in terms of proceeding for the rest of the evening.

The staff is in the process of writing the changes to that agreement right now, so to prevent this from getting into another protracted debate on another amendment this evening, I am simply taking this time in the hopes that by the time I sit down, we will have the required paperwork so the Committee can proceed.

I am looking around with great expectation, hoping that the staff in fact has the paperwork ready, but I think they have all fled to the cloakrooms.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I just wanted to tell the gentleman that as he was pondering where everything was, the paper was reaching the gentleman. I think he is a much happier man now.

Mr. OBEY. Mr. Chairman, I am happy we do not have to ask the Sergeant to bring in the absent staff.

If the gentleman is ready to proceed, I am happy to yield back my time so that he can propound the unanimous consent request.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REYNOLDS) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192, no further amendment to the bill may be offered except

1. Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; and amendments printed in the portion of the CONGRESSIONAL RECORD of the legislative day, July 17, 2001 or any RECORD before that date, designated for the purpose specified in

clause 8 of rule XVIII, which may be offered only by the Member who caused it to be printed or his designee; shall be considered as read; shall not be subject to amendment, except pro forma amendments for the purpose of debate; and shall not be subject to a demand for a division of the question in the House or the Committee of the Whole; And

2. The Clerk shall be authorized to print in the portion of the CONGRESSIONAL RECORD of the legislative day July 17, 2001 designated for that purpose in clause 8 of rule XVIII all amendments to H.R. 2500 that are at the desk and not already printed by the close of this legislative day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. SERRANO. Mr. Speaker, reserving the right to object, I will not object, but I just want to clarify something from the chairman.

It is clear to the gentleman from Wisconsin (Mr. OBEY), the ranking member and I the content of the unanimous consent. However, I want to make clear that there is an understanding that whatever discussions will take place on limitation on times are in no way referred to in this unanimous consent.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I would tell the gentleman, that is correct.

Mr. SERRANO. That may or may not be a discussion later on in this process.

Mr. WOLF. That is correct.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 39, line 18, through page 39, line 24.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Oklahoma (Mr. LUCAS); amendment No. 2 offered by the gentleman from New York (Mr. HINCHEY); the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. LUCAS OF OKLAHOMA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 227, not voting 19, as follows:

[Roll No. 233]

AYES—187

Aderholt
Andrews
Baca
Baird
Baldacci
Barcia
Barrett
Barton
Becerra
Bentsen
Berkley
Berry
Blagojevich
Blumenauer
Bonior
Bono
Boswell
Boyd
Brady (PA)
Brown (SC)
Bryant
Burr
Camp
Capito
Carson (OK)
Chabot
Clay
Clayton
Clement
Coble
Condit
Costello
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Dicks
Doggett
Dooley
Doolittle
Duncan
Dunn
Edwards
Emerson
Etheridge
Evans
Fattah
Filner
Foley
Ford
Gallegly
Goodlatte
Gordon
Graves
Green (WI)
Gutierrez
Gutknecht
Hansen
Harman
Hart
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Holden
Hooley
Hostettler
Hulshof
Hutchinson
Inslee
Israel
Istook
Jefferson
John
Johnson (CT)
Johnson (IL)
Kelly
Kennedy (MN)
Kerns
Kind (WI)
LaFalce
Lampson
Langevin
Largent
Larsen (WA)
Lee
Lewis (GA)
Lewis (KY)
LoBiondo
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Mica
Miller, Gary
Miller, George
Mink
Moore
Moran (KS)
Nethercutt
Ney
Norwood
Osborne
Ose
Pascrell
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (MI)
Ross
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Sensenbrenner
Sessions
Shows
Slaughter
Smith (WA)
Solis
Souder
Stark
Stearns
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Turner
Udall (NM)
Upton
Velázquez
Walden
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weller
Wicker
Wilson
Woolsey

NOES—227

Abercrombie
Ackerman
Akin
Allen
Armey
Bachus
Baker
Baldwin
Barr
Bartlett
Bass
Bereuter
Berman
Biggert
Bilirakis
Boehlert
Bonilla
Borski
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Carson (IN)
Castle
Clyburn
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Davis (IL)
Davis, Tom
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doyle
Dreier
Ehlers
Engel
English
Eshoo
Everett
Farr
Ferguson
Flake
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goss
Graham
Granger
Green (TX)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Honda
Horn
Houghton
Hoyer
Hunter
Hyde
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Markey
Mascara
McCollum
McCrery
McGovern
McKeon
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pitts
Portman
Pryce (OH)
Rangel
Regula
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Scarborough
Schakowsky
Schiff
Schrock
Scott
Serrano
Shadegg
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spratt
Stenholm
Stump
Sweeney

Tancredo
Tauzin
Taylor (NC)
Tiahrt
Tiberi
Tierney
Towns
Traficant
Udall (CO)
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Ballenger
Bishop
Blunt
Boehner
Callahan
Cannon
Chambliss
Delahunt
Ehrlich
Gephardt
McHugh
Myrick
Neal
Reyes
Riley
Rogers (KY)
Shaw
Sherwood
Spence

□ 2102

Messrs. HUNTER, DEUTSCH, McKEON, DAVIS of Illinois, JACKSON of Illinois, NADLER, KINGSTON, WAXMAN, KLECZKA, Ms. McCOLLUM and Mrs. NAPOLITANO changed their vote from "aye" to "no."

Messrs. RADANOVICH, PRICE of North Carolina, KERNS, SAXTON, WICKER, Mrs. MALONEY of New York, Ms. McKINNEY and Ms. HARMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 244, not voting 17, as follows:

[Roll No. 234]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dingell
Doyle
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frost
Gilman
Gonzalez
Goode
Gordon
Graves
Grucci
Gutierrez
Hart
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pomeroy
Rahall
Rangel
Rivers
Rodriguez
Rothman
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Shaw
Sherman
Slaughter
Smith (NJ)
Solis
Stark
Strickland
Stupak
Tanner
Thompson (MS)
Thune
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson
Woolsey
Wynn

NOES—244

Aderholt
Akin
Armey
Bachus
Baird
Baker
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bonilla
Bono
Borski
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Cardin
Castle
Chabot
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (VA)
Morella
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—17

Ballenger
Bishop
Blunt
Boehner
Boucher
Chambliss
Delahunt
Ehrlich
Gephardt
McDermott
McHugh
Meeks (NY)
Myrick
Reyes
Riley
Sandlin
Spence

□ 2113

Mr. KIRK changed his vote from "aye" to "no."

Messrs. ENGLISH, BECERRA, HULSHOF and BACA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

(Mr. ARMEY asked and was given permission to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, in just a minute I will yield time to the distinguished chairman of the Committee on Appropriations to complete this announcement, but for the moment let me say, Mr. Chairman, that after this next vote there will be no further business in the House tonight.

□ 2115

I should say, Mr. Chairman, if I may, we will begin in the morning with the rule for the faith-based initiative. We will complete the work on the faith-based initiative, after which we will return to work on the existing Commerce-Justice-State appropriations with the goal of finishing the bill tomorrow night.

While that may sound foreboding to some people, I believe the distinguished chairman of the Committee on Appropriations can share with us insight that will help us to understand that even tomorrow night I think the committee will have been able to work this out to where we will be able to retire from our work tomorrow evening at a decent hour.

I yield to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I would remind Members that the gentleman from Wisconsin (Mr. OBEY) and I have both made an announcement that was followed up by a unanimous-consent agreement that the only amendments to be considered further in this bill tomorrow are ones that will have been printed up to and including today. By the time we get to the consideration of this bill again tomorrow, hopefully soon rather than late, we expect to have a unanimous-consent proposal to offer that would place realistic time limits on those amendments and hopefully expedite our business so that we can leave at a reasonable hour tomorrow evening.

That pretty much sums up where we are on the schedule. A lot of it will depend on that unanimous-consent agreement that we will propound tomorrow.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. I would just like to emphasize two things: as the gentleman from Florida indicated, if Members want to have their amendments considered, those amendments need to be filed tonight. If Members have already submitted those amendments to the Clerk, then the Clerk will see to it that they are printed. But Members need to know that if they want consideration of amendments, they need to be filed tonight.

I would also ask another favor of Members. We, on several occasions now, have had the bill read past the point where Members were eligible to offer their amendments. If Members have amendments that they intend to have offered, they need to be on the floor when we reach that point in the bill for consideration of their amendments, because there is no intention on either side of the aisle to go back into the bill to make an opportunity for amendments to be offered if Members have not been here at the proper time to offer their amendments.

We will, as the gentleman indicates, try to take all the amendments that we know of and put them in reasonable order with a reasonable time limit. We need the cooperation of every Member to do that.

Mr. ARMEY. Mr. Chairman, if I could just make one final comment. The program is clearly announced. All Members who will have amendments can expedite the proceedings on the remainder of this bill if they will work with the chairman and the ranking member to work out those time arrangements. I am confident that we will have a productive and happy conclusion of this bill tomorrow evening. I thank the Members for their time.

AMENDMENT OFFERED BY MS. DEGETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 253, not voting 11, as follows:

[Roll No. 235]

AYES—169

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank
Frelinghuysen
Frost
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Houghton
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Morella
Nadler
Napolitano
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—253

Aderholt
Akin
Armey
Bachus
Baker
Barcia
Barr
Bartlett
Barton
Bereuter
Berry
Bilirakis
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reynolds
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Ballenger
Bishop
Blunt
Delahunt
Gephardt
Hoyer
McHugh
Myrick
Reyes
Riley
Spence

☐ 2135

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN HONOR OF MAISIE DEVORE AND THE PEOPLE OF ESKRIDGE, KANSAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening in honor of one of my constituents, Maisie DeVore, of Eskridge, Kansas. Her story, that I want to describe here in a few moments, demonstrates what one determined person can do to make a difference in the lives of others and in the life of her community.

Maisie DeVore is 82 years old. Thirty years ago, Maisie decided that her community of Eskridge, population 530, needed a swimming pool; and she set about raising the funds to build one.

Over the course of 3 decades, Maisie earned a few dollars at a time by collecting aluminum cans, selling homemade jelly, and auctioning off her homemade afghans. Over the years, Maisie's hard work earned her more than $100,000, which, coupled with a $73,000 granted from the State of Kansas, provided the funds necessary to make her vision a reality.

The Eskridge Community Pool officially opened this past Saturday, July 14, 2001. Maisie was telling me this past Saturday that when she started this project, her kids were 7 and 12. They are now adults living in another community; but, still, the pool was opened.

Fittingly, Maisie was the first person in the pool. She was soon followed by about 50 of the younger residents of Eskridge. I was fortunate to be in Eskridge to share this city-wide celebration that was declared Maisie DeVore Day.

At the completion of her many years of work, Maisie's accomplishment has drawn the attention of State and national media and will be featured this Sunday on the CBS Sunday Morning Show.

Maisie's commitment to the welfare of her community and neighbors is a great example of service and leadership. More than the accomplishment of a personal goal, Maisie's success is a uniting theme for an entire community. Her story demonstrates that one individual, one individual, can bring a community together and truly make a difference in the lives of others.

The completion of this project marks a major achievement for Maisie DeVore and for the community of Eskridge. This facility promises to be a tremendous asset and a source of pride for this small community.

This story is about small-town America and what the life of one individual can do to benefit his or her neighbors.

So I rise tonight on the floor of the House of Representatives to commend Maisie DeVore for her unending work, her vision, and her completion of this community project. I salute Maisie DeVore and the community of Eskridge.

EXPLAINING THE DANGERS OF FAST TRACK TRADE PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I rise this evening first of all to thank my colleague, the gentleman from Ohio (Mr. BROWN), for arranging a discussion this evening on the important issue of trade, especially the fast track procedure that is making its way through this community. It is essential for the American people to truly understand what this fast track trade proposal is all about and how damaging it can be to each and every one of our individual lives.

Now, the procedure that is known as fast track puts our trade laws and everything that is associated with them on a rush course through Congress. It limits the time we can spend on important issues that deal with food safety, with agriculture, with the environment, and worker laws and worker protections. It allows only an up-or-down vote, and no amendments, on huge trade bills, like the GATT bill in 1995 or the NAFTA bill in 1993. It leaves Congress with little power to stop the bad parts of trade legislation from becoming law.

I would remind my colleagues, Mr. Speaker, that this whole idea of fast track is something that is relatively new. It was only in 1974 when Richard Nixon first proposed it. It has only been used five times. In fact, during the last administration, the Clinton administration, we did 200 trade deals around the world successfully without fast track.

This is a huge usurpation of the authority given to the United States House of Representatives and the Congress by the Constitution of the United States. By doing so, it not only threatens the work that we do here on behalf of the American people on food safety, on labor law, on the environment and all kinds of other important issues; but it also affects what happens to the activity at the local level, in the village, in the city, in the township or at the State level. Those laws are in jeopardy as well.

Now, let me say this, Mr. Speaker: we have worked very hard over the last 100 years in this country to put into law these protections. There was a time that we did not have food safety laws. Upton Sinclair wrote the wonderful novel called "The Jungle," and it alerted the American people to what was happening in food safety and food spoilage. There was a movement called the Progressive Movement, and a lot of things flowed from that.

The labor movement flowed at the beginning of the century, so people could have workmen's comp, unemployment comp, good pay, pensions and overtime protection and all of those things we have in law today.

All of that is at risk with these trade laws. If we continue on the path that we are on, or we have been on, we are spiraling down to the least common denominator in our law. We are going into the valley where countries who have no protections for their workers simply live today.

When we fail to meet these standards, workers in Bangladesh remain in sweatshops. When we fail to meet these standards of worker safety and the environment, children in the Ivory Coast are forced into slave labor. At home, workers lose their jobs because companies relocate to areas with fewer safety and environmental standards.

We have seen the great exodus out of many of our communities. Manufacturing concerns get up and go. They do not want to pay the $12 an hour, the $14 an hour. They go down to Mexico where they pay less than $1 an hour.

□ 2145

They manufacture and assemble what they have to, ship it right back across the border, often on trucks that are not safe, moving through our country, with no protection for the Mexican workers down there. So the Mexican worker loses, our worker loses. The only people that profit are basically the wealthy multinational corporations and the CEOs, particularly at the top of those corporations.

Mr. Speaker, we simply cannot afford the negative consequences that come along with bad trade deals. Too much is at stake. I would just urge my colleagues tonight, as we proceed on this debate on fast track, to be very careful and very thoughtful in how we approach it.

This is a very important issue for the future of this country and for the future of our children. We need to have environmental safety laws into all of our trade deals, and we need to also make sure we have worker rights embodied in the core agreements of our trade deals so that our workers are not punished here at home and the workers abroad and in developing countries as well have a chance to earn a decent wage so that they can buy the products that they are making.

SUPPORT EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, Della Mae is a wonderful, loving, 79-year-old woman totally debilitated by Alzheimer's disease. Joey was a promising young man in his early 20s who died a horrible death; a cruel, tragic death from diabetes.

Mr. Speaker, Della Mae is my mother. Joey was my first cousin. On behalf of my beloved mother and my first cousin, I plead with the President and the Congress to accept the NIH report on the medical value of embryonic stem cell research and to not block Federal funding for this promising, life-saving research; on behalf of not only my mother and my first cousin, but 100 million other Americans suffering from Parkinson's Disease, Alzheimer's disease, diabetes, juvenile diabetes, multiple sclerosis, as well as spinal cord injuries resulting in paralysis.

Mr. Speaker, I have watched several close friends devastated by Parkinson's Disease and spinal cord injuries, conditions that could also be aided by embryonic stem cell research. Who amongst us, who amongst us has not been profoundly moved by the sight of former President Ronald Reagan, that giant of a man, now reduced to a mere shadow of his former self by Alzheimer's disease.

Mr. Speaker, the scientific evidence is overwhelming that stem cells collected from surplus embryos have great potential to regenerate specific types of human tissues and offer hope for millions of Americans devastated by these and other cruel, fatal diseases. According to research doctors I have talked to at the Mayo Clinic as well as NIH, a vaccine to prevent the onset of Alzheimer's is less than 5 years away, thanks in large part to stem cell research.

Yes, Mr. Speaker, using surplus embryos from in-vitro fertilization that would otherwise be discarded has the potential to save lives and prevent terrible human suffering. Members and the President need to listen to respected colleagues like Senators Orrin Hatch and Connie Mack, as well as Secretary Tommy Thompson, when they tell us this is not an abortion issue. The President and Members need to be clear, Mr. Speaker, that abortion politics should not enter into this decision and certainly should not influence this critical decision.

Embryonic stem cell research, in fact, will prolong life, will improve life, and give hope of life for millions of American people suffering the ravages of Alzheimer's, Parkinson's, diabetes, and multiple sclerosis, not to mention spinal cord paralysis.

So, Mr. Speaker, on behalf of millions of Americans with debilitating, incurable disorders, I respectfully urge the President and the Congress to approve crucial Federal funding for this life-saving medical research. In approving such funding, Mr. Speaker, we can also adopt the same model of accountability and oversight that is used in fetal tissue transplantation research which allows the best possible science to progress.

Mr. Speaker, it is too late for my dear mother and my decreased cousin, but it is not too late for 100 million other American people counting on the President and the Congress to give them hope. Let us give them hope. Let us give them life. Let us support funding for life-saving and life-extending embryonic stem cell research. It is clearly, clearly the right thing to do.

THOUGHTS ON THE U.S. FLAG AND A CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I was unable to come over today for the discussion of the flag amendment because of meeting with some of my constituents and because of an important markup in the Committee on Resources. However, I would like to tell my colleagues and others about an article or a column that was written in the July 9 issue of Newsweek Magazine by a woman named Joan Jacobsen.

She told that she was an antiwar protestor in the late 1960s and early 1970s and had many very bitter arguments with her father who was a brigadier general in the Army. Then she wrote a few days ago about her father's passing. She said this: "Two days after my father died, as the visiting hours at the funeral home ended and we were putting on our coats, there was one last visitor. He was a stooped, solitary man who walked slowly to the open coffin and gazed down at my father, lying in his military dress uniform. Suddenly, the visitor stood up straight, and still looking at his Army comrade, gave the brisk salute of the spirited young GI that he must have been 55 years ago. Then he slowly lowered his arm and became an old man once more, turning and shuffling out the door. His gallant gesture has come to symbolize a profound shift in my feelings toward the United States military."

Ms. Jacobsen continued: "The following day at the funeral service, the soldiers draped the American flag over the coffin and accompanied it from the church to the cemetery. As we gathered at my father's grave site under a light December rain, four members of the honor guard stood at attention. One soldier raised his rifle and fired three shots while the bugler played Taps. The flag was removed from the coffin and slowly and meticulously folded into a triangular shape. After one soldier inserted the empty casings into the flag's angled pocket, the rest of the guard lined up in formation behind the highest-ranking officer, who approached my teenage son. The officer, holding the folded flag on his outstretched palms and looking straight at my boy, said, 'Please accept this flag on behalf of a grateful Nation.'

"And so it was, at the end, the United States Army that provided my family and me with a noble conclusion to my father's life. I began to realize that the military traditions I had once considered unquestionably rigid endure because they serve a purpose. Every morning, as long as he was able," and I want everyone to hear this, especially. "Every morning, as long as he was able, my father raised the American flag on the pole outside his house, observed a moment of silence, then stood at attention and saluted. I had always thought this exercise sweetly eccentric," Ms. Jacobsen said, "but also meaningless. Now, I envy the ritual."

Mr. Speaker, I think in at least a small way, this lady has explained what this flag means to so many people in this country, and that this flag is a whole lot more than just a simple piece of cloth.

In the great song of the "Battle Hymn of the Republic," Mr. Speaker, it says, "In the beauty of the lilies, Christ was born across the sea, with a glory in his bosom that transfigures you and me. As he died to make men holy, let us live to make men free."

That is what so much of what we do today is all about. The battle or the struggle for freedom is ongoing. It is never ending. There are always tyrants and dictators from abroad who would take our freedom away if they had the slightest chance to do so, and there are always liberal elitists and bureaucrats from within who want to live our lives for us and spend our money for us and take away our freedom, slowly but surely.

I think of this in relation to a hearing before the Subcommittee on National Parks this morning. We talked about the Antiquities Act. Mr. Speaker, one can never satisfy government's appetite for money or land. We talked in the hearing this morning about how 70 million acres have been locked up, almost all of it just in the last few years, and that 70 million acres does not even count what we have in the national parks, in the national forests and all of that.

Mr. Speaker, if we do not wake up and realize that we are slowly, very slowly doing away with private property in this country, we are about to lose a very important element of our freedom and our prosperity, and we are about to lose the freedom that this man fought for and supported all of those years and why so many people have given their lives for this country and in defense of that flag. I am very pleased that this Miss Jacobsen realized that and wrote such a moving column in Newsweek. I just wanted to call that to the attention of my colleagues tonight.

SAY NO TO H.R. 7, PRESIDENT'S FAITH-BASED INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, tomorrow this House will vote on H.R. 7, the President's faith-based initiative.

The question before the House is not whether faith is a powerful force; it is. The question is not whether faith-based groups do good works; they do. The question is not even whether government can assist faith-based groups in their social work. The government does and has so for years.

Rather, the vote on this bill boils down to two fundamental questions. First, do we want American citizens' tax dollars directly funding churches and houses of worship, as this bill does; and, second, is it right to discriminate in job hiring when using Federal dollars.

I would suggest the answer to both of those questions is no, emphatically so.

The question of using tax dollars to fund churches is not a new one. It was debated at length by our Founding Fathers over two centuries ago. They not only said no to that idea; they felt so strongly about it that they embedded the principle of church-State separation into the first 16 words of the Bill of Rights by keeping government funding and regulations out of our churches for over 200 years.

Mr. Speaker, America has become the envy of the world when it comes to religious freedom, tolerance, and vitality. I challenge the proponents of this bill to show me tomorrow one nation in the world, one nation where government funding of churches has resulted in more religious liberty or tolerance or vitality than right here in the United States. All of human history proves that government involvement in religion harms religion, not helps it.

□ 2200

Our Founding Fathers understood that fact, and today's world proves that fact. Just look around. In China, citizens are in prison for their religious beliefs. In the Middle East, religious differences have perpetrated conflict and death. In Afghanistan, religious minorities are being branded with Nazi-like tactics. In Europe, government-funding of churches has led to low church attendance.

As a person of faith, I thank God that our Founding Fathers understood that religious liberty is best preserved by keeping government funding and regulations out of our churches.

To my conservative colleagues, and to those across this country, I would suggest that they should be the first to fear the government regulation of religion that would inevitably result from billions of taxpayer dollars going directly to our churches and houses of worship.

Surely it was one significant reason why over 1,000 religious leaders, from Baptists to Jews to Methodists, have signed petitions opposing H.R. 7. These people of faith understand that direct Federal funding of our churches would not only be unconstitutional, it would result in government regulation, audits, and yes, even prosecutions against our churches and religious leaders.

Mr. Speaker, I have great personal respect for President Bush, but on the question of Federal funding using tax dollars to fund our churches, I must stand with Madison, Jefferson, and the Bill of Rights. The principle of church-State separation has protected Americans' religious freedom magnificently for over 200 years. We tamper with that sacred principle at our own peril.

Mr. Speaker, now let me address a second question I raised regarding this legislation: Is it right to discriminate in job hiring when using Federal tax dollars for those jobs? I believe the vast majority of Americans would say no.

Under H.R. 7, citizens could be denied or fired from federally-funded jobs because of no other reason than their personal religious faith. I would suggest that having the government subsidize religious job discrimination would be a huge step backwards in our march for civil rights.

No American citizen, not one, should have to pass anyone else's religious test in order to qualify for a federally-funded tax-supported job.

Under H.R. 7, a church associated with Bob Jones University could put out a sign "Paid for by taxpayers. No Catholics need apply here for a federally-funded job." That is wrong.

Under H.R. 7, federally-funded jobs could be denied to otherwise qualified workers simply because of their personal faith being different from that of their employers. That is wrong.

Under H.R. 7, churches that believe women should not work which use Federal dollars could put out a sign saying, "No women need apply here for a federally-funded job." That is wrong.

Mr. Speaker, we all understand why churches, synagogues, and mosques could hire people for their own religious faith with their own private dollars. But it is altogether different, altogether different as night to day to allow tax dollars to be used to subsidize job discrimination for secular jobs.

There is also something ironic about a bill that is supposedly designed to stop religious discrimination but actually ends up not only allowing but subsidizing religious discrimination.

Mr. Speaker, this is also a bill built on a false foundation, the premise that not sending tax dollars to our churches and houses of worship is somehow discrimination against religion.

Nothing could be further from the truth. In the Bill of Rights, our Founding Fathers wisely built this sacred wall of separation to protect religion from government and politicians. This bill would obliterate that wall and ultimately put at risk our religious liberty, the crown jewel of America's experiment in democracy.

To Members who genuinely want to help religious charities do good work, I would say that present law already allows Federal funding of faith-based groups if they agree not to proselytize with those Federal dollars or to discriminate with Federal funds. This bill is thus a solution in search of a problem.

Should we have Federal funding of our churches? The answer is no. Should we discriminate in job hiring based on religion when using Federal dollars? The answer is no.

And if Members' answers to these two questions is no as well, they should vote no on H.R. 7. Protecting our churches from government regulation and our citizens from religious discrimination are fundamental principles. They deserve our support today, tomorrow, and every day.

By voting no on H.R. 7, we in this House can defend the principles embedded in the Bill of Rights that have protected our religious freedom so magnificently well for over two centuries.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 2356, THE BIPARTISAN CAMPAIGN REFORM ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. NEY) is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, House Rule XIII 3(c)(2) requires that a cost estimate prepared by the Congressional Budget Office be filed with a committee report. When the committee report for H.R. 2356 was filed, this cost estimate was not yet available.

Attached for inclusion in the RECORD is the completed cost estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 11, 2001.
Hon. ROBERT W. NEY,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2356, the Bipartisan Campaign Reform Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for federal costs) and Paige Piper/Bach (for the private-sector impact).

Sincerely,
BARRY B. ANDERSON,
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 2356—Bipartisan Campaign Reform Act of 2001

Summary: H.R. 2356 would make numerous amendments to the Federal Election Campaign Act of 1971. In particular, the bill would:

Raise the amounts that individuals can contribute to federal campaign each year;

Prohibit national committees of political parties from soliciting, receiving, directing, transferring, or spending so-called "soft money";

Require numerous additional filings and disclosures by political committees with the Federal Election Commission (FEC) for certain expenditures;

Strengthen the prohibition on foreign contributions to federal campaigns, and increase fines for violations of election laws.

Direct the General Accounting Office (GAO) to conduct a study of recently publicly financed campaigns in Arizona and Maine; and

Restrict the advertising rates charged by television broadcasters to candidates for public office.

CBO estimates that implementing H.R. 2356 would cost about $5 million in fiscal year 2002 and about $3 million a year thereafter, subject to appropriation of the necessary funds. Those amounts include administrative and compliance costs for the FEC, as well as costs for GAO to prepare the required report.

Enacting the bill also could increase collections of fines, but CBO estimates that any increase would not be significant. Because the bill would affect direct spending and receipts, pay-as-you-go procedures would apply.

H.R. 2356 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 2356 would impose several private-sector mandates as defined in UMRA. CBO estimates that the direct costs to the private sector of complying with those mandates would exceed the annual statutory threshold in UMRA ($113 million in 2001, adjusted annually for inflation) primarily as a result of new mandates on national political party committees and television, cable, and satellite broadcasters. Moreover, CBO estimates that they net direct costs to the private sector could exceed $300 million in a Presidential election year.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2356 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending for FEC under current law:						
Estimated authorization level[1]	40	42	43	45	47	48
Estimated outlays	41	42	43	45	47	48
Proposed changes:						
Estimated authorization level	0	5	3	3	3	3
Estimated outlays	0	5	3	3	3	3
Spending under H.R. 2356:						
Estimated authorization level	40	47	46	48	50	51
Estimated outlays	41	47	46	48	50	51

[1] The 2001 level is the amount appropriated for that year. The estimated authorization levels for 2002 through 2006 reflect CBO baseline estimates, assuming adjustments for anticipated inflation.

Basis of Estimate: Based on information from the FEC, CBO estimates that the agency would spend about $2 million in fiscal year 2002 to reconfigure its information systems to handle the increased workload from accepting and processing more reports, to write new regulations implementing the bill's provisions, and to print and mail information to candidates and election committees about the new requirements.

In addition, the FEC would need to ensure compliance with the bill's provisions and investigate possible violations. CBO estimates that conducting those compliance activities would cost $2 million to $3 million a year, mainly for additional enforcement and litigation staff.

CBO estimates it would cost GAO less than $500,000 in fiscal year 2002 to complete the report required by the bill.

Enacting H.R. 2356 could increase collections of fines for violations of campaign finance law. CBO estimates that any additional collections would not be significant. Civil fines are classified as governmental receipts (revenues). Criminal fines are recorded as receipts and deposited in the Crime victims Fund, then later spent.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act specifies pay-as-you-go procedures for legislation affecting direct spending and receipts. These procedures would apply to H.R. 2356 because it would affect both direct spending and receipts, but CBO estimates that the annual amount of such changes would not be significant.

Estimated impact on State, local, and tribal governments: H.R. 2356 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimated impact on the private sector: H.R. 2356 would make changes to federal campaign finance laws that govern activities in elections for federal office. The bill would amend the Federal Election Campaign Act of 1971 by revising current-law restrictions on contributions and expenditures in federal elections. H.R. 2356 would impose mandates on many private-sector entities, including: national party committees, state and local party committees, candidates for federal office, federal officeholders, television, cable and satellite broadcasters, persons who pay for election-related communications, labor unions, corporations, persons who contribute to political campaigns for federal office, and Presidential inaugural committees. The two most costly mandates in the bill would prohibit the use of soft money by national political party committees, and change the rules that television, cable and satellite broadcasters apply to set rates for political advertisements. At the same time, the bill would reduce existing requirements governing election-related contributions and expenditures.

The mandate on national political party committees prohibiting the use of soft money would impose direct costs that equal the forgone amount of soft-money contributions offset by savings in the bill. According to the FEC, national party committees raised approximately $400 million in 2000, $95 million in 1999, $150 million in 1998, and 475 million in 1997 in soft money. Historically, soft-money contributions increase significantly in Presidential election years. During the 2000 election cycle, for example, soft-money contributions for national political parties totaled approximately $495 million, which represented an increase in soft-money contributions of 475 percent over the 1992 election cycle. CBO, therefore, estimate that the losses as a result of prohibiting soft money would be at least $400 million in a presidential election year and at least $75 million in an other election years.

H.R. 2356 also would provide savings as defined in UMRA. The bill would reduce some existing mandates by allowing higher contributions by individuals and thus offset some of the losses resulting from the soft-money prohibition. The bill would increase the following annual limits:

Individual contributions to Senatorial and Presidential candidates from $1,000 to $2,000,

Individual contributions to national political parties from $20,000 to $25,000,

Individual contributions to state parties from $5,000 to $10,000,

Aggregate limit on all individual contributions from $25,000 to $37,500, and

National party committee contributions to Senatorial candidates from $17,500 to $35,000 in an election year.

Further, the bill would provide for future indexing for inflation of certain limitations on annual contributions. The bill would also raise limits on individual and party support for Senate candidates whose opponents exceed designated level of personal campaign funding.

The increased contributions limits would allow candidates and national and state party committees to accept larger campaign contributions. Based on information from the FEC and other experts, CBO expects that the increment in such contributions could be as much as $200 million in a Presidential election year. Thus, such savings would only partially offset the losses from the ban on soft-money contributions.

Additional mandates in H.R. 2356 would impose costs on television, cable, and satellite broadcasters by requiring the lowest unit rate broadcast time to be nonpreemptible for candidates (with rates based on comparison to prior 180 days) and requiring the rates to be available to national party committees. The bill also would also require broadcasters to maintain records of requests of broadcast time purchases. Based on the latest figures from the National Association of Broadcasters and the FCC, affected political advertising would bring in revenues of $400 million to $500 million in Presidential election years and $200 million to $250 million in other election years. CBO does not have enough information to accurately estimate the effects of the requirements in the bill on those revenues. Based on information from industry experts, however, CBO concludes that such losses could exceed $100 million in a Presidential election year.

H.R. 2356 would also impose private-sector mandates in several additional areas. These areas include: restricting the use of soft money by candidates and state political parties; additional requirements to report information to the FEC about political contributions and expenditures by individuals and political parties; restricting contributions from minors and foreign nationals; restricting disbursements for election-related communications by individuals, labor unions, corporations, and political parties; and prohibiting certain campaign fundraising.

The direct costs associated with additional reporting requirements would not be significant. In general, most entities involved in federal elections must submit reports to the FEC under current law. New requirements in H.R. 2356 also would impose some costs for individuals and organizations who pay for certain election-related communications associated directly and indirectly with federal elections. Finally, mandates that restrict the ability of individuals and organizations to make certain contributions or expenditures would impose additional administrative costs.

Previous estimate: On July 9, 2001, CBO transmitted a cost estimate for H.R. 2360, the Campaign Finance Reform and Grassroots Citizen Participation Act of 2001, as ordered reported by the Committee on House Administration on June 28, 2001. That bill contained some of the provisions in H.R. 2356 and CBO estimated that it would cost the federal government $2 million annually, subject to the availability of appropriated funds. Neither bill contains intergovernmental mandates.

Both bills would impose private-sector mandates by placing new restrictions on contributions and expenditures related to federal elections. The mandates in H.R. 2360 would not impose costs above the statutory threshold. The primary mandate in H.R. 2360 would limit the use of soft-money contributions in certain federal election activities. The primary mandates in H.R. 2356 would impose costs above the threshold by banning the use of soft money for national committees and changing the rules that apply to broadcast rates for political advertisements.

Estimates prepared by: Federal costs: Mark Grabowicz, impact on State, local and tribal governments: Susan Seig Thompkins; impact on the private sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

THE UNIQUE QUALITIES OF THE AMERICAN WEST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McInnis) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, I come before my colleagues this evening to discuss one of my favorite topics, of course, the American West. I plan to spend the next few minutes talking about the differences between the western United States and the eastern United States.

I talk quite regularly about these issues because, of course, being a native of the wonderful State of Colorado, I believe very strongly, very strongly in the American West and the virtues and the values of the American West.

I think it is important, because of our small population out there, that we continue to be heard in this country; that our way of life in the American West somehow be preserved and not trod upon.

I had a wonderful experience this last weekend. I was in Buena Vista, which in Spanish stands for "good view," Buena Vista, Colorado. I and a couple of friends and my wife, Laurie, we went to Buena Vista for one purpose: We wanted to hear a singer, somebody who I had known, a person of great character, a gentleman named Michael Martin Murphy.

This is an individual who is not only able to sing in such a way that it warms your heart, but also has the very canny ability of passing on and communicating through his music about the values of the American West. Not only can Michael Martin Murphy communicate about the values of the American West, he also communicates about the need and the necessity of character, of real character; of the standards that we as Americans ought to live up to.

When we went to Buena Vista and we heard some of the discussions, we had an opportunity not only to listen to the music of Michael Martin Murphy, who I pay tribute to today; not only to meet his good friend, Karen Richie, but also to listen to some of the background and some of the values and the future that people like Gene Autry, Roy Rogers, and Marty Robbins saw about the American West.

I can say that Michael Martin Murphy in my opinion rises to the level of those legends, the legends of Marty Robbins, the legend of Gene Autry, the legend of Roy Rogers; that he rises to their level, because in my opinion he is able to communicate the message as those people did for their generation, and Michael Martin Murphy does that for this generation. I think his music will carry that message to future generations.

It was a wonderful experience. We were up on the mountain plain, Chalk Mountain right in the distance, of course among 14,000-plus foot peaks. The wind was blowing slightly, the sun was going down, not until about 9 o'clock. It was cool. The mountains can get awful cold this time of year; not like winter, obviously, but very, very cool.

It was just the perfect setting. It was the perfect setting to let one's mind rest for a few minutes and to go back in history and remember the values upon which this great Nation was built, upon the individual characters that stepped forward to settle the West, to stand strong for the West, to make sure that the wrongs were righted, because we know there were wrongs that were committed in the acquisition of the West.

It is interesting, when we look back in history, our history professors tell us, Mr. Speaker, that history often repeats itself, and that if we look upon the strong values of this country, the foundation that made this country the greatest country known in the history of the world, when we look back we see certain characteristics that I think have been represented in music, at least in the West, by the legends of the Gene Autrys, the Marty Robbins, and Roy Rogers, and in my opinion, Michael Martin Murphy.

I intend here in the next few days to issue a tribute for Michael Martin Murphy, because I think it is so important for the generation, for our generation, the obligation of our generation to pass on to the next generation what life in the American West really is about; how wonderful it is and how important it is to preserve that independence, that love of nature, that mountain area way of life.

There are several ways we can do it. Of course, we can put it in history books. We can teach it in our classes. Those are all important. But it seems to me one of the most effective ways to pass the message from one generation to the next generation is through music. Michael Martin Murphy does exactly that.

I was not enthralled, so do not get me wrong, I was not starstruck by Michael Martin Murphy. I was impressed, because I felt that I had met an entertainer who was much more than an entertainer, but an individual who really cared about the American West, an individual who understood the land values and the need for open space and the beauty of the Rocky Mountains, yet firmly believed that people had a right to live in those areas; that people have a right to enjoy that.

In Michael Martin Murphy I saw not a superstar, but I saw a star kind of different than like a Hollywood set. What I saw was a superstar in character, a person who spoke about the characters that are necessary for our new generations; about the obligations we have, the obligations that were fulfilled by previous generations.

We live in a great country, wherever one lives in this country. I just happen to have a prejudice towards the mountains, whether it is in Virginia or in the Missouri flats or up in Montana, up in those areas, Idaho, Jackson Hole, Wyoming, and of course my district, the Third District of Colorado, which is essentially the mountains of Colorado, whether one is in Durango, Buena Vista, Walsenburg, Steamboat Springs, Meeker, Colorado, Glenwood Springs, Beaver Creek, all of these communities.

What is important is that there are a lot of generations that have come ahead of us, including multiple generations on my side of the family and multiple generations on my wife's side of the family.

It is a way of life. It is a way of life that I think we can preserve. It is a way of life that we should not allow the elitists to come out and destroy. It is a way of life of those people who come out and buy property in the mountains, or come out to the West and buy land, whether it is in the prairie or in the mountains. It is a responsibility that kind of runs with the land. It does not disappear from one owner to the other, it is a responsibility that should go with everybody who touches the land. It runs with the land, and it should run with the land for all future generations.

A part of getting that message out is through the music of the likes of Michael Martin Murphy. So for that, I intend to issue a tribute, because I consider him in that bracket, having met that standard of a legend, not just for the music, which by the way is beautiful, whether it is Wildfire, or his rendition of the Yellow Rose of Texas, or I could go through a number of different songs; but most importantly, what Michael Martin Murphy says and what he practices and what he encourages other people to do in regard to the preservation of the American West.

Let me point out some differences in why life in the West requires some special attention, why it really does. I am not trying to preach to my colleagues this evening, but I am trying to say that out in the West we have a unique situation. It is not found in the East, or very rarely in the East. It is unique to the West. We have to have a good understanding of it if we really want to comprehend the challenges that we face out West.

It all started years ago with the founding of this country. As we all know, the country was not founded on the west coast. It was not founded in the mid country, it was founded on the east coast, out in this area. The population was up and down the coastline.

As our forefathers decided to expand this wonderful dream of theirs to build a country of freedom, a country that was free from the king, a country where we would have no king, a country which allowed for a representative and democratic type of government, to do that they in to expand, so they purchased land. They needed to encourage people to occupy that land.

What happened back then, just because one had a deed, they had a piece of paper that said you owned this piece of property, that did not mean much.

□ 2215

What meant something was for an individual to be actually placed on the land with both their feet. Possession of the land. And frankly, not only possession of the land, it also probably required in a lot of cases, a six-shooter strapped to one's side. This was a new frontier for us, and it was a frontier we wanted to build into the country.

And thank goodness they had the raw courage and the persistence to go out west. Despite the illness, despite the fact that there were no maps, despite the fact that they had to break the trails and hunt for their food and negotiate with the Native Americans, we still had people that did it. That is where, by the way, the saying came from, "possession is nine-tenths of the law." That is where that came from.

So let us go back to this map. We know we have people settled on the East Coast. We know that the Government wants them to move to the West. Now remember, to the West could be simply getting them out to Missouri. Somehow we have got to get the American people out into this new land that we want to expand into a country, the United States of America. So they tried to figure out ways and incentives for the American people to move west. Interestingly, they came up with an idea. In 1776, what the Government did, and this is very interesting, by the way, for those who are history buffs, in 1776, the Continental Army decided, hey, let us offer free land to people. Let us allow, in effect, homesteads to soldiers that will defect from the British Army. If they are defectors, we will reward them in our new country with free land.

Well, years later, as our expansion began to take place, and remember our expansion was delayed somewhat because of the ongoing battles between the North and the South. The North and the South, neither one of them wanted to have the other get an advantage over this new land, an advantage that would allow slavery or an advantage that would not allow slavery. So the expansion and the possession of these lands was somewhat delayed. But when they got finally to a position where the Government could really encourage it and take it as a serious effort to go out and settle the American West, they decided that the incentive should be to give away land, and they called it homesteading.

Again, that idea originated in 1776. Now, maybe if there is a history professor amongst my colleagues, they may have a date preceding that, but my reading shows about 1776 with the defections from the British Army.

So now we speed up again back here where we are possessing the country. How do we get people out there? So we decide to homestead. They offer people to go out into Missouri, into Tennessee, out west to Kansas and to Colorado. Go out there and farm, set up their families, and be given 160 acres. If they would go out there and work it for a fee of like $12 and a closing fee of like $5, they could have this land, 160 acres.

And every American, even today, every American dreams of owning their own piece of land. That is one of the beauties of the United States of America, one of the things that sets our country apart from other nations throughout the entire world is the right of private property. It is deep in our heart. It is deep in our heart to own a piece of property. So the Government encouraged families to go out west and be given ownership to 160 acres. They had to go out and work it. They need to put their family on it. The Government wanted it to be farmed, to be productive land. And if a family would make it productive land, if they were dedicated to the cause, meaning that they persevered through all the tough conditions, after a period of time, a few years, they got to own that land free and clear.

However, there was a problem; and the problem is clearly demonstrated by this map that I have to my left, and that was that the frontiersmen, and I say that generically, because clearly it was families that took on this challenge, not just the men of the country but families. And back then the conditions were harsh. Think of women in childbirth, the death rate of women in childbirth. It was horrible. The sacrifices were enormous that these people made to expand our country and in part to go out and find the American Dream.

But as I said, there was a problem; and it is demonstrated by this map. Take a look at this map very carefully. The western United States has lots of color on it on this map. The eastern United States, with the exception of the Appalachians, a little shot down there in the Everglades, a little shot up there in the northeast. With those exceptions some of these States hardly have any color in them at all. Why? The color denotes government lands.

Now, my colleagues might say, well, gosh, there are hardly any government lands in some of these States. And the lands that have very little government land, what we call public lands, are in the East. They are not in the West. Why? Why would be a logical question on this map to my left. Why would all the West be in color or public lands and very little in the East, comparatively speaking? Private property is held by private individuals. That was the problem they ran into. What happened was, as the frontiersmen began to hit the Rocky Mountains, they discovered that 160 acres not only would not support a family, it would not even feed a cow.

So word got back to Washington, and it kind of put a stop in the expansion plans. They said, hey, we are having a problem. This Homestead Act has worked very, very well getting people halfway across the country, because 160 acres in eastern Colorado, unlike 160 acres in western Colorado, can support a family. 160 acres in Missouri can support a family. Same thing in Kansas. Same thing in some of these other States. But when they hit the mountains, it was a lot different.

So how did we resolve this? What do we do? How did we encourage people to go into those mountains and take the sacrifice that was necessary for us to expand this great country of ours? One of the answers was, well, to get people into this area of the western United States, if 160 acres does not do it, let us give them 3,000 acres. Let us give them whatever amount of land it takes to be comparable to that family in Kansas or Nebraska that can make do on 160 acres. But somebody said, well, we cannot do that. Politically we could never give that much land away to an individual.

So somebody else, one of the other policymakers, came up and said, well, let us do this. In the West, where we meet the mountains, let us just go ahead and keep the land titled, the actual ownership of the property, let us keep it in the name of the Government but let us allow the people to use it as if it were their own. And, in fact, let us encourage them to go out there and use it. And let us call this land that is owned by the Government, it is not a title that fits here in the East, it is a title that was designed for this block of color in the West, let us define it by a land of many uses, public lands.

This was a title held by the Government but described as a land of many uses; a land that will allow people to support families, land that will allow people a sense of freedom, land that will allow people the enjoyment and, in my opinion, the absolute pure pleasure of being able to live in the Rocky Mountains or go up into the plateaus of the Grand Mesa or down into the San Juan Mountains and see the fresh water streams and the waterfalls. It allows this to be a land of many uses.

What we have seen, though, recently is that we have more radical environmental organizations. Now, I think some of the strongest environmentalists are the people who have had to put their hands in the ground, the people like my family who, for generations, next to their family, their deepest appreciation was for where we lived and they loved the land. It is like Michael Martin Murphy. His deepest appreciation was being a part of the American West and a big part of the American West, as he very ably described in his comments and in his music, is the beauty of the land, the ability to get on a horse and ride and not see other people for a long ways. And yet the ability to take that horse back to a barn where hay can be grown to support it, grain to support that horse, and to have a family that could enjoy that horse.

As of late, some of the more radical environmental groups in our country have decided that the Government, what they want to do is go to the populations, and remember most of the populations, when we look at this map to my left, most of the populations, with the exception right here, and again we see the private property, the big white section here in California, that big white section, and the East, that is where the population in the country really is. Here in the West, that is sparsely populated land. So what has happened is some of the more radical environmental organizations, groups like Earth First, groups like, the National Sierra Club, they are trying to educate people in the east that this land in the West is unfit for human occupancy, unfit in their description so that humans should have minimal contact with these public lands; that the design of these public lands was not in fact the concept of multiple use, or a land of many uses.

They use it as one of their priorities to destroy what we knew the land to be, a land of many uses or, in short, multiple use. Their belief is that multiple use should be eliminated or at least minimized in many, many areas, vast amounts of areas out here in the West, regardless of the impact that it has on the generations of people who started back in the homestead days.

So there is a big difference between the East and the West. And we who live in the West feel very strongly about the fact that we, like our friends in the East, like Virginia, for example, when I go into Virginia, my good friend Al Stroobants, he lives in Lynchburg, Virginia. He came from Belgium, but the pride he shows in being an American and the pride he has for Virginia and the Virginia mountains. There is a very strong dedication to our States, and I see it in my friend Al and all his friends down there in Lynchburg, Virginia. Well, we feel the same way as our Virginia colleagues or as our Kentucky or Florida colleagues, or some of these other States. We feel the same way about the American West. We feel very strongly that our way of life should have as much opportunity to be preserved as the way of life in Virginia or Kentucky or Tennessee or Maine or Vermont.

We are lucky. We have 50 of the greatest States in the world. We have probably the most beautiful land mass. We have not only the strongest country economically, education-wise, militarily; but we also have perhaps the most beautiful geography in the world. When we take it all together, we have to come out on top, especially when we add in our little bonuses like Alaska and Hawaii.

But my point here this evening is this: I ask my good friends from the East to understand the differences that we in the West face. And it is not just the geographic differences as a result of public lands, but it is also the fact that we are totally dependent in the West, we are totally dependent, completely, 100 percent. I do not know any other way to say it to describe our dependency, on public lands.

The concept of multiple use is the foundation for the utilization of public lands. If we do not have multiple use, if my colleagues buy into some of the more radical organizations in our country, that the way to eliminate multiple use, for example, is to burn down the lodges in Vail or go to Phoenix, Arizona, and burn down homes, luxury homes. That is sometimes the kind of tactics that they revert to to eliminate multiple use; that is wrong.

And one of the other more legitimate ways, although I disagree with it, is to try to educate the mass population in the East that life in the West is kind of like life in the East; not to educate the people on the need for multiple use. If I went down the street here in Washington, D.C., I bet I could stop 100 people; and of those 100 people, I bet I could not find two, maybe not even one, maybe not even one who could tell me what the concept of multiple use and what public lands really means.

□ 2230

Now, I will bet also out of those 100, based on the educational efforts of some of these more radical environmentalists over the last few years, I bet the perception of a lot of those people out of that 100 is that in the West we are destroying the lands; that Yellowstone is being drilled upon; that we are cutting down all of the forests. It could not be further from the truth, colleagues.

Most of you probably vacation in my particular district because of the resorts. I would hope that you take an opportunity, especially during our August recess, to go out into these public lands. Take a close look at them. Put all the propaganda aside and go out and see it for yourself. Go out to Jackson Hole. Go out to Beaver Creek. Go over to Durango. Go to Buena Vista and see just how well that land is cared for.

If you have an opportunity, which should be a basic requirement of your visit, just go stroll on down to the coffee shop. Go talk to a cowboy or cowgirl and ask them a little about the lands. You know what you will get?

You will get the same kind of feeling I get out of Michael Martin Murphy and a lot of people, millions of people get out of Michael Martin Murphy.

You get a sense of belief out of the American West. You get a sense of the love that these people have for the land upon which they live and upon which they thrive. You get a sense of our inherent responsibilities to protect this land while at the same time enjoying the use of the land, but to protect it in such a way that we can pass on this gem, and that is what it is. It is a gem. It is a diamond in the rough. Pass this on to future generations.

That vision for future generations, as I just mentioned, we consider it an inherent obligation, a part of our heart. Out in the West it is a part of our heart. We need your support here in the East to help us in the West to continue to thrive and continue to enjoy the type of life-style that our forefathers upon the founding of this country intended for us to have.

That does not mean, by the way, that we turn our face the other way if we sense abuse out there. I think you will find the first people to crack down on abuse are the people that are most closely impacted by it. The people that are most closely impacted by abuse of the lands are the people that live on that land.

I have zero tolerance for people that leave decimated trails and tear up the terrain. I have zero tolerance whether it is mountain bikes, whether it is SUVs, whether it is a canoe or a kayak or a sloppy hiker. I have zero tolerance for people that drop litter, for people who do not properly care for the lands, for people that do not leave the land as much as they found it, for people who do not have respect for that land.

If we allow that to occur we then dilute our obligation and our vision for the next generation. So we do feel very strongly about enforcement, but we also believe in balance. We do not think balance is by burning down the lodge at Vail on top of the mountain. We do not believe that balance is going out into a subdivision just because some people who are building these homes have money and burn their homes into the ground. We do not believe you ought to put spikes in trees. We do not think that is necessary.

We have a lot of different projects. I will talk to you about the Colorado National Monument and our special conservation areas.

In our community we felt that we really needed to instill some vision for this generation. To take the Colorado canyons and the Colorado National Monument and come up with some kind of plan, some kind of strategy to preserve those lands in a special way for the future.

Do you know where that inspiration came from? It did not come from Washington, D.C. That inspiration did not come from some radical organization like Greenpeace or Earth First. That inspiration came from the hearts of the people that lived on the land, from the hearts of the people that listen to the music of people like Michael Martin Murphy, from the hearts of the people like David or Sue Ann Smith or Cole and Carol McInnis who lived there and had their family there for generations. That is where that inspiration came from.

Do you know what we were able to put together? We have people like the Gore family up on top of the monument in Glade Park. We have people like the King family, Doug and Cathy, from the King ranches. We have people like Mr. Stroobants from his ranch up in Glenwood Springs to sit down with people from our active environmental community, with people from our chamber of commerce, with locally elected officials like our county commissioners in the various counties, with our State representatives and our State senators.

You know what? We were able to put together a vision that helped preserve this land but at the same time allowing multiple use. We put tens of thousands of acres in the wilderness. That is the most extreme management tool you can use out there. That truly does exclude most of the population from touching that land.

At the same time, we have put in special conservation areas so that people could continue to enjoy their horses for their horseback riding. People could take their hikes. People could spot wildlife. People could go down to the mighty Colorado River and sit on its bank and wonder about the millions and millions of lives and the environment and the heritage of that river.

All of this was done as a result of people who lived on that land coming together, not as a result of a coalition out of Washington, D.C., who thought they knew better about how to describe life out here in the West.

We can do it. We are not a bunch of numbskulls out there or rambling cowboys as some people have the image. In fact, we are pretty proud of ourselves. We think we are pretty thoughtful. We think we are thoughtful in that we understand your concerns here in the East.

There are a lot of people in the East who are justifiably concerned that, regardless of where you live in this country, whether it is the beautiful mountains in Virginia, whether it is the hills of Tennessee, whether it is the coastal areas of Florida, we all as a Nation should be concerned about the preservation of these lands and about the life people lead.

A basic and fundamental part of that concern should be a communication, an expression and participation from the people that live on the land or live on the shore or live on the hills or farm on the plains. Those people ought to have a strong voice at the table. Why? Once you sit down with them as we did with the Colorado Canyon Lands Project, once you sit down with them you will find out that that old geezer has something to say. There is a little history there.

You sit down with somebody like a David Smith and you find out more about water than you ever thought you would know in just a few minutes and about the importance of water in the West and why life in the West is written in water. It is so dry out there that water is fundamentally important.

Mr. Speaker, my real concern this evening, I think I have ably expressed, and I want to deeply again express my appreciation to the communicators in the West, the people who are able to communicate the balance that is necessary so that we can come together as a team to preserve our way of life in the West. Amongst those communicators are the people like the locally elected officials, the State representatives, the State senators, our local county commissioners, our Chamber of Commerce, our local environmental organizations. Those are communicators, ordinary people that love the land, that know the history of the land in the West, that are proud to be a part of the American West.

Also, as I have mentioned several times, I pay special tribute to one of the finest communicators of today's modern day through music, and that is Michael Martin Murphy. It is obvious I have a bias towards his music, but when one goes beyond the music and looks at the message and looks at the intent and deep dedication and the focused love of the communicator, one understands that this is a good way to communicate the word of the importance of the American West.

Not long ago I heard somebody say, "You better get used to it. Your days in the American West are limited. That is something in the past. We have moved on. The old frontier is out of here. There are no more great, vast areas." These are the kinds of people who want to destroy our open space. These people want to come out and tell people they are not allowed to farm and ranch the land. They are not allowed to do this and do that, the big brother out of Washington, D.C., knows best for the West. And that somehow they reinterpret or reinvent the history of why this block of color is located in the West, while there is hardly any color in the East.

Mr. Speaker, they want to educate and use propaganda to say this was intended to be kind of off limits to people. Here in the East, we already have our piece of land. We already have what we want. But out here in the West, we want to control your lives. We have no use for that type of philosophy. We think at the local level, at the regional level, with input at the national level, because it is one Nation, that we can put together a plan, a blueprint so that the next generation can experience the West as we have experienced it.

Fortunately, because of the visions of people like Teddy Roosevelt and others, in the communication of Gene Autry, as Michael Martin Murphy pointed out so well, or Roy Rogers, they were able to in that generation figure out a blueprint so that the appreciation of the West could continue to my generation.

Mr. Speaker, I hope that I have laid out a blueprint or been a participant, whether it is the Colorado Canyonlands, whether it is Sand Dunes National Monument which last year we put into a national park, whether it is the Black Canyon National Park which Senator CAMPBELL and I created about 4 years ago, we hope that we have somehow participated in that blueprint to pass on the dreams and the life of the West.

Mr. Speaker, it is not something that needs to be eliminated. It is not something that in the East you have to force your way of life upon. It is something that you, too, as American citizens or as visitors to our great country can enjoy. But when you come out there, do not come out with earplugs in your ears, and do not come out thinking that you know it all or trying to impose your values, which may be good values, but for your area. Do not come out and try to impose your values on us in the West. Do not listen to all of this propaganda that you hear.

And I can tell you the propaganda machine about what ought to happen in the West is a well-oiled, well-moneyed machine in the East. I am not saying totally discount what the other side has to say. Listen to that propaganda, but take the time to look up what the other side of the story is. You know the old saying: "There are two sides to every story."

That is why I take this microphone tonight, colleagues. I am asking take a look at the other side of the story. Because. When you do, you will understand why we are so proud of our heritage in the West, why we think that we take pretty good care of the Rocky Mountains and the Dakotas and Utah, Montana, and the Colorado River. It is our lifeblood. We care about it. I want you to care about it and care about it in such a way that the next generation and the next generation can live on it, enjoy it, preserve it and respect it because, if we do that, we will have accomplished a great deal for the next generation and for the future of our country.

Mr. Speaker, the rest of this week looks like it is going to be very busy, and it looks like we are going to be working quite late nights. I was hoping to make some comments tomorrow evening and go into specific detail on missile defense. So break away those 40 minutes about which I have spoken to you about the American West, and let us shift our mind into missile defense and talk for just a few minutes. I will not be able to brief Members this evening like I intended to brief Members tomorrow or Thursday evening, but it looks like I will not have that opportunity.

Mr. Speaker, we had a pretty remarkable success with the missile defense this weekend. We had a targeted missile coming under our scenario, a missile aimed at the United States traveling at 4½ miles per second. And we had an intercept missile coming in at 4½ miles. The two of them had to hit. Remember they could not miss by more than three feet. It is like hitting a bullet with a bullet, the effect of shooting a basketball in California and making it through the hoop in Washington, D.C. It is a tremendous success.

Now some would say, oh, especially the Chinese and the Russians, how terrible. Who could imagine the American people ever agreeing to protect themselves from incoming missiles.

Mr. Speaker, most American citizens believe that we have some kind of protection from American missiles. They have heard of Cheyenne Mountain in Colorado Springs, the home of NORAD. Do my colleagues know what NORAD does, NORAD detects?

□ 2245

It is a huge complex, built within the granite mountain of Cheyenne Mountain. They can detect missile launches anywhere in the world. There are a lot of things that they can do for our security. But once they make that detection, that is about all they can do. They can call you on the phone and say to you, hey, look, despite all of the treaties, despite all of the promises made, we have just had a foreign country launch a missile against the United States, against the people that you are sworn to protect. That missile is going to land in about 30 minutes, and we believe it is carrying a nuclear warhead. What else can we tell you?

What are we going to do?

There is not much we can do. We can repeat what we just told you, where it is going to land, the nuclear warhead that we think is on top of it. I think that there is a responsibility for the leaders of this country, not only for this generation and the future generation, but for the people of the world, to provide missile defense so that we do not end up in some kind of horrible, horrible situation, with a world at war, because a missile, an incoming missile, was not stopped before it hit a city like Los Angeles or New York City or Washington, D.C. We can stop that.

The best way to stop a war from happening, the best way to maintain peace is to disarm your neighbor, especially if it is an unfriendly neighbor. Think about it. Why on earth would you say we should not defend ourselves against incoming missiles? It does not make sense. It is kind of like your neighbor having a gun, and your neighbor deciding that he wants your watermelons. And the neighbor is known to sometimes use that gun against you. Do you think it is crazy to set up some kind of defense, maybe a big fence that your neighbor cannot get over to come use his gun? That is exactly what we need to do here.

At some point in time in the future, and mark this, Members who are opposing some kind of missile defense network, at some point in the future, somebody will launch a missile against the United States of America. For those of you who oppose a defensive system, not an offensive system, a defensive system, for those of you who will cast a vote against a defensive missile system, you, I hope, will be around to answer to the survivors of a missile attack against this country. I hope that you will never have to do that. I hope that the idea that a missile would be launched against the United States does not happen.

But I think every one of us has to be realistic here. The fact is, the odds are that somebody at some point will launch a missile against the United States of America and that the United States of America is fooling itself. There is a saying out there. The last person you want to fool is yourself. The last person that the United States of America wants to fool ought to be itself. Kudos to the President. Kudos to our defense and our military operational heads to say, look, we cannot afford to put blinders on and pretend. Look, nobody is going to fire a missile against us. Look, nothing is going to happen against us by these rogue countries.

Take a look at how many rogue countries now have missiles. Take a look at how many of these rogue countries have nuclear warheads on those missiles. Do you think that the United States of America by patting them on the back is going to get them to destroy those missiles, or to disarm? No way. These countries are not going to disarm. They could care less what the United States of America tells them. Having a nuclear missile or any type of missile, that is a pretty macho thing in some of these countries. In some of these Third World countries, having the ability to simply reach over and push a button and take on the strongest country in the history of the world and destroy one of their cities or, even worse, it makes them feel pretty good. We play right into their card game; we play right into their game if we do not build some kind of defense.

We need to have a defense. We use it everywhere else, not missile defense, but we use defenses everywhere. Take a look at highways. We put speed bumps to slow you down. Why? Because we do not want an incoming car. We want to slow them down. Every one of my colleagues could think of example after example after example where we deploy a defensive mechanism to protect our health and well-being or the health and well-being of our children. That is why we have speed zones at schools. That is why we have crossing guards. That is why we have tough law enforcement, so that we can preserve those things that are special to us. Now, for us not to put out a defense that protects a country that is special to us is foolish.

Now, because I cannot go into the details, but I will in the next week, I hope, I am going to have some diagrams and some charts and show you why this system will work. Now, remember that the critics of this system will tell you, first of all, we have offended China and Russia. Do not offend China and Russia. And our European colleagues, they are upset about this because of the fact we might offend Russia and China.

Who do you think is likely to use a missile against the United States? Not only those rogue countries, but do not discount China and do not discount Russia. I hope it never happens. I hope we become allies with these people. And if we do become allies, then we do not need to use a defensive missile system. You just have it in place. You never have to engage it. But the reality is somewhere in the future there is going to be a difference of opinion, a professional difference with these two countries. A rogue nation, a rogue Third World nation may not need a reason to fire a missile against us. People have been willing to blow up our airplanes, they have been willing to shoot athletes at the Olympics, they have been able to set off a bomb at the Olympics. Do you not think that someday somebody may want to launch a missile against the United States?

Now, the critics, as I was saying earlier, will say, well, the system has had too many failures. How many failures did we have before we came up with penicillin? How many failures did we have before we mastered the car? Of course you are going to have failures. The technological requirement, the expertise to have two objects that are traveling 4½ miles a second, to be able to bring them together and to be able to intercept right on the spot, you cannot afford to miss. You do not get two shots; you get one shot on that intercept over the weekend. It worked. I can assure you that our European colleagues and that the people, the leadership in Russia and China are saying, wow, American technology.

By gosh, we may disarm Russia and China simply by coming up with a defensive mechanism. Why put all your money in an offensive missile system if the country that you are concerned about, the United States, has the ability to stop them? You want to know what is going to stop missile growth in this world? It is the ability to make them an ineffective weapon. But how do you make them an ineffective weapon if you do not have some type of shield against them? What we are talking about with our missile defense system is a shield, a shield that not only protects the United States but a shield that we would share with our allies. Frankly, a shield that the more it is shared, the less likely that there will ever be a missile attack because the missiles, which are very expensive and the technology that is required is substantial, those missiles become pretty darn ineffective. How could somebody legitimately argue that we should not deploy a strategy that will make missiles less effective?

Mr. Speaker, we have a heavy burden on our shoulders. That heavy burden requires that we protect. We have an inherent responsibility to protect the citizens of this country from somebody who decides they want to launch a missile against us. This is not starting a war. It is not starting an arms race. That is rhetoric. And even if it was not rhetoric, are we going to let them bully us into not defending our citizens? Members, we are elected to the United States Congress in part to not only protect the Constitution but to protect the people of this country.

We have deep, running obligations to the people and the safety and the welfare of this country. It is in every bill we pass. A part of doing that requires us to deploy, in my opinion, a missile defense system so that the United States and its allies, 20 years from now, I want them to look back and say, gosh, those missiles, that is what used to scare them back then. Today, nobody could fire a missile anywhere because you could stop it in flight or better yet you could stop it on the launching pad.

So there is a lot to think about with the missile defensive system. But the basic philosophy, the basic thought ought to receive a "yes" vote from everybody in these Chambers. Everybody in the Chambers, every one of my colleagues ought to be in support of a missile defense system. I think you owe it to the constituents that you represent.

In summary, we need a missile defensive system for this country. Technologically we are going to be able to do it. Sure it is going to be expensive. The airplane was expensive when we deployed it. Landing a person on the Moon was expensive. Sending a ship to Mars was expensive. There are lots of things the technology requires is expensive. Conservation is going to be expensive for us but it works. And this missile technology worked this weekend, and we have years of testing left; but it will work and it will be a lifesaver for hundreds of millions of people in this world.

Mr. Speaker, I hope my colleagues had an opportunity to listen to my comments on the American West. I am proud to be an American citizen, but I am deeply proud of being able to have been born and raised in the American West. I hope all of my colleagues have that opportunity to experience what I have been able to spend an entire lifetime experiencing.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP (at the request of Mr. GEPHARDT) for today on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

(The following Members (at the request of Mr. KERNS) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. BUYER, for 5 minutes, today and July 18 and 19.

Mr. DUNCAN, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 360. An act to honor Paul D. Coverdell.

S. 560. An act for the relief of Rita Mirembe Revell (a.k.a. Margaret Rita Mirembe).

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 18, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2925. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Gypsy Moth Generally Infested Areas [Docket No. 01-049-1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2926. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Richard A. Nelson, United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

2927. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Bruce B. Knutson, Jr., United States Marine Corps, and his advancement to the grade of Lieutenant General on the retired list; to the Committee on Armed Services.

2928. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Lawson W. Magruder III, United States Army, and his advancement to the grade of Lieutenant General on the retired list; to the Committee on Armed Services.

2929. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General William M. Steele, United States Army, and his advancement to the grade of Lieutenant General on the retired list; to the Committee on Armed Services.

2930. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-85, "Fiscal Year 2002 Budget Support Act of 2001" received July 17, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2931. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-89, "Independence of the Chief Financial Officer Establishment Act of 2001" received July 17, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200 Series Airplanes [Docket No. 2001-NM-87-AD; Amendment 39-12200; AD 2001-08-23] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 97-NM-276-AD; Amendment 39-12205; AD 2001-08-28] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011 Series Airplanes [Docket No. 2001-NM-82-AD; Amendment 39-12204; AD 2001-08-27] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2935. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2000-NM-15-AD; Amendment 39-12160; AD 2001-06-13] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2936. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes [Docket No. 98-NM-326-AD; Amendment 39-12163; AD 2001-06-16] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2937. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No. 2000-NM-296-AD; Amendment 39-12199; AD 2001-08-22] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2938. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 10 Series Airplanes [Docket No. 2001-NM-191-AD; Amendment 39-12291; AD 2001-13-11] (RIN: 2120-AA64) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2939. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2000-NM-339-AD; Amendment 39-12288; AD 2001-13-08] (RIN: 2120-AA64) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2940. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2001-NM-12-AD; Amendment 39-12290; AD 2001-13-10] (RIN: 2120-AA64) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2941. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-700IGW Series Airplanes Modified by Supplemental Type Certificate ST09100AC-D, ST09104AC-D, ST09105AC-D, or ST09106AC-D [Docket No. 2000-NM-242-AD; Amendment 39-12323; AD 2001-14-12] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2942. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-500 Series Airplanes [Docket No. 2001-NM-66-AD; Amendment 39-12174; AD 2000-23-04 R1] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2943. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes [Docket No. 2000-NM-41-AD; Amendment 39-12198; AD 2001-08-21] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2944. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Model TBM 700 Airplanes [Docket No. 2000-CE-61-AD; Amendment 39-12139; AD 2001-05-03] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2945. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Luftfahrt GMBH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes [Docket No. 99-CE-19-AD; Amendment 39-12122; AD 2001-04-04] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2946. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAe Systems (Operations) Limited Model BAe 146 and Model Avro 146-RJ Series Airplanes [Docket No. 2000-NM-253-AD; Amendment 39-12119; AD 2001-04-01] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2947. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330-301, -321, -322, and -342 Series Airplanes and Airbus Model A340 Series Airplanes [Docket No. 2000-NM-182-AD; Amendment 39-12202; AD 2001-08-25] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2948. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Sailplanes [Docket No. 99-CE-89-AD; Amendment 39-12137; AD 2001-05-01] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2949. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; DG Flugzeugbau GmbH Model DG-800B Sailplanes [Docket No. 99-CE-67-AD; Amendment 39-12166; AD 2001-07-01] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2950. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; VALENTIN GmbH Model 17E Sailplanes [Docket No. 2001-CE-05-AD; Amendment 39-12145; AD 2001-05-08] (RIN: 2120-AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE: Committee on Appropriations. H.R. 2506. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending

September 30, 2002, and for other purposes (Rept. 107–142). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. House Concurrent Resolution 62. Resolution expressing the sense of Congress that the George Washington letter to Tuoro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; with an amendment (Rept. 107–143). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 196. Resolution providing for consideration of the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets (Rept. 107–144). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. Hyde, Mr. Stump, Mr. Skelton, Mr. Cox, Mr. Hoeffel, Mr. King, Mr. Tancredo, Mr. Sherman, Mr. Faleomavaega, Mr. Cunningham, Mr. Menendez, Mrs. Jo Ann Davis of Virginia, and Mr. Rohrabacher):

H.R. 2507. A bill to prohibit payment by the United States Government of any request or claim by the Government of the People's Republic of China for reimbursement of the costs associated with the United States Navy EP–3 aircraft that was forced to land on Hainan Island, China, on April 1, 2001; to the Committee on International Relations.

By Mr. SMITH of Michigan:

H.R. 2508. A bill to authorize a plant pathogen genomics research program at the Department of Agriculture to reduce the economic impact of plant pathogens on commercially important crop plants; to the Committee on Agriculture.

By Mr. KING (for himself and Mrs. Maloney of New York) (both by request):

H.R. 2509. A bill to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States of the United States, or any political subdivision thereof, on a reimbursable basis; to the Committee on Financial Services.

By Mr. KING (for himself and Mrs. Maloney of New York) (both by request):

H.R. 2510. A bill to extend the expiration date of the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

By Mr. McCRERY:

H.R. 2511. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage energy conservation, energy reliability, and energy production; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. Frost, Mr. Filner, Mr. Reyes, Mr. Rodriguez, Mr. Ortiz, Mr. Gonzalez, and Mr. Pastor):

H.R. 2512. A bill to authorize additional appropriations for the United States Customs Service for personnel, technology, and infrastructure to expedite the flow of legal commercial and passenger traffic along the Southwest land border, and for other purposes; to the Committee on Ways and Means.

By Mr. ALLEN (for himself, Mr. Baldacci, and Mr. Sanders):

H.R. 2513. A bill to amend title XI of the Social Security Act to clarify that the Secretary of Health and Human Services has the authority to treat certain State payments made in an approved demonstration project as medical assistance under the Medicaid Program for purposes of a rebate agreement under section 1927 of the Social Security Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ALLEN:

H.R. 2514. A bill to provide for burdensharing contributions from allied and other friendly foreign countries for the costs of deployment of any United States missile defense system that is designed to protect those countries from ballistic missile attack; to the Committee on International Relations, and in addition to the Committees on Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAKER (for himself and Mr. Schrock):

H.R. 2515. A bill to amend title 32, United States Code, to remove the limitation on the use of defense funds for the National Guard civilian youth opportunities program, to lessen the matching funds requirements under the program, and for other purposes; to the Committee on Armed Services.

By Mr. BARRETT (for himself, Mr. Boucher, Mr. Brown of Ohio, Mrs. Capps, Mr. Dingell, Mr. Doyle, Mr. Engel, Mr. Luther, Ms. McCarthy of Missouri, Mr. Markey, Mr. Pallone, Mr. Rush, Mr. Strickland, Mr. Towns, and Mr. Waxman):

H.R. 2516. A bill to enhance the Federal Government's leadership role in energy efficiency by requiring Federal agencies to acquire central air conditioners and heat pumps that meet or exceed certain efficiency standards; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself and Mr. Sanders):

H.R. 2517. A bill to reauthorize the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. BOEHLERT (for himself and Mr. Udall of Colorado):

H.R. 2518. A bill to establish a pilot program within the Department of Energy to facilitate the use of alternative fuel school buses through grants for energy demonstration and commercial application of energy technology, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself and Mr. Delahunt):

H.R. 2519. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

By Mr. DOGGETT (for himself, Mr. Rangel, Mr. Stark, Mr. Matsui, Mr. Coyne, Mr. Levin, Mr. McDermott, Mr. Kleczka, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Becerra, Mrs. Thurman, Mr. Allen, Mr. Bonior, Mr. Hinchey, Mr. McGovern, Mr. George Miller of California, Ms. Sanchez, Ms. Schakowsky, Mr. Tierney, and Mrs. Jones of Ohio):

H.R. 2520. A bill to amend the Internal Revenue Code of 1986 to curb tax abuses by disallowing tax benefits claimed to arise from transactions without substantial economic substance, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself and Mr. Hilleary):

H.R. 2521. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. COBLE (for himself and Mr. Berman) (both by request):

H.R. 2522. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mrs. Jones of Ohio, Mr. Wynn, Ms. Norton, Mr. Stupak, Mr. LaTourette, Ms. McKinney, Mr. Green of Texas, Mr. Owens, Mrs. Mink of Hawaii, Mr. Kucinich, Mr. Davis of Illinois, and Mr. Jefferson):

H.R. 2523. A bill to eliminate certain inequities in the Civil Service Retirement System and the Federal Employees' Retirement System with respect to the computation of benefits for law enforcement officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Supreme Court and Capitol police, and their survivors, and for other purposes; to the Committee on Government Reform.

By Mr. DICKS:

H.R. 2524. A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772–71, 773–71, 774–71, and 775–71, and for other purposes; to the Committee on Resources.

By Mr. LINDER (for himself, Mr. Peterson of Minnesota, Mr. Young of Alaska, Mr. Hall of Texas, Mr. Lewis of California, Mr. Barcia, Mr. Bonilla, and Mr. Condit):

H.R. 2525. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. Boucher, and Mr. Cox):

H.R. 2526. A bill to make permanent the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. Isakson, Mrs. McCarthy of New York, Mrs. Biggert, Mr. Andrews, Mr. Petri, and Mr. Kleczka):

H.R. 2527. A bill to provide grants for training of realtime court reporters and closed captioners to meet the requirements for closed captioning set forth in the Telecommunications Act of 1996; to the Committee on Education and the Workforce.

By Mr. KOLBE:

H.R. 2528. A bill to modernize the legal tender of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. NEAL of Massachusetts (for himself and Mr. Matsui):

H.R. 2529. A bill to amend the Internal Revenue Code of 1986 to provide a revenue-neutral simplification of the individual income tax; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN (for herself, Mr. Smith of New Jersey, Mr. Tancredo, Ms. McKinney, Mr. Chabot, and Mr. Brown of Ohio):

H.R. 2530. A bill to prohibit issuance of a visa to any citizen of the People's Republic of China who participates in or otherwise supports the harvesting, transplantation, or trafficking of organs of executed Chinese prisoners, and for other purposes; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. Sanders, Mr. Gutierrez, Mr. Jackson of Illinois, Mrs. Clayton, Mr. Hinchey, Ms. Norton, Mr. Payne, Mr. Davis of Illinois, Ms. McKinney, Mr. Rush, Ms. Jackson-Lee of Texas, Mr. DeFazio, Ms. Waters, Mr. Jefferson, and Mr. Filner):

H.R. 2531. A bill to amend the Truth in Lending Act, the Revised Statutes of the United States, the Home Mortgage Disclosure Act of 1975, and the amendments made by the Home Ownership and Equity Protection Act of 1994 to protect consumers from predatory lending practices, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of Michigan:

H.R. 2532. A bill to provide for the establishment of regional plant genome and gene expression research and development centers; to the Committee on Agriculture.

By Mr. SMITH of Michigan:

H.R. 2533. A bill to amend the Federal Election Campaign Act of 1971 to reduce the influence of political action committees in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Ms. SOLIS (for herself and Mr. Schiff):

H.R. 2534. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Lower Los Angeles River and San Gabriel River watersheds in the State of California, and for other purposes; to the Committee on Resources.

By Mr. STEARNS:

H.R. 2535. A bill to permit wireless carriers to obtain sufficient spectrum to meet the growing demand for existing services and ensure that such carriers have the spectrum they need to deploy fixed and advanced services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 2536. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico (for himself, Mr. Flake, Mr. Wu, Ms. Hart, Mr. Bonior, Mr. Moore, Mr. Weiner, and Mr. Udall of Colorado):

H.R. 2537. A bill to provide for the appointment of an Assistant United States Attorney for each judicial district for the purpose of prosecuting firearms offenses; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 2538. A bill to amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; to the Committee on Small Business.

By Mr. WATKINS:

H.R. 2539. A bill to amend the Internal Revenue Code of 1986 to allow the low-income housing credit without regard to whether moderate rehabilitation assistance is provided with respect to a building; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mr. Spratt):

H. Res. 195. A resolution commending the United States military and defense contractor personnel responsible for the successful in-flight ballistic missile defense interceptor test on July 14, 2001, and for other purposes; to the Committee on Armed Services. considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 196. A resolution providing for consideration of the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets.

By Mr. BARRETT (for himself, Mr. Barr of Georgia, Mr. Hilleary, Mr. Hostettler, Mr. Rehberg, Mr. Paul, Mr. Reynolds, Mr. Aderholt, and Mr. Schaffer):

H. Res. 197. A resolution urging the President to reject any decree, proclamation, or treaty adopted by the United Nations Conference on Small Arms and Light Weapons which would infringe on the right of United States citizens under the 2nd amendment to the Constitution; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H. Res. 198. A resolution congratulating Tony Gwynn on the announcement of his retirement from the San Diego Padres and from Major League Baseball; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

156. The SPEAKER presented a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 201 memorializing the United States Congress to take appropriate action to prevent further desecration of the SS *Leopoldville* or any of its contents; to the Committee on Armed Services.

157. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 143 memorializing the United States Congress to assist the Federal Trade Commission in preventing the sale of crawfish and catfish imported from Asia and Spain at prices with which Louisiana producers cannot complete; to the Committee on Energy and Commerce.

158. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 8 memorializing the United States Congress to increase funding for research by the National Institutes of Health for the treatment and cure of Duchenne and Becker muscular dystrophy; to the Committee on Energy and Commerce.

159. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 34 memorializing the United States Congress to support the Minerals Management Service plan to proceed with the Outer Continental Shelf Lease Sale 181 for the eastern Gulf of Mexico scheduled for December 5, 2001; to the Committee on Resources.

160. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 12 memorializing the United States Congress to authorize an additional 18 federal judges and commensurate staff to handle the current and anticipated caseloads along the United States-Mexico border and to fully reimburse local governments for the costs incurred in prosecuting and incarcerating federal defendants; to the Committee on the Judiciary.

161. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 152 memorializing the United States Congress to adopt legislation authorizing states to opt out of the federal-aid highway program; to the Committee on Transportation and Infrastructure.

162. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 188 memorializing the United States Congress to support House Resolution 527 making changes to Section 527 of the Internal Revenue Code to exempt certain state and local political committees which are required to report contributions and expenditures pursuant to local or state law; to the Committee on Ways and Means.

163. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 140 memorializing the United States Congress to act at once to provide for advanced and increased funding of the Weatherization Assistance Program for Low-Income Persons and the Low-Income Home Energy Assistance Program, so as to enable the programs to engage in planning their work more efficiently and engaging and retaining qualified employees; jointly to the Committees on Energy and Commerce and Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Bass.

H.R. 28: Mr. Larson of Connecticut and Mr. Lantos.

H.R. 31: Mr. Walden of Oregon.

H.R. 41: Mr. Nussle and Mr. Simpson.

H.R. 64: Mr. Bartlett of Maryland.

H.R. 68: Mr. Thornberry, Mr. Tancredo, Mr. Blagojevich, Mr. Frank, Mr. Deutsch, and Mr. Brady of Pennsylvania.

H.R. 91: Mr. Kildee and Mr. Calvert.

H.R. 163: Mrs. Maloney of New York.

H.R. 175: Mr. Toomey.

H.R. 218: Mrs. Capps and Mr. Bachus.

H.R. 261: Mrs. Davis of California.

H.R. 267: Mr. Thompson of California, Mr. Shuster, and Mr. Crowley.

H.R. 281: Mr. Kleczka, Ms. Eshoo, and Mr. Lampson.

H.R. 288: Mr. Price of North Carolina.

H.R. 303: Mr. DeMint.

H.R. 326: Mr. Inslee, Mr. Reyes, and Ms. Watson of California.

H.R. 356: Mr. Wamp

H.R. 394: Ms. SANCHEZ, Ms. BERKLEY, Mr. MASCARA, Mr. PICKERING, and Mr. RILEY.

H.R. 429: Mr. LEVIN.

H.R. 436: Mr. PAYNE and Mr. NADLER.

H.R. 491: Mr. EVANS, Mr. SCHROCK, Mrs. MINK of Hawaii, Mr. INSLEE, and Ms. BROWN of Florida.

H.R. 527: Mrs. MORELLA.

H.R. 572: Mr. TIERNEY and Mr. JEFFERSON.

H.R. 602: Mr. TOM DAVIS of Virginia.

H.R. 612: Mr. BARRETT.

H.R. 619: Ms. JACKSON-LEE of Texas and Ms. DELAURO.

H.R. 649: Mr. BROWN of South Carolina.

H.R. 656: Mrs. THURMAN and Mr. JEFFERSON.

H.R. 664: Ms. SANCHEZ, Mr. HONDA, Mr. BOYD, Mrs. NAPOLITANO, Mr. CARDIN, and Mr. UNDERWOOD.

H.R. 668: Mrs. WILSON and Mr. KENNEDY of Minnesota.

H.R. 677: Mr. MCKINNEY, Mr. MCDERMOTT, and Mr. BOUCHER.

H.R. 686: Mr. CONYERS.

H.R. 690: Mr. JACKSON of Illinois and Mrs. CLAYTON.

H.R. 702: Mr. SMITH of Washington.

H.R. 710: Mr. PETERSON of Pennsylvania.

H.R. 717: Mr. WATT of North Carolina.

H.R. 737: Mr. PLATTS.

H.R. 751: Mr. PASTOR.

H.R. 752: Mr. JEFFERSON.

H.R. 778: Mr. HOYER.

H.R. 781: Mr. THOMPSON of California, Mr. JEFFERSON, Mr. LUTHER, and Mr. UDALL of Colorado.

H.R. 792: Ms. ROS-LEHTINEN, Mr. CRAMER, Mr. GRAHAM, Mr. BROWN of South Carolina, Mr. BISHOP, Mr. WELLER, and Mr. SOUDER.

H.R. 817: Mr. FARR of California.

H.R. 822: Mr. BLAGOJEVICH, Mrs. MINK of Hawaii, Ms. KAPTUR, and Mr. UDALL of New Mexico.

H.R. 840: Ms. LEE, Mr. NADLER, and Mr. DEFAZIO.

H.R. 862: Mr. SAWYER.

H.R. 870: Ms. JACKSON-LEE of Texas.

H.R. 903: Mr. ENGLISH and Mr. GREENWOOD.

H.R. 964: Mr. OLVER.

H.R. 967: Mr. HONDA.

H.R. 981: Mr. LUCAS of Oklahoma.

H.R. 986: Mrs. THURMAN and Mr. SMITH of Michigan.

H.R. 1013: Mr. POMEROY.

H.R. 1014: Mr. BORSKI, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. LANGEVIN, Ms. ROYBAL-ALLARD, Mr. SHERMAN, and Mr. WYNN.

H.R. 1060: Mr. STARK.

H.R. 1070: Mr. KUCINICH.

H.R. 1073: Mrs. JO ANN DAVIS of Virginia, Mr. HONDA, Mr. BOYD, and Mrs. NAPOLITANO.

H.R. 1077: Mrs. CLAYTON.

H.R. 1089: Mrs. MALONEY of New York.

H.R. 1090: Mr. BLAGOJEVICH, Mr. LAHOOD, Mr. GEORGE MILLER of California, Mr. SANDLIN, and Mr. UDALL of Colorado.

H.R. 1093: Mr. UDALL of New Mexico.

H.R. 1094: Mr. UDALL of New Mexico.

H.R. 1110: Mr. LATHAM, Mr. BARTLETT of Maryland, Mr. DEMINT, Mr. FLETCHER, and Mrs. WILSON.

H.R. 1112: Ms. ROYBAL-ALLARD.

H.R. 1134: Mr. MCHUGH.

H.R. 1152: Mr. FARR of California and Ms. LOFGREN.

H.R. 1170: Mr. SMITH of Washington, Mr. ISRAEL, Mr. BENTSEN, and Mr. LAMPSON.

H.R. 1182: Mr. LEWIS of Kentucky and Mr. NEAL of Massachusetts.

H.R. 1186: Mr. HORN and Mr. HONDA.

H.R. 1198: Mr. MATSUI.

H.R. 1265: Mr. HONDA.

H.R. 1266: Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. SAWYER, Mr. SCOTT, Mr. SMITH of Michigan, Mr. KENNEDY of Rhode Island, Mr. LAHOOD, and Mr. NEAL of Massachusetts.

H.R. 1274: Mrs. DAVIS of California.

H.R. 1304: Mr. SESSIONS and Mr. KING.

H.R. 1316: Mr. LARGENT.

H.R. 1338: Mr. CANTOR.

H.R. 1340: Mr. BRADY of Pennsylvania and Mrs. MALONEY of New York.

H.R. 1348: Mr. VISCLOSKY.

H.R. 1366: Ms. WATSON.

H.R. 1367: Mr. MCDERMOTT.

H.R. 1377: Mr. HASTINGS of Washington, Mr. STRICKLAND, Mr. HALL of Ohio, Mr. LANGEVIN, Mr. HANSEN, and Mr. HILLEARY.

H.R. 1383: Mr. ENGLISH, Mr. PASCRELL, Mr. TIAHRT, Ms. HARMAN, and Mrs. MALONEY of New York.

H.R. 1401: Mr. LANTOS and Mr. ROGERS of Kentucky.

H.R. 1406: Mr. BALDACCI.

H.R. 1433: Mr. MCDERMOTT.

H.R. 1436: Mr. REYES, Mr. DICKS, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. LATOURETTE, Mr. SHIMKUS, Mrs. CHRISTENSEN, Mr. LEVIN, Mr. BRADY of Pennsylvania, Mr. SAXTON, and Mr. LAMPSON.

H.R. 1490: Mr. FARR of California, Mr. MURTHA, Mr. CHAMBLISS, Mr. DEAL of Georgia, Ms. MCKINNEY, Mr. BISHOP, and Mr. MCGOVERN.

H.R. 1509: Mr. TURNER, Mr. TOM DAVIS of Virginia, Mr. TERRY, Mr. FROST, Mr. KUCINICH, and Mr. PLATTS.

H.R. 1510: Mr. PETERSON of Pennsylvania, Mr. NUSSLE, Mr. MILLER of Florida, Mr. CANTOR, and Mr. CRENSHAW.

H.R. 1520: Mr. WU, Mrs. CAPPS, and Mr. LAMPSON.

H.R. 1522: Mr. BONILLA, Mr. CARDIN, and Mr. TIERNEY.

H.R. 1524: Mr. KELLER.

H.R. 1556: Ms. RIVERS, Mr. GORDON, Mr. LAHOOD, Mr. GUTIERREZ, Mr. WAXMAN, Mr. BLAGOJEVICH, Mr. HASTINGS of Florida, Mr. SAXTON, Mr. HOUGHTON, Mr. LAMPSON, Mrs. CLAYTON, Mr. HOLT, Ms. BALDWIN, Mrs. THURMAN, and Mr. SHAYS.

H.R. 1581: Mr. NUSSLE.

H.R. 1592: Mr. TANCREDO.

H.R. 1609: Mr. BONILLA, Mr. SCHAFFER, Mr. LAHOOD, Mr. STUPAK, and Mr. FATTAH.

H.R. 1624: Mrs. MINK of Hawaii, Mr. HONDA, and Mr. MORAN of Kansas.

H.R. 1629: Ms. HART, Ms. BERKLEY, Ms. MCKINNEY, Mr. GEORGE MILLER of California, Mrs. CAPITO, Mr. MATHESON, Mr. LANTOS, Ms. NORTON, Ms. SCHAKOWSKY, and Mr. JEFFERSON.

H.R. 1636: Mr. WELLER.

H.R. 1645: Mr. MORAN of Virginia, Mr. BONIOR, Mr. LARSON of Connecticut, and Mr. LIPINSKI.

H.R. 1650: Mr. ENGLISH and Mrs. MALONEY of New York.

H.R. 1673: Mr. MEEKS of New York.

H.R. 1675: Mr. CALVERT and Mr. KOLBE.

H.R. 1700: Ms. BROWN of Florida, Mr. BLAGOJEVICH, Mr. OBEY, Ms. MCKINNEY, Mr. MCDERMOTT, Mr. ALLEN, and Mr. COSTELLO.

H.R. 1701: Mr. GOODLATTE, Mr. GILLMOR, and Mr. JOHN.

H.R. 1707: Mr. HONDA.

H.R. 1708: Mr. MCGOVERN, Mr. STUPAK, Mr. STRICKLAND, and Mr. BRADY of Pennsylvania.

H.R. 1718: Mr. ABERCROMBIE, Mr. DEUTSCH, Mr. TIERNEY, Mr. WEXLER, Ms. ESHOO, Mr. LANGEVIN, Mr. PASTOR, Mr. LEVIN, Mr. BENTSEN, Mr. SKELTON, Mr. UNDERWOOD, and Mr. PETERSON of Minnesota.

H.R. 1733: Mr. FILNER and Mrs. CLAYTON.

H.R. 1744: Mr. HOLDEN, Mr. TIERNEY, and Mr. BONIOR.

H.R. 1775: Mr. BRADY of Texas.

H.R. 1779: Mr. SHAYS, Mr. FILNER, Ms. ROYBAL-ALLARD, and Mr. OWENS.

H.R. 1795: Mr. FLAKE, Mr. WEXLER, Mr. FRANK, Mr. REYNOLDS, Ms. WOOLSEY, Mr. HOLT, and Mr. SANDLIN.

H.R. 1810: Mr. NADLER.

H.R. 1822: Mr. MEEKS of New York, Mr. BLAGOJEVICH, and Mr. MURTHA.

H.R. 1835: Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. TERRY, Mr. FILNER, and Ms. ROYBAL-ALLARD.

H.R. 1839: Mr. STUPAK and Mr. KIND.

H.R. 1856: Mr. JEFFERSON.

H.R. 1861: Mr. MCDERMOTT.

H.R. 1862: Mr. HINCHEY and Mr. KILDEE.

H.R. 1864: Mr. CASTLE, Mr. PICKERING, and Mr. BLAGOJEVICH.

H.R. 1882: Mr. KILDEE.

H.R. 1911: Mr. SANDERS.

H.R. 1928: Mr. KILDEE.

H.R. 1949: Mr. CALVERT and Mr. FRANK.

H.R. 1975: Mr. TOOMEY and Mr. RYUN of Kansas.

H.R. 1990: Mr. TIERNEY and Mr. CUMMINGS.

H.R. 1996: Ms. DELAURO.

H.R. 2005: Mr. KILDEE.

H.R. 2023: Mr. LAHOOD, Mr. KOLBE, Mr. TOM DAVIS of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. BARR of Georgia, Mrs. CUBIN, Mr. POMBO, Mr. BONILLA, Mr. ISAKSON, and Mr. DREIER.

H.R. 2073: Ms. MCKINNEY, Mr. PAUL, and Ms. ROYBAL-ALLARD.

H.R. 2074: Mr. SANDERS and Ms. SOLIS.

H.R. 2098: Mr. ENGEL.

H.R. 2110: Mr. KILDEE.

H.R. 2117: Mr. MORAN of Virginia and Mr. HAYWORTH.

H.R. 2121: Mr. FALEOMAVAEGA, Ms. KAPTUR, Mr. SHERMAN, Mr. FROST, Mr. HOEFFEL, and Mr. HILLIARD.

H.R. 2125: Mr. HINCHEY, Mr. MEEKS of New York, Ms. NORTON, and Mr. CRAMER.

H.R. 2134: Mr. KILDEE.

H.R. 2145: Mr. KUCINICH and Mr. CONYERS.

H.R. 2147: Mr. RANGEL, Mr. WATKINS, and Mr. HERGER.

H.R. 2157: Mr. HINCHEY and Mr. UDALL of New Mexico.

H.R. 2160: Mrs. JONES of Ohio and Mr. BALDACCI.

H.R. 2165: Mr. MCGOVERN, Mr. SCHROCK, Mr. BRADY of Texas, Mr. LAHOOD, Ms. MCKINNEY, Mr. BARTLETT of Maryland, Mr. BALLENGER, Mr. BILIRAKIS, Mr. BRYANT, Mr. BUYER, Mr. COBLE, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. GRAHAM, Mr. HILLEARY, Mr. HOBSON, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. OXLEY, Mr. PITTS, Mr. RYUN of Kansas, Mr. SAXTON, Mr. SIMMONS, and Mr. SPRATT.

H.R. 2166: Mr. MATSUI, Mr. LEVIN, Mr. KILDEE, Mr. JEFFERSON, and Mr. MCGOVERN.

H.R. 2173: Mr. WEINER, Mrs. THURMAN, and Mr. BLAGOJEVICH.

H.R. 2178: Ms. MCKINNEY.

H.R. 2211: Mr. SOUDER and Mr. SANDERS.

H.R. 2222: Mr. FALEOMAVAEGA, Mr. GUTIERREZ, and Mr. MEEKS of New York.

H.R. 2223: Mr. GEORGE MILLER of California, Mr. FROST, Mr. SCHIFF, and Mr. SANDLIN.

H.R. 2229: Mr. FOLEY and Mr. COOKSEY.

H.R. 2235: Mr. BAKER and Mr. GRAHAM.

H.R. 2240: Mr. PUTNAM, Mr. DAVIS of Florida, Ms. BROWN of Florida, Ms. ROS-LEHTINEN, and Mrs. THURMAN.

H.R. 2243: Mr. JEFFERSON, Mr. MEEKS of New York, and Ms. NORTON.

H.R. 2259: Mr. WATTS of Oklahoma.

H.R. 2272: Mr. HILLIARD, Mr. EHLERS, and Mr. CAPUANO.

H.R. 2281: Ms. ROYBAL-ALLARD, Mr. COSTELLO, Mr. HILLIARD, and Mr. LAMPSON.

H.R. 2293: Mr. Keller.

H.R. 2294: Mrs. Davis of California, Mr. Hinchey, Mr. Kildee, Mr. Bonior, and Ms. McKinney.

H.R. 2310: Mr. Sanders and Mr. Maloney of Connecticut.

H.R. 2326: Mr. Udall of Colorado, Mr. Isakson, Ms. McCarthy of Missouri, Mr. Schiff, and Mr. Grucci.

H.R. 2327: Mr. Terry and Mrs. Cubin.

H.R. 2328: Ms. Norton.

H.R. 2329: Mr. Sanders, Mr. McDermott, Mr. Jefferson, Mr. Chambliss, Mr. McIntyre, Mr. Weiner Mr. Honda, Mr. Engel, and Mr. Meehan.

H.R. 2339: Mr. Isakson and Mr. Kildee.

H.R. 2340: Mr. Bonior.

H.R. 2348: Mr. Wexler, Mr. Wynn, Ms. Kilpatrick, Mr. Kennedy of Rhode Island, Mr. Udall of Colorado, Mr. Baca, Mr. Lampson, and Mr. Langevin.

H.R. 2349: Mr. Cardin, Ms. Norton, Mr. Wynn, Mr. Jefferson, Ms. Solis, and Mr. Price of North Carolina.

H.R. 2378: Mr. Wexler.

H.R. 2379: Mr. Hinchey, Mr. Oxley, Mr. Meeks of New York, and Ms. Norton.

H.R. 2390: Mr. Pitts.

H.R. 2413: Mr. Sanders, Mr. Mink of Hawaii, and Mr. Schrock.

H.R. 2417: Mr. McGovern, Ms. McKinney, Mr. Towns, Mr. Jackson of Illinois, Mr. Lucas of Kentucky, and Mrs. Mink of Hawaii.

H.R. 2435: Ms. Harman and Mr. Terry.

H.R. 2438: Mr. Borski and Mr. Kirk.

H.R. 2453: Ms. McKinney and Mr. Hilliard.

H.R. 2459: Mr. Nadler.

H.R. 2494: Mr. Blagojevich, Ms. McKinney, and Mr. Thompson of California.

H.R. 2505: Mr. Wu.

H.J. Res. 6: Mr. Engel.

H. Con. Res. 17: Mr. Holt and Mr. Lampson.

H. Con. Res. 36: Mr. Lipinski, Mr. Baird, Mr. Doggett, Mr. Stupak, and Mr. Diaz-Balart.

H. Con. Res. 42: Mrs. Capps.

H. Con. Res. 58: Mr. Sherman.

H. Con. Res. 61: Mr. Rush.

H. Con. Res. 97: Mrs. Roukema.

H. Con. Res. 102: Mr. Sweeney, Mr. Watt of North Carolina, Mr. Hoeffel, Mr. Berman, Mr. Lewis of Kentucky, Mr. Olver, Mr. Engel, and Mr. Bonior.

H. Con. Res. 166: Mr. Foley, Mr. Green of Wisconsin, Mr. Hinchey, Ms. Millender-McDonald, Mr. Carson of Oklahoma Ms. Ros-Lehtinen, Mr. Honda, Ms. Norton, Mr. Hilliard, Mr. Sanders, and Ms. Hooley of Oregon.

H. Res. 152: Mr. Inslee and Mr. McHugh.

H. Res. 173: Ms. Slaughter.

H. Res. 191: Mr. Sherman, Mr. Holt, and Mr. Souder.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2500

Offered By: Mr. Bartlett of Maryland

Amendment No. 14: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act may be used to implement any recommendation or requirement adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001), except to the extent authorized pursuant to a law enacted after the date of the enactment of this Act.

H.R. 2500

Offered By: Mr. Conyers

Amendment No. 15: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act may be used by the Department of Justice to propose, issue, consider, analyze, or implement any revision, of Office of Management and Budget Circular No. A–102.

H.R. 2500

Offered By: Mr. Delahunt

Amendment No. 16: At the end of the bill, insert after the last title (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act may be used after December 15, 2001, for any operation of the Office of Independent Counsel in the investigation designated "In re: Henry G. Cisneros".

H.R. 2500

Offered By: Mr. DeLay

Amendment No. 17: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds appropriated in this Act may be used to negotiate or pay any request or claim by the Government of the People's Republic of China for reimbursement of the costs associated with the detention of the crewmembers of the United States Navy EP–3 aircraft that was forced to land on Hainan Island, China, on April 1, 2001, or for reimbursement of any of the costs associated with the return of the aircraft to the United States.

H.R. 2500

Offered By: Mr. Hastings of Florida

Amendment No. 18: Page 45, line 21, after the dollar amount, insert the following: "(reduced by $250,000)".

Page 46, line 16, after the dollar amount, insert the following: "(increased by $250,000, for a grant to the City of Pahokee, Florida to assist in the dredging on the City Marina)".

H.R. 2500

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 19: Page 72, line 5, immediately before the period insert the following:

: *Provided further*, That, notwithstanding any other provision of law, of the amount made available under this heading, $7,800,000 shall be available to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under the Hague Convention on the Civil Aspects of International Child Abduction

H.R. 2500

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 20: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds appropriated in title I of this Act may be used to prohibit states from participating in voluntary child safety gun lock programs.

H.R. 2500

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 21: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. None of the funds made available in this Act may be used to remove, deport, or exclude any alien from the United States under the Immigration and Nationality Act for conviction of a crime if the alien——

(1) before April 1, 1997, entered into a plea agreement under which the alien pled guilty to the crime that renders the alien inadmissible or deportable; and

(2) after June 25, 2001——

(a) requests discretionary relief under section 212(c) of the Immigration and Nationality Act (as in effect at the time of the alien's plea agreement) on the ground that the opinion of the Supreme court of the United States rendered in Immigration and Naturalization Service v. St. Cyr, 533 U.S. ——(2001) renders the alien eligible to seek such relief; and

(B) has not received a final order of removal, deportation, or exclusion upon denial of such request.

H.R. 2500

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 22: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. Of the amount appropriated for "Department of Justice, Juvenile Justice Programs", $2,000,000 shall be available only for the City of Houston At-Risk Children's Program of the At-Risk Children's Program under title V of the Juvenile Justice and Delinquency Prevention Act of 1974.

H.R. 2500

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 23: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Salaries and Expenses, General Administration, Department of Justice", and increasing the amount made available for "Salaries and Expenses, Community Relations Service, Department of Justice", by $1,000,000.

H.R. 2500

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 24: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. Of the amounts made available under the heading "Immigration and Naturalization Service, Enforcement and Border Affairs", not less than $3,000,000 shall be used to make legal orientation presentations to aliens being held in detention in order to improve deserving aliens' access to relief, to increase the efficiency of the immigration system, and to reduce the overall cost of detaining aliens.

H.R. 2500

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 25: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

Sec. 801. Of the amounts made available under the heading "Immigration and Naturalization Service, Enforcement and Border

Affairs'', $20,000,000 may be used for a program of alternatives to detention for aliens who are not a danger to the community and are not likely to abscond.

H.R. 2500

OFFERED BY: MR. KERNS

AMENDMENT NO. 26: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used in connection with any system to conduct background checks on persons purchasing a firearm that provides for the retention of any information submitted under the system by, or on behalf of, each person determined under such system not to be prohibited from receiving a firearm.

H.R. 2500

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 27: Page 47, line 22, after the dollar amount, insert the following: ''(reduced by $2,500,000)''.

Page 48, line 11, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

H.R. 2500

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 28: Page 48, line 3, after the dollar amount, insert the following: ''(increased by $2,000,000)''.

Page 48, line 14, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

H.R. 2500

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 29: Page 48, line 1, after the dollar amount, insert the following: ''(increased by $500,000)''.

Page 48, line 14, after the dollar amount, insert the following: ''(reduced by $500,000)''.

H.R. 2500

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 30: At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to destroy any record of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, within 90 days after the date the record is created.

H.R. 2500

OFFERED BY MS. NORTON

AMENDMENT NO. 31: Page 88, line 11, after the dollar amount, insert the following: ''(increased by $1,000,000) (reduced by $1,000,000)''.

H.R. 2500

OFFERED BY: MR. OBEY

AMENDMENT NO. 32: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Federal Communications Commission to implement changes in the Commission's rules, or the policies established to administer the rules, relating to media cross-ownership and multiple ownership as set forth at section 73.3555 of title 47, Code of Federal Regulations.

H.R. 2500

OFFERED BY: MR. OLVER

AMENDMENT NO. 33: Page 107, beginning on line 21, strike section 623 (relating to Kyoto Protocol).

H.R. 2500

OFFERED BY: MR. OXLEY

AMENDMENT NO. 34: Page 94, beginning on line 9, strike '': *Provided further*, That fees'' and all that follows through line 20 and insert a period.

H.R. 2500

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 35: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

H.R. 2500

OFFERED BY: MR. STEARNS

AMENDMENT NO. 36: Page 83, after line 22, insert the following:

SEC. 404. (a) Congress finds the following:

(1) Linda Shenwick, in the performance of her duties, informed the Congress of waste, fraud, and mismanagement at the United Nations.

(2) Linda Shenwick's findings of waste, fraud, and mismanagement led to the creation of the Office of Inspector General at the United Nations.

(3) Department of State officials retaliated against Linda Shenwick by removing her from her position at the United Nations, withholding her salary, downgrading her performance reviews, and ultimately terminating her employment with the Department of State.

(4) The Whistleblower Protection Act of 1989 (Public Law 101-12) protects the disclosure of information to the Congress and prohibits reprisal against an employee for such disclosure.

(b) It is the sense of Congress that Linda Shenwick, a dedicated Federal employee who, in the performance of her duties, informed the Congress of waste, fraud, and mismanagement at the United Nations, should be reinstated to her former position at the Department of State.

H.R. 2500

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 37. Page 108, after line 7 insert the following:

SEC.   . None of the funds made available by this Act shall be used to house prisoners in a Federal prison facility that is deemed overcrowded by Bureau of Prisons standards.

H.R. 2500

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 38. Page 108, after line 7, insert the following new section:

SEC.   . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

H.R. 2500

OFFERED BY: MS. VELÁQUEZ

AMENDMENT NO. 39. Page 59, line 13, after the dollar amount insert the following: ''(reduced by $2,000,000)''.

Page 71, line 4, after the dollar amount insert the following: ''(reduced by $8,000,000)''.

Page 73, line 3, after the dollar amount insert the following: ''(reduced by $7,000,000)''.

Page 95, line 3, after the dollar amount insert the following: ''(increased by $7,000,000)''.

Page 95, line 19, after the dollar amount insert the following: ''(increased by $10,000,000)''.

H.R. 2500

OFFERED BY: MR. WU

AMENDMENT NO. 40. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to process an application under the Immigration and Nationality Act, or any other immigration law, submitted by or on behalf of an alien who has been directly or indirectly involved in the harvesting of organs from executed prisoners who did not consent to such harvesting.

H.R. 2506

OFFERED BY: MS. MILLENDER-MCDONALD

AMENDMENT NO. 1: In title II of the bill under the heading ''CHILD SURVIVAL AND HEALTH PROGRAMS FUND'', insert before the period at the end the following: '': *Provided further*, That of the amount made available under this heading for HIV/AIDS, $5,000,000 shall be for assistance for sub-Saharan Africa and India to prevent mother-to-child HIV/AIDS transmission through effective partnerships with nongovernmental organizations and research facilities pursuant to section 104(c)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(5))''.

H.R. 2506

OFFERED BY: MR. OLVER

AMENDMENT NO. 2: Strike section 566 (relating to Kyoto Protocol).

EXTENSIONS OF REMARKS

IN HONOR OF THE 100TH ANNIVERSARY OF THE EAST TOLEDO FAMILY CENTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize the 100th anniversary of the East Toledo Family Center in Toledo, Ohio.

Begun by a cadre of East Toledoans who felt great pride about their neighborhood and wanted to further enhance opportunities for its residents, the East Toledo Family Center was born in 1901. It has established itself as a stalwart beacon in a community which saw continued and great change in its century of existence.

Evolving with the neighborhood and its changing needs, the center has grown into a full service neighborhood center with 40,000 square feet of space providing educational, recreational, and social programs including preschool, school age childcare, youth enrichment, programs for teens to learn about themselves and their environment, human services case management on site, a family health clinic offering family and maternal health care, and a police substation. It also coordinates with community organizations offering special programs on site.

Amazingly, the East Toledo Family Center serves more than 10,000 people each year. Its longtime former director Warren Densmore, who led the center through unprecedented growth for 38 years, encapsulated the feeling and vision of the East Toledo Family Center: "We want to create a feeling of neighborliness by helping individuals and groups to be interested in one another and to help each other try to better the conditions around themselves physically, culturally, socially, and morally. We try to develop our own leadership, so that when a community problem or need arises we can go to work on it, individually and as groups." It is a philosophy which is a guiding principle yet today. The East Toledo Family Center is governed by the community, of the community, and for the community. Therein lies both its strength and its success. The East Toledo neighborhood is center stage in the planning and implementing of all of the center's opportunities.

Its mission is to "provide quality programs and services to enhance the lives of individuals and families by meeting the emerging needs of our community. We will accomplish this by assisting seniors in maintaining independent lifestyles; preparing young people to do well in school, developing and fostering good character, and helping them become productive members of society; building strong family units within the community; coordinating services and cooperating with other agencies to improve the quality of life in the community." Anyone who has visited the East Toledo Family Center can attest to how well it lives its mission. It is truly a jewel in our city's crown.

A PROCLAMATION RECOGNIZING THE OUTSTANDING WORK OF THE TIMES REPORTER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the exemplary work of the staff of the Times Reporter earned them distinguished recognition at the Annual Associated Press of Ohio Awards; and,

Whereas, staff members received high marks for their coverage of the tragic murder of the missing teenager, Elizabeth Reiser in the breaking news category; and,

Whereas, contributing to this successful effort were Benjamin Duer, Joe Mizer, Renee Brown, Kathy Vaughan, Lee Morrison, and Kate Winther; and,

Whereas, also recognized for their accomplishments were Pat Burk, for his photo essay titles, "Sweet Science" and Steve Long, for his editorial column titled "Part of the job";

Therefore, I ask that my colleagues join me in recognizing the impressive accomplishments of these talented individuals that have brought honor and pride to their family, friends and community.

IN HONOR OF MR. WILLIAM J. ROSENDAHL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor and recognize perhaps the most well-liked and respected man on the California political scene, Mr. William J. Rosendahl, on a lifetime of distinguished achievements and dedicated public service.

Mr. Rosendahl, since 1987, has produced over 2,000 shows that focus on political and social commentary. Now serving as Regional Vice President of Operations for Adelphia Communications, Mr. Rosendahl has served in many other capacities throughout his distinguished career. His civic achievements and public involvement have led him to countless posts during the past few years, including Chairman of the California Cable Television Association, member of the boards of the California Channel, Cable Positive, and the League of Women Voters. In his current professional capacity, Mr. Rosendahl oversees day-to-day operations for 1.2 million customers and more than 3,000 employees. He produces and occasionally hosts public affairs programming that discuss political and social issues of the day.

As moderator of several talk-show programs, Mr. Rosendahl has had the opportunity to host hundreds of political leaders and activists, including Vice President Al Gore, Ralph Nader, James Carville, and Charles Keating Jr. His sincere and heartfelt questions have gained him the respect and admiration from people at both ends of the political spectrum.

Mr. Rosendahl's deep commitment and passionate activism to social justice and equality is clear evidence to his strong integrity. He tries to give everyone, regardless of one's creed, age, race, gender, or sexual orientation, a strong world voice. He has spent many hours tackling global issues and volunteering on senatorial and gubernatorial campaigns.

Mr. Speaker, please join me in honoring not only a fine and distinguished producer, but a respected American, Mr. William J. Rosendahl. His contributions to society have touched countless people.

IN RECOGNITION OF GLORIA WALLICK

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Gloria Wallick, a highly respected and influential child care advocate who recently announced her retirement from the Child Care Council of Nassau, Inc. In her 23 years as Chief Executive Officer, Gloria was the voice of child care in Nassau County. She made the Council the leading agency for child care by sponsoring the first USDA Child & Adult Care Food Program in New York State by a not-for-profit agency and establishing the Child Care Switchboard, an early child care referral service.

Gloria received her undergraduate degree from Brown University and an M.A. in Policy Analysis from the New School of Social Research, now New School University. She began her work in Child Care when she chaired the Policy Advisory Committee of Head Start in her home town of Rockville Centre. She then helped to establish the Rosa Lee Young Child Care Center where she served as Board President for six years.

While serving as CEO of the Child Care Council of Nassau, Gloria worked diligently on various committees to improve the quality of child care in New York. In 1984, she was appointed by Governor Cuomo to the New York State Commission on Child Care. Later, in 1988, as a member of the Nassau County Task Force on Day Care, Gloria helped to create the first salary enhancement program in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America for teachers in the child care field. In 1997, she was appointed to the Nassau County Legislature's Commission on Child Care, which was created as an out-growth of her advocacy.

Throughout her career, Gloria has received numerous awards from elected officials, outreach organizations such as the Health & Welfare Council and the United Way, and child care providers for her commendable leadership and advocacy on behalf of parents and their children.

Gloria Wallick is responsible for the current strength and upward trend of Child Care in Nassau County. She leaves behind a strong legacy and is a good example of the difference that one person can make. I applaud Gloria for her dedication to our community, and thank her on behalf of the parents and children of Nassau County who have benefitted from her hard work and commitment.

TRIBUTE TO RUSH LIMBAUGH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. TRAFICANT. Mr. Speaker, I want to pay tribute to a growing legend in American talk radio. Conservative talk show host, Rush Limbaugh, who many know simply as Rush, has brought America back from ultra-liberalism to a more moderate, mainstream approach to politics and the American way of life.

Rush recently received the largest contract ever for a radio personality. He is deserving of the contract and also deserves to be commended for what he has done for this country. Rush was a voice of reason and had a tremendous influence on the passage of my reforms of the Internal Revenue Service. Those reforms have had a significant impact on the lives of Americans everywhere, saving their properties and their homes, providing for their day in court in a civil tax case, and shifting the burden of proof in a civil tax case from the taxpayer to the IRS. The law reduced property seizures from 10,037 to 151 in one year and dramatically reduced wage attachment and property liens. That law, which saves the homes of over 10,000 Americans every year, may not have become a reality without the help of one man's voice, heard by millions.

Though there are many who disagree with the positions he takes on tough issues, Rush provokes thought and debate on the issues that will shape the future of our great nation. He has a tremendous responsibility with the number of Americans who seek out his opinions, and he deserves credit for taking that responsibility very seriously,

Rush Limbaugh is making a difference, and I thank him for his contributions to the spirit of American political debate.

IN REMEMBRANCE OF INA MARIE LEE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. KAPTUR. Mr. Speaker, I rise to commemorate the life of a Toledoan and American of note. Ina Marie Lee. Miss Lee passed away at 108 years of age.

Miss Lee was a nurse and a veteran of World War I. She was considered the oldest living veteran in Northwest Ohio, and was one of the oldest in our nation. She served as a nurse during the war, stationed with the Army in Mobile, Alabama and Fort Snelling, Minnesota. Upon her discharge at the War's end, she worked as a private nurse for several of Toledo's prominent families. She did not retire from nursing until the age of 85, after a 55 year career.

Ina Marie Lee was born in the tiny town of Jerry City in Wood County, Ohio. The daughter of a poultry farmer, Ina dreamed of being a nurse. After overcoming tuberculosis as a child, she realized that goal and was one of the first graduates of the former Toledo Hospital School of Nursing. Graduates of the school still meet, and Ina was a revered and popular member. She was "a wonderful role model for other nurses," according to her longtime friend and nurse Mary Lou Leonard.

Believed to be a descendant of General Robert E. Lee, Ina joined the Army on June 10, 1918. As a distinguished veteran, she was a member of the American Legion Argonne Post 545. She was also a member of the Toledo Chapter of the Order of the Eastern Star, the Toledo Hospital Alumni Association, the Idlewood Rebekah Lodge No. 565 in Jerry City, and the Westgate Chapel in Toledo. She was several times the Grand Marshall in Toledo parades and was featured on NBC's Today Show on two occasions. It was my personal honor to join Ina at a recent nurses reunion in Toledo where we unveiled a statue to honor nurses and their contributions to our community.

These few words on the CONGRESSIONAL RECORD cannot do justice to this most remarkable of women and her life well-lived. Perhaps the words of her friend. Ms. Leonard, say it best. Ina Marie Lee "was a fun-loving, happy, caring person. She loved live life, she loved people, and she loved helping people." No greater tribute can there be than to have been recognized and appreciated as a friend, confidante, and dedicated nurse. We extend to her sister, Genetta Grau, and her niece and nephews our heartfelt condolence. At the same time, we celebrate a truly incredible life and honor her memory by trying to live in its example.

IN HONOR OF THE CLEVELAND HEARING AND SPEECH CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the great work of the Cleveland Hearing and Speech Center in spreading awareness of hearing loss issues and in providing services to those who are affected by hearing loss.

Founded by President Garfield's daughter-in-law, Helen Newell Garfield, in 1921 the CHSC is the oldest hearing and speech center in the United States and the only nonprofit organization in Northeast Ohio dedicated soley to meeting the hearing, speech, and deafness needs of the community.

To observe its 80th year anniversary this year CHSC will partner with 14 Cleveland attractions for the first annual Communication Celebration. American Sign Language interpreters will be placed at each of the following attractions: The Children's Museum of Cleveland, Cleveland Botanical Garden, The Cleveland Center for Contemporary Art, Cleveland Metroparks Nature Centers, Cleveland Metroparks Zoo, The Cleveland Museum of Art, The Cleveland Museum of Natural History, Great Lakes Science Center, The Health Museum of Cleveland, Lake View Cemetery, The Nature Center at Shaker Lakes, Rock & Roll Hall of Fame & Museum, Steamship William G. Mather Museum, and Western Reserve Historical Society. The event will serve as the culmination of National Deaf Awareness Week.

This is an issue that affects many people. More than 28 million Americans have a hearing loss and approximately 2 million of them are profoundly deaf. One of every 22 infants has hearing problems and one of every 1000 infants is born deaf. But, unfortunately, only an estimated 20 percent of people who could benefit from hearing aids have them. Nonetheless communications skills are the number one predictor of academic success for children and the number one predictor of success at the workplace for adults.

Mr. Speaker, please join me in applauding the efforts of this great organization in spreading awareness and for the hard work it has contributed to this cause.

RECOGNIZING MIRA ROSENFELD SENNETT

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Mira Rosenfeld Sennett, a noted educator in the Jewish community of Nassau County, and a resident of Atlantic Beach, Long Island.

Since she began her career three decades ago at the Brandeis Day School, Mira has been teaching and supervising special education in the New York school system while simultaneously pursuing her love of Jewish education. Over the past 30 years, she has taught at the Hebrew High School and the State University at Stony Brook and directed the Five Towns School of Special Education for the Special Child, Temple Beth El Religious School and the Hebrew School at the Jewish Center of Atlantic Beach.

Mira is known for her love of community and Jewish learning, and she has shared these qualities with countless others. For years, Mira has organized adult education classes and book reviews for members of our community. Not only has she participated in community events, but she has brought unique ideas to life by teaching others about Judaism while sharing her own experiences. She has led youth groups to Israel and Europe. She is a former executive board member of Hadassah, UJA, and USY and served as president of the Five Towns Jewish Council and Vice President of Jewish Women International for the greater New York region.

On the occasion of Israel's 50th anniversary, Mira was recognized by the Conference of Jewish Organizations of Nassau County as one of 50 residents who make a difference. Additionally, she received the Chancellor's Award for Excellence in Teaching from SUNY.

Mira emigrated from Israel in 1958. She received her undergraduate degree in Supervision and Administration from C.W. Post and a postgraduate degree in Special Education and an MS in History and Jewish Education from Columbia University and the Jewish Theological Seminary.

Mira feels that her greatest accomplishment and dearest reward is her family: her husband Hershel, her children Avery and Robyn Rosenfeld, Drs. Tierry and Melissa Abitbol, Rosalie Sennett and Jonathan and Marianne Sennet, and her grandchildren David, Lauren, Dani, Sophie, Emma and Shaenna.

Mira Rosenfeld Sennett's commitment to our community and our children's education, Judaic and otherwise, is commendable. As a friend, I applaud Mira and her loving family for Mira's accomplishments over the years, and I thank her for all she has done for the Jewish community of Nassau County.

TRIBUTE TO MRS. ANGELINE N. PAOLONE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mrs. Angeline N. Paolone, a remarkable woman who contributed greatly to her family, her community, and this country. She passed away at the age of eighty-nine. She will be deeply missed.

One of seven sisters and four brothers, she leaves six grandchildren and thirteen great-grandchildren. She also leaves a daughter, Betty, and two sons, Louis and Anthony.

Mrs. Paolone was an active member of the St. Rose Church in Girard, Ohio, and the Ohio Leather Works Retirees Club where she dedicated much time helping others.

Angeline Paolone will be greatly missed by the Girard community. She touched the lives of many, and was a friend to all who had the privilege of knowing her.

I extend my deepest sympathy to her family and friends.

PAYING TRIBUTE TO GILLIAN REAM

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Gillian Ream for being awarded the David L. Boren Undergraduate Scholarship from the National Security Education Program (NSEP).

NSEP was established in 1992 to produce a more internationally competent citizenry and to strengthen the expertise base in the federal sector. In the past seven years, NSEP has invested more than $37 million and provided outstanding opportunities for over 2,000 graduate and undergraduate students.

Upon receiving this award, the students must agree to seek work in the Federal government in an organization with national security responsibilities. In addition, each student must have studied in a field that is important to U.S. national security, must display foreign language capability, and must have studied extensively in and about other countries or regions.

In receiving this award, Mr. Ream was one of 143 students out of several hundred applicants to receive the Boren Scholarship.

Therefore Mr. Speaker, I ask that my colleagues join me in congratulating Gillian Ream for being awarded the David L. Boren Undergraduate Scholarship.

IN HONOR OF THE RETIREMENT OF POLICE CHIEF DOMINICK J. RIVETTI

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to my very good friend, Dominick J. Rivetti, retiring Chief of the Police Department of the City of San Fernando. It has been my great pleasure to know Dominick for more than a decade and to see first hand his strong commitment to the City of San Fernando and the safety of its residents. I've had the opportunity to work with him on many issues both in his capacity as Chief and also as head of the Los Angeles County Chiefs of Police, especially with regard to the enactment, extension and expansion of the federal "Cops on the Beat" program and the maintenance of funding for the L.A. County Narcotics Task Force. Over the many years of our friendship, I have developed enormous admiration for his integrity, his dedication and his competence.

Dominick is retiring after thirty-one years of distinguished service in law enforcement with the San Fernando Police Department. He began his career as a police officer and worked his way through the ranks of the Department, enjoying more and more responsible positions until he was named Chief of Police in December of 1985. During his 15-year tenure as Chief, Dominick has developed many innovative programs and under his able leadership, the San Fernando Police Department has thrived as a community friendly, highly effective law enforcement agency.

Dominick's achievements are perhaps understood best through his personal philosophy toward law enforcement. He not only believes that the Department should protect the community, but that the Department must be an integral part of the community. Under his guidance, the Department has made San Fernando a safer, more peaceful place, embracing the notion that this can best be accomplished through earning and maintaining the support of the community. It is noteworthy that in the past five years, violent crime in San Fernando has dropped more than 50 percent and overall, crime has been reduced by 44 percent.

Dominick has directed his Police Department to use its resources so as to get more officers on the street and into the community. He has seen to it that programs for young people such as DARE and special youth at risk prevention/intervention programs have been implemented. These programs help keep children from falling through the cracks by redirecting their energy and activities from potentially dangerous ones to constructive ones.

Dominick's commitment to public service extends beyond his official law enforcement duties. He has been an active member of the San Fernando Kiwanis Club, the San Fernando Rotary and the Board of Directors Northeast Valley Jeopardy Program. He also has taught at UCLA and the Los Angeles Sheriff's Department North Academy.

It is my distinct honor and pleasure to pay tribute to my good friend Dominick Rivetti. He will be greatly missed by the City of San Fernando, but he will be leaving an extremely competent, honored Police Department and a safer community as his legacy. I ask my colleagues to join me in wishing him many happy, healthy and productive years ahead.

RENAMING OF USNS GUNNERY SGT. FRED W. STOCKHAM

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. CRENSHAW. Mr. Speaker, recently my family had the honor of participating in the renaming ceremony for the *USNS Gunnery Sergeant Fred W. Stockham* at Blount Island Command in Jacksonville, Florida. The event was held to rename the Maritime Prepositioning Force (Enhanced) ship Stockham after Medal of Honor recipient and World War I hero, Fred. W. Stockham.

The *USNS Stockham* will be part of the Maritime Prepositioning Force of ships operated by the United States Military Sealift Command. These ships carry additional airfield matting, fleet hospital equipment, construction battalion equipment and other supplies needed to supplement the requirements of a forward-deployed military force.

The ships that make up the Maritime Prepositioning Force of the Military Sealift Command play a vital role in our nation's national defense. Our military relies on its capability to be a sustainable force and project its power throughout the world. Maritime Prepositioning Force ships perform this mission by offering our military the equipment needed to be a fast deploying, mobile and sustainable force.

The July 6th renaming event for the newest of our Maritime Prepositioning Force ships offered my family the chance to incorporate the personal background of the ship's new namesake with that of our own life experiences. My wife, Mrs. Kitty Crenshaw, was given the honor of being the Stockham's official sponsor. She performed the ceremonial breaking of the champagne bottle over the ship's railing and was given the opportunity to offer her personal thoughts of motherly pride for the men and women that would man the Stockham.

Mr. Speaker, I submit the speech given by Mrs. Kitty Crenshaw at the renaming ceremony for the *USNS Fred W. Stockham* into today's RECORD. This speech is an example of the pride our nation holds for our military personnel and the pride a mother feels not only for her own children, but also those in her heart.

Thank you Mr. Speaker for the time today to discuss the *USNS Fred W. Stockham* renaming event and the vital role the men and women of the Military Sealift Command play in the capabilities of our military force.

I was thrilled when I was asked to be the sponsor of this ship. It seemed like an exciting and wonderful thing to experience. As I read about Sgt. Stockham and the traditions of this time-honored ceremony, I became increasingly humbled and grateful for this rarest of honors. As a mother, I felt especially honored and even singled out for this particular ship named for this particular soldier. Sgt. Stockham was an orphan. He had no family and he never married. A friend was notified of this death. His body was placed in an unmarked grave that was lost for 60 years. Only the men of his company knew of his heroism until 21 years later because his Medal of Honor citation was lost in the chaos following the war. Having known the indescribable joy and privilege of being an adoptive mother, I immediately adopted this great soldier of the Great War into my heart and memory forever.

On June 13, 1918, the Germans savagely bombarded Belleau Wood with deadly mustard gas and high explosives for six long hours. Sgt. Stockham courageously led the evacuation of wounded and gassed marines. When he saw a young 17-year-old private cut down by shrapnel and his gas mask torn away, Sgt. Stockham without hesitation pulled off his own mask and put it on the young private and carried him to safety. He returned again and again to carry the wounded out. He finally collapsed from the effects of the deadly gas. He suffered an agonizing death a week later. He was 37.

Sgt. Stockham's heroism seems to me to be of a higher order. When he took off his mask, he was not just putting himself in harm's way or even risking death, he was knowingly condemning himself to a horrible death to save the life of his friend. 2000 years ago Jesus of Nazareth said that the greatest thing in the world is love and that there is no greater love than that a man would lay down his life for another. I am profoundly honored and it is with mother-like pride that I offer the gift of the memory of this great man to you and the mariners of the *USNS Gunnery Sergeant Fred W. Stockham.*

APPOINTMENT OF COLONEL CHRISTOPHER ALLEN KNIGHT AS DIRECTOR OF THE FLORIDA HIGHWAY PATROL

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the appointment of Christopher Allen Knight as the newest Director of the Florida Highway Patrol. Colonel Knight has accelerated through the ranks to become the leader of "Florida's finest." This is an exciting time for the people of Florida's 13th Congressional District.

The Florida Highway Patrol provides citizens with the highest level of professional service while promoting safety on Florida's highways through enforcement and education. I commend the FHP for their promotion of a safe driving environment through aggressive law enforcement, public education, and safety awareness; while reducing the number and severity of traffic crashes in Florida, and preserving and protecting human life, property and the rights of all people.

Colonel Knight was recently appointed by Governor Jeb Bush to serve as the Director of the Florida Highway Patrol. Knight was given his new badge on June 29, 2001 in Tallahassee. At his side were his 10-year-old son, Mitch, his mother and father, Herman and Genevieve, his sister, Connie Bennett of Venice, and his brother, Thomas Knight, who is a Highway Patrol Troop Commander in Pinellas Park.

Colonel Knight graduated from Venice High School and earned a degree in criminology from Florida State University, before taking a job as a patrolman with the Venice Police Department. He was later selected to serve in the Florida Highway Patrol, and progressed through the ranks in his 20 year career. He has been stationed in Miami, Bradenton, Palatka, and Tallahassee in various positions, including Commander of Troop H, Tallahassee, and Chief of Training at the FHP Academy. His most recent assignment has been Chief of Field Operations for Region II, which includes oversight of Troops C (Tampa), D (Orlando) and F (Bradenton). Knight will now supervise nearly 1,800 officers throughout the state of Florida as the FHP Director.

I congratulate this fine American, and I rest assured that the Florida law enforcement community is in good hands.

HONORING THE 30th ANNIVERSARY OF WHITE HOUSE, TENNESSEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. GORDON. Mr. Speaker, I rise today to honor the 30th anniversary of one of the friendliest towns you will ever find—White House, Tennessee. Nestled among the rolling hills of Middle Tennessee, White House is home to 7,220 residents.

The town got its name from an inn that was painted white and used extensively by people traveling the old Nashville and Louisville Pike in the late 1700s and early 1800s. The historic route was used often by such notable figures as Andrew Jackson, James K. Polk and Andrew Johnson.

With its proximity to Interstate 65 and Old Hickory Lake, White House offers its residents a desirable and unique quality of life. Incorporated in 1971, the town is close to a thriving metropolitan area, but not close enough to spoil its pastoral qualities.

I congratulate White House and its leaders, including Mayor Billy Hobbs, who has served as the town's mayor for 25 years, for developing a community that understands the need for managed growth. May the town's next 30 years be as successful as its first 30 years.

PAYING TRIBUTE TO THE HOWELL JAYCEES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate the Howell, Michigan Jaycees Chapter on receiving the prestigious Harold R. Marks award for most outstanding local chapter in the country.

Franklin D. Roosevelt once said "there are many ways of going forward, but only one way of standing still." Through their hard work and public service, the Howell Jaycees have done anything but stand still.

The Marks award is granted to chapters based on membership growth and the type of programs they offer their members and the community.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to the Howell Jaycees for receiving the Harold R. Marks award. May success continue to follow this outstanding civic organization.

TRIBUTE TO DANIEL BROWN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. KAPTUR. Mr. Speaker, I rise to pay tribute to Mr. Daniel Brown. For the past three decades he has been a proponent of higher education in northwest Ohio, serving our community as President of Owens Community College.

Mr. Brown has been affiliated with Owens since its inception in 1965, serving in various capacities that culminated in his serving the past seventeen years as President. Always a proponent of the student, he has been the watchdog on tuition increases. He proved his commitment to higher education by lowering tuition five percent for the 2000–01 academic year. Through his hard work and dedication, Owens and its Findlay campus have excelled into the fastest growing two-or-four-year college in Ohio.

His dedication to students doesn't stop there. Owens has articulation agreements with almost twenty four-year colleges and universities, including Bowling Green State University, Ohio State University, University of Michigan and University of Toledo, allowing a smooth transfer for graduates pursuing bachelor's degrees. The school offers more than 100 technical programs and majors in various fields, such as health, business, industrial and engineering technologies and agriculture, in order to prepare students for careers of the future.

With a focus on state-of-the-art facilities, President Brown has expanded the college with such complexes as the Fire Science/Law Enforcement Center and Industrial and Engineering Technologies Building. A new library, audio/visual classroom center, math/science center and student health and activities center have increased the Galleria Complex, a new addition to the old campus. A Fine and Performing Arts Center will round out the construction for this site.

Even though growth, both at the physical campus and enrollment, has been exponential during the tenure of Mr. Brown, Owens remains committed to offering small classes, personal attention and flexible class schedules so that each person interested in a higher education will be afforded the opportunity to quality instruction.

The efforts of Daniel Brown will be evident for years to come. He has touched the lives of countless individuals and will be remembered with reverence and veneration.

REIMPORTATION OF FDA-APPROVED PHARMACEUTICALS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. PAUL. Mr. Speaker, due to a personal matter I was unable to be present for roll-call votes last week. I particularly regret not being in attendance for the votes on the amendments to the Agriculture Appropriations bills offered by the gentleman from Vermont (Roll Call no. 216) and the gentleman from Minnesota (Roll Call no. 217) dealing with the reimportation of FDA-approved pharmaceuticals. I would have enthusiastically supported both amendments had I been able to be here last week and I was quite disappointed to see the gentleman from Vermont's amendment rejected and pleased to see the gentleman from Minnesota's amendment accepted by this body.

I appreciate the opportunity to explain why I supported these amendments. As my colleagues are aware, many Americans are concerned about the high cost of prescription drugs. These high prices particularly affect low-income senior citizens because many seniors have a greater than average need for prescription drugs and lower than average income. One of the reasons prescription drug prices are high is government policies which give a few powerful companies a monopoly position in the prescription drug market, such as those restricting the importation of quality pharmaceuticals. Therefore, all members of Congress who are serious about lowering prescription drug prices should have supported these amendments.

As a representative of an area near the Texas-Mexican border I often hear from angry constituents who cannot purchase inexpensive quality imported pharmaceuticals in their local drug store. Some of these constituents regularly travel to Mexico on their own to purchase pharmaceuticals.

Opponents of the amendments offered by the gentlemen from Vermont and Minnesota waged a hysterical campaign to convince members that this amendment will result in consumers purchasing unsafe products. Acceptance of this argument requires one to assume that consumers will buy cheap pharmaceuticals without making any efforts to ensure that they are buying a quality product. However, the experience of my constituents who are currently traveling to Mexico to purchase prescription drugs shows that consumers are quite capable of ensuring they purchase safe products without interference from Big "Mother."

Furthermore, if the supporters of the status quo were truly concerned about promoting health, instead of protecting the special privileges of powerful companies, they would be more concerned with reforming the current policies which endanger health by artificially raising the cost of prescription drugs. Oftentimes lower income Americans will take less of a prescription medicine than necessary to save money. Some senior citizens even forgo other necessities, including food, in order to afford their medications. By reducing the prices of pharmaceuticals this amendment will help ensure no child has to take less than the recommended dosage of a prescription medicine and no senior has to choose between medication and food.

In conclusion, Mr. Speaker, I once again wish to express my regret for missing the votes on the amendments by the gentlemen from Vermont and Minnesota and urge my colleagues to show they are serious about lowering the prices of prescription drugs and that they trust the people to do what is in their best interest, by supporting future efforts to establish a true free market in pharmaceuticals.

HONORING RON MADSEN, DIRECTOR, PROVO CITY ECONOMIC REDEVELOPMENT

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. CANNON. Mr. Speaker, today I pay tribute to the work of Ron Madsen, a dedicated public servant who has been Provo City's Economic Redevelopment Director. Ron Madsen has spent the last thirty years working for the City of Provo, and has been an integral part of Provo's downtown revitalization efforts. On July 13 Ron Madsen will retire from the City of Provo, and his absence will be sorely missed.

Mr. Madsen began working with Provo City in August 1971 as a Planning Aide, and was promoted to Redevelopment Agency Manager in July 1973. He also worked as Housing and Redevelopment Manager from 1975 to 1983. Since 1983 he has been Provo's Economic Redevelopment Director.

Throughout his career, Mr. Madsen has worked in a tireless and selfless manner to preserve the character of Provo while at the same time encouraging balanced economic growth. Some of the projects he has worked on include developing Provo City's Historic Downtown into the central point in Utah County for government and legal services, as well as prime office space, and working to bring NuSkin, Inc. international headquarters to downtown Provo. Perhaps the pinnacle of Ron Madsen's career was the development of the East Bay Retail and Business Park. Mr. Madsen succeeded in securing millions of dollars in federal funds that were crucial to completing this premiere business park. The establishment of the East Bay Business Park resulted in key national businesses relocating to Provo, such as Novell, Inc.

In addition to his professional accomplishments, Mr. Madsen was well known for his integrity and civility in working with his peers. I am also told that like that great American Cowboy Humorist Will Rogers, Mr. Madsen had a wry, genial common sense that was enjoyed by all who worked with him.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Ron Madsen for his dedicated service to the City of Provo. I extend my most heartfelt good wishes for all his future endeavors.

HONORING STATE REPRESENTATIVE MARCY MORRISON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor former Colorado State Representative Marcy Morrison for her tireless efforts in improving health care for all Coloradans. This week, the American Medical Association is presenting Rep. Morrison with a Dr. Nathan Davis Award for Outstanding Government Service, Member of a State Legislature, for her significant achievements in advancing public health.

Throughout her two-decade career, Marcy has fought to help Coloradans gain greater access to health care. Her efforts include passing legislation to provide health insurance parity for mental health, to guarantee 48 hour extended hospital stays for maternity care, and to make it possible for children up to five years old to receive speech therapy and physical therapy each year for development delay. In addition, Marcy has helped form a task to evaluate the management of chronic intractable pain in Colorado and she served on the Legislative Task Force on Health Care.

When I served with Marcy in the State Legislature, I always admired her for her courage and tenacity. Nearly every piece of major health care legislation that passed the General Assembly and went on to become law had Marcy's mark on it. Coloradans owe a great deal of thanks to Rep. Morrison for helping us get the health care services we need and for helping us stay healthier and happier longer.

So today, Mr. Speaker, I honor Rep. Marcy Morrison and congratulate her for being the recipient of this prestigious award. I hope that her efforts thus far are only the tip of the iceberg.

HONORING STANLEY LATHEN, SR.

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Stanley Lathen, Sr., on the occasion of his being honored for his lifelong commitment to labor by the United Food and Commercial Workers Union Local 373R.

President Emeritus Stanley Lathen, Sr., was born on April 30, 1908, in the territory of Arizona. His family moved to Lake County soon after his birth and then relocated to Marin County, where he was raised and educated. Stanley served an apprenticeship under the program of the Plasterers and Cement Masons Union in Marin County as a teenager. While working as a mason, he moved to Vallejo in the early 1930's.

Always active in labor affairs, Stanley assisted in the re-organization of the Solano County Building Trade Council. Stanley served as Chairman of the Building Codes Committee for the revision of city building codes and the establishing of building codes in Solano County. He also served as the first Chairman of a county Apprentice Training Program (prior to the formation of a State training program).

In October 1941, Stanley accepted an executive position with the Retail Store Employees Union No. 373, and was later elected Executive-Manager and Treasurer of Local 373, a position he held for 27 years.

Stanley was instrumental in establishing the Local's first health insurance plan and acted as the plan's administrator for many years before the formation of its Trust Funds. He later served with distinction as Trustee and Chairman of the Local's Health Insurance/Pension and Drug Trust Funds.

President Lathen served a term as President of Solano County's Central Labor Council in 1946 and he also served as Vice President of the California Labor Federation, AFL-CIO, as a representative of District 12 (Solano, Napa, Marin and Sonoma Counties) for 13 years.

Stanley was also very involved in local civic affairs serving on the Solano County Grand Jury, Chairman of the March of Dimes, member of the first Board of Directors of the Greater Vallejo Recreation District, as well as serving on the boards of the YMCA, Red Cross, Salvation Army and United Crusade.

California Governor Earl Warren selected President Lathen to serve as the chairman of the Solano County committee to explore the possibilities of a statewide health plan. Due to strong opposition from the Solano County Medical Society and other such organizations across the state, the state health plan never got off the ground.

On January 1, 1968, at the age of 60, Stanley Lathen ended his distinguished career as Executive Manager (President) of Local 373. When he assumed office in 1941 there were 105 members; today the union has over 1,800 members.

Stanley and his wife of 45 years, Bernice, are enjoying the retired life, sharing good times with their five children and six grandchildren.

On May 16, 1997, San Francisco State University entered President Emeritus Stanley Lathen's history as a Vallejo Labor and Civic Leader permanently into the records at the Labor Archives and Research Center. On January 13, 1998, President Linda Russell, the officers and members of Local 373R, honored President Lathen by naming the Local Union Hall's board room the Stanley Lathen Board Room. Later that year, Local 373R named its annual scholarship golf tournament in his honor, The Stanley Lathen Scholarship Golf Tournament.

We salute President Emeritus Stanley Lathen, Sr. for all the good that he has done for working men and women, union members and the citizens of Vallejo, Solano County, the state and our country.

IN RECOGNITION OF ERICH SEEHAFER

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. HOYER. Mr. Speaker, I rise today to give recognition to Erich Seehafer for his 23 years of service to the United States House of Representatives.

Hired by the Doorkeeper's Office in April 1978, Erich began as a Congressional liaison for the House Publications Distribution Service. In addition to orienting new members and their staffers to available services, he was responsible for allotment and distribution of various books and publications to all House Members.

In 1991 he was selected to be part of the new mail list processing office. This role was an ideal opportunity for a detailed-oriented person like Erich to serve the House Members by processing and expediting their mass mailing requests. Erich has processed over 6,000 mailing lists totaling over 350 million addresses without error.

Born at Walter Reed Hospital in Washington, DC on July 23, 1951, Erich is the son of Erich Seehafer Sr. and Charlotte Hennessy Seehafer. He has three sisters, a wife of sixteen years, one stepson and two grandsons. He and his wife have resided in Waldorf, Maryland since 1985.

A motorcycle accident in 1970 resulted in a spinal cord injury that left Erich a paraplegic. Erich's determination and cheerful outlook have endeared him to many in the Hill community. His sense of humor has always been a welcome asset to all who have worked with him.

A musician of thirty-five years, Erich has played music in New York, New Jersey, Pennsylvania, Maryland and the District of Columbia. He is looking forward to traveling around playing music again with the extra time he will endure during his retirement. We wish him well and a long happy retirement.

I submit the following for the RECORD.

OFFICE OF THE
CHIEF ADMINISTRATIVE OFFICER,
Washington, DC, June 29, 2001.

Hon. STENY HOYER,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN HOYER: Thank you for taking the time to include this in your extension of remarks to recognize Erich Seehafer for his 23 years of service to the U.S. House of Representatives. Erich plans to retire on July 30, 2001. Listed below is some background information on Erich that describes his dedicated working experience for the United States House of Representatives as well as his personal background.

Hired by the Doorkeeper's office in April 1978, Erich began as Congressional Liaison for the House Publications Distribution Service. In addition to orienting new Members and their Staffs to available services, he was responsible for allotment and distribution of various books and publications to all House Members. Job Consolidation in 1986 added responsibilities associated with the newly implemented computer based inventory system.

In 1991 he was selected to be part of the new Mail List Processing Office. This role was an ideal opportunity for a detailed-oriented person like Erich to serve the House Members by processing and expediting their mass mailing requests. Erich has processed over 6,000 mailing lists totaling over 350 million addresses without error.

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A motorcycle accident in 1970 resulted in a spinal cord injury that left Erich a paraplegic. Erich's determination and cheerful outlook have endeared him to many in the Hill community. His sense of humor has always been a welcome asset to all who have worked with him.

A musician of thirty-five years, Erich has played music in New York, New Jersey, Pennsylvania, Maryland and the District of Columbia. He is looking forward to traveling around playing music again with the extra time he will endure during his retirement. He also plans to work with his brother-in-law repairing guitars. Erich says that he is most looking forward to enjoying his role as full time Granddad when he retires.

We all will miss Erich and wish him a long, happy, retirement.

Sincerely,
POSTAL OPERATIONS STAFF,
The Staff of Postal Operations,
Mail List Processing.

COMMEMORATING THE RETIREMENT OF MARGARET L. HUNT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. KAPTUR. Mr. Speaker, I rise today in both celebration and sadness to commemorate the retirement of Margaret L. Hunt, senior citizens advocate extraordinaire, from Toledo, Ohio. A pioneer in the Toledo area senior citizens' movement, Margaret takes with her 45 years of experience in senior services.

Born in Kentucky, Margaret has been a Toledoan since the age of two. She has lived in South Toledo, graduating from Libbey High School and raising a family. She and her husband, Daniel, to whom she was married for more than fifty years, have four children: Rebecca, Nancy, Margaret, and Daniel. Margaret is also grandmother to eleven grandchildren and seventeen great-grandchildren.

Margaret got her start in Toledo area services while a young mother. Even while she was employed by a local bakery, she helped to establish Teen Town in Highland Park, working with the City of Toledo's Parks & Recreation Department. During that time it became apparent that although Toledo actively developed programs for young people, the same could not be said for older Toledoans. Margaret was charged with the task of developing and implementing such programming. She started by promoting the formation of neighborhood social clubs that met regularly in park shelter houses. Prior to the days of the Older Americans Act and thus with no kind of senior nutrition program available, Margaret took the creative approach of encouraging weekly potluck luncheons. While enjoying each other's camaraderie and a hot meal, the seniors participated in games and crafts and planned outings. Soon this very successful program was expanded into local senior housing complexes. These groups were the precursor of the modern senior centers. In fact, Margaret was instrumental in the establishment of Toledo's first senior center, Senior Centers Inc.

In 1981, when the idea of senior centers was still in its infancy and there were just a few beginning locally, Margaret took on the task of growing a center in native South Toledo. The South Toledo Senior Center was born in August of that year, with Margaret at the helm as Executive Director. In the twenty years that followed, Margaret fostered unprecedented growth in the center, which is now in a large and airy freestanding building and continuing to grow. The South Toledo Senior Center serves hundreds of seniors a nutritious lunch every day, and is the only one in the area serving lunch on Sunday as well. Its programs are varied and all-inclusive: if it's something seniors enjoy doing it's being done at the South Toledo Senior Center. I cannot imagine it without her, nor not being greeted with her cheerful smile upon my visits there.

Hayes's belief that "Old age is not something to which I have arrived kicking and screaming. It is something I have achieved," Margaret Hunt has arrived at this place in her life with grace. While we wish her a wonderful life of retirement, we yet look to her for continued quiet greatness.

VICE PRESIDENT CHENEY'S EXPENSIVE ELECTRICITY BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. DINGELL. Mr. Speaker, oh, pity the Vice President. His electricity bill is too expensive. It seems that like many other Americans, the Vice President is faced with an intolerably high energy bill this year.

What is our unfortunate Vice President to do?

President Bush has suggested that American people spend their tax-rebate check to pay their energy bills. Regrettably, the Vice President's rebate check will be not enough to cover his costs—his electricity bill is in the six-figure range.

Perhaps he would be well served by turning off some more lights around the house as Lyndon Johnson used to do, or maybe turning his air-conditioner off when he is not at home. But until recently, the Vice President has not been strong on conservation—dismissing it as "a sign of personal virtue, but not the basis for a sound, comprehensive energy policy."

Consistent with that thinking, Vice President CHENEY said, "If you want to leave all the lights on in your house, you can. There's no law against it. But you will pay for it."

Well, thankfully, the Vice President is putting his money where his mouth is.

Or is he?

You see now, Mr. CHENEY, with his 33-room mansion and $186,000 per year energy bill, doesn't want to "pay for it." He wants the United States Navy to pick up the tab, and House Republicans are going to extraordinary lengths to help him get off the hook. House Republicans are poised to relieve his official budget from paying for his electricity costs, by passing the buck on to our sailors in the Navy.

That's correct, in a classic instance of do-as-I-say, not-as-I-do, Mr. CHENEY, doesn't want to pay his electricity bill. If only the American public had it so easy, to be able to pass their bills on to somebody else.

Coming from an Administration that is doing nothing to help consumers cope with the sharp rise in electricity prices, this raises real questions.

Mr. Vice President at least practice what you preach, and pay for your own electricity bill.

INDIVIDUAL TAX SIMPLIFICATION ACT OF 2001

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing with Mr. Matsui the Individual Tax Simplification Act of 2001, and invite all my colleagues to join me in sponsoring this legislation.

It is fitting that this bill on tax simplification is being introduced on the first day of joint hearings on tax simplification in the Select Revenue Measures and Oversight Subcommittees of the Ways and Means Committee. Simplification is on everyone's wish list. While my bill may not fulfill everyone's wish, this bill will eliminate approximately 200 lines from tax forms, schedules and worksheets. My bill generally does this in a revenue neutral manner, and without moving money between economic income groups. As we all know, the tax code is terribly complex, and has become dramatically more complex for average taxpayers during the past six years.

A skeptic might argue that there is no constituency for simplification, but that is changing. A poll by ICR found that 66 percent said the federal tax system is too complicated. Five years ago slightly less than half agreed.

I believe that with a little compromise, we can enact significant tax simplification. That is why I have made sure this bill is essentially revenue neutral, so it contains no tax increase. And that is why the bill does not try to change the tax burden between economic income groups. This is not an attack on the wealthy, nor anyone else. As with any change in the tax law, there are some winners and losers—but I want to stress that this is incidental to the objective of the bill—which is simplification that benefits us all.

The bill has three parts. The first is based on legislation I introduced in the last two Congresses regarding nonrefundable personal credits. The second part simplifies the taxation of capital gains. The third part repeals two hidden marginal tax rates on high income individuals, and repeals the individual minimum tax.

TITLE I—SIMPLIFICATION RELATING TO NONREFUNDABLE PERSONAL CREDITS

In recent years, much tax relief has been given to taxpayers in the form of nonrefundable credits, like the two education credits. These credits are not usable against the alternative minimum tax. That means that more and more individuals will lose all or part of these credits, and will have to fill out the extremely complicated AMT form. Congress recognized this problem last year by enacting my proposal to waive this until the end of this tax year. It also, this year, permanently took the child credit and the adoption credit out of the AMT. Now is the time to finish the job.

The other problem with nonrefundable credits is that the phase out provisions vary from credit to credit, causing unnecessary complexity. In addition, the same additional dollar of income can result in a reduction in more than one nonrefundable credit.

It is fundamentally wrong to promise the American public tax relief, then take all or part of it away in a backhanded manner. This fundamentally flawed policy, enacted in 1997, will get worse each and every year as more American families find themselves to be AMT taxpayers simply because of the impact of inflation, or because of their desire to take advantage of the tax relief we have promised them. Not only that, this situation will also get worse if additional nonrefundable credits are approved by Congress.

The bill addresses both concerns. First, it permanently waives the minimum tax limitations on all nonrefundable credits. Second, the bill creates a single phase out range for the adoption credit, the child credit, and the education credits, replacing the current three phase out ranges.

TITLE II—SIMPLIFICATION OF CAPITAL GAINS TAX

The second title of this bill is, essentially, Mr. Coyne's capital gains proposal from 1999. Under current law, there are 5 different tax rates for long term capital gains, and a 54 line tax form that must be endured. Moreover, this part of the tax code is already scheduled to get worse because additional rates will take affect under current law in 2006.

The solution is clear. Replace this jumble of rates and forms with a simple 38 percent exclusion. Not only will this result in tremendous simplification (eliminating 36 of the 54 lines), but more than 97 percent of individuals would be eligible for modest capital gains tax reductions.

TITLE III—REPEAL OF CERTAIN HIDDEN MARGINAL RATE INCREASES, AND OF THE INDIVIDUAL MINIMUM TAX

The third title of the bill repeals the hidden marginal rate increases in current law, and repeals the individual minimum tax. Most of my colleagues understand the phrases, PEP and Pease. Under current law, itemized deductions are gradually reduced by 3 percent of adjusted gross income above approximately $124,000. This is known as the Pease provision. In addition, personal exemptions are phased out for incomes between approximately $187,000 and $309,000. This is PEP. If we did not hide the effect of these provisions of current law, more people would know that these provisions result in hidden marginal rate increases. These marginal rate increases begin at almost 1 percent for incomes above $124,000, and increases for those with incomes above $187,000 by about .78 percent for each dependent. The important point here is that current law has a hidden marginal rate increase, which gets worse as families grow larger. The most recently passed tax bill made some progress in this area, but not enough.

The second part of this title is a complete repeal of the individual minimum tax. The minimum tax was intended to make sure that wealthy individuals did not overuse certain tax benefits and unfairly reduce their tax burden. It no longer accomplishes that goal. Most of the significant business related provisions have already been repealed. Since the AMT is not adjusted for inflation, more and more middle and upper middle income taxpayers are falling into the AMT. This is not what was intended, especially when you note that what pushes taxpayers into the AMT now, more often than not, are state and local income and property taxes, personal exemptions, and the nonrefundable credits. I repeat, this is not what Congress was trying to accomplish when the AMT was passed.

My suggestion is to repeal it for individuals, and substitute a simple tax on adjusted gross income. The current hidden tax is dropped, and is paid for with an explicit tax on the same individuals. They get simplification, and we convert a deceptive practice into an open one.

In the last Congress, the replacement tax began at 1 percent for adjusted gross incomes in excess of $120,000 on a joint return, and increased to 2.08 percent for income greater than $150,000, which is where the minimum tax exemption begins to phase out. This year I have given the Secretary of the Treasury the ability to set the rate so that this bill would be revenue neutral over ten years. The initial threshold amount and the second threshold amount remain the same—$120,000 and $150,000 in the cases of a joint return.

CONCLUSION

Ironically, this simplification proposal must be complex, because it mirrors our current law. I want, therefore, to focus on what is important.

This bill provides fairly dramatic simplification of the individual tax system.

It eliminates approximately 200 lines on tax forms, schedules and worksheets.

It is basically revenue neutral, so it can be accomplished during a year when there is no non-social security non-medicare budget surplus to fund tax cuts.

It does not attempt to shift money between income groups. The general philosophy behind the bill is that those who benefit from tax simplification of the current code should offset any revenue loss involved.

It is estimated that more than 50 percent of individuals use tax return preparers, and that more than 16 percent use computer software to prepare their return. Only about one-third of individuals actually fill out their own forms. There is no excuse for that reality, and we should do something about it. Given the lack of resources to write another major tax bill the priority for which is likely to be business tax breaks anyway, the reality that no one wants to pay for simplification no matter how much they support the goal, and the need to resolve the solvency issues surrounding social security and Medicare, I think the opportunity exists this year to solve some of the problems that bother all our constituents during this tax filing season in the manner that I have suggested. I am introducing this legislation to continue the discussion I began in the last Congress, and I hope it will be seriously considered by all parties.

MARKING THE FIFTH ANNIVERSARY OF THE TRAGEDY OF TWA FLIGHT #800

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. GRUCCI. Mr. Speaker, I rise today in recognition of the fifth anniversary of the tragedy of TWA Flight #800, remembering the passengers and crew who perished in that horrible event, and expressing our thoughts and sympathies to the families they left behind and those who participated in the rescue and recovery effort in the days following.

On the night of July 17, 1996, I was called and told that the unthinkable happened. A commercial jet, TWA Flight #800 bound from New York to Paris, had exploded in the skies over Long Island's South Shore.

There were no survivors.

As a locally elected official of the community closest to the crash site, I was one of the first people on the scene in the moments following the crash at the U.S. Coast Guard Facility in East Moriches, New York.

This tragedy has left an indelible memory that will last forever in the minds of all the residents of Long Island. They rallied to the aid of those who needed them when Flight #800 crashed off the shores of East Moriches.

I speak today to honor not only those who lost their lives that night, but the families and friends they left behind and those who worked so hard, day and night, in the recovery effort.

For so long after this tragedy, many of our residents wanted to know how they could help the families of the victims or those participating in the rescue effort. They came with donations of food, clothing, and eventually contributed to the construction of two separate memorials.

The Tragedy of TWA Flight #800 is an event that has changed all of us as a nation forever, and one we should never forget.

As the families of our lost neighbors and friends gather on the South Shore of Long Island in a candlelight vigil, Colleagues, please join me today in remembering and honoring the fifth anniversary of this tragedy with a moment of silence. Let us also recognize those who worked so hard in the rescue and recovery effort, and in expressing our sympathy and support to the families who lost a loved one that frightful night five years ago.

HONORING MR. ANTHONY F. CAROZZA FOR HIS OUTSTANDING CAREER IN THE RESTAURANT AND FOOD SERVICE INDUSTRY

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. HOBSON. Mr. Speaker, Whereas, Mr. Anthony F. Carozza, known as "Tony" by his friends and family, retired on the first day of May 2001, after more than 40 years of exemplary service in the restaurant industry; and

Whereas, Tony launched his career in 1960 with Gino's successfully assisting in the start up of many of these famous food chains, and

Whereas, in 1962, he desired a new challenge, and he opened three of his own pizza and sub shops, in Baltimore, MD, called Tony's Snack Shops; and

Whereas, in 1970, Tony Carozza and family grew tired of city life, and up and moved to Ocean City, Maryland, where Tony worked as pile driver in the frigid February waters before becoming a manager at Pappy's Pizza and Beer, and taking over Beefy's, the first real fast food restaurant in this resort town; and

Whereas, in a small community where all the locals know each other, Tony, his wife, Mary Pat, and their four young children ran the restaurant, with each family member making his/her own significant and sometimes humorous contribution to the business; and

Whereas, the Carozza home and Beefy's served as a "home away from home" for countless friends, neighbors, and family members who shared many fond and funny memories with the Carozza family including enjoying the famous upside down Christmas tree hanging from the rafters of Beefy's; and

Whereas, in 1980, Tony, a shrewd businessman who was known for being tough on salesmen, began his 20 years in the food service industry, beginning with Shoreland Food Service, followed by PYA Monarch from 1985–1990, then Sandler Foods from 1990–1993, and ending finally in 2001 with J.P. Food Service/U.S. Food Service; and

Whereas, his many years of hard work in the restaurant business led to his becoming an award winning salesman with J.P. Food Service/U.S. Food Service bringing in over $3.5 million annually for several consecutive years; and

Whereas, Tony Carozza's impressive work ethic and complete dedication to his family and his community have brought him many successes and much happiness, and his many friends and family members who recognize his integrity, his standards of conduct, and his honorable work and life code.

Now therefore, on behalf of the United States Congress, I take great pleasure and pride in joining with his family and friends to honor Anthony F. Carozza upon his retirement after more than 40 years of outstanding service to his customers, community, and family.

SENATE—*Wednesday, July 18, 2001*

The Senate met at 9:30 a.m. and was called to order by the Presiding Officer, the Honorable EVAN BAYH, a Senator from the State of Indiana.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for this new day in which we have the privilege to serve You. Our ultimate goal is to please You by seeking Your guidance, following it faithfully, and giving You all the glory. You have called us to be servant-leaders. And so we spread out before You the challenges and responsibilities of this day. We thank You for Your presence all through the day. Guide the Senators' thinking and speaking. May their convictions be based on undeniable truth You have defined in their minds and in the negotiations and debates. Bless the Senators as they work together to arrive at solutions so much greater than they could arrive at alone. Help them to draw on Your wisdom, Your penetrating discernment, and Your indomitable courage.

The life and dedication of Senator Paul Coverdell lives on as a stunning example of this quality of leadership. We remember the Senator with profound gratitude today on the anniversary of his graduation to heaven.

And thus, we reaffirm our own commitment: "One life to live, t'will soon be past; only what's done for Your glory will last." Amen.

PLEDGE OF ALLEGIANCE

The Honorable EVAN BAYH led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 18, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EVAN BAYH, a Senator from the State of Indiana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. BAYH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will conduct 1 hour of morning business for the memorial on the 1-year anniversary of the death of our colleague, Senator Paul Coverdell. At 10:30, the Senate will resume consideration of the energy and water appropriations bill. Rollcall votes are expected throughout the day on amendments to energy and water. The Senate may also consider several Executive Calendar nominations after we finish energy and water.

We have had good bipartisan activity in the Senate in recent days. We have worked our way through some difficult bills. Senator STEVENS and Senator BYRD worked through the contentious supplemental appropriations bill, and Senator BURNS and Senator BYRD, again, worked through the Interior appropriations bill. We are now on the energy and water bill. Last week we cleared almost 60 nominations. When we finish the energy and water appropriations bill today, whatever time that might be, we are going to go to the nomination that has an assigned time, the nomination of John Graham. It is a contentious issue. When we finish that item, we will go to the Transportation appropriations bill.

I hope all Members work together. As Senator DASCHLE and I talked last night, these appropriations bills don't belong to the Democrats or the Republicans. They are ours. The President is leaving for Europe today for a very important set of meetings. He needs these appropriations bills as much as anybody in the country, if not more.

I hope we will have people offering amendments. Yesterday we had one amendment offered. That was accepted by the managers of the bill. We need to move forward. I hope we can do that today around 10:30.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there is now a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each.

Also, under the previous order, the time until 10:30 a.m. shall be under the control of the Republican leader or his designee.

IN MEMORY OF SENATOR PAUL COVERDELL

Mr. REID. Mr. President, I will take a few minutes to talk about Paul Coverdell. There were a number of occasions in Washington, and once at the Democratic National Convention in Chicago, that someone walked up to me and said: Senator Coverdell.

Now, I always pictured myself as more of a Robert Redford type—that is what I expect to see in the mirror, but it never turns out that way. Factually, I am not the Paul Coverdell type, not a real big bruiser of a person. I guess that is why, perhaps, Paul Coverdell and I got along so well. We were a lot alike. When we think of the great orators of the Senate, Daniel Webster and Everett Dirksen, we don't think of Paul Coverdell. But when we think of those Senators who were able to get things done, he was one of those. That is why when Senator LOTT had a difficult legislative and dangerous assignment on the Senate floor, we would see Paul Coverdell.

He was almost a shy man. He was not boisterous, loud, or aggressive in his actions, but he was effective in his actions. I spent lots of time on the Senate floor trying to work issues out with him. When we had the bankruptcy bill or the education bill, with scores of amendments, he and I would try to work through them, trying to move the legislation along.

Paul and I worked on many difficult pieces of legislation together. We spent a lot of time trying to hammer out differences on bills. We rarely had differences. We were not as much interested in the substance as procedure, moving things along. We began negotiations knowing we were confident we could help move things along.

Senator Coverdell believed we could civilly and respectfully discuss opposing points of view, which, after all, is what the Founding Fathers envisioned when they saw the Senate. Paul Coverdell was in the best tradition of the Senate, someone who believed in legislation, recognized that legislation was the art of compromise, legislation was consensus building. He was a very graceful man without being forceful.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

He was confident and determined without being obnoxious and condescending. Maybe that is because he knew what it was like to be in the minority, having been the Republican leader in Georgia when the Senate Republicans numbered 5 and the Democrats numbered 51.

Senator Coverdell's evenhanded touch, no question, was the reason Senator LOTT and Republican leadership depended on him time and time again to help them work their way out of difficult situations. The Democrats who knew Paul Coverdell best had the highest regard for him. I spent a lot of time with him. That is why I was flattered and honored when I received a call from PHIL GRAMM asking if I would be one of the Democratic Senators—there are two of us, ZELL MILLER and me—to meet with PHIL GRAMM and Senator DEWINE to talk about things we could do to recognize the service of this very fine man.

I was flattered and have appreciated being involved in the group. We have done some things to recognize Paul Coverdell: the Peace Corps building, a facility in Georgia. But those Democrats who have worked with Paul Coverdell on the State and Federal level know what a good person he was. Senator ZELL MILLER had so much confidence in Paul Coverdell's judgment that Paul Coverdell's chief of staff is ZELL MILLER's chief of staff.

I miss Paul Coverdell. He wasn't somebody with whom I socialized. We didn't go out to ball games together or movies or dinner, but we spent a lot of time being Senators together. I will always remember the service of that shy, somewhat reserved man, the Senator from Georgia, Paul Coverdell.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I rise today to honor and celebrate the life of a dear friend, the late, able Senator Paul Coverdell of Georgia. I am pleased to see in the Chamber this morning his successor, an outstanding Senator, ZELL MILLER. I appreciate the courtesy that he would allow me to speak first this morning as we remember this dear friend. I thank Senator MILLER and Senator REID, Senator GRAMM, and Senator DEWINE who have been involved in trying to find a fitting tribute to the memory of this outstanding public servant.

Just last night legislation was sent to the White House for the President's signature that will name the Peace Corps Headquarters the Paul D. Coverdell Peace Corps Headquarters. I know this and other efforts are being made both here and in Georgia to appropriately recognize the service that Paul rendered to his State and to our country, and to do it in a way that does not involve a scattergun approach but accomplishes that which would really mean an awful lot to Paul if he were here.

The Senate still grieves and mourns the passing of one of its most talented Members. I certainly feel his absence every day. I think about him an awful lot. After decades in Washington, I know how rare it is to find a Senator or Congressman who works equally well with individuals on both sides of the aisle. In fact, in many ways he always reminded me of Senator REID of Nevada, and they worked together very closely: Somewhat reserved, understated, but tremendously effective—both of them—in the way they dealt with legislation, how hard they worked, and how they dealt with their fellow man and woman and how they dealt with their colleagues in the Senate.

Paul had a deep sense of humility, tireless spirit, and ready humor. In fact, whenever I think of him, I always smile, not only in appreciation for what he did but the meetings we had almost always ended with a laugh because I liked to pick at him, actually. As many people recall, I even had a nickname for him because as a Senator and as a member of our leadership—actually after only having been in the Senate for 4 years he was elected to the Republican leadership—we kind of had a rule that if there was a job to be done that no other leader wanted to do, we could always call on Paul. He reminded me of the commercial about the little boy named Mikey. The other kids wouldn't eat the cereal and they would shove it over to Mikey; and say, "Give it to Mikey, he'll try anything." Well, I called him Mikey because I knew he would try anything and he would do it with great spirit and enthusiasm. That is the kind of utility player he was. That is the kind of commitment, that is the kind of willingness to work and do the jobs that other Senators would not do that makes this place really function the way it should.

Paul was a Senator and legislator in Georgia, but he was from Missouri where he received a journalism degree. I guess that served him well. He joined the Army and left as a captain in the early 1960s. I never thought of Paul as being an infantryman, but maybe that is really what he was. He was on the line, doing the heavy duty every day. He helped run his family's small business when his father's health failed. He soon turned that small business into a very successful marketing firm, Coverdell & Co.

Paul was always compelled to want to serve others, going back to early activity in government and activities in Georgia. He was elected to the Georgia State Senate as a Republican in 1970, at a time when most Georgians had not even seen a live Republican. But there he was, and he was in the legislature in the Senate. And his peers elected him the Senate minority leader, a position he held for the next 15 years. Of course, there were only three Republicans. So there was the leader, the whip, and the whipee, I guess. At least Paul was not the whipee. He got to be the leader. He did a lot to make the Republican Party credible in Georgia. But beyond that—I am sure Senator MILLER will remember this—he learned there to work across the aisle. When you are in those small numbers, you have to, to survive. But he became a major player in the legislature even in those limited numbers.

In 1989, he entered the national political stage when he became Director of the Peace Corps under President George H.W. Bush, where he worked for 2 years. I remember I used to harass him about that, too. He particularly worked with emerging democracies in Eastern Europe. But he had a vision for the Peace Corps, too.

That this small guy from a small town in Missouri, and a Georgian who served in the Army, then wound up with a world vision was quite an achievement.

Paul had fundamental beliefs in America, the great Republic. He believed in free trade, free markets, and freedom for all the citizens—not only for the people of his State but people around the world. He worked at making it available and accessible to everybody every day.

He spent a lot of time in the Senate working on education. He was innovative from the beginning. He was one of the early ones talking about the need for some flexibility in how funds are used in education. He worked across the aisle to help solve that problem.

He was really committed to allowing parents of children in elementary and secondary education to have some way to be able to help their children. That is what I like to call the Coverdell savings accounts. He had a broad base of support for that.

He was very aggressive in seeking safe and drug-free havens for learning in our schools.

I met him way back in the 1970s when I made trips into Georgia, and I always appreciated his tenacity and the work he did there. But I really will miss him the most in our leadership because I came to rely on him so much.

Some people have written about, yes, one of the majority leader's key players and that he misses him. I don't deny it for a minute. In life, you lose friends and you see good men and good women pass on. You mourn. You learn lessons from working with those people, and then you find others who try to fill the void. But in some respects, you never fill the void left by a person such as Paul Coverdell. He was loyal. He was sensitive. He really cared. He made a difference in his State, in our party, in the Senate, and in our country.

So I think it is appropriate today that we honor his memory, after having lost him 1 year ago, and to celebrate the things he did to make it a better place for all of us to live and learn.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I compliment the distinguished Republican leader for his eloquence and for his heartfelt expressions of fond remembrances of a very special U.S. Senator. Those of us who watched the relationship flourish over the years as we served in the Senate are reminded again today of the friendship and joy Senator LOTT and Senator Coverdell had. It was a rare friendship, a special friendship, one that was evident to all of us as we watched and as they worked.

So it comes as no surprise that Senator LOTT would be the first on the floor today to talk about a man about whom he cared deeply. While we were not as close and did not enjoy that wonderful proximity in friendship, we certainly had a great deal of admiration for the Senator from Georgia. It was 1 year ago that we were stunned and saddened by the sudden death of our colleague. On that day, we lost not only a friend but, as Senator LOTT noted, a gifted leader.

A while back, I came across the story of a hot Saturday he spent at a county fair in north Georgia. Despite the casual setting, he was wearing a coat and tie. When a long-time aide asked him why, Senator Coverdell responded, "Well, I've noticed that if there's ever any kind of emergency and people are trying to figure out what to do, they always go to the guy with the tie on."

A year after his death, we still miss being able to go to Paul Coverdell.

Although Paul and I didn't see eye to eye on a lot of matters, I can't think of a single time that he was not fair, that he was not decent, that he was not honest. He was a reminder to all that we can disagree without being disagreeable.

While I may not have agreed with him on every detail, I never questioned his deep commitment to the people of Georgia and the principles that he and we hold dear.

One of the principles in which Paul Coverdell believed most deeply, of course, was the right of every child to go to a good school. So it is fitting that we are creating a living tribute to him by seeing to it that the educational accounts for which he fought so hard will now bear his name.

There is another way in which Paul Coverdell's spirit of kindness, fairness, and bipartisanship live on today in the Senate. That is the work of his fellow Georgians, ZELL MILLER and MAX CLELAND.

In the final years of his life, I am told that Senator Coverdell developed a passion for gardening as well. I think that is entirely fitting because so much of his work in public life was about nurturing and about helping things grow. That was evident in his leadership of the Peace Corps and in his commitment to educational opportunity. These educational savings accounts, which now will bear his name, will help ensure that the seeds he planted continue to take root and his work continues to blossom.

We miss him, and we thank him for his public service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. LOTT. Mr. President, if I may ask the Senator from Georgia and others to allow 1 minute to follow up on what Senator DASCHLE mentioned, we have an agreement on this initiative. I thank Senator DASCHLE for his comments and for doing this. This is the kind of thing that brings us together in many possible ways.

COVERDELL EDUCATION SAVINGS ACCOUNTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. 1190 introduced earlier today by myself.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1190) to amend the Internal Revenue Code of 1986 to rename the Educational Individual Retirement Accounts as the "Coverdell Education Savings Accounts".

There being no objection, the Senate proceeded to consider the bill.

Mr. DASCHLE. Mr. President, I ask the distinguished Republican leader if I may be added as a cosponsor.

Mr. LOTT. Mr. President, I would be honored. I should have suggested that in the first place. That certainly should be done. I support that.

Mr. DASCHLE. I thank the Republican leader.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read a third time and passed and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1190) was read the third time and passed, as follows:

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking "an education individual retirement account" each place it appears and inserting "a Coverdell education savings account".

(2) Section 530(a) of such Code is amended—

(A) by striking "An education individual retirement account" and inserting "A Coverdell education savings account", and

(B) by striking "the education individual retirement account" and inserting "the Coverdell education savings account".

(3) Section 530(b)(1) of such Code is amended—

(A) by striking "education individual retirement account" in the text and inserting "Coverdell education savings account", and

(B) by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNT" in the heading and inserting "COVERDELL EDUCATION SAVINGS ACCOUNT".

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking "education individual retirement account" each place it appears and inserting "Coverdell education savings account".

(5) The heading for section 530 of such Code is amended to read as follows:

"SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.".

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

"Sec. 530. Coverdell education savings accounts.".

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking "an education individual retirement" each place it appears and inserting "a Coverdell education savings":

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking "education individual retirement" each place it appears in the text and inserting "Coverdell education savings":

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking "EDUCATION INDIVIDUAL RETIREMENT" each place it appears and inserting "COVERDELL EDUCATION SAVINGS".

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking "EDUCATION INDIVIDUAL RETIREMENT" and inserting "COVERDELL EDUCATION SAVINGS".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mr. LOTT. Mr. President, again I thank Senator DASCHLE for allowing me to do this. I think this is the thing that would mean the most to Paul—Coverdell Education Savings Accounts.

Thank you, Mr. President.

EXTENSION OF MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent the time allotted for the remembrances for Senator Coverdell be extended for an additional 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Florida.

Mr. GRAHAM. Mr. President, at a time in my personal life when I am feeling the pain of the loss of a family member, I reflect upon the 1 year which has passed since the loss of a member of our Senate family, Paul Coverdell.

As frequently happens in politics, I first met Paul as an adversary. A good friend of mine, who came to the Senate at the same time I did in 1986, Senator Wyche Fowler, had become embroiled in an unusual runoff election in the fall of 1992. Georgia had a provision, which I understand has subsequently been revised, that unless a candidate received an absolute majority in the general election in November, then there was a runoff between the two highest candidates.

Senator Fowler had narrowly failed to get the majority vote and was in a runoff with Paul Coverdell. A number of colleagues went to Georgia to help Senator Fowler in his campaign. It was in those circumstances that I first met Paul.

There has always been somewhat of a special tension between Georgia and Florida, going back at least to the Revolutionary War, where Florida remained loyal to George III and provided troops to fight against the rebels from Georgia who were supporting the new revolutionary government that was to become the United States of America.

More recently, in the 1930s, the then-Governor of Georgia came to Jacksonville to give a speech about how good things were in Georgia in the middle of the Depression. At the end of the speech, one of the Jacksonville members of the audience asked Governor Talmadge: If things are going so well in Georgia, why is it that so many Georgians are moving to Florida? To which the Governor's response was: We like it; every time it happens, it raises the IQ level of both States. So that describes the nature of the special relationship between our States, which continues now with the close friendships that exist between Senator NELSON and myself and Senator CLELAND and our newest colleague, Senator ZELL MILLER, as it did with Senator Coverdell.

I came to know Paul as a friend in his too short Senate career. In every sense of the word, Paul Coverdell was a gentleman. He was a man who had strong personal views and a wide array of characteristics to put those views into effect. But he always did so with a graciousness and a politeness and a respect for others.

Paul Coverdell was a man who cared about using Government as a means to improve the lives of the people that he represented and the people of the United States of America.

As has been previously indicated, education was his passion. I personally had the opportunity to work with Senator Coverdell on a number of education issues, including how to make higher education more affordable, by providing a means through which families could begin to prepare to finance the cost of college, and to provide school districts with a wider array of means by which they could finance school construction. Those are examples of the creativity that Paul brought to his senatorial service.

Paul Coverdell was a strong Republican. As indicated, he came to the Georgia Legislature when they were few in number. He helped build the Republican Party in that State. But he always operated with a clear understanding of the importance that if you were to build sustaining public support for your idea, it would emerge from the roots of bipartisanship. So he reached out across the aisle to explain, advocate, and bring to his causes Members of both political parties.

Paul Coverdell has been and will be missed but he leaves a proud legacy, a legacy added to today with the naming of a portion of the Internal Revenue Code, for which he was particularly responsible, in his honor, as well as the naming of the Peace Corps offices in his honor. These are appropriate recognition of a proud and distinguished public career, which we, on the 1-year anniversary of his being taken from us, recognize and honor.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, my grandmother used to say as long as anybody remembers you, you are not dead. We are proving today that my grandmother was right, as I suspect she was on so many things, that Paul Coverdell is not dead. In fact, as long as I live I am going to remember Paul Coverdell. Who could forget a person as thoroughly lovable as Paul Coverdell?

It was my great honor to work under the leadership of ZELL MILLER and to work with MIKE DEWINE and HARRY REID in trying to come up with a way to properly honor Paul Coverdell. We put together a bill introduced by Senator LOTT. I was proud to introduce it with him and Senator MILLER. The bill had two major features: first, it named the headquarters of the Peace Corps in Washington after Paul Coverdell, who was proud throughout his life to have served as one of the great Directors of the Peace Corps; and, secondly, it created an authorization to fund the Paul Coverdell Building for Biomedical and Health Sciences at the University of Georgia.

Senator MILLER and I had the honor of going to the University of Georgia, meeting with the university president, the provost, and Nancy Coverdell, and going to the site to look at the plans, and we decided that there was no better way to honor Paul Coverdell than to build this great edifice and to name it after Paul Coverdell. It is not just a beautiful building, but a building that will be alive with bioscience research, and will contribute not just to Georgia but to America and to the world.

I am proud to say that we adopted that bill in the Senate in February and yesterday it was adopted in the House. It will go to the President and be signed.

The headquarters here in Washington of the Peace Corps will be named after Paul. We have authorized the building of this major research facility in Georgia. I would like to remind my colleagues who do not remember the debate on the original bill, that we are going to put up $10 million at the Federal level; the State is going to match that money; and the University of Georgia is going to provide the bulk of the funding.

The State of Georgia has already acted in providing the money. The university is out raising their part of the money. When we come to the proper appropriations bill this year, we will complete our action in terms of providing this most significant honor. We added to the honors that Paul Coverdell's work bestowed on his life today when we named the education savings accounts that were part of our tax bill after Paul Coverdell.

I still see evidence every day of Paul's good work. As many of you will remember, he was very active in forensic sciences and providing funding for the States. We authorized a bill which is now named after him, providing $512 million to get rid of this backlog we have all over the country with DNA evidence, to modernize our State labs, and to build a national DNA database. Senator BYRD named the classroom building at the Law Enforcement Training Center in Georgia after Paul. And Paul's work on teacher liability and volunteer liability is still very much debated in Congress, and I am convinced will eventually become the law of the land.

So a year after Paul Coverdell's death, his stature continues to grow in the Senate. He is still fondly remembered by his colleagues. I do not think we will soon be forgetting Paul Coverdell. His gentleness reminds us all as to how we should behave. I feel blessed that I had the opportunity to get to know and to work with Paul Coverdell.

Let me conclude by thanking ZELL MILLER for his leadership on these efforts to properly honor Paul. I think

Paul would be proud of what we have done. I think the investments we have made in honoring him will yield a good return to the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, in a culture and in an institution where the word "friendship" is used so casually that it often has little meaning, it is difficult to express on this anniversary of Paul Coverdell's death what he meant to each of us and the nature of our relationships with him. I am left with few words other than to simply claim that he was a friend, a friend that I admired.

I rise today in recognition of his loss because of the injustice of it, and that all of us probably recognize that as much as Paul did, it was but a downpayment on what his life was to be.

This is not a man who had made his final contribution. His life had not run its real course. Paul Coverdell was an enormously talented man. He was a very good man.

From almost the moment I joined this institution, I came to know Paul and work with him on a very close basis, unlike, perhaps, the relationship I have had with many or maybe all Members of the other party. We fought together for education savings accounts and we failed for years. But it is the best thing I could say about Paul Coverdell, that every time we failed on the education savings accounts, he took out his piece of paper, he worked the list again, and we came back.

Few may ever remember that indeed the massive tax reduction plans voted upon and passed by the Congress this year closely resembled the tax plan that Paul Coverdell introduced in 2000 in the midst of the Presidential campaign. I joined with him in that effort. I believe they became an inspiration for what President Bush later proposed himself. This was a creative man.

History is filled with what might have been. It is enough for Paul Coverdell's family to live with the notion that he made a great contribution and was a good and decent man, but in truth, many of us will always wonder, had his life lived its natural course, the leadership positions he would have filled and the contributions he might have made.

Life was finished with Paul Coverdell, but he was not finished with life.

I, like PHIL GRAMM, believe it is still special that all of us remember him. In that way, he never dies. It also leaves us, in an institution where humility is so rare, to remember that no matter what titles we give to each other, no matter how powerful the institutions might be in our own minds that we build, we are all ultimately so powerless in this life of ours.

Paul Coverdell, you were a good man. Wherever you are, we remember you. We thank you. Generations of Americans who may never know your name—because, indeed, history will never have a chance to truly record all that you might have done—will live better lives because of the all-too-brief life that you lived yourself.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Georgia.

Mr. MILLER. Mr. President, I thank my colleagues and those who loved Paul so much for their moving and heartfelt remarks this morning.

We find it hard to believe that a year has passed since our friend and colleague, Senator Paul Coverdell, died so very unexpectedly. I remember that day vividly. I was at home in Young Harris. When I heard it, I immediately turned on the television, and I watched many in this Chamber, in tears and in disbelief, pour out their hearts in tribute to this good man and this great public servant.

I will never forget one of the things Senator GRAMM said about that frail body that had within it the heart of a lion. That described Paul Coverdell so very well.

The shock and the sadness I felt on that day a year ago remain with me until this day. Georgia, and America, lost one of its greatest public servants in Paul Coverdell—as has been said, a decent, soft-spoken workhorse who was always there and who always put people first and politics second. In a public career spanning more than three decades, from the Georgia Senate, where I served with him for 12 years and knew him so well, to the Peace Corps, and then the U.S. Senate, in all of those positions, Paul served with great dignity. He served with great ability, and he earned the respect of everybody who knew him or saw him or watched him along the way.

I also will never forget sitting up there in that gallery a year ago on the morning that I was to be sworn in as Senator Coverdell's successor. Once again, I listened to the overwhelming outpouring of love and tears for Paul. The heartfelt sentiment and the high praise from this Chamber were a tremendously moving tribute to one of Georgia's finest sons. I had never felt so inadequate in my life. Here I was. How in the world was I ever, even in the most remote way, going to come anywhere close to filling those shoes? The Lord knows, I have tried.

Immediately upon Senator Coverdell's death, folks in Washington and in Georgia began to think how we could remember this great Georgian in a worthy and enduring way. In a bipartisan fashion befitting Senator Coverdell, Senator LOTT appointed two Republicans, Senators GRAMM of Texas and DEWINE, and two Democrats, Senator REID and myself, to sort through the many good ideas for memorializing Paul. They have been mentioned this morning already on the floor. I will not go into them. We wanted to make sure that whatever we decided on was fitting and, very importantly, that it was something of which Nancy Coverdell would approve.

We thought one very important way to honor Paul's commitment to education, research, and agriculture in a grand way was at the State's flagship school in Athens, the University of Georgia. The Paul D. Coverdell Building for Biomedical and Health Sciences will be a $40 million state-of-the-art science center where scientists from different fields will collaborate under one roof to improve our food supply, clean up our environment, and find cures for disease. It is a joint project, as Senator GRAMM mentioned, with the university itself raising $20 million, the State of Georgia appropriating $10 million, and the Federal Government providing the remaining $10 million.

I am pleased that the bill authorizing Congress to approve this memorial for Senator Coverdell has been passed in the Senate and in the House, and the President is expected to sign it next week. It is our hope that the scientists who gather in this center named for Senator Coverdell will do great things and will make discoveries that will improve people's lives in Georgia and around the world for years to come.

A day does not go by that I don't think of Paul Coverdell. And I remain honored and humbled to have succeeded such a great man in the Senate. I believe in life after death. I believe in a loving Heavenly Father. And I believe that Paul is up there watching what we do, watching what I do. That is why I try every day to live up to the high standards of dignity and integrity and bipartisanship that were the hallmarks of Paul Coverdell's distinguished career.

Thank you, Mr. President.

Mr. CRAIG. Mr. President, when I was preparing for this morning's tribute, I could not help but reflect on the year that has passed since the untimely departure of our friend and colleague, Paul Coverdell.

What a year this has been—and what he would have made of it all.

We used to joke that the Senate schedule had become "All Coverdell, all the time," because his fingerprints were everywhere: education, tax reform, fighting for peace, standing for freedom.

It was my privilege to work with him on the Republican leadership team, and to see firsthand that phenomenal energy that kept him working behind the scenes long after the Senate had shut down for the night or before it convened. Descriptions of him nearly always include the word "workhorse"—and that is a name he certainly earned over and over. He was an idea generator with a boundless enthusiasm for public service and a willingness to undertake any chore, no matter how thankless, to move the agenda forward.

He would have relished the many challenges that our party has faced over the past year, because he was a loyal partisan. Years ago, when he was one of only four Republicans in the Georgia State Senate, he took on the task of rebuilding the State's Republican Party. Later, his first run for the U.S. Senate was an uphill battle against an incumbent. This was a man who looked for big challenges and never faltered in advancing his party's standard.

Yet despite his partisanship, he was known for his civility and his ability to get along with members of both parties—and I might add, his ability to get along with the variety of temperaments that abound in this institution. Paul Coverdell had a warmth that many people felt on even a short acquaintance. Those who regarded him a friend are legion.

The shock we felt at this time a year ago may have passed, but the bereavement remains. Georgia lost an ardent and effective spokesman, the Nation lost a patriot, and the Senate lost a true friend.

Many have talked about the legacy of Paul Coverdell—the work he did for the party, the stamp he put on the Peace Corps, the legislation he wrote and speeches he gave in the Senate. But I think his lasting legacy is written on the hearts of those who knew him.

The PRESIDING OFFICER. The Senator from Georgia, Mr. CLELAND, is recognized.

Mr. CLELAND. Mr. President, I thank my colleague, Senator MILLER from Georgia, for his eloquent words. As he describes our dear friend Paul Coverdell, I am reminded that Paul Coverdell was a kinder, gentler politician and person before "kinder, gentler" was in vogue.

Proverbs tells us, "Good men must die, but death cannot kill their names." In the year since Paul Coverdell has passed, I continue to see the evidence of his hard work everywhere. I see it in the success of the Georgia Project in Dalton, GA, an immigrant education project in the north Georgia mountains that we worked closely together on. I see him in the education savings account amendment that passed as part of the President's tax package, something so close to his heart throughout his career in the Senate. And most of all, I see it in my colleagues faces as they continue to honor him through their work on issues that were important to him.

Paul and I were sworn into the Georgia State Senate on the same day in 1971. We were elected in the election of 1970. He sat just in front of me. In Georgia, we sit by numbers of senatorial districts. We did not sit across the aisle, party to party. So, in effect, we were all together in that State senate. So Paul sat right in front of me; and what an appropriate position for him to be in, because I followed his lead in so many ways, just as I have tried to do in the years in the Senate. He worked quietly; he worked tirelessly. But he had a single-mindedness of purpose that belied his mild manner. He would toil away on a project for months, even years, then submit his results, and leave the judgment and praise for others.

When I came to the U.S. Senate, I felt as if I was following behind Paul Coverdell again. Paul was with me as I was sworn in right here in this Chamber. After that day, he helped me, he guided me, and he tutored me in the ways and rhythms of the Senate, this body he loved so dearly. We were on different sides of the aisle, but we were still great personal friends. He helped me learn because he was a good man and a good friend, and because he knew it was good for our country and for Georgia. He always fought for our State, our farmers, our businesspeople, and the average citizen.

From his time in the Georgia Legislature to his post as head of the Peace Corps under President Bush, to his quiet and demonstrative leadership in the Senate, Paul had a peaceful and resolute efficiency about his work that I hope we can all emulate.

Alphonse de Lamartine once said, "Sometimes, when one person is absent, the whole world seems less."

That is the way I feel today. I share this feeling with my colleagues. That is certainly the case as we remember Paul and absorb the magnitude of this loss in this Senate and the people he served. Paul was, indeed, a leader, a legislator, and a dear personal friend. I miss him terribly.

I yield the floor.

The PRESIDING OFFICER. The assistant Republican leader is recognized.

Mr. NICKLES. Mr. President, I compliment both of our colleagues from Georgia for their statements, and also Senators GRAMM and TORRICELLI for the statements they have made.

I have been in the Senate for 20-plus years. A year ago today was probably one of the saddest days of my career because we lost a real friend, a true Senator, an outstanding Senator, Paul Coverdell, a person who achieved a lot in his very brief career in the Senate. He was in the Senate for a little over 8 years. He accomplished a lot. He was elected to leadership in his first term in the Senate. That is very unusual on our side of the aisle. That doesn't happen very often.

Paul Coverdell was very unusual, very exceptional, very talented, very likable, a very popular U.S. Senator. He did a lot. So we are commemorating the 1-year anniversary of his death and celebrating, to some extent, the contributions that he has made. Naming the Peace Corps building after him, the National Peace Corps headquarters building, is a real tribute to his leadership. The building at the University of Georgia, the Institute of Biomedical and Health Sciences, which will conduct research for decades and generations to come and will save countless lives, no doubt, will be a real contribution in recognition of his service to the country.

The education savings account that bore his name, as Senator TORRICELLI said, after years of battle—unsuccessful at first, but finally successful—was signed into law this year. Naming those the "Coverdell savings accounts," where individuals can put in up to $2,000 a year and use that for education K–12, hails a very significant achievement; it showed real tenacity, real forcefulness. It was something that Paul Coverdell would not give up on, and it is now the law of the land. It will enable thousands of people to be able to provide for, save for, and improve their education. Because of his foresight, leadership, tenacity, and his perseverance, it is now the law of the land.

Paul Coverdell had a very positive impact on countless millions of people in the United States and across the world. It is only fitting that we pay him a proper tribute.

I remember the memorial services in Georgia when our colleagues PHIL GRAMM and ZELL MILLER, our newest colleague, made statements that were as moving as any I have heard when they talked about the contributions Paul Coverdell has made to the State of Georgia, our country, and the Senate. So it is with regret that we recognize the 1 year passing of Paul Coverdell, but it is only fitting and proper that we recognize and say thank you to Paul Coverdell and wish Nancy Coverdell all of our best in the years to come.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I join in the tribute to Senator Coverdell. As a Senator from California, I found him to be a remarkable man. He was a humble man. In a way, he was a prototype of the Southern gentleman. He was a determined man; he was a skilled legislative craftsman. I was really delighted to have the pleasure to work with him.

Paul had a profound interest in improving the education of our young people. I worked with him closely as an original cosponsor of his Educational Savings and School Excellence Act, and during that time, I found him to be energetic. He was determined and, most importantly, I found him to be very easy to work beside. He was also very much above political correctness, and he strived to do what he thought was really doable, practical, and would help people.

Another common interest we shared was in reducing the amount of illegal drugs on the streets of America. In fact, we worked together on several antinarcotics efforts. We debated together in this Chamber the issue of certification. I was his Democratic cosponsor of the Foreign Narcotics Kingpin Designation Act. This law made it easier to crack down on leaders of the major drug cartels operating in Latin America. I believe these efforts are paying dividends today because U.S. law enforcement is more able to close in on some of the cartel leadership.

Paul Coverdell knew these were important debates, and I will never forget because the Republican Party was in the leadership, and every time he called me, he asked if he could come to my office to talk with me. It was a very interesting effort on his part because the fact that he was willing to come to my office and sit down to have a discussion on an issue that we would work on together made me even more dedicated to the success of that effort.

I had a wonderful across-the-aisle relationship with Paul Coverdell. The Narcotics Kingpin Act, the educational savings account, and Excellence in Schools Act are a few specific tangible pieces of legislation on which he put his leadership stamp.

All I can say is: Paul Coverdell is missed in the Senate of the United States. I truly wish all of God's blessings on him. He was a wonderful man.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I believe everyone is aware that Senators do a certain amount of posturing. We are a political body. People who are watching us, however, I am sure, cannot get a sense that none of this is posturing. Everything that has been said by Republicans and Democrats alike is heartfelt. We miss Paul Coverdell very much and, as someone said, it does not seem it has been a year he has been gone.

The outpouring of affection for Paul is very real because of the kind of individual he was. Most people can never know what Paul Coverdell meant to the Senate, to his home State of Georgia, and to people on both sides of the aisle. Unless you were a part of this body and worked with Paul on a daily basis, it would be impossible to know what he meant to all of us. I hope, though, by this tribute today, people will get a little bit of a sense of what Paul meant to all of us.

He was a friend. He was a counselor. He made things happen in the Senate, and it was never with any personal aggrandizement or publicity on his part. There was no fanfare when Paul did his work.

He will be known, even though only having served a relatively short period of time in the Senate, as one of the most effective Senators who ever served here.

It is instructive that the person who took his place in the Senate, a great public servant in his own right, former Governor and now Senator ZELL MILLER, asked how he could ever begin to fill Paul Coverdell's shoes. The reason he cannot and none of us can, of course, is that Paul Coverdell was unique and no one can ever do exactly what Paul Coverdell did. We can each aspire to have his attitude, selflessness, friendship, and helpfulness to others. If we all aspire to do that, this Senate will be a better place.

We do hear every week: We need a Paul Coverdell to solve this problem or solve that problem. That is how Paul is remembered: as a person you could always turn to, to get something done when no one else could quite figure out how to do it, and frequently, by the way, that was because of personalities.

Paul had a way of bridging the gap between people who were of strong minds on something; he would find a way to bring them together.

As Senator FEINSTEIN just said, we miss Paul Coverdell very much. We love him. We love his wife, Nancy. We wish her and the family the very best.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will never forget this day last year when it was announced that we had lost our friend and colleague, Paul Coverdell. His death was a shock to all of us. It was something that most of us were so emotional about that we could not speak in the first few days after learning of his death because we knew that we would not be able to get the words out. Those who did speak will be remembered; they did, indeed, have a hard time getting through the words they wanted to say.

It is very rare that after a year from losing a Senator or a Member of Congress that loss is still so vivid, but that is the case with Paul Coverdell. I miss him today just as much as I missed him a year ago today. He had that kind of impact.

The interesting thing is he accomplished so much in a very short time. And there is not anyone who knew him who did not like him.

He was also a leader. In his career in public service, which he actually did after a very successful private sector career, he made a difference wherever he was.

In 1989, Paul Coverdell took the reins of the Peace Corps. He looked at the Peace Corps in 1989 and said: What should be the mission? He did not just take the reins of the agency and do more of the same. He stepped back and said: What does the world need today from the Peace Corps?

Of course, Poland, Hungary, Czechoslovakia at the time were emerging from the Iron Curtain. So Paul Coverdell said: We have these countries now emerging from the cold war, trying to seek democracy. Maybe the Peace Corps can play a part in keeping the peace.

He began to send volunteers from the Peace Corps into Eastern Europe and the former Soviet Union countries. He blazed a new trail for the agency that made a difference, maybe in a small way, but a lot of small things build, to Poland and Hungary where the first Peace Corps volunteers went after the fall of the Iron Curtain. Those are two countries now firmly in the democratic camp. They are countries that have just joined NATO.

Paul Coverdell made a difference because he stepped back and was thoughtful. He was a leader in the truest sense.

The Coverdell education savings accounts were an extension of his leadership at the Peace Corps and his interest in education. He said: What can we do to help parents who have a hard time buying a band uniform, a computer, or something that will give a child that extra opportunity to excel and succeed? He came up with the concept of education savings accounts.

As usual in Congress, it does not happen easily, even if it is a great idea. But Paul Coverdell was dogged in his determination that being able to save tax free to buy your children the things that would help them succeed in their educational experience was worth a fight. He fought and he won. It is fitting that we named the education savings accounts the "Coverdell education savings accounts."

The other thing that is significant about Paul Coverdell is that he built the two-party system in Georgia. Georgia, like Texas, 15 years ago was an entirely Democratic State. They did not have Republican county officials in very many counties in Georgia or Texas. They did not have Republicans in numbers in the State legislature. In fact, Paul Coverdell was the minority leader of the State senate in Georgia, and I believe there were three Republicans in the entire State senate. He was the person who came in and said I think democracy works best when there is a strong two-party system. He became the first Republican every elected to the Senate from Georgia.

At the same time, Paul Coverdell was respected and liked by Democrats. At his funeral, Governor Barnes, the Democratic Governor of Georgia, made a wonderful presentation about his friendship with Paul Coverdell from their days in the legislature. He said Paul Coverdell was his mentor in politics.

We have heard former Governor ZELL MILLER, now Paul Coverdell's successor, speak eloquently about his relationship and the impact that Paul Coverdell had on Georgia, as well as Senator CLELAND and other Democrats who have spoken in the Chamber about what a wonderful person Paul Coverdell was.

He was a leader through being creative and innovative. He was a fighter for what he believed was right. He persevered. He usually won. He built the Republican Party while having a loyal following of Democrats. He had the kind of respect it took to walk that kind of very fine line.

He could bring people together. He could calm the waters. When tempers flared, he would tell a joke and dissolve the tension. He was an extraordinary person.

The most telling of all the things one could say about Paul Coverdell is he is truly talked about and missed every day, even a year later. The vacuum left by Paul Coverdell's sudden death last year at this very time has not been filled. I am glad we are taking time to pay tribute to this extraordinary man. I am proud I was able to be his friend.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I can safely say, unless it is the death of a family member, usually by a year after someone's passing you sort of have gotten over it and moved on. Yet here we are a year after the death of our good friend, Paul Coverdell, and Senator after Senator after Senator on both sides of the aisle is making the point that we have not gotten over it. We still miss him. We think about him almost every day because he was such an indispensable part of this Senate which people have come and left for over 200 years.

I met Paul back in 1988. I was one of the people trying to help President Bush get the Republican nomination—the first President Bush—and I was traveling in the South. It was not a pleasant week. The former President had lost the Iowa caucus. This was between Iowa and New Hampshire. His potential to be nominated was very much in doubt at that point. Part of my travels took me to Georgia where I met State Senator Paul Coverdell, obviously an intimate friend of the Vice President, and I was involved in his campaign in 1980, 8 years before that, prior to the nomination of President Reagan.

Our paths continued to cross. He came to Washington as Director of the Peace Corps. I was a member at the time of the Foreign Relations Committee and had a chance to deal with him. Then my wife, Elaine Chao, succeeded him as Director of the Peace Corps when Paul went off to have the most extraordinary experience in getting to the Senate. Paul has to be in the Guinness Book of Records for having won the most elections to get to the Senate.

He ran in Georgia in 1992. I don't know what the law of Georgia is today, but in 1992 you had to win a majority of the votes for your party to win the primary. If you didn't, there would be a runoff. So Paul had a very close primary election and had to have a runoff, an additional election, to get the nomination. So it took him two elections to become the Republican nominee in 1992. Then Georgia also had a curious law with regard to the general election. I don't know whether it is still the law of Georgia or not, but at that time in 1992 in order to be elected to the Senate you had to get 50 percent of the vote, plus one. Paul, in his contest against former Senator Wyche Fowler, had gotten about 47 percent of the vote. Wyche Fowler came up short of 50 percent, and there was a third party nominee, so that was the third election.

The fourth election was a runoff, a month after the regular election, after President Clinton had been elected, after everybody else who was going to serve in the Senate, if that Congress had been chosen. There was yet another election going on in Georgia, 30 days after the first election. Paul managed to win that election and came to be sworn in to the Senate, having had to win four elections in 1 year to get here.

I cite that not just to recount his resume but to make the point of what incredible tenacity it took to go through all of that to make it here.

As all of our colleagues have indicated, once he arrived, his personality, his work habits—he was peripatetic; he was everywhere. No matter what the issue might be, no matter what little group might be discussing a particular matter, Paul was always there in a nonthreatening way in a body in which people have a tendency to compete with each other constantly. His personality was such that no one ever thought of him as a competitor. His interests were vast, across the board, everything my colleagues have said, everything from education to foreign policy. He had wide interests.

He was elected to our leadership in the first term which, as Senator NICKLES said earlier, is quite unusual in our party. He was unfailingly polite, competitive but polite, and had a way of engaging in politics to make friends rather than enemies. So many people in politics acquire numerous enemies in the process of participating in the business in which we are all engaged. Paul, quite the opposite, tended to add friends. He was a truly remarkable man, a leader not just for Georgia but for all of America. It was a great tragedy his life was cut short. He would have had many more years in the Senate making an enormous contribution to his State and the Nation and enriching the lives of all of us who had the privilege of getting to know him.

We still miss you, Paul, and we are confident we will see you again some day in the future.

I yield the floor.

Mr. CAMPBELL. Mr. President, I would like to take a moment in remembrance of my good friend and our colleague, Senator Paul Coverdell, who passed away a year ago today.

It hardly seems an entire year has passed since Paul was with us on the Senate floor. Paul served the State of Georgia and our Nation nobly for almost 40 years, in the Army, in the Georgia State Legislature, as a respected businessman, as the head of the Peace Corps, and as a member of the U.S. Senate. Paul believed, as do I, that people flourish when they have the freedom to work and make their own decisions, and he worked day after day to ensure these freedoms for all Americans.

Last year as we were preparing the Treasury and General Government appropriations bill for fiscal year 2001, we were shocked to learn of the passing of our colleague, Senator Coverdell. As we moved forward with that bill, S.2900, I inserted a provision requiring the naming of a building at the Federal Law Enforcement Training Center in Glynco, GA, in honor of Paul Coverdell. Our House colleagues agreed and we included this language in the conference report which was signed into law. I am pleased to let my colleagues know today that the ceremony to name the building will be conducted next month.

There is an American Indian saying, "When legends die, there are no more dreams. When there are no more dreams, there is no more greatness." Well, I can assure you that Paul's dreams are alive in us and his greatness will transcend the years.

Mr. President, I respectfully request this body take a moment to remember our colleague and his family.

Mr. FRIST. I rise today to honor the memory of our colleague, Senator Paul Coverdell of Georgia. It's hard to believe a year has passed since he left us, but his legacy of integrity, compassion and commitment remains a model for us to emulate.

Throughout his long career in public service, Paul Coverdell was a tireless champion of freedom. He believed in America and the power of the American spirit. Paul Coverdell knew what was right and he fought for it with all his might. He was a husband, a citizen, a Senator, a patriot, and he is sorely missed.

For me, as a newcomer to the U.S. Senate now seven years ago, Paul Coverdell was a mentor. I had the honor and privilege of watching his courage up close working on Medicare and education in particular where his expert guidance helped us communicate our message to the American people. Whether on the practicalities of how to structure a U.S. Senate office to broader policy implications on the issues of the day, Paul Coverdell was the conscience and guide to whom we turned for advice and counsel.

To help honor the life and work of Paul Coverdell, I am drafting bipartisan legislation authorizing two new initiatives—the Paul Coverdell Stroke Disease Registry and the Paul Coverdell Health Care Corps. The untimely death of our friend points to the need to provide more comprehensive stroke care and to learn more about providing a better quality of care to the more than 700,000 people who suffer a stroke each year. Our first step in doing so is introducing the STOP Stroke Act, which requires the Department of Health and Human Services to develop a national disease registry.

The Paul Coverdell Health Care Corps is a tribute to the values incorporated into the Peace Corps while he was Director and further demonstrates our dedication to providing American expertise to developing nations. This new Corps would provide skilled health care professionals for countries dealing with the crises of HIV/AIDS, tuberculosis and malaria. The Paul Coverdell Corps would be an extension of the changes made in 2000 in which all Peace Corps volunteers serving in Africa must be trained as educators of HIV/AIDS prevention and care.

I believe both of these pieces of legislation are a fitting tribute to the late Paul Coverdell. It is my hope that these two bills will reflect the compassion and commitment that he demonstrated time and time again in his service to our Nation and indeed, to the world. Senator Paul Coverdell was a champion of liberty and freedom, and with his wife, Nancy, he knew instinctively that love and freedom are the greatest gifts God has planted in the human heart. His legacy charges all of us with the task of doing everything we can to preserve our freedoms and to demonstrate in every way the indomitable American spirit.

Mr. THOMPSON. Mr. President, one year ago today, Senator LOTT had the sad duty of coming to the floor of the Senate to announce to this body that Paul Coverdell, Senator from Georgia, had suddenly and unexpectedly died. While his absence was felt immediately and deeply, only now with the benefit of time can we develop a full sense of the contributions and legacy of this quiet statesman.

Few Americans these days take to heart so completely the notion of public service as Paul Coverdell did. From the Peace Corps to his years in the Georgia Legislature to his time in the Senate, he was a model of dedication and sincerity, unwilling to substitute style for substance. He was a serious student of policy and a consistent advocate of deeds over words. Paul was a tireless leader in the effort to reform our education system and I am proud to support legislation renaming education IRAs as Coverdell education savings accounts. His concern for the young people of this country was also demonstrated by his commitment to the fight against the trafficking of illegal drugs. But perhaps above all, he was a great champion of civility. Each time I hear of the need to "change the tone in Washington," I think of Paul Coverdell.

It is fitting that Congress has now sent legislation to the President that will rename the Washington headquarters of the Peace Corps for Paul Coverdell. I was honored to support that legislation, and I was honored to serve alongside Senator Paul Coverdell of Georgia. He is still deeply missed.

Mr. DEWINE. Mr. President, I rise today to pay tribute to my dear friend and beloved colleague, Senator Paul D. Coverdell, who, as we all know, passed away a year ago today.

Paul was a dear friend, who meant so much to each and every one of us here in the Senate. He was our friend, and we loved him very much. Paul was a kind man—a gentle man—a sweet man. The Senate is not the same without him. It is not the same because we miss his kindness, his spirit, and his unbelievable energy—energy that he brought to every task he undertook.

Whatever it was, Paul would do it and do it effectively. He was one of the key people running this Senate. Candidly, he was that person not because of his leadership position, which was significant, but because of the fact that he just got things done. His effectiveness came because of his energy, because of his drive, because of his determination. It also came because he could get along with people on both sides of the aisle. He knew people. He understood them. He liked people, and people liked him back. That is what made Paul Coverdell effective.

All of us have different stories and remember different things about our friend Paul. I worked with him on Central American issues, Caribbean issues, and Latin American issues. He cared passionately about the safety, security, and prosperity of our hemisphere. He paid particular attention to this hemisphere, because he understood that what happens here in America's backyard affects the people of Georgia, and it affects the people of this country. He brought this kind of thought and passion to all of the issues he tackled.

On the first anniversary of Paul's death, we honor what he stood for, what he believed in, and what he accomplished here in this Senate. As a public servant, Paul touched the lives of his family, his friends and colleagues in the Senate, his constituents in his home State of Georgia, and the lives of millions of people throughout the United States and abroad. He is deeply missed and will always—always be remembered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I appreciate very much of all the contributions, the great statements that have been made about my friend Paul Coverdell. I think now we are ready to move forward to some other topics.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

> A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

Mr. THOMAS. Mr. President, I would like to talk a little about energy. Of course, the appropriation before us is on energy and water, but the broader topic I think we are going to talk about here in the next couple of days as well is the whole notion of an energy policy and the implementation of a policy for this country.

We have, as you know, gone now for a number of years without an energy policy. It has resulted in some things that we have felt recently. Frankly, I think we are very likely to feel them some more in the future. We felt it in California, of course, and continue to feel it, although it is a little less pressing now. We felt it in the price of gasoline and continue to feel it, although the price is down. But if we do not do something about the causes of this crisis, we will have it again.

I come from a State, Wyoming, of course, where we are big in the production of energy. We are the No. 1 producer of coal. We are producing natural gas, methane gas—a grand, new operation there. So we also feel the up and down, in and out, of energy. Frankly, selfishly, I hope we can level things out a bit and get away from this boom-and-bust kind of economy that seems to be inherent in energy.

To do that, it seems to me, we need to really take seriously this idea of having a national energy policy. I am very pleased the President and the Vice President have put forth an energy policy, as I said, for the first time, really, in a very long time. Now it is up to us in the Congress to take up the portions of that policy that have been laid out that need to have congressional action. Not all of it does, but a great part of it does, and we need to do so.

The results of the lack of a policy over the years are pretty apparent in a couple of areas. One, obviously, is our dependence on overseas production. I suspect we will continue to have a good deal of overseas production, but we have allowed ourselves to become nearly 55-percent dependent on OPEC and other countries to fill our needs here, so we find ourselves in a position where, if the OPEC countries make a decision with regard to production, make a decision with regard to pricing, we are simply the victims of that.

What is the solution? I suspect at least one of the solutions we need to consider seriously is an increase in domestic production. We have an opportunity to do that. There is a great deal of reserve energy here. There is a great deal of reserve in coal, for example, that we can depend on for a very long time.

One of the impediments to that, of course, in the West particularly, has been access to public lands. In a State such as Wyoming, and even much more so in Nevada and some of the others, half of our State belongs to the Federal Government. In order to have production on those lands where minerals are available, you have to have reasonable access to those lands.

I am not talking about wilderness. I am not talking about national parks. I am not talking about those lands that have been set aside for particular things—even in many cases parts of the forest reserve. I am talking more about Bureau of Land Management lands, the multiple-use lands.

You have to understand how those lands became what they are before you can really have an idea of how they might be used. Parklands, obviously, were set aside. Forest reserves were set aside. BLM lands were simply the lands that remained there after the goals of the Homestead Act and so on were accomplished, and they remained in Federal hands. So they were never set aside for any particular reason, and therefore they are common land and should be available.

Unfortunately, the access to those lands is much less available than it was just a small number of years ago. Some of the environmental groups have said: Oh, my goodness, they are 85 percent available. The fact is they might be, in terms of their designation, but when you get down to specific requirements that have been placed on the lands, the available lands are much less than they were just 10 years ago.

I don't want to get into the ANWR thing, where we have been wrestling over that. There are lots of lands that we have shown and will continue to show can be explored, where minerals can be produced and those lands can be replaced and put back just as they were.

Another problem we have had, that continues to be there and we will feel again, is the lack of infrastructure—the lack of refineries, for instance, for gasoline. We have not produced new refineries for years. Part of the reason for that is the indecision, where we are. Part of it has been the regulations that were there—14 or 15 different kinds of gasoline that had to be prepared for different areas, which makes it much more difficult.

One of the more pressing problems is the transportation of available energy, whether it be through transmission lines for electricity or whether it be through lines for gas and oil. We have to get the energy from where it is produced to where it is used in the marketplace. We have not done that. These are some of the things that need to be considered.

In addition, we have to take a long look at what we can do on renewables—continue to do more research so wind and solar and hydro become more and more a part of our future in energy. That can very easily happen. One of the things that has to be done, of course, is research. We have to do more of those kinds of things. The other is conservation. Conservation is much a part of where we are. I do not think we can solve the problem in the future with conservation, but that is one of the approaches that must be taken.

I hope we continue to press to get the leadership of the Senate and leadership of the Congress to come to an accord on taking up the specifics of energy and not letting ourselves be fooled into thinking, because of this little pullback from the so-called crisis, that the problem has been solved; it has not. In order to avoid that happening again, really in any sort of project, we need to look ahead at what our needs are going to be, what kind of energy do we want available to us, and what do we need to have. Then we need to move to implement those things. I hope we hear more about that.

I yield to my friend from Alaska, who is the ranking member and has been chairman of the Energy Committee and is probably one of the most knowledgeable of all of our Senators on this area.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I am here today to begin the discussion on the 2002 energy and water appropriations bill. I want to recognize the hard work of professional staff members on the Committee on Energy and Natural Resources, both the majority and the minority, and the hard work of the Members of this body as we address this difficult and often contentious issue associated with nuclear waste and the issue at hand, which is a substantial reduction in funding for the nuclear waste program.

We have seen lots of good projects funded in this legislation, the energy and water appropriations bill: Flood control, reclamation projects, Indian water settlements such as Animas and Rocky Boys and others. But we also have a very significant obligation at this time, and that is the matter of disposing of our high-level nuclear waste that is generated as a consequence of the operation of nuclear powerplants that contribute about 20 percent of the power generated for electricity in the United States.

I also want to recognize Senator DOMENICI for his tireless efforts in this area.

What we have before us is the current measure which proposes a major reduction in funding to allow the Federal Government to select the site for storage of spent nuclear fuel and high-level radioactive waste.

This is kind of a two-headed major environmental issue. We talk a lot and express our concerns about global warming. One of the answers to global warming, of course, is nuclear energy. On the other hand, we have a problem with nuclear waste, and currently the industry is clearly choking on its own waste because of our inability to address and resolve what to do with that.

So on the one hand, we have the positive aspects of the nuclear industry inasmuch as it answers many questions associated with global warming, but the reality is that this industry can never move into its full development capability unless we do something about the waste issue.

I have been critical of the previous administration for playing politics with the issue, sacrificing the environment and health and safety of the American people for short-term political gain. Here we are again with an obligation of what to do about the problem because we have seen a substantial cut in funding in this area. The Appropriations Committee has proposed to make cuts in the Yucca Mountain Waste Disposal Program. Specifically, the administration requested $445 million for the Office of Civilian Radioactive Waste Management, the office that oversees the Yucca Mountain projects. The House energy and water bill funded the program at $443 million. While not the administration's full request, it is about $48 million more than last year's funding.

Unfortunately, we have before us in the Senate a committee recommendation to provide a total of $275 million to continue the scientific and characterization studies already underway at Yucca Mountain. So we are looking at a cut from $443 million in the House, the administration's request of $445 million, and the committee recommendation to fund at $275 million. There is a question of whether or not we are going to offer an amendment at some time to reinstate full funding, but before we address that, I want to discuss this matter in depth because it creates, if you will, an obligation for the American people and the Congress to face up to reality. I want to outline what the reality is, and I could probably best do it by having a chart and pointer with which we will attempt to explain just where we are on the issue of Yucca Mountain and the proposed scheduling.

I am going to ask Colleen to go over here with the pointer and help me out.

What we have, first of all, is a bottom line that will catch the attention of virtually everyone who is watching, which is the investment the American taxpayer has in trying to address what to do with the high-level nuclear waste and what we have expended at Yucca Mountain because that is the bottom line, and we are going to work backwards from there. We have spent about $8 billion of the taxpayers' money developing Yucca as a permanent repository. Do we have a picture of Yucca?

We don't have it with us today. We have it somewhere. It shows the tunnel. It is the repository out in Nevada in the proving grounds where we have had some 25 years of extensive nuclear tests—over 800 nuclear tests—both above and below ground. It is a pretty hot area in the sense of the testing that has taken place in the area, but in any event, it was one of the proposed sites and the site that was finally approved for a process. This process is overwhelmingly complex, but the bottom line is not overwhelming.

The cost to the taxpayer at Yucca Mountain so far is $8 billion. That is only part of the story, Madam President, because the other part of the story is what happened in 1998. In 1998, the Federal Government had a contract with the industry, the nuclear industry, to take the waste that year.

The Federal Government has always acknowledged a responsibility to deal with spent fuel and other waste from civilian reactors as well as our nuclear weapons program. As a consequence of the obligation to take civilian spent fuel, the Federal Government signed a contract saying it would take the waste in 1998. You might wonder, well, what is the point of this conversation because you have to get the bottom line of what happened.

Since 1987, utility ratepayers, the nuclear ratepayers of this country have been paying a premium to the Federal Government so that the Federal Government could take the waste in 1998. That Fund, the Nuclear Waste Fund, currently has $19 billion—$19 billion in it. All to help the Federal Government meet its contractual obligation.

Madam President, 1998 came and went. The Federal Government did not have the proper repository ready, and as a consequence the Federal Government was in breach of its contract.

Nineteen billion dollars is a lot of money. I am not going to stop there because the costs don't stop there. It gets more complex because, as you know, any time you breach a contract you expose yourself to litigation. So we have already spent $8 billion on examining Yucca Mountain.

The claims filed by the nuclear industry against the Federal Government total somewhere between $60 and $80 billion for nonperformance of the contractual commitments. That is about $90 billion to $100 billion. That is what we are looking at. We are looking at the $19 billion that ratepayers have paid into the Nuclear Waste Fund, $8 billion of which we have spent and then we are looking at $60 to $80 billion in litigation associated with the breach of contract. And here we sit.

The point I want to make now with this chart is to show you the steps. Back in 1978, we had the first Yucca Mountain bore hole, the testing. Then in 1982, we went with the Nuclear Waste Policy Act. Then in 1984, we had the draft environmental assessment. Then in 1986, we had the three candidate sites-selected areas. Well, the one that was selected and approved in 1987 was Yucca. We had final environmental assessment in 1986. Then in 1988, we had consultation, we had draft site characterization and then in 1989, and so forth, we had site characterization. Then in 1993, we begin the actual construction. That was the bore hole test. Then in 1998, we had the viability assessments. And then we had the draft EIS.

Now we are in 2001 in the buff-colored area, and we have funding for the science and the engineering report. That is basically funded this year in the 2000 appropriation supplemental, draft EIS, NAS report, and then we have the site recommendations.

Moving over in the next year we have suitability evaluation and the final EIS. Notice the significant portion where we are at risk is the site selection review, and that is proposed in the funding that is in the current water bill at $445 to $443 million. If you cut that to what the committee has proposed, $275 million, you are setting this whole program back a number of years. How many years? Heaven knows.

But let us look at the next scenario because it suggests the significance of the result of this action.

As I indicated, the amendment that might be discussed at a later time would increase the funding to the level that is felt that can keep the program on schedule. Why do you want to keep the program on schedule? Well, for the following reasons: According to the Department of Energy, the cuts would have a significant impact on the program: immediate reduction—in other words, layoffs—of about 650 Federal and contract personnel; indefinite delay in license application; renders the 2010 spent fuel receipt date unachievable—so basically, at the end of this thing, which is out here in 2010 when we are supposed to take the waste, that makes that date unachievable—the loss of 75 percent of Federal staff performing oversight, the loss of most quality assurance oversight; loss of ability to conduct independent technical reviews; termination of the Nye County Early Warning Drilling Program; eliminates any of the universities that are involved in this process; loss of repository surface design support for license application; loss of modeling ability; loss of license application design and analysis capability.

All these activities that are underway—and have been—are necessary to achieve this 2010 date, at which time this repository would be licensed and capable of taking the high-level nuclear waste. So this is necessary funding to keep this on a reasonable schedule.

That is under the assumption that science will determine that Yucca is suitable. I believe it will. If so, then licensing activities are key to getting the repository back on track.

There is no question that the Federal Government has the obligation to take the waste. There was a contract in 1998 to take the waste. As I indicated, the ratepayers have paid in $19 billion. The Federal Government has breached its contract. And the Federal Government is subject to lawsuits, litigation, somewhere in the area of $60 billion to $80 billion. This is serious business. This is serious accounting to the American taxpayers for performance. They expect the Congress of the United States to perform. We have an obligation to perform; that is, to structure this so it can achieve its purpose as designated by the Congress.

I can understand the opposition of my friends from Nevada to the Yucca Mountain issue. They do not want it in their State. They are working very hard to assure that it does not go in their State.

On the other hand, if you are not going to put it in Nevada, where are you going to put it? You are not going to put it in the other 49 States for obvious reasons. There is another alternative. We could pursue reprocessing.

However, today at the Energy hearing, we asked the Deputy Secretary, Mr. Francis Blake, if we pursue reprocessing, will we need Yucca Mountain as a permanent repository? He said yes. And if you don't depend on experts, on whom are you going to depend? Are you going to hold a public hearing and make a decision on emotion rather than science? These are scientists speaking.

I personally believe there is a place for reprocessing. Perhaps we should have started on that a long time ago. But that was killed under the Carter administration. We had an opportunity. So here we are. We have nearly

$100 billion of taxpayers' money at risk. We are hung up right on the pinnacle of what to do, and the proposal now is to cut funding—to cut funding without coming up with an alternative of how we are going to do this.

A lot of people say we are never going to be able to move the waste anyway. We have moved military waste all over the country. We have moved high-level waste to South Carolina, to the State of Washington. It is moved by military means. And it is moved safely. We have been very fortunate in the manner in which we handle this waste. I think we have the scientific capability to reduce the risks to a minimum. We have to get this thing off center.

My appeal to my colleagues and the staffs who are watching this debate is that we have a responsibility to the taxpayers. I hope everybody who is listening recognizes that we have spent $100 billion of taxpayers' money on this project. If we reduce the funding, we are going to put it off indefinitely, or we certainly are going to put it off after the watch of my good friend, Senator Reid, and others, and simply pass the problem on to others who may come into this body from Nevada.

I do not have a constituency on this in Alaska, but I have a responsibility, as former chairman of the Energy Committee, and the ranking member, to address the obligation that this body has to address this problem with some finality. We are either going to fund it, keep it going, or we should come to grips with the other alternative. And I am not conversant necessarily on what that might be.

But we have the waste. The nuclear industry produces 20 percent of the power in this Nation, and we can't agree on how to solve it. Not only is the selection of a repository critical in dealing with our present spent fuel problem, but it is essential if we are to build an energy-secure future. I talked a little bit about that in my opening remarks.

There is the realization, as we look at global warming, there is definitely a place, a strong place for nuclear energy. Our future energy security depends on nuclear power if we are ever to meet our environmental goals. I would say to my colleagues, who are very sensitive to the environmental point of view, that those environmentalists who oppose the advancement of nuclear energy are really sticking their heads in the sand and unrealistically failing to recognize that energy has to be produced from some source, and, as a consequence of that, whether it be coal or oil or gas, we have concerns about global warming and emissions. We do not have that particular concern with nuclear, but we have the concern of what to do with the waste. We have to address that. But the contribution that nuclear energy is making is significant to reducing global warming.

We have had hearings on nuclear energy in the Energy and Natural Resources Committee. We have looked at the future of the industry. We have discussed the reauthorization of Price-Anderson.

Nuclear energy, as I have indicated, is 20 percent of our energy mix and must continue to play an even greater role in the future if we want to meet our energy demands and protect our air quality. The production of electricity from nuclear energy, as I have indicated, emits no greenhouse gases, no CO_2, no SO_X, no NO_X. It is a baseload power which provides our grid stability and reliability.

Nuclear energy supplies California with about 16 percent of its electricity supply. Without that in the past year, the California grid would have simply collapsed. High natural gas prices and low uranium prices have helped to make electricity produced from nuclear some of the cheapest in the country and some of the most efficient.

Safe and efficient U.S. plants are operating today at record efficiencies. In 1999, U.S. nuclear reactors achieved close to 90-percent efficiency. Total efficiency increases during the 1990s at existing plants was the equivalent—this is just the efficiency—of adding approximately 23 1,000-megawatt powerplants. So that gives you some idea of the sophistication of the industry. Keep in mind, it is all clean, nonemitting generation.

Now we are seeing more acceptance, that the nuclear energy industry is on the upswing. Four or five years ago, who would have thought we would have heard about buying plants, selling plants, and, yes, even building new plants. That discussion is happening today.

The U.S. industry is actually putting its money where its mouth is. By the end of 2001, the Chicago-based Exelon Corporation will have invested $15 million in a South African venture to build a pebble bed modular reactor, new technology, technology that reduces the risk associated with the operation of nuclear reactors and a very exciting development.

It is fair to say that we are seeing the public becoming more accepting in recognizing the role of nuclear energy. This past April the Associated Press commissioned a poll that suggests that half of those polled, nearly half, support using nuclear powerplants to produce electric energy, and 56 percent said they wouldn't mind a nuclear plant within 10 miles of their home.

The problem we still have is what to do with the waste. I believe there has been more of a political problem than a technical one. I understand the politics of Nevada, and I respect it. Now a funding cut, however, that impacts the technical program for reasons that we can conjecture simply is not acceptable. It is not acceptable for the American taxpayer in light of the exposure to that taxpayer already.

Again, I cite that exposure in dollars because I think we have a tendency to generalize around here. But when we get specific, we have spent $8 billion of the taxpayers' money in Yucca Mountain, that hole in the Nevada mountain, we have collected $19 billion that we have collected from the ratepayers to have the Federal Government take the waste in 1998, with the realization that the Federal Government broke the contract and now with litigation totaling some $60, $80 billion, you can see the significance of the obligation we have.

For those of us who support the Yucca Mountain program, at last count there were 66 Members of this Chamber who indicated support of using Yucca Mountain as a repository for the storage of spent nuclear fuel—66 Members. I don't know how many Members we have today in this body who are willing to support this effort. It suggests that if an amendment is taken to a vote and the amendment would fund at the appropriate level necessary to continue the program, that if that amendment failed—and there may be a good deal of loyalty on the other side in reference to the amendment—then those responsible would have to bear the brunt of recognizing the significance of this in basically killing the nuclear program in this country associated with Yucca Mountain and the disposal of the waste.

On the other hand, if some assurances can be made that there will be funding at a level to keep this at a reasonable level, to continue the schedule that I have outlined behind me, then, obviously, we could work together to recognize the necessity of maintaining this program as it has been developed. We can't simply accept this kind of a cut that would set this program back that many years.

I don't know where the votes are, but I will let others who are responsible make a determination of where the votes are on this issue.

I remind each and every Member, as they reflect on how they might vote on an amendment to restore the funding to the appropriate level, again, the taxpayers of this country may be questioning each Member on the validity of basically putting this program off and potentially abandoning the program after nearly $8 billion has been expended.

I find it ironic, the one hook that the opponents of the site have always hung their hat on. They have said time and time again that science should decide the issue, not politics. Well, this schedule I am showing you is science in action. This is the check and balance system. This is the evaluation of all our environmental considerations in an orderly process. It is science in action. If politics is going to kill this program by cutting the funding from the roughly $445, $443 million down to $275 million, it will not be science that is making that cut. It will be politics.

Let me repeat the statement because I think it is important. Science should decide this issue. This is science in action, not only because of its importance to the taxpayer but because it may be the only area of agreement the opponents and I have on Yucca Mountain. That is, let science determine the disposition. I, too, believe that science should determine this issue.

I hope, as we continue the discussion today on this matter, we consider the significant merits of exposing the American taxpayer to upwards of $100 billion in liability. Are we going to stop this program in its tracks at this time? If we let science make the determination about Yucca Mountain, then the funding should be restored and the program should be allowed to reach a determination about suitability one way or another. That is the orderly way to approach this. That was the general consensus of Members relative to the process which authorized the funding all these years, and we are still in the process of reaching a determination on suitability. That should be allowed to be funded at a level so we can make that determination.

If the suitability determination is not there, then, obviously, the project cannot go forward; it would have to be terminated. But that, again, should be a decision made by science and not the political process associated with this body.

I hope the Senate conferees will address this at an appropriate time, and it may be necessary that we move an amendment to restore the funds on the floor, but there are other Members who want to talk on this issue.

I yield the floor, and I will be happy to respond to any questions.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before my friend from Alaska leaves the floor, I take this opportunity to briefly respond.

In all my dealings with the then-chairman of the Energy Committee, now the ranking member, he has set an example of how one should treat people. He has always been available on difficult issues, on easy issues. He has never, as a result of our disagreement on a subject, done anything to be vengeful on something else that was important to Nevada. I have the greatest respect for the junior Senator from Alaska. He has been, in my estimation, a real role model as to how one should be a legislator.

On this issue we disagree. There are so many issues involved with this. Because I am from Nevada, I always consider myself maybe not the right person to speak about this issue. Maybe someone else should speak about it. Therefore, I am not going to speak a lot other than to say we not only have the characterization problem with Yucca Mountain but the unbelievably difficult problems dealing with transportation.

Senator Bryan and I traveled to St. Louis a year or two ago and met with the county commissioners, the legislative body that governs the county where St. Louis is located. We made a presentation to them. They, a short time after that, passed a resolution saying they were opposed to Yucca Mountain and they didn't want any nuclear waste traveling through St. Louis.

People feel that way all over the country. The problems dealing with transportation are complex, difficult, and almost impossible. That is why in Europe they have gone away from the burial of nuclear waste and, basically speaking, to now where they are going to try to do transmutation that we should already be doing in America.

We had a program going that was killed in the early 1980s. It was the Clinch River in Tennessee. Transmutation was terminated. Why? Because there was a belief at the height of the cold war that some of this processed plutonium could make its way into the hands of the wrong people. In hindsight, that was a very bad choice. Now in this bill we have money to again begin this process. The comanager of this bill, Senator DOMENICI, and I have worked hard to increase that funding.

I have not tried to, in any way, be mean spirited with the cuts we have made with Yucca Mountain. These moneys are not just thrown away; they have gone to extremely important programs. I have a little difficulty crying big alligator tears over a program that still has $275 million to be spent in 1 year. We are going to conference with the House. Of course, there would have to be changes made there, I am sure. But the changes are not going to be easy because we have programs for places in Ohio and we have programs in South Carolina, in Idaho, and in Washington, where huge amounts of money are going to clean up the mess that we as a Government made dealing with things nuclear.

So I understand from where my friend from Alaska is coming. It is a difficult problem. My personal belief is that we as a country and as a world would be better if we simply said let's leave it where it is, in dry cask storage. We will save hundreds of billions of dollars doing that, and we won't have the transportation problems. It would be safe for a hundred years. By then, we will have something to do with the product.

I know that my friend, the senior Senator from Idaho, has indicated he wants to speak on this issue and perhaps offer an amendment. The junior Senator from Nevada has indicated that he wants to speak on this issue. Perhaps during the day we will do that.

Madam President, let me say this. My friend from New Mexico is not here. I am not frustrated, but I am arriving at the point where I am a little bit frustrated. This is a bill involving more than $25 billion. Over $20 billion of this bill goes to defense-related activities, which is important for this country. We need to move this legislation along. There are a lot of phantom amendments out there. Bring them on. Let's have a debate and move this legislation along.

It is very apparent to me that there is an effort being made to stall this legislation, slow down the progress of what we are doing in the Senate. As our distinguished majority leader mentioned last night, this legislation is important to the President of the United States. It is his agencies we are trying to fund—the Bureau of Reclamation, Corps of Engineers, Department of Energy. So I really don't know what people are gaining by having us accomplish nothing.

The majority leader said we are going to work to complete this legislation, and we have an a agreement that after this we will go to the Graham nomination, and we will do Transportation this week. I have not spoken to the majority leader, so I am on my own in saying this. But we don't have to sit around here and do nothing. There can be votes. We can vote on all kinds of things. I think that Thursday and Friday, if there is still the view that we are going to do nothing, there would probably be some votes; I would think we would be going until sometime on Friday.

I have tried since last week to get an agreement as to when amendments would be filed, and we can't get either a finite list or a filing deadline. We can't get those. Yet no amendments are being offered. So I hope that later this afternoon we can have a time when we can determine not only what amendments are going to be filed but be more certain to have amendments filed at the desk.

It is my understanding that the Senator from Ohio, who has a lot of knowledge on things nuclear—and I have worked with him on a number of different issues—wishes to speak on energy-related matters generally. Is that true?

Mr. VOINOVICH. Yes.

Mr. REID. I have no objection to yielding. It is my understanding there are no time constraints. The Senator wishes to speak for 20, 25 minutes; is that correct?

Mr. VOINOVICH. Yes.

Mr. REID. I yield to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Madam President, I rise to generally speak about the issue of energy in this country and to underscore the fact that one of the sources of energy that we really need to look at is nuclear energy. The sooner we resolve the issue of how we deal with nuclear waste, the better for this Nation. We ought to do everything in our power to accelerate the decision in terms of where that waste is going to be located if we expect to deal with not only the energy needs of our country but also with something about which many of us are concerned, and that is climate change.

Nuclear power is a source of energy that does not produce greenhouse gases, and I think it is something that should be a priority for the Senate and for this Nation to resolve once and for all.

My other remarks will deal with the issue of the fact that in spite of much talk and much writing, conservation and alternative fuels are not going to be able to deal with the problem we have in this Nation in terms of our energy crisis. We have that crisis because we lack a national energy policy. We haven't had one for 30 years, and it is a Republican and Democrat problem.

We have a faulty deregulation law in California. We have environmental policies that have contributed to a lack of diversity and difficulties in siting new facilities, pipelines, and transmission lines. We are too reliant on foreign sources of oil, and we have inappropriately demonized nuclear power.

Today, we are a fossil-based economy, although there is broad recognition that we are eventually going to shift away from primary reliance on fossil fuels to much greater use and emphasis on other sources.

Several alternative energy sources exist today. They are either inexhaustible, i.e. solar, wind and nuclear—or renewed through natural processes—i.e. hydropower or plant-based fuels such as ethanol and vegetable oils.

Currently the contribution of alternative energy sources to U.S. needs range from less than one tenth of 1 percent for wind and solar power, 3 percent from hydroelectric and biofuels each and 8 percent from nuclear energy.

Today, however fossil fuel reserves appear to be adequate to serve the Nation's current energy needs, with a 70-year reserve for oil and approximately 250 years of reserves for coal, at current consumption rates.

One of my colleagues noted a while ago that wind power is the fastest growing source of electricity in the world and we should look to it more seriously as an alternative energy source.

Another one of my colleagues pointed out that solar panels covering a 100 by 100 mile square would produce enough solar energy to power this entire Nation.

The truth is that although alternative energy sources are being used in some places across the country, we have been subsidizing solar and wind power for 25 years now, and combined they only make up one tenth of 1 percent of the total energy demand to date.

Renewables are now generally costlier than fossil fuels, for example, solar power is currently 8 to 10 times more costly. Even assuming optimistic technology scenarios, it will take at least 30 to 40 years before renewables' energy infrastructure could be built up from its current level and start contributing significantly to our energy supplies.

As this chart shows, costs have a disproportionate impact on low-income families.

Since the beginning of the 107th Congress, I have been holding a series of public meetings across the state of Ohio where I have asked individuals and business owners to relay their experiences as to how our energy crisis is impacting them.

In Cleveland, I have held a meeting with Catholic Charities, Lutheran Housing, and Salvation Army as well as senior citizens, low-income parents, and handicapped individuals, and another with some small businesspeople to talk about the impact energy costs were having on their businesses.

Another was with governmental agencies and the increase our heating bills had on their budgets. Then I met with some folks who talked about the impact our high cost of gasoline was having on their businesses. One of the things the people of America should note is that when it gets to energy costs, the least of our brethren are those who are impacted the most.

As this chart shows, the people making under $10,000 in the United States of America spend 29 percent of their income on energy costs, and those making between $10,000 and $24,000 spend 13 percent, and those who are over $50,000, about 4 percent.

This energy crisis, quite frankly, is impacting more, as I refer to it, the least of our brethren than any other segment in our society. For example, the Catholic diocese said in the year 2000 their help line received 3,400 calls for basic needs, items such as food, utilities, mortgage, or rent. The number of calls the diocese received went up 96 percent from 1999 to 2000 and 194 percent from 1998 to 2000—attributable to this energy crisis.

Let's look at U.S. energy consumption by fuel so we get an idea of from where our energy actually is coming. As we can see by this chart, the principal sources of energy today are oil, natural gas, and petroleum. It goes without saying that these fuels have become essential elements in creating our way of life.

Despite the fact each year we use energy more efficiently, energy demand rises about two-thirds the rate of economic growth. As we can see, nuclear, hydro, and renewables are at the bottom of the chart, and any shortfall created between production and consumption of our three main energy sources—that is, oil, natural gas, and coal—is going to be made up in imports.

For example, oil imports have risen, as we are all aware, from 1973, when they were 36 percent, to 2001 at 56 percent. Refined gasoline net imports have risen from 1 percent in 1980 to approximately 5 percent in 2000. The reason for it is we have had to import oil to make up for the lack of our own production.

Oil and natural gas demand is expected to continue to grow for the foreseeable future. Alternative energy sources, such as wind and solar power, are being pursued but will not alter this outlook for decades to come, again making the point that for those who say do not worry about these three major sources of energy, we are going to make it up with nonrenewables, we can see the large discrepancy.

Now that we know how much Americans expect to consume over the next two to three decades, it is important to look at how that expectation will be met given our current state of resources. This chart shows how much energy we produce domestically by fuel type.

At the top of the list are natural gas, coal, petroleum, and then we have nuclear and renewables at the bottom of the list.

According to the Department of Energy, natural gas is expected to be the fastest growing component of world energy consumption. Gas use is projected to almost double to 162 trillion cubic feet in 2020 from 84 trillion cubic feet in 1999. So the world demand for natural gas is going up.

It is that increase in natural gas prices that drove up the cost of energy in my State for my homeowners, my businesses, my farmers, and for the other portions of our economy. If that continues, we can see continuing high prices.

We need to increase our infrastructure. According to a study by the nonprofit operator of New England's power grid, New England will be increasing its natural gas demand from 16 percent in 1999 to a projected 45 percent in 2005, but they lack—another thing we need to talk about—the local pipelines to distribute the gas to its market. We have a need for gas. The next question is, How do we get it to folks? We know we do not have the infrastructure to do that.

With that in mind, we also know there is an estimated 40 percent of undiscovered natural gas that is located on land owned by the Federal and State Governments. These resources will need to be tapped to accommodate the inevitable increase in natural gas consumption. If not, then we face the hardship of increasing dependence on foreign resources that will have the capacity to cripple our energy economy and again drive up our cost.

The challenge to produce more oil and natural gas is greater because the production from our existing resource base is subject to natural decline through depletion.

Fuel cells, electric vehicles, hybrids, biomass, solar, and wind technology, all represented on this chart as nonhydropower renewables, are all promising energy sources for the future, but right now there is no suitable infrastructure in place that will allow for these energies, even combined, as we will see in later charts, to sufficiently supply current needs, much less future demands.

Energy consumption: As we can see by this chart, Americans consume more energy than we produce and will continue to consume more energy, especially fossil fuels, for decades to come.

Although several alternative energy sources exist today, the chart reflects that even the combination of those sources, marked "renewables" at the bottom of the chart, through 2020 will not compensate for the need for energy production that will take place over the next two decades.

Even if we double or triple renewables, we will not make up the difference between production and consumption. The President is right: We need more refineries, more electric powerplants, more coal, and more natural gas pipelines and production. It is plain to see that we will not be able to conserve our way out of this crisis. While conservation helps, it is not going to meet our estimated consumption without drastically changing Americans' standard of living.

Looking at this chart, we can see renewable energy sources that reflect some of the most promising forms of alternative energy in existence today. However, each is accompanied by extremely realistic limitations that hamper their ability to be viable in the near future.

We hear a lot about fuel cells, and I have studied fuel cells substantially. I met with the president of General Motors. He said it is going to be 10 to 15 years before fuel cells will be marketable and commercially viable.

Electric vehicles: I visited a facility in Euclid, OH, Alliance Electric, a Rockwell Automation subsidiary, and they are working on a little gismo for hybrid automobiles, but it is going to be 5 to 6 years before they get that down to a cost where it is going to be commercially viable.

We have biomass and solar power to which I made reference.

All of these are available, but the practical impact on our needs in this country in the next 20 years is negligible.

World primary energy is another issue at which we ought to look. This is not to say that alternative fuels are destined for failure. I agree with the President that we need to diversify our energy sources. I believe promoting technology of these sources is the right approach to take, not for the near term but for the future.

We as a government should continue to invest in providing grants and incentives to move forward with some of these alternatives. Over time, we have learned advancing technologies is perhaps the single most important factor that contributes to long-term productivity and economic growth. For example, we have clean coal technology available that we could use for burning coal. We need to move forward with that.

This chart is a little complicated, but it shows how energy sources have peaked in the world: Oil going down, gas going up, and we are seeing nuclear at the bottom of the chart. This little bit is the increase in renewables.

Again, if you look at the world picture, we have a problem. Today, China imports oil. They used to export oil. We are seeing that all over the world. The economy is getting better for all people. Their standard of living is going up and they are using more. We need more energy.

On petroleum production, the United States is the world's largest energy producer, consumer, and net importer. It is no secret the United States is becoming more and more dependent on foreign oil imports. This chart reflects what we have to look forward to by way of dependence through the year 2020. This is petroleum production and consumption, which is going up. Imports in the month of April as a percentage of petroleum delivered was 62.4 percent. This time last year it was only 60 percent. The total petroleum products delivered to the domestic market in April was over 19 million barrels per day. In the same month last year, it was 18½ million barrels per day.

Scarce petroleum resources is not a problem experienced only by the United States. The energy crisis is being felt across the globe; so much so that inevitably, as foreign countries realize an increase in their own energy needs, they will be less willing to accommodate the growing energy demands our country places on them. With the increased reliance on foreign oil, we will not get far if we do not work to expand the current oil and natural gas pipeline system.

Our Nation's 200,000-mile pipeline system is the world's largest. These nearly invisible ribbons of steel deliver more than 13.3 billion barrels of crude oil and petroleum products in a typical year. Without them, it will take thousands of trucks and barges clogging the Nation's roads and waterways to do the job. The capacity of the system, however, is being seriously eroded and the future of oil and natural gas transmission does not appear promising.

If we refuse to act, the alternative will be a continued capacity squeeze and higher transmission costs, passed on to the consumer. That is one of the problems we had last year with the big spike in gasoline. We had a break in two lines, one coming from the Gulf of Mexico, the other coming from Canada. That had a dramatic increase on the cost of oil to the people living in Ohio and other parts of the Midwest.

On conservation and its impact, this chart shows what we can expect under three different energy production scenarios through the year 2020. The top line assumes constant energy use with respect to economic growth, and it is going up. Hopefully, the economy continues to grow. This means if a nation continued along the same path we are traveling, through 2020, with energy demands rising with proportion to growth, and there were no technological advances made, consumption would increase dramatically.

The bottom line represents energy production growth without significant change. If we stay the way we are now, we are in very big trouble. The second line shows what the Department of Energy predicts will happen when or if consumers are offered a menu of available technologies from which to choose. An example would be a family replacing a vehicle after several years of usage for a more fuel-efficient automobile. This menu of options makes a big difference when compared to increased energy intensity and consumption in the first line. We need to move forward in order to meet our demand.

The third path reflects the impact of conservation at its height. This includes nonuse and the use of the most competent and efficient technology combined. This chart shows an "available technology" consumption curve by barely 20 percent. There is still a considerable gap between consumption, even at the greatest levels of conservation. We need to be concerned about it.

The point I am making this morning is that we have a challenge to meet the energy needs of this country. Those people who advocate conservation and alternative fuels, renewables and so forth, as the answer to the problem, frankly, are not being intellectually honest or facing reality. That means the Members of this Senate and the House of Representatives are going to have to face up to the issue of how to harmonize this Nation's environmental needs and this Nation's energy needs so we can come up with a realistic energy policy.

It is very important for the future of our country. I happen to believe, in terms of issues that need to be dealt with, we need to face this head on as soon as possible. President Bush should be given a great deal of encouragement for coming up with a comprehensive energy policy that is being quarterbacked by the Vice President of the United States. It is long overdue to get on with the issue of debating how it is that we are going to confront this energy crisis that is having such a negative impact on the people in my State of Ohio, the people who live in our inner cities, our small businesspeople.

I had a meeting this week with small businesspeople, manufacturers. I asked the question, How many believe we are not in recession? There was not a hand that went up. Part of the reason they are being negatively impacted is the fact that the energy costs are skyrocketing. We have a very large plastics industry. We have more jobs in plastic than any other State. Because of the high cost of natural gas, they are now in a noncompetitive position and are laying off workers. For farmers in our State, natural gas is used in fertilizer. As a result, our corn crop will be 25 percent less this year because of the cost of fertilizer.

Some fertilizer companies are not manufacturing fertilizer this year but selling their natural gas contracts and are making more doing that rather than selling fertilizer.

The point I am making is, the energy crisis is cutting across my State and, I am sure, the State of the Presiding Officer and all other Senators. We owe it to our constituents to make sure we do not duck, take a walk, be unwilling to make the hard decisions we are going to have to make to deal with this problem, including the issue of what do we do with waste from our nuclear energy plants in this country. There are still people who demonize nuclear energy, for example, and fail to recognize our entire nuclear fleet has had not one problem since Three Mile Island, very little problem whatsoever. It is a safe way of producing energy. Europe is into it. We have had it in limbo because of the fact it has been demonized.

More important than that is how to deal with the nuclear waste. It is time we moved on with this. I hope this energy appropriations bill puts in enough money so we can intellectually move forward in resolving that issue. If it is not Yucca Mountain, what are the alternatives? We have to come up with a solution for what we do with our nuclear waste, to take advantage of nuclear energy in this country.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FEINGOLD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I have been advised that the Senator from Tennessee, Mr. FRIST, wishes to speak for up to 20 minutes in morning business. I ask unanimous consent that he be allowed to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEM CELL RESEARCH

Mr. FRIST. Mr. President, I rise to speak to a topic that is very much on the minds of the American people as well as policymakers in Washington, DC; that is, the issue of embryonic stem cell research. The issue of embryonic stem cell research is one that has captured the imagination of people all over the world in the last 2 to 3 years. It wasn't that long ago that the idea of taking cells very early in life and having their potential captured and set in different directions to help treat disease—to help make diagnoses—was really just a pipedream. Literally, it was 2 or 3 years ago.

Now, because of the advances in science, the advances in technology and the tremendous research that is being conducted in this country and, indeed, around the world, a whole new frontier has opened—the frontier of what is called stem cell research. I will mention a little bit about what that is, but what captures people's minds so much is the promising aspect of this research. What has inspired such interest in this is the fact that people with numerous diseases, for really the first time in their lives, can look ahead and say there is the potential for a cell at its earliest level to be channeled in certain directions to make the care of that disease easier, and possibly even cured.

The same hope—I hear it daily—is expressed by people with diabetes, Alzheimer's disease, or Parkinson's disease, and for spinal cord injuries. Indeed, this stem cell research—both adult stem cells and embryonic stem cells—has opened up a new frontier that is full of potential, full of hope, and full of promises.

The issue is being addressed by the leaders of our country. It is being addressed in amendments on the floor of the Senate. It is being addressed by groups considering the ethics among the think tanks. It is being considered by the administration as we speak.

I would like to make four points.

No. 1, in any of these arenas where we are talking about life—and indeed I believe upon fertilization—there is a continuum from a sperm and an egg, to a blastocyst, to a fetus, to a child, to an adolescent, to an adult. That continuum is indeed life.

As policymakers, we will be injecting our own feelings and our own beliefs into this debate as we go forward. Therefore, I wish to make it clear to my colleagues that from my perspective I do value life and give moral significance to the embryo and to the blastocyst and to that full continuum.

I, indeed, am pro-life. I oppose abortion. My voting record on the floor of this body is consistent with that. Those beliefs are based on the very strongly held spiritual beliefs that I have. They are based on my medical understanding, having spent 20 years in the field of medicine, and in science—that medical understanding of this process of life and of living tissues. I do give moral significance to the embryo, as I mentioned earlier.

Second, I am a transplant surgeon. I had the opportunity to serve on committees that looked at the ethical considerations surrounding the use of tissues and the transplantation of those tissues. I have served on committees sponsored by the United Network For Organ Sharing—the registry that oversees transplantation in this country. I have served on the board of local organizations and tissue procurement agencies. I have served on the ethics committees within hospitals. I have had the real privilege of writing scores of peer-reviewed papers in the field of transplantation and scientific papers in the field of transplantation—both basic science and clinical transplantation of living tissues. I wrestle on a daily basis with these decisions surrounding life and death and health and healing. I have had the opportunity to routinely deal with many of these end-of-life tissues.

I have also been blessed with having had the opportunity and the training to transplant tissues myself—to take a beating heart out of an individual who has healthy lungs, a healthy heart, healthy kidneys, and to take that beating heart from that individual that, yes, does terminate the living function of the lungs and the kidneys and the other organs, but to take that heart and give it to another on really a weekly basis before coming to the Senate, and allowing that individual to live in a new life, a better quality of life; an individual who without that transfer of tissue otherwise had no hope.

I mention that, because the ethical construct and ethical and moral decisionmaking that we are having to face today in a much earlier point on this continuum of life is very similar to what we debated and talked about—what our scientists debated and talked about—what our ethicists did—what our medical scientists did about 30 years ago in transplantation. To whom do you give scarce resources? To whom do you not give a heart or a lung because we have this shortage? Which organ tissues are suitable for transplantation?

I have had the privilege—really the blessing—to be able to see the rigorous consent process we have now established in a very solid fashion surrounding the use of tissue taken from one source and given to another source. Again, it is not an exact parallel, but it is similar from the large ethical construct in transplantation 30 years ago to what happens after birth, to the moving of tissues, or cells in this particular case, in a period much earlier along the time line, at a time 5 to 6 days after a sperm and egg come together.

I am convinced, based on this personal experience, based on professional experience, that we can address this use of living tissue, living tissue that otherwise would not be used. It is critically important that we understand, and in our moral and ethical framework ensure, that this tissue otherwise would not be used. It is similar to the fact that when I do a heart transplant, that heart otherwise would not be used for anything useful. That individual would likely be buried 6 days later or 10 days later.

To use that tissue that has no other use—and that is where this informed consent process is important when we are talking about stem cell research, to benefit other people, people with diabetes and Parkinson's disease and Alzheimer's and spinal cord injuries, who may potentially benefit from this new research.

It was not easy in transplantation 30 years ago, but we did it. And through organizations such as the United Network for Organ Sharing, a national registry, strong Government oversight, full transparency, full public accountability, discourse among not just the scientists—because they are going to push for it hard—but discourse on the public square, where you get the input of the theologians and the ethicists and the philosophers and the medical doctors and the clinicians, and the parents, as well as the scientists themselves—the consent process; I will come back to it very briefly—but the consent process must be comprehensive.

That is the only way we can avoid the potential abuse, the potential for overcommercialization of this process. We have to make sure the consent process protects against coercion. We can look back to that transplant arena because we addressed it 30 years ago. Again, this is much later in the continuum of life, when we are doing heart transplants and lung transplants, but we must come back and superimpose a comprehensive consent process much earlier in time.

The third issue is research. As I mentioned, this is new research. It is exciting. It gives hope to millions and millions of people. But let's not over-sell the potential. This research is new. It is uncharted. It is evolving. It is untried and untested. Therefore, we cannot predict exactly what is going to come from this research. So let's not oversell the research in order to build public support for whatever position we take.

We should not let the potential of this research drive the moral considerations themselves. Thus, we must set up a very important, strong, transparent, ethical construct in which this decisionmaking can be made, and needs to be made, on an ongoing basis. We do not know what the next great discovery is going to be 6 months from now. We cannot lock into place either the moral considerations or the way we consider whether or not it is appropriate to look in a new field of science.

So the oversight process has to be responsive, has to be ongoing. It has to recognize that science moves very quickly. The lack of predictability means there is the potential for abuse of the science itself. Again, that is why we must consider this issue in this body, why politics or policy must be engaged to prevent the potential for abuse. Anytime we are talking about the manipulation of life or living tissues at this early point, there is the potential for abuse. Thus, I conclude that embryonic stem cell research and adult stem cell research should be federally funded within a carefully regulated, fully transparent, fully accountable framework that ensures the highest level of respect for the moral significance of the human embryo, the moral significance of the human blastocyst.

There is this unique interplay of this potentially powerful research—uncharted research—this new evolving science with those moral considerations of life, of health, of healing. That interplay demands this comprehensive, publicly accountable oversight structure I propose.

I very quickly have addressed this issue in a comprehensive way. The reason I am in this Chamber and take this opportunity to speak is for people to actually see that the issue is a complicated issue but one that has to be addressed in a larger framework than just to say: Funding, yes or no.

There are basically 10 points I think we must consider, and I have proposed an answer. Again, I don't know the answer, and I struggle, like every person, on this particular issue to make sure we have the appropriate moral considerations. But I will outline what my 10 points are.

No. 1, we should ban embryo creation for research. The creation of human embryos solely for research purposes should be strictly prohibited.

No. 2, we should continue the funding ban on the derivation of embryonic stem cells. We need to accomplish this by strengthening and codifying the current ban on Federal funding for the derivation of embryonic stem cells.

No. 3, we should ban human cloning. We need to prohibit all human cloning to prevent the creation and the exploitation of life for research purposes.

No. 4, we should increase adult stem cell research funding. These adult stem cells, stem cells that are removed from an adult, that you can back out in such a way that you can capture the potential for using them for treatments for various diseases—we should increase this funding for research on adult stem cells to ensure the pursuit of all promising areas of stem cell research, on both adult stem cells which occur much later in life and the embryonic stem cells which are derived at the 5- or 6-day-old blastocysts.

No. 5, provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded. We need to allow Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization and would otherwise be discarded.

No. 6, require a rigorous informed consent process to ensure that the blastocysts used for stem cell research are only those that would otherwise be discarded. We must require a comprehensive informed consent process establishing a clear separation between a potential donor's primary decision to donate blastocysts for adoption or to discard blastocysts and their subsequent option to donate blastocysts for research purposes. Such a process is modeled on this well established and broadly accepted organ and tissue donation process in which I have been so intimately involved over the last 20 years.

No. 7, limit the number of stem cell lines. I believe we should restrict federally funded research using embryonic stem cells derived from blastocysts to a limited number of cell lines. This does not mean limiting it to research using stem cells that have already been derived to date, most of which would reportedly not be eligible even under the current NIH guidelines that need much strengthening. In transplantation, when I remove a heart from an individual and I give it to another individual, that one individual benefits. With stem cells, it is very different. From a stem cell line, you derive the cells, and that stem cell line can be used for multiple experiments, thousands of investigations as we go forward.

No. 8, establish a strong public research oversight system. I believe we should establish an appropriate public oversight mechanism, including a national research registry, to ensure the transparent, in-depth monitoring of federally funded and federally regulated stem cell research and to promote high ethical, moral, and quality research standards.

No. 9, require ongoing, independent scientific and ethical review. We need to establish an ongoing scientific review of stem cell research by the Institute of Medicine and create an independent Presidential advisory panel to monitor evolving bioethical issues in the area of stem cell research. In addition, we need to require the Secretary of Health and Human Services to report to Congress annually on the status of Federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of Federal funding provided.

Lastly, No. 10, strengthen and harmonize fetal tissue research restrictions. Because stem cell research would be subject to new, stringent Federal requirements, I believe we must ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research be made consistent with these new rules.

During the past several months, rarely has a week passed without a newspaper story or scientific publication about possible research breakthroughs involving adult or embryonic stem cells—and the ethical issues raised by this research. Today, Americans' thoughts on stem cell research are debated on Sunday talk shows; photographs of microscopic blastocysts grace the cover of our nation's news magazines; and—twice in the last week alone—we have been reminded by those on the unregulated medical research frontier that human cloning and the creation of embryos for research is no longer relegated only to the realm of science fiction.

Across the country, families are discussing the difficult moral issues that are raised by stem cell research around their kitchen tables. At their offices, co-workers are weighing the potential benefits of stem cell research against its morality. And many of my colleagues are personally grappling with the difficult decision of how best to approach these issues.

An explosion of medical and scientific innovations are producing new treatments and hope for patients suffering from a wide range of disease. This has been accompanied by a newfound awareness among policymakers, and the public, of the potential of biomedical research—an awareness that has spawned an insatiable appetite for more and faster advances. As a physician and a researcher, I am honored to have played my part in this movement—helping to foster broad, bipartisan support for increasing funding for biomedical research and, specifically, for the National Institutes of Health (NIH).

However, we must always remember that science should not be practiced in a vacuum. And, with the ever-increasing pace of progress has come new challenges—posed by a variety of ethical dilemmas—that have, at times, outraced the ability of public policy and we, as legislators, to respond. Yet, I deeply believe that we have an obligation to do just that.

There are those, I believe, who would tell us that "politics" should not impinge on the scientific process. As a legislator and a medical researcher, I can tell you that is not the case. Rather than leaving the progress and the ethics of science only to be determined by researchers and bioethicists, "politics" should, and does have, an important role in deciding what research is not only scientifically promising but also societally acceptable. This role is to determine, as the Washington Post noted several years ago and as I have referred to since, "is there a line that should not be crossed, even for scientific or other gain, and if so, where is it?"

Moreover, politics and policy plays a crucial role in guiding and ensuring the ethical pursuit of science, as well as restraining the inclination of science, left unchecked, to move beyond ethically acceptable boundaries. That, then, is our challenge.

Today we are faced with the issue of embryonic stem cell (ES) research—research that carries both great promise and great peril. Most of us have been made aware, by now, of the tremendous potential of embryonic stem cells for therapeutic advances for a variety of conditions—diabetes, Alzheimer's disease, Parkinson's disease, leukemia, spinal cord injuries, to name a few.

Embryonic stem cells are derived from a five to six day old embryo, also called a blastocyst. By this stage, the embryo has formed two layers: the inner cell mass which will form the embryo proper and the extra embryonic tissues that form the placenta and supportive cells. Although these inner cells, roughly 20–30 cells, have lost the ability to form supporting tissues, they retain the ability to develop into any cell type found in the body and are considered "pluripotent." Over time and if allowed, they continue to multiply and differentiate further, becoming committed to specific lineages. It is from these inner cells found in the blastocyst stage that embryonic stem cells are derived. Such pluripotent embryonic stem cells, when properly isolated and cultured, appear to contribute to all cell types found in the adult and to be capable of indefinite self-renewal.

These embryonic stem cells being discussed here are obtained from embryos left over following the conclusion of in vitro fertilization (IVF). Many of us have known couples who, because of their inability to have children through natural reproduction, have turned to IVF as an alternative. Since its introduction to the United States in 1981, more than 45,000 babies have been born using IVF procedures.

However, because of the significant implantation failure rate involved in infertility treatment, current IVF techniques require couples to create more embryos than initially needed as a sort of insurance policy. Typically, physicians will obtain roughly 10 eggs. Of these eggs, only six to eight will become fertilized—producing an embryo. Then, in order to avoid producing multiple-fetus pregnancies, physicians will only transfer 2–3 embryos to the uterus. Those not used may be frozen for later use or donated for adoption. In fact, many couples decide to leave embryos frozen, in case they decide to have additional children, rather than beginning the entire process again.

Adult stem cells, by contrast, are relatively undifferentiated and self-renewing cells that help repair tissues harmed by injury, disease, or natural cell death. The most widely known and understood example of such a cell is the hematopoietic stem cell, found in bone marrow and responsible for the production of blood cells. Other promising cell types include neural stem cells and mesenchymal stem cells. There have also been publications touting the potential of stem cells found in human fat tissue as well as umbilical cord blood. Until recently, adult stem cells were considered to be very rare, if they even existed, and inflexible—only able to form the cell types for the tissue in which they were found. However, recent news suggests adult stem cells may have more plastic properties than previously believed.

Both embryonic and adult stem cell research hold tremendous potential for a wide range of uses, including clinical applications of cell-based therapies for a number of diseases and injuries. This research may be useful in providing scientists a better understanding of the human cellular growth and differentiation process—allowing researchers to seek out and attempt to treat or prevent the causes of birth defects and genetic abnormalities and diseases. It may also be useful in pharmaceutical development, allowing researchers to grow large numbers of various cell types in order to test drug effectiveness and toxicity.

However, it is important that advocates not over-sell the potential of either embryonic or adult stem cell research for medical treatments. This evolving science is relatively new, and much basic research remains before we can reasonably expect to see clinical trials and possible treatments. In fact, to date, with the exception of hematopoietic stem cells that have been used in bone marrow transplantation for many years, none of these sources has yet demonstrated proven therapeutic applications.

Some of the challenges that remain for both adult and embryonic stem cell research include: learning the signals that control the differentiation of stem cells into a desired type; overcoming the challenge of immune rejection in cell transplantation; and establishing consistent, effective methods to culture, isolate, and grow the cells in a timely manner that is consistent with good manufacturing processes. Yet the hope that they will someday yield therapies for those suffering from chronic and debilitating and life-threatening diseases is powerful.

In my work as a physician and heart and lung transplant surgeon, I have for years wrestled with decisions involving life, death, health, and healing. Having taken part in hundreds of organ and tissue transplants, I've experienced the ethical dilemmas involved in end-of-life care on numerous occasions. I have seen families faced with the most difficult decision of saying farewell to a loved one. Yet I have also seen their selfless acts in the midst of this sadness to consent to donate living organs and tissues of their loved ones to benefit the lives of others.

Moreover, having performed surgery in the early days of heart and lung transplantation, I know the powerful impact that medical progress has had on each of my patients, many of whom are alive today because of the life-saving treatments developed through medical research.

Because of my professional experiences, I have, during my nearly seven years in the United States Senate, devoted a significant portion of my time to address health policy issues as a way to impact patients on a broader scale than the one-on-one interaction which I knew previously. However, this effort has remained guided by the same basic principles that informed my career as a practicing physician and scientist—to improve the lives and health of patients and deeply respect the dignity of life.

During the past few months, I have read much of the medical, scientific, and ethical literature relevant to this debate. I have queried my colleagues in the scientific and medical community who have first-hand experience with stem cell research, reproductive treatments, and the ethical issues enmeshed in each. I have talked with bioethicists. I have reviewed my own professional medical experience for guidance. I have examined federal public policy precedents involving medical research. And I have spent a great amount of time in prayer and reflection on this issue.

As the Senate's only physician, and its only medical researcher, I feel compelled to explain to my colleagues and the American people my views on the proper public policy approach with respect to stem cell research. This is a critically important decision—one that cannot be left, as some have suggested, only to scientists—and it is vitally important that each of us is fully aware of the depth of the scientific, ethical, and moral issues involved.

I mention that this issue should not be driven totally by the research community. Nor should it be determined solely by National Bioethics Advisory Commission (NBAC) commissioners or by patient advocates. Each of these stakeholders certainly has its role to play. The NIH has advocated on behalf of what they see as the direction in which science is heading. The NBAC has debated the issue and determined it worthy of Federal support. And patient advocacy groups have rightly worked to advance science that could benefit their particular illnesses.

However, as a researcher, as someone who has participated in scores of clinical investigations on the transplantation of human tissues to benefit others, I know that this decision cannot be left to the sole jurisdiction of the scientific community. It is our responsibility as legislators to determine the proper role of our Federal government in this evolving, new research and to build in appropriate ethical safeguards.

After grappling with the issue—scientifically, ethically, and morally—I believe that both embryonic and adult stem cell research should be federally funded within a carefully regulated, fully transparent framework that ensures the highest level of respect for the moral significance of the human embryo. Because the unique interaction between this promising but uncharted new science with the ethical and moral considerations of life is continually evolving and presenting new challenges, we must ensure a strong, comprehensive, publicly accountable oversight structure that is responsive on an ongoing basis to moral, ethical and scientific considerations.

As a legislator, I have been consistent in my work to ensure that human life is treated with the utmost respect and dignity. I am pro-life. My voting record in the Senate has consistently reflected my pro-life philosophy. In my 6-plus years in the Senate, I have voted time and time again to preserve human life. For instance, I am proud to have been a leader in the fight to ban the partial-birth abortion procedure. As a physician, my sole purpose has been to preserve and improve the quality of life.

Throughout my career on the forefront of heart and lung transplantation, I have had to face the ethics of life and death with my patients and their families. As a surgeon, I have frequently removed a heart from one individual whose brain has died and placed that heart into another patient who would otherwise die. But this requires determining when brain death has occurred a process that was very controversial when it was first developed just 33 years ago.

A similar dilemma now confronts us in the field of embryonic stem cell research, and I have turned to my own experience as a transplant surgeon for wisdom. The question is much like that faced in the early days of organ transplantation—do we remove organs and tissue for transplantation and research from an individual who is brain dead, but whose other organs continue to live and function normally? Do we allow research using stem cells derived from blastocysts that could, if implanted, become a fetus, but which the parents clearly have determined to discard? I believe this is the proper course, but only under the strictest of regulations to ensure a clear separation between the decision of whether to discard excess embryos or donate them for adoption and the option to donate such embryos for research.

Scientifically, I consider human embryonic stem cell research to be a promising and important line of inquiry. I am fully aware and supportive of the advances being made each day using adult stem cells. However, it seems clear that research using the more versatile embryonic stem cells does have greater potential than research using adult stem cells and may, under carefully considered and appropriate conditions, be conducted ethically. The scientifically prudent course for us as policymakers seems to provide for the pursuit of both embryonic and adult stem cell—research allowing researchers in each field to build on the progress of the other.

Let me make this clear, however. To say that the research may ethically be conducted is not to say that the guidelines promulgated by the National Institutes of Health (NIH) are sufficient, as some of my colleagues have asserted. To the contrary, they are severely lacking in appropriate safeguards. Nor do any of the present versions of legislation pending in Congress to authorize ES research include sufficient protections.

Therefore, federal funding for stem cell research should be contingent on the implementation of a comprehensive, strict new set of safeguards and public accountability governing this new, evolving research—to ensure the progress of this science in a manner respectful of the moral significance of human embryos and the potential of stem cell research to improve health.

I transplant hearts and lungs. I spent 20 years in both medical training and engaged in surgery. I am board certified in two surgical specialties. I have spent countless hours research and publishing this research in peer-reviewed medical journals. I was active in clinical transplantation. In each case, families of the donor individual has completed a comprehensive informed consent process giving consent to organ donation. I would weekly get calls in the middle of the night summoning me to the operating room, where I would come face-to-face with individuals near death and their grieving families. Through these experiences, I have seen firsthand the impact that medical progress and technological have had in reshaping legal and ethical criteria, and, in turn, I have seen how ethics has shaped the practice of medicine.

Historically, death was not particularly difficult to determine or define. Generally, all vital systems of the body—respiratory, neurological, and circulatory—would fail at the same time and none of these functions could be prolonged without the maintenance of the others. With major technological advances in life support, particularly the development of ventilators, it is possible to keep some bodily systems functioning long after others have ceased.

Over time, most state laws adopted a neurological standard for determining when death occurs. Thus, it has become common, accepted practice that requires that both the cerebral cortex and the brain stem irreversibly cease to function—this is the so-called "whole brain death" standard. There is now broad public support for organ donation upon this basis. But the interplay of science, ethics, and policy did not come easily.

As we came to no longer face the inevitable simultaneity of systemic failures, it became necessary to define with greater precision which physiological systems are indicators of life and which are not. In 1968, a Harvard Medical School special committee report first urged that brain death be used rather than the older definition of irreversible circulatory-respiratory failure. This was later embraced by a Presidential Commission in 1981 as a recommendation for state legislatures and courts.

In this context of life and death decision-making, physicians remove organs from individuals for the purpose of organ donation based upon the informed consent of families after determination of "brain death," at which time the individual is considered to be dead. However, this decision-making process is carefully protected to ensure that the decision to withdraw life support or declare brain death is made entirely independent of any consideration of obtaining the individual's organs for donation. Even though the body and other organs and tissues are technically alive with the assistance of ventilators and other medical devices, the brain has ceased to function. When I removed a heart—or a heart and lungs—other organs were living and still functioning. Their organs would be used to save the lives of others. If the family consents following a comprehensive and broadly accepted consent process, we permit surgeons to remove living organs from the body of the individual.

The decision to donate the organs of brain dead individuals is, as it should be, a decision separate from all other medical decision-making. It is made by informed consent of family to carry out the intent of the individual. It meets both ethical and practical requirements. First, it ensures that families are not faced with this difficult decision at a time when they are already struggling with saying good-bye to a loved one. It ensures that the treating physician is not the individual approaching the family for consent. On a very practical, public policy level, it strengthens the organ donation procedure by reassuring the public that decisions of best medical treatment are clearly divorced from the considerations of organ donation.

The example of organ and tissue donation holds one framework to review in fashioning an approach that both respects the human embryo and promotes this new, evolving research. I believe that the human embryo is inherently valuable and has moral significance regardless of whether it will be implanted in a woman's uterus or is left-over in the colder, artificial setting of an infertility clinic. Because an embryo holds a high measure regardless of status, that embryo should be afforded a high level of respect.

Because embryonic stem cells appear capable of indefinite self-renewal and differentiating into all adult cell types, this research has tremendous potential to provide new, important cell-based therapies.

Research using adult stem cells also holds tremendous promise for treating disease, and recent studies have altered long-held conceptions about the abilities and usefulness of adult stem cells. However, there appear to be characteristics—in particular, that they appear to have more limited life spans, are presently more difficult to isolate in useful quantities, and may not be able to form all cell types—that may limit the potential of adult stem cell research. However, it does appear that adult stem cells may be able to be manipulated on a scale previously thought impossible. Moreover, the apparent differentiation limitations placed on adult stem cells may indeed pose an advantage over embryonic stem cells.

Nonetheless, it appears clear that research using adult stem cells does not hold the same potential for medical advances as does the use of the more versatile embryonic stem cells. But, as in all research endeavors, what we are considering is the potential for advancements. Scientifically, we will see the best advances in both adult and embryonic research by allowing the two to proceed along parallel tracks, fostering valuable collaboration and interplay between researchers on each side.

Some of my colleagues have advocated that the guidelines promulgated by the National Institutes of Health provide a sufficient framework to ensure that embryonic stem cell research can be conducted ethically. I strongly disagree. On the contrary, I find the NIH guidelines lacking in appropriate safeguards.

Therefore, Federal funding for stem cell research should be contingent on the implementation of a strict new set of safeguards and public accountability governing this new, evolving research. The following 10 points are essential components of a comprehensive framework that allows stem cell research to progress in a manner respectful of the moral significance of human embryos and the potential of stem cell research to improve health.

One, require a rigorous informed consent process: To ensure that blastocysts used for stem cell research are only those that would otherwise be discarded, require a comprehensive informed consent process establishing a clear separation between potential donors' primary decision to donate blastocysts for adoption or to discard blastocysts and their subsequent option to donate blastocysts for research purposes. Such a process, modeled in part on well-established and broadly accepted organ and tissue donation practices, will ensure that donors are fully informed of all of their options.

As with organ and tissue donation, we must first ensure that health care providers make no mention of the option to donate excess embryos until completion of infertility treatment and the decision has been made independently by both members of a couple to discard embryos remaining in frozen storage at the clinic. Once that decision has been made, the destiny of the embryos is certain. When couples make this decision and authorize a clinic to discard the embryos, it is clear that the embryos will be dead within a short time frame. Only after both members of a couple have made a firm decision to discard these additional embryos should health care providers or researchers be allowed to approach them about the opportunity to donate these embryos for use in research.

Moreover, the NIH regulations should strengthen the informed consent process by requiring stronger informed consent. And regulations should ensure greater oversight and accountability in the derivation process by requiring site visits of labs where cell lines are derived and prospective approval of line derivations.

Two, ban embryo creation for research: The creation of human embryos solely for research purposes should be strictly prohibited.

Last week, researchers announced the creation of three ES cell lines derived from embryos created for the express purpose of research. Limiting federal funding to research using embryos left over after being created for reproductive purposes will not prevent the creation of embryos only for research purposes by unethical researchers. Such an action has been nearly universally decried from all quarters. Therefore, we should include a comprehensive ban on the creation of embryos through IVF for the sole intent of performing research.

Three, continue funding ban on derivation: Strengthen and codify the current ban on federal funding for the derivation of embryonic stem cells.

While we find it important to scientific research and ethically acceptable that limited and strictly regulated ES research proceed, this does not mean that federal funds should be used in the derivation of ES cells. Rather, a continued ban on federal funding for the derivation of ES cells is a right and proper indication and acknowledgment that the American people are conflicted on the ethical and moral propriety of this issue and do not feel that the proper use of federal funds is in the derivation process.

Four, ban human cloning: Prohibit all human cloning to prevent the creation and exploitation of life for research purposes.

Ban all uses of human cloning. Most are agreed in their opposition to reproductive cloning. It is important, however, to also ban non-reproductive or research cloning both for the practical, implementation reason of making it more likely that such a ban on reproductive cloning will be successful as well as for the broader moral reasons shared by the majority of the American people that human embryos should not be created for the purpose of research and exploitation.

Five, increase adult stem cell research funding: Increase federal funding for research on adult stem cells to ensure the pursuit of all promising areas of stem cell research.

Although not presently as scientifically promising as ES research, AS research has seen many advancements in recent years and holds important potential for treating disease and injury. Many scientists have noted that not enough science has been completed to determine which of the two lines of inquiry will produce therapeutic applications and that it is therefore scientifically premature to limit research to one type of research only. Accordingly, in funding ES research, it is important to see that this is done in a manner complementing ongoing AS research so that both lines of inquiry are pursued aggressively and that neither is pursued to the scientific detriment of the other.

Six, provide funding for embryonic stem cell research only from blastocysts that would otherwise be discarded: Allow Federal funding for research using only those embryonic stem cells derived from blastocysts that are left over after in vitro fertilization (IVF) and would otherwise be discarded.

Specifically, the regulations should allow the use only of embryos that were created but unused for infertility treatment. These may only be donated from IVF clinics following completion of infertility treatment. Regulations should also include safeguards to prevent unethical creation of embryos in excess of clinical need.

Seven, limit number of stem cell lines: Restrict federally funded research using embryonic stem cells derived from blastocysts to a limited number of cell lines. In addition, authorize Federal funding for stem cell research for five years to assure ongoing Congressional oversight.

Limiting the number of cell lines would allow Federal funding to jumpstart the research into the basic properties of ES cells for more in-depth discovery of the capabilities, shortfalls, and properties of these cells, while respecting the ethical sensitivity of the research to the American people. Moreover, numerous researchers have expressed concern that, because existing embryonic stem cell lines would not be in accord with the present guidelines and regulations laid down by NIH, additional cell lines will have to be created. By limiting the creation of cell lines, the research will go forward, but under strong restrictions.

Eight, establish a strong public research oversight system: Establish appropriate public oversight mechanisms, including a national research registry, to ensure the transparent, in-depth monitoring of federally funded and federally regulated stem cell research and to promote ethical, high quality research standards.

A national research registry would serve as a holding and distribution facility that would provide another level of Federal oversight and control in the process. The registry would also be able to serve an important role of tracking the progress of this research as well as providing a strong oversight mechanism to track the research and its attention to public regulations.

Nine, require ongoing, independent scientific and ethical review: Establish an ongoing scientific review of stem cell research by the Institute of Medicine (IOM) and create an independent Presidential advisory panel to monitor evolving bioethical issues in the area of stem cell research. In addition, require the Secretary of Health and Human Services to report to Congress annually on the status of Federal grants for stem cell research, the number of stem cell lines created, the results of stem cell research, the number of grant applications received and awarded, and the amount of Federal funding provided.

Stem cell research is so significant both ethically and scientifically, that continued Congressional oversight is important. All of this research should be the subject of ongoing scientific and ethical review.

Ten, harmonize restrictions on fetal tissue research: Because stem cell research would be subject to new, stringent Federal requirements, ensure that informed consent and oversight regulations applicable to federally funded fetal tissue research are consistent with these new rules.

These principles provide for an appropriate amount of research using human embryonic stem cells but ensure that such research is not conducted to the detriment of research utilizing adult stem cells. They balance the desire to move this research forward on a greater scale with the imperative to maintain the highest level of oversight to prevent abuses and the importance of continuing Federal oversight as this research advances.

These 10 principles help answer the question I posed earlier: "Is there a line that should not be crossed even for scientific or other gain?" The clear response is "Yes." It is clear to me that the creation of human embryos for research purposes should not be undertaken, regardless of the potential for scientific gain. It is clear to me that the use of human cloning should be strictly prohibited to prevent the commoditization and exploitation of human life. It is clear that the present restriction on the use of Federal funds for the derivation should be maintained and strengthened to reflect the concerns of the American people.

I know that many people with deeply held views on this issue will disagree with some portion of the position I have outlined today. Others may attempt to divorce certain of these issues from consideration of the others.

This should not be done. The fact is that these issues—of stem cell research, the creation of embryos, human cloning, public restrictions on the scope of research broadly are all pieces of a larger whole.

By pursuing the policy framework I have laid out today, we can help set the stage for groundbreaking research with the potential to help untold millions of Americans and individuals worldwide. We will have laid a firm foundation for that research to succeed—a foundation without which the goal of seeing treatments through embryonic stem cell research will falter on the fears and uncertainties of Americans. This framework provides that firm ethical foundation instilling confidence in comprehensive and transparent oversight ensuring that such research is conducted with close attention to the difficult ethical and moral issues involved.

We must define the role of the Federal Government in harnessing this technology for good. Our task as citizens is to exercise responsible stewardship of the precious gift of life. This effort represents a first step in this process.

Mr. President, I look forward to continued participation in this dialog on embryonic and adult stem cell research.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask the Senator from Tennessee if he needs further time to finish his statement. His statement was very thoughtful, and this is a crucial issue facing our country. If he would require added time, I would be happy to yield.

Mr. FRIST. Mr. President, I appreciate the offer of the Senator from Texas. I believe my statement will complete my thoughts. I do look forward to continued participation of all of us. She and I were both in a hearing a few minutes ago talking about this very issue.

Mrs. HUTCHISON. Mr. President, I appreciate very much what Senator FRIST, who is the only physician in the Senate, is contributing to the issue of stem cell use for research purposes. We have just spent several hours in a hearing learning from scientists and many others about the differing viewpoints on the need for the use of stem cells for research into many diseases where it is hoped we can find an answer through the use of these embryonic stem cells. The debate is valid.

Senator FRIST has pointed out some of the legitimate ethical questions. I hope we can move forward in a way that does increase the ability to use these types of stem cells and cord blood for looking into the causes and, more importantly, even the treatment of some of the cancers and diseases, such as Alzheimer's, Parkinson's disease, multiple myeloma, many forms of cancer where there is great hope that we might have treatment that would allow people to live healthy lives, normal lives, with this kind of treatment, even though they have these diseases.

I thank the Senator from Tennessee for his thoughtful contribution to this debate.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

Mrs. HUTCHISON. Mr. President, I rise to talk about the Nation's lack of an energy policy. Many have spoken earlier today about the fact that we have not taken up an energy policy for our country. It doesn't seem to be a priority for the Senate.

I disagree with that. I think it is the highest priority for the Senate, and I urge the majority to let us debate an energy policy. It is time that we have a long-term strategy. We know from what is happening in California right now, where the energy shortage has hit very hard the people of California and the economy of California, that we can't wait and try to do something quickly because quickly doesn't work when you are dealing with something that is so long range.

For instance, one of California's big problems is they don't have a distribution system. They have a shortage. Even if they could get the energy into their State, they don't have an adequate distribution system.

President Bush has put forward an energy policy that would address long term some of these issues. As our economy is growing, they are going to become even more acute.

The Congress also has put forward a plan. Senator MURKOWSKI has been a leader in this effort, as past chairman of the Energy Committee. We need to be able to debate these issues and see where our country is going.

The interesting thing is, our country is going to increase its oil consumption by 33 percent in the next 10 years. It is expected that our foreign oil imports will go from 55 percent to 67 percent by the year 2020.

Natural gas consumption will increase by 50 percent. Demand for electricity will rise 45 percent in the next 20 years. We cannot sit on antiquated, unreliable, and inadequate distribution systems if we are going to be able to keep our economy strong, to keep the businesses going, to keep the jobs in America, and so consumers have good and adequate sources of energy. We must address this policy.

I call on the majority to make this a priority. Yes, appropriations bills are important, but that does not address the long-term needs of our country.

What would a good energy policy entail? It would entail modernization and expansion of our energy infrastructure. That is the distribution system. We need more pipelines. We need more powerplants. We need to be able to get the electricity into the homes and businesses of our country.

We must have diversification of our energy supplies. I have been trying for 3 years, with support across the aisle, very bipartisan, for tax credits for small drillers, people who drill 15-barrel-a-day wells. When prices go below $18 a barrel, those people cannot stay in business. Yet all of those little bitty producers together can produce 500,000 barrels of oil a day, the same amount we import from Saudi Arabia. But they can't stay in business when prices fall to $18, $17, $16 a barrel. We had $9-a-barrel oil just 2 and 3 years ago, and those people went out of business. They kept their wells, and they will never be able to reopen their wells because they are too small. The margins are too thin.

We want to encourage our small producers of oil and gas by saying there will be a leveling off and a stabilizing when prices go so low that you can't break even. It is the same thing we do for farmers. When crop prices fall below break even—we value having farmers make the food for our country—we stabilize the prices. If we don't open markets for our farmers, we give them subsidies so they can stay in business so they won't have to sell the family farm to a real estate developer.

That is the same concept we need for the smallest energy producers, so we can keep the jobs in America, not send them overseas, and so we can keep the prices at a stable level so that the little guys can stay in business and keep their employees employed when prices go below a break even.

This has been supported by Democrats and Republicans. We have actually passed it. It has been in other legislation that has been vetoed previously. I believe President Bush will sign a bill that includes this kind of tax incentive if we can pass a bill that is balanced, a bill that will give our country a long-term energy policy to which we can work for energy sufficiency for our country.

We must modernize our conservation and efficient energy use programs. I am going to introduce an amendment, if we ever make energy policy a priority, that will give incentives to people who buy cars that have more gasoline mileage efficiency. It may be a $250 credit if you buy a car that has a 25-mile-per-gallon efficiency level. These are the kinds of things that will encourage people to conserve energy so that it will be more available.

A good energy policy has three prongs. It has consumption energy efficiency as one leg of the stool, and we should make sure that we have an incentive that encourages that kind of energy consumption efficiency, and hopefully education so that people will want to do the right thing.

Secondly, we need diversification of our energy supplies. We need more oil and gas. We need nuclear power that is safe and clean. We need to have more dependence on our own resources rather than depending on foreign imports. We cannot be a secure country if 67 percent of our energy needs are imported, not to mention what that does to the jobs that go overseas rather than staying in America.

The third part of a good energy policy is expanding the infrastructure, making sure we have the ability to efficiently and safely get the energy into the businesses and into the homes.

I think it is high time—it is beyond time—that we should address the energy crisis in this country. The average price of gasoline is about $1.50 now. That is down from what it was, but it is not great; we can do a whole lot better. We can make the price of gasoline less if we have stability and if we have our own resources developed in our country.

Clean burning coal—it seems as if sometimes when I hear people talking about oil, gas, and coal, they are talking about technology 50 years ago, not today. When you talk about drilling at ANWR, you are talking about a little part of a vast area. It is the size of Dulles Airport and the State of South Carolina. That is what ANWR in Alaska is the size of—South Carolina. What you would need to drill, because of the new technology, is the area the size of Dulles Airport because the new technology allows you to go underground and drill without putting an oil well in every place.

We have new technology in coal. You can now have coal extraction with technology that does not disrupt the environment. We need to talk about the new technology, not the old technology, and we need to discuss an energy policy for this country. I think we can get a bipartisan agreement on the three prongs of a good energy policy—self-sufficiency of production and diversification and jobs in our country, conservation and incentives to conserve, and an infrastructure that gets the product from business to consumer in a safe and efficient way. But we can't come to a conclusion if we don't bring it up.

So I call on the majority to make this a priority and to say our energy policy is one of the areas that we must address before Congress goes out in August, and if we don't, we are not doing the job for the people of this country and for the long-term future of this country that we were sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I rise to discuss the provision that funds Yucca Mountain in this appropriations bill. The senior Senator from Nevada has cut the funding that the President has requested, but Yucca Mountain is still being funded at somewhere around $275 million. Anybody who has been out to Yucca Mountain will see that they have spent a tremendous amount of money out there, to the tune of a little over $7 billion to this point. Most of the time people in this body are saying: Send more money to our State; build us more projects because they create economic opportunities.

But both Senators from Nevada, and the majority of the people in Nevada, believe that the Yucca Mountain project is misguided. We feel this way for many reasons. One is, we believe it is not meeting the safety requirements that are necessary to have a permanent repository.

Secondly, nuclear waste rods are really not just nuclear waste; they are partially spent nuclear fuel rods. They have a lot of valuable energy still in them.

I applaud, first of all, Senator DOMENICI, for putting into this bill research money for accelerated technology for something called transmutation, which is a modern recycling technology for nuclear waste. The administration has also said we need to, perhaps, look at reprocessing or other alternatives for disposing of the waste, other than just burying it in a mountain. Doing that is the worst thing we can do instead of unlocking this untapped energy from these partially spent nuclear fuel rods buried in the mountain—just putting it in there; it is a very valuable resource. I believe it would be nuclear waste at that point because we would be wasting a valuable resource.

What we should do instead of trying to build Yucca Mountain—the ratepayers from around the country have been paying into this fund. They say: Since we have been building this thing at $7 billion, we think the Federal Government should take the waste out there and finish the job. The problem with that is that Yucca Mountain, according to the GAO, is going to cost somewhere around $58 billion, and most people expect that number to go up much further than that. It will be the most expensive construction project in the history of the world.

This construction project will be borne not just by the ratepayers when it gets up to those kinds of numbers but by the taxpayers of the United States. It is a waste of the taxpayers' dollars to bury a valuable resource in a mountain in the middle of the desert instead of recycling this fuel that is a non-greenhouse-producing fuel when we do it.

The junior Senator from Texas just talked about the energy problems we have in this country. Let's not bury a valuable resource. Let's look at recycling technology to use this resource.

I also add that there is no hurry. People say they are running out of room at these nuclear plants around the country. In one sense, that is true. The cooling pools in which these partially spent nuclear fuel rods are sitting today are being filled up, but the easy solution to that is to take them out of the cooling pools and put them in what are called dry cask canisters. That is being done in several places around the country even as we speak. It is a cheaper thing to do, and it is also a better thing to do. By the way, dry cask storage is safe, by all estimates, for a conservative 100 years. That gives our country time to look into these new technologies about recycling.

I suggest that the people who are supporting taking nuclear waste to the State of Nevada should look at these new technologies and focus our resources there, instead of trying to put more money into really what is becoming a white elephant out in the State of Nevada.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WYDEN). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the list of amendments which I will send to the desk be the only first-degree amendments in order to the bill, and that they be subject to relevant second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list is as follows:

Biden, proliferation accounts;

Bingaman, relevant;

Byrd, relevant, relevant to any on list;

Conrad, Upper Great Plains;

Corzine, relevant;

Daschle, relevant, relevant to any on list, relevant to any on list;

Dorgan, transmission constraints;

Edwards, section 933 study;

Feinstein, 2 relevant;

Graham, 10 relevant;

Harkin, National Ignition Facility, Mad Creek;

Hollings, plutonium disposition;

Johnson, mid-Dakota rural water, James River Project;

Landrieu, Port of Iberia;

Levin, 2 relevant;

Reed, FERC ISO;

Reid, relevant, relevant to any on list, manager's amendment, relevant to any on list;

Sarbanes, Chesapeake Bay shoreline;

Torricelli, Green Brook Basin, navigational servitude, relevant;

Wyden, 2 Savage Rapid Dam.

Bond, 2 relevant;

G. Smith, clarifying BPA borrowing authority; Klamath;

Kyl, Lower Colorado River Basin Development Fund;

Allard No. 998, reduce funding in the bill by 1 percent;

Collins, Camp Ellis Beach, relevant;

Gramm, appropriation for Paul Coverdell, relevant; relevant to list;

Stevens, research; 2 relevant;

Chafee, Estuary Restoration Act, relevant;

Craig, Arrow Rock Dam, Lava Hot Springs, Yucca Mountain;

Bunning, Paducah Plant;

B. Smith, 4 Army Corp;

Nickles, 2 relevant, 2 relevant to list;

T. Hutchinson, relevant;

Inhofe, relevant;

Lott, 4 relevant, 2 relevant to list;

Domenici, 2 relevant, 2 relevant to list, Technical, Dept of Energy, FERC, NNSA;

Crapo, advance test reactor;

Murkowski, DOE workforce, Yucca Mountain, Price Anderson, Iraq, 4 relevant;

Warner, relevant;

Kyl, Indian water rights;

Roberts, Army Corps;

Thomas, relevant, Snake River;

Craig/Burns, Bonneville borrowing authority.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I rise today to call attention to one of the issues we face in protecting our water, our taxpayers, and our public lands. I am talking about the need to strengthen environmental mining regulations or so-called 3809 regulations.

These regulations protect lands managed by the Bureau of Land Management from the impacts of mining for minerals such as gold and copper. Earlier this year, the Clinton administration made long overdue revisions to the regulations after years of public comments, congressional hearings, and reports and evaluations.

Despite the thorough input, the Department of the Interior announced in March that they were going to roll back the updated 3809 regulations. What they were really rolling back are stronger protections for our environment and public health.

My colleagues in the House recognized the importance of maintaining strong environmental mining regulations. With bipartisan support, the House voted to prohibit the administration from overturning the updated regulations. I fully support the House in their effort and hope the Senate will accept the House language in conference.

Let me clarify the three major issues at risk.

First, the new rules would direct mining operators to protect water quality. This is a serious problem for the hardrock mining industry. Just last May, the U.S. Environmental Protection Agency recognized the industry as the Nation's largest toxic polluter. The Bureau of Mines estimated that 12,000 miles of streams are polluted by hard rock mining.

Second, the old rules were not interpreted to allow land managers to deny mining operations in environmentally or culturally sensitive areas. The updated regulations would allow the BLM to deny mining operations that would endanger towns or national parks.

Of course, the mining industry is opposed to any authority that would curtail mining operations. Based on their strong opposition one would think that every mining operation will be banned.

But the BLM has publicly and repeated stated that they would "rarely invoke" this authority. And before they would ever use this authority they would provide full opportunities for evaluation and public comment.

This provision is not about shutting down mining businesses. I recognize that they have a role to play in our economy. This provision is about responsible hardrock mining and responsible business practices.

Third, the old regulations too often allowed mining companies to declare bankruptcy after they finished mining, leaving taxpayers to pay for the cleanup. Independent reports show that taxpayers have a potential liability in excess of $1 billion for cleanup costs at current hardrock mining operations.

Keep in mind that these mining operations are taking place on public lands owned by Americans—lands owned by taxpayers. Too many times the people who come into these lands mine them for profit, making rather substantial profits in the process, pay little or nothing to the Federal Government for that right, and leave a mess to be cleaned up afterwards. When they leave that mess, the taxpayers have lost twice: First, when public lands have been exploited for profit; and, second, when those despoiled lands remain for the taxpayers to clean up.

To the administration's credit, they have acknowledged the importance of strengthening the financial requirements. But 33 percent was a failing grade where I went to school.

I recognize the need for a healthy mining industry. Under stronger mining regulations we will have a healthy, environmentally responsible mining industry that does not sacrifice the interest of communities for the interest of profit.

As my colleagues prepare to conference on the Interior appropriations bill, I urge them to support the hard rock mining language as it passed in the House.

Mr. REID. Mr. President, there is no question that we have to do something about the bonding of hard rock mines. It has caused problems recently in Nevada. The largest mining company in the world that has significant operations in Nevada is the Newmont Mining Company. The Newmont Mining Company is considering discontinuing the use of corporate guarantees. That is the way it should be. They are setting the example for the rest of the industry in saying corporate bonds simply may not work.

As I told my friend from Illinois, we need to be vigilant and do everything we can to change this hard rock mining bonding so that when mining operations are complete there are adequate resources to follow through and make sure they complete appropriate reclamation.

Mr. DURBIN. Mr. President, I thank the Senator from Nevada. I think it is perfectly reasonable, if someone is going to come along on the public lands owned by the taxpayers of this country and mine for profit, they should at least post a bond so if they should leave that land despoiled where there is a need for environmental cleanup there is money to do it and the taxpayers don't end up footing the bill.

The House version of this appropriations bill contains that provision. Hopefully, the chairman of the committee, the Senator from Nevada, will do everything in his power to make sure it is included as part of the conference.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1013

Mr. BOND. Mr. President, now that our distinguished majority leader is here, I send to the desk an amendment on behalf of myself, Senators CARNAHAN, GRASSLEY, and HARKIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN, proposes an amendment numbered 1013.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose additional conditions on the consideration of revisions to the Missouri River Master Water Control Manual)

On page 11, at the end of line 16, add the following: "During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.".

Mr. BOND. Mr. President, this is part of a continuing effort to prevent the U.S. Fish and Wildlife Service from advancing what we believe is a very ill-conceived directive to increase springtime releases of water from Missouri River upstream dams in an experiment to see if a controlled flood may improve the breeding habit of the pallid sturgeon.

House language was added to prevent implementation of the "controlled flood" during consideration in the House Committee on Appropriations. The majority leader has entered an amendment, which we appreciate, in this bill which says no decision on final disposition of the Missouri River manual should be made this year. I thank him for that. That is one step in the right direction.

This, however, goes beyond and makes clear there is a broader policy involved. Rather than let the Fish and Wildlife Service dictate national priorities to the Congress, the administration, the States, and the people, I believe the elected officials in Congress need to weigh in to protect human safety, property, and jobs. In sum, we ought to be able to do several things at once.

The authorizing legislation for the dams and other structures on the Missouri River says that they should be to prevent floods, to enhance transportation, provide hydropower, and to facilitate recreation. Subsequent to those enacting statutes, the Endangered Species Act was adopted with the hope that we would stop the disappearance of endangered species and help recover them. My purpose here today, along with my bipartisan colleagues, is to assure that the multiple uses of the Missouri River may be pursued.

As so many of my colleagues, I was a great fan of the work by Stephen Ambrose, "Undaunted Courage." I had a great-great-grandfather who was one of the laborers who pulled the boats up the Missouri River. I find it fascinating. It was truly a remarkable chapter in our Nation's history.

That chapter has come and gone and people have moved in and live and farm by the river. They are dependent upon the river for water supply, water disposal, hydropower, transportation, and, yes, in the upstream States, for recreation.

While we have had continuing discussions throughout my career serving the State of Missouri over the proper uses of the river water between upstream and downstream States, I continue to assure my colleagues in the upstream States that if there are things we can do to help improve the recreational aspects of the impoundments on the river above the dams, I would be more than happy to do so.

This amendment—very short, very simple—says, simply put, that the Secretary, meaning the Secretary of the Army, who is the ultimate responsible official, may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the U.S. Fish and Wildlife Service in the biological opinion of the Service.

In other words, they have already proposed one thing, controlled spring floods. The Secretary may also propose other alternatives. This doesn't say that he has to; it says that he can do it. He may do it. It mandates that the Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

This amendment simply says, we enacted a number of different objectives for the Missouri River. Mr. Secretary, when you select an option, you have to take into consideration all of these specific congressionally authorized objectives.

I believe—and it makes a great deal of sense—that the Federal Government should prevent floods, not cause them. It should be providing more safe and efficient transportation options, not monopolies for railroads. It should not be curtailing energy production from an environmentally clean source of energy, water power, during peak summer periods of demand during an energy crisis.

People in our State of Missouri cannot believe that we need to have this debate. They cannot believe that the Endangered Species Act does not have enough flexibility in it to permit human safety and economic security to be considered. They cannot believe that their needs are necessarily subordinate to what the Fish and Wildlife Service said is the only way the pallid sturgeon can be saved.

Unfortunately, what the Fish and Wildlife Service says goes. And then to add insult to injury, after imposing their plan on the Corps of Engineers, the Corps of Engineers has to put the States and the citizens through the hoax—I say hoax advisedly—of a public comment period that is irrelevant to the Fish and Wildlife Service that has, in the past, demonstrated it will use its dictatorial power under the Endangered Species Act not just to put people out of business and increase damage to private property but to threaten human safety of urban and rural communities where there will be greater risk of flood and flood damage.

This amendment on behalf of my colleagues gives the Corps of Engineers the opportunity to propose alternative species recovery measures that help fish and don't hurt people. It requires the continuation of public input and directs that the Corps preserve the other authorized purposes for the Missouri River.

The current Fish and Wildlife Service proposal, which they offered as a dictate to the Corps of Engineers last July, saying you have 7 days to implement this plan that will flood Missouri and downstream States in the spring, is not some new proposal that just needs a little public sunlight to be fashioned into something that is sensible.

It represents the "my way or the highway" approach to regulatory enforcement and the reincarnation of what has previously been rejected by the people and the States involved.

A spring rise and low flow period was proposed by Fish and Wildlife through the Corps of Engineers in 1994. It was subjected to 6 months of public comment, and it was ridiculed at public forums from Omaha to Kansas City to St. Louis to Memphis to Quincy to New Orleans to Onawa, IA, and elsewhere. This is what the people of the heartland of America said about the spring rise. I have a bad hand, and I can only lift a third of the transcripts at a time, but these are the comments that the Corps of Engineers received in 1994. Guess what. They didn't think much of the plan then for spring rise.

President Clinton's Secretary of Agriculture and his Secretary of Transportation criticized the plan in writing. The plan was then shelved by the Clinton administration because of public opinion. They had their public comment. People did weigh in, and they said this is a disaster. The Clinton administration withdrew it.

However, that plan was subsequently resurrected by the Fish and Wildlife Service, using the force of the so-called consultation process sufficient to impose its will on the people in the States.

In other words, the Fish and Wildlife Service failed to convince the public and the States of the wisdom of their plan, as represented by these comments, so they decided to force their plan by putting a gun to the head of the Corps.

If the Fish and Wildlife Service cared about the views of the States and the public opinion of those who live in and around the basin and depend upon the Missouri River, we would not be here today. There is very little hope that they would care about next year's comments than they care about the comments people took pains to make in 1994 because they simply don't have to. The Fish and Wildlife Service gets to do what it wants because while they are required to allow public comment, they are not required to listen. And I guarantee you, when it comes to this plan, they have not listened.

This process, as previously orchestrated, is more rigged than a WWF championship match. But for my citizens, the price of admission is the cost of losing a planning season, a levee, an export opportunity, a flood, and maybe even the loss of a life.

Some may tell you that the Government can control this proposed flood. I know they wish that were the case. But wishes are not going to provide accurate weather forecasts in the temperamental heartland spring. Unless someone in the Corps can forecast weather accurately 5 to 10 days to 2 weeks in advance, there will be accidents, people will be hurt, and it will be because the U.S. Government decided to risk their safety for an experiment. When the Government releases pulses of water from the dams, that water can't be brought back; it is not retrievable. It takes 5 days to get to Kansas City, 10 days to get to St. Louis, and further down the river, even longer.

On average, the river never floods. In the real world, though, it isn't the averages that hurt us but the extremes. I understand that a lot of people have drowned in lakes that average only 3 feet deep. With downstream tributary flow, we already have a natural "spring rise" every time it rains, and when that happens, a "pulse" released days before is a tragic gift courtesy of the Federal Government.

Just 6 weeks ago, following a series of low pressure systems in the basin, in less than 5 days gauging stations in Missouri went from below normal stage to flood stage. Right in the heart of our State, in Herman, MO, the streamflow increased from 85,000 cubic feet per second to 250,000 cubic feet per second in 5 days. That is almost a threefold increase in the amount of water coming down that river.

Now, neither the people of Herman nor the Corps of Engineers expected this dramatic tripling of the flows, but it shows the danger of intentionally increasing those flows during the spring season, and it shows what people in our State already know: We already have a spring rise. It is natural and it is dangerous. If the pallid sturgeon really liked spring rises, they would be coming out our ears. After the floods, we should have had little pallid sturgeons all over the place.

The second part of the Fish and Wildlife plan is an artificially low summer flow, which inverts the historical natural hydrograph. For those who may be a little concerned about the terms, that means the river "ain't" flowing like it used to flow before dams. The natural hydrograph is to have more water in the summer during the snowmelts in the upper basin. This natural pattern would be turned on its head if you had the releases in the spring and then low flows during the summer. It starves the hydropower generators of capacity during peak periods of energy demand, driving up the rates for customers, driving up the rates for Native American tribes and other citizens in rural areas.

According to data from the Western Area Power Administration, "Risk analysis including river thermal powerplants: Both capacity and energy losses increase exponentially as the summer flow decreases in July."

That means that when you cut the waterflow during the summer in peak cooling seasons, you get much greater than a straight line loss in capacity and energy production. The line doesn't go down like this; it goes up like that. That is what happens to power production when you reduce summer flows.

The plan does call for continued production of energy, just not when people need it. The middle part of the summer is when air-conditioning rates are the highest and when there is the greatest drain on electricity. Unless we no longer care about clean energy options, then we should not be taking deliberate steps to increase the cost of power.

Additionally, let me point out for our southern neighbors that low summer flows provide inadequate water to continue water commerce on the Missouri River and during very low water periods on the Mississippi River. During the drought years, up to 65 percent of the flow in the Mississippi River below St. Louis comes from the Missouri River.

Water commerce is important for another reason. One medium-sized 15-barge tow can carry the same amount of grain—usually going to the export markets—as 870 trucks. This one medium-sized tow is much better for safety, clean air, fuel efficiency, highway congestion, and the competitiveness of our shippers in the international marketplace than putting 870 trucks on the highway through congested metropolitan areas. Water commerce for our farmers, shippers, and exporters is a necessary insurance policy against high rates that occur when the absence of competition leaves shippers to the mercy of transportation monopolies. A key assumption of some is that freight carriers don't raise rates when they face no competition. That is a nice wish, but it is not a realistic assumption.

Other forms of transportation do raise rates when competition is not present. According to the Tennessee Valley Authority, which did a study, higher shipping costs would add up to as much as $200 million annually to farmers and other shippers in Missouri, South Dakota, and all the States in between, not including the Lower Mississippi River States. A shipper from the Omaha, NE, region told my office that he secures railroad rates of less than $25 per ton when they go up to Sioux City, where the river provides competition, but when he ships up to Sioux Falls, where the river doesn't go, where river transportation is not available, then rates double.

I am pleased and proud to say there are many ongoing programs and practices to improve Missouri River habitat. I have listened to the discussions that relate to this matter over the years, and there is some presumption that only the Federal Government should do something about it. That is false. There is that overtone, since Missouri strongly opposes the Federal Fish and Wildlife plan—on a bipartisan basis, I might add—we aren't as dedicated to fish and wildlife as some of our friends in the Dakotas, or Montana maybe.

Well, Mr. President, no State in the basin dedicates as much money as Missouri does to fish and wildlife conservation measures. Most States just take payments from the Pittman-Robertson and the Wallop-Breaux and licensing revenue. Some States have appropriations from their general fund.

The citizens of Missouri have imposed upon themselves by referendum a State sales tax for conservation. That has enabled Missouri to spend as much as California on fish and wildlife. This year that total will be $140 million.

Our State conservation tax has enabled Missouri to spend twice as much as Florida, 11 times more than Massachusetts, 11 times more than Vermont, 9 times more than Nevada, and 3 times more than Illinois.

According to the latest data from the Wildlife Conservation Fund of America, Missouri spends roughly 50 percent more on fish and wildlife than the Dakotas and Montana combined. Missouri spends 5 times more than South Dakota on fish and wildlife, and 10 times more than North Dakota.

Almost all States raise money from hunting and fishing licenses and all States get Federal money. If you go beyond those sources, the difference between what Missouri citizens have set aside for fish and wildlife compared to our upstream neighbors, the numbers are staggering. In the latest years, the figures available to me, Missouri dedicated 60 times more from State taxes in the general fund than South Dakota, for example.

I will not say anything beyond this except that Missouri citizens are doing their part, and certainly we encourage other States to follow the constructive example that Missouri has set.

What have we done? What have we done for wildlife habitat? What have we done to conserve species, to preserve and help restore endangered species? Our Department of Conservation has acquired 72 properties in the Missouri River flood plain totaling almost 45,000 acres. Senator HARKIN of Iowa and I and others have requested funding for a number of ongoing habitat projects, and while two are funded in this bill, one was not funded.

We have authorized and we have begun funding for a 60,000-acre flood plain refuge between St. Louis and Kansas City. We authorize an addition of 100,000 acres of land acquisition in the lower basin to restore habitat, with almost 13,700 acres already acquired.

I have been pleased to work with American Rivers and Missouri farm groups to authorize habitat restoration on the river, to create sandbars, islands, and side channels. These are the natural structures that support and facilitate species such as the pallid sturgeon.

I regret to say this administration, as the last administration, requested no funds to start the project, and the subcommittee this year did no new starts, so a consensus approach is lying in state. We have financed over 21,740 acres of wetland easements from the Wetlands Reserve Program in Missouri. Missouri is very active with the Conservation Reserve Program, and farmers are signing up for filter strips along waterways to reduce runoff.

We are working in Missouri on an agroforestry flood plain initiative and have demonstrated tree systems that take out nearly three-quarters of the phosphorous and nitrogen so it does not reach the waterways while providing excellent bird habitat.

According to our Department of Natural Resources, river engineering efforts on the Mississippi River have paid big dividends for endangered species. For example, at river mile 84 on the Upper Mississippi River, the Corps has created hard points in the river to separate a sandbar from the bank to create a nesting island for the federally endangered least tern. In addition, larval sturgeon have been collected in the resultant side channel.

Four islands around mile 100 on the Upper Mississippi were created by modifying existing navigational structures without interfering with water transport. Islands have flourished even through the flood of 1993.

At river mile 40 on the Upper Mississippi, the Corps has established critical off-channel connectivity essential as overwintering and rearing habitat for many Mississippi River fishes.

We know there are better approaches that do not hurt people, and that is where the focus has been in Missouri, and that is where the focus should be in Washington. The sooner we table the plan that is risky, untested, and dangerous, the sooner we can get to the plans that are tested and broadly supported.

Our bipartisan amendment is supported by members across the country: the National Waterways Alliance, National Corn Growers Association, American Soybean Association, American Farm Bureau Federation, National Association of Wheat Growers, National Council of Farmer Cooperatives, Agricultural Retailers Association, National Grain and Feed Association, and others.

The Fish and Wildlife Service plan has been opposed strongly by the Southern Governors Association which issued another resolution opposing it early this year. The Fish and Wildlife plan is opposed strongly by our current Governor, Governor Holden, and his Department of Natural Resources which is just as knowledgeable and just as committed to the protection of the river they live on as the Federal field representatives who live in other regions and States.

I say to all the Senators on the Mississippi River that objections were raised to the Fish and Wildlife Service plan in a recent letter to the President signed by nine Mississippi River Governors. These Governors include Governor Patton from Kentucky, Governor Sundquist from Tennessee, Governor Foster from Louisiana, Governor Musgrove from Mississippi, Governor Ryan from Illinois, Governor Huckabee from Arkansas, Governor McCallum from Wisconsin, and Governor Holden from Missouri.

This plan is opposed on a bipartisan basis by elected officials, by our late Governor Carnahan, by mayors, farmers, and the people all along the Missouri River.

Our amendment seeks to add some balance in the decisionmaking process and attempts to permit the administration to do what is right to find ways to address species recovery that do not harm people, that do not harm property, that do not interfere with the other legitimate multiple uses of the Missouri River.

I strongly urge my colleagues to adopt this bipartisan amendment. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the Senator from Missouri. He clearly feels as passionate about this issue as I do, and he, like I, has tried to find common ground. I have no objection to the amendment that Senator BOND is proposing this afternoon.

What he is saying through this amendment is that in addition to the proposal made by Fish and Wildlife, there ought to be consideration of other issues, other opportunities to address the problem. I have said that from the beginning.

I will support this amendment, and I urge my colleagues to support it as well. I also urge my colleagues to endorse this position as the bill proceeds through conference. This is a position that I think will clearly show unanimity on both sides of the aisle and, as a result, I hope we can maintain this position rather than the very negative approach adopted by the House.

I am hopeful as we go into conference that Senator BOND will support the position that he and I now have adopted as a Senate position.

While I am in agreement on the amendment, we are in vast disagreement about the issue. I feel compelled to address some of the questions raised by the distinguished Senator from Missouri.

First of all, it is important to remember, most importantly perhaps, it is important to remember that this goes beyond just the pallid sturgeon. Obviously, the pallid sturgeon is an endangered species, and we can argue all afternoon about the relevance of the pallid sturgeon to the master manual debate, but in my view, this is about more than an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

This is not about an endangered species. This debate is about an endangered river. This debate and the master manual is about whether or not we can save an endangered river.

The distinguished Senator mentioned the organization American Rivers. The American Rivers organization has now listed for the second year in a row the Missouri River as the most endangered river in America. It doesn't get any worse than that.

We talked about the Federal Government's commitments and regulatory approach. Citizens of South Dakota know a lot about commitments and regulatory approach. We were told if we gave up hundreds of thousands of acres of land to build four dams to help downstream States, we would benefit. We would have irrigation projects, and we would have water projects, and we would have an array of special consideration given the new jeopardy within which we find ourselves as a result of the dams' construction.

The first things to go, of course, were all the irrigation projects. We don't have any in South Dakota. That is done. The second thing to go, of course, was the quality of life for people who lived along the river. We had to move communities. That is done. We have moved them. Unfortunately, because the master manual is now so out of date, we are drowning communities all along the river as we speak.

The Senator from Missouri talks about his concern for spring rise and floods. We are getting that every year. We have already authorized the construction of new homes for 200 homeowners in Pierre, SD. We will have to commit $35 million to move homeowners because we flooded them out because the master manual isn't working.

So don't talk to us about spring rise. Don't talk to us about flooding. Don't talk to us about sacrifice. We know sacrifice. We know the problem because we are living in it every single day.

Yes, this is about pallid sturgeons. But this is about a lot of South Dakotans who are living on the river who were told they were safe, who were told they had been given commitments, who were told they would get irrigation projects, who were told they would get all kinds of benefits which we have not seen.

This is about an endangered river. It is about a master manual written 50 years ago when times were a lot different. It is about a recognition that every once in a while, perhaps at least every two generations, we ought to look at a master manual and whether it is working or not and come to a conclusion about rewriting it so people are not flooded out.

This has been an effort 10 years in the making. In spite of all the assertions made by the Fish and Wildlife and the Corps of Engineers and others that the spring rise proposal provides 99 percent of the flood control we have today, that is not good enough for some of our people. In spite of the fact they tell us in any single year there would be high water, there would be no spring rise, we would not authorize it, that is not good enough for some people.

The distinguished Senator from Missouri mentioned a hero of mine, Steve Ambrose. I don't know of anybody who knows more about that river than he does. He has walked virtually every mile of it. He knows it backwards and forwards. He knows its history, he knows its splendor. He knows the river like no one knows the river. He has been very complimentary about the efforts made to protect it now. I will not speak for him, but I will say this. Were he here, I think he would express the same concern about how endangered this river is, as I just have.

Steve Ambrose is not the only one. The Senator from Missouri was talking about all the indignation, talking about all those who came out in opposition, and he mentioned quite a list of people. I could go on, too, with lists of organizations, lists of Governors on a bipartisan basis. I think perhaps the most important is the letter we received on May 21 from the Missouri River Natural Resources Committee. The Missouri River Natural Resources Committee is made up of people up and down the river, but especially people in the lower regions of the river. Here is what the Missouri River Natural Resources Committee has to say. I will read one sentence, and I ask unanimous consent the letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. DASCHLE. "The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified."

There you have it, perhaps the most authoritative organization on river management dealing with the Missouri River. This sentence is underlined: "This plan is biologically sound and scientifically justified."

I feel this as passionately as the distinguished Senator from Missouri. What happens when two people who feel as passionately as we both do, with polar opposite positions, come to the floor on a bill of this import, on an issue of this import? What I did early in the year—and I thank my very professional staff, Peter Hanson, and others, and my colleague, Senator JOHNSON, for his admirable work on the committee in working with us, and perhaps most importantly, my chairman on this subcommittee, HARRY REID. I thank them all for their extraordinary efforts to work with us to try to find some common ground.

Basically, what is in the bill is simply an amendment that says: Look, let's continue to look at this; let's see if we can find the common ground, with the depth of feeling we recognize on both sides. Let's not do any damage, but let's keep working.

That is what is in the bill. Let's not make any conclusions, let's not insert that somehow the States have to comply prematurely. We already have invested 10 years. What is another year? Let's keep working.

That is what is in the bill.

What the Senator from Missouri is saying is let's also ensure that there are other options that we look at. I have no objection to that. That is why I support this amendment. If we pass this legislation, we will look at other options, we will not take any specific action right now, but we will not deny, as the House did, the right to continue to move forward. I hope we can all agree this is a legitimate, balanced approach.

I also hope people recognize this: If we don't solve it, the Fish and Wildlife and the Corps don't solve us, there is only one other recourse: The courts of the United States will solve this. This will be tied up in the courts, and we will see litigation for a long time to come, and it will be North v. South in a new context. I don't want to see that.

I want to see a resolution to this problem. I want to see some understanding of the science that has gone into the solution to this problem. I want to see a recognition that there is pain on both sides of this problem. I want to see us not continuing to kick the ball down the field but coming to grips with it, finishing it, and moving on.

This master manual is now older than I am. The river has changed a lot, as I have, over the last 50 years. I think it is time to update it. Probably time to update, me, too. This river is a lot more important than I am. This river provides a lot more livelihood to people in South Dakota than I do. This river is dying, and we need to save it.

EXHIBIT NO. 1

MISSOURI RIVER
NATURAL RESOURCES COMMITTEE,
Missouri Valley, IA, May 21, 2001.

Secretary GALE NORTON,
Department of the Interior,
Washington, DC.

DEAR MS. NORTON: I am writing to express the position of the Missouri River Natural Resources Committee (MRNRC) concerning the biological and scientific merits of the November 30, 2000, final Biological Opinion of the U.S. Fish and Wildlife Service on the Operation of the Missouri River Main Stem Reservoir System, Operation and Maintenance of the Missouri River Bank Stabilization and Navigation Project, and Operation of the Kansas Reservoir System. By way of introduction, the MRNRC is an organization of appointed, professional biologists representing the seven main stem Missouri River Basin state fish and wildlife management agencies. Our agencies have statutory responsibilities for management and stewardship of river fish and wildlife resources held in trust for the public. We were established in 1987 to promote and facilitate the conservation and enhancement of river fish and wildlife recognizing that river management must encompass the system as a whole and cannot focus only on the interests of one state or agency. Besides an Executive Board of state representatives, we also have three technical sections—Fish Technical Section, Tern and Plover Section, and Wildlife Section—consisting of river field biologists and managers which advise the Board on river science, management, and technical matters.

The MRNRC supports the recommendations contained in the Biological Opinion as biologically sound and scientifically justified. Implementation of these recommendations will not only benefit the federally-listed pallid sturgeon, interior least tern and piping plover, but also many other river and reservoir fish and wildlife for which our agencies have responsibility and jurisdiction, including river fish species which have declined in many river reaches since development of the system. A sustainable river ecosystem requires restoring as much as possible those hydrological functions and river and floodplain habitat features under which native river fish and wildlife evolved. The scientific community is increasingly recommending restoration of natural flow patterns or some semblance of them to conserve native river biota and river ecosystem integrity (Richter et al., 1998; Galat et al., 1998). The Opinion takes the first, adaptive management step toward accomplishing this task while recognizing that the river has been drastically modified and must continue to meet other human needs for power generation, water supply, recreation, flood control, and commercial navigation.

The Opinion contains most of the operating and habitat rehabilitation objectives contained in an alternative submitted by the MRNRC in August, 1999, for the Corps of Engineers' Missouri River Master Manual Environmental Impact Statement Review and Study and in a white paper we developed in 1997 (Restoration of Missouri River Ecosystem Functions and Habitats). These objectives include higher spawning flow releases from Fort Peck and Gavins Point Dams in the spring, warmer water releases from Fort Peck Dam through the spring and summer, lower flows below Gavins Point Dam in the summer, unbalancing of reservoir storage (annual rotation of high, stable, and lower reservoir storage levels among the big three reservoirs), restoration of shallow water aquatic habitat in the channelized river reaches, and restoration of emergent sandbar habitat in least tern and piping plover nesting areas, all of which have been advocated for many years by the MRNRC.

The MRNRC also commented on and supported the draft Biological Opinion. A copy of that letter is enclosed. The final Opinion is responsive to our comments on the draft. We are especially pleased to see the commitment to include our agencies in the Agency Coordination Team process for fine-tuning and implementing management actions identified in the Opinion. I am also enclosing a copy of the 1997 white paper and a brochure which explains the function of the MRNRC. I hope this letter and accompanying materials clarify the views of professional biologists responsible for Missouri River fish and wildlife. Please do not hesitate to contact me (712-336-1714) if we can be of further help in this regard.

Sincerely,

THOMAS GENGERKE,
MRNRC Chair,
Iowa Department of Natural Resources.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator from Missouri will yield for a brief statement.

While the leader is here, I want to say this is legislation that is best. The provision in the bill could have been a benchmark for a lot of confusion and derision, but the staffs involved, because of all the concern for the river, sat down and did something constructive. I, personally, as well as Senator DOMENICI, appreciate this very much. This avoids a contentious fight. Because of the good heads of the staff and the wisdom of the Senators involved, we have resolved a very contentious issue. Senator DOMENICI and I are very thankful.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I thank my colleague for that eloquent and enthusiastic support for a solution to the problem we have worked on for so many years. I love the opportunity to work with him in being able to find that solution.

Today, I want to speak about an issue that is important to the people of Missouri. As you see, my State lies at the confluence of these two great rivers, the Missouri and the Mississippi. The rise and the fall of these rivers has a tremendous effect on Missouri, on its agriculture and recreation and environment and economy.

The U.S. Fish and Wildlife Service has proposed to shift the flow of the Missouri River so that more water passes through our State in the spring and less in the summer. It is called the spring rise. If this proposal goes into effect, it could have devastating consequences, including increased likelihood of flooding and the shutdown of the barge industry on the Missouri.

The energy and water appropriations bill being considered by the Senate contains language that would prohibit the Army Corps of Engineers from expediting the schedule to finalize revisions to the master manual that governs waterflow on the Missouri River. In effect, this provision would ensure that the decision regarding the flow of the river would not be made until 2003.

While I welcome that language as a temporary stopgap for Missouri, it is not enough to protect Missourians or other downstream States, for without additional action by Congress, it is virtually certain that the Corps of Engineers will adopt the Fish and Wildlife Service's recommendation for spring rise. That is a condition that will do great harm to Missouri and other users of the Missouri and Mississippi Rivers.

The Bond-Carnahan amendment strengthens the bill to provide greater protections for Missourians. It would allow the Corps to propose alternatives to assist the recovery of endangered species, but it would not preclude the Corps from adopting the Fish and Wildlife Service's proposal for spring rise.

Just 8 years ago, Missourians faced one of the worst floods in their history. The water crested almost 50 feet over the normal level. Entire neighborhoods were washed away and damage estimates ran into the billions. This year, we saw communities up and down the river battling against floodwaters once again.

I cannot believe that a government agency would contemplate an action that would put Missourians and residents of other downstream States at risk of even more flooding.

The proposal is to release huge amounts of water from Gavins Point, SD, in the spring when the risk of flooding is already high. It takes 10 to 11 days for water from Gavins Point to reach St. Louis. What would happen if we received an unexpected heavy rainfall after the water had been released from Gavins Point? The answer is simple. Missourians would face a severe flood. Even the Corps admits that would be the case. That is an unacceptable risk.

The change would also damage the region's economy. The barge industry contributes as much as $200 million to our economy and would be severely hurt by the low river levels that would occur in the summer. The economic benefits to upstream users, approximately $65 to $85 million, pales in comparison.

We must also factor in the value of barge traffic on the Mississippi River. The proposed low summer flow would bring barge traffic to a near halt for at least 2 months during the summer at that area known as the bottleneck region of the Mississippi River. This is the portion of the river that stretches just south of the confluence of the Missouri and Mississippi Rivers, to Cairo, IL. The bottleneck needs the higher Missouri River flow to sustain barge traffic.

The disruption caused by this proposal would jeopardize 100 million tons of Mississippi River barge traffic which generates $12 to $15 billion in annual revenue.

Finally, there is no reason to believe that the Fish and Wildlife Service proposal will do anything to help endangered species. The Service claims that its recommended plan will benefit the pallid sturgeon below Gavins Point, but it provides no supporting evidence that any of the claimed benefits will be realized. In fact, the Service admits, in its own Biological Opinion, that enormous gaps exist in our knowledge of the needs of the pallid sturgeon. Furthermore, the Biological Opinion notes that commercial harvesting of sturgeon is allowed in five States.

If that is the case, I would think it would be more appropriate for the Service to halt the commercial harvesting, rather than risk severe flood and shut down barge traffic, all for unproven benefits to the sturgeon.

I am also not convinced that the Fish and Wildlife Service plan will accomplish the goal of helping two bird species: the interior least tern and the piping plover. In fact, many experts believe that the higher reservoir levels upstream resulting from the Service's proposal could actually harm these birds and their habitat at a critical point in the year. Fluctuations in the river level could also greatly disrupt nesting burdens below Gavins Dam. The Service's Biological Opinion fails to address the consequences of these unnatural changes.

There are better ways to ensure the continued healthy existence of these species. After the pallid sturgeon was added to the Federal endangered species list in 1990, the U.S. Fish and Wildlife Service formed the pallid sturgeon recovery team to rebuild the fish's dwindling numbers. The Missouri Department of Conservation joined this effort by working with commercial fishermen to obtain several wild sturgeon from the lower part of the Mississippi River. In 1992, the Department successfully spawned female pallid sturgeons, which has since led to the production of thousands of 10- to 12-inch sturgeon for stocking. The pallid sturgeon had never been spawned in captivity, but the Department developed certain techniques to do so. The fish were then released into the rivers.

Before the release, the Missouri Department of Conservation tagged them for tracking purposes. They have since been amazed at the number of reported sightings of the tagged fish, which has surpassed anything they anticipated.

If we are dedicated to preserving these species, we can do so through efforts such as those carried out in Missouri.

In recent years, this has become a partisan issue. It should not be. Some say it is an environmental issue. It is not. The environmental benefits of a spring rise are totally unproven.

Some say it is an economic issue. It is not. On balance, it would harm our economy. This is an issue of fairness. It is not fair to expose Missourians and other downstream residents to severe flooding, economic loss, and potential environmental destruction.

Our amendment, the Bond-Carnahan amendment, will ensure fairness for everyone who shares these rivers. I urge its adoption.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I commend and applaud the work of Senator CARNAHAN and Senator BOND on crafting this amendment. We have been at a gridlock state on the master manual development now for many years. Senator CARNAHAN's work to try to break that gridlock ought to be applauded.

Last year, as many recall, this bill wound up being vetoed by President Clinton over this very issue. For years it has been an all-or-nothing struggle between upstream and downstream States over the management of the Missouri River. I think we may be moving ahead more constructively now, thanks to a more thoughtful approach being taken in this body.

The Missouri River is of utterly profound consequences to my home State of South Dakota. It divides the State in two, an East River and West River, as we say in South Dakota. It is central to the economy of the State. It is the corridor by which settlers came to Dakota territory. This Senator grew up on the Missouri River. My hometown is a college town situated on a bluff overlooking the Missouri River. Its welfare is of great concern to my State. It is of great concern to me personally.

My colleague, Senator DASCHLE, noted that the Missouri River has been referred to as "America's most endangered river." I appreciate that could be the criteria you might happen to choose to apply, but, nonetheless, the Missouri River has gone through a great many changes from its pristine early days—largely impounded at least in the upper stretches of the river behind huge earthen dams, channelized in other stretches, and barge traffic.

In my home community of Vermilion, it remains as about as close to what Lewis and Clark saw as any stretch that remains. But that is only for a stretch of some 60 or 70 miles.

This river remains of enormous consequence. The management of the river has always been a matter of great import. For 40 or 50 years now, the existing master manual—the rules for the management of the river that guides the Corps of Engineers—has been in place. When the Pick-Sloan plan was implemented and these larger earthen dams were constructed, they were constructed with multiple purposes—flood control for South Dakota and for our downstream neighbors as well; energy production; and they remain a great source of hydroelectricity for our State and throughout the region; recreation certainly; barge traffic; and drinking and irrigation purposes.

The thought at the time was that these huge bodies of water would be used for massive irrigation development through the Dakotas, and that there would then, in turn, be a need for reliable barge traffic to haul this amount of grain from the heartland and the Dakotas downstream. For many reasons, irrigation never happened—at least not on a large scale. We have moved on from the irrigation that was envisioned.

The Missouri River is used as a significant source of drinking water. In the meantime, recreation, fish, and wildlife purposes have become paramount on the Missouri River. Although it is a far, far small industry than it was originally thought, it is of no one's interest to unnecessarily drive the barge industry out of existence. It still plays an important role in a much smaller way than was originally thought. But, nonetheless, it plays an important role, and to the degree that we can preserve it, that is well and good. But I think there is a very strong consensus that the vision for the Missouri Valley that existed at the time of the Pick-Sloan plan was envisioned and then implemented is much changed.

This master manual no longer serves the interest and no longer reflects the contemporary economic realities of the Missouri River—certainly in the upstream reaches of the river but downstream as well.

It is the responsibility of the Corps of Engineers to proceed with the study, public input, and with the science that goes into at long last a revamping of the master manual. Up until now, we have been caught up in the question of should we revise the manual or should we not revise the manual.

Now, at least in this body, there is an agreement that, yes, the manual should and needs to be revised. It should be done in a careful manner. I am pleased that we have gotten over that hurdle. That hurdle still remains in the other body, the House of Representatives, but I think as the Senate approaches this issue in a more thoughtful and wiser fashion, it is important for the Corps to take the best biological science available from the Fish and Wildlife Service.

It is also important for the Corps to listen to those who have concerns about flooding. It is important for the Corps to listen to those concerned about energy production. Our rural electrics, and public power in particular, have a great concern about levels of energy production from these hydrodams. This year more than most, we have had a lesser amount of waterflow from the head waters of the Missouri than in past years. In fact, our water levels are down this year in any event regardless of the master manual. That remains of concern.

We have endangered species. We have a great recreation and wildlife industry on the Missouri River. Much of it has been at risk because of the unreliability of the waterflows on the river and the lack of consideration given to this huge industry, the recreation and wildlife industry. In fact, every dollar's worth far exceeds that of the barge industry that has been there for so long.

We have concerns about erosion. We have concerns about the supply of drinking water on the Missouri River. We have concerns about the health of the Missouri River itself. Steps need to be taken to restore this river to the grand status that it once had.

I am pleased we are taking this step today. This does not mean that Fish and Wildlife's views will be ignored, or that the ultimate plan developed by the Corps of Engineers will be contrary to what the Fish and Wildlife Service wishes. But it does suggest that there are other perspectives that ought to be considered as well, and that the Corps will proceed, that they will move forward finally, at last, with the revision of the master manual—one that I hope will more fully reflect the contemporary economic and environmental realities of the Missouri River.

It is my hope again that as we proceed on with this bill—again, my commendation to Senator REID, our friend from Nevada, and Senator DOMENICI, our friend from New Mexico, who have done such great work on this bill as a whole—we will proceed with an excellent piece of legislation, so that when we reach a conference circumstance with the other body, the views of the Senate on this critical issue will, in fact, prevail.

I yield the floor.

Mr. HARKIN. Mr. President, the Missouri River is a tremendous resource for the Midwest. It is used for recreation and for transportation. It supplies water for drinking, for irrigation, to cool power plants, and it can, at times provide far too much water resulting in flooding, hurting many farmers and sometimes communities as a whole.

It is also the home for a wide variety of wildlife, providing excellent hunting and fishing opportunities. It has many beautiful views to be enjoyed by all. And it is the habitat for a number of species that, unfortunately, appear to be in very serious difficulty, endangered.

I believe we have a responsibility to protect endangered and threatened species, and I take that responsibility very seriously. And, I take the needs of my constituents to minimize flooding, to maximize the benefits of barge traffic and to use the areas along the river for good hunting and fishing very seriously as well.

The Corps of Engineers which manages the large dams on the river is charged with a number of legislative purposes such as navigation, flood control, recreation and environmental remediation and enhancement. And, many of those responsibilities are in regular conflict. Doing more to promote one priority can and regularly does hurt another priority. Few Members are happy with the Corps in this balancing effort. I understand lots of Corps officials are not happy with the Corps either at times.

Under the Endangered Species Act, passed in the early 1970s just before I became a member of Congress, we said that saving endangered species was a top priority. And, I strongly support that goal. It is often a difficult task. We so often know so little and, at times, can be so very wrong. But we should work in a determined manner to help species that are endangered.

In this case, the Fish and Wildlife Service has issued a biological opinion of what they think is the best course of action. Is it the best path to take? Under the law, there is a process that the Corps is supposed to follow in making the determination of what they will do to move forward towards saving the endangered species. It is a long process. But, as the language already in the bill notes, under its timetable, the Corps is more than a year away from coming to a final "record of decision" and then more months away from that decision's implementation.

I believe that the Corps needs to very carefully consider the input it gets during that time. Many, including the state governments, learned professors, organizations representing many sides, have a great deal of resources and expertise. I feel that the comment period is not supposed to be for show, or to allow people to vent. I believe that it should be an opportunity for people to not only forcefully note their interest, but for those with the capability to propose creative solutions, solutions that can both do more to help the endangered species and more to maintain the historic priorities of the Corps.

Do I know what that solution is? No. Is there such a solution? I don't know.

I did propose increasing funding in this measure to increase sandbars of benefit to birds and towards slow moving water which I am told will help the endangered fish. And, the committee placed a portion of that funding in the bill. But, I am certainly not sure that it will be effective. A Senator is constantly listening to experts who may or may not be correct.

I believe the Corps is responsible for truly sifting through all of the ideas and taking the best and melding them, to do what it can to find the best path. Some say the Fish and Wildlife Service has already spoken—period. This is only correct to a point. Yes, they have spoken, but that does not mean that they can't learn about new options and become aware of more information that can, with an open mind, lead to different alternatives.

Last year, I opposed Senator BOND's amendment because it simply precluded under all circumstances one type of action from being used that might help endangered species. I understand his strong concerns about a spring rise that his proposal of last year was designed to prevent under all circumstances. I certainly have considerable doubts about the logic of the Fish and Wildlife Service's proposed spring rise. But, frankly, I believe that the best path is not to legislatively say: No, this option shall be excluded. The best path is for knowledgeable parties to propose better alternatives to be considered on their merits.

Frankly, I also was told that last year's amendment would have quickly resulted in a strong lawsuit, with a likely judgement that the restrictions on the Corps to implement a spring rise would violate the Endangered Species Act. My fear was that a Federal judge, instead of the Corps would have replaced the Corp of Engineers.

Today's amendment is a balanced one. Under the already existing language of the bill, clearly, the process is not going to come to a final judgement in the coming year. The amendment adds to that reality, saying to the Corps: look at the need of the endangered species, look at the many purposes of the river. Listen to those who come to testify and to provide meritorious input. And, put together some options.

Ideally, the Corps will do just that. And, a year from now, hopefully, something will be presented that provides for the protection of the endangered species and the many benefits that are derived from its flowing waters.

Mr. President, I am pleased that I was able to help develop this language which has genuine balance.

Mr. BAUCUS. Mr. President, last year, Mr. DASCHLE and I fought hard against efforts to halt the progress of the new Missouri River Master Manual. As my distinguished colleague from South Dakota pointed out both last year and this year, the Missouri River is a river in jeopardy and the manual is long overdue for a revision.

We need a more balanced management of this river system, a balance that will, among other things, give more weight to the use of the water for recreation upstream, at places like Fort Peck reservoir in Montana. Under the current river operations, there are times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge, all to send water downstream to support the barge industry. Recreation is vital to the eastern Montana economy and to economies of other upper Missouri states. It's time the Army Corps' management practices reflected that reality.

This year, one of the worst water years in my State's history, the problems started back in March and April. The Corps told me their hands were tied by the old manual as to how much they could protect lake levels at Ft. Peck and at other upstream Missouri reservoirs—in short, they had to keep letting water out even though lake levels were dropping fast.

Which is why I applaud Senator BOND's decision to search for compromise because we all want a solution to this problem. We all want to make sure the river is managed in the best way possible. Mr. BOND has come forward with an amendment that will allow the Corps flexibility to work towards that goal. Mr. REID and Mr. DOMENICI agreed to language in the Energy and Water bill that will make sure the Corps won't accelerate this process, and that a decision on a new master manual won't be made until 2003. The Corps now has breathing room to do what's right for the Missouri River, for upstream and downstream interests and for fish and wildlife. After more than 50 years, it's about time.

Mr. GRASSLEY. Mr. President, I strongly urge my colleagues to support the Bond-Carranhan-Grassley amendment to the energy and water appropriations bill. This amendment will allow the Secretary of the Army to propose alternatives to the decision mandated by the last administration which will unquestionably increase flood risk and limit barge travel on the lower Missouri and Mississippi Rivers.

If we do not correct the ill-informed position that was shoved down our throats last year by the previous administration, landowners in Iowa along the Missouri River will face the threat of increased flooding. Thanks to a few of my colleagues that have obviously never been over to Freemont, Mills, Pottawattamie, Harrison, or Monona counties in Iowa, just to name a few, we have let an issue that was decided for political gain put lives and livelihoods at risk.

This is not a new issue. Provisions to limit significant changes in flow had been placed in five previous appropriations bills by my distinguished colleague from Missouri, Senator BOND. Each of these bills had been signed into law by the last administration, except for the legislation last year. Last year a few members let special interest groups drive the agenda and place my constituents in harm's way. It was not acceptable then and it is not acceptable now.

Senator BOND's amendment will allow the U.S. Army Corps of Engineers to propose alternatives to achieve species recovery other than those specifically prescribed by the U.S. Fish and Wildlife Service plan to increase releases of water from Missouri River dams in the spring. Majority Leader DASCHLE championed the Fish and Wildlife Service's position last year which will eventually result in significant flooding downstream given the heavy rains that are usually experienced in my, and other downstream states during that time.

Last year our opposition described their position as a "slight revision" to increase spring flows, known as "spring rise" once every three years. They emphasized, "not every year, but once every three". When they emphasized that point I guess I'm wondering whether that somehow makes it better or excusable to risk the lives and the livelihood of Iowans and other Americans living on the Missouri once out of every three years instead of every year.

This issue is exactly what is wrong with our representative government. How many times have we heard about special interests having too much influence and the decisions that are being made not representing the majority. Well here is my casebook example. How many Americans would view increasing the flow of the river to scour sandbars more important than protecting life and livelihood. There might be a few, and I realize as hard as this is to believe, there were 45 in the Senate last year. But if we could let the American people vote, I bet they would feel protecting Americans is more important than scouring sandbars.

The opposition's approach is a terribly risky scheme. Keep in mind that it takes 8 days for water to travel from Gavins Point to the mouth of the Missouri. Unanticipated downstream storms can make a "controlled release" a deadly flood inflicting a widespread destruction. There are many small communities along the Missouri River in Iowa. Why should they face increased risk for flooding and its devastation? They should not.

Equally unacceptable is the low-flow summer release schedule. A so-called split navigation season would be catastrophic to the transportation of Iowa grain. In effect, the Missouri River will be shut-down to barge traffic during a good portion of the summer. It will also have a disastrous effect on the transportation of steel to Iowa steel mills, construction materials and farm inputs such as fertilizer along the Missouri.

Opponents of common sense argue that a spring flood is necessary for species protection under the Endangered Species Act, and that grain and other goods can be transported to market by railroad. I do not accept that argument.

I believe that there is significant difference of opinion whether or not a spring flood will benefit pallid sturgeon, the interior least tern, or the piping plover. In fact, the Corps has demonstrated that it can successfully create nesting habitat for the birds through mechanical means so there would be little need to scour the sandbars. Further, it is in dispute among biologists whether or not a flood can create the necessary habitat for sturgeon.

This is why it is important to allow the Secretary to propose alternatives to achieve the same goals without the same deadly, ruinous side effects.

One thing I do know for sure is that loss of barge traffic would deliver the western part of America's grain belt into the monopolistic hands of the railroads. Without question, grain transportation prices would drastically increase with disastrous results to on farm income.

Every farmer in Iowa knows that the balance in grain transportation is competition between barges and railroads. This competition keeps both means of transportation honest. This competition keeps transportation prices down and helps to give the Iowa farmer a better financial return on the sale of his grain. This competition helps to make the grain transportation system in America the most efficient and cost effective in the world. It is crucial in keeping American grain competitively priced in the world market. The Corps itself has estimated that barge competition reduces rail rates along the Missouri by $75–$200 million annually.

If a drought hits during the split navigation season, there will be even less water flowing along the Missouri unless we make this necessary change. Low flow will also significantly inhibit navigation along the Mississippi River. We cannot let this happen.

Less water flowing in the late summer will also affect hydroelectric rates. Decreased flow means less power generation and higher electric rates for Iowans who depend upon this power source. This is not the time to be increasing the price of energy. In my opinion, the last administration already accomplished increasing energy costs to the breaking point for consumers, now it is time to start bringing those rates down.

The corngrowers summed it up best last year when they stated, "an intentional spring rise is an unwarranted, unscientific assault on farmers and citizens throughout the Missouri River Basin. "Unfortunately, the past administration felt sandbars were more important than citizens. Let's fix this. I urge my colleagues to support the Bond-Carnahan-Grassley amendment. Vote for common sense.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank you. I will be very brief.

I remind the Senate how important this Missouri River issue is and was. First of all, I am very grateful to hear that it is going to get resolved, which I understand to be the case. I haven't seen the language yet, but obviously there are very good Senators who have a more genuine interest than this Senator. So it will be right.

But last year, believe it or not, this entire bill that we are talking about was put at risk because Senator BOND sought to protect the river. An amendment passed, which I supported, that made the entire energy and water bill subject to that amendment with reference to not moving ahead too fast with the new ideas. It had a veto threat with it.

Believe it or not, since 1979, I think is the case, energy and water types of appropriations bills had never been vetoed. So we put at risk all the things that are needed in this bill and said we would take it. If the President vetoes it, we will find a way to pass the bill one way or another.

The reason I state that is because, obviously, the issue is a very important one. It brought down this entire energy and water appropriations bill.

Incidentally, we found a way to fix it. It became an issue. I am hopeful that today it remains an issue, and that, with this amendment which has been spoken to and about by those who are Missouri River affected, we will end up with something that is really an achievement.

Last year, I wondered—it is a very important bill—whether it was worth putting the entire bill at risk of a veto. My good friend, Senator BOND, who is now joined by others—and I compliment them all—told me: It is a worthwhile thing to do, Senator. I don't like putting your entire bill at risk—the one I happened to have managed then; the one I am ranking member of now—but I willingly did it, and I think that had ultimately a bit to do with resolving this issue in a better way. Because the Senate did find out it was a very serious issue and that they would put it at risk, with a veto pen, with reference to the issues between the river people and the professional Federal bureaucracies and the environmentalists. Hopefully, it has been worked out in an amendment that will be agreed to today.

I compliment everybody who has worked on it. I can see the fine hand of the majority leader. I can see other Senators from the other side of the aisle who got together to do it. I must, with all respect, compliment Senator KIT BOND for not giving up and for his tenaciousness last year in seeing to it that we, as a Senate, understood that some of our Government people were busy about changing things and that we ought to get ourselves involved.

Normally, we would not like to get involved, but we did. Today, perhaps, within an hour or so, we will end this issue with a compromise, which will mean we will not have anyone objecting, and everyone—whether they are so-called river people or environmental people or commerce interests—will all agree that their Senators have done a yeoman's job.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Chair recognizes the Senator from North Dakota.

Mr. DORGAN. Mr. President, while I understand the reason the amendment was put in the energy and water bill, and understand the reason that there has been discussion about a modification of it that the majority leader says he will accept, nonetheless, let me say that I would prefer that we not have this issue in this bill, that the revision of the master manual on the management of the Missouri River has been going on a long, long time—far too long.

For 12 years the Corps of Engineers has been wrestling with this issue of how to revise the master manual to manage the Missouri River. For 12 years it has been ongoing. The root of all of these amendments has been to try to continue to stall.

Let me describe why this is an important issue from the perspective of those of us who live in the upstream States. We have a flood in the state of North Dakota—a flood that came and stayed a manmade, permanent flood. It is the size of the State of Rhode Island. It visited North Dakota in the 1950s.

Why did that happen? Because this Missouri River—this wonderful 2,500 miles of wild and interesting river—was causing a lot of problems for a lot of people in some springs. On some occasions during the springtime, those downstream reaches of the Missouri River would have an awful flood. You could not play softball in the parks of St. Louis in the spring because the Missouri River had gone over its banks and caused substantial flooding. It was true, for a substantial portion of the Missouri River. And for flood control, and other reasons, it was decided that there ought to be a plan to see if they could harness, somehow, this river called the Missouri River.

A man named Lewis Pick and a man named Glenn Sloan put together a plan, as you might guess, called the Pick-Sloan plan of the 1940s. As almost anyone who knows anything about the river understands, the Pick-Sloan plan was a mechanism by which they would harness the forces of the Missouri River and create six main stem dams. One of those dams was in North Dakota, at the time, the world's largest, earth-filled dam. It was dedicated by President Eisenhower. It flooded 500,000 acres of North Dakota land. It created a manmade, permanent flood the size of Rhode Island in the middle of our State.

One might ask the question, Why would North Dakotans, in the 1950s, say: All right, you can do that. You can come to our State and create a Rhode Island-sized flood? I will tell you the answer to that. The answer to that was, the Pick-Sloan plan was a plan that said: What we would like to do is provide some benefits for everyone. Downstream, we provide the benefits of flood control, the benefits of perhaps achieving more stable navigation opportunities. Upstream, you have the opportunity to have a substantial shoreline for the recreation, fishing, and tourism industries. And then, in addition, and more importantly, what we will do for you upstream is to take from this huge body of water the ability to move water around your State, something called Garrison Diversion. And by the way, you can use that water to irrigate 1 million acres in your State.

So those were the costs and the benefits. Our cost? Our cost was the one-half million acre flood that came and stayed forever.

Now we have the cost. Take a plane and fly over it, and you will find the cost. It is there. That big old body of water is there. So we have a permanent flood. As a result of that permanent flood, some of the folks downstream do not get flooded in the spring. And some of those wonderful cities downstream in the springtime, late in the day, when the shafts of sunlight come through the leaves or trees, they can gear up and play a good softball game because there is no flooding. Good for them. That is their benefit. They have the benefits. We have the flood. But we never got the rest of what was promised to us.

But in addition to all of that, the master manual by which the river is managed was created in a way that said to the Corps of Engineers, here are the things we want to do with this river. And then the Corps of Engineers went about managing to what they thought was written in the master manual. And they have always insisted, notwithstanding the fact that the Government Accounting Office, and others, that have studied this have said they are wrong, that the issues of recreation and fishing and tourism—the industries that have spawned upstream, the industries that have spawned in my State—are somehow of lesser consequence to barge traffic and flood control downstream.

So as a result of all of that, there has been discussion about the need to revise the master manual. In 1989, we began to have the Corps of Engineers work to revise the master manual.

No one in America has ever accused the Corps of Engineers of speeding, and I expect they never will. It is as slow and as bureaucratic an organization as there is. But 12 years to revise the master manual? Twelve years? I don't think so. That is not reasonable. Yet here we are today. We do not have a master manual revision. And we have propositions that need to be delayed further. There needs to be intervals that are artificially created.

Let me say this about the states that are involved. We have had a group called the Missouri River Basin Association—eight States, all of which harbor the Missouri River. All of these States are enriched by the presence of the Missouri River. These eight States together have tried to work on plans about how one would manage the Missouri River and what kind of a master manual plan one would develop.

Seven of the eight States have reached agreement. One has not. Seven of the eight States have reached an agreement, and one will not. Can anyone guess which State is outside of the seven? The only State among the eight States that said, no, we will not agree? That is right, the state of Missouri.

Compromise is important. Compromise is an art. But it is not just in this Senate Chamber. In the Missouri Basin Association, there is not the ability to compromise on the fundamental issue of how you rewrite the master manual with respect to the Missouri River.

I have talked a little about the Rhode Island-sized flood that came and stayed in my State. Let me talk for a moment about this river.

Lewis and Clark went up that river. In the years 1804, 1805, they took keelboats and went up that river. It is a fascinating story. My colleague from South Dakota mentioned just a bit of it, but the story is really quite remarkable. Captain Lewis, Mr. Clark, and one of the world's great expeditions—what a remarkable thing they did.

Thomas Jefferson actually, with an appropriation of $2,000 that was not disclosed, enlisted Captain Lewis to begin this bold venture. He told them: When you get to St. Louis, charge what you need for your venture and sign a requisition to the Federal Government, and we will pay for it. He purchased keelboats. He purchased a whole series of things. In fact, in St. Louis, he purchased 110 gallons of whiskey. Think of what they would make of that today. Requisition that to the U.S. Government.

So he left St. Louis with this band of men, his keelboats, his 110 gallons of whiskey, and so many other things to enrich that trip, and they went up the Missouri River. According to their journals, they saw their first grizzly bear when they got to what is now Williston, ND. They even made notes in their journals about the mosquitoes they encountered. You can encounter some of those same mosquitoes or relatives of them.

They wintered near where the city of Washburn, ND, now exists, and spent the winter with the Mandan Indians. Here is what the description of that river was and is by Mr. Clark and others: "A tawny, restless, brawling flood," one observer scribbled about the Missouri River. "It makes farming as fascinating as gambling; you never know whether you are going to harvest corn or catfish." What an apt description of that wonderful river.

William Clark, who braved that wilderness, admired the lush swaths of oak, ash, and cottonwood on the Missouri's floodplain. He said: It is "one of the most butifill Plains I ever Saw, open and butifully diversified." "No other river was ever so dead-set against being navigated," another Missouri watcher wrote.

This river is unique, remarkable, and wonderful in many ways. But the river has suffered. The people who make a living on that river and near that river have suffered as well. We have not done right by that river. We have created the six main stem dams, and a whole series of things have intervened in the way the river is managed. They have upset the ecosystem. They have caused a series of problems for plants and for animals and for mankind.

We can do better. That is the purpose of this issue of rewriting the master manual. It is said that rewriting the master manual will mean that less attention will be paid to downstream barge traffic. The downstream barge traffic is a minnow compared to the upstream tourism, recreation, and fishing industries, which are a whale. We are talking about less than $10 million compared to nearly $80 million in terms of impact. Yet the Corps of Engineers manages this river as if the downstream barge traffic is some colossus. It is not. It is a relatively small amount of economic activity that has been shrinking.

Upstream, the interest in recreation, tourism and fishing has been growing and growing. Yet the river is managed as if it was yesterday in terms of economic circumstances and consequences. That is wrong.

I have heard the discussions today about the spring rise and split navigation, all the myths about that. The fact is, even with the spring rise, most of the navigation traffic would be unaffected, the downstream reaches. Even with the proposed change in the master manual, and managing this river the way it ought to be managed, 99 percent of the flood protection would be available to downstream States.

Some of us have exhausted our patience. We get all the cost and virtually none of the benefits upstream. Downstream gets all the benefits and almost none of the cost. Somehow they have said to us: By the way, we love having the Missouri River run through our cities, but we don't want the inconvenience of having spring floods. We don't want to interrupt the softball games in the middle of our cities. They build a flood up north and you have the flood forever. And by the way, when we are short of water, we want your water. And when we have too much, we want you to store it because we want you to be the reservoir that takes all of the cost all of the time.

Sometimes you almost think that what we really ought to do, if they don't appreciate the flood control downstream and they don't appreciate the benefits they have received, maybe we ought to just dump those dams out of there and let that water go where it will. Then see if maybe we do have a master manual that manages this river in a manner that is sensible. Maybe everyone will understand there is a "balance" between the interests of the downstream and the upstream States.

In most cases, one would be able to resolve this in a pretty thoughtful way. Frankly, the Missouri River Basin Association has some pretty good people from every State of the eight States involved who have worked pretty hard on this issue. Seven of the eight States have pretty much reached agreement on how to resolve it. One State has not. That is the State of Missouri.

One would hope that perhaps in that venue, and perhaps also here in the Senate, we might find reasonable compromise to understand that the balance between cost and benefits of downstream and upstream States is something that ought to be a true balance.

Again, this issue is critically important to us. Our future relates to economic development. Economic development relates to water opportunities. If you don't have water, you don't have development. It is that simple. We have the development around this flood that came and stayed forever in our State, the development of an aggressive, vibrant group of industries—fishing, tourism, recreation, that of the downstream navigation interests. Yet we are told with this archaic management of the river that somehow it really doesn't count for much. We are saying that is not right. So there ensues this revision of the master manual.

Then 12 years later, we are still standing here talking about whether or not the master manual ought to be completed. Of course, it ought to be completed. What on earth can we be thinking about. Twelve years is far too long. We ought to be ashamed of ourselves, the Corps and the Congress, that it takes more than a few years to revise a master manual. Maybe we will give it 5 years. How about 7? Maybe 10 years or 11. But you can't do it in 12? You need more time than that? What kind of thinking exists that says you need more time than 12 years to revise a master manual on how to run a river? I hope we don't have to fight a war some day if that is the thinking that exists. We ought to be able to do this in a sensible way.

I will not object to what has been offered here. The majority leader spoke on behalf of all of us that while he would prefer this issue get resolved, and that it is critically important to upstream States, I will not object to this amendment. But this issue should not even be here. This is not where this issue should be considered. This issue should have been behind us, not in front of us. I hope one of these days all of the States, all eight States and not just seven in the Missouri River Basin Association, will get together and help to resolve the balance in terms of how to deal with the intricate, simple, and complex issues dealing with the management of the Missouri River.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate vote in relation to the Bond amendment No. 1013 at 4:45 p.m. this day, with 4 minutes for closing debate prior to the vote, equally divided between Senators BOND and DASCHLE or their designees and that no second-degree amendment be in order prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, I inquire, has the Bond amendment not been accepted or at least is this a controversial amendment?

Mr. REID. No, this is not. From everything we have heard from everybody we have heard it from, the answer is no. It is just felt it would be appropriate for some to have a vote.

Mr. DORGAN. So there is a requirement of a recorded vote on a noncontroversial amendment.

Mr. REID. Yes.

Mr. DORGAN. I do not object.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I won't object, but I did maybe leave a misinterpretation a while ago when I spoke about being pleased that we had reached consensus after all of these difficult times, including last year. I may have left the impression that there was not going to be a vote required. That was not my prerogative. I should not have said it. The Senator who is the prime sponsor has indicated he wants a vote. We will have one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator is absolutely right. There has been such significant progress made. This vote is more of a celebration of the great progress made. I don't know of anyone who is going to object to this vote. There may be someone I don't know. I would say this is just a culmination of days and days of deliberations.

As I indicated earlier, there have been staffs working many hours on this matter. I think the vote is more kind of a note of accomplishment, and this will be an overwhelmingly positive vote.

Mr. DOMENICI. Mr. President, actually, I don't know what Senator BOND thinks it is, a celebration or whatever. What I understand is that I have been around here a while. There are a lot of reasons to seek a rollcall vote.

I have begun the practice of not trying to speculate as to why rollcalls are requested. In some situations, I would not ask for them and Senators insist on them. Other times, I wonder why they don't because it seems to be such a great issue. Senator Bond is entitled to his request.

I yield the floor and have no objection to the unanimous consent.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have now a half-hour before the vote, approximately. I hope that those who have amendments will come over and offer them. I have had conversations with a couple people, and they said they were thinking about offering them. I wish they would because we have a managers' package we have talked to a number of Senators about, and we have a number of issues on which we are working. We are not going to do that until we have some end in sight on this legislation. If there are issues, bring them over. What we will do at a subsequent time, if enough time has gone by and everybody has had an opportunity to offer amendments—and we believe there are amendments that are no longer vital to be offered if people aren't willing to offer them—then we will move to third reading.

I recognize that I can't do that without the concurrence of the Senator from New Mexico; I would not anyway. But that is something we can do when we have waited long enough with nothing happening.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. As I understand it, we entered into an agreement to vote on the Bond amendment at a time certain. I now speak to Senators on my side of the aisle. We have the list of the kinds of amendments people are thinking about. I hope that in the next 2 minutes a Senator who has an amendment that he really wants to have us vote on and consider for some extended period of time will advise either this Senator or Senator REID because we ought to go on to another amendment or two. The Bond amendment will have its vote, and it will be disposed of. We need to have something to do. I urge them to consider coming down to talk about the amendment they would like to offer.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I know we are on the energy and water appropriations bill. I ask unanimous consent to speak for 10 minutes as in morning business with the proviso that if someone shows up and wishes to speak on the bill, I will be happy to relinquish the floor.

The Senator from New Mexico is here, and I know he is anxious for people to offer amendments. I say to him that if someone shows up and wishes to offer an amendment, I will relinquish the floor and finish my statement another time.

Mr. DOMENICI. I thank the Senator. There may well be someone in particular, Senator BOND. I do not want him to have to wait if he arrives in the next 10 minutes.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

Mr. DORGAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Could the Presiding Officer inform the body as to the unanimous consent agreement entered into with regard to the final comments on the Bond amendment?

The PRESIDING OFFICER. There will be 4 minutes evenly divided and proceeding to a vote at 4:45.

Mr. DASCHLE. Since it is now 4:40, I consulted with the distinguished Senator from Missouri, and with his permission I will use my 2 minutes and accommodate the Senator's desire to speak to the amendment prior to the time we have the vote.

Let me say what I said a few moments ago for purposes of emphasis. No. 1, I support this amendment. I think it, again, is a bona fide effort to reach common ground. I attempted to do that. Thanks to the distinguished chair and ranking member of the appropriations subcommittee, I felt we had done so in a reasonable way.

Senator BOND goes further and says the Corps of Engineers and the Fish and Wildlife Service ought to look at other options beside spring rise, and that is certainly appropriate. We have no objections.

My hope is that we can maintain this position in the final conference on the appropriations bill. I hope on a bipartisan basis, given the kind of strength this amendment will clearly demonstrate, that we can do that.

Let me just make three points about the issue. The first point is that American Rivers and other organizations have singled out the Missouri River as the single most endangered river in the country. This issue is not just about pallid sturgeons. It is not just about endangered species. It is about an endangered river. It is about a future for a river that is in great peril.

Second, this issue is about a master manual that is over four decades old, that needs to be revised to recognize how endangered this river really is. There has been an extraordinary effort made to find a way to recognize the need for change in the way the river has been managed. I believe they have done a good job. I believe when the Corps asserts they can control 99 percent of the flooding, as they do now, we ought to believe them. But I am prepared to go beyond that, to find additional ways to accommodate those downstream even though we are being flooded out each and every day. There are 200 homes in Pierre, SD, that are being flooded out. And the families who own these homes are now being moved. So we know about floods.

Finally, let me say if we do not resolve this issue, the courts will. This will be tied up in the courts for a long time to come. We are not going to be able to avoid this issue. This issue will be dealt with. It will be resolved. The question is, "Do we do it with Fish and Wildlife with the assistance and oversight of the Congress, or do we do it in the courts?"

I hope we can move on and recognize that in spite of our passionate, deeply held feelings, it is important for us to find common ground. This amendment, in my view, moves us closer to that goal. While we have different positions on the issue of how the master manual should be written, we certainly do not have different positions on the need to resolve this matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my cosponsors and others for supporting this amendment, which will get us to a final resolution of this very important question.

In response to some of the comments that have been made, the record shows in 1952, in the authorization, the projection of tonnage was we could have up to 4 million tons on the river by 2010. The latest figures I have are we currently move agricultural products on the Missouri River equivalent to 45,000 transport trucks, fully loaded, at 80,000 pounds each. That is about 9 million tons of agricultural products moved in a more environmentally friendly and more efficient and more economical way.

With respect to the work we do to enhance conservation, wildlife habitat, I note Missouri spends about $141 million on fish and wildlife. I outlined in my remarks all the steps we have taken. I hope the managers of the bill will find it in their hearts to be able to fund the Mississippi and Missouri River Habitat Program that we authorized several years ago that enables us to continue to make improvements in the river that do not affect the multiple uses of the river but make it much more friendly and supportive of the pallid sturgeon, the least tern, the piping plover, and other endangered species.

My position is simply that the Government should be preventing floods, not forcing floods on people. We have an opportunity to ensure good transportation for farmers. We expect, under this new rule, we can have the Fish and Wildlife Service and the Corps of Engineers listening to the people who are affected and develop a plan that does not force a spring rise down our throats, that does not force flooding on the Missouri River, that does not take away our potential for hydropower, that does not cut off river transportation that is vitally important for our farmers.

I thank all who have worked with us on this amendment. I urge a strong vote because I believe this finally puts us on a path, not where we are saying you cannot resolve the issue this year, but this outlines a procedure that I believe can allow sound science to give us the right answer that achieves all of the purposes legislated for the Missouri River, including the preservation and recovery of endangered species.

I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1013.

The clerk will call the roll.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 1013) was agreed to.

Mr. BREAUX. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I understand we are looking for somebody to offer an amendment that can be debated tonight and voted on tonight. Senator MURKOWSKI is ready to proceed with an amendment. We have one scheduled after it, but I will try to determine if we can find some additional amendments.

Mr. REID. Mr. President, the majority leader is in the Chamber, if I could have his attention.

Senator DOMENICI just advised that there was an amendment ready on which we could have a vote tonight. I want to say in the presence of the majority leader that as the manager of this bill and having heard what he has said the last several days, we really need to do more than just one amendment. I am glad we are moving forward. I extend my appreciation to the Senator from New Mexico. We need to look at completing this bill tonight, if it is possible. Would the leader agree?

Mr. DASCHLE. Mr. President, if the Senator will yield, I appreciate very much the work of the chairman and ranking member.

We have just had a vote on the first amendment offered. We have been on the bill all week and the vote was 100–0. I hope we can move to the more substantive issues that have to be resolved before we can bring the bill to closure. But we will be in later this evening and tomorrow and tomorrow evening in order to accommodate Senators who wish to offer amendments.

After this, of course, we still have the Transportation bill that we have to bring up. There is a lot of work left to be done for the week. If Senators will cooperate and work with us, we can complete our work on this bill. This is a very good bill. Senators have done a good deal of work to get us to this point. I think it is a fine product, but we need cooperation from Senators in order to finish.

As the Senator from Nevada has noted, we are looking for people who can offer amendments. I know the Senator from Alaska is planning to do that now. I am hopeful that we can do more of that tonight before we complete our work for this evening.

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DOMENICI. Mr. President, I yield to the Senator from Massachusetts to ask a question.

Mr. KERRY. I wanted to ask something of the majority leader. It is my understanding that the majority leader made it quite clear at the beginning of the week that there was an agenda that needed to be accomplished if indeed the Senate intended to not be here on Friday. It is my understanding that, at the pace we are moving, there is a clarity to the fact that unless this changes, we will be here until late Friday and all of Monday voting; is that accurate?

Mr. DASCHLE. The Senator is correct. We will have to be here later than normal on Friday afternoon, and we will be here on Monday as well. We have no choice. We have to continue our work. This will accommodate the consideration of the bills that have to be disposed of.

Last year, eight appropriations bills had passed by the end of July. Thus far, we have only passed one in the Senate. So we have a lot of work to do just to catch up with what we did last year. So our effort to do that will go unimpeded, and we will do the best we can, given the schedule we have. We have a lot of work to do this week.

Mr. KERRY. I thank the majority leader.

Mr. DOMENICI. Mr. President, let me state in the presence of the majority leader that nobody is more interested in getting the bill completed than the Senator from New Mexico. I remember one year when this bill was vetoed over an amendment that was debated in this Chamber. The distinguished majority leader remembers that. It was a pretty onerous situation to veto an entire bill over the Missouri River.

We have not been on this bill very long because if you want to recall with me, what happened is you carved out big pieces of time for other things during each of the days that this bill has been up, so that on Monday we had a little time but no votes; Tuesday, yesterday, we didn't start on this bill until after noon, and this morning we finished our memorials and started at 11 o'clock.

So while it may seem that we were here the whole time, we have not been on the bill that whole time. This would be a very short number of hours. Nonetheless, I will work with our Members, and I don't think anybody is intending to delay matters. We just put them off when, in fact, we have long lists, wondering who is going first. There are not a lot of amendments that people say they want to vote on. There are a lot of amendments that are going to be either in the managers' amendment or are not going to be taken care of. Senators know that. I will try to get two or three more lined up if we can proceed with this one now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. In the spirit of cooperation, after listening to the majority leader, I would be happy if the other side took the amendment and we would not need to have a vote. We are willing to do that on this side, but not on the other side. I hope after my explanation there will be a reconsideration and we will not have to have a vote. However, if we don't get accepted, we will press for a vote.

AMENDMENT NO. 1018

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1018.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide grants and fellowships for energy industry workforce training and to monitor energy industry workforce trends)

On page 12, line 19, strike "$732,496,000" and insert "$722,496,000".

On page 19, line 2, strike "$3,268,816,000, to remain available until expended." and insert "$3,278,816,000, to remain available until expended: *Provided*, That $10,000,000 shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technology industries by the Department of Energy, in consultation with the Department of Labor.".

Mr. MURKOWSKI. Mr. President, this amendment makes appropriations for energy and water development for the fiscal year ending September 30, 2002, specifically providing that $10 million shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technological industries by the Department of Energy, in consultation with the Department of Labor.

The purpose of the amendment is to address realities associated with the area of energy and to focus in on the energy crisis in this country. To a large degree, that crisis exists because of inadequate training capabilities within the energy area.

The amendment would monitor workforce trends across the energy industry. It would provide $10 million for DOE grants and fellowships to colleges and universities to remedy workforce shortages. It would develop the energy workforce of the future.

This amendment takes $10 million from the increased funding proposed for the CALFED program. I want to identify for my friend, the senior Senator from California, that these are funds coming from the increased funding proposal. I recognize the sensitivity to the senior Senator from California of the CALFED program. I also direct your attention to the fact that this program has never been authorized by the Energy and Natural Resources Committee, which is an appropriate procedure.

I welcome that authorization. I would welcome the opportunity to work with my friend from California, perhaps, to find these funds in some other area. In any event, what we do in the amendment is redirect these funds to address what we consider a critical need for our Nation's energy security and the next generation of energy workers.

I recognize the CALFED program is a water program, but I also point out that we are taking this from the increased funding for CALFED.

As we talk about national energy policy—supply, demand, and infrastructure—I think we also have to consider the realities associated with the inadequacy of the workforce. Who is going to develop and deploy the new energy technologies we are going to need for the future? Even now, we find the Nation is unable to meet current labor needs and trends for the future. The forecast is ominous.

Enrollment in petroleum engineering has dropped 28 percent in the last decade. Geoscience enrollment is down 32 percent. Enrollments in nuclear engineering have declined by 60 percent in the past 10 years. Two-thirds of our nuclear faculty are older than 45; 76 percent of U.S. nuclear workers and 51 percent of geophysicists are within 10 years of retirement. There are few renewable energy and energy-efficiency programs but large potential needs for skilled workers to meet the demand.

Several years are required to train highly skilled workers with advanced engineering or science degrees. We must act now. I have worked with Senators DOMENICI and BINGAMAN, and I agreed they were right to include workforce considerations in their energy proposals. This is a vital but unrecognized part of energy strategy.

Recognizing the urgent national need we face, I propose that we provide sufficient funding to finally get this program started. Mr. President, $10 million will allow the Department of Energy to begin the program, conduct the initial needs assessment, and fund a few of the fellowships that are necessary in the necessary priorities.

I would have preferred to bring this program to the floor of the Senate in conjunction with comprehensive energy legislation, but we are still reviewing several proposals, still holding hearings, with the hope of action later this year.

I hope we can adopt this amendment now and get started and develop a fully authorized, fully funded program as we consider comprehensive energy legislation.

I urge the adoption of this amendment to develop the energy workforce of the future. In order to fund this critically needed education program, I am proposing to take $10 million from funding from the CALFED bay-delta program in California. This program, just like last year, has no authorization, as I have indicated.

Last year, the Appropriations Committee refused to fund CALFED, and I think it should consider the merits of this amendment this year. I am not unsympathetic, as I have indicated, to the water needs of the Western States. When I was chairman of the Energy and Natural Resources Committee, a number of important water projects were authorized: the Garrison project in North Dakota; the Lewis and Clark Rural Water System; the Animas-LaPlata project, and several others perhaps not as expensive as these.

What these projects had in common were, A, many, sometimes agonizing, years of study and negotiation; B, numerous Senate hearings spanning several Congresses; C, most important, they were all authorized by the committee of jurisdiction, the Energy and Natural Resources Committee.

CALFED has done none of this—no hearings in the Senate ever, although I point out we do have our first CALFED hearing scheduled for this Thursday afternoon in Senator DORGAN's Water and Power Subcommittee.

When CALFED was first authorized in 1996, no hearings were held; $430 million over 3 years was put in the Omnibus Parks Act of 1996, which I managed, to begin a process to address California's complex water problems. But that authorization expires at the end of fiscal year 2002.

Senator FEINSTEIN has introduced a bill, S. 979, to authorize the actions recommended in the RECORD of Decision last summer. I commend her for her efforts on this important project and hope the hearing scheduled on Thursday will be helpful as she pursues this goal.

However, one scheduled hearing is certainly not adequate in my mind to justify the $20 million requested by the administration, much less the $20 million added by the subcommittee.

Mind you, it was $20 million by the administration, and an additional $20 million was added by the subcommittee. What we are proposing to do is to take $10 million of the additional $20 million, so it will still leave $30 million, which is $10 million more than the administration proposed.

In addition, one hearing is not likely to provide enough information to learn as much as is necessary to move on a 30-year project that is estimated to cost in the first 7 years alone some $8 billion. Clearly, this is a project that should be authorized by the committee of jurisdiction.

I wonder how many Senators in the Chamber today can tell me on what some of that $8.5 billion will be spent.

In funding the CALFED program, the committee report contains some rather interesting language. First, the committee report notes that:

> The appropriate authorizing committees of Congress should thoroughly review and specifically reauthorize the CALFED program.

I believe Senator FEINSTEIN has started us along that path with S. 979 and Thursday's hearing.

Second, the committee recommended:

> No funding under the California Bay-Delta Ecosystem Restoration Project.

This is where things get a little tricky. In the next paragraph of the report, the committee provides an additional $20 million over the budget request for the Central Valley Project:

> Additional funds to support the goals of CALFED are provided as follows:

Then the report goes on to list all kinds of projects with very little explanation that should be undertaken in the CVP to support the goals of CALFED.

To understand the irony of this, I have one more quote from the committee report:

> The committee has consistently expressed concern regarding the duplication and overlap of CALFED activities with Central Valley Project Improvement Act programs and other activities funded under various other programs within the Bureau of Reclamation.

It seems to me by not funding CALFED, then pulling money from CVP, the committee is fostering the very confusion and overlap about which concern has been consistently expressed. If we are providing funds from the CVP, the CVP contractors should receive the benefit. Yet a central focus on the CALFED proposal is that proposals, such as raising the Shasta Dam or enlarging the Los Vaqueros Reservoir, should not be used to offset the 1.2 million acre foot reduction in CVP yield as a result of the CVPIA.

I am not proposing we completely eliminate the funding proposed under this bill, but I am asking that a portion of the increase be redirected to critically needed educational programs.

I also suggest that the appropriators, when they get to conference, ensure that whatever they fund is directed toward the purposes of the original authorization.

The benefits of raising Shasta Dam should go to the water and power users of the CVP, even if there are collateral benefits to the CALFED process.

If you want to pick a particular aspect of the subcommittee that should not be funded, I support cutting the environmental water account. Maybe that is a good idea, but that is why we are holding a hearing on S. 979.

Mr. President, that concludes my statement. I yield the floor, and I will be happy to respond to any questions.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I regret that I have to strongly oppose the amendment of the distinguished Senator from Alaska. I recall both in the committee and in the Senate Chamber hearing the distinguished Senator from Alaska talk about supply, particularly in view of the electricity and natural gas portion of the energy crisis that faces this Nation.

One of the things we in California have learned is that the electricity crisis is a forerunner of what is going to happen with water.

California has 35 million people. It is the largest high-tech State and the largest agricultural producing State. It has a need for high-quality water for high-tech, and it does not have enough water.

Just last week, this Senate debated the Klamath with an endangered species issue involving both the coho salmon and the suckerfish. The Bureau of Reclamation had to cut off water for farmers, and 1,500 farmers on both sides of the Oregon-California border essentially could not plant.

This is not going to be an isolated incident. We are going to see this happen up and down the Central Valley if we do not act smart, if we do not work smart, if we do not move to improve the water supply, to work smarter on the big pumps on the California Water project, if we are not able to recharge our ground water and, respectfully, if we are not able to take from the wet years and store that water to use in the dry years.

The Senator is precisely going after this money so that we cannot build the storage we need. The three projects that he mentioned: Raising Shasta Dam—that is a dam that is already there—raising the Los Vaqueros Reservoir, which is for reasons of water quality. There is a need for water quality both for the people in the area as well as what is supplied to the high-tech industry. That is Los Vaqueros. And the third is a delta wetlands project to provide water for the Central Valley water community.

He mentioned that there is no authorization. CALFED was authorized, he is correct. The authorization has expired. Tomorrow we have a hearing in the committee on a bill he mentioned which I have authored to provide the necessary authorization. There are three bills in the House.

I believe we are going to authorize this project. Not to do so would be a terrible mistake.

I must correct the Senator on one point. He mentioned $8 billion in the authorization. This is not correct. Although the bill says "such sums as may be available," the fact is the Federal share would be $3 billion and the State share $5 billion.

The point of what I am trying to do in the authorization bill is have all segments of the project—the ecosystem restoration, which is necessary for fish, the environmental water account, which is there to avoid an additional takings issue, as well as the storage and the water quality improvements—moved together concurrently so there is a balanced plan to move on the California water issue prior to the time it becomes a real crisis and the fifth largest economy on Earth is put out of business.

I plead with the Senator from Alaska not to take these dollars, particularly from the storage project. Unless we can take water from the dry years and save that water and use it for the wet years, California has no chance of solving its problem. We have 34 million people, projected to be 50 million people, and we have the same basic water infrastructure we had when we were 16 million people. That is why this isn't going to work.

The chairman of the committee, the distinguished Senator from Nevada, has worked very hard to be helpful. I am enormously grateful to him. He has worked in a prudent way to meet the need, I think knowing we are going to be able to produce an acceptable authorization vehicle in this session.

Once again, I am willing to work with the Senator from Alaska. I am willing, as an appropriator, to try to help find other funds. His project is worthy. His offset is not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the subcommittee was very cautious to make sure that anything we did did not interfere with the jurisdiction of the Energy Committee. The ranking member, Senator MURKOWSKI, is in the Chamber. Everything we have appropriated money for is related to things that have been authorized. We are not appropriating money that has not been authorized, and we went to great extremes to make sure we did that.

I am, some say, the third Senator from California. I am happy to be in that category. Because it is such a huge State, they need all the help they can get. We in Nevada are a neighbor of the State of California. We are small in relation to population, compared to their 34 million, but we have some of the same problems they have. Water is one of them. The bay-delta project is an extremely complex, difficult problem. The State of California has recognized it is a difficult problem. It has spent billions of dollars of California taxpayers' money to solve these problems.

I believe, this subcommittee believes, and I think the Senate will believe, we, the Federal Government, have an obligation to help. This money we are appropriating is a very small amount of money, considering the tremendous burden the State of California has to meet their demands. Many of these problems were created by the Federal Government. The Bureau of Reclamation has been up to their hips in water. Many of the problems that California has had have been created by virtue of the Federal Government being involved in one way or another.

The committee believes, of course, the appropriate authorizing committees of Congress should shortly review and authorize the programs. We agree with the distinguished Senator from Alaska that should be the case. They are in the process of doing that, as has been indicated by the Senator from Alaska and the Senator from California.

However, in what we have appropriated, it is important to keep the Federal Government involvement. I oppose the amendment being offered by my friend from Alaska. I agree it is important to invest in the future of our energy workforce. I believe that very much. I believe his amendment, as far as what he is trying to accomplish, is excellent. I think the offset he has identified is inappropriate.

My friend from Alaska correctly notes the worker training program is subject to future authorization in his committee as is CALFED. However, this subcommittee, I repeat, has been very careful to fund only those CALFED programs that existed as authorizations under other programs. CALFED is desperately important to the bay area and is important to the whole State of California.

I oppose any changing of the mark at this time. It is an appropriate level of funding dealing with the population growth of the largest State in the Union, 34 million people and growing. As the Senator from California has indicated, it is the fifth largest economy in the world. It is the largest agricultural State in America. We hear a lot about the farm States. Rarely is California included in those, but they are an immense producer of agricultural products. We in the West appreciate very much the fruits and vegetables that come from the State of California. The commodities are great. Much of that comes from this area of the country. Agricultural needs of California are threatened if we don't provide this money.

One of the things we have not talked about that we need to talk about is the ecosystem itself. I admire what the State of California is trying to do. The State of California in years past has created economic and environmental disasters in the State of California. The State of California, to its credit, is trying to correct this. We, the Federal Government, should join in trying to help them.

I will try to work with my friend from Alaska. It is my understanding that the chairman of the committee also likes very much this program dealing with worker training. I think that is important. I would like to work with him to try to accommodate this new program for workers in conference. I will try to do that.

I am aware, as I indicated, that we have a situation where the chairman and the ranking member agree on this, as they agree on a number of issues. I honestly believe we have stayed out of the authorizers' jurisdiction in this matter, and I will ask at the appropriate time for the Senators to support this motion to table that I will make at a subsequent time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Let me make a couple of observations. In arguing against the amendment, it is somewhat ironic that the two Senators probably have as much exposure as any Members who come from States where there is either a risk or an exposure to electricity blackouts. Clearly, training a new generation of energy workers suggests we need the best engineers in the world to create the best energy development, the best delivery system. That will help fund the solutions to the States' problems, particularly California.

I remind my friend from Nevada, the floor manager, and the distinguished senior Senator from California, we are not creating a new program. We are not creating a new program that requires authorization. We are directing funding to the DAO Office of Science to carry out this important function as opposed to what we are doing relative to the California issue.

As far as the CALFED issue is concerned, I agree California needs to address its problems with the help of the Congress. However, they must do so in a process that is customarily laid out in procedure before this body. I am happy to help the Senator from California with her concern, but the Senate has never, ever, ever, ever held a hearing on the proposals mentioned here. That is significant itself. Many Senators in this body assume there is a process where we hold a hearing, we do an evaluation, and we hear from witnesses on the merits of the proposal. There has been no explanation offered as to why we have not had a hearing. I recognize there will be a hearing tomorrow. We have held a hearing on workforce needs, specially nuclear workforce needs in the Energy Committee.

So we have some reasonable reference point to justifiably say there is a significant difference here between funding this workforce effort and having had a hearing on it and not having had any hearings on the CALFED issue, as proposed in this legislation. The dollars are not specifically taken from an individual project, only from a larger overall account. I am happy to support appropriations once a proposed authorization is completed, and I would work with the Senator from California to address from where those funds might come. But the bottom line—and I encourage my colleagues and those who are monitoring this debate to recognize the realities—is the administration requested $20 million. What did the Appropriations Committee do? They said no. They said no because CALFED is not authorized.

Instead, the Appropriations Committee put $40 million into the CVP, which is a separate California project. But the intent was to spend it on the CALFED project. It is kind of a sleight of hand, if you will. I do not mean this in a derogatory way, but when you look at the $20 million the administration requested and the Appropriations Committee said no because CALFED is not authorized, then the Appropriations Committee put $20 million into CVP, so they basically doubled the amount that was requested by the administration.

What we are talking about here is not taking anything beyond what the administration requested, which was $20 million. They got $40 million in the CVP. We are talking about taking $10 million to fund the workforce effort in the Department of Energy. Clearly, the CVP would have $10 million more than the administration requested. Instead of $40 million, they would have $30 million. So I think that is an adequate explanation of the points brought up.

Again, I have the deepest respect for the senior Senator from California and for the floor manager, the senior Senator from Nevada. Having gone to school in California, having familiarity with the necessity of California's productivity related to water, I suggest we proceed with this process through an authorization in the committees of jurisdiction, including the Energy and Natural Resources Committee, and I will pledge to the delegation from California my effort, and that of the professional staff, to work toward the end to meet the legitimate needs of California. But I think we need to adhere to the process.

It is my understanding there has been an effort to try to reach consensus on a vote, perhaps at 6 o'clock or shortly after?

Mrs. BOXER. I object to 6 o'clock.

Mr. MURKOWSKI. I hear the Senator from California objecting. I am not asking for a unanimous consent. I was making an inquiry. Again, I encourage recognition of the necessity of authorization on this matter.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time until 6:15 today be equally divided and controlled between Senators REID and MURKOWSKI; that no amendments be in order prior to the vote in relation to the amendment; that at 6:15 the Senate vote in relation to the amendment with no intervening action; and that the Senator from Nevada allocate 10 minutes that I have to the Senator from California, Mrs. BOXER.

The PRESIDING OFFICER. Without objection, it is so ordered.

If no one yields time, time will be charged to both sides.

The Senator from California.

Mrs. BOXER. Mr. President, I rise to address the amendment before us. Is that in order at this time?

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. Mr. President, because I was preparing for this debate, I do not know exactly the time I have been allowed. May I be informed?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I am really disappointed that we have this amendment pending which would take $10 million out of a $40 million appropriation that my colleague Senator FEINSTEIN has worked hard to get for the California water, I would say, near crisis.

We have a process in California called the CALFED process. I think a lot of our States could learn some good lessons from this process. Why do I say that? Because we all know that questions about water, when it is in short supply, can be extremely contentious. We certainly know water is the staff of life. People need it to live. We certainly know that water and the free flow of water is important to our wildlife, to our environment, unless we believe we can abandon being good stewards of the environment and forget about the wildlife, about endangered species, and suddenly have a circumstance where we have fishermen worried they cannot fish. We certainly know we need the water for our farmers.

The reason Senator FEINSTEIN has worked hard on this appropriation is we did not have an appropriation last year. We have to move this process forward. We cannot abandon this very carefully balanced approach which I think has worked so well. We will have a reauthorization; that is clear. But the bottom line is we have many times appropriated funds where there was no authorization, where we had a history, a good history, with the project as we have had with CALFED. This important process would be harmed if the Murkowski amendment were to pass.

Why do I say that? I refer you to the bill where we have very carefully explained it. My colleagues are again to be commended, for this spells out exactly where these funds will go. Yes, we have an environmental water council, which my colleague from Alaska talked about without seeming to praise it very much. But it is crucial because if we can take care of that particular part of the equation environmentally, it will free us up to get more water storage to be able to take care of the other users.

The money that is in this bill is not put there lightly. My colleague from California understands the needs of the country. But every single appropriation is spelled out very clearly and very carefully. As I read it, most of this will go in terms of numbers for projects to find water for the farmers. And, yes, we have an environmental council that will take care of that set-aside.

We know what it is to go through water wars in California. We know what it is to go through electricity wars in California. We know what it is to have people pointing fingers back and forth about who is to blame. We also know that the CALFED process works. It is very important that we hold it together. It is very balanced.

As my colleague and I seek to get reauthorization, we are trying to be as one as we go forward. But we certainly have one goal, and that is to be true to the CALFED process. We will in fact be sending a very bad signal this evening if this appropriation is reduced.

This funding is needed. This funding is important. This funding sends a signal to all stakeholders—be they urban users or farmers or environmentalists—that their goals are important; we will come behind those goals with funding. I think it will be in fact very detrimental to the CALFED process if the Senate sends this kind of signal tonight.

This is not controversial. We talk about water. Water in itself always brings up controversy. But the CALFED process to date has been very successful. What Senator FEINSTEIN has done and what the committee has done is to take those projects that are not controversial, that are part of the CALFED process, and fund them.

I hope we will reject the Murkowski amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, the Senator from California wishes to speak.

Mrs. FEINSTEIN. Mr. President, I thank my friend and colleague for her comments. I very much appreciate her solidarity and unity on this subject. It is extraordinarily important.

I also want to say there is a statement from the administration in support of this appropriation. We have the support of the Secretary of the Interior, as well as the administration, that this appropriation move forward. I am very hopeful that we will have unanimous support from our side of the aisle as well as support from the Republican side.

As my colleague has well stated, we are fighting for every dollar. The energy subcommittee listened. I think it is a fact that the money in this appropriations bill is extraordinarily important. I believe that unless we can move aggressively to build an environmentally sensitive water infrastructure in our State, there is no way we are going to be able to meet the challenges of the future.

This is a beginning.

I thank the Chair. I thank the chairman and my colleague.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am certainly sensitive to the considerations of my two friends from California. I would like to correct the record in one sense. We are not talking about a reauthorization; we are talking about an authorization that has never taken place. While there are exceptions from time to time, it is the general rule that we authorize these projects.

This is a complex project. Again, I remind my colleagues that the Appropriations Committee during this process increased over the administration's proposal from $20 million to $40 million total. As a consequence, to take $10 million away is still giving this project $10 million more than originally proposed by the administration.

Again, let the record note specifically that the administration requested $20 million. The appropriators said no. Why did the appropriators say no? They said no because CALFED is not authorized.

That is the only real reservation the Senator from Alaska has. I do that as the ranking member and former chairman of the committee of jurisdiction. I have no other reason, no other motivation, because I am sensitive to the water needs of California. Instead, the appropriators put $20 million in the CVP, a separate California project. But the intent was for it to be spent on CALFED projects.

There has been a little sleight of hand here, if you will, in the manner in which the appropriators addressed this. That is their business. But it is my business as the ranking member of the Energy Committee to advise my colleagues that we have not had an authorization. That is the basis for my objection.

I think it is certainly a justification, since we are not creating a new program with $10 million of the $40 million, which is more than the administration requested in the sense that they offered $20 million and offered to move $10 million to a worthwhile project while not creating a new program that would need authorization, but directed funding to the DOE Office of Science to carry out the important function of technical training in the State.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise to compliment the distinguished Senator from Alaska on what his amendment will do.

There is no question that the Department of Energy is now engaged in a transition period as we prepare for new technologies, both in conservation and in the production of electricity and other aspects of energy consumption in our country.

His amendment supplements a portion of this bill which continues to fund college programs in the area of nuclear physics and related matters. He brings it down to creating some openings for internships to get involved in this kind of technology and training. I think it is a rather interesting approach to this changing period. He discussed it with me. I urged him to proceed with reference to this idea.

I urged that we not support the motion to table and that we permit this new idea to be approved with reference to the kinds of skills that are necessary to make the transition, and see whether it will work, along with other programs that we are now funding out of the Department of Energy.

I yield any time I may have.

Mr. REID. Mr. President, I move to table the amendment offered by the Senator from Alaska, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

The question is on agreeing to the motion to table amendment No. 1018. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feinstein
Graham
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Stabenow
Torricelli
Wellstone
Wyden

NAYS—44

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Cochran
Craig
Crapo
DeWine
Domenici
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

The motion was agreed to.

Mrs. BOXER. Madam President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Jack Reed, Daniel Inouye, Bob Graham, Kent Conrad, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Harry Reid, Barbara Mikulski, Fritz Hollings, Ted Kennedy, Joseph Lieberman, Byron Dorgan, and Tim Johnson.

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2311, the Energy and Water Development Appropriations bill:

Tom Daschle, Harry Reid, Jeff Bingaman, Bob Graham, Kent Conrad, Daniel Inouye, Jack Reed, Joseph Lieberman, Carl Levin, Max Baucus, Christopher Dodd, Paul Sarbanes, Tom Harkin, Byron L. Dorgan, Tim Johnson, Debbie Stabenow, and Richard J. Durbin.

Mr. REID. Madam President, I ask unanimous consent that the live quorums in relation to these two cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise today to speak about the programs in the fiscal year 2002 Energy and Water Appropriations Report that prevent the spread of nuclear weapons and nuclear weapon-usable material. These programs are vital to the national security of the United States.

Appropriately, the committee has expressed concern that the "proposed budget would seriously erode progress made at great expense to assure the Nation's capability to detect and mitigate global proliferation activities." By providing $106.8 million above the President's request, the committee has restored many of the administration's cuts to nuclear non-proliferation programs.

Programs restored by the committee include the Nuclear Cities Initiative, which redirects Russian nuclear expertise and reduces Russian nuclear infrastructure. This project was given a $14.5 million boost. An additional $15 million was added to the Initiatives for Proliferation Prevention program, which funds joint non-military research and development projects, pairs U.S. industries with industries in the former Soviet Union and identifies and creates non-military commercial applications. I support the committee's recommendation that some of the excess funds for this program be directed to projects within Russian nuclear cities, in coordination with the Nuclear Cities Initiative. While encouraging, these actions by the committee merely move us back to the starting line.

I also would like to express my support for the committee recommendation of $300 million to recapitalize existing operation facilities. The President proposed nothing in his budget to recapitalize our nuclear infrastructure.

The National Nuclear Security Administration released a study last year on defense programs facilities and infrastructure assessment that reviewed the conditions of our nuclear facilities and labs. The report identified a $650 million annual shortfall over the next five years in our nuclear weapons complex, with unfunded priority requirements increasing by $200 million per year.

This is unacceptable.

Many of our facilities are World War II-era and in dire need of upgrades and repair. I have visited the facilities in Oak Ridge, TN, and can personally attest to the amount of recapitalization and modernization needed. The President's budget addressed none of these needs.

Recently the distinguished former leader of this body, the Honorable Howard Baker from Tennessee, testified before the Senate Foreign Relations Committee about the serious funding inadequacies in non-proliferation programs run by the Department of Energy. As Co-Chair of the Baker-Cutler

Task Force, Baker testified that increased funding is critical to the future of these vital programs.

He testified that in the former Soviet Union "over 40,000 nuclear weapons, over a thousand metric tons of nuclear materials, vast quantities of chemical and biological weapons materials, and thousands of missiles. This Cold War arsenal is spread across 11 time zones, but lacks the Cold War infrastructure that provided the control and financing necessary to assure [they] remain securely beyond the reach of terrorists . . . The most urgent unmet National Security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or our citizens at home." As a result, the Baker-Cutler report called for an increase in funding for such initiatives—approximately $30 billion over the next 8–10 years.

I urge the Senate to consider the efforts and work of Howard Baker and Lloyd Cutler and provide the resources needed to fund these programs and facilities because they are vital to our national security.

Our nuclear weapons complex and infrastructure will become even more important if the president seeks to reduce our stockpile as part of a new strategic framework. I encourage President Bush to place appropriate emphasis on nonproliferation as we develop this new framework with Russia and other involved nations.

Mr. HOLLINGS. Mr. President, in 1997, the Department of Energy and the State of South Carolina reached an agreement for the Savannah River Site to accept and dispose of surplus weapons-grade plutonium. In response to an effort by the former Soviet Union and the United States to reduce weapons-grade plutonium, the Savannah River Site would accept plutonium from the Pantex Plant in Texas and the Rocky Flats Environmental Technology Site in Colorado. South Carolina was promised that this plutonium would only be treated at SRS, not stored for a significant amount of time. The disposition agreement included two types of treatment—blending the plutonium into mixed oxide fuel for use in commercial nuclear reactors, commonly known as MOX—and immobilizing it in a facility know as the Plutonium Immobilization Plant. The reason for using two different treatments was simple and spelled out in the Federal Register on January 21, 1997.

> Due to technology, complexity, timing, cost, and other factors that would be involved in purifying certain plutonium materials to make them suitable for potential use in MOX fuel, approximately 30 percent of the total quantity of plutonium (that has or may be declared surplus to defense needs) would require extensive purification to use in MOX fuel, and therefore will likely be immobilized. DOE will immobilize at least 8 metric tons, MT, of currently declared surplus plutonium materials that DOE has already determined are not suitable for use in MOX fuel.

Since 1997, DOE has continued on this dual-track path for disposition. That is until this year. In the administration's fiscal year 2002 DOE budget request, funds for the National Nuclear Security Administration, NNSA, were cut by over $100 million. Due to these budget cuts, one of the plutonium disposition programs, immobilization, was delayed indefinitely. I don't blame the NNSA for the cut to this program because I know it is their job to work within the budget they are given. However, I do blame the Administration for providing a budget that is woefully inadequate to provide for plutonium disposition activities at Savannah River. When General Gordon, the NNSA Director, testified in front of the Energy and Water Appropriations Subcommittee, he stated plainly that Plutonium Immobilization was delayed because of financial reasons, not policy ones. DOE claims it can process all of the plutonium by converting it into MOX, but, when pressed on the matter they say there is no certainty in this treatment. If MOX fails and there is not a back-up, SRS will be left with large amounts of surplus weapons-grade plutonium, but without a plan to treat it.

There is an analogous situation to this one track mind set that previously occurred at SRS. To separate the sludge and liquid wastes contained in the tank farms, DOE proposed In-Tank Precipitation, ITP. After putting more than a billion dollars into this separation process, problems occurred. Excessive benzine was being produced as a by-product of the separation. As a result, the program was shut down until a new process could be found. The new process was selected last week—four years after the old process failed. Why? Because there was not an alternative to this process. Four years and a billion dollars later, the tanks are still overflowing with 60 percent of the Nation's high-level waste. This is exactly why I want to continue a dual-track disposition program for this plutonium. It was part of the original agreement and I believe that any attempt to change the agreement should be made in consultation with all the affected parties.

To date, the Secretary of Energy and the Governor of South Carolina, Governor Hodges, have not spoken about the disposition activities, which is unfortunate. In fact, Governor Hodges has said he may take steps to stop shipments of plutonium to SRS, which are scheduled to begin in August. I hope the Secretary and the Governor can come to some agreement to ensure safe and timely disposition of this surplus plutonium.

I had an amendment, which would have prohibited the shipment of plutonium to SRS until March 1, 2002 or until a final agreement could be reached on disposition activities, whichever comes first. Some say that stopping these shipments would be devastating to our clean-up efforts at other sites. I say that walking away from our commitments of safe and timely disposition of this material would be just as devastating. All I want is for the Administration to commit to me, the Congress and to the State of South Carolina on plutonium disposition. I do not want this plutonium to be shipped to SRS and then have the Administration come back and say that MOX is not going to work and they're going to study another way of disposing of the material. I fear this is the road we are going down, especially in light of a recent article in the New York Times saying the White House wants to restructure or end programs aimed at disposing of tons of military plutonium.

I have spoken to the Chairman and Ranking Member of the Energy and Water Appropriations Subcommittee and we have worked out an agreement on my amendment. With this compromise, hopefully, DOE and the State of South Carolina will come together and reach an agreement to continue these disposition programs at SRS, while ensuring they're done in a timely and safe manner. If an agreement cannot be reached, you can rest assured this will not be the last time this issue is raised on the Senate floor.

I want to thank the distinguished chairman and ranking member for all their help on this amendment.

ORDERS FOR THURSDAY, JULY 19, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, July 19. I further ask unanimous consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Energy and Water Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with each Senator allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, in the coming days I suspect there will be appropriations bills and we will visit another issue we have visited previously in the Senate and also in the House, and that is the price of prescription drugs, especially those imported into this country from other countries.

About a week ago, the Secretary of Health and Human Services decided that legislation which I and several of my colleagues drafted and was passed last year and became law would not be administered. It is a law dealing with the reimportation of prescription drugs into this country.

The provision allows distributors and pharmacists to go to another country such as Canada, to access the same prescription drugs made in an FDA-approved plant and bring them to this country because it is much less expensive in Canada, and pass those savings along to consumers. That is what our legislation did.

The Secretary of Health and Human Services under the previous administration and now under this administration said they could not certify, A, that it would be lowering costs for prescription drugs and, B, that it would be safe; therefore, they would not certify to that and would not implement the law.

We are terribly disappointed by that. We think it was a mistake in the past administration to have made that decision, and we think last week it was a mistake for the Department of Health and Human Services to make that decision.

We will revisit this issue, and there will be another vote in the Senate dealing with it. We will have to do it in a different way, but the principles are still the same.

The same pill put in the same bottle manufactured by the same prescription drug company by the same pharmaceutical manufacturer is sent to Grand Forks, ND, and to Winnipeg, Canada—the same drug made in the same plant put in the same bottle made by the same company. The difference? Price, and in many circumstances a very big difference.

One pays 10 times more for the drug tamoxifen, which is used to treat breast cancer, in the United States than in Canada. I happen to have in my desk—I have had several of them. These are two empty bottles. I ask unanimous consent to show these bottles in the Senate Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, this drug called Zoloft is used to treat depression, a very commonly used drug. The same pill made by the same company; one is marketed in Canada, one in the United States; $2.34 per tablet sold in the United States; $1.28 per tablet—same drug—sold in Canada.

Let me make it more immediate. Emerson, Canada; Pembina, ND—5 miles apart. I took a group of senior citizens to Emerson, Canada. We left Pembina, ND, traveled across the border, and went to a little one-room drugstore in Emerson, Canada. The prices for the prescription drugs, for a whole range of prescription drugs that these senior citizens needed for heart disease, diabetes, and a whole series of ailments they had, in every circumstance, was much less expensive in Canada.

Why is that the case? It is not just the case in Canada; it is the case in every other country in the world: Mexico, England, Italy, France, Sweden, the identical drug, produced in a plant approved by the Food and Drug Administration, in many cases produced in the United States, is sold for a much higher price here than any other country in the world.

Why is that the case? Because the pharmaceutical industry can do it. They can impose whatever price they choose and they choose to do it in this country. The result is the American consumer is charged multiples of what the same pill is sold for or the same drug is sold for to virtually every other citizen in the world.

We said if this is truly a global economy, there is trade back and forth, it is a global economy that ought to benefit everyone, how about making this a global economy with respect to the purchase of prescription drugs? Why should you not be able, if you are a pharmacist in Grand Forks, ND, to go to Winnipeg to access a supply of prescription drugs at a fraction of the cost and bring it back and pass the savings on to the customers? Why should you not be able to do it?

At the moment, a law prevents it. The United States has a law that says the only entity that can bring a prescription drug into this country is the manufacturer itself. What a sweetheart deal that is.

So we said, provided this is a drug that is approved by the FDA, provided for a chain of custody and safety of supply, our distributors and pharmacists ought to be able to go to another country to access the same prescription drug, made in the same plant, put in the same bottle, and come back and pass those savings along to the American consumers.

So we passed a piece of legislation like that on the floor of the Senate with over 70 votes. It went to conference. After some laboring in conference, it became law. And then the Health and Human Services Secretary in both the last administration and this administration refused to administer it because they said they cannot demonstrate there will be, A, savings, and, B, they cannot assure the safety.

Let's take part A, savings, first. This is not rocket science. I am happy to give the names of citizens from Fargo who can describe to the Secretary of Health and Human Services, either in the previous administration or this administration, that there is savings. They have gone to the one-room drugstore in Emerson, Canada, and saved the money on the prescription drugs. If you are going to pay half the price or a third of the price or a tenth of the price for the identical prescription drug, how on Earth can a Cabinet Secretary not compute that to be a savings? What nonsense is this? Of course there are savings, and substantial savings.

Second, with respect to safety, we import a massive quantity of prescription drugs into this country from other countries with the pharmaceutical manufacturers doing the importing. What is the difference between that and having a licensed pharmacist or a licensed distributor access from a licensed pharmacy in Canada the identical prescription drug made in the identical plant, approved by the FDA, to bring back into this country to sell to American consumers at a reduced price? Why on Earth should someone have to go in the first place to a foreign country to find a reasonable price for a prescription drug that was made in the United States? That doesn't make any sense to me. So we passed that legislation and now it has been sidetracked because the HHS Secretary has refused to implement it both last year and this year.

We will be back to revisit that and we will change the construct of it some. A group of Senators, including Senator STABENOW, Senator COLLINS, myself, Senator JEFFORDS, Senator WELLSTONE, and others, have worked very hard on this issue for a long period of time. There is no justification for the American consumer paying the highest prices for prescription drugs in this country. There is no justification for that.

I have held hearings across this country as chairman of the Democratic Policy Committee in recent years on this subject. It doesn't matter where you are—in downtown Manhattan; I have held hearings in Dickinson, ND; hearings in Chicago; you hear the same story. The stories are from people 70 or 75 years of age. A woman testifies at a hearing, saying: I go into a grocery store and I must go to the back of the store first where the pharmacy is because when I buy my prescription drugs and pay for them, then I will know how much money is left for food, if any.

We hear that all the time. Or the doctor from Dickinson who did a mastectomy on a senior citizen and told her: Now, in order to reduce the chance of recurrence of breast cancer, you have to take these prescription drugs I will prescribe. And she asked how much they would cost. He told her, and she said: There isn't any way I can take the prescription drugs; I have to take my chances.

We hear those stories in town after town. It doesn't matter what the State is.

The fact is, prescription drug prices are higher in this country for the American consumer than they are anywhere else in the world. It is unfair. We ought to do something about it. My feeling is we ought to pass a piece of legislation we will offer once again this year and expect someone to implement that legislation as we enact it, that gives pharmacists and distributors and ultimately the American consumers—not just senior citizens, the American consumers—the opportunity in a global economy to access prescription drugs that are reasonably priced. They are reasonably priced in virtually every other country of the world but are overpriced here, often in multiples of prices as elsewhere for the exact same drug that was manufactured in this country.

I wanted to offer a preview, again, of this issue to say we won last year, passed legislation that became law, and HHS refused to implement it. But we are not giving up. This is the right thing to do for the right reasons. We say to the American people who struggle to pay the prices, there is a way to make the global economy work for you and allow, through your pharmacist or distributor, a personal amount of prescription drugs, to access those prescription drugs in Canada or elsewhere.

Ultimately, my goal is not to ask someone to go elsewhere to buy drugs but to force the pharmaceutical industry to reprice the drugs in this country so our consumers get a fair price as well.

LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 2002

Mr. CONRAD. Mr. President, I rise to offer for the record the Budget Committee's official scoring for S. 1172, the Legislative Branch Appropriations Act for Fiscal Year 2002.

The Senate bill provides $1.9 billion in discretionary budget authority. Per tradition, that amount does not include funding for exclusive House items. The discretionary budget authority will result in new outlays in 2002 of $1.6 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $2 billion in 2002. The Senate bill is well under its Section 302(b) allocation for budget authority and outlays. In addition, the committee once again has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year's appropriations process.

I ask unanimous consent that a table displaying the budget committee scoring of this bill be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1172. LEGISLATIVE BRANCH, 2002

[Spending comparisons—Senate-reported bill (in millions of dollars)]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget Authority	1.944	99	2.043
Outlays	2,020	99	2,119
Senate 302(b) allocation:			
Budget Authority	2,877	99	2,976
Outlays	2,912	99	3,011
House-reported:			
Budget Authority	0	0	0
Outlays	0	0	0
President's request:			
Budget Authority	2,987	99	3.086
Outlays	2,921	99	3,020
SENATE-REPORTED BILL COMPARED TO—			
Senate 302(b) allocation:			
Budget Authority	(933)	0	(933)
Outlays	(892)	0	(892)
House-reported			
Budget Authority	([1])	([1])	([1])
Outlays	([1])	([1])	([1])
President's request			
Budget Authority	(1,043)	0	(1,043)
Outlays	(901)	0	(901)

[1] Not applicable. The House Appropriations Committee has yet to consider its 2002 bill for the Legislative Branch.

Notes: Details may not add to totals due to rounding. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation. Prepared by SBC Majority Staff, 7-19-01.

DEPARTMENT OF DEFENSE COUNTERDRUG SUPPORT

Mr. GRASSLEY. Mr. President, I rise to express my deep concern about the apparent lack of emphasis by the Department of Defense on the counterdrug mission. This has been a year of continual discussion of increased DOD funding for various military missions. However, all the indications I am hearing point to a decreased DOD interest in this mission, as well as decreased funding levels. I believe this would be a poor policy decision, and a poor indication of the Nation's priorities.

In May 2001 testimony, before the Senate Caucus on International Narcotics Control, on which I served as Chairman, the heads of the Drug Enforcement Administration, the U.S. Customs Service, and the U.S. Coast Guard all testified that DOD reductions would be detrimental to their agencies' counterdrug efforts. The Office of National Drug Control Policy summarized that, "DOD's command and control system provides the communications connectivity and information system backbone * * * while the military services detection and monitoring assets provide a much need intelligence cueing capability."

The Commandant of the Coast Guard testified at length about DOD counterdrug support, stating "[w]e would go downhill very quickly" without DOD contributions. The Commandant also stated that 43 percent of Coast Guard seizures last year were from U.S. Navy vessels, using onboard Coast Guard law enforcement detachments. The Coast Guard concluded that "[s]hould there be any radical reduction of the assets provided through the Department of Defense * * * it would peril the potential for all the other agencies to make their contributions as productive * * * mainly because of the synergy that is generated by the enormous capability that the 800-pound gorilla brings to the table * * * They are very, very good at what they do. They are the best in the world * * * and when they share those capabilities * * * in terms of intelligence fusion and command and control, we do much better than we would ever otherwise have a chance to do." I understand that an internal review of DOD's drug role contemplated severe reductions as a working assumption. After years of decline in DOD's role in this area, I believe this sends the wrong signal and flies in the face of DOD's statutory authority.

I have consistently supported an integrated national counterdrug strategy. If we reduce the DOD role, we risk lessening the effectiveness of other agencies as well. We need to make these decisions carefully, and with full Congressional involvement. I urge the Department of Defense to keep in mind DOD's important role in, and necessary contribution to, a serious national drug control strategy.

COST ESTIMATE ON S. 180

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 180, the Sudan Peace Act. At the time the bill was reported, the cost estimate from the Congressional Budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 17, 2001

S. 180: SUDAN PEACE ACT

[As ordered reported by the Senate Committee on Foreign Relations on July 12, 2001]

S. 180 would condemn slavery and human rights abuses in Sudan, authorize the Secretary of State to support the peace process in Sudan, and require the President to devise a contingency plan for delivering aid to Sudan. CBO estimates that enacting S. 180 would have no significant budgetary impact. The act would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply. S. 180 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Each year the United States provides nearly $190 million in assistance to the people of Sudan through various emergency food-aid, disaster assistance, refugee assistance, and development assistance programs. The provisions of S. 180 would not substantially expand the Administration's authority to provide such assistance. CBO estimates that spending on those emergency and humanitarian programs would continue at current levels.

The bill contains several reporting and contingency planning requirements that would not affect the State Department's or the U.S. Agency for International Development's (USAID) workload significantly. Based on information from the department and USAID, CBO estimates that enacting S. 180 would increase the agency's spending by less than $500,000 annually, assuming the availability of appropriated funds.

On June 7, 2001, CBO prepared an estimate for a similar bill, H.R. 2052, as ordered reported by the House Committee on International Relations, on June 6, 2001. Like S. 180, H.R. 2052 would not significantly affect discretionary spending. That bill would require disclosure of business activities in Sudan prior to an entity trading its securities in any capital market in the United States. That provision constitutes a private-sector mandate, as defined in UMRA, but the cost of the mandate would fall below the annual threshold established in UMRA ($113 million in 2001, adjusted annually for inflation).

The CBO staff contact is Joseph C. Whitehill, who can be reached at 226-2840. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COST ESTIMATE ON S. 1021

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 1021, a bill to re-authorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004. At the time the bill was reported, the cost estimate from the Congressional Budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 16, 2001

S. 1021: A BILL TO REAUTHORIZE THE TROPICAL FOREST CONSERVATION ACT OF 1998 THROUGH FISCAL YEAR 2004

[As reported by the Senate Committee on Foreign Relations on July 12, 2001]

SUMMARY

S. 1021 would extend the Tropical Forest Conservation Act for three years through 2004 and would authorize the appropriation of $225 million for the cost of implementing the act over that period. Assuming the appropriation of the authorized amounts, CBO estimates that implementing the bill would cost $221 million over the 2002-2006 period. Because S. 1021 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

The Tropical Forest Conservation Act authorizes the Secretary of State to negotiate agreements with eligible countries to create local funds administered by local boards with the authority to make grants to preserve, maintain, and restore tropical forests. The local funds receive a stream of payments generated by modifying the terms of outstanding development assistance or food-aid debt owed to the United States. The debt modifications include authority to reduce and to restructure debt, to swap the debt, or to sell the debt back to an eligible country in ways that will generate income for the local funds. The amounts authorized by S. 1021 would be used to cover the cost, as defined by the Federal Credit Reform Act, of modifying the debt.

S. 1021 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1021 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Debt Reduction of Developing Countries with Tropical Forests:						
Budget Authority[1]	13	0	0	0	0	0
Estimated Outlays	6	13	0	0	0	0
Proposed Changes:						
Authorization Level	0	50	75	100	0	0
Estimated Outlays	0	13	36	69	64	39
Spending Under S. 1021 for Debt Reduction of Developing Countries with Tropical Forests:						
Authorization Level[1]	13	50	75	100	0	0
Estimated Outlays	6	26	36	69	64	39

[1] The 2001 level is the amount appropriated for that year for the cost of implementing the Tropical Forest Conservation Act of 1998.

BASIS OF ESTIMATE

CBO assumes that the authorized amounts would be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns.

Pay-As-You-Go Considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 1021 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

PREVIOUS CBO ESTIMATE

On June 21, 2001, CBO prepared an estimate for H.R. 2131, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes, as ordered reported by the House Committee on International Relations. The amounts authorized and the estimated cost of implementing that bill and S. 1021 are the same.

Estimate Prepared By: Federal Costs: Joseph C. Whitehill (226-2840); Impact on State, Local, and Tribal Governments: Elyse Goldman (225-3220); and Impact on the Private Sector: Lauren Marks (226-2940).

Estimate Approved By: Robert A. Sunshine, Assistant Director for Budget Analysis.

COST ESTIMATE ON S. 494

Mr. BIDEN. Mr. President, on July 12, the Committee on Foreign Relations reported S. 494, the Zimbabwe Democracy and Economic Recovery Act of 2001. At the time the bill was reported, the cost estimate from the Congressional budget Office was not available.

I ask unanimous consent that the CBO estimate be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, JULY 16, 2001

S. 494: ZIMBABWE DEMOCRACY AND ECONOMIC RECOVERY ACT OF 2001

[As ordered reported by the Senate Committee on Foreign Relations on July 12, 2001]

SUMMARY

S. 494 would support a transition to democracy and promote economic recovery in Zimbabwe through a set of incentives and sanctions. The bill would require the United States to oppose lending by international financial institution to or debt relief for Zimbabwe until the President certifies to the Congress that certain conditions are satisfied. It would, however, authorize additional funds for programs to reform landholding and to promote democracy and good governance in Zimbabwe. Assuming the appropriation of the authorized amounts, CBO estimates that implementing the bill would cost $23 million over the 2002-2006 period. Because S. 494 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

S. 494 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 494 is shown in the following table. The costs of this legislation fall within budget function 150 (international affairs).

BASIS OF ESTIMATE

S. 494 would earmark $20 million for land reform and $6 million for programs to promote democracy and good governance in Zimbabwe from funds otherwise authorized to be appropriated in 2002 for development assistance and economic support fund. No funds are currently authorized for 2002. CBO assumes that the specified amounts would be appropriated by October 1, 2001, and that outlays would follow historical spending patterns.

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
Spending Under Current Law for Zimbabwe:						
Budget Authority[1]	16	0	0	0	0	0
Estimated Outlays	22	19	10	5	3	2
Proposed Changes:						
Authorization Level	0	26	0	0	0	0
Estimated Outlays	0	2	8	7	4	2
Spending Under S. 494 for Zimbabwe:						
Authorization Level[1]	16	26	0	0	0	0
Estimated Outlays	22	21	18	12	7	4

[1] The 2001 level is the amount appropriated for that year.

Pay-As-You-Go Considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 494 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate Prepared By: Federal Costs: Joseph C. Whitehill (226-2840); Impact on State, Local, and Tribal Governments: Elyse Goldman (225-3220); and Impact on the Private Sector: Lauren Marks (226-2940).

Estimate Approved By: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

"DISAPPEARED" BELARUSIAN OPPOSITION LEADERS

Mr. CAMPBELL. Mr. President, earlier today, I had the opportunity to meet with the wives of four Belarusian opposition leaders who have either disappeared, been imprisoned, or have died under mysterious circumstances. Theirs is a compelling story which starkly illustrates the human toll of Alexander Lukashenka's regime in which human rights, democracy and the rule of law are violated with impunity.

These courageous women—Ludmilla Karpenko, Irina Krasovska, Tatiana Klimova and Svetlana Zavadska—conveyed their concerns about their husbands as well as about the continuing climate of fear in Belarus.

Earlier this month, I led a delegation to the OSCE Parliamentary Assembly Annual Session, where I met with Anatoly Lebedko, one of the leaders of the Belarusian democratic opposition.

Belarusian presidential elections are quickly coming up—on September 9. Unfortunately, the Belarusian authorities have not yet made a serious commitment to abide by criteria set forth well over a year ago by the Organization for Security and Cooperation in Europe, OSCE, of which Belarus is a member. These criteria include an end of the climate of fear, equal access to the state media for all candidates, respect for freedom of assembly, as well as transparency and fairness in the registration of candidates and functioning of electoral commissions.

The Helsinki Commission, which I chair, continues to receive troubling reports concerning developments in Belarus. Indeed, the prospects for free and fair presidential elections this fall remain dim. The unbalanced composition of the regional electoral commissions is particularly disturbing given the apparent rejection by the authorities of all candidates—over 800—proposed by Belarusian democratic parties and non-governmental organizations. The Belarusian authorities need to guarantee the impartiality of the electoral commissions by ensuring that democratic parties and non-governmental organizations, NGOs, are represented meaningfully and to correct other reported violations of the electoral code.

The State Department has urged the Belarusian authorities to mount a credible investigation to account for missing former Minister of Internal Affairs Yury Zakharenka, 13th Supreme Soviet Deputy Chairman Viktor Gonchar and his associate Anatoly Krasovsky, as well as Russian Television cameraman Dmitry Zavadsky. They have urged the immediate release of political prisoners and 13th Supreme Soviet members Andrei Klimov and Valery Shchukin. Such an investigation, as well as the release of political prisoners, will be an essential factor in reducing the current climate of fear.

Finally, the Belarusian authorities need to work with the OSCE to facilitate the work of international and domestic observers and to help ensure that all candidates are able to organize freely, without harassment, and carry their campaigns to the people.

While it is not yet too late for the Belarusian authorities to take the steps necessary to ensure an atmosphere conducive to elections that will meet international democratic standards, time is of the essence. Free and fair presidential elections are an essential step if Belarus is to move ahead and end its self-imposed isolation. As President Bush has remarked in connection with this week's observance of Captive Nations Week, America must remain vigilant in our support of those living under authoritarianism. The people of Belarus have that support as they seek to overcome the legacy of the past and build an independent nation based on democracy, human rights and the rule of law.

NURSE RECRUITMENT AND RETENTION ACT OF 2001

Mr. CLELAND. Mr. President, I want to commend Senator ROCKEFELLER, Chairman of the Committee on Veterans' Affairs, VA, for his leadership on the measure we are introducing today, the Nurse Recruitment and Retention Act of 2001.

I also want to commend Senator ROCKEFELLER for conducting his first hearing as newly appointed Chairman of the Committee on Veterans' Affairs on the looming nursing shortage. The Federal health sector, employing approximately 45,000 nurses and the VA as the single largest employer of nurses may be the hardest hit in the near future with an estimated 47 percent of its nursing workforce eligible for retirement in the year 2004. Current and anticipated nursing vacancies in Federal health care agencies are particularly alarming with the increased nursing care needs of an aging America. The Journal of the American Medical Association published a study last year which found the average age of the nursing workforce rose by 4.5 years between 1983 and 1998, mostly because fewer younger people are joining the profession.

It is imperative that the VA have the ability to recruit and retain nurses. Expert witnesses, like Nurses' Organization of Veterans Affairs, NOVA, President Sarah Meyers R.N., Ph.D. of Atlanta, GA, testified at the June 14 hearing. These witnesses identified critical issues ranging from those impacting VA nurses' ability to continue to safely care for veterans to nursing burn-out. Senator ROCKEFELLER and I have developed a comprehensive proposal to address both recruitment and retention of VA nurses.

The Nurse Recruitment and Retention Act of 2001 includes provisions for the nurse scholarship program and education debt reduction. The bill's other needed measures to enhance retention of nurses are: Saturday premium pay for nurses and other identified health professionals, inclusion of unused sick leave in retirement computation for nurses enrolled in the Federal Employees Retirement System, FERS, and full-time service credit in annuity computation for part-time service prior to April 7, 1986. Also proposed are reports to Congress on: (1) the use of mandatory overtime with recommendations for alternative staffing strategies and (2) the encouraged use of waivers of pay reduction for reemployed annuitants to fill needed nurse positions to enhance recruitment.

The Nurse Recruitment and Retention Act of 2001 is needed now in order for VA nurses to continue to care for this country's veterans.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in 1998 in Boston, MA. A 27-year old gay man was allegedly attacked and beaten when he was walking home from work by assailants who shouted anti-gay epithets. One of the attackers carved the letter "F," presumably for "faggot," on the victim's shoulder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

COSPONSORSHIP OF S. 1188

Mr. ROCKEFELLER. Mr. President, because of a clerical mistake, Senator SPECTER was not listed as an original cosponsor to S. 1188, the Department of Veterans Affairs Nurse Recruitment and Retention Enhancement Act of 2001. This bill was introduced yesterday.

Although Senator SPECTER has now been added as a cosponsor and my introductory statement on the bill referred to him as an original cosponsor, I want the RECORD to reflect his early support of the legislation. I look forward to working with him to enact the VA Nurse Recruitment and Retention Act of 2001.

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. KERRY. Mr. President, I am pleased to join my colleague, Senator BOND, in introducing the Small Business Investment Company, SBIC, Amendments Act of 2001. I am a strong supporter of this program, and am mystified and frustrated by efforts to eliminate funding for and restrict the investment capacity of a program that does so much good for the economy.

Last year, the Agency financed 4,600 venture capital deals, which invested $5.6 billion in our fastest-growing small businesses. In spite of this impressive track record, the President's budget, and the House appropriators, have eliminated funding for the SBIC participating securities program and reduced the program level for the debenture program, which requires no appropriations. Why eliminate funding and restrict activity for the SBIC programs when venture capital has all but dried up? As I have said so many times, the programs at SBA are a bargain. For very little, taxpayers leverage their money to help thousands of small businesses every year and fuel the economy.

In the SBIC participating securities program last year, taxpayers spent $1.31 for every $100 leveraged for investment in our fastest growing companies—companies like Staples, Callaway Golf, Federal Express, and Apple computers.

The main purpose of this Act is to adjust the fees charged to Participating Security SBICs from one percent to 1.28 percent. The change is necessary because the demand for the SBIC program is growing beyond what is possible to fund solely through appropriations.

The National Association of Small Business Investment Companies, NASBIC, testified before both the Senate and House Committees on Small Business in favor of increasing the program level from $2 billion to $3.5 billion.

This legislation raises fees just enough to make up the difference between appropriations of $26.2 million, which is level funding, and the $65.4 million that would be needed to provide a $3.5 billion program level. This approach is consistent with the Kerry/Bond amendment to the Budget Resolution that was agreed to in the Senate by voice vote in April, and retained in the final budget resolution.

The other changes strengthen the oversight and authority of SBA to take action against bad actors and protect the integrity of the program.

THE LOSS OF KATHARINE GRAHAM

Ms. LANDRIEU. Mr. President, yesterday Washington D.C. and the Nation lost a great friend. A first-rate role model and deft businesswoman, Katharine Graham was a believer in the first amendment who printed the stories that defined our Nation and impacted our lives. As one of the first female executives to run a major newspaper, Katharine Graham opened the doors of power for women here in the Nation's capital and around the country. When Katharine Graham assumed the reigns at The Washington Post, two women served in the U.S. Senate, and none served as Governors of States. Today, in large part because of the path that she and other women of her generation have blazed, there are more women serving as Members of Congress, as Governors, and as corporate executives than ever before. Among all her accomplishments, it is this inspiration for which I am most grateful. Katharine Graham will be surely remembered by her family, friends and her many admirers around the world.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 17, 2001, the Federal debt stood at $5,714,215,489,048.80, five trillion, seven hundred fourteen billion, two hundred fifteen million, four hundred eighty-nine thousand, forty-eight dollars and eighty cents.

One year ago, July 17, 2000, the Federal debt stood at $5,671,573,000,000, five trillion, six hundred seventy-one billion, five hundred seventy-three million.

Five years ago, July 17, 1996, the Federal debt stood at $5,162,070,000,000, five trillion, one hundred sixty-two billion, seventy million.

Ten years ago, July 17, 1991, the Federal debt stood at $3,541,621,000,000, three trillion, five hundred forty-one billion, six hundred twenty-one million.

Fifteen years ago, July 17, 1986, the Federal debt stood at $2,070,188,000,000, two trillion, seventy billion, one hundred eighty-eight million, which reflects a debt increase of more than $3.5 trillion, $3,644,027,489,048.80, three trillion, six hundred forty-four billion, twenty-seven million, four hundred eighty-nine thousand, forty-eight dollars and eighty cents during the past 15 years.

ADDITIONAL STATEMENTS

HONORING COLONEL HAROLD DEAN WEEKLEY

• Mr. INHOFE. Mr. President, in a couple of days, July 27th to be exact, I will be going to Oshkosh, WI, to attend "2001 Air Venture" or the Oshkosh Fly-In for those of us who are involved in general aviation. This will be the 23rd consecutive year that I have gone and it is an event that I look forward to each July.

As in years past, I will use the opportunity to catch up with old friends, watch a couple of air shows, and look over hundreds of planes. In addition, this year I will have the opportunity to meet a true American hero, Colonel Harold Dean Weekley, retired, who will be honored by the WAR BIRDS for his 30 years of service in the Army Air Corp and then the United States Air Force. During World War II, Colonel Weekley flew B17's where he had a great many close calls but in each instance heroically finished his mission and on several occasions put his own life on the line to protect his crew.

I know all my colleagues will agree with me that we owe the men and women of the Armed Forces a tremendous debt of gratitude because they are the ones on the front lines protecting our liberty. Colonel Weekley and his generation went above and beyond the call of duty when they put their lives and careers on hold to fight in a conflict a half a world away which many at the time did not believe should involve the United States. Certainly in hindsight, American involvement in World War II was not only the right thing to do but critical to our own security. It was courageous individuals like Colonel Weekley that won the war. Therefore, I think it very fitting that the WAR BIRDS honor Colonel Weekley for his service and urge my colleagues to join me in thanking the Colonel for the sacrifices he has made for us.•

HONORING CENTENNIAL OF BROWNE'S MARKET AND DELI

• Mrs. CARNAHAN. Mr. President, it is the 100th anniversary of a business in Kansas City, MO that represents the entrepreneurial spirit that has made America great. In 1901, two Irish immigrants, Edward and Mary Flavin, in search of the American dream, designed and constructed a building that would serve as a grocery store and meat market. The couple wished to develop a successful business, catering to the needs of the residents in their neighborhood. The Flavins recognized the opportunity offered in the United

States and took advantage of it, building a strong business that still exists today.

The store continued to flourish, proving to be a profitable investment. But as the couple grew older, the Flavin Grocery store was eventually passed on to their daughter, Margaret Flavin-Browne, and her husband James Browne. They continued to operate and develop the store, changing the name to J.R. Browne Grocery.

The grocery and building complex is now operated by Kerry Browne, fourth generation, and is known to Kansas Citians as Browne's Market & Deli. The building was designated a historic landmark in 1983, symbolizing the certainty of the American dream and the opportunity which embodies it.

Today we celebrate the contributions of the Flavin-Browne family and this building complex to the cultural, aesthetic and architectural heritage of Kansas City and Jackson County. The great State of Missouri is very proud to honor this significant landmark on the centennial of its founding.•

TRIBUTE TO LARRY HORNSBY

• Mr. SESSIONS. Mr. President, today I pay tribute to an outstanding representative of Alabama State, Larry G. Hornsby, CRNA, BSN. Mr. Hornsby will soon complete his year as national president of the American Association of Nurse Anesthetists, AANA. I am very pleased that one of Alabama's own was tapped as the 2000–2001 president of this prestigious national organization.

The AANA is the professional organization that represents more than 28,000 practicing Certified Registered Nurse Anesthetists, CRNAs. Founded in 1931, the AANA is the professional association representing CRNAs nationwide. As you may know, CRNAs administer more than 65 percent of the anesthetics given to patients each year in the United States. CRNAs provide anesthesia for all types of surgical cases and are the sole anesthesia provider in ⅔ of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization capabilities. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and the plastic surgeons.

Larry received his nurse anesthesia education at the University of Alabama, Birmingham, where he also earned his bachelor's of science and nursing degrees. He is currently president of Anesthesia Professionals, Inc., in Montgomery, AL, and Anesthesia Resources Management, Inc., in Birmingham, AL. Mr. Hornsby has held various leadership positions in the AANA as regional director, vice president, and president-elect before becoming the national president of AANA in 2000. Also, Larry has served terms as president and vice president for the Alabama Association of Nurse Anesthetists, and has chaired the Government Relations and the Educational District Six committees.

In addition to his service to the AANA, Mr. Hornsby sits on the Alabama Board of Nursing Advisory Council to the Nursing Practice/Discipline Committee and was a representative to the State of Alabama Commission on Nursing. Adding to his professional accomplishments, Mr. Hornsby has become a nationally recognized speaker on anesthesia-related topics over the years.

Even with his time commitments to the AANA and in his profession as a CRNA, Larry still manages time for his second passion, to fish for bass in the rivers of Alabama. As a bassmaster, Mr. Hornsby was president of the Capital City Bassmasters in Montgomery, AL between 1987–1997.

I ask my colleagues to join me today in recognizing Mr. Larry G. Hornsby, CRNA, BSN, for his notable career and outstanding achievements.•

IN MEMORY OF ALDERMAN LORRAINE L. DIXON

• Mr. DURBIN. Mr. President, I would like to take this moment to commemorate the life of Lorraine L. Dixon, Alderman from the 8th Ward in the City of Chicago.

Born on Father's Day, June 18, 1950, in the south side neighborhood of Bronzeville, she was the youngest of five children born to Edwin and Edra Godwin. Alderman Dixon grew up surrounded by friends and family including her four brothers Edward Jr., Eddie, Andrew and John. She was particularly close to her brothers Eddie and John who would do anything to protect and please their little sister including taking the blame for accidents. After attending Fuller Elementary School and South Shore High School, she graduated from Chicago State University in 1972 with a Bachelor of Science Degree in Secondary Education and a minor in English Literature.

Alderman Dixon's career in the public service began soon thereafter. After graduation she became a member of the 8th Ward Young Democrats Organization and became the vice president of the organization in 1977. In that same year and again in 1978 she was elected Woman's Vice Chairman of the Cook County Young Democrats.

From these positions she went on to work for current Cook County Board President John Stroger during his 1980 congressional campaign, and thus began a strong alliance between these two public servants. President Stroger was a mentor to Alderman Dixon throughout her years of community involvement and work for her constituents. Her years of service with President Stroger were representative of the intense loyalty she had for her colleagues in public service.

Alderman Dixon next held positions with the Chicago Department of Human Services, the Chicago City Council Committee on Zoning and the Committee on Energy. She also served as an aide to Alderman Keith Caldwell, who represented the 8th Ward at the time.

Lorraine Dixon's career as an alderman began when she was appointed by Mayor Richard M. Daley to complete the term of the late Alderman Keith Caldwell in June 1990. Her commitment to the position was demonstrated by her scheduling of weekly Monday night meetings with constituents of the 8th Ward. Alderman Dixon won her first aldermanic election to represent the 8th Ward in 1991 and won overwhelming re-elections in 1995 and 1999, demonstrating the support she inspired from her constituents. During her years as the standard bearer for the 8th Ward, she served as Chairman of the Human Relations Committee and Chairman of the Subcommittee on MBE/WBE and Affirmative Action Matters. In 1993 she was elected President Pro Tempore of the Chicago City Council, becoming the first woman in the history of the Chicago City Council to be so honored. Then in August 1994 she was elected as the first woman to serve as Chairman of the Committee on the Budget and Government Operations. From this powerful committee she was able to oversee taxpayer dollars used to support programs in the city that she loved. She served her ward, and the entire City of Chicago, with passion and grace.

Her dedication to the public was equaled only by her dedication to God and her unwavering faith gave her courage as she battled breast cancer. Alderman Dixon's faith gave her the strength to overcome the anguish of being diagnosed with this grave disease and to continue her work in the 8th Ward during the last days of her life. She worshiped at Christ Temple Cathedral and was active within the community of the 8th Ward, where she is remembered by many for her willingness to come to the aid of those in need. The constituents of the 8th Ward will not soon forget her kindness.

Alderman Dixon was a member of many community boards and professional organizations and from these activities she was able to hear and effectively respond to the issues and needs of her constituents in the 8th Ward. Her involvement touched many lives. Lorraine L. Dixon was a true leader and a true public servant. Her accomplishments in life leave a rich legacy to all who knew and respected her. She has left an extended family that includes her mother, Edra, her brothers Edward Jr. and Eddie, and countless nieces, nephews, cousins and close personal friends. I was honored to call her a friend and I will miss her warm smile, boundless energy and personal commitment to help those in need.•

IN RECOGNITION OF THE 100TH ANNIVERSARY OF IRONWORKERS LOCAL NUMBER 25

• Mr. LEVIN. Mr. President, today marks the 100th anniversary of Ironworkers Local Number 25—the largest ironworkers local in the Nation. On Saturday, July 21, 2001, thousands of members of Local 25, their families and friends will gather in Detroit, MI to celebrate this significant milestone.

Founded on July 18, 1901, and chartered by the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 25 is responsible for the construction of much of modern day Detroit. As we continue to celebrate the 300th anniversary of Detroit, many of the most notable landmarks that dot Detroit's skyline were constructed by members of Local 25. Cobo Hall, the Broadway Theater, the Renaissance Center and many of the cities' auto plants are just a few of the facilities constructed with the help of Local 25.

Dubbed "I-beam cowboys" or "cowboys of the sky," because of their independent nature and the fact that they often work hundreds of feet above ground on steel beams only a few inches wide, ironworkers are proud of the challenging and rewarding nature of their work. Ironworkers are not to be confused with steelworkers who make steel. Ironworkers take architectural plans and turn them into massive steel structures. This work can send ironworkers all over the country—in fact, some members of Local 25 are working in our very backyard on the biggest steel project underway in North America: the Washington, DC Convention Center.

The independent nature of ironworkers makes the success of Local 25 even more significant. While one should never doubt the strength of an individual ironworker, the strength of ironworkers uniting together around a common goal is something to behold. While their collective work is evident in beautiful structures across our Nation, Local 25 and the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers have also worked together to guarantee fair wages, increased safety and needed benefits for their members.

Local 25's contributions to Detroit and our Nation can be seen in skylines, bridges and facilities across our country. At the same time, Local 25 has worked to protect the rights of skilled workers enabling them and their families to build better lives. I know that my Senate colleagues join me in saluting Local 25 for all the enthusiasm they bring to their work everyday, and for all they have done to build our Nation.•

REMEMBERING THREE GREAT MUSICIANS, THREE GREAT FRIENDS

• Mr. MILLER. Mr. President, three good and uniquely talented men who spoke to the world through the universal language of music died recently.

Chet Atkins, John Hartford, and Johnny Russell are gone. They are dead, but as long as their music is played they remain alive, and they will be for a long, long time.

Chet Atkins was as responsible as any single person for turning Nashville, Tennessee, into "Music City, USA" and was the originator of what came to be called "The Nashville Sound." From his position as vice president in charge of country music for RCA and because of the great respect other artists had for him, he was able to influence the direction the music went in and who the artists were who made it.

A laconic, modest man, Chet Atkins played down his own importance and referred to himself simply as "a picker."

John Hartford is best known as the songwriter of "Gentle On My Mind," one of country music's most recorded songs and as the banjo picker in the Glenn Campbell and Smothers Brothers Shows. But he was much more than that. He was a versatile musician who recorded nearly 40 albums of his own and appeared most recently on the soundtrack of "O Brother, Where Art Thou?"

Johnny Russell was a country music singer and songwriter, but it was one of his songs by The Beatles that was his most successful compositions. It was called "Act Naturally" and was on the flip side of the Beatles' single "Yesterday." His biggest hit as a singer was "Red Necks, White Socks and Blue Ribbon Beer."

Much more could be said, and has been said, about these three remarkable talents who died so closely together. The New York Times wrote lengthy obituaries of both Atkins and Hartford.

I had the good fortune of knowing all three as personal friends. Chet once showed me the toilet stall in a school in Harris County, Georgia, where as a young picker using it, he got the idea for an echo chamber. John Hartford and his talented son, Jamie, have stayed up late with me at the Georgia Governor's Mansion picking and singing. And Johnny Russell always said my wife, Shirley, made the best biscuits he had ever eaten. Coming from a 275-pound man with a tremendous appetite, she always considered that to be the supreme compliment.

I will miss them. America will miss them. But their music still lives. Thank God, their music still lives.•

COMCAST LEADERS OF TOMORROW SCHOLARSHIPS

• Mr. CORZINE. Mr. President, it is a pleasure to take this opportunity to recognize the 144 New Jersey students who were recently selected to receive this year's Comcast Leaders of Tomorrow Scholarship. The company awarded scholarships totaling $144,000 to college bound students from 96 high schools throughout New Jersey. Each scholar is receiving a grant in the amount of $1,000 to pursue further, post-secondary studies. To be considered for this scholarship, prospective candidates were required to demonstrate a positive attitude, outstanding academic achievement, exemplary leadership skills, and a serious commitment to community service. Therefore, it is with great pride that I bring the outstanding accomplishments of these individuals from the great State of New Jersey to your attention.

Education has always been one of my top priorities. In an era of globalization and high technology, it is vital that each child has access to a world-class education that emphasizes the importance of both academics and social responsibility. The quality of our educational system will determine the future of our children, our nation, as well as the world.

At a time in history where environmental hazards and civil conflicts have captured our interests, we must not abandon the ongoing battle to modernize schools and reform education. It is truly gratifying to learn how these individuals from New Jersey are challenging themselves to reach their highest potential. As these students quickly emerge as the future leaders in our society, I would ask that my colleagues join me in applauding this year's Comcast Leaders of Tomorrow Scholarship winners for their remarkable accomplishments and their sincere desire to make a difference.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:47 p.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 807. An act for the relief of Rabon Lowry of Pembroke, North Carolina.

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H.R. 1) entitled "An act to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind," and agreed to the conference asked by the Senate to the disagreeing votes of the two Houses thereon.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 807. An act for the relief of Rabon Lowry of Pembroke, North Carolina; to the Committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

REPORTS OF COMMITTEES RECEIVED DURING RECESS

The following reports of committees were submitted on July 18, 2001:

By Mr. KOHL, from the Committee on Appropriations, without amendment:

S. 1191: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107–41).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Mark B. McClellan, of California, to be a Member of the Council of Economic Advisers.

*Sheila C. Bair, of Kansas, to be an Assistant Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominees's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. 1190. A bill to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account; considered and passed.

By Mr. KOHL:

S. 1191. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CLELAND (for himself, Ms. SNOWE, Mr. SCHUMER, and Mr. HOLLINGS):

S. 1192. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

By Mr. BAYH:

S. 1193. A bill to provide for the certain of private-sector-led Community Workforce Partnerships, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. WARNER):

S. 1194. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BOND, Mr. REID, Mr. SCHUMER, Mr. CORZINE, and Mr. DURBIN):

S. 1195. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself and Mr. KERRY):

S. 1196. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 136. A resolution to authorize testimony, document production, and legal representation in State of Connecticut v. Kenneth J. LaFontaine, Jr; considered and agreed to.

ADDITIONAL COSPONSORS

S. 60

At the request of Mr. STEVENS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 60, a bill to authorize the Department of Energy programs to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 304

At the request of Mr. LEAHY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 304, a bill to reduce illegal drug use and trafficking and to help provide appropriate drug education, prevention, and treatment programs.

S. 367

At the request of Mrs. BOXER, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 677

At the request of Mr. HATCH, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 697

At the request of Mr. HATCH, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 697, a bill to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.

S. 723

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 723, a bill to amend the Public Health Service Act to provide for human embryonic stem cell generation and research.

S. 794

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 794, a bill to amend the Internal Revenue Code of 1986 to facilitate electric cooperative participation in a competitive electric power industry.

S. 816

At the request of Mr. BREAUX, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 816, a bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 845

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource.

S. 856

At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 856, a bill to reauthorize the Small Business Technology Transfer Program, and for other purposes.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1002

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 1008

At the request of Mr. STEVENS, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1008, a bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1018

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1019

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1019, a bill to provide for monitoring of aircraft air quality, to require air carriers to produce certain mechanical and maintenance records, and for other purposes.

S. 1025

At the request of Mr. LIEBERMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1025, a bill to provide for savings for working families.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1185

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1185, a bill to amend title XVIII of the Social Security Act to assure access of medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program.

S. 1188

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1188, a bill to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, and for other purposes.

S.J. RES. 12

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S.J. Res. 12, a joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

S. RES. 119

At the request of Mr. BAYH, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 119, a resolution combating the Global AIDS pandemic.

S. CON. RES. 53

At the request of Mr. HAGEL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 53, concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. DASCHLE).

S. 1190. A bill to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account; considered and passed.

Mr. LOTT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking "an education individual retirement account" each place it appears and inserting "a Coverdell education savings account".

(2) Section 530(a) of such Code is amended—

(A) by striking "An education individual retirement account" and inserting "A Coverdell education savings account", and

(B) by striking "the education individual retirement account" and inserting "the Coverdell education savings account".

(3) Section 530(b)(1) of such Code is amended—

(A) by striking "education individual retirement account" in the text and inserting "Coverdell education savings account", and

(B) by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNT" in the heading and inserting "COVERDELL EDUCATION SAVINGS ACCOUNT".

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking "education individual retirement account" each place it appears and inserting "Coverdell education savings account".

(5) The heading for section 530 of such Code is amended to read as follows:

"SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.".

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

"Sec. 530. Coverdell education savings accounts.".

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking "an education individual retirement" each place it appears and inserting "a Coverdell education savings":

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking "education individual retirement" each place it appears in the text and inserting "Coverdell education savings":

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking "EDUCATION INDIVIDUAL RETIREMENT" each place it appears and inserting "COVERDELL EDUCATION SAVINGS".

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking "EDUCATION INDIVIDUAL RETIREMENT" and inserting "COVERDELL EDUCATION SAVINGS".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. CLELAND (for himself, Ms. SNOWE, Mr. SCHUMER, and Mr. HOLLINGS):

S. 1192. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to intercity buses required under the Americans with Disabilities Act of 1990; to the Committee on Finance.

Mr. CLELAND. Mr. President, in the summer of 1990, President George Bush signed the Americans with Disabilities Act, ADA, into law saying, "Let the shameful wall of exclusion finally come tumbling down." With intercity buses playing an important role in transporting millions of passengers throughout the country, we must ensure the means are available for all Americans to access this transportation mode. That is why I am introducing, along with Senators SNOWE, HOLLINGS, and SCHUMER, a bill to provide tax credits to intercity bus companies which purchase coaches in compliance with the ADA. Our bill expands a current tax credit to give bus owners a 50 percent tax credit of the cost of purchasing and installing hydraulic wheelchair lifts and other devices to improve accessibility.

As my colleagues know, I have long been a proponent of ensuring accessibility. In fact, while I was a member of the Georgia State Senate in the early 1970s, I sponsored a bill to make public facilities accessible to the disabled, and this bill became law. Georgia was a national leader at that time, and I have been pleased to see the changes throughout the country with regard to accessibility over the past three decades. However, there is more that can and should be done.

With their reliability, safety and low cost, over the road buses are the preferred mode of transportation for millions of Americans, and with the 2012 deadline to have all over the road buses be wheelchair accessible approaching, it is time for Congress to aid in meeting this mandate. The Transportation Research Board estimates that the annual coast of upgrading and replacing the over the road bus fleet could average $25–$27 million, not to mention the extra training and maintenance costs. At the heart of the intercity bus industry are small businesses, on which this deadline would impose a significant toll. If these small businesses can not meet this deadline, the rural communities that have no other means of transportation will suffer, or large portions of the upgrade costs will be passed on to consumers in the form of higher fares, that is, unless Congress provides some assistance. Our legislation would do exactly that.

I believe that bus service is destined to play an ever important role in transportation planning. In my home State of Georgia, many of the metropolitan counties have been declared as out of attainment with the Clean Air Act. As a result, Georgia is re-evaluating its transportation priorities, which includes moving people between intercity destinations. Personally, I envision a Georgia, and a United States, where buses play an important role in transporting people to hub cities for work or to transfer to another mode of transportation.

The cost to us if we lose bus services is incalculable. All segments of the community will obviously be affected and not for the better. However, by working together, legislators, the disabled, the elderly, and the bus industry can and must strengthen bus service for all communities and the millions of Americans who use the service of over the road buses. I encourage my colleagues to join in support of this legislation.

By Mr. SPECTER (for himself, Ms. STABENOW, and Mr. WARNER):

S. 1194. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on environment and Public Works.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill that would allow States to pass laws limiting the import of waste from other States. Addressing the interstate shipment of solid waste is a top environmental priority for millions of Pennsylvanians and for me. As you are aware, Congress came very close to enacting legislation to address this issue in 1994, and the Senate passed interstate waste and flow control legislation in May, 1995 by an overwhelming 94–6 margin, only to see it die in the House of Representatives. I look forward to my new role as a member of the Senate Committee on Environment and Public Works and am confident that with the strong leadership of my colleagues Chairmen CHAFEE and SMITH, we can get quick action on a strong waste bill and put the necessary pressure on the other body to conclude this effort once and for all.

As you are aware, the Supreme Court has put us in the position of having to intervene in the issue of trash shipments. In recent years, the Court has struck down State laws restricting the importation of solid waste from other jurisdictions under the Interstate Commerce Clause of the U.S. Constitution.

The only solution is for Congress to enact legislation conferring such authority on the States, which would then be Constitutional.

It is time that the largest trash exporting States bite the bullet and take substantial steps towards self-sufficiency for waste disposal. The legislation passed by the Senate in the 103rd and 104th Congresses would have provided much-needed relief to Pennsylvania, which is by far the largest importer of out-of-State waste in the Nation. According to the Pennsylvania Department of Environmental Protection, 3.9 million tons of out-of-State municipal solid waste entered Pennsylvania in 1993, rising to 4.3 million tons in 1994, 5.2 million in 1995, 6.3 million tons from out-of-State in 1996 and 1997, and a record 7.2 million tons in 1998, which are the most recent statistics available. Most of this trash came from New York and New Jersey, with New York responsible for 44 percent and New Jersey responsible for 41 percent of the municipal solid waste imported into Pennsylvania in 1998.

This is not a problem limited to one small corner of my State. Millions of tons of trash generated in other States find their final resting place in more than 50 landfills throughout Pennsylvania.

Now, more than ever, we need legislation which will go a long way toward resolving the landfill problems facing Pennsylvania, Indiana, and similar waste importing States. I am particularly concerned by the developments in New York, where the closure of the city's one remaining landfill, Fresh Kills, has been announced this year. I am advised that 13,200 tons per day of New York City trash were sent there and that Pennsylvania is a likely destination of this trash.

I have met with county officials, environmental groups, and other Pennsylvanians to discuss the solid waste issue specifically, and it often comes up in the public open house town meetings I conduct in all of Pennsylvania's 67 counties. I came away from those meetings impressed by the deep concerns expressed by the residents of communities which host a landfill rapidly filling up with the refuse of millions of New Yorkers and New Jerseyans whose States have failed to adequately manage the waste they generate.

Recognizing the recurrent problem of landfill capacity in Pennsylvania, since 1989 I have pushed to resolve the interstate waste crisis. I have introduced legislation with my late colleague, Senator John Heinz, and then with former Senator Dan Coats along with cosponsors from both sides of the aisle which would have authorized States to restrict the disposal of out-of-State municipal waste in any landfill or incinerator within its jurisdiction. I was pleased when many of the concepts in our legislation were incorporated in the Environment and Public Works Committee's reported bills in the 103rd and 104th Congresses, and I supported these measures during floor consideration.

During the 103rd Congress, we encountered a new issue with respect to municipal solid waste, the issue of waste flow control authority. On May 16, 1994, the Supreme Court held (6-3) in Carbone versus Clarkstown that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the Commerce Clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits. As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional.

I have met with country commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania and my office has, over the past years received numerous phone calls and letters from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. Since 1988, flow control has been the primary tool used by Pennsylvania counties to enforce solid waste plans and meet waste reduction and recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resource recovery facilities, and cocomposting facilities. In the absence of flow control authority, I am advised that many of these worthwhile projects could be jeopardized and that there has been a fiscal impact on some communities where there are debt service obligations.

In order to fix these problems, my legislation would provide a presumptive ban on all out-of-state municipal solid waste, including construction and demolition debris, unless a landfill obtains the agreement of the local government to allow for the importation of waste. It would provide a freeze authority to allow a State to place a limit on the amount of out-of-State waste received annually at each facility. It would also provide a ratchet authority to allow a State to gradually reduce the amount of out-of-state municipal waste that may be received at facilities. These provisions will provide a concrete incentive for the largest exporting states to get a handle on their solid waste management immediately. To address the problem of flow control my bill would provide authority to allow local governments to designate where privately collected waste must be disposed. This would be a narrow fix for only those localities that constructed facilities before the 1994 Supreme Court ruling and who relied on their ability to regulate the flow of garbage to pay for their municipal bonds.

This is an issue that affects numerous states, and I urge my colleagues to support this very important legislation.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. BOND, Mr. REID, Mr. SCHUMER, Mr. CORZINE, and Mr. DURBIN):

S. 1195. A bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today Senator MIKULSKI, Senator BOND, and I, along with a number of our colleagues, are introducing, "The Credit Watch Act of 2001," a bill that will authorize the Federal Housing Administration (FHA), to identify lenders who have excessively high early default and claim rates and consequently terminate their origination approval. This legislation is necessary to protect the FHA fund and take action against lenders who are contributing to the deterioration of our neighborhoods.

A rash of FHA loan defaults have led to foreclosures and vacant properties in cities around the country. In Baltimore, the effects of high foreclosure rates are acute. In some neighborhoods, there are many vacant foreclosed homes within just a few block of each other. This can often be the beginning of a neighborhood's decline. The high volume of vacant properties creates a perception that both the property and the neighborhood are not highly valued. In turn, these neighborhoods deteriorate physically and often attract criminal activity.

It's like a rotten apple in a barrel. The rundown appearance of one home spreads to the surrounding neighborhood. Stabilization and revitalization efforts are undermined by the presence of abandoned homes.

The Department of Housing and Urban Development, HUD, community activists, and local law makers have come together to examine the loans being made in neighborhoods with high foreclosure rates.

In Baltimore and other cities, these groups that careless lenders are offering the FHA insured loans to families who cannot afford to pay them back. This results in defaults and foreclosures. A foreclosed property can easily turn into an uninhabited home, which can either begin or continue a cycle of decline.

In an effort to reduce the number of loans that end in foreclosure, the FHA developed several new oversight methods, one of which is "Credit Watch."

"Credit Watch" is an automated system that keeps track of the number of early foreclosures and claims of lenders in a particular area. This legislation authorizes the FHA to revoke the origination approval of lenders who have significantly higher rates of early defaults and claims than other lenders in the same area. The FHA is currently targeting lenders with default rates of 300 percent of the area average.

Credit Watch has been an effective tool in tracking down bad lenders. Since HUD launched Credit Watch in May 1999, the Department has terminated the origination approval agreements of 77 lender branches. An additional 177 lender branches were placed on Credit Watch, warning, status.

The legislation accounts for differing regional by ensuring that lenders are only compared to other making loans in the same community. It also provides a manner by which terminated lenders may appeal the decision of the FHA, if they believe that mitigating factors may justify higher default rates.

When lenders make loans with no regard for the consumer or the health of the community, the FHA must be able to take action in a timely manner so that costly abuses of the FHA insurance fund can be stopped. Quick action not only protects the health of the Mutual Mortgage Insurance, MMI, fund, it protect neighborhoods from the detrimental effects of high vacancy rates and consumers from the pain of foreclosure and serious damage to their credit.

Lenders that offer loans to individuals who cannot afford them should not be able to continue making those loans. It is a bad deal for taxpayers. It is a bad deal for neighborhoods. It is a bad deal for the families who take out the loan.

Credit Watch is an useful and efficient way for the FHA to prevent these unfortunate foreclosures from happening. While we need to address the larger issue of predatory lending in our communities. "Credit Watch" is an obvious and immediate solution to one part of this problem.

By Mr. BOND (for himself and Mr. KERRY):

S. 1196. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. BOND. Mr. President, today I am introducing the Small Business Investment Company Amendments Act of 2001. This bill is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000—$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nations best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, Federal Express received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufactures utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of $10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth years.

The "Small Business Investment Company Amendments Act of 2001" would permit the annual interest fee paid by Participating Securities SBICs to increase from 1.0 percent to no more than 1.28 percent. In addition, the bill would make three technical changes to the Small Business Investment Act of 1958, '58 Act, that are intended to make improvements in the day-to-day operation of the SBIC program.

Projected demand for the Participating Securities SBIC program for FY 2002 is $3.5 billion, a significant increase over the FY 2001 program level of $2.5 billion. It is imperative that Congress approve this relatively small increase in the annual interest charge paid by the Participating Securities SBICs before the end of the fiscal year. This fee increase, when combined with an appropriation of $26.2 million for FY 2002, the same amount Congress approved for FY 2001, will support a program level of $3.5 million.

The "Small Business Investment Company Amendments Act of 2001" would also make some relatively technical changes the '58 Act that are drafted to improve the operations of the SBIC program. Section 3 would remove the requirement that the SBA take out local advertisements when it seeks to determine if a conflict of interest exists involving an SBIC. This section has been recommended by the SBA, that has informed me that is has never received a response to a local advertisement and believes the requirement is unnecessary.

The bill would amend Title 12 and Title 18 of the United States Code to insure that false statements made to the SBA under the SBIC program would have the same penalty as making false statements to an SBIC. This section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the '58 Act would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5 of the bill would amend Section 313 of the '58 Act to permit the

SBA to remove or suspend key management officials of an SBIC when they have willfully and knowingly committed a substantial violation of the '58 Act, any regulation issued by the SBA under the Act, a cease-and desist order that has become final, or committed or engaged in any act, omission or practice that constitutes a substantial breach of a fiduciary duty of that person as a management official.

The amendment expands the definition of persons covered by Section 313 to be "management officials," which includes officers, directors, general partners, managers, employees, agents of other participants in the management or conduct of the SBIC. At the time Section 313 of the '58 Act was enacted in November 1966, an SBIC was organized as a corporation. Since that time, SBIC has been organized as partnerships and Limited Liability Companies (LLCs), and this amendment would take into account those organizations.

Mr. President, I ask unanimous consent that section-by-section summary be printed in the RECORD.

There being no objection, the summary ordered to be printed in the RECORD, as follows:

SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001—SECTION-BY-SECTION SUMMARY

Section 1. Short title

This Act will be called the "Small Business Investment Company Amendments Act of 2001."

Section 2. Subsidy fees

This section amends the Small Business Investment Act of 1958 to permit the SBA to collect an annual interest fee from SBICs in an amount not to exceed 1.28 percent of the outstanding Participating Security and Debenture balance. In no case will the SBA be permitted to charge an interest fee that would reduce the credit subsidy rate to less than 0 percent, when combined with other fees and congressional appropriations. This section would take effect on October 1, 2001.

Section 3. Conflicts of interest

This change would remove the requirement that SBA run local advertisements when it seeks to determine if a conflict of interest is present. SBA has informed me that it has never received a response to a local advertisement and believes the requirement is unnecessary. SBA would continue to publish these notices in the Federal Register. This section would not prohibit the SBA from running local advertisements should it believe it is necessary. It is supported by the SBA.

Section 4. Penalties for false statements

This section would amend Title 12 and Title 18 of the United States Code to insure that false statements made to SBA under the SBIC program would have the same penalty as making false statements to an SBIC. The section would make it clear that a false statement to SBA or to an SBIC for the purpose of influencing their respective actions taken under the Small Business Investment Act of 1958 would be a criminal violation. The courts could then assess civil and criminal penalties for such violations.

Section 5. Removal or suspension of management officials

This section would amend Section 313 the Small Business Investment Act of 1958 to expand the list of persons who could be removed or suspended by the SBA from the management of an SBIC to include officers, directors, employees, agents, or other participants of an SBIC. The persons subject to this section are called "Management Officials," a new term added by this amendment. The amendment does not change the legal or practical effect of the provisions of Section 313; however, it has been drafted to make its provisions easier to follow.

Sections 3, 4, and 5 would take effect on enactment of the Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 136—TO AUTHORIZE TESTIMONY DOCUMENT PRODUCTION AND LEGAL REPRESENTATION IN STATE OF CONNECTICUT V. KENNETH J. LAFONTAINE, JR.

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, in the case of State of Connecticut v. Kenneth J. LaFountaine Jr., No. 01–29206, pending in Connecticut Superior Court in the City of Hartford, testimony and document production have been requested from James O'Connell, an employee in the office of Senator Lieberman;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That James O'Connell and any other employee of the Senate from whom testimony or document production may be required are authorized to testify and produce documents in the case of State of Connecticut v. Kenneth J. LaFountaine Jr., except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent James O'Connell and any Member or employee of the Senate in connection with the testimony and document production authorize in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1010. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1011. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1012. Mr. SMITH, of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1013. Mr. BOND (for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill H.R. 2311, supra.

SA 1014. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1015. Mr. CRAIG (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1016. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1017. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1018. Mr. MURKOWSKI proposed an amendment to the bill H.R. 2311, supra.

TEXT OF AMENDMENTS

SA 1010. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 18, before the period, insert the following: ", of which not less than $500,000 shall be used to conduct a study of Port of Iberia, Louisiana".

SA 1011. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

"The Corps of Engineers is urged to proceed with design of the Section 205 Mad Creek Flood control project in Iowa."

SA 1012. Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 15, strike "For the purposes of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration, up to $2,000,000,000 in borrowing authority is authorized to be appropriated, subject to the subsequent annual appropriations, to remain outstanding at any given time:" and insert, "For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the Administrator's authority pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, an additional $2,000,000,000 in borrowing authority is made available, under the Federal Columbia River Transmission System Act (16 U.S.C. 838) to remain outstanding at any given time:"

SA 1013. Mr. BOND (for himself, Mrs. CARNAHAN, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill (H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 11, at the end of line 16, add the following "During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.".

SA 1014. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 3, strike line 24 and insert the following: "$2,500,000; and

"For completion of plans and specifications, environmental documentation, and design for, and initiation of construction of, the navigation mitigation project, Saco River and Camp Ellis Beach, Maine, $500,000:".

SA 1015. Mr. CRAIG (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 12, line 19, strike "$732,496,000" and insert "$722,496,000".

On page 17, line 21, strike "$736,139,000" and insert "$601,139,000".

On page 19, line 7, strike "$25,000,000" and insert "$170,000,000".

SA 1016. Mr. CRAIG (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title I, insert the following:

"SEC. . The non-Federal interest shall receive credit toward the non-Federal share of the project the cost of lands, easements, relocations, rights-of-way, and disposal areas required for the Portneuf River at Lava Hot Springs habitat restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: *Provided*, That the Secretary shall provide such credit only if the Secretary determines the work to be integral to the project."

SA 1017. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

At the appropriate place in Title II, insert the following:

"SEC. . The Secretary of Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than $6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of not less than 15 years."

SA 1018. Mr. MURKOWSKI proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 12, line 19, strike "$732,496,000" and insert "$722,496,000".

On page 19, line 2, strike "$3,268,816,000, to remain available until expended." and insert "$3,278,816,000, to remain available until expended: *Provided*, That $10,000,000 shall be provided to fund grant and fellowship programs in the appropriate offices of the Department of Energy to enhance training of technically skilled personnel in disciplines for which a shortfall of skilled technical personnel is determined through study of workforce trends and needs of energy technology industries by the Department of Energy, in consultation with the Department of Labor.".

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Monday, July 23, 2001, at 9 a.m., in room 2306 of the Richard B. Russell Federal Building and United States Courthouse, 75 Spring Street, NW., Atlanta, GA.

The purpose of this field hearing is to receive testimony on election reform issues. For further information, please contact Kennie Gill at the Rules Committee staff on 224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs authorized to meet during the session of the Senate on July 18, 2001, to conduct a markup of the reauthorization of the U.S. Export-Import Bank; the reauthorization of the Iran and Libya Sanctions Act; the nomination of Mr. Mark B. McClellan, of California, to be a member of the Council of Economic Advisors; and the nomination of Ms. Sheila C. Bair, of Kansas, to be Assistant Secretary of the Treasury for Financial Institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 18, 2001, at 9:30 a.m., on cross border truck and bus operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 18, at 9 a.m., to conduct a hearing. The committee will consider the nomination of Dan R. Brouillette to be an Assistant Secretary of Energy, Congressional and Intergovernmental Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Wednesday, July 18, 2001, at 2:30 p.m., in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 10 a.m., to hold a hearing titled, "The Putin Administration's Policies Toward the Non-Russian Federation".

Witnesses: Dr. Marjorie M. Balzer, Research Professor and Coordinator, Social, Ethnic, and Regional Issues Center for Eurasian, Russian, and East European Studies (CERES), Georgetown University, Washington, DC; Dr. John B. Dunlop, Senior Fellow, Hoover Institution on War, Revolution, and Peace, Stanford University, Stanford, CA; Dr. Paul Goble, Director, Communications Department, Radio Free Europe/Radio Liberty, Inc., Washington, DC; Dr. Steven Solnick, Associate Professor of Political Science, Columbia University, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 9:30 a.m., for a hearing regarding S. 1008, the Climate Change Strategy and Technology Innovation Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 18, 2001, at 9:30 a.m., in room 485, Russell Senate Building to conduct a hearing on Indian tribal good governance practices as they relate to tribal economic development.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 18, 2001, at 10 a.m., in Dirksen 226. The subject of the hearing will be "Reforming FBI Management: The Views from Inside and Out."

Panel I: The Honorable Raymond W. Kelly, Senior Managing Director, Bear Stearns, New York, NY; Robert Dies, Assistant Director, Federal Bureau of Investigation, Washington, DC; Kenneth Senser, Deputy Assistant Director, Federal Bureau of Investigation, Washington, DC.

Panel II: John E. Roberts, Unit Chief, Office of Professional Responsibility, Federal Bureau of Investigation, Washington, DC; John Werner, Blue Sky Enterprises of N.C., Inc., Cary, NC; Frank L. Perry, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC; Patrick J. Kiernan, Supervisory Senior Resident Agent, Federal Bureau of Investigation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 18, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on legislative proposals related to energy and scientific research, development, technology deployment, education, and training, including sections 107, 114, 115, 607, title II, and subtitle B of title IV of S. 388, the National Energy Security Act of 2001; titles VIII, XI, and division E of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; sections 111, 121, 122, 123, 125, 127, 204, 205, title IV and title V of S. 472, the Nuclear Energy Electricity Supply Assurance Act of 2001; and S. 90, the Department of Energy Nanoscale Science and Engineering Research Act; S. 193, the Department of Energy Advanced Scientific Computing Act; S. 242, the Department of Energy University Nuclear Science and Engineering Act; S. 259, the National Laboratories Partnership Improvement Act of 2001; S. 636, to direct the Secretary of Energy to establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas; S. 1130, the Fusion Energy Sciences Act of 2001; and S. 1166, a bill to establish the Next Generation Lighting Initiative at the Department of Energy, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training be authorized to meet for a hearing on protecting workers from ergonomic hazards during the session of the Senate on Wednesday, July 18, 2001, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 9:30 a.m., in open session to receive testimony on Active and Reserve military and civilian personnel programs, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, July 18, 2001, at 2 p.m., for a hearing entitled "What Is The U.S. Position On Offshore Tax Havens?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, July 18, 2001, from 10 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 18, 2001, at 2:30 p.m., to hold a hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSFER OF SLOBODAN MILOSEVIC TO THE INTERNATIONAL CRIMINAL TRIBUNAL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 82, S. Res. 122.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 122) relating to the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution, which was referred to the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

[Omit the parts in black brackets and insert the part printed in italic.]

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

[Whereas the transfer of Slobodan Milosevic and other indicted war criminals is a triumph of international justice and the rule of law in Serbia;]

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated $29,400,000,000 in lost output and a foreign debt that exceeds $12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia; [and

[(2) calls for the continued transfer of indicted war criminals to the International Criminal Tribunal for Yugoslavia and the release of all political prisoners held in Serbian prisons.]

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

Mr. CRAIG. Mr. President, I am not raising an objection to the Senate's approval of S. Res. 122 regarding the transfer of former Yugoslav President Slobodan Milosevic to the United Nations war crimes tribunal. It is clear that the primary purpose of the resolution is to applaud the fact that someone credibly alleged to have been a primary instigator of heinous crimes be brought to justice. I applaud that sentiment. A number of similarly culpable persons from all the groups concerned should have to answer for what has occurred during the past ten years of war and strife in former Yugoslavia, and by all accounts Milosevic tops the list. His prosecution and, if he is found guilty after a fair and open judicial process, his severe punishment are very much in order.

However, despite my decision not to object to this resolution, I think it is important to point out that it contains several elements that do not serve United States interests. And some of what is stated in it is not even accurate. Indeed, when an effort was made to pass this resolution just prior to the July 4 recess, I asked that it be held up until some of these could be addressed. It was then sent to committee and some of the problematic portions were in fact made worse. I wish to address some of these briefly.

First, just as a factual matter—and this is new language added in committee—it is inaccurate to state, as the Resolution does in the second "Whereas" clause, that "the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute" Milosevic. Actually, as far as anyone knows, the federal Yugoslav government headed by President Vojislav Kostunica, an old-fashioned patriot, who, incidentally, was the translator of the U.S. Federalist Papers into Serbian, had nothing to do with the Milosevic handover and in fact strongly opposed it, but was circumvented by the Serbian republic government of Prime Minister Zoran Djindjic.

Second, one can hardly say that this was a "free exercise of sovereignty." It is well known that the United States—mistakenly, in my view, continuing the policies of the Clinton administration—had threatened to boycott an international aid donors' conference unless Milosevic were surrendered. It should be understood that this is not just a matter of the U.S. withholding foreign aid. Rather, it amounts to continuing a policy of sanctions against an economically devastated country, and threatening to destabilize its weak democratic government, until it disregarded its own laws and complied with our demands. I could call this many things, but "free exercise of sovereignty" is not one of them. Moreover, Prime Minister Djindjic's compliance with this pressure is hardly an example of "courage," as the resolution calls it, especially since it is well known the extent to which he has used the Milosevic handover to undermine his political rival, President Kostunica.

Third, the same clause says the handover fosters "the rule of law in Yugoslavia." Again the opposite is true. When we have here, to give an American analogy, would be as if an American State Governor violated provisions of the U.S. constitution and policies set by the President in order to comply with the wishes of foreign countries. Instead of the rule of law, what has been fostered in Yugoslavia—and in its two remaining republics, Serbia and Montenegro—is the idea that laws, constitutional government, and national sovereignty are meaningless, and that the only real authorities are the demands of foreign powers and the "jurisdiction" of global United Nations "justice," represented by the tribunal to which Milosevic has been delivered. For a country trying to emerge from decades of dictatorship, this is exactly the wrong message to send.

Fourth and finally, the same clause applauds the notion that the Milosevic handover has fostered "international justice." That unfortunately is true, but I don't think it is reason for applause. As many of my colleagues know, I am strongly and unalterably opposed to the creation of a permanent International Criminal Court, of which the Yugoslavia tribunal and its Rwanda counterpart are precursors. In sending Milosevic to the U.N. tribunal—on charges arising in his own country, specifically Kosovo, which is a province of Serbia—we are helping to set a dangerous precedent for the ICC. We are saying to the world that when the will of a United Nations "court" clashes with a country's laws and constitution, the latter go into the trash can. I cannot speak for my colleagues, but I would object to sending any American citizen, no matter how evil the acts of which he was accused and however guilty he might be, to a United Nations court, especially if his alleged crimes took place in the United States. But we have successfully demanded that Serbia and Yugoslavia do exactly that, and similar demands are being made against the Bosnian Serb republic and against Croatia. Serious crimes deserve serious punishment, but the question is not one of whether justice will be done but before what court and under whose authority.

At a time when U.S. troops are facing danger every day in Bosnia and Kosovo—and may soon be sent, unwisely in my view, to Macedonia—the policy consequences of setting in motion political events that may destabilize non-democratic Yugoslavia and even help break up the federation are counterproductive to U.S. interests and a threat to the safety of our troops. For the reasons stated above, it has been a blow, not a benefit, to democracy and constitutionalism. But worst of all, it has lent credence to the principles supporting the ICC, which is a direct threat to the sovereignty of our own constitutional republic and our democratic institutions. I welcome the day that Milosevic and comparable persons face justice for their deeds. But he should have been allowed to face justice at home, in front of a court of his own people, under his own laws and constitution, as President Kostunica wanted. The fact that we have ensured that this will not occur is not something for us to be proud of.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid on the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 122), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 122

Whereas Slobodan Milosevic has been transferred to the International Criminal Tribunal for Yugoslavia to face charges of crimes against humanity;

Whereas the reformist Government of the Federal Republic of Yugoslavia freely exercised its sovereign right to cede jurisdiction to prosecute Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia, thereby fostering both the rule of law in Yugoslavia and international justice;

Whereas corruption and warfare under the Milosevic regime caused Yugoslavia extensive economic damage, including an estimated $29,400,000,000 in lost output and a foreign debt that exceeds $12,200,000,000; and

Whereas democrats and reformers in the Federal Republic of Yugoslavia deserve the support and encouragement of the United States: Now, therefore, be it

Resolved, That (a) the Senate hereby—

(1) recognizes the courage of Serbian democrats, in particular, Serbian Prime Minister Zoran Djindjic, in facilitating the transfer of Slobodan Milosevic to the International Criminal Tribunal for Yugoslavia;

(2) urges the Government of the Federal Republic of Yugoslavia, and other governments in the Balkans, to continue to cede jurisdiction over indicted war criminals to the International Criminal Tribunal for Yugoslavia; and

(3) calls for the release of all political prisoners held in Serbian prisons.

(b) It is the sense of the Senate that the United States should remain committed to providing foreign assistance to support the success of economic, political, and legal reforms in the Federal Republic of Yugoslavia.

CONGRATULATING THE BALTIC NATIONS OF ESTONIA, LATVIA, AND LITHUANIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 85, S. Con. Res. 34.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 34) congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the reestablishment of their full independence.

There being no objection, the Senate proceeded to consider the concurrent resolution, which was referred to the Committee on Foreign Relations with an amendment, an amendment to the preamble, and an amendment to the title, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of [the restoration of their full independence] *the end of their illegal incorporation into the Soviet Union*; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

Amend the title so as to read: "Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union.".

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the title amendment be agreed to, the title, as amended, be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Con. Res. 34), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 34

Whereas the Baltic nations of Estonia, Latvia, and Lithuania were forcibly and illegally incorporated into the Soviet Union from 1940 until 1991;

Whereas their forcible and illegal incorporation into the Soviet Union was never recognized by the United States;

Whereas, from 1940 to 1991, thousands of Estonians, Latvians, and Lithuanians were executed, imprisoned, or exiled by Soviet authorities through a regime of brutal repression, Sovietization, and Russification in their respective nations;

Whereas, despite the efforts of the Soviet Union to eradicate the memory of independence, the Baltic people never lost their hope for freedom and their long-held dream of full independence;

Whereas, during the period of "glasnost" and "perestroika" in the Soviet Union, the Baltic people led the struggle for democratic reform and national independence; and

Whereas, in the years following the restoration of full independence, Estonia, Latvia, and Lithuania have demonstrated their commitment to democracy, human rights, and the rule of law, and have actively participated in a wide range of international structures, pursuing further integration with European political, economic, and security organizations: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union; and

(2) calls on the President to continue to build the close and mutually beneficial relations the United States has enjoyed with Estonia, Latvia, and Lithuania since the restoration of the full independence of those nations.

The title amendment was agreed to.

DEVELOPMENT OF STRATEGIES IN SUB-SAHARAN AFRICA

Mr. REID. Mr. President, I ask consent that the Senate proceed to the immediate consideration of Calendar No. 86, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, I am very pleased that the Senate will unanimously pass Senate Concurrent Resolution 53: Africa Hunger to Harvest. I became a cosponsor of the resolution because I strongly believe that it is an important first step towards a renewed commitment to acting in concert with our African partners to significantly reduce poverty and hunger on the subcontinent in the next ten years. I saw to it that the resolution moved out of the Foreign Relations Committee expeditiously because I wanted this legislation to pass with all due haste. As you know, the G-8 members are preparing for their meeting in Genoa. I hope that President Bush will interpret the passage of Africa: Hunger to Harvest as a signal of the Senate's support for development in Africa, and obtain commitments from other members of the G-8 to devise comprehensive plans to increase the ability of African nations to feed their people.

Sub-Saharan Africa is a region with vast human and economic potential. There is a preponderance of natural resources, and a large enough population to provide the labor necessary to fuel industry. Yet Africa, for the most part, has not prospered. It is the only region of the world where hunger is increasing. In the past thirty years the number of hungry people in Africa has more than doubled to the point where one of every three Africans is chronically undernourished. There are many reasons why: war, natural disaster, corruption, and poor governance, to name a few. And while African themselves must take ultimate responsibility for the success or failure of their countries, we have the resources and opportunity to help improve the lives of millions of people living there.

This resolution lays out a preliminary blueprint for doing so. It directs the Agency for International Development to devise solid, concrete five- and ten-year strategic plans to help Africans reverse the current state of affairs for many living in the region, and asks that the plans focus on such key areas as the establishment of democratic institutions, private sector and free market development, access to education, improved health, and debt relief. The blueprint itself acknowledges that hunger and poverty must be attached along these critical fronts to be eliminated.

A necessary component to achieving development is stability in the region, but stability alone will not result in economic growth and improved living conditions. The establishment of the rule of law and democratic institutions is also necessary. Africans must have a say in the structure of their societies. They must be able to find a remedy through courts, they must have rules and regulations in place that provide an atmosphere of accountability. They must be able to put leaders in place that are dedicated and capable of imposing sound fiscal and economic policies. Leaders that work for the African people. That is why an emphasis on building democratic institutions is an essential building block in any plan to help improve conditions in African countries. Establishing institutions, accountability and rule of law helps establish favorable conditions for investment in the private sector.

Such investment is supported by increased opportunities for education, especially for women and girls. Education must be an integral part of this undertaking. While the illiteracy rate for women in the developing world stands at 32 percent, in Africa it is approaching 48 percent. In other words nearly half the women in Sub-Saharan Africa are completely illiterate, according to the World Bank. This has very serious and costly implications. Women with more education have fewer children, and start families later. Great education increase a mother's knowledge about child healthcare, which increases the chances that their offspring will grow to adulthood. Having fewer children frees more resources to educate the children families do have. The illiteracy rate for man and Africa is just as startling: 31.1. percent compared to 18 percent in the rest of the developing world. Economic growth is nearly impossible without investment in human capitol. We must work to change this state of affairs.

Health indicators are equally alarming. The infant mortality rate in Sub-Saharan Africa is higher than in any other region of the world. For every 1000 children born, 107 die in infancy. The under five mortality rate is 160 for every child born. This rate is significantly lower than it is in the rest of the developing world. Life expectancy for women fortunate enough to survive childhood is less than 48 years. Men who survive childhood live just shy of 46 years on average.

Seventy percent of those living with HIV/AIDS are in sub-Saharan Africa. The UN Human Development Report states that Rwanda, Botswana, Burundi, Namibia, Zambia, and Zimbabwe life expectancy has dropped more than seven years because of the disease. It knows no boundaries of income or education or occupation. Teacher and soldiers as well as mine workers and women who work in the house are equally at risk. While there are a few notable exceptions, it seems as through African heads of state are just now beginning to realize that they cannot hold their heads in the sand with respect to this issue. We must help and encourage them to not only devise credible plans to combat the spread of the disease, but to speak out about it.

All of the above emphasizes the fact that development in the health sector must be addressed as part of the USAID's strategic plans on humanitarian grounds and economic grounds. If we fail to do so, we risk losing a huge portion of the population of African countries, both in infancy due to childhood maladies and between the ages of 15 and 49, which is the bulk of the working population.

Finally, let me say that while we have made great strides on the issue of debt relief, we need to continue our efforts. Many countries will continue to have unsustainable levels of debt despite the advances that were made by the global ecumenical debt relief movement. Debt relief has positive results. In Uganda, for example, debt relief has meant that the government has increased spending on education so that children are able to attend primary school for free. New ways must be found to provide resources for countries where the poorest of the poor residents reside.

A reversal of fortune for the region is sorely needed. The rest of the world is leaving Africa behind in terms of economic development. It was the only region in the world to have experienced a shrinkage of Gross Domestic Product during the past 25 years. This trend must not continue. We have a lot of work ahead of us. The United States will never be able to help African nation feed their hungry populations without dedicating resources to implement plans which concentrate on the areas aforementioned. My colleagues have heard me say over and over again that we are not spending enough money on constructive foreign assistance programs such as the one set out in Senate Congressional Resolution 53. I repeat that admonition and add this: We can direct USAID to develop as many plans as we want to. At the end of the day, we must be willing to finance such plans. I stand ready to do so. I encourage my colleagues to do the same.

Mr. REID. I ask consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The concurrent resolution is as follows:

S. Con. Res. 53

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SHORT TITLE.

This concurrent resolution may be cited as the "Hunger to Harvest: Decade of Support for Sub-Saharan Africa Resolution".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Despite some progress in recent years, sub-Saharan Africa enters the new millennium with many of the world's poorest countries and is the one region of the world where hunger is both pervasive and increasing.

(2) Thirty-three of the world's 41 poorest debtor countries are in sub-Saharan Africa and an estimated 291,000,000 people, nearly one-half of sub-Saharan Africa's total population, currently live in extreme poverty on less than $1 a day.

(3) One in three people in sub-Saharan Africa is chronically undernourished, double the number of three decades ago. One child out of seven dies before the age of five, and one-half of these deaths are due to malnutrition.

(4) Sub-Saharan Africa is the region in the world most affected by infectious disease, accounting for one-half of the deaths worldwide from HIV/AIDS, tuberculosis, malaria, cholera, and several other diseases.

(5) Sub-Saharan Africa is home to 70 percent of adults, and 80 percent of children, living with the HIV virus, and 75 percent of the people worldwide who have died of AIDS lived in Africa.

(6) The HIV/AIDS pandemic has erased many of the development gains of the past generation in sub-Saharan Africa and now threatens to undermine economic and social progress for the next generation, with life expectancy in parts of sub-Saharan Africa having already decreased by 10–20 years as a result of AIDS.

(7) Despite these immense challenges, the number of sub-Saharan African countries that are moving toward open economies and more accountable governments has increased, and these countries are beginning to achieve local solutions to their common problems.

(8) To make lasting improvements in the lives of their people, sub-Saharan Africa governments need support as they act to solve conflicts, make critical investments in human capacity and infrastructure, combat corruption, reform their economies, stimulate trade and equitable economic growth, and build democracy.

(9) Despite sub-Saharan Africa's enormous development challenges, United States companies hold approximately $12,800,000,000 in investments in sub-Saharan Africa, greater than United States investments in either the Middle East or Eastern Europe, and total United States trade with sub-Saharan Africa currently exceeds that with all of the independent states of the former Soviet Union, including the Russian Federation. This economic relationship could be put at risk unless additional public and private resources are provided to combat poverty and promote equitable economic growth in sub-Saharan Africa.

(10) Bread for the World Institute calculates that the goal of reducing world hunger by one-half by 2015 is achievable through an increase of $4,000,000,000 in annual funding from all donors for poverty-focused development. If the United States were to shoulder one-fourth of this aid burden—approximately $1,000,000,000 a year—the cost to each United States citizen would be one penny per day.

(11) Failure to effectively address sub-Saharan Africa's development needs could result in greater conflict and increased poverty, heightening the prospect of humanitarian intervention and potentially threatening a wide range of United States interests in sub-Saharan Africa.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the years 2002 through 2012 should be declared "A Decade of Support for Sub-Saharan Africa";

(2) not later than 90 days after the date of adoption of this concurrent resolution, the President should submit a report to Congress setting forth a five-year strategy, and a ten-year strategy, to achieve a reversal of current levels of hunger and poverty in sub-Saharan Africa, including a commitment to contribute an appropriate United States share of increased bilateral and multilateral

poverty-focused resources for sub-Saharan Africa, with an emphasis on—

(A) health, including efforts to prevent, treat, and control HIV/AIDS, tuberculosis, malaria, and other diseases that contribute to malnutrition and hunger, and to promote maternal health and child survival;

(B) education, with an emphasis on equal access to learning for girls and women;

(C) agriculture, including strengthening subsistence agriculture as well as the ability to compete in global agricultural markets, and investment in infrastructure and rural development;

(D) private sector and free market development, to bring sub-Saharan Africa into the global ecomony, enable people to purchase food, and make health and education investments sustainable;

(E) democratic institutions and the rule of law, including strengthening civil society and independent judiciaries;

(F) micro-finance development; and

(G) debt relief that provides incentives for sub-Saharan African countries to invest in poverty-focused development, and to expand democratic participation, free markets, trade, and investment;

(3) the President should work with the heads of other donor countries and sub-Saharan African countries, and with United States and sub-Saharan African private and voluntary organizations and other civic organizations, including faith-based organizations, to implement the strategies described in paragraph (2);

(4) Congress should undertake a multi-year commitment to provide the resources to implement those strategies; and

(5) 120 days after the date of adoption of this concurrent resolution, and every year thereafter, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate Federal departments and agencies, should submit to Congress a report on the implementation of those strategies, including the action taken under paragraph (3), describing—

(A) the results of the implementation of those strategies as of the date of the report, including the progress made and any setbacks suffered;

(B) impediments to, and opportunities for, future progress;

(C) proposed changes to those strategies, if any; and

(D) the role and extent of cooperation of the governments of sub-Saharan countries and other donors, both public and private, in combating poverty and promoting equitable economic development.

MEASURE READ THE FIRST TIME—H.J. RES. 36

Mr. REID. Mr. President, on behalf of the Republican leadership, I understand the House Joint Resolution 36 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Mr. REID. I now ask for its second reading and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The joint resolution will receive a second reading on the next day.

AUTHORIZATION OF TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 136 submitted earlier today by the majority and other Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 136) to authorize testimony, document production, and legal representation in the State of Connecticut versus Kenneth J. LaFontaine, Jr.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution concerns a request for testimony and document production in a criminal case in the Superior Court in Hartford, CT. A resident of Connecticut has been charged with inciting injury to a person, second-degree harassment, and threatening. The criminal charges arise out of threatening and abusive telephone messages left on an answering machine at Senator LIEBERMAN's Connecticut District office, located in Hartford, CT, threatening, among other things, to inflict bodily injury through an attack on a Federal building.

This resolution would authorize an employee on Senator LIEBERMAN's staff who heard the threatening messages to testify and to produce evidence of the calls, with representation by the Senate Legal Counsel.

Mr. REID. I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under "Resolutions Submitted.")

FILING OF AMENDMENTS TO H.R. 2311

Mr. REID. Mr. President, because we have filed a cloture motion in the matter before the Senate, everyone who has an amendment to file will have to do so by 1 o'clock tomorrow.

PROGRAM

Mr. REID. Mr. President, on Thursday the Senate will convene at 10 a.m. and resume consideration of the Energy and Water Appropriations Act. We still have every belief that we can complete this bill in the morning. We may also consider several Executive Calendar nominations. We had about 10 we thought we were going to be able to do tonight, but for various reasons they were not done.

We hope to complete the debate on the Graham nomination which has an agreed-upon time. And, of course, we hope to begin consideration of the Transportation Appropriations Act.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, I ask unanimous consent the Senate adjourn following the statement by the Senator from the State of Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair recognizes the Senator from Alabama.

NOMINATIONS

Mr. SESSIONS. Mr. President, I appreciate the opportunity just to say a few words. I thank Senator REID for his leadership and effort to move the legislation that has been moving forward pretty well so far. I think this side has certainly been cooperative. We have not had anything like the 100-plus amendments that we had when this side was trying to move bills last year. We have been very cooperative.

There is a real concern that this administration, as it gets itself into office facing all kinds of challenges, needs to get its people on board as soon as possible. We are now entering the seventh month of President Bush's administration. Maybe 15 percent of his term has been used up, and we now have 150 nominees who have not been confirmed. Maybe there will be some objections to some and they will need some scrutiny, but most of them are nominations which, if called up and are voted upon on the floor, are going to pass virtually unanimously.

These are good men and women who have left their jobs and careers. They are committed to public service for a period of time. We need to give them an up-or-down vote.

I think we need to set a higher standard than we have done before. I do not object to a Senator who has a concern over a nominee to raise that concern, to highlight the problem, to ask questions, even delay a nominee. But when we have a nominee nobody objects to—and this is true of the overwhelming majority of the 150 or so—we believe they ought to be moving forward promptly. That is why we are at loggerheads a little bit here. There are some strong feelings that we need a good, firm commitment we will move these nominations before we leave in August for a month away because then we will come back with all kinds of things and it will be September with appropriations bills and there will be other issues and it will be harder than ever to get up nominations. Even more of them will be in the system by then, having been submitted by the President. It is going to be a big problem if we do not move promptly.

I think this is a reasonable request. I know Senator REID, Senator DASCHLE and others, have indicated they will make some progress, but we are not confident we have made a strong enough determination and commitment at this point in time to ensure those nominees move forward. I hope maybe this cloture motion can be vitiated and we will be able to reach accord and move forward, but I just want to say for the record that the matter is very serious. We have probably taken too long to move nominations as we go forward.

I think the ones that have little or no objection certainly ought to be moved forward.

Mr. REID. Mr. President, my friend from Alabama is right. There is no question that the process is very cumbersome. I hope in the future that we can maintain our record. We have a clear conscious. We cleared 54 last week. It was really the first week that we were in power because committees were just organized. With the leadership having changed, it slowed things down a little bit. But there wasn't much the Republicans could have done while they controlled the Senate because of the funnel that just doesn't allow these nominations to get here.

We have worked diligently today. Our staff worked. I told one of Senator LOTT's staff people just a minute ago that I spoke to Senator BIDEN earlier today, and we had told him that prior to the August recess we would clear all of those that already had hearings. We received a call back from Senator BIDEN's staff, and he told us that he spoke to Senator BIDEN and Senator BIDEN hopes to clear as many as 20 from the Foreign Relations Committee prior to the recess.

We recognize it is an embarrassment to this country—as powerful as the United States is—not having an Ambassador in a country. That is something that is good for the country. It is not because of Democrats or Republicans.

The Senator from Alabama is absolutely right. For the vast majority of these people, there is no problem at all. We just have to get them through the hearing process, which is sometimes cumbersome.

If there is somebody who has some objections, we can arrange something just like Graham. We are going to debate the Graham nomination when we finish the energy and water bill. There is time. I wanted to finish it tonight.

I wish right now that we could be doing this and Graham could look forward tomorrow morning to a very early vote and we could complete that matter. It is a contentious issue, but it is something we need to do. We can do that on others.

I have worked diligently. A lot of times people criticize me on my side because I work too closely with Senator LOTT on moving some of these bills. Last year, prior to the August recess, we did eight appropriations bills. Republicans controlled the Senate. But we moved eight appropriations bills. That was hard, hard work. But we did it. The Senator is right. A lot of times there were lots of amendments on those bills. But we worked our way through them.

I hope the Senator, who has a fine legal mind, is very concerned about what is happening. He wants his President to have all the help he needs. I hope the President gets all of his subcabinet people approved real soon.

I listened to an account on public radio just a short time ago. It is absolutely correct. It said what I already know—that President Bush will be lucky to have his subcabinet people approved by February. That is not because of partisan politics. It is because a system has developed in this country where we have vetting by the White House, by the Justice Department, by the agency in which the person is going to serve. It is too cumbersome and too burdensome.

Why do we need to have all this process for Dan Coats? Dan Coats served in the Senate up until a couple of years ago. He will be confirmed easily. Everybody likes him. It seems to me that the administration—Democratic and Republican administrations—should just have a little more courage, and say: We don't need Dan Coats to be vetted—that is just how I feel about it—by anyone. Let's just bring him down here, and he will stand or fall on how we feel about Dan Coats.

I hope in the morning that the Senator from Alabama and his colleagues who are concerned about this will look at our good-faith efforts. We are trying to do everything that we can. As I said, we were willing to clear 9 or 10 people tonight. For reasons that the Senator understands, we decided not to do that.

We haven't gotten much credit for the 54 we confirmed. We want to make sure that you feel good about what we are trying to do. There are a number of people as we proceed who may have some problems. We will identify those and set a special time for having some debate on the floor so we can have an up-or-down vote on them. We are not going to hold them up just to be holding them up.

Mr. SESSIONS. Mr. President, I thank the Senator for his comments. We have made some progress. There were some objections last week and some concerns about not moving. The Democratic leadership moved 50 or more. But we still have 150, and we are coming up on the August recess. That is all we are saying.

Mr. REID. One-hundred and sixty.

Mr. SESSIONS. If we don't get moving now, we are not going to be able to finish by August with many confirmed. That will get us even further behind. We are going to have a flood of nominations that haven't even come in yet. I am frustrated, as a former U.S. attorney, that no U.S. attorney nominees have even been made. I guess the President deserves blame for that. Maybe the FBI is working the other nominees and can't get the backgrounds on them, or whatever. The Senator from Nevada said perhaps they are terrified that they will nominate somebody who will have a black mark on their record and the administration will be embarrassed.

But I think all we are asking is let's give an intensity of interest to it. Let's give it our best shot before we recess in August to make sure that the backgrounds have been done on every one of these nominees so they are ready to go forward. The committees have to have some hearings. I know they are busy. We have been having hearings in the Judiciary on the FBI and DEA nominees, but we haven't had but three judges come out of Judiciary in 7 months, and none have been confirmed. We have to speed up a little bit. That is what we are asking.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 10 a.m. tomorrow, Thursday, July 19, 2001.

Thereupon, the Senate, at 8:17 p.m., adjourned until Thursday, July 19, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 18, 2001:

SECURITIES AND EXCHANGE COMMISSION

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2002, VICE PAUL R. CARY.

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2007. (REAPPOINTMENT)

MISSISSIPPI RIVER COMMISSION

BRIGADIER GENERAL EDWIN J. ARNOLD, JR., UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 U.S.C. 642).

BRIGRADIER GENERAL CARL A. STROCK, UNITED STATES ARMY, TO BE A MEMBER OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED 28 JUNE 1879 (21 STAT. 37) (22 U.S.C. 642).

DEPARTMENT OF STATE

THEODORE H. KATTOUF, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

MAUREEN QUINN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND

PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF QATAR.

JOSEPH GERARD SULLIVAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

JOHNNY YOUNG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

DEPARTMENT OF THE INTERIOR

JEFFREY D. JARRETT, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE KATHLEEN M. KARPAN.

DEPARTMENT OF STATE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

R. NICHOLAS BURNS, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, VICE ALEXANDER R. VERSHBOW.

DEPARTMENT OF JUSTICE

ROBERT S. MUELLER, III, OF CALIFORNIA, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF TEN YEARS, VICE LOUIS J. FREEH, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY, ARMY CHAPLAIN (CH) AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

JOSE R. ARROYONIEVES, 3172

To be lieutenant colonel

JAMES R. WHITE JR., 1236 CH

To be major

BRIAN T. *MYERS, 6125

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARIA L. BRITT, 6771
ANN D. DEMOLSKI, 4821
JADWIN V. MAYEAUX JR., 3032
MARK W. OLSON, 1553
LEONARD P. PARESA JR., 7478
ROBERT H. RHEN, 8790
RANDOLPH W. THOMAS, 5684
JOHN W. WILKINS II, 6981

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

DAVID M. BURCH, 9321
DAVID W. FLOYD, 4478

To be lieutenant commander

CURT D. ANDERSEN, 4756
MICHAEL G. MUELLER, 5108
MARCIA A. RIPLEY, 0730
BRENT W. SCOTT, 8695
MARCOS A. SEVILLA, 7243
MIL A. YI, 0125

DEPARTMENT OF STATE

EDMUND JAMES HULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

FRANKLIN L. LAVIN, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON JULY 18, 2001, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

HARVEY PITT, OF NORTH CAROLINA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2005, WHICH WAS SENT TO THE SENATE ON JULY 10, 2001.

HOUSE OF REPRESENTATIVES—*Wednesday, July 18, 2001*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 18, 2001.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend H. Warren Casiday, Emanuel Reformed United Church of Christ, Thomasville, North Carolina, offered the following prayer:

May we join in prayer, please. O Lord, Our Lord, how majestic is Your Name in all the Earth. We pause at this moment to turn our hearts and minds toward You.

God, You have called each of these fine men and women to the respective positions in this great House to serve You, to serve their constituents, to serve each citizen of our great country. Bless each Representative as they respond to Your call.

Grant each of them wisdom as they seek to understand what is both right and necessary for America at this time. Grant that they may have the courage to reach the decisions that will be consistent with Your desires for our Nation. Grant each Representative the peace that comes with the knowledge that they have attempted to do Your will for our country. May You continue to bless this great Nation of ours through the faithful service of each Member of this distinguished House.

By Your grace, may each of these requests be granted. I offer this prayer in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 333. An act to amend title 11, United States Code, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 333) "An Act to amend title 11, United States Code, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. KOHL, Mr. FEINGOLD, Mr. SCHUMER, Mr. DURBIN, Mr. HATCH, Mr. GRASSLEY, Mr. KYL, Mr. DEWINE, Mr. SESSIONS, and Mr. MCCONNELL, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be 10 1-minutes per side, beginning with the gentleman from North Carolina (Mr. COBLE), the sponsor of the guest chaplain today.

WELCOME TO GUEST CHAPLAIN, THE REVEREND H. WARREN CASIDAY

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, Thomasville, North Carolina, is known as the chair capital of the world. It is also the home of the Emanuel Reformed United Church of Christ, where our guest Chaplain today has served for the past 7 years. We are pleased to have Warren, his wife, Marie, and son, Jason, with us today.

Mr. Speaker, I visited the Emanuel Church many months ago for a dinner on the grounds, and on that day some of the parishioners expressed interest in having their pastor to serve as our guest Chaplain and here he is today.

Reverend Casiday received his divinity degree from the Duke University School of Divinity in Durham; and Warren presently serves, Mr. Speaker, as the president of the Thomasville Ministerial Association and the Chair City Toastmasters in Thomasville.

Warren said to me, Mr. Speaker, just a few moments ago, "I am a follower of Christ and I am humbled and honored to be the guest Chaplain today." I say to him, Warren, we are honored and privileged to have you and your family and your congregation in Thomasville back home watching.

WE NEED TO UTILIZE NATURAL GAS RESOURCES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, everybody here and everybody in America actually knows we are facing an energy shortage; but I ask today, what are we doing about it?

Our demand for oil and gas continually rises, and we seem to diminish our supply of these natural resources at the same time. In times of crisis we have actually drawn from our fuel reserves, but we always fail to replenish them. Right now the demand for gas is outstripping our demand for oil. By 2020, we will consume 62 percent more natural gas than we do today.

But while our demand grows, our production slows. We need to act now; but we cannot, because 40 percent of our natural gas sits under sagebrush protected by Federal regulations.

Mr. Speaker, Americans are paying 20 percent more for natural gas than

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

they did a year ago. What do we tell these people? We need to tell them that we can and will correct this energy problem responsibly and quickly by passing the Energy Security Act proposed by the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN).

Mr. Speaker, I encourage my colleagues to support this important and necessary piece of legislation.

U.S. NEEDS POLICIES TO END NUCLEAR WEAPONS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the news from the administration yesterday is that there is an intention to weaponize space, to deploy space-based missile defenses, which would be a clear violation of the 1972 ABM Treaty.

In 1972, the Russians and the United States signed an agreement which provided for the cessation of the nuclear arms race and to take effective measures towards reductions in strategic arms, nuclear disarmament, and generally and complete disarmament. On May 26, 1972, the two great powers agreed we would get rid of nuclear weapons; yet in the last week we have had the administration have its first test of its missile shield, and now they are talking about the weaponization of space.

We began our session today with a prayer, and the prayer should continue to be, Thy will be done on earth as it is in heaven. And I do not think it is the will of the divine to end this world in a nuclear conflagration. We should work towards the elimination of all nuclear weapons, and we should work for an end to policies which cause this country to move towards the weaponization of space.

THE JERUSALEM PLEDGE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Israel has sought a just and lasting peace for its people, who like people all around the world, only want to raise their families and go about their business in peace and harmony.

Last year, Israel offered the most comprehensive concessions to bring a permanent peace to the Middle East. Instead of acceptance, the Palestinian answer has been to set off a campaign of terror against Israel.

Sixty years ago, European Jews stood alone and the world pledged this would never happen again. I, along with many others, have taken The Jerusalem Pledge being spearheaded by the Simon Wiesenthal Center for a World Conference on Solidarity with Israel. This conference summons Jews and friends from all over the world to Jerusalem to stand together in a show of support.

I have already planned a trip to Israel to reaffirm my longstanding support during its time of need. Because terror will not succeed against solidarity.

ABOLISH THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. The IRS said last year's 81 percent error rate dropped to only 73 percent this past year. Unbelievable. The Internal Rectal Service screws up 73 percent of the time and then brags about it.

If that is not enough to cause your 1040 to crepitate, IRS agents gave the wrong advice to taxpayers only 50 percent of the time last year, according to an investigation.

Beam me up. The IRS does not need more workers; the IRS does not need more money. These stumbling, fumbling, bumbling mistake-prone nincompoops have got to go.

I yield back the need to pass the Tauzin-Traficant 15 percent flat retail sales tax, abolish the income tax, and abolish these nincompoops at the IRS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings, or other audible conversation, is in violation of the rules of the House.

PRESIDENT BUSH'S BALANCED ENERGY PLAN

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, for 8 long years, America has ignored energy. There was no energy policy at all under a Democrat administration. So I applaud President Bush for his courage to put forth a balanced energy plan.

The White House plan conserves energy, protects the environment, and increases production. It is time to end our almost total dependence on foreign oil. As my colleagues know, almost over 50 percent of our oil comes from other countries. Not only is that a threat to our national security, but it affects our energy prices.

Just look at California. Since California's Gray Davis failed to enact a plan that encouraged production, they are facing blackouts, high prices, and an uncertain future. Support the President's energy plan. The time is now. It is right for America.

SEND ENERGY BILLS TO THE NAVY

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Well, now we do know what the administration's energy plan is, Mr. Speaker. When my constituents' bills doubled and tripled in the last year, we asked for Federal help to stop the price gouging and refund those criminal overcharges, but the administration turned a deaf ear. But yesterday, when the Vice President's bill was found to be doubled or almost tripled to $186,000, what did he do? He said the Navy is going to bail me out. I do not have to conserve. I do not have to worry about energy policy; the Navy will pay my $186,000.

So I am asking all my constituents and people all around the country to send their utility bills, which have doubled or tripled, to the Navy, care of the Vice President. That seems to be what the energy policy is of this Nation. Have the Navy pay our utility bills. That is better than any energy policy that can serve this Nation.

So send all electricity bills to the Navy, care of the Vice President; and maybe they will listen to what we are demanding for America.

STEM CELL RESEARCH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week we said that we should fund adult stem cell research and we should fund it generously. For diseases like Alzheimer's, Parkinson's, diabetes, or serious illnesses that have no cures, at least not yet, stem cell research holds a lot of promise. But we should be doing ethical stem cell research, and that means not using stem cells from human embryos. Adult umbilical and placental stem cell research holds a great deal of promise, but killing human embryos is wrong.

Look at this picture of Mark and Luke Borden. These brothers were frozen human embryos soon after they were conceived. Some scientists may have liked to have taken them as embryos and destroyed them so they could harvest the stem cells, but the Borden family adopted them instead.

As human embryos, these little boys were implanted in the womb of their adopted mother where they matured into babies and were born just like any other children. Now they are happy and healthy growing boys. Mark and Luke Borden have the same right to live as any other children. No one doubts that now. We should not have doubted it when they were human embryos either.

SUPPORT FOR PATIENTS' BILL OF RIGHTS

(Mr. OSBORNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OSBORNE. Mr. Speaker, I rise today to voice my support for the patients' bill of rights sponsored by my colleague, the gentleman from Kentucky (Mr. FLETCHER).

In evaluating the two bills providing for patient protections before us, I had to ask myself which of these bills will improve health care without creating a crisis. According to the Census Bureau 2000 current population report, in my home State of Nebraska, 179,000 people are currently without health insurance.

□ 1015

Mr. Speaker, the last thing I want is for this body to pass legislation that will significantly inflate the number of uninsured. I have received many letters and phone calls from small business employers in my district asking for leave from the high cost of providing insurance to their employees. Many employers in my district are facing double-digit increases in health care costs this year. The number of phone calls and letters has tripled in the last several weeks from these same employers.

Mr. Speaker, the goal of a Patients' Bill of Rights legislation is to do two things: number one, reduce the ranks of the uninsured; and, number two, increase access to health care coverage. Unlimited lawsuits will accomplish precisely the opposite. They will drive up costs and increase the number of people without health care insurance.

Mr. Speaker, please join me in supporting this bill.

LONG-TERM SOLUTIONS NEEDED FOR KLAMATH BASIN

(Mr. THOMPSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of California. Mr. Speaker, I rise today to talk briefly about a problem, a serious problem, affecting the Klamath Basin in California and Oregon. The Klamath River was once the third largest producer of commercially fished salmon and steelhead in the United States of America. Today, the river's coho salmon are listed under the Endangered Species Act, and other fish stocks are in terrible shape.

Since 1905, 80 percent of the Basin's wetlands have been lost to agriculture. While this has been good for agriculture, it has come at a tremendous cost. Since that time, we have seen massive decline in wildlife. The region's Native American tribes have suffered as a result and so have commercial and sport fishing industries and so have waterlife and waterfowl and those who rely on healthy stocks of the aforementioned.

The commercial fishing industry that relied on the region for livelihood have suffered tremendously all up and down the California and Oregon coast. The region is still an important wetland habitat for the world's largest concentration of bald eagles and migratory birds along and throughout the Pacific Flyway.

Mr. Speaker, we have to work together in a bipartisan manner using the best possible science.

The problems in the Klamath Basin are not about the Endangered Species Act.

The problems are not about farmers vs. wildlife.

We should not derivate the Endangered Species Act.

Instead we should work with the best available science to find a solution to protect our remaining wildlife and at the same time protect the economic viability of the region.

The bottom line is that we have over promised our water in that region.

We need to work together on a bipartisan basis, with the farmers, tribes, fishermen and local communities to form a long-term solution for the Klamath region.

NATIONAL ENERGY POLICY FOUNDED ON CONSERVATION AND RESEARCH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, headlines earlier this month credited widespread consumer conservation with the recent drop in gasoline prices. Those headlines told all of us how much power we really had to reduce the energy demand through conservation.

The Republican energy package introduced next month will include incentives to encourage conservation wherever possible. Conservation is a cornerstone of our energy policy and will be a dominant part of our energy package. We are committed to helping this Nation meet its growing energy needs. We will implement a pragmatic and diverse energy policy that includes greater production of diverse energy supplies. But that package will place an equal reliance on bold and visionary conservation measures. It will include incentives that encourage research into energy efficiency no one has yet dreamed of.

Congress and the White House are committed to a national energy policy founded on conservation, research and the prudent increase in energy production. Together, these initiatives will help us meet our energy needs through the coming century.

TIME IS LONG OVERDUE TO PASS A PATIENTS' BILL OF RIGHTS

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, the time is long overdue to pass a Patients' Bill of Rights that puts medical decisions back in the hands of doctors and patients. It is time to put the public's interest ahead of special interests.

We have a bipartisan piece of legislation. Ganske-Norwood-Dingell ensures that medical decisions come before business decisions. It gives every American the right to choose their own doctor, covers all Americans with employer-based health insurance, ensures that all external reviews of medical decisions are conducted by independent, qualified physicians and not HMO bureaucrats.

Mr. Speaker, it is a bipartisan bill which has broad public support endorsed by the American Medical Association and the American Nurses Association. It is in stark contrast to the bill that the House Republican leadership has offered. That bill is an industry-written bill that is designed to stall and kill a real Patients' Bill of Rights. It does not give Americans the right to choose their doctor. It allows the HMO to choose the independent reviewer. That is like asking the fox to guard the chicken coop.

Mr. Speaker, Congress needs to pass the Ganske-Norwood-Dingell bill now. It provides sound, responsible managed care reforms and meaningful patient procedures.

HELP NEEDED FOR PATIENTS, NOT TRIAL LAWYERS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we will have a decision in the days to come. Do we opt for a genuine Patients' Bill of Rights, or do we instead follow the siren song of the trial lawyer's right to bill. Make no mistake, when Americans are sick, they do not want to deal with Washington bureaucrats or with insurance company bureaucrats. They want help from medical professionals.

Mr. Speaker, the choice is simple. Are we going to allow patients seeking relief to end up in court or to be treated in a clinic? By the way, do we want to destroy health insurance as we know it? That may be the very serious unintended consequence of people who mean well but seem to put their faith in healing more in trial lawyers than they do in physicians.

Mr. Speaker, it is incumbent upon this House to pass a bill that is a help to patients, rather than a boom to the trial lawyer's lobby. Let us opt for the plan of the gentleman from Kentucky (Mr. FLETCHER) to truly help patients rather than trial lawyers.

AMERICAN FARMLAND STEWARDSHIP ACT

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, I rise today to introduce important legislation to assist American farmers and ranchers in achieving valuable conservation goals in the protection of our natural resources.

Today's farmers and ranchers are facing increasing challenges in protecting environmentally sensitive lands while ensuring an abundant, safe food supply. Greater access to conservation programs must be a part of our agricultural policy.

For this reason, Mr. Speaker, I am introducing the American Farmland Stewardship Act of 2001 which will help foster responsible care and stewardship of our natural resources by agricultural producers. The Act provides incentive-based initiatives aimed at assisting farmers in meeting environmental requirements and the protection of endangered habitat, wetlands, improved water quality and water access, treatment of discharge, deterrence of invasive species and other important environmental challenges.

The American Farmland Stewardship Act will ensure greater protection of natural resources by providing economic assistance to agricultural producers to improve and protect natural resources and assist farmers and ranchers in staying competitive in the world market.

Mr. Speaker, please join me in cosponsoring the American Farmland Stewardship Act.

ENERGY SECURITY ACT

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, we are facing an energy shortage. While our demand is continually growing, our production is slowing. Take natural gas as an example. Our demand for natural gas is actually outstripping our demand for oil. By 2020, we will consume 62 percent more natural gas than we do today. We need to act responsibly, and we need to act quickly. We need to open some of our public lands to exploration for natural gas, and we need to build pipelines to deliver it.

Passing the legislation proposed by the gentleman from Utah (Mr. HANSEN), chairman of the Committee on Resources, last night was a step forward in the right direction.

COMMUNITY SOLUTIONS ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I come to the well this morning in strong support of the Community Solutions Act that we will consider shortly today. As our President said just last week, we in Washington cannot make Americans love their neighbors, but we can make resources available to those who have a heart for service, but not a wallet. For too long official Washington has used strict legalism as their excuse for walking by on the other side of the road, denying recognition and assistance to the faith-based institutions who have been making a profound difference in the communities we serve for over 100 years.

Mr. Speaker, the Community Solutions Act will bring this era of discrimination to an end. It will empower Americans and institutions of faith by increasing charitable giving through tax deductions, expanding charitable choice to allow religious organizations funds on an equal footing with non-religious institutions and other reforms.

Mr. Speaker, I strongly urge my colleagues to vote for H.R. 7 and let a new era of cooperation between public and private organizations that battle poverty and social maladies to begin.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 47, answered "present" 1, not voting 13, as follows:

[Roll No. 236]

YEAS—372

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce

Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wynn
Young (FL)

NAYS—47

Aderholt
Borski
Brady (PA)
Capuano
Costello
DeFazio
English
Filner
Fossella
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
LoBiondo
McDermott
McGovern
McNulty
Menendez
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Pombo
Ramstad
Sabo
Schaffer
Scott
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Udall (CO)
Udall (NM)
Visclosky
Wamp
Waters
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—13

Crane
Culberson
Gibbons
Goss
Hutchinson
Istook
Maloney (CT)
Murtha
Myrick
Oxley
Riley
Spence
Young (AK)

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Mr. OBERSTAR changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 1, NO CHILD LEFT BEHIND ACT OF 2001

Mr. BOEHNER. Mr. Speaker, pursuant to rule XXII, and by direction of the Committee on Education and the Workforce, I move to take from the Speaker's table the bill (H.R. 1) to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. BOEHNER) is recognized for 1 hour.

Mr. BOEHNER. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. GEORGE MILLER), for him to control under this debate.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government has been involved in education policy since 1965. Thirty-six years later we are finally getting serious about demanding results for our Nation's children.

As the Chicago Tribune noted recently, "Congress has spent the last four decades appropriating massive amounts of money to try to even out the educational experiences that disadvantaged children receive compared to their more fortunate peers. And in return for that long-term multi-billion dollar investment, we have gotten more disappointment. Most states show continuing gaps in achievement between poor and middle-class kids, and between white and minority students. Meanwhile, our students have fallen behind those of other countries."

Washington finally seems ready to put an end to this era of lost opportunity, thanks to President Bush and reform-minded legislators on both sides of the political aisle.

The No Child Left Behind Act, H.R. 1, passed this House on May 23 by a vote of 384 to 45, and reflects each of the four pillars of President Bush's education reform plan: accountability and testing, flexibility and local control, funding for what works, and expanded parental options.

H.R. 1 embodies President Bush's vision for education in America. That vision says a number of important things.

It says that when States use Federal education dollars, they should be accountable for getting results.

It says that parents should be empowered with data about the schools their children are attending, the qualifications of the teachers teaching their children, and their children's academic progress.

It says Federal education resources should be focused on helping students who are in the most need of help. We should increase for what works and ensure Federal education dollars are targeted to where they will make the biggest impact for our neediest children.

It says that to meet the tough new accountability standards, teachers and local school officials should have greater flexibility to decide how to address their students' unique needs.

And it says the parents want to choose the best education possible for their children, regardless of income level and/or their ethnic background.

The bills passed by the House and Senate have much in common, but there are some important differences that must be resolved.

We differ from our colleagues in the Senate on the issue of targeting resources to our most disadvantaged students, a goal that I think the House version embraces. We do believe that Federal education resources should be targeted to helping the most disadvantaged of our students and helping them to learn to read, to learn English, and to learn math skills. Accordingly, we passed a bill that focuses funds toward our poorest students, streamlines bureaucracy and refocuses Federal education dollars towards students who need help the most.

The Senate bill, by contrast, actually expands the overall number of programs significantly. It creates many more new programs than does the House bill, and the overall number of programs is significantly higher. According to the Congressional Research Service, there are 55 currently funded elementary and secondary education programs, and the Senate bill would increase that number to 89.

Many new programs added by the Senate may have merit. But the more programs we create, the harder it becomes to target Federal resources to the very students that we are trying to help. The more programs we add, the more we force disadvantaged students to compete for available funds.

The fact of the matter is that these students already have enough to compete against. Life's circumstances are competition enough for most of them. They should not have to compete for the opportunity to learn to read, to learn English, or to learn to add and subtract and multiply.

There are other areas where we are going to need to address issues as well:

We must assist on real accountability. Parents should be empowered with data, and States should be required to demonstrate that they are using Federal resources to close the achievement gaps that exist between disadvantaged students and their peers.

We must give States and local school districts the flexibility they need to address their students' unique needs and meet the higher expectations that we are placing on them.

And we must ensure that there is an escape route for students trapped in dangerous, failing schools that just do not change. The House bill provides for immediate public and charter school choice to parents with children in failing public schools. We hope our Senate colleagues will join us in embracing this new option for parents.

We look forward to taking the final step in what has been a very long process this year. We are looking forward to sending to the President an education bill that reflects his principles and begins making an immediate impact for students in schools all across America.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to go to conference. We have a historic opportunity to come out of this conference with an education reform bill that will benefit America's children. In May we passed an overwhelmingly bipartisan bill to ensure that all schools are held accountable for producing real results for our children.

I want to particularly thank the members of our Committee on Education and Workforce, the gentleman from Ohio (Chairman BOEHNER), the gentleman from Michigan (Mr. KILDEE), the gentleman from Delaware (Mr. CASTLE), the gentlewoman from Hawaii (Mrs. MINK), the gentleman from California (Mr. MCKEON), the gentleman from Indiana (Mr. ROEMER), the gentleman from Georgia (Mr. ISAKSON), and the gentleman from New York (Mr. OWENS), for all of their hard work in the negotiating sessions, and all of the other Members of the committee for their willingness to stick with these very difficult reforms in this effort to make a difference for education for our low-income children.

H.R. 1 requires that schools not only lift up the performance of all students, white, African American, Hispanic, rich, poor, limited English, proficient and disabled; but it also requires that we close the achievement gap between these students and others.

We have had some serious discussions about accountability provisions in conference. The President and the Congress, the House and the Senate, Democrats and Republicans are all on record in support of closing the achievement gaps between rich and poor and between minority and majority students.

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I am optimistic that we can set high standards that drive our public school systems toward that goal. Make no mistake about it: There will be, and there already is, a great deal of pressure from those who resist change, those who want to maintain the status quo, those who want to make sure that nothing ever changes in this system, but those are the same people that have given us the results that Americans find so repugnant. We need to change the system, we must bring about that change, and we must understand that that is the intent of the bill.

There are those that say they cannot get students proficient in 12 years. All I can say is, thank God they were not in the room with President Jefferson when he launched Lewis and Clark, because they would have never gotten across the Mississippi. And thank God they were not in the room with John Kennedy when he launched the program to put a man on the moon, because they would have never left the Beltway.

Their response to this bill is that they are going to dumb down tests, that they are to teach to the tests. That is the response of the American education system in this country? I hope not. I hope they recognize the challenge and the intent that Congress has put in this legislation, to substantially and dramatically change and improve and hold accountable the American education system to the children it teaches and to the parents that send them there.

We have ignored the educational inequities in our country for far too long. This legislation will go a long ways toward addressing these pressing problems. To do the job right, we must fight to match the powerful new reforms in this bill with significant new resources. The House and the Senate bill make this commitment in different ways, but let me say this: In the end, it will not be enough to up the authorizations and congratulate ourselves. The critical step will be making good on these promises by following through with them in real dollars in the appropriations process.

No one believes that we can really do public education reform on the cheap and get the results that all Americans are demanding. If we are to truly achieve real education reform, we will have to do our share in providing the necessary resources to fully fund special education, to support and train teachers, to turn around failing schools, and to repair and to modernize classrooms.

I also hope the conference will embrace a new bipartisan local flexibility, rather than letting States dictate local prerogatives through unaccountable block grants. Provisions in the Senate legislation would block grant much of the funding in this legislation, while sacrificing the accountability and the targeting of resources to the disadvantaged schools.

This legislation also gives us an opportunity to ensure that all teachers, in all classrooms, in front of all students, are fully qualified. Nothing is more shameful than having America's children shortchanged by uncertified teachers or unqualified teachers to teach the subject matter for which they have been hired. Study after study continues to show the impact that unqualified teachers have on the education of our children. The final conference report needs to reverse this troubling trend by investing additional funding in professional development, in teacher training, while ensuring that Federal funds are only used to pay fully qualified teachers.

Mr. Speaker, we can do this. This legislation does this. The question will be whether or not the conference committee can proceed toward these goals or whether or not the forces of the status quo will be sufficient to hold us back. I hope they will not be. I intend that they will not be. I know that the chairman agrees with that notion.

Mr. Speaker, this is about real reform, real accountability and real results and real resources. That is the goal of this legislation. That is, I believe, the goal of the conference committee, and I look forward to joining our Senate colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the chairman for yielding me this time. I also rise in support of the motion to go to conference on H.R. 1, the No Child Left Behind Act of 2001.

I would like to start by expressing my thanks to both the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and the gentleman from California (Mr. MILLER), the ranking member, for their hard work on this bipartisan legislation. If my colleagues heard their speeches here today, they realize what a sincere and deep-seated effort they have put in to making sure this legislation comes to fruition. We should all appreciate it.

With this motion to go to conference, we take the next step in our journey to fundamentally change the way children are educated in this country. Both the House and Senate bills embrace accountability with annual testing for all students in grades 3 through 8, create new options for parents of low-income students in failing schools, and provide unprecedented flexibility in the use of Federal dollars, placing more control into the hands of local school administrators and teachers. This pressure from above for high standards and competition from below to provide parents and students with information and options will help us rededicate our schools and ourselves to the joint principles of equality and excellence.

While the House and Senate bills differ somewhat on the best way to achieve these goals, we are united in our effort to ensure that no child, regardless of his or her challenges or abilities, is beyond the reach of our public school system. In that, we share President Bush's strong desire to complete action on this legislation; and while negotiations will be lively, I believe no issue will be insurmountable.

Some of these key differences include funding, program consolidation, and the appropriate degree of program and spending flexibility, both at the State and local levels. Specifically, while both bills dramatically increase spending to carry out the reforms and visions of the President's No Child Left Behind plan, the Senate version authorizes a full $8.8 billion more than the House. While we should not be adverse to increasing funding for programs that have been proven to work, we should not support additional increases if they are not tied to high standards and real accountability. To do so would defend and perpetuate the status quo.

Both bills also provide new flexibility. The House version consolidates similar programs, reducing the total number by a third. It also provides new freedom for school districts, 100 school districts nationwide, and allows all schools making adequate yearly progress to transfer funds between programs to meet their most pressing needs.

The Senate bill, on the other hand, actually creates many new programs; and it focuses its efforts on creating new flexibilities for States. In negotiating these issues, we should keep our children and their achievement firmly in mind and resist efforts to add unproven programs or approaches simply to score political points.

Mr. Speaker, the House passed the education reform bill by a margin of 384 to 45, and the Senate passed its by a vote of 91 to 8. Without a doubt, the time for reform is upon us. Now let us move ahead and support the motion to go to conference.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding me this time. I join my colleagues in supporting the motion to go to conference on H.R. 1.

Mr. Speaker, H.R. 1 represents the opportunity to demand results and report the achievement of all students. The substantially increased resources provided in both bills, coupled with emphasis on accountability, is a hopeful recipe for improving our educational system. In addition to the critical focus on accountability, the conference report on H.R. 1 will give us the chance to significantly expand resources and focus on extended learning opportunities for children after school.

The 21st Century Community Learning Centers Program, a priority initiative retained by both the House and the Senate bills, will collectively be able to invest in after school enrichment opportunities for their children.

While our eventual conference points will have many successes, a resolution of some issues are daunting and will take the hard work of all conferees to finalize, and we are committed to do that. Some of our more difficult issues include balancing competing versions of flexibility at the State and local level, creating a usable and realistic definition of adequate yearly progress that does not mask failure, and ensuring that our most disadvantaged receive the targeted resources they need. While these issues will be fervently discussed, I believe we can produce a strong bipartisan conference.

Mr. Speaker, we have kept bipartisanship through this whole process so far, and I think we are committed to keeping that bipartisanship within the conference.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. MCKEON), who chairs the Subcommittee on 21st Century Competitiveness.

Mr. McKEON. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of this motion to go to conference on H.R. 1.

In January, when the President presented his No Child Left Behind education reform proposal, he said, "Bipartisan education reform will be the cornerstone of my administration." He called on Congress to work together across party lines to craft legislation; and as a member of the House drafting team, I am proud of the work we have done so far under the leadership of the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. MILLER) in getting us to this point. The gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and the gentleman from California (Mr. MILLER), the ranking member, and all of the Members of the House are to be commended for their commitment to bipartisanship but, more importantly, for their commitment to our Nation's children.

The bill we are sending to conference is a good bill and reflects most of the President's proposals. This bill was a long time in coming. We started the reauthorization of the Elementary and Secondary Education Act in the last Congress under the previous administration. After 2 years of debate and several pieces of legislation, we were unable to put a package together. So today we will send H.R. 1 to conference to continue the process of instituting historic changes to our schools and new opportunities for our Nation's children.

Throughout the legislation, H.R. 1 maintains the four pillars of President Bush's education reform plan: accountability, flexibility and local control, research-based reform, and expanded parental options. Specifically, as chairman of the Subcommittee on 21st Century Competitiveness, I would like to talk about two issues which fall under my jurisdiction: teacher training and education technology.

First, the teacher title builds upon legislation that I, along with the gentleman from California (Mr. MILLER), the ranking member, authored in the last Congress, the Teacher Empowerment Act. It is based upon three principles: teacher excellence, smaller classes, and local choices. Mr. Speaker, H.R. 1 does this by consolidating and streamlining the Eisenhower Professional Development Program and the Class Size Reduction Program into a single program to provide States and local schools additional flexibility in the use of these funds in exchange for increased accountability and demonstrated student achievement. This will provide a major boost to schools in their efforts to establish and support a high quality teaching force.

Second, in regards to technology, the House bill consolidates a number of technology programs into a single performance-based grant program. According to the General Accounting Office, there are 35 Federal programs spread across eight Federal agencies that may be used as a source of support for telecommunications and information technology in schools and libraries. By eliminating duplicative programs under the Elementary and Secondary Act, the bill is a good first step to ensure that schools will not have to submit multiple grant applications that waste precious dollars on administrative expenses.

Additionally, under H.R. 1, technology funds will go to those areas where help is needed the most. According to the Department of Education's most recent study, schools in the highest poverty areas are still far less likely to have computers connected to the Internet in every classroom.

This targeting of funds is a departure from the current practices under the two major ESEA technology grant programs. A recent GAO study reported that of 20 current grants under the Technology Innovation Challenge grant program, none had been reported as being awarded to grantees with greater than 51 percent poverty. The Enhancing Education Through Technology initiative will ensure more funds get to the schools that are most in need of obtaining and using education technology.

Mr. Speaker, in closing, I would like to encourage all of the Members of the House to support this motion so that we can take the final step in this process and send the President an education bill that reflects his principles and begin making an immediate impact for students and schools and turn the promise of not leaving one child behind into reality.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

For years, the policy of this country has been that when we find schools that are filled with students who are underachieving, we do not do anything about it. Year after year, wasted generation after wasted generation, we just keep sending more money and doing the same old failed thing.

This bill promises to change that. How do we change it? We build schools where every child is in school well nourished, in a safe, clean classroom, being taught by a qualified, enthused teacher in front of a class that is a manageable size, with access to the right technology, with programs for significant parental involvement, for prekindergarten, for after school, for all of the things that we know work.

But we also know this: All of those things that work cost money.

☐ 1115

The bill that I was proud to support that we are sending to this conference has a significant increase in the Federal investment in education. But that is only a target as it now stands. One of the goals of our conferees should be to work with the other body and make sure that that promise of greater investment in struggling schools becomes a reality.

It is not just about investment, it is about prekindergarten. It is about teacher training, smaller classes, safer schools, school breakfasts, parental involvement programs, and all the things that make a school work right.

We have laid the foundation to get that done. I hope that in the weeks and months ahead, the conferees will finish the job and bring back to this House a product that honors the promise of real change where it is most needed in American education.

Mr. BOEHNER. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. ISAKSON), the vice-chairman of the Subcommittee on 21st Century Competitiveness.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me.

I want to acknowledge three people.

First would be the gentleman from Ohio (Mr. BOEHNER), the chairman, whose inspired leadership really allowed this bill to come to the floor in a bipartisan way, and the guidance he has given.

Second, I thank the gentleman from California (Mr. GEORGE MILLER), who has unalterably opposed the status quo and on this bill has very eloquently stood for the accountability to the American public for education needs of the American people.

Last but not least, I thank the President of the United States, who really believes that we should leave no child behind.

Mr. Speaker, Robert Browning was once asked, the great philosopher and writer, what his definition of education was and what it meant to a human being. His answer was very simple: education makes a people easy to lead, difficult to drive; easy to govern and impossible to enslave.

Mr. Speaker, the poor and most disadvantaged children in America's public schools are in fact enslaved today by ignorance. Title I was intended, at its beginning 33 years ago and subsequently with an investment of $125 billion, to break those shackles of ignorance and to break the slavery that, in fact, exists when people leave school or drop out without the equipment that they need.

President Bush, this committee, and, in the end, this conference will I am sure ensure that the three cornerstones that are essential to the education of a child become the measurable reality of American public education of our most disadvantaged students:

First, reading. This bill puts $600 million more into reading annually, and focuses on K through 2 in the Early Reading First initiative. It increases the resources to teachers, and it gives children in those most formative years of education the opportunity to learn to read and to comprehend.

Second, that comprehension, that ability, will be monitored and assessed annually from grades three through eight, so by the time that child reaches the ninth grade, where most of them drop out, instead of dropping out they will be dropping in on a high school education.

Lastly and most importantly, it gives flexibility to local school systems. In the school systems in California or Georgia, Indiana or Wisconsin, our students are different: different in ethnicity, different in race, different in economics. School systems deserve the right and the flexibility to choose what is best so as they educate children and are measured on their progress, they are able to make the determination that they believe is best, not what a bureaucrat or a politician in Washington thinks is best.

There are differences between the House and Senate. There are differences in the amount of money, and there is a little difference in the amount of flexibility. I believe we will work those differences out.

We have seen that no amount of money, even $125 billion over 33 years, has changed or lessened the achievement gap. Hopefully now the amount of money we ultimately invest, with accountability on public education and resources for our most poor and disadvantaged students, will not only close the achievement gap, but enlighten and enrich every child in the United States of America so that truly no one ever again in this country leaves a public school enslaved by lack of experience and a lack of education.

I look forward to the conference. I look forward to the House position. I look forward to maintaining the accountability in the reading levels of all our children.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend, the gentleman from California, for yielding time to me.

Mr. Speaker, I, too, rise in support of the motion to go to conference on H.R. 1.

I want to commend the leadership first of all on the committee, the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for working hard and trying to produce a good bipartisan product which we could report out of the Committee on Education and the Workforce and bring to the House floor and receive overwhelming bipartisan support.

I think this is a good bill. It is not a perfect bill. It calls for greater consolidation of a lot of Federal programs with increased flexibility back to local school districts on how best to utilize those resources that will be provided to them.

It calls for greater investment in professional development programs of our teachers, given a 2.2 million teacher retirement over the next 10 years, as well as an investment in the leadership of our school districts, with principals and superintendents.

It also calls for money to better integrate the use of technology in classroom curriculum, so our students graduating are going to be prepared to compete in the 21st century new economy.

It is a bill that calls for reform with results. It also holds school districts responsible with accountability, mandatory testing programs, so we can measure the students' progress.

I am hoping that in conference, attention will be paid to providing enough resources for the remediation of students who are being measured and who are falling behind at their skills level, so we can bring them back up to the rest of their classmates so they, too, can succeed.

There were some features of this bill I think that we missed the call on. I think it is time for this Congress to take action to provide some matching grant money back to local school districts to put in place pre-K schooling opportunities. Researchers at the University of Wisconsin just did the most long-term, 15-year comprehensive study of the pre-K program in the Chicago public school district and found that those students who are participating are less likely to commit juvenile offenses, more likely to stay in school, and perform better on tests than their classmates, and are more likely to graduate and go on to postsecondary education.

I also think that this Congress is not living up to our promise to fully fund special education opportunities for students with special needs. The promise was made 25 years ago that we would fund 40 percent of the expense of special education costs. Today we are slightly less than 15 percent.

If there is one piece of work that this Congress can do this year that will alleviate the pressures and the financial burdens that school districts throughout the country feel, it is to live up to our promise to fully fund special education. I hope that, too, is a source of conversation with the conferees.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the concern from the gentleman from Wisconsin over the issue of IDEA funding. I think most of our colleagues understand that the Individuals With Disabilities Act in education is not part of the Elementary and Secondary Education Act.

In fact, this Congress over the last 5 years has increased funding for IDEA some 50 percent over the last 5 years. I have no doubt there will be another increase again this year.

But that program is up for reauthorization next year. I would ask my colleagues to allow us to go through the reauthorization process on IDEA next year and debate any additional resources that might be devoted to that in the context of the reauthorization of that bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from California for yielding time to me.

Mr. Speaker, I also thank the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER), for their work in producing a bipartisan bill that really should make a difference in our schools.

Mr. Speaker, as we come to conference with the other body, there are some things that I think are in consideration here; and we must make sure they come out in the final version.

First of all, I want to make sure that some of the discussions that we have had in committee about authorized use of funds comes out. The gentlewoman from Illinois (Mrs. BIGGERT) and I in committee were able to see that of the money that is spent, that local schools have the option of spending it on training teachers, providing the professional development on math and science teaching in particular, which can be as much as 20 percent of the funding under title II. I hope that that will be preserved in conference.

I also hope that we can preserve the agreement that we had in committee that under the President's reading initiative in title I, an accepted use of funds is for books. If we are going to have a literacy program, it does make sense that books would be covered as an authorized use of funds. Similarly, in title IV, I would hope that we can see that instruments, musical instruments, are included as appropriate use of funds in music programs.

Overall, I hope we would see that we pay special attention to the professional development for math and science teachers. Furthermore, something that is coming from the other body that I hope will be preserved in conference is legislation, a part of the bill, that will ensure that parents have a right to know at least 72 hours in advance of the use of pesticides, dangerous chemicals, in their schools, in their children's schools.

Of course, as others before me have said, I hope out of conference we will come with a real dedication to give more than words to education for children with disabilities under the IDEA program.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to also compliment the bipartisan leadership in bringing this bill to this particular point, and in recognizing that it has traveled many miles. One particular mile left to go is as it pertains to special education.

I disagree with my colleague who says that this has to be put off for a year before we substantially will be able to go through a reauthorization period. I do not question the reauthorization time frame, but I do recognize that back at home, where we did increase funding, we started out at a very low level. So a 50 percent increase, while it sounds great and large, really in terms of property taxpayers and children and families with special needs and special education, really it has only gotten up a smaller percentage of where we made a commitment to the communities and school districts throughout this country when the Federal Government 25 years ago said we would cover 40 percent of the cost.

All we have done is shifted those costs onto the property taxpayers, because we have regulations that say they have to comply. So we have a substantially unfunded Federal mandate that needs to be corrected. We need to do it now, because we are not going to have the budget surplus, if we have a surplus at all, to be able to deal with this; and it is better to act now when there are so many others that are trying to attempt to get at that particular budget in the resources that are being made available. Then the real impact of special education is going to be borne by local property taxpayers.

In our State alone, the Federal Government should be contributing $100 million a year to cover 40 percent of the cost. They are only contributing $32 million a year, and $68 million more is being contributed on the backs of property taxpayers, the most regressive tax of all taxes.

If we want to provide property tax relief, tax relief, and we want to fund unfunded mandates, which are the pillars of the congressional leadership over the years, especially in the House, then we should fully fund special education.

I ask my colleagues to support the Harkin-Hagel amendment in the conference, which would provide for full funding over 6 years for this critical program. I would prefer it in a shorter period of time, but I think that is the bare minimum that we will accept.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I rise in support of the motion to go to conference. I, too, want to join in the chorus of accolades for our chairman, the gentleman from Ohio (Mr. BOEHNER), and for my ranking member, the gentleman from California (Mr. GEORGE MILLER), and for their talent and eloquence in getting a bill together with 384 votes to take us to conference.

The challenges ahead are indeed large and looming. John Adams, who wrote the Constitution for the State of Massachusetts, wrote in clause 2 a very unique section guaranteeing the right of education to every single citizen in the State of Massachusetts.

At no time is that right to a good education more important than today in America, and at no time is that right more threatened to the poorest in America than right here today.

What we do in conference is extremely important. With this bill, while we can all pat ourselves on the back and say we have accomplished a lot up to this point, there is a lot more work to do, particularly on the resources. As a fiscally conservative Democrat often coming to the floor saying money is not the answer to every problem, if we are going to test children and do it with diagnostic tests that we can turn around in real time remediation to help these children do better, we need the resources.

We also need a NAEP test. We need a NAEP test that can compare with the local government, the local schools and the State schools, when they devise their State tests, so we can then assess how good that test is in comparison to other tests.

□ 1130

We need to accede to the Senate language on the NAEP test. And on adequate yearly progress, we must hold students accountable. Whether 70 percent of students are passing in a school and 30 percent failing, we need to be able to find out what 30 percent are failing.

In conclusion, I would just say that we have the model for bipartisanship here today with this bill, but we do not yet have the model for bold school reform that works. That will be determined in this conference when we work out NAEP, resources, and other important issues, like adequate yearly progress.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I stand in support of H.R. 1, and I compliment the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking member, the gentleman from California (Mr. GEORGE MILLER). Good job. This was not easy to do.

But I want to talk about something we left out in the House that we cannot wait another year to cover, and that is fully funding special education and IDEA. I would ask that the conference committee include the Senate provisions regarding funding IDEA.

When I meet with parents in my district who have children with special needs, I hear how frantic they are about getting the services their children need in their schools. They think the schools are giving them the runaround. While, when I talk to the school administrators and the educators, they tell me they are worried sick about not having enough money to fully meet the needs of special education programs. And parents of students without special needs are fearful that their children will not receive enough resources so that they can get the education that they need.

This cannot continue. We need not wait another year. We must fully fund IDEA, because we are pitting one important education program against another. Students against students, parents against parents, and parents against schools. It is time for Congress to honor the commitment made to parents and educators over 26 years ago.

We can do that by adopting the Senate provision in the Leave No Child Behind Act and fully fund IDEA over 10 years. It is the right thing to do, and I urge my colleagues and the conferees to stand behind funding IDEA as we committed over 25 years ago.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), and while a new Member of Congress, the gentleman spent a career in the field of education.

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for yielding me this time; and I thank him for his work, as others have, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for his work, as well as other members of the committee, who did an outstanding job of working together.

I certainly support H.R. 1 as it goes to conference. I think there were some graphic reasons for the reform. It is my understanding that the Federal Government has spent $80 billion on education over the last 10 years; yet we saw absolutely no improvement in dropout rates, no improvement in test scores, less performance in general, and roughly 60 percent of our fourth graders are not able to read at an adequate level. So I think H.R. 1 really represents significant improvement in educational policy. It does provide better measurement of students, more accountability for schools, and certainly greater local control.

However, I would like to also underscore the idea that the best educational policy alone is not going to be the whole answer. And the reason I say this is that we can have the best teachers, the best curriculum, the best buildings, facilities; and still, if there is a high percentage of dysfunctional students from dysfunctional situations, we will have a very difficult time educating them because, number one, they will not get to school; and, number two, if they do get to school, they are not going to be in a very good frame of mind to learn anything.

So one of the components of H.R. 1 that I have been very interested in, which has not been talked about a whole lot, is the mentoring component. This is something that is very important to the President. Mentoring reduces absenteeism from school by over 50 percent, decreases drug abuse by more than 50 percent, teenage pregnancy by 30, 40 percent, violence, and gang-related activities by a significant margin as well. So mentoring does work, and it is an important part of the educational component.

So as we go to conference here on this bill, I hope that this will be preserved. I especially hope that the conferees will maintain the flexibility and the local control that we have written into the bill, particularly in regard to training the mentor.

So again I would like to compliment those who have drafted and crafted this bill, and I want to wish them well as they go to conference.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. McCARTHY of New York. Mr. Speaker, I thank the gentlewoman for yielding me this time; and I want to thank the chairman, the gentleman from Ohio (Mr. BOEHNER), and the ranking minority member, the gentleman from California (Mr. GEORGE MILLER). I give credit to both sides of the aisle on working really hard to get this bill through. Both sides gave up a lot, but we came out with an excellent bill; and I appreciate all the work everybody did on it.

When we talk about flexibility, when we talk about teacher preparation, when we talk about mentoring programs for our children, these are all going to be wonderful things for the future of education; but again I have to add my voice to those talking about IDEA. I know reauthorization is coming up, and I am looking forward to working with my chairman on reauthorization of IDEA next year.

As someone who grew up with learning disabilities, and as someone who has a child with learning disabilities, I know how important it is. I go into schools every single Monday and see that our schools, unfortunately, have to take funds away from important programs because the Government mandated these children be mainstreamed in our schools, yet have not followed through with the promised 40 percent to help them do this. We will fight to make sure that the monies are there.

It is not fair to our school systems, as it is today, to be paying out these monies when we made these mandatory deals with the schools to educate these children. I am looking forward to seeing what the conferees come out with. I know it will be a good bill. The House and the Senate bills are a little different, but in the end I think the people of America and the children of America are going to be proud of the work done here in Congress.

Decisions should be made on the local level, and I do believe in that; but the flexibility is probably going to be the most important thing. So I again thank the gentleman from California (Mr. GEORGE MILLER) and am looking forward to working with him again.

Ms. WOOLSEY. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I want to appeal to the conferees to please hold the course and not water down this bill any further.

There is an education state of emergency in many American communities. There is an education state of emergency in the African American community in inner cities and in other innercity minority communities and in rural poor communities. We need all the help we can get as fast as we can get it.

The reading scores show there is a state of emergency, the SAT scores show it, the dropout statistics show it; but also there are other indicators that we ought to take a look at. The number of uncertified teachers are clustered and concentrated in these state of emergency communities. The number of unsafe, unhealthy buildings are concentrated in these communities. The lack of science laboratories and lack of physics teachers and chemistry teachers, they are all concentrated in these communities. Libraries with the oldest books are in these communities.

So we need to maintain the focus and the concentration of this bill and not let the bill that came from the other body water it down and make flexible the funding so that it does not have the same concentration as the President's bill.

The President is to be congratulated for focusing on where the greatest need is. The bill does do that. The focus on title I as a major component to be expanded in the authorization, the move towards an increase of title I funding to $17.2 billion in 5 years, that is very important. That authorization must be maintained.

We must unite with the other body to get higher authorizations in some other areas, and we must understand that the conference committee holding to these authorization levels is the first step in a larger strategy to guarantee that the appropriations will equal the authorizations.

We have a need for education reform everywhere in the country. I know that everybody is concerned about the fact that our children scored lower than youngsters in other nations, the best; but that need for concern should be understood in terms of there is a need for emergency-targeted funds that go straight to the areas of greatest need. In other words, what I am saying is let us make certain that we do what we have to do and can do at the Federal level so that we will hold accountable the States and hold accountable the local education agencies to deal with the state of emergency and guarantee that the opportunities to learn create safe schools, guarantee certified trained teachers, guarantee science laboratories, science equipment, guarantee science and math teachers.

We must take the first step, and also we must act in a way which guarantees that the appropriation will match the authorization in this Congress.

Mr. BOEHNER. Mr. Speaker, I yield myself 1 minute.

Let me rise, Mr. Speaker, and congratulate my friend, the gentleman from New York (Mr. OWENS), and tell him that I could not agree with him more.

As we go to conference with the Senate on this bill, our eyes need to be focused on the major goals. And one of the major goals that I think many of us share is to make sure that the resources that are going to be dedicated to this bill, whatever that amount may be, go to the most needy students in our society.

On the House bill we reduced the number of programs that we were going to fund under the Elementary and Secondary Education Act in order to try to better target these resources to those children, especially minority children in inner city schools and in rural areas who are underserved and need our help. But if we look at the Senate bill, where they expanded the number of programs, a lot of well-intentioned, well-meaning programs, good ideas; but what it does is it tends then to take our eyes off of getting the resources where they, in fact, are most needed.

Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. GRAHAM), a member of our committee.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, if anyone had asked me during the month preceding the last election if the House could have come together in this fashion to pass 384 to 45 a major reform initiative on education, I would not have taken the bet. Those were tough, dark times for the country. It was the longest election in history. Yet here we stand several months later talking about something long overdue.

The magic of this event to me is that the gentleman from California (Mr. GEORGE MILLER) and the chairman, the gentleman from Ohio (Mr. BOEHNER), have brought a committee that has been divisive at times together, along with the President, after many meetings at the White House, to take a new look at education.

There are so many debates going on in education right now about how best to fix the problem. Some people say we need more money. More money is in this bill, a lot more money. Some of us believe just throwing money at the problem alone will not work, and our voices were heard.

But the money is going to be spent in a new fashion. We are going to hold people accountable. Before we hold them accountable, we are going to provide them with the resources and the latitude and the flexibility to fix the problem, and we are going to monitor what happens. We are going to look at those children who have been left behind traditionally; and they are going to report to us, the school districts are that receive Federal money, as to how each group is doing. We are going to have a monitoring process for the first time in a long time, and we will actually find out where our money is going and if it is working.

For those school districts who have been helped and who have been monitored and they continue to fail, we are going to do something new. We are just not going to continue to throw money, giving it to the same group of people, expecting different results. I remember one thing that President Clinton said. He said insanity is doing the same thing and expecting different results. We are going to make sure the money is monitored; we are going to give people flexibility, the resources necessary to improve education; and if after 3 years things are not getting better we are going to take a new look at how to make them better.

We are going to allow parents to choose other public schools to go to. Charter schools. We are going to give parents some choices. This bill requires curriculum reporting. It will empower those parents who care. It will try to get people more involved in the education process.

□ 1145

There is some significant differences between the House and Senate bill, but I predict now that these differences will be quickly resolved and this Congress will go on record as being the first Congress in maybe 35 or 40 years to do something bold in the area of education.

The Federal level provides about 7 or 8 percent of education funding. No longer will that money be given blindly. We will expect results for our contribution, and we will try to create an atmosphere where school districts who want to experiment and try new things can do so with the Federal money.

All in all, if you asked me in October preceding the last election if this could have ever come about I would say no. If you asked me in December, I would say heck no. But here we are. It is a testament to the good hearts of the people on this committee and the leaders on this committee, along with the President.

We are about to do something new, long overdue; and the beneficiaries will not be politicians. It will be parents and children.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I rise in strong support of this measure. As a former teacher, I am proud to support this bill because it really starts to address the issue of leaving no child behind and closing that achievement gap. However, there is a piece that I would hope the conference committee would address and that is the funding for IDEA or Individuals With Disabilities Act.

Unfortunately, year in and year out Federal appropriations fall far short of the Federal government's commitment to help meet the needs and the cost of educating students with disabilities. The lack of funding places considerable strain on entire school budgets as schools are forced to choose between raising local taxes or cutting other critical programs in order to provide Federally mandated special education services.

To its credit, the Senate has recognized that students with disabilities and their families deserve more than an empty promise.

By passing the Hagel-Harkin IDEA full funding amendment with strong bipartisan support, the Senate has taken an important step toward meeting the Federal government's commitment.

Mr. Speaker, it will be a great day in this country when every child receives a first-rate education. I ask the conferees, I beg the conferees to address this issue of full funding for special education.

I thank both the Chair and the ranking member for the terrific job they have done on this bipartisan bill to help every child. If they would just please address full funding for special education, I think we would go a long way in making sure that every child is educated.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, it is a privilege for me to speak today on the floor on a bill that I helped craft in the Committee on Education and the Workforce, a committee that worked real hard a couple months ago, with bipartisan support, to pass on a bill to the floor and on to the Senate. A bill that puts President Bush's principles and education together with accountability and testing and flexibility and more local control and targeted funding and expanded parental options. A bill that consolidates programs. A bill that empowers parents with more information. A bill that included an amendment that the gentleman from

Delaware (Mr. CASTLE) and I crafted, a superflex amendment that provides for a hundred school districts to have more local control to consolidate Federal programs.

Yes, this bill differs from the Senate, but those differences can be resolved, and we can put together a bill that the President can sign that benefits America's schoolchildren.

Ms. WOOLSEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I am also here to support the motion to go to conference on the education bill. However, I have to tell you that today I am saddened because I am reading today in the Los Angeles Times that one of my feeder schools in East Los Angeles, Garfield High School, which was known for the movie "Stand And Deliver," where Latino students able to excel and rise to the occasion, is now found to be failing. It is one of the schools that is failing in my district.

I would ask the conferees as they begin their discussions on education to remember those low income students, the new face of California and the country. Those students are in need of support because they come from different backgrounds or speak different languages, that we not forget those children.

We also need to do as much as we can to help provide prevention funding for dropouts. Because in the Latino community right now we are finding the average number of students that come into the system are leaving at a 50 percent rate. That is disgusting. We need to do more to make sure that our students stay in school, that we have better equipped and credentialed teachers in our school.

In my district alone we have an overabundance of teachers who do not have credentials. They do not have credentials because we do not have the funding and support to help provide them that incentive to go on and get those credentials.

I would ask the conferees to take a look at what it is we need to do to help provide so that no child is left behind, so that no parent or student feels that this public education systems leaves them woefully behind in this society.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, it is about time we did what this amendment or this instruction does.

I was in the State legislature in 1972 when we passed the Education for All Act in the State of Washington. Along came the Feds about four years later and said we are going to have education for all in this whole country, and we will give you 100 percent of the rules and regulation, and we will give you 5 percent of the money. They have been doing that to States like Washington since 1972.

This is 28 years of an unfunded mandate. It is about time for the guys who want to talk about unfunded mandates to get up here and put the money on the bar. I know, I was there. I saw what was done in the State legislature, and then I come up here. Now my colleagues are saying we want to wait until next year. We are going to be waiting until next year to the year 2050. Mr. Speaker, this ought to pass.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank all of the members of the committee on both sides of the aisle and thank all of the professional staff of the committee, which is the entire staff, who have spent an incredible amount of time working through all of the difficult matters that are of concern and controversy and where there were differences of opinion and helped the membership arrive at this bipartisan legislation.

Mr. Speaker, I look forward to going to conference under the leadership of the gentleman from Ohio (Mr. BOEHNER), the chairman, and believe that we can bring back to the House a bill that will continue to have bipartisan support that again will dramatically change the outcomes and the results in this education system, in the title I system, and that will dramatically improve our opportunities to have qualified teachers, accountability and have the resources necessary to carry out the educational mandates that are contained in this legislation.

Mr. Speaker, I thank my colleagues for all who joined in this discussion.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. GEORGE MILLER), the ranking member on the Committee on Education and the Workforce, who has worked closely with myself and members on both sides of the aisle; and I have to say, as I said when we closed debate on the bill when it came through the House, I could not have had a more perfect gentleman and a more perfect partner to work with as we went through this process.

Mr. Speaker, I also thank our drafting team on both sides of the aisle, the gentleman from California (Mr. MCKEON), the gentleman from Delaware (Mr. CASTLE), the gentleman from Georgia (Mr. ISAKSON), the gentleman from Colorado (Mr. SCHAFFER), the gentleman from Indiana (Mr. ROEMER), and the gentlewoman from Hawaii (Mrs. MINK) who spent hours and hours trying to bridge the differences, always, though, with a view and a vision toward how do we help the neediest children in our society have a shot at a good education like our children get.

I think we achieved that when this House bill came through here. Is it the bill I would have written by myself? No. Is it the bill that the gentleman from California (Mr. GEORGE MILLER) would have written by himself? No. But it is a bill both parties worked together on, and we have built a solid piece of legislation that will change the way that we educate low income and minority students in our country.

My commitment to the gentleman from California (Mr. GEORGE MILLER) and my commitment to my colleagues on both sides of the aisle is that when we bring the conference report back to this House that we will in fact have a fundamental change in giving schools more flexibility, holding schools more accountable for real results and additional resources to help meet those new standards that we hope to put in place.

Mr. Speaker, when we brought our bill to the floor back in May, I asked all of my colleagues whether they would be able to stand up on that day and have the courage, the courage to vote with us and the courage to do the right thing even though not everyone was in full agreement. I think the House exercised its prerogative and did show the courage by a strong vote of 384–43 in support of our bill.

Mr. Speaker, as we go to conference, I feel confident that members on both sides of the aisle will continue to work together and to bring back to this House a bill that we can be proud of, a bill that the President can be proud of, and the most important goal, to make sure that we bring a bill back that helps the neediest of our society get the education they are going to need if they are going to have an opportunity at securing the American dream that every child deserves. And every parent of every child in America wants their child to have that opportunity.

Ms. KILPATRICK. Mr. Speaker, I rise today to express my support for the tabling of Mr. BALDACCI's motion to instruct the Conferees who will consider the Elementary and Secondary Education Authorization Act. This motion would direct the managers to accept an amendment that would give the Individuals with Disabilities Education Act Title I status, even though this amendment was not included in the bill passed by the House.

First, let me state that as a former school teacher, I am in full support of providing as much funding as is needed to insure that all of our children in this country receive a quality education that meets their intellectual and physical needs. I do not know of anyone in this House who is not in support of providing our children with what they need to grow and learn in an appropriate environment. This includes providing funds to assist students who are in need of special assistance due to a physical or mental disability. How could anyone not be in support of assisting these children? However, it does not make for "good" education policy if we single out just one program and instruct the Conferees to give it Title I status by making it an entitlement.

The ESEA bill is overflowing with good and valuable programs, all of which deserve to receive the funds that were authorized for them, if not more. Therefore, I cannot support singling out just one program for entitlement status. I would hope that not only would we fully fund the programs under the Individuals with Disabilities Education Act, but also the class size reduction programs, the Safe and Drug Free Schools and Communities Act, and the Homeless Education Assistance Improvement Act, as well as all of the other beneficial programs within ESEA. A program should not have to have entitlement status in order to receive full funding.

I trust in the ability of my colleagues who will serve as conferees on this bill to see the importance of the Individuals with Disabilities Education Act. The programs included in this Act will provide children who have a disability with a quality education that factors in their special needs, and is of no cost to the parents. The conferees do not need to be instructed to give Title I status to a program in order to fully fund it. If this was the case, I would be standing here before you arguing that entitlement status should be given to all of the programs included in the ESEA.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LaHood). The question is on the motion offered by the gentleman from Ohio (Mr. Boehner).

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 5, not voting 4, as follows:

[Roll No. 237]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—5

Goode
Hostettler
Sabo
Scarborough
Tiahrt

NOT VOTING—4

Gibbons
Myrick
Riley
Spence

☐ 1223

Mr. COX changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. BALDACCI

Mr. BALDACCI. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Baldacci of Maine moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to agree to provisions to fully fund part B of the Individuals with Disabilities Education Act for the purpose of providing every child with a disability a free appropriate public education to the extent that the provision of such full funding will not result in an on-budget surplus that is less than the surplus in the Federal Hospital Insurance Trust Fund.

MOTION TO TABLE OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Speaker, I move to lay the motion to instruct conferees on the table.

The SPEAKER pro tempore (Mr. LaHood). The question is on the motion to table offered by the gentleman from Ohio (Mr. Boehner).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 296, noes 126, not voting 11, as follows:

[Roll No. 238]

AYES—296

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Berkley
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello

Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Tom
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kerns
Kilpatrick
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
Matsui
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Scarborough
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—126

Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Blumenauer
Bonior
Borski
Brown (OH)
Capps
Capuano
Cardin
Carson (OK)
Clayton
Conyers
Coyne
Crowley
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
Deutsch
Dingell
Doggett
Doyle
Engel
Etheridge
Evans
Ferguson
Filner
Ford
Frank
Gephardt
Gonzalez
Green (TX)
Greenwood
Hall (OH)
Harman
Hill
Hilliard
Hinojosa
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Jackson-Lee (TX)
Jones (OH)
Kelly
Kennedy (MN)
Kildee
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Nadler
Owens
Payne
Platts
Rahall
Ramstad
Rehberg
Rivers
Roemer
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Shows
Skelton
Slaughter
Snyder
Solis
Stark
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thune
Thurman
Tierney
Udall (NM)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Brady (PA)
Davis, Jo Ann
Gibbons
Goode
Hinchey
Myrick
Oxley
Pitts
Riley
Spence
Walsh

□ 1246

Ms. MCCARTHY of Missouri and Messrs. SUNUNU, DELAHUNT, KIRK, REHBERG, INSLEE, and FORD changed their vote from "aye" to "no."

Mr. SWEENEY, Mrs. NAPOLITANO, and Messrs. UPTON, SCOTT, SPRATT, TIAHRT, TOWNS and BARTLETT of Maryland changed their vote from "no" to "aye."

So the motion to table the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, on rollcall No. 236, on approving the Journal, and rollcall No. 238 on the motion to table the motion to instruct conferees, I was unavoidably detained while chairing a committee hearing to receive Chairman Greenspan's semi-annual testimony on the economy. Had I been present, I would have voted "yes" on both motions.

(Mr. BALDACCI asked and was given permisson to speak out of order for 1 minute.)

FUNDING FOR IDEA

Mr. BALDACCI. Mr. Speaker, this issue is a very important issue to almost every Member of this Chamber, if not every Member of this Chamber, regardless of party. This issue of special education funding is something that we have worked at bipartisanly and in special orders and after hours, and between myself and the gentleman from New Hampshire (Mr. BASS) and many other Members on the other side of the aisle, and it is something we all care deeply about.

Twenty-six years ago, we promised to fund 40 percent of the special education costs in our country, and we are now at 14 percent. We will never have an opportunity, I believe, to be able to address this issue, given the uncertain economics and budgetary constraints that have been placed before us and that will be before us in the future.

We have no better time to address this issue. This was an instruction to the conferees to go about fully funding special education costs. This is an issue which costs all of our States, regardless of party and location, billions of dollars in property tax payments by local citizens. This is something that would have benefited, if it was fully funded, not just the disabled but the nondisabled.

I was disappointed that we did not have the opportunity for a free and open discussion, but as most of the Members know, this issue is not going to go away. We will be bringing this issue back before us. We will be doing it in a bipartisan fashion, because we all know how important these issues are to local communities.

In our State alone, we are looking at trying to make up the difference of between $100 million of special education costs and the $32 million that is being provided, and that is $68 million in a small State like Maine, of a population of 1.2 million that are facing increased property taxes and burdens that they have to bear. We recognize sometimes there is competition for those dollars at the local level, and that places a lot of those disabled families at a disadvantage.

Mr. Speaker, I appreciate the courtesies that have been afforded, and look forward to working with the Members on both sides of the aisle and in the Congress on this very important issue.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. BOEHNER, Mr. PETRI, Mrs. ROUKEMA, Messrs. MCKEON, CASTLE, GRAHAM, HILLEARY, ISAKSON, GEORGE MILLER of California, KILDEE, and OWENS, Mrs. MINK of Hawaii, Mr. ANDREWS, and Mr. ROEMER.

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1252

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and

State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. Hastings of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, July 17, 2001, the amendment offered by the gentlewoman from Colorado (Ms. DEGETTE) had been disposed of and the bill was open for amendment from page 39, line 18, through page 39, line 24.

Pursuant to the order of the House of that day, no further amendments to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and amendments printed in the CONGRESSIONAL RECORD on that day or before, each of which may be offered only by the Member who caused it to be printed or his designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purposes of debate, and shall not be subject to a demand for a division of the question.

The Clerk will read.

The Clerk read as follows:

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. Notwithstanding any other provision of law, $1,000,000 shall be available for technical assistance from the funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

SEC. 109. Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended, is further amended as follows:

(1) by striking in subsection (d) "$6", and inserting "$7";

(2) by amending subsection (e)(1), by replacing "No" with "Except as provided in paragraph (3), no"; and

(3) by adding a new paragraph (e)(3) as follows:

"(3) The Attorney General is authorized to charge and collect $3 per individual for the immigration inspection or pre-inspection of each commercial vessel passenger whose journey originated in the United States or in any place set forth in paragraph (1): *Provided*, That this authorization shall not apply to immigration inspection at designated ports of entry of passengers arriving by the following vessels, when operating on a regular schedule: Great Lakes international ferries, or Great Lakes Vessels on the Great Lakes and connecting waterways.".

This title may be cited as the "Department of Justice Appropriations Act, 2002".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

Trade and Infrastructure Development

RELATED AGENCIES

Office of the United States Trade Representative

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $30,097,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

International Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $51,440,000, to remain available until expended.

DEPARTMENT OF COMMERCE

International Trade Administration

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $347,654,000, to remain available until expended, of which $3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That $66,919,000 shall be for Trade Development, $27,741,000 shall be for Market Access and Compliance, $43,346,000 shall be for the Import Administration, $196,791,000 shall be for the United States and Foreign Commercial Service, and $12,857,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

Export Administration

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $68,893,000, to remain available until expended, of which $7,250,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, $335,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $30,557,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $28,381,000.

Economic and Information Infrastructure

Economic and Statistical Analysis

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $62,515,000, to remain available until September 30, 2003.

Mr. SERRANO. Mr. Chairman, I move to strike the last word. Mr. Chairman, I rise for the purpose of an exchange with the chairman.

As the chairman knows, last night we had made an effort to make sure we had informed all Members to be here when their amendment came up. However, as the gentleman knows, we anticipated coming to the floor at sometime around 3 or 3:30, and we are ahead of schedule, which is the good news.

The bad news is that there are some Members whose amendments are coming up pretty soon who are on their way to the Chamber now, so we are trying to find out first of all how the gentleman is doing, how the chairman is feeling this morning, and at the same time give them an opportunity to come.

I am sure that the gentleman could join me in this repartee, and as soon as I find out what that means, I will use it more often.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, out of consideration, if somebody comes within the next 5 minutes, even if they miss it, I would not be so strict. I think if they come in 2 hours, it would be a little bit different.

Mr. SERRANO. I understand.

Mr. WOLF. Is this the gentleman from Florida (Mr. HASTINGS) that the gentleman from New York is speaking of?

Mr. SERRANO. The gentleman from Florida (Mr. HASTINGS) and the gentlewoman from New York (Mrs. MALONEY).

So it is my understanding that in these two cases, as soon as they come, we can go back and deal with those amendments, within reason?

Mr. WOLF. If the gentleman will yield further, that is right, yes. We are not trying to hurt anybody, obviously, and I would want to be protected, since we did get here earlier for certain reasons, maybe.

It would be helpful, though, if maybe anyone is listening, if they are listening to the House debate and they had an amendment that was up, it would be helpful if the gentleman found the Member and told them that we had moved a little faster. We are hoping to get home earlier than normally we would have been able to get home, so the longer we delay, the harder it will be.

We did accord two Members last night that opportunity.

Mr. SERRANO. Mr. Chairman, the gentleman should rest assured it is not our intent to hold up the process. As I said, it is just that we are 2 hours and 15 minutes ahead of schedule, which is the good news, but we are trying to get just two folks over here, so we appreciate the gentleman's understanding.

Mr. WOLF. Yes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Bureau of the Census

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $169,424,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses related to the 2000 decennial census, $114,238,000 to remain available until expended: *Provided*, That, of the total amount available related to the 2000 decennial census ($114,238,000 in new appropriations and $25,000,000 in deobligated balances from prior years), $8,606,000 is for Program Development and Management; $68,330,000 is for Data Content and Products; $9,455,000 is for Field Data Collection and Support Systems; $24,462,000 is for Automated Data Processing and Telecommunications Support; $22,844,000 is for Testing and Evaluation; $3,105,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; and $2,436,000 is for Marketing, Communications and Partnership activities.

AMENDMENT NO. 27 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mrs. MALONEY of New York:

Page 47, line 22, after the dollar amount, insert the following: "(reduced by $2,500,000)".

Page 48, line 11, after the dollar amount, insert the following: "(increased by $2,500,000)".

□ 1300

Mrs. MALONEY of New York. Mr. Chairman, I rise today to offer an amendment for which there is strong bipartisan support with my colleague, the gentleman from Florida (Mr. MILLER), on the other side of the aisle.

This amendment would provide funding to begin planning to ensure that all Americans, including those living and working abroad are counted. Last year's census workers fanned out across the Nation to count every single American. Millions of Americans came together to complete their census forms and provide us with a snapshot of America. Unfortunately, during the 2000 census, we were unable to include a critical group of Americans: Americans, private citizens, living abroad.

Americans abroad make huge contributions to our economy each year. They encourage overseas expansion of American companies, improve exports, help us to expand our trade opportunities, and act as ambassadors to what we as Americans are all about, our American values. Unfortunately, although these hardworking Americans contribute so much to our Nation, although they vote, although they pay taxes, these Americans were not included in the 2000 census.

I strongly believe that these Americans deserve to be counted. I have met with them from around the world, from the Arabian peninsula, to France, to Latin America. I have gotten their e-mails, letters, and faxes. And what has impressed me the most is that, even though some have been living abroad for years, or even decades, they are still proud to be Americans living abroad. It is very important that they are part of the great civic experience of being part of our national census.

If we truly want to embrace the global economy, then we should keep better track of these critically important citizens. This legislation will provide $2.5 million for the Census Bureau to use to begin planning a census for Americans abroad by 2010. This is a necessary shift for this purpose. I believe this effort is long overdue and that these Americans who offer so much to our Nation deserve to be counted.

I want to remind all of the Members that while they may be living in France or Canada or Italy, they all come from Michigan, Texas, and California; and many do in fact vote and pay taxes in their home States, in all our districts.

Finally, I would like to compliment the patriotism that many Americans abroad have shown in their quest to be included in the census. Their love for our Nation has been an inspiration, and I am proud to offer this amendment on their behalf. I hope all of my colleagues will support this commonsense amendment which will begin the process to ensure that all Americans are included in the census.

Mr. Chairman, my colleague, the chairman of the Subcommittee on Census of the Committee on Government Reform, the gentleman from Florida (Mr. MILLER), conducted numerous very important hearings on the need to include Americans abroad. Last year, because of his efforts, there was report language that included a demand that the Census Bureau come forward with a plan. The problem is that the whole time that I have been in Congress we have been asking for this plan. Like Moses, we could be in the desert for 40 years if we do not have a plan.

They are supposed to come back with a plan in September. Yet I fear that it will be like the other plans, a statement, a dwindling of time, and not a concrete plan to go out and count these Americans abroad. This $2.5 million would allow them to have a trial run at counting them so that we could study the proper and best way to make sure that it is fairly and legally done.

I want to compliment the fine work of my colleague, the gentleman from Florida (Mr. MILLER), on this particular effort. We have worked together in a bipartisan way. And I hope that the distinguished Chair of this appropriations subcommittee, the gentleman from Virginia (Mr. WOLF), and the distinguished ranking member, the gentleman from New York (Mr. SERRANO), will accept this amendment.

We called the Census Bureau yesterday because the gentleman from Florida (Mr. MILLER) had mentioned to me that this report was coming; and just last month the acting director of the Census Bureau said that the September report on counting Americans abroad, and I quote, "will raise serious concerns about the feasibility of counting them." It sounds to me like the Census Bureau is not asking how this can be done, but instead is once again looking at the negative.

This allocation will show that we are serious that 10 years from now we want these citizens counted and we want trial runs in between. We want this to happen for the American citizens. It is important to our country, it is important to our global economy, and it is the fair and right thing to do.

Mr. WOLF. Mr. Speaker, I rise in support of the amendment.

My colleague, the gentleman from Florida (Mr. MILLER), has done an outstanding job with regard to this issue. He probably knows more about the issue of the census than most Members will ever ever know.

There will be a report, the gentleman from Florida has been on top of it; but in the interest of time we will deal with this issue, and we will accept the amendment.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

My colleague from New York is correct, this has been a nonpartisan issue and we have been working together for the past several years to try to figure out how to include overseas Americans in the census.

In 1990, they included Federal employees, military, and people working for the State Department or Agriculture Department, because we had administrative records. The question is how do we count the others. And so we tried to do it in the 2000 census. Director Pruitt, who was the director under President Clinton, felt it was impossible at that late stage to include it. Our goal is to have them counted in the 2010 census.

Last year, in this appropriation bill, we included language to require a report by the end of September. I met with the bureau again this morning, and I am assured we are going to have a report how we come out doing it. It is not an easy job, and that is how Director Pruitt explained the problem to us. We are going to have a hearing again next week.

This gets to the question of who do we count. Just because someone has a U.S. passport, but has not been to the United States in 20 years and does not intend to, do they get counted? Those are the type of questions we will have to get resolved.

So we are raising a lot of questions. The goal is to having it done in 2010. I do not object to putting this amount in this particular appropriation bill. I do not know what the right amount is. I think the $2.5 million was an arbitrary number. The Bureau has given me assurances in September they will have a more accurate number, whether it is $500,000, $1.5 million, or $2 million; and so in conference we can get the right amount in there.

But I agree with the gentlewoman that we need to count them. I am glad we are actually putting something in the appropriation bill to specifically say we need to get them counted. And when we get the report in September, and I hope it is more accurate or more representative than the gentlewoman thinks, that we can move forward with it. This is something we are going to work together on, and I feel confident that in conference we will get the right dollar amount. However, as I say, I have no objection to including this amendment.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I would like to first of all thank the distinguished chairman for accepting this amendment; and to my distinguished colleague, the gentleman from Florida (Mr. MILLER), I wish to thank him for all of his hard work on this. And from the bottom of my heart, and sincerely, I sincerely wish he were not retiring at the end of the term. The gentleman has been a distinguished leader on many, many issues, particularly the census.

But I know that 10 years from now I will probably still be here, and they are going to be yelling their heads off at me saying, You and DAN MILLER said you would take care of it. So I am glad the gentleman is taking a continued leadership role to be sure that by 2010 we have a viable plan that will work, that will have strong standards that everyone understands, that are fair, and really represent the interests of our country and the interests of our citizens.

I thank the gentleman so much, and congratulations on accepting it.

Mr. MILLER of Florida. Mr. Chairman, reclaiming my time, as the gentlewoman knows, we have had our differences on other issues with regard to the census, but this is certainly one we have had agreement on.

It is a frustration that we share with the real professionals of the bureau who really have a challenge on their hands. But we are going to do it because we have to do it.

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment offered by the gentlelady from New York, Representative MALONEY, to allocate $2.5 million for the Census Bureau to begin planning the portion of the 2010 Decennial Census that will count Americans living abroad.

Private sector Americans abroad won the opportunity to vote by absentee ballot over two decades ago, but they are still battling for the right to participate in the Decennial Census.

Somewhere between three and ten million private sector Americans live overseas. Traditionally, they vote, they pay taxes, and own homes in the USA. It stands to reason, then, that they should be included in the Decennial Census. As one American abroad put it, "by excluding us from Census 2000, the U.S. government is telling us that our taxes count and our votes count, but that we as U.S. citizens do not."

Regrettably, the Census Bureau has maintained an "out of sight, out of mind" attitude. In an era of increasing globalization this perspective makes no sense. Americans abroad, as informal "ambassadors" of the U.S., play a vital role in exporting U.S. goods, services, expertise, and culture.

Americans abroad have begun to fight back at the polls and in Washington, and they are finding some very receptive ears. Led by the House Committee on the census, a strong bipartisan consensus has emerged on Capitol Hill to enumerate U.S. citizens overseas.

In fact, I have introduced legislation ensuring that all Americans living abroad are included in the Decennial Censuses. The U.S. government has done U.S. citizens overseas a great disservice by treating them as "invisible," and it's high time that we recognize that Americans abroad do count.

Accordingly, I look forward to working with Congresswoman MALONEY on this important issue throughout this Congress, and I urge all of our colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT NO. 29 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The text of the amendment is as follows:

Amendment No. 29 offered by Mrs. MALONEY of New York:

Page 48, line 1, after the dollar amount, insert the following "(increased by $500,000)".

Page 48, line 14, after the dollar amount, insert the following: "(reduced by $500,000)".

Mrs. MALONEY of New York. Mr. Chairman, I rise to amend the fiscal year 2002 appropriations of the U.S. Census Bureau.

On Monday night, I appeared before the Committee on Rules on behalf of myself and the gentleman from Ohio (Mr. KUCINICH) to ask that this amendment be protected from a point of order. That committee did not grant my request.

My intent, Mr. Chairman, was to make sure that the Census Bureau have adequate funds to produce a special report on the data from the service-based enumeration from the 2000 census. While those data are included in the tables that are currently being released, they are not in a form that is easily accessible so that local governments can access this information.

In the 2000 census, the Census Bureau made a major effort to count people with no usual residence. They counted people at shelters, they counted people at food kitchens, they counted people at mobile food vans, and they counted people on the streets. This effort is similar to past censuses. What was different in 2000 was the Census Bureau's very important partnership program, which the chairman and I worked very hard to implement.

As a result of the emphasis in 2000 on partnering with local governments and community groups, the service-based enumeration was qualitatively different than in the past. Local communities devoted considerable time and resources to assisting the Census Bureau in this count. In some cities the local government provided blankets as inducements to get people to cooperate with the census. In other cities, local citizens who knew the city were sworn in and went with the census takers to facilitate the interviews. In nearly all cities, local governments were active partners in this operation. And, in fact, one night the chairman and I went out to count the homeless together with the bureau.

Consequently, those local governments are interested in seeing the results of their efforts. The data provided in the first census data released do not allow governments that opportunity. Instead, it is nearly impossible to sort out the results of this operation from the current data. At one point I was told that the Census Bureau had decided not to release these data because of the poor quality of the data. I am pleased to report that these data will be released in a special report this fall. This amendment is to ensure that sufficient funds are available to produce that report.

I would like to make two other comments about these data: first, there has been some confusion about what these data represent. It is often convenient to call these data "the data on the homeless." Those who advocate on behalf of those who find themselves without adequate shelter bristle at this suggestion, and they are correct in doing so. In the 2000 census, the Census Bureau counted a little more than 280,000 people in shelters and at soup kitchens and on the streets. No one should delude themselves that this is an accurate count of the homeless.

In fact, it was the release of these data in 1990 at the track level that showed just how clearly the count did not represent reality. Here in Washington, D.C., the track that includes the White House and the Capitol, and the stretch of Constitution Avenue and Pennsylvania Avenue in between, showed a street population of 41. The track adjacent to the White House, which includes McPherson Square, showed a street population of zero. One only has to walk through these areas to understand the inadequacies of these counts.

This is not a good reason to suppress these data. I am pleased that the Census Bureau is issuing a special report on the service-based enumeration. That report can clearly describe just what these data do and do not represent.

Our country is founded on the principle of free and open access to information. We have a long history of struggling against totalitarian regimes that would rather keep their citizens in the dark. It would be a tragic turn of events if our census, which is at the constitutional center of our Federal information system, were not open to the public. Suppressing information should never be a substitute for educating the public.

Mr. Chairman, my amendment reduces the appropriations for other periodic censuses and programs by $500,000 and increases the appropriations for data content and products by the same amount. I urge my colleagues to support this amendment.

Mr. MILLER of Florida. Mr. Chairman, I rise in opposition to the amendment.

Let me read a letter signed by the National Alliance to End Homelessness, the National Coalition for the Homeless, and the National Law Center on Homelessness and Poverty. They say: "We write to expression support for the U.S. Census Bureau's decision not to release a separate homeless count in this 2000 census."

□ 1315

National advocates worked closely with the Census Bureau during the planning and implementation of the 2000 Census to help ensure that people without housing would be counted.

We believe that people without housing should be counted by the Census for the same reason that people with housing should be counted.

They also go on to say, however, advocates also urge the Census not to release a separate count. They go on to say, in addition, a separate homeless count would be highly misleading because in most cases homelessness is not a permanent condition but a state of extreme poverty marked by temporary lack of housing. People move in and out of homelessness throughout time such that more people will experience homelessness over the course of time than any other point of time.

So for that reason, the people who know more about this than anybody else, the National Alliance to End Homelessness, the National Coalition for the Homelessness and the National Law Center on Homelessness, oppose it. We urge the rejection of the Maloney amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the Maloney-Kucinich amendment to ensure that the Census Bureau has sufficient funds to produce a special report on the data collected for the 2000 Census from the service because of the enumeration and targeted nonshelter outdoor location programs.

As the gentlewoman from New York (Mrs. MALONEY) explained, for the 2000 census local governments and homeless advocacy groups across the country in a unique partnership with the Census Bureau invested resources in counting Americans sleeping in shelters, eating at soup kitchens and living on the street. The Census Bureau has decided not to show the count of people living in shelters and people living on the streets separately. People counted on the street will be lumped in with people living in other noninstitutional group quarters, which are dormitories or other places that people live that are not operated by the government.

Local governments and community groups expected to learn the results of this collection. However, the data currently provided by the Census Bureau is not in a format useful to local governments. It is encouraging to learn that the Census Bureau would be releasing a special report this fall showing some data collected through the serviced-based enumeration.

Our amendment will provide adequate funding for the production of the report. I strongly urge the Census Bureau to include in the report all tracked level data collected by the Census Bureau through the targeted nonshelter outdoor locations and other service-based enumeration programs. Only data provided at the local geographic level will enable communities to determine what services are needed by residents of their community.

I would like to clarify that the data gathered on people staying in shelters and living on streets is not intended to be interpreted as an official government count of the homeless. I can understand the concern of some of the national groups who would believe that it would be interpreted as an official count of the homeless. But due to the great difficulty in locating people living on the street, under bridges and in cars, we understand that these figures will not be an accurate count of the homeless. But I think it is important to get some sense of what the Census Bureau was able to find in their surveys.

We owe it to local government and community groups which spent days assisting census takers in this effort to make the information public.

I have been contacted by local homeless advocacy groups in my congressional district in Cleveland, Ohio, urging the release of this data. One group, the Northeast Ohio Coalition for the Homeless, assisted the Census Bureau by holding a service fair to increase the number of homeless people counted. As a publisher of a street newspaper, they support the release of the information collected by the government. They also believe that the staff hours that went into this count would be an utter waste of time and resources if the results were not published in a forum useful to local communities.

I urge my colleagues to support this amendment and provide your local governments access to the information collected on people living in shelters and on the street.

Homelessness is a serious problem in this country. All of us know that it has many manifestations: people living on the street, people living in cars, people living under bridges, people assigned to homeless shelters, people living in government-sponsored shelter. But for all of the work that the Census Bureau did in its last enumeration, I think it is important and essential that this Congress and the people of the United States have the ability to have the exact data that was gathered by the Census Bureau, to have that information made public.

We actually paid for it. There ought to be freedom of information for the public. Then it is up to us to determine how to interpret that information. But to withhold the information or to say it might be misinterpreted really is to lose an opportunity to get a broader assessment of the picture of homelessness in this country.

Mr. Chairman, I appreciate the opportunity to work with the gentlewoman from New York (Mrs. MALONEY) on this.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding, and I place in the RECORD statements by local homeless advocates who want to see the numbers. I could read it, but I will place it in the RECORD.

CENSUS: LOCAL HOMELESS ADVOCATES WHO WANT TO SEE THE NUMBERS

"Who are they safeguarding?" asked Ron Reinhart, director of the Salvation Army's PASS Program in Cleveland. "They don't want people to know what a poor job they did." (Census Keeps Lid on Homeless Numbers, Cleveland, the Plain Dealer, 6–21–01.)

Brian Davis, head of the Northeast Ohio Coalition for the Homeless, helped count the homeless in 1990, when Census officials tried to do it all in one day. He said the 2000 count was much improved, but not without major problems. "It's important to have these numbers," Davis said. "There are 1,600 [shelter] beds in Cleveland. And all the beds are usually full. You should get at least 1,600 homeless people." (Census Keeps Lid on Homeless Numbers, Cleveland, the Plain Dealer, 6–21–01.)

"It really doesn't make any difference to us when the census numbers come out. But it does strike me as being extremely weird," said John Suggs, executive director of the Presbyterian Night Shelter of Tarrant County, near downtown Fort Worth. "They had a lot of people here counting the homeless people inside and outside the shelter. Why do all of that work and not share it with the public?" (After Costly Count, Census Skips Homeless; Report to Reflect Only People in Shelters, News Section, page 1 Fort Worth Star-Telegram, 6–23–01.)

Tillie Burgin, director of Mission Arlington, also questioned the decision to withhold the numbers. "We don't depend on stats," she said. "However, the folks are expecting whole truths from the census." (After Costly Count, Census Skips Homeless; Report to Reflect Only People in Shelters, News Section, page 1 Fort Worth Star-Telegram, 6–23–01.)

"I'd rather have [the numbers] now. It's almost been a year since we've done it," said Candis Brady, communications director for the 700-bed Shelter for the Homeless in Midway City, Calif. "It could help in getting funding for programs." (Census Policy on Homeless Draws Criticism, Midway City, CA, Associated Press, 6–27–01.)

Leslie Leitch, director of Baltimore's Office of Homeless Services, said she also thought the census was going to release more detailed figures. Now, she said, her city may have to go out and do their own survey of people in soup kitchens and living on the streets. (Census Policy on Homeless Draws Criticism, Baltimore, Associated Press, 6–27–01.)

"Here in Seattle, we worked hard to get people to cooperate with the census, and we would support releasing more information," said D'Anne Mount, spokeswoman for the Seattle strategic planning office. (Numbering the Homeless, Associated Press, 6–29–01.)

Still Tavares [Columbus City Councilwoman] says there has to be a better way. "By not having the numbers, we're missing out on dollars that would come back . . . for homeless programs, child care, funding for education, emergency food services, transportation and many more," Tavares said. "These are living, breathing citizens in our community." (City Won't Get True Homeless Count: Census Numbers to Include Only Those at Shelters, Dispatch.com, 7–17–01.)

Mr. KUCINICH. Reclaiming my time, the gentlewoman is correct. I have a letter here from the Northeast Ohio Coalition for the Homeless which supports the release and the number of people counted during the census as stated in the Maloney-Kucinich amendment to H.R. 2500.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Maloney-Kucinich amendment to provide the funds necessary for a special report on the counts from a Census 2000 program called the Service Based Enumeration.

One of the significant improvements in the 2000 census was the way the Census Bureau reached out to local governments to improve the census count. This was good for the census and good for the communities.

Nowhere was that partnership more evident than in the effort to count people who during the census had no usual place to live. Some of those people were sleeping in shelters. Some were sleeping on the street. Some were sleeping in cars or in buildings that the Census Bureau considered vacant, and the census counted those people at soup kitchens and mobile food vans.

To make this count of a special population happen, local governments and community groups donated time, energy and money to the census. In some communities, counting this special population was a major undertaking. In others, it was a modest effort. Most communities worked with the Census Bureau to make this count happen.

In 1990, Congress worked with the Census Bureau to assure that any time the street and shelter counts were published they were accompanied with the appropriate caution that these numbers should not be taken as a count of the homeless. That was a successful cooperative effort, and to my knowledge those numbers have not been misused.

Nonetheless, some of the groups who advocate on behalf of the homeless worry that the publication of the 2000 census numbers from the street and shelter count will be misused. Consequently, the Census Bureau included those counts with other categories in a way so they could not be separated out.

The acting director of the Census Bureau told me that these numbers would be published in a separate report this fall. This amendment will provide the resources necessary for that special report, and I applaud the Census Bureau for taking this approach. I am sure that this report will contain the same cautions as 1990. These data should not be used as a count of the homeless.

At the same time, the special report will give local governments and community groups a way of evaluating their efforts. We all realize that the 2000 census count is seriously flawed, but the only way to improve on that count is to make it public and to enlist the efforts of all involved in improving those data in the next census.

Mr. Chairman, I ask my colleagues to support this amendment so we can continue to improve uncounted persons with no usual place to live. We cannot bury our heads in the sand and pretend this problem does not exist.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for his support of the Maloney-Kucinich amendment and to point out that all across the Nation we have had homeless advocates who have stated concern about this issue that we have raised.

A Columbus city councilwoman stated, "By not having the numbers, we are missing out on dollars that would come back for homeless programs, child care, funding for education, emergency food services, transportation and many more. These are living, breathing citizens in our community." That was reported on the Columbus Dispatch.com.

Mr. Chairman, D'Anne Mount, spokeswoman for the Seattle Strategic Planning Office, said, "Here in Seattle, we worked hard to get people to cooperate with the census, and we would support releasing more information."

In Baltimore, from the Associated Press, Leslie Leitch, director of Baltimore's Office of Homeless Services, said that she thought that the census was going to release more detailed figures. Now she says her city may have to go out and do their own survey of people in soup kitchens and living on the street.

Mr. Chairman, there is a need for this, and I appreciate the assistance of the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Reclaiming my time, that is what the census is about, how we actually count those in the different communities. As the gentleman said, local governments and community groups want to know how many people actually exist in their communities.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, in Midway City, California, a communications director for a 700-bed shelter for the homeless said it could help in getting funding for the programs. She stated, "I would rather have the numbers now. It has been a year since we have done it."

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I commend the gentleman from Ohio for his concern on this issue, because we are concerned about getting the most accurate count on the homeless.

Mr. Chairman, the 2000 census is the most accurate census in the history of this country. We counted almost 99 percent. It is very successful.

On this particular issue, the professionals at the Bureau and the leading advocates on homeless in Washington here are opposed to this amendment. I find it ironic in a way that during the past years of debate with the gentlewoman from New York (Mrs. MALONEY) on issues with respect to the census, she said trust the professionals of the Bureau. Well, let us trust the professionals of the Bureau.

This is not accurate information to release, and that is why the Bureau is opposed to it. Our experience with the 1990 census was that when the numbers are presented in the way that the amendment would require, the homeless population and their service providers are hurt more than they are helped. The people counted during these operations are already included in the population counts for all areas, but it would be misleading to say this is an accurate representation of the homeless population.

In fact, Mr. Chairman, contrary to popular belief, the Census Bureau did not intend to have a, quote, "homeless" count in 1990. However, because of the way the numbers were released in 1990, people thought that the Bureau was releasing a homeless count. Homeless groups were up in arms over the release of this information in 1990. That is why three of the most prominent homeless organizations in the Nation agree with the Census Bureau professionals and would like to see this amendment defeated.

These homeless advocates do not want to see the mistake of 1990 repeated again, a mistake that they believe hurt the homeless cause in our Nation. These groups, the National Coalition for the Homeless, the National Alliance to End Homelessness and the National Law Center for the Homeless, have written a letter which is available on their website pleading that this information not be released.

They note that we cannot take a snapshot of the homeless population and report it as an accurate number, as is the way that the census enumeration works. That is not to say that these people were widely missed, rather than enumerated in categories that may not lead themselves to be identified as homeless.

In 1990, the Census Bureau released these numbers in the manner described in this amendment. The result was a storm of concerns over the decades from homeless advocates that saw their funding disappear because of what they felt, and the Bureau agreed, was a low estimate of the population making use of these their services.

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The Bureau decided to revise their reporting for the 2000 census during the final days of the Clinton administration. They did this in consultation with homeless advocates; and, in fact, the Commerce Secretary's 2000 Census Advisory Committee reported in 1999 that the homeless numbers should not be released in the same manner as 1990 for the reasons mentioned above.

The Bureau currently plans to produce a more informative report on the results of the service-based enumeration and release that report in the fall.

This report will be ready by the fall of 2001 and will provide data on this population at the national level and at a subnational level. This report will also note the limitations of the census in measuring this highly transient population.

We should respect the judgment of the professionals at the Census Bureau and the homeless advocates and not mandate the release of unreliable, inaccurate numbers.

We should defeat this amendment and support the National Alliance to End Homelessness, the National Coalition for the Homeless, and the National Law Census on Homelessness and Poverty. We need to support the homeless. That is the reason this amendment is not appropriate and we should defeat it.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I do rely on the Census Bureau to give us the information. I know that last year as the chairman of the Subcommittee on Census, the gentleman from Florida was very concerned about political manipulation of the census data. I wonder if he would comment on whether or not this situation is an example of political manipulation. The Census Bureau consulted with a special interest group and then decided not to publish the numbers. This is one homeless group. The gentleman from Ohio (Mr. KUCINICH) and I have a list of other groups that would like this information. What if it had been the NRA? What if it had been NOW? What is the difference?

Mr. MILLER of Florida. Reclaiming my time, since January 20, the election, there is no political appointees at the Census Bureau. They are all professionals. The acting director of the Census Bureau is a career person with the Federal Government. There are no political people at the Census Bureau. This is not a political issue. These are the professionals at the Bureau that say, "Don't release these numbers because they are not accurate numbers." And the professionals say, "We don't have a homeless count."

And so the homeless people do not want to have numbers misinterpreted. They are inaccurate. I trust the professionals in this case. The gentlewoman has always been a big supporter of the professionals. In this case I think we should accept what the professionals are saying. It is not political because there are no political people at the Bureau.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

AMENDMENT NO. 18 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HASTINGS of Florida:

Page 45, line 21, after the dollar amount, insert the following: "(reduced by $250,000)".

Page 46, line 16, after the dollar amount, insert the following: "(increased by $250,000, for a grant to the City of Pahokee, Florida to assist in the dredging on the City Marina)".

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Virginia reserves a point of order.

Mr. HASTINGS of Florida. Mr. Chairman, I am willing to concede the point of order and withdraw my amendment, but first I would like to engage in a colloquy with the distinguished chairman of the committee, the gentleman from Virginia; and the distinguished ranking member the gentleman, from New York; and my good friend, the gentleman from Florida (Mr. FOLEY). I thank particularly the chairman and the ranking member for their consideration, mindful of the time constraints that are involved.

For the past year, the entire South Florida community has fallen victim to an ongoing drought. While larger, wealthier communities have been able to survive, smaller, poorer cities and towns have merely scraped by on savings that no longer exist. Without the immediate assistance of the Federal Government, these communities will find themselves facing extinction. Small towns located on the shores of Lake Okeechobee, that my good friend the gentleman from Florida (Mr. FOLEY) and I represent, such as the city of Pahokee, depend on a tourist industry that attracts thousands of recreational boaters, who travel inland from the coasts to enjoy the lake as well as the local restaurants and shops.

In addition, the city's growing commercial fishing industry has come to a standstill. In fact, fishermen's boats are unable to even make it to the water which has evaporated so much that its nearest point of entry is 1½ miles inland. Both recreational and fishing boats docked at Pahokee's city marina now lie on their sides against what used to be the floor of the city's marina.

The City of Pahokee is in dire need of $250,000 in Federal assistance to dredge the city marina. This project will provide immediate assistance to the businesses that depend on the marina as a deeper marina will be able to recover from the drought at a quicker pace than a shallower one. The State of Florida has agreed to pay for half of the project, but Pahokee is unable to recover the remainder of the costs.

Just this morning, I received a copy of a letter from Florida Governor Jeb Bush urging the Small Business Administration to declare the counties surrounding the gentleman's from Florida (Mr. FOLEY) and my district's area a disaster area. I am confident with the leadership of the gentleman from Virginia and the gentleman from New York I can go home and tell the people of Pahokee that help is on the way.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I appreciate the gentleman bringing this issue to our attention. We would want to work with both of the gentlemen from Florida to find the most appropriate way to assist this community.

Mr. HASTINGS of Florida. Reclaiming my time, I thank the gentleman for his kindness and look forward to working with him.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I also appreciate and applaud the good work that the gentleman from Florida has been doing to assist the small communities in his district. I assure him that I want to help him find the appropriate way to assist this community. I will join the gentleman from Virginia and him in accomplishing this.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, I thank the gentleman. This issue is a bipartisan issue. It is one that affects the lives of thousands in South Florida.

Mr. Chairman, I yield to my good friend and neighbor, the gentleman from Florida (Mr. FOLEY), who has worked so hard with me to restore the livelihood of those living in the communities around Lake Okeechobee.

Mr. FOLEY. Mr. Chairman, I thank the gentleman from Florida (Mr. HASTINGS) and, of course, the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) for their participation today. When people think of Palm Beach County, they immediately think of polo fields in Palm Beach and Worth Avenue; but the gentleman from Florida (Mr. HASTINGS) and I well know that the people living in the Glades area are struggling. Lake Okeechobee, the largest lake on the Eastern Seaboard, is in fact experiencing its worst drought in memory.

We are not just talking about Pahokee. We are talking about Okeechobee, Buckhead Ridge, Canal Point, Clewiston, Moore Haven, Harlem, Lakeport, Belle Glade, all people who derive the livelihood and the ability to feed their families from this precious resource, Lake Okeechobee and its tributaries. I salute the gentleman from Florida (Mr. HASTINGS) for coming to the floor today and making this dramatic point of how much we need help. Governor Jeb Bush, as he mentioned, has sent a letter urging our colleagues to join with us in this very important pledge to help these small communities around the lake.

Again I thank both the gentleman from New York (Mr. SERRANO) and the gentleman from Virginia (Mr. WOLF) for their attention to this. And, of course, I commend the gentleman from Florida (Mr. HASTINGS) for bringing this to Congress' immediate attention.

Mr. HASTINGS of Florida. Mr. Chairman, reclaiming my time, I would just like to once again thank the distinguished chairman, the gentleman from Virginia, and the distinguished ranking member, the gentleman from New York, for all their help on this important issue to the people of South Florida. I would also like to thank the gentleman from Florida (Mr. FOLEY) for joining me on the floor today in support of this project. I look forward to working with the gentleman in the coming weeks on this and many other issues affecting the people of South Florida and this Nation.

Finally, I would like to say to the people of Pahokee, help is on the way.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 28 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Mrs. MALONEY of New York:

Page 48, line 3, after the dollar amount, insert the following: "(increased by $2,000,000)".

Page 48, line 14, after the dollar amount, insert the following: "(reduced by $2,000,000)".

Mrs. MALONEY of New York. Mr. Chairman, I rise on behalf of myself and the gentleman from New York (Mr. RANGEL) to amend the fiscal year 2002 appropriations for the U.S. Census Bureau.

The Census Bureau changed the question on Hispanic origin in the 2000 census; and as a result, our ability to measure changes in subgroups of Hispanics has been severely hindered. This amendment is to provide the funds necessary for the Census Bureau to create accurate counts of subgroups of Hispanics from the 2000 census.

In the 2000 census, the question on Hispanic origin had a subtle change from 1990 that produced a profound result. In 1990, the category "other Hispanic" was followed by a line that said, "Print one group, for example, Argentinian, Colombian, Dominican, Nicaraguan, Salvadorian, Spaniard, and so on." In 2000, these groups were given only the instruction, "Print group." As a result, the number of persons who marked "other" and did not write in a particular group went up and the counts for these other Hispanic groups do not reflect the actual increase in population that occurred between 1990 and 2000.

Let me give my colleagues a few examples of the confusion this change caused. The Census Bureau has reported that the population of Hispanics grew by 58 percent between 1990 and 2000. That may be, but the number of Nicaraguans declined almost 15 percent. The number of Panamanians declined from 92,000 in 1990 to 91,000 in 2000. At the same time these groups supposedly declined, the number of "other" Hispanics of which Panamanians and Nicaraguans are a subgroup, grew threefold from 2 million to 6 million.

In short, there are problems with comparing the 1990 and 2000 census data on Hispanics. This problem can be taken care of, to a large extent, by using data on the long form to revise the counts of Hispanic subgroups. This was done in 1990 and could be done again in 2000. The long form collects data on place of birth and ancestry which can be used to augment the Hispanic origin data to provide a more accurate count of Hispanic subgroups. The funds transferred in this amendment should provide ample resources for correcting these data.

Some have suggested that this is an issue that is of interest only to New York. That is in part because New York's data has been released, and detailed data for other States with large Hispanic population have not yet been released. California, for instance, contains a third of the U.S. Hispanic population and is itself almost a third Hispanic. It is quite likely that when the data for California is released, we will see similar problems there. The data for Texas, which contains almost 7 million Hispanics, have not yet been released. And so we have not yet seen the detail on Hispanic subgroups.

Mr. Chairman, we owe it to the Hispanic groups that worked so hard to make sure that the 2000 census was a good census to provide the best possible data on Hispanic subgroups. I hope that my colleagues will join me in making sure that this happens by supporting the amendment that the gentleman from New York (Mr. RANGEL) and I are putting forward.

Mr. RANGEL. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, what we are trying to do is to get support of not having a recount but in having a more specific classification of the communities that have just been lumped together. As we all know, the Hispanic community is showing the greatest population growth than any other group. A part of our responsibility is not just to count people by a label, no more than we would be comfortable in counting Europeans, not taking into consideration whether they are French or German or Irish; but the most important thing, it would seem to me, is that we should be trying to find some way to get the information that we can more properly allow this group to assimilate into our community, into our country, and to be as productive as they can be.

As we all know, the census data is used not only to designate the type of programs that we want but are used to define what type of school districts we should have, what political subdivisions there should be for those who want to run for city office or State office or indeed the reapportionment for the United States Congress, and should take into consideration the background, culture, and languages of the people that come from that community. So what we are asking is to rearrange it so the resources will be there for the Census Bureau to give us a clearer understanding of who we call Hispanic.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. It is also, I can tell Members, a flawed amendment because it does not do anything. It just kind of moves money around without having any kind of stream of thought to it. The amendment would again move funding from various census appropriation accounts to other accounts in a very, very confusing way.

I understand what the gentlewoman and the gentleman are trying to do, but the professionals have made a decision and many believe that this would be the camel's nose under the tent, the slippery slope. Although the 2000 census is considered to be the most accurate in history, it is understandable that some have had some concern. But the professionals would be opposed to this. We really cannot go back. It does not really do anything other than flip money around and back and forth in a very, very confusing way.

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So we would urge a strong "no" vote on this amendment.

Mr. RANGEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would yield to the chairman to respond to the question as to whether or not he can see his way clear to at least have in a conference report language as to how beneficial it could be to a community to be identified by who they are, rather than by just some Spanish-speaking Hispanic label.

It just seems to me that the professionals would think that that could be a great addition as we attempt to use the data we have in the best way we can.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, what we have at issue is the short-form versus the long-form data. The short form, as has been pointed out, was changed slightly from 1990; and when they gave examples, they did not mention Dominican. So it may possibly have affected the number.

There is a question on the long form that asks "place of birth." That data will not be available until 2003. So the problem on the short form is when they filled out the form, if they did not put Dominican, they do not get counted as Dominican. On the long form, if they put Dominican, they will get counted. 2003 will have a new report, but we cannot go back and change what people put down on the short form now.

Mr. RANGEL. Mr. Chairman, reclaiming my time, they never really got an opportunity to ask newcomers into the country, that if you are not of Mexican extraction, if you are not Cuban, and if you are not Puerto Rican, then you just have to be considered as "other."

We have a half a million Dominicans in the United States, almost half in my congressional district, and this is one of the most exciting, vibrant communities that we have. The question has to be, that as proud as they are of being Hispanic, they are more proud of being Dominican.

This is the way we have to conduct the Federal Government. They cannot send out a Spanish-speaking hand. They have to take advantage of their culture, their background, their experiences, and to bring them into society and bring them into politics. If one thinks that makes some sense and has to be worked out, I would appreciate it if the gentleman would consider putting that into some type of report that does not go into conflict with the decision that has been made.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I applaud the gentleman for his statements and would like to point out that the long-form information is available in 2002, not 2003, but 2002; and the professionals in this case made a mistake. They changed the question. They changed the question, and they did not know the effect it would have. Now that we know the effect and the problem that it has caused, we have a chance to go and correct it. That is what this amendment seeks to do.

Let us correct this data so it more properly reflects, in the case that my colleague so eloquently made, the Dominican population in New York and other places in the country.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. I understand the goal that we want to make sure we have all the subgroups counted; but let us first of all remember we have the most accurate census in history, and for the Hispanic population, we had a very, very successful census.

I think the Hispanic population deserves a lot of credit for actively participating in working out the census for 2000. The total increase in Hispanic population is 58 percent. We should be very pleased at the success of that. That was the primary goal of the Census Bureau, is to get the best, most accurate number of the Hispanic population, and we did that.

When it gets down to subgroups within that, you are right, there were three groups, Mexican, Puerto Rican or Cuban, listed. But then there was a blank to fill in if one wanted to identify as somebody else. Ninety-five percent of the people filled in something.

The problem is, we cannot retroactively go back and change what 95 percent of the people wrote in. What we will be able to do when this number comes out, whether it is late 2002, or I was told early 2003, there will be a report from the Census Bureau reporting on the long-form data, which only went to one out of every six people. On the long-form data there is a question of birthplace. So we will have a more accurate number for the long-form data.

So this amendment may be well intended, but it sets a dangerous precedent. That is the reason, again, the professionals at the bureau, let us trust the professionals. Do not manipulate the numbers. It would force the Census Bureau to rewrite people's answers in a way that they self-identify themselves on the short form. This would be unprecedented and change a basic Census Bureau policy.

The overall count on Hispanics is not in question. In fact, it is the best count in history, with a 58 percent increase. The 2000 census is considered the most accurate there is, and especially the Hispanic count. In New York City, the number of Dominicans and other Hispanic subgroups may have been changed as a result of the change in the wording, where "Dominican" was not used as an example, because they wanted to simplify the questionnaire to get the best response for Hispanics overall, so there were no examples shown.

There was a lot of research put into this questionnaire. They did focus groups, they did sample testing of the questionnaire, and the bottom line goal was the best total count for Hispanics.

Now, when we get to the subgroups, that is where this 2002–2003 report will be based on the long form, and that is where I think the most informative information can come on the Dominicans. But we cannot retroactively try to change what people said. Ninety-five percent of the people filled in something there, and you cannot say just because they wrote "Hispanic," they are Dominican. We need to wait for the 2002–2003 report and trust the professionals at the bureau on this issue.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. CLAY. Mr. Chairman, I stand in support of the Maloney-Rangel amendment to improve the count of Hispanics in the 2000 census. This issue is a very simple one: the Census Bureau changed the question on Hispanic origin from the 1990 questionnaire to a different format on the 2000 questionnaire. As a result, it is difficult to compare the count from some of the subgroups of Hispanics.

The Census Bureau can go a long way towards fixing this problem using data from the long form. This amendment makes sure the money to fix this problem is in the right place.

I am a bit puzzled by those who oppose this amendment. I am, frankly, a bit puzzled about why the Census Bureau has not come up with a plan to fix this problem. Do these people not care about an accurate count on Hispanic groups?

Mr. Chairman, the Census Bureau director, Ken Pruitt, went around the country talking to the American people about how the census was an American celebration. He called it a celebration of our country and our democracy. The census, he told us, is what makes our democracy uniquely American. The American people listened to the director and responded in an unprecedented fashion.

I do not know of a single person in this House or professional census taker or statistician who predicted that the 2000 census would have the kind of response we witnessed.

Now it is the Government's turn to respond to the people. The numbers for some of the Hispanic groups do not make sense because the Census Bureau changed the question, and the new question changed the way people answered. What is more, the problem can be fixed.

Now is the time for the Census Bureau to show its thanks to the American people for their part in making this one of the best censuses ever by producing the best data ever. The Census Bureau can do the work, and we here in this House can provide the funds to make that happen, or we can turn our backs on the American people and take their cooperation for granted.

If we defeat this amendment, we will be telling the American people that they were taken, once again, by their government and this House of Representatives, for granted.

Mrs. MALONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for his excellent statement, and I would like to just underscore what the change in the question meant. In 1990, 1.9 million Hispanics were classified as "other." In 2000, 6 million Hispanics were classified as "other." That is 17 percent. Why? Because, as my colleague has pointed out and as we well know, the bureau changed the question.

In 2000, according to the Census Bureau, Hispanic population, 17.6 percent of the Hispanic population was classified as "other." That makes "other" the second largest group of Hispanics. Now, only the bureau can tell us how much of this change is a result of changing the question. And why will my colleagues on the other side of the aisle not support our efforts to answer this question? We are merely asking to be able to get this question answered and to direct the resources to make that happen.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us me first open my comments by saying that I do not have to repeat, the record will show I have been totally supportive of full funding the Census Bureau for the last few years; that I have gotten as the ranking member up on this floor and supported not only full funding, but supported the professionals who work at the Census Bureau. So I am clear on that, that this amendment and this conversation and this debate should in no way be seen as an attack. There is no need to defend the professionals at the bureau, because we all respect the work that they do.

However, the point here is that in trying to do the best job possible and in taking into consideration what they had to do, there were a couple of mistakes made this year. One of them is this issue that the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. RANGEL) so aptly bring up in this amendment that I support, and that is the whole issue that in areas throughout the country, but you take especially an area like New York City, of not giving an opportunity for a Hispanic subgroup to identify themselves, is in fact not gathering the proper information.

I want to make that point clear. This is not about who is pleased with this information. This is not about who we make happy by providing this information. This is about the fact that we funded the census, full force, in the hope that they would get out the best accurate information.

Well, you cannot get the best accurate information if people who would like to identify themselves, again, if you will, a second time, do not get an opportunity to do so. There is the discussion in New York City that there might be up to 150,000 missing Dominican Americans. They are not missing from the Hispanic count as much, although there is an undercount, we know. They are not missing from the New York City or New York State or the national count; but they are missing for purposes of identifying who they are.

While it is true that on this House floor there are many Members who always speak about we are one Nation and should not divide ourselves along certain lines, and we can all agree on that, the census happens to be the one constitutional institution that is supposed to do exactly what some people may not like, which is to go identify you at the national level, at the block level, ethnically, racially, to try to find out who it is living in this country and how we provide services and how we celebrate who we are as a country.

So I support this amendment, in the hope that the Census Bureau, within their large massive funding operation, within the support that they receive from us, they can understand that there was a slight error made here and that they have to be able to deal with that.

I will give you an example: when the first numbers came in, some of the articles in New York said "Puerto Rican community losing ground as other Hispanic community grows in leaps and bounds." I looked at it and said, who is this "other" that is growing so much? Then it dawned on me that "other" was everybody else, and perhaps it may be that those articles were not accurate, because when you break the "others" up, none of them reach the amount that the Puerto Ricans have in New York City. Yet the information given out is that "others" has become this incredible new number that, one, we do not know how to service; two, we do not know where they come from; and, three, we do not know how best to deal with all of their needs.

So if you look at this, you are really not asking for anything that should not have been put forth in the first instance. I would hope that we would realize that in supporting the Maloney-Rangel amendment, we in fact get to the full truth, and that is what the census was supposed to give us in the first place.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Florida.

□ 1400

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

Let us clarify what the situation is.

On the short form, the question is, is the person Spanish, Hispanic, Latino, and they check. In 1990, most people either checked Mexican, Puerto Rican or Cuban. Seventy percent of the people filled out the other category. But of that, only 5 percent left are blank. In the "other" category, only 5 percent said "other." Others wrote in, 7 percent of the people wrote in Hispanic. Well, maybe they meant Dominican, but it was not a mistake, by the way, when they removed Dominican, because there are so many different subgroups within the Hispanic population. We have Costa Rican. We have Guatemalan. We have Honduran. We have Nicaraguan, Panamanian, Salvadoran, Ecuadorian, Colombian, Chilean, Bolivian. So we cannot list them all or the form gets too long and then we affect the total response.

We really wanted to get the best response we could. So the Bureau took the three largest subgroups, which are Mexican, Cuban, and Puerto Rican, and then left a blank space: fill it in. But we cannot go back and change what someone put in. If someone wrote in the word "Hispanic," we cannot go back and figure out what the intent is. That is the reason why the long form data, which will be forthcoming in the next year or so, will have more details; and we look forward to that detail, which will have a breakdown for Dominican.

But we cannot change short form data. We cannot read the intent. If someone wrote the word "Spanish" in there, did they mean to say Dominican? Did they mean to say Peruvian? Did they mean to say Chilean? How do we interpret that? We cannot. So the Bureau very intentionally felt that the number one goal was to get the best Hispanic count possible.

I see my colleague from Texas. We had a very successful Hispanic count, and the differential was tremendously improved. So we should rejoice at the success of the census. Part of the reason I think is we kept the simpler form. They pretested this form. They pretested it. They focus-grouped it. They came up with the best form they can to get the best response rate.

So I think right now we should be commending them and await this report in another year, a year-and-a-half and see what the information is. We should not try to tell the professionals and micromanage here on the floor of the House what they should be doing.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Rangel-Maloney amendment. I think, as someone who represents a community which has a substantial Hispanic population, I can say that I understand the concerns that have been expressed here by my colleagues.

It is a matter of record that in both 1990 and 2000 those who marked that category "other" were asked to write in a particular group; and in 1990, after "other," the questionnaire listed, print one group, for example, Argentinian, Colombian, Dominican, Nicaraguan, El Salvadoran, Spaniard and so on. In 2000, those who marked "other" were only given the instruction: "print group." So, as a result, there were far fewer people who marked that category "other" and, as a result, there were groups that were understated in the 2000 Census.

I think it is really important that we remember that, in addition to the enumerative aspects of this census, there is a matter of pride which is involved. Any time any of us have ever gone to a citizenship ceremony, we see people so proud to be Americans, but at the same time they reserve something deep in terms of an expression of where they came from. We are all Americans. We take pride in that. But we have a right to be able to keep those deeper connections, those cultural connections which also express who we are.

So when the census is designed in such a way that it stops that expression from happening, it really is an offense to so many of the groups that are now part of this wonderful cultural mosaic which is the United States of America. So I think that we need to ask the census to have greater sensitivity in making sure that we have an opportunity to correct this miscounting of Hispanic Americans in the 2000 Census.

So I wanted to express my support for this, but also I think we need to reflect on the underlying cause which animates the concern of all of us expressing our positions here on this amendment. That is, people are celebrating that they are part of this great country, but they deserve to be identified as to the various lands that they have come from.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as chairman of the Hispanic Caucus's Task Force on the Census and Civil Rights, I rise in favor and in support of the Maloney-Rangel amendment. Let me explain why, because I believe that I actually bring the truth of all perspectives, in light of the responsibility and duties that the Caucus has to the Hispanic community in the United States.

The first thing to recognize is that the Hispanic community, in and of itself, reflects tremendous diversity. We are unlike any other community. Therein lies our strength but also some problems, and this is what we are attempting to address.

Let me explain why. It is important to identify the different groups within the Latino and Hispanic communities. Did the census succeed in doing so? The answer is no. Was it intentional? Was it negligence? It does not matter. The result is that we do not have an accurate result.

When we do not have an accurate result, we do not have usable information. The gentleman from Florida (Mr. MILLER) knows exactly what I am talking about because I think we see eye to eye on 90 percent of the issues when it comes to the census. One of the issues is accuracy, but the other was the utilitarian part of it, and that is how we use this information.

It is not just the United States Government and every level of government under the Federal Government that uses it, but it is the private sector, trying to identify the needs of certain communities within the big, all-encompassing Hispanic community in the United States. Therefore, it is important to make sure that the subcategories, the subgroups are identified, because the needs are truly different.

No one understands that, when I try to tell individuals, we are not just Latinos. If you take someone of Mexican dissent, it is totally different than someone from Puerto Rico or the Dominican Republic or from Colombia. That is just the way it is. But this is America today, and that is the reality.

So what does this amendment really seek to do? I do not believe, as has been characterized in the debate today, that it attempts to change any of the information. What we are asking is to take existing information and, from that, glean and analyze and come up with a better result. This is not a major overhaul, a wholesale overhaul of information, and no one should misinterpret it that way.

The amendment requires the Bureau of the Census to report to Congress on possible adjustments to the data and a diagnosis of how many people may have been misclassified by the rewriting of the census form. With these reports, we can determine how best to use the data we have and how we can avoid such confusion in the future.

What I am afraid of, and it has been mischaracterized and, again, I do not think intentionally, I think everyone questions everybody's motives when we come up and want to do something with this information. We are looking at accuracy. We are looking at the usefulness of the information. Otherwise, we may have the numbers, we may have succeeded in identifying more people and having more people respond to the census, but it will be of no use. We will not be able to use that information. We must identify those contributions that certain individuals can make within the Hispanic community but, more importantly, what are the needs of these individuals that reside in this great Nation of ours.

Mr. REYES. Mr. Chairman, I rise today in support of the Maloney-Rangel amendment to improve the accuracy of the Hispanic census count.

Compared to the 1990 census, the 2000 census changed the way it asked Hispanics to identify their country of origin. In both censuses, individuals were asked to identify their Hispanic origin as Mexican, Puerto Rican, Cuban, or other. The way the "other" category was treated is what changed. In both 1990 and 2000, those who marked other were asked to write in a particular group. In 1990, after "other," the questionnaire listed "Print one group, for example: Argentinian, Colombian, Dominican, Nicaraguan, Salvadorian, Spaniard, and so on." In 2000, those who marked other were only given the instruction "Print group." The result of this was that far fewer people who marked "other" wrote in a group, and the count of groups like Colombians and Dominicans is understated in the 2000 census.

The Maloney-Rangel amendment will enable the Census Bureau to conduct a report on what the census results would have likely been, had the question been phrased the same way it was in 1990. This will provide us with useful, supplemental information about the Hispanic population.

The Hispanic community is becoming increasingly diverse. Having accurate information about the diversity of the Hispanic population will enable us to better target resources that are culturally sensitive to these communities. It is important to remember that the Hispanic community is not homogeneous. For example, the best way to communicate and reach out to Mexican-Americans is not the same as the best, most effective way to reach out to Dominican-Americans. This is why we should enable the Census Bureau to conduct a study and provide the public with information that gives us a better understanding of the true diversity within the Hispanic community.

Hispanics deserve to be accurately counted. As Chairman of the Congressional Hispanic Caucus, I therefore support the Maloney-Rangel amendment and urge all my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. MALONEY of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) will be postponed.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the Chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

FURTHER LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192 and the order of the House of July 17, 2001, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object; we certainly worked this out and I am fine with it, this side is fine with it. I just wanted to clarify one point.

This covers, obviously, these amendments; and all other amendments then are still under the 5-minute rule, under the original rule?

Mr. WOLF. Mr. Speaker, if the gentleman will yield, that is correct.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1411

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and

State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, a request for a recorded vote on Amendment No. 28 by the gentlewoman from New York (Mrs. MALONEY) had been postponed and the bill was open for amendment from page 47, line 20 through page 48, line 9.

Pursuant to the order of the House of today, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); and amendments numbered 1, 8, 19, 36, 34, 5, 33, 38, 17, 20, 22, 24, 25, 35, 10, 11, and 40 shall be debatable only for 10 minutes, equally divided and controlled by a proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

In addition, for expenses related to planning, testing, and implementing the long-form transitional database for the 2010 decennial census, $65,000,000.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, $171,138,000, to remain available until expended: *Provided*, That regarding engineering and design of a facility at the Suitland Federal Center, quarterly reports regarding the expenditure of funds and project planning, design and cost decisions shall be provided by the Bureau, in cooperation with the General Services Administration, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "Bureau of the Census, Periodic Censuses and Programs" shall be used to fund the construction and tenant build-out costs of a facility at the Suitland Federal Center.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $13,048,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902–903, to any Federal entity without reimbursement as required by NTIA for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $43,466,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $2,358,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,503,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $3,097,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That, notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $846,701,000, to remain available until expended, which amount shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2002, should the total amount of offsetting fee collections be less than $846,701,000, the total amounts available to the United States Patent and Trademark Office shall be reduced accordingly: *Provided further*, That an additional amount not to exceed $282,300,000 from fees collected in prior fiscal years shall be available for obligation in fiscal year 2002.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $8,094,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $348,589,000, to remain available until expended, of which not to exceed $282,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $106,522,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, $12,992,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $20,893,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to non-profit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, $2,197,298,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That, in addition, $68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed $2,000,000: *Provided further*, That, of the $2,220,298,000 provided for in direct obligations under this heading (of which $2,197,298,000 is appropriated from the General Fund, $71,000,000 is provided by transfer, and $17,000,000 is derived from deobligations from prior years), $375,609,000 shall be for the National Ocean Service, $542,121,000 shall be for the National Marine Fisheries Service, $317,483,000 shall be for Oceanic and Atmospheric Research, $659,349,000 shall be for the National Weather Service, $149,624,000 shall be for the National Environmental Satellite, Data, and Information Service, and $176,112,000 shall be for Program Support: *Provided further*, That, hereafter, ocean assessment, coastal ocean, protected resources, and habitat conservation activities under this heading shall be considered to be within the "Coastal Assistance sub-category" in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That, of the amount provided under this heading, $304,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no general administrative charge shall be applied against an assigned activity included in this Act and, further, that any direct administrative expenses applied against an assigned activity shall be limited to 5 percent of the funds provided for that assigned activity so that total National Oceanic and Atmospheric Administration administrative expenses shall not exceed $257,200,000: *Provided further*, That any use of deobligated balances of funds provided under this heading in previous years shall be subject to the procedures set forth in section 605 of this Act: *Provided further*, That, in addition, not to exceed $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management".

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $749,000,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the "Operations, Research, and Facilities" account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated: *Provided further*, That, of the amount provided under this heading, $26,000,000 shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That none of the funds provided in this Act or any other Act under the heading "National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction" shall be used to fund the General Services Administration's standard construction and tenant build-out costs of a facility at the Suitland Federal Center.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, $110,000,000, subject to express authorization: *Provided*, That this amount shall be for the conservation activities defined in section 250(c)(4)(K) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition, for implementation of the 1999 Pacific Salmon Treaty Agreement, $25,000,000, of which $10,000,000 shall be deposited in the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund, of which $10,000,000 shall be deposited in the Southern Boundary Restoration and Enhancement Fund, and of which $5,000,000 shall be for a direct payment to the State of Washington for obligations under the 1999 Pacific Salmon Treaty Agreement.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $952,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627), and the American Fisheries Promotion Act (Public Law 96–561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $191,000, to remain available until expended.

FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, $287,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $37,843,000.

□ 1415

AMENDMENT NO. 39 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Ms. VELÁZQUEZ:

Page 59, line 13, after the dollar amount insert the following: "(reduced by $2,000,000)".

Page 71, line 4, after the dollar amount insert the following: "(reduced by $8,000,000)".

Page 73, line 3, after the dollar amount insert the following: "(reduced by $7,000,000)".

Page 95, line 3, after the dollar amount insert the following: "(increased by $7,000,000)".

Page 95, line 19, after the dollar amount insert the following: "(increased by $10,000,000)".

Ms. VELÁZQUEZ. Mr. Chairman, our country is coming off of one of the greatest economic growth periods in our Nation's history. This phenomenal expansion has been driven by our small businesses, which are the engine of our economy. The contribution of American entrepreneurs cannot be underestimated. Small businesses employ half our workers, create new jobs 75 percent faster than large companies, and make up half of our GDP.

The SBA fuels this powerful engine through its loan and technical assistance programs. SBA maintains a loan portfolio of $45 billion to nearly a half million businesses, accounts for nearly half of all venture capital financing, and helped secure financing for eight of Fortune Magazine's 100 fastest-growing firms in 1999. The SBA has even helped launch household brand names like Fed-Ex, Intel, and Apple.

Unfortunately, this bill's funding levels leave the agency short by $130 billion. It zeros out ten programs and underfunds another half-dozen. This leaves our small businesses close to running on empty.

This amendment, offered by my colleague, the gentlewoman from New York (Mrs. KELLY), and myself, will restore $17 million to the agency, allowing us to adequately fund SBA's 7(a) loan program and maintain for PRIME and BusinessLinc, two critical small business development programs.

Mr. Chairman, access to capital means access to opportunity for small business owners. The 7(a) loan program, which helps small businesses obtain long-term capital they need for growth and expansion, directly translates into jobs and a net return on our investment. Last year alone, 7(a) made 43,000 loan guarantees worth over $10.5 billion. The 7(a) program accounts for 30 percent of all long-term small business loans. The current 7(a) funding is almost $40 million below last year, threatening 20,000 small business loans.

This amendment will restore $10 million to the 7(a) program, bringing the level up to $88 million, still far below the $117 million we provided last year for the program. With more and more reports coming to light every day that capital is becoming increasingly difficult for small businesses to obtain, having an adequately funded 7(a) program will be critical to our Nation's small business success.

Oftentimes even before an enterprise gets their first loan, the dice have already been cast on whether they will succeed. The PRIME initiative gives entrepreneurs the understanding about potential business opportunities, pitfalls, and the necessary steps to success. Studies consistently show that entrepreneurs who receive counseling and technical assistance are twice as likely to succeed. This program ensures those mistakes do not happen. Our amendment funds the program at a modest $5 to $10 million less than what was funded last year.

Finally, while many areas of this country have prospered, there are pockets of communities that have not benefited from the economic boom of the last 10 years. BusinessLinc helps entrepreneurs in these communities to penetrate otherwise inaccessible national markets through a mentoring program linking small firms with large corporate mentors. Our amendment provides a modest level of $2 million to sustain BusinessLinc, still well below last year's level of $7 million.

Our amendment is paid for through minor cuts to the administrative accounts of the Department of Commerce, Justice, and State. I do not anticipate these cuts will cause any hardship, because the levels are well above last year's. It will be a very small price to pay for programs that deliver such strong returns.

Mr. Chairman, our amendment is a commitment to America's small businesses, which helped to spur and sustain our historic "long boom." The foundation of American prosperity is built by entrepreneurs; and in these less certain times, we must provide the incentives, knowledge, and guarantees to continue their mission of success.

I encourage my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I rise in strong opposition to the amendment of the gentlewoman from New York.

Mr. Chairman, we recognize the importance of many of the small business programs in this bill, particularly the 7(a) business loan. However, I think everyone should understand that we have already funded the Small Business Administration very generously in this bill.

We are over the President's request by $186 million. Let me go back again: this bill is over the President's request by $186 million. For the 7(a) program, we have provided $77 million in new budget authority. This amount, along with anticipated carryover funding, will support $10 billion in loans for fiscal year 2002, which is an increase of over $1 billion above the current level. So we are going to be over $1 billion above the current level.

So even without this amendment, the 7(a) program for fiscal year 2002 will represent a significant increase above the current level.

The other two programs the gentlewoman seeks to fund, PRIME and BusinessLinc, were not included in the President's budget. These programs were judged by the administration to be duplications of existing programs to assist entrepreneurs, including microloan technical assistance, new markets technical assistance, small business development centers, women's business centers, business information centers, all of which are funded for fiscal year 2002. The increases proposed by this amendment are unnecessary.

We also would oppose the gentlewoman's proposal to further increase SBA programs at the expense of the State Department. Both sides of the aisle for the last several years have talked about giving the Secretary of State the necessary resources. This amendment will cut $15 million from Secretary Powell's initiatives to make urgently needed improvements to diplomatic readiness and to the Department's optimally automated system. So we would be taking this from the Defense Department at the very time both sides want to meet Secretary Powell's concerns.

In addition, the amendment includes a cut which, though small, would have a serious impact on the Department of Commerce, a 5 percent cut to the Department's management accounts, which is overwhelmingly where we get the real dollars and salaries, which may very well result in reductions in force.

So we are over, we are well over, we are beyond with the carryover. We are well over last year. Potential risks really create a difficult time for Secretary Powell, so I strongly urge opposition to the amendment.

Mr. SERRANO. Mr. Chairman, I rise in full support of the amendment offered by the gentlewomen from New York, Ms. VELÁZQUEZ and Mrs. KELLY.

Mr. Chairman, I have said on many occasions and will continue to say throughout further debate on this bill that my chairman, the gentleman from Virginia (Mr. WOLF), has done a wonderful job on this bill. That is why I say we will support this bill, and I will be asking both sides to vote for it in large numbers, if not unanimously.

However, I also said, and the gentleman from Virginia (Mr. WOLF) knows that, that if there is a weakness in this bill, it is what was not done for the SBA, and in fact what was the harm we did to SBA.

So while I myself am not crazy about cuts to the Department of Commerce or the Department of State, I realize the importance, one, of trying to pass this amendment here today, and at the minimum, to try to bring forth the understanding that this is an issue that we are not finished with; that in conference and as we move this bill on, we have to try to do something about the Small Business Administration.

So I think that what should be noted here is that we have people on this side who support this bill, but who feel that something should be done to remedy that one part of the bill that is very weak. I am a prime example of that.

So I would hope that the chairman does not see this in any way as an attack on the bill, but certainly an understanding that there is work yet that needs to be done.

In addition, I think it would be proper at this point to accept this amendment and then, as we go to conference, we can make the changes necessary in that State and Commerce situation.

Now, we have been very good to the Commerce Department in this bill. We are very good to the State Department. There is no reason why we cannot be good to SBA, and then find a way to take care of these two cuts that we would be making, or this shifting of dollars that we would be making by this amendment.

So I would hope, again, that the chairman would take this amendment in the spirit that it is intended, and that is to remedy that one part of the bill that is week and one that I know he wants to strengthen.

Secondly, I would hope that we use it, again, as a unifying situation to bring us together even further on the bill as we move along.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of the Velázquez-Kelly amendment to increase the funding for the three crucial programs of the U.S. Small Business Administration, the 7(a) loan program, the PRIME program, and the BusinessLinc program. Together, these programs help our Nation's smallest businesses prosper and survive.

Our amendment provides for an additional $10 million for the 7(a) loan program. This lending program supports over $10 billion in new business loans annually. It brings money back into the Federal Treasury. It is a very good program.

Last year, the SBA 7(a) loans accounted for over 30 percent of all long-term loans made to U.S. small businesses. In my district, the 7(a) program was responsible for 93 loans totalling over $22 million last year. Without appropriate funding this year, the program will not be as far-reaching as in past years.

I commend the gentleman from Virginia (Chairman WOLF) and the ranking member, the gentleman from New York (Mr. SERRANO) for the bill they have brought before us, and for acting to fund the 7(a) program at $77 million, but I urge that we go one step further and give this worthwhile program the funds needed to ensure its viability.

In the midst of economic uncertainty, that is not the time to impose fees on lenders and reduce access to loans for small businesses.

The Kelly-Velázquez amendment also includes $5 million for the Program for Investment in Microenterprises, known as the PRIME program, which is designed to increase investment and technical assistance in traditionally underserved areas. These much-needed funds will help PRIME provide training, technical assistance, and access to credit to entrepreneurs.

Long-term studies charting the effects of microenterprise investment have found that low-income individuals engaged in microenterprise development increase their personal incomes, build assets, and decrease their reliance on government benefits.

When we are telling people that it is time that they go from welfare to work, we are teaching them skills and training them to do jobs, and what we also must do then is provide them with the ability to go on to reach the American dream, and that is to begin and to succeed in businesses, tiny little businesses, with microloan programs, so that they, too, can experience the ability to be part of the American dream.

Who knows who and where the next Steve Jobs or Bill Gates is going to come from. It may come from one of these programs. It is a very important program that we do with BusinessLinc, with the PRIME program, and with the 7(a) loan programs. I have people in my own district who have moved from welfare into now very successful businesses.

Mr. Chairman, I urge my colleagues to support the Nation's small businesses and small business access to financial and technical assistance and adopt this amendment.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, very clear, we are not adding one dime to a $39 million-plus appropriation, not one dime. What we are doing is adjusting close to $17 million of that $39 billion in three programs that have already been funded a 100 percent increase.

What are we doing here? The SBA has had bipartisan support helping small businesses throughout America.

□ 1430

We forget that small business accounts for 99.7 percent of America's employers and employs are 52 percent of the private work force. Small companies account for 47 percent of the Nation's sales.

Indeed, over the last decade, America has experienced a period of growth unprecedented in our history. But the economic boom is slowing down, financial losses for many companies are mounting, and job cuts are affecting every industry in America. The current CJS appropriations bill has called for a $129.7 million cut to the Small Business Administration. At a time when we can least afford to do that for the Nation's small businesses, we are doing that. And we come up with the excuses that we cannot find the money here, we cannot find the money there, and we cannot wreck the President's budget. We have already done that. We have done that in a bipartisan way as well.

Not one dime, Mr. Chairman, is being added to this appropriation, simply taking from specific programs that have already been budgeted a 100 percent increase. I do not know. That is crazy, it sounds to me. That does not sound like good budgeting. Not at all.

These cuts affect the very guts of small business. The New Markets Venture Capital Companies, the BusinessLINC, the HUBZone program, the Small Business Investment Company Program, and these are the programs that serve a lot of low-income areas, areas that need our help. I think we can agree that slashing funding for these key SBA programs pushes aside the collective futures of women-owned and minority-owned small businesses while at the same time assuring that other small businesses lose access to vital capital resources offered by the agency.

I want to salute the ranking member of the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), and my good friend and colleague, the gentlewoman from New York (Mrs. KELLY). This change that they have offered is on target, is real, and is realistic. To begin with, the 7(a) loan program has a history of success in ensuring that capital is available when small businesses need it. Since 1992, the 7(a) program has helped with over $76 billion in loans to entrepreneurs. Last year alone, the 7(a) program provided for 43,000 loans throughout the United States of America into practically every district in this country.

The current CJS bill calls for the 7(a) program to be slashed from $114 million to $77 million for 2002. This would result in approximately 20,000 fewer loans. Twenty thousand. How can we tell the American small businessperson that help is not on the way in this business-friendly administration? This amendment would begin by restoring $10 million to the 7(a) program, bringing the fiscal year 2002 funding level up to $87 million in the appropriations, still well below the 2001 appropriation.

Likewise, the Velázquez-Kelly amendment would add $2 million for the BusinessLINC program. The offsets for these funding increases will come from three of the biggest agencies in the Federal Government. The Congressional Budget Office has scored the Velázquez-Kelly amendment budget-neutral. Now, how many amendments do we see on this floor that can say that? Budget-neutral.

So let us stand for the American worker for a change and help restore the fuel that drives the American economy.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Velázquez-Kelly amendment.

Mr. Chairman, I join with those individuals who recognize that small businesses are in fact the economic engine that drives the economy of this country. It is amazing to me that we can understand how important, how relevant, how impactful small businesses are to the economic viability and well-being of our Nation and then cut those programs that are designed to enhance and promote the same.

This amendment is not a difficult amendment. It is not one that is difficult to understand. It is not even one that costs a great deal of money. But it is one that would generate in the hearts and minds of small business people all over the Nation that this Congress, that this administration does in fact understand what small businesses mean to America.

So I want to commend both my colleagues, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ). It seems as though New York has some understanding of small business when we get two people, one from each side of the aisle, recognizing that without the resources there is no way that we can keep our small businesses alive, well, healthy, vibrant, and generating what is needed to keep our economy growing.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his very fine words, and I want to add my support for the amendment of both gentlewomen from New York and add just a special aspect.

As my colleague well knows, we have suffered in Houston an enormous impact from Tropical Storm Allison. Part of the FEMA recovery is the Small Business Administration that is on the ground helping businesses, small businesses that are the backbone of our community, recoupment. This is an important amendment not only for those that have been damaged severely by the storm, over $4 billion in damages, but for all of the small businesses around the country, and particularly those regional offices that have been so outstanding in helping to restore those businesses.

So I thank the gentleman for yielding. This is an excellent amendment, and might I conclude by simply saying budget-neutral. I think that is a key element to the need for passing this amendment and providing opportunity for our small businesses.

Mr. DAVIS of Illinois. Mr. Chairman, reclaiming my time, I want to thank the gentlewoman from Texas for her remarks, and I associate myself with them.

Mr. UDALL of New Mexico. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking minority member of the Committee on Small Business, and the gentlewoman from New York (Mrs. KELLY) for their hard work on this amendment, which I rise in support of.

Mr. Chairman, I rise to encourage my colleagues to support the Velázquez-Kelly Amendment that attempts to restore funding to the 7(a) Loan Program, BusinessLINC and PRIME programs.

As a member of the Small Business Committee I fear that a reduction in those programs that assist numerous small businesses especially in rural and low-income areas—will greatly hinder their success.

Key programs such as PRIME, the 7(a) Loan Program, and Business Link which are critical to business growth have been inadequately funded or zeroed out completely in this bill.

In an economy with more questions than answers, we should be increasing opportunities to access capital and technical assistance—not eliminating them when they are most needed.

Point out—many of these programs were designed to assist small businesses in low income areas and in minority communities. My district is one which needs this assistance.

I urge my colleagues to support this amendment which will restore funding to these vital programs used by small businessmen and women.

Mrs. NAPOLITANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in support of the amendment. There have been many calls from small businesses throughout my State that are looking at the reinstatement of some of the funding, so I am very happy to support both the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY) in their effort to be able to do that.

The current Commerce, Justice, State Appropriations (CJS) Bill, particularly the SBA program funding levels, is perhaps the worst bill in this nation's history for small businesses.

The current CJS appropriations bill called for several loan and technical assistance programs to be zeroed out in fiscal year 2002.

The total cut from $860 million down to $728 million in SBA's overall budget. This would cause over 10 critical programs to be zeroed out, including New Markets Venture Capital Companies, BusinessLINC, the HUBZone program and the Small Business Investment Company Program.

Cutting access to capital and technical assistance resources in a time of serious economic uncertainty creates a dangerous scenario where small businesses and the jobs they create will suffer in the long-term.

That scenario begins with the nearly $40 million dollar cut in the 7(a) Loan Program and the zeroing out of the "Program for Investments and Microentrepreneurs" or PRIME.

The Velázquez-Kelly Amendment is a bipartisan proposal that looks to restore a measure of that funding to the 7(a), BusinessLINC and PRIME programs.

THE 7(A) LOAN PROGRAM ADJUSTMENTS

The 7(a) Program history of success is founded in over $76 billion in loans to entrepreneurs since 1992. Last year alone, the 7(a) Program provided for 43,000 loans totaling $10.5 billion for small businesses.

Unfortunately, the current bill calls for the 7(a) Program to be slashed from $114 million in fiscal year 2001 to $77 million in fiscal year 2002. This would result in approximately 20,000 fewer loans being made.

The amendment would begin by restoring $10 million to the 7(a) Program bringing the fiscal year 2002 funding level up to $87 million appropriations—this is still well below fiscal year 2001 appropriations.

THE BUSINESSLINC PROGRAM ADJUSTMENTS

The BusinessLINC Program would promote mentor-protégé relationships between small businesses in low-income and high unemployment areas and large companies.

While the fiscal year 2001 appropriation called for $7 million, the current legislation would eliminate the program by zeroing out appropriations for fiscal year 2002.

The Velázquez Amendment would add $2 million to the CJS appropriations bill—unfortunately this still represents more than a 60 percent cut in the program.

THE PRIME PROGRAM ADJUSTMENTS

PRIME establishes a technical assistance program for disadvantaged Microloan participants located in low-income communities.

But more importantly, PRIME creates a system where before the loan process even begins, entrepreneurs are brought to discuss every detail of the process—and in doing so are able to better determine whether a loan is or is not necessary.

The fiscal year 2001 appropriation was at $15 million for PRIME—H.R. 2500 as reported out of Committee would zero out the program in fiscal year 2002.

While the amendment would add $5 million back to the program, it still means the program will be operating at a 66 percent cut from the previous year.

The offsets for these funding increases will come from three of the biggest agencies in the federal government. The Congressional Budget Office has scored the Velázquez-Kelly Amendment "budget neutral."

While these offsets come at a price to other agency budgets, we believe these requests are not excessive.

The Department of Commerce General Administration budget would be reduced by a total of $2 million—which keeps it at the current funding level. There is also off budget funds, such as working capital funds, that can also help offset this reduction.

The State Department would be reduced by $8 million in their Diplomatic and Consular programs. This account received $400 million in increase in their overall budget.

Finally, the State Department's Capital Investment Fund would be cut by $7 million. This Fund was increased by $113 million over the current funding level—which represents a 100 percent increase.

The cuts in the program represent a cut at the heart of SBA's ability to deliver key financial and technical assistance to small businesses.

This is especially important as the economy slows and mainstream capital sources begin to tighten credit standards—particularly in the high-risk pool of small business lending.

In addition, it will retain the services these programs provide to businesses in low-income areas—companies that are frequently well-removed or simply ignored by conventional lending sources.

While the amendment would add only a small portion, approximately $17 million, back to these programs, it would allow them to remain an important part of the public policy of the SBA well into the future.

Mr. LANGEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the bipartisan Velázquez-Kelly amendment which would restore a portion of the funding that was cut from the Small Business Administration's 7(a) loan and other crucial programs in the FY 2002 Commerce, Justice, State spending bill. By providing loan guarantees to eligible small businesses that would otherwise be unable to secure financing, 7(a) loans fill the gap left by traditional private lenders and supplies the necessary capital for America's small businesses to expand and create jobs.

Last year, this crucial program backed more than 43,000 loans worth over $10.5 billion to small firms nationwide. In the first 6 months of this year, 24 different financial institutions in Rhode Island approved over 540 7(a) loans for a total of over $61 million to Rhode Island's small business community. In fact, 7(a) loans make up nearly one-third of all long-term loans made to U.S. small businesses.

Mr. Chairman, this program is important to every small business in America, and it deserves the continued support of the Congress. At a time when an economic downturn threatens businesses, jobs, and families across the country, cuts to SBA programs pose more danger than ever. Therefore, I strongly urge my colleagues to vote in favor of the Velázquez-Kelly amendment, and I strongly and admirably commend the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY) on their efforts.

Mr. Chairman, I rise today to address the severe funding cuts in Small Business Administration programs that were reported in the FY 2002 Commerce-Justice-State spending bill.

While I understand the appropriators' difficult task for maintaining fiscal responsibility while adequately funding the wide variety of programs contained in this bill, I am extremely disappointed in the subcommittee's decision to slash SBA funding by $132 million, a 15 percent decrease from FY 2001.

In particular, I am very concerned about the $30 million in cuts to the 7(a) guaranteed loan program. By providing loan guarantees to eligible small businesses that would otherwise be unable to secure private financing, this crucial loan program fills the gap left by traditional private lenders and supplies the necessary capital for America's small businesses to expand and create jobs. The committee's funding level amounts to a 32 percent cut and would eliminate an estimated 14,000 critical loan guarantees.

Just last year, the 7(a) program backed more than 43,000 loans worth over $10.5 billion to small firms nationwide. Since 1992, the program has provided almost $76 billion in capital to America's small entrepreneurs. In fact, 7(a) loans make up nearly 30 percent of all long-term loans made to U.S. small businesses. This program is important to every small business in America, and it deserves the continued support of Congress.

Another element of the 15 percent cut to SBA would end the New Market Venture Capital initiative, and the PRIME and BusinessLinc programs. The New Market Venture Capital Program, which was designed to spur investment in low-and moderate-income communities and passed with overwhelming bipartisan support last year, has been zeroed out in this year's bill. The funding for the PRIME program, which allows the SBA to award grants to non-profit micro-enterprise development organizations, has also been eliminated. Finally, BusinessLinc, which grants funding to local non-profit economic development organizations to assist them in bringing local businesses to the attention of large corporations, has been underfunded to the point that the program will effectively no longer exist. Discontinuing these vital programs will undoubtedly negatively affect economic development initiatives targeted to assist low-income and minority business communities. At a time when an economic downturn is threatening businesses, jobs and families across the country, these kinds of cuts pose more danger than ever.

Small businesses are the backbone of Rhode Island's economy and account for more than 95 percent of the jobs in the state. They bring new and innovative services and products to the marketplace and provide business ownership opportunities to diverse and traditionally underrepresented groups. Many of these small businesses rely on the valuable loan assistance, technical training and grant programs offered by the SBA. These harsh budget cuts would severely impact Rhode Island's small business community, just when we need their contributions the most.

In closing, Mr. Chairman, these unwarranted cuts to SBA's budget will seriously undermine the agency's ability to deliver services to small businesses. The small business community supplies over half of the nation's workforce, and in the last decade has shown the greatest growth in our economy. In order to continue this successful entrepreneurial trend, small businesses need the access to capital that SBA provides. I would strongly urge the appropriators to reconsider their decision to cut SBA's funding. The small business community deserves our full-fledged support and nothing less.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words.

I want to be heard and go on the record in support of my colleagues, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentlewoman from New York (Mrs. KELLY), with regard to this amendment.

Particularly of importance to my community is the BusinessLINC program that would allow businesses and the community to work together in improving small business.

Mr. Chairman, when Congress passed legislation to establish the New Markets Initiative last December, it did so in a spirit of bipartisanship, to ensure that all of our nation's communities have the opportunity to realize the American dream.

BusinessLinc is an innovative partnership between the Small Business Administration, the Treasury Department, and the business community. The program encourages large businesses to work with small business owners and entrepreneurs to provide technical assistance and mentoring. This program will improve the economic competitiveness of smaller firms located in distressed areas, both urban and rural.

In speaking with many small businesses in my community, the Eleventh District of Ohio, it is clear that business success is predicated on a number of factors, such as the quality of the product or service, its price, marketing, the financial stability of the business, and the owner's experience. But one factor which has been largely overlooked in legislation is a business person's contacts within the community. Some call this the effect of the "old boy's club."

My constituents have conveyed their frustration at being left out of informal networks that form the basis for later business dealings. These informal networks have a decided effect on an owner's ability to plan and a small business' ability to grow. Simply stated—information and skills are key to success.

BusinessLinc will provide much-needed access to mentoring and support for disadvantaged businesses. In developing the BusinessLinc program, local coalitions have taken creative approaches to assist small businesses to employ strategies that best respond to the needs of the community.

My colleague, NYDIA VELÁZQUEZ, the Ranking Member of the Small Business Committee will offer an amendment to restore funding to this program. I urge my colleagues to support the amendment and demonstrate their support for business growth by funding BusinessLinc.

Mr. RUSH. Mr. Chairman, I rise in support of the Velázquez-Kelly amendment to add $10 million to the Business Loans program account. In particular, I support $5 million for the "Program for Investments in Microentrepreneurs" or PRIME.

PRIME, a bill that I sponsored in 1999, was authorized with broad bipartisan support as part of the Financial Services Modernization Act.

Under PRIME, the Small Business Administration is authorized to award grants to nonprofit microenterprise development organizations. These loans are vital to the initial success of start-up small businesses. Many of the minority or disadvantaged entrepreneurs in low income communities who depend on these funds have no other access to capital.

However, PRIME no only provides desperately needed capital, it also provides the technical assistance necessary to ensure the ongoing viability of a new business. Thus, new small business developers will be able to access the expertise they need to operate their fledgling businesses.

With the slowing economy and ever greater numbers of unemployed, it is critical that we continue to provide opportunities for self-sufficiency through self-employment. There are approximately 400 microenterprise providers in the US moving about $2 billion dollars in capital. The $10 million requested for the Business Loans program and PRIME in particular, will help expand these efforts and strengthen the overall economy.

Congress appropriated $15 million in the Fiscal Year 2001 Commerce-Justice-State Appropriations for PRIME Act implementation. The offsets necessary to pay for this amendment will have no impact on the ability of the agencies concerned to operate or fulfill their responsibilities.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Velázquez-Kelly amendment. First I would like to commend Ranking Member VELÁZQUEZ and Congresswoman KELLY for their leadership in bringing this amendment to the floor.

Mr. Chairman, the current Commerce, Justice, State Appropriations (CJS) Bill, particularly the SBA program funding levels, is perhaps the worst bill in this nation's history for small businesses. The CJS appropriations bill calls for several loan and technical assistance programs to be zeroed out in FY 2002. The total cuts from $860 million down to $728 million in SBA's overall budget would eliminate over 10 critical programs, including the New Markets Venture Capital Companies, BusinessLINC, the HUBZone Program and the Small Business Investment Company Program. This bill, as it is currently written, essentially wipes out the small business programs that we fought for last Congress.

The Velázquez-Kelly amendment is a bipartisan proposal that looks to restore a measure of funding to the 7(a), BusinessLINC and PRIME Programs. The 7(a) Program history of success is founded in over $76 billion in loans to entrepreneurs since 1992. Last year alone, the 7(a) Program provided for 43,000 loans totaling $10.5 billion for small businesses. Unfortunately, the current bill calls the 7(a) Program to be slashed from $114 million in FY 2001 to $77 million in FY 2002. This would result in approximately 20,000 fewer loans being made. The BusinessLINC Program would promote mentor-protégé relationships between small businesses in low-income and high unemployment areas and large companies. The CJS bill would eliminate the program by zeroing out appropriation for FY 2002. This amendment would add $2 million to the CJS appropriations bill. PRIME establishes a technical assistance program for disadvantaged Microloan participants. While the amendment would add $5 million back to the program, the program will be operating at a 66% cut from the previous year. However, some funding is better than no funding.

Mr. Chairman, the offsets for these funding increases will come from three of the biggest agencies in the federal government. While these offsets come at the expense of other agency budgets, we believe these requests are not excessive. We are just attempting to obtain a fair distribution of funding. It is unfair that some agencies receive 100% increases, while programs that deliver key financial and technical assistance to small businesses—the engine for growth in our economy—are zeroed out. We cannot afford to cut funding for small business development and assistance as the economy slows and mainstream capital sources begin to tighten credit standards. We must continue to retain the services that the 7(a), BusinessLINC, and PRIME provide to businesses in low-income areas—companies that are too often frequently well removed or simply ignored by conventional lending sources.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Chairman, I offer an amendment, and I ask unanimous consent to reach ahead in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. DELAY:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used to negotiate or pay any request or claim by the Government of the People's Republic of China for reimbursement of the costs associated with the detention of the crewmembers of the United States Navy EP-3 aircraft that was forced to land on Hainan Island, China, on April 1, 2001, or for reimbursement of any of the costs associated with the return of the aircraft to the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume, and I rise to offer an amendment that will stop any payment from being sent from the United States Government to the Communist Chinese Government that is related to the downing of our Navy EP-3 aircraft and the detention of our crew members.

I take this amendment, quite frankly, from a bill authored by the gentleman from California (Mr. LANTOS), a more extensive bill than this amendment; but I appreciate the fight that the gentleman from California (Mr. LANTOS) is putting up, and I appreciate him in this regard.

I must say that in offering this amendment it must never be American policy to pay tribute to aggressive regimes. Such a payment would not only violate a hard-won tradition of confronting international aggression, it would force America to abdicate a role as the leading defender of free movement through the world's international skies and waters. And it is not a duty we are willing to duck.

The brazen audacity of some demands can almost take on a kind of a comic grandeur. At first glimpse, the preposterous suggestion that the United States is somehow indebted to the Communist Chinese Government for the costs associated with downing our plane and detaining our air crew appears to fall into that camp. And for that reason, we are tempted to dismiss the Communist Chinese Government's demand for compensation as the deluded daydreams of a despotic regime.

But as illogical and unbelievable as it may sound, today Communist leaders in Beijing are soberly demanding that the people of the United States pay them $1 million in compensation. The idea that American taxpayers should start rewarding Communist piracy is as contemptible as it is unlikely to happen. This Congress will never allow a single dollar to be used to compensate the perpetrators of an international aggression.

This is simply the latest example of the reckless, ruthless, and irrational mindset of China's Communist Government. President Bush is standing firm for freedom. We need to support the administration by staking out a very clear position because, if history has taught us anything, it teaches that appeasement is nothing more than a downpayment on further trials and added hardships. To export our American values, we must always be prepared to defend our interests.

□ 1445

We must remain engaged with China. We owe it to the billion Chinese people who are victimized by an oppressive and abusive Communist government. We know that once the Chinese people begin to sense the opportunities and blessings of self-government they will soon shake off the shackles of communism. We look forward to that day.

But until the Chinese people are liberated to determine their own destiny, we must stand firm in defense of our commitment to freedom. This amendment does just that. It will send a clear signal to the Communist rulers in China: If you thought intimidation would persuade the United States to abdicate the defense of freedom, it failed.

We support open ties with all peoples, especially Chinese families struggling beneath communism. We seek the free exchange of goods, services and democratic ideals with men and women around the world. We wish to cultivate stronger ties between the Chinese people and the United States. But Jiang Zemin and his circle of apparatchiks will never deter America from flying patrols to the frontier of freedom.

Mr. Chairman, I ask support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I am not opposed to the amendment, but I ask unanimous consent that I may control the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. LANTOS. Mr. Chairman, I yield myself such time as I may consume.

First, I want to commend my friend, the gentleman from Texas (Mr. DELAY), the distinguished Republican Whip, for bringing this matter to my attention, thereby expediting the process that several of us began some time ago.

I introduced the free-standing bill, Mr. Chairman, on behalf of the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, and the distinguished chairman and ranking member of the Committee on Armed Services which seeks to achieve what the DeLay amendment seeks to achieve.

On April 1, 2001, a Chinese F-8 fighter flew dangerously close to a United States Navy EP-3 aircraft which was on a routine reconnaissance mission in international air space off the coast of China; and it collided with it, resulting in structural damage to our aircraft.

The crew of our aircraft transmitted a series of Mayday distress calls, and they were able to successfully land at the nearest air field due to the heroic actions of our pilot and of our crew to keep the plane in the air until it could land safely.

The 24 crew members of the EP-3 aircraft were detained against their will, and I underscore this, Mr. Chairman. The 24 crew members of our aircraft were detained against their will for 11 days before being released, in clear violation of international rules governing the treatment of such personnel and despite repeated requests for their release by the United States government at the highest levels.

The Chinese military authorities boarded the aircraft, removed equipment from our aircraft, notwithstanding its status under international law as the property of the United States of America. The Chinese government, Mr. Chairman, refused to allow the United States to repair the downed aircraft in Hainan. It refused to allow it to be flown back to the United States. It instead demanded that the United States cut the plane into pieces and return it to the United States on a leased transport aircraft.

Now the Chinese government has presented us with a $1 million invoice which allegedly covers the expenses of the 24 crew members while held in captivity and related expenses.

This, Mr. Chairman, is the ultimate arrogance on the part of this Communist regime. The accident was caused by reckless action by a Chinese pilot with a long and documented history of taking overly aggressive actions in intercepting United States reconnaissance aircraft operating in international air space.

The Chinese government failed to comply with its international obligations immediately to return our crew members.

The United States government, Mr. Chairman, has already incurred significant costs associated with the recovery of our aircraft, including the dispatching of our personnel and other employees of our government to the Chinese island of Hainan to cut the aircraft into pieces and pack it aboard a cargo plane and leasing the cargo plane itself.

We are currently evaluating, Mr. Chairman, whether this aircraft can be repaired to make it airworthy again or whether a new EP-3 aircraft must be purchased to replace it. The cost of that would be $80 million.

Mr. Chairman, our resolution and the amendment of the gentleman from Texas (Mr. DELAY) makes it clear that it is the sense of the Congress of the United States that we have to make a full accounting of all of the costs associated with this outrage, clearly precipitated by the action of the Chinese pilot, and that no payment, not one dime, may be paid to the Chinese government until the Chinese government reimburses us for the whole cost of this disgraceful episode. That may run well over $80 million.

Mr. Chairman, I strongly urge all of my colleagues to support the amendment of the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, I rise in strong support of the amendment and want to commend the gentleman from Texas (Mr. DELAY) for offering the amendment.

The gentleman from California (Mr. LANTOS) can almost argue that we should be sending the Chinese government a bill if we look at the precedent that was set with regards to Serbia and the destruction of their embassy. But I think it is a great amendment, and I hope that it is passed by unanimous vote and that this sends a message to the Chinese government.

Mr. DELAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I support the gentleman's amendment. I am very strong on dealing with China and trading with China, but I think this particular incident was very unfortunate. It is pretty much an arrogant statement to try to charge us and to create more out of what clearly was a mistake on their part. I support the gentleman's amendment, and I hope there is bipartisan support for the amendment.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the support of the gentleman from New York (Mr. SERRANO), and I want to make it clear that this amendment does not go against the people of China. We all support the people of China. This is a statement against the Communist government of China and some of their outrageous actions.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11, as amended by Public Law 100–504), $21,176,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 205. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 207. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103–356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2002 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2002 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 2002".

AMENDMENT NO. 1 OFFERED BY MR. HERGER

Mr. HERGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HERGER:

Page 63, after line 9, insert the following:

TITLE IIA—DEPARTMENT OF JUSTICE

KLAMATH PROJECT WATER RIGHTS COMPENSATION

For just compensation for private property taken for public use, as required by the 5th Amendment to the Constitution of the United States, for payment by the Attorney General to the water users of the Klamath Project for the Federal taking of water rights pursuant to the Klamath Reclamation Project 2001 Annual Operations Plan, which provides for the delivery of no water to most of the lands served by the Klamath Reclamation Project, and instead implements an alternative plan developed pursuant to the Endangered Species Act of 1973; and the amount otherwise provided in this Act for "National Oceanic And Atmospheric Administration—Operations, Research, and Facilities" (and the amounts specified under such heading for direct obligations, appropriation from the General Fund, and the National Marine Fisheries Service) are hereby reduced by; $200,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. HERGER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program; therefore, it violates clause 2 of rule XXI.

The CHAIRMAN. The gentleman from Virginia makes a point of order.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from California (Mr. HERGER) is recognized for 5 minutes.

Mr. HERGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the hard work that the gentleman from Virginia (Mr. WOLF) and the members of the Committee on Appropriations have put into this bill.

Mr. Chairman, I offer this important amendment today on an issue that is receiving national attention. Approximately 1,500 family farmers and scores of agriculture-dependent businesses and families along the northern California and southern Oregon border have had their livelihood stripped from them by the Federal Government. A community of 70,000 could go bankrupt.

On April 6 of this year, the Bureau of Reclamation announced that there will be no water, zero water for farming this year because, in the opinion of a select group of biologists and based on what many feel is flawed science, every drop of water was needed for the preservation of two species of fish. Based only on a best guess about these species and what is needed to sustain them, the National Marine Fishery Service and the U.S. Fish and Wildlife Service have deprived these communities of the use of their water rights and their land.

Mr. Chairman, this is the poster child for the injustices that are occurring under the current implementation of the Endangered Species Act. Under this well-intentioned law, communities throughout the West are going broke, and in some cases human lives are being placed in jeopardy.

Mr. Chairman, this need not happen. As a country that put a man on the moon three decades ago, I am convinced we can both protect fish and provide economic stability for our rural communities. Regrettably, under the current implementation of the ESA, it is an either/or proposition.

My amendment explicitly recognizes that the Endangered Species Act also continues to come into direct conflict with fundamental U.S. constitutional rights and protections. It seeks simply to ensure that the government satisfies its mandate under the Fifth Amendment of the Constitution to provide just compensation for the taking of private property for a public use.

We have a responsibility to uphold constitutional protections when they are compromised by the implementation of Federal laws. It is also a first step toward rectifying the financial harm that the government has caused in this area.

As the agency partly responsible for this decision, NMFS, which is funded at more than $540 million in this bill, will be forced under my amendment to cover the cost of compensation. That is simple accountability. No amount of money can fully rectify the harm that has been done to these communities. A way of life is at risk. Ultimately, the Endangered Species Act must be updated and balance must be restored if we are to preserve this way of life and prevent future injustices here and in other parts of the country.

□ 1500

But as we speak, a select few individuals are bearing severe economic and social burdens. Fundamental principles of fairness and justice demand that they be compensated. These are public burdens which should rightfully be borne by the public as a whole.

Moreover, Federal agencies that are responsible for harming Americans through their regulatory actions will be held accountable. Perhaps if we force them to share some of the pain, they will stop to consider the real consequences of reckless actions.

That is also why I have introduced H.R. 2389. It recognizes that what has happened in the Klamath Basin is a government-caused disaster. As such, it requires the Federal Government to pay for the economic losses that have been sustained. I ask for the support and consideration of my colleagues on this bill. I also ask my colleagues to realize what is currently happening under the Endangered Species Act and join me in demanding that it be modernized because, Mr. Chairman, Americans are being needlessly hurt.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I continue to reserve the point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise reluctantly in opposition to this amendment. As I understand the gentleman's amendment, it would take $200 million out of the National Marine Fisheries Service's budget. I think that would be devastating to their budget. The whole problem we have got in the Northwest is difficult, but we have got to work with the National Marine Fisheries Service because Congress gave them the responsibility of administering the Endangered Species Act. They are doing their best. In fact, I think we should be giving them additional support so that they can get the job done and deal with these regulatory problems.

Also in these situations like this, the way to approach the problem is to do a habitat conservation plan, work with the regulators, and come up with a plan under which you can go forward. I know this is a tough problem, and if you want to deal with it, you have got to change the Endangered Species Act, which I do not favor, but to come here and to take $200 million out of the National Marine Fisheries Service would be a disaster.

Mr. DICKS. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time; and I agree with what he is saying in terms of the danger were this approach to be taken to penalize other areas throughout the Pacific Northwest that are dealing with problems with salmon recovery. But I fundamentally disagree with my friend from California's primary premise.

If there were no Endangered Species Act, the people in the Klamath Basin would be in desperate straits. It is because the Federal Government has overcommitted over the course of the last century the water in the Klamath Basin. What we should be doing, rather than penalize people who are trying to deal with species recovery, is to go back and help the people in need.

We should not have a series of temporary payments that they have to go through legal hoops to obtain. It is very unlikely that it would occur. It is far better that we step up and provide money for a permanent solution which is to reduce the conflicting water demands in the Klamath Basin. We can do that by making generous payments to willing sellers who will sell their land. We can buy back at fair value conservation easements and water rights. If we do this, we will make these people whole, we will not penalize Native Americans and other people up and down the West Coast, and we will not be back here time after time after time.

The gentleman from California is right, the Federal Government has made a mess, but it is not the Endangered Species Act, it is the fact that there are more demands on water in the Klamath Basin, for waterfowl, for agriculture, for endangered species. We need a comprehensive solution. I strongly urge rejecting this amendment and approaching it in a way that we can put in place a permanent solution which is to give them compensation and reduce the demands on water that the Federal Government has messed up.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in opposition to this amendment. However, I agree with my colleague from California that there is a serious problem in the Klamath Basin. This year a severe drought has further exacerbated the pressure on the fishing industry, tribal interests, the economic well-being of the farmers, and the waterfowl that use this very critical part of the Pacific Flyway.

However, the underlying issue is an overcommitment of water in the Klamath Basin. The farmers in this region do need our assistance, and the Senate has already taken steps to provide immediate assistance to those farmers hurt by the drought this year. But we need to recognize that there is simply not enough water to meet all the current demand in the Klamath Basin. The answer to this problem is to work together across both State and party lines to using the best available science to come up with a solution that includes reducing water demands and at the same time helps farmers and tribes and conserves the region's fish and waterfowl habitat.

These solutions would include enhancing the CRP, the WRP, and the WHIP programs in a way that promotes farming on a majority of the 200,000 acres in that region that are currently being farmed. There is growing support for this type of solution. In fact, there are nearly 100 farmers in the area that have already come forward and are willing to put up some 30,000 acres of their privately owned land to be able to achieve the success that we need to reach in that area.

Mr. Chairman, let us turn to real, positive solutions in the Klamath and not decimate the National Marine Fisheries Service budget or the Endangered Species Act.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I continue to reserve the point of order, and I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I want to start my brief comments with a quote by Patrick Henry:

> The Constitution is not an instrument for the government to restrain the people. It is an instrument for the people to restrain the government, lest it come to dominate our lives and interests.

Mr. Chairman, the reason I am speaking in behalf of the gentleman from California's amendment is that I visited his district in June and I had a chance to meet these people. I can honestly tell Members that there is something wrong with the Federal Government when the Federal Government is trying to put people out of business who are trying to make a living and paying their taxes.

Down in my district of North Carolina, we have an issue with the piping plover. The piping plover is a bird that the Federal Government is going to make a decision that will have a tremendous economic impact in a negative way on many States in the southeastern part of the United States.

I wanted to say and the reason I want to be a small part of this debate is it is a shame when a suckerfish has more influence on the Federal Government than the people who have been promised land and promised water years and years ago.

I want to say to my friends on the other side who are in opposition to the gentleman from California's amendment, I certainly understand their position and respect that. Again, this is your part of the United States of America, but when it comes to the Endangered Species Act, the ESA is having a very negative impact across this Nation. What we need to do is to reform the Endangered Species Act and find a balance so that nature and people can move forward.

Mr. WOLF. Mr. Chairman, I continue to reserve the point of order.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman from Virginia for yielding.

Mr. Chairman, I rise today to offer a few remarks about the situation along the Klamath River. It is interesting sitting here considering what we are talking about.

In the 1960s, the Bureau of Reclamation made an effort to actually poison the suckerfish in the Klamath. They thought it was a pest, and they attempted to remove it. Now 40 years later, we are here arguing about what to do to protect the suckerfish. The sad part of it, the sucker policy, if you will, here, is that there is a study by Oregon State University that shows the preferred action that Fish and Wildlife Service or NMFS is putting forward, that is, raising the lake level, will actually hurt the coho salmon which is also a listed species.

The fact is this really is a sucker policy. Thankfully, one of our friends to the north, Senator SMITH of Oregon, is no sucker. He has thoughtfully proposed that we follow the facts outlined in a plan from 1993, much of which is still awaiting implementation. This comprehensive plan balances the needs of wildlife while providing sufficient water to our farms and communities.

The plan basically says, if the government truly wants to save these suckerfish, why do they not improve the habitat in the current lake? Why have they not created suckerfish hatcheries or worked to restrict the growth of suckerfish predators as set forth in the plan? It is a real dilemma to me that this sucker punch policy on suckerfish is being jammed down our throat.

Mr. Chairman, I hope that this body will follow the leadership of Senator SMITH and the other Senator from Oregon, Senator WYDEN, and my colleagues in the House, the gentleman from California (Mr. HERGER), the gentleman from North Carolina (Mr. JONES), and the gentleman from Oregon (Mr. WALDEN) when we consider how many people in California and Oregon will be punished because the Federal Government ignored its own 1993 recommendations and is now acting on bad science to change the balanced policy that has existed but not been implemented for the past 8 years.

If we do not correct this egregious policy error, then our constituents will know us for the suckers we are.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

Mr. WOLF. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. HERGER. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman from California is recognized.

Mr. HERGER. Mr. Chairman, this is a critically important amendment on an issue that has national implications. The bankrupting of family farmers and rural communities in the Klamath Basin of northern California and southern Oregon under a Federal regulatory decision is being discussed across the country. It is being written about nationally in publications such as The

New York Times, The Washington Post and The Washington Times. It has been covered on the national Fox News Network. That is because it sets a tragic precedent which must be addressed before more communities are lost.

Again, I appreciate the hard work that the gentleman from Virginia and the members of the committee have put into this bill. This amendment is not in any way to take away from that good work. But an entire community of 70,000 people could go bankrupt. A way of life is at stake. And the Federal regulatory agency, the National Marine Fisheries Service, that is in part responsible for that decision is funded in this bill to the tune of approximately $540 million. Through the issuance of severely flawed biological opinions, NMFS, along with the U.S. Fish and Wildlife Service, have taken the water rights of these communities for a public use. The fifth amendment to the U.S. Constitution not just authorizes but requires just compensation. And the Justice Department, as the final arbiter of such claims against the Federal Government, would be amply suited, I believe, to determine and make payment on the underlying takings that have occurred.

Mr. THOMPSON of California. Mr. Chairman, I rise on a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMPSON of California. Mr. Chairman, I believe that my colleague was recognized to speak on the point of order, not the merits of the amendment.

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The CHAIRMAN. The gentleman is correct. The Chair has given a bit of leeway, but the gentleman from California needs to speak on the point of order, and not on the underlying issue.

Mr. BLUMENAUER. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. HERGER) have 2 additional minutes to finish his thoughts, even if he is not speaking on the point of order.

The CHAIRMAN. The Chair would advise the gentleman from Oregon that that request cannot be entertained while a point of order is pending.

The Chair would ask the gentleman from California (Mr. HERGER) to confine his remarks to the point of order. Otherwise, the Chair is prepared to rule.

Mr. HERGER. Mr. Chairman, again, I understand that the gentleman has concerns that this bill is not a perfect fit, but I wish to underscore that this was caused at least in part by the National Marine Fisheries Service. It is a government-caused disaster.

Mr. Chairman, fairness and justice demand that the Federal Government be accountable for the harm that it has caused. Perhaps this amendment is precedent-setting, but the bankrupting of entire farming communities at the stroke of a biologist's pen, to say the least, is a much more tragic precedent for the rural communities of this Nation.

I urge that the Chair rule that this amendment is in order and allow for its debate and full consideration.

The CHAIRMAN. The Chair is prepared to rule.

The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from California proposes to appropriate funds for an expenditure not previously authorized by law in violation of clause 2 of rule XXI.

The amendment offered by the gentleman from California proposes to provide an appropriation for certain water users of the Klamath Project "as required by the fifth amendment to the Constitution of the United States." The constitutional provisions cited provides, "nor shall private property be taken for public use without just compensation."

The Chair finds that this provision does not support the specific appropriation for fiscal year 2002 proposed in the gentleman's amendment.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 70, line 7, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 63, line 10, through page 70, line 7, is as follows:

TITLE III—THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $42,066,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $70,000,000, which shall remain available until expended.

United States Court of Appeals for the Federal Circuit

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $19,287,000.

United States Court of International Trade

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $13,073,000.

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $3,631,940,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,692,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $500,671,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $48,131,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to providing protective guard services for United States courthouses and the procurement, installation, and maintenance of security equipment for United States courthouses and other facilities housing federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $224,433,000, of which not to exceed $10,000,000 shall remain available until expended for security systems or contract costs for court security officers, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $60,029,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $20,235,000; of which $1,800,000 shall remain available through September 30, 2003, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $26,700,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $8,400,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $11,575,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Of the unexpended balances transferred to the Commission on Structural Alternatives in Federal Appellate Courts, up to $400,000 may be expended on court operations under the "Courts of Appeals, District Courts, and other Judicial Services, Salaries and Expenses".

AMENDMENT NO. 8 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ROEMER:

Page 70, after line 7, insert the following:

SEC. 305. (a) The Federal building located at 10th Street and Constitution Avenue, NW, in Washington, DC, and known as the Department of Justice Building, shall be designated and known as the "Robert F. Kennedy Department of Justice Building".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Robert F. Kennedy Department of Justice Building".

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment and claim the time in opposition.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. ROEMER) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I am going to concede the point of order. I realize and recognize that this would be authorizing on an appropriations bill. While I concede the point of order, I am even more determined on the merits of the amendment to continue to pursue the naming of the Justice Department building after Robert F. Kennedy.

Mr. Chairman, we have 100 cosponsors of this legislation, Democrats and Republicans. We have very, very helpful and influential Members on the other side of the aisle, including the gentleman from Virginia (Mr. WOLF); and I thank the gentleman for his cosponsorship of this bill. We have the gentleman from New York (Mr. QUINN) and the gentleman from Florida (Mr. SCARBOROUGH). We have the gentleman from Virginia (Mr. TOM DAVIS) and many other Republicans.

I also have engaged in conversation and negotiation with the administration and the White House, and we are hopeful that the White House will also be supportive and enthusiastic of this effort to get this Justice Department building named after an Attorney General who served with honor and integrity and dignity in that office from 1961 to 1964.

Mr. Chairman, one of my favorite quotes of Robert Kennedy was as follows: "We will never be able to completely eliminate children being tortured in the world, but we can reduce the number of those children being tortured."

In fact, what he is saying is that we can work, and we have an obligation to work, especially for the most vulnerable people in society, our children, to in noble and civil ways have government effectively help them. And, as Attorney General, he worked in a plethora of ways to achieve these noble and virtuous objectives.

Convictions against organized crime figures rose 800 percent while he was Attorney General. He enforced Federal Court orders to integrate schools and universities across our country, particularly in 1962, when he fought and sent troops down to the University of Mississippi to help James Meredith enter that school.

He and Lyndon Johnson, the President at that time, fought for the 1964 Civil Rights Act, and there are some scholars that say that that Civil Rights Act, that is one of the glories of this country, may not have come along for another 10 years without those two individuals working hard to pass it.

He was particularly helpful and informative and insightful on the foreign policy realm for President Kennedy, helping negotiate the strategy on the Cuban missile crisis. He also traveled the world on human rights.

So here we have an Attorney General on fighting organized crime, on fighting for civil rights, on promoting human rights across the world, on fighting to make sure that racketeering and RICO charges were brought forward, enforcing the laws of this country. We have a very talented and skillful and honorable Attorney General. It is time, it is time, Mr. Chairman, that we name this building after Robert F. Kennedy.

Now, yesterday in this House of Representatives we passed legislation to name the Peace Corps building after Paul Coverdell, and this body authorized $10 million to pursue some objectives along those lines. We have named trade buildings, airports, CIA centers and aircraft carriers. It is time in fairness, it is time in justice, it is time in a bipartisan way, to name this building after Robert F. Kennedy.

I would hope that we could do this soon, although maybe not on this piece of legislation today, but soon. So let us do justice and reward nobility and hard work, and let us name this Justice Department building downtown after Mr. Kennedy.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I continue to reserve the point of order; but let me just say that I am a cosponsor of the gentleman's amendment, and I think it makes a lot of sense. I am reminded of the quote by Bobby Kennedy that says: "Some men see things as they are and ask why; I dream things that never were and ask why not."

I am also reminded one of the famous quotes that he gave to a group of students in South Africa in 1966, which I use many times when I speak to high school kids. He said: "A third danger," and this is a great recommendation to this body and to anyone, "a third danger is timidity. Few men or women are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential, vital quality of those who seek to change a world which yields most painfully to change. Aristotle tells us that 'at the Olympic games it is not the finest and the strongest men who are crowned, but they who enter the lists.' So too in the life of the honorable and the good it is they who act rightly who win the prize."

He goes on to say, "I believe that in this generation," and hopeful in the generation that we are in, particularly when we think of China and Sudan and the persecution of believers around the world, "that in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the world."

So I think the gentleman's amendment is a great idea. The gentleman understands why we are objecting. But as he knows, I am a cosponsor and have been very appreciative of the work the gentleman has done, and that also his family has done in the area of human rights in China and around the world.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for his support of the amendment. I look forward to working with the distinguished gentleman, who has also worked so hard around the world for human rights, for justice, for honorable public service. I would hope that the gentleman from Virginia (Mr. WOLF) would continue to work, as he already has, with me and with others. As I mentioned, we have 100 cosponsors on this legislation to send forth, as the gentleman mentioned Bobby Kennedy's quote from South Africa, this type of ripple of hope that helps sweep down the mightiest walls of oppression and resistance.

There should be no resistance to this idea, and I do not think there is much; and I would hope, working with the administration and the White House and the gentleman from Virginia and the 100 cosponsors of this bill, that we can soon see this happen. I look forward to working with the gentleman, and I appreciate his strong support for this legislation.

Mr. WOLF. Mr. Chairman, reclaiming my time, I want to thank the gentleman for his sponsorship and efforts with regard to a memorial here in this city for the Adams family; not only John Adams, but John Quincy Adams, who, when he left the Presidency, served in this body, in the House of Representatives, for 17 years, and died just 50 or 60 yards down the hallway. So I appreciate his efforts, and hopefully we can be part of doing both of them.

Mr. Chairman, with that, I insist on my point of order.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief. I just wanted to rise in support of the gentleman's idea. On my wall here in my Washington office I have two pictures in one special section. There is a picture of Dr. Martin Luther King and another one, a photograph of Bobby Kennedy.

It was those two individuals that invited my generation into public service and into activism at the community level; Dr. King obviously through his work on the civil rights movement and bringing us all together, and it was Bobby Kennedy who taught my generation that politics and government service were in fact an honorable profession.

I remember the time he came to the South Bronx and campaigned there when he was running for Senator of New York, how excited everybody was at his excitement about public service, to a generation of Americans, many from the minority community, who were turned off to the system and turned off to politics.

Bobby Kennedy continues to be that figure in my life that I look to as one who paid the ultimate price for asking all of us to come together to stand up for what we believed in. So I think at a minimum the gentleman's idea is one that we should fulfill.

I would hope as we move along we pay attention to this idea and that we do rename the Justice Department building in honor of Bobby Kennedy. So I support the gentleman, and I commend the gentleman for the work he does on this.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 30 seconds.

Mr. ROEMER. Mr. Chairman, let me say there are scores of pictures throughout Capitol Hill of Bobby Kennedy and in homes everywhere in America about Bobby Kennedy, his quotes, his dedication to public service, and with these two statements from these two distinguished Members, I will continue to pursue this. I am hopeful and optimistic that we will do the same.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the "Judiciary Appropriations Act, 2002".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, as amended; representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, $3,166,000,000: *Provided*, That, of the amount made available under this heading, not to exceed $4,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, $270,259,000 shall be available only for public diplomacy international information programs: *Provided further*, That, notwithstanding any other provision of law, not to exceed $323,000,000 of offsetting collections derived from fees collected under the authority of section 140(a)(1) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) during fiscal year 2002 shall be retained and used for authorized expenses in this appropriation and shall remain available until expended: *Provided further*, That any fees received in excess of $323,000,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate are notified of such proposed action.

AMENDMENT NO. 19 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Ms. JACKSON-LEE of Texas:

Page 72, line 5, immediately before the period insert the following:

: *Provided further*, That, notwithstanding any other provision of law, of the amount made available under this heading, $7,800,000 shall be available to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under the Hague Convention on the Civil Aspects of International Child Abduction

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment and claim the time in opposition.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

☐ 1530

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Virginia (Mr. WOLF) very much for his kindness, and I appreciate the fact that this is a very difficult issue.

I rise today to address how we in Congress can help in a small way to ease the suffering of families whose children have been abducted to other countries, usually by a parent of the very child taken. That creates a very large wall that would keep these parents, American citizens on American soil, from helping their children.

International parental kidnapping is a complex crime and takes an enormous toll, both emotionally and financially, on the searching parents left behind. The Hague Convention on the civil aspects of international child abduction is the primary legal tool to remedy international child abductions. Currently, at least 480 Americans are seeking access to a return of their children abducted in foreign countries who are signatories to The Hague Convention. At any given time, an estimated 300 families are searching for their children abducted from the United States. Often, these families must incur thousands of dollars in legal fees to try to obtain the return of their children.

Legal representation is frequently beyond the financial reach of most families seeking the return of their children, sometimes costing between $20,000 and $40,000 per case in this country. Mr. Chairman, 75 percent of the families who seek return of their children from the United States qualify for pro bono or reduced legal assistance.

Mr. Chairman, this is an important legislative initiative because of the reason of being a parent, loving one's child, being able to see one's child and, many times, these children are abducted to lifestyles and conditions that do damage to them and prevent them from seeing another loving parent.

Mr. Chairman, let me, first of all, thank the gentleman from New York (Mr. SERRANO) for his kindness on this amendment and also the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee. The chairman's history in fighting human rights abuses is world renowned.

I come to this floor not wanting to concede the point of order, but asking for the point of order to be waived, because I have seen in my office the pain of parents who cannot find their children, as I chair the Congressional Children's Caucus.

Mr. Chairman, I rise today to address how we in Congress can help in a small way to help ease the suffering of families whose children have been abducted to other countries, usually by a parent of the very child taken.

International parental kidnapping is a complex crime, and takes an enormous toll, both emotionally and financially, on the searching parents left behind. The Hague Convention on the Civil Aspects of International Child Abduction is the primary legal tool to remedy international child abductions. Currently, at least 480 Americans are seeking access to or return of their children abducted to foreign countries who are signatories to the Hague Convention. At any given time, an estimated three hundred families are searching for their children abducted to the United States.

Often these families must incur thousands of dollars in legal fees to try to obtain the return of their children. Legal representation is frequently beyond the financial reach of most families seeking their return of their children, sometimes costing between $20,000 and $40,000 per case in this country. Seventy-five percent of families who seek return of their children from the United States qualify for pro bono or reduced fee legal assistance.

Because the United States, through the concurrent jurisdiction of federal district courts and state courts provided for in our implementing legislation, has thousands of judges who may hear a given case, our system is even more dependent than others on the knowledge of the attorneys and their ability to educate the court on the issues involved.

The cost of bringing a Hague Convention case in court varies from state to state, but we typically private attorneys charge a retainer between $5,000 and $10,000. The hourly rate, of course, depends upon the attorney involved, but $150 or $200/hour is typical. Applicant parents also pay court filing fees and other expenses associated with the case.

Nearly every country signatory to the Hague Convention provides free legal assistance to parents seeking the return of internationally abducted children. The Convention requires that if a country takes an exception to the specific provision of legal aid in these cases, as does the United States, then they must provide the same legal aid services to the foreign applicant parents that are available to citizen parents. The U.S. is not currently meeting even this obligation to parents who seek legal aid for children abducted to this country and, coupled with residency requirements and other restrictions, the existing options for legal aid in this country are unreachable even for those foreign citizens who might qualify financially.

The U.S. Department of Justice has a list of attorneys willing to handle cases on a pro bono basis, often as a learning experience. And while some do very well, it can be difficult to find experienced help in every case. We must do more for these searching parents, and aid them in obtaining the proper legal representation to facilitate the return of their children.

In countries where legal aid is unavailable, a resource bank of low-fee or pro bono attorneys should be developed. Furthermore, all countries should take steps to establish a travel fund and a counseling and psychological treatment center for victim families. The work of Central Authorities and non-governmental organizations with regard to helping and supporting victim families needs to be recognized and funded.

We in Congress have expressed a keen interest in requiring the Department of State to report on the shortcomings of treaty-partner countries. Although the United States' leadership in this field is appropriate, we must make sure that we address our own shortcomings as we point out those of others.

This amendment will provide a source of funds to help pay for the legal representation that parents of abducted children desperately need when seeking the return of their children from countries who are signatories to the Hague Convention. Although the $7.8 million will not fully fund all legal fees for those who seek, it will help those who have the most need.

Please join me and Congressman LAMPSON in supporting this budget neutral amendment to the Commerce, Justice, State Appropriations bill to assist these families as they search for their children—and help them to resolve their cases more quickly with the best legal representation they require and deserve. This bill earmarks the money from the State Department's funds for Administration of Foreign Affairs, Diplomatic and Consular programs and would be funds well spent.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), who chairs the Missing and Exploited Children's Caucus. We both serve in each other's caucus. The gentleman from Texas (Mr. LAMPSON) has been to The Hague on this very important issue.

Mr. LAMPSON. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I strongly urge my colleagues to support the Jackson-Lee-Lampson amendment that would appropriate $7.8 million to the Department of State to provide funds for legal representation for parents who are seeking the return of children abducted to or from the United States under The Hague Convention on the Civil Aspects of International Child Abduction. I am chairman and founder of the Congressional Caucus on Missing and Exploited Children, and I have been active on this issue for over 3 years.

Last year, this body passed H. Con. Res. 293, a resolution that called on signatories to The Hague Convention on Civil Aspects of International Child Abduction to abide by the provisions of The Hague and also recognized some weaknesses in certain provisions.

What I hear over and over again from both American parents and non-American parents is that the financial burden of legal expenses is overwhelming. One father with whom I have spoken has spent over several million dollars in travel expenses, attorneys' fees and court fees in Italy, and I have heard from numerous parents who have spent over $200,000 in their fights for the return of their children or just the opportunity to see their children. Nearly every country signatory to The Hague Convention provides free legal assistance to parents seeking the return of internationally abducted children. The United States does not.

Mr. Chairman, we must do more for these searching parents and aid them in obtaining the proper legal representation to facilitate the return of their children. In countries where legal aid is unavailable, a resource bank of low-fee, pro bono attorney's fees should be developed, and that is what this amendment does.

Again, I urge my colleagues to support the Jackson-Lee-Lampson amendment to appropriate $7.8 million for our Nation's searching parents.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, a list of pro bono attorneys at the Department of Justice is a nice idea, but those attorneys are just learning; and they cannot provide the legal expertise for these terrible fights that these parents have, $20,000, $40,000, $60,000 to psychologically break the bond between parent and child. I would hope that we would have the opportunity to pursue this amendment and work with the very distinguished chairman and ranking member.

Mr. WOLF. Mr. Chairman, I reluctantly rise in opposition, and I reserve a point of order on the amendment. I yield myself such time as I may consume.

Let me say I do think the gentlewoman is onto something that is very important. I have worked on a couple of these cases, one dealing with two young children in Serbia. My administrative assistant, Charlie White, who has since died, and myself met with Milosevic on this issue. The mother was from California, was very articulate and was very able to get CBS and ABC to do news stories, but what about someone who really cannot?

Perhaps we could put some report language in also asking Legal Services to also look at something like this. There may be somewhere in Legal Services that someone could become an expert, could give some guidance to a mom or dad that is faced with this.

I also did not see the story, but my kids did, of the Sally Fields movie, "Not Without My Daughter." I think is the name of that movie.

So I think the gentlewoman is onto something very important. We will work with the gentlewoman to do some language or do something to see if we can push the ball a little farther forward so that if a mom or a dad is in some situation that there is some place to go or some help or some guidance. So we will be glad to work with the gentlewoman.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) insist on his point of order?

Mr. WOLF. Mr. Chairman, I insist on a point of order and make a point of order against the amendment because it proposes to change existing law and constitutes legislation in the appropriations bill and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Would the gentlewoman from Texas (Ms. JACKSON-LEE) like to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman.

First of all, let me say that, because of the nature of this issue, I had hoped that we could waive the point of order and allow some help for these desperate families. But I must say to the gentleman from Virginia, I want to thank him, and I think the ultimate goal is to work this through. Let me thank the gentleman for his offer, and let me say that I would like to work with him on this matter.

Mr. LAMPSON. Mr. Chairman, I concur; and I look forward to working with both of my colleagues on this.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment explicitly supersedes existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to at this time offer out of order my "Buy American" amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT NO. 38 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. TRAFICANT:

Page 108, after line 7, insert the following new section:

SEC.   . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, I had two amendments at the desk. At the request of both the gentleman from Virginia (Mr. WOLF), the fine chairman in his first term of this subcommittee, and the gentleman from New York (Mr. SERRANO), our outstanding ranking member, I will not offer the second amendment that deals with overcrowding of Federal prisons, except to say when there were great headlines of one murder and killing in a private prison, that same year there were nine murders, killings in Federal prisons. I am advising both of these Members to take a look at the conditions of overcrowding, rape and serious problems in the Federal Prison System that have been swept under the rug.

Mr. Chairman, back to my specific amendment here that is being offered, and I would like the chairman's attention.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I am confused as to which amendment we are discussing. Is this the Buy American?

Mr. TRAFICANT. Yes, it is, Mr. Chairman. I will not offer the other amendment. I have advised both the chairman and ranking member to look seriously at overcrowding and rape and serious problems in the Federal Bureau of Prisons.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, that is why we opposed the Hinchey amendment last night that proposed to take $73 million out of the Bureau of Prisons for that very reason. I think the gentleman is right.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, I want to reflect briefly on my amendment on the floor.

Over the July 4 holiday when Americans celebrate Independence Day, the National Symphony Orchestra on the mall was performing, Mr. Chairman, and vendors were passing out on the mall to all those who came from throughout the United States to be a part of the Washington celebration of our freedom, they were passing out small plastic flags that were made in China. It may not seem like much, but I think we are giving away the farm. I think our trade policy sucks more than the suckerfish, and I think it is time we get a grip on this.

The amendment simply says, anybody who has a prior conviction of having violated the Buy American law in this country is not eligible for any monies in this bill. It has been attached to every other bill, and it should be approved without great debate.

But I am saying to Congress, we have a massive $300 billion-plus trade deficit in America; 20,000 American jobs lost per billion of trade deficit. Now, one does not have to be a rocket scientist to figure out what is happening in this country.

So, with that, I would hope for his approval of this amendment; and I yield to the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished ranking member, the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, we are in support of the gentleman's amendment; and we congratulate him on his work.

Mr. TRAFICANT. Mr. Chairman, I ask for an "aye" vote. I thank both the chairman and ranking member for allowing me to go out of order under the circumstances.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 83, line 22, be considered as read, printed in the RECORD and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 72, line 6, through page 83, line 22 is as follows:

In addition, not to exceed $1,343,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and, in addition, not to exceed $15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities.

In addition, for the costs of worldwide security upgrades, $487,735,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $210,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $29,264,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $237,000,000, to remain available until expended: *Provided*, That not to exceed $2,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $6,485,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $9,400,000, to remain available until September 30, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $470,000,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $815,960,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $612,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, $17,044,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $135,629,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $850,000,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That, of the funds appropriated in this paragraph, $100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2001 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of $2,535,700,000: *Provided further*, That if the Secretary of State is unable to make the aforementioned certification, the $100,000,000 is to be applied to paying the current year assessment for other international organizations for which the assessment has not been paid in full or to paying the assessment due in the next fiscal year for such organizations, subject to the reprogramming procedures contained in Section 605 of this Act: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $844,139,000: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest to be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $24,705,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $5,520,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, $10,311,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $19,780,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), as amended, $9,250,000, to remain available until expended, as authorized.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2002, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2002, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $9,400,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $33,500,000, to remain available until expended.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, installation, rent, construction, and improvement of facilities for radio and television transmission and reception to Cuba, $453,106,000, of which not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $25,900,000, to remain available until expended, as authorized.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

The SPEAKER pro tempore. Are there amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

This title may be cited as the "Department of State and Related Agency Appropriations Act, 2002".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $98,700,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $89,054,000, of which $13,000,000 shall remain available until expended for capital improvements at the U.S. Merchant Marine Academy.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, $30,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2002, commitments to subsidize loans authorized under this heading shall not exceed $1,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,978,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

Commission for the Preservation of America's Heritage Abroad

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $489,000, as authorized by section 1303 of Public Law 99–83.

Commission on Civil Rights

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,096,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

Commission on International Religious Freedom

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $3,000,000, to remain available until expended.

Commission on Security and Cooperation in Europe

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,499,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

Congressional-Executive Commission on the People's Republic of China

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $500,000, to remain available until expended.

Equal Employment Opportunity Commission

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed $30,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, $310,406,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

Federal Communications Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $238,597,000, of which not to exceed $300,000 shall remain available until September 30, 2003, for research and policy studies: *Provided*, That $218,757,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at $19,840,000: *Provided further*, That any offsetting collections received in excess of $218,757,000 in fiscal year 2002 shall remain available until expended, but shall not be available for obligation until October 1, 2002.

Federal Maritime Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $15,466,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

Federal Trade Commission

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $2,000 for official reception and representation expenses, $155,982,000: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed $155,982,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than $0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $329,300,000, of which $310,000,000 is for basic field programs and required independent audits; $2,500,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $12,400,000 is for management and administration; and $4,400,000 is for client self-help and information technology.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2001 and 2002, respectively.

Section 504(a)(16) of Public Law 104–134 is hereafter amended by striking "if such relief does not involve" and all that follows through "representation".

Marine Mammal Commission

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,732,000.

National Veterans Business Development Corporation

For necessary expenses of the National Veterans Business Development Corporation as authorized under section 33(a) of the Small Business Act, as amended, $4,000,000.

Pacific Charter Commission

SALARIES AND EXPENSES

For necessary expenses for the Pacific Charter Commission, as authorized by the Pacific Charter Commission Act of 2000 (Public Law 106–570), $2,500,000, to remain available until expended.

Securities and Exchange Commission

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $109,500,000 from fees collected in fiscal year 2002 to remain available until expended, and from fees collected in previous fiscal years, $328,400,000, to remain available until expended; of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the

Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections: *Provided further*, That fees collected as authorized by section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) for sales transacted on, and with respect to securities registered solely on, an exchange that is initially granted registration as a national securities exchange after February 24, 2000 shall be credited to this account as offsetting collections: *Provided further*, That for purposes of collections under section 31, a security shall not be deemed registered on a national securities exchange solely because that national securities exchange continues or extends unlisted trading privileges to that security.

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AMENDMENT NO. 34 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. OXLEY:

Page 94, beginning on line 9, strike ": *Provided further*, That fees" and all that follows through line 20 and insert a period.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment to the Commerce-Justice-State appropriations bill to strike language that would amend the Federal securities laws with respect to the treatment of certain SEC fees.

The provisions that my amendment would strike pertain to an issue that has already been addressed in much more comprehensive form in the form of H.R. 1088, the Investor and Capital Markets Fee Relief Act.

That bill, which was approved in the House with a resounding bipartisan vote of 404 to 22, reduces the excess fees that investors are currently paying in connection with securities transactions, IPOs, and other securities activities.

My amendment strikes language that would change the treatment of certain exchange-traded transactions for purposes of allocating fees charged under section 31 of the Securities and Exchange Act for budgetary purposes.

Rather than addressing this issue in a piecemeal fashion and outside the consideration of the committee of jurisdiction, and that would be the Committee on Financial Services, it should be addressed, as it already has been, in H.R. 1088.

I want to thank my good friend, the gentleman from Virginia (Mr. WOLF), the chairman of the subcommittee, for his cooperation on this matter, as well as for his support of H.R. 1088, and urge all Members of the body to support my amendment to reduce SEC fees in a comprehensive manner, rather than in the appropriations process. I urge support for the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we will accept the amendment. We have spoken with the gentleman from the class of 1980, and we have no objection to the amendment.

We want to assure the gentleman that these provisions were not intended to infringe upon the gentleman's jurisdiction in any way.

Lastly, if there are any unforeseen circumstances, as we mentioned to the gentleman, in which the gentleman's legislation is not enacted, the committee will need to reconsider the inclusion of this language in the conference report.

But it is a good amendment, and we strongly accept it.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be very brief. I just want to reiterate what the chairman just said. We, of course, support the gentleman's amendment; but if we run into this problem that the gentleman's bill is not passed, we would hope that he will join us in making sure that this language is put back in. He is shaking his head.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105–135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $303,581,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $11,927,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $1,500,000, to be available until expended; and for the cost of guaranteed loans, $77,000,000, as authorized by 15 U.S.C. 631 note, of which $45,000,000 shall remain available until September 30, 2003: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2002 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed $3,750,000,000: *Provided further*, That during fiscal year 2002 commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed $10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2002 guarantee commitments under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed $4,100,000,000.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

Page 96, line 10, strike "$4,100,000,000" and insert the following:

the levels established by section 20(h)(1)(C) of the Small Business Act (15 U.S.C. 631 note)

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I bring this amendment, along with my colleague, the ranking minority member on the Committee on Small Business, the gentlewoman from New York (Ms. VELÁZQUEZ), and thank her for her help.

This amendment is very simple. It increases the guaranteed commitment levels for the Small Business Administration's two Small Business Investment Company programs to reflect the levels established by Congress in the SBA Reauthorization Act. It does not call for any increased spending.

Mr. Chairman, I understand that the gentleman from Virginia (Mr. WOLF) is going to accept the amendment.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we accept the amendment. The gentleman has worked with us in developing this amendment. We have no objection to it.

However, I would note that we have assumed a zero subsidy rate for the SBIC programs based on anticipated authorization changes.

I am sure the gentleman is aware that in the event those changes are not enacted, that both the SBIC programs do not operate with a zero subsidy rate, we will certainly not be in a position to maintain such a generous program level limitation.

With that, we accept the amendment and congratulate the gentleman.

Mr. MANZULLO. The gentleman is correct in his assumption.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 20, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the bill from page 96, line 11, through page 107, line 20, is as follows:

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $84,510,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, $120,354,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which $500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General; of which $110,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program; and of which $9,854,000 is for indirect administrative expenses: *Provided*, That any amount in excess of $9,854,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572; 106 Stat. 4515-4516), $6,835,000, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peacekeeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2002.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings "Operations, Research, and Facilities" and "Procurement, Acquisition and Construction" may be used to implement sections 603, 604, and 605 of Public Law 102–567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 613. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 614. Hereafter, none of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 615. Of the funds appropriated in this Act under the heading "Office of Justice Programs—State and Local Law Enforcement Assistance", not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 616. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 617. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as amended.

(b) Subsection (a)(1) of section 616 of that Act, as amended, is further amended—

(1) by striking "Claudy Myrthil,".

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2002.

SEC. 618. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 619. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $575,000,000 shall not be available for obligation until the following fiscal year.

SEC. 620. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 621. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or nonimmigrant visas, or both, consistent with the Secretary's determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 622. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

The CHAIRMAN. Are there any amendments to this section of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 623. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

AMENDMENT NO. 33 OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. OLVER:

Page 107, beginning on line 21, strike section 623 (relating to Kyoto Protocol).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I have is a simple one. It detracts nothing from the respect that I have for the chairman, who has done such a good job with this bill, nor of the ranking member, the gentleman from New York (Mr. SERRANO), who has joined him in presenting what I think is, in whole, an excellent bill.

But I rise to strike section 623 from this legislation, which, as indicated, would be a provision on any funding used for anything, really, related to global warming. I hope that this amendment would be accepted.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, we accept the amendment.

Mr. OLVER. Mr. Chairman, I thank the gentleman.

Mr. Chairman, for the most part, this bill is an excellent bill, and I greatly respect the outstanding work of the chairman of the subcommittee, the gentleman from Virginia, and of the ranking member on the subcommittee, the gentleman from New York.

I rise to strike section 623, an anti-environmental rider, which is meant to prevent any and all action to address the climate change caused by global warming.

Last week, the gentleman from Maryland (Mr. GILCHREST) and I offered this same amendment on the Agriculture appropriations bill which was graciously accepted by the Chair and adopted by voice vote. Less than 2 months ago, this House adopted a sense of the Congress relating to global warming, in the Foreign Relations Authorization Act, and that sense of Congress pointed out that global climate change poses a significant threat to national security. And just this morning, the Chairman of the VA–HUD Appropriations Subcommittee, the gentleman from New York, removed this egregious language from that bill. I am extremely pleased to see that the debate on global warming, in the House of Representatives, is moving in the right direction.

Regardless of the fate of the Kyoto Protocol, there is overwhelming, peer reviewed, sound scientific evidence that global warming is occurring, and substantially due to human influence—the National Academy of Science has very recently reaffirmed that fact. Placing a gag order on federal agencies can only stifle our ability to address this critical environmental issue—at a time when carefully considered, but comprehensive action is needed.

As I explained last week, this rider is not new. It dates back to the Clinton Administration, when the majority believed with good reason that President Clinton would have acted to implement Kyoto.

But President Bush has made it clear that he has no intention of implementing the Kyoto Protocol. He has even declared the Kyoto protocol "dead."

So, if this Administration isn't even remotely thinking about implementing the Kyoto Protocol, what is the language that this amendment would strike really about?

It is really about preventing any serious progress at all on global warming—our most serious environmental issue for the 21st century. The rider is used to badger federal agencies and to demand repeated explanations for their environmental activities. The Inspector General was recently forced to investigate alleged violations of the rider by the EPA, Department of Energy, and the State Department and found no instances of violation.

This rider jeopardizes executive agency work on any and every issue related to climate change—which the U.S. is obligated to address as part of the United Nations framework Convention on climate change. Remember that the UN Framework Convention on climate change was proposed for ratification by then President George Herbert Walker Bush in September 1992, ratified by the Senate in October 1992, and took force in 1994.

Mr. Chairman, the United States has an obligation to be an international leader on global warming. We owe it to our children who deserve to inherit a healthy planet. The consequences of global warming will not be mild and we must being to act soon.

The American public wants this Congress and this Administration to find a way to address global warming. How we do that, is NOT the subject of today's debate. This vote has nothing to do with implementing or even liking the Kyoto Protocol.

I urge this body to pass this and all remaining Appropriation bills, free of this ill-conceived and unneeded rider. Allow our agencies to search for ways and measures authorized by the already ratified UN Framework to begin addressing greenhouse gases.

I urge a yes vote on the Gilchrest/Olver amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VII—RESCISSIONS

DEPARTMENT OF COMMERCE

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $115,000,000 are rescinded.

EMERGENCY STEEL GUARANTEED LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, $10,000,000 are rescinded.

AMENDMENT NO. 25 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Ms. JACKSON-LEE of Texas:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. Of the amounts made available under the heading "Immigration and Naturalization Service, Enforcement and Border Affairs", $20,000,000 may be used for a program of alternatives to detention for aliens who are not a danger to the community and are not likely to abscond.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I have a point of order against the amendment.

The CHAIRMAN. The gentleman from Virginia will state his point of order.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it provides for an appropriation for an unauthorized program, and it therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I serve on the Committee on the Judiciary, the authorizing subcommittee, the Subcommittee on Immigration and Claims. In that capacity, I am seeing on a regular basis the impact that this amendment tries to address.

This amendment would earmark a relatively small amount of INS detention funds, $20 million, for the implementation of alternatives to detention for those persons who are not a danger to society and are not in danger of absconding.

The financial and human costs of detaining foreign nationals in the United States has increased exponentially in recent years. INS detention costs now total more than $1 billion a year. More than 22,000 aliens are currently detained by the INS, and the number is growing.

Sixty percent of detained aliens are held in local and county jails. The rest are detained in INS-owned and operated facilities. Many of these detained are neither a danger to themselves or their communities, and they are not in danger of absconding. Detaining these people wastes valuable Federal resources that could be put to better use.

Detention is not only costly in dollars, it is costly, as well, in terms of human suffering, as people are needlessly separated from loved ones. Often the person in the detention is the breadwinner.

Asylum seekers, children, and other people with strong community ties should not be detained. The INS should support alternatives to detention nationwide. Faith-based and other organizations are willing to work with the INS to make such projects work.

I urge the committee to adopt this amendment that will be allowed to utilize alternative detention, particularly for those who are not prepared to abscond, are not dangerous to society, and are simply seeking the opportunity to be free in this country, away from persecution.

I believe this is a right direction and a response to those who are not in any way endangering the lives and conditions of Americans, like children, like families, and like those who simply want to be free.

Mr. WOLF. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman insists on his point of order.

Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment proposes to earmark certain funds in the bill under Clause 2(a) of rule XXI. Such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests with the proponent of the amendment.

Finding that this burden has not been carried, the point of order is sustained and the amendment is not in order.

AMENDMENT NO. 21 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to remove, deport, or exclude any alien from the United States under the Immigration and Nationality Act for conviction of a crime if the alien—

(1) before April 1, 1997, entered into a plea agreement under which the alien pled guilty to the crime that renders the alien inadmissible or deportable; and

(2) after June 25, 2001—

(A) requests discretionary relief under section 212(c) of the Immigration and Nationality Act (as in effect at the time of the alien's plea agreement) on the ground that the opinion of the Supreme Court of the

United States rendered in Immigration and Naturalization Service v. St. Cyr, 533 U.S. (2001) renders the alien eligible to seek such relief; and

(B) has not received a final order of removal, deportation, or exclusion upon denial of such request.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia will be recognized in opposition to the amendment.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member and the chairman, and I hope that by the time I conclude we will have an opportunity to agree on this amendment because it seeks to comply with a recent decision by the United States Supreme Court that aliens who came to a plea agreement prior to the enactment of the 1996 Anti-terrorism and Effective Death Penalty Act and Illegal Immigration Reform and Responsibility Act be afforded their due process rights by enabling them to seek relief from removal under the same circumstances that existed prior to the effective date of these 1996 acts.

In essence, this is simply to allow due process, which certainly is, I believe, an important remedy on the floor of this House. Specifically, my amendment would amend H.R. 2500 to specify that none of the funds in the bill may be used to remove, deport, or exclude an alien for a conviction of a crime if the alien entered into a plea agreement before April 1, 1997, or who, after June 25, 2001, requested 212(c) relief, which gives the Attorney General discretion to waive deportation of resident aliens under the Immigration and Naturalization Act, pursuant to the recent Supreme Court decision in INS v. St. Cyr, or who has not received a final deportation removal order.

On June 25, 2001, the United States Supreme Court issued a decision in the case of INS v. St. Cyr that people who had pleaded guilty to a deportable offense at a time when they may have been eligible for relief from removal under then section 212(c) of the Immigration and Nationality Act remain eligible for the 212(c) waiver. Under the Supreme Court ruling, so long as an immigrant was eligible for 212(c) waiver at the time of his or her guilty plea under the law as it existed at that time, they remain eligible for the waiver regardless of when the INS started deportation or removal proceedings.

There have been reports by some attorneys who represent clients who have become eligible for relief pursuant to the Supreme Court's St. Cyr decision that the INS is moving to remove them from the United States, despite their possible eligibility for a waiver and to be able to apply due process under the Supreme Court case.

I would suggest that if aliens who are represented by attorneys are being removed despite the decision of the Supreme Court, it is almost certain there are some individuals who are not represented who are also eligible for relief. Because there is no procedure to allow a person who has been removed from the United States to pursue 212(c) relief from outside the country, an individual who is removed from the United States would therefore be ineligible for the very relief which the Supreme Court has said they are now entitled to.

My amendment would not provide relief legislatively to any individuals. The decision on whether to grant relief would be up to the immigration judges. I do not interfere with that process. Those judges will be required to weigh the individual circumstances with the requirements of the law as the law existed prior to the enactment of AEDPA and the IIRIRA. Removal of these individuals prior to ascertaining the eligibility for 212(c) relief would constitute an unconscionable violation of their due process rights, in contravention of the decision of the U.S. Supreme Court.

I urge my colleagues to consider this correction, which is without a request for funding. It is, in essence, budget-neutral. It is simply to reinforce the due process that is necessary to provide anyone with their right to access justice.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we really should not be going here. We should not be doing this. We are not the authorizers. This is so complex. It is my understanding that the INS is still trying to interpret this case and its subsequent impact on the INS.

We understand the gentlewoman is seeking to ensure that aliens qualified under the St. Cyr decision benefit from the decision, but I am not sure if the amendment does that or goes farther. The Committee on the Judiciary has concerns. We have been trying to reach the gentleman from Pennsylvania (Mr. GEKAS), who is chairman of the Subcommittee on Immigration and Claims; but he is not available.

This is a very complicated case. There are legions of lawyers at the INS still trying to figure this out, and I would not want, nor do I think the Congress would want, to impose another layer that would only complicate this issue. So this is just not a place we should go, and I strongly urge that we oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

AMENDMENT NO. 20 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Ms. JACKSON-LEE of Texas:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in title I of this Act may be used to prohibit states from participating in voluntary child safety gun lock programs.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank my colleagues for their indulgence.

We have found over the course of this debate dealing with safety and guns, and I want to remove this from being a divisive debate, that we have a lot that we can agree upon. In fact, the President of the United States himself, while the Governor of the State of Texas, supported voluntary trigger lock programs. This particular amendment is a limitation and does not have a budget impact. It simply asks that we not allow any funds to be utilized to prohibit the utilization or the implementation of voluntary safety lock programs in the States throughout the Nation.

Each year, teenagers and children are involved in more than 10,000 accidental shootings in which close to 800 people die. In addition, every year 1,300 children use firearms to commit suicide. In 1998, the year for which the most recent total statistics are available, there were 1,971 juvenile deaths attributable to firearms. Of the juvenile total, 1,062 were homicides or due to legal interventions; 648 were suicides; 207 were unintentional; and 54 were of unknown causes. From 1993 to 1998, firearm-related deaths for juveniles have decreased by an average rate of 10 percent annually, for an overall decrease of 40 percent.

However, even one child who dies from a gun death is one too many. And I am sure that we all can come to an agreement that we have had a meeting of the minds on the value of voluntary trigger lock programs, safety programs that, one, can be taught in the school; and, two, can engage parents and communities to be able to assist us in working together. I also have had hearings on the issue of bullying in the schools, so I recognize that there are many elements to violence among children. But if we can do anything that would ensure that we have a common agreement, it is to be able to support safety locks and the technology behind them.

I would also just say to my colleagues that safety locks have been tested. The committee has reported that no funds shall be obligated for the purchase and distribution of gun safety locks until the National Institute of Standards and Technology develops national standards for the locks, but we are also asking that they not prevent individual jurisdictions from participating in a gun safety lock program.

With that, Mr. Chairman, I ask my colleagues to join in supporting this amendment, which has no statement on a Member's support or nonsupport on guns. It only says we want to make sure that our children are safe.

Mr. Chairman, this amendment to Title I of the appropriations bill, which provides spending for the Department of Justice, states that no federal funds can be used to prohibit states from participating in voluntary gun child safety-lock programs.

As a parent and chair of the Congressional Children's Caucus, the safety of children is of utmost concern to me. For example, this year I have introduced H.R. 70, a bill which would prohibit keeping a loaded firearm or an unloaded firearm and ammunition within any premises knowingly or recklessly disregarding the risk that a child is capable of gaining access to it and will use the firearm to cause death or serious bodily injury.

Even more alarming, is the fact that the number of homicides committed annually with a firearm by persons in the 14- to 24-year-old age group increased sharply from 1985 to 1993; they have declined since then, but not to the 1985 level. According to the Bureau of Justice Statistics, from 1985 to 1993, the number of firearm-related homicides committed by 14- to 17-year-olds increased by 294%, from 855 to 3,371. From 1993 to 1999, the number of firearm-related homicides committed by persons in this age group decreased by 65%, from 3,371 to 1,165. A Department of Justice survey indicated that 12.7% of students age 12 to 19 reported knowing a student who brought a firearm to school. We have made valuable strides in protecting our youth from gun violence, but we have not done enough.

This Congress and the Administration have taken an important step in this bill by requesting $75 million for Program ChildSafe. According the majority Committee's report on this program, it will help make sure that gun safety locks are available for every handgun in America. Although this legislation does not require gun safety locks, as should be done, its intent is commendable.

However, by offering this amendment, I want to make sure that there is no other "back door" legislation that will act to discourage states from participating in this or any other federally funded program that provides gun safety locks.

Gun safety locks will not save all our children from death from a gun. However, they do play an important role in protecting children who get access to a gun. It is important that at both the state and federal levels our government supports these efforts, not hampers them.

I urge my colleagues to join me in supporting this amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume, and I rise to simply say that we accept the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 29 offered by the gentlewoman from New York (Mrs. MALONEY), amendment No. 28 offered by the gentlewoman from New York (Mrs. MALONEY), amendment No. 17 offered by the gentleman from Texas (Mr. DELAY), and amendment No. 21 offered by the gentlewoman from Texas (Ms. JACKSON-LEE of Texas).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 29 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 29 offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 217, not voting 7, as follows:

[Roll No. 239]

AYES—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—217

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood

Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Gilman
Hutchinson
Jefferson
Paul
Riley
Spence
Weldon (FL)

☐ 1634

Mr. TERRY changed his vote from "aye" to "no."

Messrs. RANGEL, TOWNS, TURNER, BOSWELL, and FLETCHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GILMAN. Mr. Chairman, on rollcall No. 239 I was inadvertently detained. Had I been present, I would have voted "no".

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, let me begin by appreciating the members of the committee, the floor managers, and the Members with amendments for their cooperative work today. We are making fine progress on this bill. There is every reason for us to understand that we can complete our work on this bill this evening. So after this series of votes, I am going to ask the committee to go back to this bill. We would expect to complete our work on this bill this evening. We would then probably find it late in the evening, too late, to pick up H.R. 7 tonight, so we would turn our attention to H.R. 7 in the morning as the first order of business following the rule.

I want to again thank everybody for their cooperation and say, let us go back to work and get this bill done.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Texas.

Mr. OBEY. Let me simply say, I agree with the gentleman that the committee is making good progress. There are still a number of hurdles that we are going to have to get over tonight if we are going to be finished. It will require the cooperation of every Member in terms of limiting time on amendments which we will try to get done. We are not there yet, but I hope that we can get there if we have a reasonable sense of flexibility on Members' part.

Mr. ARMEY. Mr. Chairman, I may just remind all the Members, unless you had a particular fire burning in your heart, you would always find it an attractive option to put it in the RECORD.

AMENDMENT NO. 28 OFFERED BY MRS. MALONEY OF NEW YORK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—ayes 215, noes 215, not voting 3, as follows:

[Roll No. 240]

AYES—215

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu
Wynn

NOES—215

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw

Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—3

Hutchinson
Riley
Spence

□ 1646

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. DELAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 424, noes 6, not voting 3, as follows:

[Roll No. 241]

AYES—424

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—6

Ackerman
Clay
Hastings (FL)
McDermott
Mink
Stark

NOT VOTING—3

Riley
Shows
Spence

□ 1654

Mr. STARK changed his vote from "aye" to "no."

Mr. MORAN of Virginia changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 242, not voting 2, as follows:

[Roll No. 242]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Grucci
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
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McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
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Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
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Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
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Sawyer
Scarborough
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Solis
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Thompson (CA)
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Towns
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NOES—242

Aderholt
Akin
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Baker
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Bass
Bereuter
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Brady (TX)
Brown (SC)
Bryant
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Buyer
Callahan
Calvert
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Capito
Carson (OK)
Castle
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Chambliss
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Collins
Combest
Cooksey
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Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
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Green (WI)
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Hyde
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Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
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Kennedy (MN)
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Knollenberg
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LaHood
Largent
Latham
LaTourette
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Lewis (CA)
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Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
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McCrery
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McInnis
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McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
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Osborne
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Paul
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Peterson (PA)
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Radanovich
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Rogers (KY)
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Ryan (WI)
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Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
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Spratt
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Stupak
Sununu
Sweeney
Tancredo
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Taylor (MS)
Taylor (NC)
Terry
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Thornberry
Thune
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Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—2

Riley
Spence

☐ 1704

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MARKEY. Mr. Chairman, during rollcall vote No. 242 on H.R. 2500 I mistakenly recorded my vote as a "no" when I should have voted "yes."

Mr. OBEY. Mr. Chairman, as the designee of the gentleman from New York (Mr. SERRANO), I move to strike the last word.

Mr. Chairman, it has been my intent to offer today an amendment to this bill that would have been a straight limitation on the Federal Communications Commission prohibiting the Commission from implementing any change in the current rules related to media cross-ownership and concentration of media ownership issues.

I am concerned with the current level of concentration in media markets. I think there are too few media outlets in many markets across the country. A concentration of media power into the hands of a few media companies is an issue I think every one of us in this body ought to be concerned about, and I think we need to take a closer look at this issue. That was the purpose of my amendment.

I am concerned that the current group of commissioners on the FCC, particularly the chairman, does not share this concern and may even be laying the groundwork for relaxing or even eliminating some of the media ownership limitations on the books at the FCC.

My amendment would not have tied the agency's hands in considering proposed changes. I just wanted to make sure that the Congress had an opportunity to review the proposals in the appropriate forum before the FCC could implement any changes to those rules. My amendment, therefore, would have delayed until the end of the year the implementation of any proposed changes to the rules addressed in media cross-ownership and concentration.

I know the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce, shares many of my concerns; and I know he also had concerns about the amendment I was considering because he feared it would tie the hands of the Commission to respond to any court order challenging the current rules, if there is such a court order, during the fiscal year.

So I would like to engage in a colloquy with the gentleman. Knowing of the gentleman's concerns regarding the issue of diversity in the media and maintaining the voice of local broadcasting, I would urge him to keep this issue at the front of the debate on the Committee on Energy and Commerce, and I would ask the gentleman one question: Can he tell us if the authorizing committee intends to hold hearings on the issue of media ownership?

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, first of all, I want to commend the gentleman for his position.

Second of all, I want to thank him for yielding.

Third of all, I want to tell the gentleman that I strongly agree with him. I assure the gentleman that I share his concerns about excessive concentration of ownership in media markets. In fact, I think there is too much concentration at this time. In fact, I just recently wrote the chairman of the FCC, as the gentleman knows, and expressed my strong belief that the current broadcast ownership cap should be retained and that the public interest requires that that be done. However, I also believe that the amendment originally proposed by my friend might have had some unintended consequences; and I want to thank him for deciding not to offer it today.

I will assure the gentleman from Wisconsin (Mr. OBEY) that I will work with him in all kinds of ways and on all occasions to try and see to it that his view and my view prevail on the matter of increasing concentration in the media.

There are several court cases pending that many believe will remand certain media ownership rules back to the FCC for further consideration and revision. Unless and until the FCC acts pursuant to a court order, there would be no ownership limitations in place if the amendment carried. That is an outcome that I believe neither of us would like to see.

I will assure the gentleman from Wisconsin that I will continue to work within the legislative committee. It will be my intent to work with my good friend from Wisconsin to assure that existing constraints on excessive media concentration are maintained. To that end, I am going to be requesting the chairman of the Committee on Energy and Commerce to hold hearings on that topic so that we can make better informed judgment as to how we might best protect the American public from the very real dangers that media concentration and media ownership concentration issues present.

Mr. Chairman, I want to thank the gentleman for yielding to me, and I want to commend him for what he has had to say today, and I wish to say to him again, I agree with him.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman. Let me simply say that I think that is a very helpful comment from him.

I think Members need to understand that we are in danger of seeing news outlets in this country virtually homogenized. We are in danger of seeing many local voices stilled by these constant mergers and mega-mergers between media corporations. We need a diversity of media expression in this country, and I hope that the FCC does not contribute to the exact opposite, as I fear they may be planning, and I thank the gentleman.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REYNOLDS) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

FURTHER LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. WOLF. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 2500 in the Committee of the Whole, pursuant to House Resolution 192 and the order of the House of July 17, 2001, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment); amendments numbered 14, 26 shall be debatable only for 10 minutes equally divided and controlled by the proponent and an opponent; amendments numbered 3, 30, 6, 7, shall be debatable only for 20 minutes equally divided and controlled by the proponent and an opponent; and, lastly, amendment numbered 12 shall be debatable only for 60 minutes equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. SERRANO. Mr. Speaker, reserving my right to object, and I will not object, but I just wanted to know, does our agreement now leave, to the gentleman's understanding, any amendments that are not covered by time limits?

Mr. WOLF. Mr. Speaker, if the gentleman will yield, there are just a couple that are not.

Mr. SERRANO. Mr. Speaker, do we know exactly how many?

Mr. WOLF. Mr. Speaker, I do not know. We will try to find out.

Mr. SERRANO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 192 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2500.

□ 1712

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the bill was open for amendment from page 108, line 17, through page 108, line 22.

Pursuant to the further order of the House, each amendment shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, may offer one pro forma amendment for the purpose of further debate on any pending amendment); amendments numbered 14, 26 shall be debatable only for 10 minutes equally divided and controlled by a proponent and an opponent; amendments numbered 3, 30, 6 and 7 shall be debatable only for 20 minutes equally divided and controlled by a proponent and an opponent; and amendment numbered 12 shall be debatable only for 60 minutes equally divided and controlled by a proponent and an opponent.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD) for the purpose of a colloquy with myself, the gentleman from Virginia (Mr. WOLF), and several other Members.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentleman for yielding.

I greatly appreciate the past support of the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies for programs that assist communities and industries adversely impacted by foreign trade, communities such as those in my own district where the textile and apparel industry has taken a significant hit from foreign competition over the last decade.

□ 1715

This has resulted in the loss of thousands of jobs to Mexico, China, and other countries.

The National Textile Center, administered by the Department of Commerce, helps to counter the negative impact of foreign competition through research that supports state-of-the-art manufacturing in our domestic textile and apparel industry.

Incredibly, the University of California, with an internationally recognized textile science program, is not a member of the National Textile Center consortium. As a result, it has been unable to obtain grants from the National Textile Center for its important research.

What makes the exclusion of the University of California even more surprising is the fact that California is the second largest textile- and apparel-producing State in the Nation, the leading manufacturer of apparel in the United States, having produced $13 billion worth of goods last year alone. And nationally, California is the largest employer in the apparel and textile trade, employing over 144,000 Californians.

If the National Textile Center is to be truly national, its membership should not be limited to eastern and southeastern institutions alone. Textile manufacturing in California is very different, and the emphasis of the University of California's research programs differs from that of these institutions.

As one of the leading manufacturing States in the country and a significant contributor to our Nation's economy, California's institutions are more than worthy of membership in the National Textile Center consortium.

I look forward to working with the gentleman from Virginia (Chairman WOLF) to implement a true national program that supports the textile and apparel industry throughout the United States.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to continue the discussion. For the last 9 years, the member colleges and universities of the National Textile Center have been doing research and outreach and support of the textile industry. Its research goals have been to discover, design, and develop new materials and innovative and improved manufacturing and integrated systems essential to the success of modern United States textile enterprises.

While the National Textile Center has been doing good work, they have neglected the research programs of two of the Nation's top textile-producing States, New York and California. Both Cornell University and the University of California at Davis, New York's and California's respective land grant universities, should be a part of this important research consortium.

New York is the number two State in apparel manufacturing based on annual gross State product. Apparel manufacturing is the largest manufacturing sector in New York City, and constitutes about one-third of all of New York City's manufacturing.

New York State employs the second-highest number of people in apparel manufacturing, after California. The apparel industry contributed $4.47 billion in value-added manufacturing and $9.64 billion in shipments to the 1997 New York State annual gross product.

At Cornell University, the Department of Textiles and Apparel is nationally recognized for its research and outreach that focus on apparel design, apparel technology, and fiber science. Beyond that, there are some extraordinarily innovative research and design programs that are going on at these institutions.

The research involved not only will impact what we traditionally recognize as apparel and textiles, but also has implications for public health, public safety, and even public works.

For example, Cornell researcher Anil Netravali has evaluated the use of epoxy lining for gas service pipes. Many of the service pipes that connect homes and businesses with the main gas lines are old and corroded, and are expensive to replace because of the extensive digging and disruption that is required.

I urge that these two schools be taken into consideration in this program. It is essential for the future of the textile industry in America.

Mr. Chairman, Professor C.C. Chu is working on biodegradable hydrogels that can be used in the medical sciences. The potential products from hydrogel textiles can be used in tissue engineering and could include skin, cartilage and even blood vessel replacement options. The availability of these tissue-engineered products could have significant implications for our health-care needs.

The National Textile Center is the primary federal funding source for university-based textile and apparel research. Cornell University and the University of California at Davis should be able to compete for the funds that are made available through this important Department of Commerce program. There is no justifiable reason for excluding these two esteemed institutions from participating in this research consortium.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just share the gentlewoman's interest in supporting our domestic textile and apparel industry. I understand the importance of up-to-date research for the manufacturers in her district and many other districts in the country. As a matter of fact, my congressional district has lost several textile facilities.

As the gentlewoman knows, we had to restore $13 million from the President's request for this very program. To add additional centers without providing additional funding would be inappropriate, but I would be pleased to work with the gentlewoman as we move to conference to try to ensure that California's and New York's concerns relating to the National Textile Center are given proper consideration.

AMENDMENT NO. 35 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 35 offered by Mr. ROHRABACHER:
>
> At the end of the bill (before the short title), insert the following:
>
> TITLE VIII—ADDITIONAL GENERAL PROVISIONS
>
> SEC. 801. None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) reserves a point of order.

The Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment in support of former American prisoners of war who were used by slave labor by Japanese corporations during the Second World War. These heroes survived the Bataan Death March, only to be transported to Japan and elsewhere in infamous death ships and then forced to work for Japanese companies under the most horrendous circumstances and conditions.

Private employees in these corporations tortured and physically abused these American POWs while the corporations withheld essential medical care and even the most minimal amount of food.

My amendment to H.R. 2500 would prohibit any funds in the act from being used by the United States government to prevent the former POWs from seeking a fair hearing against the Japanese companies who used them as slave labor in civil court.

This amendment is supportive of H.R. 1198, which is a bill that I have authored and put into the hopper which has over 160 cosponsors which calls for the United States government not to interfere with the efforts of former World War II POWs to have their day in court. This provision now, as I say, has over 160 bipartisan cosponsors.

After the war, approximately 16,000 POWs returned all battered and nearly starved from their terrible ordeal, many permanently disabled; their lives changed forever. Many of them had died during the war; 11,000 POWs died at the hand of the Japanese corporate controllers. The Japanese, by the way, had the worst record of physical abuse for POWs in recorded history.

Some 4,500 of the former POWs are still alive. Now, like many other victims of World War II and the atrocities of that war, the remaining survivors, our POWs, our most heroic defenders, are looking to try to seek justice and recognition for the ordeal they suffered.

They do not seek action or retaliation against the current Japanese Government or the current Japanese people, nor do they seek to portray Asian-Americans or the Japanese people in a negative light. Rather, our former POWs, these brave heroes, seek the opportunity to bring their case against Japanese corporations who used them as slave labor, to bring their case to civil court.

Japan has extended favorable reparation terms to many other victims of other countries, and they continue to settle war claims by other nationals of other countries. Unfortunately, to date our own State Department has asserted that our American POWs who were held by the Japanese have no claim against the Japanese corporations who worked them as slave labor.

Our State Department has stood in the way of these American heroes, these POWs, in their struggle to obtain justice by restricting their ability to go to court. They have a very restrictive reading of the peace treaty between the United States and Japan, and are thus betraying our own POWs in order to protect Japanese corporations from our POWs seeking legal redress against them.

It is, therefore, up to this Congress to pass this bill and to force our State Department to get out of the way and let our POWs have their day in court.

This is a balanced and fair response to the situation. Many of the companies, the Japanese companies in question, are household names in the

United States. As an ethical and moral matter, they should have voluntarily sought to close the book on this injustice a long time ago.

I would hope that we can put this type of restriction into this bill that would prevent the State Department from using any funds that we authorize and appropriate today in order to prevent our POWs from suing the Japanese corporations that used them as slave labor in the Second World War.

Mr. WOLF. Mr. Chairman, I continue to reserve a point of order, and I move to strike the last word.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to say to my dear friend, the gentleman from California (Mr. ROHRABACHER), I am entirely sympathetic with what he is seeking to do. I just think it is inartfully done in the gentleman's amendment.

He seeks to inhibit the government from filing any motion. There are lots of other pleadings and litigation besides a motion. There is an answer, there are interrogatories. There are all sorts of documents that could circumvent what the gentleman is attempting to do. It is too narrow.

Second, fraud, it is an open door to fraud. If the gentleman stops the government from denying that some plaintiff was not a POW, is a phony, that can happen easily. All kinds of people claim war records. The gentleman opened the door for that.

I think what the gentleman wants to do is meritorious, but it is going to require a lot more attention. I would prefer the gentleman to have a bill, and we have some hearings and have some scholarship look at this and do it right.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, does the gentleman not believe it would be better to have those very objections that he mentioned settled by a judge rather than settled in the bureaucracy, with all the political pulls that are on our bureaucracy?

Mr. HYDE. Access to the courts is a legal element. Sometimes there is standing, sometimes there is not. I think that there is an issue here to be looked at.

There is some law here, law of treaties, but I have no problem with the court adjudicating these, because I want the people who are going into court to be there under proper pleadings, not just inhibit the motion by the government. That does nothing. I do not want to invite fraud, which I think the gentleman's amendment does.

Mr. ROHRABACHER. If the gentleman will continue to yield, I would say to the gentleman from Illinois, we obviously have a disagreement.

Mr. HYDE. Surely. Mr. Chairman, if the gentleman will yield further, I admire what the gentleman from California is trying to do. I just do not think it is done properly in the gentleman's amendment.

Mr. WOLF. Reclaiming my time, Mr. Chairman, perhaps we can work with the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. ROHRABACHER) as we get to the point. But I think the gentleman makes a valid point.

If the gentleman could sit down with them, maybe we could work something out by the time we finish up the bill.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law, which constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ROHRABACHER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair will hear any argument on the point of order. The gentleman from California is recognized.

Mr. ROHRABACHER. Let me just note, Mr. Chairman, that many of the objections that my good friend and the chairman have made I believe frankly could be taken care of easily by simply letting the POWs that we are referring to take their case to court, because then the court would determine whether or not there had been fraud, whether or not the people have a just claim, whether or not the records were sufficient in order to prove their case.

All of the objections that the good chairman just made can easily be determined by a judge, and that is my intent. That is the intent of this legislation.

Instead, by letting our State Department use our money, the taxpayers' money, to block our POWs, the survivors of the Bataan Death March, from going to court, what we are doing is we are getting in the way of having a judicial decision on those very issues.

□ 1730

No, what we should be doing now is not abandoning the Bataan Death March survivors again.

Let us remind ourselves that in World War II these men, and a few women, yes, were abandoned by the United States Government on the Bataan Peninsula. And when it was determined that they could not go back to save them without risking further American lives in a defeat, we abandoned them. And then after the war, when they were finally freed from Japanese captivity, our State Department abandoned them again.

They need their day in court. That is where those determinations should be made.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman cannot yield under a point of order.

Mr. HYDE. May I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman if he wishes to speak on the point of order.

Mr. HYDE. I wish to speak, if I may.

I agree with everything my friend said, except he wants them to have a day in court, but he also does not want the Government to be permitted to participate. The gentleman's amendment says no motion denying this or that; an open door to fraud. But the gentleman cannot have a court hearing unless there are two parties.

Mr. ROHRABACHER. The parties are the corporations that worked them as slave laborers and our POWs. The United States Government should not be getting in the way.

The CHAIRMAN. The gentleman will suspend. The Chair will endeavor to hear arguments on both sides and not a colloquy between Members.

Mr. ROHRABACHER. Yes, sir.

Mr. HYDE. The Chair is right.

The CHAIRMAN. Does any further Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The gentleman from Virginia makes a point of order that the amendment offered by the gentleman from California proposes to change existing law, in violation of clause 2(c) of rule XXI.

The amendment is in the form of a limitation. The limitation is properly confined to the funds in the pending bill and to the fiscal year covered by the pending bill. The limitation proposes a negative restriction on those funds by objectively identifying a purpose to which they may not be put.

The Chair finds that the amendment refrains from imposing new duties or requiring new determinations. It only requires an interventor to take cognizance of the action, all of which would already be a matter of public record in the courts, in which he would intervene. By simply denying funds for a specified object, the amendment refrains from legislative prescription. The Chair therefore holds that the amendment proposes a proper limitation. The point of order is overruled.

The gentleman from California (Mr. ROHRABACHER) is recognized for 30 seconds on his amendment.

Mr. ROHRABACHER. Mr. Chairman, I would hope that my colleagues support my amendment, and I am very grateful to the Chair for ruling it in order.

All we are suggesting is that the money that we are appropriating here not be used to thwart the right of some of the greatest heroes in American history who were betrayed by their own government during World War II. This will prevent our State Department from continuing their policy of thwarting the legal suits by American POWs, the Bataan Death March survivors, against the Japanese corporations that worked them as slave laborers.

I would ask all of my colleagues to support my amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my colleague's amendment, prohibiting the use of government funds to oppose civil actions brought by U.S. veterans who were victims of Japanese forced or slave labor during World War II. It is our responsibility to ensure that these veterans who served in the Pacific Theater and then were victimized as prisoners of war in Japan can pursue justice.

Many of these soldiers survived the Bataan Death March which required them to march over 60 miles with little or no food or water. Hundreds of U.S. soldiers died of dehydration, starvation, and worse on this march. When they arrived in Japan, the American prisoners of war were turned over to private Japanese companies to serve as slave laborers. Thousands of soldiers perished laboring for these private companies.

These American prisoners of war have been seeking an apology and adequate compensation from the Japanese companies for the hard labor and atrocities they were forced to endure during their time in the slave labor camps. I was appalled to learn that the U.S. Government has opposed the veterans' efforts to recover compensation from the Japanese companies, instead of helping them resolve their claims.

This is especially tragic given the U.S.-German agreement signed on July 17, 2000, that established the German Foundation, "Remembrance, Responsibility and the Future," which is charged with resolving similar claims by civilian slave laborers against German companies. Last month, these long-awaited compensation payments went out to some 10,000 Holocaust survivors who performed slave and forced labor.

Our veterans should not be denied their day in court. It would be unconscionable for our veterans, who fought for their country and performed slave labor under the most brutal of conditions, to be further denied their right to pursue the apology and compensation they have long deserved. I urge my colleagues to join me in supporting this amendment calling attention to this egregious situation.

Mr. COX. Mr. Chairman, I oppose the amendment. The effect of this amendment is to abrogate our post-World War II agreement with Japan on reparations to U.S. citizens injured by Japan during World War II. It would bar the Justice Department and the State Department from using appropriated funds "to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II he or she was used as slave or forced labor."

Although U.S. POWs used as slave laborers deserve redress, this amendment may raise serious constitutional concerns. During the Reagan Administration, the Department of Justice regularly advised Congress of its constitutional concerns over the so-called Rudman Amendment, a funding bar annually added by Congress that purported to bar the President from spending appropriated funds to advocate in court the view that the antitrust laws did not bar vertical non-price restraints. The Justice Department believed that the Rudman Amendment represented an attempt to accomplish indirectly through the appropriations power that Congress could not, consistent with the Constitution, accomplish directly through legislation—namely, to tell the President how to "take Care that the laws [in this case, the antitrust laws] be faithfully executed." The Justice Department took this view even though the legal question was simply one of statutory construction, i.e., the proper interpretation of a law wholly within Congress's legislative domain, because it also implicated the Take Care Clause—a grant of power to the President directly under the Constitution, and not a grant of delegated legislative authority. If accordingly represented an unconstitutional condition.

This amendment appears to raise a still more serious constitutional question, because in addition to attempting to use the appropriations power indirectly to control the executive branch's interpretation of statutes pursuant to the Take Care Clause, it also attempts indirectly to use the appropriations power to control the President's exercise of the Foreign Affairs Power—a power he also enjoys directly under the Constitution, and not by grant of delegated legislative authority. This is so because the executive branch's position in such litigation could rest directly on the President's foreign affairs power.

As a result, it would be better to pursue any appropriate redress through direct executive-branch negotiations with the Government of Japan.

Mr. Chairman, the Bush administration opposes this amendment. Moreover, Mr. Chairman, there are several additional reasons to oppose this amendment, despite its noble purpose of assisting former prisoners of war. These reasons are eloquently set forth in the following correspondence from the Honorable George P. Schultz, former U.S. Secretary of State:

JUNE 1, 2001.

DEAR MR. CHAIRMAN: I am writing to you to express my deep reservations about H.R. 1198—The Justice for the U.S. Prisoners of War Act of 2001. I believe the passage of this act would be a direct challenge to the ability of the United States to make and execute treaties.

I express my opposition to the bill against the background of tremendous sympathy for the problems of the United States' citizens who have in one way or another been harmed, many severely, in the course of war and its sometimes dehumanizing impact.

But the bill in question would have the effect of voiding the bargain made and explicitly set out in the Treaty of Peace between Japan, the United States and forty-seven other countries. President Truman with the advice and consent of the Senate ratified the Treaty and it became effective April 28, 1952. The Treaty has served us well in providing the fundamental underpinning for the peace and prosperity we have seen, for the most part, in the Asia Pacific region over the past half-century.

The treaty addresses squarely the issue of compensation for damages suffered at the hands of the Japanese. Article 14 in the Treaty sets out the terms of Japanese payment "for the damage and suffering caused by it during the war." The agreement provides:

1. a grant of authority to Allied powers to seize Japanese property within their jurisdiction at the time of the Treaty's effective date;

2. an obligation of Japan to assist in the rebuilding of territory occupied by Japanese forces during the war; and

3. waiver of all "other claims of the Allied Powers and their nationals arising out of any action taken by Japan and its nationals of the war."

The interests of Allied prisoners of war are addressed in Article 16, which provides for transfer of Japanese assets in neutral or enemy jurisdictions to the International Red Cross for distribution to former prisoners and their families.

H.R. 1198 challenges these undertakings head on, as it says, "In any action in a Federal court, ... the court . . . . shall not construe section 14 (b) of the Treaty of Peace with Japan as constituting a waiver by the United States of claims by nationals of the United States, including claims by members of the United States Armed Forces, so as to preclude the pending action."

I have read carefully an opinion of Judge Vaughn R. Walker of the U.S. District Court in California rendered on September 21, 2000, dealing with claims, many of a heart-rending nature. His reasoning and his citations are incisive and persuasive to me. He writes, "The cases implicate the uniquely federal interests of the United States to make peace and enter treaties with foreign nations. As the United States has argued as amicus curiae, there cases carry potential to unsettle half a century of diplomacy." Just as Judge Walker ruled against claims not compatible with the Treaty, I urge that Congress should take no action that would, in effect, abrogate the Treaty.

The chief negotiator of the Treaty on behalf of President Truman was the clear-eyed and tough-minded John Foster Dulles, who later became Secretary of State for President Eisenhower. He and other giants from the post World War II period saw the folly of what happened after World War I, when a vindictive peace treaty, that called upon the defeated states to pay huge reparations, helped lead to World War II. They chose otherwise: to do everything possible to cause Germany and Japan to become democratic partners and, as the Cold War with the Soviet Union emerged, allies in that struggle.

As Judge Walker notes in his opinion, "the importance of a stable, democratic Japan as a bulwark to communism in the region increased." He says, "that this policy was embodied in the Treaty is clear not only from the negotiations history, but also from the Senate Foreign Relations Committee report recommending approval of the Treaty by the Senate . . . and history has vindicated the wisdom of that bargain."

I served during World War II as a Marine in the Pacific. I took part in combat operations. I had friends—friends close to me—friendships derived from the closeness that comes from taking part in combat together, killed practically beside me. I do not exaggerate at all in saying that the people who suffered the most are the ones who did not make it at all. I have always supported the best of treatment for our veterans, especially those who were involved in combat. If they are not being adequately taken care of, we should always be ready to do more.

If you have fought in combat, you know the horrors of war and the destructive impact it can have on decent people. You also know how fragile your own life is. I recall being the senior Marine on a ship full of Marines on our way back from the Pacific Theatre after three years overseas. We all knew that we would reassemble into assorted forces for the invasion of the Japanese home islands. As Marines, we knew all about the bloody invasions of Tarawa, the Palaus, Okinawa, Iwo Jima, and many other islands. So we knew what the invasion of the Japanese home islands would be like.

Not long after we left port, an atomic bomb was dropped on Japan. None of us knew what that was, but we sensed it must be important since the event was newsworthy enough to get to our ships at sea. Then we heard of a second one. Before our ship reached the States, the war was over.

I have visited Japan a number of times and I have been exposed to Hiroshima and Nagasaki. Civilians there were caught up in the war. I am sympathetic towards them. I have heard a lot of criticism of President Truman for dropping those bombs, but everyone on that ship was convinced that President Truman saved our lives. Yes, war is terrible, but the Treaty brought it to an end.

The Bill would fundamentally abrogate a central provision of a fifty-year-old treaty, reversing a long-standing foreign policy stance. The Treaty signed in San Francisco nearly fifty years ago and involving forty-nine nations could unravel. A dangerous legal precedent would be set.

Once again I would say to you, where we have veterans, especially veterans of combat who are not being adequately supported, we must step up to their problems without hesitation. But let us not unravel confidence in the commitment of the United States to a Treaty properly negotiated and solemnly ratified with the advice and consent of the U.S. Senate.

I submit this letter to you and other members of the House of Representatives with my deep respect for the wisdom of the congressional process, and for the vision embodied in the past World War II policies that have served our country and the world so well.

Sincerely yours,

GEORGE P. SHULTZ.

The CHAIRMAN. The time of the gentleman from California has expired.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

Mr. COX. Mr. Chairman, I was seeking to be recognized on the amendment.

The CHAIRMAN. There is no time on either side. Under the order of the House, there is prescribed time on both sides, and that time has expired.

Mr. COX. I thank the Chairman.

The CHAIRMAN. The Chair will put the question again.

The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ROHRABACHER) will be postponed.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. I thank the chairman for yielding to me, and I rise to enter into a colloquy with the chairman as well as with the gentlewoman from Maryland (Mrs. MORELLA) with regard to funding for the Small Business Administration's Women's Business Centers program.

Mr. Chairman, the SBA's Women's Business Centers provide valuable education, training, consulting and access to capital services to women entrepreneurs. There are 93 Women's Business Centers in 46 States serving tens of thousands of entrepreneurs each year. A large percentage of Women's Business Centers clients are women from low-income or disadvantaged backgrounds who would be unable to start their own businesses without the assistance of a women's business center. These centers strengthen our economy by creating businesses and jobs and by reaching out to new markets and new entrepreneurs.

Last year, the House approved a bipartisan amendment that I offered to this bill, along with several other representatives, to increase funding for this program from $9 million to $13 million. Earlier this year, I sent the chairman a letter signed by six of our colleagues requesting the fully authorized $13.7 million for the SBA's Women's Business Centers program.

In large part, the gentleman has been responsive to our request by level-funding the Women's Business Centers program at $12 million. Funding for the Women's Business Centers program in the FY 2002 House Commerce, Justice, State bill is $3 million more than it was at this point in our discussions in the FY 2001 bill, and I thank the gentleman very much for that. Nevertheless, I feel passionately about this program, and I would like to work with the chairman through conference to further increase fiscal year 2002 funding to the authorized level of $13.7 million.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I rise in support of the remarks of the gentleman from Massachusetts regarding the invaluable service of Women's Business Centers and the need to fund the program at the authorized levels of $13.7 million.

As of 1999, there were 9.1 million women-owned businesses in the United States, generating sales in excess of $3.6 trillion and employing 27.5 million workers. Furthermore, one in eight of these businesses is owned by a woman of color, making women of color the fastest-growing segment of women-owned businesses.

In Maryland alone, there are now over 193,000 women-owned businesses, accounting for 40 percent of all the firms in the State of Maryland. In fact, my district, Montgomery County, Maryland, is actually ranked the top county for women business ownership in Maryland.

Unfortunately, even with this tremendous growth, women entrepreneurs still face barriers in the marketplace. With the current rate of government contract procurement for women-owned businesses at a mere 2.4 percent, there is an ever-growing need for women-owned business assistance in every congressional district.

It was a great victory for women when the House was able to approve the bipartisan amendment that the gentleman from Massachusetts (Mr. McGOVERN) offered and that we cosponsored to increase funding for the Women's Business Centers last year. It is an even greater victory, however, that the Committee on Appropriations today was able to recognize the need for the $3 million increase and fund it at that fiscal year 2001 level.

But even still, I share the concern of the gentleman from Massachusetts that without increased funding this program may begin to stagnate. I would like to work through conference with the gentleman from Massachusetts (Mr. McGOVERN), the gentleman from Virginia (Mr. WOLF), and many of our colleagues on both sides of the aisle to search for additional funding for the Women's Business Centers.

Mr. WOLF. Mr. Chairman, reclaiming my time, I just wish to say that I agree with the gentlewoman that the Women's Business Center Program is valuable, and I appreciate the gentlewoman's acknowledgment that we were able to, in large part, respond to her funding request.

We would be happy to work with the gentlewoman and the gentleman from Massachusetts (Mr. McGOVERN) and others to see if we can identify additional resources for the program.

Mrs. MORELLA. We appreciate that very much, Mr. Chairman.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for yielding to me, and I would like to engage in a short dialogue with the subcommittee chairman.

First, let me thank the subcommittee chairman and ranking member, the gentleman from New York (Mr. SERRANO), as well as the entire subcommittee and the full committee, for their work on this bill. It is a good bill.

However, I would like to talk about the Maritime Administration funding for the six State maritime training academies. The funding for all six schools in this year's bill is roughly the same as last year. Great Lakes Maritime Academy in Traverse City, Michigan, is the only one of the six State schools that trains marine pilots as well as deck and engine officers.

As the gentleman from the coastal State of Virginia is well aware, our Nation is dependent upon waterborne commerce. Great Lakes shipping is vital to our country's industrial economy. I believe that each of these State academies should receive a minimum of $500,000 for their base funding. I would like to know whether the chairman will support conference language that would direct a minimum allocation of at least $500,000 to each State maritime academy.

I appreciate the chairman's interest in this matter, and I look forward to working together to ensure that all the State maritime academies receive the support they deserve to fulfill their critical mission.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest in this important maritime education program.

The recommended funding level in the bill assumes equal direct payments of $200,000 to each of the six State academies. The remaining funds in the program are allocated based on enrollment in the Student Incentive Program, and on scheduled school ship maintenance and repair.

We look forward to working with the gentleman to ensure that this additional funding is allocated in an equitable fashion.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, I would like to express my concerns about the Organization for Economic Cooperation and Development. This group has recently begun promoting tax harmonization among nations. The OECD believes developing nations, like Liberia or Grenada, should not be allowed to set their own tax rates to attract needed capital to their economies. Instead, the OECD says that nations should adopt all higher tax rates more among the lines of those in Europe. This is unfair to the nations who need foreign capital to promote economic growth, and it also goes against the free market concept that tax competition keeps taxes lower worldwide.

As the chairman knows, the United States contributions to the OECD, which are distributed through the State Department, constitutes roughly 25 percent of its budget. I do not think that our tax dollars should be used to promote an idea so contrary to the kinds of policies that have historically made our economy so strong. I think we should be ready to reconsider future funding of the OECD if they continue with their support of tax harmonization.

Mr. WOLF. Mr. Chairman, reclaiming my time, I thank the gentleman for sharing his concerns about the OECD and its policies on tax harmonization. I can assure the gentleman that we will keep an eye on the situation and will be happy to work further with the gentleman as our process moves forward.

I just might say, though, that any hope of dealing with a country like Liberia is almost hopeless. Charles Taylor is abandoned. They are cutting off the arms of individuals. It is the conflict diamond. We were there with the gentleman from Ohio (Mr. HALL) a year ago December.

So, frankly, until Charles Taylor is removed from that government, I am not hopeful that anything good will happen. But with that, I will be glad to work with the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, I think Liberia is probably a poor example. But, nevertheless, to promote an institution that promotes higher taxes worldwide rather than lower taxes worldwide is an institution that is probably not worthy of our support. And I thank the chairman for engaging in this dialogue.

AMENDMENT NO. 30 OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. MORAN of Virginia:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to destroy any record of the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act, within 90 days after the date the record is created.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

This is an amendment which incorporates what the gentlewoman from New York (Mrs. MCCARTHY) has previously offered in freestanding legislation. For the last 3 years, the FBI has kept records of the National Instant Criminal Background Check System for 6 months. Last month, the FBI reduced this retention period to 90 days.

What this amendment would do is to simply keep that 90-day retention period in place for the length of this appropriations period.

□ 1745

Last year the NRA sued the Justice Department to destroy the records immediately. The Justice Department of Attorney General Ashcroft argued before the Appeals Court and the Supreme Court that it was necessary to retain these records for a reasonable period of time to ensure that the information provided by the system is accurate and that people are not providing false information in order to evade the law.

Based on that argument, the Supreme Court upheld the lower court decision that the retention by the Department of Justice represented a permissible construction of the requirement to establish a system for preventing disqualified persons from purchasing firearms.

Now, the reason for this amendment is that 3 days after the Supreme Court decision said this was the appropriate thing to do, Attorney General Ashcroft decided that they should be destroyed within 1 day. That seems to run counter to the Justice Department's own argument.

In fact, the Criminal Background Check Systems Operation Report, which was issued in April of this year, shows that over 5,000 people were able to slip through the NICS system last year alone. They received an approval which allowed them to purchase a gun that they legally should not have had. So the system is not perfect. To lower the time frame now seems at best unnecessary and, at worst, represents an attempt to frustrate the purpose of the act.

Even more troubling is that this year the Department of Justice published a rule in which they cited the fact that their own criminal justice advisory panel recommended increasing the retention period to 1 year. This amendment would only allow the 90 days.

The amendment seeks to prohibit the FBI from destroying records that they say are necessary to be kept. So we do not think that this is any kind of radical amendment. It allows for quality control audits. It makes sure that the straw buyers, the bad apple dealers, are identified. Potential handgun purchasers or gun dealers who have stolen an identity in order evade the background check system can be caught. In other words, purchases for unauthorized purposes would be denied through this audit. That is why we think it is important.

Mr. Chairman, I will retain the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) claim the time in opposition?

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment by the gentleman from Virginia (Mr. MORAN).

After the gentleman from Virginia raised concerns last week at the committee level about the FBI system for gun purchase background check information, I set up a meeting for him and the FBI to discuss the issue.

The FBI acting director, a career civil servant, not a political appointee, a career civil servant and a career FBI employee who works with the NICS program from the FBI call center in West Virginia travelled to answer questions. In fact, we specifically had the people that work on this program drive in from West Virginia to sit down and we said, give us all of the answers.

I believe that all the answers were met and the concerns were put to rest. I want my colleagues to know that the Office of the Attorney General was not at the meeting. No political appointees were at the meeting. This was a meeting, as I promised, to look at the NICS system and hear from the professionals about its ability to ensure quality control within a 24-hour period for background checks.

I understand that the career staffer who has extensive experience with the system indicated that the FBI can perform the quality control within 24 hours. That is a fact. In fact, they say it is better to do the quality assurance immediately rather than wait a few days or weeks or up to 90 days because if the system is not working right, then you want to know immediately as the sale of the gun is approved.

It is important to note that the records that are kept now for 90 days are on approved gun sales. However, what the NICS system does not tell us is if the gun was sold. This information resides with the gun dealer, not the FBI.

The FBI keeps records indefinitely on people who were denied the ability to buy the gun because of a felony record, mental deficiencies or spousal abuse.

We want to strike the right balance between protecting the privacy of people and ensuring that law enforcement has adequate time to review and audit the information collected to make sure the system is working properly.

The Moran amendment is unnecessary. It is not needed, it is clear, after talking and listening to the career professionals at the FBI. Also, the amendment is highly controversial and not an issue that, quite frankly, we should be dealing with on the appropriations bill.

Mr. Chairman, I urge Members on all sides to defeat this unneeded amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to myself to respond to the gentleman.

Mr. Chairman, it was career civil servants in the Justice Department that argued successfully before the Supreme Court that this retention period was necessary to be retained. When we asked with regard to the 90 days, they found that it would do no harm whatsoever. In fact, when we looked at the information that was prepared for the notice of proposed rulemaking, they said the only reason not to have 180 days was basically that gun-interest groups would object politically. The Justice Department's Criminal Justice Advisory Board in fact recommended one full year's retention of these records.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, I am concerned that the gentleman from Virginia (Mr. MORAN) is getting into an area that has always caused a controversy in the Congress. I thought we spoke clearly a few years ago when we said 24 hours is what the check should be. I get very nervous when the FBI retains weapons and/or other material. I understand they lost 100 computers. They mislaid a number of weapons, and one of those weapons was used in a murder. The longer they retain records, the more chance there is for abuse.

Most of the people, the majority of the people, a vast majority of the people that work for the Department of Justice and the FBI are qualified, highly competent people. But the longer we retain any kind of records about any of these things, the more mischief it can cause.

Mr. Chairman, I am an advocate of privacy; and the government has enough records. I would urge Members to vote against the Moran amendment because I believe it does not improve the privacy system. As a matter of fact, it is detrimental to the privacy system. I appreciate what the gentleman is trying to do, but I am very nervous when the government maintains records for any period of time.

Mr. Chairman, I think we ought to wait and see how it is working. If it is not working, maybe we ought to make a change. But I feel very strongly about it, and I urge Members to vote against the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, in response to the gentleman from Pennsylvania, number one, there are no names on the retentions. Only where the person buys the gun are the records maintained. When it goes into the NICS system, that is the backup for making sure that people are not using the system wrongly.

So, again, we come up to this debate, and this is not what the debate should be about. The debate should be that we have to make sure that criminals, which certainly we know can use an instant and positive check, can use false identification and buy guns throughout this country.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, earlier this week and last week I spent a little bit of time at the United Nations in New York. They are involved in a conference on arms control, not global arms control, not military arm controls, but arms control of the variety that the gentleman from Virginia (Mr. MORAN) is referring to; that is, the control of lawful firearms in this country.

Mr. Chairman, the fact of the matter is that U.S. law prohibits this by its explicit terms, as well as the intent of at least two acts of Congress signed by at least two Presidents. The Congress and the people of this country have spoken out that we do not want and we will not allow the Federal Government to retain and maintain, manipulate and utilize a system of keeping track of law-abiding citizens who possess, purchase or transfer a lawful firearm in this country.

As a matter of fact, one of the first acts that he engaged in as attorney general, Mr. Ashcroft said we need to look at this. We have had abuses in the past. He has done the right thing. He has come forward and said to the American people and to this Congress, and the FBI has backed him up, there is no need to retain records on citizens who are not disabled from or otherwise prohibited from purchasing or possessing a firearm. There is no need for the government, once the government has determined through the instant, I repeat, instant, background check that that person is a legitimate person to possess a firearm or purchase a firearm, there is no reason whatsoever for the government to retain those records. It is prohibited by existing law, and the gentleman is trying to reopen this wound even though there was testimony before his committee and his subcommittee by the FBI that this is not necessary.

The gentleman ought to take his concern to the United Nations. They are very concerned and are moving in this direction, but we ought not to in the United States of America.

Mr. MORAN of Virginia. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MCCARTHY), who has fought this issue for many years and has personal experience that we should all listen to.

Mrs. McCARTHY of New York. Mr. Chairman, I thank the chairman and distinguished ranking member for including language in this bill for a child safety lock measure that also recognizes that we need standards on these locks. I think it is extremely important that Congress start to listen to the American people.

However, while this body takes a positive step in reducing senseless acts of gun violence, the Department of Justice takes two steps back by proposing regulations that tie the hands of law enforcement officials. That is why I express my strong support for this amendment.

While the Brady Act passed, its intent was to keep guns out of the hands of criminals. It has done an outstanding job with that.

Congress relied on the Department of Justice and the FBI to operate a national instant check system which screens buyers for criminal activity before they are allowed to obtain a firearm. As part of this system, the Department of Justice has retained the gun purchase records for 120 days in order to perform audits and identify potential violations of the national gun laws. This retention period has recently been reduced to 90 days. Eventually, it should be reduced to 40 days. Eventually, we will see the day when we can get rid of all of these checks but not until the States have the full records that they need to get the information out there.

Mr. Chairman, we know that short-term retention of gun purchase records enables law enforcement to identify multiple cases of unauthorized or illegal use of the NICS system. We also know that 1 percent of bad dealers are the source of 50 percent of the Nation's gun traces.

When ATF conducted a specific audit of the NICS system by dealers in New Orleans, it found 12 of 17 of those dealers either abused or misused the NICS system. Some guns were sold to felons, while another dealer permitted a background check to be run on a family member not involved in the gun purchase.

Yes, the Justice Department has recently proposed to reduce the current period allowed to retain gun purchase records for 24 hours. I find this completely illogical. In January of this year, the FBI advisory board actually recommended increasing the temporary retention of these records from 6 months to 1 year. Yet 6 months later the Department of Justice is proposing to reduce the time period to 24 hours. What is equally disturbing is that the courts have sided with the Department of Justice's need to retain these records.

□ 1800

The NRA sued the Federal Government in a case that was recently denied by the Supreme Court, arguing that Federal law enforcement officers had no right to detain purchase records in the NICS system. The Justice Department argued against the NRA in this lawsuit and they won. In their legal briefs, they actually argued that keeping records for a reasonable time after purchase helps in numerous ways.

This is not a gun debate. This is a safety debate again, so felons and criminals cannot get their guns.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the gentleman from Virginia's amendment because it undermines one of the most important principles underlying and underpinning Brady, and that is the protection of gun purchasers' privacy rights.

Mr. Chairman, everyone supports the purpose of the Brady Act, instant check. But the act itself did not contemplate and specifically prohibit retention of records.

May I read from it. It says that no officer of the United States Government could require, and I quote, "that any record or portion thereof generated by the system established under this section be recorded at or transferred to a facility owned, managed or controlled by the United States."

We specifically talked to the principle of protecting gun owners' privacy rights. Legitimate purchasers, instant check, get their guns, should not be on a list kept by the United States Government. Criminal purchasers, they are already on a list because they are prosecuted. This is about the privacy rights of honest, law-abiding citizens.

Oppose the Moran amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself 10 seconds just to remind my very good friend from West Virginia that these records do not retain any names, and so privacy is scrupulously maintained.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding me this time.

Mr. Chairman, it is important to have the background check system function efficiently, and to do that we need to preserve records so that law enforcement officials can investigate corrupt dealers who traffic guns illegally and sell firearms off the books. It also assists authorities to track down straw purchasers who buy guns illegally for felons, fugitives, children and others. Preserving these records also helps in the fight against criminals who buy guns with fake IDs. The General Accounting Office went undercover in five States and they demonstrated how easy it is to use fake IDs to obtain firearms. The conclusion was that although there are few ways to detect fake IDs, one option is for police to monitor criminal background check records. The Attorney General now wants to eliminate even this limited but valuable tool.

The Attorney General's proposal I think is a horrible mistake for public safety. It will seriously jeopardize legitimate law enforcement activities. It does not make law enforcement easier. It does not help cops on the street. It does not increase deterrence. And it does not provide police any additional resources in their fight. It seems to be nothing more than an outright gift to the gun lobby. That is why I support the Moran-McCarthy-Waxman amendment to this bill. I think it is an important one if we are going to have the integrity preserved of the original Brady Act.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. KERNS).

Mr. KERNS. I thank the gentleman for yielding me this time.

Mr. Chairman, the Moran amendment would keep records of law-abiding citizens for 90 days. I understand that records of felons and others that are not allowed to buy guns are kept indefinitely. While I believe that we should enforce existing gun laws and prosecute criminals who violate these laws, we also must protect the rights of law-abiding gun owners. I believe that once a firearm purchase is approved, the Federal Government should destroy personal identification records that have been collected in connection with background checks.

While I was prepared to offer two amendments today, I will not do so at this time, but I urge my colleagues to vote against the Moran amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Each side has 1 minute remaining, and the gentleman from Virginia (Mr. WOLF) has the right to close.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, we would not entertain in this body for 5 seconds the idea of suspending any other constitutionally protected right in this country. Yet we seem to advise ourselves constantly that the second amendment does not deserve the same protection from this body as freedom of speech or freedom of assembly or freedom to practice whatever religion we would.

Why do we not take and spend some time, spend our limited talents, our limited resources and our constitutional mandate to protect the peaceful citizens of this country and to punish the bad ones instead of the other way around?

Mr. MORAN of Virginia. Mr. Chairman, I yield myself the balance of my time.

In the first place, the Court has clarified time and again the interpretation of the second amendment, and it is for the purpose of a well-regulated militia. Chief Justice Warren Burger is a good person to consult on that. He was a gun collector himself, and he made that unquestionably clear.

We are not talking about compromising in any way the Constitution. What we are talking about is the ability of law enforcement to carry out its responsibilities. Currently a 90-day retention period is maintained so that you can audit the system, so that you can weed out those who are using straw purchases, so that you can identify people that are not supposed to be getting a gun, and to determine whether, in fact, the system is working. The FBI will tell you that privacy is scrupulously maintained. They are not keeping the names. There is no way that people's privacy is going to be violated. But if we do not have a reasonable retention period, this system is not going to work and we will go back to a waiting period. Maybe that is for the best.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I rise in opposition to the Moran amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I hope it will be the pleasure of this body to overwhelmingly reject the Moran amendment. I heartily disagree with his assessment that law enforcement personnel need a 90-day rule to carry out their responsibilities. We are talking about law-abiding gun owners whose purchase was approved. Those records should be destroyed immediately.

Please vote against the Moran amendment.

Mr. BUYER. Mr. Chairman, I rise in opposition to the Moran amendment.

I support an instant check system for the purchase of a firearm. But instant should mean instant. Legal purchasers of firearms should not have their names and addresses floating around in some government computer.

The Attorney General has underway efforts to make improvements in the National Instant Check System. The check system is only as good as the records it contains. The Attorney General is seeking to make the records in the system more complete and to increase the response level of the system. The Attorney General is directing the Justice Department to conduct a comprehensive, state-by-state review of missing or incomplete criminal history records, including adjudication records of cases of mental illness and domestic violence. This is appropriate.

The Attorney General has also pledged to increase the enforcement of the law for those who falsify information in order to obtain a firearm. From 1994 through June 5th of this year, the FBI referred 217,000 attempted illegal gun purchases for investigation. Of these only 294 people have been convicted. I applaud the Attorney General's pledge to enforce our gun laws aggressively.

But law abiding firearms purchasers should also be convinced of the background check system's integrity. Once a legal purchaser has cleared the instant check system, that should be the end of it. The Attorney General seeks improvements in the system so that the records of lawful approved gun purchases will be kept until the next business day after the transfer is approved to allow for real-time audits to ensure the accuracy and integrity of the results, a standard recommended by the computer industry.

The Moran amendment seeks to reverse the improvements the Attorney General is seeking to make. Oppose the Moran amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. MORAN) will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. PAUL:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and the gentleman from Virginia (Mr. WOLF) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Let me just read the amendment because it is just three lines. It says, "None of the funds appropriated in this act may be used for any United States contribution to the United Nations or any affiliated agency of the United Nations." It would defund the United Nations. It would take away the dues that we pay the United Nations as well as the amount of money that we are paying to pay our back dues.

I think this is an appropriate time to discuss the reasonableness for our support for the United Nations. The government of the United States has continued to grow as our state sovereignty has gotten much smaller, but now we are losing a lot of sovereignty to an international government which is the United Nations. Just recently, the United States was humiliated by being voted off by secret ballot from the U.N. Human Rights Commission and Sudan was appointed in our place. How could anything be more humiliating. So democracy ruled, our vote counted as one, the same value as the vote of Red China or Sudan. But the whole notion that we would be put off the Human Rights Commission and Sudan, where there is a practice of slavery, is put on the Human Rights Commission should be an insult to all of us.

In committee, we dealt with this problem and we said, "Well, if the U.N. straightens up, then we'll pay our dues this year; but maybe we'll withhold our dues next year." That is very, very weak; and it does not show any intent or show any rejection of what is going on in the United Nations.

It was mentioned earlier in debate on the gun issue that the U.N. is currently meeting up in New York dealing with the gun issue. There have been explicit proposals made at the United Nations to have worldwide gun control. No, they are not taking guns away from the government. They are taking guns away from civilians.

If anybody understands our history, they will know that taking guns from civilians is exactly opposite of what the Founders intended. In a nation like Afghanistan, they were able to defend the invasion of the Soviet Union because individuals had guns. Likewise, when the Nazis were murdering the Jews, the Jews had been denied the right to own guns. Now we are talking about the United Nations having international gun laws. There have been proposals made for an international tax on all financial transactions. Yes, it is true, it has not been passed, but these are the plans that have been laid and they are continued to be discussed and they are moving in that direction.

Today we have international government that manages trade through the WTO. We have international government that manages all international financial transactions through the IMF. We have an international government that manages welfare through the World Bank. Do these institutions really help the poor people of the world? Hardly. They help the people who control the hands of power in these international institutions and generally they help the very wealthy, the bankers, and the international corporations.

It was said the United Nations may have been set up to help preserve peace and help poor people, but it just does not happen. The poor pay the taxes and the international corporations gain the benefit.

The U.S. has taken a very strong position against endorsing the International Criminal Court. The argument is legitimate. It says that, oh, someday the International Criminal Court may arrest Americans because it just may be that Americans may pursue illegal acts of war, like bombing other countries and killing innocent people.

No, we do not want the international court to apply to us, but it is okay with our money, our prestige and our pressure to endorse the International Criminal Tribunal for Yugoslavia, so that we can go in there and arrest the leaders that we have decided were the bad guys and leave the good guys alone, as if there were not bad guys on both sides in Yugoslavia.

But this presumption on our part that we can control the United Nations and arrest only those individuals that we do not like and allow the other ones to go free and that this will never apply to us, I think we are missing the point and it is a dangerous trend. Because you say, well, yes, we are powerful, we have the money and we have the weapons and we can dictate to the United Nations. They will not arrest us or play havoc with us. Yet at the same time we have already recognized that the U.N. Human Rights Commission which was voted on by a democratic vote kicked us in the face and kicked us off.

I think this is a time to think very seriously about whether this is wise to continue the funding of the United Nations. I think that a statement ought to be made. We should say, and the American people, I think, agree overwhelmingly that it is about time that we quit policing the world and paying the bills at the United Nations way out of proportion to our representation and at the same time being humiliated by being kicked off these commissions by majority vote.

□ 1815

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. I was in Kosovo and in Albania during this case; and I will tell you, Mladic is a war criminal, and Karadzic, he is a war criminal, and Milosevic is a war criminal. So, without this, there would be no way to deal with it.

Secondly, I have been in Sudan and Southern Sudan four times, the last time in January of this year. Whether you like it or not, the World Food Program is feeding the people of Sudan. As many people know, there have been 2.2 million Christians who have been killed in Sudan by the Khartoum Government, and if the World Food Program was not sending food in there, and Andrew Natsios and Roger Winter from the State Department are in Sudan as we now speak, this would just devastate that whole operation.

I understand what the gentleman said with regard to the vote. We have language on page 112 of the report that says, "The committee is deeply concerned by the secret ballot of the U.N. Member nations to keep the United States off the U.N. Human Rights Commission. The exit of the United States and the election at the same time of the government of Sudan," the barbaric government of Sudan, which is sponsoring state-sponsored terrorism, slavery and has been responsible for the death of 2.2 million people, "effectively cancels the ability of the United Nations to speak out or act with credibility on this issue."

We have been very, very forthright with regard to that. But the U.N. has been responsible for calls with regard to getting its financial house in order.

In the Book of Luke, in the New Testament, it says to whom much is given, much is required. The King James version says "required." For us not to be helping the starving people of Sudan through the U.N., the World Food Program, I think it would not be good for this country.

This country has been blessed. We have been blessed because the American people are good and decent and honest and caring; and for us not to be participating to help to feed those in the South, particularly those who are Christian and Animists, who are being persecuted by the Khartoum Government, frankly would just have us walking away.

So I think this is a bad, bad amendment. I understand what the gentleman is trying to get to. It is a bad, bad amendment; and I urge a no vote by Members on both sides of the aisle.

Mr. Chairman, I reserve the balance of my time.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to point out that the case of Milosevic is a case that will come back to haunt us for two reasons: one, we are setting a precedent. This has never happened before. He was democratically elected in a country and democratically disposed. The country there was willing to prosecute him.

The second part is that this stirs up tremendous anti-American sentiment. This is the reason why we are the greatest target in the world for terrorism, because of our intrusion into these areas, pretending that we always know best and that we will trample the law because it serves our self-interests. But I believe our national security and our interests are not best served in this manner. This policy is very dangerous.

Likewise, we have had many examples of U.N. intervention. Rwanda, can we be proud of that? Can we be proud of what the U.N. and what our troops had to go through with the humiliation in Mogadishu in Somalia? I mean, this was horrible, what happened there. So good intentions will not suffice. Just because there are good intentions, it does not mean that good will come of it.

There is an alternative to a single world government, and that is individual governments willing to get along; open and free trade as much as possible, free travel, people having a unified free market currency where we do not have currency devaluations and poverty throughout the world. There is a lot that can be done with freedom, rather than always depending, whether it is here in the United States or at the international level, on more government.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Paul amendment to prohibit funding for U.S. contributions. In my opinion, this would be not in the national interests of our country. With the support of the U.S., the U.N. and its agencies contribute dramatically in promoting international peace and security, nonproliferation, nuclear safety guards, human rights, reduction of health problems, humanitarian assistance, cooperation against international crime and sustainable development. In addition, the U.N. is leading the fight against HIV-AIDS.

The U.S. contribution to the U.N. and its affiliated agencies allows the United States to support these many important efforts without bearing the burden ourselves. The U.N. and its affiliated agencies have been responsive to our calls to incorporate financial and other reforms into their overall management practices, and we are continuing to press for even further improvements.

At the urging of the U.S., the U.N. has streamlined its bureaucracy and cut waste from its budget. The Secretary General has been leading the fight and the U.N. has chartered a path of reform which has included the reduction of over 1,000 positions and maintenance of a no-growth budget, not even to keep up with inflation for 8 years.

The U.S. should recognize these achievements by paying our full share. The administration has been working hard to achieve the benchmarks contained in the Helms-Biden arrears authorization. It would be a tremendous setback to incur new arrears, just as we are working effectively with various U.S. organizations to allow us to pay those we already owe.

Now, I recognize, Mr. Chairman, that on this House floor on many occasions people rise up with great anger towards the U.N. and what they perceive to be this fear of creating a separate world government that will somehow rule the whole world.

The U.N. is far from that. But it is a group that works together to bring peace and to try to bring harmony throughout the world. There is a lot that needs to be done throughout this world, and the U.N. plays a major role; and therefore we should play a major role.

So, to pull out, which is basically what this does, would be a terrible mistake; and I would hope that we defeat this amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am just going to end, I will not take the whole time, but there is so much going on in my mind. I kind of want to just say, America is a different country. We value the fundamental values that were in the Declaration of Independence: "We hold these truths to be self-evident, all men are created equal." Those words are known around the world.

The fact that America has been involved, when Ronald Reagan gave the speech in Orlando, where he called the Soviet Union the Evil Empire, it was one of the finest days, because he stood up for our fundamental values. And because of Ronald Reagan and the Pope and other people who spoke out for our values, we saw the Berlin Wall fall.

We cannot remove ourselves. I believe that God has blessed this country, a blessing on this country, for the goodness of what we have done; for the fact that we are trying to feed the poor and the hungry and the naked. In Matthew 25, Jesus talks about going in and feeding the poor and the hungry and the naked. And America is always there. It is mandate that Jesus talks about in the Bible. So for us to just pull out and say, the hunger, the starvation, the HIV, the sickness, the sleeping sickness in Sudan, we are not going to be involved in, I think would be a mistake.

I think this is a bad amendment. I understand what the gentleman says, and I know the U.N. has some serious problems. I have been very, very critical the U.N., and we will continue to watch over them, but we cannot adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Texas (Mr. PAUL) has 2 minutes remaining.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just go ahead and close and respond to the gentleman that just spoke about the values. I agree entirely that our values deserve to be spread. The disagreement here is whether you do that through volunteerism or through force; through taxation and government guns and war; or whether you do this through demonstration by setting examples, setting the right tone in trade, setting the right tone in sound currencies, and sending our missionaries abroad.

But it has not worked in the past, it will not work in the future, and, besides, all the good intentions backfire and it turns hostility towards us, even with the goal of trying to spread our values across the world. It cannot be done by force. It has to be done by other means.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PAUL:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act may be used for any United States contribution for United Nations peacekeeping operations.

The CHAIRMAN pro tempore. Pursuant to the order of the House today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 10 minutes.

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will control 10 minutes in opposition.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, quite possibly we will not have to take a long time on this. In many ways this is a similar amendment, but different with respect to as how the money would be spent after we send it to the United Nations.

The amendment says, "None of the funds appropriated in this Act may be used for any United States contribution for the United Nations peacekeeping operations."

This is getting more specifically into the militarization of the United Nations and the unfairness of our bill that we get sent every year. We pay 31.7 percent of the peacekeeping missions. A lot of times we pay up front and pay in advance, and we do not get reimbursed. Then we hear a lot of complaints when we do not pay our dues.

But back to what I said earlier, I just think the approach of using a United Nations standing army, which is what we are getting closer to, to go around and police the world in areas that we do not have justification based only on our national security, I see this money as being dangerously used and it invites trouble for us.

It is not beyond comprehension that one day in the not-too-distant future that we may be in a much hotter war in the Yugoslovia area. Things are not very peaceful in Macedonia, and they are actually demonstrating against Americans in Macedonia. The same people that we supported in Kosovo, the KLA, now they have changed their name and they are the radical Albanians playing havoc in Macedonia. And it is with our money.

And what do we do? We ask the American people to cough up. We tax them. We go over, and for 78 days, with the claim that we are bringing peace to the area, for 78 days we bombed that area, and now we are asking the American people to rebuild it. So first we tax them to bomb and destroy then we insist we rebuild the area.

We did not bring peace by 78 days of bombing. As matter of fact, most of the death and destruction and hostility toward America was developed during those 78 days. It did not occur prior to that. There were few deaths in comparison. And who were the people killed with our bombs dropping from 30,000 feet? Were they military people? No. Innocent people, as they are in Iraq as well.

It is out of control. It is out of our hands. We have lost control of our destiny when it comes to military operations. We now go to war under U.N. resolutions, rather than this Congress declaring war and fighting wars to win.

We have given up a tremendous amount, and I believe it is time we stood up for the American people and the American taxpayer and say we ought to defend America, but we can deal with the problems of the world in a much different manner; not by militarizing and controlling it the best we can, the military operations of the United Nations, but pursuing the spreading of our values and our beliefs and the free market in a much different manner than by further taxation of the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am not going to take long. The U.N. is not in Macedonia; it is NATO in Macedonia. Quite frankly, if NATO had not been involved in Kosovo and Macedonia, Eastern Europe and the Balkans would have been inflamed. We know where World War II started and other wars which started there.

□ 1830

So, therefore, I think that has been in the best interests, by keeping peace, if you will.

Besides that, we could continue to debate, but in the interest of time, I would just say that the Bush Administration would be strongly opposed to this, as is Secretary Powell and the State Department.

Mr. Chairman, I urge a "no" vote.

Mr. SERRANO. Mr. Chairman, I move to strike the last word, and I rise in strong opposition to the gentleman's amendment.

In recognition of the importance that is placed on peacekeeping operations, the Bush administration requested and this subcommittee approved $844 million for the U.S. share of the U.N. peacekeeping budget.

U.S. participation in U.N. peacekeeping missions means that the U.S. does not have to bear the human, financial, or political burden of keeping the peace on its own. Of over 34,000 U.N. peacekeepers, observers, and military police serving in missions as of July 1, only 661, or less than 2 percent, of these individuals are Americans.

The U.N. recently lowered the U.S. assessment rate for U.N. peacekeeping from 31 percent to 27 percent. The U.S. has a responsibility to U.N. peacekeeping as a permanent member of the U.S. Security Council, through which it can veto any mission.

U.N. peacekeeping missions are helping to maintain peace and stability in regions that are vital to U.S. interests such as the Middle East, Africa, and the Balkans. U.N. peacekeepers help to build peace in war-torn, unstable regions by providing humanitarian assistance, clearing mine fields, monitoring human rights and elections, and disarming the parties and allowing them to return to civilian society.

Again, as in the previous amendment, this is one that is misguided. I have stood, as many have on this floor throughout the years, and spoken against military intervention on our part. I, however, believe that the best way for us to participate throughout the world in these situations is in a peacekeeping effort, and that is why I support them. I support what the subcommittee has done with this appropriation, and I would hope that we defeat this amendment.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Let me just close by saying that I urge a "yes" vote to stop the funding for the peacekeeping missions of the United Nations, believing very sincerely that they do not do much good and they do harm and potentially a great deal of harm in the future. They do not serve our national self-interests. We have the United Nations now involved in the Middle East, Sierra Leone, East Timor, Cambodia, West Sahara, and Yugoslavia. It requires a lot of money. The most likely thing to come of all of this will be more hostility toward America and more likelihood that we will be attacked by terrorists.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for debate having expired, the question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT NO. 10 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. WATERS: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE–SALARIES AND EXPENSES" may be used to initiate a proceeding in the World Trade Organization (WTO) challenging any law or policy of a developing country that promotes access to HIV/AIDS pharmaceuticals or medical technologies to the population of the country.

(b) In this section, the term "developing country" means a country that has a per capita income which does not exceed that of an upper middle income country, as defined in the World Development Report published by the International Bank for Reconstruction and Development.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I claim the time in opposition; and I reserve a point of order on the amendment.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

The purpose of this amendment is to prohibit the use of funds to initiate proceedings in the World Trade Organization challenging policies in developing countries that promote access to HIV/AIDS.

The Waters-Kucinich-Crowley-Lee amendment would restore the ability of developing countries to pass laws for the purpose of making HIV/AIDS drugs available to their citizens. The amendment would prevent WTO challenges to HIV/AIDS drugs laws by the United States.

Passage of the amendment would reduce a substantial obstacle imposed by the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, also known as the TRIPS Agreement.

The threat of WTO sanctions against a country for its policies on HIV/AIDS drugs and the uncertainty of the scope of the WTO rules significantly reduces the flexibility of countries to address the HIV/AIDS epidemic. Developing countries cannot afford the expensive, brand-name, anti-retroviral drugs that sell for over $10,000 per patient per year in industrialized countries.

Zambia, for example, has an AIDS infection rate of almost 10 percent and a per capita income of only $330. Nevertheless, the WTO has been used to prevent developing countries from making HIV/AIDS drugs available to their populations at affordable prices.

Brazil has developed an HIV/AIDS program that is a model for developing countries. The World Bank and the United Nations cite Brazil's program as one of the best in the world.

In 1998, the government of Brazil began manufacturing and distributing generic anti-retroviral drugs for the treatment of HIV/AIDS; and the prices of these drugs fell by an average of 79 percent. Brazil now distributes free anti-retroviral drugs to 90,000 Brazilians, ensuring that all citizens who need HIV/AIDS drugs have access to them.

The Brazilian Health Ministry spent $444 million on AIDS drugs in 2000, a total of 4 percent of its budget. Yet Brazil's program most certainly pays for itself. The decline in hospitalizations from opportunistic infections between 1997 and 1999 saved the health ministry $422 million. The program has also increased the productivity of infected individuals who can now lead active lives and family members who no longer need to care for the sick.

Despite the success of Brazil's program, the United States Trade Representative challenged Brazil for violating WTO intellectual property laws; and the WTO agreed to establish a panel to rule on the case.

If the United States had won the case, the WTO would have authorized the United States to impose punitive economic sanctions on Brazil. Fortunately, the United States withdrew its case against Brazil on June 25, 2001, in response to tremendous public pressure.

The Waters-Kucinich-Crowley-Lee amendment would enable developing countries to provide cost-effective treatment for people with HIV/AIDS through the production and distribution of generic HIV/AIDS drugs. If this amendment had been long, the United States would not have initiated a WTO case against Brazil to overturn its award-winning and effective HIV/AIDS policies.

The Waters-Kucinich-Crowley-Lee amendment has been endorsed by OXFAM America, the AFL–CIO, Jubilee USA Network, the Global AIDS Alliance, the Washington Alliance on Africa, Result and Health Gap. I urge my colleagues to support our amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia insist on his point of order?

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment because the amendment proposes to change the existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of Rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, I would like to ask my colleagues to examine the opposition to our ability to take up this important amendment. It is not driven by any conflict. It is not driven by any letter of the law that would not allow this amendment to be taken up. I know the tremendous pressures that are being presented, but I do not think that anybody on either side of the aisle can look the world in the face and support policies that would allow our United States Trade Representative to create a case in the WTO against countries that are literally dying, with its citizens dying in record numbers day in and day out.

Mr. Chairman, I would ask the gentleman from Virginia not to proceed with this parliamentary maneuver in order to stop this amendment. The world is watching.

Mr. WOLF. Mr. Chairman, reclaiming my time under my point of order, I would like to comment before the Chair rules, if I may.

This is not a parliamentary maneuver. The gentlewoman is not the only person who is interested in these issues.

I was in the Congo in January. We were in Rwanda and Burundi and up in the Sudan. The gentlewoman is not the only person interested in this. The fact that we asked for a point of order does not mean it is a parliamentary maneuver.

Also, if the gentlewoman takes the time to go to page 100, we asked for the Africa policy. The committee is concerned about their lack of sufficient attention to foreign policy issues regarding Africa and supports the Department's efforts to improve the effectiveness, and we go on and on. We also say this amendment goes far beyond what is necessary.

In February, the Bush administration, and I want to put this on the record, because it sounds like the gentlewoman from California is the only one that cares about this, the Bush administration affirmed that it would not object to developing countries using the proficiencies of WTO to improve access to HIV/AIDS pharmaceuticals. In June, the administration decided to terminate its WTO patent dispute with Brazil, in part because some people believe that this dispute interferes with Brazil's effective AIDS program. The FDA office is committed to ensuring that the WTO members are able to use the flexibility built into the WTO to address the emergency and health care needs.

It goes beyond that. So it is not a maneuver. It is just a point of order, and it is subject to a decision.

The CHAIRMAN. Does the gentlewoman wish to be heard further?

Ms. WATERS. I do, Mr. Chairman.

This is not about I am the only one who cares about this issue. I am the only one offering this amendment today.

I am pleased that the gentleman has gone to the Congo and Rwanda. I am pleased that the gentleman knows something about Africa. Let me ask the gentleman if he knows that 36 million people are currently living with HIV/AIDS and 95 percent of them are living in developing countries. In sub-Saharan Africa alone, over 25 million people are living with HIV/AIDS, and 6,000 people die of AIDS-related diseases every day.

This has nothing to do with whether or not I care or I am the only one that cares. It is time to put our public policy and our money where our mouths are. People are dying in unprecedented and shameful numbers. I would say to the gentleman, it is not about whether or not the gentleman challenges whether I care more than he. It is not about whether or not we have traveled to Africa. It is whether or not we saw what was happening in Africa, that we feel it in our hearts, and we are ready to do the right thing by people who need our help.

This is simply about public policy. This is not even about money. This is about whether or not the gentleman is going to allow our United States Trade Representative to represent all of us and comply with rules that have been described by some on this floor as rules that are developed outside of government to protect the interests of the pharmaceuticals or other private companies who do not have it in their hearts to make sure that people are able to afford drugs that will save their lives. Are we going to sit here in the United States of America and watch people die day in and day out and not have it in our hearts to simply say, WTO, back off? That is what this is all about, Mr. Chairman.

I would ask that the gentleman from Virginia (Mr. WOLF) not use this parliamentary maneuver and back off from trying to use this as a way to oppose what I think is excellent public policy that we can all be proud of.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The amendment offered by the gentlewoman from California proposes to limit funding for certain proceedings in the World Trade Organization by the United States Trade Representative to challenge laws if those laws bear a certain relationship to HIV/AIDS pharmaceuticals. By requiring the United States Trade Representative to discover the effect of foreign laws, the amendment imposes new duties in violation of clause 2 of Rule XXI.

The point of order is sustained.

□ 1845

AMENDMENT NO. 11 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

THE CHAIRMAN pro tempore (Mr. LATOURETTE). Does the gentleman from Ohio (Mr. KUCINICH) offer the amendment as the designee of the gentlewoman from California (Ms. WATERS)?

Mr. KUCINICH. Yes, I rise as the designee of the gentlewoman from California, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. KUCINICH:

Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE–SALARIES AND EXPENSES" may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD) relating to HIV/AIDS pharmaceuticals.

The CHAIRMAN pro tempore. Pursuant to the order of the House today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

Mr. WOLF. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia reserves a point of order against the amendment.

Mr. WOLF. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will be recognized to claim the time in opposition.

The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since 1998, every AIDS patient in Brazil for whom it is medically indicated gets for free the AIDS triple cocktail drug treatment. This is extraordinary because, according to U.N.-AID, in developing countries less than 10 percent of people with HIV/AIDS have access to the anti-retroviral therapy.

The high price of many AIDS drugs, especially anti-retroviral drugs, is one of the main barriers to their availability in developing countries. Brazil can afford to treat AIDS because it does not pay market prices for antiretroviral drugs.

In 1998, the Brazilian government began making copies of brand name drugs, and the price of those medicines has fallen by an average of 79 percent.

The U.N. and the World Bank have praised Brazil's AIDS drug program, but what did the U.S. do? The U.S. lodged a complaint with the WTO alleging that Brazil's program violated the agreement on intellectual property.

Mr. Chairman, the people of America know that our country is a country with a big heart, but where is the heart here? USTR was wrong and offensive when it brought a WTO challenge against Brazil.

There are those who say that pharmaceutical companies can voluntarily and effectively take care of the shortage of HIV/AIDS drugs. In only one developing country, Brazil, do 100 percent of the people with HIV/AIDS get antiretroviral drugs. No other developing country could say the same thing, even though a couple have concluded charity agreements with pharmaceutical companies.

In other words, this is the most effective way to address the AIDS epidemic in developing countries, the way Brazil did it. Yet the U.S. brought a WTO case against Brazil.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I reserve the point of order on the amendment, and I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise in opposition to the Waters amendment. There are many of us who share her concerns for the need to provide access to affordable HIV/AIDS drugs in developing nations. I myself have traveled to nations in Africa three times in the last year and a half, and have obviously witnessed firsthand the devastating effects of this disease on individuals.

For many developing countries in Africa, the problem is not access to drugs, but it is lack of an infrastructure in place to distribute drugs to those who are in need, and it is cultural differences that continue to stigmatize those who have HIV/AIDS.

But the Waters amendment goes beyond providing affordable drugs in developing countries. It will have a negative effect in other industries like software, music, literature, movies. In essence, it prevents the United States Trade Representative from protecting American innovation from counterfeits or piracy against countries most likely to be involved in violations.

Piracy continues to be a problem in many countries, such as China. Once China enters the WTO, it must comply with international intellectual property rights standards. It simply does not make sense for us to negotiate China's WTO membership while simultaneously hindering our United States Trade Representative from ensuring that China comply with all the standards.

International intellectual property rights standards are important, and they are essential in preventing theft and piracy of American products. We should do more, not less, to ensure compliance and enforcement of these standards.

Mr. Chairman, I come from the area of the United States where the largest private foundation contributes the largest amount of money to the solution of HIV/AIDS. It is the Gates Foundation. But I also come from the area of the country where we know how important it is to protect our intellectual property on all levels from piracy.

That is what I stand behind, sensitivity to solve a problem, but good, rational thinking in terms of what we allow our U.S. representative to negotiate on behalf of American business. This amendment is a step in the wrong direction, and I ask my colleagues to oppose this amendment.

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to say that the testimony that was just given by the gentlewoman spoke to another amendment, certainly not to the one that is on the floor. This amendment is tailored specifically to HIV/AIDS. It has nothing to do with intellectual property and any of the other areas that she described.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the assertion that the amendment will lead to slowing new discoveries and discourage more pharmaceutical innovation has to be answered.

The argument is basically, I believe, a defense of high profits. Developing countries are so poor, however, that no pharmaceutical company can logically depend on profits earned in Africa to fund research.

It has been also mentioned that the WTO agreement on trade aspects of intellectual property already contains a humanitarian exception for health and other emergencies, so therefore, this amendment would not be needed. However, the United States brought a WTO case against Brazil, nonetheless. The TRIPS agreement was agreed to by the U.S. in 1995, while the U.S. case against Brazil was launched in June, 2000. Clearly, the exception is not enough, and congressional action is needed.

I know the gentleman from Virginia is a caring person, and we are all caring people here. We just hope that through bringing this debate forward today, we can have an opportunity to heighten the concern of this Congress about this issue, because it really is repugnant to morality to have people dying all over the world because of some trade squabble when the truth is that all trade agreements should exist to facilitate the human condition, and not to erode it through trying to engage in arguments about intellectual property when the fact of the matter is that people are suffering and they need help.

I know that the gentleman from Virginia is one of the champions on making sure that the concerns of people who are suffering and who need help are heard. So I want to appeal to all Members of Congress that soon we must come to grips with this issue to help the suffering people of the world and those who are dealing with AIDS, and the United States should be the last country in the world to object to a nation's trying to find a way to deal with their own AIDS problems. We should be in support of Brazil, not trying to undermine Brazil's efforts to treat the people of their country who have AIDS.

I want to express my appreciation to the gentlewoman from California (Ms. WATERS) for giving me the opportunity to present this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to congratulate the gentleman from Ohio for bringing this amendment and for bringing the issue to the floor. There will be, I believe, 40 million orphans in the year 2015 in Africa, and hopefully by putting pressure and raising these issues, I know Secretary Powell is very, very concerned. One of the first meetings I had when I got back is we met with Secretary Powell. We raised the issue of Sudan and AIDS. I will send the gentleman my report.

So I think it is good and healthy that it is out so people are forced to address it.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I insist on the point of order.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. WOLF) will state his point of order.

Mr. WOLF. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI imposing additional duties.

The CHAIRMAN pro tempore. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

Ms. WATERS. Mr. Chairman, I wish to be heard.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. On the point of order, Mr. Chairman, again, I make the same appeal. I see this as a parliamentary maneuver to avoid taking a vote on this legislation that I think a lot of Members on both sides of the aisle would support.

I do not think that the gentleman on the opposite side of the aisle could stand up and cite that there are 40 million orphans and talk about the devastation without knowing that he has it within his power, as he stands here today, to allow this amendment to be before this House. One does not have that kind of power and not use it when one absolutely cares about something.

The gentleman again, as with the gentlewoman, talked about their trips to Africa. What good does it do to keep going to Africa on these CODELs if one does not see the suffering of the people there, if one does not understand the dying that is going on in Africa?

What good is it to go there if one cannot come back and put that into public policy that will save lives?

Now is the time to demonstrate what one cares about with regard to Africa, and what we have seen in Africa.

Again, this is not about an allocation of dollars, this is about allowing countries to take care of themselves. This is about saying to WTO, do not challenge these countries on their ability to produce generic drugs. Allow them to do what Brazil has done. They have done it and it has been cost-effective, and they are saving lives.

If a Member cares about Africa, if one has internalized what they have seen when they have traveled there on these CODELs, watching people die, watching the orphans, watching these countries falling apart, then now is the time to use the gentleman's power to do something about it.

If the power is in the hands of the gentleman on the other side of the aisle to remove his objection, his challenge to this amendment, then I would respectfully plead with him to please do that today, and demonstrate that he understands that devastation, he understands those 40 million children that he has identified, all without parents. Children are running around. They are going to die, too. There is nobody to care for them.

Mr. Chairman, I would say that this attempt to challenge the legality of this amendment to be on the floor is without merit, and I would ask the gentleman to withdraw it.

The CHAIRMAN pro tempore. Does anyone further wish to be heard on the point of order?

If not, the Chair is ready to rule. The amendment offered by the gentleman from Ohio (Mr. KUCINICH) proposes to limit funding for certain proceedings in the World Trade Organization by the United States Trade Representative to challenge laws if those laws bear a certain relationship to HIV/AIDS pharmaceuticals.

By requiring the United States Trade Representative to discover the effect of foreign laws, and based on the Chair's prior ruling, the amendment imposes new duties in violation of clause 2 of rule XXI, and the point of order is sustained.

AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. WATERS: Page 108, after line 22, insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds appropriated in this Act under the heading "OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE–SALARIES AND EXPENSES" may be used to initiate a proceeding in the World Trade Organization (WTO) pursuant to any provision of the Agreement on Trade-Related Aspects of Intellectual Property Rights (as described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))) challenging any law of a country that is not a member of the Organization for Economic Cooperation and Development (OECD).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that we just saw the attempts to try and pass a very reasonable amendment. Both I and the gentleman from Ohio attempted to do that. We saw the parliamentary maneuver.

Mr. Chairman, this particular amendment does not face that challenge. However, I know that it is going to be opposed by the same forces.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise tonight to express my strong support as a cosponsor of the Waters-Kucinich-Crowley-Lee amendment. I want to thank the gentlewoman from California (Ms. WATERS) for her consistent leadership on each and every issue that affects the human family that we deal with here in this House.

This important amendment would restore the ability of developing countries to pass laws that make HIV and AIDS pharmaceuticals and medical technologies accessible to people living with HIV and AIDS.

The global AIDS crisis is the greatest humanitarian pandemic of our time. There are 36 million people worldwide living with AIDS. In sub-Saharan Africa alone, 6,000 people die each and every day from HIV and AIDS.

☐ 1900

The United Nations estimates that without a comprehensive response to this crisis, by 2005, there will be 100 million people infected with HIV and AIDS. That is over 100 million people. That is mind-boggling.

This amendment will allow African nations and those in developing countries to close the gap in access to HIV and AIDS therapies for people living with AIDS. Existing World Trade Organization policies unduly restrict the flexibility of countries to address the HIV and AIDS pandemic. This results in lives being lost.

By supporting the Waters-Kucinich-Crowley-Lee amendment, we will reinforce our support for countries to address their own crisis. Of the 36 million people living with HIV and AIDS, 95 percent of them, that is 95 percent, live in developing countries and really cannot afford any medication. They really do face a death sentence.

This is a moral outrage. We must not tolerate the current policy which dictates that life with a manageable illness is possible only, only if one has money, only if one is wealthy. However, death from AIDS is certain if one is poor.

For example, the continent of Africa accounts for only 1.3 percent of the global pharmaceutical market. That is because the average person lives on less than $300 a year while the average AIDS treatment may cost as much as $15,000 per year. Africans, poor people, people living in poverty, simply cannot afford drugs at the current price.

We have only just begun our battle with this global killer. So I strongly urge all my colleagues to do the right thing and vote for this amendment. We must not only talk about our moral concerns about this horrendous pandemic, but we must support public policies to solve it.

Finally, as Members of Congress in the most powerful country in the world, we must remember "to whom much is given, much is expected."

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman for yielding me this time and giving me an opportunity to work with her on this.

The amendment which is proposed by myself and the gentlewoman from California (Ms. WATERS) states that none of the funds appropriated in this act under the heading of the Office of the United States Trade Representative Salaries and Expenses may be used to initiate a proceeding in the World Trade Organization pursuant to any provision of the agreement on trade-related aspects of intellectual property rights.

It is really important for us to establish the context of why we are here. People are dying from AIDS all over the world; and we know that there are drugs, anti-retroviral drugs, which can be used to treat the people that can help save them. All over America, the people of America support the idea of helping others in need. The very thought that we can have these drugs in existence and have suffering people and them not being able to connect with suffering people has to cause everyone to be ashamed. Yet our own country has used the World Trade Organization as a vehicle to defeat the work of a nation that is trying to treat its own AIDS patients, saying it interferes with the intellectual property rights of pharmaceutical companies.

Since when do intellectual property rights become more important than human life? Since when? We need to get this in perspective. And the perspective is that we have a moral obligation to help those people who are suffering; that we have a moral obligation to challenge the WTO and not to ask the WTO to impress on the backs of the sick people of the world a yoke of intellectual dishonesty in the name of protecting intellectual agreements.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise today in strong support for the amendment offered by my colleagues, the gentlewoman from California (Ms. WATERS) and the gentleman from Ohio (Mr. KUCINICH).

I would also like to thank my colleagues for having the foresight to offer this amendment at a time when so many developing and undeveloped countries are seeing their societies, their very social infrastructures, decimated by the HIV/AIDS pandemic.

Mr. Chairman, last year I visited sub-Saharan Africa and saw firsthand what most Americans only read about. I saw a generation of kids growing up without parents, without teachers, and without health care providers because of HIV/AIDS. The decimation of these countries must stop.

HIV/AIDS drugs are not the only solution, but they are part of the solution. Our opponents in the multinational pharmaceutical companies point to their generosity in providing HIV/AIDS drugs to the developing world. While their philanthropy is certainly appreciated, there are other ways to solve this problem than to depend on multinational corporations for handouts. UNAIDS has stated that even with all the donation programs in place, only 10 percent of those infected by HIV/AIDS in the developing world will have access to these drugs.

The Waters-Kucinich-Lee amendment would restore the ability of developing countries to pass laws and produce HIV/AIDS drugs for their citizens. The amendment would prevent World Trade Organization challenges to HIV/AIDS drug laws by the United States related to HIV/AIDS drugs. In effect, this amendment would codify current administration policy supported by President Bush which has suspended any international copyright laws in the United States against countries in the developing world for producing HIV/AIDS drugs.

This amendment allows countries to institute policies and laws to facilitate provisions of sorely-needed pharmaceuticals to those suffering with HIV and AIDS. It is not, I repeat not, designed to undermine the World Trade Organization's intellectual property rights provisions.

Some have stated that pharmaceuticals used to treat and control HIV/AIDS are too toxic to be used by those in developing countries; that the infrastructure required to correctly use these drugs is lacking in these countries. Mr. Chairman, the people in these developing countries do have watches, they can tell time, and they do know that time is running out. This amendment needs to be passed.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in strong support of this amendment. Frankly, I am disappointed that this amendment is even necessary. It should be obvious that the United States would support all efforts to provide affordable medicine to the people of developing nations who are suffering with AIDS. It should be a given that when a nation like Brazil develops an effective program to address the AIDS crisis threatening its people that the United States would stand up and salute its good work.

The developing world in particular has been devastated by the AIDS epidemic, with millions of people affected and millions of people dying and a generation of orphaned children left behind. The manufacturing of affordable generic drugs is a crucial element in finally getting control of this terrible disease. We should be encouraging more nations to do that, rather than threatening them with lawsuits at the World Trade Organization to protect the bottom line of multibillion dollar drug companies. It is unconscionable that we would put money over lives.

It was only because of the public pressure, led in large part by the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE), and so many others in this body, that the United States finally dropped its lawsuit. But there is no assurance that the big drug companies will not pour their money into lobbying the United States Government to bring another lawsuit like it.

That is why we need this amendment today. With this amendment we would prevent the United States from shamefully pursuing commercial interests before the health and well-being of millions of people affected with this terrible disease. It would encourage developing nations to responsibly address the AIDS crisis and bring lifesaving treatment to their citizens.

The role of this Nation for several years in preventing people in southern Africa from having access to lifesaving drugs is shameful. I thank God that we are no longer doing that. This amendment will ensure that we will not even think about doing it again in the future. It is a very important amendment, and I urge its adoption.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding me this time and for her leadership on this issue.

Mr. Chairman, the crisis of AIDS in Africa and in developing countries around the globe demands our attention. We read of these devastating painful accounts of men and women and children dying without access to drugs that will sustain their lives. Last year, the number of children who died from AIDS reached a staggering half a million. We hear of orphans, a generation of orphans, who are entering our world in some of the worst imaginable conditions. Right now, in Africa, 10 million young orphans are struggling to survive.

We know there are governments throughout the world, developing countries, I should say, straining to deal with this crisis. But instead of helping, our government is pursuing a path that could make the AIDS crisis even worse. Under a perverse rule within the World Trade Organization, the United States, as we have heard already on this floor, brought a suit, a case against Brazil and its AIDS policy. Brazil found a way to get HIV/AIDS drugs into the hands of anyone who needed them by manufacturing generic versions of these vital medicines and distributing them free of charge.

This policy has received praise from agencies and individuals who are intimately involved in this issue from around the world: the United Nations, the World Bank, and many other organizations. But our trade officials apparently thought that corporate intellectual property rights are more important than the lives of the people being saved by these drugs. After heavy public pressure from many of my colleagues here, the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), many of my colleagues in this body, after heavy pressure, the U.S. finally withdrew its case. But the next time, Mr. Chairman, it could be different.

Today, I join my colleagues, the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. CROWLEY), and all the others, in offering an amendment to ensure this will never, ever happen again.

The United States should be supportive of efforts to help alleviate the tremendous suffering throughout the world from the AIDS epidemic. We should not be using international trade organizations like the WTO to undermine a developing country's ability to get HIV/AIDS medication into the hands of their own citizens who cannot live without them.

I urge my colleagues to support this amendment, and I thank my colleague from California and the others for their leadership in presenting it to us this evening.

Mr. MILLER of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DREIER), chairman of the Committee on Rules.

The CHAIRMAN. The gentleman from Florida (Mr. MILLER) claims the time in opposition, and yields such time as he may consume to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding me this time; and, Mr. Chairman, I rise in the strongest possible opposition to this amendment.

We all are very concerned about the scourge of HIV/AIDS around the world. We just, upstairs in the Committee on Rules, reported out the very important rule on foreign operations, which we will be considering in this House. In it there is nearly a doubling, a doubling, of the level of funding for HIV/AIDS. We all are very concerned about it. We all want to do everything that we possibly can to bring this very, very serious problem to an end; and that is why we have doubled the level of funding.

But to proceed with language which undermines one of the most basic principles on which this country was founded, that being property rights, is something that I find extremely troubling. We know that intellectual property is important to our State of California. I see my colleague here, the author of this amendment, the gentlewoman from California (Ms. WATERS), who knows very well that in California we have a very important biotechnology industry. In California, we have the extremely important entertainment industry. We know that that property which our California constituents have must be recognized, and this amendment clearly undermines the opportunity that our U.S. Trade Representative has in dealing with so-called TRIPS challenges, the intellectual property challenges that exist.

□ 1915

Because there are people around the world who are stealing our property. It is wrong. The prospect of eliminating those methods that we have for recourse to those who are stealing our property should not take place.

When I look at the tremendous innovation that is taking place in the area of medical research, we are right now in the midst of the debate of embryonic stem cell research. Very compelling evidence has come forward about the prospect in looking at ways in which we can deal with the very serious ailments out there such as, Alzheimer's, Parkinson's, hemophilia, AIDS, asthma, cancer, on and on and on.

Guess what? This innovation is being done right here in the United States, the idea of saying to those who are looking at new and innovative ways to deal with these diseases and others who are potentially going to have their private property stolen if we eliminate this very important power that exists with the U.S. Trade Representative.

We obviously all share very serious concerns about the spread of HIV and AIDS. I believe that we again have demonstrated our concern when we in this House vote out the foreign operations appropriations bill which will double the level of funding for dealing with that.

This is a very bad amendment. It seriously undermines the right to protect the important property rights that we as Americans cherish so.

Mr. Chairman, I urge my colleagues to vote against it.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding and for her leadership on this important issue.

Before I speak in support of the Waters-Kucinich-Crowley amendment I want to commend the distinguished chairman of the subcommittee for his unsurpassed leadership on helping to meet the needs of people throughout the world, people who are suffering.

I know that many of us travel as CODELs and visit countries and do not really see the real suffering, as my colleague so correctly pointed out. But the gentleman from Virginia (Mr. WOLF) is not in that category. In fact, he is known to visit very quietly by himself, whether it is those who are hungry in the Sudan or wherever suffering exists in our country. I want to recognize the compassion and leadership he has always demonstrated.

Mr. Chairman, I reluctantly rise. I do not know if you are supporting this amendment. I assume not from your comments. I do rise in support of the amendment to prevent our government from challenging the ability of developing countries to pass laws that make HIV/AIDS drugs available to their citizens.

Some have expressed concerns about the extent to which this bill goes. We all know what the heart of matter is, what we are trying to achieve.

International trade law allows countries to take action during a public health emergency. It would be absurd to claim that the AIDS crisis in the developed world is not a public health crisis. We have heard the staggering statistics: 36 million people infected with HIV, 22 million deaths from AIDS, and nearly 14 million children orphaned, over 95 percent of these cases found in the developing world. AIDS is the number one cause of death in Africa.

Not only is this a public health emergency, it is the worst public health crisis since the Middle Ages. As the world's wealthiest, most powerful country, the United States must be a leader in this fight, not a barrier to progress.

Archbishop Desmond Tutu has said, "AIDS in Africa is a plague of biblical proportions. It is holy war we must win."

It is indeed, and the battles in this war occur on many fronts.

Brazil is waging one of those battles, and it is winning. Despite prices that are well out of reach for most of its citizens, nearly every AIDS patient in Brazil in need of AIDS drugs receives treatment. This unprecedented access to therapy has been achieved through a government program that makes copies of brand name drugs. Compulsory licensing provisions in international trade law allow this practice, and the result for Brazil has been a 50 percent reduction in the AIDS death rate, fewer HIV transmissions, the prevention of hundreds of thousands of hospital admissions, and significant savings to its healthcare system.

This amazing success was threatened when the U.S. brought a WTO case against Brazil for its HIV/AIDS policies. Earlier this year, this case was withdrawn in response to public pressure. If this effort had been successful, Brazil would have faced punitive economic sanctions, countless lives would have been lost unnecessarily and other poor nations would have been deterred from replicating Brazil's success.

AIDS can be treated in the developing world. U.S. Trade Representatives should not be standing in the way.

I know we will be hearing from the distinguished gentleman from California (Mr. BERMAN), who is an expert on copyright and international property laws, as to how we can all meet our goals and in a very, very productive way.

Mr. Chairman, I urge my colleagues in the meantime to support the Waters-Kucinich-Crowley amendment.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I appreciate the gentlewoman from California (Ms. WATERS) yielding me the time. I also appreciate very much the parliamentary predicament that she has been in.

The gentlewoman from California is trying to deal with a critical emergency affecting millions and millions of people. She is trying to ensure that HIV/AIDS pharmaceutical are available to the people in third world countries. Forced by the parliamentary maneuvering up to now, she has been required to present an amendment which goes far beyond HIV/AIDS pharmaceuticals. It goes far beyond pharmaceuticals. It covers all copyrighted material, patented material and creates this compulsory license mechanism. So she has been forced to present an amendment which I think a lot of people, certainly me, think is overbroad.

Mr. Chairman, I ask the gentlewoman in the time she has yielded to me whether she would consider a unanimous consent request to bring this language back to the whole purpose of her Herculean efforts here to make these pharmaceuticals accessible to people who desperately need them?

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I appreciate the gentleman from California (Mr. BERMAN) giving support to us on this issue. I know, too, how hard he has worked not only on this issue but other related issues.

As the gentleman knows, I was attempting simply to deal with the HIV/AIDS issue and not have this in a broader context. I know that the pharmaceuticals do not like this. But I also know that the world pressure that was brought on them in the case of Brazil backed them down.

We do not want to have to continue to go that route. I would say to the gentleman that I would be happy to have a unanimous consent request to amend this amendment so that it would conform.

The CHAIRMAN. The gentlewoman's time has expired.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I object, because it goes back to what we were faced with before. I commend the gentlewoman for trying to do what she wants to do.

POINT OF ORDER

Mr. BERMAN. Mr. Chairman, point of order.

Mr. WOLF. Mr. Chairman, I object.

Mr. BERMAN. Mr. Chairman, I do not believe that the unanimous consent request has been made.

The CHAIRMAN. The gentleman will suspend.

The gentleman from Virginia (Mr. WOLF) was recognized by the Chair, and he was stating his position for the gentleman's edification. There has been no request. He was stating his position.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very sorry that we are being prevented from amending this bill in such a way that it will do what we started out to do, and relates specifically to HIV/AIDS. I think that the gentleman from California (Mr. BERMAN) made the case, and the case is one that we recognize.

MODIFICATION OF AMENDMENT NO. 12 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I ask unanimous consent to amend the bill to comply with keeping this in line with dealing with HIV/AIDS in the WTO.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 12 offered by Ms. WATERS:

Add at the end the following: "that promotes access to HIV/AIDS, pharmaceuticals and essential medicines to the population of the country."

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from California?

Mr. WOLF. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have been through this debate and we have had objections from the opposite side of the aisle now on three occasions. Again, I thought we were able to make the case and to point out that it is within our power to move this amendment and to do something about the devastation of Africa, the dying that is going on.

I ask my colleagues to disregard all of the comments they hear about the culture does not know how to accommodate using medications.

Mr. Chairman, I ask my colleagues to disregard comments about the infrastructure is such that it is better that we do not try to do something about presenting the people of Africa with this opportunity.

This is another parliamentary maneuver to block us from having an amendment that would deal directly with getting the WTO out of the business of making a case out of countries simply taking care of their AIDS patients who need medicine.

Mr. Chairman, I do not wish to talk a lot about the pharmaceuticals here this evening. We know how powerful they are, and we know that they are in opposition to this amendment. We know that the pharmaceuticals will hold out as long as we allow them to and watch people die, thousands of them by the day, to protect their intellectual property rights, to protect their patents, to protect their whatever.

Again, public policymakers should not allow any special interest to have that much power. It is within the power of the Members of this House to do something about it. We can simply move this amendment this evening and not allow our trade representative to take this case to the World Trade Organization. The people of Africa are watching. We know that it works when a country decides to provide generic drugs to its people because we have seen it work already, not only in Brazil but in India also. We know that it works. The pharmaceuticals know that it works.

But we are going to sit here and say somehow that this is improper, that this does not comport with the way that we do business. Those are simply flimsy obstacles that everybody can see through.

Mr. Chairman, I ask my colleague on the opposite side of the aisle who is leading the opposition to remove himself and to take the moral position of saving lives. It is within the gentleman's power by simply saying one or two words here this evening on the floor that he will support my amendment to amend this legislation so that it deals specifically with HIV/AIDS.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose the amendment. It is not a maneuver. There are rules in the House. The amendment goes far beyond what is necessary to addressing the countries' AIDS crisis.

The gentlewoman ought to take her energy and meet with Secretary Powell. The gentlewoman ought to take her energy and meet with the trade rep. The gentlewoman ought to take her energy and meet with President Bush at the White House. The gentlewoman ought to take her energy and advocate this up and down the country. We have rules. We have procedures.

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It is interesting. I find myself in agreement with much of what she says, but I do not find agreement in the approach that she has taken. And because I do not find myself in agreement with the approach that she has taken, we are going to oppose the amendment.

Why does she not take her energy and meet with the Secretary of State. Has she made a request to meet with Secretary Powell? Why does she not take her energy and make a request to meet with the Trade Rep? Has she asked to meet with the Trade Rep? Why does she not do that and then by bringing people together, trying to resolve it with people, good people of faith, there may be a greater opportunity.

Mr. Chairman, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

I resent the gentleman lecturing me about how I ought to use my time. I was elected by the people of my district to make public policy. They did not necessarily elect me to go and do any of the things he is instructing me to do. They elected me to come here, to identify the issues, to debate the issues, to work on the issues. I know how to use my time. And I use it effectively.

I would say to the gentleman, he should be more concerned about how he uses his time and his power rather than trying to instruct me on how I should use my time. I think that this amendment and the work that I am doing is the right thing to do. I think that it is the moral thing to do. I think that it is the spiritual thing to do. I think it is the religious thing to do. I do not know how anybody who has got the power in their hands, who work in this body, standing before the world, can oppose an amendment that would save the lives of millions of people. I do not know how anybody who can know intimately the devastation that is going on in Africa, who admits they have traveled there, who can talk eloquently about having gone to the Congo and other places, I do not know how they can take that information and somehow shape it into a result that says despite the fact I know all of this, I have seen all of this, I understand all of this and I am a faithful and upstanding person, but yet when it comes to the bottom line, I cannot do it.

I cannot do it because of what? I cannot do it because the pharmaceuticals do not want me to do it? I cannot do it because my caucus does not want me to do it? I cannot do it because of what?

I cannot do it because it is not important enough. It does not occupy priority on his agenda. He cannot do it because he does not have the will to do it.

I have listened to Members come to the floor and commend him for being a generous man, for being a caring man, for being someone who has traveled to Africa, but there is a contradiction in all of this. The contradiction is quite clear. Mr. Chairman, you cannot know this story, you cannot have watched these babies die, you cannot watch these families where mother and father both are dead and children living without resources, in shacks and tents, you cannot say that you have seen all of that and somehow you cannot be moved to do whatever is necessary, to put your mark on making sure the people get the drugs that they need in order to live. Our United States Trade Representative was not elected by the people. It is an appointed position. We should be telling the United States Trade Representative what to do and how to represent us. We should be telling her, you are not to go to the World Trade Organization and take up this issue against the people. But since we are not willing to do that, we take an amendment like this and say, "You can't use our resources to do it."

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in reluctant opposition to this amendment. I began my work against HIV in 1986. The first HIV test was produced in Deerfield, Illinois, in my district. It cost hundreds of millions of dollars to produce and alerted us to a crisis of AIDS in Africa. But if this amendment had become law in 1987, just when we realized the magnitude of the problem, all major AIDS drugs would have been shelved and there would have been no money for the production of those drugs.

AZT was developed, and it offers chronic care of HIV. Kaletra is now on the market, and it drives viral loads to zero. Both drugs were discovered without U.S. taxpayer funds, and these drugs are saving lives. Now over 50 new drugs are under development. But this amendment would stop the development of those drugs in their tracks. If these new drugs come to patients, we can cure AIDS, and we can develop a new vaccine that will stop anyone else from getting AIDS. But our solution is not to destroy the intellectual property law of the United States, a law which is founded in our own Constitution and produced a country that won more Nobel Prizes than any other country. The answer is funding for programs like UNAIDS. I helped found the UNAIDS program in 1986 as a staffer for John Porter. And funding for that program went from $25 million to over $1 billion. Hope, research, and funding for UNAIDS is the answer, not throwing scientists out of work upon whom our hope depends.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentlewoman from California for yielding me this time. I am proud to support the Waters-Kucinich amendment and urge its passage.

Just imagine for a minute if the United States Government decided it could provide generic anti-retroviral drugs for the treatment of HIV/AIDS to all those who are infected at minimal or no cost, and as a result we saw AIDS deaths plummet in the United States. Now imagine if another nation challenged the United States on the grounds that we were violating the intellectual property rights of a pharmaceutical company and that that other government went hand in hand with the pharmaceutical company to the WTO and challenged the right of the United States to take care of its citizens. I am sure that if that happened, that Members would be flocking to the House floor protesting the action and calling on the United States to simply ignore the WTO and continue this lifesaving program.

It was 1999 when I found out that, in fact, it was the United States, hand in hand with the pharmaceutical companies, going to the WTO and telling South Africa it could not save its own citizens, that it continued to do that in Thailand, and that it continued to do that in Brazil. How shocking it would be for us if the tables were turned. Intellectual property rights here, the rights of human beings to live down here. I brought this to the attention of the President of the United States along with many of my colleagues here. He created an executive order that said we are not going to do that anymore. And this President, to his credit, is continuing that executive order.

So what is the problem? Let us put that into the law for all Americans to see, that we say that we will not use the rights, the intellectual rights of the pharmaceutical companies to deprive human beings of their right to live and to receive the drugs when their country makes the effort to provide them.

I think it is stunning to me that anyone, as a previous speaker did, would come to this floor in defense of the practice of the pharmaceutical companies to say, we want to make our profit off of those people who could not possibly afford the $10,000 for those drugs. We are going to protect our profits and allow people in developing nations to die. This country is so much more compassionate than that. They want us, in the face of this crisis, which supersedes all of the plagues in history and combined deaths of all the wars, to take action to do everything we can to save lives around the globe. That is the only intention of this amendment. I urge its support.

Ms. WATERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Let me just say as I sit here listening to this debate, I am very troubled by how it has degenerated into a debate about intellectual property rights as compared to saving lives. It is really an unfair debate, because there is no comparison in terms of what we are talking about. Intellectual property rights, our trade policies, many of them were developed and set into stone way before people were dying from HIV and AIDS. So we should not even be making that comparison tonight. We are talking about the basic values of our country, of people in our country who care about people who are dying. We are not really talking about property rights.

I think after tonight's debate, this House needs to go back to the drawing board and really reassess our trade policies and how we instruct our trade representatives. And, yes, I have talked with Secretary of State Colin Powell twice. I have talked with our Trade Representative. I was a delegate to the United Nations at the U.N. special session on AIDS. The whole world is looking at this House of Representatives to stop what we are doing in terms of our trade policies and to say, yes, we want these countries to begin to be developing their own generic drugs so that they can save the lives of millions and millions of their citizens.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time.

Obviously the debate has been held, and we know where people stand. Of course I am shattered by what is happening on this floor. It is inconceivable that we could have the opportunity here this evening in our public policymaking to literally direct our United States Trade Representative in the way that they handle this issue and not allow them to take it before the WTO to prevent countries from producing generic drugs to save lives.

It is a contradiction because we are debating faith-based initiatives. We are debating whether or not we are going to allow the religious community and the church community to help save lives and to help poor people, all of that. It is a contradiction, Mr. Chairman. As I listen to this debate this evening, I am shattered because for even the best of us, we allow ourselves to be undermined and to be mismanaged by outside interests. May God have mercy on all of our souls. This is a tragedy.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentlewoman from California has got the most noble of intent in this particular legislation. I have no doubt. But I do not think, not that I do not think, I know, that in this particular case, it is not just about intellectual property rights. It is not just about the pharmaceuticals. Our point is, is that pharmaceuticals in almost every one of our districts. They go out and they try to survive producing new medicines.

□ 1945

FDA goes through and takes sometimes years to get the okay, and many of these companies actually go out of business; they do not survive. But a few of them have been fortunate enough to get through. And then our own laws, many times the patent runs out just about the time that they get their new drug, new wonder drug okayed; and they have just a short time to recoup any loss, or even make a profit, or even keep from going out of business.

If we just give these medicines away, if we violate those intellectual property rights, we force them to stop producing new medicines for the future. It is not about profit. It is about the fact that those new medicines, which the previous gentleman spoke very eloquently about, would not be produced, not only now, but in the future.

We stand on the edge. This is going to be the decade, I really believe, and I am on the Subcommittee on Labor, Health and Human Services and Education, from stem cell research to the genome program to new research, we stand on the edge of biomedical research and new medicines. If we shut down the companies that are discovering these very medicines, then not just the people that are infected with HIV, and I think it is terrible about the number of people, and the gentlewoman is exactly right, there are entire civilizations that are dying, and there are children that do not have homes because their parents are dying of HIV, or even it has been transmitted to them at birth. So it is not a question about not caring; it is a question of caring not only now, but for the future.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we were just in a debate back here about how we license so many products and the power that we have, and we were just discussing that in relationship to this amendment and what tremendous accomplishments could be made with this simple step that we take here this evening.

Mr. Chairman, let me say something: we sit back and we watch young people protest against the WTO. When they were up in Seattle, many people were just appalled at the fact that they staged the kind of protests that they did; and many people did not understand it, because they did not understand the WTO and the powers of the WTO. They did not understand that we have created this monstrous organization that is very much influenced by the multinational corporations of the world, many times overriding the will of elected bodies, legislatures, parliaments, and congresses.

The young people get it. They understand something is not right. And that something is demonstrated here tonight. That something that they rally and they protest about is the fact that there is an organization that has the power to rule in favor of multinational corporations, to protect their patents, even when, even when these countries, who need the medicines, could produce their own. But the rules of this game say that, no, you cannot do it, because the multinational corporations do not like it. You are going to interfere with their ability to make a profit. They do not want to give the power to a country to be able to take care of its own with cheap drugs.

The young people are demonstrating, because they know that these policies are influenced, developed, in the back room. We do not even know who is sitting on these panels at the WTO. Most of the Members of Congress do not pay a lot of attention to the World Trade Organization. Most of the Members of Congress are not in the business of directing our United States Trade Representative.

But I want to say what we do here this evening helps to define all of that. It helps the world to understand where we stand when it gets down to the people versus the multinationals, and whether or not we are going to use our power on behalf of people, just little people, just poor people, just dying people, or whether, in the final analysis, we do not have the will or the guts to stand up to multinational corporations who say "protect us."

Mr. BLUMENAUER. Mr. Chairman, I come to the House Floor tonight in strong support for more action by developed countries and more leadership from the United States in fighting the AIDS epidemic, especially in developing countries. It is important that in addition to increased U.S. investment, we encourage creativity and investment from NGOs and the private sector to combat the AIDS crisis. While I support the positive intent of this amendment, the language included is much too broad. I fear this amendment could have unintended consequences and will vote against it.

Mr. CONYERS. Mr. Chairman, I rise today in support of the Waters-Kucinich amendment to the Commerce-Justice-State Appropriations for fiscal year 2002. The Waters-Kucinich amendment would restore the ability of developing countries to pass laws for the purpose of making HIV/AIDS drugs available to their citizens. The Waters-Kucinich amendment would prohibit future WTO complaints, thereby giving developing countries the flexibility to provide cost effective treatment for people with HIV/AIDS. In the 35 years that I have worked in this wonderful House, I must say this is one of the most important amendments ever offered on the floor of this House!

Mr. Chairman, Dr. Peter Piot, Director of UNAIDS, has stated time and time again that 95% of the African people who are infected with HIV/AIDS can not afford AIDS antiretroviral drugs. This means that if current WTO policies are not changed, then the 25 million people in Africa who are now infected with HIV/AIDS will receive an "unnecessary death sentence" due to the sole fact that African countries simply cannot afford the price of anti-retroviral drugs. Death by AIDS is not, and should not be a partisan issue; this is about something much deeper, more profound, and more spiritual than the current debate we are having tonight. This is about whether or not there will be 40 million orphans in Africa in the year 2015 because the African people can not afford the obscene prices of pharmaceutical AIDS drugs.

African countries should be allowed to take care of their own health problems. In Brazil, government labs have manufactured five generic AIDS medications since the mid 1990's under the national emergency provisions of the compulsory licensing system of the WTO. They distribute these medicines without charge. Should not Africa also be able to create their own generic AIDS drugs?

6,000 people die in sub-Saharan Africa each day of HIV/AIDS. How many more African children, mothers, and fathers must die from this deadly disease before we open up our eyes and our hearts to the pain and suffering of our brothers and sisters in Africa. I believe, as do my colleagues who support this amendment, that intellectual property rights can not, and must not, be placed above the right for all human beings, to live a full and productive life.

I urge my colleagues on both sides of the aisle to support the Waters-Kucinich Amendment.

Mr. RUSH. Mr. Chairman, I rise in support of Representative WATERS' and Representative KUCINICH's amendment to restore the ability of developing countries to make HIV/AIDS drugs available to their citizens. While I understand the importance of the intellectual property rights of the companies that create these vital drugs, my conscience compels me to support this amendment. I must support this amendment out of a sense of morality and concern for my fellow mankind in Africa and other developing countries.

HIV/AIDS is ravaging developing countries and wiping out a whole generation of men and women. More than 25 million Africans are now living with HIV and last year alone, 2.4 million Africans died from the disease. Sub-Saharan African women are now the fastest-growing HIV-positive population.

The loss of mothers and fathers in Sub-Saharan Africa has resulted in a new social epidemic: parentless children. Two-thirds of 500,000 orphaned children in South Africa lost parents to HIV/AIDS, and over 30% of the children born to HIV+women will develop pediatric AIDS. I have witnessed the orphanages overflowing with children who have lost parents to this disease and it is astonishing.

I commend the pharmaceutical companies who have made efforts to provide HIV/AIDS medications available to Sub-Saharan Africa. Also, I thank the 39 pharmaceutical companies for placing humanitarian concerns over profits by dropping their suit against the South African HIV/AIDS law earlier this year.

However, if we do not act now whole cultures may perish before our very eyes. If we do nothing, our tacit acceptance of the HIV/AIDS crisis in Africa and other developing countries is unforgivable. We must pass this amendment and allow developing countries the flexibility they need to provide cost-effective treatment for people with HIV/AIDS. If for no other reason, we should pass this amendment for the children whose parents these drugs can keep alive.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Waters Amendment.

We are all concerned about the AIDS epidemic in Africa and we should do more. President Bush and Secretary Powell have proposed a broad new initiative to help African countries address this horrible epidemic and Chairman HYDE is working on that $1 billion initiative. And as a Member of the Appropriations Committee, we just completed work on a Foreign Operations bill that doubles the U.S. contribution to fight global AIDS.

But in our efforts to help the world community address the spread of HIV and AIDS, we should not sacrifice the rightful ownership and control of American innovations and products that help keep men, women and children healthy both at home and overseas.

In point of fact, because we do protect intellectual property rights, our country's scientists and companies have led the way in developing the very AIDS treatments that we are trying to get to the people of Africa. It is also the very same system of intellectual property protection that will lead to the next generation of much needed AIDS treatments.

Without protecting new innovations and products, where will the next and better treatments for AIDS and so may other diseases come from?

We should do more to help fight AIDS around the globe. We will do more to help fight AIDS around the globe. This amendment is simply not the remedy for addressing the very real needs of people suffering from AIDS around the globe.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

AMENDMENT NO. 40 OFFERED BY MR. WU

Mr. WU. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. WU:

At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to process an application under the Immigration and Nationality Act, or any other immigration law, submitted by or on behalf of an alien who has been directly or indirectly involved in the harvesting of organs from executed prisoners who did not consent to such harvesting.

Mr. WOLF. Mr. Chairman, I reserve a point of order, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Oregon (Mr. WU) and the gentleman from Virginia (Mr. WOLF) each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to recognize the chairman for his leadership in human rights issues around the world and particularly in China. I believe that my amendment addresses a human rights issue of profound importance. The practice of the illegal harvesting and sale of human organs from executed prisoners is a gross, gross violation of human rights. Under even Chinese law, this practice is illegal. Under our laws, we have very strong protections about what prisoners can do with their donated organs.

Mr. Chairman, the gentleman from Virginia (Chairman WOLF) and I both share concerns about the Chinese Government's poor human rights practices. That illegal organ harvesting from prisoners is not just profoundly objectionable, it strikes at the very heart of what it means to be a human being.

I hope that this House will stand with me. We need to do everything we can to stop this practice. At a minimum, at a minimum, we need to bar the entry of people who have participated in this practice from entering into the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I continue to reserve my point of order.

Mr. Chairman, I want to commend the gentleman from Oregon (Mr. WU) for this amendment. We have been trying to be faithful on amendments that were out of order to object, just like we did on the last one. However, I will do everything I can to see that this is in the final bill.

Here is a statement that was presented at a hearing before the Subcommittee on International Relations and Human Rights on June 27 by Wang Guoqi, a physician from the People's Republic of China. Mr. Wang was a skin and burn specialist at the Paramilitary Police General Brigade Hospital. He writes that his work "required me to remove skin and corneas from the corpses of over 100 executed prisoners, and, on a couple of occasions, victims of intentionally botched executions." In very graphic examples, Mr. Wang describes how he has harvested the skin off of a man who was still living and breathing.

This is one of the reasons why I am opposed to granting MFN or PNTR to the Chinese Government. The gentleman is exactly right, and we will do everything we can to see that his amendment in any way we possibly can is carried in the bill.

The reason we are objecting on a point of order is in fairness to the others, the gentlewoman from California, the gentleman from Indiana and others, to maintain the consistency. But we will do everything we can. I think it is a good amendment, what the gentleman is trying to do.

I would also like to have an opportunity to have INS and Justice and State maybe come up, or we can meet in the gentleman's office, whereby we can sit down to see how we can fashion something to see that the gentleman's purposes and goals of what he wants to do are accomplished.

I thank the gentleman for offering the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WU. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me time, and I thank him for bringing this very important issue to the attention of the Congress.

I appreciate the work that is behind the gentleman's effort to stop the unlawful organ transplant without consent in China. I say "unlawful," because even under Chinese law, as the gentleman pointed out, this practice is not allowed.

I thank the distinguished chairman for his very thoughtful remarks as well, and I have every confidence that he will be effective in what he is trying to do here.

I just want to read from the Year 2000 State Department Human Rights Report: "In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplants but maintain the consent is required from prisoners or their relatives before the organs are removed." Indeed, that would be under the law of China, if the prisoners' body is not claimed, with the consent of the prisoner, or with the prior consent of the prisoner's family.

But the fact is, as our own Deputy Secretary for Democracy, Secretary Parmly, has stated before Congress, "Bodies are also routinely cremated immediately after a sentence is carried out, making it impossible even for those families who are able to claim a family member's remains to determine whether or not the body has been used for medical purposes."

Then further to that point, execution is often not announced in advance until within hours of the execution. With China's vast geography, such short notices often make it impossible for families to travel to claim the body on such short notice.

This is a very smart amendment. This is a very smart amendment because so many of the people doing these organ transplants get their training under good intentions in the United States, but then go use it in China for a bad reason. This is a very targeted way to address the problem. I commend the gentleman for his very smart, targeted, focused amendment, and hope the distinguished chairman will make it part of the bill.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment. The Subcommittee on International Operations and Human Rights, which I chair, held a hearing a few weeks ago on the China's terrible practice of harvesting organs of executed prisoners. The horrific stories relayed by our witnesses motivated me to file several pieces of legislation cosponsored by the gentleman from Virginia (Mr. WOLF) and which does precisely this.

It seeks to ensure the U.S. does not become an accomplice to the promulgation of such a deplorable practice.

One of these bills has as one of its provisions the prohibition of visas to be awarded to those who engage in the harvesting, transplantation, and trafficking in harvested organs from executed prisoners.

China's Communist regime has a lucrative industry in the field of organ transplantation, which not only yields great financial rewards, but it provides the regime with a very powerful tool to coerce and intimidate the population into submission. It executes more prisoners each year than all of the other countries combined, with experts such as Amnesty International estimating that the numbers could reach 1,000 executions per year in each city.

Evidence further indicates that 90 percent of all transplants performed in China use organs taken from executed prisoners. The payment for these organs and transplants are in the tens of thousands, and increasing as the demand continues to grow. Government sanctioning of organ harvesting from prisoners began in 1979, but the evil nature of this practice does not stop there.

I ask my colleagues to support this amendment. Congress must not allow this horrific situation to go unchallenged.

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Mr. WU. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, first and foremost, I would like to congratulate the gentleman from Oregon (Mr. WU), my colleague.

What we are doing here today and, hopefully, what we will be permitted to do is to send a message to those people who are committing criminal acts against the people of China, saying they will be held accountable. Doctors who are participating in crimes against humanity, which the harvesting of organs is all about, they will be held accountable. They will not be treated like any other individual or any other doctor from around the world who wants to come to the United States.

Tomorrow, we will debate and discuss permanent Normal Trade Relations with China. China is a criminal country as well at this time. Their government should not be treated as we treat any other friendly and democratic government. They should be held accountable. That is a government that is run by gangsters and criminals. They should be held accountable. We should not give them that trade status. Individuals in China who are part of that regime and take part in these criminal acts also should be held accountable.

Mr. Chairman, my hat is off to the gentleman from Oregon (Mr. WU) for making sure we stand up for this moral position.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman from Oregon asked me earlier in the day if I would support this, and I said yes. I do not think everybody in China is evil, but I do think there are evil people in the government, and I think there are atrocities going on which the gentleman is trying to get to, all the way from Germany with the experiments that went on there to the even alleged nonprisoners being executed and killed for international marketing.

Mr. Chairman, I rise in strong support of the gentleman's amendment, and I thank him for offering it.

Mr. WU. Mr. Chairman, I yield myself the remaining time.

I just want to close by saying that it is absolutely imperative that we set universal standards for human conduct. What we are seeking to reach through this amendment is illegal under Chinese law. It is illegal under American law. It is already prohibited to permit individuals like this from entering the United States by current exclusion standards under U.S. immigration law. But at core what this amendment strikes at is a practice which strikes at what it means to be a human being.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume to submit the testimony that was given before the subcommittee under the jurisdiction of the gentlewoman from Florida (Ms. ROS-LEHTINEN), which verifies everything that the gentleman said.

TESTIMONY OF WANG GUOQI, FORMER DOCTOR AT A CHINESE PEOPLE'S LIBERATION ARMY HOSPITAL

My name is Wang Guoqi and I am a 38-year-old physician from the People's Republic of China. In 1981, after standard childhood schooling and graduation, I joined the People's Liberation Army. By 1984, I was studying medicine at the Paramilitary Police Paramedical School. I received advanced degrees in Surgery and Human Tissue Studies, and consequently became a specialist in the burn victims unit at the Paramilitary Police Tianjin General Brigade Hospital in Tianjin. My work required me to remove skin and corneas from the corpses of over one hundred executed prisoners, and, on a couple of occasions, victims of intentionally botched executions. It is with deep regret and remorse for my actions that I stand here today testifying against the practices of organ and tissue sales from death row prisoners.

My involvement in harvesting the skin from prisoners began while performing research on cadavers at the Beijing People's Liberation Army Surgeons Advanced Studies School, in Beijing's 304th Hospital. This hospital is directly subordinate to the PLA, and so connections between doctors and officers were very close. In order to secure a corpse from the execution grounds, security officers and court units were given "red envelopes" with cash amounting to anywhere between 200-500 RMB per corpse. Then, after execution, the body would be rushed to the autopsy room rather than the crematorium, and we would extract skin, kidneys, livers, bones, and corneas for research and experimental purposes. I learned the process of preserving human skin and tissue for burn victims, and skin was subsequently sold to needy burn victims for 10 RMB per square centimeter.

After completing my studies in Beijing, and returning to Tianjin's Paramilitary Police General Brigade Hospital, I assisted hospital directors Liu Lingfeng and Song Heping in acquiring the necessary equipment to build China's first skin and tissue storehouse. Soon afterward, I established close ties with Section Chief Xing, a criminal investigator of the Tianjin Higher People's Court.

Acquiring skin from executed prisoners usually took place around major holidays or during the government's Strike Hard campaigns, when prisoners would be executed in groups. Section Chief Xing would notify us of upcoming executions. We would put an order in for the number of corpses we'd like to dissect, and I would give him 300 RMB per cadaver. The money exchange took place at the Higher People's Court, and no receipts or evidence of the transaction would be exchanged.

Once notified of an execution, our section would prepare all necessary equipment and arrive at the Beicang Crematorium in plain clothes with all official license plates on our vehicles replaced with civilian ones. This was done on orders of the criminal investigation section. Before removing the skin, we would cut off the ropes that bound the criminals' hands and remove their clothing. Each criminal had identification papers in his or her pocket that detailed the executes name, age, profession, work unit, address, and crime. Nowhere on these papers was there any mention of voluntary organ donation, and clearly the prisoners did not know how their bodies would be used after death.

We had to work quickly in the crematorium, and 10–20 minutes were generally enough to remove all skin from a corpse. Whatever remained was passed over to the crematorium workers. Between five and eight times a year, the hospital would send a number of teams to execution sites to harvest skin. Each team could process up to four corpses, and they would take as much as was demanded by both our hospital and fraternal hospitals. Because this system allowed us to treat so many burn victims, our department became the most reputable and profitable department in Tianjin.

Huge profits prompted our hospital to urge other departments to design similar programs. The urology department thus began its program of kidney transplant surgeries. The complexity of the surgery called for a price of $120–150,000 RMB per kidney.

With such high prices, primarily wealthy or high-ranking people were able to buy kidneys. If they had the money, the first step would be to find a donor-recipient match. In the first case of kidney transplantation in August, 1990, I accompanied the urology surgeon to the higher court and prison to collect blood samples from four death-row prisoners. The policeman escorting us told the prisoners that we were there to check their health conditions; therefore, the prisoners did not know the purpose for their blood samples or that their organs might be up for sale. Out of the four samplings, one basic and sub-group blood match was found for the recipient, and the prisoner's kidneys were deemed fit for transplantation.

Once a donor was confirmed, our hospital held a joint meeting with the urology department, burn surgery department, and operating room personnel. We scheduled tentative plans to prepare the recipient for the coming kidney and discussed concrete issues of transportation and personnel. Two days before execution, we received final confirmation from the higher court, and on the day of the execution, we arrived at the execution site in plain clothes. In the morning, the donating prisoner had received a heparin shot to prevent blood clotting and ease the organ extraction process. When all military personnel and condemned prisoners would arrive at the site, the organ-donating prisoner was brought forth for the first execution.

At the execution site, a colleague, Xing Tongyi, and I were responsible for carrying the stretcher. Once the hand-cuffed and leg-ironed prisoner had been shot, a bailiff removed the leg irons. Xing Tongyi and I had 15 seconds to bring the executee to the waiting ambulance. Inside the ambulance, the best urologist surgeons removed both kidneys, and rushed back to the waiting recipient at the hospital. Meanwhile, our burn surgery department waited for the execution of the following three prisoners and followed their corpses to the crematorium where we removed skin in a small room next to the furnaces. Since our director had business ties with the Tianjin Ophthalmologic Hospital and Beijing's 304th Hospital, he instructed us to extract the executee's corneas as well.

Although I performed this procedure nearly a hundred times in the following years, it was an incident in October 1995 that has tortured my conscience to no end. We were sent to Hebei Province to extract kidneys and skin. We arrived one day before the execution of a man sentenced to death for robbery and the murder of a would-be witness. Before execution, I administered a shot of heparin to prevent blood clotting to the prisoner. A nearby policeman told him it was a tranquilizer to prevent unnecessary suffering during the execution. The criminal responded by giving thanks to the government.

At the site, the execution commander gave the order, "Go!," and the prisoner was shot to the ground. Either because the executioner was nervous, aimed poorly, or intentionally misfired to keep the organs intact, the prisoner had not yet died, but instead lay convulsing on the ground. We were ordered to take him to the ambulance anyway where urologists Wang Zhifu, Zhao Qingling and Liu Oiyou extracted his kidneys quickly and precisely. When they finished, the prisoner was still breathing and his heart continued to beat. The execution commander asked if they might fire a second shot to finish him off, to which the country court staff replied, "Save that shot. With both kidneys out, there is no way he can survive." The urologists rushed back to the hospital with the kidneys, the county staff and executioner left the scene, and eventually the paramilitary policemen disappeared as well. We burn surgeons remained inside the ambulance to harvest the skin. We could hear people outside the ambulance, and fearing it was the victim's family who might force their way inside, we left our job half-done, and the half-dead corpse was thrown in a plastic bag onto the flatbed of the crematorium truck. As we left in the ambulance, we were pelted by stones from behind.

After this incident, I have had horrible, reoccurring nightmares. I have participated in a practice that serves the regime's political and economic goals far more than it benefits the patients. I have worked at execution sites over a dozen times, and have taken the skin from over one hundred prisoners in crematoriums. Whatever impact I have made in the lives of burn victims and transplant patients does not excuse the unethical and immoral manner of extracting organs.

I resolved to no longer participate in the organ business, and my wife supported my decision. I submitted a written report requesting reassignment to another job. This request was flatly denied on the grounds that no other job matched my skills. I began to refuse to take part in outings to execution sites and crematoriums, to which the hospital responded by blaming and criticizing me for my refusals. I was forced to submit a pledge that I would never expose their practices of procuring organs and the process by which the organs and skin were preserved and sold for huge profits. They threatened me with severe consequences, and began to train my replacement. Until the day I left China in the spring of 2000, they were still harvesting organs from execution sites.

I hereby expose all these terrible things to the light in the hope that this will help to put an end to this evil practice.

Mr. Chairman, having said that, I think it is a good amendment and, hopefully, we can take it and fashion it and shape it so that when this final bill comes out it is in there, and I look forward to the meeting with INS to see how we can work this out.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman insist on his point of order?

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WOLF. I insist on my point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, it violates clause 2 of Rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I look forward to working with the chairman on this issue. I do not believe that this amendment is subject to a point of order.

Under current immigration law, 8 U.S.C. 1182, also known as section 212, under section 212(3)(b)(i)(I), this group of people is already prohibited from entering the United States as those terms are defined under section 212(3)(b)(ii)(IV).

Again, I believe that this amendment is not subject to a point of order. The provisions of section 212 are not permissive, they are mandatory. I have with me here a form, an immigration form, which every person entering the United States must fill out; and here, in this section, is a series of check boxes mandated by section 212.

One cannot skip that section. One cannot fill out some of the sections and not others. One must fill out the entire section, and that section is mandated by section 212. Under current law, the INS must, must make determinations as to whether this category of people are excludable; and, therefore, I think that the point of order fails.

The CHAIRMAN. Do other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Virginia (Mr. WOLF) makes a point of order that the amendment offered by the gentleman from Oregon proposes to change existing law in violation of clause 2(c) of Rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of Rule XXI.

The proponent of a limitation assumes the burden of establishing that any duties imposed by the provisions are already required by law.

The Chair finds that the limitation proposed in the amendment offered by the gentleman from Oregon (Mr. WU) does more than merely decline to fund the processing of applications under the Immigration and Nationality Act. Rather, it seeks to restrict funding for such processing only when the applicant has been involved with the harvesting of organs directly or indirectly.

Compliance with the amendment would require the relevant Federal officials receiving funds in this act to make an investigation into whether the individuals filing the application have been involved in such harvesting, directly or indirectly.

The proponent of this amendment has not carried the burden of proving that the relevant Federal officials are presently charged with making this investigation in every instance. The section cited by the gentleman does not require this specific determination.

On these premises, the Chair concludes that the amendment offered by the gentleman from Oregon proposes to change existing law.

Accordingly, the point of order is sustained.

Mr. WU. Mr. Chairman, I ask unanimous consent to address the House for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WU. Mr. Chairman, if this practice were going on in Canada, we would have stopped it long ago. If this practice were going on with people that we thought were very much like us, I think we would have stopped it cold long, long ago.

I look very much like the folks whose organs are being harvested. If you cut me, will I not bleed? If you kill my children, will my heart not cry out in sorrow? And if you deny me justice, will my soul not cry out for justice?

In this instance, in this instance, we live to fight another day; and I look forward to working with the chairman of this subcommittee to make this law this year. I thank my colleagues for the indulgence of the House.

AMENDMENT NO. 3 OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act to the Department of Justice may be used to prevent the States of Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon, or Washington from implementing State laws authorizing the use of medical marijuana in those States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

This amendment is a simple limitation that would prevent the Justice Department from using any of the funds appropriated to it by this bill to interfere with the implementation of State medical marijuana laws.

During the past 5 years, nine States, Alaska, Arizona, California, Colorado, Hawaii, Maine, Nevada, Oregon and Washington State, have passed laws that decriminalize the use of marijuana for medicinal purposes. With the exception of Hawaii, all of these laws were adopted by citizen referenda. The average vote in these States was in excess of 60 percent in favor.

These laws are not free-for-alls that open the door to wholesale legalization, as critics claim. Rather, in every case, they specify in great detail the illnesses for which patients may use medical marijuana, the amounts that patients may possess, and the conditions under which it can be grown and obtained. Most establish a State registry and an I.D. card for patients.

Federal law classifies marijuana as a Schedule 1 narcotic with no permissible medical use. Despite the difficulty of conducting clinical trials on such a drug, it has been highly effective in treating symptoms of AIDS, cancer, multiple sclerosis, glaucoma and other serious medical conditions. In fact, the Institute of Medicine of the National Academy of Sciences has recommended smoking marijuana for certain medical uses. The AIDS Action Council, the American Academy of Family Physicians, the American Preventive Medical Association, the American Public Health Association, Kaiser Permanente and the New England Journal of Medicine have all endorsed supervised access to medical marijuana.

Internationally, the Canadian government has adopted regulations that go into effect at the end of this month for the use of medical marijuana in that country. In addition, the British Medical Association, the French Ministry of Health, the Israeli Health Ministry and the Australian National Task Force on Cannabis have all recommended the medical use of marijuana.

Here at home, however, our Federal Government has been unequivocal in its opposition to the citizen-led initiatives in these nine States. After California voters approved Proposition 215 in 1996, the Clinton Justice Department brought suit against both doctors and distributors in an attempt to shut down the new law. Federal laws upheld the right of doctors to talk to their patients about medical marijuana.

The Supreme Court, however, recently ruled that it is a violation of Federal law to distribute marijuana for medical purposes. Despite State laws that protect patients and cannabis clubs from State prosecution, the United States Supreme Court cleared the way for the Federal Government to enforce Federal laws against these individuals.

Attorney General Ashcroft has not indicated whether he will instruct the local U.S. Attorneys to enforce this decision which makes passage of this amendment critical to the States that have enacted medical marijuana laws. This amendment would prevent the Justice Department from arresting, prosecuting, suing or otherwise discouraging doctors, patients and distributors in those States from acting in compliance with their own State laws.

This amendment in no way endorses marijuana for recreational use. It does not reclassify marijuana to a less restrictive schedule of narcotic. It does not require any State to adopt a medical marijuana law. It will not prevent Federal officials from enforcing drug laws against drug kingpins, narcotraffickers, street dealers, habitual criminals, addicts, recreational users, or anyone other than people who comply with medical marijuana laws in those nine States.

By limiting the Justice Department in this way, we will be reaffirming the power of citizen democracy and State and local government.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I claim the time in opposition. I yield myself such time as I may consume, and I am going to just briefly make some comments.

Mr. Chairman, I rise in opposition to the amendment. The Department of Justice is very much opposed to the amendment.

On May 14, 2001, a unanimous decision of the U.S. Supreme Court ruled that marijuana's designation as a controlled substance reaffirmed that marijuana has no medical benefits under Federal law. In 1998, the Congress emphasized its opposition to the recently enacted State marijuana laws and statutory provisions entitled "Not Legalizing Marijuana for Medicinal Use" and "Rejection of Legalization of Drugs." In these provisions, Congress reiterated that drugs classified as a Schedule 1 controlled substance, as is marijuana, have a high potential for abuse, lack any currently accepted use as a medical treatment, or are unsafe, even under medical supervision.

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The gentleman's amendment would restrict the Department of Justice, in particular DEA, from using the funds to investigate people who use marijuana under the guise of medical purposes. I believe that would be the wrong signal to send. I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and commend him for his courage in bringing this amendment to the floor.

Mr. Chairman, I rise in support of the Hinchey amendment to prevent Federal interference with State laws that allow the use of marijuana for medicinal purposes, medicinal purposes only.

Mr. Chairman, I know this is a very difficult issue for Members to understand, and that is why I commended the gentleman from New York (Mr. HINCHEY) for his courage. Over the past 2 decades in my city of San Francisco, we have lost nearly 19,000 people to AIDS, about 10,000 people a decade. I have seen the suffering that accompanies the advanced stages of this disease far too many times. I could name the names of people that I have ministered the needs of in their dying days.

Proven medicinal uses of marijuana include alleviation of some of the most debilitating symptoms of AIDS, including pain, wasting, and nausea. These benefits also improve the quality of life for patients with cancer, with MS, and other severe medical conditions.

Mr. Chairman, opponents of medical marijuana argue there are other ways to ingest the active ingredient of marijuana, including the use of synthetic THC. However, we know that the drug containing THC does not work for all people. There is no logic in the assertion that a very ill person should be sent to jail for using the smokeable form of a drug whose active ingredient is currently licensed for oral use.

Mr. Chairman, 56 percent of the voters in my home State of California passed an initiative authorizing seriously ill patients to take marijuana upon the recommendation of a licensed physician. Proposition 215 has provided thousands of Californians suffering from debilitating diseases safe and legal access to a drug that makes life a little more bearable.

As the California Medical Association stated when expressing its support for medical marijuana, and I quote, "Statement of the California Medical Association: Patients should not suffer unnecessarily when other options fail."

The amendment of the gentleman from New York (Mr. HINCHEY) would prevent the Justice Department from using any funds to interfere with the rights of California and the eight other States that allow for the use of marijuana for medicinal purposes, for medicinal purposes only, to alleviate the suffering of their citizens.

Mr. Chairman, to effectively fight the war on drug abuse, we must get our priorities in order and fund treatment and education. Making criminals of seriously ill people who seek proven therapy is not a step toward controlling America's drug problem. I urge my colleagues to support the Hinchey amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, first and foremost, let us point out that were this amendment to become law, we would raise the nullification question. I believe this has been decided in United States history. The Supreme Court has clearly decided that, in fact, Federal law preempts State law in matters that are of national concern.

I think we need to understand that in the South Carolina example we reject nullification, and that is, in fact, what a number of States are attempting to do with Federal law by circumventing it through largely highly funded efforts by George Soros and his allies who have distorted the record, distorted the approach, and resulted in people preying on people's legitimate concerns in how to deal in these very tough minimal number of cases where, in fact, marinol did not suffice to alleviate the vomiting. That is really what we are debating, a very limited number of cases.

Mr. Chairman, I include for the RECORD a letter from several of us on the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 23, 2001.
Hon. JOHN ASHCROFT,
Attorney General, Washington, DC.

DEAR GENERAL ASHCROFT: As members of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we write to commend you on the outstanding performance of the Justice Department in obtaining a decisive Supreme Court ruling in the Oakland Cannabis case. We urge you to now move swiftly to give effect to that ruling throughout the United States with respect to "medical marijuana" provisions contrary to the Court's unanimous decision.

As you know, the Court's determined that the express congressional determination in the Controlled Substances Act ("CSA") that marijuana and other Schedule I drugs have "no currently accepted medical use in treatment in the United States" (21 U.S.C. §812(b)(1)(B)) is clear and controlling law. Accordingly, the CSA's prohibitions against manufacturing, distribution, and possession with intent to distribute controlled substances such as marijuana (21 U.S.C. §844(a)), are the law of the land across the United States under the Constitution's Supremacy Clause.

As President Bush recently made clear, "we emphatically disagree with those who favor drug legalization." Yet eight states and the District of Columbia purport to permit the use of marijuana in a way wholly contrary to the explicit reading of the Controlled Substances Act explained by the Supreme Court. The fringe drug legalization movement hopes this will send a message to our children and society that drug use is tolerable. Marijuana use is not tolerable under any circumstances.

Accordingly, we are asking you to direct the Department of Justice to immediately seek injunctive relief in federal courts in each of these states similar to the order in California which was unanimously upheld by the Supreme Court in Oakland Cannabis. Since state "medical marijuana" initiatives which purport to allow the manufacture, distribution or individual possession of marijuana contrary to the Controlled Substances Act are clearly unconstitutional under the Supremacy Clause, we believe that injunctive relief prohibiting such manufacturing, distribution and individual possession is well warranted as a matter of law. This action would also decisively resolve significant uncertainties with respect to marijuana which have greatly hampered federal, state and local law enforcement activities in each of these areas and send a critical anti-drug message to our nation.

We appreciate the leadership of President Bush and you in this important area and look forward to continuing to work with you to protect our families from illegal drugs.

Sincerely,
MARK E. SOUDER,
Chairman.
BOB BARR,
Member of Congress.
DOUG OSE,
Member of Congress.

Mr. Chairman, the Committee on Government Reform subcommittee that I chair, the Subcommittee on Criminal Justice, Drug Policy, and Human Resources actually held a hearing on this subject, medical marijuana, Federal drug law, and the Constitution's supremacy clause that is available for people who want to look at the constitutional question.

I include for the RECORD the brief to the United States Supreme Court that resulted in the national unanimous decision that State law does not reign supreme to Federal law, and two articles from Mendocino, where we have actually seen the confrontation of the abuse of the California law.

The documents referred to are as follows:

[From the Press Democrat, March 7, 2001]

RAIDS REVEAL FAKE HOMES FILLED WITH MARIJUANA FARMS

120 LOCAL, STATE, FEDERAL AGENTS TARGET 11 GROWING OPERATIONS IN HUMBOLDT, MENDOCINO COUNTIES

(By Mike Geniella)

UKIAH—About 120 drug agents early Tuesday fanned across the rugged backwoods of Mendocino and Humboldt counties, raiding 11 sophisticated, indoor marijuana growing operations, including some built to look like houses.

Authorities said there were no interior walls in the "fake homes," nor did the structures have such things as kitchens or bathrooms. Instead, the buildings contained thousands of marijuana plants flourishing under lights powered by diesel generators.

"Even though they look like houses, these are commercial buildings built specifically for growing marijuana indoors," said Gilbert Bruce, special agent in charge of the federal Drug Enforcement Agency's San Francisco office.

At each site, agents found high-tech security systems, along with guns and ammunition, said Bruce, who oversaw Tuesday's raids near the communities of Laytonville, Hunt Ranch, Garberville and Redway.

Mendocino County Sheriff's Capt. Kevin Broin accompanied drug agents who drove up miles of rugged dirt roads to reach the six pot-growing structures that were camouflaged to look like houses.

"At first glance, they looked like any other rural home," Broin said. "A couple of them were two stories, and even had wraparound porches."

But Broin said closer inspection revealed that the structures were never built with the intention of being occupied.

"There was nothing to them on the inside. There were just four walls and a lot of marijuana," he said.

Bruce said the structures were designed to elude detection by drug teams who often rely on aerial overflights to uncover large-scale marijuana growing operations.

"We've seen places like this before but never so many clustered in one region," he said.

Armed with federal warrants, teams of local, state and federal agents early Tuesday used two helicopters and a fleet of 4-wheel-drive vehicles to reach the remote pot-growing operations spread across sites in northern Mendocino and southern Humboldt counties.

The federal operation was dubbed "Emerald Triangle" in recognition of Mendocino, Humboldt and neighboring Trinity County having the dubious distinction of being the biggest marijuana producers in the state.

Targeted on Tuesday were at least three separate marijuana-growing sites responsible for "operating multi-stage marijuana production and distribution facilities in Northern California," Bruce said.

By mid-day, he said, agents had arrested three men, uprooted more than 14,000 pot plants and seized $206,000 in cash.

He said the raids were the culmination of a two-year investigation. He said a federal grand jury ultimately will review results of the investigation and return criminal indictments as necessary.

"We have the outline, but we're still not sure where the investigation will finally lead us," he said.

In this specific case, Mexican drug cartels are not suspected of being in control, Bruce said. In recent years, local authorities have been plagued by a rash of violent incidents involving armed Mexican nationals hired to guard illicit pot gardens on the North Coast.

"We believe the responsible people are all residents of the U.S.," Bruce said.

A multiagency task force including representatives of local sheriff's departments, the state Bureau of Narcotics Enforcement, CHP, DEA, FBI and Internal Revenue Service has spent two years probing the suspected pot farms that were raided Tuesday.

Part of the investigation centers on suspected money laundering and the purchase of large tracts of remote North Coast land by unidentified individuals who subdivided the property with the specific intent of creating commercial indoor marijuana-growing sites.

Mendocino County Sheriff Tony Craver and Humboldt County Sheriff Dennis Lewis on Tuesday applauded the federal intervention.

"This is the kind of sophisticated drug operation that we can't properly investigate at the local level," Craver said.

Lewis said Humboldt authorities are routinely encountering more large-scale indoor marijuana growing operations, although not on the scale announced Tuesday.

He said Tuesday's raids uncovered information that led teams to two additional indoor pot-growing sites in southern Humboldt County.

Two brothers who live in Redway were among those arrested Tuesday on suspicion of having ties to the pot-growing operations.

Shane and Terry Miller had $200,000 in cash in their possession at the time of their arrests Tuesday morning. Another Redway man, Zachary Stone, also was taken into custody at a separate residence. He had $6,000 in cash, Bruce said.

So far, the Millers and Stone face charges related to weapons and possession of marijuana for sale. Bruce said further arrests are expected.

[From Associated Press]

(By Don Thompson)

COUNTY JUGGLES MARIJUANA POLICIES

IN MENDOCINO, IT'S CITIZENS VS. DEA

UKIAH—Here in the Emerald Triangle, where marijuana sprouts like mushrooms from the forest floor, Mendocino County's two top cops see themselves as a buffer between drug agents and an often freewheeling citizenry.

District Attorney Norman Vroman and Sheriff Tony Craver won office two years ago with campaign pledges to set up one of the nation's first medical marijuana licensing programs. Their goal, they said, is to keep police from seizing legal pot gardens and hassling legitimate growers who register under a 4-year-old California law.

Now both men are promising to enforce state and federal drug laws, in part to keep outside drug agents from stepping in after voters decided last fall to bar police from targeting small-time marijuana growers.

Measure G instructed county supervisors not to spend money pursuing those growing fewer than 25 marijuana plants, and it directed Vroman and Craver to make enforcement and prosecution of small-time growers their lowest priority.

No problem, they say. Neither the district attorney nor the sheriff has enough staff or money to go after those they call "mom and pop growers." Not when drug cartels are importing armed workers to tend and guard thousands of marijuana plants hidden in national forests and other remote areas of the region.

"Twenty-five plants is a hellacious amount of marijuana. Some of the stuff they grow here, you can get 2 and 3 pounds off a plant," Vroman said. However, he said, "as a practical matter, nobody in the county got prosecuted for 25 plants or 30 plants."

The only time arrests were made for small numbers of plants was when police were called in for other reasons, for instance on a domestic violence complaint, and saw the marijuana, Vroman and Craver said.

That policy will continue, and should stave off any crackdown by outside drug agents in the wake of Measure G, they said.

"We still will arrest people who shove it in our face," Vroman said.

I know damn well what you'd see if we made a flat refusal to do it," Craver said. "You'd see a lot of political pressure, intervention, all kind of things going on here. No doubt about that."

Craver and Vroman started their medical marijuana licensing program two years ago.

Since then, Craver's department has issued about 500 licenses to residents who produced a doctor's recommendation that they use marijuana to treat an ailment, or to those who grow the marijuana for them.

"We don't want to harass an honest citizen," Craver said. "A lot of these people really are not criminals. These are people who really want to be law-abiding citizens. They have a legal right to what they consider to be medicine."

The federal government takes strong issue with California's medical marijuana law.

The Drug Enforcement Administration doesn't target users but will arrest anyone caught growing marijuana for profit or the illegal drug market, spokeswoman Jocelyn Barnes said. And claiming the marijuana is for medical use doesn't fly under federal law, which holds that there are no bona fide health benefits, she said.

Mr. Chairman, one in particular that I have been briefed on in one of my visits to northern California is up in Humboldt County, where we had, as the DEA did their raid, signs posted throughout this complex that said "This marijuana is for medicinal purposes." This raid, at first glance it looked like any other rural home. A couple of them were two stories and even had wrap-around porches, but inside they were growing marijuana. In fact, there were six structures designed to be like a housing development, and once again, all around it, posted, "This is for medicinal marijuana."

They uprooted more than 14,000 pot plants and seized $206,000 in cash. As the sheriff in Mendocino County has said, people will not find that the police have gone after cases where there has been any dispute whether it actually relieves pain. But as the police chief said, "We are not going to have the law flaunted in our face."

When people abuse the medical marijuana laws in these States and when they flaunt the Federal law, they can expect law enforcement to come down on them. We should not tie the hands of the new DEA director or others in the Federal government who are trying to protect our children and families from abuse of drugs, from backdoor legalization and decriminalization, in the name of protecting a few who are struggling desperately, sometimes in their last days of life, with how to alleviate their pain and suffering. It upsets me that some would use these poor, suffering people as a guise for backdoor legalization.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, someone once said that a fanatic is someone who redoubles his effort when he has forgotten his purpose. I think there are some aspects of our drug laws can be characterized as fanatic.

We use morphine for pain, we prescribe it. It is a controlled substance. I do not understand why marijuana, a controlled substance, should not be prescribable if a doctor feels that that drug is useful to someone who has cancer or AIDS or whatever.

It is up to the doctors, it is not up to the politicians here in Congress, or it ought to be.

Frankly, yes, George Soros has funded these referenda. In every referendum they have had, the people have spoken. Yes, the Federal law is supreme. We do not have to contest that. These laws cannot stand up against Federal law, but they are doing it through the States because this Congress and the President and the former President were not sensitive to the cries for help from desperately sick people and desperately pained people and their families. We ought to yield to those cries.

This amendment simply says, let them have the relief from the pain. Let them do it. It has nothing to do with legalization, nothing to do with decriminalization. Those are other issues. But if a controlled substance is useful for pain, and, yes, we do not have decent studies on it because the DEA prohibited those studies, let us yield and help desperately sick people.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I was not going to get up until I heard the legalistic arguments against this proposal.

Let me just say, my mother passed away recently. She had a major operation. I went to the hospital to visit her. She had lost her appetite, and she was in severe pain. She had lost her appetite because she had been taking pain medicine.

When I talked to her and tried to comfort her, I was very grateful that I had voted for medical marijuana in my State when we had the election there, because that is what she needed for her situation where her outlook on life was so bad, and she was in such pain. She needed to regain her appetite and could not survive without regaining her appetite.

The people of my county, a very conservative county, voted overwhelmingly for this, or it was a strong majority, anyway. The fact is the Federal Government should not come into a State or to my area where the people have thus voted because of their humanitarian concerns or whatever and supersede the vote of the people.

This is a democracy. It is also a Federal system. When we have people at that level voting that a drug should be used for medical purposes, the Federal Government should not supersede that vote.

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Federal Government does not regulate medical practice or license it, either. That is done by the States. We should not interfere with the States' conception of how medical practice ought to be carried out in those jurisdictions. We have never done so in other regards, and we should not do so in this one.

Mr. Chairman, a great Justice of the Supreme Court in an earlier day made the observation that the States should be the laboratories of democracy. We have destroyed those laboratories. We are shutting down those laboratories. We are closing down democracy with these laws.

Mr. Chairman, this amendment would give us the opportunity to open those laboratories again and to give the States the freedom to experiment in the way that they think is best in the interests of their own people.

Mr. Chairman, I have determined over the course of the last few days that this House is not ready to vote on this issue at this moment. I wish it were. Therefore, I have taken the opportunity this evening to bring this issue before us to give us an opportunity to discuss it in a rational and logical and mature way.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of a colloquy with the gentlewoman from Texas (Ms. JACKSON-LEE). I understand that the gentlewoman from Texas will not be offering further amendments to the bill, but I will ask her to describe a program in her district.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kindness in yielding to me, and also for the committee's kindness in working with me in the extensive number of amendments that I proposed today.

Mr. Chairman, this is an amendment to help with an issue that is crucial to all of us, a $2 million grant to the city of Houston's at-risk children's program under title V of juvenile justice.

Mr. Chairman, my congressional district has seven school districts, and we have found statistically that after 3 p.m. is the most dangerous time for our young people. We have been successful with after-school programs.

In particular, my school districts speak over 90 languages. Therefore, it is an enormously diverse community. As a member of the Houston City Council some years ago, I started the first after-school program, which was volunteer, in the city of Houston's parks, where children could come and stay supervised until about 12 midnight. It was a time when we had a gang crisis, and we saw the results.

This is a very important effort in our community because it has emerging populations. As I have said, our numbers are increasing. We have found that we are saving lives with after-school programs. Therefore, I am very interested in making sure that we are able to solve some of these crises that deal with gang violence and, as well, children who are unattended because their parents by necessity have to work late hours.

Mr. Chairman, I am very concerned and interested in this amendment.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I thank the gentlewoman from New York and the gentlewoman from Texas. The committee will evaluate the Houston after-school program for juveniles to determine whether it is an appropriate program to be funded through the Juvenile Justice grants in the bill. We will consider the gentlewoman's interest in the program as we move the bill through Congress.

Mr. SERRANO. Reclaiming my time, Mr. Chairman, I agree with my chairman that we will look at this juvenile delinquency program in Houston, as we continue consideration on this appropriations bill.

I thank the gentlewoman for her concern in once again bringing this issue to us. The gentlewoman has our word that we will look at it as we go along and try to help in every way that we can.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from New York. I appreciate very much working with the chairman and working with the ranking member on this very important issue to our community, and working as we go toward conference to help us with respect to the city of Houston at-risk children's program.

Mr. Chairman, I rise to offer an amendment that would add $2 million to the Department of Justice Juvenile Justice At risk Children's Program for the City of Houston After School Program, which the amendment inadvertently calls the Houston At-Risk Children's Program.

This juvenile justice program targets truancy and school violence, gangs, guns and drugs other influences that lead juveniles to delinquency and criminality. By keeping kids off the streets in after school programs, we are helping to combat juvenile delinquency and keep our kids and our families safe. Studies have shown that juvenile crime, pregnancy and a number of other problems among our youth frequently occur during the hours immediately after school and before parents arrive home.

By earmarking a small portion of these funds, we can help youths who attend schools in the largest public school system in Texas, and the seventh largest in the country. The Houston Independent School district is also home to our current Secretary of Education, Rod Paige, and Houston is the fourth largest city in the country.

HISD is the sort of school district that we want to entrust with federal funds to carry out a community based after school program. It has become a leader in restructuring public education, most recently by establishing unprecedented new standards that every student must meet to earn promotion from one grade to the next. In addition, it maintains a wealth of community partnerships with parents, businesses, social service and governmental agencies, colleges and universities, and civic groups that make valuable services available to the schools. The nationally recognized Volunteers in Public Schools program supports instruction by drawing on the talents of nearly 36,000 Houstonians. It is the efforts of these volunteers along with school personnel that can effectively turn these funds into successful programs.

Legislators here in Congress and at the state level are quick to pass laws that criminalize the activity of youth and adults alike. Let us instead be quick to provide places for children to go so they need never be punished by those laws,

I urge you to support this amendment to help students in one of our largest, most diverse cities in our nation.

□ 2030

AMENDMENT NO. 14 OFFERED BY MR. BARTLETT OF MARYLAND

Mr. BARTLETT of Maryland. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. BARTLETT of Maryland:

At the end of the bill (preceding the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to implement any recommendation or requirement adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001), except to the extent authorized pursuant to a law enacted after the date of the enactment of this Act.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Maryland (Mr. BARTLETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I yield myself such time as I may consume, and then I will yield to my good friend and colleague, the gentleman from Georgia (Mr. BARR), who has joined me in this effort.

For the past 2 weeks, the United Nations has been hosting its convention on the Illicit Trade in Small Arms and Light Weapons and all of its aspects. For those who believe that the United Nations intends, if they could, to impose registration, confiscation and destruction of firearms owned by citizens of the United States who are otherwise legally allowed to own firearms, their fears are confirmed by a quote from the U.N. Draft Program of Action.

This is a United States document dated January 9, 2001, and let me read from that document: "States will establish laws and procedures for the safe and effective collection and destruction of weapons which are circulating and available in such quantities as to contribute to high levels of crime and violence." Now, Mr. Chairman, who is going to make the judgment of when there is enough there to do that so that they can come in and confiscate and destroy our guns?

If this administration was going to be the administration in perpetuity, the gentleman from Georgia (Mr. BARR) and I would not be standing here, because I have no concerns that this administration would do this. But they will not be here forever, and I think it is prudent for us to make sure that this kind of thing could never happen to our people.

At an appropriate time, I will withdraw this amendment; but I would like to engage the chairman in a colloquy, along with the gentleman from Georgia, if he would, to the end that we hope to work out with him and the administration report language that could go into this bill in conference so that we can make sure that it is very clear that there is no intention that this could ever happen in this country.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR) for a statement.

Mr. BARR of Georgia. Mr. Chairman, I appreciate the gentleman from Maryland yielding me this time, and I appreciate the chairman of the subcommittee allowing us to engage in this colloquy.

As the gentleman from Maryland knows, I spent a little bit of time this week, and last week also, at the United Nations Conference on Small Arms, and I can assure the gentleman that his concern is not misplaced. I am very familiar not only with the debates that have been going on in the United Nations, having been privy to a number of closed-door sessions up there as a member of our delegation; but I also have read in great detail the documents that are, even as we speak this evening, being grafted and changed by the functionaries and the General Assembly members at the United Nations.

The gentleman is absolutely correct. The United Nations, through this effort which has been going on for several years and now culminates in this conference, looks to involve itself in a very substantial way in domestic U.S. policy in terms of furthering their goal of gun registration of lawful firearms, recordkeeping, and limitations on the manufacture, the possession, the transfer, and the export of firearms.

So I salute the gentleman from Maryland for bringing this very important matter to the attention of this body. I appreciate very much the work of the chairman and the continuing work of the chairman to ensure that the U.N. is not allowed, insofar as this body is concerned, to involve itself in matters of domestic U.S. policy, as Under Secretary John Bolton indicated in his initial remarks, and which are now carried on on this floor by the gentleman from Maryland.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, as the gentleman said, meetings are going on now. The administration has expressed concern, and we will be glad to work with both of the gentlemen with regard to the conference and language that the administration supports.

Mr. BARTLETT of Maryland. I thank the chairman.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENT NO. 16 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. DELAHUNT:

At the end of the bill, insert after the last title (preceding the short title) the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used after December 15, 2001, for any operation of the Office of Independent Counsel in the investigation designated "In re: Henry G. Cisneros".

Mr. DELAHUNT. Mr. Chairman, after offering this amendment, I intend to ask unanimous consent that it be withdrawn. Its purpose is to really send a message, and there is no need for me to insist on a vote at this time.

More than 2 years ago now, and I believe to the collective relief of nearly every Member of this body, the Independent Counsel Act expired. Since then, almost all of the investigations pending at that time have been brought to a close. Yet 2 years after the expiration of the statute, one Independent Counsel, David Barrett, is still going strong at the cost of some $2 million a year to the American taxpayers, with no end in sight.

Mr. Barrett was appointed in May of 1995 to look into charges that former HUD Secretary Henry Cisneros had understated to the FBI the amount of money he had paid to a former mistress. It took Mr. Barrett more than 4 years and $9 million, but he eventually got his man. In the fall of 1999, almost 2 years ago, the former Secretary pled guilty to a single misdemeanor, for which he paid a fine and a $25 assessment for court costs.

That was the rather anticlimactic end to the case involving Mr. Cisneros himself, but it was not the end of Mr. Barrett's investigation. It seems he was just getting rolling. He has kept a grand jury in session ever since, apparently hoping to determine whether during all those years someone, anyone, in the Government tried to shield the former Secretary from his investigation.

As of today, Mr. Barrett has spent $15 million on a 6-year fishing expedition. It is costing the taxpayers another $1 million every 6 months, and he has not caught a single minnow. Any ordinary prosecutor who carried on this way would have been sent packing years ago, but Barrett was appointed under the Independent Counsel law, and that means not even the court that appointed him can put an end to this inquiry.

In June of this year, the U.S. Court of Appeals for the District of Columbia granted Barrett yet another 1-year extension. The one judge who filed an opinion made it clear that they had no other choice in the matter under the language of the statute. So if Barrett says he has not finished yet, there is nothing the court can do. As the judge put it, and I am quoting from the opinion, "The law literally construed may be that Mr. Barrett can go on forever so long as he claims or shows active grand jury activity, no matter how unpromising. We apparently have little choice but to accept representations of productive activity at face value, despite persuasive reasons for doubt."

Well, the court's message was clear. Congress may have killed the Independent Counsel Act, but like the heart that continues to beat after the brain is clinically dead, Mr. Barrett simply does not know how to stop, and the court is unable to pull the plug.

The Barrett investigation is the last gasp of a statute whose folly is now generally acknowledged on both sides of the aisle. If there were any remaining doubt, Mr. Barrett's performance certainly reinforces the wisdom of our decision not to reauthorize the Independent Counsel statute.

Judge Scalia had the foresight to recognize that Congress had created a monster it would ultimately be unable to control. He even foresaw that one day there would be a David Barrett, as he wrote in an opinion, and again I am quoting from that court opinion, "What would normally be regarded as a technical violation may, in his or her small world, assume the proportions of an indictable offense. What would normally be regarded as an investigation that has reached the level of pursuing such picayune matters that it should be concluded, may to him or her be an investigation that ought to go on for another year."

What a perfect description of the Barrett inquiry. And it may ultimately be up to us to put a stop to it.

In his request for his most recent extension, Barrett told the court that he hoped, and I am using his word, and I am quoting him, he "hoped" he would complete his investigation by the end of this year. Fair enough. My amendment would have given him until December 15 to wrap up his affairs so he could finally turn out the lights, close the door, and look for a real job. Call it a "welfare-to-work" program.

Mr. Chairman, I genuinely hope that Mr. Barrett is listening and that he will transform this hope into a reality. Then it will not be necessary to press this amendment at a later date.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may, I know we have come pretty close to the end of this process, and I just wanted to take this opportunity once again to thank the gentleman from Virginia (Chairman WOLF) for the work he has done on this bill, for the way in which he has treated me and our staff and our Members, for his understanding of these issues, and for the fact that this bill, which started out at the beginning of the day, actually last night, in my opinion to be a very good bill, has even become a better bill by some of the changes that we have made today, especially the issues concerning the Small Business Administration.

I want to thank both staffs that are here with us at this time for the work they do. It is not only a service to us, the membership of this House, but I can assure you all it is seen as a service to our country and all of its citizens and residents.

I wanted to once again thank the chairman for having an understanding of the needs that the minority needed in this bill and for putting together a bill that in fact speaks to so many issues and speaks to them in the proper way. We know that in conference there will be some changes, but we are hopeful that no one will hurt this project and this product, which is very good.

On a personal level, I just want to thank the gentleman for his hospitality, for his treatment of myself and our staff and our membership, and just to tell the gentleman that it has been wonderful working with him; and I look forward to continuing this process.

Mr. WOLF. Mr. Chairman, I move to strike the last word.

I just want to thank the gentleman for his comments. When the year started, I did not really know the gentleman very well, but I think we have become friends. I look forward to the opportunity when I come up to visit my two children, who are living in New York City, to come over to the gentleman's congressional district and spend some time and take a look around. I do appreciate the gentleman's comments, and I want to thank him for his friendship and cooperation.

I want to thank the staff on both sides of the aisle for the outstanding work they have done. And I want to thank all of the Members, every single solitary Member that spoke on both sides of the aisle, for the very positive contribution; and I would urge a strong vote for this bill on final passage.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 35 offered by the gentleman from California (Mr. ROHRABACHER), amendment No. 30 offered by the gentleman from Virginia (Mr. MORAN), amendment No. 6 offered by the gentleman from Texas (Mr. PAUL), amendment No. 7 offered by the gentleman from Texas (Mr. PAUL), and amendment No. 12 offered by the gentlewoman from California (Ms. WATERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 35 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 35 offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 395, noes 33, not voting 5, as follows:

[Roll No. 243]

AYES—395

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—33

Blumenauer
Blunt
Callahan
Cannon
Castle
Combest
Cox
Cubin
Davis, Tom
Dicks
Dreier
Flake
Gilchrest
Granger
Hansen
Hastings (FL)
Hilliard
Houghton
Hyde
Kolbe
Largent
Meeks (NY)
Nethercutt
Payne
Petri
Schaffer
Sensenbrenner
Smith (MI)
Smith (WA)
Souder
Stump
Watts (OK)
Young (FL)

NOT VOTING—5

English
Hinojosa
Millender-McDonald
Spence
Watkins (OK)

□ 2109

Messrs. CANNON, STUMP, NETHERCUTT, HYDE, SMITH of Michigan, YOUNG of Florida, and GILCHREST changed their vote from "aye" to "no."

Mrs. MEEK of Florida, Messrs. BEREUTER, SERRANO, PICKERING, SHAYS, EHLERS, LINDER, OSE, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. #243, I missed this rollcall vote on the above number 243. Had I been here I would have voted "aye." I was detained by constituents and was unable to get to the floor. It was unavoidable.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 30 OFFERED BY MR. MORAN OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 268, not voting 4, as follows:

[Roll No. 244]

AYES—161

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Gephardt
Gonzalez
Grucci
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kirk
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Quinn
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Solis
Stark
Tauscher
Thompson (MS)

Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—268

Aderholt
Akin
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Hinojosa
Millender-McDonald
Scarborough
Spence

☐ 2119

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 244, I missed rollcall vote No. 244, due to being detained by constituents. Unavoidable. Had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 6 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 62, noes 364, not voting 7, as follows:

[Roll No. 245]

AYES—62

Aderholt
Akin
Armey
Barcia
Barr
Bartlett
Barton
Bilirakis
Burton
Cannon
Coble
Collins
Combest
Crane
Cubin
Culberson
DeLay
DeMint
Doolittle
Duncan
Everett
Foley
Gibbons
Goode
Hall (TX)
Hefley
Hostettler
Istook
Jones (NC)
Keller
Kerns
Kingston
Lewis (KY)
Lucas (OK)
Manzullo
Moran (KS)
Ney
Norwood
Otter
Paul
Pence
Peterson (MN)
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shuster
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Tiberi
Traficant
Weldon (FL)
Young (AK)

NOES—364

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)

Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—7

Hinchey
Hinojosa
Millender-McDonald
Nadler
Owens
Solis
Spence

☐ 2127

Mr. YOUNG of Alaska changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 245, I missed rollcall No. 245. It was unavoidable due to detainment by constituents. Had I been present, I would have voted "no".

AMENDMENT NO. 7 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 71, noes 359, not voting 3, as follows:

[Roll No. 246]

AYES—71

Aderholt
Akin
Armey
Barr
Bartlett
Barton
Bilirakis
Bonilla
Bryant
Burton
Callahan
Cannon
Coble
Combest
Crane
Cubin
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Everett
Goode
Gutknecht
Hastings (WA)
Hayworth
Hilleary
Hostettler
Hulshof
Hunter
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kerns
Kingston
LaTourette
Lucas (OK)
Manzullo
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Otter
Paul
Pence
Peterson (MN)
Pombo
Putnam
Radanovich
Riley
Rohrabacher
Royce
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shuster
Smith (MI)
Stearns
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Tiberi
Traficant
Wamp
Young (AK)

NOES—359

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hefley
Herger
Hill
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—3

Hinojosa
Millender-McDonald
Spence

☐ 2134

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 246, I was unavoidably detained by constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 12 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 10 offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 306, not voting 4, as follows:

[Roll No. 247]

AYES—123

Abercrombie
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berry
Bishop
Blagojevich
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Doyle
Engel
Evans
Farr
Fattah
Filner
Ford
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kucinich
LaFalce
Lampson
Langevin
Lantos
Lee
Lewis (GA)
Lipinski
Lowey
Luther
Maloney (NY)
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Mink
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Solis
Stark
Strickland

Stupak
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Weiner
Wexler
Woolsey
Wynn

NOES—306

Ackerman
Aderholt
Akin
Armey
Bachus
Baird
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pascrell
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—4

Hinojosa
Jefferson
Millender-McDonald
Spence

☐ 2143

Messrs. LARSON of Connecticut, KLECZKA, MARKEY and PASCRELL changed their vote from "aye" to "no."

Mr. KENNEDY of Rhode Island changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MILLENDER-McDONALD. Mr. Chairman, on rollcall No. 247, I was unavoidably detained by constituents. Had I been present, I would have voted "aye".

The CHAIRMAN. If there are no further amendments, the Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

> This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2002".

Mr. UDALL of Colorado. Mr. Chairman, I will vote for this bill because I think that on balance it deserves the approval of the House.

However, I do want to call the attention of the House to some areas in which it does not meet some very important needs.

RECA SHORTFALL

Once again, this bill falls far short of providing enough money to pay claims under the Radiation Exposure Compensation Act, or "RECA."

The people covered by RECA include uranium miners and millers and some others who worked to support the nuclear weapons programs or who were exposed to its fallout. They were exposed to radiation. And because of that exposure they are sick, with cancers and other serious diseases. When Congress enacted the RECA law, we promised to pay compensation for their illnesses.

But we have not fully kept that promise. We have not appropriated enough money to pay everyone who is entitled to be paid.

Because of our failure, on April 17th the Justice Department ran out of funds to make RECA payments—and unless there is a supplemental appropriation, they will not be able to make any more payments for the rest of this fiscal year. As a result, people who should be getting checks are instead getting letters—IOU letters, you could call them.

What our letters say is that payment must await further appropriations. What they mean is that we in the Congress have failed to meet a solemn obligation.

The Department of Justice tells me that as of July 6th they had sent IOU letters to some 438 people nationwide. Justice also says that as of May 11th—these are the most recent state-by-state numbers—51 Coloradans had received IOU letters.

With other Members, I wrote President Bush about the problem of RECA payments. We urged him to request a supplemental appropriation for RECA, so that people would not have to wait much longer for payments. Unfortunately, the President did not see fit to make that request, and the money was not included in the supplemental appropriations bill as it passed the House.

Fortunately, the Senate did add $84 million to the bill for RECA payments. So, it is very important that the House accept that addition. I have written to the House conferees on the supplemental appropriations bill, urging them to agree to include the money and to score it as mandatory spending. But even if—as I hope—the supplemental bill does include the $84 million more for the current fiscal year, we will have to do more.

The Justice Department says that right now they are reviewing more than 3,200 additional RECA claims, and they expect more claims to be filed. So there is a real possibility that we could again find ourselves in a situation like we are in right now.

We should not let that happen. We should change the law so that in the future RECA payments will not depend on annual appropriations. They should be paid automatically. I am cosponsoring legislation to make that change, and in its budget documents the Administration has indicated support for making RECA funding mandatory.

But meanwhile we should be appropriating adequate funds to make the payments—and there is no doubt that this bill fails to do that.

The Appropriations Committee understands the problem. Its report on this bill says "The Committee is aware that over $200,000,000 is required in fiscal year 2000"—but the bill includes only $10.776 million, a tiny fraction of the amount that the Committee itself recognizes is required. We need to do better to do that.

The report also says that "The Committee strongly encourages the Administration to work with the appropriate authorizing committees to develop other funding options for the payment of these claims.

I take that to mean that the appropriations committee supports making RECA funding automatic. I hope that happens, and will do all I can to make it happen. But we should not penalize sick and dying people in the meantime.

NIST CONSTRUCTION AND MAINTENANCE

I am also very concerned about the bill's lack of funding for the construction and maintenance needs of the National Institute of Standards and Technology (NIST).

NIST has a laboratory in my district in Boulder, Colorado, where a staff of about 530 scientists, engineers, technicians, and visiting researchers conduct research in a wide range of chemical, physical, materials, and information sciences and engineering.

NIST's laboratories in Boulder have a backlog of critically needed repairs and maintenance. As technology advances, the measurement and standards requirements become more and more demanding, requiring measurement laboratories that are clean, have reliable electric power, are free from vibrations, and maintain constant temperature and humidity. Most of the NIST Boulder labs are 45 years old, many have deteriorated so much that they can't be used for the most demanding measurements needed by industry, and the rest are deteriorating rapidly. Every day these problems go unaddressed means added costs, program delays, and inefficient use of staff time.

Since 1999, I have fought for increased funds for NIST's Boulder labs. But despite calls from me and other House Members, from Members of the Senate Commerce Committee, from research organizations such as the American Chemical Society, and—most recently—from the chair of the Board on Assessment of NIST Programs, the Committee has again chosen to ignore these very real needs for maintenance and construction at NIST's Boulder labs.

For the RECORD, I am attaching a letter from Linda Capuano, Chair of the National Research Council's Board on Assessment of NIST Programs, along with selections from the 2000 report of that board, that document the needs of the Boulder labs.

As the Committee's Report notes, "the Institute has proposed a multiyear effort to renovate NIST's current buildings and laboratory facilities in compliance with more stringent science and engineering program requirements." I don't understand how NIST's Boulder labs are supposed to begin renovations without appropriations for this purpose. What I do know is that I will continue to support NIST's funding needs throughout the appropriations process this year, and again next year, and the year after that if necessary.

This is another area where I will seek to have the bill improved as it moves through the legislative process.

THE NATIONAL ACADEMIES, BOARD
OF ASSESSMENT OF NIST PROGRAMS,
May 2, 2001.

The Hon. MARK UDALL,
115 Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE UDALL: When we met at the University of Colorado Engineering Advisory Board meeting in Boulder on April 6, 2001, we discussed the inadequacies of the facilities at the NIST Boulder campus. I explained that this was one of the concerns highlighted in the 2000 report of the National Research Council's Board on Assessment of NIST Programs, which I chair.

Attached are key excerpts of that report, which states "The Board and its panels have in the past several years documented numerous inadequacies in the current NIST physical plant. . . . Most egregious is the facility situation at the Boulder campus. . . . (W)orkarounds and disruptions (caused by facilities inadequacies) effectively raise the cost of programs and extend the completion dates, requiring inefficient use of resources and potentially delay results in fast-paced technical areas to the point that U.S. competitiveness is affected."

The Board on Assessment of NIST Programs and its constituent panels comprise an independent technical peer review body, convened by the National Research Council, and consisting of approximately 150 members. These members are chosen not only for their technical expertise but also for diversity in age, gender, ethnic background, and regional representation. Members are subject to screening for potential sources of bias and conflict of interest. Approximately 60% of the members are drawn from industry, 35% from academe and 5% from other sectors. Approximately 10% are members of the National Academies. Of the participants in the fiscal year 2000 review, 4 members represent organizations in Colorado.

The Board on Assessment is chartered to review the technical quality and relevance of programs on-going in the NIST Measurements and Standards Laboratories. It examines resource issues, including facilities, only insofar as those impact the ability of NIST to maintain the technical quality and impact of its programs. The independence of the Board's review is maintained through the processes and procedure of the National Research Council, which convenes and operates the Board and its panels. In particular, the NRC is solely responsible for the selection of the membership of the review committee.

I hope that the attached excerpts are helpful to you. It was a pleasure meeting you last month.

Sincerely,

LINDA CAPUANO,
Chair, Board on Assessment of NIST Programs.

Mr. NETHERCUTT. Mr. Chairman, I rise in support of the 2002 Commerce, Justice, State and the Judiciary appropriations bill. I also wish to confirm that the intent of the language regarding the Northeast Washington State Four County Methamphetamine Task Force is that any funds disbursed to Spokane County can and should be shared with the City of Spokane, so long as the funds are used in a manner consistent with the intent of this section regarding methamphetamines. I believe that law enforcement officials facing drug crime every day know best how to use these funds in a coordinated effort between agencies.

I have serious concerns regarding the growing meth problem. In Spokane County, police and sheriff's investigators encountered 86 meth labs in the first six months of this year. Data provided from the State of Washington shows that in Spokane County the number of reported meth labs and dump sites has increased from 11 in 1998, to 36 in 1999, to 137 in 2000. Without additional funding this number will continue its dramatic rise.

This issue is of federal concern in Washington State because of the U.S.-Canadian border implications that affect northern counties and the assistance to federal agencies these rural sheriff departments and prosecutor offices provide. Without local assistance, the federal agencies will be unable to properly protect our border. Without increased federal funding allocations, however, the local law enforcement agencies will be unable to combat the increasing methamphetamine production epidemic, assist with northern border drug smuggling situations and perform their law enforcement duties that ensure safe and law abiding communities.

Dealing with these highly toxic and combustible labs brings great risks to our officers. These local agencies need our help to acquire equipment and training to help protect the lives of those who are doing their best to eradicate this problem. Not only are funds required for safety, but the amount of overtime required for clean-up taxes the resources of these departments, especially those smaller police departments located in rural areas. The topographical and isolated nature of mountainous counties in northern Washington State, and the lack of a strong law enforcement presence, are an invitation to meth producers. In Pend Oreille County, the meth problem is beyond the Sheriff Department's ability to manage. The per capita incidence of meth labs and dump sites is the largest in the state. Ferry County is a close second. Because of limited resources, the Sheriff departments responsible for patrolling these counties are small and are not prepared for the inundation of meth production they are experiencing.

These three counties cover a large area, 6,085 square miles, which includes approximately 80 miles of largely unfenced U.S.-Canadian border, where the smuggling of marijuana from British Columbia, Canada, is an increasing problem. Deputies from these counties are routinely called upon by federal agencies to assist in border enforcement activities. These small, rural sheriff departments lack the man-power and financial resources for overtime pay to handle local law enforcement duties, to combat increasing methamphetamine production and to be available to assist federal agencies when called upon.

Methamphetamine is a national problem that must be attacked at the local level. It is an inexpensive and easy-to-produce drug that is easily transported throughout the country and can unfortunately yield great financial benefits, especially for criminals in rural counties. We cannot allow this problem to escalate more than it already has without acting. I urge my colleagues to support this funding and this bill.

Mr. GREEN of Texas. Mr. Chairman, I rise today in opposition to the cuts that this bill makes in one of our most successful federal law enforcement initiatives, the Community Oriented Police Services (COPS) program.

This legislation would cut $17 million from COPS. This may not sound like a lot of money, but when you have a program whose goals is to get more officers on the streets, patrolling our neighborhoods and protecting our families, any cut is the wrong way to proceed.

We should be standing here, talking about ways that we can increase funding for this program, so that more communities can take advantage of it and put more officers on the beat.

In my hometown of Houston, more than 1,000 new officers have been hired by law enforcement agencies. And COPS doesn't just provide money for new officers for patrolling.

COPS has other programs, like COPS in Schools, which funds the hiring of officers to make the schools where our children learn and my wife teaches, safer and more secure.

Other programs, like COPS MORE (Making Officer Redeployment Effective), provides funds to acquire new technologies and equipment, and hire civilians for administrative tasks. This allows more police to spend their time pounding the pavement and stopping crooks, instead of pounding the typewriter in station houses.

Since its authorization by the Violent Crime Control and Law Enforcement Act of 1994, COPS has added more than 110,000 community policing officers to our nation's streets.

This is a program that works, and I hope that in the future, we can stand up and talk about how much money we are adding, rather than cutting, from this worthwhile program.

Mr. STEARNS. Mr. Chairman, I appreciate my colleague from Wisconsin, Mr. OBEY, for not offering his amendment prohibiting the Federal Communications Commission (FCC) from expending any funds to modify its media cross ownership and multiple ownership rules. Had such an amendment been offered, I would have opposed it.

As Vice-Chairman of the Telecommunications and Internet Subcommittee, I am concerned anytime this body considers telecommunications policy without properly allowing the committee of jurisdiction and expertise—the House Energy and Commerce Committee—from deliberating on the ramifications of such a policy change. Quite simply, there is a reason who this body does not legislate on appropriations vehicles. And as such, telecommunication issues and should be left up to the committee overseeing telecommunications policy. In fact, the House Energy & Commerce Committee has not been given the opportunity to analyze the ramifications of such an amendment, and the Committee certainly has not had the opportunity to hold a hearing on this amendment—a hearing in which Members would learn from testimony of experts.

Mr. Chairman, by law the FCC is required to analyze its rules. Congress, in passing the Telecommunications Act of 1996, specifically requires the FCC to review all of its broadcast ownership rules every two years to ensure they continue to serve the public interest. The head of the FCC, Chairman Powell, has stated that he plans to examine rules and policies relating to media cross-ownership and multiple ownership. This provision prevents the FCC from making any modifications to the current rules, even if the FCC concludes that it is in the public interest to further tighten, and not relax, media ownership rules. As such, we must allow the FCC to do its job without interference from Congress.

Furthermore, some of the FCC's current rules on broadcast ownership are being currently challenged in court. Under the Obey Amendment, if the Court vacates the rules and remands the case to the Commission, the FCC will be unable to act pursuant to the Court's order because the expert agency would be blocked from doing its job.

And what do Members of this body have to fear by allowing the FCC to do its job and review its rules to determine if they serve their intended purpose? Most agree that in today's day and age, many such rules are antiquated, irrational, and inconsistent with the public interest, thereby doing more harm than good when it comes to competition. This, being the reason why the Commission is required to examine its rules, would be prohibited if this amendment is accepted.

The rules my friend from Wisconsin fears would be changed were developed in the 1940s and 1950s. America has come a long way since the era when we had to let the old black-and-white TV sets warm up. Scanning the landscape today, one easily sees there are now 9 national broadcast networks, hundreds of cable stations serving nearly 70 million households, 17 million home satellite subscribers, and these trends don't even reflect the millions of people who surf the Web for their news and commentary.

The author of this amendment may also know that in the summer of 1999, the FCC relaxed some of its broadcast ownership rules. And not surprisingly, consumers, competition, and Democracy were not harmed in any way. Had his amendment been accepted back then, none of those changes would have been allowed.

I would argue that the FCC should continue to relax more of its ownership rules. Like I did in the last Congress, I recently introduced legislation to broadly deregulate the restrictive ownership limitations imposed by the FCC on the television broadcast industry. My legislation increases the national ownership cap from 35 percent to 45 percent, a reasonable response to the shifting needs of viewers and the industry. Furthermore, the FCC's current rules of owning two stations in the same market (duopoly) and definition of what constitutes a voice defies logic and is unjustified. My legislation adds some sense by defining cable as an independent voice. Additionally, it also repeals the FCC's rules that restrict a newspaper from owning a local television station within the same market. Such a repeal will result in a realization of efficiencies from consolidated operation, greater financial stability, and an enhanced ability to provide news and informational gathering.

Some of my colleagues may have seen last week's USA TODAY article entitled "Media's big fish watch FCC review ownership cap." Mr. OBEY intended to offer this amendment in order to reflect his belief that concentrated media ownership is "one of the biggest threats to our form of democracy—the other being the way our campaigns are financed."

Well Mr. Chairman, this body has devoted quite a while to properly debating how our campaigns are financed. Do we not, at a minimum, owe the same amount of deliberation to such a big threat? I thank Mr. OBEY for withdrawing his amendment.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 2500, legislation to fund the Departments of Commerce, Justice and State Appropriations for Fiscal Year 2002. Though the measure calls for a reduction to the highly successful COPS community policing program, I believe that this measure, on balance, adequately addresses our domestic and foreign commitments to justice and crime prevention.

The bill would fund the activities of Commerce, Justice and State departments, as well as the judiciary and related agencies, at $41.5 billion, which represents an increase of about 4 percent over the current spending levels, 2 percent more than the President requested. It is important to note that the President's budget calls for increasing the funding level for all appropriated programs is to be increased by 3.8 percent over the Congressional Budget Office's 2002 baseline, which is about the amount necessary to maintain purchasing power at the 2001 level. However, adherence to this strict limitation, while at the same time increase defense and education spending, translates into a 1.2 percent reduction in funding in real terms. Nonetheless, Mr. Chairman, I believe H.R. 2500 represents a reasonable starting point for negotiation with the Senate over funding priorities, taking into account the fact that the Senate traditionally sets funding at a higher level than the House.

Under H.R. 2500, the Justice Department is slated to be funded at the $21.7 billion level, a 3 percent increase over the current level and the level requested by the President, and the judiciary is to be funded at the $4.7 billion level, a 10 percent increase over last year, but 4 percent less than the President's request. While I am pleased that H.R. 2500 would increase the funding to important law enforcement entities such as the INS, FBI, DEA, federal prison system, U.S. Court of Appeals and the Supreme Court, I am disappointed that it calls for a 2 percent reduction to the COPS program. At the same time, I do recognize that agreeing to funding COPS at the $1.01 billion is an accomplishment in itself, given the fact that this program is often the target for deep cuts in the House and that program was slated to be cut by 21 percent under the President's budget.

I would also like to recognize the Committee's diligence in setting funding of other law enforcement programs that provide substantial support to state and local authorities in the administration of justice at or above this year's level. Given the sharp cuts called for in the President's budget, this was no small feat. I am pleased that H.R. 2500 adequately funds the State Criminal Alien Assistance Program (SCAPP) which the State of Texas relies on to ensure that the federal government pays its fair share of the costs associated with the incarceration of criminal aliens. H.R. 2500 funds SCAPP at $565 million, more than double the Administration's request. Additionally, the Local Law Enforcement Block Grant program, which provides block grants to be used for a variety of programs to reduce crime and improve public safety, is level-funded at $522 million, 30 percent more than the President requested. Further, the Violence Against Women Grants program, which seeks to encourage police to make arrests in domestic violence cases, and to provide funding to prosecute cases involving violence against women, will be funded at $390 million, equal to the President's request and 35 percent more than the current level. I am also pleased that this measure seeks to stem the incidence of juvenile gun crime committed by providing $20 million for the creation of new federal-state task forces for "Project Sentry" to prosecute juveniles who commit gun crimes and the adults who provide those weapons.

I am also pleased that this legislation contains a significant increase for the Immigration and Naturalization Service (INS). The $5.6 billion provided under this bill represents an increase of $839 million, or 17 percent more than the FY 2001 funding level, and $130 million more than the Administration's request. The $50 million included for Southwest Border Prosecution will help state and local prosecutors along the Southwest border address some of the costs associated with processing drug and undocument immigrant cases referred from federal arrests. We must work with the communities along our borders to address the problems associated with drug trafficking and illegal border crossing, and I am pleased that the bill contains funds to help with this important effort.

With regard to overall INS funding levels, it is important to note that while other federal agencies have grown at relatively slower or flat rates, from 1994 to 1998 the INS budget increased 93 percent. While I am pleased that Congress and the President have increased resources to enforce our borders and provide citizenship-related services, I remain concerned about the backlog of naturalization and other immigration applications. I concur with the Appropriations Committee Report language which expressed support for the increased funding contained in this bill, but also stated that management improvements must be undertaken to address the existing backlogs. I know in the Houston Region, the backlog for citizenship applications can last greater than 1 year, and permanent residency—have a backlog as long as 3 years or more. I am hopeful that the funding provided in this bill will address the backlog issue, which has presented a significant problem for hundreds-of-thousands of otherwise-eligible immigrants in Texas and across the nation.

With respect to our international priorities, I believe the funding in this bill will adequately fund our global objectives, while providing modest increases for our diplomatic and consular programs; educational and cultural exchange programs; and for security and maintenance of U.S. embassy facilities. While I wish the Committee had appropriated more funds to implement the recommendations of the Overseas Presence Advisory Panel—which relates to the security of U.S. diplomatic facilities—I am pleased that a 20 percent budget increase for embassy security and construction is included in this legislation. In an era of increasing terrorist attacks against U.S. citizens and our interest abroad, I believe we should be doing much more to increase the safety of our diplomatic corps working overseas. Overall, I believe the funding provided under this bill will assist the U.S. follow-through on our most critical international obligations within a fiscally tight, but reasonable framework.

Accordingly, Mr. Chairman, I urge my colleagues to join me in support of H.R. 2500, an appropriations bill that generally reflects our nation's priorities both at home and abroad.

Mrs. JONES of Ohio. Mr. Chairman, when Congress passed legislation to establish the New Markets Initiative last December, it did so in a spirit of bipartisanship, to ensure that all of our nation's communities have the opportunity to realize the American dream.

BusinessLinc is an innovative partnership between the Small Business Administration, the Treasury Department, and the business community. The program encourages large businesses to work with small business owners and entrepreneurs to provide technical assistance and mentoring. This program will improve the economic competitiveness of smaller firms located in distressed areas, both urban and rural.

In speaking with many small businesses in my community, the Eleventh District of Ohio, it is clear that business success is predicted on a number of factors, such as the quality of the product or service, its price, marketing, the financial stability of the business, and the owner's experience. But one factor which has been largely overlooked in legislation is a business person's contacts within the community. Some call this the effect of the "old boy's club."

My constituents have conveyed their frustration at being left out of informal networks that form the basis for later business dealings. These informal networks have a decided effect on an owner's ability to plan and a small business' ability to grow. Simply stated—information and skills are key to success.

BusinessLinc will provide much-needed access to mentoring and support for disadvantaged businesses. In developing the BusinessLinc program, local coalitions have taken creative approaches to assist small businesses to employ strategies that best respond to the needs of the community.

My colleagues, Representative NYDIA VELÁZQUEZ, the ranking member of the Small Business Committee, and Representative SUE KELLY will offer an amendment to restore funding to BusinessLinc, the 7(a) loan program and PRIME. I urge my colleagues to support the amendment and demonstrate their support for business growth by funding BusinessLinc and other programs that are vital to the success of small business.

The CHAIRMAN. Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NUSSLE), having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 192, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

□ 2145

The SPEAKER pro tempore (Mr. NUSSLE). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 19, not voting 6, as follows:

[Roll No. 248]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
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Clay
Clayton
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Clyburn
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Combest
Condit
Cooksey
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Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
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Edwards
Ehlers
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Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
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Frelinghuysen
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Green (TX)
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Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
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Kaptur
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Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
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LaTourette
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Lee
Levin
Lewis (CA)
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Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver

Ortiz
Osborne
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Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
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Watkins (OK)
Watson (CA)
Watt (NC)
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Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Barr
Conyers
Cox
Duncan
Flake
Hefley
Hostettler
Moran (KS)
Paul
Petri
Royce
Scarborough
Schaffer
Sensenbrenner
Smith (MI)
Stark
Tancredo
Waters
Weldon (FL)

NOT VOTING—6

DeGette
Hinojosa
Larson (CT)
Shays
Spence
Tierney

□ 2201

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to state on the record that my vote on Roll Call Vote 248 (final passage for H.R. 2500, Commerce, Justice, State Appropriations for Fiscal Year 2002) did not register. I inserted my voting card into the machine and voted aye, but my vote did not register. This is the second time that this has occurred this year on the final passage of a bill, despite the fact that my voting card was recently replaced after it would not work at all. While I realize that human error can be involved in this situation, the fact that I was in the Chamber and voting, and my card has malfunctioned so many times in the past, I think it is self-evident that my vote should have been recorded as aye on Roll Call Vote 248.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107–146) on the resolution (H.Res. 199) providing for consideration of the bill (H. R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON THE FREEDOM SHIP AMISTAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SIMMONS) is recognized for 5 minutes.

Mr. SIMMONS. Mr. Speaker, a year ago the Mystic Seaport, which is located in my district, constructed and launched a replica of the freedom schooner *Amistad*. Today, I rise to salute some of the craftsmen and the contractors who participated in the construction of that craft and helped to make it seaworthy.

Most of us know the story of the ship and of its history, which was the subject of a movie by Steven Spielberg. The *Amistad* was a Spanish schooner traveling the coast of Cuba in 1839 with a cargo of 53 men and women on board, men and women of African origin who had been enslaved. Under the leadership of Joseph Cinque, they rose up against their captors, seized the ship, and attempted to sail back to Africa.

The ship eventually made landfall off of Long Island and was brought to new London, Connecticut, where the Africans were taken prisoner. They eventually went on trial and won their freedom after John Quincy Adams argued their case before the U.S. Supreme Court.

Today, a replica of the *Amistad*, constructed by the Mystic Seaport, is a living museum of this part of our Nation's history; but we would not have this replica, we would not have this educational tool, if it were not for the hard work of many individuals who donated their time and resources to the effort.

A notable example of this cooperation are the members of the Southeastern Connecticut chapter of the Plumbing-Heating-Cooling Contractors Association who donated over $100,000 of time and resources to install the plumbing, heating and cooling systems as the ship was built at Mystic Seaport. Under the leadership of Walter Woycik, more than 20 volunteers from 11 Connecticut firms made sure that all the heating, cooling and plumbing equipment was installed and up to the stringent Coast Guard standards. This, in turn, assured that the *Amistad* can put to sea as a living, working, sailing classroom to teach this important story of our people's struggle for freedom.

What these individuals constructed is more than simply a replica of a ship. The *Amistad* is a symbol of the struggle for human rights and human dignity, and it is a reminder that all people deserve to be and want to be free.

More than a century after the *Amistad* incident, this replica is a symbol of America's values, as spelled out in our Declaration of Independence and in our Constitution, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, and that these include, life, liberty, and the pursuit of happiness.

As we celebrate our freedom, let us also thank those volunteers who made possible the construction of this replica of the freedom schooner *Amistad*.

DEBT RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I am here tonight to address the issue of debt relief for Africa, particularly as we are on the cusp of considering the fiscal year 2002 foreign operations appropriations bill.

There are many reasons why debt relief is important and critical to the United States. I believe we not only have a moral obligation but an economic impetus to ensure that we share a world that is economically prosperous, educated and healthy. As we have seen in recent years, health and financial problems are not constrained by regional boundaries. That is why I, and many of my colleagues, worked to increase funding in the foreign operations bill for HIV/AIDS and infectious disease programs, debt relief, basic education, child survival, and microenterprise programs, among others.

Although details have not been provided, I am pleased to note that President Bush is thinking about innovative ways to address the issue of poverty and debt relief. It was reported he intends to push the World Bank to extend more grants instead of loans to developing countries as a way to reduce their debt burden. I believe this effort is a step in the right direction. However, it demands we remain committed in word and deed to ensuring that additional resources are provided to assist in any effort to provide debt relief to countries most in need.

Mr. Speaker, I am a strong advocate for providing resources to developing countries so that the residents will be afforded the same opportunities that we have here in America. Unfortunately, despite our efforts to provide development assistance and debt relief, many countries are crushed under the weight of debt burdens, a burden that profoundly affects the everyday health care and education needs of millions of families and children.

It is heartbreaking to know that approximately seven million children die each year as a result of the debt crisis. Further, more than 2.5 million children died in the year 2000 because debt repayments have diverted money away from investment in basic lifesaving health care. According to a recent report released by Oxfam International entitled "G–8: Failing the World's Children," poor countries are saving $1 billion a year for schools and education, but 16 of the countries that get debt relief still spend more on debt than on health care for their citizens.

The report further emphasizes the role debt burdens have played in exacerbating the education crisis in developing countries, particularly in sub-Saharan Africa. Of the 22 countries who have received debt relief under the Highly Indebted Poor Countries initiative, over half will spend more on debt than on primary education; and two-thirds will spend more servicing their debt than they spend on basic health care.

The report also highlighted the problem in Tanzania, where high school fees are preventing primary aged students from attending school. Although the country would like to get rid of the school fees and provide free universal primary education, they are hindered by their debt.

That is why I am pleased to be here to show my support and emphasize the change that can take place if my colleagues in Congress support the effort of the gentlewoman from California (Ms. WATERS) to implement reforms to reverse this devastating trend. Her bill, H.R. 1642, Debt Cancellation for the New Millennium Act, urges the President to work within the international financial and multilateral institutions to modify the HIPC initiative.

Specifically, the bill will work to ensure that the amount of debt relief provided by the IMF and World Bank under the initiative cancels 100 of the HIPC's debt burden, and to ensure that the provision of relief cannot be conditioned on a country's implementation of a structural adjustment or stabilization program of the Poverty Reduction and Growth Facility of the IMF, which has had a history of further siphoning away funds from investments in health care and education.

Again, Mr. Speaker, I appreciate being afforded this opportunity to speak on this very important issue. I look forward to seeing this bill move through the House so that the positive changes can be made. As such, I urge my colleagues to support the economic livelihood and social well-being of our world's families and children.

LAUNCH OF THE SPACE SHUTTLE "ATLANTIS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, soon after I was appointed the only freshman member of the Subcommittee on Space and Aeronautics of the Committee on Science, I determined to tour the Kennedy Space Center and witness the launch of a manned mission to space.

Just before dawn on Thursday, July 12, I fulfilled that goal and was left not only with a profound sense of appreciation for those who make our space program work, but also with an enhanced sense of pride in being an American.

We arrived at Cape Canaveral at midnight in the company of 9-year veteran NASA Administrator Daniel Goldin. On the way to the launch site, our group of seven Members of Congress and their staffs was confronted with the sight of the Shuttle *Atlantis*, just one mile away. The shuttle and booster rockets stood straight up, steaming in the darkness, illuminated by billion-watt searchlights.

With its 18 million pounds of hardware, fuel, and payload, the bright white craft stood, as Astronaut Edward Lu told me that evening, "creaking and steaming like an animal waiting to leap into space."

Moments later, shortly after 1 a.m., an attack helicopter appeared, Mr. Speaker, flying low, search lights and guns sweeping the road between the astronauts' residence building and the 1 A launch site.

□ 2215

After the gunship completed its reconnaissance, the bus carrying the five brave astronauts of STS–104 sped past our group. With all the enthusiasm of schoolchildren seeing Santa at the Macy's Parade, seven Members of Congress frantically waved as the bus conveying the crew sped past on its way to the launch tower.

From the launch area, we traveled to the Apollo Center where the viewing stands were already filled with family members and friends of the crew, anxiously milling about in nervous conversation. We took our seats.

With the 4:30 a.m. announcement that we were "go for launch" booming over the public address system, the clock began to run.

At 5 minutes to launch, the "Star Spangled Banner" blared out of the speakers at the viewing stand, and all those in attendance solemnly rose to their feet.

Mr. Speaker, the phrase "the rockets' red glare" froze in those morning hours in my mind as I listened to our national anthem. I thought of another night sky some 150 years ago by the light of rockets of a different sort when Francis Scott Key penned those magnificent lines about the United States of America.

The rocket cleared the tower. Moments after, a burst of light appeared before the gantry way. The moment the main orbiter engines reached the top of the tower, Mr. Speaker, the humid Florida night sky turned as bright as day. The same instant, the sound with all its earthshaking force struck our location like a hurricane. The Earth shook and an explosion of hot air rushed past. I felt as if the wind had been knocked out of me, the sound only becoming louder as the rocket climbed in the early morning sky.

Mr. Speaker, it was as though the Earth gave birth to a piece of sun and was sending it home. *Atlantis* seemed almost lazy in its rate of ascent. As the ship climbed, the light from the rocket which had, at first, shone dimly like the dawn, turned to midday brightness, revealing a blue sky and leaving shadows on the landscape.

I turned to look at my wife. Karen stood with wet eyes in that other worldly brilliance. I was nearly overcome with emotion. But there was still serious work to be done.

The shuttle climbed, leaving in its wake a sycamore-like column of smoke that seemed a pillar holding heaven itself. When the vehicle jettisoned its temporary booster rockets the crowd broke out into applause, but NASA Administrator Daniel Goldin would have none of it. His demeanor remained silent and stern. He explained that he did not celebrate launches until 8 minutes and 30 seconds into the launch. At that time the main engine cutoff occurred and the astronauts safely reached orbit.

As the light faded and the sky returned to the darkness of night, *Atlantis* appeared as a red dot disappearing into the Northeast sky. Still visible 160 miles away, we heard the words "main engine cutoff" on the public address system. The entire crowd broke into applause, relief and tears.

Later that morning I had the honor of speaking to over 100 mission specialists in the Firing Room. I would have called it mission control, but I learned that title belongs in Houston.

I made a few comments to those Purdue graduates on hand and then told all the heroes wearing headsets how the words of the national anthem that morning had struck me. I thanked them for their professionalism, for another safe launch, and for the inspiration which their teamwork and their spirit of exploration continues to provide to all Americans.

After sharing a meal of beans and cornbread with the crew, which is a traditional post-launch fare at NASA, we boarded a plane to Washington. As I drifted off to sleep, Mr. Speaker, the words of our national anthem rang in my ears, and I became more convinced than ever that the rockets' red glare still gives proof in the air that this is the land of the free and the home of the brave.

DIVERSE COMMUNITY GROUPS OPPOSE H.R. 7, COMMUNITY SOLUTIONS ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, today the House was scheduled to vote on H.R. 7, the so-called Charitable Choice Act. However, the House Republican leadership had to delay the vote because of objections from both Republicans and Democrats alike that this bill would allow discrimination in job hiring based on a person's religious faith when using Federal funds.

Mr. Speaker, the truth is that we all support the good work of thousands of faith-based charities across this country. But the truth is also that, as more Members of Congress and more American citizens learn about what is actually in H.R. 7, the support for this bill is faltering badly.

Over 1,000 religious leaders, pastors, priests and rabbis have signed a petition urging this Congress tomorrow to oppose the President's faith-based charity bill.

Why? Because it would harm religion, not help religion.

Why? Because it would not only allow discrimination in job hiring using Federal dollars, it would actually subsidize such discrimination.

Mr. Speaker, let me mention some of the diverse religious and education and civic groups and civil rights groups that stand firmly opposed to the passage of H.R. 7: The American Association of School Administrators; the American Association of University Women; the American Federation of State, County, and Municipal Employees; the American Federation of Teachers; the American Jewish Committee. The Anti-Defamation League opposes this bill, along with the Baptist Joint Committee on Public Affairs, the Leadership Conference on Civil Rights, the National Education Association, and the National PTA.

Mr. Speaker, the Presbyterian Church U.S.A. opposes this bill, along with the Episcopal Church U.S.A., the Interfaith Alliance and the United Methodist Church, General Board of Church and Society, along with many other religious and civic groups strongly oppose the passage of this bill on the floor of the House tomorrow.

Mr. Speaker, let me talk about what is wrong with this bill. Let me emphasize three points: First, the bill is unnecessary. It is unnecessary. Under long-standing law in this country, the Federal Government has been able to support faith-based groups under several conditions and several proper conditions. First, that they not be directly churches or houses of worship. That if churches want to do faith-based work with Federal dollars, they should set up a separate 501(c)(3) secular organization. Then those groups cannot proselytize with tax dollars, and they cannot discriminate in job hiring with those tax dollars.

Under those limited but important conditions, for decades faith-based groups such as Catholic Charities and Lutheran Social Services have received Federal dollars to help social work causes without obliterating the wall of separation between church and State. So the bill is simply a solution in search of a problem.

Secondly, as I mentioned, this bill not only allows discrimination against American citizens based on their religion, it subsidizes it. Let me be specific. If this bill were to become law and a church associated with Bob Jones University were to receive a Federal grant under the program, that church could use our tax dollars to put out a sign that says no Catholic need apply here for a federally funded job. Mr. Speaker, that is wrong.

In the year 2001, over 200 years after the passage of the Bill of Rights, no American citizen should have to pass someone else's religious test to qualify for a federally funded job. No American citizen, not one, should be fired from a federally funded job simply and solely because of that person's religious faith.

Next, I would point out that this bill basically is built on a foundation of a false premise, the false premise that somehow if the Federal tax dollars of this government are not going directly to our houses of worship and our synagogues and mosques, that is somehow discrimination against religion. I think Mr. Madison and Mr. Jefferson would be shocked by that suggestion of discrimination against religion. I think they would have argued that the Bill of Rights for 200 years has not discriminated against religion. The Bill of Rights has put religion on a pedestal above the long arm and reach of the Federal Government, both Federal funding and the Federal regulations that follow.

Mr. Speaker, H.R. 7 is a bad bill for our churches, our religion, our faith and our country. I urge a "no" vote tomorrow.

PASS PATIENTS' BILL OF RIGHTS FOR MEANINGFUL HMO REFORM

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I want to spend the time with my colleague from North Carolina talking about the Patients' Bill of Rights. I have been to the well many times to talk about this legislation.

I know that we do have a commitment from the House Republican leadership to bring up HMO reform, hopefully at some point over the next 2 weeks. But what I wanted to stress tonight is if we are going to deal with the issue of HMO reform, we have to pass real HMO reform, and that is the Patients' Bill of Rights. It is a bipartisan bill sponsored by the gentleman from Michigan (Mr. DINGELL), who is a Democrat; the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD), who are Republicans.

This bill or a similar bill passed in the last session of Congress overwhelmingly, almost two-thirds of the Members, most Democrats, and 60-some-odd Republicans. However, once again the House Republican leadership does not support it and does not want to bring it up and is trying, even after a similar bill passed the other body, is trying to kill it effectively by coming up with what I consider a sham HMO bill and trying to get support for that sham Republican HMO bill.

I would like to speak tonight to explain not only why the real Patients' Bill of Rights should be brought to the floor immediately and passed but also why it is such an improvement, as opposed to the sham bill that I fear the Republican leadership may try to slip by.

But at this time I yield to the gentlewoman from North Carolina (Mrs. CLAYTON), who has worked long and hard, I think too many years that we have worked on this bill, and we hope it will come to the floor in the next few weeks.

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for his leadership on this issue. He has not only been working hard, but he has been persistent and insistent that we stay on course.

Mr. Speaker, what we want to bring to our colleagues' attention and therefore their awareness and appreciation, not only do we think that the American people want this but we also think that the scare tactics that we hear that are being promoted that this bill will somehow cause employers to have greater liability, therefore, increase the costs, reducing the opportunity for having insurance coverage for their employees, I think it is a scare tactic.

Indeed, the Ganske-Dingell bill does provide for accountability, but that accountability goes only for insurance companies or individuals who interfere in the provisions of health care. It does not hold small businesses responsible or accountable if they indeed are not interfering in the decision.

All this Patients' Bill of Rights does is give the patients the right to expect and to receive what they have contracted for in their health insurance. That is not too much to ask. That is expected in contract law. If you enter into an agreement, there is the expectation that one will receive the benefits for which they are paying. The reason we buy insurance is to have that assurance that, when we need it, those provisions within the insurance policy will be enacted.

That doctors would be able to make those decisions, that I would have a right in the case of an emergency to go to the nearest hospital, that I would have the right to get a second opinion or get the kind of expert medical care that I need, that I would not be proscripted in the sense to be limited to the minimum health care service by putting a gag order on the doctors.

The doctors would be free to provide the kind of leadership in health services that they and they alone are capable of doing, and that a doctor would not be held in violation of his contract if he gave several options and prescribed, perhaps, the option best for me that may be a little higher cost than the health insurance desired.

□ 2230

This is a commonsense approach, and the scare tactics that we have heard indeed is unfounded. What this bill is not, this bill is not an effort to increase greater liability on small employers and by and large small employers are held liable as well. They are paying part of the costs and these are provisions that they are paying dearly for and they expect that their employees will receive the benefits for which they are paying for.

My understanding as well is that this bill will amend, or is in the process of amending itself to conform with the Senate's bill, that the liability there would be consistent here. Only in those cases where you are self-insured or indeed you make a decision would there be any case of liability. Furthermore, the external appeal system in the bill does provide for an orderly appeal process which suggests that before there is a remedy as a lawsuit, one would be expected that they use that appeal process before they indeed resort to the legal area.

Again the consistency between States, I know the Senate bill, my Senator, Senator EDWARDS, has been working very hard with Senator MCCAIN and Senator KENNEDY to make the bill that they pass consistent with States and where States had stronger views, stronger provisions, they would indeed be the ones that would govern.

So there has been every effort to speak to issues that have been raised, and I think it is now time for the leadership of the House to bring this bill so that we can have an up or down vote. I think the American people want it, I think the votes are here, and I think it is the right thing to do.

Again, I thank the leadership of the gentleman from New Jersey (Mr. PALLONE) and others who have been working on this task force and certainly support the efforts that both the gentleman from Iowa (Mr. GANSKE) and the gentleman from Michigan (Mr. DINGELL) have brought before us. It is very similar. We were original cosponsors of the last bill and with the gentleman from Georgia (Mr. NORWOOD) who is also, I should say, a part of this. This is a good, bipartisan effort to try to give the American people a reasonable approach and a meaningful approach. So the scare tactics that we are hearing, I think, are unfounded. We need to spend as much time saying what this will do as well as what this is not. This is not an effort to put a great burden or unnecessary liability on small businesses or employers of any size if they are not involved in creating the injury or the health provision that resulted in injury or death.

I thank the gentleman for allowing me to participate.

Mr. PALLONE. I want to thank the gentlewoman for all her participation and everything that she has done to try to put this patients' bill of rights together. There are a couple of things that she mentioned that I wanted to repeat, and I think are important and need to be repeated. One is that if you think about what we are really trying to do here, there really are basically two principles: one is that we want to make sure that decisions about what kind of medical care a patient gets or an American gets is a decision that is made by the physician and the patient, not by the insurance company, not by the HMO. Too often today I get complaints from my constituents in New Jersey who say that they were denied care, they were denied a particular operation, they were denied to stay in the hospital a certain number of days, they were denied a particular procedure because the insurance company did not want to pay for it. That should not be the way it is. Decisions about what kind of care you get, medical decisions, have to be made by the physicians. That is why we have physicians. That is why decisions are made collectively by physicians and their patients.

The second thing is that if you have been denied care and you think unjustly so, you have to have some ability to redress your grievances, to appeal that. What we suggest in the patients' bill of rights, what we guarantee, is that you can go to an independent review board, outside the realm of the HMO, not appointed by the HMO, and that they will review the decision and if they feel that you were improperly denied care, then they can overturn the decision of the HMO or the insurance company. Failing that, you can go to court and ask that it be overturned or sue for damages if you have been injured and there is no real recovery from those injuries.

These are just basic rights. Most people, until they get into a situation where they have been denied care, have no idea that what I am suggesting is not already the law. They think it is the law. They think it is fairness, which is essentially all we are asking for.

The other thing that my colleague from North Carolina mentioned that I think is so important is that we as Democrats and a significant amount of Republicans as well in this Chamber, we are simply asking for an opportunity to vote on this bill. This bill was voted on in the other body. It is now over here. It should be taken up here in the House of Representatives; and we should be allowed a clean vote, not bogged down with all kinds of procedures so that we cannot vote on it, and certainly not have an alternative bill which the Republican leadership has put forward which is not protective in the same way of patients. To give us the opportunity to vote on that and say that is HMO reform and then not have the opportunity to vote on the real patients' bill of rights I think is a travesty. And I hope that that is not what the Republican leadership has in mind, although there is every reason to believe that, in fact, that is the case.

I see I was joined also by my colleague from Texas. I was hoping, and I know that he will also get into the fact that in the State of Texas, our President Bush was the Governor of Texas and while he was there, the Texas legislature passed a patients' bill of rights, very similar to the patients' bill of rights that we now seek to have voted on here.

It has been a tremendous success. It has not resulted in much litigation. People have been able to overturn denials of care on a regular basis without having to go to court. It works well, and there is absolutely no reason why the same type of legislation should not be passed on a Federal level so everyone in every State can have the same benefits that the citizens of Texas have.

I yield to the gentleman. He has also been a very active member of our health care task force.

Mr. TURNER. I thank the gentleman from New Jersey (Mr. PALLONE) for yielding. It is a pleasure to join him in this special order hour to talk about this very important issue for the people of America, the patients' bill of rights. We have been working on this bill for the last 4 years. Ever since I have been in this Congress, we have been working trying to pass a patients' bill of rights; and I think now is the time to pass a good, strong bill for the American people.

When I was a member of the Texas Senate, I was the Senate sponsor of the first patient protection bill offered anywhere in the country. It passed our legislature overwhelmingly, with very little dissent. Unfortunately in that session of the legislature, the Governor, then Governor Bush, vetoed that bill.

The legislature in the following regular session broke the bill down into four parts, passed it again, overwhelmingly, the Governor signed three of the bills and let the fourth, relating to accountability and liability of HMOs, become law without his signature. The Governor cited his concern that the legislation would run up health care costs and create unnecessary litigation.

I am pleased to report that in the years since 1997 in Texas, there have only been 17 lawsuits filed under our patient protection legislation. There have been 1,400 patients who had the right under the Texas bill to object to the findings of the review panel and go to the external appeal process, which is an independent appeal process, to have their grievance heard. In those 1,400 appeals to the external panel, 54 percent of the time the patients have prevailed, 46 percent of the time the HMOs have prevailed. As I said, the next step, going to court to exercise your legal rights, that has occurred in only 17 cases since 1997.

So in Texas, the law is working. The Norwood-Dingell-Ganske bill is modeled after the law in Texas. It creates this independent review panel. It allows a person, if they are not satisfied with the decision of the external review panel, to exercise their right to go to court to receive the treatment they are entitled to. I think the experience across this country will be much the same as it has been in Texas, with very minimal litigation. So I am very hopeful that this Congress and this President will see fit to sign the Dingell-Norwood bill which I am confident will pass. After all, it has already passed in the last session, the 106th Congress, by a solid margin in this House.

As the gentleman will recall, it went to the Senate after it passed in the House and died in the Senate. This year, we have an opposite scenario. The bill has already passed in the Senate and is now back in the House to be voted on again. I am confident that this bill will be passed, and I hope that the President will sign it when it reaches his desk.

I would like to share my thoughts on the differences in the Dingell-Norwood bill and the other version of the patient protection law that will be offered by the gentleman from Kentucky (Mr. FLETCHER), a Republican. This legislation offered by the gentleman from Kentucky does not provide the same protections for patients as the Dingell-Norwood bill does. It is deficient in several respects.

First of all, the bill does not provide a meaningful appeals process for a patient. In fact, the bill provides very specifically that if the external review panel makes a decision and the HMO follows that recommendation and that decision, then no one has the opportunity to appeal anywhere. That to me seems to be very unfair. Under the Norwood-Dingell bill by contrast, once the external review panel makes a decision, if either party is dissatisfied, they have their constitutional right to go to the courthouse and to get a judgment that they think is correct. It seems to be fundamental in this country that if you set up an administrative review procedure and you do not like the outcome that you should and do have the right under our Constitution to an open court to be able to go in to file your grievance and get a decision by a jury of your peers.

Some have even suggested that the Fletcher bill may, in fact, be unconstitutional, because it prevents a patient from going to court if they are unhappy with the decision.

We are talking here about life and death decisions. We are talking about making HMOs accountable just as every other business organization in our society is now accountable. There is not one entity, not one person, not one business in this country that is not liable in the courts of our land for their negligent acts. I have always believed if our court system says that if a doctor makes a mistake in giving you medical treatment, if they are guilty of malpractice and the law provides that a patient has a remedy if malpractice is committed, then they also should have a remedy if an HMO commits malpractice. Because under the system of managed care that is becoming so popular in this country, HMOs are, in fact, making medical decisions. I have talked to many doctors who are totally frustrated with the current system, when they have to argue for hours on the telephone with an insurance clerk trying to get the treatment for their patients approved that they think is medically necessary and the HMO and their representative are saying no, in our judgment, it is not medically necessary.

Patients are entitled to quality health care in this country. We have one of the finest health care systems in the world. And we have got to be sure we protect it. I tell my friends in the HMO industry and the insurance industry that they have an important obligation, too, and, that is, to help us create a system where all of the parties will be satisfied with the outcome, because I am a firm believer that we must protect what we know is the best health care system in the world. And with more and more health care being delivered by managed care, we have got to make it work for everybody, not just the insurance companies, but for the patients, for the health care providers, for the doctors that are making the decisions about your health care and mine.

And if we fail to make this system work for everybody, then I hasten to think that we might come to the point where somebody will say, we have got to have a new system of health care, we have got to have a system like they have in Canada, we have got to have a system like they have in Europe; and I do not think we should go in that direction.

□ 2245

So we all have a stake in making this system of managed care work, and work for all of the parties in the system, not just the insurance companies.

When we look at the Fletcher bill, we also see numerous other deficiencies. We see a provision in that bill that would require one when they do have the opportunity, which is rare, to appeal to the courthouse, that they have to go to Federal Court.

Now, most of us understand that most litigation regarding tort liability is handled in the State court system. Most of us are familiar, when we have an automobile accident, somebody has to go to court to recover damages, they go in the courthouse in their local county, where they usually have a State District Court. They do not travel hundreds of miles away to have to go to the nearest Federal court, they go to the State court. Traditionally, these kinds of matters are reserved for State courts.

The bill we passed in Texas in 1997 sets up a fair procedure for allowing the patient, if they are dissatisfied with the review process, to go into State court. The Fletcher bill will preempt that legislation. It will put these kinds of cases in Federal court. It will federalize these causes of action, take them out of the State courts where they have traditionally been.

I believe this is an important State right that must be preserved. We do not need to get into a system where these kinds of cases have to be dealt with in Federal court. Most of the lawyers in your hometown and mine are accustomed to going to State court, not to Federal court. So we remove by one step further the ability to get redress of grievance, if we require these kinds of cases to go to Federal court. So the Fletcher bill basically strikes down current State law, like we have in Texas and many other States around the country.

We also know that the Fletcher bill creates some awkward time frames for appeal, and in many respects the legislation makes it very hard for a patient to exercise their rights under the legislation. We know that the independent review process is much more tilted toward the insurance companies under the Fletcher bill than it is under the Norwood-Dingell bill.

I think that we must face the fact that if we are really for protecting patients, we need to support the Norwood-Dingell bill. Every major medical group, the American Medical Association, in my State the Texas Medical Association, hosts of patient groups, have endorsed the Norwood-Dingell bill. It is a bipartisan piece of legislation.

The gentleman from Georgia (Mr. NORWOOD), the gentleman from Iowa (Mr. GANSKE), two of the Republican leaders, a respected doctor and dentist, have been fighting for this legislation for at least 5 years. Now is the time for action. I think that we can have a good bill, we can pass this bill, and we can hope that the President will see fit to sign it.

One other issue that I wanted to mention very briefly about this legislation is the fact that were it not for an arcane Federal law, we call it ERISA, the Employment Retirement Income Security Act that regulates health plans and retirement plans that operate in more than one State, is the only reason that we are in the predicament that we are in today, having to pass legislation to be sure that patients are protected. Because after we passed our good legislation in Texas, which, as I said, has only resulted in 17 lawsuits in the last 4 years, what we found is that a court decision handed down by one of our Federal courts in a suit in which the Aetna Insurance Company was involved, overnight made a large portion of our folks in Texas exempt from the State laws that we had provided, because the court ruled that part of our State law and its coverage was preempted by this arcane Federal ERISA law.

So all we are trying to do is restore the accountability that was provided in the law in Texas and many other States for HMOs by passing a law that in essence repeals an exemption that most, thought was not even in the law until the court ruled, created by a law passed by this Congress way back in 1974.

All we are doing in this legislation really is putting the HMOs back in the same position as every other individual and every other business in this country, which, under the laws of our land, if they commit a negligent act, if they wrongfully refuse to provide health care, if they wrongfully deny medical treatment, they are ultimately accountable in the courts of this land. So no longer will we allow HMOs to be exempt, the only entity that is exempt, from being responsible for their actions.

Mr. Speaker, I hope we have a good strong vote on this bill. I hope we pass the stronger bill. I am very pleased to be able to join the gentleman from New Jersey (Mr. PALLONE) tonight in talking about this important piece of legislation.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman, first of all, for explaining how in his home State of Texas that this bill has been tremendously successful and has not brought the frivolous lawsuits that we keep hearing from the other side, and that really we have nothing to fear. It is just basically been a success in every way.

I know sometimes when we talk about the Patients' Bill of Rights, maybe we sound a little too lawyerly and technical about how one goes about appealing a denial of care. But the bottom line is, if there is no fair way to appeal a denial of care, if you have not been able to get the operation or procedure you need, if we do not set up a procedure to reverse that, then we might as well not pass the law. So it is necessary for us to go into how we go about letting people redress their grievances, and it is also important to point out that the Republican bill, the Fletcher bill, is not going to accomplish that, certainly not in any way that I think is meaningful.

I did not want to dwell upon it too much, but I just wanted to mention a couple other examples. We have to keep in mind when we talk about these procedures to overturn a denial of care that the people that are seeking to do that are ill. Oftentimes they are very ill. They need action fast. They cannot sit around forever if the HMO denies them an operation or procedure.

So it is very easy, as I think they do in the Fletcher bill, in the Republican bill, to tweak the bill in a way so that that procedure becomes meaningless. I do not want to dwell on it too much, but this is one of the things I thought was so important, was in the Ganske-Dingell proposal, the real Patients' Bill of Rights, there is a requirement that decisions are made in accordance with the medical exigencies of the patient's case, and there is a requirement that patients have a right to appeal to an external review before the plan terminates care.

Those are not in the Fletcher bill. They do not take into account timeliness, the fact that you do not have a lot of time to appeal or to go to an external review board. There are little things like this, I am not going to get into them, but they make it very difficult. If you are in a situation where you are denied care and need the operation, that you can in a timely manner reverse that decision.

So I just mention it, because I know a lot of times we talk about all these details, Federal versus State court, whatever, but these details are very important, because people do not have a lot of options when they are sick and ill and need to immediately have access to the kind of treatment that is necessary for them.

I see my other colleague from Texas has stood up, and I would like to yield to him. I know, once again, he has been very much involved in this issue for a number of years both on our Health Care Task Force as well as on the Subcommittee on Health.

Mr. GREEN of Texas. Mr. Speaker, I would like to thank my colleague from New Jersey for hosting this Special Order tonight on the need for a meaningful Patients' Bill of Rights.

Most folks may not know that we spent 11 hours today in markup in our Committee on Energy and Commerce on energy legislation, and my colleague from New Jersey probably got tired of hearing about Texas so often, but that is what we are going to talk about tonight.

The gentleman from New Jersey (Mr. PALLONE) has been the leader for several years, and I am happy to join him in calling for immediate passage of a real Patients' Bill of Rights.

We have a real opportunity to pass a meaningful Patients' Bill of Rights this year. After 5 years of heated debate, the U.S. Senate passed a meaningful Patients' Bill of Rights with protections for both patients and employers. Opponents of this measure argue that the legislation will result in a landslide of frivolous lawsuits against employers, but that is simply not true.

We have a Patients' Bill of Rights in Texas for more than 4 years, now since 1997. In that time, we have had only 17 lawsuits filed. That is right, only 17 lawsuits. I know if you are watching this, you heard that from my fellow Texan (Mr. TURNER) here just a few minutes ago. But, at the same time, we have had more than 1,000 patients cases where patients appealed a denied claim to an independent review organization, an IRO.

In more than half of those cases, the IRO ruled in favor of the patient. That independent review organization more than half the time ruled in favor of the patient.

I always use the example, I would like to have more than the luck of a flip of a coin when it comes to health care for myself, my family or constituents. In Texas, more than half the time the IRO found the HMO was wrong in whatever they said they would not cover for the patient.

These independent review organizations are important not only because they protect the patients, but they protect the HMOs as well. Under Texas law, the HMO that follows the recommendation of that Independent Review Organization cannot be held liable for the damages in State court. That is right, an HMO who follows that Independent Review Organization recommendation cannot be held liable.

There may be some other reason that they may have had a problem, but they are not responsible for that decision that was made if they stuck with it.

If an HMO denies care and ignores the review, if the patient is injured or dies, the HMO can be held liable in State court. Thanks to that law, Texans have real enforceable laws to obtain health care that they paid for.

But in the rest of the country, we do not. In fact, even in my own district, in Houston, Texas, I have constituents who have their insurance under Federal law. Sixty percent of people in my district have their insurance under Federal law. So no matter what our legislatures do in Texas, New Jersey, or the State of Washington, it does not help us under ERISA. We have to pass a strong law here on the House floor.

Mr. PALLONE. If I could take my time back, I think that is real important, that people have to understand, even in Texas the majority of the people do not have the benefit of that Texas Patients' Bill of Rights.

Mr. GREEN of Texas. Our surveys in my own district, very urban, 60 percent of the people have group insurance under Federal law. Even though the legislature passed something 4 years ago, most people get their insurance under Federal law. That is why we have to pass something here on this floor like what the Senate passed.

This legislation contains similar protections that we have had in Texas law, including provisions for an external appeals process. More importantly, the Senate version contains additional provisions to safeguard employers against frivolous lawsuits. Employers can only be held liable if they are directly responsible for the delay or the denial of treatment. So if an employer is acting like a doctor, they are going to be treated like a doctor.

It is time that important health decisions are made by doctors and their patients, and not HMO bureaucrats, and it is time the House passed the Norwood-Dingell-Ganske Patient Protection Act.

Mr. Speaker, thank the gentleman from New Jersey. He is the Chair of our Democratic Health Task Force and we have worked with each other for many years. Hopefully, by the time we leave for our August district work period, we will have debated and passed a strong Patients' Bill of Rights on this floor.

Mr. PALLONE. I want to thank the gentleman from Texas. Again, he has been in the forefront on this issue, not only on putting together the Patients' Bill of Rights, but trying to get it passed. Frankly, I think we are just becoming a little impatient. This is a bill that passed in the last session, two years ago, overwhelmingly, almost every Democrat, about a third of the Republicans, and the only problem we have is that the Republican leadership refuses to bring it up. All we are asking for is a clean vote on the bill.

Mr. GREEN of Texas. We are asking for patients' rights and becoming impatient.

Mr. PALLONE. Exactly.

I would like to yield now to the gentleman from Washington (Mr. McDERMOTT), who is one of very few physicians that we have in the House of Representatives. I know that he, because of his background as a physician, probably more than any of us knows about the problems that patients have with HMOs and with denial of care.

Mr. McDERMOTT. Mr. Speaker, first of all, my hat is off to the gentleman. I was sitting over in my office doing my mail, and I saw these gentlemen out on the floor talking about this issue. I thought, I have to go over and help them and also say some things that I think might be useful I think for people trying to understand this whole issue.

□ 2300

The first one is, why do we need a national bill? Why do we not just pass it at the State level? The gentleman from Texas (Mr. GREEN) sort of alluded to the need for Federal protection because of a law called ERISA.

ERISA was a law passed many years ago to protect pensions, and it is now used by many corporations to protect their involvement in health care so that it cannot be touched by insurance commissioners in States. They say the insurance commissioner has to go away. We are covered by the Federal law called ERISA, and you cannot monkey with how we do our health care. So the managed care companies are hiding behind ERISA all over this country, and that is why we need a national law. It is not sufficient to do it just in Texas or in my own State of Washington, where we just passed a law. We have done the best we can, but we are in the same place Texas is: Only about 50 percent of the people are covered by our Patients' Bill of Rights.

The second thing that is worrisome about these other bills that we see out here, the Fletcher bill and others, is the possibility that we will have a Federal law that overrides what is done at the State level. Now, if we set a high standard in the State and in comes a Federal law with a low standard, we lose; and that is why we need to have a provision in the bill that does not allow the Federal law that we pass here to override a higher standard that we might have in a State. The State of Washington, the State of New Jersey may decide to do something more than is done by the Federal law, and they should have that right. They should be able to do that.

Now, the history of this bill is sort of interesting. The Clintons worked very hard at getting a health care bill to cover all people that could never be taken away. They failed for lots of reasons, but, certainly, in the election of 1994, the Republicans took great pleasure in saying, we saved you from government medicine, which was how they defeated the President's attempt to give everybody universal coverage. Everybody remembers the Harry and Louise ads where this couple is sitting around the dining room table saying, well, can you believe it? The government is going to come in and take over our health care.

Well, the people who said they did not want government medicine essentially said at that same point, we are going to give health care coverage to the insurance industry. Anything they want to do is fine, because that is the free enterprise system. Let them squeeze the people and let them squeeze down health care as much as possible so that they can make more money.

There is nothing wrong with a managed care company, but it is very simple what they do. They take in premiums and then they pay out as few benefits as possible so they can give all the rest in dividends to their stockholders. Now, there is nothing wrong with that, except that it means that the patients are always being squeezed.

The first obvious one that came to the Congress back in 1994 was the fact that women would come to the hospital at 8 o'clock in the morning, deliver a baby, and by 5 o'clock they were in the car on the way home before the baby had ever had a feeding or there was time to observe whether the child had jaundice, or anything. And we called it drive-by babies. We passed a bill through both Houses that said we cannot have a drive-by baby system. We have to let the doctor and the patient decide how this is going to happen.

Well, the next thing that happened was women went into the hospital to have a breast removed for cancer and, lo and behold, they go in in the morning at 8 o'clock and out at 5' clock, and they were on their way home. So we were having drive-by mastectomies in this country because, again, the insurance company was trying to squeeze down the number of days they spent in the hospital so that they could save money to give to their stockholders. The patients and the doctors were frustrated by that, so they came up here, and we passed another bill preventing that, saying that the doctor and the patient should decide it.

Well, we were going one disease at a time, the disease of the day, the disease du jour. We said, that is not going to work. We have to have a bill that gives patients and doctors the right to make medical decisions for people. It seems so obvious that the person that is receiving the treatment and the person that is giving the treatment should be the ones to decide what is appropriate.

But the insurance companies took the view that they could look over your shoulder and decide, that is too much, or they do not need this. I had the experience, because I am a physician; I am a psychiatrist. I had a patient on a ward in Seattle; and they came along and said, this patient has to be discharged. Well, this patient was suicidal. I have to make the decision about whether I am going to put a patient that is suicidal out of the hospital and send them home, risking that they may kill themselves, or fight with an insurance company. So I got on the phone. Here I am talking to some very nice woman in Omaha, Nebraska, from Seattle, and she is telling me that I have to justify to her why that patient can stay in the hospital another day.

Now, it is ridiculous. I am a psychiatrist. Surgeons go through that, pediatricians go through that, obstetricians, gynecologists, all kinds of physicians go through this all the time, fighting with insurance companies, managed care companies that are making decisions for patients that they have never seen. When the physician is standing there looking at the patient and they have to get on the phone and explain why to somebody who has never seen them, it shows us how ridiculous it is. It seems like this bill ought to go through immediately.

Mr. PALLONE. Mr. Speaker, if I could just interrupt a second, because we had a hearing a couple of years ago, I think it was one of our task force hearings, and I do not remember the details, but it directly referred to psychiatry.

The problem was that the HMO was using a standard that was not really acceptable by those who certify psychiatrists and basically saying that, for a patient who had a mental illness, they would only be entitled to, say, three visits, where maybe the standard for the psychiatric society was 15 visits. They just made it up. I mean, they just made up the number of days that they would provide. The testimony showed that they were about to be acquired by another HMO, and so they were trying to show that they were making a lot of money. They just established that standard based on the cost, that they would save money.

One of the things that is in the Dingell-Ganske bill, it says that, with regard to specialty care, that the standard has to be that which is typical for that specialty care. They use, I do not know what they call them, the diplomacy board or whatever as the standard. That is another major difference I think in terms of why the Patients' Bill of Rights is such a good bill. I do not remember all the details, but I remember specifically that.

Mr. McDERMOTT. Mr. Speaker, the gentleman is absolutely right. In every profession, every specialty in medicine, whether it is pulmonary surgery or pediatrics or obstetrics or whatever, there is a board that gives people the right to say, I am an obstetrician, I am a psychiatrist, I am a pediatrician; and those boards look at all of these particular conditions related to that specialty and make decisions about what is an appropriate standard of care.

Now, if an insurance company wants to just arbitrarily make their own standards of care in contradistinction to what the doctor has been taught, what he has agreed to as being an obstetrician, this is the way you handle these kinds of cases, and suddenly he is told by somebody who is not in the profession that they should do otherwise, you can see the conflict. I mean, it is terrible for doctors. That is why doctors hate this so much. Here you have been trained, gone to college, medical school, an internship and a residency, all this training, and here is somebody coming out of nowhere telling you you cannot do that; what you have to do is what we tell you to do.

Mr. Speaker, I think that the essence of this whole thing is bringing it back to a place where doctors and patients make the decision.

Now, the other part, and this is about deciding, what does the ordinary citizen know? The ordinary citizen is not a physician or a nurse or anybody in the health care profession. When they feel sick, when they feel pain in their chest or pain in their stomach or whatever, they go to see a physician or they go to see the emergency room in a hospital, because they are worried.

Now, it may turn out that what they thought was a heart attack is really related to eating spicy food or something else. It may turn out that it was not a heart attack. But to say that the average citizen is supposed to make that decision in their own home and diagnose themselves, put a stethoscope on their chest and say, well, it sounds all right to me, I mean, it is crazy. Everybody knows that. None of us wants to go to the emergency room in a hospital, but people go, and because it turns out it was not anything really big, why, they say we are not going to pay for it.

□ 2310

But people go, and then because it turns out it was not anything big, then they say, well, we are not going to pay for it. Those kinds of issues, sort of a reasonable person standard, what would a reasonable person do in this case, those kinds of issues, should not be turned back on the patients.

I had a hearing in Seattle with my constituents. I opened my door and said, come on in. People told me all kinds of things. For instance, they were told by an insurance company they could not have this kind of treatment, but somebody a thousand miles away in Kansas City or Los Angeles was having that kind of treatment for exactly the same kind of circumstances. So one place is doing one thing and another place is doing another thing, and all of these differences are based simply on insurance companies' decisions about how tightly they can squeeze this issue down.

There is a story or a case that came up from Florida where a man, an elderly man about 75 years old who had prostate cancer, after he had the prostate cancer removed, then they talked about, how do you suppress the male hormones. Now, obviously there are a couple of ways to do that. One is to castrate him. That is a one-time $1500 operation. Or they can put him on medication that costs about a thousand dollars a year. So it will cost more if he lives 5 or 10 years. So they made the decision to do the castration. The man said, I do not want that.

Again, we have these kind of things. These are tough decisions. But they ought to be made between the doctor and the patient about what is best for the patient, not by an insurance company saying, "do it the cheapest way."

Lots of physicians are leaving medicine today. Many of my colleagues in my class have said, "I am through with this. I cannot fight with insurance companies any more, because it has just taken all the joy, all the pleasure out of being a physician because I am always caught."

So there was a time, and the insurance companies have changed this, but there was a point where they would say, "You cannot even tell the patient that there is another treatment. If we only cover x, you cannot tell the patient there is y, or that there is another way to be treated. If you go over to see Dr. Johnson, he'll give you another treatment."

Mr. PALLONE. If I could follow up on that, Mr. Speaker, that is one of the things that is also a big difference with the Fletcher bill, with the Republican bill. The Republican bill, as the gentleman knows, that the leadership wants to bring out leaves out this basic right, if you will, or basic protection that we have in the real patient bill of rights that says doctors can communicate freely with their patients without fear of retaliation by the HMO. That guarantee, or the gag rule, is not in the Fletcher bill.

The other thing that is not in the Republican bill, it also fails to protect against HMOs when they have these financial incentives where they say to the doctor, if you do not provide a certain amount of care, or if you do not have your patients use the hospital or certain procedures and save us money, then you'll get a financial incentive, sort of a rebate of some sort, there is nothing in the Fletcher bill that guarantees that those kinds of arrangements could not continue.

We primarily tonight have been talking about the patients. Of course, this impacts the patients as well, but there are a lot of protections for physicians so they can practice freely that are in the Dingell-Ganske bill that are not in this Republican bill. Those are two important ones.

Mr. MCDERMOTT. The whole financial incentive business of saying to the doctors that each month they get to make 80 referrals for consultation with outside consultants, and if they make more than 80 they will reduce the salary, and if they make less they will get more, well, that puts that initial early primary care physician in a very difficult position, because if we have a patient who has diabetes, for instance, we will say, well, I could handle diabetes. I learned about it in medical school. I am not going to refer them to a specialist in diabetes until they get into trouble.

So they are taken care of, and then when they get in trouble at that point they are sent in a mess to a specialist. That is not patient care, but that is the kind of thing that physicians are put in if they are trying to stay within these kind of limits, these financial incentives that have been put there. They are under tremendous tension about how many people they refer to specialists when they think, this is something that ultimately could be a real problem. I want to have somebody with more experience in this area to see them now.

The same is true in gynecological things or in cardiac things or in psychiatric things. Why would he refer a patient to a psychiatrist if he could just give them some pills and see how they do. They might do that once and see if it works, but at a certain point it is better to send them to somebody better trained who has more experience. For physicians who are caught in that economic vice, that is a terrible way to run the medical system, to say, I am going to hit you in your pocket if you do what you think is best for your patient.

If the patient knew what was in the doctor's mind, they would be afraid to go to him.

Mr. PALLONE. Is it not also true that in many areas, and it depends on what part of the country one is in, but there are certain parts of the country, and New Jersey is certainly one of them, where the physician is really forced to join the HMO. In other words, they have a difficult time staying independent and relying on traditional insurance, so they are in a situation where they have to sign up and take these contracts with gag rules and the financial incentives and all those things. They are not free necessarily to avoid all that.

Mr. McDERMOTT. I was flying home to Seattle. Sitting next to me was a middle-aged woman. We got to talking as we were eating dinner.

I said, What do you do? She said, I run a neurologist's office in Vienna, Virginia. I said, Really? You are the one who handles the billing and all that kind of stuff? She said, Yes. I said, Has he joined any HMOs? She laughed and said, He has signed 60 agreements with HMOs. We would have no practice if we did not sign with all these operations.

I said, Have you read all the contracts? She said, Are you kidding? How could I possibly read 60 contracts and still do business? I do not know what we have signed, because we had no choice, because all of our patients came in with insurance cards from those plans. If we were not in the plan, we would not get paid.

That is a big part of what is going on out there, why it costs more money, because you have people who are having to bill all these companies with different rules. There is no single set of rules. If the doctor makes a decision, if he has made a decision because of the way he thought one plan worked and it is not the way the other plan worked, then he is wrong, and they send it back to him and do not pay him. Of course, the patient keeps getting the bills, because they say, your doctor has not sent these in, or whatever. So there is this endless paper mill that gets caught up. Patients really should not have to worry about that.

I had some surgery and I wound up at home receiving all the bills that came from the hospital. At one point they had not paid a bill. I said, Well, this consultant came in and saw me. Why have you not paid him? They said, We have not received any confirmation that you were in the hospital. I said, where did you think I had the surgery, out in the parking lot? Because until the bills came in in the right order, they kept coming back to me.

That happens to people all over this country. Doctors spend a lot of time and money filling out forms for their patients. There is no need for that. There is no need for the insurance company to do that.

The reason they do that is the longer they hold on to the money, the more they have to give to the stockholders. If they paid their bills right away when they came in the money would be gone, but this way they can invest it and hold on to it and give the profits to their stockholders.

This patient bill of rights, in my view, in a democratic society there should not be any question about this passing. It has taken us 5 years to get it to this point, and we have passed it again, again, and again. The insurance companies have killed it either in the Senate or in the House.

It is absolutely a crime. The American people ought to demand of thier Members of Congress that they vote for the Dingell-Ganske-Norwood bill.

I have to give great credit to the gentleman from Iowa (Mr. GANSKE) and the gentleman from Georgia (Mr. NORWOOD). They are Republicans. But when one is sick, one is not a Republican or a Democrat, just a sick person. They have taken this very professionally. The gentleman from Iowa (Mr. GANSKE) is a very good surgeon, and the gentleman from Georgia also has a medical background. They have taken this and said, We do not care what our caucus said, we are going to do what is right.

In my view, that is what Members of Congress really should do, and I think all of them ought to do it. If the leadership does not bring it out here pretty quick, we are going to have to make them bring it.

□ 2320

Mr. PALLONE. I agree. And I know we are running out of time, so I guess we will finish off here; but I want to say two things.

First of all, I really appreciate the gentleman's joining me tonight, because I think a lot of the emphasis that we have talked about, not only tonight but on other occasions, has been more from the patient's point of view. And what the gentleman is pointing out is that basically the patients' bill of rights frees up the doctors to practice medicine, and that if we do not do this, in the long run we are going to lose a lot of good doctors. We already have. And, of course, that is a patient issue as well. Whatever helps the doctors certainly in these circumstances also helps the patients.

The other thing, of course, is my fear, and the reason we are here tonight is because we keep hearing that the Republican leadership, which does not want this bill and has done everything over the past 5 years to kill the bill, is trying to do that again. Basically, what they are doing is going to the 60-some odd Republicans who voted for the Patients' Bill of Rights in the last session and trying to get them to oppose that and support this Fletcher Republican bill, which does not accomplish the goal. My fear is that if they do not get enough votes to pass the Fletcher bill, the Republican leadership simply will not bring up the Patients' Bill of Rights.

So we are just going to have to keep holding their feet to the fire, so to speak. And as the gentleman says, if they will not bring it up, I guess we will have to resort to a discharge petition. But these procedural efforts are difficult. It is not easy to accomplish these things. So as the gentleman says, if we can get the American people to wake up sort of and say, look, this is something that has to be voted on; if we can accomplish that, that is really the way to go.

But we have to continue to speak out, as we did tonight and we will continue to, until we have a freestanding vote on this bill. It is that important.

Mr. McDERMOTT. I think what people really need to understand, too, is that in a democracy there should be open debate. Both sides can make their case, and then we put it to a vote and the majority should rule. We have the majority of votes. The leadership is just using all the maneuvers of the parliamentary system to keep it locked up. But the ones they are hurting, not themselves perhaps, maybe they have not had the experience yet, but who they are hurting are the American people; and that is unconscionable, should not happen.

We have been too long on the road on this, and I congratulate the gentleman again for putting his time and effort into making this happen.

Mr. PALLONE. I thank the gentleman again.

TRIBUTE TO VETERANS OF PACIFIC THEATRE DURING WORLD WAR II

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Guam (Mr. UNDERWOOD) is recognized for the time remaining until midnight.

Mr. UNDERWOOD. Mr. Speaker, I rise today to pay tribute to the veterans of the Pacific theatre during World War II, especially for those who participated in the battle for Guam; and I also want to take the time to honor the Chamorro people, my people, the indigenous people of Guam, for their show of courage during the 2½ years of enemy occupation, and most especially to pay homage to the many lives lost during World War II, both by men in uniform and by the civilian population in Guam, particularly the lives lost at the Fena, Tinta, and Chaguian massacres that occurred near the end of the Japanese occupation. I will be submitting a list of names for the record of those who suffered the fate of death at those massacres.

On July 21, 2001, at the end of this week, the people of Guam will be celebrating the 57th anniversary of the liberation of Guam. It is that day that commemorates the landing of the Third Marine Division on the shores of Asan and the First Marine Provisional Brigade, supported by the 77th Army Infantry, in Agat. I wish to extend a very warm Hafa Adai and sincere Si Yu'os Ma'ase' to the veterans of that conflict who liberated Guam. I would also like to honor and pay respect and remember the people of Guam and the suffering they endured for some 2½ years under the enemy occupation of the Japanese Imperial Army.

On the morning of December 8, 1941, Japanese troops bombed and invaded Guam as part of Japan's attack on U.S. forces in the Pacific, including the attack on Pearl Harbor and the Philippines, both areas also having significant U.S. forces. They all occurred on the same day, except that Guam is on the other side of the date line. This commemoration, which I do annually, and try to bring a little honor and respect for the experiences of the people of Guam, is marked by a laying of the wreath at the Tomb of the Unknowns, which honors both the American veterans and remembers the sacrifices of the people of Guam.

This is also a tribute of the necessity for peace, for it is only in the remembrance of the horrors of war that we do really truly remain vigilant in our quest for peace.

I was privileged to lay a wreath at the Tomb of the Unknowns yesterday at Arlington National Cemetery honoring the liberation of Guam; and I was assisted by the gentleman from Arizona (Mr. STUMP), the chairman of the House Committee on Armed Services and a World War II veteran himself.

My purpose this evening, in the time that I have, is to give a historical perspective to the events we are commemorating on Guam at the end of this week, and to enhance the understanding of people across the Nation of the wartime experiences of the people of Guam and the postwar legacy which has framed the relationship of my island with the United States. It is a story that is both a microcosm of the heroism of soldiers everywhere and the suffering in particular of civilians in occupied areas during World War II.

This is encapsulated in these three pictures that I brought with me today, and it is part of a lengthy display that we have had called tempon gera, the time of war. And down here we have basically the cemetery, a temporary cemetery, in which servicemen were buried right after the battle of Guam. Here we have some servicemen entertaining some children from Guam right after the liberation of Guam. And this is the most poignant picture of all. Actually, these are a couple of kids from the Cruz family. This is a young lady and a young man, and this is probably the most remembered picture of the wartime period in Guam. Their mother has made a flag. Their mother was a seamstress, and she hand made this flag; and they carried it around at the time of the liberation of Guam.

Guam has a unique story all to itself. It is an experience of dignity in the midst of political and wartime machinations of larger powers over smaller peoples as well as a story of loyalty to America and a demonstration of loyalty that has not been asked of any civilian community, I believe, during the entire 20th century.

It is important to understand that Guam was an American territory since the end of the Spanish-American War in 1898. It was invaded, as I pointed out earlier, in the early morning hours of December 8, 1941, and thus began a 32-month epic struggle of the indigenous people of Guam, the Chamorro people, to maintain their dignity and to survive during an occupation by the Japanese.

In the months leading up to the war in the Pacific, many of the planners had decided that it was not feasible to defend Guam against the possible invasion by Japanese forces in the surrounding areas. All of the areas in the Micronesian region were held by Japan, save for Guam. The rest of the islands in the central Pacific were held by the Japanese under a League of Nations mandate, the most significant Japanese installations being held in Saipan, 100 miles to the north, and the naval forces in the Truk Lagoon, some 350 miles to the south.

This decision not to build up Guam became a major controversy in the latter part of World War II as people reviewed the records of Congress. Even though an effort was made in Congress, by amendment, to try to reinforce Guam, it failed; and subsequently the people of Guam, as well as the island of Guam, was laid defenseless.

When the Japanese Imperial Forces landed on Guam in December of 1941, they basically found 153 Marines, 271 Navy personnel, 134 workers associated with the Pan-American Clipper Station, and some 20,000 civilians, Chamorro people, who at that time were not U.S. citizens but were termed U.S. nationals. All of the American military dependents had been evacuated from Guam in anticipation of the war, with the last ship having left on October 17, 1941.

Despite the fact that of course we all think of the Japanese attack on Pearl Harbor as a surprise attack because of where it took place and the suddenness of it, I think most people at the time were fully cognizant of the fact that war was eminent in some fashion in the Asian Pacific area. And proof of that is the fact that the American military dependents were evacuated from Guam. But, of course, the people of Guam were not evacuated.

□ 2330

And it was the people who were left faced to confront the cruel occupation that they did actually experience in subsequent months. The actual defense of Guam then fell to these handful of Marines and handful of sailors and actually to the Guam ancillary guard and Guam militia consisting of civilian reserve forces.

The insular force, which was a locally-manned type militia, actually were the ones who faced the Japanese. The Japanese invasion force numbering some 5,000 easily overwhelmed these men in uniform. Ironically, the only ones who really fired any shots in anger were Japanese Imperial Forces, were members of the Guam insular guard who had set up some machine gun nests in defense of the Placa de Espana and at the governor's offices.

Throughout the ordeal of the occupation, the Chamorro people maintained their loyalty to America and their faith that American forces would soon return to liberate them from the Japanese.

The resistance against the occupation manifested itself in many, many direct forms, but none so powerful and costly as the effort designed to help some American servicemen who had decided not to surrender.

When the Japanese took over Guam, some seven sailors decided that they would rather hide in the jungle than surrender to the Japanese. All of them, save one, were captured and executed by the Japanese Imperial Forces.

The one fortunate sailor who evaded capture throughout the entire 32 months of occupation with the assistance of the Chamorro at the cost of numerous atrocities to them, the story of this one sailor, George Tweed, was made into a movie entitled, "No Man is an Island."

The actual attack on Guam, the actual liberation of Guam began on July 21, 1944. As I have indicated, this Saturday is the 57th anniversary of that time period. But beginning in mid-June Guam started to experience a series of bombing runs as a result of a series of preinvasion bombardment.

The preinvasion bombardment off the coast of Guam was very intense, perhaps amongst the most intense during World War II, made more intense by the fact that in June U.S. forces had landed in Saipan and their struggles against the Japanese forces in Saipan was additional reason to increase the ferocity of preinvasion bombardment for Guam. As well as the experience of Normandy in Europe also led to the reconsideration of the preinvasion bombardment of areas that were to be invaded.

After U.S. forces began their preinvasion bombardment, which lasted over a month, they were called back only two hours after the initial bombing because of the ferocity of the battle for Saipan.

When the preinvasion bombardment began in mid-June and the actual invasion occurred toward the end of July, this time period experienced by the people of Guam was the most intense period of cruelty and atrocities that had been experienced by the people from the Japanese forces.

This actually gave some time during that 5-week's time for the Japanese forces to reinforce their position in anticipation and of course gave them additional opportunity to amass the Chamorro people on one side of the island to get them out of the way of the battle because they knew that the Chamorro people would be of assistance to the American forces.

In April 1944, approximately 20,000 Japanese troops were brought in from Manchuria, and they began a wholesale series of agricultural projects designed to feed the soldiers in which people started to experience widespread malnutrition. Then you had the preinvasion bombardments, a lot of forced marches; and the preceding months also featured a great deal of forced labor as the Japanese tried to build various installations on the island in anticipation of the invasion by the American forces.

Preceding the July 21, 1944, invasion of Guam were 13 days of preinvasion bombings that leveled almost all standing structures in Guam. It also served to act as a further stimulus for atrocities against the people of Guam. As the bombardment continued, the Japanese Imperial Forces, who basically realized their fate, that they were going to die either in suicide attacks or at the hands of the Americans, inflicted further brutality and mass slaughter against the people of Guam. The most known and remembered massacres were those that occurred in Tinta at the southern end of the island near the Fena Caves.

Tonight I try to bring attention to another massacre that is really not known by very many and has not really been widely explained.

Immediately after the island was secured, U.S. Navy Commander Roger Edison Perry filed a report on atrocities committed by Japanese Imperial Forces. A specific report dated August 16, 1944, mentions the decapitated bodies of 45 men who were discovered in the municipality of Yigo around the vicinity of the present Andersen Air Force base. What happened was these men were forcibly conscripted by the Japanese forces to be of service to them during their retreat from the central part of the island. Commander Perry's report indicated that the men were summarily executed because they knew too much about Japanese activities. The story of these men has largely been forgotten, and for over 50 years these men have remained unnamed and have hardly received any mention.

Mr. Speaker, today I am going to enter what are very familiar Chamorro names into the RECORD. The fate of these and a number of other unnamed men who paid the ultimate sacrifice during the occupation and eventual liberation of Guam indicate the height of indignities, pain and suffering endured by the Chamorro people due to their loyalty to the United States. Men were taken away from their homes and families, forcibly made to serve the enemy occupiers, and ultimately paid dearly with their lives because of their allegiance to the United States.

□ 2340

On July 21, 1944, the actual liberation began. U.S. Marines landed on the narrow beaches of Asan and Agat to crawl up their way to what is now known as Nimitz Hill. The men of the Third Marine Division were thrust wave after wave onto Asan Beach already littered with Marines that had come before them and once on shore the U.S. forces were in the heart of Japanese defense fortifications. Simultaneously, the southern beaches of Guam were braved by the First Marine Brigade and this was quickly interrupted by the only Japanese counterattack of the first day. It is also on those beaches that former Senator Hal Heflin was wounded as a Marine in Guam.

The people of Guam are a resolute and tenacious people as was proved some 57 years ago as they helped the Marines participating as scouts, lookouts and even forming little pockets of armed resistance to Japanese occupiers. The liberation of Guam is commemorated as a time of solemn memory and remembrance every year since World War II, because it is a very special struggle of what must ultimately be seen as Americans liberating people who were their fellow Americans. This serves as a reminder of the spirit of freedom and democracy and the high cost that must be paid to maintain it.

During the Japanese occupation, the people of Guam suffered severe privations and cruel injustices. It is hard to perhaps explain that every family on Guam has a whole series of stories related to the Japanese occupation and that these stories form the corpus of a series of attitudes about the relationship to the United States, the tenacity of the Chamorro people to endure privation and still manage to survive and to thrive. In my own family, I am the youngest of 11 children that my parents had, I am the only child that was born after World War II. My parents lost two children during the occupation. To this day my mother sort of remembers where her two children were buried but we are not sure really where they are at to this day. That is not an atypical story. It was a story that almost every family in Guam experienced. In the interplay between these men who were coming as Marines and as soldiers and as sailors, interacting with these people who had been under American sovereignty since the Spanish American war, and in that interplay, there are many, many stories about the meaning of that. In a very powerful and poignant sense, you had really in Guam two sets of liberators. You had the liberators that were coming in on the beaches and coming in from the ships, and you had the liberators who were hiding in the mountains and they were coming down from the mountains. In that meeting in which these stories are very much documented, people wept and cried for joy and the soldiers and the Marines themselves frequently broke down in tears as they understood that something very special was going on in this particular liberation in Guam in 1944.

Over the years, I have had the opportunity to discuss this, not only with the people of Guam obviously but also with the men who came in uniform. To this day I am constantly amazed at the number of veterans who continue to show up, a little bit older but continue to show up at our events. Last weekend, I was at an event in San Antonio, Texas, commemorating the liberation of Guam in which there were over 700 people there. This weekend there will be numerous events not only in Guam but around the country. In San Diego which has the largest Chamorro community in the U.S. mainland, they are having a very special event to honor and bring in the veterans as their special guests, and there will be an event here in the Washington, D.C. area down at Fort Belvoir. Of course in Guam we will have a large parade, it is the single biggest holiday of the year, and marching down the main drive which in honor of the liberators is called Marine Drive, we will hopefully pay witness to some Marines marching and when they march, they will surely bring the biggest cheer.

The war also changed the relationship of the people of Guam to the United States. Immediately Guam was taken for a number of reasons. Obviously it was part of a general strategy to cripple Japan, but Guam and Saipan and Tinian were very crucial islands because those islands were fairly large compared to other Pacific islands in the central Pacific, and they also could reach Japan. They had the ability to reach Japan by air. So these three islands immediately became enormous platforms for the continual bombing of Japan. Of course off the one island of Tinian is where the Inola Gay took off to bomb Hiroshima.

So those islands, the islands were taken for this particular purpose. I always like to point out that one of our colleagues here in the House, the gentleman from New York (Mr. GILMAN), flew many combat missions out of Guam, out of what was then North Field and what is now called Andersen Air Force Base. In the context of World War II, Guam became the forward base for the United States. What was Pearl Harbor for the first part of World War II was basically moved to Guam. It became, in the words of the Victory at Sea program on Guam, the supermarket of the Pacific. Admiral Nimitz moved his headquarters there. Admiral Nimitz strategized, triangulated, fought the rest of the war from Guam. As a result of the experience of World War II, and the upcoming Cold War with the Soviet Union, it was decided that there would be many, many military installations built on Guam. So immediately, in order to prosecute World War II, the rest of World War II, because we still had the invasion of Iwo Jima and Okinawa and the Philippines to confront and many of those activities were triangulated out of Guam, many, many military installations were built on Guam. At any given time from the liberation of Guam until the end of World War II, you could find as many as 250,000 people in uniform on Guam while you only had a civilian population of about 20,000. So it became this military supermarket from which World War II in the Pacific was fought for the balance of the war. After World War II, it became a major Cold War base and, of course, based upon the experience in World War II, there were a number of political changes that were advocated by the local community in order to have, first of all, civilian government and not the pre-World War II naval government and also to have U.S. citizenship, and those things came to pass as well.

All of these things, as we understand the meaning of World War II for Guam in its own light, we also have to bring some understanding to the meaning of war in a broader light, World War II across this country and across the world.

One of the things that is upcoming on the national mall is the World War II Memorial. Based on what I have outlined here this evening, when they first conceptualized the World War II Memorial, which will be built on the mall, despite all of the ongoing controversies about it, when that memorial was first proposed, they proposed having 50 columns to represent basically the 50 States. It was a little incongruous because at the time of World War II, there were only 48 States.

□ 2350

But what was particularly disturbing to me was that given this experience which I have outlined this evening, that while it is true that the 50 columns which were being built for the World War II memorial should include each of the States, it did not include Guam. So after exerting some special effort in this regard, we have been happy to note, grateful to note, that Guam will be included in some fashion deserving its own pillar. So there are now 56 pillars representing each State and territory and the District of Columbia, so that all who participated in World War II will be recognized.

That is particularly important in Guam's case, and it is particularly important to understand the meaning of sacrifice, and not only subjecting yourself to the danger of death, as sometimes men in particularly that time period are called to do in the context of war, but to understand that civilian communities like Guam experienced war at a more direct level, suffering untold atrocities, suffering in ways in which I hope no community is ever called upon to suffer.

But it reminds us of a basic reality in human history, that there are times when we are called upon to suffer, there are times when we are called upon to fight, but there is something more at stake than that, and that is when we say we fight for freedom and when we say we fight for democracy and when we say we fight for liberation, we must understand that each generation is commanded, each generation is responsible to make their contribution to the perfection of liberation, to the perfection of democracy, to make sure that the sacrifices of people who came before us were for something more significant than the sacrifices just at that time; that it is part of a continuing saga of struggle, of the perfection of democracy.

It is no secret that today Guam is what is called an unincorporated territory of the United States. Its political development and its political fulfillment has yet to be fully consummated. Even though we call July 21, 1944, Liberation Day, all of us in Guam are mindful of the fact that that liberation was liberation from enemy hands; that we have many more struggles in our desire to be fully liberated, to be full participants in a democratic and representative form of government, the kind of government which we do not have today, because as a territory you do not have voting representation in laws which are made that govern your existence, the same as any other American. By not having the right to fully participate in law making, you violate one of the core principles of American democracy, which is consent of the governed.

So as we look back on this, and there are many, many stories that come out of World War II that I can tell, I will just end with one story about a 13-year-old girl. Her name is Beatrice Flores Ensley. This young lady was 13 years old in 1944. She and a friend of hers were actually caught by a Japanese patrol. The Japanese patrol decided to behead these two young people. I think the young man was only 14 and she was only 13. They cut through her neck, buried her and her companion and left them for dead. But by some miracle, both of them survived.

She was in a very shallow grave, and Beatrice crawled out of the hole, maggots covering her wound, and she then became over the years, and I remember her looking at her, I remember seeing her when I was in high school and people remarking, oh, look at it, you could see the enormous scar on her neck, and she became over time a symbol of the Chamorro people's capacity to survive.

She came on several occasions to testify here in Congress at great personal cost to her own psychological equilibrium, because it was a memory she did not like to relive. But she came here and testified on behalf of bringing justice to the people of Guam for their World War II experience and to gain some recognition.

Because of her, we were able to get a Memorial Wall built in the War on the Pacific National Park, which is in

Guam, which lists all the Chamorros who suffered during World War II, because of her testimony.

I can say one thing about Mrs. Ensley, who has since passed away, that during that whole time, she was never embittered. She never uttered one harsh word about the Japanese people or the Japanese army at the time. But she took very careful note of her experience, to explain it to other people so that they could understand it in its own light, not as a lesson of bitterness, not as a testimony to cruelty, but as a testimony to the human capacity to survive, to forgive, and to inspire others and to command others to make their own contributions to the perfection of democracy and justice and liberation.

I am thankful for this opportunity to present these items. I have a number of names to enter into the RECORD for the Fena massacre, the Tinta massacre and the Chaguian massacre.

VICTIM/SURVIVOR LISTING—2001 FENA CAVES MASSACRE MEMORIAL SERVICES

VICTIMS

1. Aguigui, Balbino G.
2. Aguon, Jesus
3. Babauta, Joseph
4. Babauta, Juan B.
5. Borja, Vicente Munoz
6. Camacho, Gaily Cruz
7. Carbullido, Evelyn T.
8. Castro, Concepcion R.
9. Castro, Dolores Rabago
10. Castro, Maria Rabago
11. Charfauros, Antonio B.
12. Cruz, Dolores J.
13. Cruz, Jose T.
14. Cruz, Maria J.
15. Cruz, Vicente T.
16. Elliot, Antonio Cruz
17. Fejeran, Dolores C.
18. Fejeran, Enrique C.
19. Herrera, Joe
20. Lizama, Caridad T.
21. Lizama, Gregorio T.
22. Mendiola, Juan Ulloa
23. Mesa, Rosalia Pinaula
24. Ana Terlaje Nededog
25. Nededog, Juan T.
26. Perez, Ana P.
27. Quitano, Ana L.G.
28. Sablan, Nicolas
29. Sablan, Raleigh Carbullido
30. Sablan, Rosita Carbullido
31. Toves, Frank
32. Toves, Johnny

SURVIVORS

1. Aguigui, Elias San Nicolas
2. Alerta, Maria (Chong) San Nicolas
3. Babauta, Jesus C.
4. Babauta, Rosa C.
5. Babauta, Vicente Torres
6. Barcinas, Joaquin
7. Babauta, Maria S.
8. Borja, Francisco
9. Camacho, Francisco G.
10. Camacho, Juan Guerrero
11. Castaneda, Ana Muna Salas
12. Castro, Jose Rabago
13. Castro, Santiago Rabago
14. Chaco, Maria B.
15. Charfauros, Francisco Muna
16. Concepcion, Francisco Perez
17. Concepcion, Ignacio Mendiola
18. Cordova, Maria Mendiola Cruz
19. Cruz, Antonio Reyes
20. Cruz, Joaquin Mendiola
21. Cruz, Joaquin Ofricido
22. Cruz, Jose Ofricido
23. Cruz, Juan Reyes
24. Cruz, Pedro Ofricido
25. De Jesus, Joaquin
26. Dela Cruz, Antonio Reyes
27. Espinosa, Jesus Mata
28. Fernandez, Catalina C.
29. Garrido, Joseph C.
30. Garrido, Rosa Taitague
31. Guzman, Jesus Concepcion
32. Herrera, Maria
33. Herrera, Vicente Q.
34. Lizama, Juan Quitugua
35. Manguba, Josefa San Nicolas
36. Munoz, Gregorio Sablan
37. Nauta, Maria Babauta
38. Nededog, Roque Nededog
39. Pangelinan, Francisco Sablan
40. Pinaula, John
41. Pinaula, Joseph
42. Pinaula, William
43. Quidachay, Jesus G.
44. Reyes, Enrique Chaco
45. Reyes, Gonzalo Chaco
46. Reyes, Joseph C.
47. Reyes, Juan Taijito (Severa)
48. Roberto, Pedro L. G.
49. Sablan, Francisco "Nabing" Manibusan
50. Sablan, Jose S.
51. Sablan Juan S.
52. San Nicolas, Jesus Muna
53. San Nicolas, Jose Chaco
54. Sucaldito, Agnes Nededog
55. Salas, Antonio Muna
56. Santos, Jose B.
57. Schmidt-Yates, Alfonsina Sablan
58. Taitano, Jose
59. Terlaje, Balbino Muna
60. Topasna, Jose Q.
61. Toves, Arthur Carbullido
62. Toves, Joseph Carbullido
63. Ulloa, Juan
64. Unsiog, Agustin Nededog

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. GEPHARDT) for July 17 from 10:00 a.m. to 1:00 p.m. on account of a medical appointment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Thursday, July 19, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2951. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Uruguay Because of Foot-and-Mouth Disease [Docket No. 00-111-2] received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2952. A letter from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Modifications to the Rules and Regulations Under the Tart Cherry Marketing Order [Docket No. FV01-930-3 IFR] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2953. A letter from the Deputy Chief, Competitive Pricing Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Access Charge Reform [CC Docket No. 96-262] received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2954. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 074-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2955. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Ireland, Kazakstan and Russia [Transmittal No. DTC 049-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2956. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of Agricultural Commodities, Medicines and Medical Devices [Docket No. 010612152-1152-01] (RIN: 0694-AC37) received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2957. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Harmonization of Definitions of

Terms [Docket No. 010423100–1100–01] (RIN: 0694–AC03) received July 10, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2958. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Revise Certain Provisions of the American Fisheries Act; Extension of Expiration Date [Docket No. 010111009–1009–01; I.D. 122600A] (RIN: 0648–AO72) received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2959. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada (PWC) Model PW305 and PW305A Turbofan Engines [Docket No. 2000–NE–24–AD; Amendment 39–12129; AD 2001–04–10] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2960. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–50 Series Turbofan Engines [Docket No. 2000–NE–38–AD; Amendment 39–12136; AD 2001–04–16] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2961. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No. 2000–NE–43–AD; Amendment 39–12144; AD 2001–05–07] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2962. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S.A. CFM56–3, -3B, and -3C Series Turbofan Engines [Docket No. 98–ANE–57–AD; Amendment 39–12124; AD 2001–04–06] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2963. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC–7 Airplanes [Docket No. 2000–CE–46–AD; Amendment 39–12138; AD 2001–05–02] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2964. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 2000–CE–54–AD; Amendment 39–12115; AD 2001–03–11] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2965. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Inc. Model 205A–1, 205B, 212, 412, 412CF, and 412EP Helicopters [Docket No. 2001–SW–06–AD; Amendment 39–12181; AD 2001–08–04] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2966. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters [Docket No. 2000–SW–22–AD; Amendment 39–12146; AD 2001–05–09] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2967. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hartzell Propeller Inc. Y-Shank Series Propellers [Docket No. 99–NE–21–AD; Amendment 39–12168; AD 2001–07–03] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2968. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Security Requirements for Unclassified Information Technology Resources —received July 11, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follow:

Mr. THOMAS: Committee on Ways and Means. House Joint Resolution 50. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China (Rept. 107–145); adversely. Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 199. Resolution providing for consideration of the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–146). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of July 11, 2001]

By Mr. KUCINICH (for himself, Mr. Conyers, Mr. Lewis of Georgia, Mr. Hinchey, Mr. Rahall, Ms. Lee, Mr. Clay, Ms. Woolsey, Mrs. Maloney of New York, Mr. Udall of Colorado, Mr. Brown of Ohio, Ms. Solis, Mr. Farr of California, Mrs. Jones of Ohio, Mr. Stark, Ms. McKinney, Mr. Jackson of Illinois, Mr. Payne, Mr. Sanders, Ms. Jackson-Lee of Texas, Ms. Watson, Mr. Filner, Mr. Davis of Illinois, Ms. Velázquez, Mr. DeFazio, Mr. Gutierrez, Mr. Honda, Mr. Owens, Mr. Evans, Ms. Schakowsky, Mr. Towns, Ms. Carson of Indiana, Mr. Serrano, Mr. Baird, Mr. Holt, Mr. McGovern, Ms. Waters, Mr. Scott, and Mr. Nadler):

H.R. 2459. A bill to establish a Department of Peace; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

[Submitted July 18, 2001]

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mr. Simpson, Mr. Reyes, Mr. Stump, Mr. Filner, Mr. Bilirakis, Ms. Brown of Florida, Mr. Buyer, Mr. Rodriguez, Mr. Baker, Mr. Shows, Mr. Simmons, Mr. Udall of New Mexico, Mr. Brown of South Carolina, and Mrs. Capps):

H.R. 2540. A bill to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HYDE (for himself and Mr. Lantos):

H.R. 2541. A bill to enhance the authorities of special agents and provide limited authorities to uniformed officers responsible for the protection of domestic Department of State occupied facilities; to the Committee on International Relations.

By Mr. PUTNAM:

H.R. 2542. A bill to establish a Farmland Stewardship Program designed to target existing conservation programs to the specific conservation needs and opportunities presented by certain agricultural lands and to authorize the Secretary of Agriculture to enter into stewardship contracts with private owners and operators of these lands to maintain, protect, and care for the natural, environmental, and agricultural resources on these lands, and for other purposes; to the Committee on Agriculture.

By Mr. YOUNG of Alaska:

H.R. 2543. A bill to amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of non-priority bypass mail to certain points in the State of Alaska, and for other purposes; to the Committee on Government Reform.

By Mr. GILMAN:

H.R. 2544. A bill to direct the Secretary of Transportation to offer federally financed, interest-free loans to public schools, municipalities, and local governments for the purchase of hybrid electric or other high-efficiency vehicles, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BAKER:

H.R. 2545. A bill to amend the National Flood Insurance Act of 1968 to provide for identification, mitigation, and purchase of properties insured under the national flood insurance program that suffer repetitive losses; to the Committee on Financial Services.

By Mr. BLUNT (for himself, Mr. Andrews, Mr. Pallone, Mr. Tancredo, Mr. Bartlett of Maryland, Mr. Pascrell, Mr. LoBiondo, Mr. Capuano, Mr. Shays, Ms. DeLauro, Ms. Brown of Florida, Mr. Mica, Mr. Isakson, Mr. Saxton, Mr. Smith of New Jersey, Mr. Jefferson, Mr. English, Mr. Cardin, and Mr. Towns):

H.R. 2546. A bill to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself and Mr. ARMEY):

H.R. 2547. A bill to require certain executive agencies to carry out a cost-effective program for identifying any errors made in paying contractors and for recovering any amounts erroneously paid to contractors; to the Committee on Government Reform.

By Mr. DOOLITTLE:

H.R. 2548. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Ms. DUNN (for herself, Mr. MCDERMOTT, Mr. DICKS, Mr. SMITH of Washington, Mr. LARSEN of Washington, Mr. INSLEE, Mr. NETHERCUTT, and Mr. BAIRD):

H.R. 2549. A bill to amend title XVIII of the Social Security Act to provide for equitable reimbursement rates under the Medicare Program to Medicare+Choice organizations; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. ACEVEDO-VILA, Mr. RAMSTAD, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mr. SENSENBRENNER, Mr. WICKER, Mr. GREEN of Wisconsin, Mrs. CHRISTENSEN, Ms. PELOSI, Mr. RAHALL, Mr. MENENDEZ, Mr. HOYER, Mr. SERRANO, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. TOWNS, Mr. CLEMENT, Mr. BRADY of Pennsylvania, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, and Mr. WELLER):

H.R. 2550. A bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 2551. A bill to modify the authorized land conveyance regarding the Indiana Army Ammunition Plant in Charlestown, Indiana, to eliminate the requirement that the Indiana Army Ammunition Plant Reuse Authority provide consideration for acquisition of the property; to the Committee on Armed Services.

By Mr. KENNEDY of Minnesota:

H.R. 2552. A bill to require the payment of an indemnity to sugar beet producers in the State of Minnesota for losses sustained to the 2000 crop of sugar beets as a result of a late season freeze when the damage to the sugar beets did not fully manifest itself until after delivery of the crop to the processor; to the Committee on Agriculture.

By Mr. KINGSTON:

H.R. 2553. A bill to amend title XIX of the Social Security Act to waive the obstetrican requirement insofar as it prevents DSH designation in the case of certain rural hosipitals; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H.R. 2554. A bill to modify the project for beach erosion control, Tybee Island, Georgia; to the Committee on Transportation and Infrastructure.

By Ms. LEE (for herself and Mr. HOYER):

H.R. 2555. A bill to amend chapter 53 of title 5, United States Code, to include employees of the legislative branch in the program established under such chapter under which Federal agencies may agree to repay student loans of their employees, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 2556. A bill to amend the Act of March 3, 1875, to permit the State of Colorado to use land held in trust by the State as open space; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Mr. HOUGHTON, Mr. FLAKE, and Mr. BLUMENAUER):

H.R. 2557. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. PETRI (for himself, Mr. KIND, Mr. GREEN of Wisconsin, Mr. SENSENBRENNER, Mr. RYAN of Wisconsin, Ms. BALDWIN, Mr. BARRETT, Mr. KLECZKA, and Mr. PETERSON of Minnesota):

H.R. 2558. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to voluntary early retirement benefits and medical benefits; to the Committee on Education and the Workforce.

By Mr. SCARBOROUGH (for himself, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mr. CUMMINGS, Mrs. MORELLA, and Mr. WAXMAN):

H.R. 2559. A bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mrs. CAPPS, and Mr. KIRK):

H.R. 2560. A bill to establish a program for an information clearinghouse to increase public access to defibrillation in schools; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself, Mr. MURTHA, Mr. SMITH of New Jersey, Mr. EVANS, Mr. SKELTON, Mr. GILMAN, Mr. MCHUGH, and Mr. SENSENBRENNER):

H.R. 2561. A bill to increase the rate of special pension for recipients of the medal of honor, to authorize those recipients to be furnished an additional medal for display purposes, to increase the criminal penalties associated with misuse or fraud relating to the medal of honor, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLAGOJEVICH:

H. Con. Res. 187. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of Harold Washington, the 42d mayor of Chicago; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. SMITH of New Jersey, Mr. GILMAN, Mr. BURTON of Indiana, Mr. LANTOS, Mr. HOEFFEL, Mr. WEXLER, Mr. FRANK, Mr. ROHRABACHER, Ms. MCKINNEY, Ms. LEE, Mr. NORWOOD, Mr. HILLIARD, Mr. RUSH, Mr. BURR of North Carolina, Mr. KING, Mr. ACKERMAN, Mr. CLAY, Mr. BARTON of Texas, Mr. ABERCROMBIE, Mr. BERMAN, Ms. BERKLEY, Mr. TANCREDO, Mr. CHABOT, Mr. SAXTON, Mr. NETHERCUTT, Mr. BENTSEN, Mr. DIAZ-BALART, Mr. CONYERS, Mr. NADLER, and Mr. TIBERI):

H. Con. Res. 188. Concurrent resolution expressing the sense of Congress that the Government of the People's Republic of China should cease its persecution of Falun Gong practitioners; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. LANTOS, and Mr. SHERMAN):

H. Res. 200. A resolution relating to the transfer of Slobodan Milosevic, and other alleged war criminals, to the International Criminal Tribunal for Yugoslavia, and for other purposes; to the Committee on International Relations.

By Mr. HASTINGS of Washington (for himself, Mr. MCDERMOTT, Mr. NETHERCUTT, Mr. DICKS, Ms. DUNN, Mr. LARSEN of Washington, Mr. SMITH of Washington, Mr. INSLEE, and Mr. BAIRD):

H. Res. 201. A resolution honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State; to the Committee on Government Reform.

By Mrs. MCCARTHY of New York (for herself and Mr. KING):

H. Res. 202. A resolution expressing the sense of the House of Representatives regarding the establishment of a Summer Emergency Blood Donor Month to encourage eligible donors in the United States to donate blood; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Ms. WATERS and Ms. SLAUGHTER.

H.R. 91: Mr. GILLMOR.

H.R. 122: Mr. HYDE.

H.R. 179: Mr. FORBES.

H.R. 201: Mr. GREEN of Texas.

H.R. 218: Mr. PETRI and Mr. THOMAS.

H.R. 220: Mr. HEFLEY.

H.R. 600: Mr. BARTLETT of Maryland.

H.R. 612: Mr. MORAN of Kansas.

H.R. 660: Mr. BAIRD.

H.R. 687: Mr. ALLEN.

H.R. 709: Mrs. CAPPS and Mr. GREEN of Texas.

H.R. 742: Mr. HILLIARD, Ms. SOLIS, and Mr. SERRANO.

H.R. 778: Mr. CRANE.

H.R. 786: Mrs. LOWEY.

H.R. 794: Mr. MATSUI.

H.R. 827: Mr. REHBERG.

H.R. 830: Mr. WATTS of Oklahoma, Mr. OSE, and Mr. FOLEY.

H.R. 854: Mr. FLETCHER and Mr. BROWN of Ohio.

H.R. 912: Mr. HONDA.

H.R. 945: Mrs. CLAYTON and Mr. BACA.

H.R. 959: Mr. WU, Mr. HORN, Mr. FROST, and Mr. FARR of California.

H.R. 975: Mr. ISAKSON.

H.R. 978: Mr. ALLEN and Mr. BARTLETT of Maryland.

H.R. 981: Mr. Ehrlich.

H.R. 1007: Ms. Solis.

H.R. 1026: Mr. Hastings of Washington.

H.R. 1090: Mr. Holden, Mr. Stark, and Mr. Neal of Massachusetts.

H.R. 1111: Mr. Sawyer.

H.R. 1121: Mr. Pickering.

H.R. 1136: Mr. Combest.

H.R. 1143: Mr. McDermott, Mr. Holt, and Mr. Ackerman.

H.R. 1169: Mr. Peterson of Pennsylvania.

H.R. 1180: Mr. Udall of Colorado.

H.R. 1198: Mr. Gilman, Mr. McNulty, Mr. Collins, Mr. Coble, Mr. Grucci, and Mr. Andrews.

H.R. 1295: Mrs. Jones of Ohio and Ms. McKinney.

H.R. 1329: Mr. Keller.

H.R. 1354: Mr. Ackerman.

H.R. 1360: Ms. McCollum.

H.R. 1377: Mr. Ford and Mr. Underwood.

H.R. 1408: Mr. King and Mr. Chambliss.

H.R. 1425: Mr. Thompson of Mississippi and Mr. Udall of Colorado.

H.R. 1433: Mr. Lantos.

H.R. 1459: Mr. Jefferson and Mr. Brady of Texas.

H.R. 1466: Ms. Hart and Mrs. Thurman.

H.R. 1543: Mr. Maloney of Connecticut.

H.R. 1556: Mr. Boucher, Mr. Frost, Ms. Ros-Lehtinen, Mr. Lantos, and Mr. Weldon of Florida.

H.R. 1564: Ms. McKinney.

H.R. 1650: Mr. Pastor and Mr. Platts.

H.R. 1675: Mr. Hyde.

H.R. 1724: Mr. Rothman and Mr. Crowley.

H.R. 1734: Mr. George Miller of California.

H.R. 1771: Mr. Deutsch.

H.R. 1774: Mr. Baca.

H.R. 1808: Mr. Israel, Mr. Meeks of New York, and Ms. Norton.

H.R. 1849: Mr. Meeks of New York.

H.R. 1873: Ms. Hooley of Oregon.

H.R. 1875: Ms. Slaughter.

H.R. 1894: Mr. Hilliard, Mr. Crowley, Ms. Eddie Bernice Johnson of Texas, Mr. Frost, and Ms. Carson of Indiana.

H.R. 1931: Mr. Watts of Oklahoma and Mr. Rohrabacher.

H.R. 1947: Mr. Fattah.

H.R. 1950: Mr. Ford.

H.R. 1979: Mr. Simpson, Mr. Rehberg, Mr. Thompson of Mississippi, and Mr. Kirk.

H.R. 1990: Ms. Slaughter, Ms. Sanchez, and Ms. Velázquez.

H.R. 1992: Mr. Schaffer.

H.R. 1996: Mr. McGovern.

H.R. 1997: Mr. DeFazio and Mr. Bentsen.

H.R. 2064: Mr. Jefferson, and Mr. McDermott.

H.R. 2074: Mr. Hastings of Florida and Mr. Blagojevich.

H.R. 2076: Mr. Royce.

H.R. 2081: Mr. Keller, Mr. Platts, Mr. Pitts, and Mr. Gutierrez.

H.R. 2096: Mr. Everett.

H.R. 2099: Mr. Inslee.

H.R. 2123: Mr. Bereuter, Mr. Sanders, Mr. Young of Alaska, Mr. Riley, and Mr. Hilleary.

H.R. 2138: Mrs. Mink of Hawaii, Mr. Honda, and Mr. Luther.

H.R. 2145: Mr. Holt.

H.R. 2157: Mr. Osborne, Ms. McKinney, and Mr. Turner.

H.R. 2164: Mrs. Lowey and Mr. Rush.

H.R. 2174: Mr. Lewis of California and Ms. McKinney.

H.R. 2175: Mr. Tancredo.

H.R. 2212: Mr. Calvert, Mr. Hefley, Mr. Kirk, and Mr. Keller.

H.R. 2235: Mr. Nethercutt and Mr. Norwood.

H.R. 2249: Mr. Towns.

H.R. 2263: Mrs. Mink of Hawaii.

H.R. 2282: Mr. Watt of North Carolina.

H.R. 2291: Mr. Tom Davis of Virginia, Mr. Rogers of Michigan, Mr. Hutchinson, Ms. McCollum, Mr. Baldacci, Mr. Kucinich, Mr. Bonior, Mr. Whitfield, Ms. McKinney, and Mr. Hefley.

H.R. 2315: Mr. Miller of Florida, Mr. Brown of South Carolina, Mr. Aderholt, and Mr. Knollenberg.

H.R. 2316: Mr. Ryan of Wisconsin, Mr. Blunt, Mr. Tancredo, Mr. Cox, Mr. Ballenger, Mr. Crenshaw, Mr. Barr of Georgia, Mr. Wamp, Mr. Wicker, Mr. Portman, Mr. Lewis of Kentucky, Mr. Largent, Mr. DeMint, Mr. Pence, Mr. Terry, Mrs. Cubin, Mr. Calvert, Mr. LoBiondo, Mr. Rehberg, Mr. Schrock, Mr. Keller, and Mr. Taylor of North Carolina.

H.R. 2323: Mr. Bachus, Mr. English, and Mr. Ney.

H.R. 2363: Mr. Brady of Pennsylvania, Mr. Weldon of Pennsylvania, Mr. Paul, Mr. Wexler, Mr. Borski, Mr. Rush, Mr. Kildee, and Mr. Fattah.

H.R. 2364: Mr. Rush, Mr. Fattah, and Mr. Kildee.

H.R. 2390: Mr. Kerns.

H.R. 2400: Mr. Quinn.

H.R. 2402: Mr. Quinn.

H.R. 2409: Mr. Nethercutt and Mr. Peterson of Pennsylvania.

H.R. 2413: Mrs. Capps.

H.R. 2435: Mr. Kildee.

H.R. 2454: Mr. Waxman, Mr. Berman, Ms. Roybal-Allard, Ms. Lee, Ms. Sanchez, Mr. Thompson of Mississippi, Mrs. Jones of Ohio, Mr. Stark, Mr. Schiff, Mr. Bishop, Mr. Cummings, Mr. Farr of California, Mr. Baca, Ms. Lofgren, Ms. Waters, Mr. Horn, and Mrs. Capps.

H.R. 2457: Mr. Thomas, Mr. Fletcher, Mr. Nethercutt, Mr. LoBiondo, and Mr. Peterson of Pennsylvania.

H.R. 2484: Mr. Costello and Mr. Evans.

H.R. 2520: Mr. DeFazio.

H.R. 2531: Mr. Clay.

H.R. 2534: Ms. Lofgren, Ms. Watson, Mr. Honda, Mrs. Davis of California, Ms. Lee, Ms. Roybal-Allard, Mr. Farr of California, Ms. Millender-McDonald, Mr. Matsui, Mr. Sherman, Mr. Baca, Ms. Eshoo, Mr. Waxman, Mrs. Napolitano, Mr. Conyers, Mr. Thompson of California, Mr. Udall of Colorado, Mr. Gonzalez, and Mr. Berman.

H. Con. Res. 25: Mr. Luther.

H. Con. Res. 36: Mr. Chabot.

H. Con. Res. 58: Mr. Crenshaw.

H. Con. Res. 131: Mr. Sherman and Mr. Lantos.

H. Con. Res. 162: Mr. Bonior, Ms. Pelosi, and Mr. Menendez.

H. Con. Res. 164: Mrs. Lowey.

H. Con. Res. 173: Mr. Evans, Mr. Cummings, Mr. Kolbe, Mr. Nadler, Mr. McDermott, Mr. Levin, Mr. Brady of Pennsylvania, Mr. Baird, Mrs. Mink of Hawaii, Mr. Kucinich, and Mr. Filner.

H. Con. Res. 180: Ms. Rivers, Mr. Taylor of Mississippi, Mr. Olver, Ms. DeLauro, Mr. Deutsch, Mr. Baird, Mr. Berman, Mr. Farr of California, Mr. Simmons, and Mr. Hinchey.

H. Res. 132: Mr. Abercrombie, Mr. McDermott, and Mr. Pascrell.

H. Res. 193: Ms. Slaughter.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

Offered By: Mr. Bartlett of Maryland

Amendment No. 3: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON IMPLEMENTATION OF UNITED NATIONS CONFERENCE ON THE ILLICIT TRADE IN SMALL ARMS AND LIGHT WEAPONS IN ALL ITS ASPECTS

Sec. . None of the funds made available in this Act may be used to implement any recommendation or requirement adopted at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (July 2001), except to the extent authorized pursuant to a law enacted after the date of the enactment of this Act.

H.R. 2506

Offered By: Mr. Blumenauer

Amendment No. 4: Page 112, after line 22, insert the following:

FUNDING FOR OFFICE OF ENVIRONMENT AND URBAN PROGRAMS OF USAID

Sec. . The Administrator of the United States Agency for International Development shall ensure that amount of funds provided to the Office of Environment and Urban Programs of the Agency for fiscal year 2002 is greater than the amount of funds received by such Office for fiscal year 2001.

H.R. 2506

Offered By: Mr. Brown of Ohio

Amendment No. 5: In title II of the bill in the item relating to “CHILD SURVIVAL AND HEALTH PROGRAMS FUND”, after the first dollar amount, insert the following: “(increased by $20,000,000)”.

In title II of the bill in the item relating to “CHILD SURVIVAL AND HEALTH PROGRAMS FUND”, after the fourth dollar amount in the fourth proviso, insert the following “(increased by $20,000,000)”.

In title IV of the bill in the item relating to “CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY”, after the first dollar amount, insert the following: “(decreased by $10,000,000)”.

In title IV of the bill in the item relating to “CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND”, after the first dollar amount, insert the following: “(decreased by $10,000,000)”.

H.R. 2506

Offered By: Mr. Brown of Ohio

Amendment No. 6: In title II of the bill in the item relating to “CHILD SURVIVAL AND HEALTH PROGRAMS FUND”, after the first dollar amount, insert the following: “(increased by $40,000,000)”.

In title II of the bill in the item relating to “CHILD SURVIVAL AND HEALTH PROGRAMS FUND”, after the fourth dollar amount in the fourth proviso, insert the following “(increased by $40,000,000)”.

In title IV of the bill in the item relating to “CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY”, after the first dollar amount, insert the following: “(decreased by $10,000,000)”.

In title IV of the bill in the item relating to “CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND”, after the first dollar amount, insert the following: “(decreased by $30,000,000)”.

H.R. 2506

Offered By: Mr. Brown of Ohio

Amendment No. 7: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. . None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any good or service by a company that is under investigation for trade dumping by the International Trade Commission, or is subject to an anti-dumping duty order issued by the Department of Commerce.

H.R. 2506

Offered By: Mr. Cardin

Amendment No. 8: Page 108, after line 20, insert the following:

SENSE OF THE CONGRESS RELATING TO COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

Sec. 579. (a) Findings.—The Congress finds as follows:

(1) All member states of the United Nations have the legal obligation to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

(2) All parties to the General Framework Agreement for Peace in Bosnia and Herzegovina have the legal obligation to cooperate fully with the Tribunal in pending cases and investigations.

(3) The United States Congress continues to insist, as a condition for the receipt of foreign assistance, that all governments in the region cooperate fully with the Tribunal in pending cases and investigations.

(4) The United States Congress strongly supports the efforts of the Tribunal to bring those responsible for war crimes, crimes against humanity, and genocide in the former Yugoslavia to justice.

(5) Those authorities in Serbia and the Federal Republic of Yugoslavia responsible for the transfer of Slobodan Milosevic to the Tribunal at The Hague are congratulated.

(6) The governments of Croatia and Bosnia are congratulated for their cooperation with the Tribunal, particularly regarding the transfer of indictees to the Tribunal.

(7) At least 30 persons who have been indicted by the Tribunal remain at large, especially in the Republika Srpska entity of Bosnia-Herzegovina, including but not limited to Radovan Karadzic and Ratko Mladic.

(8) The Parliamentary Assembly of the Organization for Security and Cooperation in Europe recently adopted a resolution that emphasizes the importance of cooperation by member states with the Tribunal.

(b) Sense of Congress.—It is the sense of Congress that:

(1) All governments, entities, and municipalities in the region, including but not limited to the Federal Republic of Yugoslavia, Serbia, and the Republika Srpska entity of Bosnia and Herzegovina, are strongly encouraged to cooperate fully and unreservedly with the International Criminal Tribunal for the Former Yugoslavia in pending cases and investigations.

(2) All governments, entities, and municipalities in the region should cooperate fully and unreservedly with the Tribunal, including (but not limited to) through—

(A) the immediate arrest, surrender, and transfer of all persons who have been indicted by the Tribunal but remain at large in the territory which they control; and

(B) full and direct access to Tribunal investigators to requested documents, archives, witnesses, mass grave sites, and any officials where necessary for the investigation and prosecution of crimes under the Tribunal's jurisdiction.

H.R. 2506

Offered By: Mr. Conyers

Amendment No. 9: Page [25], line [9], strike "and are" and all that follows through "106–246:" on line [11].

H.R. 2506

Offered By: Mr. Conyers

Amendment No. 10: Page [25], line [11], strike "*Provided further*" and all that follows through "heading:" on line [13].

H.R. 2506

Offered By: Mr. Conyers

Amendment No. 11: Page 112, after line 22, insert the following:

PROHIBITION ON AERIAL SPRAYING EFFORTS TO ERADICATE ILLICIT CROPS IN COLOMBIA

Sec.   . None of the funds made available in this Act under the heading "DEPARTMENT OF STATE—INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" or "DEPARTMENT OF STATE—ANDEAN COUNTERDRUG INITIATIVE" may be used for aerial spraying efforts to eradicate illicit crops in Colombia.

H.R. 2506

Offered By: Mr. Crowley

Amendment No. 12: Page 2, line 25, after the dollar amount, insert "(reduced by $1)".

Page 11, line 11, after the dollar amount, insert "(increased by $10,000,000)".

Page 25, line 7, after the dollar amount, insert "(reduced by $10,000,000)".

H.R. 2506

Offered By: Mr. Crowley

Amendment No. 13: Page 2, line 25, after the dollar amount, insert "(reduced by $1)".

Page 11, line 11, after the dollar amount, insert "(increased by $10,000,000)".

Page 32, line 25, after the first dollar amount, insert "(reduced by $10,000,000)".

H.R. 2506

Offered By: Mr. Crowley

Amendment No. 14: Page 11, line 11, after the dollar amount, insert "(increased by $10,000,000)".

Page 33, line 17, after the dollar amount, insert "(reduced by $10,000,000)".

H.R. 2506

Offered By: Mr. Crowley

Amendment No. 15: Page 11, line 12, insert before the period the following: ": *Provided*, That of the amount made available under this heading, $10,000,000 shall be for disaster preparedness activities for India".

H.R. 2506

Offered By: Mr. Crowley

Amendment No. 16: Page 112, after line 22, insert the following:

REVISION OF FUNDS

Sec.   . The amounts otherwise provided by this Act are revised by increasing the amount made available for "INTERNATIONAL DISASTER ASSISTANCE" to be expended by the South Asia Regional Office (located in Kathmandu, Nepal) of the Office of Foreign Disaster Assistance of the United States Agency for International Development, and reducing the amount made available for "ANDEAN COUNTERDRUG INITIATIVE", by $10,000,000.

H.R. 2506

Offered By: Mr. Delahunt

Amendment No. 17: Page 112, after line 22, insert the following:

REPORT ON IMPLEMENTATION OF COLOMBIAN NATIONAL SECURITY LEGISLATION

Sec.   . (a) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, after consultation with representatives from internationally recognized human rights organizations, shall submit to the appropriate congressional committees a report on the implementation of the Colombian national security legislation passed by the Colombian Congress on June 20, 2001.

(b) Each such report shall provide a description of the effects of the security legislation on human rights in Colombia and efforts to defend human rights in Colombia, focusing particularly on—

(1) incidents of arbitrary and incommunicado detention by members of the Colombian Armed Forces and the Colombian National Police, and whether those incidents have increased since the submission of the previous report;

(2) the status of investigations into allegations of human rights abuses by members of the Colombian Armed Forces and the Colombian National Police;

(3) the effectiveness of certain investigations conducted by military personnel, as provided for in the security legislation, as opposed to those carried out by appropriate civilian authorities; and

(4) the effects of the security legislation on Colombia's commitments under international treaties.

(c) The requirement to submit a report under this section shall not apply with respect any period of time during with the security legislation is not in effect.

(d) In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

H.R. 2506

Offered By: Mr. English

Amendment No. 18: Page 112, after line 22, insert the following:

PROHIBITION AGAINST EXPORT-IMPORT BANK ASSISTANCE FOR FOREIGN STEEL PRODUCTION

Sec.   . None of the funds made available in this Act may be used by the Export-Import Bank of the United States to provide assistance for the production of steel by any foreign entity.

H.R. 2506

Offered By: Mr. Hoekstra

Amendment No. 19: Page 25, line 7, after the dollar amount, insert the following: "(reduced by $65,000,000)".

H.R. 2506

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 20: In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $100,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount in the fourth proviso, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the fourth dollar amount in the fourth proviso, insert the following: "(increased by $40,000,000)".

In title II of the bill in the item relating to "OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT", after the first dollar amount, insert the following: "(decreased by $100,000,000)".

H.R. 2506

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 21: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON ASSISTANCE FOR FOREIGN GOVERNMENTS THAT USE CHILDREN AS SOLDIERS

Sec.   . None of the funds made available in this Act may be made available to the government of a country that—

(1) conscripts children under the age of 18 into the military forces of the country; or

(2) provides for the direct participation of children under the age of 18 in armed conflict.

H.R. 2506

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 22: Page 11, line 12, insert before the period the following: ": *Provided*, That of the amount made available under this heading, $10,000,000 shall be for disaster relief and rehabilitation for India with respect to the earthquake in India in January 2001".

H.R. 2506

Offered By: Mr. Kucinich

Amendment No. 23: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

Sec. ___. None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of any kind of assistance for a limited recourse project or a long-term program involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2506

Offered By: Mr. Kucinich

Amendment No. 24: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

Sec. ___. None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of any kind of assistance for a transaction involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2506

Offered By: Mr. Lampson

Amendment No. 25: In title III of the bill in the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount, insert the following: "(decreased by $60,000)".

In title IV of the bill in the item relating to "INTERNATIONAL ORGANIZATIONS AND PROGRAMS", after the first dollar amount, insert the following: "(increased by $60,000)".

H.R. 2605

Offered By: Ms. Lee of California

Amendment No. 26: In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the third dollar amount in the fourth proviso, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relatng to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the dollar amount in the sixth proviso, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount, insert the following: "(decreased by $38,000,000)".

In title III of the bill in the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount, insert the following: "(decreased by $22,000,000)".

H.R. 2506

Offered By: Mr. McGovern

Amendment No. 27: Page 6, line 10, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 7, line 3, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 7, line 5, after the second dollar amount, insert the following: "(increased by $50,000,000)".

Page 25, line 7, after the dollar amount, insert the following: "(reduced by $100,000,000)".

H.R. 2506

Offered By: Ms. Millender-McDonald

Amendment No. 28: In title II of the bill under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", insert before the period at the end the following: ": *Provided further*, That of the amount made available under this heading for HIV/AIDS, $5,000,000 shall be for assistance to prevent mother-to-child HIV/AIDS transmission through effective partnerships with nongovernmental organizations and research facilities pursuant to section 104(c)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(5))".

H.R. 2506

Offered By: Mr. Miller of Florida

Amendment No. 29: At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON FUNDS FOR COUNTRIES WITHOUT EXTRADITION TREATIES WITH THE UNITED STATES

Sec. ___. None of the funds made available in this Act may be made available for a country with respect to which a treaty of extradition is not in effect between that country and the United States.

H.R. 2506

Offered By: Mr. Paul

Amendment No. 30: At the end of the bill (preceding the short title), insert the following:

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

Sec. ___. (a) Limitation.—None of the funds appropriated or otherwise made available by this Act may be made available for—

(1) population control educational programs or population policy educational programs;

(2) family planning services, including, but not limited to—

(A) the manufacture and distribution of contraceptives;

(B) printing, publication, or distribution of family planning literature; and

(C) family planning counseling;

(3) abortion and abortion-related procedures; or

(4) efforts to change any nation's laws regarding abortion, family planning, or population control.

(b) Additional Limitation.—None of the funds appropriated or otherwise made available by this Act may be made available to any organization which promotes or makes available—

(1) population control educational programs or population policy educational programs;

(2) family planning services, including, but not limited to—

(A) the manufacture and distribution of contraceptives;

(B) printing, publication, or distribution of family planning literature; and

(C) family planning counseling;

(3) abortion and abortion-related procedures; or

(4) efforts to change any nation's laws regarding abortion, family planning, or population control.

H.R. 2506

Offered By: Mr. Paul

Amendment No. 31: Page 2, strike line 3 and all that follows through line 13 on page 4.

H.R. 2506

Offered By: Ms. Pelosi

Amendment No. 32: Page 11, after line 12, insert the following:

In addition, for international disaster assistance for El Salvador, $250,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 2506

Offered By: Mr. Roemer of Indiana

Amendment No. 33: Page 10, line 20, after the dollar amount, insert the following: "(increased by $12,000,000)".

Page 13, line 13, after the dollar amount, insert the following: "(reduced by $1,100,000)".

Page 37, line 20, after the dollar amount, insert the following: "(reduced by $3,900,000)".

Page 38, line 6, after the dollar amount, insert the following: "(reduced by $7,000,000)".

H.R. 2506

Offered By: Mr. Smith of New Jersey

Amendment No. 34: Page 112, after line 22, insert the following:

FUNDING FOR TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Sec. ___. (a) Of the amounts made available in this Act under the items "DEVELOPMENT ASSISTANCE", "ECONOMIC SUPPORT FUND", "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION", "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", and "MIGRATION AND REFUGEE ASSISTANCE"—

(1) $10,000,000 shall be made available for prevention of trafficking in persons, as authorized by section 106 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386);

(2) $10,000,000 shall be made available for the protection and assistance for victims of trafficking of persons, as authorized by section 107(a) of such Act; and

(3) $10,000,000 shall be made available to assist foreign countries to meet minimum standards for the elimination of trafficking, as authorized by section 134 of the Foreign Assistance Act of 1961.

H.R. 2506

Offered By: Mr. Souder

Amendment No. 35: Page 25, line 2, insert before the period at the end the following: ": *Provided further*, That of the funds appropriated under this heading, $27,000,000 shall be for assistance to the Colombian National Police for the purchase of two Buffalo transport/supply aircraft, $12,000,000 shall be for assistance to the Colombian Navy to purchase six Huey-II patrol helicopters, and $5,000,000 shall be for assistance for operating fuel to enhance drug interdiction efforts along the north coast of Colombia and inland rivers".

H.R. 2506

Offered By: Mr. Souder

Amendment No. 36: Page 24, line 11, after the dollar amount, insert "(increased by $44,000,000)".

Page 37, line 7, after the dollar amount, insert "(reduced by $24,000,000)".

Page 40, line 5, after the dollar amount, insert "(reduced by $20,000,000)".

H.R. 2506

Offered By: Mr. Traficant

Amendment No. 37: At the end of the bill (preceding the short title) insert the following new section:

BUY AMERICAN PROVISIONS

Sec. . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

H.R. 2506

Offered By: Mr. Traficant

Amendment No. 38: Page 112, after line 22, insert the following:

PROHIBITION ON ASSISTANCE FOR THE RUSSIAN FEDERATION

Sec. ___. None of the funds made available in this Act may be used to provide assistance to the Russian Federation.

H.R. 2506

Offered By: Mr. Visclosky

Amendment No. 39: In title I, in the item relating to "SUBSIDY APPROPRIATION", after the aggregate dollar amount, insert "(reduced by $15,000,000)".

In title I, in the item relating to "ADMINISTRATIVE EXPENSES", after the aggregate dollar amount, insert "(reduced by $3,000,000)".

H.R. 2506

Offered By: Mr. Visclosky

Amendment No. 40: In title I, in the item relating to "SUBSIDY APPROPRIATION", after the aggregate dollar amount, insert "(reduced by $15,000,000)".

In title I, in the item relating to "ADMINISTRATIVE EXPENSES", after the aggregate dollar amount, insert "(reduced by $3,000,000)".

In title II, in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND"—

(1) after the aggregate dollar amount, insert "(increased by $18,000,000)"; and

(2) in the 4th proviso, after the dollar amount allocated for HIV/AIDS, insert "(increased by $18,000,000)".

EXTENSIONS OF REMARKS

125TH ANNIVERSARY OF PEMBERVILLE, OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. KAPTUR. Mr. Speaker, I rise to recognize a significant milestone for a community in my district. Pemberville, Ohio celebrates its 125th anniversary this year. The town recently celebrated the 125th anniversary of its incorporation, which took place on June 8, 1876.

The fertile farmland region in Wood County, Ohio was home to pioneering settlers for three generations prior to the establishment of Pemberville—first known as the forks because it was near a fork in the river—in 1854. Well before Pemberville became a town, William Henry Harrison made his camp at the site—which was strategically situated on the Portage River—during the War of 1812. Later, many families found it desirable and by the time it was incorporated in 1876, the town grew from a crossroads for fur traders and a few adventurous farmers into a viable community. Upon incorporation, it became known as Pemberville, named for one of its founders, James Pember.

The town further prospered when railroad lines were completed in 1875 and oil was discovered in 1881. In fact, only a year after being formally incorporated, Pemberville boasted a population of 500. Those earliest citizens were united in their effort to establish Pemberville as a regional hub, and its prime location on the river, along with the development of both roads and rail, helped the growth.

Pemberville became home to many churches and businesses and provided a well-developed school system. Today it remains a vibrant community, rich in tradition, with a small-town, folksy feel. It is a community looking forward while proud of its past. It moves forward through the seasons, adjusting to fit the times, but never losing the essence of the best of small town America: neighborliness, friendliness, and a timeless quality.

Oliver Wendell Holmes said "Where we love is home, home that our feet may leave, but not our hearts." Pemberville is a town that illustrates this sentiment: Though many of its sons and daughters have traveled far afield, often settling elsewhere, still that inexorable feeling of community and home brings them back time and again, whether it is in fact or in mind. I know that they, along with the citizens who assembled at this year's sesquicentennial, are proud of Pemberville and proud of its journey through the past to the present. I am pleased to join those who gather at this 125th anniversary celebration to celebrate that past even as we see a vision of Pemberville's future.

A PROCLAMATION CONGRATULATING MELANIE KIDDER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. NEY. Mr. Speaker, with great pride and satisfaction I commend the following article to my colleagues:

Whereas, Melanie Kidder, should be recognized for her outstanding achievement; and,

Whereas, Melanie Kidder proudly represented her community as Belmont County's delegate to the Scripps Howard National Spelling Bee, held in Washington, D.C., and

Whereas, having advanced to the fifth round, she rose to be among the very top of her 248 competitors from across the nation, and

Whereas, she showed grace, courage and uncommon maturity as she achieved great success before a national television audience in the final round of the spelling competition; and,

Therefore, I ask you to join with me and the citizens of Ohio, in recognition of Melanie Kidder's outstanding performance.

CONCERNING THE DEATH OF KATHARINE GRAHAM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. NORTON. Mr. Speaker, for the world, it may be enough to remember that Katharine Graham was a great publisher, humanitarian and path breaker for women, but no summary of her life is complete unless it includes the contributions that made her a great Washingtonian.

Notwithstanding her world class accomplishments and worldwide fame, Kay Graham always lavished love and attention on her hometown. She stood for full equality when this was a segregated southern town, and she stood for full democracy and congressional representation until the day she died. The Washington Post was only the most visible instrument of her support for the District and its people. Those who live here will especially cherish the countless ways that Kay Graham was devoted to this city as a public advocate and private citizen. In short, Katharine Graham was one of us.

TRIBUTE TO CALIFORNIA STATE ASSEMBLYWOMAN ELAINE ALQUIST

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. LOFGREN. Mr. Speaker, today I rise to recognize the achievements of California State Assemblywoman Elaine Alquist, my fellow legislator from the Silicon Valley.

Throughout her career, Assemblywoman Alquist has been a defender of women, children, families and seniors. The first Greek-American woman elected to the California State Legislature, she is now the senior member of the Assembly's Santa Clara County delegation.

A former algebra and trigonometry teacher, Assemblywoman Alquist is the chair of the Higher Education Committee and co-vice chair of the Joint Committee to Develop a Master Plan for Education-Kindergarten through University. Assemblywoman Alquist is also the chair of the Select Committee on the Aging of Baby Boomers.

Assemblywoman Alquist was the 2001 recipient of the Lifetime Achievement Award from the Women's Fund, and has been named the Legislator of the Year by such organizations as the American Electronics Association (in 1999 and 2000), the Alzheimer's Association, California Council, the California Association of Psychologists, and the California Association of Homes and Services for the Aging.

I thank Assemblywoman Elaine Alquist for her years of friendship and offer the warmest congratulations from my family to hers.

PERSONAL EXPLANATION

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. VITTER. Mr. Speaker, due to a flight cancellation on Tuesday, July 17, 2001, I was unable to be present for the following Roll Call Votes: # 229, the vote on S. 360, a Bill to Honor Paul Coverdell; and # 230, the vote on H. Res. 195, Commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001.

I ask that the RECORD show that if I were present, I would have voted "yea" on Roll Call # 229 and "yea" on Roll Call # 230.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF THE INTERNET TAX FAIRNESS ACT OF 2001

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend, Mr. BOUCHER, the Internet Tax Fairness Act of 2001.

This much-needed bipartisan legislation permanently extends the current moratorium on Internet access taxes and multiple and discriminatory taxes. In addition, this legislation clarifies state and local authority to collect business activity taxes from out-of-state entities.

As many of you know, the Internet Tax Fairness Act of 1998 created a moratorium on Internet access taxes and multiple and discriminatory taxes. As a result of this moratorium, the Internet has remained relatively free from the burdens of new taxes. However, the moratorium is set to expire in October, subjecting the Internet to possible taxation from more than 7,500 taxing jurisdictions. We must continue to ensure that the Internet remains free from restrictive taxation by making the tax moratorium permanent.

In addition, many States and some local governments levy corporate income and franchise taxes on companies that either operate or conduct business activities within their jurisdictions. While providing revenue for States, these taxes also serve to pay for the privilege of doing business in a State.

Supreme Court precedent is clear that a state cannot impose a tax on an out-of-state business unless that business has a "substantial nexus" with the taxing state. In addition, over forty years ago, Congress passed legislation to ensure that states could not tax the income of out-of-state corporations whose in-state presence was minimal. Public Law 86–272 set uniform, national standards for when states could and could not impose such taxes. However, like the economy of the time, Public Law 86–272 was limited to tangible personal property.

With the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The increasing rate of interstate and international business-to-business and business-to-consumer transactions raises questions over states' ability to collect income taxes from companies conducting business within their jurisdiction.

Over the past several years, a growing number of states have sought to collect business activity taxes from businesses located in other states, even though those businesses receive no appreciable benefits from the collecting states and even though the Supreme Court has ruled that the Constitution prohibits a state (without the consent of Congress) from imposing tax on businesses that lack substantial connections to the state. This has led to unfairness and uncertainty, generated contentious, widespread litigation, and hindered business expansion, as businesses shy away from expanding their presence in other states for fear of exposure to unfair tax burdens.

In this period where the rapid growth of e-commerce will shape the economy of the 21st century, this expansion of the States' power to impose business activity taxes, left unchecked, will have a chilling effect on e-commerce, interstate commerce generally, and the entire economy as tax burdens, compliance costs, litigation, and uncertainty escalate.

Accordingly, the second recommendation of the Advisory Commission on Electronic Commerce majority was that Congress establish national standards for when states can impose business activity taxes.

That is why we are introducing this important legislation today. The Internet Tax Fairness Act establishes definite, specific standards to govern when businesses should be obliged to pay business activity taxes, which will ensure fairness, minimize litigation, and create the kind of legally certain and stable business climate which encourages businesses to make business investments, expand interstate commerce, grow the economy and create new jobs. At the same time, this legislation will ensure that states and localities are fairly compensated when they provide services to businesses with a substantial physical presence in the state.

I urge each of my colleagues to support this very important bipartisan legislation.

IN HONOR OF WALTON HILLS VILLAGE

HON. DENNIS J. KUCINICH

OF OHIO

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. KUCINICH. Mr. Speaker, I rise today with my colleague Mr. LATOURETTE, in recognition of the 50th Anniversary Celebration of the Village of Walton Hills, Ohio.

In March 1951, people of the prospective village voted in a special election to determine whether the area would detach from Bedford Township and become the Village of Walton Hills. The voting took place in the Quonset hut owned by L.S. Conelly, S.E. corner Alexander and Walton Rd. The glorifying outcome was the approval of the establishment of the new village.

Later on in May 1951, the voters went again to the polls and elected officers for the Village, who were then sworn in at Black Beauty Riding Academy Hall on Dunham Road in June 1951. The top officials were Mayor Virgil D. Allen Jr, Clerk Betty Walton, Treasurer Charles Clark, and six councilmen.

The Walton Village is proud of its many civic clubs. The Women's Club in August 1951 held their organizational meeting at Lillian Kral's Golden Glens pavilion. The Men's Club was founded in September 1951 with the acceptance of the Articles of Organization. Some men organized Little League in 1955 while others organized Walton Hills Lake recreational activities starting in 1949. The Walton Hills Citizens League was founded in October 1963 to promote citizen involvement in local government.

Please join me in recognizing a strong community, The Village of Walton Hills on this distinguished 50th anniversary.

WAMU 88.5 FM—A COMMUNITY RESOURCE IN THE DISTRICT OF COLUMBIA

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. NORTON. Mr. Speaker, I rise today to speak in support of a valued and long-time resource for the residents of the District of Columbia, WAMU, one of the nation's leading public radio stations. In addition to its nationwide audience, WAMU has served nearly half a million listeners in the District of Columbia and surrounding areas for forty years, with award-winning news and public affairs programming by its celebrated talk show hosts Diane Rehm, Kojo Nnamdi of Public Interest, local hosts David Furst of Metro Connection and Lakshmi Singh of All Things Considered, and our own indispensable local D.C. political pundit Mark Plotkin.

In response to the overwhelming views of its listeners and subscribers, WAMU 88.5 FM recently altered its weekday format to include more public affairs programming. To the station's credit, WAMU nevertheless found a way to preserve the bluegrass programming for which the station is also known. Members of the House and Senate and the station's listeners nationwide, who depend on WAMU for the best public affairs programming on the air will be happy about the expanded public affairs programs. At the same time, we commend WAMU for its sensitivity in finding a way to continue a healthy dose of bluegrass music.

WAMU is an important part of community life here, and prides itself on being the "voice of the community" to those of us who live and work in the greater Washington area. Increased news coverage in the nation's capital, especially with a local focus during national broadcasts is especially needed and welcomed by those of us who call this area home—where we educate our children, volunteer to help, pay taxes, attend church services, take part in the arts, and do all the things that make the Washington area vibrant and vital.

This is radio at its most substantive, thoughtful and interesting best. WAMU recently added even more news programming to serve the needs of this diverse and unique Washington audience, because it has a special responsibility to inform, educate and raise the level of conversation on the issues of our day. WAMU takes its shows into the community, with Public Interest and the DC Politics Hour broadcasting live from every ward in the city to hear the opinions of city residents on issues of critical importance to them and their neighborhoods. The station also participates in hosting and sponsoring myriad non-profit arts, education, ethnic and cultural events in the city every year.

I applaud the news and information programming additions, and commend WAMU for its extensive and long standing service to our area. As WAMU celebrates 40 years of broadcasting, we look forward to its continued presence for many years to come. WAMU remains an award winning resource for the residents of the Washington area.

HONORING MARY WALKER CLARK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, when Ms. Mary Walker Clark was asked to reveal her age, she replied, "A lady never tells that kind of information," then added with a smile on her face, "I was born in 1894, you figure it out." It brings me great pleasure to have this opportunity to offer my congratulations and admiration to Mary Walker Clark who celebrated her 107th birthday on July 16 in the town of Montrose, Colorado—making her the oldest living individual in the entire state of Colorado.

In quaint Angels Camp, California, Mary was born in 1894. When she was only 40 days old, her family relocated to Ouray, Colorado. Today, Mary lives at the San Juan Living Center in Montrose, Colorado. She was blessed with two sons—Jack, who is a business owner and lives in Ouray, and Lester who resides in Grand Junction, Colorado.

No day would be complete for Mary without her son Jack delivering a small soda and an order of french fries from the local McDonald's restaurant. Since she was old enough to have solid food, Mary has always loved french fries and her affection for these potatoes has sparked a keen interest in her community. She was recently been asked to perform the ribbon cutting ceremony at the grand opening for the new McDonald's in Montrose. Mary attributes her longevity to not only the french fries, but also the hard work and dedication that she has performed throughout her life.

When Mary was in junior high school, she quit her formal schooling to assist her mother in cooking, cleaning and washing for the local miners in order to feed the six children in their family. Since that time, it seems that she has never stopped providing for others. Mary often cooked for community dinners, aided her brother at his market, carried on her husband's moonshine business after he passed away, and operated a legitimate liquor store following Prohibition. In addition, she did numerous tasks at two hotels and also offered a helping hand at her son's bakery. Not surprisingly, at the age of 97, she was still carrying her own coal to her furnace—two buckets at a time. Mary often wonders "why such a fuss" is being made over her.

Mr. Speaker, Mary Clark is a phenomenal individual who has dedicated her life to the service of others through her hard work. French fries and a strong work ethic have contributed greatly to her longevity and it is with great pleasure that I honor her today. Happy Birthday Mary!

TRIBUTE TO NATIONAL THERAPEUTIC RECREATION WEEK IN SOUTH CAROLINA

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CLYBURN. Mr. Speaker, I rise today in recognition of "National Therapeutic Week" in South Carolina as proclaimed by Governor Jim Hodges.

The purpose of this event, which was held July 8–15, 2001, was to increase public awareness of therapeutic recreation programs and services, and expand recreational and leisure opportunities for individuals with disabilities. Physical therapists from all over the state met and worked together to eliminate barriers to leisure activities for many with disabilities and educate people in leisure skills and attitudes. These therapists constantly stressed the importance and advantage of having a clear understanding of how involvement in leisure and recreational activities improves physical and psychosocial health, and how recreation can provide individuals with a sense of self-confidence and satisfaction.

The theme for "National Therapeutic Recreation Week" was "Therapeutic Recreation . . . Examine the Possibilities." The theme suited the occasion perfectly, as the aim was to explore a variety of methods used by therapeutic recreation professionals to enhance the quality of life and well being of persons with disabilities.

This year's "National Therapeutic Recreation Week" will hopefully generate more interest and encourage all South Carolinians to recognize the positive benefits of leisure and recreation.

Mr. Speaker, last week thousands of South Carolinians devoted their time and energy to improve their quality of life, and also the lives of others. Please join me in recognizing the gallant efforts of these individuals, and the wonderful accomplishments they made during "National Therapeutic Recreation Week."

IN RECOGNITION OF JACOBUS PHARMACEUTICAL'S CONTRIBUTIONS TO BARBARA MOORE

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OSE. Mr. Speaker, I rise today on behalf of a constituent of mine, Mrs. Barbara Moore of West Sacramento, California, to recognize Jacobus Pharmaceutical Company, a small family-owned company based in Princeton, New Jersey. A few years ago, Laura Jacobus, Director of Quality Assurance for Jacobus Pharmaceutical Company, reached out her hand to Barbara, who suffers from a rare condition called Lambert Eaton Myasthenic Syndrome.

Dr. David Richman, Barbara's doctor at the University of California at Davis Medical Center, placed Barbara in a treatment program for her condition, thus leading her to Jacobus Pharmaceutical. Prior to the assistance from Jacobus Pharmaceutical, Barbara couldn't even move short distances without help. As a result of her treatments, Barbara has been able to watch her son grow up, and remain an integral part of his life.

In a time where money is viewed as the main motivating factor, I am deeply touched by the selfless actions of Jacobus Pharmaceutical. It is my wish to honor Jacobus Pharmaceutical and Laura for their benevolence and unsurpassed humanity within the pharmaceutical industry.

A SALUTE TO PAT AND BILL BENNETT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to a special husband-and-wife team from my home state of New Mexico. Pat and Bill Bennett of Placitas have spent the past decade strengthening and enhancing the Placitas Volunteer Fire Brigade. To recognize their dedicated service and commitment, this past Sunday the Brigade was renamed in their honor.

Volunteer firefighters provide one of the most valuable services imaginable to this country and its people—that of saving lives and safeguarding our precious lands. Firefighters preserve the integrity of the safety in the communities they serve. Every year, volunteer firefighters are injured, and even die, in the service of their esteemed duty. Volunteer firefighting is one of the hardest jobs imaginable, and it is frequently rewarded only by the knowledge that the service it provides is vital to its community.

In this unique case, Bill and Pat both made enormous contributions to the Placitas Volunteer Fire Brigade. Bill, who began as a volunteer firefighter and was later named Chief of the department, helped establish the standards the department uses to fight structural and wildland fires. Although he retired from the department last year, Bill is still active the in planning and training of new firefighters.

Pat, a registered nurse and an emergency-medical technician, is currently the brigade's medical Captain, and was a major contributor to the development of the department's medical procedures and standards. It is also important to note that in 1999, the New Mexico Injury Prevention and EMS Bureau named Pat the state's Emergency Medical Technician-Basic of the Year.

Mr. Speaker, it is often said that nothing is bigger than the heart of a volunteer. I think that is especially true for Pat and Bill and all the volunteer firefighters in New Mexico and across the country. For all their courage, their strength, their selflessness, and their dedication, I salute each and every one of them.

CHARLES TEED COMMEMORATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to remember the wonderful life of Mr. Charles Teed. At the age of 87, Mr. Teed passed away on Friday, June 29 in Grand Junction, Colorado.

A talented writer and reporter, Charles spent much of his life working for The Daily Sentinel, the local newspaper in Grand Junction. He served as a reporter and a photographer from 1964 to 1974. In addition, he acted as the editor of the weekly church page and wrote the "Slope Action" consumer-complaint column.

Perhaps Charles's most notable work began in 1983 when he started writing the "Philately" column. This column allowed him to highlight the stamps which he collected from all corners of the world. The column ran every Sunday for ten years. Teed's travels to Iceland, England, France and Canada were never complete unless he obtained stamps from these locations to augment his collection. "Philately" was a weekly column on his personal collection that was initiated with the purchase of a stamp from Mozambique. His collection included stamps of mainly cars, railroads and famous writers.

Charles is survived by his wife Lois, their three children, 13 grandchildren, 20 great-grandchildren and two great-great grandchildren. The Teed's moved to Colorado during Charles' college years in New York state, where he was born and raised, and where Lois and Charles met. Their 65th wedding anniversary would have been on July 14.

I would like to extend my deepest sympathy and prayers to his family as we mourn his loss. It is through his past works and columns that we will all forever recognize his contributions to The Daily Sentinel, the Grand Junction area, and stamp collectors everywhere.

HONORING THE 50TH CHARTER NIGHT ANNIVERSARY OF THE CASEYVILLE, ILLINOIS LION'S CLUB

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 50th Charter Night anniversary of the Caseyville, Illinois Lions Club.

Lions Club International is the world's largest service club association. The Lions Clubs organization has 1.4 million members in more than 44,500 clubs in 185 countries and geographical areas. The Lions are men and women who volunteer their time to humanitarian causes. The International Association of Lions Clubs began as a dream of Chicago businessman, Melvin Jones. He believed that local business clubs should expand their horizons from purely professional concerns to the betterment of their communities and the world at large. Jones' own group, the Business Circle of Chicago, agreed. After contacting similar groups around the country, an organizational meeting was held on June 7, 1917 at the LaSalle Hotel in Chicago. The new group took the name of one of the groups invited, the "Association of Lions Clubs", and a national convention was held in October of that year in Dallas, Texas. A constitution, bylaws, objects and a code of ethics were approved.

Just three years after its formation, the organization became international, when the first club in Canada was established in 1920. Major international expansion continued as clubs were established, particularly throughout Europe, Asia and Africa during the 50's and 60's. Perhaps the single event having the greatest impact on the Lions Club occurred in 1925 when Helen Keller addressed the Lions at their international convention in Cedar Point, Ohio. It was there that she challenged the Lions Club to become "knights of the blind in the crusade against darkness". They responded, and now the Lions Club organization is best known for their sight-related programs, including SightFirst, the world's largest blindness prevention program.

Second only to the Lion's commitment in aiding the blind and the visually impaired, is a strong dedication to serving young people. The Lions Youth Outreach Program challenges young people to learn, to achieve and to serve. By focusing on volunteerism, young people are steered away from harmful behaviors and become involved in youth activities. The Leo Clubs program, International Youth Exchange, International Youth Camps and the Lions International Peace Poster Contest are all youth activities sponsored by Lions Club International that promote international cooperation, peace and understanding. The Lions Club International conducts its official business in 11 languages, including English, Chinese, French, German, Italian, Japanese, Korean, Portuguese, Spanish and Swedish.

The emblem of the Lions Club consists of a gold letter "L" on a circular purple field. Bordering this is a circular gold area with two Lions profiles facing away from the center. The word "Lion" and "International" appear at the top and bottom. The Lions are meant to face both a proud past and a confident future. This emblem was adopted at the 1919 convention and today Lions throughout the world are recognized by it. The Lions motto, "We Serve" precisely explains their mission and their slogan, "Liberty, Intelligence and Our Nation's Safety" means LIONS.

The Caseyville Lions Club is part of an organization that not only helps those in need, but offers its members opportunities to develop personal friendships and gain valuable leadership skills. They share a common spirit and have been united in a single cause; helping those less fortunate. The Caseyville Lions Club helps tackle tough problems like blindness and combating drug abuse, as well as diabetes awareness programs and finding help and training for the deaf, disabled, underprivileged and the elderly. In fact, wherever the community needs help, the Caseyville Lions Club, like the entire Lions Club organization, is there.

Mr. Speaker, I ask my colleagues to join me in honoring the 50th Charter Anniversary of the Caseyville Lions Club and to honor its members both past, present and future.

TRIBUTE TO ELOISE ROGERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Ms. Eloise Whittington Rogers of Marion, South Carolina, who is retiring after thirty-eight years in public service. She is a greatly admired member of her community, and in her invaluable role as Veterans Affairs Officer has touched countless lives. I join the citizens of Marion County in expressing our deepest gratitude for everything she has done.

Ms. Rogers was born in Florence, South Carolina. After graduating from Marion High School in 1956, she earned an Associate Degree in Business from Carolina College of Commerce in 1966, followed by a second degree in 1969 from the same College. Before entering public service, Ms. Rogers worked as a bookkeeper in Belks Department Store for five years.

Ms. Rogers began her career in public service as a secretary at the Marion County Tax Collector's Office, where she worked for ten years. Ms. Rogers then moved to the Marion County Veterans Affairs Office. She devoted 28 years of her life to this office, working fourteen years as a secretary and fourteen as the Veterans Affairs Officer. During her tenure, Ms. Rogers developed close bonds with many of the veterans of Marion County, and became passionate about ensuring they got the benefits and recognition they deserved.

In addition to the unselfish labor she has provided to the veterans of Marion County for almost three decades, Ms. Rogers has been giving to her community on a variety of different levels throughout her illustrious life. In 1991, she received the Citizen of the Year Award from the Woodman of the World organization. She has been honored with an Outstanding Service award from the Swamp Fox Chapter No. 87. Ms. Rogers is also a member of the Marion County Historical Commission, the Shannon Wilkerson Scholarship Fund, and is Clerk to Springville Community Poll. A devoted forty-five year member of the Shiloh United Methodist Church, Ms. Rogers serves as the church organist, Missionary Circle President, and on the administrative board, among numerous other roles within the church.

Mr. Speaker, I ask you to join me today in honoring Eloise Whittington Rogers for the incredible service she has provided for the veterans and citizens of her community. The world is a better place because of her service, and I wish her happy days in a well-deserved retirement.

IN HONOR OF LESLIE MATHENEY AND WALTER SUMM

HON. DOUG OSE

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 18, 2001

Mr. OSE. Mr. Speaker, I rise today to honor two constituents of mine, Mr. Leslie Matheney for his involvement and sacrifice in WWII and in Korea, and the late Walter Summ for his involvement and sacrifice in WWII.

Mr. Matheney twice served our nation in the U.S. Marine Corps; first in World War II, from January 27, 1942, through February 1, 1946, where Mr. Matheney spent the majority of his service in the Asiatic Pacific Area. He also served aboard the U.S.S. *Vella Gulf* (CVE 111). He re-enlisted on January 24, 1948, to serve in Korea. It was during Mr. Matheney's service in Korea that he earned the Purple Heart. Mr. Matheney was honorably discharged on October 1, 1952.

Mr. Summ served in the U.S. Navy aboard the U.S.S. *Luetze* during World War II. Mr. Summ was injured in a battle near Okinawa, Japan on April 6, 1945. The U.S.S. *Luetze,* along with Mr. Summ helped in the invasion of Iwo Jima, the reclaiming of the Philippines, and the ultimate defeat of the Japanese navy. Mr. Summ passed away over 30 years ago without having received his Purple Heart and the public recognition he deserves.

I am pleased to report that on July 21, 2001, Mr. Matheney and Mr. Summ's son, Wally, will be presented their Purple Hearts during a public ceremony at the All Wars Memorial in West Sacramento, California. It is with great honor that I take part in this ceremony, and share their stories with you. They are truly America's heroes.

HONORING MAJOR GENERAL CHARLES C. CANNON, JR.

HON. KAY GRANGER

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 18, 2001

Ms. GRANGER. Mr. Speaker, I rise today in honor of Major General Charles C. Cannon, Jr. It has come to my attention that General Cannon is retiring after 34 years of exemplary service in the United States Army. He has served his country with dignity, honor, and integrity.

Major General Cannon is a native of Texas. The general entered the Army upon completion of the Reserve Officer Training Corps Program at the University of Texas—Arlington as a Distinguished Military Graduate. He was commissioned a Regular Army Second Lieutenant in the Quartermaster Corps, detailed to the Infantry, on August 31, 1967. He holds a Bachelor of Arts degree in History and a Master of Science in Logistics Management from the Florida Institute of Technology.

He has served in five divisions, and his overseas assignments include Vietnam, Hawaii, Korea, three tours in Germany, and one in Croatia. His initial assignment was as an Infantry Officer with the 3d Battalion, 10th Infantry, 5th Division (Mechanized). In 1968, he was assigned to 2d Battalion, 60th Infantry, 9th Infantry Division in Vietnam serving as a company commander, then as the logistics staff officer.

After attending the Quartermaster Officer Advanced Course, he commanded the 143d Supply and Service Company, organized and ran the Basic Leadership Course, and was a staff officer for the 19th Support Brigade at Fort Lewis, Washington. From 1972–1975, he served as a logistics planner in Headquarters, U.S. Army Pacific, and Assistant G–4 (Logistics), 25th Infantry Division. After attendance at Command and General Staff College and Florida Institute of Technology, he was the Executive Officer for the Petroleum Distribution System—Korea. He was then assigned to Headquarters, Department of the Army, as a logistics programmer and later as Assistant Executive Officer to the Deputy Chief of Staff for Logistics.

In 1982, he was assigned to the First Cavalry Division serving as Division Support Command Executive Officer and Commander of the 15th Supply and Transport Battalion. From 1985 to 1987, he was an Advance Operational Fellow at Fort Leavenworth, Kansas. For the next four years, Major General Cannon served in Germany, first as the Director for Bulk Fuels, 200th Theater Army Materiel Management Center, and later as the Commander of the 8th Infantry Division (Mechanized) Support Command. In July 1991, he became Chief of the Logistics Planning Division on the Joint Staff.

In July 1992, he was promoted to Brigadier General and assumed command of the 3d Corps Support Command in Wiesbaden, Germany. From June 1994 until June 1996 he was assigned as the Vice Director for Logistics, The Joint Staff. He was promoted to Major General in October 1995. He was assigned as the Assistant Deputy Chief of Staff for Logistics, Department of the Army, in June 1996. During this assignment, MG Cannon temporarily served as the Commander for Support, Implementation Force (IFOR) Zagreb, Croatia, from July 1996 until his return to the Pentagon in November 1996. In May 1999, MG Cannon became Acting Deputy Chief of Staff for Logistics, Department of the Army.

He assumed the duties of U.S. Army Materiel Command's (AMC) Chief of Staff Oct. 13, 2000. AMC is one of the largest commands in the Army, with more than 50,000 employees, and activities in 42 states and in over a dozen foreign countries.

His awards and decorations include the Defense Distinguished Service Medal, Defense Superior Service Medal, Army Distinguished Service Medal, Legion of Merit with oak leaf cluster, the Bronze Star Medal with "V" device and three oak leaf clusters, the Purple Heart, the Defense Meritorious Service Medal, the Army Meritorious Service Medal with three oak leaf clusters, the Air Medal, the Army Commendation Medal with "V" device and five oak leaf clusters, and the Army Achievement Medal. He also wears the Combat Infantry Badge, the Army Staff Identification Badge, and the Joint Staff Identification Badge.

Mr. Speaker, Major General Cannon deserves the thanks and praise of the nation that he has faithfully served for so long. I know the Members of the House will join me in wishing him, his wife of 35 years, Karen and his two children, Charles and Dianne, all the best in the years ahead.

HONORING DEB DULEY

HON. SCOTT McINNIS

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I would like to join the Colorado Coalition Against Sexual Assault in recognizing the dedication Deb Duley has exhibited to helping sexual assault victims in Colorado over the past 6 years. It would not be without her compassionate heart and an open ear that these victims receive the support they most delicately need.

Profiled for her volunteer work since 1995 in the Glenwood Springs Post, Deb has volunteered at least 48 hours per month at the Advocate Safehouse while maintaining a full time job as an engineering technician with Schmueser Gordon Meyers. Only a few years before her volunteering began, one of her friends was involved in a case of domestic violence that sparked the flame that fuels Deb's passion today. As noted by Julie Olson, the Executive Director of Advocate Safehouse, Deb has given up numerous evenings and nights to offer her assistance to victims of domestic violence and sexual assault. "She is truly a special star among the many stars in our advocate group."

Deb has spent many hours holding conversations and listening to victims. Unselfishly contributing her time and enthusiasm has assisted not only the victims themselves, but also the Advocate Safehouse Project that provides these helpful services in times of detriment and despair. Deb was one of the first advocates to complete the specialized training for the Sexual Assault Crisis Intervention Team, which was organized in 1996. In addition, she recently received the Victim Services Award from the Colorado Coalition Against Sexual Assault. Perhaps most notable are the lives she has influenced in the dark moments that overshadow the vitality of life. When people experience domestic violence or sexual assault they turn to people like Deb Duley for guidance, tenderness and compassion.

Mr. Speaker, through her volunteering, Deb has assisted many lives and I commend her on her public involvement. Although she maintains a humble character, it is with great admiration that I thank Deb and offer my congratulations on the Victim Services Award.

UCSC: TOPS IN RESEARCH

HON. SAM FARR

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 18, 2001

Mr. FARR of California. Mr. Speaker, it is with great pleasure and pride that I offer my congratulations to the students, faculty, staff, and administration at the University of California at Santa Cruz. The university has recently been named the second-best research institution in the world for physical sciences, based on the number of times research performed at UCSC has been cited by other scientists in journal articles.

Opened in 1965, UCSC began as the "Great Experiment" of the University of California system. The campus, home to both redwood groves and vast meadows overlooking Monterey Bay and the Pacific Ocean, has experienced a steady increase in enrollment to more than 12,000 students currently. The students, sons and daughters of farmworkers, doctors, teachers, and lawyers, have come with a common goal: to take advantage of the multitude of opportunities made available to them at this public university.

These opportunities continue to expand. A branch of the Institute of Geophysics and Planetary Physics opened on the UCSC campus two years ago. The campus was already home to the Institute of Marine Sciences and the Santa Cruz Institute for Particle Physics. The University of California Lick Observatory, utilized by researchers throughout the University of California system, is also headquartered at UCSC.

The success of the physical science program, and indeed of all the programs, at the University of California at Santa Cruz is due to the vision of the people who first studied, worked, and lived at the university. It is equally shaped by the dedication and hard work of those there now. They share a strong belief in the importance of improving the research facilities and academic opportunities while preserving the natural surroundings. This belief has fostered a unique academic community and I look forward to its continued success. Congratulations.

IN HONOR OF THE REVEREND MARVIN DAVID WILLLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Marvin David Williams, Pastor and Founder of the Greater St. Stephen United Church of God, in recognition of his service to both his church and his community.

Reverend Williams, born to the late Reverend Norman Williams and Rossie Lee Williams in North Carolina, was reared in the St. John Missionary Baptist Church where he accepted Christ at a young age. He graduated from the Pender County public school system with honors and furthered his education at the City University of New York where he earned a degree in Public Administration. Reverend Williams extensively studied Theology at the Bethel Bible Institute.

With his mother's passing immediately prior to his high school graduation, Marvin Williams moved to Brooklyn where he found work in order to send money home to his younger siblings for their education. He joined the United Pentecostal House of Prayer where he accepted his call to the ministry. After 18 years of faithfully serving at the United Pentecostal House of Prayer, he accepted the assistant pastorship position at St. Matthew Glorious United Church of God. After serving in the position of assistant pastor for four years, Reverend Williams founded St. Stephen United Church of God in 1974, which was renamed Greater St. Stephen United Church of God after moving to its new home in 1980.

As Pastor, Marvin Williams' church operates as a non-profit community based organization that offers a variety of community programs including a soup kitchen, food pantry, clothing bank, as well as both after school and summer day camp programs. Reverend Williams is also renowned for sponsoring programs, which assist individuals in moving towards self-sufficiency by helping them to get jobs by training them, and building connections with agencies that will hire.

Reverend Williams' success in the Church has not been limited to being the founder of the overwhelmingly successful Greater St. Stephen Church, but also extends to his exaltation to the office of Overseer as well as his consecration as a bishop in 1998. Bishop Williams also serves as Chairman of the General Board of Directors of the United Church of God of America Incorporated in addition to holding membership on many other prestigious boards.

Bishop Williams is married to Callie Louise Powell. Together they have been blessed with eight children, thirteen grandchildren, and a host of godchildren.

Mr. Speaker, Reverend Marvin David Williams devotes his life to serving his community through his church. As such, he is indeed worthy of receiving our recognition today. I hope that all of my colleagues will join me in honoring this truly remarkable man.

IN SUPPORT OF THE FALUN DAFA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. TRAFICANT. Mr. Speaker, today I would like to recognize the determination and perseverance of the Falun Dafa, a peaceful movement seeking freedom to think as they wish and believe as they choose.

But freedom they cannot have, as long as the Chinese-dictatorship government remains strong; i.e., as long as the rest of the world is willing to ignore the pervasive human rights abuse ongoing throughout China.

The Chinese government is "cracking down," i.e., executing as many followers they can capture, while much of the rest of the world looks the other way. Unbelievably, the world even awards China as host of the 2008 Olympic Games—Games meant to celebrate life and the human spirit. China celebrates neither; rather, China bathes in blood. As Amnesty International recently reported, more people have been executed in China during the past three months than in all the rest of the world during the past three years.

I support the efforts of the Falun Dafa to realize freedom, and pray that the day may soon come when the citizens of China, and all the world, will be free to worship the religion of their choosing and enjoy the basic human right of religious freedom. That is what the Pilgrims came to America for, and it is disheartening that freedom remains elusive for so many people nearly four-hundred years since the Pilgrims' perilous departure across the seas.

It is past time for America and the world to take a proactive stand against the alarming human rights abuse in China. As we speak, another will likely be executed, or as the Chinese officials may report, another will commit "suicide."

Ladies and Gentlemen, we are looking down the fangs of a dragon. There have been forty-nine Falun Dafa deaths reported in the past month; tens of thousands are suffering in labor "re-education" camps where the use of torture, forced confessions, arbitrary arrest, rape, and denial of due process are reportedly rampant. We must stop this death and dying at the hand of Communist Chinese dictators. I hope that the world will soon unite in proactive support for the freedom of mankind that so many have given their lives for. Let them not die in vain.

I appreciate this opportunity to lend my support to the efforts of the Falun Dafa Practitioners to realize freedom, and I wish them well in their quest for this ideal. May this serve as opportunity for the world to do right.

IN HONOR OF GEORGE GOODDECURNOU'S COURAGE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, sometimes there are people that inspire others, just by living, George GooddeCurnou is one of those rare people. George has been faced with the strongest of adversity and has slowly triumphed. His survival after what should have been a fatal accident four years ago is due in part to a miracle, but also due to George's fighting spirit.

Four years ago, George an avid cyclist from Golden, Colorado, was riding in a race in Santa Fe, New Mexico when a drunk driver crashed into him at seventy miles per hour. It was a miracle that George was still alive when his wife, Luann, was rushed to his side in the emergency room. Luann's training as a physical therapist alerted her to the immediate conclusion that there would be severe brain damage, when she noticed that George's right hand was clenched in a fist. The severity of the damage would be unclear until George woke up from his coma. Doctors predicted that George would never walk again, and that his mental capacity would be diminished. George rejected this prognosis, and has gone through numerous types of therapy to achieve his new goal, to ride in a 100-mile bike tour again.

George has come along way in four years, he now speaks complete sentences, although the effort exerted to express his thoughts is great, he does not give in. George's refusal to accept his injury, and his chance meeting with the therapist Rick Olderman, are the factors that brought George to another race in Santa Fe. Rick understood George's need to ride a bike once again, and gave him the encouragement George needed. Three years after the accident George was on a bike again. Although the ride lasted only five minutes, it exhausted George, but left him with a feeling of gratitude. Four years later amongst the other two thousand cyclists, George GooddeCurnou, mounted his bike. He pedaled for 29 miles, leaving him with a mixed feeling of pride and sadness.

George has already set a goal of 50 miles next year for the race in Santa Fe, and will continue to push himself to the limits. His fighting spirit and courage against adversity is an inspiration to all, and that Mr. Speaker, is why I believe Congress should honor George. I wish him the best of luck in life, and I will be rooting for him to accomplish next year's goal of 50 miles in Santa Fe.

TRIBUTE TO HELEN H. SMITH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Helen H. Smith of Marion, South Carolina, who is retiring after a long and distinguished career in public service. I join the citizens of Marion County in expressing our deepest gratitude for her outstanding service.

Helen Smith was raised in Marion, South Carolina. After graduating from Mullins High School, she attended Columbia College. She and her husband, Mr. Rupert W. Smith, Jr., are the proud parents of Rupert W. (Smitty) Smith, III. Mrs. Smith has worked for Marion County for twenty-one years, retiring as the Director of the Marion County Voter Registration and Election Commission. She distinguished herself by graduating from the Institute of Government for County Officials, and became a key figure in the South Carolina Association of Registration and Election Officials, commonly known as SCARE. Mrs. Smith has served SCARE as Director of the Sixth District, Second Vice President, First Vice President, and President. She also served as the historian of SCARE, and wrote the first history of this Association.

Mrs. Smith has received much recognition for her contributions to the Marion County community. She was honored with three outstanding service awards from the SCARE Association, was the recipient of the Betty Moore Award, and was presented with two awards from the South Carolina House of Representatives in recognition of her contributions to the election process.

Mr. Speaker, I ask you to join me today in honoring Helen H. Smith for her many years of service to her community and for her significant contributions to the South Carolina election process. I wish her the happiest days in a well-deserved retirement.

REGARDING THE ANNIVERSARY OF CHERRY v. MATHEWS

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Ms. McKINNEY. Mr. Speaker, July 19 is the 25th anniversary of U.S. District Court's landmark decision in the infamous case known as Cherry vs. Mathews. This historic ruling has paved the way and established equal and just civil rights for America's disabled citizens. 25 years ago, disabled Americans did not have access to many federal buildings, schools, public transportation, and voting booths.

An undue burden was placed upon citizens with disabilities, and they were not treated with the respect, courtesy, and equal opportunity that all Americans should be afforded.

Dr. James L. Cherry, a Georgian, led the fight to insure that disabled-citizen rights were acknowledged and protected. Dr. Cherry's suit against the Department of Health, Education, and Welfare brought about not only changes through the courts; it renewed and confirmed our Nation's belief that equal opportunity is an unalienable right for all.

I would like to thank Dr. Cherry for his courage, commitment, and foresight. As we observe the 25th anniversary of Cherry vs. Mathews, we are all reminded that our great nation was built upon a foundation of principles and equality and that has been sustained by the ideals of opportunity and justice.

A TRIBUTE TO GERALD JOSEPH RENUART, A MAN THAT HAS GIVEN SO MUCH TO HIS COMMUNITY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. SHAW. Mr. Speaker, I rise today to honor the late Gerald J. Renuart for his tremendous contributions during his lifetime.

Born in Coral Gables, Florida, Jerry received a business degree from the University of Miami and a masters degree from Nova University.

Jerry, a retired Naval officer, held the positions of Town Clerk and Manager in Surfside, Florida for nine years. He then became City Administrator for Lighthouse Point, Florida, a position he successfully held for 23 years. Jerry was past president of the American Society of Public Administrators and Municipal Finance Officers of America, and received a special award from Jimmy Carter for outstanding service to the community and nation. In addition to his outstanding community service, Jerry spent 25 years in the Boy Scouts of America as Scoutmaster for state and national Jamborees, round table commissioner, and district chairman. He was honored with the Silver Beaver Award, scouting's highest honor, earlier this year for his dedication to scouting.

Jerry's accomplishments did not end there. He was also a devoted husband of 40 years to the former Maureen Geller and devoted father to his children.

Mr. Speaker, Gerald Renuart devoted his life to serving his community and nation. He will always be remembered for his service to the community and should be looked at as a role model to our society. As such, Jerry and his family are more than worthy of receiving our recognition today. On Friday, July 20, Jerry will be recognized for his lifelong contributions with his interment at Arlington National Cemetery. I hope all of my colleagues will join me in remembering and honoring the life of this remarkable man.

HONORING ELMER JOHNSON FOR HIS WORK WITH COLORADO LEADERSHIP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I stand here today to honor and remember Elmer A. Johnson, who gave of himself throughout his life to serve his country and the citizens of Colorado. Elmer, a true patriot, was a man blessed with outstanding business and leadership skills. His presence will surely be missed.

Elmer was a devoted husband and father who was married to his wife, Philomena Mancini, for fifty years until she passed away. He gave his wife, his son, Robert, and his two granddaughters much to be proud of.

In 1941, his patriotism drove him to enlist in the Army Air Forces, where he rose in rank to serve as master sergeant in the China-Burma-India theater during World War II. It was following the war that he began running his father-in-law's printing business and editing a weekly newspaper.

Then, in 1958, he was elected for the first of three times to the Colorado State House. He earned a distinguished reputation with those who knew and worked with him there, including former state Rep. Wayne Knox whom The Denver Post quotes as saying, "He was a very well-respected, reasonable, moderate legislator," and "a nice guy, a very good guy." Elmer had the honor of chairing the House Finance Committee and served on the Joint Budget Committee as well as on the Legislative Council.

His drive to serve others didn't stop there, however. In 1963, he began working as Manager of Revenue and Director of Budget and Management for the City of Denver. He also served on the Executive Board of the Colorado Municipal League and became president in 1970. Incredibly, he also found time to serve as a board member of the Regional Transportation District, and as a member of the Sons of Norway. In addition, his leadership stretched to serving for a term as the International President of the Municipal Finance Officers of the United States and Canada.

Mr. Speaker, Elmer Johnson was a distinguished veteran, a devoted father and husband, and a selfless leader. Today, I would like to pay him tribute on behalf of Congress for his lifelong dedication and honest leadership to the people of the United States.

RECOGNIZING DR. J.R. TURNER, TROUP COUNTY, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BARR of Georgia. Mr. Speaker, a half-century of being on call 24 hours a day, seven days a week, is about to come to a close for Dr. J.R. Turner, of Troup County, Georgia. Dr. Turner's resume could boast of 2,500 baby deliveries, never losing a mother, never being sued, and countless house calls.

Raised in Gay, a small community in Meriwether County, Georgia, Dr. Turner grew up on a farm and was destined to go into agriculture, until a discussion with a medical student encouraged him to shift gears and go into medicine, "because he could borrow money for school." Not only were the finances appealing, but he felt being a doctor he could be his own boss, which is something he always wanted to do.

During his junior year in college he enrolled in a Navy program that paid for his tuition, in return for two years of service after completing medical school. Dr. Turner graduated from the Medical College of Georgia in 1944, and interned at Egleston Children's Hospital in Atlanta.

The end of medical school saw Dr. Turner serving his time for the Navy, stationed in Guam, and working in a leper colony. He started his private practice in July 1947 in Greenville. During that time he met and married Dorothy Allen; they had 11 children and were married for over 50 years, until her death.

The year 1950 saw the opening of Dr. Turner's LaGrange office, and soon afterwards his purchase of an EKG machine. He took time away from his practice to attend Harvard Medical School for EKG training, and in 1953 studied internal medicine at Grady Hospital in Atlanta.

Dr. Turner served as Chief of Staff at West Georgia Medical Center twice, and has also served on its board of directors. He represented Troup County as a delegate to the Medical Association of Georgia.

His free time from now on will be spent hunting, fishing, and just plain doing nothing. Thank you, Dr. Turner for the countless years of service you have given to the folks of Troup County and surrounding area, and for the thousands of lives you have brought into the world.

INTRODUCTION OF LEGISLATION TO REQUIRE FEDERAL AGENCIES TO IDENTIFY AND RECOVER ERRONEOUS PAYMENTS MADE TO CONTRACTORS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BURTON of Indiana. Mr. Speaker, today I am introducing the "Erroneous Payments Recovery Act of 2001." This bill would require Federal departments and agencies to use a process called recovery auditing to identify and recover overpayments made to government contractors.

Overpayments occur for a variety of reasons, including duplicate payments, pricing errors, missed discounts, and fraud. They are payments that should not have been made or that were made for incorrect amounts. They are a serious problem. They waste tax dollars and detract from the efficiency and effectiveness of Federal operations by diverting resources from their intended uses.

Since most agencies do not identify, estimate and report their improper payments, the full extent of the Federal government's overpayment problem is unknown. However, the General Accounting Office has reported that each year the Department of Defense alone overpays its contractors by hundreds of millions of dollars.

My bill would require Federal agencies procuring more than $500,000,000 in goods and services each year to carry out recovery auditing programs. Agencies could either conduct recovery audits in-house, or they could use private contractors, whichever is most efficient. Part of the money recovered would be used to pay for the recovery audits and to credit appropriations accounts from which the erroneous payments were made. Amounts recovered would also be used by agencies to improve management practices and would be refunded to the General Treasury.

In the last Congress, the Congressional Budget Office estimated that the "Erroneous Payments Recovery Act" would save taxpayers $100 million per year by giving agencies the tools and the incentive to implement recovery auditing programs to detect mistaken payments. The bill passed the House in March of 2000, but it stalled in the Senate and didn't make it to the President's desk for his signature before Congress adjourned.

Recovery auditing is an established private sector business practice with demonstrated financial returns. It has also been successfully used in a few Federal programs. Also, President Bush has identified reducing payment errors as one of a series of management reforms to be pursued by the Office of Management and Budget.

The "Erroneous Payments Recovery Act of 2001" would expand the Federal government's use of recovery auditing to ensure that the hundreds of millions of dollars overpaid each year, that would otherwise remain undetected, are identified and recovered.

I urge my colleagues to cosponsor this legislation.

IN MEMORY OF BOB PRIDDLE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. LAFALCE. Mr. Speaker, I would like to share with you and my colleagues a very special remembrance of a dear personal friend of mine, Robert B. Priddle, who passed away on April 13, 2001. I had known Bob Priddle for nearly 30 years; his wife, Elvi Hirvela Priddle, was my district secretary in Buffalo for nearly 20 years. It is my hope that anyone in this Chamber who has been blessed with the gift of a loyal and devoted friend will appreciate the sentiments expressed in the following eulogy given at the memorial service for Bob by my long-time district aide and close friend of Bob and Elvi Priddle, Becky Muscoreil.

IN MEMORY OF BOB

We are gathered here this morning not to mourn, but to celebrate the life of our friend, husband, father, grandfather, brother, uncle, cousin, nephew, Robert Bruce Priddle. We are here to share wonderful memories with each other that will help sustain us in the days ahead and to hold onto him, each in our own way. I know I cant hold a candle to Bob's oratorical ability to tell great stories, the way he could keep you spellbound and believing every word until, with a perfectly straight face, he would lay it on you and you would realize you'd been totally taken in, bamboozled. But I will try my best to draw a picture of this fine man who we all loved so much because he gave so much of himself to us. Thank you, Elvi, for giving me this honor today.

Bob was born on September, 23, 1931 on Crowley Avenue at his parents', Robert (a salesman) and Genevieve's home. They moved to Grant Street in Lockport, where Bob's Dad passed away in 1935, shortly after Donnalee was born. Then his mother moved Bob and Donnalee to North Buffalo and about 5 years later married Orvard Seeburg when Bob was 9. Bob attended Kensington High School (this is where he met the love of his life, Elvi Hirvela in geometry class) but dropped out to join the Navy in his senior year. He served as an electrician on the communications ship, USS *Mount Olympus* and traveled to the Mediterranean region and Cuba at the time of the Korean War. Once when the ship was in dry dock, Bob was assigned to peeling potatoes and as he was putting the peeled potatoes into a huge pot with water in it, he became terribly seasick watching the water go up one side of the pot and down the other as the ship rocked back and forth in dock. Needless to say, he was quickly reassigned and we may never know about those poor sailors who enjoyed their mashed potatoes that night.

After the Navy, Bob returned home and courted Elvi and they were married at Elvi's mother's home on April 17, 1954, Bob was 22 and Elvi claims she was 12 or so. Karen was born in 1955 and Sue and Sandy in 1958. Bob went back to night school to complete his high school education and began working at Schuele & Co. in their warehouse, but his talents were soon recognized and he was promoted to sales where he remained for about 7 years until he moved on to work for Cook & Dunn and after that as an assistant sales manager at MacDougal & Butler. Later, he joined up with his uncle and became manager of McCorney's Decorating Center in Lockport. Prior to his retirement in 1991, he worked for Ellicott Paint and Wallpaper.

I think we will always remember Bob's captivating charm and when you added that to his uncanny sales ability, he would have made a great politician. But instead, he became involved in politics when he met his match, John LaFalce, through the Jaycees. Bob was a Democrat of the Roosevelt/Truman/Kennedy legacy and he devoted himself to John's campaigns, giving all the time he could to ensuring John's first election to state office and on through the early Congressional campaigns. He drove John to the ends of the district and eventually learned the locations of every bowling alley, bingo hall and fire hall in four counties. He and Jim Pries would be up and out by 5 a.m. or earlier every election day putting up poll signs, checking on voter turnout and crunching numbers after the polls closed. During those early campaigns, Bob was known as the "General" and Jim as the "Colonel"—one of the first things the young, green campaign workers learned was that you didn't mess with those two. They were the 'body guards' and Big Guy's confidantes. They were to be feared in a respectful way.

Jim remembers the first time he met Bob over the fence that separates their back yards. And within minutes, Bob had him joining the Jaycees and working with him on the campaigns. He was convincing and compelling and it was always difficult to say "no" to him. Jim said that "life was never the same after meeting Bob"—on that, we can all agree.

As you know, Bob was very active locally and nationally in the Jaycees and the Jaycee Senate—there were years when we always had to refer to him as "Senator." He joined the Kenmore-Town of Tonawanda Jaycees in the mid-60s and served as Secretary and Vice President. He was awarded his Senatorship in 1982 and served a term as President of the NYS from 1989 to 1990 and Region II Vice President from 1990–1991. He belonged to chapters in Florida, West Virginia and New York. He is best known for initiating the "First Thursday" club, a group of local Senators who meet once a month on the 1st Thursday for dinner, and later he organized the Jaycees/Senators Retirees Luncheon Group which meets on the third Monday of each month.

Jim Pries recalled an interesting trip to a Jaycees convention in Atlanta in 1971 to which he and Bob and John LaFalce traveled together. Bob decided to take his camper-trailer to save on their hotel costs, but unfortunately, when they arrived at their destination, the camper blew over and they couldn't get it upright. John said not to worry, he had a friend in the area who was a priest and he would call him to see if he could help find them a place to stay. Lo and behold, the priest welcomed them to stay at a local convent overnight and you can only imagine how much fun Bob had with that story. He told them he couldn't wait to get home and tell his strict, Baptist mother where he had spent the night.

Every person in this room today, in remembering their relationship with Bob, has a story to tell that will make us laugh and shake our heads knowingly, saying, "yep, that was the Bob we knew" with that devilish grin and a sparkle in his eyes that couldn't help but draw us to him. Over the past few days, I've collected a few of these stories that epitomize the character and personality of this wonderful man we will never forget.

Karen remembers when she was about 14 or 15 and babysat for one of Bob's Jaycee friends, David Shenk, on Parkhurst Blvd. She came home about 3 a.m. and went to her room to get ready for bed and as was her habit, shut and locked her door. When she tried to open it to go to the bathroom, the door handle just kept turning around and around and she couldn't get out. She started banging on the door and yelling "Mom, Dad, help, I can't get out" and after a few minutes both Elvi and Bob came to her door and tried and tried to open it from the outside without success. Finally, Bob decided the only thing he could do was to go and get the ladder and either get Karen out through the window or at least get in and try to get the door open from the inside. So here it was, about 4:30 in the morning, Karen opens her window and Bob is climbing up the ladder and Karen starts shouting out the window "Hurry before my father hears you." In a very low and quiet voice, he said "shut up" trying hard not to break out in laughter so as not to wake up the neighbors. But I seriously doubt he could hold it in. Kind of reminds you of a scene from "I Love Lucy," doesn't it? Karen remembered another incident involving Dave Shenik—it was his birthday and Bob, Bill Castle and Ralph Vanner thought it would be really funny to put a sign on his lawn. So they went and got a sandwich board and wrote on it, "Honk to wish me a happy birthday and stop in for a beer," and they put it on his front lawn. What they didn't know is that Dave wasn't home and a relative was there babysitting his children. People were honking like crazy and a couple tried to cash in on the beer offer, banging on the door and windows and terrifying the babysitter.

In 1985, when Kristen was born, Sandy was in Kenmore Mercy Hospital and at that time, they still had strict visiting hours for maternity. But as we all know, that wouldn't stop Bob from visiting his daughter and granddaughter. He walked up to the front desk and gave Sandy's name and when he was advised visiting hours were over, he announced that he was Mrs. McInerney's pastor and of course, was allowed right in. Only Bob could get away with that, with a straight face, no less.

One of Sue's favorite stories from her Grandmother Seeburg was from Bob's childhood. He was about 6 years old and came home early from school one day. When his mother asked him why he was home so early, he claimed that the store across the street from the school burned down and they let all the kids leave early. Mrs. Priddle's suspicions led her to walk over to the vicinity of the school where, of course, she noticed the store in question was still intact. We probably don't want to know what happened when she returned home. But at least we now have a better understanding of the early development of Bob's storytelling ability.

One of Elvi's favorite stories is about a cold winter morning when Bob was working at McCorney's in Lockport and had to be there early to open up for business. But he went out to start his car and found the battery was dead. He came back in the house and called Triple A and was told it would be at least an hour or more before they could get to him. He told the dispatcher, "Look, you've got to help me out here, I stayed overnight at my girlfriend's house and her husband is going to be home any minute." The poor fellow on the phone was overcome with sympathy for the situation and needless to say, a truck was in the driveway in a matter of minutes. Bob arrived at work with time to spare and probably pretty proud of himself for such a coup.

For those of you who know Kate, one of Bob and Elvi's two lovely granddaughters, you may know she has become somewhat of a connoisseur of French onion soup, thanks to her grandfather. It seems that one evening at dinner at Cameo's when Kate was about 8 years old, Bob had ordered the French onion soup and it had lots of cheese on top. Kate thought that looked pretty good and asked to try some and Bob,of course, obliged. From that day forward, she shared this special bond with her granddad and can tell you where to go to get the best French onion soup in town.

Donnalee has visited many times since Bob was admitted to McAuley on March 17, 1998. She remembers the first year he was there and was still pretty mobile and managing to get to the far corners of the building in his wheelchair. He happened upon a new maintenance man and struck up a conversation asking him how long he had been there, where he was from, etc., perfectly normal for Bob. Then he said to the man, "Do you know what my job is here?" And the maintenance man looked at him kind of funny since he was quite sure he was a patient, but was kind enough to go along with him and said, "No, what do you do?" Bob said, "I am the elephant chaser." The man, a bit perplexed, answered, "Oh, really?" and Bob replied, "Well, you don't see any elephants around here, do you?"

All of us who knew and loved Bob realized that patience wasn't exactly one of his primary virtues. When he Was in Buffalo General Hospital in January of 1998, he needed a nurse, but when he rang the buzzer a few times, no one came. So he picked up the phone and dialed "911" and told them they had better hurry up and get a nurse in there for him.

One time when Bob and Joe met at Brighton Golf Course, they teed up on the first hole, a par four and Bob hit one heck of a swing but unfortunately, hit the maintenance barn, way too far to the right. He was a little disturbed, but set up another ball and swung and again hit the barn. He started saying some very bad words about the golf balls he was using, but teed up for a third time and this time hit over the barn and into the parking lot. He turned to Joe and said, "I probably should have had that second Manhattan to straighten out my swing."

I think it is safe to say we are all better for having known this loving, kind, funny and loyal man who was so devoted to his family and friends. Eleanor Roosevelt once said, "Many people will walk in and out of your life, but only true friends will leave footprints on your heart." Throughout the rest of our days, may we always have Bob Priddle's footprints on our hearts.

HONORING FLORENCE HOFFMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I am proud to honor Florence Hoffman on receiving the Jackson County Council on Aging 2001 Senior of the Year Award. Florence's giving heart and gentle spirit have been instrumental in the Council's success. I am encouraged by her determination and willingness to help others and would like to take this moment to honor her.

Florence is a long-time resident of Cowdrey, Colorado. After her husband passed away, Florence came to rely on the community's senior citizens' OATS van, which provides alternative transportation for those who request its aid.

Mr. Speaker, the contributions that Florence has put forth certainly deserve the praise and admiration of this body. Florence has made significant monetary contributions annually to the service and also offers sizable increases to the usual fee for each ride that she takes. Her notable acts of selflessness have bolstered the OATS van and have ensured its consistent availability to the senior citizens of Jackson County.

It is with great pleasure, Mr. Speaker, that I congratulate Florence Hoffman on being named the 2001 Senior of the Year by the Jackson County Council on Aging. I would like to say thank you for the donations made to the service, which the entire elderly population in the area depend so much upon. We are proud of you, Florence!

TRIBUTE TO NANCY G. BACA ON THE OCCASION OF HER RETIREMENT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BACA. Mr. Speaker, I rise to salute Nancy Baca, of Barstow, on the occasion of her retirement on July 3, 2001. Nancy has had a distinguished career of outstanding service, spanning 34 years at the Marine Corps Logistics Base at Barstow, California, for which she has received 13 awards and promotions. These awards recognize her skill and acumen at accounting, express appreciation of her hard work and extra efforts, and salute her notable achievement of saving money and promoting efficiency at the Base.

Through her overtime, persistence, and relentless pursuit of cost-effectiveness, Nancy has contributed to saving the Base from closure. The Base plays a pivotal role in the community of Barstow, as an employer and a resource, so we should all be grateful to Nancy and others who have worked to strive for excellence.

This is not just about protecting a community, this is about standing up for the vital interests of our nation, for the Marine Corps Logistics Base at Barstow is essential for testing and repairing vehicles for the Marines. Barstow has special equipment, including water immersion facilities, to ensure that when a vehicle leaves the facility, it is in fighting shape for the mission that lies ahead. As a veteran who has worn the uniform of the United States, I can attest to the peace of mind that comes from knowing our nation has the finest Logistics facilities of any fighting force. For ultimately, the battle is won as much by dedicated workers like Nancy as it is by the labors of the soldier in the field.

Nancy's story is about working hard, overcoming impoverished circumstances, seeking to better oneself and one's family by embracing opportunities. It is the story that many individuals of my generation have embodied, indeed, one my own family experienced growing up. It is the process by which our nation renews itself. It is about the dedication and hope of parents, about their striving for a better world for their children. It is about education and hard work. It is about the Latino experience.

Born on February 14, 1938, and raised in Valencia, New Mexico, in a very poor family of 10 children, Nancy moved to Barstow, California, in 1954, when her father came to Barstow to work on the Santa Fe Railroad. Nancy graduated from Barstow High School in 1957, married Morris Baca, began a family, and started in 1966 as a GS II/Keypunch Operator at the Marine Corps Logistics Base, in Barstow, California. She took accounting classes, ultimately playing a key role in the accounting and budgetary operations of the base.

Through it all, Nancy has been a dedicated parent of four children: Yolanda Minor, Berna Hawkins, Anthony Baca, and Anita Lo. For years she accompanied her children to baseball practice, judo matches, girl scouts. Her children have gone on to great success, completing schooling, and pursuing careers that span the courts, health care, and other professional endeavors. She has encouraged her children to stay in school, to work hard to succeed; and it shows in everything they do. Nancy is also a devoted grandmother and great grandmother, and loving daughter, caring for her 91½-year-old mother.

Throughout her labors, Nancy has found time to travel the world, visiting Germany, France, Italy, Spain, and our Nation's Capitol. She wants to take some short cruise trips, now that she is retired, and become more involved in exercise activities. One can tell that there is no slowing Nancy down—she is still taking the world by storm!

Mr. Speaker, this is the promise of America, that the daughter of a railroad man can serve our nation with distinction and see the rolling hills of Europe, the sunset over the Seine, the canals of Italy, the dusty villas of Spain. She can gaze at the panorama of our Nation's capital, and marvel at its monuments. She has the freedom that is the birthright of every American, freedom she has helped preserve in her work at Barstow!

And so, I wish Nancy many fine years of active retirement, and the joy that comes through bringing in the harvest of one's labors. I wish her golden sunsets with her children, lazy days with her grandchildren and great grandchildren, and all good things in life. I wish her God's blessings and good wishes on this fine occasion. We are all proud of you, we all salute you, as you embark on this new and exciting chapter in your life.

HONORING THE DISTINGUISHED CAREER OF GENE SMITH

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. GORDON. Mr. Speaker, I rise today to congratulate Dr. Gene Smith for his many accomplishments as an educator and interim president at Middle Tennessee State University. Dr. Smith will end his outstanding career in the higher education arena on August 1 when he retires.

Dr. Smith is an MTSU alumnus who came home to finish his career. After 37 years as an administrator and educator at the University of Memphis, Dr. Smith agreed to guide MTSU through a period of adjustment while the school sought a permanent president. Dr. Smith took the helm at MTSU on October 1, 2000

Dr. Smith, who grew up next door to the Murfreesboro, Tennessee, university in neighboring Wilson County, received his undergraduate degree from MTSU in 1957. He went on to receive his master's degree from the University of Memphis and his doctorate from the University of Mississippi. Dr. Smith also has authored numerous publications.

During his short but productive tenure at MTSU, Dr. Smith kept the university of 19,000 students on a steady course. He made sure gains continued in the school's highly touted academic programs, and his leadership helped MTSU's athletic department earn the Sun Belt Conference's top award for excellence—the Vic Bubas Cup—after just one year in the conference.

The entire MTSU community has profited from Dr. Smith's stewardship. I congratulate Dr. Smith for his outstanding career in higher education and wish him the best in his future endeavors.

INTRODUCTION OF ECONOMIC REVITALIZATION TAX ACT OF 2001

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CRANE. Mr. Speaker, today I am proud to introduce with my colleagues the Economic

Revitalization Tax Act of 2001. This legislation is designed to revitalize one of America's most important economic partners. The Commonwealth of Puerto Rico, home to 3.9 million U.S. citizens, purchases over $16 billion a year in goods and services from the rest of the United States. A strong economy in Puerto Rico helps generate over 320,000 jobs in the U.S. mainland.

A strong Puerto Rican economy should be important to all of us. We need to recognize that since October of 1996 manufacturing employment in Puerto Rico has declined by 16,000 jobs, a drop of over ten percent. No other U.S. jurisdiction has lost manufacturing jobs at such a high rate. In calendar 2001, a growing number of American companies, including Intel, Coach, Sara Lee, Phillips Petroleum, Star Kist and Playtex have announced that they will close or reduce operations in Puerto Rico. This will entail a loss of more than 8,700 additional direct jobs. These jobs are being lost to foreign competitors.

Puerto Rico's main competitors enjoy significant advantages. For example, Singapore, Malaysia and Mexico have significantly lower wages and fringe benefits. Ireland enjoys low transportation costs and duty-free access to the European Market. Malaysia and Mexico not only have much lower wage costs but have less stringent environmental, health, safety and welfare standards.

To reverse this trend, today we are introducing legislation that will help make Puerto Rico more attractive to investors. Our bill simply states that if you invest in Puerto Rico instead of in a foreign country, you may bring your profits back into the U.S. at a preferred tax rate. This will not only help Puerto Rico directly, but it will also help the American economy by returning profits to the U.S. where they can be invested in other job creating activities.

In 1993 Congress imposed significant restrictions on the value of these tax incentives to raise more than $3.7 billion in revenue to help balance the federal budget. In 1996, Congress approved a ten-year phase-out of what remained of these provisions (section 936 and section 30A of the Internal Revenue Code) to offset more than $10 billion in the cost of federal tax benefits enacted to alleviate the impact of the increase in the minimum wage. This legislation is Puerto Rico's best opportunity to participate in the tax reduction measures that Congress enacted earlier this year. Puerto Rico helped reduce the budget deficit. It is now time for the U.S. citizens of Puerto Rico to benefit from the budget surplus.

HONORING JIM SAMUELSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, today I would like to honor a man whose contributions should be looked upon as an inspiration to all. James Samuelson, longtime resident of Glenwood Springs, recently passed away. James served in World War II, flourished as co-editor and publisher of The Glenwood Post, volunteered in his community, and gave his time and contributions to help those in countries less fortunate than our own.

As we mourn his passing, Jim will be remembered for his dedicated service with the Army Medical Corps during World War II. During his committment, Jim served in many places including North Africa, Sicily, and Italy. After the war, Jim pursued his journalism career where he used his skills working as co-editor and publisher of The Glenwood Post with his brother, John, until 1966, after which he earned his Masters of Education from the University of Wyoming.

Thoughout his life, Jim enjoyed many activies such as skiing, fly fishing, and playing sports. He also was an active volunteer with the Lions Club, American Legion, and the Mountain View Church. As we remember his life, let us not forget Jim's efforts to aid those less fortunate living in foreign countries where he helped establish medical clinics for the underserved in both Haiti and Mexico.

For 55 years, Jim was married to his wonderful wife, Marilyn. Together, he and Marilyn raised a daughter and five sons, and were the proud grandparents to fourteen and great-grandparents to two. He and Marilyn enjoyed traveling to such places as Europe, Israel, and Turkey, making their last trip just three years ago.

It is with this, Mr. Speaker, that I honor Jim Samuelson for his many contributions throughout his life. His formidable efforts deserve the praise and admiration of us all. His service to his community, and to those less fortunate, is something that we should all seek to emulate. I know I speak for everyone who knew Jim when I say he will be greatly missed.

ECONOMIC REVITALIZATION TAX ACT OF 2001

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. RANGEL. Mr. Speaker, I have joined a number of colleagues today as an original cosponsor to a very important piece of legislation, the Economic Revitalization Tax Act of 2001. This legislation will provide an incentive for U.S. companies that have international operations to invest in Puerto Rico, instead of in competing foreign countries, and to bring their profits back to the United States. Under this legislation, these U.S. companies will be able to lend or invest in the United States most of their profits from their Puerto Rico operations free of tax to their U.S. parents, or, in the alternative, to repatriate dividends with the benefit of an 85 percent dividends received deduction.

This legislation is necessary to protect the over 320,000 jobs in the U.S. mainland that depend upon a strong Puerto Rican economy. Historically, economic growth in Puerto Rico has paralleled or exceeded that of the United States. Since 1996, however, economic growth rates in Puerto Rico have averaged 21 percent less than in the United States. The divergent paths of the U.S. and Puerto Rico economies since 1996 would be even more dramatic were it not for the fact that Puerto Rico has received over $4 billion of private insurance and FEMA disbursements as a result of Hurricane Georges.

Puerto Rico is a vital member of the American family. The new administration of Governor Sila Maria Calderón, is continuing the vision of a prosperous Puerto Rico originated by the legendary Luis Munoz Marin. She is implementing a coherent development plan that will make that vision a reality. Governor Calderón understands that reform of the Commonwealth government and its economic development policies are necessary for Puerto Rico's economic development. She is doing this in close collaboration with business and community leaders in Puerto Rico.

Success in Puerto Rico requires action in Washington as well. The negative impact of the loss of federal tax provisions to offset Puerto Rico's disadvantages is becoming painfully evident. New federal tax incentives are a vital part of what is needed to bring Puerto Rico back to a dynamic economic development path.

The U.S. citizens in Puerto Rico deserve and expect this Congress to join them in an effort to revitalize their economy. If we do not do this out of principle, we should do it out of self-interest. What is good for Puerto Rico is good for the United States. More and better jobs in Puerto Rico mean more payroll taxes paid into our Treasury and more jobs in the U.S. mainland.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OWENS. Mr. Speaker, because I was unavoidably detained, I missed the following rollcall votes:

Rollcall vote No. 229—S. 360; rollcall vote No. 230—H. Res. 195; rollcall vote No. 231—H.J. Res. 36 and rollcall vote No. 232, final passage of H.J. Res. 36.

Had I been present, I would have voted "yea" on rollcall vote 229; "nay" on rollcall vote 230; "yea" on rollcall vote 231, and "nay" on rollcall vote 232.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mrs. JONES of Ohio. Mr. Chairman, over the past decade, the number of women in the

Federal Prison system has grown by 182 percent, compared to 152 percent for men. Prison has never accommodated the needs of women prisoners well. And while health care available to low-income women is poor, women in prison face terribly inadequate medical care.

Although all women in federal prison receive annual OB–GYN exams, the ban on federal funds for abortion services is a direct assault on women's reproductive health care. There are many reasons why women decide not to bear children. Abortion has been a legal health option for women for almost 30 years. But because women in federal prison are more likely to be poor and minority, the ban prevents these women from controlling their own bodies.

Women who are able to pay for abortion may use their own funds to do so, however, jobs available to prisoners pay at a rate of 23 cents to $1.15 per hour. This means that inmates make anywhere from $4.80 to $16 per week. At this rate, very few inmates are able to make enough money to pay for an abortion. The ban on the use of federal funds effectively forecloses their opportunity to obtain these health services.

Imprisonment is a necessary punishment when the law is broken. Imprisonment does not mean, however, that prisoners have no right to safety and medical care. Poor medical care is not punishment, it's a denial of fundamental rights.

I urge my colleagues to vote in favor of the DeGette amendment.

HONORING PUEBLO COUNTY SHERIFF'S DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor the Pueblo County Sheriff's Department for its dedicated professional service. Recently, the Department received the highest award given by the National Sheriff's Association, the Triple Crown Accreditation. In recognition of this award, I ask my colleagues to join me in honoring them for their remarkable service.

The Commission on Accreditation for Law Enforcement Agencies, Inc, awarded the Sheriff's Office this prestigious accreditation. The honor was given after a process of "thorough, agency-wide self-evaluation" in addition to "an exacting outside review" by an independent team of assessors. The Pueblo County Sheriff's Department self-evaluation showed an efficient operation and respect among staff, while the impartial committee observed the same excellence from the outside. The Sheriff's Department was also commended for its compliance with Standards for Health Services in Jails.

The requirements to pass the assessment for the Triple Crown Accreditation Award are so stringent that only 33 organizations in the world earned all three accreditations. Sheriff Dan Corsentino rightfully shows pride in his organization in saying, "We are a professional organization, we are a united organization, we are an organization that plans, and we are an organization that is worthy of the Triple Crown Accreditation that was awarded to us . . . in Ft. Lauderdale, Florida."

As you can see, Mr. Speaker, the Pueblo County Sheriff's Department has set an example for other corrections offices throughout the world to follow. In every sense, the people of this department are the embodiment of all the best in law enforcement and they deserve our praise and admiration. My thanks to them for a job well done.

HONORING THE COMMUNITY SERVICE OF REV. ROYAL J. GARDNER

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OLVER. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to the Reverend Royal J. Gardner, who on June 7, 2001, celebrated his 50th anniversary of his ordination to the priesthood.

Since 1989, Reverend Gardner has faithfully served as the parochial vicar of Sacred Heart Parish in Pittsfield, MA. Reverend Gardner continues to have unwavering dedication and complete devotion to the many communities and thousands of families he has served over the years. I am proud to know of the accomplishments of Reverend Gardner over the last 50 years and wish him many more years of service.

Mr. Speaker, please join me in honoring the community services of Rev. Royal J. Gardner. I am including for the CONGRESSIONAL RECORD a copy of a recent article that appeared in the Berkshire Eagle on June 16, 2001, that details his extraordinary career.

SACRED HEART VICAR CELEBRATES 50 YEARS

PITTSFIELD.—The Rev. Royal J. Gardner, parochial vicar of Sacred Heart Parish, celebrated the 50th anniversary of his ordination to the priesthood June 7.

A commemoration of the event took place June 10, on the 50th anniversary of his first Mass. The Mass at Sacred Heart was concelebrated by Gardner and several visiting priests. Approximately 400 friends and parishioners attended a reception that followed in the school hall.

Gardner was born in Brooklyn, N.Y., on April 28, 1924 to Royal C. Gardner and Beatrice Dwyer Gardner Furer. He was educated at St. Mark's Grammar School and St. Augustine's High School in Brooklyn. He graduated from Providence (R.I.) College in 1945 and began his study for the priesthood at the Dominican House of Studies in Springfield, Ky., the St. Joseph Dominican House of Philosophy in Somerset, Ohio, and the Dominican House School of Theology in Washington, D.C.

He was ordained a priest in the Dominican Order on June 7, 1951, at St. Dominican's Church in Washington by auxiliary Bishop John McNamara.

Gardner's first assignment was to St. Vincent Ferrer Church in New York City. He then became dean of admissions at Providence College, a position he held from 1955 to 1968. He served as a retreat director at the St. Stephen Dominican Retreat House in Dover.

He was assistant to the Dominican provincial of St. Joseph's Province in New York City from 1974 to 1980.

In 1989, Gardner, wishing to return to parish work, was incardinated by the Rev. Joseph Maguire, bishop of Springfield. Incardination is the process by which priests from one diocese are accepted into another diocese for service.

Gardner spent several months at St. Joseph's in Pittsfield before he was assigned to Sacred Heart as parochial vicar in September 1989. Because he is not yet ready to retire from the active priesthood, at the end of June he will move to St. Teresa's Church to assist the Rev. John Varley.

Gardner has traveled widely in the past and has assumed the responsibility of directing the gardening on the church's ground over the years.

CHANGE IN ESTATE TAX WOULD HURT MANY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully the following Op-Ed from the July 7, 2001, edition of the Omaha World Herald, entitled "Change in Estate Tax Would Hurt Many," as this Op-Ed raises some of the very concerns raised by this Member.

[From the Omaha World Herald, July 7, 2001]

CHANGE IN ESTATE TAX WOULD HURT MANY

(By Gary L. Maydew)

The new tax bill gradually raises the exemption from estate taxes from the current $675,000 to $3.5 million by the year 2009. The estate tax is then scheduled to be repealed for the year 2010 (through only for one year). So the new law is much better for estate holders in Nebraska and Iowa who hold a lot of appreciated farmland, right?

Not so fast. Accompanying the repeal of estate taxes will be a change in the income tax basis for inherited assets that will be much worse for all but a handful of estates than is the current estate tax. Under current law, the income tax basis.of property inherited is "stepped up" to fair market value at death. This means that the unrealized capital gains existing at death are never taxed. The new law will, effective in 2010, change the basis to what is known as a carry-over basis. Result: The seller of the property will have a whopping capital gains tax bill.

Example 1: Assume that I.B. Widow dies in 2001 holding farmland with a value of $1 million. The land was purchased many years ago at a cost of $200,000. After deducting various expenses, her taxable estate before the exemption is $675,000. Therefore the unified credit (which has an exemption equivalency of $675,000) results in zero tax. Shortly thereafter, her heirs sell the land. Because their income tax basis is stepped up to $1 million, they will have little or no taxable gain on the sale.

Example 2: Assume the same facts except that she dies in 2010. Again there is no estate tax: But now when her heirs sell the farmland, her tax basis of $200,000 carries over to them. Result: They have an $800,000 capital gain and could owe as much as $160,000 of tax.

Congress must have a short memory. The stepped-up basis rule was briefly repealed in

1976. The resulting outcry from tax practitioners who had the difficult (often impossible) job of determining the tax basis of decedents' property was so loud that Congress retroactively repealed the law change.

Under current law, only a tiny percentage of decedents even have to file federal estate tax returns (3.4 percent for those who died in 1995). Only 668 estate tax returns of Nebraska residents were filed in 1997. Those decedents had an average gross estate of about $1,480,000 and paid an average estate tax of slightly more than $94,000.

So in return for exempting a very small number of wealthy decedents from estate tax, we will be subjecting millions of heirs to a capital gains tax on property they inherit, and further subjecting them to the difficulty of providing the tax basis of property that may have been acquired decades earlier. This is not a good trade-off.

HONORING THE LIFE OF ED SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor Ed Smith as we sadly mourn his passing. Ed was a man devoted to his family and served a dedicated career as the Centennial football coach and school district administrator. Ed has been a model to us all, teaching us how to win, how to lose graciously, and how never to give in.

Professionally, Ed was revered by his colleagues. Central coach, principal and teacher John Rivas told Loretta Sword, of The Pueblo Chieftain, "He was the godfather of it all, you might say, and he was always there to help me if I had a problem or a situation I didn't have a handle on." His initiative helped ensure that the Dutch Clark Stadium had the financial and community support necessary to be built. Also, he made certain that the annual All-Star games were properly organized when they were in Pueblo, and that everything went smoothly and safely. For his success, he was named Honorary Meet Director of the Colorado statewide track meet he helped bring to Pueblo, and was honored for his work with the athletic arena for the community. Ed was a gifted athlete himself, and he never lost his love for competition, or his skill at it. When he was 91 years old, he shot a hole-in-one with thirty-year-old golf clubs he received as a retirement gift.

Throughout his life, Ed received many honors and awards, including having his name included in the Greater Pueblo Sports Association Hall of Fame and the Centennial Hall of Fame. Perhaps his greatest reward was that, as former coach Sollie Raso attested, "I honestly think . . . Ed and his wife, they were at peace with one another, their family, and their God." Indeed, Ed was a dedicated husband up until his wife, Margaret Boyer Smith, passed away. He also devoted himself to his two sons, Dr. Dean B. Smith, who preceded him in death, and Dr. E. Jim Smith. Ed also had sixteen grandchildren and nineteen great-grandchildren.

Clearly, Mr. Speaker, Ed Smith was an inspiration to his students, colleagues, family and friends. His dedication and devotion to all of his endeavors are unparalleled and should not go without recognition. I am proud to have this opportunity to pay tribute to such an amazing man, he will be greatly missed.

HONORING GERALD RENUART

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. DEUTSCH. Mr. Speaker, I rise today to honor a man who will be greatly missed by all those who knew him. A man who served his country proudly, and a man who displayed immeasurable love for his work, his community, his life, and his family. It brings me great sadness to report that Gerald J. Renuart of Lighthouse Point, Florida, passed away on June 24, 2000, at the age of 63 after a lengthy battle with cancer.

Gerald Renuart was born in Coral Gables, Florida. He attended school at the University of Miami where he received a degree in business, and went on to Nova University where he received his Master's Degree. Upon graduation, he began what was to become a very long, meaningful life as a contributor to both his country and community in a variety of ways.

A strong believer in the importance of mentoring, Gerald worked with local youth through his participation with the Boy Scouts. As a member of the organization for 25 years, he held the position of Scoutmaster for National and World Jamborees, Roundtable Commissioner, and District Chairman. He was awarded scouting's highest award, the Silver Beaver, for his loyal and dedicated service.

Gerald also occupied the role of civil servant for many years. He worked as a Town Manager for Surfside for nine years, and then served as a City Administrator and Executive Assistant to the Mayor of Lighthouse Point for 23 years. In addition, he was past president of the American Society of Public Administrators and the Municipal Finance Officers of America. In recognition of his outstanding public service, Gerald Renuart was honored by then President Jimmy Carter.

As a retired Naval Officer, Gerald Renuart will be given full military honors at Arlington National Cemetery on July 20, 2001. These honors serve as an example of the caliber of man he was and will compliment the other accolades received by Mr. Renuart in recognizing him as an admirable and exceptional member of his family, community, and nation.

Mr. Speaker, Gerald Renuart was both well-loved and widely respected by all those blessed to have known him. He is survived by his father, Firmin, his two brothers, Michael and Robert, his sister, Claudette Voehringer, his loving wife of 40 years, Maureen, his children, Shirley Dion, Ronald and Daniel, and eight grandchildren. Gerald selflessly served his country. His life's work was his dream. And his family was a source of admiration and great pride. Today we celebrate Gerald's life, which serves as a wonderful example to all who follow in his footsteps.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 229, to honor Paul D. Coverdell. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 230, commending the United States military and defense contractor personnel responsible for a successful in-flight ballistic missile defense interceptor test on July 14, 2001. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 231, on agreeing to the substitute amendment. Had I been present I would have voted "no." Mr. Speaker, I was unavoidably detained for rollcall No. 232, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 233, on agreeing to the amendment. Had I been present I would have voted "yes." Mr. Speaker, I was unavoidably detained for rollcall No. 234, on agreeing to the amendment. Had I been present I would have voted "no." Mr. Speaker, I was unavoidably detained for rollcall No. 235, on agreeing to the amendment. Had I been present I would have voted "no."

CONGRATULATIONS TO CYRIL SWEENEY FROM CASTLEKNOCK, DUBLIN, IRELAND, ON HIS 60TH BIRTHDAY

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. KING. Mr. Speaker, I proudly rise today to honor and congratulate Cyril Sweeney, a true friend of mine from Castleknock, Dublin, Ireland, who celebrated his 60th birthday this past July 7th.

Cyril, the fourth of nine children, was born in Muckerstown, County Dublin, and raised in County Meath. Educated at Kilbride Primary School, Ballinkill STB and University College, Dublin, Cyril distinguished himself as a student and went on to become an accomplished horticulturist. For a number of years Cyril has been the proprietor of Sweeney Landscapes Ltd. in Dublin.

Most importantly, however, Cyril is the proud father of six children and grandfather of four grandchildren. And most significant to me, Cyril's eldest son John married my daughter Erin this past February 17th. While everything about the wedding and the reception went well, it was acknowledged by all that the highlight of the day was the speech Cyril delivered at the reception. The consensus of those in attendance was that Cyril's speech—which explored and explained life and its mysteries and its unexpected twists and turns—ranks alongside Cicero's Orations, Lincoln's Gettysburg Address and the 1916 Easter Proclamation.

I wish Cyril the happiest of birthdays and many more to come.

RECOGNITION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP RECIPIENTS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. HORN. Mr. Speaker, I rise today to recognize two students from my district who are the recipients of the National Security Education Program's David L. Boren Undergraduate Scholarship Awards. Since its creation by Congress in 1991, the National Security Education Program has awarded over 1,300 undergraduate scholarships and over 700 graduate scholarships.

The program addresses the need to increase the ability of Americans to communicate and compete globally by knowing the cultures and languages of other countries. Scholarships are awarded to undergraduates to study abroad in subjects critical to United States national security. Recipients earn their awards through a rigorous national merit-based competition that includes hundreds of applicants.

Ms. Sarah Chankin-Gould of Long Beach, California, attends Occidental College in Los Angeles, California. With the National Security Education Program scholarship, she will study international relations and Spanish language and literature in Mexico.

Ms. Frances Sullivan-Lewis, also of Long Beach, is enrolled at Brandeis University in Waltham, Massachusetts. She plans to study history and East European language and literature in Russia.

I commend these two students for their hard work throughout their scholastic careers and I am proud to recognize their accomplishments.

HONORING LEO KOLLIGIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Leo Kolligian for his extensive contributions to the educational community in California's San Joaquin Valley. Most recently, Mr. Kolligian's commitment to education was demonstrated by a generous gift made to the University of California, Merced.

Mr. Kolligian, a longtime University of California regent, has been a strong proponent of expanding the UC system to respond to the increasing demand for quality public higher education in the state of California. As chairman of the Board of Regents, Mr. Kolligian was at the forefront of the efforts to add three new campuses in the University of California system. The first of these will be built in Merced, in the San Joaquin Valley. A ceremony was held at the UC Center in Fresno, CA, announcing that the library on the campus of UC Merced will be named after Mr. Kolligian and his late wife Dottie.

Mr. Speaker, I am pleased to honor Leo Kolligian for his dedication and generosity to education in the San Joaquin Valley. I urge my colleagues to join me in lauding his commitment to expanding the educational opportunities available to the people of California.

TRIBUTE TO DAVID CURRY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to David Curry of Sedalia, Missouri, who was recently named the Missouri Economic Development Council District 4 Volunteer of the Year.

The Missouri Economic Development Council is an association of professionals and volunteers that is dedicated to improving the economic climate of Missouri through programs of professional development, public policy, marketing and communication. The Missouri Economic Development Council recognizes that professional developers have an enormous task. It is only by the work of volunteers that these professionals and their respective communities are successful.

Mr. Curry has been involved with Pettis County, Missouri, economic development since the early 1970s. He was instrumental in forming the first industrial development group that brought many industries to Sedalia. Today, these businesses serve as the basis for the area's economic well-being. Currently, Mr. Curry serves as President of the Sedalia-Pettis County Community Service Corporation.

Mr. Speaker, David Curry deserves to be recognized for his tireless commitment to the betterment of Sedalia. I know that the Members of the House will join me in congratulating him on a job well done.

27TH ANNIVERSARY OF TURKEY'S INVASION OF THE REPUBLIC OF CYPRUS

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CAPUANO. Mr. Speaker, today marks the 27th anniversary of one of the most devastating events in Greek-Turkish-Cypriot relations. On July 20th 1974, troops from Turkey started a campaign that displaced almost 200,000 Greek Cypriots from the northern part of the island of Cyprus. Throughout this invasion, over 1,600 men, women, and children disappeared. To date, the Turkish government declines to supply any information regarding their whereabouts. After twenty-five years, Greek Cypriots still remain refugees within their own country and are not allowed to return to their homes.

Turkey has spent a great deal of time working to modify the demographic structure in Northern Cyprus. The Turkish government has resettled 80,000 Turkish citizens to this area, mostly to the homes of the Greek Cypriots who were evicted. Turkey also promoted a "unilateral declaration of independence" by the Turkish Republic of Northern Cyprus (TRNC) in 1983, although this was condemned by the UN Security Council and the U.S. government. Turkey is the only country that officially recognizes the TRNC as a sovereign state to this day.

As atrocities against various ethnic groups plague our world today, it is time to confront the aggression of the Turkish government against the Greek Cypriots. Although there have been attempts to settle this dispute peacefully, Greeks on Cyprus continue to suffer, especially when you take human rights into consideration. They are often banned from attending school and work, are not permitted to obtain medical care, and are kept from their families living in the Republic of Cyprus. This is a gross infringement on their basic human rights and clearly violates international law.

Mr. Speaker, although there have been numerous UN resolutions for Turkey to return these refugees to their homes and withdraw its troops, the Turkish government has unashamedly ignored these requests. With the entire international community working hard to remedy this issue peacefully by continuously requesting that the Turkish government respect the sovereignty and independence of the Republic of Cyprus, it is disconcerting to watch as they disregard these various offers of help. Not only is this an affront to the United Sates, but the global community as a whole.

In spite of these setbacks, the United States, as well as the rest of the international community, must carry on their effort to find a peaceful resolution to this struggle that has split Cyprus in two. As a member of Congress, I will continue to do all that I can to bring about Justice for the Greek Cypriots.

Thank you, Mr. Speaker.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BALLENGER. Mr. Speaker, I was unavoidably detained and was not present for Roll Call votes 233, 234, and 235 on July 17, 2001. Had I been present, I would have voted "yea" on Roll Call vote 233 and "nay" on Roll Call votes 234 and 235.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Ms. McCOLLUM. Mr. Speaker, I have opposed a resolution proposing an amendment to the Constitution authorizing the Congress to prohibit the physical desecration of the flag of the United States. I believe burning the flag is an offensive and disrespectful act. In some cases, it is an act that is already illegal under statute. However, I do not support amending the Constitution to make it a criminal offense to burn any flag under any circumstances.

I can state with confidence that my colleagues on both sides of the aisle can agree that the liberty and freedom guaranteed by our Constitution, and symbolized by our grand old flag, is our nation's greatest strength. Everyday, the freedoms that surround us in our homes, schools and places of work here in this chamber, are a constant reminder of what our flag means, and what has been sacrificed to ensure its lasting stability and continuity in our nation. Every day Congress is in session, we pledge allegiance to this flag, "and to the republic for which it stands."

The willful destruction of our nation's flag is deeply offensive. The flag is a symbol of our national unity and a powerful source of national pride, and deserves to be treasured and treated with respect at all times.

Yet, despite my love for my nation and the flag, and my deep admiration for the men and women who fought and died defending our nation, I cannot support this well-intended resolution.

I believe it is important that we take heed to the constitutional parameters that will be reduced as a result of this amendment. One of our most cherished liberties, and one in which the Framers of the Constitution placed a heavy hand upon, is our freedom of expression. Every individual in America is truly free to express his or her opinions, without threat of hindrance or persecution. From time to time we undoubtedly may disagree with another's opinion or action. Nonetheless, this does not mean that their views should be constricted by the Constitution. If any limits are placed on this freedom, we are opening the possibility that others can be placed on our freedom of expression at a later time. Unfortunately, I believe this amendment will indeed serve to reduce that freedom which we all love and hold dear to our hearts. If we start down this dark path, we are opening the door to a precedent of extreme consequences. We must not allow this to occur.

It is critical in this debate to remember that what provides for our freedom and our supreme rule of law is not the flag itself, for this is a mere symbol. What binds our nation, what our soldiers swore and died to protect and what all Americans cherish, is the fundamental beliefs held in our Constitution. The flag is the symbol of the Republic, the symbol of what the Constitution provides: the rights that all Americans enjoy. As the distinguished senior Senator and Constitutional Scholar from the state of West Virginia, Senator ROBERT BYRD, so eloquently stated, "That flag is the symbol of our Nation. In a way, we might say that flag is the symbol of our Nation's history. That flag is the symbol of our Nation's values. We love that flag. But we must love the Constitution more. For the Constitution is not just a symbol, it is the thing itself!"

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. LAHOOD. Mr. Speaker, I rise today in strong support of H.J. Res. 36, legislation which proposes an amendment to the Constitution of the United States allowing Congress to prohibit the physical desecration of the flag of the United States. I am a proud cosponsor of this legislation.

Mr. Speaker, our flag is not just cloth; it is a potent symbol of our history and the march of freedom. Our flag has flown over the battlefields of the Revolutionary War, inspired our national anthem as it remained aloft over Fort McHenry, stood for national unity in the Civil War, served as a clarion call to freedom in two world wars, and even stands on the moon as a symbol of peaceful exploration on behalf of mankind.

For millions of people around the world, the American flag represents a commitment to democracy, the rule of law and respect for human rights. It is a living representation of mankind's aspiration for freedom.

Millions of veterans have rallied to our flag in time of crisis. These men and women have fought and died under the Stars and Stripes to defend our nation and to liberate people overseas who have been caught in the web of tyranny. The blood of our veterans has been shed to protect our flag and all that it stands for. Many of our veterans have sacrificed their lives so that our flag could continue to fly.

To allow our flag, which represents all Americans—which holds out to the world the promise of liberty—to be desecrated, would be an affront to the people of this country and others around the world who are stirred by this symbol of democracy. Freedom of speech is an important American right. But freedom of speech is not a license to desecrate the fabric of our freedom. It is proper, and it is time, to protect our cherished flag from abuse with a Constitutional amendment.

Mr. Speaker, the American flag stands not for one political party or one ideology. The flag represents all Americans, regardless of their race, color, or creed. Desecrating the flag is an insult to all Americans, and a slur upon all those who have sacrificed for the United States. It is with pride that I vote today to protect our flag from violence and to enshrine this protection in the Constitution.

QUASQUICENTENNIAL OF THE TEXAS STATE CONSTITUTION OF 1876

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. PAUL. Mr. Speaker, the year 2001 marks the quasquicentennial of the Constitution of the great State of Texas.

The Lone Star State's highest legal document has served Texans since 1876 and—to commemorate this important milestone in Texas history—the recent Regular Session of the 77th Texas Legislature adopted House Concurrent Resolution No. 319, which the Governor signed on June 15, 2001. I would like to share with my colleagues the full text of the Legislature's H.C.R. No. 319 as follows:

HOUSE CONCURRENT RESOLUTION NO. 319

Whereas, The year 2001 marks the quasquicentennial of the Texas Constitution, and the 125th anniversary of this foundation document is indeed worthy of special recognition; and

Whereas, On August 2, 1875, Texas voters approved the calling of a convention to write a new state constitution; the convention, held in Austin, began on September 6, 1875, and adjourned sine die on November 24, 1875; then its draft was ratified in a statewide referendum on February 15, 1876, by a vote of 136,606 to 56,652; and

Whereas, The more than 90 delegates to the 1875 Constitutional Convention were a diverse group—most were farmers and lawyers; some were merchants, editors, and physicians; some were legislators and judges; some had fought in the Civil War armies of the South as well as of the North; at least five were African-American; 75 were Democrats; 15 were Republicans; and 37 belonged to the Grange, a non-partisan and agrarian order of patrons of husbandry; one delegate had even served nearly four decades earlier as a delegate to the 1836 Constitutional Convention; and

Whereas, The Constitution of 1876, a richly detailed instrument, reflects several historical influences; the Spanish and Mexican heritage of the state was evident in such provisions as those pertaining to land titles and land law, as well as to water and mineral law, and remains evident in judicial procedures, legislative authority, and gubernatorial powers; and

Whereas, Sections aimed at monied corporate domination together with protection of the rights of the individual and others mandating strong restrictions upon the mission of state government in general and upon the role of specific state officials grew out of the Jacksonian agrarianism and frontier philosophy that first infused the thinking of many Texans during the mid-1800's; and

Whereas, Other sections, such as those providing for low taxation and decreased state spending, were aimed at creating a government quite different from the centralized and more expensive one that had existed under the Constitution of 1869, which was itself a product of the post-Civil War Reconstruction Era in Texas; and

Whereas, Notwithstanding its age, Texas voters have been reluctant to replace this charter, which is the sixth Texas constitution to have been adopted since independence from Mexico was gained in 1836; and

Whereas, The Constitution of 1876 has been the organic law of Texas for 125 years, and this document, which still bears the imprint of the region's long and dramatic history, has had—and continues to have—a profound influence on the development of the Lone Star State; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas, Regular Session, 2001, hereby commemorate the quasquicentennial of the Texas constitution.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. MOORE. Mr. Speaker, I rise in opposition to H.J. Res. 36, which proposes an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

For over two hundred years, the Bill of Rights of our Constitution has been the cornerstone of our great nation and the source of our basic freedoms and rights. Our democracy has withstood many tests of our freedoms, and has been strengthened as a result. The occasional, random, despicable acts of public desecration of our flag present another such test.

The American flag is a symbol for liberty and justice, for freedom of speech and expression and all of the other rights we cherish. But as important as the symbol may be, more important are the ideals and principles which the symbol represents. That our nation can tolerate dissension and even disrespect for our flag is proof of the strength of our nation. If we amend our Bill of Rights to protect the flag we would forsake the very freedoms that the flag symbolizes.

On May 18, 1999, General Colin Powell, who has dedicated his life to serving our country, sent a letter to Senator PATRICK LEAHY sharing his reasons for opposing this constitutional amendment. Senator LEAHY entered that letter in to the CONGRESSIONAL RECORD on March 29, 2000. The text of this poignant and thought-provoking letter is attached.

I love our country. I love our flag—and the principles for which it stands. By voting against this proposed amendment, we vote for the rights and freedoms that make our country great and distinguish our country from virtually every other country in the world.

GEN. COLIN L. POWELL, USA (RET),
Alexandria, VA, May 18, 1999.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: Thank you for your recent letter asking my views on the proposed flag protection amendment.

I love our flag, our Constitution and our country with a love that has no bounds. I defended all three for 35 years as a soldier and was willing to give my life in their defense.

Americans revere their flag as a symbol of the Nation. Indeed, it is because of that reverence that the amendment is under consideration. Few countries in the world would think of amending their Constitution for the purpose of protecting such a symbol.

We are rightfully outraged when anyone attacks or desecrates our flag. Few Americans do such things and when they do they are subject to the rightful condemnation of their fellow citizens. They may be destroying a piece of cloth, but they do no damage to our system of freedom which tolerates such desecration.

If they are destroying a flag that belongs to someone else, that's a prosecutable crime. If it is a flag they own, I really don't want to amend the Constitution to prosecute someone for foolishly desecrating their own property. We should condemn them and pity them instead.

I understand how strongly so many of my fellow veterans and citizens feel about the flag and I understand the powerful sentiment in state legislatures for such an amendment. I feel the same sense of outrage. But I step back from amending the Constitution to relieve that outrage. The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous.

I would not amend the great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away. * * *

If I were a member of Congress, I would not vote for the proposed amendment and would fully understand and respect the views of those who would. For or against, we all love our flag with equal devotion.

Sincerely,

COLIN L. POWELL.

P.S. The attached 1989 article by a Vietnam POW gave me further inspiration for my position.

WHEN THEY BURNED THE FLAG BACK HOME: THOUGHTS OF A FORMER POW

(By James H. Warner)

In March of 1973, when we were released from a prisoner of war camp in North Vietnam, we were flown to Clark Air Force base in the Philippines. As I stepped out of the aircraft I looked up and saw the flag. I caught my breath, then, as tears filled my eyes, I saluted it. I never loved my country more than at that moment. Although I have received the Silver Star Medal and two Purple Hearts, they were nothing compared with the gratitude I felt then for having been allowed to serve the cause of freedom.

Because the mere sight of the flag meant so much to me when I saw it for the first time after 5½ years, it hurts me to see other Americans willfully desecrate it. But I have been in a Communist prison where I looked into the pit of hell. I cannot compromise on freedom. It hurts to see the flag burned, but I part company with those who want to punish the flag burners. Let me explain myself.

Early in the imprisonment the Communists told us that we did not have to stay there. If we would only admit we were wrong, if we would only apologize, we could be released early. If we did not, we would be punished. A handful accepted, most did not. In our minds, early release under those conditions would amount to a betrayal, of our comrades of our country and of our flag.

Because we would not say the words they wanted us to say, they made our lives wretched. Most of us were tortured, and some of my comrades died. I was tortured for most of the summer of 1969. I developed beriberi from malnutrition. I had long bouts of dysentery. I was infested with intestinal parasites. I spent 13 months in solitary confinement. Was our cause worth all of this. Yes, it was worth all this and more.

Rose Wilder Lane, in her magnificent book "The Discovery of Freedom," said there are two fundamental truths that men must know in order to be free. They must know that all men are brothers, and they must know that all men are born free. Once men accept these two ideas, they will never accept bondage. The power of these ideas explains why it was illegal to teach slaves to read.

One can teach these ideas, even in a Communist prison camp. Marxists believe that ideas are merely the product of material conditions; change those material conditions, and one will change the ideas they produce. They tried to "re-educate" us. If we could show them that we would not abandon our belief in fundamental principles, then we could prove the falseness of their doctrine. We could subvert them by teaching them about freedom through our example. We could show them the power of ideas.

I did not appreciate this power before I was a prisoner of war. I remember one interrogation when I was shown a photograph of some Americans protesting the war by burning a flag. "There," the officer said, "People in your country protest against your cause. That proves that you are wrong."

"No," I said, "That proves that I am right. In my country we are not afraid of freedom, even if it means that people disagree with us." The officer was on his feet in an instant, his face purple with rage. He smashed his fist onto the table and screamed at me to shut up. While he was ranting I was astonished to see pain, compounded by fear, in his eyes. I have never forgotten that look, nor have I forgotten the satisfaction I felt at using his tool, the picture of the burning flag, against him.

Aneurin Bevan, former official of the British Labor Party, was once asked by Nikita Khrushchev how the British definition of democracy differed from the Soviet view. Bevan responded, forcefully, that if Khrushchev really wanted to know the difference, he should read the funeral oration of Pericles.

In that speech, recorded in the Second Book of Thucydides' "History of the Peloponnesian War," Pericles contrasted democratic Athens with totalitarian Sparta. Unlike, the Spartans, he said, the Athenians did not fear freedom. Rather, they viewed freedom as the very source of their strength. As it was for Athens, so it is for America—our freedom is not to be feared, but our freedom is our strength.

We don't need to amend the Constitution in order to punish those who burn our flag. They burn the flag because they hate America and they are afraid of freedom. What better way to hurt them than with the subversive idea of freedom? Spread freedom. The flag in Dallas was burned to protest the nomination of Ronald Reagan, and he told us how to spread the idea of freedom when he said that we should turn America into "a city shining on a hill, a light to all nations." Don't be afraid of freedom, it is the best weapon we have.

IN HONOR OF REVEREND THOMAS C. McKINLEY'S ACHIEVEMENTS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. VISCLOSKY. Mr. Speaker, it is my honor to congratulate an individual who found his spiritual calling, and was able to overcome many obstacles to help his community and to make life better for the citizens of Indiana's First Congressional District. Reverend Thomas C. McKinley of Gary, Indiana will be honored this Friday, July 20, 2001, at the Twentieth Century Missionary Baptist Church for earning his diploma of academic achievement from the State of Indiana.

Thomas C. McKinley came from a humble background and endured a troubled youth. However, his life was changed forever at the age of 17, when McKinley acknowledged his calling to the ministry. On October 15, 1980, he was ordained by the Indiana Christian Bible College. For the past ten years, Reverend McKinley has served as the spiritual shepherd for the Twentieth Century Missionary Baptist Church, located at 700 West 11th Avenue in Gary, Indiana.

Reverend McKinley has proven himself to be a selfless example to his congregation. He has been invaluable to the members of his community as both a teacher and evangelist, and particularly through his teaching ministry for stewardship. While a wonderful pastor, Reverend McKinley's leadership skills do not end with the spiritual realm; he has served as President of the Baptist Ministers' Conference of Gary, and as Treasurer of the Gary Police Chaplain Department.

While Reverend McKinley has selflessly served his community in Gary, his service to humanity has known no boundaries. In 1999, he spent a month in Honduras, completing two pilgrimages aiding hurricane victims with food, clothing, and medicine. Not only did he donate his own time and resources, he also organized other churches back home to assist many other Hondurans in need. His desire to help those overseas also led Reverend McKinley to serve as a missionary in Haiti.

Although Reverend McKinley gives much of his time to others, he is still a devoted family man. Nothing is more important to him than his supportive and beloved wife, Camellia, and his three daughters, Charletta, Charlotte, and Sabrina, and his son Russell.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Reverend Thomas C. McKinley for his commendable efforts towards improving himself, his family, his community, and the world. Reverend McKinley is to be admired for the wonderful example he has set for our community as a pastor, a father, and an involved citizen.

TRIBUTE TO THE CITY OF MANILA

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansas city that celebrated its centennial on July 3rd. I am proud to recognize the City of Manila in the Congress for its outstanding community spirit and its contributions to Arkansas and the nation.

Manila was incorporated in 1901 after a population and industry boom in the area. Recordings of Manila go all the way back to the 1500's when Hernando de Soto crossed the Mississippi River. Accounts taken from his travels talk about a Native American settlement, although there were several European settlers also said to be living in the area.

Manila is also known for being a settlement of fugitive Cherokee who snuck away from the Trail of Tears as they were being forcibly driven from Georgia in 1838. The swamps were so overgrown that the federal soldiers didn't want to go look for them and simply declared them as dead. These runaways later settled in what is today Manila and the surrounding areas.

From its beginning, Manila was primarily an agriculture town. The people in the area lived on the plentiful game and fish in the area and developed an industry by shipping it to markets in St. Louis, Chicago, and as far east as New York. Later, timber became the chief industry. Logs would be sent to mills down the river until the quality and quantity of the timber reached the railroad industry. In 1900, the Jonesboro, Lake City, and Eastern Railway extended its line to Manila. With the railroad came a schoolhouse, general store, a mill, and a population boom.

Today Manila is still growing. In fact, it is the fastest growing town in Mississippi County. That is why I rise today on behalf of the citizens of the First Congressional District, the State of Arkansas, and the United States Congress to wish the City of Manila a happy 100th birthday.

INTRODUCTION OF THE EXPORT ADMINISTRATION ACT OF 2001

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. MENENDEZ. Mr. Speaker, I rise together with my distinguished colleague from Arizona, JEFF FLAKE, to introduce the Export Administration Act of 2001.

My colleagues, it is high time for the Congress to responsibly legislate export controls. We have not done so properly since the end of the Cold War, when the raison d' etre for the Export Administration Act of 1979, of preventing the proliferation of sensitive dual-use technologies to the Soviet Union, ceased to exist.

As went the Soviet Union, so went the threat of an all-pervasive, mind-focusing totalitarian threat to the United States. So, also, went the very multilateral non-proliferation system, CoCom, that effectively helped keep a lid on that Soviet threat.

Now, new threats are upon us—cyber warfare, the potential for proliferation of weapons of mass destruction, and terrorism. It is incumbent upon this Congress to update this legislation in a manner that effectively can address those threats and in a manner that can effectively restrict dual-use exports that may threaten the United States.

Indeed, the key single criteria for this renewal, it seems to me, is whether those export controls that we legislate can actually protect Americans.

As a matter of principle, before enacting export restriction legislation, both Congress and the Administration must ensure that the affected exports in fact can be effectively restricted. I doubt anyone would responsibly suggest that legislating an unworkable control achieves any worthwhile goal or makes any sense.

Other important criteria need to be determined:

Would this bill sensibly update the outdated 1979 law? That is, would it recognize that nation-states and other global actors, technology and the threats to the United States have changed significantly since the end of the Cold War?

Would it enhance America's economic prosperity without sacrificing America's national security?

And would it provide the Executive Branch with all the legal authority and the flexibility it needs to protect the American people? Put another way, would it unduly tie the hands of the Administration in a way that could obstruct its constitutional duty to provide for the national defense?

I have taken a hard look at S. 149, which would update the Export Administration Act. After a careful review, I believe this bill, as reported by the Senate, satisfactorily addresses the criteria I outlined above and enhances America's economic prosperity without sacrificing America's national security.

It would protect Americans by ensuring that the national security agencies in the Executive Branch may be used to identify any actual or looming threats to our national security. In addition to the Commerce Department, the Defense Department, State Department and intelligence community are at the immediate disposal of the President of the United States and can signal at any time to the administration the need to restrict any export.

The Enhanced Control provision of Title II and the Deferral Provision of Title III would provide the President with the authority to control any export he may see an urgent need to control, notwithstanding any other provisions in the bill—including mass market status or foreign availability or set-asides.

There is a glaring need, however, that I believe must be addressed by Congress. The Wassenaar Arrangement for that replaced CoCom is simply inadequate to address multilateral nonproliferation concerns. While the Soviet Union is no longer with us, nuclear proliferation concerns are real and present. Simple periodic reports on dual-use exports are clearly insufficient to address these concerns.

I want to commend Chairman HYDE and Ranking Member LANTOS and their staffs for holding hearings and briefings on export administration and their very hard work on this issue. But now it is time to move forward with re-authorization, not re-extension.

Officials from the Departments of Defense, State and Commerce have testified at the three hearings before the House International Relations Committee has held on this matter and all have signaled their support for passing the Export Administration Act of 2001, as reported by the Senate Banking Committee. The Administration has provided a clear and unambiguous position that titles two and three provide adequate authorities to the President with regard to export controls, notwithstanding any other provisions of law. I also look forward to working with the Administration on non-proliferation matters and building a better multilateral mechanism than the Wassenaar Arrangement.

Mr. Speaker, as a member of the House International Relations Committee, I am keenly aware of the national security issues and threats that face our great country. As former Ranking Member in the last Congress of the

International Economic Policy and Trade Subcommittee, I came to better appreciate the advent and permanence of rapid technological change and its immediate effects on our national security and economic prosperity.

These considerations have persuaded me of the importance of updating the Export Administration Act. I have concluded that passage of S. 149, as reported, is the prudent way ahead both to protect our national security and to enhance our economic prosperity. I am convinced this bill gets it right. The Administration support for this bill attests that it also believes this is the optimal way ahead. I commend the Administration for that because this truly must be a bipartisan effort.

Mr. Speaker, the Congress must do its duty and act now to protect Americans and to enhance our economic prosperity. Let us act now to pass the Export Administration Act of 2001.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. LARGENT. Mr. Speaker, I rise today in support of H.J. Res. 36, which would grant Congress the power to add an amendment to the Constitution prohibiting the physical desecration of the United States flag. This resolution will preserve the honor and respect due to our national flag.

When I reflect on the men and women who fought and died to protect the flag as a symbol of democracy and freedom, it amazes me that any American would purposely want to destroy that symbol. I believe that most Americans feel a sense of outrage at the sight of the flag being burned or desecrated by protesters trumpeting freedom of speech as their shield for such a heinous act.

In recent history, our flag has lost the protection it deserves. I've noticed a sad pattern developing that we would even permit our flag to be desecrated. When we allow our nation's honor to be disgraced, should we be surprised that we have traitors in our midst? We allow the symbol of all that is good and pure about our country to be defiled and then we are shocked when our leaders are devoid of the values we cherish.

It is time to restore our flag to its rightful place under the law so that our children and our grandchildren will never be confused about its meaning, its value, or the price paid to preserve it.

A great author once wrote: "You cannot truly love a thing without wanting to fight for it." I love the United States and I want to fight for the hope and freedom it represents to the world. That fight will include protecting our nation's flag.

TRIBUTE TO CHUCK KURTZ

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. MOORE. Mr. Speaker, I rise today to bring to your attention the outstanding career of Chuck Kurtz, who on July 20th concludes a distinguished 33-year career with The Olathe Daily News, which serves my congressional district. Chuck started with The Daily News as a photographer, and later moved to sports writer, sports editor, features editor, seniors editor, and concluded his career as managing editor.

At a retirement party that will be held at The Daily News' office on this Friday, the following letter will be presented to Chuck on my behalf; I am pleased to have this opportunity to share this correspondence with my colleagues:

DEAR CHUCK, I want to add my voice to the chorus of those who are praising you on the occasion of your "retirement."

I'm using the term "retirement" loosely, because I think we all know that though you may enjoy a few weeks of fishing or travel, you will soon return to making a positive impact upon the lives of those around you—just as you have done for so many years at The Daily News.

I have enjoyed working with you over the years, first as Johnson County District Attorney, and now as a Member of Congress. Needless to say, we have often found ourselves on opposite sides of the issues. You wouldn't be the Chuck Kurtz I know if we would have agreed on everything!

But no matter the issue or whether or not we agreed, you always understood that there were at least two sides to every story, and that there may be good reasons for individuals to believe and act as they do. I have seen this not only in your writing, but also in your factions—you listen, ask questions, provide different points of view, and have always given me an opportunity to make my case. I appreciate the fact that, if you disagree, you do so in a reasonable and civil way, and do your best to reflect every side of the issue for the benefit of your readers.

You have not only brought a sense of civility to your profession, but you have also brought something of which those in my line of work are often in need—common sense. This is why I will miss you most, and why I think the readers of The Daily News will, also.

Common sense says you shouldn't forget why you do what you do, and you never have. One can tell you are a journalist because you want the public to have the facts they need to make good decisions about their collective future, both locally and nationally. There is honor in this, and I know from first-hand experience that you have had great—and altogether positive—influence on the direction our community has taken. Thank you for your service.

Again, congratulations on your "retirement," and I am looking forward to running into you again soon.

Very truly yours,

DENNIS MOORE,
Member of Congress.

DOGS OF WAR BARE THEIR TEETH OVER COLOMBIA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. CONYERS. Mr. Speaker, today I am pleased to offer for the RECORD an op-ed piece written by Ms. Arianna Huffington that appeared in the Los Angeles Times on Tuesday, July 17, 2001. This article regards our country's involvement in Plan Colombia. Before we begin debate on the Foreign Operations Appropriations bill, I think it is important that the Congress and the people of the United States reconsider our current policy toward our southern neighbor and third most populous country in South America.

DOGS OF WAR BARE THEIR TEETH OVER COLOMBIA

For more than a year, critics of our government's drug-war aid package to Colombia (now hovering at $2 billion) have been warning of the mission creep that threatens to embed us ever deeper in that country's 4-decades-old civil war.

Well, the slippery slope just got greased.

The House of Representatives is about to vote on the $15.2-billion foreign operations spending bill. Buried amid the appropriations for many worthwhile projects such as the Peace Corps and international HIV/AIDS relief is a legislative land mine. It comes in the form of a couple of innocuous-sounding lines that could lead to a massive escalation of U.S. involvement in Colombia's unwinnable war.

Contained in the section of the bill earmarking $676 million for "counterdrug activities" in the region are the following eye-glazing provisions: "These fund are in addition to amounts otherwise available for such purposes and are available without regard to section 3204(b)(1)(B) of Public Law 106-246. Provided further, that section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading."

Got that? I didn't think so.

Legislative gobbledygook does not get any gookier. but once the meaningless numbers and letters are decoded, and the statutory dots connected, the ominous significance of those provisions becomes all too clear. If approved, they make possible the unlimited buildup of "mercenaries" and the removal of any constraints on the kinds of weapons they can use.

Under current law, the number of U.S. military personnel that can be deployed in Colombia is limited to 500, and they are prohibited from engaging in combat. But as politicians discovered long ago, there are two parts to every law: the spirit of the law and the letter of the law.

As regard Columbia, our government chose the latter, carrying out a classic end-run around the prohibition by funding a war conducted by mercenaries—hundreds of U.S. citizens working for private military contractors like DynCorp, Airscan and Military Professional Resources Inc.

At the moment, the number of these mercenaries is capped at 300. But the first new provision, if it becomes law, does away with this restriction. The other provision removes language that says "weapons or ammunition" while engaged in narcotics-related activities. It's a deadly cocktail: unlimited private forces armed with unlimited weapons.

Congress has always zealously guarded its rights under the War Powers Act. But unless its members catch on, they could approve a privatized Gulf of Tonkin resolution without even realizing it's hidden in the bill. And once the dogs of war are unleashed, they're awfully hard to round up again—just ask Bob McNamara.

This ongoing and furtive escalation directly contradicts the government's assurances that, as Assistant Secretary of State Rand Beers put it last week, "Plan Columbia is a plan for peace."

"From the beginning," he wrote in an op-ed, "we have stated that there is no military solution to Columbia's problems." Then why, pray, the need for offensive weaponry and unrestricted number of mercenaries?

To make matters worse, a new investigation by the Center for Public Integrity found that U.S. anti-drug money spent on Latin America is being "funneled through corrupt military paramilitary and intelligence organizations and ends up violating basic human rights."

Those who scoff at the idea that our drug-fighting efforts in Colombia could lead to the U.S. becoming embroiled in a massive counter-insurgency war should take a look at a new study by the Rand Corp. commissioned by the U.S. Air Force. The study calls on the United States to drop the phony "counter-narcotics only" pretense and directly assist the Colombian government in its battle against leftist rebels: "The United States is the only realistic source of military assistance on the scale needed to redress the currently unfavorable balance of power."

There is still the chance that Congress will refuse to go along with this statutory trickery. Reps. John Conyers (D-Mich.) and Janice D. Schakowsky (D-Ill.) are considering an amendment to eliminate the new provisions.

Turning an army of heavily armed mercenaries loose in the middle of a bloody civil war is more than a misguided policy—its utter insanity. It's imperative that our lawmakers defuse these provisions in the bill before they blow up in our faces, and the cliche of "another Vietnam" becomes a sorry Colombian reality.

REGARDING UC DAVIS AND THE NATIONAL TEXTILE CENTERS

HON. DOUG OSE

OF

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. OSE. Mr. Speaker, I rise today to join my colleagues in supporting the effort on behalf of the University of California at Davis to be included as a member of the National Textile Center (NTC).

Mr. Speaker, it is silly not to include UC Davis in the NTC. Currently, NTC has no member schools west of the Mississippi River. California is America's second leading producer of cotton as well as being a leading national manufacturer of apparel, grossing over $13 billion annually. The NTC supports a consortium of research at six universities: Auburn, Clemson, Georgia Tech, North Carolina State, University of Philadelphia, and Dartmouth. To include UC Davis in this prestigious company will go a long way to advancing the safety, quality, and durability of clothing and textile products.

UC Davis is the single largest employer in my district, and the faculty is recognized nationally and internationally for their research activities. The Division of Textiles and Clothing offers the most comprehensive textiles and clothing undergraduate major in the western United States, and no other western university can challenge the laboratory facilities and equipment. UC Davis utilizes the best in human resources, generates the best in physical product, and trains the best of the next generation. As an example, UC Davis is unique to the textile world in its study of fiber and polymer science. The production and use of fibers and polymers go beyond the forms of fabrics and plastics to high performance membranes, composites, and electronic and communication applications. These common-place, daily use substances are constantly being upgraded and improved by the staff and students at the Division of Textiles and Clothing.

Social Science research at UC Davis addresses sociocultural meanings of textiles and apparel, fashion theory, and production-consumption issues related to gender and ethnicity. Collaborations between the physical and social sciences have resulted in a better understanding of the principles underlying the efficacy and acceptance of protective clothing. These discoveries have protected farm workers, health care providers, firefighters, and others. This valuable research can only enhance the NTC and accelerate the next generation of high quality textile product.

I appreciate the committee's interest in UC Davis and the Division of Textiles and Clothing. The Chairman has been generous in engaging us in this colloquy, and I want to thank him personally for his efforts. I am anxious to work with the committee and my colleagues from California on this issue.

FEDERALLY FINANCED, INTEREST FREE MOTOR VEHICLE ACT, H.R. 2544

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. GILMAN. Mr. Speaker, our Nation has been taking a wild ride on the energy roller coaster for far too long. The citizens of our great nation must not be forced to suffer the ups and downs of an energy crisis that never seems to get better. While the Bush administration has taken a pro-active stance on energy through the release of its National Energy Policy in May, 2001, there is much more to be done—as a Congress, a Nation, and as citizens. For the past eight years, our Nation was subjected to the last Administration's "wait and see" energy policy that was reactive rather than pro-active.

Mr. Speaker, on June, 2001, 1 sponsored the Federal Motor-Vehicle Fleet Act, H.R. 2263, which enjoys bi-partisan support. The Act mandates that ten-percent of the vehicle fleet purchased by the Federal Government must be comprised of Hybrid-electric Vehicles (HEV) and other high-efficiency vehicles that are powered by alternative sources of energy, sources other than gasoline and diesel.

Mr. Speaker, today I am introducing my companion bill, the Federally Financed, Interest Free Vehicle Act, which as the title indicates, offers federally financed, interest free loans to public schools, municipalities, and local government to purchase Hybrid-Electric and other environmentally friendly high-efficiency vehicles. This program, to be administered by the Department of Transportation, provides the opportunity for our public institutions that can not avail themselves of the tax benefits of H.R. 2263, to purchase these environmentally friendly, energy-efficient with repayment terms as long as five years.

Mr. Speaker, a few weeks ago I was privileged to view the latest technology in alternative fuels, a school bus that runs on fuel cells, rather than gasoline. Fuels other than gasoline and diesel are the wave of the future, and we must ride these waves of technology, as the surfer at the Banzai Pipeline.

This act will not only lower our overall consumption of gasoline, but will save our public schools and municipalities millions of dollars in the cost of gasoline. These savings can be invested in important school programs and in providing our local governments with the resources to offer more services in our communities. Additionally, these hybrid and high-efficiency vehicles are reported to be more environmentally friendly than our conventional vehicles. The Federal Government must seize this opportunity to conserve our resources and to promote environmentally friendly vehicles, and we must do it today.

H.R. 2544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOANS FOR HIGH-EFFICIENCY VEHICLES.

(a) LOAN PROGRAM AUTHORIZED.—Subject to the availability of appropriations, the Secretary of Transportation shall establish a program to offer federally financed, interest-free loans to local educational agencies, public institutions of higher education, municipalities, and local governments for the purchase of hybrid electric vehicles or high-efficiency vehicles.

(b) REPAYMENT TERM.—The time for repayment of a loan under this section may not exceed five years.

(c) SECURITY INTEREST.—The Secretary shall require, as a condition of a loan under this section, that the borrower grant to the United States a security interest in any vehicle purchased with the proceeds of such loan.

(d) DEFINITIONS.—In this section:

(1) The term "high-efficiency vehicle" means a motor vehicle that uses a fuel other than gasoline or diesel fuel.

(2) The term "hybrid electric vehicle" means a motor vehicle with a fuel-efficient gasoline engine assisted by an electric motor.

(3) The term "motor vehicle" has the meaning given that term in section 30102(a)(6) of title 49, United States Code.

(4) The term "local educational agency" has the meaning given that term in the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(5) The term "public institution of higher education" has the meaning given the term "institution of higher education" in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), but does not include private institutions described in that section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2007 and such sums as may be necessary for each fiscal year thereafter.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

Mr. MOORE. Mr. Speaker, because I was en route to attending the wedding of my oldest son, Todd, in Hungary, during the late afternoon of July 12, 2001, I was unavoidably absent for vote number 228, on H. Res. 188, which would have provided for House floor consideration of various campaign finance regulatory overhaul proposals. For this purpose, I was granted a leave of absence by the Speaker, after 4 p.m. on July 12, and for the balance of the week. Had I been present for vote number 228, I would have voted "no."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 19, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 20

9:30 a.m.

Finance

To continue hearings to examine trade adjustment assistance issues.

SD–215

JULY 23

2 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine the role of the Federal Emergency Management Agency in managing a bioterrorist attack and the impact of public health concerns on bioterrorism preparedness.

SD–342

3 p.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold oversight hearings to examine the role of the federal government in meeting infrastructure needs.

SD–406

JULY 24

9 a.m.

Indian Affairs

Business meeting to mark up S. 87, to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act; S. 91, to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools; and S. 746, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

SR–485

9:30 a.m.

Energy and Natural Resources

To hold hearings on proposals related to global climate change and measures to mitigate greenhouse gas emissions, including S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; S. 388, the National Energy Security Act of 2001; and S. 820, the Forest Resources for the Environment and the Economy Act.

SD–106

10 a.m.

Indian Affairs

To hold hearings on S. 266, regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon.

SR–485

Foreign Relations

To hold hearings to examine the Administration's missile defense program and the Anti-Ballistic Missile Treaty focusing on the legal and technical issues associated with missile defense.

SD–419

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine the role of the Senate in the nomination and confirmation process.

SD–226

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Semi-Annual Report on Monetary Policy of the Federal Reserve.

SH–216

Governmental Affairs

To hold hearings to examine S. 159, to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs.

SD–342

2 p.m.

Judiciary

To hold hearings on pending judicial nominations.

SD–226

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine the Federal Housing Administration Multifamily Housing Mortgage Insurance Program.

SD–538

2:30 p.m.

Veterans' Affairs

To hold hearings to examine prescription drug issues in the Department of Veterans' Affairs.

SR–418

Foreign Relations

To continue hearings to examine the Administration's missile defense program and the Anti-Ballistic Missile Treaty focusing on the means of addressing ballistic missile and weapons proliferation threats.

SD–419

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Navy shipbuilding programs.

SR–222

JULY 25

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Environment and Public Works

To hold hearings on the nomination of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development; and the nomination of George Tracy Mehan III of Michigan, to be Assistant Administrator for the Office of Water, the nomination of Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, and the nomination of Robert E. Fabricant, of New Jersey, to be General Counsel, all of the Environmental Protection Agency; and to consider committee rules of procedures for the 107th Congress.

SD–406

Governmental Affairs

To hold hearings to examine current entertainment ratings, focusing on evaluation and improvement.

SD–342

Health, Education, Labor, and Pensions

To hold hearings to examine genetics research issues and non-discrimination in health insurance and employment.

SD–430

10 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Indian Gaming Regulatory Act.

SH–216

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine the risks of a growing balance of payments deficit.

SD–538

Judiciary

To hold hearings on S. 1157, to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact.

SD–226

2 p.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold oversight hearings to examine the National Infrastructure Protection

Center, focusing on the fight against cybercrime.

SD–226

2:30 p.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on S. 995, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel.

SD–342

JULY 26

9:30 a.m.

Environment and Public Works

To hold hearings to examine the environmental and public health impacts of power plant emissions.

SD–406

JULY 30

9:30 a.m.

Governmental Affairs

To hold hearings to examine the rising use of the drug ecstacy, focusing on ways the government can combat the problem.

SD–342

1 p.m.

Judiciary

To hold hearings on the nomination of Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, Department of Justice.

SH–216

JULY 31

10 a.m.

Indian Affairs

To hold hearings on the implementation of the Indian Health Care Improvement Act.

SR–485

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine early detection and early health screening issues.

SD–430

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine asbestos issues.

SD–430

2:30 p.m.

Veterans' Affairs

Business meeting to mark up pending legislation.

SR–418

AUGUST 2

10 a.m.

Indian Affairs

To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR–485

Health, Education, Labor, and Pensions

To hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration.

SD–430

SEPTEMBER 19

2 p.m.

Judiciary

To hold hearings on S. 702, for the relief of Gao Zhan.

SD–226

HOUSE OF REPRESENTATIVES—*Thursday, July 19, 2001*

The House met at 10 a.m.

The Reverend B. William Vanderbloemen, Jr., Memorial Presbyterian Church, Montgomery, Alabama, offered the following prayer:

Eternal and everlasting God, we thank You that You have given us another day. And not only another day, O Lord, but a day in the greatest country in the world. Today we ask that You bless us, bless us indeed, and allow our Nation to prosper. We pray that You keep Your hand upon us, protect us from evil, and keep us from causing pain. Bless us O Lord.

Lord, we shudder to think that You have called us to be the leaders of this great Nation, and we humbly ask for Your help. If the task is left only to us and to our abilities, we will surely fail, O Lord. If we should seek to build this country on our own guidance, we will build only a house of cards. But You O Lord, are the rock; may You be our foundation and our help today.

We know O God, that You do not simply call the qualified to lead, but You qualify the called. So qualify us by Your grace. Empower us to follow the calling You have given us.

May we as individuals, as a deliberative body, and as a nation, follow You this and every day; so that one day, when time finally falls exhausted at Your gates of glory, we might hear You say, "Well done, thou good and faithful servant."

Bless us O Lord. Bless us indeed.

In the name of Your Son, Jesus Christ our Saviour, we pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 52, answered "present" 1, not voting 12, as follows:

[Roll No. 249]

YEAS—368

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—52

Aderholt
Baird
Borski
Brady (PA)
Capuano
Costello
Crane
Crowley
DeFazio
Delahunt
English
Filner
Fossella
Gephardt
Gillmor
Gutierrez
Gutknecht
Hefley
Hilleary
Hilliard
Hinchey
Holt
Hulshof
Kennedy (MN)
Kucinich
Larsen (WA)
Lee
LoBiondo
McDermott
McNulty
Menendez
Miller, George
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Ramstad
Riley
Sabo
Schaffer
Slaughter
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Wamp
Waters
Weller
Whitfield
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—12

Berkley
Engel
Harman
Hinojosa
Istook
Leach
McKinney
Meek (FL)
Meeks (NY)
Platts
Spence
Young (AK)

☐ 1025

So the Journal was approved.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. BONILLA). Will the gentlewoman from West Virginia (Mrs. CAPITO) come forward and lead the House in the Pledge of Allegiance.

Mrs. CAPITO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one 1-minute speech prior to the beginning of legislative business today.

THE REVEREND WILLIAM VANDERBLOEMEN

(Mr. BURR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Speaker, today I rise to welcome the Reverend William Vanderbloemen to the House Chamber. I have known William's family since my football-playing days at Wake Forest, and it is a pleasure to have such a fine young man here to lead us in prayer as we begin this day's work.

William is a native of Lenoir, North Carolina, and attended Wake Forest University and graduated in 1992 with a degree in history. He then attended seminary at Princeton where he received his Masters in Divinity in 1995, with the goal of becoming a professor or scholarly author; but as his studies intensified, it became clear to him that he would call the pulpit his home.

Mr. Speaker, the Presbyterian faith is better because of his choice. Upon graduating Princeton, William took an associate pastorship at First Presbyterian Church in Hendersonville, North Carolina. After a successful campaign in the mountains of North Carolina, William received a call from Memorial Presbyterian Church in Montgomery, Alabama, to be its head minister.

Memorial Presbyterian Church is a church with a place in the history of the civil rights movement of the last half of the 20th century. Opening shortly after World War II, in the middle of the 1950s, it was the first church in Montgomery to desegregate by offering open seating to members of both races. During the last 5 decades, Memorial has seen many changes, some causing divisions within the church family. In fact, when Reverend Vanderbloemen took over Memorial in 1998, they were meeting in a local YMCA, and 150 members in attendance was a good Sunday. Since 1998, membership has tripled and Memorial Presbyterian opened the first building on its new location on the east side of Montgomery. William founded the InStep Ministries, a series of syndicated radio spots aired daily and on secular stations; and one of the radio pieces prevented a suicide and that person is now a member of Memorial Presbyterian.

William serves on the board of the Presbyterian Coalition, a national gathering of leaders within the Presbyterian Church U.S.A., as well as the Ministerial Board of Advisors to the Reformed Theological Seminary. He and his wife, Melissa, have three children, Matthew who is here with us today, as are Mary and Sarah Catherine.

Mr. Speaker, I know all my colleagues join me in welcoming Reverend Vanderbloemen and thanking him for offering this morning's prayer.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts.

S. Con. Res. 34. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union.

S. Con. Res. 53. Concurrent resolution encouraging the development of strategies to reduce hunger and poverty, and to promote free market economies and democratic institutions, in sub-Saharan Africa.

□ 1030

COMMUNITY SOLUTIONS ACT OF 2001

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 196 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 196

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets. The bill shall be considered as read for amendment. In lieu of the amendments recommended by the Committees on Ways and Means and the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 8 of rule XVIII shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Rangel of New York, Representative Conyers of Michigan, or a designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BONILLA). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, to quote the chairman of the Committee on Ways and Means, House Resolution 196 is an "appropriate" and fair rule providing for the consideration of H.R. 7, the Community Solutions Act of 2001; and it is consistent with previous rules that our committee has reported and the House has adopted on legislation that amends the Tax Code. This rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Ways and Means.

After general debate, it will be in order to consider a substitute amendment offered by the minority which is printed in the Committee on Rules report and will be debatable for 1 hour. Finally, the rule permits the minority another opportunity to amend the bill through a motion to recommit, with or without instructions. The rule waives all points of order against consideration of the bill as well as the amendment in the nature of a substitute.

Mr. Speaker, before I go any further, let me take this opportunity to congratulate the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Ohio (Mr. HALL) for all their hard work on this legislation. They are certainly dedicated leaders in the quest to help the poor and the needy, both here and abroad. As our President, George W. Bush, has stated, the Community Solutions Act will allow us "to enlist, equip, enable, empower, and expand the heroic works of faith-based and community groups all across America."

The Community Solutions Act features three primary provisions to encourage charitable works. First, it provides important tax incentives to increase charitable giving by allowing more than 80 million taxpayers who do not itemize their returns to take a deduction for charitable contributions. In doing so, we are recognizing that generosity flows not only from the wealthy but just as often from the less affluent, some of whom have worked their way out of poverty and wish to give something back to struggling communities and families. It is not necessarily extra incentives these good souls need, but should we not at least show them appreciation for their philanthropy through equitable treatment under the Tax Code?

The bill goes further to encourage philanthropy by also permitting tax-free distributions from individual retirement accounts for donations to qualified charities.

In addition to individuals, there are businesses that stand ready and willing to help the less fortunate and lift up their communities. H.R. 7 enables this charity through commonsense policies that allow resources to be directed to the needy rather than being discarded. We are a wealthy Nation where resources abound, and we cannot succumb to the luxury of wastefulness. We must do better by our citizens in need, and this legislation embraces that principle.

For example, through an enhanced tax deduction, H.R. 7 encourages restaurants and small businesses to donate food to the hungry that might otherwise perish, uneaten, while children go to bed with empty bellies and seniors choose medicine over food. The bill also helps the business community fulfill their charitable missions by removing the threat of frivolous lawsuits that punish the good deeds of donating equipment, facilities, or vehicles to nonprofit organizations.

Mr. Speaker, these are commonsense, meaningful steps that we can take to make a real difference in people's lives.

"Charitable choice" is another tenet of H.R. 7. As first established in 1996 and expanded in subsequent years, charitable choice applies to the Temporary Assistance for Needy Families program, or TANF, provisions of welfare and the social services block grant program. The Community Solutions Act appropriately expands charitable choice provisions to include nine new program areas, including juvenile delinquency and prevention, crime prevention, housing, job training, senior citizen programs, community development, domestic violence prevention and intervention and hunger relief.

The Community Solutions Act builds on these existing charitable choice provisions which were signed into law already on four separate occasions. I would note to my colleagues that each of these important laws passed this House with wide bipartisan support and well over 300 votes.

Mr. Speaker, the charitable choice provisions in this bill prohibit the government from discriminating based on religion against organizations that apply to provide services under specified federally funded programs. In other words, charitable choice provides a level playing field for any group, any group, religious or secular, that wishes to compete for Federal social service funding. Charitable choice says that what an organization believes has no bearing whatsoever on how it is evaluated regarding what it can do for the poor and the needy.

In my hometown of Columbus, Ohio, the historic parish of Holy Family Church under the direction of Father Kevin Lutz feeds over 500 people daily in its soup kitchen and provides clothing and needed medical care to those who might otherwise go without. But in addition to the food and the clothing and the medicine, Father Lutz and the many volunteers of Holy Family are proven providers of care and compassion. I am proud of the work they are doing at home in my community. They are able to touch the lives of the needy and the poor in ways that government never can, because those grounded in faith can often provide the steadiest helping hand for those in despair.

Of course, charitable choice and the Community Solutions Act maintain important safeguards to protect the fundamental character of these organizations and to prevent them from discriminating against or proselytizing to the individuals which they serve. As crafted under the bipartisan leadership of the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Ohio (Mr. HALL) and honed by the Committee on the Judiciary, this bill strikes a careful balance between expanding the universe of social care and protecting individual and organizational religious freedom.

Finally, the Community Solutions Act creates individual development accounts which will allow low-income individuals to save and have matching funds so that they can accumulate a small nest egg, maybe enough to allow them to reach the dream of buying their first home or completing a college education or even starting a small business. It is a helping hand for those who need it most, who might never get a leg up any other way.

This is commonsense legislation that encourages charitable giving and enlists the strongest of our allies in our effort to provide desperately needed social services.

Mr. Speaker, we should never turn our backs on those who wish to help in the battle against despair, poverty, crime, and drug addiction. We should never turn our backs on those who have demonstrated an incredibly superior capacity to help over and over, one neighbor at a time. If we do turn our backs on those who seek to help, we turn our backs on those who need the help.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the time, and I yield myself such time as I may consume.

This is what they call a modified closed rule that will allow for consideration of H.R. 7, the Community Solutions Act of 2001, which supports the President's faith-based initiative. As my colleague has described, this rule permits a Democratic substitute and a motion to recommit. This is similar to other rules for tax-related bills.

When the gentleman from Oklahoma (Mr. WATTS) and the White House asked if I would be interested in sponsoring this faith-based initiative, I did not hesitate. It was not much of a stretch for me. It was, as some people have said, a no-brainer. I did not have to think too long or hard about it because I have had a lot of experience with faith-based programs and people of faith. I admire them and what they do.

I am involved with this issue because I am determined to see an end to hunger in America.

My experience with faith-based programs in my hometown of Dayton, Ohio, in Appalachia, here in the District of Columbia and in other countries has shown me that people who work in the field are not just dedicated, they are inspired. They feel called by their faith to make a difference. One of the values of that calling is that it brings new perspectives and encourages creativity and ingenuity.

Over the July 4th recess, I traveled to East Timor and Indonesia and visited poverty alleviation projects. I toured squalid neighborhoods in Jakarta where hundreds of thousands of people lived in dumps and in conditions not fit for humans. As I visited these projects where repugnant smells were everywhere and hunger and sickness were rampant, I asked the workers why they did this work that they did. I knew what they were going to say to me, because when I ask this question, whether I am in Indonesia; Dayton, Ohio; or rural Appalachia, I always get the same answer. They tell me what motivates them is their faith. I ask them if they tell people about their faith. They say, "We don't have to." "We don't have to proselytize or force a sermon on them," they answer. "Our faith speaks for itself. We love the people. They respond to our love. And they respond to our programs. They recognize our faith by the work that we do without us forcing it down their throats."

This bill specifically prohibits Federal funds from being used for sectarian purposes. We need to include everybody in this fight if we ever hope to win the battle against poverty. That means that everybody should have a chance to compete for Federal funds to address our problems. Existing government and nonprofit programs do not have all the answers to these problems. Some have done tremendous work, but we still have 25 million people in the country that are hungry, we have homeless people, we have domestic violence, we have a horrendous drug problem, we have millions of working families and senior citizens that are not making it. The list of challenges goes on and on and on.

Many large faith-based organizations have for years been receiving millions of government dollars, and we have been very happy with their efforts. But what about the thousands of smaller groups that cannot compete for Federal moneys because of burdensome red tape? These programs have few employees. They rely instead on volunteers. They have small budgets, barely keeping their heads above water financially. That is what this bill is about, including these smaller groups that are motivated by their love and faith to work in areas where nobody else will work.

In Vinton County which is one of Ohio's poorest counties, I recently visited CARE United Methodist Outreach. It is an organization that distributes food, household necessities, clothing; it gives help with job assistance, almost anything that a person might need. A long way from Vinton County, just a few minutes from here across the river in Anacostia, is a program called The House. It is an initiative that works with youth from Anacostia High School in one of the toughest neighborhoods in the District of Columbia.

☐ 1045

These are just two of the thousands of examples of small faith-based community-minded organizations working where no one else will go. Actually, if these two groups were not there, nobody would be there.

This bill will allow these religious organizations to compete on a level playing field. This is not about favoring certain religions; it is about funding the groups that will get the best results in caring for the least, the last, and the lost.

Problems in our country are real, and many are getting worse; and none of them are going away without some response. If faith-based groups can respond effectively, I think we should encourage them to do so.

I urge my colleagues to make finding solutions to these problems a priority, and I hope that they will give faith-based groups no less a chance than their secular counterparts have.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. GEKAS), a member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, I rise in support of the rule that is before us and for the debate that follows.

At first I had been considering appearing before the Committee on Rules to try to make in order some kind of amendment that would prevent cults and other fringe groups or groups that would gather together and form for the purpose of trying to take advantage of the new programs, new spending programs, that would be accorded by this legislation. Since then, in reviewing the legislation and in conferences with other Members and with other individuals outside the Congress, I am convinced that a so-called cult cannot succeed in applying or qualifying for one of these programs.

Why? It is a certainty that these programs are going to be based on the experience and track records mostly of existing faith-based organizations, rather than doing the kind of work we contemplate for years. So we have a foundation upon which these programs can be based.

In conversations with the gentleman from Wisconsin (Mr. GREEN), who did an extensive study of these very same questions, he further satisfied me that my worries about cults being eligible for these programs is not founded on reality.

So, I have no need, did have no need, have no need now, to try to add provisions to this to guard specifically against the dangerous cult, as I view it.

Mr. Speaker, I am satisfied that the rule will allow for a full debate that will encompass all the purposes of the legislation, without indulging in allowing loopholes for fringe groups to enter the process.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, this rule is terribly unfair. The gentleman from Ohio said, well, this is how we treat tax bills. But this is hardly a tax bill. There is a very small piece of it that is tax related. The great bulk of it is the social service aspect. It is very important.

I am very proud of the work I have done with faith-based groups. I care a lot about housing, and the Catholic Archdiocese of Boston has a wonderful record in housing. In area after area, I have been proud to cooperate with them. But none of those organizations have told me that they needed the right to discriminate or ignore State and local anti-discrimination laws.

That is what this bill does. I will insert into the RECORD here pages from the transcript which will show the chairman of the committee acknowledging that it preempts State and local anti-discrimination laws, and the gentleman from Florida (Mr. SCARBOROUGH) explaining why it is important that Jewish groups be allowed to discriminate in the serving of soup by not hiring non-Jews. I disagree with both of those. I wish we had ample time to debate them.

Mr. FRANK. There are further questions that we have. There is also this list, the nondiscrimination statutes, that must be followed. They are the Federal statutes. Some States have decided to go beyond what the Federal Government has done in preventing discrimination, and I would ask, because it's not clear to me, is this preemptive of State employment discrimination laws other than those which might track the Federal one? I would yield to anyone who could give me the answer to that. By specifying the Federal anti-discrimination laws that apply, does this mean that State anti-discrimination laws which cover subjects not covered under the Federal law, would be preempted in effect, and the religious organizations would not have to apply—follow them? I would yield to anyone who would answer that.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. FRANK. Yes, Mr. Chairman.

Chairman SENSENBRENNER. I'll answer the second part of our question and I'll seek my own time for the first part. The second part, relative to Federal preemption. Federal law applies where Federal funds go, and State law does not apply. If the religious organization accepted State funds, and by implication, local government funds, then State laws would apply to them as well.

Mr. FRANK. So it would preempt State laws or allow them to——

Chairman SENSENBRENNER. It would allow them to ignore State laws when Federal—only Federal funds are used, but would not allow them to ignore State laws when State funds are used.

Mr. FRANK. What if there was a mix of Federal funds and private funds?

Chairman SENSENBRENNER. Then they could ignore State laws.

Mr. FRANK. That seems to me to be a serious flaw and hardly consistent with the sporadic States' rights professions that we hear from the other side. The principle ought not to be that you can get out of following a State's enactment because you have accepted some Federal funds, and the Chairman has very straightforwardly made it clear. If you get some Federal funds and you have some of your own funds, you might—not might—you are then allowed to ignore a State law that would otherwise be binding on you. I do not think we ought to be embodying the principle that the acceptance of Federal funds somehow then cancels State law.

There are a number of things. For instance, the States get highway money from the Federal Government. Does that principal apply? Should we then say that a State highway department can ignore its State's own laws with regard—or contractors getting the State highway money? That, really, frankly, surprises me in the very radical nature of a repudiation of what the State can do. In other words, you are in the State and you have set a policy that there will not be discrimination based on this or that or the other, other than what the Federal Government does. And an organization in your State, which decides to do a program, and it's got 70 percent of its money, and it gets 30 percent of the Federal money, that Federal money now becomes a license to ignore State anti-discrimination law. If there's a conflict between the laws, then the Federal would apply, but I had not previously thought it would be

Mr. SCARBOROUGH. I do believe, although it has not been articulated well, and I'm not trying to persuade you, I'm just merely saying that there are some of us that believe this that may not be able to articulate it very well, that there is a culture in, let's say, an urban Protestant Church that is separate from a culture in, let's say, an urban synagogue or in a Catholic Church that is separate from another.

And I see Ms. Waters. She's about to explode, and I'm sure I'm going to be a bigot, and this, that, and the other, but I'm just saying there is——

Chairman SENSENBRENNER. The Chair is prepared to declare a 30-second recess.

Mr. SCARBOROUGH. Why is that?

Chairman SENSENBRENNER. So that nobody explodes. We don't want that to happen.

Mr. SCARBOROUGH. I love Ms. Waters——

[Laughter.]

Mr. SCARBOROUGH. I love Ms. Waters, and Ms. Waters loves me. She hugs me on the floor every chance she gets. That's why she got up. She couldn't resist herself. [Laughter.]

But there is a culture, seriously, there is an inherent culture in these organizations, like, for instance, and I'll talk about my church. I'm Southern Baptist. I disagree with a lot of things they believe about people who are divorced not being able to be deacons or, or women not being able to preach, all right? But I do know that there are Southern—and if that offends me, I can, I can take a hike. But there are, even though I disagree with some of the things that people in the Southern Baptist Church believe in, they can effectively deliver services because of the culture of whether it's First Baptist Church of Pensacola or——

Mr. WEINER. Will the gentleman yield on that point?

Mr. SCARBOROUGH. Yes, sir, I will.

Mr. WEINER. Would the gentleman yield on that? And I'm convinced the Southern Baptist Church can deliver those under this bill.

Perhaps you can enlighten me, and using the example of the Southern Baptist Church or whatever you referred to, someone coming in for a job interview to work in a job training program to teach typing to someone who had been laid off——

Mr. SCARBOROUGH. Right.

Mr. WEINER. Why is it, give me an example, just so I can fully get my mind around it, why is it necessary that they be Baptist and why is it not only necessary, why is it so important to this program that it means offending 35 or 40 Members around here who might be willing to make this a bill that 300 people can vote for?

Mr. SCARBOROUGH. Yeah, well, I don't think it's—reclaiming my time—I don't think it's necessary. And, obviously, I think most of us on this panel, I would hope, would agree that it would be extraordinarily bigoted for any, any organization, be it a faith-based or secular organization, to prevent people from being hired. But I think the biggest concern is compelling, for instance, a synagogue in a certain area to hire a fundamentalist, right wing, religious, whatever, that would, after all——

Mr. WEINER. Typing teacher?

Mr. SCARBOROUGH. Hold on a second. Hold on a second.

Mr. WEINER. What does a right-wing typing teacher do, only type with the right hand?

Mr. SCARBOROUGH. We're talking about, and again——

[Laughter.]

Mr. SCARBOROUGH. Again, if you want to get laughs, that's fine, but, for instance, delivering soup, let's say, for instance, in an area that's heavily served, let's say a synagogue in an urban part of the area, listen, they want to get their soup. They don't want to hear somebody with views that's completely different from their own views. And I understand, I understand what the bill says that they're not allowed to do that. But, again, if you compel these organizations, again, whose culture, many Americans believe, allow faith-based organizations to deliver services more effectively than, say, the Department of HHS——

Chairman SENSENBRENNER. The time of the gentleman has expired.

Mr. SCARBOROUGH [continuing]. There's a risk of changing the very culture of those organizations.

Ms. LOFGREN. Mr. Chairman.

Chairman SENSENBRENNER. The time of the gentleman has expired.

Mr. SCARBOROUGH. Thank you.

Chairman SENSENBRENNER. For what purpose does the gentlewoman from California, Ms. Lofgren, seek recognition?

Ms. LOFGREN. To strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. LOFGREN. I—I was fascinated by the last exchange because, apparently, even though there is a prohibition on proselytizing, the reality would be that there would be proselytizing, and therefore we need to make sure that religious institutions can discriminate against people who are not of their religion so that they can violate this statute, which I think is a very odd proposition.

But I would just, going back to my experience in local government, I would just like to say I think this bill is a, is a solution in search of a problem. I mean, we used all kinds of contracts with religious-based organizations. Catholic Charities ran the Immigration Counseling Center. The only instance in my 14 years on the Board of Supervisors that ever came to my attention that someone, a religious group felt that they might not be—having treated fairly, was an evangelical church who wondered were they being treated fairly, and I met with them, and we made sure that they were brought into the opportunity to provide food through the food service, the largest faith-based group in Santa Clara County, PAC, which has, I think now, 17 parishes and churches. They provide homework centers, the biggest homework centers for all the kids after school. They wouldn't even consider discriminating against a tutor based on their religion, and Catholic Charities wouldn't even consider discriminating against a psychologist in hiring for one of the programs, the mental health programs they run. It would be inconceivable.

So I really strongly believe that Mr. Scott's amendment is necessary and that this bill is probably not, but I would like to yield to Mr. Scott, at this point.

Mr. Speaker, this rule does a terrible disservice to democracy. This is a fundamentally important issue. Many of us are in favor of helping the faith-based groups, but want to put some safeguards in. There are complicated issues. Instead, we are told we get one substitute and one recommittal. The recommittal gets 10 minutes of debate.

This forces fundamental, philosophical, constitutional, and moral issues of great importance into a shoehorn, apparently because the majority did not want to debate them.

We are going to be told, well, you should not lump all these things together. We only wanted four or five amendments. We are only getting a couple of hours of debate on this fundamental issue, when we spend much more time on things of less significance.

I will say this: Members who say, well, I could not vote for that recommittal, I could not vote for that substitute because it did not have everything I wanted, it had too much in there, then vote against the rule.

Let us vote down this rule, and let us take this bill up where we can offer amendments that deal with these serious moral and constitutional issues in a significant way. Unfortunately, we are going to have a debate in which there are going to be all kinds of charges of mission representation, because the rule does not allow us time to air them.

But I want to just close by saying again, the chairman of the committee honestly acknowledged that it preempts State and local anti-discrimination laws where they use Federal laws, and others have talked about the right to discriminate religiously in hiring for secular purposes. Those should not be allowed to stand.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. I thank the gentlewoman for yielding me time.

I do agree with my colleague from Massachusetts that these are sensitive issues and weighty subjects that we debated today. Like everyone, when I first looked at this legislation, I had questions. It is complicated, it is complex, and it does touch upon delicate issues.

But I am proud of the work that has been done in this bill as it has moved forward. I am proud of the work that the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from California (Chairman THOMAS) have done.

This bill is constitutional, this bill is workable, this bill is the right thing to do. It has strong accountability provisions. It requires separate accounts for the Federal dollars. It has opt-out provisions. It has secular alternative requirements.

This bill builds on current law. The religious exemption that we are going to hear about so often today is current law. It has been law for years. This body has reinforced this law on bipartisan votes several times.

In many ways, this bill is nothing new, because much of this is in current law; but in many ways, fundamental ways, it is new, because it opens up to new services, it opens up to new battles, it opens us up to new communities. With this bill, we can make a difference in lives, in neighborhoods, in communities all across America. This is the right thing to do.

Our President has pledged us as a Nation in his inaugural address that when we see that wounded traveler on the road to Jericho, we will not step to the other side. This legislation will ensure that that is the case.

I am proud of this legislation. I think this rule makes sense. I look forward to the debate, and I look forward to passing this law and sending it on to the Senate and the President's desk.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Ohio for yielding me time.

Mr. Speaker, I appreciate the opportunity presented because of this bill being introduced. I rise today to express my strong support of H.R. 7, the Community Solutions Act of 2001. This bill is long overdue.

I come from a small town in rural Mississippi called Bassfield, population 350, which is home to a few hundred families who work hard every day. I invite you and my colleagues to visit Bassfield and see what it is like in a real small town outside the Beltway. In my town, churches and other houses of worship and religious institutions are the bedrock of the community. This is true in small towns and big cities across the country.

Where I come from, faith and family are common values; and, unlike Washington, when people in Bassfield need help, they do not look to the Government first, they look to the family and neighbors.

We cannot put a fence around the churches in Bassfield or anywhere else. It is impossible, because religious institutions are and will always be central to the lives of our communities. They do it because it is the right thing to do, and they do it well.

It does not make sense to reinvent the wheel to establish government programs to provide services in communities where services already exist in an overzealous effort to isolate religious from public policy.

We must respect the foresight of our Founding Fathers, who knew that our new democracy could not permit one religion to prevail over others. But they also knew that our country was funded on the basic freedom to express one's religion, not to silence it. While we must respect the separation of church and State, we must also respect the rights of people of faith.

Mr. Speaker, we always walk a fine line when we consider religion and public policy in the same breath; but in the Community Solutions Act, I believe we have crafted a bill that respects the separation of church and State, and, at the same time, tolerates the rights of all Americans to practice their religion.

We have crafted a measure that affords people in big cities and small towns across the country the opportunity to receive essential services from the people who know them best, their faith-based institutions that already are the core of their communities. In a civil society in our democracy we tolerate the views and religions of others. In this spirit, I believe we can allow faith-based institutions to be our partners in communities. Indeed, they already are.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, let me address two points. I do not know if my colleague from Massachusetts is still in the Chamber, but this Charitable Choice exists in Federal programs already. In addition, the House has provided passage of Charitable Choice in child support, the Home Ownership Act, Fathers Count Act of 11/10/99, and also the Juvenile Justice bill. So we have four cases where Charitable Choice is already in place.

So for folks to come on the House floor and say vote against the rule because this is not fair, this is a great constitutional question, that is not true. However, President Clinton already signed into law four of these Charitable Choice pieces of legislation.

Mr. Speaker, I am here because contained in the base bill, I have a bill that was incorporated, and I want to thank the gentleman from California (Chairman THOMAS) and the gentleman from Oklahoma (Mr. WATTS) for giving consideration to my bill, which repeals the excise. tax on the net investment income for private foundations. I would also like to thank my colleagues who have cosponsored this legislation.

Though, of course, full repeal of the 2 percent excise tax on private foundations would have been preferable, I want to thank my friends on the Committee on Ways and Means for eliminating the two-tier system and simplifying the tax to a flat 1 percent.

The tax was originally enacted in 1969 as a way to offset the cost of government audit of these charitable organizations. In 1990, the excise tax raised $204 million, and they conducted 1,200 audits of private foundations. Then in 1999, the excise tax raised $500 million, and the IRS only did roughly about 200 audits.

So private foundations generally must make annual distributions for charitable purposes equal to roughly 5 percent of their fair market value of the foundation's endowment assets. The excise tax acts as a credit in reducing this requirement.

So I am glad my bill is part of the base bill. It is a tax cut. I want to again remind my colleagues to vote for the rule.

Mr. Speaker, I first want to thank Chairman THOMAS, along with Congressman WATTS, for giving consideration to my bill H.R. 804—a bill to repeal the excise tax on the net investment income for private foundations. I would also like to thank my colleagues who have cosponsored this legislation.

Though, of course, full repeal of the 2 percent excise tax on private foundations would have been preferable, I want to thank my friends on the Ways and Means Committee for eliminating the two-tiered system and simplifying the tax to a flat 1 percent.

The tax was originally enacted in the Tax Reform Act of 1969 as a way to offset the cost of government audits of these organizations. In 1990, the excise tax raised $204 million and the IRS conducted 1,200 audits of private foundations. In 1999, the last year for which figures are available, the excise tax raised $499.6 million with the IRS conducting 191 audits.

Private foundations generally must make annual distributions for charitable purposes equal to roughly 5 percent of the fair market value of the foundation's endowment assets. The excise tax paid acts as a credit in reducing the 5 percent requirement.

By reducing the excise tax, we are placing needed money into the hands of our nation's charities. I thank Chairman THOMAS and Congressman WATTS for their leadership and support.

Across this country, faith-based charitable organizations have brought healing to broken lives and suffering communities by providing emergency services, drug treatment, after school programs, as well as many other vital services. However, too often the Federal Government has valued process over performance and not welcomed faith-based charities as partners in fighting social ills.

To address this bias Congress has repeatedly supported a program called Charitable Choice. This idea is not revolutionary. It has been adopted four separate times by bipartisan majorities and was signed into law by President Clinton each time, the first being the landmark welfare reform legislation in 1996. Charitable Choice is bipartisan, consensus law that expands options for needy Americans while safeguarding the character of faith-based charities and protects the rights of beneficiaries.

In fact, it already exists in Federal law and applies to three domestic programs. It enjoys broad support because it is not a special fund for religious charities; it simply makes faith-based groups eligible to compete for Federal dollars.

Charitable Choice corrects this prejudice that discriminates against charities on the sole basis of their belief system. This program because it is grounded in the Constitution, requires nondiscrimination. It includes all people of goodwill—whether Methodists, Muslim, Mormon, or good people of no faith at all.

It preserves the first amendment because it insists on a separation between programs operating on the Federal dollar and those operating on the private dollar. Faith-based organizations may make federal programs available by advocating values but not engaging in religious worship.

The question then becomes, why would any faith-based group want to participate with these limitations. The answer is that the funding is always going to be there and therefore will we continue to discriminate or will we open the process and ferret out discrimination.

Charitable Choice is about funding affective public services, not religious worship. It explicitly states that no direct funds "may be expended for sectarian worship, instruction or proselytization." While securing this separation, it also allows "conversion-centered" groups to participate via vouchers. This is nothing new in Federal law. Since 1990, low-income parents have used vouchers to enroll their children in thoroughly religious child-care services.

This voucher option is critical for beneficiaries because when helping needy Americans one size does not fit all.

Charitable Choice offers assistance in both the form of vouchers (to recipients) and grants (to organizations) to fund civic assistance programs. This variety expands service to needy Americans because it allows them to participate in a program that suits them without respect to religion.

The President established the office of Faith-based and Community Initiatives, which is the first of its kind, to correct this glaring discreptency. The purpose of this office is to devise a constitutional means by which religious organizations are brought to the table and allowed to compete for Federal moneys regardless of their belief system.

This is consistent with the President's objective to unleash private money for public good. It establishes charitable giving incentives for taxpayers to increase the level of money given directly to public service organizations.

Charitable Choice allows faith-based and secular civic organizations to compete on the basis of the same criteria. Charitable Choice asks the question, "What can you do?" rather than "Who are you?" It holds both the religious and secular civic organizations to the same standard: Results.

It is our responsibility to expand the range of care for people in crisis and Charitable Choice is an innovative way of achieving that goal. It is a way to empower that which is small and holistic.

American's deserve a variety of alternatives; the goal is not to favor one group or belief system over another but to simply level the playing field such that any effective social service is made eligible for Federal moneys already designated for public services. It doesn't favor any religious organization; it only ends some of the burdens that often impede them. Surely this is something that every American can support.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in opposition to the rule. It is clear that the majority is avoiding the amendment process because they cannot defend the underlying bill. I offered an amendment that was rejected in Rules that would have required agencies when making funding decisions to consider objective merits when they consider the proposals.

Now, I would like to ask, if you are not using objective merits, are the Federal officials supposed to just pick and choose between the religions based on the religion they like the best?

In addition to discriminating in the grant process, it prevents amendments on the issue of whether we ought to roll back civil rights by 60 years. The Leadership Conference on Civil Rights, the NAACP, a host of other organizations, oppose this bill because of what it does to civil rights.

We have heard we are not changing any present laws. Well, if you are not changing any present laws, you do not need a bill. This changes present laws, and that is the major controversy in the bill. We have not been able to discriminate in Federal contracts based on religion for decades. You can under this bill.

In fact, this bill is not about small organizations, and it is not about faith organizations. Any program that can get funded under this bill can get funded today, except those sponsored by organizations who insist on discriminating based on religion.

□ 1100

We ought to have a process where we can debate the question of discrimination in this bill. We ought to have a rule that allows that; this rule does not, and therefore, this rule ought to be rejected.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER), my distinguished colleague.

Mr. SOUDER. Mr. Speaker, I thank the gentlewoman for yielding me this time.

First, I want to make a comment on the rule itself, which is this debate. The gentleman from Virginia just commented that he was frustrated that the rule does not allow for the ability to offer amendments. I cast a very difficult vote the other day. I do not favor campaign finance reform, but I believe that our leadership had been trying to work out a way for Shays-Meehan to have a straight up-or-down vote. In fact, this is what we need on charitable choice and this is what we need in health care.

I believe this rule is fair. Most Members of this House, in effect, both on this side and on the other side, argued for a rule that gave people who are arguing a position the ability to have a vote on their bill, and I believe this bill falls into the same category as campaign finance reform, the Fletcher medical bill, and other bills. When we have these conflicts where there are two clear sides, we ought to have straight up-or-down votes on those bills.

Secondly, while the gentleman from Virginia (Mr. SCOTT) is technically correct that this bill is different, it actually protects current religious exemptions. It does not change the religious freedom law. What we have done in this country is said that people who want to preserve their religious freedom are not eligible, even if they do not proselytize, even if they are just distributing soup to the hungry or if they are building a home for somebody who is homeless or if they are helping somebody who is dying of AIDS. Even if they do no evangelization, even if they do not pray with that individual, they are not allowed to build the house unless they change their entire religion or basic beliefs. That is what religious freedom is in this country, and that is what this bill is trying to uphold with current procedures as to how we do charitable work in this country so as to not step on religious freedom, and this bill attempts to rectify that.

Mr. HALL of Ohio. Mr. Speaker I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding me this time. I might say about the gentleman, he is a champion, not only in the United States but worldwide, when it comes to hunger and fighting hunger.

I rise today in support of the rule, in support of H.R. 7, The Community Solutions Act of 2001. The heart of the so-called faith-based program would allow religious organizations to bid for Federal funds to feed the hungry, fight juvenile crime, assist older Americans, aid students, and help welfare recipients find work, among other charitable activities. I applaud the tremendous work that faith-based organizations have done to provide much-needed services to our communities.

Organizations such as the Nashville Rescue Mission in my district offer a hand up to those in need without any influx of Federal dollars. This legislation would give the mission and other groups the opportunity to compete for such funds should they so desire. These important faith-based service programs no doubt play an extremely important role in transforming lives as they daily reach out to the less fortunate in Tennessee and across the Nation. The time has come to recognize these unique entities by passing charitable choice legislation.

Charitable choice simply means equal access by faith-based organizations when they compete with other organizations for Federal social service contracts. Nothing is guaranteed. They must compete with everyone else and demonstrate their proven effectiveness in providing basic social services before they will be awarded Federal grants. Charitable choice is not a new idea. Existing charitable choice programs and national programs across the country have benefited thousands of people.

Faith-based organizations have long been on the front lines of helping our communities' most needy and broken. They have taken on the challenges of society that others have left behind. It is time that the Federal Government recognized the work they do and assist them in meeting these challenges. Let us improve our delivery system; let us support this bill and pass it.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I would like my colleagues to join me in a little visualization, the Members that are gathered here and perhaps others here in the Chamber. This story, I will give credit, came from John Fund who is an editorial writer, and I would like you all to close your eyes for a minute if it makes it easier. Imagine for a minute that you go home today and open your mail and there is a letter there from an attorney who is a long ways away, and as you read that letter you realize that you have been named an heir to an enormous fortune that you did not even know existed and, all of a sudden, you are wealthy beyond your wildest dreams. Think about that for just a minute. You think, this is a windfall. I would like to take a significant portion of this money that I did not know I was going to get and I would like to put it into something that will help the less fortunate. Think about that for a minute. What would you do with that windfall? How would you help the less fortunate?

Now, be honest. How many of you, the first thing you thought of was, I know, I will give the money to the Federal Government.

Now, you might have thought about giving the money to the Salvation Army, you might have thought about giving it to the Red Cross, to a church group, to some other organization, but I will guarantee very few people gathered here in this Chamber today, very few Americans, the very first thing they would have said is, I know, I will give the money to the Federal Government.

That is what this bill is really all about. Let us give faith a chance. We all know deep down in our bones that we have wasted billions of dollars over the last 20 or 30 years in failed social programs run by the Federal bureaucracy. All this bill simply says is, give faith a chance.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, my husband, my children and I have among us 100 years of Catholic education. That education has taught us our responsibilities to the poor and the mission of the Gospel of Matthew. Indeed, the gentleman from Ohio (Mr. HALL) is the living embodiment of the gospel of Matthew to minister to the needs of the hungry, the homeless, and others in need. That Catholic education has also taught us to oppose discrimination in every place in our country. That is why I have to oppose this legislation, H.R. 7, that is before us today.

I am very proud that Catholic charities is the largest private network of social service agencies in the country, but in order to receive Federal funds, which they do now, Catholic charities and other religious affiliated nonprofits must agree to abide by all applicable antidiscrimination laws and to provide services without religious proselytizing. H.R. 7 would remove those important protections.

So as a Catholic and one driven by the Gospel of Matthew and proud of the work that our nonprofits and all denominations do, what is the problem with this bill? The problem is that today, this House will vote to legalize discrimination as we minister to the needs of the poor. I hope that course of action will not be taken, and I urge my colleagues to oppose this unfair rule and to oppose H.R. 7.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH), a member of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE), a member of the Committee on Rules, for yielding time to me.

Mr. Speaker, I am happy to support our Nation's faith-based organizations. I want to mention some people back home who are doing this kind of work. In downtown San Antonio at the Little Church of La Villita, for almost 40 years, people like Cleo Edmonds and David Gross have given their time and resources to feed the hungry. They feed about 100 people each day, primarily single mothers. Some people come in to get a meal; others to get groceries.

In addition to meeting the nutritional needs of those who come seeking help, the Little Church of La Villita meets the spiritual needs in our community, offering prayer and counseling to those who request it.

Some want to tell us that the faithful should leave their faith at the door. But, Mr. Speaker, everyone involved in serving the poor has faith; everyone has convictions. The only difference is that some believe in the power of God and some believe in the power of government.

The Constitution does not envision a government devoid of all religion; rather, it envisions a rich menagerie of faiths, a patchwork of beliefs and convictions, all under the protection of one Constitution.

Whether or not this bill becomes law, the Little Church of La Villita will continue its work. The question is not: Does the Little Church of La Villita need government money? The question is: Does the government need places like the Little Church of La Villita?

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I feel like I am caught between a rock and a hard place. I say that because I support the concepts of faith-based initiatives. I support the elements of this legislation. I think it is going to go a long way towards finding solutions and helping address some of the many social ills and problems.

On the other hand, I do not believe that we can allow any hint of discrimination or the opportunity to discriminate against any segment of our population, no matter whether we are dealing with race, color, national origin, sexual orientation, it matters not. Each and every human being in this country must feel that they have equal protection under the law, must know that they are not going to be discriminated against.

While I hope that we will end up at the end of the day having passed this legislation, I hope we will end up at the end of the day sending a message to all of America that we will not allow discrimination in any shape, form, or fashion.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, I am pleased today to rise in support of President Bush's charitable choice initiative, the Community Solutions Act of 2001. I wish to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) of the Committee on the Judiciary and the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, for their diligent efforts in crafting this legislation which has taken into account many different points of view.

As chairman of the Committee on Education and the Workforce, I am pleased that the legislation clearly indicates that faith-based organizations will be able to compete to provide services under several programs within our committee's jurisdiction. Every day throughout our Nation, community and faith-based organizations are playing a key role in meeting the needs of many Americans. Whether operating a soup kitchen, helping to build homes, providing child care, or providing training to welfare recipients, community and faith-based organizations are reaching out to others, and, in doing so, improving the quality of life for many Americans.

President Bush has called them "armies of compassion"; and, indeed, these organizations have demonstrated compassion on many fronts: caring for children after school, providing emergency food and shelter, offering mentoring and counseling, uplifting families of prisoners, and helping to rescue young men and women from gangs and violence.

While many of these organizations have had success, some faith-based organizations have faced barriers in accessing Federal funds. H.R. 7, the Community Solutions Act, addresses this problem by making Federal programs friendlier to faith-based organizations. It will enable these organizations to compete for Federal funds and grants on the same basis as other organizations; and, in short, it will ensure that they have a seat at the table with other nonprofit providers.

Charitable choice is not a new idea, and over the past several years, Democrats and Republicans alike have voted for charitable choice in the Welfare Reform Act, the community services block grant law, and two substance abuse laws under the public health services act. The Community Solutions Act of 2001 represents a logical extension of these laws and would expand charitable choice to juvenile justice programs, housing programs, employment and training programs, child abuse, and violence prevention programs, hunger relief activities, high school equivalency and adult education programs, after-school programs and programs under the Older Americans Act, as well as many more.

□ 1115

For those who might be concerned about the excessive entanglement of religion in H.R. 7, it prohibits faith-based organizations from discriminating against participants on the basis of religion, a religious belief, or a refusal to hold a religious belief.

Other safeguards include a prohibition on using government funds for religious worship, instruction or proselytizing, and a requirement for separate accounting for the government funds.

Finally, if one objects to receiving services from a faith-based provider, alternative providers must be made available.

I think another important part of this legislation is the expansion of charitable deductions to those who do not itemize on their tax returns. One organization in my home State that would benefit from this change in tax law, as well as the charitable choice provisions, is Reach Out Lakota, located in West Chester, Ohio. This group began nearly 8 years ago after a one-time Christmas charity event, and now has expanded into a year-round organization which provides food, clothing, and other social services to about 45 families each month.

It is this kind of organization and this kind of involvement by community and faith-based organizations that I think is truly making a difference in the lives of many Americans. It is this kind of involvement that the Federal Government should be promoting and encouraging, the kind of involvement that H.R. 7 envisions.

I urge my colleagues to support President Bush in his efforts to transform cities and neighborhoods all across the land. I will ask all of my colleagues to vote for the rule and to vote for this most important bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in opposition to this rule because it forces Members who have genuine concerns about some very troublesome elements of the bill to raise all those concerns in a single substitute motion.

This rule permits not a single amendment to this bill to be heard on the floor. We will not be allowed to have clear votes on any of these questions, so the majority can shield from scrutiny the fiscal irresponsibility contained in this bill, the legislative green light in this bill for invidious discrimination, the nullification of State and local antidiscrimination laws contained in this bill.

Their effort to allow the administration to completely rewrite the billions of dollars of social service programs into vouchers, without any legislative investigation into what we are talking about there, without congressional consideration, and allowing religious groups to subject the most vulnerable in our society to religious pressure and proselytizing using Federal dollars.

Why are they so afraid of open and unstrained debate on this bill that makes such radical changes to our laws regarding religious freedom and the provision of social services? Why are they afraid to have clean up or down votes on these various issues? Does it have anything to do with the fear that those radical proposals considered one by one might not pass this body? Does it have anything to do with the fact that they are having trouble holding their own Members in line to vote for legalizing religious discrimination with taxpayer dollars?

This is compassion? This is what the majority thinks of our first freedom? This is what the Republican leadership and the compassionate conservative in the White House think of the merits of this proposal, that they will not permit amendments to be introduced on the floor and considered and voted on?

This House should have the chance to look carefully at each of these issues within this bill separately. We should have the chance to vote on these issues separately. We should have the chance to consider separately the several radical changes this bill would make in the very good and satisfactory way that religious organizations have been competing for and winning and using Federal funds for providing social services for the last 6 or 7 decades.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 1½ minutes to my distinguished colleague, the gentleman from Ohio (Mr. TRAFICANT).

Mr. HALL of Ohio. Mr. Speaker, I also yield 1 minute to the gentleman from Ohio.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from Ohio (Mr. TRAFICANT) is recognized for 2½ minutes.

Mr. TRAFICANT. Mr. Speaker, let us cut to the chase here. Opponents say that the Constitution separates church and State. Let us get down to business. But all legislative history clearly states and reflects the fact that the Founders' intent was only to prohibit the establishment of one state-sponsored religion.

The Founders put God on our buildings, the Founders put God on our currency, and the Founders never intended to separate God and the American people.

Think about what is happening in America. We have guns, drugs, murder in our schools, but prayer and God in our schools is actually prohibited by our government, we the people. Beam me up, Mr. Speaker. The Founders are rolling over in their graves.

I say today on the House floor, a nation that denies God is a nation that invites the devil and welcomes massive social problems, and that is exactly what is happening in America. Look around.

I stand here today in strong support of President Bush's initiative. I want to commend the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Ohio (Mr. HALL) for their great leadership in taking America back to the intended course that our Founders had planned for our great Nation, founded on religious liberty.

We have let a few people in America decide what faith means. It is time to change that. This is the place to start. I commend those who are responsible for this great initiative.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding time to me.

Today I rise in strong opposition to this rule and this bill. As one who attended a Catholic school for 8 years, and a person of very deep faith, I believe faith-based organizations do enormous good in our communities, our country, and across the world helping millions of people. They feed the hungry, heal the sick, house the homeless.

Nonprofit religious organizations should be supported with increased funding and technical assistance. That is what charitable choice should do. There is not one cent in this bill to help these organizations in their noble work.

However, providing Federal funding directly to churches, synagogues, and houses of worships, mosques, which this bill does, represents direct government intrusion into matters of faith.

Government cannot and government should not interfere with the practice of religion.

This bill subjects houses of worship to government control. Mr. Speaker, the IRS will have a field day. This bill will allow government-sponsored discrimination. It tramples State and local civil rights laws, and allows the use of Federal taxpayer dollars to fund discrimination in employment.

For example, it would allow organizations to refuse to hire Jews, Catholics, African American Baptists, depending on their religious policies and practices of their denomination. It would use taxpayer funds to fund that discrimination.

That is intolerable. Our government cannot turn its back on decades of fighting against discrimination and start funding discrimination. I urge Members to oppose this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 2 minutes to my friend and distinguished colleague, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I stand in strong support of this rule. I am a little confused. Those who are against it are saying they are against it because they cannot get their amendments in. Yet, that same group last week, when the Committee on Rules said, let us have a campaign finance reform bill with lots of amendments, they were totally against that rule. So the reality is here they are against H.R. 7.

Let us review. In 1996, President Clinton, a liberal Democrat, signed into law welfare reform, welfare reform which said that faith-based organizations could participate in the delivery of some certain welfare services. The sky did not fall. For some reason, the sky is still up there.

All this does, H.R. 7, is say, we are going to take the 1996 bedrock signed by President Clinton and expand it to say that faith-based organizations who participate in some form of social services can be eligible to compete for Federal grants that fund such services.

Therefore, St. Paul's A.M.E. Church in Savannah, Georgia, run by Reverend Delaney, in all of his services of food and shelter and education and health care and family structure and family counseling, what they are saying to him is, "Reverend Delaney, if you can divide the soup from the sermon, then what we will do is we will let you compete for a grant to feed the hungry. And what really matters is the full stomach here. That is the Federal Government's interest, not the conversion. You have to divide the soup in the sermon. But if you are doing a good job based on outcome, we are going to let you compete for that grant." That is what the Federal Government interest is, is the outcome.

If the Federal Government and all our Federal agencies were doing such a darned good job of delivering these services, we should have wiped out poverty, because since 1964 we have spent more on the war on poverty than we did to fight World War II.

It is not working. They need a helping hand. Let those who know the recipients, who live in the same ZIP Code and area code, let them compete for this money. They will do a good job.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I find it very interesting to serve in a body where the Committee on Rules 1 week decides that democracy is all about debating every single amendment separately, and then the very next week decides that it will not allow a separate debate on an amendment that would eliminate the ability of religious institutions to discriminate in their employment practices and remove the offensive provision that everybody is concerned about from this bill.

This is not a debate about government versus God. We made that choice when the Founding Fathers wrote into the Constitution "one Nation, under God," and we have been living with that choice ever since.

But we made a different choice in 1965 when we outlawed discrimination in this country. It was not a unanimous decision by the Nation at that time, but I am appalled 20 or 40 years later now to be debating the issue of whether we will allow religious discrimination to be engaged in in the delivery of services by church institutions, and we are doing it in the name of God.

The gentleman from Pennsylvania (Mr. TRAFICANT) said, "Beam me up." I want to be beamed up on that false choice. We should have a rule that allows us to offer an amendment to strike this offensive provision from this bill, and then we would have almost unanimous support for the bill. But they would rather have the issue than the support.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Ohio for yielding time to me. I thank the Speaker for the opportunity to characterize this date of history that we have today as a debate on a very crucial issue dealing with our view and commitment to the first amendment; that is, the idea of this government not establishing a specific religion for the nation.

□ 1130

I had hoped to offer the first amendment language as an amendment to this legislation, because I do not believe that we should be charged in this House with characterizing this debate as a question regarding our faith or our commitment in this Nation to our religious beliefs. I think it is important to understand that the Bill of Rights means something, that we cannot establish a religion through government. And certainly I think that as this legislation moves through this House today, giving direct funds to religious institutions makes this legislation as a violation of the Bill of Rights.

I believe if we pass legislation that gives direct funds to religious institutions and then affirms the right of these religious institutions to discriminate as it relates to employment, we are doing the contrary to what the Founding Fathers determined in those early years. Might I say that in the story of the Good Samaritan it was a diverse individual that helped a different individual, used his religion, his commitment of faith and charity, but I do not believe he needed to have an established law of providing Federal funds to a certain religion to make him charitable.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, faith-based organizations currently play an important and vital role in providing needed social welfare programs; and we, as a government, wholeheartedly support this work.

In fiscal year 2000, faith-based organizations administered an estimated $1 billion in Housing and Urban Development assistance. Catholic Charities, Lutheran Services, Jewish Federation received substantial support from the Federal Government. But in order to get it, they agree not to discriminate. They simply comply with the structure established to comply with two of our Nations's most fundamental principles, equal protection of the law and separation of church and State.

I have helped to establish many 501(c)(3)'s and wonderful organizations who do this work. A thousand religious leaders and organizations are opposed to H.R. 7, including American Baptist Churches USA, Office of Government Relations, Jewish Council on Public Affairs, Presbyterian Church USA, Episcopal Church, Unitarian Universalist Church, United Church of Christ, United Methodist Church. Join with them to oppose H.R. 7.

Mr. HALL of Ohio. Mr. Speaker, I yield 1¼ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, many citizens, including Members of this House, first got into politics and stay involved in politics because of their moral and religious convictions. Religious congregations and organizations are working in communities daily to reach out to those in need, through Meals-on-Wheels, housing complexes for the elderly and the disabled, after-school programs for at-risk youth; and they are often doing this with the help of public funds.

This concept of faith-based initiatives is not new. My experience has been that religious groups are eager and effective in delivering greatly needed social services. But, Mr. Speaker, these groups have willingly organized their activities so as to honor the constitutional injunction against the establishment of religion when administering government funds. They have kept sectarian and social service activities institutionally separate. And they have understood that the use of public funds carries with it an obligation to refrain from discrimination, both among those served and among those hired to provide the service.

While the Democratic substitute preserves these safeguards, the President's proposal threatens to break them down, and for that reason religious groups across the spectrum have raised red flags about the bill before us.

The dual constitutional prohibitions against establishing religion and prohibiting its free exercise protect fairness and freedom in the public realm and also the autonomy and integrity of religious practice. We must maintain these safeguards, even as we encourage citizens to put their faith into action and thus to enrich our community life.

My colleagues, support the carefully crafted Democratic substitute.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, regarding the so-called faith-based initiative, if I were convinced that this initiative posed no threat to separation of church and State, I could support it. And if I were convinced it held no potential for the Government telling us what to believe, I could support it. But I am not convinced.

I just want to point to one particular provision in the bill that asks those receiving funds to set up not a separate 501(c)(3) to receive the dollars and be audited, but only a separate account. It specifically states that in the legislation. Religious organizations or any organization that is not for-profit receiving government money should be required to set up a separate 501(c)(3) to give them tax exempt status and to keep the distinction between the religious side of the organization and its social service activities.

In my district, the Lutheran Church already provides nursing home care, for example, through Wolf Creek Lutheran Home; but they have a separate 501(c)(3). Jewish Community Services, the same. Islamic Social Services, the same. The establishment of the 501(c)(3) principle in the base legislation is absolutely essential. I cannot support the faith-based initiative as currently constituted.

As a freedom lover who happens to be a Roman Catholic, I also know if our faith isn't deep enough, as sacrificing people, we don't need government money to subsidize us. We must give of our substance, not come to rely on a government subsidy.

But partnership between government and faith-based groups has its place. If this initiative—or any faith-based initiative—had the proper safeguards, I could give it my support. On page 29 of the bill, any funds received by religious groups under this program shall be placed in a "separate account," not a separately incorporated 501(c)(3) legal entity. This means federal funds will be awarded directly to religious organizations. This simply defies our Bill of Rights and the separation of church and state so essential to the maintenance of our fundamental freedoms.

This bill should require religious organizations to establish separate 501(c)(3) organizations and give them a separate legal standing from the religious mission of the faith-based group and a tax-exempt status. Of course most involved in social services already do. In that way, they can take government money but maintain the separate legal structure that is necessary to protect religious freedom from government incursion.

Of course, grantees should employ strict prohibitions against discrimination in hiring and the provision of services and abide by all applicable federal, state and local laws prohibiting discrimination.

Of course, Mr. Speaker, religious organizations providing social services—augmented by taxpayer dollars—is hardly a new concept. And, we have learned an enormous amount from this rich and worthy experience. Let me give you some examples:

The Sisters of Mercy, the Franciscans, the Grey Nuns, the Dominicans and members of other orders minister to the needy in hospitals and hospices and homeless shelters throughout America. But they do so through non-profit organizations that are separate and legally distinct.

In my district, the Lutheran Church provides nursing home care and other service through Wolf Creek Lutheran Home. But they have a separate 501(c)(3).

Jewish Community Services throughout the nation offer social services, including federally-subsidized independent housing for elderly and handicapped people. But they keep a separate accounting through a 501(c)(3) status.

Islamic Social Services Association provides a wide range of social services to the growing Muslim population in North America—through its non-profit arm.

Certainly we want to encourage religious organizations to provide social services to our fellow Americans. And certainly we want to do nothing that would discourage such compassionate activity.

Priviate philantropy has its place, and we want to encourage our fellow citizens to give of their time and money to help the less fortunate. We know private philanthropy will never be a complete substitute for substantial social services funded by the U.S. Government. Our needs in America are so great, and many of the private groups boats are so small.

I believe it is crucial—in order to protect taxpayer dollars and also to protect religious institutions from government interference—to keep not just two separate accounts, but separate and distinct organizations legally incorprated with their mission clearly defined.

That is why the establishment of 501(c)(3) organizations is so crucial—not just for the integrity of government grant money but also for the independence of the religious organizations using it.

I cannot support the faith-based initiative as currently proposed. Please vote "no" on the rule and on the bill, unless amended.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I rise in opposition to the rule and to H.R. 7. The Founding Fathers established a separation of church and State out of a solicitude for religion and for the State; and this initiative as drafted, I believe, is a threat to both. It is a threat to the State and the efficient operation of its services by preventing the State from ensuring that Federal funds are spent.

Who among us in this body is prepared to ask for an audit of a Jewish synagogue or the Catholic Church or the Mormon Temple for its expenditures of Federal funds? I would say probably none of us. And so the effective delivery of services cannot be effectively audited.

But more than that, the risk of excessive entanglement of religion, of having religious denominations compete with each other for Federal grants, becoming vendors of Federal services, of being told if they receive Federal money they cannot talk about faith being a necessary part of recovery, is this a position we want the Government to be in, saying if you take the Federal money, you cannot talk about faith, but if you do not, you can?

This is not in the best interest of either State or church, and I urge a "no" vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, as a person of faith, I believe in the power of faith to change lives, and I believe in the good work of faith-based groups. Yet today I join with over 1,000 religious leaders across America, and with civil rights groups, such as the NAACP, and educations groups, such as the National PTA and the National Association of School Administrators, who strongly oppose this bill.

Mr. Speaker, when Members cast their vote on this bill today, I hope they will ask themselves two fundamental questions: one, should citizens' tax dollars be used to directly fund churches and houses of worship? And, two, is it right to discriminate in job hiring when using Federal dollars?

I believe the answer to those two questions is no, and that is why I oppose this bill. Sending billions of tax dollars each year directly to churches is unconstitutional under the first amendment. It will lead to government regulation of our churches, which is exactly why our Founding Fathers rejected the idea of using tax dollars to fund our churches when they wrote the Bill of Rights.

It would be a huge step backwards in our Nation's march for civil rights to allow groups to fire employees from federally funded jobs solely because of their religious faith. Having a religious test for tax-supported jobs is wrong. No American citizen, not one, should have to pass someone else's religious test to qualify for a federally funded job.

Mr. Speaker, this idea was a bad idea when Mr. Madison and Mr. Jefferson and our Founding Fathers rejected it in writing the Constitution two centuries ago. It is a bad idea today. This bill will harm religion, not help it. I urge my colleagues to vote "no" on this unfair rule and "no" on this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Horn).

Mr. HORN. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise today in support of H.R. 7 and encourage my colleagues to vote for this important legislation.

There is little doubt that faith-based organizations are often the most effective providers of social services in our communities. They are highly motivated, generous in spirit, and their motivation stems from a deep conviction about how one should live daily by giving to others in need. I have had a very strong record in this Chamber of separation of church and State, but I think we should give the President a chance on this. If something goes awry, then let us change it. But I think it will not, and I think thousands of people will be able to help hundreds of people.

Through the welfare law passed in 1996, Congress provided opportunities for religious organizations, and I think there has been some very good language in H.R. 7. This program will work.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from Mississippi (Mr. Pickering).

Mr. PICKERING. Mr. Speaker, I rise today in proud support of both the rule and H.R. 7. I want to commend the gentleman from Ohio (Mr. Hall), who is an example to all of us, and the gentleman from Oklahoma (Mr. Watts). They are the best of this institution.

I want to say that in my home State of Mississippi we have the proud distinction of being the most charitable State in the Nation, the most generous. And because of the faith-based initiative, we have had an effort that has brought our christian community together with the Jewish community, with Muslims, with black, with white, people of all ages to organize in support of this initiative, because we know in Mississippi, just as we know across this country, that for the addict, for the alcoholic, for the struggling family, for the hungry, for the prisoner, for those troubled, faith heals, faith renews, faith gives the hope that this country needs.

Our President has called on us to remove the hindrances, to remove the hostility to the faith-based approaches so that there can be neutrality between the secular and the religious in healing our land. It is to remove the discrimination that we now have against the faith-based solutions.

I believe this approach can help heal our land, can bring our people together. It is happening in my own State of Mississippi; it is happening all across this land. I believe this is the right way at the right time to stand with organizations from the Salvation Army to Catholic Charities, to Evangelical Christians, to groups that represent the full breadth of this land and the greatest traditions of our faith.

Our founders knew that faith needed to guide us to give us the political prosperity and the peace and the reconciliation and the renewal. May we rise to the occasion today and pass this great and good legislation.

□ 1145

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back the balance of my time, I would simply say that if I were to believe what has been said in the past few days, even the past couple weeks, even some of the stories I have read in the news, if I were to believe it without reading the bill, I would probably vote against this bill, too. But I have read the bill.

I have lived and worked with some of these people that we are trying to help. It is time to reach out to them. It is time to encourage them, instead of beating them down. We beat them down. We turn them away from us when we have these kinds of discussions. It is time to reach out. That is what this bill does.

Vote for the rule. Vote for the bill.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask my colleagues not to lose sight of our goal here to empower those organizations that can truly help in ways that the government could only wish, those organizations that are capable of really producing results in their own communities, neighbor to neighbor, one at a time. We need them far more than they need us.

Mr. Speaker, I urge my colleagues to support this rule and the underlying legislation so that we can join our President and heroes like the gentleman from Ohio (Mr. Hall) and the gentleman from Oklahoma (Mr. Watts) and truly unleash the best of America.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. Bonilla). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. PRYCE of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 228, nays 199, not voting 6, as follows:

[Roll No. 250]

YEAS—228

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)

Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—6

Bartlett
Engel
Hinojosa
McKinney
Norwood
Spence

□ 1207

Ms. JACKSON-LEE of Texas, Mr. LUCAS of Kentucky, Mr. CLEMENT, Ms. PELOSI, and Mr. WEXLER changed their vote from "yea" to "nay."

Mr. SHADEGG changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 194, not voting 6, as follows:

[Roll No. 251]

AYES—233

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Engel
Hinojosa
Johnson (CT)
McKinney
Norwood
Spence

□ 1219

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained this last evening and this morning. Had I been present, I would have voted "yes" on rollcall 243, "yes" on rollcall 244, "no" on rollcall 245, "no" on rollcall 246, "yes" on rollcall 247, "yes" on rollcall 248, "yes" on rollcall 249, "no" on rollcall 250, and "no" on rollcall 251.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 196, I call up the bill (H.R. 7) to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LaHood). Pursuant to House Resolution 196, the bill is considered read for amendment.

The text of H.R. 7 is as follows:

H.R. 7

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Community Solutions Act of 2001".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement accounts for charitable purposes.
Sec. 103. Charitable deduction for contributions of food inventory.
Sec. 104. Charitable donations liability reform for in-kind corporate contributions.

TITLE II—EXPANSION OF CHARITABLE CHOICE

Sec. 201. Provision of assistance under government programs by religious and community organizations.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

Sec. 301. Purposes.
Sec. 302. Definitions.
Sec. 303. Structure and administration of qualified individual development account programs.
Sec. 304. Procedures for opening and maintaining an individual development account and qualifying for matching funds.
Sec. 305. Deposits by qualified individual development account programs.
Sec. 306. Withdrawal procedures.
Sec. 307. Certification and termination of qualified individual development account programs.
Sec. 308. Reporting, monitoring, and evaluation.
Sec. 309. Authorization of appropriations.
Sec. 310. Account funds disregarded for purposes of certain means-tested Federal programs.
Sec. 311. Matching funds for individual development accounts provided through a tax credit for qualified financial institutions.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) In General.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) Deduction for Individuals Not Itemizing Deductions.—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of—

"(1) the amount allowable under subsection (a) for the taxable year, or

"(2) the amount of the standard deduction."

(b) Direct Charitable Deduction.—

(1) In general.—Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction."

(2) Definition.—Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) Direct Charitable Deduction.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m)."

(3) Conforming amendment.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) In General.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) Distributions for charitable purposes.—

"(A) In general.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account to an organization described in section 170(c).

"(B) Special rules relating to charitable remainder trusts, pooled income funds, and charitable gift annuities.—

"(i) In general.—No amount shall be includible in gross income by reason of a qualified charitable distribution from an individual retirement account—

"(I) to a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

"(II) to a pooled income fund (as defined in section 642(c)(5)), or

"(III) for the issuance of a charitable gift annuity (as defined in section 501(m)(5)).

The preceding sentence shall apply only if no person holds an income interest in the amounts in the trust, fund, or annuity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(ii) Determination of inclusion of amounts distributed.—In determining the amount includible in the gross income of any person by reason of a payment or distribution from a trust referred to in clause (i)(I) or a charitable gift annuity (as so defined), the portion of any qualified charitable distribution to such trust or for such annuity which would (but for this subparagraph) have been includible in gross income—

"(I) shall be treated as income described in section 664(b)(1), and

"(II) shall not be treated as an investment in the contract.

"(iii) No inclusion for distribution to pooled income fund.—No amount shall be includible in the gross income of a pooled income fund (as so defined) by reason of a qualified charitable distribution to such fund.

"(C) Qualified charitable distribution.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 59½, and

"(ii) which is made directly from the account to—

"(I) an organization described in section 170(c), or

"(II) a trust, fund, or annuity referred to in subparagraph (B).

"(D) Denial of deduction.—The amount allowable as a deduction under section 170 to the taxpayer for the taxable year shall be reduced (but not below zero) by the sum of the amounts of the qualified charitable distributions during such year which would be includible in the gross income of the taxpayer for such year but for this paragraph."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 103. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Subsection (e) of section 170 of the Internal Revenue Code of 1986 (relating to certain contributions of ordinary income and capital gain property) is amended by adding at the end the following new paragraph:

"(7) Special rule for contributions of food inventory.—For purposes of this section—

"(A) Contributions by non-corporate taxpayers.—In the case of a charitable contribution of food by a taxpayer, paragraph (3)(A) shall be applied without regard to whether or not the contribution is made by a corporation.

"(B) Limit on reduction.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3)(A), as modified by subparagraph (A) of this paragraph)—

"(i) paragraph (3)(B) shall not apply, and "(ii) the reduction under paragraph (1)(A) for such contribution shall be no greater than the amount (if any) by which the amount of such contribution exceeds twice the basis of such food.

"(C) DETERMINATION OF BASIS.—For purposes of this paragraph, if a taxpayer uses the cash method of accounting, the basis of any qualified contribution of such taxpayer shall be deemed to be 50 percent of the fair market value of such contribution.

"(D) DETERMINATION OF FAIR MARKET VALUE.—In the case of a charitable contribution of food which is a qualified contribution (within the meaning of paragraph (3), as modified by subparagraphs (A) and (B) of this paragraph) and which, solely by reason of internal standards of the taxpayer, lack of market, or similar circumstances, or which is produced by the taxpayer exclusively for the purposes of transferring the food to an organization described in paragraph (3)(A), cannot or will not be sold, the fair market value of such contribution shall be determined—

"(i) without regard to such internal standards, such lack of market, such circumstances, or such exclusive purpose, and

"(ii) if applicable, by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 104. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS.

(a) DEFINITIONS.—For purposes of this section:

(1) AIRCRAFT.—The term "aircraft" has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) BUSINESS ENTITY.—The term "business entity" means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) EQUIPMENT.—The term "equipment" includes mechanical equipment, electronic equipment, and office equipment.

(4) FACILITY.—The term "facility" means any real property, including any building, improvement, or appurtenance.

(5) GROSS NEGLIGENCE.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(6) INTENTIONAL MISCONDUCT.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(7) MOTOR VEHICLE.—The term "motor vehicle" has the meaning provided that term in section 30102(6) of title 49, United States Code.

(8) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(9) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) LIABILITY.—

(1) LIABILITY OF BUSINESS ENTITIES THAT DONATE EQUIPMENT TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a nonprofit organization.

(B) APPLICATION.—This paragraph shall apply with respect to civil liability under Federal and State law.

(2) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF FACILITIES TO NONPROFIT ORGANIZATIONS.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization, if—

(i) the use occurs outside of the scope of business of the business entity;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the business entity authorized the use of such facility by the nonprofit organization.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of a facility.

(3) LIABILITY OF BUSINESS ENTITIES PROVIDING USE OF A MOTOR VEHICLE OR AIRCRAFT.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity, if—

(i) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(ii) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(4) LIABILITY OF BUSINESS ENTITIES PROVIDING TOURS OF FACILITIES.—

(A) IN GENERAL.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury to, or death of an individual occurring at a facility of the business entity, if—

(i) such injury or death occurs during a tour of the facility in an area of the facility that is not otherwise accessible to the general public; and

(ii) the business entity authorized the tour.

(B) APPLICATION.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether an individual pays for the tour.

(c) EXCEPTIONS.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct, including any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court; or

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law.

(d) SUPERSEDING PROVISION.—

(1) IN GENERAL.—Subject to paragraph (2) and subsection (e), this title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection for a business entity for an injury or death described in a paragraph of subsection (b) with respect to which the conditions specified in such paragraph apply.

(2) LIMITATION.—Nothing in this title shall be construed to supersede any Federal or State health or safety law.

(e) ELECTION OF STATE REGARDING NONAPPLICABILITY.—A provision of this title shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this section;

(2) declaring the election of such State that such provision shall not apply to such civil action in the State; and

(3) containing no other provisions.

(f) EFFECTIVE DATE.—This section shall apply to injuries (and deaths resulting therefrom) occurring on or after the date of the enactment of this Act.

TITLE II—EXPANSION OF CHARITABLE CHOICE

SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS AND COMMUNITY ORGANIZATIONS.

Title XXIV of the Revised Statutes is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

"SEC. 1994A. CHARITABLE CHOICE.

"(a) SHORT TITLE.—This section may be cited as the 'Charitable Choice Act of 2001'.

"(b) PURPOSES.—The purposes of this section are—

"(1) to provide assistance to individuals and families in need in the most effective and efficient manner;

"(2) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under the government programs described in subsection (c)(4);

"(3) to allow religious organizations to assist in the administration and distribution of such assistance without impairing the religious character of such organizations; and

"(4) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the possibility of choosing to receive services from a religious organization providing such assistance.

"(c) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—

"(1) IN GENERAL.—

"(A) Inclusion.—For any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, if the program is implemented in a manner that is consistent with the Establishment Clause and the Free Exercise Clause of the first amendment to the Constitution.

"(B) Discrimination prohibited.—Neither the Federal Government nor a State or local government receiving funds under a program described in paragraph (4) shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program, on the basis that the organization has a religious character.

"(2) Funds not aid to religion.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not aid to the religious organization.

"(3) Funds not endorsement of religion.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not and should not be perceived as an endorsement by the government of religion or the organization's religious beliefs or practices.

"(4) Programs.—For purposes of this section, a program is described in this paragraph—

"(A) if it involves activities carried out using Federal funds—

"(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

"(ii) related to the prevention of crime, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

"(iii) under the Federal housing laws;

"(iv) under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)

"(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(vi) under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

"(vii) under the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

"(viii) related to the intervention in and prevention of domestic violence;

"(ix) related to hunger relief activities; or

"(x) under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note); or

"(B)(i) if it involves activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to non-school-hours programs; and

"(ii) except as provided in subparagraph (A) and clause (i), does not include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(d) Organizational Character and Autonomy.—

"(1) In general.—A religious organization that provides assistance under a program described in subsection (c)(4) shall retain its autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) Additional safeguards.—Neither the Federal Government nor a State or local government shall require a religious organization in order to be eligible to provide assistance under a program described in subsection (c)(4)—

"(A) to alter its form of internal governance; or

"(B) to remove religious art, icons, scripture, or other symbols because they are religious.

"(e) Employment Practices.—

"(1) In general.—In order to aid in the preservation of its religious character, a religious organization that provides assistance under a program described in subsection (c)(4) may, notwithstanding any other provision of law, require that its employees adhere to the religious practices of the organization.

"(2) Title VII exemption.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the religious organization's provision of assistance under, or receipt of funds from, a program described in subsection (c)(4).

"(3) Effect on other laws.—Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1686) (prohibiting discrimination in educational institutions on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) (prohibiting discrimination on the basis of age).

"(f) Rights of Beneficiaries of Assistance.—

"(1) In general.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

"(A) is an alternative, including a nonreligious alternative, that is accessible to the individual; and

"(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

"(2) Notice.—The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals described in paragraph (3) of the rights of such individuals under this section.

"(3) Individual described.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

"(g) Nondiscrimination Against Beneficiaries.—

"(1) Grants and contracts.—A religious organization providing assistance through a grant or contract under a program described in subsection (c)(4) shall not discriminate, in carrying out the program, against an individual described in subsection (f)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

"(2) Indirect forms of disbursement.—A religious organization providing assistance through a voucher, certificate, or other form of indirect disbursement under a program described in subsection (c)(4) shall not discriminate, in carrying out the program, against an individual described in subsection (f)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

"(h) Accountability.—

"(1) In general.—Except as provided in paragraph (2), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) Limited audit.—Such organization shall segregate government funds provided under such program into a separate account or accounts. Only the government funds shall be subject to audit by the government.

"(i) Limitations on Use of Funds for Certain Purposes.—No funds provided through a grant or contract to a religious organization to provide assistance under any program described in subsection (c)(4) shall be expended for sectarian worship, instruction, or proselytization. A certificate shall be signed by such organizations and filed with the government agency that disbursed the funds that gives assurance the organization will comply with this subsection.

"(j) Effect on State and Local Funds.—If a State or local government contributes State or local funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

"(k) Treatment of Intermediate Contractors.—If a nongovernmental organization (referred to in this subsection as an 'intermediate contractor'), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate contractor shall have the same duties under this section as the government when selecting or otherwise dealing with subcontractors, but the intermediate contractor, if it is a religious organization, shall retain all other rights of a religious organization under this section.

"(l) Compliance.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action pursuant to section 1979 against the official or government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for appropriate relief in Federal district court against the official or government agency that has allegedly committed such violation.".

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

SEC. 301. PURPOSES.

The purposes of this title are to provide for the establishment of individual development account programs that will—

(1) provide individuals and families with limited means an opportunity to accumulate assets and to enter the financial mainstream;

(2) promote education, homeownership, and the development of small businesses;

(3) stabilize families and build communities; and

(4) support United States economic expansion.

SEC. 302. DEFINITIONS.

As used in this title:

(1) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term "eligible individual" means an individual who—

(i) has attained the age of 18 years but not the age of 61;

(ii) is a citizen or legal resident of the United States;

(iii) is not a student (as defined in section 151(c)(4)); and

(iv) is a taxpayer the adjusted gross income of whom for the preceding taxable year does not exceed—

(I) $20,000, in the case of a taxpayer described in section 1(c) or 1(d) of the Internal Revenue Code of 1986;

(II) $25,000, in the case of a taxpayer described in section 1(b) of such Code; and

(III) $40,000, in the case of a taxpayer described in section 1(a) of such Code.

(B) INFLATION ADJUSTMENT.—

(i) IN GENERAL.—In the case of any taxable year beginning after 2002, each dollar amount referred to in subparagraph (A)(iv) shall be increased by an amount equal to—

(I) such dollar amount, multiplied by

(II) the cost-of-living adjustment determined under section (1)(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, by substituting "2001" for "1992".

(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

(2) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term "Individual Development Account" means an account established for an eligible individual as part of a qualified individual development account program, but only if the written governing instrument creating the account meets the following requirements:

(A) The sole owner of the account is the individual for whom the account was established.

(B) No contribution will be accepted unless it is in cash.

(C) The holder of the account is a qualified financial institution.

(D) The assets of the account will not be commingled with other property except in a common trust fund or common investment fund.

(E) Except as provided in section 306(b), any amount in the account may be paid out only for the purpose of paying the qualified expenses of the account owner.

(3) PARALLEL ACCOUNT.—The term "parallel account" means a separate, parallel individual or pooled account for all matching funds and earnings dedicated to an Individual Development Account owner as part of a qualified individual development account program, the sole owner of which is a qualified financial institution, a qualified nonprofit organization, or an Indian tribe.

(4) QUALIFIED FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term "qualified financial institution" means any person authorized to be a trustee of any individual retirement account under section 408(a)(2).

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a person described in subparagraph (A) from collaborating with 1 or more contractual affiliates, qualified nonprofit organizations, or Indian tribes to carry out an individual development account program established under section 303.

(5) QUALIFIED NONPROFIT ORGANIZATION.—The term "qualified nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

(B) any community development financial institution certified by the Community Development Financial Institution Fund; or

(C) any credit union chartered under Federal or State law.

(6) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe as defined in section 4(12) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12), and includes any tribal subsidiary, subdivision, or other wholly owned tribal entity.

(7) QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAM.—The term "qualified individual development account program" means a program established under section 303 under which—

(A) Individual Development Accounts and parallel accounts are held by a qualified financial institution; and

(B) additional activities determined by the Secretary as necessary to responsibly develop and administer accounts, including recruiting, providing financial education and other training to account owners, and regular program monitoring, are carried out by the qualified financial institution, a qualified nonprofit organization, or an Indian tribe.

(8) QUALIFIED EXPENSE DISTRIBUTION.—

(A) IN GENERAL.—The term "qualified expense distribution" means any amount paid (including through electronic payments) or distributed out of an Individual Development Account and a parallel account established for an eligible individual if such amount—

(i) is used exclusively to pay the qualified expenses of the Individual Development Account owner or such owner's spouse or dependents, as approved by the qualified financial institution, qualified nonprofit organization, or Indian tribe;

(ii) is paid by the qualified financial institution, qualified nonprofit organization, or Indian tribe—

(I) except as otherwise provided in this clause, directly to the unrelated third party to whom the amount is due;

(II) in the case of distributions for working capital under a qualified business plan (as defined in subparagraph (B)(iv)(IV)), directly to the account owner;

(III) in the case of any qualified rollover, directly to another Individual Development Account and parallel account; or

(IV) in the case of a qualified final distribution, directly to the spouse, dependent, or other named beneficiary of the deceased account owner; and

(iii) is paid after the account owner has completed a financial education course as required under section 304(b).

(B) QUALIFIED EXPENSES.—

(i) IN GENERAL.—The term "qualified expenses" means any of the following:

(I) Qualified higher education expenses.

(II) Qualified first-time homebuyer costs.

(III) Qualified business capitalization or expansion costs.

(IV) Qualified rollovers.

(V) Qualified final distribution.

(ii) QUALIFIED HIGHER EDUCATION EXPENSES.—

(I) IN GENERAL.—The term "qualified higher education expenses" has the meaning given such term by section 72(t)(7) of the Internal Revenue Code of 1986, determined by treating postsecondary vocational educational schools as eligible educational institutions.

(II) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—The term "postsecondary vocational educational school" means an area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of the enactment of this Act.

(III) COORDINATION WITH OTHER BENEFITS.—The amount of qualified higher education expenses for any taxable year shall be reduced as provided in section 25A(g)(2) of such Code and may not be taken into account for purposes of determining qualified higher education expenses under section 135 or 530 of the Internal Revenue Code of 1986.

(iii) QUALIFIED FIRST-TIME HOMEBUYER COSTS.—The term "qualified first-time homebuyer costs" means qualified acquisition costs (as defined in section 72(t)(8) of such Code without regard to subparagraph (B) thereof) with respect to a principal residence (within the meaning of section 121 of such Code) for a qualified first-time homebuyer (as defined in section 72(t)(8) of such Code).

(iv) QUALIFIED BUSINESS CAPITALIZATION OR EXPANSION COSTS.—

(I) IN GENERAL.—The term "qualified business capitalization or expansion costs" means qualified expenditures for the capitalization or expansion of a qualified business pursuant to a qualified business plan.

(II) QUALIFIED EXPENDITURES.—The term "qualified expenditures" means expenditures included in a qualified business plan, including capital, plant, equipment, working capital, inventory expenses, attorney and accounting fees, and other costs normally associated with starting or expanding a business.

(III) QUALIFIED BUSINESS.—The term "qualified business" means any business that does not contravene any law.

(IV) QUALIFIED BUSINESS PLAN.—The term "qualified business plan" means a business plan which has been approved by the qualified financial institution, qualified nonprofit organization, or Indian tribe and which meets such requirements as the Secretary may specify.

(v) QUALIFIED ROLLOVERS.—The term "qualified rollover" means the complete distribution of the amounts in an Individual Development Account and parallel account to another Individual Development Account and parallel account established in another qualified financial institution, qualified nonprofit organization, or Indian tribe for the benefit of the account owner.

(vi) QUALIFIED FINAL DISTRIBUTION.—The term "qualified final distribution" means, in the case of a deceased account owner, the complete distribution of the amounts in an Individual Development Account and parallel account directly to the spouse, any dependent, or other named beneficiary of the deceased.

(9) Secretary.—The term "Secretary" means the Secretary of the Treasury.

SEC. 303. STRUCTURE AND ADMINISTRATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) Establishment of Qualified Individual Development Account Programs.—Any qualified financial institution, qualified nonprofit organization, or Indian tribe may establish 1 or more qualified individual development account programs which meet the requirements of this title.

(b) Basic Program Structure.—

(1) In general.—All qualified individual development account programs shall consist of the following 2 components:

(A) An Individual Development Account to which an eligible individual may contribute cash in accordance with section 304.

(B) A parallel account to which all matching funds shall be deposited in accordance with section 305.

(2) Tailored ida programs.—A qualified financial institution, a qualified nonprofit organization, or an Indian tribe may tailor its qualified individual development account program to allow matching funds to be spent on 1 or more of the categories of qualified expenses.

(c) Tax Treatment of Parallel Accounts.—Any account described in subparagraph (B) of subsection (b)(1) is exempt from taxation under the Internal Revenue Code of 1986.

SEC. 304. PROCEDURES FOR OPENING AND MAINTAINING AN INDIVIDUAL DEVELOPMENT ACCOUNT AND QUALIFYING FOR MATCHING FUNDS.

(a) Opening an Account.—An eligible individual may open an Individual Development Account with a qualified financial institution, a qualified nonprofit organization, or an Indian tribe upon certification that such individual maintains no other Individual Development Account (other than an Individual Development Account to be terminated by a qualified rollover).

(b) Required Completion of Financial Education Course.—

(1) In general.—Before becoming eligible to withdraw matching funds to pay for qualified expenses, owners of Individual Development Accounts must complete a financial education course offered by a qualified financial institution, a qualified nonprofit organization, an Indian tribe, or a government entity.

(2) Standard and applicability of course.—The Secretary, in consultation with representatives of qualified individual development account programs and financial educators, shall establish minimum quality standards for the contents of financial education courses and providers of such courses offered under paragraph (1) and a protocol to exempt individuals from the requirement under paragraph (1) because of hardship or lack of need.

(c) Status as an Eligible Individual.—Federal income tax forms from the preceding taxable year (or in the absence of such forms, such documentation as specified by the Secretary proving the eligible individual's adjusted gross income and the status of the individual as an eligible individual) shall be presented to the qualified financial institution, qualified nonprofit organization, or Indian tribe at the time of the establishment of the Individual Development Account and in any taxable year in which contributions are made to the Account to qualify for matching funds under section 305(b)(1)(A).

(d) Direct Deposits.—The Secretary may, under regulations, provide for the direct deposit of any portion (not less than $1) of any overpayment of Federal tax of an individual as a contribution to the Individual Development Account of such individual.

SEC. 305. DEPOSITS BY QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) Parallel Accounts.—The qualified financial institution, qualified nonprofit organization, or Indian tribe shall deposit all matching funds for each Individual Development Account into a parallel account at a qualified financial institution, a qualified nonprofit organization, or an Indian tribe.

(b) Regular Deposits of Matching Funds.—

(1) In general.—Subject to paragraph (2), the qualified financial institution, qualified nonprofit organization, or Indian tribe shall not less than quarterly (or upon a proper withdrawal request under section 306, if necessary) deposit into the parallel account with respect to each eligible individual the following:

(A) A dollar-for-dollar match for the first $500 contributed by the eligible individual into an Individual Development Account with respect to any taxable year.

(B) Any matching funds provided by State, local, or private sources in accordance to the matching ratio set by those sources.

(2) Inflation adjustment.—

(A) In general.—In the case of any taxable year beginning after 2002, the dollar amount referred to in paragraph (1)(A) shall be increased by an amount equal to—

(i) such dollar amount, multiplied by

(ii) the cost-of-living adjustment determined under section (1)(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, by substituting "2001" for "1992".

(B) Rounding.—If any amount as adjusted under subparagraph (A) is not a multiple of $20, such amount shall be rounded to the nearest multiple of $20.

(3) Cross reference.—

For allowance of tax credit for Individual Development Account subsidies, including matching funds, see section 30B of the Internal Revenue Code of 1986.

(c) Deposit of Matching Funds Into Individual Development Account of Individual Who Has Attained Age 61.—In the case of an Individual Development Account owner who attains the age of 61, the qualified financial institution, qualified nonprofit organization, or Indian tribe which holds the parallel account for such individual shall deposit the funds in such parallel account into the Individual Development Account of such individual on the first day of the succeeding taxable year of such individual.

(d) Uniform Accounting Regulations.—To ensure proper recordkeeping and determination of the tax credit under section 30B of the Internal Revenue Code of 1986, the Secretary shall prescribe regulations with respect to accounting for matching funds in the parallel accounts.

(e) Regular Reporting of Accounts.—Any qualified financial institution, qualified nonprofit organization, or Indian tribe shall report the balances in any Individual Development Account and parallel account of an individual on not less than an annual basis to such individual.

SEC. 306. WITHDRAWAL PROCEDURES.

(a) Withdrawals for Qualified Expenses.—To withdraw money from an individual's Individual Development Account to pay qualified expenses of such individual or such individual's spouse or dependents, the qualified financial institution, qualified nonprofit organization, or Indian tribe shall directly transfer such funds from the Individual Development Account, and, if applicable, from the parallel account electronically to the distributees described in section 302(8)(A)(ii). If the distributee is not equipped to receive funds electronically, the qualified financial institution, qualified nonprofit organization, or Indian tribe may issue such funds by paper check to the distributee.

(b) Withdrawals for Nonqualified Expenses.—An Individual Development Account owner may unilaterally withdraw any amount of funds from the Individual Development Account for purposes other than to pay qualified expenses, but shall forfeit a proportionate amount of matching funds from the individual's parallel account by doing so, unless such withdrawn funds are recontributed to such Account by September 30 following the withdrawal.

(c) Withdrawals From Accounts of Noneligible Individuals.—If the individual for whose benefit an Individual Development Account is established ceases to be an eligible individual, such account shall remain an Individual Development Account, but such individual shall not be eligible for any further matching funds under section 305(b)(1)(A) during the period—

(1) beginning on the first day of the taxable year of such individual following the beginning of such ineligibility, and

(2) ending on the last day of the taxable year of such individual in which such ineligibility ceases.

(d) Tax Treatment of Matching Funds.—Any amount withdrawn from a parallel account shall not be includible in an eligible individual's gross income.

(e) Withdrawal Liability Rests Only With Eligible Individuals.—Nothing in this title may be construed to impose liability on a qualified financial institution, a qualified nonprofit organization, or an Indian tribe for non-compliance with the requirements of this title related to withdrawals from Individual Development Accounts.

SEC. 307. CERTIFICATION AND TERMINATION OF QUALIFIED INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) Certification Procedures.—Upon establishing a qualified individual development account program under section 303, a qualified financial institution, a qualified nonprofit organization, or an Indian tribe shall certify to the Secretary on forms prescribed by the Secretary and accompanied by any documentation required by the Secretary, that—

(1) the accounts described in subparagraphs (A) and (B) of section 303(b)(1) are operating pursuant to all the provisions of this title; and

(2) the qualified financial institution, qualified nonprofit organization, or Indian tribe agrees to implement an information system necessary to monitor the cost and outcomes of the qualified individual development account program.

(b) Authority To Terminate Qualified IDA Program.—If the Secretary determines that a qualified financial institution, a qualified nonprofit organization, or an Indian tribe under this title is not operating a qualified individual development account program in accordance with the requirements of this title (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such institution's nonprofit organization's, or Indian tribe's authority to conduct the program. If the Secretary is unable to identify a qualified financial institution, a qualified nonprofit organization, or an Indian tribe to assume the authority to conduct such program, then any funds in a parallel account established for the benefit of any individual under such program shall be deposited into the Individual Development Account of such individual as of the first day of such termination.

SEC. 308. REPORTING, MONITORING, AND EVALUATION.

(a) RESPONSIBILITIES OF QUALIFIED FINANCIAL INSTITUTIONS, QUALIFIED NONPROFIT ORGANIZATIONS, AND INDIAN TRIBES.—Each qualified financial institution, qualified nonprofit organization, or Indian tribe that operates a qualified individual development account program under section 303 shall report annually to the Secretary within 90 days after the end of each calendar year on—

(1) the number of eligible individuals making contributions into Individual Development Accounts;

(2) the amounts contributed into Individual Development Accounts and deposited into parallel accounts for matching funds;

(3) the amounts withdrawn from Individual Development Accounts and parallel accounts, and the purposes for which such amounts were withdrawn;

(4) the balances remaining in Individual Development Accounts and parallel accounts; and

(5) such other information needed to help the Secretary monitor the cost and outcomes of the qualified individual development account program (provided in a non-individually-identifiable manner).

(b) RESPONSIBILITIES OF THE SECRETARY.—

(1) MONITORING PROTOCOL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall develop and implement a protocol and process to monitor the cost and outcomes of the qualified individual development account programs established under section 303.

(2) ANNUAL REPORTS.—In each year after the date of the enactment of this Act, the Secretary shall submit a progress report to Congress on the status of such qualified individual development account programs. Such report shall include from a representative sample of qualified individual development account programs information on—

(A) the characteristics of participants, including age, gender, race or ethnicity, marital status, number of children, employment status, and monthly income;

(B) deposits, withdrawals, balances, uses of Individual Development Accounts, and participant characteristics;

(C) the characteristics of qualified individual development account programs, including match rate, economic education requirements, permissible uses of accounts, staffing of programs in full time employees, and the total costs of programs; and

(D) information on program implementation and administration, especially on problems encountered and how problems were solved.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2002 and for each fiscal year through 2008, for the purposes of implementing this title, including the reporting, monitoring, and evaluation required under section 308, to remain available until expended.

SEC. 310. ACCOUNT FUNDS DISREGARDED FOR PURPOSES OF CERTAIN MEANS-TESTED FEDERAL PROGRAMS.

Notwithstanding any other provision of Federal law that requires consideration of 1 or more financial circumstances of an individual, for the purposes of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such provision to be provided to or for the benefit of such individual, an amount equal to the sum of—

(1) all amounts (including earnings thereon) in any Individual Development Account; plus

(2) the matching deposits made on behalf of such individual (including earnings thereon) in any parallel account,

shall be disregarded for such purposes.

SEC. 311. MATCHING FUNDS FOR INDIVIDUAL DEVELOPMENT ACCOUNTS PROVIDED THROUGH A TAX CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by inserting after section 30A the following new section:

"SEC. 30B. INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

"(a) DETERMINATION OF AMOUNT.—There shall be allowed as a credit against the applicable tax for the taxable year an amount equal to the individual development account investment provided by an eligible entity during the taxable year under an individual development account program established under section 303 of the Community Solutions Act of 2001.

"(b) APPLICABLE TAX.—For the purposes of this section, the term 'applicable tax' means the excess (if any) of—

"(1) the tax imposed under this chapter (other than the taxes imposed under the provisions described in subparagraphs (C) through (Q) of section 26(b)(2)), over

"(2) the credits allowable under subpart B (other than this section) and subpart D of this part.

"(c) INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT.—

"(1) IN GENERAL.—For purposes of this section, the term 'individual development account investment' means, with respect to an individual development account program of a qualified financial institution in any taxable year, an amount equal to the sum of—

"(A) the aggregate amount of dollar-for-dollar matches under such program under section 305(b)(1)(A) of the Community Solutions Act of 2001 for such taxable year, plus

"(B) an amount equal to the sum of—

"(i) with respect to each Individual Development Account opened during such taxable year, $100, plus

"(ii) with respect to each Individual Development Account maintained during such taxable year, $30.

"(2) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—In the case of any taxable year beginning after 2002, each dollar amount referred to in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section (1)(f)(3) for the calendar year in which the taxable year begins, by substituting '2001' for '1992'.

"(B) ROUNDING.—If any amount as adjusted under subparagraph (A) is not a multiple of $5, such amount shall be rounded to the nearest multiple of $5.

"(d) ELIGIBLE ENTITY.—For purposes of this section, the term 'eligible entity' means a qualified financial institution, or 1 or more contractual affiliates of such an institution as defined by the Secretary in regulations.

"(e) OTHER DEFINITIONS.—For purposes of this section, any term used in this section and also in the Community Solutions Act shall have the meaning given such term by such Act.

"(f) DENIAL OF DOUBLE BENEFIT.—No deduction or credit (other than under this section) shall be allowed under this chapter with respect to any expense which is taken into account under subsection (c)(1)(A) in determining the credit under this section.

"(g) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations providing for a recapture of the credit allowed under this section (notwithstanding any termination date described in subsection (h)) in cases where there is a forfeiture under section 306(b) of the Community Solutions Act of 2001 in a subsequent taxable year of any amount which was taken into account in determining the amount of such credit.

"(h) APPLICATION OF SECTION.—This section shall apply to any expenditure made in any taxable year beginning after December 31, 2001, and before January 1, 2009, with respect to any Individual Development Account opened before January 1, 2007.".

(b) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 30A the following new item:

"Sec. 30B. Individual development account investment credit for qualified financial institutions.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

The SPEAKER pro tempore. In lieu of the amendments recommended by the Committee on Ways and Means and the Committee on the Judiciary printed in the bill, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 is adopted.

The text of the bill as amended by the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Solutions Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement accounts for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of excise tax on net investment income of private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.

Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of S corporation stock for certain charitable contributions.

TITLE II—EXPANSION OF CHARITABLE CHOICE

Sec. 201. Provision of assistance under government programs by religious and community organizations.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

Sec. 301. Additional qualified entities eligible to conduct projects under the Assets for Independence Act.
Sec. 302. Increase in limitation on net worth.
Sec. 303. Change in limitation on deposits for an individual.
Sec. 304. Elimination of limitation on deposits for a household.
Sec. 305. Extension of program.
Sec. 306. Conforming amendments.
Sec. 307. Applicability.

TITLE IV—CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS

Sec. 401. Charitable donations liability reform for in-kind corporate contributions.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

"(1) IN GENERAL.—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of—

"(A) the amount allowable under subsection (a) for the taxable year for cash contributions, or

"(B) the applicable amount.

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount shall be determined as follows:

"For taxable years beginning in:	**The applicable amount is:**
2002 and 2003	$25
2004, 2005, 2006	$50
2007, 2008, 2009	$75
2010 and thereafter	$100.

In the case of a joint return, the applicable amount is twice the applicable amount determined under the preceding table.".

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.".

(2) DEFINITION.—Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).".

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70½, and

"(ii) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

"(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

"(i) CHARITABLE REMAINDER TRUSTS.—Distributions made from an individual retirement account to a trust described in subparagraph (G)(ii)(I) shall be treated as income described in section 664(b)(1) except to the extent that the beneficiary of the individual retirement account notifies the trustee of the trust of the amount which is not allocable to income under subparagraph (D).

"(ii) POOLED INCOME FUNDS.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)(II)) by reason of a qualified charitable distribution to such fund.

"(iii) CHARITABLE GIFT ANNUITIES.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) DENIAL OF DEDUCTION.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) SPLIT-INTEREST ENTITY DEFINED.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

"(ii) a pooled income fund (as defined in section 642(c)(5)), and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) MODIFICATIONS RELATING TO INFORMATION RETURNS BY CERTAIN TRUSTS.—

(1) RETURNS.—Section 6034 of such Code (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) TRUSTS DESCRIBED IN SECTION 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

"(b) TRUSTS CLAIMING A CHARITABLE DEDUCTION UNDER SECTION 642(c).—

"(1) IN GENERAL.—Every trust not required to file a return under subsection (a) but claiming a charitable, etc., deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including:

"(A) the amount of the charitable, etc., deduction taken under section 642(c) within such year,

"(B) the amount paid out within such year which represents amounts for which charitable, etc., deductions under section 642(c) have been taken in prior years,

"(C) the amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

"(D) the amount paid out of principal in the current and prior years for charitable, etc., purposes,

"(E) the total income of the trust within such year and the expenses attributable thereto, and

"(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries. Paragraph (1) shall not apply in the case of a trust described in section 4947(a)(1).".

(2) INCREASE IN PENALTY RELATING TO FILING OF INFORMATION RETURN BY SPLIT-INTEREST TRUSTS.—Paragraph (2) of section 6652(c) of such Code (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(C) SPLIT-INTEREST TRUSTS.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

"(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

"(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

"(iii) the third sentence of paragraph (1)(A) shall be disregarded.

If the person required to file such return knowingly fails to file the return, such person shall be personally liable for the penalty imposed pursuant to this subparagraph.".

(3) CONFIDENTIALITY OF NONCHARITABLE BENEFICIARIES.—Subsection (b) of section 6104 of such Code (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).".

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2001.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 (relating to corporations) is amended by striking "10 percent" and inserting "the applicable percentage".

(b) APPLICABLE PERCENTAGE.—Subsection (b) of section 170 of such Code is amended by adding at the end the following new paragraph:

"(3) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in:	**The applicable amount is:**
2002 and 2003	$25
2004, 2005, 2006	$50
2007, 2008, 2009	$75
2010 and thereafter	

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2002 through 2007	11
2008	12
2009	13
2010 and thereafter	15".

(c) CONFORMING AMENDMENTS.—

(1) Sections 512(b)(10) and 805(b)(2)(A) of such Code are each amended by striking "10 percent" each place it occurs and inserting "the applicable percentage (determined under section 170(b)(3))".

(2) Sections 545(b)(2) and 556(b)(2) of such Code are each amended by striking "10-percent limitation" and inserting "applicable percentage limitation".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) SPECIAL RULE FOR CONTRIBUTIONS OF FOOD INVENTORY.—

"(i) GENERAL RULE.—In the case of a charitable contribution of food, this paragraph shall be applied—

"(I) without regard to whether the contribution is made by a C corporation, and

"(II) only for food that is apparently wholesome food.

"(ii) DETERMINATION OF FAIR MARKET VALUE.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(iii) APPARENTLY WHOLESOME FOOD.—For purposes of this subparagraph, the term 'apparently wholesome food' shall have the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 105. REFORM OF EXCISE TAX ON NET INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 (relating to excise tax based on investment income) is amended by striking "2 percent" and inserting "1 percent".

(b) REPEAL OF REDUCTION IN TAX WHERE PRIVATE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 of such Code is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) IN GENERAL.—Subsection (c) of section 664 of the Internal Revenue Code of 1986 (relating to exemption from income taxes) is amended to read as follows:

"(c) TAXATION OF TRUSTS.—

"(1) INCOME TAX.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) EXCISE TAX.—

"(A) IN GENERAL.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) CERTAIN RULES TO APPLY.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

"(C) CHARACTER OF DISTRIBUTIONS AND COORDINATION WITH DISTRIBUTION REQUIREMENTS.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

"(i) subsection (b),

"(ii) determining the value of trust assets under subsection (d)(2), and

"(iii) determining income under subsection (d)(3).

"(D) TAX COURT PROCEEDINGS.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) SCIENTIFIC PROPERTY USED FOR RESEARCH.—Clause (ii) of section 170(e)(4)(B) of the Internal Revenue Code of 1986 (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(b) COMPUTER TECHNOLOGY AND EQUIPMENT FOR EDUCATIONAL PURPOSES.—Clause (ii) of section 170(e)(6)(B) of such Code is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(c) CONFORMING AMENDMENT.—Subparagraph (D) of section 170(e)(6) of such Code is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) IN GENERAL.—Paragraph (1) of section 1367(a) of such Code (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) the excess of the amount of the shareholder's deduction for any charitable contribution made by the S corporation over the shareholder's proportionate share of the adjusted basis of the property contributed.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANSION OF CHARITABLE CHOICE

SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS AND COMMUNITY ORGANIZATIONS.

Title XXIV of the Revised Statutes of the United States is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

“SEC. 1991. CHARITABLE CHOICE.

“(a) Short Title.—This section may be cited as the ‘Charitable Choice Act of 2001’.

“(b) Purposes.—The purposes of this section are—

“(1) to enable assistance to be provided to individuals and families in need in the most effective and efficient manner;

“(2) to supplement the Nation's social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of government assistance under the government programs described in subsection (c)(4);

“(3) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under such programs;

“(4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and

“(5) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the possibility of their being able to choose to receive services from a religious organization providing such assistance.

“(c) Religious Organizations Included as Providers; Disclaimers.—

“(1) In general.—

“(A) Inclusion.—For any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the first amendment to the Constitution.

“(B) Discrimination prohibited.—Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character.

“(2) Funds not aid to religion.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices. Notwithstanding the provisions in this paragraph, title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) shall apply to organizations receiving assistance funded under any program described in subsection (c)(4).

“(3) Funds not endorsement of religion.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the government of religion or of the organization's religious beliefs or practices.

“(4) Programs.—For purposes of this section, a program is described in this paragraph—

“(A) if it involves activities carried out using Federal funds—

“(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

“(ii) related to the prevention of crime and assistance to crime victims and offenders' families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

“(iii) related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

“(iv) under subtitle B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

“(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

“(vii) related to hunger relief activities; or

“(viii) under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note); or

“(B)(i) if it involves activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to nonschool hours programs, including programs under—

“(I) chapter 3 of subtitle A of title II of the Workforce Investment Act of 1998 (Public Law 105–220); or

“(II) part I of title X of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.); and

“(ii) except as provided in subparagraph (A) and clause (i), does not include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(d) Organizational Character and Autonomy.—

“(1) In general.—A religious organization that provides assistance under a program described in subsection (c)(4) shall have the right to retain its autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

“(2) Additional safeguards.—Neither the Federal Government, nor a State or local government with Federal funds, shall require a religious organization, in order to be eligible to provide assistance under a program described in subsection (c)(4), to—

“(A) alter its form of internal governance or provisions in its charter documents; or

“(B) remove religious art, icons, scripture, or other symbols, or to change its name, because such symbols or names are of a religious character.

“(e) Employment Practices.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (c)(4), and any provision in such programs that is inconsistent with or would diminish the exercise of an organization's autonomy recognized in section 702 or in this section shall have no effect. Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions of title VII of the Civil Rights Act of 1964 in the use of funds from programs described in subsection (c)(4).

“(f) Effect on Other Laws.—Nothing in this section shall alter the duty of a religious organization receiving assistance or providing services under any program described in subsection (c)(4) to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) (prohibiting discrimination on the basis of age).

“(g) Rights of Beneficiaries of Assistance.—

“(1) In general.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

“(A) is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds; and

“(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

“(2) Notice.—The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals described in paragraph (3) of the rights of such individuals under this section.

“(3) Individual described.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

“(h) Nondiscrimination Against Beneficiaries.—

“(1) Grants and cooperative agreements.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall not discriminate in carrying out the program against an individual described in subsection (g)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(2) Indirect forms of assistance.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(i) Accountability.—

“(1) In general.—Except as provided in paragraphs (2) and (3), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of such programs.

"(2) Limited audit.—

"(A) Grants and cooperative agreements.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall segregate government funds provided under such program into a separate account or accounts. Only the separate accounts consisting of funds from the government shall be subject to audit by the government.

"(B) Indirect forms of assistance.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) may segregate government funds provided under such program into a separate account or accounts. If such funds are so segregated, then only the separate accounts consisting of funds from the government shall be subject to audit by the government.

"(3) Self audit.—A religious organization providing services under any program described in subsection (c)(4) shall conduct annually a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government agency, along with a plan to timely correct variances, if any, identified in the self audit.

"(j) Limitations on Use of Funds; Voluntariness.—No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any program described in subsection (c)(4) shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4). A certificate shall be separately signed by religious organizations, and filed with the government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection.

"(k) Effect on State and Local Funds.—If a State or local government contributes State or local funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

"(l) Indirect Assistance.—When consistent with the purpose of a program described in subsection (c)(4), the Secretary of the department administering the program may direct the disbursement of some or all of the funds, if determined by the Secretary to be feasible and efficient, in the form of indirect assistance. For purposes of this section, 'indirect assistance' constitutes assistance in which an organization receiving funds through a voucher, certificate, or other form of disbursement under this section receives such funding only as a result of the private choices of individual beneficiaries and no government endorsement of any particular religion, or of religion generally, occurs.

"(m) Treatment of Intermediate Grantors.—If a nongovernmental organization (referred to in this subsection as an 'intermediate grantor'), acting under a grant or other agreement with the Federal Government, or a State or local government with Federal funds, is given the authority under the agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate grantor shall have the same duties under this section as the government when selecting or otherwise dealing with subgrantors, but the intermediate grantor, if it is a religious organization, shall retain all other rights of a religious organization under this section.

"(n) Compliance.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for injunctive relief in Federal district court against the official or government agency that has allegedly committed such violation.

"(o) Training and Technical Assistance for Small Nongovernmental Organizations.—

"(1) In general.—From amounts made available to carry out the purposes of the Office of Justice Programs (including any component or unit thereof, including the Office of Community Oriented Policing Services), funds are authorized to provide training and technical assistance, directly or through grants or other arrangements, in procedures relating to potential application and participation in programs identified in subsection (c)(4) to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed $50 million annually.

"(2) Types of assistance.—Such assistance may include—

"(A) assistance and information relative to creating an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to operate identified programs;

"(B) granting writing assistance which may include workshops and reasonable guidance;

"(C) information and referrals to other nongovernmental organizations that provide expertise in accounting, legal issues, tax issues, program development, and a variety of other organizational areas; and

"(D) information and guidance on how to comply with Federal nondiscrimination provisions including, but not limited to, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 694), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107).

"(3) Reservation of funds.—An amount of no less than $5,000,000 shall be reserved under this section. Small nongovernmental organizations may apply for these funds to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs under this title.

"(4) Priority.—In giving out the assistance described in this subsection, priority shall be given to small nongovernmental organizations serving urban and rural communities.".

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

SEC. 301. ADDITIONAL QUALIFIED ENTITIES ELIGIBLE TO CONDUCT PROJECTS UNDER THE ASSETS FOR INDEPENDENCE ACT.

Section 404(7)(A)(iii)(I)(aa) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

"(aa) a federally insured credit union; or".

SEC. 302. INCREASE IN LIMITATION ON NET WORTH.

Section 408(a)(2)(A) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "$10,000" and inserting "$20,000".

SEC. 303. CHANGE IN LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.

Section 410(b) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

"(b) Limitation on Deposits for an Individual.—Not more than $500 from a grant made under section 406(b) shall be provided per year to any one individual during the project.".

SEC. 304. ELIMINATION OF LIMITATION ON DEPOSITS FOR A HOUSEHOLD.

Section 410 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 305. EXTENSION OF PROGRAM.

Section 416 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "2001, 2002, and 2003" and inserting "and 2001, and $50,000,000 for each of fiscal years 2002 through 2008".

SEC. 306. CONFORMING AMENDMENTS.

(a) Amendments to Text.—The text of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "demonstration" each place it appears:

(1) Section 403.
(2) Section 404(2).
(3) Section 405(a).
(4) Section 405(b).
(5) Section 405(c).
(6) Section 405(d).
(7) Section 405(e).
(8) Section 405(g).
(9) Section 406(a).
(10) Section 406(b).
(11) Section 407(b)(1)(A).
(12) Section 407(c)(1)(A).
(13) Section 407(c)(1)(B).
(14) Section 407(c)(1)(C).
(15) Section 407(c)(1)(D).
(16) Section 407(d).
(17) Section 408(a).
(18) Section 408(b).
(19) Section 409.
(20) Section 410(e).
(21) Section 411.
(22) Section 412(a).
(23) Section 412(b)(2).
(24) Section 412(c).
(25) Section 413(a).
(26) Section 413(b).
(27) Section 414(a).
(28) Section 414(b).
(29) Section 414(c).
(30) Section 414(d)(1).
(31) Section 414(d)(2).

(b) Amendments to Subsection Headings.—The heading of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "Demonstration":

(1) Section 405(a).

(2) Section 406(a).

(3) Section 413(a).

(c) Amendments to Section Headings.—The headings of sections 406 and 411 of the Assets for Independence Act (42 U.S.C. 604 note) are amended by striking "**DEMONSTRATION**".

SEC. 307. APPLICABILITY.

(a) In General.—The amendments made by this title shall apply to funds provided before, on or after the date of the enactment of this Act.

(b) Prior Amendments.—The amendments made by title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) shall apply to funds provided before, on or after the date of the enactment of such Act.

TITLE IV—CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS

SEC. 401. CHARITABLE DONATIONS LIABILITY REFORM FOR IN-KIND CORPORATE CONTRIBUTIONS.

(a) Definitions.—For purposes of this section:

(1) Aircraft.—The term "aircraft" has the meaning provided that term in section 40102(6) of title 49, United States Code.

(2) Business entity.—The term "business entity" means a firm, corporation, association, partnership, consortium, joint venture, or other form of enterprise.

(3) Equipment.—The term "equipment" includes mechanical equipment, electronic equipment, and office equipment.

(4) Facility.—The term "facility" means any real property, including any building, improvement, or appurtenance.

(5) Gross negligence.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(6) Intentional misconduct.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(7) Motor vehicle.—The term "motor vehicle" has the meaning provided that term in section 30102(6) of title 49, United States Code.

(8) Nonprofit organization.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(9) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(b) Liability.—

(1) Liability of business entities that donate equipment to nonprofit organizations.—

(A) In general.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death that results from the use of equipment donated by a business entity to a nonprofit organization.

(B) Application.—This paragraph shall apply with respect to civil liability under Federal and State law.

(2) Liability of business entities providing use of facilities to nonprofit organizations.—

(A) In general.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring at a facility of the business entity in connection with a use of such facility by a nonprofit organization, if—

(i) the use occurs outside of the scope of business of the business entity;

(ii) such injury or death occurs during a period that such facility is used by the nonprofit organization; and

(iii) the business entity authorized the use of such facility by the nonprofit organization.

(B) Application.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of a facility.

(3) Liability of business entities providing use of a motor vehicle or aircraft.—

(A) In general.—Subject to subsection (c), a business entity shall not be subject to civil liability relating to any injury or death occurring as a result of the operation of aircraft or a motor vehicle of a business entity loaned to a nonprofit organization for use outside of the scope of business of the business entity, if—

(i) such injury or death occurs during a period that such motor vehicle or aircraft is used by a nonprofit organization; and

(ii) the business entity authorized the use by the nonprofit organization of motor vehicle or aircraft that resulted in the injury or death.

(B) Application.—This paragraph shall apply—

(i) with respect to civil liability under Federal and State law; and

(ii) regardless of whether a nonprofit organization pays for the use of the aircraft or motor vehicle.

(c) Exceptions.—Subsection (b) shall not apply to an injury or death that results from an act or omission of a business entity that constitutes gross negligence or intentional misconduct.

(d) Superseding Provision.—

(1) In general.—Subject to paragraph (2) and subsection (e), this title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection for a business entity for an injury or death described in a paragraph of subsection (b) with respect to which the conditions specified in such paragraph apply.

(2) Limitation.—Nothing in this title shall be construed to supersede any Federal or State health or safety law.

(e) Election of State Regarding Nonapplicability.—A provision of this title shall not apply to any civil action in a State court against a business entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this section;

(2) declaring the election of such State that such provision shall not apply to such civil action in the State; and

(3) containing no other provisions.

(f) Effective Date.—This section shall apply to injuries (and deaths resulting therefrom) occurring on or after the date of the enactment of this Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in House Report 107–144, if offered by the gentleman from New York (Mr. Rangel), or the gentleman from Michigan (Mr. Conyers), or a designee, which shall be considered read, and shall be debatable for 60 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. Thomas) and the gentleman from New York (Mr. Rangel) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. Thomas).

Mr. THOMAS. Mr. Speaker, I yield 15 minutes of my time to the gentleman from Wisconsin (Mr. Sensenbrenner), and ask unanimous consent that he may control that time.

Prior to doing that, I ask unanimous consent that the gentleman from New York (Mr. Rangel) be recognized.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. Rangel) is recognized.

There was no objection.

Mr. RANGEL. Mr. Speaker, I ask unanimous consent that the first 15 minutes of my time be controlled by the gentleman from Michigan (Mr. Conyers), the ranking member of the Committee on the Judiciary, and the remainder of my time be controlled by the gentleman from Georgia (Mr. Lewis), a member of the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. Sensenbrenner).

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that I may be allowed to yield parts of my time to others.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 7. Quite simply, the aim of this legislation is to encourage more community-based solutions to social problems in America. When implemented, it will provide some truly life-changing opportunities to many individuals struggling in our communities across the country.

It says that faith-based organizations should no longer be discriminated against when competing for Federal social service funds because of a misconstrued interpretation of current law by some, and that we welcome even the smallest faith-based organizations into the war against desperation and hopelessness.

As a result, new doors will be opened to the neediest in our communities to receive help and assistance that they seek. This is a wonderful and compassionate goal that most, if not all, should be able to embrace. In fact, H.R. 7 could very well improve our culture in ways that we have not seen in decades.

The concept of Charitable Choice is not new. Federal welfare reform in 1996 authorized collaboration between government and faith-based organizations to provide services to the poor. Charitable Choice has allowed religious organizations, rather than just secular or secularized groups, to compete for public funding. Many faith-based organizations have been providing services to their community, but with government funding they are able to create new programs and expand existing ones.

For example, the Cookman United Methodist Church in Philadelphia has created a program of "education, life-skills, job placement, job development and computer literacy, and children and youth services" with their Federal funding. By testing new solutions to the problem of poverty, the Cookman Church has used Charitable Choice funds to expand their program of needed services into a much larger and more meaningful one for their community. They have done this under existing Charitable Choice law in the 1996 Welfare Reform Act, which allows them to help those in need without having to hire lawyers to create a separate secularized organization and without having to rent expensive office space outside their neighborhood church.

There are literally hundreds of other programs like that of the Cookman United Methodist Church that have benefited thousands of persons in need without raising constitutional concerns in their implementation. These organizations are striving to make a difference in communities all across America.

It is a tragedy that those who move to help others by the strength of faith face added barriers to Federal social service funds based upon misguided understandings of the Constitution's religion clauses. Often it is those whose earthly compassion has the deep root of faith who stand strongest against the whims of despair. Different rules should not apply to them when they seek to cooperate with the Federal Government in helping meet basic human needs.

Some of our colleagues have raised constitutional objections to this legislation. I believe that those objections, while sincere, are misguided. Charitable Choice neither inhibits free exercise of religion, nor does it involve the government establishment of religion. It simply allows all organizations, religious or non-religious, to be considered equally by the Government for what they can do to help alleviate our Nation's social ills.

Unfortunately, it has become all too common for faith-based organizations to be subject to blanket exclusionary rules applied by the government grant and contract distributors based upon the notion that no Federal funds can go to pervasively sectarian institutions. However, the Congressional Research Service concluded in its December 27, 2000, report to Congress on Charitable Choice: "In its most recent decisions, the Supreme Court appears to have abandoned the presumption that some religious institutions are so pervasive sectarian that they are constitutionally ineligible to participate in direct public aid programs. The question of whether a recipient institution is pervasively sectarian is no longer a constitutionally determinative factor."

The pervasively sectarian test under which the patronizing assumption was made that religious people could be too religious to be trusted to follow rules against the use of Federal funds for proselytizing activity is, thankfully, dead. However, its ghost continues to linger in many of the implementing regulations of the programs covered by H.R. 7, and, unfortunately, in the rhetoric of many of H.R. 7's opponents.

For those with constitutional concerns, I also ask them to consider the changes to H.R. 7 that were adopted by the Committee on the Judiciary and just amended in this bill with the self-executing rule. These changes firm up the constitutionality of the bill and expand the options of individuals to receive government services from the type of organization they are most comfortable with.

To begin with, the bill now makes clear that when a beneficiary has objection to the religious nature of a provider, an alternative provider is required that is objectionable to the beneficiary on religious grounds, but that the alternative provider need not be non-religious. This same requirement appears in the Charitable Choice provisions of the 1996 Welfare Reform Act. If, of course, a beneficiary objects to being served by any faith-based organization, such a beneficiary is granted a secular alternative.

Existing Charitable Choice law contains an explicit protection of a beneficiary's right to refuse to actively participate in a religious practice, thereby ensuring a beneficiary's right to avoid any unwanted sectarian practices. Such a provision makes clear that participation, if any, in a sectarian practice, is voluntary and non-compulsory.

Further, Justices O'Connor and Breyer require that no government funds be diverted to religious indoctrination. Therefore, religious organizations receiving direct funding will have to separate their social service program from their sectarian practices. If any part of the faith-based organization's activities involve religious indoctrination, such activities must be set apart from the government-funded program, and, hence, privately funded.

The bill as reported out of the Committee on the Judiciary now contains a clear statement that if any sectarian worship instruction or proselytization occurs, that shall be voluntary for individuals receiving services and offered separate from the program funded.

Also the bill now includes a requirement that a certificate shall be separately signed by the religious organization and filed with the government agency that disperses the funds certifying that the organization is aware of and will take care to comply with this provision.

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The amendment also makes clear that volunteers cannot come into a federally funded program and proselytize or otherwise engage in sectarian activity.

The Committee on the Judiciary also changed the bill to include a subsection to permit review of the performance of the program itself, not just its fiscal aspects. This amendment is needed to prevent an unconstitutional preference for faith-based organizations, as secular programs are subject to both types of review.

One of the most important guarantees of institutional autonomy is a faith-based organization's ability to select its own staff in the manner that takes into account its faith. It was for that reason that Congress wrote an exemption from the religious discrimination provision of Title VII of the Civil Rights Act of 1964 for religious employers. All other current charitable choice laws specifically provide that faith-based organizations retain this limited exemption from Federal employment nondiscrimination laws.

An amendment adopted by the Committee on the Judiciary replaced existing language in H.R. 7 with the same language used in the 1996 Welfare Reform Act, which was signed into law by President Clinton, with an additional clause making clear that contrary provisions in the Federal programs covered by H.R. 7 have no force and effect. This additional clause was not necessary in the 1996 Welfare Reform Act because it codified charitable choice rules for a new program, whereas H.R. 7 covers already existing programs that may have conflicting provisions.

This amendment is offered to avoid any confusion. The language of the 1996 Welfare Reform Act did nothing to "roll back" existing civil rights laws, and that same language is used in this amendment.

It is important for all to understand that this bill does not change the anti-discrimination laws one bit, either with respect to employees or beneficiaries. Faith-based organizations must comply with civil rights laws prohibiting discrimination on the basis of race, color, national origin, gender, age and disability.

Since 1964, faith-based organizations have been entitled to the Title VII exemption to hire staff that share religious beliefs; and courts, including the Supreme Court, have upheld this exemption. Do the critics of those laws really want to revoke current public funding from the thousands of child care centers, colleges and universities that receive Federal funds in the form of Pell grants, veterans benefits, vocational training, et cetera, because these institutions hire faculty and staff that share religious beliefs?

Remember, one of the primary goals of this legislation is to try to open opportunities for small entities that take part in Federal social service programs. It is particularly important to maintain this exemption for small faith-based entities, because they are the types of community organizations we hope will be encouraged by this bill to seek involvement in delivering social services. These small entities are not going to go out and create new organizations and staff that provide these services. So we do not want to force them to advertise, hire new people and possibly be sued in Federal court for a job they would like to be filled by people already on staff, namely, people who share their religious beliefs.

One of the most revered liberal justices in the history of the Supreme Court, William Brennan, recognized that preserving the Title VII exemption where religious organizations engage in social services is a necessary element of religious freedom.

In his opinion in the Amos case upholding the current Title VII exemption, Justice Brennan recognized that many religious organizations and associations engage in extensive social welfare and charitable activities such as operating soup kitchens and day care centers or providing aid to the poor and the homeless. Even where such activity does not contain any sectarian instruction, worship or proselytizing, he recognized that the religious organization's performance of such functions was likely to be "infused with a religious purpose." He also recognized that churches and other entities "often regard the provision of social services as a means of fulfilling religious duty and providing an example of the way of life a church seeks to foster."

Charitable choice principles recognize that people in need should have the benefit of the best social services available, whether the providers of those services are faith-based or otherwise. That is the goal: helping tens of thousands of Americans in need.

We are considering today whether the legions of faith-based organizations in the inner cities, small towns and other communities of America can compete for Federal funds to help pay the heating bills in shelters for victims of domestic violence, to help them pay for training materials teaching basic work skills, to help them feed the hungry, and to provide other social services to help the most desperate among us.

Mr. Speaker, I urge my colleagues, even those initially opposed to H.R. 7, to join me today in voting for this bill and the expansion of charitable choice.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, for his sterling statement. Except for the conclusion, of course, it was very well presented.

Now, to the heart of the matter. The Conservative Family Research Council announced yesterday that they would abandon support for H.R. 7 if it were changed one iota to defer to existing State or local civil rights laws. Therein lays the rub. Namely, to put it another way, more colloquially, can a brother make as good a pot of soup as a Southern Baptist? Can too much diversity spoil the soup? That is the problem here, and it is why we are having so much trouble with faith-based which, incidentally, already exists, I say to my colleagues. Is there anyone not aware that we already have faith-based organizations dispensing charity by the billions of dollars? So what is the problem here?

Well, during our discussion in the Committee on the Judiciary, no one caught this sense of the issue more sensitively than our distinguished colleague from Florida (Mr. SCARBOROUGH), and I quote him at this point from page 191: "For instance," he says, "delivering soup. Let's say, for instance, in an area that is heavily served, let's say a synagogue, in an urban part of the area, listen, they want to get their soup. They do not want to hear somebody with views that are completely different from their own views. And I understand. I understand what the bill says, that they are not allowed to do that. But, again, if you compel these organizations, whose culture many Americans believe allow faith-based organizations to deliver services more effectively," and so on and so forth.

So I thank our departing colleague for that very important contribution to what we are about here.

Now, why do so many people feel uncomfortable about using this legislation as a vehicle to override our civil rights laws, our Federal civil rights laws, our State civil rights laws, our local civil rights laws? Why?

Many of us are still recovering from the revelation that the Salvation Army negotiated a secret deal with the White House to override parts of civil rights laws, including those protecting domestic partner benefits. Most do not think it is right to trade off our civil rights laws to get legislative support from a private organization.

Had the administration really wanted to do something to help religion, they might have tried to include the proposed charitable tax deductions in the $2 trillion tax deal. If they wanted to do something to improve social services, they would increase funding for drug treatment, housing and for seniors, instead of cutting these programs by billions of dollars. If they wanted to help our kids in our inner cities, of which I have heard so much today it is staggering, they would help us try to rebuild the crumbling schools all around them.

Mr. Speaker, I yield 2¼ minutes to the gentleman from New York (Mr. NADLER), the ranking member of the subcommittee from which this bill came.

Mr. NADLER. Mr. Speaker, this bill is a threat to religious liberty, a threat to the very effective way the Federal, State and local governments have long worked with religious charities, and a threat to this Nation's long commitment to equal rights, nondiscrimination and human dignity.

I would like to dispense with a few myths that have been propagated during this debate.

First, contrary to what we may have heard, religious charities are not the victims of discrimination; far from it. Religious charities now administer billions of dollars in public funds every year. Catholic Charities, the Federation of Protestant Welfare Agencies, the United Jewish Communities and many other church groups have been providing social services partially funded with taxpayer dollars for many, many decades.

Myth two: Religious charities must be allowed to discriminate in employment and services using public money in order to do their jobs properly. Why? Why does a Jewish lunch program need to hire only Jews to serve the soup? Why does a Baptist homeless shelter need to hire only Baptists to provide the blankets? I thought that this was a settled issue in our society, but apparently it is not.

Let me ask my colleagues, on the road to Jericho, did the good Samaritan ask the wounded traveler whether he was of a certain faith or whether he was gay or whether he was of the proper race? If the answer is no, then why would we think it necessary for churches to do this now, with public funds?

We are told that current law already allows such discrimination. Yes, it does, but only with church funds. But this bill is different. This bill allows that discrimination not just with church money but with public money in purely secular activities or what we are told are purely secular activities. That is very new and very, very wrong.

Myth three: This bill preserves State laws. Not true. The gentleman from Wisconsin (Mr. SENSENBRENNER) made clear in the markup in the committee that it does not. The bill allows broad religious discrimination and nullifies the laws of 12 States and more than 100 localities to the contrary. Do not be fooled by the argument that this applies only to lesbian and gay rights, important though they are. This applies to all local antidiscrimination laws, whether they protect women or minorities or single mothers or whatever local communities may have committed to take a stand on. That is an important difference from past charitable choice legislation, which specifically said that State and local laws would be preserved. This is different.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members to abide by the time limitations.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in strong opposition to H.R. 7. While it has been described as a plan to help religious organizations to receive and administer government funds, charitable choice in reality is a fundamental assault on our civil rights laws.

In this debate, let us be clear. The major impact of H.R. 7 will be to allow religious sponsors who want to receive Federal funds to discriminate in hiring based on religion. Any program that can get funded under H.R. 7 can get funding today, except those run by organizations that insist on the right to discriminate in hiring.

□ 1245

So when we hear about all the programs that can get funded, let us tell the truth, all of them can be funded today if the sponsors are willing to follow civil rights laws, just like all other Federal contractors. Just do not discriminate in hiring.

So this bill is not about new programs which can get funded. There is no new money in the program. Any program funded under H.R. 7 can be funded now. This bill provides no new funding, just new discrimination.

Whatever excuse there is to discriminate based on religion in these programs should apply to all Federal programs. In fact, it would apply to all private contractors or all private employers.

Why should a manufacturer be required to hire people of different faiths? The answer is it is the law. Because of our sorry history of discrimination and bigotry in the past, we have had to pass laws to establish protected classes.

So someone can choose their employees any way they want, except they cannot discriminate in hiring based on the protective classes of race, color, creed, national origin, or sex. This principle was established in Federal defense contracts when President Roosevelt signed Executive Order 8802 on June 25, 1941. Now, 60 years later, here we are allowing sponsors of federally funded programs to discriminate in hiring.

There are a lot of other problems with this bill, but we ought to defeat this bill strictly because of the fact that it allows new discrimination in hiring.

Mr. CONYERS. Mr. Speaker, in consultation with the chairman of the committee, I ask unanimous consent that each side be given 10 additional minutes.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Michigan?

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, I would point out to the gentleman from Michigan that while I personally have no objection, the general debate time is controlled by the Committee on Ways and Means. I would suggest that he request that of the chairman of the Committee on Ways and Means when he comes back to the Chamber. I am afraid that I would be trodding on their turf, so I would ask him to withdraw his unanimous consent request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. SENSENBRENNER. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes and 5 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, if we take time to review the details of this bill, we will see it is bad for America. The premise that religious people cannot help solve America's social problems is simply wrong. I spent 14 years in local government. We worked with Catholic Charities and many others. We do not need this radical departure from the Bill of Rights to work with Catholics, Protestants, Buddhists, Hindus, Sikhs, or Jains to solve America's problems.

Consider the plain language of the first amendment: "Congress shall make no law respecting an establishment of religion." I think that is clear. But this bill would take tax money and give it directly to churches. How can that not run afoul of the constitutional prohibition against the establishment of religion?

Our country was started by people seeking religious freedom to worship, and this fundamental American value was put in the very first amendment to our Constitution.

When government becomes involved in establishing or preferring religions, trouble follows. Will the Sikhs or Hindus receive the day care contract? Will the Muslims or Jews run the nursing home where your mother will live? Pity the local government who must decide.

With government money comes interference and perhaps improper conduct. Do these funds go to friends of the President? Does the Salvation Army get a financial benefit for political work? Thomas Jefferson is famous for the observation that ". . . intermingling of church and State corrupts both."

Finally and incredibly, there are special interest provisions in this bill that do not even relate to religion. Look at section 104.

Astonishingly, the bill creates a special class of victims without rights, nonprofit and religious groups who rent vehicles from businesses. An example: Corporation A leases a van with bald tires to the Baptist Youth Choir. The van overturns. With section 104, Corporation A cannot be held liable to help with the funeral and medical expenses. But if the same van is rented for the same price to a for-profit satanic rock group, corporation A can be held liable. Why should religious and nonprofit groups be victimized with impunity?

This bill will result in outcomes not desired by the American people. It will end up undercutting religion as well as religious freedom. It will enrage Americans by using their tax dollars to subsidize religious beliefs they disagree with. It undercuts our Constitution, provides not one additional cent of tax money to help the poor, and will end up stimulating religious conflict and racial and religious discrimination. Please have the good sense to vote no.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent for each side to have 10 additional minutes, having consulted with my leader on the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. THOMAS. Reserving the right to object, Mr. Speaker, I yield to the gentleman from New York (Mr. RANGEL) in terms of the statement of the gentleman from Michigan.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it seems as though, on this very controversial but important subject matter, there are so many Members who would like to share their views before we have time to vote on this, and in view of the fact that the Committee on the Judiciary has had jurisdiction over the substance of this and the time was split and they need additional time, if there is any technicality because the Committee on Ways and Means would follow them that interferes with them getting unanimous consent, I would like to yield to them on this issue.

Mr. THOMAS. Continuing to reserve my right to object, Mr. Speaker, I would tell the gentleman that actually we have 2 hours of debate on this question. As the Speaker indicated in announcing the rule, there is an hour of general debate and an hour on the substitute.

That means the Committee on the Judiciary, if the time is divided on the substitute, the same as was divided on general debate, would have 1 hour. That is the normal debate time. The Committee on Ways and Means would have 1 hour. The Committee on the Judiciary would have an hour.

The debate is not necessarily narrowly directed to the subject at hand; i.e., if the gentleman from Michigan (Chairman CONYERS) has some of his members of the Committee on the Judiciary who wish to make general statements about the underlying legislation, they certainly are able to, and indeed, we often do that during the debate on the substitute.

It seems to me that an extra 1 hour on this subject matter for a full 2 hours of discussion is more than ample.

Therefore, Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding time to me, and I thank the leaders for this very important debate.

Mr. Speaker, I rise today to reinforce the importance of this debate and the importance of characterizing this debate for what it is: the desire for those of us who believe in the first amendment and the Bill of Rights to emphasize that this should not be a referendum on our faith, for this country was founded on the ability to be able to practice one's faith without intrusion.

But rather, I would hope that this particular debate will focus around the intent and the understanding of James Madison, the father of the first amendment, that indicated that he believed that the commingling of church and State was something that should not exist, and that he apprehended the meaning of the establishment clause to be that "Congress shall not establish a religion and enforce the legal observation of it by law, nor compel men or women to worship God in any manner contrary to their conscience."

It means that if I am of a different belief and I want to fight against child abuse, and a particular religious institution is running a child abuse prevention charitable organization in my community, I should be able to be hired. Under this bill, although it has good intentions, it forces direct monies into religious institutions, not requiring them to comply with any means of preventing discrimination.

Martin Luther King said "Injustice anywhere is injustice everywhere." Discrimination on the basis of religion somewhere is discrimination everywhere.

What we want here is an understanding that we embrace faith, but we do not embrace discrimination. Change this legislation, eliminate the discriminatory aspects, eliminate the voucher program, eliminate the direct funding of religion, and James Madison's voice and spirit will live and the Bill of Rights will live, and we can all support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this debate is about the fundamental relationship between a democratic government and religious institutions.

The first amendment has two purposes. First, it is designed to prevent the government from using its power to promote a particular religion. Second, it is designed to protect religious institutions from unwarranted intrusions of government.

I believe H.R. 7 endangers both of these purposes. This bill expands the religious exemption under Title VII to clearly nonreligious activities, and it preempts State and all other local nondiscrimination laws. For the first time, Federal dollars, public funds, will be used to discriminate; or put another way, Americans can be barred from taxpayer-funded employment on the basis of their religion or other factors.

Civil rights and religious freedom go hand-in-hand. Undermine one and we undermine the other.

Mr. Speaker, it is a mistake for government and religion to become entangled. I urge my colleagues to reaffirm our commitment to separation of church and State by defeating H.R. 7.

Mr. Speaker, I rise today in opposition to H.R. 7.

Let me begin by saying that I very much value the traditional role of religions institutions in providing social services. Our country has been made stronger through the good works of people of faith in helping those in need. Religious institutions have long fed the hungry, clothed the poor, given shelter to the homeless, and helped heal the sick. These contributions have been absolutely essential for millions of Americans throughout the history of our great nation.

But this debate is not whether or not religious institutions should do good works. We all agree that they do and they should. This debate is about the fundamental relationship between a democratic government and religious institutions.

The Bill of Rights to the United States Constitution sets forth the fundamental principles upon which our democracy is based—freedom of speech, freedom of expression, right to trial by jury, limitations on searches an seizures, the right to bear arms. One of the most fundamental protections in our Constitution is freedom of religion.

The First Amendment states: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." This Constitutional principle has two purposes. First, it is designed to prevent the government from using its power to promote a particular religion. Our Founding Fathers rightly saw that true freedom of worship was impossible if the state advantaged one religion over others.

The second purpose is to protect religious institutions from the unwarranted intrusion of government. The independence of religious institutions from the hand of government is fundamental to the free exercise of religion.

I believe H.R. 7 endangers both of these purposes and therefore undermines our nation's commitment to the free exercise of religion. This bill will allow religious institutions to accept direct government funding of social service programs. While it purports to ban proselytizing using tax dollars, it still permits the mingling of religion and government as never before seen in our country. It extends the reach of government into the private religious sphere. And I believe it is unconstitutional.

It is not in the best interest of our religious institutions to have government agencies pick and choose which church or synagogue or mosque should get taxpayer dollars. As my colleague Mr. SCHIFF of California said in the Judiciary Committee, "would it be appropriate for Members of Congress to write letters in support of one church's grant application or against another?" Would it? Is that a good idea? What future rules will we apply to these funds? Will the Bishop or the Rabbi come by to lobby for funding? If a church violates the rules or is suspected of fraud, do we really want the government digging into their books?

Our Founding Fathers created the Establishment Clause as an answer to this dilemma. Their answer was no. In a letter written in 1832, James Madison wrote, "it may not be easy, in every possible case, to trace the line of separation between the rights of religion and the civil authority with such distinctness as to avoid collisions and doubts on unessential points. The tendency of a usurpation on one side or the other, or a corrupting coalition or alliance between them, will be best guarded by an entire abstinence of the government from interference in any way whatsoever?"

We have recently seen the impact of entangling government and religion in the case of the White House and the Salvation Army. The Salvation Army, a religious charity, has lobbied and been lobbied by the White House to promote this legislation. According to newspaper accounts, the Salvation Army was prepared to spend hundreds of thousands of dollars to advance this bill in exchange for the right to discriminate in hiring. The White House now says they've backed off.

But the very right to discriminate in hiring that the Salvation Army wanted is contained in this bill! This bill expands the religious exemption under Title VII to clearly non-religious activities and preempts all other state and local non-discrimination laws. For the first time, public funds will be used to discriminate in employment. Or put another way, Americans can be barred from taxpayer funded employment on the basis of their religion.

Under this bill, a Protestant church could refuse to hire a person who is Jewish to work in their day care or a Muslim soup kitchen could refuse to hire a Catholic to serve meals to the hungry. But not only that, a church could refuse to hire a person who is divorced if divorce is against that church's tenets and teachings, even though the position is involved only in a secular activity.

Expanding a religious institution's ability to discriminate in employment to include secular enterprises is just the start of the discrimination in this bill. The bill also preempts all state and local laws against discrimination. Thus, if a state protects its citizens from discrimination on the basis of sexual orientation, real or perceived gender, marital status, student status, or other bases the moment federal funds are commingled, religious institutions are allowed to discriminate. We hear a great deal about local control, but this bill eviscerates these state and local non-discrimination laws.

That is why the Gentleman from Massachusetts, Mr. FRANK, and I proposed an amendment in the Rules Committee. It is very simple, just one line. "Notwithstanding anything to the contrary in this section, nothing in this section shall preempt or supersede State or local civil rights laws." Unfortunately, the Rules Committee refused to make our amendment in order, denying the House the opportunity to have an up or down vote on this critical issue.

The House still has an opportunity to correct this major problem with the bill. The Democratic Substitute maintains non-discrimination protections in current Federal, State and local law. I urge all of my colleagues to support the substitute.

It is very distressing that the proponents of this bill desire to chip away at our civil rights and non-discrimination laws. And it is even more distressing that they are using religion as a cover. Civil rights and religious freedom go hand in hand. Undermine one and you undermine the other. In the Federalist Papers Number 51, James Madison noted this interrelationship: "In a free government, the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects."

Mr. Speaker, it is a mistake for government and religion to become entangled. I urge my colleagues to reaffirm our commitment to the separation of church and state by defeating this misguided legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to yield the balance of our time to my distinguished leader, the gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore. The gentlewoman from California (Ms. WATERS) is recognized for 2 minutes and 10 seconds.

Ms. WATERS. Mr. Speaker, I think it is important for some of us to say that we were raised in church, and that we are religious people. We went to Sunday school every Sunday when I was a little girl coming up. We went back to the 11 a.m. service with our parents, and then we went back at 6 o'clock in the evening to BYPU for the young people.

I do not want anybody to think that because we are against this bill, somehow we are not religious, or we do not believe in religion. We certainly do. What we do not believe in is discrimination. We cannot, as public policymakers who understand the Constitution and appreciate it, and understand the struggle of those people who came to this country fleeing religious oppression, sit here and allow something called a faith-based program to reinstitute discrimination. It is wrong, and we cannot stand for that.

Religious organizations in this country participate in this government in many ways. For those people who say we have to have this bill in order to have participation, they are wrong.

Let me just tell the Members, last year Lutheran Services, the largest faith-based organization to receive government aid, received about $2.7 billion, Jewish organizations received about $2 billion in government aid, Catholic Charities received $1.4 billion, and the Salvation Army received $400 million.

So what are we talking about? They have separate 501(c)3s that they apply under because they separate from the collection plate the money that comes from the government in order to carry out these programs, and that is the way it should be. We should never allow commingling of the government and taxpayers' dollars in the collection plate. It is wrong, it violates separation of church and State, and we should stop it on this floor right now, and not support the so-called faith-based organization initiative.

I would say to my friends and colleagues here today, we have the opportunity to uphold civil rights, to say we are against discrimination, to say we are not going to allow taxpayer dollars to turn people away who are applying for jobs, and most importantly, we are going to uphold the Constitution of the United States of America. I ask for a no vote on the faith-based organization initiative.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

□ 1300

Mr. CHABOT. Mr. Speaker, as we debate this bill today, I would ask my colleagues not to let partisanship cloud their judgment on this proposal. The purpose of this bill is to help people. This is not some great scheme to funnel tax dollars to religious organizations or to force people to seek social services from religious providers. This bill will provide new hope and new opportunities to thousands of Americans. It will help the homeless, the hungry, and the downtrodden, and it will help those in need.

Over the past several months, the House Subcommittee on the Constitution held several hearings that looked at charitable choice programs and the role that faith-based organizations can play in the delivery of social services. We heard compelling testimony about the work of faith-based organizations that have received Federal funding under current law. It is the current law now.

And we discussed and debated the constitutional issues surrounding this legislative proposal. And at the conclusion of these hearings, two points were very clear. First, the charitable choice provisions of H.R. 7 are completely consistent with the Constitution. And second, faith-based organizations play a vital role in providing social services to the most desperate among us.

I would like to quote from a speech that was made a while back to the Salvation Army: "The men and women who work in faith-based organizations are driven by their spiritual commitment. They have sustained the drug addicted, the mentally ill, the homeless, they have trained them, they have educated them, they have cared for them. Most of all, they have done what government can never do: they have loved them."

Do my colleagues know who said that? Al Gore. Now I do not always agree with Al Gore, but I certainly agree with him in that particular instance.

This is legislation which is very important to the President. I want to thank the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for getting us to this point today. We want to make sure that this withstands any constitutional challenge that might be made against it. This is excellent legislation which will literally help thousands and thousands of the most desperately needy people in this country.

I want to thank the chairman for his leadership again on this. Let us pass this legislation today. It is important to an awful lot of people.

RESPONSES TO FALSE DEMOCRATIC CLAIMS IN THEIR DISSENTING VIEWS IN THE COMMITTEE REPORT

Claimed comparison of H.R. 7 with language of 1996 Welfare Reform Act

Footnote 7 of the Dissenting Views states that H.R. 7 does not contain language from the 1996 Welfare Reform Act that indicated its provisions were not intended to supercede State law, and therefore the absence of that provision from H.R. 7 means it somehow preempts State law. That is a mischaracterization of the provision in the 1996 Welfare Reform Act. The provision referred to in the 1996 Act was simply a "savings clause" that recognized that some states have provisions in their constitutions and state laws that don't allow them to spend state funds on faith-based organizations. The savings clause simply recognized that in those states with such laws, they could continue to segregate state funds as required by state law, but that they could also use federal funds in accordance with the charitable choice provisions of the 1996 Welfare Reform Act. Conference Report 104–430, accompanying H.R. 4, 104th Congress, 1st Session (December 20, 1995), at 361—the previously adopted welfare reform bill with the identical subsection (k) as that found in the Welfare Reform Act of 1996—provides the following explanation for the subsection: "Subsection (k) states that nothing in this section shall be construed to preempt State constitutions or statutes which restrict the expenditure of State funds in or by religious organizations. In some States, provisions of the State constitution or a State statute prohibit the expenditure of public funds in or by sectarian institutions. It is the intent of Congress, however, to encourage States to involve religious organizations in the delivery of welfare services to the greatest extent possible. The conferees do not intend that this language be construed to required that funds provided by the Federal government referred to in subsection (a) be segregated and expended under rules different than funds provided by the State for the same purposes; however, States may revise such laws, or segregate State and Federal funds, as necessary to allow full participation in these programs by religious organizations." H.R. 7 gives states the same option. Subsection (j) provides that insofar as states use federal funds, or mingle state and federal funds, and uses them for covered programs, the federal rules in H.R. 7 apply. If states separate out their state funds, then they can of course use them without any federal conditions attaching.

Claim that millions of dollars already go to groups like Catholic Charities, so there is no problem to fix

The Dissenting Views point out that millions of dollars go to large organizations such as Catholic Charities every year, but fails to mention these are large, separately incorporated and secularized organizations, not churches. The purpose of H.R. 7 is to allow small religious organizations to be able to compete for social service funds by removing barriers to entry and allowing them to serve as churches, and to provide social services in their churches without having to rent out separate, expensive office space, or having to hire lawyers to create separate corporations.

Claim that H.R. 7 preempts general state and local nondiscrimination in employment laws

The Dissenting Views states that under H.R. 7 a national religious organization could choose to accept a single federal grant and attempt to use that as a shield against laws protecting gay and lesbian employment rights in all 50 states. This is wrong. Subsections (d) and (e) in H.R. 7 do not constitute a general preemption clause, but a narrow statutory right afforded faith-based organizations to help them preserve their religious liberty when they are using federal funds during the course of a federally funded program and encourage their participation in the delivery of social services for the poor and the needy. When a religious organization is not using federal funds during the hours of a federally funded program, which will be most of the time, the protections of H.R. 7 do not apply, and all State and local nondiscrimination in employment laws that are not tied to government funding, including those that prohibit discrimination based on sexual orientation, remain in effect. For example, in 16 states, employers with a single employee are covered by their state's civil rights law. Others set the minimum number of employees between 4 and 10. Ohio's employment discrimination law covers employers with 4 or more employees; Oh.St. §4112.01(A)(2); Wisconsin's covers employers with 1 or more employees; Wi.St. 111.32(6)(a); Massachusetts' covers employers with 6 or more employees; Ma.St. 151B §1(5); New York's covers employers with 4 or more employees; N.Y.Exec. §292(5); Michigan's covers employers with 1 or more employees; Mi.St. §37.2201(a); California's covers employers with 5 or more employees; Ca.Civil §51.5(a). Also, the provisions of H.R. 7 will not apply whenever a State or local government chooses to separate its federal funds from its nonfederal funds. Experience from existing charitable choice laws that contain the very same provisions as H.R. 7—and which have been on the books for five years—has shown that this narrow statutory right will not need to be invoked very often, if ever.

Claim that the House has never previously considered the details of charitable choice provisions

Contrary to the assertion in the Dissenting Views, the House has voted several times on amendments offered by Mr. Scott to strip away charitable choice provisions that would allow religious organizations to continue to be able to hire based on religion while taking part on federal programs.

The Fathers Count Act of 1999 contained the charitable choice provisions of the Welfare Reform Act of 1996. Mr. Scott offered a motion to recommit the bill with instructions to remove the charitable choice provision allowing religious organizations receiving funds under the designated programs to make employment decisions on religious grounds. This motion was defeated 176–246, by a 70 vote margin including 34 Democrats. The bill was then adopted by the House by a vote of 328–93, by a 235 vote margin. Constitution subcommittee Ranking Member Nadler voted for the bill, as did four other Democratic Members of the House Judiciary Committee. Those other Members were Sheila Jackson-Lee, Boucher, Delahunt, and Meehan.

The Child Support Distribution Act of 2000 also contained the charitable choice provisions of the Welfare Reform Act of 1996. Mr. Scott's motion to recommit with instructions would have removed the charitable choice provision allowing participating religious organizations to make employment decisions on religious grounds. The motion was defeated 175–249, by a 74 vote margin including 30 Decmocrats. The bill was then adopted by a vote of 405–18, by a 387 vote margin. Constitution Subcommittee Ranking Member Nadler voted for the bill, as did eight other Democratic Members of the House Judiciary Committee. Those other Members were Conyers, Watt Jackson-Lee, Lofgren, Berman, Boucher, Meehan, Delahunt, Wexler, Baldwin, and Weiner.

Claims regarding statements made by President Clinton when he signed previous charitable chioce laws

The Dissenting Views incorrectly state that prior charitable choice laws were enacted without the support of President Clinton, and they cite President Clinton's statement when he signed the re-authorization measure for the Community Services Block Grants Program ("CSBG") into law that its charitable choice provisions should not be used to fund "'pervasively sectarian' organizations, as tha term has been defined by the courts." 134 Weekly Compilation of Presidential Documents 2148 (Nov. 2, 1998) (Statement on Signing the Community Opportunities, Accountability, and Training and Educational Services Act of 1998). However. the courts have since abandoned the "pervasively sectarian" test, and President Clinton's later statements on charitable choice provisions in October and December 2000, do not rely on the pervasively sectarian test, and those statements in fact support H.R. 7. The Congressional Research Service concluded in the December 27, 2000, Report to Congress on Charitable Choice, that "In its most recent decisions[,] the [Supreme] Court appears to have abandoned the presumption that some religious institutions, such as sectarian elementary and secondary schools, are so pervasively sectarian that they are constitutionally ineligible to participate in direct public aid programs." CRS Report, at 29.

Indeed, on October 17, 2000, President Clinton stated his constitutional concerns regarding the implementation of the charitable choice provisions in Substsance Abuse and Mental Health Services Administration ("SAMHSA") programs as follows: "This bill includes a provision making clear that religious organizations may qualify for SAMHSA's substance abuse prevention and treatment grants on the same basis as other nonprofit organizations. The Department of Justice advises, however, that this provision would be unconstitutional to the extent that it were construed to permit governmental funding of organizations that do not or cannot separate their religious activities from their substance abuse treatment and prevention activities that are supported by SAMHSA aid. Accordingly, I construe the act as forbidding the funding of such organizations and as permitting Federal, State, and local governments involved in disbursing SAMHSA funds to take into account the structure and operations of a religious organization in determining whether such an organization is constitutionally and statutorily eligible to receive funding." Weekly Compilation of Presidential Documents (Oct. 23, 2000) (Statement on Signing the Children's Health Act of 2000), p. 2504. He made an identical statement regarding the charitable choice provisions in the Community Renewal Tax Relief Act when he signed that measure into law on December 15, 2000. See White House Office of the Press Secretary, "Statement of the President Upon Signing H.R. 4577, the Consolidated Appropriations Act, FY 2001" (December 22, 2000), at 8. These concerns are the same as those addressed by the provision in subsection (j) of the Charitable Choice Act of 2001, which provides that, "No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any [covered] program . . . shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4)." The required separation would not be met where the government-funded program entails worship, sectarian instruction, or proselytizing. Under subsection (j), there are to be no practices constituting "religious indoctrination" performed by an employee while working in a Government-funded program. The same is true for volunteers.

Claim that current charitable choice laws have been barely implemented

The Dissenting Views states that current charitable choice laws have barely been implemented. This is untrue. Existing charitable choice programs have had a significant impact on social welfare. Dr. Amy Sherman of the Hudson Institute has conducted the most extensive survey of existing charitable choice programs. Dr. Sherman concluded that, currently, "All together, thousands of welfare recipients are benefiting from services now offered through FBOs [faith-based organizations] and congregations working in tandem with local and state welfare agencies." Dr. Amy S. Sherman, "The Growing Impact of Charitable Choice: A Catalogue of New Collaborations Between Government and Faith-Based Organizations in Nine States" ("Growing Impact"), The Center for Public Justice Charitable Choice Tracking Project (March 2000) at 8. Dr. Sherman also found that fears of aggressive evangelism by publicly funded faith-based organizations have little basis in fact. According to Dr. Sherman: "[O]ut of the thousands of beneficiaries engaged in programs offered by FBOs [faith-based organizations] collaborating with government, interviewees reported only two complaints by clients who felt uncomfortable with the religious organization from which they received help. In both cases—in accordance with Charitable Choice guidelines—the client simply opted out of the faith-based program and enrolled in a similar program operated by a secular provider. In summary, in nearly all the examples of collaboration studied, what Charitable Choice seeks to accomplish is in fact being accomplished: the religious integrity of the FBOs working with government is being protected and the civil liberties of program beneficiaries enrolled in faith-based programs are being respected. Id. at 11 (emphasis added). Religious groups in the nine states Dr. Sherman surveyed also registered few complaints about their government partners. According to Dr. Sherman, "The vast majority reported that the church-state question was a 'non-issue,' and that they enjoyed the trust of their government partners and that they had been straightforward about their religious identify." Id.

The success of existing charitable choice programs had led the National Conference of State Legislatures ("NCSL") to support their expansion. According to Sheri Steisel, director of NCSL's Human Services Committee, "In many communities, the only institutions that are in a position to provide human services are faith-based organizations. Providing grants to or entering into cooperative agreements with faith-based and other community organizations to provide government services is something that has proven effective in the states over the past five years. As welfare reform continues to evolve, it is important that government at all levels continues to explore innovative ways to provide services to its constituents. We are extremely pleased that the President is joining the states in exploring these new opportunities." News Release, "Faith Based Initiatives Nothing New to Nation's State Lawmakers" (January 30, 2001). Some states have embraced charitable choice to the tune of spending hundreds of thousands of dollars or, in some cases, millions in contracts with congregations and other organizations that would not otherwise have been eligible. See Associated Press, Survey Highlights Charitable Choice (March 19, 2001).

Claim regarding the number of "charitable choice" lawsuits filed

The Dissenting Views states that there have been five lawsuits filed challenging existing charitable choice laws. That is not true. The Dissenting Views mention three lawsuits that do not involve the terms of federal charitable choice programs, and another has already been dismissed as moot:

American Jewish Congress v. *Bernick*, (San Francisco County Superior Court, filed January 31, 2001) (challenging a program announced in August 2000 by the California Department of Employment Development to fund job training offered by groups that had never before contracted with government; charging that only religious organizations were eligible to compete). The State of California filed an affidavit in the case stating no TANF funds were used in the program.

Pedreira v. *Kentucky Baptist Home for Children*, Case No. — (E.D. Ky., filed April 17, 2000) (charging that the dismissal of an employee, who was employed to help the Kentucky Baptist Home for Children distribute state funds for the provision of child care, on the grounds that her sexual orientation was contrary to the employer's religious tenets violates the establishment of religion clause). No federal funds were used in this case, so the lawsuit does not involve a federal charitable choice program.

In *Lara* v. *Tarrant County*, 2001 WL 721076 (Tex.), the court stated that "This case involves a dispute over a religious-education program in a Tarrant County' jail facility. Our inquiry focuses on the Chaplain's Education Unit, a separate unit within the Tarrant County Corrections Center, where inmates can volunteer for instruction in a curriculum approved by the sheriff and director of chaplaincy at the jail as consistent with the sheriff's and chaplain's views of Christianity."

American Jewish Congress and Texas Civil Rights Project v. *Bost*, No. — (Travis County, Texas, filed July 24, 2000) was dismissed as moot on January 29, 2001.

Claim that H.R. 7 requirement that an alternative unobjectionable on religious grounds is available is an "unfunded mandate"

The Dissenting Views state that H.R. 7's requirement that an alternative be available that is unobjectionable to a beneficiary on religious grounds is an "unfunded mandate." This is not true. As the Congressional Budget Office points out in its statement on H.R. 7, "All of [the charitable choice] requirements are conditions of federal assistance, and therefore, are not mandates under UMRA [the Unfunded Mandates Reform Act]."

Claim that children could be subject to "peer pressure" to engage in proselytizing activity

The Dissenting Views worry about children being subject to "peer pressure" that leads them to take part in sectarian activities outside a federal program.

H.R. 7 excludes from covered programs those that include "activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)," except it does not exclude activities "related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.)." Children eligible to attend elementary schools or secondary schools is defined in Elementary and Secondary Education Act of 1965, 20 U.S.C. §8801(3), as follows: "The term 'child' means any person within the age limits for which the State provides free public education."

Also, H.R. 7 makes clear that any sectarian instruction, worship, or proselytizing activities must be conducted separate and apart from the federally-funded program, and any children taking part in any such activities would be doing so under the normal doctrines of guardianship law.

Claim that H.R. 7 allows discrimination against beneficiaries

The Dissenting Views incorrectly states that H.R. 7 allows discrimination against beneficiaries because its terms only refer to a prohibition on discrimination against beneficiaries on the basis of religion. First, courts will interpret "on the basis of religion" in the same way they do when interpreting the Title VII exemption, which is to also include within "religion" an organization's beliefs regarding lifestyle. Courts have held that the §702 exemption to Title VII applies not just when religious organizations favor persons of their own denomination. Rather, the cases permit them to staff on the basis of their faith or doctrine. See *Little* v. *Wuerl*, 929 F.2d 944 (3d Cir. 1991) (Catholic school declines to renew contract of teacher upon her second marriage); *Hill* v. *Baptist Memorial Health Care Corporation*, 215 F.2d 618 (6th Cir. 2000) (dismissing woman when she became associated with church supportive of homosexual lifestyle and announced she was lesbian). H.R. 7's provisions in subsection (h)(1) prevent religious organizations taking part in covered programs from discriminating against beneficiaries of grant programs on the basis of a refusal to hold a religious belief. Therefore, a religious organization could not discriminate against homosexual beneficiaries of grant programs because they do not adhere to a religious belief that homosexuality is a sin.

Also, Title VII does not exempt a religious organization from a discrimination claim based on sex, and Title VII treats discrimination against a woman because of her pregnancy as discrimination based on sex, and prohibits it. The answer is the same whether the woman is married or unmarried.

Further, H.R. 7 does not preempt State or local laws protecting beneficiaries from discrimination, including State or local laws that prohibit discrimination against homosexuals in the receipt of social services.

Claim that beneficiaries don't have a right under H.R. 7 to enforce discrimination claims in court

The Dissenting Views state that beneficiaries facing discrimination do not have a right to enforce their rights in court. This is patently untrue. Any beneficiary who is discriminated against may sue, in federal court, a State or locality under subsection (n) and get them to stop any discrimination going on in a covered program that denies a beneficiary access to a service on the basis of religion, a religious belief, or a refusal to hold a religious belief. A beneficiary who is protected by any other State or local law protecting beneficiaries in the receipt of services can enforce their rights in court under those laws as well. Beneficiaries are also protected against discrimination based on race under Title VI.

Claim that subsection (l) regarding indirect funding was "hidden in the fine print"

The Dissenting Views claim that subsection (l) was hidden "in the fine print" of the manager's amendment and "added in the middle of the night." Well, subsection (l) was typed on the page in the same font and font size as any other provision in the amendment, and the amendment was distributed the afternoon before the markup, at about 3 o'clock. Subsection (l) was not buried in a footnote. Indeed, the entire charitable choice sections of the amendment consisted of a mere 13 pages, double spaced, in standard legislative counsel format. Of course, we had been working on changes, but we didn't have the final draft until that afternoon and therefore couldn't distribute it to our Republican Members until the day before the markup too.

Claims on indirect funding that are internally inconsistent

The Dissenting Views are internally inconsistent on the significance of indirect funding. On the one hand, on page 305, they state that indirect funding of religious organizations is objectionable because when a religious organization engages in sectarian instruction, worship, or proselytizing with indirect funds, it is still doing so "with Federal funds." But on page 298, the Democrats say it's all right for religious organizations to hire staff based on religion when they receive Federal funds indirectly. Apparently there is dissent even within the Dissenting Views.

Claim that "you can't have it both ways" on non-proselytization and hiring on a religious basis

The Dissenting Views state that the Majority "cannot have it both ways—either the Federal funds will be used for religious purposes, in which case there may be a justification for tolerating religious discrimination [in hiring]; or the funds will be used in a nonsectarian manner, in which case there is no reason to discriminate [in hiring] on the basis of religion." This totally misses the point that faith-based organizations perform secular social services motivated by religious conviction. They want to provide social services as a church. While the task of serving the poor and the needy is "secular" from the perspective of the government, from the viewpoint of the faith-based organization and its workers it is a ministry of mercy driven by faith and guided by faith. As the Reverend Donna Jones of North Philadelphia stated in her testimony before the House Subcommittee on the Constitution, she and her fellow church members did not want to set up a separate secular organization to perform good works because they were motivated to perform those good works together as a church, and they wanted to retain their identity as a church when they provided the services.

Justice Brennan makes this same point in his concurring opinion in the *Amos* case, which upheld the current Title VII exemption for religious organizations seeking to preserve the religious character of their organization. Justice Brennan recognized that many religious organizations and associations engage in extensive social welfare and charitable activities, such as operating soup kitchens and day care centers or providing aid to the poor and the homeless. Even where the content of such activities is secular—in the sense that it does not include religious teaching, proselytizing, prayer or ritual—he recognized that the religious organization's performance of such functions is likely to be "infused with a religious purpose." *Amos*, 483 U.S. at 342 (Brennan, J., concurring). He also recognized that churches and other religious entities "often regard the provision of such services as a means of fulfilling religious duty and providing an example of the way of life a church seeks to foster." *Id.* at 344. Perhaps one of the greatest liberal Justices, then, recognized that preserving the Title VII exemption when religious organizations engage in social services is a necessary element of religious freedom.

Mostly importantly, faith-based organization employees and volunteers can do their good works out of religious motive. While the task of helping the poor and needy is "secular" from the perspective of the Government, from the viewpoint of the faith-based organization and its workers it is a ministry of mercy driven by faith and guided by faith.

Claim that H.R. 7 allows a faith-based organization to discriminate based on interracial dating or marriage

The Dissenting Views claim that H.R. 7 will permit employment discrimination on the basis of interracial marriage. The cited source, an NAACP memo, plays off Bob Jones University v. United States, 461 U.S. 574 (1983). The claim in false. Title VII prohibits racial discrimination in employment by faith-based organizations. It is an act of facial discrimination to fire a while person because he or she marries a black person. There are no reported cases of anyone ever being allowed to be discriminated against by an organization due to interracial dating or marriage under Title VII.

Finally, in no way does H.R. 7 overrule the Bob Jones case. The case involved a challenge to a 1971 IRS Ruling which denied tax exempt status, under 501(c)(3), to any school which engaged in racial discrimination, and the Bob Jones University prohibited interracial dating by its students. The IRS Ruling has nothing to do with federal funding. H.R. 7 does not affect the Supreme Court's decision in any way. The IRS Ruling #71-447 continues in full force and effect.

Claim that Justice O'Connor disapproves of direct funding of religious organizations

In Justice O'Connor's view, monetary payments are just a factor to consider, not controlling. Also, please note that Justice O'Connor concurred in the opinion in Bowen v. Kendrick, where she joined in approving direct cash grants to religious organizations, even in the particularly "sensitive" area of teenage sexual behavior, as long as there is no actual "use of public funds to promote religious doctrines." *Bowen* v. *Kendrick*, 487 U.S. 589, 623 (1988) (O'Connor, J., concurring).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

This particular bill is shared in its jurisdiction between the Committee on the Judiciary and the Committee on Ways and Means. The discussion that we have been hearing is over the second title of the bill. There are three titles. The first title deals with charitable contributions by individuals and businesses. The second title is that which has been under discussion. The third title deals with individual or independence accounts, which is a demonstration program that the Committee on Ways and Means addressed.

I believe, and I hope it is true, that the debate about the constitutionality of this bill, which I do not believe to be meritorious, does not apply in any way to title I and title III discussions. It is well-established in terms of the charitable contribution aspect of the Tax Code. The committee examined these issues through subcommittee hearings, analyzed other Members' pieces of legislation and of course listened to groups who are involved in charitable activities, and then suggested a number of proposed tax changes that could create a more positive environment for giving.

The cost of the bill, over 10 years, as determined by the Joint Committee on Taxation, is a little over $13 billion over a ten year period. About half of that is directed toward creating a greater opportunity for those income tax payers who do not itemize their income taxes. These individuals are then recognized for additional tax contributions to charitable organizations beyond that amount already incorporated into the determination of the standard deduction.

It also addresses the fact that more and more seniors, through very prudent decisions, have individual retirement accounts that they put away for their senior years, and that some individuals, while in those senior years, have decided that they would be able to make additional charitable contributions. There now is a taxable consequence for directing those charitable contributions, and we eliminate that for seniors if they choose to use a portion of their individual retirement account for charitable giving.

In addition to that, there are a number of industries who are involved in the food services business who contribute excess food to charity but who certainly would be induced to do so even more if there was a modest recognition in the Tax Code for the contribution of those foodstuffs. And we will hear more about that provision as we discuss the rest of the provisions.

In addition to that, there are two rather arcane sections of the bill in which, based upon the structure of a corporation, that corporation either may be able to claim the full value of appreciable property or it cannot. The committee decided, listening to testimony, that it did not make any sense to differentiate between a so-called Subchapter S corporation or a C corporation; that a C corporation could donate property and get a deduction for the full appreciated asset and Subchapter S corporations could not.

These are the kinds of changes that constitute title I. As I said, over 10 years, there are about $13 billion. Some may say that these are very modest. But if we examine especially the corporate provisions on foodstuffs and the manner in which appreciable property could be donated, I believe that we will have a significant impact, far more than the $13 billion over the 10 years; and it could amount to as much as several billion dollars the first year.

So it may be called modest, but it is a step in the right direction; and I do hope Members, as they assess their vote on this bill, would look at the consequences of voting no, especially in regard to title I and to title III. These are sections of the bill that should be passed into law. And from my reading of the Constitution, section II should be as well.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from New York (Mr. RANGEL), the ranking member, my friend and colleague, for allowing me to control this part of the debate on this bill.

Mr. Speaker, H.R. 7 is wrong for America. Allowing religious organizations to provide much-needed social services to disadvantaged people or people in need sounds like an innocent way to solve many of our problems. But the truth is that it allows these organizations to use Federal dollars, the taxpayers' dollars, to discriminate in their hiring. This is not right. It is not fair. It is not just.

I have spent more than 40 years of my life fighting against discrimination. We have worked too long and too hard, and we cannot sit back and watch the work of so many people who sacrificed so much be undone by this bill. We have come too far in this country to go back now. The House should not support a bill that allows the Government to promote discrimination, or return to the days when religious intolerance was permitted. It is not the right thing to do. It is not the right way to go. It is not the way to use the Tax Code.

Furthermore, this bill is an assault on the separation of church and State. This concept underlies our democracy. Yet H.R. 7 compels a citizen, through his tax dollars, to fund religious organizations. Tax dollars will go directly to churches, synagogues, and mosques. The wall between church and State must be solid. It must be strong. It has guided us for more than 200 years. It must not be breached for any reason.

There is no doubt, Mr. Speaker, that there are many religious organizations and institutions providing much-needed services to our citizens. But as a government and as a Nation, we should not sanction religious discrimination or violate the separation of church and State. I urge my colleagues to vote against H.R. 7.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CRANE), a member of the Committee on Ways and Means.

Prior to that, however, I ask unanimous consent that the gentleman from Michigan (Mr. CAMP) be allowed to manage the remainder of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. CRANE) is recognized for 2 minutes.

Mr. CRANE. Mr. Speaker, I thank the gentleman for yielding me this time.

We now have an excellent opportunity to advance sound tax policy and sound fiscal policy and sound social policy by returning to our Nation's historical emphasis on private activities and personal involvement in the well-being of our communities. Because the legislation we are considering contains a number of worthwhile provisions that I believe will help encourage people to give to charity, I rise today to express my support.

Mr. Speaker, I have long been an advocate in making changes in the Tax Code to encourage charitable giving. For many years, I have championed and sponsored some of the proposals contained in the legislation we have before us today, including the charitable IRA rollover and the deduction for nonitemizers. In fact, I do not believe there is a Member in Congress who has fought longer and harder for restoring a charitable deduction for nonitemizers than me. I have introduced the nonitemizer deduction legislation in every Congress since the 99th, and it is gratifying to finally see its inclusion in this legislation.

I would like to thank the gentleman from Oklahoma (Mr. WATTS) for including my provisions in H.R. 7, and the chairman, the gentleman from California (Mr. THOMAS), for including it in the mark. While I am pleased that the nonitemizer deduction was included in H.R. 7, I am disappointed that the limitations on the amount of the deduction were set so low. I hope to be able to work with the chairman in the future to raise the limit up to the standard deduction.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL), the Committee on Ways and Means ranking member.

Mr. RANGEL. And now, my colleagues, we get to act two of this bill. And as was indicated by the chairman of the committee, while the tax provisions may not be unconstitutional, in my view they are unrealistic.

The President has seen fit to provide some $84 billion to taxpayers in order to encourage them to do the right thing, to make charitable contributions. But there was no money to do that. So the leadership in the Committee on Ways and Means reduced the $84 billion down to $13 billion. Well, we cannot do much with that if we want to give incentives to those people who do not itemize. But in order to make certain that this size 12 foot fits into a size 6 shoe, they had to put a cap on the amount that a person could deduct.

Now, listen to this, because if you are a charity, you are in trouble. The cap on the amount of money that a taxpayer who does not itemize can give is $25. Of course, if it is a married couple, it increases dramatically to $50. If an individual is in the 15 percent bracket, they will be able to get a return up to $3.75. So much for a realistic incentive.

What we are trying to do with the $13 billion is at least to pay for it, and we believe that the highest income people in this country can afford to pay for at least the $13 billion that hopefully will be given to those people in our great society that are least able to take care of themselves. It should not be that we should have to give incentives. But if we have to do it, let us give those that can really work.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN), a distinguished member of the Committee on Ways and Means.

Mr. PORTMAN. I thank my colleague and rise in strong support of this bill because it will help Americans who are most in need.

Over the past decade, Mr. Speaker, our Nation has enjoyed great prosperity, but it has not reached everybody. And the idea of this legislation is to try to reach people who have been left behind and to try to get at our very toughest social problems.

Some, including some I have heard earlier today, think the Government is the answer; that the Government is going to solve these problems. The Government can solve some of these problems; but we know from experience that when it comes to helping those most in need, there is no questioning the great success of community groups, of faith-based groups, of our churches, our synagogues, our temples reaching out to people. And not just helping them in their immediate need, but helping people help themselves by transforming lives. That is what this is all about.

Currently, government regulations often prohibit Federal assistance to support these institutions.

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That is a fact. That is what we are trying to break down. We have heard a lot of discussion today about how this raises concerns.

Opponents today have said it violates the separation of church and State. Not true. This bill strictly follows the boundaries that have been established over time by the Constitution and by numerous court decisions. These funds will not be used for religious purposes. These funds will be used to fund the good work that these groups are doing in our communities.

We have heard opponents say this bill threatens the independence of religious organizations. That is not true. First of all, it is entirely voluntary. No religious organization must partner with government to get these funds. Second, the legislation contains specific protections to prohibit the Federal government from interfering with the internal governance of the religious organizations.

We have heard opponents say this bill discriminates in employment. Not true. This legislation strictly protects the exception for religious organizations that were first established in the Civil Rights Act of 1964. This exemption allows religious organizations to maintain their character and mission by hiring staff that share their beliefs. That is all. That exemption continues. Organizations still must comply with all Federal laws regarding discrimination.

I would say Congress has passed four bills during my tenure here that President Clinton signed that have similar charitable choice provisions.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 5 seconds to the gentleman from Virginia (Mr. SCOTT) on intervention.

Mr. SCOTT. Mr. Speaker, I wanted to point out that any program that can get funded under H.R. 7 can be funded today. There is no discrimination against religious organizations. Many religious organizations get money today.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, President Bush has said we should fund the good work of the faithful but not the faith itself. I agree. Unfortunately, somewhere along the line the administration's proposal as reflected in the bill before us lost track of the goal of providing additional funds for faith and community groups to help needy families. Instead, the bill promotes government-funded religious discrimination, turning the President's campaign proposal on its head.

President Bush and the authors of H.R. 7 have continually failed to acknowledge that religious charities can and already do receive government funding to address poverty and other social problems. For example, Catholic Charities receives two-thirds of its budget from Federal, State and local government. The armies of compassion are already marching with the Federal government's thanks, blessing and money.

The bill before us does not provide a single dime in new money for these programs, no new resources for child care, social services, substance abuse treatment, housing or any other pressing need that the community and faith-based organizations are working to meet.

I asked the Committee on Rules to make an amendment in order that would have backed up our bold talk with badly-need funds. My amendment would have increased resources for the child care and the social services block grant, two programs that are underfunded and have a long and successful record of supporting faith-based organizations. Unfortunately, the Committee on Rules rejected my amendment along with a number of other amendments that would strengthen this bill.

Rather than providing real assistance to religious charities to serve needy families, the President's initiative focuses on allowing groups receiving government money to discriminate in their hiring practices. In fact, the proposal goes so far as to preempt State and local laws on prohibiting employment discrimination.

Proponents of the H.R. 7 have said they are simply continuing a current exemption to the Civil Rights Act, as the gentleman from Cincinnati (Mr. PORTMAN) just said, for the hiring practices of religious organizations.

This exemption is a common sense provision that ensures a synagogue is not required to hire a Catholic as a rabbi and a Christian church is not required to hire a Jew as a priest. However, the bill before us today is talking about something very different, allowing discrimination in secular jobs which are directly supported with government dollars. Such discrimination is not only wrong, it is unconstitutional.

In its decision on this specific issue, Dodge v. Salvation Army, a U.S. District Court ruled, and I quote, "The effect of government substantially, if not exclusively, funding a position and then allowing an organization to choose the person to fill or maintain that position based on religious preference clearly has the effect of advancing religion and is unconstitutional."

Mr. Speaker, there is no disagreement in this Chamber about the important role that religious charities play in addressing our Nation's problems. However, many of us are concerned about the proposal that it attempts to bypass constitutional protections while simultaneously failing to provide the necessary resources to achieve its stated purpose.

Mr. Speaker, I urge my colleagues to support the substitute that provides the protections and to reject the underlying bill.

Mr. CAMP. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, Americans in communities across the country give their time, their talents and their money to help worthy causes. We have always been a generous people. DeTocqueville noted this in the mid-1800s when he spoke of the unique American tradition of volunteerism. No matter the social or economic burdens, the average American takes extraordinary actions to make a difference and to help those in need, not because they must but because they care.

H.R. 7 is a reflection of President Bush's vision to tap into the generosity of average Americans by expanding tax relief for charitable donations and by encouraging all organizations to participate in caring for those in need.

Currently, taxpayers who itemize their returns get to take a charitable deduction. Unfortunately, the Tax Code leaves out the nearly 70 percent of taxpayers who do not itemize. H.R. 7 eliminates that restriction. It puts a toe in the door. It rewards the taxpayer's charitable choice and will lead to a corresponding boost in donations.

The bill also allows wealthy retired individuals to donate more money from their IRA without a tax penalty. Older people with means who want to help the community by donating to charity should be encouraged and not punished by the Tax Code.

Lastly, we should continue developing public-private partnerships between the government and charitable organizations.

Some critics claim that this is a dangerous blurring of politics and religion. With great respect, I disagree. I believe that by supporting this bill we honor our common commitment and belief in helping our fellow human beings.

Mr. LEWIS of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in favor of the Democratic substitute.

Mr. Speaker, I rise in support of the Community Solutions Act, Democratic Substitute, as there are thousands of communities and millions of people in our country who have serious problems and are in need of real solutions.

I rise in support of this legislation, not because I believe that it is a panacea, I don't believe in one-stop cure-alls for the overwhelming magnitude of social, emotional, spiritual and economic ills which plague our society and are in need of every rational, logical, and proven approach that we can muster.

And yes, Mr. Speaker, I support this legislation because I have faith, faith in the ability of religious institutions to provide human services without proselytizing. I have faith in these institutions to organize themselves into corporate business entities to develop programs, to keep records, and to manage their affairs in compliance with legal requirements. I also have confidence in the ability of these institutions to magnify the Golden Rule, "Do unto others as you would have them do unto you."

I have listened intently to the issues raised by my colleagues who have expressed serious concerns about this legislation and I commend them for their diligence. I appreciate their concerns about charitable choice, ranging from discrimination to infringement on individual liberties.

However, charitable choice is already a part of three federal social programs: (1) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (2) The Community Services Block Grant Act of 1998, and is part of the 2000 Reauthorization of funding for the Substance Abuse and Mental Health Services Administration. Each of these programs possess the overarching goal of helping those in poverty, or treating those suffering from chemical dependency, and the programs seem to achieve their purpose by providing resources in the most effective and efficient manner. The opponents of this legislation have expressed concern about the possible erosion of rights and protections of program participants and beneficiaries. (And rightly so, nothing could be more important). Therefore, I am pleased that after serious scrutiny and debate we have language which protects our citizens and repudiates employment discrimination on the basis of race, color, religion, national origin or sexual preference.

The overall purpose and impact of this legislation can be good. It reinforces for us the fact that many people in poverty, suffer from some form of drug dependency. Alcohol, narcotics, and in some instances, even legalized prescription or over-the-counter-drugs. Many of these individuals have been beaten down, have virtually given up, and have lost the will to overcome their difficulties. It is in these instances and situations, Mr. Speaker, that I believe the Community Solutions Act can and will help the most.

It reminds us, Mr. Speaker, that poverty, deprivation and the inability to cope with anxiety, frustration, homelessness, are still rampant in our country. Let's look, if you will, at an exoffender, unable to get a job, illiterate, semiilliterate, disavowed by the ambiguities and contradictions of a sometimes cold, misunderstanding, uncaring or unwilling-to-help society. These situations create the need for something different; new theories, old theories reinforced, new approaches, new treatment modalities.

A preacher friend of mine was fond of saying that new occasions call for new truths, new situations make ancient remedies uncouth. Well, I can tell you Mr. Speaker, the drug problem in this country is so overwhelming, so difficult to deal with, so pervasive . . . the Mental health challenges require so much, the abused, neglected and abandoned problems require psychiatrists, counselors, psychologists, well developed pharmaceuticals and all of the social health, physical health and professional treatment that we can muster, but I also believe that we could use a little Balm of Gilead to have and hold, I do believe that we could use a little Balm of Gilead to help heal our sin sick souls.

Mr. Speaker, I am told that the cost of drug abuse to society is estimated at $16 billion annually, in less time than it takes to debate this bill, another 14 infants will be born into poverty in America, another 10 will be born without health insurance, and one more child will be neglected or abused. In fact, the number of persons in our country below the poverty level in 1999 was 32.3 million.

This legislation recognizes the fact that we must commandeer and enlist every weapon in our arsenal to fight the war against poverty, crime, mental illness, drug use, and abuse as well as all of the maladies that are associated with these debilitating conditions. H.R. 7, the Community Solutions Act of 2001, can lend a helping hand.

But it cannot be allowed to help expand discrimination; therefore, I urge that we vote for the democratic substitute and the motion to recommit.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, whenever we pass this legislation, we have to ask ourselves, what is broke? What are we trying to fix?

The gentleman from Virginia (Mr. SCOTT) has very clearly said any religious organization can accept money. In the present situation, this bill is not needed. Catholic Charities gets 62 percent. That equates to $1.4 billion a year from the Federal Government. The Salvation Army gets $400 million a year. United Jewish Communities, their nursing homes get 76 percent of their money from the Federal Government. Lutheran Services gets 30 percent of their $6.9 billion from the Federal Government. That is $2.6 billion.

Mr. Speaker, my colleagues tell me that faith-based organizations need this bill to get this money. That is clearly not what we are doing here. We are skirting around the court case we heard about. We want to give the ability of religious organizations to break laws that are here today and mix church and State.

The other thing that we are doing, and everybody forgets the past, the other side of the aisle took money from the Community Development Block Grant for social services 2 years ago and put it into the transportation budget. Now these agencies are coming and saying, we do not have enough money. So the other side of the aisle's answer is, well, we will just ask people to contribute more. We will put this really good incentive out there.

Mr. Speaker, everybody who has filed the short form in this country now has the opportunity to give $25. If they keep records, and they have to keep records where they gave that $25, they then will get $3.75 back. Now, I do not know how stupid the other side of the aisle thinks 75 percent of the American people are. If they care, they are already giving $25. They will give $25 or $50, or whatever they have, but they are not going to do it for $3.75 that they have to wait a year to get. This is simply a nonsense bill.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, the real issue today is, will blind ideology and partisan politics stand in the way of our investing in successful faith-based programs, in communities and families, and in individuals truly in need? The naysayers today are the same people who told us that welfare reform would not work; and look at the results.

For years, faith-based charities have reached out, making it their mission to serve our communities. They work to support those who are struggling and have broken lives. These groups provide emergency food and shelter, after school care, drug treatment, welfare-to-work assistance, and many other services. They do it with little support from the Federal Government, but they get the job done.

Because of all of that, what these groups do for our communities, I urge my colleagues to step back from partisan politics, step back from blind ideology and support the Community Solutions Act.

Mr. Speaker, this bill will stimulate an outpouring of private giving to nonprofits, faith-based programs and community groups by expanding tax deductions and other initiatives.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, this is an outrage. I got religion in a lean-to many years ago, so there is very little my colleagues can tell me about faith based. But they can say to me that they want to discriminate, and I can hear that in whatever language they speak it in.

Mr. Speaker, the other side of the aisle is giving a set-aside. That is what my colleagues are doing. It is a set-aside with Federal funds for religious organizations, and it is a subterfuge. It is a set-aside on civil rights.

It is well-intended. There are some good people behind this bill, and there were some good people behind slavery. We do not want that to happen again. We have to watch this.

There is no one in this Congress that is more faith based than I am, so I should have every reason to support H.R. 7. But, Mr. Speaker, I am afraid of this bill. Some of the little churches in my community are going to be misguided and misrepresented; and, before we know it, they will be in Federal court because of some of my colleagues' foolishness trying to spread out and do something.

Mr. Speaker, why are my colleagues doing this bill? There is only one reason. It is a subterfuge.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), a distinguished member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this act will actually increase charitable giving. I want to focus on the value of individuals donating funds from their IRAs to charities once they reach the age of 70½. Permitting older Americans to roll over funds from a retirement account without the government getting a piece of the action is a major help for charities. When this bill becomes law, a $100 YMCA contribution will be a $100 contribution, not $85 because the IRS is not going to take their chunk out.

Mr. Speaker, charities do remarkable things for our country. They change the lives and hearts of so many for the better. They feed the hungry, clothe the homeless, and assist the needy. Now is the time to help charities help those most in need. Let us help the charities keep more of their well-deserved dollars. It is the right thing to do.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the question before this House is not whether faith is a powerful force; it is. The question is not whether faith-based groups do good works; they do. The question is not even whether government can assist faith-based groups in their social work; the government does, and has so for years without this bill.

Mr. Speaker, rather, the vote on this bill boils down to two fundamental questions: First, do we want citizens' tax dollars funding directly our churches and houses of worship? Second, is it right to discriminate in job hiring when using tax dollars?

By directly funding churches and houses of worship with tax dollars, this bill obliterates the Bill of Rights' wall of separation between church and State. As all of human history has proven, entanglement between government and religion will lead to less religious freedom and more religious strife. Government funding of our churches will absolutely lead to government regulation of our churches, and it will cause religious strife as thousands of churches compete for billions of dollars annually.

Mr. Speaker, to my conservative colleagues I would say this: No one should be more concerned than true political conservatives about the idea of the long arm of the Federal Government and its regulations extending into our sacred houses of worship.

I would challenge any Member of this House to show me one nation anywhere in the world that funds its churches and has more religious liberty, more religious vitality or tolerance than right here in the United States.

Regarding the religious discrimination subsidized by this bill, I would say this: No American citizen, not one, should ever have to pass someone else's religious test in order to qualify for a federally funded job. Sadly, under this bill, a church or group associated with Bob Jones University could put out a sign that says, "No Catholics Need Apply Here" for a federally funded job. That is wrong. This bill is wrong for religion, it is wrong for our churches, and it is wrong for our Nation.

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Mr. CAMP. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HOUGHTON), a distinguished member of the Committee on Ways and Means.

Mr. HOUGHTON. Mr. Speaker, there are many parts of this bill. The part I would like to concentrate on is something which the gentleman from Ohio (Mr. HALL) and I have been working on for a long time. The basis is this: there are 31 million Americans, according to a Department of Agriculture report, who go to bed hungry every night; and 12 million of those are children. One of the things this bill does is to encourage and gives a tax incentive to restaurants and hotels and people like that who have excess food, throw it away, to give it to these organizations, to help these people that are hungry.

That is all it is. It is a very simple part of this bill. I think it is needed, and I think it is the right area.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I would take second place to no one in this Chamber in my faith and my belief in God. I would take second place to no one in this Chamber in terms of my personal commitment to supporting faith-based organizations. But I cannot support the bill as presently drafted and specifically focusing on the discrimination aspect of the bill.

No one in this Chamber would ask that a Jew serve as a Catholic priest or a Muslim serve as a Christian minister. But what this bill specifically does, and we should face it and we should talk about it and think about the implication, is that the person serving the soup literally with the ladle would be allowed to be only of a certain faith, whatever that faith may be, with Federal funds. That is a very scary concept, I think, for many Americans. I ask my colleagues to sensitize themselves about that. We could talk around that issue. We could talk any way that we want. If that money is coming from my donation as a free will offering, and that institution chooses to do that, they have the ability, but not with Federal funds, not with taxpayer dollars.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a distinguished member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I think it is important as we listen to this debate to hear what the opponents are saying. They are not attacking this bill head-on. They are chewing around the edges. They are trying to set up roadblocks. They are trying to put new provisions in law with respect to the civil rights acts. What they are trying to do is make this program unworkable.

We hear this comment repeated over and over: Catholic social services, Lutheran social services is getting all this government money. That is true. The large, high-financed, well-established churches do get Federal funding. They can afford the attorneys, they can afford the accountants, they can afford the largesse to afford these complicated tax structures to get this money.

That is not what this bill is about. This bill is about the little guy. This bill is about the people who have those small, faith-based organizations in our inner cities, in our rural areas, who know the names, who know the faces, of those who are in need.

The problem that we have had with this Federal Government, with the welfare state, with our approach to poverty, is that we have treated the superficial wounds that have plagued our population but we have not treated the soul. We have not treated the heart of the problem. The goal here is to let those small institutions of civil society throughout America, those faith-based organizations, who know the name of the person in need, who are there in the ghettos, in the streets, to help them, to sight their problems and to help them and to get assistance.

This bill is about discrimination. We are discriminating against those groups from getting equal treatment of our laws to help these people in need. It maintains every point of our current civil rights laws today. There is no civil rights law that is degraded in this act as we move forward. We are simply removing discrimination against these groups.

I urge passage of this bill. I think this bill has the potential of changing our culture more so than any other measure we may be considering here in this Congress. I think those who are on the other side are well-intended, but I think it is the right time that we pass this legislation. I urge its passage.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, if what the previous gentleman said was in the bill, it would be much less controversial. It does change civil rights laws. It preempts, as the chairman of the committee acknowledged in the debate, all State and local laws that many of these organizations do now have to abide by in their purely secular activity, and it allows discrimination with Federal funds for purely secular activities. It says, "No, you can't discriminate based on race, but you can based on religion."

But, sadly, all too often in America, religion becomes a proxy for race. When Orthodox Jews get this money in Brooklyn, no blacks will be hired. When the Nation of Islam gets this money in Baltimore to deal with public housing, no whites will be hired. In fact, religion is all too often correlated with race. And when you say to religious groups, provide a purely secular activity with Federal tax dollars but in employing people to serve the soup or build the homes or clean up or give drug treatment, hire only your own coreligionists, you are empowering people de facto to engage in racial segregation. That is not worthy of the purposes of this bill.

Mr. LEWIS of Georgia. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I would just point out that no one is going to make a $25 donation because they can get $3.75 back from their taxes a year from now. If we want to help these organizations, we ought to increase the appropriations that have been cut over the past few years.

And we are not going around the edges. The basic core part of the bill does not help little churches. They still have to do a grant-writing proposal. They still have to run a program pursuant to Federal regulations. They still have to withstand an audit. But they cannot discriminate now, and this bill will allow them to discriminate in hiring. That is wrong. That is why the bill ought to be defeated.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

Just briefly on the tax provisions in this bill, this bill is about fairness. It allows those 70 percent of taxpayers who do not itemize ability to give charitable contributions regardless of their itemizing on their tax returns. IRS data shows that if they do, they will increase their charitable giving significantly.

It also allows for tax-free withdrawals from IRAs and Roth IRAs. It also gives incentives for increased charitable contributions by businesses and employers in terms of food from restaurants or computer equipment from other businesses.

This will be a real benefit to our communities. I urge support and passage of this bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in very strong opposition to H.R. 7, the Charitable Choice Act of 2001.

This legislation sanctions government-funded discrimination. Passage of this bill would allow religious organizations who receive government funds to hire only those individuals who prescribe to the organization's religious tenets. The bill would also override state and local civil rights laws that prohibit discrimination based on race, sex, national origin and sexual orientation.

This bill proposes a major change to the basic American principle of separating church and state. Federal agencies would be given the opportunity to take all of the funding for a program and convert it into vouchers to religious organizations. Religious groups receiving this money would be able to use it for any number of purposes, including proselytizing.

Supporters of this bill claim that more individuals will be helped because more organizations will have access to federal funds. This is simply not the case. H.R. 7 does not provide one additional dollar in federal funding for social programs. In fact, the President's budget actually cuts funding for the very programs that are being touted in this bill.

The tax provisions of this bill are a joke. On the campaign trail, the President wanted to encourage greater charitable giving by providing $91.7 billion in tax breaks for those who donate. H.R. 7 provides only $13.3 billion in tax incentives for charitable giving. Why the discrepancy? In their haste to pass a massive tax cut, the President and Republicans abandoned the charitable donation proposals.

I urge all members to vote against this harmful legislation.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong opposition to H.R. 7. As an active member of my local church, I strongly support the good work performed by faith-based charities across this country. But there is a right way and a wrong way to provide government support for those efforts. Unfortunately, this bill represents the wrong way.

H.R. 7 will allow religious organizations to discriminate in hiring on the basis of race, color, sex, national origin and sexual orientation while using federal tax dollars collected from all Americans. This would be a giant step backwards for civil rights. This legislation also subverts First Amendment safeguards by allowing individuals to use vouchers in faith-based programs. Finally, sending federal tax dollars directly to our houses of worship is unconstitutional, and will inevitably lead to government regulation of religion.

Mr. Speaker, I am proud to support the Democratic Alternative to H.R. 7. The Democratic Substitute will prevent the charitable choice provisions in H.R. 7 from preempting or superseding state or local civil rights laws. The Substitute will also prohibit the use of vouchers and other indirect aid by religious organizations. Mr. Speaker, the Democratic Alternative represents the right way to establish partnerships between faith-based organizations and government. We must never use the American people's money to condone discrimination.

Faith- and community-based organizations have always taken the lead in combating the hardships facing families and communities, and I strongly support the work they have done and will continue to do. But H.R. 7 is the wrong way to show our support for these important organizations. I urge my colleagues to oppose H.R. 7 and to support the Rangel Substitute.

In addition, Mr. Speaker, I want to submit for the RECORD a list of some of the distinguished organizations that have contacted me to express opposition to H.R. 7. This list is large and broad-based and demonstrates the divisive nature of this bill in its present form. I am hopeful Congress will come together across party lines to pass a common sense compromise to support faith-based charities.

Here is a partial list of organizations that oppose H.R. 7:

The Baptist Joint Committee
The United Methodist Church, General Board of Church and Society
The Presbyterian Church, USA
American Baptist Churches, USA
The Episcopal Church, USA
The American Jewish Committee
The Anti-Defamation League
The American Association of School Administrators
Hadassah, The Women's Zionist Organization of America
The American Association of University Women
The American Federation of Government Employees, AFL–CIO (AFGE)
The American Federation of State, County and Municipal Employees (AFSCME)
The American Federation of Teachers
The National Coalition for Public Education
The Jewish Council on Public Affairs
The National Association for the Advancement of Colored People (NAACP)
The National Council of Jewish Women
The National Education Association (NEA)
The National Parent Teacher Association (PTA)
Service Employees International Union, AFL–CIO (SEIU)
The Interfaith Alliance

Mr. KLECZKA. Mr. Speaker, the issue before the House of Representatives today is not whether faith is a positive force or whether churches and synagogues do good work. I think it's safe to assume we all agree that religious organizations play a significant role in providing needed social-welfare programs in every community across the United States.

Religious groups have been doing charity work for years, and they have been doing so without the necessity of the legislation before us today. What is of issue, however, is whether Congress should sanction government-funded discrimination and remove the wall between the church and state.

By permitting religious groups to discriminate in hiring on the basis of religion, the bill before us today violates the principle of equal protection and endorses taxpayer-funded discrimination. Under the bill, for instance, a religious group can refuse to hire a single mother, a woman using birth control for family planning, or even a person of a different race, if their "status" violates the doctrine of that religion. I can support religious institutions using their private funds to hire a rabbi or a priest to lead their congregations in worship, but I do not condone allowing religious groups to discriminate in hiring when receiving public funds. No American should have to pass a religious test to qualify for a federally-funded job.

Equally disturbing, this legislation does not provide adequate safeguards and essentially obliterates the wall separating church and state, a core principle of our nation for over 200 years. H.R. 7 introduces a new feature into our social-welfare system that allows federal agencies to convert more than $47 billion in federal funds into vouchers to religious organizations. These vouchers could be used for religious purposes, including the funding of sectarian worship, instruction, and proselytization.

As a strong supporter of faith-based organizations, I cannot support this flawed legislation. The Rangel/Conyers Substitute, which includes anti-discrimination protections and safeguards between church and state received my strong endorsement and vote. This Substitute removed from the base bill the provision that permits indirect aid that could be used for religious purposes and clearly stated that religious programs could not engage in sectarian worship, instruction, or proselytization at the same time and place as the government-funded program.

It is my hope the senate makes wiser choices during its consideration of this legislation, and the bill's shortcomings are addressed during conference committee. Hopefully, by that point, the measure will be corrected so that I may lend it my support.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to H.R. 7, the community Solutions Act, well-intentioned legislation that would undermine two of our nation's most fundamental constitutional principles—equal protection and the separation of church and state. Mr. Speaker, I agree that the federal government should encourage non-profits including religious organizations to help in meeting our nation's social welfare needs, but not at the expense of the constitutional principals that have served this nation so well.

H.R. 7 would broaden the use of federal funds made available to religious groups than is currently permitted and allow such groups to make their religious tenets central in the provision of those services. Specifically, the bill prohibits the federal government, or state and local governments using covered federal funds, from denying religious organizations in the awarding of grants on the basis of the organizations' religious character. The bill expands previously enacted "charitable choice" laws to include eight new programs that relate to: juvenile justice, crime, housing, job training, domestic violence, hunger relief, senior services and education.

The bill also contains $13 billion in tax reductions over the next decade designed to encourage charitable giving. Given the new budgetary constraints after the passage of the President's $1.35 trillion tax cut package, the Ways and Means Committee approved just 15% of charitable giving tax incentives provided under the President's plan. H.R. 7 would permit taxpayers who do not itemize their taxes to deduct up to $25 in charitable contributions a year, rising to $100 in 2010. Under this bill, non-itemizers in the 15 percent tax bracket would get anemic tax benefit of $3.75 a year if they contributed the maximum, rising to $15 a year. I would also note that the bill does not provide one additional dollar in federal funding for charitable-choice programs. In fact, the President's budget, in fact, slashes funding for some of the very programs promoted in the bill.

Mr. Speaker, I supported the "charitable choice" provisions of the 1996 Welfare Reform Act which allowed religious organizations to qualify for federal funds for social service programs, without being forced to eliminate or soften their religious content. Such previously-enacted charitable choice laws strictly prohibited these faith-based social-service providers from proselytizing in their federally-funded programs. Today, we have before us legislation to give effect to the President's "faith-based initiative" by allowing religious organizations to proselytize or undertake other religious activity with federal funds when such activities are funded indirectly through vouchers.

This approach, while well-meaning, runs afoul of the First Amendment requirement of separation of church and state and would open the door to employment discrimination in federally-funded programs. Under H.R. 7, groups would be permitted to make hiring decisions based on religion, without regard to state or local laws on the subject. Under the bill, for instance, an organization could discriminate against someone involved in an interracial relationship or second marriage, if that status violated the doctrine of the religion. I can see no legitimate justification for permitting providers of government-funded secular services to discriminate in this manner. The content of a person's heart and a desire to serve the community should be the only requisites for undertaking good works. Taxpayers should not be required to support discrimination.

The fact that some of the most vocal opponents of this bill are members of the clergy must not be overlooked. The bill does not provide adequate safeguards regarding the separation of church and state and may pave the way for excessive entanglement between government and religion. Churches and religious organizations that embrace this program should consider that with taxpayer dollars comes a fiduciary responsible in the form of oversight and what can be deemed intrusions into the affairs of such churches and other faith-based groups. Just this week, I heard from a constituent, a political science professor from Rice University who is active in his church, who urged me to vote against H.R. 7 and said it would "strike a blow to religious autonomy in America, allowing government auditors and other bureaucrats into the inner sanctum of religious organizations—including, ironically, many of the churches who favor the bill." I couldn't have said it better myself.

Mr. Speaker, I also oppose the substitute, offered by Reps. RANGEL and CONYERS, because I believe that the passage of new legislation is not necessary. For decades, government-funded partnerships with religiously-affiliated organizations such as Catholic Charities, Jewish Community Federations, and Lutheran Social Services have helped to combat poverty and have provided housing, education, and health care services for those in need. These successful partnerships have provided excellent service to communities largely unburdened by concerns over bureaucratic entanglements between government and religion. In fact, many smaller churches in my district provide a multitude of social services to the community with federal grant money and tax deductible contributions. The existing prohibition on proselytizing has not curtailed their desire to serve and fulfill their missions.

Under the present system, any church or religious institution can establish a 501(C)(3) and apply for federal funds. Under § 501(c)(3) of the Internal Revenue Code, "charitable organizations" set up by organizations such as the Red Cross, Catholic Charities USA or small churches and religious organizations greatly benefit from the ability to receive tax-deductible charitable contributions and are generally exempted from being taxed. Today, religiously-affiliated private entities receive hundreds of millions of dollars for their social service works. Mr. Speaker, we must all remember that religious institutions are out there, every day, making a difference in the lives of their communities and, with or without passage of this measure, will continue to contribute to the social fabric of this nation.

Mr. Speaker, while I strongly believe that religious organizations play an important role in providing needed social-welfare programs, I cannot sanction this bill which would put the federal government in the position of funding discrimination picking and choosing among the right religions and breaking down the separation of church and state.

Mr. STARK. Mr. Speaker, I rise today in opposition of H.R. 7, the Community Solutions Act. With 12 million children living in poverty, it is clear that Congress needs to do more to lift them out of their desperate situation. However, H.R. 7 does nothing to achieve this goal. It provides only a minimal tax deduction to encourage people to contribute to charitable organizations that provide social services to the poor. The bill does not provide any new government funding for faith-based organizations to carry out their missions to provide social services and reduce poverty.

If the Republicans truly cared about lifting children and families out of poverty, their budget would reflect significant increases in funding for social service programs. Instead, the Bush budget increases spending for the Administration for Children and Families by only 2.9%—far less than even inflation.

This bill is purported to be necessary to allow religious organizations to receive federal funds to provide services for those in need. In fact, many religious organizations qualify for such funds today. The only requirement is that they separate their duties as religious entities from their social service programs. For example, Catholic Charities received $1.4 billion in 1999 in government funding—totaling two-thirds of their annual budget.

Let's be real. This bill has nothing to do with increasing social services funding.

The most significant achievement of H.R. 7 is to allow federally funded faith-based organizations to circumvent state and local anti-discrimination laws.

Last week, the Bush administration announced that they would not pursue an administrative rule that would allow faith-based organizations to pre-exempt state laws prohibiting discrimination based on sexual orientation. Although some may believe that action resolved the issue, it did not. H.R. 7 explicitly allows faith-based organizations to pre-empt state law and state law and discriminate in their hiring practices.

This provision is worse than the Administration's proposed regulation because it allows faith-based organizations to not only discriminate against someone based on their sexual orientation, but for many other reasons such as being unmarried or pregnant to name a couple. However, this is only the tip of the iceberg.

Religious organizations have an exemption under the Civil rights Act that allows them to discriminate in the hiring of individuals that perform their religious work. However, that exemption does not currently allow them to discriminate in the hiring of individuals that carry out their federally funded social service programs. H.R. 7 extends the Civil Rights exemption to allow faith-based organizations to discriminate in the hiring of individuals that deliver their federally funded social service programs.

Again, the only real change in this bill from current law is to allow faith-based organizations to discriminate and to proselytize while receiving government funds. This bill is strong on promoting discrimination and weak on lifting families out of poverty.

By passing H.R. 7, the United States House of Representatives is sending the message that Congress endorses government-sponsored discrimination. I believe that this message desecrates the memory of the men, women and children who lost and risked their lives to bring equal rights to all who live in this country. Instead of undermining the memory of these courageous civil rights advocates, Congress should be using their effort as a source of inspiration to continue and move forward the battle to ensure that all who live in this nation obtain true equal rights.

It is time that our nations' leaders stood together to protect the advancements made in civil rights and create a nation that cherishes tolerance for all groups. To truly help the poor, Congress should ensure that they have access to health care, child care and other social services. None of these measures require undermining this nation's civil rights laws.

Finally, I hope this bill is no indication that Bush Administration wants to dismantle our existing social safety net and turn it over to religious organizations and other private charities. A recent Ewing Marion Kauffman Foundation study indicates that charities—even with the benefits of the tax cuts in this bill—would not be able to replace the federal government's commitment to providing social services. According to their study, adding up the current assets of all the foundations in America would only replace federal government funding for social services for 74 days. The Bush Administration may want to shift responsibility to religious organizations and private charities, but they can't do the job alone.

Moreover, if Congress decides to allocate more government funds to increase faith-based organizations role in providing social services, we should make sure that we are getting our taxpayers' money worth. At a recent Brookings Institute conference recently on child care, Mary Bogle, a child care expert, cited several studies that reported that child care provided by churches was among the lowest quality in the country. These child care centers had higher staff-to-child ratios, lower levels of trained and educated teachers and less educated administrators than other non profit child care centers.

I for one do not want to be telling my constituents several years down the road that Congress spent money on social services based on whether they are religious rather than on their ability to provide quality services.

Please join me in opposing H.R. 7 and lets work together to seriously tackle the problem of poverty without legalizing government-sponsored discrimination.

Mr. BLUMENAUER. Mr. Speaker, I rise to oppose H.R. 7, the Charitable Choice Act of 2001. I support the work that many religious charities do on behalf of those in the need in my community and across the nations. Currently, any church or religious organization can establish a charity and apply for federal funds. This legislation provides no additional money for those organizations. It simply would allow religious organizations that wish to discriminate to apply or federal funds. It would allow the rollback of many of the basic civil rights protections for all Americans currently enjoy. Allowing religious organization to discriminate in hiring on the basis of religion, sexual preference, and race is wrong.

Short-circuiting the current system also opens the door to federal interference in religious activities, which has prompted the opposition of many religious organizations and leaders. The litany of groups opposing this bill is long and contains the names of some of the most distinguished charitable and religious groups in the country.

Another unfortunate aspect is the failure to meaningfully assist the charitable contributions of low income Americans unable to itemize on income tax returns. As a result of other tax relief for people who need help the least, we are unable to assist those who are unduly penalized.

Given the flaws in this legislation, I oppose it, and urge my colleagues to do likewise.

Mr. WEXLER. Mr. Speaker, I rise today in opposition to the Community Solutions Act of 2001.

In a 1780 letter, Benjamin Franklin wrote, "When religion is good, I conceive that it will support itself; and, when it cannot support itself, and G-d does not take care to support, so that its professors are obliged to call for the help of the civil power, it is a sign, I apprehend, of its being a bad one."

Forty-three years later, James Madison wrote in a letter, "Religion is essentially distinct from civil government and exempt from its cognizance . . . a connection between them is injurious to both."

Franklin and Madison's observations are still poignant, and relevant to today's debate on President Bush's social services plan. I join with many Americans who have great concerns about the provisions of his plan which punch holes in the firewall between places of worship and the government.

A number of religious organizations already run very valuable social service programs, and Americans appreciate the significant contributions that these religious groups make to the well being of our communities. However, this proposed faith-based legislation unnecessarily entwines church and state in a financial relationship under the mantra of improving social services.

The Founding Fathers understood that both church and state play important roles in the lives of Americans, but neither may function appropriately under our Constitution if they are heavily intertwined. The separation of church and state actually protects each from the other. Many Americans express concern over the potential for a disproportionate level of influence of religious doctrine upon the making of public policy. However, places of worship should also be concerned about interference from government. It would be a travesty if a financial relationship between the two became so significant that religious decisions are affected by concerns over public funding.

Let us be straight-forward about the crux of this debate: The question is not whether churches, synagogues or mosques should provide social services. Of course they should. The question is whether religious organizations should abide by federal civil rights laws if they take federal money. The answer again is of course they should.

Proponents of the President's plan call for the removal of "barriers" which religious charities face when attempting to secure public funding for their social service programs. These so-called "barriers" are America's civil rights laws, and we must not compromise them. If a privately-funded place of worship directs its employees to follow its religious dictates, then it is within its rights to do so. However, if it uses public funds, then it should not be allowed to discriminate against anyone.

While we should always look for better ways to provide social services, I do not believe that the separation between church and state need to be dismantled to do so. I ask that you vote against the bill.

Ms. MCCOLLUM. Mr. Speaker, today I will vote against H.R. 7, the Community Solutions Act, because I strongly support the constitutional separation of church and state, and I believe this bill infringes on that separation. The bill would threaten religious autonomy, as religious organizations would be subject to government regulations in exchange for federal funds. The truth is that the federal government can already fund faith-based charities if they meet the following three conditions: they establish a 501(c)(3) tax-exempt charitable organization, they agree not to proselytize using tax dollars, and they cannot discriminate in job hiring. H.R. 7 would remove these important protections. I also believe this bill allows federal intrusion on state and local jurisdiction, as faith-based groups would not have to adhere to Minnesota's comprehensive state and local nondiscrimination laws.

I recognize the very important contributions of faith-based organizations to our communities and families. Some successful faith-based organizations in Minnesota such as Church Charities, Lutheran Social Services, and Jewish Family and Children's Services have developed a reputation for providing quality services without religious discrimination. These organizations certainly complement many governmental social services and I would not want to see their roles diminished in the lives of so many Minnesotans. This bill has the potential to interfere in the historic working relationships between faith-based organizations, the government, and the people they so generously serve.

Mrs. CHRISTENSEN. Mr. Speaker, I must join my colleagues who have spoken in opposition to H.R. 7.

Never can I or will I ever support a piece of legislation which would allow and therefore support discrimination in any way shape or form.

I am proud to be a member of the Congressional Black Caucus which does not oppose, but strongly supports, making funding available to support our religious organization's work in the world, but voted unanimously to oppose the egregious parts of the bill which allow the provisions of the hard fought for civil rights laws to be sidestepped.

As an African-American and a Christian, I must also say that I am insulted and deeply resent the way the administration has specifically courted the Black Church with this initiative because H.R. 7 falsely advertises the initiative as new, and also as funded, and it most agregiously, allows discrimination.

Mr. Speaker, I am and have always been a strong supporter of the work that religious groups such as Lutheran Social Services, Catholic Social Services, the Inter-Faith Coalition, the Moravian conference, The Seventh Day Adventist Church and others have been doing.

In addition to these concerns, I am also very troubled by the fact that H.R. 7 contains a provision that allows any federal agency to convert their entire services programs into a voucher in order to circumvent protections against discrimination that are provided for under federal law.

This most uncharitable bill goes beyond the question of violating the principle of separation of Church and State, first by allowing discrimination and then by purporting to provide funds for religious and other organizations when it doesn't actually provide any new dollars in the bill at all. Neither should they now, that the lack of funding is uncovered, be allowed to raid the Medicare Trust Fund.

As an African-American and a Christian, I must also say that I am insulted and deeply resent the way the administration has specifically courted the Black Church with this initiative because of the aforementioned aspects of H.R. 7 to which I have objected.

Mr. Speaker, I am and have always been a strong supporter of the work that religious groups in my and other communities do. Federal support of Faith based organizations is not new. In my district, groups such as Lutheran Social Services, Catholic Social Services, the Inter-Faith Coalition, the Moravian conference, The Seventh Day Adventist Church and others have been doing a tremendous job serving the needy in Virgin Islanders for many years now and will continue to do so with or without this bill.

Where there efforts are hampered is through the recent tax cut which will drastically cut funding from the programs that help those in our communities who need an extra hand up—in education, in health care services, in housing, in economic opportunity, and in programs that would promote an improved quality of life.

And it just astounds me that while the Administration is pushing this initiative "as" one of its highest priorities, in the case of the CBC Minority AIDS Initiative, the Department has decided that Faith Based Organizations can no longer be targeted for funding.

I support the Democratic Substitute and urge my colleagues to do the same. This better bill would prohibit employment discrimination and the setting aside of state and local civil right laws and delete the sweeping new language in the bill which would permit federal agencies to convert more than $47 billion in current government programs into private vouchers.

Mr. GILMAN. Mr. Speaker, faith-based organizations play a vital role in our communities and work tirelessly towards effectively meeting the needs of our communities. These organizations cover all religions and range from family counseling, to community development, to homeless and battered woman's shelters, to drug-treatment and rehabilitation programs and to saving our "at-risk" children. In many cases, they are the only organizations that have taken the initiative to provide a much needed community service.

In principle, I support what H.R. 7, the Community Solutions Act seeks to accomplish.

However, during exhaustive conversations with my constituents, and a variety of organizations, we must address the following issues before the bill is viable and fair:

H.R. 7 gives the executive branch broad discretion to fundamentally change the structure of a plethora of federal social service programs totaling some 47 billion dollars through the use of vouchers.This voucher program allows any Cabinet Secretary to convert any of the covered programs currently funded through grants or direct funding to a voucher program, without Congressional approval. The risk of these voucher programs is that once a program becomes a voucher program, the funds become indirect funds, which could require participants in voucher funded programs to engage in worship or to conform to the religious beliefs of the religious organizations providing the service.

H.R. 7, would permit a variety of organizations, including for-profit entities, to receive program vouchers. Our concern is that this could jeopardize the financial stability of nonprofit agencies by replacing the more reliable grant and contracts funding they currently receive with unpredictable voucher funding.

Mr. speaker, Charitable Choice fails to protect the beneficiaries of funded programs from proselytization, in that H.R. 7 fails to include meaningful safeguards for the beneficiaries while they are participants in publicly funded programs. H.R. 7, places the burden of objecting to the religious nature of the program up to the client, after he or she has sought assistance. Only after the injury suffered through unwanted proselyting, that the government is required to provide an alternative program. We should fund secular alternatives in advance, not when a lawsuit is brought challenging the religious nature of the program.

Mr. Speaker, H.R. 7, mandates that those faith based entities utilizing federal funds are to be held to the federal civil rights standard that allows religious organizations to discriminate against those on the basis of religion. In many cases state law provides additional civil rights protections regarding sexual orientation, physical and mental disabilities, genetics, and a host of other protections. To allow federal law to supersede state law on this important issue, not only creates the potential for constitutional states rights challenges, but does nothing to advance civil rights protections in our nation.

While no one can dispute the great work and the important services that faith-based organizations provide to our communities, the issues that I set forth and those raised by my colleagues must be addressed before this bill is fair, balanced and provides the necessary safeguards for all.

Accordingly, I look forward to working with our Conferees in the conference on this bill in order to more clearly address these issues.

Mr. PAUL. Mr. Speaker, no one familiar with the history of the past century can doubt that private charities, particularly those maintained by persons motivated by their faith to perform charitable acts, are more effective in addressing social needs than federal programs. Therefore, the sponsors of HR 7, the Community Solutions Act, are correct to believe that expanding the role of voluntary, religious-based organizations will benefit society. However, this noble goal will not be accomplished by providing federal taxpayer funds to these organizations. Instead, federal funding will transform these organizations into adjuncts of the federal government and reduce voluntary giving on the part of the people. In so doing, HR 7 will transform the majority of private charities into carbon copies of failed federal welfare programs.

Providing federal funds to religious organizations gives the organizations an incentive to make obedience to federal bureaucrats their number-one priority. Religious entities may even change the religious character of their programs in order to please their new federal paymaster. Faith-based organizations may find federal funding diminishes their private support as people who currently voluntarily support religious organizations assume they "gave at the (tax) office" and will thus reduce their levels of private giving. Thus, religious organizations will become increasingly dependent on federal funds for support. Since "he who pays the piper calls the tune" federal bureaucrats and Congress will then control the content of "faith-based" programs.

Those who dismiss these concerns should consider that HR 7 explicitly forbids proselytizing in "faith-based' programs receiving funds directly from the federal government. Religious organizations will not have to remove religious income from their premises in order to receive federal funds. However, I fail to see the point in allowing a Catholic soup kitchen to hang a crucifix on its wall or a Jewish day care center to hang a Star of David on its door if federal law forbids believers from explaining the meaning of those symbols to persons receiving assistance. Furthermore, proselytizing is what is at the very heart of the effectiveness of many of these programs!

H.R. 7 also imposes new paperwork and audit requirements on religious organizations, thus diverting resources away from fulfilling the charitable mission. Supporters of HR 7 point out that any organization that finds the conditions imposed by the federal government too onerous does not have to accept federal grants. It is true no charity has to accept federal grants. It is true no charity has to accept federal funds, but a significant number will accept federal funds in exchange for federal restrictions on their programs, especially since the restrictions will appear "reasonable" during the program's first few years. Of course, history shows that Congress and the federal bureaucracy cannot resist imposing new mandates on recipients of federal money. For example, since the passage of the Higher Education Act the federal government has gradually assumed control over almost every aspect of campus life.

Just as bad money drives out good, government-funded charities will overshadow government charities that remain independent of federal funding. After all, a federally-funded charity has the government's stamp of approval and also does not have to devote resources to appealing to the consciences of parishioners for donations. Instead, government-funded charities can rely on forced contributions from the taxpayers. Those who dismiss this as unlikely to occur should remember that there are only three institutions of higher education today that do not accept federal funds and thus do not have to obey federal regulations.

We have seen how federal funding corrupts charity in our time. Since the Great Society, many organizations which once were devoted to helping the poor have instead become lobbyists for ever-expanding government, since a bigger welfare state means more power for their organizations. Furthermore, many charitable organizations have devoted resources to partisan politics as part of coalitions dedicated to expanding federal control over the American people.

Federally-funded social welfare organizations are inevitably less effective than their counterparts because federal funding changes the incentives of participants in these organizations. Voluntary charities promote self-reliance, while government welfare programs foster dependency. In fact, it is in the self-interests of the bureaucrats and politicians who control the welfare state to encourage dependency. After all, when a private organization moves a person off welfare, the organization has fulfilled its mission and proved its worth to donors. In contrast, when people leave government welfare programs, they have deprived federal bureaucrats of power and of a justification for a larger amount of taxpayer funding.

Accepting federal funds will corrupt religious institutions in a fundamental manner. Religious institutions provide charity services because they are commanded to by their faith. However, when religious organizations accept federal funding promoting the faith may take a back seat to fulfilling the secular goals of politicians and bureaucrats.

Some supporters of this measure have attempted to invoke the legacy of the founding fathers in support of this legislation. Of course, the founders recognized the importance of religion in a free society, but not as an adjunct of the state. Instead, the founders hoped a religious people would resist any attempts by the state to encroach on the proper social authority of the church. The Founding Fathers would have been horrified by any proposal to put churches on the federal dole, as this threatens liberty by subordinating churches to the state.

Obviously, making religious institutions dependent on federal funds (and subject to federal regulations) violates the spirit, if not the letter, of the first amendment. Critics of this legislation are also correct to point out that this bill violates the first amendment by forcing taxpayers to subsidize religious organizations whose principles they do not believe. However, many of these critics are inconsistent in that they support using the taxing power to force religious citizens to subsidize secular organizations.

The primary issue both sides of this debate are avoiding is the constitutionality of the welfare state. Nowhere in the Constitution is the federal government given the power to level excessive taxes on one group of citizens for the benefit of another group of citizens. Many of the founders would have been horrified to see modern politicians define compassion as giving away other people's money stolen through confiscatory taxation. After all, the words of the famous essay by former Congressman Davy Crockett, that money is "Not Yours to Give."

Instead of expanding the unconstitutional welfare state, Congress should focus on returning control over welfare to the American people. As Marvin Olaksy, the "godfather of compassionate conservatism," and others have amply documented, before they were crowded out by federal programs, private charities did an exemplary job at providing necessary assistance to those in need. These charities not only met the material needs of those in poverty but helped break many of the bad habits, such as alcoholism, taught them "marketable" skills or otherwise engaged them in productive activity, and helped them move up the economic ladder.

Therefore, it is clear that instead of expanding the unconstitutional welfare state, Congress should return control over charitable giving to the American people by reducing the tax burden. This is why I strongly support the tax cut provisions of H.R. 7, and would enthusiastically support them if they were brought before the House as a stand alone bill. I also proposed a substitute amendment which would have given every taxpayer in America a $5,000 tax credit for contributions to social services organizations which serve lower-income people. Allowing people to use more of their own money promotes effective charity by ensuring that charities remain true to their core mission. After all, individual donors will likely limit their support to those groups with a proven track record of helping the poor, whereas government agencies may support organizations more effective at complying with federal regulations or acquiring political influence than actually serving the needy.

Many prominent defenders of the free society and advocates of increasing the role of faith-based institutions in providing services to the needy have also expressed skepticism regarding giving federal money to religious organizations, including the Reverend Pat Robinson, the Reverend Jerry Falwell, Star Parker, Founder and President of the Coalition for Urban Renewal (CURE), Father Robert Sirico, President of the Action Institute for Religious Liberty, Michael Tanner, Director of Health and Welfare studies at the CATO Institute, and Lew Rockwell, founder and president of the Ludwig Von Misses Institute. Even Marvin Olaksy, the above-referenced "godfather of compassionate conservatism," has expressed skepticism regarding this proposal.

In conclusion, Mr. Speaker, because H.R. 7 extends the reach of the immoral, unconstitutional welfare state and thus threatens the autonomy and the effectiveness of the very faith-based charities it claims to help, I urge my colleagues to reject it. Instead, I hope my colleagues will join me in supporting a constitutional and compassionate agenda of returning control over charity to the American people through large tax cuts and tax credits.

Ms. KILPATRICK. Mr. Speaker, today I rise in opposition to the underlying bill and in support of the Conyers Substitute. First, and foremost I must make known my profound belief in the healing ability of faith. The Church has always played an important role in my life and in many ways was a catalyst to my choice to pursue a political career. However, this is not a debate about government versus religion. Religious organizations play an important role in our society and no matter what we do on the floor today they will continue to do so. I assure you I will continue to support them.

ALREADY HAVE THE ABILITY TO COMPETE

There are many who have taken the floor and allege that Faith Based organizations are discriminated against when competing for federal funds. I question this statement. I have come to believe that under current law, Faith Based organizations can in fact compete if they take certain steps under the law. They must create a separate 501(C)(3) organization to prevent the mixing of church and secular activities. In my mind this insulates Faith Based organizations from the sometimes intrusive hand of the government.

DISCRIMINATION

Again I state my support for the healing role of faith based organizations. However, as an avid student of this country's history and, for that matter, the world's history, I cannot ignore some of the heinous things that have been done in the name of religion. In fact, current history is full of the horrors attendant to state sponsored religion. For decades, this country has struggled to bring peace to the hot box that is the Middle East, where religion is the sub-text used for the oppression of women, the oppression of other faiths and state sponsored terrorism. While I realize that this country has many protections against many of these horrors, and I do not mean to suggest that the enactment of this bill will rise to the level of these horrors, I do mean to suggest that more subtle forms of these problems such as discrimination will result from this measure.

This bill would allow Faith Based organizations to discriminate as to who they will hire. This is wrong. The faith of a helping hand is of no consequence to the person in need. All of humanity has the potential to accomplish charitable deeds and should not be told that there is no role for their charity because of the faith they hold dear. I will not stand idly by as the Civil Rights laws in place to prevent workplace discrimination are flouted in the name of religion

NO ADDITIONAL FUNDING FOR THE PROGRAM

Finally, this measure is indicative of the Republican efforts to dismantle social programs. I say this because they have not provided a red cent for the implementation of this initiative or the programs that it involves. This bill will expand the pool of competitors already competing for diminished funds due to a bloated tax-cut. For example the Bush budget cuts local crime prevention funds by $1 billion. The Bush budget also cuts the needs of public housing by $1 billion by cutting $309 million from Public Housing Drug Elimination Grants, and cutting the Public Housing Capital Fund by $700 million. Even Job Training is cut by $500 million under the Administration's budget.

Mr. CRANE. Mr. Speaker, I have long advocated making changes to the tax code designed to encourage charitable giving. Indeed, I have promoted some of the proposals contained in the legislation we have before us today, including the charitable IRA rollover and the deduction for non-itemizers, for many years. Because the legislation we are considering, the Community Solutions Act, contains a number of worthwhile provisions that I believe will help encourage people to give to charity, I rise today to express my support.

However, while I believe this legislation is a step in the right direction, H.R. 7 is but a first step. Frankly, we need to do more, and in my remarks today I would like to highlight a number of items that I believe need to receive further consideration by the Ways and Means Committee and the Congress in the near future.

My first comments relate to the largest provision in this legislation in terms of revenue impact—the charitable deduction for non-itemizers. I do not believe there is a member in Congress who has fought longer or harder for restoring the charitable deduction for non-itemizers than I. The non-itemizer charitable deduction actually existed in the tax code from 1981–1986. It was created in the 1981 Reagan tax bill, but the language in the 1981 bill sunset the provision after 1986. In January 1985, at the start of the 99th Congress, I introduced legislation, H.R. 94, to make the non-itemizer deduction permanent. The year after the provision expired in 1986, I introduced legislation, H.R. 113, to restore the deduction. In every Congress since that time up to the present, I have introduced legislation to restore this deduction. For the record, I would like to insert the following table identifying the Congress, date and bill number of the legislation that I have introduced on this subject: 99th Congress—1/3/85—H.R. 94; 100th Congress—1/6/87—H.R. 113; 101st Congress—1/4/89—H.R. 459; 102nd Congress—1/3/91—H.R. 310; 103rd Congress—1/5/93—H.R. 152; 104th Congress—4/7/95—H.R. 1493; 105th Congress—9/18/97—H.R. 2499; 106th Congress—3/25/99—H.R. 1310; and 107th Congress—2/28/01—H.R. 777.

While I am gratified that Congressman WATTS included that the non-itemizer deduction in H.R. 7, I am disappointed that the limitations on the amount of the deduction were set so low. Indeed, I am concerned that the deduction limits have been set so low as to have a very minimal impact toward the goal of increasing charitable giving. Frankly, the deduction allowance ought to be set substantially higher. I applaud President Bush for his proposal to allow the deduction up to the amount of the standard deduction. However, despite my concerns with the limitations contained in H.R. 7, I still believe that this provision represents a positive first step—a step on which the Ways and Means Committee can build a more substantial deduction. Moreover, I hope that the other body takes up similar legislation this year and that it considered the concerns I am raising today.

With regard to those individuals who do itemize their deductions, I want to mention two proposals that were not contained in H.R. 7 but hopefully will be considered at a later date. The first of these proposals relates to Section 170 of the tax code. Under current law, individuals who contribute appreciated property (such as stocks and real estate) to charity are subject to complex deduction limits. While donors can generally deduct charitable contributions up to 50 percent of their income, deductions for gifts of appreciated property are limited to 30 percent of income. For gifts of appreciated property to charities that are private foundations, deductions are limited to 20 percent of income. In my view, these limits under present law discourage charitable giving from the very people who are in the best position to make large gifts. Someone who has done well in the stock market should be encouraged to share the benefits. In order to fix this problem we should consider allowing contributions of appreciated property to be deductible within the same percentage limits as for other charitable gifts.

The proposal I have in mind would increase the percentage limitation applicable to charitable contributions of capital gain property to public charities by individuals from 30 percent to 50 percent of income. Thus, both cash and non-cash contributions to such entities would be subject to a 50 percent deductibility limit. In addition, I would propose increasing the percentage limitation for contributions of capital gain property to private foundations from 20 percent to 30 percent of income. While these proposals were not included in H.R. 7, I want to thank Ways and Means Chairman THOMAS for publicly acknowledging that these issues are worthy of consideration. As a follow-up to his comments in the Ways and Means Committee, Chairman THOMAS has written a letter to the Staff Director of the Joint Committee on Taxation asking for a revenue estimate and additional information with respect to this proposal.

In addition, I would like to thank the Chairman for making a similar request with regard to the other proposal I believe needs to be addressed—removal of charitable contributions from the cutback of itemized deductions commonly referred to as the "Pease" limitations. Even though the cutback of itemized deductions is being phased out under current law, its impact on charitable giving will remain in effect for several years. It is my strong belief that extracting charitable contributions from the Pease limitation will do much to encourage further generosity from those in a position to give the most.

Mr. Speaker, I am pleased to have this opportunity to express my support for H.R. 7 and I hope that I will return to the floor one day soon to address the other important issues I have raised in my remarks.

Mr. FORBES. Mr. Speaker, I rise in strong support of the Community Solutions Act, which will provide more opportunities for the strong wills and good hearts of Americans everywhere to rally to the aid of their neighbors.

All across America, there are people in need of a helping hand. Some of them are just a little down on their luck and need temporary shelter or a hot meal or the comfort of a confidant. Others are in more dire straits. The government can provide some assistance to these individuals and families, but it cannot do it all. And, frankly, it should not. In every pocket of America, there are groups and individuals—some of faith and some not—who are rallying to the aid of their neighbors. We in Washington should be in the business of encouraging this kind of community involvement and outreach.

In fact, the public places far more trust in faith-based institutions and community organizations than in government to solve the social woes of our nation. Earlier this year, the Pew Partnership for Civic Change asked Americans to rank 15 organizations, including governments, businesses, and community groups, for their role in solving social problems in our communities. More than half named local churches, synagogues, and religious institutions; nonprofit groups, like the Salvation Army and Habitat for Humanity; and friends and neighbors—putting them at the top of the list behind only the local police. In contrast, the federal government was ranked 14th out of 15, with only about 1 in 4 respondents naming it as a social problem-solver.

The bipartisan Community Solutions Act builds on the faith-based initiative proposed earlier this year by the President to answer this call. But, to call it a faith-based initiative is really a misnomer. While faith-based groups clearly have a role to play in this plan, it is really all about neighbors helping neighbors.

Mr. Speaker, the bill will increase charitable giving by allowing non-itemizers to deduct their charitable contributions. It will also expand individual development accounts to encourage low-income families to save money for home ownership, college education, or other needs. And, the Community Solutions Act will expand charitable choice provisions already in law to give faith-based groups a greater opportunity to provide assistance to those in need through programs that Congress has created.

This bill embodies many good ideas, and it is long past the time when we should be returning these principles to our civil society. I thank the President for making this a priority for his Administration, and thank Congressmen WATTS and HALL introducing it in the House.

It is time for Congress to step aside and let the armies of compassion do what they do best—help neighbors in need. I urge my colleagues to support this bill and to oppose the substitute and the motion to recommit.

Ms. MILLENDER-MCDONALD. Mr. Speaker, currently, under Title VII, religious organizations can discriminate in hiring practices. If the Charitable Choice Act (H.R. 7) is enacted, this discriminatory practice will extend to programs on the Federal level. It is alarming that the Charitable Choice Act (H.R. 7) would pre-empt state and local anti-discrimination laws. This bill would open women to all kinds of employment discrimination that is currently prohibited by Federal law.

Under H.R. 7, religious employers would be allowed to include questions in hiring interviews on marital status and childcare provisions. Women would also be subject to discrimination in the delivery of services. For example, this bill offers no protection for the unwed mother being denied benefits because of the tenets of the religious organization responsible for delivering services. Women's basic employment and civil rights should be a fundamental guarantee and not conditioned on whether or not the entity hiring or providing services has been offered special protections under the law.

Currently, under Title VII, there are cases where women lost their job because they became pregnant but wasn't married and due to their views on abortion. If the Charitable Choice Act is passed, then this can include many more forms of discrimination.

This is no ordinary piece of legislation. It raises serious questions about church-state relations in this country. These are grave issues. Congress needs to proceed with caution.

Mr. HALL of Texas. Mr. Speaker, as a longtime supporter of local solutions for local problems, I want to thank my colleagues, Representative J.C. WATTS and Representative TONY HALL, for their work to bring H.R. 7, the Community Solutions Act, to the Floor. I am pleased to be a cosponsor of this initiative, which recognizes the important role that faith-based groups are performing in every community in America. I commend President Bush for making this a priority of his Administration.

Government has long provided public funding for social service programs through its "charitable choice" provisions. This Act builds on this success by expanding the services that may be provided by faith-based groups. Most of us would agree that local citizens have a far better understanding of local problems and have better solutions for those problems than some "one-size-fits-all" Federal program. We've spent billions of dollars fighting the war against drugs, for example—and are still losing it because we are fighting it from the top.

The bill's sponsors have worked to address the constitutional concerns that have been raised, and they have provided some important safeguards. As this bill moves forward, we need to continue our efforts to fully examine the implications of this Act as it affects State laws.

The Community Solutions Act holds great promise in our efforts to combat drugs, juvenile delinquency, teenage pregnancy, hunger, school violence, illiteracy and other ills. It recognizes that faith-based organizations often are succeeding where government-run programs are failing. It makes sense to include these worthy programs in our efforts to serve those in need in our communities.

I urge my colleagues to recognize the contributions and potential of faith-based organizations to improve the quality of life for our citizens by voting for H.R. 7 and giving this initiative a chance to work.

Mr. BROWN of South Carolina. Mr. Speaker, I rise today in strong support of President Bush's faith-based initiative, as reflected in H.R. 7. Both the Judiciary Committee and the Ways and Means Committee has worked hard to craft legislation we should all be able to support.

I would like to take a minute, though, to concentrate on the charitable choice provision of this bill, because the tax provisions should not keep anyone from voting for H.R. 7. According to Chairman NUSSLE of the House Budget Committee, the $13.3 billion in estimated revenue reduction does not threaten the Medicare trust fund. No, if this bill fails, the failure will be due to the charitable choice provision.

Many have expressed concerns about "separation of church and state" and about "government funded discrimination" in conjunction with President Bush's faith-based initiative. However, when the Welfare Reform Act was passed in 1996, the charitable choice provision allowed faith-based groups to apply for federal money the same way that secular groups do. The charitable choice provision is also included in the 1998 Community Services Block Grant Act and in the 2000 Public Health Service Act. The charitable choice provision has a history of success.

Rather than promoting a radical restructuring of current law, H.R. 7 will simply ensure that faith-based organizations can compete on more equal footing than in the past. The government will not be encouraging any kind of discrimination but, instead, will be able to partner with faith-based organizations in a wider variety of social services, including juvenile justice, crime prevention, housing assistance, job training, elder care, hunger relief, domestic violence prevention, and others.

In summary, we should all support H.R. 7 because it provides a proven method for the federal government to participate in the provision of social services to Americans who still need help. This bill allows the federal government to partner with faith-based and other community service organizations that already have a history of success in providing these social services. H.R. 7 puts faith-based organizations on a level playing field in the competition for federal funds, without jeopardizing their autonomy, and without undermining religious freedom for either the service providers or for the service beneficiaries. I urge all of my colleagues to vote for H.R. 7.

Mr. HYDE. Mr. Speaker, I have been listening to this debate with great attention all afternoon, and—at the risk of oversimplifying, I would like to cut to the chase. What we are talking about is an army of people out there motivated by spiritual impulses who want to do good, who want to help solve poverty, disease, violence in the community, homelessness, hunger, and some of them are clergy, some of them are not. They are religiously motivated, and we have spent all afternoon finding ways to keep them out. We have enough help. We don't need them—there is too much God out there. We suffer from an excess of God, for some crazy reason.

Discrimination—if the First Baptist Church wants to do something as the First Baptist Church, take care of some homeless people, the fact that they want to retain their identify and not become another local United Fund operation, there is nothing wrong with that. There is nothing wrong with saying if you want to join us, you have to be Baptist.

There is discrimination, and there is invidious discrimination. I do not think it is discrimination for Baptists to want to hire Baptists to do something as the Baptist Church. I think that is fine. That is not invidious discrimination. So far as I am concerned, we ought to figure out ways to facilitate the exploitation, the benign exploitation of these wonderful people who want to help us with our very human problems, instead of finding ways to say on because, for fear, God might sneak in under the door.

Mr. KIND. Mr. Speaker, as with many of the colleagues from both sides of the aisle, I strongly support the community services provided by religious organizations throughout the Nation. We are all proud of the faith we hold and believe in the principles of selfless service encouraged by religious organizations. As I have personally witnessed in western Wisconsin, the effective and invaluable efforts put forth by religious organizations to combat such traumas as drug-addiction, and child and domestic abuse, are worthy of our continual appreciation and praise.

I am, however, concerned that this legislation would undermine the successes and integrity of such programs through the introduction of more government. I am therefore unable to support this flawed legislation which, while it may be well intentioned, seeks to provide funds to religious organizations by violating our constitution and without regard to State's rights.

The establishment of religion clause in the first amendment to the constitution was drafted in the recognition that state activity must be separate from church activity if people are to be free from Government interference. The Founders did not intend this provision as anti-religious, but instead realized this is the way to protect religion while simultaneously protecting the people's rights to worship freely.

America was founded by people seeking freedom from religious persecution by fleeing lands that contained religious strife and even warfare. To infringe on the separation of church and state is to infringe on the miracle and fundamental principles of American democracy. It is this principle that not only allows our government to operate by the will of the people, but also allows religious entities to conduct themselves without Government regulation and intrusion. When the line between church and state is an issue in policy, the highest scrutiny must be applied to ensure that principle prevails. I do not believe this legislation would pass such constitutional scrutiny.

The Founders also recognized the dangers of State sponsored favoritism toward any religion. This bill will not only pit secular agencies against religious organizations, it will pit religion against religion for the competition of limited public funds.

Under current law, there are Federal tax incentives for individuals to donate to charitable organizations, including the religious organizations of their choice. In addition, religious groups have always had the ability to apply and receive federal funding for the purpose of providing welfare related programs and services after they form 501(c)(3) organizations. Entities including Catholic Charities and Lutheran Social Service have a long history of participation in publicly funded social service programs.

The conditions associated with the provision of these services, however, require the religious organizations to be secular in nature—in accordance with the establishment of religion clause in the first amendment to the Constitution, as well as adhere to federal, state or local civil rights laws. H.R. 7 would remove these preconditions, allowing for public funding to go toward discriminatory and exclusionary practices that violate the intentions of hard fought civil rights.

In addition to the constitutionality of the legislation, we must also question how the provisions contained in the bill would be implemented and enforced. Supporters of H.R. 7 claim the bill contains safeguards that would prohibit public funding from going to proselytization and other strictly religious activities. Even if these safeguards existed, which they do not, how do we police these organizations to ensure compliance? If we find violations do we then fine the churches or prosecute Catholic priests, Methodist ministers or Lutheran pastors?

The road we are taking with this legislation leads to these serious questions about regulations imposed on organizations that receive

Federal funds. The strings attached to entities receiving federal funds are there to ensure applicable laws are obeyed and accountability exists. It is precisely these types of provisions that will inhibit religious organizations from maintaining their character, and it would be negligent of us as public servants to waive these provisions. This situation serves to illustrate why this bill should be opposed.

The substitute to this bill, offered by Mr. RANGEL, guards against the possibility of publicly funded discrimination by not overriding State and local civil rights laws, as well as offsetting the costs associated with this legislation. In addition to being unconditional, H.R. 7 is indeed expensive. While it is not as expensive as the President had originally envisioned, it will cost over $13 billion with no offsets. With passage of the President's tax cut, there is simply no money to pay for this bill without taking from the Medicare and Social Security Trust funds. A problem that will not go away as we mark up the rest of next year's budget.

With all the problems associated with this bill, I ask my colleagues to vote against H.R. 7, and support the Rangel substitute.

Mr. GREEN of Texas. Mr. Speaker, I rise in opposition to H.R. 7, the Community Solutions Act. While the goals of this bill are noble, there are fundamental concerns with this legislation.

One of the central tenets of most faith based organizations, whether they are Catholic, Protestant, Jewish or Muslim, is to reach out to those in need.

I know that in churches in which I've been a member and churches in my district have several programs to serve the needy, such as food drives, senior nutrition programs, housing assistance, substance abuse counseling, after school programs and many other needed community services.

These are services that most churches perform because they are consistent with that church's mission.

A component of H.R. 7, the Community Solutions Act would expand Charitable Choice to allow faith based organizations to compete for federal funding for many of these services. The religious groups today compete and receive federal funding.

But they cannot only serve their particular faith or beliefs.

In fact, there are organizations such as the Baptist Joint Committee, the United Methodist Church, the Presbyterian Church, and the United Jewish Communities Federation all fear that this legislation would interfere with their missions, rather than help them.

We know that the first amendment prevents Congress from establishing a religion or prohibiting the free exercise thereof. This wall of separation has been a fundamental principle since the founding of our great nation.

As a Christian I believe it is my duty to serve and my service is a reflection of my faith. Many Christians, Jewish and Muslims, do this everyday if we are practicing our beliefs.

We do not need Federal tax dollars to practice and live our faith.

Mr. CUMMINGS. Mr. Speaker, I stand with you today to raise my grave concerns regarding H.R. 7.

Faith-based and community-based organizations have always been at the forefront of combating the hardships facing families and communities. As a federal legislator, I do not have a problem with government finding ways to harness the power of faith-based organizations and their vital services.

Although I support faith-based entities, I cannot endorse H.R. 7 because I believe that: (1) taxpayer money should not be used to proselytize; (2) taxpayer money should not be used to discriminate on the basis of race, gender, religion, or sexual orientation; and (3) the independence and autonomy of our religious institutions should not be threatened.

Unfortunately, H.R. 7 in its current form does not prevent the problems I have outlined. Most significantly, while it may state that government funds should not be used for worship or proselytization, meaningful safeguards to prevent such action are not included in the provisions. Further, religious institutions are currently exempted from the ban on religious discrimination in employment provided under Title VII of the Civil Rights Act of 1964. As such, because the bill does not include a repeal of this exemption, these institutions can engage in government-funded employment discrimination.

I am committed to our U.S. Constitution and civil rights statutes. Unfortunately, H.R. 7 threatens these very principles and I believe it is unnecessary and unconstitutional. It is important to note that under current law, religious entities can seek government funding by establishing 501(c)(3) affiliate organizations.

I look forward to working with faith-based entities in their good works, but will also remain a strong advocate of civil rights, religious tolerance and the independence of our religious institutions. Join me in opposing H.R. 7 and supporting the Democratic substitute that will address these serious issues.

Mr. DEMINT. Mr. Speaker, I rise today in strong support of H.R. 7, the Community Solutions Act, which is also known as the Faith-Based Initiative.

America has long been a country made up of generous people who want to help a neighbor in need. Long before government programs came along to act as an extra safety net, individuals worked together with their churches and other community groups to ensure those in need were housed, clothed, and fed.

While government programs were created to provide specific services to needy populations, these programs have less incentive to go above and beyond the call of duty.

For many people of faith who run social service programs, their faith is what inspires them to go the extra mile for the poor, the downtrodden, the hopeless.

Why, then, would the government exclude faith-based providers in its attempt to tackle difficult social problems such as drug addiction, gang violence, domestic violence, mental illness, and homelessness?

Faith-based organizations with effective programs to combat societal ills should be able to compete equally with their non-faith based counterparts for government grants.

And in some cases under current "charitable choice" laws, they can. When Welfare Reform passed in 1996, charitable choice language was included so faith-based groups providing welfare-to-work programs such as job training and child care can compete equally.

I'm sure most of us know a church day care program which could care for children with just as much love and ability and professionalism as a non-faith based program.

The legislation before us today allows "charitable choice" to apply to more government programs, such as juvenile delinquency, housing, domestic violence, job training, and community development programs.

Let me make one thing clear: no faith-based group is compelled to apply. Those who are not interested in government funding can carry on with their ministry and keep doing the good work of serving our nation.

Those groups which have an effective program and would like to compete for a grant may do so and keep their faith-based component largely intact. They would have to abide by some common sense requirements such as keeping the government funds in a separate account, but the requirements should not interfere with the religious nature of their program.

The religious organization sponsoring the program would remain completely autonomous from federal, state, and local government control.

The Faith-Based Initiative is a long-overdue, much-needed reform to recognize the importance of the faith community in caring for the most vulnerable of our nation.

I want to take a minute to highlight a couple of wonderful community initiatives in my District which are inspirational to me. The Downtown Rescue Mission in Spartanburg has a myriad of exciting initiatives to provide housing, meals, health services, job training, and other help to give a helping hand up and empower folks in the downtown area.

And in Greenville, since 1937—during the Great Depression—Miracle Hill Ministries has provided leadership in our community by providing food, clothing, shelter, and compassion to hurting and needy people, as well as serving as a model for other homeless outreach efforts in South Carolina.

I am proud of these folks and the good work that they do and hope that the Faith-Based Initiative would be helpful to them. There are countless other good people and good organizations—big and small—which could benefit from this attempt to provide a level playing field for the faith community.

This bill also contains some great provisions to encourage charitable giving by individuals and corporations, as well as incentives for low-income individuals to save money that can be used to buy a home, a college education, or start a small business.

We want everyone in America to be able to live the American Dream.

The armies of compassion in our nation should be able to serve the needy and provide them hope, so that they too—through hard work and perseverance—can make the American Dream a reality.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of H.R. 7 the "Community Solutions Act."

Although a lot of speakers have focused their remarks on the charitable choice provisions of this bill, I feel that Title III, the Individual Development Account or IDAs offers a fundamental policy shift which merits the attention of this House.

Many communities are facing an affordable housing crisis. Until now, our solution to this problem has been to increase the number of available Section 8 vouchers. However, this "solution" has only widened the gap between those who dream of owning a home, and those who are able to accumulate the financial resources needed to become a first-time home buyer. Under the Section 8 voucher program, if you demonstrate ambition and work hard to improve your situation, you are no longer eligible for the voucher. But at the same time, you do not have the down payment to own a home.

IDAs will begin to reverse this trend. By encouraging individuals to save for a home through tax exemption IDAs and matching that investment, we finally have policy which makes sense.

I urge my colleagues to support this bill and to turn the American dream of owning a home into a reality.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute printed in House Report 107–144 offered by Mr. RANGEL:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Solutions Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

Sec. 101. Deduction for portion of charitable contributions to be allowed to individuals who do not itemize deductions.
Sec. 102. Tax-free distributions from individual retirement accounts for charitable purposes.
Sec. 103. Increase in cap on corporate charitable contributions.
Sec. 104. Charitable deduction for contributions of food inventory.
Sec. 105. Reform of excise tax on net investment income of private foundations.
Sec. 106. Excise tax on unrelated business taxable income of charitable remainder trusts.
Sec. 107. Expansion of charitable contribution allowed for scientific property used for research and for computer technology and equipment used for educational purposes.
Sec. 108. Adjustment to basis of S corporation stock for certain charitable contributions.
Sec. 109. Revenue offset.

TITLE II—EXPANSION OF CHARITABLE CHOICE

Sec. 201. Provision of assistance under government programs by religious and community organizations.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

Sec. 301. Additional qualified entities eligible to conduct projects under the Assets for Independence Act.
Sec. 302. Increase in limitation on net worth.
Sec. 303. Change in limitation on deposits for an individual.
Sec. 304. Elimination of limitation on deposits for a household.
Sec. 305. Extension of program.
Sec. 306. Conforming amendments.
Sec. 307. Applicability.

TITLE I—CHARITABLE GIVING INCENTIVES PACKAGE

SEC. 101. DEDUCTION FOR PORTION OF CHARITABLE CONTRIBUTIONS TO BE ALLOWED TO INDIVIDUALS WHO DO NOT ITEMIZE DEDUCTIONS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 (relating to charitable, etc., contributions and gifts) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DEDUCTION FOR INDIVIDUALS NOT ITEMIZING DEDUCTIONS.—

"(1) IN GENERAL.—In the case of an individual who does not itemize his deductions for the taxable year, there shall be taken into account as a direct charitable deduction under section 63 an amount equal to the lesser of—

"(A) the amount allowable under subsection (a) for the taxable year for cash contributions, or

"(B) the applicable amount.

"(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount shall be determined as follows:

"For taxable years beginning in:	**The applicable amount is:**
2002 and 2003	$25
2004, 2005, 2006	$50
2007, 2008, 2009	$75
2010 and thereafter	$100.

In the case of a joint return, the applicable amount is twice the applicable amount determined under the preceding table.".

(b) DIRECT CHARITABLE DEDUCTION.—

(1) IN GENERAL.—Subsection (b) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.".

(2) DEFINITION.—Section 63 of such Code is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) DIRECT CHARITABLE DEDUCTION.—For purposes of this section, the term 'direct charitable deduction' means that portion of the amount allowable under section 170(a) which is taken as a direct charitable deduction for the taxable year under section 170(m).".

(3) CONFORMING AMENDMENT.—Subsection (d) of section 63 of such Code is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(3) the direct charitable deduction.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 102. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subsection (d) of section 408 of the Internal Revenue Code of 1986 (relating to individual retirement accounts) is amended by adding at the end the following new paragraph:

"(8) DISTRIBUTIONS FOR CHARITABLE PURPOSES.—

"(A) IN GENERAL.—No amount shall be includible in gross income by reason of a qualified charitable distribution.

"(B) QUALIFIED CHARITABLE DISTRIBUTION.—For purposes of this paragraph, the term 'qualified charitable distribution' means any distribution from an individual retirement account—

"(i) which is made on or after the date that the individual for whose benefit the account is maintained has attained age 70½, and

"(ii) which is made directly by the trustee—

"(I) to an organization described in section 170(c), or

"(II) to a split-interest entity.

A distribution shall be treated as a qualified charitable distribution only to the extent that the distribution would be includible in gross income without regard to subparagraph (A) and, in the case of a distribution to a split-interest entity, only if no person holds an income interest in the amounts in the split-interest entity attributable to such distribution other than one or more of the following: the individual for whose benefit such account is maintained, the spouse of such individual, or any organization described in section 170(c).

"(C) CONTRIBUTIONS MUST BE OTHERWISE DEDUCTIBLE.—For purposes of this paragraph—

"(i) DIRECT CONTRIBUTIONS.—A distribution to an organization described in section 170(c) shall be treated as a qualified charitable distribution only if a deduction for the entire distribution would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(ii) SPLIT-INTEREST GIFTS.—A distribution to a split-interest entity shall be treated as a qualified charitable distribution only if a deduction for the entire value of the interest in the distribution for the use of an organization described in section 170(c) would be allowable under section 170 (determined without regard to subsection (b) thereof and this paragraph).

"(D) APPLICATION OF SECTION 72.—Notwithstanding section 72, in determining the extent to which a distribution is a qualified charitable distribution, the entire amount of the distribution shall be treated as includible in gross income without regard to subparagraph (A) to the extent that such amount does not exceed the aggregate amount which would be so includible if all amounts were distributed from all individual retirement accounts otherwise taken into account in determining the inclusion on such distribution under section 72. Proper adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.

"(E) SPECIAL RULES FOR SPLIT-INTEREST ENTITIES.—

"(i) CHARITABLE REMAINDER TRUSTS.—Distributions made from an individual retirement account to a trust described in subparagraph (G)(ii)(I) shall be treated as income described in section 664(b)(1) except to the extent that the beneficiary of the individual retirement account notifies the trustee of the trust of the amount which is not allocable to income under subparagraph (D).

"(ii) Pooled income funds.—No amount shall be includible in the gross income of a pooled income fund (as defined in subparagraph (G)(ii)(II)) by reason of a qualified charitable distribution to such fund.

"(iii) Charitable gift annuities.—Qualified charitable distributions made for a charitable gift annuity shall not be treated as an investment in the contract.

"(F) Denial of deduction.—Qualified charitable distributions shall not be taken into account in determining the deduction under section 170.

"(G) Split-interest entity defined.—For purposes of this paragraph, the term 'split-interest entity' means—

"(i) a charitable remainder annuity trust or a charitable remainder unitrust (as such terms are defined in section 664(d)),

"(ii) a pooled income fund (as defined in section 642(c)(5)), and

"(iii) a charitable gift annuity (as defined in section 501(m)(5)).".

(b) Modifications Relating to Information Returns by Certain Trusts.—

(1) Returns.—Section 6034 of such Code (relating to returns by trusts described in section 4947(a)(2) or claiming charitable deductions under section 642(c)) is amended to read as follows:

"SEC. 6034. RETURNS BY TRUSTS DESCRIBED IN SECTION 4947(a)(2) OR CLAIMING CHARITABLE DEDUCTIONS UNDER SECTION 642(c).

"(a) Trusts Described in Section 4947(a)(2).—Every trust described in section 4947(a)(2) shall furnish such information with respect to the taxable year as the Secretary may by forms or regulations require.

"(b) Trusts Claiming a Charitable Deduction Under Section 642(c).—

"(1) In general.—Every trust not required to file a return under subsection (a) but claiming a charitable, etc., deduction under section 642(c) for the taxable year shall furnish such information with respect to such taxable year as the Secretary may by forms or regulations prescribe, including:

"(A) the amount of the charitable, etc., deduction taken under section 642(c) within such year,

"(B) the amount paid out within such year which represents amounts for which charitable, etc., deductions under section 642(c) have been taken in prior years,

"(C) the amount for which charitable, etc., deductions have been taken in prior years but which has not been paid out at the beginning of such year,

"(D) the amount paid out of principal in the current and prior years for charitable, etc., purposes,

"(E) the total income of the trust within such year and the expenses attributable thereto, and

"(F) a balance sheet showing the assets, liabilities, and net worth of the trust as of the beginning of such year.

"(2) Exceptions.—Paragraph (1) shall not apply in the case of a taxable year if all the net income for such year, determined under the applicable principles of the law of trusts, is required to be distributed currently to the beneficiaries. Paragraph (1) shall not apply in the case of a trust described in section 4947(a)(1).".

(2) Increase in penalty relating to filing of information return by split-interest trusts.—Paragraph (2) of section 6652(c) of such Code (relating to returns by exempt organizations and by certain trusts) is amended by adding at the end the following new subparagraph:

"(C) Split-interest trusts.—In the case of a trust which is required to file a return under section 6034(a), subparagraphs (A) and (B) of this paragraph shall not apply and paragraph (1) shall apply in the same manner as if such return were required under section 6033, except that—

"(i) the 5 percent limitation in the second sentence of paragraph (1)(A) shall not apply,

"(ii) in the case of any trust with gross income in excess of $250,000, the first sentence of paragraph (1)(A) shall be applied by substituting '$100' for '$20', and the second sentence thereof shall be applied by substituting '$50,000' for '$10,000', and

"(iii) the third sentence of paragraph (1)(A) shall be disregarded.

If the person required to file such return knowingly fails to file the return, such person shall be personally liable for the penalty imposed pursuant to this subparagraph.".

(3) Confidentiality of noncharitable beneficiaries.—Subsection (b) of section 6104 of such Code (relating to inspection of annual information returns) is amended by adding at the end the following new sentence: "In the case of a trust which is required to file a return under section 6034(a), this subsection shall not apply to information regarding beneficiaries which are not organizations described in section 170(c).".

(c) Effective Dates.—

(1) Subsection (a).—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

(2) Subsection (b).—The amendments made by subsection (b) shall apply to returns for taxable years beginning after December 31, 2001.

SEC. 103. INCREASE IN CAP ON CORPORATE CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 (relating to corporations) is amended by striking "10 percent" and inserting "the applicable percentage".

(b) Applicable Percentage.—Subsection (b) of section 170 of such Code is amended by adding at the end the following new paragraph:

"(3) Applicable percentage defined.—For purposes of paragraph (2), the applicable percentage shall be determined in accordance with the following table:

"For taxable years beginning in calendar year—	**The applicable percentage is—**
2002 through 2007	11
2008	12
2009	13
2010 and thereafter	15.".

(c) Conforming Amendments.—

(1) Sections 512(b)(10) and 805(b)(2)(A) of such Code are each amended by striking "10 percent" each place it occurs and inserting "the applicable percentage (determined under section 170(b)(3))".

(2) Sections 545(b)(2) and 556(b)(2) of such Code are each amended by striking "10-percent limitation" and inserting "applicable percentage limitation".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 104. CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) In General.—Paragraph (3) of section 170(e) of the Internal Revenue Code of 1986 (relating to special rule for certain contributions of inventory and other property) is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

"(C) Special rule for contributions of food inventory.—

"(i) General rule.—In the case of a charitable contribution of food, this paragraph shall be applied—

"(I) without regard to whether the contribution is made by a C corporation, and

"(II) only for food that is apparently wholesome food.

"(ii) Determination of fair market value.—In the case of a qualified contribution of apparently wholesome food to which this paragraph applies and which, solely by reason of internal standards of the taxpayer or lack of market, cannot or will not be sold, the fair market value of such food shall be determined by taking into account the price at which the same or similar food items are sold by the taxpayer at the time of the contribution (or, if not so sold at such time, in the recent past).

"(iii) Apparently wholesome food.—For purposes of this subparagraph, the term 'apparently wholesome food' shall have the meaning given to such term by section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)), as in effect on the date of the enactment of this subparagraph.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 105. REFORM OF EXCISE TAX ON NET INVESTMENT INCOME OF PRIVATE FOUNDATIONS.

(a) In General.—Subsection (a) of section 4940 of the Internal Revenue Code of 1986 (relating to excise tax based on investment income) is amended by striking "2 percent" and inserting "1 percent".

(b) Repeal of Reduction In Tax Where Private Foundation Meets Certain Distribution Requirements.—Section 4940 of such Code is amended by striking subsection (e).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 106. EXCISE TAX ON UNRELATED BUSINESS TAXABLE INCOME OF CHARITABLE REMAINDER TRUSTS.

(a) In General.—Subsection (c) of section 664 of the Internal Revenue Code of 1986 (relating to exemption from income taxes) is amended to read as follows:

"(c) Taxation of Trusts.—

"(1) Income tax.—A charitable remainder annuity trust and a charitable remainder unitrust shall, for any taxable year, not be subject to any tax imposed by this subtitle.

"(2) Excise tax.—

"(A) In general.—In the case of a charitable remainder annuity trust or a charitable remainder unitrust that has unrelated business taxable income (within the meaning of section 512, determined as if part III of subchapter F applied to such trust) for a taxable year, there is hereby imposed on such trust or unitrust an excise tax equal to the amount of such unrelated business taxable income.

"(B) Certain rules to apply.—The tax imposed by subparagraph (A) shall be treated as imposed by chapter 42 for purposes of this title other than subchapter E of chapter 42.

"(C) Character of distributions and coordination with distribution requirements.—The amounts taken into account in determining unrelated business taxable income (as defined in subparagraph (A)) shall not be taken into account for purposes of—

"(i) subsection (b),

"(ii) determining the value of trust assets under subsection (d)(2), and

"(iii) determining income under subsection (d)(3).

"(D) Tax court proceedings.—For purposes of this paragraph, the references in section 6212(c)(1) to section 4940 shall be deemed to include references to this paragraph.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 107. EXPANSION OF CHARITABLE CONTRIBUTION ALLOWED FOR SCIENTIFIC PROPERTY USED FOR RESEARCH AND FOR COMPUTER TECHNOLOGY AND EQUIPMENT USED FOR EDUCATIONAL PURPOSES.

(a) Scientific Property Used for Research.—Clause (ii) of section 170(e)(4)(B) of the Internal Revenue Code of 1986 (defining qualified research contributions) is amended by inserting "or assembled" after "constructed".

(b) Computer Technology and Equipment for Educational Purposes.—Clause (ii) of section 170(e)(6)(B) of such Code is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(c) Conforming Amendment.—Subparagraph (D) of section 170(e)(6) of such Code is amended by inserting "or assembled" after "constructed" and "or assembling" after "construction".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 108. ADJUSTMENT TO BASIS OF S CORPORATION STOCK FOR CERTAIN CHARITABLE CONTRIBUTIONS.

(a) In General.—Paragraph (1) of section 1367(a) of such Code (relating to adjustments to basis of stock of shareholders, etc.) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", and", and by adding at the end the following new subparagraph:

"(D) the excess of the amount of the shareholder's deduction for any charitable contribution made by the S corporation over the shareholder's proportionate share of the adjusted basis of the property contributed.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 109. REVENUE OFFSET.

(a) In General.—Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking "38.6" and inserting "38.8",

(2) by striking "37.6" and inserting "37.8", and

(3) by striking "35" and inserting "35.5".

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

TITLE II—EXPANSION OF CHARITABLE CHOICE

SEC. 201. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS AND COMMUNITY ORGANIZATIONS.

Title XXIV of the Revised Statutes of the United States is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

"SEC. 1991. CHARITABLE CHOICE.

"(a) Short Title.—This section may be cited as the 'Charitable Choice Act of 2001'.

"(b) Purposes.—The purposes of this section are—

"(1) to enable assistance to be provided to individuals and families in need in the most effective and efficient manner;

"(2) to supplement the Nation's social service capacity by facilitating the entry of new, and the expansion of existing, efforts by religious and other community organizations in the administration and distribution of government assistance under the government programs described in subsection (c)(4);

"(3) to prohibit discrimination against religious organizations on the basis of religion in the administration and distribution of government assistance under such programs;

"(4) to allow religious organizations to participate in the administration and distribution of such assistance without impairing the religious character and autonomy of such organizations; and

"(5) to protect the religious freedom of individuals and families in need who are eligible for government assistance, including expanding the possibility of their being able to choose to receive services from a religious organization providing such assistance.

"(c) Religious Organizations Included as Providers; Disclaimers.—

"(1) In general.—

"(A) Inclusion.—For any program described in paragraph (4) that is carried out by the Federal Government, or by a State or local government with Federal funds, the government shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, and the program shall be implemented in a manner that is consistent with the establishment clause and the free exercise clause of the first amendment to the Constitution.

"(B) Discrimination prohibited.—Neither the Federal Government, nor a State or local government receiving funds under a program described in paragraph (4), shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program on the basis that the organization is religious or has a religious character.

"(2) Funds not aid to religion.—Federal, State, or local government funds or other assistance that is received by a religious organization for the provision of services under this section constitutes aid to individuals and families in need, the ultimate beneficiaries of such services, and not support for religion or the organization's religious beliefs or practices. Notwithstanding the provisions in this paragraph, title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) shall apply to organizations receiving assistance funded under any program described in subsection (c)(4).

"(3) Funds not endorsement of religion.—The receipt by a religious organization of Federal, State, or local government funds or other assistance under this section is not an endorsement by the government of religion or of the organization's religious beliefs or practices.

"(4) Programs.—For purposes of this section, a program is described in this paragraph—

"(A) if it involves activities carried out using Federal funds—

"(i) related to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including programs funded under the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.);

"(ii) related to the prevention of crime and assistance to crime victims and offenders' families, including programs funded under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.);

"(iii) related to the provision of assistance under Federal housing statutes, including the Community Development Block Grant Program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.);

"(iv) under subtitle B or D of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(v) under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(vi) related to the intervention in and prevention of domestic violence, including programs under the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) or the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

"(vii) related to hunger relief activities; or

"(viii) under the Job Access and Reverse Commute grant program established under section 3037 of the Federal Transit Act of 1998 (49 U.S.C. 5309 note); or

"(B)(i) if it involves activities to assist students in obtaining the recognized equivalents of secondary school diplomas and activities relating to nonschool hours programs, including programs under—

"(I) chapter 3 of subtitle A of title II of the Workforce Investment Act of 1998 (Public Law 105-220); or

"(II) part I of title X of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.); and

"(ii) except as provided in subparagraph (A) and clause (i), does not include activities carried out under Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(d) Organizational Character and Autonomy.—

"(1) In general.—A religious organization that provides assistance under a program described in subsection (c)(4) shall have the right to retain its autonomy from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) Additional safeguards.—Neither the Federal Government, nor a State or local government with Federal funds, shall require a religious organization, in order to be eligible to provide assistance under a program described in subsection (c)(4), to—

"(A) alter its form of internal governance or provisions in its charter documents; or

"(B) remove religious art, icons, scripture, or other symbols, or to change its name, because such symbols or names are of a religious character.

"(e) Employment Practices.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in subsection (c)(4), and any provision in such programs that is inconsistent with or would diminish the exercise of an organization's autonomy recognized in section 702 or in this section shall have no effect, except that no religious organization receiving funds through a grant or cooperative agreement for programs described in subsection (c)(4) shall, in expending such funds allocated under such program, discriminate in employment on the basis of an employee's religion, religious belief, or a refusal to hold a religious belief. Nothing in this section alters the duty of a religious organization to comply with the nondiscrimination provisions of title VII of the Civil Rights Act of

1964 in the use of funds from programs described in subsection (c)(4).

“(f) Effect on Other Laws.—Nothing in this section shall alter the duty of a religious organization receiving assistance or providing services under any program described in subsection (c)(4) to comply with the nondiscrimination provisions in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) (prohibiting discrimination on the basis of race, color, and national origin), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688) (prohibiting discrimination in education programs or activities on the basis of sex and visual impairment), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (prohibiting discrimination against otherwise qualified disabled individuals), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) (prohibiting discrimination on the basis of age).

“(g) Rights of Beneficiaries of Assistance.—

“(1) In general.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c)(4), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

“(A) is an alternative that is accessible to the individual and unobjectionable to the individual on religious grounds; and

“(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

“(2) Notice.—The appropriate Federal, State, or local governmental entity shall guarantee that notice is provided to the individuals described in paragraph (3) of the rights of such individuals under this section.

“(3) Individual described.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c)(4).

“(h) Nondiscrimination Against Beneficiaries.—

“(1) Grants and cooperative agreements.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall not discriminate in carrying out the program against an individual described in subsection (g)(3) on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(2) Indirect forms of assistance.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

“(i) Local Civil Rights Laws.—Nothwithstanding anything to the contrary in this section, nothing in this section preempts or supercedes State or local civil rights laws.

“(j) Accountability.—

“(1) In general.—Except as provided in paragraphs (2) and (3), a religious organization providing assistance under any program described in subsection (c)(4) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds and its performance of such programs.

“(2) Limited audit.—

“(A) Grants and cooperative agreements.—A religious organization providing assistance through a grant or cooperative agreement under a program described in subsection (c)(4) shall segregate government funds provided under such program into a separate account or accounts. Only the separate accounts consisting of funds from the government shall be subject to audit by the government.

“(B) Indirect forms of assistance.—A religious organization providing assistance through a voucher, certificate, or other form of indirect assistance under a program described in subsection (c)(4) may segregate government funds provided under such program into a separate account or accounts. If such funds are so segregated, then only the separate accounts consisting of funds from the government shall be subject to audit by the government.

“(3) Self audit.—A religious organization providing services under any program described in subsection (c)(4) shall conduct annually a self audit for compliance with its duties under this section and submit a copy of the self audit to the appropriate Federal, State, or local government agency, along with a plan to timely correct variances, if any, identified in the self audit.

“(k) Limitations on Use of Funds; Voluntariness.—No funds provided through a grant or cooperative agreement to a religious organization to provide assistance under any program described in subsection (c)(4) shall be expended for sectarian instruction, worship, or proselytization. If the religious organization offers such an activity, it shall be voluntary for the individuals receiving services and offered separate from the program funded under subsection (c)(4). A certificate shall be separately signed by religious organizations, and filed with the government agency that disburses the funds, certifying that the organization is aware of and will comply with this subsection. No direct funds shall be provided under subsection (c)(4) to a religious organization that engages in sectarian instruction, worship, or proselytization at the same time and place as the government funded program.

“(l) Effect on State and Local Funds.—If a State or local government contributes State or local funds to carry out a program described in subsection (c)(4), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

“(m) Treatment of Intermediate Grantors.—If a nongovernmental organization (referred to in this subsection as an ‘intermediate grantor’), acting under a grant or other agreement with the Federal Government, or a State or local government with Federal funds, is given the authority under the agreement to select nongovernmental organizations to provide assistance under the programs described in subsection (c)(4), the intermediate grantor shall have the same duties under this section as the government when selecting or otherwise dealing with subgrantors, but the intermediate grantor, if it is a religious organization, shall retain all other rights of a religious organization under this section.

“(n) Compliance.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action for injunctive relief pursuant to section 1979 against the State official or local government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for injunctive relief in Federal district court against the official or government agency that has allegedly committed such violation.

“(o) Training and Technical Assistance for Small Nongovernmental Organizations.—

“(1) In general.—From amounts made available to carry out the purposes of the Office of Justice Programs (including any component or unit thereof, including the Office of Community Oriented Policing Services), funds are authorized to provide training and technical assistance, directly or through grants or other arrangements, in procedures relating to potential application and participation in programs identified in subsection (c)(4) to small nongovernmental organizations, as determined by the Attorney General, including religious organizations, in an amount not to exceed $50 million annually.

“(2) Types of assistance.—Such assistance may include—

“(A) assistance and information relative to creating an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 to operate identified programs;

“(B) granting writing assistance which may include workshops and reasonable guidance;

“(C) information and referrals to other nongovernmental organizations that provide expertise in accounting, legal issues, tax issues, program development, and a variety of other organizational areas; and

“(D) information and guidance on how to comply with Federal nondiscrimination provisions including, but not limited to, title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Fair Housing Act, as amended (42 U.S.C. 3601 et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681–1688), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 694), and the Age Discrimination Act of 1975 (42 U.S.C. 6101–6107).

“(3) Reservation of funds.—An amount of no less than $5,000,000 shall be reserved under this section. Small nongovernmental organizations may apply for these funds to be used for assistance in providing full and equal integrated access to individuals with disabilities in programs under this title.

“(4) Priority.—In giving out the assistance described in this subsection, priority shall be given to small nongovernmental organizations serving urban and rural communities.”.

TITLE III—INDIVIDUAL DEVELOPMENT ACCOUNTS

SEC. 301. ADDITIONAL QUALIFIED ENTITIES ELIGIBLE TO CONDUCT PROJECTS UNDER THE ASSETS FOR INDEPENDENCE ACT.

Section 404(7)(A)(iii)(I)(aa) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

“(aa) a federally insured credit union; or”.

SEC. 302. INCREASE IN LIMITATION ON NET WORTH.

Section 408(a)(2)(A) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking “$10,000” and inserting “$20,000”.

SEC. 303. CHANGE IN LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.

Section 410(b) of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

"(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than $500 from a grant made under section 406(b) shall be provided per year to any one individual during the project.".

SEC. 304. ELIMINATION OF LIMITATION ON DEPOSITS FOR A HOUSEHOLD.

Section 410 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 305. EXTENSION OF PROGRAM.

Section 416 of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "2001, 2002, and 2003" and inserting "and 2001, and $50,000,000 for each of fiscal years 2002 through 2008".

SEC. 306. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TEXT.—The text of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "demonstration" each place it appears:

(1) Section 403.
(2) Section 404(2).
(3) Section 405(a).
(4) Section 405(b).
(5) Section 405(c).
(6) Section 405(d).
(7) Section 405(e).
(8) Section 405(g).
(9) Section 406(a).
(10) Section 406(b).
(11) Section 407(b)(1)(A).
(12) Section 407(c)(1)(A).
(13) Section 407(c)(1)(B).
(14) Section 407(c)(1)(C).
(15) Section 407(c)(1)(D).
(16) Section 407(d).
(17) Section 408(a).
(18) Section 408(b).
(19) Section 409.
(20) Section 410(e).
(21) Section 411.
(22) Section 412(a).
(23) Section 412(b)(2).
(24) Section 412(c).
(25) Section 413(a).
(26) Section 413(b).
(27) Section 414(a).
(28) Section 414(b).
(29) Section 414(c).
(30) Section 414(d)(1).
(31) Section 414(d)(2).

(b) AMENDMENTS TO SUBSECTION HEADINGS.—The heading of each of the following provisions of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "DEMONSTRATION":

(1) Section 405(a).
(2) Section 406(a).
(3) Section 413(a).

(c) AMENDMENTS TO SECTION HEADINGS.—The headings of sections 406 and 411 of the Assets for Independence Act (42 U.S.C. 604 note) are amended by striking "**DEMONSTRATION**".

SEC. 307. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this title shall apply to funds provided before, on or after the date of the enactment of this Act.

(b) PRIOR AMENDMENTS.—The amendments made by title VI of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) shall apply to funds provided before, on or after the date of the enactment of such Act.

The SPEAKER pro tempore. Pursuant to House Resolution 196, the gentleman from New York (Mr. RANGEL) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have an opportunity here to review a very important piece of legislation. As relates to the tax portion of this bill, I do not think anybody would believe that allowing a taxpayer to deduct $25 cap or $50 for a couple is enough incentive, or that incentive is necessary. But this is politics as usual, and so we are prepared not to fight that. But the least we should do is to pay for these things. $13 billion, in the majority's point of view, is not a lot of money. After all, they have just passed a $1.3 trillion tax cut. But it would seem to me, Mr. Speaker, that if we are going to have a budget and we are going to try to stay within the four corners of that budget, the least we could do is to try to pay for those things.

Mr. Speaker, I yield 15 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and I ask unanimous consent that he be allowed to further allocate the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. MCDERMOTT), and I ask unanimous consent that he be allowed to further allocate the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield 15 minutes of my time to the gentleman from Wisconsin (Mr. SENSENBRENNER), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it rather interesting that during the debate on H.R. 7, that there were statements made about the tax portion of the bill, especially in terms of title I, almost rising to the level of derision on the amount of money that was provided to individuals who did not itemize their tax deductions. One gentleman called it nonsense in terms of what, on a bipartisan basis, we are doing in changing the Tax Code.

I do not know about you, but I have had some enjoyment watching, over these recent evenings, the programs on dinosaurs, "When Dinosaurs Roamed America," on the Discovery Channel. Frankly, some of the facts that have been mentioned on the program are staggering. For example, in referring to the sauropods which were the largest dinosaurs to roam America and they were herbivores, to give some understanding, I guess, of the size of these beasts, it was indicated that, on a daily average, they left about 2,000 pounds of fecal material.

I just pondered that fact, because in listening to my Democratic colleagues stand up and deride the tax portion of H.R. 7, I am fascinated to find that in their offering of their substitute, when they had a clean sheet of paper and, of course, if they deride the amount of money provided to nonitemizers, they certainly could have picked any number they thought was appropriate. If they thought those provisions to corporations were inadequate, they certainly could have picked any structure they wanted, and they are saying they are going to pay for their proposal, and, therefore, they had any amount of money that they chose to pay for any program they thought was appropriate for charitable giving.

Do you know what that clean, white sheet of paper turned into? It turned into word for word, sentence for sentence, paragraph for paragraph the charitable giving portion of H.R. 7. Yes, my friends. The substitute's tax portion is absolutely identical, notwithstanding all of their criticism of the majority's bill.

And so when I think back at that 2,000 pounds, I just wonder what Democratosaurus can produce. We have seen the first major installment.

For them to stand up and ridicule the charitable tax provisions in the bill and then turn right around and word for word incorporate them in the substitute certainly is a really big pile.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself a couple of minutes here.

The distinguished chairman of the Committee on Ways and Means certainly is an erudite speaker and I appreciate his great erudition on these matters.

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However, the gentleman knows that since he runs the House, he sets the rules. You would not let us have a clean amendment. You said, you have to do a substitute; and you have got to make it germane. You made it so tight, we did not have any way to do it but to use your stupid vehicle.

But we wanted to pay for it. If we could have added an amendment and simply paid for it, we would have done it, because we would have proven the hypocrisy of what has gone on on the other side.

You are offering this amendment, and you have broken the budget; and you are into Social Security, and you will not pay for this.

That is what the people need to understand. We are willing to pay for what we do. It will turn out in this vote that you are not. You are simply doing a PR exercise.

Everybody on the other side already has their press release ready: "Today we gave a charitable choice to every American. They can participate." It is an empty sack.

Mr. Speaker, I yield 1¼ minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as a person that strongly believes that our religious and faith-based organizations have an important and vital role in potentially helping us solve problems, particularly for the poor, I rise in opposition to the underlying bill.

Thomas Jefferson wrote: "Politics, like religion, hold up the torches of martyrdom to the reformers of error."

The reformers of error in this instance are the authors of this bill, and they are so for two reasons: we have a very important separation, a wall, a separation of church and State in this country; and, instead of breaking it down, they are tunneling under it.

On page 45 of their bill, instead of having money go directly to these institutions, we can use vouchers or certificates or other forms of reimbursement. We have rejected vouchers to our public schools; we should reject vouchers to our houses of private worship.

Finally, Mr. Speaker, on the tax cut: I voted for a tax cut, a $1.3 trillion tax cut. This one is $13.3 billion. We just had $40 billion evaporate from the surplus in one month. We should not vote for more tax cuts in this body until we know what that surplus is going to be like.

So on constitutional grounds and fiscally responsible grounds, we should reject this underlying bill and support the substitute.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us revisit the comments made by the gentleman from Washington, that he was required to utilize exactly the same tax provisions.

Now, that is simply factually false. He could have changed the dollar amount to 50, 100, 250, 1,000. For him to wring his hands and say he was required to follow exactly to the word the majority's tax provisions is to simply say that the Demosaurus pile grows and grows.

Mr. Speaker, it is my privilege to yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in opposition to the substitute and in support of the bill as it stands. The Community Solutions Act is just that. The Community Solutions Act is designed to aid organizations that aid communities.

This is not a jobs bill. I repeat, this is not a jobs bill. This is designed to give more resources to the organizations who know their communities, the organizations who are driven by faith and charity to help people in communities who need help. It is not designed to create a bunch of new jobs. In fact, hopefully, the only people who will take any jobs that may be created by this bill are those who are motivated by charity. These jobs will not pay lots of money.

The goal here is to help people. The goal here is to allow those who have been helping people for years to get a few more resources from the Government to do an even better job than they do now.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, America is the greatest country on the face of the Earth, and in part it is because of the inspiration that our Founding Fathers had in the drafting of the Constitution and the promulgation of the first 10 amendments: "We hold these truths to be self-evident."

The gentlewoman says this is not a jobs bill, and she is correct. This is a bill about doing what our faiths tell us to do: lifting people up, reaching out to them, helping them. My party believes in that. I think the other party does as well.

I was a Jaycee. The Jaycee creed starts with these lines, that faith in God gives meaning and purpose to life.

I am a Baptist. There are many faiths represented in this body. I am also from Maryland. In April of 1649, Maryland passed an act on religion, now known as the Act on Toleration. It was one of the first statutes in these colonies that said we were going to make sure that the State did not infringe upon religion. Why? Because the Calvert family was Catholic, and the majority of the colony was Protestant, and they wanted to make sure that the Government did not infringe upon the right to practice their religion, which is, of course, why they came to these colonies.

This is a fundamental issue. That is why this substitute is so good, because among those principles that we hold dear in America and the reason we are so great is because we do not believe in discrimination, knowing full well that some practice it, but that discrimination is not one of those truths that we hold self-evident.

In the fifties and sixties and throughout our history, men and women have died for that principle. Let us have the courage to vote for that principle. Vote for this substitute and vote against the underlying bill.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, first I want to praise the chairman of the Committee on Ways and Means for his ability to work his contributions within the budget context. We would have all preferred to go to $500, but he has taken a stair-step method that enables people who do not take large tax deductions to take the small increments that many small churches were asking us to do.

It is appalling that Members have stood on this floor and mocked those who do not have large resources, but who would like to contribute to their local resources. I praise the gentleman for his effort.

But I think it is also important to make clear today that in fact we are not looking just to protect religious liberty in this bill; but the way it has been debated on this floor, it would repeal religious liberty that has stood for many years.

For example, if we make religious liberty subject to State and local laws, contractual provisions that prohibit a religious organization from maintaining its internal autonomy, which is not true currently, could be used to require religious health services to distribute condoms. If we repeal the religious liberty amendment and make it subservient to State and local laws, it is a slippery slope for other issues such as Medicaid, where it could require Catholic hospitals to perform abortions. This has huge ramifications in our society, if you make religious liberty subject to State and local laws.

Religious liberty. We are in a very difficult area. It is a very uncomfortable area to debate, whether people of faith who have had centuries of positions on difficult issues like homosexuality, or other churches that may or may not, for example, have male nuns or female priests, whether they have to, in order to participate in any government program, lose their religious liberty.

It will have a chilling effect not only on what could be done, but we are looking at reach-back provisions here if we start to apply this standard on what we are already doing in the AIDS area, where many churches have reached out over the years and have never been told before that suddenly they have to change their internal structure of their church to be eligible for government money. We are heading down a very slippery slope if we repeal religious liberty in America.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, on page 40 of H.R. 7 is the very crux of why we believe that this is a particularly pernicious, pernicious, amendment. A young lady comes walking along, and suppose her purse falls and something pops out of the purse. Lo and behold, it is birth control pills. Under this piece of legislation, if that particular religion does not accept forms of prevention, that woman could be fired on the spot because they do not accept it. You tell me where it is she is protected in this legislation?

In the early days of the Bush administration, the Office of Faith-Based Initiatives was created with the great idea that religious community-based organizations are the best source of social services.

I support the Rangel-Conyers-Frank-Nadler-Scott substitute. I was the mayor of Paterson before I came to the Congress, a city whose residents rely on exactly the social programs this legislation is designated to help. Believe me, my city counted on these social services, nonprofit organizations, many of them religiously affiliated, to supplement the city, State and Federal programs that already exist.

But as a former mayor, as a former State legislator, I have grave reservations about the number of provisions in the Community Solutions Act which would supersede State and local civil rights laws and, in essence, allow religious institutions to discriminate, despite receiving Federal dollars.

The Rangel substitute corrects every inequity and every discriminatory possibility. It recognizes the unique contributions of religious organizations to the community. Unlike the base bill, this amendment not only creates a new program, but it also pays for the program.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip of the House of Representatives.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I come to this debate today in a very solemn mood, but a very excited mood at the same time, it is kind of a conflicting emotion, because this is the beginning of a debate that we have been looking for for a long, long time; in fact, my entire adult life. This is the beginning of a very real debate in this country over two very distinctly different world views.

For 40 to 50 years, we have had the world view, as exemplified by the opposition all day long today, a world view that has been going on for 40 or 50 years, and that world view basically is man can build Utopia, and what can undermine that building of Utopia is bringing God into the mix. So they have spent 40 to 50 years getting God out of our institutions, and they have fought very long and been very successful at it.

Yet now we have a President that comes along and says, no, faith is important; what you believe is important. What you believe is what you are, and we need to bring it back in, because the world view that says we are going to build Utopia by building huge government to do everything for you, faith does not have to enter into it.

Do you know what the result of that is? Look at what has happened over the last 40 or 50 years to the culture, the fabric of the culture of this country. I do not have time to list it here, but we all know what I am talking about. The culture, very fabric has been ripped apart, the culture of this country.

Now we want to bring it back in, and part of rebuilding that culture is faith, faith in something bigger than yourself, and that, to many of us, is God; and we want to bring God back into it. But they want to continue to discriminate against those that want to bring in faith-based institutions, that have proven to be successful.

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Right in my own district, Chuck Colson's Prison Fellowship took over an entire prison on faith. Do we know what the recidivism rate of that prison is? Mr. Speaker, it is 3 percent. Because we know that changing the heart and mind and soul of men through faith is how they are changed.

That is what we are talking about here. It is more fundamental than the petty arguments that we have heard here today. This is vitally important, the future of our country and the rebuilding of our culture. We must pass this bill without amendment. Vote for the bill and against the substitute.

Mr. McDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, 40 or 50 years, I would tell the gentleman from Texas (Mr. DELAY), indeed, 200 years and plus, because some of us think that just maybe our Founding Fathers, Mr. Jefferson and Mr. Madison and all those that played a role in our Bill of Rights, may have known just slightly more than the greats of today such as the gentleman from Texas (Mr. DELAY), Mr. Gingrich, the gentleman from Texas (Mr. ARMEY), and the gentleman from Illinois (Mr. HASTERT). Perhaps they understood the role, the important and vital role that religion would play in our society, and they would also recognize that we do not need government interfering with it. We do not need government funding it.

Indeed, that is why hundreds of religious leaders, who are doing innovative work—enriching and changing lives across this country, have opposed this bill. Because they are doing their good deeds, they are living their faith and their religion, and they do not even need the gentleman from Texas (Mr. DELAY) and the gentleman from Illinois (Mr. HASTERT) to come in and pass a bill to let them do it.

Today is a referendum on discrimination. We will have a vote today on which the Members of this House will have an opportunity to say whether they want to spend Federal tax dollars to encourage discrimination in employment or not. And the second matter, the ultimate faith-based initiative today is on the issue of fiscal responsibility.

Mr. Speaker, these Republicans are draining the Medicare Trust Fund as quickly as they can turn the spigot. And when they get through emptying it, they are moving next to the Social Security Trust Fund. That is why rather than remaining true to recent Republican pledges to "lockbox" Medicare, The Director of the Office of Management and Budget calls the Medicare Trust Fund "a fiction," Indeed, the real fiction is the claim that Republicans can provide tax breaks like this and maintain any sense of fiscal responsibility.

If we think that the gentleman from California (Mr. THOMAS) can keep coming in here, week after week, with one special interest tax break after another, today for those that helped in getting out the Republican vote last year in certain parts of the religious community, and next week with the breaks for the oil, gas industry nuclear and coal industries, if we think that he can provide all of those tax breaks and not pay for or provide offsets for a single one of them without invading the Medicare Trust Fund and the Social Security Trust Fund, Mr. Speaker, if we think he can accomplish that, we are really investing the ultimate faith-based initiative.

Mr. THOMAS. And the Democrats' sorrow pile grows and grows.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, not every human need and social problem requires a government program. There are many charitable, nongovernmental, nonprofit, humanitarian and faith-based programs that work, that are very effective. President Bush has recognized the power of faith-based organizations, and he has challenged America to harness this power. He points to groups like Teen Challenge that operate in Pennsylvania for over 40 years. It has an 86 percent success rate in drug and alcohol rehab, and they track their graduates for 7 years after they graduate. The government programs we fund have a 6 to 10 percent success rate. Clearly, there is a difference.

President Johnson waged a war on poverty. We have declared a war on drugs. We have not won those wars. That is because the real problems of this country are not money problems, they are problems of the spirit. Government cannot create a work ethic or make people moral or make people love one another or pray, renew communities. Government cannot address the basic problems which are problems of the spirit, and these faith-based programs can. Let them have a place at the table with their conscience.

Mr. McDERMOTT. Mr. Speaker, I yield 10 seconds to the articulate gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, there is a flaw in several of the things we have heard. The bill specifically says we cannot have a religious and theological content in the program. Those who say that the importance is to use religion to improve people's lives have not read the bill.

Mr. McDERMOTT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, religious institutions have always played a vital role in serving the needs of society's most vulnerable members, our children, the poor, the disabled, the dispirited, not out of a motivation for public funding but driven by the beneficent dictates of their faith. That work goes on. It must go on. I applaud the administration for the desire to further this goal.

But this bill is not the way. Providing Federal funding directly or indirectly through a massive multi-billion dollar voucher program, practically without restriction, for religious or nonreligious activities related to the delivery of social service runs squarely into conflict with our Constitution.

Why does that matter? Perhaps the Founding Fathers got it wrong. Because there should be no separation of church and State. Perhaps the Founding Fathers were simply antagonistic to religion. No, they were not. The right of free exercise of religion and against the establishment of religion protected in our Bill of Rights are intertwined rights. They are inseparable. Allow the establishment of religion, and we do away with the free exercise of religion. Allow the excessive entanglement of church and State as represented in this bill, and we do not serve church or State.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I think all of us should reflect a little bit and realize that four bills were signed by President Clinton that had charitable choice in them and they passed overwhelmingly. I suspect that a lot of people that are debating this voted for those bills, because they passed 345 to whatever was left.

Proponents of the idea to substitute their own bill always talk about our bill violates the first amendment, and this is a very relevant question. It demands some serious consideration. Those who support the idea that they want to put in another bill because ours violates the first amendment do so because they believe in the first amendment, but we all do. The Constitution provides, "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof."

But this charge is twofold. The first amendment provides that the government cannot establish one religion or a religion over a nonreligion. But it also, I say to my colleagues, provides that the government shall not prohibit the free exercise of religion.

This is a very important point and the purpose of our bill. With some constitutional concerns in mind, we must make certain to allow members of organizations seeking to take part in government programs designed to meet basic human needs and ensure that capable and qualified organizations not be discriminated against on the basis of their religious views.

So charitable choice makes clear that existing Federal law providing for the Federal provision of social services should not be read to exclude. One cannot exclude faith-based organizations solely on the basis of their beliefs.

So I would conclude, Mr. Speaker, to point out that what we are trying to do is exercise freedom of religion, and that is what charitable choice does.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

This amendment was put out here for a very simple purpose. The Republicans have been acting like they had a $500 bank account and they were going to write ten $100 checks; and that is what the Committee on Ways and Means Chairman led by the Committee on Ways and Means Republicans has done, over and over again.

We received a letter from the gentleman from Iowa (Mr. NUSSLE) on July 11 that said that the surplus remaining was $12 billion. Now, the President has yet to submit a defense request to us. The lowest estimate anybody has heard is that he wants $10 billion. So if we just imagine taking 12 and subtracting 10, we now have $2 billion left in surplus, and so then we are almost into Social Security and Medicare. Okay?

Now, we also have stuff coming out of the CBO and the Committee on Joint Taxation telling us that the economy has slowed down and the revenue estimates are going down. A very conservative estimate of how far down they have gone is $20 billion. Now, remember, we have that $2 billion left, we subtract another 20, we are $18 billion into the surplus in Medicare.

Mr. Speaker, I do not know how many times I have heard people come out and say, we are going to put a lockbox on these funds. By God, we are going to put a lockbox on this, on Social Security, and lock up all that Medicare.

Right here, before we pass this foolish bill, we are already $18 billion into the Medicare money. Now we have another $13 billion here. So now we are up to $31 billion, and next week we are all going to get a chance to come out here and pass a bill about energy cuts. I have forgotten what that one is. I think it is $33 billion. And we know that $500 checking account that we wrote $1,000 worth of checks on, we are going to write about $5,000 worth of checks by the time we are done. We are bankrupt, unless we go into Social Security and Medicare.

Now, we can do all the dancing we want out here and talk all about the issue of the first amendment. I mean, people are acting like somehow we cannot fund social services done by faith-based groups. As I said earlier, that is nonsense. Catholic charities, Jewish Charities, Lutheran World Service, on the list goes, the Salvation Army, the whole works, they all have tremendous amounts of Federal money, and they follow rules. And that section of this bill that wants to take away the rules or start bending the rules is going to wind up with people facing indictments. We are going to have ministers who think they can come down here to the government, get a bag full of money and go home and do whatever they want with it, and they are going to wind up being indicted.

Now, we had one of our colleagues, some of my colleagues may remember, runs a great, large church, and he spent a lot of money defending himself against the charge that he was spending Federal money in a religious way. He ultimately won, but we are going to see that this is not a free bag of money to just go and take for church leaders to take home and do whatever they want with. The Supreme Court, the district courts, the courts of appeal have been clear on this issue.

The gentleman from Texas acts like the country started when the Democrats were picking up the pieces after the Republican debacle of the 1920s. This country spent 200 years with a separation of church and State. It does not need this bill, and it is fiscally absolutely irresponsible.

Mr. THOMAS. Mr. Speaker, I yield myself 10 seconds. The Democrats' pile of sorrows grows and grows. The bank that the gentleman described existed only when the Democrats controlled the House of Representatives and ran a bank that did just exactly what the gentleman described.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

It is interesting that speaker after speaker today on both sides of the aisle has begun his or her remarks by citing some faith-based organization back in his or her own district that is doing such a wonderful job and then talking about how incredibly supportive they are of those organizations. Yet, with their substitute and with their attacks, the opposition would add burden after burden on these very organizations. In fact, the last speaker would scare faith-based organizations to make sure that they do not take advantage of this law. Worse yet, some of them, some of them would like to remove the religious exemption that these organizations have enjoyed for years and which has been upheld by this body and the United States Supreme Court.

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But remember this, the first amendment to the Constitution says that government shall not establish a religion, but it also requires us to honor religious liberty. We have done so for years. We have done so in the years since charitable choice. Some here today would delete that exemption.

Mr. Speaker, maybe we should have that debate on the floor of this House, but that is not the debate today. This is not about scaring faith-based organizations, this is not about putting burdens on them, this is about turning them from rivals in the minds of too many people to partners.

America is hurting. America has needs. America has challenges. Neighborhood after neighborhood has challenges. There are organizations in these neighborhoods ready and willing to make a difference. We should stand by their sides. We should extend a helping hand. If we do this, we can win the war on poverty. We can change America for the good.

I ask my friends to oppose this substitute amendment, support this bill, and let us get it to the President's desk.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to say to my good friends on the left, gee, whiz, they must have trouble sleeping. Since 1996, this basically has been the law, that charitable institutions, faith-based institutions, can participate in welfare distribution, welfare services.

Now all we are doing is saying two things, that we want to expand that eligibility to say that faith-based institutions who are delivering social services, like job training, like drug addiction, like feeding the hungry, that they can participate in grants.

I know Members are very, very proud of the great job that the government has been doing since the War on Poverty. We have only spent billions and billions of dollars, and the poverty level has not decreased.

What we are saying is, let us think outside the box. Let us expand it. Let us let faith-based institutions get in there.

The second part, which is very important, is let people have a charitable contribution deduction on their taxes to encourage more giving to charity. We think this is important.

I know that the left, and I want to say the Washington left, because I want to say to my Democrat friends back home, all the Democrats back home support this. The traditional liberals back home think this is a good idea. I would be very careful before I listen to my Washington friends.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield the remainder of my time to the gentleman from South Dakota (Mr. THUNE).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from South Dakota (Mr. THUNE) is recognized for 15 seconds.

Mr. THUNE. Mr. Speaker, as we close this debate, I would like to say that I had the opportunity last April to travel around my home State of South Dakota and visit a few of the hardworking local charities that would benefit from this legislation.

I am continually amazed by the kind hearts of the neighborhood saints who work and volunteer at these organizations day in and day out. These folks serve the poor, the weak, and the victimized.

We need to support this legislation, because these organizations can make a difference in people's lives. We need to defeat the Democrat substitute and pass H.R. 7.

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that the gentleman from New York (Mr. NADLER) be allowed to manage the 15 minutes allocated to the Committee on the Judiciary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it is unfortunate that we have been forced by the Republican leadership to consider many of the principle problems with this bill in one substitute amendment. It would have been better to have an open debate on separate amendments, but that might have been proven embarrassing.

Therefore, we have this substitute, which does several things. It prohibits employment discrimination and preemption of State and local civil rights laws with Federal funds, it provides offsets for the costs of the bill, it deletes the sweeping new provisions permitting agencies to convert more than $47 billion in government programs into private vouchers without congressional review, and it protects participants from religious coercion.

If Members do not believe in employment discrimination and if they support the civil rights laws of their community, they should vote for the substitute. If Members are concerned about the administration having unfettered discretion to turn billions of dollars of social services into vouchers without any congressional review, they should vote for the substitute.

If Members think that the charitable deductions established in this bill should be paid for by a slightly lower tax cut to the very wealthy, rather than by raiding the Social Security and Medicare trust funds, they should vote for the substitute.

If Members are fiscal conservatives and think tax cuts must be paid for, they should vote for the substitute.

If Members believe that the most vulnerable members of our society should be free from religious coercion when they seek help, then they should vote for the substitute.

Some Members may want the substitute to do something more or may wish the substitute did not do something that it does. But if Members are concerned that this bill is flawed and want to make their concerns known, they should remember that their choice is between the substitute and the bill. If Members do not vote for the substitute, they should not delude themselves into believing the concerns will be addressed down the road.

If the Republican leadership of the House thinks they can muscle this flawed legislation through the House, they will not pause to repair the terrible flaws later.

Members should vote for the substitute if they have any of these concerns. I urge my colleagues to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to the substitute. It not only removes key provisions of the bill, but it denies religious organizations civil rights protections they currently enjoy.

Make no mistake about it, the substitute is a radical retrenchment of current law which flies in the face of a unanimous Supreme Court which upheld religious organizations' exemption from title VII, even when they perform social services that contain no religious worship, instruction, or proselytization.

One of the most important charitable choice principles is the guarantee of institutional autonomy that allows faith-based organizations to select staff on a religious basis. H.R. 7 preserves this guarantee and is supported by no less a civil rights leader than Rosa Parks. She has said that H.R. 7 is an important response to urban America in its reduction of discriminatory barriers currently suffered by many grass roots churches who are unable to access funding for educational and social welfare programs.

Now, if churches are allowed to compete for Federal social service funds, they must be able to remain as churches while doing so, and being able to hire those of the same faith is absolutely essential to being a church.

Even former Vice President Al Gore during his campaign, and in a speech to the Salvation Army, said that, "Faith-based organizations can provide jobs and job-training, counseling and mentoring, food and basic medical care. They can do so with public funds, and without having to alter the religious character that is so often the key to their effectiveness."

Again, the only way a church can retain its religious character is if it can hire staff with those who share the same faith.

In addition, the small churches of America will often be providing the social services covered by H.R. 7 with the same staff they currently have. That staff likely shares the same religious faith.

The substitute would make it impossible, impossible for these small churches to contribute to Federal efforts against desperation and hopelessness, and it is precisely these small churches that H.R. 7 intends to welcome into that effort.

Section 702 of the Civil Rights Act of 1964 has for decades exempted private nonprofit religious organizations engaged in both religious and secular nonprofit activities from title VII's prohibition on discrimination in employment based upon religion. The Supreme Court, including Justices Brennan and Marshall, upheld this exemption in the Amos case:

"Section 702(a) is not waived or forfeited when a religious organization receives Federal funding. No provision of section 702 states that its exemption of nonprofit religious organizations from title VII's prohibition on discrimination in employment is forfeited when a faith-based organizations receives a Federal grant," but the substitute would do just that, and change current law.

The portion of the substitute that says that no Federal funds can go to an organization that engages in sectarian instruction, worship, or proselytization at the same time and place as a government program is fatally unclear. Does it mean that no sectarian activities can occur anywhere in a church when only the church basement is being used to run a life-skills class under a covered Federal program? If two rooms in the church are being used to shelter a battered spouse, does the rest of the church have to cease all religious functions?

The substitute contains language that may say yes to those questions. Inner-city churches in low-income neighborhoods simply cannot afford to set up duplicate facilities to run these social service programs. The substitute punishes small churches, particularly those in poor neighborhoods that cannot and should not have to set up two different buildings to take part in Federal social service programs.

Regarding the indirect funding language of the bill, the Supreme Court approved indirect funding as a way to much reduce church-state separation as far back as 1983 in Mueller v. Allen and in Witters v. The Washington Department of Social Services to the Blind in 1986.

Subsection l in H.R. 7 is about more than vouchers, which is just one type of indirect funding mechanism. It is not necessary that a beneficiary actually be handed a piece of paper called a voucher and carry it to the point of service.

According to the Supreme Court, indirect funding is where a beneficiary has genuine choice of social service providers; where the exercise of that choice determines which provider ultimately receives the funding, because the beneficiary decides where the funding goes and not the government.

The Supreme Court has said that the government's responsibility stops with the beneficiary. Therefore, whether the funds end up in a secular or religious group is a matter of private choice, and the establishment clause does not regulate private choices.

The minority party complains of hazards of church-state separation with H.R. 7. When the majority proposes subsection l, which would alleviate all these first amendment concerns of entanglement, and threats to the autonomy of the faith-based organizations, they object to the perfect solution to their complaints.

The minority also acts like indirect funding is a new and untested idea. We have been living with the child care development block grant act since late 1990. With this act, the Federal Government has been funding services provided by churches via indirect aid, which provide over 40 percent of the indigent day care in this country.

It has resulted in no problems. Indeed, none of the radical separationist organizations have dared to even file a lawsuit to challenge this act.

It is not just day care that can be funded by indirect aid. Alcohol and drug rehabilitation centers can also work in this manner. The State and local government determines who meets the qualifications for these services, and counselors work with qualified individuals to look over the centers available in his or her community. The individual makes a choice, and a call is made affecting a referral. The beneficiary goes to the rehab center and is enrolled. Then the center notifies the State, and checks are sent each month that the services are rendered to that beneficiary.

Subsection l is also narrowly drafted. A cabinet level Secretary does not have carte blanche. No program can be shifted to indirect aid without three requirements being met: one, it must be consistent with the purpose of the program; two, it must be feasible; and three, it must be efficient. This discretion can be challenged under the administrative procedure act.

For all these reasons, I urge my colleagues to oppose the substitute.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself 15 seconds to correct the misstatement of fact by the distinguished chairman who stated that churches can discriminate. They can, but not with Federal funds. This bill would allow them to discriminate with Federal funds. The motion to substitute would say they cannot.

Mr. Speaker, I will later include for the RECORD the letter from Rosa Parks saying she does not support discrimination with Federal funds.

ROSA & RAYMOND PARKS
INSTITUTE FOR SELF DEVELOPMENT,
Detroit, MI, June 26, 2001.

Hon. JOHN CONYERS, Jr.,
Ranking Member, House Judiciary Committee,
Rayburn House Office Building, Washington, DC.

DEAR JOHN: As you know, I support legislative efforts to enhance the ability of religious and other faith-based groups to receive government funding in order to respond to community problems.

I believe that helping grassroots churches access this funding can be fully consistent with our civil rights laws and the First Amendment This is why I want to express my support for amendments you plan to offer when the House Judiciary Committee considers H.R. 7 which would insure that government funds provided to religious organizations are not used to keep churches or other non-profits from working together for the betterment of us all. We do not want to change the 1964 Civil Rights Bill that we fought so hard to achieve.

Churches already know that they cannot use food or other services they may provide as an excuse to force people to accept their religious views, while using government funds. I am certainly in support of making sure that does not happen.

John, we have both spent our entire lives fighting against discrimination and in favor of the protections set forth in our Bill of Rights. The last thing we would want to do is permit H.R. 7 to be used to narrow the civil rights laws or to intrude on the First Amendment. It is my hope that adoption of these amendments will help broaden the bipartisan support for the bill and allow the measure to be quickly passed into law so that churches can increase their role in fighting poverty and other urban ills.

God bless you and your good work.

Peace and Prosperity,

ROSA PARKS.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise to speak in favor of this substitute. I believe it is a superior bill to deal with this very important problem.

I am saddened to stand before the Members in opposition to the language of the bill that is on the floor. In my view, this bill represents a missed opportunity to extend the good works of faith-based organizations.

I am a strong supporter of not-for-profit and faith-based organizations. I believe they provide tremendous help to people all over this country. They feed the hungry. They put roofs over people's heads. They tend to the most underprivileged in our society, the poorest members of our communities. They are vital to every community in America, and as forces for good in our society, they are simply irreplaceable.

But I do not believe that we should accept the premise of the legislation before us. I believe in the Golden Rule: "Do unto others as you would have them do unto you." I do not think that we should expand government support for institutions at the expense of fundamental civil rights and antidiscrimination protections for all Americans.

Millions of people, African Americans, Hispanic Americans, women, gays and lesbians, the disabled, people of all different faiths, enjoy more opportunity and equality because of the these laws.

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These are living, breathing parts of the American democracy, making a tremendous difference in people's everyday lives.

I believe the President's faith-based initiative rolls back these protections; protections which ironically our leading reverends and Rabbis and religious luminaries have fought for and won; protections which further the fundamental humanist principles of equality, individual liberty, and freedom.

The consequences of this bill, unintended or not, are that it will be easier for these important institutions to ignore fundamental State, local, and Federal antidiscrimination laws. Just last week, The Washington Post reported that the Bush administration had reached some kind of an agreement with the Salvation Army. In exchange for political support, the White House would consider exemption for the Salvation Army from local and State laws protecting gay Americans from discrimination. This was a sad development, and it indicates the kinds of problems this law creates for potentially millions of Americans in every corner of our society.

I am also concerned that the bill has a tax incentive that is not paid for, and a very small incentive that will have little or no effect on charitable giving. We continue to worry about going into Medicare and Social Security Trust Funds in this budget, and we should not pass new tax breaks without finding offsets so we do not invade these critical programs.

Finally, I think this bill violates the fundamental church-State separation that is still a fundamental principle of our democracy. This bill will invite government regulation of religious institutions; and through a little known loophole, it will invite government scrutiny of the allocation of government-wide vouchers, which will blur the line separating church from State, weakening our Bill of Rights.

In short, I do not think this bill is what the American people want, and I do not believe this is what the House of Representatives wants for our country. Americans enjoy the wonderful protections afforded by the Bill of Rights, the Civil Rights Act of 1964, and the countless critical civil rights laws at State and local level. They have made more freedom and more equality everyday reality in people's lives. I urge Members to vote for this substitute so that we can support faith-based institutions in ways that will not harm the people of this great democracy but will uphold the role of faith in our great and diverse Nation.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I would like to engage the author of the bill in a colloquy.

Many H.R. 7 supporters have questioned why this issue is suddenly being discussed, since the most recent version of the charitable choice signed into law last year included the following provision: "Nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or any regulation that relates to discrimination in employment." Is that not correct?

Mr. WATTS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Oklahoma.

Mr. WATTS of Oklahoma. Mr. Speaker, yes, that is an accurate characterization.

Mr. KIRK. H.R. 7, as currently written, does not include similar language prohibiting the preemption of State and local laws; is that not correct?

Mr. WATTS of Oklahoma. If the gentleman will continue to yield, yes, that is correct.

Mr. KIRK. If a State law prohibits discrimination based on a particular characteristic, and in a religious organization would ordinarily, based on State law, be required to comply with that law, would H.R. 7 change that situation in any way?

Mr. GREEN of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Wisconsin.

Mr. GREEN of Wisconsin. Mr. Speaker, yes, H.R. 7 would change this situation, in a particular instance. If a religious organization were to use funds where the State funds have been commingled with Federal funds, it could assert its right under subsection (d) and (e) of H.R. 7 against the enforcement of State or local procurement provisions that limited the religious organization's ability to staff on a religious basis.

Mr. KIRK. Mr. Speaker, reclaiming my time, I thank the gentleman from Wisconsin for that clarification.

Several constitutional lawyers have informed me that H.R. 7 would indeed change the existing situation. This is precisely where we seem to most disagree on the direction our policy should move in. I would hope that the gentleman from Oklahoma (Mr. WATTS) would commit to working with those of us who are concerned about this issue to craft language which would ensure that these organizations comply with State and local civil rights laws which exist in communities across the Nation.

The gentleman from California (Mr. DREIER) and several representatives of the leadership have expressed their desire to clarify this issue in conference.

Mr. WATTS of Oklahoma. If the gentleman will further yield, as sponsors of the bill, the gentleman from Ohio (Mr. HALL) and I are willing to make the commitment that we will more clearly address this issue in conference and with the gentleman as the process moves along.

Mr. KIRK. Mr. Speaker, I thank the gentleman.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, to be honest, on days like today, I am just saddened to be a part of this body. We bring bills like this to the floor and we scream at each other; and the truth of the matter is that there are wonderful, good people on both sides of this issue.

There are people, black and white, Republicans and Democrats, and I could use all of my time, who have spent their entire lives fighting against discrimination. Some of them are supporting this bill; some of them are opposing this bill. The ones who are supporting it, I believe, are supporting it because they believe that the benefits outweigh the detriment, and those who oppose it believe that the detriment outweighs the benefit. I happen to be in that latter category.

I have spent my entire life fighting against discrimination in every form, racial, religious, gender, sexual orientation, without exception; and I will not vote for a bill that sanctions discrimination in religion. And that is what this bill does.

Now, some of us can say that it is worth the price to do that, and I will respect a colleague who says that. But

I will not respect anybody who gets up and denies that the bill does not do that. Even the gentleman from Oklahoma (Mr. WATTS) acknowledged that right now he is going to work on it in conference.

The time to work on the bill is here, now, in the committee, in the House. And if it does not measure up, we should vote it down and support the Democratic substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. HASTERT), the distinguished Speaker of the House.

Mr. HASTERT. Mr. Speaker, I rise in support of the President's faith-based initiative and urge all of my colleagues to vote for it.

This is a bipartisan bill. I worked last year with President Clinton to do the urban renewal on a bipartisan basis. This idea is not new. When the urban renewal bill was moved last year, I think it almost had unanimous consent on both sides of the aisle.

Why, and why is this important? As we walked through this situation, and I kind of led the antidrug effort, at least on this side of the aisle for a couple of years before I got another job, we found that when we walked into drug treatment organizations that were usually government-run, we had recidivism rates of 95, 96, and 97 percent. When we walked into faith-based organizations to see what their results were, we had recidivism rates as low as 24 and 25 percent. It works.

When people care about people and offer their time and their faith and their hard work and their commitment and devotion to change people's lives, it works. Not only does it have the net result of changing people's lives, allowing people to live a better life, allowing their children and their grandchildren to live a better life, it is also one of the things that, as we look around here, is a little cost effective. If we have recidivism rates of 95, 96, and 97 percent and then turn around and have an answer where recidivism rates are a third of that or less than that, then that is a good idea. It is something we ought to look at.

I believe we need to put the protections in. We need to have the safeguards, and we are trying to do that. I think the good faith of the sponsor says he will do that.

This is a good idea. It is not a new idea. It is part of President Clinton's urban renewal that we did just last year. It is something that works, something that is eminently good common sense. So let us move forward with this. Let us pass it. Let us get it into the Senate. Let us work through the process. Let us lead. Let us do what is right for America.

I commend the sponsor and those who support it, and I appreciate the gentleman from the other side of the aisle, the gentleman from Ohio (Mr. HALL), who has worked on this as well. I have walked a lot of districts, both Republican and Democrat districts. I walked with the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. RUSH) in Chicago, and have talked to people who have been able to change people's lives. Let us give them a chance to do a better job.

Mr. NADLER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, there is virtual unanimity here on the goal the Speaker stated. We simply do not believe that to get the benefit of these decent well-motivated individuals who run the faith-based institutions that we have to give them the right to discriminate.

Now, we were told, well, there is probably a concession that there are parts of this bill that would allow too much discrimination, but they will be fixed in conference. It is funny, when I heard this was the faith-based bill, I thought they were talking about faith in God, not faith in the Senate. I think there is a lot less of that over here than of the other.

This bill clearly authorizes the preemption of State and local civil rights laws. What it says is with Federal money, doing purely secular activities, albeit motivated by faith, they can violate State and local laws. And if the money is commingled, if there is State money and local money, and they try to condition that money on their policies, the Federal money wipes that out. It also allows religious discrimination.

It seems to me to disserve the faith-based communities. It insults them to say that they can only go forward if they are allowed to violate otherwise applicable State law and discriminate on these grounds.

And let me address one absolute inaccuracy. The suggestion that we have heard, that the substitute and then the subsequent recommit, somehow will enact the National Gay Rights Bill, that is absolutely and completely and totally false. All this says is that where there are existing State, State antidiscrimination laws, and an organization would otherwise be covered by them, they are still covered. Federal money does not become the universal solvent. If an organization is in a State and they get Federal highway money, that does not exempt them from State laws. If they get Federal housing money, it does not exempt them from State laws.

Do my colleagues really think so little, those on the other side, of churches and faith-based institutions, and synagogues and mosques, as to think they will not do this faith-based charity unless they are given a special right to violate State laws and discriminate against people? I think we are the ones who truly show faith in them.

□ 1445

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I have heard a lot of interesting stories today. Some of the speakers, I think, have pointed out worst-case scenarios. These scenarios have never actually come about. They have never happened. We have voted on this four times in the Congress, and these worst-case scenarios have never happened.

This is about the little guy. It is about the man or woman that is helping the least and the lost of our society. It is about the small organization with a few employees, maybe two, three or four employees. It might be one person, the same person dishing out cereal in the morning. He is also the person that is leading the Bible class in the afternoon. He probably has got a jobs program late in the afternoon. At night, he is turning off the lights; and probably just before that, he swept the floor.

That is what it is about. This is not about a group of people that works 40 hours a week. It is about people that nobody ever heard of. Nobody ever knows them. They never see their name in the paper. They do not work 40 hours a week. They work 50, 60, 70 hours. They work because they love, and they work because of their faith.

Finally, I wanted say that we need to be careful. I especially say this to my Democratic colleagues: We dismiss and we discourage people of faith in this country with our words and our actions sometimes; and we almost, to a point, put out a sign that says you are not welcome in our party.

Vote against this substitute. Vote for this bill.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I certainly do not want to discourage people of faith. I want to encourage them. But that is not what this debate is about.

In fact, I am more confused now than I was before after listening to the colloquy between the sponsor of the bill and the gentleman from Indiana (Mr. HASTERT). We are going to work on this in conference. We are going to work on States' right. I thought we did that some 200 years ago. Whatever happened to States' rights?

It seems that devolution, that fundamental principle of the Reagan revolution is no longer operative.

I look at my friends on the other side of the aisle. The Contract with America which spoke so clearly about local control seems to have been discarded. Well, it is clear to me that States' rights in this Chamber are no longer in vogue today or with this administration, at least on this particular issue.

Remember, last week we learned that the Salvation Army had lobbied the

White House for a regulation exempting them from State and local laws to protect employees from discrimination based on sexual orientation. Then there was an uproar, and that effort was quickly abandoned.

Well, they will not need a regulation if this bill becomes law today as it is presently drafted because religious organizations will be able to evade State and local laws simply by receiving a Federal grant. They will be free to deny a job to qualified workers. We must not let this happen.

Support the substitute. Defend States' rights and defeat the underlying bill.

Mr. NADLER. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I agree with the sponsors and advocates of this bill. As we look around our communities, it is undeniable the best homeless facilities, drug treatment, even job training courses are not city and State run. They are run by churches and synagogues.

The supporters of this bill are right. We ought not rule out a compassionate program simply because it is motivated by a calling from God. I do not support those who believe that this bill is the handiwork of the radical right. This is the product of a very real desire to replicate the great works that are quietly and effectively working all throughout this Nation.

The gentleman from Ohio (Mr. HALL), the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) are decent and caring individuals who seek to do what is best.

I will vote yes on this bill if we can make a much improved bill and perfect it further.

First, let us restate what is the agreed-upon purpose of bill. Today, we vote to fund secular services in a nonreligious environment, no preaching, no proselytizing. It is right there in the bill. The bill, to its credit, makes that very clear. There is no reason to want to discriminate in hiring of a typing teacher or an after school art teacher. None of us would support such discrimination in these purely nonreligious environments.

We should guarantee that this discrimination does not take place.

To be clear, I strongly support Title 7 language of the Civil Rights Act of 1964. There is no reason to extend this protection to the programs we consider today.

Secondly, I ask the sponsors, why should the passage of this effort drag down local and State human rights and anti-discrimination laws?

It is ironic that many of the excellent and active religious organizations who support this bill were at the forefront of the laws that are being passed in the States and cities to protect the most vulnerable.

As a former city councilman, I share the chagrin so often expressed by my conservative colleagues about the way we frequently trample on carefully considered local laws. There is no good reason to do that in this bill.

When my colleagues advocate for the bill, I hear no good explanation for that preemption.

Finally, as I said, I do not agree with the theorists that this bill is a subterfuge for a sinister agenda. Some have called me naive in that.

Now after the bill was considered carefully and thoughtfully in two committees of this House, a new section was added which dramatically changes the way we administer virtually every social service program, every housing program, every anti-crime program by permitting a voucher-driven reorganization.

Mr. Speaker, this broad administrative change that impacts $47 billion of grant programs has no place in this bill.

Fortunately, I can and will vote for the Faith Based Initiative Bill today. I will be voting for the Rangel Conyers substitute which irons out the last of the wrinkles in this bill.

It ensures the best of the desires of this house—increased Federal funding for local religious based programs. And it makes it clear what we already know—there will be no discrimination in hiring.

It preserves state and local human rights laws. And it leaves the voucher debate for another day. Modest improvements that—if made—can make this a bill that unifies this body around the principles that unify this Nation.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I commend all those on both sides of the aisle who are trying to figure out a way to assist faith-based organizations. But I think, given the nature of the debate, we need to pay due to the devil, and the devil truly is in the details on this important subject.

Mr. Speaker, the unfortunate detail that I learned is that in the underlying bill it allows, it condones, it sanctions an employer to use tax-based money to hang out a sign saying we would like a drug therapist counselor, but no Jews need apply. That is wrong. It breaks faith with what Thomas Jefferson was so instrumental in giving to the world, which is tolerance for religious freedom. The separation of church and State is not because faith is only of small importance, it is because it is of great importance.

Vote for the substitute which helps faith-based organizations but keeps faith with the idea of religious freedom.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York (Mr. NADLER) has 2¼ minutes remaining, and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 3 minutes remaining. The gentleman from Wisconsin has one final speaker to close.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, a few moments ago when the Speaker of the House said this bill is not a new idea, the gentleman was absolutely correct. The idea of having tax dollars subsidize our churches and houses of worship was debated 200 years ago by our Founding Fathers. In answering that question, they felt so strongly about it that they not only put it into law, they embedded it into the first 16 words of the Bill of Rights, the proposition that religion in America is best served when we keep the hand of government regulation out of our houses of worship.

When supporters of the bill today say we voted on funding of subsidizing religious discrimination in the past and we voted to directly fund churches in the past, they fail to point out that most of those debates were at 1:00 a.m. or 12:30 a.m. on the floor of the House with only two or three Members here on a 20-minute debate. I know because I have one of those three Members.

Mr. Speaker, this bill was wrong at 1:00 a.m. in the morning, and it is wrong today. Direct funding of our churches was wrong 200 years ago, as evidenced by our Founding Fathers' writing of the Bill of Rights; and it is wrong today.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as Chair of the Congressional Black Caucus, I want to share with my colleagues that we have a unanimous vote to vote against this bill and to support the substitute. It should not be a surprise why. We all are victims of discrimination. We do not want to roll back the clock. We are recipients of faith-based leadership throughout our history. We are not afraid of faith-based organizations. We support them. We work with them.

All of the ministers who were brought here were snookered to think that they were getting something, until they found this clause in the bill.

Mr. Speaker, they unanimously decided that it was not worth rolling back the clock and codifying discrimination again in the year 2001. I would ask all of the Members to please support the substitute and vote down the main bill.

Mr. NADLER. Mr. Speaker, I yield 1¼ minutes to myself.

Mr. Speaker, churches have a role to play in the provision of social services, but Members should vote for the substitute to make sure that this bill does not establish employment discrimination with public funds, with preemption of State and local civil rights law, to make sure the bill provides offsets for the cost of the bill, to make sure that we protect participants from leadership coercion, and that we do not voucherize $47 billion worth of programs without congressional review.

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, and the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, for their efforts in getting this bill to the floor of the House today.

Mr. Speaker, let me clarify some things that have been said. We do not spend one dime of Social Security or Medicare money to pay for this bill. Nothing in this bill changes any of the civil rights laws. I, too, have been a beneficiary of civil rights law. We do not add or take away from the 1964 Civil Rights Act.

Mr. Speaker, we do not violate the artificial argument of church and State, because this bill is not about church or State. It is about people in the trenches every day having more resources to feed the hungry, to clothe the naked, to house the homeless, to help the drug and alcohol addicted.

This is not about funding faith. It is about people. It is about their hopes, their dreams, their ideas, their ambitions and, most importantly, their goodness. We do not fund churches, mosques, synagogues. We fund their compelling faith to assist those in need. This bill is about standing with people all over America who cannot afford to contribute to any of our campaigns. They cannot give money to some political party or political action committees. They just have a compelling love and a compelling faith to assist those people in their communities that need help.

□ 1500

We should work with them, not against those people in our legislative efforts.

It is fascinating to me the arguments that I have heard, and I too know of many black ministers who have fought for civil rights. Many of the black ministers who came here in April to the faith-based summit, they knew exactly what they were getting into. Just yesterday we got an endorsement letter from the Southern Christian Leadership Conference, an organization made up of many black ministers from around the country who stood in the civil rights effort. Rosa Parks, Catholic bishops, people from all walks of life, the Jewish community, all have supported this bill.

As the gentleman from North Carolina said, there are many people on both sides of this debate, both sides of the aisle, who are good people, who see the world differently, who say that we should allow all people that want to help, give them opportunities just to compete for the dollars. There is no preference. There is no set-aside. We just say faith-based organizations should have an opportunity to compete on a level playing field. Give them the opportunity to do what they do best. They do not get their names in the paper. They do not work a half a day. Yes, they work a half a day. They work the first 12 hours and somebody else works the other 12. They do not get their names in the paper, they do not get a lot of attention, they just love the people who have the same ZIP Code that they have in trying to meet their needs.

Vote "no" on the substitute. Vote "yes" on H.R. 7

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the Democratic Substitute for the Community Solutions Act as there are thousands of communities and millions of people in our country who have serious problems and are in need of real solutions.

I rise in support of this legislation, not because I believe that it is Panacea, I don't believe in one-stop cure-alls for the overwhelming magnitude of social, emotional, spiritual and economic ills which plague our society and are in need of every rational, logical, and proven approach that we can muster.

And yes, Mr. Speaker, I support this legislation because I have faith, faith in the ability of religious institutions to provide human services without proselytizing. I have faith in these institutions to organize themselves into corporate business entities to develop programs, to keep records, and to manage their affairs in compliance with legal requirements. I also have confidence in the ability of these institutions to magnify the Golden Rule, "Do unto others as you would have them do unto you."

I have listened intently to the issues raised by my colleagues who are concerned about legislation and I commend them for their diligence. I appreciate their concerns about charitable choice, ranging from discrimination to infringement on individual liberties.

However, charitable choice is already a part of three Federal social programs: One, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; two, the Community Services Block Grant Act of 1998, and is part of the 2000 Reauthorization of funding for the Substance Abuse and Mental Health Services Administration.

Each of these programs possess the overarching goal of helping those in poverty, or treating those suffering from chemical dependency, and the programs seem to achieve their purposes by providing resources in the most effective and efficient manner. The opponents of this legislation have expressed concern about the possible erosion of rights and protections of program participants and beneficiaries. (And rightly so, nothing could be more important). Therefore, I am pleased that the crafters of this legislation (the Democratic Substitute) have taken note and forthrightly addressed these concerns.

We must be aware of the fact that many people in poverty, suffer from some form of drug dependency. Alcohol, narcotics, and in some instances, even legalized prescription or over-the-counter-drugs.

Many of these individuals have been beaten down, have virtually given up, and have lost the will to overcome their difficulties.

It is in these instances and situations, Mr. Speaker, that I believe the Community Solutions Act can and will help the most.

It reminds us, Mr. Speaker, that poverty, deprivation and the inability to cope with anxiety, frustration, hopelessness is still rampart in our society. Take for example, if you will an ex-offender, unable to get a job, illiterate, semi-illiterate, disavowed by the ambiguities and contradictions of a sometimes cold, misunderstanding, uncaring or unwilling-to-help society, creates the need for something different; new theories, old theories reinforced, new approaches, new treatment modalities.

A preacher friend of mine was fond of saying that new occasions call for new truths, new situations make ancient remedies uncouth.

Well, I can tell you Mr. Speaker, the drug problem in this country is so overwhelming, so difficult to deal with, so pervasive . . . the Mental health challenges require so much, the abused, neglected and abandoned problems require psychiatrists, counselors, psychologists, well developed pharmaceuticals and all of the social health, physical health and professional treatment that we can muster, but I also believe that we could use a little Balm of Gilead to have and hold, I do believe that we could use a little Balm of Gilead to help heal our sin, sick souls.

After reading much of the material and listening to the debate, I am convinced that the activities covered and being promoted by this legislation are too broad to leave under the exemption of section 702 of the 1964 Civil Rights Act which allows religious institutions to make employment decisions outside the protection of section 703 dealing with race, color, religion, or national origin; and then in 1972, the Equal Employment Opportunity Act of 1974, which broadened the scope of section 702 and permitted religious institutions to make religion-based employment decisions in all their activities, rather than just religious ones.

While the Republican bill correctly addresses race, color, and national origin, it is regrettably silent on the question of sexual orientation; thereby leaving a loophole which I find totally unacceptable.

Mr. Speaker, I am told that the cost of drug abuse to society is estimated at $16 billion annually, in less time than it takes to debate this bill, another 14 infants will be born into poverty in America, another 10 will be born without health insurance, and one more child will be neglected or abused. In fact, the number of persons in our country below the poverty level in 1999 was 32.3 million.

This legislation recognizes the fact that we must commandeer and enlist every weapon in our arsenal to fight the war against poverty, crime, mental illness, drug use, and abuse as well as all of the maladies that are associated with these debilitating conditions.

The Democratic substitute for H.R. 7, the Community Solutions Act of 2001, can lend a helping hand.

Mr. Speaker, I rest my case and yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, when I was first elected to this body, if someone had told me that in the first year of he 21th century, the U.S. Congress would be on the verge of passing a bill making it lawful to discriminate with taxpayer funds, I wouldn't have believed them. I would have told them that too many had fought too long for us to backtrack in the battle against bigotry. Yet that is exactly what this bill does, and that is exactly what we are trying to undo with this Democratic substitute.

I am astonished the Bush Administration would fight so strenuously to extend the right to discriminate in employment on account of religion. If government funds truly will not be used in a non-sectarian manner—as the Administration claims—why in the world would we want to permit discrimination on the basis of religion? I've been asking this question for the last month, and have yet to receive any semblance of an adequate response.

Every Member in this body knows that cooking soup for the poor can be done equally well by persons of all religious beliefs. But the Administration has bent over so far backwards to make sure we do not discriminate against religious organizations, that somehow they forgot about protecting the actual people—the citizens—against discrimination.

This bill is so extreme it sanctions employment discrimination based on so-called "tenets and teachings." This means a religious organization could use taxpayer funds to discriminate against gays and lesbians, against divorced persons, against unmarried pregnant women, against women who have had an abortion, and against persons involved in an interracial marriage.

If you can believe it, the bill gets even worse. The legislation not only sets aside federal civil rights laws, it goes as far as to eliminate state and local civil rights laws. That means if the voters of a state or city had decided as a matter of public policy that organizations utilizing taxpayer funds should not be permitted to discriminate, that law would be set aside under H.R. 7. This turns the principle of federalism completely on its head.

We shouldn't be surprised that the civil rights community is so strongly opposed to the bill. Just last week, Julian Bond, the Chairman of the NAACP, declared H.R. 7 will "erase sixty years of civil rights protections." The NAACP Legal Defense Fund has written that charitable choice is "wholly inconsistent with longstanding principle that federal moneys should not be used to discriminate in any form." The Leadership Conference on Civil Rights has stated in no uncertain terms that charitable choice will "erode the fundamental principle of non-discrimination."

If our President really wanted to bring us together, he wouldn't push this legislation which so strongly divides this body and our nation. He would work with us on a true bipartisan basis to expend the role of religion in a manner that protects civil rights. We can begin this effort by voting yes on the Democratic substitute.

Mrs. MEEK of Florida. Mr. Speaker, I rise in opposition to H.R. 7, the so-called "Community Solutions Act", and in support of the Rangel-Conyers substitute. I recognize and commend our country's religious organizations for the critical role that they play in meeting America's social welfare needs. We need to support their efforts and encourage them to do even more, but not at the expense of our civil rights laws or our Constitution.

I cannot support legislation that allow religious organizations to discriminate in employment on the basis of religion, that preempts state and local laws against discrimination, or that breaks down the historic separation between Church and State. Nor can I support the massive expansion of the use of vouchers contained in H.R. 7, an expansion that would allow the Administration to convert $47 billion in social service programs into vouchers and allow the recipients of such vouchers to discriminate against beneficiaries of such programs on account of their religion.

We should never support such a subterfuge that would allow religious organizations indirectly to achieve what they could not do directly, that is, to use funds for sectarian instruction, worship, or proselytizing. We can never accept a return to the days where we see ads that read: No Catholics or no Jews need apply. We simply cannot allow it.

The Rangel-Conyers substitute is the right approach to involving faith-based organizations in federal programs. The substitute provides that religious organizations receiving federal funds for social programs could not discriminate in employment on the basis of an employee's religion; prohibits any provision in the bill from superseding state or civil rights laws; prohibits religious organizations who provide federally funded programs from engaging in sectarian activities at the same time and place as the government funded program; and strikes the provision in the bill relating to governmental provision of indirect funds.

While many of the advocates of H.R. 7 are very well-intended, this legislation is a good example of the devil dressed as an angel of light. H.R. 7 includes provisions that sharply attack one of the oldest civil rights principles—that the federal government will not fund discriminate by others. The bill would allow religious groups that receive federal funds to discriminate in their hiring practices—not just for workers that they hire to help carry out religious activities funded by private contributions, but for workers hired to perform secular work with government funding.

We're not talking here about a provision to insure that a church does not have to hire a Jewish person to be a priest or a Catholic to be a rabbi. We're talking about a provision that would allow a religious organization not to hire a janitor because of that person's religious beliefs. This is an outrage!

For decades, there has been an effective relationship between government and religiously affiliated institutions for the provision of community-based social services. These organizations, such as Catholic Charities, Lutheran Services, United Jewish Communities and numerous others, separate religious activities from their social services offerings, follow all civil rights laws, follow all state and local rules and standards and do not discriminate in staffing. There is no reason to remove these effective safeguards.

Mr. Speaker, let's keep our eye on the ball and focus on the real problem. What we really need is legislation to authorize additional dollars for social service programs and then fund these programs properly, not the Bush Administration's cuts in juvenile delinquency programs, in job training, in public housing, in child care, and in Temporary Assistance to Needy Families (TANF).

Mr. Speaker, we can and must do better than H.R. 7. Let's preserve our historic commitment not to allow religious organizations to discriminate in employment on the basis of religion and preserve our Constitution's religious protections. Support the Rangel-Conyers substitute. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 196, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. NADLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 168, nays 261, not voting 4, as follows:

[Roll No. 252]

YEAS—168

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX) .
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman

Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tanner
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—261

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Engel
Matsui
McKinney
Spence

□ 1530

Ms. GRANGER, Mrs. NORTHUP, Mrs. KELLY, Mr. BARTLETT of Maryland, Mr. HERGER and Mr. OBERSTAR changed their vote from "yea" to "nay."

Ms. RIVERS and Mr. HOLDEN changed their vote from "nay" to "yea."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 1530

The SPEAKER pro tempore (Mr. LaHood). The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conyers moves to recommit the bill H.R. 7 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

In title II, in the matter proposed to be inserted in the Revised Statutes of the United States as a section 1991—

(1) in subsection (e), strike the period after "effect" and insert ", except that no religious organization receiving funds through a grant or cooperative agreement for programs described in subsection (c)(4) shall, in expending such funds allocated under such program, discriminate in employment on the basis of an employee's religion, religious belief, or a refusal to hold a religious belief."; and

(2) insert after subsection (h) the following:

"(i) Local Civil Rights Laws.—Notwithstanding anything to the contrary herein, nothing in this section shall preempt or supersede State or local civil rights laws.

Redesignate succeeding subsections accordingly.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. Conyers) for 5 minutes in support of his motion.

Mr. CONYERS. Mr. Speaker, I say to my colleagues, we have had a very instructive discourse here today and quite revealing, I believe. As a result, this motion to recommit would simply safeguard the Federal, State and local civil rights laws as they presently exist.

Mr. Speaker, bigotry and discrimination have been, unfortunately, our Nation's greatest curse for more than 210 years, and we should never, ever knowingly adopt legislation which would in any way worsen the problem, as the measure before us clearly does. So to my friends on the Republican side who urge that we might have created a more narrow motion, I say to them just this: It is just as wrong for the bill to set aside State and local civil rights laws as it is for the bill to set aside Federal civil rights laws.

We need to fix both problems, and we need to fix them now and not in conference or some day later. So let us all of us stop trying to divide our Nation by religion, by race, by ethnicity, by sexual orientation. Let us pass a motion that I think most of us can agree on so we can increase the role of religion without trampling on our precious civil rights.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. Nadler), the ranking member of the subcommittee.

Mr. NADLER. Mr. Speaker, there has been a lot of confusion on this point, but the basic question on the facts are simple: Under current law, a church may discriminate on religious or other grounds using its own funds. Under this bill, a church can discriminate on religious grounds, on other grounds, on sexual grounds using its own funds and using government taxpayer funds. And if there are any local or State civil rights laws that say it cannot, this bill says, never mind, we supersede the State or local civil rights laws.

This motion to recommit is very simple. It says that with government funds, with taxpayer funds, one may not discriminate and one may not contravene Federal, State or local civil rights laws with government funds. With church funds, the law would be unchanged. One can still do that, but one cannot discriminate, one cannot say no blacks, no women, no Jews, no Catholics, whatever, with government taxpayer funds, period.

I hope everybody will vote for, one would assume, this elementary, antidiscrimination civil rights recommit motion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Edwards).

Mr. EDWARDS. Mr. Speaker, no American citizen should ever have to pass someone else's religious test to qualify for a federally funded job. No American, not one, should ever have to be fired from a federally funded job solely because of his or her religious faith. It is ironic that a bill that was designed supposedly to stop discrimination against religion ends up authorizing, and then subsidizing, religious discrimination.

Mr. Speaker, unless this motion to recommit is passed, a group associated with Bob Jones University could receive our Federal tax dollars and put out a sign that says, "No Catholics need apply here for a federally funded job." That is wrong.

Say no to discrimination and yes to this motion to recommit.

Mr. CONYERS. Mr. Speaker, I yield the remainder of the time to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary.

Mr. SCOTT. Mr. Speaker, as we listen to all of the programs that could be funded under this bill, remember that anything that can be funded under this bill can be funded today if the sponsor will abide by the civil rights laws. On June 25, 1941, President Roosevelt signed an Executive Order number 8802 which prohibited defense contractors from discriminating in employment based on race, color, creed or national origin. Civil rights laws of the 1960s put those protections into law. The vote was not unanimous, but the bills passed.

Since then, few have questioned whether or not sponsors of Federal programs could consider a person's religious beliefs or religious practices when they were hiring someone for a job paid for with Federal money. But here we are considering a bill with no new money, a bill which provides eligibility for funding only to those programs who are eligible for funding now, if one would comply with civil rights laws. That is not a barrier to funding.

Mr. Speaker, we do not need new ways to discriminate. Let us maintain our civil rights by passing the motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER) for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, make no mistake about it. This motion to recommit is more than a new preemption clause. It denies religious organizations, including churches, their current exemption from Title VII when they seek to take part in Federal programs to help others. It is not the motion to recommit we have been reading about. It is the motion to recommit we have been hearing about, plus an atomic bomb for faith-based organizations.

I repeat. This motion to recommit contains more than a preemption clause. It trumps the considered judgment of the Congress that passed the Civil Rights Act of 1964 and which soundly decided, along with the Supreme Court, that churches must be allowed to hire members of their own faith in order to remain churches under Federal law. I ask my colleagues to remember that when they vote.

Even Al Gore, during his campaign and in his speech to the Salvation Army, said that "faith-based organizations can provide jobs and job training, counseling and mentoring, food and basic medical care. They can do so with public funds and without having to alter their religious character that is so often the key to their effectiveness."

Again, the only way a church can retain its religious character is if it can staff itself with those who share the same faith.

In addition, the small churches of America will often be providing the social services covered under H.R. 7 with the same staff they currently have, and that staff likely shares the same religious faith. The substitute would make it impossible for these small churches to contribute to Federal efforts against desperation and helplessness, and it is precisely these small churches that H.R. 7 intends to welcome into a laudable effort.

Section 702 of the Civil Rights Act of 1964 has for decades exempted nonprofit, private, religious organizations engaged in both religious and secular nonprofit activities from Title VII's prohibition on discrimination in employment on the basis of religion. The Supreme Court, including Justices Brennan and Marshall, upheld this exemption in the Amos case.

Section 702 is not waived or forfeited when a religious organization receives Federal funding. No provision in section 702 states that its exemption of nonprofit, private, religious organizations from Title VII's prohibition on discrimination in employment is forfeited when a faith-based organization receives a Federal grant. But the substitute would do just that.

The motion to recommit would prevent Federal equal access rules from following Federal funds. Under this motion, States or localities could incorporate provisions into their procurement requirements that prohibit religious organizations from hiring on a religious basis when they take part in covered Federal programs. Such provisions thwart the very purpose of this legislation, which is to welcome the very smallest of organizations into the Federal fight against poverty.

I want to emphasize to everyone that the small churches of America will be providing the social services covered by H.R. 7 with the same staff they currently have, and that staff likely shares the same religious faith. State or local procurement requirements that deny them the right to retain the same staff will slam the door shut on their participation to the detriment of people in need everywhere.

Churches should be allowed to compete for Federal social service funds and remain churches while doing so. The only way a church can remain a church is to give them the right to staff itself with those that share their faith. Again, this is a bill that really puts the small churches in America in the midst of fighting poverty, helplessness and despair.

Mr. Speaker, I urge Members to vote down the motion to recommit. The only way we can expand the capacity of the Nation to meet the needs of the poor and afflicted is through H.R. 7. Only in this way can we help those with highly effective and efficient but small, faith-based organizations being in the mix.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think all Members of Congress welcome the opportunity to search for new options to solve historically entrenched problems in all communities in the United States. Under established law, the Supreme Court requires a secular purpose to sustain the validity of legislation, and the eradication of social ills certainly affects all Americans. However, as we consider the possibility of allowing faith-based groups to compete for federal funding to eradicate social ills, we should be careful to recognize our limited powers in this area.

Mr. Speaker, James Madison, the father of the First Amendment, clearly understood the potential harms involved with the commingling of church and state when he stated that he "apprehended the meaning of the [Establishment Clause] to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience." 1 Annals of Cong. 758 (Gales & Seaton's ed. 1834) (Aug 15, 1789).

Mr. Speaker, Madison was concerned that without the Establishment Clause, the Necessary and Proper Clause of the Constitution might have enabled the Congress to "make laws of such a nature as might infringe the rights of conscience, and establish a national religion; to prevent these he assumed the amendment was intended . . ." because he "believed that the people feared one sect might obtain pre-eminence, or two combine together, and establish a religion to which they would compel others to perform." Id.

We are therefore left with an irony of historical proportions today as we discuss H.R. 7, the Community Solutions Act of 2001." For as we begin our discussion of H.R. 7, I find that the Leadership has sponsored legislation contrary to both the intention of the first Amendment and its development in Supreme Court precedent.

Mr. Speaker, the United States has gained a full understanding of the First Amendment, and particularly its prohibitions on congressional activity toward religion and religious institutions, through the development of precedent in case law. Over the years the courts have struck a delicate balance between the competing tendencies of the Establishment Clause and the Free Exercise Clause.

Likewise, Mr. Speaker, this body has been diligent in its observance of the First Amendment's constitutional prohibitions on religion.

With few exceptions, this body has diligently followed the directive established for the Court by Chief Justice Burger in *Walz* v. *Tax Commission of City of New York,* 397 U.S. 664 (1970):

> The general principle deducible from the First Amendment and all that has been said by the Court is this: that we will not tolerate either governmentally established religion or governmental interefence with religion. Short of those expressly proscribed governmental acts there is room for play in the joints productive of a benevolent neutrality which will permit religious exercise to exist without sponsorship or interfence.

Mr. Speaker, it is this spirit that animates my concerns about H.R. 7, and thus compels me to speak against its passage in this form. Specifically, this legislation does not ensure that the delicate balance between church and state will be retained if the bill is allowed to pass in this form, for despite statements to the contrary, the bill might not pass either the effects test or the entanglement test of Supreme Court jurisprudence.

This bill does not provide assurances that the use of federal funds will not result in excessive entanglement with government bureaucracy and accounting and reporting requirements. The Leadership proposal dedicates funds to help sectarian organizations with accounting and administrative activities. Won't this have the same effect on promoting religion as a "symbolic union government and religion in one sectarian enterprise?" *Grand Rapids School District* v. *Ball,* 473 U.S. 373, 397 (1985). The mechanisms of this bill place the imprimatur of the Congress on impermissibly mingling church and state. This is the wrong message to send to the citizens of this country, who have entrusted us with the care of the document that sustains our democracy, the Constitution.

Also, by allowing federal agencies to convert funds into vouchers for religious organizations, the bill would unilaterally convert over $47 billion in social service programs that could be used for sectarian purposes including proselytization. Court cases such as *Roemer* v. *Maryland Public Works,* 426 U.S. 736 (1976), permitted subsidies to private colleges with sectarian affiliations only because they were not pervasively sectarian.

This is not the case with the organizations that will benefit from this bill. This legislation will turn the Court right back to the controlling case, *Lemon* v. *Kurtzman,* 403 U.S. 602 (1971). "Comprehensive, discriminating, and continuing state surveillance will inevitably be required to ensure these restrictions are obeyed and the First Amendment otherwise respected." Id. at 619. In plain language, this bill simply requires too much oversight in a manner the Supreme Court never intended.

Mr. Speaker, it is also important to note that by not extending the religious exemption in the Civil Rights Act to include activities carried out under this subsection, the Congress would establish the possibility that organizations could discriminate on the basis of religion using federal funds. My conscience as a legislator cannot allow me to support this legislation for this reason alone.

This bill will allow religious groups to discriminate. Even more, it will chill the fight for civil rights for all Americans on both the state and local level, where great gains have been made in ensuring quality for all. I cannot stand the irony that the religious institutions of America, which were so influential in the civil rights movement, will be allowed to erode the equal protection laws the citizens of this nation fought and died for.

Mr. Speaker, the Democratic substitute to this legislation avoids these pitfalls. The substitute legislation specifies that the civil rights exemption is not extended to allow groups receiving funds to discriminate in employment with taxpayer funds. It also provides that state and local civil rights laws are not superceded by the act.

The substitute bill also provides an offset to the tax code's top rate to balance the charitable contribution increase. The rate raises the top tax rate by 0.2%.

Under this proposal, no proselytization can occur at the same time and place as a government funded program. The substitute also deletes the private voucher provisions that would provide agencies with $47 billion in discretionary funds, and deletes changes in tort reform that absolve businesses of liability.

The Democratic substitute is a better bill, Mr. Speaker. It pays heed to the words of Justice Burger and the precedents of the Supreme Court. I urge all members to vote against this measure and for the Democratic substitute.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on final passage.

The vote was taken by electronic device, and there were—ayes 195, noes 234, not voting 4, as follows:

[Roll No. 253]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—234

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter

Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—4

Engel
McKinney
Meehan
Spence

☐ 1601

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 198, not voting 3, as follows:

[Roll No. 254]

YEAS—233

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
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Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—3

Engel
McKinney
Spence

☐ 1611

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 7, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. TIERNEY. Mr. Speaker, last evening, on rollcall vote No. 248, I want it to be in the RECORD that I was here and I did vote in favor of that bill. Unfortunately, there was a malfunction with the voting apparatus, apparently, and it did not record my vote.

CONFERENCE REPORT ON H.R. 2216, 2001 SUPPLEMENTAL APPROPRIATIONS ACT

Mr. YOUNG of Florida (during consideration of H.J. Res. 50) submitted the following conference report and statement on the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–148)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2216) "making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes" having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—NATIONAL SECURITY MATTERS

CHAPTER 1

DEPARTMENT OF JUSTICE

Radiation Exposure Compensation

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payment to the Radiation Exposure Compensation Trust Fund for approved claims, for fiscal year 2001, such sums as may be necessary.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army", $164,000,000.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $84,000,000.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $69,000,000.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $119,500,000.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army", $52,000,000.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force", $8,500,000.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army", $6,000,000.

National Guard Personnel, Air Force

For an additional amount for "National Guard Personnel, Air Force", $12,000,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $792,400,000, of which $214,000,000 shall be made available only for the repair and maintenance of real property.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $1,024,100,000: Provided, That of the funds made available under this heading, $10,200,000 shall remain available for obligation until September 30, 2002.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $62,000,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $813,800,000.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $123,250,000: Provided, That of the funds made available under this heading, $6,800,000 shall remain available for obligation until September 30, 2002.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $20,500,000.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $12,500,000.

Operation and Maintenance, Marine Corps Reserve

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $1,900,000.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $34,000,000.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $42,900,000.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $119,300,000.

PROCUREMENT

Other Procurement, Army

For an additional amount for "Other Procurement, Army", $7,000,000, to remain available for obligation until September 30, 2003.

Shipbuilding and Conversion, Navy

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and Conversion, Navy", $297,000,000: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amount specified: Provided further, That the amounts transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1995/2001":

Carrier Replacement Program, $84,000,000;

DDG–51 Destroyer Program, $300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2001":

DDG–51 Destroyer Program, $14,600,000;

LPD–17 Amphibious Transport Dock Ship Program, $140,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1997/2001":

DDG–51 Destroyer Program, $12,600,000; and

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2001":

NSSN Program, $32,000,000;

DDG–51 Destroyer Program, $13,500,000.

Aircraft Procurement, Air Force

For an additional amount for "Aircraft Procurement, Air Force", $78,000,000, to remain available for obligation until September 30, 2003.

Missile Procurement, Air Force

For an additional amount for "Missile Procurement, Air Force", $15,500,000, to remain available for obligation until September 30, 2003.

Procurement of Ammunition, Air Force

For an additional amount for "Procurement of Ammunition, Air Force", $31,200,000, to remain available for obligation until September 30, 2003.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force", $138,150,000, to remain available for obligation until September 30, 2003.

Procurement, Defense-Wide

For an additional amount for "Procurement, Defense-Wide", $5,800,000, to remain available for obligation until September 30, 2003.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

For an additional amount for "Research, Development, Test and Evaluation, Army", $5,000,000, to remain available for obligation until September 30, 2002.

Research, Development, Test and Evaluation, Navy

For an additional amount for "Research, Development, Test and Evaluation, Navy", $128,000,000, to remain available for obligation until September 30, 2002.

Research, Development, Test and Evaluation, Air Force

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $275,500,000, to remain available for obligation until September 30, 2002.

Research, Development, Test and Evaluation, Defense-Wide

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $84,100,000, to remain available for obligation until September 30, 2002.

REVOLVING AND MANAGEMENT FUNDS

Defense Working Capital Funds

For an additional amount for "Defense Working Capital Funds", $178,400,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $1,453,400,000 for Operation and maintenance, of which $500,000,000 shall remain available until September 30, 2002: Provided, That of the funds made available in this paragraph, not more than $655,000,000 may be made available for a global settlement of claims made under TRICARE managed care support contracts: Provided further, That of the funds made available in this paragraph, not less than $151,200,000 shall be made available upon enactment only for requirements of the direct care system and military medical treatment facilities, to be administered solely by the uniformed services Surgeons General: Provided further, That funds made available in this paragraph may be used to cover increases in costs associated with the provision of health care services to eligible beneficiaries of all the uniformed services.

For an additional amount for "Defense Health Program", $150,000,000 for Operation and maintenance, to remain available until expended, only for the use of the Surgeons General to improve the quality of care provided at military medical treatment facilities, of which $30,000,000 shall be made available only to optimize health care services at Army military medical treatment facilities, $30,000,000 shall be made available only to optimize health care services at Navy military medical treatment facilities, $30,000,000 shall be made available only to optimize health care services at Air Force military medical treatment facilities, $30,000,000 shall be made available only to finance advances in medical practices to be equally divided between the services, and $30,000,000 shall be made available for other requirements of the direct care system and military medical treatment facilities: Provided, That the funds provided in this paragraph are to be administered solely by the Army, Navy and Air Force Surgeons General: Provided further, That none of the funds provided in this paragraph may be made available for optimization programs, projects or activities unless the Surgeon General of the respective service determines that: (1) such program, project or activity shall produce annual cost savings in excess of annual cost within not more than three years from the date of project initiation, or (2) that such program, project or activity is necessary to address a serious health care deficiency at a military medical treatment facility that could threaten health care outcomes: Provided further, That none of the funds provided in this paragraph may be made available to a service unless the Secretary of Defense expresses the intent to the congressional defense committees that all optimization programs, projects and activities financed in this paragraph will be continued and fully financed in the Department of Defense six year budget plan known as the Program Objective Memorandum.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1201. Fuel transferred by the Defense Energy Supply Center to the Department of the Interior for use at Midway Island during fiscal year 2000 shall be deemed for all purposes to have been transferred on a nonreimbursable basis.

SEC. 1202. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

(INCLUDING TRANSFER OF FUNDS)

SEC. 1203. In addition to the amount appropriated in section 308 of Division A, Miscellaneous Appropriations Act, 2001, as enacted by section 1(a)(4) of Public Law 106–554 (114 Stat. 2763A–181 and 182), $44,000,000 is hereby appropriated for "Operation and Maintenance, Navy", to remain available until expended: Provided, That such amount, and the amount previously appropriated in section 308, shall be for costs associated with the stabilization, return, refitting, necessary force protection upgrades, and repair of the U.S.S. COLE, including any costs previously incurred for such purposes: Provided further, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That the transfer authority provided herein is in addition to any other transfer authority available to the Department of Defense.

(RESCISSIONS)

SEC. 1204. Of the funds made available in Department of Defense Appropriations Acts, or otherwise available to the Department of Defense, the following funds are hereby rescinded, from the following accounts in the specified amounts:

"Procurement, Marine Corps, 2000/2002", $3,000,000;

"Overseas Contingency Operations Transfer Fund, 2001", $200,000,000;

"Foreign Currency Fluctuations, Defense", $68,400,000;

"Aircraft Procurement, Navy 2001/2003", $199,000,000;

"Shipbuilding and Conversion, Navy, 2001/2005", LPD–17(AP), $75,000,000;

"Procurement, Marine Corps, 2001/2003", $5,000,000;

"Aircraft Procurement, Air Force, 2001/2003", $327,500,000;

"Other Procurement, Air Force, 2001/2003", $65,000,000;

"Procurement, Defense-Wide, 2001/2003", $85,000,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2001/2002", $7,000,000.

SEC. 1205. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $39,900,000 is hereby appropriated to the Department of Defense, for facilities repair and damages resulting from natural disasters, as follows:

"Operation and Maintenance, Army", $6,500,000;

"Operation and Maintenance, Navy", $23,000,000;

"Operation and Maintenance, Air Force", $8,000,000;

"Operation and Maintenance, Army Reserve", $200,000;

"Operation and Maintenance, Air Force Reserve", $200,000;

"Operation and Maintenance, Army National Guard", $400,000;

"Operation and Maintenance, Air National Guard", $400,000; and

"Defense Health Program", $1,200,000.

SEC. 1206. The authority to purchase or receive services under the demonstration project authorized by section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337) may be exercised through January 31, 2002, notwithstanding subsection (c) of that section.

SEC. 1207. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of Fort Greely, Alaska as the Secretary deems necessary, to meet military, operational, logistics and personnel support requirements for missile defense.

SEC. 1208. Of the funds appropriated in the Department of Defense Appropriations Act, 2001, Public Law 106–259, in Title IV under the heading, "Research, Development, Test and Evaluation, Navy", $2,000,000 may be made available for a Maritime Fire Training Center at the Marine and Environmental Research and Training Station (MERTS), and $2,000,000 may be made available for a Maritime Fire Training Center at Barbers Point, including provision for laboratories, construction, and other efforts associated with research, development, and other programs of major importance to the Department of Defense.

SEC. 1209. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $8,000,000 shall be available for the purpose of repairing storm damage at Fort Sill, Oklahoma, and Red River Army Depot, Texas.

SEC. 1210. (a) Notwithstanding any other provision of law, the Secretary of the Army shall convey to the City of Bayonne, New Jersey, without consideration, all right, title, and interest of the United States in and to the firefighting and rescue vehicles described in subsection (b).

(b) The firefighting and rescue vehicles referred to in subsection (a) are a rescue hazardous materials truck, a 2,000 gallon per minute pumper, and a 100-foot elevating platform truck, all of which are at Military Ocean Terminal, Bayonne, New Jersey.

SEC. 1211. None of the funds available to the Department of Defense for fiscal year 2001 may be obligated or expended for retiring or dismantling any of the 93 B–1B Lancer bombers in service as of June 1, 2001, or for transferring or reassigning any of those aircraft from the unit, or the facility, to which assigned as of that date.

CHAPTER 3

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", $126,625,000, to remain available until expended: Provided, That funding is authorized for Project 01–D–107, Atlas Relocation and Operations, and Project 01–D–108, Microsystems and Engineering Sciences Applications Complex.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for "Defense Environmental Restoration and Waste Management", $95,000,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For an additional amount for "Defense Facilities Closure Projects", $21,000,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For an additional amount for "Defense Environmental Management Privatization", $29,600,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", $5,000,000, to remain available until expended.

CHAPTER 4

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $22,000,000: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, NAVY

For an additional amount for "Military Construction, Navy", $9,400,000: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $10,000,000: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", $6,700,000: Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING, ARMY

For an additional amount for "Family Housing, Army", $30,480,000 for operation and maintenance.

FAMILY HOUSING, NAVY AND MARINE CORPS

For an additional amount for "Family Housing, Navy and Marine Corps", $20,300,000 for operation and maintenance.

FAMILY HOUSING, AIR FORCE

For an additional amount for "Family Housing, Air Force", $18,000,000 for operation and maintenance.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For an additional amount for deposit into the "Department of Defense Base Realignment and Closure Account 1990", $9,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1401. (a) CADET PHYSICAL DEVELOPMENT CENTER.—Notwithstanding section 138 of the Military Construction Appropriations Act, 2001 (division A of Public Law 106–246; 114 Stat. 524), the Secretary of the Army may expend appropriated funds in excess of the amount specified by such section to construct and renovate the Cadet Physical Development Center at the United States Military Academy, except that—

(1) such additional expenditures may be used only for the purposes of meeting unanticipated price increases and related construction contingency costs and making minor changes to the project to incorporate design features that result in reducing long-term operating costs; and

(2) such additional expenditures may not exceed the difference between the authorized amount for the project and the amount specified in such section.

(b) LIMITATIONS AND REPORTS.—No sums may be expended for final phase construction of the project until 15 days after the Secretary of the

Army submits a report to the congressional defense committees describing the revised cost estimates referred to in subsection (a), the methodology used in making these cost estimates, and the changes in project costs compared to estimates made in October, 2000. Not later than August 1, 2001, the Secretary of the Army shall submit a report to the congressional defense committees explaining the plan of the Department of the Army to expend privately donated funds for capital improvements at the United States Military Academy between fiscal years 2001 and 2011.

SEC. 1402. Except as otherwise specifically provided in this Chapter, amounts provided to the Department of Defense under each of the headings in this Chapter shall be made available for the same time period as the amounts appropriated under each such heading in Public Law 106–246.

(RESCISSIONS)

SEC. 1403. Of the funds provided in the Military Construction Appropriations Act, 2001 (Public Law 106–246), the following amounts are hereby rescinded as of the date of the enactment of this Act:

"Military Construction, Army", $12,856,000;

"Military Construction, Navy", $6,213,000;

"Military Construction, Air Force", $4,935,000;

"Military Construction, Defense-Wide", $4,376,000;

"Family Housing, Army", $4,000,000; and

"Family Housing, Air Force", $4,375,000.

SEC. 1404. Notwithstanding any other provision of law, the amount authorized, and authorized to be appropriated, for the Defense Agencies for the TRICARE Management Agency for a military construction project for Bassett Army Hospital at Fort Wainwright, Alaska, shall be $215,000,000.

SEC. 1405. DESIGNATION OF ENGINEERING AND MANAGEMENT BUILDING AT NORFOLK NAVAL SHIPYARD, VIRGINIA, AFTER NORMAN SISISKY. The engineering and management building (also known as Building 1500) at Norfolk Naval Shipyard, Portsmouth, Virginia, shall be known as the Norman Sisisky Engineering and Management Building. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Norman Sisisky Engineering and Management Building.

TITLE II—OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", $3,000,000, to remain available until September 30, 2002: Provided, That of these funds, no less than $1,000,000 shall be used for enforcement of the Animal Welfare Act: Provided further, That of these funds, no less than $1,000,000 shall be used to enhance humane slaughter practices under the Federal Meat Inspection Act: Provided further, That no more than $500,000 of these funds shall be made available to the Under Secretary for Research, Education and Economics for development and demonstration of technologies to promote the humane treatment of animals: Provided further, That these funds may be transferred to and merged with appropriations for agencies performing this work.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,000,000.

FARM SERVICE AGENCY

AGRICULTURAL CONSERVATION PROGRAM

(RESCISSION)

Of the funds appropriated for "Agricultural Conservation Program" under Public Law 104–37, $45,000,000 are rescinded.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", to repair damages to waterways and watersheds resulting from natural disasters, $35,500,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549, 1549A–10) is amended by striking "until expended" under the heading "Buildings and Facilities" under the heading "Animal and Plant Health Inspection Service" and adding the following: "until expended: Provided, That notwithstanding any other provision of law (including chapter 63 of title 31, U.S.C.), $4,670,000 of the amount shall be transferred by the Secretary and once transferred, shall be state funds for the construction, renovation, equipment, and other related costs for a post entry plant quarantine facility and related laboratories as described in Senate Report 106–288".

SEC. 2102. The paragraph under the heading "Rural Community Advancement Program" in title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549, 1549A–17) is amended—

(1) in the third proviso, by striking "ability of" and inserting "ability of low income rural communities and"; and

(2) in the fourth proviso, by striking "assistance to" the first place it appears and inserting "assistance and to".

SEC. 2103. (a) Not later than August 1, 2001, the Federal Crop Insurance Corporation shall promulgate final regulations to carry out section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 522(b)), without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 FR 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(b) In carrying out this section, the Corporation shall use the authority provided under section 808 of title 5, United States Code.

(c) The final regulations promulgated under subsection (a) shall take effect on the date of publication of the final regulations.

SEC. 2104. In addition to amounts otherwise available, $20,000,000, to remain available until expended, from amounts pursuant to 15 U.S.C. 713a–4 for the Secretary of Agriculture to make available financial assistance to eligible producers to promote water conservation in the Klamath Basin, as determined by the Secretary: Provided, That the issuance of regulations promulgated pursuant to this section shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): Provided further, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 2105. Under the heading "Food Stamp Program" in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387), in the sixth proviso, strike "$194,000,000" and insert in lieu thereof "$191,000,000".

SEC. 2106. Of funds which may be reserved by the Secretary for allocation to State agencies under section 16(h)(1) of the Food Stamp Act of 1977 to carry out the Employment and Training program, $39,500,000 made available in prior years are rescinded and returned to the Treasury.

SEC. 2107. In addition to amounts otherwise available, $2,000,000, to remain available until expended, from amounts pursuant to 15 U.S.C. 713a–4 for the Secretary of Agriculture to make available financial assistance to eligible producers to promote water conservation in the Yakima Basin, Washington, as determined by the Secretary: Provided, That the issuance of regulations promulgated pursuant to this section shall be made without regard to: (1) the notice and comment provisions of section 553 of title 5, United States Code; (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and (3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"): Provided further, That in carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 2108. (a) In addition to the payment of any other eligible expenses, the Secretary of Agriculture shall have the authority to approve the use of Commodity Credit Corporation funds pursuant to 15 U.S.C. 713a–4 to make available up to $22,949,000 of financial assistance for internal transportation, storage, and handling expenses, and for any appropriate administrative expenses as determined by the Secretary, for cooperating sponsors with which the Secretary has entered into agreements in fiscal year 2001 or 2002 under the Global Food for Education Initiative covered by the notice published by the Corporation in the Federal Register on September 6, 2000 (65 Fed. Reg. 53977 et seq.), for their activities under those agreements.

(b) The unobligated balance of the funds appropriated by section 745(e) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387) is rescinded.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL AND OCEAN ACTIVITIES

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of construction of a research center at the ACE Basin National Estuarine Research Reserve, for use under this heading until expended, $8,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $3,000,000, to remain available until expended for construction and $5,000,000, to remain available until expended for land acquisition.

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

(RESCISSION)

Of the funds made available in the Emergency Oil and Gas Guaranteed Loan Program Act *(chapter 2 of Public Law 106–51; 113 Stat. 255–258), $114,800,000 are rescinded.*

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of technical assistance related to the New Markets Venture Capital Program for use under this heading in only fiscal year 2001, $30,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $30,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION)

Of the funds made available in Public Law 106–553 for the costs of guaranteed loans under the New Markets Venture Capital Program for use under this heading in only fiscal year 2001, $22,000,000 are rescinded.

For an additional amount for the activities specified in Public Law 106–553 for which funds were rescinded in the preceding paragraph, $22,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2201. Section 144(d) of Division B of Public Law 106–554 is amended—

(1) in paragraph (1) and paragraph (5)(B) by striking "not later than May 1, 2001" and inserting in lieu thereof "as soon as practicable";

(2) in paragraph (2)(A) by striking "for vessels" and inserting in lieu thereof "who hold such permits based on fishing histories";

(3) in paragraph (2)(B)(i) by striking "meets" and inserting in lieu thereof "is fishing under a permit that is issued based on fishing histories that meet";

(4) in paragraph (2)(B)(i) by inserting ", provided that any interim Bering Sea crab fishery certificates issued after December 1, 2000 shall remain valid until the Secretary implements final regulations consistent with the provisions of this subparagraph" after "paragraph";

(5) in paragraph (3) by striking "the May 1, 2001 date" and inserting in lieu thereof "the direction to issue regulations as soon as practicable as";

(6) in paragraph (3) by striking "with that date"; and

(7) in paragraph (2)(A)(ii) by striking "have made" and inserting in lieu thereof "except as specifically provided otherwise in the regulations described in clause (i), include".

SEC. 2202. (a) Section 12102(c) of title 46, United States Code, as amended by section 202(a) of the American Fisheries Act (46 U.S.C. 12102 note), is amended—

(1) in paragraph (2)(B) by striking "or the use" and all that follows in such paragraph and inserting in lieu thereof "or the exercise of rights under loan or mortgage covenants by a mortgagee eligible to be a preferred mortgagee under section 31322(a) of this title, provided that a mortgagee not eligible to own a vessel with a fishery endorsement may only operate such a vessel to the extent necessary for the immediate safety of the vessel or for repairs, drydocking or berthing changes."; and

(2) by striking paragraph (4) and renumbering the remaining paragraph accordingly.

(b) Section 31322(a)(4) of title 46, United States Code, as amended by section 202(b) of the American Fisheries Act (Public Law 105–277, Division C, Title II) is amended by striking paragraph (4)(B) and all that follows in such paragraph and inserting in lieu thereof the following:

"(B) a state or federally chartered financial institution that is insured by the Federal Deposit Insurance Corporation;

"(C) a farm credit lender established under Title 12, Chapter 23 of the United States Code;

"(D) a commercial fishing and agriculture bank established pursuant to State law;

"(E) a commercial lender organized under the laws of the United States or of a State and eligible to own a vessel under section 12102(a) of this title; or

"(F) a mortgage trustee under subsection (f) of this section.".

(c) Section 31322 of title 46, United States Code is amended by adding at the end the following new subsections:

"(f)(1) A mortgage trustee may hold in trust, for an individual or entity, an instrument or evidence of indebtedness, secured by a mortgage of the vessel to the mortgage trustee, provided that the mortgage trustee—

"(A) is eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section;

"(B) is organized as a corporation, and is doing business, under the laws of the United States or of a State;

"(C) is authorized under those laws to exercise corporate trust powers;

"(D) is subject to supervision or examination by an official of the United States Government or a State;

"(E) has a combined capital and surplus (as stated in its most recent published report of condition) of at least $3,000,000; and

"(F) meets any other requirements prescribed by the Secretary.

"(2) If the beneficiary under the trust arrangement is not a commercial lender, a lender syndicate or eligible to be a preferred mortgagee under subsection (a)(4), subparagraphs (A)–(E) of this section, the Secretary must determine that the issuance, assignment, transfer, or trust arrangement does not result in an impermissible transfer of control of the vessel to a person not eligible to own a vessel with a fishery endorsement under section 12102(c) of this title.

"(3) A vessel with a fishery endorsement may be operated by a mortgage trustee only with the approval of the Secretary.

"(4) A right under a mortgage of a vessel with a fishery endorsement may be issued, assigned, or transferred to a person not eligible to be a mortgagee of that vessel under this section only with the approval of the Secretary.

"(5) The issuance, assignment, or transfer of an instrument or evidence of indebtedness contrary to this subsection is voidable by the Secretary.

"(g) For purposes of this section a 'commercial lender' means an entity primarily engaged in the business of lending and other financing transactions with a loan portfolio in excess of $100,000,000, of which not more than 50 per centum in dollar amount consists of loans to borrowers in the commercial fishing industry, as certified to the Secretary by such lender.

"(h) For purposes of this section a 'lender syndicate' means an arrangement established for the combined extension of credit of not less than $20,000,000 made up of four or more entities that each have a beneficial interest, held through an agent, under a trust arrangement established pursuant to subsection (f), no one of which may exercise powers thereunder without the concurrence of at least one other unaffiliated beneficiary.".

(d) Section 31322 of title 46, United States Code as amended in this section, and as amended by section 202(b) of the American Fisheries Act (Public Law 105–277, Division C, Title II) shall not take effect until April 1, 2003, nor shall the Secretary of Transportation, in determining whether a vessel owner complies with the requirements of section 12102(c) of title 46, United States Code, consider the citizenship status of a lender, in its capacity as a lender with respect to that vessel owner, until after April 1, 2003.

(e)(1) Section 213(g) of the American Fisheries Act (Public Law 105–277, Division C, Title II) is amended by—

(A) striking "October 1, 2001" both places it appears;

(B) striking "such date" and inserting in lieu thereof "or if the percentage of foreign ownership in the vessel is increased after the effective date of this subsection"; and

(C) striking "such vessel" the first time it appears and inserting "their ownership or mortgage interest in such vessel on that date" in lieu thereof.

(2) Section 213(g) of the American Fisheries Act (Public Law 105–277, Division C, Title II) shall take effect on the date of enactment of this Act.

SEC. 2203. (a) Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(F) to pay for small business development center grants as mandated or directed by Congress.".

(b) Section 21(a)(4)(C)(v)(II) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(v)(II), is amended by inserting ", or accompanying report language," after "in appropriations Acts".

SEC. 2204. Section 633 of Public Law 106–553 is amended with respect to a grant of $2,000,000 for Promesa Enterprises in the Bronx, New York, by inserting the words "financially or otherwise" after "to assist community-based businesses".

CHAPTER 3

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT TO THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For a Federal contribution to the Chief Financial Officer of the District of Columbia for the Excel Institute Adult Education Program, $1,000,000, of which $250,000 shall be derived by transfer from the appropriation "Federal Payment for Plan to Simplify Employee Compensation Systems" in the District of Columbia Appropriations Act, 2001 (Public Law 106–522; 114 Stat. 2444).

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental Direction and Support", $5,400,000 from local funds for increases in natural gas costs.

Of the funds appropriated under this heading for the fiscal year ending September 30, 2001, in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106–522; 114 Stat. 2447), $250,000 to simplify employee compensation systems are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for "Economic Development and Regulation", $1,000,000 from local funds for the implementation of the New E-Conomy Transformation Act of 2000, (D.C. Act 13–543), and $624.820 for the Department of Consumer and Regulatory Affairs for the purposes of D.C. Code, sec. 5–513: Provided, That the Department shall transfer all local funds resulting from the lapse of personnel vacancies, caused by transferring Department of Consumer and Regulatory Affairs employees into Neighborhood Stabilization Officer positions without the filling of the resultant vacancies, into the general fund, of these funds an amount not to exceed $60,000 may be used to implement the provisions in D.C. Bill 13–646, the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, pertaining to the prevention of the demolition by neglect of historic properties: Provided further, That the fees *established and collected pursuant to D.C. Bill 13-646 shall be identified, and an accounting provided, to the Committee on Consumer and Regulatory Affairs of the Council of the District of Columbia.*

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public Safety and Justice", $8,901,000 from local funds to be allocated as follows: $2,800,000 is for the Metropolitan Police Department of which $800,000 is for the speed camera program and $2,000,000 is for the Fraternal Order of Police arbitration award and the Fair Labor Standards Act liability; $5,940,000 is for the Fire and Emergency Medical Services Department of which $5,540,000 is for pre-tax payments for pension, health and life insurance premiums and $400,000 is for the fifth fire fighter on trucks initiative; and $161,000 is for the Child Fatality Review Committee established pursuant to the Child Fatality Review Committee Establishment Emergency Act of 2001 (D.C. Act 14–40) and the Child Fatality Review Committee Establishment Temporary Act of 2001 (D.C. Bill 14–165).

In addition, of all funds in the District of Columbia Antitrust Fund established pursuant to section 2 of the District of Columbia Antitrust Act of 1980 (D.C. Law 3–169; D.C. Code, sec. 28-4516) an amount not to exceed $52,000, of all funds in the Antifraud Fund established pursuant to section 820 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1-1188.20) an amount not to exceed $5,500, and of all funds in the District of Columbia Consumer Protection Fund established pursuant to section 1402 of the District of Columbia Budget Support Act for Fiscal Year 2001 (D.C. Law 13–172; D.C. Code, sec. 28–3911) an amount not to exceed $43,000, are hereby made available for the use of the Office of the Corporation Counsel of the District of Columbia until September 30, 2001, in accordance with the statutes that established these funds.

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Public Law 106–522), $131,000 for Taxicab Inspectors are rescinded.

PUBLIC EDUCATION SYSTEM

For an additional amount for "Public Education System", $1,000,000 from local funds for the State Education Office for a census-type audit of the student enrollment of each District of Columbia Public School and of each public charter school and $12,000,000 from local funds for the District of Columbia Public Schools to conduct the 2001 summer school session.

In addition, section 108(b) of the District of Columbia Public Education Act, Public Law 89–791 as amended (sec. 31–1408, D.C. Code), is amended by adding a new sentence at the end of the subsection, which states: "In addition, any proceeds and interest accruing thereon, which remain from the sale of the former radio station WDCU in an escrow account of the District of Columbia Financial Management and Assistance Authority for the benefit of the University of the District of Columbia, shall be used for the University of the District of Columbia's Endowment Fund. Such proceeds may be invested in equity based securities if approved by the Chief Financial Officer of the District of Columbia.".

HUMAN SUPPORT SERVICES

For an additional amount for "Human Support Services", $28,000,000 from local funds to be allocated as follows: $15,000,000 for expansion of the Medicaid program; $4,000,000 to increase the local share for Disproportionate Share to Hospitals (DSH) payments; $3,000,000 for the Disability Compensation Fund; $1,000,000 for the Office of Latino Affairs for Latino Community Education grants; and $5,000,000 for the Children Investment Trust.

PUBLIC WORKS

For an additional amount for "Public Works", $131,000 from local funds for Taxicab Inspectors.

FINANCING AND OTHER USES

WORKFORCE INVESTMENTS

For expenses associated with the workforce investments program, $40,500,000 from local funds.

WILSON BUILDING

For an additional amount for "Wilson Building", $7,100,000 from local funds.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For an additional amount for "Water and Sewer Authority and the Washington Aqueduct", $2,151,000 from local funds for the Water and Sewer Authority for initiatives associated with complying with stormwater legislation and proposed right-of-way fees.

GENERAL PROVISION—THIS CHAPTER

SEC. 2301. REPORT BY THE MAYOR. The Mayor of the District of Columbia shall provide the House and Senate Committees on Appropriations, the Senate Committee on Governmental Affairs and the House Committee on Government Reform with a report on the specific authority necessary to carry out the responsibilities transferred to the Chief Financial Officer in a non-control year, outlined in section 155 of Public Law 106–522, the Fiscal Year 2001 District of Columbia Appropriations Act, and responsibilities outlined in Bill 14–254, passed by the Council of the District of Columbia on July 10, 2001 relating to the transition of responsibilities under Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995, within forty-five (45) days of enactment of this Act.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", for emergency expenses due to flooding and other natural disasters, $9,000,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", $86,500,000, to remain available until expended: Provided, That using $8,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to repair, restore, and clean up Corps' projects and facilities, dredge navigation channels, restore and clean out area streams, provide emergency streambank protection, restore other crucial public infrastructure (including sewer and water facilities), document flood impacts, and undertake other flood recovery efforts deemed necessary and advisable by the Chief of Engineers due to the July 2001 flooding in Southern and Central West Virginia: Provided further, That using $1,900,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake the project authorized by section 518 of Public Law 106–53, at full Federal expense.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act of August 18, 1941, as amended, $50,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For an additional amount for "Non-Defense Environmental Management", $11,950,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

For an additional amount for "Uranium Facilities Maintenance and Remediation", $30,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For an additional amount for "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration", $1,578,000, to remain available until expended: Provided, That these funds shall be non-reimbursable.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Of the amounts appropriated under the heading "Operation and Maintenance, General" under title I of the Energy and Water Development Appropriations Act, 2001 (enacted by Public Law 106–377; 114 Stat. 1441 A–62), $500,000 made available for the Chickamauga Lock, Tennessee, shall be available for completion of the feasibility study for Chickamauga Lock, Tennessee.

SEC. 2402. AUTHORIZATION TO ACCEPT PREPAYMENT OF OBLIGATIONS. (a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), the Bureau of Reclamation may accept prepayment for all remaining repayment obligations under Contract 178r–423, Amendment 4 (referred to in this section as the "Contract") entered into with the United States.

(b) CONTRACTUAL OBLIGATIONS.—If full prepayment of all remaining repayment obligations under the Contract is offered—

(1) the Secretary of the Interior shall accept the prepayment; and

(2) on acceptance by the Secretary of the prepayment all land covered by the Contract shall not be subject to the ownership and full cost pricing limitation under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

SEC. 2403. INCLUSION OF RENAL CANCER AS BASIS FOR BENEFITS UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000. (a) Section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by Public Law 106–398; 114 Stat. 1654A–502)) is amended by adding at the end the following new subparagraph:

"(C) Renal cancers.".

(b) This section shall be effective on October 1, 2001.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND DISEASE PROGRAMS FUND

(INCLUDING RESCISSION)

For an additional amount for "Child Survival and Disease Programs Fund", $100,000,000, to *remain available until expended: Provided, That this amount may be made available, notwithstanding any other provision of law, for a United States contribution to a global trust fund to combat HIV/AIDS, malaria, and tuberculosis.*

Of the funds made available under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, and prior Acts, $10,000,000 are rescinded.

OTHER BILATERAL ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds made available under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, and prior Acts, $10,000,000 are rescinded.

GENERAL PROVISION—THIS CHAPTER

SEC. 2501. The final proviso in section 526 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (as enacted into law by section 1000(a)(2) of Public Law 106–113), as amended, is hereby repealed, and the funds identified by such proviso shall be made available pursuant to the authority of section 526 of Public law 106–429.

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", $3,000,000, to remain available until expended, to address increased permitting responsibilities related to energy needs.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $17,700,000, to remain available until expended, to repair damages caused by floods, ice storms, and earthquakes in the States of Washington, Illinois, Iowa, Minnesota, Missouri, Wisconsin, New Mexico, Oklahoma, and Texas.

NATIONAL PARK SERVICE

UNITED STATES PARK POLICE

For an additional amount for "United States Park Police", $1,700,000, to remain available until September 30, 2002, for unbudgeted increases in pension costs for retired United States Park Police officers.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation of Indian Programs", $50,000,000, to remain available until expended, for electric power operations and related activities at the San Carlos Irrigation Project, of which such amounts as necessary may be transferred to other appropriations accounts for repayment of advances previously made for such power operations.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for "Forest and Rangeland Research", $1,400,000, to remain available until expended, to carry out research and development activities to arrest, control, eradicate, and prevent the spread of sudden oak death syndrome.

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry", $22,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas, Oklahoma, and Texas, and for emergency pest suppression and prevention on Federal, State and private lands.

For an additional amount for "State and Private Forestry", $750,000 to be provided to the Kenai Peninsula Borough Spruce Bark Beetle Task Force for emergency response and $1,750,000 to be provided to the Municipality of Anchorage for emergency fire fighting response and preparedness to respond to wildfires in spruce bark beetle infested forests, to remain available until expended: Provided, That such amounts shall be provided as direct lump sum payments within 30 days of enactment of this Act.

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", $12,000,000, to remain available until expended, to repair damages caused by ice storms in the States of Arkansas and Oklahoma and to address illegal cultivation of marijuana in California and Kentucky.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING RESCISSION)

Of the funds appropriated in Title V of Public Law 105–83 for the purposes of section 502(e) of that Act, the following amounts are rescinded: $1,000,000 for snow removal and pavement preservation and $4,000,000 for pavement rehabilitation.

For an additional amount for "Capital Improvement and Maintenance", $5,000,000, to remain available until expended, for the purposes of section 502(e) of Public Law 105–83.

For an additional amount for "Capital Improvement and Maintenance" to repair damage caused by ice storms in the States of Arkansas and Oklahoma, $4,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. Of the funds appropriated to "Operation of the National Park System" in Public Law 106–291, $200,000 for completion of a wilderness study at Apostle Islands National Lakeshore, Wisconsin, shall remain available until expended.

SEC. 2602. (a) The unobligated balances as of September 30, 2001, of the funds transferred to the Secretary of the Interior pursuant to section 311 of chapter 3 of division A of the Miscellaneous Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106–115), are rescinded.

(b) Subsection (a) shall be effective on September 30, 2001.

(c) The amount rescinded pursuant to subsection (a) is appropriated to the Secretary of the Interior for the purposes specified in such subsection, to remain available until expended.

SEC. 2603. Pursuant to title VI of the Steens Mountain Cooperative Management and Protection Act, Public Law 106–399, the Bureau of Land Management may transfer such sums as are necessary to complete the individual land exchanges identified under title VI from unobligated land acquisition balances.

SEC. 2604. Section 338 of Public Law 106–291 is amended by striking "105–825" and inserting in lieu thereof: "105–277".

SEC. 2605. Section 2 of Public Law 106–558 is amended by striking subsection (b) in its entirety and inserting in lieu thereof:

"(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.".

SEC. 2606. Federal Highway Administration emergency relief for federally-owned roads, made available to the Forest Service as Federal-aid highways funds, may be used to reimburse Forest Service accounts for expenditures previously completed only to the extent that such expenditures would otherwise have qualified for the use of Federal-aid highways funds.

SEC. 2607. Notwithstanding any other provision of law, $2,000,000 provided to the Forest Service in Public Law 106–291 for the Region 10 Jobs in the Woods program shall be advanced as a direct lump sum payment to Ketchikan Public Utilities within thirty days of enactment: Provided, That such funds shall be used by Ketchikan Public Utilities specifically for hiring workers for the purpose of removing timber within the right-of-way for the Swan Lake-Lake Tyee Intertie.

SEC. 2608. Section 122(a) of Public Law 106–291 is amended by:

(1) inserting "hereafter" after "such amounts"; and

(2) striking "June 1, 2000" and inserting "June 1 of the preceding fiscal year".

SEC. 2609. Section 351 of Public Law 105–277 is amended by striking "prior to September 30, 2001" and inserting in lieu thereof: "prior to September 30, 2004".

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

For an additional amount to carry out chapter 4 of the Workforce Investment Act, $25,000,000 to be available for obligation for the period April 1, 2001 through June 30, 2002.

Of the funds made available under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), $65,000,000 are rescinded including $25,000,000 available for obligation for the period April 1, 2001 through June 30, 2002 to carry out section 169 of the Workforce Investment Act, and $40,000,000 available for obligation for the period July 1, 2001 through June 30, 2002 for Safe Schools/Healthy Students and Incumbent Workers.

Of the funds made available under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), for Dislocated Worker Employment and Training Activities, $177,500,000 available for obligation for the period July 1, 2001 through June 30, 2002 are rescinded: Provided, That, notwithstanding any other provision of law, $110,000,000 is from amounts allotted under section 132(a)(2)(B), and $67,500,000 is from the National Reserve under section 132(a)(2)(A) of the Workforce Investment Act: Provided further, That notwithstanding any other provision of law, the Secretary shall reduce each State's program year 2001 allotment under section 132(a)(2)(B) by applying an allocation methodology that distributes the rescission based on each State's share of unexpended balances as of June 30, 2001: Provided further, That the effective date of the rescission shall be at the time the Secretary determines, based on the best information available, each State's unexpended balance as of June 30, 2001.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Of the funds made available under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554), $490,000 are authorized to remain available through September 30, 2002.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The matter under this heading in the Departments of Labor, Health and Human Services, *and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking "$226,224,000" and inserting "$224,724,000".*

The provision for Northeastern University is amended by striking "doctors" and inserting "allied health care professionals".

NATIONAL INSTITUTES OF HEALTH

(INCLUDING TRANSFER OF FUNDS)

Of the amount appropriated in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for the National Library of Medicine, $7,115,000 is hereby transferred to Buildings and Facilities, National Institutes of Health, for purposes of the design of a National Library of Medicine facility.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out the Public Health Service Act with respect to mental health services, $6,500,000 for maintenance, repair, preservation, and protection of the Federally owned facilities, including the Civil War Cemetery, at St. Elizabeths Hospital, which shall remain available until expended.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low Income Home Energy Assistance" under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $300,000,000, to remain available until expended: Provided, That these funds are for the home energy assistance needs of one or more States, as authorized by section 2604(e) of that Act and notwithstanding the designation requirement of section 2602(e) of such Act.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Technology Innovation Challenge Grants under the heading "Education Reform", the amount specified for Western Kentucky University to improve teacher preparation programs that help incorporate technology into the school curriculum shall be deemed to be $400,000.

EDUCATION FOR THE DISADVANTAGED

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking "$7,332,721,000" and inserting "$7,237,721,000".

For an additional amount (to the corrected amount under this heading) for "Education for the Disadvantaged" to carry out part A of title I of the Elementary and Secondary Education Act of 1965 in accordance with the eighth proviso under that heading, $161,000,000, which shall become available on July 1, 2001, and shall remain available through September 30, 2002.

IMPACT AID

Of the $12,802,000 available under the heading "Impact Aid" in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for construction under section 8007 of the Elementary and Secondary Education Act of 1965, $6,802,000 shall be used as directed in the first proviso under that heading, and the remaining $6,000,000 shall be distributed to eligible local educational agencies under section 8007, as such section was in effect on September 30, 2000.

SPECIAL EDUCATION

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to Special Education Research and Innovation under the heading "Special Education", the provision for training, technical support, services and equipment through the Early Childhood Development Project in the Mississippi Delta Region shall be applied by substituting "Easter Seals—Arkansas" for "the National Easter Seals Society".

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

The matter under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) is amended by striking "$139,624,000" and inserting "$139,853,000".

In the statement of the managers of the committee of conference accompanying H.R. 4577 (Public Law 106–554; House Report 106–1033), in title III of the explanatory language on H.R. 5656 (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001), in the matter relating to the Fund for the Improvement of Education under the heading "Education Research, Statistics and Improvement"—

(1) the aggregate amount specified shall be deemed to be $139,853,000;

(2) the amount specified for the National Mentoring Partnership in Washington, DC for establishing the National E-Mentoring Clearinghouse shall be deemed to be $461,000; and

(3) the provision specifying $1,275,000 for one-to-one computing shall be deemed to read as follows:

"$1,275,000—NetSchools Corporation, to provide one-to-one e-learning pilot programs for Dover Elementary School in San Pablo, California, Belle Haven Elementary School in East Menlo Park, California, East Rock Magnet School in New Haven, Connecticut, Reid Elementary School in Searchlight, Nevada, and McDermitt Combined School in McDermitt, Nevada;".

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. (a) Section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327) is amended—

(1) in subsection (a), by inserting "that are not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)" after "institutions";

(2) in subsection (b), by adding "institutional support of" after "for";

(3) in subsection (d), by inserting "that is not receiving Federal support under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) or the Navajo Community College Act (25 U.S.C. 640a et seq.)" after "institution"; and

(4) in subsection (e)(1)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) institutional support of vocational and technical education.".

(b) EFFECTIVE DATE.—

(1) The amendments made by subsection (a) shall take effect on the date of enactment of this section.

(2) The amendments made by subsection (a) shall apply to grants made for fiscal year 2001 only if this section is enacted before August 4, 2001.

SEC. 2702. CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION OF APPROPRIATIONS.—Subsection (k)(1) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended—

(1) by re-designating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) In addition to any amounts authorized under any other provision of this or any other Act to be appropriated to the Fund, $20,000,000 are hereby authorized to be appropriated to the Fund (notwithstanding any other provision of this subsection) specifically for transition from the use of analog to digital technology for the provision of public broadcasting services for fiscal year 2001.".

SEC. 2703. IMPACT AID. (a) LEARNING OPPORTUNITY THRESHOLD PAYMENTS.—Section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(3)(B)(iv)) (as amended by section 1806(b)(2)(C) of the Impact Aid Reauthorization Act of 2000 (as enacted into law by section 1 of Public Law 106–398)) is amended by inserting "or less than the average per-pupil expenditure of all the States" after "of the State in which the agency is located".

(b) FUNDING.—The Secretary of Education shall make payments under section 8003(b)(3)(B)(iv) of the Elementary and Secondary Education Act of 1965 from the $882,000,000 available under the heading "Impact Aid" in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–554) for basic support payments under section 8003(b).

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Rhonda B. Sisisky, widow of Norman Sisisky, late a Representative from the Commonwealth of Virginia, $145,100.

For payment to Barbara Cheney, heir of John Joseph Moakley, late a Representative from the Commonwealth of Massachusetts, $145,100.

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $61,662,000, as follows:

MEMBERS' REPRESENTATIONAL ALLOWANCES, STANDING COMMITTEES, SPECIAL AND SELECT, COMMITTEE ON APPROPRIATIONS, ALLOWANCES AND EXPENSES

For an additional amount for Members' Representational Allowances, Standing Committees, Special and Select, Committee on Appropriations, and Allowances and Expenses, $44,214,000, with any allocations to such accounts subject to approval by the Committee on Appropriations of the House of Representatives: Provided, That $9,776,000 of such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for compensation and expenses of officers and employees, as authorized by law, $17,448,000, including: for salaries and expenses of the Office of the Clerk, $3,150,000; and for salaries and expenses of the

Office of the Chief Administrative Officer, $14,298,000, of which $11,181,000 shall be for salaries, expenses, and temporary personal services of House Information Resources and $3,000,000 shall be for separate upgrades for committee rooms: Provided, That $500,000 of the funds provided to the Office of the Chief Administrative Officer for separate upgrades for committee rooms may be transferred to the Office of the Architect of the Capitol for the same purpose, subject to the approval of the Committee on Appropriations of the House of Representatives: Provided further, That all of the funds provided under this heading shall remain available until expended.

ADMINISTRATIVE PROVISION

SEC. 2801. (a) The Legislative Branch Appropriations Act, 2001 (as enacted into law by reference under section 1(a)(2) of the Consolidated Appropriations Act, 2001; Public Law 106–554), is amended in the item relating to "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—SALARIES, OFFICERS AND EMPLOYEES" by striking "not more than $3,500, of which not more than $2,500 is for the Family Room" and inserting "not more than $11,000, of which not more than $10,000 is for the Family Room".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001.

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For an additional amount for the Capitol Police Board for salaries of officers, members and employees of the Capitol Police, including overtime and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $514,000, of which $257,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $257,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate.

GENERAL EXPENSES

For an additional amount for the Capitol Police Board for necessary expenses of the Capitol Police, including security equipment and installation, supplies, materials, and meals, beverages and water for officers or civilian employees of the Capitol Police while performing duties during an extraordinary event or emergency response incident as determined by the Capitol Police Board, $486,000, to be disbursed by the Capitol Police Board or their delegee, to remain available until September 30, 2002.

ADMINISTRATIVE PROVISION

SEC. 2802. (a)(1) Any funds received by the Capitol Police as reimbursement for law enforcement assistance from any Federal, State, or local government agency (including any agency of the District of Columbia) shall be deposited in the United States Treasury for credit to the appropriation for "GENERAL EXPENSES" under the heading "CAPITOL POLICE BOARD", or "SECURITY ENHANCEMENTS" under the heading "CAPITOL POLICE BOARD".

(2) Funds deposited under this subsection may be expended by the Capitol Police Board for any authorized purpose, including overtime pay expenditures relating to law enforcement assistance to any Federal, State, or local government agency (including any agency of the District of Columbia), and shall remain available until expended.

(b) This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2001 and each fiscal year thereafter.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $35,000.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For an additional amount for authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $9,900,000.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $6,000,000, to remain available until expended, for air-conditioning and lighting systems.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for salaries and expenses, Library of Congress, $600,000, to remain available until expended, for a collaborative Library of Congress telecommunications project with the United States Military Academy.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2803. Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended—

(1) by inserting after the second sentence the following: "The President pro tempore emeritus of the Senate is authorized to appoint and fix the compensation of one individual consultant, on a temporary or intermittent basis, at a daily rate of compensation not in excess of that specified in the first sentence of this subsection."; and

(2) in the last sentence by inserting "President pro tempore emeritus," after "President pro tempore,".

SEC. 2804. The Abraham Lincoln Bicentennial Commission Act, Public Law 106–173, February 25, 2000 is hereby amended in section 7 by striking subsection (e) and inserting the following:

"(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Librarian of Congress shall provide to the Commission, on a reimbursable basis, administrative support services necessary for the Commission to carry out its responsibilities under this Act, including disbursing funds available to the Commission, and computing and disbursing the basic pay for Commission personnel.".

SEC. 2805. Notwithstanding any limitation in 31 U.S.C. sec. 1553(b) and 1554, the Architect of the Capitol may use current year appropriations to reimburse the Department of the Treasury for prior year water and sewer services payments otherwise chargeable to closed accounts.

SEC. 2806. That notwithstanding any other provision of law, and specifically section 5(a) of the Employment Act of 1946 (15 U.S.C. 1024(a)), the Members of the Senate to be appointed by the President of the Senate shall for the duration of the One Hundred Seventh Congress, be represented by six Members of the majority party and five Members of the minority party.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

RENTAL PAYMENTS

(RESCISSION)

Of the available balances under this heading, $440,000 are rescinded.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $92,000,000, to remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", $4,000,000, to remain available until expended, for the repair of Coast Guard facilities damaged during the Nisqually earthquake or for costs associated with moving the affected Coast Guard assets to an alternative site within Seattle, Washington.

(RESCISSION)

Of the amounts made available under this heading in Public Law 106–69 and Public Law 106–346, $12,000,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $30,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY HIGHWAY RESTORATION

(HIGHWAY TRUST FUND)

For the costs associated with the long term improvement, restoration, or replacement of highways including seismically-vulnerable highways recently damaged during the Nisqually earthquake, $27,600,000, to be derived from the Highway Trust Fund, other than the Mass Transit Account, and to remain available until expended: Provided, That of the amount made available under this head, $3,800,000 shall be for the Alaskan Way Viaduct in Seattle, Washington; $9,000,000 shall be for the Magnolia Bridge in Seattle, Washington; $9,100,000 shall be for U.S. 119 over Pine Mountain in Letcher County, Kentucky; $4,700,000 shall be for the Lake Street Access to I–35 West project in Minneapolis, Minnesota; $500,000 shall be for the Interstate 55 interchange project at Weaver Road and River Des Peres in Missouri; and $500,000 shall be for damage resulting from tornadoes, flooding and icestorms in northwest Wisconsin including Bayfield and Douglas counties.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSIONS)

Of the unobligated balances made available under Public Law 94–280, Public Law 95–599, Public Law 97–424, Public Law 100–17, Public Law 101–516, Public Law 102–143, Public Law 102–240, and Public Law 103–311, $15,918,497 are rescinded.

RELATED AGENCY

UNITED STATES-CANADA RAILROAD COMMISSION

For necessary expenses of the joint United States-Canada Railroad Commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system, $2,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2901. (a) Item 143 in the table under the heading "Capital Investment Grants" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1999 (Public

Law 105–277; 112 Stat. 2681–456) is amended by striking "Northern New Mexico park and ride facilities" and inserting "Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities".

(b) Item 167 in the table under the heading "Capital Investment Grants" in title I of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1006) is amended by striking "Northern New Mexico Transit Express/Park and Ride buses" and inserting "Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities".

CHAPTER 10

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" to reimburse any agency of the Department of the Treasury or other Federal agency for costs of providing operational and perimeter security at the 2002 Winter Olympics in Salt Lake City, Utah, $59,956,000, to remain available until September 30, 2002.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $49,576,000, to remain available through September 30, 2002.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For an additional amount for "Processing, Assistance, and Management", $66,200,000, to remain available through September 30, 2002.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Of the funds made available under this heading in H.R. 5658 of the 106th Congress, as incorporated by reference in Public Law 106–554, up to $1,000,000 may be transferred and made available for necessary expenses incurred pursuant to section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)), to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 21001. Section 413 of H.R. 5658, as incorporated by reference in Public Law 106–554, is amended to read as follows:

"SEC. 413. DESIGNATION OF THE PAUL COVERDELL BUILDING. The recently-completed classroom building constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, shall be known and designated as the 'Paul Coverdell Building'.".

SEC. 21002. Of unobligated balances as of September 30, 2000, appropriated in, and further authorized through section 511 of Public Law 106–58, and under the headings, "Internal Revenue Service, Processing, Assistance, and Management", "Tax Law Enforcement", and "Earned Income Tax Compliance", $18,000,000 is hereby rescinded, effective September 30, 2001, as follows: $9,805,000 from "Processing, Assistance, and Management", $6,952,000 from "Tax Law Enforcement", and $1,243,000 from "Earned Income Tax Credit Compliance Initiative".

CHAPTER 11

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $589,413,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $347,000,000, to remain available until expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL AND PROSTHETIC RESEARCH

Of the amount provided for "Medical and prosthetic research" in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377), up to $3,500,000 may be used for associated travel expenses.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

(TRANSFER OF FUNDS)

Of the amounts available in the Medical care account, not more than $19,000,000 may be transferred not later than September 30, 2001, to the General operating expenses account, for the administrative expenses of processing compensation and pension claims, of which up to $5,000,000 may be used for associated travel expenses.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(RESCISSION)

$114,300,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2000 and prior years: Provided, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission.

NATIVE AMERICAN HOUSING BLOCK GRANTS

Of the funds provided under this heading within the Department of Housing and Urban Development in fiscal year 2001 and prior years, $5,000,000 shall be made available for emergency housing, housing assistance, and other assistance to address the mold problem at the Turtle Mountain Indian Reservation: Provided, That the Federal Emergency Management Agency shall provide technical assistance to the Turtle Mountain Band of Chippewa with respect to the acquisition of emergency housing and related issues on the Turtle Mountain Indian Reservation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING RESCISSION)

Except for the amount made available for the cost of guaranteed loans as authorized under section 108 of the Housing and Community Development Act of 1974, the unobligated balances available in Public Law 106–377 for use under this heading in only fiscal year 2001 are rescinded as of the date of enactment of this provision.

The amount of the unobligated balances rescinded in the preceding paragraph is appropriated for the activities specified in Public Law 106–377 for which such balances were available, to remain available until September 30, 2003.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended with respect to the amount made available for Rio Arriba County, New Mexico by striking the words "for an environmental impact statement" and inserting the words "for a regional landfill".

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking "$500,000 for Essex County, Massachusetts for its wastewater and combined sewer overflow program;" in reference to an appropriation for Essex County, and inserting "$500,000 to the following Massachusetts communities for wastewater and combined sewer overflow infrastructure improvements: Beverly ($32,000); Peabody ($32,000); Salem ($32,000); Lynn ($32,000); Newburyport ($32,000); Gloucester ($32,000); Marblehead ($30,000); Danvers ($30,000); Ipswich ($17,305); Amesbury ($17,305); Manchester ($17,305); Essex ($17,305); Rockport ($17,305); and Haverhill ($161,475);".

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking "$100,000 to Essex County, Massachusetts for cyberdistrict economic development initiatives;" in reference to an appropriation for Essex County, and inserting "$75,000 to improve cyber-districts in Haverhill, Massachusetts and $25,000 to improve cyber-districts in Amesbury, Massachusetts;".

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of Public Law 106–377 is deemed to be amended by striking "women's and children's hospital" in reference to an appropriation for Hackensack University Medical Center, and inserting "the construction of the Audrey Hepburn Children's House": Provided, That the referenced statement of the managers in the seventh undesignated paragraph under the heading "Community development block grants" in title II of Public Law 106–74 is deemed to be amended by striking "rehabilitation and conversion of part of the NYNEX building into a parking garage" in reference to an appropriation for the City of Syracuse, New York, and inserting "the demolition and revitalization of the Montgomery Street/Columbus Circle National Register District Area".

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(TRANSFER OF FUNDS)

Of the amounts available for administrative expenses and administrative contract expenses under the headings, "FHA—mutual mortgage insurance program account", "FHA—general and special risk program account", and "Salaries and expenses, management and administration" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, as enacted by Public Law 106–377, not to exceed $8,000,000 is available to liquidate deficiencies incurred in fiscal year 2000 in the "FHA—mutual mortgage insurance program account".

INDEPENDENT AGENCIES

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

Notwithstanding any other provision of law, the provisions of section 401 of Chapter 4 of Appendix D of Public Law 106–554 shall not apply to Arlington National Cemetery (the Cemetery): Provided, That water and sewer services expenses charged to the Cemetery in excess of that amount which the Cemetery has to date paid for such services shall, for the purposes of section 104 of Chapter 4 of Appendix D of Public Law 106–554, be paid for out of appropriations accounts of the Department of Defense other than such account for the Cemetery: Provided further, That in satisfying the provisions of section 401 of Chapter 4 of Appendix D of Public Law 106–554 for fiscal year 2002 and future years, the water and sewer services expenses of the Cemetery shall be that amount as determined by metering within the Cemetery: Provided further, That to the extent the Department of the Treasury has heretofore withdrawn funds of the Cemetery pursuant to section 401 of Chapter 4 of Appendix D of Public Law 106–554, such amount shall be reimbursed to the Cemetery by the Department of the Treasury from funds withdrawn *from appropriations accounts of the Department of Defense other than such account for the Cemetery.*

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

From the amounts appropriated for Cortland County, New York and Central New York Watersheds under this heading in title III of Public Law 106–377 and in future Acts, the Administrator is authorized to award grants for work on New York watersheds: Provided, That notwithstanding any other provision of law, the funds provided to the Salt Lake Organizing Committee (SLOC) under this heading in Public Law 106–377 are available for grants for environmental programs and operations as set forth in the November 2000 Environment Annual Report of the Salt Lake 2002 Olympic Winter Games: Provided further, That the Environmental Protection Agency shall make such funds available within thirty days of enactment of this Act: Provided further, That actual costs incurred by the SLOC for activities consistent with the aforementioned report undertaken by the SLOC subsequent to enactment of Public Law 106–377 shall be eligible for reimbursement under this grant and shall not require a grant deviation by the Agency.

STATE AND TRIBAL ASSISTANCE GRANTS

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words "Beloit, Wisconsin" in reference to item number 236, and inserting the words "extension of separate sanitary sewers and extension of separate storm sewers".

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words "Limestone County Water and Sewer Authority in Alabama for" in reference to item number 13, and inserting the words "drinking water improvements": Provided, That the referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words "Clinton, Tennessee for" in reference to item number 211, and inserting the words "wastewater and sewer system infrastructure improvements".

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking the words "the City of Hartselle" in reference to item number 11, and inserting the words "Hartselle Utilities".

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking the words "Florida Department of Environmental Protection" in reference to item number 48, and inserting the words "Southwest Florida Water Management District".

Under this heading in title III of Public Law 106–377, strike "$3,628,740,000" and insert "$3,641,341,386".

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

Notwithstanding the proviso under the heading, "Human space flight", in Public Law 106–74, $40,000,000 of the amount provided therein shall be available for preparations necessary to carry out future research supporting life and micro-gravity science and applications.

TITLE III

GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3002. UNITED STATES-CHINA SECURITY REVIEW COMMISSION. There are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $1,700,000, to remain available until expended, to the United States-China Security Review Commission.

This Act may be cited as the "Supplemental Appropriations Act, 2001".

And the Senate agree to the same.

C.W. BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
ERNEST J. ISTOOK, Jr.,
HENRY BONILLA,
JOE KNOLLENBERG,
DAVID R. OBEY,
JOHN P. MURTHA,
NORMAN DICKS,
MARTIN OLAV SABO,
STENY H. HOYER,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOSÉ E. SERRANO,
JOHN W. OLVER,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
FRITZ HOLLINGS,
TED STEVENS,
THAD COCHRAN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included by the House in the report accompanying H.R. 2216 (H. Rept. 107-102) which is not changed by the Senate in the report accompanying S. 1077 (S. Rept. 107-33), and Senate report language which is not changed by the conference are approved by the committee of conference. The statement of managers, while reporting some report language for emphasis, is not intended to negate the language referred to above unless expressly provided therein.

TITLE I

NATIONAL SECURITY MATTERS

CHAPTER I

DEPARTMENT OF JUSTICE

RADIATION EXPOSURE COMPENSATION

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

The conference agreement includes language that provides such sums as may be necessary in fiscal year 2001 to make payment to the Radiation Exposure Compensation Trust Fund. The conferees believe that the Federal government must meet its obligations to persons, and their families, who were exposed to radiation and who now suffer from related diseases. The conferees further note that the compensation payments are based on claimants meeting eligibility criteria and therefore should be mandatory in nature, and such payments are assumed in the fiscal year 2002 congressional budget resolution to be scored as mandatory with enactment of appropriate legislation starting in fiscal year 2002. The conferees are approving these additional funds for fiscal year 2001 with the understanding and expectation that future funding for this purpose will be mandatory and that further discretionary appropriations will not be necessary and should not be provided in subsequent appropriations acts.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

The supplemental request included $515,000,000 for functions funded in title I, Military Personnel, of the Department of Defense Appropriations Act. The conferees recommend $515,000,000, as detailed in the following table.

[In thousands of dollars]

Program	Request	House	Senate	Conference
Legislated Pay Entitlements	116,000	116,000	116,000	116,000
Military Personnel, Army	(33,000)	(33,000)	(33,000)	(33,000)
Military Personnel, Navy	(30,000)	(30,000)	(30,000)	(30,000)
Military Personnel, Marine Corps	(10,000)	(10,000)	(10,000)	(10,000)
Military Personnel, Air Force	(28,000)	(28,000)	(28,000)	(28,000)
Reserve Personnel, Army	(4,000)	(4,000)	(4,000)	(4,000)
Reserve Personnel, Air Force	(2,000)	(2,000)	(2,000)	(2,000)
National Guard Personnel, Army	(6,000)	(6,000)	(6,000)	(6,000)
National Guard Personnel, Air Force	(3,000)	(3,000)	(3,000)	(3,000)
Basic Allowance for Housing Survey	210,000	210,000	210,000	210,000
Military Personnel, Army	(78,000)	(78,000)	(78,000)	(78,000)
Military Personnel, Navy	(13,000)	(13,000)	(13,000)	(13,000)
Military Personnel, Marine Corps	(45,000)	(45,000)	(45,000)	(45,000)
Military Personnel, Air Force	(59,000)	(59,000)	(59,000)	(59,000)
Reserve Personnel, Army	(6,000)	(6,000)	(6,000)	(6,000)
National Guard Personnel, Air Force	(9,000)	(9,000)	(9,000)	(9,000)
Subsistence	28,000	28,000	28,000	28,000
Military Personnel, Army	(28,000)	(28,000)	(28,000)	(28,000)
Reserve Training	42,000	48,500	42,000	48,500
Reserve Personnel, Army	(42,000)	(42,000)	(42,000)	(42,000)
Reserve Personnel, Air Force	(0)	(6,500)	(0)	(6,500)
Officer Pay Table Reform	28,000	28,000	28,000	28,000

[In thousands of dollars]

Program	Request	House	Senate	Conference
Military Personnel, Navy	(28,000)	(28,000)	(28,000)	(28,000)
Permanent Change of Station Moves	58,000	58,000	58,000	58,000
Military Personnel, Army	(25,000)	(25,000)	(25,000)	(25,000)
Military Personnel, Navy	(13,000)	(13,000)	(13,000)	(13,000)
Military Personnel, Marine Corps	(14,000)	(14,000)	(14,000)	(14,000)
Military Personnel, Air Force	(6,000)	(6,000)	(6,000)	(6,000)
Recruiting and Retention	33,000	26,500	33,000	26,500
Military Personnel, Air Force	(33,000)	(33,000)	(33,000)	(33,000)

OPERATION AND MAINTENANCE

The supplemental request included $2,841,700,000 for functions funded in title II, Operation and Maintenance, of the Department of Defense Appropriations Act. The conferees recommend $3,046,650,000, instead of $2,852,300,000 as proposed by the House, and $3,002,450,000 as proposed by the Senate. The following table summarizes the conferees' recommendations.

[In thousands of dollars]

Program	Request	House	Senate	Conference
Flying Hours	970,000	970,000	970,000	970,000
Operation and Maintenance, Navy	(425,000)	(425,000)	(425,000)	(425,000)
Operation and Maintenance, Air Force	(418,000)	(418,000)	(418,000)	(418,000)
Operation and Maintenance, Defense-Wide	(20,000)	(20,000)	(20,000)	(20,000)
Operation and Maintenance, Air Force Reserve	(14,000)	(14,000)	(14,000)	(14,000)
Operation and Maintenance, Air National Guard	(93,000)	(93,000)	(93,000)	(93,000)
Focused Relief	36,000	36,000	0	18,500
Operation and Maintenance, Army	(10,700)	(10,700)	(0)	(4,000)
Operation and Maintenance, Navy	(7,000)	(7,000)	(0)	(0)
Operation and Maintenance, Air Force	(3,800)	(3,800)	(0)	(0)
Operation and Maintenance, Defense-Wide	(14,500)	(14,500)	(0)	(14,500)
Base Operations	414,000	407,000	447,500	429,000
Operation and Maintenance, Army	(300,000)	(300,000)	(300,000)	(300,000)
Operation and Maintenance, Navy	(83,000)	(83,000)	(116,500)	(105,000)
Operation and Maintenance, Air Force	(7,000)	(0)	(7,000)	(0)
Operation and Maintenance, Army Reserve	(7,000)	(7,000)	(7,000)	(7,000)
Operation and Maintenance, Navy Reserve	(7,000)	(7,000)	(7,000)	(7,000)
Operation and Maintenance, Army National Guard	(10,000)	(10,000)	(10,000)	(10,000)
Second Destination Transportation	62,000	50,000	62,000	50,000
Operation and Maintenance, Army	(62,000)	(50,000)	(62,000)	(50,000)
Force Protection	33,000	33,000	33,000	33,000
Operation and Maintenance, Navy	(22,000)	(22,000)	(22,000)	(22,000)
Operation and Maintenance, Marine Corps	(11,000)	(11,000)	(11,000)	(11,000)
Contractor Logistics Support	63,000	63,000	38,500	43,600
Operation and Maintenance, Air Force	(63,000)	(63,000)	(38,500)	(43,600)
Joint Exercises	11,000	11,000	11,000	11,000
Operation and Maintenance, Air Force	(11,000)	(11,000)	(11,000)	(11,000)
Ehime Maru	36,000	36,000	36,000	36,000
Operation and Maintenance, Navy	(36,000)	(36,000)	(36,000)	(36,000)
Utilities	465,000	463,100	465,000	465,000
Operation and Maintenance, Army	(172,800)	(172,800)	(172,800)	(172,800)
Operation and Maintenance, Navy	(37,000)	(37,000)	(37,000)	(37,000)
Operation and Maintenance, Marine Corps	(38,000)	(38,000)	(38,000)	(38,000)
Operation and Maintenance, Air Force	(136,200)	(136,200)	(136,200)	(136,200)
Operation and Maintenance, Defense-Wide	(23,900)	(22,000)	(23,900)	(23,900)
Operation and Maintenance, Army Reserve	(13,500)	(13,500)	(13,500)	(13,500)
Operation and Maintenance, Navy Reserve	(5,500)	(5,500)	(5,500)	(5,500)
Operation and Maintenance, Marine Corps Reserve	(1,900)	(1,900)	(1,900)	(1,900)
Operation and Maintenance, Air Force Reserve	(6,000)	(6,000)	(6,000)	(6,000)
Operation and Maintenance, Army National Guard	(13,900)	(13,900)	(13,900)	(13,900)
Operation and Maintenance, Air National Guard	(16,300)	(16,300)	(16,300)	(16,300)
DoD Electrical Demand Reduction	24,500	41,500	24,500	41,500
Operation and Maintenance, Army	(300)	(7,100)	(300)	(300)
Operation and Maintenance, Navy	(14,000)	(21,200)	(14,000)	(24,200)
Operation and Maintenance, Marine Corps	(5,400)	(5,400)	(5,400)	(5,400)
Operation and Maintenance, Air Force	(4,800)	(7,800)	(4,800)	(4,800)
Operation and Maintenance, Defense-Wide	(0)	(0)	(0)	(6,800)
Real Property Maintenance	186,000	144,300	293,000	271,300
Operation and Maintenance, Army	(107,000)	(91,000)	(214,000)	(214,000)
Operation and Maintenance, Navy	(44,000)	(31,500)	(44,000)	(31,500)
Operation and Maintenance, Air Force	(16,000)	(6,800)	(16,000)	(6,800)
Operation and Maintenance, Army National Guard	(19,000)	(15,000)	(19,000)	(19,000)
Aircraft Depot Maintenance	276,000	276,000	276,000	276,000
Operation and Maintenance, Navy	(77,000)	(77,000)	(77,000)	(77,000)
Operation and Maintenance, Air Force	(175,000)	(175,000)	(175,000)	(175,000)
Operation and Maintenance, Air Force Reserve	(14,000)	(14,000)	(14,000)	(14,000)
Operation and Maintenance, Air National Guard	(10,000)	(10,000)	(10,000)	(10,000)
Ship Depot Maintenance	200,000	200,000	200,000	200,000
Operation and Maintenance, Navy	(200,000)	(200,000)	(200,000)	(200,000)
Ship Depot Operations Support	0	0	20,000	20,000
Operation and Maintenance, Navy	(0)	(0)	(20,000)	(20,000)
Spare Parts	0	0	30,000	25,000
Operation and Maintenance, Army	(0)	(0)	(30,000)	(25,000)
Pacific Command Initiatives	0	0	38,000	38,000
Operation and Maintenance, Navy	(0)	(0)	(38,000)	(38,000)
East Timor	0	0	5,000	5,000
Operation and Maintenance, Army	(0)	(0)	(2,400)	(2,400)
Operation and Maintenance, Marine Corps	(0)	(0)	(2,600)	(2,600)
Strategic Lift in the Pacific	0	0	5,000	5,000
Operation and Maintenance, Marine Corps	(0)	(0)	(5,000)	(5,000)
Classified Programs	65,200	96,400	47,950	87,850
Recruiting and Advertising	0	25,000	0	20,900
Operation and Maintenance, Army	(0)	(25,000)	(0)	(20,900)

SPARE PARTS FUNDING

The conferees concur with the Senate's recommended reporting requirements concerning supplemental funding for consumable and reparable spare parts.

ARMY RECRUITING AND ADVERTISING

The conferees recommend $20,900,000, instead of $25,000,000 as proposed by the House to fund the Army's advertising campaign sufficiently through the end of the fiscal year. The conferees are aware of the Army's advertising efforts to focus on certain audiences, including Hispanics, and directs that no less than $5,000,000 of the funds provided be used to further increase existing production efforts directed toward Hispanic recruits.

Army Real Property Maintenance

The conferees do not agree with the direction in the Senate report regarding the allocation of Army real property maintenance funding.

Department of Defense Energy Demand Reduction

The conferees include $45,700,000 as proposed by the House instead of $28,700,000 as proposed by the Senate, for Department of Defense energy demand reduction programs. The conferees are greatly concerned about the impact of Department of Defense energy consumption on the Western power grid. The conferees believe strongly that the Secretary of Defense must address this issue with a plan that combines greater energy efficiencies with a determined effort to fully utilize the Department's significant generating capabilities, as well as the land and other natural resources that are available for lease to private power companies. In order to assist in relieving energy demand during electric power emergencies in the western region during such emergencies, the Secretary should use all electric generating facilities owned or operated by the Department of Defense in that region, other than hydroelectric or facilities require for high priority military readiness, to generate energy for use by facilities of the Department of Defense or to be interconnected to public electric power transmission and distribution systems for use on a reimbursable basis. Of the funds provided, the conferees direct the following are to remain available through fiscal year 2002 and to be used as follows:

For "Operation and Maintenance, Defense-Wide", up to $5,500,000, to implement an aggressive energy conservation program which performs energy and sustainability audits of facilities at Department of Defense installations on the Western power grid to produce specific recommendations for immediate implementation of energy conservation measures. The conferees direct that the program be conducted using as equal partners, Brooks Energy and Sustainability Laboratory and Lawrence Berkeley Laboratory, with the inclusion of other entities with expertise in the field as appropriate.

For "Operation and Maintenance, Defense-Wide", $1,300,000, to conduct a study of installations within the Western power grid for siting potential energy generating facilities under an environmental stewardship program. The conferees note that the National Defense Authorization Act, 2001, expands the Department of Defense's authority to lease real property. This authority could be utilized to site energy generating facilities on installations in return for low cost/no cost reliable power. In addition, there is significant opportunity to leverage private sector investment for environmental restoration in such lease agreements. The conferees direct that the study be focused on and coordinated with an organization having particular experience in establishing a public/private sector capital investment environmental stewardship program for siting power generation systems and addressing urgent environmental issues with potential installations, their local communities, and regulatory agencies. The conferees further direct that the Secretary of Defense designate an appropriate entity using existing personnel within the Department of Defense to centralize service activities under this initiative, and report to the congressional defense committees not later than March 31, 2002, on the results of this study and efforts by the Department to lease real property for these purposes.

For "Operation and Maintenance, Navy", $10,200,000 for geothermal well drilling at China Lake.

The conferees direct that in distributing requested funds for the Energy Demand Reduction program, the Department should prioritize projects based upon available data to include increases in installation utility costs, the rate of savings in energy demand the project will produce, and the availability of service resources to complete the project. The conferees further direct the Secretary to submit a report to the congressional defense committees within 45 days of enactment of this Act that describes the complete criteria to be used and the proposed projects for distribution of these funds.

PROCUREMENT

The supplemental request included $550,700,000 for functions funded in title III, Procurement, of the Department of Defense Appropriations Act. The conferees recommend $572,650,000 instead of $488,700,000 as proposed by the House, and $596,150,000 as proposed by the Senate. The following table summarizes the conferees' recommendations.

[In thousands of dollars]

Program	Request	House	Senate	Conference
Training Munitions	73,000	73,000	31,200	31,200
Procurement of Ammunition, Air Force	(73,000)	(73,000)	(31,200)	(31,200)
C–17 Overhead Costs	49,000	49,000	49,000	49,000
Aircraft Procurement, Air Force	(49,000)	(49,000)	(49,000)	(49,000)
Ship Cost Growth	222,000	222,000	297,000	297,000
Shipbuilding and Conversion, Navy	(222,000)	(222,000)	(297,000)	(297,000)
DoD Electrical Demand Reduction	4,200	4,200	4,200	4,200
Other Procurement, Army	(3,000)	(3,000)	(3,000)	(3,000)
Other Procurement, Air Force	(1,200)	(1,200)	(1,200)	(1,200)
Classified Programs	202,500	125,000	199,250	171,750
Global Positioning System NUDET	0	15,500	15,500	15,500
Missile Procurement, Air Force	(0)	(15,500)	(15,500)	(15,500)
Shortstop	0	0	0	4,000
Other Procurement, Army	(0)	(0)	(0)	(4,000)

OTHER PROCUREMENT, ARMY

Shortstop Electronic Protection System

The conferees agree to restore $4,000,000 of the $8,000,000 rescinded by the House for the Shortstop Electronic Protection System (SEPS), and to realign these funds from "Procurement, Marine Corps" to "Other Procurement, Army", only for the purpose of procuring the SEPS countermeasure system to meet the force protection requirements of Army National Guard units deploying to contingency operations areas and for other Army National Guard requirements.

AIRCRAFT PROCUREMENT, NAVY

Joint Primary Aircraft Training System (JPATS)

The conferees are concerned by the Department of the Navy's decision to discontinue acquisition of the Joint Primary Aircraft Training System (JPATS) for fiscal years 2002 through 2007. JPATS is currently scheduled to replace all Air Force and Navy primary training aircraft and ground based training systems. The program was designed to provide a training aircraft that offers better performance, increased safety, and greater cost-effectiveness than the existing trainer aircraft fleet. The program was also conceived as a joint program with the Navy and the Air Force to create a common multiservice flight training environment as well as to take advantage of economies of scale during the production run.

The conferees direct that no later than 30 days after the enactment of this Act, the Secretary of the Navy shall submit a report to the House and Senate Appropriations Committees detailing the business case for deferring JPATS acquisition. The report should include a discussion of: (1) all life cycle cost impacts associated with the decision to defer acquisition of JPATS; (2) safety issues related to continued use of the T–34 trainer; and (3) the implications of a nonjoint initial flight training curriculum.

MISSILE PROCUREMENT, AIR FORCE

GPS Nuclear Detonation

The conferees agree to provide $15,500,000 in the "Missile Procurement, Air Force" account for GPS Nuclear Detonation. The conferees direct that these funds shall be executed within the line-item entitled, "NUDET Detection System". The conferees agree with the Senate direction regarding transfer of funds in the outyears. The conferees expect the Air Force, as executive agent for space, to protect the interests of the diverse stakeholders who rely on enabling space technology to achieve mission success.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The supplemental request included $440,500,000 for functions funded in title IV, Research, Development, Test and Evaluation, of the Department of Defense Appropriations Act. The conferees recommend $492,600,000, instead of $525,600,000 as proposed by the House, and $385,500,000 as proposed by the Senate. The following table summarizes the conferees' recommendations.

[In thousands of dollars]

Program	Request	House	Senate	Conference
ISR Enhancements	0	5,000	0	5,000

[In thousands of dollars]

Program	Request	House	Senate	Conference
Research, Development, Test and Evaluation, Army	(0)	(5,000)	(0)	(5,000)
Airborne Laser	153,000	153,000	153,000	153,000
Research, Development, Test and Evaluation, Air Force	(153,000)	(153,000)	(153,000)	(153,000)
Launch Vehicle Demonstration	48,000	48,000	48,000	48,000
Research, Development, Test and Evaluation, Air Force	(48,000)	(48,000)	(48,000)	(48,000)
Global Hawk	25,000	17,000	25,000	17,000
Research, Development, Test and Evaluation, Air Force	(25,000)	(17,000)	(25,000)	(17,000)
Miniature Munitions	20,000	13,000	0	13,000
Research, Development, Test and Evaluation, Air Force	(20,000)	(13,000)	(0)	(13,000)
ISR Battle Management	0	5,000	0	5,000
Research, Development, Test and Evaluation, Air Force	(0)	(5,000)	(0)	(5,000)
Joint Experimentation	15,000	15,000	15,000	15,000
Research, Development, Test and Evaluation, Defense-Wide	(15,000)	(0)	(0)	(0)
Research, Development, Test and Evaluation, Navy	(0)	(15,000)	(15,000)	(15,000)
V–22 Aircraft	80,000	120,000	80,000	80,000
Research, Development, Test and Evaluation, Navy	(80,000)	(120,000)	(80,000)	(80,000)
Naval Fires Network	0	5,000	0	5,000
Research, Development, Test and Evaluation, Navy	(0)	(5,000)	(0)	(5,000)
PIPES Program	0	0	4,000	4,000
Research, Development, Test and Evaluation, Defense-Wide	(0)	(0)	(4,000)	(4,000)
COTS Visualization and Blast Modeling for Force Protection	0	0	0	3,000
Research, Development, Test and Evaluation, Defense-Wide	(0)	(0)	(0)	(3,000)
Classified Programs	99,500	144,600	60,500	144,600

GLOBAL HAWK UNMANNED AERIAL VEHICLE

The conferees agree to provide $17,000,000 to accelerate the development of the Global Hawk High Altitude Endurance Unmanned Aerial Vehicle as recommended by the House, instead of $25,000,000 as recommended by the Senate.

The conferees agree the Air Force should use up to $3,000,000 of the funds provided to conduct a competitive fly-off demonstration to evaluate existing sensor systems, particularly electro-optical and infrared sensors and synthetic aperture radars. Prior to the obligation of the funds for the fly-off demonstration, the Air Force should submit a report to the House and Senate Committees on Appropriations that outlines the strategy and milestone decision points for the demonstration.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

V–22

The conferees agree to retain sufficient fiscal year 2001 funding for the V–22 program to sustain current minimum production rates and support the Blue Ribbon Panel's findings, as well as make prudent reductions to the program in recognition that the aircraft's deficiencies must be corrected. As such, the conferees approve a supplemental appropriation of $80,000,000 for the V–22 development program only for correction of deficiencies, flight test, and flight test support. A reduction of $199,000,000 is approved for the Marine Corps V–22 procurement program, instead of the $235,000,000 reduction proposed by the Defense Department. This adjustment will allow the Marine Corps to purchase 11 aircraft, the minimum production rate required. The conferees also approve a reduction of $327,500,000 from the CV–22 procurement program, delaying initial acquisition of this aircraft until deficiencies can be corrected.

The conferees remain supportive of the goals of the Special Operations Command concerning the CV–22, but believe that all issues with the program restructure need to be resolved before acquisition of CV–22 test articles is warranted.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

NATIONAL IMAGERY AND MAPPING AGENCY

The conferees agree to two rescissions totaling $7,000,000, from "Research, Development, Test and Evaluation, Defense-Wide" and a reappropriation of these amounts for the National Imagery and Mapping Agency. The conferees agree to provide $4,000,000 for PIPES and $3,000,000 for Blast Visualization-COTS Visualization and Blast Modeling for Force Protection.

CENTER FOR THE COMMERCIAL DEPLOYMENT OF TRANSPORTATION TECHNOLOGIES

The conferees believe that preliminary studies of high speed cargo craft for ocean shipping conducted by the Center for the Commercial Deployment of Transportation Technologies under the guidance of USTRANSCOM and MARAD hold promise for development of safe and profitable high-speed shipping vessels that would have utility for the movement of high priority military cargo. The conferees expect USTRANSCOM to accelerate planning efforts for follow-on CCDoTT development and engineering activities to aid in the evaluation of current sealift designs, shipbuilding requirements and capabilities, and advanced shipbuilding technology, and examination of market opportunity and economic viability. The USTRANSCOM shall provide to the House and Senate Committees on Appropriations by no later than September 30, 2001 an outyear funding plan including funding requirements and a milestone timetable for continuing the follow-on development and engineering studies for this effort.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

The supplemental request included $178,400,000 for functions funded in title V, Revolving and Management Funds, of the Department of Defense Appropriations Act. The conferees recommend $178,400,000 as detailed in the following table.

[In thousands of dollars]

Program	Request	House	Senate	Conference
Utilities	178,400	178,400	178,400	178,400
Defense Working Capital Funds	(178,400)	(178,400)	(178,400)	(178,400)

OTHER DEPARTMENT OF DEFENSE PROGRAMS

The supplemental request included $1,453,400,000 for functions funded in title VI, Other Department of Defense Programs, of the Department of Defense Appropriations Act. The conferees recommend $1,603,400,000, instead of $1,653,400,000 as proposed by the House and $1,522,200,000 as proposed by the Senate. The following table summarizes the conferees' recommendations.

[In thousands of dollars]

Program	Request	House	Senate	Conference
Defense Health Program	1,453,400	1,653,400	1,522,200	1,603,400
Operation and Maintenance, Defense Health Program	(1,427,000)	(1,427,000)	(1,427,000)	(1,427,000)
Operation and Maintenance, Defense Health Program (for utilities)	(26,400)	(26,400)	(26,400)	(26,400)
Operation and Maintenance, Defense Health Program (MTF Optimization)	(0)	(200,000)	(0)	(120,000)
Operation and Maintenance, Defense Health Program (MTF Operations)	(0)	(0)	(68,800)	(30,000)
Drug Interdiction and Counter-Drug Activities, Defense (for utilities)	0	1,900	0	0

SUPPORT TO MILITARY MEDICAL TREATMENT FACILITIES

The conferees have agreed to provide an increase over the President's budget request of $150,000,000 to initiate an effort to reverse the disinvestments in the military direct care system. This compares to an increase of $200,000,000 proposed by the House and an increase of $68,800,000 proposed by the Senate. The conferees agree that better utilization of direct care military medical treatment facilities must be a principal component of the Department's future plans to control the explosive cost growth in the Defense Health Program. These funds are to be distributed as follows:

$30,000,000 for Army optimization projects;

$30,000,000 for Navy optimization projects;

$30,000,000 for Air Force optimization projects;

$30,000,000 for advanced medical practices;

$30,000,000 for other direct care/MTF requirements.

The conferees agree to the direction provided in the House report outlining the types of optimization projects that are eligible for these funds, guidance on calculating the cost effectiveness proviso in the bill for potential optimization projects, and the requirement for reporting to Congress on the use of these funds. The conferees agree that the $30,000,000 reserved for advanced medical practices shall be used to implement newly developed practices, procedures and techniques such as laser refractive eye surgery, liquid based cytology, positron emission tomography, non-invasive colonoscopy, and rigorous pre-symptomatic screening to augment existing DoD personal wellness and readiness programs.

OUTCOMES MANAGEMENT DEMONSTRATION

The conferees support the outcomes management demonstration at the Walter Reed Army Medical Center (WRAMC). In addition, the conferees have provided an additional $30,000,000, to remain available until expended, to address immediate shortfalls in the direct care system and military medical treatment facilities. From within these funds, the conferees direct that $16,000,000 be made available to continue the outcomes management demonstration at WRAMC.

RECOVERY OF OVERPAYMENTS

The conferees are aware of potentially significant opportunities to recover past capital and direct medical expense (CDME) TRICARE overpayments to civilian hospitals. The conferees urge the Secretary of Defense to act expeditiously to recover such overpayments, and to evaluate the use of existing, innovative methodologies developed in the private sector for this type of recovery auditing.

CLASSIFIED PROGRAMS

The recommendations of the conferees regarding classified programs are summarized in a classified annex accompanying this statement.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to delete language as proposed by the House concerning the availability of funds provided in this chapter.

The conferees agree to retain section 1201, as proposed by the Senate concerning fuel transferred by the Defense Energy Supply Center to the Department of the Interior.

The conferees agree to retain section 1202, as proposed by the House and Senate concerning funds for intelligence related programs.

The conferees agree to retain section 1203, as proposed by the Senate which provides $44,000,000 for the repair of the *U.S.S. COLE*.

The conferees agree to amend section 1204, which rescinds $1,034,900,000 of prior year appropriations, instead of $834,000,000 as proposed by the House and $792,000,000 as proposed by the Senate. The specific programs and the amounts rescinded are as follows:

	(Rescissions)
2000 Appropriations: Procurement, Marine Corps: Shortstop	$3,000,000
2001 Appropriations:	
Overseas Contingency Operations Transfer Fund	200,000,000
Aircraft Procurement, Navy: MV–22	199,000,000
Shipbuilding and Conversion, Navy: LPD–17	75,000,000
Procurement, Marine Corps: Shortstop	5,000,000
Aircraft Procurement, Air Force: CV–22	327,500,000
Other Procurement, Air Force: Selected Activities	65,000,000
Procurement, Defense-Wide: NSA—Classified Equipment	85,000,000
Research, Development, Test and Evaluation, Defense-Wide: PIPES	4,000,000
Research, Development, Test and Evaluation, Defense-Wide: COTS Visualization and Blast Modeling for Force Protection	3,000,000
Foreign Currency Fluctuation, Defense	68,400,000

The conferees agree to amend section 1205, as proposed by the House which provides $39,900,000 to repair facilities damaged by natural disasters.

The conferees agree to retain section 1206, as proposed by the House which extends the authorities provided in section 816 of the National Defense Authorization Act of 1995, as amended, through January 31, 2002.

The conferees agree to retain section 1207, as proposed by the Senate concerning retaining all or a portion of Fort Greely, Alaska for missile defense requirements.

The conferees agree to retain section 1208, as proposed by the Senate which makes a technical correction to the fiscal year 2001 appropriation for Maritime Fire Training Centers.

The conferees agree to retain section 1209, as proposed by the Senate which earmarks funds to repair storm damage at Fort Sill, Oklahoma and Red River Army Depot, Texas.

The conferees agree to amend section 1210, as proposed by the Senate which allows for the conveyance by the Secretary of the Army of certain firefighting and rescue vehicles to the City of Bayonne, New Jersey.

The conferees agree to retain section 1211, as proposed by the Senate which prohibits obligating or expending any fiscal year 2001 funds for retiring or dismantling any of the current force of 93 B–1B Lancer bomber aircraft in fiscal year 2001. The Department of Defense has proposed to retire 33 B–1B aircraft at three locations and use a portion of the savings to upgrade the remaining 60 aircraft in the fleet. The conferees note that this provision does not preclude any planning activities by the Department of Defense to retire these 33 aircraft in the future, nor does it prohibit implementation of this plan in FY 2002. The intent of this provision is to afford the Congress and the Department a sufficient amount of time to review the full implications of this proposal and to evaluate all alternatives.

As part of this review, the Secretary of Defense is directed to provide the congressional defense committees, within 30 days of enactment of this Act, a detailed justification of its B–1B reduction and realignment proposal that includes: (1) A description of the current operational deficiencies of the B–1B aircraft, the plan and cost for correcting those deficiencies (to include increasing the mission capable rate to a minimum of 75 percent), and an assessment of the operational performance, survivability, and overall viability of the upgraded aircraft; (2) a full explanation of the new proposed B–1B basing plan to include a full analysis of basing alternatives that compares the relative fixed and recurring costs at each base, a comparison of the workforce characteristics of each base in terms of experience, productivity and operational performance, and the variable cost differences for different B–1B aircraft maintenance options; and (3) a detailed assessment of the operational, budgetary, and personnel impacts for the Air National Guard.

CHAPTER 3

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

The conference agreement provides $126,625,000 for Weapons Activities instead of $140,000,000 as proposed by the Senate and $116,300,000 as proposed by the House.

Directed stockpile work.—The conference agreement includes $54,000,000 for directed stockpile work to be allocated as follows: $31,100,000 for stockpile research and development; $18,900,000 for stockpile maintenance; and $4,000,000 for stockpile evaluation.

Campaigns.—The conference agreement includes $15,000,000 for campaigns to be allocated as follows: $6,000,000 for enhanced surveillance; $4,000,000 for pit manufacturing readiness; $1,800,000 for secondary readiness; $1,600,000 for high explosives manufacturing and weapons assembly/disassembly readiness; and $1,600,000 for nonnuclear readiness.

Readiness in technical base and facilities.—The conference agreement includes $58,000,000 for readiness in technical base and facilities to be allocated as follows: $28,100,000 for operations of facilities; $7,500,000 for program readiness; $8,500,000 for material recycle and recovery; $8,800,000 for containers; and $1,200,000 for storage.

The conference agreement also provides funds for construction projects and includes language authorizing two projects to progress from preliminary engineering and design work to construction. Consistent with this direction, available funding in Project 01–D–103, Project Engineering and Design (PE&D), has been reduced by $13,289,000. Project 01–D–108, the Microsystems and Engineering Sciences Applications (MESA) Complex Facility at Sandia National Laboratories, has been provided $9,500,000. Project 01–D–107, Atlas Relocation and Operations at the Nevada Test Site, has been provided $7,689,000 of which an additional $3,900,000 is provided for Atlas construction in order to complete relocation during fiscal year 2002.

Facilities and infrastructure.—The conference agreement includes $10,000,000, instead of $30,000,000 as proposed by the House and no funding as proposed by the Senate, to establish a new program, Facilities and Infrastructure, to address the serious shortfall in maintenance and repairs throughout the nuclear weapons complex. This funding should be used to reduce the current backlog of maintenance and repairs and dispose of excess facilities. As the first step in this process, the Department is directed to develop current ten-year site plans that demonstrate the reconfiguration of facilities and infrastructure to meet mission requirements and address long-term operational costs and return on investment.

General reduction.—The conference agreement includes a general reduction of $10,375,000 to be allocated among the operating expense funds provided in this supplemental appropriation. However, of the funds provided herein, the National Nuclear Security Administration must provide the appropriate level of funding needed to maintain pit production and certification on schedule.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

The conference agreement provides $95,000,000 for Defense Environmental Restoration and Waste Management as proposed by the Senate instead of $100,000,000 as proposed by the House.

Site and project completion.—The conference agreement provides $26,500,000 for site and project completion activities. This includes $3,000,000 for groundwater contamination activities at the Pantex plant in Texas; $10,000,000 for the spent nuclear fuels project and $5,000,000 for deactivation of the plutonium finishing plant at Hanford, Washington; and $8,500,000 for plutonium packaging and stabilization activities at the Savannah River Site in South Carolina.

Post-2006 completion.—The conference agreement provides $68,500,000 for post-2006 completion activities. This includes $7,000,000 to purchase TRUPACTS shipping containers in support of operations at the Waste Isolation Pilot Plant in New Mexico; $10,000,000 for tank farm operations, $3,300,000 for F-reactor safe storage activities, and $25,000,000 for the Waste Treatment and Immobilization Plant at Hanford, Washington; and $23,200,000 for high-level waste activities and work in the F and H areas at the Savannah River Site.

DEFENSE FACILITIES CLOSURE PROJECTS

The conference agreement provides $21,000,000 for Defense Facilities Closure Projects as proposed by the House and the Senate. Funding of $20,000,000 has been provided for the Fernald, Ohio, project, and $1,000,000 for the Miamisburg, Ohio, project.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

The conference agreement provides $29,600,000 for Defense Environmental Management Privatization as proposed by the Senate instead of $27,472,000 as proposed by the House. This funding has been provided for the Advanced Mixed Waste Treatment Facility in Idaho.

OTHER DEFENSE ACTIVITIES

The conference agreement provides $5,000,000 for Other Defense Activities as proposed by the Senate instead of no funding as proposed by the House. This funding is provided for the worker and community transition program to mitigate the impact of the workforce reduction at the Idaho National Engineering and Environmental Laboratory. The Department should report to the House and Senate Committees on Appropriations by October 1, 2001, on the use of this funding to facilitate the proposed reduction of 1,200 employees.

CHAPTER 4

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

The conference agreement includes $22,000,000 for this account instead of $67,400,000 as proposed by the House. The Senate did not have a similar provision. Included in the account are the following projects:

Location/ installation	Project title	Cost
Korea:		
Camp Humphreys	Electrical Upgrade	$10,000,000
Camp Casey	Sewer Upgrade	8,000,000
Camp Casey	Electrical Upgrade	4,000,000
Total, Korea		22,000,000

MILITARY CONSTRUCTION, NAVY

The conference agreement includes $9,400,000 for an emergent repair facility in Guam as proposed by the House. The Senate did not include a similar provision. Not included in the agreement is $1,100,000 for constructing a close range training facility in Okinawa as proposed by the House. The Senate did not include a similar provision.

MILITARY CONSTRUCTION, AIR FORCE

The conference agreement includes $10,000,000 for the Masirah Island Airfield project in Oman instead of $18,000,000 as proposed by the Senate. The House did not include a similar provision. Not included in the agreement is $8,000,000 for fire protection systems in hangars at Kunsan Air Base in Korea as proposed by the House. The Senate did not include a similar provision.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conference agreement includes $6,700,000 to repair storm damage at Ellington Air National Guard Base in Texas, as proposed by the Senate. The House did not include a similar provision.

FAMILY HOUSING, ARMY

The conference agreement includes $30,480,000 instead of $29,480,000 as proposed by the House, and $27,200,000 as proposed by the Senate. Of the amount provided, $2,280,000 is for renovating Hannam Village apartments in Seoul, Korea, and $1,000,000 is to repair storm damage at Fort Sill, Oklahoma.

General Provisions—This Chapter

The conference agreement includes five general provisions.

Section 1401 authorizes increasing the spending cap at Arvin Cadet Physical Development Center from $77,500,000 to $85,000,000.

Section 1402 clarifies that amounts provided in this chapter are available for the same time period as provided in the fiscal year 2001 appropriations act.

Section 1403 rescinds $46,755,000.

Section 1404 authorizes an increase for Bassett Army Hospital at Fort Wainwright, Alaska.

Section 1405 designates the engineering and management building at Norfolk Naval Shipyard, Virginia, after Norman Sisisky.

TITLE II

OTHER SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

Office of the Secretary

The conference agreement includes $3,000,000 for the Office of the Secretary, to remain available until September 30, 2002. Of this sum, not less than $1,000,000 shall be used for enforcement of the Animal Welfare Act, not less than $1,000,000 shall be used for enforcement of humane slaughter practices under the Federal Meat Inspection Act, and not more than $500,000 shall be for development and demonstration of technologies to promote the humane treatment of animals, as proposed by the Senate.

Animal and Plant Health Inspection Service

SALARIES AND EXPENSES

The conference agreement includes $5,000,000 to guard against the threat of foreign animal disease instead of $35,000,000 as proposed by the Senate. It is the intent of the conferees that this sum will be used for equipment purchases that can be executed during fiscal year 2001. The conferees fully expect the Secretary to continue use of funds of the Commodity Credit Corporation as necessary to combat threats of foreign animal disease.

Farm Service Agency

AGRICULTURAL CONSERVATION PROGRAM

(RESCISSION)

The conference agreement rescinds $45,000,000 of unobligated funds from the Agricultural Conservation Program.

Natural Resources Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides an additional $35,500,000, to remain available until expended, for watershed and flood prevention operations to reduce hazards to life and property in watersheds damaged by natural disasters. The conference agreement includes funding for the following states in the specific amounts: Alabama, $3,500,000; Florida, $2,000,000; Mississippi, $4,000,000; Oklahoma, $7,000,000; Texas, $10,000,000; West Virginia, $8,000,000; and Wisconsin, $1,000,000.

General Provisions—This Chapter

Senate Section 2101.—The conference agreement includes language (section 2101) transferring Animal and Plant Health Inspection Service Buildings and Facilities funds for plant quarantine facilities to the State of Alaska.

House Section 2101 and Senate Section 2102.—The conference agreement includes language (section 2102) that makes a technical correction to the Rural Community Advancement Program as proposed by the Senate instead of a technical correction as proposed by the House.

Senate Section 2103.—The conference agreement includes language (section 2103) directing the Secretary to promulgate final regulations for a Federal Crop Insurance Corporation program as authorized in the Agricultural Risk Protection Act of 2000 as proposed by the Senate.

Senate Section 2104.—The Conference agreement includes $20,000,000 (section 2104), as proposed by the Senate, to provide financial assistance in the Klamath Basin for a prospective water conservation program, and provides for expedited procedures. The conference agreement does not include language proposed by the House regarding an apportionment request for the Klamath Basin, and does not include language proposed by the Senate requesting a report of fiscal year 2001 losses.

Senate Section 2105.—The conference agreement includes language (section 2105) that reduces a limitation on the food stamp Employment and Training program by $3,000,000 as proposed by the Senate. The House had no similar provision.

Senate Section 2106.—The conference agreement includes language (section 2106) that rescinds $39,500,000 from unspecified prior year funds for the food stamp Employment and Training program as proposed by the Senate. The House had no similar provision.

Senated Section 2107.—The conference agreement (section 2107) provides $2,000,000 for financial assistance in the Yakima Basin for a prospective water conservation program, and provides for expedited procedures.

Section 2108.—The conference agreement provides up to $22,949,000 for certain expenses for cooperating sponsors under the Global Food for Education Initiative, and rescinds

$22,949,000 of funds appropriated for fiscal year 2001 for the Food and Drug Administration that are no longer required.

CHAPTER 2

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL AND OCEAN ACTIVITIES

(INCLUDING RESCISSION)

The conference agreement includes language as proposed in the Senate bill rescinding funds for a construction project and appropriating the same amount for land acquisition and construction for the same project. The House bill did not address this matter.

DEPARTMENTAL MANAGEMENT

EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM

(RECISSION)

The conference agreement includes language as proposed in the Senate bill rescinding $114,800,000 from available funds in the Emergency Oil and Gas Guaranteed Loan Program. The House bill did not address this matter.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

The conference agreement includes a provision proposed in the Senate bill rescinding and reappropriating $30,000 appropriated in fiscal year 2001 for technical assistance related to the New Markets Venture Capital Program to allow those funds to remain available until expended. This matter was not addressed in the House version of the bill.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION)

The conference agreement includes a provision proposed in the Senate bill rescinding and reappropriating $22,000,000 appropriated in fiscal year 2001 for the New Markets Venture Capital Program to allow those funds to remain available until expended. This matter was not addressed in the House version of the bill.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes Section 2201, modified from language proposed in the Senate bill, to amend portions of a fishing vessel capacity reduction program authorized in Public Law 106–554 regarding vessel eligibility and the timing of regulations to implement the program. The House bill did not address this matter.

The conference agreement includes Section 2202, modified from language included in the Senate bill, to amend portions of the American Fisheries Act to clarify methods for lenders to demonstrate their citizenship when making loans to the commercial fishing industry after October 1, 2001. The House bill did not address this matter.

The conference agreement includes Section 2203, clarifying the authorized uses of funds under a small business grant program.

The conference agreement includes Section 2204, clarifying the purposes of certain funds appropriated in fiscal year 2001.

CHAPTER 3

DISTRICT OF COLUMBIA

The conference agreement recommends $750,000 in Federal funds, $250,000 by transfer of Federal funds, and the revised supplemental request of $106,588,000 in District funds instead of $107,427,000 in District funds as proposed by the House and $106,677,000 in District funds as proposed by the Senate.

FEDERAL FUNDS

FEDERAL CONTRIBUTION TO THE CHIEF FINANCIAL OFFICER

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $1,000,000 in Federal funds, of which $250,000 is by transfer, as a contribution to the Chief Financial Officer of the District of Columbia for payment to the Excel Institute Adult Education Program. The House had proposed an appropriation under "Public Education System" of $1,000,000 consisting of $250,000 by transfer and $750,000 from local funds. The Excel Institute is an academic/auto technical training school located in Northwest Washington. The Institute offers young men and women in the District the opportunity to train for a career, earn a high school equivalency diploma, and obtain an unsubsidized job in the automotive industry. The conferees direct the District's Chief Financial Officer to make the above payment to the Institute within 15 days of the enactment of this Act. The conferees do not expect the Chief Financial Officer to administer this program in any way except to ensure that the funds are disbursed promptly and correctly to the Institute.

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

The conference agreement rescinds $250,000 as proposed by the House and inserts language clarifying that the rescission applies to fiscal year 2001 funds as proposed by the Senate.

ECONOMIC DEVELOPMENT AND REGULATION

The conference agreement includes language proposed by the Senate modified to place a cap of $60,000 on the amount to be used to implement the provisions of D.C. Bill 13–646 pertaining to historic properties. This amount was provided by District officials at the request of the conferees. The conferees note that there was no supporting justification material for this language and direct District officials to submit detailed justification material for all budget requests. The conferees request an accounting by November 30, 2001, as to how the funds were used and the purposes for which they were used.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

The conference agreement includes language proposed by the Senate modified to place a cap on the amounts to be used by the Office of the Corporation Counsel from funds deposited in the District of Columbia Antitrust Fund ($52,000), the Antifraud Fund ($5,500), and the District of Columbia Consumer Protection Fund ($43,000). The conferees also limit the use of the funds to fiscal year 2001 instead of fiscal year 2002 as proposed by the Senate and "without fiscal year limitation" as proposed in the request. The conferees note that there was no supporting justification material for this language. This request is similar to the one just discussed under "Economic Development and Regulation". The conferees direct District officials to submit detailed justification material for all budget requests. The conferees request an accounting by November 30, 2001, as to how the funds were used and the purposes for which they were used.

PUBLIC EDUCATION SYSTEM

The conference agreement appropriates $13,000,000 as proposed by the Senate instead of $14,000,000 of which $250,000 was by transfer and $750,000 was from local funds as proposed by the House. The conference agreement allocates $1,000,000 for a census-type audit of student enrollment and $12,000,000 for the 2001 summer school session as proposed by the Senate instead of $1,000,000 for a census-type audit of student enrollment, $12,000,000 for the 2001 summer school session and $1,000,000 of which $250,000 was by transfer and $750,000 was from local funds for the Excel Institute Adult Education Program as proposed by the House. Federal funds of $1,000,000, including $250,000 by transfer, for the Excel Institute are provided earlier in this chapter.

GENERAL PROVISION—THIS CHAPTER

The conference agreement includes language proposed by the Senate as a new section 2301 modified to require the Mayor to provide to the House and Senate appropriating and authorizing committees a report on the specific authority necessary to carry out the responsibilities transferred to the Chief Financial Officer in a non-control year, outlined in Section 155 of Public Law 106–522, and responsibilities outlined in DC Bill 14–254 passed by the District Council on July 10, 2001 relating to the transition of responsibilities under Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Act of 1995. The report is to be submitted within 45 days of enactment of this Act.

In 1995, the Congress enacted the District of Columbia Financial responsibility and Management Assistance Act, Public Law 104–8, for the purpose of restoring financial solvency and improving effective management of the District of Columbia. The Act created the "Control Board" to oversee the management of the District of Columbia and established an independent Office of the Chief Financial Officer within the District government, responsible for all financial offices of the District (budget, controller, treasurer, finance and revenue) (GAO–01–845T). As the conditions of a "control period" have been met and the Control Board terminates at the end of fiscal year 2001, certain functions performed by the Control Board have been transferred to the responsibility of the Chief Financial Officer. Public Law 106–522, the Fiscal Year 2001 District of Columbia Appropriations Act, outlines twenty-four (24) specific responsibilities for the Chief Financial Officer in a non-control year.

The conferees recognize that the District of Columbia government has enacted legislation promoting the independence, expertise and authority of the Office of the Chief Financial Officer. The conferees are committed to ensuring that the Chief Financial Officer has the necessary tools to insure that reliable, accurate, and objective financial information is available to the Mayor, the Council, the Congress, the financial markets, District citizens an other interested parties. The conferees intend to work closely with the authorizing committees and the District of Columbia on this critical issue as we develop the fiscal year 2002 appropriations bill.

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement includes $9,000,000 for Flood Control, Mississippi River and Tributaries instead of $18,000,000 as proposed by the House. The Senate did not propose funding for this account.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $86,500,000 for Operation and Maintenance, General instead of $139,200,000 as proposed by the House. The Senate did not propose funding for this account. Of the amount provided, $18,000,000 is for the Corps of Engineers to address critical maintenance items at its hydroelectric power facilities. In addition, language has been included in the bill which directs the Corps of Engineers to use $8,000,000 to assist with the recovery efforts resulting from the devastating effects of flooding which occurred in Southern and Central West Virginia in July of this year. The conference agreement also includes language proposed by the House which directs the Corps of Engineers to undertake the project authorized by section 518 of the Water Resources Development Act of 1999.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $50,000,000 for Flood Control and Coastal Emergencies as proposed by the House and the Senate.

DEPARTMENT OF ENERGY

Energy Programs

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

The conference agreement provides $11,950,000 for Non-Defense Environmental Management as proposed by the House instead of $11,400,000 as proposed by the Senate. Additional funding of $10,000,000 is provided to continue cleanup at the Brookhaven National Laboratory in New York, and $1,950,000 is provided to study remediation options at the former Atlas Corporation's uranium mill tailings site near Moab, Utah.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

The conference agreement provides $230,000,000 for Uranium Facilities Maintenance and Remediation instead of $18,000,000 as proposed by the House and the Senate. The conference agreement includes $18,000,000 to accelerate cleanup activities at the gaseous diffusion plant in Paducah, Kentucky, and $12,000,000 to continue decontamination and decommissioning activities at the former gaseous diffusion plant in Oak Ridge, Tennessee.

Power Marketing Administration

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The conference agreement provides $1,578,000 for Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration as proposed by the House, instead of no funding as proposed by the Senate. Non-reimbursable funding of $1,328,000 is provided to complete planning and environmental studies for the Path 15 transmission line. Non-reimbursable funding of $250,000 is provided to conduct a planning study of transmission expansion options and projected costs in Western's Upper Great Plains Region. Existing Western transmission capacity iis insufficient to support the development of known energy resources that could support new electric generation capacity in the Upper Great Plains Region. The directed study will require assumptions as to future generation locations. Western is directed to solicit suggestions from interested parties for the sites that should be studied as potential locations for new generation and to consult with such parties before conducting the study. Western is directed to produce an objective evaluation of options that may be used by all interested parties.

General Provisions—This Chapter

The conference agreement includes language proposed by the House to provide $500,000 for completion of the feasibility study for Chickamauga Lock, Tennessee.

The conference agreement does not include language proposed by the House to transfer $23,700,000 from the National Nuclear Security Administration to the Corps of Engineers.

The conference agreement modifies language proposed by the Senate which allows the Bureau of Reclamation to accept prepayment of certain obligations.

The conference agreement does not include language proposed by the Senate to provide $250,000 within available funds for the Western Area Power Administration for a study to determine the costs and feasibility of transmission expansion. Funding for this activity has been provided in the Western Area Power Administration appropriation account.

The conference agreement modifies language proposed by the Senate to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 by including renal cancers as a basis for benefits under this program. The conference agreement makes the provision effective on October 1, 2001.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

Agency for International Development

Child Survival and Disease Programs Fund

(INCLUDING RESCISSION)

The conference agreement appropriates $100,000,000 for "Child Survival and Disease Programs Fund" as proposed by the Senate. The House bill did not contain a provision on this matter. These funds are available until expended and may be made available, notwithstanding any other provision of law, for a United States contribution to a global trust fund to combat HIV/AIDS, malaria, and tuberculosis.

The conference agreement rescinds $10,000,000 from fiscal year 2001 and prior year balances available under "Child Survival and Disease Programs Fund". The Senate amendment would have rescinded $10,000,000 from fiscal year 2001 funds that were designated for an international HIV/AIDS trust fund. The House bill did not contain a provision on this matter.

OTHER BILATERAL ECONOMIC ASSISTANCE

Economic Support Fund

(RESCISSION)

The conference agreement rescinds $10,000,000 from unobligated balances of funds available under the heading "Economic Support Fund". The managers expect that the Department of State will consult with the Committees on Appropriations prior to any reallocation of any funds pursuant to this rescission.

General Provision—This Chapter

The conference agreement contains Senate language that provides that the final proviso in section 526 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2000, as amended, is repealed, and that the funds identified by such proviso shall be made available pursuant to the authority of section 526 of Public Law 106-429. The managers agree with the Senate report language on this provision. The House bill did not address this matter.

The conference agreement does not contain section 3002 of the House bill regarding a report to the Committees on Appropriations on the projected uses of the unobligated balances of funds available under "International Disaster Assistance", including plans for allocating additional resources to respond to the El Salvador earthquakes. The Senate amendment did not address this matter.

CHAPTER 6

Department of the Interior

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $3,000,000 for management of lands and resources as proposed by the Senate, instead of no funding as proposed by the House, to expedite the processing of critical energy related permits. The Senate proposal to derive these funds by transfer from unobligated balances in land acquisition accounts is not agreed to.

Within the amount provided, $1,250,000 is to reduce the backlog of oil and gas permits on Federal lands including: $300,000 for activities in New Mexico, $200,000 for activities in California, and $750,000 for activities in Wyoming. In addition, $200,000 is to process power plant applications in New Mexico, $100,000 is for power line rights-of-way in California, $500,000 is to support development of the National Petroleum Reserve Alaska, and $950,000 is for studies in the Powder River Basin in Montana to support coalbed methane development, of which $250,000 is for the continuation of wetlands filtration research with the Department of Energy and Montana State University and of which $200,000 is for preparation of a hyperspectral assessment of potential concentrations of gas reserves in the Powder River Basin covered by the ongoing Environmental Impact Statement. The Bureau should report to the House and Senate Committees on Appropriations as soon as possible on the use of hyperspectral data to prioritize the processing of applications to drill.

United States Fish and Wildlife Service

CONSTRUCTION

The conference agreement provides $17,700,000 for construction as proposed by the House, instead of no funding as proposed by the Senate, to repair damages to U.S. Fish and Wildlife Service facilities caused by floods, ice storms, and earthquakes in the States of Washington, Illinois, Iowa, Minnesota, Missouri, Wisconsin, New Mexico, Oklahoma, and Texas. The House proposal to designate this appropriation as an emergency requirement is not agreed to.

National Park Service

UNITED STATES PARK POLICE

The conference agreement provides $1,700,000 for United States Park Police, as proposed by the House instead of no funding as proposed by the Senate. The House recommendation was based on information from the National Park Service that U.S. Park Police pension costs for fiscal year 2001 had been underestimated and that, in order to cover the pension shortfall, the National Park Service and the U.S. Park Police had to cancel the summer police recruit class. The managers have subsequently learned that the U.S. Park Police did not use the funds from the canceled recruit class to cover the pension shortfall but, instead, funded various other non-emergency items. Therefore, the funds provided in this Act are needed to cover the pension plan shortfall and the recruit class will not be reinstated. The managers caution the U.S. Park Police that such unapproved diversions of funds will not be tolerated in the future.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides $50,000,000 for operation of Indian programs as requested by the Administration and proposed by both the House and the Senate. The agreement includes two changes to the original language. The first change permits these funds to remain available until expended and the second change clarifies that the funds may be used for electric power operations and related activities at the San Carlos Irrigation Project. The House proposal to designate this appropriation as an emergency requirement is not agreed to.

RELATED AGENCY

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $1,400,000 for forest and rangeland research as proposed in section 2608 of the Senate bill for research on sudden oak death syndrome, instead of no funding as proposed by the House. The Senate proposal to derive these funds by transfer from unobligated balances in the land acquisition account is not agreed to.

STATE AND PRIVATE FORESTRY

The conference agreement provides $24,500,000 for State and private forestry, instead of $22,000,000 as proposed by the House and $2,500,000 as proposed by the Senate. Included are $10,000,000 to address ice storm damages in the States of Arkansas, Oklahoma and Texas, $12,000,000 for pest suppression in several areas of the country, $1,750,000 for emergency fire fighting in anchorage, and $750,000 for the Kenai Peninsula Borough Spruce Bark Beetle Task Force in Alaska. The Senate-proposed language dealing with fire fighting in Alaska has been modified by deleting references to equipment purchases. The House proposal to designate this appropriation as an emergency requirement is not agreed to.

NATIONAL FOREST SYSTEM

The conference agreement provides $12,000,000 for the national forest system as proposed by the House instead of $10,000,000 as proposed by the Senate, of which $10,000,000 is for activities to address ice storm damages in the States of Arkansas and Oklahoma and $2,000,000 is to respond to illegal marijuana cultivation and trafficking in California and Kentucky. The House proposal to designate this appropriation as an emergency requirement is not agreed to.

WILDLAND FIRE MANAGEMENT

The conference agreement provides no funding for wildland fire management as proposed by the Senate, instead of $100,000,000 in emergency funding as proposed by the House.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING RESCISSION OF FUNDS)

The conference agreement provides $4,000,000 for capital improvement and maintenance as proposed by both the House and the Senate to repair damage caused by ice storms in Arkansas and Oklahoma. The House proposal to designate this appropriation as an emergency requirement is not agreed to. The conference agreement also provides for the extension of availability of funds previously appropriated for maintenance and snow removal on the Beartooth Highway as proposed by the Senate.

GENERAL PROVISIONS—THIS CHAPTER

Section 2601 includes language proposed by the House to permit completion of a wilderness study at Apostle Islands National Lakeshore, WI by the National Park Service. The Senate addressed this provision under the National Park Service "Operation of the National Park System" account.

Section 2602 includes language proposed by the House extending the availability of funds provided in fiscal year 2001 for maintenance, protection and preservation of land in the Minuteman Missile National Historic Site, SD. The Senate addressed this provision under the National Park Service "Operation of the National Park System" account.

Section 2603 includes language proposed by the Senate allowing the Bureau of Land Management to use an estimated $168,000 in unobligated balances for land exchanges at Steens Mountain, OR.

Section 2604 includes language proposed by both the House and the Senate to correct a Public Law reference in section 338 of the Interior and Related Agencies Appropriations Act for fiscal year 2001.

Section 2605 includes language proposed by both the House and the Senate modifying a provision in Public Law 106–558 in order to authorize the payment of full overtime rates for fire fighters in fiscal year 2001.

Section 2606 includes language proposed by both the House and the to permit the Forest Service to receive reimbursement for expenditures for projects that otherwise qualify for the use of Federal-aid highways funds.

Section 2607 includes language proposed by the Senate permitting the use of $2,000,000 in fiscal year 2001 funding for a direct payment to Ketchikan Public Utilities in Alaska to clear a right-of-way for the Swan Lake-Lake Tyee Intertie on the Tongass National Forest. Any activity associated with clearing the right-of-way must comply with all applicable Federal and State environmental laws and regulations.

Section 2608 includes language proposed by the Senate making permanent a provision dealing with the distribution of certain Bureau of Indian Affairs funds to small tribes in Alaska.

Section 2609 modifies language proposed by the Senate restricting additional self-determination contracts and self-governance compacts for the provision of health care services to Alaska Natives. The modification extends the current restriction for three additional years rather than making it a permanent restriction.

CHAPTER 7

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSIONS)

The conference agreement includes $25,000,000 for the Youth Activities program authorized under the Workforce Investment Act as opposed to $45,000,000 proposed by the Senate. The House bill contained no similar provision. The Secretary of Labor had proposed a reprogramming of fiscal year 2001 funds to increase funding for the Youth Activities program by $45,000,000.

The conference agreement rescinds $65,000,000 from funds appropriated under sections 169 and 171 of the Workforce Investment Act, of which $25,000,000 is rescinded from funds for Youth Opportunity Grants; $20,000,000 from funds available for Safe Schools/Healthy Students; and $20,000,000 from funds available for the Incumbent Workers program. The Senate bill included a rescission totaling $45,000,000; $25,000,000 from Youth Opportunity Grants and $20,000,000 from Safe Schools/Healthy Students. The House bill contained no similar provision. The Secretary of Labor had proposed reprogramming these funds for other purposes.

The conference agreement rescinds $177,500,000 from funds for Dislocated Worker training activities authorized under the Workforce Investment Act, of which, $110,000,000 is from amounts allotted for formula grants to States and $67,500,000 is from the National Reserve. The Senate bill rescinded $217,500,000 from the Dislocated Worker program. The House bill contained no similar provision.

The conference agreement includes provisions directing the Secretary to allocate the rescission in the Dislocated Worker formula grant funds based upon each State's share of the unexpended balances in the program as of June 30, 2001. The Senate bill contained provisions directing the Secretary to increase State program year 2001 allotments to States with acceptable program expenditures by re-allotting unexpended balances from States determined by the Secretary to have excess unexpended program balances as of June 30, 2001. The House bill contained no similar provisions.

In addition, the conference agreement modifies language included in the Senate bill to make the rescission effective at the time the Secretary determines, based upon the best information available, the unexpended balances in each of the States. The conferees expect the Secretary of Labor to render her determination by no later than September 30, 2001. The House bill contained no similar provision.

The conferees note that the Governors of each State under the Workforce Investment Act have the authority to re-allocate unobligated funds among local areas. The conferees encourage the Governors to exercise this authority for local areas where there is need.

The conferees are aware of concerns about rescinding Workforce Investment Act training funds during a period of economic slowdown. However, based on the information available to the conferees, it appears that there is excess funding available in the program and the rescission is necessary to meet other needs in fiscal year 2001.

The conferees understand that the Secretary of Labor requires the Governors to submit State financial data for the three Workforce Investment Act block grants on a quarterly basis. The data for June 30, 2001, the end of the program year, is due on August 15, 2001. The conferences believe that timely and accurate data are critical in order for the Congress to meet its oversight responsibilities for this important program. Therefore the conferees direct the Secretary to submit to the House and Senate Committees on Appropriations an expenditure data report on each of the three Workforce Investment Act block grants at the State level and for the National Reserve funds within not more than 60 days of the end of the quarter beginning with the data from the end of program year 2000 and continuing through program year 2001.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

The conferees agreement includes a provision amending the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, to extend the availability of funds included for the National Summit on Retirement Savings to September 30, 2002. The conferees understand the Administration expects to convene the Summit in the first part of fiscal year 2002. Neither the House nor the Senate bills addressed this matter.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HEALTH RESOURCES AND SERVICES

The conferees agreement includes two technical corrections as proposed by the Senate. The House bill contained no similar provisions.

National Institutes of Health

(INCLUDING TRANSFER OF FUNDS)

The conferees understand that bill language is no longer necessary and therefore deletes without prejudice the language proposed by the Senate. The conferees further understand that the National Institutes of Health will use funds appropriated to the Office of the Director to proceed with the planning and start-up activities of the newly authorized National Institute of Biomedical Imaging and Bioengineering. The House bill contained no similar provision.

The conferees agreement includes language to provide for the transfer of $7,115,000 from the National Library of Medicine to the Buildings and Facilities account to complete the design phase of a National Library of Medicine facility. The House and Senate bills contained no similar provision.

Substance Abuse and Mental Health Services Administration

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conferees agreement provides $6,500,000 for maintenance, repair, preservation, and protection of St. Elizabeths Hospital as proposed by the Senate. The House bill contained no similar provision.

Administration for Children and Families

LOW INCOME HOME ENERGY ASSISTANCE

The conferees agreement includes $300,000,000 in contingency funds to provide home energy assistance to low-income households, as authorized under section 2602(e) of the Omnibus Budget Reconciliation Act of 1981 and provides that these funds shall be available until expended, as proposed in the Senate bill. The House bill also included $300,000,000 in contingency funds but did not make the funds available beyond September 30, 2001. The conference agreement provides $150,000,000 above the Administration's request of $150,000,000.

The conferees expect that half of the $300,000,000 will be available for target assistance to States with the most critical needs, which may include needs arising from significant energy cost increases, significant increases in arrearages and disconnections, home energy shortages and supply disruptions, weather-related emergencies, natural disasters, or increases in unemployment. The conferees further expect that the remaining half of the funds will be distributed based on the LIHEAP block grant statutory formula so that every State has additional resources to address unmet energy assistance needs resulting from the extraordinary price increases in home heating fuels experienced during this past winter as well as funds to address unanticipated emergencies. The conferees note that the Department has allocated the last three emergency LIHEAP distributions to the States in this manner. The conferees direct the Department to provide notification to the House and Senate Committee on Appropriations of the amount, manner of distribution and justification for the release of funds not less than seven days prior to any allotment or release of funds.

Children and Families Services Programs

The conferees concur with language contained in the Senate report regarding a technical correction. The House report contained no similar provision.

General Departmental Management

The conferees are displeased with the way in which the Department of Health and Human Services has handled responses to the May 4, 2001 stem cell letter and its refusal to provide to the Committees on Appropriations the report "Stem Cells: Scientific Progress and Future Research Directions" when requested. The conferees direct that specific information requests from the Chairmen and Ranking Members of the Subcommittee on Labor, Health and Human Services and Education and Related Agencies, on stem cell research or any other matter, shall be transmitted to the Committees on Appropriations, in a prompt professional manner, and within the time frame specified in the request. The conferees further direct that scientific information requested by the committees on Appropriations and prepared by government researchers and scientists, be transmitted to the Committees on Appropriations, uncensored and without delay.

DEPARTMENT OF EDUCATION

Education Reform

The conference agreement includes a technical correction as proposed by both the House and the Senate.

The conferees understand that the Department plans to award only implementation grants, but no planning grants, to school districts under the fiscal year 2001 Smaller Learning Communities program. The conferees are very concerned about this decision and expect the Department to award both types of grants, and to apply the same competitive priorities used in the fiscal year 2000 grant competition in determining which applicants are funded in the fiscal year 2001 grant competition. In addition, the conferees expect that the department will continue outreach and technical assistance activities to help ensure that school districts are aware that smaller schools and smaller learning communities are effective research-based strategies to improve student safety, morale, retention, and academic achievement.

Education for the Disadvantaged

The conference agreement includes a technical correction relating to the amount of funding available for Basic Grants in school year 2001–2002 as proposed by both the House and the Senate.

The conference agreement also includes an additional $161,00,000 for the Title I Grants to LEAs program. It is the intent of the conferees that, when taken together with the technical correction to the basic grants amount, these additional resources will result in a final fiscal year 2001 appropriations of $7,397,971,000 for basic grants and $1,364,750,000 for concentration grants. The conferees further intend that these additional resources will be used to provide each State and local educational agency the greater of either the amount it would receive at levels specified in the conference report to accompany H.R. 4577 under the 100-percent hold harmless or what it would receive using the statutory formulas. These provisions were proposed by both the House and the Senate.

The technical correction made to the appropriation for this program and the additional resources made available by this supplemental appropriations act shall take effect as if included in Public Law 106–554 on the date of its enactment.

Impact Aid

The conference agreement includes a provision requiring Impact Aid construction funds to be distributed in accordance with the formula outlined in section 8007 of the Impact Aid program as that section existed in fiscal year 2000 as proposed by both the House and Senate.

Special Education

The conference agreement includes a technical correction as proposed by both the House and the Senate.

Education Research, Statistics, and Improvement

The conference agreement includes technical corrections as proposed by both the House and the Senate.

General Provisions—This Chapter

Section 2701. The conference agreement includes a provision clarifying the intent of the Congress with regard to funding provided pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998 as proposed by the Senate. Funding available for this section is intended to be provided only to tribal colleges that do not receive Federal support under the Tribally Controlled Community College or University Assistance Act of 1978 or the Javajo Community College Act and whose primary purpose is to provide full-time technical and vocational educational programs to American Indian students. The House bill contained no similar provision.

Section 2702. The conference agreement includes a provision authorizing the use of fiscal year 2001 funds specifically for transition from the use of analog to digital technology for the provision of public broadcasting services for fiscal year 2001. The Senate bill included language amending the authorizing statute to establish a grant program and included two-year authorization of appropriations for the grant program. The House bill contained no similar provision.

Section 2703. The conference agreement includes a provision proposed by the Senate which makes a permanent change to section 8003 of the elementary and Secondary Education Act to clarify which small school districts are eligible for special payments authorized within the basic support payments program. The conference agreement also includes a provision proposed by the Senate stating that this change shall apply to funding available in the Department of Education Appropriations Act, 2001. The House bill contained no similar provisions.

These provisions will change the fiscal year 2001 allocations under the basic support payment program of Impact Aid, resulting in some school districts receiving less than they were expecting to receive in fiscal year 2001 funds. The conferees note that the National Association of Federally Impacted Schools supports the adoption of this provision.

The conferees became aware that certain State and district per pupil expenditure data limitations made some of the intended beneficiary districts ineligible for the special payment provisions authorized in the Impact Aid reauthorization bill enacted into law last year. While the appropriation for basic support payments in the Department of Education Appropriations Act, 2001 assumed full funding for these payments, the initial payment calculations made for school districts did not. As a result, approximately $2,900,000 set aside for payments to districts eligible for special payments was included in the calculation for distribution to non-eligible districts. The conferees intend to make an additional $2,900,000 available in the fiscal year 2002 education appropriations bill to offset the effect of this amendment.

CHAPTER 8

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

The conference agreement provides the traditional death gratuity for the widow of Norman Sisisky, late a Representative from the Commonwealth of Virginia, and the heir of John Joseph Moakley, late a Representative from the Commonwealth of Massachusetts.

SALARIES AND EXPENSES

MEMBER'S REPRESENTATIONAL ALLOWANCES, STANDING COMMITTEES, SPECIAL AND SELECT, COMMITTEE ON APPROPRIATIONS, ALLOWANCES AND EXPENSES

The conference agreement provides an additional $44,214,000 for Members' Representational Allowances, standing committees, special and select, the Committee on Appropriations, and allowances and expenses.

SALARIES, OFFICERS AND EMPLOYEES

The conferences agreement provides an additional amount for salaries and expenses for the Office of the Clerk and the Office of the Chief Administrative Officer totaling $17,448,000.

ADMINISTRATIVE PROVISION

Language is included increasing the Clerk of the House's representational allowance for fiscal year 2001.

JOINT ITEMS

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

The conference agreement provides an additional $514,000 for salaries for anticipated extraordinary events.

GENERAL EXPENSES

The conference agreement provides an additional $486,000 for general expenses related to anticipated extraordinary events.

ADMINISTRATIVE PROVISION

The conference agreement includes a provision allowing the Capitol Police to be reimbursed for law enforcement assistance from any Federal, State, or local government agency (including the District of Columbia).

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

The conference agreement provides an additional $35,000 to the Office of Compliance for unexpected requests for counseling and mediation services.

ARCHITECT OF THE CAPITOL

The conferees support the proposed Senate language regarding a general management review of the Architect of the Capitol (AOC) operations. This management review should include an overall assessment of the agency's organizational structure, strategic planning, skills, staffing, systems, accountability reporting, and execution of its statutory and assigned responsibilities. The conferees direct that the General Accounting Office (GAO) lead this review, in consultation and coordination with the Architect of the Capitol, building upon earlier management reviews, and consider best practices in its evaluation and recommendations. The GAO report should include recommendations for enhancing the overall effectiveness and efficiency of the AOC operations along with recommendations as to how to implement such improvements. GAO should report the results of its review to the House and Senate Committees on Appropriations and the Senate Committee on Rules and Administration no later than April 2002.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

The conference agreement provides $9,900,000 to fund a shortfall based on increased volume of printing and publications and associated information products and services ordered by the Congress during fiscal year 2000 and 2001.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conference agreement provides $6,000,000 to replace the air-conditioning and lighting systems at the Government Printing Office.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

The conference agreement provides $600,000 for a joint Library of Congress/United States Military Academy telecommunications project.

GENERAL PROVISIONS

Sec. 2803. A general provision authorizing one consultant for the President pro tempore emeritus is included.

Sec. 2804. A general provision has been included relating to the Abraham Lincoln Bicentennial Commission Act.

Sec. 2805. A general provision permitting the Architect of the Capitol to reimburse the Department of the Treasury for prior year water and sewer services is included.

Sec. 2806. A general provision is included relating to the membership of the Senate to the Joint Economic Committee.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

RENTAL PAYMENTS

(RESCISSION)

The conference agreement includes a rescission of $440,000 in balances for rental payments to the General Service Administration. These funds have remained unobligated for many years, and can be made available at this time for other pressing needs.

COAST GUARD

OPERATING EXPENSES

The conference agreement includes $92,000,000 for Coast Guard operating expenses, as proposed by the House and Senate. The agreement makes such funds available until September 30, 2002, as proposed by the House, instead of September 30, 2001 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conference agreement includes $4,000,000, available until expended, for the repair or relocation of Coast Guard facilities damaged during the Nisqually earthquake in the State of Washington, as proposed by the Senate. The House bill contained no similar appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSIONS)

The conference agreement includes rescissions of balances in "Acquisition, construction, and improvements" totaling $12,000,000. These rescissions are as shown below:

Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-69):	
HH-65 helicopter kapton wiring	$2,856,000
HU-25 jet re-engineering	3,468,000
MSO/station Cleveland relocation	850,000
Drug interdiction assets homeporting	2,800,000
Total	9,974,000
Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106-346):	
PC-170	850,000
87 foot WPB replacement	1,176,000
Total	2,026,000

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a $30,000,000 rescission of contract authority as proposed by the House and Senate. Because these funds are above the annual limitation on obligations, the rescission will have no effect on current program activities.

FEDERAL HIGHWAY ADMINISTRATION

EMERGENCY HIGHWAY RESTORATION

(HIGHWAY TRUST FUND)

The conference agreement includes an appropriation from the Highway Trust Fund of $27,600,000, to remain available until expended, for emergency highway restoration and related activities. These funds shall be distributed as follows:

Project	*Amount*
Alaskan Way Viaduct, Seattle, WA	$3,800,000
Magnolia Bridge, Seattle, WA	9,000,000
U.S. 119 over Pine Mountain, Letcher County, KY	9,100,000
Lake Street Access to I-35 West, Minneapolis, MN	4,700,000
Interstate 55 interchange, Weber Road and River Des Peres, MO	500,000
Highway damage due to tornado, flooding, & icestorm in northwest Wisconsin, including Bayfield and Douglas counties	500,000

The Senate bill included an appropriation from the general fund of $12,800,000, to remain available until expended, for the long-term restoration or replacement of the Alaskan Way Viaduct and Magnolia Bridge in Seattle, Washington, which were recently damaged during the Nisqually earthquake. The House bill contained no similar appropriation.

U.S. 119, Letcher County, KY.—The conference agreement provides $9,100,000 to the Commonwealth of Kentucky for safety improvements to U.S. 119 in Letcher County, Kentucky. U.S. 119 is a major commercial artery on the National Highway System in eastern Kentucky. A section of this road has been the site of several major accidents in recent years, including an accident involving a school bus six months ago. The Commonwealth of Kentucky recently prohibited use of the roadway by large commercial vehicles, which the state determined cannot safely negotiate several narrow sections of the highway. The state's action, while necessary, will disrupt commerce in this region, impacting businesses and families. The funds provided will allow the state to immediately implement major safety improvements that must occur before safe commercial use of the road can resume.

Lake Street access, Minneapolis, MN.—The conference agreement provides $4,700,000 for work to proceed to provide access to I–35 West from Lake Street in Minneapolis, Minnesota.

Interstate 55 interchange, MO.—The conference agreement provides $500,000 for work to proceed for a new interchange on Interstate 55, at the point the Interstate passes over Weber Road and the River Des Peres. The new interchange would allow increased access to the neighborhood of LeMay in St. Louis County and is critical to a local revitalization plan.

Highway damage in northwest Wisconsin.—The conference agreement provides $500,000 for necessary repairs due to recent disasters, including the flood, wind, and ice storm of April 29, 2001.

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSIONS)

The conference agreement includes rescissions of appropriations and contract authorizations of $15,918,497 in unobligated balances from completed highway projects in eight previous highway authorization and appropriations acts, instead of $14,000,000 proposed by the Senate. The House bill contained no similar rescissions.

RELATED AGENCY

United States—Canada Railroad Commission

The conference agreement includes $2,000,000, proposed by the Senate, for a joint U.S.-Canada commission to study the feasibility of connecting the rail system in Alaska to the North American continental rail system. Funds are made available until expended. The agreement specifies that the funds are to be provided directly to the commission, rather than to the Alaska Railroad as proposed by the Senate. The House bill contained no similar appropriation.

General Provisions—This Chapter

The conference agreement includes a provision, proposed by the Senate, making fiscal year 1999 and 2000 funds for Northern New Mexico bus and bus facilities projects also available for State of New Mexico buses and bus-related facilities. The House bill contained no similar provision.

The conference agreement deletes a provision proposed by the Senate which would have made airport development projects in two locations eligible for grants under the Airport Improvement Program by waiving the requirement that such airports be included in FAA's National Plan of Integrated Airport Systems (NPIAS). The House bill contained no similar provision.

The conference agreement does not include provisions proposed by the Senate which would have prohibited reallocation of funds for the Morgantown, West Virginia fixed guideway modernization project or the Tuscaloosa, Alabama intermodal center. Instead, the conferees direct the Federal Transit Administration not to reallocate funds provided in the fiscal year 1999 Department of Transportation and Related Agencies Appropriations Act (P.L. 105–277) for the Tuscaloosa, Alabama intermodal center and the Morgantown, West Virginia fixed guideway modernization project. Funds are extended only for one additional year, absent further congressional direction. The House bill contained no similar provision.

CHAPTER 10

DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

The conferees agree to provide $59,956,000 to reimburse any agency of the Department of the Treasury or other Federal agency for costs associated with providing operational and perimeter security at the 2002 Winter Olympics, as proposed by the Senate. The conferees expect that this funding will be provided to the following agencies, as shown in the following table. Adjustments to this funding may be made subject to the standard reprogramming and transfer guidelines:

Agency/Department	*Recommendation*
Department of the Treasury:	
Bureau of Alcohol, Tobacco and Firearms, Salaries and Expenses	$10,523,000
U.S. Customs Service, Salaries and Expenses	13,813,000
U.S. Customs Service, Operations and Maintenance, Air and Marine Interdiction	4,931,000
United States Secret Service, Salaries and Expenses	19,530,000
Financial Crimes Enforcement Network, Salaries and Expenses	58,000
Internal Revenue Service, Tax Law Enforcement	2,729,000
Treasury Office of Enforcement	40,000
Treasury Inspector General for Tax Administration	334,000
Department of Agriculture:	
U.S. Forest Service	1,300,000
Department of Interior:	
National Park Service	1,300,000
U.S. Bureau of Land Management	312,000
U.S. Fish and Wildlife Service	195,000
Department of Justice	4,891,000
Total	59,956,000

Financial Management Service

SALARIES AND EXPENSES

The conferees agree to provide $49,576,000 for the Financial Management Service, the same amount as proposed by both the House and the Senate. The conferees direct the Financial Management Service to provide a detailed report on the expenditures made pursuant to this appropriation 120 days after the enactment of this Act.

Internal Revenue Service

PROCESSING, ASSISTANCE AND MANAGEMENT

The conferees agree to provide $66,200,000 for the Internal Revenue Service, the same amount as proposed by both the House and the Senate. The conferees direct the Internal Revenue Service to provide a detailed report on the expenditures made pursuant to this appropriation 120 days after the enactment of this Act.

INDEPENDENT AGENCIES

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

The conferees agree to include a provision, modified from the Senate position, for the Federal Payment to Morris K. Udall Scholarship and excellence in National Environmental Policy Foundation account to permit the transfer of up to $1,000,000 for necessary expenses incurred pursuant to section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)). The House had no similar provision.

General Provisions This Chapter

Section 21001. The conferees agree to include a provision for designating a building as the Paul Coverdell Building as proposed by the Senate. The House had no similar provision.

Section 21002. The conferees agree to include a provision rescinding $18,000,000 in funds previously made available to the Internal Revenue Service, Processing Assistance and Management, Tax Law Enforcement, and the Earned Income Tax Credit Compliance Initiative.

CHAPTER 11

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

COMPENSATION AND PENSIONS

The conferees recommend an additional $589,413,000 for compensation and pension payments to eligible veterans. Supplemental funds are needed in fiscal year 2001 in order to meet cost of living adjustments and program enhancements and benefits contained in legislation enacted after passage of the fiscal year 2001 appropriations bill, but the conferees do not identify specific funding levels for each benefit or authorization.

READJUSTMENT BENEFITS

The conferees recommend an additional $347,000,000 to meet Montgomery GI Bill benefit enhancements contained in legislation enacted after passage of the fiscal year 2001 appropriations bill.

Veterans Health Administration

MEDICAL AND PROSTHETIC RESEARCH

The conferees included House bill language increasing the current fiscal year 2001 travel limitation from $2,500,000 to $3,500,000. The Senate did not include bill language.

Departmental Administration

GENERAL OPERATING EXPENSES

The conferees recommend bill language proposed by the Senate allowing not more than $19,000,000 to be transferred from the Medical Care account to General Operating Expenses by September 30, 2001, for the administrative expenses of processing claims. The House did not include a time limitation for the fund transfer. The new fiscal year 2001 GOE travel limitation remains at $17,500,000.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

HOUSING CERTIFICATE FUND

(RESCISSION)

The conference agreement includes a rescission of $114,300,000 from amounts made available to the Department as proposed in the House bill, with a technical change in the language. The Senate bill did not address this matter.

NATIVE AMERICAN HOUSING BLOCK GRANTS

The conference agreement includes language authorizing $5,000,000 from within available funds under this heading appropriated in fiscal year 2001 and prior years to be used to address mold problems on the Turtle Mountain Indian Reservation. The Senate bill included an additional appropriation to the Tribe, subject to submission of a plan. Language is also included as proposed in the Senate bill requiring the Federal Emergency Management Agency to provide technical assistance to the Tribe. The House bill did not address this matter.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING RESCISSION)

The conference agreement includes language as proposed in the Senate bill making a technical change to extend the availability of funds appropriated under this account in Public Law 106-377. The House bill included similar language as a general provision.

Language is included clarifying Congressional intent with respect to appropriations made to improve cyber-districts in Massachusetts and for wastewater and combined sewer overflow infrastructure improvements in Massachusetts, as recommended in the House bill; and for appropriations made for Rio Arriba County, New Mexico, as recommended in the Senate bill. The conferees have amended language as proposed by the House which clarifies the intent of Congress with respect to a grant made for construction at a New Jersey university center and with respect to a grant made to the City of Syracuse, New York.

HOUSING PROGRAMS

MANUFACTURED HOUSING FEES TRUST FUND

The conference agreement does not include language proposed in the House bill authorizing the expenditure of fees available in the fund. The conferees understand that separate legislation has been enacted to allow for the expenditure of these fees in fiscal year 2001. The Senate bill did not address this matter.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(TRANSFER OF FUNDS)

The conference agreement includes language authorizing the Department to use $8,000,000 from within existing fiscal year 2001 appropriations for FHA administrative expenses and HUD salaries and expenses to pay the obligation and accrued interest resulting from a probable fiscal year 2000 violation of the Anti-Deficiency Act, as proposed in both the House and Senate bills.

FHA—GENERAL AND SPECIAL RISK INSURANCE

The conference agreement does not include an additional appropriation for this account as proposed in the House bill. Language is not included to remove certain requirements on supplemental funds provided for this account in fiscal year 2000 as proposed in the Senate bill.

INDEPENDENT AGENCIES

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

The conferees have amended the language included in the House bill providing $243,059 to pay the Cemetery's disputed water bill with the District of Columbia. Instead, the conferees have included a provision directing the Department of Defense to pay the disputed water bill in excess of the amount already paid by the Cemetery, and reimburse the Cemetery for any draw-down on funds made by the Treasury in excess of the Cemetery's current payment.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conferees have amended language proposed by the House which clarifies the intent of Congress with respect to grants made for work in Cortland County, New York and Central New York watersheds. The language further clarifies the intent of Congress with respect to a grant made in Public Law 106-377 to the Salt Lake Organizing Committee for environmental work related to the 2002 Winter Olympic Games.

STATE AND TRIBAL ASSISTANCE GRANTS

The conferees have included language proposed by the House and the Senate clarifying the intent of Congress with respect to a grant made to the City of Beloit, Wisconsin. The conferees have similarly included language proposed by the House which clarifies the intent of Congress with respect to grants made to Hartselle Utilities in Alabama and to the Southwest Florida Water Management District, and which correctly states the dollar amount provided in fiscal year 2001 for grants under this heading.

The conferees have amended language proposed by the House which clarifies the intent of Congress with respect to grants made to the Limestone County Water and Sewer Authority in Alabama, and to the City of Clinton, Tennessee.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

The conferees agree to make no changes to the FEMA Disaster Relief account for fiscal year 2001. The House had proposed a rescission of $389,200,000 and the Senate had proposed an increase of $1,000,000 for this account. The conferees agree that recent significant natural disasters, including tropical storm Allison, have severely depleted funds previously provided for disaster relief. The conferees note that the status of the disaster relief fund today is quite different from the status at the time the House originally proposed its rescission. At that time over $2,000,000,000 was available, but today only about $800,000,000 is available. With significant costs yet to be covered, it is clear that rescinding funds from this account is not any longer possible. Likewise, it is not clear that an eminent need exists for additional funding and the conferees have agreed to provide no additional funding in fiscal year 2001.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

The conferees have agreed to changes in language enacted as part of Public Law 106-74 (the Fiscal Year 2000 VA-HUD-Independent Agencies Appropriations Act) as proposed by the Senate instead of the changes proposed by the House. The final proviso under this heading in Public Law 106-74 restricts the use of $40,000,000 to the shuttle research mission, commonly referred to as the R-2 mission, to occur after the STS-107 shuttle research mission. Subsequent events have increased the cost of STS-107 and significantly delayed any future research mission, resulting in a need to modify the original proviso prior to the funds expiring on September 30, 2001. The House had proposed deletion of the final proviso under this heading in Public Law 106-74, thus allowing the funds to be used for other purposes. The House provision also included language restricting a portion of the funds to research associated with the International Space Station. The Senate proposed to modify the proviso to allow the funds to be used for purposes other than originally intended and does not include any reference to the International Space Station research.

The conferees agree that the original direction included in the proviso is no longer valid. The conferees agree that $32,000,000–35,000,000 of the funds provided in the original proviso remain available. The conferees agree that $17,000,000 of the funds shall be to cover cost increases associated with the STS-107 mission which have already been incurred and the funding can be legitimately expended prior to September 30, 2001. The mission's costs have increased because its launch has been delayed due to the need for extensive repairs to the shuttle Columbia's wiring and schedule changes associated with the Hubble servicing mission. The remaining funds shall be used prior to September 30, 2001 for any projects or activities NASA deems to be in legitimate need of funding. The conferees further agree that NASA is to take all necessary action to ensure that the STS-107 research mission is accomplished and contractual obligations are met during fiscal years 2001 and 2002. NASA is directed to provide the Committees on Appropriations a full accounting of the use of the fiscal year 2000 funding and the subsequent fiscal year accounting adjustments to reflect full funding of the STS-107 mission prior to its launch currently scheduled for May 2002.

The conferees understand work is already underway and international partners are involved in research scheduled for R2 and therefore expect NASA to continue to pursue options for carrying out this life and microgravity research as well as work to increase research funding and flight opportunities during ISS assembly.

GENERAL PROVISION

The conference agreement does not include section 2901, recommended in the House bill, as this matter has been addressed under the Community development fund account as recommended in the Senate bill.

TITLE III

GENERAL PROVISIONS—THIS ACT

The conference agreement includes a provision as proposed by both the House and Senate that limits the availability of funds provided in this Act.

The conference agreement deletes a provision proposed by the House relating to the Buy American Act. The Senate bill contained no similar provision.

The conference agreement includes an appropriation of $1,700,000 for the United States-China Security Review Commission, as proposed by the Senate. The House bill contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 budget estimates, and the House and Senate bills for 2001 follow:

(In thousands of dollars)

Budget estimates of new (obligational) authority, fiscal year 2001	$7,480,187
House bill, fiscal year 2001	7,481,283
Senate bill, fiscal year 2001	7,479,980
Conference agreement, fiscal year 2001	7,480,186
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2001	–1
House bill, fiscal year 2001	–1,097

(In thousands of dollars)—Continued

Senate bill, fiscal year 2001 .... +206

C.W. BILL YOUNG,
RALPH REGULA,
JERRY LEWIS,
HAROLD ROGERS,
JOE SKEEN,
FRANK R. WOLF,
JIM KOLBE,
SONNY CALLAHAN,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
ERNEST J. ISTOOK, JR.,
HENRY BONILLA,
JOE KNOLLENBERG,
DAVID R. OBEY,
JOHN P. MURTHA,
NORMAN DICKS,
MARTIN OLAV SABO,
STENY H. HOYER,
ALAN B. MOLLOHAN,
MARCY KAPTUR,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOSÉ E. SERRANO,
JOHN W. OLVER,
Managers on the Part of the House.

ROBERT C. BYRD,
DANIEL K. INOUYE,
FRITZ HOLLINGS,
TED STEVENS,
THAD COCHRAN,
Managers on the Part of the Senate.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 50.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISAPPROVAL OF NORMAL TRADE RELATIONS TREATMENT TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA

Mr. THOMAS. Mr. Speaker, pursuant to the unanimous consent agreement of July 17, I call up the joint resolution (H.J. Res. 50) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 50 is as follows:

H.J. RES. 50

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 1, 2001, with respect to the People's Republic of China.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the order of the House of Tuesday, July 17, 2001, the gentleman from California (Mr. THOMAS) and a Member in support of the joint resolution each will control 1 hour.

Is there a Member in support of the joint resolution?

Mr. STARK. Mr. Speaker, I am in support of the resolution.

The SPEAKER pro tempore. The gentleman from California (Mr. STARK) will control 1 hour.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to yield one-half of the time, 30 minutes, to the gentleman from Michigan (Mr. LEVIN), the Ranking Member on the Subcommittee on Trade of the Committee on Ways and Means, and that he be permitted to yield time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, I ask unanimous consent to yield half of my time to the gentleman from California (Mr. ROHRABACHER), who supports the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong opposition to House Joint Resolution 50, which would cut off normal trade relations with China.

This resolution, I believe, is terribly short-sighted toward Chinese reform and hard-fought gains of American consumers, workers and exporters, given how China is so close to accepting the comprehensive trade disciplines of the World Trade Organization membership.

□ 1615

Just last July, this body voted 273 to 197 to extend normal permanent trade relations to China upon its accession to the WTO. The reason this measure is in front of us today is that, after negotiations between Ambassador Zoellick and the Republic of China, we have come to an agreement on a bilateral agreement which is a precursor to the admission of China. Unfortunately, the date sequences leave us with an open period of time in which this annual renewal is necessary.

In order to support the United States government's decision based upon the bilateral negotiated treaty with China, I urge all Members to oppose H.J. Res. 50.

Mr. Speaker, I rise in strong opposition to H.J. Res. 50, which would cut-off normal trade relations with China. This resolution is terribly short-sighted toward Chinese reforms and the hard-fought gains of American consumers, workers, and exporters, given how close China is to accepting the comprehensive trade disciplines of WTO membership.

Last July, this body voted 273 to 197 to extend permanent normal trade relations with China upon its accession to the WTO. I expect China to officially assume the full responsibilities of WTO membership by year end. Defeat of H.J. 50 is necessary to support Ambassador's Zoellick's decision to take the extra time to ensure that China's concessions to the Untied States are as clear and as expansive as possible.

Despite its history, despite having been pushed and pulled between colonialism and nationalism, ravaged by simultaneous imperial invasion and civil war, and finally driven to near ruin by Mao and his Cultural Revolution, China is finally prepared to join the world of trading nations by accepting the fair trade rules of the WTO. This is progress that must be supported. While the world and the Chinese people still face overwhelming problems with the behavior of the Chinese government, it is imperative to understand that China is changing. These last ten years represent the most stable and industrious decade China has known in the last 150 years. WTO Membership and normal trade relations with the United States is the best tool we have to support the changes we see in China.

Thanks to the Chinese government's structural economic reforms, more than 40 percent of China's current industrial output now comes from private firms. Urban incomes in China have more than doubled. For millions of Chinese, increased prosperity and well-being has been manifest in the form of improved diets and purchases of consumer goods.

Everyday, more and more ordinary Chinese citizens are able to start their own businesses and begin the process of building an entirely new way of life for themselves. We are witnessing Chinese society renew itself, absorbing new ideas and a world of information and knowledge. As well, the Beijing Government is taking steps to integrate capitalists into China's domestic political system.

Revoking NTR at this time would undermine the success of the capitalist and social reforms taking place in China. Let us not turn our backs on the gains our negotiators have made with China for America's farmers, businesses, and consumers. Instead, let us all give capitalism a true chance in China.

I urge a "no" vote on H.J. Res. 50.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many might view this debate as an exercise in futility as China has already received permanent normal trade relations status. But I see it as an opportunity to recall some of the false arguments made on behalf of granting permanent normal trade relations to the People's Republic of China and to reflect back on the progress China has made in becoming a global trade partner worthy of normal trade relations status.

Last year when we debated the relations with China, we heard all kind of horrific scenarios from the industries that support this about the threats of what would happen to the American economy if we did not grant permanent trade relations to China. For instance, in May, 2000, Motorola ran a full-page ad in Roll Call and had a picture of the Motorola flip phone, like so many of us carry, and it said, "If we do not sell products to China, someone else will."

They contended in their ad that, of course, these phones were made by Motorola. They falsely said that this would mean China's markets would not be open to U.S. exports. Well, less than a year after the enactment, Motorola shut down its only U.S. manufacturing plant and moved the manufacturing jobs to China. There are many, many anecdotes to that. We just sold out too cheap.

The argument, if we do not sell products to China, China will sell them to us, that is the argument that Motorola should have used.

They made promises with respect to weapons which they have not kept. They have made promises with respect to human rights which they have not kept. And we, like a bunch of chumps, have bought into that argument and allowed China to run roughshod over human rights, over American dignity, over American jobs.

Mr. Speaker, I would urge my colleagues to support this resolution, to end this charade that these people are doing anything that would help America or that they voluntarily will increase human rights on their part.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Illinois (Mr. CRANE).

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition. I do not really look upon this as an exercise in futility. It is an exercise that would have some true irony if this resolution were to pass because, as we know, China has now essentially finished its negotiations with all of the countries, save one perhaps, and with the WTO except for a few outstanding issues. Its accession is now essentially completed.

If this resolution were to pass, we would withdraw NTR for a few months and then it would go into effect upon the formal accession of China. So, in that sense, any passage of this would be not only be radical but probably counterproductive. In that sense, maybe it is futile.

I think we should look upon this discussion as an opportunity to assess where matters are since we voted for PNTR.

In a word, I would say that it is a mixture of changing and staying the same. There has been continuing change in China. It has continued to move away from a state-dominated economy towards a free-market economy. That has been true in industrial sectors, and now more and more it is gaining a foothold elsewhere, both geographically and in other sectors. Also, it has been true in the smaller enterprises as well as the larger.

We have also seen a rapid expansion of the Internet. We also have seen the beginnings of cracks in their legal system that has been so dominated by the state. For the first time, we are seeing some successful suits by workers and individuals to redress grievances.

It is said soon China will be acceding to the WTO, and that I think everybody would agree is likely to accelerate change. Indeed, one of the issues is how China is going to handle these changes.

But in many other respects China has stayed the same. Anyone who thinks increased trade is a panacea that will bring about all kinds of changes in the near future, I think those people are wrong. I think we have seen in the last year continued trampling on the human rights in China, Falun Gong, the repression of Tibet and other ethnic minorities and the grievous detention of scholars and American citizens.

We have also witnessed some security issues, including the downing of our airplane. These are troubling issues, and they continue to be. So I think the events of the last year fortify the approach that was taken last year, and that is to combine engagement with China that I think is truly unavoidable in view of its size, its importance, and also the need to pressure China, indeed at times to confront, to engage and to pressure.

Last year, the legislation had some provisions relating to engagement. They also did so in terms of pressure. We set up a congressional executive commission. I think that now all of the members have been named. There will be one change in the Senate. I think that within the next weeks, if not few days, that important commission will become operational. It will work on issues of human rights, including worker rights, be an active force to pressure China to move in the right direction.

It did not like our creation of that commission, and I think that commission will fulfill its obligations.

We asked in that legislation that there be an annual review of China's performance within the WTO. Many were skeptical that could be achieved, but it has been through the negotiations by USTR. We also inserted an anti-surge provision in the legislation that was the strongest inserted into legislation in American history, and that is there as a pressure point.

So, in a word, I think that we need to continue the path that we have set, one of active engagement, but also of vigorous alertness and pressure. So, therefore, I oppose this resolution, not only because we would be withdrawing NTR only for it to go back into operation in a few months but because I think on balance the appropriate course is one of continuing engagement and also of vigorous pressure.

Mr. Speaker, I think this is the best path to follow, not an easy one, but the one that is most likely to be productive on all sides of the equation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have introduced House Joint Resolution 50 with my colleague from Ohio (Mr. BROWN) to disapprove the extension of the President's waiver on the Jackson-Vanik provision in the Trade Act of 1974. My reason for this resolution is to protect our country's national security, as well as to call attention to the gross violations of human rights that now are taking place on the mainland of China.

Since we held this debate last year, and despite previous Presidential waivers, the Communist Chinese have used their $80 billion that they have in annual trade surplus with the United States to modernize their military and boost their nuclear forces which target American cities. In other words, they are using the $80 billion trade surplus that we are permitting. We are approving the rules of engagement in terms of our economic relationship. They use that $80 billion to buy technology to kill Americans. That is absurd, that we should continue in this type of relationship.

Mr. Speaker, many people are going to suggest that this is in some way beneficial to the people of the United States. There is no doubt that the China trade is beneficial to a very few people in the United States, a few billionaires who are able to exploit the labor, the near slave labor in China and thus do not have to put up with unions or regulations in the United States of America. So, yes, it is beneficial for them, but it is not beneficial for the people of the United States of America.

What is it then that propels this vote on normal trade relations? Why is it that we always have this vote, and those of us who are against normal trade relations with Communist China always lose. Well, it is because we have these people who have great wealth and power who are exercising their influence on this body and with the public to try to pressure to continue going down this road even though every road sign says, "Turn back, not this way."

Mr. Speaker, we will hear during this debate over and over again, mark my words, we will hear people say we have got to have normal trade relations with China in order to exploit the world's biggest market in order to sell American products.

Let me repeat this two or three times. That is not what normal trade relations is about. It is not what normal trade relations is about. Opening up markets and selling American products that are manufactured here is not what normal trade relations is about.

What normal trade relations is about is, with the passing of this bill, those billionaires that I just mentioned are able to get tax subsidies, subsidies for their investment. They are able to close down manufacturing companies in the United States and open up factories in Communist China to use their slave labor with a subsidy from the American taxpayer, be it the Export-Import Bank or other subsidized international financial institutions.

Mr. Speaker, that is what this vote is about. This vote is whether we should be subsidizing big business to close down American factories and give that subsidy to them to open up factories in Communist China. It is an insult to the people of the United States. We are taxing them to put them out of their own jobs. That is what this vote is about. It is about continuing the economic rules of engagement with Communist China which has led to their militarization and has led them to become so arrogant of the United States that the Chinese downed an American military aircraft and held American military personnel hostage for 11 days.

Mr. Speaker, I ask my colleagues to consider, what if those people had died on that airplane? Those 24 Americans, it was a miracle that they did not die, that that crash did not occur. Otherwise, what would we be doing today?

I would suggest many people in this body would be making the same arguments, do not worry about Communist China, it is actually getting better. What do they have to do? They are murdering their own people. They are putting Christians in jail. They are putting Falun Gong meditators in jail. They have a higher level of oppression than they had before. They are bringing down American aircraft. What do we have to do?

Mr. Speaker, we have to recognize that there are powerful forces at work in this country and they are profiting from what, from a tax subsidy from our taxpayers to give them the type of loan guarantees that they cannot get from private banks.

□ 1630

This has nothing to do with free trade. It has nothing to do with selling American products in China. It has everything to do with subsidizing and guaranteeing big businessmen who cannot get their loans guaranteed in the private sector because it is too risky to go and set up factories in China.

That is what this vote is about. I would ask my colleagues to support our position and to reject the Jackson-Vanik waiver for trade with China.

Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in opposition to House Joint Resolution 50, which attempts to disapprove normal trade relations with China. It is clearly in our country's best interest to open up China's market of more than 1.2 billion potential customers. Our markets are already open to China. We need normalized trade relations to further open up their markets to us.

And we are moving in the right direction. Twelve years ago, the images we saw from China were of students standing in front of tanks. Now the images we see on our TV screens are of students standing in front of Internet cafes and McDonalds. There are several Wal-Mart stores that have recently opened up in China. U.S. exports to China have increased by $4 billion over the last 5 years, with a 24 percent increase last year alone as a result of normal trade relations.

Some folks who want to put an end to our trading relationship with China point out that they have a less than satisfactory record on human rights. I agree. But I also agree with President Bush that maintaining normal trade relations with China is our best hope for improving their record in terms of human rights. I think President Bush did a great job in securing the safe return of 24 brave servicemen and women from China after the surveillance plane incident.

Looking forward, we can make a positive impact by engaging in constructive dialogue with China, exporting more Bibles to China, opening up their minds about democracy through the Internet, and other things.

I urge my colleagues to vote "no" on this resolution.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I rise today in support of the resolution to disapprove MFN status for the People's Republic of China. I recognize this is largely a symbolic action. The die was cast last year when Congress approved PNTR for the People's Republic.

I voted to support normal trade status as it was an essential step towards inclusion of China in the WTO and mainstream of international trade. As a part of the bilateral agreement between China and the United States, once China joins the WTO we will have achieved significant concessions from China in our trade arrangements. We will also have a permanent human rights monitoring of China. But to date, China has not become part of the WTO and standing on its own, using human rights as the test, particularly reviewing China's record during the past 12 months, China is not entitled to MFN status.

I view this vote as a signal to the leaders of the Chinese Communist Party that their actions in numerous areas, but most particularly in the area of human rights, are unacceptable internationally.

Mr. Speaker, let me just quote from the report of our own State Department on human rights practices in China:

"The government's poor human rights record worsened, and it continued to commit numerous serious abuses.

"The government's respect for religious freedom deteriorated markedly during the year, as the government conducted crackdowns against Christian groups, et cetera.

"Abuses included instances of extrajudicial killings, the use of torture, forced confessions.

"The government severely restricted freedom of assembly and continued to restrict freedom of association.

"Violence against women, including coercive family planning practices which sometimes includes forced abortion and forced sterilization."

Mr. Speaker, the report goes on and on and on on the human rights violations of China. Jackson-Vanik speaks to our Nation that we believe that human rights are an important part of normal trade with our Nation. Based upon the record during the past 12 months, China does not deserve normal trade relations; and we should approve the resolution.

Mr. STARK. Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BROWN) and ask unanimous consent that he be allowed to control the time.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, last year I was a strong supporter of granting PNTR status to China and the opportunity for them to join the WTO. Today I rise in strong opposition to the resolution of disapproval for normal trade relations with China.

Has China improved over the last year and have they become the kind of nation that we would believe would be the perfect trade partner for us? Have they shared our values of democracy and human rights? Have they worked toward improving the environment? No, they have not.

But at the same time, I believe that former Secretary of State Madeleine

Albright was correct when she said that engagement with China is not endorsement. And having an opportunity to work with a China that is opening its markets, that is one that is part of the World Trade Organization, that is opportunistically working to open its markets with us and is also able to be subject to the adjudication of the World Trade Organization is somebody that I think is necessarily part of the world market.

We have an opportunity to know that in this connection, trade is not always about economic and political freedom, but it certainly will help us to get to a place where China can move toward improving its human rights, and that is a very important opportunity for the working families of my district in California.

Mr. Speaker, normal trade relations with China is good for businesses and for working families. I urge my colleagues to oppose the resolution disapproving normal trade relations with China because exposing the Chinese people to economic and political freedom is the best way to encourage change in that country.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM), a man who knows we should not be subsidizing American investment in China.

Mr. GRAHAM. Mr. Speaker, I thank the gentleman for yielding me this time; and I thank the gentleman from California (Mr. ROHRABACHER) for always keeping our eyes focused.

It is funny what people see when they look at countries or events. When we look to China, we see a quick buck. That is what we look at.

What did the students in Tiananmen Square see when they looked at America? They built a statue modeled after the Statue of Liberty. When you come into my office, the first thing you will see is the young man standing in front of the two tanks. He is dead.

We debate faith-based initiatives today and what role religious organizations ought to have in our public life, and we jealously guard separation of church and state. What do they do in China? They will kill you if you step out of line.

We debate passionately a woman's right to choose. There is no debate in this country about the government forcing somebody to have an abortion, but that is the norm in China. When you talk about normal relations, you better understand who you are talking about.

Slave labor. We debate worker safety, environmental protections; and we have different views. But nobody in this House would allow one American to live like the Chinese people live under Communist tyranny.

Time Magazine, not my favorite magazine, is banned in China. It is banned in China because they wrote something the Communist Chinese dictators did not like.

Trade with China. You show me one agreement we have made with them, and I will tell you how they cheat. They are destroying the textile industry because they cheat.

If during the Reagan years we had done with the former Soviet Union what we are doing with China, communism would still be alive and well because we would give the Communist dictators in the former Soviet Union the money to stay in business. The money going to China does not go to the people. It goes to their government.

What is a normal relationship with China? The normal day-to-day operations in China should make most Americans feel ashamed that we are doing business with them.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding me this time.

Mr. Speaker, this is probably the last time that the United States Congress will engage in what has become known as the annual ritual of debating normal trade relations with China. No matter what side of this trade debate you are on, you cannot deny that China is rapidly emerging as a nation. They are already a regional power in Asia, and they have the capability to be a world player. This is not a value statement; it is clearly a fact.

Another fact, and one that I have asserted many times over the years, is that market reform is a powerful force for positive change in China. As it develops economically, a massive class of better educated, wealthier Chinese people is emerging, people empowered not through politics and the ballot box but increasingly empowered through property rights and information technology. This is China's entrepreneurial class.

We all recognize that the Chinese government does not share our values. The people who make up China's entrepreneurial class increasingly should share our values, but they often do not. The disturbing reality is that we appear to be losing the hearts and minds of the Chinese people.

Now, there is no question that many Chinese leaders do not like America and the values that it embodies. But we need a national policy toward China that is able to penetrate through the haze of the Chinese information ministers and make it clear to the people of China that the people of the United States are their friends. The vast majority of the 1.3 billion people in China share the hopes and dreams that we hold. They want good jobs, strong families, and a peaceful future. The desire for life, liberty, and the pursuit of happiness may have been penned by an American, but there is no reason to believe that the dream does not extend to people in China or anywhere else. That is why America has been a symbol for hope and human freedom for over 200 years.

That is also why we must be committed to ensuring that the average Chinese family does not believe that America stands in the way of those basic goals. In short, we need to stand up to the Chinese government for freedom in ways that do not put us on the wrong side of the Chinese people.

Mr. Speaker, the House is going to reject this resolution of disapproval because ending trade with China is bad for the American people and it is bad for the Chinese people. We may not need to go through this exercise again, but we should be thinking about how to build ties to the emerging Chinese entrepreneurial class. Winning the trade fight but losing the hearts and minds of those in China who should be America's friends may very well prove to be a Pyrrhic victory.

For the people of the United States and the people of China, vote "no" on this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI) who believes that this Congress should quit rewarding China for its human rights violations, for its political oppression, and for its persecution of religious figures.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue.

I just want to pick up where my colleague from California left off, and, that is, he said ending trade with China. Speaking that way is a grave disservice to this debate. Nobody here is talking about ending trade with China. What we are saying is that our trade with any country should promote our values, promote our economy through promoting our exports and make the people freer. Our trade relationship with China fails on all three points.

I had hoped that this debate would not even be necessary. Last year when PNTR was passed, it was said it was necessary for us to do our part of the bargain so that China would come into the WTO and start complying with international trade rules.

□ 1645

Here we are again, 1 year later. Frankly, I think you should all be very embarrassed. You promised if we did that, they would be in. But, then again, you have been saying since 1989, when we first started this debate, that if we gave China most-favored-nation status, now had its name changed to protect the guilty, if we gave them PNTR, or NTR, or whatever you want to call it, that human rights, that the trade advantage would improve for us, and that they would stop the proliferation of weapons of mass destruction, three areas of concern.

Well, bad news again. The news is bad on every score. When we first started this debate in 1989, the trade deficit with China was $2 billion a year. My, my, my, we thought that gave us leverage, $2 billion a year. The annual renewal, this policy that is in place that was going to improve our trade relationship, that deficit is projected to be $100 billion for this year. Not $2 billion a year, but $2 billion a week. On the basis of trade alone, this is a bad deal for the U.S.

Intellectual property is supposed to be our competitive advantage. The International Intellectual Property Alliance reports that piracy rates in China continue to hover at the 90 percent level, an alarming increase in the production of pirate optical media products, including DVDs by licensed, as well as underground, CD plants. I will submit the full report in the record. Growing Internet piracy, growing production of higher-quality counterfeit products, and respective uses of unauthorized copies of software in government enterprises and ministries.

The Bush administration report on agriculture is very bad. It says that the anticipated access for agricultural products has not been seen. So that was the big thing we held out last year. If you vote for this, our products will get into China. The access is just not there.

On proliferation, China continues to proliferate weapons of mass destruction to rogue states, which we have now changed the name to "countries of concern," and to unsafe guarded states like Pakistan, North Korea, Iran, Iraq, Syria and Libya, making the world a less safe place.

On the question of human rights, we were told if we gave China most-favored-nation status, human rights would improve. The brutal occupation of Tibet continues. The human rights violations continue and are worsened. If you are a political dissident in China, you are either in jail or in exile.

So I say to my colleagues, if we are standing here again next year, shame on us. I think we should finesse this issue. Next year we have to examine this policy closer.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise to oppose this resolution.

Normal trade relations with China has been supported by every single President of the United States, Republican and Democratic alike, since 1980. By continuing normal trade relations with China, we are neither providing China special treatment, nor are we endorsing China's policies. The United States is the only major country that does not extend permanent normal trade relations with China. China is also the world's largest economy that is not subject to the World Trade Organization's trade liberalization requirements.

The vast majority of Members voted to grant PNTR status to China last year. This action is critical to advancing China's accession to the WTO, which will bring the Chinese into a rules-based trading system. It would also enable U.S. consumers and businesses to gain access to the broadest range of goods and services from China at the lowest prices. Restricting trade will only force our consumers to pay higher prices.

Continuing normal trade relations with China serves our best economic interests. Approximately 200,000 U.S. jobs are tied directly to U.S. exports to China. Without this relationship, we would be placing American firms at a severe competitive disadvantage. American companies are setting an example in China. They are offering good jobs, fair compensation, and strong worker protections.

While I share the concerns expressed by many of our colleagues regarding human rights abuses in China, discontinuing normal trade relations will not improve human rights in China. Instead of isolating China, we should be exposing the Chinese people to Western ideas and the rule of law.

Bringing China into the global free enterprise economy will shine a much-needed light on its government. Last week's decision by the International Olympic Committee to award China the bid for the 2008 games will put more pressure on the Chinese leadership to prove it is worthy of the designation and the international attention.

Promoting normal trade and continued economic engagement over time will help open up China's economy and society. The way we engage the Chinese Government will help determine whether China assimilates into the community of nations or becomes more isolated and unpredictable. By revoking NTR with China, we would be standing alone on a trade policy that neither our allies nor trade competitors would follow. Our competitors would gain an advantage, consumers would pay higher retail prices, the Chinese people would suffer, and economic and political reform in China would be arrested.

In short, we have much to lose and little to gain by failing to continue our current trading relationship with China. We should reject this resolution, and we should support continuing normal trade relations with China.

Mr. ROHRABACHER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Ohio (Mr. TRAFICANT), who knows it is not right for U.S. taxpayers to subsidize businesses to close up here and set up shop on the mainland of China.

Mr. TRAFICANT. Mr. Speaker, let us get to the point: China is a communist dictatorship. China has threatened Taiwan, and even Los Angeles. As we speak, China is shipping arms to Cuba. China has just signed an agreement with Russia. China held 24 Americans hostage, no matter how you want to state it. China stole our secrets. China just recently illegally bought U.S. microchips to make more missiles. China already, according to the Pentagon, has missiles aimed at American cities. Hey, China is on record, according to the Pentagon, as referring to Uncle Sam as imperialist and, quote-unquote, "the enemy."

Now, if that is not enough to spoil your stir-fry, China is taking $100 billion in trade surplus a year out of America. And we might laugh, but I believe that the Congress of the United States, with American taxpayer dollars, is funding World War III. World War III.

A dragon does not negotiate with its prey; a dragon kills its prey. When are we going to wise up around here? China's record speaks for itself.

My God, even the Pentagon bought the black berets from China. On the Mall, the symphony was performing on Independence Day, and vendors were passing out plastic Old Glories made in China.

The last I heard, we were referred to around the world as Uncle Sam. So help me God, the way we are acting, the world is beginning to look at America as Uncle Sucker.

I will have no part of this. There is an old saying: "Better dead than red." This is a communist dictatorship. I want to give credit to former President Reagan, who crippled and dismantled communism, brought the Berlin Wall down, destroyed and destructed what he called that Evil Bear, the Soviet Union. And what we have done in the last 3 years, we not only reinvented communism, we are now starting to subsidize it. And, by God, we are funding, I believe, and I warn this Congress, a future World War III; and we had better be careful.

With that I thank the gentleman for his time, and I support this resolution, and I think this resolution is more important than the consideration it is getting very flippantly from some economists in America.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I do rise in opposition to the resolution that would revoke normal trade relations with China. I think very clearly doing this would be a destabilizing factor in our relationship. I am sure that is the intention of those who have this resolution today. I think it would steer China on a certain course towards isolationism and nationalism, and I would think that those who support this resolution certainly do not independently intend that to happen, because that certainly is not in the interests of either country. That would be counterproductive, certainly to our own economic and to our foreign policy interests.

There is nothing new in the debate really this year from what we had last year when we passed permanent normal trade relations. Nothing has changed since then. The reasons we supported PNTR last year are equally as valid as they were a year ago, and I say that despite the recent storms that we have had in U.S.-China relations. The recent downing of our aircraft and the holding of the plane and the crew for an inordinate length of time does not change the reasons that we need to have normal trade relations with that country.

We must remember that if China is going to become a member of the World Trade Organization, it has to make dramatic policy changes. As a result, its economy is going to become more and more open, more and more capitalistic, in the future. Free market forces are growing and they are getting stronger in China. Economic liberty is on the rise, and that is exactly the course we want to help China navigate.

If the U.S. revokes normal trade relations, it would be devastating to China's economic progress and hurt American consumers and workers in the process.

I heard here earlier about how this is about the almighty dollar; and I say no, it is not about that. This is about making sure that China continues on a path towards opening its political and its economic system; and, yes, it does help American workers in the process.

Mr. Speaker, I urge Members of the House to oppose this resolution and to defeat it.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), who has fought human rights abuses in this country and wants to stop human rights abuses in China.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding me time.

Mr. Speaker, I rise today in support of the resolution. We must stand up for human rights and democracy throughout the world; not only here at home, but around the world.

Where is the freedom of speech? Where is the freedom of assembly? Where is the freedom to organize? Where is the freedom to protest? Where is the freedom to pray? It is not in China.

China continues to violate the human rights of its citizens. They continue to arrest people for practicing their own religion. They arrested two elderly bishops and 22 other Catholics at Easter, and more than 200 Falun Gong members have died in custody since 1999. They continue to execute their own people, nearly 1,800 people in the last 3 months alone. They continue to imprison hundreds of people who participated in the pro-democracy protests of 1989. They continue to detain United States citizens without explanation. And we continue to reward China.

What message are we sending to China? What message are we sending to the rest of the world? The people of China want to practice their own religion. They want to speak their mind. They want to live in a free and open and democratic society.

If we stand for civil rights in America and other places in the world, we must stand for human rights in China and speak for those who are not free to speak for themselves. Today, with our vote, we have an opportunity to speak for the dignity of man and for the destiny of democracy.

Now, I believe in trade, free and fair trade; but I do not believe in trade at any price, and the price to continue to grant normal trade relations with China is much too high.

Mr. Speaker, I urge all of my colleagues to support this resolution and send a message to China.

Mr. LEVIN. Mr. Speaker, I yield 6 minutes to the gentleman from Washington (Mr. McDERMOTT), a member of the Committee on Ways and Means.

□ 1700

Mr. McDERMOTT. Mr. Speaker, I rise to oppose this resolution. I brought this glass of water out here because, when we look at it, it is not quite clear whether it is half full or it is half empty. This debate is really a half-full, half-empty debate.

I went to China first in 1977 with the first legislative delegation that got into China after Mao died in 1976. There were about 25 of us State legislators who traveled all over China. The Chinese people at this point dressed in either gray, if they were in the government; or blue, if they were a peasant; or green, if they were in the army. You could look around the whole place and there was not anything but gray and blue and green.

In 1982, I went back to China with a group from Seattle to establish a sister city relationship with Chungking. I was one of the five official delegates who did that. We went to the largest city in China, Chungking in the west. At that point, immediately one noticed two things. One was people's clothing had begun to change. People were allowed to have a little free expression here and there. The second thing that happened was that people were not afraid to come up and talk in English.

When we had been there in 1977, people who had been trained in Bible schools and all sorts of places in the United States and spoke good English were afraid to speak to you in the street in English. In 1982, that had changed. They were talking about development of free trade zones in Tianjin and other places in China.

I went back to China in 1992, and the changes were even more dramatic in terms of the change in people's dress, the change in people's behavior. They were having dancing classes, doing western ballroom dancing out in the street in front of the Shanghai hotels.

Now, we say that is all superficial, but it is very indicative of the changes that are occurring in China.

Now, if I were to tell my colleagues that there were labor leaders in one of the states of China that had formed a union and they worked on the docks and they did not like the way things were going so they called a strike, and the governor of the State, the State Attorney General, actually, were to put those labor leaders in house arrest for an entire year for having a strike, I am sure somebody would be out here jumping up and down and telling me all about these terrible human rights violations going on in China.

The description I just gave my colleagues is going on in South Carolina today. A black longshore union down in South Carolina has three or four labor leaders under house arrest for a year while the Attorney General runs for governor and uses them as his bait.

Now, the Bible says that before you talk about the mote in our brother's eye, look at the plank in your own eye. We are not clean on all of these issues of human rights, and giving everybody opportunity. The Chinese have changed dramatically since 1977 when I first went there. Have they a long way to go? Of course.

I have been to India and seen the Dalai Lama, seen the people who have fled from Tibet who live in Katmandu. I have seen all of the aspects of this. Many of them live in Seattle. And those are not right situations.

And none of us who think we ought to keep the pressure on the Chinese to change, none of us who are supportive, at least none that I know who are supportive of continuing a trade relationship with China, for 1 minute condone what is happening in Tibet or what is happening in a variety of slave situations in forced labor camps, none of that. But to walk away and say to one-fifth of the world's population, we have no interest in you, go your own way, do whatever you want; until you do it our way, we are not going to talk to you. We tried that.

My Senator, Warren Magnuson, who was here for 44 years, said, the biggest mistake we ever made was in 1947 when Mao put his hand out to the United States and said he wanted to work with us, and we said, no, you are a Communist. We will not deal with a Communist.

We closed the door on China from 1946 until a Republican President showed up. I mean, I do not have many good things to say about Richard Nixon, but I will say he had the courage to go and reopen the door and say, closing the door does not work. We have lots of proof of that. And to go back to the pre-1972 era is simply not in either in our best interests or in the world's best interests.

If the gentleman from Ohio is correct, that the Chinese are this great, fearful dragon, I think they are mythical animals, but, anyway, if they are really a fear to us, it is much better that we know them, that we are talking with them, that we are involved with them, and that we are using trade as a way to get them to adopt the rules of a civil world society, that is, the World Trade Organization.

Everybody plays by the same rules. They have to make changes for that to work in the WTO. They cannot continue the way they have been, and they have not. They have been going gradually, not as fast as we would like, but the next time somebody tells us something has not changed in China in 10 years, remember, they have been there 6,000 years. They do not do things in a minute.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

This is a cup that, as we can all see, is empty, but I will submit to my colleague that there will be many people who will try to tell you that there is water in this cup. No. It is an empty cup. And no matter how much we would like it to be filled with water, it is not filled with water. No matter how much we would like to say that there has been human rights progress in China, there has been no human rights progress in China.

In fact, the situation has retrogressed in the last few years. Japan was becoming highly westernized in the 1920s and 1930s. Berlin became a real party town compared to what it was when they were real poor and went through their economic hard times. Did this make Japan and Germany any less a threat to world peace? No. Today, China is, yes, advancing economically, but the money is being used by the militaristic elite to prepare for war and to attack the United States.

Mr. Speaker, I yield 3½ minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding me this time.

It is historically accurate to say, I believe, that political freedom can influence economic vitality. I think that that is a provable point. I think it is much more difficult to try to prove the opposite, that, in fact, economic freedom can somehow force political freedom. It is a very difficult thing to do, just as my colleague has described. In the past, economic freedom, economic vitality did not lead ipso facto to political freedom, which is the case that is made over and over in defense of NTR. It will not necessarily work that way.

The gentleman from California earlier, in opposition to this bill, suggested that we have to deal with the fact that China is an emerging nation. Wow. Pretty profound. It is, in fact, yes, it is an emerging nation. No one can deny that. No one does deny that.

What kind of an emerging nation is China? It is a nation that in the last year has increased military capabilities to threaten Taiwan; exploded a neutron bomb a little over a year ago, that event went widely unpublicized; constructed 11 naval bases around the Spratley and Paracel Island group; convicted a U.S. scholar of spying for Taiwan; jailed or exiled every major dissident in China; closed or destroyed thousands of unregistered religious institutions; arrested 35 Christians for worshipping outside the official church and sentenced them indefinitely to forced labor camps; expanded the total number of slave labor camps to around 1,100; expanded the industry of harvesting and selling human organs.

The government intensified crackdowns in the treatment of political dissidents in Tibet; suppressed any person or group perceived to threaten the government. Hundreds of Falun Gong have been imprisoned. Thousands of practitioners remained in detention or were sentenced to reeducation-through-labor camps or incarcerated in mental institutions. China has increased the number of extrajudicial killings; increased the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and the denial of due process.

In May, the U.N. Committee Against Torture issued a report critical of continuing serious incidents of torture, especially involving national minorities; and, of course, last but not least, forced down an American plane and held 24 Americans hostage.

This since we passed PNTR. This is the result. This is what we got for doing what we did. What can we expect, do my colleagues think? I quake to think what we can expect from a continued relationship of this nature.

Trade. The issue of trade has come up so many times. The term trade we throw around here so lightly implies a two-way street. It implies an action we take, they take. We sell, they buy. No, it is not what is happening. Mr. Speaker, $100 billion later we explain to the rest of the world that this trade has not worked out to our advantage. And what makes us think that it ever will?

I suggest only this: Please, when the gentleman earlier said that companies are setting an example in China, he is right, and here is the example they are setting. Those companies are putting profit above patriotism. Please do not encourage that kind of behavior. Vote for this resolution.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to H. J. Res. 50, which would terminate Normal Trade Relations with China 60 days after enactment. This resolution jeopardizes the jobs and livelihoods of nearly 400,000 American workers and their families who depend upon trade with China. It also sells out millions more Chinese striving hard to reform a nation with an exceptionally complex and painful past, and for what? Let me suggest that there is a better way.

Commercial engagement with China has been and continues to be the cornerstone of America's productive and maturing relationship with China. Since the historic 1979 U.S.-China Agreement on Trade, every American President has understood the importance of integrating China and its one-fifth share of humanity into the international system. Since the end of the destructive Maoist era, I believe that China has been experiencing nothing less than a "great awakening." In ever-larger strides China has proceeded to open its doors to free enterprise and engage in international trade and commerce, now reaching $500 billion per year.

On October 10 last year, President Clinton signed legislation that terminated the provision of the 1974 Jackson-Vanik statute that requires the annual consideration of China's Normal Trade Relations status, NTR. By a vote of 237 to 197, the House voiced its unwavering, bipartisan support for the reforms taking place in China and committed to extend Permanent Normal Trade Relations, PNTR, status to China when it becomes a member of the World Trade Organization.

Under the accession agreement, our tariffs on Chinese imports will not change, while Chinese tariffs on our exports will be sharply reduced, giving us access to 1.2 billion customers. This agreement also requires China to undertake a wide range of market-opening reforms to key sectors of its economy still under state control, covering agriculture, industrial goods and services.

On June 11, Ambassador Zoellick reached a breakthrough agreement with China on most of our remaining bilateral trade liberalization issues. In light of the progress made so far, it is very possible that China will become a WTO member by the end of this year. Therefore, it appears that Congress needs to reauthorize NTR status one last time for the span of just a few months.

□ 1715

In light of our historic PNTR vote last fall, we must keep moving forward toward our common goal of integrating China into the international system of rules and standards. After 15 years, we are almost there.

Mr. Speaker, relations with China this year have been anything but smooth. We are all angered and frustrated by the two steps forward, one step backward behavior of the Beijing government. The world expects much more from China.

Yet, denying China NTR will not bring about political and religious freedom for the Chinese. In fact, it will have a quite opposite effect. A better way to America's long-term national security interests in China and the Asian region will be to help China begin this century on an economic reform path shaped and refined by the economic trade rules of the WTO, and I urge a no vote on House Joint Resolution 50.

Mr. Speaker, I ask unanimous consent for the gentleman from Illinois (Mr. WELLER) to control the time on our side.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from New Jersey (Mr. PASCRELL), who believes we should not reward a nation that uses slave labor to sell products to the United States.

Mr. PASCRELL. Mr. Speaker, we need to expect more from ourselves first of all, not the Chinese government. I do not need the unions to tell me what to do on this issue, I do not need the churches, the synagogues, I do not need environmental groups, because this is what I carry with me, the Constitution of the United States, since I raised my hand.

This is what this is all about, article 1, Section 8. It gives to the Congress of the United States the power to deal in trade.

What we are doing, this is the last vote we are ever going to have on this issue. Think about that, Members, we are not going to be able to change anything. This is the last vote that we are going to have on trade with China.

We, who have been voted by the public not the trade representatives of the United States, who did not stand for election, I stood for election, the Members stood for election, we stood for election, we have an obligation to fulfill the duties and responsibilities of the Constitution.

To China, I say I thank them for returning a New Jersey citizen they detained for 5 months without cause. I thank them. The opponents of this resolution will call this unfortunate. For this noble act, not only do they deserve the Olympics in 2008, but please take a continuation of the most-favored-nation status.

Has China done anything to warrant our continuation of most-favored-nation status? No. The Chinese government has abused its citizens, tortured its prisoners, held Americans hostage, and is doing its part to destroy the Earth's environment.

We must not reward these heinous actions by giving them American jobs, exporting them one after the other.

I plead with my colleagues, Mr. Speaker, to take a small step, a temporary step, and revoke MFN that the Chinese want and do not deserve.

Mr. SANDERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I hear this debate; and some of it bothers me because I do not want to go back to the Cold War. I do not want to bring about new hostilities between the United States and China and other countries of the world. I do not think the United States should be the Big Brother of the world. I do not think that we have all the answers in the world, as well.

I am for fair trade, I am for free trade, and I am in support of the normal trade relations with China. We know the importance of trade. Can Members imagine not trading with a country with a population of 1.3 billion people? They are on a land area approximately the same size as the United States. The only difference is, we have about 300 million people and they have 1 billion more people than we have. They have one-fifth of the world's population.

Yet, we are saying because we do not necessarily like their human rights record, which I do not, and they do not have the same democratic principles as the United States, that we are not going to trade with them under normal trade relations?

We do not need to raise the walls of isolation and separatism. I believe that the best approach to improving our relationship with the most populous country in the world is through diplomatic and economic channels. Revoking trade relations with China jeopardizes the U.S. economy. The expansion of markets abroad for U.S. goods and services is critical to sustaining our country's economic expansion.

The United States has a lot of softness, do we not, in our economy today? We do not need to worsen it. It most certainly will hurt American workers, who will see their jobs disappear if exporting opportunities to China are lost.

A policy of principled, purposeful engagement with China remains the best way to advance U.S. interests. Extending to China the same normal trade relations we have with virtually every country in the world will promote American prosperity and security and foster greater openness in China.

We have serious differences with China, and I will continue to deal forthrightly with the Chinese on these differences. But revoking normal trade relations would rupture our relationship with the country of China. As we foster a better relationship with the Chinese based on trade and commerce and diplomacy, we can also work to establish increased freedoms and democracy for the 1.3 billion people that live there.

Mr. ROHRABACHER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF), a leader of the Human Rights Caucus, who has been a champion of human rights here in the Congress.

Mr. WOLF. Mr. Speaker, I rise in support of the resolution and in opposition to PNTR.

In some respects, listening to the debate in my office and reading about it, this reminds me of the time when Winston Churchill used to rise in the House of Commons to talk about the threat of Nazi Germany. They did not listen to Winston Churchill; and frankly, I do not think the country is listening today.

This is an issue of values. Mary McCrory in The Washington Post said the other day in her column, "We talk human rights, but we act like shopkeepers. We are listening to the cash register."

We are listening to the sounds of the cash register, but we are not listening to the Catholic bishops, ten of them, that are in jail, and one because he gave holy communion to the gentleman from New Jersey (Mr. SMITH), and he still has not gotten out. We are not listening to the sounds of agony of the Protestant pastors. Those who said they care about the church and the persecution, we listen to the sound of the cash registers.

They get down here and talk about the Dalai Lama in Tibet. I have been there and I have seen the persecution of the Muslims, but we are listening to the cash registers.

Harry Wu will tell us, when the gentleman from New Jersey (Mr. SMITH) and I went to Beijing Prison Number 1, where there were 40 Tiananmen Square demonstrators, and some are still there, but we listen to the sounds of the cash registers.

For this side of the aisle, we name buildings after Ronald Reagan, but if we want to honor Ronald Reagan we should vote NTR down. Ronald Reagan not only did not give MFN to the Soviet Union; in 1986, he took away MFN for Romania. It was my bill, and the bill of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Ohio (Mr. HALL).

Ronald Reagan understood. He never gave it to them. He talked about values. The Soviet Union did not because we gave them MFN, the Soviet Union fell because Ronald Reagan stood up to them, the Pope stood up to them, the AFL–CIO and Lane Kirkland stood up to them, and not just grant them trade.

We talk about freedom,we talk about human rights. But as Mary McCrory said, "Frankly, this Congress and this country," and quite frankly, the Bush administration, the Bush administration had better be careful it does not emulate the Clinton administration. Clinton talked about it but did nothing about it. This administration had better be careful. We talk about human rights, we act like shopkeepers. We are just listening to the cash registers, not to the bishops, not to the pastors, not to the Members of Congress, not to the people in the slave labor camps.

There are more slave labor camps in China today than there were when Solzhenitsyn wrote the book Gulag Archipelago. Let us listen to them and not to the cash registers.

Mr. Speaker, I think it is time we as a legislative body face reality about the People's Republic of China. We've annually debated trade relations with China. We've heard about human rights abuses, religious persecution, nuclear arms sales. And it has annually been the will of the Congress that we engage in trade with China with the expectation that human rights would improve and that China would get on the road to democracy.

But the expectations have fallen far short. As we have increased trade, the human rights situation in China has grown worse. For the past two years, the Department of State's annual report on human rights in China has stated this clearly, saying: "the Government's poor human rights record has deteriorated markedly" and "the Government's poor human rights record worsened, and it continued to commit numerous serious abuses."

Giving China most favored nation status hasn't changed for the better the lives of thousands of men and women languishing in forced labor prison camps. Human rights violations in China are about people who are suffering. Human rights violations in China are about people of faith being thrown into a dismal prison cell because of their faith.

When China violates its own citizens' human rights, people die, people suffer and families are torn apart.

I recently read the graphic testimony of a Chinese doctor who participated in the removal of organs and skin from executed prisoners in China. Dr. Wang Guoqi was a skin and burn specialist employed at a People's Liberation Army hospital. He recently testified before the House International Relations Subcommittee on International Organizations, and Human Rights on the Government of China's involvement in the execution, extraction, and trafficking of prisoner's organs.

Dr. Wang writes that his work "required me to remove skin and corneas from the corpses of over one hundred executed prisoners, and, on a couple of occasions, victims of intentionally botched executions."

What kind of government skins alive and sells the organs of its own citizens?

The Government of China also persecutes and imprisons people because of their religious beliefs. The U.S. Department of State recently sent me a letter, on the status of religious freedom in China, which I enclose for the record. This letter states that the Government of China persecutes believers of many faiths, including Roman Catholics, Muslims, Tibetan Buddhists and Protestant Christians.

It is estimated that some "ten Catholic Bishops, scores of Catholic priests and [Protestant] house church leaders, 100–300 Tibetan Buddhists, hundreds (perhaps thousands) of Falun Gong adherents, and an unknown but possible significant number of Muslims are in various forms of detention in China for the expression of their religious or spiritual beliefs."

What kind of government imprisons its nation's religious leaders?

Compass Direct, a news service that monitors international religious freedom reports that "Christian leaders in both the unofficial house churches and the registered 'Three Self' churches in eastern China confirmed . . . that there is increased pressure against the church in China."

When China violates its own citizens' human rights, people die, people suffer and families are torn apart.

Today is the 159th day a mother and wife and permanent U.S. resident has spent in a Chinese jail. Dr. Gao Zhan is a researcher at American University here in Washington, D.C. She is my constituent. She studies women's issues. One hundred and fifty-nine days ago, Chinese authorities detained Gao Zhan and her husband and their 5-year-old son, Andrew. In the matter of an instant, this happy young family was torn apart by the regime in Beijing. A 5-year-old child was taken from his parents, a young couple was divided by prison walls and armed guards. Imagine how you would feel if the Government of China did this to your family. Imagine how you would feel if the Government of China put your 5-year-old son in prison.

What kind of government imprisons mothers who are academic experts on women's issues?

News reports indicate that the Government of China is due to deport American citizen Li Shaomin, whom the Chinese have imprisoned for several months and whom they recently convicted of espionage. While I am hopeful that Li Shaomin will be released, I also call on the Chinese Government to immediately release Gao Zhan, mother, scholar and devoted wife. I also call on the government of China to release the remaining American permanent residents and citizens it has arrested on trumped-up charges, including Wu Jianmin, Tan Guangguang, Teng Chunyan, Liu Yaping and others.

Last year during the debate on PNTR, I expressed concern "about the alliance that seems to be forming between China and Russia against the U.S." Now, this week, Russia and China have signed a treaty of "Friendship and Cooperation" that I enclose for the RECORD. Article 9 of this treaty outlines what China and Russia mean by agreeing to "friendship" and "cooperation":

> Article 9. If one party to the treaty believes that there is a threat of aggression menacing peace, wrecking peace, and involving its security interests and is aimed at one of the parties, the two parties will immediately make contact and hold consultations in order to eliminate the threat that has arisen.

China is purchasing sophisticated weapons systems from Russia that could place in harm's way, the lives of U.S. service members and U.S. capabilities in Asia. Russia has sold China an "estimated $1.5 billion worth of weapons contracts last year alone," according to a July 12 article from Jane's Defense Weekly. Jane's also reports that "strategic cooperation between Beijing and Moscow has also extended beyond their bilateral relationship to include neighboring states . . . for cooperation on military and other issues."

Jane's also reports that the PLA has increased its official defense budget by 18 percent this year and that "the [Chinese] military enjoys additional funding from other classified government programmes, such as for foreign arms procurements and weapons research and development."

China has exported weapons of mass destruction and missiles in violation of treaty commitments. The director of the CIA has said that China remains a "key supplier" of these weapons to Pakistan, Iran and North Korea. Other reports indicate China has passed on similar weapons and technology to Libya and Syria. If one of these countries is involved in a conflict, it is very possible that these weapons of mass destruction could be targeted against American troops.

There have been numerous reports that the Chinese military views the U.S. as its primary threat. Evidence of this militaristic view toward the U.S. may be seen in China's unacceptable behavior in the downing of the U.S. surveillance aircraft and detainment of the crew. China's behavior in this incident and its subsequent piecemeal dismemberment of the aircraft by the Chinese is an affront to the U.S. and is further evidence that China views the U.S. as a threat.

In light of the downing and detainment of the U.S. surveillance aircraft and crew, in light of the new Russian-Chinese treaty, in light of China's increased military budget, because of China's proliferation of weapons of mass destruction, because of China's viewing the U.S. as being their primary threat, why would Congress want to give China normal trade relations (NTR) and all the benefits that come with NTR? Giving China NTR will give away any leverage the U.S. has on these and other issues of concern.

Successive Presidents and previous Congresses have acted to trade with the People's Republic of China expecting China's human rights record to improve and the growth of democracy. After nearly two decades in which China has received most favored nation status, it is clear religious freedom, human rights and democracy have been given lip service by the Chinese government.

If the U.S. wants to help bring democracy to China, it cannot continue to give China a blank check in the form of normalized trade relations. As Lawrence F. Kaplan writes in a July 9 article from The New Republic, ". . . to pretend we can democratize China by means of economics is, finally, a self-serving conceit. Democracy is a political choice, an act of will. Someone, not something must create it." I enclose it for the record.

It is clear that many years of giving China NTR has not helped advance democracy in China. Arguably, giving China NTR has made the prospects for democracy in China worse and may actually be standing in the way of creating democracy in China.

It is time to try something new in our China policy. If the U.S. wants to see the growth of democracy and see China's human rights record to improve, the U.S. ought to review trade relations with China on an annual basis, until the Chinese government proves that it will treat its own people, its mothers, fathers, religious leaders and even common criminals with the dignity, compassion and respect that all human life deserves.

Mr. Speaker, I include for the RECORD an article and a letter relating to human rights and trade with China:

WHY TRADE WON'T BRING DEMOCRACY TO CHINA

(By Lawrence F. Kaplan)

On February 25, business professor and writer Li Shaomin left his home in Hong Kong to visit a friend in the mainland city of Shenzhen. His wife and nine-year-old daughter haven't heard from him since. That's because, for four months now, Li has been rotting in a Chinese prison, where he stands accused of spying for Taiwan. Never mind that Li is an American citizen. And never mind that the theme of his writings, published in subversive organs like the U.S.-China Business Council's China Business Review, is optimism about China's investment climate. Li, it turns out, proved too optimistic for his own good. In addition to rewarding foreign investors, he believed that China's economic growth would create, as he put it in a 1999 article, a "rule-based governance system." But as Li has since discovered, China's leaders have other plans.

Will American officials ever make the same discovery? Like Li, Washington's most influential commentators, politicians, and China hands claim we can rely on the market to transform China. According to this new orthodoxy, what counts is not China's political choices but rather its economic orientation, particularly its degree of integration into the global economy. The cliche has had a narcotic effect on President Bush, who, nearly every time he's asked about China, suggests that trade will accomplish the broader aims of American policy.

Bush hasn't revived Bill Clinton's recklessly historical claim that the United States can build "peace through trade, investment, and commerce." He has, however, latched onto another of his predecessor's high-minded rationales for selling Big Macs to Beijing—namely, that commerce will act, in Clinton's words, as "a force for change in China, exposing China to our ideas and our ideals." In this telling, capitalism isn't merely a necessary precondition for democracy in China. It's a sufficient one. Or, as Bush puts it, "Trade freely with China, and time is on our side." As Congress prepares to vote for the last time on renewing China's normal trading relations (Beijing's impending entry into the World Trade Organization will put an end to the annual ritual), you'll be hearing the argument a lot: To promote democracy, the United States needn't apply more political pressure to China. All we need to do is more business there.

Alas, the historical record isn't quite so clear. Tolerant cultural traditions, British colonization, a strong civil society, international pressure, American military occupation and political influence—these are just a few of the explanations scholars credit as the source of freedom in various parts of the world. And even when economic conditions do hasten the arrival of democracy, it's not always obvious which ones. After all, if economic factors can be said to account for democracy's most dramatic advance—the implosion of the Soviet Union and its Communist satellites—surely the most important factor was economic collapse.

And if not every democracy emerged through capitalism, it's also true that not every capitalist economy has produced a democratic government. One hundred years ago in Germany and Japan, 30 years ago in countries such as Argentina and Brazil, and today in places like Singapore and Malaysia, capitalist development has buttressed, rather than undermined, authoritarian regimes. And these models are beginning to look a lot more like contemporary China than the more optimistic cases cited by Beijing's American enthusiasts. In none of these cautionary examples did the free market do the three things businessmen say it always does: weaken the coercive power of the state, create a democratically minded middle class, or expose the populace to liberal ideals from abroad. It isn't doing them in China either.

One of the most important ways capitalism should foster democracy is by diminishing the power of the state. Or, as Milton Friedman put it in *Capitalism and Freedom*, "[t]he kind of economic organization that provides economic freedom directly, namely, competitive capitalism, also promotes political freedom because it separates economic power from political power and in this way enables the one to offset the other." In his own way, Bush makes the same point about China: "I believe a whiff of freedom in the marketplace will cause there to be more demand for democracy." But the theory isn't working so well in the People's Republic, whose brand of capitalism isn't quite what Adam Smith had in mind.

China's market system derives, instead, from a pathological model of economic development. Reeling from the economic devastation of the Mao era, Deng Xiaoping and his fellow party leaders in the late 1970s set China on a course toward "market socialism." The idea was essentially the same one that guided the New Economic Policy in Soviet Russia 50 years before: a mix of economic liberalization and political repression, which would boost China's economy without weakening the Communist Party. And so, while leaving the party in control of China's political life, Deng junked many of the economy's command mechanisms—granting state-owned enterprises more autonomy, opening the country to limited investment, and replacing aging commissars with a semiprofessional bureaucracy. The recipe worked well: China has racked up astronomical growth rates ever since. And democracy seems as far away as ever.

The reason isn't simply that government repression keeps economic freedom from yielding political freedom. It's that China's brand of economic reform contains ingredients that hinder—and were consciously devised to hinder—political reform. The most obvious is that, just as the state retains a monopoly on the levers of coercion, it also remains perched atop the commanding heights of China's economy. True, China has been gradually divesting itself of state-owned enterprises, and the process should quicken once China enters the World Trade Organization (WTO). But Beijing's leaders have said they will continue to support China's most competitive and critical industries. Taking a cue from authoritarian South Korea during the 1980's, China's leaders have proposed sponsoring industrial conglomerates in crucial sectors of the economy, transformed industrial ministries into "general associations," merged failing state-owned firms with more successful ones, and established organizations to, as Chinese economist Xue Muqiao has put it, "serve as a bridge between the state and the enterprises."

But that's where any similarities with South Korea end. Unlike South Korea, the Philippines, and Taiwan, which evolved from authoritarianism (and did so, significantly, as de facto protectorates of the United States), China even today has no effective system of property rights—a signature trait that distinguishes its Communist regime from traditional authoritarian ones. The absence of a private-property regime in China means that, at the end of the day, the state controls nearly the entire edifice on which China's "free" markets rest. It also means that China's brand of capitalism blurs, rather than clarifies, the distinction between the public and the private realms on which political liberty depends. Nor is that the only requisite for democracy that China's markets lack. As the imprisonment of Li Shaomin and thousands of other political prisoners attests, capitalism in the PRC still operates within the confines of an arbitrary legal order and a party-controlled court system. "China is still a lawless environment," says University of Pennsylvania sinologist Arthur Waldron. "Whether in terms of individual rights or the rights of entrepreneurs, interests are protected not by institutions but by special relationships with those in power."

Before he was arrested, Li diagnosed this condition as "relation-based capitalism." What he meant was that relations with government officials, not property rights or the rule of law, underpin the Chinese market. Because the political foundations of China's economy remain the exclusive property of the state, China's entrepreneurs operate with a few degrees of separation, but without true autonomy, from the government. Hence, capital, licenses, and contracts flow to those with connections to officials and to their friends and relatives, who, in turn, maintain close relations with, and remain beholden to, the regime. Their firms operate, in the words of Hong Kong-based China specialist David Sweig, "[l]ike barnacles on ships, . . . draw[ing] their sustenance from their parastatal relationships with the ministries from which they were spun off."

Helping to keep all these distortions in place are Deng's functionaries, who now constitute the world's largest bureaucracy and still control the everyday levers of the Chinese economy. Today, they function as the engines and administrators of a market increasingly driven by skimming off the top. The foreign-trade sector offers particularly easy pickings. In 1995, for instance, the World Bank found that while China's nominal tariff rate was 32 percent, only a 6 percent rate was officially collected. Presumably, much of the difference went into the pockets of Chinese officials. And even though WTO accession will reduce opportunities for rent-seeking from inflated trade tariffs, China's bureaucracy will be able to continue siphoning funds from distorted interest rates, the foreign exchange markets, and virtually any business transaction that requires its involvement—which is to say, nearly every business transaction. Nor is the problem merely the corrupting influence these bureaucrats wield over China's markets. The larger problem is that, whereas in the United States the private sector wields enormous influence over the political class, in China the reverse is true.

For precisely this reason, Washington's celebrations of the democratic potential of the new Chinese "middle class" may be premature. "Entrepreneurs, once condemned as 'counterrevolutionaries,' are now the instruments of reform. . . . [T]his middle class will eventually demand broad acceptance of democratic values," House Majority Whip Tom DeLay insisted last year. Reading from the same script, President Bush declares that trade with China will "help an entrepreneurial class and a freedom-loving class grow and burgeon and become viable." Neither DeLay nor Bush, needless to say, invented the theory that middle classes have nothing to lose but their chains. In the first serious attempt to subject the ties between economic and political liberalization to empirical scrutiny, Seymour Martin Lipset published a study in 1959, Some Social Requisites of Democracy, which found that economic development led to, among other things, higher levels of income equality, education, and, most important, the emergence of a socially moderate middle class—all factors that promote democratization. More recent studies have found that rising incomes also tend to correlate with participation in voluntary organizations and other institutions of "civil society," which further weakens the coercive power of the state.

But middle classes aren't always socially moderate, and they don't always oppose the state. Under certain conditions, late modernizing economies breed middle classes that actively oppose political change. In each of these cases, a strong state, not the market, dictates the terms of economic modernization. And, in each case, an emerging entrepreneurial class too weak to govern on its own allies itself—economically and, more importantly, politically—with a reactionary government and against threats to the established order. In his now-classic study *Social Origins of Dictatorship and Democracy*, sociologist Barrington Moore famously revealed that, in these "revolutions from above," capitalist transformations weakened rather than strengthened liberalism. In the case of nineteenth-century Japan, Moore writes that the aim of those in power was to "preserve as much as possible of the advantages the ruling class had enjoyed under the *ancient regime*, cutting away just enough . . . to preserve the state, since they would otherwise lose everything." Japan's rulers could do this only with the aid of a commercial class, which eagerly complied, exchanging its political aspirations for profits. On this point, at least, Marx and Engels had things right. Describing the 1848 revolution in Germany, they traced its failure partly to the fact that, at the end of the day, entrepreneurs threw their support not behind the liberal insurrectionists but behind the state that was the source of their enrichment.

Much the same process is unfolding in China, where economic and political power remain deeply entwined. In fact, China's case is even more worrisome than its historical antecedents. In Germany and Japan, after all, an entrepreneurial class predated the state's modernization efforts, enjoyed property rights, and as a result, possessed at least some autonomous identity, In China, which killed off its commercial class in the 1950s, the state had to create a new one. Thus China's emerging bourgeoisie consist overwhelmingly of state officials, their friends and business partners, and—to the extent they climbed the economic ladder independently—entrepreneurs who rely on connections with the official bureaucracy for their livelihoods. "It is improbable, to say the least," historian Maurice Meisner writes in *The Deng Xiaoping Era: An Inquiry Into the Fate of Chinese Socialism*, "that a bourgeoisie whose economic fortunes are so dependent on the political fortunes of the Communist state is likely to mount a serious challenge to the authority of that state . . . the members of China's new bourgeoisie emerge more as agents of the state than as potential antagonists."

A steady diet of chauvinistic nationalism hasn't helped. In the aftermath of the Tiananmen Square massacre, party leaders launched a "patriotism" campaign, a sentiment they defined as "loving the state" as well as the Communist Party. As the Shanghai-based scholar and party apologist Xiao Gongqin explains, "[T]he overriding issue of China's modernization is how, under new historical circumstances, to find new resources of legitimacy so as to achieve social and moral integration in the process of social transition." To Xiao and others like him, the answer is nationalism. And, as anyone who turned on a television during the recent EP–3 episode may have noticed, it's working. Indeed, independent opinion polling conducted by the Public Opinion Research Institute of People's University (in association with Western researchers, who published their findings in 1997), indicate greater public support for China's Communist regime than similar surveys found a decade earlier. And, contrary to what development theory might suggest, the new nationalism appears to have infected the middle class—particularly university students and intellectuals—more acutely than it has China's workers and farmers. "The [closeness of the] relationship between the party and intellectuals is as bad as in the Cultural Revolution," a former official in the party's propaganda arm noted in 1997. Even many of China's exiled dissidents have fallen under its spell.

In addition to being independent of the regime and predisposed toward liberal values, China's commercial class is supposed to be busily erecting an independent civil society. But, just as China's Communist system restricts private property, it prohibits independent churches and labor unions, truly autonomous social organizations, and any other civic institutions that might plausibly compete with the state. Indeed, China's leaders seem to have read Robert Putnam's Bowling Alone and the rest of the civil-society canon—and decided to do exactly the reverse of what the literature recommends. "Peasants will establish peasants' organizations as well, then China will become another Poland," senior party official Yao Yilin reportedly warned during the Tiananmen protests. To make sure this fear never comes true, China's leaders have dealt with any hint of an emerging civil society in one of two ways: repression or co-optation. Some forbidden organizaions—such as Falun Gong, the Roman Catholic Church, independent labor unions, and organizations associated with the 1989 democracy movement—find their members routinely imprisoned and tortured. Others, such as the Association of Urban Unemployed, are merely monitored and harassed. And as for the officially sanctioned organizations that impress so many Western observers, they mostly constitute a Potemkin facade. "[A]lmost every ostensibly independent organization—institutes, foundations, consultancies—is linked into the party-state network," says Columbia University sinologist Andrew Nathan. Hence, Beijing's Ministry of Civil Affairs monitors even sports clubs and business associations and requires all such groups to register with the government.

The same kind of misreading often characterizes celebrations of rural China's "village committees," whose democratic potential the engagement lobby routinely touts. Business Week discerns in them evidence "of the grassroots democracy beginning to take hold in China." But that's not quite right. China's leaders restrict committee elections to the countryside and, even there, to the most local level. Nor, having been legally sanctioned 14 years ago, do they constitute a recent development. More important, China's leaders don't see the elections the way their American interpreters do. In proposing them, says Jude Howell, co-author of In Search of Civil Society: Market Reform and Social Change in Contemporary China, party elites argued that elected village leaders "would find it easier to implement central government policy and in particular persuade villagers to deliver grain and taxes and abide by family planning policy. Village self-governance would thus foster social stability and order and facilitate the implementation of national policy. By recruiting newly elected popular and entrepreneurial village leaders, the Party could strengthen its roots at the grassroots level and bolster its legitimacy in the eyes of the rural residents." Which is exactly what it has done. In races for village committee chairs, the Ministry of Civil Affairs allows only two candidates to stand for office, and until recently many townships nominated only one. Local party secretaries and officials often push their favored choice, and most committee members are also members of the Communist Party, to which they remain accountable. Should a nonparty member be elected, he must accept the guidance of the Communist Party, which, in any case, immediately sets about recruiting him. As for those rare committee members who challenge local party officials, their success may be gleaned from the fate of elected committee members from a village in Shandong province who in 1999 accused a local party secretary of corruption. All were promptly arrested.

Still, the very fact that China's leaders feel compelled to bolster their legitimacy in the countryside is telling. Last month Beijing took the unusual step of releasing a report "Studies of Contradictions Within the People Under New Conditions," which detailed a catalogue of "collective protests and group incidents." What the report makes clear is that Beijing's leaders think China's growing pool of overtaxed farmers and unemployed workers, more than its newly moneyed elites, could become a threat to the regime. Fortunately for the authorities, with no political opposition to channel labor unrest into a coherent movement, protests tend to be narrow in purpose and poorly coordinated. And the wheels of repression have already begun to grind, with Beijing launching a "strike hard" campaign to quell any trouble. In any case, what these formerly state-employed workers have been demonstrating for is not less communism, but more—a return to the salad days of central planning.

Which brings us to the final tenet of the engagement lobby: that commerce exposes China to the ideals of its trading partners, particularly those of the United States. As House Majority Leader Dick Armey has put it, "Freedom to trade is the great subversive and liberating force in human history." Or, as Clinton National Security Adviser Sandy Berger burbled in 1997, "The fellow travelers of the new global economy—computers and modems, faxes and photocopiers, increased contacts and binding contracts—carry with them the seeds of change." But the Chinese disagree. To begin with, they don't import much. And economists predict that won't change dramatically once they've joined the

WTO, since China's leaders have committed themselves to the kind of export-oriented, mercantilist growth model that South Korea, Japan, and Taiwan pursued in decades past. Last year, for instance, China exported $100 billion in goods and services to the United States and only imported $16 billion worth. Hence, for every six modems it sent to America, Sandy Berger sent back only one.

To be sure, that one modem may carry with it seeds of change. Bush, for instance, says, "If the Internet were to take hold in China, freedom's genie will be out of the bottle." Alas, through links to Chinese service providers, Beijing tightly controls all access to the Web. And Western investors in China's information networks have eagerly pitched in. One Chinese Internet portal, bankrolled by Intel and Goldman Sachs, greets users with a helpful reminder to avoid "topics which damage the reputation of the state" and warns that it will be "obliged to report you to the Public Security Bureau" if you don't. But Goldman Sachs needn't worry. If anything, China's recent experience lends credence to the pessimistic theories of an earlier era, which held that nations shape the uses of technology rather than the other ways around. Thus Beijing blocks access to damaging "topics" and to Western news sources like *The New York Times*, *The Washington Post*, and this magazine. It also monitors e-mail exchanges and has arrested Internet users who have tried to elude state restrictions. And, in ways that would make Joseph Goebbels blush, the government uses websites—and, of course, television, newspapers, and radio—to dominate the circuits with its own propaganda. "Much as many people might like to think the Internet is part of a bottom-up explosion of individualism in China, it is not," writes Peter Lovelock, a Hong Kong-based academic who studies the Internet's effect in the PRC. Instead, it provides "an extraordinarily beneficial tool in the administration of China." And that tool was on vivid display during the EP–3 crisis, when China blocked access to Western news sources and censored chat rooms.

American politicians describe foreign direct investment, too, as a potent agent of democratization. But, in this case, they're not even paraphrasing political science literature they haven't read because the literature makes no such claim. In fact, a 1983 study by the University of North Carolina's Kenneth Bollen found that levels of foreign trade concentration and penetration by multinational corporations have no significant effect on the correlation between economic development and democracy. In China's case, it's easy to understand why. Beijing requires foreign investors in many industries to cooperate in joint ventures with Chinese partners, most of whom enjoy close ties to the government. These firms remain insulated mainly in three coastal enclaves and in "special economic zones" set apart from the larger Chinese economy. Moreover, they export a majority of their goods—which is to say, they send most of their "seeds of change" abroad. At the same time, their capital largely substitutes for domestic capital (foreign-owned firms generate half of all Chinese exports), providing a much-needed blood transfusion for China's rulers, who use it to accumulate reserves of hard currency, meet social welfare obligations, and otherwise strengthen their rule. Nor is it clear that U.S. companies even want China to change. If anything, growing levels of U.S. investment have created an American interest in maintaining China's status quo. Hence, far from criticizing China's rulers, Western captains of industry routinely parade through Beijing singing the praises of the Communist regime (and often inveighing against its detractors), while they admonish America's leaders to take no action that might upset the exquisite sensibilities of China's politburo. Business first, democracy later.

But ultimately the best measure of whether economic ties to the West have contributed to democratization may be gleaned from China's human rights record. Colin Powell insists, "Trade with China is not only good economic policy; it is good human rights policy." Yet, rather than improve that record, the rapid expansion of China's trade ties to the outside world over the past decade has coincided with a worsening of political repression at home. Beijing launched its latest crackdown on dissent in 1999, and it continues to this day. The government has tortured, "reeducated through labor," and otherwise persecuted thousands of people for crimes no greater than practicing breathing exercises, peacefully championing reforms, and exercising freedom of expression, association, or worship. It has arrested Chinese-American scholars like Li Shaomin on trumped-up charges, closed down newspapers, and intimidated and threatened dissidents. Nor is it true that linking trade and human rights will necessarily prove counterproductive. When Congress approved trade sanctions against Beijing in the aftermath of Tiananmen, China's leaders responded by releasing more than 800 political prisoners, lifting martial law in Beijing, entering into talks with the United States, and even debating among themselves the proper role of human rights. As soon as American pressure eased, so did China's reciprocal gestures.

Turning a blind eye to Beijing's depredations may make economic sense. But to pretend we can democratize China by means of economics is, finally, a self-serving conceit. Democracy is a political choice, an act of will. Someone, not something, must create it. Often that someone is a single leader—a Mikhail Gorbachev, a King Juan Carlos, or a Vaclav Havel. But such a man won't be found in China's current leadership. Other times, the pressure for democracy comes from a political opposition—the African National Congress in South Africa, Solidarity in Poland, or the marchers in Tiananmen Square. But there are no more marchers in Tiananmen Square.

Pressure for democratization, however, can also come from abroad. And usually it comes from the United States or from nowhere at all. During the 1980s America applied diplomatic and economic pressure to repressive regimes from Poland to South Africa; intervened to prevent military coups in the Philippines, Peru, El Salvador, Honduras, and Bolivia; and loudly enshrined human rights and democracy in official policy. The United States played a pivotal and direct role in democratizing even countries like South Korea and Taiwan, which many China-engagers now tout as evidence that the market alone creates political freedom. Appropriately enough, the decade closed with democracy activists erecting a facsimile of the Statue of Liberty in Tiananmen Square.

The commercialist view of China, by contrast, rests on no historical foundation; it is a libertarian fantasy. "The linkage between development and rights is too loose, the threshold too high, the time frame too long, and the results too uncertain to make economic engagement a substitute for direct policy intervention," writes Columbia's Nathan. Yet make it a substitute is precisely what the United States has done. And, far from creating democracy, this subordination of political principle has created the justified impression of American hypocrisy and, worse, given U.S. policymakers an excuse to do nothing.

Maybe the claim that we can bring liberty to China by chasing its markets will prove valid in the long run. But exactly how long is the long run? A political scientist at Stanford University says it ends in 2015, when, he predicts, China will be transformed into a democracy. Others say China will democratize before that. Still others say it may take a half-century or more. The answer matters. After all, while capitalist Germany and Japan eventually became democracies, it wasn't capitalism that democratized them, and it certainly wasn't worth the wait. In China's case, too, no one really knows what might happen as we wait for politics to catch up with economics. With the exception, perhaps, of Li Shaomin, who tested the link between economic and political liberalization in China for himself. He's still in jail.

DEPARTMENT OF STATE,
Washington, DC, May 3, 2001.

Hon. FRANK WOLF,
Co-Chairman, Human Rights Caucus,
House of Representatives.

DEAR MR. WOLF: This is in response to your request of Acting Assistant Secretary Michael Parmly for additional information during his testimony before the Human Rights Caucus on May 15 on the status of religious freedom in China. We appreciate your concern about the recent deterioration of religious freedoms in China and the large number of persons held in China for the peaceful expression of their religious or spiritual views. We regret the delay in responding to your request for information, but we wanted to provide as comprehensive a list of these individuals as possible.

We currently estimate that roughly ten Catholic Bishops, scores of Catholic priests and house church leaders, 100–300 Tibetans Buddhists, hundreds (perhaps thousands) of Falun Gong adherents, and an unknown but possibly significant number of Muslims are in various forms of detention in China for the expression of their religious or spiritual beliefs. The forms of detention range from de facto house arrest to imprisonment in maximum security prisons. As you know, we regularly raise cases of religious prisoners with Chinese officials both here and in China. Our information about such cases comes from sources as diverse as religious dissidents, human rights NGOs, interested Americans and, most importantly, regular reporting from our embassies and consulates. Unfortunately, the opaqueness of the Chinese criminal justice system and absence of any central system that provides basic information on who is incarcerated and why makes it exceedingly difficult to determine the exact number of religious prisoners currently being held in China. We have, however, attached lists of cases of particular concern that we have raised with Chinese authorities or have included in our human rights and religious freedom reports.

We recognize the importance of compiling and maintaining a database of political and religious prisoners from additional sources such as Chinese newspapers and government notices and appreciate Congressional interest in providing us additional resources to fund such activities. At present, the Bureau for Democracy, Human Rights and Labor is discussing with the International Republican

Institute a proposal which will be submitted through the National Endowment for Democracy. This proposal will be for a Human Rights and Democracy Fund grant specifically for the purpose of funding a U.S. NGO's efforts to develop and maintain a list of political and religious prisoners in China.

Such a database will be extremely valuable to the human rights work done not only by this bureau but also by other government agencies, the Congress, and NGOs. We welcome your interest in and support of this effort and look forward to cooperative efforts to develop and fund a comprehensive record of religious prisoners in China.

In the meantime, we hope the information in this letter and the attached lists are helpful to you. We would welcome any case information that you might have available that could improve the quality of this list.

Sincerely,

MICHAEL E. GUEST,
Acting Assistant Secretary,
Legislative Affairs.

Enclosure.

ILLUSTRATIVE LIST OF RELIGIOUS PRISONERS IN CHINA

NOTE: See comments in cover letter. The following illustrative list is compiled from various sources, including information provided to us by reputable non-governmental organizations and from the State Department's annual reports on human rights and on religious freedom. We cannot vouch for its overall accuracy or completeness.

MUSLIMS

Xinjiang Abduhelil Abdumijit: Tortured to death in custody.

Turhong Awout: Executed.

Rebiya Kadeer: Serving 2nd year in prison.

Zulikar Memet: Executed.

Nurahmet Niyazi: Sentenced to death.

Dulkan Rouz: Executed.

Turhan Saidalamoud: Sentenced to death.

Alim Younous: Executed.

Krubanjiang Yusseyin: Sentenced to death.

PROTESTANTS (MISC.)

Qin Baocai: Reeducation through labor sentence.

Zhao Dexin: Serving 3rd year in prison.

Liu Haitao: Tortured to death in custody.

Miao Hailin: Serving 3rd year in prison.

Han Shaorong: Serving 3rd year in prison.

Mu Sheng: Reeducation through labor sentence.

Li Wen: Serving 3rd year in prison.

Yang Xian: Serving 3rd year in prison.

Chen Zide: Serving 3rd year in prison.

EVANGELISTIC FELLOWSHIP

Hao Huaiping: Serving reeducation sentence.

Jing Quinggang: Serving reeducation sentence.

Shen Yiping: Reeducation; status unknown.

COLD WATER RELIGION

Liu Jiaguo: Executed in October 1999.

FENGCHENG CHURCH GROUP

Zheng Shuquian: Reeducation; status unknown

David Zhang: Reeducation; status unknown

CATHOLICS

Bishops

Bishop Han Dingxiang: Arrested in 1999, status unknown.

Bishop Shi Engxiang: Arrested in October 1999.

Bishop Zeng Jingmu: Rearrested on September 14, 2000.

Bishop Liu: House arrest in Zhejiang.

Bishop Jiang Mingyuang: Arrested in August 2000.

Bishop Mattias Pei Shangde: Arrested in early April 2001.

Bishop Xie Shiguang: Arrested in 1999; status unknown.

Bishop Yang Shudao: Arrested Feb. 2001; status unknown.

Bishop An Shuxin: Remains detained in Hebei.

Bishop Li Side: House arrest.

Bishop Zang Weizhu: Detained in Hebei.

Bishop Lin Xili: Arrested Sept. 1999, status unknown.

Bishop Su Zhimin: Whereabouts unknown.

Priets

Fr. Shao Amin: Arrested September 5, 1999.

Fr. Wang Chengi: Serving reeducation sentence.

Fr. Wang Chengzhi: Arrested September 13, 1999.

Fr. Zhang Chunguang: Arrested May 2000.

Fr. Lu Genjun: Serving 1st year of 3 year sentence.

Fr. Xie Guolin: Serving 1st year of 1 year sentence.

Fr. Li Jianbo: Arrested April 19, 2000.

Fr. Wei Jingkun: Arrested August 15, 1998.

Fr. Wang Qingyuan: Serving 1st year of 1 year sentence.

Fr. Xiao Shixiang: Arrested June 1996, status unknown.

Fr. Hu Tongxian: Serving 3rd year of 3 year sentence.

Fr. Cui Xingang: Arrested March 1996

Fr. Guo Yibao: Arrested April 4, 1999.

Fr. Feng Yunxiang: Arrested April 13, 2001.

Fr. Ji Zengwei: Arrested March 2000.

Fr. Wang Zhenhe: Arrested April 1999.

Fr. Yin: Serving 1st of 3 year sentence.

Fr. Kong Boucu: Arrested October 1999.

Fr. Lin Rengui: Arrested Dec. 1997, status unknown.

Fr. Pei Junchao: Arrested Jan. 1999, status unknown.

Fr. Wang Chengi: Arrested Dec. 1996, status unknown.

TIBETAN BUDDHISTS

Lamas

Gendum Choekyi Nyima: House Arrest.

Pawo Rinpoche: House Arrest.

Nuns

Ngawang Choekyi: Serving 9th year of 13 year sentence.

Ngawag Choezom: Serving 9th year of 11 year sentence.

Chogdrub Drolma: Serving 6th year of 11 year sentence.

Jamdrol: Serving 6th year of 7 year sentence.

Namdrol Lhamo: Serving 9th year of 12 year sentence.

Phuntsog Nyidrol: Serving 12th year of 17 year sentence.

Yeshe Palmo: Serving 4th year of 6 year sentence.

Ngawang Sangdrol: Serving 9th year of 21 year sentence.

Jigme Yangchen: Serving 11th year of 12 year sentence.

Monks

Ngawang Gyaltsen: Serving 12th year of 17 year sentence.

Ngawang Jamtsul: Serving 12th year of 15 years sentence.

Jamphel Jangchub: Serving 12th year of 18 year sentence.

Ngawang Kalsang: Serving 6th year of 8 year sentence.

Thubten Kalsang: Sentence not reported.

Lobsang Khetsun: Serving 5th year of 12 year sentence.

Phuntsok Legmon: Sentenced to 3 years in prison.

Namdrol: Sentenced to four years in prison.

Yeshe Ngawang: Serving 12th year of 14 year sentence.

Ngawang Oezer: Serving 12th year of 17 year sentence.

Ngawang Phuljung: Serving 12th year of 19 year sentence.

Lobsang Phuntsog: Serving 6th year of 12 year sentence.

Sonam Phuntsok: Arrested in October 1999.

Phuntsog Rigchog: Serving 7th year of 10 year sentence.

Lobsang Sherab: Serving 5th year of 16 year sentence.

Sonam Rinchen: Serving 15th year sentence.

Ngawang Sungrab: Serving 9th year of 13 year sentence.

Jampa Tenkyong: Serving 10th year of 15 year sentence.

Ngawang Tensang: Serving 10th year of 15 year sentence.

Lobsang Thubten: Serving 7th year of 15 year sentence.

Agya Tsering: Arrested in October 1999.

Trinley Tsondru: Serving 5th year of 8 year sentence.

Tenpa Wangdrag: Serving 13 year of 14 year sentence.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), a strong proponent of the opportunity for Illinois workers who believe in free trade.

Mrs. BIGGERT. Mr. Speaker, I thank my colleague, the gentleman from Illinois, for yielding time to me.

Mr. Speaker, I rise today to urge my colleagues to vote against the resolution to revoke normal trade relations for China.

Some of my colleagues have said that this body should signal our disapproval of Chinese policy by denying NTR. Mr. Speaker, I would caution those who seek to signal China by ending NTR to think for one moment today about the likely consequences, and first answer some very basic questions:

Will Members' vote for NTR for China today actually change the behavior of China tomorrow?

Will ending NTR free the political prisoners, end the military buildup, enhance respect for human rights, and stop the persecution of religious groups?

Will denying NTR bolster the moderates, or will it strengthen the hand of hard-liners as they struggle to control the future course of Chinese policy?

Most importantly, will revoking NTR teach the youth of China the values of democracy, the principles of capitalism, and the merits of a free and open society?

Mr. Speaker, if I thought that ending NTR would achieve these goals in China, I, too, would cast my vote of disapproval today. But make no mistake, denying China NTR denies the U.S. the opportunity to influence China's workers, China's human rights policies, China's politics, and perhaps, most importantly, China's future.

Make no mistake, ending NTR for China will end our best hope of getting China to open its markets and live by the world's trade rules. It will effectively put an end to our trade with China. In short, revoking NTR for China will send much more than a signal. It will portend the end of U.S. trade with China and the end of our influence in China.

I urge my colleagues to vote to retain our influence and our trade relations with China by voting against the resolution today.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3½ minutes to my friend, the gentleman from Michigan (Mr. BONIOR), who has fought against labor camps in China and fought for human rights for workers and people around the world.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, those who favor granting China special trade privileges, some of them would have us believe that approving this MFN for China is going to lead to a freer society. They would have us believe that conditions in China have improved since the People's Republic was granted most-favored-nation status last year.

In fact, the opposite is true. Let me just tell the Members a few stories.

Bishop Shi Enxiang, a 79-year-old Catholic bishop jailed on good Friday for not practicing state-sanctioned religion and for refusing to reject the legitimacy of the Pope, 79 years of age.

Of course, China will speak of its state-sanctioned Catholic Church. However, this is the same church that proclaimed 120 newly elected or canonized Chinese saints to be traitors and imperialist agents.

Liu Zhang, a worker in the Chun Si Enterprise Handbag Factory, who was desperate for work. The factory promised him a good job, living quarters, and a temporary residence permit. However, Chun Si did not follow through on his promise. Liu Zhang made about $22 a month, $15 of which went back to the company for room and board. His factory held its 900 workers in virtual imprisonment, and regularly subjected them to physical abuse.

□ 1730

Gao Zhan and Li Shaomin, American scholars detained by China for allegedly spying for Taiwan. Gao Zhan, her husband, and her son were about to return to the United States after visiting her parents when she was arrested in the Beijing airport.

Li Shaomin, who ironically believed that free trade would lead to a free China, was arrested when he left Hong Kong and entered China.

Peng Shi and Cao Maobin, Chinese union organizers, arrested for staging protests and forming labor unions. Peng has been sentenced to life imprisonment for fighting for better lives for his family and coworkers. Cao was held in a mental hospital after daring to speak to foreign reporters about the formation of an independent labor union protesting the company's layoffs and refusing to pay 6 months of back pay.

Now, if someone is for religious rights or political rights or economic rights, as a labor group or organizer they cannot function in China. They are going to end up in prison.

These terrible stories of oppression have all happened in China within the last year. They have all happened since this House voted to extend permanent MFN to China. They are bitter lessons that we must remember.

We cannot have free markets without free people. We in America have the privilege of living in the freest country in the world, but even here global trade is not the force that brought our steelworkers and our auto workers into the middle class. It was their organizing, it was their right to collective bargaining, it was their right to participate freely in the political life of this Nation that established safe working conditions and fair wages and labor rights. These folks demonstrated in America. They marched, they were beaten, they went to jail. Some of them died for these rights that we have that have set the standard in our country.

People are doing the same thing in China each and every day and we are not on their side, we are on the sides of their oppressors. It was not global trade that brought protections for our air and water; it was people who fought and struggled in this country to elect leaders of their choosing to make a difference.

We have to do our part to ensure that China respects human rights and democratic freedoms and environmental rights. We have to stand with the people who are standing up for these basic freedoms. I urge my colleagues to vote for this resolution and reject further MFN for China.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this legislation today, and I do so to answer the question that the gentleman from California raised a moment ago when he held up an empty glass. I concede it is almost empty, but the question is how do we fill it? And I submit to my colleagues that we do not fill it in exactly the same way that we have been trying to do with the little island off the tip of Florida in which we have now for 40 years refused to trade with Cuba in the belief that somehow, some way that will cause Fidel Castro to change his ways. It has failed. The only people it has hurt are the Cuban people and those in the United States that could have benefited from selling, other than those who have continued to sell. That is what it is all about.

Now, normal trade relations with China is not going to solve all our farmers' problems. No, in fact, I think we have oversold a lot of trade issues. But I believe that the benefits of normal trade relations for U.S. agriculture will be significant, and I am in no small company in saying so. Nine Secretaries of agriculture have served since John F. Kennedy supported normal trade relations with China.

China has 21 percent of the world's population, 7 percent of the world's arable land. There are those that argue that China does not need us. They say China exports more agricultural products than it imports. But this ignores the fact that significant agricultural imports enter China through Hong Kong. In fact, China and Hong Kong annually import about $6.9 billion more in agricultural products than they export.

There will be those that stand up and say, there you go again, you are only talking about profit. Well, the question is, whom do we want to profit and whom do we think we are going to punish if we deny American jobs providing that which might be sold to China?

We are not talking about Most Favored Nation; we are talking about normal trade relations. This is what sends a message to the people out there that somehow we are doing something special. I do not want to do anything special for those commie pinkos that do the bad things that the gentleman from Virginia (Mr. WOLF) talked about their doing. I do not want to see these things continue. I want China to change. They are not doing good things. They are bad people, their leaders. Their people are good people.

That is the significant question for us to answer today, How do we as a country begin to change those that do things that we do not like? And again I just point to that little island off the tip of Florida. We tried it by doing it my colleagues' way, those that suggest that somehow we can by not trading with China and allowing all our "friends" to trade with China that we will force them to do things. If it has not worked with a little island off the tip of Florida, how can it possibly work with a country of 1.2 billion Chinese people, most of whom like America, most of whom will like us better once they get to know us? And the only way they will get to know us is for us to treat them like the rest of the world treats them.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Let me remind my colleagues we are not talking about an embargo against China. That is not what this vote is about. Normal trade relations is about one thing: Should we subsidize, the American taxpayer subsidize American businessmen who want to close up their factories here and set them up in China?

It is not about free trade or not about whether we can sell our goods in China. It is about whether or not big businessmen will get this subsidy. They cannot get guaranteed loans from the banks. It is too risky. So the taxpayers come in and guarantee the loans. That is what this is all about. It is not about selling American products; it is not about embargoes. It is about subsidies to big businesses to set up factories in China.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the Rohrabacher-Brown resolution, H.J. Res. 50, disapproving the extension of the waiver authority that is contained in section 402(c) of the Trade Act of 1974 with respect to the People's Republic of China. I commend the sponsors for bringing this measure to the House floor at this time.

Mr. Speaker, what will it take for us to wake up and understand that trade benefits for the People's Republic of China is not in our Nation's best interest? Human rights, religious tolerance, labor rights, even the right to die without having one's organs removed before one is dead are nonexistent in the People's Republic of China. The dictatorship in China threatens its neighbors, Democratic Taiwan, India, Japan, and the stability of the entire Pacific region with its threats and military buildup, funded almost exclusively by our enormous growing trade imbalance in China, $80 billion this year and growing even greater. This trade imbalance now surpasses our trade deficit with Japan.

The Chinese totalitarian dictatorship has now embraced an alliance with Russia. China also supports the dictatorships in North Korea, Cuba and Burma. It has threatened democracy throughout the world by obstructing the United Nations' Human Rights Convention in Geneva. Its agents attempt to sell AK–47s and stinger missiles to Los Angeles street gangs here in our own Nation.

Mr. Speaker, the time has come to recognize that China, the sleeping dragon, has awakened; and we need to respond appropriately. My colleagues, as we consider this proposal of denying free trade to China, let us bear in mind some of China's violations of basic international accords: its threats to Taiwan, its murder and its arrest of Christians, of Buddhists, and Falun Gong practitioners, the downing of our surveillance aircraft, and its occupation of Tibet. This is not peaceful behavior by that nation.

I think it is time now for us to give an appropriate assessment of where China is. Mr. Speaker, the time has come to recognize that China's behavior does not support stability and we need to respond appropriately. And until it changes its behavior and until it stops threatening its neighbors and does not repress its citizens, we should not be supporting this repressive government and its growing military with normal trade benefits.

Accordingly, I urge all my colleagues to support H.J. Res. 50 in opposition to the favorable trade status for China.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time. I rise today on behalf of Hoosier farmers, dedicated men and women who wake at sunrise and leave their sweat in the fields by sunset.

In the year 2000 alone, American farmers benefited from U.S. agricultural exports to China totaling $1.9 billion; and China's ascension into the WTO, expected later this year, is projected to produce an additional $2 billion annually to our Nation's farmers. Mr. Speaker, at a time when most U.S. agricultural commodities are experiencing their lowest prices in decades, stable access to China's markets is critical.

Mr. Speaker, according to our best traditions, we are to live as free men but not use our freedom as a coverup for evil. And unlike many in this Chamber, since arriving in Washington I have been a vociferous opponent of the human rights' abuses of the Chinese Government, and I will continue to be. In fact, I recently stood at this very podium and criticized China's incarceration of American troops, American academicians, and its securing of the 2008 Olympic games in Beijing. But, Mr. Speaker, I believe our relationship with China is a complex one, and it can best be described as follows: America's relationship with China should be America with one hand extended in friendship and in trade and with the other hand resting comfortably on the holster of the arsenal of democracy.

By empowering the President to offer this extension, we will continue to open Chinese society to foreign investment and expose Chinese citizens to private property, contract, and the rule of law, while we commit ourselves to the necessary rebuilding of the American military with special emphasis on the Asian Pacific Rim.

I urge my colleagues not to mix trade and security today. I urge my colleagues to oppose H.J. Res. 50 and allow the President to extend NTR to China for one more year.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this resolution. And because to some it may seem contradictory to my stand on behalf of permanent normal trading relations, I rise not so much to convince others to follow me as to explain why I take this position.

In my view, the human rights performance in China is abominable, whether we are considering NTR or PNTR. However, I believe this provision of NTR is a one-way street. That is to say, I believe this is America giving to China, sanctioning, in effect, China's performance.

I believed PNTR was a two-way street, in which we required China to accede to WTO, to agree to a commerce of law, to agree to an opening of markets; and, therefore, I supported it. Because like the previous speaker, I believe our relationship with China is a complex one. I believe China, perhaps, can be one of the most dangerous nations on the face of the earth or one of the most economically positive nations on the face of the earth.

But this vote is about simply the United States giving a benefit to China. I think we ought not to do that. I think we ought to require, as I hope will happen in November, for them to take unto themselves certain responsibilities that manifest an intent to become an equal and performing partner in the family of nations.

Therefore, I will vote for this resolution, but will continue to hope that China does in fact accede to the WTO and that we do pursue permanent normal trading relations with China, which I believe will have positive effects. I do not believe that simply annually pretending that China is not performing in a way with which we should not deal in a normal way is justified.

I thank the gentleman for giving me this opportunity.

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Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I rise to oppose this resolution of disapproval which would cause a tremendous break in an established trading relationship.

I commend all who are participating in the debate and deeply respect the heartfelt concerns of the advocates for this resolution for the concerns that have been expressed so passionately and well this afternoon. All of us are terribly concerned about the issues that have been covered.

The question is, how do we best effect change on these areas of concern? Is removal of the normal trade relations, reversing the course over the last many years, placing China, a nation of 1.2 billion, in a trade status only held by Cuba, North Korea and Vietnam, is that the way to advance our concerns?

We have a track record on the application of unilateral U.S. efforts to isolate major world powers. I believe the most recent one was a Carter administration effort to place a grain embargo on the Soviet Union, expressing our outrage about their involvement in Afghanistan. The result is now very clear. We lost important agricultural opportunities. Our farmers paid a huge price. Other countries benefitted tremendously. We did not change Soviet Union behavior by that action one lick. I believe the same is absolutely before us.

No matter how much we may want to, we cannot isolate this nation of 1.2 billion people. The record in China is mixed. Fairness in this debate requires us to reflect briefly on the fact that there is continued growth in their free market economy. The spread of private enterprise has moved from the coast. Growth of the Internet continues to slowly erode the stranglehold of information held by the state. Earlier this year, China ratified a United Nations agreement on economic and social rights. Progress is also evident in the agriculture area.

We must reject this and move forward even while we continue to be very concerned about the conduct of China.

Mr. ROHRABACHER. Mr. Speaker, I yield 3 minutes the gentleman from New Jersey (Mr. SMITH) who knows we should not be subsidizing with taxpayer dollars investments in Communist China.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.J. Res. 50 to disapprove of the extension of MFN to the PRC.

The point was well taken by the gentleman from California (Mr. ROHRABACHER). We are not talking about embargo. We are talking about most favored or permanent normal trading relationship with China.

Unlike the grain embargo that was just mentioned by the gentleman from North Dakota (Mr. POMEROY), there we had Ronald Reagan and many presidents thereafter not allowing MFN to go forward for the Soviet Union because of their egregious human rights abuses and because of their gross mistreatments.

Let me say briefly, Mr. Speaker, that, as we speak, two American citizens are being held hostage in China, Dr. Li Shaomin, who may get out and hopefully will get out but not after he had a kangaroo trial, and Mr. Wu Jianmin. Additional U.S. residents, including Dr. Gao Zhan, are being held.

Recently we had a hearing in the Committee on International Relations and we heard from the relatives who were asking us, pleading with us to reach out to these American citizens. These are Americans being held hostage by a dictatorship while we are conferring normal trading relationship to a country that is anything but normal. Its dictatorship is grossly abnormal.

Let us not kid ourselves. This is a big, fat payday for a brutal dictatorship. Eighty billion dollars is the balance in trade right now. That will grow potentially to $100 billion. The average person is not reaping that benefit and certainly the religious believer, be he or she a Buddhist or a Catholic or a Uighur or a Falun Gong or anyone else. The underground Protestant church, the Buddhists in Tibet are not reaping these benefits. They are suffering unbelievable torture as a direct result of the policy of this dictatorship.

Look at the country reports on human rights practices. They make it very clear. Torture is absolutely pervasive, government-sponsored torture. If we are arrested in China for practicing our faith outside the bounds of the government, we get tortured.

Mr. Speaker, I urge support for the Rohrabacher resolution. Human rights should matter. Let us send a clear message to the Beijing dictatorship.

Mr. WELLER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I stand today in strong opposition to H.J. Res. 50.

Free trade is not just sound economic policy. It is great foreign policy as well. Free trade shares far more than just goods and services. It shares sound ideas and institutional norms across boundaries. Countries that are open to trade and capital flows are far more often than not also open to such ideas as political freedom.

We have heard today that China has a poor human rights record. That is not true. China has an atrocious human rights record. The question is, how do we best affect that for the better? Do we do it through trade? Do we do it through isolationism? Are we better to engage China or to isolate them?

We have heard today that we cannot have free markets without free people. I submit we can rarely have a truly free people without free markets. We have got to engage. We have got to get China to accept institutional norms. The best way to do that is through engagement.

The relevant question is, how do we change China for the better? I believe it is done through engagement, and I would urge defeat of the resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR) who believes we should not award China's human rights abuses with WTO membership and the Olympics.

Ms. KAPTUR. Mr. Speaker, I rise in strong support of the Rohrabacher-Brown amendment as someone who loves liberty and believes in free trade among free people.

Mr. Speaker, I wish to enter into the RECORD as part of this debate a wonderful article by Lawrence Kaplan in a recent edition of The New Republic where he talks about why trade will not bring democracy to China. He talks about the relationship between profit and freedom and looks at the long history of nation states, talks about foreign trade and the penetration of multinational corporations having no significant effect on the correlation between economic development and democracy.

Capitalism does not bring democracy. 100 years ago in Germany and Japan, 30 years ago in countries such as Argentina and Brazil, and today in places like Singapore and Malaysia, capitalist development has buttressed rather than undermined authoritarian regimes.

In none of these cautionary examples did the free market do the three things business people say it does: weaken the coercive power of the state, create a democratically minded middle class, or expose the populist to liberal ideas from abroad. It is not doing that in China either.

In fact, capitalism in the People's Republic of China, a Communist state, still operates within the confines of an arbitrary legal order and a party-controlled system where the emerging bourgeoisie consist overwhelmingly of state officials, their friends and their business partners. And who is benefiting from all of this? The authoritarian, repressive regimes that are imprisoning Catholic bishops, that are not allowing U.S. citizens of Chinese heritage to go back into that country, and the very same people who took our surveillance aircraft and held our troops all those weeks and now are asking us to pay for the time that they held American citizens on their territory.

Mr. Speaker, is something wrong with this picture?

Vote in support of the Rohrabacher-Brown resolution.

The May 1, 2001, report by the United States Commission on International Religious Freedom links the deterioration of rights to receipt of normal trade relations. "China has concluded that trade trumps all." Torture of believers increased, the government confiscated and destroyed as many as 3,000 unregistered religious buildings, and has continued to interfere with the selection of religious leaders.

Since passage, persecution and execution have increased.

[From the New Republic, July 9 and 16, 2001]

WHY TRADE WON'T BRING DEMOCRACY TO CHINA.—TRADE BARRIER

(By Lawrence F. Kaplan)

On February 25, business professor and writer Li Shaomin left his home in Hong Kong to visit a friend in the mainland city of Shenzhen. His wife and nine-year-old daughter haven't heard from him since. That's because, for four months now, Li has been rotting in a Chinese prison, where he stands accused of spying for Taiwan. Never mind that Li is an American citizen. And never mind that the theme of his writings, published in subversive organs like the U.S.-China Business Council's China Business Review, is optimism about China's investment climate.

Li, it turns out, proved too optimistic for his own good. In addition to rewarding foreign investors, he believed that China's economic growth would create, as he put it in a 1999 article, a "rule-based governance system." But, as Li has since discovered, China's leaders have other plans.

Will American officials ever make the same discovery? Like Li, Washington's most influential commentators, politicians, and China hands claim we can rely on the market to transform China. According to this new orthodoxy, what counts is not China's political choices but rather its economic orientation, particularly its degree of integration into the global economy. The cliche has had a narcotic effect on President Bush, who, nearly every time he's asked about China, suggests that trade will accomplish the broader aims of American policy.

Bush hasn't revived Bill Clinton's recklessly ahistorical claim that the United States can build "peace through trade, investment, and commerce." He has, however, latched onto another of his predecessor's high-minded rationales for selling Big Macs to Beijing—namely, that commerce will act, in Clinton's words, as "a force for change in China, exposing China to our ideas and our ideals." In this telling, capitalism isn't merely a necessary precondition for democracy in China. It's a sufficient one. Or, as Bush puts it, "Trade freely with China, and time is on our side." As Congress prepares to vote for the last time on renewing China's normal trading relations (Beijing's impending entry into the World Trade Organization will put an end to the annual ritual), you'll be hearing the argument a lot: To promote democracy, the United States needn't apply more political pressure to China. All we need to do is more business there.

Alas, the historical record isn't quite so clear. Tolerant cultural traditions, British colonization, a strong civil society, international pressure, American military occupation and political influence—these are just a few of the explanations scholars credit as the source of freedom in various parts of the world. And even when economic conditions do hasten the arrival of democracy, it's not always obvious which ones. After all, if economic factors can be said to account for democracy's most dramatic advance—the implosion of the Soviet Union and its Communist satellites—surely the most important factor was economic collapse.

And if not every democracy emerged through capitalism, it's also true that not every capitalist economy has produced a democratic government. One hundred years ago in Germany and Japan, 30 years ago in countries such as Argentina and Brazil, and today in places like Singapore and Malaysis, capitalist development has buttressed, rather than undermined, authoritarian regimes. And these models are beginning to look a lot more like contemporary China than the more optimistic cases cited by Beijing's American enthusiasts. In none of these cautionary examples did the free market do the three things businessmen say it always does: weaken the coercive power of the state, create a democratically minded middle class, or expose the populace to liberal ideals from abroad. It isn't doing them in China either.

One of the most important ways capitalism should foster democracy is by diminishing the power of the state. Or, as Milton Friedman put it in Capitalism and Freedom, "[t]he kind of economic organization that provides economic freedom directly, namely, competitive capitalism, also promotes political freedom because it separates economic power from political power and in this way enables the one to offset the other." In his own way, Bush makes the same point about China: "I believe a whiff of freedom in the marketplace will cause there to be more demand for democracy." But the theory isn't working so well in the People's Republic, whose brand of capitalism isn't quite what Adam Smith had in mind.

China's market system derives, instead, from a pathological model of economic development. Reeling from the economic devastation of the Mao era, Deng Xiaoping and his fellow party leaders in the late 1970s set China on a course toward "market socialism." The idea was essentially the same one that guided the New Economic Policy in Soviet Russia 50 years before: a mix of economic liberalization and political repression, which would boost China's economy without weakening the Communist Party. And so, while leaving the party in control of China's political life, Deng junked many of the economy's command mechanisms—granting state-owned enterprises more autonomy, opening the country to limited investment, and replacing aging commissars with a semiprofessional bureaucracy. The recipe worked well: China has racked up astronomical growth rates ever since. And democracy seems as far away as ever.

The reason isn't simply that government repression keeps economic freedom from yielding political freedom. It's that China's brand of economic reform contains ingredients that hinder—and were consciously devised to hinder—political reform. The most obvious is that, just as the state retains a monopoly on the levers of coercion, it also remains perched atop the commanding heights of China's economy. True, China has been gradually divesting itself of state-owned enterprises, and the process should quicken once China enters the World Trade Organization (WTO). But Beijing's leaders have said they will continue to support China's most competitive and critical industries. Taking a cue from authoritarian South Korea during the 1980s, China's leaders have proposed sponsoring industrial conglomerates in crucial sectors of the economy, transformed industrial ministries into "general associations," merged failing state-owned firms with more successful ones, and established organizations to, as Chinese economist Xue Muqiao has put it, "serve as a bridge between the state and the enterprises."

But that's where any similarities with South Korea end. Unlike South Korea, the Philippines, and Taiwan, which evolved from authoritarianism (and did so, significantly, as de facto protectorates of the United States), China even today has no effective system of property rights—a signature trait that distinguishes its Communist regime from traditional authoritarian ones. The absence of a private-property regime in China means that, at the end of the day, the state controls nearly the entire edifice on which China's "free" markets rest. It also means that China's brand of capitalism blurs, rather than clarifies, the distinction between the public and the private realms on which political liberty depends. Nor is that the only requisite for democracy that China's markets lack. As the imprisonment of Li Shaomin and thousands of other political prisoners attests, capitalism in the PRC still operates within the confines of an arbitrary legal order and a party-controlled court system. "China is still a lawless environment," says University of Pennsylvania sinologist Arthur Waldron. "Whether in terms of individual rights or the rights of entrepreneurs, interests are protected not by institutions but by special relationships with those in power.

Before he was arrested, Li diagnosed this condition as "relation-based capitalism." What he meant was that relations with government officials, not property rights or the rule of law, underpin the Chinese market. Because the political foundations of China's economy remain the exclusive property of the state, China's entrepreneurs operate with a few degrees of separation, but without true autonomy, from the government. Hence, capital, licenses, and contracts flow to those with connections to officials and to their friends and relatives, who, in turn, maintain close relations with, and remain beholden to, the regime. Their firms operate, in the words of Hong Kong-based China specialist David Zweig, "[l]ike barnacles on ships, . . . draw[ing] their sustenance from their parastatal relationships with the ministries from which they were spun off."

Helping to keep all these distortions in place are Deng's functionaries, who now constitute the world's largest bureaucracy and still control the everyday levers of the Chinese economy. Today, they function as the engines and administrators of a market increasingly driven by skimming off the top. The foreign-trade sector offers particularly easy pickings. In 1995, for instance, the World Bank found that while China's nominal tariff rate was 32 percent, only a 6 percent rate was officially collected. Presumably, much of the difference went into the pockets of Chinese officials. And even though WTO accession will reduce opportunities for rent seeking from inflated trade tariffs, China's bureaucracy will be able to continue siphoning funds from distorted interest rates, the foreign exchange markets, and virtually any business transaction that requires its involvement—which is to say, nearly every business transaction. Nor is the problem merely the corrupting influence these bureaucrats wield over China's markets. The larger problem is that, whereas in the United States the private sector wields enormous influence over the political class, in China the reverse is true.

For precisely this reason, Washington's celebrations of the democratic potential of the new Chinese "middle class" may be premature "Entrepreneurs, once condemned as 'counter revolutionaries,' are now the instruments of reform. . . . [T]his middle class will eventually demand broad acceptance of democratic values," House Majority Whip Tom DeLay insisted last year. Reading from the same script, President Bush declares that trade with China will "help an entrepreneurial class and a freedom-loving class grow and burgeon and become viable," Neither DeLay nor Bush, needless to say, invented the theory that middle classes have nothing to lose but their chains. In the first serious attempt to subject the ties between economic and political liberalization to empirical scrutiny, Seymour Martin Lipset published a study in 1959, Some Social Requisites of Democracy, which found that economic development led to, among other things, higher levels of income equality, education and, most important, the emergence of a socially moderate middle class—all factors that promote democratization. More recent studies have found that rising incomes also tend to correlate with participation in voluntary organizations and other institutions of "civil society," which further weakens the coercive power of the state.

But middle classes aren't always socially moderate, and they don't always oppose the state. Under certain conditions late modernizing economies breed middle classes that actively oppose political change. In each of these cases, a strong state, not the market, dictates the terms of economic modernization. And, in each case, an emerging entrepreneurial class too weak to govern on its own allies itself—economically and, more importantly, politically—with a reactionary government and against threats to the established order. In his now-classic study Social Origins of Dictatorship and Democracy, sociologist Barrington Moore famously revealed that, in these "revolutions from above," capitalist transformations weakened rather than strengthened liberalism. In the case of nineteenth-century Japan Moore writes that the aim of those in power was to "preserve as much as possible of the advantages the rule class had enjoyed under the ancient regime, cutting away just enough . . . to preserve the state, since they would otherwise lose everything." Japan's rulers could do this only with the aid of a commercial class, which eagerly complied, exchanging its political aspirations for profits. On this point, at least Marx and Engels had things right. Describing the 1848 revolution in Germany, they traced its failure partly to the fact that, at the end of the day, entrepreneurs threw their support not behind the liberal insurrectionists but behind the state that was the source of their enrichment.

Much the same process is unfolding in China, where economic and political power remain deeply entwined. In fact, China's case is even more worrisome than its historical antecedents. In Germany and Japan, after all, an entrepreneurial class predated the state's modernization efforts, enjoyed property rights, and, as a result, possessed at least some autonomous identity. In China, which killed off its commercial class in the 1950s, the state had to create a new one. Thus China's emerging bourgeoisie consists overwhelmingly of state officials, their friends and business partners, and—to the extent they climbed the economic ladder independently—entrepreneurs who rely on connections with the official bureaucracy for their livelihoods. "It is improbable, to say the least," historian Maurice Meisner writes in The Deng Xiaoping Era: An Inquiry Into the Fate of Chinese Socialism, "that a bourgeoisie whose economic fortunes are so dependent on the political fortunes of the Communist state is likely to mount a serious challenge to the authority of the state . . . the members of China's new bourgeoisie emerge more as agents of the state than as potential antagonists."

A steady diet of chauvinistic nationalism hasn't helped. In the aftermath of the Tiananmen Square massacre, party leaders launched a "patriotism" campaign, a sentiment they defined as "loving the state" as well as the Communist Party. As the Shanghai-based scholar and party apologist Xiao Gongqin explains, "[T]he overriding issue of China's modernization is how, under new historical circumstances, to find new resources of legitimacy so as to achieve social and moral integration in the process of social transition." To Xiao and others like him, the answer is nationalism. And, as anyone who turned on a television during the recent EP–3 episode may have noticed, it's working. Indeed, independent opinion polling conducted by the Public Opinion Research Institute of People's University (in association with Western researchers, who published their findings in 1997), indicate greater public support for China's Communist regime than similar surveys found a decade earlier. And, contrary to what development theory might suggest, the new nationalism appears to have infected the middle class—particularly university students and intellectuals—more acutely than it has China's workers and farmers. "The [closeness of the] relationship between the party and intellectuals is as bad as in the Cultural Revolution," a former official in the party's propaganda arm noted in 1997. Even many of China's exiled dissidents have fallen under its spell.

In addition to being independent of the regime and predisposed toward liberal values, China's commercial class is supposed to be busily erecting an independent civil society. But, just as China's Communist system restricts private property, it prohibits independent churches and labor unions, truly autonomous social organizations, and any other civic institutions that might plausibly compete with the state. Indeed, China's leaders seem to have read Robert Putnam's Bowling Alone and the rest of the civil-society canon—and decided to do exactly the reverse of what the literature recommends. "Peasants will establish peasants' organizations as well, then China will become another Poland," senior party official Yao Yilin reportedly warned during the Tiananmen protests. To make sure this fear never comes true, China's leaders have dealt with any hint of an emerging civil society in one of two ways: repression or co-optation. Some forbidden organizations—such as Falun Gong, the Roman Catholic church, independent labor unions, and organizations associated with the 1989 democracy movement—find their members routinely imprisoned and tortured. Others, such as the Association of Urban Unemployed, are merely monitored and harassed. And as for the officially sanctioned organizations that impress so many Western observers, they mostly constitute a Potemkin façade. "[A]lmost every ostensibly independent organization—institutes, foundations, consultancies—is linked into the party-state network," says Columbia University sinologist Andrew Nathan. Hence, Beijings Ministry of Civil Affairs monitors even sports clubs and business associations and requires all such groups to register with the government.

The same kind of misreading often characterizes celebrations of rural China's "village committees," whose democratic potential the engagement lobby routinely touts. Business Week discerns in them evidence "of the grassroots democracy beginning to take hold in China." But that's not quite right. China's leaders restrict committee elections to the countryside and, even there, to the most local level. Nor, having been legally sanctioned 14 years ago, do they constitute a recent development. More important, China's leaders don't see the elections the way their American interpreters do. In proposing them, says Jude Howell, co-author of In Search of Civil Society: Market Reform and Social Change in Contemporary China, party elites argued that elected village leaders "would find it easier to implement central government policy and in particular persuade villagers to deliver grain and taxes and abide by family planning policy. Village self-governance would thus foster social stability and order and facilitate the implementation of national policy. By recruiting newly elected popular and entrepreneurial village leaders, the Party could strengthen its roots at the grassroots level and bolster its legitimacy in the eyes of rural residents." Which is exactly what it has done. In races for village committee chairs, the Ministry of Civil Affairs allows only two candidates to stand for office, and until recently many townships nominated only one. Local party secretaries and officials often push their favored choice, and most committee members are also members of the Communist Party, to which they remain accountable. Should a nonparty member be elected, he must accept the guidance of the Communist Party, which, in any case, immediately sets about recruiting him. As for those rare committee members who challenge local party officials, their success may be gleaned from the fate of elected committee members from a village in Shandong province who in 1999 accused a local party secretary of corruption. All were promptly arrested.

Still, the very fact that China's leaders feel compelled to bolster their legitimacy in the countryside is telling. Last month Beijing took the unusual step of releasing a report, "Studies of Contradictions Within the People Under New Conditions" which detailed a catalogue of "collective protests and group incidents." What the report makes clear is that Beijing's leaders think China's growing pool of overtaxed farmers and unemployed workers, more than its newly moneyed elite could become a threat to the regime. Fortunately for the authorities, with no political opposition to channel labor unrest into a coherent movement, protests tend to be narrow in purpose and poorly coordinated. And the wheels of repression have already begun to grind, with Beijing launching "strike hard" campaign to quell any trouble. In any case, what these formerly state-employed workers have been demonstrating for is not less communism, but more—a return to the salad days of central planning.

Which brings us to the final tenent of the engagement lobby: that commerce exposes China to the ideals of its trading partners, particularly those of the United States. As House Majority Leader Dick Armey has put it, "Freedom to trade is the great subversive and liberating force in human history." Or, as Clinton National Security Adviser Sandy Berger burbled in 1997, "The fellow travelers of the new global economy—computers and modems, faxes and photocopiers, increased contacts and binding contacts—carry with them the seeds of change." But the Chinese disagree. To begin with, they don't import much. And economists predict that won't change dramatically once they've joined the WTO, since China's leaders have committed themselves to the kind of export-oriented, merchantilist growth model that South Korea, Japan, and Taiwan pursued in decades past. Last year, for instance, China exported $100 billion in goods and services to the United States and only imported $16 billion worth. Hence, for every six modems it sent to America, Sandy Berger sent back only one.

To be sure, that one modem may carry with it seeds of change. Bush, for instance, says, "If the Internet were to take hold in China, freedom's genie will be out of the bottle." Alas, through links to Chinese service providers, Beijing tightly controls all access to the Web. and Western investors in China's information networks have eagerly pitched in. One Chinese Internet portal, bankrolled by Intel and Goldman Sachs, greets users with a helpful reminder to avoid "topics which damage the reputation of the state" and warns that it will be "obliged to report you to the Public Security Bureau" if you don't. But Goldman Sachs needn't worry. If anything, China's recent experience lends credence to the pessimistic theories of an earlier era, which held that nations shape the uses of technology rather than the other way around. Thus Beijing blocks access to damaging "topics" and to Western news sources like The New York Times, The Washington Post, and this magazine. It also monitors e-mail exchanges and has arrested Internet users who have tried to elude state restrictions. And, in ways that would make Joseph Goebbels blush, the government uses websites—and, of course, television, newspapers, and radio—to dominate the circuits with its own propaganda. "Much as many people might like to think the Internet is part of a bottom-up explosion of individualism in China, it is not," writes Peter Lovelock, a Hong Kong-based academic who studies the Internet's effect in the PRC. Instead, it provides "an extraordinarily beneficial tool in the administration of China." And that tool was on vivid display during the EP–3 crisis, when China blocked access to Western news sources and censored chat rooms.

American politicians describe foreign direct investment, too, as a potent agent of democratization. But, in this case, they're not even paraphrasing political science literature they haven't read, because the literature makes no such claim. In fact, a 1983 study by the University of North Carolina's Kenneth Bollen found that levels of foreign trade concentration and penetration by multinational corporations have no significant effect on the correlation between economic development and democracy. In China's case, it's easy to understand why. Beijing requires foreign investors in may industries to cooperate in joint ventures with Chinese partners, most of whom enjoy close ties to the government. These firms remain insulated mainly in three coastal enclaves and in "special economic zones" set apart from the larger Chinese economy. Moreover, they export a majority of their goods—which is to say, they send most of their "seeds of change" abroad. At the same time, their capital largely substitutes for domestic capital (foreign-owned firms generate half of all Chinese exports), providing a much-needed blood transfusion for China's rulers, who use it to accumulate reserves of hard currency, meet social welfare obligation, and otherwise strengthen their rule. Nor is it clear that U.S. companies even want China to change. If anything, growing levels of U.S. investment have created an American interest in maintaining China's status quo. Hence, far from criticizing China's rulers, Western captains of industry routinely parade through Beijing singing the praises of the Communist regime (and often inveighing against its detractors), while they admonish America's leaders to take no action that might upset the exquisite sensibilities of China's politburo Business first, democracy later.

But ultimately the best measure of whether economic ties to the West have contributed to democratization may be gleaned from China's human rights record. Colin Powell insists, "Trade with China is not only good economic policy; it is good human rights policy." Yet, rather than improve that record, the rapid expansion of China's trade ties to the outside world over the past decade has coincided with a worsening of political repression at home. Beijing launched its latest crackdown on dissent in 1999, and it continues to this day. The government has tortured, "reeducated through labor," and otherwise persecuted thousands of people for times no greater than practicing breathing exercises, peacefully championing reforms, and exercising freedom of expression, association, or worship. It has arrested Chinese-American scholars like Li Shaominn on trumped-up charges, closed down newspapers, and intimidated and threatened dissidents. Nor is it true that linking trade and human rights will necessarily prove counterproductive. When Congress approved trade sanctions against Beijing in the aftermath of Tiananmen, China's leaders responded by releasing more than 800 political prisoner, lifting martial law in Beijing, entering into talks with the United States, and even debating among themselves the proper role of human rights. As soon as American pressure eased, so did China's reciprocal gestures.

Turning a blind eye to Beijing's depredations may make economic sense. But to pretend we can democratize China by means of economics is, finally, a self-serving conceit. Democracy is a political choice, an act of will. Someone, not something, must create it. Often that someone is a single leader—a Mikhail Gorbachev, a King Juna Carlos, or a Vaclav Havel. But such a man won't be found in China's current leadership. Other times, the pressure for democracy comes from a political opposition—the African National Congress in South Africa, Solidarity in Poland, or the marchers in Tiananmen Square. But there are no more marchers in Tiananmen Square.

Pressure for democratization, however, can also come from abroad. And usually it comes from the United States or from nowhere at all. During the 1980s America applied diplomatic and economic pressure to repressive regimes from Poland to South Africa; intervened to prevent military coups in the Philippines, Peru, El Salvador, Honduras, and Bolivia; and loudly enshrined human rights and democracy in official policy. The United States played a pivotal and direct role in democratizing even countries like South Korea and Taiwan, which many China-engagers now tout as evidence that the market alone creates political freedom. Appropriately enough, the decade closed with democracy activists erecting a facsimile of the Statue of Liberty in Tiananmen Square.

The commercialist view of China, by contrast, rests on no historical foundation; it is a libertarian fantasy. "The linkage between development and rights is too loose, the threshold too high, the time frame too long, and the results too uncertain to make economic engagement a substitute for direct policy intervention," writes Columbia's Nathan. Yet make it a substitute is precisely what the United States has done. And, far from creating democracy, this subordination of political principle has created the justified impression of American hypocrisy and, worse, given U.S. policymakers an excuse to do nothing.

Maybe the claim that we can bring liberty to China by chasing its markets will prove valid in the long run. But exactly how long is the long run? A political scientist at Stanford University says it ends in 2015, when, he predicts, China will be transformed into a democracy. Others say China will democratize before that. Still others say it may take a half-century or more. The answer matters. After all, while capitalist Germany and Japan eventually became democracies, it wasn't capitalism that democratized them, and it certainly wasn't worth the wait. In China's case, too, no on really knows what might happen as we wait for politics to catch up with economies. With the exception, perhaps, of Li Shaomin, who tested the link between economic and political liberalization in China for himself. He's still in jail.

Mr. LEVIN. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise in opposition to the resolution. This debate is not about condoning slave labor in China, child labor, or religious or political persecution occurring in China.

Mr. Speaker, I believe this debate is about empowering the Chinese people to make the improvements, make the positive changes that all of us in this Chamber would like to see made someday. I believe the best way to empower the Chinese people is with information: information from the outside world, information from us. And the best way we can accomplish this is through a policy of engagement, through trade, especially with greater telecommunications and Internet access within China.

Just last year I had an opportunity to meet with five Chinese university students who wanted to talk with me since I serve on the Committee on Education and the Workforce. I asked them, what is the most exciting thing occurring in Chinese universities? Almost all of them simultaneously said the Internet, because now we have access to outside information and ideas that we have never been exposed to before or were precluded from having.

Mr. Speaker, I was sitting looking at this young crowd, thinking this is the next generation of leadership growing up in China, and if we want to see the positive, revolutionary changes occur in China that are long overdue, we need to empower them and the Chinese people.

I believe the worst mistake we can make as a Congress in this new century is to pick a new cold war confrontation with the world's most populated nation after we have just concluded a very lengthy and costly cold war with the Soviet Union during most of the 20th century.

The Soviet Union and the Eastern Bloc nations did not collapse because of military defiance from the West. They collapsed because Gorbachev had the courage to institute perestroika and glasnost and open up their societies to the influence of the outside world, and the people realized that they were living under a failed system and policy. They stood in defiance of those governments, and the governments came down. The same potential holds true in China.

Mr. Speaker, Cordell Hull, FDR's Secretary of State, was fond of saying, when goods and products cross borders, armies do not. I believe that is what is at stake here in our debate with NTR with China, getting them included in WTO as a member of the world trading community.

I hope that we make that decision correctly for the sake of our children, for the sake of their children, and for the sake of a positive relationship with China and the United States as we embark together on this marvelous journey in the 21st century.

Mr. ROHRABACHER. Mr. Speaker, I yield 30 seconds to myself.

Mr. Speaker, I do not know what books my colleague has been reading from about history, but I read nowhere in history that if we treat the Nazis or the Japanese militarists as anything but dictatorships and threats where it turns out beneficial to the democratic countries of the world.

I do not read where we in the past have ever benefited from trying to not recognize a real threat in the dictatorships around the world but instead try to gloss over those differences.

I do not read where trade with dictatorships has led to peace. I do not read that.

What I read is when there is free trade with dictatorships, they manipulate the trade in order to gain money for their own regimes; and our next speaker realizes we should not be using tax dollars to subsidize businessmen for closing factories in the United States and reopening them in China.

Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

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Mr. HAYES. Mr. Speaker, I rise today to urge my colleagues to vote for this measure and oppose granting China normal trade relations. Normal trade relations for the People's Republic of China does not represent fair trade for our Nation's textile workers. For the tens of thousands of textile workers and the many communities that depend on these jobs in North Carolina's eighth district, this agreement continues down the road of trading away a vital industry to our State's economy.

Since December of 1994, the textile and apparel industry has lost nearly 600,000 workers, 20 percent of which belonged to North Carolinians. A devastating effect on many communities throughout the district has resulted. Closed foreign markets which persist despite trade policies that open our markets, continuing large-scale customs fraud, transshipments, and currency devaluation have all led to this loss of jobs in a vital industry.

The textile industry is not protectionist. It is not afraid of competition. In fact, it is a highly automated and technology-driven industry that simply wants to assure its place within the global economy through fairness and equal access. Until that happens, I urge my colleagues to oppose trade with China.

Mr. WELLER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM) not only a distinguished gentleman but one of America's greatest war heroes.

Mr. CUNNINGHAM. Mr. Speaker, most of my life I have spent fighting against Communists and Socialists. You would think of anybody that did not want to support the Chinese, it would be Duke Cunningham. I am probably the only one in this room that has been shot at by the Chinese near the Vietnamese border. I cannot tell you what I told them over the radio or called them. And they were my enemy.

They are an emerging threat today. When the gentleman from Kentucky (Mr. ROGERS), the chairman of the committee, asked me to go to Vietnam and raise the American flag over Ho Chi Minh City, I said, "No, I can't do that. It's too hard." And then Pete Peterson, a friend of mine, the Ambassador to Vietnam, said, "Duke, I need your help. I was a prisoner for 6½ years. I can do this. You can, too." So I went. And I met with the Prime Minister in Hanoi.

I asked him, I said, Mr. Prime Minister, President Clinton is trying to work negotiations and trade with Hanoi to open up our two countries. Why are you dragging your feet?

In perfect English, he looked at me and said, Congressman, I am a Communist. If we move too fast in trade, you see those people out there? And we were looking at a sea of thousand bicycles. He said, those people. out there will have things, like property, like things of their own, like their own bicycles that they could own. He very frankly said, as a Communist, I will be out of business.

I looked at him, and I said, Mr. Prime Minister, trade is good.

I was the commanding officer of Adversary Squadron, and at Navy fighter weapons school my job was to teach Asian and Sino-Soviet threats to the world. Twenty years ago, they were a real threat. Today, China is a threat; but let us not close the door on our farmers, on the people that fought in Tiananmen Square, on the people that are fighting for human rights within China itself.

My daughter dates Matthew Li. He is Chinese. I want to tell you, you look at our universities and the immigrants that we have into this country. They are the hardest working, the most freedom-seeking people in the world. And if we do not support this open trade with China, then we are going to lose that opportunity.

China is not what it is or what it was 20 years ago. Are they going to be a democracy? Not in my lifetime. But do we want them to go backwards? Or do we want to slowly change that 10,000-year-old dog? It is hard to teach an old dog new tricks is the saying. I believe with all of my heart that if we close that door and that opportunity for us to reach out, at the same time I think it was wrong to give China missile secrets and then for China to then give it to North Korea and make us vulnerable to missile threats, but we can hold them at bay.

Do not let the cobra in the baby crib but milk it for its venom.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS) who understands that the facts show that Western investors prefer totalitarian countries more than democratic countries because Western investors like the docile workforce that China provides.

Mr. SANDERS. Mr. Speaker, let me be very blunt. In my opinion, our current trade relations with China are an absolute disaster and are based on an unholy alliance between corporate America and the corrupt Communist leadership in China. As part of this trade agreement, corporate America gets the opportunity to invest tens of billions of dollars in China and to hire workers who are forced to slave away at wages as low as 20 cents an hour. And in the process, as corporate America invests in China, they are throwing out on the streets hundreds of thousands of American workers who used to make a living wage, who used to be able to join a union, who worked under some kinds of environmental protection. What an outrage, that corporate America has decided that it is better to pay Chinese workers starvation wages, have their government arrest those people if they form a union, and allow corporate America to destroy their environment.

Mr. Speaker, today is a day to stand up for living wages in this country. Not only are we seeing a huge loss of manufacturing jobs because of our trade policy with China, what we are seeing is wages being forced down. How is an American worker supposed to make a living wage competing against somebody who makes 20 cents an hour? The result is that today, millions of American workers are working longer hours for lower wages than was the case 20 years ago. High school graduates in America no longer get manufacturing jobs at decent wages. They work at McDonald's for minimum wage. The reason for that is those manufacturing jobs are now in China.

Let us stand today for American workers, for decent jobs, for decent wages, and let us support the Rohrabacher amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair informs those who are controlling time that their introductions of their next speakers—the time consumed in that—does come out of their time.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding me this time.

There is not a Member of this House who agrees with all of the policies of the regime in China. I think there is not a Member in this House who would not like to see the Chinese government change their policies, whether it relates to their strategic relationship with the United States, whether it relates to groups such as the Falun Gong, whether it relates to their labor policy. But at the same time I do not think any Member of this House can make a credible argument that the United States unilaterally erecting trade barriers with the Chinese would somehow cause the Chinese government to change those policies. A unilateral action of what is proposed in the gentleman's resolution would only come back to hurt the United States.

Furthermore, I think Members need to understand, while we do have a trade deficit with China, it would be simplistic and incorrect to assume that there would be an exact substitution for the dollars of goods that we export to China going somewhere else versus what is imported here.

In fact, I would submit to the body that if we were to erect barriers and eliminate trade with China as the gentleman's resolution would ultimately do, we in effect would lose export dollars in the United States at the expense of American workers. I think that would be a very grave mistake. I would think it would be an even worse mistake given the fact that we know that the United States economy is in a great slowdown right now, perhaps closing in on a recession but certainly very slow growth. The rest of the world economy is experiencing slow growth. And so this is exactly the wrong time that we would want to be cutting off trade and the selling of U.S. goods and services when in fact our manufacturing sector is in a recession.

Mr. Speaker, I would hope that Members would realize that while from a rhetorical standpoint it may sound good, from a practical economic standpoint, the resolution would do nothing but bring harm to the United States.

Mr. ROHRABACHER. Mr. Speaker, I yield myself 30 seconds.

Let me remind my colleagues, this has nothing to do with erecting economic barriers around China. It has nothing to do with an embargo. It has everything to do with removing a subsidy. That is the only effect of this vote that we are having right here today. The only effect of taking away normal trade relations from China is that big businessmen who want to set up a factory in China, maybe close one in the United States, are not going to get their loans guaranteed or their loan subsidized in order to set up that factory. It has nothing to do with stopping people from selling American products or erecting some sort of trade barriers.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, in 1941, about 6 months before Pearl Harbor, our former colleague Carl Andersen said that at some point in the near future we might be engaged in battle with a Japanese fleet. And if that occurred, we would be fighting a Navy whose ships were built with American steel and that were powered with American fuel. A few months after he made that statement, in fact, we were engaged at Pearl Harbor, December 7, 1941, losing hundreds of ships and aircraft and thousands of lives to a Japanese fleet that was built with American steel and powered with American petroleum.

Today, we are sending $80 billion more to China than they are sending to us. They are using those hard American trade dollars to build a military machine. A part of that military machine is the Sovremenny-class missile destroyers that they have now bought from the Soviet Union complete with Sunburn missiles that were designed for one thing and that is to kill American aircraft carriers. They are building coproduction plants for Su-27 aircraft, high performance fighters with the ability to take on American fighters very effectively. And with American trade dollars they are building a nuclear force, intercontinental ballistic missile force, aimed at American cities.

Mr. Speaker, we are leaving a century in which 619,000 Americans died on the battlefield. It is a century in which a great Democrat President, FDR, joined early on with Winston Churchill to face down Hitler and save the world for democracy. And it is also a century in which a great Republican President, Ronald Reagan, faced down the Soviet Union, brought down the Berlin Wall, and disassembled the Soviet military machine.

Let us not replace that Soviet military machine with another military superpower built with American trade dollars. Vote "yes" on Rohrabacher. Vote "no" on MFN for China.

Mr. WELLER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), a strong proponent of engagement with China.

Mr. PITTS. Mr. Speaker, I rise in opposition to this resolution that would revoke normal trade relations with China. It is a mistake to declare economic warfare on 1.3 billion people on the other side of the globe, on China, which in effect this resolution would do.

We have NTR with about 190 nations. We do not with about four or five that we consider enemies. But instead of espousing the opinions of politicians and my own views, I was interested in finding out what are the views of those impacted by the human rights abuses in China? Those unregistered church leaders, pastors of unregistered house churches? I have some faxes here from some of them. This is what they say.

Here is a Chinese pastor: "It is good and right that America be firm and strong on the issue of human rights but trying to enforce human rights through using NTR status as a lever is a misguided policy."

□ 1815

Another one, a leader for over 20 years in a house church, he said, "If China cannot enter WTO, that means closing the door on China and also on us Christians. It will have a direct impact on China if it joins WTO and keeps its doors open to the outside world."

I could go on and on. But, Mr. Speaker, this disapproving the 1-year NTR extension will accomplish nothing except pouring salt into the wound of those in China who desire freedom. It will reinforce the agenda of the hardline rulers in China.

We should support NTR, not for the corrupt dictators in Beijing, but for the people of China and the people of the United States. Only by continuing to actively engage China can we help stem the nationalism, the anti-Westernism of the communist leaders, help the reformers and have the opportunity to influence China for good. We should not withdraw; we should not be isolationists. We should vote against this resolution.

The SPEAKER pro tempore (Mr. GILLMOR). The Chair would inform the House of the order of closing. The order of closing will be as follows: the gentleman from California (Mr. ROHRABACHER); the gentleman from Michigan (Mr. LEVIN); the gentleman from Ohio (Mr. BROWN); and the gentleman from Illinois (Mr. WELLER).

The time remaining is as follows: the gentleman from Illinois (Mr. WELLER), 8 minutes; the gentleman from Ohio (Mr. BROWN), 9½ minutes; the gentleman from California (Mr. ROHRABACHER), 2½ minutes; and the gentleman from Michigan (Mr. LEVIN), 1 minute.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2¼ minutes to my friend, the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, let us turn to a recent statement by President Bush on trade sanctions. Calling sanctions a "moral statement," President Bush ordered stricter enforcement of the U.S. trade embargo and greater support for the country's dissidents. "It is wrong to prop up a regime that routinely stifles all the freedoms that make us human," said President Bush.

Unfortunately, of course, he was referring to that puny little nation of Cuba, and not to the giant economic military power, China. God forbid we should apply the same standards to someone as powerful as they are.

You know, driven by big business, policymakers in this body and downtown at the White House for more than 100 years have been talking about dramatic policy changes in China. They are coming. If you stacked up all of the agreements on trade, arms control, and human rights that have been negotiated and signed over the last 100 years by U.S. Presidents, you would have a new Great Wall, or more likely I guess you could call it an imaginary line, because the agreements are not worth the paper they are written on.

Most recently, the 1992 MOU on prison labor: violated, torn up, thrown away. The 1994 bilateral on textiles: violated, torn up, thrown away. 1992 MOU on market access; 1996, 1998 intellectual property; 1999 grains and poultry: all ignored and violated.

But the proponents, or should I call them the apologists, are constantly making new rationalizations, "and this time it is really different," a little bit like maybe Lucy and the football; or perhaps we could say their arguments are as finely packaged as our Navy plane, which is coming back to us in pieces.

It is about U.S. jobs, they say; it is about engagement; it is about the dissidents. Well, here is a headline the day after we granted China permanent MFN status last year. The Wall Street Journal ran a front-page story. It said: "Debate focused on exports, but, for many companies, going local is the goal."

The gentleman who preceded me talked about dissidents. I sat with a dissident who said, you know, occasionally we were treated better when the U.S. took certain action.

Were those actions a doormat giving the Chinese everything they wanted? No. The few times we have gotten tough with China, the dissidents from prison were treated better. If we give them everything they want, like a spoiled child, we will get no change in their behavior.

Please, please, this is our last chance. Vote to send a message to China.

Mr. WELLER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, as we listen to the impassioned debate on both sides of this issue, people we all respect have differing views.

One group of people has been often overlooked in this debate, and that is the American worker. Trade with China means a lot to American workers. I think it is important to point out that 350,000 American families depend entirely on trade with China. In fact, exports to China are rising and will rise faster in a more open and free market with the Chinese.

Last year, U.S. exports to China increased a record 24 percent to $16.3 billion, and China is now our 11th largest export market. Trade with China is important to farmers and our rural communities. In fact, the U.S. farm exports to China could grow by $2 billion annually, nearly tripling our current rate of exports to China.

The point is, you are not pro-agriculture unless you are pro-free trade with China. I would also note that trade with China will also boost the technology sector, one of our weaker sectors today. We have seen the last 8 years a five-fold increase in exports to China from the technology community. The facts are, you are not pro-technology unless you are pro-free trade with China.

America is the world's largest exporter, and China is now our largest consumer.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a strong proponent of engagement with China.

Mr. KIRK. Mr. Speaker, I thank my friend from Illinois for yielding me time.

Mr. Speaker, as a member of the Human Rights Caucus, I rise in support of trade with China. China is in the middle of a historic transformation. Half of all construction cranes in the world now operate in China. More cell phone users and Internet subscribers will live in China than in Europe. Opening China will help human rights.

In the 1960s, 30 million people died in China of starvation, and it took the U.S. intelligence community over 20 years to even find out. Today, tens of thousands of Westerners travel throughout China each day. We know more about China than ever before, and we can fight for democratic change and more effective human rights better than ever before.

Martin Lee, the democratic leader of Hong Kong's pro-democracy forces, supports trade with China. Taiwan supports trade with China.

As the world is being remade in our image, I believe that free trade with China is the most effective way to support democratic change and human rights in China.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Speaker, I thank the gentleman for yielding me time to speak in favor of House Joint Resolution 50.

Mr. Speaker, I was one of the 237 that voted for the most-favored-nation permanent relations with China last year, but since that time I have watched with interest the developments in China since we gave them the most-favored-nation status.

I have watched them confiscate our airplane and destroy it. I have watched the continuation of human exploitation. Instead of trade, I have watched slave trade abound in China. And as important as that, I have noticed that China continues to dump steel in this country to the detriment of the American worker in this country.

In the State of Indiana, the largest producer of steel has dropped substantially in terms of its steel production and steel exports with the loss of several thousand steel jobs in my State, along with Alabama, devastated by steel dumping, Pennsylvania, Michigan, Washington State, Detroit, Michigan, devastated by steel dumping. Thirty thousand steelworkers in Indiana had to accept shorter work weeks, lower-paying job assignments, or early retirement.

The Commerce Department has reported that 11,000 American steelworkers have been laid off, and I was pleased to see President Bush had taken a look at this for the purpose of maybe imposing quotas.

Mr. Speaker, I thank you for allowing me this opportunity to protest.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of revoking China's normal trade relations status. It has to be clear to all of us that granting China special trade status has not persuaded them to conform to standards of decency and fairness. Instead, their record of human rights abuses has worsened and trade imbalances have actually increased.

Today, U.S. companies import 36 percent of all Chinese exports, but the presence of U.S. purchasing power has done nothing to improve Chinese workers' lives. What is most alarming is that many of the products the U.S. imports are made by young children, children who work more than 12 hours a day and more than 6 days a week.

If the mere possibility of cheaper goods made by children, slaves and prisoners is worth all the human rights violations, the religious persecution, more forced abortions and sterilizations, then I do not think this country stands for what we know we believe in. Of course, we do not stand for that.

It is long overdue for U.S. trade policy to address human rights, workers' rights, and the environment. Trade is not free, trade is not fair, when there is no freedom and no fairness for the citizens of the country involved. Yet, year after year, this Congress grants special trade status to China.

This time, right now, tonight, let us have the courage to lever our economic strength and real reform and vote yes on this resolution.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I have heard other Members, I rise today to give explanation to my protest vote today to deny China this normal trade relations, because I voted for PNTR. But already Lee Chow Min has been in China, a U.S. citizen, since February 25, 2001. His family and lawyers have not been able to access him.

A young mother, wife and academic, Dr. Zhou Yongjun, whose husband and son are U.S. citizens, whose 5-year-old son was kept for 26 days away from her, and she is now, if you will, incognito, with no lawyers and family able to see her.

I believe China's leaders can do something about their human rights abuses. I believe the Chinese leadership can stand up to the words and say we accept the benefits and we accept the burdens.

I am here today to vote in protest, because I demand that China become a citizen of the world, treat its citizens with respect, allow democracy and freedom; and I believe that if we say to China that we will take it no more, we will see a Chinese Government that understands that they can make a change.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, a year ago corporate CEOs flocked to the Hill to lobby for increased trade with China. They talked about access to 1.2 billion Chinese customers, but their real interest was in 1.2 billion Chinese workers.

CEOs tell us that democracies will flourish with increased trade; but, as the last decade showed, democratic nations in the developing world, such as India, are losing out to totalitarian governments such as China, where people are not free and the workers do as they are told.

In the post-Cold War decade, the developing democratic nations' share of developing country exports to the U.S. fell from 54 percent to 35 percent.

☐ 1830

Decisions about Chinese economy are made by three groups: the Communist party, the People's Liberation Army, and western investors. Which of these three groups wants to empower workers?

Does the Chinese Communist party want the Chinese people to enjoy increased human rights? I do not think so.

Does the People's Liberation Army want to close the labor camps? I do not think so.

Do western investors want Chinese workers to bargain collectively and be empowered? I do not think so.

None of these groups, the Chinese Communist party, the People's Liberation Army, or western investors, none of these groups has any interest in changing the status quo in China. All three profit too much from the situation the way it is to want to see human rights improve in China, to want to see labor rights improve on China.

Mr. Speaker, vote "yes" on the Rohrabacher-Brown resolution. Send a message to the Communist party in China.

Mr. ROHRABACHER. Mr. Speaker, I yield myself the balance of the time.

Let me note as we close this debate that over and over again in this debate I have stated that the only practical effect and, let us say, the dominant effect of Normal Trade Relations with China is one thing, and that is that it ensures that a subsidy that we currently provide to American businessmen to close their factories in the United States and rebuild factories in China to exploit the slave labor there, that that is the only practical effect of Normal Trade Relations. If we deny Normal Trade Relations, no longer will these big businessmen be able to get a taxpayer, U.S. Taxpayer-guaranteed loan or subsidized loan in order to build a factory in Communist China so that they can exploit the slave labor there.

When we are asked to consider the American worker, I hope we will consider that, because there may be 400,000 American workers, maybe, depending on the China trade, but that does not take into consideration the millions of American workers who have lost their jobs because we have subsidized big businessmen to go to China and invest there, rather than to try to invest in the United States of America.

If my colleagues will note, no one on the other side has sought to try to disprove that point, and over and over again I made the point. I would challenge my opponents here tonight in their closing statement to say that that is not true. Well, they cannot say that, because they know that that is the practical effect of this vote.

We were asked by the gentleman from Illinois, will the young people of China know anything more about democracy if we deny normal trade relations? My answer is, emphatically, yes. The young people of China will understand that this greatest democracy on earth is standing with them and their aspirations to have a free country and to live in freedom and democracy and have decent lives. They will learn that, the young people will learn that, rather than learn the lesson of today, that America is doing the bidding of a few billionaires who are in partnership, as the gentleman from Vermont (Mr. SANDERS) said, an unholy alliance with the dictators of China in order to exploit slave labor. Yes, we can teach them a lesson.

This is not about free trade. It is not about whether people can trade with China. It is whether or not we are going to side with those billionaires and those dictators in China against the people of China.

The people of China are our greatest ally. We must reach out to them, not to the rulers. When we talk about free trade with a dictatorship, we are talking about them controlling trade on the other side so they can make the billions of dollars and put it to use buying military equipment which will some day threaten American soldiers.

Mr. Speaker, I ask my colleagues to support my initiative to deny Normal Trade Relations with this Communist Chinese dictatorship.

Mr. LEVIN. Mr. Speaker, I yield myself the remaining time.

Most likely, this is not the last time we are going to be debating our relationship, including our trade relationship, with China. They were going to go into the WTO with or without U.S. support. So what we did last year was to decide we needed to both engage and pressure China. The assumption was that trade is the important part of engagement, but it is not a magic path. It will not automatically, even over time, bring about democracy.

So, in part, we responded by setting up a commission. It will be in operation soon at an executive congressional level. It is charged with submitting to the Congress and the President an annual report with the committee of jurisdiction required to hold hearings, and it is assumed that they will, it says, with a view of reporting to the House appropriate legislation in furtherance of the commission's recommendations.

This has been a useful debate. We need to keep the light and the heat on this issue, and we intend to do just that.

Mr. BROWN of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I stand to ask my colleagues to vote "yes" on this resolution and "no" to Most Favored Nations trading status for China. I am honored to stand here and be the last speaker; and I stand on the work of my colleagues, the gentlewoman from California (Ms. PELOSI), the gentleman from Virginia (Mr. WOLF), the gentleman from California (Mr. LANTOS), and the gentleman from California (Mr. ROHRABACHER). I stand upon their work and their shoulders.

I would like to ask my pro-life colleagues something. I am pro-choice, but whether one is pro-life or pro-choice, how can we give Most Favored Nation trading status to a nation that forces women to have abortions? That is not pro-life. That is not pro-choice.

We just had a debate about religious freedom in this Chamber, and both sides of the issue professed to support religious freedom in the context of charitable choice. How can one support religious freedom and support Most Favored Nation trading status for a country that forces free churches to hide in attics and basements?

Labor rights. If you are a student organizer in China, you get jail time. If you are a labor organizer in China, you get a bullet in the back of the head. If we support labor rights, how can we support Most Favored Nation trading status for China?

Finally, to my so-called pro-business colleagues in this House, I was an international trade lawyer and an intellectual property attorney. What I see is a nation that sells us $100 billion worth of goods and we sell them $16 billion of goods. That is $84 billion worth of leverage that we are leaving on the negotiating table. I would have committed legal malpractice if I had not used that leverage, and I will tell my colleagues this: If we approve this resolution today, his excellency, the ambassador of the People's Republic of China, will crawl across broken glass to the other Chamber to make sure that they do not vote the same way.

Freedom does not automatically come from trade. It is an act of will. It is an act of human choice.

The SPEAKER pro tempore (Mr. GILLMOR). The time of the gentleman from Oregon (Mr. WU) has expired.

(By unanimous consent, Mr. WU was allowed to proceed for 2 additional minutes.)

Mr. WU. Mr. Speaker, to those who say freedom automatically follows trade, I offer the historic example of a century ago. In 1900, more of international GDP was international trade than today. More of international GDP was invested in foreign countries than today. And there were writers in 1890 and 1900 who said, war is impossible, because nations and business people surely will not bombard their own investments. They were wrong. They were wrong.

Freedom does not automatically follow trade and business. Freedom is an act of human will.

And to those who say that this is a futile debate, I say: tough, yes; futile, no. No more tougher than what our predecessors faced.

I got across the street to the library of Congress the other day. I got in before it opened. Apparently, their security guards are a little bit more lax than those at the Department of Energy. And I found a letter from Mr. Jefferson written in 1826, 10 days before he died. He was invited to this city to celebrate the 4th of July, and this was his response: "I should indeed, with peculiar delight, have met and exchanged there, congratulations personally, with a small band, the remnant of that host of worthies, who joined with us on that day in the bold and doubtful election we were to make for our country, between submission or the sword, and to have enjoyed with them the consolatory fact that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice that we made."

Mr. Speaker, freedom is a choice. We can make a choice today to send a strong signal and use the leverage that we have. Mr. Jefferson had a broader vision for freedom in this world. He continued in that letter, 10 days before his death, speaking of the 4th of July: "May it be to the world what I believe it will be (to some parts sooner, to others later, but finally to all), the signal of arousing men to burst their chains."

I ask my colleagues to vote for this resolution and against Most Favored Nation trading status for China.

Mr. WELLER. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I rise in strong opposition to H.J. Resolution 50, which would cut off Normal Trade Relations with China. I respect my colleagues on both sides of the aisle who oppose free trade with China, but I believe that this resolution is terribly shortsighted. When recognizing the reforms of the Chinese government and the hard-fought gains of America's consumers, workers and exporters, and given how close China is to accepting comprehensive trade disciplines of the World Trade Organization's membership, I would note that China is agreeing to live by the same rules that all leading trading nations live by.

This past year, this last July, this House voted in a bipartisan vote, 237 to 197, to extend Normal Trade Relations to China upon their admission to the World Trade Organization, and we expect China to fully and officially assume responsibilities of WTO membership by the end of this year. Defeat of H.J. Res. 50 is necessary to support Special Trade Representative Zoellick's decision to take the extra time to ensure that China's concessions to the United States are as clear and expansive as possible.

Despite its history and historic policies which many of us have disapproved of, as well as disagreed with, China has made it clear that they are fully prepared and finally prepared to join the world of trading nations by accepting the fair trade rules of the World Trade Organization. This is progress, and we must support this type of progress.

While we see that the Chinese people still face overwhelming problems with the behavior of their government and their leaders, it is imperative to understand that China is changing. The last 10 years represent the most stable and industrious decade China has known in the last 150 years. WTO membership and Normal Trade Relations with the United States offers the best tool we have to support the changes we have witnessed over the last few years in China.

With these changes, we have seen now that more than 40 percent of China's current industrial output comes from private firms, 40 percent of China's output now comes from free enterprise, and urban incomes in China have more than doubled. Engagement with China is working, the exchange of ideas and our values with China is working, and we must continue our engagement and free trade with China.

The bottom line for American workers is it offers a tremendous amount of opportunity, opportunity for our farmers, opportunity for those who work in manufacturing, opportunity for our hard-hit technology sector.

But I would note that America is not only the world's largest exporter but China is again the world's largest consumer. Over the next 5 years, China will have more than 230 million middle-income consumers with retail sales exceeding $900 billion, making China the world's largest market for consumer goods and services.

□ 1845

We are making a choice today, Mr. Speaker: Do we want our farmers, do we want our manufacturing workers, do we want our creative friends in the technology sector to have an opportunity to participate in the globe's largest market of 1.3 billion people? I believe we do. I believe a bipartisan majority supports continued engagement, as well as free trade with China.

Revoking normal trade relations at this time would undermine the success of the free enterprise and social reforms taking place today in China. Let us not turn our backs on the gains our negotiators have gained with China, gains that benefit America's farmers, America's businesses, America's workers, and America's consumers.

Instead, let us give capitalism a true chance in China. I urge a vote no on House Joint Resolution 50.

Ms. DEGETTE. Mr. Speaker, I rise today to oppose H.J. Res. 50. I firmly believe that engagement is the only thing that will bring positive change in the Republic of China in the areas that I care so deeply about: human rights, labor and environmental sustainability.

China is well on its way to joining the WTO, so the vote today is largely symbolic.

I have consistently voted to support the annual extension of NTR status because of my belief that revoking it would worsen our relationship with China and negatively impact these issues. In addition, it could worsen the national security issues that have long plagued U.S.-China relations.

Closing the door on China will not improve the lives of those who are suffering under an oppressive regime. It will not raise the standard of living in China. And it will not benefit our citizens by opening the market for American goods and services.

In my state alone, there are already hundreds of companies that have begun exporting products to China. The potential for increased trade once China has lowered its tariffs is enormous in such areas as manufactured goods, technology and agriculture, just to name a few. A more open market will create significant new business opportunities for a broad cross section of Colorado businesses. Enhanced trade relations with China will economically benefit my district, my state and the nation as a whole.

After much discussion and deliberation I decided to support PNTR because I strongly believe it will economically benefit the people of Colorado, and because I believe continued long-term engagement with China is the best way to promote democracy and protect human rights.

An open door to the West provides the best hope for progressive change in China over the long term, both in terms of American business opportunities and human rights. It is possible to both reap the economic benefits and help promote democracy and free markets in China. Enhancing trade and diplomatic relations will accomplish these goals.

Mr. ROEMER. Mr. Speaker, I rise today in strong opposition to H.J. Res. 50, disapproving Normal Trade Relations with China. We are considering a critically important piece of legislation that we must defeat; legislation that will affect the way our Nation and our world progress into the new millennium. However, I would like to outline three simple points that should show why supporting Normal Trade Relations for China is the right thing to do, both for the benefit of the United States and the people of China. Those three points are the economic benefits to American workers and business, the human rights benefits for the people of China, and the necessity to move forward into a more productive and challenging relationship with the government of China.

First, and most important to our communities and constituents, is the way in which NTR for China will help Americans economically. Many people become understandably confused over the complexities of trade policy. However, the necessity of NTR can be easily explained. Although I am disappointed China has still not joined the WTO—as expected last year—it is anticipated that they will accede this coming autumn. However, as part of the terms of their accession to the WTO, China was required to negotiate a bilateral trade agreement with the United States. We won those negotiations.

Last year's agreement that was reached requires China to throw open its doors to American business and agriculture. They will reduce tariffs on American-made products from automobiles and aircraft landing systems to soybeans and pork products. They will dramatically reduce existing quotas on American made products. They will increase the access to their domestic economy by opening up distribution and marketing channels. All of these changes mean that American businesses will be able to sell more of their products to more Chinese people. At the same time, the United States gives up nothing to the Chinese—not one single thing. There is absolutely nothing in this agreement that would encourage an American company to move to China. In fact, the agreement actually gives American companies more incentive to stay in the United States. More exports to China means more jobs for Americans at better wages. Enacting NTR will change the status quo, and allow us to export American products, not American jobs.

However, if this body fails to defeat this measure today, the United States will not be able to take advantage of that deal. The current status quo will remain, and American companies will find it increasingly difficult to sell their wares to a booming Chinese market. In fact, due to the fact that the European Union and other countries in Asia and around the world have similar agreements with China, American companies will actually be worse off than they are now! The other WTO members will be able to market their products to China more efficiently than we can, effectively shutting the United States out of the China market.

The choice is simple: Economic stagnation and regression or commercial growth and prosperity. We need to respond to the new global economy, driven by a technological revolution, with a new fair trade policy. The choice is just as clear on the issue of human rights.

It may be easy for people in Washington, D.C. to speculate what policies might be best for the Chinese people. However, when it comes to improving the human rights and political freedoms of people in China, I tend to place more weight on what the people in China, fighting those fights every day, think is best for themselves. The following human rights advocates strongly endorse this new policy:

Martin Lee—chairman of the Democratic Party of Hong Kong which struggles daily to maintain the freedoms that are unique to that region;

Xie Wanjun—chief director of the China Democracy Party, most of whose members are now in detention in China;

Nie Minzhi—a member of the China Democracy party who is under house arrest as we stand in this chamber today;

Zhou Yang—a veteran of the 1979 Democracy Wall movement;

Boa Tong—a persecuted dissident and human rights activist;

Dai Quig—an environmentalist and writer who served time in prison after Tiananmen Square;

Zhou Litai—a pioneering Chinese labor lawyer who represents injured workers in legal battles against Chinese companies;

Even the Dalai Lama himself, probably the most famous Chinese dissident in the world, supports the WTO accession.

All of these people have been fighting for democracy and freedom in China on the ground, day-to-day. They all say the same thing: Support PNTR for China. They say this because they have seen how the annual renewal of NTR for China has become a bargaining chip for an oppressive government. They have seen firsthand how engagement with the United States had made China a more open society. They don't want to become isolated from the world. They want to join us in freedom and democracy.

Working to ensure human rights in China is the right thing to do. However voting against NTR is not the way to do it. We need to listen to the brave people fighting the good fight on the ground in China, and we need to pass NTR. Very prominent Americans, such as the Rev. Billy Graham and President Jimmy Carter, agree with this approach.

Finally, I want to stress the need for a change in our relationship with China. While we have come to see some improvement in China since the late 1970's, the Chinese government has still remained insular, resistant to change, and unwilling to allow sweeping reforms. The relationship between our two countries has warmed, but it has not completely thawed.

Voting against NTR is telling China and the rest of the world that you like things the way they are today; that you prefer the status quo. As an elected representative to Congress however, I cannot in good conscience say that keeping the status quo with China is the best way for our country to proceed in this new millennium.

Isolation and recrimination in the face of repression get us nowhere. One only has to look to China's neighbor, North Korea. We cut that country off from the world fifty years ago, and look what happened to them. North Korea is easily one of the most unstable, irrational, and hostile nations on this planet. Human rights and political freedoms are non-existent, and on top of it all, its people are slowly starving to death in a massive famine. Is that what we want China to become? Do we want to shut China off from the world? Will we refuse the challenge and engage the Chinese government?

I say that pursuing a policy of thoughtless isolationism is not only economical suicide for the American worker, it is also callously dismissive of those brave souls in China who are trying to create change and fight for human rights.

We must vote against this resolution today. We must actively work to make our world a better place for our children. We must reach out to the Chinese and attempt to lead them down the right path to embrace our values of democracy, open markets, and human rights. We must help them become a modern nation. The United State will probably be the main beneficiary of this evolution in China, but it will help the Chinese people some day join our fellowship of democratic nations with a respect for universal human rights.

For these reasons, Mr. Speaker, will vote to defeat this disapproval resolution, H. J. Res. 50, and I strongly encourage my colleagues to support continued engagement and free and fair trade with China.

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to the annual request for Normal Trade Relations (NTR) status for China and support H.J. Res. 50 to reject this request. While I hope and believe we should continue to seek engagement with China and other nations around the world, I also think it's clear that on the key issues of trade, human rights and rule of law, the behavior of the Chinese regime has deteriorated in the past year. The Chinese leadership fails to respect or support the aspirations of its own people. Unfortunately, when it comes to trade and other relations, China is not yet a responsible partner in the international arena.

Most worrisome is the ongoing record of human rights abuses detailed in the State Department's "Country Reports on Human Rights Practices for 2000." The report states: "China's poor human rights record worsened during the year, as the authorities intensified their harsh measures against underground Christian groups and Tibetan Buddhists, destroyed many houses of worship, and stepped up their campaign against the Falun Gong movement. China also sharply suppressed organized dissent."

China's abuse of academic experts who simply want to study that nation's economic, political and cultural systems has been well documented in the past year. Both Chinese and American citizens have been swept up in the Chinese government's attack on academic freedom. Earlier this year, I wrote Chinese authorities to protest the detention of several Chinese-born U.S. citizens or permanent residents detained in China. Two of these individuals have been formally charged with espionage, though no information or evidence has been presented to justify these charges. Another was sentenced to a three year prison term for "prying into and illegally providing state intelligence overseas," after she attempted to document the forcible detention of

Falun Gong members in mental institutions. Others remain in detention and under interrogation.

I have strong reservations about the granting of the 2008 Olympic Games to Beijing, in light of China's poor record on the individual rights and freedoms that this competition embodies. However, with this award, the Chinese government should know that its human rights abuses will be scrutinized because of the increased attention that China will receive during preparations for the 2008 Olympics.

While this is likely to be the last vote on annual NTR for China, I am confident that the Congress will not abandon its role of monitoring Chinese abuses of human rights. The newly established Congressional-Executive Commission on China will assist the Congress in maintaining its traditional tough scrutiny of the Chinese government.

China has a track record of suppressing the yearning of the Chinese people for democracy, and cracking down on those who would fight for their freedom, and a nation that does not respect the rule of law will not likely be interested in protecting intellectual property or other pillars of normal trade relations. I urge my colleagues to consider the reality of the situation in China as it is today, and to join me in affirming the bedrock values of our society. I urge my colleagues to turn back annual NTR until China becomes a responsible nation in a free and fair international trade regime.

Ms. LEE. Mr. Speaker, I rise in support of this amendment to disapprove Normal Trade Relations with China.

Last year Congress voted to grant Permanent Normal Trade Relations to China.

After much consideration, I voted against that bill because I did not believe that the United States should enact a trade policy that rewards the use of child and prison forced labor; environmental degradation; and religious and political repression.

I also opposed PNTR because of the enormous, $83 billion dollar trade deficit we have with China.

The Economic Policy Institute estimates that PNTR will cost 872,000 American jobs in the next decade, 84,000 of them from my home state, California.

That deficit is growing larger, while our own economy is slowing down, making jobs an even more precious commodity.

We cannot make American jobs a casualty of our trade policy.

And while the trade deficit increases, so does China's persecution of its own citizens.

Our trade policy has done nothing to promote the protection of human rights.

The Chinese government has trampled reproductive rights of women, imprisoned Falun Gong practitioners for carrying out their exercises, and arrested political dissidents for the simple expression of their beliefs.

I support free and fair trade. An $83 billion dollar deficit that siphons off American jobs is not free and fair.

A national industrial policy that is based on the forced labor of children and prisoners is not free and fair.

Therefore, I urge you to support H.J. Res. 50.

Ms. LOFGREN. Mr. Speaker, I rise to oppose H.J. Res. 50, the measure denying China Normal Trade Relations. Just last year, we approved historic legislation (HR 4444) providing for Permanent Normal Trade Relations (PNTR) for China conditional on China's accession to the World Trade Organization. Those talks have not concluded, so yet again, we are called on to vote on a measure denying Normal Trade Relations for China. I urge my colleagues to vote no.

Now more than ever it is important that we engage China for domestic and foreign policy reasons.

On the domestic side, access to China-our 4th largest trading partner is important to US workers and US companies, especially our high-technology industry. In 2000, the high-tech sector accounted for 29% of US merchandise exports and has accounted for 30% of GDP growth since 1995. This in turn has led to greater prosperity for American workers. In 2000 (according to AeA's Key Industry Statistics) the Average Wage in the High-Tech Industry was $83,103. An estimated 350,000–400,000 US jobs depend on our exports to China. The case for trade with China is clear on the domestic front.

But the case on the foreign policy side is also compelling. Free markets cannot prosper in authoritarian regimes and authoritarian regimes cannot long survive the impact of freedom and free markets. Change in China will be incremental. Where American engagement with China will promote human rights, revoking NTR status for China would simply curtail American influence in this important area.

At the beginning of a new millennium, we should not regress and isolate China, we should help engage China in the world community. It is my strong belief that helping to engage China in the world community will advance the cause of freedom. I urge my colleagues to join me in voting against H.J. Res. 50.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong opposition to House Joint Resolution 50, which would deny extension of normal trade relations (NTR) to the People's Republic of China. I urge our colleagues to vote against the measure.

Mr. Speaker the decision before us is one of the most important actions taken by this Congress. The arguments for and against granting NTR to China are exceedingly broad and complex. The stakes, too, are tremendous, as it involves America's relationship with the world's largest nation, a nation composed of one-fifth of humanity.

I commend my colleagues and deeply respect their commitment regardless of their position on the issue before us, for there are valid and compelling arguments to be made on both sides.

For those who oppose NTR for China, I agree that China continues to be plagued with serious problems—from human rights abuses, to trade imbalances, to growing military and security concerns.

However, none of these problems will be resolved by attempts to isolate and disengage from China by denial of NTR status.

If anything, isolating China will only encourage it to turn inwards, making matters worse and likely resulting in increased violations of human rights, lessened respect for political and social progress for China's citizens, and heightened paranoia of other nations' intentions resulting in expanded Chinese military spending.

It is important for the U.S. to remain engaged with China and granting NTR status that will assist China's entry into the World Trade Organization is one very major way to achieve that objective while gaining WTO protections for our trade interests. Additionally, China's membership in the WTO will further open up China to the international community and force its compliance with WTO multinational standards and rules of law. With WTO enforcement, this will ensure China and the U.S. trade on a level playing field, which should go a long way toward rectifying our present trade imbalance.

Although the trade incentives for extending China NTR are obvious and apparent, Mr. Speaker, the most important consideration for me concerns what will best promote democratization and continued political, social and human rights progress in China.

On that point, Mr. Speaker, I find most persuasive and enlightening the voices of those Chinese who have been persecuted and are among China's most ardent and vocal critics—individuals who would be expected to take a hard line stance against the Beijing government.

Prominent Chinese democracy activists such as Bao Tong, Xie Wanjun, Ren Wanding, Dai Qing, Zhou Litai and Wang Dan have urged the United States to extend China normal trade relations as it would hasten China's entry into the WTO, forcing adherence to international standards of conduct and respect for the rule of law. Moreover, they urge that closer economic relations between the U.S. and China allows America to more effectively monitor human rights and push for political reforms in China.

Joining their voices are other Chinese leaders who have opposed Beijing's communist control, including Hong Kong's Democratic Party Chairman Martin Lee and Taiwan's President Chen Shui-bian. Both Lee and Chen have called for normalization of trade relations between the U.S. and China and WTO accession by China.

Mr. Speaker, we should listen to the wisdom of these courageous Chinese, whose credentials are impeccable and who clearly have the interests of all of the Chinese people at heart. They know that it is absolutely crucial and vital for continued political, social and human rights progress in China that the U.S. maintain and expand its presence there through trade.

The Chinese people plead for the U.S. to remain engaged and not turn away from China because our nation is the only one with the power, the conscience, and the fortitude to push for true reforms and democracy in China.

Mr. Speaker, I urge our colleagues to heed the best interests of the Chinese people as well as the American people by normalizing trade relations between our nations and opposing the legislation before us.

Mr. BLUMENAUER. Mr. Speaker, I oppose H.J. Res. 50 and express my strong support for Normal Trade Relations for China. Unfortunately, due to family commitments in my hometown of Portland, Oregon, I will be unable to vote on the motion today.

Last year Congress overwhelmingly made a difficult decision that we were following path of engagement with the Chinese by voting to approve China's admission to the WTO and extending Permanent Normal Trade Relations. In so doing, the majority of Congress and the leaders of both political parties aligned themselves with the forces of change and reform in China.

Because Chinese ascension to WTO has taken longer than we anticipated, we are back again with the need to do the last annual extension. We continue our roller-coaster relationship with China, although nothing has fundamentally changed. China continues to be ruled at the top by party and military leaders who are threatened by China's engagement with the United States and the broader world.

Chinese leaders fear further penetration of the Chinese market by foreign economic powers, especially the United States. Tearing down economic barriers that would permit us to trade effectively would have a destabilizing effect on the repressive regime. Indeed, the distance that China has already traveled from the butchery and starvation of the Great Leap Forward and chaos of the Cultural Revolution today is almost unimaginable.

Engagement will play to the positive forces of change, which are strengthening the new generation of entrepreneurial spirit, provincial and municipal leadership, and new business partnerships.

A classic example happened earlier this year when an explosion occurred at a school based fireworks factory where children were being forced to assemble firecrackers as young as 3rd and 4th graders in this school. The official Chinese line was that a suicide bomber had entered a school and detonated an explosion. Within days, due to the magic of Chinese e-mail, the Chinese Premier was forced to acknowledge that it was an accident in the school-based factory. Through modern communications the reality was out instantly all across China and the truth triumphed.

This is just one example of how reform is happening daily in hundreds of examples on a smaller scale that illustrate the point. It's not going to be quick or easy. But we can use the leverage of WTO membership to accelerate the progress and hasten the day when the Chinese people will enjoy the liberties that we too often take for granted.

Failure to renew now would be a serious mistake. We have already embarked on a policy of engagement and established a policy on it. To reverse course now would have an extraordinarily destabilizing effect on our relationship, at a time when we are attempting to reduce tensions between the two countries. Economics would be the least of our worries. This would be a gratuitous and unfortunately escalation of pressures on our side, which would frustrate, if not infuriate the Chinese, confound our allies, and delight our business competitors.

History suggests isolation will not have the impact desired by opponents of normal relations with China. It's particularly ironic that some are calling for disengagement with China at a time when we are now inching towards acknowledging our policy of attempting to isolate a much smaller country, Cuba, has been a failure. It's only harmed the Cuban people and prolonged the life of the Cuban dictatorship. Had we opened our borders, engaged in commerce and interaction, Castro would certainly be less powerful, and probably a thing of the past.

China's behavior continues to be troubling and its record on human rights is atrocious; the potential is great that our frustrations with China may even escalate in the near term. Trading with China is not going to solve all our problems. We are still going to have to be aggressive in our negotiations, vigilant for human rights, the environment, and trade compliance. With China in the WTO we will have more tools and more allies in this struggle.

Given the overwhelming positive effects of trade and engagement with China, I urge my colleagues to support continued NTR with China and vote no on the disapproval resolution.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the order of the House of Tuesday, July 17, 2001, the joint resolution is considered as having been read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WELLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 169, nays 259, not voting 6, as follows:

[Roll No. 255]

YEAS—169

Abercrombie
Aderholt
Akin
Baca
Baldacci
Baldwin
Barcia
Barr
Bartlett
Barton
Berkley
Bilirakis
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Capito
Capuano
Cardin
Carson (IN)
Clay
Clayton
Coble
Collins
Condit
Costello
Cox
Coyne
Cubin
Cummings
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
Delahunt
Diaz-Balart
Dingell
Doyle
Duncan
Ehrlich
Evans
Everett
Fattah
Frank
Gephardt
Gillmor
Gilman
Goode
Graham
Green (TX)
Gutierrez
Hall (OH)
Hansen
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Holden
Hostettler
Hoyer
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
King (NY)
Kingston
Kucinich
Langevin
Lantos
LaTourette
Lee
Lewis (GA)
Lipinski
LoBiondo
Markey
Mascara
McCollum
McIntyre
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Nadler
Ney
Norwood
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pombo
Quinn
Radanovich
Rahall
Regula
Reyes
Riley
Rivers
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sherman
Smith (NJ)
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Wamp
Waters
Watson (CA)
Weldon (FL)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—259

Ackerman
Allen
Andrews
Armey
Bachus
Baird
Baker
Ballenger
Barrett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capps
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Combest
Conyers
Cooksey
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Tom
DeGette
DeLauro
DeMint
Deutsch
Dicks
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Harman
Hastert
Hastings (WA)
Herger
Hill
Hinojosa
Hoekstra
Holt
Honda
Hooley
Horn
Houghton
Hulshof
Hutchinson
Inslee
Isakson
Israel
Issa
Istook
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Rehberg
Reynolds

Rodriguez
Roemer
Rogers (MI)
Roukema
Ryan (WI)
Ryun (KS)
Schiff
Schrock
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Upton
Vitter
Walden
Walsh
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—6

Blumenauer
DeLay
Engel
McKinney
Saxton
Spence

□ 1909

Mrs. MEEK of Florida and Messrs. EHLERS, LAHOOD, LARGENT, WATT of North Carolina, SHOWS, and ENGLISH changed their vote from "yea" to "nay."

Ms. SANCHEZ, Messrs. NORWOOD, RADANOVICH, DINGELL, and Ms. WATERS changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

Stated for:

Mr. GIBBONS. Mr. Speaker, I hit the wrong key on the recorded vote No. 255 on passage for H.J. Res. 50. I voted "no" accidently and would like it to be changed to "yea" for the RECORD.

PROVIDING FOR CONSIDERATION OF H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 199 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 199

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except as follows: page 75, lines 17 through 23; page 107, lines 11 through 17. No further amendment to the bill shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 199 is a modified open rule providing for the consideration of H.R. 2506, the fiscal year 2002 foreign operations appropriations act.

The rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking member of the Committee on Appropriations. Any Member wishing to offer an amendment may do so, as long as it complies with the regular rules of the House and has been printed in the CONGRESSIONAL RECORD for other Members to see.

This is, as I have said, Mr. Speaker, a modified open rule that will allow all Members the opportunity to offer amendments. This is, obviously, a fair rule that will allow Members ample opportunity to debate the very important issues which are connected to this underlying legislation.

□ 1915

The underlying legislation is a product of bipartisanship. The Committee on Appropriations has funded a wide variety of programs while staying within the strict budgetary constraints. The bill provides funding for debt relief for heavily indebted countries. It increases funding for the Peace Corps. It increases funding for the Child Survival and Health Programs Fund. It provides disaster relief for our friends and neighbors in El Salvador.

The legislation also reaffirms our commitment to our great ally, Israel, by fully funding President Bush's request of almost $3 billion for aid to Israel.

The bill also includes language that requires the President to determine whether the PLO is complying with its commitments to renounce terrorism. If the President cannot determination that the PLO is in substantial compliance with its commitments, then he must impose one or more of the followings sanctions for a time period of at least 6 months: either the closure of the PLO office in Washington, the designation of the PLO or one or more of its affiliated groups as a terrorist organization, and the limitation of assistance provided under the West Bank and Gaza program of humanitarian assistance.

Additionally, H.R. 2506 provides funding for portions of the President's Andean Regional Initiative. The Andean region, Mr. Speaker, is home to the only active insurgent movement in our hemisphere and home to the most intensive kidnapping and terrorist activity in our hemisphere. These activities pose a direct threat to hemispheric stability. The President's Andean Regional Initiative will strengthen democracy, regional stability and economic development in the region.

The President's initiative will work to promote democracy and democratic institutions by providing support for judicial reform, anti-corruption measures and the peace process in Colombia.

This program will also work to foster sustainable economic development and increased trade through alternative economic development, protection of the environment and renewal of the ATPA, the Andean Trade Preference Act. The initiative will work to reduce the supply of the illegal drugs at the source, while simultaneously reducing U.S. demand through eradication and interdiction efforts.

There are two distinctive features of this program compared to last year's Plan Colombia assistance, both of whom aim to promote peace and to stem the flow of cocaine and heroine from the Andean region.

First, the assistance for economic and social programs is roughly equal to the assistance for counter-narcotics programs. Second, more than half of the assistance is directed at regional countries that are experiencing the spill-over effects of the illicit drug and terrorist activities.

The United States shares close cultural and economic ties with Latin America. We have a unique opportunity to help strengthen our hemisphere as a whole, and the President's Andean Regional Initiative is an important step in the right direction.

HIV/AIDS has become an international crisis of tremendous devastation. In Africa, an estimated 17 million people have already lost their lives to AIDS, including 2.4 million who died just this last year. The Committee on Appropriations has made international HIV/AIDS relief a priority for this Congress by allocating $434 million within the Child Survival and Health Programs Fund for HIV/AIDS research and treatment and an additional $40 million in other accounts.

This bill fully funds President Bush's request of $100 million for a global HIV/AIDS trust fund, and the level of $414 million available for bilateral HIV/AIDS assistance exceeds the authorization level of $300 million by $114 million.

In addition to the $434 million appropriated in this bill, it is my understanding that the Committee on Appropriations has also included $100 million for HIV/AIDS assistance in the supplemental appropriations bill which, Mr. Speaker, we expect back from the conference shortly. As a matter of fact, the Committee on Rules will be meeting on it this evening.

That is a total of $534 million for HIV/AIDS relief. I think it is a recognition of the degree of tragedy that the pandemic represents for mankind. I commend the Committee on Appropriations for their actions in that field.

Mr. Speaker, this is a good bill. It balances national security needs with humanitarian aid. This is, as I stated before, an open and fair rule. I would urge my colleagues to support both the rule and the underlying legislation which is very important to the national security interests of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me time.

This is a modified open rule. It will allow for the consideration of the Foreign Operations Appropriations Act for Fiscal Year 2002.

As my colleague has described, this rule provides for one hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It allows germane amendments under the 5-minute rule. This is the normal amending process in the House. However, the rule permits only amendments printed in the CONGRESSIONAL RECORD.

Mr. Speaker, foreign assistance is important to all Americans. As the last superpower of the world, the United States is the only Nation with the ability to provide significant humanitarian assistance throughout this world. This helps maintain our Nation's moral authority and our negotiations on diplomatic issues. This has a direct effect on the success of our economic and military position which in turn benefits all Americans.

But aside from self-interest, providing humanitarian assistance is the right thing to do. Just as we are obligated to help our fellow Americans who are less fortunate than we are, we also have an obligation to help peoples of other nations.

Foreign aid does work. Many of my colleagues have seen this, and I have seen this firsthand in different countries. Earlier this month I returned from East Timor, which is a former Portuguese territory which faces numerous challenges in setting up basic institutions that we take for granted. I saw a number of projects that are funded through this bill. I saw coffee growing in a cooperative that employs 100,000 people. I also saw a U.S.-supported printing press which is helping to establish a free press in East Timor. These are directly funded through this bill.

I also saw a mobile clinic where immunizations and maternity care is given to village women and children, and this was funded by UNICEF which receives funding through this bill.

The scenes that I saw in East Timor are repeated throughout the world where U.S. foreign assistance saves lives and strengthens nations.

The Committee on Appropriations crafted a good bill which increases overall funding for foreign aid. I am especially pleased that the bill provides generous support for the Child Survival and Disease Programs Fund which is intended to reduce infant mortality and improve the health of the poorest of the world's children. The bill is a bipartisan product which included consultation with the minority; and I commend the gentleman from Arizona (Mr. KOLBE), the subcommittee chairman, and the gentlewoman from New York (Mrs. LOWEY) for their work.

However, I regret that the committee could not increase foreign aid more than it did, especially considering the cuts that have occurred over the past 15 years. The overall levels are still too low. In fact, the funding for foreign aid in this bill is still only about half the level of 1985.

Mr. Speaker, I am also concerned about the rule that we are now considering. This rule includes two self-executing amendments; that is, the rule automatically accepts two amendments to the bill. The power of the Committee on Rules to include self-executing amendments should be used sparingly, and it is highly unusual to self-execute two amendments. I do not believe that there is sufficient justification in either case.

One of the self-executing amendments adopted by the Committee on Rules involves an earmark for environmental programs. It is not certain from which account this money would be taken. However, it appears that the money could come from funds intended to provide debt relief for poor nations. If that is the case, then this amendment is ill-advised. The money for debt relief is needed to reduce the crushing debt that is destroying the economies of some needy countries.

However, because this amendment is automatic under the rule, the House will not have the opportunity to fully debate this amendment and establish for the record its ultimate effect.

Furthermore, the rule requires preprinting amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, despite my misgivings on the rule, I will not oppose it. I urge the adoption of the rule and of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. WATTS), the distinguished chairman of the Republican Conference.

Mr. WATTS of Oklahoma. Mr. Speaker, I speak today to congratulate the gentleman from Arizona (Mr. KOLBE) on his leadership in crafting a bill that ensures that we are the strongest Nation in the world and not forget our duty to the rest of the world. Specifically, I congratulate him for his support of democracy and economic development in West Africa and in, particularly, the country of Nigeria. Nigeria is the most populous nation in West Africa with 120 million people; and, as such, it is the key to peace and prosperity in that region.

After suffering through years of oppressive military rule, Nigeria is on the road to democracy. Today, the fledgling democracy, led by President Obasanjo, stands ready to lead Nigeria into a new era of prosperity. We should assist the people of Nigeria in their quest for democracy.

As part of our support for democracy in Nigeria, we should support the work being done by our government through the Education for Development and Democracy Initiative. The Initiative was founded for the purpose of improving the quality and access to education, enhancing the availability of technology to lesser developed countries, and increasing citizen participation in government. These are all principles that support democracy and, therefore, deserve our support. I thank the gentleman for support of this initiative.

However, there is one issue that troubles me because it hinders the growth of democracy in Nigeria and attacks the fiber of American society. The issue I speak of is the trafficking of drugs being masterminded by criminals operating in Nigeria and West Africa. Despite the committed efforts by President Obasanjo and his administration, these criminals still engage in the wholesale movement of drugs into the United States. Not only do these people bring deadly drugs onto the streets of America, they also destroy the reputation of Nigeria and Nigerians worldwide. This stain on Nigeria's reputation hinders the economic expansion and democratic reforms that President Obasanjo is working to institute.

We must strengthen our partnership with Nigeria in fighting the drug-trafficking kingpins operating out of West

Africa. It is a large task, and the dedicated agents acting as part of the Africa Regional Anticrime Program deserve our support.

The gentleman from Arizona (Mr. KOLBE) has made that support possible with this bill. I commend the gentleman from Arizona (Mr. KOLBE) for his leadership and thank him for his support of these programs which I feel are crucial to supporting the ideals of democracy in Nigeria and in West Africa.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY), who is the ranking minority member on the Subcommittee on Foreign Operations, Export Financing, and Related Agencies.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this rule, but I would like to express my concern about one aspect of it. I am specifically concerned about the self-enactment of two amendments. Both of these amendments are legislative in nature. There were several other requests for legislative amendments which were turned down by the Committee on Rules. I do not understand the rationale used to single out these two.

The first of these, an Olver-Gilchrest amendment to strike the language prohibiting funds for Kyoto implementation, has been accepted on the other bills and would have been accepted on this bill. A self-enacting rule only serves to foreclose debate on the issue.

The second self-enacting amendment inserts the requirement that $25 million be made available for debt-for-nature swaps from within existing funds provided for debt relief. My concern is not with the program itself, which I strongly favor. My concern is that the bill had contained permissive language providing up to $25 million for the program.

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Passage of the rule will mandate that $25 million be donated to Debt for Nature swaps from amounts provided for debt relief either in this bill or from previously appropriated funds. The Treasury Department has sufficient funds on hand now to pay the anticipated bilateral costs for debt relief through the end of fiscal year 2002. Six countries were anticipated to become eligible for debt relief in 2002. However, it now appears that two additional countries (Ghana and Angola) may become eligible in the coming year.

If only six countries become eligible in 2002, Treasury estimates that $22 million will remain in the bilateral account. If more than six countries become eligible, a significant portion of the $22 million on hand would be required to pay those costs.

The bottom line is that passage of the rule could jeopardize Treasury's ability to pay the costs of both bilateral and multilateral debt relief.

These concerns were not an issue when we put the bill together, because the authority for the Debt for Nature program was permissive. We were not consulted on the inclusion of this amendment, and I insist that we not leave Treasury short of necessary funding for debt relief next year. I would indicate to the chairman and to the House at this point that I intend to work with the chairman to correct this problem in conference.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. KIRK), a new Member of this House who already has established a reputation as an expert in the area of foreign policy and international relations.

Mr. KIRK. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of this rule and this bill; and I would like to congratulate the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) on the successful completion of this their first measure.

Before being elected to Congress, I spent a great deal of my career working on various aspects of the United States foreign assistance programs. I have seen firsthand the positive effects these programs can have on building democracy, providing critical humanitarian aid, and making the world a safer place for us all. I commend almost all aspects of this bill but especially for continued vital assistance programs around the world to fight HIV/AIDS and also for international family planning. The data is now in that international family planning is one of the best ways to reduce the incidence of abortion. We have seen clearly in Kazakhstan that if you support women's rights, if you support maternal and child health and you want to reduce the incidence of abortion, you support international family planning. I also want to commend the committee for its action on Tibetan refugee assistance and support to our allies in the Caucasus, particularly Armenia.

I am especially pleased with this bill's strong support of Israel and stability in the Middle East. This bill provides strong funding for Israel under the Economic Support Fund as well as for Egypt, a critical ally in this region. I want to particularly commend the chairman's strong bill language regarding the continued escalation of violence and the PLO's lack of 100 percent effort to achieve 100 percent compliance with the Oslo Accords. I urge my colleagues to support this measure and to support Israel.

Mr. Speaker, I am totally committed to America's role in the world. As a new member of the Committee on the Budget, I took up the sometimes lonely fight for the International Affairs budget function 150. It is that battle that we must continue in years to come. It has always been my belief that it is less expensive in American blood and treasure to support our allies than to try to accomplish something unilaterally with military forces overseas. This bill is a good investment. It represents the best that America has to offer in the world. I urge its adoption along with the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I come to the floor today to voice my support for both the Foreign Operations appropriations bill and the rule, and I want to thank the chairman and the ranking member for their efforts. I am pleased that this legislation addresses two areas of the world very important to me, Armenia and India. However, in both cases I am hopeful that more money can be found for both countries in conference.

Earlier this year in testimony before the Subcommittee on Foreign Operations, Export Financing and Related Programs, I requested the subcommittee provide no less than $90 million in U.S. aid to Armenia. This was the amount that Armenia received in last year's bill. I was encouraged by the $82.5 million that was approved by the subcommittee because it was substantially higher than the $70 million President Bush requested in his budget earlier this year. However, I know that Armenia needs at least as much as it received last year.

I am also pleased that no changes were made to section 907 of the Freedom Support Act. I have been concerned that negotiators involved in the Nagorno-Karabagh peace process would attempt to use section 907 as a bargaining tool prior to a peace agreement.

I am also happy, Mr. Speaker, that the subcommittee included language encouraging the State Department send more of the money Congress has appropriated in the past for aid to Nagorno-Karabagh. In the past, I have been concerned that out of the $20 million allocated to the people of Nagorno-Karabagh, only $11.8 million has been sent to the region for aid programs. It is important that these remaining funds be appropriately sent to the region to ensure that the residents of Nagorno-Karabagh receive the assistance.

Appropriators should also be commended for expressing the need to provide a peace dividend in the event a settlement is reached between the Caucasus nations over Nagorno-Karabagh.

The bill also includes language directing assistance for confidence-building measures and other activities to further peace in the Caucasus region, especially those in the areas of Abkhazia and Nagorno-Karabagh. These measures include strengthening compliance with the cease-fire, studying post-conflict regional development such as water management and infrastructure, establishing a youth exchange program and other humanitarian initiatives.

Finally, Mr. Speaker, in regards to India, a massive and devastating earthquake hit the Gujurat region in January. I am grateful for the more than $13 million that has already been sent to assist the region, but clearly $13 million is not enough to address the continued struggles India, particularly Gujurat, is facing during this earthquake's aftermath. We must continue to provide as much support as possible.

An amendment may be brought up to provide more direct assistance for earthquake relief. Another may be proposed that would add $10 million to the Office of Foreign Disaster Assistance at USAID. There is also the possibility of providing more assistance in conference. I would ask that my colleagues support these efforts. But in any case, Mr. Speaker, this is a good bill and I would urge its adoption.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I first want to thank our new chairman, the gentleman from Arizona (Mr. KOLBE), for his tenacity and his bipartisanship as we put together a very good bill. I thank the gentleman from Arizona very much for his leadership and to our ranking member, the gentlewoman from New York (Mrs. LOWEY), for her hard work as we worked together to craft a bill that is a good one and is also bipartisan.

In the development assistance account, this bill does address the problems; and the rule that we have before us today helps to implement the bill that comes forward. In the child disease account and health account, we find that we have $1.4 billion there to begin to help with some of the diseases in the world. I wish there could have been more money for the diseases, and I am hopeful that we will work to find more money as we move into this process. Airborne diseases such as tuberculosis and others need more attention; and I would hope that as we move forward, we will be able to address more dollars into those accounts.

The Andean Counterdrug Initiative. Last year, this initiative was called Plan Colombia. We put in $1.3 billion for Plan Colombia. Today, less than 25 percent of that has been spent. We hope that because 90 percent of the cocaine and heroin that comes into our country comes from Colombia that we would begin to spend this money for interdiction of these drugs and to begin to meet the drug crisis here in America. Unfortunately, it has not begun. I would hope that our committee would call a hearing and that we would hear how that $1.3 billion is going to be spent. This bill gives an additional $600 plus million for that same counter initiative of drug control. I am hopeful again that we are able to spend this money for the interdiction of drugs which is a cancer in America.

Drug treatment is a must. We must put more money into drug treatment. I do not think yet our country has gotten that. Yes, you must cut off the supply through interdiction, but you also must put money in treatment, treatment on demand. I know we will see a few amendments here that speak to some of that. We have not yet addressed that in this entire budget and certainly not in this Foreign Operations budget. But overall it is a good budget, and it is a good bill.

I do have some concerns about those things that I have mentioned. I will work with the chairman and our ranking member as we go forward to increase funding for HIV/AIDS and increase funding for the attack on the cancer, drugs, in our community.

Mr. Speaker, I rise today to support the rule/bill and thank the distinguished Chairman of the Subcommittee Mr. KOLBE who has worked extremely hard to try and craft a bipartisan bill in spite of extremely limited resources and wide and varying demands by both sides. I would also like to acknowledge the work of the Ranking Member Mrs. LOWEY, who has worked hard and successfully ensured that she was prepared and engaged on the many issues facing her in her new leadership role on this side of the isle.

DEVELOPMENT AID

This bill is a decent bill that attempts to address the increasing demands on foreign assistance. I am pleased that this measure provides $2.5 Billion in Development Aid which includes $120 million for UNICEF. I am pleased that the amount that we have funded is nearly $200 million more than the President requested for Development Aid (both Development Assistance and Children Survival and Disease Programs.)

DEVELOPMENT ASSISTANCE ACCOUNT

Although the bill provides less than the President's request in the Development Assistance account, it does provide $1.1 Billion—$76 million more than the current level of funding. In the Development Assistance account I have fought to ensure funding for programs like Education for Development and Democracy Initiative (EDDI) which is an African-led development program—with special emphasis on girls' and women—concentrating on improving the quality of education and access to it.

CHILD SURVIVAL AND DISEASE PROGRAMS

We have funded the Child Survival and Disease Fund at $1.4 Billion. This amount is $169 million more than the current level and nearly $400 million more than the President's request. Here, I have fought hard to fund programs like Hopeworldwide's Siyawela (which means "We are Crossing Over" in Swahili) program in South Africa which through support groups provides children affected by AIDS, infected by AIDS and orphaned by AIDS with counseling, medical care, psychosocial support, basic education, nutritional support and recreational activities.

Do not be mistaken—I have criticisms of the Foreign Assistance measure as well. First there is the issues of HIV/AIDS. It is clear that this measure does not go far enough to address this global pandemic that is devastating large portions of the world's population. Today between 34 and 40 million people are HIV positive, with over 18,000 new infections daily. More than 95% of these infections occur in developing countries. At this rate, by the end of the present decade, nearly as many will have died from AIDS as soldiers were killed in all the wars of the 20th century. It is predicted that nearly 100 million people will be infected with the disease by 2005. In the face of this pandemic our measure provides $474 million for AIDS prevention and Control which is $159 million more than currently provided and $45 million more than the President's request. While I commend the Committee for providing additional funding it is not nearly enough to address this global scourge. Estimates of the amounts needed to address this issue range in excess of $7 to $10 Billion dollars. Surely the richest country in the world could provide further funding and set an example for the rest of the world to follow.

ANDEAN COUNTER DRUG INITIATIVE

In my humble opinion, the money we provide for military assistance to many countries could go a long way to addressing the problems of HIV/AIDS. This bill provides $676 million for Andean Counterdrug Initiative, the newest incantation of the former Plan Colombia. This amount is provided on top of the $1.3 billion we provided in last years bill. At best, this funding represents a botched attempt to interdict drugs in a way that has been highly immeasurable and adversely affects the people of the Andrean region.

In Colombia where this initiative began, there are widespread outcry's for an end to the military assistance. There are reports of human rights abuses by all warring factions. The Colombian military and the paramilitary are accused of colluding to the detriment of the Colombian people. The rebel groups are also criticized for kidnapping and conscripting the children of this region. I don't think we know who is doing what in Colombia, but we do know that the flow of drugs across our borders has not been significantly reduced. We know that all parties involved potentially profit from our war on drugs.

FUMIGATION

Then there is the insistence by our country on a policy of Aerial eradication also known as fumigation. Aerial eradication of coca without sufficient alternatives simply moves the problem from one place to the next. Efforts in Bolivia and Peru shifted the focus of production to Colombia. According to the UN Drug Control Programme's 2000 report, coca cultivation in Peru declined 82,201 hectares between 1990–2000 and increased by 82,500 hectares in Colombia in the same period. Eradication without alternative development moved production from Colombia's Guaviare province to Putumayo province; now it is moving to Narino province and Ecuador. Since massive fumigation efforts were launched in December, there has been no change in the US price of cocaine (according to DEA 5/23/01). What is perhaps the most troubling is that there are complaints of illness and environmental degradation resulting from the fumigation policy our country is promoting. As long as US users crave drugs, greedy drug lords will find new territory to produce their product. As long as there is crushing poverty in the region, there will be a supply of poor farmers to grow coca and poppy. Sending guns to Colombia cannot solve the problems of hunger in Latin America and addiction in the US.

The roots of Andean problems are social and economic as are the roots of many of the problems in this country and the rest of the world. This bill is a good bill, but by far it is not the best. It could go a lot further in addressing the social and economic concerns that fuel many of the world's problems.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, again supporting the rule, urging our colleagues to support it as well as the underlying legislation which is so important, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2506, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. Simpson). Is there objection to the request of the gentleman from Arizona?

There was no objection.

LIMITING AMENDMENTS DURING CONSIDERATION OF H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2506 in the Committee of the Whole pursuant to House Resolution 199—.

(1) no amendment to the bill may be offered on the legislative day of July 19, 2001, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; and amendments printed in the Congressional Record and numbered 4, 8, 17, 21, 22, 25, 28, 29, 30, 32, 35 and 37;

(2) each such amendment may be offered after the Clerk reads through page 1, line 6, and may amend portions of the bill not yet read (except that amendment numbered 25 must conform to the requirements of clause 2(f) of rule XXI);

(3) no further amendment to the bill may be offered after the legislative day of July 19, 2001, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; and amendments printed in the portion of the Congressional Record of the legislative day of July 19, 2001, or any Record before that date, designated for the purpose specified in clause 8 of rule XVIII and not earlier disposed of.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 199 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2506.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, with Mr. Thornberry in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. Kolbe) and the gentlewoman from New York (Mrs. Lowey) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Kolbe).

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Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present to the Members H.R. 2506, the fiscal year 2002 appropriations bill for Foreign Operations, Export Financing, and Related Programs. The privilege of managing this bill, one that provides the wherewithal for an effective and humane foreign policy, means a great deal to me personally. I especially appreciate the trust that the Speaker and the gentleman from Florida (Chairman Young) have placed in me, and I thank my subcommittee colleagues in particular for their advice and support.

When I became chairman of the Subcommittee on Foreign Operations, I set out three priorities for myself: first, reversing the spread of infectious diseases such as HIV-AIDS, tuberculosis and malaria; second, encouraging economic growth through open trade and transparent laws; and, third, improving the accountability of the agencies funded through this bill. Making progress on the first two priorities, to at least some degree, is contingent on effective management of the Agency for International Development.

Our recommended bill is the product of bipartisan compromise. It funds the President's priorities, though there are a few critical differences. Above all, the bill promotes interests abroad, while improving the prospects for a better life for millions of poor people from Latin America to Asia.

H.R. 2506 appropriates $15.2 billion in new discretionary budget authority, approximately $1 million less than the President's request, but $304 million more than last year. A major reason for the increase over last year is that $676 million is in the bill in new funding for the Andean Counterdrug Initiative. Members will remember that the initial Plan Colombia adopted by Congress last year was funded by a supplemental appropriation bill, which put the spending outside the boundaries of the subcommittee's fiscal year 2001 allocation. Now, unlike the original Plan Colombia, approximately half of the Andean Initiative funds long-term economic development and good governance projects.

The committee recommendation fully funds the military and economic aid request for Israel, for Egypt, and for Jordan. Overall, $5.14 billion is provided for the Middle East, and I will return to that region momentarily.

For export and investment assistance programs, the committee is recommending $604 million, which is $137 million below the 2001 level, but $118 million above the administration request. The committee accepts a portion of the proposed cut from the current appropriations for the Export-Import Bank, but provides sufficient funds to maintain current program levels.

For international HIV-AIDS programs, the committee is recommending a total of $474 million. That compares with $315 million in fiscal year 2001. The committee fully funds the President's request of $100 million for an international health trust fund, 80 percent of which would be allocated for AIDS. The supplemental appropriation bill which we will consider tomorrow also includes an additional $100 million from current year funds for the international trust fund.

In addition, no less than $414 million is available for bilateral HIV and AIDS programs. This amount exceeds the President's request by $45 million and the level authorized in law by $114 million. Some of the increase is for new programs in vulnerable countries such as Burma, where little donor assistance is available to restrict the spread of AIDS.

I am aware that Members will offer amendments to increase funding even further for HIV/AIDS and tuberculosis. Both of these are worthy causes. But I would advise them that the committee has been increasing HIV funding above the request for many years under the gentle prodding from the gentlewoman from California (Ms. PELOSI), the former ranking member of the subcommittee.

Yet our Members are aware that we also need to balance the current enthusiasms with longer-term economic growth and governance programs, because, Mr. Chairman, I would point out that economic growth is the only prescription that enables countries to revive health systems and to generate employment, which can improve the standards of living for their people.

In reaching our bipartisan recommendation, the committee also recognized the continuing importance of basic education, reproductive health, security assistance, export financing. We ask that the Members of the House keep these multiple objectives in mind today and in the next few days as we proceed with this bill.

Overall, for assistance programs managed solely by the Agency for International Development, the committee recommends a total of $3.63 billion, of which $1.93 billion is for child survival and health programs. This is $126 million over the 2001 level and $177 million over the administration request.

These totals include $120 million for a grant to UNICEF. It does not include funding for the proposed Global Development Alliance, but we look forward to considering the proposal further as its shape becomes more definitive.

For international financial institutions, the recommendation is $1.17 billion. That is $23 million over the 2001 level, but $40 million below the request.

The bill also completes funding for the Heavily Indebted Poor Country Initiative with a final $224 million, and provides an additional $25 million from prior year balances for Tropical Forest Debt Relief.

On Tuesday, President Bush called on the World Bank to dramatically increase the share of its funding for health and education in the poorest countries on this globe, but to do so using their grant authority rather than loans. Over the last few years, this committee has urged different administrations to adopt this policy, so I am pleased that it has been embraced by President Bush.

I know many Members have a special interest in the Middle East, so I will describe the committee recommendation for that region in a bit more detail.

The bill before the House continues the policy that was begun 3 years ago that reduces Israeli and Egyptian economic assistance over a 10-year period. Israel's economic support is reduced by $120 million, but military assistance is increased by $60 million. Israel's funding through the Economic Support Fund is $720 million, which will be made available within 30 days of enactment or by October 31, 2001, whichever date is later. Military assistance totals $2.04 billion, and that is also made available on an expedited basis.

We have also included a couple of new initiatives this year dealing with the Middle East. Language in the bill specifies that the PLO and the Palestinian Authority must abide by the cease-fire recently brokered by CIA Director George Tenet. If they are not in substantial compliance, the Secretary of State must impose at least one of three sanctions: closure of the Palestinian information office in Washington; second, the designation of the PLO or one or more of its constituent groups as a terrorist organization; or, third, cutting off all but humanitarian aid to the West bank and Gaza.

The President is allowed to waive these restrictions if he determines it is in the national security interests of the United States. Many of my colleagues would like to go further in sanctioning the Palestinians, and others felt that any language might upset the status of negotiations in the Middle East. But I believe this provision strikes a middle ground and sends the right message to the Palestinians and their leaders, and that is comply with your commitments regarding renunciation of terror and violence, and then no sanctions will be imposed. We are not going back to the beginning of the current violence, but we are saying you must adhere to your commitments that are now made under the Tenet cease-fire as we go forward.

We are also sending a message in our bill to the International Committee on the Red Cross. This otherwise noble institution has failed to admit the Magen David Adom Society of Israel to the International Red Cross and Red Crescent Movement. It is pretty clear that the society's use of the Star of David has triggered the usual opposition from the usual suspects.

The American Red Cross has courageously fought to get the society admitted to the Red Cross movement. They have withheld their dues to the Geneva headquarters of the International Red Cross for the past 2 years. I am proposing that the United States Government do the same until the society is able to fully participate in the activities of the International Red Cross. If the IRC can include national societies from terrorist states like Iraq and North Korea in its movement, then surely Israel is entitled to membership.

Within the Economic Support Fund, the President's request would increase funding for Latin America by $50 million, from $120 million to $170 million. There is additional support in the Child Survival and Health Fund for efforts to restrict the spread of AIDS in the Caribbean region. The bill also includes an additional $100 million to assist El Salvador in its recovery from two devastating earthquakes earlier this year.

I am pleased that the President's request follows through on his pledge to focus additional resources in the Western Hemisphere. This is one reason I strongly oppose amendments that would cut funding from the Economic Support Fund. We cannot afford to cut funding for Latin America or other sensitive regions such as Lebanon.

For the International Fund for Ireland, we are recommending $25 million, the same as last year, but $5 million above the President's request. This program is designed to support the peace process in Northern Ireland and the border counties of the Republic of Ireland.

Our funding for economic assistance to Central and Eastern Europe totals $600 million, and that corresponds to the amount appropriated last year, excluding emergency funding. Funding for Bosnia would decline from $80 million to $65 million. Funding for Kosovo is reduced from $150 million to $120 million.

Our bill anticipates a continuation of the $5 million allocation for the Baltic states to continue our very modest but important assistance programs in those countries. We also strongly support, I might add, funding through the Foreign Military Financing Program for those same Baltic states. The President requested $21 million for these three countries, and the committee has endorsed this request. Again, I strongly oppose amendments that would cut funding for our new democratic friends in the Baltic states, Poland and Hungary.

For the states in the former Soviet Union, funding would decline only slightly, from $810 million to $767 million. The committee continues its support to find a peaceful settlement in the Southern Caucasus region, by providing $82.5 million for both Armenia and for Georgia. For Armenia this recommendation is $12.5 million above the President's request. While the committee does not set aside a specific amount for Azerbaijan, the bill would retain exemptions in current law from a statutory restriction on assistance to its government.

The committee supports the struggle for a better life by the people of the Ukraine. Under this bill, Ukraine will continue to receive $125 million, one of our largest aid programs anywhere. Depending on subsequent events in the Ukraine, the committee is willing to consider additional funding for Ukraine at later stages in the appropriations process.

Assistance for South and Southeast Asia is a relatively small part of our bill, but its importance is far more substantial. Ongoing economic growth and health programs in India, the Philippines, Bangladesh, and Indonesia provide the framework for subsequent investment by the private sector and multilateral development banks. As we did last year, AID is encouraged to use the Economic Support Fund to renew a basic education program in Pakistan. It is a modest but important start toward renewing our economic assistance program in this country.

We also provide funding for several smaller programs that do not get enough attention, including $38 million for anti-terrorism assistance and $40 million for humanitarian demining programs around the world. Both of these programs help save lives. The Peace Corps is another example, another program that has made an enormous difference in this globe that we all share. We recognize its value and importance, and we support the full request of funding of $275 million.

Mr. Chairman, before I conclude, I want to pay special tribute to my ranking member, the gentlewoman from New York (Mrs. LOWEY), for her cooperation in bringing this bill to the floor and developing the recommendations that we have. I cannot say it strongly enough that she has been a true delight to work with. We have, I think, a very positive relationship; and I think both of us feel that way. But I do not want my expressions of personal regard in this for the gentlewoman from New York (Mrs. LOWEY) to somehow leave the impression among her colleagues on her side of the aisle that she is not doing everything humanely possible to make sure we reduce roles in the 108th Congress. Nonetheless, I hope that is not the case.

Mr. Chairman, I would not want to end my comments without also paying special tribute to the staff members who have helped to make this possible. Our subcommittee staff is led by the able Mr. Charlie Flickner, whose number of years here has given him a special insight into this legislation. He is joined by our professional assistants, John Shank and Alice Grant, and our subcommittee clerk, Laurie Mays. My own personal staff person, Sean Mulvaney, who has worked hard on this bill, has helped to make it possible that we are here tonight.

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On the other side, of course, we have Mark Murray and the gentlewoman's from New York (Ms. LOWEY) personal staff person, Beth Tritter, who I think have contributed tremendously to this legislation; and I thank them personally for their contributions to this legislation.

Mr. Chairman, I am proud of this bill. By the time I think the Committee of the Whole completes its consideration, I am optimistic that an overwhelming majority of the House will endorse the committee's recommendations.

Mr. Chairman, I include the following tables for the RECORD.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2002 (H.R. 2506)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Subsidy appropriation	865,000	633,323	753,323	-111,677	+120,000
(Direct loan authorization)	(865,000)	(152,000)	(950,000)	(+85,000)	(+798,000)
(Guaranteed loan authorization)	(13,535,000)	(11,335,000)	(12,700,000)	(-835,000)	(+1,365,000)
Administrative expenses	62,000	65,000	63,000	+1,000	-2,000
Negative subsidy	-15,000	-11,000	-11,000	+4,000	
Total, Export-Import Bank of the United States	912,000	687,323	805,323	-106,677	+118,000
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Noncredit account:					
Administrative expenses	38,000	38,608	38,608	+608	
Insurance fees and other offsetting collections	-283,000	-290,000	-290,000	-7,000	
Subsidy appropriation	24,000			-24,000	
(Direct loan authorization)	(127,000)	(45,000)	(45,000)	(-82,000)	
(Guaranteed loan authorization)	(1,000,000)	(1,152,000)	(1,152,000)	(+152,000)	
Total, Overseas Private Investment Corporation	-221,000	-251,392	-251,392	-30,392	
TRADE AND DEVELOPMENT AGENCY					
Trade and development agency	50,000	50,024	50,024	+24	
Total, title I, Export and investment assistance	741,000	485,955	603,955	-137,045	+118,000
(Loan authorizations)	(15,527,000)	(12,684,000)	(14,847,000)	(-680,000)	(+2,163,000)
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
Agency for International Development					
Child survival and disease programs fund	963,000	991,000	1,387,000	+424,000	+396,000
Rescission of unobligated balances		-20,000			+20,000
UNICEF	(110,000)	(110,000)	(120,000)	(+10,000)	(+10,000)
Subtotal, Child survival (net)	963,000	971,000	1,387,000	+424,000	+416,000
Development assistance	1,305,000	1,325,000	1,098,000	-207,000	-227,000
International disaster assistance	165,000	200,000	200,000	+35,000	
Supplemental funding	135,000			-135,000	
Transition Initiatives	50,000	50,000	40,000	-10,000	-10,000
(By transfer)	(5,000)			(-5,000)	
Micro & Small Enterprise Development program account:					
Subsidy appropriation	1,500			-1,500	
(Guaranteed loan authorization)	(30,000)			(-30,000)	
Administrative expenses	500			-500	
Development credit authority:					
Subsidy appropriation	1,500			-1,500	
(By transfer)	(5,000)	(25,000)	(12,500)	(+7,500)	(-12,500)
(Guaranteed loan authorization)	(49,700)	(355,000)	(177,500)	(+127,800)	(-177,500)
Administrative expenses	4,000	7,500	7,500	+3,500	
Subtotal, development assistance	2,625,500	2,553,500	2,732,500	+107,000	+179,000
Payment to the Foreign Service Retirement and Disability Fund	44,489	44,880	44,880	+391	
Operating expenses of the Agency for International Development	520,000	549,000	549,000	+29,000	
(By transfer)	(1,000)			(-1,000)	
Supplemental funding	13,000			-13,000	
Operating expenses of the Agency for International Development Office of Inspector General	27,000	32,000	30,000	+3,000	-2,000
Total, Agency for International Development (net)	3,229,989	3,179,380	3,356,380	+126,391	+177,000
Other Bilateral Economic Assistance					
Economic support fund	2,295,000	2,254,000	2,199,000	-96,000	-55,000
Rescission of unobligated balances		-5,000			+5,000
Subtotal, Economic support fund (net)	2,295,000	2,249,000	2,199,000	-96,000	-50,000
International Fund for Ireland	25,000		25,000		+25,000
Assistance for Eastern Europe and the Baltic States	600,000	605,000	600,000		-5,000
Supplemental funding	75,825			-75,825	
Assistance for the Independent States of the former Soviet Union	810,000	808,000	768,000	-42,000	-40,000
Total, Other Bilateral Economic Assistance (net)	3,805,825	3,662,000	3,592,000	-213,825	-70,000
INDEPENDENT AGENCIES					
Inter-American Foundation					
Appropriation			12,000	+12,000	+12,000
(By transfer)	(12,000)	(12,108)		(-12,000)	(-12,108)
African Development Foundation					
Appropriation			16,042	+16,042	+16,042
(By transfer)	(16,000)	(16,042)		(-16,000)	(-16,042)
Peace Corps					
Appropriation	265,000	275,000	275,000	+10,000	

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2002 (H.R. 2506)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Department of State					
International narcotics control and law enforcement	325,000	217,000	217,000	-108,000	
Andean Counterdrug Initiative		731,000	676,000	+676,000	-55,000
Migration and refugee assistance	700,000	715,000	715,000	+15,000	
United States Emergency Refugee and Migration Assistance Fund	15,000	15,000	15,000		
Nonproliferation, anti-terrorism, demining and related programs	311,600	332,000	311,000	-600	-21,000
Total, Department of State	1,351,600	2,010,000	1,934,000	+582,400	-76,000
Department of the Treasury					
International affairs technical assistance	6,000	6,000	6,000		
Global Fund to Fight HIV/AIDS, Malaria, & Tuberculosis		100,000			-100,000
Debt restructuring	238,000	224,000	224,000	-14,000	
Supplemental funding	210,000			-210,000	
United States community adjustment and investment program		500			-500
Subtotal, Department of the Treasury	454,000	330,500	230,000	-224,000	-100,500
Total, title II, Bilateral economic assistance (net)	9,106,414	9,456,880	9,415,422	+309,008	-41,458
Appropriations	(8,672,589)	(9,481,880)	(9,415,422)	(+742,833)	(-66,458)
Emergency appropriations	(433,825)			(-433,825)	
Rescission		(-25,000)			(+25,000)
(By transfer)	(39,000)	(53,150)	(12,500)	(-26,500)	(-40,650)
(Loan authorizations)	(79,700)	(355,000)	(177,500)	(+97,800)	(-177,500)
TITLE III - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training	55,000	65,000	65,000	+10,000	
Supplemental funding	2,875			-2,875	
Foreign Military Financing Program:					
Grants	3,545,000	3,674,000	3,627,000	+82,000	-47,000
(Limitation on administrative expenses)	(33,000)	(35,000)	(35,000)	(+2,000)	
Supplemental funding	31,000			-31,000	
Total, Foreign Military Financing	3,576,000	3,674,000	3,627,000	+51,000	-47,000
Peacekeeping operations	127,000	135,000	135,000	+8,000	
Total, title III, Military assistance (net)	3,760,875	3,874,000	3,827,000	+66,125	-47,000
Appropriations	(3,727,000)	(3,874,000)	(3,827,000)	(+100,000)	(-47,000)
Emergency appropriations	(33,875)			(-33,875)	
(Limitation on administrative expenses)	(33,000)	(35,000)	(35,000)	(+2,000)	
TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development: Global Environment Facility	108,000	107,500	82,500	-25,500	-25,000
Contribution to the International Development Association	775,000	803,400	803,400	+28,400	
Contribution to Multilateral Investment Guarantee Agency	10,000	10,000	10,000		
(Limitation on callable capital subscriptions)	(50,000)	(50,000)	(50,000)		
Total, World Bank Group	893,000	920,900	895,900	+2,900	-25,000
Contribution to the Inter-American Development Bank:					
Paid-in capital					
Contribution to the Inter-American Investment Corporation	25,000	25,000	10,000	-15,000	-15,000
Contribution to the Enterprise for the Americas Multilateral Investment Fund	10,000			-10,000	
Total, contribution to the Inter-American Development Bank	35,000	25,000	10,000	-25,000	-15,000
Contribution to the Asian Development Bank:					
Paid-in capital					
Contribution to the Asian Development Fund	72,000	103,017	103,017	+31,017	
Contribution to the African Development Bank:					
Paid-in capital	6,100	5,100	5,100	-1,000	
(Limitation on callable capital subscriptions)	(97,549)	(79,992)	(79,992)	(-17,557)	
Contribution to the African Development Fund	100,000	100,000	100,000		
Total	106,100	105,100	105,100	-1,000	
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital	35,779	35,779	35,779		
(Limitation on callable capital subscriptions)	(123,238)	(123,238)	(123,238)		
Contribution to the International Fund for Agricultural Development	5,000	20,000	20,000	+15,000	
Total, International Financial Institutions	1,146,879	1,209,796	1,169,796	+22,917	-40,000
(Limitation on callable capital subscript)	(270,787)	(253,230)	(253,230)	(-17,557)	

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS BILL, 2002 (H.R. 2506)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
International Organizations and Programs					
Appropriation	188,000	188,000	198,000	+10,000	+10,000
Total, title IV, Multilateral economic assistance	1,332,879	1,395,796	1,365,796	+32,917	-30,000
(Limitation on callable capital subscript)	(270,787)	(253,230)	(253,230)	(-17,557)	
Grand total (net)	14,941,168	15,212,631	15,212,173	+271,005	-458
Appropriations	(14,473,468)	(15,237,631)	(15,212,173)	(+738,705)	(-25,458)
Rescissions		(-25,000)			(+25,000)
Emergency appropriations	(467,700)			(-467,700)	
(By transfer)	(39,000)	(53,150)	(12,500)	(-26,500)	(-40,650)
(Limitation on administrative expenses)	(33,000)	(35,000)	(35,000)	(+2,000)	
(Limitation on callable capital subscript)	(270,787)	(253,230)	(253,230)	(-17,557)	
(Loan authorizations)	(15,606,700)	(13,039,000)	(15,024,500)	(-582,200)	(+1,985,500)
CONGRESSIONAL BUDGET RECAP					
Mandatory	44,489	44,880	44,880	+391	
Discretionary	14,863,679	15,167,751	15,167,293	+303,614	-458
Grand total, mandatory and discretionary	14,908,168	15,212,631	15,212,173	+304,005	-458

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong support of the fiscal year 2002 Foreign Operations Appropriations Act.

I urge my colleagues to support this bill, which is the product of close cooperation between the majority and the minority. I have always said that the United States draws its strength as a global leader from the consistent bipartisanship of our foreign policy. The bill we have before us today represents the very best that bipartisanship and compromise can achieve, and I am very proud to support it.

The bill provides the entire amount requested by the President for Foreign Operations, which is nearly $2 billion above the level we had achieved at this point in the process last year. I have stood here during the debate over this measure in past years disappointed that we did not have the resources to adequately address our foreign policy priorities. Unfortunately, I still believe that this is true. We have done a good job of prioritizing resources within our $15.2 billion allocation, but we can do better, and I am hopeful we will eventually achieve a level closer to the Senate's $15.5 billion allocation for fiscal year 2002, and I hope that we will have more resources to disburse in future years.

I am pleased that the bill provides a total $474 million for HIV/AIDS. Of this amount, our bilateral HIV/AIDS funding totals $414 million, nearly $100 million above last year's level; and we fully fund the President's request for a $100 million down payment to a global HIV/AIDS trust fund. The other $100 million of this initial commitment was requested from the Labor-HHS bill, and I look forward to working on that subcommittee to make sure we provide these funds as well.

HIV/AIDS is an international crisis, as we know; and the United States has a responsibility to lead the way on everything from treatment to prevention, to caring for AIDS orphans, to crafting a coordinated global strategy. I am proud that this bill has significantly ramped up its support for these initiatives in recent years, and I hope that we can continue this trend.

The gentleman from Arizona (Mr. KOLBE) and I also worked together to achieve an overall level of $150 million for basic education. Development initiatives like education are the keystones to achieving stable, healthy societies around the world. Education is one of the most cost-effective of all of our foreign assistance investments; and the collateral effects of educating children, and especially girls, are profound. I am pleased that we could provide increases over the President's request for education and for other development assistance priorities.

The bill significantly increases the President's request for the Export-Import Bank, which I know is a top priority for our chairman and for many of our colleagues. We were able to increase United States funding for UNICEF by $10 million and the United Nations Development Program by $10 million. Both of these organizations do excellent work, complementing United States bilateral programs in the developing world and maximizing the impact of our foreign assistance dollars.

It is significant that the gentleman from Arizona (Mr. KOLBE) and I took our first trip together as chairman and ranking member to the Middle East, and I am pleased that we worked together to make some strong statements in this bill in support of the United States-Israel relationship and the quest for peace and stability in that region.

We fully fund Israel's aid package, reinforcing our commitment to maintaining strong ties between our two countries and ensuring that Israel, our closest ally in the region, will maintain its qualitative military edge. We continue assisting in the resettlement in Israel of refugees from the former Soviet Union and Ethiopia. We send an unequivocal signal to Chairman Arafat that we expect him to take concrete steps to end the violence and terrorism that has gripped the region, and we signal to the International Committee of the Red Cross that we expect the pattern of prejudice against Magen David Adom to end.

Mr. Chairman, despite our successes, I do not believe that this bill will adequately fund all of our foreign assistance priorities; and there are some key areas where it needs substantial improvement. The bill includes $425 million for bilateral international family planning assistance and $25 million for the UNFPA. I had hoped we could increase our contribution to the lifesaving work of the UNFPA and that we could return to the 1995 level of $541.6 million for bilateral family planning assistance. The need for these programs far outpaces the supply, and I believe we should be providing more resources to help women plan their pregnancies and give birth to healthy children.

I remain deeply disappointed that the President chose to reimpose the global gag rule restrictions on our bilateral family planning assistance and that this bill is silent on this important issue. As long as the global gag rule remains in place, we limit the impact of the assistance we provide in almost every part of this bill; and I can assure my colleagues that I will work hard during conference both to boost our family planning assistance and to repeal the global gag rule.

There is not enough money in this bill to address the scourge of infectious diseases such as TB and malaria, which cause complications and deaths among the HIV positive population; and I strongly believe that funding for HIV/AIDS and funding for other priorities must go hand in hand. Any realistic development strategy must take into account that there are a host of activities in which we must engage, and we must carefully balance our resources among various priorities, because progress in each area bolsters the others.

Our success in combating the HIV/AIDS crisis in Africa and around the world will depend upon our continued commitment to eradicating other infectious diseases, increasing support for maternal health, educating boys and girls, supporting micro credit and other financial services, giving women the tools to become leaders in promoting democracy. Fulfilling our potential to contribute to so many of these initiatives will take a far larger investment than we provide today.

I also remain disappointed that the bill before us does not adequately address the devastation that El Salvador has endured from two major earthquakes. We have invested billions of dollars in encouraging stability in that country, and I fear our past successes will be reversed if we do not act quickly and decisively. Given this body's past commitments to helping Latin America recover from horrible disasters, given the importance of that region to our country, our paltry commitment is troubling; and I sincerely hope we can address this issue in conference.

I also share the concern of many of my colleagues on both sides of the aisle about the Andean Regional Initiative, the successor program to Plan Colombia. When Congress supported $1.3 billion and mostly military assistance to Colombia and other countries in the region last year, we believed that our funds would be supplemented by a substantial investment of economic assistance on the part of our European friends. Well, not only did the European contribution not come to fruition, but our own economic assistance has moved extremely slowly.

We have begun a campaign of fumigation without giving farmers ample opportunity to voluntarily eradicate coca crops. We have realized no benefits from our programs in terms of increased stability and prosperity in Colombia, and I think we need to take a careful look at this program before we allow it to continue. Mr. Chairman, I look forward to having a thorough debate on this topic as this bill proceeds.

It is truly an honor and a privilege, Mr. Chairman, for me to serve as ranking member of this subcommittee; and I am resolute in my belief that our foreign assistance is both a moral imperative and a national security necessity. As a fortunate Nation, we cannot turn our backs on the terrible heartbreak and suffering in the world; and we must live up to our responsibility to help those who have been left behind. As a global leader, we must recognize that the United States will reap the benefits from the stability nurtured by our aid.

I must say, in conclusion, that it is a true honor for me to serve with the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee who, I believe, shares my commitment to a robust foreign assistance program. Since we both assumed our new positions in the 107th Congress, we have addressed the extraordinary challenges and opportunities of this bill together. I sincerely appreciate our close cooperation. I look forward to continuing to doing good work together. It is a real honor, I say to the gentleman, to serve with him and to work on these important issues.

I also want to thank the members of the subcommittee and the staff who have been so instrumental in putting this bill together. I particularly appreciate the hard work of Mark Murray, Charlie Flickner, John Shank, Alice Grant, Lori Maes, Sean Mulvaney, Beth Tritter, and all of the associate staffers for the majority and minority members.

In conclusion, it is truly a privilege for me to serve in this capacity, working with the gentleman from Arizona (Mr. KOLBE).

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for her kind remarks.

It is my great privilege to yield 5 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a very able member of this subcommittee and a very knowledgeable member and one who takes the work very seriously.

Mr. KNOLLENBERG. Mr. Chairman, I want to thank the gentleman very kindly for those kind words; and I also want to rise in strong support of this appropriations bill. I want to suggest that my colleagues on both sides of the aisle rallied in support of this bill because this year, I think especially, we have an extraordinary bill.

I must commend the gentleman from Arizona (Mr. KOLBE) for his hard work and leadership as chairman of this subcommittee. He has consistently sought to accommodate all members, and I want to include myself in that group, because we all have different thoughts about how to prepare, how to put this bill together. But he has remained focused on bringing about a responsible and effective bill before us here today. Not an easy task, but one he has accomplished, I believe, with skill.

I want to additionally thank my good friend, the gentlewoman from New York (Mrs. LOWEY), our ranking member, for her leadership and her effort. As we have in years past, members from both sides of the aisle have once again worked together to make important progress on a number of foreign assistance issues. I thank the gentlewoman for her friendship and cooperation.

Obviously, the staff, the extraordinary staff needs a great deal of thanks here, too, because they have been performing great work for us, a contribution that frankly has resulted in a bill that would not have been without their efforts, so I thank them, all of them, for their efforts.

Foreign assistance remains an inseparable element of our Nation's overall foreign policy, including national security and economic interests. This is a responsible bill that effectively allocates the foreign assistance that we have available, while providing vital support for our Nation's interests.

This bill provides, as my colleagues probably already know, $753 million in export financing for the Export-Import Bank, which is $120 million greater than the President's request. With this funding, I hope the bank will be able to maintain at least the level of activity experienced this year.

The Export-Import Bank, sometimes looked upon as an unnecessary item, really has a critical role to play in support of American exports and the businesses and the workers who supply those products. Without support from Ex-Im, billions of dollars in American exports simply would not go forward. Ex-Im is especially important for small businesses. Small businesses benefit from over 80 percent of the bank's transactions. These exports remain crucial to our economy, and I will continue to support Ex-Im throughout the appropriations process. And I again want to thank the gentleman from Arizona (Mr. KOLBE), the chairman, for his leadership in this effort to get more money into this account.

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One of the most important elements of U.S. foreign policy in this legislation is the annual assistance package to the Middle East.

The United States has a vital role and has played a vital role in the Middle East for several decades. That role should and will continue. Congress has a responsibility to help shape our policy toward the Middle East through the financial assistance provided in this bill. Decisions regarding this funding must be carefully considered to ensure that a proper balance is maintained.

I am also pleased that this bill fully supports the administration's request for assistance to our ally, Israel, the only democracy in the Middle East.

I am also pleased that this bill continues funding for the excellent U.S. aid mission in Lebanon, as well as important programs in Egypt, Jordan, the West Bank, and Gaza.

Together, these programs play a key role in advancing U.S. interests in the Middle East, including fostering credibility and stability at this crucial time. These programs should be continued, and this bill appropriately maintains them.

The bill also strengthens our relationship to our friend and ally, Armenia. This year we have seen some progress in efforts to resolve the conflict among Armenia and Azerbaijan, Nagorno-Karabagh. During this time, Armenia has consistently shown its commitment toward a lasting peace, and has made notable progress with its economy and its effort to eliminate corruption.

The assistance we provide remains important to these efforts. Therefore, I am pleased that this bill increases assistance there by $12.5 million over the President's request. I should note, however, that this is still a little less than last year. I look forward to working with the chairman in conference to develop some additional assistance on that issue.

The legislation contains language directing the administration to release the remainder of the $20 million provided in 1998 for victims of the Nagorno-Karabagh conflict. There is great need in Nagorno-Karabagh, and USAID has an obligation to commit this money immediately.

Mr. Chairman, there are other important programs in this bill, including microenterprise loans, foreign military financing for the Baltic countries, the resettlement of refugees in Israel, and, of course, also significant funding beyond the President's request to continue the fight against HIV/AIDS and the crisis in Africa and around the world.

This is a good bill. I recommend that everyone get behind this bill and support it. Both sides I think will realize so much has been done with so little money.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. I thank the gentlewoman for yielding time to me.

Mr. Chairman, the gentleman from Arizona (Chairman KOLBE) and I have agreed to a colloquy on my amendment to transfer $60,000 from title III relating to the Foreign Military Financing Program account to title IV relating to International Organizations and Programs account.

Mr. Chairman, this $60,000 is intended to cover the cost of expenses relating to the development of a Guide to Best Practice by the Permanent Bureau of the Hague Conference on Private International Law to cover the application of the Hague Convention on the Civil Aspects of International Child Abduction.

Many of my colleagues have heard my drumbeat over the past years regarding problems with the Hague Convention on the Civil Aspects of International Child Abduction. We must encourage uniform application of exceptions identified in the Hague Convention.

This is jeopardizing the Hague Convention's effectiveness and perverting its original intent. A best practice guide might discuss training for legal professionals, encourage implementation of more effective civil enforcement systems, support for victim families, and improved access to noncustodial or left-behind parents.

The gentleman from Ohio (Mr. CHABOT) and I attended the Fourth Special Commission on the Hague Convention on Civil Aspects of International Child Abduction this past March. The special commission recommended that a best practice guide be developed. The Hague Conference on Private International Law is seeking voluntary contributions from member states to assist in funding this best practice guide, which would cost approximately $60,000 for the United States's portion.

The completion of a best practice guide would be an inventory of existing central authority practices and procedures that is a practical know-how-to guide to help practitioners, judges, central authorities to implement the Hague Convention in a better way and as it was originally intended. It will draw upon materials published and otherwise provided by the central authorities themselves, in addition to the National Center for Missing and Exploited Children, the International Center for Missing and Exploited Children, and other nongovernmental organizations.

My request is driven by the need to bring about greater consistency, but more importantly, to provide a mechanism for bringing more American children home. Unless urgent and rapid action is taken, more and more children will be denied their most basic human right, that of having access to both their parents.

The challenge is now to find commitment at both the national and international levels to implement these actions. Abducting a child across border is never in a child's best interests. In the meantime, the Hague Convention must be applied uniformly, fairly, and above all, swiftly.

Only when countries accept that child abduction is not to be tolerated will it become a thing of the past. Family disputes and divorce will never go away. Parental child abduction, however, must be eradicated.

Mr. Chairman, I thank the gentleman from Arizona for all his good work. I appreciate his offer to work with me as the foreign operations bill moves forward and goes to conference with the Senate to do everything in his power to make sure that $60,000 is designated for the purpose of developing and disseminating a best practice guide.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. LAMPSON. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

I appreciate very much the comment he has made here this evening and his interest in this program and bringing this to our attention.

As the gentleman said, this is a very small amount of money in the grand scheme of things. It would accomplish the goal of creating more consistency across-the-board with regard to the Hague Convention on the Civil Aspects of International Child Abduction.

I would say to the gentleman that it is certainly my intention to work with him to accommodate his request as the foreign operations appropriations bill moves forward. As we go to conference, I do suspect that there may be more funds that are available to us that will be added to the International Organization and Programs Account, so we hope this would be possible to do that.

I thank the gentleman again for bringing this to our attention.

Mr. LAMPSON. Mr. Chairman, I will withdraw my amendment, and thank the chairman for his good work.

Mr. KOLBE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the distinguished chairman of the Committee on the Budget.

Mr. NUSSLE. I thank the gentleman for yielding time to me, Mr. Chairman.

I rise in support of H.R. 2506, a bill providing the appropriations for foreign operations, export financing, and related programs. As chairman of the Committee on the Budget, I am pleased to report to my colleagues that this bill is within the appropriate levels of the budget resolution and complies with the Congressional Budget Act.

H.R. 2506 provides $15.2 billion in budget authority and $15.1 billion in outlays for fiscal year 2002. The bill does not provide any advanced appropriations or designate any emergency appropriations.

The amount of the new budget authority provided in this bill is within the 302(b) allocation of the subcommittee, and is also compliant with section 301(f) of the Budget Act, which prohibits consideration of measures that exceed the reporting subcommittee's 302(b) allocations.

In summary, this bill is consistent with the budget resolution that the Congress has agreed to earlier. On that basis, as well as for the content therein, it is worthy of our support.

I support the bill, and I congratulate the gentleman from Arizona (Chairman KOLBE) on his fine work, as well as the other subcommittee members, in bringing this bill to the floor.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I want to commend the gentleman from Arizona (Chairman KOLBE) and the ranking member, my good friend, the gentlewoman from New York (Mrs. LOWEY), for crafting a fair and comprehensive bill that addresses the needs of many nations throughout our world.

As conflicts continue around the globe, from Northern Ireland to the Middle East, this bill has taken the appropriate steps to provide the tools for future prosperity and the potential for true reconciliation.

The Middle East package includes balanced funding for Israel and Egypt, as well as essential funding for Jordan and Lebanon.

Furthermore, the funding provided for the International Fund for Ireland in the amount of $25 million is a crucial element in facilitating an environment in Northern Ireland in which all sides can live together and prosper for a common good.

Though I strongly support the passage of this bill, I have many concerns regarding the Andean Initiative. In spite of the fact that this funding is a vast improvement over Plan Colombia, I believe it fails to address the need of countries such as Ecuador to effectively battle in combat the spillover effect from the drug war and conflict in Colombia.

Ecuador has been a true friend and ally, and deserves better treatment from us in this bill. It is my hope that these funding deficiencies will be addressed and rectified in conference.

Having said that, I want to congratulate the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) for their diligent work on this bill, and I urge my colleagues to support its passage.

Mr. KOLBE. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER), a very distinguished senior member of the Committee on International Relations, and probably the leading expert in the House of Representatives on Central America and on Latin America. His devotion to that region is tremendous.

Mr. BALLENGER. Mr. Chairman, first I would like to thank the gentleman from Arizona (Chairman KOLBE) for allowing me to speak on this bill.

Mr. Chairman, I rise today in support of the foreign operations bill, and especially the provisions that fund the U.S. support of the war on drugs in the Andes.

Over the years, I have traveled to the Andean region a number of times to see firsthand the efforts being made to stop drug trafficking. Although these efforts are nothing short of heroic, the war has yet to be won.

Last year I worked with the gentleman from Illinois (Speaker HASTERT) and many other colleagues to develop and pass Plan Colombia, an aid package which so far has done much to fight the production and trafficking of illegal drugs in the region's biggest producer, Colombia.

During my visits, I met with officials of the Columbian National Police and the U.S.-trained army counternarcotics battalions who are now stationed at the front of this drug war.

I am convinced that the tide is finally rising to our advantage. This is a credit to the bravery of the Colombians and the support of the United States. Changing course now, as some of my colleagues have proposed, would be a fatal mistake for Colombia, the Andean region, and the United States, and especially our children.

Mr. Chairman, let us face it, illegal drugs are killing our children. In every congressional district in America, hospital emergency rooms are treating young children who overdose on illegal drugs. Some of these kids die.

Recent statistics show that 90 percent of the cocaine and 70 percent of the heroin seized in the U.S. originated in Colombia. So why are there amendments being offered to cut funding for the Andean Counterdrug Initiative and the drug crop eradication programs when it appears that the counternarcotics effort in the region is just starting to have some success?

I have long supported the U.S. efforts to support the brave work of the Columbian National Police and the newly-formed counternarcotics battalions of the Colombian Army to fight the drug trafficking. Plan Colombia is a sound policy which is only now beginning to be fully implemented. The counternarcotics initiative contained in this bill will ensure that work being done under Plan Colombia will continue.

With time, the appropriate equipment, and continued support from the United States, Colombia and its Andean neighbors will be able to strike a blow to drug trafficking in their own countries, and thereby greatly reduce the amount of illegal drugs ending up in our streets with our children.

I believe that fighting the drug trafficking is in the national interest of the United States. We must fully support Colombia and its neighbors for as long as it takes to win this drug war. Cutting funding for the Andean Counterdrug Initiative now is wrongheaded, dangerous, and could jeopardize the future of the democracy in the Andes, as well as the lives of American children.

Mr. Chairman, I urge my colleagues to vote in favor of this bill.

Mr. KOLBE. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER), who has been an outstanding person working on drug interdiction issues and the task force on that.

Mr. SOUDER. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, I rise in strong support of this bill for a number of reasons. I would also like to initially say that I appreciate the strong support for Israel in its present crisis, surrounded by people desiring its destruction. It is very important in these times that we stand with our friends.

Also, I have talked with the chairman about the support for Macedonia, another friend of ours in the Balkans crisis, which has now been driven into internal conflict because they stood with us, and it is important as we watch this conflict, and I am sure in Macedonia, that as it develops, if additional funds are needed through this process, that they will be there.

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But tonight I would like to specifically speak to the appropriations on the Andean initiative. I think it is very important to put some perspective on the cost of the Andean initiative in the overall cost of our narcotics strategy.

International programs cost just 5 percent of the national drug control budget. Let me say that again, because I think it is critical to this debate and will be very much confused. International programs cost just 5 percent of our drug control budget. Demand reduction accounts for 33 percent of that budget, over six times the amount we spend on international programs, and domestic law enforcement 51 percent. Reducing the small amount of spending for international programs would clearly have a devastating effect on the flow of illegal drugs into the United States.

Our international programs have achieved significant success. In Bolivia, coca cultivation has decreased by more than 70 percent due to the commitment of President Banzer, who I wish well as he continues to fight cancer. His fight against the drug lords will forever honor his name. Also, Vice President Quiroga, and the numerous Bolivian soldiers who used American assistance to go into the jungle and uproot almost every coca plant in their country one by one, by hand. American-sponsored development programs are beginning to provide meaningful alternatives to the drug trade to everyday Bolivians.

When I visited there with the Speaker a number of times, we went into the coca fields with the people and looked at the alternative development. It has taken us 4 years. This is not easy. In Peru, coca cultivation decreased by more than 70 percent between 1995 and 2000.

I also ask my colleagues to consider the critical impact of the Andean Regional Initiative on the overall stability of our allies in Central and South America. As we all know, Colombia is at a precarious and crucial point in its democracy, which is one of the oldest in the Western Hemisphere. Without our help, there is a significant likelihood that it will become an outright narcostate effectively under the control of armed terrorists and narcolords.

Likewise, in Bolivia, Ecuador, Peru, Venezuela, and other vulnerable nations, we will provide assistance not only to bolster their fight against narcotics but also to help build democracies. But they have to get control of their narcotics to help build the democracy, the rule of law, and follow human rights. We will also promote alternative economic development programs and provide reasonable levels of assistance for economic development.

We must also acknowledge that the Andean initiative presents significant challenges, which will have to be closely monitored and followed every step of the way. It is nearly as fraught with possibility for failure as it is with hope for success, but we have no alternatives.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the bill and commend the chairman, the gentleman from Arizona (Mr. KOLBE), and my good friend and colleague, the gentlewoman from New York (Mrs. LOWEY), for her great leadership.

Mr. Chairman, this is a strong bill that recognizes and includes our national security and our national interests; that funds our allies in the Middle East, Israel, Egypt, Jordan, Lebanon; and it funds the important International Fund for Ireland, Cyprus and many other important allies. In addition, it funds the child survival account, USAID, UNFPA, and takes into account and funds the AIDS crisis.

But in this bill we are being asked to consider a substantial increase in aid for Peru. Peru has made substantial advances in recent years in democratizing its system and improving its economy. These improvements certainly deserve our support and assistance. But Peru has imprisoned an American citizen, Lori Berenson, a constituent of mine, under anti-terrorism laws that have been condemned by the international human rights organizations.

Lori served 5½ years in prison under extremely harsh conditions for a crime that Peru now agrees she did not commit. At her recent civilian trial, Lori was acquitted of the leadership or membership of a terrorist organization. For more than 5 years, Peru insisted that Lori was the leader in a terrorist movement. For that crime she was imprisoned in Peru's highest security prison for leaders of terrorist movements. Now they concede that she was not even a member. At all times Lori has maintained her innocence of the charges against her, and during her recent trial she publicly denounced all forms of terrorism and violence.

Lori's health has been damaged, and I will submit for the RECORD a complete record of all the health problems that she now suffers from.

From the beginning, Members of Congress have supported her. And recently over 142 Members joined me in a letter to the current president asking him to pardon Lori before he leaves office. In his recent meeting with President-elect Toledo, President Bush said that humanitarian factors should be taken into account in the final resolution of Lori's case. President Bush's conversation with President-elect Toledo sends a very important message to Peru: the United States will not forget Lori Berenson.

We should send Peru another message. It is troubling to me that we are giving so much nonhumanitarian aid to Peru when they have treated an American citizen so badly. If she is not released on humanitarian grounds, Congress should take appropriate action.

Mrs. LOWEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentlewoman from New York (Mrs. LOWEY) has 10½ minutes remaining.

Mrs. LOWEY. Mr. Chairman, I yield 5 minutes to the gentlewoman from California Ms. PELOSI), an outstanding member of the committee, the former ranking member of the committee.

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman from New York, our distinguished ranking member, for yielding me this time, and commend her for her tremendous leadership as ranking member, and really over time on the issues that are in this bill and so many more. I also want to join in commending our distinguished chairman, who, as has been acknowledged, is a very agreeable chairman to work with, in the tradition of bipartisanship of this subcommittee.

I think they did a great job with what they had to work with. The priorities are good. And of course the gentlewoman from New York Mrs. LOWEY) has been our champion on so many of the issues in the bill, and I want to associate myself with the remarks she made in her opening statement because I think it was a fine presentation, as always, on her part.

I do have some areas of disagreement with the general bill, not with the gentlewoman from New York but with the general bill, so I wanted to take a few moments to express those. I will have an amendment, which is not going to be in order, but at least I want to talk about it for a moment.

I do not think that the bill gives sufficient resources, sufficient to match the compassion of the American people or the needs of the people of El Salvador in response to the earthquakes in El Salvador. It is hard to imagine, Mr. Chairman, that the earthquakes in El Salvador caused more damage in El Salvador than all of Hurricane Mitch did, combined, in Central America. First, there was one earthquake, where hundreds of people were killed and hundreds of thousands of homes destroyed and people made homeless in January. And then, as fate would have it, in February another earthquake struck, compounding the tragedy enormously.

Traditionally, we, the United States, have provided 40 percent of the outside international assistance to meet these needs. We do not come anywhere near that in this bill. In any event, I am hopeful that at the end of the legislative process, the appropriating process, that there will be more funds, because there certainly is tremendous need.

Another area of disagreement I have in the bill is with, what are we calling it now, Plan Colombia? The Andean Drug Initiative, I believe is what it is called now. I opposed it when President Clinton proposed it in his supplemental bill when he was in office, and I have opposed it in supplemental this time, in subcommittee, full committee, and I will on the floor as well when now the McGovern amendment will be presented next week.

But let me just say this briefly. For us to say that we need to send billions of dollars, billions of dollars, to Colombia in order to reduce demand on drugs in the United States just simply does not make sense. Now, if we have another agenda in Colombia and we want to help the Colombian people, then I think we can find a better way than sending military assistance to Colombia. But getting back to the justification, which was to reduce demand in the United States, I want to remind my colleagues that the RAND report tells us that to reduce demand by 1 percent in the U.S. by using treatment on demand, it costs about $32 million. To do so by eradication of the coca leaf in the country of origin, it costs 23 times more than that, over $700 million, to reduce demand by 1 percent.

There are 5½ million addicts in the country. Two million have treatment; 3½ million do not. The money we send to El Salvador would take care of about 10 percent only of those addicts to reduce demand. However, we are not even matching domestically what we are sending to El Salvador. We will talk, when the McGovern amendment comes up, about particulars as far as the military is concerned.

I seem to have dwelled on areas of disagreement; yet I wish to commend the distinguished chairman and the ranking member for the increase in international AIDS funding both on a bilateral basis and through the trust fund. I would like to see more money in for infectious diseases, which the McGovern amendment strives to do, but I do want to commend the chairman and the ranking member once again for the spirit of cooperation that they brought to this very important bill.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman from New York, and I would like to thank both the chairman and the ranking member for a very strong commitment of the United States to its foreign policy through this legislation.

I would like to engage both the ranking member and the chairman in a colloquy. I appreciate the opportunity to share our common concern for the continuing human rights violations committed by the Ethiopian Government. I have frequently voiced my serious concerns about the human rights practices of the Ethiopian Government.

Recently, I was very concerned to learn of an indiscriminate attack by police forces on the campus of Addis Ababa University on April 11, 2001, in the wake of peaceful demonstrations. I understand that as many as 41 brave individuals were killed on or near the Addis Ababa University, while another 250 persons were injured in an inhuman attack by police forces. I hope my colleagues will join me in denouncing such human rights violations.

As an aside, my colleagues know that my predecessor, Mickey Leland, died in Ethiopia trying to help the starving Ethiopians at that time.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I share the concerns enunciated by my colleague, and I hope the Congress continues to monitor the human rights situation in Ethiopia closely.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I thank the gentlewoman; and as I indicated, I want to thank the chairman for his concern as well and particularly his concern about human rights abuses.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentlewoman for yielding, and I thank her for her interest and her involvement in this issue. I am also concerned, as is the ranking member, when Ethiopia is cited for human rights violations. And I can assure the gentlewoman from Texas that we will continue to monitor the situation in that country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I look forward to working with both of my colleagues; and as I indicated, I know Mickey Leland, who served in this body, would be very proud that we would carry on his tradition of protecting the human rights of all citizens, and particularly those in Ethiopia.

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Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to thank my good friend, the gentlewoman from New York (Ms. PELOSI), and those in the majority party who have been helpful on the Microenterprise Loans for the Poor Program.

Certainly this is one of the most important programs that the United States engages in which primarily benefits not only the poorest of the poor and the most vulnerable of the vulnerable out there in the world, but it also helps grow small businesses, and it helps primarily women. We want to continue to show our very strong support for this program and do it by making sure that these programs have the sufficient amount of money. I believe this bill has $155 million. Last year, we authorized the bill at $167 million.

I would hope this bill would continue to move forward in appropriating even more money for the Microenterprise Loans for the Poor Program and also provide the microcredit programs with the poverty assessment tools, the ability for the microenterprise programs to work with USAID and target these funds to the poorest people that are eligible in the different parts of the world where this program really benefits growing small businesses, helping families, and targets aid to help our allies all across the world.

Mr. Chairman, I want to thank the gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from California (Ms. PELOSI) for their strong help. I want to continue to encourage the gentleman from Arizona (Mr. KOLBE), the chairman, to fund and conference this program at the authorized level. I think we could go about $12 million higher and also work with the microcredit programs to work on this poverty assessment tool.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the chairman and the ranking member of the subcommittee for their good work on a bipartisan basis in crafting out this bill.

I think it is important for us to remember a lesson from the gospel of John in which we are told "to those who much have been given, much is expected."

That is why the United States of America is engaged in so many different areas around the globe. We have been a very affluent country. We are the most affluent country in the world. Therefore, it is incumbent upon us to be involved with the rest of the world.

This bill makes many, many statements about our values. Values about health care as we have addressed problems with land mines and displaced children and AIDS around the globe. Values about peace, military assistance, nonproliferation assistance, the Western Hemisphere School for Peace in Latin America. Values about jobs as we work through trade in Ex-Im Bank and USAID and various financing mechanisms. Values about drugs as our anti-narcotics control and our cooperation for them, our efforts. Values about the environment, the debt for development, saving the tropical rain forests around the globe. International assistance because of disasters.

Mr. Chairman, one of things people back home ask me is, why do we have a foreign aid bill? I say, just think about Rwanda. Several years ago we saw the picture of the children, of 300,000 people dying. What did we, as Americans, want to do? We wanted to respond to our natural goodness, to go out and give aid and assistance to the people in that poor country.

That is what we are doing with the foreign aid bill, this Foreign Operations Appropriations bill here tonight. We are saying we are going to act proactively so we can act reactively a little bit less and help the rest of the world enjoy all of the fruits and benefits that we as an American people have so enjoyed in this century. We are going to continue that involvement.

Mr. Chairman, I look forward to the debate on this bill and look forward to its final passage.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to commend the efforts of several Florida-based institutions who are working to address the too-often ignored problem of Mother-to-Child-Transmission of HIV–AIDS in Africa.

We have spoken much about the overall crisis of HIV–AIDS in Africa, but the aspect of innocent children on the Continent contracting HIV–AIDS has not been as widely discussed. According to the most recent statistics from UNAIDS, the rates of HIV infection among African women are high. In several countries, more than 15 percent of women of reproductive age have contracted the virus. As high as 35 percent of these women will pass on the virus to their children curing pregnancy, during labor and delivery or during breast-feeding.

Already, more than 600,000 African children age 14 or below have died from HIV–AIDS, and an additional one million African children are now living with the disease.

Mr. Chairman, the Foundation for Democracy in Africa, through its Institute for Democracy in Africa based in Miami, Florida, is leading efforts to enhance the capacity of African medical personnel to properly handle HIV-positive mothers so that their babies do not join the growing list of victims of this merciless killer disease. The Foundation is currently working with the University of Miami's Jackson Memorial Hospital to develop a comprehensive HIV-AIDS treatment strategy for African nations. This collaboration is being encouraged and facilitated by Miami-Dade County.

Mr. Chairman, I urge my colleagues to encourage their own local and state institutions to put in place efforts to use their resources and expertise in the fight against the scourge of HIV–AIDS in Africa.

Mr. DINGELL. Mr. Chairman, I rise in support of H.R. 2506, the Foreign Operations Appropriations bill for FY 2002. I commend the efforts of my colleagues on the Appropriations Committee who worked hard to guarantee that this bill adequately funds U.S. programs in the Middle East that help facilitate peace. I am particularly pleased that H.R. 2506 allocates $35 million in funding for economic and educational programs in Lebanon. This bill also provides needed assistance to Egypt and Jordan, key allies in this troubled region who have worked diligently with the U.S. to bring about an immediate cessation of violence and a comprehensive, permanent peace agreement between Israelis and Palestinians.

While overall I am pleased with the funding provided H.R. 2506, I am troubled the language of this legislation that blames the Palestinian Authority—and solely the Palestinian Authority—for the violence that has consumed the Occupied Territories and Israel since September 28, 2000. It was on that date, I would note, that the Al Aqsa Intifada was sparked by the reckless, provocative act of a desperate Israeli politician, Ariel Sharon, who has since become Israeli Prime Minister.

I believe the United States must be engaged and committed to bringing about a fair and lasting peace to this troubled land. The U.S. must act as a fair and unbiased arbiter in the peace process. If we take biased positions and pass one-sided pieces of legislation, we hinder our ability to broker peace. The United States is the only nation who can broker peace between the Palestinians and Israelis. However, when we take sides, hope wavers and desperation increases. Desperation leads to fear and anger, which in the Middle East begets violence between the Israelis and Palestinians. This, in turn, raises tension in the region and increases the likelihood of the outbreak of a larger regional war.

Mr. Chairman, Section 563 of this bill requires the President to submit a report to Congress determining whether the Palestinian Authority has taken steps to comply with the 1993 Oslo Agreement and prevent attacks on Israelis. If the President does not determine that the Palestinians have fully complied, this section would not only cut off U.S. assistance to the Palestinians—none of which, incidentally, is given directly to the Palestinian Authority or the PLO—but also shut down their Washington office and insure that the American people hear only one side of this 53 year-old conflict.

On April 30, 2001, the Sharm el-Sheikh Fact-Finding Committee, headed by George Mitchell, issued its report on the current conflict. The Mitchell Report highlights the fact that both the Palestinian and Israeli governments can and should do more to halt the bloodshed. It concludes that neither government is beyond reproach for their conduct in this sustained confrontation. It notes that both the Israeli and Palestinian populations have lost faith that the negotiating process will meet their goals. For Israelis, ongoing violence has led many to believe that the security of Israel will not be guaranteed through negotiations. For Palestinians, settlement expansion and property confiscation is seen as a demonstration that Israel never will relinquish control of the West Bank and Gaza. The Report also notes that both settlement activity and terrorist attacks must end if confidence in the peace process is to be restored on both sides.

Accordingly, Mr. Chairman, in the spirit of the Mitchell Report, I would gladly support Section 563 if it also required the President to make a report determining if Israel has complied with Oslo and taken steps in the interest of peace.

Congress must act responsibly on issues affecting the Middle East, particularly since the Bush Administration continues its policy of disengagement. Already, the violence, economic turmoil, and diplomatic stalemate that exists today has generated disillusionment with the peace process among Israelis and Palestinians. However, these feelings are growing much more pronounced due to the Bush Administration's tepid commitment to the peace process. Apathy is not an option, because without American leadership, the current conflict will escalate and engulf the region. Our allies, such as Egypt and Jordan, and millions of people in the region rely heavily on the American commitment to brokering a fair peace and preventing such as war from occurring.

Mr. Chairman, in my hand I have a resolution that expresses the sense of the House that, in absence of an Israeli-Palestinian agreement brokered by themselves or the United States to halt this current round of bloodshed, the United Nations should consider sending peacekeeping forces into the West Bank and Gaza Strip. I believe that it is in the interests of all parties to explore any reasonable avenue that could lead to a permanent peace agreement between the Palestinians and Israelis. I believe U.N. peacekeepers would help cool tensions on the ground, monitor any cease-fire agreement including that recommended by the Mitchell Report, and make the climate more conducive for peace. Peace, after all, is in the interest of Israel, the Palestinian Authority, the United States, the Middle East region, and the world. This resolution does not blame the ongoing violence on the Palestinians, nor does it blame the Israelis. It simply states that this body is in favor of a reasonable, fair policy that promotes peace.

Mr. Chairman, hope in the peace process cannot become a casualty of this ongoing conflict. I urge my colleagues to oppose one-sided policies that help no one but harm everyone, including Israel. I urge them instead to join me as a cosponsor of a constructive piece of legislation that, if passed, will demonstrate that America is a fair arbiter of peace who is more interested in ending this deep, bitter conflict rather than sustaining it.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time in general debate.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the amendments printed in House Report 107-146 are adopted.

Pursuant to the order of the House of today, no amendment to the bill may be offered on the legislative day of July 19, 2001, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD and numbered 4, 8, 17, 21, 22, 25, 28, 29, 30, 32, 35, and 37.

Each such amendment may be offered after the Clerk reads through page 1, line 6, and may amend portions of the bill not yet read.

No further amendment to the bill may be offered after that legislative day except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD on that legislative day, or any record before that date.

The Clerk will read.

The Clerk read as follows:

H. R. 2506

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

AMENDMENT NO. 28 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-McDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 28 offered by Ms. MILLENDER-McDONALD:

In title II of the bill under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", insert before the period at the end the following: ": *Provided further*, That of the amount made available under this heading for HIV/AIDS, $5,000,000 shall be for assistance to prevent mother-to-child HIV/AIDS transmission through effective partnerships with nongovernmental organizations and research facilities pursuant to section 104(c)(5) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)(5))".

Ms. MILLENDER-McDONALD. Mr. Chairman, this amendment earmarks at a minimum $5 million to prevent mother-to-child HIV/AIDS transmission. For two Congresses, the 106th and the 107th Congress, I have led the fight on the issue of mother-to-child transmission prevention. Mother-to-child transmission is by far the largest source of HIV infection in children under the age of 15 worldwide.

One year ago, the United Nations estimated that 600,000 infants were infected with the virus, bringing the total number of young children living with HIV to over 1 million. Of the 5 million infants infected with HIV since the beginning of the pandemic, about 90 percent have been born in Africa due to a combination of high fertility rates and high HIV prevalence in pregnant women.

Mr. Chairman, we should not lose sight of the fact that the number of cases in India, Southeast Asia and the Caribbean are rising at alarming rates.

Mr. Chairman, the virus may be transmitted during pregnancy, labor, delivery or breast feeding after a child's birth. Among infected infants who are not breast fed, most mother-to-child transmission occurs around the time of delivery just before or during labor and delivery. In populations where breast feeding is the norm, breast feeding accounts for more than one-third of all cases of the mother-to-child transmission. In sub-Saharan Africa, mother-to-child transmission is contributing substantially to rising child mortality rates.

AIDS is the biggest single cause of child death in a number of countries in sub-Saharan Africa. Stopping the spread of HIV/AIDS from mother-to-child is one of the most important prevention programs on which we need to focus. No HIV agenda is complete without programs to enable a mother to prevent perinatal infection of her child. The most effective means of doing so today is anti-drugs for pregnant women and providing mothers with practical alternatives to breast feeding.

Although in theory we can make promising new treatments available to every pregnant woman in the developing world, the challenge does not stop there. Treatment must be done in an ethical and humanistic manner. Counseling and voluntary testing are critical services necessary to help infected women accept their HIV status and the risk it poses to their unborn child. Confidentiality is paramount in counseling and when providing voluntary services programs where women identified as HIV positive may face discrimination, violence and death.

Replacement feeding is an important part of the strategy but should not undermine decades of promoting breast feeding as the best possible nutrition for infants. HIV-infected mothers must have access to information, follow-up clinical care and support.

Therefore, Mr. Chairman, the United States Agency of International Development has examined the astounding numbers of children affected by HIV/AIDS and has stated time and time again that effective intervention can drastically reduce mother-to-child transmission of HIV.

They recognize that the effectiveness of simple and low-cost treatments can be effectively implemented in developing nations, and they are prepared to place among their highest priorities specific mother-to-child projects to women worldwide to enable them to rescue their babies from certain death as a result of HIV/AIDS.

It is my hope, Mr. Chairman, that a minimum of $5 million cited in this amendment be taken from the HIV account. It will substantially impact mother-to-child programs. This by no means should be seen as affecting the core programs of the Child Survival Account.

With these facts in mind, I offer this important amendment. We can save millions of children's lives if we act on this amendment. I ask my fellow colleagues their support to make this amendment adopted, and hopefully the conferees can reach an agreement to increase the funding.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support the amendment that is offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD). I think she very well explained the importance of this program, and I think her amendment does represent good public policy.

Mr. Chairman, I accept the amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join the Chair in congratulating the gentlewoman from California (Ms. MILLENDER-MCDONALD) on her excellent amendment, and we look forward to working with her on these very important issues.

Mrs. MINK of Hawaii. Mr. Chairman, today I rise in support of this critical amendment offered by my colleague, the gentlewoman from California, JUANITA MILLENDER-MCDONALD.

I would like to commend the gentlewoman for her leadership in the area of HIV/AIDS mother-to-child prevention, and recognize her 3-year fight to get this language included into law.

Mr. Chairman, ten percent of all individuals who become infected with HIV/AIDS Virus worldwide are children. Mother-to-children infection is the largest source of HIV infection in children under the age of 15 and the only source of transmission for babies.

Each year, the total number of births to HIV-infected pregnant women in developing countries is approximately 3.2 million. Last year, the United Nations estimated that 600,000 children age 14 or younger were infected with HIV. 90% of those 600,000 children were babies born to HIV positive mothers. Mr. Speaker, that is 540,000 children who never have a chance.

There has been much discussion recently throughout the developed world that although these is no cure for HIV or AIDS, it can be controlled with the right combination of drugs. This is just not true in developing countries. Drugs are too expensive and the infection rate has reached pandemic proportions. This amendment will appropriate $5 million toward mother-to-child HIV/AIDS transmission prevention in developing countries. Mr. Speaker, this is a very small price to pay to fight this terminal disease before, during, and after birth, giving these children a fighting chance for survival instead of no change for survival.

I know the gentlewoman from California will continue to fight for funding for mother-to-child HIV/AIDS transmission prevention so we may save millions of yet unborn children's lives.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

AMENDMENT NO. 35 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. SOUDER: Page 25, line 2, insert before the period at the end the following: ": *Provided further*, That of the funds appropriated under this heading, $27,000,000 shall be for assistance to the Colombian National Police for the purchase of two Buffalo transport/supply aircraft, $12,000,000 shall be for assistance to the Colombian Navy to purchase six Huey-II patrol helicopters, and $5,000,000 shall be for assistance for operating fuel to enhance drug interdiction efforts along the north coast of Colombia and inland rivers".

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. SOUDER. Mr. Chairman, Colombia is critical to our efforts to keep the devastation of narcotics from American streets but just as importantly to the overall security of our hemisphere. I chair the Subcommittee on Criminal Justice, Drug Policy and Human Resources, which is the authorizing subcommittee for the Office of National Drug Control Policy and the oversight committee for all anti-drug efforts in all branches of our Federal Government.

Mr. Chairman, I want to clear up as we begin this debate a key point. I have also worked on the Drug-Free Schools Program in the Committee on Education and the Workforce. We authorize the Drug-Free Communities Act through our committee. I support efforts to boost drug treatment funding. I have worked in the student loan area with the drug-free student loan amendment. I have worked across the board on treatment, on prevention, on interdiction, on law enforcement, on eradication, and alternative development.

□ 2100

But we cannot have a fair debate if we continue to have a distortion of where our expenditures go. Five percent go to international. Thirty-three percent to prevention and treatment. We can argue whether the ratio should be 7, 10 times for prevention treatment as opposed to the 5 percent international, but let us not get this false impression that we are spending more. Not only in Colombia but in all of our international we spend 5 percent according to the Office of Drug Control Policy.

Now, my amendment specifically addresses something that we have worked with in cooperation with other committees, the Department of State and the Government of Colombia to ensure that Colombia receives effective aid from the United States and that these programs are administered to ensure maximum support to the Government of Colombia in its extremely difficult and challenging fight against narcotics traffic.

This amendment deals with two very specific needs which have been identified by our oversight activities. This reflective of a request which was endorsed by holdover members of the Speaker's Task Force for a Drug Free America, several members of the Committee on International Relations, including Chairman HYDE, Chairman Emeritus GILMAN, and Subcommittee Chairman BALLENGER as well as Chairman BURTON of the full Committee on Government Reform.

This amendment would provide $27 million to the Colombian National Police for the purchase of two Buffalo transport/supply aircraft, $12 million to the Colombian Navy to purchase six Huey-II patrol helicopters to enhance drug interdiction efforts along the north coast of Colombia and inland rivers, and $5 million to the Colombian Navy for operating fuel for the same purpose.

Our oversight activities have strongly suggested that these pieces of equipment are urgently needed to fill important unmet needs in Colombia. The Colombian National Police continues to require airlift capability in support of interdiction and law enforcement activities which is capable of providing significant lift at high altitude where the heroin poppy grows and the ability to land at remote and short-field airstrips.

Without this type of equipment, there are parts of the country which are extremely difficult to reach and that are effectively under the control of narcotics traffickers. The House committees who have studied this issue believe that the aircraft which have been recommended by the State Department will not be sufficient for this purpose and that the planes will not be forthcoming without congressional action.

Similarly, the Colombian Navy requires assistance and suitable equipment to patrol the north coast of Colombia and inland rivers which are extremely difficult to access and often left to narcotics traffic because of the lack of suitable equipment to enforce the rule of law. Again this particular assistance has not to date been provided by the United States and needs to be supported by congressional action.

Mr. Chairman, my colleagues and I have looked very carefully at this issue and believe that these particular pieces of equipment will make a significant and meaningful contribution to narcotics control. Colombians continue to put their lives on the line every day under extremely volatile circumstances to fight a narcotics problem which is caused, to a great extent, by American demand as well as European demand but, to a great extent, by our demand. We are undertaking a comprehensive approach to address all facets of this problem, including reducing that demand. But it is certainly the least we can do to help with basic equipment needs.

I understand that this amendment is subject to a point of order. I look forward to continuing to work with the chairman as do the other sponsors of this amendment and with the State Department in these specifics.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 17 OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. DELAHUNT:

Page 112, after line 22, insert the following:

REPORT ON IMPLEMENTATION OF COLOMBIAN NATIONAL SECURITY LEGISLATION

SEC. ____ . (a) Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State, after consultation with representatives from internationally recognized human rights organizations, shall submit to the appropriate congressional committees a report on the implementation of the Colombian national security legislation passed by the Colombian Congress on June 20, 2001.

(b) Each such report shall provide a description of the effects of the security legislation on human rights in Colombia and efforts to defend human rights in Colombia, focusing particularly on—

(1) incidents of arbitrary and incommunicado detention by members of the Colombian Armed Forces and the Colombian National Police, and whether those incidents have increased since the submission of the previous report;

(2) the status of investigations into allegations of human rights abuses by members of the Colombian Armed Forces and the Colombian National Police;

(3) the effectiveness of certain investigations conducted by military personnel, as provided for in the security legislation, as opposed to those carried out by appropriate civilian authorities; and

(4) the effects of the security legislation on Colombia's commitments under international treaties.

(c) The requirement to submit a report under this section shall not apply with respect any period of time during with the security legislation is not in effect.

(d) In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. DELAHUNT. Mr. Chairman, let me begin by echoing the sentiments that have been expressed by others regarding the hard work and the dedication of both the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY). The bill is a good product. I think all of us wish that there were more resources to work with. Having said that, it is a reflection of what I believe to be the priorities and values of the vast majority of Members in this House.

My amendment, Mr. Chairman, would require the State Department to report to the United States Congress on the implementation of legislation that was passed in the Colombian Congress last month. That bill will soon be officially transmitted to President Pastrana. It is anticipated that he will sign this particular proposal.

Although much improved from its earlier versions, this legislation still contains ambiguous provisions that could threaten civilian oversight of the military in Colombia and place at risk the progress that has been made toward reforming the military under the leadership of President Pastrana and Armed Forces Chief Fernando Tapias over the course of the past several years.

Continued progress towards genuine and permanent reform should be a prerequisite for American assistance to Colombia's security forces. Only a few years ago, the Colombian military had the worst human rights record in the hemisphere. Until the military is professional and free from links to so-called paramilitary groups, it will be a part of the problem in Colombia rather than the solution.

No military force should be entrusted with the kinds of extraordinary powers that could be interpreted by some to be included in the current draft of this legislation. And while the current leadership is reform-minded, Colombia will elect a new government next May. So it is impossible to predict who will interpret and implement this legislation in the future. Will it be those who insist on continued reform or those who would return to the days of impunity on the part of the military?

The United States has made a massive commitment in the Colombian military predicated in part on its commitment to reform. This legislation pending before the chief executive of Colombia could imperil that commitment. It is imperative that we closely track its implementation if it should become law.

I know this amendment that I propose to offer was not protected under the rule and the gentleman has made a point of order against it. I have had discussions with the gentleman from Arizona and understand that he is willing to work together to include a reporting requirement in conference.

At this time I would like to engage in a colloquy with the gentleman from Arizona (Mr. KOLBE) to confirm my understanding of our agreement.

I would ask the gentleman whether he agrees with the intent of this amendment and will work with me to have the reporting requirement included in the conference report.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate his comments and his question. I commend the gentleman from Massachusetts for bringing this matter to the attention of the House. I think what he is proposing to do is a good amendment. I would be very happy to work with him to be sure that we have some kind of reporting requirement included in the conference report.

Mr. DELAHUNT. I thank the gentleman and look forward to working with him in this matter.

Mr. Chairman, I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT NO. 22 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Ms. JACKSON-LEE of Texas:

Page 11, line 12, insert before the period the following: ": *Provided*, That of the amount made available under this heading, $10,000,000 shall be for disaster relief and rehabilitation for India with respect to the earthquake in India in January 2001".

Mr. KOLBE. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I know that this is an issue that both the chairman and the ranking member are very much aware of.

I am offering today an amendment to the Foreign Operations appropriations bill that will provide much needed support to those in need in India. Just a few months ago as the Indo-American community was celebrating the anniversary of the democracy of India, the Republic of India, on that very day the country was experiencing a very devastating earthquake, January 26, 2001, which struck the western part of India causing enormous human suffering. Five days later, the House passed H. Con. Res. 15, a resolution supporting the joint efforts of our government, the World Bank, the Asian Development Bank and the international community to provide assistance to the Government of India and to the private voluntary organizations that are engaged in relief efforts. Might I add, Mr. Chairman, that in addition, the excellent work of the Indo-American community in advocating for their friends and relatives in India and joining with those of us here in the United States of like concern. I have wanted very much to be able to provide the assistance that this devastation warranted.

Despite a decisive show of support from Congress through its passage of H. Con. Res. 15, relief efforts have been severely hampered by insufficient resources. Therefore, on June 18 I introduced H. Con. Res. 151, a resolution which reaffirmed the deepest sympathies of Congress to the citizens of India for the losses suffered as a result of the earthquake. More importantly, it expresses Congress' support for continuing and substantially increasing the amount of disaster assistance being provided by the United States Agency for International Development and other relief agencies. In that resolution, I stated that $100 million is the minimum needed amount for recovery from the earthquake. Here today I am only asking that we earmark in the international disaster assistance account $10 million for these recovery efforts.

As the most populous democracy on the Earth and a strategic partner of the United States, we have ample reason to support India. This amount would be a mere recognition of our commitment to assisting them. The international community must develop a donor strategy that uses rehabilitation efforts as an opportunity to improve village life, including sanitation facilities, safer design of homes and neighborhoods, improved land drainage and waste disposal. Having just come through a very terrible storm in Houston and knowing what tragedy is and how it changes lives, I can tell you when I saw the devastation in India through media reports, I was immediately drawn to their tragedy, having traveled to India with the President in the last year.

I would urge my colleagues and urge the consideration of the waiver of the point of order, but in essence, Mr. Chairman, and to the chairman and the ranking member, I would like to see us work through this issue. I will look forward to working with an amendment next week, the Crowley amendment, but this amendment would add an additional $10 million, and I would hope that possibly we could resolve this as we look to continue our friendship and support for the people of India.

Mr. Chairman, I rise today to offer an amendment to the Foreign Operations Appropriations bill that will provide some much needed support to those in need in India.

Today, many of our friends in India are still wondering when they will obtain the needed assistance to rebuild their society. On January 26, 2001, a devastating earthquake struck western India, causing enormous human suffering. Five days later, the House passed H. Con. 15, a resolution supporting the joint efforts of our government, the World Bank, the Asian Development Bank, and the international community to provide assistance to the government of India and to the private voluntary organizations that are engaged in relief efforts.

Despite a decisive show of support from Congress through its passage of H. Con. 15, relief efforts have been severely hampered by insufficient resources. Therefore, on June 18, I introduced H. Con. Res. 151, a resolution which reaffirms the deepest sympathies of Congress to the citizens of India for the losses suffered as a result of the earthquake. More importantly, it expresses Congress' support for continuing and substantially increasing the amount of disaster assistance being provided by the United States Agency for International Development and other relief agencies. In that resolution, I stated that $100 million is the minimum needed amount for recovery from he earthquake. Here today, I am only asking that we earmark in the International Disaster Assistance Account $10 million for these recovery efforts.

As the most populous democracy on the earth and a strategic partner of the United States, we have ample reason to support India. This amount would be a token of recognition of this partnership.

The international community must develop a donor strategy that uses rehabilitation efforts as an opportunity to improve village life, including sanitation facilities, safer design of homes and neighborhoods, improved land drainage and waste disposal systems. We must also find innovative ways to assist the poor and marginalized who have the fewest resources to recover from the disaster.

Accordingly, I urge my colleagues to support this amendment, which contains a modest earmark request. This amendment will reflect the symbiotic relationship that Americans have with the people of India. Your continued support for these relief activities will help make the rebuilding process in India a reality.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just say briefly to the gentlewoman from Texas that I was in India 6 weeks ago, and I had an opportunity to meet with a number of government officials, including those that have been responsible for responding to the terrible disaster in Gujarat. We heard from them an expression of support for the efforts that have been made by the United States, both by the government and by the NGOs, to respond; but explicitly we were told that India as a very large country had sufficient resources to deal with this problem and they were not specifically asking us for additional funds, at least not at that time.

I would also note that we have never, never earmarked money in the disaster relief account for specific disasters. It is there, as it suggests, for disasters. If you start earmarking for specific disasters, you have lost the point of what that account is for. However, I am quite certain that the USAID would be prepared to entertain any request from the Indian government that might come for some funds from that account.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding. I appreciate very much the gentleman's opportunity to have visited with the leadership in India. As he well knows, many of us represent very strong and vibrant Indo-American communities who have worked to raise moneys to assist their friends and relatives in India. I would ask the gentleman if he would continue to work with me in monitoring the needs of the government of India, working with AID. As we do that and monitor the circumstances, I would be encouraged to withdraw this amendment at this time so that we could work together and ensure that as India may raise its issues of need, that we would be prepared to address it to the international disaster relief under the AID.

□ 2115

Mr. KOLBE. Mr. Chairman, reclaiming my time, I would note that in our report in the account for the International Disaster Assistance, we do have a recommendation to USAID that they use at least $1 million each for India and El Salvador for disaster preparedness activities. So we have a focus on where we think we can be most useful in helping these countries prepare for disasters which might befall them in the future.

I appreciate the gentlewoman's comments, and certainly we will continue to monitor the situation in India and want to make sure that all help is being given that can possibly be given.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would continue to yield, I would look forward to working with the gentleman on this matter, as I said, monitoring the circumstances in India, and as well if you will, advising or keeping abreast of the Indo-American community.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT NO. 21 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, insert after the last section (preceding the short title) the following:

PROHIBITION ON ASSISTANCE FOR FOREIGN GOVERNMENTS THAT USE CHILDREN AS SOLDIERS

SEC. ____. None of the funds made available in this Act may be made available to the government of a country that—

(1) conscripts children under the age of 18 into the military forces of the country; or

(2) provides for the direct participation of children under the age of 18 in armed conflict.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman reserves a point of order.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, again, to the chairman and ranking member, let me start by saying that I would hope that this is such an egregious and heinous set of circumstances that we would find a way to waive the point of order because of the enormous need.

This amendment would prohibit the funding in the bill for nations that conscript children under the age of 18 or use child soldiers in armed conflict. This is simply a small step that should be taken that this Nation now sees as a priority.

It is important to place this prohibition within the bill, since our very body is on record as denouncing the inhumane practice of using children as soldiers. In fact, just this May this Chamber passed a Foreign Relations Authorization Act that requires the United States State Department to compare information on what countries recruit, conscript, and use child soldiers.

What happens with child soldiers is they lose not only their lives in many instances, they lose their spirit. They are sometimes mutilated, they are sometimes caused to mutilate others. We looked at the devastation of children in Sierra Leone and attended hearings dealing with children who had been subject to amputation, either by other children playing warriors or because they were in the way of war. It is important to say to nations that we will use and study war no more with children.

Last year the United States Government signed two landmark protocols that address prostitution, the impact of pornography on children, and the goal or practice of child labor. This resolution is entirely complimentary and applauds the decision by the United States Government to support the protocol that condemns the use of children as soldiers by government and non-government forces.

Further, the House passed H. Con. Res. 348, a resolution that condemns the use of children as soldiers, and there is a good reason why we did. This is a commonsense step forward. I realize that the drafting of the language of this particular amendment is particularly direct and may seem strong and harsh, and it may be suggested that there is no authorization for such. I would hope that the passage of the parallel resolutions would give us the ability to allow this amendment to stand, which would be to eliminate funding to countries that continue to conscript children into war.

Let me give the basis of this, as well as to say my commitment to this is so strong that I am hoping my colleagues on the appropriations conference committee will consider language that will allow this to be part of the final bill.

It is estimated that 300,000 children under the age of 18 are engaged in armed military conflicts in more than 30 countries and are currently fighting in armed conflicts. Sadly, far too many of these wonderful children are forcibly conscripted through kidnapping or coercion and others join because of economic needs. I can assure you that many times their parents sell them or send them away because of the economic need.

Briefly, Mr. Chairman, let me share a story with you about a boy who tried to escape from the rebels, but he was caught. "His hands were tied, and then they made us," the other new captives, "kill him with a stick. I felt sick. I knew this boy from before. We were from the same village. I refused to kill him, and they told me they would shoot me. They pointed a gun at me, so I had to do it. The boy was asking me, 'Why are you doing this?' I said, 'I have no choice.' After we killed him, they made us smear his blood on our arms. They said we had to do this so that we would not fear death and so that we would not try to escape. I still dream about the boy from my village that I had to kill."

Military commanders do not care. All they want are bodies to help fight wars.

Simply, this amendment, Mr. Chairman, and to the ranking member, stands up against the countries like the ones that I have named. I would simply hope that consideration would be given to a waiver of the point of order. But as well, if we are able to talk about the possibility of language going into the conference on this heinous act, where we are losing thousands and thousands and thousands of valuable lives that can contribute to the growth and development of their respective countries.

Mr. Chairman, I rise to extend my strong support for this amendment to the underlying bill. It would enhance our understanding of the treatment of children being used as soldiers.

In short, this amendment would prohibit funding in the bill for nations that conscript children under the age of 18 or use child soldiers in armed conflict.

This is a small step that should be taken that this nation now sees as a priority. It is important to place this prohibition within the bill since our very body is on record as denouncing the inhumane practice of using children as soldiers. In fact, just this May, this Chamber passed a Foreign Relations Authorization Act that requires the US State Department to compare information on what countries recruit, conscript and use child soldiers.

Last year, the United States government signed two landmark Protocols that address prostitution, the impact of pornography on children, and the global practice of child labor. This resolution, in an entirely complimentary way, applauds the decision by the U.S. government to support the Protocol that condemns the use of children as soldiers by government and nongovernment forces. Further, the House passed H. Con. Res. 348, a resolution that condemns the use of children as soldiers. And there is good reason why we did that. This is a common sense step forward.

I realize that the funding or the drafting of the language of this particular amendment is particularly direct and strong and harsh, for it would eliminate all funding for those who conscript children. Let me give the basis of this, as well as to say that my commitment to this is so strong that I am hoping that my colleagues on the Committee on Appropriations the Conference committee and those representing this particular subcommittee will work with me as we move this bill toward conference, ultimately at some point to be able to design disincentives that might also do similarly the same job: to discourage, to stop, to cease, to end the taking of our babies and putting them into war.

It is estimated that 300,000 children under the age of 18 are engaged in armed military conflicts in more than 30 countries and are currently fighting in armed conflicts. Sadly, far too many of these wonderful children are forcibly conscripted through kidnapping or coercion and others joined because of economic necessity, to avenge the loss of a family member or for their own personal safety. There are so many stories of children being abused in this way.

I want to share with you one story which illustrates the importance of this amendment. One boy tried to escape from the rebels but he was caught. "His hands were tied and then they made us," the other new captives, "kill him with a stick. I felt sick. I knew this boy from before. We were from the same village. I refused to kill him, and they told me they would shoot me. They pointed a gun at me, so I had to do it. The boy was asking me, 'Why are you doing this?' I said, 'I have no choice.' After we killed him, they made us smear his blood on our arms." They said we had to do this so we would not fear death, and so we would not try to escape. I still dream about the boy from my village who I killed. I see him in my dreams, and he is talking to me and saying I killed him for nothing. And I am crying. We must not fund such atrocities.

All we are doing is condemning them to a life of misery, if they are not killed themselves in battle. Their minds are so warped with the viciousness of what has happened that they are destroyed forever.

Military commanders often separate children from their families in order to foster dependence on military units and leaders, leaving such children vulnerable to manipulation. That is clearly unacceptable. I believe it is very unfortunate that the military actually force child soldiers to commit terrible acts of killings or torture against their enemies, including against other children.

My amendment will simply make clear that nations will not receive assistance if they conscript or use children as soldiers. It is entirely consistent with our international obligations and will effectuate such intent in a clear and straightforward manner.

I urge my colleagues to support this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word, while continuing to reserve my point of order.

Mr. Chairman, I appreciate the gentlewoman bringing this matter to our attention. What she is talking about is truly one of the great horrors that exists today in the world, and she has spoken very eloquently about it as it occurs in many parts of the world, but most especially in West Africa, where we have seen young children who have been conscripted into the military and the kinds of horrible things that have happened to these children who in no way should be involved in conflict at all.

These are children who are being robbed of their childhood, being robbed of their opportunity to grow up, and being put in as cannon fodder into these conflicts of which they have little knowledge and know even less about. So I think the gentlewoman is absolutely correct in bringing this to our attention.

I would say that I think that the amendment that she has offered is one that needs careful consideration by the authorizing committee, which is where it ought to be considered. I say that because the language is very, very broad when it talks about conscripting children under the age of 18. In fact, I think still in this country it is possible to enlist, not be conscripted, but enlist in the armed services under the age of 18, so it is quite possible in some countries that a year younger or 6 months younger might be perfectly acceptable.

It also says that it provides that no money shall be made available to a country that provides for direct participation of children under the age of 18 in any armed conflict.

While the outcome is what we would all like to seek, I think the sanction that is here, which is no funds, not just no military funds, but no funds, may be made available to any government of a country where this occurs, could find us in a situation that I think would be most inappropriate.

For that reason, although I would insist on my point of order, if necessary, I would hope that the gentlewoman would withdraw her amendment and bring this to the proper forum.

If the gentlewoman would like to respond?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman and appreciate the gentleman yielding.

One can see the depth of my passion by the description of the amendment. What I would like to do, and I appreciate the gentleman's invitation, I thank him for acknowledging how heinous these acts are, and I would be pleased if we could not only take this to the authorizing committee, which I know is prospective and down the road, but have the possibility of working with any more narrow language that might be able to be put in the conference report that at least acknowledges the concerns as we work toward this in the future.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I thank the gentlewoman for her comments.

Mr. Chairman, I yield back the balance of my time, while continuing to reserve my point of order.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to congratulate the gentlewoman for bringing this awful issue to our attention. I think that the more we shed a spotlight on this, the more the world will respond. I am particularly pleased with the allocations in this bill for development assistance, for education in particular, which we increased dramatically. If we can educate the population of countries where these kinds of horrors exist, perhaps we will begin to address it more seriously and eradicate this so these children can have a chance to grow in a healthy environment.

We know that the work we have to do here to raise awareness is enormous, and I appreciate the gentlewoman bringing this issue to our colleagues' attention. I look forward to working with the chairman in crafting some language and some action that would increase attention to this issue. I thank the gentlewoman very much.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all, let me thank the gentlewoman for her deep and passionate commitment and thank her for acknowledging this.

I would just like to pose a question to both the ranking member and to the chairman. I am appropriately made aware, if you will, of the broadness, and obviously it is because of the deep passion that we all share. I would be interested in narrowing the language to have something referred in the report language, and I was wondering if that could be done in the report language of this bill.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I would just note for the gentlewoman from Texas that, of course, the report is done. But if the gentlewoman is talking about in the conference report itself, I could not make a commitment at this time that we could do anything specifically.

But certainly the problem that the gentlewoman has brought to our attention is one that clearly needs to be dealt with by the appropriate committees, and I would be happy to work with the gentlewoman in any way possible to make sure that is done.

I cannot make a specific commitment about what we can do in the conference committee on this matter.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I believe we can commit to addressing the issue and working with the gentlewoman to see if we can appropriately find some language in the conference that could make a difference. I want to thank the gentlewoman very much.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentlewoman will yield further, if I could respond, I am an optimist. I thank the gentlewoman for working with me.

Mr. Chairman, with the commitment of trying to work through this issue, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) is withdrawn.

There was no objection.

Mr. KOLBE. Mr. Chairman, I move to strike the last word. Mr. Chairman, before we rise, let me just make a comment to the body, that we will rise now and we will resume deliberations on this bill on Tuesday, working under the unanimous consent agreement that we have. We have a number of amendments, many of them that will require extensive debate, and I would put all Members on notice that we expect to start as early as possible, we do not have the schedule for next week yet, but as early as possible on Tuesday, and that we would expect to go as long as possible on Tuesday in order to finish this bill.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KOLBE) having assumed the chair, Mr. Thornberry, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

☐ 2130

SPECIAL ORDERS

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 9:45 p.m.

Accordingly (at 9 o'clock and 31 minutes p.m.), the House stood in recess until approximately 9:45 p.m.

☐ 2147

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KELLER) at 9 o'clock and 47 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2216, SUPPLEMENTAL APPROPRIATIONS ACT, FISCAL YEAR 2001

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–149) on the resolution (H. Res. 204) waiving points of order against the conference report to accompany the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Mr. GEPHARDT) for today after 4:30 p.m. and the balance of the week on account of personal family business.

Mr. ENGEL (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family illness.

Mr. MILLER of Florida (at the request of Mr. ARMEY) for today from 7:00 p.m. and the balance of the week on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. LOWEY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. THORNBERRY) to revise and extend their remarks and include extraneous material:)

Mrs. MORELLA, for 5 minutes, July 20.

Mr. DIAZ-BALART, for 5 minutes, today and July 20.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

SENATE BILL AND A CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts; to the Committee on Ways and Means.

S. Con. Res. 34. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the tenth anniversary of the end of their illegal incorporation into the Soviet Union; to the Committee on International Relations.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Friday, July 20, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2969. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution District [CA 217–0285; FRL–6995–7] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2970. A letter from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Federal-State Joint Board on Universal Service [CC Docket No. 96–45] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2971. A communication from the President of the United States, transmitting the status of efforts to obtain Iraq's compliance with the resolutions adopted by the United Nations Security Council; (H. Doc. No. 107–103); to the Committee on International Relations and ordered to be printed.

2972. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Framework Adjustment 2 [Docket No. 010618159–01; I.D. 051101A] (RIN: 0648–AO92) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2973. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 010112013–1013–01; I.D. 070601A] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2974. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 01012013–1013–01; I.D. 070301A] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2975. A letter from the Director, Policy Directives and Instructions Branch, INS, Department of Justice, transmitting the Department's final rule—Petitioning Requirements for the H–1C Nonimmigrant Classification Under Public Law 106–95 [INS 2050–00] (RIN: 1115–AF76) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. H.R. 1850. A bill to extend the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century and to make technical corrections to the law governing the Commission (Rept. 107–147). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 2216. A bill making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes (Rept. 107–148). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 204. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30 2001, and for other purposes (Rept. 107–149). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BISHOP (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Ms. LEE, Mr. WATT of North Carolina, Mr.

Cummings, Mr. Hilliard, Mr. Wynn, Mr. Owens, Ms. Waters, Mr. Payne, Ms. McKinney, Ms. Kilpatrick, Mr. Lewis of Georgia, Ms. Carson of Indiana, Mr. Rush, Mr. Towns, Mr. Thompson of Mississippi, Ms. Solis, Mr. Serrano, Mr. Clyburn, and Ms. DeLauro):

H.R. 2562. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the Director of the Federal Emergency Management Agency to establish a minority emergency preparedness demonstration program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GANSKE (for himself, Mr. Dingell, Mr. Norwood, Mr. Berry, Mr. Leach, Mr. Brown of Ohio, Mrs. Roukema, Mr. John, Mrs. Morella, Mr. Andrews, Mr. Gilman, Mr. Rangel, Mr. LaTourette, Mr. Stenholm, Mr. Horn, Mr. Sandlin, Mr. Barr of Georgia, Mr. Stupak, Mr. Smith of New Jersey, Mr. Pallone, Mr. Towns, Ms. Eshoo, Mrs. Capps, Mr. Green of Texas, Mr. Gordon, Ms. McCarthy of Missouri, Mr. Engel, Mr. Moore, Mr. Strickland, Mr. Markey, Mr. Sawyer, Mrs. Davis of California, Mr. Barrett, Mr. Wynn, Mr. Stark, Mr. Waxman, Mr. Rush, Mr. Boucher, Mr. Hall of Texas, Mr. Bishop, Mr. Turner, Ms. Harman, Mr. Pascrell, Mrs. McCarthy of New York, Mr. Frank, Mr. Matsui, Mr. Coyne, Mr. McDermott, Mr. Cardin, Mr. Levin, Mr. McNulty, Mr. Jefferson, Mr. Lewis of Georgia, Mr. Kleczka, Mrs. Thurman, Mr. Boswell, Mr. Crowley, Mr. Tierney, Mr. Hoeffel, Mr. Meehan, Mr. Doyle, Ms. DeGette, Mr. Matheson, Mr. Kucinich, Ms. Pelosi, Mr. Berman, Mr. Thompson of California, Mr. George Miller of California, and Mr. Ross):

H.R. 2563. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 2564. A bill to direct the Administrator of the Federal Aviation Administration to treat certain property boundaries as the boundaries of the Lawrence County Airport, Courtland, Alabama, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CANNON (for himself, Mr. Hansen, and Mr. Matheson):

H.R. 2565. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Resources.

By Mr. CANTOR (for himself, Mr. Smith of New Jersey, Ms. Berkley, Mr. Pitts, Mr. Kirk, Mr. Bachus, Mr. Ryun of Kansas, Mr. Pence, Mr. Souder, Mr. Crowley, Mr. Lewis of Kentucky, Mr. Weiner, Mr. Schrock, Mr. Grucci, Mr. Schaffer, Mr. Israel, and Mr. Tiberi):

H.R. 2566. A bill to prohibit assistance from being provided to the Palestinian Authority or its instrumentalities unless the President certifies that no excavation of the Temple Mount in Israel is being conducted; to the Committee on International Relations.

By Ms. DeLAURO:

H.R. 2567. A bill to authorize a program of assistance to improve international building practices in eligible Latin American countries; to the Committee on International Relations.

By Mr. DREIER (for himself, Mr. Houghton, and Mr. Flake):

H.R. 2568. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. GRAHAM:

H.R. 2569. A bill to amend title 11 of the United States Code to establish a priority for the payment of claims for duties paid to the United States by licensed customs brokers on behalf of the debtor; to the Committee on the Judiciary.

By Mr. FARR of California (for himself, Mr. Blumenauer, Mr. English, Mr. George Miller of California, Mr. Faleomavaega, Mr. Greenwood, Ms. Woolsey, Ms. McKinney, Mr. Moran of Virginia, Mr. Borski, Mr. Lantos, Ms. Pelosi, Mr. Boucher, Ms. Baldwin, Mr. Acevedo-Vila, Ms. Lee, Mr. Weiner, Mr. Clyburn, Mr. Honda, Mrs. Davis of California, and Ms. Eshoo):

H.R. 2570. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to recover depleted fish stocks and promote the long-term sustainability of marine fisheries, and for other purposes; to the Committee on Resources.

By Mr. HILL (for himself, Mr. Barrett, Ms. Sanchez, Mr. Smith of New Jersey, Mr. Duncan, Mr. Hoeffel, Mr. Holden, Mr. Baird, Ms. Carson of Indiana, Mr. Price of North Carolina, Mrs. Jones of Ohio, Mr. Rahall, and Mr. Schiff):

H.R. 2571. A bill to amend section 10105 of the Elementary and Secondary Education Act of 1965 to provide for a smaller learning communities grant program; to the Committee on Education and the Workforce.

By Mr. LaFALCE:

H.R. 2572. A bill to implement certain recommendations of the National Gambling Impact Study Commission by prohibiting the placement of automated teller machines or any device by which an extension of credit or an electronic fund transfer may be initiated by a consumer in the immediate area in a gambling establishment where gambling or wagering takes place; to the Committee on Financial Services.

By Mr. McDERMOTT (for himself, Mr. Bonior, Mr. Petri, Ms. McKinney, Mrs. Napolitano, Mr. Sherman, Mr. Borski, Mr. Neal of Massachusetts, Mr. Pallone, Mr. Sawyer, Mr. George Miller of California, Mr. Gutierrez, Mr. Blagojevich, Mr. Evans, Mr. Leach, Mr. Payne, Mr. Andrews, Mr. Udall of New Mexico, Mr. Costello, Mrs. Mink of Hawaii, and Ms. Solis):

H.R. 2573. A bill to ensure that proper planning is undertaken to secure the preservation and recovery of the salmon and steelhead of the Columbia River basin and the maintenance of reasonably priced, reliable power, to direct the Secretary of Commerce to seek peer review of, and to conduct studies regarding, the National Marine Fisheries Service biological opinion, under the Endangered Species Act of 1973, pertaining to the impacts of Columbia River basin Federal dams on salmon and steelhead listed under the Endangered Species Act of 1973, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself, Mr. Borski, Mr. Traficant, Mr. Goss, Mr. Cunningham, Mr. Brady of Texas, and Mr. Shaw):

H.R. 2574. A bill to provide for increased cooperation on extradition efforts between the United States and foreign governments, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Financial Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.R. 2575. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax for caregivers of individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. Matsui, and Mr. Portman):

H.R. 2576. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 2577. A bill to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Bob Davis Post Office Building"; to the Committee on Government Reform.

By Ms. WATERS:

H.R. 2578. A bill to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Augustus F. Hawkins Post Office Building"; to the Committee on Government Reform.

By Mr. TURNER:

H. Res. 203. A resolution providing for consideration of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; to the Committee on Rules.

By Mrs. MYRICK:

H. Res. 204. A resolution waiving points of order against the conference report to accompany the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. DINGELL:

H. Res. 205. A resolution expressing the sense of the House of Representatives with respect to ceasing hostilities in Israel, the West Bank, and the Gaza Strip; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. Baldacci.

H.R. 99: Mr. Keller.

H.R. 103: Mr. Otter.

H.R. 162: Mr. Visclosky.

H.R. 168: Mr. Hyde and Mr. Maloney of Connecticut.

H.R. 190: Mr. Bilirakis.

H.R. 218: Mr. Walsh, Mr. Hayes, Mr. Abercrombie, Mr. Reyes, Mr. Fletcher, Mr. Simpson, Mr. Kingston, Mr. Smith of Michigan, Mr. Herger, Mr. Gallegly, Mr. Stearns, Mr. Hansen, Mr. Forbes, Mr. Diaz-Balart, Mr. Knollenberg, Mr. Upton, Mr. Hefley, Mr. Tiberi, Mr. DeLay, Mr. Oxley, Mr. Weldon of Florida, Mr. Istook, and Mr. Regula.

H.R. 267: Mr. Forbes.

H.R. 281: Mr. Clement.

H.R. 425: Ms. Norton.

H.R. 510: Mr. Boucher, Ms. Pelosi, and Mr. Clay.

H.R. 512: Mr. Brady of Pennsylvania.

H.R. 514: Mr. Paul.

H.R. 526: Mr. Kind and Mr. Clement.

H.R. 599: Mr. Visclosky.

H.R. 606: Mr. Hall of Texas.

H.R. 611: Mr. Snyder, Mr. Taylor of Mississippi, Mr. Bonior, Mr. Stenholm, and Mr. Osborne.

H.R. 612: Mr. Pickering.

H.R. 623: Mrs. Morella.

H.R. 664: Mr. Leach.

H.R. 760: Ms. Dunn.

H.R. 822: Mr. Akin.

H.R. 826: Mr. Tancredo.

H.R. 876: Mr. Greenwood and Mr. Otter.

H.R. 914: Mr. Tauzin, Mr. Camp, and Ms. Pryce of Ohio.

H.R. 921: Mr. Whitfield and Mrs. Tauscher.

H.R. 959: Ms. Harman and Mrs. Davis of California.

H.R. 981: Mr. Hansen, Ms. Ros-Lehtinen, and Mr. Tiberi.

H.R. 990: Mr. Andrews, Mr. Sanders, Ms. Lofgren, Mr. Allen, Mr. Farr of California, and Ms. Baldwin.

H.R. 995: Mr. Hefley.

H.R. 1030: Mr. Rohrabacher, Mr. Callahan, Mr. Cooksey, and Mr. Manzullo.

H.R. 1032: Mr. Blagojevich and Mr. Hoyer.

H.R. 1073: Mr. Johnson of Illinois.

H.R. 1089: Ms. Pelosi.

H.R. 1097: Mr. Wu, Mr. Levin, Mr. Holt, and Mrs. Davis of California.

H.R. 1149: Ms. Lee, Mr. Shimkus, Mr. Hilliard, Mr. Capuano, Mrs. Mink of Hawaii, Mr. Etheridge, Mr. Gutierrez, Mr. Clay, and Mr. Lantos.

H.R. 1170: Mr. Phelps.

H.R. 1171: Mr. Faleomavaega.

H.R. 1172: Mr. Isakson, Mr. Chabot, Mr. Ehrlich, Mr. Shays, Mr. Borski, Mr. Gordon, Ms. Pelosi, Mrs. Maloney of New York, Mr. Oberstar, Mr. Moran of Virginia, Mr. Brown of Ohio, Mrs. Morella, Ms. DeLauro, Mr. Osborne, Mr. Barr of Georgia, Mr. Weiner, and Mrs. Jo Ann Davis of Virginia.

H.R. 1177: Mr. Gilman.

H.R. 1187: Ms. Solis.

H.R. 1199: Ms. Carson of Indiana and Ms. McKinney.

H.R. 1254: Ms. McCollum and Mr. Borski.

H.R. 1262: Ms. Roybal-Allard and Mr. Allen.

H.R. 1304: Mr. Rehberg.

H.R. 1305: Mr. Kind.

H.R. 1307: Mr. Blagojevich.

H.R. 1350: Mr. Andrews and Mr. Kirk.

H.R. 1354: Mr. Lipinski and Ms. Pelosi.

H.R. 1357: Mr. Barr of Georgia, Mr. Bachus, and Mr. Nussle.

H.R. 1375: Mr. Hastings of Washington.

H.R. 1377: Mr. Lucas of Kentucky, Ms. Baldwin, and Mr. Pombo.

H.R. 1388: Mr. Schaffer.

H.R. 1487: Mr. Olver.

H.R. 1556: Mr. Putnam, Ms. Pelosi, Mr. Ackerman, Mr. Langevin, Ms. Velázquez, Mr. Shows, Mr. Schrock, and Mrs. Kelly.

H.R. 1591: Mr. Conyers.

H.R. 1609: Ms. Ros-Lehtinen, Mr. Whitfield, Mr. Boucher, Mr. Weldon of Florida, Mr. Rogers of Kentucky, and Mr. Putnam.

H.R. 1645: Mr. Visclosky, Ms. Rivers, and Mr. Delahunt.

H.R. 1650: Mr. McNulty.

H.R. 1682: Mr. Kildee and Ms. Pelosi.

H.R. 1700: Ms. Rivers and Mr. Brady of Pennsylvania.

H.R. 1701: Mr. Lucas of Kentucky.

H.R. 1723: Ms. Ros-Lehtinen, Mr. Kildee, Mr. McNulty, Mrs. Capps, Mr. Holt, and Mr. Barrett.

H.R. 1731: Mr. Gordon, Mr. Simmons, Mr. Hefley, Mr. Weldon of Pennsylvania, Mr. Petri, and Mr. Toomey.

H.R. 1759: Mr. Hastings of Washington and Mr. Lewis of Georgia.

H.R. 1795: Mr. Graves, Mrs. Meek of Florida, Mr. Grucci, and Mr. Stump.

H.R. 1798: Mr. Dicks.

H.R. 1810: Mr. Blumenauer, Mr. Holt, and Mr. Honda.

H.R. 1815: Mr. Allen, Mr. DeFazio, Mr. Holt, Mr. Leach, Mr. Lewis of Georgia, Mr. Moran of Virginia, Mr. Shays, and Mr. Waxman.

H.R. 1835: Mr. Lewis of Kentucky, Mr. LaHood, and Mr. Peterson of Pennsylvania.

H.R. 1841: Mr. Weldon of Pennsylvania, Mr. Meeks of New York, Mr. Markey, Mr. Udall of Colorado, Mr. Lipinski, and Mr. Crowley.

H.R. 1887: Ms. Pelosi, Mr. Wynn, and Mr. Borski.

H.R. 1890: Mr. Goode.

H.R. 1935: Mr. Forbes, Mr. Baldacci, Mr. Goode, and Mrs. Kelly.

H.R. 1942: Mr. Latham and Mr. Wamp.

H.R. 1948: Mr. LaHood and Mr. Gutierrez.

H.R. 1983: Mr. Norwood, Mr. Fossella, and Mr. Hayworth.

H.R. 1987: Mr. Cramer, Mr. Clyburn, Mr. Lucas of Kentucky, Mr. Whitfield, Mr. Isakson, Mr. Houghton, Mr. Nethercutt, Mr. Moran of Kansas, Mr. Moore, Mr. Rodriguez, and Mrs. Northup.

H.R. 1990: Mr. Engel.

H.R. 1994: Mr. Wynn and Mr. Barton of Texas.

H.R. 2001: Mr. Shows.

H.R. 2014: Mr. Smith of Washington and Mr. Spratt.

H.R. 2023: Mr. Petri and Mr. Hayworth.

H.R. 2059: Mr. Allen.

H.R. 2063: Mr. McNulty, Mr. Reyes, Mr. Wexler, Mr. Hall of Ohio, Mr. Costello, Mr. Borski, and Mr. Clement.

H.R. 2074: Mr. Gonzalez.

H.R. 2097: Mr. McIntyre, Mr. Blagojevich, Mr. Stark, Mr. McGovern, Mr. Abercrombie, Mr. Costello, Mr. Frost, Mr. Gonzalez, Mr. Kildee, Mrs. Mink of Hawaii, Mr. Baca, Mr. Wexler, Mr. Lantos, and Ms. Pelosi.

H.R. 2107: Mr. Davis of Illinois, Mr. Engel, Mr. Baca, Mr. Becerra, Ms. Velázquez, Mr. Larsen of Washington, and Mr. Serrano.

H.R. 2118: Mr. Platts.

H.R. 2142: Mr. Nadler, Mr. Hall of Ohio, Mr. Gutierrez, Mr. George Miller of California, Mr. Blagojevich, Mr. Borski, Mr. Pitts, Mr. Moran of Virginia, Mr. Kennedy of Rhode Island, Mr. Jackson of Illinois, Mr. Holt, Mr. Clyburn, Ms. Pelosi, Mr. Boehlert, Mr. Filner, and Mr. Farr of California.

H.R. 2147: Mr. Frost.

H.R. 2153: Mr. Capuano.

H.R. 2158: Mrs. Meek of Florida, Ms. Rivers, Mr. McDermott, and Mr. DeFazio.

H.R. 2161: Mr. Brown of Ohio.

H.R. 2163: Mr. Meeks of New York, Mr. Price of North Carolina, Ms. Norton, Mr. Wexler, and Mrs. Mink of Hawaii.

H.R. 2167: Mr. Hoyer.

H.R. 2172: Mr. Waxman, Mr. Strickland.

H.R. 2185: Mr. Johnson of Illinois.

H.R. 2198: Ms. Pelosi.

H.R. 2219: Mr. Kildee.

H.R. 2232: Mr. Jefferson, Mr. McNulty, Mr. Frost, Mr. Stark, Mr. Brown of Ohio, Mr. Hinojosa, Mr. Gutierrez, Mr. Green of Texas, Mrs. Jones of Ohio, Mr. Cummings, Mr. Towns, Mr. LaFalce, Mr. McIntyre, Ms. Norton, Mr. Kildee, Ms. Lee, Mr. Bonior, Ms. McKinney, Mr. Blagojevich, Mrs. Christensen, Mr. Hoeffel, Mr. Carson of Oklahoma, Mr. Crowley, Mrs. Mink of Hawaii, and Mr. Wexler.

H.R. 2233: Mr. Owens.

H.R. 2286: Mr. Lantos.

H.R. 2310: Mr. Rodriguez.

H.R. 2315: Ms. Dunn.

H.R. 2331: Ms. McKinney.

H.R. 2339: Mr. Knollenberg and Mr. Wexler.

H.R. 2340: Ms. Pelosi and Mr. Wexler.

H.R. 2349: Mr. Oberstar and Mr. Brown of Ohio.

H.R. 2350: Mr. Gordon.

H.R. 2354: Mr. Hastings of Washington.

H.R. 2357: Mr. Tancredo, Mrs. Cubin, Mr. Goode, Mr. Hilleary, and Mr. Cooksey.

H.R. 2366: Mr. Tancredo.

H.R. 2374: Mr. Brady of Texas.

H.R. 2375: Mr. Frank, Ms. Solis, Mr. Hoeffel, Mr. Blagojevich, Mr. DeFazio, Mr. Capuano, Mr. Stark, Mr. Filner, Ms. Lofgren, and Mr. Boucher.

H.R. 2379: Ms. Rivers, Mr. Wexler, and Mr. Clay.

H.R. 2390: Mr. Goode.

H.R. 2422: Mr. Holden, Mr. McHugh, Mr. Frost, Mr. Waxman, Mr. Brady of Pennsylvania, and Mr. Bonior.

H.R. 2435: Mr. Cunningham.

H.R. 2441: Mr. John.

H.R. 2453: Mr. Davis of Illinois, Ms. Slaughter, and Mr. Wynn.

H.R. 2466: Mr. Pickering, Mr. McHugh, and Mr. Gary G. Miller of California.

H.R. 2476: Ms. Norton, Mr. Fattah, Mr. Kildee, Mr. Thompson of Mississippi, and Mr. Serrano.

H.R. 2484: Mr. Maloney of Connecticut.

H.R. 2503: Mr. Burton of Indiana, Mr. Wolf, Mr. Rohrabacher, and Mr. Gilman.

H.R. 2520: Mr. Waxman and Mr. Sherman.

H.J. Res. 15: Mr. George Miller of California.

H. Con. Res. 17: Ms. Solis, Mr. Gutierrez, Mr. Inslee, and Mr. Shays.

H. Con. Res. 89: Mr. Houghton, Mr. Burr of North Carolina, Mr. Pitts, Mr. Flake, Mr. Gilman, Mr. Leach, and Mr. Smith of New Jersey.

H. Con. Res. 102: Mr. Boehner, Mr. Udall of New Mexico, Mr. Brady of Pennsylvania, Mr. Delahunt, Ms. McKinney, Ms. DeLauro, Mr. Holt, Mr. Saxton, Mr. Hoyer, and Mr. George Miller of California.

H. Con. Res. 162: Mr. Schiff, Ms. McKinney, Mr. Weiner, Mrs. Maloney of New York, Mrs. Napolitano, Mr. Bilirakis, Mr. Stark, Ms. Eshoo, Mr. Visclosky, Mr. Blagojevich, Mr. Baca, and Mr. Hoyer.

H. Con. Res. 178. Mr. Smith of New Jersey.

H. Con. Res. 180: Ms. Ros-Lehtinen, Mr. Lantos, Mr. Visclosky, Mr. Blumenauer, Ms. Solis, Mr. Abercrombie, and Mr. Gilman.

H. Con. Res. 188: Mr. BALDACCI, Mr. RODRIGUEZ, Ms. ESHOO, and Mr. WELDON of Florida.

H. Res. 72: Mr. KING, Mr. BALDACCI, Mr. SIMMONS, Mr. HINCHEY, and Mr. PLATTS.

H. Res. 132: Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. OWENS, and Mr. ENGEL.

H. Res. 133: Mr. ABERCROMBIE, Mrs. CAPPS, Mr. EVANS, Mr. HILLIARD, Mr. CAPUANO, Mr. SHERMAN, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. KUCINICH, Mr. TOWNS, Ms. ESHOO, Mr. HINCHEY, Mr. MCGOVERN, Mr. TRAFICANT, Mr. FRANK, Mr. DOGGETT, Mr. ROHRABACHER, Mr. LEVIN, Mrs. MINK of Hawaii, Mr. LAMPSON, Mr. STARK, Mr. BOUCHER, Mr. DELAHUNT, and Mr. HOYER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 41: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any good or service to a company that is under investigation for trade dumping by the International Trade Commission, or is subject to an anti-dumping duty order issued by the Department of Commerce.

H.R. 2506

OFFERED BY: MR. CONYERS

AMENDMENT NO. 42: Page 112, after line 22, insert the following:

PROHIBITION ON AERIAL SPRAYING EFFORTS TO ERADICATE ILLICIT CROPS

SEC. . None of the funds made available in this Act under the heading "DEPARTMENT OF STATE–ANDEAN COUNTERDRUG INITIATIVE" may be used for aerial spraying efforts to eradicate illicit crops.

H.R. 2506

OFFERED BY: MR. CONYERS

AMENDMENT NO. 43: Page 112, after line 22, insert the following:

PROHIBITION ON AERIAL SPRAYING EFFORTS TO ERADICATE ILLICIT CROPS

SEC. . None of the funds made available in this Act under the heading "DEPARTMENT OF STATE–INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" or "DEPARTMENT OF STATE–ANDEAN COUNTERDRUG INITIATIVE" may be used for aerial spraying efforts to eradicate illicit crops.

H.R. 2506

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 44: Page 25, line 16, insert before the period the following:

: *Provided further*, That, of the funds appropriated under this heading, $65,000,000 shall not be available for obligation until (1) the Secretary of State submits to the Congress a full report on the incident of April 20, 2001, in which Veronica "Roni" Bowers and her 7-month old daughter, Charity, were needlessly killed when a Peruvian Air Force jet opened fire on their plane after the crew of another plane, owned by the Department of Defense and chartered by the Central Intelligence Agency, mistakenly targeted the plane to be potentially smuggling drugs in the Andean region; and (2) the Secretary of State, Secretary of Defense, and Director of Central Intelligence certify to the Congress, 30 days before any resumption of United States involvement in counter-narcotic flights and a force-down program that continues to permit the ability of the Peruvian Air Force to shoot down aircraft, that the force-down program will include enhanced safeguards and procedures to prevent the occurrence of any incident similar to the April 20, 2001, incident

H.R. 2506

OFFERED BY: MR. HOEKSTRA

AMENDMENT NO. 45: Page 112, after line 22, insert the following new section:

REDUCTION OF FUNDS FOR ANDEAN COUNTERDRUG INITIATIVE

SEC. . The amount otherwise provided in this Act for "Andean Counterdrug Initiative" is hereby reduced by $65,000,000.

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 46: Page 112, after line 22, insert the following:

REVISION OF FUNDS

SEC. . The amounts otherwise provided by this Act are revised by increasing the amount made available under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", by increasing the amount made available under the first dollar amount of the fourth proviso under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" for micronutrient assistance, by increasing the amount made available under the first dollar amount of the fourth proviso under the heading "CHILD SURVIVAL AND HEALTH PROGRAMS FUND" for nutrition education assistance, and by reducing the amount made available under the heading "ANDEAN COUNTERDRUG INITIATIVE", by $100,000,000, $30,000,000, $10,000,000, and $100,000,000, respectively.

H.R. 2506

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 47: In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $100,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount in the fourth proviso, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the fourth dollar amount in the fourth proviso, insert the following: "(increased by $40,000,000)".

In title II of the bill in the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount, insert the following: "(decreased by $100,000,000)".

H.R. 2506

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 48: Page 2, line 25, after the dollar amount, insert the following: "(reduced by $25,000,000)".

Page 36, line 26, after the dollar amount, insert the following: "(increased by $25,000,000)".

H.R. 2506

OFFERED BY: MS. EDDIE BERNICE JOHNSON OF TEXAS

AMENDMENT NO. 49: Page 112, after line 22, insert the following:

REVISION OF FUNDS

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available in title I for "SUBSIDY APPROPRIATION", and increasing the amount made available for "INTERNATIONAL FINANCIAL INSTITUTIONS GLOBAL ENVIRONMENT FACILITY", by $25,000,000.

H.R. 2506

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 50: Page 20, beginning on line 8, strike "not to exceed $125,000,000 may" and insert "not less than $125,000,000 should".

H.R. 2506

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 51: Page 7, line 3, after the dollar amount, insert "(reduced by $5,000,000)".

Page 7, line 4, after the dollar amount, insert "(increased by $5,000,000)".

H.R. 2506

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 52: Page 7, line 4, insert after "maternal health" the following: "(of which $5,000,000 shall be available for assistance to the Government of Bosnia and Herzegovina to address the special needs of children at risk, especially orphans)".

H.R. 2506

OFFERED BY; MRS. MALONEY OF NEW YORK

AMENDMENT NO. 53:

Page 25, line 7, insert after the dollar figure (reduced by $5,500,000)".

H.R. 2506

OFFERED BY: MR. OSE

AMENDMENT NO. 54: Page 40, line 5, after the dollar amount, insert "(reduced by $700,000)".

H.R. 2506

OFFERED BY: MR. OSE

AMENDMENT NO. 55: Page 112, after line 22, insert the following:

PROHIBITION ON UNITED STATES CONTRIBUTION TO THE UNITED NATIONS INTERNATIONAL NARCOTICS CONTROL BOARD

SEC. . None of the funds appropriated by this Act may be used for a United States contribution to the United Nations International Narcotics Control Board.

H.R. 2506

OFFERED BY: MR. PAUL

AMENDMENT NO. 56: Page 2, strike line 21 and all that follows through line 17 on page 3.

H.R. 2506

OFFERED BY: MR. PAYNE

AMENDMENT NO. 57: In title II of the bill in the item relating to "DEVELOPMENT ASSISTANCE", after the first dollar amount, insert the following: "(increased by $77,000,000)".

In title II of the bill in the item relating to "ECONOMIC SUPPORT FUND", after the first dollar amount, insert the following: "(reduced by $77,000,000)".

H.R. 2506

OFFERED BY: MR. PAYNE

AMENDMENT NO. 58: In title III of the bill in the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount, insert the following: "(reduced by $28,000,000)".

In title IV of the bill in the item relating to "CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND", after the first dollar amount, insert the following: "(increased by $28,000,000)".

H.R. 2506

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 59:

SEC. . None of the funds made available by this Act may be used to award a contract to a person or entity whose bid or proposal reflects that the person or entity has violated the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

H.R. 2605

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 60: In title I, in the item relating to "SUBSIDY APPROPRIATION", after the aggregate dollar amount, insert "(reduced by $15,000,000)".

In title I, in the item relating to "ADMINISTRATIVE EXPENSES", after the aggregate dollar amount, insert "(reduced by $3,000,000)".

In title II, in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND"—

(1) after the aggregate dollar amount, insert "(increased by $18,000,000)"; and

(2) in the 4th proviso—

(A) after the dollar amount allocated for vulnerable children, insert "(increased by $5,000,000)"; and

(B) after the dollar amount allocated for HIV/AIDS, insert "(increased by $13,000,000)".

H.R. 2506

OFFERED BY: MS. WATERS

AMENDMENT NO. 61: Page 112, after line 22, insert the following:

DEBT CANCELLATION FOR HIPC COUNTRIES

SEC. . The Secretary of the Treasury shall instruct the United States Executive Director at the International Bank for Reconstruction and Development and the International Monetary Fund to use the voice, vote and influence of the United States to—

(1) cancel 100 percent of the debts owed by the Heavily Indebted Poor Countries (HIPCs) to such institutions; and

(2) require such debt cancellation to be provided by such institutions through the use of their own resources.

SENATE—*Thursday, July 19, 2001*

The Senate met at 10 a.m. and was called to order by the Presiding Officer, the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Joyous God, in whose heart flows limitless joy, we come to You to receive Your artesian joy. You have promised joy to those who know You intimately, who trust You completely, and who serve You by caring for the needs of others. We agree with Robert Louis Stevenson, "To miss the joy is to miss everything." And yet, we confess that often we do miss the joy You offer. It is so much more than happiness which is dependent on people, circumstances, and keeping things under our control. Sometimes we become grim. We take ourselves too seriously and don't take Your grace seriously enough. Give us the psalmist's assurance about You when he said, "To God be exceeding joy" or Nehemiah's confidence, "The joy of the Lord is my strength" or Jesus' secret of lasting joy: abiding in Your love.

May this be a day when we serve You with gladness because Your joy has filled our hearts. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 19, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, today the Senate will resume consideration of the Energy and Water Appropriations Act. Cloture was filed on this bill yesterday evening. Unless further agreement is reached, the Senate will vote on cloture on this matter Friday morning.

The majority leader requested that I express to the Senate the fact that we will be voting into the afternoon on Friday unless we are able to move more quickly than we have the last couple of days.

I remind everyone that in addition to being on the finite list, which has already been filed, all first-degree amendments on the energy and water bill must be filed before 1 p.m. today.

We still hope we can reach agreement and complete action on the energy and water bill this morning. We also hope to reach agreement on considering a number of Executive Calendar nominations and begin work on any available appropriations bill and also work on the Graham nomination, which is something the majority leader wants to move to as quickly as possible.

MEASURE PLACED ON THE CALENDAR—H.J. RES. 36

Mr. REID. Madam President, it is my understanding that there is a bill at the desk due its second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 36) proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

Mr. REID. Madam President, I object.

The ACTING PRESIDENT pro tempore. Under the rule, the resolution will be placed on the calendar.

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess until 10:30 this morning.

There being no objection, the Senate, at 10:05 a.m., recessed until 10:30 a.m. and reassembled when called to order by the Acting President pro tempore (Mrs. CARNAHAN).

Ms. MIKULSKI. Good morning, Madam President.

I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maryland is recognized.

TRIBUTE TO KATHARINE GRAHAM

Ms. MIKULSKI. Madam President, I rise to speak today to pay tribute to the life and legend of Katharine Graham. It is as if the Washington Monument has fallen. It is as if the lights have gone out at the Smithsonian Institution or the lights have gone out at the Lincoln Memorial. I truly cannot imagine Washington without Kay Graham. She was a Washington institution, a very real person with a remarkable mix of qualities. Much has been said about her grace, her grit, her steel, her great intelligence.

Kay Graham put those qualities into action. She lived an extraordinary life and left an indelible mark on our Nation.

I know the Presiding Officer liked Kay Graham because she took chances. Perhaps one of the greatest chances she took was when she actually took the helm of the Washington Post. Think about it. It was 1963. It was not a time when women did bold things, power things, and they certainly were not on the rung of leadership to be CEOs. She was a woman who had faced an enormous personal tragedy. But as she reflected on where she was, where her family was, and where this newspaper was, she decided to take the helm.

She was initially a reluctant leader, thrown into a leadership position because of the death of her husband. In embracing a leadership position, she set about hiring the very best people and giving them the independence to create one of the greatest newspapers in the world.

She built a Fortune 500 company. And guess what. She became the first woman to head a Fortune 500 company.

There were other firsts for Katharine Graham as well. She was the first director of the Associated Press, the first woman to lead the American Newspaper Publishers Association. I could go through a whole list.

Now we take for granted that women will lead, that women will be in positions of leadership in the private sector and in the public sector. We now enjoy the fact that there are 13 women in the Senate. We have women as university presidents, Governors, and CEOs from dot coms to leaders of the old economy. Yet we cannot forget how hard it was to be the first because for the first and the only, it is also being the first and the lonely.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

What Katharine Graham did was involve other people in her life and in her family and in creating that institution.

She was known for probably two great milestones in the history of journalism. She made the courageous decision to print the Pentagon Papers, which gave us this view on the Vietnam war, and then she rigorously pursued the Watergate story.

It is said that men in the highest of power just cringed at the name of Katharine Graham, the Washington Post, Ben Bradlee and the team that he assembled. The highest levels of Government tried to suppress these stories. They used threats. They used intimidations. Katharine Graham did not flinch nor did she falter. The Washington Post and Kay Graham stood firm.

Katharine Graham knew her role was to print the truth, no matter what the impact would be. She truly changed the course of history.

Mrs. Graham's actions reinforced the fact that the freedom of speech cannot be abridged—especially by our own Government.

While she hired gifted and talented reporters and editors, she herself did not take up the pen until 1997 when she wrote a book called her "Personal History." Her autobiography struck a chord even with people who cared nothing about the ways of Washington. In it she had wonderful stories about historic figures. She also showed that she herself was a gifted and talented writer, going on to win the Pulitzer Prize. So much for being a shy, awkward debutante of 40 years before.

What really resonated was the story about a woman who faced crises and confronted them with courage and dignity. I know the Presiding Officer has experienced some of the same. We all cheered when Kay won that Pulitzer Prize because we knew she deserved it and we were proud of her.

I was deeply grateful for a chance she took on me. In 1986 I was running for the U.S. Senate. I was viewed by some as a long shot. The Washington insiders said I did not look the part, and they were not sure that I could act the part. But as history has shown, I got the part. One of the reasons I got the part was because of the endorsement of the Washington Post.

I will be forever grateful to have gotten the Washington Post endorsement in both my primary and the general. Meg Greenfield—the wonderful and special friend, Meg Greenfield—felt that I had the qualities to become the first Democratic woman ever elected to the U.S. Senate in her own right.

I just want to say that Kay Graham, this wonderful blue-blooded lady, welcomed a blue-collar spitfire. And for that I will always be grateful. When I came to the U.S. Senate, I came with her endorsement and her welcome. It is something I treasured in those years as she introduced me to people.

She had me in her home. I had a chance to be at those great parties she had to essentially get started in my own life in Washington. But the story that I want to recall is one that is very special to me in which I participated with her. It was 1987. The late Pamela Harriman was asked to host a lunch at her home for Raisa Gorbachev to introduce her to "women of distinction." Dobrynin had called Mrs. Harriman to host this luncheon. Mrs. Harriman called me. And guess who else was on the list? My colleague, Senator Nancy Kassebaum—there were only two of us in the Senate then—Kay Graham of the Washington Post, Sandra Day O'Connor, at that time the only woman on the Supreme Court, and Dr. Hanna Grey, the president of the University of Chicago.

What an incredible lunch. First of all, we were the talk of Washington, and we were the talk of the world. Raisa was trying to woo America to show that Soviet women were smart and fashionable. And she chose as her venue the Pamela Harriman lunch.

I tried to engage her, in her dissertation on what life was like on the collective farm, as two sociologists. We talked about life and times. But the hit of the lunch was Kay Graham and the way she engaged Raisa Gorbachev. Under Kay Graham's incredible graciousness, courtesy, manners, and charm was one ace investigative reporter. While the rest of us were talking and engaging in intellectual conversation, Mrs. Graham began to engage Mrs. Gorbachev in these kinds of questions: What is it like to be the functional equivalent of the First Lady in the Soviet Union? What was your surprise when you came to power? What do you find it like as in the life of a woman?

I wish you could have heard the late Mrs. Gorbachev's answers. We saw a side of Raisa Gorbachev as we didn't know: a woman who saw herself as a scholar, coming to power with a man who had been the head of the Department of Agriculture, that they were changing world history. She was shocked by the number of letters she received, the way the Soviet women had reached out to her, one on one.

We heard that Raisa story because of the way Kay Graham talked to her. It was a very special afternoon. I got to know Mrs. Gorbachev a lot better. Do you know who else I got to know a lot better? Kay Graham. She had world leaders at her feet and at her side. But most of all, she had the gratitude of leaders who knew that at the Washington Post there was a great leader who was willing to meet with other leaders but, no matter what, she said to print the truth and call them the way she saw them.

I am sorry that Kay Graham has been called to glory. God bless her, and may she rest in peace. She has left a legacy that should be a benchmark, a hallmark, and a torch for every other newspaper in America, for all of us who hold leadership, and for we women who are in power. May we be as gracious and as unflinching in our duties as Kay Graham.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

RECESS

Mr. REID. Madam President, I ask unanimous consent the Senate stand in recess until 12:15 today, and at that time I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 11:20 a.m., recessed until 12:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. LANDRIEU.)

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2311, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized.

RECESS

Mr. REID. Madam President, I ask unanimous consent the Senate stand in recess until 1:30 p.m. today, and that I be recognized at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 12:16 p.m., recessed until 1:30 p.m. and reassembled when called to order by the Presiding Officer (Mrs. LINCOLN).

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, with respect to rule XXII, I ask unanimous consent that Members with amendments on the finite list of amendments to the energy and water appropriations bill have until 2 p.m. today to file first-degree amendments, except for the managers' package, which has been agreed to by both managers and by both leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent to briefly speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REID are printed in today's RECORD under "Morning Business.")

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

AMENDMENT NO. 1024

Mr. REID. Mr. President, I send the managers' amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for himself and Mr. DOMENICI, proposes an amendment numbered 1024.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SARBANES. Mr. President, the purpose of my amendment is to address the very serious problem of shoreline erosion and sedimentation which are adversely impacting the health of the Chesapeake Bay watershed. There are approximately 7,325 miles of tidal shoreline along the Chesapeake Bay and its tributaries. In an average year, it is estimated that 4.7 million cubic yards of shoreline material are deposited in the bay due to shoreline erosion. The results not only in serious property damage, but also contributes millions of cubic yards of sediment annually to the bay. This sediment adversely affects the bay's water quality, destroys valuable wetlands and habitat and clogs the bay's navigational channels.

The Army Corps of Engineers operates thirteen reservoirs on the upper Susquehanna River and regulates the river's low and high water flows. There are also four hydroelectric projects on the lower Susquehanna. Under normal conditions, these reservoirs and dams serve as traps for the harmful sediments which flow into the River. During major storms however, they suddenly discharge tremendous amounts of built-up sediments, severely degrading the water quality of the Chesapeake Bay, destroying valuable habitat and killing fish and other living resources. Scientists estimate that Tropical Storm Agnes in 1982 "aged" the bay by more than a decade in a matter of days because of the slug of sediments discharged from the Susquehanna River reservoirs. There is a real danger that another major storm in the basin could scour the sediment that has been accumulating behind these dams and present a major setback to our efforts to clean up the bay.

Chesapeake 2000, the new interstate Chesapeake Bay Agreement, has identified control of sediment loads as a top priority for improving the water quality of the bay. The agreement specifically calls for load reductions from sediment in each major tributary by 2001 and for implementing strategies that prevent the loss of the sediment retention capabilities on the lower Susquehanna River dams by 2003.

Unfortunately, our understanding of the sediment processes and sources of sediments which feed the bay system is still very limited and, to date, few efforts have been undertaken to address the environmental impacts of shoreline erosion and sedimentation on the bay. In 1990, the Army Corps of Engineers completed a study on the feasibility of shoreline erosion protection measures which could protect both the land and water resources of the Chesapeake Bay from the adverse effects of continued erosion but, due to limited authorities, no Federal construction action was recommended at the time. However, the report recommended that the Corps pursue further studies including developing and refining ecosystem models to provide a better understanding of the environmental impacts of sedimentation and sediment transport mechanisms and identifying priority deposition-prevention areas which could lead to structural and non-structural environmental enhancement initiatives.

On May 23, 2001, the Senate Environment and Public Works Committee, approved a resolution which I sponsored together with Senators WARNER and MIKULSKI, directing the Secretary of the Army to review the recommendations of the Army Corps of Engineers' 1990 Chesapeake Bay Shoreline Erosion Study and other related reports and to conduct a comprehensive study of shoreline erosion and related sediment management measures which could be undertaken to protect the water and land resources of the Chesapeake Bay watershed and achieve the water quality conditions necessary to protect the bay's living resources.

The resolution called for the study to be conducted in cooperation with other Federal agencies, the State of Maryland, the Commonwealth of Virginia, and the Commonwealth of Pennsylvania, their political subdivisions and the Chesapeake Bay Program. It also directed the Corps to evaluate structural and non-structural environmental enhancement opportunities and other innovative protection measures in the interest of environmental restoration, ecosystem protection, and other allied purposes for the Chesapeake Bay.

The funding which my amendment would make available, would enable the Corps of Engineers to initiate this study and begin to assess alternative strategies for addressing the shoreline erosion/sedimentation problem in the bay. As the lead Federal agency in water resource management, the Army Corps of Engineers has an important role to play in the restoration of the Chesapeake Bay. The results of this study could benefit not only the overall environmental quality of the Chesapeake Bay, but improve the Corps' dredging management program in the bay.

I urge my colleagues to join me in supporting this amendment.

Mr. WARNER. Mr. President, I rise in favor of an amendment on behalf of myself, Senator SARBANES and Senator ALLEN relating to the ongoing effort by the Corps of Engineers, the Commonwealth of Virginia and the State of Maryland to give new life to the Chesapeake Bay oyster.

Since 1996, the Corps of Engineers has joined with Maryland and Virginia to provide oyster habitat in the Chesapeake Bay. This partnership has stimulated significant financial support from Virginia and Maryland, dollars from the non-profit Chesapeake Bay Foundation, and many individuals.

The oyster, once plentiful in the Bay, has been ravaged by disease, over-harvesting and pollution. Oyster populations in the Bay are nearly non-existent at 99 percent of its traditional stock. In 1999, watermen landed about 420,000 bushels—approximately 2 percent of the historic levels.

Since the beginning of the joint federal-state Chesapeake Bay Restoration program in 1983, we have learned that restoring healthy oyster populations in the Bay is critical to improving water quality and supporting other finfish and shellfish populations. According to scientists, when oyster populations were at its height, they could filter all of the water in the Bay in three to four days. Today, with the depleted oyster stocks, it takes over one year.

Although it took a long time to develop, there is now consensus in the scientific community, and among watermen and the Bay partners that increasing oyster populations by tenfold over the next decade is a key factor in restoring the living resources of the Bay. Using historic oyster bed locations, owned by the Commonwealth, this federal-state effort has built three-dimensional reefs, stocked them with oyster spat and designated these areas as permanent sanctuaries. These protected areas, off limits to harvesting, have shown great promise in producing oysters that are "disease tolerant" which are reproducing and building up adjacent oyster beds.

The new Chesapeake Bay 2000 Agreement, between the federal government and the Bay states, calls for increasing oyster stocks tenfold by 2010, using the 1994 baseline. This goal calls for constructing 20 to 25 reefs per year at dimensions where the reefs rise about the Bay bottom so that young oysters survive and grow faster than silt can cover them.

Mr. President, with the funding provided last year to the Corps and the additional state funds, there is now an active oyster reef construction program underway in both Virginia and Maryland.

My amendment today recognizes the significant allocation of state scientists and state programs that devote their time and resources to the oysters restoration partnership. Integral to the entire project is the state effort to map the large oyster ground areas to determine those sites most suitable for restoration, and to provide suitable shell stock.

For example, in Virginia the focus of the next oyster reef construction area is on the large grounds in Tangier and Pocomoke Sounds. State Conservation and Replenishment Department staff created maps that were gridded and more than 3,000 acres were sampled and evaluated. Eight sanctuary reef sites and more than 190 acres of restorable harvest areas were identified during the oyster ground stock assessment in this area earlier this year.

In preparation for reef construction this summer, Virginia contracted with local watermen to clean the harvest areas and reef sites. In June of this year, four areas were planted with 86,788 bushels of oyster shells at a cost of $139,000 in state funds.

The State of Maryland has been equally committed to providing resources to the Corps for the construction of reef sites in the Maryland waters of the Bay.

Consistent with other Corps programs, my amendment permits the Corps to recognize the strong partnership by the states to restore oyster populations and provide credit toward the non-federal cost share for in kind work performed by the states.

This federal-state sanctuary program is essential to restoring the Chesapeake Bay oyster. The oyster is a national asset because it has the capability to purify the water by filtering algae, sediments and pollutants. Sanctuary oyster reefs also provide critical habitat to other shellfish, finfish and migratory waterfowl.

It has been my privilege to see the construction of these sanctuary reefs last April and I am encouraged by the success of the initial reefs built in Virginia. I am confident that this program is the only way to replenish—and to save—the Chesapeake Bay oyster. I respectfully urge its adoption.

Ms. SNOWE. Mr. President, I rise to thank Senators REID and DOMENICI for including the Snowe-Collins amendment in the Fiscal Year 2002 Energy and Water Development Appropriations today to help the Town of Ft. Fairfield, ME. My amendment should resolve a serious design problem that has arisen in connection with the construction of a small flood control levy project in Ft. Fairfield, which is located above the 46th parallel in Northern Maine, where the river freezes every fall and stays frozen well into spring.

The proper functioning of the levy is vital to the town's economic viability and for protection against future flooding of the downtown area. My amendment should allow the Army Corp of Engineers to assume financial responsibility for a design deficiency in the project relating to the interference of ice with pump operation so that there will be no further and inappropriate cost to the Town.

My amendment calls for the Secretary of the Army to investigate the flood control project and formally determine whether the Secretary is responsible. Since the Corps has already assumed responsibility for the design deficiency, the Secretary will then order the design deficiency to be corrected at 100 percent federal expense.

Once again, I thank the Chairs for their continued support for the levy project in Ft. Fairfield over the years, and I am pleased that the town will now have the assurance that their flooding problems are behind them and can go forward with their economic development plans for their downtown area.

Mr. REID. Mr. President, I ask unanimous consent that the amendment submitted by Senators REID and DOMENICI be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1024) was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

Mr. SPECTER. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I ask unanimous consent to proceed as in morning business for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SARBANES are located in today's RECORD under "Morning Business.")

Mr. SARBANES. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I seek permission to speak for up to 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

Mr. DOMENICI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names: Mr. DOMENICI, Mr. NELSON of Nebraska, and Mr. REID.

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. REID. Therefore, Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Nevada. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—76

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer

Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Conrad
Corzine
Craig
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McConnell
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (OR)
Stabenow
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—23

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Collins
Crapo
Gramm
Hutchison
Inhofe
Lott
McCain
Murkowski
Roberts
Sessions
Smith (NH)
Snowe
Specter
Thomas
Thompson
Voinovich

NOT VOTING—1

Ensign

The motion was agreed to.

The PRESIDING OFFICER (Mr. CORZINE). A quorum is present.

The majority leader.

Mr. DASCHLE. Mr. President, for the information of our colleagues, we are now prepared to go to third reading on the energy and water appropriations bill. Senator LOTT and I and Senator DOMENICI and others have been working on what we will do following the completion of our work on energy and water. Unless there is an objection, I think this would be an appropriate time to complete our work on that bill. Senator LOTT and I will have further announcements as soon as we complete our work on this particular bill.

At this time, it would be my suggestion we go to third reading and final passage.

The PRESIDING OFFICER. The Senator from Nevada.

MODIFICATION TO AMENDMENT NO. 1024

Mr. REID. Mr. President, I ask unanimous consent that the managers' amendment be modified with the language I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 7, line 6, strike the period and insert the following: ": *Provided further*, That within the fund's provision herein, $250,000 may be used for the Horseshoe Lake, AR, feasibility study."

At the appropriate place, insert the following: "*Provided further*, That the project for the ACF authorized by section 2 of the Rivers and Harbor Act of March 2, 1945 (Public Law 79–14; 59 Stat. 10) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, Chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities to develop and implement a plan to be integrated into the long term dredged material management plan being developed for the Corley Slough reach as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed, for the purpose of reuse of the disposal areas, by transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of northwest Florida to be determined in coordination with the State of Florida: *Provided further*, That the Secretary is authorized to acquire all lands, easements, and rights of way that may be determined by the Secretary, in consultation with the affected state, to be required for dredged material disposal areas to implement a long term dredge material management plan: *Provided further*, That the long term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this legislation: *Provided further*, That, $5,000,000 shall be made available for these purposes and $8,173,000 shall be made available for the Apalachicola, Chattahoochee and Flint Rivers Navigation."

FUNDING FOR BEACH REPLENISHMENT PROJECTS

Mr. TORRICELLI. Mr. President, I rise to ask the distinguished managers of the bill if they would consider a request that I and my colleague from New Jersey have concerning the conference.

Mr. REID. I would be happy to accommodate my colleagues from New Jersey.

Mr. TORRICELLI. I thank the Senator from Nevada. Mr. President, I am very pleased to see that the fiscal year 2002 Energy and Water Appropriations bill makes appropriations for many important water resources projects throughout the country. In particular, the Army Corps of Engineers budget includes $1.57 billion in construction funding for important dredging, flood control, and beach replenishment projects, many of which are in my State.

We are extremely grateful that the subcommittee has provided New Jersey with sorely needed funds. And while we understand that the committee has appropriated projects with limited funds, we ask that should funds be made available during conference, that they would consider funding beach replenishment new construction starts. There are several new start projects in my State which are in desperate need of funding, and I would like to draw your attention to several of these projects, and ask that the chairman and ranking member of the subcommittee consider funding for these projects. I cannot stress how vital these projects are to the economies of my State, the region, and our Nation.

Mr. CORZINE. Mr. President, New Jersey's 127 miles of beaches are wide and inviting, dotted with sand dunes and boardwalks offset by a rollicking blue surf and white, warm sand. From Sandy Hook to Cape May Point, one hundred and sixty million people visit New Jersey beaches per year. These visitors generate the bulk of the tourism industry in New Jersey, which is the backbone of my State's economy. Spending by tourists totaled $26.1 billion in New Jersey in 1998, a 2 percent increase from $25.6 billion in 1997. Clearly, our beaches are our lifeblood, and their health is paramount.

This year, there are five new start beach replenishment projects that are in critical need for Federal funding. These projects: the Lower Cape May Meadows, the Brigantine Inlet to Great Delaware Bay Coastline—Oakwood Beach, the Delaware Bay Coastline—Villas and Vicinity, are vital to fighting beach erosion and protecting the tourist economy for South Jersey. My fear is that if Federal funds are not immediately directed to protect these beaches, they will literally disappear in the future.

Mr. TORRICELLI. While we recognize the difficulties involved in providing funding for new starts, we cannot stress how important the construction phase for these projects begin as soon as possible. I would like to note that all of these projects have been authorized by the Water Resources Development Act.

The economy of the region depends directly upon the health of its beaches. Unless construction begins in fiscal year 2002, I am concerned that the economies of the beach-towns within the scope of these projects will be seriously damaged.

Mr. REID. I thank the Senators from New Jersey and assure them that the committee recognizes the importance of protecting our beaches throughout the country.

JENNINGS RANDOLPH LAKE PROJECT

Mr. SARBANES. Mr. President, I would like to clarify that it is the committee's intent that the additional $100,000 provided in the Army Corps of Engineers' operations and maintenance account for the Jennings Randolph Lake project will be used to develop access to the Big Bend Recreation area on the Maryland side of the Jennings Randolph Lake immediately downstream from the dam.

Mr. REID. The Senator is correct. The committee has provided an additional $100,000 for planning and design work for access to the Big Bend Recreation Area located immediately downstream of the Jennings Randolph dam.

Mr. SARBANES. I thank the chairman for these assurances. There is great demand for additional camping, fishing, and white water rafting opportunities particularly in the area just below the dam, known as Big Bend, and these funds will be very helpful in developing access to this area.

GREAT LAKES DRILLING STUDY

Ms. STABENOW. Mr. President, as the Senator from Nevada knows, the Senate adopted the Stabenow-Fitzgerald-Levin-Durbin amendment which would require an Army Corps of Engineers study on drilling in the Great Lakes and place a moratorium on any new drilling until Congress lifts it in the future.

It is clear that Congress has jurisdiction over Great Lakes drilling because it constitutes interstate commerce under the commerce clause of the Constitution. This constitutes interstate commerce under the Commerce clause of the Constitution for several reasons. One reason is that an environmental accident such as the release of crude oil into the waters of one or more of the Great Lakes would negatively affect the water quality, tourism and fishing industries and shorelines of multiple Great Lakes states. Another reason is that oil and gas extracted from one Great Lakes states would be transported and sold in other states in the form of many products. It would also increase the national supply of oil and gas.

For these reasons, there is not doubt that Congress has Federal jurisdiction over drilling in the Great Lakes and can put a stop to it.

Would the distinguished Chairman of the Energy and Water Subcommittee, and the author of this bill, agree with this interpretation of the Commerce clause?

Mr. REID. I totally agree that Congress has jurisdiction over drilling in the Great Lakes because it constitutes interstate commerce under the commerce clause of the Constitution.

Ms. STABENOW. I thank the distinguished chairman of the subcommittee.

KOOTENAI RIVER STURGEON

Mr. CRAIG. Mr. President, I rise today to express my deep concern over the control of water levels of the Kootenai River in and around Bonners Ferry, ID, related to the Kootenai Sturgeon. The Kootenai River is directly influenced by the operations of the Libby Dam as operated by the Army Corps of Engineers. This area has also been defined as critical habitat for the Kootenai Sturgeon.

Will the distinguished Senators from Nevada and New Mexico engage in a colloquy with me concerning the Kootenai River Sturgeon?

Mr. REID. I will be pleased to engage in such a colloquy.

Mr. DOMENICI. As am I.

Mr. CRAIG. The U.S. Fish and Wildlife Service is in the final stages of the biological opinion reporting on the Kootenai Sturgeon. I feel this document is severely flawed. In the assessment, the economic impact is determined to have "no effect" because the area of study is 11 miles of river bottom. As there is no economic activity on the river bottom, I understand the conclusion of the biological opinion. However, I believe the area studied by the economic impact should be the communities affected by any changes in the operations of the Kootenai River.

The biological opinion states that the river should be operated above 1,758 feet to support increased flows for Kootenai Sturgeon. Various studies exist that dispute this number as being correct. When the river is operated above an elevation of 1,758 feet, the water table in the surrounding area rises. As a result, farmers in the area lose crops. I argue this action is a significant economic impact.

I feel the U.S. Fish and Wildlife Service should examine a realistic area as part of their economic impact analysis—that is the area in which an economic impact occurs. Before decisions are made that drastically affect communities, all of the factors should be considered.

Mr. REID. I feel that the issues the Senator from Idaho raises are of a concern, and I want to work with him to see that a solution is found.

Mr. DOMENICI. The Endangered Species Act has also significantly affected areas of my State. I want to work with the Senator from Idaho to find a solution to this issue and provide help for the affected communities.

FUNDING FOR THE GREEN BROOK SUB-BASIN PROJECT

Mr. TORRICELLI. Mr. President, the fiscal year 2002 energy and water appropriations bill provides appropriations for many important water resources projects for the state of New Jersey. I understand that these appropriations were made with limited funds and I am deeply grateful for the support the Committee has provided to many of my requests. However, there is an important New Jersey project that was not fully appropriated and we respectfully ask the managers that if funds should be made available during conference, that they consider fully funding the President's budget request for the Green Brook Sub-Basin.

As you may know, flooding caused by Hurricane Floyd in 1999 caused tremendous damage to the state of New Jersey—especially to the town of Green Brook and the surrounding region. It is estimated that the flooding caused $6 million of damage to the region alone. Unfortunately, the floods from Hurricane Floyd were not the first to have struck the area. Records have shown that floods have continuously struck this area as early 1903. Disastrous flooding to the basin in the summer of 1971 and in the summer of 1973—in which six people were killed.

The Green Brook Sub-Basic project, which is located in north-central New Jersey and spans throughout three counties, began in 2000. The project will construct flood levees and flood walls, bridge raisings, closure structures, individual flood proofings, and buyouts. As you can imagine, the completion of this project will provide needed relief and bring economic revitalization to the region.

The House of Representatives has already fully funded the project for fiscal year 1002.

Mr. CORZINE. Mr. President, I support my colleague from New Jersey's request and on our behalf, we would like to raise an additional issue with the project. We also urge that the Committee Report language that directs the Secretary of the Army to implement the locally requested plan in the western portion of Middlesex County with regards to the Green Brook Sub-Basin projects to be included in the Energy and Water conference report. Many of the local residents that are affected by the Green Brook Sub-Basin project have expressed their interest in changing the project to include buyouts for this area. The report language will implement the change as well as provide lands for badly needed recreation and as well as fish and wildlife habitat enhancement. We are support this language and the House has included similar language in their committee report.

Mr. TORRICELLI. Mr. President, I understand the difficulty the managers will have in providing additional funds for the Green Brook Sub-Basin project. However, the full funding of this project will provide stability and economic revitalization to this very important region in the state of New Jersey.

Mr. REID. I thank the Senators from New Jersey and assure him that the committee will closely review his request.

SEWER INFRASTRUCTURE FUNDING FOR MICHIGAN

Mr. LEVIN. Mr. President, as the Senate considers the fiscal year 2002 appropriations Act for Energy and Water Development I wonder if the distinguished Senator from Nevada would answer a question regarding funding for environmental infrastructure.

I would like to know if the Senator would be willing to consider in conference sewer infrastructure funding for Michigan projects. The need to invest in sewer infrastructure is an urgent one facing the people of Michigan and the Army Corps of Engineers is in a position to address that need. The Army Corps has had many success stories throughout the country in assisting communities in upgrading their sewer infrastructure. I would greatly appreciate the Committee's assistance in protecting water quality in Michigan by addressing this problem.

Mr. REID. We recognize the need to upgrade our aging infrastructure to protect water quality throughout the Nation. I can assure my friend that we will carefully consider his request in conference if indeed the Conference committee is able to fund construction new starts and environmental infrastructure projects at conference, as we have done in the past.

Mr. LEVIN. I thank my friend from Nevada and the committee for their hard work in putting together this important legislation.

SOUTH DAKOTA WATER PROJECTS

Mr. JOHNSON. I thank the Senator from Nevada for his leadership and cooperation in providing funding in the fiscal year 2002 Energy and Water Appropriations bill for key South Dakota rural water projects and priorities. As chairman of the Energy and Water Subcommittee, he has provided funding above the President's request and the House approved level for the Mni Wiconi Rural Water Project and the Mid-Dakota Rural Water Project. Moreover, the Senator funded other important water projects in South Dakota such as the Lewis and Clark Rural Water System. Indeed, his commitment will benefit many South Dakotans.

Mr. REID. I say to my colleague from South Dakota that I appreciate his efforts to work with me on this bill. As a new member of the Senate Appropriations Committee, I know the Senator is a leader in advocating increased investments for rural water projects in your State. I also understand the importance of rural water projects to the citizens of South Dakota and I look forward to continued cooperation on these and other priorities.

Mr. JOHNSON. I thank the Senator from Nevada for his assistance and recognition of South Dakota's rural water needs. Despite the high priority given to provide funding for these South Dakota water projects, two critical items remain important to me as the Senate works to complete action on the FY02 Energy and Water Appropriations bill in its upcoming conference with the House of Representatives.

First, the Mid-Dakota Rural Water Project is in need of an increase in funding to ensure the timely delivery of safe, clean, and affordable water to citizens and communities served by that project. Second, the James River Water Development District—a subdivision of State government in South Dakota—requires funding to complete an Environmental Impact Statement on authorized projects along the James River watershed before the JRWDD can commence continued channel restoration and improvements authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128).

I respectfully request the Chairman's committing to review opportunities in conference committee negotiations on the FY02 Energy and Water Appropriations bill to consider additional funding for the Mid-Dakota Rural Water System and to consider funding for the JRWDD to complete an EIS.

Mr. REID. I express to Senator JOHNSON my desire to consider opportunities in conference committee negotiations on the FY02 Energy and Water Appropriations bill to increase funding for the Mid-Dakota Rural Water Project and to fund the James River Water Development District in South Dakota.

Mr. JOHNSON. I thank the Senator.

ESTUARY RESTORATION ACT

Mr. CHAFEE. Mr. President, I would like to engage the managers of the fiscal year 2002 Energy and Water Development Appropriations bill on the issue of funding for the Estuary Restoration Act. Along with Senators WARNER, LIEBERMAN, and SMITH of New Hampshire, I have offered an amendment that would provide $2 million in funding for the implementation of the Estuary Act. Enacted last year, this bipartisan law establishes the Estuary Habitat Restoration Program with the goal of restoring one million acres of estuary habitat. We understand the budgetary constraints that the Appropriations Committee is operating under as this bill is being considered by the Senate. It is my hope that the managers can identify funding for the implementation of the Estuary Restoration Act during the conference with the House.

Mr. DOMENICI. I commend Senators CHAFEE, WARNER, LIEBERMAN, and SMITH of New Hampshire for their dedication to the issue. I will work with my colleagues during the conference with the House to identify potential sources of funding for the Estuary Restoration Act.

Mr. REID. I concur with Senator DOMENICI. There is no objection on this side of the aisle to the Senator from Rhode Island's request.

Mr. CHAFEE. I thank the Senators and look forward to working with the committee to provide funding for the restoration of our Nation's important estuary environments.

SMALL WIND PROJECTS

Mr. JEFFORDS. Mr. President, I thank my colleague from Nevada, Senator REID, for recognizing the important role small wind projects play in our energy future. As my colleague knows, the State of Vermont has been looking at the use of small wind projects. I appreciate the efforts of my colleague to provide $500,000 for a small wind project in Vermont.

Mr. REID. Small wind projects are an important source of energy for rural areas that often are not connected to the electricity grid. Both Vermont and Nevada have a number of these areas that benefit from this reliable, sustainable, clean source of energy.

Mr. JEFFORDS. To ensure that these systems, which have power capacities of less than 100 kilowatts, continue to play an important role, the committee recognized the need for a set aside for small wind programs. It is correct that the committee believes that not less than $10 million shall be made available for new and ongoing small wind programs?

Mr. REID. This is correct. The committee believes this research is important, and the Department of Energy should set aside no less than $10 million for these programs.

Mr. JEFFORDS. I thank my colleague for his support of these important small wind energy projects, and I thank him for has continued leadership in making sure that renewable energy will be a large part of our energy mix.

TRANSMISSION RELIABILITY

Mr. DORGAN. Mr. President, I rise to express my strong support for the electric energy systems and storage program that funds transmission reliability. Improving the reliability of our Nation's transmission system is absolutely critical. I note that while the President's budget request substantially cuts funding for this critical program, the Senate has increased the funding from approximately $52 million last year to $71 million this year. Transmission reliability is critical to ensure that our nation's electricity supply actually reaches states and, ultimately, the homes and businesses where it is needed. We have seen in California, New York, and elsewhere, that when we don't have sufficient supply and transmission capacity, we experience blackouts and brownouts that have significant detrimental impacts on our economy.

We need to use this money to test new technologies—specifically Composite Conductor wire—that have the ability to dramatically increase the efficiency of existing transmission wires. This type of wire eliminates the need for new wires, new rights-of-way, and new construction, which eliminates siting and permitting problems and related potential environmental impacts. We need to actually test this wire in different climatic and weather conditions to determine the efficacy of using this technology on a larger scale. To this end, I would suggest to the Subcommittee that it provide funds to actually conduct field tests to achieve these objectives.

Mr. REID. I agree that we need to conduct such field tests. I know that the Senator from North Dakota would like a field test in North Dakota, which would be extremely valuable, with the State's cold and wind conditions, to help determine the effectiveness of this technology. I will work with the Senator in conference to address his request to test this technology in the field.

RENEWABLE ENERGY RESEARCH

Mr. ALLARD. Mr. President, I thank the Senator from Nevada, and I commend him for his efforts to promote the advancement and progress of renewable energy sources that will help to address our energy challenges. He has been a leader of these efforts, which are bearing real fruit.

This bill actually increases renewable energy research, development and deployment programs for fiscal year 2002 by $60 million over last year.

These increases will help speed the deployment of these cutting-edge technologies.

But because the House had not fully funded certain solar R&D programs, the committee put its emphasis for solar programs on those programs that had not fared as well in the other Chamber. These programs, the Concentrating Solar Power program, and the Solar Buildings program with its innovative Zero Energy Buildings initiative, are now on solid footing. But the photovoltaics program, the program that has led to dramatic advances in those solar electric panels that we see popping up on the roofs of homes and businesses across the country—this program was not fully funded by the Committee. Much of this funding goes to the National Renewable Energy Lab in Golden, Colorado.

I understand the committee hopes to accept the House number for PV programs in conference, and I just want to give the Senator from Nevada an opportunity to speak to this issue.

Mr. REID. I thank the Senator from Colorado. Yes, it is our intention to seek the House funding level for photovoltaics in conference, and push for our funding level for CSP and solar buildings. All three solar programs deserve increases from the current fiscal year, and we intend to see this through in conference. I thank the Senator for his work on this issue and for being a friend of clean, renewable energy programs.

METROPOLITAN NORTH GEORGIA WATER PLANNING DISTRICT

Mr. CLELAND. I thank the distinguished Senator from Nevada for his leadership on the Appropriations Energy and Water Subcommittee. I would like to ask the Senator from Nevada whether I am correct in my understanding that the reason the Metropolitan North Georgia Water Planning District, a project that was one of my highest priorities because of its importance to the people of my State and its priority with the Governor of Georgia, was not included in the Energy and Water Appropriations Subcommittee report was because of the subcommittee's policy made pursuant to budgetary constraints that new start construction and/or environmental infrastructure water projects will not be addressed until the Energy and Water Development Appropriations Act is considered in conference committee?

Mr. REID. The Senator from Georgia is correct.

Mr. CLELAND. Am I also correct in my understanding that when the Energy and Water Development Appropriations Act is considered by the conference committee that the Metropolitan North Georgia Water Planning District Project will be considered for inclusion in the conference report?

Mr. REID. The Senator is correct that the Metropolitan North Georgia Water Planning District project will be considered for inclusion in the Energy and Water Development Appropriations Act conference report. I will make every effort to accommodate my colleague.

CONSORTIUM FOR PLANT BIOTECHNOLOGY RESEARCH

Mr. CLELAND. Mr. President, is the senator from Nevada aware of an entity called the Consortium for Plant Biotechnology Research, a national consortium of industries, universities and federal laboratories that together support research and technology transfers?

Mr. REID. Yes, I am aware of the consortium and am familiar with the good work and significant achievements that the consortium has produced for the Department of Energy in the past.

Mr. CLELAND. I understand that the committee was unable to include it in the Solar Renewable Account during its consideration of the energy and water development appropriations bill.

Mr. REID. Yes, I believe that is correct.

Mr. CLELAND. As the energy and water development bill moves into conference, I hope the Senate can identify additional funds in the Solar and Renewable Account or another appropriate research account for the consortium so that it can continue its important work.

Mr. REID. The Senate will do all it can to find these funds for the consortium as we work with the House conferees on the bill.

Mr. ALLARD. I commend my colleague from Georgia, Senator CLELAND, for his work on behalf of the consortium and state my support for the allocation of funding for the consortium in the energy and water development appropriations bill in conference. The consortium, of which the university of Colorado is a member, has an astounding record of obtaining private sector matching support for its research activities and has done an amazing job of commercializing its research product. For every dollar invested in the consortium, $2.20 worth of research has been conducted with private sector matching funds—an impressive 120 percent private sector match. Additionally, the consortium has managed to commercialize its research within an average of three years, compared to an industry average of about 10 years. Again, I would like to state my support for funding for this unique and efficient national research institution.

Mr. REID. The committee is aware of the good work the consortium has produced with department of Energy funding over the past decade. The Senate will do its best to try and identify funding for the consortium while in conference with the House.

GAS COOLED REACTOR SYSTEMS

Mr. STEVENS. Mr. President, as some Members may be aware, I have supported the development of gas cooled reactor systems, both small and large, for the provision of electric power and useful heat for our cities. As currently envisioned, gas cooled reactors will be meltdown proof, create substantially less radioactive waste and will be more efficient than our current generation of reactors.

Currently, the Department of Energy is funding a joint U.S.-Russian effort to develop the Gas Turbine Modular Helium Reactor for the purpose of burning up surplus Russian weapons plutonium. This tremendously successful swords to plowshares project is making great technical progress and employs more than 500 Russian weapons scientists and nuclear engineers.

Although the GT-MHR unit built in Russia will be primarily for burning plutonium, that same meltdown proof reactor type can be easily converted into a uranium burning commercial reactor for use around the globe. Indeed, the Appropriations Committee's report notes that "the United States must take full advantage of the development of this attractive technology for a possible next generation nuclear power reactor for United States and foreign markets".

However, the committee's bill does not explicitly provide any dollars for the commercialization of the GT-MHR design.

The senior Senator from New Mexico is a leader in nuclear energy and research. I want to ask my good friend, the Ranking Member of the Energy and Water Subcommittee, the following question regarding the commercialization of the GT-MHR: the "Nuclear Energy Technologies" account in the bill provides $7 million for Generation IV reactor development and for further research on small, modular nuclear reactors. Given that the federal government is already making a substantial investment on the GT-MHR for nonproliferation purposes, and given the near-term promise of this reactor, doesn't it make sense that at least one-half of the $7 million provided be used by the Department of Energy for GT-MHR commercialization efforts?

Mr. DOMENICI. I thank my friend from Alaska for his observations and for his question. As the Senator knows, I too am a great fan of the development of the GT-MHR in Russia and indeed, I was the Senator that initiated the first Federal funding for this program. The question is a fair one and I will have to say that his observations and the conclusion he draws from them are correct. I agree that a substantial portion of the $7 million in funding should indeed be put to good use in commercializing the GT-MHR which is being designed with great cost-effectiveness and success in Russia.

Mr. STEVENS. I thank my good friend from New Mexico for his response. Small modular reactors which are of great potential importance to rural areas and hence of great interest to me. Last year, at my request, Congress provided $1 million for the Department of Energy to study the feasibility of small modular nuclear reactors for deployment in remote locations. That report is now done and in brief, the Department of Energy has concluded that such reactors are not only feasible, but may eventually be a very desirable alternative for many remote communities without access to clean, affordable power sources.

Importantly, one of the most desirable remote reactor types the Department examined was a reduced sized version of the GT–MHR called the Remote Site Modular Helium Reactor. Given the outstanding characteristics of this remote reactor as identified in the Department's report and given that the Department is already developing the basic technology via the Russian program, I believe the Department of Energy should focus on further developing the RS–MHR in the upcoming year.

I thank the Senator from New Mexico.

NEW YORK-NEW JERSEY HARBOR NAVIGATION

Mr. SCHUMER. Mr. President, there are currently three major federally authorized and sponsored navigation projects under construction in the Port of New York and New Jersey and a fourth in the preconstruction, engineering, and design phase. The projects that would deepen the Arthur Kill Channel to 41 feet, the Kill van Kull Channel to 45 feet, the Port Jersey and New York Harbor channels to 41 feet, are being built. An overarching project called the New York-New Jersey Harbor Navigation project which would take these channels to 50-feet depths is in PED.

These projects are staggered in this fashion only because of the order in which they were authorized. I would ask my colleague from New Jersey if there is any other reason for this segmentation.

Mr. TORRICELLI. There certainly is no policy reason. In fact, each constituent project has passed a cost-benefit analysis, each has been shown to be in the federal interest, and each is subject to the appropriate cost-share consistent with Water Resource Development Act policy. The Port Authority of New York and New Jersey will fund the non-Federal share of each of these projects.

Since the Harbor Navigation Project was authorized last year, the Army Corps and the Port Authority have been working to formulate a plan that would allow these projects to be managed as one in order to provide time and cost savings. They have recently concluded that doing this could result in as much as $400 million in savings to the Federal Treasury.

But in order to achieve that savings, it is important that we begin looking at joint management of these projects as soon as possible. I ask the distinguished Chairman, if Senators CORZINE, CLINTON, SCHUMER and myself can demonstrate that the Army Corps could achieve substantial future Federal savings by jointly managing all four of these projects, would he assist us in our efforts to secure conference report language that would allow the Corps to manage these projects in this manner?

Mr. REID. I would say to my friends, the Senators from New York and New Jersey, that I am appreciative of their desire to reduce the cost of major Army Corps projects. They know as well as I do that the Corps has a $40 plus billion backlog of authorized projects. I am concerned about a few aspects of this request, however. I am concerned that this request would have effects on the WRDA cost-share policy, which requires greater non-federal contributions for navigation projects that go deeper than 45 feet. I would not want the Army Corps to conclude that it could apply the cost-shares for the Kill van Kull, Arthur Kill, or Port Jersey project to the effort to bring about 50-foot channel depths, which require a larger non-federal contribution. I hope the Senators would understand that, as a member of the Senate Environment and Public Works Committee, I could not support appropriations language that would undermine the WRDA policy or the committee's jurisdiction.

Mr. SCHUMER. I would respond to my friend, the distinguished chairman, that the report language we seek will be consistent with the WRDA policy regarding the appropriate cost-share for navigation project. I would also say that we intend to secure the Army Corps' support as well as that of the Senate Environment and Public Works Committee Chairman. We are merely raising this issue tonight because we have not been able to settle this matter yet, and need some additional time.

Mr. REID. In the interest of constructing these projects as quickly as possible and with the greatest savings to the American taxpayer, I would respond to my colleague that we will be happy to consider any such conference report language. I urge him to get it to us as soon as possible.

Mr. TORRICELLI. On behalf myself and the Senator from New York, I thank the chairman.

MIXED OXIDE FUEL

Mr. HOLLINGS. Mr. President, I drafted an amendment to the FY02 Energy and Water Subcommittee to delay plutonium shipments to the Savannah River Site until the administration solidifies its commitment to South Carolina to treat weapons-grade material and move them off-site. I understand this may be viewed as an extreme measure, but the result of budget cuts to Fissile Materials Disposition programs by DOE forced the NNSA to abandon a concurrent dual track approach for plutonium disposition and to substitute a risky "layered" approach. Despite administration briefings and testimony before Congress, there remain serious concerns about the disposition strategy contemplated by DOE and significant risk to South Carolina to store these materials for an extended duration, maybe indefinitely, before they are processed.

I fully understand the DOE-wide implications of delaying the closing of Rocky Flats and empathize with my colleague from Colorado's keen interest in closing the site. South Carolina, and other DOE-site states, have been instrumental in assisting Colorado in meeting DOE milestone to close the site ahead of schedule. South Carolina should have a definite timetable for treating waste on site and an identified pathway out, too, just like Colorado. I am pleased to have the commitment of my colleagues from the Armed Services Committee to assist in addressing the outstanding issues with the fissile materials disposition program. I look forward to working with my colleagues on this issue.

Mr. THURMOND. I join my colleague, Senator HOLLINGS, and express my concern regarding recent developments in the Plutonium Disposition Program. I thank him for bringing this discussion to the floor today.

The Plutonium Disposition Program, particularly the Mixed Oxide Fuel Program is of critical importance to our Nation. There are invaluable national security aspects, including the counter-proliferation mission. In addition, the MOX program can be an important factor in addressing our Nation's energy needs.

I have had many conversations with administration officials on this matter. I received personal assurances from the Secretary of Energy, who stated MOX is his "highest nonproliferation priority." Yet I am still concerned the administration is not fully committed to the Plutonium Disposition Program, leaving South Carolina as a dumping ground for our Nation's surplus nuclear weapons material.

Mr. HOLLINGS. I thank the Senator for his remarks. I would appreciate Senator THURMOND'S views on MOX as a primary option for plutonium disposition. Would you also agree that South Carolina should also be provided a concurrent back-up option to MOX?

Mr. THURMOND. I thank the Senator for his question. While MOX should be the primary disposition option, I do agree there should be a backup plan for disposing surplus plutonium. I will work with my colleagues to require the administration to guarantee a back-up plan.

Mr. HOLLINGS. I thank the Senator. I would inquire of my colleague on his views on the cost of not proceeding. Would the Senator agree that not dealing with the existing stockpiles of nuclear materials and oxides found at

DOE industrial and research sites will ultimately cost more than the construction of the MOX facility and the Plutonium Immobilization Plant?

Mr. THURMOND. The Senator is correct, the status quo simply does not make fiscal sense. It is my understanding that the cost of the two plants together is less than the cost of current storage requirements, over a comparable time period. In fact, according to a November 1996 DOE report entitled "Technical Summary for Long Term Storage of Weapons-Useable Fissile Materials," building and operating the MOX plant over a 50-year period, is over $1 billion less than the costs of maintaining the current infrastructure.

Mr. ALLARD. I thank my good friend, Senator HOLLINGS, for allowing me to speak on matter and for compromising on his amendment regarding plutonium disposition. As the Senator knows, I was opposed to his original amendment and glad to see that a compromise has been reached regarding this very important issue of fissile materials disposition. The Senator's original amendment would have prohibited any funding for the transportation of surplus U.S. plutonium to the Savannah River Site until a final agreement was concluded for primary and secondary disposition activities.

All members with a DOE site located in their State understand how sensitive these issues are to our constituents. But we also understand the importance of the nationwide integration of sites to ensure that DOE can continue to meet all its needs and requirements.

Representing Colorado and Rocky Flats, I was concerned that this amendment could have delayed the shipment of plutonium to SRS by at least 1 year, delaying the scheduled 2006 closure date, costing at least $300 million a year. As the ranking member of the Strategic Subcommittee on the Armed Services Committee, I was concerned that this amendment could have interrupted the delicate balance of integration between all the sites by delaying shipments from Lawrence Livermore National Laboratory, Hanford, the Mound Site in Ohio to SRS, possibly triggering a chain reaction by other sites to deny SRS waste.

However, I definitely understand South Carolina's concerns regarding the ability of SRS to properly dispose of DOE surplus plutonium. To my colleagues from South Carolina, I strongly support the establishment of a Mixed Oxide Fuel facility at SRS and will do all I can to assist in establishing some form of backup capability at the site as well.

As one member who is sensitive to these concerns, I pledge to work with my South Carolina colleagues on this very important issue, not only for South Carolina, but also for the sake of the entire DOE complex.

I admire Senator HOLLINGS' persistence on this matter and for working with all of us who had concerns. I pledge to work not only with all members who have a DOE site to ensure a smooth and workable integration of sites regarding the treatment and disposal of waste. As chairman and ranking member of the Strategic Subcommittee of the Armed Services Committee, Senator REED and I will have an opportunity to address the plutonium disposition program as part of the FY02 National Defense Authorization Bill. I again thank the Senator for this opportunity to express my concerns and gratitude.

Mr. REED. I thank my colleagues from South Carolina for raising this very important issue. I also want to commend my colleague from Colorado for working with senators from South Carolina on this matter. As the chairman of the Strategic Subcommittee of the Armed Services Committee, I am very interested in ensuring that DOE sites are closed in a timely manner and that the waste is treated and disposed of properly. I want to assure my colleagues that the Strategic Subcommittee will carefully examine this issue as the Senate Armed Services Committee considers the Fiscal Year 2002 Defense Authorization bill.

Mr. McCAIN. Mr. President, the Energy and Water Development Appropriations bill is important to the Nation's energy resources, improving water infrastructure, and ensuring our national security interests. Let me first commend the managers of this bill, the distinguished Chairman Senator REID and Ranking Member Senator DOMENICI, for their hard work in completing the Senate bill in order to move the appropriations process forward.

The bill provides funding for critical cleanup activities at various sites across the country and continues ongoing water infrastructure projects managed by the Army Corp of Engineers and the Bureau of Reclamation. The bill also increases resources for renewable energy research and nuclear energy programs that are critical to ensuring a diverse energy supply for this Nation.

These are all laudable and important activities, particularly given the energy problems facing our Nation. While I have great respect for the work of my colleagues to complete the committee recommendations for the agencies funded in this bill, I am also disappointed that the appropriators have once again failed to abide by a fair and responsible budget process by inflating this bill with porkbarrel spending. Unfortunately, my colleagues have determined that their ability to increase energy spending is just another opportunity to increase porkbarrel spending.

This bill is 5.8 percent higher than the level enacted in fiscal year 2001, which is greater than the 4 percent increase in discretionary spending that the President wanted to adhere to.

In real dollars, this is $2.4 billion in additional spending above the amount requested by the President, and $1.4 billion higher than last year. So far this year, with just two appropriations bills considered, spending levels have exceeded the President's budget request by more than $3 billion.

A good amount of this increase is in the form of parochial spending for unrequested projects. In this bill, I have identified 442 separate earmarks totaling $732 million, which is greater than the 328 earmarks, or $300 million, in the Senate bill passed last year.

I have no doubt that many of my colleagues will assert the need to expend Federal dollars for their hometown Army Corps projects or to fund development of biomass or ethanol projects in their respective States. If these projects had been approved through a competitive, merit-based prioritization process or if the American public had a greater voice in determining if these projects are indeed the wisest and best use of their tax dollars, then I would not object.

The reality is that very few people know how billions of dollars are spent in the routine cycle of the appropriations process. No doubt, the general public would be appalled that many of the funded projects are, at best, questionable—or worse, unauthorized, or singled out for special treatment because of politics.

This is truly a disservice to the American people who rely on the Congress to utilize prudent judgement in the budget approval process.

Let me share a few examples of what the appropriators are earmarking this year: additional $10 million for the Denali Commission, a regional commission serving only the needs of Alaska; $200,000 to study individual ditch systems in the state of Hawaii; earmark of $300,000 for Aunt Lydia's Cove in Massachusetts; $300,000 to remove aquatic weeds in the Lavaca and Navidad Rivers in Texas; $3 million for a South Dakota integrated ethanol complex; $2 million for the Sealaska ethanol project; two separate earmarks, totaling $5 million, for gasification of Iowa Switch Grass; additional $2.7 million to pay for electrical power systems, bus upgrades and communications in Nevada; $500,000 to research brine waste disposal alternatives in Arizona and Nevada; and, $9.5 million to pay for demonstrations of erosion control in Mississippi.

These are just a few examples from the 24-page list of objectionable provisions I found in this bill and its accompanying report.

As I learned during the consideration of the Interior appropriations bill when my efforts failed to cut wasteful spending for a particular special interest project, an overwhelming majority of my colleagues accept and embrace the practice of porkbarrel spending.

I respect the work of my colleagues on the appropriations committee. However, I do not believe that the Congress should have absolute discretion to tell the Army Corps or the Bureau of Reclamation how best to spend millions of taxpayer dollars for purely parochial projects.

I repeat my conviction that our budget process should be free from such blatant and rampant porkbarrel spending. Unfortunately, to the detriment of American taxpayers, the practice of porkbarrel spending has advanced at light-speed in the last decade and shows no sign of abating.

Just look at the numbers.

We have witnessed an explosion of unrequested projects passed by Congress in the last decade. According to the Office of Management and Budget, there were 1,724 unrequested projects in 1993; 3,476 in 2000; and 6,454 unrequested projects this fiscal year.

We all know the direction this spending train is going. Come October, spending bills will be piled-up, frantic negotiations will ensue, a grand deal will be struck, and guess what? Those spending caps we were supposed to abide by will just fade away.

I hope I am wrong.

Mr. BIDEN. Mr. President, I rise to voice my strong support for the Material Protection, Control, and Accounting, or MPC&A, program managed by the Department of Energy to better secure and protect nuclear weapons and materials in the former Soviet Union. I want to strongly urge the House-Senate conference committee for this bill to increase the funding for this important initiative. I call upon the Senate conferees to join with our House colleagues in supporting a $190 million funding level for fiscal year 2002.

The MPC&A program is often referred to as the first line of defense in safeguarding Russian nuclear materials against potential diversion or theft. From the mundane, such as installing barbed wire fences around sites, to more sophisticated measures like implementing computerized material accounting systems to keep track of nuclear materials, the MPC&A program helps ensure that rogue regimes and terrorist groups do not have access to the most dangerous byproducts of the cold war.

Let me make clear that this program has been considered an enormous success. Various studies and reports have confirmed the cost effectiveness of this program. Simply put, it benefits both Russia and the United States, as well as all the other former members of the Soviet Union.

But our current efforts may not be enough. A high-level bipartisan level headed by former Majority Leader Howard Baker and Lloyd Cutler declared earlier this year:

> While the security of hundreds of tons of Russian material has been improved under the MPC&A Program, comprehensive security upgrades have covered only a modest fraction of the weapons-usable material. There is no program yet in place to provide incentives, resources, and organizational arrangement for Russia to sustain high levels of security.

The Baker-Cutler panel goes on to recommend $5 billion in improvements and upgrades to the MPC&A program over the next 8 to 10 years to accomplish these objectives.

That may be too ambitious an objective given our current budget environment. At the very least, the Baker-Cutler report points to the need to build upon, not cut back, existing funding for the MPC&A program. In testimony before the Foreign Relations Committee in March, Senator, and now Ambassador, Baker offered a personal concern:

> I am a little short of terrified at some of the storage facilities for nuclear material and nuclear weapons; and relatively small investments can yield enormous improvements in storage and security. So, from my standpoint, that is my first priority.

I share his well-grounded fear, and I hope my colleagues in both houses will recognize the vital benefits that the MPC&A program contributes to our national security.

Mr. THURMOND. Mr. President, I am pleased to rise in support of Energy and Water Development Appropriations Act for fiscal year 2002. I believe the Senate has addressed these very complex matters appropriately.

As we all know, this bill funds many significant projects. Of particular significance to me is the critical funding this bill provides for the clean-up activities at our Nation's Department of Energy nuclear weapons sites and more specifically the Savannah River Site (SRS) in my hometown of Aiken, SC. I was disappointed by the administration's proposed budget for these activities, and have indicated so publicly on numerous occasions. At SRS alone, the fiscal year 2002 request was almost $160 million less than the previous year. This bill provides an additional $181 million for these crucial cleanup activities and should ensure that SRS will stay on schedule to meet its future regulatory commitments to the State of South Carolina as well as the Environmental Protection Agency.

While I am supportive of most elements of this bill there were some issues which concerned me. Specifically, the report which accompanies this bill included a directive that the Department of Energy transfer the Accelerator for the Production of Tritium (APT) project from the Office of Defense Programs within the National Nuclear Security Administration (NNSA) to the Office of Nuclear Energy, Science and Technology for inclusion in the Advanced Accelerator Applications office.

I disagree with this proposal and will oppose such a move. First and foremost, this is an appropriations bill, not an authorization. The APT program was authorized in section 3134 of the Defense Authorization Act for fiscal year 2000 as a defense program. I wholeheartedly support exploring additional scientific, engineering research, development and demonstrations with this superb technology and I believe this work may yield dramatic advances. However, APT is and should remain a Defense Program. Last year, the Department established a new Accelerator Development effort. This office is "Co-Chaired" by the NNSA's Office of Defense Programs and the Department of Energy's Office of Nuclear Energy, Science and Technology. I have no objections of combining efforts at the Department of Energy where appropriate, however, the primary mission of the APT is, as defined by law, to serve as a backup source of tritium for our nation's strategic arsenal.

Finally, I would like to discuss the Fissile Materials Disposition Programs as discussed in the bill. This bill correctly describes the excess weapons grade plutonium in Russia as a "clear and present danger to the security of United States. . . ." I believe it is in the best interest of all Americans to move forward with this program expeditiously. I am further pleased that the administration fully funded the Mixed Oxide Fuel Fabrication Facility to be constructed at the Savannah River Site. Unfortunately, I have recently heard some troubling stories regarding the commitment of the White House to this important program.

The New York Times ran a story this Monday, July 16, 2001 entitled "U.S. Review on Russia Urges Keeping Most Arms Control," which greatly concerned me.

According to the article, while most of the programs initiated in the previous Administration will be retained, "the White House plans to overhaul a hugely expensive effort to enable Russia and the United States to each destroy 34 tons of stored plutonium. . . ." Mr. President, what the White House is discussing here is the Mixed Oxide Fuel Program, known as MOX. This facility is planned for the Savannah River Site.

As you likely already know, the MOX program has an invaluable counter-proliferation mission. Thanks to an agreement with the Russian Government, signed last year, the MOX program will help take weapons grade plutonium out of former Soviet stockpiles, and will also divert such materials from potentially falling into the hands of rogue nations, terrorists, or criminal organizations. In and of itself, this clearly makes the MOX program worth every penny. Earlier this year I asked Secretary of Energy Abraham where he stands on this program and he responded that MOX is his "highest nonproliferation priority."

Beyond the important national security aspects of this program there are many domestic issues which must be considered in evaluating this program. From the standpoint of providing a much needed source of energy, MOX makes good sense. Presently, there are quite literally tons of surplus nuclear weapons materials stored throughout the Department of Energy (DOE) industrial complex that could be processed in our MOX facility and reintroduced as a fuel for commercial nuclear reactors. Here is the beauty of this program, once MOX is burned in selected reactors it is gone for good. It cannot be used for weapons ever again and there is no more need for storage.

Furthermore, I am convinced that not dealing with the existing stockpiles of nuclear materials and oxides that are found at the six DOE industrial and research sites will ultimately cost substantially more than the construction of the MOX facility. According to the previously mentioned news article, "the administration insists it is still exploring less expensive options." According to a November 29, 1996 DOE report entitled Technical Summary for Long Term Storage of Weapons-Useable Fissile Materials, the costs of maintaining the current infrastructure far exceeds the costs of building and operating the MOX plant according to the current plan. According to the report, the cost for storage of plutonium in constant 1996 dollars is estimated to be approximately "$380 million per year and the operating cost for 50 years of operation at approximately $3.2 billion. The cost is insensitive to where the plutonium is stored at any one of the four sites." The status quo simply does not make fiscal sense.

Perhaps the most critical domestic consideration regarding the MOX program is that it creates a "path out" for materials currently being stored at SRS and awaiting processing as well as those materials that could be shipped to the site and processed there in the future. South Carolina agreed to accept nuclear materials shipments into SRS based on the understanding that an expeditious "pathway out" would exist. Canceling the Plutonium Disposition Program eliminates the "path out." Neither I nor anyone else who represents South Carolina at the Federal or State level is willing to see the Savannah River Site become the de facto dumping ground for the nation's nuclear materials. If the "path out" for these materials disappears, then the "path in" to the Savannah River Site is likely to become muddy. That is bad for cleanup nationwide.

Ambassador Howard Baker and Mr. Lloyd Cutler reached a series of conclusions in their recent report from the Russia Task Force, any one of which justifies aggressive support for the MOX program. However one statement struck me as particularly poignant. Specifically, as stated in the report, "the national security benefits to U.S. citizens from securing and/or neutralizing the equivalent of more than 80,000 nuclear weapons and potential weapons would constitute the highest return on investment in any current U.S. national security and defense program."

I am concerned by the signals coming from the White House. I intend to ask President Bush to publicly support this initiative and put an end to my concerns as well as those of my colleagues and all of the states involved.

In closing, this is a good bill and I am pleased to support it.

Mr. President, I ask unanimous consent to print the New York Times article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 16, 2001]

U.S. REVIEW ON RUSSIA URGES KEEPING MOST ARMS CONTROLS

(By Judith Miller with Michael R. Gordon)

A Bush administration review of American assistance to Russia has concluded that most of the programs aimed at helping Russia stop the spread of nuclear, chemical and biological weapons are vital to American security and should be continued, a senior administration official says. Some may even be expanded.

But the White House wants to restructure or end two programs: a $2.1 billion effort to dispose of hundreds of tons of military plutonium and a program to shrink Russian cities that were devoted to nuclear weapons development, and to provide alternative jobs for nuclear scientists, the official said in an interview on Friday. Both these programs have been criticized in Congress.

The review also calls for a shift in philosophy from "assistance to partnership" with Russia.

To do that, the official said, Russia would have to demonstrate a willingness to make a financial and political commitment to stop the spread of advanced conventional weapons and to end its sale of nuclear and other military-related expertise and technology to Iran and other nations unfriendly to the United States.

One administration official said the issue of how to handle Russia's sales of sensitive technology and expertise not only to Iran, Iraq, Libya and others hostile to America was being considered separately by the White House. No decisions have been made yet.

But on those issues, it would be "hard to create a partnership if we think that Russia is proliferating," this official added. "It's not a condition; it's a fact of life."

Administration officials said the recommendation to extend most Administration officials said the recommendation to extend most nonproliferation programs was not conditioned upon Russian acquiescence to the administration's determination to build a nuclear missile shield.

The review covered 30 programs with an annual outlay of some $800 million. They are a cornerstone of America's scientific and military relationship with Russia. The programs, involving mostly the Pentagon, the Energy Department and the State Department, pay for the dismantling of weapons facilities and the strengthening of security at sites where nuclear, chemical and biological weapons are stored.

President Bush is expected to discuss some of these programs when he meets with President Vladimir V. Putin next weekend. That meeting, in Genoa, Italy, is expected to focus on American plans to build the missile shield, which the Americans admit would violate a longstanding treaty between the two nations.

The administration's endorsement of most of the nonproliferation programs begun by the Clinton administration will not surprise most legislators, given that the administration is now trying to avoid being portrayed as single-minded on national security matters in its pursuit of a missile shield, and as unresponsive to European support for arms control.

Officials said that although cabinet officials had discussed the review's findings, no final decisions on the recommendations would be made until Congress reacted to the proposals. The administration has begun arranging to brief key legislators on the results of its review, which began in April and was conducted by an expert on Russia on loan from the State Department to the National Security Council office that deals with nonproliferation strategy. That office is headed by Bob Joseph.

In interviews, administration officials said the White House would not overlook Russian efforts to weaken the programs by restricting access to weapons plants or by erecting obstacles to meeting nonproliferation commitments. "We have a high standard for Russian behavior," one official said.

The review has concluded that most of the $420 million worth of the Pentagon's programs—called Cooperative Threat Reduction—are "effectively managed" and advance American interests.

The White House also intends to expand State Department programs that help Russian scientists engage in peaceful work through the Moscow-based International Science and Technology Center, which the European Union and Japan also support, and other institutions.

But some big-ticket programs whose budgets have already been slashed or criticized on Capitol Hill are likely to be shut down or "refocused," the official said.

Though it is no longer very expensive, another program, the Nuclear Cities Initiative, has already been scaled back by Congress. It was begun in 1998 to help create nonmilitary work for Russia's 122,000 nuclear scientists and to help Russia downsize geographically and economically isolated nuclear cities, where 760,000 people live.

Unhappy with both the cost and the Russian reluctance to open these cities.

Unhappy with both the cost and the Russian reluctance to open these cities fully to Western visitors, Congress has repeatedly slashed money for the program. Under the Bush review, the undefined "positive aspects" would be merged into other programs, and most of the program closed.

The Clinton administration had begun the program to provide civilian work for Russia's closed nuclear cities. The aim was to prevent nuclear scientists there from leaving for Iraq, Iran and other aspiring nuclear powers. Under the program, the Russians would also have to expedite the closure of two warhead-assembly plants and their conversion to civilian production.

"The administration will be missing an opportunity to shut down two warhead production plants if it abandons the Nuclear Cities Initiative," said Rose Gottemoeller, a senior

Energy Department official during the Clinton administration. The administration says Russia plans to close those two facilities in any event.

The White House also intends to overhaul a hugely expensive effort to enable Russia and the United States each to destroy 34 tons of stored plutonium by building facilities in Russia and the United States. The program, as currently structured, will cost Russia $2.1 billion and the United States $6.5 billion, at a minimum. The administration has pledged $400 million and has already appropriated $240 million.

In February 2000, the Clinton administration wrested a promise from Russia to stop making plutonium out of fuel from its civilian power reactors as part of a research and aid package. While Russia was supposed to stop adding to its estimated stockpile of 160 tons of military plutonium by shutting down three military reactors last December, Moscow was unable to do so because the reactors, near Tomsk and Krasnoyarsk, provide heat and electricity to those cities.

Critics said the original program was too costly and was not moving forward. But supporters say the Bush administration should try harder to solicit funds from European and other governments before shelving the effort and walking away from the accord.

The administration insists it is still exploring less expensive options.

The administration has also deferred a decision on a commitment to help Russia build facilities to destroy 40,000 tons of chemical weapons, the world's such stockpile. The first plant has been completed at Gorny, 660 miles southeast of Moscow, but American assistance to build a second plant at Shchuchye, 1,000 miles southeast of Moscow, has been frozen by Congress.

Many legislators have complained that the Russian have not fully declared the total and type of chemical weapons they made, and that they have put up too little of their own money for the project.

In February, however, Russia announced that it had increased its annual budget for destroying the weapons sixfold, to $105 million, and presented a plan to begin operating the first of three destruction plants. The administration official said this reflected a "significant change" in Russia's attitude towards commitments that "could have an impact on our thinking" about the program.

The Russians hope to destroy their vast chemical stocks by 2012, a deadline.

The Russians hope to destroy their vast chemical stocks by 2012, a deadline that will require that they obtain a five-year extension. But Moscow will not be able to meet even that deferred deadline unless construction begins soon for a destruction installation at Shchuchye.

The Clinton administration, after Congress slashed funds for the project, lined up support from several foreign governments.

Elisa Harris, a research fellow at the University of Maryland and a former specialist on chemical weapons for President Clinton's National Security Council, said the destruction effort could falter unless the Bush administration persuaded Congress to rescind the ban and finally support the program.

Commenting on the review, Leon Fuerth, a visiting professor of international affairs at George Washington University and the national security adviser to former Vice president Al Gore, said, "By and large they are going to sustain what they inherited, which is good for the country."

But the senior Bush administration official said the review did not endorse the Clinton approach. This administration, he said, is determined to "establish better and more cost-efficient ways" of achieving its nonproliferation goals and integrating such programs into a comprehensive strategy toward Russia. He said the White House planned to form a White House steering group "to assure that the programs are well managed and better coordinated."

The PRESIDING OFFICER. Are there further amendments?

Mr. DOMENICI. Mr. President, I have no further amendments. I thank the seven members of the staff on both sides who worked diligently on a very complicated bill. On Senator REID's staff: Drew Willison, Roger Cockrell, Nancy Olkewicz; members of my staff: Tammy Perrin, Jim Crum, Camille Anderson, and Clay Sell.

The Senator's staff has been a pleasure to work with, and I hope mine has. I thank you for the pleasantries and the way we have been able to work this bill out.

Mr. REID. Not only the staff has been a pleasure to work with, but you have been a pleasure to work with.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—2

McCain
Voinovich

NOT VOTING—1

Ensign

The bill (H.R. 2311), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I move that the Senate insist on its amendment, request a conference with the House, and the Chair be allowed to appoint conferees on the part of the Senate, with no intervening action or debate.

The motion was agreed to and the Presiding Officer (Mr. CORZINE) appointed Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, and Mr. CRAIG conferees on the part of the Senate.

Mr. REID. Mr. President, I asked, along with Senator DOMENICI, the Chair to appoint conferees, which the Chair did. We would like to add to the conferees Senators INOUYE and STEVENS. I ask unanimous consent that Senators INOUYE and STEVENS be added to the list of conferees on the energy and water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is the intention of the majority leader now to move to the Graham nomination. The leader indicated there will be a number of votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I inquire what the parliamentary situation is.

The PRESIDING OFFICER. There is no business pending at this time.

THE NOMINATION OF ROGER WALTON FERGUSON, JR.

Mr. SARBANES. Mr. President, I want to speak briefly with respect to the nomination of Roger W. Ferguson to the Board of Governors of the Federal Reserve System. I understand later today at the appropriate time we will be taking up the Ferguson nomination. As I understand it that will be after the Graham nomination. This seems an opportune time to take a moment or two because, presumably, at the time we vote people may be in somewhat of a hurry to draw our business to a conclusion.

The nomination of Roger Ferguson was reported out of the Banking Committee on July 12 with one dissenting vote in the committee. He is currently a member of the Federal Reserve Board. This would be for another term on the Board, a reappointment. He was nominated for another term by President Clinton in 1999, but action was not taken on that nomination so it simply remained pending, although he continued under the applicable rules that govern membership on the Board of Governors, to serve on the Board. In the first part of this year, President Bush resubmitted his nomination to the Senate for membership on the Board of Governors of the Federal Reserve System for a term of 14 years, which is the standard term for members of the Board of Governors.

I simply want to say to my colleagues that we think Mr. Ferguson has done a fine job as a member of the Board of Governors of the Federal Reserve System. He has assumed a number of areas of prime responsibility in the workings of the Board. We think of the Board primarily in terms of its monetary policy decisions, but of course the Board has a whole range of other responsibilities that affect the financial system of the country. There are many day-to-day responsibilities.

Roger Ferguson has been an integral part of the Board's activities. He is spoken of very highly by those who watch the Board and by the members of the Board themselves, including the Chairman. He has also assumed a special responsibility to work on the question of diversity in the Federal Reserve System in terms of its employment and membership practices. In fact, at his hearing we asked him some questions on that subject on the basis of a communication we had received from members of the minority caucuses in the House of Representatives. He was quite forthcoming in his responses and underscored the effort they were making in this area at the Federal Reserve. In response to these questions, he undertook to once again carefully review and examine Board policy and to intensify their efforts to ensure more diversity in the workings of the Federal Reserve System.

I urge his confirmation to my colleagues. I very much hope, when he comes before us for a vote, we will have very strong support for his reappointment to the Federal Reserve System.

We need to get these members into place at the Federal Reserve Board because there are a couple of vacancies there.

One of the Board of Governors also announced his intention to retire. The President has announced his intention to nominate a couple of members. Those nominations have not yet been sent to us, thus we have not yet received them.

In an effort to keep the Board of Governors of the Federal Reserve in sufficient number, I urge my colleagues to approve the Ferguson nomination when it comes before us later tonight.

I yield the floor.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN D. GRAHAM OF MASSACHUSETTS TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET

Mr. DASCHLE. Mr. President, we are still attempting to come to some resolution about the sequencing of other legislative priorities for the balance of the week. Until that time, under a prior agreement, the Senate had the understanding that we would move to the consideration of the John Graham nomination, Calendar No. 104.

Pursuant to that agreement, I ask unanimous consent that the Senate now move to executive session to consider Calendar No. 104, the nomination of John Graham to be the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, and that immediately following the consideration of Calendar No. 104, pursuant to the agreement, we consider Calendar No. 223, the nomination of Roger Walton Ferguson to be a member of the Board of Governors of the Federal Reserve for a term of 14 years.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read the nomination of John D. Graham of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Mr. DASCHLE. Mr. President, for the information of Senators interested in the schedule this evening, it is our intention to complete the debate on the two nominations. I know of no interest in debate on the Ferguson nomination, but there is, of course, debate on the Graham nomination.

Following completion of debate on the nominees, it is my expectation and determination to move to the legislative branch appropriations bill, and that would be the final piece of business to be completed tonight.

Tomorrow, it is my hope—and this matter has yet to be completely resolved—that we move to three judicial nominations and then proceed to the Transportation appropriations bill. We will have more to say about that later in the evening.

For now, I hope we could begin the debate on the Graham nomination.

UNANIMOUS CONSENT AGREEMENT—H.R. 2299

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Appropriations Committee be discharged from consideration of H.R. 2299 and that the Senate then proceed to its consideration; that once the bill is reported, Senator MURRAY be recognized to offer the text of S. 1178 as a substitute amendment; that no further amendments be in order during today's session; that once the action has been completed, the bill be laid aside until Friday, July 20; the Senate resume consideration of the bill upon returning to legislative session, following any rollcall votes with respect to the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I thank my colleagues. For the information of our colleagues, Senator MURRAY will now be recognized simply to lay down the Transportation bill, and we will proceed then immediately to the Graham nomination.

The PRESIDING OFFICER. The Senator from Washington.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Mrs. MURRAY. Mr. President, I send an amendment to the desk in the nature of a substitute.

AMENDMENT NO. 1025

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1025.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. Under the previous order, the measure will be set aside.

NOMINATION OF JOHN D. GRAHAM OF MASSACHUSETTS TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET—Continued

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the nomination of Dr. John Graham for the position of Administrator of OMB's Office of Information and Regulatory Affairs.

On May 23, the Governmental Affairs Committee reported the nomination of Dr. Graham with a vote of 9–3 or 11–4, if you count proxies. The bipartisan vote included Republican members of the committee, as well as Senators LEVIN, CARPER, and CARNAHAN. I urge my colleagues on both sides of the aisle to join us in support of the confirmation of Dr. Graham.

The Office of Information and Regulatory Affairs, or OIRA, as we will refer to it, was established in 1980 by the Paperwork Reduction Act, legislation developed to address policy issues that Congress was concerned were being neglected by the executive branch. OIRA is primarily charged with being a leader on regulatory review, reducing unnecessary paperwork and red tape, improving the management of the executive branch, reviewing information policy, and guiding statistical policy proposals.

The decisions and actions of the OIRA administrator are very important to the public and should be made by a particularly capable and dedicated individual. John Graham fits this profile.

John Graham has been a professor of policy and decision sciences at the Harvard School of Public Health since 1985. He is the founder and director of the Harvard Center for Risk Analysis. He has worked with various Federal agencies through his research, advisory committees, and as a consultant. He holds a bachelor's degree in public affairs from Duke University and a Ph.D. in urban and public affairs from Carnegie Mellon University with an emphasis on decision sciences.

In addition, the EPA funded his postdoctoral fellowship in environmental science and public policy, and he completed course work in research training and human health risk assessment.

In 1995, Dr. Graham was elected president of the International Society for Risk Analysis, a membership organization of 2,000-plus scientists, engineers, and scholars dedicated to advancing the tools of risk analysis.

We have received testimonials attesting to the credentials and integrity of Dr. Graham from hundreds of esteemed authorities in the environmental policy, health policy, and related fields. William Reilly, the former Administrator of EPA, said that "over the years, John Graham has impressed me with his vigor, his fair-mindedness, and integrity."

Dr. Lewis Sullivan, former Secretary of the Department of Health and Human Services said that "Dr. Graham is superbly qualified to be the IORA administrator."

Former OIRA Administrators from both Democratic and Republican administrations have conveyed their confidence that John Graham is not an opponent of all regulation but, rather, he is deeply committed to seeing that regulation serves broad public purposes as effectively as possible.

Dr. Robert Leiken, a respected expert on regulatory policy at the Brookings Institution, stated that Dr. Graham is the most qualified person ever nominated for the job of OIRA Administrator.

About 100 scholars in environmental and health policy and related fields joined together to endorse John Graham's nomination stating:

> While we don't always agree with John or, for that matter, with one another on every policy issue, we do respect his work and his intellectual integrity. It is very regrettable that some interest groups that disagree with John's views on the merits of particular issues have chosen to impugn his integrity by implying that his views are for sale rather than confronting the merits of his argument. Dialog about public policy should be conducted at a higher level.

Having dealt with this nomination for many months, I think that quote really hits the nail on the head. Some groups oppose Dr. Graham because they don't agree with his support for sound science and better regulatory analysis. But they have chosen to engage in attacks against him instead of addressing the merits of his thinking.

It is especially unfortunate since this nominee has done so much to advance an important field of thought that can help us achieve greater environmental health and safety protection at less cost.

While some groups oppose the confirmation of Dr. Graham, I believe their concerns have been addressed and should not dissuade the Senate from confirming Dr. Graham. For example, Joan Claybrook, the President of Public Citizen, has charged that Dr. Graham's views are antiregulation. Yet Dr. Graham's approach calls for smarter regulation based on science, engineering, and economics, not necessarily less regulation. He has shown that we can achieve greater protections than we are currently achieving.

Opponents have charged that Dr. Graham is firmly opposed to most environmental regulations. In fact, Dr. Graham and his colleagues have produced scholarships that supported a wide range of environmental policies, including toxic pollution control at coke plants, phaseout of chemicals that deplete the ozone layer, and low-sulfur diesel fuel requirements. Dr. Graham also urged new environmental policies to address indoor pollution, outdoor particulate pollution, and tax credits for fuel-efficient vehicles.

Dr. Graham believes that environmental policy should be grounded in science, however, and examined for cost-effectiveness. Dr. Graham and his colleagues have also developed new tools for chemical risk assessment that will better protect the public against noncancer health effects, such as damage to the human reproductive and immune systems.

Dr. Graham's basic regulatory philosophy was adopted in the Safe Drinking Water Act amendments of 1996, a lifesaving law that both Democrats and Republicans overwhelmingly supported, including most of us here today.

Critics have claimed that Professor Graham seeks to increase the role of economic analysis in regulatory decisionmaking and freeze out intangible and humanistic concerns. This is inaccurate. In both of his scholarly writings, and in congressional testimony, Professor Graham rejected purely numerical monetary approaches to cost-benefit analyses. He has insisted that intangible contributions, including fairness, privacy, freedom, equity, and ecological protection be given way in both regulatory analysis and decisionmaking.

Dr. Graham and the Harvard Center have shown that many regulatory policies are, in fact, cost-effective, such as AIDS prevention and treatments; vaccination against measles, mumps, and rubella; regulations on the sale of cigarettes to minors; enforcement of seatbelt laws; the mandate of lead-free gasoline; and the phaseout of ozone-depleting chemicals.

Critics also claimed that Professor Graham's views are extreme because he has indicated that public health resources are not always allocated wisely under existing laws and regulations. Yet this is not an extreme view. It reflects the thrust of the writings on risk regulation by Justice Stephen Breyer, for example—President Clinton's choice for the Supreme Court—as well as consensus statements from diverse groups such as the Carnegie Commission, the National Academy of Public Administration, and the Harvard Group on Risk Management Reform.

Professor Graham made crystal clear at his confirmation hearing that he will enforce the laws of the land, as Congress has written them. He understands that there is significant differences between the professor's role of questioning all ways of thinking and the OIRA Administrator's role of implementing the laws and the President's policy. I believe Dr. Graham will make the transition from academia to Government service smoothly, and that he will use his valuable experience to bring more insight to the issues that confront OIRA every day.

A fair review of the deliberations of the Governmental Affairs Committee, and the entire record, lead me and many of my colleagues to conclude that Dr. John Graham has the qualifications and the character to serve the public with distinction.

A respected professor at the University of Chicago put it this way. He says:

> John Graham cannot be pigeonholed as conservative or liberal on regulatory issues. He is unpredictable in the best sense. I would not be surprised at all if in some settings he turned out to be a vigorous voice for aggressive governmental regulation. In fact, that is exactly what I would expect. When he questions regulations, it is because he thinks we can use our resources in better ways. It is because he thinks that we can use our resources in ways that do not necessarily meet the eye. On this issue, he stands as one of the most important researchers and most promising public servants in the Nation.

I urge prompt confirmation of John Graham.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, before beginning my remarks, I would like to have a clarification, if I can, as to the allocation of time in this debate.

The PRESIDING OFFICER. There is 1 hour under the control of Mr. LIEBERMAN, 3 hours under the control of Mr. THOMPSON, 2 hours under the control of Mr. DURBIN, 2 hours under the control of Mr. WELLSTONE, and 15 minutes under the control of Mr. KERRY.

Mr. DURBIN. I thank the Chair. Madam President, I rise to speak in opposition to the nomination of John Graham for the position of Administrator for the Office of Information and Regulatory Affairs at OMB.

This is a rare experience for me. I think it is the first time in my Senate career, in my congressional career, where I have spoken out against a nominee and attempted to lead the effort to stop his confirmation. I do this understanding that the deck is not stacked in my favor. Many Members of the Senate will give the President his person, whoever it happens to be, and that is a point of view which I respect but disagree with from time to time. I also understand from the Governmental Affairs Committee experience that the Republican side of the aisle—the President's side of the aisle—has been unanimous in the support of John Graham, and that is understandable, both out of respect for the nominee and the President himself.

Having said that, though, the reason I come to the floor this evening and the reason I asked for time in debate is because I believe this is one of the most dangerous nominations that we are going to consider—dangerous in this respect: Although the office which Mr. John Graham seeks is obscure by Washington standards, it is an extremely important office. Few people are aware of the Office of Information and Regulatory Affairs and just how powerful the office of regulatory czar can be. But this office, this senior White House staff position, exercises enormous authority over every major Federal regulation the Government has under consideration. Because of this, the OIRA Administrator must have a commitment to evenhandedness, objectivity, and fair play in analyzing and presenting information about regulatory options.

Do you often sit and wonder, when you hear pronouncements from the Bush White House, for example, on arsenic in drinking water and increasing the acceptable level of arsenic in drinking water, who in the world came up with that idea? There might be some business interests, some industrial and corporate interests, who have a specific view on the issue and have pushed it successfully in the administration. But somebody sitting in the Bush White House along the way said: That sounds like a perfectly sound idea. And so they went forward with that suggestion.

Of course, the public reaction to that was so negative that they have had time to reconsider the decision, but at some time and place in this Bush White House, someone in a position of authority said: Go forward with the idea of allowing more arsenic in drinking water in the United States.

I do not understand how anyone can reach that conclusion at all, certainly not without lengthy study and scientific information to back it up, but it happened. My fear is, John Graham, as the gatekeeper for rules and regulations concerning the environment and public health, will be in a position to give a thumbs up or a thumbs down to suggestions just like that from this day forward if he is confirmed.

I think it is reasonable for us to step back and say: If he has that much power, and we already have seen evidence in this administration of some rather bizarre ideas when it comes to public health and the environment, we have a right to know what John Graham believes, what is John Graham's qualification for this job, what is his record in this area? That is why I stand here this evening.

I want to share with my colleagues in the Senate and those who follow the debate the professional career of Mr. John Graham which I think gives clear evidence as to why he should not be confirmed for this position.

Let me preface my remarks. Nothing I will say this evening, nothing I have said, will question the personal integrity of John Graham. I have no reason to do that, nor will I. What I will raise this evening relates directly to his professional experience, statements he has made, views he holds that I think are central to the question as to whether or not we should entrust this important and powerful position to him.

Some in the Governmental Affairs Committee said this was a personal attack on John Graham. Personal in this respect: I am taking his record as an individual, a professional, and bringing it to the Senate for its consideration. But I am not impugning his personal integrity or his honesty. I have no reason to do so.

I assumed from the beginning that he has done nothing in his background that will raise questions along those lines. I will really stick this evening to things he has said in a professional capacity, and in sticking to those things, I think you will see why many have joined me in raising serious questions about his qualifications.

On the surface, John Graham strikes some of my colleagues in the Senate as possessing the qualities of objectivity and evenhandedness we would expect in this position. He is seen by many as eminently qualified for the position. After all, he is a leading expert in the area of risk analysis and has compiled a lengthy list of professional accomplishments.

I have heard from colleagues on both sides of the aisle, whom I respect, that they consider him the right man for the job. So I think it is important for me this evening to spell out in specific detail why I believe that is not the case, why John Graham is the wrong person to serve as the Nation's regulatory czar.

Professor Graham's supporters painted a picture of him as evenhanded and objective. They say he supports environmental regulations as long as they are well drafted and based on solid information. My colleague, the Senator from Tennessee, said as much in his opening statement.

A casual glance at Dr. Graham's record may lead one to conclude this is an accurate portrayal. As they say, the devil is in the details. A careful reading of the record makes several things absolutely clear: Dr. Graham opposes virtually all environmental regulations. He believes that many environmental regulations do more harm than good. He also believes that many toxic chemicals—toxic chemicals—may be good for you. I know you are wondering, if you are following this debate, how anyone can say that. Well, stay tuned.

John Graham favors endless study of environmental issues over taking actions and making decisions—a classic case of paralysis by analysis. Dr. Graham's so-called objective research is actually heavily influenced by policy consideration, and he has had a built-in bias that favors the interest of his industrial sponsors.

He has been connected with Harvard University, and that is where his analysis has been performed, at his center. He has had a list of professional clients over the years.

Madam President, I ask unanimous consent that this list of clients be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNRESTRICTED GRANTS TO THE HARVARD CENTER FOR RISK ASSESSMENT

3M.
Aetna Life & Casualty Company.
Air Products and Chemicals, Inc.
Alcoa Foundation.
American Automobile Manufacturers Association.
American Chemistry Council.
American Crop Protection Association.
American Petroleum Institute.
Amoco Corporation.
ARCO Chemical Company.
ASARCO Inc.
Ashland Inc. Foundation.
Association of American Railroads.
Astra AB.
Astra-Merck.
Atlantic Richfield Corporation.
BASF.
Bethlehem Steel Corporation.
Boatmen's Trust.
Boise Cascade Corporation.
BP America Inc.
Cabot Corporation Foundation
Carolina Power and Light.
Cement Kiln Recycling Coalition.
Center for Energy and Economic Development.
Chevron Research & Technology Company.
Chlorine Chemistry Council.
CIBA-GEIGY Corporation.
Ciba Geigy Limited.
CITGO Petroleum Company.
The Coca-Cola Company.
Cytec Industries.
Dow Chemical Company.
DowElanco.
DuPont Agricultural Products.
Eastman Chemical Company.
Eastman Kodak Company.
Edison Electric Institute.
E.I. DuPont de Nemours & Company.
Electric Power Research Institute.
Emerson Electric.
Exxon Corporation.
FBC Chemical Corporation.
FMC Corporation.
Ford Motor Company.
Fort James Foundation.
Frito-Lay.
General Electric Fund.
General Motors Corporation.
The Geon Company.
Georgia-Pacific Corporation.
Glaxo-Wellcome, Inc.
The Goodyear Tire & Rubber Company.
Grocery Manufacturers of America.
Hoechst Celanese Corporation.
Hoechst Marion Roussel.
Hoffman-LaRoche Inc.
ICI Americas Inc.
Inland Steel Industries.
International Paper.
The James Riber Corporation Foundation.
Janssen Pharmaceutical.
Johnson & Johnson.
Kraft Foods.
Louisiana Chemical Association.
Lyondell Chemical Company.
Mead Corporation Foundation.
Merck & Company.
Microban.
Millenium Chemical Company.
Mobil Foundation, Inc.
Monsanto Company.
National Food Processors Association.
National Steel.
New England Power Service—New.
England Electric System.
Nippon Yakin Kogyo.
North American Insulation Manufacturers Association.
Novartis Corporation.
Novartis International.
Olin Corporation Charitable Trust.
Oxford Oil.
Oxygenated Fuels Association.
PepsiCo Inc.
The Pittston Company.
Pfizer.
Pharmacia Upjohn.
Potlatch Corporation.
Praxair, Inc.
Procter & Gamble Company.
Reynolds Metals Company Foundation.
Rhone-Poulenc, Inc.
Rohm and Haas Company.
Schering-Plough Corporation.
Shell Oil Company Foundation.
Texaco Foundation.
Union Carbide Foundation.
Unocal.
USX Corporation.
Volvo.
Westinghouse Electric Corporation.
Westvaco.
WMX Technologies, Inc.
Zeneca.

(Source: Harvard Center for Risk Assessment).

Mr. DURBIN. I thank the Chair. I will not go through all of the companies on this list. It reads like, as they say, a veritable list of who's who of industrial sponsors in America: Dow Chemical Company, all sorts of institutes, the Electric Power Research Institute, oil companies, motor companies, automobile manufacturers, chemical associations—the list goes on and on.

These corporate clients came to Professor Graham not to find ways to increase regulation on their businesses but just for the opposite, so that he can provide through his center a scientific basis for resisting Government regulation in the areas of public health and the environment.

I am an attorney by profession, and I understand that when there is balance in advocacy you have an objective presentation: Strong arguments on one side and strong arguments against, and then you try to reach the right conclusion. So I am not going to gainsay the work of Dr. Graham in representing his corporate clients over the years, but it is important for us to put this in perspective.

If Dr. Graham is appointed to this position, his clients will not be the corporations of America, his clients will be the 281 million Americans who count on him to make decisions in their best interest when it comes to environmental protection and protection of the health of their families.

When we look at his professional background, it raises a question about his objectivity. He has had little respect for the environmental concerns of most Americans—concerns about toxic chemicals in drinking water, pesticides in our food, or even the burial of radioactive waste. To John Graham, these are not major concerns. In fact, as you will hear from some of his statements that I will quote, he believes they reflect a paranoia in American culture.

Dr. Graham's supporters have taken issue with my categorizing his views as antiregulatory. They say, and it has been said on the floor this evening, John Graham supports environmental regulations: just look at the statements he has made about removing lead from gasoline. That was said this evening: John Graham supports removing lead from gasoline.

I certainly hope so. And my colleagues know, it is true, John Graham has stated clearly and unequivocally that he thought removing lead from gasoline was a good idea. Do my colleagues know when that decision was made? Decades before John Graham was in any position to have impact on the decision. It is a decision in which he had no involvement in any way whatsoever.

What has he done for the environment lately? What does he think of the recent crop of environmental regulations? On this matter, his opinions are very clear. According to John Graham, environmental regulations waste billions, if not trillions, of taxpayers' dollars. According to John Graham, our choice of environmental priorities actually kills people through a process Mr. Graham calls "statistical murder," something that pops up in his work all the time.

According to John Graham, we should massively ship resources away from environmental problems such as toxic chemicals to more important activities that he has identified, such as painting white lines on highways and encouraging people to stop smoking.

This is a recent quote from Dr. Graham:

> The most cost-effective way to save lives generally is to increase medical treatment, and somewhat second, to curb fatal injuries. Trying to save lives by regulating pesticides or other toxins generally used up a lot of resources.

I can recall during the time we were debating the potential of a nuclear holocaust, there was a man named Richard Perle in the Reagan administration who said he didn't think we should be that frightened because if we did face a nuclear attack, in his words, "with enough shovels," we could protect ourselves.

When I read these words of Dr. Graham who says, "The most cost-effective way to save lives generally is to increase medical treatment, and somewhat second, to curb fatal injuries," and then he says that "regulating pesticides and toxins uses up a lot of resources" can you see why I believe he has been dismissive of the basic science which he is going to be asked to implement and enforce in this office?

This quote is a little bit understated. In other documents, Mr. Graham refers to spending money on control of toxins as "an outrageous allocation of resources." This captures the very heart of Graham's philosophy. Environmental regulations to control toxic chemicals are an enormous waste of resources, in the mind of John Graham. It makes little sense, according to Graham, to focus on environmental problems. Instead, we should use our scarce public policy dollars for other more important issues.

Why does John Graham hold such strong views opposing environmental regulations? Because he believes toxic chemicals just are not that toxic. Dr. Graham has said the so-called "toxic chemicals" may actually be good for us. I will read some of the transcript from his hearing on the whole question of dioxin.

Now, Dr. Graham supports these beliefs based on what he calls "a new paradigm," the idea that there may well be an optimum dose for toxic chemicals or for other environmental hazards such as radiation. The idea behind this optimum dose theory is there is an exposure that is good for people in small amounts even if the chemical or radiation is harmful in larger quantities.

In a conference on this new paradigm at which Graham was a featured speaker, he urged his colleagues:

> Advocates of the new paradigm need to move beyond empiricism to explanation if we can explain why low doses are protective, the prospects of a genuine scientific revolution are much greater.

A scientific revolution inspired by John Graham.

Well, the obvious question I had of Mr. Graham when he came to the Governmental Affairs Committee was as follows:

> Mr. DURBIN: Dr. Graham, when I look at your resume, I'm curious; do you have any degrees or advanced training in the field of chemistry, for example?
>
> Mr. GRAHAM: No, sir.
>
> Mr. DURBIN: Biology?
>
> Mr. GRAHAM: No, sir.
>
> Mr. DURBIN: Toxicology?
>
> Mr. GRAHAM: No.
>
> Mr. DURBIN: What would you consider to be your expertise?
>
> Mr. GRAHAM: I have a Ph.D. in public affairs from Carnegie Mellon, with an emphasis in the field of management science called "decision science." At the School of Public Health, I teach analytical tools and decision science like risk assessment, cost-effective analysis, and cost-benefit analysis.
>
> Mr. DURBIN: No background in medical training?
>
> Mr. GRAHAM: No. I do have a postdoctoral fellowship funded by the Environmental Protection Agency where I studied human health risk assessment and had research experience in doing human health risk assessment on chemical exposures.
>
> Mr. DURBIN: Does your lack of background in any of these fields that I have mentioned give you any hesitation to make statements relative to the danger of chemicals to the human body?
>
> Mr. GRAHAM: I think I have tried to participate in collaborative arrangements where I have the benefit of people who have expertise in some of the fields that you have mentioned.
>
> Mr. DURBIN: Going back to the old television commercial, "I may not be a doctor but I play one on TV," you wouldn't want to assume the role of a doctor and public health expert when it comes to deciding the safety or danger over the exposure to certain chemicals, would you?
>
> Mr. GRAHAM: Well, I think our center and I personally have done significant research in the area of risk assessment of chemicals and oftentimes my role is to provide analytical support to a team and then other people on the team provide expertise, whether it be toxicology, medicine, or whatever.

The reason I raise this is there is no requirement that a person who takes this job be a scientist, a medical doctor, a chemist, a person with a degree in biology or toxicology. That is not a requirement of the job. And very few, if any, of his predecessors held that kind of expertise.

But when you consider carefully what Mr. Graham has said publicly in the field of science, you might conclude that he has much training and a great degree in the field.

That is not the case. He has held himself out time and again, and I will not go through the specifics here, and made dogmatic statements about science that cannot be supported. And he wants to be the gatekeeper on the rules and regulations of public health and the environment in America.

Mr. Graham is, as I said earlier, trying to create a scientific revolution but he acknowledges it is an uphill battle. Why do so few mainstream scientists buy into his theories? Because, says Graham, science itself has a built-in bias against recognizing the beneficial effects of low-dose exposures to otherwise dangerous chemicals such as dioxin.

Scientific journals don't like to publish new paradigm results. In his written works, Dr. Graham goes so far to say the current classification scheme used by the EPA and others to identify cancer-causing chemicals should be abolished and replaced with a scheme that recognizes that all chemicals may not only not cause cancer but may actually prevent cancer, as well.

Perhaps he opposes environmental regulation because he is so convinced that regulations generally do more harm than good. Some of this harkens back, of course, to his new paradigm, his scientific revolution. If we restrict toxic chemicals that are actually preventing, rather than causing, cancer, we wind up hurting, rather than helping, the population at large, according to Dr. Graham. Think about that. He is arguing that some of the things we are trying to protect people from we should actually encourage people to expose themselves to.

If he had scientific backing for this, it is one thing. He doesn't have the personal expertise in the area and very few, if any, come to rally by his side when he comes up with the bizarre views.

He argues environmental regulations hurt us in other ways. They siphon off resources from what he considers the real problem of society, and they introduce new risks of their own, so according to Dr. Graham the cure is worse than the disease. The side effects of environmental regulation are so problematic and many that he refers to them as "statistical murder." Our environmental priorities are responsible for the statistical murder of tens of thousands of American citizens every year, according to Mr. GRAHAM.

Take his well-known example, and he has used it in writings of chloroform regulation. Mr. GRAHAM estimates that chloroform regulation costs more than $1 trillion to save a single life, $1 trillion. And he uses this in an illustration of how you can come up with a regulation that is so expensive you could never justify it—$1 trillion to save one life. What he doesn't say—and the EPA looked at his analysis—that cost of $1 trillion is over a period of time of 33,000 years. Just a little footnote that I think should have been highlighted. How can patently absurd numbers such as this make a contribution to cost-benefit consideration?

There is a bigger problem. The chloroform regulation he refers to doesn't exist and never did. I asked the Congressional Research Service to find out about this regulation on chloroform that Dr. Graham used as an example of statistical murder, where we will spend $1 trillion as a society to save one life. Find out where that took place.

Guess what. It doesn't exist. This is a hypothetical case study for an academic exercise. It is not a regulation. It was never proposed as a regulation nor was it ever considered seriously by anyone. Someone invented this scenario and John Graham seized on it as his poster child of how you can go to ridiculous extremes to protect people from environmental exposure.

Even when Dr. Graham studies the costs and benefits of actual environmental regulations, ones that are truly being considered, his controversial practice of "discounting" automatically trivializes the benefits of environmental regulation.

We have been through this debate in the Governmental Affairs Committee. There are people on the committee, Democrats and Republicans, who say—and I think this is a perfectly reasonable statement—before you put in a rule or regulation, find out what it is going to cost: What is the cost to society? What is the benefit? I think that is only reasonable. There are certain things we can do to save lives, but at such great expense, society could never bear that burden. The problem you have is in drawing up the statistics, in trying to quantify it, in saying what a life is worth and over what period of time.

Dr. Graham gets into this business and starts discounting human lives in exactly the same way economists and business advisers discount money. A life saved or a dollar earned today, according to Dr. Graham, is much more valuable than a life saved or a dollar earned in the future. Dr. Graham's so-called scientific results led him to conclude that when the Environmental Protection Agency says a human life is worth $4.8 million, by their calculations, they are 10 times too high. That is Dr. Graham's analysis.

How many of us in this Senate Chamber today can honestly say they agree with Dr. Graham's discounting the value of a human life to 10 percent of the amount we have used to calculate many environmental regulations? That is a starting point. If you are representing industrial clients who do not want to be regulated, who suggest environmental regulations and public health regulations are, frankly, outlandish, you start by saying lives to be saved are not worth that much.

Discounting may make sense when it comes to money, but it trivializes the value of human lives and the lives of our next generation and creates an automatic bias against environmental regulations meant to provide protections over a long period of time.

I will be the first to admit there are inefficiencies in our current environmental regulations, but Professor Graham's research hasn't found them. Instead, he consistently identified phantom costs of nonexistent regulations and for years referred to them as if they were the real cost of real environmental regulations. He has played a game with the facts for his purposes, for his clients. But when it comes to the OMB, in this capacity it will be the real world where decisions you make will literally affect the health and future of Americans and their families.

He has introduced misleading information that has really distorted many of the elements of an important policy debate. There are organizations that absolutely love research results that show billions of dollars being wasted by unnecessary environmental regulations—groups such as the Cato Institute, the Heritage Foundation, the American Enterprise Institute, all of whom have made ample use of Professor Graham's scientific studies, scientific revolution—statistical murder; results to strengthen their antiregulatory arguments.

To sum up Dr. Graham's belief, toxic chemicals can be good for you, environmental regulations can be very bad for you.

Not everyone accepts these beliefs, of course. What does Dr. Graham think of those with a different set of priorities? In his mind, it is a sign of collective paranoia, a sign of pervasive weakness and self-delusion that pervades our culture.

If you think I have overstated it, I think his own words express his sentiments more accurately. I would like to refer to this poster, quotes from Dr. Graham.

Interview on CNN, 1993:

> We do hold as a society, I think, a noble myth that life is priceless, but we should not confuse that with reality.

Dr. Graham said that. Then:

> Making sense of risk: An agenda for Congress in 1996.

John Graham said:

> The public's general reaction to health, safety and environmental dangers may best be described as a syndrome of paranoia and neglect.

"Medical Waste News," that he has written for, in 1994:

> . . . as we've grown wealthier, we've grown paranoid.

Testimony to the House Science Committee in 1995:

> We should not expect that the public and our elected officials have a profound understanding of which threats are real and which are speculative.

So the very institution to which we are being asked to confirm this man's nomination has been really dismissed by John Graham as not having sound understanding of threats that are real.

Then he goes on to say, in Issues in Science and Technology, in 1997:

> It may be necessary to address the dysfunctional aspects of U.S. culture. . . . The lack of a common liberal arts education . . . breeds ignorance of civic responsibility.

So John Graham can not only portray himself as a doctor, a toxicologist, a biologist, and a chemist, he can also be a sociologist and general philosopher. The man has ample talents, but I am not sure those talents will work for America when it comes to this important job.

I would like to take a look at two issues in detail to give a clearer picture of Dr. Graham's approach to environmental issues of great concern to the American people. I want to examine his record on pesticides and on dioxin. It is not unreasonable to believe if his nomination is confirmed that John Graham will consider rules and regulations relating to these two specific items, pesticides and dioxin.

The Food Quality Protection Act of 1996 passed Congress unanimously—and not just any session of Congress, the 104th Congress, one of the most contentious in modern history, a Congress that could hardly agree on anything. Yet we agreed unanimously to pass this important new food safety law. A key purpose of the law was to provide the public with better protection against pesticides. In particular, the law aimed to provide increased protections to our most vulnerable segment of the population, our children. President Clinton remarked that the Food Quality Protection Act would replace a patchwork of standards with one simple standard: If a pesticide poses a danger to our children, then it won't be in our food.

This groundbreaking legislation received the unanimous support of Congress. What does John Graham, Dr. John Graham, think about the importance of protecting our children from pesticide residues on food? Let me tell you what he said in his work.

> The Food Quality Protection Act suffers from the same failings that mark most of our other environmental laws and regulations. Our attempts at regulating pesticides and food are a terrible waste of society's resources. We accept risks from other technologies like the automobile, why should we not accept risks from pesticides? When we regulate, or worse, when we ban pesticides, we often wind up doing more harm than good.

Let me tell you a case in point. I think it is an interesting one. It was a book which Mr. Graham wrote called "Risk versus Risk." This is a copy of his cover. It was edited by John Graham and Jonathan B. Weiner.

I might also add the foreword was written by Cass Sunstein, who is a professor at the University of Chicago School of Law and has one of the letters of support which has already been quoted on the floor. He was a colleague of Mr. Graham, at least in writing the foreword to this book. This goes into the whole question of pesticides and danger. The thing I find curious is this. On page 174 of this book, Mr. Graham, who is asked to be in charge of the rules and regulations relative to pesticides, started raising questions about whether we made the right decision in banning DDT—banning DDT. He says:

> Many of the organophosphate pesticides that have been used in place of DDT have caused incidents of serious poisoning among unsuspecting workers and farmers who had been accustomed to handling the relatively nontoxic DDT.

That is a quote—"relatively nontoxic DDT."

I read an article the other day in the New Yorker which was about DDT and its discovery. Let me read a part of this article—I want to make sure of the sources quoted: Malcolm Gladwell, "The Mosquito Killer," New Yorker, July 2, 2001. If I am not mistaken, that is the same gentleman who wrote the book "The Tipping Point," which I found very good and recommend.

In his article about DDT, he says as follows:

> Today, of course, DDT is a symbol of all that is dangerous about man's attempts to interfere with nature. Rachel Carson, in her landmark 1962 book "Silent Spring," where she wrote memorably of the chemical's environmental consequences, how much its unusual persistence and toxicity had laid waste to wildlife in aquatic ecosystems. Only two

> countries, India and China, continue to manufacture the substance, and only a few dozen more still use it.

In May, at the Stockholm Convention on Persistent Organic Pollutants, more than 90 countries signed a treaty placing DDT on a restricted use list and asking all those still using the chemical to develop plans for phasing it out entirely. On the eve of its burial, however, and at a time when the threat of insect-borne disease seems to be resurging, it is worth remembering that people once felt very differently about DDT, and between the end of the Second World War and the beginning of the 1960s, it was considered not a dangerous pollutant but a lifesaver.

Mr. Gladwell, in this article, in summarizing the history of DDT, really points to the fact that those who have analyzed it around the world, with the exception of India and China—some 90 nations—abandoned it. John Graham, who wants to be in charge of the rules and regulations on pesticides, the environment, and public health, wrote:

> It was relatively nontoxic.

This is a man who wants to make a decision about pesticides and their impact on the health of America.

According to Dr. Graham, it may have been an ill-advised decision to take DDT off the market. He cites in this book that I quoted how DDT was particularly effective in dealing with malaria. No doubt it was. But it was decided that the environmental impact of this chemical was so bad that countries around the world banned it.

Let me offer some direct quotes from Dr. Graham from various reports he has written over the years and from the many statements that he has made.

Before I do that, I see my colleague, Senator WELLSTONE, is in the Chamber. At this time, I would like to yield to him with the understanding that I can return and complete my remarks. I thank him for joining me this evening. I will step down for a moment and return.

I yield to Senator WELLSTONE.

Mr. WELLSTONE. Mr. President, I thank Senator DURBIN. I am very proud to join him. I have a lot of time reserved tonight. I say to colleagues who are here in the Chamber and who are wondering what our timeframe is that I can shorten my remarks.

I am speaking in opposition to the nomination of Mr. John Graham to be Administrator of the Office of Information and Regulatory Affairs, within the Office of Management and Budget.

I believe the President should have broad latitude in choosing his cabinet. I have voted for many nominees in the past with whom I have disagreed on policy grounds. I have voted for a number during this Administration, and I'm sure I will vote for more nominees with whom I disagree on policy, sometimes very sharply.

Mr. Graham has been nominated to a sensitive position: Administrator of the Office of Information and Regulatory Affairs (OIRA). In this role Mr. Graham would be in a position to delay, block or alter rules proposed by key federal agencies. Which agencies?

Let me give you some examples. One would be OSHA. This happens to be an agency with a mandate that is near and dear to my heart. Over the years, I have had the opportunity to do a lot of community organizing, and I have worked with a lot of people who unfortunately have been viewed as expendable. They do not have a lot of clout—political, economic, or any other kind. They work under some pretty uncivilized working conditions.

The whole idea behind OSHA was that we were going to provide some protection. Indeed, what we were going to be saying to companies—in fact, we did the same thing with environmental protection—is, yes, maximize your profits in our private sector system. Yes, organize production the way you choose to do. You are free to do it any way you want to, and maximize your profit any way you want to—up to the point that you are killing workers, up to the point that it is loss of limbs, loss of lives, harsh genetic substances, and people dying early of cancer. Then you can't do it. Thank God, from the point of view of ordinary people, the Government steps in, I would like to say, on our side.

We had a perfect example of that this year in the subcommittee that I chair on employment, safety, and training. I asked Secretary Chao to come. She didn't come. I wanted to ask her about the rule on repetitive stress injury, the most serious problem right now in the workplace. It was overturned. The Secretary said she would be serious about promulgating a rule that would provide protection for the 1.8 million people, or thereabouts, who are affected by this. I wanted to know what, in fact, this administration is going to do.

So far it is really an obstacle.

As Administrator of OIRA, Mr. Graham can frustrate any attempt by OSHA to address 1.8 million repetitive stress injuries workers suffer each year, as reported by employers.

I will just say it on the floor of the Senate. I think it is absolutely outrageous that rule was overturned. I see no evidence whatsoever that this administration is serious about promulgating any kind of rule that would provide workers with real protection.

The Mine Safety and Health Administration, MSHA. The Louisville Courier Journal conducted a comprehensive investigation of illnesses suffered by coal miners due to exposure to coal dust—workers who are supposed to be protected by MSHA regulation. We urgently need vigorous action by MSHA.

As a matter of fact, I couldn't believe it when I was down in east Kentucky in Harlan and Letcher Counties. I met with coal miners. That is where my wife, Sheila, is from. Her family is from there. I hate to admit to colleagues or the Chair that I actually believed that black lung disease was a thing of the past. I knew all about it. I was shocked to find out that in east Kentucky many of these miners working the mines can't see 6 inches in front of them because of the dust problem.

Senator DURBIN's predecessor, Senator Simon, worked on mine safety. It was one of his big priorities.

Part of the problem is the companies actually are the ones that monitor coal dust. MSHA has been trying to put through a rule—we were almost successful in getting it through the last Congress—to provide these miners with some protection.

From the point of view of the miners, they don't view themselves as expendable.

The Food and Drug Administration regulates the safety of prescription drugs for children, for the elderly, for all of us. The Environmental Protection Agency (EPA) regulates pollution of the water and air. For example, EPA will determine what level of arsenic is acceptable in American drinking water. The Food Safety and Inspection Service (FSIS) is charged with the task of protecting us to the extent possible from salmonella, foot and mouth disease, BSE and other food-borne illnesses.

These and other important Federal regulatory agencies exist to protect Americans and to uphold standards that have been fought for and achieved over decades of struggle.

It is not true that people in Minnesota and people in the country are opposed to Government regulations on their behalf and on behalf of their children so that the water is not poisoned, so that the mines they work in are safe, so that the workplace they work in is safe, so that there are civilized working conditions, so that they don't have too much arsenic in the water their children drink, and so that the food their children eat is safe. Don't tell me people in Minnesota and in the country aren't interested in strong regulation on behalf of their safety and their children's safety.

The Administrator of OIRA must be someone who stands with the American public, someone who sees it as his or her mission to protect the public interest. In my view, John Graham's evident hostility to regulation that protects the public interest, in particular his over-reliance on tools of economic analysis that denigrate the value of regulatory protections, is disqualifying.

This is particularly troublesome when it comes to workplace safety, for example, because his approach flies in the face of statutory language requiring OSHA—again I am fortunate to chair the subcommittee with jurisdiction over OSHA—to examine the economic feasibility of its regulations, as opposed to undertaking the cost/benefit analyses upon which he over-relies.

As the Supreme Court noted in the so-called Cotton Dust Case, embedded in the statutory framework for OSHA is Congress' assumption "that the financial costs of health and safety problems in the workplace were as large as or larger than the financial costs of eliminating these problems." Instead of cost/benefit analyses to guide standard setting, OSHA is statutorily bound to promulgate standards "which most adequately assur[e], to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life."

In its 30 years of existence the Occupational Safety and Health Administration has made its presence felt in the lives of tens of millions of Americans at all levels of the workforce. OSHA and its related agencies are literally the last, best hope for millions of American workers whose lives would otherwise be put on the line, simply because they need to earn a paycheck. Experience has shown, over and over, that the absence of strong government-mandated safeguards results in workplace exposure to everything from odorless carcinogens to musculoskeletal stress to combustible grain dust to other dangers too numerous to mention.

Since its founding, hundreds of thousands of American workers did not die on the job, thanks to OSHA. Workplace fatalities have declined 50 percent between December of 1970 and December 2000, while occupational injury and illness rates have dropped 40 percent.

Not surprisingly, declines in workplace fatalities and injuries have been most dramatic in precisely those industries where OSHA has targeted its activities. For example, since OSHA came into existence, the manufacturing fatality rate has declined by 60 percent and the injury rate by 33 percent. At the same time, the construction fatality rate has declined by 80 percent and the injury rate by 52 percent.

It is not a coincidence that these two industries have received some of OSHA's closest attention. OSHA's role in assuring so far as possible that every worker is protected from on-the-job hazards cannot be denied.

Unfortunately, however, compared to the demand, there is still a whole lot of work to be done. Indoor air quality, hexavalent chromium, beryllium, permissible exposure limits for hundreds of chemicals in the workplace—this list goes on and on—not to mention repetitive stress injuries. The unfinished agenda is huge. It is precisely this unfinished agenda that should give us pause in confirming, as head of OIRA, someone whose entire professional history seems aimed at frustrating efforts to regulate in the public interest. That is my disagreement. It is a different framework that he represents than the framework that I think is so in the public interest.

Let me just give one example: the chromium story.

Chromium is a metal that is used in the production of metal alloys, such as stainless steel, chrome plating and pigments. It is also used in various chemical processes and it is a component of cement used to manufacture refractory bricks.

The first case of cancer caused by chromium was reported in 1890. Since then, the evidence that it causes cancer continued to grow. Chromium has been declared a carcinogen by the EPA, the National Toxicology Program, and the International Agency for Research on Cancer.

In the early 1980s, it was estimated that 200,000 to 390,000 workers were exposed to hexavalent chromium in the workplace—200,000 to 390,000. Lung cancer rates among factory workers exposed to hexavalent chromium are almost double the expected cancer rate for unexposed workers. Lung cancer rates for factory workers exposed to hexavalent chromium are also double the expected cancer rate for unexposed workers.

OSHA has known the risks associated with exposure to this dangerous carcinogen since its inception but has failed to act. OSHA's assessment, conducted by K.S. Crump Division of ICG Kaiser, was that between 9 percent and 34 percent of workers exposed at half the legal limit for a working lifetime would contract lung cancer as a result of this exposure.

On April 24, 2000, OSHA published its semiannual agenda, which anticipated a notice of proposed rulemaking would be published in June 2001. If confirmed as Administrator of OIRA within the Office of Management and Budget, however, John Graham's actions could affect OSHA's stated willingness to undertake a proposed rule this year, as the agency has finally promised and as is urgently needed.

I will finish by just giving a few examples of how Mr. Graham could negatively impact the process.

No. 1, reduce OSHA's ability to collect information in support of a new standard.

To develop a new hexavalent chromium standard, OSHA would likely need to survey scores of businesses for information about their use of the chemical and about workplace exposures. During the committee hearing on his nomination, Graham said that he supports requiring the federal agencies to do cost-benefit analyses of information requests sent to industry in preparation for a rulemaking. Under the Paperwork Reduction Act, before an information request can be sent to ten entities or more, it must be approved by OMB. Because it is very difficult to judge the value of the information being collected prior to receiving it, Graham could use the paperwork clearance requirement to tangle up the agency in justifying any information requests needed to support a new rule on chromium.

No. 2, insist upon a new risk assessment, despite compelling evidence that chromium poses a cancer risk.

OSHA has conducted its own risk assessment of chromium and reviewed numerous studies documenting that workers working with or around the chemical face considerable increased risk of lung cancer. But it is likely that Graham could exercise his power at OMB to require a new risk assessment of hexavalent chromium, which could further delay the issuance of a rule.

Graham has supported requiring every risk-related inquiry by the federal government to be vetted by a panel of peer review scientists prior to its public release, which would be costly and create significant delays in the development of new regulations. He has argued that the risk assessments done by the federal agencies are flawed, and that OMB or the White House should develop its own risk assessment oversight process. This would allow economists to review and possibly invalidate the findings of scientists and public health experts in the agencies.

No. 3, flunk any rule that fails a stringent cost-benefit test.

Graham is a supporter, for example, of strict cost-efficiency measures, even in matters of public health. Because he views regulatory choices as best driven by cost-based decisionmaking, the worthiness of a rule is determined at least partly by the cost to industry of fixing the problem. This is the opposite of an approach that recognizes that workers have a right to a safe workplace environment.

The OSHA mission statement is "to send every worker home whole and healthy every day."

Under the law as it now stands, OSHA is prohibited from using cost-benefit analysis to establish new health standards. Instead, OSHA must set health standards for significant risks to workers at the maximum level that the regulated industry, as a whole, can feasibly achieve and afford. This policy, set into law by the OSHA Act, recognizes the rights of workers to safe and healthful workplaces, and provides far more protection to workers than would be provided by any standards generated under a cost-benefit analysis.

Putting John Graham in the regulatory gatekeeper post would create a grave risk that OSHA protections, such as the hexavalent chromium standard, will not be set at the most protective level that regulated industry can feasibly achieve. We know from his own statements that John Graham will require OSHA to produce economic analyses that will use antiregulation assumptions, and will show protective regulations to fail the cost-benefit tests.

It is true that OSHA is technically authorized to issue standards that fail the cost-benefit test. However, it would be politically nearly impossible for an agency to issue a standard that has been shown, using dubious methodologies, to have net costs for society.

Unfortunately, although I would like nothing better than to be proven wrong, I fear this is not a farfetched scenario. And let there be no question—such steps would absolutely undermine Congress' intent when it passed the Occupational Health and Safety Act 30 years ago.

Let me quote again from the Supreme Court's Cotton Dust decision:

> Not only does the legislative history confirm that Congress meant "feasible" rather than "cost-benefit" when it used the former term, but it also shows that Congress understood that the Act would create substantial costs for employers, yet intended to impose such costs when necessary to create a safe and healthful working environment. Congress viewed the costs of health and safety as a cost of doing business. Senator Yarborough, a cosponsor of the [OSH Act], stated. "We know the costs would be put into consumer goods but that is the price we should pay for the 80 million workers in America."

There is one final point I want to make. I will tell you what really troubles me the most about this nomination. And let me just kind of step back and look at the bigger picture, which really gives me pause.

The essence of our Government—small "d" democracy—is to create a framework for the protection of the larger public as a whole. I believe in that. And I believe a majority of the people believe in that. It is the majority's commitment to protect the interests of those who cannot protect themselves that sets this great Nation apart from others. That is the essence of our democratic way of life. That is the core of this country's incredible heritage.

But there are a series of things happening here in the Nation's Capitol—stacked one on top of another—that fundamentally undermine the capacity of our Government to serve this purpose of being there for the public interest. I think we have a concerted effort on the part of this administration—and I have to say it on the floor of the Senate—and its allies to undermine the Government's ability to serve the public interest.

First, there was a stream of actual or proposed rollbacks of regulations designed to protect the health and well-being of the people of this country—arsenic in drinking water, global warming emissions, ergonomics—or repetitive stress injuries in the workplace, drilling in the wilderness, energy efficiency standards—it goes on and on.

Then there was the tax cut, making it absolutely impossible for us to protect Social Security and Medicare, or to do near what we should do for children or for the elderly, for the poor or for the vulnerable, for an adequate education or for affordable prescription drugs—no way—in other words, to fund Government, to do what Government is supposed to do, which is to protect the interests of those who cannot protect themselves.

And then, finally, the administration seeks to place in key gatekeeper positions individuals whose entire professional careers have been in opposition to the missions of the agencies they are now being nominated to advance.

I am troubled by this. I think people in the country would be troubled by this if they really understood John Graham's background and the power of his position and, unfortunately, the capacity not to do well for the public interest. This is unacceptable. This is a concerted, comprehensive effort to undermine our Government's ability to protect and represent the interests of those who don't have all the power, who don't have all the capital.

The goal is clear: Roll back the regulations that they can. That is what this administration is about: Defund government programs and place in pivotal positions those with the will and the determination to block new regulations from going forward—new regulations that will protect people in the workplace, new regulations that will protect our environment, new regulations that will protect our children from arsenic in the drinking water, new regulations that will protect the lakes and the rivers and the streams, new regulations that will make sure the food is safe for our children. This is not acceptable. We should say no. That is why I urge my colleagues to join me in defeating this nomination.

I include as part of my statement a letter in opposition from former Secretary of Labor Reich and other former agency heads.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 17, 2001.

Re John D. Graham nomination.

Hon. FRED THOMPSON,
Chairman, Senate Governmental Affairs Committee,
Washington, DC.

Hon. JOSEPH I. LIEBERMAN,
Ranking Democrat, Senate Governmental Affairs Committee,
Washington, DC.

DEAR SENATORS: We write as former federal regulators in response to the nomination of John D. Graham, Ph.D., to direct the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB). As OIRA Administrator, Dr. Graham would oversee the development of all federal regulations and he would help shape federal regulatory policy. His decisions will have profound effects on the health, welfare, and environmental quality of all Americans. We are concerned by many of Dr. Graham's expressed views and past actions as Director of the Harvard Center for Risk Analysis, and encourage the committee to conduct a thorough investigation into Dr. Graham's suitability for this position.

Since the early 1980s, both Republican and Democratic Presidents have issued Executive Orders granting the OIRA Administrator exceptionally broad authority to approve, disapprove, and review all significant executive agency regulations. In addition, under the Paperwork Reduction Act, the OIRA Administrator has the responsibility to approve and disapprove agency information collection requests, which agencies need to evaluate emerging public health and environmental threats. These powers give the OIRA Administrator a considerable role in determining how important statutes are implemented and enforced.

In his written work and testimony before Congress, Dr. Graham has repeatedly argued for an increased reliance on cost-benefit and cost-effectiveness analysis in the regulatory process. We agree that economic analysis generally plays an important role in policy making. But increasing the role that economic analysis plays in rulemaking threatens to crowd out considerations of equal or perhaps greater importance that are harder to quantify and to put in terms of dollars—for example, what is the dollar value of making public spaces accessible so a paraplegic can participate fully in community activities? How should we quantify the worth of protecting private medical information from commercial disclosure? Why is the value of preventing a child from developing a future cancer worth only a small fraction of the value of preventing her from dying in an auto accident? How do you quantify the real value of a healthy ecosystem?

In addition, we are concerned that Dr. Graham may have strong views that would affect his impartiality in reviewing regulations under a number of statues. He has claimed that many health and safety statutes are irrational because they do not allow the agencies to choose the regulatory option that maximizes economic efficiency where doing so would diminish public protections. He has repeatedly argued, in his written work and testimony before Congress, that requirements to take the results of cost-benefit and cost-effectiveness analyses into account could supercede congressional mandates that do not permit their use, such as some provisions of the Clean Air Act. [John D. Graham, "Legislative Approaches to Achieving More Protection Against Risk at Less Cost," 1997 Univ. of Chi. Legal Forum 13, 49.] It is important to assure that he can in good conscience carry out the will of Congress even where he has strong personal disagreements with the law.

We are also concerned about Dr. Graham's independence from the regulated community. At the Harvard Center for Risk analysis, Dr. Grahams' major source of funding has been from unrestricted contributions and endowments of more than 100 industry companies and trade groups, many of which have staunchly opposed the promulgation and enforcement of health, safety and environmental safeguards. At HCRA, Dr. Graham's

> research and public positions against regulation have often been closely aligned with HCRA's corporate contributors. In coming years these same regulated industries will be the subject of federal regulatory initiatives that would be intensively reviewed by Dr. Graham and OIRA. It is thus fair to question whether Dr. Graham would be even-handed in carrying out his duties, including helping enforce the laws he has criticized. Might he favor corporations or industry groups who were more generous to his Center? Will he have arrangements to return to Harvard? Is there an expectation of further endowments from regulated industries? There is the potential for so many real or perceived conflicts of interest, that this could impair his ability to do the job.
>
> We urge the Government Affairs Committee to conduct a thorough inquiry into each of these areas of concern. We believe that the health, safety and quality of life of millions of Americans deserves such an appropriate response. Thank you for your consideration.
>
> Sincerely,
>
> Robert B. Reich, Former Secretary of Labor; Ray Marshall, Former Secretary of Labor; Edward Montgomery, Former Deputy Secretary of Labor; Charles N. Jeffress, Former Assistant Secretary of Labor for Occupational Safety & Health; Eula Bingham, Former Assistant Secretary of Labor for Occupational Safety & Health; Davitt McAteer, Former Assistant Secretary for Labor for Mine Safety and Health.
>
> Lynn Goldman, Former Assistant Administration for Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency; J. Charles Fox, Former Assistant Administrator for Water, Environmental Protection Agency; David Hawkins, Former Administrator, for Air Noise and Radiation, Environmental Protection Agency; Joan Claybrook, Former National Highway Traffic Safety Administration; Anthony Robbins, Former Director, National Institute for Occupational Safety and Health.

Mr. WELLSTONE. There are any number of former Federal regulators who have signed on, along with former Secretary Reich. One paragraph:

> In his written work and testimony before Congress, Dr. Graham has repeatedly argued for an increased reliance on cost-benefit and cost effectiveness analysis in the regulatory process. We agree that economic analysis plays an important role in policy making. But increasing the role that economic analysis plays in rulemaking threatens to crowd out considerations of equal or perhaps greater importance that are harder to quantify and to put in terms of dollars—for example, what is the dollar value of making public spaces accessible so a paraplegic participate fully in community values? How should we quantify the worth of protecting private medical information from commercial disclosure? Why is the value of preventing a child from developing a future cancer worth only a small fraction of the value of preventing her from dying in an auto accident? How do you quantify the real value of a healthy ecosystem?

That is what is at issue here. Did you notice the other day the report about how children are doing better but not with asthma? Where is the protection going to be for these children? In this cost-benefit analysis, the thing that is never looked at is the cost to the workers who suffer the physical pain in the workplace. What about the cost of a worker who has to quit working and can't support his family because he has lost his hearing or because of a disabling injury in the workplace? What about people who have years off their life and end up dying early from cancer when they shouldn't have, but they were working with these carcinogenic substances? What about the cost to children who are still exposed to lead paint who can't learn, can't do as well in school? What about the cost to all of God's children when we don't leave this Earth better than the way we found it? We are all but strangers and guests in this land. What about the cost of values when we are not willing to protect the environment, we are not willing to be there for our children?

I believe Senators should vote no. Frankly, the more people in the country who find out about this agenda of this administration, they are going to find it to be extreme and harsh and not in the national interest and not in their interest and not in their children's interest. This nomination is a perfect example of that.

I urge my colleagues to vote no and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. NICKLES. Mr. President, I thank my friend and colleague Senator THOMPSON for yielding to me. I will be brief.

I have heard our colleagues. I heard part of Senator Wellstone's statement. He said he thought Mr. Graham would be extreme, out of the mainstream, as far as regulating a lot of our industries. I totally disagree.

I am looking at some of the people who are stating their strong support for Dr. John Graham. I will just mention a couple, and I will include for the RECORD a couple of their statements. One is former EPA Administrator William Reilly. No one would ever call him extreme. He said that John Graham has "impressed me with his rigor, fairmindedness and integrity." Dr. Lewis Sullivan, former Secretary of Health and Human Services, said "Dr. Graham is superbly qualified to be the OIRA administrator."

Former administrators from both Democrat and Republican administrations conveyed their confidence that John Graham "is not an 'opponent' of all regulation but rather is deeply committed to seeing that regulation serves broad public purposes as effectively as possible."

I looked at this letter. It is signed by Jim Miller and Chris DeMuth, Wendy Gramm, all Republicans, but also by Sally Katzen, who a lot us got to know quite well during a couple of regulatory battles, and John Spotila, both of whom were administrators during President Clinton's reign as President. They served in that capacity. They said he is superbly qualified.

Dr. Robert Leiken, a respected expert on regulatory affairs at the Brookings Institution said that Dr. Graham is "the most qualified person ever nominated for the job." That is a lot when you consider people such as Chris DeMuth and Wendy Gramm, Sally Katzen and others, all very well respected, both Democrats and Republicans. If you had statements by people who have served in the job, both Democrats and Republicans, when you have people who have been former heads of EPA—incidentally, when we passed the clean air bill, I might mention, Administrator Reilly—when they are strongly in support of him, they say he is maybe the most qualified person ever, that speaks very highly of Dr. Graham.

If I believed all of the statements or thought that the statements were accurate that claim he would be bad for the environment, and so on, I would vote with my colleagues from Illinois and Minnesota. I don't happen to agree with that. It just so happens that several former Administrators don't agree with it either.

Dr. Graham is supported by many people who are well respected. He is more than qualified. I believe he will do an outstanding job as OIRA Administrator.

I urge our colleagues, both Democrats and Republicans, to give him an overwhelming vote of support.

I thank my colleagues, Senator THOMPSON and Senator LEVIN, for allowing me to speak.

I ask unanimous consent to print in the RECORD the letters I referenced.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

> APRIL 27, 2001.
>
> Hon. FRED THOMPSON,
> *Chairman.*
> Hon. JOSEPH I. LIEBERMAN,
> *Ranking Minority Member, Committee on Governmental Affairs,*
> *Senate Dirksen Office Building, Washington, DC.*
>
> DEAR SENATORS THOMPSON AND LIEBERMAN: I am writing to support the nomination of John Graham to head OMB's Office of Information and Regulatory Affairs.
>
> Throughout a distinguished academic career, John has been a consistent champion for a risk-based approach to health, safety and environmental policy. He is smart, he has depth, and he is rigorous in his thinking. I think that he would bring these qualities to the OIRA position and would help assure that the rules implementing our nation's health and environmental laws are as effective and as efficient as they can be in achieving their objectives.
>
> There is a difference between Graham's work at Harvard's Center on Risk Analysis

and the responsibilities which he would exercise at OIRA/OMB, and I think he understands that. At Harvard, he has concentrated on research about the elements of risk and their implications for policymakers, as well as on communicating the findings. At OMB, the charge would be quite different, involving the implementation of laws enacted by Congress, working with the relevant federal agencies—in short, taking more than cost-effectiveness into account.

I have no doubt that you and your colleagues on the Committee will put tough questions to him during his confirmation hearing and set forth your expectations for the position and his tenure should he be confirmed by the Senate. And I expect he will give the reassurances you require, of impartial and constructive administration of OIRA, and of avoiding the stalemates that have characterized OIRA-EPA relations, for example, in years past. The position at OIRA is fraught with potential for conflict and obstruction, but the advent of a thoroughgoing professional who has committed his career to the analysis and exposition of risk should be seen as positive. In sum, my interactions over the years with John Graham have impressed me with his rigor, fairmindedness and integrity.

With every good wish,

Sincerely yours,

WILLIAM K. REILLY.

MAY 3, 2001.

Hon. FRED THOMPSON,
Chairman.
Hon. JOE LIEBERMAN,
Ranking Democrat, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR LIEBERMAN: The undersigned are former administrators of the Office of Information and Regulatory Affairs (OIRA), which was established within the Office of Management and Budget by the Paperwork Reduction Act of 1980. We are writing to urge prompt and fair-minded Senate review of Professor John D. Graham's nomination to be OIRA Administrator.

The "R" in OIRA involves the regulatory aspects of the Office. These are in an important part of the OIRA Administrator's overall responsibilities. The five of us—like the Presidents we worked for—have differing views of the appropriate role of government regulation in the economy and society. All of us, however, came to appreciate three essential features of regulatory policy during our tours at OIRA.

First, regulation has come to be a highly important component of federal policy-making, with significant consequences for public welfare. Second, the importance of regulatory policy means that individual rules should be subject to solid, objective evaluation before they are issued. Third, the regulatory process should be open and transparent, with an opportunity for public involvement, and final decisions should be clearly and honestly explained. In our view, objective evaluation of regulatory costs and benefits, and open and responsive regulatory procedures, serve the same purpose: to avert policy mistakes and undue influence of narrow interest groups, and to ensure that federal rules provide the greatest benefits to the widest public.

We believe that John Graham understands and subscribes to these principles. His professional field, risk assessment, lies at the heart of many of the most important health, safety, and environmental rules. Despite some of the criticisms of Professor Graham's work that have appeared since his nomination was announced, we are confident that he is not an "opponent" of all regulation but rather is deeply committed to seeing that regulation serves broad public purposes as effectively as possible.

The Senate's role in the appointment process is a critical one, and Professor Graham's nomination merits careful scrutiny and deliberation in the same manner as other senior Executive Branch appointments. At the same time, the President is entitled to the services of qualified appointees as soon as possible—and this is a particularly important factor today, when many regulatory issues of great public importance and heated debate are awaiting decision by the President's political officials. We therefore urge prompt and fair-minded Senate review of Professor Graham's nomination.

Respectfully,

JAMES C. MILLER III.
CHRISTOPHER DEMUTH.
WENDY L. GRAMM.
SALLY KATZEN.
JOHN SPOTILA.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I yield time to the Senator from Michigan. I ask how much time he would require?

Mr. LEVIN. Perhaps 15 minutes.

Mr. THOMPSON. I yield 15 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, at the heart of this debate on the nomination of John Graham to be Administrator of the Office of Information and Regulatory Affairs is the issue of cost-benefit analysis and risk assessment in agency rule making. Some of the groups opposed to this nomination, I believe, are concerned that Dr. Graham will live up to his promise and actually require agencies to do competent and comprehensive cost-benefit analyses and risk assessments of proposed rules. I hope he will. The goal of competent cost-benefit analysis and risk assessment is to ensure that the public will be able to get the biggest bang for its buck when it comes to federal regulation and that the requirements agencies impose to protect the environment and public health and safety will do more to help than to hurt. That is what we should all want.

I have been at odds over the past 20 years with some of my closest friends in the environmental, labor, and consumer movements over this notion of cost-benefit analysis. I have supported legislation to require cost-benefit analysis by agencies when issuing regulations since I first came to the Senate because, while I believe Government can make a positive difference in people's lives, I also know that Government can waste money on a good cause.

When we waste money on lesser needs, when we waste our resources on things where the benefits do not justify the costs, it seems to me that we, at a minimum, have an obligation to tell the public why we are regulating them. If we don't do that, if we do not take the time to analyze benefits, analyze costs, and explain why, if benefits don't justify the costs, we are regulating, then we jeopardize public support for the very causes that so many of us came here to fight for—the environment, health, and safety, including workplace safety.

I came out of local government. I fought hard for housing programs, programs to clean up the environment, neighborhood protection programs, public safety programs. I spent a good part of my life in local government fighting for those programs. Too often, I found my Federal Government wasting resources and failing to achieve the very ends which those programs were supposed to achieve. Too often. When that happens, we jeopardize public support for the very programs of which we profess to be so supportive. When we waste dollars—in whatever the program is—on things which cannot be justified, as when we spend thousands of dollars with OSHA regulations, as we used to do before some of us got involved in getting rid of hundreds of OSHA regulations that made no sense, when we spent money telling people in OSHA regulations that when climbing a ladder you had to face forward, that doesn't protect public health. It doesn't protect workplace safety; it wastes resources on things that are useless, and it brings disrepute to the regulatory process—a process I believe in. I don't make any bones about that. I believe in regulation.

We need regulation to protect people against abuse, to protect their health and safety. But we don't do that if we waste money and if we are not willing to at least ask ourselves: What are the benefits of a proposed regulation? What are the costs of a proposed regulation? Do the benefits justify the costs? And if they don't, why are we regulating then?

I have fought on this floor against regulatory reform measures which I thought went too far. I have filibustered against regulatory reform measures on this floor which I thought went too far, and which, in fact, would have required that agencies do some things which I thought they should not have to do. For instance, we had a regulatory reform bill here which said, even though the law said you could not consider the cost, you would have to do it anyway. No, I don't buy that. If the law says you may not consider cost, that is the law of the land and that must be enforced, and no regulatory reform bill should override that legislative intent.

By the way, I have also opposed measures which said you have to quantify benefits. As my good friend from Minnesota points out, there are hundreds of benefits which cannot be quantified, at least in terms of dollars. You cannot say what the value of a life is. We don't know the value of a life. We don't know the value of a beautiful, unrestricted view in a national park. We don't know the value, in dollars, of a child who is disabled being able to get to a higher floor because of the Americans with Disabilities Act. We cannot put a dollar value on those benefits. And we should not. But we should weigh the benefit of that and ask ourselves whether or not, with the same resources, we can get more kids a better education, or more kids to a higher floor in a building—not to quantify in dollars those benefits, but to know what those benefits are.

If we spend a billion dollars to save a life, if that is my loved one's life, it is worth it. But if we can spend that same billion dollars and save a thousand lives, or 10,000 lives, do we not want to know that before we spend a billion dollars? Is that not worth knowing? Are we afraid of knowing those facts? Not me. I am not afraid of knowing those facts. I think we want to know those facts.

We should want to know the costs and benefits of what we propose to do. The people who should want to know them the most are the people who believe in regulation as making a difference, because if the same amount of resources can make a greater difference, people who believe in regulation should be the first ones to say let's do more with the same resources, let's not waste resources.

We know that effective regulatory programs provide important benefits to the public. We also know from recent studies that some of our regulations cost more than the benefits they provide, and that cost-benefit analysis when done effectively can result in rules that achieve greater benefits at less cost.

OMB stated in their analysis of costs and benefits of federal regulations in 1997, "The only way we know to distinguish between the regulations that do good and those that cause harm is through careful assessment and evaluation of their benefits and costs." In a well-respected analysis of 12 major EPA rules and the impact of cost-benefit analysis on those rules, the author, Richard Morgenstern, former Associate Assistant Administrator of EPA and a visiting scholar at Resources for the Future, concluded that in each of the 12 rule makings, economic analysis helped reduce the costs of all the rules and at the same time helped increase the benefits of 5 of the rules. Report after report acknowledges the importance of good cost-benefit analysis and risk assessment for all agencies.

Yet some of the groups that support regulations to protect public health and safety appear to be threatened by cost-benefit analysis and risk assessment. They seem to fear it will be used as an excuse to ease up on otherwise tough standards. But I think to fear cost-benefit analysis and risk assessment is to fear the facts, and when it comes to these vitally important issues of the environment and public health and worker safety, we shouldn't be afraid of the facts. We shouldn't be afraid to know whether the approach an agency may want to take to solving an environmental or public health problem is not as effective as another approach and one that may even be less expensive.

Justice Stephen Breyer wrote about the value of cost-benefit analysis in his book called "Breaking the Vicious Circle." He describes one example of the need for cost-benefit analysis in what he calls "the problem of the last 10 percent." It was written by Justice Breyer when he served on the First Circuit Court of Appeals:

> He talks about a case ". . . arising out of a ten-year effort to force cleanup of a toxic waste dump in southern New Hampshire. The site was mostly cleaned up. All but one of the private parties had settled. The remaining private party litigated the cost of cleaning up the last little bit, a cost of about $9.3 million to remove a small amount of highly diluted PCBs and "volatile organic compounds" . . . by incinerating the dirt. How much extra safety did this $9.3 million buy? The 40,000-page record of this ten-year effort indicated (and all the parties seemed to agree) that, without the extra expenditure, the waste dump was clean enough for children playing on the site to eat small amounts of dirt daily for 70 days each year without significant harm. Burning the soil would have made it clean enough for the children to eat small amounts daily for 245 days per year without significant harm. But there were no dirt-eating children playing in the area, for it was a swamp. Nor were dirt-eating children likely to appear there, for future building seemed unlikely. The parties also agreed that at least half of the volatile organic chemicals would likely evaporate by the year 2000. To spend $9.3 million to protect nonexistent dirt-eating children is what I mean by the problem of "the last 10 percent."

That was Justice Breyer speaking. As I have indicated, I have tried for the last 20 years just to get consideration of costs and benefits into the regulatory process. I have worked with Senator THOMPSON most recently, and I worked with Senators Glenn and Roth and GRASSLEY in previous Congresses. Each time we have tried, we have been defeated, I believe, by inaccurate characterizations of the consequences of the use of cost-benefit analysis and risk assessment.

That is what is happening, I believe, with Dr. Graham's nomination. Dr. Graham's nomination presents us with the question of the value of cost-benefit analysis and risk assessment in agency rule making once again. That's because Dr. Graham's career has been founded on these principles. He believes in them. So do I. And, Dr. Graham sees cost-benefit analysis not as the be-all and end-all in regulatory decisionmaking; rather, like many of us, he sees it as an important factor to consider. Dr. Graham supported the regulatory reform bill Senator THOMPSON and I sponsored in the last Congress—which was also supported by Vice President Gore—that would require an agency to perform a cost-benefit analysis and risk assessment and state to the public whether the agency believes, based on that analysis, that the benefits of a proposed regulation justify the costs. If the agency believes they don't, then the agency would be required to tell the public why it has decided to regulate under those circumstances. It doesn't hold an agency to the outcome of a strict cost-benefit analysis. It doesn't diminish an agency's discretion in deciding whether or not to issue a regulation. It does mandate, though, that the agency conduct a comprehensive cost-benefit analysis and, where appropriate, risk assessment before it issues a proposed rule. I believe that is a reasonable, fair and appropriate standard to which to hold our federal agencies accountable. And of course our bill also required that in doing cost-benefit analysis agencies take into account both quantifiable and nonquantifiable benefits, a principle in which Dr. Graham firmly believes.

So how do Dr. Graham's opponents attack him? They attack him by saying his science has been influenced by the donors to his Center and that he supports industry in its opposition to environmental, health and safety regulation. And they attack him by taking many of his statements out of context to create what appears to be an extremist on the role of environmental and health regulation but which is really a fabricated character that doesn't reflect reality. I think Dr. Graham is a fair, thoughtful, and ethical person who believes in the value of cost-benefit analysis and risk assessment as tools we can and should use for achieving important public policy decisions. I believe Dr. Graham has also found it useful to be provocative when it comes to understanding risk, in an effort to shake us out of our customary thinking and see risks in a practical and real-life dimension.

Let me first discuss the allegation of bias with respect to funding sources. When various groups have questioned John Graham's independence, they have suggested that his science has been skewed by his corporate sponsorship. Frank Cross, Professor of Business and Law at the University of Texas, said "this criticism is unwarranted, unfair and inconsistent with the clear pattern and practice of most (if not all) similarly situated research centers." Yes, Dr. Graham's center received significant sums of money from corporate sponsors. But it also established a conflict of interest policy in line with Harvard University School of Public Health's conflict of interest policy, requiring peer review of research products disseminated publicly by the Center and a complete disclosure of all sponsors. The policy requires that any restricted grants received by the Center adhere to all applicable Harvard University rules including the freedom of the Center's researchers to design projects and publish results without prior restraint by sponsors. I asked Dr. Graham a number of questions on this subject during our committee hearing and found his answers to be forthright and satisfactory. Dr. Graham confirmed for the record that he has never delayed the release of the results of his studies at the request of a sponsor, never failed to publish a study at the request of a sponsor, and never altered a study at the request of a sponsor. Moreover, there are numerous studies where the conclusions Dr. Graham or the Center reached were contrary to the interests of the Center's sponsors.

The other line of attack against Dr. Graham is taking Dr. Graham's statements out of context, to unfairly paint him as an extremist, and I would like to go over just a few examples where this has happened.

Opponents say, "[John Graham] has said that dioxin is an anticarcinogen" and that he said that "reducing dioxin levels will do more harm than good."

Those are quotes. Standing alone, that sounds pretty shocking, but let's look at what John Graham actually said. The issue came up while Dr. Graham was participating as a member of the EPA's Science Advisory Board, Dioxin Reassessment Review Subcommittee, when the subcommittee was reviewing EPA's report on dioxin. Here is what he said during one of the meetings:

> (T)he conclusion regarding anticarcinogenicity . . . [in the EPA report on dioxin] should be restated in a more objective manner, and here's my suggestive wording, "It is not clear whether further reductions in background body burdens of [dioxin] will cause a net reduction in cancer incidence, a net increase in cancer incidence, or have no net change in cancer incidence." And I think there would be also merit in stating not only that [dioxin] is a carcinogen—

That is John Graham speaking—

> And I think there would be also merit in stating not only is dioxin a carcinogen, but also I would put it in a category of a likely anticarcinogen using the draft guidelines in similar kinds of criteria that you have used as classifying it as a carcinogen.

He said this at another point in the meeting: "I'd like to frame it"— referring to a subcommittee member's comment—"in a somewhat more provocative manner in order to stimulate some dialogue."

He discusses two studies that look at different levels of dioxin and identified some anticarcinogenic effects. Dr. Graham said the following:

> If, as body burdens of dioxin decline the adverse effects disappear more rapidly than the adaptive or beneficial effects, and this is as suggested by certain experimental data both the Pitot study I mentioned and the Kociba study. As the dose comes down, the adverse effects go away faster than the anticarcinogenic effects. Then it's possible that measures to reduce current average body burdens of dioxin further could actually do more harm for public health than good.

"Possible," "if," as two studies suggest. I want to repeat that. "If" something occurs, as two studies—not his—two studies "suggest," then it is "possible" that at low levels there are anticarcinogenic effects. That is what he said in the meeting.

Then he went on to say the following:

> The alternative possibility which EPA emphasizes is that the adverse effects outweigh these beneficial or adaptive effects. And I think that they're clearly right at the high doses. For example, total tumor counts are up so even if there's some anticarcinogenicity in there, the overall tumor effects are adverse. The question is, what happens when the doses come down.

Mr. President, I ask for 7 additional minutes. I do not know what time agreement we are under. What is the time agreement? What are the constraints?

The PRESIDING OFFICER. The Senator from Tennessee controls 3 hours, of which there are 150 minutes remaining.

Mr. THOMPSON. I yield an additional 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank my friend from Tennessee.

Mr. President, Dr. Graham has consistently said, as he stated in the above quotations, dioxin is a known carcinogen. What he went on to suggest as an EPA subcommittee member is that there be an additional comment, supported by two studies, that very low levels of dioxin may reduce the risk of cancer, calling for full disclosure about two studies. It turns out, Mr. President, that in the final report of that EPA subcommittee, his suggestions were adopted.

The final report—not his, but the EPA subcommittee—says:

> There is some evidence that very low doses of dioxin may result in decreases in some adverse responses, including cancer . . .

That may sound absurd to us, but we are not experts—at least I am not an expert—and it seems to me that where you have somebody of this reputation who, as part of an EPA subcommittee, points to two studies which he says suggests that it is possible that at low levels dioxin could actually be an anticarcinogen, and then the EPA subcommittee actually adopts that suggestion, for that to be characterized that he thinks dioxin is good, or something similar to that, is a serious mischaracterization of what happened.

I am not in a position to defend the dioxin studies, nor am I arguing the substance of their outcome. I am pointing out, however, that Dr. Graham, when he discussed this point, wasn't making it up; he was bringing two scientific studies to the attention of the EPA subcommittee, and in the final review report by the EPA Science Advisory Panel, Dr. Graham's suggestion and the two studies to which he refers are mentioned.

Who would have thought in the year 2000 that cancer victims would be taking thalidomide and actually seeing positive results. That is counterintuitive to me. I was raised believing thalidomide to be the worst, deadly substance just about known. The idea that last year people would be taking thalidomide as an anticarcinogen is surely counterintuitive to me, but we must not be afraid of knowing cost-benefits. It must not strike fear in our hearts, those of us who believe that regulation can make such a positive difference in the lives of people.

We should not be terrorized by labels, by characterizations which are not accurate. We should, indeed, I believe more than anybody, say: We want to know costs and benefits. We do not want to quantify the value of a human life. That is not what this is about. We should not quantify in dollars the value of a human life. It is invaluable—every life.

There is no dollar value that I can put on any life or on limb or on safety or on access. But we should know what is produced by a regulation and what is the cost of that regulation and what resources we are using that might be better used somewhere else to get greater benefits and still then make a judgment—not be prohibited from regulating, but at least know cost-benefit before we go on.

Lets look at another issue where John Graham has been quoted out of context by his critics. Critics say that Dr. Graham has said that the risk from pesticides on food is "trivial." In January 1995, Dr. Graham participated in a National Public Radio broadcast discussing upcoming congressional hearings on regulatory reform. At the time, he was attempting to bring to light the importance of risk-based priorities, the importance of identifying and understanding the most serious risks vis a vis less significant risks. In putting this comment in the right context, lets look at what he actually said:

> It [the federal government] suffers from a syndrome of being paranoid and neglectful at the same time. We waste our time on trivial risks like the amount of pesticides residues on foods in the grocery store at the same time that we ignore major killers such as the violence in our homes and communities.

It was a provocative statement, and Dr. Graham did refer to pesticide residues as "trivial," but it was done in the context of a larger discussion of overall risks. Dr. Graham was making a statement to make people think about risk-based priorities. Dr. Graham has consistently stated that since we have limited funds, there should be "explicit risk-based priority setting" of regulations. In other words, we have to make smart choices and strongly supported decisions and we need full disclosure of the differing risks to do this.

Dr. Graham's statements from an op-ed that he wrote for the Wall Street Journal on the merits of conducting cost-benefit analysis have also been mischaracterized. Critics say that John Graham has said that banning pesticides that cause small numbers of cancers is "nutty." In the op-ed, Dr. Graham was opining on the adequacy of EPA's risk assessments supporting proposals to ban certain pesticides. Dr. Graham points out that the EPA did not look at all the costs and benefits associated with banning or not banning certain pesticides. He wrote:

> Pesticides are one example of the problem at EPA. EPA chief Carol Browner has proposed banning any pesticide that poses a theoretical lifetime cancer risk to food consumers in excess of one in a million, without regard to how much pesticides reduce the cost of producing and consuming food. (The best estimates are that banning all pesticides that cause cancer in animals would raise the price of fruits and vegetables by as much as 50%). This is nutty. A baby's lifetime risk of being killed on the ground by a crashing airplane is about four in a million. No one has suggested that airplanes should be banned without regard to their benefits to consumers.

Dr. Graham was making the point that we do not live in a risk-free world and that some risks are so small that while they sound bad, relatively speaking, they are minor compared to other risks we live with every day. Dr. Graham believes we should consider all the facts, that we should disclose all the costs and benefits associated with proposed regulations so we make smart common sense decisions.

Dr. Graham writes in the same article that "One of the best cost-benefit studies ever published was an EPA analysis showing that several dollars in benefits result from every dollar spent de-leading gasoline." His critics don't quote that part.

Continuing with the pesticides issue, critics say that Dr. Graham has said that "banning DDT might have been a mistake." This is not what Dr. Graham said. He actually said:

> Regulators need to have the flexibility to consider risks to both consumers and workers, since new pesticide products that protect consumers may harm workers and vice versa. For example, we do not want to become so preoccupied with reducing the levels of pesticide residues in food that we encourage the development and use of products that pose greater dangers to farmers and applicators. As an example, consider the pesticide DDT, which was banned many years ago because of its toxicity to birds and fish. The substitutes to DDT particularly organophosphate products, are less persistent in food and in the ecosystem but have proven to be more toxic to farmers. When these substitutes were introduced, a number of unsuspecting farmers were poisoned by the more acutely toxic substitutes for DDT.

These statements were part of Dr. Graham's testimony for a joint hearing on legislative issues pertaining to pesticides before the Senate Committee on Labor and Human Resources and the House Subcommittee on Health and Environment in September 1993. Dr. Graham was addressing his concerns on the lack of disclosure and review of the costs and benefits associated with the proposal of certain pesticides regulations. To properly show where Dr. Graham is on the pesticide issue, let me quote Dr. Graham's summary comments on risk analysis he made at that hearing. Dr. Graham testified:

> Pesticides products with significant risks and negligible benefits should be banned. Products with significant benefits and negligible risks should be approved. We should not give much attention to products whose risks and benefits are both negligible. When the risks and benefits are both significant, the regulator faces a difficult value judgement. Before approving use of a pesticide, the regulator should certainly assure himself or herself that promising alternatives of the pesticide are not available. If they are not, a conditional registration may be the best course of action—assuming that the benefits to the consumer are significant and the health risks are acceptable (even if non-negligible). There is nothing unjust or unethical about a society of consumers who subject themselves to some degree of involuntary risk from pesticide use in exchange for consumer benefits. If possible, its preferable to let each consumer make this judgement. But our society certainly accepts a considerable amount of (irreducible) involuntary risk from automobiles and electric power production in exchange for the substantial benefits these technologies offer the consumer.

In other words, Dr. Graham is saying that risks need to be disclosed and weighted based on the level of risk to make a fair decision. We need to have full disclosure and consideration of all the costs and benefits to make smart common sense decisions. In that same testimony, Dr. Graham also said:

> Each year thousands of poisonings occur to pesticide users, often due to application and harvesting practices that violate safety precautions. Recent studies suggest that the rates of some types of cancer among farmers may be associated with the frequency of herbicide use. It is not yet known whether or not these associations reflect a cause-and-effect relationship. Congress should examine whether EPA's recent occupational health rule is adequate to protect the health of farmworkers and applicators.

But his opponents don't mention those statements.

Dr. Graham was criticized in a recent op-ed for saying that our nation is overreacting "in an emotional gush" to school shootings at places such as Columbine High School. But the Sunday New York Times article in which those words are quoted, has a completely different context. It is an article about real dangers for teenagers, and whether schools are now dangerous places to be. The article notes that while homicide is the second leading cause of death among youngsters, according to the Centers for Disease Control and Prevention, "fewer than 1 percent of the child homicides occur in or around schools." The article quotes Dr. Jim Mercy, associate director for science in the division of violence prevention at the Centers for Disease Control and Prevention, as saying, "The reality is that schools are very safe environments for our kids." Later on in the article the other risks to adolescents are discussed and that's where Dr. Graham comes in. The article says:

> When public health experts look at risks to young people, homicides, which account for 14 percent of all deaths among children, come in second. The biggest threat is accidents, primarily car crashes, which are responsible for 42 percent of childhood deaths. Dr. Graham of Harvard says there is a danger to the "emotional gush" over Littleton: "It diverts energies from the big risks that adolescents face, which are binge drinking, traffic crashes, unprotected sex".

The last mischaracterization I would like to discuss relates to Dr. Graham's work on cell phones. Dr. Graham's critics say that he has said that "there is no need to regulate the use of cell phones while driving, even though this causes a thousand additional deaths on the road each year." The Executive Summary of the Harvard Center for Risk Analysis (HCRA) report, entitled, "Cellular Phone Use While Driving: Risks and Benefits" states that there is a risk of using a cell phone while driving, although the level of that risk is uncertain. It states:

> The weight of scientific evidence to date suggests that use of a cellular phone while driving does create safety risks for the driver and his/her passengers as well as other road users. The magnitude of these risks is uncertain but appears to be relatively low in probability compared to other risks in daily life.

Look at the stated objective of the cell phone study. The report states, "The information in this report does not provide a definite resolution of the risk-benefit issue concerning use of cellular phones while driving. The objective of the report is to stimulate greater scientific and public policy discussion of this issue." Dr. Graham states up-front that the study is promoting further discussion and research on the issue of cell phone use. The report also does not completely rule out the need for regulation; it states that further study is necessary. The Executive Summary states:

> Cellular phone use while driving should be a concern of motorists and policymakers. We conclude that although there is evidence that using a cellular phone while driving poses risks to both the drivers and others, it may be premature to enact substantial restrictions at this time. Indecision about whether cellular phone use while driving should be regulated is reasonable due to the limited knowledge of the relative magnitude

of risks and benefits. In light of this uncertainty, government and industry should endeavor to improve the database for the purpose of informing future decisions of motorists and policymakers. In the interim, industry and government should encourage, through vigorous public education programs, more selective and prudent use of cellular phones while driving in order to enhance transport safety.

Here, as is in the other examples, Dr. Graham is recommending that all data be considered so we can make a smart, common sense decision on any proposed regulation. There is no doubt that as a college professor, Dr. Graham has made some provocative statements on different issues. And I don't agree with all of the statements or considerations he has made, but, I do believe, these statements are within the context of reasonable consideration of the risks and that he has made these statements to promote free thinking to generate thoughts and ideas so we can make the best decisions.

Mr. President, I don't take any pleasure today in opposing some of my good friends and colleagues on a matter about which they appear to care so much. They have characterized the nomination of John Graham as a threat to our progress in protecting the environment, consumer safety and the safety of the workplace. If I believed that, I would vote "no" in an instant. But, contrary to what has been said by his opponents, I find John Graham to be a balanced and thoughtful person. So do other individuals in the regulatory field whom I respect. Dr. Graham has received letters of support from, among others, former EPA Administrator and now head of the Wilderness Society, William Reilly; five former OIRA Administrators from both Republican and Democratic Administrations; 95 academic colleagues; Harvey Fineberg, the Provost of Harvard College, numerous Harvard University professors, and Cass Sunstein, University of Chicago Law Professor. Professor Sunstein has written a particularly compelling letter of support which I would like to read.

Dr. Graham has supported common sense, well-analyzed regulations because they use resources wisely against the greatest risks we face. That is the best way to assure public support for health and safety regulatory programs. I think Dr. Graham will serve the public well as Administrator of OIRA, and I look forward to working with him on these challenging issues.

Mr. President, I ask unanimous consent to print in the RECORD the letter from Professor Sunstein.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, IL, March 28, 2001.

Senator JOSEPH LIEBERMAN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing to express the strongest possible support for John Graham's nomination to be head of the Office of Information and Regulatory Affairs. This is an exceptional appointment of a truly excellent and nonideological person.

I've known John Graham for many years. He's a true believer in regulatory reform, not as an ideologue but as a charter member of the "good government" school. In many ways his views remind me of those of Supreme Court Justice, and Democrat, Stephen Breyer (in fact Breyer thanks John in his most recent book on regulation). Unlike some people, John is hardly opposed to government regulation as such. In a number of areas, he has urged much more government regulation. In the context of automobile safety, for example, John has been one of the major voices in favor of greater steps to protect drivers and passengers.

A good way to understand what John is all about is to look at his superb and important book (coauthored with Jonathan Wiener), Risk vs. Risk (Harvard University Press). A glance at his introduction (see especially pp. 8-9) will suffice to show that John is anything but an ideologue. On the contrary, he is a firm believer in a governmental role. The point of this book is to explore how regulation of some risks can actually increase other risks—and to ensure that government is aware of this point when it is trying to protect people. For example, estrogen therapy during menopause can reduce some risks, but increase others at the same time. What John seeks to do is to ensure that regulation does not inadvertently create more problems than it solves. John's concern about the possible problems with CAFE standards for cars—standards that might well lead to smaller, and less safe, motor vehicles—should be understood in this light. Whenever government is regulating, it should be alert to the problem of unintended, and harmful, side effects. John has been a true pioneer in drawing attention to this problem.

John has been criticized, in some quarters, for pointing out that we spend more money on some risks than on others, and for seeking better priority-setting. These criticisms are misplaced. One of the strongest points of the Clinton/Gore "reinventing government" initiative was to ensure better priority-setting, by focusing on results rather than redtape. Like Justice Breyer, John has emphasized that we could save many more lives if we used our resources on big problems rather than little ones. This should not be a controversial position. And in emphasizing that environmental protection sometimes involves large expenditures for small gains, John is seeking to pave the way toward more sensible regulation, not to eliminate regulation altogether. In fact John is an advocate of environmental protection, not an opponent of it. When he criticizes some regulations, it is because they deliver too little and cost too much.

John has also been criticized, in some quarters, for his enthusiasm for cost-benefit analysis. John certainly does like cost-benefit analysis, just like President Clinton, whose major Executive Order on regulation requires cost-benefit balancing. But John isn't dogmatic here. He simply sees cost-benefit analysis as a pragmatic tool, designed to ensure that the American public has some kind of account of the actual consequences of regulation. If an expensive regulation is going to cost jobs, people should know about that—even if the regulation turns out to be worthwhile. John uses cost-benefit analysis as a method to promote better priority-setting and more "bang for the buck"—not as a way to stop regulation when it really will do significant good.

I might add that I've worked with John in a number of settings, and I know that he is firmly committed to the law—and a person of high integrity. He understands that in many cases, the law forbids regulators from balancing costs against benefits, or from producing what he would see as a sensible system of priorities. As much as anyone I know, John would follow the law in such cases, not his own personal preferences.

A few words on context: I teach at the University of Chicago, in many ways the home to free market economics, and I know some people who really are opposed to regulatory programs as such. As academics, these people are excellent, but I disagree with them strongly, and I believe that the nation would have real reason for concern if one of them was nominated to head OIRA. John Graham is a very different sort. He cannot be pigeonholed as "conservative" or "liberal"; on regulatory issues, he's unpredictable in the best sense. I wouldn't be at all surprised if, in some settings, he turned out to be a vigorous voice for aggressive government regulation. In fact that's exactly what I would expect. When he questions regulation, it is because he thinks we can use our resources in better ways; and on this issue, he stands as one of the most important researchers, and most promising public servants, in the nation.

From the standpoint of safety, health, and the environment, this is a terrific appointment, even an exciting one. I very much hope that he will be confirmed.

Sincerely,

CASS R. SUNSTEIN.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, we have speakers in support. I see my friend from Connecticut. In the interest of balance, if the Senator desires time, I yield. Not my time, of course.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Tennessee for his graciousness and fairness. I yield myself up to 15 minutes from the time I have under the prevailing order.

Mr. President, the nomination of John Graham to administer the Office of Information and Regulatory Affairs, known as OIRA, is an important nomination, although the office is little known. I say that because the office, though little known, has a far reach throughout our Government. It particularly has a significant effect on a role of Government that is critically important and cherished by the public. That is the protective role. This responsibility, when applied to the environment or the health and safety of consumers and workers, is worth a vigorous defense. It is a role which the public wants and expects the Government to play. I fear it is a role from which the present administration seems to be pulling away. It is in that context I view this nomination.

With that in mind, I have weighed Dr. Graham's nomination carefully. I have reviewed his history and his extensive record of advocacy and published materials. I listened carefully to his testimony before the Governmental Affairs Committee. I did so, inclined, as I usually am, to give the benefit of the doubt to the President's nominees. In this case, my doubts remained so persistent and the nominee's record on issues that are at the heart of the purpose of the office for which he has been nominated are so troubling that I remain unconvinced that he will be able to appropriately fulfill the responsibilities for which he has been nominated. I fear in fact, he might—not with bad intentions but with good intentions, his own—contribute to the weakening of Government's protective role in matters of the environment, health, and safety. That is why I have decided to oppose Dr. Graham's nomination.

Let me speak first about the protective role of Government. Among the most essential duties that Government has is to shield our citizens from dangers from which they cannot protect themselves. We think of this most obviously in terms of our national security or of enforcement of the law at home against those who violate the law and commit crimes. But the protective function also includes protecting people from breathing polluted air, drinking toxic water, eating contaminated food, working under hazardous conditions, being exposed to unsafe consumer products, and falling prey to consumer fraud. That is not big government; that is responsible, protective government. It is one of the most broad and supportive roles that Government plays.

OIRA, this office which Dr. Graham has been nominated to direct, is the gatekeeper, if you will, of Government's protective role. OIRA reviews major rules proposed by agencies and assesses information on risk, cost, benefits, and alternatives before the regulations can go forward. Then if the Administrator of OIRA finds an agency's proposed rule unacceptable, they return the rule to the agency for further consideration. That is considerable power.

This nominee would continue the traditional role but charter a further, more ambitious role by declaring that he intends to involve himself more in the front end of the regulatory process, I assume. That is what he said before our committee. I assume by this he meant he will take part in setting priorities in working with agencies on regulations even before they have formalized and finalized their own ideas to protect the public.

So his views on regulation are critically important, even more important because of this stated desire he has to be involved in the front end of the process. It also means he could call upon the agencies to conduct time-consuming and resource-intensive research and analysis before they actually start developing protections needed under our environmental statutes.

Some others have referred to this as paralysis by analysis; in other words, paralyzing the intention, stifling the intention of various agencies of our Government to issue regulations which protect the environment, public health, safety, consumers, by demanding so much analysis that the regulations are ultimately delayed so long they are stifled.

OIRA, looking back, was implicated during earlier administrations in some abuses that both compromised the protective role of Government and undermined OIRA's own credibility. There was a history of OIRA reviewing regulations in secret, without disclosure of meetings or context with interested parties. Rules to protect health, safety, and the environment would languish at OIRA, literally, for years. I am not making that up. Regulations would be stymied literally for years with no explanation. Then OIRA would return them to the agencies with many required changes, essentially overruling the expert judgment of the agencies, which not only compromised the health and safety of the public which was unprotected by those regulations for all that time but also frustrated the will of Congress which enacted the laws that were being implemented by those regulations.

To be fair, of course, it is too soon to say whether similar problems will occur at OIRA during the Bush administration, and Dr. Graham himself expressed a desire to uphold the transparency of decisionmaking at OIRA. However, the potential for abuse remains. That is particularly so for delaying the process, with question after question, while the public remains unprotected.

Let me turn directly to Dr. Graham's record. In the hearing on his nomination, Dr. Graham acknowledged, for instance, his opposition to the assumptions underlying our landmark environmental laws —that every American has a "right" to drink safe water and breathe clean air. Indeed, Dr. Graham has devoted a good part of his career to arguing that those laws mis-allocate society's resources, suggesting we should focus more on cost-benefit principles, which take into consideration, I think, one view of the bottom line, but may sacrifice peoples' right to a clean and healthy environment and a fuller understanding of the bottom-line costs involved when people are left unprotected. Dr. Graham has written generally, for example, that the private sector should not be required to spend as much money as it does on programs to control toxic pollution, that he believes, on average, are less cost-effective than medical or injury-prevention efforts, where presumably more money should be spent. But why force us to make such a choice when both are necessary for the public interest?

Dr. Graham has said society's resources might be better spent on bicycle helmets or violence prevention programs than on reducing children's exposure to pesticide residues or on cutting back toxic pollution from oil refineries. This is the kind of result that his very theoretical and I would say, respectfully, impractical, cost-benefit analysis produces. Bicycle helmets save lives, and violence is bad for our society. But the problem is that Dr. Graham's provocative theorizing fails to answer the question of how to protect the health of, for instance, the family that lives next to the oil refinery or in the neighborhood. His rational priority setting may be so rational that it becomes, to those who don't make it past the cost-benefit analysis, cruel or inhumane, although I know that it is not his intention.

Dr. Graham sought to allay concerns by explaining that his provocative views were asserted as a university professor, and that in administering OIRA he would enforce environmental and other laws as written. I appreciate his assurances. But for me, his longstanding opinions and advocacy that matters of economy and efficiency supersede the environmental and public health rights of the citizenry still leave me unsettled and make him an unlikely nominee to lead OIRA.

Dr. Graham's writings and statements are controversial in their own right, but they are all the more so in light of the actions the Bush Administration has already taken with regard to protective regulations. It began with the so-called Card memo—written by the President's Chief of Staff, Andrew Card—which delayed a number of protective regulations issued by the Clinton administration. The Card memo was followed by a series of troubling decisions—to reject the new standard for arsenic in drinking water; to propose lifting the rules protecting groundwater against the threat of toxic waste from "hard-rock" mining operations on public lands; to reconsider the rules safeguarding pristine areas of our national forests; and to weaken the energy-efficiency standard for central air conditioners.

So his views are disconcerting. In the context of this administration and the direction in which it has gone, they are absolutely alarming.

We have received statements from several respected organizations opposing this nomination. I do at this time want to read a partial list of those because they are impressive: the Wilderness Society, the League of Conservation Voters, the Sierra Club, the National Resources Defense Council, Public Citizen, National Environmental

Trust, OMB Watch, AFL–CIO, American Federation of State, County and Municipal Employees, American Rivers, Center for Science and the Public Interest, Defenders of Wildlife, Earthjustice Legal Defense Fund, Friends of the Earth, Greenpeace, Mineral Policy Center, Physicians for Social Responsibility, Southern Utah Wilderness Alliance, the United Auto Workers, the United Food and Commercial Workers International Union, The United States Public Interest Research Group.

We have received, Members of this body, letters from many of these organizations and others urging us to oppose this nomination. We have also received letters against the nomination from over 30 department heads and faculty members at medical and public health schools across the United States, from numerous other scholars in the fields of law, economics, science, and business, and from former heads of Federal departments and agencies that have been referred to earlier in this debate.

I ask unanimous consent that these various letters of opposition to Dr. Graham's nomiantion be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OMB WATCH,
Washington, DC, June 8, 2001.

U.S. Senate,
Washington, DC.

DEAR SENATOR: We are writing to express our opposition to President Bush's nominee to head OMB's Office of Information and Regulatory Affairs, John Graham. We believe Dr. Graham's track record raises serious concerns that warrant your careful consideration. In particular:

As director of the Harvard Center for Risk Analysis, which is heavily funded by corporate money, Dr. Graham has been a consistent and reliable ally of almost any industry seeking to hold off new regulation. As OIRA administrator, Dr. Graham will sit in ultimate judgment over regulation affecting his former allies and benefactors. This gives us great concern that OIRA will take a much more activist role in the rulemaking process, reminiscent of the 1980s when the office came under heavy criticism from Congress from continually thwarting crucial health, safety, and environmental protections. At a minimum, this raises serious concerns about his independence, objectivity, and neutrality in reviewing agency rules.

In critiquing federal regulation, Dr. Graham has employed questionable analytical methods that have the inevitable effect of deflating benefits relative to costs. For example, he's downplayed the health risks of diesel engines, as well as second-hand smoke, and argued against a ban on highly toxic pesticides (all after receiving funds from affecting industries). As administrator of OIRA, Dr. Graham will be in position to implement these analytical methods, which would not bode well for health, safety, and environmental protections.

In pushing his case for regulatory reform, Dr. Graham has often invoked a study he conducting with one of his doctoral students. "[B]ased on a sample of 200 programs, by shifting resources from wasteful programs to cost-effective programs, we could save 60,000 more lives per year in this country at no additional cost to the public sector or the private sector," Dr. Graham told the Governmental Affairs Committee on Sept. 12, 1997. Senators clearly took this to mean existing regulatory programs. Yet in fact, most of the 200 "programs" were never actually implemented, as Lisa Heinzerling, a professor at Georgetown Law Center has recently pointed out. This includes 79 of the 90 environmental "regulations," which, not surprisingly, were scored as outrageously expensive. Despite repeated misrepresentations of his study by the press and members of Congress, Dr. Graham has never bothered to correct the record. In fact, he has perpetuated the myth by continually using the study to criticize our real-world regulatory system.

Dr. Graham has promoted the view that cost-benefited analysis should be the determinative criteria in deciding whether a rule goes forward. This position is frequently at odds with congressional mandates that place public health considerations as the preeminent factor in rulemaking deliberations. For instance, Dr. Graham was recently part of an amicus brief filed before the Supreme Court that argued EPA should consider costs in devising clean air standards (currently costs are considered during implementation), which the Court unanimously rejected. We are concerned that as regulatory gatekeeper, Dr. Graham would elevate the role of cost-benefit analysis in ways Congress never intended.

Dr. Graham has little to no experience with information issues, which have taken on even greater importance with the advent of the intent. OIRA was created in 1980 by the Paperwork Reduction Act, which gives the office chief responsibility for overseeing information collection, management, and dissemination. We fear that information policy will suffer with Dr. Graham at the helm, and that he is more likely to focus on regulatory matters—his natural area of interest and expertise. Ironically, Congress has never asked OIRA to review agency regulations. This power flows from presidential executive order.

Dr. Graham's track record does not demonstrate the sort of objectivity and dispassionate analysis that we should expect from the next OIRA administrator. Indeed, he has demonstrated a consistent hostility to health, safety, and environmental protection—once telling the Heritage Foundation that "[e]nvironmental regulation should be depicted as an incredible intervention in the operation of society." Dr. Graham's nomination threatens to bring back the days when OIRA acted as a black hole for crucial public inspections. Accordingly, this nomination deserves very careful scrutiny and should be opposed.

Sincerely,

GARY D. BASS,
Executive Director.

Re: Oppose the nomination of Dr. John Graham to be OIRA administrator.

JULY 17, 2001.

U.S. Senate,
Washington, DC.

DEAR SENATOR, The League of Conservation Voters (LCV) is the political voice of the national environmental community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV opposes the nomination of Dr. John D. Graham to direct the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget. The Administrator of OIRA plays an extremely powerful role in establishing regulatory safeguards for every agency of our government. This position requires a fair and even-handed judge of the implications of regulatory policies: John Graham's record makes him an unsuitable choice for this important position.

OIRA is the office in the Executive Office of the President through which major federal regulations and many other policies must pass for review before they become final. The office has great leeway in shaping proposals it reviews or holding them up indefinitely. One of the principal ways in which OIRA influences rulemakings is through its use of risk assessment and cost-benefit analysis. Graham has a perspective on the use of risk assessment and cost-benefit analysis that would greatly jeopardize the future of regulatory policies meant to protect average Americans. He advocates an analytical framework that systematically reinforces the worst tendencies of cost-benefit analysis to understate benefits and overstate costs. As head of OIRA, he would be in a position to impose this approach throughout the government.

Graham's approach has led him to challenge—either directly or through his support of others who use the approach—some of the most valuable environmental requirements that exist, including regulations implementing the Clean Air Act and the Food Quality Protection Act. He has used comparative risk assessments to rank different kinds of risk and to argue that society should not take actions to reduce environmental risks as long as there are other risks that can be reduced more cheaply. His approach makes no distinction between risks that are assumed voluntarily and those that are imposed involuntarily.

Graham's considerable financial support from industry raises serious questions about potential conflicts of interest and his ability to be truly objective. His close ties to regulated industry will potentially offer these entities an inside track and make it difficult for Dr. Graham to run OIRA free of conflicts of interests and with the public good in mind.

For these reasons, we strongly urge you to oppose the nomination of Dr. Graham to be the Administrator of OIRA. LCV's Political Advisory Committee will consider including votes on these issues in compiling LCV's 2001 Scorecard. If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

NATIONAL ENVIRONMENTAL TRUST,
Washington, DC, May 15, 2001.

Hon. JOSEPH I. LIEBERMAN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LIEBERMAN: I am writing on behalf of the National Environmental Trust (NET) to urge your opposition to the nomination of John Graham to head OMB's Office of Information and Regulatory Affairs. As Ranking Member on the Senate Government Affairs Committee, Mr. Graham's scheduled to come before you at a confirmation hearing on May 16, 2001.

Mr. Graham's approach to regulation includes heavy reliance on business friendly "risk analysis" and "cost-benefit analysis" creating a higher barrier for agencies to overcome in order to issue a rule other than the one which is most "cost effective". Furthermore, Mr. Graham is hostile to the very idea of environmental regulation. In 1996, Graham told political strategists at the Heritage Foundation that "environmental regulation should be depicted as an incredible intervention in the operation of society." He has also stated that support for the regulation of chemicals in our water supply shows the public's affliction with "a syndrome of paranoia and neglect." ("Excessive Reports of Health Risks Examined," The Patriot Ledger, Nov. 28, 1996, at 12.)

We are also greatly concerned that Mr. Graham is being considered for this position given the Harvard Center for Risk Analysis' record of producing reports that strongly match the interests of those businesses and trade groups that fund them. For instance a 1999 Risk Analysis Center report found that banning older, highly toxic pesticides would lower agricultural yields and result in an increase in premature childhood deaths, because food production would be hampered. This widely criticized report was funded by the American Farm Bureau Federation, which opposes restrictions on pesticides.

In 1999, Mr. Graham supported the Regulatory Improvement Act of 1999 (S. 746). The late Senator John Chafee, then chairman of the Senate Environmental and Public Works Committee promised to vehemently oppose this bill due to its omnibus approach to "regulatory reform". Under S. 746, regulations would have been subject to just the type of cost-benefit analysis and risk assessments that Mr. Graham advocates, across the board, regardless of the intent of the proposed regulation. This bill was strongly opposed by environmental, consumer, and labor groups.

For these reasons and more, Mr. Graham's appointment to the Office of Information and Regulatory Affairs within OMB represents a serious threat to public health and environmental protections. Please oppose his nomination to head OIRA.

Sincerely,

PHILIP F. CLAPP,
President.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, May 15, 2001.

Hon. FRED THOMPSON,
Chairman, Senate Governmental Affairs Committee,
Washington, DC.

Hon. JOSEPH LIEBERMAN,
Ranking Minority Member, Senate Governmental Affairs Committee, Washington, DC.

DEAR CHAIRMAN THOMPSON AND RANKING MINORITY MEMBER LIEBERMAN. I am writing on behalf of the over 400,000 members of the Natural Resources Defense Council to make clear our strong opposition to the nomination of Dr. John D. Graham to direct the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget. We encourage you to very carefully consider his anti-regulatory record and controversial risk management methodology during your confirmation proceedings.

The Administrator of OIRA plays an extremely powerful role in establishing regulatory safeguards for every agency of our government. This position requires a fair and even-handed judge of the implications of regulatory policies. Upon close review, we believe that you will agree that John Graham's record makes him an unsuitable choice for this important position.

Dr. Graham possesses a decision-making framework that does not allow for policies that protect public health and the environment. He has consistently applied controversial methodology based on extreme and disputable assumptions without full consideration of benefits to public health and the environment. Graham's record puts him squarely in opposition to some of the most important environmental and health achievements of the last two decades. His record of discounting the risks of well-documented pollutants raises questions about his ability to objectively review all regulatory decisions from federal agencies.

Complicating matters further, John Graham and his colleagues at the Harvard Center for Risk Analysis have been handsomely rewarded by industry funders who oppose regulations protective of public health and the environment and have directly benefited from Dr. Graham's work. These relationships form a disturbing pattern that makes it very difficult to imagine how Dr. Graham could effectively run this office free of conflicts of interests and with the public view in mind.

Dr. Graham's inherently biased record clearly demonstrates that he is not an objective analyst of regulatory policies and would not be a proper choice for this position. We therefore strongly urge you to oppose the nomination of Dr. Graham to be the Administrator of OIRA.

Sincerely,

JOHN H. ADAMS,
President.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, May 17, 2001.

Hon. FRED THOMPSON,
Chairman, Senate Committee on Governmental Affairs, Dirksen Senate Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to convey the opposition of the AFL–CIO to the nomination of John D. Graham, Ph.D. to direct the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB).

As Administrator of OIRA, Dr. Graham would be the gatekeeper for all federal regulations. In our view, Dr. Graham, with his very strong anti-regulatory views, is simply the wrong choice to serve in this important policy making position.

For years as Director of the Harvard Center for Risk Analysis, Dr. Graham has repeatedly taken the position that cost and economic efficiency should be a more important, if not the determinative consideration, in settling standards and regulations. He has argued for the use of strict cost-benefit and cost-efficiency analysis, even though for many workplace safety and environmental regulations, such analyses are not appropriate or possible or are explicitly prohibited by the underlying statute. If Dr. Graham's views dictated public policy, workplace regulations on hazards like benzene and cotton dust would not have been issued because the benefits of these rules are hard to quantify and are diminished because they occur over many years. Similarly, regulations pertaining to rare catastrophic events such as chemical plant explosions or common sense requirements like these for lighted exit signs couldn't pass Dr. Graham's strict cost-benefit test.

In enacting the Occupational Safety and Health Act, the Clean Air Act and other safety and health and environmental laws, Congress made a clear policy choice that protection of health and the environment was to be the paramount consideration in setting regulations and standards. Dr. Graham's views and opinions are directly at odds with these policies.

We are also deeply concerned about Dr. Graham's close ties to the regulated community. The major source of Dr. Graham's funding at the Harvard Center for Risk Analysis has been from companies and trade associations who have vigorously opposed a wide range of health, safety and environmental protections. Much of Dr. Graham's work has been requested and then relied upon by those who seek to block necessary protections.

Given Dr. Graham's extreme views on regulatory policy and close alliance with the regulated communities, we are deeply concerned about his ability to provide for a fair review of regulations that are needed to protect workers and the public. If he is confirmed, we believe that the development of important safeguards to protect the health and safety of workers across the country would be impeded.

Therefore, the AFL–CIO urges you to oppose Dr. Graham's confirmation as Administrator of the Office of Information and Regulatory Affairs.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, June 7, 2001.

DEAR SENATOR: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), I write to express our strong opposition to the nomination of John D. Graham, Ph.D. to serve as director of the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB).

As gatekeeper for all federal regulations, the Administrator of OIRA has an enormous impact on the health and safety of workers and the public. Yet Dr. Graham's record as Director of the Harvard Center for Risk Analysis demonstrates that he would minimize consideration of worker and public health in evaluating rulemaking and instead rely almost exclusively on considerations of economic efficiency.

Dr. Graham's approach to regulatory analysis frequently ignores the benefits of federal regulation, indicating that reviews under his leadership will lack balance. His anti-regulatory zeal causes us to question whether he will be able to implement regulations that reflect decisions by Congress to establish health, safety and environmental protections. We are also deeply concerned that Dr. Graham's extreme views and close alliance with regulated entities will prevent the OIRA from providing a fair review of regulations that are needed to protect workers and the public.

For the foregoing reasons, we urge you to oppose Dr. Graham's confirmation as Administrator of the Office of Information and Regulatory Affairs.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America—UAW,
Washington, DC, May 11, 2001.

Hon. Fred Thompson,
Chair, Committee on Governmental Affairs,
U.S. Senate, Washington, DC

Dear Chairman Thompson: On May 17, 2001, the Committee on Governmental Affairs is holding a hearing on the nomination of John Graham to head the Office of Information and Regulatory Analysis of the Office of Management and Budget. On behalf of 1.3 million active and retired UAW members and their families, we urge you to oppose the nomination of John Graham. In this critical job, he would oversee the promulgation, approval and rescission of all federal administrative rules protecting public health, safety, and the environment as well as those concerning economic regulation. We believe his extreme positions on the analysis of public health and safety regulations render him unsuited for this job.

The UAW strongly supports Occupational Safety and Health Administration standards to protect against workplace hazards. We are also concerned about clean air, clean water, toxic waste, food, drug and product safety, and consumer protection rules. The OIRA serves as the gatekeeper for these standards and rules as well as for government collection of information on which to base public health protections.

The Harvard Center for Risk Analysis, which John Graham founded, has been the academic center for the deconstruction of our public health structure. Mr. Graham and his colleagues have advocated the full range of obstruction of new public protections: cost-benefit, cost-per-lives saved, comparative risk analysis, substitution risk, and so-called "peer review" which would give regulated industries a privileged seat at the table before the public could comment on a rule. Mr. Graham has testified before Congress in favor of imposing such obstacles on all public health agencies and all public health laws. His academic work is entirely in support of this agenda as well.

It already takes decades to set a new OSHA standard. Our members and their families need stronger public health protections, and Mr. Graham has demonstrated his opposition to such protections. We are concerned that, with Mr. Graham as the head of OIRA, public health and safety regulations will be further delayed, protections on the book now will be jeopardized, and the interests of workers and consumers will not be given adequate weight.

For these reasons, we urge you to vote against the nomination of John Graham to head OIRA.

Sincerely,

Alan Reuther,
Legislative Director.

Public Citizen,
Washington, DC, March 13, 2001

Hon. Fred Thompson,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: Shortly, the Senate will consider the nomination of John Graham for a position as the regulatory czar at the head of the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB). We are writing to call your attention to the threat that Graham's nomination poses to the environment, consumer safety, and public health, and to urge his rejection by the committee.

Graham's appointment to OIRA would put the fox in charge of the henhouse. His agenda is no secret. Over the past decade, Graham has amply demonstrated his hostility—across the board—to the system of protective safeguards administered by the federal regulatory agencies. In 1996, Graham told an audience at the Heritage Foundation that "environmental regulation should be depicted as an incredible intervention in the operation of society."

Graham has repeatedly advocated for sweeping regulatory rollback bills that would trump the statutory mandates of all the regulatory agencies. He would also impose rigid, cost-benefit analysis criteria well beyond that which has been used in previous administrations, virtually guaranteeing that many new regulations will fail to see the light of day. Moreover, his special White House clearance procedures may make it likely that virtually any agency response to public health hazards, such as the Surgeon General's pronouncements on the dangers of tobacco use, will not be made. At OMB, Graham would undoubtedly be the new master of "paralysis by analysis."

Grahm has represented himself as a neutral academic "expert" from the Harvard School of Public Health when testifying before Congress and speaking on risk issues to the media. In fact, as our investigative report indicates, his Harvard-based Center accepts unrestricted funding from over 100 major industrial, chemical, oil and gas, mining, pharmaceutical, food and agribusiness companies, including Kraft, Monsanto, Exxonmobil, 3M, Alcoa, Pfizer, Dow Chemical and DuPont.

As just one example of the connections between his funding and his agenda, in the early 1990s Graham solicited money for his activities from Philip Morris, while criticizing the Environmental Protection Agency's conclusion that second-hand smoke was a Class A carcinogen. In short, Graham has long fostered deep roots throughout an entire network of corporate interests that are hostile to environmental and public health protections, who would expect to call upon his sympathy at OIRA.

A major area of controversy between Congress and the Reagan and Bush I administrations concerned the use of back channels in the OIRA office by major corporations and trade associations to delay, eviscerate or block important public health protections that federal agencies had promulgated following Congress' statutory authorization and open government procedures. The head of OIRA should be an honest broker, reviewing regulatory proposals from federal agencies and deferring to agency expertise on most scientific and technical matters. Inviting Graham to head that office, given his close connections to broad sectors of the regulated industries, would signal a return to back-door intervention by special interests.

We urge you to read the attached report detailing Graham's shoddy scholarship and obeisance to his corporate funders, and to vigorously oppose his nomination to OIRA. As a start, Congress should request full access to Graham's and the Harvard Center for Risk Analysis' funding records and records as to speaking and consulting fees from the industries that he could not be charged with regulating.

Graham's confirmation would constitute a serious threat to our tradition of reasonable and enforceable health, safety and environmental safeguards, and should be rejected.

Sincerely,

Joan Claybrook,
President, Public Citizen.

Frank Clemente,
Director, Public Citizen, Congress Watch.

UFCW,
Washington, DC, June 28, 2001.

Hon. Joseph I. Lieberman,
U.S. Senate,
Washington, DC.

Dear Senator Lieberman: On behalf of the 1.4 million members of the United Food and Commercial Workers International Union (UFCW), I am writing to express our opposition to President Bush's nomination of John D. Graham, Ph.D., to head the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA).

As Administrator of OIRA, Dr. Graham would be the gatekeeper for all federal regulations, including those dealing with environmental protection, workplace safety, food and drug safety, and consumer safety. He has consistently viewed cost-benefit analysis as the determinative criteria in deciding whether a rule goes forward—a position that is frequently at odds with congressional mandates that place public health considerations as the preeminent factor in rule-making deliberations. In addition to our concerns regarding the fairness of Dr. Graham, we have strong concerns about his extreme versions of regulatory reform, which the Senate has considered but never approved and which we sought to defeat.

Furthermore, we are also concerned with Dr. Graham's close ties to industry. As Director of the Harvard Center for Risk Analysis, he has received financial support from more than 100 corporations and trade associations over the last 12 years. At the same time, Dr. Graham has produced numerous reports, given testimony, and provided media commentary that directly benefited those who have funded the Center, which include food processors, oil and chemical companies, and pharmaceutical industries. In addition, many of these companies have staunchly opposed new regulatory initiatives and have been leading proponents of extreme regulatory reform.

Dr. Graham's track record does not demonstrate the sort of objectivity and dispassionate analysis that we should expect from the next OIRA Administrator. Given his extreme views on regulatory policy, and his close ties with the regulated communities, we are deeply concerned about his ability to provide for a fair review of regulations that are needed to protect workers and the public.

For these reasons, the UFCW urges you to oppose confirmation of John D. Graham, Ph.D., as Administrator of the Office of Information and Regulatory Affairs.

Sincerely,

Douglas H. Dority,
International President.

U.S. Public Interest Research Group,
Washington, DC, June 13, 2001.

Dear Senator: The U.S. Public Interest Research Group (U.S. PIRG), as association of state-based organizations that are active in over 40 states, urges that you oppose the nomination of Dr. John Graham to the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA), and that you support closer scrutiny of his suitability to lead OIRA. As Administrator of OIRA, Dr. Graham could use a closed-door process to stop much-needed protections prior to any public debate, and to construct regulatory procedures that would weaken consumer, environmental or public health protections contemplated by any federal agency.

Dr. Graham has a long history of espousing highly controversial and academically suspect positions against protections for consumers, public health, and the environment. He also has a history of taking money from corporations with a financial interest in the topics on which he writes and speaks. Unfortunately, this pattern of soliciting money from polluting corporations, taking controversial positions that are favorable to his benefactors, and failing to fully disclose conflict of interests calls into question his fitness to be the Administrator of OIRA.

Dr. Graham's positions are based on theories of risk assessment that fall far outside of the mainstream, and in fact, are contrary to positions taken by esteemed academics and scientists. Widespread opposition to Dr. Graham's nomination from well-respected professionals is indicative of his unbalanced approach. Indeed, eleven professors from Harvard (where Dr. Graham is employed) and 53 other academics from law, medicine, economics, business, public health, political science, psychology, ethics and the environmental sciences drafted letters of opposition to Dr. Graham's nomination. These experts all concluded that Dr. Graham is the wrong person to supervise the nation's system of regulatory safeguards.

Overwhelming opposition to Dr. Graham reflects deep concern regarding his pattern of pushing controversial and unsupported theories, combined with his failure to disclose financial conflicts of interests. In constructing his positions on regulatory affairs, Dr. Graham has employed dubious methodologies and assumptions, utilized inflated costs estimates, and failed to fully consider the benefits of safeguards to public health, consumers and the environment. Dr. Graham has used these tools when dealing with the media to distort issues related to well-established dangers, including cancer-causing chemicals (such as benzene), the clean up of toxic waste sites (including Love Canal), and the dangers of pesticides in food. In each instance, Mr. Graham's public statements failed to include an admission that he was being paid by corporate interests with a financial stake in rulemaking related to those topics.

Widespread opposition to Dr. Graham is buttressed by the unquestioned need for a balanced leader at OIRA. This office is the gatekeeper of OMB's regulatory review process, and dictates the creation and use of analytical methodologies that other agencies must employ when developing protections for public health, consumers, and the environment. In his role as gatekeeper, Dr. Graham will have the ability to stop much-needed protections before they ever see the light of day. In his role as director of analysis, he will be able to manipulate agency rulemakings—without Congressional approval or adequate public discussion—by issuing new OMB policies that force other agencies to conform to his narrow and highly controversial philosophy. This could result in a weakening of current protections, and a failure to create adequate future safeguards.

OIRA needs a fair and balanced individual at its helm. A review of Dr. Graham's record demonstrates an unmistakable pattern of placing the profits of polluters, over protections for public health, the environment, and consumers. In the interests of balance and accountability, we urge you to oppose Dr. Graham's nomination, and to support ongoing Congressional efforts to carefully scrutinize his record.

Sincerely,

GENE KARPINSKI,
Executive Director.

Mr. LIEBERMAN. As a Senator reviewing a President's nominee, exercising the constitutional advice and consent responsibility we have been given, I always try not to consider whether I would have chosen this nominee because it is not my choice to make. However, it is my responsibility to consider whether the nominee would appropriately fulfill the responsibilities of this office; whether I have sufficient confidence that the nominee would do so to vote to confirm him.

Where we are dealing, as we are here, with what I have described as the protective role of government, where people's safety and health and the protection of the environment is on the line, I approach my responsibility with an extra measure of caution because the consequences of confirming a nominee who lacks sufficient commitment to protecting the public health and safety through protective regulations are real and serious to our people and to our principles.

Dr. Graham, in the meetings I have had with him, appears to me to be an honorable man. I just disagree with his record and worry he will not adequately, if nominated, fulfill the responsibilities of this office.

So taking all of those factors into account, I have reached the conclusion that I cannot and will not support the nomination of Dr. Graham to be the Director of OIRA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I had spoken to Senator DURBIN and Senator THOMPSON. I ask unanimous consent that all time but for 1 hour on this nomination be yielded back and that there be, following the conclusion of that debate, which would be evenly divided between Senator THOMPSON and Senator DURBIN, with Senator THOMPSON having the ability to make the final speech—he is the mover in this instance—following that, there will be 1 hour evenly divided and we will have a vote after that.

Mr. DURBIN. Reserving the right to object, if I could ask Senator THOMPSON, could we agree that in the last 10 minutes before debate closes we each have an opportunity to speak, with Senator THOMPSON having the final 5 minutes?

Mr. THOMPSON. Yes. I have no objection.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. THOMPSON. Mr. President, I yield 8 minutes to the Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today to wholeheartedly support the nomination of Dr. John Graham to be Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget.

I view the Office of Information and Regulatory Affairs, or, OIRA, as a key office in the Federal Government. It is charged, among other things, with ensuring that cost-benefit analyses are completed on major Federal rules.

Fortunately, President Bush has nominated an individual who has the experience, the knowledge and the integrity to uphold the mission of OIRA and who will be a first-rate Administrator.

Dr. John Graham is a tenured professor at Harvard University. He has published widely, has managed the Harvard Center for Risk Analysis at the Harvard School of Public Health, and is considered a world-renowned expert in the field of risk analysis.

When I was active in the National Governors' Association, I had the pleasure of meeting Dr. Graham and hearing his testimony about risk assessment and cost benefit analysis. He is, by far, one of the most qualified people ever to be nominated for this position.

As my colleagues know, I served as Governor of Ohio for 8 years. I know what it's like to operate in an environment of scarce resources where tough choices have to be made on resource allocation among a state's various programs.

In many instances, new federal regulations have a habit of costing state and local governments tremendous sums of money to implement. That is why it is so important to have an OIRA Administrator who understands the significance of sound regulations and the usefulness of cost-benefit analysis when determining how federal regulations will be applied to our state and local governments.

As one who was very involved in the development of the passage of the Unfunded Mandates Reform Act of 1995, I believe it is important that the OIRA Administrator work to encourage agencies to consult with State and local governments while developing new Federal rules. OIRA is an enforcer of UMRA and a protector of the principle of federalism.

It is important that OIRA produces accurate cost-benefit analyses for major Federal regulations. For governments, businesses, and those concerned with protecting the environment, accurate accounting of the costs and benefits of Federal regulations is a critical tool in formulating both public and private decisions.

And accurately assessing risks, costs and benefits is what John Graham has done successfully throughout his career, and he will bring this experience to OIRA as its Administrator.

Given his background and his years of experience, I am confident that Dr. Graham will bring a reasoned approach to the federal regulatory process.

Dr. Graham is widely respected and his nomination has received support from many of his colleagues and public health officials at Harvard, from numerous business groups, from dozens of academics, from labor unions such as the International Brotherhood of Boilermakers and from environmental advocates such as former Environmental Protection Agency Administrator William Reilly.

Robert Litan, a Democrat who heads economic studies for the Brookings Institution, has said that Graham "is the most qualified person ever nominated for the job."

John Graham is so well-qualified for this job that the last five OIRA administrators, Democrats and Republicans alike, wrote to the Governmental Affairs Committee on May 3rd, saying that "We are confident that [John Graham] is not an 'opponent' of all regulation but rather is deeply committed to seeing that regulation serves broad public purposes as effectively as possible."

These five individuals know what it takes to be an effective Administrator because they have done the job themselves. In their view, Dr. Graham has the skills and he has the qualifications to be a responsible steward of the public interest.

I agree with their assessment.

John Graham makes objective analyses. He throws the ball right over the plate, contrary to what some of my colleagues have said about his record this evening. Dr. Graham has a distinguished record. He makes well-reasoned judgments about the use of public resources.

For example, Dr. Graham has supported additional controls on outdoor particulate pollution while also highlighting the need to give some priority to indoor air quality.

The American Council on Science and Health has stated that "the comparative risk methods that Professor Graham and his colleagues have pioneered have been particularly useful to our organization and others in efforts to highlight the health dangers of smoking."

Maria New of Cornell University Medical School has stated that "Graham has dedicated his life to pursuing cost-effective ways to save lives (and) prevent illness. . . ."

According to Cass Sunstein, a Professor at the University of Chicago Law School, ". . . [Graham] is seeking to pave the way toward more sensible regulation, not to eliminate regulation. In fact [Graham] is an advocate of environmental protection, not an opponent of it."

And the American Trauma Society has concluded that, "Graham cares about injury prevention and has made many important and significant contributions to the field of injury control."

Before I conclude, I would like to raise one other point about John Graham's nomination.

There has been strong support for Dr. Graham's nomination from a variety of sources. However, there have also been some criticism of Dr. Graham and the Harvard Center for Risk Analysis regarding their corporate funding. I see this criticism as totally unfounded.

While some corporate funding has been provided to the Harvard Center, what is generally not revealed is the fact that Federal agencies also fund Dr. Graham's work.

Moreover, John Graham and the Harvard Center for Risk Analysis have financial disclosure policies that go beyond even that of Harvard University.

The Harvard Center for Risk Analysis has a comprehensive disclosure policy, with the Center's funding sources disclosed in the Center's Annual Report and on their Web Site.

You just turn on your computer, get in their Web site, and it is all there for everyone to see. They do not hide one thing.

If reporters, activists, or legislators want to know how the Harvard Center is funded, the information is publicly available. It is well known that the Harvard Center has substantial support from both private and public sectors.

The Harvard Center also has an explicit, public conflict-of-interest policy, and as for Dr. Graham, he has a personal policy that goes beyond even Harvard's as he does not accept personal consulting income from companies, trade associations, or other advocacy groups.

We should publicly thank individuals such as Dr. Graham who are willing to serve our Nation, even when they are put through our intense nomination process. I know this has been very hard on his family.

As my mother once said, "This too will pass."

I am sure my colleagues will see through the smokescreen that is being put out here this evening by some of my colleagues.

Dr. Graham has answered his critics. It is now time for the Senate to get on with the business of the people. It is time to confirm Dr. Graham as the next Administrator of OIRA.

The PRESIDING OFFICER. Who yields time?

Mr. THOMPSON. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I wanted to come over and speak on this nomination for several reasons.

One, OIRA is an office I know something about. My wife held this position during the Reagan administration. It is a very powerful position. It is the M in OMB. If there is one position in Government where we want someone who understands cost-benefit analysis and who is committed to rationality, it is at OIRA.

As I have listened to Dr. Graham's critics, it strikes me that, first of all, there is a broad misunderstanding about what cost-benefit analysis is. Cost-benefit analysis is not the dollars of cost versus the dollars of benefits. Cost-benefit analysis is when you are a kid and you climb over this wall and your momma comes out and says, Phil, get off that wall; so you weigh, A, you are liable to get a beating if you do not do it; B, you might fall off and break your neck; or, C, Sally is next door and might see you on the wall and figure that you actually are cool. And you weigh that in a rational way and decide whether to get off the wall. That is cost-benefit analysis.

In reality, what Dr. Graham's opponents object to is rationality. That is what they object to. If there is a garbage dump in the middle of the desert that no one has been close to in 50 years, they object to the fact that someone will stand up and say, "We could probably do more for child safety by improving traffic safety, by buying helmets for people who ride bicycles than by going out in the desert and digging up this garbage dump."

They object to that statement because it is rational. And they are not rational. They want to dig up that garbage dump not because it makes sense in a society with limited resources, not because it is a better use than sending kids from poor neighborhoods to Harvard University—a better use of money than that—but it is because it is their cause.

Let me also say there is something very wrong with the idea that someone who takes the scientific approach is dangerous in terms of setting public policy. It seems to me that you can agree or disagree with the finding, but the fact that somebody tries to set out systematically what are the benefits of an action, and what are the costs of an action, and puts those before the public in a public policymaking context—how can society be the loser from that? It seems to me society must be the winner from that process.

Let me make two final points.

First of all, I take strong exception to this criticism, which I think is totally unfair, that Dr. Graham, in his center at Harvard University, is somehow tainted because corporate America is a supporter of that center—along with the EPA, the National Science Foundation, the Center for Disease Control, the Department of Agriculture, and numerous other sources of funding. Where do you think money comes from? Who do you think supports the great universities in America? Corporate America supports the great universities.

I have to say, I think there is something unseemly about all these self-appointed public interest groups. I always tell people from my State: Anybody in Washington who claims to speak for the public interest, other than I, be suspicious. But these self-appointed public interest groups, where do they get their money from? They don't tell you. You don't know where their money comes from. Harvard University tells you, and they are corrupted. All of these self-appointed special interest groups don't tell you where their money comes from, and they are pure. How does that make any sense?

Finally, let me just say I have heard a lot of good speeches in this Senate Chamber, and have heard many weak ones, and given some of them, but I congratulate our colleague, Senator LEVIN. Senator LEVIN is one of our smartest Members in the Senate. I have often heard him make very strong statements, but I have never heard him better than he was tonight. I think there has been no finer debate in this Senate Chamber, certainly in this Congress, than CARL LEVIN's statement tonight. It was a defense of rationality. That is what this debate is about.

The opposition to Dr. John Graham of Harvard University is opposition to rationality in setting public policy, because there are many people who believe—I do not understand it, but they believe it—that there are some areas where rationality does not apply, that rationality should not apply in areas such as the environment and public safety. I say they should because the world operates on fixed principles and we need to understand it.

The PRESIDING OFFICER (Mr. CORZINE). The Senator's time has expired.

Mr. GRAMM. I appreciate the Chair's indulgence.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Mr. President, I have listened very carefully to the defenders of John Graham this evening. I listened very carefully to CARL LEVIN, the Senator from Michigan. I respect him very much. It is a rare day when Senator CARL LEVIN and I disagree on an important issue such as this, but we do disagree.

Senator LEVIN, Senator VOINOVICH, Senator GRAMM, and others have come to this Chamber and have talked about the fact that when you enact a rule or regulation in America to protect public health or the environment or workers' safety, you should take into consideration the cost of that rule. I do not argue with that at all. You cannot argue with that. There has to be some rationality, as the Senator from Texas says, between the rule and the perceived protection and result from it.

I do not quarrel with the fact that John Graham is capable of understanding the value of a dollar. What I quarrel with is the question of whether he is capable of understanding the value of sound science and the value of human life. That is what this is all about. When you make this mathematical calculation—which he makes as part of his daily responsibilities at his center for risk studies; he can make that mathematical calculation; I am sure he can; we can all make it—the question is, What do you put into the calculation?

Let me give you an example. People have come to this Chamber to defend John Graham, but very few of them have tried to defend what he has said on the record throughout his public career.

Here he is quoted in a magazine called Priorities, in 1998:

> The evidence on pesticide residues on food as a health problem is virtually nonexistent. It's speculation.

John Graham, in 1998: Pesticides on food as a health problem is virtually nonexistent; speculation.

We asked him the same question at the hearing. He took the same position. He backed off a little bit, but he does not believe that pesticides on food present a health hazard.

Let's look at the other side of the ledger. You decide whether these people are credible people or whether, as the Senator from Texas has suggested, they have their own special interest at stake.

Here is one. Here is a really special interest group, the National Academy of Sciences. They released a study entitled "Pesticides in the Diets of Infants and Children" in 1993. They concluded:

> Changes needed to protect children from pesticides in diet.

Not John Graham, the gatekeeper for the rules of public health in America, he doesn't see it; the National Academy of Sciences does.

Take a look at Consumers Union. I read the Consumers Union magazine. I think it is pretty credible. And they go straight down the center stripe. They tell you about good products and bad ones. That is why they are credible and we buy their magazines.

In their report of February 1999 entitled "Do You Know What You're Eating," they said:

> There is a 77% chance that a serving of winter squash delivers too much of a banned pesticide to be safe for a young child.

Well, obviously, the Consumers Union knows nothing about risk analysis. They don't understand John Graham's idea of the world, his scientific revolution, his paradigm.

John Graham said: Pesticides on food? Virtually nonexistent as a health problem—not to the Consumers Union. They got specific: Winter squash, young children, 77-percent chance that they will have a serving of pesticide they should not have in their diet.

How can a man miss this? How can John Graham, who has spent his professional life in this arena, miss this? This is basic. And he wants to go to OMB and decide what the standards will be for pesticides in food for your kids, my grandson, and children to come, for generations?

Do you wonder why I question whether this is the right man for the job?

Here is the last group—another "special interest" group—the Environmental Protection Agency. Here is what they said:

> EPA's risk assessment showed that methyl parathion could not meet the FQPA [Food Quality Protection Act] safety standard. . . . The acute dietary risk to children age one to six exceeded the reference dose (or amount that can be consumed safely over a 70-year lifetime) by 880%.

Methyl parathion—this was applied to crops in the field. After we came out with this protective legislation, they had to change its application so it did not end up on things that children would consume.

The EPA knew it. The National Academy of Sciences knew it. The Consumers Union knew it. But John Graham, the man who is being considered this evening, he did not know it. So what minor job does he want in the Bush administration? The last word at the OMB on rules and regulations on the environment and public health and safety. That is why I oppose his nomination.

I at this point am prepared to yield the floor to the Senator from Massachusetts. I do not know if there will be a request at this point from the Senator from Nevada, but I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to Senator THOMPSON. The Senator from Massachusetts wishes to speak for up to 15 minutes. The way we have been handling this is, whatever time is used on this side would be compensated on the other side. So I ask unanimous consent for an additional 15 minutes for this side. And for the information of everyone, maybe everyone will not use all the time because there are people waiting around for the vote. But I ask unanimous consent there be an additional 30 minutes for debate on this matter, equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the distinguished majority whip and the Senator from Tennessee for his courtesy. I will try not to use all that time. I cannot guarantee it.

I obviously rise to discuss the nomination of John Graham. Having served now for a number of years as chairman or ranking member, in one role or the other, of the Committee on Small Business, I have watched firsthand and listened firsthand to the frustration of a great many business owners dealing with Federal regulation. I think all of us have heard these arguments at one time or another.

I have obviously also witnessed, as many of you have, how needlessly complex and redundant regulations can stifle economic growth and innovation and also how regulation that was designed for a large corporate entity is often totally incompatible with small firms.

Always the intention of the underlying rule or law is sound, whether it is protecting the environment or public health or worker safety or consumers, but too often the implementation becomes excessive, overzealous, onerous, restrictive and, in the end, it is harmful.

Recognizing this problem, I have supported a range of efforts to ensure that regulations are reasonable, cost effective, market based, and business friendly. In particular, I supported the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act. Since its passage, the RFA has played an increasingly important role in protecting our Nation's small businesses from the unintended consequences of Government regulation.

Additionally, with the passage of SBREFA, small businesses have been given valuable new tools to help ensure that their special needs and circumstances are taken into consideration. The RFA and SBREFA, if used as intended, work to balance the very real need of our Federal agencies to promulgate important and needed regulations with those of small business compliance costs. They can differ substantially from those of large business cousins.

The Small Business Administration reports that these laws I just mentioned have saved over $20 billion in regulatory compliance costs between 1998 and 2000 alone without sacrificing needed safeguards.

On the other side of the ledger, though, I also believe very strongly that the Federal Government has a responsibility to protect the environment, public health, consumers, and workers. It was 6 years ago that I joined with others in the U.S. Senate to oppose the enactment of a bill that was incorrectly called the Comprehensive Regulatory Reform Act, a bill which, for many of us who looked at it closely and examined what were good intentions, we determined would have undermined important Federal protections.

I listened to the Senator from Texas a moment ago ask how society can be the loser for looking at cost-benefit. I support looking at cost-benefit. I support looking at the least-intrusive, most effective, least-cost solution to a number of enforcement measures which we seek to put in place.

But to answer the question of the Senator from Texas, how can society be a loser, the answer is very simple. Society can be a loser when people bring you a bill such as the Comprehensive Regulatory Reform Act that pretended to do certain things but actually, both in intent and effect, would have done an enormous amount of damage to the regulatory scheme.

The reason society can be a loser, in answer to the question of the Senator from Texas, is that if you apply the wrong standards, if you apply the wrong judgments about how you make your cost analysis, you can completely skew that analysis to obliterate the interests of health, of the environment, of workers, and of consumers.

Some of my colleagues may have forgotten that there are people in the Senate and the House of Representatives who voted against the Clean Air Act, who voted against the Clean Water Act, who voted against the Safe Drinking Water Act. There are people who have voted against almost every single regulatory scheme that we seek to implement in the interest of protecting clean water, clean air, hazardous waste, and a host of others. There has long been a movement in this country by those people who have most objected to those regulations in the first place to create a set of criteria that empower them, under the guise of reform, to actually be able to undermine the laws that they objected to in the first place. That is how society can be a loser, a big loser.

In point of fact, what came to us called the Comprehensive Regulatory Reform Act was, in fact, the planks of the Contract with America, championed by Speaker Newt Gingrich, that began with the premise that they wanted to undo the Clean Water Act altogether. When we looked at this act and began to read through it very closely, we learned that what was purported to be a straightforward attempt to streamline the regulatory process and ensure that Federal and private dollars were spent efficiently and to consider the costs as well as benefits of Federal safeguards, while that may have been the stated purpose, that would not have been the impact of that legislation.

In fact, I stood on the floor of the Senate with a group of colleagues who defined those differences, and we stopped that legislation. It would have upended Federal safeguards impacting clean air, clean water, public health, workers, air travel, cars, food, medicine, and potentially every other area regulated for the common good.

It did this by creating a complex scheme of decisional criteria, cost-benefit analysis, and judicial review that skewed the entire process away from the balance that we tried to seek in the regulatory reform that many of us have talked about.

I am in favor of regulatory reform. Do I believe there are some stupid environmental laws that have been applied in stupid ways by overzealous bureaucrats? The answer is yes, I do. Does it make sense to apply exactly the same clean air standard of a large powerplant to smaller entities, and so forth? I think most people would agree there are ways to arrive at a judgment about cost and analysis that is fair.

In working on that legislation, I saw how the regulatory process under the guise of regulatory reform can be weakened to the point that the laws of the Congress that we have enacted to protect the public would be effectively repealed. It is partly because of the work that I did at that time that I join my colleague from Illinois and others. I congratulate my colleague from Illinois for his steadfast effort. We know where we are on this vote, but we also know where we are in what is at stake.

I have serious concerns with this nomination because during that period of time, this nominee strongly supported and helped draft the regulation that I just described and other omnibus regulatory rollback measures that I strongly opposed in the 104th Congress.

As Administrator, Dr. Graham will be in a position to profoundly impact a wide range of issues and to execute administratively some of the failed proposals that he has supported previously legislatively.

We all understand what this office is. We understand that OMB Director Daniels has already signaled the amount of increased power that Dr. Graham will have over his predecessor in the Clinton administration.

Let me give an example of one of the ways this would have an influence. The way in which these rules can be obviously skewed to affect things is clear in the work that we have already seen of Dr. Graham. For instance, his approach to risk assessment and cost-benefit analysis, in my judgment, has been weighed, if you look at it carefully, against a fair and balanced judgment of what also ought to be measured about public health and environmental protection itself.

For instance, he focuses on the age of a person saved by a particular safeguard. In doing so, he argues that the life of an elderly person is inherently less valuable than that of a younger person and thus less worthy of protection.

Now, I don't know how many Americans want to make a judgment about their family, their grandmother, or grandfather on that basis. But if you weight it sufficiently, you could come out with a judgment on cost that clearly diminishes the level of protection.

In addition to that, you make a judgment that people who die in the future are deemed less valuable than people who die in the present.

The doctor has neglected benefits from avoided injury alone, such as the prevention after nonfetal adverse health effects or ecological damage. These are things many of us believe ought to be weighted as a component in the balance, and they are not. That is how you wind up skewing the consequences.

I am not telling you that it is inherently wrong, if you want to make a hardnosed statistical judgment, but I am saying that when the value of life, health, and our environment are discounted too far, then even reasonable protections don't have a prayer of passing muster under any such analysis.

I am concerned that Dr. Graham's preferred methodology in this area, such as comparative risk analysis, would make it extraordinarily difficult for a new generation of safeguards to be approved under his or anybody else's tenure.

In addition, Dr. Graham made his views known on a range of issues, and it is apparent that if the past is a prelude to the future, he would be hostile to a number of important public safeguards. For example, he argued against the EPA's determination that dioxin is linked to serious health problems—a hypothesis that EPA's Deputy Assistant Administrator for Science called "irresponsible and inaccurate." Those are the words of the Deputy Administrator of EPA.

In 1999, Dr. Graham's center published a report funded by the American Farm Bureau Federation that concluded that banning certain highly toxic pesticides would actually increase the loss of life because of disruptions to the food supply caused by a shortage of pesticides to protect crops. If anybody thinks that is an analysis on which we ought to base the denial of regulations, I would be surprised.

However, the report also ignored readily available, safer substitutes. Dr. Graham's center concluded that the EPA overestimated the benefits of clean air protections because most acute air pollution deaths occur among elderly persons with serious preexisting cardiac respiratory disease. Under Dr. Graham's approach, the benefits would be lowered to reflect his view that older citizens are worth less in raw economic terms.

Dr. Graham's center issued a study funded by AT&T Wireless Communications that argued against a ban on using cellular phones while driving. An independent 1997 study published in the New England Journal of Medicine found that the risk of car crashes is four times greater when a driver uses a cell phone.

In 1995, while debating the merits of the Comprehensive Regulatory Reform Act, I said then that I was prepared to embrace a legitimate effort to streamline and improve the regulatory process. We worked very hard to find a compromise to do that. I believe that with SBREFA and other measures we have made good progress. I still believe we can make more progress. But I am deeply concerned that the record suggests this balance that we look for, which we want to be sensitive and fair, would be absent with this nominee.

In closing, let me acknowledge the fact that Dr. Graham is from my home State of Massachusetts. My office has been contacted by residents who support and residents who oppose this nomination. I have deep respect for many of those who took the time to discuss this with me and my office. I am grateful for friends of mine and friends of Dr. Graham's who have suggested that I should vote for him. I note that I was contacted by several individuals from Harvard University, which is home to Dr. Graham's center. I heard both points of view. I thank each and every person who took the time to contact my office. I intend to cast my vote absolutely not on personal terms at all but exclusively on the experience I had with the Comprehensive Regulatory Reform Act and based on what I believe is an already-declared intention and a declared willingness of this administration to disregard important safeguards with respect to the environment.

I would like to see a nominee who has a record of a more clear balance, if you will, in the application of those laws. I thank the Chair for the time, and I thank my colleagues.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Illinois controls 25 minutes. The Senator from Tennessee has 31 minutes.

Mr. DURBIN. I say to the Senator from Tennessee, I don't know if a UC is necessary, but I would be prepared to reduce the amount of remaining time if he will join me. I suggest—and he can amend it if he would like—that we ask unanimous consent that we each have 10 minutes and I am given 5 minutes to close and you are given 5 minutes to close. Unless you have other speakers, I would like to make that request.

Mr. THOMPSON. Reserving the right to object, I ask my friend, are you suggesting a total of 15 minutes on each side?

Mr. DURBIN. Yes.

Mr. THOMPSON. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, as I understand it, if we can keep to the time we have agreed to, in about a half hour we should reach a vote. I also thank my colleague from Massachusetts, Senator KERRY, for joining me in opposing this nomination.

I will tell you about dioxin. I am not a scientist, and I don't pretend to be. I am a liberal arts lawyer who has practiced politics and political science for a long time. But let me tell you what I have learned about dioxin.

Dioxin is a highly toxic and deadly chemical. According to the National Toxicology Program at the National Institutes of Health, dioxin is the "most toxic manmade chemical known." It is not just very toxic—extremely toxic—it is the most toxic chemical human beings know how to create. It is not manufactured deliberately. There are no commercial uses for it. It is a waste product, a contaminant, the most deadly manmade toxic chemical in existence. And astonishingly, small amounts of dioxin can kill people and animals.

One of the insidious features of dioxin is your body accumulates it, and over time it can reach a toxic level. The World Health Organization and the NIH brand it as a "human carcinogen." If a man came before us and asked to be in charge of the OMB, which rules on safety for the public health and environmental standards of chemicals and pesticides and residues, you would think there would be no doubt in his mind about the danger of dioxin. There doesn't seem to be a doubt in the minds of any credible scientist.

John Graham, the man we are considering this evening, not only doesn't question the toxicity of dioxin; he actually thinks it has medicinal qualities. Let me read what John Graham, the nominee before us this evening, has said about dioxin, the most dangerous chemical created by the human race known today:

> It's possible that measures to reduce current average body burdens of dioxin further could actually do more harm for public health than good.

That is interesting. Then he goes on to say:

> I think there would be also merit in stating not only that TCDD (dioxin) is a carcinogen, but also I would put it in the category of a likely anti-carcinogen.

Where did he say that? Was that a casual statement that someone picked up on a tape recorder? No. It was a statement to the EPA Science Advisory Board on November 1 and 2 of the year 2000. John Graham, gatekeeper, rules and regulations, protecting American families from health risks—he thinks dioxin, the most dangerous chemical known to man, a known carcinogen, actually stops cancer.

Let's see what others have said.

The National Institutes of Health: "Dioxin is a known human carcinogen."

EPA: "The range for cancer risk indicates about a ten-fold higher chance than estimated in EPA's earlier assessment, in terms of the damage and danger."

EPA: "The promulgation of this theory—

They are referring to the statement by Mr., Dr., Professor John Graham.

"The promulgation of this theory that dioxin is an anti-carcinogen hypothesis is irresponsible and inaccurate."

That John Graham, whom President Bush's wants to put in a position to judge questions of public health and safety, who has said on the record and he acknowledges he is not a chemist, not a biologist, he is not a toxicologist, not a medical doctor, could stand before the EPA's Science Advisory Board and tell them dioxin could stop cancer is almost incredible. It is incredible he would be nominated for this job after he said it. That is what we face this evening.

People have come before us and said it is all about measuring the dollar value of rules and regulations with the risk involved. Let me repeat, I do not quarrel with that premise, but I do believe the person making the measurement should be engaged in sound science, and in this situation we have a man with advanced degrees in public policy who goes around telling us that dioxin, the most dangerous chemical created on the Earth, can cure cancer.

I do not know how we can really look at that statement and this nomination and ignore the simple fact. Why would he say things such as that? Because he has made his life work representing corporate interests, industries, and manufacturers who want to reduce the standards when it comes to environmental protection. He has been in States such as Louisiana, Alabama, and Maine testifying on behalf of one of his major clients, the paper industry—which, incidentally, discharges dioxin from paper mills—saying you should not be that concerned about dioxin. He is a chorus of one in that belief.

Thank goodness the State of Maine rejected his point of view and said that they would have zero tolerance for dioxin, despite John Graham's arguments to the contrary.

In his testimony for these companies, Graham stated:

> Based on a comparison of breast cancer screening programs and other cancer prevention programs, dioxin standards "would be a poor investment in cancer prevention."

That is what it comes down to. He does not want to get into this argument on the merits of dioxin, and cancer, other than these few outrageous statements. He says there is a better way to spend the dollars. In Maine and other States they were trying to decide what is a safe amount of dioxin that we might release in streams that may accumulate in the fish or the children who eat the fish or the people who drink the water. He could find a way out for his corporate clients.

Thank goodness the State of Maine rejected his point of view. The New York Times said it came out with the toughest standards in the Nation when it came to protecting the people of Maine from dioxin contamination.

The same man who said pesticides on fruits and vegetables were not a public health hazard, the same man who finds in dioxin some medical merit, wants to now be the last word in Washington on rules and regulations on safety and public health.

Excuse me; I think President Bush can do better; I think America can do better, better than this man.

A lot of people have talked about the endorsements he received. No doubt he has. We received a letter originally sent to Senator THOMPSON on May 17, 2001, from those who are members of the faculty who work with John Graham and know of him at Harvard University, and others who have worked with him in the past. This group which signed the letter includes Dr. Chivian, director of the Center for Health and the Global Environment at Harvard Medical School, who shared the 1985 Nobel Peace Prize, and the list goes on and on, from Johns Hopkins to the University of Pittsburgh School of Medicine, dean of the School of Public Health at UCLA. What do they have to say about John Graham?

> It is a cardinal rule of scientific research to avoid at all costs any conflict of interest that could influence the objectivity of one's findings. This rule takes on added significance in the context of biomedical and public health research, for peoples' lives are at stake.
>
> For more than a decade, John Graham, Director of the Center for Risk Analysis at the Harvard School of Public Health and candidate for position of Director of the Office of Information and Regulatory Affairs at the Office of Management and Budget, has repeatedly violated this rule. Time and again, Professor Graham has accepted money from industries while conducting research and policy studies on public health regulations in which those same industries had substantial vested interests. Not surprisingly, he has consistently produced reports, submitted testimony to the Congress, and made statements to the media that have supported industry positions, frequently without disclosing the sources of his funding.

They give some examples:

Soliciting money from Philip Morris while criticizing the EPA's risk assessment on the dangers of secondhand smoke;

Greatly overestimating the costs of preventing leukemia caused by exposure to benzene in gasoline while accepting funds from the American Petroleum Institute;

Downplaying EPA's warnings about cancer risk from dioxin exposure while being supported by several major dioxin producers, including incinerator, pulp, and paper companies;

While simultaneously talking on cell phones in research underwritten by a $300,000 grant by AT&T Wireless communications.

Major spokesman before Congress on behalf of industries' "regulatory reform" agenda, while being supported by large grants of unrestricted funds from chemical, petroleum, timber, tobacco, automobile—automobile—electric power, mining, pharmaceutical, and manufacturing industries.

They continue:

> We, the undersigned, faculty members at schools of medicine and public health across the United States, go to great pains to avoid criticizing a colleague in public. Indeed, in most circumstances we would rejoice over the nomination of a fellow public health professional for a senior position. . . . Yet, in examining the record of John Graham, we are forced to conclude there is such a persistent pattern of conflict of interest, of obscuring and minimizing dangers to human health with questionable cost-benefit analyses, and of hostility to governmental regulation in general that he should not be confirmed for the job. . . .

The PRESIDING OFFICER (Mr. DORGAN). The Chair advises the Senator from Illinois he has 5 minutes remaining.

The Chair recognizes the Senator from Tennessee.

Mr. THOMPSON. I thank the Chair.

Mr. President, in listening to the criticism of Dr. Graham and the implicit suggestion that he is a little less than a menace to society and that his opinions are for sale, my first reaction is that it is a very bad reflection on Harvard University that has let this kind of individual roam the streets for the last 15 years. They obviously are not aware of what he is doing.

It makes me wonder also why a professor at the University of Chicago Law School would say "in emphasizing that environmental protection sometimes involves large expenditures for small gains, Graham is seeking to pave the way with more sensible regulation."

I wonder, in listening to why former EPA Administrator Mr. Reilly would say: Graham would help ensure the rules implementing our environmental laws are as effective and efficient as they can be in achieving their objectives.

I am wondering in light of this man's ridiculous notions concerning scientific matters, matters of chemistry, for example, which we acknowledge we do not know anything about—we are not experts—we criticize him for not being an expert in his area; we criticize this Ph.D. scientist from Harvard for not knowing his subject matter, then we launch into a rendition of his deficiencies for his scientific analysis.

Mr. President, we are wading in way over our heads in criticizing Dr. Graham for his scientific analysis based upon excerpts, based upon false characterizations, based upon unfair characterizations of what he has said and what he has done, and we will deal with some of those.

Again, I wonder if there is any semblance of truth of this man who has headed up the Harvard Center for Risk Analysis, who has been associated with

Harvard for 15 years, who has received the endorsements of Democrats and Republicans alike, who has received the endorsements of the last two people who served in this position, who are from the Clinton administration, who has received endorsements from some of the foremost authorities in the areas involved, who has received endorsements from noted scientists from around the country, and I wonder why the dean of academic affairs for the Harvard School of Public Health would say that Dr. Graham is an excellent scientist who has encouraged rationality in the regulatory process.

I wonder why a professor at Rollins School of Public Health would say: Often these public health issues are approached in a partisan way, but Dr. Graham is dedicated to using careful analysis to weigh the costs and benefits, et cetera. Dr. Hemmingway, director of Harvard Injury Control Research Center: Dr. Graham's interest is in improving the Nation's health in the most cost-effective manner.

I am wondering how all these people could be so wrong. You are going to find people who disagree with anybody, and I respect that people have differences of opinion. I wish it were sufficient to argue on the basis of those differences of opinion, on the basis of the science that is involved to the extent that we can, as nonscientists, but instead of doing that, what we are being introduced to here is an unfair rendition, what I would call basically a know-nothing kind of approach to a very complex series of scientific decisions with which we are dealing, and placing an unfair characterization on them.

I guess the one dealt with the most is dioxin. We would be led to believe that Dr. Graham's statements with regard to dioxin are outrageous. Why? Not because of any scientific knowledge we have or that has been presented on the floor of the Senate but because everybody knows dioxin is a bad thing. If he says any amount of it is not carcinogenic, he must not know what he was talking about.

I was looking at the testimony that Dr. Graham gave before our committee. He was asked by Senator DURBIN:

> Do you believe that exposure to dioxin can increase your likelihood of cancer?
>
> Mr. GRAHAM: Thank you for reminding me. I think that at high doses in laboratory animals, there is clear evidence that dioxin causes cancer.

Then he says:

> In humans, I think the database is more mixed and difficult to interpret.

With regard to the low levels of dioxin not being carcinogenic, I refer to the Science Advisory Board. Their conclusion is as follows: There is some evidence that very low doses of dioxin may result in decreases in some adverse responses, including cancer, but can produce other adverse effects at the same or similar doses.

The Science Advisory Board panel recommends that the totality of evidence concerning this phenomenon continues to be evaluated by the agencies as studies become available.

This consensus conclusion by the panel is almost exactly in accord with Mr. GRAHAM's stated position at the public meeting: the other adverse effects at the very low doses we are talking about are noncancerous. He is trying to be a responsible scientist.

By placing so much emphasis on the low doses, we, because of the cancer issue, are missing the boat on the noncancer problems that dioxin causes. I don't have enough time to go into all of the detail on this, but I think we can see how unfair the characterization has been with regard to this complicated issue. We have a counterintuitive situation that Senator LEVIN pointed out with regard to thalidomide. Who would think doctors today would prescribe thalidomide under certain circumstances?

At a Governmental Affairs Committee hearing a couple of days ago, a couple of scientists attending from the National Academy of Sciences had just done a study on global warming. They pointed out certain aerosols released into the atmosphere, which we all know is a bad thing, can actually have a cooling effect in the atmosphere. We are all concerned about global warming, and this has a cooling effect. Does this mean we need to release a lot of additional aerosol? Of course not. It does not mean that. It is a scientific fact that needs to be taken into consideration.

I am sure, somewhere, if ever nominated for office, their opponents will take that statement from our hearings yesterday saying that these idiots believe we ought to be releasing aerosols in the atmosphere because it can have a cooling effect. I hope that does not happen. Unfortunately, it is sometimes the cost of public service today.

It is pointed out this man is anti-EPA and that some official somewhere at some time in the EPA has disagreed with his assessment. EPA partially funded this man's education. EPA contracts with him to do work, as we speak—not since he has been nominated. The center at Harvard has been hired by EPA to do work.

I should rest my case at that point. Of course, we never do when we should, so I will continue that fine tradition. I do have another point to make, in all seriousness, that is what this is about, which is Dr. Graham has been caught up in the debate over cost-benefit analysis. There are certain people in this country—I am sure their intentions are noble—who band together, who believe all regulations are good by definition; that there should be no questions asked about those regulations; that we should not take into account possible costs to society, whether they be tangible costs in dollars and cents or intangible costs; should not take into account whether resources could be better used for more significant environmental problems; should not take into account unintended consequences or any of those things; and that no one should ever bring up anything that challenges the common wisdom with regard to these issues, and we should only listen to sciences and promote the regulations.

When times like this come about, they band together and pull excerpts together to try to defeat people who want to bring rationality to the regulatory process.

I think they harm sensible, reasonable legislation, where moderate, reasonable people certainly want to protect us, protect this country, and protect our citizens, but, at the same time, know we are not doing our citizens any favor if we are using our resources in a way not most productive.

For example, it is proven we have been spending money on regulations pertaining to water, when the real risk was not being addressed. Some of the money should have been placed elsewhere in our water program.

How much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. THOMPSON. I think that is what has happened. It has to be recognized we make the cost-benefit tradeoffs all the time. If we really wanted to save lives at the exclusion of consideration of cost to society, we would take all the automobiles off the streets and not allow anybody to drive. We know the examples, I am sure, all of us, by heart. Or we would make people drive around in tanks instead of automobiles.

There are tradeoffs we have to make. They need to be done in the full context of the political discourse by responsible people with proven records. I suggest that is the nominee we have before the Senate.

I yield the floor.

Mrs. CARNAHAN. Mr. President, the Administrator of the Office of Information and Regulatory Affairs, OIRA, within the Office of Management and Budget has the important duty of reviewing the regulations issued by all Executive Branch agencies. These regulations are critical to environmental protections, worker safety, public health, and a host of other issues. I have carefully reviewed the credentials of Dr. John Graham for this position and his testimony before the Governmental Affairs Committee. I support Dr. Graham's nomination to be the Administrator of OIRA.

Dr. Graham brings a wealth of experience and expertise to this position, including the use of cost-benefit analysis as a tool in evaluating regulations. As my colleagues know, the Clinton administration issued an Executive Order requiring the use of cost-benefit analysis to inform regulatory decisionmaking. I have no objections to the use of cost-benefit analysis as long as it is not carried too far. After all, we should not implement regulations if the costs of compliance grossly exceed the benefits the regulation would produce. It is appropriate for cost-benefit analysis to be one factor, but not the exclusive factor, in making regulatory decisions. Dr. Graham's testimony indicates that he shares this approach.

While I may not agree with Dr. Graham's application of cost-benefit analysis in every instance, I believe that President Bush is entitled, within the bounds of reason, to have someone in this position that shares his approach to governing. In my view, Dr. Graham falls within this criteria.

Mr. SMITH of New Hampshire. Mr. President, I rise in support of the confirmation of John D. Graham to be Administrator of the Office of Information and Regulatory Affairs.

Dr. Graham has been a Professor of Policy & Decision Sciences at the Harvard School of Public Health since 1991, and is the Director of the Harvard Center for Risk Analysis. Prior to that, he was an assistant professor and then associate professor at Harvard. Graham holds a B.A. in Economics and Politics from Wake Forest University, an M.A. in Public Affairs from Duke University, and a Ph.D. in Urban and Public Affairs from Carnegie-Mellon University where he was an assistant professor for the 1984–1985 academic year. Given OIRA responsibility's for ensuring that government regulations are drafted in a manner that reduces risk without unnecessary costs, Dr. Graham's qualifications to head the agency are unquestionable.

Since his nomination, he has come under fire for his work at the Harvard Center for Risk Analysis. Some who have opposed Dr. Graham have charged that he and the Center have a pro-business bias. Typically, those same people who oppose Dr. Graham, also oppose the use of comparative risk as one of many tools to be used in determining environmental policy. That is unfortunate, because the use of science and cost/benefit analysis is vital if we are to adequately focus resources on our most challenging environmental concerns.

I believe risk analysis and comparative risks give us much needed information to better understand the potential consequences and benefits of a range of choices. We all recognize that there aren't enough resources available to address every environmental threat. The Federal Government, States, local communities, the private sector, and even environmental organizations all have to target their limited resources on the environmental problems that present the greatest threat to human health and the environment. Our focus, therefore, is, and should be, on getting the biggest bang for the limited bucks.

Comparative risk is the tool that enables us to prioritize the risks to human health and the environment and target our limited resources on the greatest risks. It provides the structure for decision-makers to: One, identify environmental hazards; two, determine whether there are risks posed to humans or the environment; and three, characterize and rank those risks. Risk managers can then use that analysis to achieve greater environmental benefits.

Last year, as the Chairman of the Environment & Public Works Committee, I held a hearing on the role of comparative risk in setting our policy priorities. During that hearing, we heard how many states and local governments are already using comparative risk assessments in a public and open process that allows cooperation, instead of confrontation, and encourages dialogue, instead of mandates. States are setting priorities, developing partnerships, and achieving real results by using comparative risk as a management tool. They are using good science to maximize environmental benefits with limited resources. I believe we should encourage and promote these successful programs.

It is important that this nation have someone like Dr. Graham to lead the OIRA. We must use reliable scientific analysis to guide us in our decision making process when it comes to environmental regulations. Dr. Graham's resume and record proves that he is the optimal person to head the office that will be making many of those decisions. Every person, Republican and Democrat, who has held the position of OIRA Administrator, except for two who are now federal judges and prohibited from doing so, have urged Senate action on his behalf. They state in a letter to the Committee Chairman and Ranking Member that, "we are confident that [Dr. Graham] is not an 'opponent' of all regulation but rather is deeply committed to seeing that regulation serves broad public purposes as effectively as possible."

I am a strong proponent of protecting and preserving our environment—my record proves that fact. I am also a strong believer that we must use sound science, comparative risk analysis and cost/benefit in making environmental decisions. Science, not politics, should be our guide. We must focus our efforts in a manner that assures the maximum amount of environmental protection given the resources available. Scientific analysis allows us to make good decisions and determine where to focus our resources to ensure that our health and a clean environment are never compromised.

Mr. President, I urge my colleagues to support John Graham for Administrator of the Office of Information and Regulatory Affairs.

Mr. FEINGOLD. Mr. President, today the Senate will vote to confirm John Graham to be the head of the Office of Information and Regulatory Affairs at the Office of Management and Budget. Though I will vote for Mr. Graham, much of the information that has been presented during the nominations process to the Governmental Affairs Committee by labor, environmental and public health organizations and other respected academics creates concerns regarding this nominee and I want to share my views on the concerns that have been raised.

The individual charged with the responsibility to head OIRA will indirectly set the direction of our national policies for our natural resources, labor and safety standards. I have tried, as a member of this body, to cast votes and offer legislation that fully reflects the importance and lasting legacy of America's regulatory decisions. I also have another tradition to defend and uphold. I have committed myself to a constructive role in the Senate's duty to provide advice and consent with respect to the President's nominees for Cabinet positions. I believe that the President should be entitled to appoint his own advisors. I have evaluated Presidential nominees with the view that, except in rare of cases, ideology alone should not be a sufficient basis to reject a Cabinet nominee. Mr. Graham is not a nominee for a Cabinet post. The Office of Management and Budget, OMB, is housed within the Executive Office of the President, making Mr. Graham one of the President's closest advisors. I believe that the President should be accorded great deference by the Senate on the appointment of this advisor.

During the nominations process, I have been disturbed to learn of the fears that Mr. Graham will not live up to his responsibility to fully implement regulatory protections. I am particularly troubled by concerns that he may allow special interests greater access to OMB, and therefore greater influence in OMB's deliberations. The concerns that have been raised are that Mr. Graham will allow special interests another opportunity to plead their case during final OMB review of regulations and may permit changes to be made to regulatory proposals that those interests were unable to obtain on the merits when the regulations were developed and reviewed by the federal agency that issued them. I also have been concerned about allegations that Mr. Graham's background might cloud his judgement and objectivity on a number of regulatory issues and place him at odds with millions of Americans including members of the labor, public interest and conservation community and with this Senator.

During the 1980s, OIRA came under heavy criticism for the way in which it conducted reviews of agency rules. The public was concerned that agency rules would go to OIRA for review and sometimes languish there—for years in some cases—with little explanation to the public. Rather than a filter for regulation, it became a graveyard.

Shortly after taking office, President Clinton responded to this problem by issuing Executive Order 12866. This order set up new guidelines for transparency—building on a June 1986 memorandum by former OIRA Administrator Wendy Gramm—that have helped bring accountability to OIRA.

With my vote for this nominee, I am calling for a commitment from him. I believe that it is essential that he maintain this transparency, and even strengthen it, in this Administration. Mr. Graham, having been the center of a controversial nominations proceeding, should be the first to call for letting sunshine disinfect OIRA under his watch.

At his confirmation hearing before the Senate Governmental Affairs Committee, the new OMB Director Mitch Daniels expressed general support for transparency and accountability, but refused to endorse specifically key elements of President Clinton's executive order. At that time, Mr. Daniels would only commit to work with the Committee should the Administration decide to alter Executive Order 12866.

Now that President Bush has nominated John Graham as administrator of OIRA, and he is being confirmed today, this Senate must receive more specific assurances regarding transparency and accountability. OIRA is an extremely powerful office that has the power to approve or reject agency regulations. This makes it critical that OIRA's decision-making be open to public scrutiny. I agree strongly with the sentiments expressed in today's Washington Post editorial:

> . . . conflicts of interest must be taken seriously if there is to be any chance of building support for more systematic cost-benefit efforts. At a minimum, the experts who carry out these analyses need to disclose their financial interests (as Mr. Graham's center did); and analysts with industry ties should not dominate government advisory panels. There may be room for dispute as to what constitutes 'ties'—should an academic who accepted a consultancy fee 10 years ago be viewed as an industry expert?—but conflict-of-interest rules should err on the strict side.

The Post editorial continues,

> Mr. Graham's acceptance of industry money opened him to opportunistic attacks from those who favor regulation almost regardless of its price. The lesson is that those who would impose rigor on government must observe rigorous standards themselves. Even apparent conflicts of interest can harm the credibility of the cost-benefit analyses that Mr. Graham champions.

In the days following his confirmation, Mr. Graham should aggressively affirm OIRA's public disclosure policies and make clear the office's continued commitment to transparency. Executive Order 12866 requires that OIRA maintain a publicly available log containing the status of all regulatory actions, including a notation as to whether Vice Presidential and Presidential consideration was requested, a notation of all written communications between OIRA and outside parties, and the dates and names of individuals involved in all substantive oral communications between OIRA and outside parties. Moreover, once a regulatory action has been published or rejected, OIRA must make publicly available all documents exchanged between OIRA and the issuing agency during the review process. Mr. Graham must continue this disclosure policy, and he should expand it to make the information more widely accessible, and make the logs available through the Internet.

Executive Order 12866 gives OMB 90 days to review rules. OMB may extend the review one time only for 30 days upon the written approval of the OMB Director and upon the request of the agency head. Mr. Graham should make clear that OIRA will stick to this time frame for reviews. Moreover, OMB has invested in making this 90 day clock an action that can be tracked by the public, which must continue. Currently, the OMB web site documents when a rule is sent to OIRA, the time it took to act on the rule, and the OMB disposition. Mr. Graham has the ability to improve the public's access to this information by making the web site searchable by agency, rule, and date, rather than posting the information in simple tabular form.

Executive Order 12866 requires OMB to provide a written explanation for all regulations that are returned to the agency, "setting forth the pertinent provision of the Executive Order on which OIRA is relying." OIRA must continue to provide written justification for returned rules, and Mr. Graham should consider expanding this policy to require written justification for any modifications that are made to a rule.

Mr. Graham must take particular care in the area of communications with outside interests and set the tone for OIRA staff actions in this regard. Executive Order 12866 directs that only the administrator of OIRA can receive oral communications from those outside government on regulatory reviews. Mr. Graham should continue this standard and be stringent that this standard be employed for all personnel working in OIRA. Present policy directs OIRA to forward an issuing agency all written communications between OIRA and outside parties, as well as "the dates and names of individuals involved in all substantive oral communications." Moreover, affected agencies are also to be invited to any meetings with outside parties and OIRA. These are important procedures that protect the integrity of our regulatory system.

Beyond this, however, Mr. Graham should rigorously guard against contacts that present the appearance of a conflict of interest. He is entering into a position that will, in many ways, act as judge and jury for the fate of proposed regulations. He should, like those arbiters, guard carefully his objectivity and his appearance of objectivity.

I have reviewed these procedural issues because they are critical to maintaining public confidence in OIRA's functioning. I hope that Mr. Graham will be mindful of my concerns, and that he will embrace his duty to take into account the future and forseeable consequences of his actions. I also hope that he will be guided by the knowledge that this Senator will scrutinize those consequences, and will look very carefully at the question of special interest access to OMB at every appropriate time.

Ms. COLLINS. Mr. President, I support the nomination of Dr. John Graham to be Administrator of the Office of Information and Regulatory Analysis at the Office of Management and the Budget. Dr. Graham has been a leader in the nonpartisan application of analytical tools to regulations in order to ensure that such rules really do what policymakers intend and that they represent the most effective use of our Government's limited resources.

As a professor at the Harvard School of Public Health and founder of the Harvard Center for Risk Analysis, Dr. Graham has devoted his life to seeing that regulations are well crafted and effective—and that they help ensure that our world is truly a safer and cleaner place.

The alleged "conflicts of interest" argued by some of Dr. Graham's opponents are clearly baseless. The Harvard Center has some of the strictest conflict of interest rules in academia, and Dr. Graham has complied fully with them. It is absurd to suggest that the bare fact of corporate research sponsorship creates a conflict. By that standard, most of the studies produced in America's universities and colleges are worthless, and few academics can ever again be found suitable for public office. Dr. Graham's critics miss their mark.

I have had the opportunity to receive input from many knowledgeable sources about Dr. Graham's nomination. One of these is Maine State Toxicologist Andrew Smith. Dr. Smith studied with Dr. Graham at Harvard, and subsequently served as a staff scientist at an organization opposed to the Graham nomination. He has told us, however, that Dr. Graham approaches regulatory analysis with an open mind and is "by no means an apologist for anti-regulation." Even a quick glance at Dr. Graham's record bears this out.

Like other members of the Governmental Affairs Committee, I do not need to rely solely on second-hand information about Dr. Graham. I myself was able to work with Dr. Graham on regulatory reform legislation that had strong bi-partisan support. My personal experience in working with him confirms that what his supporters say is true: he has the experience, integrity, and intelligence to be an excellent Administrator the Office of Information and Regulatory Analysis has ever had.

Mr. President, the Senate should vote to confirm John Graham.

Mr. REID. Mr. President, I rise today to express my strong concerns regarding the President's nominee to head the Office of Information and Regulatory Affairs at the Office of Management and Budget—John Graham.

This office oversees the development of all Federal regulations. The person who leads it holds the power to affect a broad array of public health, worker safety and environmental protections.

While John Graham has impressive professional credentials, his body of work raises serious questions concerning his ability to assume the impartial posture this job demands.

To do it, this nominee would be required to put aside his passionate and long-standing opposition to public health, worker safety and environmental protections.

As any of us who have felt passionately about an issue know, this is often difficult—if not impossible—to do.

It might be like asking me to argue against nuclear safety controls and protections. I can tell you I couldn't do it.

And my concern today is that John Graham will not be able to put aside his passionate and long-held views opposing those protections.

As some of my colleagues have outlined, the nominee has argued in his writings that certain regulations are not cost-effective and don't protect the public from real risks.

He makes that judgment based upon radical assumptions about what a human life is worth—assumptions that fail to account for the benefits of regulation. His assumptions are well outside of the mainstream.

The nominee concludes that those who fail to reallocate government resources to other more cost-effective actions are, in his words, guilty of "statistical murder."

And who did John Graham find to be guilty of statistical murder—opponents of Yucca Mountain.

This is what the nominee had to say about it:

> The misperception of where the real risks are in this country is one of the major causes of what I call statistical murder. . . . We're paranoid about . . . nuclear waste sites in Nevada, and that preoccupation diverts attention from real killers.

Can Nevadans rely upon John Graham to impartially weigh decisions regarding Yucca Mountain when he views their concerns as "paranoid" and considers measures to address those concerns through public health protections as equivalent to murder?

And the nominee's strong views aren't limited to Yucca Mountain.

He holds strong views in opposition to many other public health, environmental and worker safety protections broadly supported by my colleagues and the American people—from reducing dioxin levels to protecting children from toxic pesticides.

My concerns about those views are also informed by the context in which we weigh his nomination today.

Beginning with the Card Memorandum issued the day after President Bush's inauguration—which placed important public health, worker safety and environmental protections on hold—we have seen one important public protection after another eroded.

By sending up a nominee who has dedicated the better part of his career to fighting those broadly supported protections, the President sends an unfortunate signal that the public health and environmental rollback is not at an end.

Mr. DASCHLE. Mr. President, I am voting today against the nomination of Dr. John Graham to head the Office of Information and Regulatory Affairs, OIRA, at the Office of Management and Budget.

I do not take this action lightly. I respect the tradition that deference should be given to a President's nominations for posts within an administration. Nevertheless, it is the role of the Senate to provide advice and consent to the President, and I take this responsibility seriously as well.

OIRA is a little known department that has some of the most sweeping authority in the Federal Government. It is the gatekeeper for all new regulations, guiding how they are developed and whether they are approved. Its actions affect the life of every American, everyday.

The director of this office must have unquestioned objectivity, good judgement and a willingness to ensure that the laws of the Nation are carried out fairly and fully. I regret to say that Dr. Graham's record has led me to conclude that he cannot meet these high standards.

Dr. Graham currently heads the Harvard Center for Risk Analysis, and in this capacity he has produced numerous studies analyzing the costs and benefits of Federal regulations. These studies raise serious and troubling questions about the way in which Dr. Graham would carry out his duties.

First and foremost, I am concerned that Dr. Graham has consistently ignored his own conflicts-of-interest in the studies he has conducted, and that he had not demonstrated an ability to review proposed regulations in an even-handed manner. Time after time, he has conducted studies of regulations affecting the very industries providing him with financial support. Virtually without fail, his conclusions support the regulated industry.

Dr. Graham downplayed the risks of second-hand smoke while soliciting money from Philip-Morris. He overestimated the cost of preventing leukemia caused by exposure to benzene in gasoline while accepting funds from the American Petroleum Institute. He even downplayed the cancer risk from dioxin exposure while being supported by several major dioxin producers.

This last item is perhaps the most troubling of all. Virtually since entering Congress, I have fought on behalf of the victims of Agent Orange who have suffered from cancer and other terrible illnesses due to their exposure to dioxin. There is absolutely no question that this chemical is a known carcinogen with many devastating health effects. Yet remarkably, with funding from several dioxin producers, Dr. Graham suggested that exposure to dioxin could actually protect against cancer.

I also question the analytical methods Dr. Graham uses in his studies. He contends that the cost of regulations should be the primary factor we consider, instead of the benefits they provide for health or safety. This position is totally inconsistent with many of our basic health, workplace safety and environmental laws. After all, we may be able to calculate the value of putting a scrubber on a smokestack, but how do you assign a value to a child not getting asthma? We can calculate the value of making industries treat their waste water, but what is the value of having lakes and streams in which we can swim and fish?

If Dr. Graham brings this way of thinking to OIRA, I can only conclude that it will lead to a profound weakening of the laws and regulations that keep food safe, and our air and water clean. As over two dozen of Dr. Graham's colleagues in the public health community wrote, "We are forced to conclude that there is such a persistent pattern of conflict of interest, of obscuring and minimizing dangers to human health with questionable cost-benefit analyses, and of hostility to governmental regulation in general that [Dr. Graham] should not be confirmed for the job of Director of the Office of Information and Regulatory Affairs."

Mr. DURBIN. It is my understanding I have 5 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Mr. President, of all the people who live in America who might have been considered for this position, I find it curious this man, John Graham, is the choice of President Bush to head up a sensitive office, this office which literally will make a decision on rules and regulations which will have an impact on families not only today but for generations to come.

During the course of this debate, we have come to the floor and spelled out how Mr. John Graham has been more than just a person making a mathematical calculation about the cost of a regulation and whether it is warranted. He has held himself out to have scientific knowledge about things that are, frankly, way beyond his education. He is a person who has written in one of his books with the forward by Cass Sunstein, who has been quoted at length on the floor here supporting Mr. Graham, that he thinks in comparison to today's fertilizers, DDT is relatively nontoxic.

Of course, that is a view that has been rejected not only by the World Health Organization but by 90 nations, and banned with only two nations in the world making DDT.

For John Graham, there is doubt. He sees no health hazard on pesticides for fruit and vegetables, but the National Academy of Sciences, the National Institutes of Health, Consumers Union, and others say he is just plain wrong.

We have heard and read his statements on dioxin, which the Senator from Tennessee has valiantly tried to reconstruct here so they do not sound quite as bad, but it is the most dangerous toxic chemical known to man, and John Graham, the putative nominee here, thinks it has medicinal qualities. He is alone in that thinking. The EPA said his statement was irresponsible and inaccurate. They read it, too. He did not have his defense team at work there. They just read it and said from a scientific viewpoint it was indefensible.

What is this all about? What is the bottom line? Why is this man being nominated? Don't take my word for it. Go to the industry sources that watch these things like a hawk: the Plastic News, the newsletter of the plastic industry in America, May 7, 2001, about Mr. Graham:

> He could lend some clout to plastics in his new job. The job sounds boring and inside the beltway, but the office can yield tremendous behind-the-scenes power. It acts as a gatekeeper of Federal regulations ranging from air quality to ergonomics. It has the power to review them and block those if it chooses to. The Harvard Center for Risk Analysis, which Graham founded and directed until Bush nominated him, gets a significant part of its $3 million annual budget from plastics and chemical companies. The Center's donor list reads like a who's who of the chemical industry.

And they go on to list some of the sponsors of Dr. Graham's institute.

Graham is well thought of by the plastics industry. A person from the industry said the Bush administration intends to make this office more important than it was in the Clinton administration, elevating it to its intended status.

They have a big stick. If the President in office allows them to use it and if they have someone in office who knows how to use it. How would they possibly use it?

Do you remember arsenic in drinking water, how the administration scrambled away from it as soon as they announced it, and the American people looked at it in horror and disgust, that they would increase the tolerance levels of arsenic in drinking water? During the course of the Governmental Affairs hearing, we asked Dr. Graham, who tells us all about DDT and pesticides and dioxin, what he thought about arsenic. He said he didn't have an opinion.

Let me give you a direct quote. I want the RECORD to be complete on exactly what he said here. I asked him:

> You have no opinion on whether arsenic is a dangerous chemical?

Professor Graham replied:

> I haven't had any experience dealing with the arsenic issue, neither the scientific level nor the cost-effectiveness level of control.

You have an open mind, my friend. Give him this job and he will have an open mind about arsenic in drinking water. He has an open mind about pesticides on fruits and vegetables. He has an open mind about dioxin and its medicinal purposes. He has an open mind about the future of DDT in comparison with other chemicals. And this is the man we want to put in control, the gatekeeper on rules and regulations about public health and safety and the environment?

That is why I have risen this evening to oppose this nomination. I thank my colleagues and all those who participated in this debate. I appreciate their patience. I know we have gone on for some time, but this much I will tell you. If Mr. Graham is confirmed, and it is likely he will be, he can rest assured that many of us in this Senate will be watching his office with renewed vigilance. To put this man in charge of this responsibility requires all of us who care about public health and safety and environmental protection to stay up late at night and read every word, to watch what is going on.

We don't need any more arsenic in drinking water regulations. We don't need to move away from environmental protection. We don't need to second-guess the medical experts on the dangers of pesticide residues on fruits and vegetables and the danger of dioxin. We need sound science and objectivity, and, sadly, John Graham cannot bring them to this position, and that is why I will vote no on his confirmation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee has 3 minutes.

Mr. THOMPSON. Mr. President, let's listen to the scientists on the Science Advisory Board to which the Senator referred.

Dr. Dennis Passionback:

> I think John's point [meaning John Graham] is what you thought his point was, Mort, and that is in several studies and hypotheses over the years that there are some hormonic beneficial effects associated with dioxin and related chemicals for certain disease influences. Of course that is at very low dose of course.

These are scientists. It is easy for the rhetoric to get out of hand here, and I want to try to do my part to not engage in escalating, but I find some of the statements attributed to this man amazing. I think our colleagues know better. I think the letters of endorsement and the public endorsements belie this. I think the reflection on Harvard University is unfair. It is not uncommon for centers doing work similar to Harvard's center to receive 40 to 60 percent of their funding from the private sector.

I think what we have here is just a back and forth with regard to a man whose opponents are desperately trying to undermine this nomination. I think we have here a question concerning public service and whether or not we are going to get decent people to come into these thankless jobs to do them if we are going to see the confluence of scientific work on the one hand and the political process on the other produce such an ugly result.

I think we need to ask ourselves that question. I think we need to ask ourselves also whether or not we want to have these decisions based upon sound scientific analysis, one that is endorsed by all of the people who endorsed Dr. Graham, and say that analysis, that sound analysis that will work to our benefit.

I have a chart of all the areas where lead and gasoline, sludge, drinking water—where Dr. Richard Morganstern, economic analyst at the EPA, has shown where cost-benefit analysis, the kind that Dr. Graham proposes, has been beneficial both from a cost standpoint and increasing benefits. Let's not get into an anti-intellectual no-nothing kind of mode here and try to label these fine scientists and this fine institution with labels that do not fit and are not deserved.

I sincerely hope my colleagues will vote for this nomination.

Mr. REID. Is all time yielded back?

The PRESIDING OFFICER (Mr. BAYH). All time has expired.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the legislative branch appropriations bill, S. 1172; that the only amendments in order be a managers' amendment and an amendment by Senator SPECTER; that there be 10 minutes for debate on the bill and the managers' amendment, equally divided between the two managers, Senators DURBIN and BENNETT; that there be 5 minutes for debate for Senator SPECTER; that upon the disposition of these two amendments, the Senate proceed to third reading and vote on final passage of S. 1172; that when the Senate receives from the House of Representatives their legislative branch appropriations bill, the Senate proceed to its immediate consideration; that the text of the bill relating solely to the House remain; that all other text be stricken and the text of the Senate bill be inserted; provided that if the House inserts matters relating to the Senate under areas under the heading of "House of Representatives" then that text will be stricken; that the bill be read the third time and passed, and the motion to reconsider be laid on the table; that following the vote tonight on the Senate legislative branch appropriations bill, the Senate return to executive session and vote on the Graham nomination, followed by a vote on the Ferguson nomination, with 2 minutes for debate equally divided between these two votes; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action; the Senate then return to legislative session, that S. 1172 remain at the desk and that once the Senate acts on the House bill, passage of the Senate bill be vitiated and it be returned to the calendar.

I further ask unanimous consent that after the first vote, the subsequent two votes be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Tennessee.

Mr. THOMPSON. At the appropriate time I will ask for the yeas and nays on the Graham nomination.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1172) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

Mr. DURBIN. Mr. President, pursuant to the unanimous consent request which was just allowed regarding procedures for the remainder of the evening, I will give a brief summary of this bill.

I am pleased to present to the Senate the fiscal year 2002 legislative branch appropriations bill, as reported by the full committee.

I thank Chairman BYRD for his support and the high priority he has placed on this bill. He has provided an allocation which has ensured we could meet the highest priorities in the bill. In addition, I wish to thank the ranking member of the full Committee Senator STEVENS who has been actively involved in and very supportive of this bill.

I am grateful to my ranking member, Senator BENNETT, for his important role in this process and his excellent stewardship of this subcommittee for the past 4½ years.

The fact is that this bill bears the imprint of Senator BENNETT and his hard work in keeping an eye on this particular appropriations bill. I was happy to join him in bringing this bill to the floor. I couldn't have done it without him. I appreciate all of his assistance.

The bill before you today totals $1.94 billion in budget authority and $2.03 billion in outlays. This is $103 million—5.6 percent—over the fiscal year 2001 enacted level and $104 million or 5 percent below the request level.

The bill includes $1.1 billion in title I, Congressional Operations, which is $88 million below the request and $123 million above the enacted level.

For title II, other agencies, a total of $848 million is included, $15 million below the request and $20 million below the enacted level.

The support agencies under this subcommittee perform critical functions enabling Congress to operate effectively. We have sought to provide adequate funding levels for these agencies—particularly the Library of Congress, the General Accounting Office, the Capitol Police, and the Congressional Budget Office.

For the Library of Congress and the Congressional Research Service, the bill includes $443 million. While this is $66 million below the enacted level, the decrease is attributable to last year's one-time appropriation for the digital preservation project.

The recommendation for the Library will enable the Congressional Research Service to hire staff in some critical areas—particularly technology policy.

In addition, a significant increase is provided for the National Digital Library within the Library of Congress, including information technology infrastructure and support to protect the investment that has been made in digital information.

Also in the Library's budget is additional funding to reduce the Law Library arrearage, funding for the newly-authorized Veterans Oral History Project, and funds to support the preservation of and access to the American Folklife Center's collection.

For the General Accounting Office, a total of $419 million is included. This level will enable GAO to reach their full authorized staffing level. The total number of employees funded in this recommendation is 3,275 which would put GAO at their fiscal year 1999 level and is well below their fiscal year 1995 staffing level of 4,342 FTE.

A total of $125 million is provided for the Capitol Police. This is an increase of $19 million over the enacted level. This will provide for 79 additional officers above the current level, which conforms with security recommendations, as well as related recruitment and training efforts.

It will also provide comparability for the Capitol Police in the pay scales of the Park Police and the Secret Service-Uniformed Division so the Capitol Police are able to retain their officers.

The Architect of the Capitol's budget totals $177 million, approximately $8 million above the enacted level, primarily for additional worker-safety and financial management-related activities.

We have sought to trim budget requests wherever appropriate and where we have identified problem areas. The most significant difference from the budget request is a reduction of $67 million from the Architect of the Capitol—$42 million of which is attributable to postponement of the Capitol Dome project pursuant to the request of the Architect.

We have appropriated money for the painting of the Dome to preserve it. We believe that we can get into this important building project in another year or so.

We have also recommended some very strong report language within the Architect's budget, directing them to improve their management with particular attention to worker safety, financial management, and strategic planning. I am very troubled by the Architect's operation and intend to work to make much-needed changes. I hope this language sends a strong message to the Architect that we expect major overhauls of this agency—especially in the areas of worker safety and financial management.

We have made it clear to the Architect of the Capitol that the rate of worker injury is absolutely unacceptable in the Architect of the Capitol, which is four times the average rate of the Federal Government. This must end, and we will work to make it end.

Also included is approximately $6 million for the Botanic Garden, which is to open in November 2001.

For the Government Printing Office, a total of $110 million is included, of which $81 million is for Congressional printing and binding. The amount recommended will provide for normal pay and inflation-related increases.

For the Senate a total of $603.7 million is included. This represents an increase of $81.7 million above the current level and $14 million below the request.

Of the increase, $24 million is needed to meet the Senate funding resolution, another $24 million is associated with information technology-related activities such as the digital upgrade and studio digitization of the Senate recording studio, and the balance is attributable primarily to anticipated increases for agency contributions and cost-of-living adjustments.

This is a straight-forward recommendation and I urge my colleagues to support it.

With respect to the manager's amendment, it includes a provision on behalf of Senator BINGAMAN, adding $1 million to GAO's budget for a technology assessment pilot project, offset by a $1 million reduction in the Architect of the Capitol's budget. It also includes authority for the Architect to lease a particular property for the Capitol Police, for a vehicle maintenance facility, and technical corrections.

I thank two staffers who worked tirelessly on this bill. I thank Carolyn Apostolou with the Appropriations Committee. I thank her very much for the continuity which she has shown working first for Senator BENNETT, and now for myself; and Pat Souters on my personal staff. I thank Chip Yost for his contribution to this as well.

I yield the floor to my colleague, Senator BENNETT.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the Senator from Illinois has been very generous in his comments. I thank him for his generosity. He is being a bit modest because he took over the subcommittee with great vigor and has moved ahead on those portions of this bill in which he has a particular interest. That was demonstrated in both the report language and the priorities of the bill.

I congratulate him for the way he handled his stewardship of this particular assignment.

This is not the most glamorous subcommittee on the Appropriations Committee. But in some cases, it may be the most fun because we get to deal with people who interact with the Senate all of the time.

The Senator from Illinois has my thanks and congratulations on the work he has done. I will not review the specifics of the bill that he has gone over. I will point out that I think the increases he has cited are appropriate.

This bill has my full support. One of the items that is in the bill that the press has expressed great interest about is the million dollars that we put in for the Visitors Center. The million dollars is obviously not adequate to begin the Visitors Center. But since the House didn't put in anything, this becomes a placeholder for us to discuss an appropriation for the Visitors Center when we get to conference. I think the Congress needs the Visitors Center. The current schedule calls for it to be done prior to the inauguration of the next President, whether it be a reelection or a new election in January of 2005. That is the tight time schedule, and it will not yield. We will have an inauguration in the Capitol in January of 2005, whether the Visitors Center is done or not.

We had conversations with the Architect of the Capitol about that during his hearing. We need to get on with that as quickly as we can.

I look forward to working with Senator DURBIN as he leads us in the effort to see to it that we get the proper funding and the proper direction to see that the Visitors Center comes to pass in a timely fashion.

I am grateful to Senator DURBIN for addressing the requirement of GAO to make an updated evaluation of the feasibility of consolidating all of the Capitol Hill Police forces. They are the Capitol Police that protects us. They are the Library police. They are the Government Printing Office police. Then there is the Supreme Court Police Force.

The question is, what kind of efficiency could be gained by having all of them coordinated to produce some cost savings? That is a question that I have been addressing for some time. I appreciate Senator DURBIN's willingness to support the GAO study to look in that direction.

All in all, it has been a pleasure to work with Senator DURBIN and a delight to help put this bill together with him.

I thank the staff that have toiled late into many nights to put this before us today.

I urge the Senate to adopt it. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1027

Mr. SPECTER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1027.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for Members of the Senate which may be used by a Member for mailings to provide notice of town meetings)

At the appropriate place, insert the following:

MAILINGS FOR TOWN MEETINGS

For mailings of postal patron postcards by Members for the purpose of providing notice of a town meeting by a Member in a county (or equivalent unit of local government) with a population of less than 50,000 that the Member will personally attend to be allotted as requested, $3,000,000, subject to authorization: *Provided* That any amount allocated to a Member for such mailing under this paragraph shall not exceed 50 percent of the cost of the mailing and the remaining costs shall be paid by the Member from other funds available to the Member.".

On page 33, line 6, strike "$419,843,000" and insert "$416,843,000".

Mr. SPECTER. Mr. President, only 5 minutes has been allotted for my presentation. I have asked for that limited time only realizing the lateness of the hour.

This amendment would establish a relatively small fund of $3 million to pay for notices sent to residents of small counties when a Senator comes to that county to have a town meeting.

Town meetings are in the greatest tradition of American democracy. But they have fallen into disuse in the Senate for a number of reasons. One reason is that it is very tough for Senators to go out and face constituents and listen to a variety of complaints and defend a Senator's voting record. It is more comfortable to stay inside the beltway.

But there is another reason; that is, the mail accounts are inadequate to provide for all of the funds necessary.

For my State alone, it would cost about three-quarters of a million dollars. My total budget is a little over $2 million for all of my office expenses. This is an effort to start on what I think could be a very important project.

It provides only for notices in small counties under 50,000 population. It is possible in Pennsylvania, illustratively, to cover the big cities and the suburban counties for television and newspapers. But if you take the northern tier of Pennsylvania, or the southern tier, or some of the counties, you simply can't get there unless you go there.

If a Senator is to go there, the only way you could tell people that you are coming is if you send them a simple postal paper notice—not even a name or address—just to every resident.

I had anticipated that perhaps a lively debate on this subject might have taken an hour or two.

But when I saw that the legislative appropriations bill was going to be listed this evening at about 9:30, I added three magic words to this amendment, and they are, "subject to authorization." I know the Senator from Illinois is opposed to the amendment; the Senator from Utah is in favor of the amendment. We will present this matter, on another occasion, to the Rules Committee. But it is my understanding that pursuant to practice, if it passes the Senate, it is not subject to conference. I do not want to have an amendment accepted and then dropped in conference. That frequently happens.

Mr. President, how much time remains of my 5 minutes?

The PRESIDING OFFICER. The Senator retains 2 minutes 10 seconds.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Illinois.

Mr. DURBIN. Mr. President, the Chair has advised me, through staff, I have 32 seconds remaining of my initial 5 minutes. I ask unanimous consent for an additional 60 seconds, for a total of 92 seconds to reply to the Senator from Pennsylvania.

Mr. SPECTER. I am not going to object to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I will accept this amendment this evening, but as I made it clear to the Senator from Pennsylvania, I do not believe this is necessary. We appropriated about $8 million a year for Senate mailing, and the Senators did not use it. They returned $4 million.

The Senator from Pennsylvania has suggested that we need an additional $3 million when we are returning $4 million. I do not quite understand it.

I think there is adequate money to send out town meeting notices for any Senator who wishes to do so. Many Senators, including some who are in this Chamber, who will go unnamed, did not even use their mailing account last year. They left almost $100,000 in the account. And they are suggesting we need to put more money on the table for mailing.

I believe in townhall meetings. I had over 400 as a Congressman, and I support them as a Senator.

I am going to, of course, allow this amendment to go forward without objection. I will tell you, as a member of the Rules Committee, the Senator from Pennsylvania has a job to do to convince me to support it there.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I am prepared to undertake that job. And if the Senator from Illinois does not understand why I am offering this amendment, let me explain it to him.

It would cost, to circulate in Pennsylvania, $735,000, which will be about a third of my budget. We have a grave crisis in America where people think that Members of Congress are up for sale.

Campaign finance reform has been a heated subject in this Chamber and in the House Chamber. It is necessary to have fundraisers, and you cannot deny that the people who come to fundraisers have access. But I find that the best answer to that is to tell my constituents that I go to all the counties in Pennsylvania—67 counties. It is onerous. It is very worthwhile in many respects.

It is very refreshing to get outside the beltway, to find out what people are thinking about in upstate Pennsylvania; and to say that people will get a notice that ARLEN SPECTER is coming to town, and you can come there, you do not have to buy a ticket. You can listen to a short speech, about 5 minutes on an hour, and the balance of the hour is for questions and answers. That way you have participatory democracy.

So it is a partial answer to the problem of fundraisers which we hold. I think it would be great if this sort of financing would encourage Senators to go out and do town meetings, and I intend to pursue this in the Rules Committee. This is just a start. Let's see how it works. My instinct is that most of the $3 million will not be used. And while it is first-come-first-serve, you cannot spend a lot of money for the postal patron postcards going to people in counties with a population of under 50,000.

I thank the managers for accepting this amendment. I think it can prove very beneficial to the Senators and, more importantly, to America.

Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty seconds.

Mr. SPECTER. If that is all the debate, I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 1027.

The amendment (No. 1027) was agreed to.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1026

Mr. DURBIN. Mr. President, I call up the managers' amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. BENNETT, proposes an amendment numbered 1026.

Mr. DURBIN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Architect of the Capitol to secure certain property, to fund a technology assessment pilot project, and for other purposes)

On page 8, insert between lines 9 and 10 the following:

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 9, lines 13 and 14, strike "as increased by section 2 of Public Law 106–57" and insert "as adjusted by law and in effect on September 30, 2001".

On page 15, insert between lines 9 and 10 the following:

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 16, add after line 21 the following:

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 17, line 21, strike "$55,000,000" and insert "$54,000,000".

On page 17, line 25, insert "after the date" after "days".

On page 17, line 25, insert before the period the following: ": *Provided further*, That notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided further*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose".

On page 33, line 6, strike "$419,843,000" and insert "$420,843,000".

On page 34, line 4, insert before the period the following: "*Provided further*, That $1,000,000 from funds made available under this heading shall be available for a pilot program in technology assessment: *Provided further*, That not later than June 15, 2002, a report on the pilot program referred to under the preceding proviso shall be submitted to Congress".

On page 38, line 15, strike "to read".

On page 39, line 2, insert "pay" before "periods".

Mr. DURBIN. Unless the Senator from Utah wants to speak to it, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1026.

The amendment (No. 1026) was agreed to.

Mr. DURBIN. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

INFORMATION TECHNOLOGY

Mr. NICKLES. Mr. President, I want to express my concerns to the chairman and ranking member of the Legislative Branch appropriations subcommittee about the information technology capabilities of the Senate.

I am particularly concerned that the e-mail and networking systems of the Senate do not allow Senators and their staffs to take advantage of the latest in technology innovations. For example, the cc:mail e-mail system employed by the offices of every Senator is no longer even supported by the company that developed it. It is an antiquated system that makes remote access slow and cumbersome, and does not allow for the use of wireless e-mail.

At this time, the Sergeant of Arms is looking at a January 2002 rollout of a modernized system that will bring the Senate into the 21st Century. This bill contains substantial increases in spending for the IT Support Services

Division of the Sergeant of Arms. It is my understanding that some of this increase will be used for other purposes. Therefore, I ask the chairman and ranking member what portion of these increases will be used for the upgrade of the e-mail system?

Mr. DURBIN. The bill includes $1.8 million for the maintenance and support of the new e-mail system that is to be implemented beginning in January 2002. In addition, there is $6 million available in the current fiscal year that will be used for the rollout of the new system, including the necessary hardware and software.

Mr. BENNETT. The Senator from Illinois is correct, and I support the funding for the replacement of the cc:mail system.

Mr. NICKLES. I thank the Chairman and Ranking Member for their commitment to the upgrade. After two years of delays, I urge them to monitor the Sergeant of Arms to see that the system is upgraded as expeditiously as possible.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. FRIST) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—88

Akaka
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Boxer
Breaux
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—9

Bayh
Brownback
Cleland
Ensign
Gramm
Inhofe
Smith (NH)
Thomas
Voinovich

NOT VOTING—3

Biden
Frist
Helms

The bill (S. 1172), as amended, was passed.

(The bill will be printed in a future editon of the RECORD.)

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

EXECUTIVE SESSION

NOMINATION OF JOHN D. GRAHAM, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS

The PRESIDING OFFICER. The Senate will now proceed to executive session. Under the previous order, the question occurs on agreeing to the nomination of John D. Graham of Massachusetts to be Administrator of the Office of Information and Regulatory Affairs.

Mr. THOMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DURBIN. Mr. President, point of clarification. Under the unanimous consent request, Senator THOMPSON and I each have a minute before the vote; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, John Graham has had a distinguished career. He has been head of the Harvard Center for Risk Analysis for the last 15 years and has been called the "best-qualified person" who has come down the road for this position by Bob Leiken of the Brookings Institution.

Some people don't like scientific facts that don't comport with their ideology, even if it is supported in the scientific community. He has been criticized, he has had selected excerpts taken from his works, and he has been unfairly characterized.

They have taken complex scientific issues and even though they might be counterintuitive for many of us, they are supported by the scientific community.

Mr. President, the merging of scientific analysis and the political process sometimes is not a pretty picture, and this one has not been either. But I suggest there have been a lot of people asleep on the job and very negligent if this gentleman is not qualified and has really adhered to some of the views attributed to him.

Leaders of public policy in this country: scientists, academics, Democrats and Republicans, the last two Democrats who have held this position, support this man. I suggest a strong vote for him is merited, and I sincerely urge that. I yield the floor.

Mr. DURBIN. Mr. President, if my colleagues followed the debate this evening, they know John Graham's views on science really are not in the mainstream by any stretch. He has made statements that pesticide residues on fruits and vegetables are not a public hazard. He has some theory described as irresponsible and inaccurate: Dioxin somehow cures cancer and does not cause cancer.

He questions whether or not DDT should have been banned, and this is the man who will be in charge of the agency which has the last word on rules and regulations for public health and safety and environmental protection.

We can do better in America. President Bush can do better. I urge my colleagues to join Senators LIEBERMAN, KERRY, and myself in opposing this nomination.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of John D. Graham, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. FRIST) and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 242 Ex.]

YEAS—61

Allard
Allen
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Feingold
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—37

Akaka
Baucus
Biden
Bingaman
Boxer
Cantwell
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feinstein
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Leahy
Lieberman
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Frist
Helms

The nomination was confirmed.

Mr. DASCHLE. Mr. President, for the information of our colleagues, the next vote will be the last vote. There will be three votes on judicial nominations at 9:45 tomorrow morning. Those will be the last votes of the day. The next vote will occur, then, on Monday, at 5:45. This is the last vote for the day.

NOMINATION OF ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination.

The legislative clerk read the nomination of Roger Walton Ferguson, Jr., of Massachusetts, to be a Member of the Board of Governors.

The PRESIDING OFFICER. There are 2 minutes equally divided on the nomination.

Mr. SARBANES. Mr. President, I urge Members to approve the nomination. Mr. Ferguson has been serving on the Federal Reserve Board and was nominated by President Clinton. His nomination was resubmitted by President Bush. The committee reported out overwhelmingly in favor of his nomination. I urge his approval.

I yield back the remainder of my time.

Mr. BUNNING. Mr. President, unfortunately I must rise today to oppose the nomination of Roger Ferguson to be a member of the Board of Governors of the Federal Reserve.

I usually don't vote against presidential nominees. I believe, in most cases, that we should defer to the president and allow him to appoint his own people.

However, there are times when I am forced to stand up and to vote against the president. I do not enjoy doing this, but I have no doubt that I will be making the right vote for Kentucky and the nation.

Roger Ferguson is a very accomplished man. He is quite qualified to be a Federal Reserve Governor.

He is currently vice chairman. But I cannot, in good conscience, support his nomination for a 14-year term.

It is not Dr. Ferguson's qualifications that concern me; it is his judgment that does.

Right now we are in an economic slowdown. The evidence was there last September. But Chairman Greenspan and the Federal Reserve did not act in September.

They did not act in October.

They did not act in November.

They did not act in December.

They did finally act in January.

Since then, the Fed, to its credit, has continued to move the federal funds rate, cutting it 6 times. But the damage has already been done.

What concerns me about Dr. Ferguson is the response he gave to me in the Banking Committee when I asked him this question: "Hindsight being 20/20, do you think the Fed waited too long to reduce the target federal funds rate?"

Dr. Ferguson's response was: "No, sir. Even with 20/20 hindsight, I do not believe that to be the case."

Mr. President, I simply can't understand that answer. Knowing what we know now, it just doesn't make sense.

During that time last year, practically every single economic indicator was headed straight down.

The markets, especially the NASDAQ were dropping, causing wealth to be taken out of the economy. Corporations were announcing layoffs, not just dot-coms, but companies like GE.

The index of leading economic indicators started to fall. And consumer confidence started dropping. And GDP slowed markedly.

Anyone I've talked to since then, now says that, looking back, it's pretty clear that the Fed was slow at the switch in recognizing and reacting to the warning signs.

Six rate cuts this year is clear evidence of this. That's the most in such a short period of time in decades, and shows just how precarious a position our economy was in.

We're still having trouble turning the corner, and even now there are warning signs that our economic slowdown is causing a ripple effect around the globe.

Who knows what would have happened if the Fed had cut rates sooner. If Dr. Ferguson is confirmed, I'm afraid we probably never will.

That truly worries me.

I am afraid that he is looking over his shoulder already, and is concerned about how the Fed Chairman is going to react to his remarks.

I think Dr. Ferguson was afraid to criticize the chairman and to upset the apple cart.

But I believe that we need strong, independent Fed Governors who are willing to challenge the status quo and to make the hard call.

I am afraid that Dr. Ferguson does not fit this bill.

We do not need Alan Greenspan clones who will never question the chairman, who will never take the contrary view.

What we need are Fed nominees who will be independent. We need nominees who will stand up to the chairman if they believe he is wrong.

I do not believe Dr. Ferguson will assert that independence. I believe his answer to my question in the Banking Committee proves that.

For this reason, I reluctantly vote "no" on the nomination of Dr. Roger Ferguson, to a 14-year term as a member of the Board of Governors of the Federal Reserve.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BREAUX. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Roger Walter Ferguson, Jr., to be a Member of the Board of Governors of the Federal Reserve System? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 243 Exec.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Bunning
McConnell

NOT VOTING—1

Helms

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR WASTE

Mr. REID. Mr. President, I hope everyone recognizes the tremendous tragedy we sadly heard of yesterday in Baltimore. A train derailed in a tunnel. The fire is still burning. The hydrochloric acid is still leaking from that tank. Last night, the city of Baltimore, one of the largest cities in America, was closed down. The Baltimore Orioles were in the middle of a doubleheader. They stopped the game and sent everybody home.

The reason I mention this is there has been a mad clamor about the nuclear power industry and shipping nuclear waste. The nuclear industry doesn't care where it goes, although they are focused on Nevada for the present time. I think everyone needs to recognize that transporting hazardous materials is very difficult. If people think hydrochloric acid is bad—which it is—think about how bad nuclear waste is. A speck the size of a pinpoint would kill a person. We are talking about transporting some 70,000 tons of it all across America.

I hope before everybody starts flexing their muscles about the reestablishment of nuclear power in this country that we recognize first there has to be something done with the dangerous waste associated with nuclear power.

It is estimated that some 60 million people live within a mile of the routes that may be proposed for transporting this nuclear waste by train or truck. Not to mention the problems related to terrorism, which we have discussed at some length on this floor in previous debates.

We should leave nuclear waste where it is. Eminent scientists say it is safe. It could be stored onsite in storage containers for a fraction of the cost of a permanent repository. It would be much less dangerous. It could be stored relatively safely for 100 years, the scientists say. During that period of time, we might develop a breakthrough idea as to what could be done safely with these spent fuel rods.

RADIATION EXPOSURE CLAIMS

Mr. DOMENICI. Mr. President, I would like to speak today about a group of Americans, some of whom are in my State. Some are in Arizona. Some are in Wyoming. Some are in Connecticut. These people have only one thing in common: they are the beneficiaries of an American law that is called RCRA, the Radiation Exposure Compensation Act. A number of us were part of getting that law passed. It was a recognition that there were certain Americans, including uranium miners and some others, who very well might have been overexposed to low-level radiation when they were mining in uranium mines that weren't aerated—where they did not have enough air conditioning and not enough clean air. They may have very well during their lives breathed in radiation and contracted serious illnesses. Some might have died. Some may today be suffering from cancer or other diseases.

In any event, this law was passed. It was kind of heralded as a very good commitment by the Government and very simple. You didn't have to get a lawyer for these claims. It was limited to $100,000 in exchange for making it simple and setting some standards: You can come in and prove your case. You could probably prove your claim in a relatively short period of time.

Lo and behold, if Congress put the money up, you would get your check. You could get it as a widow. You could get it as one who was sick. You could get it as anyone entitled to it under the statute. It worked pretty well for a while.

Then something very ghastly happened for the beneficiaries. Pretty soon, they started going to the Justice Department which has charge of these claims and asking them for money.

The Justice Department told this growing group of Americans: We don't have any money.

They said: What do you mean? Here is the law.

They said: Well, Congress didn't put up the money. We ran out. So you will not be worried, why don't we give you an IOU. Here is your assurance that the Government says it owes you $100,000.

These people started coming to see their Senators—not only me but Senator BINGAMAN and other Senators—saying, time is passing. I am getting sicker. I may even die, and I have an IOU from this great big American Government. Why can't they pay me?

Let me say in this Chamber that it is embarrassing to say it even here, but it is more embarrassing to say it to the victims. There is a big series of discussions going on between committees—even appropriations subcommittees—as to which one ought to appropriate the money.

In the meantime, no money is appropriated. People walk around with the IOUs filing their claims, and they are working on them day by day. And another law passes. It is for a larger group of Americans who come in to adjudicate their claims for exposure to low-level radiation. It is for radiation where we had uranium in a Richmond, VA, mine or perhaps in Paducah, KY, and various places in Ohio. For this larger group of people, those claims are still being worked.

We say: Well, time has passed, and maybe these claims should be a little higher. So they are awarded $150,000 if they can prove the claim that they are either totally disabled or are an heir.

Congress in that case—coming out of a different committee—made that program an entitlement. Even the occupant of the Chair, who is a new Senator, would understand that those claims are paid without anybody appropriating it—just like the Social Security check or your veterans check.

Here is one group of Americans filing their claims. Some of them are already adjudicated; we stamp out a check, while over here another group of Americans carry around IOUs.

A number of Senators have been working on this issue. A number of House Members have been working on it. My friend, Senator BINGAMAN, has been working on it.

But essentially our last opportunity to cease the embarrassment and do something half fair was to put language in the supplemental appropriations bill that would see to it that for any claims already finished where people are carrying around the IOUs, or any that are completed for the rest of this year, there is money for them. We provided that in the Senate bill on supplemental appropriations.

Frankly, we even had to find a way to pay for it because it had to be budget neutral. So we found a way to pay for it, I did, out of a program I started a few years ago. I said: It is not being used, so cancel it so we have room.

Today, at about 10:30, 11 o'clock this morning, after a number of days of conferring, the House-Senate committee on that bill approved it. It should come back before us very soon and get approval. It has language in it that says whatever amount of money is needed for those holding those IOUs and for those finishing up their claims by the end of this fiscal year, they will have the money in the Justice Department to pay it.

I say to the Senate, I know it is difficult, unless you have this problem, for you to be as concerned as I or those in my particular region. But I thought maybe I should tell the whole Senate because it is time they know that this is a festering embarrassment.

Is it solved? No. The appropriations bill that is going to put in money for next year only carries a small amount of money because it expects, as does the President in his budget, to convert this program to an automatic payment program called a mandatory or an entitlement. But we have not been able to get that done yet.

So I have said it for a second reason. I hope the committees that are considering it—and I will do my best to go see the committees to make myself understood, and take with me whatever evidence I need to convince the chairmen and ranking members they ought to make this an entitlement. But in the meantime, the people who have claims right up until the end of this year will get paid. It will take a couple weeks, so they should not be coming into our offices saying thank you yet, nor should they come in and ask where is the money. They just have to wait a little while. It takes a little bit of time.

I thought, since we see them and we hear them, that maybe I should let the Senate vicariously hear them—you can't see them, but you can hear them through me.

What we have to do is not let another year pass because this is a problem, whether or not you come from a State that has "down-winders" and/or uranium miners; this carries with it some very serious kinds of overtones for the U.S. Government. You create a program. You tell people: We have been sorry for you up until now, but we will give you a little claim here—$100,000—and then, when you prove it up, you will take it, and you no longer have any claims, and we have said that we have paid you. It is just not right that you do not do it, just not right.

It is growing. The newspeople are starting to carry it. I guess they are starting to carry: "Congress finally puts up the money today." That is good. But I hope there is a lingering interest in how we fix it. It should not be that 6 months into next year somebody exposed to low-level radiation at one of America's uranium enrichment plants proves their claim and gets an automatic check, but yet you have these people who might have worked 35 years ago, for 20 years, in a nonaerated uranium mine, where the U.S. Government, even through its heralded Atomic Energy Commission, which I know a lot about, made a mistake with reference to the quality of air in the mines—where acknowledgements were made many years later; and it is hard to get the acknowledgement, but we finally got it—yet a mistake was made.

So I thought it would be good, while we had nothing to do in this Senate Chamber, that maybe we could spread this story of what has happened and say thank you to the Appropriations Committee for the emergency measure today. And we look forward to one of our committees passing a bill that will make these few remaining people who are entitled to it know they will get their money when their claim is adjudicated.

JACKIE M. CLEGG

Mr. SARBANES. Mr. President, I seek recognition to express a deep appreciation for the dedicated service of Jackie M. Clegg as first Vice President and Vice Chair of the Export-Import Bank of the United States.

As I think many of my colleagues are aware, Jackie's 4-year term at the Eximbank will be concluding on tomorrow, July 20. As chairman of the Senate Committee on Banking, Housing, and Urban Affairs, I note our committee's gratitude and, indeed, the gratitude of the Senate for the many extraordinary contributions she has made to the Export-import Bank during her tenure.

Jackie spent more than 8 years in a series of senior positions at the Eximbank, devoting herself tirelessly to the agency's mission of supporting U.S. exporters and sustaining American jobs. She first joined the Eximbank in April of 1993, served as special assistant, chief of staff and vice president for congressional and external affairs, prior to her nomination, in May of 1997, to be first Vice President and Vice Chair of the Export-Import Bank.

Her exceptionally effective service at the Eximbank was a logical outgrowth of her extensive legislative staff career in the Congress. She worked for more than a decade as the legislative assistant for foreign policy, trade, and national security issues, for Senator Jake Garn of her home State of Utah, as an associate staff member to the Appropriations Committee, and later as a professional staff member on the Senate Banking, Housing, and Urban Affairs Subcommittee on International Finance and Monetary Policy.

It thus came as no surprise to us in the Congress when Jackie skillfully led the bank's efforts on its reauthorization legislation in 1997.

The legislation received overwhelming bipartisan support in the Congress and set the stage for the agency's excellent work on behalf of U.S. exporters during her term.

We on the Banking Committee have had the benefit of Jackie's wise counsel on export and trade matters for several years. She has an acute sense of the relationship among Federal agencies, Congress, foreign governments, and the business community.

In her travels on the Bank's behalf, and in her speeches, Jackie has raised awareness of the critical nature that international trade and trade finance can play in improving the lives of our citizens. Jackie has also devoted herself to improving the management of the Eximbank and its responsiveness to staff concerns. She has helped shepherd the Bank towards increased automation as a means of better fulfilling its objective of satisfying the needs of small business. She has served as both an institutional memory and a trailblazer—traits not often found in the same person.

The board of directors of the Eximbank today adopted a resolution expressing its appreciation and thanks to Jackie for her distinguished service to the Bank.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. Mr. President, for those of us who have supported and worked with the Eximbank, it is a loss that Jackie Clegg has chosen to leave public office at this time. We recognize, however, she has a special reason for moving on, and many of us have already extended our congratulations to Jackie and our colleague, the distinguished Senator from Connecticut, Senator DODD, as they start a family. But I want to thank her before she leaves office for her outstanding service to the Nation through her many contributions to the work of the Export-Import Bank of the United States.

EXHIBIT 1

EXPORT-IMPORT BANK OF THE UNITED STATES RESOLUTION

Whereas Jackie M. Clegg has served with distinction as First Vice-President and Vice Chairman of the Export-Import Bank of the United States since June 17, 1997; and

Recognizing, that she has spent more than eight years in a series of senior positions at the Ex-Im Bank, devoting herself to the agency's mission of supporting U.S. exporters and sustaining American jobs; and

Recognizing further, that her success at the Ex-Im Bank is a logical outgrowth of her extensive U.S. Senate staff career, including more than a decade of work as a legislative assistant for foreign policy, trade, national security, banking, and appropriations issues; and

Recognizing further, that she led the Bank's efforts on its reauthorization legislation in 1997, which received overwhelming bipartisan support in the Congress and has made it possible for the Bank to serve better the needs of U.S. exporters, earning her the admiration and respect of numerous Members of Congress, the Executive Branch, and the exporting community; and

Recognizing further, that she demonstrated leadership and creativity as the Bank tackled critical issues such as resolving international financial challenges, balancing the need for environmental protection with promoting business opportunities, and increasing trade opportunities for small businesses, particularly those owned by women, minorities, and Americans who live in rural areas; and

Recognizing further, that she devoted herself to enhancing the quality of life for the Bank's career staff through innovation and a commitment to training, advancement, and empowerment; and

Recognizing further, that she has brought great credit to the Bank and succeeded in raising awareness of the agency and its mission, thereby expanding exporting opportunities for American companies and enhancing their competitiveness in the global marketplace; and

Recognizing further, that her intelligence, dedication, warmth, and leadership have earned her the friendship, affection, and respect of Export-Import Bank colleagues at all levels of the agency;

Now, therefore, be it resolved. That the Directors of the Bank, individually and on behalf of the entire Bank, hereby express their sincerest appreciation and thanks to Jackie M. Clegg for her distinguished service to the Bank and extend to her best wishes in all future endeavors.

JOHN E. ROBSON,
President and Chairman.
DAN RENBERG,
Director.
D. VANESSA WEAVER,
Director.

Mr. REID. Mr. President, I ask unanimous consent that the Senator's morning business time be extended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I say to my friend, I also have gotten to know Jackie Clegg. I met Jackie when she was a staff person for Senator Garn on the Appropriations Committee. She would come and be at his side and was his voice and ears on that committee—an important committee on which he did so well for the State of Utah. I got to know her better when she went to the Eximbank. We think of the Bank—I always did—as being something that was done in places other than in the United States. But she was kind and professional enough to do a meeting in Las Vegas for me of the Eximbank. There was tremendous interest of Las Vegas businesspeople in what that Bank could do and could not do. People were brought to a meeting in Las Vegas, and I can say it was one of the most successful of that type of meeting I have ever held.

She will be missed. Of course, being chairman of the Banking Committee and having worked in the area a long time, you certainly understand, having worked so closely with her, more than most of us how important that Bank is. I appreciate the Senator mentioning Jackie very much. However, I am very confident that her new role, as important as her old role was, will be even more important. I know she is looking forward to it. She will be a great mother, and I look forward to seeing her with her new baby in just a few months.

Mr. SARBANES. I thank the Senator for his comments.

Mr. REID. May I say also, while I have the Senator's attention, I say to my friend, the senior Senator from Maryland, I have been so impressed in watching what is taking place in Baltimore in the last 24 hours—almost exactly 24 hours now—to see the work of professionals there with the terrible tragedy that took place in the tunnel. I am confident that the Senator is as impressed as I am with the great work being done by the people from Maryland and Baltimore, and the other entities of which I am not totally aware, in averting a disaster that could have been much worse.

Mr. SARBANES. I thank the Senator. They are still working on that problem. It has not been fully resolved yet. I received a message from Mayor O'Malley that the fire is still smoldering. But they have had terrific intergovernmental cooperation throughout in trying to address this pressing issue. We are hopeful that it will be resolved soon. The tunnel is a mile and a half long, and so they are pulling these cars out of the tunnel—decoupling them and pulling them out. So that process is still underway, but we hope it can be carried through to completion without worsening of conditions.

Mr. REID. This points out how dangerous it is to transport hazardous materials. Certainly, this is a clear indication of how dangerous it really is.

Mr. SARBANES. The other thing—if the Senator will yield for a minute—I think it points out the need for us to make investment in our Nation's infrastructure. We have been trying for a long time to get a real commitment at the Federal level, to be matched at the State and local level, for operating infrastructure. I think it is something we need constantly to keep in mind and not lose sight of. We are making a number of these budget priorities, including sweeping tax cuts, for example, and at the same time all across the country we are being challenged by major needs in terms of the Nation's infrastructure. This is an obvious instance of transportation infrastructure and communications. I hope we will be able to come to grips with that issue and make a major national commitment with respect to upgrading the Nation's infrastructure.

Mr. REID. Mr. President, I am going to hold a hearing next week on the Environment and Public Works Committee. I am now the subcommittee chair on the committee with jurisdiction over this country's infrastructure. The first hearing I am going to do is going to be involved with the mayors of major cities in the United States, to have them start telling us what some of our major urban cities need. We are tremendously deficient in what we have not done to help cities and, of course, other parts of our country.

This is not a problem that developed today. We have been ignoring this for far too long. The Senator is absolutely right. We now are looking at budgetary constraints that make it very difficult for us to address some of the most grievous things facing this country as relates to infrastructure. That is one of the reasons I am holding this hearing. We can no longer hide our head, bury our heads in the sand, and say they don't exist. These problems exist. The Senator is so right, and the Public Works Committee is going to start addressing this next week.

Mr. SARBANES. I commend the Senator for that initiative. I think it is extremely important. I think we have to get across the understanding that these public investments in infrastructure are essential to the private sector activity. In other words, there is a relationship between making available a first-class public infrastructure—for example, transportation—and the ability then of the private sector to efficiently carry out its business. I think we need to perceive it in those terms because people come out and say you are just talking about making a public expenditure, but this is a public expenditure with wide-ranging consequences and implications for the effective working of the private sector of the economy.

Mr. REID. I will finally say to my friend, you are so right. Some of the people who want to spend less money than anyone else are the so-called market-oriented people. The fact is, Adam Smith, in his book "Wealth of Nations," in 1776, said that governments had certain responsibilities, and one of those responsibilities is things about which we are speaking, things we cannot do for ourselves. Only governments can do roads, highways, bridges, dams, sewers, water systems. So we go right back to the basic book of the free enterprise system, and that is what we are talking about.

Mr. SARBANES. That is right.

ENERGY, OPEC, AND ANTITRUST LAW

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly this afternoon, in the absence of any activity on the pending legislation, and in the absence of any other Senator seeking recognition, to discuss a subject which was talked about at the energy town meeting which Vice President CHENEY had in Pittsburgh on Monday of this week, July 16.

At that time, I had an opportunity to address very briefly a number of energy issues. I talked about the possibility of action under the U.S. antitrust laws against OPEC which could have the effect of bringing down the price of petroleum and, in turn, the high prices of gasoline which American consumers are paying at the present time.

I have had a number of comments about people's interest in that presentation. I only had a little more then 3 minutes to discuss this OPEC issue and some others. I thought it would be worthwhile to comment on this subject in this Senate Chamber today so that others might be aware of the possibility of a lawsuit against OPEC under the antitrust laws.

I had written to President Clinton on April 11 of the year 2000 and had written a similar letter to President George Bush on April 25 of this year, 2001, outlining the subject matter as to the potential for a lawsuit against

OPEC. The essential considerations involved whether there is sovereign immunity from a lawsuit where an act of state is involved, and the decisions in the field make a delineation between what is commercial activity contrasted with governmental activity. Commercial activity, such as the sale of oil, is not something which is covered by the act of state doctrine, and therefore is not an activity which enjoys sovereign immunity.

There have also been some limitations on matters involving international law, as to whether there is a consensus in international law that price fixing by cartels violates international norms. In recent years, there has been a growing consensus that such cartels do violate international norms, so that now there is a basis for a lawsuit under U.S. antitrust laws against OPEC and, beyond OPEC, against the countries which comprise OPEC.

After writing these letters to President Clinton and President Bush, I found that there had, in fact, been litigation instituted on this precise subject in the U.S. District Court for the Northern District of Alabama, Southern Division, in a case captioned "Prewitt Enterprises, Inc. v. Organization of the Petroleum Exporting Countries." In that case, neither OPEC nor any of the other countries involved contested the case, and a default judgment was entered by the Federal court, which made some findings of fact right in line with the issues which had been raised in my letters to both Presidents Clinton and Bush.

The court found that OPEC had conspired to implement extensive production cuts, that they had established quotas in order to achieve a specific price range of $22 to $28 a barrel, and that the cost to U.S. consumers on a daily basis was in the range of $80 to $120 million for petroleum products. That is worth repeating. The cost to U.S. consumers was $80 to $120 million daily.

The court further found that OPEC was not a foreign state. The court also found that the member states of OPEC, although not parties to the action, were coconspirators with OPEC, and that the agreement entered into by the member states of OPEC was a commercial activity, and the states, therefore, did not have sovereign immunity for their actions.

The court further found that the act of state doctrine did not apply to the member states and that OPEC's actions were illegal "per se" under the Sherman and Clayton Acts.

The court then issued an injunction, which is legalese for saying OPEC could no longer act in concert to control the volume of the production and export of crude oil.

The court found that the class of plaintiffs was not entitled to monetary damages because they were what is called "indirect purchasers." That is a legal concept which is rather involved which I need not discuss at this time. But the outline was established, and the findings of fact and conclusions of law were established by the Federal court that indeed there was a cartel, there was a conspiracy in restraint of trade, U.S. laws were violated, U.S. consumers were being prejudiced, and an injunction was issued.

Then, a unique thing occurred. After the court entered its default judgment and injunction, OPEC entered a special appearance in the case, and asked the court to dismiss the case. Three nations, who were not parties to the case—Saudi Arabia, Kuwait, and Mexico—then sought leave of the court to file "amicus" briefs in support of OPEC's motion to dismiss, which means, in effect, that they wanted to assist OPEC in defending the matter. I think it is highly significant that those nations, which are characteristically and customarily oblivious and indifferent and seek to simply ignore U.S. judicial action, had a change of heart and decided to come in.

They must have concluded that an injunction by Federal court was something to be concerned about. I think, in fact, it is something to be concerned about.

In an era where we are struggling with an extraordinarily difficult time of high energy costs, with real concerns laid on the floor of the Senate about where additional drilling ought to be undertaken, about the problems with fossil fuels, about our activities to try to find clean coal technology to comply with the Clean Air Act, at a time when we are looking for renewable energy sources such as air and wind and hydroelectric power, there is a long finger to point at the OPEC nations which are conspiring to drive up prices in violation not only of U.S. law but in violation of international law.

This is a subject which ought to be known to people generally. It ought to be the subject of debate, and it ought to be, in my opinion, beyond a class action brought into the Federal court by private plaintiffs, which is something that the Government of the United States of America ought to consider doing as has been set forth in the letters which I sent to President Clinton last year and to President Bush this year.

It is especially telling when we have Kuwait gouging American consumers, after the United States went to war in the Persian Gulf to save Kuwait. It is equally if not more telling that Saudi Arabia engages in these conspiratorial tactics at a time when we have over 5,000 American men and women in the desert outside of Riyadh. I have visited there. It is not even a nice place to visit, let alone a nice place to live, in a country where Christians can't have Christmas trees in the windows and Jewish soldiers don't wear the Star of David for fear of being the victims of religious persecution; and Mexico, a party to these practices, notwithstanding our efforts to be helpful to the Government of Mexico.

But fair is fair. Conspiracies ought not to be engaged in. Price fixing ought not to be engaged in. If there is a way within our laws to remedy this, and I believe there is, that is something which ought to be considered.

I am not unmindful of the tender diplomatic concerns where every time an issue is raised, we worry about what one of the foreign governments is going to do, what Saudi Arabia is going to do—that we should handle them with "silk gloves" only. But when American consumers are being gouged up to $100 million a day on petroleum products, this is something we ought to consider and, in my judgment, we ought to act on.

We have seen beyond the issue of antitrust enforcement a new era of international law, with the War Crimes Tribunal at The Hague prosecuting war criminals from Yugoslavia, and now former President Milosevic is in custody. We also have the War Crimes Tribunal at Rwanda. A new era has dawned where we are finding that the international rule of law is coming into common parlance. That long arm of the law, I do believe, extends to OPEC, and there could be some very unique remedies for U.S. consumers.

I ask unanimous consent to print my letter to President Bush, dated April 25, 2001, in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, April 25, 2001.

President George Walker Bush.
The White House,
Washington, DC.

Dear Mr. President: In light of the energy crisis and the high prices of OPEC oil, we know you will share our view that we must explore every possible alternative to stop OPEC and other oil-producing states from entering into agreements to restrict oil production in order to drive up the price of oil.

This conduct is nothing more than an old-fashioned conspiracy in restraint of trade which has long been condemned under U.S. law, and which should be condemned under international law.

After some research, we suggest that serious consideration be given to two potential lawsuits against OPEC and the nations conspiring with it:

(1) A suit in Federal district court under U.S. antitrust law.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

(1) A suit in Federal district court under U.S. antitrust law.

A strong case can be made that your Administration can sue OPEC in Federal district court under U.S. antitrust law. OPEC is clearly engaging in a "conspiracy in restraint of trade" in violation of the Sherman

Act (15 U.S.C. Sec. 1). The Administration has the power to sue under 15 U.S.C. Sec. 4 for injunctive relief to prevent such collusion.

In addition, the Administration has the power to sue OPEC for treble damages under the Clayton Act (15 U.S.C. Sec. 15a), since OPEC's behavior has caused an "injury" to U.S. "property." After all, the U.S. government is a consumer of petroleum products and must now pay higher prices for these products. In Reiter v. Sonotone Corp, 442 U.S. 330 (1979), the Supreme Court held that the consumers of certain hearing aides who alleged that collusion among manufacturers had led to an increase in prices had standing to sue those manufacturers under the Clayton Act since "a consumer deprived of money by reason of allegedly anticompetitive conduct is injured in 'property' within the meaning of [the Clayton Act]."

One issue that would be raised by such a suit is whether the Foreign Sovereign Immunities Act ("FSIA") provides OPEC, a group of sovereign foreign nations, with immunity from suit in U.S. courts. To date, only one Federal court, the District Court for the Central District of California, has reviewed this issue. In International Association of Machinists v. OPEC, 477 F. Supp. 553 (1979), the Court held that the nations which comprise OPEC were immune from suit in the United States under the FSIA. We believe that this opinion was wrongly decided and that other district courts, including the D.C. District, can and should revisit the issue.

This decision in Int. Assoc. of Machinists turned on the technical issue of whether or not the nations which comprise OPEC are engaging in "commercial activity" or "governmental activity" when they cooperate to sell their oil. If they are engaging in "governmental activity," then the FSIA shields them from suit in U.S. courts. If, however, these nations are engaging in "commercial activity," then they are subject to suit in the U.S. The California District Court held that OPEC activity is "governmental activity." We disagree. It is certainly a governmental activity for a nation to regulate the extraction of petroleum from its territory by ensuring compliance with zoning, environmental and other regulatory regimes. It is clearly a commercial activity, however, for these nations to sit together and collude to limit their oil production for the sole purpose of increasing prices.

The 9th Circuit affirmed the District Court's ruling in Int. Assoc. of Machinists in 1981 (649 F.2d 1354), but on the basis of an entirely different legal principle. The 9th Circuit held that the Court could not hear this case because of the "act of state" doctrine, which holds that a U.S. court will not adjudicate a politically sensitive dispute which would require the court to judge the legality of the sovereign act of a foreign state.

The 9th Circuit itself acknowledged in its Int. Assoc. of Machinists opinion that "The [act of state] doctrine does not suggest a rigid rule of application," but rather application of the rule will depend on the circumstances of each case. The Court also noted that, "A further consideration is the availability of internationally-accepted legal principles which would render the issues appropriate for judicial disposition." The Court then quotes from the Supreme Court's opinion in Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398 (1964): "It should be apparent that the greater the degree of codification or consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice."

Since the 9th circuit issued its opinion in 1981, there have been major developments in international law that impact directly on the subject matter at issue. As we discuss in greater detail below, the 1990'a have witnessed a significant increase in efforts to seek compliance with basic international norms of behavior through international courts and tribunals. In addition, there is strong evidence of an emerging consensus in international law that price fixing by cartels violates such international norms. Accordingly, a court choosing to apply the act of state doctrine to a dispute with OPEC today may very well reach a different conclusion than the 9th Circuit reached almost twenty years ago.

(2) A suit in the International Court of Justice at the Hague based upon "the general principles of law recognized by civilized nations."

In addition to such domestic antitrust actions, we believe you should give serious consideration to bringing a case against OPEC before the International Court of Justice (the "ICJ") at the Hague. You should consider both a direct suit against the conspiring nations as well as a request for an advisory opinion from the Court through the auspices of the U.N. Security Council. The actions of OPEC in restraint of trade violate "the general principles of law recognized by civilized nations." Under Article 38 of the Statute of the ICJ, the Court is required to apply these "general principles" when deciding cases before it.

This would clearly be a cutting-edge lawsuit, making new law at the international level. But there have been exciting developments in recent years which suggest that the ICJ would be willing to move in this direction. In a number of contexts, we have seen a greater respect for and adherence to fundamental international principles and norms by the world community. For example, we have seen the establishment of the International Criminal Court in 1998, the International Criminal Tribunal for Rwanda in 1994, and the International Criminal Tribunal for the former Yugoslavia in 1993. Each of these bodies has been active, handing down numerous indictments and convictions against individuals who have violated fundamental principles of human rights.

Today, adherence to international principles has spread from the tribunals in the Hague to individual nations around the world. The exiled former dictator of Chad, Hissene Habre, was indicted in Senegal on changes of torture and barbarity stemming from his reign, where he allegedly killed and tortured thousands. This case is similar to the case brought against former Chilean dictator Augusto Pinochet by Spain on the basis of his alleged atrocities in Chile. At the request of the Spanish government, Pinochet was detained in London for months until an English court determined that he was too ill to stand trial.

While these emerging norms of international behavior have tended to focus on human rights than on economic principles, there is one economic issue on which an international consensus has emerged in recent years—the illegitimacy of price fixing by cartels. For example, on April 27, 1988, the Organization for Economic Cooperation and Development issued an official "Recommendation" that all twenty-nine member nations "ensure that their competition laws effectively halt and deter hard core cartels." The recommendation defines "hard core cartels" as those which, among other things, fix prices or establish output restriction quotas. The Recommendation further instructs member countries "to cooperate with each other in enforcing their laws against such cartels."

On October 9, 1998, eleven Western Hemisphere countries held the first "antitrust Summit of the Americas" in Panama City, Panama. At the close of the summit, all eleven participants issued a joint communique in which they express their intention "to affirm their commitment to effective enforcement of sound competition laws, particularly in combating illegal price-fixing, bid-rigging, and market allocation." The communique further expresses the intention of these countries to "cooperate with one another . . . to maximize the efficacy and efficiency of the enforcement of each country's competition laws."

The behavior of OPEC and other oil-producing nations in restraint of trade violates U.S. antitrust law and basic international norms, and it is injuring the United States and its citizens in a very real way. We hope you will seriously consider judicial action to put an end to such behavior.

We hope that you will seriously consider judicial action to put an end to such behavior.

Arlen Specter.
Charles Schumer.
Herb Kohl.
Strom Thurmond.
Mike DeWine.

Mr. SPECTER. I will not include my letter to President Clinton, dated April 11, 2000, because the two letters are largely the same.

I further ask unanimous consent that the first caption page of the case entitled "Prewitt Enterprises v. Organization of Petroleum Exporting Countries" be printed in the Record so that those who study the Congressional Record may have a point of reference to get the entire case and do any research which anybody might care to do.

There being no objection, the material was ordered to be printed in the Record, as follows:

[In the United States District Court for the Northern District of Alabama, Southern Division, Civil Action Number CV–00–W–0865–S]

Prewitt Enterprises, Inc., on its own behalf and on behalf of all Others Similarly Situated, plaintiffs, *vs.* Organization of the Petroleum Exporting Countries, Defendant

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This antitrust class action is now before the Court on the Application and Memorandum of Law in Support of Application for Default Judgment and Appropriate Declaratory and Injunctive Relief by plaintiff Prewitt Enterprises, Inc., on its own behalf and on behalf of the Class.

On January 9, 2001, the Court entered a Show Cause Order directing defendant Organization of the Petroleum Exporting Countries, to appear before the Court on March 8, 2001, and show cause, if any it has, why plaintiff's Application should not be granted and why judgment by default against it should not be entered. Defendant OPEC was served with the said Show Cause Order and the Application by means of Federal Express international delivery at its offices in Vienna, Austria, to the attention of the Office of the Secretary General. The proof . . .

* * * * *

RULES GOVERNING PROCEDURES FOR THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, the Senate Committee on Commerce, Science, and Transportation has adopted modified rules governing its procedures for the 107th Congress. Pursuant to Rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator McCAIN, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF THE SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any Subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any Subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any Subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of an informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any Subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Thirteen members shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

2. Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination. Proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any Subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any Subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the Subcommittee unless he or she is a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular Subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

REPORT ON ACTIVITIES OF U.S. DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

Mr. CAMPBELL. Mr. President, I am pleased to report to my colleagues in the United States Senate on the work of the bicameral congressional delegation which I chaired that participated in the Tenth Annual Session of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, OSCE PA, hosted by the French Parliament, the National Assembly and the Senate, in Paris, July 6–10, 2001. Other participants from the United States Senate were Senator HUTCHISON of Texas and Senator VOINOVICH of Ohio. We were joined by 12 Members of the House of Representatives: cochairman SMITH of New Jersey, Mr. HOYER, Mr. CARDIN, Ms. SLAUGHTER, Mr. MCNULTY, Mr. HASTINGS of Florida, Mr. KING, Mr. BRYANT, Mr. WAMP, Mr. PITTS, Mr. HOEFFEL and Mr. TANCREDO.

En route to Paris, the delegation stopped in Caen, France and traveled to Normandy for a briefing by General Joseph W. Ralston, Commander in Chief of the U.S. European Command and Supreme Allied Commander Europe, on security developments in Europe, including developments in Macedonia, Kosovo, and Bosnia-Herzegovina as well as cooperation with the International Criminal Tribunal for the former Yugoslavia.

At the Normandy American Cemetery, members of the delegation participated in ceremonies honoring those Americans killed in D-Day operations. Maintained by the American Battle Monuments Commission, the cemetery is the final resting place for 9,386 American servicemen and women and honors the memory of the 1,557 missing. The delegation also visited the Pointe du Hoc Monument honoring elements of the 2d Ranger Battalion.

In Paris, the combined U.S. delegation of 15, the largest representation by any country in the Assembly was welcomed by others as a demonstration of the continued commitment of the United States, and the U.S. Congress, to Europe. The central theme of OSCE PA's Tenth Annual Session was "European Security and Conflict Prevention: Challenges to the OSCE in the 21st Century."

This year's Assembly brought together nearly 300 parliamentarians from 52 OSCE participating States, including the first delegation from the Federal Republic of Yugoslavia following Belgrade's suspension from the OSCE process in 1992. Seven countries, including the Russian Federation and the Federal Republic of Yugoslavia, were represented at the level of Speaker of Parliament or President of the Senate. Following a decision taken earlier in the year, the Assembly withheld recognition of the pro-

Lukashenka National Assembly given serious irregularities in Belarus' 2000 parliamentary elections. In light of the expiration of the mandate of the democratically elected 13th Supreme Soviet, no delegation from the Republic of Belarus was seated.

The inaugural ceremony included a welcoming addresses by the OSCE PA President Adrian Severin, Speaker of the National Assembly, Raymond Forni and the Speaker of the Senate, Christian Poncelet. The French Minister of Foreign Affairs, Hubert Védrine also addressed delegates during the opening plenary. The OSCE Chairman-in-Office, Romanian Foreign Minister Mircea Geoana, presented remarks and responded to questions from the floor.

Presentations were also made by several other senior OSCE officials, including the OSCE Secretary General, the High Commissioner on National Minorities, the Representative on Freedom of the Media, and the Director of the OSCE Office for Democratic Institutions and Human Rights.

The 2001 OSCE PA Prize for Journalism and Democracy was presented to the widows of the murdered journalists José Luis López de Lacalle of Spain and Georgiy Gongadze of Ukraine. The Spanish and Ukrainian journalists were posthumously awarded the prize for their outstanding work in furthering OSCE values.

Members of the U.S. delegation played a leading role in debate in each of the Assembly's three General Committees—Political Affairs and Security; Economic Affairs, Science, Technology and Environment; and Democracy, Human Rights and Humanitarian Questions. U.S. sponsored resolutions served as the focal point for discussion on such timely topics as "Combating Corruption and International Crime in the OSCE Region," a resolution I sponsored; "Southeastern Europe," by Senator VOINOVICH; "Prevention of Torture, Abuse, Extortion or Other Unlawful Acts" and "Combating Trafficking in Human Beings," by Mr. Smith; "Freedom of the Media," by Mr. HOYER; and, "Developments in the North Caucasus," by Mr. CARDIN.

Senator HUTCHISON played a particularly active role in debate over the Anti-Ballistic Missile Treaty in the General Committee on Political Affairs and Security, chaired by Mr. HASTINGS, which focused on the European Security and Defense Initiative.

An amendment I introduced in the General Committee on Economic Affairs, Science, Technology and Environment on promoting social, educational and economic opportunity for indigenous peoples won overwhelming approval, making it the first ever such reference to be included in an OSCE PA declaration. Other U.S. amendments focused on property restitution laws, sponsored by Mr. CARDIN, and adoption of comprehensive non-discrimination laws, sponsored by Mr. HOYER.

Amendments by members of the U.S. delegation on the General Committee on Democracy, Human Rights and Humanitarian Questions focused on the plight of Roma, by Mr. SMITH; citizenship, by Mr. HOYER; and Nazi-era compensation and restitution, and religious liberty, by Ms. SLAUGHTER. Delegation members also took part in debate on the abolition of the death penalty, an issue raised repeatedly during the Assembly and in discussions on the margins of the meeting.

While in Paris, members of the delegation held an ambitious series of meetings, including bilateral sessions with representatives from the Russian Federation, the Federal Republic of Yugoslavia, the United Kingdom, and Kazakhstan. Members met with the President of the French National Assembly to discuss diverse issues in U.S.-French relations including military security, agricultural trade, human rights and the death penalty. A meeting with the Romanian Foreign Minister included a discussion of the missile defense initiative, policing in the former Yugoslavia, and international adoption policy.

Staff of the U.S. Embassy provided members with an overview of U.S.-French relations. Members also attended a briefing by legal experts on developments affecting the right of individuals to profess and practice their religion or belief. A session with representatives of U.S. businesses operating in France and elsewhere in Europe provided members with insight into the challenges of today's global economy.

Elections for officers of the Assembly were held during the final plenary. Mr. Adrian Severin of Romania was reelected President. Senator Jerahmiel Graftstein of Canada was elected Treasurer. Three of the Assembly's nine Vice-Presidents were elected to three-year terms: Alcee Hastings, U.S.A., Kimmo Kiljunen, Finland, and Ahmet Tan, Turkey. The Assembly's Standing Committee agreed that the Eleventh Annual Session of the OSCE Parliamentary Assembly will be held next July in Berlin, Germany.

WOMEN AND GUN VIOLENCE

Mr. LEVIN. Mr. President, just last year the Congress passed and President Clinton signed into law the Violence Against Women Act of 2000. The law instituted welcome changes in Federal criminal law relating to stalking, domestic abuse and sex offense cases. In addition, VAWA 2000 created programs to prevent sexual assaults on college campuses, establish transitional housing for victims of domestic abuse and enhance protections for elderly and disabled victims of domestic violence.

The importance of the Violence Against Women Act should not be underestimated. However, if we are to comprehensively address this issue, we cannot ignore the impact of gun violence on women. According to studies cited by the Violence Policy Center, in 1998, in homicides where the weapon was known, 50 percent of female homicide victims were killed with a firearm. Of those murdered women, more than three quarters were killed with a handgun. And that same year, for every one time that a woman used a handgun to kill in self-defense, 101 women were murdered by a handgun.

While the firearms industry markets gun to women—asserting that owning a gun will make women safer—the statistics support the point made by Karen Brock, an analyst with the Violence Policy Center, "Handguns don't offer women protection; they guarantee peril."

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 21, 1997 in Atlanta, GA. A bomb exploded at a gay nightclub and another bomb was found outside the club during the investigation. Packed with nails, the bomb exploded in the rear patio section of the lounge shortly before 10 p.m. Two people were treated for injuries resulting from the flying shrapnel. An extremist group called "Army of God" claimed responsibility for the bomb.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

IN RECOGNITION OF THE HMONG SPECIAL GUERRILLA UNITS

Mr. LEVIN. Mr. President, this weekend members of the Lao-Hmong American Coalition, Michigan Chapter, their friends and supporters will gather in my home State of Michigan to pay tribute to thousands of courageous Hmongs who selflessly fought alongside of and in support of the United States military during the Vietman War. The efforts of the Hmong Special Guerrilla Units were unknown to the American public during the conflict in Vietnam, and the 6th Annual Commemoration of the U.S. Lao-Hmong Special Guerrilla Units Veterans Recognition Day is part of the important effort to acknowledge the role played by the Hmong people in this war.

Ms. STABENOW. My colleague from Michigan is correct in stating that Hmong Special Guerrilla Units played an important role in assisting US efforts in the Vietnam conflict, often times at great sacrifice to themselves. From 1961 to 1975 it is estimated that about 25,000 young Hmong men and boys were fighting the Communist Lao and North Vietnamese. The Hmong Special Guerrilla Units were known as the United States' Secret Army, and their valiant efforts ensured the safety and survival of countless U.S. soldiers.

Mr. LEVIN. The Senator is correct. Hmong Special Guerrilla Units actively supported the United States, and risked great loss of life to save downed United States pilots and protect our troops. While the Special Guerrilla Units may have operated in secret, their efforts, courage and sacrifices have been kept secret for far too long. The word Hmong means "free people," and celebrations such as this commemoration will raise awareness of the loyalty, bravery and independence exhibited by the Hmong people.

Ms. STABENOW. It is important that the sacrifices made by the Hmong people are honored by all Americans. These rugged people, from the hills of Laos, paid a great cost because of their love of freedom and their support of the United States. It is estimated that over 40,000 Hmong died during the Vietnam War. Thousands more were forced to flee to refugee camps, and approximately 60,000 Hmongs immigrated to United States.

Mr. LEVIN. As the Senator from Michigan knows, thousands of Hmongs immigrated to the United States after the Vietnam War. The transition to life in the United States has not always been easy, but the Hmong community has grown and is prospering. There are nearly 200,000 Hmong in the United States, and many of them live in our home State of Michigan. It is important that those who fought in the Special Guerrilla Units are honored for their actions. These units, like all those who served the cause of freedom, must know that we appreciate the great sacrifices made by the Special Guerrilla Units.

Ms. STABENOW. I would concur with my good friend that events such as the 6th Annual Commemoration of U.S. Lao-Hmong Special Guerrilla Units Veterans Recognition Day play an important role in honoring these courageous veterans. This celebration will also educate future generations of Americans about the sacrifices made by this independent and freedom loving people. I know that my Senate colleagues will join me, and my colleague from the State of Michigan, in commending the Hmong Special Guerrilla Units for their bravery, sacrifice, and commitment to freedom.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 18, 2001, the Federal debt stood at $5,712,502,926,348.50, five trillion, seven hundred twelve billion, five hundred two million, nine hundred twenty-six thousand, three hundred forty-eight dollars and fifty cents.

One year ago, July 18, 2000, the Federal debt stood at $5,680,376,000,000, five trillion, six hundred eighty billion, three hundred seventy-six million.

Five years ago, July 18, 1996, the Federal debt stood at $5,168,794,000,000, five trillion, one hundred sixty-eight billion, seven hundred ninety-four million.

Ten years ago, July 18, 1991, the Federal debt stood at $3,546,904,000,000, three trillion, five hundred forty-six billion, nine hundred four million.

Fifteen years ago, July 18, 1986, the Federal debt stood at $2,070,143,000,000, two trillion, seventy billion, one hundred forty-three million, which reflects a debt increase of more than $3.5 trillion, $3,642,359,926,348.50, three trillion, six hundred forty-two billion, three hundred fifty-nine million, nine hundred twenty-six thousand, three hundred forty-eight dollars and fifty cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO DONNA CENTRELLA

• Mrs. CLINTON. Mr. President, I rise today to pay tribute to Donna Centrella, a very special woman whom I met 2 years ago during my campaign in New York. Donna died on Monday after a long, brave battle with ovarian cancer.

I first met Donna in September 1999, when I visited Massena Memorial Hospital in Massena, NY. Donna had been diagnosed with ovarian cancer in August, but did not have health insurance to cover her treatment. Miraculously, she found a doctor who would treat her without insurance and she was able to afford care through a variety of State programs.

Perhaps even more astounding was her doctor's statement that she was actually better off without managed care coverage because he could better treat her that way. Without HMO constraints, they were free to make the decisions about the best procedures to follow for her treatment and care—her doctor could keep her in the hospital as long as needed and he would not have to get preapproval for surgery.

I have retold Donna's unbelievable story many times since meeting this extraordinary woman. Hers is a story that underscores the profound need in this country for immediate reform of the way we provide health coverage to our citizens. We owe it to patients like Donna to sign patients protections into law as soon as possible to ensure that we can provide the best medical treatment possible to everyone who needs it.

We have lost an ally, but I have faith that we will not lose the fight for greater patient protections. It saddens me greatly that Donna will not be here to see it happen. She was an amazing soul whose determination and strength we'll never forget.•

TRIBUTE TO LANCE CPL. SEAN M. HUGHES

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Lance Cpl. Sean Hughes of Milton, NH, who gave his life for our country on July 10, 2001, when a Marine Corps helicopter participating in a training exercise went down in Sneads Ferry, NC.

Sean was a graduate of Nute High School in Milton, NH. He joined the Marine Corps on July 14, 1999, following the military tradition of his father and grandfather who both served as members of the United States Air Force. An extremely talented and highly intelligent Crew Chief with Marine Helicopter Squadron 365, Sean will always be remembered as the little boy who enjoyed watching planes take off and land at the flight line with his father.

An artist, athlete, and committed Marine, friends each remember him as an exceptional person with a gentle heart. Those who knew him best described him as "irreplaceable," "a dear friend," and one that has "enriched their lives simply by having known him." His constant smile will be missed, as will his unwavering devotion to this country.

As a fellow veteran, I commend Sean for his service in the U.S. Marine Corps. Hundreds of Marines, friends, and family lost a devoted scholar, friend, brother, and son. The people of New Hampshire and the country lost an honorable soldier with a deeply held sense of patriotism. The determination and devotion he possessed as a Marine, and an individual, will not soon be forgotten.

I send my sincere sympathy and prayers to Sean's family and wish them Godspeed during this difficult time in their lives. It is truly an honor to have represented Lance Cpl. Hughes in the U.S. Senate.•

STRAND FAMILY FARM 100TH ANNIVERSARY TRIBUTE

• Mr. DORGAN. Mr. President, I pay tribute today to a North Dakota family that exemplifies the spirit of rural life and all that it contributes to our Nation. The Strand family, of Regan, ND, will this week celebrate 100 years on the family farm.

Andrew and Anna Strand arrived in North Dakota in 1901, brought by emigrant train to Wilton, ND. Then, with only a team of horses, a wagon, a walking breaking plow, a disc, and a drill, Andrew and Anna set about making a home in the small community of Regan.

From those meager beginnings, Anna and Andrew raised a family of six children and, just like thousands of other North Dakotans at that time, they built a successful family farm and did the hard work that eventually carved hardy communities from the prairie.

Today, the Strand family farm is still being farmed by Andrew and Anna's grandchildren and great-grandchildren. Four generations of Strands have lived and worked on the land over the past century. As anyone who knows will tell you, farming is hard work. And the Strand family has kept that farm going through everything from the Great Depression to droughts and floods. The family survived even the leanest years, times in the early part of the last century when there was only one good paying crop out of every 7 years.

While some have stayed to continue to work the land, others in the Strand family have built lives and careers that contribute to our State, regional, and national life in a variety of other ways. Andrew and Anna's descendants have worked in healthcare, education, music, public affairs, and agribusiness, to name only a few.

Anna and Andrew's children left their mark on our society in a profound way. Einar Strand helped build the United Nations building in New York. Norton was involved in the agriculture industry throughout North Dakota, South Dakota, Minnesota, and Montana. Alice became the head administrator at Ballard Hospital in Seattle, WA. Both Arthur and Barney, worked the land as their father before them. Today, Barney, Jr., and his son Richard continue the tradition of farming on the original Strand homestead.

The Strand family also contributed to community life in many ways. In the early days, when help was needed in the fledgling community, the Strand family was there; helping the local doctor on his daily rounds during the influenza outbreak of 1918, helping to build the first local schoolhouse, building township roads and more.

Families like the Strand demonstrate the importance of preserving the family farm and our rural communities. They also remind us that family farms produce more than the food that feeds our Nation and the world. Family farms also produce hardy, enduring families that make our communities and our Nation strong.

I congratulate them as they celebrates this 100-year anniversary of life on the family farm, and extend the hope that the Strand family will continue the tradition that Andrew and Anna started a century ago.•

IN RECOGNITION OF CORNERSTONES COMMUNITY PARTNERSHIPS IN THE 2001 SMITHSONIAN FOLKLIFE FESTIVAL

• Mr. DOMENICI. Mr. President, I rise today to recognize the skill and artistry of those involved in the 2001 Smithsonian Folklife Festival. Specifically, the festival focused on the Masters of Building Arts program featuring craftspeople skilled in the various styles of the building trades.

I am pleased to announce that Cornerstones Community Partnerships of Santa Fe, NM, participated in this annual celebration of folk art. Cornerstones Community Partnerships is a nonprofit organization serving to continue the unique culture and traditions of the southwest through preservation of traditional building techniques.

As part of the festival, Cornerstones presented two restoration projects, the San Esteban del Rey Church in Acoma Pueblo, NM, and the San Jose Mission in Upper Rociada, NM. Both presentations highlighted the rich cultural techniques used in New Mexican architecture.

I commend the skills of these artists and artisans that participated in the folklife festival. They truly preserve our link to the past.•

CLEVELAND INDIANS 100 YEAR ANNIVERSARY

• Mr. DEWINE. Mr. President, today I am here on the Floor to recognize the Cleveland Indians because this year, the team is celebrating an incredible achievement, both for baseball and America. On April 24th, the Indians celebrated their 100th Anniversary. Over the last century, Indians fans have seen their team win two World Series and five American League Pennants. One of my most vivid baseball memories is the 1954 World Series, which I attended with my dad when I was seven years old.

I think the inaugural Indians manager, James McAleer, would have been proud to lead the Tribe teams of the past five years in their string of five Central Division Titles and two World Series appearances. The Indians claim 22 players in the Hall of Fame, including the following:

Nap Lajoie, Tris Speaker, Cy Young (1937); Jesse Burkett (1946); Bob Feller (1962); Elmer Flick, Sam Rice (1963); Stan Coveleski (1969); Lou Boudreau (1970); Satchel Paige (1971); Early Wynn (1972); Ralph Kiner (1975); Bob Lemon (1976); Joe Sewell, Al Lopez (1977); Addie Joss (1978); Frank Robinson (1982); Hoyt Wilhelm (1985); Gaylord Perry, Bill Veeck (1991); Phil Niekro (1997); Larry Doby (1998).

Additionally, the Indians have retired the numbers of six players, including:

Bob Lemon (21); Earl Averill (3); Lou Boudreau (5); Larry Doby (14); Mel Harder (18); Bob Feller (19).

Adding to these accomplishments, by the end of the 2000 season, the team had racked up 7,896 total wins. Also, the Indians are just one of four American League teams to spend their entire history in one city. The Indians have been loyal to their fans, and the fans have, in turn, been loyal to their team. After Jacob's Field was built in 1994, fans responded by selling out 455 consecutive games. And, the Indians led Major League Baseball in attendance last year for the first time since 1948.

The Indians are a treasure for the City of Cleveland and the State of Ohio, but I also believe the Indians hold a larger significance for America. Walt Whitman once wrote that baseball was "America's game . . . it belongs as much to our institutions, fits into them as significantly as our Constitution's laws . . . and it is just as important in the sum total of our historic life." I think Whitman had it absolutely right. Baseball is a vital part of our American culture, and for 100 years, the Cleveland Indians have served as an outstanding ambassador for the sport of baseball.

I congratulate the Cleveland Indians on a century of rich history, loyal fans, and great success. I hope that my colleagues will join me in wishing the Indians the best of luck in the next 100 years.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in execution session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2500. An act making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

At 5:52 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the senate:

H.R. 7. An act to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 7. An act to provide incentives for charitable contributions by individuals and businesses, to improve the effectiveness and efficiency of government program delivery to individuals and families in need, and to enhance the ability of low-income Americans to gain financial security by building assets; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time, and placed on the calendar:

H.J. Res. 36. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2902. A communication from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting, pursuant to law, the report of the designation of acting officer for the position of Director of the Office of Science and Technology Policy, received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2903. A communication from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy in the position of Director of the Office of Science Technology Policy, received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2904. A communication from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy in the position of Associate Director for Technology, Office of Science and Technology Policy, received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2905. A communication from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy in the position of Associate Director for Environment, Office of Science and Technology Policy, received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2906. A communication from the Assistant Director for Budget and Administration, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy in the position of Associate Director for Science, Office of Science and Technology Policy, received on July 9, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2907. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2, A300 B4, A300 B4–600, and A300 B4–600, B4–600R and F4–600R" ((RIN2120–AA64)(2001–0299)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2908. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B–4–601, B4–603, B4–620, BR–605R, and F4–605R" ((RIN2120–AA64)(2001–0296)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2909. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120–AA64)(2001–0297)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2910. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 45 (YT–34), A45 (T–34A, B–45), and D45 (T–34B) Airplanes" ((RIN2120–AA64)(2001–0298)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2911. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes" ((RIN2120–AA64)(2001–0292)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2912. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A310 and Model A300 B4–600, A300 BR–600R, and A300 F4–600R Series Airplanes" ((RIN2120–AA64)(2001–0293)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2913. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes Equipped with Rolls Royce Engines" ((RIN2120–AA64)(2001–0294)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2914. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V Series Airplanes" ((RIN2120–AA64)(2001–0295)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2915. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–400 Series Airplanes" ((RIN2120–AA64)(2001–0288)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2916. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Construcciones Aeronauticas, SA Model CN 235 Series Airplanes" ((RIN2120–AA64)(2001–0289)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2917. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model Hawker 800XP Series Airplanes" ((RIN2120–AA64)(2001–0290)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2918. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes" ((RIN2120–AA64)(2001–0291)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2919. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dassault Model Mystere-Falcon 900 and 900EX Series Airplanes" ((RIN2120–AA64)(2001–0284)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2920. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 7 Series Airplanes" ((RIN2120–AA64)(2001–0285)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2921. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Canada Model 407 Helicopters; Rescission" ((RIN2120–AA64)(2001–0286)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2922. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model D–90–30 Series Airplanes" ((RIN2120–AA64)(2001–0287)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2923. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cody, WV" ((RIN2120–AA66)(2001–0111)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2924. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Class E Enroute Domestic Airspace Area, Kingman, AZ" ((RIN2120–AA66)(2001–0112)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2925. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Heber City, UT" ((RIN2120–AA66)(2001–0113)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2926. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Jet Route J 713" ((RIN2120–AA66)(2001–0114)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2927. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establish Class E Airspace; Greensburg, PA" ((RIN2120–AA66)(2001–0107)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2928. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D Airspace and Establishment of Class E4 Airspace; Homestead, FL" ((RIN2120–AA66)(2001–0108)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2929. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; LaFayette, GA" ((RIN2120–AA66)(2001–0109)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2930. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establish Class E Airspace; Lloydsville, PA" ((RIN2120–AA66)(2001–0110)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2931. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establish Class E Airspace; Hagerstown, MD" ((RIN2120–AA66)(2001–0103)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2932. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Roosevelt, UT" ((RIN2120–AA66)(2001–0104)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2933. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of a Class E Enroute Domestic Airspace Area, Las Vegas, NV" ((RIN2120–AA66)(2001–0105)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2934. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Mosby, MO" ((RIN2120–AA66)(2001–0106)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2935. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (25), AMDT. No 2057" ((RIN2120–AA65)(2001–0040)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2936. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (44) Amdt. No. 2055" ((RIN2120–AA65)(2001–0041)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2937. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (33); Amdt. No. 2056" ((RIN2120–AA65)(2001–0039)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2938. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (565); Amdt. No. 2058" ((RIN2120–AA65)(2001–0038)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2939. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (21); Amdt. No. 2054" ((RIN2120–AA65)(2001–0037)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2940. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CT58 Series and Former Military T58 Series Turboshaft Engines" ((RIN2120–AA64)(2001–0306)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2941. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE CF 34–1A, –3A, –3A1, –3AS, –3B and –3B1 Turbofan Engines" ((RIN2120–AA64)(2001–0307)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2942. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 777–200 Series Airplanes" ((RIN2120–AA64)(2001–0311)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2943. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CORRECTION, CFM International, SA CFM56–3, –3B, and –3C Series Turbofan Engines" ((RIN2120–AA64)(2001–0312)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2944. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce Limited, Aero Division-Bristol, SNECMA Olympus 593 Mk. 610–14–28 Turbo Engines" ((RIN2120–AA64)(2001–0300)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2945. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Construcciones Aeronauticas, SA Model CN–234 Series Airplanes" ((RIN2120–AA64)(2001–0301)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2946. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, and B4–203 Series Airplanes" ((RIN2120–AA64)(2001–0303)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2947. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Airplanes" ((RIN2120–AA64)(2001–0305)) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2948. A communication from the Chief of the Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Federal-State Joint Board on Universal Service" (Doc. No. 95–45) received on July 13, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2949. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rule to Revise Certain Provisions of the American Fisheries Act; Extension of Expiration Date" (RIN0648–AO72) received on July 11, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2950. A communication from the President of the United States, transmitting, pursuant to law, a report relative to US military personnel and US citizens involved as contractors in antinarcotics campaign in Columbia; to the Committee on Appropriations.

EC–2951. A communication from the Personnel Management Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Secretary for Employment and

Training, EX–IV, received on July 17, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2952. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a draft of proposed legislation entitled "Atomic Energy Act Amendments of 2001"; to the Committee on Energy and Natural Resources.

EC–2953. A communication from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Connectivity to Atmospheric Release Capability" (DOE N 153.1) received on July 16, 2001; to the Committee on Energy and Natural Resources.

EC–2954. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "National Defense Authorization Act for Fiscal Year 2002"; to the Committee on Armed Services.

EC–2955. A communication from the Administrator of the National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, a report concerning sales to a country designated as a Tier III country of a computer capable of operating at a speed in excess of 2,000 million theoretical operations per second by companies that participate in the Accelerated Strategic Computing Initiative program of the Department of Energy for calendar year 2000; to the Committee on Armed Services.

EC–2956. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled "Fort Irwin Military Lands Withdrawal Act of 2001"; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–124. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to muscular dystrophy; to the Committee on Appropriations.

House Concurrent Resolution No. 8

Whereas, Current federal funding for research on muscular dystrophy is insufficient given the disease's prevalence and severity, and this level of support does little to promote advances in research and treatment of the disease; and

Whereas, The term muscular dystrophy encompasses a large group of hereditary muscle-destroying disorders that appear in men, women, and children of every race and ethnicity, with the most common disorder, Duchenne muscular dystrophy, first appearing in early childhood or adolescence; and

Whereas, Furthermore, since genetic mutations may be a factor in any incidence of muscular dystrophy, anyone could be a carrier, and no family is immune from the possibility of the disease afflicting one of its members; and

Whereas, While the prognosis for individuals afflicted with a muscular dystrophy disorder varies according to patterns of inheritance, the age of onset, the initial muscles attached, and the progression of the disease, Duchenne muscular dystrophy is the most common fatal childhood genetic disease; and

Whereas, Because muscular dystrophy varies widely from one disorder to another, continuing research is important to understanding the disease, treating it, and working toward its prevention and cure; and

Whereas, Congressional funding for research by the National Institutes of Health on Duchenne and Becker muscular dystrophy does not reflect the severity of this disease, the importance of finding a cure, or the potential benefits that research in this area could have on other similar disorders; and

Whereas, To save lives and improve the quality of life for those already afflicted by this disease, it is imperative that the federal government take the initiative to increase funding for the research of Duchenne and Becker muscular dystrophy and, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to increase funding for research by the National Institutes of Health for the treatment and cure of Duchenne and Becker muscular dystrophy; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United states congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–125. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to NAFTA; to the Committee on Appropriations.

Senate Concurrent Resolution No. 10

Whereas, While the North American Free Trade Agreement (NAFTA) has boosted the economy in Texas and the nation, the increase in heavy truck traffic has caused excessive wear on county and city roads that lie within the border commercial zone; and

Whereas, According to the Texas Border Infrastructure Coalition more than 77 percent of United States-Mexico trade passes through the Texas border region annually; in 1999 this amounted to 4.4 million trucks crossing the Texas-Mexico border carrying $127.6 billion worth of commerce; and

Whereas, Many of these trucks exceed the weight limits imposed by both federal and state law, causing extensive damage to public roads and bridges, especially the "off-system" roads that are maintained by counties and municipalities, most of which are not designed to handle these heavy commercial trucks; and

Whereas, The Texas Department of Transportation estimates that there are more than 17,000 miles of load-posted roadways in Texas; many of these roadways are Farm-to-Market roads that were built in the 1940s and 1950s using design standards for a legal weight limit of 48,000 pounds, or approximately 60 percent of the weight of some of the heavier trucks today; and

Whereas, There are approximately 7,250 deficient bridges on off-system roads in Texas, and while the Texas Department of Transportation is in the process of upgrading these bridges, the scope of the bridge rehabilitation required means that, at current funding levels and practices, it could take decades to complete the undertaking, assuming no more bridges become deficient; it is important, therefore, that trucks be weighed before they are permitted to operate in the commercial border zone, so as not to cause further infrastructure damage; and

Whereas, In addition to contributing to the destruction of transportation infrastructure, overweight trucks pose safety hazards for other vehicles sharing the roads; the University of Michigan Transportation Research Institute estimates that as the weight of a truck goes from 65,000 to 80,000 pounds, the risk of an accident involving a fatality increases by 50 percent; and

Whereas, County and city governments within the commercial border zone would benefit greatly from having additional weigh stations situated in their jurisdictions and additional law enforcement officers to conduct weight inspections of commercial vehicles traveling on roads that they maintain; and

Whereas, While the entire nation benefits from NAFTA, the local governments along the Texas-Mexico border must bear the high cost of overweight truck inspections and repairing damage to the roads resulting from the increase in heavy commercial vehicle traffic on the off-system roads; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby urge the United States Congress to create a federal category under the NAFTA agreement, for NAFTA traffic-related infrastructure damage, to provide counties and municipalities with funding for commercial vehicle weigh stations within the 20-mile commercial border zone; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–126. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to border ports of entry and high-priority transportation corridors; to the Committee on Appropriations.

Senate Concurrent Resolution No. 25

Whereas, The current presidential administration has indicated that it will allow Mexican trucks at least partial access to U.S. highways beyond the commercial border zone that was established in 1993 to limit the movement of Mexican trucks until certain basic infrastructure and safety concerns had been addressed; and

Whereas, The opening of the Texas border to Mexican trucks will unfairly impact the three border transportation districts in Pharr, Laredo, and El Paso without a commensurate increase in the commitment of money by the federal government; and

Whereas, The Texas Senate Special Committee on Border Affairs was given several study charges during the 1999-2000 interim, including assessing the long-term intermodal transportation needs of the Texas-Mexico border region, evaluating the planning and capacity resources of the three Texas Department of Transportation (TxDOT) border districts, and overseeing the implementation of federal and state one-stop inspection stations to expedite trade and traffic; and

Whereas, The senate committee reported that Texas border crossings account for approximately 80 percent of United States-Mexico truck traffic, but the state is awarded only 15 percent of the federal funds allocated for trade corridors; information from TxDOT indicates that Texas receives considerably less than its fair share of discretionary funds allocated by the federal government; recent estimates by TxDOT indicate that, even though Texas is the second largest state in the nation, the state currently receives only 49 cents on the dollar in federal highway discretionary program funds; and

Whereas, The border ports of entry are the primary gateway for commerce for Texas and the nation but have become an economic choke point as a result of the staggering volume of traffic they must handle; in 1997, more than 2.8 million trucks crossed into and from Mexico; and

Whereas, In July 1999, the General Accounting Office (GAO) reported that NAFTA-related traffic along the border region has taxed the local and regional transportation infrastructure and that the resulting lines of traffic, which can run up to several miles during peak periods, are associated with air pollution caused by idling vehicles; and

Whereas, The GAO also cited federal and local officials' concerns about congestion affecting safety around the ports of entry and noted that congestion can have a negative impact on businesses that operate on a just-in-time schedule and rely on regular cross-border shipments of parts, supplies, and finished products; and

Whereas, The senate committee reported that in the last decade total northbound truck crossings, from Mexico into Texas, increased by 215.8 percent, while vehicle crossings increased by 59 percent and pedestrian crossings by 18.5 percent; in that same period, southbound truck crossings from Texas to Mexico increased by 278.1 percent to 2.1 billion crossings, vehicle crossings by 53.9 percent to 37.9 million crossings, and pedestrian crossings by 30.8 percent to 18.5 million crossings; and

Whereas, According to some estimates, heavy truck traffic is expected to increase by 85 percent during the next three decades and severely degrade existing roads and bridges; according to TxDOT officials, one fully loaded 18-wheel truck causes as much damage as 9,600 cars; with such a significant increase of trade and cross-border activity in the border ports of entry and the border transportation districts, state and federal leaders have cause for concern about whether the current infrastructure can continue to support Texas' economic growth and, in particular, trade with Mexico; and

Whereas, The Texas Department of Economic Development (TDED) reported last year that Mexico is Texas' largest export destination and has been a chief contributor to the state's export growth; in 1999, exports to Mexico accounted for 45.5 percent of the state total and were valued at $41.4 billion; and

Whereas, The TDED has concluded that Texas accounts for 20.8 percent of the total U.S. exports to the North American market, largely because of very high export levels to Mexico; in recent years, Mexico has become the nation's second largest market, and Texas' ties to Mexico are the primary contributors to the state's high share of overall U.S. exports; and

Whereas, The comptroller of public accounts of the State of Texas has reported that exports account for 14 percent of our gross state product, up from six percent in 1985; in 1999, $100 billion in two-way truck trade passed through the Texas-Mexico border; NAFTA economic activity has tripled on the border, and trade with Mexico accounts for one in every five jobs in Texas; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United states and the president of the United States, in light of the proposed change in federal policy that will further open the border areas to Mexican truck travel, to recognize the unique planning, capacity, and infrastructure needs of Texas' border ports of entry and the high-priority transportation corridors; and, be it further

Resolved, That the Texas Legislature request the congress and the president to recognize the impact of this policy by earmarking $3 billion to fund the construction of one-stop federal and state inspection facilities that are open 24 hours per day along the Texas border region, as well as to fund infrastructure improvements and construction projects at border ports of entry; and, be it further

Resolved, That the Texas Legislature urge the congress to rectify the funding imbalance that Texas has historically experienced from the federal government, as evident in the fact that, although Texas handles 80 percent of all NAFTA-related traffic and is the second largest state in the nation, it has been awarded only 15 percent of the federal funds allocated for high-priority trade corridors; and, be it further

Resolved, That the Texas Legislature request that the congress and the president also increase the percentage in federal discretionary money that Texas has historically received by earmarking $4 billion for critical NAFTA-related planning, capacity, and right-of-way acquisition needs and $3 billion for immediate construction, maintenance, and planning needs for rural roadways that are impacted by NAFTA-related traffic, as well as those of emerging NAFTA-related corridors; and, be it further

Resolved, That the Texas Legislature urge the congress and the president to reaffirm their commitment to public safety in Texas as well as in the United States by earmarking $1 billion for law enforcement needed to prepare for the influx of Mexican trucks with access to travel throughout the border and beyond; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house or representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–127. A concurrent resolution adopted by the Senate of the legislature of the State of Texas relative to the removal of trade, financial, and travel restrictions relating to Cuba; to the Committee on Foreign Relations.

SENATE CONCURRENT RESOLUTION NO. 54

Whereas, The relationship between the United States and Cuba has long been marked by tension and confrontation; further heightening this hostility is the 40-year-old United States trade embargo against the island nation that remains the longest-standing embargo in modern history; and

Whereas, Cuba imports nearly a billion dollars' worth of food every year, including approximately 1,100,000 tons of wheat, 420,000 tons of rice, 37,000 tons of poultry, and 60,000 tons of dairy products; these amounts are expected to grow significantly in coming years as Cuba slowly recovers from the severe economic recession it has endured following the withdrawal of subsidies from the former Soviet Union in the last decade; and

Whereas, Agriculture is the second-largest industry in Texas, and this state ranks among the top five states in overall value of agricultural exports at more than $3 billion annually; thus, Texas is ideally positioned to benefit from the market opportunities that free trade with Cuba would provide; rather than depriving Cuba of agricultural products, the United States embargo succeeds only in driving sales to competitors in other countries that have no such restrictions; and

Whereas, In recent years, Cuba has developed important pharmaceutical products, namely, a new meningitis B vaccine that has virtually eliminated the disease in Cuba; such products have the potential to protect Americans against diseases that continue to threaten large populations around the world; and

Whereas, Cuba's potential oil reserves have attracted the interest of numerous other countries who have been helping Cuba develop its existing wells and search for new reserves; Cuba's oil output has increased more than 400 percent over the last decade; and

Whereas, The United States' trade, financial, and travel restrictions against Cuba hinder Texas' exports of agricultural and food products, its ability to import critical energy products, the treatment of illnesses experienced by Texans, and the right of Texans to travel freely; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to consider the removal of trade, financial, and travel restrictions relating to Cuba; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM—128. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the addition of 18 federal judges and commensurate staff to handle the current and anticipated caseloads along the United States-Mexico border, to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 12

Whereas, The strategy of the United States Department of Justice to reduce crime along the United States border by focusing on illegal immigration, alien smuggling, and drug trafficking generated an explosion in arrests by agents from the United States Customs Service, the Drug Enforcement Administration, and the Immigration and Naturalization Service at border checkpoints; and

Whereas, In 1999, the five federal southwestern judicial districts along the border, including two in Texas, received 27 percent of all criminal case filings in the United States while the other 73 percent were spread among the country's remaining 84 federal district courts; and

Whereas, From 1996 to 1997, the total number of federal criminal cases filed in the Western and Southern districts of Texas doubled, and from 1997 to 1999, the number of drug cases filed in the Western District of Texas increased 64 percent and 100 percent in the Southern District of Texas; and

Whereas, Judicial resources in the five southwestern border districts have increased by only four percent, and since 1990, congress has not approved any new judges for the Western District of Texas, which leads the nation in the filing of drug cases; and

Whereas, As a result of the federal courts being inundated by this unprecedented number of new drug and illegal immigration indictments, the federal authorities no longer prosecute offenders caught with less than a substantial amount of contraband; these cases are instead referred to the local district attorneys in the border counties of Texas to prosecute; and

Whereas, As a result, local governments in the border counties, who are among the poorest in the United States, are being overwhelmed with the costs involved in prosecuting and incarcerating federal criminals; and

Whereas, The annual cost to prosecute these federal criminal cases ranges from $2.7 million to approximately $8.2 million per district attorney jurisdiction, and it is anticipated that the total cost will reach $25 million per year; and

Whereas, The federal government has infinitely more resources than state and local governments and in turn must shoulder a larger portion of the financial burden; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to authorize an additional 18 federal judges and commensurate staff to handle the current and anticipated caseloads along the United States-Mexico border and to fully reimburse local governments for the costs incurred in prosecuting and incarcerating federal defendants; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the Senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–129. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to federal and state controlled emission sources; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 35

Whereas, Air pollution has a potentially serious impact on the health of many Americans, including a majority of the nearly 21 million residents of the State of Texas, and is a matter of concern to both federal and state governments, which share a responsibility to clean up the environment and protect the public health; and

Whereas, In metropolitan areas where the problem is most severe, achieving federally mandated reductions in the emission of certain pollutants within the time lines established by the United States Environmental Protection Agency (EPA) will be possible only through an appropriate combination of federal, state, and local actions, including not only stringent local and state emission controls but also the timely implementation of federal controls; and

Whereas, Emissions may be regulated by either the state's environmental regulation agency or the federal government, depending on their origin; and

Whereas, For example, emissions from an industrial facility, such as a utility company or petroleum refinery, are subject to state regulations, while gasoline and diesel fuel standards and emissions from aircraft, airport ground support equipment, automobiles, trucks, marine engines, and locomotives are all federally controlled; and

Whereas, Under recent federal action, the EPA will require buses and commercial trucks to produce 95 percent less pollution than today's buses and trucks and will require the amount of sulfur in diesel fuel to be reduced by 97 percent; these measures alone are expected to cut air pollution by as much as 95 percent; and

Whereas, At issue is the fact that the low-sulfur diesel fuel provisions will not go into effect before 2006, and diesel fuel engine manufacturers will have flexibility in meeting the new emission standards due to phase in between 2007 and 2010; the slow rate of turnover among commercial fleets means that these federal emission control measures will likely have little effect until several years after that, when a sufficient number of these trucks and buses are in operation; and

Whereas, Currently, the State of Texas has nine metropolitan areas that either have been designated as nonattainment areas by the EPA or are close to exceeding the National Ambient Air Quality Standards (NAAQS) for one or more of the regulated pollutants; these nonattainment or near-nonattainment areas have been given strict time lines for their emission reduction efforts based on the severity of pollution in the area; and

Whereas, Because of the lengthy time line for the reduction of emissions from federally controlled sources, the federally mandated attainment date for some NAAQS nonattainment regions in Texas, such as the Houston-Galveston-Brazoria area, will arrive long before the effects of federal air quality improvement efforts can be realized; and

Whereas, Texas is forced to require state-controlled emission sources to make significant reductions in pollution in a relatively short period of time while federally controlled sources continue to contaminate the state's environment; and

Whereas, The incongruence in the federal and state time lines for emission reductions places an undue burden on the state to lower air pollution significantly enough to be in attainment with the NAAQS without a corresponding decrease in emissions from any of the myriad federally controlled emission sources; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to require federally controlled emission sources to reduce their emissions by the same percentages and on the same schedule as state-controlled sources; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–130. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the federal regulation relating to the three-shell limit and the magazine plug requirement found in 50 C.F.R. Section 20.21; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 28

Whereas, During the late 19th and early 20th centuries, the harvesting of migratory game birds for subsequent resale, or "market hunting," was widespread, and this wasteful method led to federal regulations to eliminate the practice in all 50 states; and

Whereas, One regulation adopted to curtail this practice limits the number of shells a shotgun can hold to no more than three and requires shotgun magazines to have a plug to effect the three-shell limit; and

Whereas, In the ensuing years, additional regulations have been enacted to protect migratory game birds, such as the current federal and state daily or seasonal bag limits that regulate the number of game birds that can be killed or possessed by a hunter, making the three-shell limit and the magazine plug requirement unnecessary and archaic; and

Whereas, Enforcing outdated regulations wastes limited law enforcement resources that could be better utilized enforcing other hunting laws, such as bag limits; and

Whereas, A game bird wounded by a third shot that cannot subsequently be killed by a fourth shot suffers an inhumane death and is a waste of game resources; and

Whereas, The greater frequency of loading a shotgun necessitated by the three-shell limit creates a safety hazard for the hunter; and

Whereas, Because migratory game birds can be protected by other federal and state regulations, the enforcement of the three-shell limit and magazine plug requirement is no longer necessary and should be discontinued; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to repeal the federal regulation relating to the three-shell limit and the magazine plug requirement found in 50 C.F.R. Section 20.21; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–131. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to designating threatened species and critical habitat for the Arkansas River shiner; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 51

Whereas, Under rules adopted on November 23, 1998, the Fish and Wildlife Service of the United States Department of the Interior listed the Arkansas River shiner (*Notropis girardi*), a minnow whose present range includes portions of the Canadian River in Texas, as a threatened species pursuant to the federal Endangered Species Act; and

Whereas, Subsequent rules adopted on April 4, 2001, which follow from policy reconsideration stipulated in an agreed settlement order, designate 1,148 miles of river segments in the Arkansas River basin—including over 100 miles of the Canadian River in Oldham, Potter, and Hemphill counties in Texas—as critical habitat for the species; and

Whereas, This state's Parks and Wildlife Department recommended against listing the Arkansas River shiner as an endangered or even threatened species because such a listing was scientifically unsound and unnecessary; and

Whereas, The Fish and Wildlife Service refused to enter a Memorandum of Understanding concerning recovery of the Arkansas River shiner with the states of Texas and

Oklahoma, yet in its recent rule adoption notice concedes that ideally a recovery plan should precede critical habitat designation; and

Whereas, Its designation, which becomes effective on May 4, 2001, includes a portion of the Canadian River that makes up the headwaters of Lake Meredith, and as such could potentially interfere with the reservoir's water supply and flood control functions; and

Whereas, Critical habitat designation enhances the likelihood that the Endangered Species Act of 1973, as amended, might be used as a vehicle for direct regulation of Texas groundwater and surface water use by the federal government or the federal courts; and

Whereas, Notwithstanding its recent final rule adoption, the Fish and Wildlife Service states that it continues to solicit additional public comments on the issue toward possible new approaches to recovery planning; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby urge the United States Department of the Interior to reconsider the necessity of designating the Arkansas River shiner as a threatened species and the necessity of designating critical habitat in Texas for the Arkansas River shiner; and, be it further

Resolved, That the 77th Legislature of the State of Texas urge the Parks and Wildlife Department and the Office of the Attorney General to take all reasonable steps to ensure that portions of the Canadian River in Texas be designated as critical habitat only to the extent that such designation is absolutely necessary, scientifically justifiable, and economically prudent; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the secretary of the interior, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America; and, be it further

Resolved, That the Texas secretary of state forward an official copy of this resolution to the executive director of the Parks and Wildlife Department and to the attorney general of Texas.

POM–132. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the reduction of pollution and the protection of the environment through the implementation of federal regulations; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 22

Whereas, The reduction of pollution and the protection of the environment is of great concern to both the federal government and the Texas Legislature; and

Whereas, To protect its natural resources and environment as effectively as possible, Texas needs greater flexibility in its implementation of federal regulations; and

Whereas, The current command-and-control approach instituted by the United States Environmental Protection Agency to limit pollution at the state level through the use of a federally mandated permitting process has proven to be moderately successful at reducing pollution, but it is also an overly prescriptive process that is unduly burdensome and costly to both the states and the regulated facilities relative to the results achieved; and

Whereas, Alternative paradigms are available, including outcome-based assessment methods that allow the state to measure the actual reduction of pollution rather than simply monitoring each facility's compliance with its permit; and

Whereas, States should be given greater latitude to implement innovative regulatory programs and other pollution reduction methods that vary from the current model, which requires states to adhere strictly to the federally mandated permitting process; and

Whereas, Providing this flexibility would allow states such as Texas to tailor appropriate and effective approaches to state-specific environmental problems rather than expending resources to ensure compliance with one-size-fits-all regulations that place an inordinate emphasis on procedural detail; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the United States Environmental Protection Agency to provide maximum flexibility to the states in the implementation of federal environmental programs and regulations; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the administrator of the United States Environmental Protection Agency, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–133. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to amending provisions of the Internal Revenue Code of 1986, as added by PL 106–230; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 77

Whereas, In an attempt to enact meaningful campaign finance reform legislation, the 106th Congress of the United States passed the Full and Fair Political Activities Disclosure Act (Public Law 106–230), which imposed notification and reporting requirements on political organizations claiming tax-exempt status under Section 527 of the Internal Revenue Code; and

Whereas, Public Law 106–230 took effect July 1, 2000, four days after its introduction; the rapidity of its passage through congress reflected the lawmakers' sense of urgency to act, but it also suggests that adequate time was not provided for deliberation of the full ramifications of certain provisions; and

Whereas, The goal of this legislation was to respond to certain political organizations, known as "stealth PACs," that were able to raise and spend unlimited amounts of money for political advocacy without having to disclose the sources and amounts of donations, all while enjoying tax-exempt status; and

Whereas, While the Texas Legislature supports the laudable goal of holding all participants in the political process accountable to the public, the members of this body believe that this well-intentioned Act has had unintended consequences and has adversely affected individuals and organizations beyond its original intent; and

Whereas, Public Law 106–230 imposes duplicative and burdensome federal reporting and disclosure requirements on local and state candidates, their campaign committees, and local and state political parties that already are required to file detailed reports with their respective state election officials; and

Whereas, These requirements have created a paperwork nightmare for entities that are clearly outside the intended scope of PL 106–230 without significantly adding to the body of information available to the public; and

Whereas, A remedy in the form of an exemption for those entities or an exception for information reported and filed elsewhere with state officials would not violate the intention of enforcing public accountability, since the individuals and organizations affected already are required to report and disclose to the state the same information that PL 106–230 now requires them to report to the Internal Revenue Service; nor would it be unprecedented, since a similar exemption already exists for candidates, campaign committees, and party organizations engaged in federal elections, who are required by FECA to report that information to the Federal Election Commission; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to amend provisions of the Internal Revenue Code of 1986, as added by PL 106–230, to exempt state and local political committees that are required to report to their respective states from notification and reporting requirements imposed by PL 106–230; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–134. A concurrent resolution adopted by the Senate of the Legislature relative to providing tax credits to individuals buying private health insurance; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 37

Whereas, Almost 90 percent of all health insurance is paid for by and through employer programs, providing the majority of American workers with affordable access to health care; and

Whereas, Generous federal tax code provisions that make employee contributions to employer-provided health insurance fully deductible from federal individual income taxes allow employees participating in such plans to purchase the coverage they need in a cost-effective manner; and

Whereas, Some employers benefit from the health insurance they provide since the tax code also allows them to deduct the cost of the health insurance they offer employees from their corporate income taxes as a business expense; and

Whereas, Not everyone is fortunate enough to be able to participate in an employer-provided health plan, and those who purchase private health insurance do not receive tax breaks of any kind; for these individuals, a dollar in pretax wages may buy only 50 cents' worth of health insurance after federal, state, and local taxes are taken out; and

Whereas, Congress has responded to this issue with the 1999 Omnibus Appropriations Act, which gives a 60 percent tax deduction for insurance expenses to those who are self-employed; this deduction is scheduled to rise to 100 percent by 2003; and

Whereas, For individuals who purchase private health insurance and bear the full cost of a policy without the benefit of an employer's contributions, this deduction does little to make that private insurance affordable, since tax deductions provide a less substantial tax break than tax credits; while a tax deduction is subtracted from a person's income when calculating taxes, a tax credit is subtracted from the person's bottom line of taxes owed; and

Whereas, Tax credits will give consumers more choice in health plans because employees would no longer be limited to insurance offered by employers; furthermore, consumers who bought their own private health insurance could maintain their coverage even if they changed jobs without any lapse in coverage; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to provide tax credits to individuals buying private health insurance; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–135. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to amending the Internal Revenue Code of 1986 to allow for the issuance of tax-exempt bonds for the purpose of financing air pollution control facilities nonattainment areas; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 226

Whereas, The Houston-Galveston-Brazoria (HGB) area is classified as a serious nonattainment area and the Beaumont-Port Arthur (BPA) area is classified as a moderate nonattainment area for the one-hour ozone standard and both are likely to be classified as nonattainment areas for the proposed eight-hour ozone standards and for the particulate matter 2.5 standards, should those standards be reinstated; and

Whereas, The State of Texas recently submitted revisions of its State Implementation Plan (SIP) for the HGB and BPA areas the United States Environmental Protection Agency (EPA) outlining measures that will be taken in order to achieve compliance with the National Ambient Air Quality Standards for ozone; and

Whereas, For the HGB and BPA areas to be classified as in attainment for ozone, the regions must make significant reductions in air containment emissions from several types of sources, including industrial point sources such as petroleum refineries and chemical plants; and

Whereas, Strategies aimed at controlling industrial emissions target specific industries and facilities, requiring them to bear up front the high costs of installing emission control technologies; and

Whereas, While pollution control technologies can be effective in reducing emissions, the technology that many companies are required to purchase by the ozone SIP can cause a tremendous financial strain on an individual entity and affect entire industries; and

Whereas, Some industries, including agricultural, chemical production, gasoline terminals, and oil and natural gas production and petroleum refineries, must purchase costly maximum achievable control technology in order to be in compliance with the ozone SIP; and

Whereas, The Texas Gulf Coast has a crude operatable capacity of 3.462 barrels of refined petroleum products per calendar day, i.e. 84.6 percent of the Texas total and 21.9 percent of the U.S. total; and

Whereas, The HGB area is home to more than 400 chemical plants employing more than 38,200 people and the BPA area is home to numerous chemical plants and industrial operations employing more than 20,000 people; and

Whereas, The Houston Gulf Coast has nearly 49 percent of the nation's base petrochemicals manufacturing capacity; this is more than quadruple the manufacturing capacity of its nearest U.S. competitor; and

Whereas, Many of the commodities produced in this area are distributed throughout the nation, yet, while the entire country benefits from the petroleum refining and petrochemical industries, these industries must bear the up-front costs of environmental compliance while faced with global competition without significant federal assistance; and

Whereas, Currently, the federal government authorizes the issuance of tax-exempt facility bonds to finance the building of installations that are used for the public good, such as airports, water plants, sewage and solid waste systems, and some hazardous waste facilities; however, since 1986, such bond issues have no longer been authorized for air pollution control facilities; and

Whereas, The reduction of air pollution clearly benefits all residents of the state, and air contaminant emission reductions are mandated by the federal government in nonattainment areas; given the severity of the up-front financial costs that are to be incurred in order to reduce the air contaminant emissions in Texas nonattainment areas, restoring the previous provision that allowed the issuance of tax-exempt facility bonds to finance air pollution control facilities would significantly enhance the ability of regions such as the Houston-Galveston-Brazoria and Beaumont-Port Arthur areas to meet applicable National Ambient Air Quality Standards and avoid future sanctions; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to amend the Internal Revenue Code of 1986 to allow for the issuance of tax-exempt facility bonds for the purpose of financing air pollution control facilities in nonattainment areas and to provide that such tax-exempt facility bonds issued during the years of 2003, 2004, 2005, 2006, or 2007 for the construction of such air pollution control facilities not be subject to the volume cap requirements; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–136. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to establishing a separate Federal Medical Assistance Percentage for the Texas-Mexico border region; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 214

Whereas, The Texas-Mexico border region suffers from an inadequate medical infrastructure that has led to disparities in access to health care between the border region and the rest of the state; and

Whereas, Statewide in 1998, there was an average of 270 Medicaid-eligible patients for every physician participating in the Medicaid program, but in the border counties where there were participating physicians, the number of eligible patients per physician ranged from a low of 416 in El Paso County to a high of 1,361 in Starr County; in two counties, Presidio and Zapata, there were no participating physicians at all to serve the Medicaid-eligible population; and

Whereas, The border region historically has had high patient-to-physician ratios, resulting in limited access to health care services and reduced utilization rates for these services; in addition, the availability of medical care in Mexico may also reduce utilization rates for the region; and

Whereas, Low utilization rates along the border create a distorted assessment of the actual demand for services and inappropriately drive down the capitated reimbursement rates for both Medicaid and the Children's Health Insurance Program (CHIP); and

Whereas, The average per-recipient reimbursement for the border region is 16 percent less than the statewide average, which creates a disincentive for health care providers to locate and provide services to Medicaid clients in the region; furthermore, low reimbursement rates complicate already limited access to health care as existing providers either leave the program or limit their participation; and

Whereas, Current Medicaid and CHIP reimbursement rates simply trap the Texas-Mexico border counties in a cycle of limited access to care, low utilization rates, and low reimbursement rates, all of which further damage the medical infrastructure of the region and create greater barriers to health care access for Medicaid and CHIP clients; and

Whereas, The unique issues facing the border may not be apparent when evaluations of the state as a whole mask discrepancies between the border and the rest of the state; calculating the federal share of the state's Medicaid costs, or the Federal Medical Assistance Percentage (FMAP), using the state's per capita income may not provide an accurate assessment of the border region's needs; and

Whereas, Establishing a separate FMAP for the border region would recognize these unique circumstances and allow current state Medicaid funding in the region to draw down additional federal funds that would help eliminate the reimbursement disparity; and

Whereas, Unless this disparity is resolved, the region will continue to suffer from an inadequate health care infrastructure that is unable to address the medical needs of the border residents; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to establish a separate Federal Medical Assistance Percentage for the Texas-Mexico border region; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–137. A concurrent resolution adopted by the House of the Legislature of the State of Texas relative to the SS Leopoldville; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 201

Whereas, On Christmas Eve 1944, while carrying American soldiers of the 66th Infantry Division to reinforce Allied troops fighting the Battle of the Bulge, the SS Leopoldville was sunk in the English Channel by a U-boat torpedo, resulting in the loss of 763 members of the 262nd and 264th regiments, including 35 Texans; and

Whereas, The underwater grave, located five and a half miles off the coast of Cherbourg, France, cradles to this day the remains of 493 unrecovered and entombed American servicemen who have been honored by monuments erected across the United States in their memory; and

Whereas, World War II combat and wreckage locations, including many at sea, have fallen prey to plunderers and looters who, in seeking souvenirs and commercial reward, have desecrated the memory of our valorous combatants and their final resting places; and

Whereas, The wreckage of the SS Leopoldville is threatened by the practice of divers who descend to remove such artifacts as brass, portholes, and other parts of the ship and who, if unchecked, may begin to extract the personal effects and military equipment of the deceased and in so doing disturb the sanctity of their burial site; and

Whereas, The State of New York has issued a proclamation in memory of the victims of the SS Leopoldville, and at least a dozen like measures have been passed by other states to commemorate the men who lost their lives in this tragedy and to ensure that they continue their silent rest in dignity; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby honor the American servicemen who were lost when the troopship SS Leopoldville was sunk by an enemy torpedo on December 24, 1944; and, be it further

Resolved, That the Texas Legislature respectfully memorialize the Congress of the United States to take appropriate action to prevent further desecration of the SS Leopoldville or any of its contents; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–138. A concurrent resolution adopted by the Senate of the Legislature of the State of Texas relative to the Minerals Management Service plan to proceed with the Outer Continental Shelf Lease Sale 181; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 34

Whereas, A strong domestic oil and gas industry is vitally important to the United States economy and national defense; and

Whereas, This nation's domestic oil and gas production has decreased by 2.7 million barrels per day during the last 13 years, a 17 percent decline, at the same time that domestic consumption of oil has increased by more than 14 percent; and

Whereas, Currently, the United States imports approximately 55 percent of the oil needed for the American economy, while the demand for refined petroleum products is projected to increase by more than 35 percent and the demand for natural gas is projected to increase by more than 45 percent over the next two decades; and

Whereas, Much of the nation's greatest potential for future domestic production lies in areas that are currently off limits to oil and natural gas exploration and development, including areas under congressional or presidential moratoria in the federal Outer Continental Shelf (OCS), where vast amounts of oil and natural gas may be available for extraction; and

Whereas, For the first time since 1988, the Minerals Management Service, a bureau of the United States Department of the Interior that manages the nation's oil, gas, and other mineral resources in the OCS, has proposed an OCS lease sale for the eastern Gulf of Mexico, in the portion of the Gulf 100 miles southwest of the Florida Panhandle and 15 miles south of the Alabama coastline; the bureau's tentative schedule calls for bid opening and reading in December 2001; and

Whereas, The oil and gas industry has demonstrated that it can be a good steward of the environment while operating in the Gulf of Mexico; and

Whereas, Oil and gas production from this area of the Gulf of Mexico would help offset current domestic energy production declines and assist the nation in meeting future energy demand; and

Whereas, Numerous positive economic benefits for the State of Texas have been created by oil and gas industry activities in the Gulf, and many of the exploration and production companies that would participate in the OCS Lease Sale 181 are headquartered in Texas as are many of the oil field supply and service companies that would benefit by increased activities; and

Whereas, The economic benefits that would result from oil and natural gas exploration, development, and production of leases acquired in OCS Lease Sale 181 would continue to benefit the State of Texas and all the states bordering the Gulf of Mexico; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby declare support for the Minerals Management Service plan to proceed with the Outer Continental Shelf Lease Sale 181 for the eastern Gulf of Mexico scheduled for December 5, 2001; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the Director of the Minerals Management Service, to the Secretary of the Interior, to the President of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 16: A resolution designating August 16, 2001, as "National Airborne Day".

S. Con. Res. 16: A concurrent resolution expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. LEAHY. Mr. President, for the Committee on the Judiciary.

Ralph F. Boyd, Jr., of Massachusetts, to be an Assistant Attorney General.

Robert D. McCallum, Jr., of Georgia, to be an Assistant Attorney General.

Roger L. Gregory, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Sam E. Haddon, of Montana, to be United States District Judge for the District of Montana.

Richard F. Cebull, of Montana, to be United States District Judge for the District of Montana.

Eileen J. O'Connor, of Maryland, to be an Assistant Attorney General.

Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. SESSIONS):

S. 1197. A bill to authorize a program of assistance to improve international building practices in eligible Latin America countries; to the Committee on Foreign Relations.

By Mr. LIEBERMAN (for himself and Mr. THOMPSON):

S. 1198. A bill to reauthorize Franchise Fund Pilot Programs; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. BAUCUS, Mr. CHAFEE, Ms. LANDRIEU, Mr. LOTT, Mr. CONRAD, Mr. MURKOWSKI, Mr. ALLARD, Mr. BROWNBACK, Mr. COCHRAN, Mr. DOMENICI, Mr. GRAMM, Mr. ENZI, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. NICKLES, Mr. STEVENS, and Mr. THOMAS):

S. 1199. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments; to the Committee on Finance.

By Mr. CLELAND (for himself and Mr. LIEBERMAN):

S. 1200. A bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. BREAUX, Mrs. LINCOLN, Mr. ALLARD, Mr. THOMPSON, and Mr. GRAMM):

S. 1201. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. THOMPSON):

S. 1202. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to extend the authorization of appropriations for the Office of Government Ethics through fiscal year 2006; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 1203. A bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mr. ROCKEFELLER, Mr. EDWARDS, Mr. BIDEN, Mr. DORGAN, Mr. JOHNSON, and Mr. LEVIN):

S. 1204. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant; to the Committee on Finance.

By Mr. BENNETT:

S. 1205. A bill to adjust the boundaries of the Mount Nebo Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. FRIST, and Mr. MCCONNELL):

S. 1206. A bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 1207. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. DURBIN, Ms. LANDRIEU, Mrs. CLINTON, and Mr. SCHUMER):

S. 1208. A bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DASCHLE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERRY, Mr. TORRICELLI, Mrs. LINCOLN, Mr. JEFFORDS, Mr. BAYH, Mr. DAYTON, and Mr. LIEBERMAN):

S. 1209. A bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 137. A resolution to authorize representation by the Senate Legal Counsel in John Hoffman, et al. v. James Jeffords; considered and agreed to.

ADDITIONAL COSPONSORS

S. 242

At the request of Mr. BINGAMAN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 242, a bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006.

S. 367

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 392

At the request of Mr. SARBANES, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 565

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 620

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 620, a bill to amend the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 826

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 826, a bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements.

S. 829

At the request of Mr. BROWNBACK, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 829, a bill to establish the National Museum of African American History and Culture within the Smithsonian Institution.

S. 836

At the request of Mr. CRAIG, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 880

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 880, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant, and for other purposes.

S. 905

At the request of Mr. HARKIN, the names of the Senator from Minnesota

(Mr. WELLSTONE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 905, a bill to provide incentives for school construction, and for other purposes.

S. 942

At the request of Mr. GRAHAM, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 942, a bill to authorize the supplemental grant for population increases in certain states under the temporary assistance to needy families program for fiscal year 2002.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1017

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1017, a bill to provide the people of Cuba with access to food and medicines from the United States, to ease restrictions on travel to Cuba, to provide scholarships for certain Cuban nationals, and for other purposes.

S. 1018

At the request of Mr. LEVIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 1018, a bill to provide market loss assistance for apple producers.

S. 1075

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1195

At the request of Mr. SARBANES, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1195, a bill to amend the National Housing Act to clarify the authority of the Secretary of Housing and Urban Development to terminate mortgagee origination approval for poorly performing mortgagees.

At the request of Mr. SARBANES, the name of the Senator from Nevada (Mr. REID) was withdrawn as a cosponsor of S. 1195, supra.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. CON. RES. 52

At the request of Mr. CORZINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 52, a concurrent resolution expressing the sense of Congress that reducing crime in public housing should be a priority, and that the successful Public Housing Drug Elimination Program should be fully funded.

S. CON. RES. 59

At the request of Mr. HUTCHINSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. Con. Res. 59, a concurrent resolution expressing the sense of Congress that there should be established a National Community Health Center Week to raise awareness of health services provided by community, migrant, public housing, and homeless health centers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. SESSIONS):

S. 1197. A bill to authorize a program of assistance to improve international building practices in eligible Latin American countries; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I rise today to introduce legislation that will improve building safety in Latin America, increase the cost-effectiveness of our disaster relief assistance, and, most importantly, save lives. As many of us know, throughout the last decade, the people of Latin America have been the victims of numerous natural disasters that have resulted in death, property damage, and destruction. Indeed, in the last three years the continent has been ravaged by Hurricane Mitch, earthquakes in El Salvador and Peru, and horrendous rains and mudslides. These disasters have exacted a tremendous toll on the region, causing over 12,000 deaths, $40 billion in damage, and numerous injuries.

The cost to rebuild following these disasters is prohibitive and places a tremendous burden on the already struggling emerging economies of Latin America. To mitigate this cost, the United States has frequently released disaster relief funds to help affected countries recover the injured, maintain order, and rebuild their infrastructure. For example, the combined assistance released by the United States following Hurricane Mitch and the recent earthquakes totals over $1.2 billion. I fully support these appropriations, and believe that we have a duty to assist our neighbors and allies when they are confronted with natural disasters. I do, however, believe that we can make this assistance more cost-effective in the long run, while saving lives.

As I stated, I fully support offering U.S. monetary assistance to rebuild following natural disasters. However, because much of Latin America does not utilize modern, up-to-date building codes, much of this assistance goes to waste. For example, following the earthquakes in El Salvador in 1986, the United States provided $98 million dollars to rebuild that country. Most of the reconstruction was done by local Salvadoran contractors, and these structures were not built to code. Now, 15 years later, following the most recent earthquakes in El Salvador, the United States offered over $100 million dollars in aid. Had reconstruction in 1986 been done to code, undoubtedly the cost of the most recent earthquake would have been lower in both monetary value and lives.

To remedy this problem, and encourage safe, modern building practices in countries that need them the most, I introduce today, with my colleagues Senator LIEBERMAN and Senator SESSIONS, the Code and Safety for the Americas, CASA Act. The CASA Act would authorize the expenditure of $3 million over two years from general foreign aid funds to translate the International Code Council family of building codes, which are the standard for the United States, into Spanish. Furthermore, it would provide funding for the International Code Council's proposal to train architects and contractors in El Salvador and Ecuador in the proper use of the code. By educating builders and providing them the necessary code for their work in their own language, it is only a matter of time before we will begin to see safer buildings in the region, and a return on our investment. The United States spent over $10 million in body bags, temporary tent housing, and first aid alone following the recent earthquake in El Salvador. For a comparatively modest sum, $3 million, we can reduce the need for this type of aid by attacking the problem of shoddy building before it begins.

In addition, after this program has been implemented in El Salvador and Ecuador, it could easily be replicated in other Latin American countries at low cost, requiring only funding for the training program. While we want to start this program on a small scale, I am confident that other countries will request similar training programs in the future. In fact, other countries have already asked to be considered for a future expansion of the program. The Inter-American Development Bank and UN have expressed interest in this idea, and are potential candidates to provide partial funding of any future expansion. Given this interest, it is highly likely that, in the future, a public-private partnership can be constructed to expand this program to Peru, Guatemala, and the rest of Spanish-speaking Latin America. Also, we cannot forget the valuable contributions that American volunteer organizations such as the International Executive Service Corps can make to this program in the long-run.

This legislation is supported by architects, contractors, and public officials both in the United States and in Latin America. Students of architecture in Latin America want to be taught proper standards and code application, and local governments have requested the code in Spanish. So, this is not a case of the "ugly" America imposing its will on Latin America. We have been asked to share this life-saving code with our Southern neighbors and, indeed, the number of requests from different countries has been staggering.

In short, this legislation will save lives, lessen the damage caused by future disasters, and illustrate our good will toward our Latin American allies while proving to be cost-effective for the United States through decreased aid following future disasters. For a detailed analysis of the problem, and this solution, I wish to draw my colleagues attention to an article by Steven Forneris, an American architect living in Ecuador, that appeared in "Building Standards" magazine. In it, Mr. Forneris argues the value of this proposal from his position at the front lines in Ecuador. He clearly and eloquently outlines why Latin America needs building code reform, and why it is in the best interests of the United States to involve itself in this endeavor.

The CASA Act is common-sense legislation that will dramatically improve the lives of citizens of our hemisphere, and represents a real chance for American leadership in the Hemisphere at very little cost. I hope that my colleagues will join me in this humanitarian effort.

I ask unanimous consent that Mr. Forneris' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Building Standards, March–April 2001]

IS IT WRONG TO ASK FOR HELP ON BUILDING CODES?

(By Stephen Forneris)

I work in the field of architecture, part of the time in the City of Guayaquil, Ecuador, and the other part of the time in New York State. Like everyone involved in this profession, one of my chief responsibilities is to guard the health, safety and welfare of my clients. The architects I work with in New York do this by following the International Codes promulgated by the International Code Council (ICC). When working as an architect myself in the small Latin American nation of Ecuador, which simply does not have the resources to develop a complete building code of its own, I am left with a set of very limited and woefully inadequate codes.

Ecuador developed its current code 20 years ago by translating portions of 1970s versions of the American Concrete Institute "Building Code Requirements for Reinforced Concrete and the Uniform Building Code" (UBC). While a noble effort at the time, it is antiquated by today's standards. The adopted provisions only address structural design requirements and the code does not provide for any general life-safety design concerns such as fire and egress. In 1996, the president of Ecuador signed a bill to develop a new code, but it will take years before it is fully complete and will still only consider structural design requirements. So what does this have to do with the United Nations or the U.S. Government?

As part of its International Decade for Natural Disaster Reduction program, the United Nation's Risk Assessment Tools for Diagnosis of Urban Areas Against Seismic Disasters (RADIUS) project conducted a study of Guayaquil. The RADIUS team determined there to be a 53-percent chance that a magnitude 8.0 or greater earthquake will strike within 200 miles of the city in the next 50 years. An estimated 26,000 fatalities would result, along with approximately 90,000 injuries severe enough to require hospitalization. Projections indicate that up to 75 percent of the local hospitals would be non-operational and 90,000 people left homeless. Power would be out for up to three weeks, telephones inoperable and roads impassable for two months, running water cut off for three months, and sewage systems unusable for a year. All told, damage from the tragedy is expected to exceed one billion U.S. dollars . . . and Guayaquil, which is situated in a zone of high seismic activity that stretches from Chile to Alaska, is not even the most vulnerable of Ecuador's cities.

I watched news of the recent earthquakes in El Salvador and India with apprehension, knowing that it is only a matter of time before Guayaquil joins the ranks of these horrific human disasters. My colleagues in New York and I are shocked at what those poor people must be going through and are proud that our government is doing its part to help. We are a kind people at our core, and the U.S. Agency for International Development (USAID) has given El Salvador $8,365,777 and India $12,595,631 in assistance. I have to wonder, though, if the U.S. government has been able to allocate nearly $21 million over the past few months for international disaster relief, should it not be possible to get funding to mitigate the effects of future disasters like these?

In 1999, James Lee Witt, then director of the U.S. Federal Emergency Management Agency (FEMA) stated: "At FEMA, we're working to change the way Americans think about disasters. We've made prevention the focus of emergency management in the United States, and we believe strong, rigorously enforced building codes are central to that effort." In 1999, FEMA signed an agreement with ICC to encourage states to adopt and enforce the International Building Code (IBC). As the U.S. government has turned to an aggressive program of domestic prevention, it only seems logical to apply this philosophy in its projects abroad.

Guayaquil, and all of Latin America for that matter, needs our help right now. The FEMA-endorsed International Codes arguably provide the best mitigation for natural disasters available in the world, and ICC representatives have informed me that they have a team ready to translate them into Spanish. If USAID is capable of providing such quick and significant funding for plastic sheets, water jugs, hygiene kits, food assistance, etc., why not consider funding translation of the International Codes for a fraction of that cost?

In February of this year, The Associated Press reported that USAID had agreed to provide an additional $3 million to El Salvador for emergency housing. Less than a month later, President Bush pledged $100 million more in aid, which El Salvador's President Francisco Flores has stated will be used to reconstruct basic infrastructure and housing in the country. It is worth recalling that only 15 years ago the U.S. government provided El Salvador reconstruction funds totaling $98 million after a smaller earthquake. This brings the total to more than $200 million in less than 20 years, yet the people of El Salvador are no safer because their homes still do not meet any of the generally accepted U.S. building code standards.

I have to wonder what kind of message we are sending to developing countries? Have we created a "disaster lottery" in which needed aid comes only after images of devastation flash across the evening news? If so, South America alone stands to receive hundreds of millions of dollars in disaster relief over the next few years. In contrast, code translation, certification and training would greatly reduce the risk in the region for much less. What we need to do is think about saving lives now. It is sad to think that it may be easier to get coffins in which to bury the dead than the building codes that would save many of those same people's lives. It is my hope that the U.S. and United Nations, motivated by compassion, foresight and simple economics, can help provide all of Latin America with the truly vital and life-protecting building codes the region urgently needs.

REFERENCES

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James Lee Witt, Director of U.S. Federal Emergency Management Agency, remarks to the International Code Council, 9/13/99, St. Louis, MO.

Julie Watson, "El Salvador Seeks Aid after Quake", 2/15/01. Reprinted with permission of The Associated Press.

Sandra Sobieraj, "Bush Promises Help For El Salvador," 3/2/01. Reprinted with permission of The Associated Press.

By Mrs. HUTCHISON (for herself, Mr. BREAUX, Ms. COLLINS, Mr. BAUCUS, Mr. CHAFEE, Ms. LANDRIEU, Mr. LOTT, Mr. CONRAD, Mr. MURKOWSKI, Mr. ALLARD, Mr. BROWNBACK, Mr. COCHRAN, Mr. DOMENICI, Mr. GRAMM, Mr. ENZI, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. NICKLES, Mr. STEVENS, and Mr. THOMAS):

S. 1199. A bill to amend the Internal Revenue Code of 1986 to allow a tax credit for marginal domestic oil and natural gas well production and an election to expense geological and geophysical expenditures and delay rental payments; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I rise today to speak about an energy bill I am re-introducing this year, marginal well tax credits. I am proud to introduce the Hutchison-Breaux-Collins Marginal Well Preservation Act of 2001.

As we look to long-term solutions to the high cost of gasoline, electricity and home heating oil, marginal well tax incentives are critical to increasing supply and retaining our energy independence. Our crisis of volatile fuel prices in the U.S. has led this year to historically high gasoline prices, airline ticket surcharges for rising jet fuel costs, and expected problems with high home heating oil costs this coming winter. This problem is real, it is growing, and it demands a response from Congress to join with the Administration to find a comprehensive, long-term solution.

Senators representing all regions of the country, including the Northeast and Midwest have a common interest: to make the United States less susceptive to the volatility of world oil markets by reducing America's dependence on foreign oil. I understand that when the price of home heating oil spikes in the Northeast, it hurts those Senators' constituents. They understand when the price of oil falls below $10 a barrel, as it did just over two years ago, and we lose 18,000 jobs as we did in Texas, that hurts my constituents. We understand that these are merely two sides of the same coin: growing dependence on foreign oil.

In fact, at the heart of my legislation is the goal of reducing our imports of foreign oil to less than 50 percent by the year 2010. While it is incredible to me that we have let America slide into greater than 55 percent dependence today, from the 46 percent dependence we saw in 1992, nevertheless a goal of producing at least half of our oil needs right here in the United States is a laudable and, I believe, an achievable one.

The core problem with our growing dependence on foreign oil is an underutilized domestic reserve base of both crude oil and natural gas. In 1992, we imported 46 percent of our oil needs from overseas. It is equally important to realize that in 1974, when America was brought to her knees by the OPEC oil embargo, we imported only 36 percent of our oil. Today, as I mentioned, we stand at over 55 percent imports. While it is true that OPEC controls less, in percentage terms, of the world oil market than it did in 1974, if the major oil producing countries of the world were ever to get their collective act together, they could not only wreak havoc with the American economy, they could literally shut it down. As the sole remaining superpower in the world, and as the country with an economy that is the envy of the industrialized world, this threat to our economic as well as our national security is simply and totally unacceptable.

We simply must take steps today to increase the amount of oil and natural gas we produce right here at home. It is estimated that, in total, the United States possesses as much as 160 billion barrels of oil and as many as 1,700 trillion cubic feet of natural gas. This is enough to fuel the U.S. economy for at least 60 years without importing a single drop of foreign oil. While shutting-off foreign oil completely may not be realistic, it is realistic to utilize our reserves much more than we do today.

Believe it or not, much of this oil and gas could be produced in areas where it is being produced today and has for decades that is not environmentally sensitive. That is why I have advocated for tax incentives that would make it economically feasible for production to continue and actually increase in areas largely where production takes place today. Much of this production is from so-called "marginal" wells, those wells that produce less than 15 barrels of oil and less than 90 thousand cubic feet of natural gas per day.

Many of these wells are so small that, once they close, they never reopen. There were close to 500,000 such wells across the U.S. Together, they have the capacity to produce 20 percent of America's oil. This is roughly the same amount of oil the U.S. imports from Saudi Arabia. During the oil price plummet over two years ago, more than a quarter of these wells closed, many of them for good.

The overwhelming majority of producing wells in Texas are marginal wells. A survey by the Independent Producers Association of America, IPAA, found that marginal wells account for 75 percent of all crude production for small independent operators; up to 50 percent for mid-sized independents; and up to 20 percent for large companies.

A more sensible energy independence policy would be to offer tax relief to producers of these smaller wells that would help them stay in business when prices fall below a break-even point. When U.S. producers can stay in business during periods of low prices, supply will be higher and help keep prices from shooting up too high.

My legislation provides a maximum $3 per barrel tax credit for the first 3 barrels of daily production from a marginal oil well, and a similar credit for marginal gas wells. The marginal oil well credit would be phased in-and-out in equal increments as prices for oil and natural gas fall and rise. For oil, it would phase in between $18 and $15 per barrel.

A counter-cyclical system such as this would help keep producers alive during the record low prices, so they can be producing during the record highs. This would gradually ease our dependence on overseas oil.

There's another benefit to encouraging marginal well production: it has a multiplier effect. In 1997, these low-volume wells generated $314 million in taxes paid annually to State governments. These revenues are used for State and local schools, highways and other state-funded projects and services.

Another idea in my plan is to offer incentives to restart inactive wells by offering producers a tax exemption for the costs of doing so. This would ensure greater oil availability and also increase Federal and State tax revenues paid by oil producers and energy sector employees. Everyone wins. More jobs, more State and Federal revenue, and, most importantly, more domestic oil.

Studies and actual results have borne this out. In Texas, a program similar to this has met with considerable success. Over 6,000 wells have been returned to production, injecting approximately $1.65 billion into the Texas economy each year. We should try this nationwide.

We do not have to be at the whim of market forces beyond our control. The only way out, though, is to be part of the price setting process, rather than be price takers. To do that, we've got to increase our domestic supply. We have an excellent opportunity to unite around this bill, Democrats and Republicans, energy production and energy consumption States.

Marginal well tax incentive legislation is a positive, proactive approach that I believe can garner a majority of support in Congress and that will begin to reverse the slide toward greater and greater dependence on foreign oil.

By Mr. HATCH. (for himself, Mr. BREAUX, Mrs. LINCOLN, Mr. ALLARD, Mr. THOMPSON, and Mr. GRAHAM):

S. 1201. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to introduce the Subchapter S Modernization Act of 2001. I am very pleased to be joined in this effort by Senators BREAUX, LINCOLN, THOMPSON, ALLARD, and GRAMM.

The bill we are introducing today is a continuation of a bipartisan effort that began in the Senate nearly a decade ago when former Senators Pryor and Danforth, along with myself and six other senators, introduced the S Corporation Reform Act of 1993. We recognized then, as the sponsors of today's bill do now, that S corporations are a vital and growing part of our economy and that our tax law should reflect the importance of these entities and provide tax rules that allow them to grow and compete with a minimum of complexity and a maximum of flexibility.

According to the Joint Committee on Taxation, there were nearly 2.6 million S corporations in the United States in 1998, up from about 500,000 in 1980. In fact, S corporations now outnumber both C corporations and partnerships. These are predominantly small businesses in the retail and service sectors. Over 92 percent of all S corporations in 1998 reported less than $1 million in assets. Many of these businesses, however, are growing rapidly. These are the kinds of businesses that make up "Main Street USA." In my home state of Utah, over half the corporations have elected Subchapter S treatment.

Subchapter S of the Internal Revenue Code was enacted in 1958 to help remove tax considerations from small business owners' decisions to incorporate. This elective tax treatment has been helpful to millions of small businesses over the years, particularly to those just starting out. Subchapter S provides entrepreneurs the advantage of corporate protection from liability along with the single level of tax enjoyed by partnerships and limited liability companies.

However, Subchapter S as enacted and modified over the years contains a variety of limitations, restrictions, and pitfalls for the unwary. And, even though some very important improvements have been made over the years, including many first introduced in the 1993 S Corporation Reform Act I mentioned earlier, more needs to be done to bring the tax treatment of these important businesses into the 21st Century. This is what our bill today is all about.

A May 2001 study by the Federal Reserve Bank of Kansas City highlights the importance of small businesses to our economy and points out why Congress should do everything possible to make it easier for these entities to get started and grow. The study points out that more than 75 percent of the net new jobs created from 1990 to 1995 occurred in small firms, defined as those with fewer than 500 employees. Moreover, seven of the ten fastest growing industries have been dominated by small businesses in recent years, including the high technology sector, where small firms employ 38 percent of that industry's workers.

In the rural parts of America, the role of small enterprises is even more important. Small businesses account for 90 percent of all rural establishments. In 1998, small companies employed 60 percent of rural workers and provided half of rural payrolls.

What do these small businesses, especially those in small-town America, most need to grow, to thrive, and even to survive? According to the White House Conference on Small Business, two of the most important issue areas for these enterprises is easier access to capital and an easing of the tax burden. The bill we are introducing today addresses both of these vital issues.

Perhaps the biggest challenge facing all kinds of businesses, but especially smaller ones, is attracting adequate capital. Unfortunately, Subchapter S is currently a hindrance, rather than a help, for many corporations facing this challenge. For example, current law allows for only one class of stock for S corporations. Further, S corporations are not allowed currently to issue convertible debt. Nor are they allowed to have a non-resident alien as a shareholder. These restrictions all limit the ability of S corporations in attracting capital, which is very often the lifeblood of growing a business.

Several of the provisions of the Subchapter S Modernization Act are designed to alleviate these restrictions on the ways S corporations can attract capital. This will help make them more competitive with other small enterprises doing business in other forms, such as partnerships or limited liability companies, that do not face such barriers.

Even though electing Subchapter S currently offers much to a small corporation in the way of tax relief, principally because such an election eliminates the corporate level of taxation, S corporations still face some significant tax burdens in the way of potential pitfalls and tax traps for the unwary. Some of these impediments exist in the requirements of elective S corporation status, and others are in the rules governing the day-to-day operations of the entities. In either case, these provisions stifle growth and impede job creation.

Most of the sections of the bill we introduce today are dedicated to eliminating many of these barriers and making it easier for companies to elect Subchapter S and to operate in this status once the election is made.

The Small Business Job Protection Act of 1996 made many important changes to Subchapter S. One of the most significant was the ability for small banks to elect to be S corporations for the first time. This opened the door for many small community banks to become more competitive with other financial institutions operating in their towns and neighborhoods. So far, more than 1,400 banks in the U.S. have made the election, which represents about 18 percent of the more than 8,000 community banks in the United States.

According to a survey taken earlier this year by the accounting firm Grant Thornton, 3 percent of the remaining community banks plan to elect Subchapter S status in 2001, and another 14 percent are considering the election after this year.

The availability of Subchapter S has been a positive development in increasing profitability and competitiveness of many community banks. However, two problems currently exist. The first is that current law includes several significant hurdles to many small banks in converting to S corporation status. These include restrictions on the types and number of shareholders allowed. The second problem is that some of the operating rules under Subchapter S are unduly inflexible, complex, and harsh.

The bill we introduce today attempts to address many of these challenges by easing the restrictions on the kinds of shareholders who can own S corporation stock and the number of shareholders allowed, as well as relaxing some of the operational rules. These changes are designed to make it significantly easier for community banks to take advantage of the benefits of Subchapter S.

Small businesses are key to the continued growth of our economy and to future job creation. The way I see it, it is the job of government to see that unnecessary restrictions and barriers to the success of these businesses are removed so that these small enterprises can attract capital and function with the maximum of efficiency.

Some would argue that S corporations are a relic of the past and that newer, more flexible forms of doing business, such as limited liability companies, are the business entities of the future. Such a view is a great distortion of reality. S corporations are a large and growing part of our economy. They have served a vital function in our communities for the past 43 years and will continue to do so. Our tax laws should be overhauled to streamline these rules and make them as flexible and easy to work in as possible.

The S Corporation Modernization Act enjoys the support of a broad range of associations and trade groups, many of which have worked with us in crafting the bill. I want to especially acknowledge the assistance of the American Institute of Certified Public Accountants, the Taxation Section of the American Bar Association, the Independent Bankers Association of America, and the Utah Bankers Association. These organizations contributed time and talent in making recommendations for many of the improvements in this bill.

I urge my colleagues to take a close look at this bill, and to support it. Thousands of small and growing businesses in every State will benefit from the improvements included therein. Its enactment will lead to an increased ability of these enterprises to attract capital, expand, and create new jobs.

I ask unanimous consent that a section-by-section description of the bill and a letter of support from a group of organizations that endorse it be printed in the RECORD.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

SUPPORTERS OF S CORPORATION MODERNIZATION

DEAR SENATORS HATCH, BREAUX, LINCOLN, AND ALLARD: The undersigned organizations, speaking on behalf of many of America's small businesses, want to commend and thank you for sponsoring the S Corporation Modernization Act of 2001. This important legislation will improve capital formation opportunities for small businesses, preserve family-owned businesses, and eliminate unnecessary and unwarranted traps for taxpayers. We want to express our unqualified and enthusiastic support for the entire bill.

In 1958, Congress created S corporations to create an effective alternative business structure for private entrepreneurs. Under Subchapter S, if certain requirements and restrictions are met, a business can choose to operate in corporate form without being penalized with a second level of tax. Today, about 2.6 million S corporations operate in virtually every sector and in every State across America. These S corporations employ many Americans and hold over $1.45 trillion in business assets.

Though many of these businesses have been successful ventures, the qualifications and restrictions contained in the original Subchapter S rules were very limiting and complex. Over time, Congress has removed some of these restrictions and has made incremental changes to update and improve the Subchapter S rules. Congress last acted in 1996 to pass reforms to make S Corporation rules more compatible with modern-day business demands.

Unfortunately today, many of these companies are still burdened by obsolete rules, which stunt expansion, inhibit venture capital attraction, and otherwise impede these businesses from meeting the demands of the challenging global economy. As the domestic economy faces increasing challenges, such restrictions are particularly troubling. For S corporations, which have been a key element in America's economic growth, we can no longer afford to keep such antiquated restrictions in place.

Indeed, the need for any of these restrictions is highly doubtful. Over the last decade, all States (with supporting rulings from the IRS) have now enacted statutes creating limited liability companies (LLCs). LLCs operate like S corporations (with limited liability and subject to a single level of tax), but face none of the burdensome and unnecessary restrictions. As a result, new business enterprises are being formed at an accelerating rate under the LLC regime. The Subchapter S Modernization Act of 2001 will go a long way toward lifting these needless burdens on S corporations.

For these reasons, we agree with you that it is again time to revisit Subchapter S reform, and we look forward to working with you to enact the S Corporation Modernization Act of 2001. Thank you again for your championship of this important initiative.

Sincerely,

U.S. Chamber of Commerce; Employee-Owned S Corporations of America; S Corporation Association; National Cattleman's Beef Association; Associated General Contractors of America; National Association of Realtors; National Multi Housing Council; National Apartment Association; Small Business Survival Committee; Independent Insurance Agents of America; National Association of Manufacturers; Independent Community Bankers of America; American Bankers Association; Utah Bankers Association; Independent Bankers Association of Texas; Independent Bankers of Colorado; Maine Association of Community Banks; Independent Community Bankers of Minnesota; Community Bankers of Wisconsin; Community Bankers Association of Indiana; Community Bankers Association of Kansas; Bluegrass Bankers Association; The Community Bankers Association of Alabama; Independent Community Bankers of New Mexico; Iowa Independent Bankers; California Independent Bankers; Community Bankers Association of Illinois; Montana Independent Bankers; Missouri Independent Bankers Association; Nebraska Independent Community Bankers; Arkansas Community Bankers; Community Bankers Association of Georgia; Michigan Association of Community Bankers; Community Bankers of Louisiana; Independent Bankers Association of New York; Pennsylvania Association of Community Bankers; Independent Community Bankers of South Dakota; Independent Community Bankers of North Dakota; West Virginia Association of Community Bankers; Virginia Association of Community Banks; Community Bankers Association of Oklahoma; Community Bankers Association of New Hampshire.

SUBCHAPTER S MODERNIZATION ACT OF 2001—SECTION-BY-SECTION DESCRIPTION

The Subchapter S Modernization Act of 2001 includes the following provisions to help improve capital formation opportunities for small business, preserve family-owned businesses, and eliminate unnecessary and unwarranted traps for taxpayers.

TITLE I—ELIGIBLE SHAREHOLDERS OF AN S CORPORATION

Section 101. Members of family treated as 1 shareholders

The Act provides for an election to count family members that are not more than six generations removed from a common ancestor as one shareholder for purposes of the number of shareholder limitation (currently 75 shareholders). The election requires the consent of a majority of all shareholders. The provision helps family-owned S corporations plan for the future without fear of termination of their S corporation elections.

Section 102. Nonresident aliens allowed to be shareholders

The Act would permit nonresident aliens to be S corporation shareholders. To assure collection of the appropriate amount of tax, the Act requires the S corporation to withhold and pay a tax on effectively connected income allocable to its nonresident alien shareholders. The provision enhances an S corporation's ability to expand into international markets and expands an S corporation's access to capital.

Section 103. Expansion of bank S corporation eligible shareholders to include IRAs

The Act permits Individual Retirement Accounts (IRAs) to hold stock in a bank that is a S corporation. Additionally, the Act would exempt the sale of bank S corporation stock in an IRA from the prohibited transaction rules. Currently, IRAs own community bank stock, which results in a significant obstacle to banks that want to make an S election. The provision allows an IRA to own bank S stock, and thus, avoids transactions to buy back stock, which drains the bank's resources.

Section 104. Increase in number of eligible shareholders to 150

Currently a corporation is not eligible to be an S corporation if it has more than 75 shareholders. The Act increases the number of permitted shareholders to 150. The provision will enable S corporation to raise more capital and plan for the future without endangering their S corporation status.

TITLE II—QUALIFICATION AND ELIGIBILITY REQUIREMENTS OF S CORPORATIONS

Section 201. Issuance of preferred stock permitted

The Act would permit S corporations to issue qualified preferred stock ("QPS"). QPS generally would be stock that (i) is not entitled to vote, (ii) is limited and preferred as to dividends and does not participate in corporate growth to any significant extent, and (iii) has redemption and liquidation rights which do not exceed the issue price of such stock (except for a reasonable redemption or liquidation premium). Stock would not fail to be treated as QPS merely because it is convertible into other stock. This provision increases access to capital from investors who insist on having a preferential return and facilitates family succession by permitting the older generation of shareholders to relinquish control of the corporation but maintain an equity interest.

Section 202. Safe harbor expanded to include convertible debt

The Act permits S corporations to issue debt that may be converted into stock of the corporation provided that the terms of the debt are substantially the same as the terms that could have been obtained from an unrelated party. The Act also expands the current law safe-harbor debt provision to permit nonresident alien individuals as creditors. The provision facilitates the raising of investment capital.

Section 203. Repeal of excessive passive investment income as a termination event

The Act would repeal the rule that an S corporation would lose its S corporation status if it has excess passive income for three consecutive years. A corporate-level "sting" (or double) tax would still apply, as modified in Section 204 below, to excess passive income.

Section 204. Modifications to passive income rules

The Act would increase the threshold for taxing excess passive income from 25 percent to 60 percent (consistent with a Joint Tax Committee recommendation on simplification measures). In addition, the Act removes gains from the sales or exchanges of stock or securities from the definition of passive investment income for purposes of the sting tax.

Section 205. Stock basis adjustment for certain charitable contributions

Current rules discourage charitable gifts of appreciated property by S corporations. The Act would remedy this problem by providing for an increase in the basis of shareholders' stock in an amount equal to excess of the value of the contributed property over the basis of the property contributed. This provision conforms the S corporation rules to those applicable to charitable contributions by partnerships.

TITLE III—TREATMENT OF S CORPORATION SHAREHOLDERS

Section 301. Treatment of losses to shareholders

In the case of a liquidation of an S corporation, current law can result in double taxation because of a mismatch of ordinary income (realized at the corporate level and passed through to the shareholder) and a capital loss (recognized at the shareholder level on the liquidating distribution). Although careful tax planning can avoid this result, many S corporations do not have the benefit of sophisticated tax advice. The Act eliminates this potential trap by providing that any portion of any loss recognized by an S corporation shareholder on amounts received by the shareholder in a distribution in complete liquidation of the S corporation would be treated as an ordinary loss to the extent of the shareholder's "ordinary income basis" in the S corporation stock.

Section 302. Transfer of suspended losses incident to divorce

The Act allows for the transfer of a pro rata portion of the suspended losses when S corporation stock is transferred, in whole or in part, incident to divorce. Under current IRS regulations, any suspended losses or deductions are personal to the shareholder and cannot, in any manner, be transferred to another person. Accordingly, if a shareholder transfers all of his or her stock in an S corporation to his or her former spouse as a result of divorce, any suspended losses or deductions with respect to such stock are permanently disallowed. This result is inequitable and unduly harsh, and needlessly complicates property settlement negotiations.

Section 303. Use of passive activity loss and at-risk amount by qualified subchapter S trust income beneficiaries

The Act clarifies that, if a QSST transfers its entire interest in S corporation stock to an unrelated party in a fully taxable transaction, the income beneficiary's suspended losses from S corporation activity under the passive activity loss rules would be freed up for use by the income beneficiary. The Act further provides that the income beneficiary's at-risk amount with respect to S activity would be increased by the amount of gain recognized by the QSST on a disposition of S stock. These provisions clarify a troublesome area under current law, and so, eliminate traps for the unwary taxpayer.

Section 304. Deductibility of interest expense incurred by an electing small business trust to acquire S corporation stock

The Act provides that interest expense incurred by an ESBT to acquire S corporation stock is deductible by the S portion of the trust. Recently issued proposed regulations would provide that interest expense incurred by an ESBT to acquire stock in an S corporation is allocable to the S portion of the trust, but is not deductible. This result is contrary to the treatment of other taxpayers, who are entitled to deduct interest incurred to acquire an interest in a pass through entity. Further, Congress never intended to place ESBTs at a disadvantage relative to other taxpayers.

Section 305. Disregard of unexercised powers of appointments in determining potential current beneficiaries of ESBT

The Act revises the definition of a "potential current beneficiary" in the context of the ESBT eligibility rules by providing that powers of appointment should only be evaluated when the power is actually exercised. Current law provides that postponed or nonexercisable powers will not interfere with the making of an ESBT election. However, proposed regulations provide that, once such powers become exercisable, the S election will automatically terminate if the power could potentially be exercised in favor of an ineligible individual—whether it was actually exercised in favor of the ineligible individual or not. The application of this rule would prevent many family trusts from qualifying as ESBTs.

The Act expands the existing method to cure a potential current beneficiary problem. Under the Act, an ESBT will have a period of up to one year (currently 60 days) to either dispose of all of its S stock or otherwise cause the ineligible potential current beneficiary's position in the trust to be eliminated without causing the ESBT election or the corporation's S election to fail.

Section 306. Clarification of electing small business trust distribution rules

The Act clarifies that, with regard to ESBT distributions, separate share treatment applies to the S and non-S portions under section 641(c).

Section 307. Allowance of charitable contributions deduction for electing small business trusts

The Act permits a deduction for charitable contributions made by an ESBT, while taxing the charity on its share of the S corporation's income as unrelated business taxable income. Current law discourages charitable contributions by S corporation shareholders by preventing an ESBT from claiming a charitable contribution deduction. The Act encourages philanthropy by permitting a charitable deduction while at the same time effectively taxing the S corporation's income in the hands of the recipient charity to the extent of the deduction.

Section 308. Shareholder basis not increased by income derived from cancellation of S corporation's debt

The Act provides that cancellation of indebtedness (COD) income excluded from the gross income of an S corporation, i.e., due to the S corporation's insolvency, does not increase shareholder's basis in S corporation stock. The Act changes the result reached in the recent U.S. Supreme Court decision in Gitlitz v. Comm'r (2000).

Section 309. Back-to-back loans as indebtedness.

The Act clarifies that a back-to-back loan (a loan made to an S corporation shareholder who in turn loans those funds to his S corporation) constitutes "indebtedness of the S corporation to the shareholder" so as to increase such shareholder's basis in the S corporation. The provision would help many shareholders avoid inequitable pitfalls encountered where a loan to an S corporation is not properly structured, even though the shareholder has clearly made an economic outlay with respect to his investment in the S corporation for which a basis increase is appropriate.

TITLE IV—EXPANSION OF S CORPORATION ELIGIBILITY FOR BANKS

Section 401. Exclusion of investment securities income from passive income test for bank S corporations

The Act clarifies that interest and dividends on investments maintained by a bank for liquidity and safety and soundness purposes shall not be "passive" income. By treating all bank income as earned from the active and regular conduct of a banking business, banks will no longer face the conundrum of evaluating investment decisions based on tax considerations rather than on more important safety and economic soundness issues.

Section 402. Treatment of qualifying director shares

The Act clarifies that qualifying director shares of bank are not to be treated as a second class of stock. Instead, the qualifying director shares are treated as a liability of the bank and no increase or loss from the S corporation will be allocated to these qualifying director shares. The provision clarifies the law and removes a significant obstacle unique among banks contemplating a S corporation election.

Section 403. Bad debt charge offs in years after election year treated as items of built-in loss

The Act permits bank S corporations to recapture up to 100 percent of their bad debt reserves on their first S corporation tax return and/or their last C corporation income tax return prior to the effective date of the S election. Banks that convert to S corporation status must change from the reserve method of accounting to the specific charge off method. The resulting recapture income is treated as built-in gain subject to tax at both the shareholder and the corporate level. The Act allows banks to accelerate the recapture of bad debt reserve to their last C corporation tax year. The corporate level tax would still be paid on the recapture income, but the recapture would no longer trigger a tax for the bank's shareholders.

TITLE V—QUALIFIED SUBCHAPTER S SUBSIDIARIES

Section 501. Relief from inadvertently invalid qualified subchapter S subsidiary elections and terminations

The Act provides statutory authority for the Secretary to grant relief for invalid QSub elections, and terminations of QSub status, if the Secretary determines that the circumstances resulting in such ineffectiveness or termination were inadvertent. This would allow the IRS to provide relief in appropriate cases, just as it currently does in the case of invalid or terminated S corporation elections.

Section 502. Information returns for qualified subchapter S subsidiaries

The Act would help clarify that a Qualified Subchapter S Subsidiary (QSSS) can provide information returns under their own tax ID number to help avoid confusion by employers, depositors, and other parties.

Section 503. Treatment of the sale of interest in a qualified subchapter S subsidiary

The Act treats the disposition of QSub stock as a sale of the undivided interest in the QSub's assets based on the underlying percentage of stock transferred followed by a deemed contribution by the S corporation and the acquiring party in a nontaxable transaction. Under current law, an S corporation may be required to recognize 100 percent of the gain inherent in a QSub's assets if it sells as little as 21 percent of the QSub's stock. IRS regulations suggest this result can be avoided by merging the QSub into a single member LLC prior to the sale, then selling an interest in the LLC (as opposed to stock in the QSub). The Act achieves this result without any unnecessary merger and thus removes a trap for the unwary.

Section 504. Exception to application of step transaction doctrine for restructuring in connection with making qualified subchapter S subsidiary elections

The Act provides that the step transaction doctrine does not apply to the deemed liquidation resulting from QSub elections. Application of the step transaction doctrine, in the context of making a QSub election, introduces complexity and uncertainty in what should be a simple matter. The doctrine requires knowledge of decades of jurisprudence and administrative interpretations, and poses an unnecessary trap for the unwary.

TITLE VI—ADDITIONAL PROVISIONS

Section 601. Elimination of all earnings and profits attributable to pre-1983 years

The Small Business Job Protection Act of 1996 eliminated certain pre-1983 earnings and profits of S corporations that had S corporation status for their first tax year beginning after December 31, 1996. The provision should apply to all corporations © and S) with pre-1983 S earnings and profits without regard to when they elect S status. There seems to be no policy reason why the elimination was restricted to corporations with an S election in effect for their first taxable year beginning after December 31, 1996.

Section 602. No gain or loss on deferred intercompany transactions because of conversion to S corporation or qualified S corporation subsidiary

The Act makes clear that any gain or income from an intercompany transaction is not taxed at the time of the S corporation or QSub elections.

Section 603. Treatment of charitable contribution and foreign tax credit carryforwards

The Act provides that charitable contribution carryforwards and other carryforwards arising from a taxable year for which the corporation was a C corporation shall be allowed as a deduction against the net recognized built-in gain of the corporation for the taxable year. This provision is consistent with the legislative history of the 1986 Act.

Section 604. Distribution by an S corporation to an employee stock ownership plan

An ESOP will usually borrow from the sponsoring corporation to fund its acquisition of employer securities. In the case of a C corporation, the tax code provides that an ESOP will not be treated as engaging in a "prohibited transaction" if it uses any "dividend" on employer securities purchased with loan proceeds to make payments on the loan regardless of whether such employer securities have been pledged as collateral to secure the loan. The policy facilitates the payment of ESOP loans and thereby promotes employee ownership. Because S corporation distributions are technically not "dividends", the Act provides that S corporation distributions are treated as dividends. This clarification is necessary to ensure that the policy of facilitating the payment of ESOP loans applies equally to S corporation and C corporation ESOPs.

Mr. BREAUX. Mr. President, I am pleased to introduce with my colleagues, Senators HATCH, LINCOLN, and THOMPSON, the Subchapter S Modernization Act of 2001. This bill is very important to the 2.6 million S Corporations in this country and to the thousands of S Corporations in my own State of Louisiana.

The Small Business Administration estimates that small businesses account for seventy-five percent of the employment growth in the United Sates and are the major creators of new jobs. Small businesses employ 52 percent of all private workers and provide 51 percent of the output in the private sector. They have been, in large part, the engine that fuels our economy.

S Corporations make up a large number of the Nation's small businesses. In fact, the Joint Committee on Taxation estimates that over ninety-two percent of all S Corporations report less than $1 million in assets. They operate in every sector of the economy, employ millions of Americans and hold over $1.45 trillion in business assets. As such, anything we can do the help S Corporations will help the economy. The Subchapter S Modernization Act does this by encouraging S Corporations to expand, allowing S Corporations to attract more capital, and removing tax traps for the unwary.

The legislation expands the list of eligible shareholders to non-resident aliens and some Individual Retirement Accounts held by banks. The bill also permits families to be treated as one shareholder, which not only expands the size of S corporations, but also helps keep family businesses together. In additional, the bill increases the number of permitted shareholders to 150 from the current law limit of 75.

All of these important provisions also give S Corporations greater flexibility in attracting new sources of investment and capital. By permitting S Corporations to issue preferred stock, the Subchapter S Modernization Act increases access to capital from investors, such as venture capitalists, who insist on a preferential return. This provision also facilitates family ownership by allowing older generations to relinquish control of the corporation to later generations while maintaining an equity interest in the company.

Lastly, the bill removes many complex tax traps and clarifies the law regarding many provisions enacted in 1996. Per the Joint Committee on Taxation's recommendation in its simplification report, our bill repeals the excessive passive investment income rule as a termination event for S corporations and increases the threshold for taxing excess passive investment income from 25 percent to 60 percent. Capital gains are excluded from the definition of passive income. The rules for taxing Electing Small Business Trusts and managing Qualified Subchapter S Subsidiaries are simplified in many ways, thus reducing the possibility that companies will inadvertently terminate their S corporation election.

I urge my colleagues to support this bill.

Mrs. LINCOLN. Mr. President, today my colleagues and I are introducing legislation which is critically important to millions of small and family-owned businesses across this Nation. The Subchapter S Modernization Act of 2001 is the culmination of months of hard work by Senators HATCH, BREAUX and me. We have worked to bring new ideas together with known and necessary S corporation reforms into a comprehensive piece of legislation which will help improve capital formation opportunities for small businesses, will help preserve family-owned businesses, and will eliminate unnecessary and unwarranted traps for well-intentioned taxpayers.

Small businesses are the backbone of commerce in my home State of Arkansas. There are between sixteen and seventeen thousand small businesses formed as S corporations in Arkansas and over 2.58 million nationwide. According to the Joint Committee on Taxation, over ninety-two percent of these companies have assets totaling less than one million dollars and a majority are in the retail trade and service sectors. These are truly your mom and pop stores and businesses, and I am proud to be working on their behalf.

This bill represents not just the hard work of the principal sponsors but also of several of my colleagues past and present. I would like, in the short time that I have, to acknowledge the past efforts of former Senators Pryor and Danforth, who represented small business S corporations so well and who helped develop many of the provisions we have included in the Subchapter S Modernization Act of 2001. I would also like to recognize Senator ALLARD, who has joined in sponsoring this legislation, and who has been a lead proponent of S corporation reforms which would allow small financial institutions to benefit from Subchapter S. And, of course, I would like to thank Senators THOMPSON, GRAMM, and THOMAS who have joined Senator HATCH, BREAUX, and me as original sponsors of what I believe is very good legislation for hard working men and women across this Nation.

By Mr. BENNETT:

S. 1205. A bill to adjust the boundaries of the Mount Nebo Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce the Mount Nebo Wilderness Boundary Adjustment Act. This legislation is intended to correct several small boundary issues that have frustrated Juab County and its residents' attempts to maintain their sources of water.

Mount Nebo, located in Juab County, UT, is an 11,929 foot peak in the Wasatch Mountains. The surrounding area is home to bighorn sheep, spectacular views of the Great Basin, primitive recreation, and the source of water for many who live and farm around the towns of Nephi and Mona, UT. Due to the wilderness characteristics of the lands including and surrounding Mount Nebo, Congress designated the 28,000 acre Mount Nebo Wilderness as part of the Utah Wilderness Act of 1984. While the United States Forest Service was drawing the maps of the newly designated Mount Nebo Wilderness, nine areas were improperly included in the wilderness boundaries that contained springs, pipelines, and other water structures which provide water to the residents of Juab County.

Water in the west is truly the lifeblood of the region. Without water, our towns and cities, both large and small, would dry up and blow away. Equally important is the ability to maintain springs, pipelines, and other structures that allow water to be put to beneficial use. The water that flows from the Mount Nebo Wilderness provides irrigation for Juab County farmers, is part of the Nephi City culinary water system, and provides water directly to a number of residents who live in close proximity to the wilderness. It should be noted that the water rights for some of these springs were granted as early as 1855 and have been providing water ever since. These pipelines and water structures are old and need constant maintenance. Wilderness prohibitions do not provide the flexibility needed by the county to maintain its water sources.

This legislation would redraw the boundaries of the wilderness area to allow motorized access for the county and other affected users in order to maintain existing water structures. Because this boundary adjustment will result in the removal of lands from the Mount Nebo Wilderness, the county has identified existing USFS land adjacent to the wilderness to serve as replacement acreage which will result in a net gain of 14 acres of wilderness. I believe this is legislation that benefits all parties. The Forest Service will have a wilderness area with fewer access issues and the counties will be able to maintain their critical water sources.

I am offering a simple piece of legislation that will solve a longstanding problem for one of Utah's counties. I would greatly appreciate Senator BINGAMAN'S help in moving this bill through his committee as soon as possible.

By Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. FRIST, and Mr. MCCONNELL):

S. 1206. A bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today, joined by my colleagues, Senator BILL FRIST, Senator JAMES INHOFE, and Senator MITCH MCCONNELL, to introduce the Appalachian Regional Development Act Amendments of 2001. Once enacted, our bill will reauthorize the Appalachian Regional Commission, ARC and create a specific initiative to help bridge the "digital divide" between Appalachia and the rest of our nation.

One of the honors that I have as a United States Senator is to serve as a member of the Subcommittee on Transportation and Infrastructure of the Environment and Public Works Committee. One of the reasons I am pleased to be on this subcommittee is the fact that it has oversight jurisdiction over the ARC. As a Senator who represents one of the thirteen States within the ARC, my membership on this subcommittee gives me a great opportunity to focus on issues of direct importance to this region of our Nation.

In 1965, Congress established the ARC to help bring the Appalachian region of our Nation into the mainstream of the American economy. This region includes 406 counties in 13 States, including Ohio, and has a population of about 22 million people.

The ARC is composed of the governors of the 13 Appalachian states and a Federal representative who is appointed by the President. The Federal representative serves as the Federal Co-Chairman with the governors electing one of their number to serve as the States' Co-Chairman. As a unique partnership between the Federal Government and these 13 States, the ARC runs programs in a wide range of activities, including highway construction, education and training, health care, housing, enterprise development, export promotion, telecommunications and technology, and water and sewer infrastructure. All of these activities help achieve a goal of a viable and self-sustaining regional economy.

ARC's programs fall into two broad categories. The first is a 3,025-mile corridor highway system to break the regional isolation created by mountainous terrain, thereby linking the Appalachian communities to national and international markets. Roughly 80 percent of the Appalachian Development Highway System is either completed or under construction.

The second is an area development program to create a basis for sustained local economic growth. Ranging from water and sewer infrastructure to worker training to business financing and community leadership development, these projects provide Appalachian communities with the critical building blocks for future growth and development. The sweeping range of options allows governors and local officials to tailor the federal assistance to their individual needs.

The ARC currently ranks all of the 406 counties in the Appalachian region, including the 29 counties in Ohio that are covered by the ARC, according to four categories: distressed, transitional, competitive, and attainment. These categories determine the extent for potential ARC support for specific projects. They also help ensure that support goes to the areas with the greatest need. Distressed countries are the most "at-risk," with unemployment at least 150 percent of the national average, a poverty rate of at least 150 percent of the national average, and a per capita market income of no more than two-thirds of the national average. Generally, this means that a distressed county has an unemployment rate of greater than 7.4 percent, a poverty rate of at least 19.7 percent, and a per capita income of less than $14,164. In fiscal year 2001, 114 counties, or roughly one-fourth of the counties in the ARC, have been classified as distressed. Ten of these counties are in Ohio.

In order to undertake a wide variety of projects to help improve the region's economy, the ARC uses the Federal dollars it receives to leverage additional State and local funding. This successful partnership enables communities in Ohio and throughout Appalachia to have programs which help them to respond to a variety of grassroots needs. In Ohio, ARC funds support projects in five goal areas: skills and knowledge, physical infrastructure, community capacity, dynamic local economies, and health care. In rough figures, every ARC dollar Ohio received in fiscal year 2000 leveraged approximately $2.60 in additional federal, state and local funds. In fiscal year 2000, ARC provided approximately $4.7 million to fund non-highway projects in Ohio.

As my colleagues are aware, the current authorization of the ARC will soon expire. In anticipation of the need for reauthorization legislation, I have been working since last year on putting together a bill that focuses on the issues that the ARC needs to address in the early part of the 21st century. One of the more productive activities I did in preparation for reauthorization was to conduct a Transportation and Infrastructure Subcommittee field hearing on the ARC at the Opera House in Nelsonville, OH, in August 2000. Following the hearing, I had the opportunity to tour the region to witness first-hand the beneficial impact of ARC-funded projects in the community.

My objectives for both the field hearing and the tour were to obtain an overview of the importance of ARC programs to Appalachia, to closely examine the progress that has been made with respect to the implementation of these programs, and to identify the challenges that still must be overcome for the region to fully participate in our Nation's economy. Along with the poignant visual impact of my tour, the testimony I received from the impressive array of witnesses at this hearing provided valuable input that has been very helpful in drafting this legislation.

Our legislation, the Appalachian Regional Development Act Amendments of 2001, would allow the ARC to continue its important work for the people of Appalachia. One of the most innovative aspects of our bill would establish a Telecommunications and Technology Initiative that would focus on providing training in new technologies; assisting local governments, businesses, schools, and hospitals in developing e-commerce networks; and creating more jobs and business opportunities though access to telecommunications infrastructure.

E-commerce is one of the largest factors driving our economy and any business that wants to successfully compete in today's technological revolution must have access to the Internet. By establishing a specific initiative under the ARC to help the people of Appalachia connect with today's technology, we are also helping Appalachian communities achieve the same quality of life that is available to the rest of the Nation.

The bill also would increase the percentage of ARC funds required to be spent on activities or projects that benefit distressed counties or area. Right now, the requirement is set at 30 percent, and under our bill, it would increase to 50 percent. An analysis of fiscal year 1999 and 2000 shows that the ARC already spends about half of its project funding on grants to Appalachia's poorest counties, therefore this provision simply codifies current practice.

In addition, the bill would establish the ARC as the lead Federal agency in coordinating the economic development programs carried out by Federal agencies in the region through the establishment of an Interagency Coordinating Council on Appalachia. The Council would be established by the President and its membership composed of representatives of the Federal agencies that carry out economic development programs in the region.

The bill also would change the non-federal match requirement for administrative grants to the region's Local Development Districts from 50 percent to 25 percent for those Local Development Districts which include all or part of at least one distressed county. Local Development Districts are multi-county economic development planning agencies that work with local governments, non-profit organizations, and the private sector to determine local economic development needs and provide professional guidance for local economic development strategies. There are 71 Local Development Districts working with ARC in Appalachia.

Additionally, the bill would authorize annual appropriations for the ARC for five years, beginning with $83 million in fiscal year 2002 and increasing by $3 million in each of fiscal years 2003 through 2006. Of the authorized amount, $10 million would be earmarked each fiscal year for the Telecommunications and Technology Initiative.

For more than 35 years, the ARC has had a dramatic impact on the lives of the men and women who live in the Appalachian region of our Nation, helping to cut the region's poverty rate in half, lowering the infant mortality rate by two-thirds, doubling the percentage of high school graduates to where it is now slightly above the national average, slowing the region's out-migration, reducing unemployment rates, and narrowing the per capita income gap between Appalachia and the rest of the United States.

Despite its successes to date, the ARC has not completed its mission in Appalachia. I know that there is a vast reserve of potential in Appalachia that is just waiting to be tapped, and I wholeheartedly agree with one of ARC's guiding principles that the most valuable investment that can be made in a region is in its people.

The ARC is the type of Federal initiative that we should be encouraging. I urge my colleagues to join me in cosponsoring this legislation, and I urge its speedy consideration by the Senate.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachian Regional Development Act Amendments of 2001".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reauthorize the Appalachian Regional Development Act of 1965 (40 U.S.C. App.); and

(2) to ensure that the people and businesses of the Appalachian region have the knowledge, skills, and access to telecommunication and technology services necessary to compete in the knowledge-based economy of the United States.

SEC. 3. FUNCTIONS OF THE COMMISSION.

Section 102(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (5), by inserting ", and support," after "formation of";

(2) in paragraph (7), by striking "and" at the end;

(3) in paragraph (8), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(9) seek to coordinate the economic development activities of, and the use of economic development resources by, Federal agencies in the region.".

SEC. 4. INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.

Section 104 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "The President" and inserting "(a) IN GENERAL.—The President"; and

(2) by adding at the end the following:

"(b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—

"(1) ESTABLISHMENT.—In carrying out subsection (a), the President shall establish an interagency council to be known as the 'Interagency Coordinating Council on Appalachia'.

"(2) MEMBERSHIP.—The Council shall be composed of—

"(A) the Federal Cochairman, who shall serve as Chairperson of the Council; and

"(B) representatives of Federal agencies that carry out economic development programs in the region.".

SEC. 5. TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.

Title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting after section 202 the following:

"SEC. 203. TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.

"(a) IN GENERAL.—The Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide funds to persons or entities in the region for projects—

"(1) to increase affordable access to advanced telecommunications, entrepreneurship, and management technologies or applications in the region;

"(2) to provide education and training in the use of telecommunications and technology;

"(3) to develop programs to increase the readiness of industry groups and businesses in the region to engage in electronic commerce; or

"(4) to support entrepreneurial opportunities for businesses in the information technology sector.

"(b) SOURCE OF FUNDING.—

"(1) IN GENERAL.—Assistance under this section may be provided—

"(A) exclusively from amounts made available to carry out this section; or

"(B) from amounts made available to carry out this section in combination with amounts made available under any other Federal program or from any other source.

"(2) FEDERAL SHARE REQUIREMENTS SPECIFIED IN OTHER LAWS.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.

"(c) COST SHARING FOR GRANTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for a grant under this section may be provided from funds appropriated to carry out this section.".

SEC. 6. PROGRAM DEVELOPMENT CRITERIA.

(a) ELIMINATION OF GROWTH CENTER CRITERIA.—Section 224(a)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "in an area determined by the State have a significant potential for growth or".

(b) ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—Section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"(d) ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—For each fiscal year, not less than 50 percent of the amount of grant expenditures approved by the Commission shall support activities or projects that benefit severely and persistently distressed counties and areas.".

SEC. 7. GRANTS FOR ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.

Section 302(a)(1)(A)(i) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting "(or, at the discretion of the Commission, 75 percent of such expenses in the case of a local development district that has a charter or authority that includes the economic development of a county or part of a county for which a distressed county designation is in effect under section 226)" after "such expenses".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended to read as follows:

"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—In addition to amounts authorized by section 201 and other amounts made available for the Appalachian development highway system program, there are authorized to be appropriated to the Commission to carry out this Act—

"(1) $83,000,000 for fiscal year 2002;

"(2) $86,000,000 for fiscal year 2003;

"(3) $89,000,000 for fiscal year 2004;

"(4) $92,000,000 for fiscal year 2005; and

"(5) $95,000,000 for fiscal year 2006.

"(b) Telecommunications and Technology Initiative.—Of the amounts made available under subsection (a), $10,000,000 for each fiscal year shall be made available to carry out section 203.

"(c) Availability.—Sums made available under subsection (a) shall remain available until expended.".

SEC. 9. TERMINATION.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "2001" and inserting "2006".

SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 101(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the third sentence by striking "implementing investment program" and inserting "strategy statement".

(b) Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "expiring no later than September 30, 2001".

(c) Sections 202, 214; and 302(a)(1)(C) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) are amended by striking "grant-in-aid programs" each place it appears and inserting "grant programs".

(d) Section 202(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "title VI of the Public Health Service Act (42 U.S.C. 291–291o), the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282)," and inserting "title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.),".

(e) Section 207(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "section 221 of the National Housing Act, section 8 of the United States Housing Act of 1937, section 515 of the Housing Act of 1949," and inserting "section 221 of the National Housing Act (12 U.S.C. 1715*l*), section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), section 515 of the Housing Act of 1949 (42 U.S.C. 1485),".

(f) Section 214 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the section heading, by striking "GRANT-IN-AID" and inserting "GRANT";

(2) in subsection (a)—

(A) by striking "grant-in-aid Act" each place it appears and inserting "Act";

(B) in the first sentence, by striking "grant-in-aid Acts" and inserting "Acts";

(C) by striking "grant-in-aid program" each place it appears and inserting "grant program"; and

(D) by striking the third sentence;

(3) by striking subsection (c) and inserting the following:

"(c) Definition of Federal Grant Program.—

"(1) In general.—In this section, the term 'Federal grant program' means any Federal grant program authorized by this Act or any other Act that provides assistance for—

"(A) the acquisition or development of land;

"(B) the construction or equipment of facilities; or

"(C) any other community or economic development or economic adjustment activity.

"(2) Inclusions.—In this section, the term 'Federal grant program' includes a Federal grant program such as a Federal grant program authorized by—

"(A) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);

"(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.);

"(C) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.);

"(D) the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.);

"(E) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(F) title VI of the Public Health Service Act (42 U.S.C. 291 et seq.);

"(G) sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149);

"(H) title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

"(I) part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.).

"(3) Exclusions.—In this section, the term 'Federal grant program' does not include—

"(A) the program for construction of the Appalachian development highway system authorized by section 201;

"(B) any program relating to highway or road construction authorized by title 23, United States Code; or

"(C) any other program under this Act or any other Act to the extent that a form of financial assistance other than a grant is authorized."; and

(4) by striking subsection (d).

(g) Section 224(a)(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "relative per capita income" and inserting "per capita market income".

(h) Section 225 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)—

(1) in subsection (a)(3), by striking "development program" and inserting "development strategies"; and

(2) in subsection (c)(2), by striking "development programs" and inserting "development strategies".

(i) Section 303 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the section heading, by striking "INVESTMENT PROGRAMS" and inserting "STRATEGY STATEMENTS";

(2) in the first sentence, by striking "implementing investments programs" and inserting "strategy statements"; and

(3) by striking "implementing investment program" each place it appears and inserting "strategy statement".

(j) Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the next-to-last undesignated paragraph, by striking "Committee on Public Works and Transportation" and inserting "Committee on Transportation and Infrastructure"; and

(2) by striking the last undesignated paragraph.

By Mr. DOMENICI:

S. 1207. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area; to the Committee on Veterans' Affairs.

Mr. DOMENICI. Mr. President, it is with great pleasure and honor that I rise today to introduce a bill to create a National Veterans Cemetery in Albuquerque, NM.

The men and women who have served in the United States Armed Forces have made immeasurable sacrifices to this great Nation. Veterans have secured liberty for citizens of the United States since time and immemorial. Their sacrifices and those of their families must not be forgotten.

These veterans deserve to be buried in a National Cemetery with their fellow comrades. However, the Santa Fe National Cemetery, which serves the Northern two thirds of New Mexico, is rapidly approaching maximum capacity.

Some years ago, the Senate passed my legislation to extend the useful life of the Santa Fe National Cemetery by authorizing the use of flat grave markers. However, that legislation was a temporary measure, rather than a solution since the Cemetery will lack sufficient plot space by 2008. The solution that I am seeking is to designate a new National Cemetery in Albuquerque, NM.

I believe all New Mexicans are proud of the Santa Fe National Cemetery. Since its humble beginnings, it has grown from 39/100 of an acre to its current 77 acres.

The cemetery first opened in 1868 and was designated a National Cemetery in April of 1875. Service men and women from all of our Nation's wars hold an honored spot within its hallowed ground.

With that proud history in mind, we must find another suitable site to serve as the last resting place for New Mexico's veterans.

I would like to thank Congresswoman Heather Wilson for bringing this important issue to my attention, and for introducing companion legislation earlier this year.

The need to begin planning soon cannot be overstated. Half of New Mexico's 180,000 veterans live in the Albuquerque/Santa Fe area. Interment rates continue to rise with the passing of our older veterans and will peak in 2008.

Therefore, I am introducing legislation today to create a National Veterans Cemetery in Albuquerque, NM.

The bill simply directs the Secretary of Veterans Affairs to establish a National Cemetery in the Albuquerque metropolitan area and to submit a report to Congress setting forth a schedule for establishing the Cemetery.

In conclusion I would ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Albuquerque, New Mexico, metropolitan area to serve the needs of veterans and their families.

(b) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report that sets forth a schedule for the establishment of the national cemetery under subsection (a) and an estimate of the costs associated with the establishment of the national cemetery.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. DURBIN, Ms. LANDRIEU, Mrs. CLINTON, and Mr. SCHUMER):

S. 1208. A bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States; to the Committee on the Judiciary.

Mr. GRAHAM. Mr. President, I rise today, along with my colleagues, Senators GRASSLEY, LIEBERMAN, DURBIN, LANDRIEU, and CLINTON, to introduce the Ecstasy Prevention Act of 2001; legislation to combat the recent rise in trafficking, distribution and violence associated with MDMA, a club drug commonly known as Ecstasy. Ecstasy has become the "feel good" drug of choice among many of our young people, and drug pushers are marketing it as a "friendly" drug to mostly teenagers and young adults.

Last year I sponsored and Congress passed legislation which drew attention to the dangers of Ecstasy and strengthened the penalties attached to trafficking in Ecstasy and other "club drugs." Since then, Ecstasy use and trafficking continue to grow at epidemic proportions, and there are many accounts of deaths and permanent damage to the health of those who use Ecstasy. The U.S. Customs Service continues to report large increases in Ecstasy seizures, over 9 million pills were seized by Customs last year, a dramatic rise from the 400,000 seized in 1997. According to the United States Customs Service, in Fiscal Year 2001, two individual seizures affected by Customs Inspectors in Miami, FL totaled approximately 422,000 ecstasy tablets. These two seizures alone exceeded the entire amount of ecstasy seized by the Customs Service in all of Fiscal Year 1997. The Deputy Director of Office of National Drug Control Policy, ONDCP, Dr. Donald Vereen, Jr., M.D., M.P.H., recently said that "Ecstasy is one of the most problematic drugs that has emerged in recent years." The National Drug Intelligence Center, in its most recent publication "Threat Assessment 2001," has noted that "no drug in the Other Dangerous Drugs Category represents a more immediate threat than MDMA" or Ecstasy.

The Office of National Drug Control Policy's Year 2000 Annual Report on the National Drug Control Strategy clearly states that the use of Ecstasy is on the rise in the United States, particularly among teenagers and young professionals. My State of Florida has been particularly hard hit by this plague, but so have the States of many of my colleagues here. Ecstasy is customarily sold and consumed at "raves," which are semi-clandestine, all-night parties and concerts. Numerous data also reflect the increasing availability of ecstasy in metropolitan centers and suburban communities. In the most recent release of Pulse Check: Trends in Drug Abuse Mid-year 2000, which featured MDMA and club drugs, it was reported that the sale and use of club drugs have expanded from raves and nightclubs to high schools, streets, neighborhoods and other open venues.

Not only has the use of Ecstasy exploded, more than doubling among 12th graders in the last two years, but it has also spread well beyond its origin as a party drug for affluent white suburban teenagers to virtually every ethnic and class group, and from big cities like New York and Los Angeles to rural Vermont and South Dakota.

And now, this year, law enforcement officials say they are seeing another worrisome development, increasingly violent turf wars among Ecstasy dealers, and some of those dealers are our young people. Homicides linked to Ecstasy dealing have occurred in recent months in Norfolk, VA; Elgin, IL, near Chicago; and in Valley Stream, NY. Police suspect Ecstasy in other murders in the suburbs, of Washington, DC, and Los Angeles, and violence is being linked to Israeli drug dealers in Los Angeles and to organized crime in New York City. Ecstasy is also becoming widely available on the Internet. Last year, a man arrested in Orlando, FL, had been selling Ecstasy to customers in New York.

The lucrative nature of Ecstasy encourages its importation. Production costs are as low as two to twenty-five cents per dose while retail prices in the U.S. range from twenty dollars to $45 per dose. Manufactured mostly in Europe, in nations such as the Netherlands, Belgium, and Spain where pill presses are not controlled as they are in the U.S., ecstasy has erased all of the old routes law enforcement has mapped out for the smuggling of traditional drugs. And now the trade is being promoted by organized criminal elements, both from abroad and here. Although Israeli and Russian groups dominate MDMA smuggling, the involvement of domestic groups appears to be increasing. Criminal groups based in Chicago, Phoenix, Texas, and Florida have reportedly secured their own sources of supply in Europe.

Young Americans are being lulled into a belief that ecstasy, and other designer drugs are "safe" ways to get high, escape reality, and enhance intimacy in personal relationships. The drug traffickers make their living off of perpetuating and exploiting this myth.

I want to be perfectly clear in stating that ecstasy is an extremely dangerous drug. In my State alone, between July and December of last year, there were 25 deaths in which MDMA or a variant were listed as a cause of death, and there were another 25 deaths where MDMA was present in the toxicology, although not actually listed as the cause of death. This drug is a definite killer.

The "Ecstasy Prevention Act of 2001" renews and enhances our commitment toward fighting the proliferation and trafficking of Ecstasy and other club drugs. It builds on last year's Ecstasy Anti-Proliferation Act of 2000 and provides legislation to assist the Federal and local organizations that are fighting to stop this potentially life-threatening drug. This legislation will allot funding for programs that will educate law enforcement officials and young people and will assist community-based anti-drug efforts. To that end, this bill amends Section 506B(c) of title V of the Public Health Service Act, by adding that priority of funding should be given to communities that have taken measures to combat club drug trafficking and use, to include passing ordinances and increasing law enforcement on Ecstasy.

The bill also provides money for the National Institute on Drug Abuse to conduct research and evaluate the effects that MDMA or Ecstasy has on an individual's health. And, because there is a fear that the lack of current drug tests ability to screen for Ecstasy may encourage Ecstasy use over other drugs, the bill directs ONDCP to commission a test for Ecstasy that meets the standards of and can be used in the Federal Workplace.

Through this campaign, our hope is that Ecstasy will soon go the way of crack, which saw a dramatic reduction in the quantities present on our streets after information of its unpredictable impurities and side effects were made known to a wide audience. By using this educational effort we hope to avoid future deaths and ruined lives.

The Ecstasy Prevention Act of 2000 can only help in our fight against drug abuse in the United States. Customs is working hard to stem the flow of Ecstasy into our country. As legislators we have a responsibility to stop the proliferation of this potentially life threatening drug. The Ecstasy Prevention Act of 2001 will assist the Federal and local agencies charged to fight drug abuse by raising the public profile on the substance-abuse challenge posed by the increasing availability and use of Ecstasy and by focusing on the serious danger it presents to our youth.

We urge our colleagues in the Senate to join us in this important effort by co-sponsoring this bill.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. DASCHLE, Mr. CONRAD, Mr. ROCKEFELLER, Mr. BREAUX, Mr. KERRY, Mr. TORRICELLI, Mrs. LINCOLN, Mr. JEFFORDS, Mr. BAYH, Mr. DAYTON, and Mr. LIEBERMAN):

S. 1209. A bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act of 2001, and would like to add Senators BAUCUS, DASCHLE, CONRAD, ROCKEFELLER, KERRY, TORRICELLI, JEFFORDS, LINCOLN, BREAUX, BAYH, DAYTON, and LIEBERMAN as original co-sponsors.

This legislation represents the culmination of almost two years of effort, including discussions with individuals who process or receive trade adjustment assistance, conversations with labor and trade policy experts, consultations with the Department of Labor, requests for studies from the General Accounting Office, and dialogue between my colleagues in the Senate. The legislation is extremely important, as it directly addresses the question of how Congress will assist those workers and communities negatively impacted by international trade. It is also long overdue, as Congress—the Senate in particular—has discussed reform of the trade adjustment assistance programs for a number of years. The last revision of the trade adjustment assistance programs occurred when NAFTA was passed, and we only added to the programs at that time, we did not make them compatible in any tangible way. I believe it is time to act, and I think we have a unique opportunity to act in that there is interest both in Congress and the Administration to improve the trade adjustment assistance programs in a fundamental and a beneficial way.

Let me give some background on trade adjustment assistance, and why I feel it is so important to address at this time.

In 1962, when the Trade Expansion Act was being considered in Congress, the Kennedy Administration established a basic rule concerning international trade as it applies to American workers. When someone loses their job as a result of trade agreements entered into by the U.S. government, we have an obligation to assist these Americans in finding new employment. It is a very straightforward proposition really. If you lose your job because of U.S. trade policy, the Federal Government should help you in your effort to get a job in a competitive industry at a wage equivalent to what you are making now. While I believe the United States should be committed to expanding the international trading system, I also believe we should help our workers get back on their feet when they are harmed by trade agreements.

I find this proposition to be reasonable, appropriate, and fair. It suggests that the U.S. government supports an open, multilateral trading system, but recognizes that it is responsible for the negative impacts this policy has on its citizens. It suggests that the U.S. government believes that an open trading system provides long-term advantages for the United States and its people, but the short-terms costs must be addressed if the policy is to continue and the United States is to remain competitive. It suggests that there is a collective interest that must be pursued by the United States in the international trading system, but that our individual and community interests must be simultaneously protected for the greater good of our country.

This commitment to American workers has continued over the years—through both Democratic and Republican administrations and Congresses—and I am convinced the Trade Adjustment Assistance program should be both solidified and expanded at this time. I say this for two reasons.

First, as I have stated above, because from where I stand American workers and communities deserve some tangible help from the competitive pressures of the international trading system. We cannot stand by and pretend that there is not a need to assist workers and communities adjust to the dramatic changes that are now occurring as a result of globalization. Trade adjustment assistance will help do this.

Second, as a practical matter, passage of stronger trade adjustment assistance legislation will allow us to intensively pursue international trade negotiations and focus on important issues like liberalization, transparency, access, inequality, and poverty in the international economy. If we support programs like Trade Adjustment Assistance—programs that empower American workers, that raise living standards, and that advance the prospects of everyone in our country—then we open the possibility for more comprehensive and beneficial international trade agreements. We must understand that globalization is inevitable, and over time will only move at an even more rapid pace. The question for us in this chamber is not whether we can stop it—we cannot—but how we can manage it to benefit the national interest of the United States. Trade adjustment assistance programs for workers and communities will help do this.

There is no denying that globalization is a double-edged sword. But while there are obvious benefits that come from a more open and interdependent trading system, we cannot ignore the problems that come as a result. In my State of New Mexico we have seen a number of plant closings and lay-offs, including some in my own home town of Silver City. These people cannot simply go across the street and look for new work. They are people who have been dedicated to their companies and have played by the rules over the years. When I talk to these people, they ask me: Where am I supposed to work now? Where do I find a job with a salary that allows me to support a family, own a house, put food on the table, and live a decent life? Where are the benefits of free trade for me now that my company has gone overseas?

These are hard questions, especially given their current situation. But my answer is that they deserve an opportunity to get income support and retraining to rebuild their lives. They deserve a program that creates skills that are needed, that moves them into new jobs faster, that provides opportunities for the future, that keeps families and communities intact. They deserve the recognition that they are important, and that through training they can continue to contribute to the economic welfare of the United States.

Trade adjustment assistance offers the potential for this outcome. Over the years it has consistently helped workers across the United States deal with the transition that is an inevitable part of a changing international economic system. It helps people that can work and want to work to train for productive jobs that contribute to the economic strength of their communities and our country. Although TAA has not been without its flaws, it remains the only program we have that allows workers and companies to adjust and remain competitive. Without it, in my opinion, we are saying unequivocally that we don't care what happens to you, that we bear no responsibility for the position that you are in, that you are on your own. We can't do that. We have made a promise to workers in every administration, both Democrat and Republican, and we should continue to do so.

As we wrote this legislation, we kept a number of fundamental objectives in mind:

First, we wanted to combine existing trade adjustment assistance programs and harmonize their various requirements so they would provide more effective and efficient results for individuals and communities. In doing so, we wanted to provide allowances, training, job search, relocation, and support service assistance to secondary workers and workers affected by shifts in production. We also ensured that the State-based delivery system created through the Workforce Investment Act remained intact but tightened the program so response times to lay-offs and trade adjustment assistance applications would quicker.

Second, we wanted to recognize the direct correlation between job dislocation, job training, and economic development, especially in communities that have been hit hard by unemployment. In the past, trade adjustment assistance focused specifically on individual re-training, but it did not address the possibility that unemployment might be so high in a community that jobs were not available for an individual after they had completed a training program. To rectify this problem, we have created a community trade adjustment assistance program, designed to provide strategic planning assistance and economic development funding to those communities that need it the most. In doing so, we have emphasized the responsibility of regional and local agencies and organizations to create a community-based recovery plan and activate a response designed to alleviate economic problems in their region, and to establish stakeholder partnerships in the community that enhance competitiveness through workforce development, specific business needs, education reform, and economic development.

Third, we wanted to encourage greater cooperation between Federal, regional, and local agencies that deal with individuals receiving trade adjustment assistance. At present, individuals that are receiving trade adjustment assistance obtain counseling from one-stop shops in their region, but typically this is limited to information related to allowances and training. Not available is the other information concerning funds available through other Federal departments and agencies, such as health care for individuals and their families. To prevent the creation of duplicative programs and to use the funds that are currently available, we have asked that an inter-agency working group on trade adjustment assistance be created and that a inter-agency database on Federal, State, and local resources available to TAA recipients be established.

Fourth, we wanted to establish accountability in the trade adjustment assistance program. In the past, data concerning trade adjustment assistance has been collected, but not in a uniform fashion across all States and regions. The Department of Labor and the General Accounting Office have done their best to obtain data that allow us to evaluate programs and measure outcomes, and we have used this data in writing this bill. In the future, however, we need to ensure that Congress has the information needed that will allow us to make targeted reforms.

Finally, we wanted to help family farmers. At present, trade adjustment assistance is available for employees of agricultural firms, the reason being that firms have individuals that can become unemployed. Family farmers, however, are not in this position. For them, there is no way to become unemployed, and therefore, no way for them to become eligible for trade adjustment assistance.

This legislation improves upon the current system in a number of ways. As I mentioned above, for the first time Congress will establish a two-tier system for trade adjustment assistance, recognizing that trade can adversely affect both individuals and communities.

For individuals, the legislation: harmonizes TAA and NAFTA/TAA across the board as it relates to eligibility requirements, certification time periods, and training enrollment discrepancies, making it one coherent, comprehensive program; extends TAA benefits to all secondary workers and all workers affected by shifts in production; increases TAA benefits so allowances and training are both available for a 78 week period; provides relocation and job search allowances to TAA recipients; provides support services for individuals, including child-care and dependent-care; increases the time frame available for breaks in training to 30 days; allows individuals who return to work to receive training funds for up to 26 weeks; entitles individual certified under trade adjustment assistance program to training, and caps total training program funding at $300m per year; establishes sliding scale wage insurance program at the Department of Labor; requires detailed data on program performance by States and Department of Labor, plus regular Department of Labor report on efficacy of program to Congress; establishes inter-agency group to coordinate Federal assistance to individuals and communities; allows individual eligible for trade adjustment assistance program a tax credit of 50% on amount paid for continuation of health care coverage premiums; requires the General Accounting Office to conduct a study of all assistance available from Federal Government for workers facing job loss and economic distress; requires States to conduct a study of all assistance available from Federal Government for workers facing job loss and economic distress; provides States with grants not to exceed $50,000 to conduct such study; requires General Accounting Office and States to submit reports to Senate Finance Committee and House Ways and Means Committee within one year of enactment of this Act; establishes that the Senate Finance Committee and the House Ways and Means Committee can by resolution direct the Secretary to initiate a certification process covering any group of workers.

For communities, the legislation: establishes Office of Community Economic Adjustment (OCEA) at Commerce; establishes inter-agency group to coordinate Federal assistance to communities; establishes community economic adjustment advisors to provide technical assistance to communities and act as liaison between community and Federal government concerning strategic planning and funding; provides funding for strategic planning; provides funding for community economic adjustment efforts; responds to the criticism contained in several reports and creates a series of performance benchmarks and reporting requirements, all of which will allow us to gauge the effectiveness and efficiency of the program.

For companies, the legislation: re-authorizes TAA for firms program.

For Farmers, Ranchers, and Fishermen, the legislation: establishes special provisions that allow TAA to cover family farmers, ranchers, and fishermen.

Let me conclude by saying that I consider the Trade Adjustment Assistance program to be a commitment between our government and the American people. It is the only program designed to help American workers cope with the changes that occur as a result of international trade. Current legislation expires on September 30th of this year, and it is time to do something more than a simple reauthorization. I ask my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 137—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN JOHN HOFFMAN, ET AL. V. JAMES JEFFORDS

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 137

Whereas, Senator James Jeffords has been named as a defendant in the case of John Hoffman, et al. v. James Jeffords, Case No. 01CV1190, now pending in the United States District Court for the District of Columbia;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator James Jeffords in the case of John Hoffman, et al. v. James Jeffords.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1019. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1020. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1021. Mr. STEVENS (for himself and Mr. Murkowski) submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1022. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1023. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2311, supra; which was ordered to lie on the table.

SA 1024. Mr. REID (for himself and Mr. Domenici) proposed an amendment to the bill H.R. 2311, supra.

SA 1025. Mrs. MURRAY (for herself and Mr. Shelby) proposed an amendment to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

SA 1026. Mr. DURBIN (for himself and Mr. Bennett) proposed an amendment to the bill S. 1172, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes.

SA 1027. Mr. SPECTER proposed an amendment to the bill S. 1172, supra.

TEXT OF AMENDMENTS

SA 1019. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 26, after "expended,", insert the following: "of which not less than $300,000 shall be used for a study to determine, and develop a project that would make, the best use, on beaches of adjacent towns, of sand dredged from Morehead City Harbor, Carteret County, North Carolina; and".

SA 1020. Ms. SNOWE (for herself and Ms. Collins) submitted an amendment intended to be proposed by her to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

(a)(1) Not later than X, the Secretary shall investigate the flood control project for Fort Fairfield, Maine, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); and

(2) determine whether the Secretary is responsible for a design deficiency in the project relating to the interference of ice with pump operation.

(b) If the Secretary determines under subsection (a) that the Secretary is responsible for the design deficiency, the Secretary shall correct the design deficiency, including the cost of design and construction, at 100 percent Federal expense.

SA 1021. Mr. STEVENS (for himself and Mr. Murkowski) submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, add the following:

SEC. . SOUTHEAST INTERTIE LICENSE TRANSFER.

(a) In General.—On notification by the State of Alaska to the Federal Energy Regulatory Commission that the sale of hydroelectric projects owned by the Alaska Energy Authority has been completed, the transfer of the licenses for Project Nos. 2742, 2743, 2911 and 3015 to the Four Dam Pool Power Agency shall occur by operation of this section.

(b) Ratification of Order.—The Order Granting Limited Waiver of Regulations issued by the Federal Energy Regulatory Commission March 15, 2001 (Docket Nos. EL01-26-000 and Docket No. EL01-32-000, 94 FERC 61,293 (2001), is ratified.

(c) Requirement To Purchase Electric Power.—The members of the Four Dam Pool Power Agency in Alaska shall not be required, under section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) or any other provision of federal law, to purchase electric power (capacity or energy) from any entity except the Four Dam Pool Power Agency.

SA 1022. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —IRAQ PETROLEUM IMPORT RESTRICTION ACT OF 2001

SECTION . SHORT TITLE AND FINDINGS.

(a) This Title can be cited as the "Iraq Petroleum Import Restriction Act of 2001."

(b) Findings.—Congress finds that:

(1) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction;

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions;

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people;

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced "No-Fly Zones" in effect in the Republic of Iraq; and

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(2) Further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

SEC. . PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

SEC. . TERMINATION/PRESIDENTIAL CERTIFICATION.

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that:

(a) the United States is not engaged in active military operations in:

(1) enforcing "No-Fly Zones" in Iraq;

(2) support of United Nations sanctions against Iraq;

(3) preventing the smuggling of Iraqi-origin petroleum and petroleum products in violation of UNSC Resolution 986; and

(4) otherwise preventing threatening action by Iraq against the United States or its allies; and

(b) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

SEC. . HUMANITARIAN INTERESTS.

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

SEC. . DEFINITIONS.

(a) "661 Committee."—The term 661 Committee means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) "UNSC Resolution 661."—The term UNSC Resolution 661 means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) "UNSC Resolution 986."—The term UNSC Resolution 986 means United Nations Security Council Resolution 98, adopted April 14, 1995.

SEC. . EFFECTIVE DATE.

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

SA 1023. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 9, strike "prices)." and insert "prices): *Provided further*, That none of the funds made available in furtherance of or for the purposes of the CALFED Program may be obligated or expended for such purpose unless separate legislation specifically authorizing such expenditures or obligation has been enacted."

SA 1024. Mr. REID (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 17, line 8, insert the following:

SEC. 204. LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.

(a) In General.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on May 3, 2000, in Central Arizona Water Conservation District v. United States (No. CIV 95-625-TUC-WDB (EHC), No. CIV 95-1720-OHX-EHC (Consolidated Action)) is met.

(b) Payment to General Fund.—If any of the provisions of the stipulation referred to in subsection (a) is not met by the date that is 3 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) Authorization.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

At the appropriate place in the bill insert the following: "; *Provided*, That within the funds provided, molecular nuclear medicine research shall be continued at not less than the fiscal year 2001 funding level."

At the appropriate place in Title I, insert the following:

"Sec. . The non-Federal interest shall receive credit towards the lands, easements, relocations, rights-of-way, and disposal areas required for the Lava Hot Springs restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: *Provided*, That the Secretary shall provide credit for work only if the Secretary determines such work to be integral to the project."

On page 7, line 6, before the period, insert the following: ": *Provided further*, That, with respect to the environmental infrastructure project in Lebanon, New Hampshire, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed before the date of execution of the project cooperation agreement", if the Secretary determines the work is integral to the project."

On page 8, line 7, before the colon, insert the following: ", and of which not less than $400,000 shall be used to carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire".

On page 11, line 16 insert the following ", "Sec. 104. Of the funds provided under Title I, $15,500,000 shall be available for the Demonstration Erosion Control project, MS."

On page 36, line 5, strike "$43,652,000" and insert "$48,652,000".

On page 36, line 16, strike "$5,432,000" and insert "$5,280,000".

On page 36, line 23, strike "$68,000" and insert "$220,000".

At the appropriate place in the bill under General Provisions, Department of Energy, insert the following:

Sec. 3 . (a) The Secretary of Energy shall conduct a study of alternative financing approaches, to include third-party-type methods, for infrastructure and facility construction projects across the Department of Energy. (b) The study shall be completed and delivered to the House and Senate Committees on Appropriation within 180 days of enactment.

On page 29, line 3, strike "$181,155,000" and insert "$187,155,000".

On page 29, line 5, strike "$181,155,000" and insert "$187,155,000".

On page 29, line 13, insert the following after "not more than $0" insert the following: ": *Provided further*, That the Commission is authorized to hire an additional ten senior executive service positions."

On page 17, lines 21 and 22, strike "$736,139,000 to remain available until expended" and insert "$736,139,000, to remain available until expended, of which not less than $3,000,000 shall be used for the advanced test reactor research and development upgrade initiative".

In Title II, page 14, line 9, after "1998 prices)." strike the period and insert the following: ": *Provided further*, That of the funds provided herein, $1,000,000 may be used to complete the Hopi/Western Navajo Water Development Plan, Arizona."

At the appropriate place, insert: "Of the funds made available under Operations and Maintenance, a total of $3,000,000 may be made available for Perry Lake, Kansas."

On page 28, before the period on line 10, insert the following: ": *Provided further*, That of the amount herein appropriated, not less than $200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between Belfield and Hettinger, North Dakota: *Provided further*, That these funds shall be nonreimbursable: *Provided further*, That these funds shall be available until expended."

On page 12, line 20, after "expended," insert "of which $4,000,000 shall be available for the West River/Lyman-Jones Rural Water System to provide rural, municipal, and industrial drinking water for Philip, South Dakota, in accordance with the Mni Wiconi Project Act of 1988 (102 Stat. 2566; 108 Stat. 4539),".

On page 28, before the period on line 23, insert the following: "*Provided further*, within the amount herein appropriated, not less than $200,000 shall be provided for the Western Area Power Administration to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies: *Provided further*, That WAPA shall publish a study by July 31, 2002 that contains recommendations of the most cost-effective methods and technologies to enhance electricity transmission from lignite and wind energy: *Provided further*, That these funds shall be non-reimbursable: *Provided further*, That these funds shall be available until expended."

On page 7, line 26, after "expended," insert the following: "of which not less than $300,000 shall be used for a study to determine, and develop a project that would make, the best use, on beaches of adjacent towns, of sand dredged from Morehead City Harbor, Carteret County, North Carolina; and".

In Title I, on page 11, Line 16, after "Plan", insert at the appropriate place, the following:

"SEC. . GUADALUPE RIVER, CALIFORNIA.

"The project for flood control, Guadalupe River, California, authorized by Section 401 of the Water Resources Development Act of 1986, and the Energy and Water Development Appropriation Acts of 1990 and 1992, is modified to authorize the Secretary to construct the project substantially in accordance with the General Reevaluation and Environmental Report for Proposed Project Modifications, dated February 2001, at a total cost of $226,800,000, with an estimated Federal cost $128,700,000, and estimated non-Federal cost of $98,100,000."

On page 2, line 18, before the period, insert the following: ", of which not less than $500,000 shall be used to conduct a study of Port of Iberia, Louisiana".

On page 8, at the end of line 24, before the period, insert:

": *Provided further*, That $500,000 of the funds appropriated herein shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island."

At the appropriate place, insert the following:

"Of the funds provided under Operations and Maintenance for McKlellan-Kerr, Arkansas River Navigation System dredging, $22,338,000 is provided: Provided further, of that amount, $1,000,000 shall be for dredging on the Arkansas River for maintenance dredging at the authorized depth."

On Page 2, line 18, before the period, insert the following: ", *Provided*, That using $100,000 of the funds provided herein for the States of Maryland, Virginia, Pennsylvania and the District of Columbia, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address the sediments behind the dams on the lower Susquehanna River.

On page 11, between lines 16 and 17, insert the following:

SEC. 1 . DESIGNATION OF NONNAVIGABILITY FOR PORTIONS OF GLOUCESTER COUNTY, NEW JERSEY.

(a) Designation.—

(1) In general.—The Secretary of the Army (referred to in section as the "Secretary") shall designate as nonnavigable the areas described in paragraph (3) unless the Secretary, after consultation with local and regional public officials (including local and regional planning organizations), makes a determination that 1 or more projects proposed to be carried out in 1 or more areas described in paragraph (2) are not in the public interest.

(2) Description of areas.—The areas referred to in paragraph (1) are certain parcels of property situated in the West Deptford Township, Gloucester County, New Jersey, as depicted on Tax Assessment Map #26, Block #328, Lots #1, 1.03, 1.08, and 1.09, more fully described as follows:

(A) Beginning at the point in the easterly line of Church Street (49.50 feet wide), said beginning point being the following 2 courses from the intersection of the centerline of Church Street with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(i) along said centerline of Church Street N. 11°28′50″ E. 38.56 feet; thence

(ii) along the same N. 61°28′35″ E. 32.31 feet to the point of beginning.

(B) Said beginning point also being the end of the thirteenth course and from said beginning point runs; thence, along the aforementioned Easterly line of Church Street—

(i) N. 11°28′50″ E. 1052.14 feet; thence

(ii) crossing Church Street, N. 34°19′51″ W. 1590.16 feet; thence

(iii) N. 27°56′37″ W. 3674.36 feet; thence

(iv) N. 35°33′54″ W. 975.59 feet; thence

(v) N. 57°04′39″ W. 481.04 feet; thence

(vi) N. 36°22′55″ W. 870.00 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(vii) along the same line N. 53°37′05″ E. 1256.19 feet; thence

(viii) still along the same, N. 86°10′29″ E. 1692.61 feet; thence, still along the same the following thirteenth courses

(ix) S. 67°44′20″ E. 1090.00 feet to a point in the Pierhead and Bulkhead Line along the Southwesterly shore of Woodbury Creek; thence

(x) S. 39°44′20″ E. 507.10 feet; thence

(xi) S. 31°01′38″ E. 1062.95 feet; thence

(xii) S. 34°34′20″ E. 475.00 feet; thence

(xiii) S. 32°20′28″ E. 254.18 feet; thence

(xiv) S. 52°55′49″ E. 964.95 feet; thence

(xv) S. 56°24′40″ E. 366.60 feet; thence

(xvi) S. 80°31′50″ E. 100.51 feet; thence

(xvii) N. 75°30′00″ E. 120.00 feet; thence

(xviii) N. 53°09′00″ E. 486.50 feet; thence

(xix) N. 81°18′00″ E. 132.00 feet; thence

(xx) S. 56°35′00″ E. 115.11 feet; thence

(xxi) S. 42°00′00″ E. 271.00 feet; thence

(xxii) S. 48°30′00″ E. 287.13 feet to a point in the Northwesterly line of Grove Avenue (59.75 feet wide); thence

(xxiii) S. 23°09′50″ W. 4120.49 feet; thence

(xxiv) N. 66°50′10″ W. 251.78 feet; thence

(xxv) S. 36°05′20″ E. 228.64 feet; thence

(xxvi) S. 58°53′00″ W. 1158.36 feet to a point in the Southwesterly line of said River Lane; thence

(xxvii) S. 41°31′35″ E. 113.50 feet; thence

(xxviii) S. 61°28′35″ W. 863.52 feet to the point of beginning.

(C)(i) Except as provided in clause (ii), beginning at a point in the centerline of Church Street (49.50 feet wide) where the same is intersected by the curved northerly line of Pennsylvania-Reading Seashore Lines Railroad right-of-way (66.00 feet wide), along that Railroad, on a curve to the left, having a radius of 1465.69 feet, an arc distance of 1132.14 feet—

(I) N. 88°45′47″ W. 1104.21 feet; thence

(II) S. 69°06′30″ W. 1758.95 feet; thence

(III) N. 23°04′43″ W. 600.19 feet; thence

(IV) N. 19°15′32″ W. 3004.57 feet; thence

(V) N. 44°52′41″ W. 897.74 feet; thence

(VI) N. 32°26′05″ W. 2765.99 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(VII) N. 53°37′05″ E. 2770.00 feet; thence

(VIII) S. 36°22′55″ E. 870.00 feet; thence

(IX) S. 57°04′39″ E. 481.04 feet; thence

(X) S. 35°33′54″ E. 975.59 feet; thence

(XI) S. 27°56′37″ E. 3674.36 feet; thence

(XII) crossing Church Street, S. 34°19′51″ E. 1590.16 feet to a point in the easterly line of Church Street; thence

(XIII) S. 11°28′50″ W. 1052.14 feet; thence

(XIV) S. 61°28′35″ W. 32.31 feet; thence

(XV) S. 11°28′50″ W. 38.56 feet to the point of beginning.

(ii) The parcel described in clause (i) does not include the parcel beginning at the point in the centerline of Church Street (49.50 feet wide), that point being N. 11°28′50″ E. 796.36 feet, measured along the centerline, from its intersection with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(I) N. 78°27′40″ W. 118.47 feet; thence

(II) N. 15°48′40″ W. 120.51 feet; thence

(III) N. 77°53′00″ E 189.58 feet to a point in the centerline of Church Street; thence

(IV) S. 11°28′50″ W. 183.10 feet to the point of beginning.

(b) Limits on Applicability; Regulatory Requirements.—

(1) In general.—The designation under subsection (a)(1) shall apply to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.

(2) Applicable law.—All activities described in paragraph (1) shall be subject to all applicable Federal law, including—

(A) the Act of March 3, 1899 (30 Stat. 1121, chapter 425);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Termination of Designation.—If, on the date that is 20 years after the date of enactment of this Act, any area or portion of an area described in subsection (a)(3) is not bulkheaded, filled, or otherwise occupied by permanent structures (including marina facilities) in accordance with subsection (b), or if work in connection with any activity authorized under subsection (b) is not commenced by the date that is 5 years after the date on which permits for the work are issued, the designation of nonnavigability under subsection (a)(1) for that area or portion of an area shall terminate.

Under Title II, page 14, line 9, strike the period and insert the following: *: Provided further*, That $500,000 of the funds provided herein, shall be available to begin design activities related to installation of electric irrigation water pumps at the Savage Rapids Dam on the Rogue River, Oregon.

At the appropriate place insert the following:

SEC. . NOME HARBOR TECHNICAL CORRECTIONS.

Section 101(a)(1) of Public Law 106–53 (the Water Resources Development Act of 1999) is amended by—

(A) striking "25,651,000" and inserting in its place "$39,000,000"; and

(B) striking "20,192,000" and inserting in its place "$33,541,000".

In Title I, on page 11, line 16, after "Plan." at the appropriate place, insert the following:

"Sec. . The Secretary of the Army shall not accept or solicit non-Federal voluntary contributions for shore protection work in excess of the minimum requirements established by law; except that, when voluntary contributions are tendered by a non-Federal sponsor for the prosecution of work outside the authorized scope of the Federal project at full non-Federal expense, the Secretary is authorized to accept said contributions."

In Title I, on page 2, line 18, after "until expended.", strike the period and insert the following: ": *Provided*, that the Secretary of the Army, using $100,000 of the funds provided herein, is directed to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality and other purposes in Tuscaloosa County, Alabama, and shall provide a comprehensive plan for the development, conservation, disposal and utilization of water and related land resources, for flood damage reduction and allied purposes, including the determination of the need for a reservoir to satisfy municipal and industrial water supply needs."

Insert on page 14, line 9, after "1998 prices)" ": *Provided further*, That of such funds, not more than $1,500,000 shall be available to the Secretary for completion of a feasibility study for the Santa Fe Regional Water System, New Mexico: *Provided further*, That the study shall be completed by September 30, 2002"

At the appropriate place, insert the following:

Sec. . Section 211 of the Water Resources and Development Act of 2000 (P.L. 106-541) [114 Stat. 2592-2593] is amended by adding the following language at the end thereof as paragraph (c):

"(3) Engineering Research and Development Center.—The Engineer Research and Development Center is exempt from the requirements of this section."

At the appropriate place insert the following:

Sec. . Section 514(g) of the Water Resources and Development Act of 1999 (113 STAT. 343) is amended by striking "fiscal years 2000 and 2001" and inserting in lieu thereof "fiscal years 2000 through 2002."

In Title II, page 17, line 7, after "390ww(i))." at the appropriate place insert the following:

"Sec. . (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

In Title II, page 14, line 3, after "of "and 2001": *Provided further,*" from the colon strike line 3 through line 9 to the period.

In Title I, page 2 line 18, after "until expended," strike the period and insert the following: ": *Provided further*, That within the funds provided herein, the Secretary may use $300,000 for the North Georgia Water Planning District Watershed Study, Georgia."

Under Title I, page 11, after line 16, at the appropriate place, insert the following:

"SEC. . (a)(1) Not later than December 31, 2001, the Secretary shall investigate the flood control project for Fort Fairfield, Maine, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); and

"(2) determine whether the Secretary is responsible for a design deficiency in the project relating to the interference of ice with pump operation.

"(b) If the Secretary determines under subsection (a) that the Secretary is responsible for the design deficiency, the Secretary shall correct the design deficiency, including the cost of design and construction, at 100 percent Federal expense."

At the appropriate place, add the following:

The Corps of Engineers is urged to proceed with design of the Section 205 Mad Creek Flood control project in Iowa.

On page 17, line 22, before the period, insert the following: "of which $1,000,000 may be available for the Consortium for Plant Biotechnology Research".

Insert on page 22, line 14, strike the period and insert the following: ": *Provided further*, That, $30,000,000 shall be utilized for technology partnerships supportive of NNSA missions and $3,000,000 shall be utilized at the NNSA laboratories for support of small business interaction, including technology clusters relevant to laboratory mission."

On page 33, after line 25, add the following:

SEC. 312. (a) IN GENERAL.—The Secretary of Energy shall provide for the management of environmental matters (including planning and budgetary activities) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, through the Assistant Secretary of Energy for Environmental Management.

(b) PARTICULAR REQUIREMENTS.—(1) In meeting the requirement in subsection (a), the Secretary shall provide for direct communication between the Assistant Secretary of Energy for Environmental Management and the head of the Paducah Gaseous Diffusion Plant on the matters covered by that subsection.

(2) The Assistant Secretary shall carry out activities under this section in direct consultation with the head of the Paducah Gaseous Diffusion Plant.

At the appropriate place, insert the following:

SEC. . CERRILLOS DAM, PUERTO RICO.

The Secretary of the Army shall reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam, carried out as part of the project for flood control, Portugues and Bucana Rivers, Puerto Rico.

At the appropriate place insert:

SEC. . The Senate finds that—

(1) The Department of Energy's Yucca Mountain Program has been one of the most intensive scientific investigations in history.

(2) Significant milestones have been met, including the recent release of the Science and Engineering Report, and others are due in the near future including the Final Site Suitability Evaluation.

(3) Nuclear power presently provides 20% of the electricity generated in the United States.

(4) A decision on how to dispose of spent nuclear fuel and high level radioactive waste is essential to the future of nuclear power in the United States.

(5) Any decision on how to dispose of spent nuclear fuel and high level radioactive waste must be based on sound science and it is critical that the federal government provide adequate funding to ensure the availability of such science in a timely manner to allow fully informed decisions to be made in accordance with the statutorily mandated process. Therefore be it.

Resolved, That it is the Sense of the Senate that the Conferees on the part of the Senate should ensure that the levels of funding included in the Senate bill for the Yucca Mountain program are increased to an amount closer to that included in the House—passed version of the bill to ensure that a determination on the disposal of spent nuclear fuel and high level radioactive waste can be concluded in accordance with the statutorily mandated process.

At the appropriate place in Title II, insert the following:

"SEC. . The Secretary of Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than $6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of 15 years.

Insert at the appropriate place in the bill under "Weapons Activities" the following: "*Provided further*, That $1,000,000 shall be made available for community reuse organizations within the office of Worker and Community Transition."

At the appropriate place, insert the following:

SEC. . The Department of Energy shall consult with the State of South Carolina regarding any decisions or plans related to the disposition of surplus plutonium located at the DOE Savannah River Site. The Secretary of Energy shall prepare not later than September 30, 2002, a plan for those facilities required to ensure the capability to dispose of such materials.

On page 12, between lines 5 and 6, insert the following:

SEC. 1 . STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking "(b) The Secretary" and inserting the following:

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary"; and

(3) by striking "The non-Federal share of the cost of any project under this section shall be 25 percent." and inserting the following:

"(2) COST SHARING.—

"(A) IN GENERAL.—The non-Federal share of the cost of any project under this subsection shall be 25 percent.

"(B) FORM.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

"(C) APPLICABILITY.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date if the Secretary determines that the work is integral to the project.".

On page 5, line 5 after "Vermont:" insert "*Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2.5 million of the funds appropriated herein to proceed with the removal of the Embrey Dam, Fredericksburg, Virginia."

On page 11, between lines 16 and 17, insert the following:

SEC. 1 . RARITAN RIVER BASIN, GREEN BROOK SUBBASIN, NEW JERSEY.

The Secretary of the Army shall implement, with a Federal share of 75 percent and a non-Federal share of 25 percent, a buyout plan in the western portion of Middlesex Borough, located in the Green Brook subbasin of the Raritan River basin, New Jersey, that includes—

(1) the buyout of not to exceed 10 single-family residences;

(2) floodproofing of not to exceed 4 commercial buildings located along Prospect Place or Union Avenue; and

(3) the buyout of not to exceed 3 commercial buildings located along Raritan Avenue or Lincoln Avenue.

At the appropriate place, insert the following: *Provided further*, That the project for the ACF authorized by section 2 of the Rivers and Harbor Act of March 2, 1945 (Public Law 79–14; 59 Stat. 10) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities to develop and implement a plan to be integrated into the long term dredged material management plan being developed for the Corley Slough reach as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal sites that the Secretary may determine to be needed, for the purpose of reuse of the disposal areas, but transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of northwest Florida to be determined in coordination with the State of Florida: *Provided further*, that the Secretary is authorized to acquire all lands, easements, and rights of way that may be determined by the Secretary, in consultation with the affected state, to be required for dredged material disposal areas to implement a long term dredge material management plan: *Provided further*, that the long term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this legislation: *Provided further*, That, $1,000,000 shall be made available for these purposes and $8,173,000 shall be made available for the Apalacheila, Chattahoochee and Flint Rivers Navigation.

On page 33, after line 25, add the following:

SEC. 3 . PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.

No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes

National Forest, New York, during fiscal year 2002 or thereafter.

In the appropriate place, strike $150,000 for Horseshoe Lake Feasibility Study and replace with $250,000 for Horseshoe Lake Feasibility Study.

SA 1025. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Salaries and Expenses

For necessary expenses of the Office of the Secretary, $67,349,000: *Provided*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $2,500,000 in funds received in user fees.

Office of Civil Rights

For necessary expenses of the Office of Civil Rights, $8,500,000.

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,592,000.

Transportation Administrative Service Center

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $125,323,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Minority Business Resource Center Program

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

Minority Business Outreach

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, of which $2,635,000 shall remain available until September 30, 2003: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

COAST GUARD

Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare, $3,427,588,000, of which $695,000,000 shall be available for defense-related activities including drug interdiction; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That of the amounts made available under this heading, not less than $13,541,000 shall be used solely to increase staffing at Search and Rescue stations, surf stations and command centers, increase the training and experience level of individuals serving in said stations through targeted retention efforts, revised personnel policies and expanded training programs, and to modernize and improve the quantity and quality of personal safety equipment, including survival suits, for personnel assigned to said stations: *Provided further*, That the Department of Transportation Inspector General shall audit and certify to the House and Senate Committees on Appropriations that the funding described in the preceding proviso is being used solely to supplement and not supplant the Coast Guard's level of effort in this area in fiscal year 2001.

Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $669,323,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $79,640,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2006; $12,500,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2004; $97,921,000 shall be available for other equipment, to remain available until September 30, 2004; $88,862,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2004; $65,200,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2003; and $325,200,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2006: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2004: *Provided further*, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) system integration contract until the Secretary or Deputy Secretary of Transportation and the Director, Office of Management and Budget jointly certify to the House and Senate Committees on Appropriations that funding for the IDS program for fiscal years 2003 through 2007, funding for the National Distress and Response System Modernization program to allow for full deployment of said system by 2006, and funding for other essential Search and Rescue procurements, are fully funded in the Coast Guard Capital Investment Plan and within the Office of Management and Budget's budgetary projections for the Coast Guard for those years: *Provided further*, That none of the funds provided under this heading may be obligated or expended for the Integrated Deepwater Systems (IDS) integration contract until the Secretary or Deputy Secretary of Transportation, and the Director, Office of Management and Budget jointly approve a contingency procurement strategy for the recapitalization of assets and capabilities envisioned in the IDS: *Provided further*, That upon initial submission to the Congress of the fiscal year 2003 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2003 through 2007, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: *Provided further*, That the Director, Office of Management and Budget shall submit the budget request for the IDS integration contract delineating sub-headings as follows: systems integrator, ship construction, aircraft, equipment, and communications, providing specific assets and costs under each sub-heading.

(RESCISSIONS)

Of the amounts made available under this heading in Public Laws 105–277, 106–69, and 106–346, $8,700,000 are rescinded.

Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,927,000, to remain available until expended.

Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, $15,466,000, to remain available until expended.

Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses under the National Defense Authorization Act, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $876,346,000.

Reserve Training

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services, $83,194,000: *Provided*, That no more than $25,800,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $21,722,000, to remain available until expended, of which $3,492,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

FEDERAL AVIATION ADMINISTRATION

Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104–264, $6,916,000,000, of which $5,777,219,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $6,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States.

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,914,000,000, of which $2,536,900,000 shall remain available until September 30, 2004, and of which $377,100,000 shall remain available until September 30, 2002: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2003 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2003 through 2007, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

Research, Engineering, and Development

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $195,808,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2004: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

Grants-in-Aid for Airports

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs and of programs under section 40117 of such title; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $1,800,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,300,000,000 in fiscal year 2002, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than $64,597,000 of funds limited under this heading shall be obligated for administration: *Provided further*, That of the funds under this heading, not more than $10,000,000 may be available to carry out the Essential Air Service program under subchapter II of chapter 417 of title 49 U.S.C., pursuant to section 41742(a) of such title.

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $301,720,000 are rescinded.

Small Community Air Service Development

For necessary expenses to carry out the Small Community Air Service Development Pilot Program under section 41743 of title 49 U.S.C., $20,000,000, to remain available until expended.

Aviation Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on Administrative Expenses

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $316,521,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That of the funds available under section 104(a) of title 23, United States Code: $7,500,000 shall be available for "Child Passenger Protection Education Grants" under section 2003(b) of Public Law 105–178, as amended; $7,000,000 shall be available for motor carrier safety research; and $11,000,000 shall be available for the motor carrier crash data improvement program, the commercial driver's license improvement program, and the motor carrier 24-hour telephone hotline.

Federal-Aid Highways

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $31,919,103,000 for Federal-aid highways and highway safety construction programs for fiscal year 2002: *Provided*, That within the $31,919,103,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than

$447,500,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2002: *Provided further*, That within the $225,000,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

Indiana Statewide, $1,500,000;
Southeast Corridor, Colorado, $9,900,000;
Jackson Metropolitan, Mississippi, $1,000,000;
Harrison County, Mississippi, $1,000,000;
Indiana, SAFE–T, $3,000,000;
Maine Statewide (Rural), $1,000,000;
Atlanta Metropolitan GRTA, Georgia, $1,000,000;
Moscow, Idaho, $2,000,000;
Washington Metropolitan Region, $4,000,000;
Travel Network, South Dakota, $3,200,000;
Central Ohio, $3,000,000;
Delaware Statewide, $4,000,000;
Santa Teresa, New Mexico, $1,500,000;
Fargo, North Dakota, $1,500,000;
Illinois statewide, $3,750,000;
Forsyth, Guilford Counties, North Carolina, $2,000,000;
Durham, Wake Counties, North Carolina, $1,000,000;
Chattanooga, Tennessee, $2,380,000;
Nebraska Statewide, $5,000,000;
South Carolina Statewide, $7,000,000;
Texas Statewide, $4,000,000;
Hawaii Statewide, $1,750,000;
Wisconsin Statewide, $2,000,000;
Arizona Statewide EMS, $1,000,000;
Vermont Statewide (Rural), $1,500,000;
Rutland, Vermont, $1,200,000;
Detroit, Michigan (Airport), $4,500,000;
Macomb, Michigan (border crossing), $2,000,000;
Sacramento, California, $6,000,000;
Lexington, Kentucky, $1,500,000;
Maryland Statewide, $2,000,000;
Clark County, Washington, $1,000,000;
Washington Statewide, $6,000,000;
Southern Nevada (bus), $2,200,000;
Santa Anita, California, $1,000,000;
Las Vegas, Nevada, $3,000,000;
North Greenbush, New York, $2,000,000;
New York, New Jersey, Connecticut (TRANSCOM), $7,000,000;
Crash Notification, Alabama, $2,500,000;
Philadelphia, Pennsylvania (Drexel), $3,000,000;
Pennsylvania Statewide (Turnpike), $1,000,000;
Alaska Statewide, $3,000,000;
St. Louis, Missouri, $1,500,000;
Wisconsin Communications Network, $620,000:

Provided further, That, notwithstanding any other provision of law, funds authorized under section 110 of title 23, United States Code, for fiscal year 2002 shall be apportioned to the States in accordance with the distribution set forth in section 110(b)(4)(A) and (B) of title 23, United States Code, except that before such apportionments are made, $35,565,651 shall be set aside for the program authorized under section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; $31,815,091 shall be set aside for the program authorized under section 1101(a)(8)(B) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; $21,339,391 shall be set aside for the program authorized under section 1101(a)(8)(C) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; $2,586,593 shall be set aside for the program authorized under section 1101(a)(8)(D) of the Transportation Equity Act for the 21st Century, as amended, and section 204 of title 23, United States Code; $4,989,367 shall be set aside for the program authorized under section 129(c) of title 23, United States Code, and section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991, as amended; $230,681,878 shall be set aside for the programs authorized under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century, as amended; $2,468,424 shall be set aside for the projects authorized by section 218 of title 23, United States Code; $13,129,913 shall be set aside for the program authorized under section 118(c) of title 23, United States Code; $13,129,913 shall be set aside for the program authorized under section 144(g) of title 23, United States Code; $55,000,000 shall be set aside for the program authorized under section 1221 of the Transportation Equity Act for the 21st Century, as amended; $100,000,000 shall be set aside to carry out a matching grant program to promote access to alternative methods of transportation; $45,000,000 shall be set aside to carry out a pilot program that promotes innovative transportation solutions for people with disabilities; and $23,896,000 shall be set aside and transferred to the Federal Motor Carrier Safety Administration as authorized by section 102 of Public Law 106–159: *Provided further*, That, of the funds to be apportioned to each State under section 110 for fiscal year 2002, the Secretary shall ensure that such funds are apportioned for the programs authorized under sections 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and 1101(a)(5) of the Transportation Equity Act for the 21st Century, as amended, in the same ratio that each State is apportioned funds for such programs in fiscal year 2002 but for this section.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $30,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under Section 1069(y) of Public Law 102–240, as amended, $350,000,000, to remain available until expended.

STATE INFRASTRUCTURE BANKS

(RESCISSION)

Of the funds made available for State Infrastructure Banks in Public Law 104–205, $5,750,000 are rescinded.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a)(1)(B) of title 23, United States Code, not to exceed $105,000,000 shall be paid in accordance with law from appropriations made available by this Act and from any available take-down balances to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, of which $5,000,000 is for the motor carrier safety operations program: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

(RESCISSION)

Of the unobligated balances authorized under 23 U.S.C. 104(a)(1)(B), $6,665,342 are rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, 31106 and 31309, $204,837,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $183,059,000 for "Motor Carrier Safety Grants", and "Information Systems": *Provided further*, That notwithstanding any other provision of law, of the $22,837,000 provided under 23 U.S.C. 110, $18,000,000 shall be for border State grants and $4,837,000 shall be for State commercial driver's license program improvements.

Of the unobligated balances authorized under 49 U.S.C. 31102, 31106, and 31309, $2,332,546 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $132,000,000 of which $96,360,000 shall remain available until September 30, 2004: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2002, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

Of the unobligated balances authorized under 23 U.S.C. 403, $1,516,000 are rescinded.

National Driver Register

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, $223,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2002, are in excess of $223,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which $160,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $15,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $38,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, and $10,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $8,000,000 of the funds made available for section 402, not to exceed $750,000 of the funds made available for section 405, not to exceed $1,900,000 of the funds made available for section 410, and not to exceed $500,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

Of the unobligated balances authorized under 23 U.S.C. 402, 405, 410, and 411, $468,600 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

Safety and Operations

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $111,357,000, of which $6,159,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Railroad Research and Development

For necessary expenses for railroad research and development, $30,325,000, to remain available until expended.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2002.

Next Generation High-Speed Rail

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $40,000,000, to remain available until expended.

Alaska Railroad Rehabilitation

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

National Rail Development and Rehabilitation

To enable the Secretary to make grants and enter into contracts for the development and rehabilitation of freight and passenger rail infrastructure, $12,000,000, to remain available until expended.

Capital Grants to the National Railroad Passenger Corporation

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $521,476,000, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $13,400,000: *Provided*, That no more than $67,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds in this Act available for execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That not to exceed $2,600,000 for the National Transit Database shall remain available until expended.

Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $718,400,000, to remain available until expended: *Provided*, That no more than $3,592,000,000 of budget authority shall be available for these purposes: *Provided further*, That, notwithstanding any other provision of law, of the funds provided under this heading, $5,000,000 shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of temporary transportation facilities for the VIII Paralympiad for the Disabled, to be held in Salt Lake City, Utah: *Provided further*, That in allocating the funds designated in the preceding proviso, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended.

University Transportation Research

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

Transit Planning and Research

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $23,000,000, to remain available until expended: *Provided*, That no more than $116,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $55,422,400 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), $11,577,600 is available for State planning (49 U.S.C. 5313(b)); and $31,500,000 is available for the national planning and research program (49 U.S.C. 5314).

Trust Fund Share of Expenses

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,397,800,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,873,600,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $93,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $53,600,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $100,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,272,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

Capital Investment Grants

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $668,200,000, to remain available until expended: *Provided*, That no more than $2,941,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $1,136,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $568,200,000 together with **$50,000,000** transferred from "Federal Transit Administration, Formula grants"; and there shall be available for new fixed guideway systems **$1,236,400,000**, to be available for transit new starts; to be available as follows:

$192,492 for Denver, Colorado, Southwest corridor light rail transit project;

$3,000,000 for Northeast Indianapolis downtown corridor project;

$3,000,000 for Northern Indiana South Shore commuter rail project;

$15,000,000 for Salt Lake City, Utah, CBD to University light rail transit project;

$6,000,000 for Salt Lake City, Utah, University Medical Center light rail transit extension project;

$2,000,000 for Salt Lake City, Utah, Ogden-Provo commuter rail project;

$4,000,000 for Wilmington, Delaware, Transit Corridor project;

$500,000 for Yosemite Area Regional Transportation System project;

$60,000,000 for Denver, Colorado, Southeast corridor light rail transit project;

$10,000,000 for Kansas City, Missouri, Central Corridor Light Rail transit project;

$25,000,000 for Atlanta, Georgia, MARTA extension project;

$2,000,000 for Maine Marine Highway development project;

$151,069,771 for New Jersey, Hudson-Bergen light rail transit project;

$20,000,000 for Newark-Elizabeth, New Jersey, rail link project;

$3,000,000 for New Jersey Urban Core Newark Penn Station improvements project;

$7,000,000 for Cleveland, Ohio, Euclid corridor extension project;

$2,000,000 for Albuquerque, New Mexico, light rail project;

$35,000,000 for Chicago, Illinois, Douglas branch reconstruction project;

$5,000,000 for Chicago, Illinois, Ravenswood line extension project;

$24,223,268 for St. Louis, Missouri, Metrolink St. Clair extension project;

$30,000,000 for Chicago, Illinois, Metra North central, South West, Union Pacific commuter project;

$10,000,000 for Charlotte, North Carolina, South corridor light rail transit project;

$9,000,000 for Raleigh, North Carolina, Triangle transit project;

$65,000,000 for San Diego, California, Mission Valley East light rail transit extension project;

$10,000,000 for Los Angeles, California, East Side corridor light rail transit project;

$80,605,331 for San Francisco, California, BART extension project;

$9,289,557 for Los Angeles, California, North Hollywood extension project;

$5,000,000 for Stockton, California, Altamont commuter rail project;

$113,336 for San Jose, California, Tasman West, light rail transit project;

$6,000,000 for Nashville, Tennessee, Commuter rail project;

$19,170,000 for Memphis, Tennessee, Medical Center rail extension project;

$150,000 for Des Moines, Iowa, DSM bus feasibility project;

$100,000 for Macro Vision Pioneer, Iowa, light rail feasibility project;

$3,500,000 for Sioux City, Iowa, light rail project;

$300,000 for Dubuque, Iowa, light rail feasibility project;

$2,000,000 for Charleston, South Carolina, Monobeam project;

$5,000,000 for Anderson County, South Carolina, transit system project;

$70,000,000 for Dallas, Texas, North central light rail transit extension project;

$25,000,000 for Houston, Texas, Metro advanced transit plan project;

$4,000,000 for Fort Worth, Texas, Trinity railway express project;

$12,000,000 for Honolulu, Hawaii, Bus rapid transit project;

$10,631,245 for Boston, Massachusetts, South Boston Piers transitway project;

$1,000,000 for Boston, Massachusetts, Urban ring transit project;

$4,000,000 for Kenosha-Racine, Milwaukee Wisconsin, commuter rail extension project;

$23,000,000 for New Orleans, Louisiana, Canal Street car line project;

$7,000,000 for New Orleans, Louisiana, Airport CBD commuter rail project;

$3,000,000 for Burlington, Vermont, Burlington to Middlebury rail line project;

$1,000,000 for Detroit, Michigan, light rail airport link project;

$1,500,000 for Grand Rapids, Michigan, ITP metro area, major corridor project;

$500,000 for Iowa, Metrolink light rail feasibility project;

$6,000,000 for Fairfield, Connecticut, Commuter rail project;

$4,000,000 for Stamford, Connecticut, Urban transitway project;

$3,000,000 for Little Rock, Arkansas, River rail project;

$14,000,000 for Maryland, MARC commuter rail improvements projects;

$3,000,000 for Baltimore, Maryland rail transit project;

$60,000,000 for Largo, Maryland, metrorail extension project;

$18,110,000 for Baltimore, Maryland, central light rail transit double track project;

$24,500,000 for Puget Sound, Washington, Sounder commuter rail project;

$30,000,000 for Fort Lauderdale, Florida, Tri-County commuter rail project;

$8,000,000 for Pawtucket-TF Green, Rhode Island, commuter rail and maintenance facility project;

$1,500,000 for Johnson County, Kansas, commuter rail project;

$20,000,000 for Long Island Railroad, New York, east side access project;

$3,000,000 for New York, New York, Second Avenue subway project;

$4,000,000 for Birmingham, Alabama, transit corridor project;

$5,000,000 for Nashua, New Hampshire-Lowell, Massachusetts, commuter rail project;

$10,000,000 for Pittsburgh, Pennsylvania, North Shore connector light rail extension project;

$16,000,000 for Philadelphia, Pennsylvania, Schuykill Valley metro project;

$20,000,000 for Pittsburgh, Pennsylvania, stage II light rail transit reconstruction project;

$2,500,000 for Scranton, Pennsylvania, rail service to New York City project;

$2,500,000 for Wasilla, Alaska, alternate route project;

$1,000,000 for Ohio, Central Ohio North Corridor rail (COTA) project;

$4,000,000 for Virginia, VRE station improvements project;

$50,000,000 for Twin Cities, Minnesota, Hiawatha Corridor light rail transit project;

$70,000,000 for Portland, Oregon, Interstate MAX light rail transit extension project;

$50,149,000 for San Juan, Tren Urbano project;

$10,296,000 for Alaska and Hawaii Ferry projects.

JOB ACCESS AND REVERSE COMMUTE GRANTS

Notwithstanding section 3037(1)(3) of Public Law 105–178, as amended, for necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, **$25,000,000**, to remain available until expended: *Provided*, That no more than **$125,000,000** of budget authority shall be available for these purposes: *Provided further*, That up to **$250,000** of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, **$13,345,000**, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, **$41,993,000**, of which **$645,000** shall be derived from the Pipeline Safety Fund, and of which **$5,434,000** shall remain available until September 30, 2004: *Provided*, That up to **$1,200,000** in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, **$58,750,000**, of which **$11,472,000** shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; of which **$47,278,000** shall be derived from the Pipeline Safety Fund, of which **$30,828,000** shall remain available until September 30, 2004.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), **$200,000**, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2004: *Provided*, That not more than **$14,300,000** shall be made available for obligation in fiscal year 2002 from amounts made available by 49 U.S.C.

5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $50,614,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $18,457,000: *Provided*, That notwithstanding any other provision of law, not to exceed $950,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2002, to result in a final appropriation from the general fund estimated at no more than $17,507,000.

BUREAU OF TRANSPORTATION STATISTICS

OFFICE OF AIRLINE INFORMATION

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Office of Airline Information, under chapter 111 of title 49, United States Code, $3,760,000, to be derived from the Airport and Airway Trust Fund as authorized by Section 103(b) of Public Law 106–181.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,015,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $70,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefore, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2002 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 304. None of the funds in this Act shall be available for salaries and expenses of more than 98 political and Presidential appointees in the Department of Transportation.

SEC. 305. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 306. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 307. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 308. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 309. (a) For fiscal year 2002, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, amounts provided under section 110 of title 23, United States Code, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

SEC. 310. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 311. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 312. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 313. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2004, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. The Secretary of Transportation shall, in cooperation with the Federal Aviation Administrator, encourage a locally developed and executed plan between the State of Illinois, the City of Chicago, and affected communities for the purpose of modernizing O'Hare International Airport, addressing traffic congestion along the Northwest Corridor including western airport access, and moving forward with a third Chicago-area airport. If such a plan cannot be developed and executed by said parties, the Secretary and the Administrator shall work with Congress to enact a federal solution to address the aviation capacity crisis in the Chicago area.

SEC. 316. Notwithstanding any other provision of law, any funds appropriated before October 1, 2001, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 317. None of the funds in this Act may be used to compensate in excess of 335 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2002.

SEC. 318. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 319. Effective on the date of enactment of this Act, of the funds made available under section 1101(a)(12) of Public Law 105–178, as amended, $9,231,000 are rescinded.

SEC. 320. Beginning in fiscal year 2002 and thereafter, the Secretary may use up to 1 percent of the amounts made available to carry out 49 U.S.C. 5309 for oversight activities under 49 U.S.C. 5327.

SEC. 321. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry routes.

SEC. 322. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 323. Section 3030(a) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end, the following line: "Washington County—Wilsonville to Beaverton commuter rail.".

SEC. 324. Section 3030(b) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by adding at the end the following: "Detroit, Michigan Metropolitan Airport rail project.".

SEC. 325. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 326. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 327. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 328. Notwithstanding any other provision of law, the Commandant of the United States Coast Guard shall maintain an onboard staffing level at the Coast Guard Yard in Curtis Bay, Maryland of not less than 530 full time equivalent civilian employees: *Provided*, That the Commandant may reconfigure his vessel maintenance schedule and new construction projects to maximize employment at the Coast Guard Yard.

SEC. 329. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2002.

SEC. 330. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $420,000, to remain available until September 30, 2003.

SEC. 331. In addition to amounts otherwise made available under this Act, to enable the Secretary of Transportation to make grants for surface transportation projects, $20,000,000, to remain available until expended.

SEC. 332. Section 648 of title 14, United States Code, is amended by striking the words "or such similar Coast Guard industrial establishments"; and inserting after the words "Coast Guard Yard": "and other Coast Guard specialized facilities". This paragraph is now labeled "(a)" and a new paragraph "(b)" is added to read as follows:

"(b) For providing support to the Department of Defense, the Coast Guard Yard and other Coast Guard specialized facilities designated by the Commandant shall qualify as components of the Department of Defense for competition and workload assignment purposes. In addition, for purposes of entering into joint public-private partnerships and other cooperative arrangements for the performance of work, the Coast Guard Yard and other Coast Guard specialized facilities may enter into agreements or other arrangements, receive and retain funds from and pay funds to such public and private entities, and may accept contributions of funds, materials, services, and the use of facilities from such entities. Amounts received under this subsection may be credited to appropriate Coast Guard accounts for fiscal year 2002 and for each fiscal year thereafter.".

SEC. 333. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 334. INCREASE IN MOTOR CARRIER FUNDING. (a) IN GENERAL.—Notwithstanding any other provision of law, whenever an allocation is made of the sums authorized to be appropriated for expenditure on the Federal lands highway program, and whenever an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, the Appalachian development highway system, and the minimum guarantee program, the Secretary of Transportation shall deduct a sum in such amount not to exceed two-fifths of 1 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research. The sum so deducted shall remain available until expended.

(b) EFFECT.—Any deduction by the Secretary of Transportation in accordance with this paragraph shall be deemed to be a deduction under section 104(a)(1)(B) of title 23, United States Code.

SEC. 335. For an airport project that the Administrator of the Federal Aviation Administration (FAA) determines will add critical airport capacity to the national air transportation system, the Administrator is authorized to accept funds from an airport sponsor, including entitlement funds provided under the "Grants-in-Aid for Airports" program, for the FAA to hire additional staff or obtain the services of consultants: *Provided*, That the Administrator is authorized to accept and utilize such funds only for the purpose of facilitating the timely processing, review, and completion of environmental activities associated with such project.

SEC. 336. None of the funds made available in this Act may be used to further any efforts toward developing a new regional airport for southeast Louisiana until a comprehensive plan is submitted by a commission of stakeholders to the Administrator of the Federal Aviation Administration and that plan, as approved by the Administrator, is submitted to and approved by the Senate Committee on Appropriations and the House Committee on Appropriations.

SEC. 337. Section 8335(a) of title 5, United States Code, is amended by inserting the following before the period in the first sentence: "if the controller qualifies for an immediate annuity at that time. If not eligible for an immediate annuity upon reaching age 56, the controller may work until the last day of the month in which the controller becomes eligible for a retirement annuity unless the Secretary determines that such action would compromise safety".

SEC. 338. Notwithstanding any other provision of law, States may use funds provided in this Act under Section 402 of Title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided*, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: *Provided further*, That $15,000,000 designated for innovative grant funds under Section 157 of Title 23, United States Code shall be used for national television and radio advertising to support the national law enforcement mobilizations conducted in all 50 states, aimed at increasing safety belt and child safety seat use and controlling drunk driving.

SEC. 339. Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended—

(1) in the subsection heading, by inserting "OVER-THE-ROAD BUSES AND" before "PUBLIC";

(2) in paragraph (1), by striking "to any vehicle which" and inserting the following: "to—

"(A) any over-the-road bus; or

"(B) any vehicle that"; and

(3) by striking paragraphs (2) and (3) and inserting the following:

"(2) STUDY AND REPORT CONCERNING APPLICABILITY OF MAXIMUM AXLE WEIGHT LIMITATIONS TO OVER-THE-ROAD BUSES AND PUBLIC TRANSIT VEHICLES.—

"(A) STUDY AND REPORT.—Not later than July 31, 2003, the Secretary shall conduct a study of, and submit to Congress a report on, the maximum axle weight limitations applicable to vehicles using the Dwight D. Eisenhower National System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under State law, as the limitations apply to over-the-road buses and public transit vehicles.

"(B) DETERMINATION OF APPLICABILITY OF VEHICLE WEIGHT LIMITATIONS.—

"(i) IN GENERAL.—The report shall include—

"(I) a determination concerning how the requirements of section 127 of that title should be applied to over-the-road buses and public transit vehicles; and

"(II) short-term and long-term recommendations concerning the applicability of those requirements.

"(ii) CONSIDERATIONS.—In making the determination described in clause (i)(I), the Secretary shall consider—

"(I) vehicle design standards;

"(II) statutory and regulatory requirements, including—

"(aa) the Clean Air Act (42 U.S.C. 7401 et seq.);

"(bb) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); and

"(cc) motor vehicle safety standards prescribed under chapter 301 of title 49, United States Code; and

"(III)(aa) the availability of lightweight materials suitable for use in the manufacture of over-the-road buses;

"(bb) the cost of those lightweight materials relative to the cost of heavier materials in use as of the date of the determination; and

"(cc) any safety or design considerations relating to the use of those materials.

"(C) ANALYSIS OF MEANS OF ENCOURAGING DEVELOPMENT AND MANUFACTURE OF LIGHTWEIGHT BUSES.—The report shall include an analysis of, and recommendations concerning, means to be considered to encourage the development and manufacture of lightweight buses, including an analysis of—

"(i) potential procurement incentives for public transit authorities to encourage the purchase of lightweight public transit vehicles using grants from the Federal Transit Administration; and

"(ii) potential tax incentives for manufacturers and private operators to encourage the purchase of lightweight over-the-road buses.

"(D) ANALYSIS OF CONSIDERATION IN RULEMAKINGS OF ADDITIONAL VEHICLE WEIGHT.—The report shall include an analysis of, and recommendations concerning, whether Congress should require that each rulemaking by an agency of the Federal Government that affects the design or manufacture of motor vehicles consider—

"(i) the weight that would be added to the vehicle by implementation of the proposed rule;

"(ii) the effect that the added weight would have on pavement wear; and

"(iii) the resulting cost to the Federal Government and State and local governments.

"(E) COST-BENEFIT ANALYSIS.—The report shall include an analysis relating to the axle weight of over-the-road buses that compares—

"(i) the costs of the pavement wear caused by over-the-road buses; with

"(ii) the benefits of the over-the-road bus industry to the environment, the economy, and the transportation system of the United States.

"(3) DEFINITIONS.—In this subsection:

"(A) OVER-THE-ROAD BUS.—The term 'over-the-road bus' has the meaning given the term in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181).

"(B) PUBLIC TRANSIT VEHICLE.—The term 'public transit vehicle' means a vehicle described in paragraph (1)(B).".

SEC. 340. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation or weather reporting. The prohibition of funds in this section does not apply to negotiations between the Agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 341. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard "Acquisition, construction, and improvements" shall be available after the fifteenth day of any quarter of any fiscal year, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Committees on Appropriations on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

SEC. 342. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $37,000,000, which limits fiscal year 2002 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $88,323,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO. No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A) performs a full safety compliance review of the carrier consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, and gives the carrier a satisfactory rating before granting conditional and, again, before granting permanent authority to any such carrier;

(B) requires that any such safety compliance review take place onsite at the Mexican motor carrier's facilities;

(C) requires Federal and State inspectors to verify electronically the status and validity of the license of each driver of a Mexican motor carrier commercial vehicle crossing the border;

(D) gives a distinctive Department of Transportation number to each Mexican motor carrier operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) equips all United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and requires that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed and based in the United States; and

(I) publishes in final form regulations—

(i) under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.) that establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards, that include the administration of a proficiency examination;

(ii) under section 31148 of title 49, United States Code, that implement measures to improve training and provide for the certification of motor carrier safety auditors;

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States;

(v) under section 219(a) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from operating in the United States that is found to have operated illegally in the United States; and

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty; and

(2) the Department of Transportation Inspector General certifies in writing that—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(E) the information infrastructure of the Mexican government is sufficiently accurate, accessible, and integrated with that of U.S. law enforcement authorities to allow U.S. authorities to verify the status and validity of licenses, vehicle registrations, operating authority and insurance of Mexican motor carriers while operating in the United States, and that adequate telecommunications links exist at all United States-Mexico border crossings used by Mexican motor carrier commercial vehicles, and in all mobile enforcement units operating adjacent to the border, to ensure that licenses, vehicle registrations, operating authority and insurance information can be easily and quickly verified at border crossings or by mobile enforcement units;

(F) there is adequate capacity at each United States-Mexico border crossing used by Mexican motor carrier commercial vehicles to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections;

(G) there is an accessible database containing sufficiently comprehensive data to allow safety monitoring of all Mexican motor carriers that apply for authority to operate commercial vehicles beyond United States municipalities and commercial zones on the United States-Mexico border and the drivers of those vehicles; and

(H) measures are in place in Mexico, similar to those in place in the United States, to ensure the effective enforcement and monitoring of license revocation and licensing procedures.

For purposes of this section, the term "Mexican motor carrier" shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

Sec. 344. Notwithstanding any other provision of law, for the purpose of calculating the non-federal contribution to the net project cost of the Regional Transportation Commission Resort Corridor Fixed Guideway Project in Clark County, Nevada, the Secretary of Transportation shall include all non-federal contributions (whether public or private) made on or after January 1, 2000 for engineering, final design, and construction of any element or phase of the project, including any fixed guideway project or segment connecting to that project, and also shall allow non-federal funds (whether public or private) expended on one element or phase of the project to be used to meet the non-federal share requirement of any element or phase of the project.

Sec. 345. Item 1348 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 306) is amended by striking "Extend West Douglas Road" and inserting "Second Douglas Island Crossing".

Sec. 346. Item 642 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 281), relating to Washington, is amended by striking "Construct passenger ferry facility to serve Southworth, Seattle" and inserting "Passenger only ferry to serve Kitsap County-Seattle".

Item 1793 in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 322), relating to Washington, is amended by striking "Southworth Seattle Ferry" and inserting "Passenger only ferry to serve Kitsap County-Seattle".

Sec. 347. Notwithstanding any other provision of law, historic covered bridges eligible for Federal assistance under section 1224 of the Transportation Equity Act for the 21st Century, as amended, may be funded from amounts set aside for the discretionary bridge program.

Sec. 348. (a) Item 143 in the table under the heading "Capital Investment Grants" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–456) is amended by striking "Northern New Mexico park and ride facilities" and inserting "Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities".

(b) Item 167 in the table under the heading "Capital Investment Grants" in title I of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106–69; 113 Stat. 1006) is amended by striking "Northern New Mexico Transit Express/Park and Ride buses" and inserting "Northern New Mexico park and ride facilities and State of New Mexico, Buses and Bus-Related Facilities".

Sec. 349. Beginning in fiscal year 2002 and thereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the United States (except Alaska) that are located fewer than 100 highway miles from the nearest large or medium hub airport, or fewer than 70 highway miles from the nearest small hub airport, or fewer than 50 highway miles from the nearest airport providing scheduled service with jet aircraft; or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2002".

SA 1026. Mr. DURBIN (for himself and Mr. Bennett) proposed an amendment to the bill S. 1172, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 8, insert between lines 9 and 10 the following:

(e) Effective Date.—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 9, lines 13 and 14, strike "as increased by section 2 of Public Law 106–57" and insert "as adjusted by law and in effect on September 30, 2001".

On page 15, insert between lines 9 and 10 the following:

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 16, add after line 21 the following:

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

On page 17, line 21, strike "$55,000,000" and insert "$54,000,000".

On page 17, line 25, insert "after the date" after "days".

On page 17, line 25, insert before the period the following: ": *Provided further*, That notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided further*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose".

On page 33, line 6, strike "$419,843,000" and insert "$420,843,000".

On page 34, line 4, insert before the period the following: "*Provided further*, That $1,000,000 from funds made available under this heading shall be available for a pilot program in technology assessment: *Provided further*, That not later than June 15, 2002, a report on the pilot program referred to under the preceding proviso shall be submitted to Congress".

On page 38, line 15, strike "to read".

On page 39, line 2, insert "pay" before "periods".

SA 1027. Mr. SPECTER proposed an amendment to the bill S. 1172, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

MAILINGS FOR TOWN MEETINGS

For mailings of postal patron postcards by Members for the purpose of providing notice of a town meeting by a Member in a county (or equivalent unit of local government) with a population of less than 50,000 that the Member will personally attend to be allotted as requested, $3,000,000, subject to authorization: *Provided* That any amount allocated to a Member for such mailing under this paragraph shall not exceed 50 percent of the cost of the mailing and the remaining costs shall be paid by the Member from other funds available to the Member."

On page 33, line 6, strike "$419,843,000" and insert "$416,843,000".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce, for the information of the Senate and the public, that the Committee on Energy and Natural Resources has scheduled two hearings to receive testimony on legislative proposals relating to comprehensive electricity restructuring, including electricity provisions of S. 388 and S. 597, and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.

The hearings will take place on Wednesday, July 25, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building, and Thursday, July 26, at 9:45 a.m., in room 106 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the legislation should address them to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attention, Leon Lowery.

For further information, please call Leon Lowery at 202/224–2209.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 19, 2001. The purpose of this hearing will be to discuss the nutrition title of the next Federal farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Armed Services be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 9:30 a.m., in open session to continue to receive testimony on ballistic missile defense programs and policies, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2001, to conduct a hearing on the nomination of Mr. Harvey L. Pitt to be Chairman of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 19, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on proposals related to removing barriers to distributed generation, renewable energy, and other advanced technologies in electricity generation and transmission, including section 301 and title VI of S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; sections 110, 111, 112, 710, and 711 of S. 388, the National Energy Security Act of 2001; and S. 933, the Combined Heat and Power Advancement Act of 2001. The committee will also receive testimony on proposals relating to the hydroelectric relicensing procedures of the Federal Energy Regulatory Commission, including title VII of S. 388, title VII of S. 597; and S. 71, the Hydroelectric Licensing Process Improvement Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, July 19, 2001, to hear testimony on Trade Adjustment Assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 19, at 10 a.m., to hold a hearing titled, "Mexico City Policy: Effects of Restrictions on International Family Planning Funding".

WITNESSES

Panel 1: The Honorable Tim Hutchinson, United States Senate, Washington, DC; The Honorable Nita M. Lowey, United States House of Representatives, Washington, DC; The Honorable Harry Reid, United States Senate, Washington, DC.

Panel 2: Mr. Alan J. Kreczko, Acting Assistant Secretary of the Bureau of Population, Refugees and Migration, State Department, Washington, DC.

Panel 3: Mr. Daniel E. Pellegrom, President, Pathfinder International, Watertown, MA; Dr. Nicholas N. Eberstadt, Visiting Scholar, American Enterprise Institute, Washington, DC; Mr. Aryeh Neier, President, Open Society Institute, New York, NY; Cathy Cleaver, Director of Planning & Information, U.S. Conference of Catholic Bishops, Washington, DC.

Panel 4: Dr. Nirmal Bista, Director General, Family Planning Association of Nepal, Kathmandu, Nepal; Ms. Susana Silva Galdos, President, Movimiento Manuela Ramos, Lima, Peru; Professor M. Sophia Aguirre, The Catholic University of America, Department of Business Economics, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 2:30 p.m., to hold a nomination hearing.

NOMINEES

Panel 1: Mr. Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark. Mr. Michael E. Guest, of South Carolina, to be Ambassador to Romania. Mr. Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden. Mr. Thomas J. Miller, of Virginia, to be Ambassador to Greece.

Panel 2: The Honorable Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan. Mr. Jim Nicholson, of Colorado, to be Ambassador to the Holy See. Mr. Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

The PRESIDING OFFICER. Without objection, it so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 19, 2001, at 10 a.m., in SD226.

I. Nominations: Ralph F. Boyd Jr. to be Assistant Attorney General, Civil Rights Division; Robert D. McCallum Jr. to be Assistant Attorney General, Civil Division.

II. Bills: S. 407, The Madrid Protocol Implementation Act [Leahy/Hatch]; S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings. [Kennedy/Hagel]; S. 754, Drug Competition Act of 2001.

III. Commemorative Legislation: S. Res. 16, A resolution designating August 16, 2001, as "National Airborne Day." [Thurmond]: S. Con. Res. 16, A concurrent resolution expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom. [Chafee/Reed].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, July 19, 2001, beginning at 9:15 a.m., in room 428A of the Russell Senate Office Building to markup pending legislation to be immediately followed by a hearing regarding the President's nomination of Hector V. Barreto, Jr., to be Administrator of the U.S. Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 1 p.m., in room 418 of the Russell Senate Office Building, for a hearing on S. 739, the Heather French Henry Homeless Veterans Assistance Act, and other pending health-care related legislation.

COMMITTEE ON VETERANS' AFFAIRS—UNITED STATES SENATE

HEARING ON PENDING VETERANS HEALTH-RELATED LEGISLATION, JULY 19, 2001

Agenda

S. 739: Provisions to improve programs for homeless veterans. Sponsor: Senator Wellstone.

a. Encourages all Federal, State, and local departments and agencies and other entities and individuals to work toward the national goal of ending homelessness among veterans within a decade.

b. Establishes within the Department of Veterans Affairs the Advisory Committee on Homeless Veterans.

c. Directs the Secretary of Veterans Affairs to: (1) support the continuation within the Department of at least one center to monitor the structure, process, and outcome of Department programs addressing homeless veterans; and (2) assign veterans receiving specified services provided in, or sponsored or coordinated by, the Department as being within the "complex care" category.

d. Directs the Secretary to: (1) make grants to Department health care facilities and to grant and per diem providers for the development of programs targeted at meeting certain special needs of homeless veterans; (2) require certain officials to initiate a plan for joint outreach to veterans at risk of homelessness; (3) carry out two treatment trials in integrated mental health services delivery; (4) ensure that each Department primary care facility has a mental health treatment capacity; (5) carry out a program of transitional assistance grants to eligible homeless veterans; and (6) make technical assistance grants to aid nonprofit community-based groups in applying for homeless program grants.

e. Extends through FY 2006 the homeless veterans reintegration program.

S. 1188: Provisions to improve recruitment and retention of VA nurses. Sponsors: Senators Rockefeller, Cleland.

a. Modifies the VA Employee Incentive Scholarship Program and Debt Reduction Program;

b. Mandates that VA provide Saturday premium pay to title 5/title 38 hybrids;

c. Requires a report on VA's use of authority to request waivers of the pay reduction for re-employed annuitants;

d. Gives VA nurses enrolled in the Federal Employee Retirement System the same ability to use unused sick leave as part of the retirement year calculation that VA nurses enrolled in the Civilian Retirement System have.

e. Requires an evaluation of nurse-managed clinics, including primary care and geriatric clinics;

f. Requires VA to develop a nationwide policy on staffing standards to ensure that veterans are provided with safe and high quality care. Such staffing standards should consider the numbers and skill mix required of staff in specific medical settings (such as critical care and long-term care);

g. Requires a report on the use of mandatory overtime by licensed nursing staff and nursing assistants in each facility;

h. Elevates the office of the Nurse Consultant so that person shall report directly to the Under Secretary for Health;

i. Exempts registered nurses, physician assistants, and expanded-function dental auxiliaries from the requirement that part-time service performed prior to April 7, 1986, be prorated when calculating retirement annuities;

j. Requires a report on VA's nurse qualification standards;

k. Makes technical clarifications to the nurse locality pay authorities.

S. 1160: Authorizes VA to provide certain hearing-impaired veterans and veterans with spinal cord injury or dysfunction, in addition to blind veterans, with service dogs to assist them with everyday activities. Sponsor: Senator Rockefeller.

S. : Draft legislation to change the means test used by the VA in determining whether veterans will be placed in enrollment priority group 5 or 7. The current placement eligibility threshold is set at approximately $24,000 regardless of where in the country the veteran is living (text forthcoming). Sponsor: .

S. 1042: Provides that within the limits of Department facilities, VA shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of title 38 USC. Also authorizes VA to furnish care and services to the same veterans for the treatment of the service-connected disabilities and non-service-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic. Sponsor: Senator Inouye.

S. Res. 61: Expresses the sense of the Senate that the Secretary of Veterans Affairs should, for the payment of special pay by the Veterans Health Administration, recognize board certifications from the American Association of Physician Specialists, Inc., to the same extent that the Secretary recognizes board certifications from the American Board of Osteopathic Specialists. Sponsor: Senator Hutchinson.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 19, 2001, at 2:30 p.m., in open session to receive testimony on Army modernization and transformation, in review of the Defense authorization request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 19, at 2:30 p.m., to conduct a hearing. The subcommittee will receive testimony on S. 976, the California Ecosystem, Water Supply, and Water Quality Enhancement Act of 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOR PRIVILEGE

Mr. DURBIN. Mr. President, I ask unanimous consent that David Sarokin, a detailee on my staff, be given privileges of the floor today and any subsequent days during which the nomination of John Graham is being considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that on Friday, July 20, at 9:15 a.m. the Senate proceed to executive session to consider en bloc the nominations of Roger Gregory, Sam Haddon, and Richard Cebull; that there be 30 minutes for debate equally divided between Senators LEAHY and HATCH, or their designees; that at 9:45 a.m. the Senate vote on the Gregory nomination to be followed by a vote on the Haddon nomination, to be followed by a vote on the Cebull nomination; that upon the disposition of these nominations the Senate consider and confirm Calendar Nos. 247 and 249; that the motions to reconsider all of the above votes be tabled, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that after the first vote there be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations, Calendar Nos. 202, 211, 212, 236 through 240, 242, 243, and 244; that the HELP Committee be discharged from consideration of the following nominations: Laurie Rich, Assistant Secretary for Intergovernmental and Interagency Affairs; Robert Pasternak, Assistant Secretary for Special Education; Joanne Wilson, Commissioner for Rehabilitation Services Administration; Carl D'Amico, Assistant Secretary for Vocational and Adult Education; Cari Dominguez, to be a member of the Equal Employment Opportunity Commission; that the nominations be confirmed en bloc, the motions to reconsider be laid on the table, and any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF DEFENSE

Susan Morrisey Livingstone, of Montana, to be Under Secretary of the Navy.

Alberto Jose Mora, of Virginia, to be General Counsel of the Department of the Navy.

Stephen A. Cambone, of Virginia, to be Deputy Under Secretary of Defense for Policy.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kevin Keane, of Wisconsin, to be an Assistant Secretary of Health and Human Services.

DEPARTMENT OF COMMERCE

William Henry Lash, III, of Virginia, to be an Assistant Secretary of Commerce.

DEPARTMENT OF THE TREASURY

Brian Carlton Roseboro, of New Jersey, to be an Assistant Secretary of the Treasury.

EXECUTIVE OFFICE OF THE PRESIDENT

Allen Frederick Johnson of Iowa, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

DEPARTMENT OF TRANSPORTATION

Allan Rutter, of Texas, to be Administrator of the Federal Railroad Administration.

DEPARTMENT OF COMMERCE

Samuel W. Bodman, of Massachusetts, to be Deputy Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT

Mark B. McClelland, of California, to be a Member of the Council of Economic Advisers.

DEPARTMENT OF THE TREASURY

Sheila C. Blair, of Kansas, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF EDUCATION

Laurie Rich, of Texas, to be Assistant Secretary for Intergovernmental and Interagency Affairs, Department of Education.

Robert Pasternack, of New Mexico, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

Joanne M. Wilson, of Louisiana, to be Commissioner of the Rehabilitation Services Administration, Department of Education.

Carol D'Amico, of Indiana, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Cari M. Dominguez, of Maryland, to be a member of the Equal Employment Opportunity Commission for a term expiring July 1, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 137 submitted earlier today by the majority leader and the Republican leader.

The PRESIDING OFFICER. The clerk will report the resolution by Title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 137) to authorize representation by the Senate Legal Counsel in John Hoffman, et al. v. James Jeffords.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, two Republican voters in Pennsylvania have commenced a civil action against Senator JEFFORDS in federal district court in the District of Colombia to challenge Senator JEFFORDS' recent decision to become an Independent and to caucus with the Democratic party for organizational purposes within the Senate. Specifically, this lawsuit seeks "to assert the invalidity of Senator JEFFORDS change of party by mere announcement" and requests a court order requiring Senator JEFFORDS "to reinstate his status as a Republican Senator" particularly "during the Senate polling and caucusing of its members."

Through this action, the plaintiffs seek to subject to judicial control a Senator's choice of with which Senators to caucus, as well as the process by which the Senate chooses its officers and the chairs of its committees. This attempt to question a Senator in court about the performance of his legislative responsibilities in the Senate is barred by the Speech or Debate Clause of the Constitution, which commits such oversight of Senators to the electorate, not to the judiciary. This suit also runs afoul of the clauses of the Constitution that commit to each House of Congress the responsibility to elect officers and determine the rules of its proceedings.

Because this suit seeks to challenge the validity of actions taken by Senator JEFFORDS in his official capacity, representation in this case falls appropriately within the Senator Legal Counsel's statutory responsibility. This resolution would accordingly authorize the Senate Legal Counsel to represent Senator JEFFORDS to present to the Court the constitutional bases for dismissing this suit.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under "Resolutions Submitted.")

SUDAN PEACE ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 89, S. 180.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 180) to facilitate famine relief efforts and comprehensive solutions to the war in Sudan.

There being no objection, the Senate proceeded to consider the bill which had been referred to the Committee on Foreign Relations with an amendment in the nature of a substitute.

[Strike out all after the enacting clause and insert the part printed in italic.]

S. 180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Peace Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process.

(6) Through manipulation of traditional rivalries among peoples in areas outside their full control, the Government of Sudan has effectively used divide and conquer techniques to subjugate their population, and internationally sponsored reconciliation efforts have played a critical role in reducing the tactic's effectiveness and human suffering.

(7) The Government of Sudan is utilizing and organizing militias, Popular Defense Forces, and other irregular units for raiding and slaving parties in areas outside of the control of the Government of Sudan in an effort to severely disrupt the ability of those populations to sustain themselves. The tactic is in addition to the overt use of bans on air transport relief flights in prosecuting the war through selective starvation and to minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside its control.

(9) Through its power to veto plans for air transport flights under the United Nations relief operation, Operation Lifeline Sudan (OLS), the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to subdue areas of Sudan outside of the Government's control.

(10) The efforts of the United States and other donors in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(11) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(12) The Nuba Mountains and many areas in Bahr al Ghazal, Upper Nile, and Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(13) At a cost which has sometimes exceeded $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(14) The ability of populations to defend themselves against attack in areas outside the Government of Sudan's control has been severely compromised by the disengagement of the front-line sponsor states, fostering the belief within officials of the Government of Sudan that success on the battlefield can be achieved.

(15) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

SEC. 3. DEFINITIONS.

In this Act:

(1) GOVERNMENT OF SUDAN.—The term "Government of Sudan" means the National Islamic Front government in Khartoum, Sudan.

(2) OLS.—The term "OLS" means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as "Operation Lifeline Sudan".

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice; and

(D) the Government of Sudan's use and organization of "murahalliin" or "mujahadeen", Popular Defense Forces (PDF), and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, Upper Nile, and Blue Nile regions; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

(a) FINDINGS.—Congress hereby recognizes that—

(1) a single viable, internationally and regionally sanctioned peace process holds the greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

(2) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994.

(b) UNITED STATES DIPLOMATIC SUPPORT.—The Secretary of State is authorized to utilize the personnel of the Department of State for the support of—

(1) the ongoing negotiations between the Government of Sudan and opposition forces;

(2) any necessary peace settlement planning or implementation; and

(3) other United States diplomatic efforts supporting a peace process in Sudan.

SEC. 6. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of Congress that—

(1) the United Nations should be used as a tool to facilitating peace and recovery in Sudan; and

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to—

(A) revise the terms of Operation Lifeline Sudan to end the veto power of the Government of Sudan over the plans by Operation Lifeline Sudan for air transport of relief flights and, by doing so, to end the manipulation of the delivery of those relief supplies to the advantage of the Government of Sudan on the battlefield;

(B) investigate the practice of slavery in Sudan and provide mechanisms for its elimination; and

(C) sponsor a condemnation of the Government of Sudan each time it subjects civilians to aerial bombardment.

SEC. 7. REPORTING REQUIREMENT.

Section 116 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended by adding at the end the following:

"(g) In addition to the requirements of subsections (d) and (f), the report required by subsection (d) shall include—

"(1) a description of the sources and current status of Sudan's financing and construction of oil exploitation infrastructure and pipelines, the effects on the inhabitants of the oil fields regions of such financing and construction, and the Government of Sudan's ability to finance the war in Sudan;

"(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

"(3) the best estimates of the extent of aerial bombardment by the Government of Sudan forces in areas outside its control, including targets, frequency, and best estimates of damage; and

"(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces for the purposes of the war in Sudan.".

SEC. 8. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit a detailed report to Congress describing the progress made toward carrying out subsection (a).

SEC. 9. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a contingency plan to provide, outside United Nations auspices if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains, Upper Nile, and Blue Nile, in the event the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations (but for this subsection) for the purposes of the plan.

SEC. 10. HUMANITARIAN ASSISTANCE FOR EXCLUSIONARY "NO GO" AREAS OF SUDAN.

(a) PILOT PROJECT ACTIVITIES.—The President, acting through the United States Agency for International Development, is authorized and requested to undertake, immediately, pilot project activities to provide food and other humanitarian assistance, as appropriate, to vulnerable populations in Sudan that are residing in exclusionary "no go" areas of Sudan.

(b) STUDY.—The President, acting through the United States Agency for International Development, shall conduct a study examining the adverse impact upon indigenous Sudan communities by OLS policies that curtail direct humanitarian assistance to exclusionary "no go" areas of Sudan.

(c) EXCLUSIONARY "NO GO" AREAS OF SUDAN DEFINED.—In this section, the term "exclusionary 'no go' areas of Sudan" means areas of Sudan designated by OLS for curtailment of direct humanitarian assistance, including, but not limited to, the Nuba Mountains, the Upper Nile, and the Blue Nile.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment in the nature of a substitute was agreed to.

The bill (S. 180), as amended, was read the third time and passed.

EXPRESSION OF APPRECIATION

Mr. REID. Mr. President, let me say in closing, the assistant minority leader is in the Chamber, and I express through him to the entire Republican caucus our appreciation for their cooperation in moving this legislation that we have just completed, and the nominations. We now have completed three appropriations bills. Last Congress at this same time we were able to complete eight before the August recess. That is a goal we have. We certainly would like to be able to do that.

Even though there has been a few missteps this week back and forth, I think there has been an understanding as to what is expected on each side. Again, I express my appreciation to the entire Republican caucus, through my friend, the senior Senator from Oklahoma, the assistant minority leader.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to thank my friend and colleague, Senator REID from Nevada. We did get some things accomplished today. We did pass two appropriations bills. We did confirm, I think, about 18 people. And we are going to confirm about three judges tomorrow, and several other individuals. So we are making progress.

I thank my friend and colleague as well for his patience. This is not the easiest process, as we found out in the last session of Congress. Sometimes it is more difficult to pass appropriations bills than it should be. But my friend from Nevada has been very persistent. He is getting his appropriations bills passed and we are getting some nominations through. I pledge to continue working with him to see if we can accomplish both objectives: completing appropriations bills in a timely manner and also seeing to it that President Bush's nominees are given fair consideration and are confirmed in an appropriate timeframe.

The PRESIDING OFFICER. The Senator from Nevada.

ORDERS FOR FRIDAY, JULY 20, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m, Friday, July 20. I further ask unanimous consent that on Friday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will convene at 9:15 a.m., with 30 minutes of closing debate in relation to the Gregory, Haddon, and Cebull nominations, followed by up to three rollcall votes beginning at approximately 9:45 tomorrow morning.

Following disposition of the nominations, the Senate will resume consideration of the Transportation appropriations bill. As has been announced by the majority leader, after those votes tomorrow, the first vote will be at 5:45 p.m. on Monday.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:38 p.m., adjourned until Friday, July 20, 2001, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate July 19, 2001:

DEPARTMENT OF ENERGY

LINTON F. BROOKS, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NONPROLIFERATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION. (NEW POSITION)

DEPARTMENT OF STATE

RONALD E. NEUMANN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF BAHRAIN.

NANCY GOODMAN BRINKER, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 19, 2001:

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN D. GRAHAM, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET.

DEPARTMENT OF DEFENSE

SUSAN MORRISEY LIVINGSTONE, OF MONTANA, TO BE UNDER SECRETARY OF THE NAVY.

ALBERTO JOSE MORA, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY.

STEPHEN A. CAMBONE, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY.

FEDERAL RESERVE SYSTEM

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2000.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KEVIN KEANE, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF COMMERCE

WILLIAM HENRY LASH, III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DEPARTMENT OF THE TREASURY

BRIAN CARLTON ROSEBORO, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

EXECUTIVE OFFICE OF THE PRESIDENT

ALLEN FREDERICK JOHNSON, OF IOWA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF TRANSPORTATION

ALLAN RUTTER, OF TEXAS, TO BE ADMINISTRATOR OF THE FEDERAL RAILROAD ADMINISTRATION.

DEPARTMENT OF COMMERCE

SAMUEL W. BODMAN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF COMMERCE.

EXECUTIVE OFFICE OF THE PRESIDENT

MARK B. MCCLELLAN, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

DEPARTMENT OF THE TREASURY

SHEILA C. BAIR, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF EDUCATION

LAURIE RICH, OF TEXAS, TO BE ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS, DEPARTMENT OF EDUCATION.

ROBERT PASTERNACK, OF NEW MEXICO, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

JOANNE M. WILSON, OF LOUISIANA, TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION, DEPARTMENT OF EDUCATION.

CAROL D'AMICO, OF INDIANA, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CARI M. DOMINGUEZ, OF MARYLAND, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2006.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

IN HONOR OF FOOD NOT BOMBS CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Food Not Bombs Cleveland for the significant contribution that organization is making in Ohio's 10th Congressional District and the Greater Cleveland area.

Like other Congressional Districts around the country, my district has severe and significant problems with hunger. This problem is prevalent among those who have places to live and those who do not.

Food Not Bombs Cleveland operates on the principle that society and government should value human life over material wealth. Many of the problems in the world stem from this simple crisis in values.

By giving away free food to people in need in public spaces, such as Cleveland's Public Square every Sunday afternoon since January 1996, Food Not Bombs Cleveland directly dramatizes the level of hunger in this country and the surplus of food being wasted. Food Not Bombs Cleveland also calls attention to the failure of our society to support those within it while amply funding the forces of war and violence.

Food Not Bombs Cleveland is part of an informal network, Food Not Bombs, which was formed in Boston in 1980 as an outgrowth of the anti-nuclear movement in New England. Food Not Bombs Cleveland is committed to the use of non-violent direct action to change society. It is by working today to create sustainable institutions that prefigure the kind of society we want to live in, that Food Not Bombs Cleveland works to bring a vital and caring movement for progressive social change.

Food Not Bombs serves food as a practical act of sustaining people and organizations, not as symbolism. Thousands of meals are served each week by Food Not Bombs groups in North America and Europe. The meals served by Food Not Bombs Cleveland each week are vegetarian, donated by Cleveland-area grocers such as the Food Coop, the Web of Life, Panera Bakery, and vendors at Cleveland's West Side Market, prepared by volunteers, and are shared with anyone who wants to participate.

It is at these weekly gatherings that information is shared by participants on all issues of significance, from available resources for survival on and off the streets to how to make positive non-violent change in our society. Since many of the participants in Food Not Bombs Cleveland are living on either side of the edge of homelessness, there is much information gathered and shared that is useful to the participants.

For instance, it is at these gatherings that the Northeast Ohio Coalition for the Homeless distributes its "Street Card," detailing all social services available to both the homeless, the formerly homeless, and those at risk of becoming homeless. Participants share information about their own experience with social services resources, both as users and providers of such services. Thus, Food Not Bombs Cleveland operates as an important networking tool for those in need of social services that help those in need.

I am proud of the work that Food Not Bombs Cleveland accomplishes through its free public meals, by drawing attention to the hunger and homelessness crisis in America, and by using direct, non-violent means toward helping resolve these crises. I ask my colleagues to join me in recognition of Food Not Bombs Cleveland the national Food Not Bombs network.

IN MEMORY OF WILLIAM FRANCIS LANDIS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize William Francis Landis, who died June 10, 2001 in Humboldt County, California at the age of ninety.

Bill Landis was born in Oakland, California where he attended local schools. In 1939, he graduated from the University of California at Berkeley. He became a full time employee of the Bank of America, having worked for the bank part time while attending the university.

After the 1941 attack on Pearl Harbor, Bill Landis joined the United States Army and served in the Army Air Corps throughout World War II.

When the war ended, Bill Landis returned to work at Bank of America. Before the war he had met his future wife, Marian Adele Anderson, of Ferndale, California. They married and settled in Hayward, California. After the birth of their sons, William, Jr. and James, Bill and Marian decided to move back to Humboldt County to raise their family. The family grew as three more children were born, Charles, Gary and Adele.

Bill worked for the Arcata Plywood Company and was instrumental in organizing Local Union 2808. In 1962 he was elected 5th District Supervisor for the County of Humboldt and was a strong supporter of the establishment of the Redwood National Park. After his term as Supervisor, he served as business agent for the Humboldt County Employee Union for ten years.

After his retirement, Bill Landis served as Senior Senator, advising the California Legislature on important senior issues. Actively involved at the Eureka Senior Center, he educated others about senior health concerns and advocated lowering the cost of prescription medications for low-income seniors.

A fervent Democrat, a dedicated humanitarian, and a champion for senior citizens, Bill Landis has left a distinguished legacy to his children and grandchildren.

Mr. Speaker, it is appropriate at this time that we recognize William Francis Landis for his unwavering commitment to the ideals and values that sustain our great country.

A SPECIAL TRIBUTE TO SISTER NANCY LINENKUGEL, OSF, EDM, FACHE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize Sister Nancy Linenkugel, a member of the Sisters of St. Francis, who will be stepping down as President and Chief Executive Officer of the Providence Health System and the Providence Hospital in Sandusky, Ohio after 21 years of service.

During Sister Nancy's tenure, she worked diligently to improve and enhance not only the hospital but also the people's lives that came into contact with her. Sister Nancy served 15 years as president and CEO of Providence Hospital. In addition to her hospital duties she concurrently served for 14 years as president and CEO of the Providence Health System which is made up of not only Providence Hospital but, Providence Care Centers, Providence Properties, Providence Fund, Providence Enterprises, and Providence Professional Corporation as well.

Over her 21 years, Sister Nancy has guided the Sandusky hospital through a significant period of growth. She has overseen the development of a Women's Center, an obstetrics unit, two physical therapy clinics, a sleep lab, a mobile MRI unit, inpatient rehab unit, and a home health agency, just to name a few. In addition, she established an Open Heart Surgery Program and initiated a physician relations program that significantly boosted hospital admissions. One important goal Sister Nancy had for the hospital was a freestanding long-term care facility. Her dream came true in 1989 when the Providence Care Center, a nursing home, opened its doors.

I am not the only one to recognize her accomplishments. Sister Nancy was inducted into the Ohio Women's Hall of Fame in 1999, given the Distinguished Alumni Award in 1993 from her alma mater Xavier University, named the Erie County Chamber Commerce Businesswoman of the Year in 1992 and the Sandusky Business and Professional Women named her Woman of the Year in 1989.

Mr. Speaker, Sister Nancy Linenkugel is an inspiration. Through her hard work, dedication, and determination, she has made Providence Health Systems one of the best in Ohio and the country. I ask my colleagues to join me in saluting her and wishing her the very best in her future endeavors.

TRIBUTE TO CHRISTINE DIEMER IGER

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Christine Diemer Iger, Esq.

Christine Diemer Iger, Chief Executive Officer for the past twelve years at the building Industry Association of Southern California/Orange County Chapter, will be resigning this post in August, 2001, to join the law firm of Manatt, Phelps and Phillips, LLP.

Mrs. Iger will be remembered for her dedication to making the BIA the spokesperson of record for the Orange County homebuilding industry. She interfaced closely and successfully with local, state, and federal officials to resolve Orange County's diverse and complex land use and building development issues. Prior to joining the Building Industry Association, Orange County Chapter, she served in the administration of Governor George Deukmejian from 1986–1989, as Director of the California Department of Housing and Community Development, and from 1983–1986 as Deputy Attorney General before the Court of Appeals and Supreme Court. Her legal career began in 1977, as Law Clerk to United States Magistrate Edward A. Infante in San Diego. She also served as Assistant Legal Director for the California District Association in 1979.

Mrs. Iger is a past board member of the Federal National Mortgage Association. She currently serves as a board member and audit committee chair of the Keith Companies, a successful engineering company and environmental land-use planning firm.

Mrs. Iger has an outstanding record of service to her community. She is a member of the executive committees for the University of California, Irvine, CEO Roundtable and Foundation, member of the Board of Directors for the Orange County Business Council, Orange County Performing Arts Center, Pacific Symphony Orchestra, and Opera Pacific.

Christine Diemer Iger's exemplary professional service has earned the admiration and respect of those who have had the privilege of working with her. I would like to congratulate her on these accomplishments and wish her well in her new endeavor.

IN MEMORY OF MR. JEFFREY LEBARRON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in memory of a great man, Jeffrey LeBarron. Mr. LeBarron has had a distinguished career working in both public and private sectors for Cleveland's economic development. During his career he has held a wide variety of positions ranging from executive assistant to former Cleveland Mayor Voinovich, director of retail real estate for the Richard E. Jacobs Group, to executive vice president of the Downtown Cleveland Partnership.

Mr. LeBarron graduated from Chagrin Falls High School in 1973. In 1977 he graduated from Boston University. He then continued his education earning a law degree in 1981 and then a master's degree in 1982 in business administration from Case Western Reserve University.

During his time in the Voinovich mayoral administration, he held the positions of assistant safety director and chief assistant law director, between 1981 and 1990. Mr. LeBarron then took a job with what was then Jacobs, Visconsi, & Jacobs Co. During his time with this development firm, he worked on the development of major real estate projects such as South Park Center and Chagrin Highlands. After he left Jacobs, Visconsi, & Jacobs Co., he joined with the Downtown Cleveland Partnership, a non-profit organization focused on downtown real estate development plans.

All of the hard work and dedication that Mr. LeBarron has displayed during his career is exemplary. He was an extraordinarily bright and an incredibly genuine person.

Mr. Speaker, please rise today and join me in applauding an individual who has made numerous contributions to the Cleveland area, Mr. Jeffrey LeBarron.

HONORING FRANK CAMMARATA UPON HIS RETIREMENT FROM THE CLEARLAKE CHAMBER OF COMMERCE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Frank Cammarata as he retires from the Clearlake Chamber of Commerce. Frank, a true friend of mine, has served the people of Clearlake, California at the Chamber since 1994. He originally joined the Chamber after he retired in 1982 from a successful career in Italian Foods.

During Frank's tenure working with the Clearlake community he has been instrumental in bringing light industry and jobs to the area. He has also helped establish a DMV office in Clearlake as well as a State Park and new community senior center. In addition, he has been credited with starting many events, such as the annual Lake County Wine Auction Gala, the city Jazz Festival, Christmas parade, and city hall tree lighting. He will also continue to work to bring Kaiser Health Plan to his community. His initiative and commitment is truly an asset to Lake County and an inspiration to our entire country.

In recognition of his work for the community he was named Clearlake's Man of the Year and Grand Marshall for the Fourth of July parade in 1997. He was also named Lake County's Man of the Year in 1999 for his determination in making Clearlake "the safest, friendliest town in California." This collection of awards is testimony to the value that Frank adds to the community of Clearlake. All citizens from Lake County have benefited from Frank's dedication and hard work.

Frank's involvement in the program "Toys for Kids" has made the program into a tremendous success. Every Christmas, "Toys for Kids" delivers toys and clothing to over 400 low-income kids in Clearlake. Without Frank's energy and enthusiasm we would not be experiencing such great success in helping the children of our community.

Frank and his wife, Alva, have been married for over 40 years. He has four children—Frank V, Chris, and twin daughters, Anna and Cindy—and eight grandchildren.

Mr. Speaker, it is appropriate at this time that we recognize Frank Cammarata for his contributions and unwavering service to the community of Clearlake. He is a model citizen whom we can all admire and emulate.

A SPECIAL TRIBUTE TO PHYLLIS AND ELMER WELLMAN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to congratulate Phyllis and Elmer Wellman, of Delphos, Ohio, on the recent celebration of their golden wedding anniversary.

Elmer J. Wellman married Phyllis A. Davis on July 16, 1951. After they were wed, the Wellmans settled in Delphos, Ohio. Their first priority throughout their lives have been their three children: Pat, Jim, and Mark, my Chief of Staff. They are also the devoted grandparents of four grandchildren.

Both Elmer and Phyllis were raised in farming families during the Great Depression. That common experience gave both of them an appreciation for the truly important things in life. They have also distinguished themselves as accomplished professionals and have generously contributed to their community.

Elmer recently retired from farming. He has also been active in civic positions including the Van Wert County Hospital Board, the former Peoples National Bank of Delphos, the Delphos Country Club and is a retired high school basketball referee.

Phyllis recently retired from her third career. After raising her three children, Phyllis returned to the profession of teaching. Her patient, yet demanding teaching style helped prepare countless students for the working world. She retired from teaching in 1978, only to serve in the administrative office of Wellman Seeds, Inc. until her retirement last year.

Mr. Speaker, the institution of marriage provides the strength that holds our communities together. Maintaining a marriage requires sacrifice, understanding, patience, and sometimes forgiveness by both husband and wife. Marking the fiftieth anniversary of a marriage is a very special occasion for not only the couple, but also for the family, friends, and community they have touched.

It has been my privilege to know Phyllis and Elmer Wellman for more than twenty years. I ask my colleagues to join me in extending to them our very best on their golden anniversary and to wish them many more years of happiness together.

TRIBUTE TO JENNETTA HARRIS

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Jennetta Harris, of Alta Loma, California.

Ms. Harris has been employed by Southern California Edison for twenty-eight years. In her role as Public Affairs Region manager, she has provided support to many organizations and the community at large. Ms. Harris has received numerous, well-deserved honors for her legendary giving of time and self to professional, civic and youth organizations. She was recently honored by the American Red Cross for her outstanding leadership as chair of the Pomona Valley Chapter.

Past awards and honors include: NAACP Legal Defense Fund Black Woman of Achievement; Los Angeles African American Women's Political Action Committee; Mary Church Terrell Award; 1999 AOH Woman; Pitzer College Learning Center Achievement Award; YMCA Leadership Award; Inland Valley News Publisher's Celebration of Excellence Award; American Woman Business Association Community Service Award; Boys and Girls Club C.J. Tuck McGuire Award and San Gabriel Valley Branch NAACP Black Women of Achievement Award.

Ms. Harris serves as a minister, Sunday School Teacher and editor for her parish, Greater Bethel Apostolic Community Church in Riverside, California. She enjoys spending time with her children, Elijah and Jennell, writing poetry and traveling.

Ms. Harris' impressive record of community service has earned the admiration and respect of those who have had the privilege of working with her. I would like to congratulate her on these accomplishments and thank her for the service she has provided to her community.

IN HONOR OF ST. THEODOSIUS ORTHODOX CATHEDRAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the anniversary of the construction of the St. Theodosius Orthodox Cathedral. This architectural wonder has housed this faithful congregation for ninety years.

In addition to celebrating their anniversary, the Cathedral community has been engaged in a comprehensive restoration and improvement project. The beautiful Neo-Byzantine murals are being cleaned and restored. In addition, new gold leaf gilding, marble floor, and carpet are being installed and an entry-way will be constructed that will be compliant with the Americans with Disabilities Act.

Over 500 individuals call St. Theodosius their spiritual home. The church community traces it history back to its founding in 1896 as the first Orthodox Community in Cleveland. Since then, this historic church has served the Tremont neighborhood and the rest of the Cleveland community in countless ways. Recently, it has been active in helping the needy by providing a Food Pantry every month along with hot lunches and holiday meals.

I ask my colleagues to join me in honoring this congregation and their architectural marvel. May they serve their community faithfully for another ninety years and beyond.

HONORING THE 30TH ANNIVERSARY OF THE OPEN DOOR COMMUNITY HEALTH CENTERS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize the 30th Anniversary of the Open Door Community Health Centers. Open Door began in 1971 as a volunteer clinic providing health, legal and other social services. Their mission has always been to provide high quality, affordable health care to all without regard for financial, geographical, or social barriers.

In its thirty-year tenure, Open Door has grown tremendously, presently operating eight community health centers in Humboldt and Del Norte counties. Open Door provides quality care to 32,000 patients a year and employs 250 people. The Mobile Health program serves over thirty school and community sites, bringing care to remote areas that would otherwise remain underserved.

In addition to providing two million dollars a year in free or reduced-fee services, Open Door has acted as an incubator for many new programs that have since become key service agencies for our community. Open Door has been instrumental in identifying the health needs of rural communities and in bringing them to the attention of state and federal legislators.

The committed staff of the Open Door Community Health Centers strives daily to provide the utmost in quality care for our community. Mr. Speaker, it is appropriate at this time that we recognize and honor their dedication on this 30th Anniversary of the Open Door Community Health Centers.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mr. MORAN of Kansas. Mr. Chairman, I rise today to speak in favor of the Small Business Administration 7a Loan program.

Currently, 40% of all long term business loans of $1 million or less through private sector lenders have SBA involvement. Because of inadequate federal resources, SBA has had to rely on increased user fees. This results in higher costs and many lenders quit providing SBA loans because they are not profitable. This often means that small businesses are denied long term credit.

Over the last eight years, over 5,500 small business loans were made in the state of Kansas. If SBA had not been available to finance these loans, most would not have been made. Small businesses are vital to the small communities in my district. Without the availability of these long term loans, many small businesses would never get off the ground. If SBA must continue to rely on user fees to fund SBA, the future of small businesses will be jeopardized.

I urge my colleagues to support increasing SBA funding under the Commerce, Justice, State Appropriation bill.

H.R. 2562, THE MINORITY EMERGENCY PREPAREDNESS ACT OF 2001

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. BISHOP. Mr. Speaker, today I am introducing a bill that will help minorities better prepare for tornadoes, floods, and other disasters, thereby raising the level of protection for segments of the population hit the hardest. This bill is entitled the "Minority Emergency Preparedness Act of 2001" and already has 25 original co-sponsors. I feel this initial response is a testament to the importance and value of this legislation.

This bill will establish a research program to assess the impact of man-made and natural disasters on minority populations, especially low income, underserved populations in rural communities and densely-populated urban areas. This information can then be used to help prepare for disasters such as tornadoes, floods, earthquakes, hurricanes, fires, and storms involving heavy rains, high winds and ice and snow, and thus lessen their impact.

According to the Federal Emergency Management Administration (FEMA), minorities are impacted by emergencies two and a half times more than others in the country, and this is unacceptable. We must do more to help those who need it, so that they will not be impacted as much at times of disaster.

It is my hope that all people in high risk circumstances will benefit from this program, which will document and make available information about the dangers that are present in different locations as well as provide practical guidance on how to protect against disasters. I ask my colleagues to join with me in supporting this legislation, and lessen the harsh effects that disasters have on our communities in the states and regions most impacted by them.

PAYING TRIBUTE TO JENNIE TERPSTRA

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to extend my sincerest congratulations to Jennie Terpstra in honor of her 100th birthday. Ms. Terpstra was born on July 23, 1901 in Eastmanville, Michigan and has spent most of her life on a farm in Lamont, Michigan. It was on the farm where she acquired a love for flowers, gardening, and reading.

On June 21, 1923, at the age of 21, Jennie was married to George Terpstra at Tallmadge Church. George was her elder by one year and one day. Later in life, Ms. Terpstra found her spiritual home at the Lamont Christian Reformed Church.

To date, Ms. Terpstra has five children, nineteen grandchildren, over forty great-grandchildren, and six great-great grandchildren.

Therefore Mr. Speaker, I ask my colleagues to join me in congratulating Ms. Jennie Terpstra for turning 100 years young. Eric Butterworth once said "Don't go through life, grow through life;" Ms. Terpstra certainly has.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. PLATTS. Mr. Speaker, on behalf of my constituents and my late father, Dutch Platts, an army veteran who felt very strongly about protecting the American flag from desecration, I rise in support of this proposal.

House Joint Resolution 36 is important for many reasons. The American flag is of great importance not only to the men and women of the United States of America but also to the citizens of the world. Every time we raise or lower the many flags flown all over the world, we have given thanks and shown appreciation not only to the veterans who fought and gave their lives to ensure the freedoms we know today, but to the many citizens who work daily to preserve those freedoms. Desecration of this commanding symbol, whether it is by burning, tearing or other mutilation, undermines the powerful sense of patriotism Americans feel whenever they see the red, white and blue. To many, desecrating the American flag not only destroys a cloth, it also destroys the memories and devotion thousands of veterans and others carry with them throughout their daily lives.

In this day of world conflict, we must remember that the Stars and Stripes has been a force that holds communities together. I agree with the gentleman from California, Mr. Cunningham, that, "The American flag is a national treasure. It is the ultimate symbol of freedom, equal opportunity and religious tolerance. Amending our Constitution to protect the flag is a necessity."

In looking to whether our Founding Fathers intended the First Amendment right to freedom of speech to include burning of the American flag, I look to how our Founding Fathers treated the flag: When the Founding Fathers would go into battle, one soldier would carry the flag. If that individual fell in battle, another soldier would give up his weapon to pick up the flag. Those actions tell us pretty clearly how much our Founding Fathers respected and were willing to sacrifice themselves for the flag and how they did not intend the First Amendment right to freedom of speech to include desecration of the American Flag.

I am hopeful that this bill will pass with broad bipartisan support.

HOUSE OF REPRESENTATIVES—*Friday, July 20, 2001*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Lord, down through the ages You have taught us to seek Your kingdom. In our search we will not lose our way if we approach You with the free abandon of trust and the sheer delight of a child.

May pride not steel our hearts or arrogance distort our vision so that we would go after things far beyond us.

Rather, give peace to the soul of this Nation and the Members of this House. Free us from any restlessness in silence that we may listen more deeply to Your word in human hearts.

As a child takes rest in the wrapped arms of a parent, may our trust in You, Lord, be full-weighted and lasting.

O America, hope in the Lord both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. FROST) come forward and lead the House in the Pledge of Allegiance.

Mr. FROST led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON H.R. 2216, 2001 SUPPLEMENTAL APPROPRIATIONS ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 204 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 204

> *Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Yesterday, the Committee on Rules met and granted a normal conference report rule for H.R. 2216, the fiscal year 2001 Emergency Supplemental Appropriations Act. The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report shall be considered as read.

Mr. Speaker, this should not be a controversial rule. It is the type of rule that we grant for almost every conference report. Meanwhile, the underlying bill provides vital relief to our Nation's Armed Forces, and aid to areas that have been devastated by natural disasters. It does all this without busting the budget caps by designating pet projects as emergency spending.

I cannot remember the last time we passed an emergency supplemental bill through this House without resorting to the "emergency spending" gimmick that we use, and the administration deserves credit for holding the line on this one.

Our military needs our help. Without this bill and without the help from Congress, our Nation may fall short on its promise to provide adequate health care for our men and women in uniform. So today we provide more than $1 billion for the defense health program.

At the same time, we are providing more than $6 billion, largely to help our military maintain its facilities and its topnotch training and equipment, and we are helping the military deal with the energy crisis, they have a problem with that like the rest of us do, by providing $735 million just to deal with rising energy costs in the daily routine they have.

We are not only taking care of the emergency needs of our military, though. Several communities in the Midwest have recently been devastated by floods and tornadoes, so we are giving the Army Corps of Engineers money to mitigate the damages from these natural disasters.

We are also helping low-income families deal with high heating costs by adding money to the LIHEAP program. That is the program that helps them with their energy bills. And we are giving the IRS additional resources so they can mail out the tax rebate checks this summer. I know everybody is going to be glad to hear that.

I urge my colleagues to support this normal conference report rule, and to support the underlying bill. This legislation is a strong step forward as we work to care for our military personnel and to take care of all of those who are hurting at home.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in this bill, I think it is appropriate to paraphrase the promise of the President and the Vice President to our military and say that some help is on the way.

Mr. Speaker, this is a good conference agreement as far as it goes, since it provides $5.6 billion for the urgent needs of our Armed Forces. But frankly, Mr. Speaker, the administration is remiss for not requesting even more funds early in its term so that the Congress might truly ensure that help is on the way.

I do have to take just a moment to point out that this conference agreement provides $735 million to address the Pentagon's rising energy costs. This allocation is critical, but it also points to the fact that rising energy costs hit home all over the country, and can in fact endanger our national security.

That is true even here in Washington, D.C. It is so true that part of the help that is on the way in this bill is most likely going to the Vice President to help him pay his own rising energy bills at his residence.

This conference agreement contains a desperately needed additional $300 million for LIHEAP for the remainder of the fiscal year to help those consumers who are facing power cutoffs because they have been unable to pay for soaring energy costs. I am very happy to support that additional funding, since I have cosponsored legislation to increase the funding available for this most valuable program.

But it seems strange to me that the Vice President, who has been telling Californians to bite the bullet when it comes to their own soaring energy electricity costs, has to go begging to the United States Navy to bail him out of his own $186,000 electrical bill.

So some help is indeed on the way. It is on the way in the form of additional

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

funds for readiness and operations requirements for the military, to improve substandard housing, and to avoid disruptions in military health care. It is also on the way for thousands of Americans who need help paying their energy bills.

I am also encouraged that some help may be on the way to the people of Houston, who suffered enormous losses after Allison hit in June.

When the House first considered this supplemental, the Committee on Appropriations had included rescissions in FEMA's budget, an action many in this body simply could not understand. I am happy to report the conference committee has eliminated those rescissions so there will be some funding available in the near term to help families and businesses get back on their feet. But, of course, this bill does not include the money that was being sought on an emergency basis specifically for Houston, and we will deal with that in a later appropriation bill in the next week or two.

Mr. Speaker, I support this conference agreement, but it is high time that this body faces up to the fact that there are pressing needs that must be addressed in this country, and we have squandered the resources we need to do it.

I believe it is time we provide real help to the military, so that our dedicated personnel do not have to live in substandard housing and they do not have to cannibalize equipment in order to make something work. But we cannot do that if this Congress does not own up to what we have done by passing a $1.3 trillion tax cut.

That tax cut has already cost either the military, our education programs, our energy assistance, or whatever program we want to name, $116 million. And for what? That is what it costs to send out the letters saying that the check is in the mail, and then to send the check in the mail. There is money in this bill to cover those costs.

Mr. Speaker, I urge Members to support this rule and to support this supplemental appropriation for fiscal year 2001. We do need to send help, but we could have done more.

Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 204, I call up the conference report on the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to House Resolution 204, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, July 19, 2001, at page H4281).

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2216, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 0915

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Actually, Mr. Speaker, during the discussion on the rule we had a pretty good description of what this bill does. But let me say first that we started out with a ceiling of $6.5 billion. We stayed within that number in the House, our counterparts in the Senate did as well, and this conference report stays within the $6.5 billion.

Most of the money is actually for national defense. The bill includes $5.6 billion to address urgent defense needs that include rising fuel costs, military health care programs, readiness and operation requirements, substandard housing for our troops, and disaster assistance for damage sustained at military installations.

I would like to echo what my friend from Texas said during the discussion on the rule; that this is more or less a band-aid on our real needs. And I want to emphasize housing and quality of life. There are so many needs in military housing that we should be ashamed of the way we make some of our military personnel live. Some of the facilities that they live in are just totally unacceptable. This bill takes a little step towards correcting that problem, but we have a lot more to do and a long way to go. We were, however, constrained to stay within the $6.5 billion and so we did that.

I would also add that while this is a supplemental, there are no emergency designations. We did not declare anything an emergency as a way to get over and above the $6.5 billion, so there are no emergency declarations in this bill.

In addition to the funds for the military that I mentioned briefly we included an additional $92 million for the Coast Guard operational requirements. The Coast Guard has been falling behind in their infrastructure, and they do such a tremendous job. When the Coast Guard goes out for a search and rescue, or when they go out for port security, or drug interdiction, or the many, many risky missions they take on, they sometimes are going with equipment that is not up to date. They also have a spare parts problem and they have an operational expense problem that we tried to address in this bill too. But like the other military uniformed services, the Coast Guard needs more money than this bill provides. It does provide, however, $92 million.

There is $300 million funded for natural disaster assistance, including relief to communities that were impacted by recent floods and ice storms in Illinois, Iowa, Minnesota, Wisconsin, New Mexico, Oklahoma, Texas, and the Seattle earthquake, and for other natural disasters.

The President, in his supplemental request, asked for $150 million for the Low Income Home and Energy Assistance Program, LIHEAP, a program that is strongly supported by the Congress. This bill includes $300 million, double the amount requested by the President, and bringing the program to the highest level in history.

An additional $100 million is provided for international bilateral assistance for HIV-AIDS through the child survival and disease program, and $161 million is provided to implement last year's conference agreement on title I, education for the disadvantaged.

Mr. Speaker, I urge all of our colleagues to support this conference report. It is very timely. Our military services have already spent well into their fourth quarter funding because of the rising fuel costs and the additional medical care expenses, and so we really need to expedite consideration of this bill here and in the other body to get it to the President.

There is available a one-page table that lists most of the items that are included in this bill, and that is available for any Member who would like it.

Mr. Speaker, I thank my colleagues for listening attentively, and I submit for the RECORD a chart reflecting the amounts allocated in the supplemental.

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
TITLE I - NATIONAL SECURITY MATTERS						
CHAPTER 1						
DEPARTMENT OF JUSTICE						
Radiation Exposure Compensation						
Payment to the radiation exposure compensation trust fund	....	....	84,000	20,000	+20,000	-64,000
CHAPTER 2						
DEPARTMENT OF DEFENSE - MILITARY						
Military Personnel						
Military Personnel, Army	164,000	164,000	164,000	164,000	....	....
Military Personnel, Navy	84,000	84,000	84,000	84,000	....	....
Military Personnel, Marine Corps	69,000	69,000	69,000	69,000	....	....
Military Personnel, Air Force	126,000	119,500	126,000	119,500	....	-6,500
Reserve Personnel, Army	52,000	52,000	52,000	52,000	....	....
Reserve Personnel, Air Force	2,000	8,500	2,000	8,500	....	+6,500
National Guard Personnel, Army	6,000	6,000	6,000	6,000	....	....
National Guard Personnel, Air Force	12,000	12,000	12,000	12,000	....	....
Total, Military Personnel	515,000	515,000	515,000	515,000	....	....
Operation and Maintenance						
Operation and Maintenance, Army	655,800	659,600	784,500	792,400	+132,800	+7,900
Operation and Maintenance, Navy	953,400	948,100	1,037,900	1,024,100	+76,000	-13,800
Operation and Maintenance, Marine Corps	54,400	54,400	62,000	62,000	+7,600	....
Operation and Maintenance, Air Force	853,200	840,000	824,900	813,800	-26,200	-11,100
Operation and Maintenance, Defense-Wide	93,800	123,100	62,050	123,250	+150	+61,200
Operation and Maintenance, Army Reserve	20,500	20,500	20,500	20,500	....	....
Operation and Maintenance, Navy Reserve	12,500	12,500	12,500	12,500	....	....
Operation and Maintenance, Marine Corps Reserve	1,900	1,900	1,900	1,900	....	....
Operation and Maintenance, Air Force Reserve	34,000	34,000	34,000	34,000	....	....
Operation and Maintenance, Army National Guard	42,900	38,900	42,900	42,900	+4,000	....
Operation and Maintenance, Air National Guard	119,300	119,300	119,300	119,300	....	....
Total, Operation and maintenance	2,841,700	2,852,300	3,002,450	3,046,650	+194,350	+44,200
Procurement						
Other Procurement, Army	3,000	3,000	3,000	7,000	+4,000	+4,000
Shipbuilding and Conversion, Navy:						
SCN, 1995/2001:						
Carrier Replacement Program	84,000	84,000	84,000	84,000	....	....
DDG-51 Destroyer Program	....	300	300	300	....	....
SCN, 1996/2001:						
DDG-51 Destroyer Program	41,000	14,600	14,600	14,600	....	....
LPD-17 Amphibious Transport Dock Ship Program	65,000	65,000	140,000	140,000	+75,000	....
SCN, 1997/2001:						
DDG-51 Destroyer Program	....	12,600	12,600	12,600	....	....
SCN, 1998/2001:						
NSSN Program	32,000	32,000	32,000	32,000	....	....
DDG-51 Destroyer Program	....	13,500	13,500	13,500	....	....
Subtotal, SCN	222,000	222,000	297,000	297,000	+75,000	....
Aircraft Procurement, Air Force	84,000	84,000	78,000	78,000	-6,000	....
Missile Procurement, Air Force	....	15,500	15,500	15,500	....	....
Procurement of Ammunition, Air Force	73,000	73,000	31,200	31,200	-41,800	....
Other Procurement, Air Force	162,900	85,400	165,650	138,150	+52,750	-27,500
Procurement, Defense-Wide	5,800	5,800	5,800	5,800	....	....
Total, Procurement	550,700	488,700	596,150	572,650	+83,950	-23,500
Research, Development, Test and Evaluation						
Research, Development, Test and Evaluation, Army	....	5,000	....	5,000	....	+5,000
Research, Development, Test and Evaluation, Navy	108,000	151,000	123,000	128,000	-23,000	+5,000
Research, Development, Test and Evaluation, Air Force	247,500	275,500	227,500	275,500	....	+48,000
Research, Development, Test and Evaluation, Defense-Wide	85,000	94,100	35,000	84,100	-10,000	+49,100
Total, RDT&E	440,500	525,600	385,500	492,600	-33,000	+107,100
Revolving and Management Funds						
Defense Working Capital Funds	178,400	178,400	178,400	178,400	....	....
Other Department of Defense Programs						
Defense Heath Program:						
Operation and maintenance	1,453,400	1,453,400	1,522,200	1,453,400	....	-68,800
Military treatment facility optimization	....	200,000	....	150,000	-50,000	+150,000
Drug Interdiction and Counter-Drug Activities, Defense	....	1,900	....	....	-1,900	....
Total, Other DoD Programs	1,453,400	1,655,300	1,522,200	1,603,400	-51,900	+81,200

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
General Provisions						
O&M, Navy: U.S.S. Cole repair (sec. 1203)	44,000		44,000	44,000	+44,000	
Emergency appropriations		44,000			-44,000	
Aircraft Procurement, Navy (P.L. 106-259) (rescission)	-235,000					
Aircraft Procurement, Air Force (P.L. 106-259) (rescission)	-270,000					
Overseas Contingency Operations Transfer Fund (P.L. 106-259) (offset)	-61,000					
Rescissions (sec. 1204)		-834,000	-792,000	-1,034,900	-200,900	-242,900
Natural disasters (sec. 1205)				39,900	+39,900	+39,900
Emergency appropriations		39,900			-39,900	
Total, chapter 2 (net)	5,457,700	5,465,200	5,451,700	5,457,700	-7,500	+6,000
Appropriations	(6,023,700)	(6,215,300)	(6,243,700)	(6,492,600)	(+277,300)	(+248,900)
Rescissions	(-505,000)	(-834,000)	(-792,000)	(-1,034,900)	(-200,900)	(-242,900)
Emergency appropriations		(83,900)			(-83,900)	
Offset	(-61,000)					
CHAPTER 3						
DEPARTMENT OF ENERGY						
National Nuclear Security Administration						
Weapons Activities	140,000	140,000	140,000	126,625	-13,375	-13,375
Other Defense Related Activities						
Defense Environmental Restoration and Waste Management	100,000	100,000	95,000	95,000	-5,000	
Defense Facilities Closure Projects	21,000	21,000	21,000	21,000		
Defense Environmental Management Privatization	29,600	27,472	29,600	29,600	+2,128	
Other Defense activities			5,000	5,000	+5,000	
Total, chapter 3	290,600	288,472	290,600	277,225	-11,247	-13,375
CHAPTER 4						
MILITARY CONSTRUCTION						
Military construction, Army		67,400		22,000	-45,400	+22,000
Rescission (sec. 1403)				-12,856	-12,856	-12,856
Military construction, Navy		10,500		9,400	-1,100	+9,400
Rescission (sec. 1403)				-6,213	-6,213	-6,213
Military construction, Air Force	18,000	8,000	18,000	10,000	+2,000	-8,000
Rescission (sec. 1403)				-4,935	-4,935	-4,935
Military construction, Defense-wide (rescission) (sec. 1403)			-6,700	-14,376	-14,376	-7,676
Military construction, Air National Guard			6,700	6,700	+6,700	
Family Housing, Army	27,200	29,480	28,200	30,480	+1,000	+2,280
Rescission			-1,000	-4,000	-4,000	-3,000
Family Housing, Navy and Marine Corps	20,300	20,300	20,300	20,300		
Family Housing, Air Force	18,000	18,000	18,000	18,000		
Rescission				-4,375	-4,375	-4,375
Base realignment and closure account, part IV	9,000	9,000	9,000	9,000		
Rescissions		-70,500			+70,500	
Total, chapter 4 (net)	92,500	92,180	92,500	79,125	-13,055	-13,375
Appropriations	(92,500)	(162,680)	(100,200)	(125,880)	(-36,800)	(+25,680)
Rescissions		(-70,500)	(-7,700)	(-46,755)	(+23,745)	(-39,055)
Total, title I, National Security Matters (net)	5,840,800	5,845,852	5,918,800	5,834,050	-11,802	-84,750
TITLE II - OTHER SUPPLEMENTAL APPROPRIATIONS						
CHAPTER 1						
DEPARTMENT OF AGRICULTURE						
Production, Processing, and Marketing						
Office of the Secretary			3,000	3,000	+3,000	
Animal and Plant Health Inspection Service						
Salaries and expenses	35,000		35,000	5,000	+5,000	-30,000
Farm Service Agency						
Agricultural conservation program (rescission)			-45,000	-45,000	-45,000	
Natural Resources Conservation Service						
Water and flood prevention operations			5,000	35,500	+35,500	+30,500
General Provisions						
Sec. 2104 Klamath Basin	20,000		20,000	20,000	+20,000	
Sec. 2105 Food Stamp program (Employment & Training)			-3,000	-3,000	-3,000	
Sec. 2106 Food Stamp program (rescission)			-39,500	-39,500	-39,500	
Sec. 2107 Yakima Basin			2,000	2,000	+2,000	
Total, General Provisions	20,000		-20,500	-20,500	-20,500	

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
Total, chapter 1 (net)	55,000		-22,500	-22,000	-22,000	+500
Appropriations	(55,000)		(65,000)	(65,500)	(+65,500)	(+500)
Rescissions			(-84,500)	(-84,500)	(-84,500)	
Offset			(-3,000)	(-3,000)	(-3,000)	
CHAPTER 2						
DEPARTMENT OF COMMERCE						
National Oceanic and Atmospheric Administration						
Coastal and Ocean activities			8,000	8,000	+8,000	
Rescission			-8,000	-8,000	-8,000	
Departmental Management						
Emergency Oil and Gas guaranteed loan program (rescission)			-114,800	-114,800	-114,800	
RELATED AGENCIES						
Small Business Administration						
Salaries and expenses			30,000	30,000	+30,000	
Rescission			-30,000	-30,000	-30,000	
Business Loans Program Account:						
Guaranteed loans subsidy			22,000	22,000	+22,000	
Rescission			-22,000	-22,000	-22,000	
Total, chapter 2 (net)			-114,800	-114,800	-114,800	
Appropriations			(60,000)	(60,000)	(+60,000)	
Rescissions			(-174,800)	(-174,800)	(-174,800)	
CHAPTER 3						
FEDERAL FUNDS						
Federal payment to the Chief Financial Officer				750	+750	+750
(By transfer)				(250)	(+250)	(+250)
DISTRICT OF COLUMBIA FUNDS						
General Fund						
Governmental direction and support (incl rescission)	(5,150)	(5,150)	(5,400)	(5,150)		(-250)
Economic development and regulation	(1,685)	(1,625)	(1,625)	(1,685)	(+60)	(+60)
Public safety and justice (including rescission)	(8,871)	(8,770)	(8,770)	(8,871)	(+101)	(+101)
Public education system	(13,000)	(13,750)	(13,000)	(13,000)	(-750)	
(By transfer)		(250)			(-250)	
Human support services	(28,000)	(28,000)	(28,000)	(28,000)		
Public works	(131)	(131)	(131)	(131)		
Workforce investments	(40,500)	(40,500)	(40,500)	(40,500)		
Wilson Building	(7,100)	(7,100)	(7,100)	(7,100)		
Total, general fund (including transfer)	(104,437)	(105,276)	(104,526)	(104,437)	(-839)	(-89)
Enterprise and Other Funds						
Water and Sewer Authority and the Washington Aqueduct	(2,151)	(2,151)	(2,151)	(2,151)		
Total, DC Funds (including transfer)	(106,588)	(107,427)	(106,677)	(106,588)	(-839)	(-89)
Total, chapter 3				750	+750	+750
CHAPTER 4						
DEPARTMENT OF DEFENSE - CIVIL						
Department of the Army						
Corps of Engineers - Civil						
Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee				9,000	+9,000	+9,000
Emergency appropriations		18,000			-18,000	
Operation and Maintenance, General				86,500	+86,500	+86,500
Emergency appropriations		115,500			-115,500	
Flood Control and Coastal Emergencies	50,000		50,000	50,000	+50,000	
Emergency appropriations		50,000			-50,000	
Total, Corps of Engineers	50,000	183,500	50,000	145,500	-38,000	+95,500
DEPARTMENT OF ENERGY						
Energy Programs						
Non-Defense Environmental Management	11,400	11,950	11,400	11,950		-550
Uranium Facilities Maintenance and Remediation	18,000	18,000	18,000	30,000	+12,000	+12,000
Power Marketing Administrations						
Construction, Rehabilitation, Operation & Maintenance, Western Area Power Adminstation		1,578		1,578		+1,578
Total, Department of Energy	29,400	31,526	29,400	43,526	+12,000	+14,126

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
GENERAL PROVISIONS						
Sec. 2302:						
National Nuclear Security Administration:						
Weapons Activities		-23,700			+23,700	
Corps of Engineers-Civil:						
Operations and Maintenance, General		23,700			-23,700	
Total, chapter 4	79,400	215,028	79,400	189,028	-26,000	+109,628
Appropriations	(79,400)	(31,528)	(79,400)	(189,028)	(+157,500)	(+109,628)
Emergency appropriations		(183,500)			(-183,500)	
CHAPTER 5						
BILATERAL ECONOMIC ASSISTANCE						
Agency for International Development						
Child survival and disease programs fund			100,000	100,000	+100,000	
Rescission			-10,000	-10,000	-10,000	
INTERNATIONAL ASSISTANCE PROGRAMS						
International Security Assistance						
Economic Support Fund (rescission)	-20,000			-10,000	-10,000	-10,000
Total, chapter 5 (net)	-20,000		90,000	80,000	+80,000	-10,000
Appropriations			(100,000)	(100,000)	(+100,000)	
Rescissions	(-20,000)		(-10,000)	(-20,000)	(-20,000)	(-10,000)
CHAPTER 6						
DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands & resources				3,000	+3,000	+3,000
(By transfer)			(3,000)			(-3,000)
United States Fish and Wildlife Service						
Construction				17,700	+17,700	+17,700
Emergency appropriations		17,700			-17,700	
National Park Service						
Operation of the National Park Service			4,200			-4,200
Rescission			-4,200			+4,200
United States Park Police		1,700		1,700		+1,700
Bureau of Indian Affairs						
Operation of Indian Programs	50,000		50,000	50,000	+50,000	
Emergency appropriations		50,000			-50,000	
RELATED AGENCY						
Forest Service						
Forest and rangeland research				1,400	+1,400	+1,400
(By transfer) (sec. 2606)			(1,400)			(-1,400)
State and Private Forestry			12,500	24,500	+24,500	+12,000
Emergency appropriations		22,000			-22,000	
National Forest System			10,000	12,000	+12,000	+2,000
Emergency appropriations		12,000			-12,000	
Wildland Fire Management (emergency)		100,000			-100,000	
Capital Improvements and Maintenance			9,000	9,000	+9,000	
Rescission			-5,000	-5,000	-5,000	
Emergency appropriations		4,000			-4,000	
Total, Forest Service		138,000	26,500	41,900	-96,100	+15,400
Total, chapter 6	50,000	207,400	76,500	114,300	-93,100	+37,800
Appropriations	(50,000)	(1,700)	(85,700)	(119,300)	(+117,600)	(+33,600)
Emergency appropriations		(205,700)			(-205,700)	
(By transfer)			(4,400)			(-4,400)
CHAPTER 7						
DEPARTMENT OF LABOR						
Employment and Training Administration						
Training and employment services			45,000	45,000	+45,000	
Rescission			-262,500	-262,500	-262,500	
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Substance Abuse and Mental Health Services Administration						
Substance Abuse and Mental Health Services			6,500	6,500	+6,500	
Administration for Children and Families						
Low Income Home Energy Assistance Program	150,000	300,000	300,000	300,000		

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
DEPARTMENT OF EDUCATION						
Education for the disadvantaged		161,000	161,000	161,000		
Total, chapter 7 (net)	150,000	461,000	250,000	250,000	-211,000	
Appropriations	(150,000)	(461,000)	(512,500)	(512,500)	(+51,500)	
Rescissions			(-262,500)	(-262,500)	(-262,500)	
CHAPTER 8						
LEGISLATIVE BRANCH						
Congressional Operations						
House of Representatives						
Payments to Widows and Heirs of Deceased Members of Congress						
Gratuities, deceased Members (Sisisky, Moakley)		290		290		+290
Salaries and Expenses						
Members' Representational Allowances, Standing Committees, Special and Select, Committee on Appropriations, Allowances and Expenses	47,214	44,214		44,214		+44,214
Salaries, Officers and Employees	14,448	17,448		17,448		+17,448
Total, House of Representatives	61,662	61,662		61,662		+61,662
Joint Items						
Capitol Police Board						
Salaries				514	+514	+514
General expenses				486	+486	+486
Office of Compliance						
Salaries and expenses	35	35	35	35		
Government Printing Office						
Congressional Printing and Binding	9,900	11,900	9,900	9,900	-2,000	
Government Printing Office Revolving Fund	6,000	6,000	6,000	6,000		
Library of Congress						
Salaries and expenses		600		600		+600
General Accounting Office						
Salaries and expenses	2,600					
Total, chapter 8	80,197	80,487	15,935	79,487	-1,000	+63,552
CHAPTER 9						
DEPARTMENT OF TRANSPORTATION						
Office of the Secretary						
Rental payments (rescission)				-440	-440	-440
Coast Guard						
Operating Expenses	92,000	92,000	92,000	92,000		
Acquisition, construction, and improvements:						
Shore facilities & aids to navigation facilities			4,000	4,000	+4,000	
Rescission				-12,000	-12,000	-12,000
Total, Coast Guard	92,000	92,000	96,000	84,000	-8,000	-12,000
Federal Aviation Administration						
Grants-in-aid for airports (Airport and Airway Trust Fund) (rescission of contract authorization)		-30,000	-30,000	-30,000		
Federal Highway Administration						
Emergency highway restoration (Highway Trust Fund)			12,800	27,600	+27,600	+14,800
Federal-aid highways (Highway Trust Fund)(rescissions)			-14,000	-15,918	-15,918	-1,918
RELATED AGENCY						
United States-Canada Railroad Commission			2,000	2,000	+2,000	
Total, chapter 9 (net)	92,000	62,000	66,800	67,242	+5,242	+442
Appropriations	(92,000)	(92,000)	(110,800)	(125,600)	(+33,600)	(+14,800)
Rescissions		(-30,000)	(-44,000)	(-58,358)	(-28,358)	(-14,358)
CHAPTER 10						
DEPARTMENT OF THE TREASURY						
Departmental Offices						
Salaries and Expenses (Winter Olympics security)	60,601		59,956	59,956	+59,956	
Tax Rebate Implementation	115,776					
Financial Management Service						
Salaries and expenses		49,576	49,576	49,576		

H.R. 2216 - SUPPLEMENTAL APPROPRIATIONS ACT, 2001 — continued

(Amounts in thousands)

	Supplemental Request	House	Senate	Conference	Conference vs. House	Conference vs. Senate
Internal Revenue Service						
Processing, assistance, and management		66,200	66,200	66,200		
Rescissions (SEC. 21002)				-18,000	-18,000	-18,000
Federal Payment to Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation						
Native Nations Institute (by transfer)			(1,000)	(1,000)	(+1,000)	
Total, chapter 10	176,377	115,776	175,732	157,732	+41,956	-18,000
CHAPTER 11						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and Pensions	589,413	589,413	589,413	589,413		
Readjustment Benefits	347,000	347,000	347,000	347,000		
Total, Veterans Benefits Administration	936,413	936,413	936,413	936,413		
Departmental Administration						
General Operating Expenses (transfer from Medical Care)	(19,000)	(19,000)	(19,000)	(19,000)		
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing certificate fund (rescission)		-114,300		-114,300		-114,300
Native American Housing Block grants			5,000			-5,000
Housing Programs						
Manufactured housing fees trust fund		6,100			-6,100	
Fees collected		-6,100			+6,100	
Federal Housing Administration						
FHA--General and Special Risk Program Account	40,000	40,000			-40,000	
INDEPENDENT AGENCIES						
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses		243			-243	
Federal Emergency Management Agency						
Disaster relief			1,000			-1,000
Rescission of emergency appropriations		-389,200			+389,200	
Total, chapter 11 (net)	976,413	473,156	942,413	822,113	+348,957	-120,300
Rescissions		(-114,300)		(-114,300)		(-114,300)
Rescission of emergency appropriations		(-389,200)			(+389,200)	
Total, title II, Other Supplementals (net)	1,639,387	1,614,847	1,559,480	1,623,852	+9,005	+64,372
GENERAL PROVISIONS						
U.S. - China Security Review Commission			1,700	1,700	+1,700	
Grand total (net)	7,480,187	7,460,698	7,479,980	7,459,602	-1,097	-20,378
Appropriations	(8,066,187)	(8,425,599)	(8,867,680)	(9,281,715)	(+856,116)	(+414,036)
Rescissions	(-525,000)	(-1,048,800)	(-1,384,700)	(-1,819,113)	(-770,313)	(-434,413)
Rescission of emergency appropriations		(-389,200)			(+389,200)	
Offsets	(-61,000)		(-3,000)	(-3,000)	(-3,000)	
Emergency appropriations		(473,100)			(-473,100)	
(By transfer)	(19,000)	(19,000)	(24,400)	(20,250)	(+1,250)	(-4,150)
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
EPA: State & Tribal Assistance Grants		20,584		20,584		+20,584
Total mandatory and discretionary	7,480,187	7,481,283	7,479,980	7,480,186	-1,097	+206
Mandatory	936,413	936,703	936,413	936,703		+290
Discretionary	6,543,774	6,544,580	6,543,567	6,543,483	-1,097	-84

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, this is certainly a far better bill than we had when it left the House, and it is certainly a far more honest bill than was the case when it left the House.

The House will recall that at the time of going to conference we asked the House to consider doing three things in our motion to instruct. The first was to ask the House to drop the rescission of $389 million in previously appropriated disaster money for FEMA. The majority at that time declined to support that motion. But this conference, in fact, did adopt that position, and I think that was the correct position to take.

We also asked the House at that time to provide additional funding for the victims of radiation related sickness, because many of them were in fact the victims of the conduct of their own government. This is an important issue out west. And while, again, the majority did not support the motion to recommit, we are happy that in the end they did provide a recognition that these people are entitled to this compensation, and I am happy that the matter was addressed in conference.

We also asked in that motion that the House support direct funding to enable the Department of Agriculture to deal with the twin threats of foot and mouth disease and mad cow disease. The conferees there did provide $5 million of direct funding and they provided support for $30 million in indirect funding. So I think on those three items certainly this bill is a much better bill than we had when the bill first left the House.

I should make some other points. This bill will have broad bipartisan support, but there are certainly a number of other areas where this bill should have acted but chose not to.

I also wish that this bill had been passed faster. Certainly the committees in both Houses moved the bill as quickly as they got it, but the administration chose to withhold their request of these funds until after the tax bill was passed. And in my view, one of the reasons they did that was to hide from the House's view the implications of that tax bill for some of the critical items in this bill. And I think some of the inadequacies in this bill were purposely withheld from the House until after the tax bill was passed so that people's views of those inadequacies would not get in the way of passing the kind of tax bill the administration wanted.

I should also say that there are a number of areas where the bill, I think, should have been improved. In the area of emergency disaster assistance, for instance, we have had some very severe storms all across the country, especially in the Midwest. It was strange, I thought, that this Congress originally tried to eliminate $389 million in previously appropriated funds to deal with that problem. I welcome the fact that the Congress essentially decided in the end to restore that money, but I do believe that there are still other needs to be met.

And I think it needs to be clearly understood this FEMA budget is adequate only so long as Mother Nature suspends her normal course of events in producing heavy storms over the summer period. If we have one more storm, this budget will clearly be inadequate. And I think the administration knows it, and I believe that the majority in this House knows it.

I would also point out that the state of military readiness that will be enabled by this bill is what is required to meet world conditions provided that nothing significant happens in the world between now and the end of the fiscal year. If it does, we are going to need additional funding mighty quick.

And lastly, I think it is also clear that if we have the usual round of forest fires in the west, that this bill will be clearly inadequate. I hope that we get lucky, but I am not convinced that we will.

I am also pleased that the bill did provide clarifying authority to make certain that the Department of Agriculture understands that they do have the authority to provide reimbursement to the various private groups who are helping to carry out the global food initiative.

I also must say, going back to the FEMA issue, I find this bill on this subject somewhat disingenuous. The administration, in my judgment, fully recognizes that this account is probably short. Certainly the FEMA agency itself, in their conversations with me, have indicated that they expect that in the end they will probably need at least $.5 billion more, and perhaps as much as $1 billion more.

And I would say that I found interesting the St. Paul conversion on the road to Damascus of the distinguished majority whip. As my colleagues will recall, he, on three occasions, insisted that we support the rescission of the funds for FEMA. We welcome the fact that he has walked away from that position, to the extent that now he is recognizing that there is probably going to be a need for $1.3 billion in additional funds for FEMA.

The strangeness in this whole episode is demonstrated by the fact that while the administration has said in public comment, in newspapers, that we probably will need more money, they have declined to ask for that money. This committee has made quite clear, at least the Democratic majority in the other body has made quite clear, and we have made quite clear on our side of the aisle in this House that we would be willing to provide that money if the administration asks for it. But I guess we will have to play Russian roulette a while longer before the administration decides what it is actually going to do for the remainder of the year.

So, in short, this bill has some shortcomings, but I think it is good that the committee moved as fast as it did to finish action on it. I think that we will have broad support on both sides of the aisle. I would urge support of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), who is chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Speaker, it is not my intention to take any significant amount of time, for the work that has been done by our very fine staff on both sides of the aisle has expedited this process.

I really wanted to rise for just a couple of reasons. First, to bring to the attention of our ranking member, the gentleman from Wisconsin (Mr. OBEY), that the last time we were here on the floor with this bill he was suffering from laryngitis and it helped us a lot in expediting the process. I want to congratulate him on the progress he has made between now and then.

But I really also wanted to point out one other item to him, and that is that it was not so long ago that it was my privilege to be chairman of the subcommittee that deals with FEMA funding, and the gentleman may recall that this Member certainly did not stand by and allow too much rescission of FEMA funding. Indeed, the challenges of emergencies across the country are an item that I recognize very clearly.

From there, I believe the work of the committee, relative to the amount of money in the bill reflecting the problem of the caps we are dealing with in this budget process, is as far as we can go.

I am very, very pleased with the expression of concern on both sides of the aisle about the need for more adequate funding for our national security. Indeed, bear with me, for as we move towards September, I am certain we are going to be able to have a very healthy discussion about just how far we should go in connection with making sure the troops are taken care of and we are prepared for whatever emergencies might be out there.

□ 0930

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I want to thank the chairman and the ranking member for their efforts to bring the conference report before us in a bipartisan manner which will provide supplemental appropriations to the Department of Defense and address other critical needs we face in this country.

I am particularly glad to see that the conference report does not include any rescissions in FEMA's disaster relief account.

Included in the supplemental is $5 million for the Department of Agriculture's Animal Plant Health Inspection Service to guard against the threat of foreign animal disease, including foot and mouth disease and mad cow disease. I have expressed serious concerns about this issue as have other Members about the devastating impact that these diseases would have on American agriculture should any outbreak occur in this country.

Because of the concentration of livestock in my home State of North Carolina, a foot and mouth disease outbreak would be an incredible catastrophe. An outbreak in eastern North Carolina could require the destruction of 2.8 million hogs within a mere 20 mile radius. That number is greater than the amount of animals killed in the entire country of England.

My State has worked hard and continues to be vigilant to prepare for an emergency and, most importantly, prevent an outbreak before it occurs.

Five million dollars was not the amount that the USDA requested, nor was it the amount that experts in the field felt was adequate. Frankly, I am disappointed that the full $35 million requested for APHIS for this effort was not agreed to. But now the decision has been made, and we must count on the USDA to muster all the resources we can to bolster animal inspections at U.S. borders and ports, to hire additional veterinarians for animal health assessments, and to control an outbreak should it occur.

The conferees have indicated that they expect the Secretary of Agriculture to use funds from the Commodity Credit Corporation not only to deal with an emergency after it occurs, but also to work now to prevent the threat of foreign animal disease.

I just hope they know what they are doing down at USDA because we cannot afford to wait until a foot and mouth outbreak hits to do something. The cost would be much more than the $30 million this bill does not include.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time and for his great work on this conference report.

I rise in support of the conference report. I am especially grateful to and I want to commend the work of the conferees for including additional funds from the Commodity Credit Corporation for the President's Global Food for Education Initiative, a program inspired and promoted by former Senators George McGovern and Bob Dole, and a program that can ultimately end hunger amongst the world's children.

These additional funds will allow for the internal transportation and storage of commodities, moving them closer to the actual sites of use and distribution for these very important school feeding programs. The funds will also cover specified administrative costs incurred by the implementing of private voluntary organizations and agencies.

Allocation of this funding should help resolve difficulties that have interrupted the implementation of this pilot program since its inception. It will also ensure that this program truly has an American face in the field.

This action sends a clear signal to the Secretary of Agriculture that the Congress believes the Global Food for Education program is important and that Congress wants to see the Global Food for Education pilot program done right. Congress cannot evaluate the effectiveness of a program unless it has been implemented well from the very beginning. The Congress has now demonstrated it is willing to help facilitate the success of the program.

As many of my colleagues know, the gentlewoman from Missouri (Mrs. EMERSON) and I have introduced legislation, H.R. 1700, to establish the Global Food for Education program as a permanent program. Over 70 Members of this House have joined us in this bipartisan effort. This conference report ensures that the pilot program can now proceed along a more constructive and productive course.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), the gentlewoman from Ohio (Ms. KAPTUR), and all the other conferees and staff who worked to make these funds available. I believe they have made an important contribution to alleviating hunger and increasing education opportunities for millions of the world's neediest children.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for his good work on the supplemental. I just wanted to stand up and say how pleased I am that the supplemental does include an effort to compensate folks that have been victims of radiation exposure.

Years ago Congress admitted that there was fault and admitted we need to compensate victims. Yet we have not put up the money. There are people in my region of the country that have letters from the Government right now, IOUs saying, "Well, yeah, you deserve compensation, but we don't have the money." We have come up now with some money. I am a little disappointed that of the $84 million we were looking for, only $20 million is in this supplemental and now we have got to do something about next year's budget as well to accommodate that, but it is a step in the right direction. We are going to keep fighting for this. We want to make sure that the people who were inappropriately exposed to harm, and the government has admitted culpability, we are going to make sure those people are adequately compensated. I am pleased that this supplemental takes a step in that direction.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, I rise in strong support of the conference report. I want to thank the chairman and the ranking member for agreeing to the Senate position and the administration position with respect to FEMA and not going forward with the rescission. These moneys are greatly needed in my district and throughout the greater Houston area and in 29 other counties in Texas. I think we are going to need more money before the fiscal year is over. I think the committee stands ready to deal with that. I just want to commend the chairman and the ranking member for the hard work they did on that.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

I would like to take just a few minutes to thank all of those who were players in reaching the point that we are at today. While it appears this ended up as a fairly noncontroversial bill, it was not easy to get here. There were a lot of differences between the House and the Senate when we initiated the conference. We had a tremendous spirit of cooperation. I want to thank the gentleman from Wisconsin (Mr. OBEY) personally, for working so closely with us as we reached agreement on the many issues that were outstanding and all of the representatives of the chairmen and ranking members of the subcommittees that were involved in the issues.

Mr. Speaker, when we have regular appropriations bills on the floor, often times we hear comments about the tremendous work of the staff and the mention of the subcommittee staffers, but I want to take just a few seconds this morning to say we have a tremendous front office staff, too, managed by Jim Dyer, the clerk of the committee; Dale Oak, who is here at the table; John Blazey, Therese McAuliffe and John Scofield who are also here in the Chamber; and Mr. OBEY's staff, Scott Lilly. We all worked together with our counterparts in the Senate and ended up with a very good, noncontroversial product.

As other Members have said, this does not solve all the problems. It is not intended to do that. This is a supplemental. The regular bills are already moving through the House and additional bills will be up next week. We will have concluded nine bills plus the supplemental in the House before we adjourn for the August recess. Again, it shows what we can do when we work together in a bipartisan way. We do have differences, but we work them out. I am very proud of the way that the House has functioned on this supplemental.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to comment on a provision in the Supplemental Appropriations bill passed by the Senate which constitutes legislation in an appropriations bill. The change affects the allocation of Impact Aid funding for this current fiscal year and affects funding levels for virtually all school districts receiving Impact Aid funds under the Basic payments program, with the vast majority losing funds. Changing the formula in an appropriations bill in the middle of the current fiscal year, wherein school districts lose funds that they have been depending on is contrary to good legislative policy.

Currently, school districts with less than 1,000 children, and a per-pupil expenditure of less than the State average are guaranteed at least a 40% Learning Opportunity Threshold (LOT) payment. The change being considered by the conferees would modify the eligibility for the LOT payment by allowing school districts with less than 1,000 students to receive a guaranteed LOT payment if their average per-pupil expenditure is below the State average or below the National average. This increases the LOT payments.

This formula change causes most districts across the nation that receive Impact Aid payments under the Basic payments program to lose funds. Hawaii school districts would receive almost $100,000 less than they would have under the current formula. This would have a significant impact on school districts everywhere that have been counting on these funds since last year. To change the formula now, with only a few months left in the fiscal year, undermines these districts' plans and shortchanges schools that rely heavily on these funds.

The House agreed to this change for future funds when it passed H.R. 1 earlier this year. I do not object to that change, only that it is being unfair to implement it in this year's funding cycle.

The only way to allow for the formula change for this fiscal year so as not to hurt other school districts was to come up with the additional funds needed to cover the cost of this change in formula so as to hold harmless the funding for all other schools. Regrettably this Conference Report does not come up with these additional funds. It states that in this year's upcoming appropriations bill these losses will be offset with added funds.

The attached chart shows the state-by-state loss of Impact Aid funds.

State	FY 2000 BSP[1]	FY '01 BSP Current Law[2]	FY '01 BSP Watts' Amendment[3]	Difference
Alaska	$89,910,004	$89,164,106	$89,091,978	$72,128
Alabama	2,463,310	2,867,836	2,859,886	7,950
Arizona	118,953,121	126,519,738	126,631,354	(111,616)
Arkansas	467,185	525,947	524,489	1,458
California	53,253,103	56,643,590	56,631,465	12,124
Colorado	6,911,529	7,874,176	7,852,348	21,827
Connecticut	6,970,709	7,257,766	7,237,647	20,119
District of Columbia	898,704	1,547,479	1,543,189	4,290
Delaware	21,415	35,412	35,314	98
Florida	7,462,980	9,164,756	9,246,586	(81,830)
Georgia	6,625,676	16,028,092	16,016,290	11,803
Hawaii	33,398,384	34,749,647	34,653,320	96,237
Idaho	5,138,122	5,508,286	5,503,007	5,208
Illinois	10,036,315	14,264,487	14,259,181	5,306
Indiana	133,848	140,077	139,689	388
Iowa	143,159	146,814	146,407	407
Kansas	11,629,843	15,315,708	15,294,768	20,940
Kentucky	243,553	375,238	374,198	1,040
Louisiana	5,336,508	5,728,938	5,713,057	15,881
Maine	2,092,788	2,273,531	2,270,098	3,432
Maryland	5,434,946	6,122,534	6,105,562	16,972
Massachusetts	1,081,084	1,138,697	1,135,540	3,156
Michigan	2,512,546	2,808,050	2,800,266	7,784
Minnesota	7,606,571	8,028,552	8,019,561	8,991
Mississippi	2,990,457	3,229,289	3,262,750	(33,461)
Missouri	8,705,957	12,524,943	12,517,645	7,298
Montana	33,901,638	35,431,225	35,431,866	(641)
Nebraska	10,226,476	17,977,713	17,976,810	903
Nevada	3,297,577	3,687,859	3,677,636	10,223
New Hampshire	7,249	7,950	7,928	22
New Jersey	12,791,440	15,144,224	15,127,908	16,316
New Mexico	68,342,295	71,266,984	71,227,854	39,130
New York	11,425,469	15,921,466	15,901,552	19,914
North Carolina	8,200,211	11,013,626	10,983,096	30,530
North Dakota	16,106,955	24,320,620	24,337,479	(16,858)
Ohio	2,737,631	2,938,412	2,930,267	8,145
Oklahoma	23,070,837	28,226,650	28,613,721	(387,071)
Oregon	2,355,978	2,614,186	2,606,939	7,247
Pennsylvania	1,295,274	1,298,454	1,294,855	3,599
Puerto Rico	1,228,440	1,254,809	1,251,330	3,478
Rhode Island	2,477,030	2,594,638	2,587,445	7,192
South Carolina	2,827,810	3,200,759	3,191,887	8,873
South Dakota	26,176,631	34,695,348	34,734,158	(38,809)
Tennessee	1,201,003	1,954,128	1,948,712	5,417
Texas	33,439,494	62,696,858	62,718,452	(21,594)
Utah	6,494,785	6,753,207	6,734,487	18,720
Vermont	3,800	5,289	5,274	15
Virgin Island	208,525	353,231	352,252	979
Virginia	25,861,650	34,692,646	34,596,478	96,169
Washington	31,756,879	42,196,708	42,137,496	59,212
West Virginia	10,435	11,328	11,297	31
Wisconsin	9,274,626	9,591,319	9,580,628	10,691
Wyoming	7,486,643	7,835,190	7,833,170	2,020

[1] $737.2 ($732.6 out) 116.3% LOT.

[2] $882 ($867,668 out) 113.27% LOT.

[3] 882 ($867.668 out) 112.96% LOT.

Ms. HOOLEY of Oregon. Mr. Speaker, I intend to support this legislation. In particular, I am extremely pleased the conferees have included $20 million in emergency assistance to farmers in the Klamath River Basin in Oregon and Northern California.

The farmers and communities in this area have been devastated by one of the most severe droughts to ever hit the Pacific Northwest. While the federal government doesn't have any control over the weather, at the very least we should provide emergency aid to alleviate the situation.

That said, one of the more troubling aspects of this legislation is that among the $1.8 billion in spending offsets the conferees have agreed to take away $178 million from dislocated worker-training funds.

With layoffs and unemployment increasingly in headlines across the United States—and rising electricity costs threatening to further swell the ranks of dislocated workers—the decision to slash available funding to dislocated workers just doesn't make any sense.

The underlying intent of block grants are to give states flexibility in how they spend federal funds. Crisis don't happen overnight, and it is unrealistic to expect states to expend or obligate all of their funds upon the beginning of the program year. In fact, Congress recognized this in the Workforce Investment Act, which explicitly gives individual states three years to expend their unobligated funds—the first year they are appropriated and the two subsequent years.

As such, I bitterly oppose the decision to take funding away from Oregon and other states before they have had the chance to fully implement their employment programs. Currently, I am working with my colleagues Representative MIKE CAPUANO from Massachusetts and Representative JACK QUINN from New York to ensure that the Workforce Investment Act receives its full funding in fiscal year 2002, and invite every member of the House to join us.

Mr. UDALL of Colorado. Mr. Speaker, I will support this conference report, because while it is not perfect it is a great improvement over the bill as originally passed by the House last month.

The House bill did include some very good things. It provided for an additional $100 million for essential environmental restoration and waste management at Savannah River, Hanford, and other sites in the DOE complex and for acquisition of additional containers for shipping wastes to the Waste Isolation Pilot Plant.

These are important for Colorado, because our ability to have the Rocky Flats site cleaned up and closed by 2006 depends on the ability of other sites in the complex to play their roles in that process. So, I was—and remain—very appreciative that the appropriations committee has responded to these needs. Similarly, the House bill's additional $300 million for low-income home energy assistance will enable that important program to provide much needed assistance this year, even if it will not meet all needs.

But for me all the good things in the bill were outweighed by one glaring omission—the total absence of any funds to pay already-approved claims under the Radiation Exposure Compensation Act, or "RECA."

RECA provides for payments to individuals who contracted certain cancers and other serious diseases because of exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines. Some of my constituents are covered by RECA, as are hundreds of other Coloradans and residents of New Mexico and other states.

Last year, the Congress amended RECA to cover more people and to make other important modifications. I supported those changes. But there was one needed change that was not made—we did not make the payments automatic. Unless and until we make that change, the RECA payments can only be made when Congress appropriates money for that purpose.

And the undeniable fact is that we in the Congress have not appropriated enough money to pay everyone who is entitled to be paid under RECA. As a result, people who should be getting checks are instead getting letters from the Justice Department.

Those letters—IOUs, you could call them—say that payments must await further appropriations. What they mean is that we in the Congress have failed to meet a solemn obligation. We failed to meet it when we passed the regular appropriations bill for the Justice Department—and as the bill passed the House originally, it again failed to meet that obligation.

So, I am very glad that the conference report provides for $84 million for paying these claims. I understand that the way that has been scored could mean that not all that amount will be paid before October. I hope that the Administration will do all that is needed to assure that payments are made as soon as possible, because these people have already waited too long as it is.

Of course, this conference report is only a stopgap resolution of the bigger problem with RECA. We need to do more.

We should change the law so that future RECA payments will not depend on annual appropriations, but instead will be paid automatically in the way that we now have provided for payments under the new compensation program for certain nuclear-weapons workers made sick by exposure to radiation, beryllium, and other hazards. I have joined in sponsoring legislation to make that change. But, meanwhile, I urge approval of the conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 375, nays 30, not voting 28, as follows:

[Roll No. 256]

YEAS—375

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—30

Armey
Barrett
Barton
Chabot
Conyers
DeFazio
Duncan
Ehlers
Flake
Frank
Hoekstra
Kind (WI)
Kleczka
Kucinich
Lee
Paul
Petri
Roemer
Royce
Sanders
Schaffer
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stark
Stupak
Tancredo
Upton
Weldon (FL)

NOT VOTING—28

Barcia
Blumenauer
Brown (FL)
Burton
Crane
DeLay
Dreier
Ehrlich
Engel
Fattah
Filner
Gordon
Graves
Hulshof
Istook
Lewis (GA)
Lipinski
Lucas (KY)
McCrery
McKinney
Miller (FL)
Moore
Oberstar
Skelton
Spence
Thomas
Traficant
Young (AK)

□ 1010

Mr. STARK and Mr. KUCINICH changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, on July 20, 2001, due to a family commitment, I was unavailable for rollcall vote No. 256. Had I been here I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 256, I was carrying out official duties in my District and missed this vote. Had I been present, I would have voted "nay."

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I rise for the purpose of inquiring of the gentleman from Texas (Mr. ARMEY), the majority leader, the schedule for the remainder of the week and for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will meet for legislative business on Monday, July 23, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today. On Monday, no recorded votes are expected before 6 o'clock p.m.

On Tuesday and the balance of the week, the House will consider the following measures: We will complete consideration of H.R. 2506, the Foreign Operations Appropriations Act; H.J. Res. 55, concerning trade relations with respect to Vietnam; the Treasury and Postal Appropriations Act; and the Patients' Bill of Rights. And, Mr. Speaker, we will also complete work on Veterans Affairs, Housing, Urban Development and Independent Agencies Appropriations Act.

Members should understand that this is going to be another busy week, and we should expect some late evenings next week.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, I might ask my colleague, when does he expect the Patients' Bill of Rights bill to come up next week?

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I thank the gentleman for the inquiry. I would expect us to see that bill on the floor on Thursday of next week, probably late in the day.

Mr. BONIOR. Mr. Speaker, how about the energy bill? When can we expect to see the energy bill?

Mr. ARMEY. Mr. Speaker, if the gentleman will again yield, I think the committees have completed their work on that. We will probably work with the Committee on Rules and the other committees on that, and we would expect it the week following next.

Mr. BONIOR. Mr. Speaker, is Fast Track coming up before the recess, and does the gentleman expect a markup in the Committee on Ways and Means next week on Fast Track?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I do expect that markup to take place; and we do anticipate that being on the floor before we retire for the August recess.

Mr. BONIOR. Finally, I would ask my colleague from Texas if he has any plans, or if the leadership has discussed, bringing up the railroad retirement bill to the floor. As the gentleman may recall, it had very strong bipartisan support in the previous Congress.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for asking, and I thank the gentleman for continuing to yield.

Mr. Speaker, the Railroad Retirement Act that the gentleman from Michigan asked about is important legislation; and we have had extensive discussions about it in our leadership meetings and in our planning meetings. While I am confident that we will have this bill under consideration before we complete our work for the year, we have no immediate plans for its schedule.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 23, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ON THE DEATH OF FORMER WASHINGTON POST PUBLISHER KATHARINE GRAHAM

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, the city of Washington, the Nation, and the people around the world who appreciate an independent and vigorous free press lost a true pioneer this week when Katharine Graham, former publisher of The Washington Post, died at age 84.

Much has been said over the past 3 days in praise of Katharine Graham. It is appropriate that we in Congress honor her passing, as well. But just as her legacy remains evident in the pages of the newspaper she dedicated her life to, her mark will long stand in the corridors of Congress and in the neighborhoods of the District of Columbia, her beloved hometown.

Actually, she avoided the glare of celebrity status so often, but her listed charitable works, particularly in the realms of education and of the arts, helping to build a student center at Gallaudet University, giving an FM radio station to Howard University, helping to fund an auditorium for the Freer Gallery, establishing day care centers in otherwise neglected parts of the District of Columbia, and strongly supporting the Shakespeare Theater, and the arts, to name just a few, is long and impressive.

She proved, first by her actions and then in her own words, that a woman could be a mother, a leader of industry, a friend, a philanthropist, and an artist, and all at the same time.

Quite simply, Katharine Graham made The Washington Post what it is today: a wildly successful business and a powerful check on those of us in government. Her leadership enabled Kay Graham to evolve into the woman, the philanthropist, the patriot, the pioneer, whom we honor today.

Her legacy remains, but Washington will not be the same without Kay Graham the person. She will be sorely missed.

AMERICA NEEDS A BALANCED APPROACH TO ENERGY DEVELOPMENT, INCLUDING SEEKING ALTERNATIVE ENERGY SOURCES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the United States has about 2 percent of the known reserves of oil in the world. We use 25 percent of the world's oil, and we now import 56 percent of the oil that we use. This is up from 34 percent that we imported at the time of the Arab oil embargo.

Since 1970, except for a short blip produced by Prudhoe Bay, every year in the United States we have found less oil and pumped less oil.

Mr. Speaker, it does not make good sense to me that if we have only 2 percent of the known reserves of oil in the world, that we should rush out and find it and pump it. If we were able to do that tomorrow, what would we do the day after tomorrow?

Mr. Speaker, we need a balanced approach, which means we need to rely very heavily on alternatives, and we need to start moving in that direction.

VOTE FOR EXPANSION OF MEDICAL SAVINGS ACCOUNTS TO HELP THE WORKING UNINSURED

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, with all this talk about a patients' bill of rights, the most important thing we should talk about, I think, is the working uninsured, those who have gone without, because none of these rights mean a thing if one does not have health insurance.

I want to help the 43 million uninsured Americans, primarily small-business owners, their families, their employees, their loved ones, help them join the ranks of the insured. The goal of a patients' bill of rights should be to help these people. These are the people who need access to affordable health care.

One good way to do that is to expand the Medical Savings Accounts, or MSAs. Medical Savings Accounts help people get the care they need from the doctor they choose.

The GOP House bill, the Fletcher bill, is the only bill that totally opens up Medical Savings Accounts. Vote to increase the number of insured. Vote for our bill. It is the right thing to do.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAST TRACK LEGISLATION SHOULD BE DEFEATED IN CONGRESS AGAIN THIS YEAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, on June 13 of this year, a bill was introduced that would give President Bush fast track authority essentially to extend the North American Free Trade Agreement, NAFTA, to all of Latin America.

Supporters of fast track argue that the U.S. is being left behind. They tell us we need fast track to increase American exports and to create new jobs for American workers. Yet, our history of flawed trade agreements has led to a trade deficit with the rest of the world that has surged to $369 billion a year.

The Department of Labor recently reported a very conservative estimate that NAFTA alone has been responsible for the loss of more than 300,000 jobs. Other estimates have shown NAFTA job losses at upwards of 1 million jobs.

While our trade agreements go to great lengths to protect investors and to protect property rights, these agreements do not typically include enforceable provisions to protect workers, either in the United States or around the world. Yet, the Bush administration would employ the same corporatecentric process that has resulted in tried agreements like NAFTA.

In the global marketplace, labor and environmental concerns in the developing world are never on the list of corporate priorities. CEOs of multinational corporations tell us that allowing globalization will stimulate development and allow nations to improve their labor and environmental records. They say interaction with the developing world will spread democracy.

But as we engage with developing countries in trade and investment, democratic countries of the developing world are losing ground to those with more authoritarian regimes. Democratic nations such as India are losing out to more totalitarian governments such as China. Democratic nations such as Taiwan lose out to authoritarian regimes such as Indonesia, where profits come before any kind of environmental regulations or human rights.

In manufacturing goods, for example, developing democracies' share of developing country exports fell 22 percentage points, from 57 percent to 35 percent. Corporations relocate their manufacturing bases to countries with more authoritarian regimes where even the most minimal labor, environment, and human rights standards do not exist.

Western corporations want to invest in countries that have poor environmental standards, have below-poverty wages, have no labor rights, and no opportunities to bargain collectively. As American investment moves abroad, American working families lose out.

Now President Bush says he will be asking for fast track authority that puts corporate interests before working American families. Future trade deals with a take-it-or-leave-it approach would only add to the long line of ill-conceived trade policies.

Flawed trade policies cost American jobs, put downward pressure on U.S. wages and U.S. working conditions, and erode the ability of governments to protect public health and protect the environment.

In 1998, under the leadership of progressive Members of this body, fast track was defeated in Congress overwhelmingly, 243 to 180. Fast track should be defeated in Congress again this year. More and more Members of Congress are joining the ranks calling for trade agreements that respond to the social ramifications of a global economy.

We need to press for a U.S. trade policy, Mr. Speaker, that is good for American families.

BIRTHDAY OF A CUBAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, today is the 40th birthday of a brave human rights activist and pro-democracy leader, Dr. Oscar Elias Biscet, who at this moment finds himself serving a prison sentence in a Cuban gulag for peacefully protesting for democracy in Cuba, after being taken before a farce of a trial in Havana on February 25 of last year.

Dr. Biscet was born in Havana on July 20, 1961. In 1985, he obtained a degree in medicine, and late in that decade he began to openly oppose the totalitarian regime that oppresses the Cuban people.

In 1997, Dr. Biscet was one of the founders of the Lawton Foundation for Human Rights, a humanitarian organization created to demand fundamental human rights from the Cuban totalitarian regime.

In February of 1998, Dr. Biscet was officially expelled from the Cuban health system and he was prohibited from practicing medicine. That same year, he and his family were thrown out of their home, and his wife was fired from her employment due to her pro-human rights activities. Both of them, in fact, were forced to depend on the charity of their friends and of those who wished to see Cuba free.

On October 28, 1999, Dr. Biscet held a press conference before the Ibero-American Summit began in Havana. During the press conference, along with other pro-democracy activists, Dr. Biscet announced that they would carry out a march calling for the release of all political prisoners and for the respect of the human rights of the Cuban people.

During the press conference, two Cuban flags were exhibited upside down as a symbol of protest for the innumerable human rights violations that the regime commits continuously.

On November 3 of 1999, just a few days later, Dr. Biscet was arrested and taken to a dungeon known as "Cien y Aldabo", where he was thrown into a cell with common criminals for the alleged crimes of "abuse of national symbols, public disorder, and inciting delinquency."

Dr. Biscet represents the noblest aspirations of the Cuban people. His efforts as founder and leader of the Lawton Foundation for Human Rights have won him the respect and admiration of human rights activists throughout the world, and have inspired many to continue the struggle for freedom in Cuba.

The Castro tyranny, fearful of the effectiveness of Dr. Biscet's message, has arrested him more than two dozen times in the last few years. It has fired him from his job, along with his family, thrown him out of his house, he has been subjected to psychiatric examinations, and has been constantly pressured by the regime to leave the island, something that he refuses to do.

Before being sentenced at his farcical trial, Dr. Biscet asked all Cubans, those living in the oppression on the island and those in exile, and all others throughout the world who support freedom for Cuba, to unite in prayer for the freedom of all political prisoners and of all the Cuban people. From his cell, he has remained firm in his principles and has asked the international community to demand justice for the people of Cuba.

It is most appropriate that as we send our message of solidarity to Dr. Biscet today on his birthday, we commit ourselves to working with all devotion and dedication so that freedom-loving individuals like Dr. Biscet do not have to spend their precious lives in the isolation and inhuman conditions of totalitarian dungeons.

There is a program that has been set up to try to help Cuban political prisoners by having families in the United States adopt, if you will, the family of a Cuban political prisoner for at least a year.

A well-known pro-democracy activist, Vicki Ruiz-Labrit, is coordinating the program. They have a phone number. We all should help. It is 305-461-6700. We should all help by adopting the family of a Cuban political prisoner, and in that way, helping the most suffering, those who suffer the most in the totalitarian island just a few miles from our shores.

Dr. Biscet, on your birthday, inside your prison cell I know that you cannot now hear my words, but I salute you and express my profound admiration for you, and through you, for all Cuban political prisoners.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that remarks in debate should be addressed to the Chair and not to others.

□ 1030

FEMA FUNDING

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few minutes ago we voted on the emergency supplemental appropriations; and I voted yes, partly of course to acknowledge the fact that the debate we had a couple of weeks ago had been vindicated. That debate was over whether or not FEMA was running out of money or whether or not they could stand a $329 million cut in their budget.

Recognizing the diversity in topography of this Nation and the weather of this Nation, we realize that those of us in the southern region are now in the hurricane season, from the month of June through at least September or October. Throughout the Nation, because of the differences in weather and, of course, the potential of global warming, we have had erratic weather activities.

We, in Houston, a couple of weeks ago, experienced that with Tropical Storm Allison with the fall of 36 inches of rain that fell in our area in a 24-hour period. That caused an enormous amount of damage, some 5,000 homes damaged, water to the roof levels of many of our residential areas, and a whole litany of damage that was not expected.

For example, we noted that the medical center, one of the prized medical centers of this Nation, suffered about $2 billion in damage, and that number is growing. In touring that site, we saw the enormous impact in research, in hospital beds, in emergency facilities that were lost.

Additionally, in the 18th Congressional District, which I represent, St. Joseph's Hospital, which is a pivotal hospital in the downtown community, the downtown business community, with thousands and thousands of employees, lost its level-three emergency center, which is still not open. In a tour that I took last week, 154 patient beds were lost, as was their kitchen facilities, able to serve not only patients but employees, and, as I indicated, not only their emergency trauma unit, which leaves the downtown business community without a nearby trauma unit for emergency purposes, but also research and other laboratory facilities. Gone.

In addition to the medical centers of St. Joseph Hospital, we have found that the academic institutions, which are about to start to be opened, and the secondary schools in our public school systems, have been damaged. And, in addition, major damage has confronted our universities.

I toured the University of Houston. At that time they thought their damage was about $100 million. Now it is rising to $250 million, and insurance is way under $100 million. In looking at that damage, I noted precious resources, such as books, research facilities, school classrooms, equipment, and teacher offices were damaged.

Texas Southern University, which is about to begin its mitigation process, likewise has an enormous amount of damage in their law library as well as the various buildings that have been impacted by the damage, mostly in the basement levels.

Mr. Speaker, I raise these issues because I think it would be foolish for this House to debate and play around with the needs of the American citizens. Houston may not be the only place that will suffer some sort of weather damage and some sort of catastrophe that warrants the intervention of FEMA. Right now, my district has a number of FEMA representatives and offices around the community trying to work with those who have been devastated not only physically and property-wise but also psychologically.

I was appalled that we would stand on the floor of the House and actually debate cutting FEMA. My understanding is that we are trying to submit additional dollars into the VA-HUD bill for FEMA. And that is not only for Houston, Texas, but may be for other disasters that we certainly do not wish for but may happen. But the dilemma is the administration has not seen fit, along with FEMA, to stand up and request the dollars, to work with us in Congress to acknowledge that their funds are depleted.

I recall very vividly when we were on the floor debating and arguing against cutting FEMA that I had an amendment to add those monies back in, and we were then being told that FEMA had $1 billion in its account. Twenty-four hours after that debate, we were told that, in actuality, they only had $178 million and, in fact, even 24 hours later maybe that would be gone. We in Texas had to request that our matching dollars be lessened to 10 percent and that FEMA would pay up to 90 percent.

We are now in the midst of trying to rebuild lives. In fact, our local community agencies have come together to give washing machines and refrigerators and other necessities. In addition, I have been able to secure matching monies totaling $4 million from one of our utility companies, Reliant, to be able to add dollars for people who have been displaced because of the damage, and also compounded by the enormous heat that we face in Houston.

This is time now, Mr. Speaker, for us to gather together, to take the smoke and mirrors away, to stand on the floor of the House and work for the monies for FEMA, but as well for the administration to be able to stand up and request these dollars so that all America can be protected in the time of disaster.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 180. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

PAYING RESPECT TO SERGEANT STARNES

The SPEAKER pro tempore (Mr. WOLF). Under a previous order of the House, the gentleman from Indiana (Mr. KERNS) is recognized for 5 minutes.

Mr. KERNS. Mr. Speaker, last weekend, we laid to rest an officer killed in the line of duty in Martinsville, Indiana. Today, I come to the floor of the House to pay respect to this brave officer, Sergeant Daniel Starnes. Sergeant Starnes was taken from us after struggling 27 days to recover from infections caused by four gunshot wounds.

His death has brought the Martinsville community to its knees. Because of the dedication and the courage of men and women in law enforcement, like Sergeant Starnes, all too often we take for granted our family's safety and the safety of our police officers. It is through their commitment to serve and protect us that we have peace of mind and a sense of security. We must also always remember that behind the badge is a human being. Sergeant Starnes was more than just a model law enforcement officer, he was a husband and a father and a friend to so many, and his loss weighs heavy on us all.

Over this past weekend, thousands of law enforcement officers from across Indiana and our great Nation turned out to honor Sergeant Starnes. And while his death has shocked people in Morgan County and throughout Indiana, it has also brought the community together in an outpouring of support and love for the Starnes family and those in law enforcement who put their lives on the line each day.

During the funeral procession through town, people lined the streets with either their head bowed, their hand over their heart, or flying an American flag to pay respect. During such a difficult time, it was uplifting to know that the community cared and demonstrated its respect for Sergeant Starnes and his fellow officers.

Today, our thoughts and prayers are with the Starnes family, the Morgan County Sheriff's Department, and the entire Morgan County community for their loss. While words alone may not console Sergeant Starnes' family and friends, I hope that the knowledge that he is now with Our Father in heaven gives us some comfort and gives them comfort as well.

During times like these, it is only natural to ask why, why do we have to lose such an outstanding person and an officer? While I cannot begin to answer such questions, I can only say that I find collective strength in my faith, and I pray that God grants the Starnes family and their friends both comfort and strength during this time of mourning.

DEBT RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, this coming weekend, from July 20 to July 22, President George W. Bush will be meeting with the heads of government at the G–8 Summit in Genoa, Italy, to discuss international economic issues. I urge the President to support the complete cancellation of the debts that the world's poorest countries owe the International Monetary Fund and the World Bank.

The Enhanced Heavily Indebted Poor Countries Initiative, referred to as HIPC, was developed in 1999 to provide debt relief to the world's poorest countries. The HIPC Initiative requires countries to invest the savings from debt relief in HIV–AIDS treatment and prevention, health care, education, and poverty reduction programs.

Unfortunately, the IMF and the World Bank have not provided their fair share of debt relief. While the United States agreed to cancel 100 percent of the debts owed by poor countries, the IMF and the World Bank have agreed to reduce these countries' debts by less than half. As a result, the countries that have begun to receive debt relief have seen their debt payments reduced by an average of only 27 percent. Most of these countries are still spending more money on debt payments than they are on health care.

Zambia provides an excellent illustration of what is wrong with the approach of the IMF and the World Bank. Zambia is a deeply impoverished country with a per capita income of only $330. The infant mortality rate exceeds 1 percent of live births, and 27 percent of Zambian children under 5 are malnourished. Zambia has also been ravaged by the HIV–AIDS pandemic. Almost 10 percent of the population is infected with the AIDS virus and 650,000 children have been orphaned by AIDS.

AIDS has also ravaged the educational system by causing a shortage of trained teachers. Yet Zambia's debt payments have actually increased following the receipt of debt relief. Moreover, Zambia spends more than twice as much money on debt payments as it does on health care.

How can the International Monetary Fund tell countries like Zambia to use savings from debt relief for poverty reduction when the IMF knows there is no savings?

On April 26, 2001, I introduced H.R. 1642, the Debt Cancellation for the New Millennium Act. This bill would require the IMF and the World Bank to provide complete cancellation of 100 percent of the debts owed to them by all 32 impoverished countries that are expected to qualify for the HIPC Initiative. The bill would also allow three additional impoverished countries, Bangladesh Haiti, and Nigeria, to participate in the HIPC Initiative. Furthermore, the bill would prohibit the imposition of user fees for education and health services and other structural adjustment programs as conditions for debt relief. Seventy-six Members of Congress representing both political parties have cosponsored this bill.

The IMF and the World Bank have sufficient resources to completely wipe away poor countries' debts. It is time for the IMF and the World Bank to do their share to make debt relief a reality for poor countries and their people. It is time for the IMF and the World Bank to allow these countries to invest their resources in health, education, and the elimination of poverty.

I urge President Bush and the world leaders who attend the G–8 summit to tell the IMF and the World Bank to completely cancel 100 percent of the debts of the world's most impoverished countries once and for all.

ELECTION REFORM

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Mr. Speaker, it has now been almost 9 months since the election fiasco of the year 2000, and for 9 months America's leaders have talked about election reform, but little has been done.

This week yet another report was released detailing the breakdown of our voting process in America. A joint study by CalTech and MIT found that 4 to 6 million Americans lost their right to vote because of outdated or faulty voting equipment and a flawed process.

This might come as a shock to some people, but it should not. Last week my colleagues and I on the House Committee on Government Reform released another study detailing the same problem. Too many Americans are forced to use outdated or faulty voting equipment and too many of these faulty machines are concentrated in the communities of the poor and minority voters.

Mr. Speaker, we have had 9 months of study, 9 months of research, 9 months of reports. Now the American people want and deserve action. Mr. Speaker, please make election reform the number one priority of this House in time to make real lasting changes before next year's election.

BRINGING SOCIAL SECURITY INTO THE 21ST CENTURY

The SPEAKER pro tempore (Mr. KERNS). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today the scare tactics began. A year ago today we had in hand a Social Security Trustees' report that was actually kind of optimistic. Things were looking up for the system. The day in which it would not be able to pay 100 percent of benefits was put off until the year 2039. That is, Social Security had in hand, under conservative estimates, enough money from our taxes, from the taxes of working people, not the wealthy, because they do not pay on any income over $80,000, but the working people had put enough money in the trust fund to secure it through the year 2039.

□ 1045

No question. After that, with no changes, under pessimistic assumptions, it would only be able to pay 73 percent of the benefits. But here comes the Bush administration and the so-called Bipartisan Commission on Social Security loaded with people who have been trying to destroy the system, including, sadly, a couple of Members of the House and Senate who are ostensibly Democrats for more than a quarter of a century. They are doing the work of Wall Street.

Wall Street cannot wait to mandate that individuals put money into individual accounts. When they can charge 250 million people a little bit of money to maintain accounts, they make tens of billions of dollars. Guess where the tens of billions of dollars comes from? It comes from future benefits that people would have realized under the current system.

This document is extraordinary in that it echoes Treasury Secretary O'Neill. It says that the United States government might not honor the trillions of dollars of obligations it has in special bonds to the Social Security Trust Fund. They are saying the crisis starts the day Social Security has to begin drawing on the funds, the savings we have put aside for our retirement.

The Bush administration is questioning whether the full faith and credit of the United States government will be delivered on those debts, those obligations. If that is true, everybody around the world and across the United

States better begin cashing in their Treasury bonds. If the United States Treasury in 2016 under the leadership of President Bush and Secretary O'Neill does not put the full faith and credit of our government behind those depository instruments, money that we, the working people, have paid into the Treasury for our retirement, then we are in bigger trouble than I thought.

Mr. Speaker, this is an unbelievable distortion of the facts. There is a simple solution to the Social Security problem, but we will not hear it from this administration or Secretary O'Neill who is worth hundreds of millions of dollars, or President Bush who is worth tens of millions of dollars, because it would require that they pay the same amount as every other American. They would rather talk about defaulting on the obligations of the Federal Treasury to honor Social Security Trust Funds than talk about the easiest way to solve this problem: Make every American pay the same amount of Social Security tax on every dollar they earn. They consider that a radical proposal.

If that one simple step were taken, if we lifted that cap, if people who earned over $80,000, that small percentage of the people, if they paid in the same Social Security that a minimum wage earner pays, a flat tax, I hear from the other side of the aisle, give us a flat tax. When I suggested this to the Republican chairman of the Committee on Ways and Means, he almost had a stroke. Oh, no, not a real flat tax. We are talking about a flat tax that cuts taxes on the wealthy, not a flat tax that would give them the same obligation to pay as working people.

If we took that one step, Social Security under current assumptions would be solvent forever; and, in fact, there would be so much money flowing into Social Security that we could give a tax break to working Americans. We could say you do not have to pay any Social Security tax on the first $4,000 or $5,000 of income, a big tax break to minimum wage people and others at the lower end of the spectrum.

Mr. Speaker, all we have to do to secure the future of Social Security is just say, hey, the Bill Gates of the world and all of those other people earning hundreds of millions of dollars, the head of Enron, the company which is ripping off ratepayers by manipulating energy prices, he got $123 million in stock options this year. If he paid Social Security taxes on that, on $123 million, tens of thousands of Americans would be assured that their retirement would be made good.

The scare tactics have begun, and the American people are not going to stand for it.

THE SPREAD OF GAMBLING

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Virginia (Mr. WOLF) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOLF. Mr. Speaker, 2 weeks ago The Washington Post did a front page story about how the gambling industry targets one of our Nation's most vulnerable groups, our senior citizen population.

According to the article, it says, "Casinos are trying harder than ever to attract retirees. Some are dispatching buses to senior centers or vans to trailer parks and timing their offers for free rides to coincide with the arrival of Social Security checks."

The gambling industry goes to great lengths to prey on our Nation's most vulnerable groups, the young, the poor, and perhaps most frequently the elderly. A national survey recently revealed over one-half of all senior citizens had gambled recently. This is more than double the rate of one generation ago.

The gambling industry targets this audience because they have two attractive attributes: time and money. Often those who are lonely become quickly addicted. It is not long before the marketing strategy succeeds as gambling eats up seniors' life savings and Social Security checks.

Mr. Speaker, while I was saddened to read this story, I was not surprised. I am not surprised because very few are actually speaking out against the spread of gambling. I am not surprised because very few of our political leaders have spoken out. I am not surprised because most religious leaders have not spoken out. I am not surprised because most advocates for the poor have not spoken out. I am not surprised because most traditional advocates for the elderly have not spoken out. Saddened, yes; but surprised, no.

Only 30 years ago gambling was illegal in most States and was generally considered to be a vice contrary to the American work ethic. Let me say that one more time. Only 30 years ago gambling was illegal in most States and was generally considered to be a vice contrary to the American work ethic.

Serious gamblers had to travel to Nevada for casino play, and States had not yet plunged into the lottery mania. Today the lottery is played in 37 States, plus the District of Columbia. All but three States have legalized some form of gambling. Gambling expansion has swept the Nation, with revenues jumping from $1 billion in 1980 to well over $50 billion today. That means that Americans lose on average over $137 million every day. Americans lose on an average $137 million every day a year from gambling.

What has the spread of gambling meant for the country? First, gambling comes with a high social cost. Some 15.4 million Americans already suffer from problem and pathological gambling, also called gambling addiction, which is often devastating to the individual and his or her family.

The National Academy of Sciences found that pathological gamblers engaged in destructive behaviors. They run up large debts, they damage relationships with family and friends, and they kill themselves. Pathological gambling is defined by the American Psychiatric Association as an impulse control disorder with symptoms similar to those of drug and alcohol addictions. The gambling addict experiences tolerances, needing more gambling, withdrawal from trying to stop, a loss of control and cannot stop even after trying, and often lying and illegal acts such as stealing to support the habit.

The effects of this addiction are wide-ranging and often impact many who are not involved with gambling. It is not unusual for a gambling addict to end up in bankruptcy with a broken family facing criminal charges from his or her employer.

Youth introduced to gambling are particularly at a high risk for gambling addiction. Over half of those with problem gambling disorders, 7.9 million, are adolescents. For instance, a Louisiana survey of 12,000 adolescents found that 10 percent had bet on horse racing, and 25 percent had played video poker.

Adolescents are more likely to become problem or pathological gamblers since they are more vulnerable to risk-taking behavior. According to the National Gambling Impact Study, a study which Congress created and which released its report in 1999, adolescent gambling is associated with alcohol and drug use, truancy, low grades, and problematic gambling in parents and illegal activities to finance gambling.

This has led to tragic outcomes. One 16-year-old boy attempted suicide after losing $6,000 on lottery tickets. There is a tremendous need for prevention, research and treatment for gambling addiction. Unfortunately, all three are in short supply. A person who needs treatment is likely to find there is little available and what is available is not covered by insurance.

How quickly can addiction develop? Story after story recounts the heartbreak.

Consider the story of Debbie. She and her husband visited a new casino built near them in Blackhawk, Colorado. The novelty soon wore off, but her husband started going four or five nights a week. Within 3 months of their first visit, Debbie learned that they would have to file for bankruptcy. Her husband had lost close to $40,000. This did not stop her husband from gambling, and eventually they divorced. So much for family values. She said, "The husband I divorced was not the husband I married. He is a total stranger to me.

He became a liar, a cheat. He engaged in criminal, illegal activities."

Gambling has negative economic impacts. Revenues are drained from local businesses and services. Gambling leads to a shift in consumer spending from small business groups and services which produce local employment. There is an increased cost to the State from bankruptcy, addiction, treatment centers and the penal system.

The Gambling Commission estimated that direct gambling costs borne by the government are currently about $6 billion a year. This does not count indirect costs such as loss of productivity in the workplace, divorce consequences for the family. It is reasonable to suggest that the more gambling a State offers, the more costs it must bear.

Gambling is associated with breakdown of the democratic political process. The Gambling Commission concluded that local and State governments tend to become a dependent partner to the gambling industry and become reliant on their vast funds and can be influenced by campaign contributions.

In State after State, the gambling industry pours money into the coffers of local politicians from both political parties in hopes of advancing their interests. In State after State, opponents of a gambling proposal are outfinanced, outgunned and outmanned. The fact that gambling has not spread further is a tribute to the tireless efforts of a few grassroots activists in States. These advocacy efforts, often outspent by rates of 20 to 1, have held the levy against even further encroachment by the gambling industry into every community in America.

On the Federal level, the NCAA gambling bill introduced on the House side by the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Indiana (Mr. ROEMER) to close the loophole allowing the betting on college sports in Nevada is indefinitely on hold, even though if it were brought up to the floor most people know it would pass overwhelmingly.

Who supports the bill? Almost every university with athletics programs, the NCAA, almost every college coach in America, including Joe Paterno, Lou Holtz, Bobby Bowden, Mike Krzyzewski. The lone opposition to this bill comes from the gambling industry which has fought the bill vigorously and is among the highest contributors to campaign funds of both political parties.

Sometimes, though, the real story of the spread of gambling can only be understood by actually hearing about the real-life stories that show the true consequences of the spread of gambling. Mr. Speaker, I would like to share a few of these stories.

Gambling can lead to death. "A gambler losing big dollars in the high-roller area of the Motor City Casino in Detroit pulled out a gun, shot himself in the head and died, police said. Terrified gamblers fled from the blackjack table where off-duty Oak Park Police Sgt. Solomon Bell had been consistently losing large bets, witnesses said. Detroit police said Bell had been gambling earlier in the day at MGM Grand Detroit Casino and was hoping to make up for some losses there. They said he lost between $15,000 and $20,000 in the two casinos during the day." That was in the Detroit Free Press.

□ 1100

"A former employee at Trump Marina Hotel and Casino in Atlantic City leaped to his death from the gambling hall's self-parking garage. Charles LaVerde's death marked the fifth suicide plunge from a casino facility in less than a year." Atlantic City Press.

So much for family values, family values on both sides as Members are taking the money from the gambling interests.

"A Hancock County, Mississippi woman says she killed her mother and husband last year as part of a suicide pact made in despair over large gambling debts the trio had run up at Gulf Coast casinos. Julie Winborn pleaded guilty in the death of her husband, Grady Winborn, 57, and her mother, Inez Bouis, 66. She was sentenced Thursday to two life sentences. She had testified that the three lost $50,000 at casinos and decided to end their lives because they could not repay bank and credit union loans." Associated Press, 9/10/99.

Gambling can lead to crime.

"An insidious new kind of crime is taking hold, radiating out across southern New England from the two Indian casinos in eastern Connecticut. It is embezzlement committed by desperate gamblers, usually compulsive gamblers, who work in positions of trust. A sampling of criminal cases over the past 2 years shows that the amounts of money can be staggering and that an increasing number of the gamblers are women. In all these cases, the money was used to gamble at the Foxwoods Resort Casino or the Mohegan Sun casino, authorities said." Hartford Courant.

"Of all the heroes who emerged from the 1984 Los Angeles Olympics, perhaps none was more inspirational than Henny Tillman. A big, tough hometown kid, he had plunged into serious trouble when he was rescued in a California Youth Authority lockup by a boxing coach who saw a young man of uncommon heart and untapped talent. In a little more than 2 years, he would stand proudly atop the Olympic platform at the sports arena, just blocks from his boyhood home, the gold medal for heavyweight boxing dangling from his neck. But 2 years after his mediocre pro career ended, he was back behind bars. And now he stands accused of murder in a case that could put him away for life. Gambling got Tillman in trouble. He was arrested in January 1994 for passing a bad credit card at the Normandie. He pleaded no contest and got probation. In 1995, he pleaded guilty to using a fake credit card in an attempt to get $800 at the Hollywood Park Casino in Inglewood. I have suffered from a long history of gambling addiction, which I am very ashamed had taken over my life, Tillman wrote in a letter to the court." Los Angeles Times.

"A Rhode Island woman known as the "church lady" is free on bail after pleading innocent to stealing $3,000 from four severely mentally retarded adults at a Mansfield, Massachusetts group home to play slots at the Foxwoods Casino."

Are the people who run the Foxwoods Casino proud of this record?

"An organist at St. Theresa's Church in Nasonville, Rhode Island, Denise Manderville, worked as a caretaker for the four adults." Boston Herald.

"Felony criminal charges are on the rise in northern areas of lower Michigan and some judges, prosecutors, and others are blaming much of the increase on compulsive gambling. Antrim prosecutor Charles Koop said the gambling-related felonies are troubling because many of the people aren't criminally-minded." Associated Press.

Gambling can lead to debt and bankruptcy.

"One-third of 120 compulsive gamblers participating in a pioneering treatment study have either filed for bankruptcy or are in the process of filing, a University of Connecticut researcher said Tuesday. Nancy Petry said she recently gave a talk to a group of bankruptcy lawyers who estimated that as many as 20 percent of their clients had mentioned gambling as a reason for their problems." Hartford Courant.

Will Torres, Jr., spends part of his day listening to sad stories. As the director of the Terrebonne Parish, Louisiana district attorney's office bad check enforcement program, Torres has heard some doozies. "I've seen people lose their homes, their retirements wiped out, their marriages, people losing everything they have. Gambling, specifically video poker, is starting to catch up with drugs and alcohol as a precursor to local crime," Torres said. Torres and the district attorney's office recently noticed an interesting trend while profiling bad check writers: a large number of their suspects are video poker addicts. "We're not talking about people who mistakenly write a check for groceries at Winn-Dixie for $25.33. We're talking about people who are writing checks for $25 or $30 eight times a day at locations with video poker machines or places in close proximity of video poker machines," Torres said. So far this year, Torres' office has collected $320,000 for Terrebonne Parish merchants who were given 3,600 worthless checks. Torres said about 30 percent of those bad checks are connected to gambling. "'It's eating people up,' he said. 'It's real sad when people don't have a dollar. No money for food because of gambling addictions. I've seen it up close, and video poker plays a large role in the problem,' Torres said." The Courier.

Gambling affects children.

"A 4-year-old girl remained in protective custody in Fort Mill, South Carolina, after her mother was charged with leaving her in a locked car while she played video poker. Tuesday in Ridgeland, a woman whose 10-day-old baby died in a sweltering car while she played video poker was given a suspended sentence and 5 years' probation. York County, South Carolina sheriff Bruce Bryant said such incidents reflect the addictive nature of video poker. 'You see the same thing with people addicted to cocaine and heroin. They lose all rational thought and will do anything to support their habit, sell the furniture right out of their house, leave their babies in locked cars during the middle of summer,' he said." The State, Columbia.

"Children have been left unattended at Indiana's riverboat casinos more than three dozen times while their parents or other guardians were gambling during the past 14 months. A Courier-Journal review of Indiana Gaming Commission records found 37 instances involving an estimated 72 abandoned children since May of 1999 when the State first began compiling reports of such episodes. In one case, an infant had to be revived with oxygen." Louisville Courier-Journal.

Gambling affects families. We hear so much talk about family values on this floor. When I think of both political parties taking money from the gambling interests, they should read this story:

"There is an ugly undercurrent that's sweeping away thousands of Missourians, people whose addiction to gambling has led to debt, divorce and crime. This is a world of people like Vicky, 36, a St. Charles woman who regularly left her newborn son with baby sitters to go to the casinos and who considered suicide after losing $100,000. And Kathy, a homemaker and mother of two from Brentwood, who would drop her kids at school and spend the entire day at a casino playing blackjack. She used a secret credit card that her husband didn't know about to rack up more than $30,000 in debt." St. Louis Post-Dispatch.

In short, while the explosion of various forms of gambling across America has, of course, generated some revenue for States and for the gambling industry, it has left in its wake human misery that is only now beginning to be understood. This misery ends up costing the State more than it receives and creates a vicious cycle as the needs of social services dramatically increases. Whether it is a State lottery, a casino, or a cruise to nowhere, gambling is a poor bet for funding legitimate social needs.

And soon gambling will be in every home in America with an Internet connection. More than 850 Internet gambling sites worldwide had revenues in 1999 of $1.67 billion, up more than 80 percent from 1998 according to Christiansen Capital Advisors, which tracks the industry. Revenues are expected to top $3 billion by 2002.

I want this Congress, I want this Congress and this country, I want this administration, who talks about family values also to reflect on the seriousness of this issue. Frankly, I have heard no one in this administration speak out on this issue, although to their credit they are new, but we have sent letter after letter and they have not spoken out on this issue. This is not about whether or not one makes a decision of choice to travel to Las Vegas or Atlantic City and gamble for recreation. The reality is that such a choice takes planning and some time. As gambling spreads throughout the country, there is less planning time and much more availability for potential addicts to gamble. Imagine this availability being just one click away. This Congress and this administration needs to consider the seriousness of not passing an Internet gambling ban. Are we really ready to have a virtual casino in every home in America with an Internet connection?

Mr. Speaker, with all this hard evidence, who is speaking out against the spread of gambling? Crime, corruption, family breakdown, suicide, bankruptcy, and yet the silence is deafening. In fact, in this body, they passed a faith-based proposal yesterday which I supported, and the broken bodies will be helped by that faith-based community. Yet the Bush administration, whether it be Secretary Norton at Commerce or the White House itself has not spoken out on this issue. Where is the Bush administration on this issue?

I want to conclude by asking our political leaders, good people on both sides of the aisle, I want to ask our religious leaders, I want to ask those who care about the poor, that care about the poor that Jesus talked about in Matthew 25, I want to ask those who care about the elderly, I want to ask those who are always talking about family values to speak up on this issue, because if you do not speak up on behalf of the Nation's most vulnerable, who will?

VETERANS' HEALTH CARE NEEDS

The SPEAKER pro tempore (Mr. KERNS). The Chair reallocates 5 minutes of the balance of the majority leader's hour to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I am delighted to come to the microphone today. I have been traveling the State of Florida for the past several months meeting with editorial boards trying to enlist their support on an issue that I consider vitally important to veterans in my State and veterans throughout the country. Veterans have fought for our country. Now they are forced to fight for their health care. 1.6 plus million veterans now live in the great State of Florida. Regrettably, with the State with the second largest population of veterans, we have one benefits claims center, in St. Petersburg. The average backlog of cases for veterans processing their claims is anywhere from 170 days to 275 days. As I tell my veterans in the community who are desperate to find answers to their claims, "The answers you get may not be the ones you want. I cannot guarantee you the answer satisfies your claim. They may reject your claim."

But, by God, we owe them an answer. We owe them, yes, you are approved for benefits or, no, you are not so they can at least go on to the appeals process. My good friend the gentleman from California (Mr. HUNTER) will be addressing the Congress in a moment on military issues. I am chagrined that people who are brought to this fight to help us take down totalitarian regimes, to protect and provide freedom for our allies, who have fought wars like World War I, in fact, I have a veteran of World War I who lives in my community, 98 years old, Mr. Ross, veterans of World War II, Korea, Desert Storm, Vietnam and others are made to wait in line and wait for months to get answers to very simple questions.

I am thrilled the gentleman from New York (Mr. WALSH) and his committee on the supplemental just passed included at the request of myself and many, many Members of Congress an additional $19 million for veterans benefit administration for unexpected claims processing costs. We should not have considered them unexpected claims processing costs because we should have known that this backlog existed. We have talked about it for months. We have pleaded with the past administration. I am delighted Secretary Principi has been actively involved in this issue.

Mr. Bush, when he campaigned for President and now as our Commander in Chief, spoke eloquently about the need to make certain that our fighting forces were well provided for and that we made troop readiness and troop morale a keystone of this administration. I applaud him for that and I certainly applaud Mr. Principi for his dogged pursuit of revising and providing leadership at the VA. I know he has answered many of my phone calls and letters personally by telling me that he will be in the forefront of the fight to make certain that the efficiencies that we have long sought will finally come to bear.

The military has often told me that they are having a difficult time in recruiting people to serve in the armed services of our country.

□ 1115

It may be that the veterans who have served before are telling them that it is not all what it is cracked up to be. I think if we decide to emphasize the need to provide these expedited claims processes, we would find more veterans thrilled with the idea that their government is standing by them, as they stood by us. Maybe you would find young recruits thinking about engaging in military service, when they asked a veteran, that they would get that gold-plated assurance that, yes, the government did stand by me after I had served and made my life better.

So I thank the gentlemen and gentlewomen who have participated in increasing the supplemental by this $19 million. I urge us to do more. I urge us to do a lot more, because, again, if we are to be the kind of Nation that leads others to prosperity and peace abroad, if we are to be the Nation that holds the ideals of that flag behind the Speaker's rostrum to the high standards we would expect, if we are that Congress that believes that that flag deserves protection from desecration, that we ought to make certain that this Congress is the one that expedites the appeals process and the claims process for those valiant men and women who have risked their lives to make America strong and secure. We should do nothing less, and we must do much more.

MILITARY NEEDS MORE FUNDING

The SPEAKER pro tempore (Mr. KERNS). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. HUNTER) is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I have taken the floor a number of times over the last 8 years during the Clinton administration strongly criticizing the Clinton administration for what I consider to be a weakening of our national security. We had budgets that annually were short in terms of equipment being replaced, low pay for our military personnel, substandard housing for our military families, a lack of readiness, spare parts and training for our forces that might have to move around the world on a moment's notice, and overall shortchanging of national security by substantial amounts each year in the budget.

I want to go through the facts that I have laid out over the last several years with respect to what was then the Clinton administration's defense budget. First I pointed out that we have cut our military forces since 1991–1992, the days of Desert Storm, by about 50 percent, and I pointed out that we had gone from 18 Army divisions to 10, we had gone from 24 fighter air wings to only 13 active air wings, we had gone from 546 Navy ships to 316, now down to less than that and going toward a 300 ship Navy.

I pointed out that we had declining mission-capable rates for our frontline aircraft. A mission-capable rate is if I called up a neighbor who has two cars and I ask him what his mission-capable rate was, and he said wait a minute, DUNCAN, and he went out to try to start them and only one started, he would say 50 percent; one out of two.

The mission-capable rate is the ability of an airplane, whether it is a fighter plane from a Navy carrier deck or an Air Force aircraft from an air base, to be able to fly out, take off, go do its mission, whether it is reconnaissance or escort or fighter duties, and return back to that base and land. Can it do its job? That is a mission-capable rate.

The mission-capable rates of all of our front-line fighters have been dropping dramatically during the last 8 years of the Clinton administration. I pointed out that they have gone down, and this chart represents that fall in mission-capable rates. They have gone down from an average of about 83 percent to 88 percent back in the early nineties to only about 73 percent today. So that means that this small Air Force that we now have, these 13 air wings, actually are less than that, because each of those air wings has fewer aircraft that are ready to go than the air wings of the force of 1992.

I pointed out during the last 8 years of the Clinton administration that our shipbuilding rate was falling; that instead of building the 9 to 10 to 11 ships that we needed each year to maintain at least a 300-ship Navy, we were consistently building only four or five or six or seven ships, building toward a 200-ship Navy. That is compared to Ronald Reagan's 600-ship Navy of the 1980s. I criticized that strongly.

I criticized the fact that the Army, by their own admission, by their own statement from the Chief of Staff of the Army, was $3 billion short of basic ammunition. One thing you do not want to run out of in a war is ammunition; yet we were $3 billion short. I criticized the fact that the Marine Corps was $200 million short of basic ammunition.

At the same time, we criticized the fact that the U.S. Air Force was at one point 700 pilots short. That got up in the Clinton administration to as high as 1,200 pilots short. The last time I talked to Secretary Peters, then-Air Force Secretary under the Clinton administration, right at the end of the administration, at that point it had gone from 700 pilots short to 1,300 pilots short. It had gone back a little bit. We were still 1,200 pilots short in the U.S. Air force.

So, Mr. Speaker, I strongly criticized the Clinton administration as the chairman of the Subcommittee on Military Procurement of the Committee on Armed Services for what I consider to be an inadequate budget that did a disservice to our men and women in uniform, and, more importantly, did a disservice to national security.

Well, today we have a new administration. It is the Bush administration, and it is headed by George W. Bush, a President whom I admire, a President of great personality, great vision, good common sense, and a President whom I think most Members of this House, whether they are Republican or Democrat, have a deep respect for.

But, Mr. Speaker, facts are stubborn things, and if we are going to maintain intellectual honesty in this body, and I think all of us try to do that as much as we possibly can, we have to be consistent. I have looked at this budget that this President has sent over to Congress, and this budget, which is seeking right now to plus-up defense, to add to defense $18 billion, which would take it up to a level $18 billion ahead of the last Clinton budget that was submitted and voted on and increased by this Congress, I find that that budget is still totally inadequate.

Facts are facts. We still have only 10 Army divisions, down from 18. We still have only 13 Air Force divisions, Air Force air wings, down from 24. This year, under this administration's budget, we are only going to build five ships, which is building at a rate that would lower the U.S. Navy to less than 200 ships.

We still have the $3 billion ammo shortage in the U.S. Army. We still have the $200 million ammo shortage in the U.S. Marine Corps. We still have a major gap in pay between our military personnel and the civilian sector.

I checked the other day, Mr. Speaker. I asked the Air Force, where is the pilot shortage now? Are we down from the 1,200 in the Clinton administration? The answer was no, we are still at 1,200, and we might even be shorter over the next several months.

Spare parts, have we got the spare parts that we need? The answer is no. We started something in the Clinton administration, Mr. Speaker, that I thought was an important tool of accountability, and that is that our great chairman, the gentleman from South Carolina (Mr. SPENCE), always asked the military to give their honest answer after we had the Clinton budget. He would say, what do you really need? What is your unfunded requirement? What is that you need in terms of ammo, spare parts, pay, training, that your budget did not give you? They would send over a list.

Well, this year we have continued that practice with my President in the White House, George Bush; and the answer this year is close to $30 billion short from the military.

We had GAO do a report for us, and we asked them if you take all of our ships and tanks and trucks and planes and you figure out about how old they are and how old they will be when they have to retire, figure out how many we have to replace each year so we have a fairly modern force. Could you do that for us?

That is like telling a guy that owns 100 taxicabs, figure out how many taxicabs you have to buy each year. If each of your taxicabs has a 10-year life, how many taxicabs do you have to buy each year so your taxicabs average about 5 years old, so they are not too old, so you do not end up with a bunch of '56 Chevys. The answer is you have to buy about 10 each year to keep that taxicab force fairly modern.

So we asked the GAO, do the same things for our tanks, trucks, ships and planes; and they came back with an answer, and their answer to us was the United States of America needs to spend an additional $30 billion a year to have modern equipment for the people that wear the uniform of the United States to operate in training and in war.

We also asked them to tell us how much more money they thought we needed to spend on training if we wanted our pilots to have enough flying time and our people that operate our ground equipment to get enough training time. They came back with an answer of about $5 billion more a year we have to spend.

We said what is it going to take if we full up our personnel and give them pay that is commensurate with the civilian sector? The answer was it is going to average about $10 billion a year.

We said how much more do we need for missile defense if we really want to have a robust missile defense? We asked a lot of experts that. We figured out we need to have between $2 and $5 billion a year more.

We asked how much for ammunition, because we are about 50 percent short. Along with the Army $3 billion shortage and the Marine Corps $200 million shortage, all the services are short in what we call precision munitions.

That is what Americans watched in the Desert Storm war against Saddam Hussein when they watched the guy that the news stations called the world's luckiest taxicab driver, the car going across a strategic bridge, and we were coming with an aircraft to knock that bridge out, and we launched not a lot of bombs like we had to in the old days, the carpet bombs, and hoped to knock the bridge out; we launched one bomb at one of the struts under that bridge, and we could see on a camera that bomb going in, a laser-guided bomb, hit precisely at that strut just as the taxicab driver got to the end of the bridge, and it blew up that bridge.

That is called a precision munition. It is very important in warfighting. We used it in the Kosovo campaign. So instead of having to carpet bomb with a lot of dumb bombs, you send one in that hits precisely the right point, and you get the same capability.

Well, we are about 50 percent short in those precision munitions across the board. So if you add money for the ammunition account and the munitions account, that is about another $5 billion a year we have to spend.

Mr. Speaker, that adds up to over $50 billion for equipment, for people, for training, for spare parts, for ammunition. I wanted to be able to stand here today and say my President, George Bush, provided that, just like my President Ronald Reagan came in in 1980 and rebuilt national defense and brought down the Russian empire under a motto, under a program that was called Peace Through Strength.

If you are strong, you can help the weaker nations in the world. If you are strong, you can help people to become free. If you are strong, you can protect your own people. If you are strong, you may be able to convince your adversary, which was then the Soviet Union, that the right way in this world is to go to the bargaining table with the United States and make a peace agreement. That happened under Ronald Reagan.

This budget this year submitted by this administration is more than $100 billion less than Ronald Reagan's budget in real dollars in 1985, $100 billion less. Now, it is true we do not need as much money as we needed in 1985, when the Soviets were ringing our allies in Europe with SS–20 missiles, when they were developing high combat-efficient capability in the air and on the land, and when they had a massive ICBM force threatening the United States.

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We needed to spend more, but we have cut too much. We cut too much in the Clinton administration, and I am sad to say that this defense budget does not do much above the Clinton administration's level. It does a little, but it does not do much.

That takes me, Mr. Speaker, to my next subject, which is China. I spoke yesterday during the vote to give China Most Favored Nation trading status. That means we are going to give them the same privileges in trade with the United States that we give our best friends around the world.

I argued that, in 1941, we were sending American steel to Japan to build the Japanese fleet, we were sending petroleum to Japan to fuel that fleet, and we had one Congressman, Carl Anderson, who said 6 months before Pearl Harbor: If we have to fight the Japanese fleet, we are going to fight a fleet that is built with American steel and powered with American petroleum. Six months later, we had thousands of Americans dead, lots of planes shot down, lots of ships destroyed by a Japanese fleet fueled with American petroleum and built with American steel.

I analogize that to China. We are sending $80 billion a year more in China than they are sending to us, so they end up with $80 billion more American dollars than we end up with dollars from them. They are taking those dollars, Mr. Speaker, and they are buying and building a war machine that one day may kill Americans on the battlefield. They bought the Sovremenny class missile destroyers from Russia. Those were designed with Sunburn missiles for one purpose: to kill American aircraft carriers. And they bought those after they had been embarrassed over the Taiwan issue by the United States, and they vowed never to be embarrassed again.

So they bought the Sovremenny class missile destroyers. They are buying air-to-air refueling capability from the Russians. They are buying high-performance SU–27 fighter aircraft from the Russians; and, yesterday, as we walked out of the vote giving China Most Favored Nation trading status and guaranteeing this flow of American dollars to China, we walked out to look at a headline in the Washington Post and the newspapers around the country saying China completes $2 billion deal with Russia to now buy 38 SU–30 aircraft. Those are attack aircraft, from Russia. And we also noted that they are now Russia's biggest customer for Russia's war machine.

So we spent trillions of dollars offsetting Russia's war machine during the Cold War, and now we are rebuilding that war machine with American trade dollars in China.

Now, Mr. Speaker, I would like to close on a good note. Hopefully, there is a good note here. One hope, and I think this is the hope of all Members who understand the plight of America's military today, Democrat and Republican, I think certainly all members of the Committee on Armed Services, we need that $18 billion. We are told we might not even get the $18 billion above the Clinton budget that we thought we were going to get and which we made a place for in the budget a few months ago.

If we do not get that $18 billion, Mr. Speaker, we are going to see more planes that cannot get off the ground; we are going to see more empty ammo pouches with the Army and Marine Corps personnel who have to defend this country; we are going to see more spare parts shortages throughout the services; we are going to see more substandard housing for military families; and we are going to see a continued decline of America's military strength.

Now, we did do something very phenomenal last week; and we recognized this in the House of Representatives, Mr. Speaker. That was that we did shoot down a bullet with a bullet in a national missile defense test.

Now, I have put up here, Mr. Speaker, the results of the last eight Patriot 3 tests. That is our smaller defensive system that handles Scud-type missiles, and I put it up here to show that, in fact, we are now hitting a bullet with a bullet with missile defense. We can shoot a Scud missile that goes faster than a .30–06 bullet, that is a high-powered rifle bullet with a Patriot 3 missile that also goes faster than a .30–06 bullet. We have had now eight out of nine successful intercepts.

Mr. Speaker, at about 11:09 on Saturday night last Saturday, 148 miles above the earth in the mid-Pacific, we hit a Minuteman missile launched out of Vandenberg, California, going some 11,000 feet per second. That is about four times the speed of a .30–06 bullet. We hit it with an Interceptor from Kwajalein Island, 4,800 miles from the west. We launched that Interceptor, and it also had a speed about four times faster than a .30–06 bullet, and they collided 148 miles above the earth.

That utilized radar capability, the Beal Air Force station in California, also our ex-band radar on Kwajalein, also radar at Hawaii with hundreds and hundreds of Navy and Air Force assets monitoring that test. And with some 35,000 Americans, whether they were members of the Army that helped develop the radar or the Air Force team that launched the missile from Vandenberg Air Base or the Navy and Coast Guard that provided security, some 35,000 plus Americans, engineers, scientists, technicians, blue collar workers, participated in making that test a success.

It was a great day for the United States, but it was a chart along a very difficult road of trying to achieve missile defense.

The Bush administration has the right idea about missile defense. They know it is necessary because we live in an age of missiles. We found that out when we had a number of our personnel killed in Desert Storm by a ballistic missile launched by Saddam Hussein at an American force concentration. We can defend today, even though we have a weakened defense, we still have defenses against ships, tanks, aircraft. We have no defense against an incoming ICBM coming into this country.

So that is why the administration is working with the Russians to try to develop a cooperation that will allow us to deploy defenses, and it is why also the Bush administration has the right idea, that if we cannot make an agreement with the Russian, it is in our national interests to build a missile defense system, because it is the United States Government that has a constitutional responsibility to its people to provide for national security. National security must now and forever on include defense against incoming ballistic missiles.

So, Mr. Speaker, I would hope that the administration would work overtime to try to increase this defense budget. Let us not look back on this era of relative prosperity when the American people are doing well as an era that was similar to the era immediately preceding Korea, when we decided that there would not be any more wars and that we did not need to have a military that was ready to go. Then, on June 6 of 1950, we found ourselves pushed down the Korean peninsula by a third-rate military; and when the dust had cleared, over 30,000 Americans lay dead because we had underestimated the danger of the world; and we had also underestimated the drawdown of the American military that took place after World War II.

Mr. Speaker, we must keep a strong military. That is the underpinnings of our foreign policy, which is ultimately the underpinnings of our economic policy. So let us try to get that $18 billion, Mr. Speaker. It is crucial to everybody that wears a uniform in the United States, and it is crucial to every American.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. GRAVES (at the request of Mr. ARMEY) for today on account of traveling with the Vice President.

Mr. THOMAS (at the request of Mr. ARMEY) for today on account of traveling with the Vice President.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. KERNS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 180. An act to facilitate famine relief efforts and a comprehensive solution to the war in Sudan; to the Committee on International Relations.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 39 minutes a.m.), under its previous order, the House adjourned until Monday, July 23, 2001, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2976. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Eighty-Seventh Annual Report of the Board of Governors of the Federal Reserve System covering operations during calendar year 2000, pursuant to 12 U.S.C. 247; to the Committee on Financial Services.

2977. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report, pursuant to P.L. 106–569; to the Committee on Financial Services.

2978. A letter from the Legal Technician, NHTSA, Department of Transportation, transmitting the Department's final rule—Occupant Protection Incentive Grants [Docket No. NHTSA–01–10154] (RIN: 2127–AH40) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2979. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule— Revisions to the California State Implementation Plan, Kern County Air Pollution Control District, Monterey Bay Unified Air Pollution District, Modoc County Air Pollution Control District [CA032–0241a; FRL–7001–2] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2980. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District, El Dorado County Air Pollution Control District [CA241–0239a; FRL–7005–1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2981. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Taipei Economic and Cultural Representative Office for defense articles and services (Transmittal No. 01–19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2982. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2983. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2984. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2985. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2986. A letter from the Attorney/Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2987. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Health and Safety of the District's Mentally Ill Jeopardized by Program Deficiencies and Inadequate Oversight"; to the Committee on Government Reform.

2988. A letter from the Administrator, General Services Administration, transmitting a report on FY 2002 Annual Performance Plan; to the Committee on Government Reform.

2989. A letter from the Acting Director, Office of Personnel Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2990. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revisions to Requirements Concerning Airplane Operating Limitations and the Content of Airplane Flight Manuals for Transport Category Airplanes [Docket No. FAA-2000-8511; Amendment No. 25-105] (RIN: 2120-AH32) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2991. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Protection of Voluntarily Submitted Information [Docket No. FAA-1999-6001; Amendment No. 193-1] (RIN: 2120-AG36) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2992. A letter from the the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 107-104); to the Committee on Standards of Official Conduct and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LaFALCE:

H.R. 2579. A bill to prevent the use of certain bank instruments for Internet gambling, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. Portman, and Mr. LaTourette):

H.R. 2580. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 2581. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. Davis of Illinois, Mr. Ose, Mr. Graves, and Mr. Keller):

H.R. 2582. A bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY of Oregon:

H.R. 2583. A bill to establish a national clearinghouse for information on incidents of environmental terrorism and to establish a program to reduce environmental terrorism; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself and Ms. DeGette):

H.R. 2584. A bill to amend the Act of March 3, 1875, to permit the State of Colorado to use land held in trust by the State as open space; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself, Mr. Calvert, Ms. Hooley of Oregon, Mr. Simpson, Mr. DeFazio, Mr. Hastings of Washington, Mr. Pombo, Mr. Hansen, and Mr. Gibbons):

H.R. 2585. A bill to authorize the Secretary of the Interior to conduct a study of the feasibility of providing adequate upstream and downstream passage for fish at the Chiloquin Dam on the Sprague River, Oregon; to the Committee on Resources.

By Mrs. KELLY:

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress regarding inflammatory bowel disease; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. Barrett.

H.R. 303: Mr. Hastings of Florida.

H.R. 583: Mrs. Morella.

H.R. 638: Mr. LaFalce.

H.R. 661: Mr. Gonzalez and Mr. DeMint.

H.R. 817: Mr. Moore.

H.R. 827: Mr. Carson of Oklahoma.

H.R. 902: Mr. Bentsen.

H.R. 951: Mr. Filner, Mr. Ford, Mr. Forbes, Mr. Aderholt, Mr. Condit, Mr. Ballenger, Mr. Peterson of Pennsylvania, Mrs. Maloney of New York, Mr. Engel, and Mr. Smith of New Jersey.

H.R. 975: Mr. Ackerman, Mr. Hastings of Washington, and Mr. Borski.

H.R. 981: Mr. Boehner and Mr. Stearns.

H.R. 1084: Mr. LaHood and Mr. Nethercutt.

H.R. 1092: Mr. Frank, Mr. McIntyre, Mr. Tierney, and Mr. Boehlert.

H.R. 1100: Mr. Condit.

H.R. 1238: Mr. Levin, Mr. Becerra, and Mr. Rehberg.

H.R. 1266: Mr. Ackerman, Mr. Gonzalez, and Mr. Stark.

H.R. 1293: Mr. Skeen.

H.R. 1350: Mr. Gonzalez.

H.R. 1405: Mr. Cummings, Mr. Frank, and Mr. Towns.

H.R. 1462: Mr. Gibbons and Mr. Nethercutt.

H.R. 1506: Mr. Barr of Georgia.

H.R. 1535: Mr. Bachus.

H.R. 1577: Mr. Taylor of North Carolina, Mr. Wamp, Mrs. Jones of Ohio, Mr. Pickering, Ms. Velázquez, Mr. Nethercutt, Mr. Fletcher, Mr. Ryan of Wisconsin, Mr. Clement, and Mrs. Capito.

H.R. 1591: Mr. Tierney.

H.R. 1600: Ms. McCarthy of Missouri.

H.R. 1624: Mr. Camp, Ms. Pelosi, and Mr. Cantor.

H.R. 1642: Mr. Hoyer.

H.R. 1644: Mr. Platts.

H.R. 1680: Mr. McDermott, Mr. Greenwood, Ms. McCollum, and Ms. McKinney.

H.R. 1711: Mr. Wu.

H.R. 1907: Mr. Gonzalez.

H.R. 1943: Mr. Isakson.

H.R. 1956: Mr. Baldacci and Mr. Peterson of Pennsylvania.

H.R. 1983: Mr. Davis of Florida.

H.R. 1990: Mr. LaFalce.

H.R. 2018: Mr. Gonzalez, Mr. Oberstar, Mr. McHugh, Mr. Otter, Mr. Peterson of Pennsylvania, Mrs. Cubin, Mr. DeMint, Mr. Camp, Mr. Grucci, and Mr. Portman.

H.R. 2102: Mr. Sandlin, Mr. Bonior, and Ms. Brown of Florida.

H.R. 2143: Mr. Platts.

H.R. 2291: Mr. Peterson of Pennsylvania.

H.R. 2329: Mr. Coyne, Mr. Frost, Mr. Watt of North Carolina, Ms. McCollum, and Mr. Fattah.

H.R. 2389: Mr. Doolittle.

H.R. 2442: Mr. McGovern.

H.R. 2478: Mr. DeFazio and Ms. Lee.

H.R. 2484: Mr. Goodlatte and Mr. Goode.

H.R. 2517: Mr. Baker and Mr. LaFalce.

H. Con. Res. 164: Mr. Faleomavaega.

H. Con. Res. 178: Mr. Sherman and Mr. Rohrabacher.

H. Res. 17: Mr. Blumenauer.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2 by Mr. INSLEE on House Resolution 165: Vic Snyder and James H. Maloney.

SENATE—*Friday, July 20, 2001*

The Senate met at 9:15 a.m. and was called to order by the Presiding Officer, the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, we want to know You so well, trust You so completely, seek Your wisdom so urgently, and receive Your inspiration so intentionally that we will be people attentive to the guidance of Your Spirit. May we be totally available for the influence of Your Spirit. Help us to be as receptive to Your direction. Alarm us with disquiet in our souls if what we plan is less than Your best. With equal force confirm any convictions that will move forward what You think is best for us. Place Your hand on the Senators' shoulders today. Remind them that You are with them and will guide them. You are Jehovah Shamah: You will be there! Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF ROGER L. GREGORY TO BE UNITED STATES CIRCUIT JUDGE

NOMINATION OF SAM E. HADDON TO BE UNITED STATES DISTRICT JUDGE

NOMINATION OF RICHARD F. CEBULL TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session to consider en bloc Executive Calendar Nos. 250, 245, and 246, which the clerk will report.

The legislative clerk read the nominations of Roger L. Gregory, to be United States Circuit Judge for the Fourth Circuit; Sam E. Haddon, to be United States District Judge for the District of Montana; and Richard F. Cebull, to be United States District Judge for the District of Montana.

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that whatever time I consume not be charged against the two managers of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be 30 minutes of debate in relation to the three judicial nominations, followed by three rollcall votes beginning at approximately 9:50 a.m.

Mr. President, the first vote will be under the regular order. The next votes will be 10 minutes each. These are the only rollcall votes today. The next rollcall votes will occur Monday at approximately 5:45 p.m.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate, to be equally divided between the Senators from Vermont and Utah or their designees.

The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair. I see my good friend from Utah is here, as well as the Senators from Montana and Virginia.

Mr. President, it took the Senate the entire month of June to pass S. Res. 120, a very simple resolution in which we organized our committees. As one Senator, I am sorry we lost the month of June to the process of reorganizing the Senate, but I am proud of the very quick start of the Judiciary Committee on holding hearings and reporting nominees.

I sent out official notice of the committee's first hearing on judicial nominations within 10 minutes after the majority leader announced an agreement had been reached on reorganization. The hearing on judicial nominations was held the very first day after committee membership assignments were completed earlier this month.

We expedited committee consideration of the nominees by urging all Senators to propound such followup written questions as they thought necessary as soon as possible after the hearing. I included them on the committee agenda for our business meeting this week.

At that meeting yesterday, the Judiciary Committee voted unanimously to report each of the judicial nominations. Each vote was 19–0, and the other nominations on the calendar were voice voted.

These are the first judicial nominations heard before the committee, the first judicial nominations considered by the committee, and they will now be the first judicial nominations considered by the Senate this year.

I have only served as chairman of the Judiciary Committee since June 5, the Senate did not adopt its reorganizing resolution until June 29, and committee assignments were not made until July 10. So we have been moving pretty rapidly since the Senate allowed us to go forward.

There were no hearings on judicial nominations and no judges confirmed by the Senate during the months in which I was privileged to serve as the ranking Democrat. I chaired the first hearing on July 11. That was the first hearing on judicial nominations all year.

The first judge we confirm today will be the first judge confirmed in the 107th Congress. I heard the rumors that those on our side of the aisle would not hold hearings and would not consider any of President Bush's judicial nominations. We even heard some words that the Democrats might block all judges. Of course, we demonstrated very clearly that is not the case.

We set a pace, one of the fastest paces I have seen in my 25 years on the committee under both Democratic and Republican Chairs. We held a hearing noticed minutes after the Senate's reorganization. We proceeded with nominees of both the court of appeals and district court the day after committee

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

assignments were made. We proceeded with expedited committee consideration yesterday. We are proceeding today with Senate consideration of what I hope will be the confirmation of the first of President Bush's nominations.

First is the nomination of Judge Roger Gregory. I know Judge Gregory, his family, and indeed all the people who live in the area covered by the United States Court of Appeals for the Fourth Circuit, have been waiting a long time for this day.

Judge Gregory was first nominated for this position in June 2000—more than a year ago. He has the strong bipartisan support of both his home State Senators, John Warner and Chuck Robb, but no hearing was ever scheduled on President Clinton's nomination of Roger Gregory.

President Clinton's attempts to fill a number of vacancies on the Fourth Circuit met with resistance, delaying the inevitable integration of the court. Judge Beaty, a U.S. district court judge for the Middle District of North Carolina, was nominated by President Clinton 6 years ago, in December of 1995, but he never received a hearing. Judge Beaty was renominated in 1997. Again, the committee scheduled no hearing for him. Judge Beaty waited a period of 34 months without a hearing.

President Clinton tried again in 1999, nominating another African-American, James Wynn. Judge Wynn, a North Carolina Court of Appeals judge, was also denied a hearing before the committee, but President Clinton sent him back to the Senate one more time to give the Senate one more opportunity to hear him at the start of the 107th Congress in January of this year. After pending for a total of 16 months without a hearing, Judge Wynn's nomination was among those withdrawn by President Bush in March of this year.

Roger Gregory was initially nominated, as I noted, over a year ago. Like the others, his nomination languished without a hearing. Because there was no action taken by the Senate on Mr. Gregory's nomination, President Clinton used his powers of recess appointment to make Roger Gregory the first African-American judge to sit on the Fourth Circuit and sent his nomination for a permanent position on that court back to the Senate at the beginning of this year.

President Bush initially withdrew Judge Gregory's nomination in March, but after careful reconsideration, President Bush—and I applaud him for this—sent Judge Gregory's name back to us in May. Again, he had the strong support of both Senators from Virginia.

During this time, Virginia was represented by three different Senators, two of whom I am privileged to serve with today—one Democrat, two Republicans. All three strongly supported Judge Gregory. To their credit, all three resisted political importuning from either side.

This makes Judge Gregory actually one of the few nominees ever to be nominated for the same position by Presidents of different parties. He is in the unique position of serving by means of an appointment whose term expires at the end of this session of the Senate unless his nomination to a full lifetime appointment is acted upon before we adjourn this year.

Judge Gregory received his B.A. in 1975 from Virginia State University and his juris doctorate from the University of Michigan in 1978. Prior to his appointment to the Fourth Circuit, he was active in private practice in Virginia.

His law practice was a mix of civil and criminal in both State and Federal courts, including criminal defense, personal injury, domestic cases, real estate, work as general counsel for an urban school district, and defense cases for large insurance companies and large corporations such as General Motors and Kmart. He was an active litigator.

He also taught as adjunct professor of constitutional law at Virginia State University. He was a member of the faculty of the Virginia State Bar Ethics and Professional Responsibility Committee for all recent admittees to the State bar.

Judge Gregory was very active in community and bar activities before he took the bench, including service on the board of directors of the Central Virginia Legal Aid Society, the Richmond Bar Association, and the Virginia Association of Defense Attorneys.

His life and career have been exemplary and his qualifications for this position are stellar. His service on the bench since his appointment has been uniformly praised. He conducted himself with distinction at his confirmation hearing this month.

Based on all these considerations, it seems appropriate that Judge Gregory's nomination be the first considered by the committee and the Senate this year.

As I said before, I commend my good friend, the senior Senator from Virginia, Mr. WARNER, as well as the distinguished Senator, Mr. ALLEN, and Representative BOBBY SCOTT when they appeared before the committee earlier this month to urge Judge Gregory's confirmation, giving him their bipartisan stamp of approval.

At our hearing, Senator WARNER, who is truly the gentleman of the Senate, as we all know, was characteristically generous in praising Senator Robb and Governor Wilder for their efforts on behalf of Roger Gregory as well.

I add my praise of both Presidents, one a Democrat and one a Republican. I praise President Bush for doing the right thing in this case. President Bush deserves great credit for renominating Judge Gregory and allowing the Senate a third chance to consider and confirm this outstanding nominee. Senator ALLEN served with distinction both as Governor of the State of Virginia and now as U.S. Senator from Virginia and knows well the qualifications.

Then we have two nominees to the district court in Montana. They are both well qualified and well respected. My two friends from Montana, the two Senators from Montana, came to me and asked if we could move these judges forward. I thought they had done what is a model. They worked together with the White House to get two well-qualified judges. Senator BAUCUS and Senator BURNS both told me the same thing on different occasions: They had a desperate need for judges. They had one judge handling far more than they should have to, sort of home alone. They said, please send somebody to help.

Recommended to the President, and the President to us, Richard Cebull is currently a United States Magistrate for the District Court of Montana. He spent his career in private practice before his appointment as a magistrate. Judge Cebull received a unanimous well-qualified rating from the ABA Standing Committee on the Federal Judiciary, where the ABA has been helpful to us, to Senators BAUCUS and BURNS, as well as the White House.

Judge Cebull is a native of Billings, Montana. He received his B.S. from Montana State University in 1966, and his J.D. from the University of Montana Law School in 1969. Before his appointment as a magistrate, Judge Cebull spent his career in private practice in Billings, litigating civil cases with an emphasis on insurance defense and medical malpractice defense.

He was active in trial lawyer associations and a speaker at CLE programs on practical litigation issues. He also served as a member of the Montana Pattern Jury Instruction Commission, which wrote civil jury instructions for Montana courts, and was Chairman of the Civil Justice Reform Act Advisory Group, which wrote the District of Montana Local Rules. For a short time in the 1970's, he served as a Trial Judge in the Northern Cheyenne Tribal Court, presiding over criminal trials of tribal members charged with violating tribal ordinances. He has also served as a settlement master in a variety of civil cases. Judge Cebull received a unanimous "Well Qualified" rating from the ABA's Standing Committee on the Federal Judiciary.

Sam Ellis Haddon is an attorney in private practice in Missoula, Montana. Mr. Haddon is a 1959 graduate of Rice University and received his J.D. in 1965 from the University of Montana School of Law. He was an immigration patrol inspector for the U.S. Border Patrol, and a criminal investigator for the Federal Bureau of Narcotics. His legal career has been spent in private practice, focusing primarily on civil litigation in a variety of areas of law.

He has been very active in bar activities and Montana Supreme Court commissions over the years. His many memberships include the ABA, the American College of Trial Lawyers, the American Academy of Appellate Lawyers, the American Judicature Society, the American Law Institute, and he is a fellow of the American Bar Foundation.

As a young attorney he was active in the Montana State Bar, and later on served on an advisory commission making recommendations to the State's Supreme Court about the standards for admission to practice in Montana. He was also chair of a commission to study and suggest revisions to the State's laws of evidence, and since 1986 has served on the Montana Supreme Court's Commission on Practice, screening and hearing ethics complaints against attorneys admitted in the State.

For the last five years he has served as the chair of this Commission. Mr. Haddon has been an adjunct instructor at the University of Montana Law School for nearly 30 years, teaching contracts, professional responsibility and trial practice. Like Judge Cebull, Mr. Haddon also received a unanimous "Well Qualified" rating from the ABA's Standing Committee on the Federal Judiciary.

Judge Cebull and Sam Haddon are both strongly supported by their home-state Senators, MAX BAUCUS and CONRAD BURNS, who each testified enthusiastically on behalf of these nominees at their July 11 hearing. The Senators from Montana also echoed the plea we had heard from Chief Judge Molloy, who is the only active Judge for the District of Montana, to quickly confirm these nominees.

I hope the Senate will respond to their plea and approve these nominations today. Confirmation of these nominations for Montana will demonstrate that the Senate can act promptly on consensus nominees with broad bipartisan support. When the White House works closely with home-state Senators of both parties, with both Democrats and Republicans, Senate consideration is made much easier. I commend Senators BAUCUS and BURNS for their constructive approach to filling the vacancies that were plaguing their District Court.

I am happy to support these two nominees for the District Court in Montana as well as Roger Gregory for the U.S. Court of Appeals for the Fourth Circuit, and hope to be able to support many more of the President's judicial nominees.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I know there is tremendous interest in these nominees involving two States and a number of Senators. However, we have received a number of inquiries and we will not be able to extend the time. People are waiting. If there is a request to extend the time for additional speakers this morning, I will have to object.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I am extremely pleased that the Senate today will consider the first of President Bush's nominees for the federal judiciary. The three nominees are Judge Roger Gregory for the United States Court of Appeals for the Fourth Circuit, and Judge Richard Cebull and Mr. Sam Haddon for the United States District Court for the District of Montana.

My review of these nominees has convinced me that they will serve the judiciary with competence, fairness, and honor. Judge Gregory's extensive legal experience, character, and good judgment make him an excellent choice for the Fourth Circuit Court of Appeals. His nomination by President Bush—with the hard work and support of Senators WARNER and ALLEN—is well deserved. It is also, by the way, a clear gesture of bipartisanship by President Bush, which is unprecedented in modern times.

The two nominees for the District of Montana also demonstrate the rewards of bipartisanship. Judge Cebull and Mr. Haddon enjoy the support of both Montana senators—Republican Senator BURNS and Democrat Senator BAUCUS. And it's easy to see why. Judge Cebull has an outstanding record as a lawyer with 28 years of experience in private practice and as a federal magistrate judge. Mr. Haddon has also developed considerable expertise in a broad range of litigation topics—both at the trial and appellate levels. These judges will not only perform their duties with distinction, but also will help ease the excessive caseload currently being handled by Montana's single full-time federal district judge.

So, Mr. President, we have three solid nominees before the Senate, and I hope and expect that all of them will be confirmed today. I also want to take this opportunity to thank Chairman LEAHY for moving these nominees. I must note, however, that there are ten other judicial nominees who have been pending before the committee for more than two months without even a hearing. I urge Senator LEAHY to move forward expeditiously on these and the remaining 26 judicial nominees pending before the committee.

I ask unanimous consent the distinguished senior Senator from Virginia be permitted to speak for 5 minutes, and then the distinguished Senator from Virginia, Mr. ALLEN, be permitted to speak for 5 minutes, and the remaining time be given to the distinguished Senator from Montana.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished managers. Indeed, we are fortunate here in the Senate to have two such outstanding Senators to head up the very important Judiciary Committee because the third branch of our government is the Federal judiciary.

Throughout the nearly 23 years I have been privileged to serve as a United States Senator, I have taken a very active and conscientious role in making recommendations to our Presidents for nominees to serve on the Federal judiciary.

We are at a historic moment here today with Judge Gregory, as we are about to confirm the first African-American Judge to the United States Court of Appeals on the Fourth Circuit. Virginia, and indeed all the States within the Fourth Circuit, is diverse in its citizenry. Our Judiciary should reflect the broad diversity of the citizens it serves.

Accordingly, I had the privilege and the honor of recommending to President Reagan the first African-American in the nearly 200 year history of the Commonwealth of Virginia to serve on the Federal bench. That judge, Judge James Spencer, a United States district judge, has served with great distinction.

I also had the privilege and honor of recommending to the first President Bush, the first woman to serve on the United States District Court in the Commonwealth of Virginia, Ms. Rebecca Smith. Judge Smith, likewise, has served with great distinction.

And, today, the Senate will confirm Judge Gregory and another chapter of history is documented between the Commonwealth of Virginia and the Federal judiciary.

I remember very well when Roger Gregory's name first came to the United States Senate. I had not known him directly, and shortly after he was nominated, I quickly made arrangements to confer with him.

Soon, we established a close professional relationship and personal friendship; I have stood by his side ever since through a rather challenging and unusual process of confirmation.

Judge Gregory is eminently qualified for a lifetime judgeship on the Fourth Circuit.

Former Governor of Virginia, Governor Douglas Wilder, the only African-American in the history of the United States in this century to serve as chief executive of one of our States, addressed a letter to me, my colleague Senator ALLEN, and Congressman SCOTT, in support of Judge Gregory. I would like to read portions of this letter into the RECORD. I submit the letter in its entirety for the RECORD. Although the House of Representatives is not directly involved in the judicial confirmation proceedings, Members do play an active role. I thank Congressman SCOTT for his strong support throughout the Gregory confirmation process. And, I also submit a letter of support from Congressman SCOTT to be printed in the RECORD.

Governor Wilder stated:

> Gentlemen: I first want to thank you for the strong and unwavering support relative to the nomination of Roger L. Gregory for a position on the United States Fourth Circuit Court of Appeals. It has been invaluable in the process.
>
> I also want to thank the Chairman of the Judiciary Committee, Senator Leahy . . . as well as the former Chairman, Senator Hatch, for the courtesies extended to the nominee.
>
> I also commend Senator Charles S. Robb for starting the process by recommending Judge Gregory to President Clinton for the bench. Needless to say, there are a number of persons who have played a pivotal role in bringing this nomination to this point; but none more outstanding than the nominee himself. I have long felt confident that once a hearing was in place, others would more widely see the sterling qualification of the individual . . .
>
> I have known the judge since his college days at Virginia State University through the present. I have known him as a student, law partner and friend. I know that he enjoys a splendid reputation with the bench and bar, as well as, being an integral part of the community at state and local events. His devotion to family and civic responsibilities is outstanding and his character is beyond reproach. Impartiality, integrity and resourcefulness will guide him in his decision making.
>
> I am confident he will make a very lasting contribution . . .

Mr. President, over the history of the Fourth Circuit, there has been a total of 41 judges who have served on the court. Throughout my 23 years in the United States Senate, I have had the honor of participating in the Senate's "advise and consent" constitutional role for 16 of these judges.

In fact, of the 11 active judges currently on the court, I have participated in and supported the confirmation of 10 of these judges. Only Judge Widener, who was confirmed in 1972 and who is a jurist I have come to know and greatly respect, has a confirmation that preceded my Senate service.

Roger Gregory has been a respected member of the Virginia bar since 1980. He has worked for one of Virginia's most respected law firms, Hunton & Williams, and he co-founded his own firm in 1982 with Governor Doug Wilder. Judge Gregory is well known as a skilled litigator.

Judge Gregory, I believe, also has the requisite judicial temperament. Many, if not all Senators are concerned about judicial activism. The Judiciary's role is to interpret the law, not to make law. Judge Gregory assured me he will follow this traditional, constitutional, role.

From my conversations with Judge Gregory, and based on his judicial questionnaire, I am confident that he recognizes the importance of the separation of powers laid out in our Constitution.

Mr. President, Judge Roger Gregory is obviously a very accomplished American. He is well qualified to continue service on this important court, and I am certain that he will continue to serve on this court with honor, integrity, and distinction.

It is time to confirm Judge Gregory to a lifetime appointment. I urge my colleagues to support this fine nominee for confirmation.

I ask unanimous consent that the letter from former Governor Doug Wilder and a letter form Congressman BOBBY SCOTT be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LAURENCE DOUGLAS WILDER,
Richmond, VA, July 6, 2001.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC.
Hon. GEORGE ALLEN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

GENTLEMEN: I first want to thank you for the strong and unwavering support relative to the nomination of Roger L. Gregory for a position on the United States Fourth Circuit Court of Appeals. It has been invaluable in the process.

I also want to thank the Chairman of the Judiciary Committee, Senator Leahy, for scheduling the hearings as well as the former Chairman, Senator Hatch, for the courtesies extended the nominee.

I also commend Senator Charles S. Robb for starting the process by recommending Judge Gregory to President Bill Clinton for the bench. Needless to say, there are a number of persons who have played a pivotal role in bringing this nomination to this point; but none more outstanding than the record of the nominee himself. I have long felt confident that once a hearing was in place, others would more widely see the sterling qualification of the individual. I regret very much that due to a previously scheduled vacation starting last Saturday, I will not be in the country to witness and attest in this regard.

I have known the judge since his college days at Virginia State University through the present. I have known him as a student, law partner and friend. I know that he enjoys a splendid reputation with bench and bar, as well as, being an integral part of the community at state and local events. His devotion to family and civic responsibilities is outstanding and his character is beyond reproach. Impartiality, integrity and resourcefulness will guide him in his decision making.

I am confident he will make a very lasting contribution to his state and country and again many thanks for making this happen.

Sincerely,

L. DOUGLAS WILDER,
Former Governor of Virginia.

JULY 20, 2001.

Hon. JOHN W. WARNER,
Senator, U.S. Senate,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: I am very pleased to see that the Senate has Scheduled a vote on confirming Judge Roger Gregory's appointment to the United States Court of Appeals for the Fourth Circuit. I want to take this opportunity to express my great appreciation for all of your dedication and commitment to getting Judge Gregory appointed, reappointed, considered and confirmed.

As you know, Judge Gregory is from Richmond, Virginia—a part of which is in the Third Congressional District which I represent. His nomination to the Fourth Circuit Court of Appeals is a source of pride for all Virginians.

Judge Gregory has stellar professional and legal credentials. He is a summa cum laude graduate of Virginia State University and a graduate of the University of Michigan School of Law. After practicing with two law firms, he became a founding member and managing partner of the law firm of Wilder and Gregory in Richmond.

Judge Gregory is truly a consensus candidate for a permanent appointment to the Fourth Circuit Court of Appeals. He has bipartisan support from members of the Virginia Congressional Delegation, the Governor and other political leaders from Virginia. He also has the support of many organizations and individuals across Virginia and beyond. And as a judge sitting on the Fourth Circuit Court of Appeals for the past several months, he has earned the respect of his colleagues on the bench.

I have known Judge Gregory for over 20 years and have worked with him in several organizations, including the Old Dominion Bar Association. I am confident that he will distinguish himself and Virginia as a member of the Court.

With your continued able leadership, Judge Gregory will have an excellent chance for confirmation, and, again, I thank you.

Very truly yours,

ROBERT C. "BOBBY" SCOTT,
Member of Congress.

The ACTING PRESIDENT pro tempore. The junior Senator from Virginia.

Mr. ALLEN. Mr. President, I thank my colleague, JOHN WARNER, for his remarks. I reflect on the first statement I made on this Senate floor on January 25 when I rose to address the appointment of Roger Gregory to the United States Court of Appeals for the Fourth Circuit. When I spoke, I asked my colleagues to move the nomination of Judge Gregory on the basis of his qualifications. I asked my colleagues, and indeed the President, to not view Roger Gregory based upon the former President's political manipulations.

Fortunately, President Bush has heeded my advice and the advice of my good friend and colleague, Senator JOHN WARNER, who stood with me on that first speech back in January. Fortunately, President Bush has acted.

As a Virginian and as an American, I am proud to rise again today in support of the confirmation of Judge Roger Gregory. I am also proud to see that Members of both parties in the Senate and President Bush have risen above the past procedural aggravation and have acted in a statesmanlike manner. It is my belief that in Roger Gregory the Fourth Circuit and indeed America have a well-respected and honorable jurist who will administer justice with integrity and dignity. He will, in my judgment, decide cases based upon and in adherence to duly adopted laws and the Constitution.

He is the first African-American to serve on the Fourth Circuit Court of Appeals. This is a good and historic vote we are about to take. I share the salient reasons I support Roger Gregory, whom we are about to vote to confirm. We hear a lot of inspirational stories. Yesterday, in the Small Business Administration hearings on the nomination of Hector Barreto Jr., JOHN ENSIGN and I thought what an inspirational story about that young man and his father who came to this country. What a success story.

Roger Gregory is an inspirational story, as well. Judge Roger Gregory is a testament to what can be achieved in America through hard work and personal determination. He is the first person in his family to finish high school. He went on to graduate summa cum laude from Virginia State University, where his mother had once worked as a maid. Before his investiture as a judge, he was a founding partner of the firm of Wilder & Gregory, a highly respected litigator representing municipal and corporate clients in the Richmond area. He has been active in civic and community affairs. He and I both served together on the board of the Historic Riverfront Foundation in Richmond. He has an AV rating in Martindale-Hubbell, which is the highest combined legal ability and general recommendation rating given to lawyers.

What is most important to me, what truly impressed me, is he has a proper judicial philosophy. He understands that the role of the judiciary is to administer the law based on the facts and the evidence, administering the law, not legislating from the bench. He will follow the rule of law, not participate—in his words—in an activist court as result-oriented judges are very dangerous.

In particular, I also think it is important he understands, and stated to me an understanding of our Federal system, that the States have broad prerogatives and you apply the Constitution and you do not easily overrule the laws enacted by legislators which ought to be upheld and respected by the courts.

I commend the chairman, Chairman PATRICK LEAHY, the Senator from Vermont, and Senator HATCH for the dispatch in which they have moved the nomination of Roger Gregory. Let me congratulate President Bush for the confidence and good judgment he has shown in nominating Judge Gregory to be the first African-American to hold a permanent seat on the Fourth Circuit U.S. Court of Appeals.

Judge Roger L. Gregory is an exemplary citizen of the Commonwealth of Virginia. He has a sense of the properly restrained role of the judiciary and is eminently qualified to serve with distinction for many years, many decades to come.

I respectfully ask my colleagues to join me in confirming Judge Gregory to the U.S. Court of Appeals for the Fourth Circuit.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, first I thank the President of the United States for his selection, moving the two judges from Montana; I thank Senator LEAHY, my good friend; we have served together in a lot of different capacities, it seems, over the last 12 years; and my good friend Senator HATCH, on the Judiciary Committee, for having the hearings and moving them very quickly. Also, I thank my good friend from Montana, Senator BAUCUS. We worked together in order to get these two judges appointed and confirmed because the workload of the one judge in Montana is very high right now.

I had the honor of presenting both Sam Haddon and Richard Cebull to the Judiciary Committee, and now I have the high honor of speaking for them here on the floor of the Senate. They are without a doubt among Montana's finest. They are men of the land, but they are also men of the law. They come with the highest ratings from their peers, and they fully understand equal justice under law.

Both are outdoorsmen. Both have labored in the vineyards, so to speak, of their profession, and I highly recommend their confirmation. I thank them for their willingness to serve the judiciary system, and I congratulate them and wish them well in their endeavors.

I have no doubt in my mind, and neither should anyone in this body or the President of the United States, that these two men will serve in the highest traditions of the American judiciary. I congratulate them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent I may speak for 30 seconds.

Throughout this procedure I worked hard in this case for Roger Gregory, of course, but I want to extend special recognition to my staff member, Christian Yiahilos, who has been untiring in his efforts in research and other matters relating to this nomination. I think we ought to recognize the valuable support we get from staff, including my chief of staff, Susan Magill.

Mr. REID. Mr. President, this is truly a historic day for the Senate.

For the first time in our history, this body will confirm an African American to serve on the United States Court of Appeals for the Fourth Circuit.

The fact that the Fourth Circuit is home to the highest percentage of African American residents than all of the Circuit Courts of Appeals makes this day even more historic.

More importantly, however, the man that the Senate has confirmed to the Fourth Circuit is truly deserving of this honor.

Roger Gregory is not only a fine legal jurist, he is a good, decent man.

I commend President Clinton for having the courage to make a recess appointment of Roger Gregory last year.

I also commend President Bush for showing leadership by reappointing Judge Gregory earlier this year.

I congratulate the Senate Judiciary Committee for its quick and unanimous action with respect to this nomination.

Last year, I had the privilege and honor of recommending the first African American woman to serve on the U.S. Court of Appeals for the Ninth Circuit.

Judge Johnnie Rawlinson has served the Ninth Circuit with distinction, and I cannot begin to tell you how proud I am, as are so many other fellow Nevadans.

Roger Gregory will also bring honor and distinction to the United States Court of Appeals, and I wish him and his family all the best.

I also congratulate Sam Haddon and Richard Cebull on their confirmation to the United States District Court for the District of Montana.

The Haddon and Cebull nominations were also reported out of the Senate Judiciary Committee by a unanimous vote.

Mr. President, this is so important, because it highlights what the nomination and confirmation process should be—bipartisan.

There are too many vacancies in the Federal judiciary, and Democrats and Republicans—the Senate and the White House—must work together in a bipartisan fashion for the benefit of the federal judiciary and, ultimately, the American people.

That is precisely what happened with these two highly qualified judges from Montana, a State that boasts a Democratic Senator in MAX BAUCUS and a Republican in CONRAD BURNS.

These two Senators, working closely with President Bush and the White House, put aside party differences for the benefit of the federal judiciary in Montana—and ultimately the people of Montana.

They should be commended.

The relationship between Senator BAUCUS and Senator BURNS reminds me of what Senator ENSIGN and I have committed to do for the benefit of Nevada's federal bench.

Recently, Senator ENSIGN recommended to President Bush several candidates for the federal bench in Nevada: State District Judges Mark Gibbons and Jim Mahan, Las Vegas attorney Walter Cannon, and former Washoe County District Attorney Larry Hicks.

Senator ENSIGN and I discussed every candidate before they were recommended to President Bush, and I fully support his selections.

It has truly been a bipartisan approach with respect to the Federal bench in Nevada.

Mr. President, that is how it should be.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. I am prepared to yield the remainder of my time. I know we are committed to a vote.

Mr. LEAHY. Mr. President, I will yield back whatever time I may have, but first I ask unanimous consent it be in order to ask for the yeas and nays on the three judicial nominations and ask for the yeas and nays on all three of them en bloc now.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I yield my time.

The ACTING PRESIDENT pro tempore. All time is yielded back. Under the previous order, the Senate will now proceed to vote on Executive Calendar No. 250.

The question is, Will the Senate advise and consent to the nomination of Roger L. Gregory, of Virginia, to be United States Circuit Judge for the Fourth Circuit? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mrs. LINCOLN) would vote "aye."

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 244 Ex.]

YEAS—93

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Lott

NOT VOTING—6

Bond
Breaux
Brownback
Inhofe
Lincoln
McCain

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, I understand the next two votes are 10-minute votes.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. This Senator will ask for regular order as soon as the 10 minutes is up.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Executive Calendar No. 245.

The question is, Will the Senate advise and consent to the nomination of Sam E. Haddon, of Montana, to be a U.S. District Judge for the District of Montana? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

I further announce that if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 245 Ex.]

YEAS—95

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—5

Bond
Breaux
Brownback
Inhofe
McCain

The nomination was confirmed.

Mr. LEAHY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on Executive Calendar No. 246.

The question is, Will the Senate advise and consent to the nomination of Richard F. Cebull, of Montana, to be United States District Judge for the District of Montana? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 246 Ex.]

YEAS—93

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—7

Bond
Boxer
Breaux
Brownback
Inhofe
McCain
Miller

The nomination was confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I am sorry; I was absolutely unavoidably detained. I did miss the first vote this morning by about 20 seconds and would like to be on record in support of vote No. 244. Had I been here, I would have voted in the affirmative for the nomination of Mr. Gregory.

Mr. HATCH. Mr. President, just prior to the vote on the nomination of Roger Gregory, Chairman LEAHY made a couple of comments that require a response.

Let me make it clear that I agree with President Bush's judgment that Judge Gregory is well qualified to serve as a judge on the Fourth Circuit Court of Appeals. I commend Senators WARNER and ALLEN for their recommendation of Judge Gregory to President Bush. The controversy over his nomination by President Clinton, and his recess appointment in December 2000, had nothing to do with his qualifications. Rather, the controversy was over President Clinton's decision in late June of 2000—in the last 6 months of his Presidency—to nominate a Virginia resident for a Fourth Circuit seat that has been regarded as belonging to North Carolina. In doing so, the President could not have doubted that his action would cause a great deal of discord in the Senate—especially because it was done without consultation with both home-state senators. I worked very hard to resolve the conflicts created by that nomination among the various interested parties. Unfortunately, the discord was only amplified by President Clinton's recess appointment that occurred after George Bush's election as President.

In my view, all these facts are now in the past. President Bush, in a very significant gesture aimed at changing the tone in Washington, focused on Judge Gregory's qualifications and, with the support of Senators WARNER and ALLEN, nominated Judge Gregory to a lifetime appointment. This was a clear gesture of bipartisanship by President Bush which is unprecedented in modern times. In the past 50 years, there has never been a case of which I am aware where a new President of one party has re-nominated a circuit judge originally nominated by the previous President of the other party.

Chairman LEAHY also made some remarks about how quickly he scheduled Judge Gregory's confirmation hearing. Indeed, he did so very soon after the Senate's organizational resolution was passed on June 29. However, this fact does not accurately describe the entirety of the Judiciary Committee's record on judicial nominees. Prior to the organizational resolution, Chairman LEAHY did not hold a single hearing on any of President Bush's executive or judicial nominees. He implies that he could not have held such hearings without the organizational resolution. But that is not true. Between June 5 and June 29, at least seven other Senate committees under Democratic chairmen held a total of 16 confirmation hearings on 44 nominees. One committee—Veterans' Affairs—even held a markup on a nomination. Further, the lack of an organizational resolution did not stop Chairman LEAHY from holding hearings on such topics as the Federal Bureau of Investigation, racial disparities of capital punishment, and counsel competency requirements for death penalty cases. We also had a subcommittee hearing on injecting political ideology into the committee's process of reviewing judicial nominations. From this record, it appears that the decision not to hold hearings on nominees was simply a calculated tactic to delay President Bush's nominees.

The Judiciary Committee's comparative lack of progress continues to this day. Since the reorganization was completed, other committees have considered nominees at a much faster pace. For example, the Foreign Relations Committee on July 10 held a markup on 16 nominees. In contrast, the Judiciary Committee has considered only three of the pending Bush judicial nominees and only three Department of Justice nominees.

As of this morning, we have 111 vacancies in the Federal district and circuit courts, including a number on the Fourth Circuit. I encourage Chairman LEAHY to start scheduling frequent hearings and markups for these nominees. I look forward to working closely with him to review and confirm President Bush's nominees in a timely fashion.

If Chairman LEAHY believes that I, as Chairman, did not move Clinton nominees and was unfair—which the facts and the record clearly show otherwise—then I would hope he would do the right thing and move nominees at a faster pace than I did.

NOMINATION OF RALPH F. BOYD, JR., OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL

NOMINATION OF EILEEN J. O'CONNOR, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed en bloc to consider and confirm Executive Calendar No. 247 and No. 249, which the clerk will report.

The legislative clerk read the nominations of Ralph F. Boyd, Jr., of Massachusetts, to be an Assistant Attorney General, and Eileen J. O'Connor, of Maryland, to be an Assistant Attorney General.

The PRESIDING OFFICER. The question is, shall the Senate advise and consent to the nominations?

The nominations are confirmed.

Mr. LEAHY. Madam President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, we have moved very rapidly to consider matters before the Judiciary Committee having noticed these hearings within minutes of the time the Senate reorganized, meeting within days. We have five nominations through this morning.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I rise to congratulate Sam Haddon and United States Magistrate Judge Richard Cebull, whom the Senate today confirmed to serve as Montana's U.S. District Court judges. These confirmations are of great importance to my State of Montana. Currently only one of our three judgeships is filled, which has placed a large burden on the shoulders of our remaining judge, Don Malloy.

I thank the Judiciary Committee for taking up these nominations in such a timely manner, especially Senator LEAHY who has been very helpful, and Senator HATCH as well. I also thank them for putting up with the enthusiasm of Senator BURNS and myself as we, in some sense, pestered or hectored the two Senators for getting up these nominations so quickly.

In addition, I thank the leader for scheduling these nominations to be confirmed this morning, at this time.

I could not think of two men who are more qualified to serve as Montana's Federal judges than Sam Haddon and Magistrate Judge Cebull. We in Montana tend to know each other, or if we do not know each other personally, we tend to know each other by reputation. I know Sam Haddon. I know Richard Cebull. I also know their reputations. They are sterling men and will serve as first-rate, highly distinguished U.S. Federal judges.

Sam Haddon is a graduate of the University of Montana Law School. After serving with the Border Patrol and the Federal Bureau of Narcotics in the late 1950s and early 1960s, he worked in private practice. I know he has dreamed of being a Federal judge. His dream has now come true. I might say, as an example of the hard-working industry of Sam Haddon, he is the first member of his family to go off to college and he now will become, when he is sworn in, a U.S. Federal judge. We are all extremely proud of Sam Haddon.

Before serving as U.S. Magistrate in Great Falls, MT, Richard Cebull served as a Billings attorney for close to 30 years. He was born and raised in our State and has earned the respect of everyone in our State who has had the good fortune and privilege of meeting him, engaging with him as a magistrate or in a nonprofessional capacity. He and Sam Haddon are two people who are just perfect representatives of the quality of the people in our State of Montana.

It is a great honor and with great pride I join in thanking them for wanting to serve, and I thank the Senate for confirming both of them so we in Montana now have all our judgeships filled. We have three wonderful U.S. district court judges. We thank all in the Senate who have made this happen.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2299, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Mrs. MURRAY. Mr. President, I am pleased to present to the Senate the Transportation appropriations bill for fiscal year 2002.

This bill was reported unanimously by both the Appropriations Subcommittee on Transportation as well as the full Appropriations Committee. This bill has been carefully crafted with the regular input of Senator SHELBY and his staff.

The tradition of this subcommittee has always been one of bipartisanship. So long as I have the privilege of chairing this subcommittee, I intend to continue that tradition.

The bill as approved by the Appropriations Committee totals $60.1 billion in total budgetary resources. That includes obligations released from the highway and airway trust funds as well as appropriations from the general fund. This funding level is higher than the level requested by the President. There are four reasons why this bill exceeds the President's request.

First, the administration's budget—rather than requesting appropriated dollars for railroad safety and hazardous materials safety—asks us to impose new user fees on the transportation industry.

Some opponents of this approach have called these proposals "George W. Bush's new taxes." The committee bill rejects these new user fees and provides the funds necessary for these critical safety functions.

Second, the bill increases funding for highways above the level requested by the President.

Under the administration's budget, the President launches two new initiatives at the expense of highway construction dollars to the States. They are the New Freedom Initiative for the disabled and an investment in new truck safety inspection stations at the United States-Mexico border.

The bill before you fully funds these two new initiatives. In fact, the bill adds $15 million to the level requested by the administration for border truck safety activities.

However, in order to ensure that funding for these initiatives is not provided at the expense of highway construction funds in all 50 States, the bill increases funding for highways to a level that holds all States harmless.

Under the committee bill, every State will receive more highway construction funding than they would receive either under the President's budget or under the levels assumed in TEA–21.

Third, the bill includes a number of small but important safety initiatives that were not included in the President's budget.

Within the Federal Aviation Administration, the bill includes funding to hire an additional 221 safety inspectors.

Following the ValuJet crash in May 1996, the Transportation subcommittee has been increasing the inspection work force every year in order to get to the level of 3,300 inspectors. That was the minimum level identified as necessary by the panel of experts that was convened following that crash. It was also the level identified by the National Civil Aviation Review Commission, which was chaired by now-Secretary Norm Mineta.

While the funds for these additional inspectors were not included in the President's budget this year, the bill as approved by the committee does provide them.

In the area of highway safety, the bill includes funds that were not requested to boost seat belt use, especially among at-risk populations. The Administration has articulated a very aggressive goal to increase seat belt use. Unfortunately, when our subcommittee reviewed the budget, we found no additional resources were requested to match the rhetoric.

Today, it is a tragic fact that African-American children, ages 5 to 12, face almost three times the risk of dying in a car crash than white children.

The bill before us includes additional, unrequested funds to tackle that problem. The committee has also provided funding above the President's request in the area of pipeline safety. I became involved in this issue after a tragic liquid pipeline accident that claimed three young lives in Bellingham, WA.

The bill before us provides funding that is $11 million more than the level provided last year. Increased funding will be available to boost staffing for the Community Right to Know Initiative and other critical safety measures.

I am proud that this bill provides record funding to make pipelines safer. It is the right thing to do.

Finally, the funding in the bill is higher than the administration's request due to my insistence that we address chronic staffing, training, and equipment shortfalls at the Coast Guard's search and rescue stations.

The bill provides the Coast Guard's operating budget with $45 million more than the administration's request in order to address these search and rescue deficiencies and fund the mandatory pay and benefit costs for our Coast Guard service members.

Before I close, I would like to turn to the issue of Mexican trucks, which is explained in detail on page 85 of the committee report. Here, our challenge has been to make sure that commerce can move between our two borders while—at the same time—ensuring the safety of all who use our highways.

President Bush requested $88 million to improve the truck safety inspection capacity at the United States-Mexico border. Unfortunately, the Transportation bill as passed by the House of Representatives does not include even one penny for that request.

The bill before you includes $103 million—$15 million more than the level requested by the President—for these border truck safety activities.

The House bill also includes a provision that prohibits the DOT from granting any Mexican trucking firm an operating certificate to begin the cross-border trucking activity that was anticipated by NAFTA.

I believe we have found a good compromise that will promote free trade and ensure safety on our roads. We crafted a provision based on the serious safety risks cited by the inspector general, the General Accounting Office, and several state law enforcement authorities.

Our provision, which is in this bill, is designed to ensure that a meaningful safety monitoring and enforcement regime is in place before Mexican trucks are allowed to travel anywhere in the United States.

The provision establishes several enhanced truck safety requirements that are intended to ensure that this new cross-border truck activity does not pose a safety risk.

This provision was adopted unanimously by both the Transportation Subcommittee and the full Appropriations Committee.

My door is always open to Secretary Mineta and the White House, and I will of course listen to their concerns. But I believe that my provision—as it currently stands—will allow our mutual goals of free trade and safe highways to proceed side by side.

This provision will substantially raise the safety standards that will have to be in place before cross-border trucking can begin. I believe that this is a far better approach than the one taken by the House bill—which has now drawn a veto threat by the administration.

I want to thank Senator SHELBY for all his input into this bill.

I also want to thank Senator BYRD and Senator STEVENS for granting our subcommittee an allocation that made it possible to fund the important safety initiatives in this bill.

We could not have done it without their help.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I rise in support of the fiscal year 2002 Transportation appropriations bill put before the Senate today by Senator MURRAY. I do support the package reported unanimously from the Committee on Appropriations and just described by the Senator from Washington in pretty good detail.

There is the first year for the Senator from Washington as chairperson of the Appropriations Transportation Subcommittee. I believe she has accounted for herself well on this bill. We have worked together. She has put a lot into it, and I believe this is basically a balanced bill.

I believe that every Member can look at this bill and find a great deal that they can agree with. But, I also think it is safe to say that if you look hard enough, just about everyone can find something they would probably disagree with.

Clearly, that is the case with the Mexican truck issue. I believe that everyone in this body is supportive of ensuring the safety of trucks on our highways. I believe that many in this body consider the approach to Mexican trucks adopted on the House floor as being heavy-handed, and contrary to the goal of improving the safety of trucks at our borders, within the commercial zone, and ultimately, beyond the commercial zone on the balance of our Nation's highways.

Senator MURRAY has crafted a provision, section 343, that takes a different approach. It provides for Mexican truck access to our highways beyond the commercial zone once the Department has an adequate inspection regime in place and can assure that those carriers and trucks meet articulated safety and insurance standards.

The approach of the Senator from Washington moves the debate on this issue forward and allows a resolution of this issue based on safety standards rather than prohibiting any action by the Department to manage the truck safety issues we face at our southern border under NAFTA.

For my colleagues who would support the House language, some of whom may offer a similar provision during consideration of this bill, I would point out that provision does little, if anything, to promote truck safety on our highways. It may keep some unsafe trucks from gaining entry to our country, but it doesn't create a framework or any incentive to improve the safety of Mexican trucks. I have to tell you, that I am probably less troubled by an outright prohibition than is the Senator from Washington. But, I am willing to pursue this issue with her through the Senate and to address my colleagues' concerns during conference to ensure that traffic beyond the commercial zone is safe.

To do that, it is incumbent on us to provide the necessary resources to begin adequately inspecting motor carriers at the border. I am pleased that the bill before us provides a total of $103.2 million to enhance safety at the border—$15 million more than the President requested. Specifically, the bill includes $13.9 million to hire an additional 80 safety inspectors, $18 million for enhanced Motor Carrier Safety Grants to border states, and $71.3 million for motor carrier safety inspection facilities along the United States-Mexican border.

That is a quantum leap forward in terms of ensuring safe transportation of goods across the border for the benefit of American consumers. While we must provide the tools to the Department, we must also provide the Department with the flexibility to put forth a policy for operations beyond the commercial zones, so long as the policy would not undermine the safety of American families on our highways.

The Murray language does just that. It allows the Department to process applications of Mexican-based motor carriers after the Department remedies deficiencies highlighted by the Department of Transportation Inspector General and after Mexican-domiciled carriers meet the strict safety requirements that this bill demands.

Chairman BYRD and Senator STEVENS have provided the Transportation Subcommittee with a generous allocation, and that has allowed this bill to fund the programs and the initiatives that the Senator from Washington has just described. I would like to take a few minutes to highlight a couple of those items.

For the Coast Guard, this bill provides $45 million more than the President's request for operating expenses—and that is in addition to the $92 million that was just agreed to in the supplemental conference report for fiscal year 2001. While the Coast Guard isn't overfunded, it is not underfunded. The resources are in this bill to continue and grow lifesaving, fisheries enforcement, drug interdiction, and migrant interdiction activities in fiscal year 2002.

I believe we need to continue vigorous oversight to make sure that these dollars get to the Coast Guard districts and to the men and women who volunteer to put their lives at risk to save lives, and to meet the Coast Guard's other missions. I continue to be concerned about the growth in overhead at the headquarters. The increasing costs there are troubling.

I would also like to point out the bill provides the $325.2 million for the first year of construction funding for the Coast Guard's Integrated Deepwater Project. This funding represents the first significant installment of a 20-year, $10 billion Coast Guard program to put in place a systems integrator to design, develop, and construct new surface ships, aircraft, sensors, and communications equipment—or modernize legacy assets—used to conduct operations 50 miles offshore and beyond.

I have serious reservations about the long-term funding prospects of this procurement, the inherent schedule and cost risks of the acquisition strategy, and with Coast Guard's ability to manage a contract of this magnitude and complexity. While I am merely raising these concerns now, I intend to discuss them in greater detail later during the consideration of this bill in this Senate Chamber.

The FAA is generously funded in this bill. The funding levels match the AIR

21 levels for the FAA's two capital accounts, and the funding for FAA operations exceeds the President's budget request. While the cost efficiencies from the controller agreement have yet to show up in the operations account, and there continue to be significant slippages and cost escalations in several of the FAA procurement programs that are critical to modernization of the National Airspace System, the bill before the Senate provides badly needed funding to continue the operations and to support an aggressive modernization program.

Accordingly, the committee-reported bill also more than meets the TEA–21 highway and transit funding levels and increases the obligation limitation for highways and provides additional resources for transit new start systems. This funding commitment by the committee bill recognizes the priorities on these accounts reflected in the requests from Members of the Senate. I commend the Senator from Washington, Mrs. MURRAY, for her attention to the interests of the Department and the Senate in constructing the package before the Senate today.

While the bill commits a fair amount of funding for the Appalachian Development Highway System, I would note that a great deal more funding is required to complete the commitment that has been made to this system. The ADH system is far less complete than the National Highway System and many years at these funding levels will be required to improve some of the most deficient and dangerous segments of the rural highway system in all of America.

The bill provides $521 million for Amtrak and authorizes the railroad to immediately use all of these funds in one fiscal year. For the past several years, the bill has limited Amtrak to using 40 percent of its funding in the first year so the balance would be available for the next. Keep in mind that this money is appropriated for capital activities and investments, so the provision and anticipation that it would all spend out is unusual in and by itself. My sense is that this extraordinary action is at best a short-term solution.

Amtrak, as a lot of you know, is engaging in short-term borrowing to cover operational and debt service costs and Amtrak's cash shortfall is growing to unsustainable levels. Allowing the cash-starved Amtrak to spend its entire appropriation for fiscal year 2002 will allow, however, Amtrak to squeak through to the Spring of 2002, when this failed experiment, I believe, will again be out of money.

I hope that we can move this legislation quickly through the Senate and through the conference. During Senate consideration of the Transportation appropriations bill, I will cover some of these issues in more detail, as will Senator MURRAY. But I look forward to working with the Senator from Washington, the chairman and ranking member of the Committee on Appropriations, and with interested Members to consider and pass this legislation.

Mr. HATCH. Mr. President, I rise to applaud the committee for including the $5 million grant for the Eighth Paralympiad for the Disabled cited in this bill. This funding is for the 2002 Paralympic Games not the 2002 Olympic Games. It is important to remember that while the Paralympics are being held in conjunction with the Olympics in Salt Lake City, all the funding for the Paralympic Games has been very carefully and very clearly separated from that for the Olympics. This funding will be spent only for Paralympic costs and includes both Federal and private sources of funding.

This funding supports the disabled athletes who compete at Olympic levels. These elite disabled athletes deliver amazing performances that are wonderful to behold. For example, they ski with one leg or they ski blind. We ask them to perform on Olympic courses, at Olympic levels, and finish in times within Olympic ranges.

The Paralympics and Special Olympics are events our country traditionally recognizes as important priorities. That is, to encourage the development of sports among special populations. Moreover, it has been an advantage to have the Olympic Committee, for the first time, host the Paralympic Games. This ensures that the Paralympic athletes are recognized as Olympic level competitors and ensures they are treated as Olympians. It also allows for synergy in developing operational plans thus making the Paralympics far more efficient.

Note that the Paralympic's association with the Olympic Committee has brought yet another benefit. The Federal funding for these Paralympic games is far less than ever before. For the benefit of my colleagues, let me put this issue in perspective. These games will cost approximately $80 million. The Atlanta Paralympics were also about $80 million. But there the comparison ends. In Atlanta, $32 million were funded by the Federal Government. In the Salt Lake Paralympics, Federal funding will only be $10 million.

Why are the Salt Lake City Paralympics requesting far less Federal funding than the Atlanta Paralympics? The Salt Lake Olympic Committee is paying $40 million of the costs and raising another $30 million from private sources. The Atlanta Olympic Committee paid $15 million and raised $33 million for the Paralympics. Because the Salt Lake Olympic Committee is contributing more to the Paralympics, the amount of Federal funding has been reduced from $32 million for the Atlanta games to $10 million for the Salt Lake games. And, this bill only asks for $5 million for transportation while the Atlanta transportation cost to the Federal Government was $5.6 million.

This is a wise use of Federal funds. The $5 million requested for the Paralympics are well justified. Additionally, these costs are most reasonable when compared to the Atlanta games and given the careful financial management on the part of the 2002 Salt Lake Olympic Committee.

Thank you.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Washington.

AMENDMENT NO. 1029 TO AMENDMENT NO. 1025

Mrs. MURRAY. I send a technical amendment to the desk that has been approved by both sides.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. SHELBY, proposes an amendment numbered 1029.

Mrs. MURRAY. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 16, strike the numeral and all that follows through the word "Code" on page 18 and insert in lieu thereof the following: "$3,348,128 shall be set aside for the program authorized under section 1101(a)(11) of the Transportation Equity Act for the 21st Century, as amended and section 162 of title 23, United States Code;"

On page 33, line 12, strike the word "together" and all that follows through the semi-colon on line 14.

On page 78, strike lines 20 through 24.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1029.

The amendment (No. 1029) was agreed to.

AMENDMENT NO. 1030 TO AMENDMENT NO. 1025

Mrs. MURRAY. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself and Mr. SHELBY, proposes an amendment numbered 1030.

Mrs. MURRAY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals)

On page 73, strike lines 19 through 24 and insert the following:

"(E) requires—

"(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority, to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance inspection decal, by certified Federal inspectors, or by State inspectors whose operations are funded in part or in whole by Federal funds, in accordance with the requirements for a Level I Inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

"(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

"(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but

nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when a certified Federal or State inspector determines that such a vehicle has a safety violation subsequent to the inspection for which the decal was granted;".

Mrs. MURRAY. Mr. President, this amendment, I have sent to the desk is offered by Senator SHELBY and myself and it will strengthen the truck safety provisions in the bill as reported by the committee.

It will require the Department of Transportation to implement a rigorous inspection regime under which every Mexican truck seeking to travel beyond the commercial zone will be required to be inspected at least every 90 days.

This inspection system has shown some level of success within the State of California in bringing down the high level of safety noncompliance that has been found in Mexican trucks seeking to cross the border.

We believe that his would improve upon the provisions already in place in the bill as reported by the committee.

I know that Senators McCAIN and GRAMM have an interest in these provisions. In deference to them, I will not seek adoption of the amendment at this time. I will leave it as the pending amendment to the bill.

If need be, we can temporarily lay the amendment aside and take up amendments on other matters as debate occurs on this bill.

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, I ask that after Senator DODD completes his remarks, that it be possible for me to address the Senate for a period not to exceed 30 minutes. I make the request to respond to an attack that was made on me by Mr. Lindsey, the President's chief economic adviser.

The PRESIDING OFFICER. Does the Senator from Washington so amend her request?

Mrs. MURRAY. I amend my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

VIEQUES

Mr. DODD. Mr. President, I rise to spend a couple minutes talking about an issue that has received some notoriety in recent months and some specific attention over the last few weeks. That is the issue of the island of Vieques in Puerto Rico and the incarceration of a number of people who went down to express their opposition to the continued use of Vieques as a bombing site.

First of all, I say to those who have demonstrated there and have been sentenced to 30 days—in one case, I think 60 days—I think all of these people involved certainly were aware that when you engage in civil disobedience, there will be a price to be paid for that civil disobedience. I will address the underlying issue of Vieques, but my hope is that the authorities will recognize that there is some sense of balance in all of this and that 30 days and 60 days may be a bit excessive, to put it mildly, in light of some of the sentences we see meted out on crimes that are far more serious in our society.

I take particular note of my friend Bobby Kennedy from the State of New York and his wife Mary who are wonderful parents. During this period of incarceration, a new son was born to them. Bobby Kennedy, obviously, could not be there for the birth of his son because of his incarceration in Puerto Rico. I know how difficult and painful this was for him and his family. I want them to know that they have my strong sympathies and expressions of support. My hope would have been that Bobby Kennedy might have been able to be with his family during that important moment, despite the fact that he would be the first one to tell us that he understood fully the implications to the action he would take to express what were not only his views but the views of thousands of others within Puerto Rico and beyond the island over the issue of whether or not Vieques ought to be used as a continued site for targeting practice by the U.S. military.

I express my sympathies for Bobby Kennedy, Dennis Rivera, and others who are in prison at this moment for those actions.

There has been a long history here of divergence of interest with respect to the people of Puerto Rico and the Navy's interest in maintaining the capability for important live training exercises on the island of Vieques. Over the years, efforts have been made to reconcile these different interests. During the Clinton administration, in fact, an agreement was reached with the then-Governor of Puerto Rico, Pedro Rossello, that called for the holding of a referendum in November of the year 2001 to allow the residents of Puerto Rico to choose whether to end the military's use of Vieques by 2003 or to indefinitely permit military exercises to continue after that date.

That seemed at the moment to reduce the tensions over this matter and to provide a way for the people of Puerto Rico to express their views. On the idea of a referendum, I was thinking to myself, living in Connecticut, along Long Island Sound where there are small islands off the coast of Connecticut, that if one of our islands were being used as a target by the military, how long we would allow it to persist if the people of my State felt strongly about it. I see the Presiding Officer from the State of Florida with a huge coastline. In many cases, of course, people have tolerated and supported it in their jurisdictions or States.

This is a matter which has provoked tremendous interest on the island of Puerto Rico, a part of the United States, of course.

Since the inauguration of Sila Maria Calderon, the new Governor of Puerto Rico, in January of this year, the efforts by President Clinton and Pedro Rossello, it has become clear that the resolution calling for the referendum in November of 2001 has been sort of put aside, that the plan did not resolve these tensions, despite the good efforts of those involved in crafting that particular solution.

On June 14, in response to continued tensions, President Bush, in consultation with the U.S. Navy, announced that all military exercises in Vieques would cease by May 1, 2003.

That provoked serious voices of dissent within this Chamber. In fact, there were those who were very disappointed by President Bush's decision. I happen to think he made the right decision. I know it was not an easy one to make, but he did listen to the various sides of this story and decided that, given all the information and facts, this was the right decision to make. Naval training on the island was to proceed between then and May of 2003.

In addition, in accordance with the earlier agreement, the Navy returned more than a third of its Vieques holdings to the island on May 1, 2001.

Notwithstanding the Bush announcement, a number of issues have led to increasingly vocal opposition to the continued use of Vieques by the Navy in the interim period. Puerto Rican critics of the Navy cite the loss of economic development opportunities on the island because access to most of the island's land is restricted. They also mention the failure of the Navy to live up to pledges to compensate for these lost economic opportunities.

Damage to the environment and ecology have also been mentioned. Most worrisome, concerns have been raised about the impact the Atlantic Fleet Weapons Training Facility has had on the health and safety of the people on the island of Vieques. Were we to put ourselves in the shoes of the mothers and fathers of the children on the island of Vieques, we might better understand to some degree why there is increasing impatience and concern about having to wait 3 years before a potential danger to their loved ones will cease.

The relationship between the Navy and the people of Vieques has been a rocky one, to put it mildly, over the years. More recently the situation has grown from bad to worse. Visits by prominent Members of Congress and other well-known public figures, including the wife of Jesse Jackson and Robert Kennedy Jr., have served to educate Americans writ large about the Vieques issue.

Overly harsh treatment of these protesters by the court has only served to make, in my view, the matter even worse. It seems to me that the time has passed for the relationship between the Navy and the people of Vieques to ever be mended in a satisfactory manner that would allow both to coexist on this little island.

The matter is going to get even more heated, in my view, as the July 29 referendum called for by the Governor of Puerto Rico draws near. It seems fairly obvious what the results of the referendum will be. And while I appreciate President Bush's decision to end the use of Vieques by the year 2003, at this juncture I believe that is not going to be satisfactory. Those are the realities, Mr. President. Many wish it would be otherwise, but I don't think it is going to be so.

As a practical matter, continued civil disobedience is going to make the Navy's use of its facilities impossible. We need to accept it and move on, in my view.

Certainly, we need to find a way for our military to conduct training exercises. That is extremely important, and I don't, in any way, minimize the significance of that particular issue. The question is whether or not there are alternatives to this particular venue which is provoking so much dissent and so many problems for both the Navy and the people of the island of Puerto Rico. A Department of Defense panel has already recommended that the Navy work toward ceasing all training activities on Vieques within 5 years. In light of recent events, that timeframe will clearly have to be accelerated. I find it hard to believe that some interim locations can't be found where much of the necessary training that the Navy needs to conduct could take place. Search for alternative sights needs to be given a much higher priority than was anticipated.

I don't fault those who tried to come up with a time line that would be satisfactory, but the realities are such that I don't think that is any longer possible. The steps I have outlined can begin the process for moving forward on this very difficult and contentious matter that undoubtedly has important implications for the people of Puerto Rico and for our national defense.

Mr. President, again, I salute my friends who have gone down to express not only their views but the views of the overwhelming majority of the people on Vieques. My plea at this particular hour, after having these members serve two weeks in incarceration, is that the courts might find it possible for them to have expressed their obligations by incarcerating these people in light of their civil disobedience, but I think moving on is the best course of action.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

RESPONDING TO LAWRENCE LINDSEY

Mr. CONRAD. Mr. President, I thank the Presiding Officer. Yesterday, Mr. Lawrence Lindsey, the President's chief economic adviser, attacked me in a speech before the Federal Reserve Bank in Philadelphia. In that speech, he repeatedly misrepresented my views, my clear positions, and my record.

Mr. Lindsey, the President's chief economic adviser, for some reason feels compelled to take my positions and twist them into something that is unrecognizable. These are not my positions, not my statements. This is not my voting record. I call on Mr. Lindsey to recant these false statements. This does not improve the level of debate about serious issues and what is to be done about our economy and the management of the fiscal affairs of our country.

Yesterday, Mr. Lindsey, in this speech in Philadelphia before the Federal Reserve, said at one point early in the speech, for example:

> The new chairman of the Senate Budget Committee has alleged the recent tax cuts are driving the country right into the fiscal ditch.

He got that part of it right. I applaud him for that. He then went on to say:

> These views reflect one side of the political debate—one that ultimately favors allocating more of our Nation's resources to government.

Mr. Lindsey, you know better. That was not the proposal of this Senator. The proposal of this Senator in the budget debate this year was to continue to reduce the role of the Federal Government. That was my clear position. That is the clear record, and no attempt by him to distort it can change the facts.

Here are the facts. The spending proposal I put before my colleagues would have continued to reduce the share of our national income going to the Federal Government from 18 percent of gross domestic product to 16.4 percent of gross domestic product, which is the lowest level since 1951. Mr. Lindsey, facts are stubborn things. Mr. Lindsey then went on to say:

> The criticisms of the tax cut and comments on the budget made by Senator Conrad hearken back to views widely held in the 1920s and 1930s.

He went on to describe those views supposedly widely held. He concluded that their solution was to raise taxes. The top income-tax rate was raised from 24 percent to 63 percent. The result, of course, was economic disaster. Mr. Lindsey ascribes those views to me.

Mr. Lindsey, that is false. You know it is false, and that it is a total misrepresentation of the record of this Senator.

Let's turn to what I proposed to our colleagues. These are the charts that were used on the floor of the Senate during the budget debate highlighting the Democratic alternative.

No. 1, we protected the Social Security and Medicare trust funds in every year. Does Mr. Lindsey disagree with that? Let's hear an honest debate about that issue.

No. 2, we paid down the maximum amount of publicly held debt.

Next, we provided for an immediate fiscal stimulus of $60 billion. That was a tax cut, not a tax increase, Mr. Lindsey. That was a tax cut. I was one of the first to propose a significant tax cut—in fact, a tax cut to help stimulate the economy that was far bigger than what the administration proposed.

Let's look at what the administration proposed in terms of a fiscal stimulus for the current year, at a time when we are suffering an economic slowdown. All one has to do is turn to the proposal. This is from the President. Their proposal: No tax cut in 2001. None. Zero. That was their proposal. They had no fiscal stimulus. They had no tax cut at a time of economic slowdown. It was largely Democrats who insisted on providing a bigger tax cut this year to provide a fiscal stimulus to help this struggling economy.

And now, for Mr. Lindsey to twist that around and suggest that I was for a tax increase at a time of economic slowdown, Mr. Lindsey, shame on you. That is false. That is misrepresenting my clear record and my views. Shame on you. You should not engage in debate in that way. You should not take my clear positions, my clear record, and stand them on their head. I am not going to allow it to happen.

Mr. President, I don't know what could be more clear. We provided not only a substantial tax cut this year, but the budget plan I put before my colleagues also provided significant tax relief for all Americans, including rate reduction, marriage penalty relief, and estate tax reform. That is my record—not proposing tax increases at a time of economic slowdown.

That is not my record, that is not my position, and that is not my votes.

We also reserved resources for high-priority domestic needs, including improving education, a prescription drug benefit, strengthening national defense, and funding agriculture, and we provided $750 billion to strengthen Social Security and address our long-term debt. That is my record. Those were my proposals. Those were my positions. And for Mr. Lindsey to go to the Federal Reserve Bank of Philadelphia yesterday and suggest otherwise is flat dishonest.

What has them all fussed up down at the White House? Why do they engage in these ad hominem attacks on the chairman of the Budget Committee and others of us who believe that this administration has put us right into the fiscal ditch?

I think what triggered all of this was a press conference I had after Mr. Lindsey himself said that the revenue they were forecasting this year is going to come in below what they had projected.

What we find, if we follow through this, what some in the media have called this amazing shrinking surplus, is that we started out with a forecast of $275 billion of surplus for this year, but after you take out the trust funds of Social Security and Medicare, the cost of the tax bill, and other related budget items, you get down to only $6 billion available this year, and that is before Mr. Lindsey said the revenue is not coming in as forecast.

That puts us in a negative position. That puts us in a non-trust-fund deficit. That is, when you take out the trust funds of Social Security and Medicare, you see red ink for this year, and I pointed out it is not just this year, this time of economic slowdown, but looking ahead to next year when the administration forecasts strong economic growth that we find the situation is becoming even more serious. This is after the administration promised us a budget plan that could do everything. They said they had a budget plan that would allow for a massive tax cut. They said they could also accommodate a major defense buildup, they could protect Social Security, and they could have maximum paydown of the national debt. They said it all added up. It does not all add up. That is what is becoming more and more clear.

If we look at 2002, the next fiscal year, with a projected surplus of $304 billion, if we take out Medicare and Social Security, we get down to $95 billion. Then take out their tax cut and the budget resolution that passed Congress, and we get down to $25 billion available. But that is before we see a further reduction in the economic forecast because of the economic slowdown.

The economic slowdown this year will mean we have less revenue next year. We had three economists testify before the Budget Committee that we could see a reduction of anywhere from $50 billion to $75 billion next year from what was forecasted in revenue for the Federal Government. That wipes out the available surplus and puts us into a raid on the Medicare trust fund next year, and it even suggests that this administration may be using some of the Social Security trust fund.

That is not at a time of economic slowdown; that is a time in which they are projecting strong economic growth, and yet we see their proposal will be using Medicare and Social Security trust funds to finance other programs of Government at a time they are forecasting—this is the administration's projection—strong economic growth. Yet their proposal will mean we are using Social Security and Medicare trust fund money to finance the other programs of the Federal Government.

This is what I have raised questions about. Does it make sense for this country to use Medicare and Social Security trust fund money to finance the other programs of the Federal Government at a time that the administration is forecasting strong economic growth? I do not think so. I do not think we should finance the other programs of Government, however meritorious, by using the trust funds of Social Security and Medicare at a time of strong economic growth.

Why? Because we all know that in the next decade the baby boom generation starts to retire and these surpluses in the trust funds turn to big deficits.

I should point out that we see trouble next year in terms of the trust funds of Social Security and Medicare being used to finance other programs of Government before the big increase in defense the President has requested.

If we look at what that will do, and we look at 2002, we see we are already in trouble before the President has requested a substantial increase for defense. That just makes the raid on the trust funds deeper and broader.

When we look ahead and put in the Bush defense request, when we put in new money for education, which just passed nearly unanimously in the Senate but is not in the budget, when we put in money for natural disasters, which is not in the budget—but we just had a natural disaster in Ohio the night before last, we just had a natural disaster in West Virginia, we just had natural disasters in Texas—when we put in money for natural disasters, when we address the tax extenders, the popular expiring provisions of the Tax Code we all know are going to be extended that are not in the budget, when we look at fixing the alternative minimum tax fiasco created by this tax bill, which is going to take us from fewer than 2 million people being caught up in the alternative minimum tax to 35 million people being caught up in the alternative minimum tax, and if we just look at the cost of fixing that problem caused by this tax bill, it costs $200 billion to fix, and if we look at additional economic revisions because of the economic slowdown we are experiencing and the associated interest costs, what we see is that every year for the next 9 years this administration's economic plan will be using Medicare trust funds and Social Security trust funds to pay for the other programs of the Federal Government unless some change is made.

One can look at these and say: Gee, I don't think we are going to add any new money for education. Or one can say: I don't think we are going to pay for natural disasters. Or: I don't think we are going to pay to fix the alternative minimum tax that is going to affect 35 million American taxpayers by the end of this period, nearly 1 in 4 taxpayers in this country. Or one can say: We don't think the Bush defense request will be granted.

Fine. One can use one's own assumptions. I just say to my colleagues, this reveals just as clearly as can be that their economic plan, their budget plan, does not add up, did not add up, and puts us right back into the deficit ditch. That is what I have said and that is what I meant, and I believe the record is clear.

Mr. President, I think they realize they are in trouble, so their response has been: Oh, there really isn't a Medicare trust fund surplus. That has been one of their responses. We have heard it in this Chamber, and we have heard it from people in the administration. That is an interesting idea, but if one looks at the report of the Congressional Budget Office on page 19 of the budget outlook, under "Trust Fund Surpluses"—this is a report of the Congressional Budget Office—it shows that Social Security has big surpluses every year. Medicare, hospital insurance, Part A: big surpluses every year.

Part B, the administration claims, has a deficit. That is not what the records show. The records show that it is in rough balance and actually has a slight surplus over the period of the 10 years in this budget. It is not just the Congressional Budget Office documents that show there is a Medicare trust fund surplus; it is the administration's own documents issued by the Office of Management and Budget that show Medicare, Federal hospital insurance, HI trust fund surpluses each and every year.

It is not just Medicare Part A; it is Medicare Part B the administration is now claiming is in deficit. But look at their own reports. Here is Part B, the Federal supplementary medical insurance trust fund; look at the reports they have issued. They show that over the 10-year period of time they are in rough balance in Part B. What they have tried to do is say, because Medicare Part B is financed 25 percent from premiums and 75 percent from the general fund, the general fund contribution represents a deficit. It does not. If we were to apply that standard, every other Federal Government program would be in deficit because they are funded, by and large, by 100-percent contributions from the general fund.

Is this administration claiming the defense budget is in deficit because it is financed 100 percent from the general fund? I have never heard that from them. I never heard from them that education is in deficit because it is funded 100 percent by the general fund. That is precisely how you fund most Government programs.

Medicare Part B physician services actually has an additional funding mechanism. Some of it comes from the general fund, but part of it—25 percent, roughly—comes from the premiums paid by Medicare-eligible people.

Now, is this administration saying that in a deficit they are proposing a big increase in the premiums that senior citizens pay? I would like to hear the answer to that. Is that what they are suggesting? They have a problem because I believe it is wrong to use Medicare and Social Security trust fund money to pay for the other programs of Government. Their own congressional leadership doesn't agree with them.

If they are saying that my views are the views of the 1930s, are they making that same accusation with respect to the Speaker of the House of Representatives—the Republican Speaker of the House of Representatives? This is what he said on that question on March 2 of this year:

> We are going to wall off Social Security trust funds and Medicare trust funds. And consequently, we pay down the public debt when we do that. So we are going to continue to do that. That's in the parameters of our budget and we are not going to dip into that at all.

That is the Republican Speaker of the House of Representatives. Is the White House saying he has 1930s economic views?

It doesn't stop there. This is a quote from the House majority leader, DICK ARMEY, a Republican. He said, this month:

> Let me just be very clear on this. The House of Representatives is not going to go back to raiding Social Security and Medicare trust funds.

Does Mr. Lindsey think DICK ARMEY, the Republican majority leader in the House of Representatives, has 1930s economic views?

It doesn't stop there. Here is a quote from July 11 from the House Budget chairman in the House of Representatives, Mr. JIM NUSSLE:

> This Congress will protect 100 percent of the Social Security and HI trust funds. Period. No speculation. No supposition. No projections. The Congress has voted unanimously, or almost unanimously. There were a few that didn't see it this way for lockboxes and all sorts of different mechanisms to make sure this occurred. Both parties prepared budgets that did so. We will protect 100 percent of Medicare and Social Security.

Does Mr. Lindsey say the Republican House Budget Committee chairman has 1930s economic views? What say you, Mr. Lindsey? It appears to me you are contradicting the elected leadership of your own party in the House of Representatives. And it is not just in the House of Representatives. If we come to the Senate and look at the statement from the former chairman of the Budget Committee, the very distinguished and able Senator PETE DOMENICI, this is his quote:

> For every dollar you divert to some other program, you are hastening the day when Medicare falls into bankruptcy, and you are making it more and more difficult to solve the Medicare problem in a permanent manner into the next millennium.

Mr. Lindsey, does Senator DOMENICI, the former Republican chairman of the Senate Budget Committee, have 1930s economic views?

It is not just the former chairman of the Senate Budget Committee, the former Republican chairman, and not just the elected leadership of the House of Representatives—all Republicans—who have said very clearly that they intend to protect both Social Security and Medicare trust funds. Every Republican Senator, every single one, voted 4 months ago, on language that said the following:

> Preserving the Social Security and Medicare hospital insurance surpluses would restore confidence in the long-term financial integrity of Social Security and Medicare.

That is what they said. They said very clearly the same thing I am saying.

Mr. Lindsey, does every Republican Senator have 1930s economic views? I don't think so.

We ought to have a thorough and honest debate. But Mr. Lindsey, don't misrepresent my view and misrepresent my record. It is there for anybody to check. I proposed not a tax increase this year; I proposed a significant tax reduction, a much bigger tax reduction than this administration proposed for this year. I proposed a real fiscal stimulus at a time of economic downturn. I didn't just propose it; I voted for it. My record is clear.

Interestingly enough, this administration proposed no fiscal stimulus for this year. I am holding up their plan. I will submit it for the RECORD because it is right here. If Mr. Lindsey thinks we have forgotten who proposed what, he is dead wrong. We remember very well.

Who stood where on the question of fiscal stimulus for this year? I not only proposed significant tax relief for this year; I proposed significant tax relief going forward. It is true, not as big a tax cut in future years as the administration proposed, because I could see they were putting us in danger of raiding the Social Security and Medicare trust funds in the future, at times when even they say the economy will be growing strongly. That is their economic plan. That is their budget plan that has put this country in jeopardy, that has put us in a position of violating the trust with the American people. It is their budget plan, it is their tax plan, that has us on a collision course with going back into the deficit ditch.

Mr. Lindsey is the chief economic adviser to the President of the United States and the architect of this failed plan. He will be held accountable by history. He said they had a plan that added up. I confess, I didn't know when I was on the floor day after day after day questioning the wisdom of their plan that it would be revealed in this year how flawed it really was. I did not think we would face a problem until perhaps 2003 or 2004. But already we are in trouble; already this administration is using Medicare and Social Security trust fund money—at least Medicare trust fund money this year, clearly Medicare trust fund money next year and perhaps even Social Security trust fund money—and that is before their request for a substantial increase in defense expenditures.

I am willing to engage in a tough and spirited debate on these issues with any representative of the administration. But I do not expect them to misrepresent my positions and my clear record. That is unacceptable. That is absolutely unacceptable.

All of this is especially ironic, given the headlines in the Washington Post today: "Social Security Future Grim, Bush Panel Says." Here is the first paragraph of that article:

> A commission assigned by President Bush to redesign Social Security yesterday offered a bleak appraisal of a "broken" system, warning that deep benefit cuts, tax increases, or "massive" federal debt are inevitable unless Congress allows the personal retirement accounts the White House favors.

What irony, warning that:

> . . . deep benefit cuts, tax increases, or "massive" federal debt are inevitable unless Congress allows the personal retirement accounts the White House favors.

I have always believed it is inappropriate to say I told you so, but, I told you so. When we had the budget debate, the proposal I put before our colleagues protected the Social Security and Medicare trust funds in each and every year, but, more than that, set aside $750 billion out of the surpluses of today to prepay some of the Social Security liability tomorrow. This administration said no. This administration turned their back on an opportunity not only to protect the Social Security and Medicare trust funds in each and every year but, more than that, to set aside money to prepay part of the liability that is coming, which they now say threatens massive debt, tax increases, or deep benefit cuts.

Where were they when just months ago we had that exact debate? They didn't know this? We all knew it. We all knew that is where we were headed. Yet Mr. Lindsey, as the chief economic adviser to the President, and the rest of this economic team, plunged ahead with a budget and tax plan that never added up, that doesn't add up, that risks putting us back into the budget ditch, and now are misrepresenting my record by trying to assert that I favor tax increases at a time of economic downturn when my record shows absolutely to the contrary, that I proposed a far bigger tax cut this year than did the administration.

Finally, for them to assert that my budget plan meant more resources going to the Federal Government—nonsense. The budget proposal I put before our colleagues continued to shrink the role of the Federal Government, from 18 percent of gross domestic product today to 16.4 percent of gross domestic product at the end of this budget period, the lowest level of GDP since 1951.

Mr. Lindsey, that is my record. Those are my positions. No attempt by you to distort them or misrepresent them is acceptable.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Florida, I ask unanimous consent the order for the quorum call be rescinded.

The Chair hears none, and it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Florida, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:09 p.m., recessed subject to the call of the Chair and reassembled at 12:13 p.m. when called to order by the Presiding Officer (Ms. LANDRIEU).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Louisiana, I suggest the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JACKIE M. CLEGG

Mr. BENNETT. Madam President, I take the floor to join some of my other colleagues on the Banking Committee to express my admiration for and thanks to Jackie Clegg, who is serving her last day as Vice Chairman of the Export-Import Bank. Jackie Clegg might otherwise be known somewhere as Mrs. Chris Dodd. She began her career on the Banking Committee, where she met Senator DODD, as a staffer for my predecessor, Jake Garn from Utah. She is a Utah alumna in Washington, of whom we are all very proud.

She has performed expert service as a member of the Banking Committee staff and now in her new assignment on the Export-Import Bank. We wish her well as she ends her career there.

I wish to note that Jackie has her priorities straight. One of the reasons she is leaving the Export-Import Bank is because she is expecting a child. It will be her first. It will also be Senator DODD's first. I wish them both well in their new anticipated careers as parents.

Jackie understands the importance of a family, and her willingness to give public service has been greatly appreciated, and her willingness now to give a different kind of service that perhaps will have a longer lasting impact as she prepares to bear and raise a child will be something for which she should be congratulated also.

I join with the other members of the Banking Committee in saying to Jackie as she ends her service with the Export-Import Bank: Well done. We are grateful for your service. We are grateful for your leadership. We are grateful for the expenditure of your talents on behalf of your country.

I say to her and CHRIS: Good luck and best wishes as you embark on the sea of parenthood. My wife and I have had six children. We now have 16 grandchildren. And we tell you, Jackie and CHRIS, it is very much worth it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. AKAKA). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL

Ms. LANDRIEU. Mr. President, I wish to rise for a few moments today before we adjourn the Senate for the weekend to speak about one of the appropriations bills that we are going to be dealing with when we return next week and that we will work on through this summer session into the fall. That appropriations bill is the District of Columbia appropriations, which I have the great honor and privilege and opportunity to serve now as Chair, along with my distinguished colleague from Ohio, Senator DEWINE, the ranking member. He and I have worked together very closely for the last several months on that appropriations committee. With the change in leadership, I find myself as Chair of this important committee. I want to spend a minute talking about that role and about some of the responsibilities that I see coming along with that role.

First, let me say that Senator DEWINE and I have been in close communication on many issues that are important to the District. I have great respect for the Mayor and members of the city council, and for Delegate ELEANOR HOLMES NORTON for the great work she does for the District. I look forward to working with them, along with the business leaders, the community leaders, and the labor leaders in the city to help this city be all that it can be and all that it should be.

I am a supporter of home rule and am a supporter of city leaders making decisions for themselves in great measure about how this city should be run, and I have great confidence in the ability of those leaders that I just mentioned.

Particularly, I share the Mayor's vision for this city in large measure. But one of the things that Senator DEWINE and I, and others, have spoken about—there are many Members of the Senate and the House, not the least of whom is the Senator from West Virginia, Mr. ROBERT BYRD, the Senator from Ohio, Mr. VOINOVICH, and the Senator from Illinois, Mr. DURBIN, all of whom play a vital role in the oversight, if you will, of the District of Columbia. I have shared many of my thoughts with them about proceeding in this particular role.

I want to outline a few issues that I would like to focus on and that I will be conducting hearings on—and the many discussions with Members of Congress on some of these issues.

One is the proper role of the chief financial officer. I think it is the cornerstone of our post-Control-Board reform. The District has made tremendous progress—4 years of surpluses, 4 years of better management, and 4 years of developing policies that are helping the District to regain its financial footing.

I think it is very important for us to focus on the role of the chief financial officer to make sure that the new responsibilities he has been given—it is my understanding that about 26 weighty responsibilities for the financial operations of this District have been handed to him by the city council and by our own laws here in Congress—are matched with the proper authority and a proper power to carry out those responsibilities.

I have spent a good bit of this week reading a very excellent report by the DC Appleseed Center, entitled "After the Control Board: The Chief Financial Officer and Financial Management of the District of Columbia," which is the sole focus of this report:

The DC Appleseed Center is an independent non-profit advocacy organization dedicated to making the District of Columbia and the Washington Metropolitan area a better place to live and work, focusing primarily on strengthening the financial health of the District and enhancing the performance of governmental institutions that affect the District.

I ask unanimous consent that the list of the board of directors and staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOARD OF DIRECTORS

Daniel M. Singer, *Chair*, Fried, Frank, Harris, Shriver & Jacobson
Jacquelyn V. Helm, *Vice-Chair*, Law Office of Jacquelyn V. Helm
Roderic L. Woodson, *Secretary*, Holland & Knight
Peter D. Ehrenhaft, *Treasurer*, Ablondi, Foster, Sobin & Davidow
Nicholas W. Fels, *Past-Chair*, Covington & Burling
Robert B. Duncan, Hogan & Hartson
Bert Edwards, (retired), Arthur Andersen
Gary Epstein, Latham & Watkins
Curtis Etherly, Coca-Cola Enterprises, Bottling Companies
Rev. Graylan S. Hagler, Plymouth Congregational, United Church of Christ
John W. Hechinger, Sr. (retired)
Richard B. Herzog, Harkins Cunningham
Carolyn B. Lamm, White & Case
Edward M. Levin (retired), U.S. Department of Commerce
Claudia L. McKoin, Verizon—Washington
Alan B. Morrison, Public Citizen Litigation Group
John Payton, Wilmer, Cutler & Pickering
Andrew Plepler, Fannie Mae Foundation
Gary M. Ratner, Washington Meeting Facilitators
Michael C. Rogers, Metropolitan Washington, Council of Governments
Lawrence R. Walders, Powell, Goldstein, Frazer & Murphy

Affiliations listed only for purposes of identification

STAFF

Joshua S. Wyner, Executive Director
Lori E. Parker, Deputy Director
Emily Greenspan, Program/Development Associate
Adam I. Lowe, Program Associate
Sara Pollock, Program Associate

Ms. LANDRIEU. Mr. President, it is an outstanding board of directors with a very able staff.

I believe the District of Columbia council and the Mayor have referred very positively to this report. I myself will use it as a guideline as I take responsibility of this committee because there are many terrific suggestions outlined here about this particular issue—about the proper authority and power of the CFO.

It is important that the financial officer who is assuming much of the responsibility of the Control Board be properly balanced between being responsive to the Mayor, the chief executive officer of this city, if you will, and his responsibility to the public generally to give independent, accurate, and timely financial information so we can continue on this road to reform. This report will serve as great guidance, and it will be the subject of much of our discussion.

Second, as I said in a public meeting last week with the Mayor and with Delegate NORTON, I agree with them on the structural changes that the District needs to come to grips with that are necessary to provide long-term financial health and prosperity for the District. There are, indeed, some real problems, some structural flaws and some structural deficits that are preventing the city from gathering the tax base and the revenue base necessary to support such a strong and vibrant community. That will be subject to some of our focus.

In addition, I assure all who look to the District of our continuing push for modernization, streamlining operations of the District, and reform of regulatory operations so that we minimize regulation and maximize good results for everyone who lives and works here. That is important.

I commend the Mayor for his extraordinary vision about what the schools can be and should be in the District of Columbia. We have this challenge everywhere around the Nation—every city, large and small, every community, particularly a community with the large population of citizens who may be under the poverty line; where citizens who may be at some disadvantage economically and are struggling with how to create vibrant, well-run and well-managed schools; where teachers are highly motivated, well paid, and highly skilled; where students are getting the kind of nurturing and support they need as well as a place where time-honed values are presented to children with the right combination of discipline and nurturing for them so they can grow, develop, and be all that God intended when he created them.

I share the Mayor's vision for strengthening of the schools. I look forward to working with the new initiatives on the development of charter schools—with more flexibility and choice for parents and a stronger academic outcome. I commend him for the work he is doing.

Also, of great interest, not only to me but to many Members of the Senate, is the push for reforming the court system in the District. Unfortunately, we have had these problems everywhere in our Nation. There have been some real breakdowns in our child welfare system. We have let many children down. We have not always come to their rescue when they have cried. We have sometimes left children languishing in foster care. We have taken their only parent they knew away from them, and then failed to provide them with another one.

The system in the United States has caused a lot of pain and a lot of grief. We have not supported our courts and our social workers and our front line staffers the way we need to around this Nation. It is no different here in the District.

So I am going to work very closely with Senator DEWINE, the father of eight children, who is a great leader for child welfare on the other side of the aisle, and with Delegate NORTON and Congressman DELAY, who are very focused on this issue, to modernize and strengthen the courts, to create a family- and child-centered court system so we stop letting children fall through the cracks.

I read in a book recently that when we say, oh, well, the children just fall through the cracks, actually that is not true because there are no real cracks for children to fall through. What they fall through are our fingers. They fall through our hands, hands that once held them. They have fallen through. So it is our responsibility to make sure the court system at every level and the child welfare system at every level, as much as we can, are strengthened in the District.

Finally, in terms of issues, because of the great support and feedback I have gotten from a wide variety of people—elected leaders, as well as friends and neighbors of mine as a resident here in the District, and actually living on Capitol Hill—I believe in the importance of the recreational opportunities for children of the District, to enhance those recreational opportunities to be commensurate with the surrounding suburbs. In the State of Maryland and in the State of Virginia, there are outstanding facilities where children of those States are able to participate in first-class and world-class sports and recreational activities. I think that is very important for the children and families of this District. We want them to have the same kinds of opportunities that children have in this region and across the Nation.

I am pleased that the National Soccer Association, the U.S. Chamber of Commerce—a broad bipartisan group of citizens around this city—are rallying to the cause of creating this kind of atmosphere that is not only important to children and families, but it is important to the business community. It gives children something to say yes to.

I think, as adults, we have a responsibility to not just say no to them but to give them some things to say yes to, such as outdoor activities and recreation and team sports that build character and keep children occupied at very positive activities.

So with those issues I just outlined, I want to conclude by simply expressing, again, my support for the concept of home rule, but also to recognize my role as the Chair of this subcommittee, to say that every citizen in our Nation—every citizen, from every walk of life—has a special interest in the District of Columbia. This city has to function, obviously, and be responsive to the residents who live here—the approximately 500,000 residents—but this District has a special responsibility.

Unlike any other city—unlike New York or Philadelphia or New Orleans or San Francisco or Chicago, or smaller communities around the Nation—this city has a particular responsibility to every citizen of the Nation because every citizen of this Nation looks to this city as the Capital. It is part of our democratic heritage that we share as a nation of citizens. So I will be trying to represent the interests of those citizens in this debate as much as my ability will allow.

Finally, in my role as chair, I also see responsibility to the Federal Government as an employer. We are the largest employer in this District. In relation to large employers anywhere—whether it is Boeing in Seattle or another large employer in another city somewhere in America—the Federal Government employs more people in the District of Columbia directly and indirectly, by far, than any other employer.

As an employer, we have an inherent interest in the financial management of the city that we are in about its daily operations, and we have standing in those discussions. So there is a balance between home rule and the Federal Government's proper and legitimate expressions, as the largest employer in this city, of how this community should operate and how it should function.

Then, thirdly, there is a place at the table for the citizens in every State and community about the District. I hope to be able to balance those three truths as carefully as I can as chair.

I want to say one more thing about large employers. If Boeing is dissatisfied with the way the city of Seattle was being run, they have tremendous leverage. They can basically pick up and move their operations. We have seen large corporations use that leverage many times. We have seen employers pick up literally 10,000, 15,000 employees, and move out of a city to another place. They vote with their feet. If they do not like the way things are run, they have that opportunity, and employers everywhere exercise that option.

But I will point out, for this discussion, the Federal Government, as an employer, does not truly have that option. We cannot move the Capital. Some Senators have tried, but the Capital is here, and it is going to stay here. We cannot move the central operation of this Nation.

So while I would not want to use the word "hostage" in the wrong way, we are subject to not have the same leverage that other large employers have. So in the role as chair of this committee, I take on extra responsibility to try to communicate, in as constructive a way as possible, the views of the Federal Government as an employer. Particularly in the areas of public safety and transportation, our employees who work in the District, who are employed by the Federal Government, have a legitimate standing in those debates.

So let me say, in closing, that I look forward to working with many of my colleagues. Senator BYRD, himself, the distinguished Senator from West Virginia, served for 7 years in the capacity as chair of this committee. I cannot say at this date that I will serve as chair for 7 years—for as long as Senator BYRD served—but I can promise you, it will be no less than 4 years. If I can make it 7, I may try, because it is a lot of responsibility and it is a lot of work.

But I come to this chair at a time of great promise for this city, and with a great leadership team to work with, the Mayor and the city council, and who are poised for reform, some men and women who have literally given blood, sweat, and tears to lift this District to a place that holds great promise for not only the residents who live here, including every single child who lives here today, but for families everywhere.

So I am looking forward to that with great anticipation and great enthusiasm and will, again, focus on these important issues.

I thank the Presiding Officer. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. BYRD. Mr. President, today we are considering the conference report on H.R. 2216, the Supplemental Appropriations Act for fiscal year 2001.

My colleague, Senator STEVENS, is momentarily off the floor. He has some constituents. He understands that we are beginning our discussions and has indicated his willingness for me to proceed. But he will come to the floor shortly and have some things to say also about the conference report.

On June 1, 2001, President Bush asked Congress to consider a supplemental request for $6.5 billion primarily for the Department of Defense. The conference report the Senate will adopt later today totals $6.5 billion—not one dime above the President's request.

The conference report contains no emergency designations. The President has said he will not support such emergency designations, so the conferees have not included any emergency designations in this bill. Unrequested items in the bill are offset.

The conference report is the product of the hard work and cooperation of all of the conferees, especially Senator STEVENS, ranking member of the Appropriations Committee in the Senate, and Chairman BILL YOUNG, the House Appropriations Committee chairman, and the ranking member of the Appropriations Committee in the House of Representatives, DAVID OBEY.

I cannot say enough about the cooperation of my friend and colleague, the former chairman of the Appropriations Committee in the Senate and now the ranking member, TED STEVENS. The word really isn't "cooperation." It is better than that. It is "leadership"—leadership on the part of Senator TED STEVENS. TED STEVENS has been exemplary in his cooperation and support as we have crafted this conference report, as we have crafted this agreement in a bipartisan and collegial way.

The distinguished ranking member is on the floor now. As I indicated earlier, "cooperation" is not really the word. There is a better word than that. The word is "leadership." I compliment the distinguished Senator from Alaska, Mr. STEVENS, on his leadership in crafting this agreement.

It was not an easy task to craft an agreement that had no emergency designation, that offset all unrequested items, an agreement which conformed to Senate rule XXVIII and was not one dime over the President's request. I thank all of the conferees for their cooperation.

The conference report includes a number of offsets to pay for unrequested items, and Members should know—and perhaps be reminded—that with passage of the bill, we are at the statutory cap for budget authority in fiscal year 2001.

H.R. 2216 funds the President's defense request for a net increase of $5.5

billion, including $1.6 billion for defense health care, $515 million for military pay and benefits, $3.25 billion for increased military readiness, including the high costs of natural gas and other utilities, for increased military flying hours, and for other purposes. The conference report also includes $278 million for defense-related programs of the Department of Energy.

While the conferees have approved the President's request for the Department of Defense, I stress the importance of accountability for these and future funds. Financial accountability remains one of the weakest links in the Defense Department's budget process. This is no criticism of the Secretary of Defense. He is a new man on the job. He has been there before, but he inherited this. It is an accumulation over years and years.

Recently, the General Accounting Office reported that, of $1.1 billion earmarked for military spare parts in the fiscal year 1999 supplemental, only about $88 million could be tracked to the purchase of spare parts. The remaining $1 billion—or 92 percent of the appropriation—was transferred to operations and maintenance accounts, where the tracking process broke down. We must do better in making sure these dollars that are requested for spare parts go where they are intended.

The conference report includes report language requiring the Secretary of Defense to follow the money and to provide Congress with a complete accounting of all supplemental funds that are appropriated for spare parts. I am gratified that the administration recognizes this problem and included $100 million for strengthening the DOD financial management systems in their recent budget amendment for fiscal year 2002.

The conference report provides $300 million for the Low Income Energy Assistance Program, an increase of $150 million above the President's request, to help our citizens cope with high energy costs. The conference agreement also includes $161 million for grants to local education agencies under the Education for the Disadvantaged Program in response to the most recent poverty and expenditure data. Also provided is $100 million as an initial U.S. contribution to a global trust fund to combat AIDS, malaria, and tuberculosis.

A special request was made to me by our leader on this side of the aisle, Mr. DASCHLE. In conformity with his request, I worked to have $100 million included for that purpose, and it is here in this conference report. In addition, $92 million requested by the President for the Coast Guard is included, as is $115.8 million requested for the Treasury Department for the cost of processing and mailing out the tax rebate checks.

The conference report includes $3 million for the Department of Agriculture for inspection and enforcement activities to protect and promote humane treatment of animals.

The American people are becoming increasingly sensitive to the treatment of animals. In the past few weeks, in the local papers here in Washington—the Washington Post and the Washington Times—I have read reports of animals being processed while still alive—processed for food products while still alive. They were not adequately stunned; they could still feel pain. So we are trying to do something about that on appropriations. The American people are becoming sensitive to it. Reports of cruelty to animals through improper livestock production and slaughter practices have hit a nerve with the American people. So this provision attempts to address their growing concern. Additional inspectors are being provided by moneys that were added in our committee—the $3 million added for additional inspectors to enforce the laws that are already on the books. We expect those laws to be enforced.

The bill includes authority to make payments during fiscal year 2001 from the radiation exposure trust fund to provide compensation to the victims of radiation exposure for individuals who were involved in the mining of uranium ore and those who were downwind from nuclear weapons tests during the cold war. These victims have waited for too long for this, and I compliment the Senator from New Mexico, Mr. DOMENICI, and Senator TED STEVENS for their insistence upon a proper response by the Congress, by the Government, to the needs of these people who have been promised assistance.

The conference agreement includes critical disaster assistance through the Corps of Engineers and the Departments of Agriculture, Interior, Transportation, and Defense in response to recent flooding, ice storms, earthquakes, and other natural disasters across the Nation. These are the kinds of items, certainly, that are eligible to be called emergencies. These are acts of God—not the acts of man but the acts of God—and they ought to be designated emergencies. That is what they are. They are unforeseen and they are very costly—many times in human lives. There has to be help, and there is a certain area of assistance when these disasters come that can only be supplied by the Federal Government. They cost all of the people. So there are times when there must be items in appropriations bills that are properly designated as emergencies. But even so, we don't have any emergencies in this bill; no items are designated emergency. There was $473 million in the House bill designated as emergencies but not in this conference agreement. We helped the House to find offsets for these items.

I am particularly pleased that this supplemental bill does include disaster assistance in response to recent floods in West Virginia. During the weekend of July 7 and 8, communities in eight southern West Virginia counties were ravaged by torrential floodwaters. Entire towns were buried in mud. For many families, this latest flood came just weeks after cleanup efforts were completed from heavy rains in May that prompted a Federal disaster declaration. In this latest round of devastating flooding, more than 3,000 homes were damaged or destroyed, and the severe impact on the infrastructure in the southern part of my State—from roads, bridges, water and sewer, to power sources—has brought a normal way of life to a screeching halt.

The U.S. Department of Agriculture funding of $8 million is provided in the supplemental to remove debris and obstruction from waterways and to protect property. Additionally, $8 million is provided in the supplemental for the Corps of Engineers to assist in the recovery effort. FEMA estimates that its costs of cleanup and recovery in West Virginia will be at least $180 million. FEMA funding is available through existing appropriations, and the committee has included $2 billion for FEMA in the fiscal year 2002 VA-HUD appropriations bill. We did that yesterday in our Senate Appropriations Committee.

I am very appreciative and grateful for the cooperation my colleagues have demonstrated with regard to the funding that has been added, which will accelerate the pace of recovery in West Virginia. West Virginia is not the only State that has been hurt in this regard. But true to the nature and character of the people of West Virginia, West Virginians immediately began to reclaim their communities. I have seen this happen time after time after time over the long years in which I have served in the Senate—the mud, the muck, the misery that accompanies these sudden storms. West Virginia is prone to these things because we have these steep mountains that run up suddenly from the deep hollows, which lend themselves to these sudden storms and floods.

This aid will help to repair the state's injured infrastructure and clear the debris that has clogged our waterways.

The conference agreement does not include additional funding for FEMA disaster relief or Forest Service firefighting programs. On July 17, 2001, OMB Director Mitch Daniels sent the Appropriations Committee a letter which indicates that the Administration believes that these programs have adequate funding through the end of this fiscal year. We will closely monitor this situation and if there is need for additional resources, we will address those needs in the fiscal year 2002 appropriations bills, which as I say we already began yesterday. We began addressing many of these needs that exist in several States by including $2 billion for FEMA.

In its June 19, 2001 Statement of Administration Policy on House action on the supplemental, the Administration states that, "emergency supplemental appropriations should be limited to extremely rare events." So I say again and again and again, this conference agreement contains no emergency designations. I do believe that it is appropriate for Congress and the President to use the emergency authority from time to time in response to natural disasters and other truly unforseen events. How rare such events may be, is up to a power greater than the Congress or the White House. There is such a power.

Mr. President, during debate on the recent tax-cut bill, I argued that the tax cuts contained in that bill could return the Federal budget to the deficit ditch. I stressed that the tax cuts were based on highly suspect 10-year surplus estimates and that if those estimates proved illusory, the tax-cut bill would result in spending the Medicare surplus.

While we are confronted with this problem, we on the Appropriations Committee are very sensitive to it. We are very sensitive to it. We are trying to be responsible. We are trying to be responsive to the needs of the country, and I think the action by the conferees, and particularly by this Senate and more especially by our committee, has indicated that we know how to be responsive and we know how to be responsible.

I thank my colleagues. Again, I thank the benign hand of destiny for allowing me to work with a Senator of the stature of TED STEVENS. This is not the first time I have said things like this, and it ought not be the last time, either.

I have been on the committee 43 years. This is my 43rd year. No Senator in history has ever served on the Appropriations Committee 43 years, other than I. I have seen chairmen come and I have seen them go and, in the main, they have all been good chairmen.

When we are in a time such as this when we have to scrimp and save and hold on to every penny, as it were, and I find myself chairman of the committee, I would be an ungrateful wretch if I did not thank my colleague, Senator STEVENS, and the other members of the committee on both sides of the aisle for my good fortune.

I thank them for my good fortune in having them on board that committee at a time when responsibility of being chairman devolves upon me.

Again, I say this bill has not one thin dime—not one thin dime, not one Indian head copper penny—above the President's request; not one penny, not one thin Indian head copper penny above the President's request. Do you hear me down there at the other end of the avenue? We are not one thin dime above the White House request.

I think that is something to ponder upon. This bill is within the statutory spending limits. It is a responsible bill. I urge Members to support it.

We had planned to have this matter before the Senate on Monday, but the administration has indicated its need for action on this bill today. Senator STEVENS has responded. He is here at his post of duty. We are working with the leaders on both sides of the aisle who also have implored us to move on this, and we are doing that.

Mr. President, I shall shortly turn to my colleague Senator STEVENS, but first, we are moving just a little bit ahead of calling up the conference report. Let me do that now.

I ask unanimous consent that the Senate now proceed to the conference report to accompany H.R. 2216, the supplemental appropriations bill; that once Senator STEVENS has concluded his remarks, the conference report be adopted; that the motion to reconsider be laid upon the table; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the conference report.

The senior assistant bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2216, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of July 19, 2001.)

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I certainly commend our chairman, Senator BYRD, for taking the action he has taken and the leadership of the Senate, Senator DASCHLE in particular. We did have an urgent plea from the military that we act today on this bill rather than wait for Monday. We have responded to that request. It is a supplemental. It is primarily concerned with Defense appropriations, and it is vitally needed. We hope these supplementals will not be long needed, as Senator BYRD has indicated.

If we plan our bills properly and they are executed properly by the executive branch of our Government, we would not have requests for supplementals unless because of an act of God or because of an unforeseen event we were called upon to provide additional moneys for the current fiscal year. This is money for this current fiscal year.

Because of the practices of the past, moneys have been diverted from the operation and maintenance account. We tried to account for those. It has not really been possible to account for them as much as we would like. Senator BYRD has indicated we want greater specificity of how the money is spent, particularly from the supplemental, so we can determine whether they are needed in the future.

This one, I am confident, is needed. If Members of the Senate will remember the long delays in the last part of last year and the basic problem of utilizing some of the moneys from the O&M account, as I indicated for peacekeeping and other matters, we have gotten into the habit by the time we reach the fourth quarter of the fiscal year of the Department of Defense needing more money.

We hope we are addressing that situation in the bill for 2002 so that will not happen. I join Senator BYRD in saying we do not look forward to holding the Senate up on Friday afternoons dealing with a supplemental unless it truly is for an emergency or for an unforeseen situation. This is not that bill. This is a supplemental because enough money was not provided for the Department of Defense for the current fiscal year. These moneys are necessary.

I do believe this conference report meets the needs as defined by the President in the submission he made in a request for supplemental. It was an urgent defense supplemental but not an emergency bill that we received. As Senator BYRD said, there is no emergency money in this bill. No account required emergency spending. It provides additional resources for critical readiness and for quality of life and medical programs.

At the end of the last Congress, we passed two bills, one dealing with health care and another dealing with pay affecting the Department of Defense. In order to fund those, they had to take money out of the first three quarters of this calendar year and use it for the programs, meaning the other programs, particularly the readiness programs which are involved in the steaming hours, the flying hours, the use of tanks in the field, the maneuvers. These cost money. This bill is to fund those. That is why it was urgent we finish this bill today.

However, there are other priorities, some of which Senator BYRD has mentioned. He mentioned the radiation compensation. I point out also there is money for the new problems that have come up with regard to the Salt Lake City Olympics, for the defense nuclear programs. I commend Senator BYRD particularly for calling to the attention of the committee the President's request for additional money to respond to the international AIDS crisis.

There is money here. That is a legitimate supplemental request. It may even come under the heading of being an emergency one of these days. It is a near world emergency. At least we have jumped the gun and made moneys available now, which the President actually requested for 2002, and the President has indicated an appreciation of that action, and I am sure he will be pleased to sign this bill.

We have started off under a new management. A slight revolution went on here and we changed positions, but this bill demonstrates we can work together in a bipartisan fashion. I think the supplemental conference we had with our friends in the House, the chairman of the House committee, Congressman BILL YOUNG, and the ranking member, Congressman OBEY, had probably the best—there is no other word for it than ambience, the best feeling I have had in a long time. We all realized we had a lot to do in a short time to do it. We are behind the curve as far as our bills are concerned. This bill came through conference between the House and Senate in record time.

It does represent a lot of things. As Senator BYRD mentioned, there are some things for his State, there are a couple things that affect my State. I will point that out.

Over the Fourth of July recess, I went home and examined the area and talked to the Forest Service about that area of our State where a controlled fire got out of control, a fire on Forest Service lands that actually had gone into the beetle kill area. We have an enormous amount of our forests in Alaska that have already been killed by beetles. This fire left the Federal lands and swooped into an area that already had been planned for scheduled harvest of timber from State lands. We had provided for that. It is not emergency money, but it is money to assist the Forest Service to deal with the Kenai Spruce Bark Beetle Task Force, allowing them to respond to the wildfires that are taking place now in Alaska due to this problem, the enormous fire in the kill area where the beetles have killed so many of our trees.

It also has a provision to allow funds that we previously appropriated for the State of Alaska to construct a seed laboratory in Palmer, our agricultural area. The law had to be changed so that those funds could be used. The money was made available, but there was a defect in the previous law. It makes permanent a provision that Congress has included in previous bills recognizing those tribes in our State of Alaska that are entitled to tribal priority allocations, and also makes some corrections regarding legislation previously funded, when there were banned inadvertently 11 of our crab vessels from participating in our fishing operations.

When we handled these, we were able to make technical changes in the law, enabling previously appropriated funds to be used as we intended them to be used. There are several of those technical corrections in this bill that affect my State. Again, I express my appreciation to Senator BYRD and other members of the committee for being willing to address those and to allow making these small changes that are necessary so these funds already appropriated for this year can be used this year. That is why the provisions are in this bill.

Mr. President, the Supplemental Appropriations conference report contains two provisions that are very important to the North Pacific fishing industry. The first provision makes changes to the American Fisheries Act to ensure that U.S. lenders may continue to offer financing to fishermen and fishing companies after October 1, 2001. The second provision makes changes to a fishing vessel capacity reduction program to ensure that all vessels which meet the standards set by the North Pacific Fishery Management Council may participate in the Bering Sea crab fisheries.

The American Fisheries Act, AFA, helped "Americanize" the domestic fisheries by requiring that U.S. fishing vessels be 75 percent owned and controlled by U.S. citizens at all tiers of ownership and in the aggregate. The AFA also limits the class of lenders that may hold a preferred mortgage on a fishing vessel to "fisheries citizens" who meet the 75 percent standard, state- or federally-chartered financial institutions which meet the controlling interest (51 percent) requirement in section 2(b) of the Shipping Act of 1916, or lenders using a mortgage trustee which qualifies as a fisheries citizen. These standards apply to the more than 36,000 U.S. fishing vessels in our domestic fleets. The Maritime Administration's implementing regulations give special scrutiny to vessels 100 feet in length or greater.

Since these regulations were promulgated, Congress has been told that most large lenders cannot prove that they are U.S. citizens under Marad's rules. Proof can only be made through an examination of shareholder records, which is a practical impossibility for widely-held companies. Shares in these lending institutions are traded thousands of times a day, and are often held by mutual funds on behalf of the real equity owners. The same proof problems have discouraged financial institutions from acting as mortgage trustees.

Section 2202(a) moves the provisions defining a mortgage trustee from Chapter 121 of title 46, which deals with vessel documentation, to chapter 313, which deals with vessel mortgages. This will prevent the loss of a fishery endorsement by a vessel if that vessel's mortgage trustee falls out of compliance with the statute.

Section 2202(b) expands the class of lenders eligible to hold a preferred mortgage to include state- or federally-chartered financial institutions insured by the Federal Deposit Insurance Corporation, farm credit lenders, specific banks created under state law, and eligible commercial lenders. This provision more accurately reflects the types of lenders currently making loans to the fishing industry.

Section 2202(c) expands the class of eligible mortgage trustees to include any entity eligible to hold a preferred mortgage directly, provided that it also meets other requirements. Marad will specifically analyze the trust arrangements of beneficiaries which are not commercial lenders, or are not eligible to hold preferred mortgages directly.

Section 2202(d) delays the effective date of these changes until 2003 to give Marad time to develop new regulations. I strongly encourage Marad to promulgate draft regulations by March 1, 2002, and final regulations not less than 180 days later, so that Congress may review the new rules before they take effect. Additionally, Congress's significant concern over foreign control of fishing vessels that led to the AFA has not lessened since it was enacted in 1998. In promulgating new rules that take into account the specific legislative changes made by this provision, Marad should also take every step necessary to ensure that foreign capital is neither impermissibly invested in nor controlling our fisheries.

Finally, Section 2202(e) addresses commerce treaties between the United States and certain foreign countries. After consultation with the State Department, Marad recently determined that these treaties exempt foreign ownership of U.S. fishing vessels from the AFA's 75 percent U.S. ownership standards. Section 213(g) of the AFA as enacted would exempt additional foreign investments made between now and October 1, 2001. This provision closes that window, and freezes the foreign ownership at today's levels.

The other provision in the Supplemental Appropriations Act, section 2201, corrects an interpretation of law that inadvertently disqualified several vessels from the crab fisheries. This provision restores the eligibility of those permit holders which used the fishing history from multiple vessels to meet the qualifying periods agreed to by the North Pacific Council.

My last comment is that we have expressed a desire from our majority leader that we try to move nine bills before the August recess. That is 2 weeks away. I am committed to try and work with Senator BYRD and other Members to achieve that goal. I think it is important to do it, if possible.

The fact this is a fair and balanced agreement and one that has come out of our committees on a bipartisan basis is a harbinger of good things ahead. I hope we can work on the other bills the way we have on this one and demonstrate our commitment to catch up on the appropriations process and deliver on the request of the majority leader: that we report out and get to conference prior to the time we leave for the August recess the nine bills that have been outlined by the chairman.

Again, I am grateful and humbled by the comments of my friend from West Virginia, having been my mentor for so many years. To have him make the comments he did concerning me is a humbling matter. It is more than a privilege to serve with Senator BYRD. It is really a great honor. To be able to stand here now as the ranking Republican is something I wasn't sure would ever occur to me, just as I am not sure I would become chairman, but I fervently hope some day I might become chairman again.

(Ms. STABENOW assumed the chair.)

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. BYRD. Upon his completing his statement, the Senate will have acted on this conference report.

Let me refer to some things I inadvertently overlooked. One is the splendid staff work that was demonstrated in bringing this conference report to the floor and bringing the meeting of the minds of conferees in both Houses, the meeting of the minds together. It was the most remarkable display of statecraft that I have seen in my service on committees in the Senate, the way our staffs worked.

The Senate appropriations staff on both sides is a class act, a class act.

I thank Terry Sauvain and Chuck Kieffer and Steve Cortese. These are remarkable men in the way they worked together and the way they worked in the House. I want to extend the same expressions of thanks and admiration to the House staff, Jim Dyer and Scott Lily. It is remarkable. This is a real class act to watch. I also want to thank our ranking members, Mr. STEVENS and others on that side of the aisle, THAD COCHRAN and the other Members on the Republican side of the aisle in committee. These are fine people to work with, never a hint of partisanship. None.

In closing, I also inadvertently omitted the name of Senator BINGAMAN when I spoke about the authority to make payments during fiscal year 2001 from the reparation exposure trust fund.

I mentioned the leadership of Senator STEVENS and Senator DOMENICI in this area. I inadvertently overlooked the name of Senator BINGAMAN. He was an original Senate sponsor of this effort. He is not on the committee, but he certainly attends to his duties and responsibilities toward the people of New Mexico. In this instance they can be proud of him, likewise.

Madam President, I thank the Chair. My, "how sweet it is," as Jackie Gleason used to say, how sweet it is to serve with men and women like we have on our Appropriations Committee.

I yield the floor.

Mr. STEVENS. Madam President, I thank Senator BYRD for his comments in honor of Terry Sauvain who is now staff director of the full committee. This is his first bill in that capacity. This demonstrates his basic approach, and we are blessed by his presence and knowledge, that he also has decided to proceed, as Senator BYRD and I have, on a bipartisan basis. He has been very gracious to all Members on our side. I thank Senator BYRD for commenting about Steve Cortese, a brilliant former staff director, now staff director for the minority. He really is a key man in the Senate as far as I am concerned; and Andy Givens here, working with me along with Lisa Sutherland; and I am pleased Senator BYRD mentioned Senator THAD COCHRAN, who is here, who was a member of our conference and has really contributed greatly to the outcome of this bill.

It is my understanding when I yield the floor the bill will pass; is that correct, Madam President?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Will the Senator yield. Forgive me for asking him to yield one more time. In speaking of our ranking member, I must not overlook the splendid work of the paradigm of patriotism that is constantly and consistently and always and never-endingly shown by DANNY INOUYE, the ranking member of our committee on this side of the aisle, and how fortunate we are to have, in this particular bill which deals mostly with defense, how fortunate we are to have the guidance and the leadership of the chairman, TED STEVENS, and the ranking member, DANNY INOUYE of the Defense Appropriations Committee subcommittee.

Mr. STEVENS. Will the Senator yield?

Mr. BYRD. Yes.

Mr. STEVENS. Turn that over. We have just changed seats.

Mr. BYRD. Yes. OK.

Mr. STEVENS. Chairman INOUYE and Ranking Member STEVENS.

Mr. BYRD. The Senator is correct. But those two, TED STEVENS and DANNY INOUYE, are just like TED STEVENS and ROBERT BYRD. It really doesn't make a difference. If it weren't for the fact that I am expected, if I leave the Chair momentarily, to call on a Democrat, I would just be as sure and as confident and secure if I turned it over to TED STEVENS. It would not make a bit of difference to me personally. I would say: TED, I have to go out for a moment to see some constituents. Would you take over?

We are fortunate, though, in having TED STEVENS and DANNY as the two key members on national defense, active at the helm in our development and managing of this supplemental. I thank the Senator.

Mr. STEVENS. I was going to mention Senator INOUYE because he mentioned to me earlier we ought to do something to try to see if we can get this bill finished today. So we have met Senator INOUYE's request.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the conference report?

If not, under the previous order, the conference report is agreed to. The motion to reconsider is laid upon the table.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

COMPLIMENTING SENATOR STABENOW AND HER FRESHMEN COLLEAGUES

Mr. BYRD. Madam President, I would not want this beautiful July afternoon to pass without my paying compliments to the Senator who is presiding over the Senate at this point. She presides with a dignity and bearing and manner and presence that are so rare as a day in June.

Just look at that smile. I have never seen a more beautiful smile than that the Presiding Officer today constantly wears.

Walt Whitman said:

> A man is a great thing upon the earth and throughout eternity, but every jot of the greatness of man is unfolded out of woman. . . .

How fortunate we are to have had a degree of presiding professionalism as we see in the new Members of this Senate as they are called upon to preside every day. It is a chore. They have to take their valuable time away from their office and desk where they may be reading letters from constituents, signing letters to constituents, dictating letters to constituents, or working in a hundred other ways every day in the service of the Nation, the service of the people of their State. Yet they give their time to come here and preside.

This group of Presiding Officers in this new class of Senators is the best overall group I have seen in my 43 years of service in the foremost upper body in the world today. This is a good example.

The Presiding Officer, DEBBIE STABENOW from Michigan, is not reading a magazine. She is not sitting up there reading the newspapers. She is not sitting up there signing mail. There used to be a telephone up there. When I became majority leader, I yanked that telephone out so people who are presiding cannot sit there and talk on the telephone. I urge all new Members when they sit up there and preside to pay attention to the Senate. Please don't be signing your mail up there. Please don't be reading a magazine. Please don't be reading newspapers. Be alert to what is being done on the Senate floor.

It is a suggestion that goes over very well at first, but then so many times I have noticed they lapse into the same old habit of reading and signing their mail. It just kind of makes my spirit fall. But I do not see these new Senators doing that. They do not bring their mail up there. They sit there, very alert. And when they ask for order, they get it.

I will have more to say about this on Monday, I promise you. But I just couldn't let this occasion pass or this fleeting moment go by without complimenting the Senator from Michigan, DEBBIE STABENOW, who sets a fine example as a Senator and as a Presiding Officer.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDATION OF THE PRESIDING OFFICERS

Mr. DASCHLE. Madam President, I know the distinguished chairman of the Appropriations Committee just complimented the Presiding Officer, and I, too, want to add my commendation. She is an outstanding Presiding Officer, and she is willing to spend the time and make the commitment to preside over the Senate. As the chairman has indicated, we have a number of extraordinary Senators who are spending the time and making that kind of commitment. I applaud all of them and I appreciate the way in which they are presiding. I commend especially the distinguished Senator from Michigan.

I am disappointed that beginning next week we will not have bipartisan Presiding Officers. I appreciate the importance of the job of the Presiding Officer, especially late in the day on a Friday.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

MODIFICATION TO AMENDMENT NO. 1024

Mr. DASCHLE. Madam President, I ask unanimous consent that the amendment found on page 56 of the managers' amendment numbered 1024 to H.R. 2311, the energy and water appropriations bill, be modified with the technical correction to the instruction line which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 11, after line 16, insert the following:

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

AMENDMENT NO. 1029, AS MODIFIED

Mr. DASCHLE. Madam President, I ask unanimous consent that the previously agreed to amendment numbered 1029 be modified with the language at the desk in order to vitiate action on the last division of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1029), as modified, was agreed to, as follows:

On page 20, line 16, strike the numeral and all that follows through the word "Code" on page 18 and insert in lieu thereof the following: "$3,348,128 shall be set aside for the program authorized under section 1101(a)(11) of the Transportation Equity Act for the 21st Century, as amended and section 162 of title 23, United States Code;"

On page 33, line 12, strike the word "together" and all that follows through the semi-colon on line 14.

LEGISLATIVE APPROPRIATIONS ACT, 2002

OFFICE OF TECHNOLOGY ASSESSMENT

Mr. BINGAMAN. Mr. President, my amendment intends to restore a lost capability to assess the effects of science and technology on our Congressional policymaking process.

Mr. DURBIN. Is the Senator proposing to restart the former Office of Technology Assessment?

Mr. BINGAMAN. I am not proposing to restart Office of Technology Assessment (or OTA). But, I feel that today we lack the analytical insight of its technology assessment process.

Mr. DURBIN. How is the Senator proposing that these funds be used?

Mr. BINGAMAN. I am proposing a one year pilot program to utilize technology assessment methodology to analyze current science and technology issues affecting our Congress. I am proposing to implement this by contracting with outside non-profit agencies such as the National Academy of Sciences. My intent was for the Congressional Research Service to manage this activity as I feel they are better suited to conduct and oversee this type of long term research activity. In doing so. I was hoping that oversight would be provided by the Senate Rules and House Administration Committees and through these Committees, the Joint Committee on the Library of Congress.

Mr. DURBIN. Who is the Senator now proposing to manage this activity?

Mr. BINGAMAN. It has been suggested that the General Accounting Office can better serve this function. I feel that the General Accounting Office may not be suited for such a long term research activity. The GAO is investigative in nature. However, it is better to start an initial pilot program utilizing the OTA technology assessment method rather than no pilot program at all. So, I offer this amendment to use the General Accounting Office. But, I ask the Chairman that during conference, serious consideration be given to my request of having the Congressional Research Service manage this pilot program.

Mr. DURBIN. How will the initial studies be chosen for the pilot program and how will it be reported?

Mr. BINGAMAN. The General Accounting Office should submit a listing of Congressionally relevant technology assessment studies to its oversight committees, the Senate Committee on Governmental Affairs and the House Committee on Government Reform. From this list, two projects should be chosen, one by each Committee no later than October 31st, 2001. The technology assessment studies should then begin with a report given to both Committees, and the House and Senate Appropriations Committee, no later than June 15, 2002. At that time the decision can be made as to whether this technology assessment process was beneficial enough to continue it a second year. If this pilot program is to continue, I recommend that the funding be executed using the Office of Technology Assessment authorization language. Rather than OTA's 200 person, $20 million budget, the organization would be a small legislative branch staff using outside non-profit groups to perform the in-depth research.

ACCESS TO VA HEALTH CARE IN WEST VIRGINIA

Mr. ROCKEFELLER. Madam President, as chairman of the Committee on Veterans' Affairs, I want to share with my colleagues some of the concerns voiced by veterans at a recent field hearing in my state of West Virginia.

On July 16, the Committee held a hearing in Huntington, West Virginia, to examine the challenges facing veterans from rural areas who receive health care through the Department of Veterans Affairs. The Committee held its last West Virginia field hearing on access to rural VA health care in 1993.

Since then, profound changes in VA's health care delivery—a rapid increase in community clinics, eligibility reform that opened the system to more veterans, and the reorganization of VA into 22 service networks—have affected how veterans access basic and specialized medical care.

The challenges that face VA in providing the best health care possible to our Nation's veterans are often magnified in rural areas, where veterans and VA caregivers must stretch already limited resources over long distances. West Virginia contends with a unique situation: each of our four VA medical centers belongs to a different VA service network. While this partitioning creates problems for West Virginians, it also offers the Committee the opportunity to study in microcosm the problems facing veterans throughout the VA health care system.

Regrettably, many of the problems discussed at the 1993 field hearing remain with us: the struggles with an inadequate budget, long waiting times for care, too few VA personnel to provide specialized care, insufficient long-term care services, and transportation problems for veterans traveling to or between VA medical centers. And, with the aging of the veterans population and continued absence of meaningful prescription drug coverage under Medicare, veterans' concerns about access to, and copayments for, prescription drugs grow even more pressing.

It will not be easy to solve these problems; after the President's recent tax cut, there is simply not enough money available—either in the President's budget or the Budget Resolution adopted by the Congress—for veterans' health care. That said, we must do our best to improve access to rural health care with the resources that we have.

On July 16, West Virginia veterans talked to me about the obstacles they face just to get an appointment at a VA health care facility, and then in getting to that appointment for care. Veterans report to the State Veterans Coalition that they regularly wait months for an appointment for basic VA medical care—or even longer for a first visit. After veterans have finally seen a doctor for a first exam, they may wait weeks or months longer for a referral to needed specialty care.

For veterans in rural areas, referrals frequently require a transfer to distant VA medical centers. After hours of driving, veterans may sit for many more hours in a waiting room, without meals or a safe place to rest. A shocking number of veterans disabled by spinal cord injuries neglect basic medical checkups to avoid travel. One West Virginia veteran described making more than 30 round trips to the VA hospital at Richmond for tests based on a single referral; and his story, unfortunately, is not unique. This is not only inconvenient for the veteran, but a waste of VA resources.

VA must focus on coordination and management of care between facilities—both to provide the best health care and to consider the practical needs of veterans. For veterans who must drive long distances or depend on van services, appointments could be scheduled to accommodate their traveling times. VA could coordinate tests to compress them into the shortest time span possible, with lodging arranged when an overnight stay is required. Veterans who served this country should not be expected to sleep in waiting room chairs and to go hungry when simple attention to details can prevent excessive traveling and long waits. At the very least, VA should have a systemwide plan for communicating how transfers work, and what resources are available, to veterans and their families.

Although it is impossible to expect that every veteran in the Nation's vast rural areas can access every health care service close to home, it is essential that—should they require care at distant VA or private facilities—their transfers happen as simply and efficiently as possible. VA's network and hospital directors must eliminate barriers to coordinating and managing care between medical centers or between networks. I will continue to work with VA to find better ways to communicate with veterans and to make transfers as seamless as possible.

The Millennium Act, which VA has been shamefully slow to implement, will provide veterans with access to noninstitutional long-term care services. As I heard from the son of a World War II ex-prisoner of war, now being cared for at home at his family's expense, aging veterans suffering from PTSD need caregivers who understand the legacies of war-time experiences. The Committee will continue to oversee VA's efforts to bring long-term care services—both nursing beds and noninstitutional services—to the veterans who need it.

I have advocated the opening of community-based outpatient clinics, which bring basic primary health care closer to the veteran. These outpatient clinics are enormously important to veterans in rural areas, and I will continue to urge VA to make these clinics the best they can possibly be—without sacrificing the specialized programs at which VA has excelled.

We have to count more than just the number of clinics and hospitals when we talk about access to health care—we must consider waiting times for an appointment. Many of the delays in appointments, referrals, and transfers that veterans experience stem from inadequate staffing, especially the increasingly critical shortage of skilled nurses. I have recently introduced legislation to improve VA's ability to recruit and retain nurses, whose skills are essential to providing high quality health care in a timely fashion.

Finally, I would like to take this opportunity to acknowledge the efforts of the many volunteers who help bring rural veterans closer to health care. Disabled American Veterans (DAV) operates a nationwide Transportation Network that helps sick and disabled veterans reach VA medical facilities for care. Since its inception, DAV volunteers in West Virginia have dedicated more than 700,000 hours of time to driving veterans to medical appointments, often in vans donated by DAV to the VA. Nationally, DAV Hospital Service Coordinators operate 185 such programs, where 8,000 volunteers donated almost 2 million hours last year alone. Although this program does not replace VA's obligation to bring services close to the veteran where possible and to smooth transfers between medical centers, this service is certainly indispensable to disabled veterans who must reach a VA medical center for necessary medical care.

Mr. President, in closing, I look forward to working with VA and my colleagues in the Senate to find the best ways to extend health care more efficiently—and effectively—to veterans in our Nation's rural areas. We owe our veterans nothing less.

IN RECOGNITION OF THE SIXTH NAVAL BEACH BATTALION

Mr. DOMENICI. Madam President, I rise today to recognize the bravery and fortitude of the Sixth Naval Beach Battalion, many of whom gave their lives for their country on D-Day, June 6, 1944. Recently, a small group of the living members of the Battalion gathered in Normandy, France to unveil a commemorative plaque dedicated to their fellow sailors who paid the ultimate price for the defense of liberty. This memorial will serve as a small reminder of the tremendous sacrifice that these men made in order to secure the freedoms that we, as a nation, now enjoy.

Unfortunately, for many years, the Sixth Naval Beach Battalion was known as the "Forgotten Sailors." While many of its members were individually recognized for their bravery, the Battalion as a whole had never been recognized. However, thanks to the persistent efforts of its living members, the Battalion was finally honored last year with the Presidential Unit Citation. This great honor was presented to the Battalion at its annual reunion last year, and I am proud that the valiance of these men has finally been recognized.

The World War II generation is frequently referred to as America's "Greatest Generation," and this is no more true of the Sixth Naval Beach Battalion. They landed on Omaha Beach early in the morning of June 6 and faced extraordinary peril on that historic day. Yet, the Battalion demonstrated its courage and fought gallantly despite overwhelming odds. We owe a tremendous debt of gratitude to all of the members of the Battalion, both living and deceased, for the hard-fought victory over tyranny that was achieved on that day.

I would like to share my gratitude for the bravery and selflessness of the Sixth Naval Beach Battalion. I would hope that America never forgets the great sacrifice that the Battalion's members made in the defense of our liberty. Mr. President, I ask unanimous consent that the speech given by Lieutenant Commander Joseph Vaghi at the unveiling of the commemorative plaque be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEDICATION ADDRESS OF THE 6TH NAVAL BEACH BATTALION PLAQUE AT OMAHA BEACH—NORMANDY, FRANCE

(By LCDR Joseph P. Vaghi, USNR (Ret.))

We are here today this 5th day of June 2001, to unveil a plaque dedicated in memory of the men of the 6th Naval Beach Battalion who gave their lives on D-Day, June 6, 1944.

A small remnant of living members of our Battalion is also here today to pay tribute to their comrades, who have fallen and paid the ultimate price by giving their lives.

Each and every person here for this unveiling shares in the victory of freedom over tyranny by the selfless action which took place 57 years ago on this sacred soil of Omaha Beach.

You will remember that for four long years the fate of freedom flickered in the shadow of the world's aggressions.

We watched as the war in Europe spread across the English Channel to Britain. Then came Pearl Harbor. We as a nation were at war.

It was on these beaches of Normandy that the 6th Naval Beach Battalion made its contribution in the fight for liberty and against tyranny. This became the greatest military operation in all of history.

The men of the 6th Naval Beach Battalion had great faith that what was head of us was right and just. We knew what we were doing had to be done.

It made little difference if we were 18 or 38 years of age. We knew that what we were about to do was in some manner exactly what God wanted us to do.

The men of the 6th Naval Beach Battalion prepared for D-Day at Camp Bradford, VA., and Fort Pierce, FL., on the beaches of Slapton Sands, England, and in training with the 5th Engineer Special Brigade in Swansea, Wales.

At each step, we become more aware of the responsibility we would be asked to assume as we landed on the shores of France.

Elements of our battalion who were part of the Underwater Demolition Team landed at H-Hour (6:30 in the morning) with the main body of the battalion coming ashore an hour and five minutes after H-Hour at 7:35 a.m.

Of the thousands of men who came ashore that day, 9386 are at rest in the cemetery above the cliffs behind us.

This plaque we dedicate today is in memory of our comrades, and in extension is in memory of all who were laid to rest in the hallowed ground of the Normandy Cemetery. The plaque will be a perpetual reminder of the sacrifices made here on this beach, not only the 6th Naval Beach Battalion but the Coast Guard and Army too.

Last year at the 12th annual reunion of our battalion we were presented with the Presidential Unit Citation. It had been recommended by the Joint Command of Operation Overlord, which was the code name for the invasion of France, both the Army and Navy issued approval and recommendations that the 6th Naval Beach Battalion be honored with the citation.

When inquiries were made by some of our men, the Defense Department began looking into the situation and in September of last year there followed a full ceremony for the presentation of the award.

For 56 years we of the 6th Naval Beach Battalion were known by writers as the "Forgotten Sailors." Many of the officers and men of the Battalion had been recognized for individual heroism but not the Battalion as a unit.

Our being here today is the cap-stone of our reson d'etre, the 6th Naval Beach Battalion stands with all the great body of men who have been immortalized here on these beaches. Permit me to close by quoting President Roosevelt, "The quality of our American fighting men is not all a matter of training, or equipment, or organization. It is essentially a matter of Spirit. That Spirit is expressed in their faith in America!"

That was the faith we had then and the faith we have today. Thank you, may God bless America.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 27, 1990 in Grand Chute, WI. Two policemen, from Marathon County and Blanchardville, were accused of disorderly conduct in the beating of a gay man. Witnesses said the officers, who were in a local nightclub, began taunting the victim on the dance floor with anti-gay slurs. Witnesses said they later saw the officers beat and kick the man in the parking lot. The victim was treated for bruised ribs and internal injuries.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

DEPARTMENT OF JUSTICE NOMINATIONS

Mr. LEAHY. Mr. President, I am pleased that the Judiciary Committee has reported another group of executive branch nominees and that the Senate will be acting on the President's nominations to head the Civil Rights Division and the Tax Division of the Department of Justice so promptly.

Just as the committee proceeded promptly with the consideration of the President's nomination of John Ashcroft to be Attorney General, when I temporarily chaired the committee in January, we are continuing to move promptly on other nominations this month. In January, the Senate did not receive the nomination of John Ashcroft until January 19 and reported it to the Senate the very next day. In deference to the President, the committee had moved ahead with hearings on the nomination the week of January 16 in advance of receiving the nomination by the President.

The Senate has confirmed the President's nominations of the Attorney General, the Deputy Attorney General and a controversial nomination to serve as Solicitor General. The President has yet to nominate anyone to be Associate Attorney General, the third highest ranking position at the Department of Justice. We have confirmed nominees to serve as Deputy Attorneys General to head the Criminal Division, the Antitrust Division, the Office of Legislative Affairs, and the Office of Legal Policy.

In late May, Chairman Hatch conducted a hearing on the nomination of Ralph F. Boyd, Jr., to be the Assistant Attorney General in charge of the Civil Rights Division. I had included Mr. Boyd's nomination on the agenda for a business meeting of the Judiciary Committee last week, our first week in session after the adoption of a Senate organizing resolution and the assignment of committee membership. But less than half of the Republican members of the committee showed up for the business meeting on July 12. We were unable to reach a quorum last week to report out the President's nominations to the Justice Department. Yesterday, at our next business meeting of the Judiciary Committee, we reported that nomination to the Senate.

It took the Senate the entire month of June to pass S. Res. 120, a simple resolution reorganizing the committees. It was only last Tuesday that assignments to committees were completed. Last Wednesday, the first day after the committee membership was set, we proceeded to hold a confirmation hearing including an additional executive branch nominee, Eileen O'Connor, to be Assistant Attorney General for the Tax Division of the Department of Justice. Today the Senate has that nomination before it because we were able to expedite its consideration by the committee at our business meeting yesterday. I expect the Senate will confirm Ms. O'Connor, another of the President's nominations to a key post at the Department of Justice. I am glad to be able to accommodate the request of the Attorney General to expedite her consideration.

This week the Judiciary Committee proceeded with back-to-back days of hearing on the important nominations of Asa Hutchinson to head the Drug Enforcement Administration and James Ziglar to head the Immigration and Naturalization Service. I have noticed another hearing for next Tuesday for judicial and executive branch nominees, including the President's nominees to be Assistant Attorney General to head the Office of Justice Programs and to be the Director of the National Institute of Justice.

The Senate received the President's nomination of a new FBI Director on Wednesday of this week and I proceeded that same day to notice hearings on that important nomination to begin a week from Monday. It is my hope that with the cooperation of all Members and the administration we should be able to make progress and work toward Senate consideration of the nomination of Robert Mueller to be Director of the Federal Bureau of Investigation before the August recess, if possible. I have asked for the cooperation of all members of the committee, on both sides of the aisle. I noticed the hearings on Robert Mueller's nomination to begin on July 30. We will see if it is possible for the committee to act on that nomination before the August recess, which would be my preference.

I regret that Senators and their staffs will have not have more time to prepare for so important a hearing as that on the nominee to be the next Director of the FBI. It is my hope that the series of oversight hearings regarding the FBI in which we have been engaged, including our hearing this week, have helped and that Senators will be able to adhere to an expedited schedule for the hearing, a very brief turnaround time for written follow up questions and immediate Committee consideration.

We have set an ambitious schedule of five confirmation hearings this month on the President's nominees. We have completed three of those confirmation hearings and have another scheduled for each of the next two weeks. We have also reported a number of nominees, including the three Judicial Branch and two Executive Branch nominees before the Senate for consideration today.

The nomination of Ralph Boyd, Jr., to head the Civil Rights Division was reported unanimously and without objection by the Judiciary Committee. Senator KENNEDY, in particular, has been a strong and consistent advocate for this nomination and I thank him for his efforts. This will be one of the least contentious paths for a nominee to head the Civil Rights Division in some time. Indeed, the Judiciary Committee refused for the last three years of the Clinton administration even to report to the Senate President Clinton's nomination to head the Civil Rights Division. The handling of this nomination and the treatment of the nominee by Members not from the President's party stand in sharp contrast to the treatment of Bill Lann Lee.

I join with Senator KENNEDY in urging the Senate to act favorably on the nomination of Ralph Boyd, Jr.

NOMINATION OF JOHN D. GRAHAM

Mr. TORRICELLI. Mr. President, I rise today to express my opposition to the confirmation of John D. Graham, Ph.D. to direct the Office of Information and Regulatory Affairs, (OIRA), at the Office of Management and Budget, (OMB).

As Administrator of OIRA, Dr. Graham would be the gatekeeper for all Federal regulations. In my view, Dr. Graham, with his anti-regulatory views, is simply the wrong choice to serve in this important policy making position.

In enacting the Occupational Safety and Health Act, the Clean Air Act and other safety and health and environmental laws, Congress made a clear policy choice that protection of health and the environment was to be paramount consideration in setting regulations and standards. Dr. Graham's views and opinions are directly at odds with these policies.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO THE MONTGOMERY HIGH SCHOOL CLASS OF 1951

• Mr. ROCKEFELLER. Madam President, I believe that it is our families, friends and communities that create the very essence of our beings. They serve as our roots, instilling the values that shape our personal relationships and our professional careers.

In youth, we often fail to realize the crucial role that these people play, and we often lose touch with the people who mold us into whom we are today. With the passage of time, we can only wonder what path we might have otherwise taken had we maintained contact. Today, I would like to join a very special group of West Virginians—the Montgomery High School class of 1951—as its members renew the bonds of youth in celebrating the 50th anniversary class reunion.

As the members of Montgomery High School class of 1951 gather for their 50th anniversary reunion, they will recall the carefree days of their youth. Once again, they will refer to themselves as the Greyhounds of Montgomery High. Visions of victorious football games and summer vacations will waft through their collective memory as they join in singing their beloved Alma Mater.

They'll reminisce about Saturday nights at the Rockette and spending afternoons with friends at Kelly's Drug Store. More importantly, they will remember the diversity that makes Montgomery such a very special place. Communities such as Cannelton, Kimberly, Powellton, Smithers, and Deep Water joined together, creating a unique bond that remains today.

The Class of 1951 should be commended for renewing the bonds fostered more than 50 years ago. In celebrating this occasion, its members remind us of the importance of community in our own lives.

In honor of Montgomery High School class of 1951, on the occasion of its 50th anniversary, I am reminded that "between the lofty mountains where the great Kanawha flows, in a valley that is magic and the seed of wisdom grows. Hail Montgomery."•

MESSAGE FROM THE HOUSE

At 10:42 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2216) making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2500. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2957. A communication from the Acting Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to the Strategic Plan for Fiscal Years 2001 to 2007; to the Committee on the Judiciary.

EC–2958. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for May 2001; to the Committee on Governmental Affairs.

EC–2959. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant to law, a report relative to the Physicians' Comparability Allowance Program Presidential Report for 2001; to the Committee on Governmental Affairs.

EC–2960. A communication from the District of Columbia Auditor, transmitting, a report entitled "Health and Safety of the District's Mentally Ill Jeopardized by Program Deficiencies and Inadequate Oversight"; to the Committee on Governmental Affairs.

EC–2961. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Medicare Contracting Reform Amendments of 2001"; to the Committee on Finance.

EC–2962. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 Differential Earnings Rate" (Rev. Rul. 2001–33) received on July 18, 2001; to the Committee on Finance.

EC–2963. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief from Nondiscrimination Rules for Certain Church Plans and Federal/International Plans" (Notice 2001–46) received on July 18, 2001; to the Committee on Finance.

EC–2964. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, a draft of proposed legislation entitled "Defense Production Act Amendments of 2001"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2965. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a Determination to allow the Export-Import Bank to finance the sale of defense articles to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC–2966. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the semiannual Monetary Policy Report dated July 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2967. A communication from the Deputy Secretary of the Office of the Chief Accountant, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Commission Policy Statement on the Establishment and Improvement of Standards Related to Auditor Independence" received on July 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2968. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital" (RIN2550–AA02) received on July 18, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2969. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "To authorize the Secretary of Agriculture to prescribe, adjust, and collect fees to cover the costs incurred by the Secretary for activities related to the review and maintenance of licenses and registrations under the Animal Welfare Act"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2970. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulations Under the Federal Insecticide, Fungicide, and Rodenticide Act for Plant-Incorporated Protectants (Formerly Plant-Pesticides)" (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2971. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues Derived Through Conventional Breeding From Sexually Compatible Plants of Plant-Incorporated Protectants (Formerly Plant-Pesticides)" (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2972. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues of Nucleic Acids that are Part of Plant-Incorporated Protectants (Formerly Plant-Pesticides)" (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2973. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Plant-Incorporated Protectants (Formerly Plant-Pesticides), Supplemental Proposal" (RIN2070–AC02) received on July 16, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2974. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues Derived Through Conventional Breeding From Sexually Compatible Plants of Plant-Incorporated Protectants (Formerly Plant-Pesticides)" (FRL6057-6) received on July 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2975. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues of Nucleic Acids that are Part of Plant-Incorporated Protectants (Formerly Plant-Pesticides)" (FRL6057–5) received on July 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2976. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulations Under the Federal Insecticide, Fungicide, and Rodenticide Act for Plant-Incorporated Protectants (Formerly Plant-Pesticides)" (FRL6057) received on July 17, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2977. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Research and Promotion Branch, Agricultural Marketing Service, transmitting, pursuant to law, the report of a rule entitled "Blueberry Promotion, Research, and Information Order; Amendment No. 1" (Doc. No. FV–00–706–FR) received on July 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2978. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7015–8) received on July 16, 2001; to the Committee on Environment and Public Works.

EC–2979. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7015–9) received on July 16, 2001; to the Committee on Environment and Public Works.

EC–2980. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emission from Organic Chemical Production" (FRL7014–1) received on July 17, 2001; to the Committee on Environment and Public Works.

EC–2981. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of VOCs from Wood Furniture Manufacturing, Surface Coating Processes and Miscellaneous Revisions" (FRL7013–7) received on July 17 , 2001; to the Committee on Environment and Public Works.

EC–2982. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7016–4) received on July 17, 2001; to the Committee on Environment and Public Works.

EC–2983. A communication from the Deputy Administrator of the General Service Administration, transmitting, pursuant to law, a Report of Building Project Survey for Canton, OH; to the Committee on Environment and Public Works.

EC–2984. A communication from the Acting General Counsel, Office of the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Coast Guard Authorization Act of 2001"; to the Committee on Commerce, Science, and Transportation.

EC–2985. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Inc Model 205–A1, 205B, 212, 412, 212CF and 412 04" ((RIN2120–AA64)(2001–0335)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2986. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–7001GW Series Airplanes Modified by Supplemental Type Certificate ST09100AC–D, ST09704AC–D, ST09105AC–D, or ST09106AC–D" ((RIN2120–AA64)(2001–0316)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2987. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives:

Boeing Model 767–200 Series Airplanes; request for comments" ((RIN2120–AA64)(2001–0313)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2988. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revisions to Requirements Concerning Airplane Operating Limitations and the Content of Airplane Flight Manuals for Transport Category Airplanes" (RIN2120–AH32) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2989. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAe Systems Limited Model BAe 146 and Model Avro 146–RJ Series Airplanes" ((RIN2120–AA64)(2001–0330)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2990. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Luftfahrt GMBH Models 228–100, –101, –200, –201, –202, and –212 Airplanes" ((RIN2120–AA64)(2001–0331)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2991. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Aerospatiale Model ATR42–500 Series Airplanes" ((RIN2120–AA64)(2001–0332)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2992. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330–301, 321, 322, and 342 Series Airplanes and Airbus Model A340 Series Airplanes" ((RIN2120–AA64)(2001–0336)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2993. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L 1011–385 Series Airplanes" ((RIN2120–AA64)(2001–0337)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2994. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International, SA CFM56–3, –3B, and –3C Series Turbofan Engines" ((RIN2120–AA64)(2001–0322)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2995. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace HP137 Mk1, Jetstream Models 3101 and 3201 Airplanes" ((RIN2120–AA64)(2001–0328)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2996. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company CF6–50 Series Turbofan Engines" ((RIN2120–AA64)(2001–0333)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2997. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney Cancada Model PW305 and PW305A" ((RIN2120–AA64)(2001–0334)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2998. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DG Glubzeugbau GmbH Model DG–500MB Sailplanes" ((RIN2120–AA64)(2001–0325)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–2999. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 80 Series Airplanes; and Model MD 88 Airplanes" ((RIN2120–AA64)(2001–0326)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3000. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Hartzell Propeller Inc. Y Shank Series Propellers" ((RIN2120–AA64)(2001–0327)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3001. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200 and 300 Series" ((RIN2120–AA64)(2001–0329)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3002. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SOCATA Groupe AEROSPATIALE Model TBM 700 Airplanes" ((RIN2120–AA64)(2001–0321)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3003. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney, request for comments" ((RIN2120–AA64)(2001–0320)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3004. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Model PC–7 Airplanes" ((RIN2120–AA64)(2001–0323)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3005. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: DG Flugzeugbau GmbH Model DG–800B Sailplanes" ((RIN2120–AA64)(2001–0324)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3006. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8–100, –200, and –300 Series Airplanes" ((RIN2120–AA64)(2001–0317)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3007. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: VALENTIN GmbH Model 17E Sailplanes; request for comments" ((RIN2120–AA64)(2001–0318)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3008. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopters Textron Canada Model 430 Helicopters" ((RIN2120–AA64)(2001–0319)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3009. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes" ((RIN2120–AA64)(2001–0314)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3010. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model L–1011 Series Airplanes; request for comments" ((RIN2120–AA64)(2001–0315)) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3011. A communication from the Legal Technician of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Occupant Protection Incentive Grants" (RIN2127–AH40) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3012. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Protection of Voluntarily Submitted Information" (RIN2120–AG36) received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Appropriations, without amendment:

S. 1215: An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107–42).

By Ms. MIKULSKI, from the Committee on Appropriations, without amendment:

S. 1216: An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107–43).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KERRY for the Committee on Small Business and Entrepreneurship.

*Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration.

By Mr. ROCKEFELLER for the Committee on Veterans' Affairs.

*Gordon H. Mansfield, of Virginia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DASCHLE, Mr. JOHNSON, and Mr. BURNS):

S. 1210. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Indian Affairs.

By Ms. CANTWELL (for herself and Mr. SMITH of Oregon):

S. 1211. A bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 1212. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for qualified energy management devices, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL:

S. 1213. A bill to authorize a short-term program of grants to certain electric utilities to be passed through, in the form of credits toward electric bills, to consumers that reduce electric energy consumption and to establish an Electric Energy Conservation Fund to provide loans to utilities and nonprofit organizations to fund energy productivity projects; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS (for himself and Mr. GRAHAM):

S. 1214. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HOLLINGS:

S. 1215. An original bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. MIKULSKI:

S. 1216. An original bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations and offices for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. DODD (for himself, Mr. DEWINE, Ms. SNOWE, Mr. KENNEDY, Mr. ROBERTS, Mr. JOHNSON, Mr. EDWARDS, Mrs. FEINSTEIN, Ms. COLLINS, Mr. WELLSTONE, Mr. BINGAMAN, and Mrs. MURRAY):

S. 1217. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 312, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers and fishermen, and for other purposes.

S. 409

At the request of Mr. DURBIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 761

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 761, a bill to provide loans for the improvement of telecommunications services on Indian reservations.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 1042

At the request of Mr. INOUYE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1048

At the request of Mr. DEWINE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1048, a bill to amend the Internal Revenue Code of 1986 to provide relief for payment of asbestos-related claims.

S. 1082

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1082, a bill to amend the Internal Revenue Code of 1986 to expand the expensing of environmental remediation costs.

S. 1116

At the request of Mr. INOUYE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1116, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 1134

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1134, a bill to amend the Internal Revenue Code of 1986 to modify the rules applicable to qualified small business stock.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Illinois (Mr. DURBIN), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S.J. RES. 18

At the request of Mr. SARBANES, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S.J. Res. 18, a joint resolution memorializing fallen firefighters by lowering the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. DASCHLE, Mr. JOHNSON, and Mr. BURNS):

S. 1210. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, I am pleased to be joined by Senators INOUYE, DASCHLE, JOHNSON, and BURNS in introducing a bill that reauthorizes the Native American Housing Assistance and Self-Determination Act, NAHASDA, of 1996, P.L. 104-330. As many of my colleagues know, NAHASDA promotes tribal self-determination and self-sufficiency as it builds upon the government-to-government relationship that exists between Indian tribes and the Federal Government.

NAHASDA became effective on October 1, 1997 and provides a single, flexible block grant for tribes or tribally-designated housing entities, TDHE, to administer Federal housing assistance. Under this block grant system, NAHASDA empowers tribes to determine local needs and authorizes tribal decision making when it comes to Indian housing policy.

Before NAHASDA, the Federal Government dictated the planning, financing and building of Indian housing. Since NAHASDA's enactment, tribes are in the "driver's seat," and have the right to make certain decisions with regard to resource allocation; and also have the responsibility to determine the needs of their members and to make every effort to satisfy those needs.

In the past five years, NAHASDA has assisted tribes in making great strides in the quality and quantity of housing provided to Indian and Alaska Native communities. In fact, HUD estimates that over 25,000 new units of housing have been placed in Indian and Alaska Native communities under NAHASDA. This number is 10 times the maximum annual number of units provided for Indian communities under the previous Indian housing program.

Even with all the success of NAHASDA, Indian communities continue to live in the worst housing conditions in the United States. In fact, Indian housing is often and justifiably compared to the conditions present in Third World countries. Some of the startling statistics that characterize housing in Indian communities show that: 1 out of every 5 Indian homes lacks complete plumbing; 40 percent of homes on Indian lands are overcrowded and have serious physical deficiencies; and 69 percent of homes on Indian lands are severely overcrowded with up to 4 or 5 families living in the same two bedroom house.

These statistics illustrate that there is still much work to be done. NAHASDA has been a good first step in improving living conditions in Indian and Alaska Native communities, however there is still a tremendous need for adequate housing in these communities.

In the first few years of NAHASDA implementation, some bumps in the road were experienced. To provide a better transition from the old HUD dominated regime to the new policies of NAHASDA, I introduced a bill to provide technical amendments to strengthen and clarify NAHASDA. These technical amendments were necessary to ensure the proper implementation and enforcement of NAHASDA. With the recent enactment of the Native American Housing Assistance and Self-Determination Act Amendments of 1999, P.L. 106-568, NAHASDA is better suited to meet its goals and responsibilities.

The bill I am introducing today will extend NAHASDA for an additional five years. With the groundwork now laid, both Indian tribes and HUD should be able to provide improved housing assistance to Indian and Alaska Native communities.

Moreover, the extension of NAHASDA will encourage greater utilization of NAHASDA programs including its Title VI Loan Guarantee program, designed to aid tribes in leveraging federal funds in partnership with the private sector.

As Chairman of the Committee on Indian Affairs, I am committed to ensuring that NAHASDA is implemented in a fair, efficient and productive manner. It is my hope that the enactment of certain technical amendments in P.L. 106-568, and the reauthorization of NAHASDA will ensure improved housing assistance to all Indian and Alaska Native communities for years to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Housing Assistance and Self-Determination Reauthorization Act of 2001".

SEC. 2. REAUTHORIZATION OF THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.

(a) BLOCK GRANTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended by striking ", 1999, 2000, and 2001" and inserting "through 2006".

(b) FEDERAL GUARANTEES.—Subsections (a) and (b) of section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) are each amended by striking ", 1998, 1999, 2000, and 2001" and inserting "through 2006".

(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ", 1998, 1999, 2000, and 2001" and inserting "through 2006".

By Mr. HOLLINGS (for himself and Mr. GRAHAM):

S. 1214. A bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to introduce the Port and Maritime Security Act of 2001. This legislation is long overdue. It is needed to facilitate future technological and advances and increases in international trade, and ensure that we have the sort of security control necessary to ensure that our borders are protected from drug smuggling, illegal aliens, trade fraud, threats of terrorism as well as potential threats to our ability to mobilize U.S. military force. I introduced similar legislation in the last Congress, but time did not allow us to proceed any further with the legislative process. However, this is just too important an issue to let it go by, and I intend to work with Senator GRAHAM, and others to try and craft a policy to help protect our maritime borders.

The Department of Transportation recently conducted an evaluation of our marine transportation needs for the 21st Century. In September 1999, then Transportation Secretary Slater issued a preliminary report of the Marine Transportation System, (MTS) Task Force—An Assessment of the U.S. Marine Transportation System. The report reflected a highly collaborative effort among public sector agencies, private sector organizations and other stakeholders in the MTS.

The report indicates that the United States has more than 1,000 channels and 25,000 miles of inland, intracoastal, and coastal waterways in the United States which serve over 300 ports, with more than 3,700 terminals that handle passenger and cargo movements. These waterways and ports link to 152,000 miles of railways, 460,000 miles of underground pipelines and 45,000 miles of interstate highways. Annually, the U.S. marine transportation system moves more than 2 billion tons of domestic and international freight, imports 3.3 billion tons of domestic oil, transports 134 million passengers by ferry, serves 78 million Americans engaged in recreational boating, and hosts more than 5 million cruise ship passengers.

The MTS provides economic value, as waterborne cargo contributes more than $742 billion to U.S. gross domestic product and creates employment for more than 13 million citizens. While these figures reveal the magnitude of our waterborne commerce, they don't reveal the spectacular growth of waterborne commerce, or the potential problems in coping with this growth. It is estimated that the total volume of domestic and international trade is expected to double over the next twenty years. The doubling of trade also brings up the troubling issue of how the U.S. is going to protect our maritime borders from crime, threats of terrorism, or even our ability to mobilize U.S. armed forces.

Security at our maritime borders is given substantially less Federal consideration than airports or land borders.

In the aviation industry, the Federal Aviation Administration (FAA) is intimately involved in ensuring that security measures are developed, implemented, and funded. The FAA works with various Federal officials to assess threats direct toward commercial aviation and to target various types of security measures as potential threats change. For example, during the Gulf War, airports were directed to ensure that no vehicles were parked within a set distance of the entrance to a terminal.

Currently, each air carrier, whether a U.S. carrier or foreign air carrier, is required to submit a proposal on how it plans to meet its security needs. Air carriers also are responsible for screening passengers and baggage in compliance with FAA regulations. The types of machines used in airports are all approved, and in many instances paid for by the FAA. The FAA uses its laboratories to check the machinery to determine if the equipment can detect explosives that are capable of destroying commercial aircrafts. Clearly, we learned from the Pan Am 103 disaster over Lockerbie, Scotland in 1988. Congress passed legislation in 1990 "the Aviation Security Improvement Act," which was carefully considered by the Commerce Committee, to develop the types of measures I noted above. We also made sure that airports, the FAA, air carriers and law enforcement worked together to protect the flying public.

Following the crash of TWA flight 800 in 1996, we also leaped to spend money, when it was first thought to have been caused by a terrorist act. The FAA spent about $150 million on additional screening equipment, and we continue today to fund research and development for better, and more effective equipment. Finally, the FAA is responsible for ensuring that background checks, employment records/criminal records, of security screeners and those with access to secured airports are carried out in an effective and thorough manner. The FAA, at the direction of Congress, is responsible for certifying screening companies, and has developed ways to better test screeners. This is all done in the name of protecting the public. Seaports deserve no less consideration.

At land borders, there is a similar investment in security by the Federal Government. In TEA–21, approved $140 million a year for five years for the National Corridor Planning and Development and Coordinated Border Infrastructure Program. Eligible activities under this program include improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicles and cargo movements; construction of highways and related safety enforcement facilities that facilitate movements related to international trade; operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movements; and planning, coordination, design and location studies.

By way of contrast, at U.S. seaports, the Federal Government invests nothing in infrastructure, other than the human presence of the U.S. Coast Guard, U.S. Customs Service, and the Immigration and Naturalization Service, and whatever equipment those agencies have to accomplish their mandates. Physical infrastructure is provided by state-controlled port authorities, or by private sector marine terminal operators. There are no controls, or requirements in place, except for certain standards promulgated by the Coast Guard for the protection of cruise ship passenger terminals. Essentially, where sea ports are concerned, we have abrogated the Federal responsibility of border control to the state and private sector.

I think that the U.S. Coast Guard and Customs Agency are doing an outstanding job, but they are outgunned. There is simply too much money in the illegal activities they are seeking to curtail or eradicate, and there is too much traffic coming into, and out of the United States. For instance, in the latest data available, 1999, we had more than 10 million TEU's imported into the United States. For the uninitiated, a TEU refers to a twenty-foot equivalent unit shipping container. By way of comparison, a regular truck measures 48-feet in length. So in translation, we imported close to 5 million truckloads of cargo. According to the Customs Service, seaports are able to inspect between 1 percent and 2 percent of the containers, so in other words, a drug smuggler has a 98 percent chance of gaining illegal entry.

It is amazing to think, that when you or I walk through an international airport we will walk through a metal detector, and our bags will be x-rayed, and Customs will interview us, and may check our bags. However, at a U.S. seaport you could import a 48 foot truck load of cargo, and have at least a 98 percent chance of not even being inspected. It just doesn't seem right.

For instance, in my own state, the Port of Charleston which is the fourth largest container port in the United States, just recently we got our first unit even capable of x-raying intermodal shipping containers, and we have the temporary deployment of a canine unit. By way of comparison, the Dallas/Fort Worth is the fourth largest airport in the United States, it would be inconceivable that an airport of this magnitude have just one single canine, and one piece of screening equipment. This is simply not sufficient.

The need for the evaluation of higher scrutiny of our system of seaport security came at the request of Senator GRAHAM, and I would like to commend him for his persistent efforts in addressing this issue. Senator GRAHAM has had problems with security at some of the Florida seaports, and although the state has taken some steps to address the issue, there is a great need for considerable improvement. Senator GRAHAM laudably convinced the President to appoint a Commission, designed similarly to the Aviation Security Commission, to review security at U.S. seaports.

The Commission visited twelve major U.S. seaports, as well as two foreign ports. It compiled a record of countless hours of testimony and heard from, and reviewed the security practices of the shipping industry. It also met with local law enforcement officials to discuss the issues and their experiences as a result of seaport related crime.

For instance, the Commission found that the twelve U.S. seaports accounted for 56 percent of the number of cocaine seizures, 32 percent of the marijuana seizures, and 65 percent of heroin seizures in commercial cargo shipments and vessels at all ports of entry nationwide. Yet, we have done relatively little, other than send in an undermanned contingency of Coast Guards and Customs officials to do whatever they can.

Drugs are not the only criminal problem confronting U.S. seaports. For example, alien smuggling has become increasingly lucrative enterprise. To illustrate, in August of 1999, INS officials found 132 Chinese men hiding aboard a container ship docked in Savannah, GA. The INS district director was quoted as saying; "This was a very sophisticated ring, and never in my 23 years with the INS have I seen anything as large or sophisticated". According to a recent GAO report on INS efforts on alien smuggling RPT-Number: B–283952, smuggling collectively may earn as much as several billion dollars per year bringing in illegal aliens.

Another problem facing seaports is cargo theft. Cargo theft does not always occur at seaports, but in many instances the theft has occurred because of knowledge of cargo contents. International shipping provides access to a lot of information and a lot of cargo to many different people along the course of its journey. We need to take steps to ensure that we do not facilitate theft. Losses as a result of cargo theft have been estimated as high as $12 billion annually, and it has been reported to have increased by as much as 20 percent recently. The FBI has become so concerned that it recently established a multi-district task force, Operation Sudden Stop, to crack down on cargo crime.

The other issues facing seaport security may be less evident, but potentially of greater threat. As a Nation in general, we have been relatively lucky to have been free of some of the terrorist threats that have plagued other nations. However, we must not become complacent. U.S. seaports are extremely exposed. On a daily basis many seaports have cargo that could cause serious illness and death to potentially large populations of civilians living near seaports if targeted by terrorism. Most of the population of the United States lies in proximity to our coastline.

The sheer magnitude of most seaports, their historical proximity to established population bases, the open nature of the facility, and the massive quantities of hazardous cargoes being shipped through a port could be extremely threatening to the large populations that live in areas surrounding our seaports. The same conditions in U.S. seaports, that could expose us to threats from terrorism, could also be used to disrupt our abilities to mobilize militarily. During the Persian Gulf War, 95 percent of our military cargo was carried by sea. Disruption of sea service, could have resulted in a vastly different course of history. We need to ensure that it does not happen to any future military contingencies.

As I mentioned before, our seaports are international borders, and consequently we should treat them as such. However, I am realistic about the possibilities for increasing seaport security, the realities of international trade, and the many functional differences inherent in the different seaport localities. Seaports by their very nature, are open and exposed to surrounding areas, and as such it will be impossible to control all aspects of security, however, sensitive or critical safety areas should be protected. I also understand that U.S. seaports have different security needs in form and scope. For instance, a seaport in Alaska, that has very little international cargo does not need the same degree of attention that a seaport in a major metropolitan center, which imports and exports thousands of international shipments. However, the legislation we are introducing today will allow for public input and will consider local issues in the implementation of new guidelines on port security, so as to address such details.

Substantively, the Port and Maritime Security Act establishes a multi-pronged effort to address security needs at U.S. Seaports, and in some cases formalizes existing practices that have proven effective. The bill authorizes the Department of Transportation to establish a task force on port security and to work with the private sector to develop solutions to address the need to initiate a system of security to protect our maritime borders.

The purpose of the task force is to implement the provisions of the act; to coordinate programs to enhance the security and safety of U.S. seaports; to provide long-term solutions for seaport safety issues; to coordinate with local port security committees established by the Coast Guard to implement the provisions of the bill; and to ensure that the public and local port security committees are kept informed about seaport security enhancement developments.

The bill requires the U.S. Coast Guard to establish local port security committees at each U.S. seaport. The membership of these committees is to include representatives of the port authority, labor organizations, the private sector, and Federal, State, and local government officials. These committees will be chaired by the U.S. Coast Guard's Captain-of-the-Port, and will be used to establish quarterly meetings with local law enforcement and attempt to coordinate security and help facilitate law enforcement.

The bill also requires the Coast Guard to develop a system of providing vulnerability assessments for U.S. seaports. After completion of the assessment, the seaport would be required to submit a security program to the Coast Guard for review and approval. The assessment shall be performed with the cooperation and assistance of local officials, through local port security committees, and ensure the port is made aware of and participates in the analysis of security concerns. I continue to believe there is a need to perform background checks on transportation workers in sensitive positions to reveal potential threats to facilitate crime or terrorism. While the bill is silent on this matter, we will continue our discussions with law enforcement and transportation workers to develop a system that facilitates law enforcement but focuses more narrowly on those employees who have access to sensitive information.

The bill authorizes MarAd to provide loan guarantees to help cover some of the costs of port security infrastructure improvements, such as cameras and other monitoring equipment, fencing systems and other types of physical enhancements. The bill authorizes $8 million, annually for four years, to cover costs, as defined by the Credit Reform Act, which could guarantee up to $320 million in loans for security enhancements. The bill also establishes a grant program to help cover some of the same infrastructure costs. Additionally, the bill provides funds for the U.S. Customs Service to purchase screening equipment and other types of non-intrusive detection equipment. We have to provide Customs with the tools they need to help prevent further crime.

The bill requires a report to be attached on security and a revision of 1997 document entitled "Port Security: A National Planning Guide." The report and revised guide are to be submitted to Congress and are to include a description of activities undertaken under the Port and Maritime Security Act of 2001, in addition to analysis of the effect of those activities on port security and preventing acts of terrorism and crime.

The bill requires the Department of Transportation, to the extent feasible, to coordinate reporting of seaport related crimes and to work with state law enforcement officials to harmonize the reporting of data on cargo theft and alternatively, the feasibility of utilizing private data on cargo theft. Better data will be crucial in identifying the extent and location of criminal threats and will facilitate law enforcement efforts combating crime. The bill also requires the Secretaries of Agriculture, Treasury, and Transportation, as well as the Attorney General to work together to establish shared dockside inspection facilities at seaports for federal and state agencies, and provides $1 million, annually for four years, to carry out this section. Currently there are some U.S. ports that do not have inspection space in the organic port area. It is crucial that inspections occur as close to the point of entry as possible.

The bill also establishes a program to train personnel involved in maritime transportation and maritime security. A better prepared security force will help enable us to more effectively combat potential threats of crime and terrorism. The bill also requires the Customs Service to improve reporting of imports at seaports to help ensure that Customs will have adequate information in advance of having the entry of cargo, and to do so in a manner consistent with their plans for the Automated Commercial Environmental ACE program.

Finally, the bill reauthorizes an extension of tonnage duties through 2006, and makes the proceeds of these collections available to carry out the Port and Maritime Security Act. These fees currently are set at certain levels, and are scheduled to be reduced in 2002. The legislation reauthorizes and extends the current fee level for an additional four years, but dedicates its use to enhancing our efforts to fight crime at U.S. seaports and to facilitating improved protection of our borders, as well as to enhance our efforts to ward off potential threats of terrorism.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Port and Maritime Security Act of 2001".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) There are 361 public seaports in the United States which have a broad range of characteristics, and all of which are an integral part of our Nation's commerce.

(2) United States seaports conduct over 95 percent of United States overseas trade. Over the next 20 years, the total volume of imported and exported goods at seaports is expected to more than double.

(3) The variety of trade and commerce that are carried out at seaports has greatly expanded. Bulk cargo, containerized cargo, passenger cargo and tourism, intermodal transportation systems, and complex domestic and international trade relationships have significantly changed the nature, conduct, and complexity of seaport commerce.

(4) The top 50 seaports in the United States account for about 90 percent of all the cargo tonnage. Twenty-five United States seaports account for 98 percent of all container shipments. Cruise ships visiting foreign destinations embark from 16 seaports.

(5) In the larger seaports, the activities can stretch along a coast for many miles, including public roads within their geographic boundaries. The facilities used to support arriving and departing cargo are sometimes miles from the coast.

(6) Seaports often are a major locus of Federal crime, including drug trafficking, cargo theft, and smuggling of contraband and aliens. The criminal conspiracies often associated with these crimes can pose threats to the people and critical infrastructures of seaport cities. Seaports that accept international cargo have a higher risk of international crimes like drug and alien smuggling and trade fraud.

(7) Seaports are often very open and exposed and, by the very nature of their role in promoting the free flow of commerce, are susceptible to large scale terrorism that could pose a threat to coastal, Great Lake, or riverain populations. Seaport terrorism could pose a significant threat to the ability of the United States to pursue its national security objectives.

(8) United States seaports are international boundaries, however, unlike United States airports and land borders, United States seaports receive no Federal funds for security infrastructure.

(9) Current inspection levels of containerized cargo are insufficient to counter potential security risks. Technology is currently not adequately deployed to allow for the non-intrusive inspection of containerized cargo. Additional promising technology is in the process of being developed that could inspect cargo in a non-intrusive and timely fashion.

(10) The burgeoning cruise ship industry poses a special risk from a security perspective. The large number of United States citizens sailing on international cruises provides an attractive target to terrorists seeking to cause mass casualties. Approximately 80 percent of cruise line passengers are United States citizens and 20 percent are aliens. Approximately 92 percent of crewmembers are aliens.

(11) Effective physical security and access control in seaports is fundamental to deterring and preventing potential threats to seaport operations, cargo shipments for smuggling or theft or other cargo crimes.

(12) Securing entry points, open storage areas, and warehouses throughout the seaport, controlling the movements of trucks transporting cargo through the seaport, and examining or inspecting containers, warehouses, and ships at berth or in the harbor are all important requirements that should be implemented.

(13) Identification procedures for arriving workers and deterring and preventing internal conspiracies are increasingly important.

(14) On April 27, 1999, the President established the Interagency Commission on Crime and Security in United States Seaports to undertake a comprehensive study of the nature and extent of the problem of crime in our seaports, as well as the ways in which governments at all levels are responding.

(15) The Commission has issued findings that indicate the following:

(A) Frequent crimes in seaports include drug smuggling, illegal car exports, fraud (including Intellectual Property Rights and other trade violations), and cargo theft.

(B) Data about crime in seaports have been very difficult to collect.

(C) Internal conspiracies are an issue at many seaports, and contribute to Federal crime.

(D) Intelligence and information sharing among law enforcement agencies needs to be improved and coordinated at many seaports.

(E) Many seaports do not have any idea about the threats they face from crime, terrorism, and other security-related activities because of a lack of credible threat information.

(F) A lack of minimum physical, procedural, and personnel security standards at seaports and at terminals, warehouses, trucking firms, and related facilities leaves many seaports and seaport users vulnerable to theft, pilferage, and unauthorized access by criminals.

(G) Access to seaports and operations within seaports is often uncontrolled.

(H) Coordination and cooperation between law enforcement agencies in the field is often fragmented.

(I) Meetings between law enforcement personnel, carriers, and seaport authorities regarding security are not being held routinely in the seaports. These meetings could increase coordination and cooperation at the local level.

(J) Security-related equipment such as small boats, cameras, and vessel tracking devices is lacking at many seaports.

(K) Detection equipment such as large-scale x-ray machines is lacking at many high-risk seaports.

(L) A lack of timely, accurate, and complete manifest (including in-bond) and trade (entry, importer, etc.) data negatively impacts law enforcement's ability to function effectively.

(M) Criminal organizations are exploiting weak security in seaports and related intermodal connections to commit a wide range of cargo crimes. Levels of containerized cargo volumes are forecasted to increase significantly, which will create more opportunities for crime while lowering the statistical risk of detection and interdiction.

(16) United States seaports are international boundaries that—

(A) are particularly vulnerable to threats of drug smuggling, illegal alien smuggling, cargo theft, illegal entry of cargo and contraband;

(B) may present weaknesses in the ability of the United States to realize its national security objectives; and

(C) may serve as a vector for terrorist attacks aimed at the population of the United States.

(17) It is in the best interests of the United States—

(A) to be mindful that United States seaports are international ports of entry and that the primary obligation for the security of international ports of entry lies with the Federal government;

(B) to be mindful of the need for the free flow of interstate and foreign commerce and the need to ensure the efficient movement of cargo in interstate and foreign commerce;

(C) to increase United States seaport security by establishing a better method of communication amongst law enforcement officials responsible for seaport boundary, security, and trade issues;

(D) to formulate guidance for the review of physical seaport security, recognizing the different character and nature of United States seaports;

(E) to provide financial incentives to help the States and private sector to increase physical security of United States seaports;

(F) to invest in long-term technology to facilitate the private sector development of technology that will assist in the non-intrusive timely detection of crime or potential crime;

(G) to harmonize data collection on seaport-related and other cargo theft, in order to address areas of potential threat to safety and security;

(H) to create shared inspection facilities to help facilitate the timely and efficient inspection of people and cargo in United States seaports; and

(I) to improve Customs reporting procedures to enhance the potential detection of crime in advance of arrival or departure of cargoes.

SEC. 3. PORT SECURITY TASK FORCE.

(a) ESTABLISHMENT.—The Secretary shall establish a Port Security Task Force—

(1) to help implement the provisions of this Act;

(2) to help coordinate programs to enhance the security and safety of United States seaports;

(3) to help provide long-term solutions for seaport security issues;

(4) to help coordinate the security operations of local seaport security committees;

(5) to help ensure that the public and local seaport security committees are kept informed about seaport security enhancement developments;

(6) to help provide guidance for the conditions under which loan guarantees and grants are made; and

(7) to consult with the Coast Guard and the Maritime Administration in establishing port security program guidance.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall include representatives of the Coast Guard and the Maritime Administration.

(2) OTHER AGENCIES.—The Secretary shall consult with the Secretary of the Treasury to invite the participation of the United States Customs Service, and may invite the participation of other departments and agencies of the United States with an interest in port security, port security-related matters, and border protection issues.

(3) REQUIRED PRIVATE SECTOR REPRESENTATIVES.—The Task Force shall include representatives, appointed by the Secretary of—

(A) port authorities;
(B) coastwise management units;
(C) longshore labor organizations;
(D) ocean shipping companies;
(E) trucking companies;
(F) railroad companies;
(G) transportation workers;
(H) ocean shippers;
(I) freight forwarding companies; and
(J) other representatives whose participation the Secretary deems beneficial.

(c) Subcommittees.—The Task Force may establish subcommittees to facilitate consideration of specific issues, including port security border protection and maritime domain awareness issues.

(d) Law Enforcement Subcommittee.—The Task Force shall establish a subcommittee comprised of Federal, State, and local government law enforcement agencies to address port security issues, including resource commitments and law enforcement sensitive matters.

(e) Exemption from FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Task Force.

(f) Acceptance of Contributions; Joint Venture Arrangements.—In carrying out its responsibilities under this Act, the Task Force, or a member organization or representative acting with the Task Force's consent, may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately.

(g) Funding.—Of the amounts made available under section 17(b) there shall be made available to the Secretary of Transportation for activities of the Task Force $1,000,000 for each of fiscal years 2003 through 2006 without further appropriation.

SEC. 4. ESTABLISHMENT OF LOCAL PORT SECURITY COMMITTEES.

(a) In General.—The United States Coast Guard shall establish seaport security committees—

(1) to utilize the information made available under this Act;

(2) to define the physical boundaries within which to conduct vulnerability assessments in recognition of the unique characteristics of each port;

(3) to review port security vulnerability assessments promulgated under section 5;

(4) to implement the guidance promulgated under section 7;

(5) to help coordinate planning and other necessary security activities by conducting meetings no less frequently than 4 times each year, to disseminate information that will facilitate law enforcement activities; and

(6) to conduct an exercise at least once every 3 years to verify the effectiveness of each port authority and marine terminal security plan.

(b) Membership.—In establishing those committees, the United States Coast Guard may utilize or augment any existing harbor safety committee or seaport readiness committee, but the membership of the seaport security committee shall include representatives of—

(1) the port authority;

(2) Federal, State and local government;

(3) Federal, State, and local government law enforcement agencies;

(4) labor organizations and transportation workers;

(5) local management organizations; and

(6) private sector representatives whose inclusion is deemed beneficial by the Captain-of-the-Port.

(c) Chairman.—The local seaport security committee shall be chaired by the Captain-of-the-Port.

(d) Exemption from FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to a local seaport security committee.

(e) Acceptance of Contributions; Joint Venture Arrangements.—In carrying out its responsibilities under this Act, a local seaport security committee, or a member organization or representative acting with the committee's consent, may accept contributions of funds, material, services, and the use of personnel and facilities from public and private entities by contract or other arrangement if the confidentiality of security-sensitive information is maintained and access to such information is limited appropriately.

(f) Funding.—Of the amounts made available under section 17(b) there shall be made available to the Commandant $3,000,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 5. COAST GUARD PORT SECURITY VULNERABILITY ASSESSMENTS.

(a) In General.—The Commandant of the Coast Guard, in consultation with the Defense Threat Reduction Agency, the Center for Civil Force Protection, and other appropriate public and private sector organizations, shall develop standards and procedures for conducting seaport security vulnerability assessments.

(b) Initial Schedule.—The Coast Guard, in cooperation with local port authority committee officials with proper security clearances, shall complete no fewer than 10 seaport security vulnerability assessments annually, until it has completed such assessments for the 50 ports determined by the Commandant to be the most strategic or economically strategic ports in the United States. If a seaport security vulnerability assessment has been conducted within 5 years by or on behalf of a port authority or marine terminal authority, and the Commandant determines that it was conducted in a manner that is generally consistent with the standards and procedures developed under subsection (a), the Commandant may accept that assessment rather than conducting another seaport security vulnerability assessment for that port.

(c) Review by Port Authority.—The Commandant shall make the seaport security vulnerability assessment for a seaport available for review and comment by officials of the port authority with proper security clearances or marine terminal operator representatives with proper security clearances.

(d) Maps and Charts.—

(1) Collection and distribution.—The Commandant and the Administrator shall, working through local seaport security committees where appropriate—

(A) collect, store securely, and maintain maps and charts of all United States seaports that clearly indicate the location of infrastructure and overt-security equipment;

(B) make those maps and charts available upon request, on a secure and confidential basis, to—

(i) the Maritime Administration;

(ii) the United States Coast Guard;

(iii) the United States Customs Service;

(iv) the Department of Defense;

(v) the Federal Bureau of Investigation; and

(vi) the Immigration and Naturalization Service.

(2) Other Agencies.—The Coast Guard and the Maritime Administration shall establish a process for providing relevant maps and charts collected under paragraph (1), and other relevant material, available, on a secure and confidential basis, to appropriate Federal, State, and local government agencies, and seaport authorities, for the purpose of obtaining the comments of those agencies before completing a seaport vulnerability assessment for each such seaport.

(3) Secure storage and limited access.—The Coast Guard and the Maritime Administration shall establish procedures that ensure that maps, charts, and other material made available to Federal, State, and local government agencies, seaport authorities, and local seaport security committees are maintained in a secure and confidential manner and that access thereto is limited appropriately.

(e) Annual Status Report to Congress.—Notwithstanding section 7(c) of the Ports and Waterways Safety Act (33 U.S.C. 1226(c)), the Coast Guard and the Maritime Administration shall report annually to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of seaport security in a form that does not compromise, or present a threat to the disclosure of security-sensitive information about, the seaport security vulnerability assessments conducted under this Act. The report may include recommendations for further improvements in seaport security measures and for any additional enforcement measures necessary to ensure compliance with the seaport security plan requirements of this Act.

(f) Funding.—Of the amounts made available under section 17(b) there shall be made available to the Commandant $10,000,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 6. MARITIME TRANSPORTATION SECURITY PROGRAMS.

(a) In General.—The Commandant and the Administrator shall jointly initiate a rulemaking proceeding to prescribe regulations to protect the public from threats originating from vessels in maritime transportation originating or terminating in a United States seaport against an act of crime or terrorism. In prescribing a regulation under this subsection, the Commandant and the Administrator shall—

(1) consult with the Secretary of the Treasury, the Attorney General, the heads of other departments, agencies, and instrumentalities of the United States Government, State and local authorities, and the Task Force; and

(2) consider whether a proposed regulation is consistent with—

(A) protecting the public; and

(B) the public interest in promoting maritime transportation and commerce.

(b) Security Programs.—

(1) Program to be established.—Each port authority and marine terminal authority for an area designated under section 4(a)(2) at which a port security vulnerability assessment has been conducted under this Act shall establish a maritime transportation security program within 1 year after the assessment is completed.

(2) General requirements.—A security program established under paragraph (1) shall provide a law enforcement program and capability at that seaport that is adequate to ensure the safety of the public from threats of crime and terrorism.

(3) Specific requirements.—A security program established under paragraph (1) shall be linked to the Captain-of-the-Port authorities for maritime trade and shall include—

(A) provisions for establishing and maintaining physical security for seaport areas and approaches;

(B) provisions for establishing and maintaining procedural security for processing passengers, cargo, and crewmembers, and personnel security for the employment of individuals and service providers;

(C) a credentialing process to limit access to sensitive areas;

(D) a process to restrict vehicular access to seaport areas and facilities;

(E) restrictions on carrying firearms and other prohibited weapons; and

(F) a private security officer certification program, or provisions for using the services of qualified State, local, and private law enforcement personnel.

(c) Incorporation of Marine Terminal Operator's Program.—Notwithstanding the requirements of subsection (b)(3), the Captain-of-the-Port may approve a security program of a port authority, or an amendment to an existing program, that incorporates a security program of a marine terminal operator tenant with access to a secured area of the seaport, if the program or amendment incorporates—

(1) the measures the tenant will use, within the tenant's leased areas or areas designated for the tenant's exclusive use under an agreement with the port authority, to carry out the security requirements imposed by the Commandant and the Administration on the port authority; and

(2) the methods the port authority will use to monitor and audit the tenant's compliance with the security requirements.

(d) Incorporation of Other Security Programs and Laws.—Notwithstanding the requirements of subsection (b)(3), the Captain-of-the-Port may approve a security program of a port authority, or an existing program, that incorporates a State or local security program, policy, or law. In reviewing any such program, the Captain-of-the-Port shall—

(1) endeavor to avoid duplication and to recognize the State or local security program or policy; and

(2) ensure that no security program established under subsection (b)(3) conflicts with any applicable provision of State or local law.

(e) Review and Approval of Security Programs.—

(1) In general.—The Captain-of-the-Port shall review and approve or disapprove each security program established under subsection (b). If the Captain-of-the-Port disapproves a security program, then—

(A) the Captain-of-the-Port shall notify the port authority or marine terminal authority in writing of the reasons for the disapproval; and

(B) the port authority or marine terminal authority shall submit a revised security plan within 6 months after receiving the notification of disapproval.

(f) 5-Year Reviews.—Whenever appropriate, but in no event less frequently than once every 5 years, each port authority or marine terminal operator required to develop a security program under this section shall review its program, make such revisions to the program as are necessary or appropriate, and submit the results of its review and the revised program to the Captain-of-the-Port.

(g) No Erosion of Other Authority.—Nothing in this section precludes any agency, instrumentality, or department of the United States from exercising, or limits its authority to exercise, any other statutory or regulatory authority to initiate or enforce seaport security standards.

SEC. 7. SECURITY PROGRAM GUIDANCE.

(a) In General.—The Commandant and the Administrator, in consultation with the Task Force, shall develop voluntary security guidance that will serve as a benchmark for the review of security plans that—

(1) are linked to the Captain-of-the-Port authorities for maritime trade;

(2) include a set of recommended "best practices" guidelines for the use of maritime terminal operators; and

(3) take into account the different nature and characteristics of United States seaports and the need to promote commerce.

(b) Revision.—The Commandant and the Maritime Administrator shall review the guidelines developed under subsection (a) not less frequently than every 5 years and revise them as necessary.

(c) Areas Covered.—The guidance developed under subsection (a) shall include the following areas:

(1) General security.—The establishment of practices for physical security of seaport areas and approaches, procedural security for processing passengers, cargo, and crewmembers, and personnel security for employment of individuals and service providers.

(2) Access to sensitive areas.—The use of a credentials process, administered by public or private sector security services, to limit access to sensitive areas.

(3) Vehicular access.—The use of restrictions on vehicular access to seaport areas and facilities, including requirements that seaport authorities and primary users of seaports implement procedures that achieve appropriate levels of control of vehicular access and accountability for enforcement of controlled access by vehicles.

(4) Firearms.—Restrictions on carrying firearms.

(5) Certification of private security officers.—A private security officer certification program to improve the professionalism of seaport security officers.

SEC. 8. INTERNATIONAL SEAPORT SECURITY.

(a) Coast Guard; International Application.—The Commandant shall make every effort to have the guidance developed under section 7(a) adopted by appropriate international organizations as an international standard and shall, acting through appropriate officers of the United States Government, seek to encourage the development and adoption of seaport security standards under international agreements in other countries where adoption of the same or similar standards might be appropriate.

(b) Maritime Administration; Port Accreditation Program.—The Administrator shall make every effort to have the guidance developed under section 7(a) adopted by appropriate organizations as security standards and shall encourage the establishment of a program for the private sector accreditation of seaports that implement security standards that are consistent with the guidance.

(c) International Port Security Improvement Activities.—

(1) In general.—The Administrator shall establish a program to assist foreign seaport operators in identifying port security risks, conducting port security vulnerability assessments, and implementing port security standards.

(2) Identification of strategic foreign ports.—The Administrator shall work with the Secretary of Defense and the Attorney General to identify those foreign seaports where inadequate security or a high level of port security vulnerability poses a strategic threat to United States defense interests or may be implicated in criminal activity in the United States.

(3) Dissemination of information abroad.—The Administrator shall work with the Secretary of State to facilitate the dissemination of seaport security program information to port authorities and marine terminal operators in other countries.

(d) Funding.—Of the amounts made available under section 17(b) there shall be made available to the Administrator $500,000 for each of fiscal years 2003 through 2006 without further appropriation to carry out this section, such sums to remain available until expended.

SEC. 9. MARITIME SECURITY PROFESSIONAL TRAINING.

(a) In General.—The Secretary shall establish a program, in consultation with the Federal Law Enforcement Center, the United States Merchant Marine Academy's Global Maritime and Transportation School, and the Maritime Security Council, and the International Association of Airport and Seaport Police, to develop standards and procedures for training and certification of maritime security professionals.

(b) Establishment of Security Institute.—The Secretary shall establish the Maritime Security Institute at the United States Merchant Marine Academy's Global Maritime and Transportation School to train and certify maritime security professionals in accordance with internationally recognized law enforcement standards. Institute instructors shall be knowledgeable about Federal and international law enforcement, maritime security, and port and maritime operations.

(c) Training and Certification.—The following individuals shall be eligible for training at the Institute:

(1) Individuals who are employed, whether in the public or private sector, in maritime law enforcement or security activities.

(2) Individuals who are employed, whether in the public or private sector, in planning, executing, or managing security operations—

(A) at United States ports;

(B) on passenger or cargo vessels with United States citizens as passengers or crewmembers;

(C) in foreign ports used by United States-flagged vessels or by foreign-flagged vessels with United States citizens as passengers or crewmembers.

(d) Program Elements.—The program established by the Secretary under subsection (a) shall include the following elements:

(1) The development of standards and procedures for certifying maritime security professionals.

(2) The training and certification of maritime security professionals in accordance with internationally accepted law enforcement and security guidelines, policies, and procedures.

(3) The training of students and instructors in all aspects of prevention, detection, investigation, and reporting of criminal activities in the international maritime environment.

(4) The provision of offsite training and certification courses and certified personnel at United States and foreign ports used by United States-flagged vessels, or by foreign-flagged vessels with United States citizens as passengers or crewmembers, to develop and enhance security awareness and practices.

(e) Annual Report.—The Institute shall transmit an annual report to the Senate Committee on Commerce, Science, and

Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of appropriated funds and the training and other activities of the Institute.

(f) Funding.—Of the amounts made available under section 17(b), there shall be made available to the Secretary, without further appropriation, to carry out this section—

(1) $2,500,000 for each of fiscal years 2003 and 2004, and

(2) $1,000,000 for each of fiscal years 2005 and 2006,

such amounts to remain available until expended.

SEC. 10. PORT SECURITY INFRASTRUCTURE IMPROVEMENT.

(a) In General.—Title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) is amended by adding at the end thereof the following:

"SEC. 1113. LOAN GUARANTEES FOR PORT SECURITY INFRASTRUCTURE IMPROVEMENTS.

"(a) In General.—The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe and after consultation with the United States Coast Guard, the United States Customs Service, and the Port Security Task Force established under section 3 of the Port and Maritime Security Act of 2001, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for seaport security infrastructure improvements for an eligible project at any United States seaport involved in international trade.

"(b) Limitations.—Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws, requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title.

"(c) Transfer of Funds.—The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 61a)) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) Eligible Projects.—A project is eligible for a loan guarantee or commitment under subsection (a) if it is for the construction or acquisition of—

"(1) equipment or facilities to be used for seaport security monitoring and recording;

"(2) security gates and fencing;

"(3) security-related lighting systems;

"(4) remote surveillance systems;

"(5) concealed video systems; or

"(6) other security infrastructure or equipment that contributes to the overall security of passengers, cargo, or crewmembers.

"SEC. 1114. GRANTS.

"(a) Financial Assistance.—The Secretary may provide financial assistance for eligible projects (within the meaning of section 1113(d).

"(b) Matching Requirements.—

"(1) 75-percent federal funding.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project. In calculating that percentage, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

"(2) Exceptions.—

"(A) Small projects.—There are no matching requirements for grants under subsection (a) for projects costing not more than $25,000.

"(B) Higher level of support required.—If the Secretary determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary may approve grants under this section with a matching requirement other than that specified in paragraph (1).

"(c) Allocation.—The Secretary shall ensure that financial assistance provided under subsection (a) during a fiscal year is distributed so that funds are awarded for eligible projects that address emerging priorities or threats identified by the Task Force under section 5 of the Port and Maritime Security Act of 2001.

"(d) Project Proposals.—Each proposal for a grant under this section shall include the following:

"(1) The name of the individual or entity responsible for conducting the project.

"(2) A succinct statement of the purposes of the project.

"(3) A description of the qualifications of the individuals who will conduct the project.

"(4) An estimate of the funds and time required to complete the project.

"(5) Evidence of support of the project by appropriate representatives of States or territories of the United States or other government jurisdictions in which the project will be conducted.

"(6) Information regarding the source and amount of matching funding available to the applicant, as appropriate.

"(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this title.".

(b) Annual Accounting.—The Secretary of Transportation shall submit an annual summary of loan guarantees and commitments to make loan guarantees under section 1113 of the Merchant Marine Act, 1936, and grants made under section 1114 of that Act, to the Task Force. The Task Force shall make that information available to the public and to local seaport security committees through appropriate media of communication, including the Internet.

(c) Funding.—Of amounts made available under section 17(b), there shall be made available to the Secretary of Transportation without further appropriation—

(1) $8,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006 as guaranteed loan costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990; 2 U.S.C. 661a(5)),

(2) $10,000,000 for each of such fiscal years for grants under section 1114 of the Merchant Marine Act, 1936, and

(3) $2,000,000 for each such fiscal year to cover administrative expenses related to loan guarantees and grants,

such amounts to remain available until expended.

(d) Authorization of Appropriations.—In addition to the amounts made available under subsection (c)(2), there are authorized to be appropriated to the Secretary of Transportation for grants under section 1114 of the Merchant Marine Act, 1936, $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006.

SEC. 11. SCREENING AND DETECTION EQUIPMENT.

(a) Funding.—Of amounts made available under section 17(b), there shall be made available to the Commissioner of Customs without further appropriation for the purchase of non-intrusive screening and detection equipment for use at United States seaports—

(1) $15,000,000 for fiscal year 2003,

(2) $16,000,000 for fiscal year 2004,

(3) $18,000,000 for fiscal year 2005, and

(4) $19,000,000 for fiscal year 2006,

such sums to remain available until expended.

(b) Accounting.—The Commissioner shall submit a report for each such fiscal year to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the expenditure of funds appropriated pursuant to this section.

SEC. 12. ANNUAL REPORT ON MARITIME SECURITY AND TERRORISM.

Section 905 of the International Maritime and Port Security Act (46 U.S.C. App. 1802) is amended by adding at the end thereof the following: "Beginning with the first report submitted under this section after the date of enactment of the Port and Maritime Security Act of 2001, the Secretary shall include a description of activities undertaken under that Act and an analysis of the effect of those activities on seaport security against acts of terrorism.".

SEC. 13. REVISION OF PORT SECURITY PLANNING GUIDE.

The Secretary of Transportation, acting through the Maritime Administration and after consultation with the Task Force and the United States Coast Guard, shall publish a revised version of the document entitled "Port Security: A National Planning Guide", incorporating the guidance promulgated under section 7, within 3 years after the date of enactment of this Act, and make that document available on the Internet.

SEC. 14. SECRETARY OF TRANSPORTATION TO COORDINATE PORT-RELATED CRIME DATA COLLECTION.

(a) In General.—The Secretary of Transportation shall—

(1) require, to the extent feasible, United States government agencies with significant regulatory or law enforcement responsibilities at United States seaports to modify their information databases to ensure the collection and retrievability of data relating to crime at or affecting such seaports;

(2) evaluate the feasibility of capturing data on cargo theft offenses (including such offenses occurring outside such seaports) that would indicate the port of entry, the port where the shipment originated, where the theft occurred, and maintaining the confidentiality of shipper and carrier unless voluntarily disclosed, and, if feasible, implement its capture;

(3) if feasible, and in conjunction with the Task Force, establish an outreach program to work with State law enforcement officials to harmonize the reporting of data on cargo theft among the States and with the United States government's reports;

(4) if the harmonization of the reporting of such data among the States is not feasible, evaluate the feasibility of using private data bases on cargo theft and disseminating confidential cargo theft information to local port security committees for further dissemination to appropriate law enforcement officials; and

(5) in conjunction with the Task Force, establish an outreach program to work with local port security committees to disseminate cargo theft information to appropriate law enforcement officials.

(b) Report on Feasibility.—The Secretary of Transportation shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act on the feasibility of each activity authorized by subsection (a).

(c) INTERSTATE OR FOREIGN SHIPMENTS BY CARRIER.—

(1) IN GENERAL.—Section 659 of title 18, United States Code, is amended—

(A) by striking "with intent to convert to his own use" each place it appears;

(B) by inserting "trailer," after "motortruck," in the first undesignated paragraph;

(C) by inserting "air cargo container," after "aircraft," in the first undesignated paragraph;

(D) by inserting a comma and "or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility," after "air navigation facility" in the first undesignated paragraph;

(E) by striking "one year" and inserting "3 years" in the fifth undesignated paragraph;

(F) by adding at the end of the fifth undesignated paragraph the following: "Notwithstanding the preceding sentence, the court may, upon motion of the Attorney General, reduce any penalty imposed under this paragraph with respect to any defendant who provides information leading to the arrest and conviction of any dealer or wholesaler of stolen goods or chattels moving as or which are a part of or which constitute an interstate or foreign shipment.";

(G) by inserting after the first sentence in the penultimate undesignated paragraph the following: "For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise."; and

(H) by adding at the end the following:

"It shall be an affirmative defense (on which the defendant bears the burden of persuasion by a preponderance of the evidence) to an offense under this section that the defendant bought, received, or possessed the goods, chattels, money, or baggage at issue with the sole intent to report the matter to an appropriate law enforcement officer or to the owner of the goods, chattels, money, or baggage.".

(2) FEDERAL SENTENCING GUIDELINES.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 2 levels for any offense under section 659 of title 18, United States Code, as amended by this section.

(3) REPORT TO CONGRESS.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code.

(d) Funding.—Out of amounts made available under section 17(b), there shall be made available to the Secretary of Transportation, without further appropriation, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, to modify existing data bases to capture data on cargo theft offenses and to make grants to States to harmonize data on cargo theft, such sums to remain available until expended.

SEC. 15. SHARED DOCKSIDE INSPECTION FACILITIES.

(a) IN GENERAL.—The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Transportation, and the Attorney General shall work with each other, the Task Force, and the States to establish shared dockside inspection facilities at United States seaports for Federal and State agencies.

(b) FUNDING.—Of the amounts made available under section 17(b), there shall be made available to the Secretary of the Transportation, without further appropriation, $1,000,000 for each of fiscal years 2003, 2004, 2005, and 2006, such sums to remain available until expended, to establish shared dockside inspection facilities at United States seaports in consultation with the Secretary of the Treasury, the Secretary of Agriculture, and the Attorney General.

SEC. 16. IMPROVED CUSTOMS REPORTING PROCEDURES.

In an manner that is consistent with the promulgation of the manifesting and in-bond regulations and with the phased-in implementation of those regulations in the development of the Automated Commercial Environment Project, the United States Customs Service shall improve reporting of imports at United States seaports—

(1) by promulgating regulations to require, notwithstanding the second sentence of section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)), all ocean manifests to be transmitted in electronic form to the Service in sufficient time for the information to be used effectively by the Service;

(2) by promulgating regulations to require, notwithstanding sections 552, 553, and 1641 of such Act (19 U.S.C. 1552, 1553, and 1641), all entries of goods, including in-bond entries, to provide the same information required for entries of goods released into the commerce of the United States to the Service before the goods are released for shipment from the seaport of first arrival; and

(3) by distributing the information described in paragraphs (1) and (2) on a real-time basis to any Federal, State, or local government agency that has a regulatory or law-enforcement interest in the goods.

SEC. 17. 4-YEAR REAUTHORIZATION OF TONNAGE DUTIES.

(a) IN GENERAL.—

(1) EXTENSION OF DUTIES.—Section 36 of the Act of August 5, 1909 (36 Stat. 111; 46 U.S.C. App. 121) is amended by striking "through 2002," each place it appears and inserting "through 2006,".

(2) CONFORMING AMENDMENT.—The Act entitled "An Act concerning tonnage duties on vessels entering otherwise than by sea", approved March 8, 1910 (36 Stat 234; 46 U.S.C. App. 132) is amended by striking "through 2002," and inserting "through 2006,".

(b) AVAILABILITY OF FUNDS.—Amounts deposited in the general fund of the Treasury as receipts of tonnage charges collected as a result of the amendments made by subsection (a) shall be made available in each of fiscal years 2003 through 2006 to carry out this Act, as provided in sections 3(g), 4(f), 5(f), 8(d), 9(f), 10(c), 11(a), 14(d), and 15(b).

SEC. 18. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Maritime Administration.

(1) CAPTAIN-OF-THE-PORT.—The term "Captain-of-the-Port" means the United States Coast Guard's Captain-of-the-Port.

(2) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(1) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Transportation.

(2) TASK FORCE.—The term "Task Force" means the Port Security Task Force established under section 3.

By Mr. DODD (for himself, Mr. DEWINE, Ms. SNOWE, Mr. KENNEDY, Mr. ROBERTS, Mr. JOHNSON, Mr. EDWARDS, Mrs. FEINSTEIN, Ms. COLLINS, Mr. WELLSTONE, Mr. BINGAMAN, and Mrs. MURRAY):

S. 1217. A bill to provide for the acquisition, construction, and improvement of child care facilities or equipment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I am pleased to join with my colleague from Ohio, Senator DEWINE, in introducing the Child Care Facilities Financing Act. We are also joined by Senator SNOWE, Senator KENNEDY, Senator ROBERTS, Senator JOHNSON, Senator EDWARDS, Senator FEINSTEIN, Senator COLLINS, Senator WELLSTONE, Senator BINGAMAN, and Senator MURRAY as original cosponsors.

According to the Bureau of Labor Statistics, about 13 million children under age 6 and 31 million children between the ages of 6 and 17 have both parents or their only parent in the work force.

The demand for quality child care is exploding. But the supply of care has not kept pace, particularly in low-income communities where demand has been stimulated by a strong economy and employment requirements under welfare reform.

Studies show that the supply of home-based and center-based child care is far more abundant in affluent areas than in low-income areas. Moreover, despite increased child care spending by states and the expansion of Head Start, physical space continues to remain scarce or unaffordable in low-income communities.

Existing child care programs in too many low-income neighborhoods are crammed into inadequate, temporary quarters, leaky church basements, apartments, and other locations that were never designed for this purpose. Between the overall shortage of child care and inadequate existing facilities, parents have limited choices among inferior quality care, at times unsafe care for children.

The United States has carried out the most extensive systematic, and rigorous research on investing in early education and child care programs. This research has shown that brain development is fastest during a child's earliest years.

We know that quality child care can significantly assist in preparing children for school. The shortage in the supply of quality child care too often translates to inferior quality care for children.

One of the contributing factors to the child care shortage is the difficulty that would-be providers face in financing child care facility development. Financial institutions often view child care providers as high risks for loans.

In low-income neighborhoods, child care providers face severely restricted revenues and low real estate values. In urban areas, would-be child care providers must contend with buildings in poor physical condition and high property costs.

In all areas, reimbursement rates for child care subsidies are generally too low to cover the recovery cost of purchasing or developing facilities, especially after allowing for the cost of running the program. In addition, new providers often have no business training, and may need to learn how to manage their finances and business.

The Child Care Facilities Financing Act would provide grants to intermediary organizations, enabling them to provide financial and technical assistance to existing or new child care providers—including both center-based and home-based child care.

The financial assistance may be in the form of loans, grants, investments, or other assistance, allowing for flexibility depending on the situation of the child care provider. The assistance may be used for acquisition, construction, or renovation of child care facilities or equipment. It may also be used for improving child care management and business practices.

Grant funds under our legislation are required to be matched 50-50, further enhancing local capacity by leveraging Federal funding and creating valuable public/private partnerships. The added benefit in providing this kind of assistance is that it will spur further community and economic development by building local partnerships.

Reducing parental anxiety about child care means that parents can become more reliable and productive workers. An evaluation of California's welfare-to-work program found that mothers participating in the program were twice as likely to drop out during the first year if they expressed dissatisfaction with the child care provider or facility they were using.

Let me share with you an example from my state of Connecticut. In the Hill neighborhood of New Haven, one of the most underserved areas of the city, there are more than 2,500 children under the age of five, but just 200 licensed child care spaces, including family care.

LULAC Head Start has been serving the Hill neighborhood since 1983, operating a part-day, early childhood program out of a cramped and poorly lit church basement. This basement program could no longer be licensed by the state and recently closed. The 54 children being served were moved to another location which is overcrowded.

Thanks to a collaboration between the Hill Development Corporation, LULAC Head Start and the New Haven Child Development Program, low-income families in the Hill community will have more access to affordable and high-quality child care services.

A new facility, the Hill Parent Child Center, is under construction and will provide multicultural child care, school readiness, and Head Start services for 172 low-income children in New Haven.

Fortunately for this Hill Community, Connecticut has a new child care financing program. Connecticut multi-Cities Local Initiatives Support Corporation and the National Child Care Initiative joined forces with the State of Connecticut to design a program to finance the development of child care facilities.

Unfortunately, there are many more children in New Haven and other parts of Connecticut as well as across the Nation who still need child care. Sadly, most States do not have a child care financing system in place.

We should do all we can to ensure that safe, affordable quality child care is available for more families, particularly low-income families, so that we can truly leave no child behind. When the economic situation of families improve, distressed communities become revitalized.

Expanding the supply of quality child care is an important step in investing in the needs of families with young children.

I hope that you will join with Senator DEWINE and me in supporting this legislation to ensure that parents have as many choices as possible in selecting child care while they work. It is hard enough for low-income families to make ends meet without the additional anxiety of poor choices of care for their children.

I ask unanimous consent that a brief summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CHILD CARE FACILITIES FINANCING ACT

THE PROBLEM

Many low-income communities face a severe shortage of child care and equipment.

Child care providers in low-income areas often lack the access to capital and management expertise to expand the capacity and the quality of their programs.

A lack of affordable child care threatens the ability of low-income parents to find and maintain stable employment.

Quality child care can really make a difference in a child's ability to start school ready to learn.

THE SOLUTION

The Child Care Facilities Financing Act authorizes $50 million annually to fund grants to non-profit intermediaries to enhance the ability of home- and center-based child care providers to serve their communities. Funds will be used to provide:

Financial assistance by intermediaries, in the form of loans, grants, and interest subsidies, for the acquisition, construction, or improvement of facilities for home- and center-based child care and technical assistance to improve business management and entrepreneurial skills to ensure long-term viability of child care providers.

The Child Care Facilities Financing Act requires that the federal investment be matched, dollar for dollar, by funds from the private sector, stimulating valuable public/private partnerships.

BUILDING ON A PROVEN MODEL

The Child Care Facilities Financing Act draws from the community development model—using small, seed-money investments to leverage existing community resources.

Tested in communities across the nation, this approach has been proven to be successful in expanding child care capacity:

In New Haven, Connecticut, the Local Initiatives Support Corporation (LISC) established the Community Investment Collaborative for Kids—closing on $3.6 million in public-private financing to construct a new 10 room, 171 child Head Start and child care center on a vacant lot in a low-income neighborhood.

The Ohio Community Development Finance Fund offers stable resources for planning, technical assistance and funding for the development of expanded quality child care space. It leverages $26.11 for every $1.00 in public funding and has touched the lives of over 13,000 Ohio children. Wonder World, an urban child car center in Akron, Ohio, was operating in a dingy and poorly lit space of an old church. Despite these conditions the center had a waiting list. With help from the Ohio Community Development Finance Fund, a new eight room child care facility was constructed serving approximately 200 children.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1028. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1029. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1030. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1031. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1028. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 8, after the word "bus", insert the following phrase: ", as that term is defined in section 301 of the American with Disabilities Act of 1990 (42 U.S.C. §12181)";

On page 66, line 9 strike "; and " and insert in lieu thereof "."; and

On page 66, beginning with line 10, strike all through page 70, line 14.

SA 1029. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 20, line 16, strike the numeral and all that follows through the word "Code" on page 18 and insert in lieu thereof the following: "$3,348,128 shall be set aside for the program authorized under section 1101(a)(11) of the Transportation Equity Act for the 21st Century, as amended and section 162 of title 23, United States Code;".

On page 33, line 12, strike the world "together" and all that follows through the semi-colon on line 14.

On page 78, strike line 20 through 24.

SA 1030. Mrs. MURRAY (for herself and Mr. SHELBY) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 73, strike lines 19 through 24 and insert the following:

"(E) requires—

"(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority, to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance inspection decal, by certified Federal inspectors, or by State inspectors whose operations are funded in part or in whole by Federal funds, in accordance with the requirements for a Level I Inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

"(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

"(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but

nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when a certified Federal or State inspector determines that such a vehicle has a safety violations subsequent to the inspection for which the decal was granted.".

SA 1031. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. INCREASED GOVERNMENT SHARE.

(a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(d) SPECIAL RULE FOR CERTAIN AIRPORTS.—

"(1) IN GENERAL.—Notwithstanding subsection (b), in the case of a qualifying airport, the Government's share of allowable project costs shall be increased by the greater of—

"(A) the percentage determined under subsection (b); or

"(B) one-half of the percentage that the area of Federal land in the State where the airport is located is of the total area of that State.

"(2) LIMITATION.—The percentage increase of the Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage of the Government's share applicable to any project in any State under subsection (b).

"(3) QUALIFYING AIRPORT.—In this subsection, the term 'qualifying airport' means an airport that—

"(A) has less than .25 percent of the total number of passenger boardings at all commercial service airports during the calendar year used for calculating the most recent apportionments made under section 47114; and

"(B) is located in a State in which more than 40 percent of the total area of the State is Federal lands.

"(4) FEDERAL LANDS.—In this subsection, the term 'Federal lands' means nontaxable Indian lands (individual and tribal) and all lands owned by the Federal Government including, without limitation, appropriated and unappropriated lands and reserved and unreserved lands.".

(b) CONFORMING AMENDMENT.—Section 47109(a) of title 49, United States Code, is amended by inserting "or subsection (d)" after "subsection (b)".

(c) EFFECTIVE DATE.—The amendments made by this section apply to project grant agreements entered into pursuant to section 47108 of title 49, United States Code, on or after the date of enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 24, 2001 in SR–328A at 9:00 a.m. The purpose of this hearing will be to discuss livestock issues for the next Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, July 20, 2001, to hear testimony on Trade Adjustment Assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Friday, July 20, 2001, for a markup on the nomination of Gordon H. Mansfield to be Assistant Secretary for Congressional Affairs at the Department of Veterans Affairs. The meeting will take place in the Senate Reception Room after the first rollcall vote of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Denise Matthews and Cyndi Stowe, Fellows on the staff of the Committee on Appropriations, be granted the privileges of the floor during debate on the fiscal year 2002 Transportation appropriations bill and the conference report thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT 2002

On July 19, 2001, the Senate amended and passed H.R. 2311, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2311) entitled "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $152,402,000, to remain available until expended, of which not less than $500,000 shall be used to conduct a study of Port of Iberia, Louisiana, and of which such sums as are necessary shall be used by the Secretary of the Army to conduct and submit to Congress a study that examines the known and potential environmental effects of oil and gas drilling activity in the Great Lakes (including effects on the shorelines and water of the Great Lakes): Provided, *That during the fiscal years 2002 and 2003, no Federal or State permit or lease shall be issued for oil and gas slant, directional, or offshore drilling in or under 1 or more of the Great Lakes (including in or under any river flowing into or out of the lake): Provided further, That using $100,000 of the funds provided herein for the States of Maryland, Virginia, Pennsylvania and the District of Columbia, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct a Chesapeake Bay shoreline erosion study, including an examination of management measures that could be undertaken to address the sediments behind the dams on the lower Susquehanna River: Provided further, That the Secretary of the Army, using $100,000 of the funds provided herein, is directed to conduct studies for flood damage reduction, environmental protection, environmental restoration, water supply, water quality and other purposes in Tuscaloosa County, Alabama, and shall provide a comprehensive plan for the development, conservation, disposal and utilization of water and related land resources, for flood damage reduction and allied purposes, including the determination of the need for a reservoir to satisfy municipal and industrial water supply needs: Provided further, That within the funds provided herein, the Secretary may use $300,000 for the North Georgia Water Planning District Watershed Study, Georgia.*

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,570,798,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, AR, $4,500,000;

Indianapolis Central Waterfront, Indiana, $5,000,000;

Southern and Eastern Kentucky, Kentucky, $2,500,000:

Provided, That using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,300,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That with $800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: Provided further, That $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 to undertake the Bowie County Levee Project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: Provided further, That the Secretary of the Army is directed to use $4,000,000 of the funds provided herein for Dam safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $2,500,000 of the funds appropriated herein to proceed with the removal of the Embrey Dam, Fredericksburg, Virginia: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $41,100,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the following elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project:

$4,500,000 for the Clover Fork, Kentucky, element of the project;

$1,000,000 for the City of Cumberland, Kentucky, element of the project;

$1,650,000 for the town of Martin, Kentucky, element of the project;

$2,100,000 for the Pike County, Kentucky, element of the project, including $1,100,000 for additional studies along the tributaries of the Tug Fork and continuation of a Detailed Project Report for the Levisa Fork;

$3,850,000 for the Martin County, Kentucky, element of the project;

$950,000 for the Floyd County, Kentucky, element of the project;

$600,000 for the Harlan County element of the project;

$800,000 for additional studies along tributaries of the Cumberland River in Bell County, Kentucky;

$18,600,000 to continue work on the Grundy, Virginia, element of the project;

$450,000 to complete the Buchanan County, Virginia, Detailed Project Report;

$700,000 to continue the Dickenson County, Detailed Project Report;

$1,500,000 for the Lower Mingo County, West Virginia, element of the project;

$600,000 for the Upper Mingo County, West Virginia, element of the project;

$600,000 for the Wayne County, West Virginia, element of the project;

$3,200,000 for the McDowell County element of the project:

Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That, with respect to the environmental infrastructure project in Lebanon, New Hampshire, for which funds are made available under this heading, the non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for work performed before the date of execution of the project cooperation agreement, if the Secretary determines the work is integral to the project: Provided further, That within the funds provided herein, $250,000 may be used for the Horseshoe Lake, Arkansas feasibility study.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $328,011,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,833,263,000, to remain available until expended, of which not less than $300,000 shall be used for a study to determine, and develop a project that would make, the best use, on beaches of adjacent towns, of sand dredged from Morehead City Harbor, Carteret County, North Carolina; of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities, and of which not less than $400,000 shall be used to carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire: Provided, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002. Reimbursement costs shall not exceed $1,277,000: Provided further, That the Secretary of the Army is directed to use $2,000,000 of funds appropriated herein to remove and reinstall the docks and causeway, in kind, at Astoria East Boat Basin, Oregon: Provided further, That $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia: Provided further, That $500,000 of the funds appropriated herein shall be available for the conduct of activities related to the selection, by the Secretary of the Army in cooperation with the Environmental Protection Agency, of a permanent disposal site for environmentally sound dredged material from navigational dredging projects in the State of Rhode Island: Provided further, That the project for the Apalachicola, Chattahoochee and Flint Rivers Navigation, authorized by section 2 of the Rivers and Harbor Act of March 2, 1945 (Public Law 79–14; 59 Stat. 10) and modified by the first section of the River and Harbor Act of 1946 (60 Stat. 635, chapter 595), is modified to authorize the Secretary, as part of navigation maintenance activities to develop and implement a plan to be integrated into the long-term dredged material management plan being developed for *the Corley Slough reach as required by conditions of the State of Florida water quality certification, for periodically removing sandy dredged material from the disposal area known as Site 40, located at mile 36.5 of the Apalachicola River, and from other disposal sites that the Secretary may determine to be needed, for the purpose of reuse of the disposal areas, by transporting and depositing the sand for environmentally acceptable beneficial uses in coastal areas of northwest Florida to be determined in coordination with the State of Florida: Provided further, That the Secretary is authorized to acquire all lands, easements, and rights-of-way that may be determined by the Secretary, in consultation with the affected State, to be required for dredged material disposal areas to implement a long-term dredge material management plan: Provided further, That the long-term management plan shall be developed in coordination with the State of Florida no later than 2 years from the date of enactment of this legislation: Provided further, That, $5,000,000 shall be made available for these purposes and $8,173,000 shall be made available for the Apalachicola, Chattahoochee and Flint Rivers Navigation.*

Regulatory Program

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $128,000,000, to remain available until expended.

Formerly Utilized Sites Remedial Action Program

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

General Expenses

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $153,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

Administrative Provisions

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

Corps of Engineers—Civil

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 103. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and any associated changes to the Missouri River Annual Operating Plan. During consideration of revisions to the manual in fiscal year 2002, the Secretary may consider and propose alternatives for achieving species recovery other than the alternatives specifically prescribed by the United States Fish and Wildlife Service in the biological opinion of the Service. The Secretary shall consider the views of other Federal agencies, non-Federal agencies, and individuals to ensure that other congressionally authorized purposes are maintained.

SEC. 104. The non-Federal interest shall receive credit towards the lands, easements, relocations, rights-of-way, and disposal areas required for the Lava Hot Springs restoration project in Idaho, and acquired by the non-Federal interest before execution of the project cooperation agreement: Provided, That the Secretary shall provide credit for work only if the Secretary determines such work to be integral to the project.

SEC. 105. Of the funds provided under title I, $15,500,000 shall be available for the Demonstration Erosion Control project, Mississippi.

SEC. 106. Of the funds made available under Operations and Maintenance, a total of $3,000,000 may be made available for Perry Lake, Kansas.

SEC. 107. GUADALUPE RIVER, CALIFORNIA. The project for flood control, Guadalupe River, California, authorized by section 401 of the Water Resources Development Act of 1986, and the Energy and Water Development Appropriation Acts of 1990 and 1992, is modified to authorize the Secretary to construct the project substantially in accordance with the General Reevaluation and Environmental Report for Proposed Project Modifications, dated February 2001, at a total cost of $226,800,000, with an estimated Federal cost of $128,700,000, and estimated non-Federal cost of $98,100,000.

SEC. 108. Of the funds provided under Operations and Maintenance for McKlellan-Kerr, Arkansas River Navigation System dredging, $22,338,000 is provided: Provided, That of that amount, $1,000,000 shall be for dredging on the Arkansas River for maintenance dredging at the authorized depth.

SEC. 109. DESIGNATION OF NONNAVIGABILITY FOR PORTIONS OF GLOUCESTER COUNTY, NEW JERSEY. (a) DESIGNATION.—

(1) IN GENERAL.—The Secretary of the Army (referred to in section as the "Secretary") shall designate as nonnavigable the areas described in paragraph (3) unless the Secretary, after consultation with local and regional public officials (including local and regional planning organizations), makes a determination that 1 or more projects proposed to be carried out in 1 or more areas described in paragraph (2) are not in the public interest.

(2) DESCRIPTION OF AREAS.—The areas referred to in paragraph (1) are certain parcels of property situated in the West Deptford Township, Gloucester County, New Jersey, as depicted on Tax Assessment Map #26, Block #328, Lots #1, 1.03, 1.08, and 1.09, more fully described as follows:

(A) Beginning at the point in the easterly line of Church Street (49.50 feet wide), said beginning point being the following 2 courses from the intersection of the centerline of Church Street with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(i) along said centerline of Church Street N. 11°28'50" E. 38.56 feet; thence

(ii) along the same N. 61°28'35" E. 32.31 feet to the point of beginning.

(B) Said beginning point also being the end of the thirteenth course and from said beginning point runs; thence, along the aforementioned Easterly line of Church Street—

(i) N. 11°28'50" E. 1052.14 feet; thence

(ii) crossing Church Street, N. 34°19'51" W. 1590.16 feet; thence

(iii) N. 27°56'37" W. 3674.36 feet; thence

(iv) N. 35°33'54" W. 975.59 feet; thence

(v) N. 57°04'39" W. 481.04 feet; thence

(vi) N. 36°22'55" W. 870.00 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(vii) along the same line N. 53°37'05" E. 1256.19 feet; thence

(viii) still along the same, N. 86°10'29" E. 1692.61 feet; thence, still along the same the following thirteenth courses

(ix) S. 67°44'20" E. 1090.00 feet to a point in the Pierhead and Bulkhead Line along the Southwesterly shore of Woodbury Creek; thence

(x) S. 39°44'20" E. 507.10 feet; thence

(xi) S. 31°01'38" E. 1062.95 feet; thence

(xii) S. 34°34'20" E. 475.00 feet; thence

(xiii) S. 32°20'28" E. 254.18 feet; thence

(xiv) S. 52°55'49" E. 964.95 feet; thence

(xv) S. 56°24'40" E. 366.60 feet; thence

(xvi) S. 80°31'50" E. 100.51 feet; thence

(xvii) N. 75°30'00" E. 120.00 feet; thence

(xviii) N. 53°09'00" E. 486.50 feet; thence

(xix) N. 81°18'00" E. 132.00 feet; thence

(xx) S. 56°35'00" E. 115.11 feet; thence

(xxi) S. 42°00'00" E. 271.00 feet; thence

(xxii) S. 48°30'00" E. 287.13 feet to a point in the Northwesterly line of Grove Avenue (59.75 feet wide); thence

(xxiii) S. 23°09'50" W. 4120.49 feet; thence

(xxiv) N. 66°50'10" W. 251.78 feet; thence

(xxv) S. 36°05'20" E. 228.64 feet; thence

(xxvi) S. 58°53'00" W. 1158.36 feet to a point in the Southwesterly line of said River Lane; thence

(xxvii) S. 41°31'35" E. 113.50 feet; thence

(xxviii) S. 61°28'35" W. 863.52 feet to the point of beginning.

(C)(i) Except as provided in clause (ii), beginning at a point in the centerline of Church Street (49.50 feet wide) where the same is intersected by the curved northerly line of Pennsylvania-Reading Seashore Lines Railroad right-of-way (66.00 feet wide), along that Railroad, on a curve to the left, having a radius of 1465.69 feet, an arc distance of 1132.14 feet—

(I) N. 88°45'47" W. 1104.21 feet; thence

(II) S. 69°06'30" W. 1758.95 feet; thence

(III) N. 23°04'43" W. 600.19 feet; thence

(IV) N. 19°15'32" W. 3004.57 feet; thence

(V) N. 44°52'41" W. 897.74 feet; thence

(VI) N. 32°26'05" W. 2765.99 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(VII) N. 53°37'05" E. 2770.00 feet; thence

(VIII) S. 36°22'55" E. 870.00 feet; thence

(IX) S. 57°04'39" E. 481.04 feet; thence

(X) S. 35°33'54" E. 975.59 feet; thence

(XI) S. 27°56'37" E. 3674.36 feet; thence

(XII) crossing Church Street, S. 34°19'51" E. 1590.16 feet to a point in the easterly line of Church Street; thence

(XIII) S. 11°28′50″ W. 1052.14 feet; thence

(XIV) S. 61°28′35″ W. 32.31 feet; thence

(XV) S. 11°28′50″ W. 38.56 feet to the point of beginning.

(ii) The parcel described in clause (i) does not include the parcel beginning at the point in the centerline of Church Street (49.50 feet wide), that point being N. 11°28′50″ E. 796.36 feet, measured along the centerline, from its intersection with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(I) N. 78°27′40″ W. 118.47 feet; thence

(II) N. 15°48′40″ W. 120.51 feet; thence

(III) N. 77°53′00″ E. 189.58 feet to a point in the centerline of Church Street; thence

(IV) S. 11°28′50″ W. 183.10 feet to the point of beginning.

(b) LIMITS ON APPLICABILITY; REGULATORY REQUIREMENTS.—

(1) IN GENERAL.—The designation under subsection (a)(1) shall apply to those parts of the areas described in subsection (a) that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.

(2) APPLICABLE LAW.—All activities described in paragraph (1) shall be subject to all applicable Federal law, including—

(A) the Act of March 3, 1899 (30 Stat. 1121, chapter 425);

(B) section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) TERMINATION OF DESIGNATION.—If, on the date that is 20 years after the date of enactment of this Act, any area or portion of an area described in subsection (a)(3) is not bulkheaded, filled, or otherwise occupied by permanent structures (including marina facilities) in accordance with subsection (b), or if work in connection with any activity authorized under subsection (b) is not commenced by the date that is 5 years after the date on which permits for the work are issued, the designation of nonnavigability under subsection (a)(1) for that area or portion of an area shall terminate.

SEC. 110. NOME HARBOR TECHNICAL CORRECTIONS. Section 101(a)(1) of Public Law 106–53 (the Water Resources Development Act of 1999) is amended by—

(1) striking "$25,651,000" and inserting in its place "$39,000,000"; and

(2) striking "$20,192,000" and inserting in its place "$33,541,000".

SEC. 111. The Secretary of the Army shall not accept or solicit non-Federal voluntary contributions for shore protection work in excess of the minimum requirements established by law; except that, when voluntary contributions are tendered by a non-Federal sponsor for the prosecution of work outside the authorized scope of the Federal project at full non-Federal expense, the Secretary is authorized to accept said contributions.

SEC. 112. Section 211 of the Water Resources and Development Act of 2000 (P.L. 106–541; 114 Stat. 2592–2593) is amended by adding the following language at the end of subsection (d):

"(3) ENGINEERING RESEARCH AND DEVELOPMENT CENTER.—The Engineering Research and Development Center is exempt from the requirements of this section.".

SEC. 113. Section 514(g) of the Water Resources and Development Act of 1999 (113 Stat. 343) is amended by striking "fiscal years 2000 and 2001" and inserting in lieu thereof "fiscal years 2000 through 2002".

SEC. 114. (a)(1) Not later than December 31, 2001, the Secretary shall investigate the flood control project for Fort Fairfield, Maine, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); and

(2) determine whether the Secretary is responsible for a design deficiency in the project relating to the interference of ice with pump operation.

(b) If the Secretary determines under subsection (a) that the Secretary is responsible for the design deficiency, the Secretary shall correct the design deficiency, including the cost of design and construction, at 100 percent Federal expense.

SEC. 115. The Corps of Engineers is urged to proceed with design of the Section 205 Mad Creek Flood Control Project in Iowa.

SEC. 116. CERRILLOS DAM, PUERTO RICO. The Secretary of the Army shall reassess the allocation of Federal and non-Federal costs for construction of the Cerrillos Dam, carried out as part of the project for flood control, Portugues and Bucana Rivers, Puerto Rico.

SEC. 117. RARITAN RIVER BASIN, GREEN BROOK SUBBASIN, NEW JERSEY. The Secretary of the Army shall implement, with a Federal share of 75 percent and a non-Federal share of 25 percent, a buyout plan in the western portion of Middlesex Borough, located in the Green Brook subbasin of the Raritan River basin, New Jersey, that includes—

(1) the buyout of not to exceed 10 single-family residences;

(2) floodproofing of not to exceed 4 commercial buildings located along Prospect Place or Union Avenue; and

(3) the buyout of not to exceed 3 commercial buildings located along Raritan Avenue or Lincoln Avenue.

SEC. 118. STUDY OF CORPS CAPABILITY TO CONSERVE FISH AND WILDLIFE. Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by striking "(b) The Secretary" and inserting the following:

"(b) PROJECTS.—

"(1) IN GENERAL.—The Secretary"; and

(3) by striking "The non-Federal share of the cost of any project under this section shall be 25 percent." and inserting the following:

"(2) COST SHARING.—

"(A) IN GENERAL.—The non-Federal share of the cost of any project under this subsection shall be 25 percent.

"(B) FORM.—The non-Federal share may be provided through in-kind services, including the provision by the non-Federal interest of shell stock material that is determined by the Chief of Engineers to be suitable for use in carrying out the project.

"(C) APPLICABILITY.—The non-Federal interest shall be credited with the value of in-kind services provided on or after October 1, 2000, for a project described in paragraph (1) completed on or after that date, if the Secretary determines that the work is integral to the project.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account of the Central Utah Project Completion Act and shall be available to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $732,496,000, to remain available until expended, of which $4,000,000 shall be available for the West River/Lyman-Jones Rural Water System to provide rural, municipal, and industrial drinking water for Philip, South Dakota, in accordance with the Mni Wiconi Project Act of 1988 (102 Stat. 2566; 108 Stat. 4539), of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: Provided further, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting "2001, and 2002" in lieu of "and 2001": Provided further, That of the funds provided herein, $1,000,000 may be used to complete the Hopi/Western Navajo Water Development Plan, Arizona: Provided further, That using $500,000 of the funds provided herein, shall be available to begin design activities related to installation of electric irrigation water pumps at the Savage Rapids Dam on the Rogue River, Oregon: Provided further, That of such funds, not more than $1,500,000 shall be available to the Secretary for completion of a feasibility study for the Santa Fe Regional Water System, New Mexico: Provided further, That the study shall be completed by September 30, 2002.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That *these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $26,000,000.*

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $280,000, to remain available until expended: Provided, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,039,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,968,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)).

SEC. 204. LOWER COLORADO RIVER BASIN DEVELOPMENT FUND. (a) IN GENERAL.—Notwithstanding section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)), no amount from the Lower Colorado River Basin Development Fund shall be paid to the general fund of the Treasury until each provision of the Stipulation Regarding a Stay and for Ultimate Judgment Upon the Satisfaction of Conditions, filed in United States district court on May 3, 2000, in Central Arizona Water Conservation District v. United States (No. CIV 95-625-TUC-WDB (EHC), No. CIV 95-1720-OHX-EHC (Consolidated Action)) is met.

(b) PAYMENT TO GENERAL FUND.—If any of the provisions of the stipulation referred to in subsection (a) is not met by the date that is 3 years after the date of enactment of this Act, payments to the general fund of the Treasury shall resume in accordance with section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)).

(c) AUTHORIZATION.—Amounts in the Lower Colorado River Basin Development Fund that but for this section would be returned to the general fund of the Treasury shall not be expended until further Act of Congress.

SEC. 205. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 206. The Secretary of the Interior, in accepting payments for the reimbursable expenses incurred for the replacement, repair, and extraordinary maintenance with regard to the Valve Rehabilitation Project at the Arrowrock Dam on the Arrowrock Division of the Boise Project in Idaho, shall recover no more than $6,900,000 of such expenses according to the application of the current formula for charging users for reimbursable operation and maintenance expenses at Bureau of Reclamation facilities on the Boise Project, and shall recover this portion of such expenses over a period of 15 years.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $736,139,000, to remain available until expended, of which not less than $3,000,000 shall be used for the advanced test reactor research and development upgrade initiative, and of which $1,000,000 may be available for the Consortium for Plant Biotechnology Research.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $228,553,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $408,725,000, of which $287,941,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,268,816,000, to remain available until expended: Provided, That within the funds provided, molecular nuclear medicine research shall be continued at not less than the fiscal year 2001 funding level.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $25,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: Provided further, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $208,948,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $137,810,000 in fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $71,138,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 11 for replacement only), $6,062,891,000, to remain available until expended: Provided, That, $30,000,000 shall be utilized for technology partnerships supportive of the National Nuclear Security Administration missions and $3,000,000 shall be utilized at the NNSA laboratories for support of small business interactions including technology clusters relevant to laboratory missions: Provided further, That $1,000,000 shall be made available for community reuse organizations within the Office of Worker and Community Transition.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $880,500,000, to remain available until expended: Provided, That not to exceed $7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2002.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $688,045,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $15,000), $15,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles, of which 27 shall be for replacement only, $5,389,868,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,080,538,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $157,537,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $564,168,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $250,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. For the purposes of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration up to $2,000,000,000 in borrowing authority is authorized to be appropriated, subject to subsequent annual appropriations, to remain outstanding at any given time: Provided, That the obligation of such borrowing authority shall not exceed $0 in fiscal year 2002 and that the Bonneville Power Administration shall not obligate more than $374,500,000 of its permanent borrowing in fiscal year 2002.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,200,000 in reimbursements, to remain available until expended: Provided, That up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $169,465,000, to remain available until expended, of which $163,951,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That of the amount herein appropriated, $6,091,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That up to $152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That of the amount herein appropriated, not less than $200,000 shall be provided for corridor review and environmental review required for construction of a 230 kv transmission line between

Belfield and Hettinger, North Dakota: Provided further, That these funds shall be nonreimbursable: Provided further, That these funds shall be available until expended: Provided further, That within the amount herein appropriated not less than $200,000 shall be provided for the Western Area Power Administration to conduct a technical analysis of the costs and feasibility of transmission expansion methods and technologies: Provided further, That WAPA shall publish a study by July 31, 2002 that contains recommendations of the most cost-effective methods and technologies to enhance electricity transmission from lignite and wind energy: Provided further, That these funds shall be nonreimbursable: Provided further, That these funds shall be available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $187,155,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $187,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $0: Provided further, That the Commission is authorized to hire an additional 10 senior executive service positions.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Of the funds in this Act or any other Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: Provided, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons production plant" means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 309. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: Provided, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105–204 is amended in subsection (b)—

(1) by inserting "except as provided in subsection (c)," after "1321–349),"; and

(2) by striking "fiscal year 2002" and inserting "fiscal year 2005".

SEC. 312. (a) The Secretary of Energy shall conduct a study of alternative financing approaches, to include third-party-type methods, for infrastructure and facility construction projects across the Department of Energy.

(b) The study shall be completed and delivered to the House and Senate Committees on Appropriations within 180 days of enactment.

SEC. 313. (a) IN GENERAL.—The Secretary of Energy shall provide for the management of environmental matters (including planning and budgetary activities) with respect to the Paducah Gaseous Diffusion Plant, Kentucky, through the Assistant Secretary of Energy for Environmental Management.

(b) PARTICULAR REQUIREMENTS.—(1) In meeting the requirement in subsection (a), the Secretary shall provide for direct communication between the Assistant Secretary of Energy for Environmental Management and the head of the Paducah Gaseous Diffusion Plant on the matters covered by that subsection.

(2) The Assistant Secretary shall carry out activities under this section in direct consultation with the head of the Paducah Gaseous Diffusion Plant.

SEC. 314. (a) The Senate finds that:

(1) The Department of Energy's Yucca Mountain program has been one of the most intensive scientific investigations in history.

(2) Significant milestones have been met, including the recent release of the Science and Engineering Report, and others are due in the near future including the Final Site Suitability Evaluation.

(3) Nuclear power presently provides 20 percent of the electricity generated in the United States.

(4) A decision on how to dispose of spent nuclear fuel and high level radioactive waste is essential to the future of nuclear power in the United States.

(5) Any decision on how to dispose of spent nuclear fuel and high level radioactive waste must be based on sound science and it is critical that the Federal Government provide adequate funding to ensure the availability of such science in a timely manner to allow fully informed decisions to be made in accordance with the statutorily mandated process.

(b) It is the sense of the Senate that the conferees on the part of the Senate should ensure that the levels of funding included in the Senate bill for the Yucca Mountain program are increased to an amount closer to that included in the House-passed version of the bill to ensure that a determination on the disposal of spent nuclear fuel and high level radioactive waste can be concluded in accordance with the statutorily mandated process.

SEC. 315. The Department of Energy shall consult with the State of South Carolina regarding any decisions or plans related to the disposition of surplus plutonium located at the Department of Energy Savannah River Site. The Secretary of Energy shall prepare not later than September 30, 2002, a plan for those facilities required to ensure the capability to dispose of such materials.

SEC. 316. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST.

NEW YORK. No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2002 or thereafter.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, $20,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $40,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $516,900,000, to remain available until expended: Provided, That of the amount appropriated herein, $23,650,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $468,248,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That, $700,000 of the funds herein appropriated for regulatory reviews and other assistance to Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $48,652,000: Provided further, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,280,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $220,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,500,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2002".

EXECUTIVE CALENDAR

Mr. DASCHLE. Madam President, as in executive session, I now ask unanimous consent that the Agriculture Committee be discharged from further consideration of the following nominees to be members of the board of directors of the Commodity Credit Corporation, and that they be placed on the Executive Calendar: Eric Bost, William Hawks, Joseph Jen, James Mosely, and, J.B. Penn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are as follows:

DEPARTMENT OF AGRICULTURE

Eric M. Bost, of Texas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

William T. Hawks, of Mississippi, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Joseph J. Jen, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

James R. Moseley, of Indiana, to be a Member of the Board of Directors of the Commodity Credit Corporation.

J.B. Penn, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

SENATE WORK

Mr. DASCHLE. Madam President, this is the end of the week. I thank my colleagues for the effort that has been made to get as much accomplished as we were able to achieve. We passed the energy and water appropriations bill. We passed the legislative branch appropriations bill. We just now passed the supplemental appropriations conference report. We appointed conferees to the bankruptcy reform legislation. We confirmed 23 nominations, including 3 judicial nominees this week. And we began consideration of the Transportation appropriations bill.

While I wish we could have gone further with regard to our work on the Transportation bill, I am pleased that as a result of a bipartisan effort to achieve this success at the end of the week I think we have accomplished a good deal.

I thank the distinguished Republican leader for his efforts in allowing this kind of accomplishment to be noted. I appreciate very much the hard work of the Appropriations Committee and the appropriations subcommittees that were very involved in the work of this week; that of Senator DOMENICI, the ranking member of the energy and water appropriations subcommittee, and Senator REID in particular for his outstanding leadership in bringing about the successful conclusion of his bill. Senator DURBIN has done an outstanding job with his legislative branch appropriations bill.

As my colleague just noted, so much work went into the supplemental appropriations bill. I am very pleased that Senator BYRD and Senator STEVENS once again were able to complete their work as expeditiously as they did. I was contacted earlier today by the Vice President who asked if we could move this bill today. It was originally my intention to hold the bill over the weekend in order to give Senators more of a chance to examine the results. The bill was just presented to us this morning. But in order to accommodate a request by the administration, we chose to take up the bill, given the fact that no one had made a request for a rollcall vote. I thank my colleagues for their cooperation in not asking for a rollcall on this particular bill so we could move it ahead to accommodate the administration's request.

I am also very pleased with the success we have had in confirming 23 additional nominations; as I said, including 3 judicial nominees. That means that in the last 2 weeks we have now confirmed 77 nominations. I don't know what kind of a record that is, but it has to be one of the largest numbers of appointments confirmed in the shortest period of time. And we will continue to work at achieving just as impressive results in the coming weeks.

Madam President, we have had a good week. I look forward to a very successful week again next week working on, first, the Transportation appropriations bill, and, secondly, other available appropriations bills, in addition, of course, to other nominations.

ORDERS FOR MONDAY, JULY 23, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 2 o'clock on Monday, July 23. I further ask unanimous consent that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 4 p.m. with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator KYL, or his designee, from 2 p.m. until 3 p.m.; and Senator BYRD, from 3 p.m. until 4 p.m.; and, further, that at 4 p.m. the Senate resume consideration of H.R. 2299, the Transportation Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Madam President, Members of the Senate, on Monday the Senate will convene under this request at 2 p.m. with 2 hours of morning business. At 4 p.m, we will resume consideration of the Transportation Appropriations Act. There will be no rollcall votes until 5:45 p.m. on Monday. There will be a rollcall vote at that time. I expect there could be additional rollcall votes on Monday evening.

ADJOURNMENT UNTIL 2 P.M. MONDAY, JULY 23, 2001

Mr. DASCHLE. Madam President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 2:30 p.m., adjourned until Monday, July 23, 2001, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 20, 2001:

THE JUDICIARY

SAM E. HADDON. OF MONTANA. TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

RICHARD F. CEBULL. OF MONTANA. TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA.

DEPARTMENT OF JUSTICE

RALPH F. BOYD. JR., OF MASSACHUSETTS. TO BE AN ASSISTANT ATTORNEY GENERAL.

EILEEN J. O'CONNOR. OF MARYLAND. TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

ROGER L. GREGORY. OF VIRGINIA. TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.

EXTENSIONS OF REMARKS

IN HONOR OF THE REPUBLIC OF LATVIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor the mark of the 10th anniversary of Latvia's adoption of the constitutional law "On the Statehood of the Republic of Latvia".

On August 21, 1991, the Supreme Council of the Republic of Latvia took advantage of the political situation in the country and passed the law "On the Statehood of the Republic of Latvia" providing for the full restoration of Latvia's independence. This revoked the transition period set on May 4, 1990 for the de facto rejuvenation of the state power of the Republic of Latvia.

In order to commemorate the anniversary of this very significant event, the Saeima of the Republic of Latvia will host a ceremonial meeting of the Parliament on August 21, 2001. There, they will lay flowers at the Freedom monument and organize a festive concert and garden party in Jurmala.

The Republic of Latvia has always been a strong pillar of cultural heritage and exchange. Tradition and true faith drove this State to independence, and now, 10 years later, we are celebrating this important and distinguished anniversary.

Please Join me in celebrating the 10th anniversary of such a joyous occasion. The Republic of Latvia is a true stronghold for political freedom and independence.

TRIBUTE TO MARY JANE TURNIPSEED

HON. ASA HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. HUTCHINSON. Mr. Speaker, I rise today to pay tribute to Mrs. Mary Jane Turnipseed for her outstanding service as an educator at Van Buren High School in Van Buren, Arkansas. Recently, I received a heartfelt e-mail message from one of Mrs. Turnipseed's students. This student was searching for a way to recognize his teacher because she had truly made an impact in his life. After reading his email, I think it appropriate to recognize Mrs. Turnipseed today on the floor of the House of Representatives.

For more than twenty years Mrs. Turnipseed has dedicated herself to her profession, to her school, and most of all, to her students. As a teacher, Mrs. Turnipseed has demonstrated her diligence and desire to make learning an exalting experience. Her student described her teaching by saying, "Mrs. Turnipseed combines teaching with real-life experiences in an attempt to bring history alive. Not only does she allow us to teach on some days and assign hands-on projects, but also uses class discussion and physical demonstrations to allow us to not just study history, but experience it."

Mrs. Turnipseed is a remarkable teacher, but she doesn't stop at simply doing her job. Her student remarked, "Mrs. Turnipseed has been more than a teacher to me; she has been a mother, counselor, mentor, and most importantly a friend. When she finds a way to connect with a student, she uses the link to build a relationship like none other. We have formed a once in a lifetime relationship that I will never forget."

Mrs. Turnipseed represents the type of educator we, as parents, want to teach our children. In an era of drugs and violence in schools around the nation, Mrs. Turnipseed provides a calm and safe environment for her students. In her class, students can forget the pressures waiting outside in the hallway and focus on learning.

Mr. Speaker and fellow colleagues, please join me in recognizing Mrs. Mary Jane Turnipseed for the truly remarkable impact she has made on the teaching profession and her students.

STATEMENT ON THE LOSS OF MRS. KATHARINE GRAHAM

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to pay tribute to a great lady, Katharine Graham, former chairman and CEO of the Washington Post Co., who passed away on Tuesday, July 17th, from head injuries sustained after she fell on a sidewalk in Sun Valley, Idaho. My heart goes out to Mrs. Graham's family and those who became part of her extended family.

Mrs. Graham was a gutsy pioneer. She was not intimidated by power or titles and created, with the utmost integrity, her own fulcrum to help move the world. And the world came to know she was here.

Katharine Graham found the best people and backed them to the hilt. In any controversy she always came down on the side of principle. And she did so with style, grace, and good cheer. "Think no little thoughts, do no little deeds" could have served as Katharine Graham's motto.

When faced with tragic situations in her own life that would have destroyed most others, Mrs. Graham reached deep down and discovered strength. She could have lived a carefree life, going down an easy, well-traveled road. But by the sheer force of her indomitable will and genius Katharine Graham took the road less traveled. And she made it her own.

Katharine Graham's passing saddens me in a very personal way—because she was so much a part of this town and this region. Her death leaves a void. When I say "this town" I mean this great city, the District of Columbia, our Nation's Capital, and the Washington Region. Most of the tributes to Mrs. Graham have properly noted her immense role in our great national adventure as a country, and her key part in the stewardship of one of the greatest newspapers in American history, The Washington Post. Those tributes are fully justified, as she breathed new life into the First Amendment, without which our democratic republic would be unthinkable.

But the Katharine Graham I will always remember so vividly and personally is the Katharine Graham who loved this city and who soared above the crowd in her devotion to, and involvement in, the lifeblood of Washington, D.C.

Less than 2 years ago I had the honor of being a guest in her home upon the occasion of congressional passage of the District of Columbia Tuition Act, landmark legislation I was pleased to sponsor as Chairman of the D.C. Subcommittee. Mrs. Graham and her son, Don Graham, took a keen interest in that legislation, which has provided unprecedented educational opportunities for D.C. students. Likewise with other local issues, Mrs. Graham as publisher of The Washington Post helped to insure that there would always be a very sharp focus on the real city that lies just beyond the Monumental Core of the Nation's Capital.

So this week this town is in mourning. We grieve the passing of one of the most significant people ever to reside in our midst.

Mr. Speaker, Katharine Graham's legacy is one of unshakeable courage and enduring accomplishment. Our institutions of freedom and fairness have lost a great friend. May God grant us others who emulate the shining example of Katharine Graham.

TRIBUTE TO ELSIE RICH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Elsie Rich. As we prepare to celebrate Elsie's one hundredth birthday, we can be inspired by a life that embraces joyful energy, thoughtful discussion, and a positive approach to overcoming obstacles.

Born Elsa Shiffman in Vienna Austria in August, 1901, Elsie was one of five children in a Jewish family that owned a textile factory. In 1932 she married Henry Reich (later Rich), and the two lived in Vienna until 1938. After

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

hearing Hitler announce his plans to exterminate all the Jews in Europe, Elsie and Henry applied for visas to America. They left a few months after Hitler's troops invaded Austria, sending many Jews to concentration camps.

In America, the Rich family lived in New York before moving to Santa Rosa, California, in 1943. They eventually bought a ranch and became U.S. citizens. "Coming to America was the best thing that ever happened to me," according to Elsie. "We should enjoy the freedom, because we need to remember that we are lucky to live in such a wonderful nation."

Since arriving in Santa Rosa, Elsie Rich has been an active member and generous financial supporter of Congregation Beth Ami and the entire Jewish community. She is a woman of active participation and strong faith who always attends weekly services. Since Henry's death in 1976, Elsie's life has also included exercise classes, reading, cooking, discussing world affairs, using public transportation, and enjoying nearby casinos. For the last two years, she has been the oldest person to attend the Sonoma County Fair. Her upbeat energy and resilience have continued to inspire those around her.

Mr. Speaker, Elsie Rich's one hundredth birthday is a fitting occasion to remember, in her words, that "life is like a river. You have to go with your best stream and pick out what's best for you." Elsie has truly exemplified that approach.

SERIOUS QUESTIONS ON STAR WARS REMAIN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, I commend the following editorial to my colleagues that ran in the July 18, 2001, edition of the Contra Costa Times, a suburban newspaper which serves my 7th Congressional district in California. The Contra Costa Times has a circulation of 185,000 readers.

This editorial emphasizes a reality that should not be overlooked; the success of the recent missile defense test does nothing to change the fundamental arguments against deployment of a national missile defense system. Call it NMD, Star Wars II, or whatever you want. It still remains a bad idea that promises to divert needed funding toward a risky gambit that will certainly worsen our relations with our international partners and our own national security.

[From the Contra Costa Times (CA), July 18, 2001]

IT IS STILL A BAD IDEA

After the U.S. Military shot down a mock intercontinental ballistic missile Saturday night as part of its missile defense plan, a Pentagon spokesman urged everyone not to get too excited about it. "We've got a long road ahead," cautioned Lt. Gen Ronald Kadish, director of the Pentagon's Missile Defense Organization.

Let us translate that for you: Kadish is saying that the Pentagon intends to spend scads more of the taxpayers' dollars on this hare-brained scheme, a plan that, despite Saturday's apparent success, is unworkable, prohibitively expensive, does incalculable damage to international relations, and threatens to bring back the Cold War.

On Saturday, a prototype interceptor fired from Kwajalein Atoll in the Marshall Islands struck and destroyed a dummy warhead 140 miles above the Pacific. It was not seduced by a round, reflective decoy balloon sent up with the target. The test cost $100 million. Two previous tests had failed.

Military backers of the test, in a self-congratulatory mood, were slapping each other on the back after the hit. But the truth is that this test doesn't mean much militarily. The only decoy used for the test was easily identifiable and in the highly unlikely event that an enemy nation were to attack it would use multiple decoys shaped like real warheads.

Nor should anyone take the cost lightly. The Pentagon plans 17 more of these tests in the next 18 months. At $100 million each, you're talking serious money. In a faltering economy, the United States does not have the cash to waste.

Additionally, continued work on the missile defense system will increase international tensions. Russia already is nervous at the prospect of the United States trying to make itself into the only superpower, and has been making threatening rumbles about building up its own military. As we have said before, these tests torpedo decades of work toward undoing the danger to the planet created by the proliferation of nuclear weapons.

In any event, the tests are pointless. The so-called rogue nations that the military complex says might attack—North Korea, Iran and Iraq are usually mentioned—are not going to send a missile against the United States or its allies, because they know it would invite nuclear annihilation. The memory of Hiroshima and Nagasaki remain in the world's collective consciousness.

Finally, these war games, which have the military capering over their computers like teenagers playing "Space Invaders," do not address the way an enemy nation, organization or individuals actually would attack the United States: with weapons they could carry into the country. How about defending us against that?

We have said it before, and there is no reason to change our position: This so-called missile defense system is a dangerous, costly exercise in foolishness.

GAMBLING ATM AND CREDIT/DEBIT CARD REFORM ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. LAFALCE. Mr. Speaker, two years ago the National Gambling Impact Study Commission released the final report from its three-year study of gambling in the United States. The Commission took on one of the most difficult and divisive issues in America today and produced an extremely thoughtful report with more than 70 recommendations for changes in gambling policy. Unfortunately, none of the Commission's recommendations requiring federal legislation have yet been enacted by Congress.

I am today reintroducing legislation to implement one of the more important recommendations of the National Gambling Impact Study Commission to help lessen the potential financial losses of compulsive gambling for individuals and families. My legislation, the "Gambling ATM and Credit/Debit Card Reform Act", amends federal law to reduce the ready availability of cash and credit for gambling by removing credit card terminals, debit card point-of-sale machines, automated transfer machines (ATMS) and other electronic cash dispensing devices from the immediate area of gambling activities.

A major finding of the Commission is that America has been transformed during the past 20 years from a nation in which legalized gambling was localized and limited to one in which it is almost omnipresent and a major economic and entertainment activity. Some form of legalized gambling is now permitted in 47 states and the District of Columbia. Thirty-seven states officially sponsor gambling through state lotteries. Americans now spend an estimated $650 billion a year on legalized gambling—more than they spend on movies, records, theme parks, professional sports and all other forms of entertainment combined.

The Commission also found that while legalized gambling can produce positive economic benefits for the communities in which it is introduced, it also produces significant negative consequences for millions of individuals and families—consequences such as bankruptcy, crime, divorce, abuse and even suicide. A specific concern of the Commission has been the dramatic increase in problem and pathological gambling. Studies suggest that more than 5 million Americans are pathological or problem gamblers, and that another 15 million have been identified as "at-risk" or compulsive gamblers. The rapid growth of compulsive gambling has been particularly noticeable among women and includes growing numbers of teenagers.

The Commission identified the ready availability of cash and credit in and around gambling establishments as a major factor contributing to irresponsible gambling and to problem and pathological gambling behavior. Between forty and sixty percent of all money wagered by individuals in casinos, for example, is not physically brought into gambling facilities but is obtained by gamblers after their arrival. Much of this money derives from credit markers extended by casinos, but a sizable and growing portion involves cash derived from ATM and debit cards and cash advances on credit cards.

Credit cards, debit cards and ATMs have long been used within gambling resort hotels and near other gambling facilities. But their availability and use on gambling floors for purposes of making bets or purchasing playing chips was generally prohibited. This changed in 1996 when the New Jersey Casino Control Commission approved the use of credit card point-of-sale machines at gambling tables for direct purchases of playing chips and slot tokens. The action was immediately recognized by gambling experts as one of the "most potentially dramatic changes" in gambling in decades that would result in more impulse gambling by consumers and higher revenues for casinos. Since then, ATM machines have been moved from outside casinos and other gambling establishments to locations near gambling floors. Credit and debit card point-of-sale terminals have been installed directly at gambling tables.

Allowing gamblers to use credit or debit/ATM cards directly for gambling removes one of the last remaining checks on compulsive or problem gambling—the need to walk away to find more cash to gamble. This separation helps break the excitement of the moment and permits many gamblers to walk away. Providing immediate electronic cash transfers not only feeds compulsive behavior, but makes it easier for problem gamblers to bet all their available cash, draw down their bank accounts, and then tap into the available credit lines of their credit cards as well. Financial institutions become unwitting accomplices in encouraging gamblers to bet more money than they intended and more than most can afford.

My legislation addresses this problem in a number of ways. It amends the Truth in Lending Act (TILA) to prohibit gambling establishments from placing credit card terminals, or accepting credit cards for payment or cash advances, in the immediate area where any form of gambling is conducted. It also amends the Electronic Funds Transfer Act (EFTA) to impose a similar prohibition on the placing of any automated teller machine, point-of-sale terminal or other electronic cash dispensing device in the immediate area where gambling occurs. Contrary to statements by the gambling industry, this will not deny people use of the credit, debit and ATM cards, only move access terminals for these cards a short distance away from gaming tables or machines.

The bill directs the Federal Reserve Board to publish and enforce rules for assuring that all electronic transfers of cash and credit are physically segregated to the extent possible from all gambling areas. And it provides for comparable civil liability as provided elsewhere in TILA and EFTA to permit individuals to file private actions against gambling establishments that violate these restrictions.

Mr. Speaker, the National Commission study confirmed that legalized gambling has become a national phenomenon. While it is unreasonable to think we can put the gambling genie back in the bottle, we can take reasonable measures to help minimize the potential financial strain and anguish for American families. My legislation does not prohibit casinos, racetracks and other gambling facilities from providing or using credit card, ATM and debit card devices. It merely requires that these devices be used for the purposes they were intended and not to encourage irresponsible or problem gambling.

I believe this is reasonable and worthwhile legislation. I urge its adoption by the Congress.

TRIBUTE TO THE ALLIANCE FOR AMERICA

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. POMBO. Mr. Speaker, the Alliance for America (AFA) was organized in 1991 as a national non-profit grassroots coalition. Over the years, AFA has worked diligently to curb excessive government environmental regulations and to ensure the Constitutional rights of compensation for property owners.

AFA networks its mission in fifty states working with hundreds of organizations with a combined membership in the millions. These groups represent a variety of vocational, cultural and political interests including: (1) farming; (2) ranching; (3) grazing; (4) forestry; (5) commercial fisherman; (6) mining; (7) recreation; (8) energy; and (9) animal welfare.

In May 2001, AFA held its 11th Annual Fly-In for Freedom conference in Washington, DC. At the meeting, various measures were addressed and passed by the Alliance, including resolutions dealing with renewable whaling resources and the Marine Mammal Protection Act of 1972.

Mr. Speaker, at this time, I hereby submit to the RECORD RECORD for my colleagues consideration two resolutions unanimously adopted by AFA at its conference—the Resolution on Renewable Whale Resources and the Resolution to amend the Marine Mammal Protection Act.

Let me conclude by saying that although there are many different opinions on these issues, I applaud the efforts of AFA and I truly believe they do make a positive difference in our society.

ALLIANCE FOR AMERICA, FLY-IN FOR FREEDOM, WASHINGTON, DC, MAY 19–23, 2001

RESOLUTION ON RENEWABLE WHALE RESOURCES

Whereas, the United States recognizes the sustainable use of renewable wildlife and marine resources under professional and scientific management; and

Whereas, the Law of the Sea, the United Nation's Earth Summit and the Kyoto Declaration and Plan of Action on the Sustainable Contribution of Fisheries to Food Security recognize that marine resources are to be managed to secure food for human nutritional needs as well as traditional and cultural objectives; and

Whereas, the Charter of the International Convention for the Regulation of Whaling (ICRW recognizes that consumptive use of renewable whale resources by "proper conservation of whale stock [to] make possible the orderly development of the whaling industry," and

Whereas, the Scientific Committee of the International Whaling Commission (IWC), the governing body of the ICRW, has stated that limited harvest of certain whale stocks is scientifically justified and would have no adverse impact on those populations, and

Whereas, contrary to the mandate of the ICRW requiring a scientific basis for action, in 1994 the IWC adopted as Resolution to create a Southern Ocean Sanctuary and is currently considering a proposal for the adoption of a Resolution to create a Pacific Ocean Sanctuary, again, without scientific justification; and

Whereas, certain coastal and island nations are currently undertaking legal limited harvests of non-endangered whale stocks under scientific guidelines for valid scientific research and for human food consumption, as these nations have done for thousands of years; now, therefore, be it

Resolved, That the Alliance for America, representing over ten (10) million American citizens, at its 2001 Fly-In for Freedom Conference request the United States government:

To recognize and support the cultural, economic and dietary traditions of island and coastal nations who seek to undertake limited harvests of non-endangered whale species, and

To be guided by scientific evidence in deliberations at the Annual Meetings of the International Whaling Commission and the Conference of the Parties of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) rather than following any unscientific political policy; and

To permit these sovereign nations to undertake limited harvests of whales without the threat of economic sanction or censure.

ALLIANCE FOR AMERICA 11TH ANNUAL FLY-IN FOR FREEDOM, WASHINGTON, DC, MAY 20, 2001

RESOLUTION

The key observation arising from the Alliance for America 11th Annual Fly In For Freedom is that the promotion of animal-rights beliefs has produced unacceptable consequences that include ongoing violations of fundamental human rights.

The representative of the Inuit people from Arctic Canada has eloquently described how their culture, livelihoods and society are being devastated by the animal rights-inspired Marine Mammal Protection Act (MMPA)—a law which contradicts accepted principles of sustainable use and environmental conservation.

This outdated legislation arbitrarily bans the import of seal products from an abundant species, and violates the American ideal of individual freedom and the rights of the people to self-determination, including the right to use and trade abundant local resources.

We believe that the American people would be shocked and distressed to discover that the MMPA has so severely harmed so many people and cultures. Indigenous people attempt to live in harmony with the environment as active practitioners of sustainable use. The MMPA disrupts this ecological relationship.

Seals are abundant in Arctic Canada and other regions and provide a vital source of food in Arctic communities, but provisions of the MMPA prevent Inuit and other people from fully utilizing animals upon which they depend for their survival, because trade is prohibited.

Therefore this assembly of the Alliance for America:

(I) Calls for the amendment of the MMPA to allow for the import of seal products, to protect US commercial and recreational fisheries, and to bring the MMPA into accord with the Convention on International Trade in Endangered Species (CITES) as implemented by the Endangered Species Act and Agreements under the WTO; and:

(II) Resolves to work to inform the American public and legislators about the injustice which has been done by this law; and,

(III) Calls upon all people and organizations that respect human rights to join us in our efforts to right the wrongs that have been done.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

The House in Committee of the Whole House on the State of the Union had under consideraton the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mrs. MORELLA. Mr. Chairman, over the years we have heard a number of contentious arguments about the viability of the Advanced Technology Program (ATP). As a consistent ATP supporter, I understand these discussions are difficult to resolve and stem from fundamental questions about the proper role of government in the development of technology. While government should, and must, contribute to funding our basic research enterprise, there is fair ambivalence about the government taking on the role of private investors and picking the "winners and losers" of the market by targeting funds to specific projects. While I also question the superiority of government over Adam Smith's "invisible hand" of the marketplace, I think this argument is severely flawed when it comes to ATP.

The Advanced Technology Program is not public financing of established technologies. It should not be seen as speculative investment nor should its success be measured in the same economic terms as private investment. Framing the debate in these terms is fundamentally wrong and misses the point of the program. The ATP is a research and development program, not an exercise in government venture capital.

The program seeks to provide a critical bridge for the "funding gap" from innovation to the marketplace of pre-competitive, emerging technologies. ATP seeks to smooth the transition from invention to commercialization, the so-called "valley of death" or "Darwinian Sea." The United States has the greatest research effort in the world. Our universities and industries develop more ideas and discover more innovations than everywhere else combined. We also understand capital markets and have used our knowledge to produce the world's most vibrant and robust economy. Yet we are still not very good at turning raw ideas into commercial products. While it is tempting to believe that this process is straightforward and should be understandable from basic social and economic principles, it is not and cannot. The relationship between the private sector and this intermediate stage between research and venture capital investment is poorly understood and the subject of intense scrutiny. It would be wrong to treat it as a mature, fully-formed, capital arena.

As such, there is a role for government to play. What's more, the ATP has been largely successful in carrying out that role. The purpose of the ATP is to develop and disseminate high-risk technologies with the potential for broad-based economic benefits. It is devoted to technical research; research that is more directed that basic proof-of-principle work, but not to product development. And more often than not, it involves matching funds from industry. This process has worked. In a recent review of the first 50 ATP awards, 32 projects have been successful in bringing 61 products or processes to market.

Despite this success, H.R. 2500, the Fiscal Year 2002 Commerce-Justice-State Appropriations bill, only provides enough funds to fulfill existing commitments and halts new awards. While I understand the rationale to suspend new ATP grants is due to the on-going program re-evaluation efforts conducted by the Secretary of Commerce, I am concerned that this may ultimately lead to a zeroing out of the program. The ATP is one of the most closely reviewed government programs of all time. In addition, the National Research Council has just completed the most comprehensive review of ATP to date and the review is extremely positive. The report calls ATP an "effective federal partnership program" and claims that it "appears to have been successful in achieving its core objective." It also cites its "exceptional assessment effort" and compliments its review and awards process. These are extremely strong statements for a non-partisan group that tries to avoid making policy judgments.

The Academy report, however, does not say the program is perfect and does take issue with certain aspects of the ATP. It also makes recommendations for changes and improvements. These concerns should be taken seriously, but the report is still a strong endorsement for continuing the program. Effective programs that produce measurable long-term economic benefits should not be sacrificed on the altar of short-term budget constraints. The success of the ATP speaks for itself and the program should be continued. At the very least, I hope that when this legislation is considered in conference, there will be adequate funding to continue the program pending the Secretary's reevaluation.

TRIBUTE TO THE HORNETTES OF NASHVILLE HIGH SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the Hornettes of Nashville High School on their recent state softball championship. The Hornettes defeated the Stanford Olympia Spartans 3–0 to win their first ever Class A State Softball Championship.

In addition to being crowned state champs, the Nashville Hornettes tied the state record for most wins in a season with 41 victories and only 2 losses. The team gave Nashville softball fans a thrill throughout their historic season.

I would like to personally commend the team members and coaches for a job well done. They are: Cara Pries, Lindsay Henry, Tessa Schmale, Amy Harre, Amber Fark, Linda Maschhoff, Amy Rybacki, Ashley Schaeffer, Mallory Ruggles, Krystal Stein, Kristen Klingler, Danielle Kaufman, Chelsi Boatright, Nicole Richard, Danielle Chambers, Heather Guest, Sara Skibinski, Nicole Asberry, and Stephanie Niedbalski. Their coaches are: Neil Hamon, Wayne Harre, Charlie Heck, and Head Coach Chad Malawy. I am very proud of you all.

TRIBUTE TO THE LATE POLICE CHIEF CECIL GURR

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. CANNON. Mr. Speaker, I rise today with a heavy heart to pay tribute to a fallen police chief from Roosevelt, Utah. Police Chief Cecil Gurr was "off duty" in his car en route to the grocery store to run family errands when he heard a police dispatch about a domestic dispute at a nearby convenience store. As he had countless other times, he responded to the call. Drawing attention away from his officers, Chief Gurr deliberately placed himself in the line of fire to protect his men. Caught in the exchange of gunfire, Gurr died Friday, July 6, 2001 in the line of duty for the Duchesne County community. I send my prayers and condolences to his family, neighbors, and the community as a whole.

Cecil Gurr had been Roosevelt's police chief since 1978. He grew up in Roosevelt and joined its police force in 1974 after a tour of duty in Vietnam and a short stint with the FBI. Nearly 30 years of his life was devoted to protecting his hometown of 4,000 residents. He is survived by his wife, Lynnette, his three children, and four grandchildren. Left behind are neighbors and a community that will greatly miss his unconditional self sacrifice, kindness, generosity, and quiet demeanor. And, now those left behind must unite to support and strengthen one another during the coming months and years as they heal.

"He was very fair and firm and always had the best interests of the community at hand . . . He'd do anything for you. He never asked for anything in return," stated Roosevelt Police Officer Brad Draper. The National Law Enforcement Officer Memorial says that "it is not how these officers died that made them heroes, it is how they lived."

We may never truly comprehend the latent danger associated with the daily routines of our law enforcement officers. They continually put themselves in danger as they stop a vehicle, respond to an incident or a suspicious circumstance. The dangers, risks, and violence they encounter each day are very real. Sorrowfully, at such times we pause to honor the brave law enforcement officers who serve and protect our communities. I hope they will routinely be given the honor, respect and thanks they deserve—not only when life's fragile nature is revealed.

Mr. Speaker, today I ask that you and our colleagues join me in remembering this fine man and the selfless life he lived. On behalf of the residents of the Third District of Utah, we extend our prayers and most heartfelt sympathy to his family and loved ones.

IN TRIBUTE TO KATHARINE GRAHAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. WOLF. Mr. Speaker, our nation has lost one of the true giants of American journalism. Katharine Graham, 84, the former chairman and chief executive officer of The Post Co. and former publisher of The Washington Post, died on July 17 from head injuries she sustained in a fall while on a business trip in Idaho.

Mrs. Graham was a remarkable woman of courage, grace and integrity who lead the Post through what has been called two of the most celebrated episodes in American journalism: the publication in 1971 of the Pentagon Papers and the Watergate scandal. She is credited with transforming the Post into one of the nation's leading newspapers.

Mr. Speaker, to our colleagues who spend so much time in Washington, D.C., The Washington Post is required daily reading if we want to stay on top of the news of the nation and world. To the handful of us who are privileged to represent congressional districts in the Washington metropolitan region, The Washington Post is our hometown newspaper and we today share in the loss of its legendary leader.

I would like to share with our colleagues the July 18 editorial from The Washington Post in tribute to Katharine Graham.

[From the Washington Post, July 18, 2001]

KATHARINE GRAHAM 1917–2001

It's one of the wonderful mysteries of journalism that, though a thousand people's labor may be necessary to produce each day's issue, every newspaper takes on an identity of its own. That character is shaped by people you may have heard of—the top editor, an advice columnist, a chief political correspondent, your county's school reporter—and by many whose names you probably don't know: the copy editors, the ad sellers, the press operators and distributors. Few of those who work here, though, would dispute that at The Post a single person is responsible first and foremost for making our newspaper what it is today. That person is Katharine Graham, who died yesterday at the age of 84.

Mrs. Graham's imprint was the product both of her values, which suffused the paper, and of the crucial decisions she made about its leadership and direction. At The Post and Newsweek, she chose great editors, such as The Post's Benjamin Bradlee, and then gave them the independence and resources they needed to produce strong journalism. She also supported them at crucial moments, when their work was doubted or under attack by powerful forces in and outside of government. Two of those cases helped define her career, and The Post: her refusal to bow to the government's efforts to block publication of the Pentagon Papers and her backing of the paper's coverage of the Watergate scandal.

Her decision in 1971 to publish the Pentagon's secret history of the Vietnam War, after a federal court already had blocked the New York Times from doing so, was even harder than it appears in retrospect. There was nothing harmful to national security in the papers, but the Nixon administration claimed otherwise, and its henchmen were not above threatening The Washington Post Co.'s television licenses. Mrs. Graham's lawyers advised against publication; they said the entire business could be ruined. But after listening to the arguments on both sides, Mrs. Graham said, "Let's go. Let's publish." In those circumstances, she didn't believe that the government ought to be telling a newspaper what it could not print.

She proved that again the following year, when The Post again came under enormous government pressure as it pursued, almost alone, the story behind the Watergate break-in. The White House insisted that The Post's reporting was false, and launched a series of public and private attacks against the newspaper—and, on occasion, against Mrs. Graham. Such pressure would have caused many publishers to rein in their newsrooms, but Mrs. Graham did not; instead, she strongly backed Mr. Bradlee and his team. Some two years later, partly because of the paper's persistence, Mr. Nixon was forced to resign.

No less important to the paper's success was the fact that Mrs. Graham was a tough-minded businesswoman who never lost sight of the fact that high-quality journalism depended on running a newspaper that turned a profit. She concentrated on the business success of the newspaper, leading it through a difficult strike by pressmen in the mid-'70s, even as she oversaw the diversification and expansion of The Post Co., which added new broadcast television stations and cable networks under her leadership.

All those decisions would have been lonely and frightening for any chief executive; given Mrs. Graham's unusual position, they were all the more so. It's hard now to recall how extraordinary it was for a woman to occupy her job, but for years she was the only female head of a Fortune 500 corporation. You get a sense of how anomalous this was when you realize that she was a brainy University of Chicago graduate with journalism experience, both at this paper and elsewhere; and yet when the time came for her father to bequeath The Post to the next generation, it was her husband, Philip Graham, who took over. No one, least of all Katharine, found this strange. Only when her husband died did Mrs. Graham take over the paper; her insecurities in doing so are well documented in her Pulitzer Prize-winning autobiography, "Personal History."

One of Mrs. Graham's public faces over time became that of the society figure. Both in Georgetown and in her summer home in Martha's Vineyard, she hosted presidents (including the incumbent) and generals and secretaries of state. She liked doing these things—Mrs. Graham knew the pleasures of gossip, and she believed, among other things, that Washington should be fun—but there was a serious aspect to them too. Beneath the high-society vener was an old-fashioned patrotism: a belief that liberals and conservatives, Republicans and Democrats, even politicians and journalists, shared a purpose higher than their differences and ought to be able to break bread together. Her credentials for bringing people together were strenghtened by her scrupulous refusal to use her position (not to mention this editorial page) to advance her personal or corporate financial interests; she gave generously to many institutions and causes in and outside of Washington, yet sought little credit for it.

In what she amusingly called retirement, Mrs. Graham seemed only to become more active. With the publication of her autobiography, so astonishingly honest and unsentimental about herself, the well-known publisher became an even better-known author. And yet, as public a figure as she was, we here at The Post flattered ourselves to think that we saw an essential side of her that others did not. We were the beneficiaries of her investment, year after year, in a superior product: in new sections, new local, domestic and foreign bureaus, new and diverse talent. We were the beneficiaries of her gradual and graceful passing of the baton to the next generation, a transition that she made seem easy but that—as the experience of other great newspaper families shows—can work only with the greatest of care. We got to hear her brutally frank assessments of puffed-up Washington celebrities, delivered in salty language that forever altered the pearls-and-Georgetown image for anyone who heard them. Most of all, we got to see the respect she brought, and the high expectations she held, day in and day out, for fair-minded journalism. The respect was more than reciprocated. We will miss her very much.

VETERANS HIGH SCHOOL DIPLOMA

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SIMPSON. Mr. Speaker, As the graduation season comes to a close, I would like to recognize a few special graduates from the state of Idaho. Local high school students presented about 50 World War II veterans with high school diplomas they never received due to the war. These men put their education on hold, joined arms, and fought valiantly for our beautiful country. The high school diplomas are well deserved and long overdue.

Retired servicemen appreciate the homage that high school students are giving, and I am pleased to see the youth in Idaho recognizing the great deeds of past generations. The Greek historian Herodotus once wrote, "Great deeds are usually wrought at great risks." When faced with the dangers of war, our American soldiers proved their valor and accomplished the greatest deed of all: heroism. How can we allow Americans to forget the heroic efforts of veterans more than 50 years ago?

As Memorial Day passes and Veterans' Day quickly approaches, we as a country cannot escape our obligation toward our American heroes. World War II veterans have never asked for a monument and were content without it, but it is time for us to say thank you for their courage and sacrifice through gestures such as a memorial. I am grateful that Americans have finally pulled together to honor these brave men and women of World War II with a national memorial.

High school students throughout Idaho have discovered a way to say thank you to the saviors of our country. As young Idahoans helped veterans to don the traditional cap and gown this year, it reminded me that throughout these 50 years we have not forgotten these men or their important role in our American history. Through the ongoing construction of the World War II Memorial, high school diplomas, and many other events, we are demonstrating our deep reverence to the heroes of our nation and keeping their memories alive.

DEPENDENT CARE TAX CREDIT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. MURTHA. Mr. Speaker, the long-term care debate continues to grow as a key health care issue and it will continue to grow more in the coming decade as Americans live longer.

Fortunately, more attention is starting to be focused on long-term care; the bad news is that there is a tremendous gap in ideas and solutions to make sure every family has access to affordable, quality long-term care when it is needed. In Pennsylvania already 1.9 million seniors and nearly 220,000 individuals with disabilities rely on Medicare to meet long-term costs, and 84,743 Pennsylvanians are in nursing homes.

In the next decade, the first of the "baby boomers" will reach 65 sending the need for long-term care much higher very quickly.

While long-term care is usually thought of in terms of the elderly, two of every five Americans will need long-term care at some point in their lives, often because of an injury or disability as well as advanced age. It is therefore, essential that the health care system provide families with affordable, available options for long-term care—options that provide the kind of quality everyone wants to see for a family member or friend.

A major trend in long-term care is away from nursing homes, to keep people in their homes or with family as long as possible, to look at alternative living arrangements and to stress community support and involvement. As we sort through this issue, it is imperative that long-term care promote individual dignity, maximize independence and self-sufficiency and be provided in the least restrictive setting—that includes providing home and community based, flexible, benefits and services.

The trend in long-term care is moving away from institutions like nursing homes. This is well illustrated in Pennsylvania where most people, particularly the elderly, dread the idea of leaving their home and family and moving to a nursing home. Consumers have become more sophisticated and are looking for alternatives of service and care that will allow people to retain their independence, including staying in their home or with family-member care givers.

Research suggests that a highly important cultural change is at work—a trend toward home and community based long-term care services. This means that government must recognize this important shift and encourage the expansion of home and community-based care programs and services.

While current government policies support and promotes public funding for institutionalized care (the type of care that those in need do not prefer) society has come to rely almost exclusively on informal family-care givers to provide the type of care desired by the majority of care recipients.

Researchers estimate that the value of care giving responsibilities regularly assumed by family members and friends exceeded $200 billion in 1997. In comparison, federal spending for formal home care in 1997, was $32 billion, with an additional $83 billion for nursing home care.

Informal or family-care givers provide more long-term care and support, free of charge and with limited support, than the federal government in all settings combined.

The obvious question becomes: how about paying or providing relief to the informal or family-care giver? I am taking steps to do just that by introducing legislation to amend the Internal Revenue Code of 1986 to provide a $1,200.00 tax credit for care givers of individuals with long-term care needs.

A $1,200.00 tax credit is the logical first step designed to recognize and compensate care givers for the long-term cost associated with informal or family care giving.

CAPTIVE NATIONS WEEK, 43RD OBSERVANCE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. CALVERT. Mr. Speaker, I rise today with a deep sense of personal conviction and pride to submit for the RECORD a proclamation on the 43rd Observance of Captive Nations Week. It was in memory of the millions who perished under authoritarian regimes and remain under authoritarian regimes still that the 86th Congress and President Dwight D. Eisenhower began the tradition of paying tribute to their fight for freedom, democracy, free market economy, human rights and national independence, with Public Law 86–90. President Ronald Reagan served to more forcibly imprint this need several years later when he called history's most powerful authoritarian regime, the Soviet Union, an "evil empire."

I am convinced that Captive Nations Week has served a vital role in the fight against authoritarian governments. This one week a year has provided, and continues to provide, a level of focused pressure and attention on those nations that utilize force, coercion and fear to maintain control over the individual. As a result, we no longer witness Germany fascism, Soviet Stalinism, the Nazi concentration and work camps of World War II and more. In time, I believe that remaining Captive Nations, such as China, will also join the community of democratic states.

China in particular provides us visible daily evidence of the human rights violations that continue to be perpetuated in the world. In this country the authoritarian government continues to deny men and women their inalienable rights, including freedom of speech, freedom of movement and assembly, freedom of the press and the right to practice their religious beliefs without fear of persecution.

Captive Nations Week recalls our obligation to speak out for captive peoples around the world. During this one week in July, we may reaffirm our support for peaceful efforts to secure their right to liberty and self-determination. Thomas Jefferson's timeless words on the 50th Anniversary of our Nation's Independence in 1826 best highlight the goals of Captive Nations Week:

"All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights and an undiminished devotion to them. . . ."

Therefore, Mr. Speaker, I add my prayers and hopes to the millions said each and every day for the "rights of man" to be secured for all peoples around the world and that Americans are privileged to experience with each breath that they breathe. And I also applaud those who would not be victimized, the individuals who refused to be swayed by untruths and promises of power—the ones who fought tyranny and prevailed. In 2001 there remain many Captive Nations, but our hope remains that one day there will be none.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. WELLER. Mr. Speaker, I rise today to give my strong support to H.J. Res. 36, the Flag Protection Amendment.

Our flag is the symbol of the free world. It is the symbol that men and women have given their lives to protect and preserve. Thanks to these sacrifices, we are at peace today and are able to return the favor to the brave soldiers and sailors who stood guard to our flag and freedom from Lexington & Concord to the shores of Kuwait.

Mr. Speaker, the United States flag stands for freedom, equality, and patriotism. These qualities are embodied in the true, tried waves of the flag as she flies proudly above this building, the United States Capitol. To protect the flag is not only the right thing to do, it is the necessary action to pursue.

Mr. Speaker, I commend Mr. CUNNINGHAM and Mr. SENSENBRENNER on their hard work on this amendment and I urge my colleagues to support this meaningful and necessary piece of legislation.

SUBCHAPTER S MODERNIZATION ACT OF 2001

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SHAW. Mr. Speaker, today over 2 million businesses pay taxes as S corporations and the vast majority of these are small businesses. The Subchapter S Modernization Act of 2001 is targeted to these small businesses by improving their access to capital, preserving family-owned businesses, and lifting obsolete and burdensome restrictions that unnecessarily impede their growth.

Even after the relief provided in 1996, S corporations face substantial obstacles and limitations not imposed on other forms of entities. The rules governing S corporations need to be modernized to bring them more on par with partnerships and limited liability companies. For instance, S corporations are unable to attract the senior equity capital needed for their survival and growth. This bill would remove this obsolete prohibition and also provide that S corporations can attract needed financing through convertible debt.

Additionally, the bill helps preserve family-owned businesses by counting all family members as one shareholder for purposes of S corporation eligibility. The bill also increases the limit on the number of shareholders from 75 to 150. Also, nonresident aliens would be permitted to be shareholders under rules like those now applicable to partnerships.

The Subchapter S Modernization Act of 2001 includes the following provisions to help: improve capital formation opportunities for small businesses, preserve family-owned businesses, and eliminate unnecessary and unwarranted traps for taxpayers.

TITLE I—ELIGIBLE SHAREHOLDERS OF AN S CORPORATION

SECTION 101. MEMBERS OF FAMILY TREATED AS ONE SHAREHOLDER

The Act provides for an election to count family members that are not more than six generations removed from a common ancestor as one shareholder for purposes of the number of shareholder limitation (currently 75 shareholders). The election requires the consent of a majority of all shareholders. The provision helps family-owned S corporations plan for the future without fear of termination of their S corporation elections.

SECTION 102. NONRESIDENT ALIENS ALLOWED TO BE SHAREHOLDERS

The Act would permit nonresident aliens to be S corporation shareholders. To assure collection of the appropriate amount of tax, the Act requires the S corporation to withhold and pay a tax on effectively connected income allocable to its nonresident alien shareholders. The provision enhances an S corporation's ability to expand into international markets and expands an S corporation's access to capital.

SECTION 103. EXPANSION OF BANK S CORPORATION ELIGIBLE SHAREHOLDERS TO INCLUDE IRAS

The Act permits Individual Retirement Accounts (IRAs) to hold stock in a bank that is an S corporation. Additionally, the Act would exempt the sale of bank S corporation stock in an IRA from the prohibited transaction rules. Currently, IRAs own community bank stock, which results in a significant obstacle to banks that want to make an S election. The provision allows an IRA to own bank S stock, and thus, avoids transactions to buy back stock, which drains the bank's resources.

SECTION 104. INCREASE IN NUMBER OF ELIGIBLE SHAREHOLDERS TO 150

Currently a corporation is not eligible to be an S corporation if it has more than 75 shareholders. The Act increases the number of permitted shareholders to 150. The provision will enable S corporations to raise more capital and plan for the future without endangering their S corporation status.

TITLE II—QUALIFICATION AND ELIGIBILITY REQUIREMENTS

SECTION 201. ISSUANCE OF PREFERRED STOCK PERMITTED

The Act would permit S corporations to issue qualified preferred stock (QPS). QPS generally would be stock that (i) is not entitled to vote, (ii) is limited and preferred as to dividends and does not participate in corporate growth to any significant extent, and (iii) has redemption and liquidation rights which do not exceed the issue price of such stock (except for a reasonable redemption or liquidation premium). Stock would not fail to be treated as QPS merely because it is convertible into other stock. This provision increases access to capital from investors who insist on having a preferential return and facilitates family succession by permitting the older generation of shareholders to relinquish control of the corporation but maintain an equity interest.

SECTION 202. SAFE HARBOR EXPANDED TO INCLUDE CONVERTIBLE DEBT

The Act permits S corporations to issue debt that may be converted into stock of the corporation provided that the terms of the debt are substantially the same as the terms that could have been obtained from an unrelated party. The Act also expands the current law safe-harbor debt provision to permit nonresident alien individuals as creditors. The provision facilitates the raising of investment capital.

SECTION 203. REPEAL OF EXCESSIVE PASSIVE INVESTMENT INCOME AS A TERMINATION EVENT

The Act would repeal the rule that an S corporation would lose its S corporation status if it has excess passive income for three consecutive years. A corporate-level "sting" (or double) tax would still apply, as modified in Section 204 below, to excess passive income.

SECTION 204. MODIFICATIONS TO PASSIVE INCOME RULES

The Act would increase the threshold for taxing excess passive income from 25 percent to 60 percent (consistent with a Joint Tax Committee recommendation on simplification measures). In addition, the Act removes gains from the sales or exchanges of stock or securities from the definition of passive investment income for purposes of the sting tax.

SECTION 205. STOCK BASIS ADJUSTMENT FOR CERTAIN CHARITABLE CONTRIBUTIONS

Current rules discourage charitable gifts of appreciated property by S corporations. The Act would remedy this problem by providing for an increase in the basis of shareholders stock in an amount equal to excess of the value of the contributed property over the basis of the property contributed. This provision conforms the S corporation rules to those applicable to charitable contributions by partnerships.

TITLE III—TREATMENT OF S CORPORATION SHAREHOLDERS

SECTION 301. TREATMENT OF LOSSES TO SHAREHOLDERS

In the case of a liquidation of an S corporation, current law can result in double taxation because of a mismatch of ordinary income (realized at the corporate level and passed through to the shareholder) and a capital loss (recognized at the shareholder level on the liquidating distribution). Although careful tax planning can avoid this result, many S corporations do not have the benefit of sophisticated tax advice. The Act eliminates this potential trap by providing that any portion of any loss recognized by an S corporation shareholder on amounts received by the shareholder in a distribution in complete liquidation of the S corporation would be treated as an ordinary loss to the extent of the shareholder's ordinary income basis in the S corporation stock.

SECTION 302. TRANSFER OF SUSPENDED LOSSES INCIDENT TO DIVORCE

The Act allows for the transfer of a pro rata portion of the suspended losses when S corporation stock is transferred, in whole or in part, incident to divorce. Under current IRS regulations, any suspended losses or deductions are personal to the shareholder and cannot, in any manner, be transferred to another person. Accordingly, if a shareholder transfers all of his or her stock in an S corporation to his or her former spouse as a result of divorce, any suspended losses or deductions with respect to such stock are permanently disallowed. This result is inequitable and unduly harsh, and needlessly complicates property settlement negotiations.

SECTION 303. USE OF PASSIVE ACTIVITY LOSS AND AT-RISK AMOUNTS BY QUALIFIED SUBCHAPTER S TRUST INCOME BENEFICIARIES

The Act clarifies that, if a QSST transfers its entire interest in S corporation stock to an unrelated party in a fully taxable transaction, the income beneficiary's suspended losses from S corporation activity under the passive activity loss rules would be freed up for use by the income beneficiary.

The Act further provides that the income beneficiary's at-risk amount with respect to S activity would be increased by the amount of gain recognized by the QSST on a disposition of S stock. These provisions clarify a troublesome area under current law, and so, eliminate traps for the unwary taxpayer.

SECTION 304. DEDUCTIBILITY OF INTEREST EXPENSE INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK

The Act provides that interest expense incurred by an ESBT to acquire S corporation stock is deductible by the S portion of the trust. Recently issued proposed regulations would provide that interest expense incurred by an ESBT to acquire stock in an S corporation is allocable to the S portion of the trust, but is not deductible. This result is contrary to the treatment of other taxpayers, who are entitled to deduct interest incurred to acquire an interest in a pass through entity. Further, Congress never intended to place ESBTs at a disadvantage relative to other taxpayers.

SECTION 305. DISREGARD OF UNEXERCISED POWERS OF APPOINTMENT IN DETERMINING POTENTIAL CURRENT BENEFICIARIES OF ESBT

The Act revises the definition of a "potential current beneficiary" in the context of the ESBT eligibility rules by providing that powers of appointment should only be evaluated when the power is actually exercised. Current law provides that postponed or nonexercisable powers will not interfere with the making of an ESBT election. However, proposed regulations provide that, once such powers become exercisable, the S election will automatically terminate if the power could potentially be exercised in favor of an ineligible individual—whether it was actually exercised in favor of the ineligible individual or not. The application of this rule would prevent many family trusts from qualifying as ESBTS.

The Act expands the existing method to cure a potential current beneficiary problem. Under the Act, an ESBT will have a period of up to one year (currently 60 days) to either dispose of all of its S stock or otherwise cause the ineligible potential current beneficiary's position in the trust to be eliminated without causing the ESBT election or the corporation's S election to fail.

SECTION 306. CLARIFICATION OF ELECTING SMALL BUSINESS TRUST DISTRIBUTION RULES

The Act clarifies that, with regard to ESBT distributions, separate share treatment applies to the S and non-S portions under section 641 (c).

SECTION 307. ALLOWANCE OF CHARITABLE CONTRIBUTIONS DEDUCTION FOR ELECTING SMALL BUSINESS TRUSTS

The Act permits a deduction for charitable contributions made by an ESBT, while taxing the charity on its share of the S corporation's income as unrelated business taxable income. Current law discourages charitable contributions by S corporation shareholders by preventing an ESBT from claiming a charitable contribution deduction. The Act encourages philanthropy by permitting a charitable deduction while at the same time effectively taxing the S corporation's income in the hands of the recipient chairty to the extent of the deduction.

SECTION 308. SHAREHOLDER BASIS NOT INCREASED BY INCOME DERIVED FROM CANCELLATION OF S CORPORATION'S DEBT

The Act provides that cancellation of indebtedness (COD) income excluded from the gross income of an S corporation, i.e. due to the S corporation's insolvency, does not increase shareholder's basis in S corporation stock. The Act changes the result reached in the recent U.S. Supreme Court decision in Gitlitz v. Comm'r (2000).

SECTION 309. BACK-TO-BACK LOANS AS INDEBTEDNESS

The Act clarifies that a back-to-back loan (a loan made to an S corporation shareholder who in turn loans those funds to his S corporation) constitutes "indebtedness of the S corporation to the shareholder" so as to increase such shareholder's basis in the S corporation. The provision would help many shareholders avoid inequitable pitfalls encountered where a loan to an S corporation is not properly structured, even though the shareholder has clearly made an economic outlay with respect to his investment in the S corporation for which a basis increase is appropriate.

Title IV—Expansion of S Corporation Eligibility for Banks

SECTION 401. EXCLUSION OF INVESTMENT SECURITIES INCOME FROM PASSIVE INCOME TEST FOR BANK S CORPORATIONS

The Act clarifies that interest and dividends on investments maintained by a bank for liquidity and safety and soundness purposes shall not be "passive" income. By treating all bank income as earned from the active and regular conduct of a banking business, banks will no longer face the conundrum of evaluating investment decisions based on tax considerations rather than on more important safety and economic soundness issues.

SECTION 402. TREATMENT OF QUALIFYING DIRECTOR SHARES

The Act clarifies that qualifying director shares of bank are not to be treated as a second class of stock. Instead, the qualifying director shares are treated as a liability of the bank and no income or loss from the S corporation will be allocated to these qualifying director shares. The provision clarifies the law and removes a significant obstacle unique among banks contemplating a S corporation election.

SECTION 403. BAD DEBT CHARGE OFFS IN YEARS AFTER ELECTION YEAR TREATED AS ITEMS OF BUILT-IN LOSS

The Act permits bank S corporations to recapture up to 100 percent of their bad debt reserves on their first S corporation tax return and/or their last C corporation income tax return prior to the effective date of the S election. Banks that convert to S corporation status must change from the reserve method of accounting to the specific charge off method. The resulting recapture income is treated as built-in gain subject to tax at both the shareholder and the corporate level. The Act allows banks to accelerate the recapture of bad debt reserve to their last C corporation tax year. The corporate level tax would still be paid on the recapture income, but the recapture would no longer trigger a tax for the bank's shareholders.

Title V—Qualified Subchapter S Subsidiaries

SECTION 501. RELIEF FROM INADVERTENTLY INVALID QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS AND TERMINATIONS.

The Act provides statutory authority for the Secretary to grant relief for invalid QSub elections, and terminations of QSub status, if the Secretary determines that the circumstances resulting in such ineffectiveness or termination were inadvertent. This would allow the IRS to provide relief in appropriate cases, just as it currently does in the case of invalid or terminated S corporation elections.

SECTION 502. INFORMATION RETURNS FOR QUALIFIED SUBCHAPTER S SUBSIDIARIES

The Act would help clarify that a Qualified Subchapter S Subsidiary (QSSS) can provide information returns under their own tax ID number to help avoid confusion by employers, depositors, and other parties.

SECTION 503. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY

The Act treats the disposition of QSub stock as a sale of the undivided interest in the QSub's assets based on the underlying percentage of stock transferred followed by a deemed contribution by the S corporation and the acquiring party in a nontaxable transaction. Under current law, an S corporation may be required to recognize 100 percent of the gain inherent in a QSub's assets if it sells as little as 21 percent of the QSub's stock. IRS regulations suggest this result can be avoided by merging the QSub into a single member LLC prior to the sale, then selling an interest in the LLC (as opposed to stock in the QSub). The Act achieves this result without any unnecessary merger and thus removes a trap for the unwary.

SECTION 504. EXCEPTION TO APPLICATION OF STEP TRANSACTION DOCTRINE FOR RESTRUCTURING IN CONNECTION WITH MAKING QUALIFIED SUBCHAPTER S SUBSIDIARY ELECTIONS

The Act provides that the step transaction doctrine does not apply to the deemed liquidation resulting from QSub elections. Application of the step transaction doctrine, in the context of making a QSub election, introduces complexity and uncertainty in what should be a simple matter. The doctrine requires knowledge of decades of jurisprudence and administrative interpretations, and poses an unnecessary trap for the unwary.

Title VI—Additional Provisions

SECTION 601. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS

The Small Business Job Protection Act of 1996 eliminated certain pre-1983 earnings and profits of S corporations that had S corporation status for their first tax year beginning after December 31, 1996. This provision should apply to all corporations (C and S) with pre-1983 S earnings and profits without regard to when they elect S status. There seems to be no policy reason why the elimination was restricted to corporations with an S election in effect for their first taxable year beginning after December 31, 1996.

SECTION 602. NO GAIN OR LOSS ON DEFERRED INTERCOMPANY TRANSACTIONS BECAUSE OF CONVERSION TO S CORPORATION OR QUALIFIED S CORPORATION SUBSIDIARY

The Act makes clear that any gain or income from an intercompany transaction is not taxed at the time of the S corporation or QSub elections.

SECTION 603. TREATMENT OF CHARITABLE CONTRIBUTION AND FOREIGN TAX CREDIT CARRYFORWARDS

The Act provides that charitable contribution carryforwards and other carryforwards arising from a taxable year for which the corporation was a C corporation shall be allowed as a deduction against the net recognized built-in gain of the corporation for the taxable year. This provision is consistent with the legislative history of the 1986 Act.

SECTION 604. DISTRIBUTION BY AN S CORPORATION TO AN EMPLOYEE STOCK OWNERSHIP PLAN

An ESOP will usually borrow from the sponsoring corporation to fund its acquisition of employer securities. In the case of a C corporation, the tax code provides that an ESOP will not be treated as engaging in a "prohibited transaction" if it uses any "dividend" on employer securities purchased with loan proceeds to make payments on the loan regardless of whether such employer securities have been pledged as collateral to secure the loan. The policy facilitates the payment of ESOP loans and thereby promotes employee ownership. Because S corporation distributions are technically not "dividends", the Act provides that S corporation distributions are treated as dividends. This clarification is necessary to ensure that the policy of facilitating the payment of ESOP loans applies equally to S corporation and C corporation ESOPs.

SECTION 605. SPECIAL RULES OF APPLICATION

The effective dates of some amendments made by the Act may occur in years in which it is too late to file a claim for refund arising in such years from applying the amendments. The Act grants a 1-year extension beginning on the date of enactment in which to file such claims for these closed years.

Mr. Speaker, I urge my fellow members to review and support the S Corporation Modernization Act, which will help create a level playing field for small businesses. I look forward to working with my colleagues on the Ways and Means Committee to enact this bill.

GIVING PRAISE TO ZION EVANGELICAL LUTHERAN CHURCH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. BARCIA. Mr. Speaker, I rise today to sing the praises of Zion Evangelical Lutheran Church in Bay City, Michigan, as Reverend William H. Allwardt, his family and the congregation celebrate the 100th anniversary of its founding. Since its humble beginnings in 1901 in a small wood-frame building, Zion has grown to become a stronghold of faith for over 2,000 members in and around Bay City.

In 1901, Zion members first gathered to worship in a wooden building that once had been the Salzburg Band Hall. As the congregation grew, so did the need for a larger forum, resulting in the building in November 1930 of the present-day church. From the beginning, church leaders also recognized that religious education doesn't take place only on Sundays, so they built a schoolhouse. The commitment to Christian education continues today inside the Zion Memorial Building, named to honor the men and women of Zion who served in World War II. During the last school year, 170 students studied and learned at Zion.

Tradition and a sense of continuity have always been important elements in Zion's spiritual mission. In keeping with those practices, the church has had just seven pastors in a century's time. The present pastor, Reverend Allwardt, his wife, Paulette, and children, Will and Charice, have been part of the Zion family since 1978 and have contributed greatly to its rich history and Christian undertaking to spread the word of God to people near and far.

A fruitful church cannot multiply the ranks of the faithful without reaching out and Zion's congregation has always opened its doors and expanded its influence well beyond the sanctuary and into the surrounding community. Over the years, Zion has led by Christian example with their involvement in many social organizations, including the Saginaw Valley Blood Program, the Boy Scouts and Girl Scouts of America, the Bay County Food Pantry and the CROP Walk.

Mr. Speaker, I ask my colleagues to join me in honoring Zion Evangelical Lutheran Church for a century of Christian service, fellowship and leadership from the pulpit, the pews and among the greater community and in wishing them another hundred years of success.

SALUTE TO VERNA SMALL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. NADLER. Mr. Speaker, I rise today to laud the incredible and enduring community activism of Verna Small. Verna has been active in the Greenwich Village community of New York City for over half a century, however she got her start right here in Washington, D.C. A 1937 graduate of George Washington University, Verna soon began working for the United States Department of Labor, which took her on assignments all across this nation. Thankfully for us New Yorkers she landed in the heart of New York City, Greenwich Village, and immediately made it her home.

During her early years in the nation's Capital, Verna grew to love the Potomac River and other waterways, a love that would signal a passion that would last a lifetime. In New York, Verna recognized the beauty and splendor of the Hudson River and its vital relationship to Greenwich Village. She decided to make it part of her life's work to preserve this relationship and save the history of this neighborhood from disappearing at the hands of developers. Throughout the 1960's Verna, along with her comrade in arms Ruth Wittenberg, spearheaded an epic movement that culminated in the astounding creation of the New York City Landmarks Law in 1965 and the designation of the Greenwich Village Historic District in 1969, which remains today the city's largest historic district. Throughout this time Verna founded organizations that stand today to fight for the preservation of our city's neighborhoods, including the Association of Village Homeowners, the Historic Districts Council, the Greenwich Village Society for Historic Preservation, and the Federation to Preserve the Greenwich Village Waterfront & Great Port, Inc.

In 1964 Verna became a member of Manhattan Community Board 2. During her nearly forty-year tenure on the Community Board, she served as Chair of the Landmarks Committee for ten of those years. In 1994 she received the Elliot Willinsky Award from New York City's Landmarks Preservation Commission. Even today, Verna is fighting hard to preserve the history of the Village during the creation of the Hudson River Park.

Amidst all of her community activism, Verna led a full life as a wife, a mother, editor and author. She is truly a dynamic woman who has had a profound impact on those she has touched.

Mr. Speaker, I salute Verna Small and all of her accomplishments. I am happy to know her and am in constant awe of her passion and fortitude. It is my hope that she will continue to fight for what she believes in for a long time to come.

BISHOP TIMLIN CELEBRATES 50 YEARS IN PRIESTHOOD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the 50th anniversary of the ordination to the priesthood of Bishop James C. Timlin of the Catholic Diocese of Scranton, Pennsylvania, which includes much of my Congressional District. Bishop Timlin is an institution in Northeastern Pennsylvania, known not only for his spiritual guidance but also for his leadership in a broad range of social issues.

Bishop Timlin, the eighth bishop of Scranton and the first native-born son of the diocese to become its bishop, celebrated his 50th anniversary on July 16. On September 21, he will celebrate the 25th anniversary of his elevation to the rank of bishop.

He was born in 1927 in the High Works section of Scranton to the late James C. and Helen Norton Timlin. He attended St. John the Evangelist and Holy Rosary schools in Scranton and graduated from Holy Rosary High School and St. Charles College in Catonsville, Md.

Those who knew him in childhood sensed he was on the path to the priesthood, as his face bore a radiant expression while he served Mass and he had already joined the Future Priest Club by the time he entered eighth grade at Holy Rosary. He attended St. Mary's Seminary in Baltimore before completing his studies for the priesthood at the North American College in Rome.

Bishop Timlin was ordained in 1951 in Rome by the Most Rev. Martin J. O'Connor, D.D., then-Rector of North American College, who ordained him a year early because of the speed with which he managed his studies. He continued studies in Theology there before returning to the diocese where in 1952 he was appointed assistant pastor at St. John the Evangelist Parish, Pittston.

On June 12, 1953, he became assistant pastor of St. Peter's Cathedral Parish, Scranton, where he served until September 12, 1966, when he was named assistant chancellor of the diocese and secretary to Bishop J. Carroll McCormick, D.D., the sixth Bishop of Scranton.

Other papal honors and diocesan appointments followed as he was named Chaplain to His Holiness, Pope Paul VI, on August 3, 1967, Chancellor of the diocese on December 15, 1971, and Prelate of Honor of His Holiness on April 23, 1972.

Earlier in his ministry, Bishop Timlin served as chairman of the Diocesan Liturgical Commission and the Priests' Education Committee, as well as librarian and secretary at St. Pius X Seminary, Dalton. In 1972, he was appointed to the Diocesan Board of Consultors, and three years later, was elected President of the Board of Directors of The Catholic Light.

He was named Auxiliary Bishop of Scranton on August 3, 1976. He was ordained in St. Peter's Cathedral on September 21, when he also became Vicar General of the diocese. In September, 1979, he became pastor of the Church of the Nativity of Our Lord, Scranton.

In the summer of 1983, Cardinal John J. O'Connor, the seventh Bishop of Scranton, appointed him chairman of the Board of Advisors for St. Pius X Seminary, and chairman of the Preparatory Commission for the Diocesan Synod. Following the Cardinal's transfer to the Archdiocese of New York in March, 1984, Bishop Timlin was elected Diocesan Administrator by the Diocesan Board of Consultors. His Holiness, Pope John Paul II, appointed him the eighth Bishop of Scranton on April 24, 1984, and his installation followed on June 7.

Bishop Timlin has served two terms as a member of the National Conference of Catholic Bishops' Administrative Board and the National Advisory Council. He also served as a member of the Board of the North American

College, as well as a consultor on the Liturgy Committee.

He is presently a consultant to the NCCB's Ecumenical and Migration committees. He is well known for his commitment to ecumenism. To give just two examples, he led the Jewish Federation United Jewish Campaign's Super Sunday Telethon in 1984 and accepted an invitation to the Polish National Catholic Church's 100th anniversary banquet in 1997, where he addressed the crowd, sharing their joy and seeking to restore unity between them.

He has also served a five-year term as Episcopal Moderator of the National Association of Holy Name Societies. A long-time licensed pilot, the bishop is the Episcopal Moderator of the National Association of Catholic Airport Chaplains.

When he was appointed bishop, he chose the motto "Fides Spes Caritas," faith, hope, love. I think also serves as a fine summary of Bishop Timlin's life and work.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long and dedicated service of Bishop James C. Timlin and to wish him all the best as he continues to serve Northeastern Pennsylvania.

GUAM'S STUDENT MUSICAL GROUP

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. UNDERWOOD. Mr. Speaker, I rise before you today to bring attention to the outstanding accomplishments of Guam's student musical group, the Silhouettes. Started in 1996–1997 by Michael Song in his first year as music instructor at JFK High School in Tamuning, Guam, the Silhouettes have overcome difficult obstacles on their road to success and recognition. Originally composed of 13 females, 3 male voices, 1 accompanist and an outdated piano, the Silhouettes struggled to earn the community's respect in their inaugural year. Due to their unrelenting desire to succeed and tremendous hard work, the Silouettes not only excelled in gaining the local community's respect, but also attained international recognition. They toured Korea and Japan, and eventually traveled to the U.S. mainland, where they were selected as champions in the "Show Choir" division of the 1999–2000 MusicFest Orlando. This year, the Silhouettes have successfully defended their title, and have additionally placed first in the "Concert Choir" division, thereby earning the title of "Grand Champions" in the competition.

The attributes setting the Silhouettes apart are the group's tremendous ambition and will to succeed. In their inaugural year, without any community or government assistance, the group raised $17,000 and went on a tour to Korea, where they became the first foreign school students ever allowed to perform on the prestigious campus of EWHA Girls High School. The success greatly magnified their reputation, but the Silhouettes continued to struggle while trying to obtain financial support. Through extensive fund-raising efforts, the group managed to raise the necessary funds to tour Japan and perform at 9 schools and for the mayor of Gifu, who awarded the group Honorary Citizenship of his city. Their diligence, dedication, hard work paid off. Due mainly to their growing reputation, Government of Guam funds were appropriated enabling the Silhouettes to fulfill their dream and compete against some of the highest rated U.S. High Schools at the Orlando MusicFest 1999–2000 and 2000–2001.

Their magnificent talent led the Silhouettes to place first in the "Show Choir" division, in which pop music is played using drums and other musical instruments accompanying the piano. In 2000–2001, the group not only defended their "Show Choir" title, but also won the "Concert Choir" division, playing classical music relying solely on the piano. To win both titles, the Silhouettes defeated a total of 47 schools, and were selected as "Grand Champions" by the committee of judges. Due to their success, the Silhouettes have produced their first CD, earned two resolutions in the Guam Legislature, and garnered the appreciation and pride of the entire island of Guam. I, therefore, ask that you join me in commending this outstanding group of students for their phenomenal success.

I additionally wish to submit for the RECORD, the names of the members of the Silhouettes: Michael Song (Music Director), Troy Taitano (Accompanist), Brian Machie (Drummer), Ray Yoshida (Sound Technician), Charleen Remotigue, Verna Ventura, Karen Ikeno, Kim Solomon, Emily Servino, Tara Atencio, Gwen Nolos, Lucretio San Nicolas, Anselma Reyes, Azusa Hanashima, Sheena Hess, Michelle Ganadam, Krystal Abaya, Lily Tizon, Geneva McCoy, Kris Tiongzen, Eugene Guillermo, Daryl Muya, Calvin Huynh, Jeff Moreno, Steve Terlaje, Robert Brito.

NATIONAL GUARD YOUTH CHALLENGE PROGRAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. BAKER. Mr. Speaker, I am introducing legislation to provide additional Federal funding for the National Guard Youth ChalleNGe Program and invite all my colleagues to join me in sponsoring this legislation.

Our Nation is facing an epidemic in juvenile crime and education delinquency of historical proportion. Over 2,806 students drop out of high school each day, while another 17,297 students are expelled. Dropping out of school and failing to identify or working toward achieving personal goals is leading young people down a path of self-destruction. The National Guard Youth ChalleNGe Program was created in order to help these young people enhance their life skills, increase their educational levels, improve their employment potential, and provide tools and experience for success.

Since 1993, over 27,800 at-risk youth have graduated from the program, and more than 19,170 of the graduates received their high school diploma or GED. The Youth ChalleNGe Program helps 16 to 18 year-old male and female high school dropouts complete their high school education; prepare for employment, higher education, or a career in the military; and obtain the skills necessary to succeed in life.

All troubled youth should have an opportunity to turn their lives around and realize success. Unfortunately, because of federal funding restraints, only 24 states and Puerto Rico can offer this program. In addition, of the states that offer the program, only 37 percent of interested young adults who have applied have been able to participate because of the lack of funding. Currently, federal law caps federal spending for the Youth ChalleNGe Program at $62.5 million. States must share 35 percent of the cost while the federal government assumes 65 percent. By lifting the cap and adjusting the matching requirements, thousands of youths could be given the opportunity to participate in this program annually.

The legislation I have drafted will completely eliminate the $62.5 million cap on Youth ChalleNGe Program spending, remove the mandate that directs excess Youth ChalleNGe Program funding to JROTC, and adjust the federal/state match from 65/35 to 75/25. I believe this is the right thing to do to help America's at-risk youth. This program is a success, and its performance outshines virtually every other federal program that targets at-risk youth. The benefits are proven and substantial. I invite my colleagues to review my legislation, and I respectfully request their support.

TRIBUTE TO TOM PHILLIPS AND WILLIAM RUSHER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. PAUL. Mr. Speaker, on Saturday, August 4th Young Americans for Freedom (YAF) will hold its National Convention in Newport Beach, California. At this event the organization will honor two fine people. Mr. Tom Phillips, Chairman of Phillips International, will receive the organization's highest award, the Guardian of Freedom. Mr. Phillips has been a strong supporter of YAF and is involved in various other entities engaged in the fight for liberty. As publisher of "Human Events," he has helped to further a publication steeped in the tradition of freedom. Mr. Phillips has also shown a particular interest in the kind of private preservation activities I so frequently advocate. Rather than leave it to the taxpayers to fund and the federal government to manage, Mr. Phillips has personally helped to fund the preservation of President Reagan's Ranch by the Young America's Foundation so that it might be used as a training ground for young people dedicated to the individual liberty which President Reagan spoke of so often.

Also, at this event, Mr. William Rusher will receive a lifetime achievement award. Mr. Rusher was instrumental in the founding of YAF in 1960 around those set of principles enunciated in the Sharon Statement, a great document explicating the philosophy of freedom. In addition, Mr. Rusher was instrumental in many other important activities such as the Draft Goldwater Committee and the National Review Magazine.

Mr. Speaker, I wanted to take this opportunity to honor YAF as it prepares for its 41st year of training young men and women in the philosophy of freedom and holds its National Convention, as well as to offer my congratulations to these honorees.

HONORING CHAMPION WRESTLER JOEL EDWARDS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to take a moment to congratulate an extremely accomplished high school athlete from my congressional district, in Upper Darby, PA. Joel Edwards, a recent graduate of Upper Darby High School, recently won the Pennsylvania State wrestling championship in his weight class.

Joel Edwards has proven himself to be one of the best, if not the best, wrestler, Upper Darby High has ever had. Joel has a long list of accomplishments: a two-time Sectional champion, two-time District champion, two time Regional champion, and the 2001 State Champion. In addition, Joel recently placed eighth in the nation in the National High School Senior Wrestling Championship, earning him All-American honors. These accomplishments are but a few, but show Joel's remarkable wrestling talent. Numerous honors and awards have been bestowed on Joel for his accomplishments. The Philadelphia Inquirer and the Delaware County Daily Times named him "Wrestler of the Year", and he was also a three-time All-League and All-County selection. His career record was a phenomenal 116–23.

Joel is now on his way to a great institution of higher learning, Penn State University, where he has been given a full scholarship to pursue his wrestling career for the Nittany Lions. It is my pleasure to represent Joel Edwards in Congress and to see his accomplishments. He has been a great source of community spirit and pride in the entire Upper Darby area. I wish Joel continued success at Penn State and again wish to congratulate him on his remarkable achievements.

IN HONOR OF WILLIAM HAMBRECHT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. PELOSI. Mr. Speaker, I rise today to celebrate a business pioneer, a philanthropist, and a long time friend, Bill Hambrecht. Bill is being inducted into the Bay Area Business Hall of Fame today, Thursday, July 19. I can think of no worthier gentleman to receive such a distinct honor.

William R. Hambrecht is Founder, Chairman, and CEO of WR Hambrecht & Co., an investment banking, entrepreneurial investment firm headquartered in San Francisco. In 1968, he co-founded Hambrecht & Quist which he headed until the late 1990s.

William Hambrecht is a legendary trailblazer in investment banking. Through his "West Coast-style" investing, he has engineered major success stories such as Genentech, Apple Computers, and Amazon.com. By bringing fresh ideas to the financial world such as its innovative auction-style OpenIPOs, WR Hambrecht & Co. has been recognized as a groundbreaking investing company.

His philanthropic work demonstrates his concern for the community and the environment. He serves as a Director of Beacon Education Management, an education management company. He also sits on the board of KQED, San Francisco's public television and radio station and is a trustee of the Sierra Club.

William Hambrecht is dedicated to education and business growth. He serves on the Advisory Board of the Haas School of Business at UC Berkeley. As a member and former Chairman of the Council on Competitiveness, he is committed to improving U.S. economic competitiveness and leadership in world markets. The Council, composed of corporate CEOs, university presidents, and labor leaders, focuses on strengthening U.S. competitiveness through innovation and technology.

William Hambrecht is an inspiration and a friend to many. His brilliant leadership has changed the face of California business and philanthropy. It is my honor to recognize the achievements of my constituent, and to join with his wife Sally and the Bay Area Council in acknowledging his contributions and ongoing dedication to social justice and the advancement of the Bay Area's wellbeing. I applaud his commitment to his community and cherish his friendship.

BROWNSVILLE TEXAS IS ALL AMERICAN CITY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. ORTIZ. Mr. Speaker, I rise to share my pride today in the beautiful South Texas city of Brownsville which was chosen by the National Civic League and Allstate Insurance Company as an "All American City." Brownsville was one of 10 municipalities named All American Cities.

This is a recognition for civic excellence honoring communities where citizens, government, businesses, non-profits and others demonstrate successful partnerships to resolve critical challenges before the community. Brownsville is a great example of this dynamic.

Brownsville's unique location "On the Border by the Sea," with its multi-cultural, historical and natural resources, is a good look at what America will be, and should be, over the next decades. It is a friendly city, populated by smart, visionary people which borders both the Gulf of Mexico and Mexico itself.

Brownsville's rich history includes: Karankawa Indians, Spanish explorers, vaqueros (Mexican cowboys), ranchers, soldiers, prospectors and present day captains of business and industry. The City of Brownsville was incorporated in 1853, taking its name from Fort Brown Post Commander Major Jacob Brown.

But of all the natural resources, easily the most valuable, most often-cited natural treasure is the people of Brownsville themselves. The nicest people I know live in the Rio Grande Valley. The life is easy, but the work is hard. So often, the border area is seen by both the United States and Mexico as a separate region, a place unto itself.

But the people there find ways to deal with the challenges that face them . . . the challenge of finding the water the community needs, keeping up with the rapidly-growing population, and supporting infrastructure for the international trade that flows across the U.S.-Mexico border.

This bi-cultural city, which is big, but not too big, is a family oriented place of beauty. The unique plants and wildlife, resacas, proximity to the beach and to the neighboring country of Mexico, all bring tourists to this area of the country in droves.

This leading border city whose people come together when the mission or purpose calls is most deserving of this award. All the people who participated in the award process are to be commended.

I ask my colleagues to join me in honoring the community of Brownsville on this outstanding achievement.

TAIWAN PRESIDENT CHEN SHUI-BIAN CHAMPIONS HUMAN RIGHTS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. PAYNE. Mr. Speaker, President Chen Shui-bian of Taiwan recently completed his first year of service as head of state, and I would like to take this occasion to congratulate him and comment on a few of Taiwan's achievements.

Taiwan has long been a friend of the United States. Over the last decades, Taiwan has made great strides towards becoming a model of rapid political reform. Taiwan subscribes to the private enterprise system and offers its people one of the highest standards of living in Asia. In terms of its trading relations with us, Taiwan represents our seventh largest export market, thus providing many jobs for our manufacturers. In addition, more than 30,000 Taiwan students are studying at U.S. colleges and universities. The U.S. is the number one destination for most of Taiwan travelers. Taiwan and the United States share many values in common such as attachment to freedom, democracy, and human rights.

One of the most notable feature of President Chen's administration is his championing of human rights. For many decades, human rights had been a taboo subject in Taiwan until Taiwan's martial law was repealed in 1987. In recent years, the government has been cooperating with civic groups to recognize the government's past mistakes and has taken concrete steps to help raise human rights awareness. Under the sponsorship of the Human Rights Foundation, in 1999 a monument was erected in Green Island, off the southeast coast of Taiwan, opposite Taitung County. The monument was to help people remember the many victims who were imprisoned and died in Green Island, a notorious prison camp. To prevent future violations of human rights, Chen's government has made every effort to guarantee its people the most basic human rights—freedom of expression, the right to assemble peacefully, and freedom of association. There will be no more prisoners of conscience and no more extrajudicial killings. Civil liberties are to be respected at all times.

In his inaugural address delivered on May 20, 2000, President Chen committed Taiwan to upholding the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, and the Declaration and Action Program of 1993 Vienna Conference on Human Rights. In essence, President Chen believes that every citizen ought to enjoy the right to work, the right to freedom of thought, conscience and religion, the right to an education, the right to medical care, the right to participate in elections, and the right to social security in the event of unemployment, illness, and disability. Also, President Chen has urged the Taiwan legislature to consider drafting legislation to protect the rights of women, children, the elderly, and the indigenous people, laborers, and soldiers. Clearly, there is a long way to go and human rights work is a never ending effort.

It is appropriate that we applaud Taiwan's many efforts in upholding and maintaining human rights for its people. Taiwan is indeed fortunate to have its president as its foremost human rights champion.

PERSONAL EXPLANATIO)N

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber when rollcall votes Nos. 206, 213, 214 were cast. I want the RECORD to show that had I been present in this Chamber at the time these votes were cast, I would have voted "yes" on rollcall vote No. 206, "yes" on rollcall vote 213, "yes" on rollcall vote 214.

IN HONOR OF AMBASSADOR JAMES C. HORMEL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a distinguished, accomplished man who by devoting his life to public service has become a champion for social justice, a leader in his community, and an example of courage for us all. Today, Thursday, July 19 in my district in San Francisco, the American Civil Liberties Union will honor Ambassador James C. Hormel with the 2001 On The Frontline Award. He is most deserving of this award and I am proud to acknowledge his contributions on this occasion.

Ambassador Hormel graduated from Swarthmore College and received his J.D. from the University of Chicago Law School where he later served as the Dean of Students. He also established the James C. Hormel Public Service Program at the University, which encourages law students to venture into public service.

Ambassador Hormel has spent a lifetime fighting sexual orientation discrimination. He helped originate the Human Rights Campaign, the country's largest gay and lesbian political organization. For the last two decades, Mr. Hormel has assisted many local and national AIDS organizations, including San Francisco AIDS Foundation, Project Open Hand, AIDS Emergency Fund and Shanti Project.

In 1996, the San Francisco Public Library opened the James C. Hormel Gay & Lesbian Center. Mr. Hormel's generous donation kicked off a major fundraising campaign and created an endowment to ensure the center's continuing development.

Ambassador Hormel was nominated to serve as Ambassador to Luxembourg. Mr. Hormel lived in the glare of the spotlight but he did not shy away from the intense inspection of his personal life. He remained graceful, poised and courageous. On June 29, 1999 James Hormel was sworn in as U.S. Ambassador to Luxembourg by Secretary of State Madeleine Albright, thus becoming the first and only openly gay Ambassador in United States history. He served his term with great distinction. Mr. Hormel is an inspiration to us all.

I join Jim's partner, Timothy Wu, and his five children, Alison, Anne, Diz, Sarah, and James Jr. in recognizing the achievements of my constituent and dear friend, Ambassador James C. Hormel, and acknowledging his contributions and on-going commitment to human rights, social justice and the betterment of our nation.

TOM KNITTER LEAVES MILWAUKEE'S THOMAS MORE HIGH SCHOOL AFTER 33 YEARS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. KLECZKA. Mr. Speaker, I would like to publicly thank Mr. Tom Knitter, an outstanding educator and community leader from my district, who is moving on to a new set of challenges and opportunities in California.

Tom Knitter first began teaching social studies and physical education at Pio Nono High School in 1968. Ten years later, when Pio Nono merged with my alma mater, Don Bosco, Tom settled in at the newly formed Thomas More High School, where he became the assistant principal. With Tom as its wrestling coach from 1973 to 1982, the school brought home three state championships. In 1987 he was named principal of Thomas More, and seven years later he became the school's first president.

Since that time Tom has worked tirelessly as the school's chief executive officer. He has been responsible for its strategic planning, development, finances, and marketing for the better part of a decade. On July 21, 2001, Tom celebrates his 33-year association with Thomas More High School, and says goodbye, as he leaves for a position with Garces High School in Bakersfield, California.

Tom is leaving behind many friends, memories, and most importantly, many lives that were touched by his unparalleled dedication to molding today's students of Thomas More High School into tomorrow's leaders. The people of Bakersfield are privileged to gain the services of a talented educator with such a passion for his work.

The void left by the departure of Tom and Josie, his wife of 30 years, will not be easily filled. In addition to his responsibilities as the head of a National Blue Ribbon School, he has worked with groups such as the Healthier Communities Initiative, the Archdiocese of Milwaukee Marketing Committee, and the National Catholic Education Association.

And so, it is with both great appreciation and sadness that I join the entire community at Thomas More High School in thanking Tom Knitter for his 33 years of exemplary service, and wishing him all the best in his future endeavors.

TRIBUTE TO MATTHEW ALEXANDER ENGEL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Matthew Alexander Engel. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Engel, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Matthew and his family.

TRIBUTE TO JUDGE VIRGINIA MAE DAYS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 2001

Ms. LOFGREN. Mr. Speaker, I rise to congratulate Judge Virginia Mae Days, who is retiring after more than 20 years on the bench of the Santa Clara County Superior Court. When Governor Edmund Brown Jr. appointed her in 1981, Judge Mae Days was the first Latina on the bench in Santa Clara County.

A lifelong resident of the Bay Area, Virginia Mae Days was born in San Jose in 1934. She served in the US Navy WAVES during the Korean War, earning both the National Defense Service Ribbon and the Good Conduct Medal. After the war, Judge Days attended the University of California at Berkeley for both her undergraduate and graduate years, earning her law degree there in 1963.

Judge Days' long record of service to Santa Clara County includes 6 years as the mayor of Morgan Hill and terms on Santa Clara County's drug abuse commission, regional criminal justice planning board and human relations commissions. Immediately prior to her appointment to the bench, Judge Days was the Director of the California Department of Veterans Affairs.

Throughout her tenure on the Court, Judge Virginia Mae Days has been a strong role model for the community. She summed this philosophy up best in March of 2000 at a dinner honoring the groundbreaking women jurists of Santa Clara County: "The more the bench reflects the community, the fairer the process."

I want to thank Judge Mae Days for her many years of service to our community and wish her nothing but the best in this next phase of her life.

IN HONOR OF HERBERT AND MARION SANDLER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Ms. PELOSI. Mr. Speaker, I rise to salute Herbert and Marion Sandler for their longstanding entrepreneurial and philanthropic commitment to the San Francisco community. Today, Thursday, July 19 in my district, Herbert and Marion Sandler will be inducted into the Bay Area Business Hall of Fame. They are most deserving of this honor and I am proud to acknowledge their contributions on this occasion.

Herbert and Marion Sandler co-founded Golden West Financial Corporation in Oakland, California in 1963. As Chief Executive Officers and Chairmen of the Board, they have had phenomenal success in building Golden West Financial into a Fortune 500 company. With 420 offices and $57 billion in assets, it is the third largest savings and loan in the country today.

Marion Sandler has been recognized by Fortune Magazine as one of the most powerful women in business today. By being one of the first women to break through the Fortune 500 glass ceiling, her accomplishments are an inspiration to businesswomen everywhere. Golden West Financial Corporation has the significant distinction of being one of the very few major companies with more women on its Board of Directors than men.

Herbert Sandler serves on numerous advisory boards sharing his expertise with others. He was elected to the Board of Directors of the Federal Home Loan Bank of San Francisco. He also serves as a member of the board of directors of the Success for All Foundation and of the Center For Real Estate and Urban Economics of the University of California at Berkeley.

The Sandlers are committed to philanthropy and community activism. Through the Sandler Family Supporting Foundation, they support nonprofit and community organizations in the Bay Area and nationwide. Among the numerous recipients of their generosity are the Sandler Program for Asthma Research, the Human Rights Center at the University of California at Berkeley, and the National Women's Law Center. They also fund many research grants in the fields of medicine and social work. In addition, Herbert and Marion have donated generously to worthy causes such as Human Rights Watch.

It is with personal and civic pride that I celebrate with my dear friends on this festive occasion. The Sandler's dedication to the people of the Bay Area has had a significant, lasting effect on Californians. Their service to our country and our community is indeed a cause for celebration.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. SHAYS. Mr. Speaker, during recorded vote 248, on final passage of H.R. 2500, the Departments of Commerce, Justice, and State Appropriations Act for Fiscal Year 2002, a technical error resulted in my vote not being recorded.

I had intended to vote "yes" on this measure.

TRIBUTE TO THE BALLISTIC MISSILE DEFENSE ORGANIZATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. REYES. Mr. Speaker, I rise today to congratulate the men and women of the Ballistic Missile Defense Organization for the successful ballistic missile defense test that took place late Saturday night over the Pacific Ocean. The first success since 1999, the ballistic missile interceptor that shot down a dummy warhead used a "hit to kill" technology and was able to destroy its target hundreds of miles away from launch point. This test demonstrates our commitment to defending against the threat of Intercontinental Ballistic Missile launches and once again shows that this "bullet to bullet" method of target destruction is technologically feasible. Further, it justifies our need to continue with vigorous testing as we aggressively move forward with maturing our ballistic missile defense capabilities. We must continue to develop, test and fund missile defense technologies to create a defensive system to protect this nation and our allies against missile threats worldwide. Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO DEBBY O'CONNOR

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute and honor the accomplishments of Debby O'Connor of Diamond Bar, California.

Mrs. O'Connor served as Mayor of the City of Diamond Bar for the year 2000. In that position she demonstrated civic leadership, responsibility and deep personal commitment to her community. She previously served as Mayor Pro Tem, and served a two-year term on the Parks and Recreation Commission.

Mrs. O'Connor is Co-Chair of the City Community/Civic Task force. She is the City of Diamond Bar's voting delegate on the Wildlife Corridor Conservation Authority and on the San Gabriel Valley Economic Partnership of Commerce and Cities. She is one of the City Council's liaisons to the volunteer planning committee behind the City's successful anniversary celebrations and, is also very involved with the Diamond Bar Community Foundation. In addition to her Council duties, she has demonstrated her long time support and concern for the community by being actively involved in the Friends of the Diamond Bar Library, Diamond Bar Improvement Association, Lorbeer Middle School PTSA, Diamond Ranch High School Boosters and Diamond Point Elementary School Safety Site and Technology committees. She is a youth soccer referee and board member for the Region 311, American Youth Soccer Organization. Mrs. O'Connor has been a dedicated fundraiser for the Diamond Bar/Walnut YMCA since 1996, and has also served on the board for the Diamond Bar Community Nursery School and Diamond Point Swim and Racquet Club.

Mrs. O'Connor's leadership in strong economic development programs and her impressive record of civic and volunteer community involvement have earned the admiration and respect of those who have had the privilege of working with her. I would like to congratulate Debby O'Connor on these accomplishments and thank her for her outstanding service to her community.

ENVIRONMENTAL TERRORISM REDUCTION ACT

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Ms. HOOLEY of Oregon. Mr. Speaker, America has a long tradition of civic activism. From the anti-slavery movement to women's suffrage to the civil rights era, citizen activists have accomplished many important social reforms by working together through peaceful means to influence their friends and neighbors and building support for change.

We Americans fight for change at the ballot box and in the halls of legislatures—not with incendiary devices and pipe bombs.

Mr. Speaker, unfortunately violent acts in the name of protecting the environment are growing in alarming numbers throughout the western United States. Earlier this month I visited a timber company facility in Monmouth, Oregon that had been burned down in an arson perpetrated by the Earth Liberation Front.

In the Monmouth attack, which roused firefighters out of bed on Christmas morning, the arson caused the roof to collapse only minutes after those who were fighting the fire pulled out. Paul Evans, the mayor of Monmouth and a volunteer firefighter who fought the blaze that Christmas day, told me he narrowly escaped injury or death in the fire. Ironically, Paul, who is now serving a military tour of duty in the Persian Gulf, was probably in more danger in his own town than he now is in Kuwait.

Mr. Speaker, these are not victimless crimes, and they must be halted. That is why I'm introducing the Environmental Terrorism Reduction Act.

The most challenging aspect of these crimes is that the perpetrators have been difficult to apprehend, leaving most of these crimes unsolved because with limited resources and manpower, local law enforcement officials have little success closing these cases.

The Environmental Terrorism Reduction Act closes this gap by requiring the Attorney General to establish a national clearinghouse for information on incidents of eco-terrorism to help investigators stay ahead of the curve in preventing additional acts of terror.

In addition, this bill establishes the Environmental Terrorism Reduction Program in the Department of Justice. This program would authorize the Attorney General, upon consultation with the heads of Federal, State, and local law enforcement agencies and the Governor of each applicable State, to designate any area as a high intensity environmental terrorism area. After making such a designation local law enforcement agencies could access funding to assist them in solving and preventing these types of crimes in the future.

Mr. Speaker, I believe the provisions in the Environmental Terrorism Reduction Act will greatly aid our communities and industries that are vulnerable to eco-terrorism. It is high time the federal government addressed this situation, and I urge my colleagues to join me in sponsoring this measure and enacting it into law.

INTRODUCTION OF COLORADO SCHOOL LANDS BILL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to modify the 1875 Act—usually referred to as the Colorado Enabling Act—that provided for admission of Colroado to the Union. The bill is cosponsored by my colleague, Representative DeGette. I greatly appreciate her support.

The purpose of this bill is to remove any possible conflict between a decision of the people of Colorado and that original federal legislation under which some 3 million acres of federal lands were granted to our state.

In granting the lands to Colorado, Congress provided that they were to be used as a source of revenue for the public schools—and for many years they were managed for that purpose.

However, over the years the revenue derived from these lands has become a less and less significant part of the funding for Colorado's schools, while there has been an increasing appreciation of the other values of these lands.

As a result, in 1996 the people of Colorado voted to amend our state constitution to permit part of these school trust lands to be set aside in a "stewardship trust" and managed to preserve their open space, wildlife and other natural qualities.

To assure that this decision of the voters can be implemented, my bill would amend the original Colorado Enabling Act to eliminate the requirement that the state must raise revenue from the school-trust lands that are set aside for their natural resource values and qualities.

Similar legislation has been introduced by other Members of Colorado's delegation in the Congress. However, those bills include a specific limit on the acreage that could be placed in the stewardship trust.

The 1996 state legislation does set such a limit. I supported that part of the state legislation. However, I think that whether that limit should be retained or revised should be decided solely by the people of Colorado, and not determined by Congress. So, the bill I am introducing today does not include a specific acreage limit. That would be left to Colorado law to control.

Mr. Speaker, Colorado is experiencing rapid population growth. That is putting increasing pressure on all our undeveloped lands. In response, the people of Colorado have voted to allow some of these school-grant lands to remain as open spaces to be managed for their wildlife and other natural resources and values. This bill will keep faith with that decision by our votes by removing any conflict with federal law. I will do all I can to press for its speedy enactment.

For the information of our colleagues, I submit a recent newspaper editorial on this subject:

[From the Denver Post, May 28, 2001]

ENABLE LAND-BOARD FIXES

Disputes over State Land Board deals arise partly because the board's narrow mandate may no longer fit Colorado's needs. But altering the board's focus literally may take an act of Congress.

As Uncle Sam welcomed new states into the union, the federal government set aside entire sections of land to raise money for public education through grazing leases, mineral rights, etc. The federal law that granted Colorado statehood in 1876, called the Enabling Act, included a similar provision.

But during the past 125 years, Colorado has found other ways to fund public education. Colorado's school acres now supply less than 2 percent of the state's annual K–12 budget.

Today, some school sections offer tremendous public value as open space or recreational land. Emerald Mountain forms the scenic backdrop to Steamboat Springs.

In 1996, Colorado voters put Amendment 16 in the state Constitution, aiming to give the State Land Board, which manages the school lands, flexibility to preserve open space and wildlife habitat, as well as support public education. The amendment told the land board to set aside 300,000 acres of the 3 million school acres as a Stewardship Trust. Note that 90 percent of the school acres still raise money for education.

But soon after the amendment's passage, a federal court firmly said the land board is obligated always to fund schools first, under the federal law that granted Colorado statehood. That means the State Land Board might have to accept profitable offers even on lands now in the Stewardship Trust.

Clearly, public school funding is of utmost importance. But taken together, the court decsision and statehood act mean the Stewardship Trust that voters thought they were putting in place might prove ephemeral. Instead of preserving the cherished 300,000 acres, Amendment 16 simply may have run up their utlimate real estate development value.

To solve the problem, Colorado must ask Congress to amend our statehood act. The 10 percent of state lands held in the Stewardship Trust then could be permanently set aside.

However, the state could only ask the federal government to do so if the legislature guaranteed an equally secure funding source for public education.

Moreover, the Stewardship Trust will work in the long run only if the legislature also patches an obvious and troubling gap in Amendment 16, which we'll discuss tomorrow.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. REYES. Mr. Speaker, I rise today in support of House Joint Resolution 36, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the United States flag. I urge all Members to support this resolution. This is a positive step toward finally taking necessary accountability in protecting the integrity and sanctity of our most precious national symbol.

I understand that this issue has experienced years of contentious debate involving constitutional challenges. Rather than focus on these arguments, I would rather take this time to share parts of a story written in my local newspaper, the El Paso Times. The story concerns a local shopping center that proudly flies a 30-by-30 foot American flag that has recently been taken from its flag pole for the first time in several years in order to have its windtorn, tethered appearance repaired so that it may return with a new and fully restored appearance. Since its removal, motorists and pedestrians, inhabitants of the neighborhood of where the flag resides, tourists and travelers, every single person that has come in contact with this flag have missed its presence. As one person stated, "People love it when they notice it, and they notice when it's gone."

And the people who love this symbol, not just the people in my district who give directions to their homes based on the shopping center flag, but people all over the country will notice when their symbol is destroyed. We have traditional codes and customs that encourage utmost respect for the American flag, yet we have never protected this symbol with the strength of our laws. We have sent soldiers to wars who fought and sometimes died in defense of the flag, carrying it honorably and proudly into battle. We have erected monuments all over this country and around the world that fly the American flag. We have placed the American flag on places where Americans have claimed victory in battle and scientific achievement, including one place that is not even on this Earth. I ask the Members to consider what protest would be profound, what speech should be protected and what principle is to be defended if the American flag flying over the Iwo Jima memorial is burned, or the flag flying over the Memorial at Normandy, or the flag that adorns the casket of a fallen soldier, or the flags that fly proudly over our international embassies, or the flag that flies in a shopping center in my district of El Paso, Texas. People will certainly notice it when it is gone.

Mr. Speaker, the brilliance of our constitutional laws is that they are amendable, they can change with the will of the people. And I believe and encourage that the will of Congress is to finally protect the symbol that flies over this House.

INTRODUCTION OF THE EXPORT ADMINISTRATION ACT OF 2001

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. GILMAN. Mr. Speaker, I have today introduced the "Export Administration Act of 2001", H.R. 2581.

This bill is identical to counterpart legislation that has been reported by the Senate Committee on Banking, Housing, and Urban Affairs, S. 149, except that it includes two additional sections relating to nuclear transfers to North Korea. These additional sections are substantively identical to legislation that Congressman ED MARKEY and I introduced last year, H.R. 4251 (106th Congress), the "Congressional Oversight of Nuclear Transfers to North Korea Act of 2000".

H.R. 4251 was intended to ensure that congress will be fully involved in the decision our nation may have to make in several years to either permit or delay the transfer to North Korea of key components for the two light water nuclear reactors that are being built in North Korea pursuant to the 1994 Agreed Framework with North Korea. H.R. 4251 commanded broad bipartisan support in the House of Representatives and was approved on May 15, 2000, by a vote of 374–6. Regrettably, the Senate did not approve H.R. 4251 before final adjournment of the 106th Congress last year.

Last year's vote demonstrates that the two additional sections I have added to the text of S. 149 are essentially non-controversial. I have included them in the text of the bill I am introducing today because they relate the control of dual-use exports and should, in my opinion, be included in any Export Administration Act enacted this year.

I would note that I have based the bill I am introducing today on S. 149 because that measure commands strong support in the Senate and elsewhere. I have reservations about certain aspects of the Senate bill, however, and accordingly anticipate that I will support some amendments to this legislation as it moves forward in the legislative process.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mrs. MYRICK. Mr. Speaker, since I was unexpectedly called away from the Capitol, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

July 17, 2001:

Rollcall vote 233, on H. Amdt. 169 to H.R. 2500, increasing funding by $11.7 million for the methamphetamine lab seizures program by the DEA, I would have voted "nay."

Rollcall vote 234, on H. Amdt. 170 to H.R. 2500, increasing funding for the Economic Development Administration by $73 million, I would have voted "nay."

Rollcall vote 235, on H. Amdt. 171 to H.R. 2500, striking Section 103 from the bill which prohibits the use of funds to pay for abortions services in federal prisons, I would have "nay."

July 18, 2001:

Rollcall vote 236, on approving the Journal, I would have vote "yea."

Rollcall vote 237, on the motion to disagree to the Senate amendment and agree to a conference on H.R. 1, I would have voted "yea."

Rollcall vote 238, on the motion to table the motion to instruct conferees to H.R. 1, I would have voted "yea."

IN RECOGNITION OF THE 27TH BLACK ANNIVERSARY OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mrs. MALONEY of New York. Mr. Speaker, it is my distinct honor and privilege to commemorate the 27th anniversary of the 1974 illegal Turkish invasion of Cyprus. I have commemorated this day each year since I have become a Member of Congress and unfortunately, each year the occupation continues. The continued presence of Turkish troops represents a gross violation of human rights and international law.

Since their invasion of Cyprus in July of 1974, Turkish troops have continued to occupy 37% of Cyprus. This is in direct defiance of numerous United Nations resolutions and has been a major source of instability in the eastern Mediterranean. Recent events, however, have created an atmosphere where there is now no valid excuse to avoid resolving this long-standing problem.

Peace in this region cannot happen without committed and sustained U.S. leadership, which is why I am heartened that President Bush, like his predecessor President Clinton, is committed to working towards the reunification of Cyprus. He recently stated (and I quote): "I want you to know that the United States stands ready to help Greece and Turkey as they work to improve their relations. I'm also committed to a just and lasting settlement of the Cyprus dispute."

I was also encouraged to read last week that the European Union considers the status quo in Cyprus unacceptable and has called on the Turkish Cypriot side to resume the U.N.-led peace as soon as possible with a view to finding a comprehensive settlement.

Now is the time for a solution. More than twenty years ago, [in 1977 and 1979] the leaders of the Greek and Turkish Cypriot communities reached two high level agreements which provided for the establishment of a bicommunal bizonal federation. Even though these agreements were endorsed by the U.N. Security Council Resolution 649 of 1990, there has been no action on the Turkish side to fill in the details and reach a final agreement. Instead, for the last 27 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey and condemned as "legally invalid" by the U.N. Security Council in resolution 541 (1989) and 550 (1984).

Cyprus has been divided by the green line—a 113-mile barbed wire fence that runs across the island and Greek-Cypriots are prohibited from visiting the towns and communities where their families have lived for generations. With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world. This situation has also meant the financial decline of the once rich northern part of Cyprus to just one quarter of its former earnings. Perhaps the single most destructive element of Turkey's fiscal and foreign policy is its nearly 27 year occupation of Cyprus.

We now have an atmosphere where there is no valid excuse for not resolving this longstanding problem. Cyprus is set for accession to the European Union in 2004, and I am hopeful that this reality will act as a catalyst for a lasting solution of the Cyprus problem.

EU membership for Cyprus will clearly provide important economic, political, and social benefits for all Cypriots, both Greek and Turkish alike. This is why both sides must return to the negotiating table without any conditions. There is also a new climate of cooperation between Turkey's Ismail Cem and Greece's George Pappandreou is a positive sign. More has been achieved in a year than what has been achieved in the past 40 years, but his cooperation needs to extend to the resolution of the Cyprus occupation. While the U.S., the EU, Greece and Cyprus have all acted to accommodate Turkish concerns, however, it remains to be seen whether Turkey will put pressure on Rauf Denktash to bargain in good faith. And make no mistake about it, if Turkey wants the Cyprus problem resolved, it will not let Denktash stand in the way.

Now is the time for a solution to the Cyprus problem. It will take diligent work by both sides, but with U.S. support and leadership, I am very hopeful that we will reach a peaceful and fair solution soon. Twenty-seven years is too long to have a country divided. It is too long to be kept from your home. It is too long to be separated from family. We have seen many tremendous changes around the world in the last several years; it is now time to add Cyprus to the list of places where peace and freedom have triumphed.

IN HONOR OF BISHOP MARTIN JOHN AMOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Bishop Martin John Amos. He was made a Bishop in the Cathedral of Saint John the Evangelist in Cleveland, Ohio on June 7, 2001. His tremendous faith and giving nature have brought hope and joy to many lives.

Son of William and Mary Amos, Bishop Amos's life began on December 8, 1941 in Cleveland. After graduating from James Ford Rhodes High School, he attended Borromeo Seminary in Wickliffe and St. Mary Seminary in Cleveland. Following this period of spiritual growth and learning, Bishop Amos was ordained on May 25, 1968 in St. John Bosco Parish of Parma Heights, Ohio.

Thirty-three years later, Bishop Amos was ordained as Auxiliary Bishop of Cleveland and Titular Bishop of Meta on June 7, 2001 in the Cathedral of Saint John the Evangelist. In the interim, he served many distinguished roles in the Catholic Church in the Cleveland area. He was Assistant or Associate Pastor at various churches and served as an instructor and Assistant Principal at Borromeo Seminary High School. Friends, I am sure that you will agree that there are few honors greater than that of teaching. Bishop Amos has most recently held the position of Pastor at St. Dominic Parish in Shaker Heights for the past sixteen years.

My distinguished colleagues, please join me in honoring this outstanding citizen of Ohio. His spiritual leadership throughout his life will serve him well as a Bishop.

TRIBUTE TO TRINITY SENIOR, AMANDA RIVAL, NCAA DIVISION III HEPTATHLON CHAMPION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. LARSON of Connecticut. Mr. Speaker, today I pay tribute to Trinity College senior Amanda Rival of Berlin, Connecticut. On May 25, 2001, Rival won the heptathlon in the National Collegiate Athletic Association (NCAA) Division III Outdoor Track and Field Championships, Rival won with 4,603 points, edging out the competition by 24 points.

This is the latest, and perhaps the most prestigious award that Amanda Rival has received in the years that she has dedicated to athletics. As a student at Berlin High School, she won numerous state titles and set many school records. She also concluded her successful youth career, by winning the Connecticut High School State Open in the long jump and high jump events.

Amanda Rival continued her success in the track and field arena throughout her college years. In indoor tack, she was a four time All-New England pentathlete, a three time All-Eastern College Athletic Conference (ECAC) selection, and the winner of the New England Pentathlon Championship title for the past three years. Amanda was also extremely successful in outdoor track. She was a three time All-New England selection, a two time All-NESCAC selection, and an All-ECAC member in 1999. Amanda Rival also competed well enough to earn All-American honors in 1999. This year, Rival recorded the team's season best results in the shot put, long jump, high jump, javelin, 100-meter high hurdles and the 200-meter dash.

In addition to her many athletic achievements, Amanda Rival has also thrived as a student at Trinity College. She was acknowledged for her success as a student-athlete by receiving the prestigious Trinity Club of Hartford award this year. Amanda also received Trinity's award for architecture for her academic achievements in that field of study. Amanda Rival graduated from Trinity College this past spring with a 3.0 G.P.A.

I commend Amanda Rival for the determination and dedication she has shown throughout her life as a student-athlete. I urge my colleagues to join me in wishing her nothing but the best of luck in the next chapter of her life, as I am sure she will continue to maintain a strong work ethic throughout her life.

SUPPORT OF THE PATIENT BILL OF RIGHTS IN ORDER TO IMPROVE QUALITY OF HEALTH CARE FOR HISPANICS

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. REYES. Mr. Speaker, every American is concerned with good health and accessing quality health care. However, far too many Americans including many Hispanics do not have adequate health care options. When Health Maintenance Organizations, HMOs, were first introduced, they were promoted as cost-saving revolutions in preventative health care. However, what subscribers did not anticipate is that their health care options would be restricted. It is dangerous for health related decisions to be taken away from doctors and health care professionals and assigned to HMOs, insurance companies, and corporate bureaucrats.

With 37 percent of the Hispanic population lacking health insurance, access is a huge issue. However, access to coverage does not always translate into access to quality health care. Many Latinos with health insurance experience numerous barriers to quality health care. Anyone who deals with the bureaucracy of managed care plans knows that it is daunting; for those with limited English skills, it is overwhelming. Two-thirds of privately-insured Latinos are enrolled in managed care, while only about half of privately-insured Whites are in managed care. Hispanics are thus, more likely to be the victim of care delayed, or more even disturbing, care denied. In addition, Hispanics are more likely to have limited provider options and limited treatment options.

We must enact patient protections for all Americans in managed care plans. In so doing, we are not only protecting Hispanics, but all Americans. We must pass the bipartisan Patients' Bill of Rights and return medical decision to patients and their doctors.

Again, I encourage my colleagues to support this important legislation.

AARP CRITICIZES BUSH SOCIAL SECURITY PRIVATIZATION PLAN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Ms. SCHAKOWSKY. Mr. Speaker, Next week, the President's handpicked Social Security Commission will issue an interim report, a version of which is already circulating among Commission members, the media and Social Security experts.

It is disappointing, but far from unexpected, that the interim report is attempting to "spin" the American public by claiming that there is a "crisis" in Social Security. The Commission and the Bush Administration are laying the groundwork for next fall's final report, which will call for privatization and individual retirement accounts.

Privatizers are trying to claim that the sky is falling—the only way that they can justify the drastic changes that they are proposing. But the facts are different. Even without any changes, Social Security will be able to pay full benefits through 2038 and, after that, it will be able to pay 73 percent of benefits. Moderate changes are needed but not a privatization plan that will take $1 trillion out of the Trust Fund and reduce future benefits by up to 54 percent. It's also reasonable to ask President why, if he thinks the situation is so dire, he decided to give a $1.7 trillion tax break, the majority of which goes to the wealthiest Americans, before taking steps to protect Social Security.

I want to draw my colleagues' attention to a statement by AARP on the interim plan, which I think says it best: the Commission is out of the "mainstream" and the interim report is just a "public relations" ploy to undermine the basic guarantee of Social Security that will lead to "a dramatic overhaul of Social Security that would lead to cuts in guaranteed benefits and shift financial risk to individuals."

STATEMENT BY AARP EXECUTIVE DIRECTOR WILLIAM D. NOVELLI ON THE DRAFT INTERIM SOCIAL SECURITY COMMISSION REPORT

WASHINGTON, July 19.—The following is a statement by AARP Executive Director William D. Novelli on the Draft Interim Social Security Commission Report:

The President's Social Security Commission continues to work toward a predetermined outcome—a dramatic overhaul of Social Security that would lead to cuts in guaranteed benefits and shift financial risk to individuals.

Today's draft interim report puts forward a fundamentally flawed and biased view of the nature and purpose of Social Security. It implies that the program is riskier than private investment. It recycles old alarmist arguments that portray the financial shape of Social Security in the worst possible light. The rhetoric in the report demonstrates how far outside the mainstream the Commission appears to be headed, referring to Social Security as a "novelty" and calling the system "broken."

The draft report lays the public relations groundwork for a campaign to change the fundamental nature of Social Security. It argues for turning Social Security into a system of wealth-building. But Social Security was designed to provide income protection and a floor of financial security. For many, especially women and minorities, Social Security is the only income-protection they will have, providing them with a lifetime, guaranteed benefit that is adjusted annually for inflation. The report ignores the fact that other vehicles currently exist for wealth-building through personal savings and employer provided pensions.

Individual accounts do not address Social Security's long-term financing issues. Add-on accounts—which have merit—can add value on top of Social Security, but taking money from workers' Social Security contributions to fund new private accounts only worsens Social Security's ability to pay today's retirees and advances the date of insolvency.

Social Security is the bedrock of our nation's income security system. To preserve this benefit for future generations, the Commission should focus on all potential options and tradeoffs, rather than a narrow and fundamental restructuring of the program. The sooner the nation begins to address the program's long-term financing needs, the more moderate the changes that are needed and the more time provided for those affected to adjust their plans.

INTERNET GAMBLING PAYMENTS PROHIBITION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. LAFALCE. Mr. Speaker, two years have passed since the Congressional-mandated National Gambling Impact Study Commission released its final report on gambling in the United States. A major recommendation of the report, adopted unanimously by the Commission, was a Federal prohibition on Internet gambling. The Commission determined that the traditional approach of state regulation of gambling was inadequate to address the problem of Internet gambling and that Federal legislation was needed.

The bill I am introducing today, the "Internet Gambling Payment Prohibition Act," seeks to implement this important Commission recommendation. However, it does not propose an outright prohibition of Internet gambling, since outright prohibition presents significant technical and enforcement difficulties. Instead, the bill would restrict the electronic payments that permit online betting and, thus, make Internet gambling possible. Regulation of electronic payment transfers and the most traditional check clearance system are Federal responsibilities that, in my view, offer the most effective means to address the unique challenges of Internet gambling.

Any American with a computer and a credit card can find numerous opportunities for high stakes gambling on the Internet. The number of Internet gambling sites has grown geometrically in recent years. The Internet Gaming Council has identified some 1,400 web sites that entice people to engage in some form of gambling. The typical Internet gambling site or virtual casino operates from locations outside the United States, in places such as Antigua or the Netherlands Antilles that impose little regulatory scrutiny other than collecting licensing fees. And Internet gambling is proving to be extremely lucrative for both site operators and their host countries. Between 1999 and 2001, combined annual revenues received by Internet gambling sites nearly tripled, from $1.3 billion to $3.1 billion. Industry experts expect annual revenues to double to more than $6 billion by 2003.

The problems presented by these lucrative and poorly regulated Internet gambling operations are numerous. There is no meaningful way to limit participation in gambling by adolescents or by problem gamblers. There is no assurance as to the integrity of the web site operators or the honesty of their games. There are little or no protections against security breaches, hacking, diversion of credit card payments or identity theft. And there is a strong chance that many off-shore gambling operations will be used as part of money laundering and other criminal operations.

Perhaps my greatest concern with Internet gambling is the fact that the problems created by compulsive gambling, which in the past were largely localized to areas with legal gambling, will be experience almost anywhere, but without any added public revenues to help address these problems. The National Commission identified a very strong correlation between the availability of high stakes gambling opportunities and the incidence of problem or pathological gambling. Current estimates of compulsive gamblers range from 1.5% of the adult population to over 5%, depending on the amount of legal gambling in the state. Add to this another 15 million people which the Commission identified as also being at risk at any time of becoming addicted gamblers, the potential universe of problem gamblers is significant. Psychologist estimate that more than 5 percent of people develop a gambling problem at some time, twice the rate of cocaine of other serious drug addiction.

Like alcoholism or any other addiction, the problems of compulsive gambling are not limited to individual gamblers, but affect entire families and communities. At a minimum, compulsive gambling leads to severe indebtedness and often bankruptcy. By the time most problem gamblers seek help they have debts exceeding $120,000 and their families are in shambles. Compulsive gamblers have a high incidence of broken families and lost homes, poor work productivity and job terminations, health problem and related alcohol or drug addiction. Most alarming is the high suicide rate among problem gamblers. The New York Times reported in 1999 that more than 80 percent of compulsive gamblers seriously consider suicide and nearly 20 percent attempt or succeed in killing themselves. This is considerably higher than the suicide rate for major depression.

With the Internet rapidly expanding access to high-stakes gambling, the number of compulsive and pathological gamblers can only increase. This poses a serious problem for our nation's youth. A number of factors converge to make today's adolescents particularly vulnerable to the lure of Internet gambling. Today's teenagers are far more experienced and comfortable with computers than many of their parents. They have grown up playing a wide variety of video and computer games. Most have broad access to the Internet. And large numbers of adolescents now have access to some form of credit, debit or stored value cards to make on-line bets. Banks and credit card companies have aggressively marketed credit cards on college campuses for years and have recently initiated new programs to market stored-value cards to high school aged youth.

While youth involvement in sports betting and other forms of gambling has increased in recent years, the heightened accessibility of Internet gambling, the ability to gamble in private and the ability to gamble with credit cards all place teenagers at greater risk. A young person sitting alone at home or in a college dormitory can gain access to hundreds of gambling sites and can easily run up the credit line on their own or their parent's credit cards on games that appear little different than the computer card games they have played for years. What seems an easy opportunity to win a big jackpot could result in financial losses that could harm their families and destroy their future plans.

The issue Congress must address is how we can protect our nation's youth from the growing availability and potential negative consequences of Internet gambling. To me, the answer is simple. We cut off Internet gambling at its source by prohibiting the primary payment vehicles that make on-line betting possible. My legislation, the "Internet Gambling Payment Prohibitions Act," would prohibit known Internet gambling sites from accepting any check, credit card, debit card or other form of electronic transfer as payment of any bet or wager over the Internet. The effect of this prohibition is to deny known Internet gambling sites from being approved for credit card, debit and other electronic transfer accounts. While liability for accepting prohibited payments would be on Internet site operators, credit card issuers, banks and money transmitting services would also be liable if it is determined that they knowingly participated in transferring payments to known Internet gambling operations. The benefit of this approach is that it is equally effective in denying payment of whether they are based within a state of half way around the world.

Other bills have been introduced that propose to prohibit payments only to "unlawful" Internet gambling operations. While this approach may be appealing politically, it is of little practical benefit. The open and unrestricted nature of the world wide web makes distinctions between legal or unlawful gambling extremely difficult, if not impossible. We cannot distinguish with any certainty the location of most Internet gambling sites, nor the location of persons attempting to access these sites. If Internet gambling is legal anywhere in the world, it will be available to people everywhere in the world. Proposals that only restrict payments to "unlawful" Internet gambling sites would, in effect represent an actual expansion of legalized gambling under Federal law. For once the Internet gambling is sanctioned in any jurisdiction, domestic or international, the restrictions on electronic funds transfer, would be inoperative. We would, in effect, be legally sanctioning such gambling—the exact opposite of what we portend to do.

Mr. Speaker, I believe the bill I am offering today provides the only effective approach for prohibiting Internet gambling and eliminating its potentially disastrous consequences for millions of American families. I urge adoption of this needed legislation.

SUPPORT FOR H.R. 1954

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Ms. SANCHEZ. Mr. Speaker, I rise today in strong support of H.R. 1954 which extends the Iran and Libya Sanctions Act until 2006. I have previously co-sponsored similar legislation and remain an advocate of trade sanctions on Iran and Libya. I look forward to the President's report in 18 months on the effectiveness of these actions. I am also extremely interested in examining the impact of this law on humanitarian interests and on national security, foreign policy, and the economic interests of the United States. Again, Mr. Speaker, I want to affirm my strong support of H.R. 1954 to extend the Iran and Libya Sanctions Act for an additional 5 years and look forward to its favorable consideration by this body.

IN RECOGNITION OF TIMOTHY JOHN LYNCH, SR.

HON. FORTNEY PETE STARK

OF CALIFORNIA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

Mr. STARK. Mr. Speaker, Mrs. TAUSCHER, Mr. GEORGE MILLER of California and myself would like to take this time to mourn the passing and celebrate the life of a very special man, Timothy John Lynch, Senior. His memory will be honored this weekend, when a memorial redwood and plaque will be dedicated to him at the 50th anniversary celebration of the Pleasant Hill Parks and Recreation District.

Born July 20, 1917 in San Francisco to Irish immigrant parents, Timothy grew up in the Irish Castro District of the City. He left his home state during World War II and served as captain and bombardier instructor in the U.S. Army Air Corps. He was married for 57 years to Mary-Louise Leach, and was the proud father of seven children, eighteen grandchildren, and nine great-grandchildren.

In 1950, Timothy moved his family from San Francisco to Pleasant Hill, California. During that very same year, he helped to build a community fit for his family and friends. He realized the need for a community park and worked alongside two other Pleasant Hill citizens to help raise funds to purchase the original land known today as the Pleasant Hill Park. Active in the Catholic Church his entire life, he also helped to establish Christ the King Catholic Parish, which is celebrating its fiftieth anniversary this year.

Shortly after settling in Pleasant Hill, Timothy served as a member and chairman of the Founding Board. He was elected and re-elected to serve on the board of trustees for the Pleasant Hill Parks & Recreation Department. Appointed to the Contra Costa Planning Commission, he made history as the first to represent the area that would later become the City of Pleasant Hill. Timothy also made efforts to contribute to education. He served as a member on both the President's Advisory Council and the College President's Fund-raising Committee at St. Mary's College of California.

Timothy worked in the private sector as Vice President of a major San Francisco Bay Area wholesale liquor distributor. After retiring, he volunteered thirty hours per week in his community at Kaiser Hospital, and at the Contra Costa Regional Medical Center as head liaison for surgery and recovery until his death.

A lifelong active member of the Democratic Party, he placed his ideals alongside those of Franklin Delano Roosevelt. He served on Representative Jerome Waldie's "kitchen cabinet" during Waldie's terms in the California State Legislature and United States Congress. He continued to work for Waldie during his campaign for governor of California.

Timothy John Lynch, Sr. was an example of a model citizen for all. His tireless efforts to make a positive impact in his community, his state, and his country are evident. We ask our colleagues to join us in paying tribute to this great person, wonderful character, and community leader.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I am submitting the following letter that I received from the U.S. Agency for International Development pertaining to my amendment on HIV/AIDS in the Foreign Operations Appropriations Act, 2001.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, DC, July 19, 2001.

Hon. JUANITA MILLENDER-McDONALD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN MILLENDER-McDONALD: Enclosed is a copy of our recent report to Congress on the U.S. Agency for International Development's efforts to prevent mother-to-child transmission of HIV/AIDS. It describes the vital role of mother-to-child transmission prevention activities and the complex issues that must be addressed as we and others expand our efforts in this important area.

Thank you for your interest in these programs.

Sincerely,

ROBERT M. LESTER,
Acting Deputy Asst. Administrator,
Bureau for Legislative and Public Affairs.

Enclosure: a/s.

SENATE—*Monday, July 23, 2001*

The Senate met at 2 p.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, replenish our energies so that we can give ourselves unreservedly to the challenges of this new week. Give us gusto to confront problems and work to apply Your solutions. Replace our fears with vibrant faith. Most important of all, give us such a clear assurance of Your guidance that we will have the courage of our convictions.

Bless the women and men of this Senate with a profound personal experience of Your grace, an infilling of Your Spirit of wisdom, and a vision of Your will in all that must be decided this week. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, I have been asked by the majority leader to indicate that we are to be in morning business for 2 hours today. Following that, we will return to legislative business. We will be on the Transportation appropriations bill. There will be an amendment offered at or about 4 o'clock today, with a vote to occur at about 5:45 today. We hope those who have amendments to offer to the bill will be ready to do so. We know there is at least one difficult issue. We are going to work on that.

Senator MURRAY and Senator SHELBY have spent a great deal of time on this legislation. We hope to complete this matter and one or two other appropriations bills this week.

The recess is fast approaching, a week from this Friday. We are going to have a number of things we have to do, in addition to appropriations bills, that the majority leader and the minority leader have talked about and recognize have to be done before the recess. So we have asked everyone to be cooperative. We are going to move as quickly as we can to try to satisfy the many different desires of the two caucuses.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: The Senator from Arizona, Mr. KYL, from 2 to 3 p.m., and the Senator from West Virginia, Mr. BYRD, from 3 to 4 p.m.

The Senator from Arizona, Mr. KYL.

Mr. KYL. Thank you, Mr. President. When my colleague, the Senator from Idaho, arrives, I will stop my presentation and give him an opportunity to join me in our comments today. We intend to take this hour to both talk about the same general subject.

NOMINATIONS

Mr. KYL. Mr. President, when we first came back and began this Congress in January, there was a lot of talk about bipartisanship at that time due primarily to the fact that the Senate was equally divided between Republicans and Democrats, and we knew we better act in a bipartisan way or not a lot would get done.

Since that time, of course, the Democratic Party has taken the majority, by virtue of the transfer from a Republican to an independent status, and we now have 50 Democrats, 49 Republicans, and one independent in the Senate; therefore, the Senate is under the control of the Democratic Party as the majority party. But we have a Republican administration and no less of a requirement to work together in a bipartisan fashion.

The distinguished President pro tempore chairs a committee which, by its very nature, requires bipartisanship. I think I was presiding in the chair the day the distinguished President pro tempore and his counterpart, the ranking member, the Senator from Alaska, talked about the fact that without the kind of bipartisan cooperation in that committee that has characterized its work, it would be hard for the Senate to get its work done.

That is also true of some other things, some housekeeping, if you will, that the Senate has to do as part of its constitutional responsibilities and, frankly, are among the most important of its responsibilities. That includes the advice and consent that we provide with respect to nominees from the executive branch.

When a new President comes into power, there is also a certain transition that takes place because the new President nominates his own people for his executive branch department, his Cabinet officers and subcabinet officers, and also, of course, judicial nominations.

In order for those departments to be fully staffed and up and operating, it is necessary for the Senate, as quickly as possible, to hold hearings on those nominees, to act on them one way or the other, and then those that it approves—the vast majority—can join the President and begin work in the executive branch of Government. Ordinarily, that is a somewhat lengthy process but not a particularly difficult process.

Most of the nominations are relatively routine. After they finish their FBI check, there is a hearing. There is almost never any controversy and therefore it is not difficult for the Senate to confirm those nominees. In fact, for the benefit of a lot of folks who would not be aware of the process, we do not take time in this Chamber to debate each and every nominee and hold a rollcall vote on each and every nominee. Instead, most of them are not controversial, and the leader will ask that a group of them be considered in a group, at the end of the day; and if no Senator objects to the nominations, they are all approved, and they are approved unanimously.

That is the way it is done for most of the nominees. There are well over 600—I don't know the exact number—that we have to confirm. The problem is, this year, because of the election difficulties in Florida, the administration did not have as much time during the transition to get these people selected. As a result, we started out about a month behind in terms of the nominations from the Bush administration. Fortunately, the administration has worked very quickly and has actually caught up and even surpassed some previous administrations in the number of nominations that have been sent to the Senate.

But the Senate has not acted very quickly either. Part of that was due to the fact we had this change from an equally divided Senate to a Senate controlled by the Democratic Party, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

there was a period when the reorganization resolution had not yet been adopted.

People might say: Why is all that important? Let's just get these nominees approved. Sometimes there are certain steps the Senate has to take before it can do things. The fact is, now we have had quite a period of time within which to act on these nominees, and we are beginning to act on some of them, but, frankly, they are not occurring as fast as I think they should occur and many of us believe should occur.

There are still far too many nominees we have not confirmed, and we are afraid will not be confirmed by the beginning of the August recess, in less than 2 weeks from now. That means it would not be until after Labor Day that the President would have his full complement of Cabinet officers in place, and subcabinet officers. That is far too long.

As of this month, over one-eighth of the Bush administration term is now gone, and many of the people he would have working for him are not even confirmed. The Senate has, so far, confirmed 210 Bush administration nominees, and that includes the 77 that we have confirmed just in the last 11 days. But even with that progress, it is just 58 percent of the nominees that President Bush has sent to us so far.

This chart represents the 58 percent of nominees confirmed by the Senate from George W. Bush. At this same time during the Bill Clinton administration, the Senate had confirmed 74 percent; and in the Reagan administration, 72 percent. These are administrations that took over from a previous party.

Ronald Reagan took over from Jimmy Carter. Bill Clinton took over from George Bush. And George Bush, of course, took over from Bill Clinton—each changing parties in the process.

So as we can see, the Bush nominees have not been approved, have not been confirmed at the same rate as the Senate confirmed previous Presidents' nominees. That is putting a real burden on this White House.

Incidentally, even though it wasn't a change from Reagan to the first George Bush in terms of party, the percentage was exactly the same as with regard to George W. Bush. Clearly, the Senate has to do a better job getting these nominations heard, getting them to the Senate floor, and getting them approved.

The same thing is true with respect to judicial nominations. We are going to need to hold hearings and confirm judges at a much faster pace, or we are going to be way behind in terms of judgeships. I will talk about that in just a little bit.

The bottom line, the first point I am trying to make is that we would literally have had to confirm about 83 nominations last week to match the nominations that we confirmed for the Clinton administration. We confirmed only 23. We were literally 50 nominations behind as of last week.

The Bush administration has nominated 365 people to date. With the 210 confirmed, that leaves 155. We have less than 2 weeks before the August recess. We would have to do about 75 per week to get these all confirmed. The fact is, 27 of those are judicial nominees. There is no way we can hold all of the hearings on them. So let's subtract the 27 judicial nominees; that still leaves 128 nonjudicial nominees. Those are the people the President needs to help run his Cabinet and his Cabinet agencies. That would mean we would have to do about 65 per week, this week and next week, in order to be done.

We are hopeful the Democratic leadership will cooperate in a bipartisan way to get these nominees confirmed. Because of what I explained earlier, it is not difficult to accomplish this. We can walk and chew gum at the same time. We can do both appropriations bills and nominations because nominations usually don't require a lot of time for debate on the Senate floor, and they don't require rollcall votes in most cases. In most cases, they are bundled together because they are not controversial. The leader asks unanimous consent at the end of the day that they be approved. That consent is given. They are approved, and it doesn't take very much time at all.

The good news is, the Senate can do both things at the same time. It can both pursue legislative business, which in the case of the next 2 weeks is going to consist mostly of appropriations bills, and at the same time we can do these nominations. That is the good news.

Let me try to give you a little bit of an idea of some of the agencies that have nominations pending and why these are important. As I said, there are 27 judicial nominations pending, 26 or 27. Everybody understands the importance of the judiciary. Tomorrow, the Judiciary Committee is going to hold a hearing on three nominees, but only one of them is a judge. The other two are nominees for the Department of Justice.

We have only confirmed three judicial nominees this entire year for President Bush. There is now a vacancy rate that is far higher than it was at the end of the last administration. In fact, there are today 108 vacancies in Federal courts. This is about 45 or so more than there were at the end of the Clinton administration.

Just to quote a couple of my colleagues to illustrate the significance of these judicial nominees, Senator LEAHY is the chairman of the Senate Judiciary Committee and has always been a very strong advocate for filling these judicial positions. When Bill Clinton was President, this is something Senator LEAHY said:

> Any week in which the Senate does not confirm three judges is a week in which the Senate is failing to address the vacancy crisis. Any fortnight in which we have gone without a judicial confirmation hearing marks 2 weeks in which the Senate is failing further behind.

Senator LEAHY is right about that. He said this in January of 1998. When he made that statement, there were fewer than 85 vacancies. Today there are 108 vacancies. As lawyers would say, a fortiori, it is important for us to begin confirming these judges. Moreover, as he pointed out, you can't confirm them until you have had hearings, and we are not having hearings on these judges.

We are supposed to have a hearing this week, but only one judge is on the panel. I remember the last three or four hearings of last year, we had five or six judges per panel. To have only 1 judge on the panel when there are 26 others on which we could have a hearing—their FBI clearances have been done; they are ready to have their hearing—is simply to slow down the process. There is no reason why we can't add more judges to the hearing calendar. We should be doing that.

I respectfully request that the chairman of the Judiciary Committee get on with the scheduling of these hearings.

Our majority leader, the distinguished Senator from South Dakota, last year said:

> Today there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as judicial emergencies. The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country. This cannot continue.

That was in March of 2000. When he made that statement, there were 76 vacancies, 29 of which were categorized as "judicial emergencies." Today there are 108 vacancies, 40 of which are classified as "judicial emergencies."

It is clear the Judiciary Committee needs to begin holding more hearings, that we need to get these judges to the Senate floor for confirmation, and that the Senate needs to act more quickly on these very important judicial nominations, 40 of which are classified right now as "emergencies." In other words, according to the administrative office of the U.S. courts, these are the positions which need to be filled immediately or the administration of justice will suffer. It represents 12.6 percent of the judicial positions in our country today. That is the vacancy rate, and of those, just under 40 percent, are classified as "judicial emergencies." Clearly, we have to get working on these nominations.

I note that my colleague, Senator CRAIG, has arrived. I was going to begin discussing some of the specific nominees who are not judicial nominees that have been pending for a long time that we want to get cleared. Before I do that, perhaps my colleague is ready to make a presentation. I am happy to wait and go into some of the specific names after a little bit.

I yield to the Senator from Idaho.

The PRESIDENT pro tempore. How much time does the Senator yield?

Mr. KYL. As much time as the Senator takes.

The PRESIDENT pro tempore. The Senator is recognized for as much time as he consumes.

Mr. CRAIG. I thank my colleague from Arizona for yielding. Most importantly, let me thank him for coming to the floor this afternoon to talk about what, without question, is a critically important issue to our country. That is that a President, once elected and sworn in by a Nation, has the right to govern the executive branch of the Government.

We all know that takes a good many hands at the tiller, talented people from all walks of life who can help a President in all of the agencies of the Government make the right determinations and decisions as they relate to how policy ultimately gets implemented into law. We have watched over the years as this has become a most cumbersome approach. It has become increasingly involved, a combination of legislative action on the part of the Congress—the Senate playing a role—executive orders on the part of the President, all coming together in a critical mass. That takes the process a very long while to work. I am talking about simply the selection of, the vetting of, the background checking of an individual whom a President is going to nominate prior to that individual getting to the Senate, and then for the committees of jurisdiction to hold the proper hearings that are necessary to look at all of the material and ultimately to pass judgment on this individual for recommendation before the full Senate.

The reason I talk about that at the outset is that we are not talking about that today. We are talking about the second step—the Senate process, the responsibility we have as Senators to review, confirm, and/or reject these nominees, based on cause, whom a President sends before us.

We are in a situation where the Senate has confirmed about 210 Bush nominees so far this year, including the 77 we have confirmed in the last 11 days. During the Fourth of July break, I was home in my State of Idaho and I was hearing from many constituents who were saying: LARRY, when are we going to get this person? Senator, when are we going to get that person?" Or they would say: Senator, do you realize that Clinton people are still in power at the regional levels of the National Marine Fisheries—or U.S. Fish and Wildlife Service, or the EPA—and those decisions are still being made, based on, if you will, the philosophy and attitude of that administration versus the one the American public has just elected to power? When are those things going to happen or change? We elected a new President; we want a new direction. We expect that. That is why we did what we did last November.

It was during that time, in listening to my constituents and trying to explain, that I began to examine the second phase—this phase, the one we are in now as Senators, doing our responsible job and constitutionally mandated job to review and confirm or reject appointments, nominations made by a President.

Coming back from the Fourth of July break, I began to examine the numbers involved to see what the problem was, why we had not moved more. Yes, there was a time when we had a change of power and that took time. I don't argue that. But clearly, if you examine the amount of time involved with all of the nominees who are before us, there were a good many languishing before committees who had not had hearings, nor were hearings scheduled. As a result of that, I began to look at it in the context of how do we make this system work to accelerate itself, to do what it should do responsibly, but to do so in a timely fashion, so that our President can have the people he sent forth to help govern our country at the executive level.

It was at that time that my colleague from Arizona and I teamed up, using the rules of the Senate appropriately, to discuss this issue and to cause the Senate to work in a more expeditious fashion. Even with the recent progress we have made—those 11 days and 77 confirmations—that is just 58 percent of all of the nominees President Bush has sent to us so far. How does that compare with past Presidents' transitions? As of July 20, the Senate had confirmed, as I say, about 58 percent of the Bush nominees. As of July 20, 1993, the Senate had confirmed, as the chart shows, about 74 percent of President Clinton's. As of July 20, 1981, the Republican-controlled Senate had confirmed 72 percent of President Ronald Reagan's nominations. So somewhere in the seventies is probably a figure that is right and reasonable—if there is a "right and reasonable". Or should the Senate operate clearly in a more expeditious fashion? To keep pace with the record we have shown by the chart this afternoon, we would have had to have confirmed 83 nominees last week to match the Clinton record, instead of the 23 for whom we fought hard to get the majority to work with us on, to ultimately get before the Senate in confirmation.

The transition in power in the Senate, as I mentioned, caused some delays. I accept that, and I am willingly able to talk about that, and I should because that is right and that is fair. The uncertain outcome of a Presidential election stalled any President or President-elect out 36 days before they could begin to actually move in any fashion. Yet the Bush administration has recovered from its delays, and it had sent a record 365 nominations as of last week. I think the Senate now must step up the pace if we are going to deal with this matter in a timely fashion.

As important as all of that is, as my colleague from Arizona knows so well, to allow this President to govern, to set the course in the policy direction that is set by these key people, and also to establish the kind of relationships and esprit de corps that occurs within an agency between administrators of that agency and the rank-and-file civil servant, our goal—the goal of the Senator from Arizona and myself, working with the leadership of Republicans and Democrats in the Senate—is to get the Bush administration fully staffed with qualified people as quickly as possible.

A week and a half ago I told the majority leader, TOM DASCHLE, that our goal was, if you will, to cleanse the Senate of nominees by the August recess. Why? Because we are going to be gone for a month. If there is anyone languishing without cause simply because committee chairmen could not act or would not act, then shame on them, shame on the Senate, and shame on the leadership of the Senate for simply not moving the process along in the next 2 weeks to get the hearings done, to vet these people, to get them voted on, and get them to the floor.

As we know, it is only in a rare case that a nominee actually brings about aggressive debate on the floor of the Senate. Why? Because, in a bipartisan manner, all of us believe that a President has the right to choose, to select. While it is our responsibility to confirm, very seldom does the Senate actually reject. So why should there be delay, as long as the process is thorough, responsible—and it should be timely. Based on the workload of the Senate today, there is really no reason for a lack of timeliness.

There are 499 positions in the executive branch requiring Senate confirmation, not counting judicial nominees. As the Senator from Arizona knows, while he was tackling the judicial nominees, I looked at all the other agencies as my target, believing that those were the ones we could get out to the administration most quickly. Of those, according to the Brookings Institution, there are 313 positions currently vacant. That is 6 out of 10 positions in Government today. In other words, 6 out of 10 people are not "on the ground," not working with the President and the Vice President to govern our country.

That is what we are talking about—making critical decisions about how policy gets implemented. For those who are the victims of the lack of people being in place, it is the rank-and-file citizens out there in Arizona or in Idaho who find themselves in contests with or in conflict with a given rule or regulation and having someone outside the system make a judgment, or someone who has a given philosophical bent, instead of this administration. That is why what we do here and what the Senate does in the next 2 weeks is so absolutely critical to the American people.

Mr. KYL. Mr. President, will the Senator yield for a question?

Mr. CRAIG. Yes, I am happy to yield.

Mr. KYL. I think the Senator just hit the nail on the head. This isn't an abstract proposition, the fact that the President needs to have his team in place; I think everybody recognizes that. But it has real "on the ground" meaning for everyday decisions that are made affecting all Americans. Maybe we can talk for a little bit about some of the specific positions that are vacant, the people who have been nominated for those positions, why they are important for the American people, and what can happen if these positions are not filled.

Would the Senator like to initiate discussion on that? I can certainly do the same.

Mr. CRAIG. Let me give an example. I thank my colleague. I will reclaim my time and give an example. Some weeks ago, an acting regional administrator of National Marine Fisheries told the largest utility in Idaho, which is a hydro-based utility, that they had to dump their water; they could not generate with it. It just so happens that Idaho and the Pacific Northwest are in a drought at this moment. The 320,000 acre feet of water impounded for the purpose of generating power for Boise, ID, and the surrounding area was being ordered to be dumped in the name of fish and fish recovery. The power company thought it was inappropriate to do and unnecessary under the law, even recognizing the need to protect the fish.

When they refused, that acting agent sent a letter to the Federal Energy Regulatory Commission asking they order the water be dumped. At that time, I and other members of the Idaho congressional delegation got involved. We began to examine it. Frankly, we found an individual who was operating and making decisions in a manner that we thought inconsistent with the law, much more consistent with their philosophical bent than the legal responsibility and the right administration of the law. We asked for a conference. We asked that all the parties be brought to Washington to solve this problem.

Under the law, it was decided that the utility could continue to operate normally, and in so flowing the water through its pin stocks and turbines, it could not only generate power—and we know what has happened in the Pacific Northwest, with a real absence of power.

To make a long story short, but a very dramatic example for Idaho, instead of following the edicts of someone whom I felt was philosophically driven by a past administration's attitudes of how that agency ought to operate, under a negotiated settlement and within the law, this utility was allowed to operate, manage the water accordingly so there would be no blackouts in Boise, ID, and the surrounding area this year, save the fish, and solve the problem.

I do believe that if the regional director for National Marine Fisheries had been in place, the request to spill or dump water would never have occurred. That problem could have been solved at the regional level through reasonable negotiation. That is an example, and there are a myriad of others going on out there at this moment.

Let me give another example, and while this one cannot be blamed on the Senate at this moment, it is a perfect example of not having people in place at the right time. It really cannot be blamed on the administration, either. I am talking about our Ambassador to the United Nations, Negroponte, and the stalled nomination and the unwieldy system that impacts this. With no permanent Ambassador, the United States mission at the United Nations has had to rely on a career diplomat, Mr. Cunningham, who was the acting Ambassador in January when Richard Holbrooke resigned.

What happened in the meantime? The problem became a public one because of the unwillingness, in my opinion, to be aggressive in holding the Nation's position as it relates to our role in the United Nations and in the General Assembly.

The problem became public on May 3 when the United Nations lost two influential U.S. Commissioners: one for human rights and one for narcotics control.

According to a source close to the U.S. Commission, diplomats were unaware that positions on either panel were in jeopardy until the final hour. In other words, somebody was not doing their homework and somebody was not watching and dealing with it. It appeared that a last-minute campaign effort would have secured the United States one of the three open Western seats in the U.N. Commission on Human Rights. The U.S. diplomat had expected to get a 43–53 vote in favor.

They did not get it, and we know the rest of that story. For the first time since the Commission's inception in 1947, the United States has lost positions. That speaks to the problems and complications of the system.

I cannot lay the blame at the feet of the Senate on that issue, but the reason I bring it up, I tell the Senator from Arizona, is to express the dramatic consequences that can occur when we do not act timely to get the right people in the right place to make the decisions and to administer the role of Government as we would want it done.

I will be happy to yield to my colleague from Arizona.

(Mr. REED assumed the chair.)

Mr. KYL. Mr. President, if I may pursue this, it is an excellent example of one of the nominees who has been pending for a long time. John Negroponte was nominated on May 14. As the distinguished Senator from Idaho pointed out, it was very shortly thereafter that this problem in the United Nations occurred. Many people had said if John Negroponte had been there, this would not have happened. We do not know, as the Senator said.

I do know about a month ago Secretary of State Colin Powell was on national television, on one of these Sunday morning talk shows. He was asked about the nomination of John Negroponte, and Secretary Powell made an eloquent plea to the Senate to please confirm John Negroponte. He said the United States needs him at the United Nations, that we needed to get him confirmed. That was, I believe, over a month ago.

His nomination has been pending since May 14. It is now July 23. The President is going to be speaking to the United Nations this fall, I believe in September. He is going to be addressing the United Nations. For the United States not to have our Ambassador in place would be a breach of significant diplomatic protocol, as well as an important loss to U.S. interests.

I note that because the Senator from Idaho brought up the name of John Negroponte, another perfect example of someone we have had plenty of time to confirm, and we have not yet taken up his nomination for confirmation, and we need to do so.

I thank the Senator for yielding.

Mr. CRAIG. I talked about what could have happened in Idaho if, in fact, we had not been able to move the issue to Washington and those who had been left to administer at the regional level had won.

What the Senator from Arizona and I just talked about is an international problem and clearly an image problem on the part of the United States. How does it look for the United States not to be able to act in a timely and responsible manner to put key diplomats in place to do the work of our country? What does it say to the rest of the world? What does it say to the United Nations as it relates to how we prioritize the value of the U.N. and these very important commissions, the question of drugs being trafficked internationally, the question of human rights that this Senate has spent a great deal of time on over the years—

human rights in this country and human rights around the world—and we have now lost key positions because we did not have people in place to lobby effectively for the position of this country, to make sure we had a voice on these key commissions.

It speaks volumes about not only our inability to operate but the cumbersome nature of the system we have allowed to be created.

Mr. KYL. Mr. President, I ask the Senator from Idaho to yield again, primarily to make a point.

Mr. CRAIG. I will be happy to respond.

Mr. KYL. The Senator from Idaho was instrumental at the end of the week in getting an agreement from the Democratic leadership to take up the nomination of Jack Crouch, sometimes known as J.D. Crouch, a distinguished expert in, among other things, missile defense. I had breakfast a couple of months ago, along with other Senators, with Secretary of Defense Rumsfeld. He pleaded with us at that time: Please send me my troops. Please confirm the people we have nominated for the Cabinet and subcabinet positions for the Department of Defense.

Now the President is busy in negotiations with the Russians, with Putin, and with others regarding missile defense, and the nomination of a distinguished member of his subcabinet, Jack Crouch, has not been taken up. He was nominated on May 7. He was nominated even before John Negroponte. Still no confirmation.

I ask the Senator from Idaho, since the Senator was instrumental in getting the agreement of the Democratic leadership to have a vote on J.D. Crouch sometime before the end of the August recess, does the Senator think it is important in this case to get this vote scheduled as soon as we possibly can so we can send Secretary Rumsfeld the team he needs to help provide for the national security of the United States?

Mr. CRAIG. Certainly, I agree with the Senator from Arizona. There is nothing more important to our country; now that these men and women have gone through their background checks and have been thoroughly vetted and sent to us, we ought to act in the most timely fashion.

Where there are objections—there happen to be a few on our side and some on the other side. Let's solve those, bring them to the floor. If a Senator objects, let he or she come to the floor and defend their position. There is nothing wrong with that. I say that for Republicans and Democrats alike. They can express their opposition; they can vote no. There is nothing wrong if you feel passionately about one of the nominees, in telling the President, who happens to be your President: Mr. President, I vote no.

Why openly and aggressively deny the President the right to select the people he thinks are necessary to work with him in the governance of this country?

I know the Senator went through the list of those key and important individuals still languishing in committee. I understand there are a total of 127 nominees who have had no hearings and no markups, as close as we can determine. There were 48 who came up this month; 46 came up in June; 27 came up in May; 6 came up in April. That is the time that these names have been before the appropriate committees.

The question is, where is that chairman? And why can't we hold hearings and give these people an opportunity to testify? Hector Barreto was nominated to head the SBA on May 1, just Friday. He was placed on the Senate's Executive Calendar. The Executive Calendar is at the desk. It is the calendar that nominations reside on before they are considered by the Senate as a whole. He was reported out of committee by a unanimous vote. This is the head of the Small Business Administration. He got a unanimous vote out of committee, but he came there May 1.

The most modern phrase I can come up with is, "duh." It is kind of a "duh" issue to the chairman of the committee why this man has been before them since May 1, and got a unanimous vote coming out of committee. We will now, I trust, take up Hector Barreto this week. Certainly the Senate, I hope, can act timely. This is the man who will run the Small Business Administration of our country, which we rely on heavily in dealing with the small businesses of our State, those starting up, the problems they might have in trying to create start-up businesses.

The Senator from Arizona and I know first hand, as his is a border State, and border States by definition are oftentimes caught in the backlash of drug trafficking that flows across their borders and into the United States, John Walters was nominated on June 5 to be the Nation's drug czar. We know that problem. We are extremely pleased the Bush Administration is reemphasizing the drug problem as an enforcement problem for the citizens of our country. The Judiciary Committee has neither held hearings nor reported out this Cabinet-level appointee. They have had him since June 5. I don't know if it meets the "duh" test. I am not sure what it meets.

The Judiciary Committee does not appear to be functioning well. We have had changes in chairmanships, but the new chairman has had plenty of time. Just send out a notice, bring down the gavel, listen to this man and question this man about what he will do as the new drug czar for our country at a time when drug use is high, lives are being destroyed, and we as a country want to put special emphasis on control and detection and certainly all of the counseling, and the remediation efforts involved in helping our citizens cope.

I hope the Judiciary Committee gets the message that they need to act expeditiously to allow this man the right to begin to administer the antidrug programs of this country.

I thank my colleague from Arizona for yielding. There are other points that can be made. We will continue to make the points as we work with Democrat and Republican leadership to recognize and deal in a timely fashion with all of these nominees. My test, the test of my colleague from Arizona, is to move as many as possible before the August recess so we do not then wait clear until September to see the men and women on the ground managing and doing what they have been asked to do on behalf of this administration.

There is a lot of work to be done. But there are 2 weeks left. In 2 weeks' time, these committees can clearly convene and hold the hearings, make their recommendations, and allow the men and women nominated by President Bush to get to the floor for the purpose of our consideration and our constitutional responsibility of confirming or denying these nominations.

I thank my colleague for the effort he has put forth in the last several weeks. We have worked together as a team to assure that many of the nominees have been moved in a timely manner. In all fairness, I think part of our message and concern is getting out. I have had two chairmen this week in Agriculture and in Veterans' tell me they will attempt to move expeditiously. Hearings are being scheduled.

When I see 127 nominees who have not had hearings, and there are 2 weeks left, that says there is an awful lot of work to be done in the next 2 weeks. I hope our chairmen are up to it. I think the committees and the committee staffs have had adequate time to do the necessary work to prepare for appropriate and necessary hearings.

I thank my colleague from Arizona for securing the time and yielding to me on this issue.

Mr. KYL. Mr. President, I thank the Senator from Idaho for being instrumental in bringing this issue to this Chamber. He helped to prove we can do more than one thing at once. We can do our legislative work on the appropriations bills that come before the Senate, and at the same time have the committees meeting on the nominees and holding hearings and bringing them to the Senate floor, in most cases for a quick unanimous consent vote that does not require a lot of Senate time.

I know he and I will continue to work to see we complete this list of nominees for confirmation before we leave for the August recess. It would be a shame to leave here with that unfinished business, leaving the President without the team he needs to help in the important responsibilities he has.

The Senator from Idaho pointed out he has visited with different committee chairmen—for example, the Agriculture Committee chairman. There are 10 nominees pending before the Agriculture Committee. They need hearings and need to be acted upon. There are 9 pending before the Armed Services Committee, and in addition to that, J.D. Crouch, on whom we need to vote.

In the Banking Committee, there are 7 pending; in the Commerce Committee, there are 8; in the Energy Committee, there are 3; before the EPW Committee, there are 8; before the Finance Committee, there are 12; Foreign Relations has 41, many of whom are important nominees to Ambassadorial positions to various countries. What do these countries think when that we sit on these nominations for so long before confirming them and sending them on to serve the United States abroad?

There are 4 pending before the Governmental Affairs Committee, 6 before the health committee; as I said, before the Judiciary Committee, there are 27 judicial nominees and either 12 or 13, depending on my count of positions, to other judicial branch appointments, and 3 before the Veterans' Affairs Committee, and another before the Judiciary Committee, since the Senator from Idaho singled out the Judiciary Committee out.

I am on that committee and the Judiciary Committee has not done its job either with the executive branch nominees or the judiciary, the judges. John Gillis was nominated in April to head the Office of Victims of Crime. He would be the Director of the Office for Victims of Crime at the Department of Justice. He has had no hearing. John Gillis is an extraordinary man. He is an African American, former police officer from the Los Angeles police force. His daughter was killed, murdered.

John Gillis became a very strong advocate for victims' rights. He is a national hero in this regard. He is a man of great character, of passion for the cause of victims of crime.

President Bush has also strongly advocated the rights of victims of crime. My colleagues know that has been one of my passions, as it has been of Senator FEINSTEIN from California.

In April, John Gillis was nominated. It is critical that he join the team at the Justice Department—no hearing. He has not been approved by the Senate.

Mary Sheila Gall, this is another interesting nominee, interesting in the sense of the position she would hold. She was nominated back on May 8. Apparently there may be a hearing for her on July 25. But she would chair the Consumer Product Safety Commission. This is only the Commission that is responsible for the regulations and enforcement of regulations that protect the public against unreasonable risks of injuries and deaths associated with consumer products—a very important position for children as well as adult men and women in our country. It is an independent, Federal regulatory agency, and it has jurisdiction over about 15,000 different types of consumer products. Let me give you a couple of examples of things they have been doing:

This past month, the month of July, a Columbus, OH, firm voluntarily recalled 32,000 hand trucks with faulty tires that can explode under intense pressure and injure bystanders or users. A Los Angeles company voluntarily recalled 600 baby walkers that will fit through standard doorways but are not designed to stop at the edge of a step. A Pennsylvania firm announced a voluntary replacement program providing free parts and labor to replace faulty sprinkler heads that relate to the ability for firefighting equipment to work, and so on and so on.

I could go down a long list here.

Mr. CRAIG. Will the Senator yield? I am pleased he is mentioning this one because at times I have been at odds with the Consumer Product Safety Commission as it relates to some of the work they have done. One of the most significant findings they made, and one of the largest recall/replacement efforts was just mentioned by the Senator from Arizona and that was the sprinkler head that you see in new code buildings around the country that fire professionals will tell you is the single greatest way to put out a fire. What they found was that over a period of time a rubber gasket that controlled the release of water would simply rot away. This company that makes them, because of the Consumer Product Safety Commission's oversight and review, is voluntarily replacing these faulty sprinkler heads all across the Nation.

Why can't we hold a hearing in Judiciary to get the head of this Commission in place? How long has that person been before the committee?

Mr. KYL. Mr. President, Mary Gall was nominated as chair of the Consumer Product Safety Commission on May 8. She is pending before the Commerce Committee to this day.

Mr. CRAIG. May, June, July—3 months now—that person has languished before the committee. Both the Senator from Arizona and I have openly discussed the time we lost through the transition when we had one of our colleagues become Independent and the leadership of the Senate changed. At the same time there is no excuse, because staffs didn't change dramatically. We really just passed the gavel over and the total number of members on the committee changed. Yes, we had to wait for an administrative process that allowed a new regulation to be written—a resolution of the Senate, what we call an organizational resolution—but still, that committee could have gone on, and many did, to hold hearings. They could have voted them out immediately, then, after the hearing record was established because none of us were calling for votes on key committees. But some committees did function. And here, now, we have this critical position languishing because of failure to act.

I thank my colleague for bringing that point forward.

Mr. KYL. Mr. President, let me mention a couple more before my time is up. One would think we would want to have in place the Solicitor for the Department of Labor to ensure the Nation's labor laws are fairly and forcefully adhered to. Eugene Scalia was nominated back in April—April 30—to be Solicitor for the Department of Labor. There have been no hearings for his nomination. Yet that person is responsible, at the Department of Labor, for monitoring agency activities, providing advice and opinions to ensure Department of Labor employees and agencies fully comply with laws and regulations, and to assist in the development of regulations and standards to protect workers in this country.

This is another very important position, Eugene Scalia. We need to have a hearing on him and he needs to be brought to the Senate floor for confirmation before we leave here for our August recess.

Brian Jones, general counsel of the Department of Education: We all like to talk a good game when it comes to education. This is for the children. We need to help them. We need to staff up the Department of Education. It needs to be able to do the work we have asked it to do. Brian Jones was nominated back in April as well, April 30. He has had no hearing. Yet his responsibilities as the general counsel for the Department of Education are to help support equal access to education and education excellence around the country by providing sound, understandable, and useful legal services and effectively managing the Department on all of the ethics and legal issues that come before it as well as to serve as the principal adviser to the Secretary on all legal matters affecting the Department's programs and activities.

I mentioned another individual who was nominated more recently but whose name has really been before the Senate for a long time: Otto Reich. This is one of the key priorities for President Bush because, as everyone, I think, knows, the President has paid special attention to Mexico and the countries of Central and South America. Otto Reich would be the Assistant Secretary of State for Western Hemisphere Affairs. It is an extraordinarily important position to manage and promote U.S. interests in that region by supporting democracy, trade, and sustainable economic development in dealing with a whole range of problems from drug trafficking to crime and poverty reduction and environmental protection. Otto Reich deserves to have a hearing and deserves to be considered by the Senate before we go out in August.

The Senator from Idaho and I could go through each of these names, well over a hundred. In every case, we are dealing with an important position and we are dealing with people whose lives have basically been held in abeyance. They do not know whether or not to move their families or to do what is necessary to prepare to serve the President. The Senator from Idaho told me of a meeting he had with people who were about ready to give up because their nominations had simply been languishing for so long. I think the Senator from Idaho said: Persevere; the Senate is going to do its work.

I might ask the Senator to recount that brief experience.

Mr. CRAIG. I thank the Senator from Arizona for mentioning that situation. I did visit with a gentleman who was slated to go to Justice, and will in time. But you know there is an image problem here. Oftentimes, or at least sometimes, the public thinks these people who serve a President and are nominated are wealthy people or people of substantial means who can do as they wish. That is not true. They come from all walks of life and all experiences. They fit the situation and/or the responsibility they are going to undertake. A lot of them are young, family people with children in school.

The question is, Are we going to be confirmed and can we bring our kids to Washington and get them into the schools here in the area because remember what happens at the end of August? Kids go back to school. I understand the other day in this city there was a breakfast of about 20 of them, trying to make up their minds whether to tough it out, wondering when the Senate might operate, or if they were going to have to pick up the phone and call the President and say: Mr. President, I am sorry; I really did want to serve you and I wanted to serve the American people, but I have to get on with my life. I have been 3 or 4 months in limbo now, and because of the risk of conflicts of interest, I cannot continue in my current job or my current capacity and I have kids to get in school this fall. I have a home I have to sell and/or a home to buy. What do I do? That is the practical, human side of this very real problem that the Senate of the United States has created.

I thank the Senator from Arizona for mentioning that.

Mr. KYL. Mr. President, let me mention one other very practical problem. The Attorney General, John Ashcroft, told me of a situation which I hope by now has been corrected. But he literally was at his farm in Missouri after he became the Attorney General and I think he was the sole executive person at the Department of Justice. An aide had to literally bring a warrant out to Missouri, fly on an airplane from Washington, DC, out to Missouri so he could sign it because he was the only one who had the authority at that point to sign this particular document.

I believe since then we have confirmed some people who also have that authority. But the point here is we have to get the executive team in place. We have 155 people who need to be confirmed; at least about 130 of them need to be confirmed before we leave for the August recess. In the name of bipartisanship, for the good of the American people, for the sake of doing the important jobs we have outlined here before, and for the sake of filling our judiciary, I urge my colleagues to work with us to get these people to the floor and to get them confirmed before we leave for the August recess.

Mr. President, might I inquire, do I have another minute or so left? What is the time?

The PRESIDING OFFICER. The Senator is informed it is 3 o'clock, when Mr. BYRD is to be recognized.

Mr. KYL. I thank the Chair.

I conclude by urging all of my colleagues to work with us so we can get these people to the Senate floor and get them confirmed before the August recess. If we do, we will feel better about doing our job and the country will feel better because we will have served the interests of the American people.

I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

U.S. IMMIGRATION POLICY

Mr. BYRD. Mr. President, in his delightful work "Democracy in America," Alexis de Tocqueville begins his thoughts on the origins of Anglo-Americans with these words: "The emigrants who came at different periods to occupy the territory now covered by the American Union differed from each other in many respects; their aim was not the same, and they governed themselves on different principles. These men had, however, certain features in common, and they were all placed in an analogous situation. The tie of language is, perhaps, the strongest and the most durable that can unite mankind. All the emigrants spoke the same language; they were all children of the same people."

For generations, the United States has had the good fortune to be able to draw upon not only the talents of native-born Americans but also upon the talents of foreign-born citizens. Immigrants from many nations built our railroads, worked in our factories, mined our coal, made our steel, advanced our scientific and technological capabilities, and added literature, art, poetry, and music to the fabric of American life.

Of course, many of these new Americans struggled with our language and customs when they first arrived, but they learned our language, they absorbed our constitutional principles, they abided by our laws, and they contributed in a mighty way to our success as a nation.

Indeed, I believe that, particularly in the case of those who came to our shores fleeing tyranny, there has existed a unique appreciation for the freedom and opportunity available in this country, an appreciation which makes those special Americans among our most patriotic citizens.

In other words, do not go to Weirton, WV, and burn the flag. No, not in Weirton. We have at least 25 or 30 different ethnic groups in that small steel town in the Northern Panhandle.

Mr. President, the United States today is in the midst of another immigration wave—the largest since the early 1900s. According to the latest numbers from the U.S. Census Bureau, immigrants now comprise about 10 percent of the total U.S. population. That is about 28.4 million immigrants living in the United States.

During the 1990s, an average of more than 1 million immigrants—legal and illegal—settled in the United States each year. Over the next 50 years, the U.S. Census Bureau projects that the U.S. population will increase from its present 284 million to more than 400 million. Immigration is projected to contribute to two-thirds of that growth.

These are unprecedented numbers. When I was born in 1917, there were about 102 million people in this country. When I graduated from high school in 1934, there were about 130 million people in this country. And today, there are 284 million people in America. This nation has never attempted to incorporate more than 28 million newcomers at one time into its society, let alone to prepare for an additional 116 million citizens over the span of the next 50 years.

Although many of the immigrants who have entered our country over the last ten years are skilled and are adjusting quickly, others have had problems. Last year, according to the Center for Immigration Studies, 41.4 percent of established immigrants lived in or near poverty, compared to 28.8 percent of natives. The situation had completely reversed itself from 30 years before, when, in 1970, established immigrants were actually less likely than natives to have low incomes, with about 25.7 percent living in or near poverty compared with 35.1 percent of the native population.

The deterioration in the position of immigrants can be explained, in part, by a significant decline in the education of immigrants relative to natives and by the needs of the U.S. economy. In 1970, 7.1 percentage points separated the high school completion rate of established immigrants versus natives. By 2000, established immigrants were more than three times as likely as natives not to have completed high school, with 34.4 percent of established immigrants and 9.6 percent of natives lacking a high school diploma.

The less skilled the immigrants, the worse their employment prospects, the bigger the burden on schools, and the greater the demand for social services. The National Research Council recently estimated, in December 1999, that the net fiscal cost of immigration ranges from $11 billion to $20.2 billion per year. That is enough money to fund the operations of the State of West Virginia for nearly 3 to 6 to 8 years.

As chairman of the Appropriations Committee and as a member of the Budget Committee, I well know of the extreme shortage of money to meet the needs of own population today. Because of the 10-year tax cut that was enacted earlier this year, I am wrestling mightily with trying to provide enough money to educate our children, meet our health care needs, provide transportation to our population, and battle crime in our streets.

And, so, Mr. President, I grow increasingly concerned when I read media reports about discussions within the administration to grant amnesty to 3 million Mexican immigrants who illegally reside in the United States.

I am very concerned that an open immigration policy only makes it more difficult to adequately meet the needs of our Nation. I have found the attempt to fund critical needs for America to be among the most frustrating challenges that I have ever undertaken. I have implored this administration to take into account these critical needs.

In many school districts overcrowding is already a major problem. As our classrooms fill to the brim, they are becoming breeding grounds for violence. Economic growth in some regions of the country, and the resulting influx of workers, has created a surge in the number of school-aged children. A less stringent immigration policy will only make this problem worse.

This country's personal and commercial highway travel continues to increase at a faster rate than highway capacity, and our highways cannot sufficiently support our current or projected travel needs. Between 1970 and 1995, passenger travel nearly doubled in the United States, and road use is expected to climb by nearly two-thirds in the next 20 years. This congestion will grow even worse as immigration traffic increases.

And, how will we provide for health care costs of these new citizens? Whether or not they arrive here legally or illegally, immigrants can receive federally funded emergency health care service. As the immigrant population continues to increase, so will health care expenditures to the Federal Government.

We also have an obligation to ensure the safety of the residents living in the United States—both native citizens and immigrants. Yet the Attorney General must soon release from jail and into our streets 3,400 immigrants who have been convicted of such crimes as rape, murder, and assault because their own countries will not take them back. We cannot protect our residents if our country is used as the dumping ground for the criminals of other nations.

We are struggling with ways to preserve and protect our environment. But population growth only exacerbates the increasing demands on our aging water and sewer systems, and further threatens the safety of our drinking water. Our "green spaces" are diminishing as more and more homes are being built to house our growing population. We lament the loss of and the damage to our natural resources, yet we seem unable to see the connection to our loose immigration policy.

We have a weakening economy, an increasing unemployment rate, a problem with adequately educating our people, a congested transportation infrastructure, a lack of adequate health care, and an administration that certainly is not totally unsympathetic to these needs. We cannot afford to take on more. I understand the desire to help the millions of people around the world who crave the blessings of freedom that we, as Americans, enjoy. At this time in our history, I do not know how we can possibly afford to provide for additional people who may need assistance with education, health problems, and job skills.

If we invite new masses to citizenship, we have an obligation to adequately provide for them. Yet we are presently frustrated with an inability to even provide for those who have come before and those who have been born in this country.

Mr. President, an interdepartmental group formed by the White House to suggest reforms of immigration policy is expected to include the option of granting legal residency to undocumented Mexican immigrants who have been working in the United States. The report raises the possibility of these illegal immigrants ultimately becoming citizens. Such a proposal would take this Nation's immigration laws in the wrong direction.

The Immigration and Nationality Act, our primary law for regulating immigration into this country, sets out a very specific process by which immigrants may live and work in this country. To capriciously grant amnesty to 3 million immigrants who circumvented these processes, who have resided and worked in this country illegally, sends exactly the wrong message.

Such an amnesty suggests that it is possible to gain permanent residency in the United States regardless of whether you are an alien who arrived here legally or illegally.

That is the message that was sent in 1986 when President Reagan proposed a blanket amnesty to 2.7 million illegal immigrants based largely on the mere fact that they had lived in this country at least since 1982. I supported that amnesty, after accepting the arguments of the Reagan administration that such an amnesty would reduce illegal immigration when combined with tougher sanctions on employers who hire illegal aliens.

What happened instead, was that the United States sent a message to the world that illegal immigrants could gain legal status in the United States without having to go through the normal processes. Consequently, illegal immigration jumped from an estimated 5 million illegals in 1986 to somewhere between 7 million and 13 million illegals today—and these estimates do not even include the 2.7 million illegals who were granted amnesty in 1986.

So, Mr. President, we should not repeat our earlier mistakes.

If amnesty is given to a class on the basis of their having broken the law, then we are rewarding breaking the law, we are rewarding a criminal act.

This is not the message that we should send to those who would consider illegally entering this country. What is worse, such an amnesty undermines our present immigration laws and suggests that these laws mean nothing if, to those who break them, the Federal Government simply grants amnesty with a wink and a nod.

Millions of potential immigrants are waiting patiently for a chance to come to the United States legally. Why should illegal aliens have preference over these aliens who are waiting patiently? Amnesty sends the message that it is far easier and faster to become a U.S. citizen by immigrating illegally than it is to wait for legal approval.

Now, Mr. President, American citizenship should mean something. It should not be something merely handed out as a means of political expediency. It should not be something that one can achieve as some kind of squatter's right, particularly when access to the soil they claim was gained illegally.

Being an American is something to be cherished, something to be revered. Citizenship in the United States brings with it certain inalienable rights. Those who would come to our country to try to establish citizenship are often enticed by the promise of those rights.

The notion that each citizen is guaranteed certain protections is powerfully alluring. But what many fail to understand is that those rights are protected only so long as Americans are willing and able to defend them. Our populace must be constantly vigilant for those things that threaten to endanger our rights, our Constitution, and our form of Government. Such threats go well beyond military invasion. They include the preservation of ideals such as liberty and equality and justice, which can be so easily chipped away.

In order to become a citizen, most aliens are required to devote time to a study of our country and its history. They receive, at least, elementary guidance to help them appreciate the precious title of "citizen" and all that it entails. What goes all too often unspoken in this debate is that U.S. citizenship entails much more than rights. It entails responsibilities.

Our citizenry should be instilled with at least a basic understanding of the precepts that formed the foundation for this country. Lacking that, they are ill-prepared to be guardians of our future.

We Americans are justifiably proud of their history as a melting pot. If we go back far enough, we are all products of that melting pot, at least most of us. But the melting must be done in a way that ensures that these new citizens are ready to be productive, functioning Americans. We owe it not only to today's citizens but also to future citizens, including those who come to our shores expecting the opportunity for which America is so renowned.

PRESIDING OVER THE SENATE

Mr. BYRD. Mr. President, every class of Senators seems to have characteristics or qualities that make it distinguishable from other classes. The Senate class of 1946, for example, has been considered the "post-New Deal Republican Eightieth Congress." The Senate Class of 1958, my own class, had qualities to which I devoted an entire chapter in Volume I of my history of the United States Senate. The class of 1974 has been referred to as "Kennedy children" because of the influence that President John F. Kennedy had on so many of them, and as the "Watergate Babies" because so many of them owed their victories to the fallout from the scandals of the Nixon Administration. The Senate class of 1980 was certainly an integral part the "Reagan Revolution."

I daresay that the Senate class of 2000 may well become known for, and distinguished by, a renewed dedication to the Senate as an institution. That is what they have brought to the Senate. I have never seen a freshmen class of Senators demonstrate more pride in understanding the rules, customs, and traditions of the Senate as has the class of 2000.

They first grabbed my attention early in this session when three of them—namely, Senators MARK DAYTON, BILL NELSON, and HILLARY CLINTON—came to me and asked for my advice not only on how the Senate works, but also what makes it work, and what they could do to make it work better.

I have seen and witnessed so much in my lifetime that few things ever impress me any more, but that did. I was impressed by their eagerness and their sincerity, and their interest, not only in their individual Senate careers, but their interest in the Senate as an institution, as well. These new Senators wanted to know how they could contribute to the Senate, how they could be good Senators in the context of being useful, of being efficient, of being Senators who develop and retain an institutional memory, how they could best serve their States in this institution.

At about that same time, our Majority Leader, Mr. DASCHLE, asked me if I would conduct a session with new Senators to discuss some of the elemental rules that would be important to new Members, especially when they are called upon to preside.

I began meeting with these new Senators and discussing Senate rules and Senate traditions and how the Senate operates, how it should operate, how it has operated in the past. These meetings have been well attended.

Now I have enjoyed watching members of the class of 2000 preside over the Senate, and the attentiveness and the pride with which they perform this duty.

I realize that presiding over the Senate is often regarded as a chore. The limitations of the position keep it from being seen as an exciting or glamorous assignment. For example, Senators are restricted in what they can say from the Chair. Even when criticisms are directed to the Chair, the Chair is not supposed to respond. The Chair is only to respond when called upon by way of a parliamentary inquiry or to make a ruling on a point of order, or to restore order in the Senate Chamber or in the galleries.

Perhaps this is why, over the years, I have detected a tendency among some Senators not to take the position of Presiding Officer seriously. This is why, no doubt, some Senators have shied away from serving in the position, and why, when they did preside, they could be seen reading a newspaper or magazine, or reading their mail or writing out their checks—anything but paying attention to what was happening on the floor.

But I want to take this opportunity to stress that the Presiding Officer has a most important, most fundamental responsibility to the Senate and to the people of the United States. The Presiding Officer is the person who maintains the rules and the precedents of the Senate, and from these rules and precedents come the order, civility, and decorum in the Senate. In his farewell speech to the Senate, in 1805, Aaron Burr, who was Vice President, referred to the Senate Chamber as a "sanctuary." He said:

> This House is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.

This is the place where we, the Nation's lawmakers, come together to talk to one another, to listen to one another respectfully, to learn, and to make our best case to the best of our ability.

Order and decorum are needed so that Senators may be properly recognized, the clerk can hear and record the votes, and the people in the galleries—the people who watch silently over our shoulders—can hear the debate. As I was sitting in the chair earlier today and watching the people in the galleries, I thought: Here are the silent auditors. These are the people; sovereign rests in them. They come here; they listen; they watch us; they watch over our shoulders.

And then my imagination carried me from the Atlantic to the Pacific, and I thought: Here are 284 million people represented in this body by 100 men and women. What an honor, what a responsibility, what an opportunity. Order and decorum are needed if our different political parties are to work together in the best interests of our Nation and its people.

So as we conduct our business in front of the galleries and in front of the television cameras, we must keep in mind that the American people are watching. They are watching us. They are the people who send us here. They are the people who pay our salaries. They are watching us. They are evaluating what we do and what we say, and they are pondering not only what is being said but also the way we act. They are looking over our shoulders. They are judging us.

Calling the U.S. Senate the "citadel of liberty," Senate President pro tempore-elect William King of Alabama pointed out that it is "to this body"—this body—"[that] the intelligent and virtuous, throughout our widespread country, look with confidence for an unwavering and unflinching resistance to the encroachments of power."

Think of that. The people look to us—the Senate in particular—to guard them, to guard their liberties, to guard their freedoms against the encroachments of power from an overweening Executive.

Senator King then proceeded to explain:

> To insure success . . . in the discharge of our high duties, we must command the confidence and receive the support of the people.

Calm deliberations, courtesy toward each other, order and decorum in debate, will go far, very far, to inspire that confidence and command that support.

Now with the televising of Senate proceedings, we are being observed by teachers, by students around the country, by judges, by coal miners, by farmers, by members of legislatures, members of city councils, observing and studying the legislative process. They are watching us. We are being observed by millions of taxpayers in the kitchens, in the living rooms. We are also being viewed by people around the world.

The U.S. Senate is the premier upper Chamber in the world today, and we ought to keep it that and be proud of it. There are only 61 nations in the world that have bicameral legislative bodies. All the others have unicameral legislatures. But the U.S. Senate and the Italian Senate are the only bicameral legislative bodies in the world today in which the upper chamber is not dominated by the lower chamber.

Furthermore, developing democracies are watching us for guidelines on how a legislature operates in a representative republic, in a democratic republic.

It is imperative, therefore, that the U.S. Senate be seen as a model, and that the Presiding Officer be seen as a model Presiding Officer; order and decorum are essential to that objective. Order and decorum are established in the Senate rules. Of the 20 rules that the Senate first observed in 1789, many of them regulated order and decorum. Yet Senate rules, like order and decorum, I fear, are taken too much for granted.

I am not the first Senator to express that concern. In 1866, Senator Charles Sumner of Massachusetts cautioned his colleagues that they had become so "accustomed" to the parliamentary rules that "govern legislative proceedings" that they failed to recognize their "importance in the development of liberal institutions." These rules, he maintained, "are among the precious contributions which England has made to modern civilization. . . . [They] have become a beautiful machine by which business is conducted, legislation is molded, and debate is secured in all possible freedom." These rules, he said in a phrase that I have always held dear, are "the very temple of constitutional liberty."

Some years later, Vice President Adlai Stevenson reminded his colleagues "that the rules governing this body [the U.S. Senate] are founded deep in human experience; that they are the result of centuries of tireless effort in [the] legislative hall, to conserve, to render stable and secure, the rights and liberties which have been achieved by conflict."

Our English forebears wrested from tyrannical monarchs the power of the purse and vested it in a body made up of the elected representatives of the people, the House of Commons.

The parliamentary rules that "govern legislative proceedings" serve many purposes. They perform many vital functions not only here in the Senate but also in our Government.

Arthur Onslow, whom Thomas Jefferson considered the "ablest among the Speakers of the [British] House of Commons," maintained "that nothing tended more to throw power into the hands of administration . . . than a neglect of, or departure from, the rules of proceeding."

We have seen that right here in this Senate.

"By its rules the Senate wisely fixes the limits on its own power," declared Vice President Adlai Stevenson.

I have said this time, time, and time again, but this is Vice President Adlai Stevenson saying it this time: "The right of amendment and of debate." The right of amendment and of debate, and how often in recent years have we seen Senators denied these fundamental, basic rights: the right to debate and the right to amend?

"Great evils often result," continued Vice President Stevenson, "from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact, the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured in words."

I would add, Mr. President, that it is the Senate rules which establish the basis for order and decorum in the Senate.

In his "Manual of Parliamentary Practice for the Use of the Senate of the United States," Thomas Jefferson laid out strict rules for maintaining order and decorum, including a provision that read:

> No one [Senator] is to disturb another in his speech by hissing, coughing, spitting, speaking, or whispering to another, nor to stand up or interrupt him, nor to pass between the Speaker and the speaking member, nor to go across the house, or walk up and down it, or take books or papers from the table, or write there.

That was Jefferson speaking.

The Senate has remained ever attentive to the need for order and decorum, Mr. President. According to the Senate Historian's Office:

> Persistent concern for the chronically disordered state of floor activity in the early 1850s moved the Senate to authorize construction of a new and larger chamber. The chamber—

This Chamber into which the Senators moved in 1859—

> included ample galleries and floor space, and—for the first time—cloakrooms to which members could retire for private conversation and writing.

Ergo, Mr. President, order and decorum are needed because in this Chamber we are dealing with important, often controversial, national issues. We are dealing with precious issues that mean so much to the people we represent and to the Nation's values.

Pressure is constantly building upon us with so much at stake in nearly everything we say and do. As tensions rise and pressures mount, it is essential that we maintain order and decorum as well as mutual respect for one another. Only with respect for and obedience to the rules, especially those governing order and decorum, can the Senate function properly and effectively.

Without observance of these rules, events in the Senate can escalate, and have escalated, out of control. During the decade in which the country approached the Civil War, for example, antagonisms over the difficult issues of the period flared, and so did tempers, and so did disorder in the Chamber.

During a heated argument in 1850, Senator Henry Foote of Mississippi in the Old Senate Chamber just down the hall drew a pistol on Senator Thomas Hart Benton of Missouri. In that same Chamber in 1856 came the caning of Senator Charles Sumner of Massachusetts. In 1859, Senator William Gain of California challenged Senator Henry Wilson of Massachusetts to a duel. In 1863, in this Chamber, William Salisbury of Delaware threatened to shoot the Sergeant at Arms. Several decades after the Civil War, in a heated debate over a treaty, two South Carolina Senators got into a fight. Senator Benjamin Tillman and Senator John McLaurin, both of South Carolina, traded punches on the Senate floor.

We no longer draw pistols on each other, engage in fist fights, or threaten to shoot the Sergeant at Arms, but for a long while I was seriously concerned about the decline of decorum in this body. In December 1995, I came to the floor and expressed my deep concern at the growing incivility in this Chamber. Senators were using what I call "gutter talk" and "fighting words" that once could have led to fist fights or even duels.

Just last year, I complained of the lack of decorum that had developed over the past few years. Having served in both Houses of the West Virginia State Legislature, I pointed out that the decorum, the order within the House of Delegates of West Virginia and the West Virginia Senate, were far more to be desired than we would find in the United States Senate Chamber.

I was beginning to regret my role in helping to arrange the televising of Senate proceedings. I could not help but believe that the decline in order and decorum fell to a large extent upon the Presiding Officer, the burden of maintaining order and decorum. It is the Chair's responsibility to maintain order in the Senate when disorder arises. It is the duty of the Chair, without being asked from the floor, without a point of order being made from the floor, to maintain order and decorum in the Senate Chamber and in the galleries. When the Presiding Officer fails in the mission, he fails the Senate.

I often say to these new Members: Don't be afraid to use that gavel. Hit the desk hard. Use that gavel. It is made of ivory. It won't crack. Only once has the gavel been broken in more than two centuries of debate in the Chamber. Just tapping is all right. It is all right just to tap the gavel if the pages are being a little noisy or if there are two or three Senators making a noise up here close and if the Chamber is not crowded with Senators. But when there are many Senators in the Chamber, one needs to use that gavel.

I have been very proud of the way these new Senators use the gavel. The Senate ladies here—I am an old-fashioned Senator; I still refer to men as gentlemen and women as ladies—these female Senators use that gavel and they make themselves heard. And they are firm when they ask for order. When they are presiding and they ask for order, they get it. They make that gavel sound. They make the rafters ring with the sound of that gavel. When they ask for order, they get it. I daresay that much of the indecorous ways of the Senate from time to time come about when the Presiding Officer is not paying attention to the floor, is not enforcing the rule.

My how things have changed in the last few months with the Senate class of 2000. I no longer see the Presiding Officers reading newspapers or signing mail at that desk. They don't do it. They pay attention to the Senate. I have said to the Senators, if you are called upon to preside and you have letters to sign, beg off presiding for that time. We can supply a new Presiding Officer. Don't go to the desk and sign your mail. People are watching you. What are they going to think of you? What do the people in the galleries think of a Presiding Officer who sits up there and reads the newspaper or looks at a periodical?

Our new Senators, when presiding, are not reading the mail. They are paying attention to what is happening on the floor, and they are keenly aware of what is going on. One quick look at them and you realize that they take the responsibility of presiding over the Senate very seriously. They perform very professionally.

To these Senators who are presiding, the class of 2000, it is not just a chore that they must undertake as freshmen. It is a way to learn even more about the Senate, to watch and study the way it works and to learn from it. And perhaps even more importantly, they recognize the importance of the position in keeping the Senate operating and functioning properly.

These Senators are determined to keep order. They are not afraid to pound the gavel to get order in the Senate. Even though they are freshmen Senators, they will pound that gavel against more senior Members when it is called for.

Just the other day I watched as one of the freshmen Senators hammered away until he got absolute silence. That is the way it ought to be. I know that sometimes a freshman Senator may hesitate to pound the gavel or to insist that a Senator of great seniority here takes his seat or stops talking. I know just how a freshman Senator feels because I once was in that position as a new Senator. The Chair should pound that gavel. Make it crack. Make it be heard. Make it be heard until it is the only noise in the Chamber.

Because of the efforts of these Presiding Officers to maintain order and decorum, I believe I have detected a Senator or two who would respond with a rather shocked expression.

I have been in that chair and sought order, and I have had a few Senators look at me as though they wondered, who does this fellow think he is? They will give the Chair an impudent stare, but as long as they cease their talking, perhaps the Chair will be done with that. But it is evident. We owe that Chair respect. We owe the gavel, the Presiding Officer, respect. And the leaders can go a long way in helping to get order in this Senate if they, too, listen to the Chair; if they, too, when the Chair asks that the well be cleared, if they, too, will clear the well, they will set a good example to other Senators.

This crop of Senators has not budged. They are not intimidated. They are determined to do their job. They are making a difference. They are restoring a decorum to the Senate that was on the decline for too long. I thank them for their efforts.

Much to the surprise of many Senators, I am sure, there is a resolution No. 480 of the standing rules of the Senate. For those who do not know this order, it requires Senators to vote from their assigned desks. It is there. It is not often enforced, but it can be enforced. I constantly vote from my chair. I try always to vote from my chair. Only a few vote from their desk. That is what Senators are supposed to do, vote from their desk. I constantly observe Senators going into the well and milling around. As I have stated before, this makes the Senate look more like the floor of the stock exchange than the world's greatest deliberative body.

When I came here, there were giants in the Senate. I did not see the giants of the Senate—Senators Everett Dirksen of Illinois, Styles Bridges of New Hampshire, Richard Russell of Georgia, Stuart Symington of Missouri, Norris Cotton, George Aiken—get into the well and mill around. They may have walked through the well or they may have walked up to the desk and asked something about a vote, but they did not gather in the well and carry on long conversations. They sat in their seats or they moved to the back of the Chamber or moved outside the Chamber. There are plenty of places where Senators can go to converse.

I know how it is. You come to the floor, we have been in committees. It has been a while since you last saw a Senate colleague and we greet other Senators and we sometimes begin talking about the business of the Senate and we become oblivious to the fact there is being business transacted. We become oblivious to the fact we are making a noise. I have been the culprit in many instances. But once that Chair sounds the gavel and asks for order, I try to obey that Chair.

Mr. President, I ask for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there are plenty of places where Senators can converse. Think how different it is on those occasions when Senators do vote from their seats. There is less noise and less chaos and voting goes so much faster. Think how impressive it is when the United States acts and votes in accordance with the standing rules and orders of the Senate.

I want the American people to revere the Senate. If they respect this body, they will have more respect for the laws that we enact. I am not suggesting that it is the fault of the Presiding Officer when Senators fail to vote from their seats, but I must say that when I first came to the Senate I watched the Senate. And even in escorting the Chaplain to the podium at the opening of the Senate, daily, the way those Senators—the way the President pro tempore did that in those days was very impressive. I watched Senator Richard Russell of Georgia escort the Chaplain to the dais. Senator Russell did not walk up on that platform with the Chaplain. Senator Russell paused on the step just below the platform, allowing the Chaplain to stand alone on the platform.

I was really moved by this act. Senator Russell did not stand behind the Chaplain. He did not stand beside the Chaplain, thus crowding the space. He was not hovering over the Chaplain like an old hen watching over her chicks. Senator Russell remained out of the picture until the Chaplain had finished. I kept thinking how proper that was. He was giving the Chaplain the platform. This was God's moment, God's moment before the Senate, and the Presiding Officer was honoring and respecting God's moment. That was class. By Senator Russell's actions, he, too, was according proper homage to the Supreme Being. And people liked that. People liked that.

Nothing we do here in the Senate is more important than seeking the Lord's blessing and paying our respects to the Creator. When the Chaplain is before us—he may be a guest Chaplain of whatever faith—it is God's time. We should respect it. We should cherish it. We should honor it as did the Presiding Officers in that day. The memory of how that impressed me has been with me through the years so that always when I open the Senate I do it the way those Senators did it in those days, now so long ago.

Back in 1990 I pointed out that:

> [I]f something seems wrong with the Senate from time to time, we, the members, might try looking into the mirror; there, in all probability, we will see where the problem lies. Those who weaken the Senate are members who, in one way or another, bring discredit on the institution.

Those Members, I said, are the ones:

> . . . who never quite understand the Senate [and lack] an appreciation of its customs, its traditions, its rules and precedents, and a pride in having been chosen to serve in it.

Only 1,864 men and women have served in this body. Today, more than a decade later, I want to rephrase that point. Let me say that it is the Members who try to understand the Senate, who try to gain an appreciation of its customs and traditions, its rules and precedents, and who take a pride in having been chosen to serve in the Senate—they are the ones who bring credit to the Senate. They are the Senators who will keep the U.S. Senate as a model to the people of America and the world.

In the few months that they have been here, the class of 2000 is doing that. And, again, I salute them for it.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

Mr. McCONNELL. Mr. President, will the Senator suspend? Could I ask what the order of business is?

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The order is to resume consideration of H.R. 2299.

Mr. McCONNELL. Seeing no one else on the floor, I ask unanimous consent I be allowed to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FUNDS FOR ELECTION REFORM

Mr. McCONNELL. Mr. President, the subject of election reform has been talked about and discussed a great deal during the past 6 or 7 months. In fact, there have already been more than 60 hearings this year in Washington and in the States.

I appreciate the attention that has been paid to this important issue, and commend my colleague on the Senate Rules Committee, Chairman DODD, for his attention to this issue.

I think we can all agree that America needs, wants, and demands action on election reform.

The Senate is in a strong position to act on this issue of tremendous national importance, and in a refreshingly bipartisan manner. On election reform, Republicans and Democrats agree on far more than we disagree.

In fact, 90 senators agree that we need meaningful election reform.

Ninety Senators are cosponsoring either the bipartisan McConnell-Schumer-Torricelli election reform bill leading the election reform pact with 70 Senators on board—38 Republicans, 31 Democrats, and one Independent; the Democrats-only Dodd bill which has all Democrats and one Independent as cosponsors but no Republicans; or the McCain bill—which has 2 cosponsors.

That means 90 Senators are cosponsoring legislation authorizing federal funding to assist the 50 States in improving their election systems. The McConnell-Schumer-Torricelli bill, the Dodd bill, and the McCain bill all have funding in them for election reform. Federal funding is the common denominator which brings the Senate together on this critical issue and makes election reform possible for the American people.

But no money has yet been appropriated for election reform. No election reform money at all—not one thin dime—is yet in any appropriations bill for fiscal year 2002.

I think we can all agree that is unacceptable. We must have election reform money appropriated for fiscal year 2002. Otherwise, any authorization which is passed later this fall will be all-show and no-go, until subsequent appropriations are enacted.

If we do not appropriate election reform money in this round of appropriations—for fiscal year 2002—then election reform will be delayed. Election reform would either be postponed until fiscal year 2003, or be contingent upon an emergency supplemental appropriations bill at some point.

Election reform delayed is election reform denied.

The Republican Leader, Senator LOTT, had planned the election reform debate in the Senate to occur during June. Senators SCHUMER, TORRICELLI, and I were ready to press ahead. The organizations supporting our bill—including Common Cause and the League of Women Voters—were ready to do an all-out push for our election reform bill. Obviously, that floor debate did not happen.

It is not clear now when election reform will pass the Senate in the form of an authorization bill. In any event, any authorization for Federal funding for new voting machines and other enhancements in election systems will require that money be appropriated.

That is why I take the floor today, to announce my plan to pursue a meaningful appropriation for election reform.

The McConnell-Schumer bill authorizes $500 million annually. The Dodd bill authorizes such sums as many be necessary.

While it may be nearly impossible to appropriate several hundred million dollars for the upcoming fiscal year, I do believe that we can come together on both sides of the aisle to find an election reform appropriation that is possible and meaningful. Today, I am pledging my commitment to do just that and calling on my colleagues on the Rules and Appropriations Committees to help me make this happen.

There will have to be an authorization mechanism later on to determine precisely who will administer the funds, how, to whom and for what. But we do know that the sum is substantial. And that time is running out to make a difference for the 2002 elections.

Senators on the Appropriations Committee have already demonstrated great enthusiasm for election reform with nearly all the Republicans and half the Democrats on my bill and all the Democrats on the Dodd bill.

If not successful at the committee stage in the appropriations process, I will offer an amendment on the floor at a suitable time.

One way or another, we need to make sure that the Senate will have the election reform issue before it—sooner rather than later—in the form of the funding that is absolutely essential to make the McConnell-Schumer-Torricelli election reform bill, the Dodd bill, or the McCain bill work.

Let's appropriate election reform money for 2002. We can decide later which election reform bill will become law, who will hand out the money, and whether there will be Federal mandates.

I look forward to working with Chairman DODD on the Rules Committee and Senators BYRD and STEVENS and my fellow members of the Appropriations Committee to ensure that this appropriations season does not pass without setting aside funds for election reform.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2299, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2299) making appropriations for the Department of Transportation and

related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1030

Mr. McCAIN. Mr. President, I believe the pending business is an amendment by the Senator from Washington; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. McCAIN. Mr. President, I rise to speak on the amendment. I will not take very much time because I just discussed with the Senator from Washington an amendment we would have which we would propose, perhaps, as a second-degree amendment to the first-degree amendment of the Senator from Washington. But more importantly, we hope perhaps we can work out an agreement in the areas in which we are in disagreement.

Over the weekend, I examined the language in the Transportation appropriations bill and our concerns about it. I do not think those concerns are unbridgeable. So I would like to speak for just a few moments. And hopefully we can discuss this issue and debate it and then, if necessary, vote on the Murray amendment. If not, hopefully we can work out some agreements which will achieve the goal we all seek.

The goal we all seek is simple: That Mexican trucks that are allowed to come into the United States of America, according to the North American Free Trade Agreement—this is in compliance with the North American Free Trade Agreement. The United States has already been found, by a panel, to be out of compliance with the North American Free Trade Agreement because of our failure to allow trucks that originate in Mexico to come into the United States. What we need is a way they can come into the United States but that the American people and the Mexican people will have the total and complete confidence that every reasonable safety measure has been employed to prevent needless death on the highways of America. That is the goal we all seek.

As we know, the House has taken action, as part of the 2002 Department of Transportation appropriations bill, that would absolutely prevent the President of the United States from abiding by our NAFTA obligations. It stripped the bill of all funding intended to address motor carrier safety issues along the southern border.

Second, it adopted an amendment to prohibit the approval of any Mexican carriers to operate in this country. That amendment is a blanket prohibition. It is in direct violation of NAFTA, and it is wrong. It is discriminatory, and it must not prevail.

The Senate appropriations subcommittee, under the leadership of the Senator from Washington, has taken a different approach and one that I think is very supportable in part but perhaps not entirely. The bill provides significant funding to enable the Department of Transportation to hire and train more safety inspectors and investigators and to build more inspection facilities at the southern border. I commend the committee for this action.

I have concerns, however, over a number of requirements included in the bill that, if enacted without modification, could effectively prevent the opening of the border indefinitely. My concerns are shared by other colleagues, and those concerns are shared by the administration.

The administration estimates that the Senate provisions would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition against allowing any Mexican motor carrier from operating beyond the commercial zones. And this is a view shared by a number of us, as well as the President's senior advisers.

By the way, the present state of play is that if the Mexican Government chose to—since the United States has been found to be in violation of NAFTA—they could impose billions of dollars of sanctions on United States goods. I hasten to add, I have seen no indication that the Mexican Government wishes to take such action. Their object is to try to get their carriers into the United States of America as agreed to under the NAFTA agreement.

As a leading sponsor of the 1999 legislation creating the Federal Motor Carrier Safety Administration, I strongly support proposals to advance truck and bus safety. I recognize the Senate provisions are largely intended to address safety concerns. Unfortunately, some of the provisions' mandates simply are not achievable. The provisions are overly rigid and burdensome. The modifications, I believe, could go a long way toward promoting motor carrier safety in a nondiscriminatory manner.

At a later time, I will discuss a number of the concerns that I and others and the administration have about the bill. I have some very specific ideas as to how we can address these concerns. But at the moment, since I believe we are in some active discussions, I will not take the time of the Senate in going through all these specifics.

I will again point out that the administration, last Thursday, sent over a letter saying that the President had no choice but to veto the bill with the present provisions as contained in the Senate Transportation appropriations bill. I do not think the President wants to veto the Transportation appropriations bill. I do not want the President to do that, nor do a majority of the Members of the Senate.

But let me make it perfectly clear, the House action is totally unacceptable. I hope we can work with the Senator from Washington, and other interested Senators, particularly, I might say, with those who represent border States.

The majority of this traffic, initially, will be crossing, obviously, our southern borders. Already, our Canadian borders are open. Clearly, that is not the issue. So those of us—Senator GRAMM of Texas and I, and my colleague, Senator KYL—and others who represent border States, where the majority of this commercial activity would take place, feel very strongly about this issue.

I might say, also, we are the last ones—the last ones—who would countenance a situation to prevail that would place the lives and property of our citizens in danger. It is across the southern border where most of this activity initially will take place, although I believe I will live to see the day when we will see basically open transportation between Canada and Mexico.

As it has been a boon to the economy in Canada, so it can be across our southern border.

I hope we can deal with this issue in the ensuing hours. I understand the Senator from Washington may be discussing this issue with the Secretary of Transportation. We encourage all Members to get involved in this issue. It is a very important one. We are not talking about a policy dispute. I emphasize, we are talking about a solemn agreement that was entered into between the United States, Canada, and Mexico. That agreement called for certain safety conditions—which I believe we can satisfy, in the view of most objective observers, satisfy the safety issues—to come into compliance with the North American Free Trade Agreement and have the same situation prevail on our southern border as prevails on our northern border, as the Senator from Washington has with Canada on her border.

The Senator from Texas and I would like to see the same situation prevail on our border that prevails on the border of the Senator from Washington with Canada.

I hope we can work it out. We believe this is a very serious and important issue because we are talking about treaty violations, possible sanctions against the United States of America. I am firmly convinced that we can come to a reasonable conclusion and not have to have this thing spill over into a very unfortunate situation where the President of the United States may have to veto it. I hope to avoid that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I see my friend from Texas. I am going to offer an amendment so we have something to vote on this afternoon. If the Senator from Texas wanted to speak first, how long is he going to speak?

Mr. GRAMM. Mr. President, I wasn't planning on speaking more than 5 or 10 minutes.

Mr. REID. I think it would be more convenient, because I need to talk a little bit longer than that, if I yielded the floor to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as usual, our colleague from Nevada is kind and courteous and helpful to everybody. I appreciate his letting me speak.

I wanted to come over today to join my friend and colleague, Senator McCAIN from Arizona, to raise a concern about the provision in the Transportation appropriations bill that we believe will have the practical impact of making it impossible for a long period of time for us to conform to the agreement that we made with Mexico in NAFTA.

Let me make it clear that the Senator from Washington, the distinguished chairman of the subcommittee, dramatically improved the work done by the House. Even those of us who believe that her amendment would be harmful and would abrogate our agreement with Mexico are convinced that her work is a dramatic improvement over that of the House.

What we are trying to do is to simply work out an agreement where we can meet legitimate safety standards with regard to Mexican trucks, do it in a way that allows us to meet the obligations that we have under NAFTA, and do it in such a way to try to keep out any provisions that may be cloaked in some garb of safety, when in reality they represent an effort to prevent the implementation of our agreement.

I understand Senator McCAIN has given the distinguished subcommittee chairman a copy of the amendment. I don't see any reason that this should be or has to be a partisan issue. I am hopeful we can work out an agreement.

Let me explain why it is so important that such an agreement be reached and why I feel so strongly about it. We entered into the most far-reaching trade agreement of the last 20 years when we signed a free trade agreement that encompassed North America—Mexico, Canada, and the United States. Part of that free trade agreement had to do with the ability of trucks to operate within the free trade area. President Clinton was very slow in implementing the agreement, and many people believe that politics was behind that slowness in implementation.

We are now on the verge of seeing the agreement implemented. We are hearing great protests about safety. In that debate, a lot of points have been made that, when you actually look at the facts, are not borne out by the facts.

Let me give an example. First of all, the good news story with regard to Mexican trucks is that a significant amount of inspection is already occurring so that when we supplement that to deal with trucks that will come to the interior of the country, we have something on which to build.

For example, there are 8 million U.S. registered trucks. Last year, there were 2.3 million inspections and so, therefore, about 29 percent of all American trucks were inspected. There are 63,000 Mexican trucks currently operating in the United States, and 46,000 inspections took place last year involving Mexican trucks. Therefore, roughly 73 percent of Mexican trucks were inspected last year, over twice the percentage of American trucks that were inspected.

Some people have used the number, in sort of scare tactics, that only about 1 percent of Mexican trucks were inspected. In trying to figure out where on earth that number could have possibly come from, the best I can figure out is that the people who made up that number simply took the number of border crossings, 4.6 million, and used that as a measure of Mexican trucks.

The plain truth is, Mexican trucks are now operating within a 20-mile limit, 20 miles from the border. They often cross the border many times during the day. That is the only place I can figure this number came from.

Let me make it clear that Senator McCAIN and I are concerned about safety. First of all, both of us already have Mexican trucks operating in our States. Our States are working now to see that those trucks are safe. The commitment of the President to get the Federal Government involved in the process is welcomed from our point of view. We believe it is important that Mexican trucks be safe, that they have trained drivers, that they have good equipment, and that that equipment be well maintained.

We are for safety. We are not for protectionism. We are not for using safety concerns as a ruse for not living up to the commitment that we made in NAFTA.

In addition, we are concerned about a process whereby this provision, both the House provision and the Senate provision, is occurring on appropriations bills, not in the committees that have jurisdiction over this area. It is a very dangerous precedent when we are starting to amend trade agreements as riders to appropriations bills.

Having said all that, Senator McCAIN and I and others have put together an amendment that we believe deals with legitimate safety concerns. We have put together an amendment where every truck coming into the United States from Mexico would be inspected. But it is not an amendment that will guarantee that for at least 2 years we will not be able to implement the trade agreement. Basically what we are trying to do is to implement a workable program where the level of safety required at the border, at least initially, with regard to Mexican trucks will be far greater than the requirements we currently have for Canadian trucks.

Not every truck coming into the United States from Canada is inspected. We proposed that we have an inspection of every Mexican truck, that that inspected truck then be licensed with a decal, and that it be periodically inspected. I believe the Senator from Arizona has given us a workable way of dealing with legitimate safety concerns without effectively abrogating our trade agreement with Mexico.

I know there are strong special interests that don't want to implement this agreement. But it is very important for us to remember in the Senate that all over the world today other legislative bodies are debating whether to live up to agreements they have made with the United States of America. Other legislative bodies are meeting at this very moment, trying to decide whether to implement an agreement they made with the United States that may not at that very moment, or this very moment, be politically popular in their country.

It seems to me that since we are the world's biggest beneficiary of trade, we are the world's largest exporter and importer of goods and services by a huge margin, it is important we live up to the letter and the spirit of our trade agreements so that we can have moral standing in dealing with countries that do not live up to their agreements with us.

So, in a time when all over the world similar agreements are being debated, it is very important in dealing with our neighbor to the south that we live up to the agreement we have made. I do not believe the House provision lives up to that agreement. I think there are very real problems with the current bill. I think Senator McCAIN has offered an amendment that provides safety but does not create problems that will delay implementation beyond legitimate requirements of safety. I hope this can be worked out. But the NAFTA agreement is an important agreement. It is vital to my State, vital to the country, and I cannot imagine, if we can't work this out, that we would want to move forward with this bill.

So I urge my colleagues to look at the language that has been proposed. We are not saying this is the only way it has to be done or we are not going to be satisfied. We have simply raised some concerns with the current bill. I am hopeful in working together with the administration that we can reach a compromise. It will hardly serve anybody's purpose to pass a bill that the President will veto and we will have to start all over again.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the Murray amendment be temporarily set side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1037 TO AMENDMENT NO. 1025

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Ms. MIKULSKI, and Mr. SARBANES, proposes an amendment numbered 1037 to amendment No. 1025.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a study of the hazards and risks to public health and safety, the environment, and the economy of the transportation of hazardous chemicals and radioactive material, the improvements to transportation infrastructure necessary to prevent accidents in the transportation of such chemicals and material, and the preparedness of Federal, State, and local emergency response and medical personnel to response to and mitigate accidents in the transportation of such chemicals and material)

On page 81, at the end of line 13, insert the following:

SEC. 350. (a) FINDINGS.—Congress makes the following findings:

(1) The condition of highway, railway, and waterway infrastructure across the Nation varies widely and is in need of improvement and investment.

(2) Thousands of tons of hazardous chemicals, and a very small amount of high level radioactive material, is transported along the Nation's highways, railways, and waterways each year.

(3) The volume of hazardous chemical transport increased by over one-third in the last 25 years and is expected to continue to increase. Some propose significantly increasing radioactive material transport.

(4) Approximately 261,000 people were evacuated across the Nation because of rail-related accidental releases of hazardous chemicals between 1978 and 1995, and during that period industry reported 8 transportation accidents involving the small volume of high level radioactive waste transported during that period.

(5) The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since 1993 to assure the structural integrity of railroad bridges. Train derailments have increased by 18 percent over roughly the same period.

(6) The poor condition of highway, railway, and waterway infrastructure, increases in the volume of hazardous chemical transport, and proposed increases in radioactive material transport increase the risk of accidents involving such chemicals and materials.

(7) Measuring the risks of hazardous chemical or radioactive material accidents and preventing such accidents requires specific information concerning the condition and suitability of specific transportation routes contemplated for such transport to inform and enable investment in related infrastructure.

(8) Mitigating the impact of hazardous chemical and radioactive material transportation accidents requires skilled, localized, and well-equipped emergency response personnel along all specifically identified transportation routes.

(9) Accidents involving hazardous chemical or radioactive material transport pose threats to the public health and safety, the environment, and the economy.

(b) STUDY.—The Secretary of Transportation shall, in consultation with the Comptroller General of the United States, conduct a study of the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

(c) MATTERS TO BE ADDRESSED.—The study under subsection (b) shall address the following matters:

(1) Whether the Federal Government conducts individualized and detailed evaluations and inspections of the condition and suitability of specific transportation routes for the current, and any anticipated or proposed, transport of hazardous chemicals and radioactive material, including whether resources and information are adequate to conduct such evaluations and inspections.

(2) The costs and time required to ensure adequate inspection of specific transportation routes and related infrastructure and to complete the infrastructure improvements necessary to ensure the safety of current, and any anticipated or proposed, hazardous chemical and radioactive material transport.

(3) Whether Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(4) The costs and time required to ensure that Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(5) The availability of, or requirements to establish, information collection and dissemination systems adequate to provide the public, in an accessible manner, with timely, complete, specific, and accurate information (including databases) concerning actual, proposed, or anticipated shipments by highway, railway, or waterway of hazardous chemicals and radioactive materials, including accidents involving the transportation of such chemicals and materials by those means.

(d) DEADLINE FOR COMPLETION.—The study under subsection (b) shall be completed not later than six months after the date of the enactment of this Act.

(e) REPORT.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report on the study.

Mr. REID. Mr. President, I just left a hearing of the Environment and Public Works Committee, the Subcommittee on Transportation and Infrastructure. In fact, the hearing is still going on. Senators VOINOVICH and INHOFE are there completing the hearing.

At the hearing today, we had four mayors of very important cities in America—the mayor of New Orleans, Mayor Marc Morial; the mayor or Atlanta, Mayor Campbell; the mayor of Las Vegas, Mayor Goodman; and the mayor of the District of Columbia, Mayor Williams. The purpose of the hearing is to talk about the decaying infrastructure of our country, especially in our urban areas.

It is tragic—"tragic" is not too powerful a word to describe what they have talked about. We have all kinds of problems. The mayor of the District of Columbia—the Federal city—talked about water pipes that carry water that are over 100 years old. Some of them are wooden. The mayor of Atlanta said they have pipes over 100 years old. He said most mayors are term limited, and their desire is: Please, let me make it through my term and leave the problem to somebody else. They do not have the money to handle the problems facing American cities.

The tunnel we have all seen so often in the news in the past 5 days or 6 days—actually, it was Wednesday at 3 o'clock that the derailment took place in the tunnel in Baltimore. That tunnel is a mile and a half long. It is 100 years old. So that tunnel was created through that area in about 1900. What kind of equipment did they have then? Most of it was done by hand; very little machinery was available for digging a tunnel around the turn of the century. That tunnel has had almost nothing done to it since then. It is the same tunnel.

This amendment is on behalf of myself, Senator SARBANES, and Senator MIKULSKI. It is an amendment to protect against the dangers posed by the transportation of hazardous substances. The amendment requires the Secretary of the Department of Transportation, in consultation with the Comptroller General of the United States, to study the risk to the public health and safety associated with the transportation of these dangerous substances.

My amendment requires the Department of Transportation and the General Accounting Office to study whether our transportation system can safely transport these dangerous substances and ask how it might improve the safety track record.

If you read my amendment, you will see a number of interesting things. The volume of hazardous chemical transport has increased by over one-third in the last 25 years and is expected to continue. Approximately 261,000 people were evacuated across this Nation because of rail-related accidents during the past 20 years—no, that is not in the last 20 years. It is from the period of 1978 to 1995—less than 20 years. So 261,000 people were evacuated from their homes because of rail-related accidents.

During that period, the industry reported eight transportation accidents involving small volumes of high-level radioactive waste transported during that period.

The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since 1993 to assure the structural integrity of railroad bridges.

One of the mayors today testified that 70 percent of the bridges in America won't meet basic safety standards—70 percent of the bridges. Maybe he is 10 percent wrong. Maybe it is only 60 percent; maybe it is 80 percent. We know there are bridges in America today where schoolbuses stop and let the kids walk across, and the bus will come over and pick them up. We have all kinds of trouble with our infrastructure in America today. We need to do something about it, and that is what this amendment is all about.

It is saying let's at least have some knowledge of what is out there when we are seeing these treks of very hazardous materials. As you know, in Baltimore, which we all saw, the substance there was hydrochloric acid. Hydrochloric acid is extremely dangerous. One of the important things was that it was far enough away from people that it wasn't an immediate danger. Had the accident occurred closer to the populated area, of course, it would have been.

I can remember a number of years ago being in Ely, NV, a rural part of the State of Nevada. One of the men I went to high school with was a police officer there. I always tried to stop him when I came through Ely. He has since retired. I was in the police station and a teletype came through and he looked at it and said: Why do they even send me this stuff? They were telling him there was a transport of hazardous materials coming through Ely. His point was: So what. I could not do anything about it. The only thing that telling me about it does is frighten me. We have no ability to respond to a chemical accident spilled in Ely, NV.

Mr. President, this is an extremely important question: How can the Department of Transportation and the General Accounting Office—we know how they can and they should—study the ability of personnel to respond to transportation accidents involving dangerous substances?

My friend, the police officer in Ely, NV, did what most police officers in rural America would do: They throw the report away. They cannot do anything about it. In fact, Rick said he would rather not know. All it does is frighten him.

While emergency response teams might be equipped and available in urban areas such as Baltimore—that was interesting. That occurred so they had the ability—and we may hear further from Senators SARBANES and MIKULSKI—that was a great deal of teamwork among county, city, State, and Federal officials in one of our metropolitan areas. They did pretty well from what I can tell.

How prepared are the small rural communities in Nevada? How well prepared are the small rural communities in Nebraska, the State of Washington, all over America? They are not very well prepared.

What resources do they need to protect against the danger of a hazardous accident? I have to say candidly that this is not just a rural America problem; it is a major city problem also. But I guess the answer to both my questions is, we really do not know. We have no idea. That is why this study is important.

Finally, my amendment instructs DOT and GAO to evaluate the way we communicate with the public about accidents involving dangerous substances. As chairman of this subcommittee I talked about earlier, I am confident we are going to have to develop information, as I told the four mayors, and we also had the manager of the port authority there and somebody from the General Accounting Office—I told those people assembled today that we need to be aware of what is wrong with our infrastructure. It is time they were more forceful and told us what is wrong with our infrastructure.

I also told them this is the first of a number of hearings. We have to start identifying what is wrong with the infrastructure. Senator VOINOVICH talked about a 1981 study which showed the problems with our infrastructure. Shortly after that, there were statements about the problems of our decaying infrastructure, but we have done nothing about it. Literally, we have done nothing, except as a Federal Government giving cities and States more responsibilities, these unfunded mandates they talked about today. We give them the responsibility, but we do not join with them in true partnership to help pay for these things.

Some will say these are not national problems; why should the Federal Government be involved? They are national problems. Our decaying infrastructure is a national problem. Our water systems—the mayor of New Orleans indicated that the city of New Orleans is basically in a basin and they are pumping every minute of every day to keep the water from inundating this beautiful city. They have 100 pumping stations in New Orleans. The pumps are 100 years old—100 years old. Those pumps were put there at the beginning of the last century. The mayor of Atlanta said the life expectancy of modern pumps is about 40 years. This is a patchwork network, to say the least, in one of our great cities of America, pumping every day, every hour, with pumps 100 years old.

As events in Baltimore over the last few days have shown us, the need to have an investigation about whether we can transport these dangerous substances is something we certainly need to talk about. I expect my colleagues from Maryland will provide accounts of the train derailment that crippled Baltimore.

I have an article from the Baltimore Sun which gives a day-by-day blow of how this terrible accident played out in the Baltimore area. It is very scary that more people were not hurt and there was not more damage done. The damage is significant. I do not know how much it will wind up costing.

I ask unanimous consent that this article from the Baltimore Sun, July 21, Saturday, Final Edition, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 21, 2001]

CHEMICAL TRAIN FIRE

(By Dan Fesperman)

The first sign of trouble was an unsettling rumble from beneath the streets, a trembling, grinding sensation that lasted several seconds.

Dan Stone felt it on the fifth floor of the cast-iron building he owns at 300 W. Pratt St. In a tavern downstairs, manager Christine Groller felt it, too, believing it was an earthquake.

It wasn't like that for Chad Cadden, but he was in a tunnel some 30 feet underground, the engineer of a thrumming diesel hauling 60 freight cars of paper, chemicals, wood pulp, soy oil, bricks and steel north to New Jersey.

Cadden felt the train lurch, then a light flashed on the instrument panel—the pneumatic control indicator—signaling that the emergency brakes were on. The train groaned to a halt in the darkness. Something had gone wrong.

It was 3:07 Wednesday afternoon, and an exhausting drama of fire, flood, worry and disruption had begun to unfold beneath the heart of Baltimore. At its south end, thousands of baseball fans sat unaware, watching the final innings of an Orioles loss. At its north end, more than a mile and half away, the manager of a high-rise apartment building watched a plume of black smoke unfurl past the 11th floor, wondering if her longtime fears were about to be confirmed.

Soon, both ends of the tunnel would be cloaked by rolling black smoke. Because of it, the fire would yield its secrets stubbornly, and for an entire night there would be just enough mystery to trigger Civil Defense sirens and fears of a toxic disaster, while fire companies fought a two-front war against an enemy they could neither see nor understand.

But that wasn't all. A water main just above the tunnel would burst three hours after the derailment, gushing so much water that the level of Druid Hill Reservoir would drop 3 feet in four hours.

Only by sundown of the next day would the consequences seem clearer—a derailed tanker car leaking hydrochloric acid, several downtown buildings flooded by a torrent of 60 million gallons, enough broken telecommunications lines to disrupt e-mail around the world, two postponed Orioles baseball games (and another yesterday), and enough downtown gridlock to produce a year's worth of headaches and missed appointments.

Yet, for all the smoke and bother, not a single life would be lost, pending the unforeseen discovery of anyone who might have hopped aboard an empty boxcar. In this disaster, for once, every member of the cast would come out alive. But not without a few second thoughts about what might have been, had their luck turned for the worse.

3:07: THE EARTH MOVES

It takes only a crew of two to run a freight train. The engineer mans the controls of the diesel engines while the conductor generally operates the brake, calls out passing signals and maintains the waybill, which carries the information of what's on board.

Cadden, 27, of Stewartstown, Pa., and conductor Edward Brown, 52, of West Baltimore, had just boarded the train a few minutes earlier, six miles short of the tunnel during a crew change at Curtis Bay. If there was trouble ahead you wouldn't expect to encounter it in the tunnel, as straight a stretch of railway as you'll find on the CSX route through the city.

A signal just before the tunnel indicated the track ahead was clear, so the train continued. It was 3:04, and the train was lumbering along at just over 20 mph, black exhaust snorting from three engines at the front.

Looming to the left were the grandstands and warehouse of Camden Yards. The train entered the tunnel, its four headlights on, accelerating on a slight downgrade to about 23 mph before beginning the long, slow climb on the gradual rise beneath Howard Street.

That's when Stone and Groller were at work, in the building just above the tunnel at Howard and Pratt streets. And at 3:07, the earth moved.

"It seemed to be a grinding noise and a grinding sensation," Stone said. "I've been here for 11 years, and I've never felt anything like it."

"It lasted maybe 10 seconds," Groller said. "I honestly thought it was an earthquake."

Cadden and Brown weren't sure what to think, according to federal transportation officials who interviewed them. There was the lurch, then the flashing indicator, then the stopping of the train. Black fumes were everywhere, but that's often the case when three engines are running in a tunnel.

They tried to radio the CSX dispatcher, but no luck, probably because they were underground. Cadden used his cell phone, reaching the train master. It was 3:15. They were still unaware of the brewing disaster to their rear.

With the fumes growing worse. they shut down two engines, then uncoupled all three from their cargo. and drove them out the tunnel's north end underneath the high roof of the old Mount Royal Station at the foot of Bolton Hill. Now the radio worked and they reached the dispatcher. It was 3:25.

By then they'd begun checking the waybill, reviewing what they'd left behind. And that's what troubled them when they began to notice the black smoke pouring out of the tunnel. Something was on fire, and it might be anything from paper to toxic chemicals.

4:15: NO FALSE ALARM

Seven blocks away, on the other side of Bolton Hill, Capt. James Smith, 34, sat in the firehouse for Engine Co. 13, at 405 McMechen St.

A call came in: smoke pouring from the train tunnel. Ho hum. Probably yet another panicky person who'd seen diesel fumes, a common concurrence. But when the truck pulled beneath the Mount Royal shed at 4:15 p.m., Smith said, the volume of smoke made it clear this was no false alarm.

"That," Smith said, "knocked it up a notch."

"IT'S THE TUNNEL"

A block away, Elaine Macklin wondered what all the fuss was about. As resident manager for 21 years of the high-rise Sutton Place Apartments, it's been her job to find out such things, and the sirens were blowing. She, too, was familiar with the frequent false alarms, but she'd read enough newspaper stories about the sort of cargo that came and went on those tracks to wonder if one day a call might be for real.

"I just had a feeling," said Macklin, 72. Years ago, she'd told her three scoffing children, "Someday, something will happen in that tunnel."

Now, after more than two decades of living and working next door, that day had come. But she didn't know until she rode an elevator to an empty apartment on the 11th floor for a better look. She was joined by her longtime assistant, Patricia Stanitski, who said: "The school's on fire," referring to the old Mount Royal Station, which houses part of the Maryland Institute, College of Art.

"No," Macklin said, watching the smoke rise part the top floor. "It's the tunnel."

She hoped there was nothing hazardous burning.

A FORAY INTO DARKNESS

Chief Terry Ryer wondered the same thing when he heard the call go out to Engine Co. 13.

Ryer, 49, was listening to the radio at the firehouse in Brooklyn, where he commands the 6th Battalion, with its hazardous materials squad.

It was a latter part of the call that sent him into action. Not only had a train possibly derailed, but hazardous materials might be involved. Ryer opened his office door and told the firefighters relaxing in the bay to stand ready. Less than a minute later they got the call.

The son of a city firefighter, Ryer, like his dad, signed on for duty at age 18, so he's been around long enough to know that some fires aren't the sort that should be rushed into, and this sounded like just such a fire.

Captain Smith was discovering that firsthand. He and three others were the first to enter the tunnel. Within a few feet they were submerged in darkness. Each wore 80 pounds of equipment, picking his way across rail ties, chunky stones and the rails themselves. They talked to each other, touching, anything to keep from separating in the blackness, while wondering what would happen if the fire suddenly intensified. They weren't even sure what was burning.

A situation like this ran counter to almost all their training, which teaches them to constantly be aware of "escape routes" and "safety zones."

"In a dwelling fire," Smith said, "you're usually never more than 12 feet from a window or some stair, a door, a ladder. This really played with your mind. . . . We were concerned it may have been a caustic (substance).

They made it a hundred yards, at most, before agreeing to back out. A second attempt also failed.

By then, news media were gathering at both ends of the tunnel, and the word going out wasn't good. Chemicals, including three types of acid, were on board, and no one knew yet what was in all that black smoke. The Orioles had just canceled the second game of their day-night doubleheader.

At Sutton Place, Macklin tried to calm the tenants, though most didn't seem too concerned. Then, in walked seven firefighters in full gear, fanning out floor by floor to tell everyone to shut their windows and stay indoors.

Miles to the southeast, somewhere near the Bay Bridge, Mayor Martin O'Malley was on his way home from the annual J. Millard Tawes Crab and Clambake in Crisfield, talking on the phone with officials who were trying to assess the situation. Police had shut down Howard Street, rerouting traffic, with cars stacked up all over downtown. Civil Defense sirens sounded the alarm, blasting like some warning from the Cold War.

But what was burning? Nobody had the answer. Nor did anyone know that the city's problems were about to get worse.

6:15: HOWARD STREET FLOOD

It was 6:30 when Dan Stone, who'd felt that first troubling rumble beneath his feet more than three hours earlier, noticed something new happening outside his office at Pratt and Howard Streets.

Water was coming down Howard Street. Buckets of it. Barrels of it. Rivers of it. Something else had erupted underground, and on meters at city reservoirs the event announced itself like a blip on a seismograph.

It had happened at 6:15, almost certainly due to the fire. A water main nearly 3½ feet in diameter burst, blowing open a jagged hole several feet long. Darrell Owens, 41, a supervisor for west-side maintenance with the city's Department of Public Works, was the first to arrive at the scene.

Owens thought he'd seen it all—burst mains creating huge sinkholes that devoured city blocks; urban streets raging like canyons in a flash flood. But this was a new one—a flood on top of a fire.

"It was a swimming pool, two, three and a half feet deep." Fire hydrants were submerged. A block away, the torrent swamped the first floor of the Prudential Securities Building.

Deb and Paul Pelaia, meanwhile, had left Lombard and Howard streets a few minutes earlier.

As guests from Thomasville, Pa., staying at the Holiday Inn, they were beginning to wonder what they'd gotten into by visiting Baltimore. Deb had come for a three-day nursing conference. Paul came along for a boat cruise and an Orioles game.

What they got instead was a front-row seat at an urban disaster. The Holiday Inn overlooked the flood, itself perhaps 30 feet above the derailed and burning train. Already, Paul's baseball game had been canceled. The bus that was to take them to the harbor cruise got stuck in traffic. So, they walked to the Inner Harbor, wondering at the smoke pouring from manholes.

During their cruise on the Bay Lady, word of the flood spread. Someone said they'd heard the Holiday Inn was closed. The boat returned to find the Coast Guard had closed the Inner Harbor, and docked instead at Pier 5. It was 10 p.m., but traffic was still bumper to bumper, and the bus had to drop them off short of the hotel—still open after all—because of the river in the street. They returned to their room to find water in the tap running brown, at low pressure. Welcome to Charm City.

WHITE SMOKE RAISES FEARS

At the ends of the tunnels, where news of the water main break was a little slower in arriving, the first effects of the flood were cause for alarm.

One thing firefighters always pay attention to is the color of the smoke, and suddenly the smoke had gone from black to white. Did it mean something toxic was on fire? The answer was the same as before. No one knew.

However, readings taken by the Maryland Department of the Environment soon put fears to rest. It was steam, caused by water from the burst main. Fire crews asked Owens to leave the line open. Used to simply shutting things off as soon as possible, he was now faced with an unenviable assignment akin to that of a basketball player asked to guard a high-scoring superstar: You can't stop it, you can only hope to contain it. He said he'd do what he could.

THIRD TRY, FIRST CONTACT

Within a few hours more, it was time for firefighters to make a third attempt to reach the train from the north end. The south end was out of the question due to flooding. Captain Smith and Chief Ryer were on the team of six men. So was Dan MacFarlane, 32, another member of Smith's Engine Co. 13.

By now, their faces were blackened by soot and they knew what to expect. This time they rode in slowly on a CSX truck equipped with railway wheels. Each man took two oxygen bottles, a 70-minute supply. After a while, the truck stopped and four of the six set out on foot, flashlights pointed at their feet to light the way. Over the radio, someone at the mouth of the tunnel called out the elapsed time every five minutes. It took a half-hour to go 2,200 feet, Ryer said.

MacFarlane was ready to give up. "We're going to pull out," he radioed. But they took two more steps, and firefighter Pat Hoban, just in front of MacFarlane and Smith, touched the first boxcar. Contact. It wasn't much, but they'd take it. Now the work of removing the train cars could begin.

"MOM, YOU WERE RIGHT"

Fourteen floors above, in her apartment at Sutton Place, Elaine Macklin was ready to turn in at midnight after an uneasy night of watching TV news accounts, windows shut tight.

All of downtown was sealed up. You could leave, but you couldn't come back. Police had closed every major road. Helping lessen the sense of isolation, Macklin had heard by telephone from friends and family, some of whom called after radio and TV stations reported that Sutton Place was being evacuated. Officials were standing by to move residents to cots in the Baltimore Convention Center, but never did.

The most satisfying call came from her son Victor, 45, a television producer in California. He'd seen the news on CNN. "He said, 'Mom, you were absolutely right. You told us 21 years ago something would happen in that tunnel.'"

Perhaps by morning, she hoped, everything would be fixed. But she arose Thursday to see white smoke still rising from the tunnel. When she walked close to her living room window, she could smell it.

THANK MOTHER NATURE

A few blocks south, at the Holiday Inn, the Pelaias and other lodgers saw that the impromptu hotel "swimming pool" was finally under control. Owens and public works crews had contained it, digging a hole in the street that exposed the ruptured pipe. Water was still dumping into the tunnel.

Overnight, a new guest had checked into the hotel. It was Dan Stone, who hadn't wanted to desert his building at Pratt and Howard streets. Water in the basement had peaked at 9 feet by 11 p.m., when city workers began pumping it out. He hadn't reached the hotel until 4:20 a.m.

Other workers, meanwhile, were just beginning to head home as the new day's rush hour began, ending shifts that had continued while the rest of the city slept. Ryer got home at 6:30 a.m., Smith and MacFarlane around 8. Owens made it by 9:30. But for all of the night's heroes, one of the more unsung ones might have been Mother Nature, in the form of a geological stroke of luck.

Since the first hour of the derailment, hydrochloric acid had been leaking from one of the tanker cars. Yet, there hadn't been a single problem with air or water flowing from the spot. The possible reason, according to state environmental officials, was the limestone bedrock beneath the tunnel. Being an alkali, it reacts with acid sort of like water with fire, neutralizing its caustic nature.

DAY 2: A NEW STRATEGY

The fire, while still burning, no longer seemed an imminent threat to blow into an environmental disaster. By late afternoon, a firefighting force that had peaked at 150 was down to 50. Not that their jobs were getting much easier.

Some boxcars had already been removed from the tunnel. Others would soon follow. But some were still baking at 400 degrees, and smoke still poured from the north end. The next day, two men—a state official and a chemical consultant—were overcome by smoke.

But it was on Thursday afternoon that the firefighters hatched a new strategy. Dan Stone got a preview of it from his office, when three firemen asked if there might be an entrance to the tunnel through his building. There wasn't, but they eventually found another: through a manhole, where they poked a hose to douse the fire's midsection. It was also the entry point for hazardous waste crews that pumped hydrochloric acid from the leaking tanker.

Outnumbering fire crews by then were street crews, digging into the pavement five blocks east of Howard Street to lay new fiber-optic cable. Lines near or through the tunnel had been damaged or destroyed, disrupting e-mail. Internet and phone service from Baltimore to New York to Africa.

SORTING OUT EVENTS

By nightfall Thursday, another force had arrived on the scene. The National Transportation Safety Board plays an important role in sorting out such events, ultimately assigning blame. Yesterday, the NTSB made itself known to the public through board member John Hammerschmidt, whose briefings were minor masterpieces of bureaucratic jargon.

On for the day's final briefing was CSX President Michael Ward, who grew up not far from Terry Ryer's 6th Battalion fire headquarters in Brooklyn.

Ward praised the city, praised the mayor and said his company would continue to err on the side of caution. Then came a question. Once this mess was cleaned up, would his company consider installing sprinklers in the tunnel?

Ward testily called any such question "premature."

"Hindsight is 20-20," offered the Fire Department's Mike Maybin, affirming his department's skills.

What about foresight? They must have forgotten to ask Elaine Macklin, at Sutton Place, who again went to bed with smoke pouring past her 14th-floor window.

Mr. REID. Mr. President, this article, among other things, details how this train derailment threatened to leak hazardous chemicals, such as hydrochloric acid, into the main tunnel running under downtown Baltimore. They were able to stop that leak. This train derailment closed roads, broke fiberoptic communications cables, generated a water main break, caused evacuation of residents, and injured workers. While it was not one of the more serious things, it indicates how widespread this was: They canceled three Baltimore Orioles baseball games. They simply could not play with hazardous materials around. People could not get to the game. Baltimore was basically shut off.

To show the cost to the business community, we have only to look at what happened to the Baltimore Orioles. Damages associated with just the lost baseball revenues are estimated at almost $5 million for the Baltimore Orioles.

Is Baltimore an isolated example? Of course not. Between 1978 and 1995, as I said, over 260,000 people were evacuated across the Nation due to transportation accidents involving trains. There are some reasons why. The Federal Railroad Administration increased inspections and allocated few resources to ensure bridge safety across the Nation. Train derailments during that period increased 18 percent.

Unfortunately, we do not have good statistics about the prevalence or damages associated with accidents such as the one in Baltimore. We do know from press reports that transportation-related accidents involving dangerous substances occur around the Nation each year. A quick search revealed many.

For example, I found an exploding boxcar in Kansas City sending its hazardous contents, potassium nitrate, into a nearby school. I am told that is one of the things that was used in the bomb in Kansas City.

I found other reports in Charleston, SC, of a train derailment that spilled 300 gallons of formaldehyde and forced the evacuation of 100 families and hospitalized 7.

I know of the train derailment in California where hazardous substances were dumped in a river and endangered the life and property of millions of people in California.

While we do not have a complete count of all the accidents, we do have data to show transportation of dangerous substances is on the rise. With increased transportation comes an increased risk unless we step back and evaluate how well our transportation infrastructure is handling this dangerous cargo.

We need to know whether our emergency response personnel are trained and equipped to deal with hazardous accidents, not only in urban Baltimore but in rural Nevada. We need to know whether we adequately convey information on dangerous accidents to the public in time to ensure their safety.

We do not have reliable estimates of the need to upgrade infrastructure in order to handle unique threats posed by accidents involving dangerous substances. We will need these estimates to prepare a new transportation bill which we are going to begin next year, our every-5-year bill. The study required by this amendment offered by this Senator and the two Senators from Maryland is an important first step in that effort.

It was coincidental that I had the hearing today—it had been scheduled for some time—dealing with our decaying infrastructure. We need to do something, and one of the things we can do will be focused as a result of this amendment, which will cause the Department of Transportation and the General Accounting Office to take a look at how safe it is to transport and, if not, what do they recommend to make it more safe.

We are going to try to vote on this at 5:45 p.m. today.

There is going to be a vote today and we would like to keep it on Transportation. When we hear from the minority, we will be in a position to offer a unanimous consent in that regard. I hope this amendment will be supported. I think it should be an overwhelming affirmative vote.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am pleased to join with my colleague, the very able Senator from Nevada, Mr. REID, in cosponsoring this amendment to the fiscal year 2002 Transportation appropriations bill which calls for a study of the hazards and risks associated with the transportation of hazardous chemicals or radioactive material on our rail and highway network.

According to the U.S. Department of Transportation, more than 800,000 shipments of hazardous materials, or hazmats, occur each day on our highways, railroads, and waterways. The total volume of hazardous materials such as flammable liquids and corrosive chemicals exceeds some 3 billion tons a year. While the vast majority of these shipments are transported safely, without any release, the number of hazmat incidents reported to the Department of Transportation has nearly doubled in the past decade.

As Senator REID has already noted, last Wednesday a 60-car freight train, including several cars containing hazardous chemicals, derailed and caught fire in the Howard Street tunnel right through downtown Baltimore. The cause of the derailment and fire are still under investigation, but according to news reports, some fire officials speculate the fire started in a car carrying tripropylene, a caustic and flammable chemical used for making detergents and plastics.

I take this opportunity to commend the members of the Baltimore City Fire Department for their heroic efforts in managing the fire and protecting the health and safety of the citizens of our city. For nearly 5 days, the city firefighters undertook tremendous risks, courageously entering the dark tunnel, vision impaired by smoke, to face the fire and the volatile chemicals and hazardous materials that burned within. During the height of the incident, over 150 of the city's firefighters were on the scene and many more obviously reported for duty throughout the course of this incident.

The fact that injuries were kept to a minimum is a testament to the skill and professionalism with which the Baltimore City firefighters performed their jobs. I also express my appreciation to the Coast Guard Strike Force, the Maryland Department of Environment, and all the other members of the team who worked around the clock to protect public health and the environment.

Firefighters' activities were largely completed last night. This morning, the last of the 60 railcars was pulled out of the tunnel. The tunnel is now free of the train and examination will now take place with respect to the structural status of this tunnel.

As Senator REID and I discussed last week on the Senate floor, this accident underscores the potential dangers to public health and safety, the environment and the economy in connection with the transportation of hazardous materials, but it also makes clear the need to invest in our Nation's infrastructure.

I very much welcome the amendment of my colleague. I want to underscore this is an issue in which he has taken considerable interest. In fact, he held a hearing this morning which had been scheduled, as I understand it, well before this incident took place. Senator REID and others who have been concerned about the infrastructure, and I know it is a concern the chairman of the Appropriations Committee, Senator BYRD, shares with us, have for quite some time tried to focus attention on the necessity to improve the Nation's infrastructure.

Later in the consideration of this bill I will join with my colleague, Senator MIKULSKI, in offering an amendment to specifically begin to address the aging rail infrastructure in the Baltimore area. Our amendment would provide up to $750,000 in Federal matching funds for the Department of Transportation, in cooperation with Amtrak, Norfolk Southern, CSX, the State of Maryland, and the City of Baltimore, to conduct a comprehensive study to assess the existing problems in the freight and passenger rail infrastructure in the Baltimore region. The study would assess the condition, track, limitation, and efficiency of the existing tunnels, bridges, and other railroad facilities owned and operated by the railroads. It would also examine the benefits and costs of various alternatives, including shared usage of track. It would make recommendations regarding improvements to the rail infrastructure in the Baltimore region or the construction of new facilities to reduce congestion and improve safety and efficiency. The availability of the funds would be contingent upon CSX, Norfolk Southern and the State of Maryland providing equal amounts to conduct the study.

Next year marks the 175th year of railroad in America commemorating the history of railroading that actually began in Baltimore with the Baltimore and Ohio Railroad. While it is an honor to have this historic commemoration, this commemoration also serves to date our railroad infrastructure in Maryland as amongst the oldest, of course, in the country. Indeed, major rail improvements made in the latter part of the 19th century, including rail corridors, bridges and tunnels, continue even to this day to serve by providing routes for significant inner-city passenger and freight traffic moving up and down the east coast, as well as providing links from the ports to the Midwest and points beyond.

Two major main line corridors traverse Baltimore. Amtrak operates more than 100 trains a day through Baltimore, traversing through two sets of major tunnels, the Union tunnel and the Baltimore and Potomac tunnel, immediately northeast and southwest of Penn Station. These tunnels were built in the 1870s when the Pennsylvania Railroad extended its reach south to Washington. A second parallel Union tunnel was built in the early part of the 20th century. Amtrak's corridor is also used by MARC commuter rail trains linking Baltimore and Washington and Norfolk and Southern freight trains.

While a number of improvements have been made to the corridor since the 1970s, the basic infrastructure of the route, including the tunnels and bridges over the numerous rivers north of Baltimore, is virtually the same as that in place some 75 to 100 years ago. CSX, the descendent of the original Baltimore and Ohio Railroad also operates its main line through Baltimore. The main line serves traffic traveling north and south up and down the east coast and traffic which is ultimately headed west to the Ohio River Valley. Both movements converge between Washington and Baltimore and use the main line through the latter city. It is CSX's main line which passes through Baltimore by the 1.7-mile-long Howard

Street tunnel where the accident occurred on Wednesday night. Most of this was built in the 1890s on a single track. Numerous other short tunnels and bridges are also along the route north and east of the central city.

The physical condition of the rail infrastructure and the mix of trains that use it cause various problems for the movement of freight and passengers. There are inadequate vertical clearances for the passage of certain types of freight since high-cube, double-stacked container trains. There are numerous chokepoints and there is capacity-related congestion on the Northeast Corridor and the CSX main line.

So the purpose of this study, this additional amendment that Senator MIKULSKI and I will offer, is to assess these and other problems in the freight and passenger rail infrastructure in the Baltimore region, and to identify potential solutions to those problems. We need to get some sense of what the possibilities are, what the costs associated with them are, and what might be a reasonable course of action in order to address this situation. I very much hope when that amendment is offered our colleagues will be supportive of it.

I do want to have printed in the RECORD at the end of my remarks an editorial from the Baltimore Sun about the effort of our firefighters and other authorities who responded to this emergency entitled, "There when you need them." I ask unanimous consent that be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, I want to conclude by, again, underscoring the very important contribution that my colleague from Nevada has made in alerting us, not just now but over a sustained period of time, to the importance of addressing the much broader issue. I, of course, have focused today on this Baltimore tunnel problem, but that is only illustrative, as it were, simply an example of the kind of situation we are confronting in many, many parts of the country. My colleague from Nevada, Senator REID, has repeatedly stressed the importance of addressing this question. His amendment, which I join in cosponsoring, to require a study of the hazards and risks to the public health and safety, the environment, and the economy flowing from the transportation of hazardous chemicals and radioactive materials, and the improvements necessary to our infrastructure, I think, is a very important contribution. I strongly support it, and I trust when it comes to a vote it will receive the overwhelming support of this body.

I yield the floor.

EXHIBIT 1

[From the Baltimore Sun, July 20, 2001]

THERE WHEN YOU NEED THEM

Without warning: Emergency responses were generally good, but luck was better, the worst did not happen.

Baltimore had a close call Wednesday. It could have been so much worse.

Industrial chemicals that caught fire, or that did not, might have sent toxic fumes into the downtown atmosphere, damaging lungs and skin, invading work places and residences.

On the whole, the ugly billows from both ends of the tunnel proved to be benign.

The whole metropolitan population is in debt to the courageous firefighters who entered the tunnel, into the unknown, to deal with a fire they could not locate. Also the police, hazardous materials experts and public works workers who toiled on no notice through the night to cope with the fire, train mishap, water main break and power outage that paralyzed a great city.

They had other plans for the evening. But this was their job and they did it.

City, state and federal authorities were right to err on the side of caution in closing roads, waterways, baseball, business and normal life until public safety was secured.

The one thing that did not work well was the civil defense siren. In nearly a half-century it has been tested but never before used for a real emergency. Those who heard it did not know what it conveyed.

Were they to duck beneath desks in event of nuclear attack? If not, what was the loud siren saying? For those who were just trying to go home in the evening rush hour, the best response was to carry on doing it, assuming they heard a mere malfunction.

People have long since learned to turn on radio, television or the Internet—or battery-operated radios in the event of power outage—to learn if something big is happening. The siren probably did not alert anyone who did not already know about it.

The emergency showed just how interconnected modern society is, how dependent we all are on everyone else functioning normally.

The disruptions to city life and to East Coast commerce will go on for some time, More lessons will be learned in ensuing days.

New York, Philadelphia, Boston, Washington, Norfolk and the rest had better pay attention. Here, but for the grace of God, go they.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Maryland.

Ms. MIKULSKI. Madam President, I join with my colleagues, Senator REID and Senator SARBANES, as an enthusiastic cosponsor of their respective amendments that I believe, should they be agreed to, will make America safer.

Last week in Baltimore we had a terrible train wreck in something called the Baltimore tunnel. A train overturned. It was a freight train. Immediately, we were not sure what was in it; what were the consequences of a fire; were we going to have an explosion; and whether the smoke billowing out of the tunnel was going to be a toxic plume over Baltimore. The civil defense alarm sounded for the first time in Baltimore in 50 years. The mayor jumped into action immediately, as did our brave firefighters and emergency management people because we had to both contain the fire and we had to contain panic.

I salute the mayor and the Governor for the support he gave the mayor, and the brave men and women of our public safety organizations, our firefighters, emergency management, public works, and also the citizens of Baltimore.

The railroad worked in a hands-on fashion with our mayor. I am happy to report that, as of now, we have pulled the railroad cars out, the smoke is clearing, but now the next phase needs to begin. During this saga that was unfolding, both in Baltimore and in the national media, our first fear was for the firefighters, the first responders, the ones who had to go in there and who initially were not sure what they were going into. The temperatures were reading 1,500 degrees. You could not get in through the smoke. They went down through manholes—let me tell you, through a manhole to a 8-foot platform, then down another ladder to see what the deal was. Our firefighters had to be tethered so we did not lose them in the smoke.

You know what. They did it. They did it without flinching. They did it without hesitation. They did it with skill. They did it with integrity and unparalleled courage. We salute them. And also a salute to their spouses who were there to support people doing such daring deeds.

Yes, the railroad worked, chem-hazmat worked, but now we have to get back to our work so we can protect the first responders, protect property, and also protect the nearby neighborhoods.

This accident, which shut down much of Baltimore and the freight movement in the Northeast Corridor, really was a wake-up call to take a close look at the practice of transporting hazardous materials through roads and tunnels. Because we do use railroads, we do use trucks, we do need to be sure that we know what is going through our communities. What made our quick response possible was that we had a manifest and we knew what was happening.

We do not know the consequences of these new kinds of materials going through together, the synergistic effects. One car had paper, the other car had hydrochloric acid, and the other car had other hazardous waste. One needs to be fought with water. One could have caused other problems if you fought the fire with water. I am not evaluating the best way to transport these items, but we have to do our homework so we can protect our people. This is why I join with my esteemed colleague, Senator REID of Nevada. He has an amendment that calls upon the Secretary of Transportation, in consultation with the Comptroller General, to conduct a study evaluating the hazards and risks to public health, safety, the environment, and the economy associated with the transportation of hazardous chemical and radioactive materials; and to take a look at our transportation infrastructure and the improvements necessary to prevent accidents involving such chemicals and other materials, and to examine the preparedness of Federal, State, and local emergency and medical personnel to respond to these accidents.

Well done, Senator REID. This is exactly the kind of amendment we need. This is exactly the kind of amendment we need so we show we are standing sentry over our communities and making sure we have the infrastructure necessary to protect our communities.

That Baltimore tunnel is over 100 years old. It was built when railroads were built. The Garret family created the B&O Railroad and it went west. It was one of the first railroads to go west. We want those railroads to continue to run. The Port of Baltimore will not exist without our railroads, so we are not saying don't do it. But when we are going to do our transportation, let's do it right.

The whole idea of examining the preparedness of Federal, State, and local emergency and medical personnel is also appropriate. As the chairperson of the subcommittee on VA/HUD that funds FEMA, this is also how we need to make sure our first responders and our emergency management people are ready. We have to have them ready as "all hazards" personnel. We could have something that was an accident, which was a chemical accident, where there are other things where there are attacks on the United States. This is where we need to be prepared. This is where we need to be prepared.

We salute this amendment. I hope my colleagues will endorse it.

Also, my colleague, Senator SARBANES, has taken the leadership role of directing the Secretary of Transportation to study existing rail infrastructure in the Baltimore metropolitan area. It directs the Secretary to make those recommendations because we are worried about our rail infrastructure, including improvements in tunnels, bridges, and other rail facilities. We want them to do it in conjunction with the FRA, the chair of the Surface Transportation Board, the State of Maryland, our railroad folks, CSX, Norfolk Southern, and Amtrak.

The amendment calls for a study to be used, and it provides that the railroads in the State of Maryland also join in this joint partnership. I believe they will. These studies need to be done with a sense of timeliness and a sense of urgency.

Thank God we escaped without the loss of life. We thank God that there was no major loss of property. Thank God we didn't have to evacuate communities. But an incredible economic toll resulted. It was not only the Orioles game being canceled, but it was the delay of freight which slowed down the corridor with enormous consequences. But the consequences would have been even more severe had we not had the current infrastructure in place.

I believe the best way we say thank you to the emergency management people, our firefighters, and for the excellent job our people did in responding is to have a parade, which I hope Baltimore has—I hope not only with banners, which we ought to display with pride, but I also think we should say it with deeds. And these two studies are a good way to do it.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, before my friend leaves the floor, I want to express my appreciation to her, and also the senior Senator from Maryland for joining in this amendment.

The two Senators from Maryland can describe better than anyone here the terror of those brave firefighters facing a tunnel a mile and a half long, knowing there was a train in there and not knowing what was on the train but knowing there was a lot of smoke coming from it.

This was a real act of courage, as the Senators have indicated. I can't imagine the terror that these men and women had in fighting this fire. From all of the accounts I have read—I have followed it very closely—it appears that it was a picture book attack on a very dangerous fire.

Mr. SARBANES. Madam President, will the Senator yield?

Mr. REID. Yes.

Mr. SARBANES. Actually, they knew what was in the train because they had the railroad manifest of what was contained in the railroad cars. They knew, in fact, there was hazardous material being carried in some of the 60 cars that were on that train. Firefighters do a great job day in and day out all across the country. We generally sort of simply come to accept as a matter of course the tremendous risk they run. A high profile incident like this, of course, focuses attention back on it. There was tremendous heroism there. But there is also tremendous heroism on the part of firefighters taking place every day all across America in extremely dangerous circumstances.

Mr. REID. Madam President, I again express my appreciation to the two Senators from Maryland who have so aptly kept us on top of what was going on there. I also join with them on this amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that the time between now and 5:55 p.m. today be equally divided and controlled in the usual form with respect to the amendment now pending; that at 5:55 p.m. the Senate vote in relation to the amendment, with no amendment in order to the amendment prior to the vote, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent the time during the quorum call I will suggest in just a moment be equally charged against both the proponents and the opponents of this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent that the previously scheduled vote for 5:55 now occur at 5:50 under the same conditions as previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask for the yeas and nays on the Reid amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1037. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "yea."

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from New Hampshire (Mr. SMITH) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. SMITH) would vote "yea."

The PRESIDING OFFICER (Mrs. CARNAHAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Dorgan
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—4

Domenici
Durbin
Kennedy
Smith (NH)

The amendment (No. 1037) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1038 TO AMENDMENT NO. 1025

Mrs. MURRAY. Madam President, I ask unanimous consent the Murray amendment be laid aside, and I send an amendment to the desk on behalf of Senator SARBANES and Senator MIKULSKI and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY, for Mr. SARBANES, for himself and Ms. MIKULSKI, proposes an amendment numbered 1038.

Mrs. MURRAY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for a joint study of rail infrastructure in the vicinity of Baltimore, Maryland)

At the appropriate place, insert:

SEC. . (a) Of the funds appropriated by title I for the Federal Railroad Administration under the heading "RAILROAD RESEARCH AND DEVELOPMENT", up to $750,000 may be expended to pay 25 percent of the total cost of a comprehensive study to assess existing problems in the freight and passenger rail infrastructure in the vicinity of Baltimore, Maryland, that the Secretary of Transportation shall carry out through the Federal Railroad Administration in cooperation with, and with a total amount of equal funding contributed by, Norfolk-Southern Corporation, CSX Corporation, and the State of Maryland.

(b)(1) The study shall include an analysis of the condition, track, and clearance limitations and efficiency of the existing tunnels, bridges, and other railroad facilities owned or operated by CSX Corporation, Amtrak, and Norfolk-Southern Corporation in the Baltimore area.

(2) The study shall examine the benefits and costs of various alternatives for reducing congestion and improving safety and efficiency in the operations on the rail infrastructure in the vicinity of Baltimore, including such alternatives for improving operations as shared usage of track, and such alternatives for improving the rail infrastructure as possible improvements to existing tunnels, bridges, and other railroad facilities, or construction of new facilities.

(c) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress. The report shall include recommendations on the matters described in subsection (b)(2).

Mrs. MURRAY. Madam President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1038.

The amendment (No. 1038) was agreed to.

Mr. SARBANES. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1039

Mrs. MURRAY. Madam President, I ask the pending amendment be set aside, and I send an amendment to the desk on behalf of Mr. THOMAS. I ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be set aside and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Washington (Mrs. MURRAY), for Mr. THOMAS, proposes an amendment numbered 1039.

Mrs. MURRAY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 66, line 8, after the word "bus", insert the following phrase: ", as that term is defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12181)";

On page 66, line 9 strike "; and" and insert in lieu thereof "."; and

On page 66, beginning with line 10, strike all through page 70, line 14.

Mrs. MURRAY. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1039.

The amendment (No. 1039) was agreed to.

Mr. SARBANES. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Madam President, I rise to speak on the pending Reid amendment regarding a Department of Transportation/General Accounting Office study on the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

In light of the recent events in Baltimore, it is entirely understandable that Senators from Maryland would join the Senator from Nevada in offering this amendment. Many of our urban areas suffer from inadequate and perhaps unsafe transportation infrastructure. However, I hasten to point out that if this derailment had happened to a train carrying spent nuclear fuel or other radioactive material, none of the havoc we saw in Baltimore would have occurred. The Orioles would not have had to cancel games and there would have been no threat to the general public health and safety. That's because the casks used to transport such material are subjected to rigorous safety standards by the Nuclear Regulatory Commission and are tested is such a manner to ensure that a train derailment and any number of other accidents that could befall the casks would neither damage the casks or allow the release of any radioactive material.

As many of you well know, transportation is one of the key issues that arises in the discussions we have had here on the Senate floor when we debate the matter of how to deal with the disposal of our spent nuclear fuel. But I need to remind everyone that we already transport such material—and have been doing so for over 30 years. There have been close to 3,000 shipments in this country and no fatality, injury or environmental damage has ever occurred because of radioactive cargo. That is not to say there have not been accidents. There have—but the casks have performed as designed. They haven't broken open. They have not leaked. We have done a hood job transporting spent nuclear fuel and radioactive waste and we will continue to do so. Great precautions are taken to avoid accidents and when and if Yucca Mountain is declared suitable as a repository for fuel, additional transportation safety provisions under the Nuclear Waste Policy Act will kick in to ensure that the additional transportation of spent fuel will continue in a safe manner.

But we don't have to wait for Yucca to open to have safety measures in place—we already have them. Shipments are happening now and are safe. A nuclear fuel container consists of literally tons of shielding inside a thick steel cylinder. Any container design must be licensed by the U.S. Nuclear Regulatory Commission before the container is used for shipment. The NRC will not certify the container until it undergoes a series of rigorous tests demonstrating that it is invulnerable to impact, flames, submersion and puncture.

In addition to the safety of the casks, spent nuclear fuel may be shipped only along specified highway routes. Shippers submit routes to the NRC for approval ahead of time. The NRC checks that a route conforms to U.S. Department of Transportation regulations, requiring the most direct interstate route, and avoiding large cities when a bypass or beltway is available. NRC officials drive the route ahead of time if it has not been previously approved before or used within the past few years. They will check for law enforcement and emergency response capability as well as secure facilities for emergency stops. DOT regulations also require that the shipper notify the governor of each State on the route seven days before the trip.

Specialized trucking companies handle spent nuclear fuel shipments in the United States. These experienced, specially licensed companies haul all kinds of hazardous materials more than 50 million miles annually. Vehicles are state of the art, equipped with computers that provide an instantaneous update on the truck's location and convey messages between driver and dispatcher through a satellite communications network. Drivers receive extensive training and must be certified.

The DOT and NRC establish emergency preparedness requirements for radioactive materials. The Federal Emergency Management Agency and the DOE provide emergency response training for state and local law enforcement officials, fire fighters, and rescue squads, covering preparedness planning and accident handling. In addition, DOE radiological assistance teams provide expertise and equipment, including mobile laboratories, to every region of the country. Also, according to a voluntary mutual assistance agreement, utilities respond to incidents in their area until emergency personnel from the shipper and shipping utility arrive.

I have no objection to the overall purpose of the amendment however, in having a study done on infrastructure and training. My colleagues should be aware that we already do that continuously for nuclear fuel and high-level radioactive waste.

AMENDMENT NO. 1037

MICHIGAN CORRIDOR PROJECTS

Ms. STABENOW. Madam President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chairwoman of the Transportation Appropriations Subcommittee. As the chairwoman knows, over the past few years, the State of Michigan has competed for funds under the Coordinated Border and Corridor Program of the Transportation Equity Act (TEA 21). However, because of increased earmarking, discretionary funds have been greatly diminished. This year, both House and Senate did not contain any discretionary funds, eliminating an important discretionary funding source for the State of Michigan.

I would ask the distinguished chairwoman to give consideration to a particularly important project on our U.S.-Canadian border in Michigan. The Ambassador Bridge Gateway Project which will provide direct interstate access to the Ambassador Bridge and improve overall traffic flow to and from our U.S.-Canadian border, needs $10 million this year to keep the project on schedule. To date, there has been a total of $30.2 million in federal funds either spent or committed with a state match of $7 million. Any consideration that the distinguished chairwoman can provide is much appreciated.

Mr. LEVIN. I join the distinguished Senator from Michigan in asking the distinguished chairwoman to give this important project consideration in conference. The Ambassador Bridge in Detroit, MI is a critical project for the State's trade infrastructure. It is one of the three busiest border crossings in North America, and more trade moves over this bridge than the country exports to Japan. It is crucial that we keep traffic moving safely and efficiently at this crossing. The Ambassador Bridge Gateway project will provide direct interstate access to the bridge, and improve overall traffic flow to and from the Ambassador Bridge. This project also has a wide range of support from the state, local government, metropolitan planning and the business community.

Ms. MURRAY. I thank the distinguished Senators from Michigan, and I will be happy to work with them in conference on this important corridor project.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent the Senate move to a period of morning business with Senators permitted to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, is the order that we are in morning business with Senators allowed to speak for up to 5 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mrs. HUTCHISON. Thank you, Madam President.

SAFE TRUCKS ON AMERICAN HIGHWAYS

Mrs. HUTCHISON. Madam President, I commend Senator MURRAY and Senator SHELBY for drafting an amendment that is attempting to address the issue of safe trucks on American highways. This is an issue that has caused a lot of disagreement. I know it is a very controversial issue. I want to speak about it because my State is most certainly affected. But I think every State is affected by whether we have safe trucks on our highways.

We do not yet have an agreement on this issue that everyone can live with, but I think we are a lot closer than anyone thinks. I ask Senators MURRAY, SHELBY, McCAIN, GRAMM, and the administration to work together to try to make sure we come out with regulations that will assure that we have the facilities and manpower to inspect every truck coming into our country, whether it is from Mexico or from Canada.

Second, we must make sure we have foreign-owned trucks and drivers meet U.S. safety standards, while ensuring fair treatment for our trading partners. That is our responsibility and our commitment under NAFTA.

Third, I think it is very important that we commit to providing the financial resources for the inspection stations and other border infrastructure. The administration asked for about $88 million for this purpose. The Murray-Shelby committee report that is on the floor has more than $100 million to make sure we have the border inspection stations, without which we couldn't possibly comply with NAFTA.

If we have good regulations and the money to conduct the inspections, I think we can come up with language that will be acceptable to everyone and keep our commitment under NAFTA.

I voted for NAFTA. I support free trade. But there are provisions in the underlying bill that I think could keep the United States from keeping its commitment under NAFTA.

I also believe the Department of Transportation regulations are not quite strong enough to assure that we will have inspections of every truck. I don't think we have been able to fix this yet. I hope we will be able to work together on language that will assure that we will have real inspections, that will ensure safety on our highways, and comply with our commitments under NAFTA. I don't think we are there yet, but I think we are working on it.

I ask everyone to come to the table. Senator STEVENS has been a leader on this issue. Senator MCCAIN, chairman of the Commerce Committee, certainly is a leader on this issue. Senator SHELBY and Senator MURRAY as the chairman and ranking member of the Appropriations Transportation Subcommittee are leaders on this issue.

I am a member of the Appropriations Transportation Subcommittee as well as the Commerce Committee. But mostly I am a person who is going to be on highways where there is going to be a lot of NAFTA traffic. When we are looking at 8,500 Mexican commercial trucking companies having the authority to operate in commercial zones today, I think we are talking about a lot of Mexican traffic on our freeways. We want a lot of Mexican and Canadian commerce, as long as the trucks meet our standards. We have to assure that those inspection stations are there to make sure it happens.

In 1999, both United States and Mexican commercial motor vehicles made an estimated 4.5 million crossings on the border. Seventy percent of those were in Texas.

This debate is not merely hypothetical to Texas, nor to the other border States. The added burden of overweight and potentially unsafe trucks is a daily reality in south Texas.

The reason for low inspection statistics is the lack of adequate space to conduct safety inspections. Currently, the only permanent inspection facilities at the United States-Mexico border are at the State facilities in Calexico and Otay Mesa, CA. At the other 25 border crossings, Federal and State inspectors have limited access to the existing U.S. Customs lots.

Federal Motor Carrier Safety Administration inspectors do not have the equipment nor the space they need to do the job. Those inspectors have space to inspect only one or two trucks at a time. The construction of dedicated motor carrier safety inspection facilities at or near the existing Federal border crossing would improve inspection statistics.

Working with the Department of Public Safety in Texas, we have identified funding needs of $100 million to construct safety inspection stations. So it is very important that all of us focus on this issue and that we all look for a resolution of this issue.

I think we are very close, but we are not there yet. I hope everyone will come together either to fashion an answer right now in this bill before it goes out of this Chamber or agree that we will not do that now, that we will write something in conference, but most certainly we would not stand on the language that is in the underlying bill nor the language that is in the House underlying bill that was passed that would prohibit Mexican trucks from coming into the United States at all.

I think we can come up with language that will be acceptable to the administration and acceptable to our Mexican counterparts. But the bottom line is, we are not going to have unsafe trucks on our highways as long as I have a voice in the Senate, because we have standards. The whole concept of NAFTA was that we would have parity, parity of our truck standards with the truck standards of Canada and Mexico. That means there would be a level playing field in trucking company competition, so that there would not be an unfair advantage to another country and, secondly, so that there would be safety on all of our highways, to make sure we are not in any way discriminating against any country nor are we lowering the standards that we have in our country.

So I intend to be very active in this debate. I intend to be very active in bringing the groups together to try to come to that compromise. My bottom line is only one; and that is that there is parity, safety, and a level playing field for the truckers of our country and the countries in NAFTA with whom we trade.

ILSA EXTENSION ACT

Mr. SARBANES. Madam President, I ask unanimous consent that the CBO cost estimate with respect to S. 1218, a bill to extend the authorities of the Iran and Libya Sanctions Act, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 2001.

Hon. PAUL S. SARBANES,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the ILSA Extension Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Joseph C. Whitehill (for federal costs) and Paige Piper/Bach (for the private-sector impact).

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

ILSA Extension Act of 2001

The ILSA Extension Act of 2001 would extend the authorities of the Iran and Libya Sanctions Act (ILSA) of 1996 for an additional five years through 2006. The bill would lower the threshold of investments in Libya that could trigger sanctions under the act from $40 million to $20 million, and it would revise the definition of investment to include any amendment or modification of existing contracts that would exceed the threshold amount. CBO estimates that implementing the bill would not significantly affect discretionary spending. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

Based on information from the Department of State, CBO estimates that the ILSA Extension Act of 2001 would result in a substantial increase in the number of investments in Libya that could be subject to the sanctions in ILSA. CBO estimates that the additional workload necessary to identify such investments would increase the department's spending by less than $500,000 annually, assuming the availability of appropriated funds.

By extending the Iran and Libya Sanctions Act, the ILSA Extension Act of 2001 could impose a private-sector mandate as defined by the Unfunded Mandates Reform Act (UMRA). The President would be required to impose certain sanctions of U.S. entities or foreign companies that invest over a specific amount of money in developing the petroleum and natural gas resources of Iran or Libya. Among the sanctions available under the act, the President could impose certain restrictions on U.S. offices of a sanctioned company or on entities and financial institutions engaged in business transactions with a sanctioned entity. The act does, however, allow the President the discretion to make exceptions in applying such sanctions. Since passage of ILSA, no such sanctions have been imposed. Consequently, CBO expects that sanctions are unlikely to be imposed under the extension and that the direct cost of the mandate would fall below the annual threshold established by UMRA for private-sector mandates ($113 million in 2001, adjusted annually for inflation).

The ILSA Extension Act of 2001 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

CBO prepared two estimates for the House companion bill, H.R. 1954. The first estimate was for H.R. 1954 as ordered by the House Committee on International Relations on June 20, 2001. The second estimate was for H.R. 1954 as ordered reported by the House Committee on Ways and Means on July 12, 2001. The International Relations Committee versions of H.R. 1954 is similar to the Senate bill. The Ways and Means Committee version would require the President to report to the Congress on the effectiveness of actions taken under ILSA within 18 months after enactment, and it would provide for the early termination of that act of any time after submission of the report. CBO estimated that implementing either version of H.R. 1954 would not significantly affect discretionary spending and that the cost of the private-sector mandate would fall below the annual threshold established by UMRA.

The CBO staff contact for federal costs is Joseph C. Whitehill. The CBO staff contact for private-sector mandates is Paige Piper/Bach. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

MUSCULAR DYSTROPHY RESEARCH

Mr. BURNS. Madam President, S. 805, introduced on May 1, is a vital step toward the day when advanced research will find ways to halt, and even cure, life-threatening muscular dystrophy.

Muscular dystrophy is a genetic disorder, actually a number of separate disorders, that are characterized by weakening and eventual wasting of muscles throughout the body. A quarter of a million Americans of all ages are affected by these disorders. One form, Duchenne, strikes young boys and usually takes their lives before they reach their twenties. Other forms that affect adults are also severely debilitating and can be devastating to the victims and their families.

Since 1966, entertainer Jerry Lewis has hosted the annual Muscular Dystrophy Labor Day Telethon, calling the Nation's attention to the muscular dystrophies and seeking help for individuals and families affected by these diseases. Jerry Lewis is the National Chairman of the Muscular Dystrophy Association which, through its Telethon and year-round fund raising activities, has raised hundreds of millions of dollars for programs of direct patient services, research and summer camp. The MDA program supports a nationwide network of 230 clinics, which are affiliated with hospitals and universities, sends more than 4,000 youngsters it serves to MDA summer camps, and helps pay for wheelchairs, braces, and various therapies for people with muscular dystrophy.

In addition to providing these direct patient and family services, MDA expends about $30 million per year to support scientific research. Over the past half century, MDA has funded research that was vital in developing the protocols that resulted in groundbreaking discoveries in genetic mapping. This extraordinary organization has played a key role in identifying the gene defects that cause virtually all of the forms of muscular dystrophy. The Muscular Dystrophy Association is to be commended for its work and can be justifiably proud of the very positive role it has in assisting those affected by neuromuscular disease. In fact, the implications of their research extend to all of the estimated 5,000 genetic-based diseases affecting all of mankind. With all of the research insights and opportunities made available by this organization, it is time for us to help.

The next critical phase in muscular dystrophy research is to apply these basic scientific discoveries to the development of effective therapies. That will require substantial Federal funding. Authorizing such a vigorous Federal effort is the purpose of S. 805. The bill calls upon NIH and the Centers for Disease Control to establish Centers of Excellence in which intensified clinical research can be conducted which will speed the discovery of treatments and cures for the various forms of muscular dystrophy.

S. 805 provides the Director of the NIH and the Directors of the several institutes within NIH that conduct muscular dystrophy research with the authority and responsibility to concentrate and intensify that research effort. The bill also authorizes the funds needed to conduct essential clinical trials. In short, it gives NIH the organization and the mandate to exploit recent advances in gene therapy. The goal is the swiftest possible rescue for children and adults whose lives will otherwise be lost or badly damaged by muscular dystrophy.

Mr. President, the Congress has responded generously and often to the demands for research funding aimed at other diseases that shorten or impair the lives of Americans. It is time to add muscular dystrophy to the list of those diseases. I commend my colleagues for introducing S. 805, and I regret that I am just now getting the opportunity to deliver this statement, two weeks after my name was added to this important legislation as a cosponsor.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 23, 1994 in Buena Park, California. Two men parked near a gay bar were slashed with broken bottles and beaten by a group of men who shouted anti-gay epithets and stole the victims' car.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE TRADE ADJUSTMENT ASSISTANCE FOR WORKERS, FARMERS, COMMUNITIES, AND FIRMS ACT OF 2001

Mr. ROCKEFELLER. Madam President, I rise today to lend my full support to the Trade Adjustment Assistance for Workers, Farmers, Communities, and Firms Act of 2001, which I introduced today along with Senators BINGAMAN, BAUCUS, and DASCHLE. I particularly want to congratulate Senator BINGAMAN on all the hard work and dedication that he has shown on this issue over the past several months in crafting this piece of legislation, which is so critical to American workers and their families.

Improving and expanding TAA is a priority for us, and we hope it will become a priority for Congress and for the President as well. This bill is not just a reauthorization but an improvement to our current TAA program—and not a moment too soon. Earlier this week, the Chairman of the Federal Reserve told us our economic outlook remains troubling. We know that means there will be more and more workers and families who will need to turn to TAA for help to rebuild their futures.

In addition to reauthorizing TAA for an additional five years, this bill makes substantial improvements to the TAA program as a whole. The bill extends possible TAA benefits for an additional 26 weeks, provides wage insurance for many displaced workers over 50, and expands coverage for secondary workers and workers whose jobs were lost when companies shifted their operations overseas.

Given the massive legacy cost issue facing our steel companies, I particularly wanted to take action to provide health care and child care benefits for workers who have lost their jobs due to imports. At my urging, the bill contains several health care provisions, including a refundable tax credit for 50 percent of COBRA benefits and a provision that links TAA beneficiaries to child care and health benefits that they are entitled to under TANF.

As we expand coverage and benefits available under TAA, however, we still have to remember what's really important in this debate: TAA cannot substitute for a good job, and too many good jobs are being lost due to our current trade policies. That's what we really need to focus on, although we still need TAA because there will always be workers who need it.

As Governor of West Virginia in the 1980's and later as a U.S. Senator, I have seen firsthand the devastation that import surges have wrought on manufacturing communities. I have walked the streets of Welch, knowing that one in four people I met that day were unemployed. I have been to Weirton and Wheeling and seen the impact of the recent surge of dumped and subsidized steel imports on the economic landscape and the collective psyche of those communities as thousands of steelworkers, as well as workers whose jobs depend on those steel companies staying open, have been laid off. I have seen jean factories in Elkins and Phillippi, a shoe plant in Marlington, a glassworks in Huntington, and a shirt factory in Morgantown, close down because of foreign competition, throwing hundreds of people—many of whom had never held another job—out of work.

Many of the unemployed are in their 20's and 30's with young children to support. Others are in their 40's and 50's and have held the same job for more than 20 years. A few may never find work again. For those who do, it will be at a vastly reduced salary with fewer benefits. And as plants continue to close down, who knows if the health care and pension benefits that were guaranteed by their employers and which those workers thought they could depend on will still be there for them when they retire?

It makes me angry that we as a Nation have not done nearly enough to help those who have been dislocated from foreign trade, through no fault of their own, particularly when our trade policies led to their unemployment. Instead, we have provided a TAA program for which many of our workers do not qualify and which provides too little assistance for workers to retrain so that they can adequately provide for their families. That is just not right.

At the same time, our foreign trade partners continue to engage in unfair and illegal trade practices that throw more and more Americans out of work. For years, the relative market shares of the top Japanese steel firms has never varied by more than 1 percent, regardless of changes in the marketplace, because they have a cartel. Russian steelworkers often do not receive wages. New uneconomic steel capacity continues to come on line around the world, often partially funded by loans from international financial institutions that receive U.S. Government funding.

Yet our steelworkers, glassworkers, and others in the manufacturing sector of our economy are forced to compete on the same playing field with these countries, whose producers are heavily subsidized or who have benefitted from a long legacy of indirect government assistance or toleration of anti-competitive activities. Such practices have allowed foreign steel companies to stay in business long after they would have shut down if they were located in the United States. How are our workers supposed to compete with that, no matter how efficient they are?

It is no wonder that people in this country are beginning to wake up to our trade policies and wonder just what we are doing and what principles, if any, we are using to guide them. You should not need to have an MBA from Harvard in order to get a good job, with good wages and benefits, in this country.

If this Administration wants to negotiate more trade agreements, without dealing with the impact that trade has on our steelworkers and workers in other sectors of our economy who built this country into the economic super power that it is today, then it will fail miserably.

This bill is a good step forward. I urge my colleagues in Congress to help us pass it and the President to sign it into law. But it is only the beginning. We simply cannot ignore the fact that with trade, a rising tide does not always lift all boats. Our laws are not the laws of nature, but rather, the laws of mankind. We cannot say that dislocation through trade is inevitable and just throw up our hands, leaving millions of American workers behind. We have an obligation to them and to their families, to craft trade policies that are to their benefit and which help them prepare for the future. It is an obligation that we simply cannot ignore.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, July 20, 2001, the Federal debt stood at $5,723,280,631,657.09, five trillion, seven hundred twenty-three billion, two hundred eighty million, six hundred thirty-one thousand, six hundred fifty-seven dollars and nine cents.

One year ago, July 20, 2000, the Federal debt stood at $5,665,503,000,000, five trillion, six hundred sixty-five billion, five hundred three million.

Twenty-five years ago, July 20, 1976, the Federal debt stood at $619,038,000,000, six hundred nineteen billion, thirty-eight million, which reflects a debt increase of more than $5 trillion, $5,104,242,631,657.09, five trillion, one hundred four billion, two hundred forty-two million, six hundred thirty-one thousand, six hundred fifty-seven dollars and nine cents during the past 25 years.

ADDITIONAL STATEMENTS

MINIMUM WAGE

• Mr. KENNEDY. Madam President, I ask that the following article from the Wall Street Journal, dated July 19, 2001, be printed in the RECORD.

[From the Wall Street Journal, July 19, 2001]

[By Rick Wartzman]

FALLING BEHIND—AS OFFICIALS LOST FAITH IN THE MINIMUM WAGE, PAT WILLIAMS LIVED IT

SHREVEPORT, LA.—Night had fallen by the time Pat Williams, hungry and bone tired, arrived home to find the little red ticket mocking the more than 10 hours of toil she had just put in.

"Oh, Lord," she said, reaching into her mailbox, "what is this?" She swatted a mosquito, held the ticket to the light above her front stoop and took in the bad news: Reliant Energy Inc. had cut off her gas because her account was $477 overdue.

"I ain't going to sweat it," she muttered over and over. Clearly, though, she was wound tight, and soon began puffing on a succession of discount cigarettes.

It was early April, and Ms. Williams was dressed in the dark blue uniform that she wears at her first job, caring for the aged and infirm at a nursing home. Atop that was the gray apron she dons for her second job, cleaning offices at night. The place where she works as a nursing assistant, Harmony House, was paying her $5.55 an hour—barely above the minimum wage—even though she has been there more than 10 years, is a union member and completed college courses to become certified. The cleaning job, which she took up because she couldn't make ends meet, pays right at the federally mandated minimum: $5.15 an hour.

For the 46-year-old single mother with a bright smile and big dimples, life has never been easy. But, as she will tell you, it certainly has been easier.

When she began minimum-wage work more than two decades ago, Ms. Williams says, she had little difficulty paying her bills. Small indulgences for her and her three children—a burger and fries on a Saturday afternoon, a new blouse, the occasional name-brand sneakers—weren't such a stretch. Most of all, Ms. Williams wasn't nearly so stressed over money.

Sometimes, she and her best friend, Ruby Moore, sit in Ms. Williams's back yard and, as trains thunder by, they talk about how they just can't get ahead. Ms. Moore, 51, has earned around the minimum wage for years, first by working in the kitchen of a drug-treatment center, and now by cooking for recovering addicts of a different sort—the gamblers who've surfaced along with the glittering casino boats on the Red River. "It's much harder than it used to be," she says. "You've got to skip this bill in order to pay that bill."

"You think you're moving forward," adds Ms. Williams, "but you're just moving backwards."

There's little wonder why. As a long-time low-wage worker, Ms. Williams has felt the sting of one of the most profound shifts in American economic policy during the past 20 years: a mounting disdain for the minimum wage. Established during the New Deal, the minimum wage was once viewed by Democrats and Republicans alike as an instrument of economic justice—an effort to "end starvation wages," as President Franklin D. Roosevelt himself put it. Now, though, it is seen by much of official Washington as an economic impediment, an undue burden on a marketplace better left unfettered. Where the onus was once on the business owner to pay "a decent wage," it's now more on the worker to demonstrate that he or she deserves one.

This sea change began when Ronald Reagan swept into office. From 1950 through 1982, the minimum wage was allowed to fall below 45% of the average hourly wage in the U.S. in only four separate years. Since 1982, the minimum wage has never reached 45%, and it currently stands at 36%, of that benchmark. Even using a conservative measure of inflation, the minimum wage throughout the '60s and '70s was consistently worth more than $5.50 an hour—and frequently more than $6—in today's terms. After 1980, its value plummeted, sinking to less than $4.50 as President Reagan left office. Two subsequent increases have nudged it back up to its present $5.15.

While the robust job market of the '90s thinned the ranks of minimum-wage workers—only about 1% of hourly employees earn exactly $5.15 an hour now, down from more than 9% in 1980—plenty of people still hover right around the pay floor.

Legislation introduced in Congress last February would elevate the minimum wage to $6.65 an hour by 2003. More than 11 million workers, or about 15% of the hourly labor force, now earn from $5.15 to $6.64. President Bush has signaled that he could accept a moderate increase in the minimum wage—but only if states are allowed to opt out. The Senate, where the Democrats recently gained control, is expected to take up the matter in the coming weeks.

Meanwhile, in communities across the country, low-wage work isn't a relic, but an unremitting reality. A just-published study by two economists—William Carrington, formerly of the Bureau of Labor Statistics, and the Federal Reserve's Bruce Fallick—gives a name to this phenomenon: the "minimum-wage career." They tracked some 3,500 people for 10 years after they had left school and found that more than 8% spent at least half of that time in jobs paying at or near the minimum wage. In Ms. Williams's case, practically everyone she knows has been mired in such occupations their whole working lives.

For them, it's as if the two longest peacetime economic expansions in the nation's history—one under President Reagan, the other under President Clinton—never happened at all.

Ms. Williams earned $10,067 in wages last year. She also received a $2,353 federal tax credit targeted to the working poor. Because her children are all grown and gone, the size of the credit hinges on Ms. Williams's seven-year-old grandson, Kimdrick, staying with her for more than half the year. Caring for Kimdrick is a survival strategy she worked out with her eldest daughter; if she weren't caring for a child, Ms. Williams would have been eligible for a tax credit of only $27—a point at which, she says, she'd likely be on the streets. The daughter claims her other two children for tax purposes.

Through the 1980s, Ms. Williams's wages were so low that she received welfare payments—at times as much as $217 a month—to supplement her income. But she ceased collecting these handouts 12 years ago, partly, she says, because it was a hassle to reapply every few months and partly because of the indignity. "I just wanted welfare to be a stepping stone," she says. "It made me feel terrible." Last summer, Ms. Williams also stopped reapplying for food stamps, which in the past had been worth up to $324 a month, depending on how many of her children were living with her and other factors. The local housing authority still picks up nearly two-thirds of her monthly $525 in rent, and she receives free medical care for her high blood pressure at an indigent clinic.

Inside her small but fastidiously kept house—decorated mostly with bric-a-brac from Good Will and the Dollar Store and pictures cut out of magazines hung on the walls—Ms. Williams ticked off the expenses that she was juggling at the moment. Besides the gas bill, a notice recently arrived reminding her that she was late in paying $142.14 to the electric company. She owed $55.26 to the phone company, $23.47 on the student loan she took out years ago for her nursing classes, and $39.95 for her burglar alarm—a must, she says, in her crime-infested neighborhood.

Violence touched her just last year. Ms. Williams's boyfriend snapped and, according to police records, came at two of her kids with a knife. Ms. Williams shot him with her .25-caliber pistol. He staggered into traffic and was run over and died. The authorities ruled the shooting "justifiable," and Ms. Williams was never charged.

The incident, she says, left a void in her heart. It also left one in her pocketbook. The boyfriend used to chip in on the bills, and his absence has been the main reason that Ms. Williams has had to find a second job—even in Shreveport, where it's relatively cheap to live.

Her budget offers no cushion. The bill from Reliant Energy, swollen in part by unusually cold weather last winter, sent Ms. Williams tearing into her scant savings. She had somehow managed to put away a few dollars in the hopes of eventually moving someplace quieter, out in the country. But in a single stroke, the check to Reliant wiped out most of her nest egg. "It's devastating," she said, "just devastating."

A little later, Ms. Williams moved along Hollywood Avenue, a run-down commercial strip near her house, where sin and salvation compete head-on; for every liquor store and bail bondsman, a Baptist church beckons. "Why is it so hard to get a pay increase?" she asked. "If I made $7 an hour, I'd think I was doing good."

Over on Illinois Avenue, Ms. Williams gazed at the simple wooden house she grew up in. She remembered sitting out on the front porch with her daddy, watching him sell watermelons—three for $1—in the 1950s. "They were good and sweet," she said. It was a different world back then.

One by one, President Eisenhower's top advisers paraded into the Cabinet Room of the White House and took their places around the big mahogany table. The discussion on this morning, Dec. 10, 1954, quickly turned to the workaday business of running the country: an initiative to add 70,000 units of public housing, the Buy American Act, the need for preventive medical care. Yet one subject, above all, seemed to stir the participants' passion: raising the minimum wage.

Mr. Eisenhower—the first Republican to occupy the White House since the minimum wage was enacted—had floated the idea of increasing it from 75 cents an hour early in the year. Now, with the economy humming along, it appeared the perfect time to put the plan in motion. Even the president's economic adviser, the cautious Arthur Burns, agreed that the only question left to decide was what "the optimum figure" for the new wage would be.

Handwritten notes from the cabinet meeting, stored at the Eisenhower Library, suggest that the president listened intently to the numbers being bandied about. George Humphrey, the treasury secretary, declared that going to $1 an hour "would be too much" and could undermine smooth relations with the business community. All eyes then fell on Labor Secretary Jim Mitchell, a plain-spoken man who had once been in charge of employee relations at Bloomingdale's. One dollar, he countered, "has great appeal." The vice president, Richard Nixon, added that it would be "unfortunate" if the administration recommended less than $1 because that would only enhance the odds that Democrats in Congress would "raise the ante."

Finally, Mr. Eisenhower spoke up. "We just have to seek that place where both sides will curse us," he said. "Then we'll be right."

The law establishing the federal minimum wage, the Fair Labor Standards Act of 1938, had called for just such a balancing act. It stipulated that workers be paid at least enough to maintain a "minimum standard of living necessary for health, efficiency and general well-being." At the same time, though, it sought to do this "without substantially curtailing employment."

Mr. Eisenhower ultimately proposed an increase to 90 cents—and the cursing came on cue. The U.S. Chamber of Commerce warned that a 90-cent minimum would be "self-defeating" because many mom-and-pop businesses would have to shut their doors and lay people off, hurting the very low-skilled workers who were supposed to benefit. George Meany, the president of the American Federation of Labor, denounced the administration's plan as "grossly inadequate" to lift up the poor and pushed for $1.25 an hour.

In many ways, the economic debate hasn't changed much over the years. Opponents have long claimed that imposing a higher minimum wage kills jobs. "The direct unemployment," wrote Prof. George Stigler in a landmark article in the June 1946 American Economic Review, "is substantial and certain."

Just yesterday, Federal Reserve Chairman Alan Greenspan told a congressional hearing that he would abolish the minimum wage if he could. "I'm not in favor of cutting anybody's earnings or preventing them from rising," he said, "but I am against them losing their jobs because of artificial government intervention, which is essentially what the minimum wage is."

Yet other analysts have disagreed, touting the minimum wage as an effective means for helping working people to escape poverty. Those in this camp contend that as long as it isn't excessive, an increase in the minimum wage will destroy few, if any, jobs. Their rationale: As businesses raise their wages, they're apt to suffer less turnover and will often find that their employees are more diligent, leading to a jump in output that more than makes up for the extra cost to the payroll.

As the Eisenhower plan moved to Capitol Hill, the action unfolded in a manner typical of the era. Democrats, by and large, wanted a higher minimum wage than did their GOP counterparts. But the divide wasn't purely partisan. Southern Democrats railed against a raise, while "liberal Republicans" favored one.

In July 1955, a bill emerged from Congress to increase the minimum wage to $1. A couple of weeks later, Mr. Eisenhower signed the legislation into law. "I think 'fairness' is a good word" to express what the president hoped to achieve, says Maxwell Rabb, who was Mr. Eisenhower's cabinet secretary. "He did not want a divided nation," and lifting wages for those at the bottom was part of that larger agenda.

The minimum wage went up again during each of the next two administrations—those of presidents Kennedy and Johnson—and coverage also was extended to more than 12 million workers, including retail and restaurant employees and farm hands, who previously had been exempt. By 1968, as Richard Nixon was elected president, the value of the minimum wage had hit its apex: $6.82 an hour in today's terms.

Many lawmakers fixed their sights on the average wage in the U.S., taking care to keep the minimum at about half that amount. "People feel poor when their income is less than 50% of the average," explained Rep. Al Quie of Minnesota, who served for 11 terms beginning in 1958 and would go on to become ranking Republican on the House Labor Committee.

Mr. Quie and other key players from the minimum-wage wars of yesteryear—including members of both parties—say their advocacy for increases was propelled, in large part, by a fundamental belief: People who get up and go to work each day deserve to make enough money to cover their essential needs. Employers that aren't productive enough to provide such a basic level of compensation—"chiselers," some detractors have called them—don't belong in an affluent society.

This way of thinking, recalls Eugene Mittelman, who served as labor counsel for GOP Sen. Jacob Javits of New York from the late 1960s through the mid-1970s, transcended all the conflicting studies about how the minimum wage affected unemployment, inflation and poverty. "It was more of a general feeling that if people worked, they ought to make a living wage," he says. "This wasn't economically driven. It was morally driven."

The Shreveport that Pat Williams was born into in the spring of 1955 was an oil-and-gas boomtown, where folks swayed to the music of Elvis Presley, the young star of the "Louisiana Hayride," a radio show aired right from the city's own Municipal Auditorium.

The Williams household didn't partake in the good times, however. The family never had much money, and Pat was raised under the loving but strict hand of a Jehovah's Witness. She was, she says, "a good kid" until, at age 13, she made a startling discovery: The couple she thought were her parents—the domestic and retired carpenter she had known her whole life as "Mommy and Daddy"—were actually her aunt and uncle. Pat's real mother had abandoned her as a baby.

The revelation "totally messed me up," she says. "I went from getting A's and B's in school to D's and F's, when I showed up at all."

By 19, Ms. Williams was a 10th-grade dropout with three children, no husband and no job. Then, one day in 1979, she says, "something inside me clicked." Bored with just lounging around, living off welfare, and overwhelmed by a sense that "I wanted my children to have more than I did," Ms. Williams set out to find work.

She landed a job at the Hollywood Tourist Courts, a rooms-by-the-hour motel where she cleaned up and checked in patrons, some of them acquaintances of hers apparently sneaking off for illicit trysts. She received only minimum wage—then $2.90 an hour—but "it felt good," she says, to be bringing in her own money. "I was proud."

What's more, Ms. Williams found that even on her salary—which was equivalent to $6.34 an hour in today's dollars—she was able to meet her routine expenses without much of a strain. She usually had enough money left on the weekends to take her brood to Mister Swiss, a hamburger joint next to the motel, where they'd grab lunch and pop the leftover change into the jukebox. Despite being poor, says Ms. Williams, "those days were more carefree."

Over the next two years, the minimum wage rose to $3.35 an hour, or $6.08 in today's terms, following a four-step increase that had been passed in 1977. Little did Ms. Williams know that this would mark the last time the minimum wage would be raised for nearly a decade, undoing a practice that had been carried out by seven U.S. presidents—and leaving her further and further behind.

In the summer of 1969, an analysis written by a former commissioner of labor statistics named Ewan Clague crossed President Nixon's desk. It indicated that the minimum wage was exacerbating one of the most vexing problems confronting the nation at the time: a skyrocketing youth unemployment rate. A business owner subject to the minimum wage, Mr. Clague wrote, "cannot afford to put up with a mediocre job performance by inexperienced youngsters."

Mr. Nixon's answer—a proposal whose development can be traced through numerous documents culled from the National Archives—was to allow employers to pay 16- and 17-year-olds a "youth subminimum," an amount even lower than the minimum wage. The logic was simple: High-school dropouts could then find entry-level positions much more easily, acquiring the skills and work habits they'd need to eventually secure more-rewarding jobs. Yet the plan faced many critics, who feared that business owners would engage in, as Sen. Javits put it, the "wholesale replacement" of adult workers with younger, cheaper employees.

A bill to raise the minimum wage finally passed the Democratic-controlled Congress in August 1973. However, it didn't include a youth subminimum, and it sought to ramp up the wage on a faster timetable than many Republicans thought prudent. The International Ladies' Garment Workers' Union launched a campaign urging Mr. Nixon to sign the bill; the corset and brassiere assemblers from Local 32 in New York alone mailed him more than 1,500 postcards and letters. Unimpressed, Mr. Nixon vetoed the legislation.

Mr. Meany, the AFL-CIO chief, slammed the president's decision as a "cruel blow" to low-wage workers, while Harrison Williams of New Jersey, the Democratic chairman of the Senate Labor Committee, accused Mr. Nixon of exhibiting "a callous disregard" for the working poor. But in hindsight, what's most striking about the standoff—so bitter and protracted that the legislative history would one day fill a bound volume more than two inches thick—is that few voices ever assailed the minimum wage itself.

"There can be no doubt about the need for a higher minimum wage," Mr. Nixon said in his veto message. "Both fairness and decency require that we act. . . ."

In the spring of 1974, Congress passed a new minimum-wage bill, which still lacked a youth subminimum. But this time, on April 8, Mr. Nixon signed it, a deed that would get a little lost on the next morning's front page given other news out of Atlanta: Hank Aaron had just smashed his record-setting 715th major-league home run.

Few in the president's party protested the raise, which took the minimum wage to $2.30 an hour ($6.25 in 2001 terms) from $1.60 over three years. That made up for much of the inflation that had eaten away at it since the last increase in '68. The president himself proclaimed that, while Congress "did not go as far as I wished in protecting . . . work opportunities for youth," the fight had dragged on long enough. Improving the wages of workers whose earnings have "remained static for six years," he said, "is now a matter of justice that can no longer be fairly delayed."

It wouldn't take much of a cynic to dismiss President Nixon's comments as politically motivated, especially given that he signed the bill as the Watergate scandal neared its climax. Surely, he no longer had the muscle to sustain another veto. But several Nixon advisers insist that to read it this way would be mistaken.

"This wasn't a political sop to anybody," says Ken Cole, then Mr. Nixon's point man on domestic-policy issues. "He believed in what he was doing."

Whenever Labor Department supervisor Willis Nordlund needed some esoteric piece of information on the minimum wage, he knew right where to turn: the big bank of file cabinets inside room C-3319 at the department's cavernous Washington headquarters—a depository so chockfull, he says, it contained handwritten charts going back to the days of the New Deal.

And so, Mr. Nordlund recalls, it was more than a little shocking when one morning, sometime in the late 1980s, he walked into the third-floor file room, only to find all the material thrown out by another supervisor who wanted the space.

For someone who had taken to heart Franklin Roosevelt's assessment that, next to Social Security, the Fair Labor Standards Act ranked as "the most far-reaching, far-sighted program for the benefit of workers ever adopted," it was not an easy period. Mr. Nordlund's budget for research into the minimum wage had been slashed through the Reagan years. Now, the cleaning out of the files, he says, was "the final kick in the gut"—to him and, symbolically at least, to the minimum wage itself. "This was an administration," he says, "that just wanted the minimum wage to go away."

Indeed, it did. A mere six years after Richard Nixon had talked about raising it as "a matter of justice" and three years after Jimmy Carter had raised it again, Ronald Reagan blasted the minimum wage as the cause of "more misery and unemployment than anything since the Great Depression."

Seen this way, raising the minimum wage wasn't moral; it was downright "immoral," says economist Milton Friedman, the intellectual godfather of the Reagan revolution. "If you're willing to work for $1.25 an hour, and I'm willing to pay you $1.25 an hour because that's what you're worth, are you better off being unemployed" because the government insists on a higher wage?

This wasn't a wholly new line of reasoning, to be sure. But after President Reagan was elected, "the tone changed," says Sen. Edward Kennedy, the Massachusetts Democrat who is a leading champion of a higher minimum wage. "It was much more ideological."

For the first time ever, a president and his top aides set out to see the minimum wage wither. "If we would have had our druthers," acknowledges Murray Weidenbaum, the chairman of Mr. Reagan's first Council of Economic Advisers, "we would have eliminated it." However, because that would have been such "a painful political process," Mr. Weidenbaum says that he and other officials were content to let inflation turn the minimum wage into "an effective dead letter."

The administration's antipathy was fueled by scholarship similar to that which Mr. Nixon had zeroed in on earlier: The minimum wage, these studies found, was a barrier to employment for low-skilled workers, especially African-American teens.

Much of this research was the product of a "neoclassical" movement in economics that had been gaining steam in academic circles since the 1960s, thanks in no small part to the influence of University of Chicago professors, including Mr. Friedman and George Stigler. The school emphasized the virtues of economic efficiency. The concept that every worker is entitled to a "living wage," regardless of his or her skills, "was no longer part of the discussion," says Robert Prasch, who teaches the history of economic thought at Middlebury College.

At one point, Mr. Reagan proposed his own version of a youth subminimum. But unlike President Nixon, whose promotion of a lesser pay scale for teenagers had been tempered by a sense that the minimum wage shouldn't be allowed to erode too much in general, Mr. Reagan saw almost any meddling in the marketplace as anathema. The president "believed that the government should not have the right to step in and bar employment opportunities for anyone," says John Cogan, who served as an assistant secretary in the Reagan Labor Department. "The moral issue was very clear in his mind."

It was for others as well. Many of the Republicans who rode on Mr. Reagan's coattails in 1980 "thought just like he did" on the minimum wage, says John Motley, who was then a lobbyist for the National Federation of Independent Business, a group representing small enterprise. In fact, he says, about two dozen lawmakers elected to Congress that year—far more than ever before—were NFIB members. On Capitol Hill, entrepreneurs were treated increasingly as "heroic figures," Mr. Motley says. "The government needed to help them, not saddle them with mandates and regulations."

As the NFIB and other minimum-wage adversaries such as the National Restaurant Association ascended, the policy's greatest guardian fell on hard times. Following President Reagan's firing of striking air-traffic controllers in 1981, labor unions went on the defensive and were unable to fight as tenaciously as they had in the past for a higher minimum wage. All the while, the portion of the work force that's unionized declined steadily, edging under 20% in 1984.

When Mr. Reagan took office in 1981, the minimum wage was at $3.35 an hour. When he left eight years later, it was still at $3.35. In real terms, its value had sunk almost 27%, to $4.46 in today's dollars.

Back in Shreveport, Pat Williams grappled with the consequences. After a couple of years at the Hollywood Courts, she left the motel for a better job, cooking soul food at a restaurant called the Riverboat Inn for the comparatively lofty pay of $5.75 an hour. But the place shut down in the mid-1980s, and Ms. Williams wound up as a nursing assistant at Harmony House, back on the minimum wage.

As her purchasing power dwindled, Ms. Williams scrimped. Where her family once enjoyed a varied diet, including all sorts of meat, by the late '80s they ate strictly chicken—so much of it that her kids would break out in song around the dinner table:

Chicken fly high
Chicken fly low
Chicken fly Mamma's way
Don't fly no mo'

When the chicken money ran out, the children recall, they subsisted on beans and rice.

The worst, though, was the holidays. Ms. Williams and the kids—Theresa, Youlonda and Darrell—all still vividly remember the Christmas that they couldn't afford a single gift. Youlonda says that she and her siblings tried to comfort their mom, telling her it was all right, that they understood. But Ms. Williams just sat on her bed and cried. Eventually, she came out of her room and turned on the stereo. She doesn't remember exactly what she played that December afternoon, but she's sure it was her favorite music: the blues.

"If you really listen to the blues," she says, "you find out it's nothing but the truth."

A half dozen Harmony House workers sat on Ms. Williams's threadbare couches one evening last April, sipping beers and peering through a cigarette haze, as union organizer Zack Nauth offered up something rare in their lives: a word of hope.

Louisiana nursing homes, which had been complaining that deficient Medicaid reimbursements were the main culprit for their workers' low pay, were slated to receive a $60 million infusion from the state. Mr. Nauth, of the Service Employees International Union, told the women that they needed to speak up and make sure they got their fair share. The nursing homes, Mr. Nauth said, would "just as soon put it all into their own bank accounts."

The women were skeptical that any of it would come their way, however, and spent most of the night venting. One worker, Shirley Vance, was particularly testy and questioned why they even have a union at Harmony House. "I don't see no results," she said, griping about her biweekly dues of $6.50. But Ms. Williams and her friend, Annie Freeman, maintained that the union has been a real plus. Workers had fewer rights and virtually no benefits, they said, before the SEIU got there. "We've had to fight for what we have," said Ms. Williams.

Of the six women at the meeting, all were making less than $6 an hour, including one who has been at Harmony House for 18 years. "We can't survive on what they pay us," said Ms. Freeman, a nursing assistant who, after more than a decade at the home, earns $5.60 an hour.

"We sure can't," echoed Ms. Vance. "It's pitiful."

Before the meeting broke up, the conversation turned to the minimum wage. Mr. Nauth told the group that he's heard rumblings that Congress may vote on an increase this year. Ms. Williams said she gets "all excited" at the prospect but knows better than to count on it. The last time lawmakers deliberated on such legislation, just last year, it died.

Since Ronald Reagan left office, the minimum wage has been raised twice: with great reluctance by President Bush in 1989 and by President Clinton in 1996. Both followed drawn-out battles defined by the kind of partisan sniping that has come with the changed complexion of Congress. Many of the seats once held by Southern Democrats have been seized by Republicans, and the number of GOP moderates who used to support the minimum wage has shriveled in the conservative tide.

One new twist, added to the debate in recent rounds, is that tax breaks for small businesses are now routinely linked to any minimum-wage bill. The only way low-wage workers get help is if company owners do, too. In earlier years, "that would have been laughed out of the room by both sides," says Ken Young, a long-time AFL–CIO official. No one thought about business breaks "when you were talking about the people at the very bottom end of the economic ladder."

With the minimum wage worth less today than it was all through the '60s and '70s, a backlash has developed around the nation. Ten states and the District of Columbia now have their own minimum wages that are higher than the federal government's. And in a host of cities, so-called living-wage campaigns have been undertaken to raise workers' pay to anywhere from around $8.00 an hour—what it takes for someone to support a family of four above the poverty line—to more than $10.

The immediate aim of the Harmony House workers, though, was far more modest: a $1-an-hour increase. Mr. Nauth asked the women to devise a slogan that they could use to rally the public to their cause. Ms. Freeman's entry: "Take Care of the People Who Take Care of Yours."

Several of the women said they think from time to time about finding another job. The Shreveport economy has been strong lately, and most "anybody that's got some get-up-and-go" should be able to find work that pays satisfactorily, says Mayor Keith Hightower. The median pay for telemarketers in the area is $8.50 an hour. Housekeepers at the casinos earn up to $7. But for someone like Ms. Williams, who burns up so much energy just trying to make it day to day, job hunting seems hugely daunting.

Besides, she and the others say that, save for their wages, they feel good about what they do. The nursing home residents "are like family," says Ms. Williams, who keeps photographs of her patients who've passed on. In the mid-'90s, Ms. Williams left Harmony House for a hospital job that paid a bit better, but she came back a couple of years later because she didn't like the atmosphere at the new place nearly as much.

Over at Harmony House, a low-slung edifice that's antiseptic-clean inside, officials say they'd love to pay their workers more, but the Medicaid situation has made it impossible. "We've really been in a pinch," says James Shelton, a supervisor at Central Management Co., a Winnfield, La.-based firm whose principals own and operate Harmony House along with other nursing homes around the state. Nevertheless, the company's president saw his own pay go up 44% in 1999. According to the latest available records from the state health department, Teddy Price's salary soared to $402,943 that year from $279,282 in 1998. A spokeswoman says the increase reflects Mr. Price's heightened responsibilities during the past few years as Central Management has added five new facilities to its portfolio.

Less than a week after The Wall Street Journal asked Central Management about its workers' wages, Harmony House announced that "because of market conditions," it was raising the pay of its certified nursing assistants. Housekeepers, laundry workers and kitchen personnel got no increase.

Ms. Williams says she's "grateful." She now makes $6.35 an hour—pay that's about equal in value to that of her first minimum-wage job, 22 years ago.

THE FACES OF LOW-WAGE WORK

Name: Gussie Cannedy.

Age: 76.

Home: Philadelphia.

Occupation: Answers phones at the American Red Cross.

Hourly wage: $5.15.

Ms. Cannedy, a widow who retired as a clothing-factory supervisor in 1985, works at the Red Cross to supplement her $715 in monthly Social Security income. Yet it isn't really enough. "If it weren't for my children sending money every so often," she says, "I couldn't get over the hump."

Name: Mary Anne Thomas.

Age: 40.

Home: North Little Rock, Ark.

Occupation: Personal care and home-health aide.

Hourly wage: $5.60.

Ms. Thomas, who works about 18 hours a week, says she is doing okay, thanks to her husband's $7.50-an-hour job as a liquor-store salesman. Still, she has been actively campaigning for a "living wage" in her area, after seeing so many colleagues struggling to stay afloat.

Name: Trae Sweeten.

Age: 18.

Home: Newport, Tenn.

Occupation: Does everything from making burgers to cleaning the parking lot at a Wendy's restaurant.

Hourly Wage: $5.60.

Trae, who lives with his father and will soon start community college, says his wage is sufficient for "putting money in my pocket." Besides, he adds, his stint at Wendy's has been "a nice taste of the working world."

Name: Celia Gonzalez.

Age: 48.

Home: San Antonio.

Occupation: Sews baseball caps and tennis visors at a hat factory.

Hourly Wage: $6.

Ms. Gonzalez, a single mom, counts on her 21-year-old son, who earns $5.15 an hour at a tortilla factory, to help with the family finances. "Food is now very expensive," says Ms. Gonzalez, who moved to the U.S. from Mexico about 15 years ago. She stays at home on weekends because going out anywhere would burn the fuel she needs to get herself and her son to work.●

CONGRATULATING JUDGE RENA MARIE VAN TINE

● Mr. DURBIN. Madam President, I rise to recognize and congratulate Rena Marie Van Tine of Chicago on her recent appointment as an Associate Judge of the Circuit Court of Cook County, IL. When she was sworn in on June 12, 2001, Ms. Van Tine became not only the first judge in Illinois of South Asian heritage, but the first female Indian American judge in the Nation.

With a fast-growing community of Asian Americans in Cook County, it is important that the Judiciary reflects the diversity of the people it serves. I applaud Chief Judge Donald P. O'Connell and other Circuit Judges of Cook County for electing this outstanding lawyer to join them on the bench.

Judge Van Tine is a highly experienced attorney with a distinguished record of service to the people of Illinois. She most recently served as Special Counsel to Illinois State Comptroller Daniel W. Hynes, in a position where she oversaw the regulation of approximately one billion dollars in Illinois consumer trust funds entrusted pursuant to the laws governing the cemetery and funeral industries.

Prior to joining the Comptroller's Office, Judge Van Tine was a Cook County Assistant State's Attorney for 12 years. In this capacity she tried hundreds of cases, both in the Criminal Division where she prosecuted violent offenders, as well as in the Civil Division where she saved taxpayers millions of dollars in lawsuits.

In addition to her public service positions, Judge Van Tine has been active with voluntary bar activities. A past president of the Asian American Bar Association and a former executive committee member of the Alliance of Bar Associations for Judicial Screening, she is currently on the board of the Women's Bar Association of Illinois, and is a founding member of the Chicago chapter of the Indian-American Bar Association.

Her contributions to the legal profession are extensive. Judge Van Tine was an adjunct professor for Trial Advocacy at the Chicago-Kent College of Law, and has served as a mock judge for local and national moot court competitions. She has written a book chapter in the American Bar Association's publication of "Dear Sisters, Dear Daughters: Words of Wisdom from Multicultural Women Attorneys Who've Been There and Done That." She also assisted in establishing a legal clinic at the Indo-American Center, which has been providing legal assistance to the Asian American community since 1997.

Judge Van Tine has made numerous appearances at law schools, bar programs, and symposiums to educate law students, attorneys, and community members about various aspects of law and issues affecting Asian Americans, such as hate crimes. She has also discussed the issue of running ethical judicial campaigns on a cable program aired by the Illinois Judges Association.

Judge Van Tine is a member of the Fourth Presbyterian Church where she has participated in conducting Cabrini Green Health workshops for children, serving as a Cook County Hospital candy striper, and volunteering as a Sunday nursery school teacher.

Judge Van Tine earned her law degree at New York Law School and her undergraduate degree from Oakland University. She has completed several graduate courses at Michigan State University focusing on inter-cultural communication. Judge Van Tine has been married for 13 years to Matthew Van Tine, an attorney specializing in commercial and antitrust litigation. They have a young daughter named Kristen.

As the senior Senator of the State of Illinois, I ask my colleagues to join me on the occasion of her appointment to the bench in congratulating Rena Marie Van Tine for all of her accomplishments.●

TRIBUTE TO DONNA CENTRELLA

● Mrs. CLINTON. Madam President, I rise today to pay tribute to Donna Centrella, a very special woman whom I met 2 years ago during my campaign in New York. Donna died on Monday after a long, brave battle with ovarian cancer.

I first met Donna in September 1999 when I visited Massena Memorial Hospital in Massena, NY. Donna had been diagnosed with ovarian cancer in August, but did not have health insurance to cover her treatment. Miraculously, she found a doctor who would treat her without insurance and she was able to afford care through a variety of State programs.

Perhaps even more astounding was her doctor's statement that she was actually better off without managed care coverage because he could better treat her that way. Without HMO constraints, they were free to make the decisions about the best procedures to follow for her treatment and care: Her doctor could keep her in the hospital as long as needed and he would not have to get pre-approval for surgery.

I have retold Donna's unbelievable story many times since meeting this extraordinary woman. Hers is a story that underscores the profound need in this country for immediate reform of the way we provide health coverage to our citizens. We owe it to patients like Donna to sign patient protections into law as soon as possible to ensure that we can provide the best medical treatment possible to everyone who needs it.

We have lost an ally, but I have faith that we will not lose the fight for greater patient protections. It saddens me greatly that Donna will not be here to see it happen. She was an amazing soul whose determination and strength I will never forget.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 23, 2001.*

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on July 20, 2001, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–139. A resolution adopted by the National Black Chamber of Commerce, Inc. relative to energy; to the Committee on Energy and Natural Resources.

POM–140. a resolution adopted by the City Council of Berea, Ohio relative to the Domestic Steel Industry; to the Committee on Finance.

POM–141. A petition presented by the Council on Administrative Rights entitled "Reaffirm America"; to the Committee on Finance.

POM–142. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to the Individuals with disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION 13

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, the IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, the IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted the Individuals with Disabilities Education act, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 14 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring;

That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the Individuals with Disabilities Education Act to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–143. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to authorizing greater state regulation of gas pipelines carrying other hazardous substances; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION 12

Whereas, ensuring the safety of citizens residing near pipelines carrying hazardous substances and protecting the surrounding environment from the deleterious effects of pipeline spills are vital state and local responsibilities, yet the federal government is responsible for the oversight of interstate pipelines; and

Whereas, several significant pipeline spills have occurred in other parts of the nation in recent years, including a major petroleum spill in Bellingham, Washington, resulting in a fire which killed 3 people and destroyed much of a city park; and

Whereas, Washington governor Gary Locke thereafter formed a study team of local and state fuel accident response agencies, which in the course of numerous meetings, briefings, and public hearings learned that current federal oversight of pipeline safety is inadequate in many respects; and

Whereas, the state of Washington is providing an example of how oversight of pipeline safety can be effectively accomplished at the state level by developing a strong, coordinated program of state and local oversight of pipeline safety that will be well integrated with concurrent federal oversight; and

Whereas, such state programs cannot be fully implemented without action by the Congress and the President to modify existing statutes and provide necessary administrative and budgetary support; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That Congress enact legislation amending the federal Pipeline Safety Act (49 U.S.C. Section 60101, et seq.) to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce; and

That such act be further amended to allow states at their option to seek authority to administer and enforce federal pipeline safety standards; and

That as an interim measure pending congressional consideration of such legislative enactments the President direct the federal Office of Pipeline Safety to grant authority to states that qualify to enforce federal standards; and

That Congress increase funding to assist states in responding to pipeline accident emergencies, to implement pipeline safety measures, to support states with delegated authority to enforce federal standards, and to the Office of Pipeline Safety for additional research and development of technologies for testing, leak detection, and oversight operations; and

That the clerk of the New Hampshire house of representatives forward copies of this resolution to the President of the United States, the Secretary of the United States Department of Transportation, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the New Hampshire congressional delegation.

POM–144. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to allowing military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION 1

Whereas, American servicemen and women have dedicated their careers to protecting the rights we all enjoy; and

Whereas, military personnel endure hardships, the threat of death and disability, and long separation from their families in service to their country; and

Whereas, career military personnel accrue retirement pay based on longevity of service and rank at retirement; and

Whereas, service-connected disability pay serves a different purpose from longevity retirement pay and is intended to compensate military personnel for pain, suffering, disfigurement, and impaired earning ability to due to disability; and

Whereas, under a 19th century law that is still in effect, military retirees are denied concurrent receipt of full retirement pay and service-connected disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation; and

Whereas, no other federal employees face a reduction in civil service retirement benefits if they also receive compensation for a service-connected disability; and

Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to treat career military retirees like other federal retirees and permit them to receive service-connected disability compensation without requiring a concurrent deduction from retirement pay; and

Whereas, it is fundamentally unfair to require military veterans to essentially fund their own disability compensation by offsetting it against retirement benefits earned in service to their country; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the general court of New Hampshire hereby urges the United States Congress to enact legislation to allow disabled, military retirees to receive service-connected disability compensation benefits without requiring them to waive an equal amount of retirement pay; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the chairpersons of committees of the United States Congress having jurisdiction over Veterans Affairs, the Secretary of Defense; and each member of the New Hampshire congressional delegation.

POM–145. A concurrent resolution adopted by the House of the Legislature of the State of New Hampshire relative to supporting the electoral college; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 10

Whereas, the President of the United States has been elected by the electoral college since the adoption of the Constitution; and

Whereas, the electoral college promotes moderation in the political process by encouraging the consideration of varying perspectives and discouraging the exclusion of minorities of all types, including geographic and philosophical minorities; and

Whereas, the electoral college preserves and recognizes the importance of states as states; and

Whereas, the electoral college promotes the separation of powers, without which a federal system of government cannot successfully function; and

Whereas, the constitutional concepts of the electoral college, the bicameral legislature, and the nonelective judiciary serve to articulate the superiority of fundamental rights over majoritarianism; and

Whereas, the abolition of the electoral college necessarily entails the abandonment of a constitutionally-enshrined and historically-tested system in favor of an uncertain alternative requiring federal control of the electoral process; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the preservation of the electoral college is in the best interests of this nation and all of its citizens; and

That any attempt to amend the Constitution to abolish the electoral college should be defeated; and

That the clerk of the New Hampshire house of representatives forward copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of the New Hampshire congressional delegation.

POM-146. A joint resolution adopted by the Legislature of the State of New Hampshire relative to expanding eligibility for membership in the American Legion; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 1

Whereas, membership in the American Legion is restricted to veterans who served during certain periods set by Congress of wartime service; and

Whereas, membership in the American Legion is declining; and

Whereas, many otherwise qualified veterans are prevented from joining the American Legion due to the restrictions on dates of service; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the general court of the state of New Hampshire hereby urges Congress to expand membership in the American Legion to include all veterans with records of honorable, active duty service in the United States Armed Forces, regardless of dates of service; and

That copies of this resolution shall be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, and to each member of the New Hampshire congressional delegation.

POM-147. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to insurance coverage for loss, damage, or diminution in value to property caused by drought; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 140

Whereas, drought is a complex physical and social phenomenon of widespread significance; and

Whereas, drought damage is unforeseenable and not immediately identifiable; and

Whereas, the ongoing drought in some parts of the country has an adverse impact on the economic growth; and

Whereas, many insurers will not recognize damages to property caused by varied climatic conditions, lack of precipitation for extended periods of time being just one example; and

Whereas, many homeowner insurers do not recognize structural damage caused by foundation shifts due to adjustments in subsurface water levels as covered under their respective policy provisions or within the policy definition as an "Act of God"; and

Whereas, millions of homeowners are forced to bear the financial burden to repair homes for damage caused by natural circumstances beyond their conrol but for which homeowner insurance policies should protect against: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to study the feasibility of insurance coverage for loss, damage, or diminution in value to property caused by drought: Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-148. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the pending charter boat moratorium in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 50

Whereas, the charter fishing industry in Louisiana is in its infancy but has begun a period of healthy growth which can only be beneficial to the state's overall economic development and the capture of tourist dollars; and

Whereas, the Gulf States Fishery Management Council voted this spring to send to the National Marine Fisheries Service a recommendation for a three-year moratorium on the issuance of new charter vessel permits for reef and coastal migratory pelagic fishing; and

Whereas, the genesis of the recommended moratorium was concern about the area of the Gulf of Mexico near Florida where the charter industry is much more mature, much more widespread, and has created a situation where there are too many boats with too many fishermen competing for too few fish; and

Whereas, the charter industry in Louisiana exists in a significantly different environment, one where there is not an overabundance of permitted charter boat captains and where there is an abundance of habitat and fish which should result in a productive charter industry; and

Whereas, a productive and expanding charter industry would be of great benefit to the economic health of the state, a benefit that would be denied the state of Louisiana if the moratorium were adopted and new charter captains would not be eligible for permitting. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the Louisiana Congressional delegation and the United States Congress to express its desire to the National Marine Fisheries Service that the pending charter boat moratorium in the Gulf of Mexico not be implemented. Be it further

Resolved, That if a moratorium is considered by the National Marine Fisheries Service, that the moratorium be limited to the eastern Gulf of Mexico with an authorization for continued expansion of the industry in the western Gulf of Mexico where there are no issues of overcrowding. Be it further

Resolved, That a copy of this Resolution be forwarded to each member of the Louisiana Congressional delegation and to the presiding officers of the United States House of Representatives and the United States Senate.

POM-149. A resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 76

Whereas, it has been almost four years since the environmental impact statement was prepared for the Oil and Gas Lease Sales 169, 172, 175, 178, and 182 in the Gulf of Mexico; and

Whereas, as a result of public testimony in response to that environmental impact statement, there was recognition of the significant impact which will be felt relative to the infrastructure in offshore activity focal points such as Port Fourchon and LA Highway 1 through the parish of Lafourche; and

Whereas, at the present time, 40 of the 45 deep water rigs working in the Gulf of Mexico are being serviced through Port Fourchon, as are many of the rigs located on the Outer Continental Shelf, with the accompanying increase in land traffic and inland waterway traffic, all primarily through the parish of Lafourche; and

Whereas, efforts have so far failed to develop plans to mitigate these present and well-documented impacts while efforts to increase the number of leases in the Gulf of Mexico continue with no apparent effort to provide mitigation for current or increased impacts. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana does hereby memorialize the Congress of the United States to direct the Minerals Management Service of the United States Department of the Interior to develop a plan for impact mitigation relative to the Outer Continental Shelf oil and gas lease sales in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, to each member of the Louisiana Congressional delegation, and to the director of the Minerals Management Service.

POM-150. A resolution adopted by the Senate of the State of Louisiana relative to repealing mandatory minimum sentences; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 75

Whereas, the rising cost of incarceration at all levels is placing an increased fiscal burden on state and local governments; and

Whereas, studies continue to indicate that incarceration is not always the answer or the cure-all for crime and its consequences in the nation; and

Whereas, alternatives to incarceration, such as pre-trial intervention programs, drug courts, and restorative justice, are proving to be more effective in rehabilitation of offenders as well as in lowering incidents of recidivism; and

Whereas, only through rehabilitation, educational opportunities, and re-entry and acceptance into the community can an offender make the transition from societal dropout to community contributor; and

Whereas, each offense and each offender's potential must be judged individually by the court system to determine, within statutory guidelines, the consequence which will be most beneficial to society; and

Whereas, realizing the expense and the limitations placed on sentencing options by minimum mandatory sentencing, the state of Louisiana has removed minimum mandatory sentencing for non-violent crimes in the state through passage of Senate Bill 239 during the 2001 Regular Session; and

Whereas, the repeal of mandatory minimum sentencing on a national level is necessary to fully address the issue. Therefore, be it

Resolved, That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to repeal mandatory minimum sentences. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–151. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the problem of sexual trafficking; to the Committee on the Judiciary.

Senate Concurrent Resolution No. 29

Whereas, recent headlines have called greater attention to the widespread and growing problem of sexual trafficking in the United States and worldwide; and

Whereas, the selling of young women into sexual slavery is one of the fastest growing criminal enterprises in our global economy with an estimated 45,000 to 50,000 women and children trafficked annually to the United States for "the sex industry and for labor," according to a report by the Center for the Study of Intelligence; and

Whereas, victims have traditionally come from Southeast Asia and Latin America, the trade has been expanded so that victims are increasingly coming from Central and Eastern Europe; and

Whereas, traffickers lure desperately poor young women and their families with false promises of money, jobs, and better opportunities abroad and once in the United States, women find themselves trapped into forced prostitution without money or legal help to escape; and

Whereas, women also are trafficked for forced domestic and sweatshop labor, which often involves sexual violence and exploitation as well; and

Whereas, trafficking victims suffer extreme physical and mental abuse, including rape, imprisonment, forced abortions, and physical brutality, and they also face an enormous risk of HIV infection from male "customers" who seek younger and younger girls for sexual exploitation; and

Whereas, as in many countries, existing United States laws are inadequate to punish traffickers or to protect and assist the women and girls who are their prey. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to address the problem of sexual trafficking and to support the bipartisan federal initiatives to prosecute traffickers and assist victimized women and girls. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001." (Rept. No. 107–44).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002" (Rept. No. 107–45).

By Mr. SARBANES, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1218. An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 1218. An original bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. GRASSLEY:

S. 1219. A bill to amend the Internal Revenue Code of 1986 to include swine and bovine waste nutrients as a renewable energy resource for the renewable electricity production credit, and for other purposes; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. Smith of Oregon, Mr. Schumer, Mr. Specter, and Mr. Durbin):

S. 1220. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 1221. A bill to amend title 38, United States Code, to establish an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for himself, Mr. Edwards, Mr. Feingold, Mr. Johnson, Mrs. Lincoln, Mrs. Clinton, Mr. Kennedy, Mr. Hollings, Mr. Bayh, Ms. Mikulski, Mrs. Boxer, Mr. Torricelli, Mr. Durbin, Mr. Corzine, Mr. Sarbanes, Mr. Reid, Ms. Landrieu, Mr. Schumer, Mr. Dorgan, Mrs. Feinstein, Mr. Cleland, Mr. Kerry, Mr. Inouye, Mr. Murkowski, Mr. Cochran, Mr. Specter, Mr. Craig, Mr. Thurmond, Mr. Crapo, Mr. Helms, Mr. Hatch, Mr. Warner, Mr. Brownback, Mr. Shelby, Mr. Sessions, Mr. Inhofe, Mr. Allen, Mr. Dayton, Ms. Stabenow, Mr. Reed, Mr. Breaux, Mr. Lieberman, Mr. Wellstone, Mr. Grassley, Mr. Ensign, Ms. Collins, Mr. Stevens, Mrs. Hutchison, Mr. DeWine, Ms. Snowe, Mr. Santorum, Mr. Hagel, and Mr. Roberts):

S. Res. 138. Designating the month of September as "National Prostrate Cancer Awareness Month" to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. Inouye, the name of the Senator from North Carolina (Mr. Edwards) was added as a cosponsor of S. 70, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 159

At the request of Mrs. Boxer, the names of the Senator from Connecticut (Mr. Lieberman), the Senator from Vermont (Mr. Jeffords), the Senator from Michigan (Mr. Levin), the Senator from New York (Mrs. Clinton), and the Senator from New Jersey (Mr. Corzine) were added as cosponsors of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 349

At the request of Mr. Hutchinson, the names of the Senator from Vermont (Mr. Jeffords) and the Senator from Ohio (Mr. DeWine) were added as cosponsors of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 357

At the request of Mr. Frist, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 357, a bill to amend the Social Security Act to preserve and improve the medicare program.

S. 358

At the request of Mr. Frist, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 358, a bill to amend the Social Security Act to establish a Medicare Prescription Drug and Supplemental Benefit Program and for other purposes.

S. 538

At the request of Mrs. Feinstein, the name of the Senator from Illinois (Mr.

FITZGERALD) was added as a cosponsor of S. 538, a bill to provide for infant crib safety, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 548

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 584

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 584, a bill to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall States Courthouse".

S. 615

At the request of Mr. KOHL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 615, a bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage bond financing, and for other purposes.

S. 661

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel exercise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 662

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 662, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 760

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 804

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 804, a bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to required fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to raise the fuel economy of the Federal fleet of vehicles, and for other purposes.

S. 838

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 913

At the request of Ms. SNOWE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 932

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 932, a bill to amend the Food Security Act of 1985 to establish the conservation security program.

S. 989

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 989, a bill to prohibit racial profiling.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1075

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1078

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1078, a bill to promote brownfields redevelopment in urban and rural areas and spur community revitalization in low-income and moderate-income neighborhoods.

S. 1079

At the request of Mr. LEVIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1079, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 1125

At the request of Mr. MCCONNELL, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. LUGAR), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1126

At the request of Mr. BROWNBACK, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1126, a bill to facilitate the deployment of broadband telecommunications services, and for other purposes.

S. 1204

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 1219. A bill to amend the Internal Revenue Code of 1986 to include swine and bovine waste nutrients as a renewable energy resource for the renewable electricity production credit, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, for years I have worked to decrease our reliance on foreign sources of energy and accelerate and diversify domestic energy production. I believe public policy ought to promote renewable domestic production that burns clean energy.

For this reason, I will be introducing the Providing Opportunities With Effluent Renewables, or POWER Act today which cultivates another homegrown resource: swine and bovine waste nutrients.

Section 45 of the Internal Revenue Code provides a production tax credit for electricity produced from renewable sources. Currently, the production tax credit is available for wind, closed-loop biomass, and poultry waste. The POWER Act will modify Section 45 to include swine and bovine waste nutrient as a renewable energy source.

The benefits of swine and bovine waste nutrient as a renewable resource are enormous. Right now, there are at least 20 dairy and hog farms in the United States that use an anaerobic digester or similar systems to convert manure into electricity. These facilities include swine and/or dairy operations in California, Wisconsin, New York, Connecticut, Vermont, North Carolina, Pennsylvania, Virginia, Colorado, Minnesota, and my home State of Iowa.

By using animal waste as an energy source, a livestock producer can reduce or eliminate monthly energy purchases from electric and gas suppliers. In fact, a dairy operation in Minnesota that uses this technology generates enough electricity to run the entire dairy operation, saving close to $700 a week in electricity costs. This dairy farm also sells the excess power to their electrical provider, furnishing enough electricity to power 78 homes each month, year round.

The benefits of using an anaerobic digester do not end at electricity production. Using this technology can reduce and sometimes nearly eliminate offensive odors from the animal waste. In addition, the process of anaerobic digestion results in a higher quality fertilizer. The dairy farm I referenced earlier estimates that the fertilizing value of the animal waste is increased by 50 percent. Additional environmental benefits include mitigating animal waste's contribution to air, surface, and groundwater pollution.

With all the problems that this type of opportunity remedies, I'm sure there will be a number of folks wondering why we haven't tried this before. The reason is, even if we had provided swine and bovine producers with tax incentives to produce renewable energy, they probably wouldn't have had access to the capital necessary for infrastructure development.

In fact, there was a segment on National Public Radio last week addressing the topic of anaerobic digester energy production. A professor from Cal State University who is an expert on anaerobic digesters was interviewed. The professor explained that the main reason farmers have not pursued this type of opportunity is cost.

For that reason, in addition to the tax credit opportunity I'm providing under section 45, I'm also going to guarantee within the POWER Act that funds be made available under the Environmental Quality Incentives Program for the development of anaerobic digesters.

Currently, the Environmental Quality Incentives Program provides funding for technical, educational, and financial assistance to farmers and ranchers for soil, water, and related natural resource concerns on their land. A component of the program allows for improvements to farm manure management systems. The POWER Act will guarantee that payments, up to two years worth of funding which currently amount to $100,000, would be made available to producers for "cost sharing" opportunities related to anaerobic digester implementation.

Using swine and bovine waste nutrient as an energy source can cultivate profitability while improving environmental quality. Maximizing farm resources in such a manner may prove essential to remain competitive and environmentally sustainable in today's livestock market.

In addition, more widespread use of this technology will create jobs related to the design, operation, and manufacture of energy recovery systems. The development of renewable energy opportunities will help us diminish our foreign energy dependence while promoting "green energy" production. This tax/farmbill proposal is real "win-win" situation for America and for our livestock producers.

Using swine and bovine waste nutrient is a perfect example of how the agriculture and energy industries can come together to develop an environmentally friendly renewable resource. My legislation will foster increased investment and development in waste to energy technology thereby improving farmer profitability, environmental quality, and energy productivity and reliability.

Why should we promote swine and bovine waste nutrient as an energy source? Consider the recent electricity shortage in California, the sky-high prices at the pump throughout last year and the soaring cost of home heating fuel and natural gas this winter. We have an obligation to consumers across the country to accelerate the nation's production of homegrown, clean-burning, renewable sources of energy.

The POWER Act is good for agriculture, good for the environment, good for energy consumers, and promotes a good, make that great, renewable resource that will reduce our energy dependence on foreign fuels. It is my hope that all of my colleagues join with me to advance this important piece of legislation.

By Mr. BREAUX (for himself, Mr. SMITH of Oregon, Mr. SCHUMER, Mr. SPECTER, and Mr. DURBIN):

S. 1220. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation or improvement of railroad track; to the Committee on Commerce, Science, and Transportation.

Mr. BREAUX. Mr. President, today my colleague Senator SMITH of Oregon and I have introduced the Railroad Track Modernization Act. As chairman and ranking member of the Surface Transportation and Merchant Marine Subcommittee of the Senate Commerce, Science, and Transportation Committee, the needs of the Nation's small railroads have been brought to our attention by railroad experts during hearings concerning the state of the railroad industry. Our colleagues Senators SCHUMER, DURBIN, and SPECTER join us in introducing this legislation.

Short line railroads have saved tens of thousands of miles of light density rail line from abandonment. In 1980, there were 220 short line railroads in the U.S. Today there are over 500 short line railroads, due in part to the mergers and streamlining of Class I operations which encouraged the larger companies to sell off their little-used or abandoned branch lines. Short line and regional railroads are an important and growing component of the railroad industry. Today they operate and maintain 20 percent of the American railroad industry's route mileage and account for 9 percent of the rail industry's freight revenue and 11 percent of railroad employment.

These line railroads employ approximately 25,000 individuals, serve thousands of local and rural shippers and are often the only connection these shippers have to the national rail network. To survive, this infrastructure needs to be upgraded in order to move the heavier cars that are currently being moved by the Class I railroads. The revenues of the smaller railroads are not sufficient to get the job done.

Since 1982, the short lines and regional have maintained the track in rural areas where rail service would have been abandoned by the Class I railroad. Because of their relatively low traffic levels, the Class I railroads could not afford to invest in this infrastructure and, as a result, allowed these lines to slowly deteriorate. With a lower cost structure and more flexible service, short line companies that both the track have been able to keep them going. However, the revenue is still not high enough to make up for past years of neglect.

Today, two factors have combined to bring this situation to a head. First, the advent of the heavier 286,000-pound cars that are becoming the standard of the Class I industry puts a greater premium on speed and precisely scheduled operations, the short line railroads must meet these higher standards or be cut off from the national system.

This legislation does not create a long term program to fix this problem, but instead it creates a one time fix for this problem. While these small railroads have enough traffic to operate profitably on an ongoing basis, they do not earn enough to make the large capital investment required by the advent of the 286,000-pound cars or the need to significantly increase speed. This legislation would authorize a program which could provide grants to the nation's smaller railroads to help them make the improvements needed to stay in business and continue to serve small shippers.

This legislation is of vital importance to the economy of Louisiana and the Nation. Louisiana is home to ten small freight railroads that maintain rail service on over 500 miles of track. Without these small railroads, dozens of Louisiana communities and hundreds of employees would be cut off from our national rail network.

In addition, small railroads are vital to the safety of our highways. Every loaded rail car keeps as many as four trucks off to our nation's roads. At a time when we face record congestion and unprecedented delays we can ill afford the influx of trucks caused by the failure of the small freight railroad system. Millions of additional trucks per year is not only bad for our interstate highways, but also for the state rural roads in Louisiana. These roads will bear the brunt of damage caused by the trucks, while dramatically increasing our highway costs.

The Timber Rock Railroad, TIBR, serves Beauregard Parrish and handles 15,000 carloads of freight per year, of which lumber and coal are the major commodities. Without the existence of TIBR, many major employers in western Louisiana such as Boise Cascade, Louisiana Pacific and Energy Gulf States would be without any rail service at all. The New Orleans and Gulf Coast Railway runs for 24 miles from Gouldsboro Yard in New Orleans through Orleans, Jefferson, and Plaquemine Parishes to Myrtle Grove. New Orleans and Gulf Coast, NOGC, serves shippers such as Chevron Chemical's Oak Point Plant, Harvest States' Myrtle Grove Grain Export Terminal, and TOSCO Petroleum's refinery at Alliance. Rail is the safest mode of transportation for hazardous materials, and by transporting hazardous materials by rail NOGC keeps hundreds of truckloads of dangerous cargoes off of Highway 23 and the streets of New Orleans. The Louisiana & Delta Railroad, L&D, is headquartered in New Iberia, LA and operates 114 miles of track carrying 12,000 carloads of carbon black, sugar, molasses, pipe, rice and paper products. The railroad serves dozens of customers in Lafayette, St. Martin, Vermilion, Iberia, St. Mary, Assumption, and Lafourche Parishes. In order to upgrade the infrastructure of Louisiana's short lines and those around the nation who provide the same kind of local service as the TIER, NOGC, and L&D, the Railroad Track Modernization Act should be passed.

I look forward to working with my colleagues on this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Railroad Track Modernization Act of 2001".

SEC. 2. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

"CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

"Sec.
"22301. Capital grants for railroad track.

"§ 22301. Capital grants for railroad track

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound rail cars. Grants may be provided under this chapter—

"(A) directly to the class II or class III railroad; or

"(B) with the concurrence of the class II or class III railroad, to a State or local government.

"(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

"(3) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

"(4) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations to implement the program under this section.

"(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case by case basis consistent with this chapter.

"(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of the Railroad Track Modernization Act of 2001.

"(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

"(e) ADDITIONAL PURPOSE.—In addition to making grants for projects as provided in subsection (a), the Secretary may also make grants to supplement direct loans or loan guarantees made under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)), for projects described in the last sentence of section 502(d) of such title. Grants made under this subsection may be used, in whole or in part, for paying credit risk premiums, lowering rates of interest, or providing for a holiday on principal payments.

"(f) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of the Railroad Track Modernization Act of 2001.

"(g) LABOR STANDARDS.—

"(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

"(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

"(h) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $350,000,000 for each of the fiscal years 2002 through 2004 for carrying out this section.".

(b) CONFORMING AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

"223. CAPITAL GRANTS FOR RAILROAD TRACK .... 22301".

By Mr. SPECTER:

S. 1221. A bill to amend title 38, United States Code, to establish an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. SPECTER. Madam President, I have sought recognition at this time to comment briefly on legislation that I have introduced today to address an injustice now contained in statutory formulas which define which veterans will, and will not, be allowed priority access to free Department of Veterans Affairs, VA, health care services. To simplify, VA currently provides access to health care under the following priority scheme: veterans who have suffered service-connected disabilities have first opportunity to enroll for VA care; then, veterans who are former prisoners of war, those who are catastrophically disabled, and those who have no where else to turn for health care because of financial constraints may enroll for VA care; and, finally, veterans who simply choose to seek VA care even though they can afford care elsewhere, and, in testimony to the quality of care VA provides, many do, are invited to enroll. Currently, VA welcomes all veterans to enroll for care, and VA generally turns away no veteran who seeks hospital or clinical care. But lower priority patients are required to make copayments for the care and the medications they receive from VA.

As I have noted, poor veterans, technically, those who are classified as being "unable to defray the expenses of necessary care," have priority over veterans who have nonservice-connected illnesses or disabilities. In order to determine who is, in fact, "unable to defray," VA uses a single, national "means test." In effect, a veteran without dependents who has an annual income of less than $23,688 has priority access to VA care at no charge; a veteran with a higher annual income who does not otherwise qualify for priority status is required to make a copayment to receive the same care. In addition, that patient is placed in the pool of "discretionary" patients who face the risk of disenrollment should VA budget shortfalls ever require limiting enrollment.

A single, national "means test" applies irrespective of cost-of-living variations among geographic localities. In many other Federal pay and benefits systems, by contrast, geographic cost-of-living variations are taken into consideration. For example, the housing allowance paid to active duty service members is based on the average housing costs in the area they are assigned; salary and wage payments to Federal employees, while utilizing national pay scales, also contain locality adjustments; and, benefits afforded to low income families by the Department of Housing and Urban Development, HUD, are based on median family income in the area in which the applicant resides. VA's "means test" should also take such local cost-of-living variations into account. Today, I introduce legislation which would require VA to do so.

My legislation would adjust VA's current "means test" to allow veterans who live in high-cost areas, such as Philadelphia, to qualify for priority status in VA hospitals even if their incomes are slightly higher than VA's single, national threshold amount. My bill would provide for an additional formula to measure a veteran's "unable to defray" status, the "Low Income index" established by HUD under the U.S. Housing Act of 1937. That index defines "low income" by reference to the median family income in the Metropolitan Statistical Area in which the applicant lives. Clearly, a formula which takes into account local variations in income, and, thus, the local cost of living, more fairly measures a veteran's actual ability to assist in defraying the cost of his or her medical care. I note, however, that the current VA formula would also be retained lest veteran-patients who live in relatively low cost areas lose priority status they might currently have under that formula. It is not my intention to shrink the pool of priority patients; it is my intention to expand it by allowing more low income persons, particularly the urban poor, to qualify.

I ask my colleagues to join with me in improving VA's medical care priority "means test" so that it more accurately accomplishes its true purpose of measuring whether a veteran can, or cannot, be expected to assist in defraying the cost of his or her necessary medical care. Such a test, clearly, must take into account variations in the cost-of-living in the locality in which the veteran resides.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1221

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL BASIS FOR ESTABLISHMENT OF INABILITY TO DEFRAY EXPENSES OF NECESSARY CARE.

(a) ADDITIONAL BASIS.—Section 1722(a) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(4) the veteran (including any applicable part of the veteran's family) is eligible for treatment as a low-income family under section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) for the area in which the veteran resides.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2002, and shall apply with respect to years beginning after December 31, 2001.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 138—"DESIGNATING THE MONTH OF SEPTEMBER AS NATIONAL PROSTATE CANCER AWARENESS MONTH"

Mr. BURNS (for himself, Mr. EDWARDS, Mr. FEINGOLD, Mr. JOHNSON, Mrs. LINCOLN, Mrs. CLINTON, Mr. KENNEDY, Mr. HOLLINGS, Mr. BAYH, Ms. MIKULSKI, Mrs. BOXER, Mr. TORRICELLI, Mr. DURBIN, Mr. CORZINE, Mr. SARBANES, Mr. REID, Ms. LANDRIEU, Mr. SCHUMER, Mr. DORGAN, Mrs. FEINSTEIN, Mr. CLELAND, Mr. KERRY, Mr. INOUYE, Mr. MURKOWSKI, Mr. COCHRAN, Mr. SPECTER, Mr. CRAIG, Mr. THURMOND, Mr. CRAPO, Mr. HELMS, Mr. HATCH, Mr. WARNER, Mr. BROWNBACK, Mr. SHELBY, Mr. SESSIONS, Mr. INHOFE, Mr. ALLEN, Mr. DAYTON, Ms. STABENOW, Mr. REED, Mr. BREAUX, Mr. LIEBERMAN, Mr. WELLSTONE, Mr. GRASSLEY, Mr. ENSIGN, Ms. COLLINS, Mr. STEVENS, Mrs. HUTCHISON, Mr. DEWINE, Ms. SNOWE, Mr. SANTORUM, Mr. HAGEL, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 138

Whereas over 1,000,000 American families live with prostate cancer;

Whereas 1 American man in 6 will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly diagnosed nonskin cancer and the second most common cancer killer of American men;

Whereas 198,100 American men will be diagnosed with prostate cancer and 31,500 American men will die of prostate cancer in 2001, according to American Cancer Society estimates;

Whereas fully ¼ of new cases of prostate cancer occur in men during their prime working years;

Whereas African Americans have the highest incidence and mortality rates of prostate cancer in the world;

Whereas screening by both digit rectal examination and prostate specific antigen blood test (PSA) can diagnose the disease in earlier and more treatable stages and have reduced prostate cancer mortality;

Whereas the research pipeline promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating Americans, including health care providers, about prostate cancer and early detection strategies is crucial to saving men's lives and preserving and protecting our families: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of September as "National Prostate Cancer Awareness Month";

(2) declares that the Federal Government has a responsibility—

(A) to raise awareness about the importance of screening methods and treatment of prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the causes of, and improved screening, treatments, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) requests the President to issue a proclamation calling upon the people of the United States, interested groups, and affected persons to promote awareness of prostate cancer, to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy and to observe the month of September with appropriate ceremonies and activities.

Mr. BURNS. Mr. President, today prostate cancer remains the most commonly diagnosed non-skin cancer in America. According to estimates by the American Cancer Society and the National Cancer Institute, NCI, more than 198,000 American men will learn that they have the disease within the year. Nearly 32,000 American men will lose their lives to prostate cancer this year, making it the second most common cause of cancer death among men. Those statistics translate into devastating realities for men and families across this country.

This disease will affect one in six men in the United States during his lifetime. More than 25 percent of those battling this disease are under the age of 65, prime years of productivity for families and for this Nation. The number of Americans impacted by cancer, and prostate cancer, is expected to grow. If unchecked during the next decade, cancer incidence and mortality rates could increase by 25–30 percent. In too many cases, prostate cancer is still undetected until advanced stages of the disease, when conventional therapies no longer work. This makes it critical that all American families understand the risks of prostate cancer and take measures to ensure early detection.

If a man has one close relative with prostate cancer, his risk of the disease is double. With two close relatives, his risk is fivefold. Should he have three close relatives, his likelihood of a prostate cancer diagnosis is nearly certain. African American families are at particular risk. African American men have the highest incidence and mortality rates in the world. According to the National Prostate Cancer Coalition, we must raise public awareness about the impact of prostate cancer and emphasize early detection with the PSA, Prostate Specific Antigen, blood test. Over the last two years prostate cancer mortalities have decreased by 14 percent. This shows that, with the right investment in education and research, we are already saving lives.

I would like to congratulate President Bush for honoring his promise to make meaningful investments in biomedical research. Commitments such as these are bringing us closer to doubling the funding at the National Institutes of Health, NIH, and put us on the right track to dramatically increase the level of funding for research at the National Cancer Institute, NCI, by FY 2003. His commitment and leadership is paramount to the investments needed in the fight against prostate cancer.

In an effort to help increase awareness and educate American men and their families about prostate cancer and early detection, as well as emphasize the need for more prostate cancer research, I ask unanimous consent to consider a resolution that designates every September as the National Prostate Cancer Awareness Month. Together, Senator REID and I, along with many others, ask for your support and encourage all of our colleagues to join us in raising awareness.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1032. Mr. CLELAND (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1033. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1034. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1035. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1036. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1037. Mr. REID (for himself, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1038. Mrs. MURRAY (for Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1039. Mrs. MURRAY (for Mr. THOMAS) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

TEXT OF AMENDMENTS

SA 1032. Mr. CLELAND (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . NOISE BARRIERS, GEORGIA.

Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers—

(1) at the locations identified in section 358 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (113 Stat. 1027); and

(2) on the west side of Interstate Route 285 from Henderson Mill Road to Chamblee Tucker Road in DeKalb County, Georgia.

SA 1033. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . PRIORITY HIGHWAY PROJECTS, GEORGIA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Georgia shall give priority consideration to the following projects:

(1) Improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the bridge over the Chattahoochee River.

(2) Widening Abernathy Road from 2 to 4 lanes from Johnson Ferry Road to Roswell Road.

SA 1034. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, line 16, before the semicolon, insert the following: ", of which $3,000,000 shall be set aside to conduct the study of east-west transportation infrastructure in the northeastern United States and Canadian Provinces described in section 3 ".

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . STUDY OF EAST-WEST TRANSPORTATION INFRASTRUCTURE IN THE NORTHEAST.

(a) IN GENERAL.—Not later than January 31, 2003, the Secretary of Transportation shall—

(1) conduct a study of east-west transportation infrastructure in the northeastern United States and Canadian Provinces (referred to in this section as the "region"); and

(2) submit to Congress a report on the results of the study.

(b) REQUIRED ELEMENTS.—The study shall—

(1) assess the sufficiency of the east-west transportation infrastructure of the region, including—

(A) highway and road connections on the 2 east-west axes from Halifax, Nova Scotia, through Montreal, Quebec, to the Buffalo, New York and St. Catherine, Ontario, area and the Detroit, Michigan, and Windsor, Ontario, area; and

(B) portions of Route 401 in Canada and Interstate Route 90 in central and western New York and connecting systems in the vicinity of Detroit, Michigan;

(2) identify potential alternatives for expanding the east-west transportation infrastructure to complement the transportation infrastructure in existence on the date of enactment of this Act (including north-south infrastructure);

(3) evaluate highway, rail, maritime, and aviation infrastructure;

(4) assess whether the transportation infrastructure in existence on the date of enactment of this Act is sufficient to fulfill the transportation needs of the region;

(5) assess the impact of the North American Free Trade Agreement on the transportation needs of the region;

(6) assess any potential long term economic, safety, and efficiency benefits of improvements to the east-west transportation infrastructure of the region; and

(7) evaluate the impact and consequences of no additional improvements to the east-west transportation infrastructure of the region or marginal improvements to the east-west transportation infrastructure of the region.

(c) Sense of the Senate.—It is the sense of the Senate that the Secretary of Transportation should invite the Government of Canada—

(1) to participate in the study required under this section; and

(2) to contribute to the cost of the study.

SA 1035. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, which was ordered to lie on the table; as follows:

On page 20, line 20, before the semicolon, insert the following: ", of which $6,000,000 shall be set aside for construction of a connector in Portland, Maine, between Interstate Route 295 and Commercial Street".

SA 1036. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 8, before the colon, insert the following: ", of which $2,000,000 of the funds made available for surface transportation research on structures shall be made available to carry out the battery-powered cathodic protection demonstration program described in section 3 ".

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . BATTERY-POWERED CATHODIC PROTECTION DEMONSTRATION PROGRAM.

(a) In General.—The Secretary of Transportation shall carry out a multistate demonstration program to test the use of battery-powered cathodic protection to extend the life of concrete bridges.

(b) Locations.—Under the demonstration program, bridges in each of the States of Alaska, Florida, Maine, Mississippi, and Virginia shall be equipped with cathodic protection systems using batteries as a power source.

(c) Data and Economic Analysis.—Under the demonstration program, the Secretary of Transportation shall—

(1) collect data on cathodic protection of the bridges during a 3-year period; and

(2) conduct an economic analysis on the use of battery power for cathodic protection in various climates and for various levels of bridge use.

(d) Lead Funding Recipient.—Under the demonstration program, the Secretary of Transportation shall provide funds made available to carry out this section to the Department of Transportation of the State of Maine, which shall serve as the lead funding recipient.

SA 1037. Mr. REID (for himself, Ms. MIKULSKI, and Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 81, at the end of lines, insert the following:

Sec. 350. (a) Findings.—Congress makes the following findings:

(1) The condition of highway, railway, and waterway infrastructure across the Nation varies widely and is in need of improvement and investment.

(2) Thousands of tons of hazardous chemicals, and a very small amount of high level radioactive material, is transported along the Nation's highways, railways, and waterways each year.

(3) The volume of hazardous chemical transport increased by over one-third in the last 25 years and is expected to continue to increase. Some propose significantly increasing radioactive material transport.

(4) Approximately 261,000 people were evacuated across the Nation because of rail-related accidental releases of hazardous chemicals between 1978 and 1995, and during that period industry reported 8 transportation accidents involving the small volume of high level radioactive waste transported during that period.

(5) The Federal Railroad Administration has significantly decreased railroad inspections and has allocated few resources since 1993 to assure the structural integrity of railroad bridges. Train derailments have increased by 18 percent over roughly the same period.

(6) The poor condition of highway, railway, and waterway infrastructure, increases in the volume of hazardous chemical transport, and proposed increases in radioactive material transport increase the risk of accidents involving such chemicals and materials.

(7) Measuring the risks of hazardous chemical or radioactive material accidents and preventing such accidents requires specific information concerning the condition and suitability of specific transportation routes contemplated for such transport to inform and enable investment in related infrastructure.

(8) Mitigating the impact of hazardous chemical and radioactive material transportation accidents requires skilled, localized, and well-equipped emergency response personnel along all specifically identified transportation routes.

(9) Accidents involving hazardous chemical or radioactive material transport pose threats to the public health and safety, the environment, and the economy.

(b) Study.—The Secretary of Transportation shall, in consultation with the Comptroller General of the United States, conduct a study of the hazards and risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material.

(c) Matters To Be Addressed.—The study under subsection (b) shall address the following matters:

(1) Whether the Federal Government conducts individualized and detailed evaluations and inspections of the condition and suitability of specific transportation routes for the current, and any anticipated or proposed, transport of hazardous chemicals and radioactive material, including whether resources and information are adequate to conduct such evaluations and inspections.

(2) The costs and time required to ensure adequate inspection of specific transportation routes and related infrastructure and to complete the infrastructure improvements necessary to ensure the safety of current, and any anticipated or proposed, hazardous chemical and radioactive material transport.

(3) Whether Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(4) The costs and time required to ensure that Federal, State, and local emergency preparedness personnel, emergency response personnel, and medical personnel are adequately trained and equipped to promptly respond to accidents along specific transportation routes for current, anticipated, or proposed hazardous chemical and radioactive material transport.

(5) The availability of, or requirements to establish, information collection and dissemination systems adequate to provide the public, in an accessible manner, with timely, complete, specific, and accurate information (including databases) concerning actual, proposed, or anticipated shipments by highway, railway, or waterway of hazardous chemicals and radioactive materials, including accidents involving the transportation of such chemicals and materials by those means.

(d) Deadline for Completion.—The study under subsection (b) shall be completed not later than six months after the date of the enactment of this Act.

(e) Report.—Upon completion of the study under subsection (b), the Secretary shall submit to Congress a report on the study.

SA 1038. Mrs. MURRAY (for Mr. SARBANES) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY) and intended to be proposed to the bill (H.R. 2299), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert:

Sec. . (a) Of the funds appropriated by title I for the Federal Railroad Administration under the heading "Railroad Research and Development", up to $750,000 may be expended to pay 25 percent of the total cost of a comprehensive study to assess existing problems in the freight and passenger rail infrastructure in the vicinity of Baltimore, Maryland, that the Secretary of Transportation shall carry out through the Federal Railroad Administration in cooperation with, and with a total amount of equal funding contributed by, Norfolk-Southern Corporation, and CSX Corporation, and the State of Maryland.

(b)(1) The study shall include an analysis of the condition, track, and clearance limitations and efficiency of the existing tunnels, bridges, and other railroad facilities owned or operated by CSX Corporation, Amtrak, and Norfolk-Southern Corporation in the Baltimore area.

(2) The study shall examine the benefits and costs of various alternatives for reducing congestion and improving safety and efficiency in the operations on the rail infrastructure in the vicinity of Baltimore, including such alternatives for improving operations as shared usage of track, and such alternatives for improving the rail infrastructure as possible improvements to existing tunnels, bridges, and other railroad facilities, or construction of new facilities.

(c) Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report on the results of the study to Congress. The report shall include recommendations on the matters described in subsection (b)(2).

SA 1039. Mrs. MURRAY (for Mr. THOMAS) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 66, line 8, after the word "bus," insert the following phrase: ", as that term is defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. §12181)";

On page 66, line 9 strike ", and" and insert in lieu thereof "."; and

On page 66, beginning with line 10, strike all through page 70, line 14.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Friday, July 27, 2001, beginning at 9:30 a.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the following bills: H.R. 308, to establish the Guam War Claims Review Commission; and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 24, 2001, at 10:00 a.m. in room 485 Russell Senate Building to conduct a business meeting on pending committee business, to be followed immediately by a hearing on S. 266, a bill regarding the use of trust land and resources of the Confederated Tribes of the Warm Springs Reservation in Oregon.

Those wishing additional information may contact committee staff at 202/224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 25, 2001, at 10:30 a.m. in room 216 Hart Senate Building to conduct a hearing on the Indian Gaming Regulatory Act.

Those wishing additional information may contact committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Monday, July 23, 2001, at 2 p.m. for a hearing regarding "FEMA's Role in Managing a Bioterrorist Attack and the Impact of Public Health Concerns on Bioterrorism Preparedness."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation be authorized to meet on Monday, July 23, 2001, at 1 p.m. on E-Health and Consumer Empowerment: How Consumers Can Use Technology Today and in the Future To Improve Their Heath.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

On July 19, 2001, the Senate amended and passed S. 1172, as follows:

S. 1172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $104,039,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,867,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $473,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,868,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,912,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $9,875,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,250,000 for each such committee; in all, $2,500,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $618,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,275,000 for each such committee; in all, $2,550,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $301,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $15,424,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $39,082,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,350,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $25,219,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,306,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,109,000.

Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

Contingent Expenses of the Senate

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $107,264,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $8,571,000, of which $7,000,000 shall remain available until expended.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $95,904,000, of which $8,654,000 shall remain available until September 30, 2004, and of which $11,354,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $11,274,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $270,494,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

MAILINGS FOR TOWN MEETINGS

For mailings of postal patron postcards by Members for the purpose of providing notice of a town meeting by a Member in a county (or equivalent unit of local government) with a population of less than 50,000 that the Member will personally attend to be allotted as requested, $3,000,000, subject to authorization: *Provided*, That any amount allocated to a Member for such mailing under this paragraph shall not exceed 50 percent of the cost of the mailing and the remaining costs shall be paid by the Member from other funds available to the Member.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) Section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended in the first sentence by striking "four individual consultants" and inserting "six individual consultants", and is amended in the second sentence by striking "one consultant" and inserting "not more than two individual consultants".

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 2. STUDENT LOAN REPAYMENTS. (a) DEFINITIONS.—In this section:

(1) EMPLOYEE OF THE SENATE.—The term "employee of the Senate" has the meaning given the term in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) EMPLOYING OFFICE.—The term "employing office" means the employing office, as defined in such section 101, of an employee of the Senate.

(3) STUDENT LOAN.—The term "student loan" has the meaning given the term in section 5379 of title 5, United States Code.

(b) STUDENT LOAN REPAYMENT PROGRAM.—The head of an employing office may, in order to recruit or retain highly qualified personnel, establish a program under which the office may agree to repay (by direct payments on behalf of an employee of the Senate) any student loan previously taken out by such employee.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The head of an employing office shall carry out the program in accordance with the provisions of subsections (b) through (d) and subsection (f) of section 5379 of title 5, United States Code.

(2) APPLICATION.—For purposes of this section, references in such provisions—

(A) to an agency shall be considered to be references to an employing office; and

(B) to an employee shall be considered to be references to an employee of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

(e) EFFECTIVE DATE.—This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 3. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account "Expenses of the United States Senate Caucus on International Narcotics Control" under the heading "Congressional Operations" shall be paid from the Senate appropriations account for "Salaries, Officers and Employees".

(b) This section shall apply to pay periods beginning on or after October 1, 2001.

SEC. 4. (a) Section 5(a) under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" under title I of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 58a note) is amended by striking "invoice ends" and inserting "invoice begins".

(b) The amendment made by subsection (a) shall take effect on October 1, 2001, and shall apply to base service periods beginning on or after that date.

SEC. 5. (a) Section 120 of Public Law 97–51 (2 U.S.C. 61g–6) is amended in the first sentence by striking "$75,000" and inserting "$100,000".

(b) This section shall apply with respect to fiscal year 2002 and each fiscal year thereafter.

SEC. 6. Effective on and after October 1, 2001, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2001, increased by an additional $50,000 each.

JOINT ITEMS

For Joint Committees, as follows:

Joint Economic Committee

For salaries and expenses of the Joint Economic Committee, $3,424,000, to be disbursed by the Secretary of the Senate.

Joint Committee on Taxation

For salaries and expenses of the Joint Committee on Taxation, $6,733,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,765,000, to be disbursed by the Chief Administrative Officer of the House.

Capitol Police Board

Capitol Police

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $112,922,000, of which $55,296,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $57,626,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $12,394,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2002 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

Administrative Provision

SEC. 101. Amounts appropriated for fiscal year 2002 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of

amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

Capitol Guide Service and Special Services Office

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,512,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 43 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

Statements of Appropriations

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Seventh Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

Salaries and Expenses

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,059,000.

CONGRESSIONAL BUDGET OFFICE

Salaries and Expenses

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $30,680,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

Administrative Provisions

SEC. 102. (a) The Director of the Congressional Budget Office may, by regulation, make applicable such provisions of chapter 41 of title 5, United States Code, as the Director determines necessary to provide hereafter for training of individuals employed by the Congressional Budget Office.

(b) The implementing regulations shall provide for training that, in the determination of the Director, is consistent with the training provided by agencies subject to chapter 41 of title 5, United States Code.

(c) Any recovery of debt owed to the Congressional Budget Office under this section and its implementing regulations shall be credited to the appropriations account available for training employees of the Office at the time of recovery.

(d) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

SEC. 103. Section 105(a) of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. §606(a)), is amended by striking "or discarding." and inserting "sale, trade-in, or discarding.", and by adding at the end the following: "Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Congressional Budget Office and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year in which received and the following fiscal year.".

SEC. 104. (a) The Director of the Congressional Budget Office may, in order to recruit or retain qualified personnel, establish and maintain hereafter a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) The Director may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code as the Director determines necessary to provide for such program.

(c) The regulations shall provide the amount paid by the Office may not exceed—

(1) $6,000 for any employee in any calendar year; or

(2) a total of $40,000 in the case of any employee.

(d) The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) This section shall apply to fiscal year 2002 and each fiscal year thereafter.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $54,000,000, of which $5,000,000 shall remain available until expended: *Provided*, That the Architect of the Capitol, in consultation with the Comptroller General or his designee, shall appoint a Chief Financial Officer within 90 days after the date of enactment of this Act: *Provided further*, That notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided further*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $6,000,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $47,500,000, of which $3,400,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $47,403,000, of which $3,300,000 shall remain available until expended: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2002.

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $81,139,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44

U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,000,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

This title may be cited as the "Congressional Operations Appropriations Act, 2002".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $5,829,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $297,775,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2002, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2002 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $10,824,474 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, $1,517,903 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the amount appropriated, $500,000 shall remain available until expended for the Abraham Lincoln Bicentennial Commission, of which amount $3,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $40,701,000, of which not more than $21,880,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2002 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,984,000 shall be derived from collections during fiscal year 2002 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $27,864,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $49,765,000, of which $14,437,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $8,532,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $407,560, of which $86,486 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2002, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $114,473,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) For fiscal year 2002, the Librarian of Congress may temporarily transfer funds appropriated in this Act under the heading "Library of Congress Salaries and Expenses" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of title I of the Library of Congress Fiscal Operations Improvement Act of 2000, Public Law 106–481: *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 207. The Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481) is hereby amended by striking the words "audio and video" in the heading for section 101 and in subsection 101(a).

SEC. 208. The Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481) is hereby amended in section 102 by adding the following new paragraph to subsection (a):

"(4) Special events and programs.".

ARCHITECT OF THE CAPITOL

CAPITOL VISITOR CENTER

For necessary expenses for the planning, engineering, design, and construction of a new facility to provide greater security for all persons working in or visiting the United States Capitol and to enhance the educational experience of those who have come to learn about the Capitol building and Congress, $1,000,000, to remain available until expended.

CONGRESSIONAL CEMETERY

For a grant for the care and maintenance of the historic Congressional Cemetery, $2,500,000, to remain available until expended.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $18,753,000, of which $6,878,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $28,728,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: *Provided further*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 2000 and 2001 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,260 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

ADMINISTRATIVE PROVISION

SEC. 209. EXTENSION OF EARLY RETIREMENT AND VOLUNTARY SEPARATION INCENTIVE PAYMENT AUTHORITIES. (a) EARLY RETIREMENT.—Section 309(b)(A) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended by striking "October 1, 2001" and inserting in lieu thereof "October 1, 2004".

(b) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—Section 309(c)(2) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note), is amended by striking "September 30, 2001" and inserting in lieu thereof "October 1, 2004".

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $417,843,000: *Provided*, That not more than $1,751,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2002: *Provided further*, That not more than $750,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2002: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That $1,000,000 from funds made available under this heading shall be available for a pilot program in technology assessment: *Provided further*, That not later than June 15, 2002, a report on the pilot program referred to under the preceding proviso shall be submitted to Congress.

PAYMENT TO THE RUSSIAN LEADERSHIP DEVELOPMENT CENTER TRUST FUND

For a payment to the Russian Leadership Development Center Trust Fund for financing activities of the Center for Russian Leadership Development, $10,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2002 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "2001" and inserting "2002".

SEC. 309. Section 5596(a) of title 5, U.S.C., is amended by deleting "and" at the end of paragraph (4); by deleting the period at the end of paragraph (5) and inserting a semicolon, and by adding the following new paragraphs, which shall be effective for all personnel actions taken on or after the date of enactment of this Act:

"(6) the Architect of the Capitol, including employees of the United States Senate Restaurants; and

"(7) the United States Botanic Garden.".

SEC. 310. The Architect of the Capitol shall develop and maintain an accounting and financial management system, including financial reporting and internal controls, which—

(1) complies with applicable federal accounting principles, standards, and requirements, and internal control standards;

(2) complies with any other requirements applicable to such systems; and

(3) provides for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Architect of the Capitol;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

SEC. 311. (a) AUTHORITY OF ARCHITECT TO SET PAY FOR CERTAIN POSITIONS.—Section 108 of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b-3b) is amended as follows:

(1) Subsections (a) and (b) are deleted in their entirety and a new subsection (a) is added to read as follows:

"(a) The Architect of the Capitol may fix the rate of basic pay for not more than 12 positions, at a rate not less than the minimum rate nor more than the maximum rate for the Senior Executive Service under chapter 53 of title 5, for the locality involved.".

(2) Subsection (c) is redesignated as subsection (b).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any pay periods beginning on or after the date of the enactment of this Act.

This Act may be cited as the "Legislative Branch Appropriations Act, 2002".

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware (Mr. BIDEN) as Chairman of the Senate Delegation to the NATO Parliamentary Assembly during the 107th Congress.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Senator from Vermont (Mr. LEAHY) as Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 107th Congress.

GEORGE WASHINGTON LETTER TO TOURO SYNAGOGUE

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 93, S. Con. Res. 16.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 16) expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 16) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 16

Whereas George Washington responded to a letter sent by Moses Seixas, warden of Touro Synagogue in Newport, Rhode Island, in August 1790;

Whereas, although Touro Synagogue, the oldest Jewish house of worship in the United States, and now a national historic site, was dedicated in December 1763, Jewish families had been in Newport for over 100 years before that date;

Whereas these Jews, some of whom were Marranos, came to the United States with hopes of starting a new life in this country, where they could practice their religious beliefs freely and without persecution;

Whereas they were drawn to the Colony of Rhode Island and the Providence Plantations because of Governor Roger Williams' assurances of religious liberty;

Whereas the letter from Touro Synagogue is the most famous of many congratulatory notes addressed to the new president by American Jewish congregations;

Whereas Seixas articulated the following principle, which Washington repeated in his letter: "For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance; requires only that they who live under its protection, should demean themselves as good citizens, in giving it on all occasions their effectual support";

Whereas this was the first statement of such a principle enunciated by a leader of the new United States Government;

Whereas this principle has become the cornerstone of United States religious and ethnic toleration as it has developed during the past two centuries;

Whereas the original letter is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C.; and

Whereas Americans of all religious faiths gather at Touro Synagogue each August on the anniversary of the date of the letter's delivery and at the Klutznick Museum on George Washington's birthday to hear readings of the letter and to discuss how the letter's message can be applied to contemporary challenges: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the George Washington letter to Touro Synagogue in Newport, Rhode Island, in August 1790, which is on display as part of the permanent collection of the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom; and

(2) the text of the George Washington letter should be widely circulated, serving as an important tool for teaching tolerance to children and adults alike.

NATIONAL AIRBORNE DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 94, S. Res. 16.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 16) designating August 16, 2001, as "National Airborne Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 16) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 16

Whereas the Parachute Test Platoon was authorized by the War Department on June

25, 1940, to experiment with the potential use of airborne troops;

Whereas the Parachute Test Platoon was composed of 48 volunteers that began training in July, 1940;

Whereas the Parachute Test Platoon performed the first official Army parachute jump on August 16, 1940;

Whereas the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving from World War II until the present;

Whereas the 11th, 13th, 17th, 82nd, and 101st Airborne Divisions and the numerous other regimental and battalion-sized airborne units were organized following the success of the Parachute Test Platoon;

Whereas the 501st Parachute Battalion participated successfully and valiantly in achieving victory in World War II;

Whereas the airborne achievements during World War II provided the basis for continuing the development of a diversified force of parachute and air assault troops;

Whereas paratroopers, glidermen, and air assault troops of the United States were and are proud members of the world's most exclusive and honorable fraternity, have earned and wear the "Silver Wings of Courage", have participated in a total of 93 combat jumps, and have distinguished themselves in battle by earning 69 Congressional Medals of Honor, the highest military decoration of the United States, and hundreds of Distinguished Service Crosses and Silver Stars;

Whereas these airborne forces have performed in important military and peacekeeping operations, wherever needed, in World War II, Korea, Vietnam, Lebanon, Sinai, the Dominican Republic, Panama, Somalia, Haiti, and Bosnia; and

Whereas the Senate joins together with the airborne community to celebrate August 16, 2001 (the 61st anniversary of the first official parachute jump by the Parachute Test Platoon), as "National Airborne Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates August 16, 2001, as "National Airborne Day"; and

(2) requests that the President issue a proclamation calling on Federal, State, and local administrators and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

REAUTHORIZATION OF THE TROPICAL FOREST CONSERVATION ACT OF 1998 THROUGH FISCAL YEAR 2004

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from the consideration of H.R. 2131, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2131) to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2131) was read the third time and passed.

ORDERS FOR TUESDAY, JULY 24, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, July 24. I further ask unanimous consent that on Tuesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2299, the Transportation Appropriations Act; further, that the Senate recess from 12:30 to 2:15 p.m. tomorrow for our weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, on Tuesday, the Senate will convene at 10 a.m. and resume consideration of the Transportation Appropriations Act. We expect rollcall votes on amendments throughout the day. The Senate will recess, as has been noted, for the weekly party conferences.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 6:40 p.m., adjourned until Tuesday, July 24, 2001, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 23, 2001:

DEPARTMENT OF STATE

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

PATRICIA DE STACY HARRISON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS), VICE WILLIAM B. BADER.

HOUSE OF REPRESENTATIVES—*Monday, July 23, 2001*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. ISSA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 23, 2001.

I hereby appoint the Honorable DARRELL E. ISSA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, other than majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

PRESIDENT BUSH'S FIRST 180 DAYS

Mr. STEARNS. Mr. Speaker, as we all know, we are in our busiest legislative session in July; and it is important to go back and consider all of the accomplishments we have had in the last 6 months. All of us have worked alongside with the President in tackling some very tough issues, and I think it is important that we remind everybody of the important victories that I think are a great benefit to the American people.

When thinking about the first 180 days of President Bush's service to our Nation, there are many accomplishments across a broad spectrum, both national and international issues, that I think are clearly evident; and I wish to bring to my colleagues' attention. From education and the environment, to health care and national security, the President has taken an active stance in promoting an agenda that has received both public and bipartisan support.

Mr. Speaker, let me be specific here. For example, the President's budget, with bipartisan support, funds essential priorities, pays down a historic level of debt in this country, while, of course, simultaneously providing tax relief to every taxpayer in every tax bracket.

The President inherited a faltering economy. He signed into law the largest tax cut in 20 years. This was important because it provided a needed boost while simultaneously proposing measures to increase trade and stabilizing energy prices.

President Bush's efforts to expand the quality of health care for all Americans has led to the largest increase in medical research funding, the development of 1,200 new community health care centers for rural and low-income Americans, as well as immediate assistance to seniors in the form of a prescription drug discount card that will reduce their bills by 10 to 15 percent or more.

While working to improve health care for American seniors, the President has also taken action to increase access for disabled Americans for better housing, transportation, greater employment opportunities, and overall access to community life. Moreover, Mr. Speaker, his appointment of a bipartisan commission to improve Social Security reveals his deep concern for working Americans and the effect Social Security will have for them long after retirement.

While working to protect the interests of American citizens at home, the President has also worked diligently in order to protect American interests throughout our global community. The $8 billion increase of defense spending that we passed will improve the quality of life for all men and women who have committed their lives to military service. President Bush's commitment to those in the armed services was no more clearly seen than in his efforts to ensure the safe and expedient return of the U.S. crew that was detained in China. That was no small feat, a diplomatic coup; and I think this is a great success that we, as a Nation, can be proud of.

His efforts have also led to the development of a comprehensive review of all areas of the military while also carrying out a successful missile defense test.

President Bush's agenda also focuses on strengthening the ties with the global community. His travels to Europe reflect his efforts to promote key foreign policy tenets that aim to assist developing nations in fighting poverty and improving global health care while also promoting an international awareness for environmental conservation. These can be clearly seen in his efforts for partnership with the African nations on issues ranging from the fight against HIV/AIDS to the greater development of international trade.

Mr. Speaker, his commitment to the international treaty that will reduce the worldwide use of 12 dangerous chemicals exemplifies his concern for the global environment. The President's foreign policy efforts also reflect a sincere commitment to strengthening the young independent democracies of Eastern Europe. Moreover, as the first President to give a radio address in Spanish, the President has also worked to strengthen the alliance of the North American nations through active participation during the Summit of the Americas.

President Bush has successfully strived to replace Washington culture of gridlock with several notable bipartisan accomplishments on very tough issues, ranging from economy to education to defense spending.

Mr. Speaker, I believe his first 180 days have revealed to us an active and committed Presidential agenda that spans both domestic and international concerns while also protecting the interests of America and expanding freedom, trade, prosperity, and hope. I wish to congratulate the President this afternoon.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Stir our spirits, O Lord, that we may praise You with full attention and be whole-hearted in all the tasks You set before us this day.

Over the weekend You have renewed us in faith and love. With others who

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

see Your deeds unfolding in our history and in every act of justice and kindness we have gathered and offered You praise. With family and friends we gathered at table and You renewed us in the bonds that hold us faithful and fill us with gratitude. Bless those who have blessed us. Be close to those most in need of Your compassion and love.

Fear of You, O Lord, is the beginning of wisdom. Make us truly wise. As we begin our works of truth and justice guide us to grow in understanding, for our hearts are fixed on Your faithful promise that You will be with us now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 2311. An act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 2311) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REID, Mr. BYRD, Mr. HOLLINGS, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, and Mr. STEVENS, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, July 20, 2001:

H.R. 2216, making supplemental appropriations for the fiscal year ending September 30, 2001.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

> OFFICE OF THE CLERK,
> HOUSE OF REPRESENTATIVES,
> *Washington, DC, July 20, 2001.*
> Hon. J. DENNIS HASTERT,
> *The Speaker, House of Representatives, Washington, DC.*
>
> DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U. S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 20, 2001 at 3:32 p.m.
>
> That the Senate agreed to conference report H.R. 2216.
>
> With best wishes, I am
> Sincerely,
> MARTHA C. MORRISON,
> *Deputy Clerk of the House.*

COMMUNICATION FROM THE CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

> COMMITTEE ON TRANSPORTATION
> AND INFRASTRUCTURE,
> *Washington, DC, July 20, 2001.*
> Hon. J. DENNIS HASTERT,
> *Speaker, House of Representatives, The Capitol, Washington, DC.*
>
> DEAR MR. SPEAKER: Enclosed please find copies of resolutions approved by the Committee on Transportation and Infrastructure on July 18, 2001, in accordance with 40 U.S.C. §606.
>
> Sincerely,
> DON YOUNG,
> *Chairman.*

There was no objection.

RAILROAD DISASTERS

(Mr. GIBBONS asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, last weekend downtown Baltimore was shut down due to the derailment of a freight train carrying hazardous chemicals.

Madam Speaker, just imagine what could have happened if that train was carrying high-level, highly radioactive nuclear waste, the world's most toxic, deadliest material known to man. Thousands of people would have been exposed to not only heavy smoke and soot but to invisible radiation that can kill them as well as any livestock or other crops within the area.

This scenario is not science fiction. The CBS news show "60 Minutes" detailed that train accidents due to track failure are happening at a rate of nearly one every 24 hours. That is a train accident once every day.

The Department of Energy wants to ship nuclear waste on our railways, past our schools, past our hospitals, through our neighborhoods and communities, and past schools and farms.

Madam Speaker, our responsibility is to protect the American public, not endanger them. We cannot allow the DOE to threaten the lives of our constituents.

EMBRYONIC STEM CELL RESEARCH

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, as the debate over using Federal funds to support embryonic stem cell research goes forwards, I would urge my colleagues in this Chamber to consider the clear words of Pope John Paul II spoken to our President today, who said in Rome, "Experience is already showing how a tragic coarsening of consciences accompanies the assault on innocent life in the womb, leading to the accommodation and acquiescence in the face of other related evils such as euthanasia, infanticide, and, most recently, proposals for the creation for research purposes of human embryos, destined to destruction in the process."

The Pope went on to say, "A free and virtuous society which America aspires to be must reject practices that devalue and violate human life at any stage from conception until natural death."

May we in this Chamber, Madam Speaker, and our President heed the words of this gentle servant of God.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

MOUNT NEBO WILDERNESS BOUNDARY ADJUSTMENT ACT

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 451) to make certain adjustments to the boundaries of the Mount

Nebo Wilderness Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 451

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mount Nebo Wilderness Boundary Adjustment Act".

SEC. 2. BOUNDARY ADJUSTMENTS.

(a) LANDS REMOVED.—The boundary of the Mount Nebo Wilderness is adjusted to exclude the following:

(1) MONUMENT SPRINGS.—The approximately 8.4 acres of land depicted on the Map as "Monument Springs".

(2) GARDNER CANYON.—The approximately 177.8 acres of land depicted on the Map as "Gardner Canyon".

(3) BIRCH CREEK.—The approximately 5.0 acres of land depicted on the Map as "Birch Creek".

(4) INGRAM CANYON.—The approximately 15.4 acres of land depicted on the Map as "Ingram Canyon".

(5) WILLOW NORTH A.—The approximately 3.4 acres of land depicted on the Map as "Willow North A".

(6) WILLOW NORTH B.—The approximately 6.6 acres of land depicted on the Map as "Willow North B".

(7) WILLOW SOUTH.—The approximately 21.5 acres of land depicted on the Map as "Willow South".

(8) MENDENHALL CANYON.—The approximately 9.8 acres of land depicted on the Map as "Mendenhall Canyon".

(9) WASH CANYON.—The approximately 31.4 acres of land depicted on the Map as "Wash Canyon".

(b) LANDS ADDED.—Subject to valid existing rights, the boundary of the Mount Nebo Wilderness is adjusted to include the approximately 293.2 acres of land depicted on the Map for addition to the Mount Nebo Wilderness. The Utah Wilderness Act of 1984 (Public Law 94–428) shall apply to the land added to the Mount Nebo Wilderness pursuant to this subsection.

SEC. 3. MAP.

(a) DEFINITION.—For the purpose of this Act, the term "Map" shall mean the map entitled "Mt. Nebo Wilderness Boundary Adjustment", numbered 531, and dated May 29, 2001.

(b) MAP ON FILE.—The Map and the final document entitled "Mount Nebo, Proposed Boundary Adjustments, Parcel Descriptions (See Map #531)" and dated June 4, 2001, shall be on file and available for inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) CORRECTIONS.—The Secretary of Agriculture may make technical corrections to the Map.

SEC. 4. TECHNICAL BOUNDARY ADJUSTMENT.

The boundary of the Mount Nebo Wilderness is adjusted to exclude the approximately 21.26 acres of private property located in Andrews Canyon, Utah, and depicted on the Map as "Dale".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Massachusetts (Mr. McGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 451, the Mount Nebo Wilderness Boundary Adjustment Act, was introduced by the gentleman from Utah (Mr. HANSEN), who also serves as the chairman for the Committee on Resources, to resolve an ongoing dispute over access to several small water systems located in a Forest Service wilderness area in Juab County, Utah.

In 1984, Congress passed the Utah Wilderness Act, which designated 800,000 acres of wilderness on Forest Service lands in Utah. One of those areas was the Mount Nebo wilderness area. Unfortunately, due to a clerical error, several small water systems, springs, pipelines, and collection boxes were erroneous included in the wilderness boundary. These water systems supplied the towns of Nephi and Mona, Utah, with most of its culinary water. Because of the wilderness designation, access to these systems was restricted, even for routine maintenance. Since that time, these systems have deteriorated due to lack of that very needed maintenance.

After years of trying to reach a solution through administrative means, Juab County and the Forest Service concluded that a legislative boundary adjustment was necessary to exclude these water developments and the private inholdings in that area. This bill, Madam Speaker, accomplishes that purpose.

In the Committee on Resources an amendment was accepted which reduced the number of acres impacted by nearly one-third. The committee also removed water language that some found objectionable. The committee made additional adjustments to include roadless Forest Service lands as wilderness to compensate for the lands removed, resulting in a net increase of 13 acres to the 800,000 acre previously designated wilderness area. The end result is that Nehi City and the Town of Mona will have access to their historic water developments, private inholdings have been removed from the wilderness area, and the Forest Service will have a wilderness area with less human intrusion and fewer access issues.

Madam Speaker, I urge the passage of H.R. 451.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 451 would adjust the boundaries of the Mount Nebo wilderness on the Uinta National Forest in Utah by removing approximately 279 acres and adding approximately 293 acres. The nine parcels to be excluded from wilderness include mines, private property, and water transmission and storage facilities.

Under existing law, water system operator permittees must get permission from the Regional Forester to maintain their systems by motorized access. Complying with stringent guidelines for wilderness management, the Forest Service has not routinely granted these requests. H.R. 451 addresses the difficulties encountered by these operators by "cherry stemming" these areas out of the wilderness.

While amendments in committee significantly improve the bill, it still lacks language that would restrict motorized use in areas removed from wilderness to repairing or maintaining existing facilities operating under current special use permits. Without this language, H.R. 451 could lead to more widespread use of motorized vehicles in and around the wilderness and make boundary management difficult.

We believe changes to wilderness boundaries and management should not be made lightly or done routinely. Wilderness bills are the result of lengthy, carefully crafted negotiations. Areas included and excluded from wilderness are rarely accidental. Legislation that overrides the Wilderness Act undermines the Act and degrades wilderness value. H.R. 451 addresses a unique situation, and we will not object to it. However, we hope it will not serve as precedent for future modifications to congressionally designated wilderness boundaries. We also hope that, rather than moving bills that remove land from the National Wilderness Preservation System, the committee will focus on moving bills that add significant acreage of wilderness to the system.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 451, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN BLM LANDS IN CARSON CITY, NEVADA

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 271) to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

The Clerk read as follows:

H.R. 271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN BUREAU OF LAND MANAGEMENT LANDS IN CARSON CITY, NEVADA.

(a) CONVEYANCE.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Carson City, Nevada, without consideration, all right, title, and interest of the United States in the property described as Government lot 1 in sec. 8, T. 15 N., R. 20 E., Mount Diablo Meridian, as shown on the Bureau of Land Management official plat approved October 28, 1996, containing 4.48 acres, more or less, and assorted uninhabitable buildings and improvements.

(b) USE.—The conveyance of the property under subsection (a) shall be subject to reversion to the United States if the property is used for a purpose other than the purpose of a senior assisted living center or a related public purpose.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Massachusetts (Mr. McGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I introduced H.R. 271 to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada for use as a senior citizen center.

Madam Speaker, the Carson City Senior Center was established in 1972 to provide a venue where seniors with limited mobility could have access to a senior center, an assisted living center, and an adult day care center in one condensed area. The center has expanded to the point that the land is required to extend it further to accommodate the growing demand for its services.

□ 1415

The land adjacent to the center is former Bureau of Land Management property which has been vacant since 1997 and is completely surrounded by property owned by Carson City. The BLM has moved into a new office and is fully supportive of the land conveyance.

Madam Speaker, H.R. 271 is a noncontroversial bill which has strong support from local and State officials, as well as the residents of Carson City, Nevada. I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 271 directs the Bureau of Land Management to donate a piece of Federal property in Carson City, Nevada, to the city for use as a senior citizen's assisted living center. The four-acre parcel has been vacant since 1997 when the BLM ceased using it as a vehicle and supply storage facility and is adjacent to an existing senior center.

Carson City applied to acquire the property under the Recreation and Public Purposes Act, but the residential nature of the proposed center does not qualify under the act.

Given the prohibitive expense to the community were they forced to purchase the property, as well as the valuable purpose for which they intend to use the land, this transfer appears to be appropriate. Importantly, the legislation specifies that the property will revert to Federal ownership if it ever ceases to be used as a senior center.

Madam Speaker, we support passage of H.R. 271, and I commend the gentleman from Nevada (Mr. GIBBONS) for his work on this bill.

Madam Speaker, I yield back the balance of my time.

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me add in final remarks on this bill that Carson City is one of the fastest growing senior populations in the State of Nevada, and they have long outgrown the existing senior center, as we have already talked about.

The land we are discussing here is approximately 4.5 acres. It was formerly used for storage space by the BLM in Nevada, and has been long since vacated. It is conveniently located next to a long-term senior assisted living center that is much needed. The BLM, as I said earlier, is very much in support of this legislation. This is a great opportunity for the Federal Government to build upon their good neighbor status in the Western States by conveying this land to the City of Carson City.

Madam Speaker, I thank the leadership for bringing this bill to a vote today, the gentleman from Colorado (Mr. HEFLEY), the gentleman from Utah (Mr. HANSEN), and the gentleman from Massachusetts (Mr. McGOVERN). Also, I thank the staff who has worked hard to get this bill passed, including our staff, Mr. Matt Stroia, who is with us today. I urge an aye vote on the bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 271.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PROVIDING FURTHER PROTECTIONS FOR WATERSHED OF LITTLE SANDY RIVER

Mr. GIBBONS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 427) to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

The Clerk read as follows:

H.R. 427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) IN GENERAL.—Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1425) is amended by striking section 1 and inserting the following:

"SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

"(a) DEFINITION OF SECRETARY.—In this Act, the term 'Secretary' means—

"(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

"(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon, comprising approximately 98,272 acres, as depicted on a map dated May 2000 and entitled 'Bull Run Watershed Management Unit'.

"(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of—

"(A) the Regional Forester-Pacific Northwest Region of the Forest Service; and

"(B) the Oregon State Director of the Bureau of Land Management.

"(3) BOUNDARY ADJUSTMENTS.—The Secretary may periodically make such minor adjustments in the boundaries of the unit as are necessary, after consulting with the city and providing for appropriate public notice and hearings.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECRETARY.—Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1425) is amended by striking "Secretary of Agriculture" each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting "Secretary".

(2) APPLICABLE LAW.—

(A) IN GENERAL.—Section 2(a) of Public Law 95-200 (16 U.S.C. 482b note; 91 Stat. 1425) is amended by striking "applicable to National Forest System lands" and inserting "applicable to land under the administrative jurisdiction of the Forest Service (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)".

(B) MANAGEMENT PLANS.—The first sentence of section 2(c) of Public Law 95–200 (16 U.S.C. 482b note; 91 Stat. 1426) is amended—

(i) by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)"; and

(ii) by striking ", through the maintenance" and inserting "(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance".

SEC. 2. MANAGEMENT.

(a) TIMBER CUTTING RESTRICTIONS.—Section 2(b) of Public Law 95–200 (16 U.S.C. 482b note; 91 Stat. 1426) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the unit, as designated in section 1 and depicted on the map referred to in that section.".

(b) REPEAL OF MANAGEMENT EXCEPTION.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208) is amended by striking section 606 (110 Stat. 3009–543).

(c) REPEAL OF DUPLICATIVE ENACTMENT.—Section 1026 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 3. LAND RECLASSIFICATION.

(a) OREGON AND CALIFORNIA RAILROAD LAND.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall identify any Oregon and California Railroad land that is subject to the distribution provision of title II of the Act of August 28, 1937 (43 U.S.C. 1181f), within the boundary of the special resources management area described in section 1 of Public Law 95–200 (as amended by section 1(a)).

(b) PUBLIC DOMAIN LAND.—

(1) DEFINITION OF PUBLIC DOMAIN LAND.—

(A) IN GENERAL.—In this subsection, the term "public domain land" has the meaning given the term "public land" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) EXCLUSION.—The term "public domain land" does not include any land managed under the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(2) IDENTIFICATION.—Not later than 18 months after the date of enactment of this Act, the Secretary of the Interior shall identify public domain land within the Medford, Roseburg, Eugene, Salem, and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management in the State of Oregon that—

(A) is approximately equal in acreage and condition as the land identified in subsection (a); but

(B) is not subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

(c) MAPS.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to Congress and publish in the Federal Register 1 or more maps depicting the land identified in subsections (a) and (b).

(d) RECLASSIFICATION.—After providing an opportunity for public comment, the Secretary of the Interior shall administratively reclassify—

(1) the land described in subsection (a), as public domain land (as the term is defined in subsection (b)) that is not subject to the distribution provision of title II of the Act of August 28, 1937 (43 U.S.C. 1181f); and

(2) the land described in subsection (b), as Oregon and California Railroad land that is subject to the Act of August 28, 1937 (43 U.S.C. 1181a et seq.).

SEC. 4. FUNDING FOR ENVIRONMENTAL RESTORATION.

There is authorized to be appropriated to carry out, in accordance with section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1101 note; 112 Stat. 2681–290), watershed restoration that protects or enhances water quality, or relates to the recovery of endangered species or threatened species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), in Clackamas County, Oregon, $10,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Massachusetts (Mr. MCGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 427 was introduced by the gentleman from Oregon (Mr. BLUMENAUER) and would extend the boundary of the Bull Run Management Unit on U.S. Forest Service land near Portland, Oregon, to include the hydrologic boundary of the Little Sandy Watershed.

The Little Sandy has been identified as a potential source of drinking water by the City of Portland. As part of the Bull Run Management Unit, the Little Sandy would receive permanent management safeguards to protect the area's water supplies. The legislation would generally prohibit the cutting of trees in the Little Sandy.

Madam Speaker, I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 427 would permanently protect approximately 2,900 acres of the Mount Hood National Forest near Portland, Oregon. By adding the Little Sandy Watershed to the Bull Run Watershed Management Unit, the bill would prevent access and timber harvesting in this important watershed. The Little Sandy Watershed is 25 miles east of Portland and adjacent to the Bull Run Watershed, which is the primary municipal water supply for Portland.

Since 1892, when the area was protected by Presidential proclamation, the area has been protected through various measures. In 1977, the 95,000-acre Bull Run Watershed Management Unit was established by Public Law 95–200 to protect the watershed and plan for municipal water use. In 1993, the Northwest Forest Plan provided additional protection by restricting timber harvests in sensitive areas.

In 1996, Congress passed the Oregon Resources Conservation Act which gave the Little Sandy Watershed temporary protection.

Madam Speaker, this bill affords permanent protection for this significant resource, and I join with my colleague from Nevada in commending the gentleman from Oregon (Mr. BLUMENAUER) for his work on this bill both in the last Congress and this Congress, and urge my colleagues to support the bill.

Madam Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the courtesy of the gentleman from Massachusetts in yielding me time and his support and also thank the gentleman from Nevada (Mr. GIBBONS). I thank the chair of the Committee on Natural Resources, the gentleman from Utah (Mr. HANSEN); the forest subcommittee chairman, the gentleman from Colorado (Mr. MCINNIS); and the ranking member, the gentleman from Washington (Mr. INSLEE), for their support and swift passage of this legislation.

Madam Speaker, we introduced the Little Sandy Protection Act to provide important protections for this sensitive watershed. This Little Sandy Protection Act enjoys broad bipartisan support of the Oregon delegation in both this House and the other body, and is strongly backed by local organizations, including the City of Portland. No resource is more fundamental to the livability of our communities than safe, clean drinking water. This legislation will help protect water quality and quantity for a million residents, not just in the city of Portland but throughout the Portland metropolitan area who drink the Bull Run water today and are counting on it for future generations.

This watershed, which stretches across three congressional districts, provides our region with its cleanest and most reliable source of drinking water. In fact, Portland is one of only two American metropolitan areas that provide fresh, untreated water to citizens due to the high quality of the fresh water that is available. This legislation helps protect the supply not just of the water, but also being sensitive to the fragile fish habitat that has been a concern for people in our region.

It also recognizes the natural significance of this area. President Teddy Roosevelt signed into law protections for the Bull Run Reserve over 97 years ago, and this measure brings us full circle by extending the boundary of the management unit to include the entire hydrologic boundary of the Little Sandy Watershed, another 2,800 acres.

This expansion is critical to secure water quality for potential drinking water for the metropolitan area for years to come.

Madam Speaker, the bill before us is the product of many years of discussion and deliberation amongst all parties concerned, and it is something that I began with former Senator Hatfield when I first joined this body. The bill provides additional protections for endangered salmon, it protects water quality, it maintains the integrity of the ONC county funding, and it authorizes Clackamas County to seek additional watershed restoration projects of $10 million that relate to the Endangered Species Act and water quality improvement.

Madam Speaker, I strongly urge my colleagues to vote in favor of H.R. 427, the Little Sandy Protection Act. It is the product of years of work, and it will pay dividends for years to come.

Mr. GIBBONS. Madam Speaker, I yield back the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 427.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GIBBONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 451, H.R. 271, and H.R. 427, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2215) to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "21st Century Department of Justice Appropriations Authorization Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

Sec. 101. Specific sums authorized to be appropriated.
Sec. 102. Appointment of additional assistant United States attorneys; reduction of certain litigation positions.

TITLE II—PERMANENT ENABLING PROVISIONS

Sec. 201. Permanent authority.
Sec. 202. Permanent authority relating to enforcement of laws.
Sec. 203. Notifications and reports to be provided simultaneously to committees.
Sec. 204. Miscellaneous uses of funds; technical amendments.
Sec. 205. Technical and miscellaneous amendments to Department of Justice authorities; authority to transfer property of marginal value; recordkeeping; protection of the Attorney General.
Sec. 206. Oversight; waste, fraud, and abuse of appropriations.
Sec. 207. Enforcement of Federal criminal laws by Attorney General.
Sec. 208. Counterterrorism fund.

TITLE III—MISCELLANEOUS

Sec. 301. Repealers.
Sec. 302. Technical amendments to title 18 of the United States Code.
Sec. 303. Required submission of proposed authorization of appropriations for the Department of Justice for fiscal year 2003.
Sec. 304. Review of the Department of Justice.
Sec. 305. Study of untested rape examination kits.
Sec. 306. Report on DCS1000 ("Carnivore").
Sec. 307. Study of allocation of litigating attorneys.

TITLE IV—VIOLENCE AGAINST WOMEN

Sec. 401. Short title.
Sec. 402. Establishment of Violence Against Women Office.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

SEC. 101. SPECIFIC SUMS AUTHORIZED TO BE APPROPRIATED.

There are authorized to be appropriated for fiscal year 2002, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $93,433,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $178,499,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $55,000,000, which shall include for each such fiscal year, not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $566,822,000, which shall include for each such fiscal year—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals; and

(B) not to exceed $20,000 to meet unforeseen emergencies of a confidential character.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $140,973,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,346,289,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $3,507,109,000, which shall include for each such fiscal year—

(A) not to exceed $1,250,000 for construction, to remain available until expended; and

(B) not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $626,439,000, which shall include for each such fiscal year not to exceed $6,621,000 for construction, to remain available until expended.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $4,662,710,000.

(10) FEDERAL PRISONER DETENTION.—For the support of United States prisoners in non-Federal institutions, as authorized by section 4013(a) of title 18 of the United States Code: $724,682,000, to remain available until expended.

(11) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,480,929,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(12) IMMIGRATION AND NATURALIZATION SERVICE.—For the Immigration and Naturalization Service: $3,516,411,000, which shall include—

(A) not to exceed $2,737,341,000 for salaries and expenses of enforcement and border affairs (i.e., the Border Patrol, deportation, intelligence, investigations, and inspection programs, and the detention program);

(B) not to exceed $650,660,000 for salaries and expenses of citizenship and benefits (i.e., programs not included under subparagraph (A));

(C) for each such fiscal year, not to exceed $128,410,000 for construction, to remain available until expended; and

(D) not to exceed $50,000 to meet unforeseen emergencies of a confidential character.

(13) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $156,145,000 to remain available until expended, which shall include for each such fiscal year not to exceed $6,000,000 for construction of protected witness safesites.

(14) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $338,106,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(15) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,130,000.

(16) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $9,269,000.

(17) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,949,000 for expenses authorized by section 524 of title 28, United States Code.

(18) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $10,862,000.

(19) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,718,000.

(20) JOINT AUTOMATED BOOKING SYSTEM.—For expenses necessary for the operation of the Joint Automated Booking System: $15,957,000.

(21) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $104,606,000.

(22) RADIATION EXPOSURE COMPENSATION.—For administrative expenses in accordance with the Radiation Exposure Compensation Act: $1,996,000.

(23) COUNTERTERRORISM FUND.—For the Counterterrorism Fund for necessary expenses, as determined by the Attorney General: $4,989,000.

(24) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: $116,369,000.

SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS; REDUCTION OF CERTAIN LITIGATION POSITIONS.

(a) APPOINTMENTS.—Not later than September 30, 2003, the Attorney General shall exercise authority under section 542 of title 28, United States Code, to appoint 200 assistant United States attorneys in addition to the number of assistant United States attorneys serving on the date of the enactment of this Act.

(b) SELECTION OF APPOINTEES.—Individuals first appointed under subsection (a) may be appointed from among attorneys who are incumbents of 200 full-time litigation positions in divisions of the Department of Justice and whose official duty station is at the seat of Government.

(c) TERMINATION OF POSITIONS.—Each of the 200 litigation positions that become vacant by reason of an appointment made in accordance with subsections (a) and (b) shall be terminated at the time the vacancy arises.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE II—PERMANENT ENABLING PROVISIONS

SEC. 201. PERMANENT AUTHORITY.

(a) IN GENERAL.—Chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"§ 530C. Authority to use available funds

"(a) IN GENERAL.—Except to the extent provided otherwise by law, the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof) may, in the reasonable discretion of the Attorney General, be carried out through any means, including—

"(1) through the Department's own personnel, acting within, from, or through the Department itself;

"(2) by sending or receiving details of personnel to other branches or agencies of the Federal Government, on a reimbursable, partially-reimbursable, or nonreimbursable basis;

"(3) through reimbursable agreements with other Federal agencies for work, materials, or equipment;

"(4) through contracts, grants, or cooperative agreements with non-Federal parties; and

"(5) as provided in subsection (b), in section 524, and in any other provision of law consistent herewith, including, without limitation, section 102(b) of Public Law 102–395 (106 Stat. 1838), as incorporated by section 815(d) of Public Law 104–132 (110 Stat. 1315).

"(b) PERMITTED USES.—

"(1) GENERAL PERMITTED USES.—Funds available to the Attorney General (i.e., all funds available to carry out the activities described in subsection (a)) may be used, without limitation, for the following:

"(A) The purchase, lease, maintenance, and operation of passenger motor vehicles, or police-type motor vehicles for law enforcement purposes, without regard to general purchase price limitation for the then-current fiscal year.

"(B) The purchase of insurance for motor vehicles, boats, and aircraft operated in official Government business in foreign countries.

"(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.

"(D) Official reception and representation expenses (i.e., official expenses of a social nature intended in whole or in predominant part to promote goodwill toward the Department or its missions, but excluding expenses of public tours of facilities of the Department of Justice), in accordance with distributions and procedures established, and rules issued, by the Attorney General, and expenses of public tours of facilities of the Department of Justice.

"(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.

"(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

"(G) In accordance with procedures established and rules issued by the Attorney General—

"(i) attendance at meetings and seminars;

"(ii) conferences and training; and

"(iii) advances of public moneys under section 3324 of title 31: *Provided*, That travel advances of such moneys to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

"(H) Contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

"(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and rules issued by the Attorney General.

"(J) Expenses or allowances for uniforms as authorized by section 5901 of title 5, but without regard to the general purchase price limitation for the then-current fiscal year.

"(K) Expenses of—

"(i) primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and

"(ii) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

"(2) SPECIFIC PERMITTED USES.—

"(A) AIRCRAFT AND BOATS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

"(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for—

"(i) the purchase of ammunition and firearms; and

"(ii) participation in firearms competitions.

"(C) CONSTRUCTION.—Funds available to the Attorney General for construction may be used for expenses of planning, designing, acquiring, building, constructing, activating, renovating, converting, expanding, extending, remodeling, equipping, repairing, or maintaining buildings or facilities, including the expenses of acquisition of sites therefor, and all necessary expenses incident or related thereto; but the foregoing shall not be construed to mean that funds generally available for salaries and expenses are not also available for certain incidental or minor construction, activation, remodeling, maintenance, and other related construction costs.

"(3) FEES AND EXPENSES OF WITNESSES.—Funds available to the Attorney General for fees and expenses of witnesses may be used for—

"(A) expenses, mileage, compensation, protection, and per diem in lieu of subsistence, of witnesses (including advances of public money) and as authorized by section 1821 or other law, except that no witness may be paid more than 1 attendance fee for any 1 calendar day;

"(B) fees and expenses of neutrals in alternative dispute resolution proceedings, where the Department of Justice is a party; and

"(C) construction of protected witness safesites.

"(4) FEDERAL BUREAU OF INVESTIGATION.—Funds available to the Attorney General for the Federal Bureau of Investigation for the detection, investigation, and prosecution of crimes against the United States may be used for the conduct of all its authorized activities.

"(5) IMMIGRATION AND NATURALIZATION SERVICE.—Funds available to the Attorney General for the Immigration and Naturalization Service may be used for—

"(A) acquisition of land as sites for enforcement fences, and construction incident to such fences;

"(B) cash advances to aliens for meals and lodging en route;

"(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

"(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

"(6) FEDERAL PRISON SYSTEM.—Funds available to the Attorney General for the Federal Prison System may be used for—

"(A) inmate medical services and inmate legal services, within the Federal prison system;

"(B) the purchase and exchange of farm products and livestock;

"(C) the acquisition of land as provided in section 4010 of title 18; and

"(D) the construction of buildings and facilities for penal and correctional institutions (including prison camps), by contract or force account, including the payment of United States prisoners for their work performed in any such construction;

except that no funds may be used to distribute or make available to a prisoner any commercially published information or material that is sexually explicit or features nudity.

"(7) Detention trustee.—Funds available to the Attorney General for the Detention Trustee may be used for all the activities of such Trustee in the exercise of all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service and to the detention of aliens in the custody of the Immigration and Naturalization Service, including the overseeing of construction of detention facilities or for housing related to such detention, the management of funds appropriated to the Department for the exercise of detention functions, and the direction of the United States Marshals Service and the Immigration and Naturalization Service with respect to the exercise of detention policy setting and operations for the Department of Justice.

"(c) Related Provisions.—

"(1) Limitation of compensation of individuals employed as attorneys.—No funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

"(2) Reimbursements paid to governmental entities.—Funds available to the Attorney General that are paid as reimbursement to a governmental unit of the Department of Justice, to another Federal entity, or to a unit of State or local government, may be used under authorities available to the unit or entity receiving such reimbursement.".

(b) Conforming Amendment.—The table of sections of chapter 31 of title 28, United States Code, is amended by adding at the end the following:

"530C. Authority to use available funds.".

SEC. 202. PERMANENT AUTHORITY RELATING TO ENFORCEMENT OF LAWS.

(a) In General.—Chapter 31 of title 28, United States Code (as amended by section 201), is amended by adding at the end the following:

"§ 530D. Report on enforcement of laws

"(a) Report.—

"(1) In general.—The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice—

"(A) establishes or implements a formal or informal policy to refrain—

"(i) from enforcing, applying, or administering any provision of any Federal statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer on the grounds that such provision is unconstitutional; or

"(ii) within any judicial jurisdiction of or within the United States, from adhering to, enforcing, applying, or complying with, any standing rule of decision (binding upon courts of, or inferior to those of, that jurisdiction) established by a final decision of any court of, or superior to those of, that jurisdiction, respecting the interpretation, construction, or application of the Constitution or of any statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer;

"(B) determines—

"(i) to contest affirmatively, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law; or

"(ii) to refrain from defending or asserting, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law, or not to appeal or request review of any judicial, administrative, or other determination adversely affecting the constitutionality of any such provision; or

"(C) approves (other than in circumstances in which a report is submitted to the Joint Committee on Taxation, pursuant to section 6405 of the Internal Revenue Code of 1986) the settlement or compromise (other than in bankruptcy) of any claim, suit, or other action—

"(i) against the United States (including any agency or instrumentality thereof) for a sum that exceeds, or is likely to exceed, $2,000,000; or

"(ii) by the United States (including any agency or instrumentality thereof) pursuant to an agreement, consent decree, or order (or pursuant to any modification of an agreement, consent decree, or order) that provides injunctive or other nonmonetary relief that exceeds, or is likely to exceed, 3 years in duration.

"(2) Submission of report to the Congress.—For the purposes of paragraph (1), a report shall be considered to be submitted to the Congress if the report is submitted to—

"(A) the majority leader and minority leader of the Senate;

"(B) the Speaker, majority leader, and minority leader of the House of Representatives;

"(C) the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate; and

"(D) the Senate Legal Counsel and the General Counsel of the House of Representatives.

"(b) Deadline.—A report shall be submitted—

"(1) under subsection (a)(1)(A), not later than 30 days after the establishment or implementation of each policy;

"(2) under subsection (a)(1)(B), within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but in no event later than 30 days after the making of each determination; and

"(3) under subsection (a)(1)(C), not later than 30 days after the conclusion of each fiscal-year quarter, with respect to all approvals occurring in such quarter.

"(c) Contents.—A report required by subsection (a) shall—

"(1) specify the date of the establishment or implementation of the policy described in subsection (a)(1)(A), of the making of the determination described in subsection (a)(1)(B), or of each approval described in subsection (a)(1)(C);

"(2) include a complete and detailed statement of the relevant issues and background (including a complete and detailed statement of the reasons for the policy or determination, and the identity of the officer responsible for establishing or implementing such policy, making such determination, or approving such settlement or compromise), except that—

"(A) such details may be omitted as may be absolutely necessary to prevent improper disclosure of national-security- or classified information, or of any information subject to the deliberative-process-, executive-, attorney-work-product-, or attorney-client privileges, if the fact of each such omission (and the precise ground or grounds therefor) is clearly noted in the statement: Provided, That this subparagraph shall not be construed to deny to the Congress (including any House, Committee, or agency thereof) any such omitted details (or related information) that it lawfully may seek, subsequent to the submission of the report; and

"(B) the requirements of this paragraph shall be deemed satisfied—

"(i) in the case of an approval described in subsection (a)(1)(C)(i), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the legal and factual basis or bases for the settlement or compromise (if not apparent on the face of documents provided); and

"(ii) in the case of an approval described in subsection (a)(1)(C)(ii), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the injunctive or other nonmonetary relief (if not apparent on the face of documents provided); and

"(3) in the case of a determination described in subsection (a)(1)(B) or an approval described in subsection (a)(1)(C), indicate the nature, tribunal, identifying information, and status of the proceeding, suit, or action.

"(d) Declaration.—In the case of a determination described in subsection (a)(1)(B), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any position expressed as to the constitutionality of the provision involved is the position of the executive branch of the Federal Government (or, as applicable, of the President or of any executive agency or military department).

"(e) Applicability to the President and to Executive Agencies and Military Departments.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department of Justice shall apply to the President and the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code), that establishes or implements a policy described in subsection (a)(1)(A) or is authorized to conduct litigation, and to the officers of such executive agency.".

(b) Conforming Amendments.—

(1) The table of sections for chapter 31 of title 28, United States Code (as amended by

section 201), is amended by adding at the end the following:

"530D. Report on enforcement of laws.".

(2) Section 712 of Public Law 95–521 (92 Stat. 1883) is amended by striking subsection (b).

(3) Not later than 30 days after the date of the enactment of this Act, the President shall advise the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) of the enactment of this section.

(4)(A) Not later than 90 days after the date of the enactment of this Act, the Attorney General (and, as applicable, the President and the head of any executive agency or military department described in subsection (e) of section 530D of title 28, United States Code, as added by subsection (a)) shall submit to Congress a report (in accordance with subsections (a), (c), and (e) of such section) on—

(i) all policies described in subsection (a)(1)(A) of such section that were established or implemented before the date of the enactment of this Act and were in effect on such date; and

(ii) all determinations described in subsection (a)(1)(B) of such section that were made before the date of the enactment of this Act and were in effect on such date.

(B) If a determination described in subparagraph (A)(ii) relates to any judicial, administrative, or other proceeding that is pending in the 90-day period beginning on the date of the enactment of this Act, with respect to any such determination, then the report required by this paragraph shall be submitted within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but not later than 30 days after the date of the enactment of this Act.

SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED SIMULTANEOUSLY TO COMMITTEES.

If the Attorney General or any officer of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof) is required by any Act (which shall be understood to include any request or direction contained in any report of a committee of the Congress relating to an appropriations Act or in any statement of managers accompanying any conference report agreed to by the Congress) to provide a notice or report to any committee or subcommittee of the Congress (other than both the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate), then such Act shall be deemed to require that a copy of such notice or report be provided simultaneously to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL AMENDMENTS.

(a) Bureau of Justice Assistance Grant Programs.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 504(a) by striking "502" and inserting "501(b)";

(2) in section 506(a)(1) by striking "participating";

(3) in section 510—

(A) in subsection (a)(3) by striking "502" inserting "501(b)"; and

(B) by adding at the end the following:

"(d) No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity that is not engaged in law enforcement or law enforcement support, criminal or juvenile justice, or delinquency prevention."; and

(4) in section 511 by striking "503" inserting "501(b)".

(b) Attorneys Specially Retained by the Attorney General.—The 3d sentence of section 515(b) of title 28, United States Code, is amended by striking "at not more than $12,000".

SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS TO DEPARTMENT OF JUSTICE AUTHORITIES; AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE; RECORDKEEPING; PROTECTION OF THE ATTORNEY GENERAL.

(a) Section 524 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting "to the Attorney General" after "available";

(2) in paragraph (c)(1)—

(A) by striking the semicolon at the end of the 1st subparagraph (I) and inserting a period;

(B) by striking the 2d subparagraph (I);

(C) by striking "(A)(iv), (B), (F), (G), and (H)" in the 1st sentence following the 2d subparagraph (I) and inserting "(B), (F), and (G),"; and

(D) by striking "fund" in the 3d sentence following the 2d subparagraph (I) and inserting "Fund";

(3) in paragraph (c)(2)—

(A) by striking "for information" each place it appears; and

(B) by striking "$250,000" the 2d and 3d places it appears and inserting "$500,000";

(4) in paragraph (c)(3) by striking "(F)" and inserting "(G)";

(5) in paragraph (c)(5) by striking "Fund which" and inserting "Fund, that";

(6) in subsection (c)(8)(A) by striking "(A)(iv), (B), (F), (G), and (H)" and inserting "(B), (F), and (G),"; and

(7) in subsection (c)(9)(B)—

(A) by striking "year 1997" and inserting "years 2002 and 2003"; and

(B) by striking "Such transfer shall not" and inserting "Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall".

(b) Section 522 of title 28, United States Code, is amended by inserting "(a)" before "The", and by inserting at the end the following:

"(b) With respect to any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose beginning not later than 1 year after the date of enactment of 21st Century Department of Justice Appropriations Authorization Act and continuing thereafter, and notwithstanding any other provision of law, the same criteria shall be used (and shall be required to be used, as applicable) to classify or categorize offenders and victims (in the criminal context), and to classify or categorize actors and acted upon (in the noncriminal context).".

(c) Section 534(a)(3) of title 28, United States Code, is amended by adding "and" after the semicolon.

(d) Section 509(3) of title 28, United States Code, is amended by striking the 2d period.

(e) Section 533(2) of title 28, United States Code, is amended by inserting "or the person of the Attorney General" after "President".

SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF APPROPRIATIONS.

(a) Section 529 of title 28, United States Code, is amended by inserting "(a)" before "Beginning", and by adding at the end the following:

"(b) Notwithstanding any provision of law limiting the amount of management or administrative expenses, the Attorney General shall, not later than May 2, 2003, and of every year thereafter, prepare and provide to the Committees on the Judiciary and Appropriations of each House of the Congress using funds available for the underlying programs—

"(1) a report identifying and describing every grant, cooperative agreement, or programmatic services contract that was made, entered into, awarded, or extended, in the immediately preceding fiscal year, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services), and including, without limitation, for each such grant, cooperative agreement, or contract: the term, the dollar amount or value, a complete and detailed description of its specific purpose or purposes, the names of all parties, the names of each unsuccessful applicant or bidder (and a complete and detailed description of the specific purpose or purposes proposed of the application or bid), except that such description may be summary with respect to each application or bid having a total value of less than $350,000; and

"(2) a report identifying and reviewing every grant, cooperative agreement, or programmatic services contract made, entered into, awarded, or extended after October 1, 2002, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services) that was closed out or that otherwise ended in the immediately preceding fiscal year (or even if not yet closed out, was terminated or otherwise ended in the fiscal year that ended 2 years before the end of such immediately preceding fiscal year), and including, without limitation, for each such grant, cooperative agreement, or contract: a complete and detailed description of how the appropriated funds involved actually were spent, complete and detailed statistics relating to its performance, its specific purpose or purposes, and its effectiveness, and a written declaration by each non-Federal grantee and each non-Federal party to such agreement or to such contract, that—

"(A) the appropriated funds were spent for such purpose or purposes, and only such purpose or purposes;

"(B) the terms of the grant, cooperative agreement, or contract were complied with; and

"(C) all documentation necessary for conducting a full and proper audit under generally accepted accounting principles, and any (additional) documentation that may have been required under the grant, cooperative agreement, or contract, have been kept in orderly fashion and will be preserved for not less than 3 years from the date of such close out, termination, or end;

except that the requirement of this paragraph shall be deemed satisfied with respect to any such description, statistics, or declaration if such non-Federal grantee or such non-Federal party shall have failed to provide the same to the Attorney General, and the Attorney General notes the fact of such failure and the name of such grantee or such party in the report.".

(b) Section 1913 of title 18, United States Code, is amended by striking "to favor" and inserting "a jurisdiction, or an official of any government, to favor, adopt,", by inserting ", law, ratification, policy," after "legislation" every place it appears, by striking "by Congress" the 2d place it appears, by inserting "or such official" before ", through the proper", by inserting ", measure," before "or resolution", by striking "Members of Congress on the request of any Member" and inserting "any such Member or official, at his request,", by striking "for legislation" and inserting "for any legislation", and by moving ", being an officer or employee of the United States or of any department or agency thereof," to immediately after "; and".

(c) Section 1516(a) of title 18, United States Code, is amended by inserting ", entity, or program" after "person", and by inserting "grant, or cooperative agreement," after "subcontract,".

(d) Section 112 of title I of section 101(b) of division A of Public Law 105–277 (112 Stat. 2681–67) is amended by striking "fiscal year" and all that follows through "Justice—", and inserting "any fiscal year the Attorney General—".

(e) Section 2320(f) of title 18, United States Code, is amended—

(1) by striking "title 18" each place it appears and inserting "this title"; and

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting "(1)" after "(f)"; and

(4) by adding at the end the following:

"(2) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

"(A) The number of infringement cases involving specific types of works, such as audiovisual works, sound recordings, business software, video games, books, and other types of works.

"(B) The number of infringement cases involving an online element.

"(C) The number and dollar amounts of fines assessed in specific categories of dollar amounts, such as up to $500, from $500 to $1,000, from $1,000 to $5,000, from $5,000 to $10,000, and categories above $10,000.

"(D) The amount of restitution awarded.

"(E) Whether the sentences imposed were served.".

SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY ATTORNEY GENERAL.

Section 535 of title 28, United States Code, is amended in subsections (a) and (b), by replacing "title 18" with "Federal criminal law", and in subsection (b), by replacing "or complaint" with "matter, or complaint witnessed, discovered, or", and by inserting "or the witness, discoverer, or recipient, as appropriate," after "agency,".

SEC. 208. COUNTERTERRORISM FUND.

(a) Establishment; Availability.—There is hereby established in the Treasury of the United States a separate fund to be known as the "Counterterrorism Fund", amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) No Effect on Prior Appropriations.—The amendment made by subsection (a) shall not affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. REPEALERS.

(a) Open-Ended Authorization of Appropriations for National Institute of Corrections.—Chapter 319 of title 18, United States Code, is amended by striking section 4353.

(b) Open-Ended Authorization of Appropriations for United States Marshals Service.—Section 561 of title 28, United States Code, is amended by striking subsection (i).

(c) Repeal of Violent Crime Reduction Trust Fund.—

(1) Repealer.—Section 310001 of Public Law 103–322 is repealed.

(2) Conforming amendments.—

(A) Title 31 of the united states code.—Title 31 of the United States Code is amended—

(i) in section 1321(a) by striking paragraph (91), and

(ii) in section 1105(a) by striking paragraph (30).

(B) Availability of funds.—(i) Section 210603 of the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. 922 note) is amended by striking subsection (a).

(ii) Section 13(a) of Public Law 91–383 (16 U.S.C. 1a–7a(a)) is amended by striking "out of the Violent Crime Reduction Trust Fund,".

(iii) Section 6(h)(1) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8(h)(1)) is amended by striking ", and from amounts appropriated out of the Violent Crime Reduction Trust Fund,".

(iv) Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ", of which" and all that follows through "2000".

(v) Sections 808 and 823 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1310, 1317) are repealed.

(vi) The Drug-Free Prisons and Jails Act of 1998 (42 U.S.C. 3751 note) is amended by striking section 118.

(vii) Section 401(e) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2).

SEC. 302. TECHNICAL AMENDMENTS TO TITLE 18 OF THE UNITED STATES CODE.

Title 18 of the United States Code is amended—

(1) in section 4041 by striking "at a salary of $10,000 a year";

(2) in section 4013—

(A) in subsection (a)—

(i) by replacing "the support of United States prisoners" with "Federal prisoner detention";

(ii) in paragraph (2) by adding "and" after "hire;";

(iii) in paragraph (3) by replacing "entities; and" with "entities."; and

(iv) in paragraph (4) by inserting "The Attorney General, in support of Federal prisoner detainees in non-Federal institutions, is authorized to make payments, from funds appropriated for State and local law enforcement assistance, for" before "entering"; and

(B) by redesignating—

(i) subsections (b) and (c) as subsections (c) and (d); and

(ii) paragraph (a)(4) as subsection (b), and subparagraphs (A), (B), and (C), of such paragraph (a)(4) as paragraphs (1), (2), and (3) of such subsection (b); and

(3) in section 209(a)—

(A) by striking "or makes" and inserting "makes"; and

(B) by striking "supplements the salary of, any" and inserting "supplements, the salary of any".

SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE FOR FISCAL YEAR 2003.

When the President submits to the Congress the budget of the United States Government for fiscal year 2003, the President shall simultaneously submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate such proposed legislation authorizing appropriations for the Department of Justice for fiscal year 2003 as the President may judge necessary and expedient.

SEC. 304. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) Appointment of Deputy Inspector General for the Federal Bureau of Investigation.—The Inspector General of the Department of Justice shall appoint a Deputy Inspector General for the Federal Bureau of Investigation who shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2004.

(b) Inspector General Oversight Plan for the Federal Bureau of Investigation.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Congress a plan for oversight of the Federal Bureau of Investigation. The Inspector General shall consider the following activities for inclusion in such plan:

(1) Financial systems.—Auditing the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation.

(2) Programs and processes.—Auditing and evaluating programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action.

(3) Internal affairs offices.—Reviewing the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility.

(4) Personnel.—Investigating allegations of serious misconduct by personnel of the Federal Bureau of Investigation.

(5) Other programs and operations.—Reviewing matters relating to any other program or and operation of the Federal Bureau of Investigation that the Inspector General determines requires review.

(6) Resources.—Identifying resources needed by the Inspector General to implement such plan.

(c) Review of Attorney General Order.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall—

(1) review Attorney General Order 1931–94 (signed November 8, 1994); and

(2) submit to the Congress a report stating whether the Attorney General intends to rescind, to modify, or to take no action affecting such order.

SEC. 305. STUDY OF UNTESTED RAPE EXAMINATION KITS.

The Attorney General shall conduct a study to assess and report to Congress the number of untested rape examination kits that currently exist nationwide and shall submit to the Congress a report containing a summary of the results of such study. For the purpose of carrying out such study, the Attorney General shall attempt to collect information from all law enforcement jurisdictions in the United States.

SEC. 306. REPORT ON DCS 1000 ("CARNIVORE").

Not later than 30 days after the end of fiscal years 2001 and 2002, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Judiciary Committees of the House of Representatives and Senate a report detailing—

(1) the number of times DCS 1000 (or any similar system or device) was used for surveillance during the preceding fiscal year;

(2) the Department of Justice official or officials who approved each use of DCS 1000 (or any similar system or device);

(3) the criteria used by the Department of Justice officials to review requests to use DCS 1000 (or any similar system or device);

(4) a complete description of the process used to submit, review, and approve requests to use DCS 1000 (or any similar system or device);

(5) the specific statutory authority relied on to use DCS 1000 (or any similar system or device);

(6) the court that authorized each use of DCS 1000 (or any similar system or device);

(7) the number of orders, warrants, or subpoenas applied for, to authorize the use of DCS 1000 (or any similar system or device);

(8) the fact that the order, warrant, or subpoena was granted as applied for, was modified, or was denied;

(9) the offense specified in the order, warrant, subpoena, or application;

(10) the nature of the facilities from which, or the place where the contents of, electronic communications were to be disclosed; and

(11) any information gathered or accessed that was not authorized by the court to be gathered or accessed.

SEC. 307. STUDY OF ALLOCATION OF LITIGATING ATTORNEYS.

Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit a report to the chairman and ranking minority member of the Committees on the Judiciary of the House of Representatives and Committee on the Judiciary of the Senate, detailing the distribution or allocation of appropriated funds, attorneys and other personnel, per-attorney workloads, and number of cases opened and closed, for each Office of United States Attorney and each division of the Department of Justice except the Justice Management Division.

TITLE IV—VIOLENCE AGAINST WOMEN

SEC. 401. SHORT TITLE.

This title may be cited as the "Violence Against Women Office Act".

SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

Part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended—

(1) in section 2002(d)(3)—

(A) by striking "section 2005" and inserting "section 2008"; and

(B) by striking "section 2006" and inserting "section 2009";

(2) by redesignating sections 2002 through 2006 as sections 2005 through 2009, respectively; and

(3) by inserting after section 2001 the following:

"SEC. 2002. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

"(a) OFFICE.—There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Violence Against Women Office (in this part referred to as the 'Office').

"(b) DIRECTOR.—The Office shall be headed by a Director (in this part referred to as the 'Director'), who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Assistant Attorney General, and shall make reports to the Deputy Attorney General as the Director deems necessary to fulfill the mission of the Office. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this part.

"SEC. 2003. DUTIES AND FUNCTIONS OF DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.

"(a) IN GENERAL.—The Director shall have the following duties:

"(1) Serving as special counsel to the Attorney General on the subject of violence against women.

"(2) Maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women.

"(3) Providing information to the President, the Congress, the judiciary, State and local governments, and the general public on matters relating to violence against women.

"(4) Serving, at the request of the Attorney General or Assistant Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

"(5) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international fora, including, but not limited to, the United Nations.

"(6) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103-322) and the amendments made by that Act, and other functions of the Department of Justice on matters relating to violence against women, including with respect to those functions—

"(A) the development of policy, protocols, and guidelines;

"(B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and

"(C) the award and termination of grants, cooperative agreements, and contracts.

"(7) Providing technical assistance, coordination, and support to—

"(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;

"(B) other Federal, State, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and

"(C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.

"(8) Exercising such other powers and functions as may be vested in the Director pursuant to this part or by delegation of the Attorney General or Assistant Attorney General.

"(9) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

"SEC. 2004. STAFF OF VIOLENCE AGAINST WOMEN OFFICE.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this part.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2215, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act which authorizes appropriation for the Department of Justice and its components for fiscal year 2002, establishes permanent enabling authorities for the Department, makes several minor and technical improvements to various statutes affecting the Department, requires certain reports be made to Congress, and establishes a permanent Violence Against Women's Office within the Office of Justice Programs at the Department.

This bill was favorably reported by the Committee on the Judiciary on June 20 by voice vote. The legislation is cosponsored by the committee's ranking minority member, the gentleman from Michigan (Mr. CONYERS) and enjoys broad, bipartisan support.

Madam Speaker, the Department of Justice and its various components wields tremendous power and influence. It has an annual budget exceeding $24 billion and has in excess of 125,000 employees. The Department has ultimate responsibility for the enforcement of all Federal criminal laws, including those regarding terrorism. It enforces our Nation's antitrust laws, civil rights laws, immigration and naturalization laws, environmental statutes, tax laws, and numerous other Federal statutes. The lawyers at the Department of Justice represent the government in most types of actions, civil and criminal. And it provides legal advice to the President of the United States and the departments and agencies of the Federal Government. In short, the vast majority of legal questions in litigations addressed by the Federal Government are reviewed and handled by the Department of Justice.

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This great power and responsibility can be a tremendous force for good throughout the Nation and the world. Also, abuse, misuse, and neglect of this power can have detrimental effects that reverberate throughout this country. The Department of Justice is unlike any other department or agency of the Federal Government because its job is providing justice to all. Thus it must be held to the highest standards. Because of its importance, Congress should be fully engaged in oversight of the Department. Unfortunately, Congress has not done a good job of oversight of the Department in the past and needs to do much better.

Further, Congress has neglected its basic responsibility for the last 20 years by failing to authorize the programs within the Department of Justice. It is shameful that the last bill authorizing appropriations for the Department was signed into law by President Carter on November 30, 1979. The last serious effort to authorize the Department was undertaken by my predecessor, the gentleman from Illinois (Mr. HYDE), during the 105th Congress, but the other body failed to act on that legislation. Congress must do a much better job in overseeing the many departments and agencies that make up the Federal Government, and today this House will take a giant leap forward in that effort by authorizing the DOJ and its components.

One reason the Department needs increased oversight is its size. In 1993, the budget authority for the Department was $11.3 billion. Today, it exceeds $24 billion. In 1993, the Department had 90,600 authorized positions. Today it has 35,000 more. In 1993, the Immigration and Naturalization Service had over $1.5 billion in budget authority and over 18,000 authorized positions. Today the INS has over $5 billion in budget authority and 33,500 authorized positions.

I doubt that many Members or their constituents would argue that the increased funding and staffing at the INS has improved its operations appreciably. I would feel the opposite. Another area of exponential growth at the Department has been its grant-making authority. In 1993, the Office of Justice Programs distributed almost $1 billion in grants. In fiscal year 2001, the Department will distribute more than $5 billion. This growth of budget authority and responsibility cries out for congressional oversight. This bill takes us in that direction.

Title I of the bill authorizes appropriations for the major components of the Justice Department for fiscal year 2002. While President Bush's budget provides a breather from the hefty increases the Department has seen over the last decade, this budget still includes promising initiatives, such as new funding for the INS to help secure our borders, new funding for the FBI to combat terrorism and cybercrime, and new funding for the DEA to improve its efforts to fight the scourge of drugs and violence. The authorization mirrors the President's request except in two areas. First, the committee increased the President's request for the DOJ Inspector General by $10 million. This is necessary because the committee is concerned about the severe downsizing of that office and the need for oversight, particularly of the FBI, at the Department.

H.R. 2215 does not contain an authorization for appropriations for several unauthorized grant programs. The Committee on the Judiciary will review each of these expired programs and authorize them as needed. The committee has already done this for the Juvenile Justice Block Grants program which I am hopeful that the House will consider in the coming weeks.

Madam Speaker, title III contains an important provision establishing within the office of DOJ Inspector General a deputy IG for FBI oversight whose sole job will be to coordinate and be responsible for overseeing the programs and operations of the Bureau. This position is necessary because of the recent spy scandal, the FBI's failure to comply with the document disclosure agreement in the McVeigh case, and now the revelation about missing firearms and computers at our Nation's number one law enforcement agency. These problems cry out for attention, and I believe there needs to be one person in the IG's office whose sole focus is to review FBI operations.

As I have already mentioned, the bill increases the authorization for the office of Inspector General by $10 million above the President's proposed budget. This office has been severely downsized over the last several years from approximately 460 to 360 full-time equivalents. I believe that Congress has been penny-wise and pound foolish in this regard. We should spend a little bit more time, effort, and money on oversight and a little less on other bloated DOJ programs. I would urge the conferees in the DOJ appropriation bill to adequately fund the new responsibilities that have been given to the IG.

H.R. 2215 requires the IG to submit an oversight plan for the FBI to the Congress and requires the Attorney General to review Attorney General Reno's order numbered 1931-94. Coincidentally, Attorney General Ashcroft overturned this order on July 11, a day after the report to H.R. 2215 was filed in the House. Now the DOJ Inspector General has full authority over both the FBI and DEA. Passage of this bill will help the new Director and the Attorney General make needed improvements to this prestigious agency.

The bill also authorizes a Violence Against Women Office within the Justice Department. This provision was offered in committee by the gentlewoman from Wisconsin (Ms. BALDWIN). The VAWO would be headed by a director who is appointed by the President and confirmed by the Senate.

In addition, title IV enumerates duties and responsibilities of the Director and requires the Attorney General to ensure the VAWO is adequately staffed. Since its adoption in committee, this provision has been changed to ensure that it may utilize the existing bureaucracy that already exists at the Office of Justice Programs. As originally drafted, the VAWO would have had to establish its own grant making office and administrative offices. The director of VAWO will report to the Assistant Attorney General but may report to the Deputy Attorney General on such matters as she deems appropriate. I appreciate the work of the gentlewoman from Wisconsin (Ms. BALDWIN) and her willingness to ensure that this office works properly within the existing bureaucracy at the Department.

Finally, Madam Speaker, I would like to highlight one other provision of this bill. It contains an important provision that directs the Department of Justice to submit all reports it is required to submitted, including reprogramming notices and transfer requests, to the Committee on the Judiciary in addition to any other committee. This will clearly help the Committee on the Judiciary conduct oversight of the Department. This provision is necessary because several years ago, the Committee on Appropriations slipped an amendment into their bill denying the House and Senate Judiciary Committees the ability to receive reprogramming and transfer notices, notices which were routinely sent to the committees from 1979 through 1996. This has diminished our ability to conduct oversight over the Department, and I believe has hurt the Department of Justice. It takes more than just the Committee on Appropriations to conduct oversight over the DOJ. The Committee on the Judiciary has a large role to play, and it should not be denied needed information by another committee.

Madam Speaker, H.R. 2215 is a giant step in the right direction, but more needs to be done. We do not tackle every problem facing the Department by this legislation. However, we do address several, and I am sure we will address more next year during the fiscal year 2003 process. The Committee on the Judiciary will continue to review the programs and operations of the Department of Justice and will hold it to the highest standards of professionalism and integrity. Congress ratifies that process by its action here today.

I particularly want to acknowledge the work of the members of the committee, particularly the gentleman from Michigan (Mr. CONYERS) and his staff who have sat through numerous sessions with majority staff and Department of Justice officials. We all should be proud of this comprehensive bill.

I urge all Members to support this legislation.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise in support of this legislation, H.R. 2215, and thank the chairman and the ranking member of the Committee on the Judiciary for doing an act, if you will, that has not been done in more than 20 years, and, that is, authorizing the Department of Justice. I rise in support of this bill and commend the chairman and the ranking member for not only defending the Committee on the Judiciary's jurisdiction but also for working in a bipartisan manner.

The committee has not authorized the Department of Justice in more than 20 years, instead permitting the appropriators to decide the DOJ programs that should be authorized and for how much. Needless to say, this puts a serious cramp in the committee's critical oversight duties and as well the vision for the laws that guide America and the concept that we are a Nation of laws as well as a Nation of people.

To remedy this, the chairman worked with the Democratic staff and the Justice Department to draft H.R. 2215. Aside from fixing errors in the law, H.R. 2215 is the voice of the committee in progress, I would say, on how the Justice Department should be funded. For example, this bill tracks our request that the Civil Rights Division receive $101.8 million for fiscal year 2002. There are many issues, of course, that are of interest to us dealing with those, and I will discuss those issues as I proceed in this discussion.

Among the things they will fund will be FACE enforcement that is extremely important, that is, legislation that adheres to the rules and the guidance of our civil rights. The bill also creates a separate and statutory office for the administration of the Violence Against Women Act. The new Violence Against Women Act will raise the profile of VAWA issues and make it easier to distribute grants to combat domestic and other forms of violence against women. In particular, this was an effort by the Democrats on the Committee on the Judiciary, and we worked in a bipartisan way to secure this. I am interested, however, in making sure that we include in this office the oversight of violence against college students, women on college campuses, which has been a rising statistic. We should ensure that date rape that occurs mostly on college campuses is part of the efforts of this office and of course the Violence Against Women Act.

That being said, the bill, of course, has many good points to it, but it is not perfect. For instance, it does not touch on an all-important DOJ grant program such as COPS, but it is a useful starting point and a precursor to what I hope will be more active committee involvement in the running of the Justice Department. There are many of our Members who wholeheartedly endorse the COPS program and as we move through the appropriations process we are hoping that authorizers and appropriators will see the benefit of funding the COPS program and working with it in a strong and productive manner.

I would say the chairman and the ranking member of the House Committee on the Judiciary have contacted Senate Judiciary Chairman LEAHY and Senator HATCH about this bill, and I believe there may be a reasonable opportunity to pass this legislation in the other body. We want this to be a unanimous effort of both bodies to be able to authorize the DOJ for the first time in 20 years.

Let me emphasize the importance of the full funding of the Office of Civil Rights of the Department of Justice. Over the years, those who have had diminished civil rights in this country starting with the civil rights movement and before Brown v. Topeka Board of Education through the Supreme Court decisions have worked their way through the Department of Justice. As we saw the accommodations of this country be desegregated in the schools, the Department of Justice was a fixture in helping to ensure the civil rights of all Americans. It is crucial that the Civil Rights Division is funded in this time because of the very important issues covering racial profiling and voter rights enforcement. Needless to say, the issues that occurred in Florida are symptomatic of what is occurring across the country as we have had hearings to emphasize that our electoral system, our voting system, is in fact broken. In most instances in minority and poor communities, there is poor equipment, there is poor education, there are untrained workers across the Nation, and we need to ensure that the Office of Civil Rights is involved in voting rights enforcement and, as well, the fixing of the election system in America.

Let me also add an additional insight, even though I know it is covered by the oversight committees dealing with the United States military. I have had conversations with military personnel on bases who have argued that they have not gotten information, outreach information about voter registration, absentee balloting, and so we are leaving the men and women who offer their lives every day on our behalf out of the realm of expressing their desires in a democratic process. We must ensure that the U.S. military, as well, is covered by any laws and any remedies that we have in changing the voter laws of this Nation to ensure there is no discrimination and, as well, that there is outreach and that every single vote is counted. The full funding of the Civil Rights Division does that.

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Let me also applaud and suggest that we are, if you will, gratified for the enhanced funding of the Inspector General's Office. The Inspector General's Office does many things. The $10 million I believe we have authorized will help it do its job better. In particular, as we look at our responsibilities of oversight over the FBI, the terrible issues dealing with the spy case, lost weapons, lost files, requires great insight into these agencies to make them what they should be.

I am pleased that we are still remembering the importance of the Community Relations Office. Having come from Texas and being aware of some of the strife that we face in our communities, and when I say from Texas, I am particularly pointing to the tragedy of the James Byrd crisis and killing that we had more than 2 years ago, I am pleased that that office is still functioning, and would hope that, through the appropriations process, it can have a higher funding.

Looking at the juvenile justice area, I have noted that the statistics show that juvenile crime has gone down. It is crucial that we not only authorize the program dealing with juvenile justice, in particular the Office of Juvenile Delinquency Programs to be a preventive arm in our system of justice, but that we ensure that it reaches out to the hamlets and cities and counties around the Nation. Our children are our most important asset, and I believe that it is extremely important that we fund those programs.

Might I add that I secured an amendment to the Commerce-State-Justice appropriations bill that would not eliminate the opportunity for our communities to promote voluntary trigger locks to ensure that we have added gun safety and protect our young people, and I am gratified that we do not have an authorizing bill that would prohibit such.

Let me conclude, Madam Speaker, by indicating the areas of disappointment that I have. Yes, we have made improvements in the INS; and we realize there is need for greater improvement. For example, we need to restructure the INS so there is a balance between enforcement and service.

As we have heard the discussions of the administration over the last couple of weeks, we have heard a promotion of amnesty for certain groups of individuals. I believe that the Committee on the Judiciary should take the leadership in working with various aspects of our caucuses and both bodies to ensure a consensus immigration policy that provides access to legalization to many, many groups, and not just one particular group. For those of us who have fought for amnesty for hard-working, tax-paying immigrants, we know that it is bad to deny them health care, it is bad to deny them education, and it certainly is bad to isolate immigrants from one group to the next. So I am disappointed we were not able to include in this authorization $3 million for legal services for individuals who are seeking access to legalization, who have no access to the services of lawyers to be able to pursue their legal rights in the right way.

If this country is a country of immigrants and a country of laws, I think it is extremely important that we provide that.

I also believe we have individuals seeking asylum on the basis of persecution, and we therefore should have alternatives to detention. These are not individuals accused of violent crimes but have come here because of persecution, slavery, abuse in their nation, and we are incarcerating them like they are common criminals.

I believe, however, as we move toward making sure that the Department of Justice is the kind of agency we all would like, we can do so in a bipartisan manner; and these issues that I have raised can be worked out on the Committee on the Judiciary, House and Senate, and as we proceed through this Congressional session. Therefore, I would ask that my colleagues would enthusiastically support H.R. 2215.

I rise in support of this bill and commend the Chairman not only for defending the Judiciary Committee's jurisdiction but also for his bipartisanship. The Committee has not authorized the Department of Justice in more than 20 years, instead permitting the appropriators to decide what DOJ programs should be authorized and for how much. Needless to say, this puts a serious cramp in the Committee's critical oversight duties.

To remedy this, the Chairman worked with the Democratic staff and the Justice Department to draft H.R. 2215. Aside from fixing errors in the law, H.R. 2215 is the voice of the Committee on how the Justice Department should be funded. For example, this bill tracks our request that the Civil Rights Division receive $101.8 million for fiscal year 2002. Among other things, thee funds will be used for voting rights and police brutality investigations and FACE enforcement.

The bill also creates a separate and statutory office for the administration of the Violence Against Women Act. The new Violence Against Women Office will raise the profile of VAWA issues and make it easier to distribute grants to combat domestic and other forms of violence against women.

That being said, the bill is not perfect. For instance, it does not touch on all-important DOJ grant programs such as COPS. But it is a useful starting point and a precursor to what I hope will be more active Committee involvement in the running of the Justice Department.

Finally, the Chairman and the Ranking Member of the House Judiciary Committee have contacted Senate Judiciary Chairman LEAHY and Senator HATCH about this bill and believe there may be a reasonable opportunity to pass this legislation in the other body.

I urge my colleagues to vote "yes" on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I rise in support of the Department of Justice Reauthorization act. I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and his staff for their hard work on this bill.

I would also like to bring to the Members' attention a specific provision, one of many, but a specific provision that was added in the Committee on the Judiciary by the gentlewoman from Wisconsin (Ms. BALDWIN), which is also stand-alone legislation introduced by the gentlewoman from New York (Ms. SLAUGHTER) and myself as H.R. 28. By including this provision, we have another opportunity to strengthen the Federal Government's commitment to helping victims of domestic violence, sexual assault, and stalking.

The Violence Against Women Office Act, as amended to this bill, would make the Violence Against Women Office permanent and provide it with a Presidentially appointed and Senate-confirmed director. This office does much more than administer grants. It also expertly implements programs and offers Federal, State, and local governments critical assistance in policy making to combat all forms of violence against women.

The Director's ability, as set out under this bill, to report directly to the Deputy Attorney General demonstrates the essential commitment of the Federal Government and this administration to incorporating strong policies against domestic violence, sexual assault, and stalking.

Again, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for working with the advocates to maintain this provision in H.R. 2215 and for his support for maintaining and fully funding the Violence against Women Act grants within the Department of Justice.

I urge my colleagues to vote for this measure.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I simply want to thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership on the issues of violence against women.

I conclude, Madam Speaker, by thanking the chairman of the committee and the ranking member for their leadership on this legislation. I ask for passage of H.R. 2215.

Ms. SLAUGHTER. Madam Speaker. I am pleased to rise in support of H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act, which includes a provisions to statutorily create a permanent Violence Against Women Office within the Department of Justice.

Curently, the Violence Against Women Office is responsible for coordinating the training of judges, law enforcement and prosecutors in responding to victims of domestic violence, stalking and assault. Among other responsibilities, it works with states and localities to provide a coordinated community response to domestic violence and establishes public education initiatives to heighten national awareness of domestic violence as a crime. Unfortunately, the office only exists by administrative order and could be abolished at any time.

As we begin a new century, violence against women remains a national problem. At present, approximately 4.9 million domestic physical assaults take place against women annually in the United States. There are also 1.1 million protective or restraining orders obtained by victims of intimate partner rape, physical assault, and stalking annually. And finally, $22.3 billion in criminal and legal costs are incurred by domestic violence victims each year.

In response to these statistics, I introduced H.R. 28, the Violence Against Women Office Act, which would establish the Office permanently in statute. I am proud to report that the bill currently has 148 cosponsors. With overwhelming bipartisan support, this language was included as an amendment to H.R. 2215 by the members of the House Judiciary Committee.

Establishing the Violence Against Women Office permanently within the Department of Justice responds to the growing problem of domestic violence and ensures the continued coordination of support, education, and assistance initiatives from the national to the community level.

As the members of House Judiciary Committee have recognized by including the language of H.R. 28 as an amendment to this bill, the need for a permanent Violence against Women Office is strong. Moreover, without the security of a statute, the continuation of the Office's important work is threatened. Today, we have the opportunity to change that.

Domestic violence is nothing less than an epidemic and must be attacked with all the resources we would bring to bear against a deadly disease. I therefore urge my colleagues to support H.R. 2215, which includes a provision to establish the Violence Against Women Office permanently in statute.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2215, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2137) to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure, as amended.

The Clerk read as follows:

H.R. 2137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Law Technical Amendments Act of 2001".

SEC. 2. TECHNICAL AMENDMENTS RELATING TO CRIMINAL LAW AND PROCEDURE.

(a) Missing and Incorrect Words.—

(1) Correction of garbled sentence.—Section 510(c) of title 18, United States Code, is amended by striking "fine of under this title" and inserting "fine under this title".

(2) Insertion of missing words.—Section 981(d) of title 18, United States Code, is amended by striking "proceeds from the sale of this section" and inserting "proceeds from the sale of such property under this section".

(3) Correction of incorrect word.—Sections 1425 through 1427, 1541 through 1544 and 1546(a) of title 18, United States Code, are each amended by striking "to facility" and inserting "to facilitate".

(4) Correcting erroneous amendatory language on executed amendment.—Effective on the date of the enactment of Public Law 103–322, section 60003(a)(13) of such public law is amended by striking "$1,000,000 or imprisonment" and inserting "$1,000,000 and imprisonment".

(5) Insertion of missing word.—Section 3286 of title 18, United States Code, is amended by inserting "section" before "2332b".

(6) Correction of reference to short title of law.—That section 2332d(a) of title 18, United States Code, which relates to financial transactions is amended by inserting "of 1979" after "Export Administration Act".

(7) Elimination of typo.—Section 1992(b) of title 18, United States Code, is amended by striking "term or years" and inserting "term of years".

(8) Spelling correction.—Section 2339A(a) of title 18, United States Code, is amended by striking "or an escape" and inserting "of an escape".

(9) Section 3553.—Section 3553(e) of title 18, United States Code, is amended by inserting "a" before "minimum".

(10) Misspelling in section 205.—Section 205(d)(1)(B) of title 18, United States Code, is amended by striking "groups's" and inserting "group's".

(11) Conforming change and inserting missing word in section 709.—The paragraph in section 709 of title 18, United States Code, that begins with "A person who" is amended—

(A) by striking "A person who" and inserting "Whoever"; and

(B) by inserting "or" after the semicolon at the end.

(12) Error in language being stricken.—Effective on the date of its enactment, section 726(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) is amended—

(A) in subparagraphs (C) and (E), by striking "section" the first place it appears; and

(B) in subparagraph (G), by striking "relating to" the first place it appears.

(b) Margins, Punctuation, and Similar Errors.—

(1) Margin error.—Section 1030(c)(2) of title 18, United States Code, is amended so that the margins of subparagraph (B) and each of its clauses, are moved 2 ems to the left.

(2) Correcting capitalization in language to be stricken.—Effective on the date of its enactment, section 607(g)(2) of the Economic Espionage Act of 1996 is amended by striking "territory" and inserting "Territory".

(3) Correcting paragraphing.—The material added to section 521(a) of title 18, United States Code, by section 607(q) of the Economic Espionage Act of 1996 is amended to appear as a paragraph indented 2 ems from the left margin.

(4) Subsection placement correction.—Section 1513 of title 18, United States Code, is amended by transferring subsection (d) so that it appears following subsection (c).

(5) Insertion of parenthetical descriptions.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended—

(A) by inserting "(relating to certain killings in Federal facilities)" after "930(c)";

(B) by inserting "(relating to wrecking trains)" after "1992"; and

(C) by striking "2332c,".

(6) Correction to allow for insertion of new subparagraph and correction of erroneous indentation.—Section 1956(c)(7) of title 18, United States Code, is amended—

(A) in subparagraph (B)(ii), by moving the margin 2 ems to the right;

(B) by striking "or" at the end of subparagraph (D);

(C) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(D) in subparagraph (F), by striking "Any" and inserting "any".

(7) Correction of confusing subdivision designation.—Section 1716 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting "(j)(1)" before "Whoever";

(B) in the second undesignated paragraph—

(i) by striking "not more than $10,000" and inserting "under this title"; and

(ii) by inserting "(2)" at the beginning of that paragraph;

(C) by inserting "(3)" at the beginning of the third undesignated paragraph; and

(D) by redesignating subsection (j) as subsection (k).

(8) Punctuation correction in section 1091.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "subsection (a)(1)," and inserting "subsection (a)(1)".

(9) Punctuation correction in section 2311.—Section 2311 of title 18, United States Code, is amended by striking the period after "carcasses thereof" the second place that term appears and inserting a semicolon.

(10) Syntax correction.—Section 115(b)(2) of title 18, United States Code, is amended by striking ", attempted kidnapping, or conspiracy to kidnap of a person" and inserting "or attempted kidnapping of, or a conspiracy to kidnap, a person".

(11) Correcting capitalization in section 982.—Section 982(a)(8) of title 18, United States Code, is amended by striking "Court" and inserting "court".

(12) Punctuation corrections in section 1029.—Section 1029 of title 18, United States Code, is amended—

(A) in subsection (c)(1)(A)(ii), by striking "(9)," and inserting "(9)"; and

(B) in subsection (e), by adding a semicolon at the end of paragraph (8).

(13) Corrections of connectors and punctuation in section 1030.—Section 1030 of title 18, United States Code, is amended—

(A) by striking "and" at the end of subsection (c)(2)(A);

(B) by inserting "and" at the end of subsection (c)(2)(B)(iii);

(C) by striking "; and" at the end of subsection (c)(3)(B) and inserting a period;

(D) by striking the period at the end of subsection (e)(4)(I) and inserting a semicolon; and

(E) by striking "and" at the end of subsection (e)(7).

(14) Correction of punctuation in section 1032.—Section 1032(1) of title 18, United States Code, is amended by striking "13," and inserting "13".

(15) Correction of punctuation in section 1345.—Section 1345(a)(1) of title 18, United States Code, is amended.—

(A) in subparagraph (B), by striking ", or" and inserting "; or"; and

(B) in subparagraph (C), by striking the period and inserting a semicolon.

(16) Correction of punctuation in section 3612.—Section 3612(f)(2)(B) of title 18, United States Code, is amended by striking "preceding." and inserting "preceding".

(17) Correction of indentation in Controlled Substances Act.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by moving the margin of subparagraph (C) 2 ems to the left.

(c) Elimination of Redundancies.—

(1) Elimination of redundant provision.—Section 2516(1) of title 18, United States Code, is amended—

(A) by striking the first paragraph (p); and

(B) by inserting "or" at the end of paragraph (o).

(2) Elimination of duplicate amendments.—Effective on the date of its enactment, paragraphs (1), (2), and (4) of section 601(b), paragraph (2) of section 601(d), paragraph (2) of section 601(f), paragraphs (1) and (2)(A) of section 601(j), paragraphs (1) and (2) of section 601(k), subsection (d) of section 602, paragraph (4) of section 604(b), subsection (r) of section 605, and paragraph (2) of section 607(j) of the Economic Espionage Act of 1996 are repealed.

(3) Elimination of extra comma.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(A) by striking "Code,," and inserting "Code,"; and

(B) by striking “services),,” and inserting “services),”.

(4) REPEAL OF SECTION GRANTING DUPLICATIVE AUTHORITY.—

(A) Section 3503 of title 18, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3503.

(5) ELIMINATION OF OUTMODED REFERENCE TO PAROLE.—Section 929(b) of title 18, United States Code, is amended by striking the last sentence.

(d) CORRECTION OF OUTMODED FINE AMOUNTS.—

(1) IN TITLE 18, UNITED STATES CODE.—

(A) IN SECTION 492.—Section 492 of title 18, United States Code, is amended by striking “not more than $100” and inserting “under this title”

(B) IN SECTION 665.—Section 665(c) of title 18, United States Code, is amended by striking “a fine of not more than $5,000” and inserting “a fine under this title”.

(C) IN SECTIONS 1924, 2075, 2113(b), AND 2236.—

(i) Section 1924(a) of title 18, United States Code, is amended by striking “not more than $1,000,” and inserting “under this title”.

(ii) Sections 2075 and 2113(b) of title 18, United States Code, are each amended by striking “not more than $1,000” and inserting “under this title”.

(iii) Section 2236 of title 18, United States Code, is amended by inserting “under this title” after “warrant, shall be fined”, and by striking “not more than $1,000”

(D) IN SECTION 372 AND 752.—Sections 372 and 752(a) of title 18, United States Code, are each amended by striking “not more than $5,000” and inserting “under this title”.

(E) IN SECTION 924(e)(1).—Section 924(e)(1) of title 18, United States Code, is amended by striking “not more than $25,000” and inserting “under this title”.

(2) IN THE CONTROLLED SUBSTANCES ACT.—

(A) IN SECTION 401.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended—

(i) in paragraph (1), by striking “and shall be fined not more than $10,000” and inserting “or fined under title 18, United States Code, or both”; and

(ii) in paragraph (2), by striking “and shall be fined not more than $20,000” and inserting “or fined under title 18, United States Code, or both”.

(B) IN SECTION 402.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(i) in subparagraph (A), by striking “of not more than $25,000” and inserting “under title 18, United States Code”; and

(ii) in subparagraph (B), by striking “of $50,000” and inserting “under title 18, United States Code”.

(C) IN SECTION 403.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(i) by striking “of not more than $30,000” each place that term appears and inserting “under title 18, United States Code”; and

(ii) by striking “of not more than $60,000” each place it appears and inserting “under title 18, United States Code”.

(e) CROSS REFERENCE CORRECTIONS.—

(1) SECTION 3664.—Section 3664(o)(1)(C) of title 18, United States Code, is amended by striking “section 3664(d)(3)” and inserting “subsection (d)(5)”.

(2) CHAPTER 228.—Section 3592(c)(1) of title 18, United States Code, is amended by striking “section 36” and inserting “section 37”.

(3) CORRECTING ERRONEOUS CROSS REFERENCE IN CONTROLLED SUBSTANCES ACT.—Section 511(a)(10) of the Controlled Substances Act (21 U.S.C. 881(a)(10)) is amended by striking “1822 of the Mail Order Drug Paraphernalia Control Act” and inserting “422”.

(4) CORRECTION TO REFLECT CROSS REFERENCE CHANGE MADE BY OTHER LAW.—Effective on the date of its enactment, section 601(c)(3) of the Economic Espionage Act of 1996 is amended by striking “247(d)” and inserting “247(e)”.

(5) TYPOGRAPHICAL AND TYPEFACE ERROR IN TABLE OF CHAPTERS.—The item relating to chapter 123 in the table of chapters at the beginning of part I of title 18, United States Code, is amended—

(A) by striking “2271” and inserting “2721”; and

(B) so that the item appears in bold face type.

(6) SECTION 4104.—Section 4104(d) of title 18, United States Code, is amended by striking “section 3653 of this title and rule 32(f) of” and inserting “section 3565 of this title and the applicable provisions of”.

(7) ERROR IN AMENDATORY LANGUAGE.—Effective on the date of its enactment, section 583 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (111 Stat. 2436) is amended by striking “Section 2401” and inserting “Section 2441”.

(8) ERROR IN CROSS REFERENCE TO COURT RULES.—The first sentence of section 3593(c) of title 18, United States Code, is amended by striking “rule 32(c)” and inserting “rule 32”.

(9) SECTION 1836.—Section 1836 of title 18, United States Code, is amended—

(A) in subsection (a), by striking “this section” and inserting “this chapter”; and

(B) in subsection (b), by striking “this subsection” and inserting “this section”.

(10) CORRECTION OF ERRONEOUS CITE IN CHAPTER 119.—Section 2510(10) of title 18, United States Code, is amended by striking “shall have” and all that follows through “United States Code;” and inserting “has the meaning given that term in section 3 of the Communications Act of 1934;”.

(11) ELIMINATION OF OUTMODED CITE IN SECTION 2339A.—Section 2339A(a) of title 18, United States Code, is amended by striking “2332c,”.

(12) CORRECTION OF REFERENCES IN AMENDATORY LANGUAGE.—Effective the date of its enactment, section 115(a)(8)(B) of Public Law 105–119 is amended.—

(A) in clause (i)—

(i) by striking “at the end of” and inserting “following”; and

(ii) by striking “paragraph” the second place it appears and inserting “subsection”; and

(B) in clause (ii), by striking “subparagraph (A)” and inserting “clause (i)”.

(f) TABLES OF SECTIONS CORRECTIONS.—

(1) CONFORMING TABLE OF SECTIONS TO HEADING OF SECTION.—The item relating to section 1837 in the table of sections at the beginning of chapter 90 of title 18, United States Code, is amended by striking “Conduct” and inserting “Applicability to conduct”.

(2) CONFORMING HEADING TO TABLE OF SECTIONS ENTRY.—The heading of section 1920 of title 18, United States Code, is amended by striking “**employee's**” and inserting “**employees**”.

SEC. 3. ADDITIONAL TECHNICALS.

Title 18, United States Code, is amended—

(1) in section 922(t)(1)(C), by striking “1028(d)(1)” and inserting “1028(d)”;

(2) in section 1005—

(A) in the first undesignated paragraph, by striking “Act,,” and inserting “Act,”; and

(B) by inserting “or” at the end of the third undesignated paragraph;

(3) in section 1071, by striking “fine of under this title” and inserting “fine under this title”;

(4) in section 1368(a), by inserting “to” after “serious bodily injury”;

(5) in section 1956(c)(7)(B)(ii), by inserting “or” at the end thereof;

(6) in section 1956(c)(7)(B)(iii), by inserting a closing parenthesis after “1978”;

(7) in subsections (b)(1) and (c) of section 2252A, by striking “paragraphs” and inserting “paragraph”; and

(8) in section 2254(a)(3), by striking the comma before the period at the end.

SEC. 4. REPEAL OF OUTMODED PROVISIONS.

(a) Section 14 of title 18, United States Code, and the item relating thereto in the table of sections at the beginning of chapter 1 of title 18, United States Code, are repealed.

(b) Section 1261 of such title is amended—

(1) by striking “(a) The Secretary” and inserting “The Secretary”; and

(2) by striking subsection (b).

(c) Section 1821 of such title is amended by striking “, the Canal Zone”.

(d) Section 3183 of such title is amended by striking “or the Panama Canal Zone,”.

(e) Section 3241 of such title is amended by striking “United States District Court for the Canal Zone and the”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2137, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, during the last half of the 20th century, Congress has expanded the criminal code almost exponentially. According to a study conducted by the Task Force on Federalization of Criminal Law of the Criminal Section of the American Bar Association, more than 40 percent of the Federal criminal provisions enacted since the Civil War have been enacted since 1970. In addition to the increased responsibility placed on Federal law enforcement agencies, this explosion of lawmaking has resulted in the enactment of numerous technical mistakes which litter the criminal code. This legislation corrects those mistakes.

Specifically, H.R. 2137 makes over 60 separate technical changes to various criminal statutes by correcting missing and incorrect words, margins, punctuation, redundancies, outmoded fine amounts, cross references, and other technical and clerical errors.

Madam Speaker, this is not a glamorous bill. No one will issue a press release about its passage or will make it a plank in one's reelection. But it is important work. Correcting mistakes in the criminal code is important to the thousands of Assistant U.S. Attorneys and Federal law enforcement officials throughout the Nation who rely on the accuracy of the criminal code on a daily basis. No longer will they have to rely on an editor's footnote to guess Congress' true intentions. Furthermore, the placement of a comma is not always trivial. The Supreme Court has reviewed cases because of confusion over Congress' grammatical mistakes, including the mistake in placement of a comma.

Madam Speaker, I would like to thank the three cosponsors of this legislation: the gentleman from Michigan (Mr. CONYERS), the ranking minority member of the committee; the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime; and the gentleman from Virginia (Mr. SCOTT), the ranking minority member of the Subcommittee on Crime.

I would also like to recognize the staff of the Office of Legislative Counsel and Law Revision Counsel who, along with majority and minority staff, spent hours going through each minor change.

I urge Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in favor of the bill, H.R. 2137, the Criminal Law Technical Amendments Act of 2001. I am satisfied that the Criminal Law Technical Amendments Act of 2001 is simply what its name implies, a bill involving purely technical amendments to the Federal criminal code.

The bill is cosponsored by the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER); the ranking member, the gentleman from Michigan (Mr. CONYERS); the chairman of the Subcommittee on Crime, the gentleman from Texas (Mr. SMITH); and the ranking member, the gentleman from Virginia (Mr. SCOTT). We thank them for their work.

Committee staff for both sides of the aisle have thoroughly reviewed the provisions of the bill in consultation with government and outside organizations concerned about the Federal criminal code. All agree that these are purely technical amendments which correct mistakes or omissions in the originally enacted language to ensure the smooth process of the criminal justice system. The amendments give the provisions their intended language, therefore clarifying the importance of the distinction needed to ensure justice, thus avoiding possible confusion and misinterpretation.

Accordingly, I support the bill, and I urge my colleagues to do the same.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2137 , as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FAMILY SPONSOR IMMIGRATION ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1892) to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked, as amended.

The Clerk read as follows:

H.R. 1892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Sponsor Immigration Act of 2001".

SEC. 2. SUBSTITUTION OF ALTERNATIVE SPONSOR IF ORIGINAL SPONSOR HAS DIED.

(a) PERMITTING SUBSTITUTION OF ALTERNATIVE CLOSE FAMILY SPONSOR IN CASE OF DEATH OF PETITIONER.—

(1) RECOGNITION OF ALTERNATIVE SPONSOR.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(f)(5)) is amended to read as follows:

"(5) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who—

"(A) accepts joint and several liability with a petitioning sponsor under paragraph (2) or relative of an employment-based immigrant under paragraph (4) and who demonstrates (as provided under paragraph (6)) the means to maintain an annual income equal to at least 125 percent of the Federal poverty line; or

"(B) is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

"(i) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

"(ii) the Attorney General has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate.".

(2) CONFORMING AMENDMENT PERMITTING SUBSTITUTION.—Section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by striking "(including any additional sponsor required under section 213A(f))" and inserting "(and any additional sponsor required under section 213A(f) or any alternative sponsor permitted under paragraph (5)(B) of such section)".

(3) ADDITIONAL CONFORMING AMENDMENTS.—Section 213A(f) of such Act (8 U.S.C. 1183a(f)) is amended, in each of paragraphs (2) and (4)(B)(ii), by striking "(5)." and inserting "(5)(A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to deaths occurring before, on, or after the date of the enactment of this Act, except that, in the case of a death occurring before such date, such amendments shall apply only if—

(1) the sponsored alien—

(A) requests the Attorney General to reinstate the classification petition that was filed with respect to the alien by the deceased and approved under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) before such death; and

(B) demonstrates that he or she is able to satisfy the requirement of section 212(a)(4)(C)(ii) of such Act (8 U.S.C. 1182(a)(4)(C)(ii)) by reason of such amendments; and

(2) the Attorney General reinstates such petition after making the determination described in section 213A(f)(5)(B)(ii) of such Act (as amended by subsection (a)(1) of this Act).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1892, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1892, the Family Sponsor Immigration Act of 2001, was introduced by the gentleman from California (Mr. CALVERT) and amended in the Committee on the Judiciary by our other colleague, the gentleman from California (Mr. ISSA). I want to thank both of them for bringing to our attention an unintended quirk in the Immigration and Nationality Act that needlessly keeps families separated. I want to thank them for developing this bill, which brings families back together.

Each year the United States provides hundreds of thousands of immigrant visas for spouses and other family members of U.S. citizens and permanent residents. Tragically, each year a number of these U.S. citizens and permanent residents petitioning for their family members will die before the immigration process is complete. Generally, INS regulations provide for the automatic revocation of a petition when the petitioner dies. The consequences are severe for a beneficiary when his or her petitioner dies before the beneficiary has adjusted status or received an immigrant visa.

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If no other relative can qualify as a petitioner, then the beneficiary would lose an opportunity to become a permanent resident.

For instance, if a petition is revoked because a widowed citizen's father dies after petitioning for an adult unmarried daughter, the daughter would have no living mother to file a new petition. If another relative can file an immigrant visa petition for the beneficiary, the beneficiary would still go to the end of the line if the visa category were numerically limited.

For instance, if the daughter's mother was alive, she could file a new first-family preference petition. However, the daughter would lose the priority date, based upon the time her father's petition had been filed with the INS and would receive a later priority date based upon the filing date of her mother's petition. Given that first-family preference visas are now available to beneficiaries from Mexico with priority dates from April, 1994, and are available to those from the Philippines with priority dates from May, 1988, this can result in a significant additional delay before a visa is available.

Because of the severe consequences of the revocation of a visa petition, INS regulations do allow the Attorney General, in his or her discretion, to determine that, for humanitarian reasons, revocation would be inappropriate and thus complete the unification of a family.

However, there is a complication. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires that when a family member petitions for a relative to receive an immigrant visa, that visa can only be granted if the petitioner signs a legally binding affidavit of support promising to provide for the support of the immigrant. If the petitioner has died, obviously he or she cannot sign that affidavit. Thus, even in cases where the Attorney General feels a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted because the affidavit requirement is unfulfilled.

Madam Speaker, H.R. 1892 solves this dilemma. It simply provides that in cases where the petitioner has died and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family member other than the petitioner would be allowed to sign the necessary affidavit of support. Eligible family members of beneficiaries would include spouses, parents, grandparents, mothers-in-law and fathers-in-law, siblings, adult sons and daughters, adult sons-in-law and daughters-in-law, and grandchildren. Legal guardians would also be eligible.

In order to sign an affidavit of support, the individual would need to meet the general eligibility requirements needed to be an immigrant sponsor. Thus, he or she would need to, first, be a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence; second, be at least 18 years of age; third, be domiciled in a State, the District of Columbia, or any territory or possession of the United States; and, fourth, demonstrate the means to maintain an annual income equal to at least 125 percent of the Federal poverty line.

Madam Speaker, H.R. 1892 is a humanitarian and pro-family piece of legislation. I would urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support H.R. 1892, and I believe that it is a legislative initiative that speaks to the cornerstone of immigration policy in this Nation: family reunification.

The Family Sponsor Immigration Act of 2001 is a very important immigration bill. With bipartisan support, we are correcting a glitch in the immigration law. As the ranking member of the Subcommittee on Immigration and Claims of the House Committee on the Judiciary, I was pleased to work with the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, on this legislation, along with the original sponsors of this legislation as well, and I thank them for their service and leadership.

Currently, the Immigration and Nationality Act requires that the same person that petitions for the admission of an immigrant must be the same person who signs the affidavit of support: the sponsor, that person is called. So, if the sponsor dies, current law does not allow someone else to sign the affidavit of support, although they are a legitimate person, although there is no attempt to commit fraud, and that person is unable to adjust his or her status to receive an immigrant visa, even though they have been waiting in a line in a very procedurally correct manner and adhering to the laws of our Nation. Such consequences of the law toward a beneficiary when his or her petitioner dies before the beneficiary has a chance to adjust status or receive an immigrant visa has been and continues to be too harsh.

H.R. 1892 will amended the Immigration Nationality Act to allow an alternative sponsor, a close family member other than the petitioner, as a substitute if the original sponsor of the affidavit of support has died, assuming all other requirements are met.

Additionally, I am very pleased that we were able to work out an agreement that further allows alternative sponsors to be a spouse, parent, mother-in-law, father-in-law, sibling, child, if at least 18 years of age, son, daughter, son-in-law, daughter-in-law, grandparent or grandchild of a sponsored alien or legal guardians of a sponsored alien, all with the idea of reunifying a family.

This bill, H.R. 1892, which has bipartisan support, is important because in the event of the death of the sponsor the beneficiary's application will now be able to have someone else sign the affidavit of support and the beneficiary's application for permanent residency can move forward without losing the beneficiary's priority date, in essence, not having them go to the back of the line and, therefore, delaying them being reunited with their family.

Madam Speaker, I believe this is an important initiative that we have done in a bipartisan way, and I ask my colleagues to support this legislation.

Madam Speaker, H.R. 1892, the Family Sponsor Immigration Act of 2001 is a very important immigration bill. With bipartisan support we are correcting a glitch in the current immigration law.

Currently, the Immigration and Nationality Act requires that the same person that petitions for the admission of an immigrant must be the same person who signs the affidavit of support—the sponsor. So if the sponsor dies, current law does not allow someone else to sign the affidavit of support and that person is unable to adjust his or her status or receive an immigrant visa. Such consequences of the law toward a beneficiary when his or her petitioner dies before the beneficiary has a chance to adjust status or receive an immigrant visa are too harsh.

H.R. 1892 will amend the Immigration and Nationality Act to allow an alternative sponsor—a close family member other than the petitioner—as a substitute if the original sponsor of the affidavit of support has died, assuming all other requirements are met.

H.R. 1892 allows the alternative sponsors to be a: spouse, parent, mother-in-law, father-in-law, daughter-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien.

This bill, H.R. 1892, which has bipartisan support, is important because in the event of the death of the sponsor, the beneficiary's application will now be able to have someone else sign the affidavit of support and the beneficiary's application for permanent residency can move forward without losing the beneficiary's priority date.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. CALVERT), the author of the bill.

Mr. CALVERT. Madam Speaker, I thank the gentleman for yielding me this time.

In January of this year, my office received a letter from a constituent that hit a roadblock in his attempt to be obtain U.S. citizenship. His father, who petitioned for my constituent's permanent U.S. residence over 8 years ago, suddenly passed away. He had long ago filled out the necessary paperwork and paid the required $1,000 fee.

Last December, my constituent went for his interview with the INS. His paperwork was in order. He was asked if he had ever been in trouble with the law or accepted government assistance. The constituent, who had worked as a manager at a gas station the past 6 years and files his taxes every year, said no. Everything seemed fine. But a week later a letter from the INS came, notifying him that his permanent residence was denied because his petitioner, his father, was dead. Under current law, he has to go back to the end of the line and begin the 8 to 10 year process all over again.

This roadblock only discourages legal immigration. As millions of undocumented immigrants enter this country illegally, law-abiding immigrants like my constituent find that their first interaction with the United States Government is frustrating and confusing. The news of this process surely reaches back to the immigrant's home country. Some might use situations like this as an excuse to forgo the legal process and instead become illegal aliens. This is no way to promote legal immigration.

Madam Speaker, H.R. 1892 would cut down this roadblock in the Immigration and Nationality Act of 1996. Currently, if applicant's petitioner dies after an application is accepted by the INS, the applicant is automatically returned to the beginning of the entire nationalization process, a 7 to 8 year process. They cannot substitute their financial sponsor with another qualified relative.

This legislation would allow for a parent, spouse, son, daughter, son-in-law, daughter-in-law, grandparent, grandchild or sibling, so long as they qualify, to take up the role of financial sponsor from a deceased sponsor, without having an interruption in the nationalization process for the applicant.

It is important to note that this legislation will not allow unqualified applicants to be adjusted or unqualified sponsors to take up sponsorship. Nor will this legislation have any impact on the number of immigrants entering the process. This legislation only affects applicants already in the adjustment process. This bill is noncontroversial, a good fix to this infrequent but substantial problem. It passed the full Committee on the Judiciary by a voice vote.

On July 11, 2001, the President participated in a swearing-in of immigrants at Ellis Island and announced his support for this measure. The President said, "If a child's parent and financial sponsor should pass away, we should permit the other parent to take over as sponsor."

The President's recognition that we are a nation of immigrants and his concern that the naturalization process has become unwieldy for legal immigrants serves to quickly right this present injustice. More importantly, his support for such legislation moves us closer to getting this bill signed into law. This legislation would correct an injustice suffered by too many immigrants that have chosen to adjust their immigration status through the legal process. Immigrants that apply for this status are financially secure and contributors to our society, not burdens on it. These are the immigration cases that should be promoted, not further frustrated.

Madam Speaker, I would like to thank people who have helped on this bill, including the gentleman from California (Mr. ISSA) for all his work on the Committee on the Judiciary; the gentlewoman from California (Ms. LOFGREN) and the gentleman from Utah (Mr. CANNON) who were very active in helping us perfect this legislation; and certainly the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the full committee; and the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee; and the ranking members who have worked diligently on working this bill through the entire committee.

Finally, I would like to thank the Khan family who brought this issue to my attention. I look forward to the day when the Khan brothers will become U.S. citizens. These are hard-working individuals who will only be an asset to our community and to our country. I am proud to be able to help them achieve that dream sooner rather than later.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am delighted to yield 3 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY), the chair of the Democratic Caucus Task Force on Children.

Ms. WOOLSEY. Madam Speaker, I rise in strong support of the Family Immigration Sponsor Act. In fact, a family in my district with a tragic story has become a well-known example of exactly why this bill is necessary.

Mrs. Zhenfu Ge, a 73-year-old Chinese national, came to the United States in 1998 to help care for her dying daughter and her daughter's two children. Her daughter, my constituent, Yanyu Wong, requested that her mother be able to stay in America to take care of her grandchildren after the mother died. Following INS rules, my constituent immediately submitted the appropriate paperwork to sponsor her mother's petition for a green card so she could stay in the United States. But, tragically, on April 15 of this year, my constituent lost her life to cancer. This was only 11 days before the INS was scheduled to grant Mrs. Ge permanent resident status.

In a desperate attempt to keep his mother-in-law in the country, my constituent's husband petitioned to be Mrs. Ge's new sponsor. However, INS law mandates the sponsor be an adult blood relative. Without an adult blood relative left alive to sponsor her, Mrs. Ge must go back to China and restart the process. Realizing the devastating results of these circumstances, I introduced H.R. 2011, a private bill to allow Mrs. Ge to remain legally in the United States while she completes the process for legal status.

Forcing Mrs. Ge to abandon her family during this time would only add to the tragedy her 3-year-old granddaughter and 12-year-old grandson were already experiencing. Allowing Mrs. Ge to stay in the country would give the children a living link to their mother and to their mother's culture, something they would be denied forever if their grandmother is deported.

With the passage of the Family Immigration Sponsor Act, authored by the gentleman from California (Mr. CALVERT), Mrs. Ge can stay in America and take care of her daughter's children while she completes the immigration process. Then she can keep her promise to her daughter.

Madam Speaker, I strongly urge my colleagues to vote for the Family Immigration Sponsor Act to help relieve some of the pain that families like Mrs. Ge's have endured.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ISSA).

□ 1515

Mr. ISSA. Madam Speaker, I, too, rise in support of H.R. 1892. I, too, have at least one of my constituents who has the same problem. Myrna Gabiola has tried, so far in vain, to take over the sponsorship of her two brothers.

But this is not to say that there are not one, two, or three thousand separate occurrences right now in America. This, like many of the problems dealt with her in the House, needs in fact good legislation so that they do not fall to the desk of individual Congressmen and Congresswomen in the future.

Good government is dependent upon good and consistent rules of the road that allow for the immigration process to be done under our laws, but under common sense. I believe that the reason this was such a bipartisan effort, and the reason that I am very hopeful it will pass here today, is that we took the time to realize that no organization, except perhaps a Federal Government, would in fact allow the loss of a loved one to turn into a "go back to go and start over."

I believe that this type of reform, and others to come on a bipartisan basis, are the best way to signal to the people of the world, the tens or hundreds of millions who would like to come here, that they are better off getting in line, playing by the rules, waiting their turn, than coming here illegally.

These kinds of reforms make the process fairer and more likely to be obeyed by those who wish to come to our country. Most of all, it is fairer for those citizens of our country who do in fact want to be repatriated with their loved ones from abroad.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am delighted to yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK), who has been a leader on family unification and providing for opportunities for immigrants to access legalization.

Mrs. MINK of Hawaii. Madam Speaker, I thank the gentlewoman for yielding time to me.

Madam Speaker, I rise in strong support of the passage of H.R. 1892, the Family Sponsor Immigration Act of 2001.

I wish to thank the Committee on the Judiciary for reporting this important bill, especially the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE), and acknowledge the sterling leadership of the gentleman from California (Mr. CALVERT) for introducing this bill, which will help many grieving families where the petitioners die before the family member is able to gain immigration status.

I have had several of these cases over the years, and have had to transmit the sad news to the families who have been waiting sometimes more than 10 years before the parent petitioner died, and the petition was then, upon his death, deemed expired also.

They were told that their only option was to have another family member file a new petition and perhaps wait another 10 years. This is a tearful message to transmit to any loved one.

Under current law, death of the parent petitioner forfeits the priority date established by the deceased parent. The new petition would have a new priority date, creating a tragic outcome for family members who have already waited more than 10 years for their number to be called.

This bill provides a compassionate outcome. The current law allows the Attorney General to offer a humanitarian reprieve, but he could not because the affidavit of support was deemed void upon the death of the petitioner. This bill allows the voided affidavit of support of the deceased to be substituted by another affidavit submitted by a close family member. It is a commonsense kind of solution to a very tragic personal problem.

This bill offers an avenue of relief for many grieving families who continue their petitions for loved ones, even under the devastating conditions today that they have to wait another 10 years. I hope that this bill will pass and will become law, and will provide the kind of relief that these families have been waiting so long to have.

Ms. JACKSON-LEE of Texas. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from California (Mr. HONDA), who is well aware of these issues. Having visited his district, I know of his leadership on the issues of family reunification.

Mr. HONDA. Madam Speaker, I just want to enter into the CONGRESSIONAL RECORD my thanks for the leadership of the gentleman from California (Mr. CALVERT), the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the gentlewoman from Texas (Ms. JACKSON-LEE).

The reason I rise on this issue, Madam Speaker, is because just this past week I was visited by a constituent who is a Russian immigrant. He came to this country as a refugee. He was trying to reunite his family, his adult son and his family, and it turns out that he had a change of categories in Russia. Because of that, he lost his standing as a refugee and became an immigrant applicant. That made him go to the end of the line.

The reason the father came to me is because he exhausted all his administrative remedy and all he had left was hope, the hope that he may live long enough that his son may be with him in this country as a legal immigrant. But then he would have to wait 4 to 6 years. He is an elderly person.

He asked me if there was any way to change this ruling so that he would be allowed to see his son who has been in Russia for all these years. I had no answer for him because the rules are the rules. He wanted to follow them, but he wonders if there is a way we could shorten that.

This bill may not give him much hope in the sense that he may not live long enough, but it will give him hope that his son may enter into this country under his petition currently, and that if he does pass away, he will at least have the satisfaction that his petition will remain current.

So to that end, I rise to support this with all my emotion, all my support, for this family who face this possibility, and I have seen this, but with the hope that the family will ultimately be reunified.

I thank the gentleman from California (Mr. CALVERT) for this bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I conclude by simply saying we have heard the number of tragic stories that this legislation will cure. Again, I thank the author of the legislation, and I appreciate the bipartisan effort in bringing it to the floor of the House so we may cure the tragedies that have impacted families and reunite the families.

I ask my colleagues to support H.R. 1892.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Madam Speaker, I rise today in strong support of H.R. 1892, the Family Sponsor Immigration Act, and urge my colleagues to vote in favor of this worthwhile legislation.

Madam Speaker, many Americans share a very serious concern that our immigration laws can be abused by those who do not respect the legal process. However, there are countless individuals who abide by the law and deserve a fair and just process. The Family Sponsor Immigration Act provides that fairness to those who have followed the letter of the law in seeking legal naturalization.

This important legislation corrects an unfair loophole in the Immigration and Nationality Act of 1996. Currently, an immigrant applying for permanent resident status must have a single family member sponsor them. If the sponsor dies before the application is reviewed by the Immigration and Naturalization Service, the applicant is forced to find another sponsor and begin the naturalization process over again. In effect, they are kicked to the back of the line due to the circumstances beyond their control.

The Family Sponsor Immigration Act allows another qualified immediate family member to take up the role of financial sponsor from a deceased sponsor without interrupting the naturalization process. By correcting this injustice suffered by many immigrants who followed the legal process, we can ensure fairness in our immigration system.

This bill in no way allows unqualified applicants or unqualified sponsors to abuse the system. There is also no impact on the number of immigrants entering the naturalization process. Family unity is a priority in our immigration policy, and this bill will promote that goal. By providing this commonsense correction to the naturalization process, we can ensure fairness and compassion for law-abiding individuals.

I encourage my colleagues to support this effort. Let us support vigorously H.R. 1892.

Mr. LEWIS of California. Madam Speaker, I urge my colleagues to support the passage of the Family Sponsor Immigration Act, introduced by my good friend and neighbor, KEN CALVERT. This legislation will help us avert family tragedies that now happen all too often because of our overworked immigration system.

Jamie Clarino and his family are an example of the terrible results of how our system now works. Mr. Clarino, a Filipino native, fought with the United States Army in World War II and won his American citizenship through his military service.

In 1988, Mr. Clarino petitioned to sponsor his four adult children for legal immigration to the United States. Unfortunately, far more people would like to come to our country from the Philippines than we can accept in any year. In fact, the backlog is so large from the Philippines that it took 12 years—until the year 2000—for Mr. Clarino's children to be certified to begin the immigration process.

Their documents were found in order. They were scheduled for an interview with our consular officials in Manila that would complete the process. They would soon be able to join their U.S. citizen father in his home for the past dozen years.

And then tragedy struck: Mr. Clarino died just before the interviews were to take place. He could not sign the affidavit of support required at the time of the interviews. And under our current law, these children of this man who fought for America in World War II must now begin the process all over again with a new sponsor.

Without this legislation, the Clarino family will be forced to wait perhaps a dozen more years for the chance to immigrate. As you can imagine, this means the dream of their father—that his family come to his adopted homeland—will probably never become reality. A sister who is a lawful permanent resident, who could easily take over as sponsor for her siblings, will probably never get the chance.

Madam Speaker, I believe we must stop our system from adding to the tragedy of families like the Clarinos, who lose a loved one and at the same time have their hopes of coming to America dashed. My friend KEN CALVERT's bill will allow these families to continue their quest under a new sponsor, without losing their place in line. It does not grant special favors; it merely closes a loophole to help those families who are playing by the rules to gain legal immigration to our nation.

I strongly support H.R. 1892 and urge its passage.

Mr. ISSA. Madam Speaker, I rise in support of H.R. 1892, the "Family Sponsor Immigration Act of 2001." I thank Congressman KEN CALVERT, author of this bill, Chairman SENSENBRENNER, Chairman GEKAS, and the Immigration Subcommittee staff for their leadership and assistance on this bill. This bill will correct the Immigration and Nationality Act (INA) to allow another family member to become a sponsor of an applicant by signing an affidavit of support if the original sponsor has died.

Current INS regulation, set up by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA), allows sponsors to sign an affidavit of support to transfer sponsorship of an applicant. Unfortunately, if a sponsor dies without signing an affidavit of support, the applicant must start the long process over again. Due to the immense number of applicants filing for permanent residency, the application process for the INS can take more than a decade.

I first became aware of this problem in the IIRAIRA of 1996 when my district office told me of a constituent, Myrna Gabiola, who wanted to sponsor her two brothers after her father passed away. The family was so focused on the health of the father that they did not realize that the father had to sign an affidavit of support allowing another family member to take over the application while he was still alive. There was no indication of a problem until Renan and Ben Patao had interviews and did not have the required affidavit of support. They were subsequently denied because their father had passed away before the interviews took place.

The Gabiola family waited over sixteen years to be granted an interview for permanent residency but were then sent to the back of the line to begin the process over again. I urged my staff to explore every possible avenue to assist Ms. Gabiola through the administrative process, but upon further exploration, there was none. I contemplated a private bill, but after discussing the possibilities with the Immigration Subcommittee staff for the Judiciary Committee, they revealed that Congressman KEN CALVERT had draft legislation to correct a similar situation. After talking with Congressman CALVERT, he explained that he had a constituent in a similar situation and wanted to bring forth legislation as soon as possible.

After being introduced on May 17th of this year, this bill passed the Judiciary Committee's Immigration subcommittee and the full committee by voice vote. H.R. 1892 has received tremendous bi-partisan support from Members and the INS, and is supported by the White House. This bill will keep families together and help avoid the possibility of having two tragedies stemming from one unfortunate event.

Again, I urge my colleagues to vote in favor of this legislation.

Mr. SENSENBRENNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1892, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING FOUR FIREFIGHTERS WHO LOST THEIR LIVES FIGHTING THIRTYMILE FIRE IN CASCADE MOUNTAINS OF WASHINGTON STATE

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 201) honoring four firefighters who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State, as amended.

The Clerk read as follows:

H. RES. 201

Whereas, on July 10, 2001, 21 United States Forest Service firefighters were dispatched to contain a spot fire of the Thirtymile Fire in the Okanogan and Wenatchee National Forest in the Cascade Mountains of Washington State;

Whereas high temperatures, low humidity, and erratic winds, combined with very dry forest fuels, caused the fire to become an explosive, high-intensity fire that rapidly progressed from less than 25 acres to over 2,500 acres in less than 3 hours;;

Whereas 14 of the firefighters were forced to deploy emergency shelters as a result of being overrun by the rapidly expanding fire;

Whereas 4 of the firefighters and 2 civilians were injured in the fire, including firefighter Jason Emhoff, firefighter Thomas Taylor, firefighter Scott Sherzinger, and firefighter Rebecca Welch, whose heroic actions saved the lives of the two civilians;

Whereas, in service to the Nation and in the line of duty to protect their communities and fellow citizens, 4 firefighters lost their lives in the fire; and

Whereas these 4 firefighters who lost their lives were Tom Craven of Ellensburg, Washington, husband and father of two, Karen FitzPatrick of Yakima, Washington, Jessica Johnson of Yakima Washington, and Devin Weaver of Yakima, Washington: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors firefighters Tom Craven, Karen FitzPatrick, Jessica Johnson, and Devin Weaver, who lost their lives fighting the Thirtymile Fire in the Cascade Mountains of Washington State, for their bravery and sacrifice in service to the Nation;

(2) extends its deepest sympathies to the families and fellow firefighters of these heroes; and

(3) reaffirms its support and commitment to America's Federal firefighters who, without reservation, answer the call of duty and risk their lives for the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 201.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 201, and I commend its sponsor, the distinguished gentleman from Washington (Mr. HASTINGS), for introducing it.

This resolution honors four firefighters: Tom Craven, a husband and father of two from Ellensburg, Washington; and Karen Fitzpatrick, Jessica Johnson, and Devin Weaver, all of Yakima, Washington, who gave their lives fighting the Thirtymile Fire in the Okanogan and Wenatchee National Forest in Washington's Cascade Mountains.

The resolution also expresses the deepest sympathies of this House for their families.

Finally, Madam Speaker, it pledges that the House will continue to support and work for all American firefighters who, in the words of the resolution, "without reservation answer the call of duty and risk their lives for the Nation."

Madam Speaker, on July 10, 2001, 21 Forest Service firefighters were sent to contain a spot fire, but high temperatures, low humidity, and erratic winds combined with very dry forest fuels to cause the fire to become an explosive, high-intensity fire. In under 3 hours, that fire spread from less than 25 acres to more than 2,500 acres. Fourteen firefighters were overrun by the rapidly expanding fire and had to deploy emergency shelters.

In addition to the four firefighters who were killed, four others and two civilians were injured. The injured firefighters were Jason Emhoff, Thomas Taylor, Scott Sherzinger, and Rebecca Welch. Ms. Welch's heroic actions saved the lives of the two civilians.

Madam Speaker, less than 1 month ago, this House honored three firefighters who died fighting a blaze in Queens, New York. Today we are again honoring four more firefighters killed in the line of duty, which reinforces the observations we made then of the dangers inherent in fighting fires. Their deaths are a sad reminder of the daily risk our firefighters voluntarily assume to protect the lives and property of their fellow Americans.

The men and women who have devoted their lives to fighting fires in America are truly heroes. I, as the wife of a career firefighter, understand the many risks and sacrifices these dedicated professionals endure, and as we honor the four firefighters who died in Washington State, Madam Speaker, let us also thank and honor all American firefighters.

I encourage all Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the honorable gentleman from Illinois (Mr. DAVIS), ranking minority member of the Subcommittee on Civil Service and Agency Administration, would have been here except for an unavoidable delay, and I have the honor of representing the gentleman from Illinois (Mr. DAVIS) in making this opening statement and guiding the course of House resolution 201 honoring four firefighters who lost their lives in the Cascade Mountains of Washington State.

□ 1530

The gentleman from Illinois (Mr. DAVIS) would have said this morning that he had spoken of three firefighters who lost their leaves on Father's Day fighting a five-alarm blaze that ripped through a hardware store in Queens, New York. At that time he would have said their names would be added to the fallen firefighter memorial wall in Memorial Park in Colorado Springs, Colorado.

Today, he would have said that he was saddened to have to stand before the House and say that an additional four names would have to be added to that memorial park. Tom Craven, 30; Devin Weaver, 21; Jessica Johnson, 19; and Karen FitzPatrick, 19, died on Tuesday, July 10, in the North Cascade Mountains in Winthrop, Washington. They were part of a 21-member crew trapped when the fire they were called upon to mop up blew up around them.

The fire, which apparently was sparked by an unattended campfire, quickly spread through the stands of 80- to 100-year-old trees. Tom, Devin, Jessica and Karen only had seconds to find an escape route. They tried to drive away from the fire but found themselves on a dead-end road. These brave firefighters were killed when a wall of flames crashed on them in their emergency shelters.

H. Res. 201 honors not only the four firefighters who died in the blaze but the firefighters who were injured in the fire while saving the lives of civilians. All the firefighters who were in the Cascade Mountains that day were there to fulfill their promise to keep their communities safe by being on the front lines against fires. We honor them today for their bravery and for the promise they kept.

I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Madam Speaker, I thank the gentlewoman for yielding me this time. I am delighted to support this resolution, H.R. 201, which was introduced by my dear friend and colleague, the gentleman from Washington (Mr. HASTINGS), who just happens to not be able to be here today because he is out West preparing to attend the funeral for these four young people who died and who are the subject of this resolution.

My colleague introduced the legislation out of respect for those in the West who fight fires and especially out of respect for these four people who lost their lives trying to save the lives of others. And he is joined, along with myself, with the rest of the congressional delegation from our State in paying tribute and honor to these fine people.

We in the West are used to fighting fires. We are used to the dangers of firefighting wildfires throughout the Pacific Northwest States. Yet it is very difficult for us today as we pay tribute and recognize the danger of fighting fires and the hazards that many men and women go through not just in our State but other States across this country to put out fires and to save lives. These four young people were moms and dads and the children of moms and dads and brothers and sisters and uncles and aunts and friends to many who respected what they do and what they have done. Tom Craven, Karen FitzPatrick, Jessica Johnson, and Devin Weaver gave their lives to their country and in service certainly as Federal firefighters.

There were some bright spots that came out of this tragedy, I must say. Amid the sadness and great loss were a few encouraging moments. Firefighter Rebecca Welch embraced two hikers in her emergency shelter as the flames approached and saved their lives and her own. Firefighter Jason Emhoff suffered severe burns, and he is successfully recuperating. Others continue to fight the blaze in honor of their fallen colleagues.

I think this resolution is a way to pay tribute to these fine people and to recognize the seriousness of firefighting and the importance of these young people as they jeopardize their lives. So I am delighted that the House is taking this action. I urge my colleagues to support this, and I especially say congratulations to the gentleman from Washington (Mr. HASTINGS) for taking the initiative to recognize these four young people.

Mrs. MINK of Hawaii. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Madam Speaker, I thank the gentlewoman for yielding me this time, and I thank all of the sponsors of this bill, especially the gentleman from Washington (Mr. HASTINGS) and our colleagues from the State of Washington. It is sad, indeed, that so soon after the New York tragedy we are back here again memorializing firefighters who died in the line of duty.

What the previous speaker said certainly is correct, that Tom and Devin and Jessica and Karen will go down in history as heroes, along with the Worcester Six and the New York Four. Our thoughts and prayers are with all of the members of their families.

But I will reinforce what I said when we memorialized the New York Four and that is that we should take to heart the words of the gentleman from Pennsylvania (Mr. WELDON). If the Members of this House and the Members of this Congress really want to do something for firefighters, we can pass that comprehensive grant program for fire departments all across this country. We had a program for cops, we had a program for teachers, we should have a program for firefighters. Let us get our priorities straight. They are putting their lives on the line for us every single day.

Of course, as citizens, we can do something, too. Instead of just extending our thoughts and prayers to families when they have lost their loved ones, we can go around and thank the firefighters who are serving us today and every day. I suggest to my fellow citizens that the next time they are taking a stroll in their neighborhood, stop by the local firehouse, walk in and say hello, shake somebody's hand and let them know that we are grateful for the fact that they are willing to put their lives on the line 365 days a year to protect our lives and our property.

So I thank all of the sponsors of this resolution; and I especially thank the four fallen heroes, Tom, Devin, Jessica, and Karen, and express my thoughts and extend my prayers to all of the members of their families.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Madam Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield myself the balance of my time.

I again commend the gentleman from Washington (Mr. HASTINGS) for introducing this resolution. I also thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform; the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service and Agency Organization; as well as the ranking members of the full committee and subcommittee, the gentleman from California (Mr. WAXMAN) and the gentleman from Illinois (Mr. DAVIS) for expediting consideration of this resolution.

It is impossible for this House to lessen the loss suffered by the families of these four firefighters. We can only hope that our action today will help comfort those families by symbolizing our Nation's gratitude for their loved ones' bravery and the debt we owe to them all. I urge all Members to support this resolution.

Mr. DAVIS of Illinois. Madam Speaker, last month, I spoke of three firefighters who lost their lives on Father's Day, fighting a five-alarm blaze that ripped through a hardware store in Queens, New York.

At that time, I said that their names would be added to the Fallen Fire Fighter Memorial Wall in Memorial Park in Colorado Springs, Colorado. Today, I am sad to say, that their names will be joined by four other brave firefighters.

Tom Craven, 30, Devin Weaver, 21, Jessica Johnson, 19, and Karen FitzPatrick, 19, died on Tuesday, July 10 in the North Cascade Mountains in Winthrop, Washington. They were part of a 21-member crew trapped when the fire they were called upon to "mop up" blew up around them.

The fire, which apparently was sparked by an unattended campfire, quickly spread through stands of 80- to 100-year-old trees. Tom, Devin, Jessica, and Karen, only had seconds to find an escape route. They tried to drive away from the fire, but found themselves on a dead-end road. These brave firefighters were killed when a wall of flames crashed down on them in their foil emergency shelters.

H. Res. 201 honors, not only the four firefighters who died in the blaze, but the firefighters who were injured in the fire while saving the lives of two civilians.

All the firefighters who were in the Cascade Mountains that day, were there to fulfill their promise to keep their communities safe by being on the front lines against wild fires.

We honor them today for their bravery and a promise kept.

I urge my colleagues to support this resolution.

Mr. MCKEON. Madam Speaker, I rise in support of the resolution to honor the Thirtymile Firefighters who lost their lives fighting the fire in the Cascade Mountains of Washington State. Additionally, I would like to pay special tribute to a courageous young woman from Lancaster, CA, in my congressional district. Her selflessness and heroic actions are to be recognized and celebrated.

On July 10, 2001, less than a month after completing her firefighter training, Rebecca Welch's bravery, strength, and skill were tested to the utmost degree. As part of a United States Forest Service fire crew, she, along with fourteen other firefighters, was called upon to help fight a smoldering 25-acre fire that ultimately turned into a raging inferno that consumed more than 8,000 acres in a little more than a week.

After recently receiving her degree in communications broadcast journalism from the University of Sioux Falls in South Dakota, Ms. Welch considered the idea of being a firefighter after taking to heart her father's suggestion to do so. I am sure Bruce and Paula Hagemeyer, hikers who were caught in the fire, are grateful for that decision.

Finding themselves trapped and surrounded by flames, the crew and civilians were forced to deploy fire shelters and endure the furious fire. Ms. Welch courageously and selflessly covered the Hagemeyers with her shelter and maintained a calm and controlled haven while flames roared relentlessly outside. While undergoing several minutes of suffocating heat, Ms. Welch provided a reassuring hope and protection that saved the Hagemeyers' lives.

As we consider this resolution to honor these firefighters who lost their lives (H. Res. 201), let us be grateful for their bravery and sacrifice in service to the Nation. Let us extend our sympathies to the families and fellow firefighters of these heroes. Finally, Madam Speaker, I would like to express my deepest appreciation and admiration to my constituent, Rebecca Welch, for her sacrifice, valor, and heroic act of kindness.

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of this resolution.

H. Res. 201 honors four United States Forest Service firefighters who gave their lives fighting the Thirtymile Fire in the Cascade mountains of Washington State earlier this month. For their bravery and sacrifice, the nation owes a debt of gratitude to these four fallen heroes—Tom Craven, Karen Fitzpatrick, Jessica Johnson, and Devin Weaver—and to their families. When asked to risk their lives for the Nation, these four answered the call and paid the ultimate price. To the families of these four heroes, I want to take their opportunity to say that our prayers are with you and that we will never forget their—and your—sacrifice.

We owe a great debt to our firefighters—federal and municipal, paid and volunteer. Our Nation's founders were deeply committed to the idea that the individual had an obligation to serve the community and the country. Our first responders are needed every bit as much as those who don the Nation's uniforms for our national defense.

It is unfortunate that today many now consider duty and honor relics of a bygone age. While our society lavishes praise on athletes and rock stars, we tend to forget about those who stand ready at a moment's notice to risk their lives to keep our communities safe. It is only after disaster strikes that we appreciate fully the contributions they make.

Despite the risks, the 1.2 million men and women of the fire services continue to guard against fires, accidents, disasters, and terrorism. They have kept faith with us, and we in this body must continue to keep faith with them get them the support they need. As Chairman of the Subcommittee on Research, which has jurisdiction over the U.S. Fire Administration, I am pleased that last year we were able to provide $100 million to help local fire departments hire new firefighters, purchase new safety equipment, and provide improved training, I hope we can improve on that this year and so make sure that those who risk their lives have the best equipment and training available.

Mr. Speaker, I would like to thank the gentleman from Washington, Mr. HASTINGS, for bringing this resolution before the House, and I urge my colleagues to support it.

Mrs. JO ANN DAVIS of Virginia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and agree to the resolution, House Resolution 201, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

JAMES C. CORMAN FEDERAL BUILDING

Mr. COOKSEY. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 468) to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

The Clerk read as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JAMES C. CORMAN FEDERAL BUILDING.

The Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, shall be known and designated as the "James C. Corman Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "James C. Corman Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from California (Mr. HONDA) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 468 designates the Federal building in Van Nuys, California, as the James C. Corman Federal Building. The House passed H.R. 621, the House version of the bill, on February 28, earlier this year.

Congressman Corman was born in Galena, Kansas, and was a graduate of Belmont High School. He earned his undergraduate degree from UCLA, his JD from USC, and his LL.D from the University of San Fernando Valley School of Law. He was admitted to the California bar in 1949.

Congressman Corman first served his country in the United States Marine Corps during World War II and later as a colonel in the Marine Corps Reserves. In 1957, Congressman Corman was elected to the Los Angeles City Council. He served on the Council until being elected to the 87th Congress in 1960 and was reelected to the House of Representatives for 10 succeeding terms.

He served on the Committee on the Judiciary, where he was instrumental in fighting for passage of the 1964 Civil Rights Act, and on the Committee on Ways and Means, where he was the leading advocate for the poor and disadvantaged working on tax and welfare reform. Congressman Corman was also proud to serve on President Johnson's National Advisory Commission on Civil Disorders to investigate the causes of multi-city rioting in 1967.

As many of my colleagues are aware, former Congressman Corman passed away at the age of 80 in January. I support this bill and encourage my colleagues to support it as well.

Madam Speaker, I reserve the balance of my time.

Mr. HONDA. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this Senate bill 468, a bill to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the James C. Corman Federal Building. In February, 2001, the gentleman from California (Mr. BERMAN) introduced similar legislation, H.R. 621, in the House.

Congressman Jim Corman represented the 21st Congressional District in California for 20 years, from 1961 until 1981, years which saw the Vietnam War, urban riots, Watergate, and the first manned flight to the moon.

Jim Corman was born on October 20, 1920, in Galena, Kansas, and in 1933, after his father died, he and his mother moved to the Los Angeles area. During World War II, Mr. Corman served in the Marines. After the war, he worked his way through UCLA and the University of Southern California law school.

He began his public career in 1957, when he was elected to serve in the Los Angeles City Council, and in 1961, he was elected to Congress and was named to the Committee on the Judiciary. In addition, he served on the House Committee on Ways and Means.

President Johnson named Congressman Corman as one of the 10 people named by the President to the National Advisory Commission on Civil Disorders. It was informally known as the Kerner Commission. During his tenure on the commission, he was optimistic about finding the causes and developing solutions for racism in America.

In 1978, he became President Johnson's point man for welfare reform. Having suffered the indignities and trappings of poverty as he was growing up, Mr. Corman displayed a particular energy and devotion to solving welfare problems. During his 20 years of service, his concern for senior citizens and the poorest members of our society became his trademark and part of his legacy.

Jim Corman saw the fruition of his efforts in the enactment of the Civil Rights Act of 1964, which he considered the greatest accomplishment of his political career.

Jim was well-liked. He was a hard worker and a first-rate legislator. It is fitting and proper to honor Congressman James Corman with this designation, and I urge my colleagues to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. COOKSEY. Madam Speaker, I reserve the balance of my time.

Mr. STARK. Madam Speaker, I rise today in support of S. 468, designating the James C. Corman Federal Building.

Jim Corman was a true statesman who served his constituents in California, and indeed, the people of the United States, with great distinction. Jim cared passionately for the poor and worked to see that their interests were heard in Washington. He was one of the great leaders in the Congress seeking health insurance for all and he worked hard to enact a decent, humane social policy for the disadvantaged.

Jim rejected the voices in Congress who seek to help those already blessed with wealth while neglecting those who cannot put food on their tables. "I don't think there is anything uplifting about hunger," he once said. Jim was a tireless advocate for the uninsured and he passed on his sense of passion to his colleagues, including me. When I was first assigned to the House Ways and Means Committee, Jim taught me "how things were done." I am grateful to have served with Jim Corman and I know his constituents were grateful for his service.

Naming this federal building after Jim Corman is a proper tribute to a man who dedicated his life to public service. Jim will be best remembered, however, for his tireless work on behalf of those who are less fortunate.

□ 1545

Mr. COOKSEY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HONDA. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the Senate bill, S. 468.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. COOKSEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. COOKSEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 468, the Senate bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–106)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 23, 2001.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 3 o'clock and 47 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 2137, by the yeas and nays;

H.R. 1892, by the yeas and nays; and

S. 468, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CRIMINAL LAW TECHNICAL AMENDMENTS ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2137, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2137, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 374, nays 0, not voting 59, as follows:

[Roll No. 257]

YEAS—374

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Mica
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—59

Abercrombie
Baca
Barr
Berman
Boucher
Burr
Callahan
Capps
Carson (IN)
Crane
Deal
DeGette
Delahunt
Doyle
Ehlers
Engel
Fattah
Fossella
Gallegly
Gillmor
Green (WI)
Gutierrez
Hansen
Hastings (WA)
Herger
Hoekstra
Hunter
Istook
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Lipinski
Manzullo
Matheson
Meeks (NY)
Menendez
Miller, Gary
Mollohan
Nussle
Pascrell
Pelosi
Reynolds
Riley
Roemer
Roybal-Allard
Rush
Ryun (KS)
Sabo
Scarborough
Schakowsky
Sherman
Solis
Spence
Stark
Tauzin
Taylor (NC)
Waters
Waxman

□ 1826

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 257 on H.R. 2137, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

FAMILY SPONSOR IMMIGRATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1892, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1892, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 258]

YEAS—379

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—54

Abercrombie
Baca
Barr
Berman
Boucher
Callahan
Capps
Carson (IN)
Crane
Deal
DeGette
Delahunt
Doyle
Engel
Fattah
Fossella
Gallegly
Green (WI)
Gutierrez
Hansen
Hastings (WA)
Hunter
Istook
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Lipinski
Manzullo
Menendez
Miller, Gary
Mollohan
Nussle
Pascrell
Pelosi
Reynolds
Riley
Roemer
Roybal-Allard
Rush
Ryun (KS)
Sabo
Scarborough
Schakowsky
Sherman
Solis
Spence
Stark
Tauzin
Taylor (NC)
Waters
Waxman
Weller
Wynn

□ 1836

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 258 on H.R. 1892, I was unavoidably detained. Had I been present, I would have voted "yea".

JAMES C. CORMAN FEDERAL BUILDING

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the Senate bill, S. 468.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the Senate bill, S. 468, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 381, nays 0, not voting 52, as follows:

[Roll No. 259]

YEAS—381

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)

Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—52

Abercrombie
Baca
Barr
Berman
Boucher
Callahan
Capps
Carson (IN)
Crane
Deal
DeGette
Delahunt
Doyle
Engel
Fattah
Fossella
Gallegly
Green (WI)
Gutierrez
Hansen
Hastings (WA)
Istook
Jefferson
Jones (OH)
Kilpatrick
Kleczka
Lipinski
Manzullo
Menendez
Miller, Gary
Mollohan
Ney
Nussle
Pascrell
Pelosi
Reynolds
Riley
Roemer
Roybal-Allard
Rush
Ryun (KS)
Scarborough
Schakowsky
Sherman
Solis
Spence
Stark
Tauzin
Taylor (NC)
Waters
Waxman
Wynn

☐ 1844

So (two-thirds having vote in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. During rollcall vote No. 259 on S. 408, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to official business in my District, I was unavoidably detained on Monday, July 23, 2001. Had I been present to vote on H.R. 2137 (Rollcall No. 257), the Criminal Law Technical Amendments Act, H.R. 1892 (Rollcall No. 258), the Family Sponsor Immigration Act and S. 458 (Rollcall No. 259), the James C. Corman Federal Building suspension bill, I would have voted "yea" on all three bills.

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Speaker, due to a flight delay, I was unable to be present during recorded votes earlier this evening. Had I been present, I would have voted "yea" on rollcall votes 257, 258, and 259. Please be sure this is noted in the RECORD.

☐ 1845

REPORT ON H.R. 2590, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002

Mr. SUNUNU, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–152) on the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1109

Mr. TIBERI. Mr. Speaker, I ask unanimous consent to have my name removed as a co-sponsor of H.R. 1109.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the Senate bill (S. 1190) to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS AS COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—

(1) Section 530 of the Internal Revenue Code of 1986 is amended by striking "an education individual retirement account" each place it appears and inserting "a Coverdell education savings account".

(2) Section 530(a) of such Code is amended—

(A) by striking "An education individual retirement account" and inserting "A Coverdell education savings account", and

(B) by striking "the education individual retirement account" and inserting "the Coverdell education savings account".

(3) Section 530(b)(1) of such Code is amended—

(A) by striking "education individual retirement account" in the text and inserting "Coverdell education savings account", and

(B) by striking "EDUCATION INDIVIDUAL RETIREMENT ACCOUNT" in the heading and inserting "COVERDELL EDUCATION SAVINGS ACCOUNT".

(4) Sections 530(d)(5) and 530(e) of such Code are amended by striking "education individual retirement account" each place it appears and inserting "Coverdell education savings account".

(5) The heading for section 530 of such Code is amended to read as follows:

"SEC. 530. COVERDELL EDUCATION SAVINGS ACCOUNTS.".

(6) The item in the table of contents for part VII of subchapter F of chapter 1 of such Code relating to section 530 is amended to read as follows:

"Sec. 530. Coverdell education savings accounts.".

(b) CONFORMING AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1986 are amended by striking "an education individual retirement" each place it appears and inserting "a Coverdell education savings":

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 4973(a).

(D) Subsections (c) and (e) of section 4975.

(2) The following provisions of such Code are amended by striking "education individual retirement" each place it appears in the text and inserting "Coverdell education savings":

(A) Section 26(b)(2)(E).

(B) Section 4973(e).

(C) Section 6693(a)(2)(D).

(3) The headings for the following provisions of such Code are amended by striking "EDUCATION INDIVIDUAL RETIREMENT" each

place it appears and inserting "COVERDELL EDUCATION SAVINGS".

(A) Section 72(e)(9).

(B) Section 135(c)(2)(C).

(C) Section 529(c)(3)(B)(vi).

(D) Section 4975(c)(5).

(4) The heading for section 4973(e) of such Code is amended by striking "EDUCATION INDIVIDUAL RETIREMENT" and inserting "COVERDELL EDUCATION SAVINGS".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXPRESSING CONDOLENCES OF HOUSE TO FAMILIES OF PEOPLE KILLED IN FANGLIN ELEMENTARY SCHOOL EXPLOSION IN PEOPLE'S REPUBLIC OF CHINA

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on International Relations and the Committee on Ways and Means be discharged from further consideration of the resolution (H. Res. 121) expressing the sincerest condolences of the House of Representatives to the families of the 42 people, including 37 children, killed in the March 6, 2001, explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. GEORGE MILLER of California. Mr. Speaker, reserving the right to object, I yield to the gentleman from New Jersey (Mr. SMITH) to explain the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue.

Mr. Speaker, I think it is important to send our condolences to the survivors of those who died. Let me say briefly, Mr. Speaker, 10-year-old Zhang Yanhong was a good student; and she always listened to her teachers. As a result, on March 6 of this year she and 36 other of her third and fourth grade classmates all lost their lives.

For years, the parents of the children in the Fanglin elementary school which is in the small village 480 miles southwest of Shanghai, had complained that their children were being forced by school officials to manufacture large firecrackers at school. Every day, the young children were required to spend hours mounting fuses and detonators into the firecrackers that were then sold by local Communist party officials. The underpaid teachers and government officials running the child labor scheme also set a sliding production quota in order to maximize their profits. It started at 1,000 firecrackers per day for the youngest children and reached 10,000 firecrackers per day for the fifth graders.

Mr. Speaker, something terrible was bound to happen and soon it did. On a Tuesday afternoon, the firecrackers exploded in the elementary school and took the lives of 42 people including 37 young children.

Chinese Prime Minister Zhu immediately denied that there had been any forced labor involved in Fanglin. Instead, Communist party officials invented a story about a mad man who entered the school and set off the explosion as part of his suicide attempt.

According to news accounts, Communist Party officials blocked off roads into the village to prevent journalists from seeing the scene of the accident for themselves and interviewing residents. Residents who let journalists through the roadblocks anyway were reportedly arrested, and some families had their telephones disconnected to prevent contact with the outside world.

However, thanks to the brave and determined reporting of both Chinese and international journalists, and to the parents of the children, many of whom refused to go along with the official cover-up of the deaths of their loved ones, Prime Minister Zhu was forced to eventually acknowledge what really happened and apologize in a nationally broadcast message.

The forced labor and child labor condoned by the government of the People's Republic of China violates several conventions of the International Labor Organization; but, unfortunately, the ILO has no enforcement powers. For now all we can do is express our deep condolences to the parents and thank the journalists who risked their lives and their freedom to report the story.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I want to begin by thanking the gentleman from New Jersey (Mr. SMITH) for bringing this resolution to the floor and the help he has been in getting it here today. I think this is an important resolution, and it is an important message from the Congress of the United States addressing China's disgraceful record on child and forced labor. Many of us, along with the gentleman from New Jersey (Mr. SMITH), have been raising this issue year after year as Congress has considered legislation granting special trade privileges to China.

Mr. Speaker, 2 weeks ago nearly 3 million of our fellow citizens celebrated our Nation's independence on July 4, and millions of fireworks were set off in celebration of that great anniversary. Unknown to many Americans, millions of those fireworks may have been made by young Chinese children compelled to labor in dangerous factories to raise money for their schools.

On March 6 of this year, 37 young Chinese school children were killed in an explosion that occurred while third and fourth graders were forced to manufacture fireworks at the Fanglin Elementary School. For years before the explosion, the parents of these children had pleaded with school administrators and government officials to end the practice of forced child labor, but their concerns were ignored. The conditions of the labor of these little children were hazardous, and the demands were unrealistic. The youngest children in the school were expected to mount at least 1,000 detonators and fuses into firecrackers per day. Children who were slightly older were each required to manufacture 10,000 firecrackers per day.

It was only a matter of time before this kind of tragedy occurred. And when it did on March 6, the first response of the Chinese government was to deny the facts and try to cover up the fact that the incident took place and try to fabricate a story. What we found out later, because of the bravery of these parents and because of some of the members of the press in China, the international journalists, we now know the truth about forced child labor in this school.

A week after the Chinese government invented its story, the Chinese prime minister finally apologized for the incident and acknowledged that the firecrackers were manufactured in an elementary school. Prohibition on child labor is not only the standard for Western countries or developed countries, it is an internationally recognized labor standard that has been approved by the ILO of which the United States and virtually every country of the world is a member.

All children, no matter how rich or poor their country, deserve to spend their developing years learning in school. The children at the Fanglin Elementary School were denied that right. Unfortunately, nobody knows if the hundreds of thousands of firecrackers produced at the Fanglin Elementary School were eventually sold to stores and firecracker stands right here in the United States.

However, if they did enter the United States market, it is a violation of U.S. laws which prohibit the importation of products made by forced labor. I have called upon the U.S. Customs Service and the Department of Labor to conduct an investigation to determine which products are produced under Chinese forced child labor. A few years ago, the Chinese government acknowledged that it was encouraging industries to move production into Chinese elementary and high schools. The government gave tax incentives to the businesses that set up their factories in the schools. While the government claims that these school industries do not use child labor or forced labor, the case of the Fanglin Elementary School suggests otherwise.

Over 700,000 Chinese elementary and high schools have industries manufacturing a host of products, and the U.S. Government must ensure that none of these child labor products are reaching U.S. consumers. I call upon the Secretary of Labor and the Commissioner of Customs to act on my inquiries and to ensure that the imports from China are free from forced child labor.

Today the Members of the House can join in expressing condolences to the families of the children who died as a result of the exploitative labor conditions in Chinese schools and elsewhere in that country.

Mr. Speaker, let us remember these children when we debate the issues on international trade in the future.

Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, the gentleman from California (Mr. GEORGE MILLER) has been a leader in child labor protection and labor rights, along with the gentleman from New Jersey (Mr. SMITH). They are a voice over these trade routes for people, including for children, and that trade is more than just material goods. It is amazing how hard it is to carry that message, even in this country, and yet we look at a nation like China, with over 1.250 billion people, and we see that none of the standards that we have written into law in this country exist. Yet we continue to be the chief market, whether it is fireworks or toys or clothing, the chief market in the world for Chinese exports.

Mr. Speaker, I rise in support of this resolution asking for a full accounting and also condemning China for allowing its children to be used in such a heinous way.

With imported carpet from India, we require smiling logos in order to guarantee to American consumers that they are buying a product that is not made with child labor. We have no such guarantees with China.

I thank the gentleman for what he is doing here. In some places on Earth, life is very cheap; and here in our country it used to be cheap. In fact, it was not until a wonderful woman by the name of Mary Norton, the first Democratic congresswoman to serve here east of the Mississippi River in the 1930s who wrote into our laws the prohibition on child labor in our country. We as a country gained a broader conscience of how we should live as a people and that children have value as human beings beyond whatever they might be able to produce. They have a value beyond being a producer. They have an intrinsic value as a human being.

Mr. Speaker, I support the gentleman's fine cause and support the resolution and again compliment the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. GEORGE MILLER) for reminding us of our own heritage as we try to lift another part of the world forward as she struggles to meet her own social and economic needs internal to herself. It should not be done at the cost of any human life to be so disregarded.

Mr. GEORGE MILLER of California. Mr. Speaker, continuing under my reservation, I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New Jersey and the gentleman from California for their concern about this very important human rights issue.

Years ago when the United States began its trading relationship with China, we were told that this would be a way to help democratize China, to bring China into a tradition for human rights and worker rights and environmental consciousness. We have found that there is a time lag in China, a slow understanding of the principles which we have tried to communicate to them through our trading relationship.

The incident at Fanglin Elementary School is a graphic example and a very sad example of how we have really failed to follow through on the spirit of our trade relationship with China because the spirit of our trade relationship with China says that as a precondition of trade, we want to transmit democratic values that show that China appreciates the democracy that we have; not that we appreciate their type of government.

We have been trying to bring China over towards a more democratic expression, and what do we see. We see an example where 37 children die in a fireworks factory that was otherwise known as a school. They called it a school, but it was actually a fireworks factory. The very type of child labor that is being discussed here is abhorrent to the American people. We do everything we can, parents rich or poor, to try to make the childhood experience one where children are given an opportunity to be nurtured, children are given an opportunity to have their status protected. But no, that is not what is happening in China. Children making fireworks. How dangerous an occupation that is any way, but to have children making them in their schools, that is why this resolution is important.

Mr. Speaker, this resolution lets China know that it is not good enough to have a manufacturing base that includes child labor and slave labor. It is not good enough to offer cheap goods to this country and other countries around the world when those cheap goods are made under dangerous conditions by children who have no means of recourse.

□ 1900

This is an important step towards our continuing effort to insist that China as our trading partner live by higher standards. I salute the gentleman from California (Mr. GEORGE MILLER) and the gentleman from New Jersey (Mr. SMITH) for their work in this regard. I thank the gentleman for the opportunity to address this.

Mr. GEORGE MILLER of California. Finally, under my reservation I again want to thank the gentleman from New Jersey (Mr. SMITH) and the Committee on International Relations for bringing this matter to the floor. I appreciate their cooperation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 121

Whereas on March 6, 2001, an explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China's killed at least 42 people, including 37 children;

Whereas the children, all between the ages of 9 and 11, were being forced by elementary school officials to manufacture fireworks when this tragedy occurred;

Whereas the parents of the deceased children report that the mandatory labor, which involved mounting fuses and detonators into large firecrackers, had been a daily practice at the school for years;

Whereas this systematic exploitation of children in the elementary school was not only known about but actually organized by individuals holding official responsibilities with the local Chinese Government;

Whereas this practice is a grave violation of the rights of children under the International Labor Organization's Conventions 138 and 182, as well as Convention 29 on Forced Labor; and

Whereas Chinese Prime Minister Zhu Rongji has taken the important step of acknowledging these violations of internationally recognized labor standards: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sincerest condolences to the families of the 42 people killed in the March 6, 2001, explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China, including to the parents and families of the 37 young children who lost their lives as a result of this dangerous and forced child labor;

(2) expresses its gratitude to the Chinese and international journalists who reported the true cause of the explosion in response to the Chinese Communist Party's original attempts to put forward an "authorized", but false, version of the events; and

(3) expresses its support for international trade agreements and policies that will enforce the International Labor Organization's core labor standards, which include prohibition of child labor and forced labor.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SMITH of New Jersey:

Strike all after the resolved clause and insert the following:

That the House of Representatives—

(1) expresses its sincerest condolences to the families of the 42 people killed in the March 6, 2001, explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China, including to the parents and families of the 37 young children who lost their lives as a result of this dangerous and forced child labor; and

(2) expresses its gratitude to the Chinese and international journalists who reported the true cause of the explosion in response to the Chinese Communist Party's original attempts to put forward an "authorized", but false, version of the events.

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. SMITH).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. SMITH of New Jersey:

Strike the preamble and insert the following:

Whereas on March 6, 2001, an explosion at the Fanglin elementary school in the Jianxi province of the People's Republic of China's killed at least 42 people, including 37 children;

Whereas the children, all between the ages of 9 and 11, were being forced by elementary school officials to manufacture fireworks when this tragedy occurred;

Whereas the parents of the deceased children report that the mandatory labor, which involved mounting fuses and detonators into large firecrackers, had been a daily practice at the school for years;

Whereas this systematic exploitation of children in the elementary school was not only known about but actually organized by individuals holding official responsibilities with the local Chinese Government; and

Whereas Chinese Prime Minister Zhu Rongji has taken the important step of acknowledging these violations of internationally recognized labor standards: Now, therefore, be it

Mr. SMITH of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from New Jersey (Mr. SMITH).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

DEMOCRATIC PARTY FUND-RAISERS

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, many of us were revolted when the Democratic leadership took $1 million from Bernard Schwartz from Loral that gave military secrets to the Chinese who in turn gave them to North Korea that can now hit us with a Taepo Dong II missile. We were sickened when the DNC used our military as waiters in a White House fund-raiser.

But the latest tops all of that, I believe. Democrat leadership had a fund-raiser this weekend with Hanoi Jane, Hanoi Jane Fonda, that stood beside Vietnamese gunners as they were trying to shoot down American airplanes; Hanoi Jane and Tom Hayden, who stood beside those gunners, knowing that our POWs were tortured and brutalized, and said nothing. Yet the Democrat leadership this weekend has a fund-raiser in the face of campaign finance reform with Hanoi Jane Fonda.

I hope you choke on every dollar.

FAITH-BASED INITIATIVES

(Ms. WATSON of California asked and was given permission to address the House for 1 minute.)

Ms. WATSON of California. Mr. Speaker, one of the most fundamental guiding principles of our Nation is that individuals should be judged on their talents rather than on their heritage or their beliefs. It has been a long struggle for many Americans to secure the benefits of this principle. Even today, unfair discrimination prevents many Americans from achieving all they can. But most Americans can agree that our Federal Government should not sanction unfair discrimination but rather should fight it wherever it exists.

Last week, Congress took a decision that compromised this principle. The passage of the Community Solutions Act last week by this House would permit groups to discriminate unfairly against certain Americans. Worse yet, the bill actually would take away the right of communities to establish their own antidiscrimination laws.

Mr. Speaker, it is not too late for Congress to correct this House mistake. I encourage you to work with the Senate to see that any final version of this bill respects the rights of communities to enforce their own antidiscrimination laws and thereby protect one of our most cherished American principles.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF H.R. 2246, MEDIA MARKETING ACCOUNTABILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, I would like to rise this evening and discuss a topic that is important to all of us, which is our Nation's children.

Two months ago, I was in a truck stop and I saw a young man playing a video game. I did not think much about it, but I went up behind him and watched what he was doing. He was shooting a laser gun, but he was not shooting at targets. He was not shooting ducks. He was shooting people. Every time he hit one, an arm flew off and the blood spurted, or a head flew off and the blood spurted. I was really impressed by the violence of the game. This young man was about 10 years old. Nowhere on that game was any type of rating indicating that this was inappropriate for a young person.

As I saw that, I began to have a flashback to some of the school shootings we have had, and I realized that the United States currently is the most violent nation in the world for young people, with the highest homicide rate and the highest suicide rate of any nation in the civilized world. Our out-of-wedlock birthrate has risen from 5 percent in 1960 to 33 percent today. And so you say, what has happened here? Why has our culture unraveled in the way that it has?

I am sure we can point the finger at a great many different reasons and causes, but I would say one of the chief causes is the influence of violent, explicit material in the entertainment industry. Because, you see, the average child spends 25 hours a week watching movies, playing video games and listening to recorded music and probably spends about an hour or less talking to his or her parents. That 25 hours has a huge impact. Some of it is benign, but much of it is really pernicious and very harmful.

In September of 2000, the Federal Trade Commission prepared a reported entitled Marketing Violent Entertainment to Children. This is what they found, and I quote:

"The pervasive and aggressive marketing of violent movies, music and electronic games to children undermines the credibility of the entertainment media industries' parental advisory ratings and labels."

In other words, they were doing this in violation of their own ratings. The entertainment industry at that time was warned to quit marketing adult material to children in violation of their own rating system. This was done in September of 2000.

Then a follow-up study was done of the entertainment industry's progress in January of 2001. It was found that a year later some progress had been made but not very much. Whatever progress had been made was in ratings of movies, video games and their advertising, but practically no change at all had occurred in the ratings and in the advertising of the recording industry.

So much of the rap music, much of the music that young people listen to, is relatively targeted to kids; and much of it is violent and very explicit. Since there has been relatively little progress in this area, H.R. 2246, the Media Marketing Accountability Act of 2001, has been introduced in the House. This is a companion to Senate bill 792. This bill simply requires the entertainment industry to advertise adult-rated material to adult audiences.

Some people bring up the issue of the first amendment. They say, well, this is obviously a violation of free speech principles. Yet I think it is important that we think about this a little bit, because this bill does not in any way tell the entertainment industry what they write or what they produce. It does not edit content. It simply says this: If you are going to have a rating system, PG, R, adult, whatever it may be, then let us make that, if it is adult rated, that you do not advertise in preteen and teenage magazines and on movies that are G rated and do not market it on TV programs that are primarily aimed at children.

It is very simple. It is not a violation of free speech.

I think that we have really let our standards slip abysmally in this country. All of us who are adults have stood by and we have let it happen. We have watched it happen. I think that it is time that Congress steps up to the plate. I think Congress can do something about this. I think we can send a message to the entertainment industry. I hope that Congress will do the right thing and will support H.R. 2246, the Media Marketing Accountability Act.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, there was an extraordinary report published the end of last week which should be required reading for every American. It is a staff draft of the Bush Social Security privatization commission. Now they want to call it the bipartisan commission on the future of Social Security or something, but let us make no bones about it. It is a privatization commission. The basic assumptions under which they are operating and the orders they have from the President are they must privatize at least a portion of Social Security.

But that is no surprise. President Bush has taken that position for many years, as have many on the other side of the aisle who have never liked the idea of Social Security. But what is shocking about this report is that on page 14 they say, we have become used to the idea that Social Security is going to have a financing problem beginning in 2038. Beginning in the year 2038, Social Security under current assumptions, without a single change, can pay 73 percent of benefits from that date forward but 100 percent of all promised benefits up to 2038. That is a fact.

The Bush commission, the privatization commission, says they question whether Social Security can or will pay any benefits beginning in 2016, which means they are raising the specter first raised by Treasury Secretary O'Neill that they may not honor the debt of Social Security. That is, the fact that we have all paid taxes in excess of that necessary to pay current benefits with the idea we are accumulating a trust fund, the trust funds are held in Federal Treasury securities, and Federal Treasury securities are supposed to be the safest security in the world.

Now, Secretary O'Neill and, by implication, President Bush, are raising the question whether the Federal Government will honor those securities. That is unbelievable. That is extraordinary. It is frightening. It could bring about an economic collapse worldwide.

Beyond that, they are doing it for one petty reason, because they hate Social Security, they want to attack it, and they want to privatize it. Because the people on Wall Street say, "Hey, if we could have 250 million separate accounts to manage, we would charge all of them a little bit of money every month, we would make tens of billions of dollars."

□ 1915

Disregard the fact that those management fees over a person's lifetime would reduce their retirement by 40 percent in that little fund, and, for most lower income workers and others who this report feigns to really care about, they are shocked, shocked, shocked, that the widows and poor people and minorities do not have large retirement plans. They are not offering anything new for them, they are just saying Social Security has not been providing them with a high standard of living. Yes, that is true. But at least it has been there, it has been predictable.

This year, Americans will pay $93 billion, "B," billion more in Social Security taxes than are necessary to meet current benefits. We thought that $93 billion was then being deposited with the Federal Treasury with notes and it would be paid back, but Secretary O'Neill and this Commission and President Bush are saying no, we might not pay that back.

Well, if that is the case, then let us lower the tax now. You rushed out here to lower taxes for people who earn over $273,000 a year, yet more working Americans pay more in FICA taxes to Social Security than they do income taxes. If you are saying you are not going to honor those debts, then lower that tax today. Give us back that $93 billion extra we are going to pay this year, if you are questioning whether you are going to honor that debt.

It is absolutely extraordinary and irresponsible and unbelievable that this group, the Privatization Commission, is going down this path. The trust funds hold not accumulated reserves of wealth, but only promises that future taxpayers will be asked to redeem. That is the same as any other Federal Treasury security. So they are raising a question about whether the full faith and credit of the Federal Government lies behind not only the Social Security trust funds, but the $6 trillion of debt the United States of America has accumulated over the years.

If that filters through to the world financial markets, there will be a catastrophic collapse of the dollar, a run on the dollar; U.S. securities will be dumped in the market, and it will bring about economic catastrophe.

So I recognize they are trying to do a job here. The President ordered them to come up with the rationale for privatization. But do not do it in this extraordinarily irresponsible way. Just say, look, we want to cut people's benefits so that we can then transition to a privatized plan, and, of course, the models in Great Britain, Argentina and Chile did not work out so well, but we think they will work out better here.

Be honest. Do not lie and do not threaten the security of the world by threatening the sanctity of U.S. Treasury bills.

TRIBUTE TO THE LATE EUDORA WELTY

The SPEAKER pro tempore (Mr. OTTER). Under a previous order of the House, the gentleman from Mississippi (Mr. WICKER) is recognized for 5 minutes.

Mr. WICKER. Mr. Speaker, many of my colleagues may not yet be aware of the death earlier today of one of America's giants. Eudora Welty died this afternoon in Jackson, Mississippi, at the age of 92. Her literary career spanned portions of 7 decades, and her awards and decorations place her among the superstars of American literature.

Her novel, The Optimist's Daughter, earned her the 1973 Pulitzer Prize for fiction. In addition, her honors included four O. Henry prizes, the National Book Foundation Medal, the American Academy of Arts and Letters William Dean Howells Medal, the National Institute of Arts and Letters Gold Medal for the Novel, the American Book Award for Literature, the American Book Award for Paperback Fiction, the Phi Beta Kappa Association Award, and many more.

It is a point of personal pride for me that Miss Welty was a native Mississippian, having been born in Jackson in 1909 and educated in the public schools of our State, as well as at Mississippi University for Women in Columbus. For years, we Mississippians have considered Eudora Welty our State's preeminent citizen. May 2 is annually celebrated in Mississippi as Eudora Welty Day.

Mississippians are also proud of the fact that she has been increasingly recognized throughout America as a national treasure. She was appointed to the National Council on the Arts by President Nixon in 1972, and she twice received the Freedom Medal of Honor from Presidents Carter and Reagan.

Beyond her acclaim in her native America, Miss Welty's works have been translated into virtually every European language, as well as Russian and Japanese. She has been recognized by many heads of state. In 1987, Eudora Welty was knighted, knighted, by the Nation of France; and in January 1996, Miss Welty was presented with the French Legion of Honor.

Eudora Welty understood not only the South, but the complex family relationships and individual struggles against adversity which have combined to give our country its rich texture. Her works of fantasy and tall tale narration included two of my favorites, The Robber Bridegroom and The Ponder Heart, which have been adapted for the Broadway stage, but which are still read aloud in the Wicker household.

Mr. Speaker, over the next few days and weeks the publicity concerning the life of Eudora Welty will perhaps assist a new generation of students and young people in appreciating the extraordinary life and accomplishments of this remarkable American. Perhaps I will be able to express in a more adequate way the admiration and kinship that I feel for her as a fellow Mississippian.

Suffice it for now to say that her work sparked the imagination of countless readers around the globe, that she universalized the Southern experience and made it relevant to people beyond the region's boundaries, and that her life and her life's work are worthy of our heartfelt praise and gratitude.

Now, with the indulgence of the Chair and my other colleagues in the Chamber, I am pleased to yield to my friend and colleague, the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, today I stand before you, my colleagues, and the American people with sad news. One of our Nation's greatest writers has passed away. Earlier today Eudora Welty died. Miss Eudora lived in my district down in Jackson.

Miss Eudora will always live, Mr. Speaker, in the hearts of thousands around our planet who have read her words discovering a world of penetrating thought, stark memories and prose that can bring the angels to Earth and soothe our longings to connect with our broader world.

Eudora Welty grew up in Jackson, Mississippi. She spent her entire life living and writing in Jackson. But her words were and are universal. Miss Eudora knew her home, and she could pen her thoughts in a way that made the South and Mississippi a place in all our hearts. One cannot begin to adequately address how she could make us feel, euphoric at once and then again nostalgic and magic.

Ms. Eudora wrote about a "sense of place," who we are and how our world, the dirt, people around us, the humidity and the community made us unique. She made us remember home, and she led us to realize the good and the bad in our society. And for this, we could read and learn and strive to be better.

Eudora Welty won a Pulitzer Prize in 1973 for The Optimist's Daughter. She was also the recipient of the National Medal for Literature in 1980 and a National Medal of Arts in 1987. Her work is recognizable by nearly everyone: A Curtain of Green, The Wide Net, The Robber Bridegroom, Ponder Heart, and Delta Wedding, to name only a few. Her work to this day is widely published in French and other languages, as well as in English.

Miss Eudora experienced and saw her world, the American South of the 20th century, with a keen eye and ready pen. She put her feelings and observations on paper in what can only be described as brilliance. A reader of a Welty piece is forever changed, forever touched by the human experience.

Eudora Welty took on a life with a zeal for truth, and she took the truth and made it real on paper. Ms. Eudora was born in 1909 and was educated at Mississippi State College for Women, now the Mississippi University for Women, and also at the University of Wisconsin. She lived through the Great Depression, snapping black and white photographs of Mississippi scenes for President Roosevelt's WPA Program. She experienced World War II, the economic expansion of the fifties, the change of the sixties, and continued through the seventies, eighties and nineties, until she passed away today, July 23, 2001.

So much history and change occurred during this remarkable life. But Ms. Eudora, through it all, realized that the human experience remained. She saw the pain and the triumph, the celebration and the agony, and Ms. Eudora has given us the great gift of place, memory, and humanity.

Ms. Eudora was an icon. She, through her grace, gentleness and greatness, has given so many Mississippians a role model. Ms. Eudora, through her life and writings, has given thousands a kind of permission to strive for their dreams.

Mr. Speaker, I do not think her curtain of green has closed with her passing, but rather has opened; has opened wide, so that all of us can continue to embrace the characters, places, and events she told us about. The curtain of green is open wide for us today, as it will be for all countless generations to come.

Mr. WICKER. Mr. Speaker, reclaiming my time, I will simply close by saying our colleagues, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Mississippi (Mr. PICKERING), were on the floor earlier and expressed their regret at not being able to stay for this presentation and this moment of observance. They will be submitting remarks for the RECORD later on.

I will simply close today with the words of a fellow Mississippian, William R. Ferris, Chairman of the National Endowment of the Humanities, who said this afternoon, "Eudora Welty's mastery of language was unparalleled, and her unswerving commitment to her craft as a writer will inspire future generations. We mourn the loss of a truly great writer and friend whose love and compassion enriched us all."

PUTTING PATIENTS BEFORE PROFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, on Sunday evenings I usually do a radio show called "Talking to the People" with a co-host, Garfield Major; and on last evening, we were supposed to have a guest, a young lady who was going to be with us. But then, of course, during the week she passed away, and we decided that we would dedicate the show in her memory. Her funeral is going to take place on Thursday of this week, and I simply want to say to the family of Evelyn Spivery and all of the people who worked with her that we share with them in their grief and sorrow at her early and untimely death.

Mr. Speaker, I rise today to lend my support to and talk about an issue that is important to all of America, and that is the issue of a patients' bill of rights. Not just any patients' bill of rights, but I support the patients' bill of rights sponsored by my colleagues Mr. McCain, Mr. Kennedy, and Mr. Edwards in the Senate, and the companion legislation sponsored by the gentleman from Iowa (Mr. Ganske) and the gentleman from Michigan (Mr. Dingell) here in the House. I support the patients' bill of rights that puts patients before profits, and values human life over the bottom line.

The idea of a patients' bill of rights is nothing new to this Congress. We have all listened to the rhetoric, and we have all been involved in the debate. As a matter of fact, as a Member of Congress since 1996, I must say that it is interesting to see where this debate has gone.

I find it worth commenting that the question we are now faced with is not so much whether we should pass a patients' bill of rights, but which version we shall pass. In other words, we are all pretty much in agreement that patients need to be afforded an increased level of protection from the predatory tendencies of some components of our health care delivery system. But rather than immediately delving into the particulars of why we should prefer one version over another, I believe it is instructive to take a step back for a moment and look at the concept of a patients' bill of rights in the first place.

The very idea that we need a patients' bill of rights, an idea, I remind you, we are all in support of, implies the presence of an injurious element within our health care system. The simple fact that we are debating this idea means that each one of us at some level acknowledges the basic reality that the interests of some parts of our health care delivery system seem to be adversarial to the interests of patients.

I believe that the debate over which patients' bill of rights to accept can be resolved simply by looking more closely at what I will call the nature of the beast. Too often I believe that we talk about solutions without fully understanding the problem. I believe that with a careful examination of the means and motives by which some components of our health care system make money off the pain and suffering of patients, the answer to the question of which patients' bill of rights is the real patients' bill of rights becomes self-evident.

□ 1930

Now, what is it about those components of our health care system that is so inherently evil? Well, let me read a quote from Milton Friedman, a well-known advocate of free market economics. Mr. Friedman says that "few trends could so thoroughly undermine the very foundations of our free society as the acceptance by corporate officials of a social responsibility other than to make as much money for their stockholders as possible." In other words, if we go by the dictates that managed care organizations live by, not only is it undesirable to take a patient's well-being into account, it is simply unethical to do so. Any motive other than the profit motive is extraneous and inappropriate. This narrow-minded approach has placed our great Nation in a completely unique situation. We are the only Nation in the entire world with a health care system whose fundamental organizing principle is to avoid as many sick people as possible.

Let me say that again. I believe this gets to the crux of the matter. Many managed care corporations are predicated upon avoiding the needs of patients.

Now, given the fact that some managed care corporations are opposed to the needs of patients, given the fact that some managed care guidelines, as they are currently written, do not allow patients to stay overnight for a mastectomy or see a neurologist for new onset seizures, and given the fact that some corporations spend 25 cents of every dollar on administrative expense while Medicare is administered at a rate of over 12 times less, and given the fact that many of these same corporations feel that patients' rights that would allow the patient to go into a court of law to seek redress for injury, I think it is clear, Mr. Speaker, that the only real Patients' Bill of Rights is the one that puts people over profits, and the motive is to protect the patient.

STAND UP FOR THE NATIONAL GUARD

The SPEAKER pro tempore (Mr. Otter). Under a previous order of the House, the gentleman from Kansas (Mr. Tiahrt) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I rise today to speak on behalf of our National Guard. For 225 years our young men in the National Guard and our young women in the National Guard have stood in the gap when our Nation was called. From Concord to Kosovo, they have put their lives on hold, left their families, their jobs and responded to our Nation's needs. Today, they are continuing that great tradition.

If it was the will of the President to send our young men and women into harm's way tonight, they would drop everything and they would go. As we speak, the 184th Bomber Wing at McConnell Air Force Base, an Air National Guard unit in Wichita, Kansas, is on call. If the assignment came to send our B–1 bombers to a foreign target, it would be the volunteers of the 184th Air National Guard Bomber Wing that would fuel the planes, load the bombs, fly the mission and, once again, stand in the gap for us and for our children.

I tell my colleagues this with great pride because I know many of these young men and women in the 184th. Some of them grew up in Wichita, Kansas, the air capital of the world, home of Boeing, Beech, Cessna and Lear Jet. Some of them are second and third generation aircraft workers. It is almost genetic for them. It is a passion for them.

That may explain why the 184th B–1 Wing has the highest mission-capable rate of any of the B–1 bases, including the three active duty B–1 bases, the highest mission-capable rate. Of course, the average length of experience on the flight line at the McConnell Air Force Base for the Air Force workers is 15 years, 15 years of experience. However, at the active duty bases, it is only 3 years. On top of that, the cost per flight hour is lower at the Air National Guard unit at McConnell Air Force Base. It is a little over $6,000 per hour to fly the B–1, compared to over $10,000 per hour at the active duty base, considerably more. Lower cost, more experience, higher mission-capable rate: That is an attractive alternative to the active duty, and it tells us how important Air National Guard is to our Nation.

Mr. Speaker, when we compare how the Air National Guard has handled their mission with the B–1 to the active duty, one would think there would be no question whether we should keep the B–1 mission in the National Guard. But, Mr. Speaker, the Guard is under attack. According to the Secretary of the Air Force and released program budget directives, the Active Duty Air Force intends to pull the teeth of the Air National Guard by removing the B–1 mission from the Guard. Today it is the B–1 mission. What will it be tomorrow? No more F–15s in the Guard? No more F–16s? We do not know, but one thing is clear: The Active Duty intends to pull the teeth of the Air National Guard.

Now, this is very upsetting to the young men and women of the Guard. Consider their success with the B–1 mission: lower cost, more experience, a higher mission-capable rate; and now consider the reward for being the top B–1 wing: loss of their mission. It does not make sense economically or logically. In a time of tight budgets when we have a shortage of 1,200 pilots, when retention of personnel is paramount, this is exactly the wrong message and exactly the wrong decision.

Mr. Speaker, I hope that each of my colleagues will consider this assault on our National Guard and oppose it. For

225 years, the Guard has stood in the gap for us. I hope we will choose to stand up for them.

PATIENTS' BILL OF RIGHTS: EMPOWERING PHYSICIANS AND THEIR PATIENTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Connecticut (Mrs. JOHNSON of Connecticut) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of the Fletcher-Peterson-Johnson bill, and I appreciate the opportunity to talk to people about the strength of our approach to providing people with the right to sue if they have been harmed by a plan or a decision that their plan made. It is absolutely wrong for an HMO to have the power to deny needed medical care to a participant in that plan. That is something that, frankly, we all agree on.

What we do not agree on exactly is the process by which we achieve that goal. I want to make sure that at the same time we provide patients with a right to sue their HMO, we do it in a way that returns power and control over our health care system back to physicians. I do not want a solution to patients' rights that empowers lawyers over doctors, or puts in place such a complex system that resources hemorrhage out of our health care system into our legal system, diminishing not only the rights of patients but the possibilities of those who participate in plans for medical care.

Mr. Speaker, I think through this discussion tonight we can make clear that our goal is to empower physicians, to return control of our health care system to physicians and patients, to doctors and the people they care for, where it ought to be; and to make sure that in the process of reform, we create new rights of access, we guarantee a new and objective external appeal process, but we do not transfer power that plans now have and should not have to lawyers for them to have, when they should not have it. So this is all about patients' rights and doctor power, and that is what we want to talk about tonight.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. FLETCHER), who is the lead sponsor of this legislation.

Mr. FLETCHER. Mr. Speaker, I thank the gentlewoman. I certainly appreciate all the work that we have done together and the gentlewoman's help in making sure that we have a piece of legislation that truly is focused on patients and focused on getting patients the health care that they need.

Mr. Speaker, all of us have heard the tragedies of HMOs, and there are many out there, and I think we can all relate to that. As a practicing family physician, I remember many episodes where I had a conflict with the HMO, trying to get the treatment that the patient needed. So I think all of us agree that there are tragedies out there where patients did not get the treatment they needed, or where they were misdirected to a distant ER and something happened. We want to make sure that we correct those problems and that we get patients the care that they need.

That is why when the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Minnesota (Mr. PETERSON) worked on this bill, and a number of others who have worked very hard on it, we focused primarily first on patients and getting the care. We wanted to make sure that we no longer saw a system where insurance bureaucrats made medical decisions but rather physicians made medical decisions.

We also did not want to go to the extreme of other folks saying, let us let lawyers and judges make the medical decisions. That is not right either. First off, the ability to get that treatment is impaired. It may take years to get a settlement, well after the medical treatment is needed. Secondly, judges and lawyers are not trained to make those medical decisions. So we established a bill that focused on getting the care patients need.

Now, let me compare, because I have a chart here that compares the basic elements of the patient protections in the two bills. Our bill, which is the Johnson-Fletcher-Peterson bill versus the Ganske bill, or the Kennedy-McCain bill. First, emergency access. We both ensure that the patient can get the emergency room care that they need.

We also ensure something called point of service. What that means is that one has an option of going to any physician. If one wants to get that plan, one can go to any physician out there. They may not be a physician that is part of even that network of the HMO, and a company will offer a plan that you can purchase that will allow you to see a physician that you trust that may not be a member of that network. You can see your OB-GYN doctor directly. You can take your children, and I know that this is very important for families, to ensure that their children have access to that pediatrician that has been trained especially to take care of the problems of children. We provide direct access to pediatricians.

Specialty care. To make sure that there is an adequate coverage of specialists out there to bring the latest, the state-of-the-art of medicine, to the patient's bedside. We want to make sure that there is continuity of care, that if, all of a sudden, the contract is removed from the physician, that there is a solution.

For instance, if you are a young lady and you are being covered by a physician or he or she is your attending physician and you are about to deliver a child, we make sure that you can continue that continuity of care, that you can continue to see that physician, and that you get the care that you need throughout, even though they are no longer working with that HMO, that they can do that until the delivery is completed and postpartum care is completed as well.

We do not allow any gag clauses. We do not allow HMOs to tell physicians, you cannot tell your patients what medical treatment they need. So we stop all of that, just like the other bill.

Clinical trials. We make sure that if there is a clinical trial that is out there that may give someone a hope of a cure for a disease that we make that available.

We make sure that you get plan information, just like the other bill.

We make sure that there is an appeals process; that if an HMO says, we do not think that is covered, that you can get an internal and external appeal. What does that mean? That means that you can appeal it to a panel of experts. We have set quality number one in this bill. We have established a criteria for this external review, the highest standards in the country, a consensus of experts of national opinions and what we call the referee journals, those medical journals that drive the state of the art of medicine. So we establish the highest quality of any bill. Actually, our quality of care standards are higher than any other bill here.

We make sure that the prescription drugs that you need are there, that if it is not on the formulary and you cannot tolerate the drug that is on the formulary, that there is access to a drug that may not be on the formulary, but because you cannot take the medication that is on the formulary, you get another medication.

We make sure that there is the liability, that there is the redress so that one can hold HMOs accountable.

Now, one way we hold them accountable is we make sure that if an insurance company does not comply with this panel of expert physicians, this high gold standard, that if they do not comply with that and give the treatment that one needs, we hold an HMO liable in exactly the same manner that a physician is liable.

The other side has about 19 pages of criteria that have to be met. Nobody knows how the States are going to respond to that. We are seeing a decision from the Department of Justice saying that we are not sure how the States are going to respond to 19 pages of Federal mandates on State courts. That is unprecedented. But we make sure that the HMO is held accountable if they do not comply with those panel of expert physicians, the same way a physician is held accountable.

□ 1945

There is no difference in our bill. We make sure that there is tight, focused accountability.

We also provide, and let me talk about it, immediate access and instant remedy. When we focus on patients, that is what we want to see.

We also provide the opportunity for small businesses to come together and to offer a national health plan. That will save an estimate of 10 percent to 30 percent on premiums.

I have not talked to anyone out there, Mr. Speaker, that is not interested in the cost of health care and of seeing that going up double digits this year. So being able to decrease the cost of health insurance, make that more accessible, allow more small businesses to offer health insurance is one of our goals. I believe we accomplished it.

It is estimated that 8.5 million Americans will be able to get insurance that do not have insurance today. We hold HMOs accountable; and we weed out bad players, as I have said. We make sure that the medical decisions are made by doctors.

The Kennedy bill and the Ganske-Dingell bill, what they say is that if one does not get the treatment immediately, if they just allege harm, they can go to court. What does that do? That does not, first, get the patient the treatment they need, and it also increases the number of junk or frivolous lawsuits. We will talk about that in a minute and what effect that has on patients' ability to get affordable health care.

We make sure that one does not have to go to a judge, that one can go to a doctor to get an opinion. Then if the HMO is a bad player, we hold them accountable.

We enable small businesses, as I said, to offer health insurance. Most importantly, when we talk to the American people, Mr. Speaker, what we find out is that the American people are very, very concerned about the health care they get through their job. I have some farmers in my district whose spouses go to work simply so they can get that health care.

The other bill may impact that to the point where individuals will lose the health care they get through their work. In Kentucky, that estimate is 40,000 to 80,000 Kentuckians will lose their health insurance because of the Ganske-Dingell bill.

Again, we protect the health care Americans get through their jobs. We provide all patients with patient protections. By setting that gold standard by that independent review of panels, we raise the standard of the quality of health care.

When we look at insurance premiums, ours, when we figure the total bill with those association health plans and something else called Medical Savings Accounts, where one can set aside some money to use for health care expenses, ours shows that we will have a net decrease, if we look at the premiums. Theirs will increase by about 4.2 percent.

We do not think we will increase lawsuits. Actually, we will get the care and have less lawsuits than they will, but yet we will weed out bad players.

We estimate that we may decrease totally by 7 million the number of uninsured. They may increase it for some up to 9 million.

Health care quality, we believe we can actually increase health care quality with this bill, which is a primary concern.

We want remedy, we do not want retaliation. We know there is a lot of emotion. As a physician, I can say there are many times when HMOs angered me. But the motivation for passing a good patients' bill of rights is remedy, not retaliation. We want to make sure one gets immediate help, not unlimited or frivolous lawsuits.

We want to make sure one has access to State courts if the managed care company refuses to give what the experts say. There are no caps on many of their decisions, and that means premiums are going to go up. We have access also to Federal courts if it is a coverage decision.

Why is it very important to make sure that we provide health insurance? Why are we so concerned about the uninsured? I am disappointed in the other side. I think we both have a very similar motive, but their bill has what I call truly a flagrant disregard for the uninsured.

When we look at the simple fact, and this comes out of the Journal of American Medical Association from November 19, 1997, this was an article that said that a patient without health insurance is three times more likely to die than patients with health insurance. So when we talk about driving up the number of uninsured, we have a tremendous impact on the health and well-being of Americans. That is why it is so important to focus on the uninsured.

Look at this map. We currently have 43 million Americans uninsured. If we look at, under the Ganske bill, there are 4 million more uninsured. If we look at the blue States and if we were to take the population of all those blue States, that is equal to the population of the number of people in the United States that have no insurance. That is where we should be focused.

That means that 43 million Americans now are not able to go see their physician, not able to get the preventive health care they need, so when they do arrive in the emergency room their disease is further along. It is more advanced and less curable.

If we pass the Ganske-Dingell bill, it is estimated that those red States, a population equal to the population of those red States would lose their health insurance. I do not think that is something we can afford in America.

Let me say this, as we look at the differences, I think both of us have the same goal. That is to make sure we provide good patient protection. I think in their liability portion they are very misguided in the sense they turn decisions over to judges and lawyers instead of physicians. I think it is bad legislation, particularly for those that I call "near-uninsured."

Who is it going to impact most? Low-income and minorities, that is who it is going to impact. I am surprised that the Democrats would take up this issue, because that is a constituency they always speak about having compassion for, yet their bill will impact them worse than any other portion of our society. Low-income and minority people are the ones that stand to lose the health insurance, those who are barely getting along, those families who are having to decide between putting food on the table and providing health care for their children.

Under their bill, they may end up having to say, I am not going to take the food off the table, so I will have to drop health insurance. That is not right for America. That is not good for those most vulnerable in our country.

I appreciate the opportunity, I say to the gentlewoman from Connecticut (Mrs. JOHNSON), to speak with her, and I thank her for all her work on this bill. I think we have an excellent bill. I thank the gentlewoman for the opportunity to share this time with her.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for joining us.

I want to ask just one question to the gentleman, as a physician. Is it not true that under our emergency services section, where we guarantee people the right, if one's pain is severe enough that any prudent layperson would think someone needed to go to the emergency room, they can go to the emergency room and get care under our bill and under the other bill?

But there is a unique aspect to our bill. That has to do with very, very young infants, where of course "the prudent layperson" rule is a little hard to apply. So we do take a different tack in that portion of the bill. If the gentleman would just talk about that, I think it would help people understand how thoughtful our legislation is.

Mr. FLETCHER. Mr. Speaker, we wanted to make sure that the access there to the emergency was available to everyone, regardless of their age and regardless of their ability to be able to define what a layperson's definition is.

So we make it very clear, and I think that is one of the reasons that, when we talk to the emergency room physicians across this Nation, they prefer our provisions, so that no patient is without access to the emergency room.

I mentioned in the beginning that some of the problems have been that a patient may call the HMO and they send them to a distant emergency room. We have eliminated that problem. We have solved that problem. We make sure that if one has an emergency, if one has severe pain or something where one feels or a layperson feels like it could threaten their health, they can go to the nearest emergency room, get that treatment from those physicians and health care providers, and they can be assured of being reimbursed for that.

Mrs. JOHNSON of Connecticut. If they have a very sick infant and go to the emergency room, and in the opinion of the health professional, the prudent opinion of the health professional, that infant needs certain care, that infant can have the care that they need on the word of the health professional, as opposed to the prudent layperson's standard that pertains to me, if I were in pain or another adult if they were in pain.

Mr. FLETCHER. Let me address this. A young mother sometimes is not sure whether an infant needs to come. I recall a situation where a young mother came and she gave me, after a few questions, a short history of this infant. She was not sure whether or not that infant needed to come in.

At that point, I told her that, no, I think you need to come in immediately. When that child arrived there, it was very, very ill. The gentlewoman is absolutely right that it is very difficult sometimes on a layperson's judgment to define whether a young infant, a very young infant, is truly at a great deal of risk with their health care, and yet it requires health care professionals.

So our provision for that gives a lot more protection to those young mothers and young infants.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman very much for his time tonight. It is a pleasure to know that the emergency physicians were very involved in writing that provision, and we have very strong coverage and protection for emergency room care.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. COLLINS), from the Committee on Ways and Means.

Mr. COLLINS. Mr. Speaker, I thank the gentlewoman for yielding to me.

I really enjoyed the explanation of the gentleman from Kentucky on the health care provisions in both plans. That is what people are concerned about at home, that they want to better understand their health care insurance, what their coverage is, and what the plan consists of, more so than anything else.

I have very few, and I cannot recall any, really, who have been to my office and said, "Mac, I want you to pass legislation to let me sue my insurance plan and my employer." That is not what is on their mind. What is on their mind is the information that the gentleman from Kentucky (Mr. FLETCHER) shared with us: "What am I going to do about health insurance and health care coverage for me and my family?" Those are the concerns.

I have very few to call the office concerned about the denial of a service that they may need in the private sector. I do have quite a few calls when it comes to some of the, what I will call government-run HMOs, health management organizations, and those are Medicare and Medicaid.

Thanks to the new administration and some of the things that are happening over at the Center for Medicare Services now, though, those calls have become fewer and fewer.

We used to have a lot of calls about the Veterans Administration, but fortunately, we have had a lot of good, positive changes, especially in the Atlanta Region, with the VA. I have not received, in years, many calls.

These are things that, as a Member of Congress, it is pleasing, because I feel like my constituency is being better served by those particular agencies.

I say to the gentlewoman from Connecticut (Mrs. JOHNSON), there are a couple things I do have complaints about. One is the cost of health care. People say, "Congressman, why is my health care so high? It is to a point where I cannot afford it. Why is insurance so high? I cannot afford coverage. I cannot afford the insurance. What am I going to do? What am I going to do?"

One thing we should not do is subject the marketplace to provisions of law that may increase those numbers who cannot afford insurance or cannot afford to pay their health care costs. That is just something we do not need to do. I am afraid what we are looking at with this particular patients' bill of rights is the fact that we may increase, if we pass one particular provision, and that is the bill that the other parties have offered, the Ganske-Dingell bill, the McCain-Kennedy bill, that possibly we will increase the number of uninsured and raise the cost to a point that many cannot afford it.

I have had health care management organizations to come by the office in Georgia, particularly the Jonesboro office, because it is closer to the Atlanta area, and talk to me, it has been 3 or 4 years ago, about health care and what they were going to do, how they were going to take care of the uninsured. One had some pretty slick brochures, they were just fancy, and they probably spent a lot of money on preparing them.

I looked at them. We talked for a while. I said, "These things are pretty. They are slick. A lot of good information here. My advice to you is to do what you say you are going to do in these brochures, and that is take care of those that you insure." I said they should heed the warning, because if they did not, there was going to be legislation before the Congress that will make them wish they had. That type of legislation I do not believe will be good for the marketplace, for those who are uninsured, or those who insure.

Some companies have heeded that warning and made some changes, but many have not. I think the marketplace is where things should take place and where the reform in HMOs should take place. Employers, as they select plans, they select plans based on competition in the workplace for employees. It is a benefit. Some plans are better than others because some businesses can pay better than others.

Labor contracts, many times labor in their negotiation will use health care coverage as part of their negotiation or their leverage. Insurance companies themselves providing insurance, they are competitive. They are competitive businesses.

There is not just one insurance company, like we have with the insurance for our seniors, Medicare, or insurance for the poor, Medicaid. There are a lot of private sector insurance companies who compete for business. They compete on the basis of what they have to offer, the price of what they have to offer, and the satisfaction of those who receive the coverage under their plans.

That is where the HMO reform should take place. That is the marketplace. But it is not. It is taking place right here in the halls of Congress. It worries me.

We have, as we all know, the patients' bill of rights. Unfortunately, as I hear the coverage at home on the national media, they do not talk about provisions that the gentleman from Kentucky (Mr. FLETCHER) talked about. They talk about "this bill is all about people have the right to sue the insurance company."

Do Members know, I believe they have that right today. If someone is harmed by another individual, whether that individual is an entity or is a person, they have a remedy of law. They have a right to recover.

I do not think what we are doing here is absolute in what we are trying to do as far as the marketplace is concerned. We have a choice, as I mentioned earlier. We have the Ganske-Dingell bill.

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A lot of people at home know it as the Norwood bill, very similar to the one that passed over in the Senate. But I have to say that, based on my experience in business, my experience of having been in the Congress now for 8½ years, my understanding of people and a common sense approach to this issue, I do believe the gentlewoman has the better approach of all that has been presented. I believe it has a less negative impact on employers. I believe it has a less negative impact on employees.

Let us face it, most people obtain their health care insurance coverage at the workplace. That is where it happens. That is the benefit. That is the incentive that an employer offers to have someone work for them, or part of the incentive program. And the gentlewoman's bill puts at risk in a lesser fashion the employer when it comes to liability. As an employer for 38 years myself and in the type of business that I am in, trucking, have been since I was 18 years old, a lot of miles on the road, a lot of employees in accidents, I have been in court, and it is not cheap to go to court to defend yourself.

I know that a lot of employers, if they are going to have to subject themselves to additional cost, the additional time and trouble of defending themselves based on a suit that may not be a viable suit, it may not be a real liability to them, but they have to go to court to prove that it is not or to have themselves removed from the case, what will happen, I am afraid, is that many employers will just say, hey, I am not going to do this. I am just not going to provide it.

What if they do? What if they say, I will continue on. I will take that chance. What will be the result? I think it will be based on passage of legislation, whether it be either bill. I like the idea that the gentleman from Kentucky (Mr. FLETCHER) put forth, that this may actually reduce costs, and I hope it does. I think the majority of the time, though, anytime the Congress gets involved in something, it always increases the cost, whatsoever it may be.

But let us just look at a couple of comments that a group on Wall Street made about the potential of the McCain-Kennedy, or the Kennedy-McCain, now that the Democrats are in the majority over there in the other body, or the bill that is before us from our side, the Ganske-Dingell bill.

These are the four things that they say could happen. They say, first of all, if the President were to sign either one of those two bills that they think that, similar to some insurance companies that are already out there, that they would just draw language for their plans that would more carefully and extensively exclude areas of services, regardless whether they are medically necessary. They would exclude them by taking out the words "medically necessary."

They think that the plans would eliminate preauthorization so that they would not have to delay or deny care but merely make retrospective coverage decisions on claims after the care was rendered. Now, how would my colleagues like to get a notification saying, wait a minute, that $100,000 operation you had was investigative surgery, because the words medically necessary are no longer there? That would be stunning. It would be to me, anyway.

Third, this group thinks that plans would raise premiums and fees to address potential costs of expanded liability and other patient bill of right provisions.

And, fourth, businesses will adjust. If they decide to stay in the marketplace and provide the incentive for their employees, they will make the adjustments. I know they will. I have been there for 38-plus years and have made a lot of adjustments based on government regulations.

They say that we think the sponsors, those who buy and make the decisions to purchase the insurance, would increase the beneficiary costs, the employees' cost with cost sharing, with higher deductibles, or coinsurance, or co-payments to offset such increases. So it will cost employees as well as possibly employers.

The Ganske-Dingell bill, and I hate to take up so much of the gentlewoman's time here, but this thing has been bothering me for a long time and I just have not spoken out much on it, but it has bothered me as a Member of Congress and as an employer. They say employees are protected, but are employers protected? If they are, why do we not just say so with maybe some language that says the decision to purchase health insurance as an employee benefit is not subject to liability, because it is not a health care decision. Now, the gentlewoman has. The gentlewoman has accepted that type of language very similar to that, and that is good language because that protects that employer and the employee by not discouraging the employer to stay in the marketplace.

I say to my colleagues, let us not jeopardize the insured that are out there today by jeopardizing the employers, their workplace; not only jeopardizing them for the possible loss of insurance coverage but jeopardizing from the standpoint that their share of the insurance coverage for their families more than likely will be increased.

Well, that is all I am going to say for now, but I appreciate the gentlewoman's thoughtfulness. I know she has worked diligently on this legislation, and I hope that my colleagues will work and pay close attention to how this whole process will affect employees, insured, and employers who provide the coverage as a benefit.

Mrs. JOHNSON of Connecticut. My colleague, the gentleman from Georgia (Mr. COLLINS), has made a series of very important points, but the most important point is that health insurance is the most important benefit that employees receive from employers and that in fact the only place people can get affordable health insurance is through their place of employment.

If we provide access to specialist care and all of those access rights that we provide in this bill, which both bills provide and which do not in themselves cause any of the problems the gentleman is talking about; and if we provide a national process of independent review of decisions made by insurers to guaranty that those decisions do not deny needed care, which both bills provide and 41 States provide, that will not have the consequences that the gentleman fears. But if we provide the right to sue wrong, we will have the consequences the gentleman fears. And if businesses think they can be sued for what are essentially malpractice decisions, they will drop their plans or increase costs.

Just to give my colleagues a little example of how important this is, in last year's alternative bill we had a system for protecting employers. The employers, frankly, did not think we were right, and they did not support it. But it was the best we could think of at the time. It said if you did not directly participate in the decision, then you could not be sued. But direct participation turned out to be a pretty long chain, and a lot of people got swept into it.

So this year, as we move forward, we thought harder about that issue of protecting the employer, who, after all, is only doing his employees the good service of having a plan and paying for it for them. So we came up with a new way of protecting employers. And one of the things about our bill, the Fletcher-Peterson-Johnson bill is that it has a simple, clean mechanism for protecting employers. The employer simply appoints a dedicated decisionmaker, and under his plan he then is protected from suit.

Now, in the other bill, realizing what a good idea we had, in the Senate they added that designated decisionmaker into the bill. But they just laid it on top. So now their bill has two systems. What that does is to create court cases about which system. That is the kind of way in which the other bill, in its complexity, invites litigation, explodes litigation, drives up costs, drives up premiums or copays, or reduces coverage or, in fact, forces employers to drop their plans.

So when we talk about the fact that our bill better protects employers and protects the employees' insurance, it is right there in black and white. It is in the provisions. Their provisions drive inappropriate litigation. Our provisions only help the person who was harmed by not getting the medical care they deserved. And that person, under our bill, has the right to sue.

I thank the gentleman from Georgia for joining us and talking about this.

Mr. COLLINS. If the gentlewoman will yield further, they should have that right, and I think they have that right today.

I am still very concerned about the language, though, of appointing a decisionmaker. Because that can be questioned, too. But if the decision to purchase the insurance is not subject, because it is definitely not a health care issue.

Mrs. JOHNSON of Connecticut. That is right, and that is very clear under our bill, that that is not a health care decision.

Mr. COLLINS. Well, I hope it is, and I think it is, because I have been assured that that is my amendment that the gentlewoman has accepted. I thank her.

Mrs. JOHNSON of Connecticut. That is right.

Now, I would like to recognize my colleague from Arizona (Mr. HAYWORTH), also a member of the Committee on Ways and Means, and I appreciate his being with us tonight.

Mr. HAYWORTH. Mr. Speaker, I thank the gentlewoman from Connecticut for yielding to me. I listened with great interest to the gentleman from Georgia and, preceding me in this well of the House, the gentleman from Kentucky (Mr. FLETCHER), the principal sponsor of the true bipartisan Patients' Bill of Rights. Because make no mistake, my colleagues, we have a clear choice on this floor for all of America later this week: Will this House stand for a true patients' bill of rights or, in the games of special interests, will this House, instead, pass a trial lawyer's right to bill.

The gentleman from Kentucky made the case. The gentleman from Georgia made the case. Let us reaffirm the principles so important to us. As I see here tonight we are joined also by the gentleman from Pennsylvania (Mr. ENGLISH), whose district, as most districts in this country, really embraces the work ethic and the notion of getting one's money's worth and the quality of life, and I think these underlying principles form the foundation of our actions.

Number one, when someone is sick, they do not go to see a lawyer. They want to see a health care professional, a health care provider of their choice, a doctor to help them solve that problem.

Number two, should there be a dispute about insurance, most individuals want health care professionals who understand the concept of continuity of care, who understand the concept of the illness that that person faces making decisions, rather than ending up in court.

The basic thought, Mr. Speaker, is this: We all want help from medical professionals rather than a court date that can stretch on and on ad infinitum instead of getting quality health care. That is the key decision we confront.

Mr. Speaker, I was frankly amazed to hear my good friend, the gentleman from Illinois (Mr. DAVIS), come up a bit earlier this evening and talk about the profit motive and the evils that were imputed to profits. Because were we to follow the line of reasoning as relevant as headlines in The New York Times of 3 weeks ago, how shocking was the news we had about the trial lawyers' lobby and the dispute involving the Ford Motor Company and the Firestone Tire Company. The New York Times, not exactly a conservative journal, the New York Times pointed out that the trial lawyers involved in that case made a conscious decision to conceal the facts. To help protect public safety? No, to protect their case in court. And almost 200 fatalities resulted in the time from the discovery of the defect until the courtroom shenanigans to get a big decision.

□ 2015

When we talk about the common interest in the public health and public welfare, who is culpable there? I say we better not go down that path, we better not surrender health care rights to the trial lawyers' lobby. Yet, the choice we will have on this floor is crystal clear.

We can succumb to the siren song of the clever and those who wrap their message of higher fees in the language of love and counterfeit compassion; or, instead, we can vote for a bipartisan measure, the principal architect of whom has dealt with patients in his primary calling in life in a bipartisan way to focus on health care for Americans. That is the simple choice when we take it all away. Are we for lawyers or are we for doctors and health care professionals helping Americans make the right decisions for their health care? That is what we will confront this week on the floor.

Mr. Speaker, I yield back to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I think the gentleman from Arizona (Mr. HAYWORTH) is absolutely right. This is about whether doctors will regain control of America's health care system.

At the hearing before our subcommittee of the Committee on Ways and Means, every single example that the trial lawyers gave could have been solved more rapidly under the system in our bill and for $50.

I ask, what is in the patients' interest? What is in the patients' interest is that they get the care they need and they get the care they need when they need it, that they do not go to court and face the long dragged out process of the court and face the high cost of a court case.

It was really sad to sit there and hear every single example the trial lawyers' representatives gave and to see how this could have been resolved so much more rapidly, with so much less suffering and harm on the part of the patient and their whole family and of the caring physician under our system.

My colleague is absolutely right. This is a big vote about whether patients and doctors are going to be at the heart of America's health care system in the future.

Mr. Speaker, I thank the gentleman from Arizona (Mr. HAYWORTH) for joining us today. Mr. Speaker, I welcome my colleague from Pennsylvania (Mr. ENGLISH), who has been very active in so many issues that touch on the heart and life of the people of his district, to this discussion.

Mr. ENGLISH. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Mrs. JOHNSON) for yielding to me. I particularly want to thank her and the gentleman from Kentucky (Mr. FLETCHER) for their leadership along with the gentleman from Minnesota (Mr. PETERSON) in moving this debate forward.

I believe that the House is going to make a momentous decision in the next few days. A decision which could either lead our health care system forward on a path of quality or, on the other hand, could lead to an unraveling of our longstanding system of health care based on employer-provided benefits. My fear is that the House may make the wrong decision. But thanks to the heroic efforts of the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Kentucky (Mr. FLETCHER) and others, there is an alternative, a commonsense alternative.

Mr. Speaker, I came to the House in 1994 as an advocate of health care reform. I have concluded, Mr. Speaker, that today the best medicine for patients is a modernization, an improvement of the health care systems for all Americans, while at the same time having an initiative to make it more affordable and accessible. We must make sure that our health care system works while preserving competition in the free market. Every family deserves health care that can never be taken away.

Congress must move this week to adopt health care reform that moves us down the path toward universal access to affordable care. In my view, the version of the patients' rights bill of the gentleman from Kentucky (Mr. FLETCHER) is the one that does precisely that. I am an original co-sponsor of this bill because it recognizes that strengthening patients' rights is the first and seminal step to successfully reforming health care.

Mr. Speaker, I am urging all of my colleagues tonight to back the Fletcher bill because ensuring patient access to affordable quality health care should be the focus of any reform effort. We need to put patients back in charge. That means establishing quality standards for all health plans, allowing doctors and patients to make health care decisions.

Mr. Speaker, I am happy to say that after years of examining managed care reform legislation and as a member of my colleague's subcommittee, a great deal of consensus exists as to what a Federal patient protection bill should include. I believe there is also strong bipartisan agreement that Congress should act quickly to extend patient protections to all Americans. The plan of the gentleman from Kentucky (Mr. FLETCHER) does exactly that, by providing patients with the tools they need to protect themselves and to ensure that they have quality health care coverage now and in the future.

This bill provides patients with better access to information about their health care coverage. It requires plans to provide patients with detailed plan information with an explicit list of covered and excluded services and benefits.

Unlike other proposals, the plan of the gentleman from Kentucky (Mr. FLETCHER) requires the plan to disclose their formulary if requested. H.R. 2315 reopens the door that allows patients and doctors to work directly together to decide the best course of treatment, rather than focusing on insurance company guidelines and regulations. It ensures that patients have the right to choose their doctor with continuity of care protections. These protections allow patients who have an ongoing special condition such as cancer or even a pregnancy to have continued access to their treating specialist in cases where the specialist has been terminated from the plan or if the plan is terminated.

H.R. 2315 eliminates the so-called gag rule by prohibiting health plans from restricting physicians giving patients advice about their health and what is the best for them. Additionally, this legislation does not forget the special health care needs of women and children by allowing immediate access to gynecologists, obstetricians, and pediatricians. It also provides access to specialists.

The bill of the gentleman from Kentucky (Mr. FLETCHER) provides a provision that says patients cannot be denied emergency care coverage because the visit was not preapproved. The plan says if a prudent layperson believes that a symptom requires immediate medical attention, including emergency ambulance services, then the insurer must pay for the care regardless of whether it is a network facility. We do not want to let insurance providers drive the industry to a point where, in an emergency, patients are calling their insurance companies before dialing 911.

The plan also requires coverage of routine medical costs for patients enrolled in any government-sponsored cancer clinical trial which includes FDA trials under which about two-thirds of all clinical trials occur. It also prohibits insurance providers from denying coverage on FDA-approved drugs or medical devices by classifying them as, quote, "experimental" or "investigational."

This legislation provides patients with the best access to prescription drugs by allowing doctors to request off-formulary drugs for their patients and for plans to consider side effects and efficacy in their determination.

Mr. Speaker, American families are concerned about their health care; but we cannot address the quality of care without addressing the cost. Those without health insurance are not just the indigent. It is the small business owners, the self-employed who cannot afford the premiums. It is young people. It is a broad cross-section of America. A staggering 44 million Americans cannot afford or do not have health insurance.

Studies show that other proposals being offered in the House as an alternative to the bill of the gentleman from Kentucky (Mr. FLETCHER) could force 6 million more Americans into the ranks of the uninsured. On the other hand, studies show the plan of the gentleman from Kentucky (Mr. FLETCHER) would help provide 9 million uninsured Americans vital access to coverage by expanding association health plans and repealing all restrictions on access to medical savings accounts, tax-favored accounts that give the patients themselves ultimate control over their own health care.

Another notable feature that puts the proposal of the gentleman from Kentucky (Mr. FLETCHER) above the other proposals which claim to protect patients is support from the Bush administration. President Bush has promised to sign this bill saying, "I believe the Fletcher bill will help enhance the great medical care that we have in our country."

I could not agree more, and I am pleased that the President has put the needs of patients first by lending his support to this bill. Health care reform is complicated, much more complicated than many would have us believe. We must protect patients by advocating strong patient-focused health care reform.

Mr. Speaker, I will reiterate, strengthening patient protections, strengthening patients' rights is the key to reforming health care. I strongly support H.R. 2315. I salute the gentleman from Kentucky (Mr. FLETCHER) and the gentlewoman from Connecticut (Mrs. JOHNSON) for their efforts.

Mr. Speaker, I support this as a plan to reform managed care that promotes quality care and restores the doctor-patient relationship. My hope is that my colleagues can join us in rallying behind this initiative as a bipartisan basis for moving finally a patients' bill of rights forward, moving it back to the Senate, and getting a consensus that we can get a Presidential signature on.

I believe this is all achievable in the immediate future if we can work together on a bipartisan basis in this body. I thank the gentlewoman for playing a critical role in creating that bipartisan environment that is allowing us to move forward and have this vote and hopefully move forward to success.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Pennsylvania for his comprehensive remarks on this issue. This is an extremely important debate we are going to have. I personally believe that every patient, everyone who has health insurance and needs medical care, has the rights of access to quality care that are guaranteed in our bill and in the other bills. That is the right for a woman to choose an OB-GYN specialist, the right to choose pediatric care, and other specialists, to emergency care, to continuity of care, to access to proper information about one's plan, access to treatment under clinical trials, something I fought 5 years for for Medicare recipients so they could have the benefits of clinical trials, protection from gag rules, and things like that.

These patients' rights embodied in our legislation are extremely important. Yes, they can only be enforced if a patient who is denied access has the right to sue. I am proud to say that in our bill, a patient who is denied needed care and harmed by that decision has the right to sue and gets redress. But the program we put out to guarantee patients the right to sue under our bill is a legal structure that is simple, that is direct, that makes it clear to employers that they cannot be sued if they are not making medical decisions; and, therefore, it is affordable and will not push costs up.

Mr. Speaker, we limit liability in a responsible fashion, just as they do in Texas and in many, many States that provide the right to sue. By doing that, again, we control costs and we protect the employers who are the primary folks who are providing health insurance to the people of our country.

Mr. Speaker, I am very proud that the gentleman from Kentucky (Mr. FLETCHER) and others have been part of the team that have developed this legislation, that it offers to the American people all of the access rights, all of the protections they need to both continue to enjoy health insurance through their place of work and to have the right to all needed medical care. This is a patients' bill of rights. This is a doctor-power bill.

□ 2030

But if we do this wrong, if we do not really listen to what might happen if we write these provisions in a way that is insensitive to what happens when frivolous suits are brought to the table, when costs shoot up for all the wrong reasons, then in fact we will do damage to the rights of patients and we will deny many currently covered the great privilege and pleasure of health security through health insurance.

I enter this week with high hopes that we in the House can do the right thing to provide access and care to all who have insurance. I am proud to say that the American College of Surgeons, the College of Cardiologists, the thoracic surgeons, the orthopedic surgeons, the neurologists, and I could go on and on, enough groups of doctors support this bill so that we have that same doctor power behind this bill as the AMA that supports the other bill.

But it is very interesting. The groups that support our bill are the very groups who are most concerned about patient access to their services, because they are the specialist groups. They are the ones that under the current system most frequently are not able to reach the patients that need their care.

So I am proud of this legislation. It will serve the people of America well. The bills have much in common. I hope working together we in this House and our colleagues in the other body can send to the President's desk a Patients' Bill of Rights that will serve patients, doctors and all Americans and maintain the strong system of employer-provided health insurance that has made the American health care system the best there is in the world.

MANAGED CARE REFORM FROM A DEMOCRATIC PERSPECTIVE

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I intend this evening with some of my colleagues on the Democratic side to focus on the same issue that the previous Republican Members focused on, and, that is, the Patients' Bill of Rights, the HMO reform bill.

I must say that it disturbs me a great deal to see some of the opponents of the real Patients' Bill of Rights, the bill that has been sponsored by the gentleman from Michigan (Mr. DINGELL), who is a Democrat; the gentleman from Iowa (Mr. GANSKE), who is a Republican and a physician; and the gentleman from Georgia (Mr. NORWOOD), who is a Republican and a dentist, and that was voted on overwhelmingly by every Democratic Member of the House of Representatives in the last session and about 68 Republican Members, the real Patients' Bill of Rights, is now being superseded on the other side of the aisle by the Republican leadership which is now promising to bring an alternative bill which they also refer to as the Patients' Bill of Rights to the floor.

I would remind my colleagues that the real Patients' Bill of Rights, the one that we voted on, one that all of us, most Democrats and a significant number of Republicans have been pushing for for probably 5 or 6 years, is the bill that should be allowed to come to the floor rather than the Republican alternative, the Fletcher bill, which is in my opinion nothing but a fig leaf and which does not accomplish the goal of truly reforming HMOs.

There are two essential goals of HMO reform that are in the real Patients' Bill of Rights. One goal is to make sure that medical decisions are made by the physician, the health care professional and the patients, not by the HMOs, not by the insurance companies; and the second goal is to make sure that if you have been denied care by the HMO that you have a legitimate and reasonable way of seeking a redress of grievances and overturning that decision so you can get the care that you need.

I would maintain, and we will show this evening once again, that the Fletcher bill does not accomplish that goal; and the real Patients' Bill of Rights, the Dingell-Ganske-Norwood bill, does.

I wanted to, if I could this evening before I yield to some of my colleagues, really point to the two major criticisms that I heard on the Republican side of the aisle tonight against the real Patients' Bill of Rights. One is that there are going to be too many lawsuits. The second is that it is going to drive up health insurance costs.

The best way to refute that is to refer back to the Texas law that has been on the books for a number of years now which is exactly the same really as the real Patients' Bill of Rights and which shows dramatically that neither one of those disasters, all these lawsuits, all this litigation, or the other disaster that my Republican colleagues talked about, that health care costs are going to be going up, that insurance companies are going to drop their patients, neither one of those disasters befell the State of Texas because a real Patients' Bill of Rights was put into effect.

It is interesting because, in reality, what President Bush is doing in the last few weeks and leading up to hopefully a vote this week on the Patients' Bill of Rights is that President Bush is waving the same flags that he used in the State of Texas when he was Governor to say there is going to be too much litigation and that insurance companies are going to drop patients and not let Americans have health insurance, that they are going to drop health insurance. These were the arguments that the President used when he was the Governor, they are the arguments that he is using now, and it is simply not true.

Mr. Speaker, if I could just give some statistics. This goes back to 1997 when then Governor Bush said of the Texas law and I quote, "I'm concerned that this legislation has the potential to drive up health care costs and increase the number of lawsuits against doctors and other health care providers." What did the President, then Governor do? He vetoed a bill similar to the Patients' Bill of Rights in 1994.

In 1997, when it came up again, he did everything he could to sabotage the bill to the point that he actually refused to sign it but I guess for political reasons figured that he could not veto it again and so he simply let it become law without his signature. But we are getting the same rhetoric again.

Last week as the Patients' Bill of Rights, the real one, made its way towards debate in the House, the President said almost the same thing; and I quote. He said, "This is how best to improve the quality of care without unnecessarily running up the cost of medicine, without encouraging more lawsuits which would eventually cause people not to be able to have health insurance."

Again, that people are going to have their health insurance dropped, that litigation is going to increase.

Let us look at the facts. Since the 1997 Texas law that Bush opposed so strongly has taken hold, the disastrous effects he had predicted have yet to occur in the Lone Star State. In the 4 years since, even the law's opponents acknowledge that none of then Governor Bush's predictions have come true. Instead of becoming a bonanza for all these trial lawyers, the right to sue an HMO or an insurance company in Texas has been exercised just 17 times. In all the years since 1997 that it has become law, only 17 lawsuits. That is an average of three or four per year.

According to the Texas Department of Insurance, the number of Texans enrolled in health insurance or HMO plans has actually increased steadily since the 1997 law was passed. Enrollment has grown from 2,945,000 Texans at the end of 1996 before the law was passed to 3.2 million at the end of 1997 to 3.9 million at the end of 2000. There is just no truth to this. In fact, when you talk about the cost, the cost of HMO premiums in Texas have risen but less than the national average. So the bottom line is the disaster has not occurred.

I know I almost hesitated to talk about what is happening in Texas because my two colleagues whom I know are going to join me tonight are both from Texas and I do not like to speak about another State, but it is all positive. The experience has been totally positive.

How can the President or any of our Republican colleagues on the other side of the aisle suggest the same kind of thing, the same kind of disaster that is going to befall the Nation when Texas has been such a success story?

Just to give an example, one of the reasons, of course, and I always maintain that what the HMO reform would do and what the Patients' Bill of Rights would do was essentially correct the errors of the system. Because once the HMOs know that they cannot get away with these things, then they start taking corrective action and making sure that patients get the type of care that they want. Because they know that if they deny care there is going to be an external review by independent people outside the HMO, or they know that ultimately people can go to court. So they correct the situation. It becomes preventative. That is essentially what the Patients' Bill of Rights will do.

Again, the Texas situation points that out very dramatically. In Texas, you could go straight to the courts if you want to, but people overwhelmingly go to the independent review. This is an external review, a group of people that review a denial of care that are not appointed by the HMO and not influenced by the HMO.

From November, 1997, through May, 2001, independent review doctors have considered 1,349 complaints in Texas. In 672 of these assessments, or 50 percent, they overturned the HMO or the insurance company's original ruling, I guess in about half the cases. What we are seeing is now that patients know that they can go outside the HMO and have an independent review of a denial of care. They are exercising that. They are not going to court because nobody wants to go to court and have litigation and spend money and go on and on for years. Nobody wants to do that, not the patients any more than the HMOs or the insurance companies.

What they set forth in Texas is a very easy way to review denial of care. It has been largely successful. The bottom line is there is absolutely no reason why we should not try to implement it on the national level.

Some people have said to me, well, if the States are doing this, why do we need the national law?

First of all, not every State is doing it. Texas has probably the best law. None of the others are as good. Most States still do not have anything near the protection that Texas offers.

In addition to that, because of a statute called the Employee Retirement Income Security Act, or ERISA, those people who are insured through employers who are self-insured, and I do not want to get into all the bureaucracy of that, but that is about 60 percent of the people who are insured in this country, they are not subject to the State laws. You need the national law like the Patients' Bill of Rights to make sure that they have the same kind of protections that they would get in States like Texas if they were covered by the Texas law.

The other thing that really upsets me, and I have to be honest about the Fletcher bill, the Republican alternative that we heard about earlier this evening, is that it would preempt the State law. Experts in Texas will tell you that if the Fletcher bill, the one that my Republican colleagues were talking about tonight, were to become law, it would supersede the Texas law and we could have a situation where the very people that are being protected by that law now and have that independent review or the ability to go to court might not have that kind of protection because the Federal law, the Fletcher bill, would preempt it.

What is happening down here? Mr. Speaker, my colleagues might say, are we ever going to get to this Patients' Bill of Rights? Are we ever going to get to HMO reform? Is it even going to come up in this House? The leadership on the Republican side have said that they are going to post the bill this week. What bill? We do not know. Are they going to give us a clean vote on the real Patients' Bill of Rights, the Dingell-Norwood-Ganske bill? Or are they just going to let us consider the Fletcher bill, which is a weak alternative? Are they going to give us the chance to consider any bill? I would suggest that there is a serious question of that.

What is happening right now, from what I understand, and I am just reading some news clips as well as what I hear, the scuttlebutt around the floor here in the House of Representatives is that the votes are not there for the Fletcher bill. In other words, almost every Democrat is going to vote for the real Patients' Bill of Rights and a good percentage of the Republicans are going to do it, also, as they did last session. The votes are not there to pass the weak alternative, the Fletcher bill that my Republican colleagues were talking about earlier this evening.

So what is going to happen is that we hear the President is coming back tomorrow from Europe and that he is going to spend the rest of Tuesday, Wednesday, maybe Thursday trying to twist arms to convince Republicans who supported the real Patients' Bill of Rights last year to not support it this year and vote for the weaker Fletcher bill. Then if that does not happen and there are not enough votes, then we are not going to have an opportunity to vote on the Patients' Bill of Rights this year.

That is not fair. I know that Democrats are in the minority here in the House of Representatives. Republicans control the agenda, and they can bring up whatever they want. But the bottom line is that we know that there is a majority for the real Patients' Bill of Rights, for the Norwood-Dingell-Ganske bill that is made up of almost every Democrat and enough Republicans to create a majority. We have a right, given that that majority exists, to have that bill come up for a clean vote this week. I will say right now to the Speaker and to my colleagues that if that right is denied us because the Republican leadership realizes that there are enough votes to pass the real Patients' Bill of Rights and not enough to kill it with the Fletcher alternative, there is going to be a lot of recriminations around here because we do not have the right to vote on that bill.

So I would say to the Republican leadership, bring up the Patients' Bill of Rights. You want us to vote on the Fletcher bill? The votes will not be there. Bring it up. Then let us vote on the real Patients' Bill of Rights, the Dingell-Ganske-Norwood bill.

□ 2045

But either way, let us have a clean vote this week, because that was the commitment that the Republican leadership and the Speaker made, and they should fulfill that commitment this week and let us vote on the patients' bill of rights on HMO reform.

Mr. Speaker, I would like to yield now to one of my two colleagues from Texas, both of whom have been here on a regular basis with me speaking out on this issue, and I particularly like to see the two of them tonight, because I know of their experience with the Texas law and their involvement in the health care issue and the HMO issue for so many years as Members of our Health Care Task Force. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New Jersey. I am delighted to be able to join him, along with my distinguished colleague, the gentleman from Texas (Mr. RODRIGUEZ), who has served in the State legislature and serves, as I do, on the Energy Brain Trust of the Congressional Black Caucus. He, of course, leads the leadership of the health issues with the Hispanic caucus. We know that these are global American issues, and so we come to speak to them as they are global issues.

I was fascinated by the debate of my colleagues that occurred just a few short minutes ago regarding the pending debate as relates to now new legislation, H.R. 2315, now known as the Fletcher bill. I was quite fascinated because one of the strongest elements of the Ganske-Dingell-Norwood bill and the McCain bill is the bipartisanship and the age of the bills. These bills have been vetted throughout the country, they have been vetted by Members of both sides of the aisle, and they have been seen to be logical and direct responses to the needs of American people.

I am very disappointed that the administration, with the leadership of President Bush, that comes directly out of the State of Texas, who has seen a bill similar to the Ganske-Dingell-Norwood bill work, would now throw this curve, so that we could not do this for the entire citizenry of America.

There is a study that exists, and I cannot quote the particular survey that was done, but it was recently done out of Fort Worth, that shows in the time frame of the passage of the State bill that is very similar to what we are debating and hopefully will debate, the real patients' bill of rights, shows that there have been less than 30 cases dealing with challenges to HMOs, lawsuits, if you will, and all of them have been non-frivolous and they have been based upon the negligence of the HMO in denying medical care.

Let me just refer to you my thought processes here on the Fletcher bill. First of all, it now becomes a potpourri, a kitchen sink, of private savings accounts for health care and a myriad of other tax issues and accounting issues, and this is not what the American people are asking for.

The basic underlying principles of the Ganske-Dingell-Norwood bill, and we could put it in any other framework, the bill passed in the Senate, the McCain bill, is about accountability. The simple basic premise is not frivolous lawsuits, it is not harassment, it is not intimidation, it is simply to hold HMOs accountable for negligence. It is not even holding them accountable for their existence. There are many viewpoints about HMOs, but we have seen that many of the holders of HMOs, the individuals who have health plans, like their individual health plan.

This is not an uprising by the American people to randomly throw out health plans without cause. The bottom line of why we thought it was necessary some 3 or 4 years ago, as the gentleman from New Jersey is well aware of, to come to the aid of the American people, were the egregious denials that were occurring to various holders of health care or managed care programs and plans throughout the Nation.

Right now I can remember the lady that was flown from Hawaii because she was denied service, and, as she got off the plane in Chicago, she died. I remember the very moving and stirring presence of, I think, a multiple amputee, of a little boy about 8 to 12 years old, that the gentleman from Iowa (Mr. GANSKE) brought to the floor of the House to educate us about a young boy who was denied emergency care, and, because of that, suffered multiple amputation of his limbs. We are talking about egregious circumstances that have to be addressed.

Interestingly enough, we are still holding the American Medical Association, the premier group that knows about medical care in today's hospitals and today's rural and urban communities, who have indicated their strong and committed support of the legislation of the real patients' bill of rights.

Let me cite to you a direct quote from the American Medical Association. It says, "June 28, 2001, the American Medical Association called on Congress to reject the HMO lobby's desperate smokescreen that the McCain bill," which is, on the House side, the Dingell-Ganske-Norwood bill, "would increase the number of uninsured. In the nine states that have comprehensive patients' rights laws in place, there have been very few lawsuits, and the laws have not caused premiums or the number of uninsured to skyrocket."

This goes to the very point dealing with the fact that employers, well-meaning employers, good-intentioned employers, will be the ones that will suffer. First of all, I know we are looking to address that question, but primarily that kind of result is not the result, did not happen in Texas, and certainly we cannot expect it to happen, as evidenced by the statement of the American Medical Association, which has assessed the nine states that have this bill. We have not seen evidence of skyrocketing costs, uninsured individuals skyrocketing, and employers running away from their employees in providing health insurance.

Let me cite you an additional point. Last year, without a patients' bill of rights to blame, insurers nationwide, no patients' bill of rights existed, increased premiums by an average of 8.3 percent. That is ten times what it would cost for the liability provisions in the McCain bill, and, again, that is the House bill as well that we have, and the number of uninsured went down.

That is by Dr. Reardon, the President of the American Medical Association. I think what we need to do is to present to the American people the facts, and, if we present to them the facts, they will adhere to the reasoning of why we have come to their aid.

For example, we know that HMOs, or managed care entities, have found as the basis for their existence the controlling of hospital admissions, diagnostics tests or specialty referrals, either through programs to review the use of services, or by giving participating physicians a financial stake in the cost of the services they order.

Here lies the angst of the American people. What the American people have been used to and have asked for us to remedy for them is the ability to pay for health insurance plans and to be able to access those plans. What we have had over the last couple of years without a patients' bill of rights is hard-working Americans being denied access to emergency care, access to specialty care, and, in women in particular, access to Ob-Gyn care and being able to select them as our primary care.

As you can see, I was so struck by the earlier debate, forgive me for utilizing all these facts, but I believe that we have worked so long, I am recalling hearings that we had, where people came from across the country to share with us some of the terrible examples, stories, anecdotes, personal experiences, where they were denied care, not by their physician who encouraged the care, but by an HMO, and, as we have noted before, HMOs that are using various computers and nonmedical personnel, plugging in to the computer and sending back the message to Houston, Texas, or to Orange, New Jersey, if you will, or Newark, New Jersey, or San Antonio, or Chicago, Illinois, that the service will be denied.

This is what is not provided in the Fletcher bill. It does not guarantee, according to the American Medical Association, access to pediatric specialists. Now, my State and many States have huge medical centers. We are very proud of the Texas Children's Hospital. We see patients from around the country. My district is next door to that facility. But it is world-renowned.

In that hospital there is a great need for specialists. When children come from around the world, they come there because they have been referred. But in many instances when they are sent back to their home destinations, those doctors wanted to refer them to specialists to continue their care. The Fletcher bill does not guarantee access to pediatric specialists.

Tell me one parent that wants to accept the kind of health care that does not allow them to secure the best specialty services for their child? Juvenile diabetes, which we know is a terrible devastating disease, how many want to be referred back to their home community and cannot access a pediatric specialist?

The Fletcher bill fails to guarantee referrals to specialists for patients with congenital conditions, and obviously I am very gratified for the research and technology that has allowed us to live longer with congenital disorders. We cannot do so, however, if we leave the large medical institutions that we have maybe in the large cities, go back to our respective communities, and cannot be referred to specialists.

It does not allow women to see gynecologists without asking permission from the HMO. When should that become a specialist, such that you have to require affirmation or confirmation on what is necessary care for women on an ordinary daily basis? As we well know, preventative care is the key.

Let me conclude by adding this: it does not guarantee that a specialist be geographically accessible or the specialist be appropriate for the medical condition of the patient. I mean, if you are suffering from pancreatic cancer, which, of course, is enormously deadly, and they want to send you to an internist who focuses on general medical conditions, that does not relate to the seriousness and the devastating impact of your disease.

In addition, the Fletcher bill contains numerous loopholes in the point of service option which severely limit the ability of patients to buy coverage that allows visits to out-of-the-network providers. What that simply says is I have got a long-standing relationship with my physician, and many of us who grew up with our pediatrician and grew up with doctors who visited our homes or grew up with the family practitioner, we know when we join HMOs plans, to our chagrin, the network prevented us from going back to those physicians who knew our family history, who had cared for us; and, I tell you, senior citizens in my district have been painfully impacted by not being able to have their long-standing physicians, as well as they have been painfully impacted by the Medicare HMOs who canceled out because it has not been profitable for them.

So this whole idea now of a substitute, and let me attribute to my colleagues good intentions; let me attribute to those who have offered H.R. 2315 good intentions. But I can assure you that as they have offered these good intentions, what really is happening are smoke and mirrors.

I said I was concluding, but if the gentleman would just bear with me for just a moment, and I will conclude to just simply say some additional points that are just glaring and frightening.

If you take H.R. 2315 and you want to look at what is happening to the Senate bill and the House bill, listen to all of the "no's" on the side of the Fletcher bill. Requires coverage for minimum hospital stay for breast cancer treatment, no; prohibits discrimination based on genetic information, no; requires choice of primary care providers, no; prohibits provider incentive plans; no; requires prompt payment of claims, no; protection for patient advocacy, no. In the course of the McCain bill and the House bill, you have "yes" to all those necessities that are part of our efforts.

I would simply say to the House and to the leadership, give us the opportunity to have a full debate on the McCain bill, on the Ganske-Dingell-Norwood bill, and for those of us who have experienced a personal crisis with our loved ones, as I have done in the last 3 to 4 years, with a loved one and a parent, where I had to press the point of the kind of specialty care that would have extended his life. Unfortunately, I lost him.

□ 2100

Unfortunately, I lost him. Many of us have seen the loss of our dear relatives. I would say that there is nothing more personal and more privileged than good health care. I would hope that our colleagues would see the error of their ways and begin to open the doors in the next 48 hours for us to be able to debate the real Patients' Bill of Rights, what America has asked for, and that we can carry on the truth serum, if you will, the good medicine, and get this legislation passed.

Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Texas for bringing out all of the really good points that she did in effectively refuting most of the points that the Republicans who support the Fletcher bill, the weaker bill, if you will, the points that they made this evening.

But there were two areas that I would like to focus on before I yield to the gentleman from Texas (Mr. RODRIGUEZ) that I think the gentlewoman really brought out and that I did not bring out, and one is that I focused a lot, and I think that the Republicans on the other side focus a lot, on the liability issue, the question of whether one can sue or not sue. I think to some extent, in refuting them, I kind of fall into the trap of discussing the liability issue.

The fact of the matter is, and the gentlewoman pointed it out very effectively, that part of the problem or a major problem with the Republican alternative, with the Fletcher bill, is that it does not provide the patient protections that the real Patients' Bill of Rights that we advocate provides. The gentlewoman pointed out a number of them, but just to mention a few others: The Fletcher bill fails to protect the patient-doctor relationship. It leaves out two things with regard to the patient-doctor relationship that we have in the real Patients' Bill of Rights.

First of all, we have the gag rule that says that the doctors can freely communicate with their patients and the HMO cannot tell the doctor that if it is their procedure or some type of care that is not covered that they cannot tell the patient that it is available. It is called the gag rule. Well, the Fletcher bill does not protect against the gag rule. The HMOs could still tell the physicians that they cannot talk about a type of care that is not covered, which is a horrendous thing. I mean, people would not believe that a doctor could be gagged in that way.

Secondly, the Fletcher bill does not protect against using these improper incentive arrangements where the doctor gets paid more if he provides less care or does not provide as much care, depending on the procedure, he gets paid a little more. That is not protected in the Fletcher bill.

The other thing, and the gentlewoman went into this, so I will not go into it too much, but basically the Fletcher bill has a lot of flaws in the area of access to specialty, clinical care and clinical trials.

The other thing I will mention briefly before I yield to the gentleman from Texas is the poison pills. One of the ways that the Republican leadership succeeded in the last session in killing the real Patients' Bill of Rights, as the gentlewoman knows, and we all know that it passed here in the House, the Ganske-Dingell-Norwood bill passed and almost every Democrat and 68 Republicans, I believe, voted for it. But when it got to conference, what they did is, they kept arguing, if you will, over these poison pills. In other words, it passed in the House, but it had these poison pills with regard to the medical savings accounts and the malpractice suits.

The Fletcher bill has two poison pills like this. It expands the medical savings accounts and also the association health plans. I do not want to spend time tonight getting into all of those, but the bottom line is they have absolutely nothing to do with the Patients' Bill of Rights or patient protection. They have to do with the way they save money and deal with your health insurance and what kind of health insurance pools we have. They do not belong in this bill. If we pass that bill, we will have the same thing again in conference where they try to argue those issues and they manage to kill the real Patients' Bill of Rights.

Again, we need a clean bill. That is what we are asking for, the real Patients' Bill of Rights, the clean bill that only deals with HMO patient protection and does not mess things up with all of these poison pills. I am glad the gentlewoman brought that up, because it is another criticism of this Fletcher Republican alternative.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if the gentleman will yield, I appreciate him reinforcing that point. Because as I was reading through some of my materials, the poison pills are so damaging because they are contrary to the American people.

Two points: Over 80 percent of the American people believe that HMOs should be held accountable for negligence. They are not asking about Federal savings accounts and other issues. They also believe they should be able to get to emergency rooms in the 80 percent range. It does not seem like they are focusing on all of this other baggage that the Fletcher bill has.

Before the gentleman yields, and I thank the gentleman from Texas for allowing me to make this point, as I was coming to the floor and hearing the debate that preceded us, there was some comment about minorities and how this would have a negative impact on minorities. We know that African Americans, Hispanics, Asians, whatever group we want to classify as minorities come at all economic levels. Certainly, many of us in the minority community, African American community, particularly Hispanic community, Asian community, carry HMO coverage and many do not. They need to access either public assistance or they need other sorts of assistance, or we are trying to work with their employers so that they can have the kind of coverage that they should have. But I think that it is certainly misrepresenting to suggest that this bill will hurt minorities.

Mr. Speaker, I want to reinforce that this bill will give all Americans a Patients' Bill of Rights to reestablish the patient-physician relationship and help individuals who are unable to fight the system by being able to hold HMOs accountable. So if one happens to be the bus driver, the waitress, the schoolteacher, the accountant, the doctor, the lawyer, one can still have the ability to hold the HMO accountable for negligence when they have denied you the care that you have paid for. I cannot see any way that this will hurt minorities.

In fact, for those minorities who we well know have a disparate access to health care, whose health has been impacted because they cannot get good health care, to make HMOs more accountable and ensuring that when a physician calls from an inner city needing added care for that particular victim or patient, I should not say victim but patient, that that physician can access that health care, regardless of whether they are in the inner city of Harlem or Houston or anyplace else that might relegate them to inadequate health care.

So I refute that, and I question any comment suggesting that this bill would hurt minorities and, in particular, let me say, African Americans, and I cannot find any evidence in this bill where that would occur.

I thank the gentleman.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for bringing that up, because I think essentially what our bill does is empower people. It does not matter who one is, one's race, one's color. The bottom line is people who are sick are not easily empowered. They are victims, even though we do not want to use that term. What it does is it empowers people at a time when they really need help, regardless of their race, religion or whatever, and that is what we are all about.

I thank the gentlewoman.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman for allowing me to be here. I also had a chance to listen to the dialogue that was coming, and I have the hour after yours regarding border health, but I needed to come up here because, in all honesty, there was a sense of frustration and some anger. Because, as the gentleman well knows, for the last two or 3 years we have been talking about making sure we pass a Patients' Bill of Rights. We know that people are, throughout the country, having those difficulties. Not only do they have to fight their illness when they get sick, but they have to fight their HMO and their managed care system, and that is unfortunate.

One of the good things about it is, if nothing else, now they are talking about it. Now they have brought up the issue. Now they realize that it is something that is serious and so they need to at least begin to give it lip service. But we are hoping that they do more than just lip service, because I know that they can do that and then decide not to do what they are supposed to be doing.

Mr. Speaker, I cannot help but recall an incident back when I was in the State legislature when we talked about access to rural health care. One of the first things we talked about was how can we get access to rural Texas. At that time, when I was in the Texas legislature. I remember that a person with any logic, any sense of wanting to really respond to the problem, would start thinking, well, let us see how we can get a doctor down there. Let us see how we can get a mobile unit down there. Let us see how we can get some nurses down there.

Well, the response from what actually occurred after all that, because I was real naive to the political process, was they decided to draft legislation that was tort reform. So here we stand and what I hear is the lawyers are going to get it. I am not a lawyer. I do not care about attorneys. The only thing I do care about is to make sure that those people have access to health care. Yes, in some of those critical situations, if HMOs are not responsive, they should have access to the judicial courts. No one who is sick would want to go to the courts. No one who has been hurting and is tired enough of having to fight their HMO wants to go see an attorney. I know I would not want to do that. But one has to be able to leave that as a last option, no matter what.

I will share an example. I have a friend who was working in the garage, cut his finger, his finger fell off completely, and he got scared, grabbed it, and he went to the hospital. He went into the emergency room. This happened prior to the legislation. First, they had some trouble getting the doctor that he should have been seeing, and then the specialist, they had trouble getting the specialist. Well, the insurance company, the bottom line was, told him, number one, we are not going to pay for that specialist because we did not okay it. So here he is, losing a finger, and he has to try to get an okay as to whether this specialist should put it on or not. Well, he lost his finger. He does not have the finger now. They are still unwilling to pay, approximately, a little less than $3,000. What does he do? What does he do?

So one of the things that this particular legislation does is it allows an opportunity for the person to choose the doctor of their choice, and that is so important. Not only is that critical, but it also allows that physician to determine whether one needs a specialist or not. Those are the ones that are supposed to be making the decisions, not the accountant, not the insurance based on how much profits they are going to be making or not making if they make certain decisions. It should be made on the needs of that person.

Secondly, the bill covers all Americans, and that is so important, whether one works for small businesses or not. There are company doctors that are out there that we need to be concerned about. A lot of times the company doctors will choose to make decisions based on the needs of the company and not the particular patient. So that becomes real important.

Thirdly, it ensures that all external reviews of medical decisions are conducted by independent, qualified physicians, and that is so important. We want to make sure, if you are there, if your mother is there or if a loved one is there, you want qualified people making those decisions. You do not want them to be made because they are going to save a few hundred dollars or a few thousand dollars in choosing not to do certain procedures.

The other thing is that doctors right now, and the gentleman mentioned this, are gagged by the gag rule. They are actually being told that they cannot provide certain options where they can tell the patient, look, you have this disease, these are the options. You can do this, this, or this other option and then decide. The cost varies. They are not even allowed to do that.

We ought to be ashamed of ourselves. We have passed this piece of legislation several times already, and the Republican-dominated Congress continues to kill it in conference. Now, they get up here, and now they are talking about it.

Well, let us see if it does not turn into a situation where the rules will allow a lot of other amendments to come in and then, very similar to what happened in campaign finance, where they allowed so much junk out there so that they were going to pile it up so that not even the author would want to be able to vote for that piece of legislation.

So I am hoping that, as we move forward now, that at least we got them to a point that they are at least talking about it, and that we can go forward in making sure that we do the right thing when it comes to the Patients' Bill of Rights, when it comes to our patients throughout this country.

I want to thank the gentleman for his hard work that he has done, because he has been at the frontline. We need to keep hitting on this issue. It is something that is right, and it is something that we need to do.

I just want to remind the gentleman that President Bush, then Governor Bush, initially vetoed the first Patients' Bill of Rights in Texas.

□ 2115

The second time, and that was in 1998 when it came back, then at that point he allowed it to go through, although he had the same arguments then of that bill that he has now. That is, his arguments against the bill were that it would increase costs and increase the number of lawsuits against doctors. That has not occurred. That has not happened. He also mentioned that other health providers would also be hurt by it. That has not occurred.

It has been a good piece of legislation. It still has some holes that need to be worked out, but I think that we could do this, and it would go a long way throughout this country to providing those people who have insurance right now and who get sick at least that leverage to be able to fight the disease and not have to fight the managed care system, so that the managed care system becomes more accountable to our constituency throughout this country.

Mr. PALLONE. I want to thank my colleague from Texas. I know that my other colleague wants to add something too, so I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would just inquire of the gentleman about an example, or I guess it is not an example when one loses a finger. I think the gentleman has just highlighted a very potent part of what this debate is about: human beings. The gentleman's friend lost a finger because someone made a medical decision.

I cannot for the life of me understand why we cannot have commonality, common ground on supporting the gentleman's friend or that patient's ability to be able to have the best health care that any plan could provide or any services in the United States could provide.

My question is, we seem to have fallen victim to special interests, because we have the American Medical Association physicians from all walks of life who simply want to be able to treat that patient whose finger was amputated through a work injury, or to treat a child suffering from a congenital heart defect or juvenile diabetes, or treat someone who is suffering from pancreatic cancer, which is devastating.

What we do not want is to have that person be told, "There is no room at the inn. The door is closed. You cannot get services."

I would say to the gentleman, this gentleman's friend seems to be suffering from an entity, a corporate structure, or an institutional structure that was not really concerned about his health care. What we are trying to do with the Patients' Bill of Rights is to put the patient and doctor back together again.

Mr. PALLONE. Mr. Speaker, if I could just say to the gentlewoman, she is getting to the point that I wanted to raise by our colleague from Texas.

He talked about lip service, and what has been happening here with our Republican colleagues on the other side tonight is that they realize now that the Patients' Bill of Rights has the support overwhelmingly of the American people.

As the gentlewoman said, the special interests have been out there, the HMOs, the insurance companies, fighting this thing tooth and nail. Even with all of that, look at all of the recognized groups that care about patients, and the AMA being probably the most prominent, but there are so many other supportive groups, the nurses and all the specialty care doctors, too.

Our colleague, the gentleman from Connecticut, mentioned one specialty care, but I could rattle off every specialty care diplomate organization in the country that is supportive of the Dingell-Ganske-Norwood bill.

What they are doing now is paying lip service to the issue because they know it is an issue that is strong and that people want because it affects real people, like the guy who lost his finger.

What I wanted to say if I could, and then I will yield back, is that we have to be very careful what we do here. These people that oppose the Patients' Bill of Rights, the special interests, they are pretty sophisticated. What they are trying to do tonight with this Fletcher bill is suggest that somehow this is not that different from the Dingell-Norwood-Ganske bill.

It is not true. It is simply not true, because we have to remember that that person who is in extremis, the person who lost their finger, they are very vulnerable individuals. If we are going to make sure that the decision about what type of care they get is made by the doctor, and that if that is denied that they have a real way to redress the grievances, we could make some very simple changes in the law and eliminate both of those things.

That is what they have done with the Fletcher bill, because one of the things we have in the real Patients' Bill of Rights is to say that the standard of review about what kind of care is necessary, what the physician should be allowed to provide, is decided by the physicians, by the standard of care within the medical community, and particularly within those specialties, the pediatric standard, the cardiological standard for the specialty care, or the general standard for family practice care.

They have basically said in their bill, in the Fletcher bill, that that review process is going to be different. It is going to be stacked against the patient.

I will just give an example. The bill, basically what it says is the standard review used by the external review process requires the reviewer to make its decisions on only the patient's record and scientific evidence, and does not allow them to get to the standard of care that exists within the larger community or that exists for that specialty.

I probably sound like a bureaucrat in relating all this, but the bottom line is, we make sure that the decision about what medical care is necessary is the standard that the AMA would use, that the cardiologists' Board of Diplomates would use. They are not using that standard. The guarantee that that decision is going to be based on what the physician thinks is necessary is denied by the Fletcher bill.

The other thing is that we have a rapid ability to overturn a denial of care, in our bill. What the Fletcher bill does is to put all kinds of barriers in the way, so that guy who lost his finger, he cannot easily say, I have been denied care and I can go to somebody, and they right away turn around that decision, so he can get his finger reattached in a timely fashion. They put all kinds of barriers in his way.

I will just give an example. In the Ganske-Dingell-Norwood bill, we require the decisions are made with regard to the medical exigencies of the patient's case. This means the plan has to act quickly when needed.

There is no such requirement in the Fletcher bill. There is nothing that says, my finger is detached. If they are denying me care, I have to have somebody who is going to within minutes change that decision over the phone. That is not the case. They could say under the Fletcher bill that one would have to wait a few days, a couple of weeks. How does that work with a guy who loses his finger?

I will give one more example, but there are ten that I could give here.

The patient, under the Ganske-Dingell-Norwood bill, it requires that patients have a right to appeal to an external reviewer before the plan terminates care. That is not true in the Fletcher bill. So to use the example with the guy who lost his finger, they can continue to provide him all kinds of care, but maybe not what is necessary to reattach the finger. He cannot go to the board and have the decision turned around while they are continuing to treat him in some maybe not effective way.

So there are all kinds of ways to get around the basic protections that we are providing in the Ganske-Norwood bill. The problem with the Fletcher bill, it is using all kinds of little ways to get around that. We do not have time to go into it all tonight, but I want there to be a basic understanding that there is a real difference here between these two bills.

As the gentlewoman said, my colleague from Texas, they are giving lip service to the Patients' Bill of Rights, but they are not really for the real Patients' Bill of Rights.

I yield back to the gentleman from Texas (Mr. RODRIGUEZ.)

Mr. RODRIGUEZ. Mr. Speaker, I would hope that when people provide lip service, I would hope that we judge people on what they also do. So when they give it lip service, I am hoping they will go beyond that and start acting in an appropriate manner.

But when we talked about rural health care, they came up with tort reform. If they use it for political reasons to get after and reward their friends and do in their enemies, then that really upsets me and angers me. I saw the tones of that when they got up here.

The majority of people do not like attorneys. I am not one, and I do not know if the gentleman is one. I apologize if the gentleman is. But the bottom line is that we have the judiciary for a reason. Those judges, I respect the judges out there, with the exception of the Supreme Court in the last decision that they made. Beyond that, most judges do the right thing. We would expect that people would go only to the judiciary in the last resort.

With our piece of legislation, it allows a review board, and it allows that review board to be able to look at that data before any court decision. So it would be very obvious to anyone if something wrongful had occurred. And if it does occur, and if it occurs with one's loved one or anyone, then that person deserves to receive justice if they were denied access to a certain care that caused them injury.

So I think that is important, and that ultimate right still belongs to every American. It should not be taken away by the insurance companies of this country. Just because they have paid insurance all their lives, and all of a sudden they are sick and find themselves not having access to the quality care they had been paying for and had been promised, and they find themselves once again fighting the disease and the illness and also fighting the HMOs, then they would wonder, where are our politicians? Where are they?

We have been trying to make this happen, and I hope that they are sincere about trying to make something happen and make people accountable, and make those insurance companies accountable for doing the right thing when those people find themselves in need.

Mr. PALLONE. I appreciate the gentleman's comments. I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), Mr. Speaker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the gentleman made a slight comment as he was describing the Fletcher bill procedure, and he said he was sounding like a bureaucrat. No, the gentleman was explaining the bureaucracy that the Fletcher bill was now going to recreate to inhibit the direct review or direct opportunity to hold HMOs accountable.

Fingers do not last long that are detached, and emergency surgery or needs for immediate care cannot tolerate scientific review and paperwork review and computer review and standards review. They can tolerate a trained specialist or physician looking at the facts with the patient before them, consulting with their colleagues and making an immediate decision to save this person's life.

What I see is a pitiful response to the outcry of Americans about care and the relationship between physicians and patients. It is creating this whole new established bureaucracy that does nothing but delay the decision. If I have to get my child into an emergency room circumstance with a pediatric specialist at hand and if that is denied me, then I may shorten the opportunity for my child to recuperate.

We have seen some tragic incidences occurring with children just this summer. When the summertime comes, we know that children engage in fun, but we also know it opens them up to various incidents that occur. They need immediate health care.

I would say to the gentleman, no, he is not the bureaucrat, but the Fletcher bill would certainly create a whole new independent set of bureaucracies that do not get care to the patient. I just think that we should come together in this House and the Senate and vote for the real Patients' Bill of Rights.

Mr. PALLONE. I want to thank the gentlewoman, and both of my colleagues from Texas.

I think we only have another minute or so. I wanted to say that my real concern, of course, is that we never get a chance to vote on the Patients' Bill of Rights this week or even this year. We know that the leadership, the Republican leadership, has promised that the bill will come up for a vote this week.

We are going to hold them to the fire on that, that it must come up and that we must have a clear vote, a clean vote on the real Patients' Bill of Rights. We will be here every night, if necessary, this week to make that point until that opportunity occurs.

BORDER HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I was just here talking about the Patients' Bill of Rights and how important that issue is. I want to take this opportunity tonight to begin to talk a little bit about border health.

Mr. Speaker, I rise today to call attention to the poor state of health along the U.S.-Mexican border. The United States-Mexico border reaches approximately 2,000 miles, from the Pacific Ocean in the West to the Gulf of Mexico in the East.

More than half of this border, over 1,248 miles, is shared with Texas. It is a vast region, and each of the four southwestern border States have a unique history and community dynamics.

However, Texas, California, Arizona, and New Mexico's borders all share the plague of persistent socioeconomic problems largely ignored by the rest of the Nation.

□ 2130

If the United States border region of Texas were declared the 51st State, and we say this and we kind of talk in Texas about the fact that we are one of the few States that has a law that says we can divide our State into five States if we wanted to, but if we were to make the 51st State on the border of Texas, taking those counties into consideration, it would rank as one of the poorest in terms of access to health care, second in the death rate from hepatitis, and third in the death rate of diabetes. The rate of the uninsured is among the highest in the country, as are the poverty rates.

In Texas and New Mexico, an estimated 30 percent of the border residents have no health insurance, and in Arizona it is estimated at 28 percent, and the estimates in California are 19 percent. So that what we have throughout the border area is a very large lack of access to health care.

I am relieved that there is finally a focus on health care and this has dominated both of the campaigns in the previous elections. There is some talk about the importance of border health now, although this focus had not been there before. Since the focus has started now and some dialogue has started, we are hoping to be able to get revenues to the border.

I strongly support all the efforts that have been made to pass a comprehensive Patients' Bill of Rights, and we are going to continue to move forward on that, but I urge my colleagues to also look at the issues of access and especially in underserved communities such as the border.

Oftentimes, the emergency rooms end up being the first line of care for residents in underserved areas like the border. It is also true that health disparities along the border are enormous. For those of my colleagues who have ever visited the border, any of the areas I represent, Starr and Zapata on the border are the two counties I have of which are in my district, both Starr County and Hidalgo County, not in my district, these two counties included are among the four poorest counties in the Nation. So we have a great deal of poverty associated with lack of access to health care.

The district that I represent faces many health and environmental challenges. The poor state of infrastructure leads to real health and environmental problems, including hepatitis, diabetes and tuberculosis. Health problems are compounded by low per-capita income, lack of insurance, and lack of access to health care facilities.

There is no question that the border region is crying out for increased resources in the face of so many challenges. Tuberculosis has emerged as a serious threat to public health along the border. One-third of the new TB cases in the U.S. were from four southwest border States. Once again, one-third of all the cases in the United States come from the border.

The ease with which an individual can contract the tuberculosis bacteria is often frightening. Often someone needs to do no more than breathe in the tuberculosis bacteria coughed into the air by the infected individual. Currently, 15 million Americans are infected with tuberculosis, which means we are all at risk. So this disease hits some communities more than others.

Regions which have high levels of tourism, international business and immigration experience higher than average levels. For instance, Texas has one of the highest tuberculosis rates in the country now. My State ranks seventh nationwide in the incidence of tuberculosis, with TB rates of 8.2 percent per 100,000. Even more sad is that minorities suffer disproportionately. Latinos in the United States have a tuberculosis rate six times that of Anglos.

Tuberculosis is not the only disease of which the border residents are hit disproportionately. They also suffer from diabetes.

When we look at diabetes, the border has a higher mortality rate than the rest of the country. Again, I will use the Texas statistics. In 1995, the Texas diabetes mortality rate was nearly 50 percent higher than the rest of the United States. Gestational diabetes and Type II diabetes hit the Spanish population in greater numbers than other populations, and it is the Hispanic population that makes up the larger percentage of border residents. It is unacceptable that such a high number of border diabetes patients die from disease that can be controlled and even prevented.

When we consider the effect that environmental pollution has on health, it gets even worse. Last week we debated whether to let Mexican trucks into the United States. I cannot stress again how important it is that these trucks meet U.S. safety standards, especially when it comes to emissions. Our air quality along the border is threatened due to the increased truck traffic brought about through NAFTA. More children than ever are developing respiratory problems, such as asthma, causing them to miss school, extracurricular activities and, even worse, to be hospitalized.

Water pollution poses a serious health hazard, including the spread of Hepatitis A and parasitic infections. Hepatitis A, spread mainly through unclean food and water, is two or three times more prevalent along the Mexican border than the U.S. as a whole. The presence of lead in water can cause damage to developing brains, the nervous system of children, and affects reproductive systems in adults.

Residents in colonias are even more at risk from environmental health-related problems. Colonias are rural unincorporated communities characterized by the lack of certain basic public services, such as drinking water, sewage disposal, garbage pickup and paved roads. For instance, 86 percent of the individuals living in Texas colonias in the year 2000 had water but only 12 percent had sewage disposal.

As my colleagues can see, what I am describing is not on the Mexican side, I am talking about the U.S. side, and we are talking about the boarders between Texas, New Mexico, Arizona and California. Mr. Speaker,the border regions between the U.S. and Mexico are an area of great potential and challenge, especially with respect to the health and environmental concerns that our two nations face.

What is the cause of the border health disparities? The lack of health education, low reimbursement rates to our health care providers, the lack of access to health care facilities, and the chronic shortage of health care professionals. In addition, the poor data collection has left us in a situation where we do not have all the information needed to solve the problems that confront us. Disparities in the reimbursement rates for Medicaid and the SCHIPs, along with the consistent lack of health care professionals are some of the problems that have been confronted.

I want to take this opportunity to also mention that we have had the opportunity to go through the border. We recently had a town hall meeting in El Paso with my colleague, the gentleman from Texas (Mr. REYES), and one of the things, as we get the data that deals with the disproportionate disparities that exist on the border regarding health, is that despite the fact that we get resources from the Federal Government, such as Medicaid, for example, that we still find some disparities within the States.

One of the great ironies was some testimony that was provided by a county judge from El Paso, Dolores Briones, and I want to read part of her testimony that she gave us. She talked about the ironies that have recently been discovered in our State, and I am going to read from her testimony.

Our State, referring to Texas, Medicaid budget actually benefitted from the high poverty rates along the border when drawing down Federal dollars. That is, because of the poor people in south Texas, the State of Texas is able to leverage additional resources that they would not necessarily be able to.

Right now, those funding formulas for the Texas Medicaid program allows the State to draw down $1.50 of every State general revenue dollar spent on Medicaid services. That is what we call the 60–40 split. That is that for every 40 cents we put in, we get 60 cents. This split of funding responsibility is recalculated each year for each of the States, and it is based upon the State's per capita income.

I mention this because it is real important that my colleagues stay with me and follow through. We get those monies based on per capita income when compared to the national average per income levels. The lower the State per capita income, the higher the Federal share. That means that Texas gets additional resources because of the poor people that live on the border.

The testimony we received is that the State of Texas actually benefits from the high poverty based on per capita income and child poverty, El Paso and other border counties. Without the borders, the State of Texas would only be getting a statistic of 50 to 50 instead of 40 to 60 percent, which is a minimum of Federal matching rate allowed under Medicaid.

A separate calculation for the area, if we just took the lower region and if we took that calculation, the lower counties should get 83 cents for every 17 cents we put in. The bottom line is, when the money comes down and the formulas are distributed and the State gets that money, they reimburse Houston and some of the communities and Dallas in the north at a higher rate than they do San Antonio, than they do the rural area, than they do El Paso. So here they are leveraging that money based on per capita, based on the low-income population and, at the same time, as they receive those resources, they choose to distribute them on a formula that discriminates against those same poor that were able to leverage those resources for them.

It was very startling information that was provided by the county judge. She talked about the fact that she was going to do everything she could to come to grips with that issue, to make sure that those monies followed those patients and that it go to those areas where those patients are in need. And the areas that are a little more affluent such as Dallas and Houston should not be leveraged at higher rates if they do not have the same formulas or the same per capita. The region and the border should be getting a higher rate, San Antonio included.

So when we look at that disparity, we see some of the problems that exist and that we need to begin to clarify. And she indicated that she was looking at it and, if she had to, was going to go into litigation over the issue. My colleague, the gentleman from Texas (Mr. REYES), and other Members of Congress from Texas asked the GAO to do an assessment of each of the States as to how this money was being handled. So it is something that needs to be looked at.

It is something that is serious. It is something that we need to come to grips with in making sure that if those monies are going down there to help those people that are in need and if it is followed based on a formula that talks about how important it is because of the fact that they are poor and it is per capita, then one would think they would be receiving the money, yet they get disproportionate monies. What it does is it creates a real difficulty because of the reimbursement rate for our doctors on the border, which is much less, for our hospitals it is much less than it would be in Dallas or Houston or elsewhere.

So that is unfortunate. But, hopefully, we will continue to work on that specific issue as we move forward.

I also want to take this opportunity to just give a few statistics about the border. It is important to note that, in 1995, approximately 10 million people lived along the border, with 55 percent in the United States and 45 percent in Mexico. A lot of times we do not take into consideration that these communities have sister cities right across and there are major populations. So it is important for us to remember that.

When we look at the problems of tuberculosis, it is not just the population that we have in El Paso or the population that we have in Laredo. We have to consider the populations on the other side also that have a direct impact. So it becomes real important that we keep that in mind. So for health care, which is the issue that I am talking about, it is one of the areas that we also need to be very conscientious of.

We talked about tuberculosis. As my colleagues may well know, tuberculosis can be spread by just talking in front of someone, as we breathe the air. It is very serious. Tuberculosis, a very infectious disease, up to six or seven prescriptions are needed. It has to be fought for over 6 months, and if it is not fought and the medication not taken during that period of time, we find a situation where those particular prescriptions will no longer work on that particular illness.

□ 2145

We find out now that in tuberculosis, we are finding that there are some strands that we are having difficulty with because we do not have medications to treat them.

Mexico treats tuberculosis with less prescriptions, and a lot has to do with cost. We really need to battle tuberculosis on the border. We need to battle it wherever it is throughout the world because when it comes to infectious diseases, it is like preventing a war. If you can prevent something, it is better than having to send our troops to deal with it. The same thing with access to infectious diseases. We need to treat them because later on we will find other forms of the disease that you are unable to treat because people did not take the medication appropriately the way that they should.

When we look at AIDS, the disparity in AIDS also exists. There is a tremendous amount of AIDS. We see the statistics of Hispanics based on their population figures. It is beginning to hit those populations that are poor. We know in the area of AIDS there is some new information that you can begin to test yourself, and you can identify whether you have AIDS or not much earlier, which has a direct impact on being able to take care of yourself and taking care of those persons that are inflicted with that disease.

It is important that we do that as quickly as possible. Once again, one of the problems that exists is with the poor. It is one thing to know that they have diabetes or AIDS, but it does not do any good unless patients have access to good care. It becomes more important with infectious diseases such as tuberculosis and AIDS that we provide that access. One might say why should I care about that, it is not in my area. We should all care because eventually if we do not take care of it, we are going to find some strands that we will not be able to defeat, such as the strands in tuberculosis that we need to come down on.

Mr. Speaker, as we talk about the border States of Arizona, New Mexico, and Texas, we find the same problems in terms of the demographics, in terms of the lack of access to good quality care, the problems of not having access to insurance, and we do have Medicaid for our indigent, but one of the things that we find is if you are not indigent and you are working on the border, and a lot of times small companies do not have access to insurance. If you do not have access to insurance and you are trying to make ends meet, you find yourself in a situation if you get sick or your child gets sick, you find yourself in trouble. Thank God we were able to establish the CHIPs program which has helped a lot of youngsters of parents who are working and trying to make ends meet to get covered with insurance, but we need some additional efforts in that area. We do need to do the outreach. We need educational programs. We have done some good studies on diabetes. In fact, some initial studies on diabetes were on the border, Starr County, where we have been able to detect it earlier in life. The only way it is good information is if we do something about it. As we have found a way of being able to identify whether a person has diabetes or not, now we have to provide access to care and the possibility of being able to get rid of those problems that they encounter.

I want to take this opportunity to mention the current border population is a little over 11 million. In the first 5 years up to July 2000, the border area population has continued to increase by 25 percent.

If you look at the year 1986, 806 maquilladoras existed in the six border States. But a decade later, we have over 1,500 maquilladoras. 1997 estimates show that over 2,000 plants employed more than 600,000 Mexican workers on the borders. We have a good deal of growth on both sides.

One of the larger metropolitan areas is the city of Laredo, and it continues to grow on the U.S. side. On the Mexican side we have similar growth throughout the border region. Although poverty is a common element shared with both United States and Mexico, the U.S. side of the border is more impoverished than the rest of the United States, with over 33 percent of the families living at or below poverty levels. In Texas the statistics are 35 percent of all of the families, and 40 to 50 percent of the families in some of the border counties are living at or below that poverty level.

Three of the U.S. border counties are among the 10 poorest counties in the United States. As I indicated, Starr County, that I represent, is one of the poorest. Tonight what I want to share is that there is a need for us to look at the border. We need to look at it from the perspective of also being part of this United States. We have to look at the colonias that are out there.

There has been a great deal of efforts on the part of the States to stop that type of growth, and we do need to stop that growth from that perspective because it is growth that is not planned growth, is without good quality water, and we need to make every effort to make sure that those people, those individuals that still reside on the border, have access to good housing. It becomes important that we provide them with that access without the stumbling blocks of having those colonias that exist on the border.

Mr. Speaker, I want to take this opportunity to give a little data on California's border. One the issues talks about the problem of diabetes all along the border, and the fact that people have gone blind. The sad thing is that it could have been prevented. Now we have gotten to the disease so we can prevent a great deal of blindness that occurs through diabetes. And amputation, people have lost their limbs as a result of diabetes. In a lot of those cases, it is preventable. Some it is not, but in most cases it is preventable. It could be worked on, and these are important things for us to remember.

On the HIV-AIDS situation, as we all know, we can look at the data and say it is looking great. We have made some inroads, but the bottom line is the numbers are increasing for the socioeconomic areas of our country. Those increases are going to be more harshly hit because these are the people who do not have access to good quality care. These are people who do not have access to the resources needed to respond to issues such as AIDS. If you are wealthy and have insurance, you can almost survive AIDS. But if you do not, you are going to find yourself not being able to sustain life and also not even knowing about it until it is almost too late.

As we look at the border, we look at our children's health and the importance of vaccinations in providing access to good quality health care, there have been some efforts with community mental health centers in assuring that we provide that care. I do want to take this opportunity to thank those centers for their efforts throughout the country, and especially on the border in providing access to health care. They have people working out there, people working in communities providing that access to that care, and making sure that those people have access. We still need a lot more resources.

In addition to that, we have talked about the environment. We talked about water pollution. Remember that on both sides we still need sewage plants, not only on the United States side but the Mexican side also. We drink water from the Rio Grande. We find ourselves in a real bind in terms of the quality of that water. So every effort needs to be made to make sure we have good quality drinking water.

When we look at air pollution, it is no coincidence that El Paso has not been able to meet EPA standards. No matter what El Paso does, they are going to have difficulty meeting those standards mainly because of colonias. So colonias needs to be considered when looking at the formulas. You cannot consider one side of the river without looking at the other side, and making sure that good quality care exists on both sides because we breathe the same air and drink the same water and we are affected as we communicate with each other.

Mr. Speaker, the border has a lot of positives. It has a lot of enthusiasm. It has a lot of people moving forward. There are a lot of things happening that are great, but part of that is making sure that we have good quality care. I want to take this opportunity and maybe I will do it at a later date, to talk about the information regarding some of the other States. I know in New Mexico there are 167 miles along the Mexican border area comprised of five counties in that region. You will find some disparities that exist in the area of health care, and those disparities are evident not only in New Mexico but throughout. I want to mention a couple of other things.

I know one of the main disparities that exist in New Mexico when you look at tuberculosis cases, they find that you have a large number of tuberculosis cases also all along the border, and New Mexico is no exception. As well as Arizona. Arizona finds itself in the same situation, as well as California. So the whole border region is an area that we need to continue to focus on.

Mr. Speaker, I am very pleased if nothing else with the issue of NAFTA. For those who opposed NAFTA, you have to admit that at least NAFTA has allowed us an opportunity to focus. In Texas, very seldom did we talk about the border. The State of Texas never focused on it. It continued to neglect it, and because of the importance of trade, because they saw the value of our neighbor to the South, now there is a great deal of focus.

Along with that focus once again should come the real concern of meeting the needs of the community in that area, and those needs are translated in the form of resources for access to good quality care.

I am hoping as we move forward, we will continue to look at getting resources for access to health care; and I am hoping as that county judge from El Paso testified, that we can start looking at those disparities and making sure that those resources when they come to Texas, and those States on the border, that they come to those regions where they are needed the most and allow them to be able to leverage those resources in order for them to be able to fight the diseases I have mentioned.

□ 2200

I want to thank everyone who has been here tonight. I know that we had some opportunities to be able to dialogue about the importance of these issues. I want to just indicate that there has been some discussion on the issue of medication. I just want to briefly indicate that along the border, there is a study that was done where nearly 40 percent of a survey reported that someone in the immediate household, 40 percent, received their medications on the border from Mexico. We find a population that is seeking out for access to health care, they are not finding it on this side, they are seeking it elsewhere in Mexico, and there are some pitfalls to that. There are some positives also, but there are some pitfalls. Some of the pitfalls that I have indicated are like the problems that we find with tuberculosis that in Mexico is not treated in the same way that we treat it. We provide it with a lot more medication than they do. That could create some serious problems for all of us if it is not treated appropriately. Secondly, as they go across, one of the main prescriptions that they get deals with uses for colds and some uses, 30 percent, were for blood pressure, 50 percent were for heart disease, 20 percent for diabetes.

As we move forward, I am hoping that Congress at the national level, that there is a responsibility to meet and that when people live on the border and people come across the border that we as a Nation have a responsibility to also provide access to good quality care for not only all the people on the border but also those people that get impacted by people from the other side of the border.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. CRANE of Illinois (at the request of Mr. ARMEY) for today on account of travel delays.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Ms. PELOSI (at the request of Mr. GEPHARDT) for today on account of a flight delay.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today, July 24, and July 25 on account of attending a memorial services for a former staffer.

Mr. SHERMAN (at the request of Mr. GEPHARDT) for today on account of airline mechanical problems.

Mr. STARK (at the request of Mr. GEPHART) for today on account of medical reasons.

Ms. WATERS (at the request of Mr. GEPHART) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. WICKER, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2216. An act making supplemental appropriations for the fiscal year ending September 30, 2001.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 20, 2001 he presented to the President of the United States, for his approval, the following bill.

H.R. 2216. Making supplemental appropriations for the fiscal year ending September 30, 2001, and for other purposes.

ADJOURNMENT

Mr. RODRIGUEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 24, 2001, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2993. A letter from the the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 2001, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 107—105); to the Committee on Appropriations and ordered to be printed.

2994. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Assistance Regulations; Administrative Amendment (RIN: 1991-AB58) received July 9, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2995. A letter from the Assistant General Counsel for Regulatory Law, Office of Security and Emergency Operations, Department of Energy, transmitting the Department's final rule—Connectivity to Atmospheric Release Advisory Capability [DOE N 153.1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2996. A letter from the Assistant General Counsel for Regulatory Law, Office of Management and Administration, Department of Energy, transmitting the Department's final rule—Work for Others (Non-Department of Energy Funded Work) [DOE O 481.1A] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2997. A letter from the Assistant General Counsel for Regulatory Law, Office of the Chief Information Officer, Department of Energy, transmitting the Department's final rule—Cyber Security Architecture Guidelines [DOE G 205.1-1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2998. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Beverages: Bottled Water; Technical Amendment; Confirmation of Effective Date [Docket No. 01N-0126] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2999. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 123-1123a; FRL-7015-9] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3000. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 119-1119a; FRL-7015-8] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3001. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Promulgation of Implementation Plans; Indiana [IN137-1a; FRL-7004-1] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3002. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Solicitation—received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3003. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the Initial Plan pursuant to section 5 of the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Government Reform.

3004. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3005. A letter from the Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3006. A letter from the Acting Inspector General, General Services Administration, transmitting an Audit Report Register, including all financial recommendations, for the period ending March 31, 2001; to the Committee on Government Reform.

3007. A letter from the Executive Services Staff, Social Security Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3008. A letter from the Deputy Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Law and Order on Indian Reservations (RIN: 1076-AE19) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3009. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species (HMS) Fisheries; Large Coastal, Pelagic, and Small Coastal Shark Species [I.D. 061101A] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3010. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30253; Amdt. No. 2055] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3011. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30255; Amdt. No. 2057] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30254; Amdt. No. 2056] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30256; Amdt. No. 2058] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30252; Amdt. No. 2054] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3015. A letter from the Principal Deputy Associate Administator, Environmental Protection Agency, transmitting the Agency's final rule—Request for Preproposals: For the operation of the Integrated Atmospheric Deposition Network—received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3016. A letter from the Director, Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Notification of Representatives in Connection with Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error (RIN: 2900-AJ75) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3017. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Determination Regarding State Statutes adopting Revised Article 9 of the Uniform Commercial Code; Determination Regarding Rhode Island [Department of the Treasury Circular, Public Debt Series, No. 2-86] received June 22, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3018. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Update to the Prospective Payment System for Home Health Agencies for FY 2002 [HCFA-1147-NC] (RIN: 0938-AK51) received July 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

3019. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation relating to civilian personnel, property disposal or transfer, and contractor claims; jointly to the Committees on Government Reform, the Judiciary, Armed Services, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 451. A bill to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes; with an amendment (Rept. 107–150). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 427. A bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes (Rept. 107–151 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISTOOK: Committee on Appropriations. H.R. 2590. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–152). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107–153). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. House Joint Resolution 55. Resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam (Rept. 107–154); adversely. Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Agriculture discharged from further consideration. H.R. 427 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 427. Referral to the Committee on Agriculture extended for a period ending not later than July 23, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of July 18, 2001]

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mr. Simpson, Mr. Reyes, Mr. Stump, Mr. Filner, Mr. Bilirakis, Ms. Brown of Florida, Mr. Buyer, Mr. Rodriguez, Mr. Baker, Mr. Shows, Mr. Simmons, Mr. Udall of New Mexico, Mr. Brown of South Carolina, and Mrs. Capps):

H.R. 2540. A bill to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans's Affairs.

By Mr. KENNEDY of Minnesota:

H.R. 2552. A bill to require the payment of an indemnity to sugar beet producers in the State of Minneosta for losses sustained to the 2000 crop of sugar beets as a result of a late season freeze when the damage to the sugar beets did not fully manifest itself until after delivery of the crop to the processor; to the Committee on Agriculture.

[Submitted July 23, 2001]

By Mr. STUMP (for himself and Mr. Skelton) (both by request):

H.R. 2586. A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes; to the Committee on Armed Services.

By Mr. TAUZIN (for himself and Mr. Barton of Texas):

H.R. 2587. A bill to enhance energy conservation, provide for security and diversity in the energy supply for the American people, and for other purposes; referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Science, Transportation and Infrastructure, the Budget, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Ms. McKinney, Ms. Norton, Mr. Kildee, Mr. Frank, Mr. Tom Davis of Virginia, Mr. Wolf, Mr. Gilman, Mrs. Maloney of New York, Mr. Fattah, Mr. McDermott, Mr. Filner, Mrs. Mink of Hawaii, Mr. Sanders, Mr. Moran of Virginia, Mr. Frost, and Mr. Horn):

H.R. 2588. A bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes; to the Committee on Government Reform.

By Mrs. ROUKEMA (for herself and Mr. Frank):

H.R. 2589. A bill to amend the Multifamily Assisted Housing Reform and Affordability Act of 1997 to reauthorize the Office of Multifamily Housing Assistance Restructuring, and for other purposes; to the Committee on Financial Services.

By Mr. ISTOOK:

H.R. 2590. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

By Mr. FLETCHER (for himself, Mr. Whitfield, Mr. McIntyre, Mr. Rogers of Kentucky, Mr. Jenkins, Mr. Lewis of Kentucky, Mrs. Clayton, Mr. Goode, Mr. Jones of North Carolina, and Mr. Hayes):

H.R. 2591. A bill to allow the Secretary of Agriculture to use existing authorities to provide export promotion assistance for tobacco and tobacco products of the United States; to the Committee on Agriculture.

By Mr. FRANK (for himself, Mr. Paul, Mr. Blumenauer, Mr. Bonior, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Stark, Mr. Thompson of California, and Ms. Woolsey):

H.R. 2592. A bill to provide for the medical use of marijuana in accordance with the laws of the various States; to the Committee on Energy and Commerce.

By Mr. GEKAS (for himself and Mr. Upton):

H.R. 2593. A bill to establish a commission to recommend a strategy for the global eradication of disease; to the Committee on Energy and Commerce.

By Mr. JONES of North Carolina (for himself, Mrs. Clayton, Mr. Tancredo, Mr. Taylor of North Carolina, Mr. Cramer, Mr. Stenholm, and Mr. Goode):

H.R. 2594. A bill to amend the Public Health Service Act to establish authority for the inclusion of tertiary-care nurses in the program for the National Health Service Corps, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H.R. 2595. A bill to direct the Secretary of the Army to convey a parcel of land to Chatham County, Georgia; to the Committee on Transportation and Infrastructure.

By Mr. LaTOURETTE:

H.R. 2596. A bill to provide for the protection of train employees; to the Committee on Transportation and Infrastructure.

By Mr. McINNIS (for himself, Mr. Tanner, Mr. Foley, and Mr. Blagojevich):

H.R. 2597. A bill to amend the Internal Revenue Code of 1986 to provide incentives to ensure that all Americans gain timely and equitable access to the Internet and to promote employer and employee participation in telework arrangements; to the Committee on Ways and Means.

By Ms. ROYBAL-ALLARD (for herself, Mrs. Jones of Ohio, Mr. Pallone, Mr. Murtha, Ms. Jackson-Lee of Texas, Mr. Wynn, Mr. McGovern, Mr. Waxman, Mr. Serrano, Mr. Lantos, Ms. Norton, and Mr. Bonior):

H.R. 2598. A bill to amend the Public Health Service Act to provide for increased funding for the Centers for Disease Control and Prevention to carry out activities toward increasing the number of medically underserved, at-risk adults and adolescents who are immunized against vaccine-preventable diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TOOMEY:

H.R. 2599. A bill to spur job growth by reducing individual capital gains rates and to make permanent the Economic Growth and Tax Relief Act of 2001; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H. Con. Res. 190. A concurrent resolution supporting the goals and ideals of National Alcohol and Drug Addiction Recovery Month; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 191. A concurrent resolution expressing the sense of the Congress regarding the importance of parents and children eating dinner together as a family; to the Committee on Education and the Workforce.

By Mrs. TAUSCHER (for herself, Mr. Stark, and Mr. George Miller of California):

H. Con. Res. 192. A concurrent resolution recognizing the many contributions of Timothy John Lynch, Sr., to the East Bay, California, community; to the Committee on Government Reform.

By Mr. YOUNG of Alaska:

H. Con. Res. 193. A concurrent resolution to express the sense of the Congress that the

Secretary of Commerce and the Secretary of the Interior should direct the representatives of their departments who are members of the United States delegation to the International Whaling Commission to remain diligent in their efforts to protect the ability of Native people of the United States, who have been issued quotas by the International Whaling Commission, to continue to legally harvest whales, and for other purposes; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

164. The SPEAKER presented a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 1 memorializing the United States Congress to enact legislation to allow disabled, military retirees to receive service-connected diability compensation benefits without requiring them to waive an equal amount of retirement pay; to the Committee on Armed Services.

165. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 13 memorializing the United States Congress prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under the Individuals with Disabilities Education Act to ensure all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; to the Committee on Education and the Workforce.

166. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 1 memorializing the United States Congress to expand membership in the American Legion to include all veterans with records of honorable, active duty service in the United States Armed Forces, regardless of dates of service; to the Committee on the Judiciary.

167. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 10 memorializing the United States Congress to preserve the electoral college in the best interest of this nation and all its citizens and any attempt to amend the Constitution to abolish the electoral college should be defeated; jointly to the Committees on House Administration and the Judiciary.

168. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 12 memorializing the United States Congress to enact legislation amending the federal Pipeline Safety Act to allow states to adopt and enforce standards stricter than federal standards where to do so would not interfere with interstate commerce; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ABERCROMBIE.

H.R. 154: Mr. TOOMEY and Mr. SHERMAN.

H.R. 179: Mr. TAUZIN.

H.R. 267: Mr. HUTCHINSON and Mr. PITTS.

H.R. 436: Mr. ALLEN, Mr. PRICE of North Carolina, Mr. BILIRAKIS, and Mr. HYDE.

H.R. 448: Mr. CANTOR.

H.R. 500: Mr. BISHOP.

H.R. 527: Mr. BERMAN.

H.R. 602: Mr. WELDON of Pennsylvania.

H.R. 619: Mr. WEXLER.

H.R. 650: Mr. KELLER.

H.R. 808: Mr. SHUSTER.

H.R. 826: Mr. TURNER, Mr. POMBO, and Mr. KELLER.

H.R. 848: Ms. Watson, Mrs. CAPPS, Mr. BLAGOJEVICH, Mr. WEXLER, and Mr. GILMAN.

H.R. 868: Mr. ROHRABACHER, Mr. KELLER, Mr. BORSKI, and Mr. CLEMENT.

H.R. 877: Mr. OXLEY.

H.R. 914: Mr. HAYWORTH, Mr. NEY, Mr. STENHOLM, Mr. GOODLATTE, Mr. SCHAFFER, and Mr. TURNER.

H.R. 981: Mr. SIMPSON and Mr. BEREUTER.

H.R. 1073: Mr. UDALL of New Mexico.

H.R. 1161: Mr. RAMSTAD.

H.R. 1170: Mr. SCHIFF.

H.R. 1178: Mr. PASCRELL.

H.R. 1254: Mr. KING.

H.R. 1265: Mr. THOMPSON of California.

H.R. 1294: Mr. PASTOR.

H.R. 1305: Mrs. CAPITO.

H.R. 1307: Mrs. JONES of Ohio.

H.R. 1330: Mr. HOLT.

H.R. 1350: Mr. ACKERMAN.

H.R. 1360: Mr. FARR of California, Mr. GREEN of Texas, Mr. WAXMAN, Mr. COYNE, and Ms. SANCHEZ.

H.R. 1377: Mrs. JONES of Ohio, Mr. Platts, and Mr. FALEOMAVAEGA.

H.R. 1421: Mr. COYNE, Ms. ESHOO, Mr. THOMPSON of California, and Mr. OLVER.

H.R. 1423: Mr. FROST.

H.R. 1424: Mr. KILDEE.

H.R. 1433: Mr. ALLEN.

H.R. 1436: Ms. ROS-LEHTINEN, Mr. UDALL of New Mexico, Mr. HOUGHTON, Mr. BOEHLERT, Mr. GUTIERREZ, Ms. PELOSI, Mr. RODRIGUEZ, Mrs. MEEK of Florida, and Mr. THOMPSON of Mississippi.

H.R. 1452: Mr. ANDREWS.

H.R. 1454: Mr. HORN and Ms. SLAUGHTER.

H.R. 1468: Ms. SANCHEZ.

H.R. 1487: Mr. GORDON.

H.R. 1492: Ms. SANCHEZ.

H.R. 1520: Mrs. JONES of Ohio.

H.R. 1522: Ms. BALDWIN.

H.R. 1556: Mrs. MEEK of Florida, Mr. BARCIA, Mr. FATTAH, and Mr. GILMAN.

H.R. 1609: Mr. MCNULTY, Mr. BOEHLERT, Mr. PICKERING, Mr. SCHROCK, Mr. SHOWS, and Mr. SMITH of Texas.

H.R. 1629: Mrs. DAVIS of California.

H.R. 1650: Mr. FATTAH.

H.R. 1672: Mr. WU, Mr. RANGEL, and Mr. PRICE of North Carolina.

H.R. 1733: Ms. BALDWIN and Ms. Norton.

H.R. 1770: Mr. SHERWOOD.

H.R. 1773: Mr. SCHROCK, Mr. KILDEE, and Mr. TANCREDO.

H.R. 1839: Mr. LEVIN.

H.R. 1851: Mr. FATTAH.

H.R. 1861: Ms. WOOLSEY.

H.R. 1863: Mr. BURR of North Carolina.

H.R. 1864: Mr. PLATTS and Mr. ROGERS of Michigan.

H.R. 1896: Mr. CUMMINGS, Ms. WOOLSEY, Mr. SANDERS, Mr. ENGLISH, Mr. FRANK, and Mr. KUCINICH.

H.R. 1911: Mr. GORDON, Mr. MCGOVERN, and Mr. RYUN of Kansas.

H.R. 1928: Ms. SLAUGHTER.

H.R. 1948: Mr. HYDE.

H.R. 1990: Mrs. MEEK of Florida.

H.R. 2036: Mr. JEFFERSON, Mr. THORNBERRY, Mr. LUCAS of Kentucky, Mr. PLATTS, Ms. DELAURO, Ms. DEGETTE, and Mr. KILDEE.

H.R. 2058: Mrs. MALONEY of New York, Ms. WOOLSEY, Mr. FROST, Mr. ACKERMAN, and Mr. MATSUI.

H.R. 2074: Mrs. MINK of Hawaii.

H.R. 2095: Mr. THOMPSON of Mississippi.

H.R. 2109: Mr. DEUTSCH.

H.R. 2145: Mr. ANDREWS.

H.R. 2148: Mr. BOUCHER, Ms. HARMAN, and Mr. EHLERS.

H.R. 2166: Ms. PELOSI.

H.R. 2173: Mr. WEXLER, Mr. OBERSTAR, Mr. BOUCHER, Mr. BONIOR, Ms. ESHOO, and Mr. MATSUI.

H.R. 2175: Mrs. NORTHUP, Mr. KENNEDY of Minnesota, and Mr. MOLLOHAN.

H.R. 2181: Ms. MCKINNEY, Mr. FILNER, and Mr. LANTOS.

H.R. 2235: Mr. CALLAHAN and Mr. ROSS.

H.R. 2240: Mr. YOUNG of Florida and Mrs. MEEK of Florida.

H.R. 2258: Mr. GUTIERREZ, Mr. OLVER, Mr. BLAGOJEVICH, Mr. RUSH, Mr. FILNER, Ms. BROWN of Florida, Mr. BERMAN, Mr. HOLT, Mr. JACKSON of Illinois, Ms. WATERS, Mr. FRANK, Mr. BACA, Mr. GONZALEZ, and Mr. MATSUI.

H.R. 2269: Mr. CHAMBLISS, Mr. TIBERI, Mr. MCCRERY, Mr. BALLENGER, Mr. FLETCHER, Mr. BROWN of Ohio, Mr. MCKEON, Mr. SHAYS, Mr. CANTOR, Mrs. BIGGERT, and Mr. PLATTS.

H.R. 2294: Ms. BALDWIN, Ms. SCHAKOWSKY, Mr. RODRIGUEZ, Mr. FROST, and Mr. DOYLE.

H.R. 2315: Mr. HAYWORTH, Mr. CRANE, Mr. TANCREDO, and Mr. BRYANT.

H.R. 2335: Mrs. JO ANN DAVIS of Virginia.

H.R. 2339: Ms. LOFGREN.

H.R. 2348: Mr. HASTINGS of Florida, Mr. LANTOS, Ms. MCCOLLUM, Mr. CARSON of Oklahoma, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Mr. FORD, Mr. GONZALEZ, Mr. FROST, and Mr. OBERSTAR.

H.R. 2369: Mr. INSLEE and Ms. ESHOO.

H.R. 2390: Mr. VITTER.

H.R. 2413: Mr. RYUN of Kansas.

H.R. 2450: Ms. NORTON, Mr. HOLDEN, Mr. CRAMER, Mr. CROWLEY, Mr. GILMAN, Mr. MCNULTY, and Mr. NADLER.

H.R. 2482: Mr. MATSUI, Ms. MCKINNEY, Mr. BERMAN, Mr. FROST, Mr. WAXMAN, and Ms. HARMAN.

H.R. 2486: Mr. FROST, Mrs. CAPITO, and Mr. ORTIZ.

H.R. 2505: Mr. FLAKE.

H.R. 2521: Mr. WAMP.

H.R. 2540: Mr. PICKERING, Mr. MANZULLO, and Mr. GALLEGLY.

H.R. 2560: Mr. BLAGOJEVICH.

H.R. 2573: Mr. KENNEDY of Rhode Island, Ms. MCCOLLUM, Mr. SABO, Mr. TIERNEY, Ms. KILPATRICK, Mr. BROWN of Ohio, and Mr. WEXLER.

H.J. Res. 15: Mr. WAXMAN, Mr. FROST, and Mr. SMITH of New Jersey.

H. Con. Res. 26: Mr. SHERMAN.

H. Con. Res. 60: Mr. GRUCCI, Mr. OBERSTAR, Mr. BRADY of Pennsylvania, Ms. ESHOO, and Mr. LANGEVIN.

H. Con. Res. 164: Mrs. KELLY.

H. Con. Res. 169: Mr. SABO, Mr. FARR of California, Mr. SANDERS, Ms. RIVERS, Mr. OLVER, and Mr. RANGEL.

H. Con. Res. 179: Mr. ROGERS of Michigan, Mr. BRADY of Pennsylvania, Mr. UNDERWOOD, Mr. HALL of Texas, Mrs. CLAYTON, Ms. WATSON, Mr. HILLIARD, Mr. PALLONE, Mr. PITTS, Ms. ROS-LEHTINEN, Mrs. NORTHUP, and Mr. PLATTS.

H. Res. 154: Mrs. MALONEY of New York, Mr. UDALL of New Mexico, Ms. BALDWIN, Mr. BARR of Georgia, Mr. UDALL of Colorado, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. HONDA, Mr. LATHAM, Ms. SOLIS, Mr. PLATTS, and Mr. DEUTSCH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1109: Mr. TIBERI.

PETITIONS, ETC.

Under clause 3 of rule XII,

31. The SPEAKER presented a petition of resident's of the Thirty-Sixth Congressional District, California, relative to a petition signed by residents of California's 36th Congressional District opposed to oil and gas drilling in the Alaska National Wildlife Refuge; which was referred to the Committee on Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2506

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 62: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

SEC. . None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of guaranties or insurance for a transaction involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2506

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 63: Page 112, after line 22, insert the following:

BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS

SEC. . None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of guaranties or insurance for a limited recourse project or a long-term program involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

H.R. 2590

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to implement, administer, or enforce any of the proposed amendments to part 1 or 31 of title 26 of the Code of Federal Regulations, as published in the Federal Register on January 17, 2001 (66 Fed. Reg. 3925, relating to Guidance on Reporting of Deposit Interest Paid to Nonresident Aliens).

H. R. 2590

OFFERED BY: MR. FLAKE

AMENDMENT NO. 2: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

H.R. 2590

OFFERED BY: MR. LUTHER

AMENDMENT NO. 3: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) None of the funds made available in this or any other Act for fiscal year 2002 may be used to appoint or compensate any political appointee whose appointment would cause the total number of political appointees at any time to exceed 2,000.

(b) For purposes of subsection (a), the term "political appointee" means any individual who—

(1) is employed in a position listed in sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(2) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service (as defined under section 3132 of title 5, United States Code); or

(3) is employed in a position in the executive branch of the Government under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

EXTENSIONS OF REMARKS

JOE MOAKLEY'S LEGACY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. FRANK. Mr. Speaker, there have understandably been a large number of tributes to our late colleague, Joe Moakley, who so well exemplified the best qualities of a representative of the people. One of them in particular had special meaning to me.

Among the issues for which he fought so hard were those affecting the right of older people to live their lives in some degree of comfort and security. The most recent issue of The Older American, published in Boston by the Massachusetts Association of Older Americans, is dedicated to Joe and contains a number of articles describing his great work in that field. I ask that the article by the MAOA President Emeritus, Elsie Frank, recalling the speech Joe made 3 years ago at her 85th birthday celebration, be printed here, as an example of the impact he had. I am proud to share with my colleagues my Mother's excellent summary of the qualities that made Joe Moakley so important to so many of us.

[From The Older American, July 2001]

JOE MOAKLEY

(By Elsie Frank)

My friend, Joe Moakley, was not a grandstander but a public official who was dedicated to public service. He took his responsibilities as a Congressman seriously; he was committed to social justice—to equality and respect for human dignity, and to the proposition that private interests shall not prevail over the public good. He wanted a society that is caring, just and fair to all—young and old alike.

Part of Joe's greatness was his ability to make everyone feel special—like I felt when he spoke at my 85th birthday party.

Joe agreed with historian Arnold Toynbee that a society's quality and durability can best be measured "by the respect and care given to its elderly citizens" and fought to preserve the most important factors in the life of an older American—health care, economic security and housing. He led the Massachusetts Congressional delegation in their efforts to ward off impending disaster for elderly programs because of the notorious Contract With America crafted by Newt Gingrich. He would not let them abolish senior centers, meal sites, meals-on-wheels; he fought their efforts to privatize Social Security: he fought to thwart New Gingrich's stated desire to see medicare "wither on the vine."

Although no one would argue that society can shield every individual from problems that need to be solved, Joe Moakley openhandedly offered his help to others, often frustrated with a feeling of helplessness, and hopelessness. To him helping others was not a political issue, it was a moral issue. Despite the columnists and talk show hosts who ridicule those who help the downtrodden, money could not buy the good feelings Joe Moakley had about helping others. When we at the Committee To End Elder Homelessness, Inc. were in the planning stages of converting an abandoned bread factory into permanent housing for homeless elders, he was the one we turned to for assistance in overcoming obstacles.

Joe Moakley was more than a politician. By his desire to make a difference in the quality-of-life of young and old, he set an example for all elected officials, those now in office and those who will win elections in future years. To continue his legacy of dedicated public service, his successor has an enormous void to fill.

LENDERS SHARE THE BLAME

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. BEREUTER. Mr. Speaker, this Member encourages his colleagues to read the following editorial, from the June 27, 2001, edition of the Omaha World Herald. This editorial takes the position that both debtors and lenders of credit are responsible for the record rates of bankruptcy filings in Nebraska and Iowa.

LENDERS SHARE THE BLAME

Nebraskans and Iowans are filing for personal bankruptcy at a higher rate than ever before, a fact that has roots not only in unwise personal spending but also in the explosion of easy credit available in recent years.

Nationally, personal debt is at an all-time high. Americans put a trillion dollars on their credit cards last year. The Federal Reserve reported that the amount owed on credit cards, auto loans and similar consumer-type loans rose to $1.58 trillion in April. Americans spend 14 percent of their take-home pay paying off these debts.

In Nebraska, 33 percent more bankruptcies were filed during the first five months of the year compared with 2000. The rate in Iowa increased significantly, too. Many factors may play into the rise—a weaker economy, higher unemployment, the threat of a stronger and less-friendly bankruptcy law being considered in Congress.

People should, of course, take responsibility for their own spending. No one forces them to apply for the credit that is offered. No one forces them to use that credit, running up debts to a crippling level until one small change in circumstances—an illness, perhaps, or a lay-off—causes their financial downfall.

However, the other component of the problem, the credit industry, bears a portion of the responsibility for the situation and has not received enough attention.

The Consumer Federation of America and other organizations have accused big banks of overly aggressive credit card marketing and excessive credit extension, leading to growing numbers of bankruptcies and credit problems. Mailings offering bank cards—particularly to low- and moderate-income households—have increased substantially. In 1998, an estimated 3.2 billion mailings went out, compared with 2.4 billion in 1996.

Up to 85 percent of college students have one or more credit cards in their own name, and a significant number are in credit trouble. Many of them got the cards by signing up at tables set up on campus, applying for the card to get a free gift—a T-shirt, candy, long-distance minutes.

Aggressive promotion of credit, particularly to people with a poor record of repayment, can be blamed for a lot of financial troubles. It's not hard to see why the companies are doing it: money. They slap on what two Maryland consumer organizations recently called "deceptive conditions" that bolster their profits at the expense of people who can't pay their bills. Interest as high as 30 percent, covering the entire balance and lasting until it is paid off, can be imposed on people who are late or miss a payment. High late fees, a shorter period in which to pay the bill and brief or no grace periods contribute to people's difficulties. Thus, people with poor credit histories and poor performance are penalized further with the extra fees.

There are far too many gullible souls in this country who, for whatever reason, don't have enough financial sense or self-discipline to use credit cards wisely. They fall into the traps set by the banks that issue credit cards. The temptation for instant gratification overwhelms some people. Their difficulties are, ultimately, their own fault.

Nevertheless, lenders shouldn't be exploiting the vulnerable unless they accept the risk involved. When they bombard people of modest means with offers of credit—thousands of dollars worth of easy credit, at a low! low! low! (introductory) interest rate; when they target college students who often don't have jobs or the means to pay back credit card debt; when they work hard to entice people who have just gone through a bankruptcy to re-enter the credit whirlwind, they need to recognize that many of these people will not be able to handle the debt they have been enticed to assume. They will default.

People should have the common sense to handle their credit cards cautiously and manage their finances wisely. But too many do not. When the credit card industry takes advantage of their weaknesses to increase its bottom line, it should not be surprised when problems occur.

INTRODUCTION OF THE SALMON PLANNING ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McDERMOTT. Mr. Speaker, good morning. I am pleased to be here today to introduce legislation that will facilitate dialog on a key issue facing the Northwest.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I want to begin today with a quote from Chief Joseph, a man who lived in Northeastern Oregon and traveled the lands of the Columbia and Snake River Basin:

> The Earth was created by the assistance of the sun, and it should be left as it was . . . I never said the land was mine to do with it as I chose. The one who has the right to dispose of it is the one who has created it. I claim a right to live on my land, and accord you the privilege to live on yours.

This legislation is called the Salmon Planning Act. It provides for the planning that will be necessary to save the endangered salmon and steelhead populations in the Snake River if the Bush administration continues to deny funding to recovery efforts.

For centuries, salmon has been recognized as a symbol of the Northwest lifestyle and a mainstay of the economy. Both commercial fishermen and the sport fishing industry rely on consistent runs of salmon and steelhead. Generations of northwesterners have grown up with fishing as a part of their lives.

Beginning in the early 1960s, a series of 4 dams were constructed on the Lower Snake River. The dams provided energy, water for irrigation, and a barge system for transporting goods between the inland and ocean ports. Since then, the 12 genetically distinct populations of salmon and steelhead, native to the Snake River, have dropped to such an extent that every one of those populations is either functionally extinct or listed under the endangered Species Act.

Scientific studies have shown that declining salmon runs represent the declining health of the overall ecosystem in the Columbia and Snake River basin. Independent studies by the Environmental Protection Agency and the Fish and Wildlife Service have shown an ecosystem in peril.

Additionally, numerous treaties with Native Tribes in Oregon, Washington, Alaska, and the Canadian Government have committed our government to ensuring the continued viability of salmon runs. Failure to do so could expose taxpayers to billions of dollars in litigation and compensatory fees.

Last year the National Marine Fisheries Service released a biological opinion regarding the Columbia and Snake River Basin and developed the Salmon Recovery Plan, which would avoid breaching the dams. I support this plan and hope that we can continue to make every effort to develop a workable solution without breaching the dams.

However, the current administration has so far failed to allocate any funds to implement this plan. Full funding of the restoration measures called for in the Salmon Recovery Plan will cost an estimated $1.2 billion per year for the region as a whole. The administration has chosen to sacrifice the salmon and the economy of the Northwest in favor of large tax refunds.

The Salmon Planning Act will provide for a thorough peer review of the Salmon Recovery Plan of 2000 by the National Academy of Sciences to ensure the scientific credibility of its findings. In addition, the Salmon Planning Act calls for a study by the General Accounting Office of the effects of potential dam beaching if recovery efforts fail.

The GAO study would detail the effects of dam removal on every sector of society that is impacted. In addition to the fishing and scientific community, dam removal would affect energy, transportation, agriculture and the local communities.

The GAO study will also address the potential liability of the American taxpayer that may result from our failure to fulfill our treaty obligations should our salmon and steelhead populations become extinct.

Passage of the Salmon Planning Act by itself will not result in the breaching of the dams. Let me repeat that, this act will not result in breaching the dams. Congress will need to address this issue again in the future. This bill does, however, provide the planning that will be necessary for Congress to make an informed decision.

The window of opportunity to save our valuable salmon and steelhead resources is quickly closing.

IT IS TIME FOR CONGRESS TO SPEAK UP

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. HASTINGS of Florida. Mr. Speaker, last week, the House of Representatives attempted to consider campaign finance reform. While the House ultimately decided not to consider the legislation because of a ridiculous rule, it is significant that campaign finance reform has come to the floor for a vote before election reform has even been debated. I was the first to point out that it does not matter how much money we spend on our campaigns, or for that matter, how much money we do not spend on our campaigns, if votes still do not count.

It is clear to me that after last year's farce of an election, in which it was discovered that thousands of Americans nationwide had their right to vote stripped from them, Congress would have acted by now. But Congress has not acted.

Congress remained silent when the U.S. Commission on Civil Rights released its findings that minority voters were more likely to have their votes thrown out than non-minority voters. Congress remained silent when thousands of voters testified to civil rights groups such as the NAACP, the National Council of La Raza, the ACLU, and this Committee, discussing the many problems they faced at the polls last November. Congress still remains silent, while Americans become more cynical by the day.

The debate that needs to commence is not on how much money we spend on our campaigns. Instead, the debate should focus on how much money we are not spending on our elections. My home county, Broward County, may not purchase the best voting machines on the market because it cannot afford it. We need to be talking about how to get Broward County, and every other county in this country, the needed funds to improve their election systems.

Mr. Speaker, contrary to what many argue, the need for election reform is much more than a civil rights issue. Rather, the need for election reform is a challenge to our democracy. It is a challenge that calls on us to reaffirm our commitment to the principles and ideals that our country's founding fathers died defending. It is a challenge that burns at the heart of every American who believes in our country's democratic heritage. It is a challenge that we cannot back down from, and it is a challenge that we will not back down from. Finally, it is a challenge that must be overcome before history repeats itself.

TRIBUTE TO THE NAVAL CRIMINAL INVESTIGATIVE SERVICE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to an outstanding organization. The responsibilities of this highly regarded, but little known agency cover the waterfront, from counterintelligence to criminal investigations, from force protection to infrastructure protection. They are the protectors of our protectors.

I am referring to the Naval Criminal Investigative Service (NCIS)—on watch to protect and serve sailors, Marines, and their families, wherever they may be, whether it's Chicago, Illinois; Split, Croatia; or a ship in the Persian Gulf.

Recently, the outstanding efforts of the NCIS were highlighted in a case that has hit very close to home for those of us who live and work in the Washington, DC, area. A Navy sailor, a rising star, a beloved daughter, Lea Brown was abruptly taken from our midst in a vicious killing in Fort Washington.

The Washington, DC, Field Office of the NCIS dedicated over 30 agents to the case, developing leads within hours that led to the arrest of several suspects by the Prince George's County Police Department. The clear message to criminals preying on sailors and Marines is, "You will be caught; you will be brought to justice." I know that I join the men and women of the naval service, as well as those of Prince Georges County, Maryland, in expressing my thanks for the tireless efforts of the Naval Criminal Investigative Service.

Mr. Speaker, I wish to enclose this article from the Washington Times and submit my congratulations to the men and women of NCIS for a job well done.

[From the Washington Times, July 7, 2001]

NAVAL INVESTIGATIVE SERVICE WORKS FAST WITH OTHER AGENCIES

(By Brian DeBose)

The Washington Field Office of the Naval Criminal Investigative Service (NCIS) is no stranger to working with local and federal police agencies.

Most recently NCIS, the criminal investigation arm of the U.S. Navy, is working with Prince George's County police on a high-profile homicide case that revealed an organized crime ring in Fort Washington.

The NCIS was investigating the disappearance of Navy Petty Officer Lea Anne Brown, as a missing persons case when Prince George's police found her body and that of her boyfriend, Michael Patten, June 12 in Accokeek.

When the connection between the two cases was made, Prince George's police immediately contacted NCIS Special Agent Frank O'Donnell. "We had as many as 30 to 35 agents working on the case from day one when for us, it was a missing persons case," said Mr. O'Donnell, who led the NCIS aspect of the investigation.

The NCIS has a global jurisdiction with 915 agents in 13 field offices around the world. More than half of all its cases are done in collaboration with another law enforcement agency, said NCIS spokesman Paul O'Donnell, who is not related to Frank O'Donnell. "We would not usually have 35 agents working on one case, but with this case, because of the heinous nature of the crime and our outrage, we wanted to devote as much manpower as we could," said Albert W. Billington, special agent in charge of the Washington field office.

Petty Officer Brown, 24, was listed as missing June 11 after her commanding officer called NCIS to report the young woman had missed checks and had not shown up for work.

The next day a Prince George's County detective called Frank O'Donnell, who was heading up the missing persons investigation, to tell him police may have found her body and a man's body.

Prince George's police moved quickly on the case, Mr. Billington said, and with the help of NCIS computer experts were able to track credit- and debit-card usage, and conduct surveillance and searches of the suspects' and the victims' homes.

On June 27, Prince George's police arrested five men in connection with the killings. Marco Scutchings, 18; Robert Odum Jr., 23; Cortez Carroll, 22; Eric Thomas, 22; and Aaron Hollingsworth, 18, await preliminary hearings scheduled for July 26 and 27. The five men beat the couple and stuffed them in the trunk after a botched carjacking, according to police reports. The two later were shot execution-style and their bodies left in Accokeek, police said.

Twenty members of the NCIS investigation team are still working on processing evidence through forensics, conducting surveillance and interviews and searching residences.

TRIBUTE TO THE LATE CHRISTINA CHAVEZ, OF NEW MEXICO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. BACA. Mr. Speaker, I rise in the memory of my beloved Aunt and Godmother, Christina Chavez, of New Mexico, who passed away on July 19th, 2001.

Daughter of Romolo and Mary Baca; wife of Alberto Chavez; mother of Josephina Chavez, Joe Chavez, and Nicanora Thomas; grandmother to seven, and great-grandmother to five; sister to six brothers; Christina will be dearly missed by family and friends.

Christina's father, Romolo, my grandfather, was President of the Conservancy in New Mexico, which oversaw the development of irrigation. Her mother, Mary, a devoted housewife, passed away very young, so Christina stayed home to help raise her brothers.

Christina married Alberto Chavez in 1945. Alberto's position with the Santa Fe Railroad took him away traveling a lot, so Christina spent her time raising crops, sheep and cattle on the family farm in Las Nutris, New Mexico, and performing the duties of housewife and mother.

Christina's children recall bailing the hay, feeding the animals, milking the cows, and going to school 12 miles away on the school bus. They recall her perpetually in motion with housework, cleaning, and canning vegetables and fruit.

Christina loved cooking. Her chile recipe was delicious, and it made her famous for miles around. And she could bake bread like you would not believe!

Christina and Alberto built an Orno (Indian) oven outdoors, and in the summer months they would bake bread and roast chile. The taste of bread and chile made from scratch and baked in an outdoor oven is wonderful, much better than anything you can buy in a store.

And those cakes, cookies, and biscuits! Christina could really bake!

Christina's brothers, including my father, lived nearby, and would always visit and check on her. They marveled at her world-famous cooking, and shared a cup of coffee. They were often joined by lots of friends and neighbors.

Christina was a very kind and loving person, always caring about people, and she always had her home open. She would welcome people with food, and she was always lending a helping hand, opening the door to friends and strangers who needed a glass of water or a meal.

Christina raised three lovely, and successful, children: Josephina, who now works as a Security Officer for Sandia National Labs; Joe, who retired from the Santa Fe Railroad, where he worked on the cars; and Nicanora, who drives a school bus and also plays basketball.

Her children lovingly recall being raised by their mother: "We lived out in the country. Belen was 12 miles away. Mom would take us to the country drug store, Jenny's which had an old soda fountain. They made great root beer floats. They were very pure. The store is gone now. They tore it down. Mom would also take us to go buy groceries. It was like a treat, because we lived so far away from everything."

Christina's children remark that one of the best gifts she left them was the values she instilled in them. She was very religious, and even when she was in the nursing home, she attended church twice a week. She liked to pray the Rosary in Spanish.

Christina taught her children the teachings of the Catholic Church. During Lent, she made sure the family did not eat meat on Friday. Instead she would serve wild spinach with beans. It was excellent and made it much easier to avoid meat! She also made wonderful bread pudding with raisins.

Christina was fond of singing the Hail Mary. She had a lovely voice, and her children can still recall her singing in the home:

Hail Mary
Full of Grace
The Lord is with thee . . .

And she loved to recite the Lord's Prayer:

Our Father who art in Heaven
Hallowed be thy name
Thy Kingdom come
Thy will be done
On earth as it is in Heaven
Give us this day our daily bread
And forgive us our trespasses
As we forgive those who trespass against us
Lead us not into temptation
But deliver us from evil
For thine is the Kingdom and the power and the glory forever
Amen.

Mr. Speaker, a quiet history runs through our Nation, a history that is not in our textbooks. In this history, the lonely whistles of the Santa Fe railroad can be heard through the night, as a young woman bakes bread on a farm. Her household is filled with the good smells of chile and coffee. Her children learn the words of our Holy Bible, and grow up to be good, God-fearing people with children of their own. From her they learn kindness and good deeds, the value of a hard day's work, the importance of opening a door to a stranger.

This is the fabric from which our Nation is built. For often it is not the famous and the affluent who shape our country's destiny; instead it is women like Christina Chavez, who raise a family one day at a time, bake the bread, tend to the farm, go the country store.

And so, we pay tribute and memory to Christina Chavez, the last of my father's generation, my aunt and Godmother, loving mother to Josephina, Joe, and Nicanora.

There is a sadness that comes from great love, but there is also a quiet pride. Pride at all the families of Chavez and Baca have achieved in this great Nation. That as Latinos and Latinas we have carved a place for ourselves in the fabric of its history.

Mr. Speaker, Christina's children offer these words: "Thank you Mom for family values. You taught us how to be strong. You often raised us alone as Dad traveled on the Santa Fe Railroad."

And so, I say to Christina, thank you for all you have been to me and to your children, all the lives you have touched. God Bless you, we miss you, but we know you are in Heaven in the arms of the Lord. Amen.

HONORING VERNON JOSEPH CHARRON, JR.

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, freedom, as we know, is not free and requires large doses of perseverance, dedication and sacrifice. Since his extensive tour of duty with the Navy during some of the most tumultuous times in World War II, Vernon Joseph Charron Jr. has traveled to numerous schools and other settings to inspire the youth of America with a similar passion for the United States that he holds. Vernon is a man who has aided the battle of freedom and I would like to take this opportunity to recognize his service to our country.

"Vern" was awestruck at the sight of his ship arriving at Pearl Harbor in 1942. The battle cruiser U.S.S. *Atlanta* was the ship that would be his home during the ensuing conflict. Located on the island of Guadalcanal and three months after the main conflict there, the Americans held a rudimentary airstrip called Henderson Field. Surprise confrontations and unplanned attacks stemming from the Japanese still plagued the island and resulted in many casualties. Obtaining and maintaining control of the waters surrounding the island was critical, and it is here that one of the most gruesome battles occurred and Vernon fought. On the night of November 12, 1942, as 14 ships from the Japanese fleet attacked the Henderson Field, the U.S.S. *Atlanta* and 12 other U.S. ships confronted the aggressors. After the battle, the area would be known as "Ironbottom Sound" due to the number of casualties and sunken debris. Twenty-seven ships attempted to destroy each other.

The U.S.S. *Atlanta,* by the end, had been hit 49 times before it ultimately sank. Although Vernon was the thirteenth man in his crew, he was the only survivor. Amidst flame and further attack, the U.S.S. *Atlanta* lost 170 men that night and although men of this generation were taught not to cry, a tear fell from Vern's eyes as he recounted the demise of this great ship and her crew. Only upon further examination did we discover that Vernon went from one firestorm to another because he also served in the battle of Midway and also in the Solomon Island Campaign. During these momentous times and occurrences, Vern was only 17 years of age.

Following the trials of war, Mr. Charron was employed by the Russell Stover Candies company and continued his position there for 49 years. While the U.S.S. *Atlanta* rests below 80 fathoms of water near Guadalcanal, Vern uses his experiences to light the fires of patriotism in youth to perpetuate the great spirit of America. His service is commendable as he gave of himself unselfishly to our remarkable nation. I applaud him and thank him for his efforts. He has certainly demonstrated the cost of freedom and his teachings will persist as testaments to America.

PROTECTING OUR WHISTLEBLOWERS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mrs. MORELLA. Mr. Speaker, today, I introduced legislation in Congress amending the Whistleblower Protection Act (WPA) to restore protections for federal employees who risk their jobs by disclosing waste, fraud, abuse or violations of law they witness on the job. This legislation is critical to restore the flow of information to Congress and the public about wrongdoing within the government. It is necessary because the original congressional intent has been partially nullified by certain judicial decisions. In 1989, Congress unanimously passed the Whistleblower Protection Act (WPA) and strengthened it in 1994. The new bill closes judicially created loopholes that have made the law useless in most circumstances. Recent decisions by the Court of Appeals for the Federal Circuit have denied protection for disclosures made as part of an employee's job duties or within the chain of command. The bill restores coverage in over 90 percent of the situations where it counts most for federal workers to have free speech rights— when they defend the public on the job.

The bill also makes permanent a free speech shield known as the "anti-gag statute" that Congress has passed annually for the last 13 years. It outlaws nondisclosure rules, agreements and other forms of gag orders that would cancel rights in the Whistleblower Protection Act and other good government statutes. In particular, it upholds the supremacy of a long-established law that workers have a right to notice that information is classified as secret for national security interests, before they can be held liable for releasing it. The necessity for the bill was increased last week by passage of a little noticed provision in the Intelligence Authorization Act for 2001. That provision functionally could make whistleblowers liable for criminal prosecution, based on speculation that unmarked information were classified.

We must reaffirm our support for whistleblowers. We made a serious commitment to federal workers in 1989 and Congress must ensure those protections stay in place. Congress must demonstrate once again its support for federal workers who risk everything to defend the public against fraud, waste, and abuse.

PERSONAL EXPLANATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. GILMAN. Mr. Speaker, on July 18, I was unavoidably delayed during the vote on the Maloney Amendment to H.R. 2500. Accordingly, I was unable to vote on Roll Call Number 239. If I had been present I would have voted Nay.

HONORING JOSEPH MAXWELL CLIFTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I would like to remember the life of Joseph Maxwell "Max" Clifton, who passed away on July 12, 2001. He was a dedicated businessman and a compassionate individual.

In 1966, Max and his son-in-law started a car dealership, a Datsun franchise, in Pueblo County, Colorado. Establishing a market for these cars was a daunting task since there were less than five Datsuns registered in the area. His business was later purchased and was turned into a prosperous dealership in the community. The success of the business is a testament to the charisma and passion that Max exhibited at work. Max truly valued his employees and knew how to manage the business successfully. Whether it was through summer picnics or just day-to-day comments, he was well respected and admired. Besides his automobile venture, Max owned a Christian radio station—KFEL. Max provided an example as to how to treat others, and his legacy will endure in the actions and hearts of those individuals.

Not only was Max an integral member of the community in Pueblo County, Max was also an important part of many peoples' hearts and minds. His memory will live through those he touched. Mr. Speaker, I would like to extend my deepest sympathy and warmest regards to Max Clifton's family and my thoughts and prayers are with them.

H.R. 2273, THE NATIONAL BANK OFFSHORE ACTIVITIES ACT OF 2001

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. CONYERS. Mr. Speaker, I am pleased to have recently introduced HR 2273, the National Bank Offshore Activities Act of 2001, which was referred to the Committee on Financial Services on June 21, 2001. If enacted, this legislation would amend banking laws with respect to offshore activities, investments, and affiliations of national banks, which are chartered by the United States Comptroller of the Currency. Specifically, the legislation tightens regulations and closes loopholes in this country's supervision of the national banks it charters when they operate overseas. In this global economy, banks chartered and regulated by our government must maintain the highest legal and ethical standards wherever they operate, yet far too often, our banks have not been as scrupulous as they should be when they get involved in overseas activities.

I am introducing this legislation because it has been brought to my attention that there have been recent allegations of great improprieties committed by our national banks chartered by the Comptroller of the Currency when they operate overseas, and that the Office of the Comptroller of the Currency has concluded it is powerless to act against these U.S. chartered banks under certain circumstances. There have even been allegations that some of our chartered banks have been involved in illegal activities, including possible money laundering, yet our own Office of the Comptroller of the Currency, which is supposed to investigate these matters, has determined that it does not have the power to stop these practices given its current enforcement authority. As I stand here today, I am aware that the ownership and control of one overseas company in particular has been transferred in a bankruptcy proceeding to a trustee approved by a group of U.S. chartered and foreign banks, and that there have been allegations that the appointed trustee in this matter has committed embezzlement, money laundering, and other crimes. Yet it is my understanding that the Office of the Comptroller of the Currency has not fully investigated these matters, and that they may need further enforcement authority in order to do so. This is why I believe that H.R. 2273 is such an important piece of legislation. Congress needs to make certain that the Office of the Comptroller of the Currency has full enforcement powers so they may act to enforce our nation's banking laws.

Above all, H.R. 2273 improves upon the existing enforcement regime of the Office of the Comptroller of the Currency so that they may better identify possibly harmful bank relationships and practices before they hurt U.S. depositors and shareholders. Our global economy requires that U.S. banking laws reach activity affecting U.S. shareholders and investors wherever it occurs. From the standpoint of international relations, we also do not want U.S-chartered and licensed banks to engage in unsound and unsafe practices in other countries that we would not tolerate in America's backyard. H.R. 2273 is also an important step towards addressing offshore risks to the U.S. financial system's integrity.

We need to make certain that our banks are accountable when they operate overseas. Simply put, our vital system of banking regulation and our confidence in our financial system is compromised when a U.S. chartered bank or its agents are implicated in criminal activities anywhere in the world. Therefore, our Comptroller of the Currency must have full power and authority to investigate these offshore activities of our national banks, and to order these banks to cease their involvement in an overseas interest, if this activity leads to illegal activities, or other violations of law.

To achieve this end, H.R. 2273, among other things, increases the reporting requirements our national banks must comply with when they acquire, directly or indirectly, a beneficial interest in any offshore company. When our national banks engage in such activities, this legislation will require them to provide a full disclosure of information to the Comptroller of the Currency about the offshore interest they will be acquiring. Specifically, they will be required to submit a report listing the names of all the shareholders, principals, or holders of a beneficial interest in the offshore company, provide the names of any directors, officers, or managing agent of the offshore company; provide the identity and value of any assets held or owned by the offshore company; supply the Comptroller of the Currency with information about the criminal histories and any legal accusations filed against any of the named individuals in the report; and provide such other information as the Comptroller of the Currency may require. These banks will also be required to provide periodic updates of this information to the Comptroller of the Currency.

H.R. 2273 also prohibits certain relations between national banks and certain violators of Federal, State, or foreign criminal law, banking or financial services law, or labor law, or any regulations prescribed under any such law, by any agent or affiliate of the national bank, or any other entity with which the national bank maintains a correspondent banking relationship, which has been finally adjudicated or determined by any adjudicative, regulatory, or other governmental authority.

In addition, H.R. 2273 provides that both national banks and any other persons or entities, including any Federal or State official, department, or agency, may file a notice with the Comptroller of the Currency to notify the Comptroller of any violation of law that has occurred as a result of the affiliation of the national bank and the offshore interest, and to petition the Comptroller of the Currency to prohibit any further relationship between the national bank and the entity with respect to whom such notice is filed. Upon receiving any such complaint, the Comptroller of the Currency would then be required by the legislation to serve on the national bank a written notice to show cause why the Comptroller should not issue an order prohibiting any further relationship between the national bank and any such agent, affiliate, or other entity.

Third parties would also be given the right under H.R. 2273, to petition for a hearing before the Comptroller of the Currency concerning the relationship at issue between a national bank and an offshore interest, and that person making the request for a hearing shall be provided with an opportunity to be heard on the record at a hearing. The Comptroller of the Currency would also be granted the authority to issue a cease and desist order to stop the involvement

Mr. Speaker, H.R. 2273 is an important first step toward improving our nation's banking laws. I would ask my colleagues to join me in seeking passage of this important bill.

HONORING LEO S. ALTMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, it is with a solemn heart I would like to recognize the passing of Leo S. Altman. Leo was a compassionate husband and grandfather, a dedicated lawyer and a skilled woodworker, who resided in Pueblo, Colorado and died on Thursday, July 12—on the birthday of his wife, Helen, who passed away last year.

Leo gave of himself unselfishly and made a difference in many peoples' lives. As a figurehead, young lawyers would look to him for advice not only because of his helping hand, but because he was a remarkable lawyer. His teachings he was able to inspire others and truly set an example for many to emulate. Beginning in 1935 and as a partner in Preston & Altman; Leo did not end his career until a month ago when his health began to fail him.

Beyond the scope of his occupation, Leo loved to travel and visited 108 countries throughout his lifetime. Woodworking was another passion that he developed and he has made everything from tables to jewelry boxes. The idea of service to others filled his heart and was witnessed by his involvement in the State Board of Bar Examiners. He also served as the president of the Pueblo Bar Association and in other positions as a municipal judge and police magistrate. Throughout World War II Leo was a judge advocate and retired from the Army Reserve with the rank of Lieutenant Colonel.

As his wife was nearing the end of her life, Leo comforted her. Since then he has lived by himself. His humility pervaded his character as did his patience, professionalism, and care. Seemingly always giving more than expected, Leo was a dedicated man and well respected. Leo Altman shall be remembered as a man with an intense mind, delicate character and a big heart. Mr. Speaker, my thoughts and prayers are with his family and I would like to extend my warmest regards and deepest sympathy to them.

NURSING SHORTAGE RESPONSE ACT STATEMENT OF INTRODUCTION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. JONES of North Carolina. Mr. Speaker, I rise today to introduce the Nursing Shortage Response Act to help address the critical shortage of registered nurses (RNs) in our nation's hospitals.

With the number of students going into the nursing profession on the decline and the bulk of nurses set to retire as the baby boom generation hits Medicare age, nursing staffing shortages are quickly becoming a real healthcare crisis. At the same time, mandatory overtime and lack of adequate staffing in hospitals is driving many existing nurses from the nursing profession into other jobs or retirement. Because of this shortage, existing nurses are being over-worked and the quality of care many patients receive is being called into question.

The Nursing Shortage Response Act would help alleviate the current staffing problems hospitals are experiencing by amending the Public Health Service Act to give the National Health Service Corp (NHSC) the authority to consider tertiary care or hospital based nurses. The NHSC would establish criteria for including these nurses in determining the number of health professionals in the ratio for designating a health professional shortage area (HPSA).

Currently, the NHSC does not take into account the ratio of hospital nurses per patient in designating a HPSA. This designation process is based only on the number of primary care doctors per patient.

I believe this is an important first step towards addressing the nursing staffing shortage. By providing the NHSC the authority to consider the number of tertiary care nurses in designating a HPSA, nurses placed in a medically under-served area would be eligible to receive scholarships and/or have their student loans repaid under the NHSC Scholarship and Loan Repayment programs. We must revitalize the interest in the nursing profession for today's students and make the choice to enter the profession a more attractive, achievable option.

At the same time, this bill does not harm the status quo. Language in the Nursing Shortage Response Act prevents the stripping of current HPSA designations by the inclusion of tertiary care nurses in the designation process. Additionally, the 10% set aside for advanced practice nurses under the NHSC would not be implicated as this legislation directs that funds are to come from the $87.9 million budget of the NHSC.

Please join me in supporting this legislation as a good first step towards addressing the nursing staffing shortages around the country.

A TRIBUTE TO MARIA EMA MINON

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. COX. Mr. Speaker, I rise today to commemorate Maria Ema Minon, M.D., who this past weekend completed her term as President of the Orange County Medical Association.

Dr. Minon, only the second woman president in the 100 year history of the OCMA, has provided excellent leadership on numerous issues of central importance to the people of Orange County. Her fight for just compensation for physician services provided under Medi-Cal and her dedication to improving the quality of care in Orange County have been exemplary.

Dr. Minon was born in Buenos Aires, Argentina, and immigrated to the United States in 1966. After graduating from the University of California, Irvine School of Medicine, she distinguished herself over 20 years as a pediatrician in private practice. Since 1984, she has served in numerous leadership positions to promote public service in medicine, ethics, and health finances. Dr. Minon served as President of my district's American Academy of Pediatrics chapter and was recently named Chair of the Children and Families Commission of Orange County. She is also the Vice President of Medical Affairs at the Children's Hospital of Orange County, and was recognized in 1998 by the CHOC Foundation for Children with the Charlie Hester Philanthropy Award.

Although the gavel has passed to a new President, I know Dr. Minon will continue to dedicate her time and knowledge to advancing high-quality health care for all Orange Countians. On behalf of the United States Congress and all of the people of Orange County whom it is my privilege to represent, congratulations to Dr. Minon on her successful term as the President of the Orange County Medical Association.

HONORING ANNE STEINBECK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor and congratulate Anne Flick Steinbeck on her retirement for the Gunnison/Hinsdale Department of Social Services. When she retired on June 11, Anne had given the department more than 38 years of dedicated service. Her presence will surely be missed.

While being recognized at a gala retirement event, Gunnison County Commissioner Perry Anderson called Steinbeck a "miracle worker." Although the Gunnison/Hinsdale Department of Social Services has undergone numerous changes during the time Anne has served, the primary aim of assisting fellow human beings has remained the same. Touching the hearts of others has undoubtedly been a motivating factor for her as she has served selflessly for the people of her community.

After many years of service to others, Anne and her husband have decided to travel and spend a considerable amount of time with their family. I wish Anne Steinbeck the best of luck and thank her for the dedicated effort she has put forth.

TRIBUTE TO EUDORA (ALICE) WELTY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to an American Literary Figure, the late Eudora Alice Welty. This well known author was born and educated in Jackson, Mississippi. She received her Bachelor of Arts at University of Wisconsin, Madison in 1929 and in 1931 attended Columbia University School for Advertising, New York.

In 1946, she published her first full-length novel, Delta Wedding, which depicts The Mississippi Delta's structure and society of the family with mythical parallels. Her work put into words the everyday life struggles of Mississippians.

In 1950, Welty won a Guggenheim Fellowship and was elected to the National Institute of Arts and Letters.

In 1987, Welty was knighted a Cavalier by the French Government. Welty received the 1996 Legion of Honor, France's highest civilian honor.

She has received the Pulitzer prize, 1973; Presidential Medal of Freedom, 1980; National Endowment for the Arts Award, 1989 and Charles Frankel prize, 1992.

Some of her numerous honors are Bread Loaf Writers Conference fellowship (1940), O'Henry fellowship (1942, 1943, 1968), Howells Medal (1955) and gold medal (1972), and Bobst award, 1984.

Mr. Speaker, Ms. Eudora Welty, is proudly recognized by the state of Mississippi and the United States of America as a visionary for all people. On behalf of the people of the 2nd Congressional district, I salute her.

IN SUPPORT OF THE NATIONAL COMMISSION FOR THE NEW NATIONAL GOAL: THE ADVANCEMENT OF GLOBAL HEALTH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. GEKAS. Mr. Speaker, I rise once again to bring to the attention of my colleagues the introduction of legislation to prove "The National Commission for the New National Goal: The Advancement of Global Health."

The entire world acknowledges that the 20th century was engaged by our nation's leadership in the removal of the threat of totalitarianism and of world communism. Our national goals were the safeguard and expansion of democracy through the maintenance of military and political power. With the fall of the Berlin Wall, these goals were not only advanced but made a reality. As we enter the 21st century, our great nation has once again a unique opportunity to channel the genius of its technology, industrial might, scientific research and the will of our great citizens into a positive goal equal to the 20th century challenge of defeating totalitarianism.

Today, it is time to rechannel our limitless energies to an all-out effort to enhance the health of every American and to combat disease worldwide. America's humanitarian and enlightened self-interest are substantial reasons to commit to the global eradication of disease such accomplishments would protect our citizens, improve quality of life, enhance our economy and ensure the continued advancement of American interests worldwide. While the actual eradication of disease on a global scale may not be possible, the pursuit of such a goal could lead to new products in health care, new medicines and new methods of treating disease.

On June 30, 1999, I introduced into the 106th Congress H.R. 2399, the National Commission for the New National Goal: The Advancement of Global Health Act. I am reintroducing that measure today. This legislation would create a Presidential/Congressional commission to investigate how we as a nation can commit ourselves to the goal of the global eradication of disease. Specifically, this commission would recommend to Congress a

In order to accomplish these objectives, the bill sets two tangible goals for the Commission. First, the Commission would assist the Center for Vaccine Development at the National Institutes of Health to achieve global control of infectious diseases. In addition, the Commission would utilize the NIH and NSF to expand health resources and research information globally through Internet conferencing and data dissemination capabilities. The Commission would also be authorized to spend up to $1 million as seed money to coordinate and attract private and public funds, both at home and abroad, to realize these goals.

On September 13, 2001, Dr. Dyann Wirth, a professor at the Harvard University School of Public Health Department of Immunology and Infectious Disease, testified on this legislation before the House Commerce Committee subcommittee on Health and the Environment on behalf of the Joint Steering Committee for Public Policy. I would like to emphasize the following excerpt from her testimony:

"We support this bill because we believe that in this third millennium it is within the grasp of human capability to accelerate the role of basic biomedical research and the translation of that research to the benefit of the world's least fortunate people. Now is the time; scientific potential is there; it requires only political will to make it reality. . . ."

According to the World Health Organization, infectious diseases account for more than 13 million deaths per year. That means that over the duration of this hearing 1,500 people will die from an infectious disease—half of them children under five. . . .

As you know, most of these deaths occur in developing countries where extreme poverty and lack of access to basic health care, adequate sanitation and essential drugs can seal the fate of children before they are born. However, the enormous volume of travel and trade today have made infectious diseases blind to our national borders. . . .

As we begin the 21st century, we are blessed with unimaginable opportunities to build on breakthrough research to control and prevent global infectious disease. This is not just altruism to reduce the suffering of the world's most needy; this is also a question of national security and health for the United States and its citizens. Renewed investment in the treatment and prevention of global infectious disease is a win-win situation for the country; by helping others across the world we are also launching the best defense to protect the health of our Nation's people."

The knowledge and unbounded imagination of researchers, doctors and scientists such as Dr. Dyann Wirth have ensured the preeminence of research that has fostered our freedom and economic well-being. Now, we can empower these individuals in an all-out effort to devise the methods and substances to eradicate disease worldwide. The concern for human life requires us to muster all available resources, bolstered by a concerted, dedicated will to eradicate disease from the face of the Earth.

Please join me in co-sponsoring this important legislation.

HONORING DAN AND MARY KING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, today I'd like to congratulate and thank Dan and Mary King of Ouray, Colorado, for having the courage and initiative to take on a project that will enrich the City of Ouray. The couple, who are working to completely renovate the historic Beaumont Hotel, will provide residents and visitors both with a sense of history and foundation.

Dan and Mary, who are from San Antonio, Texas, have made a huge investment in the once crumbling hotel. They purchased what Lori Cumpston of The Daily Sentinel called "the pink elephant—an eyesore" at an auction in 1998 with the hopes of transforming it into "a revitalized hotel with retail shops, restaurants, and a spa." Currently, the Kings have found fifty workers to help them update the building with new electrical, mechanical, plumbing, and fire suppression systems, as well as handicapped access to all floors. They are also baring the natural brick that has long been covered with bubblegum pink paint. "Every square inch, including the mortar, has had to be hand scraped," Mary said. While the new Beaumont will portray new amenities, however, they are also keeping the hotel authentic. Dan said, "We want to change as little as possible. We want the experience to be that it's 115 years old."

Even though Mary and Dan estimate that the hotel will not be finished until the summer of 2002, the first shop owner in the hotel is already enjoying the King's project. David Smith, whose business is the first in 37 years to open in the Beaumont Hotel, has already opened Buckskin Booksellers at the Beaumont, which houses over 4000 new and rare books. Smith says of the Beaumont, "Most people see this as becoming the core of the town."

Mr. Speaker, the Kings have done a great service in transforming what used to inhibit the town's atmosphere into what might be the new "core" of Ouray. I ask we pay tribute on behalf of Congress to their personal sacrifice and their initiative.

IN MEMORY OF EUDORA WELTY

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. TAYLOR of Mississippi. Mr. Speaker, I join my colleagues from Mississippi in expressing deep appreciation and admiration for one of the most gifted literary figures of our state and nation, Eudora Welty, whom we lost this afternoon following a lifetime of contribution to her art. Although recognized and celebrated throughout her career, Welty had a gracious and genteel demeanor. She spoke frequently to students of literature and lovers of writing, encouraging them to develop an ability to listen and to carefully observe before trying to understand or tell a story.

Born in 1909, Welty was a life-long resident of Jackson, Mississippi, where she grew up in a close-knit extended family. She claimed to have been sheltered and protected from outside forces of all sorts. She attended Mississippi State College for Women, the University of Wisconsin in Madison, and Columbia University in New York. She returned to Mississippi during the Great Depression. She held various jobs, including publicist for the Works Progress Administration and a number of lecturing and teaching posts. She also had a love for photography, and took many pictures during that era that were later displayed and published.

Photography had a profound influence on her mode of writing, teaching her that life does not hold still and inspiring her to try to capture its transience in words. Notoriously taciturn about her life, Welty carefully controlled her public persona. She firmly insisted that her work was not political, and did not discuss social or cultural issues in her work outside those endemic to immediate community and family. She traced her upbringing and mediated upon the forces, both familial and situational, that shaped her as a writer and as a person.

Welty's novels include The Robber Bridegroom (1942), Delta Wedding (1946), The Ponder Heart (1954), Losing Battles (1970), and The Optimist's Daughter (1972). Her short story collections include A Curtain of Green (1941), The Wide Net and Other Stories (1943), The Golden Apples (1949), and The Bride of the Innisfallen and Other Stories (1955). She also wrote the non-fiction works The Eye of the Story (1978), and One Writer's Beginnings (1984).

Welty's works seem not to reflect so much an attempt to write the great American novel, but rather the act of simply telling a story and having the readers connect with its characters. These beautifully written works offer not only a panorama of Welty's extraordinary vision, but they also give a sense of, as she said herself, "watching a negative develop, slowly coming clear before your eyes."

HONORING TERRY AND VICKI BRADY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, we live in a world where thousands of children are neglected or abused, where television is a common substitute for parenting, and where many parents feel insecure or even indifferent about their ability as parents. Terry and Vicki Brady have not only refused to become part of this dangerous downward spiral, but they have reached out to help direct others, serving as leaders and role models in the most important occupation. For their efforts, they have been selected as Colorado Parents of the Year, and they certainly deserve our thanks and congratulations.

Terry and Vicki, who live outside Idaho Springs, Colorado, are the proud parents of eight children, ranging in age from 5 months to 24 years. They have encountered challenges endured by all parents, as well as a few most hope they never have to face. Their first child, Emily, nearly died in her infancy from a rare disease. Emily survived, but when she began school, severe learning disabilities caused her to be deemed "uneducable." Instead of giving up, Vicki taught Emily at home, eventually helping Emily to learn in ways the family had been told were impossible. As a result of this experience, Vicki and Terry decided to home school all of their children, and to help guide others in the same endeavor.

The two currently run Home Education Network (HEN) Radio, which has led to national recognition in the field of home schooling. Vicki, Terry, and three of their children share the responsibilities of the radio station where they broadcast nationally the programs Just a Mom and Homeschooling USA. Vicki, a radio host, facilitates discussions between parents with a wide range of backgrounds, as well as answering questions from callers. In all, they produce live broadcasts four times per week, using it as a means to serve and minister to others. In addition, Vicki has authored Quiet Moments for Home School Moms and Dads and The Basic Steps to Successful Homeschooling. Terry serves as president of HEN and executive producer of the two live programs.

Mr. Speaker, Terry and Vicki Brady have been excellent role models for parents, particularly those who home school their children. They have contributed to a vital movement toward making our nation's children our first priority. Their outstanding efforts deserve the praise and admiration of us all. My thanks to them for a job well done.

HONORING AND CONGRATULATING DOUG STERNER ON HIS APPOINTMENT AS CHAIRMAN OF COLORADO STATE BOARD OF VETERANS AFFAIRS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, without the courage, patriotism, and self-sacrifice of United States veterans, past and present, we as citizens would not enjoy the freedoms we so often take for granted. I would like to thank a true hero, Doug Sterner, for his commitment to help honor those men and women who have brought honor, freedom, and glory to our Nation. Doug was recently appointed as the new Chairman for the Colorado State Board of Veterans Affairs. A Vietnam War veteran and cofounder of the Home of Heroes campaign in Pueblo, Doug is certainly the right man for the post. I would like to congratulate him, and to thank him for his continued dedication toward bringing services and recognition to America's heroes.

As Doug begins his new role, he will help direct a new grant program that allows veterans access to direct services. For instance, the program will help provide transportation so that veterans can take advantage of needed services. In addition, he plans on developing a statewide Operation Recognition Program that will help allow World War II veterans who did not finish high school to go back and receive an honorary diploma. Dennis Darrow, of The Pueblo Chieftain, recounts Doug as explaining, "the program brings more patriotic education into schools while honoring World War II veterans and other military personnel."

In addition, Doug has started a series of school assemblies in the Pueblo area, which feature Medal of Honor recipients. He has also established the website HomeOfHeroes.com, which details veterans' stories, provides free booklets and videos, and allows kids to interact through quizzes and games. This elaborate website provides a wealth of information for children and adults, and has been recognized by The Pueblo Chieftain as "The nation's leading Web site for information about patriotism." Mr. Speaker, I was involved in some of the ceremonies recognizing Medal of Honor recipients as part of the Home of Heroes campaign. I can say from personal experience that Doug Sterner devoted much of himself to see the Home of Heroes project through, and in doing so brought a tremendous amount of needed attention to the sacrifices made on our behalf by Medal of Honor recipients from Pueblo and everywhere else for this Nation.

Mr. Speaker, Doug Sterner exemplifies patriotism and deserves the praise and admiration of this body. His appointment as Colorado State Board of Veterans Affairs Chairman reflects the huge strides he has made in providing education, support, and recognition for those who fought for our fundamental rights. I would like to thank him on behalf of Congress for his extensive work with our Nation's veterans.

IN RECOGNITION OF THE BOLIVIAN FOLKLORIC GROUP, LOS KJARKAS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Los Kjarkas, a world-renowned Bolivian folkloric group.

The seven members of Los Kjarkas, Gonzalo Hermosa Gonzalez, Elmer Hermosa Gonzalez, Gaston Guardia Bilbao, Eduardo Yanez Loayza, Miguel Mengoa Montes de Oca, Rolando Malpartida Porcel, and Ivan Barrientos Murillo will begin the American portion of their 2001 world tour on July 28th, in New York City.

Often referred to as the Ambassadors of Bolivia, audiences throughout the country will be entertained by Los Kjarkas' folkloric presentations. The music of Los Kjarkas provides audiences with an Andean cultural experience that will enhance their knowledge and exposure to Bolivian customs and traditions.

Before coming to the United States, Los Kjarkas will begin their international tour in Europe with performance throughout Spain and Switzerland. The tour will conclude in South America.

Los Kjarkas has used its fame and notoriety to positively impact the lives of youths throughout Latin America. In 1994, the group established "la fundacion Kjarkas", a foundation devoted to teaching children throughout Lain America how to compose and perform Andean music. As a result of their dedication and commitment, Los Kjarkas has inspired many Latin American children to pursue musical endeavors.

Today, I ask my colleagues to join me in recognizing Los Kjarkas for their outstanding musical contributions and unparalleled commitment to the children of Latin America.

HONORING PAUL ZSCHOKKE-

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a man who has been offered a unique opportunity, Paul Zschokke. Paul has been nominated to spend a week at Space Camp learning the mental, physical and emotional strains that face this Nation's astronauts. This experience will not only benefit Paul, but also the thirty, ten- and eleven-year-old students Paul teaches each year at Highland Park Elementary School.

For eighteen years Paul has been a teacher in Pueblo and in that time he has molded the minds of hundreds of students. Paul was not always interested in teaching, when he was younger electronics was his interest, but when he got to college he decided to major in psychology, because he wanted to spend his life with people. His early interest in science is apparent in Paul's lesson plans. He has been trying to incorporate science and math into his writing curriculum, because writing is such a crucial skill at any age. For the last eight years Paul has been working closely with the Pueblo Boeing plant, to expose his students to aerodynamics, aerospace and how real business functions bring to life math and science. The field trips to the plant have allowed his students a unique perspective on the real life application of the subjects that seem so abstract in the school setting.

The program that Paul has implemented, Pueblo with Boeing, is the main reason that Paul will be attending space camp. Although Paul never wanted to become an astronaut, he did say, "I always wanted to be one of those guys in the white shirts on the ground trying to figure out the problems." By the end of his week at Space Camp, Paul will be at mission control in Houston watching those men "in white shirts" in action. Throughout this experience Paul has set the personal goal of finding more ways to merge English with science. If Paul accomplishes his goal, not only will his life be enriched by this experience, but also the lives of his students.

In a time when Congress is continually looking for a way to improve education in the United States, it is commendable when a teacher takes the initiative to improve his skills and knowledge for the benefit of his students. That is why, Mr. Speaker, I stand before you to recognize Paul Zschokke. Good luck at Space Camp, Paul, and I hope you continue to strive to be the best teacher you can be.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 24, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 25

9 a.m.
Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002

for the Department of Defense and the Future Years Defense Program, focusing on global power projection.

SD–124

9:30 a.m.

Environment and Public Works

To hold hearings on the nomination of David A. Sampson, of Texas, to be Assistant Secretary of Commerce for Economic Development; and the nomination of George Tracy Mehan, III, of Michigan, to be Assistant Administrator for the Office of Water, the nomination of Judith Elizabeth Ayres, of California, to be Assistant Administrator for the Office of International Activities, and the nomination of Robert E. Fabricant, of New Jersey, to be General Counsel, all of the Environmental Protection Agency; and to consider committee rules of procedures for the 107th Congress.

SD–406

Health, Education, Labor, and Pensions

To hold hearings to examine genetics research issues and non-discrimination in health insurance and employment.

SD–430

Commerce, Science, and Transportation

To hold hearings on the nomination of Mary Sheila Gall, of Virginia, to be Chairman of the Consumer Product Safety Commission.

SR–253

Governmental Affairs

To hold hearings to examine current entertainment ratings, focusing on evaluation and improvement.

SD–342

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine education technology issues.

SD–106

9:45 a.m.

Energy and Natural Resources

Business meeting to consider the nomination of Dan R. Brouillette, of Louisiana, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

SD–366

10 a.m.

Banking, Housing, and Urban Affairs

Economic Policy Subcommittee

To hold hearings to examine the risks of a growing balance of payments deficit.

SD–538

Judiciary

To hold hearings on S. 1157, to reauthorize the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact, a Pacific Northwest Dairy Compact, and an Intermountain Dairy Compact.

SD–226

10:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Indian Gaming Regulatory Act.

SH–216

11 a.m.

Foreign Relations

To hold hearings on the nomination of Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.

SD–419

2 p.m.

Foreign Relations

To hold hearings on the nomination of Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development; the nomination of Ross J.

Connelly, of Maine, to be Executive Vice President of the Overseas Private Investment Corporation; the nomination of Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development; and the nomination of Randal Quarles, of Utah, to be United States Executive Director of the International Monetary Fund.

SD–419

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold oversight hearings to examine the General Accounting Office report on the operation of the National Infrastructure Protection Center, focusing on the fight against cybercrime.

SD–226

2:30 p.m.

Intelligence

To hold closed hearings on intelligence matters.

SH–219

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on S. 995, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel.

SD–342

JULY 26

9:30 a.m.

Environment and Public Works

To hold hearings to examine the environmental and public health impacts of power plant emissions.

SD–406

Governmental Affairs

To hold hearings on the nomination of Lynn Leibovitz, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

Commerce, Science, and Transportation

To hold hearings to examine chemical harmonization issues.

SR–253

9:45 a.m.

Energy and Natural Resources

To continue hearings on legislative proposals relating to comprehensive electricity restructuring legislation, including electricity provisions of S. 388, the National Energy Security Act; S. 597, the Comprehensive and Balanced Energy Policy Act; and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.

SH–216

10 a.m.

Aging

To hold hearings to examine Medicare enforcement actions focusing on the federal governments anti-fraud efforts.

SD–124

Judiciary

Business meeting to consider pending calendar business.

SD–226

Banking, Housing, and Urban Affairs

To hold hearings to examine the problem, impact, and responses of predatory mortgage lending practices.

SD–538

10:30 a.m.

Small Business and Entrepreneurship

To hold hearings to examine the business of environmental technology.

SR–428A

Foreign Relations

Business meeting to consider proposed legislation entitled "Foreign Relations Authorization Act", fiscal year 2002 and 2003; S. 367, to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961; the nomination of Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark; the nomination of Sue McCourt Cobb, of Florida, to be Ambassador to Jamaica; the nomination of Russell F. Freeman, of North Dakota, to be Ambassador to Belize; the nomination of Michael E. Guest, of South Carolina, to be Ambassador to Romania; the nomination of Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden; the nomination of Thomas J.

Miller, of Virginia, to be Ambassador to Greece; the nomination of Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan; the nomination of Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States; the nomination of Jim Nicholson, of Colorado, to be Ambassador to the Holy See; and the nomination of Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

SD–419

2:30 p.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Linda Mysliwy Conlin, of New Jersey, to be Assistant Secretary of Commerce for Trade and Development; the nomination of Michael J. Garcia, of New York, to be Assistant Secretary of Commerce for Export Enforcement; the nomination of Melody H.

Fennel, of Virginia, to be Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; and the nomination of Michael Minoru Fawn Liu, of Illinois, to be Assistant Secretary of Housing and Urban Development for Public; and Indian Housing and the nomination of Henrietta Holsman Fore, of Nevada, to be Director of the Mint, Department of the Treasury.

SD–538

2:45 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 423, to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon"; S.

941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area; S. 1057, to authorize the addition of lands to Pu'uhonua o Honaunau National Historical Park in the State of Hawaii; S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park; and H.R. 640, to adjust the boundaries of Santa Monica Mountains National Recreation Area.

SD-366

3 p.m.

Appropriations

Business meeting to markup proposed legislation making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002; and making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002.

S-128, Capitol

JULY 27

10 a.m.

Banking, Housing, and Urban Affairs

To continue hearings to examine the problem, impact, and responses of predatory mortgage lending practices.

SD-538

JULY 30

9:30 a.m.

Governmental Affairs

To hold hearings to examine the rising use of the drug ecstacy, focusing on ways the government can combat the problem.

SD-342

1 p.m.

Judiciary

To hold hearings on the nomination of Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, Department of Justice.

SH-216

JULY 31

10 a.m.

Indian Affairs

To hold hearings on the implementation of the Indian Health Care Improvement Act, focusing on urban Indian Health Care Programs.

SR-485

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine early detection and early health screening issues.

SD-430

2 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine asbestos issues.

SD-430

2:30 p.m.

Veterans' Affairs

To hold hearings on the nomination of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology; the nomination of Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning; to be followed by a business meeting to consider pending calendar business.

SR-418

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Navy shipbuilding programs.

SR-222

AUGUST 1

9:30 a.m.

Energy and Natural Resources

Business meeting to consider energy policy legislation and other pending calendar business.

SD-366

AUGUST 2

9:30 a.m.

Energy and Natural Resources

Business meeting to consider energy policy legislation.

SD-366

10 a.m.

Indian Affairs

To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR-485

Judiciary

Business meeting to consider pending calendar business.

SD-226

Health, Education, Labor, and Pensions

To hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration.

SD-430

SEPTEMBER 19

2 p.m.

Judiciary

To hold hearings on S. 702, for the relief of Gao Zhan.

SD-226

SENATE—*Tuesday, July 24, 2001*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation and personal Lord of our lives, thank You for the gift of prayer. It is awesome that You who are Creator, Sustainer, and Redeemer of all, know each of us by name and know our needs before we ask You. In this sacred moment, we realize that we need You more than anything You can give us. You created each of us to know and enjoy You as our Master and Friend. You who are so mighty are also magnanimous in our friendship with You. You love us, give us security, and replenish our hope. Time with You changes everything: Our stress and strain are healed by Your peace; our worries are resolved by trusting You; our burdens are lifted off our backs; our souls are replenished by Your indwelling Spirit. You care for us so much that You confront us when we are tempted with pride, anger, or impatience. You change our thinking when it gets muddled or confused. You have challenged us to pray and care for each other across party lines. You give us the courage to put the needs of the Nation first, above political advantage. Bless this Senate with unity, civility, and productivity today. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. REID. Mr. President, today we will resume consideration of the Transportation Appropriations Act. Senators MURRAY and SHELBY are anxious to move this as quickly as possible. There will be rollcall votes on amendments throughout the day.

The two leaders met yesterday to discuss what the remaining schedule would be for this week and next week. There are certain things that have to be done prior to the recess. The two leaders recognize that. I am sure there will be announcements made in the near future as to what those items are.

The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

I am brought back to the prayer by Reverend Ogilvie where he said, among other things, that he hopes today is a productive day. I do, too. We have so many things to do, not the least of which is this Transportation appropriations bill, which is important for every State of the Union. I hope we can move through this bill expeditiously and, as the Chaplain said, be very productive today.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of H.R. 2299, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

> Murray/Shelby amendment No. 1025, in the nature of a substitute.
>
> Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

Mr. NELSON of Florida. Mr. President, I will speak on the matter of the Transportation bill.

The PRESIDENT pro tempore. The Senator may proceed.

Mrs. MURRAY. Mr. President, may I inquire of the Senator how long he intends to speak?

Mr. NELSON of Florida. About 3 minutes.

Mrs. MURRAY. I thank the Senator.

Mr. NELSON of Florida. Mr. President, Floridians who travel Interstate 4 between Tampa and Orlando need relief. The congestion they encounter on the I-4 corridor is paralyzing, and it is not just a problem for our residents in Florida. It is also a nuisance for the millions of tourists who visit central Florida each year. With each new tourist attraction comes another traffic snarl. We must find ways to relieve the gridlock, but double-decker highways are not the answer.

Last year, Florida's voters approved an initiative in a statewide referendum that requires the State to build a high-speed train linking five of our largest urban areas, and the spending measure that is now before the Senate, particularly today—and we hope to complete it today—will begin to start helping Florida meet that goal.

I am very grateful to our colleagues for including in this Transportation appropriations bill $4.5 million for bullet train planning in the corridor from Orlando to Tampa. Senator GRAHAM and I fought for this funding because we knew that our traffic problems could not be solved by adding more lanes to our highways. And we have an excellent opportunity in this high-traffic corridor between Tampa and Orlando, where you can't build your way out of the problem with new lanes, of creating a model for a new kind of transportation corridor with specialized lanes and a high-speed rail running down its center.

The State of Florida has also committed $4.5 million in planning money to a high-speed rail authority, and with this kind of partnership between the State government and the Federal Government, we can make this high-speed train a reality in that corridor that needs it so desperately. The benefits could be enormous. A high-speed train between Tampa and Orlando could travel more than 120 miles an hour, providing commuters with a safer and faster alternative to their daily battles with the traffic gridlock and the traffic jams.

I commend the Senator from Washington, the chairman of the appropriations subcommittee, and her ranking member, the Senator from Alabama. I am so pleased the committee has provided this important funding, and I am going to continue to work with my colleague from Florida to see that this money is included in the final version of this bill.

Mr. President, I thank you very much for this opportunity to state something that is so important to Florida.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Washington is recognized.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AMENDMENT NO. 1030

Mrs. MURRAY. Madam President, now that we have again called up the Transportation bill, I want to take some time to address the issue of Mexican trucks. This issue was discussed yesterday evening by a number of Senators, and I thought it would be valuable to take some time to discuss the provisions in the committee bill and explain to my colleagues why it is so critical that the Senate include these strong safety requirements in the bill we send to conference.

The ratification of NAFTA 7 years ago anticipated a period when trucks from the United States, Canada, and Mexico would have free rein to service clients from across the three countries. This was not really a change in policy as it pertained to Canada, since the United States and Canada had reciprocal trucking agreements in place long before NAFTA was ratified. However, it did require a change when it came to truck traffic between the United States and Mexico.

For several years, the opening up of the border between these two countries was effectively put on hold by the administration due to their concerns over the absence of reasonable safety standards for trucks operating in Mexico. While Mexican trucks have been allowed to operate between Mexico and a defined commercial zone along the border, the safety record of those trucks has been abysmal. The Department of Transportation inspector general, the General Accounting Office, and others have published a number of reports documenting the safety hazards presented by the current crop of Mexican trucks crossing the border.

At a hearing of the Commerce Committee last week, the inspector general testified about instances where trucks have crossed the border literally with no brakes. Officials with the IG's office have visited every border crossing between the United States and Mexico, and they have documented case after case of Mexican trucks entering the United States that were grossly overweight, that had no registration or insurance, and that had drivers with no licenses.

This chart to my left displays the likelihood that trucks will be ordered off the road by U.S. truck inspectors, and I think the numbers speak for themselves. According to the Department of Transportation's most recent figures, Mexican trucks are 50 percent more likely to be ordered off the road for severe safety deficiencies than United States trucks, and Mexican trucks are more than 2½ times more likely to be ordered off the road than Canadian trucks.

Equally troubling is the fact that Mexican trucks have been routinely violating the current restrictions that limit their area of travel to the 20-mile commercial zones. The DOT inspector general found that 52 Mexican trucking firms have operated improperly in over 26 States outside the four southern border States. An additional 200 trucking firms violated the restriction to stay within the commercial zone in the border States.

Mexican trucks have been found to be operating illegally as far away from the Mexican border as New York State in the Northeast and my own State of Washington in the Northwest. The inspector general reported on one shocking case where a Mexican truck was found on its way to Florida to deliver furniture. When the vehicle was pulled over, the driver had no logbook and no license. As I said, there have been experiences such as this in half the States in the continental United States. Given this deplorable safety record, the official position of the U.S. Government since the ratification of NAFTA was that the border could not be open to cross-border trucking because of the safety risks involved.

Two things have caused a change in this policy: First, a new administration has come into power, one that believes the border should be opened. Second, the Mexican Government successfully brought a case before a NAFTA arbitration panel. That panel ruled the U.S. Government must initiate efforts to open the border to cross-border trucking.

This new policy brought about a frenzy of activity at the Department of Transportation so that the border could be opened to cross-border trucking as soon as this autumn. The agency has hastily cobbled together a series of measures intended to give United States citizens a false sense of security that this new influx of Mexican trucks will not present a safety risk. These measures have been reviewed by both the House and Senate Transportation Appropriations Subcommittees and have been found to be woefully inadequate.

When the House debated the Transportation appropriations for fiscal year 2002, its concerns about the inadequacy about the DOT safety measures were so grave that they resulted in an amendment being adopted on the floor of the House that prohibited the Department of Transportation from granting operating authority to any Mexico-domiciled trucking company during fiscal year 2002.

That amendment passed by a 2-to-1 margin, 285–143. Moreover, by the time the Transportation bill left the House, it had been stripped of every penny of the $88 million the administration requested to improve the truck safety inspection capacity at the United States-Mexico border.

The administration's approach is to allow Mexican trucks to come in and to inspect them later. At the other extreme, the House approach is to prevent Mexican trucks from coming in and to refuse to inspect them at all.

What Senator SHELBY and I have done is to write a commonsense compromise that will inspect all Mexican trucks and then let them in. Just as we require Americans to pass a driving test before they get a license, the bipartisan Senate bill before us requires Mexican trucks to pass an inspection before they can operate on our roads.

First, the bill includes $103 million—$15 million more than the President's request—for border truck safety activities.

Second, the bill establishes several enhanced truck safety requirements that are intended to ensure that this new cross-border trucking activity does not pose a safety risk.

The enhanced safety provisions included in the Senate bill were developed based on the recommendations that the committee reviewed from the DOT inspector general, the General Accounting Office, and law enforcement authorities, including the highway patrols of the States along the border.

They will ensure there is an adequate safety regime in place before our borders are opened to cross-border trucking. The provision was approved unanimously by both the Transportation Appropriations Subcommittee and the full Appropriations Committee.

In a moment, I will review the committee's safety recommendations in detail, but first I want to address the issue of compliance with NAFTA.

I have heard it alleged that the provision adopted unanimously by the committee is in violation of the NAFTA. Nothing could be further from the truth. I voted for NAFTA, and I support free trade. My goal is to ensure free trade and public safety progress side by side. But rather than take my opinion or that of another Senator, we have a written decision by an arbitration panel that was charged with settling this very issue. That arbitration panel was established under the NAFTA treaty, and it is that panel's ruling that decides what does and does not violate NAFTA when it comes to cross-border trucking.

I want to read a quote from the findings of the arbitration panel. That quote is printed on this chart. I want to read it to my colleagues:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

The arbitration panel made clear that under NAFTA, the United States is within its rights to impose whatever safety regimen it considers necessary to ensure safety on U.S. highways.

While the Department of Transportation has stated it is seeking to treat U.S., Mexican, and Canadian trucks in the same way, the fact is, we are not required to treat them in the same way. Where greater safety risks exist, we are entitled under NAFTA to impose stricter safety conditions. That is what the provisions adopted unanimously by the Appropriations Committee do. They establish stricter safety conditions for those Mexican trucks that want to travel anywhere in the United States.

It is a very convenient argument for the administration to claim these safety provisions somehow violate NAFTA. They make that argument for one reason and one reason only: because they want to convince Senators they must choose between safety and free trade. I am not fooled. The Committee on Appropriations and its Subcommittee on Transportation were not fooled, either. I voted for NAFTA, but I also read the arbitration panel's decision that made clear we are within our rights to impose whatever safety requirements are necessary to protect our highways. The safety requirements that the Department of Transportation has proposed are grossly inadequate.

Now, lest anyone thinks this is partisan, I make clear I think the truck safety record under the Clinton administration was not any better. We have a lot to do in terms of moving the safety agenda forward, not just in terms of Mexican trucks but all trucks.

Let me take a few moments to discuss in detail the truck safety provisions that were reported in the committee bill. First, inspectors must be on duty. The provision adopted unanimously by the committee requires Mexican trucks cross the border only at those points where inspectors are actually on duty.

The DOT inspector general found that Federal and State border inspectors were on duty 24 hours a day at only two border crossings. Mexican trucks crossing the border during off hours are not subject to inspection. The committee provision requires that Mexican trucks cross the border only at those inspection stations where inspectors are actually on duty. How can anyone possibly argue that our safety is being protected if these trucks are rolling across the border where no safety inspector is on duty? Yet that is currently the case at certain times of the day at 25 of the 27 border crossings.

The inspector general has compiled data that shows conclusively that there is a direct correlation between inspection staffing levels at the border crossings and the quality of trucks that cross at those border crossings. Put simply, trucks that need to worry about being inspected tend to cross the border at those crossings where an inspector is not on duty. That is a loophole that must be closed.

Second, Mexican truck companies must have thorough compliance reviews. The DOT plans to issue conditional operating authority to Mexican truck companies based on a simple mail-in questionnaire. All that the Mexican truck companies will need to do under their plan is to check a box saying they have compiled with U.S. regulations and their trucks will start rolling across the border. In fact, under the DOT plan, Mexican trucking companies would be allowed to operate for at least a year and a half before they would be subjected to any comprehensive safety audit by the Department of Transportation. Under the committee provision, no Mexican trucking firm will be allowed to operate beyond the commercial zone until inspectors have actually performed a compliance review on that trucking company. This review will look at the conditions of the trucks and the recordkeeping. They will determine whether the company actually has the capacity to comply with U.S. safety regulations.

Once they have begun operating in the United States, Mexican trucking firms will undergo a second compliance review within 18 months. That second review will allow the DOT to determine whether the Mexican trucking firm has complied with U.S. safety standards. It will allow them to review accident and breakdown rates, their drug and alcohol testing results, and whether they have been cited frequently for violations.

Third, compliance reviews of Mexican trucking firms must be performed onsite. Every time a U.S. motor carrier safety inspector performs a compliance review on a U.S. trucking firm, it is done at the trucking firm's facility. Every time a U.S. motor carrier safety inspector performs a compliance review on a Canadian trucking firm, it is done at the Canadian trucking firm's facility. When it comes to Mexico, the Department of Transportation wants to allow compliance reviews to be conducted at the border. This is a farce. A compliance review by definition requires the inspector to carefully review the trucking firm's vehicles, record books, logbooks, wage and hour records, and much, much more. You cannot perform a compliance review at a remote site. It is not even a poor substitute.

At the same time as the DOT claims it wants to provide for equal treatment between U.S. trucking firms, Mexican trucking firms, and Canadian trucking firms, they want to establish a huge loophole where Mexican trucking firms don't have to be subject to inspection. There is a long list of abuses that could result if inspectors never visit a trucking company's facility. For the life of me, I cannot imagine why the DOT wants to allow those potential abuses on the part of Mexican trucking firms while insisting every compliance review in the United States and in Canada is performed onsite.

Fourth, we must verify all documents at the border. The provision that has been reported by the committee requires that the license, registration, operating authority, and insurance of every Mexican truck be verified at the border. This is absolutely essential if we are to be sure that the vehicles crossing the border are being driven by experienced drivers, with safe driving records, and that the vehicles are insured and registered.

It is well understood that, while the condition of a truck is important when it comes to maintaining safety, the capabilities of the driver are far more important when it comes to minimizing the risk of a fatal accident. Our experience in dealing with illegal immigration and illegal drug trafficking across the United States-Mexico border has shown that there is a recurring problem of forged documents among people crossing the border.

We cannot allow individuals with forged documents to drive 18-wheelers anywhere in the United States. It is simply common sense that we make the extra effort to verify the license, insurance, and registration of the trucks when they cross the border.

Fifth, we must require scales and weigh-in-motion machines at the border. The provision passed unanimously by the committee requires all border crossings to be equipped with both scales and weigh-in-motion machines.

At present, vehicles in Mexico are allowed to operate at weights that are far in excess of permissible weights in the United States. There are no weigh stations currently operating in Mexico. None. The reasons for requiring both weigh-in-motion machines and scales at each border crossing are simple: to move trucks rapidly while keeping overweight trucks out of the United States. It would be very time consuming to put every truck on scales as they cross the border. However, weigh-in-motion machines allow our inspectors to pull out of the line only those few trucks that they suspect to be overweight. At present, the Federal Motor Carrier Safety Administration will not allow an enforcement act to be taken against an overweight truck based on the findings of a weigh-in-motion machine, so scales are necessary for the DOT to actually enforce U.S. weight restrictions. There is no point in weighing the vehicles if you are not prepared to take enforcement action against those that are overweight.

Recently, the DOT praised extensively the border safety regime in place at the Otay Mesa border crossing in California. Otay Mesa has both weigh-in-motion machines and scales to conduct enforcement actions on overweight trucks. That is the model that the committee provision would extend to other border crossings between the United States and Mexico.

Sixth, we must require Mexican firms to have U.S. insurance. The provision adopted unanimously by the committee requires Mexican trucking firms to obtain insurance, and their insurer must be licensed to operate within the United States.

This is the requirement that currently pertains to Canadian trucking firms seeking to operate in the United States. We do not understand why, if the requirement is good enough for the Canadian trucking companies, the DOT thinks it's too onerous for the Mexican trucking companies.

There could be significant hurdles and challenges to collecting insurance claims from Mexican insurers. American motorists who have been injured by Mexican trucks could face serious jurisdictional hurdles to getting compensated for their injuries.

We will also be able to verify the solvency of these insurance companies writing these insurance policies if they are operating in the United States. We will not have that capability when it comes to Mexican insurance companies.

At present, the Mexican trucks crossing the border legally into the commercial zone purchase insurance policies that last only 1 day. These insurance policies are granted by Mexican insurance companies routinely without any knowledge of the condition of the truck.

Do we really want a situation where a Mexican trucking firm heading to Chicago and back has an insurance policy that is only 5 days long with the trucker getting a different policy from a different insurance company every time he crosses the border?

We must make sure that the Mexican trucking companies operating in the U.S. have the kind of insurance that is verifiable, sustainable, solvent, and cooperative when it comes to paying off claims made by U.S. motorists and U.S. companies that have been injuried by Mexican trucks.

Seventh, we must ensure rules are in place before the border is opened. The provision unanimously adopted by the Appropriations Committee requires that critically important safety rules are completed by the DOT before the border can be opened. These rules were not randomly selected. The rules that we require to be published before the border can be opened are targeted at the specific safety concerns surrounding Mexican trucks.

The rules that would be required to be published before the border can be opened include: Rules mandating that foreign trucking companies including Mexican trucking companies be aware of U.S. safety standards; rules establishing minimum training standards for U.S. truck inspectors; rules requiring the development of staffing standards to determine the appropriate number of inspectors at the Mexican border; rules prohibiting foreign motor carriers, including Mexican trucking companies, from leasing their vehicles to another trucking company if they have been subjected to a suspension, restriction, or limitation on their right to operate in the U.S.; and rules permanently disqualifying any foreign motor carrier that is found operating illegally in the United States.

All of these rules are specifically pertinent to the safety challenges presented by Mexican trucks.

All of these rules were called for in the Motor Carrier Safety Improvement Act that was signed into law over a year and a half ago.

But the DOT wants to put the cart before the horse. The DOT wants to allow Mexican trucks across the border first and then develop the pertinent safety standards later.

When the Congress passed the Motor Carrier Safety Improvement Act, we did so with the knowledge that we would be facing a day in the future when Mexican trucks may be allowed free access into the United States. That is why the strong safety requirements were put into that bill.

Now the DOT wants to let the Mexican trucks across the border without implementing these new requirements. The DOT is arguing that it may take a year or two to finalize these regulations and to put these rules into place.

If it requires an extra 12 months so that safety is not undermined by the influx of Mexican trucks, then it will be worth the wait.

Eighth, inspector positions must be filled by trained inspectors. The provision adopted unanimously by the committee fully funds the DOT's request for 80 additional inspectors for the Mexican border.

The committee provision also includes a requirement to ensure the DOT does not fulfill the requirement by simply moving safety inspectors to the border from elsewhere in the country.

We have Federal Motor Carrier Safety Inspectors in my State and every other State, and they are charged with maintaining truck safety in those states. I don't think that any of us want to see all our truck safety inspectors throughout the U.S. move down to the Mexican border just so the DOT can allow trucks to be moving across the border by this fall.

Ninth, our borders must have adequate inspection capacity. The DOT Inspector General found that in 47 percent of the border crossings, Federal and State inspectors had space to inspect only one or two trucks at a time. At more than half of the border crossings, inspectors had only one or two spaces to park out-of-service trucks. That fact severely undermines their ability to order trucks off the road.

It is one thing to say that you have inspectors on duty, and it is a very different thing to say that there is sufficient capacity at the border to do meaningful inspections and, if need be, order trucks off the road.

The provision, reported unanimously by the committee, requires the DOT inspector general to certify that the inspection stations have sufficient capacity to conduct meaningful inspections and the ability and capacity to order trucks off the road if necessary.

Tenth, we must have adequate data systems in place. The provision adopted unanimously by the committee requires the inspector general to certify that the database that is being compiled on Mexican trucking firms and Mexican drivers is sufficiently accurate and accessible to allow U.S. law enforcement authorities to conduct their work.

These databases are key if we are going to be able to monitor the safety performance of Mexican trucking firms and Mexican truck drivers.

The DOT inspector general found significant problems with the accuracy and completeness of the law enforcement databases on Mexico-domiciled trucking companies.

In fact, they found that there were 900 Mexican trucking companies that could not be accounted for between the database on insurance and licensing and a separate database that houses identification numbers.

While it is true that the Mexican Government is starting to compile its own databases, it is widely recognized that there is not nearly enough information in the database to enable U.S. law enforcement to gather any information on the safety record of Mexican trucking firms and Mexican drivers.

The committee provision requires the DOT inspector general to certify that these databases are actually functioning in a way where U.S. law enforcement can do its job.

It is not enough to have the computers operating. There needs to be sufficient information to allow U.S. law enforcement to keep unsafe Mexican trucking firms and unsafe Mexican drivers off our roads.

Eleventh, we must be able to enforce license revocation. When our colleague Jack Danforth was in the Senate and serving as chairman of the Commerce Committee, he made a great many contributions to transportation safety.

One of his greatest contributions was the law requiring a uniform commercial drivers license here in the United States. That requirement came in the wake of numerous horror stories where U.S. truckdrivers had their licenses revoked and then got new licenses in other states so they could continue driving.

Jack Danforth put a stop to all of that. He put a system in place in the United States where we monitor the issuance of commercial drivers licenses in all 50 States, to make sure that multiple licenses aren't being issued to the same driver.

There is no such system in Mexico. In fact, there is hardly any computerized data on who is getting a commercial driver's license in Mexico. There is almost no data on the driving record history of Mexican drivers within the Mexican system.

The provision unanimously adopted by the committee requires the DOT inspector general to certify that there are mechanisms in place within Mexico to ensure that Mexican drivers with insufficient driving records have their licenses revoked and cannot get a new license through surreptitious means.

The DOT claims that it supports subjecting Mexican drivers and Canadian drivers to the exact same standards as U.S. drivers. Yet there is absolutely no mechanism in place in Mexico to make that into a reality.

No one in Mexico is monitoring the safety record of Mexican drivers to any degree of accuracy. As of today, there is no capability of U.S. law enforcement authorities to tap into a database that is sufficiently comprehensive to give a clear picture of an individual's driving record in Mexico.

It is going to take several months for the Mexicans to compile such a database and, even then, its accuracy is going to be questioned.

None of us wants a catastrophic truck accident in our State and to find out that it was the driver's fourth or fifth accident. If we are serious about subjecting all truckdrivers to the same safety standards, then there needs to be some mechanism in place to ensure that the driving performance of Mexican truckers is being monitored as it is here in the United States.

Twelfth, the California inspection plan. The final provision I would like to discuss is the pending amendment before the Senate. It is sponsored by Senator SHELBY and myself. We laid the amendment down last Friday when the bill was first brought up in the Senate.

We think it is an important measure that strengthens the truck safety provisions in the underlying bill.

During the hearings last week in both the House and Senate authorizing committees, much attention was paid to the inspection system that has been implemented by the State of California to handle the safety deficiencies posed by Mexican trucks. The California system requires every truck seeking to cross the border to be fully inspected at least every 90 days. This requirement is dramatically more stringent than currently exists at the border with Texas, Arizona, or New Mexico.

As a result of this stronger enforcement effort, the percent of Mexican trucks ordered off the road has dropped to a level that is better than that of other border crossings.

The provisions in the bill already reported by the committee require strict new measures to verify the licenses, registration, operating authority, and insurance of all Mexican trucks crossing the border.

This additional amendment will impose the California plan at all border crossings between the U.S. and Mexico.

It is my understanding that the administration supports the imposition of this new inspection regime. I think it strengthens the bill in an important way that will better protect the safety of our constituents.

Finally, it has been alleged that all of the safety measures that have been included in the committee bill will cost more money than has been provided to date.

If the DOT needs more money to ensure the safety of America's highways, then I believe that Secretary Mineta and OMB should come forward with a request for the additional funds.

The appropriations bill reported by the committee already provides $15 million more for the border truck safety activities than was requested by DOT. If the DOT comes forward with a formal request for more resources, the committee will work with the Department to find the necessary resources. It will be money well spent.

For several years, our country has been looking for a way to balance the open trade—called for by NAFTA—with the safety we expect on our highways.

We understand that commerce must move, but we are concerned about the safety of Mexican trucks—especially since they are 50 percent more likely to violate our safety standards.

After a lot of hard work, after listening to the safety experts, the Department of Transportation, the GAO and the industry, we have come up with a plan that allows both goals—free trade and safe roads—to progress side by side.

This bill will not violate NAFTA. The arbitration panel already told us that we can take steps to ensure our safety.

Let me repeat that. The official panel that determines compliance with NAFTA has already told us we can take the safety measures we need. This bill does not violate NAFTA.

This bill won't stop trade across our border, but it will stop unsafe drivers and unsafe trucks from threatening the American public.

Under our bill, when you are driving on the highway and there is an 18-wheeler with a Mexican license plate in front of you, you can feel safe.

You will know that the truck was inspected.

You will know that the company has a good track record.

You will know that an American inspector visited their facility—on site—and examined their records, just as we do with Canadian trucking firms.

You will know that the driver is licensed and insured.

You will know that the truck was weighed and is safe for our roads and bridges.

You will know that we are keeping track of which companies and which drivers are following our laws—and which ones are not.

You will know that if a driver is breaking our laws, we will revoke his license.

You will know that the truck didn't just cross our border unchecked but crossed where there were inspectors on duty, ensuring our safety.

That's a real safety program.

This is a solid compromise. It will allow robust trade while ensuring the safety of our highways.

I appreciate that some Members want to take a different approach. I am here, and I am willing to listen to constructive ideas.

But as a country, we should not move toward weaker safety standards.

And as a Senator I will not help the Senate weaken the standards that ensure the safety of the American public.

We can have free trade and safe highways—and this bill shows us how.

It sets up a real safety program that will keep Americans safe and it fully complies with NAFTA.

I urge my colleagues to support this pro-safety, pro-trade bill.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I ask unanimous consent that the Senator from North Dakota, Mr. DORGAN, be immediately recognized after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Madam President, I know that we have and will hear a great deal about Mexican trucks during the consideration of the Transportation appropriations bill, and much of the information will seem to be inconsistent or contradictory. In the interests of a meaningful and productive discussion of the issue, I would like to summarize what we do know about Mexican trucks.

According to the Department of Transportation inspector general, during Fiscal Year 2000, the Federal Motor Carrier Safety Administration reports show that Federal and State inspectors performed 46,144 inspections on Mexican trucks at the border and within the commercial zones. For those inspected, the out-of-service rate declined from 44 percent in fiscal year 1997 to 36 percent in fiscal year 2000. By comparison, United States trucks' out-of-service rate for fiscal year 2000 was 24 percent.

Clearly, the data we do have indicates that the out-of-service rate for Mexican trucks in 50 percent higher than our own domestic truck fleet. Accordingly, we need to do more to inspect trucks entering the United States at the Mexican border.

The President's budget request and the committee reported Transportation appropriations bill does do more: the President's budget requested $88 million for inspectors and new border inspection facilities and the committee reported bill provides a minimum of $103 million for inspectors, safety grants to states, and new border facilities—quite an increase.

In the near term, developing an inspection capability that includes providing inspectors and inspection facilities at the border crossings is central to ensuring compliance with United States safety regulations.

Unfortunately, those capabilities, necessary regulations, forms and facilities are not yet in place to provide an inspection and enforcement regime that can assure Americans that Mexican trucks entering the United States, including the commercial zone, can match the out-of-service rates of the United States trucking fleet, much less the Canadian trucks operating in the United States.

No one should believe that Mexican trucks are inherently any better or any worse than trucks from any other country—the United States or Canada.

But unless a Mexican inspection regime is in place in that country that can give Americans the confidence that trucks from Mexico are statistically as safe as trucks operating in this country, we must provide an inspection and regulatory system that insures that trucks entering from Mexico meet a minimum level of fitness to operate on our highways.

There has been a clamor that somehow providing an inspection and regulatory regime for Mexican trucks entering the United States violates NAFTA. As a Senator who did not support NAFTA, I do not believe that NAFTA should dictate what the United States Congress can and cannot do regarding the safety of vehicles operating on our highways.

In fact, NAFTA itself provides that motor carriers entering a NAFTA country must comply with the safety and operating regulations of that country. Accordingly, requiring that Mexican truck drivers have a valid commercial driver's license or that Mexican-domiciled trucks are safe is clearly within the spirit and the letter of NAFTA.

The NAFTA arbitration panel held:

> The U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

It is the duty, I believe, of the U.S. Congress to provide the policy guidance for those U.S. authorities. The committee-reported bill takes the appropriate steps to provide that policy guidance.

Let me briefly describe the Murray-Shelby language that is in the committee-reported bill and the amendment to that language currently before the Senate.

In addition to the minimum of $103 million for inspectors, safety grants to States, and new border facilities, under the committee-reported bill:

We require the Department of Transportation to only allow Mexican trucks to cross the border at inspection facilities where inspectors are present and on duty;

Further, we require the Department of Transportation to allow the full opening of the border only—yes, only—when the inspector general certifies that all of the 80 new inspectors provided under the committee funding recommendation are fully trained as safety specialists capable of conducting compliance reviews;

Further, we require the Department of Transportation to perform a full safety audit of each Mexican trucking firm before any conditional operating certificate is granted and then to perform a full followup compliance review again within 18 months before granting a permanent operating certificate;

Further, we require that all safety audits of Mexican trucking firms take place on-site at each firm's facilities;

We prohibit the full opening of the border until the inspector general certifies that the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance on the part of Mexican truckers with pertinent hours-of-service rules;

Further, we prohibit the full opening of the border until the Inspector General certifies that the information infrastructure of the Mexican authorities is sufficiently accurate, accessible, and integrated with that of U.S. law enforcement authorities to permit the verification of the status and validity of licenses, vehicle registration, operating authority, and insurance of Mexican-domiciled motor carriers while operating in the United States;

Further, we prohibit the full opening of the border until the Department of Transportation requires checks of Mexican-domiciled trucks by federally funded inspectors for violations of applicable Federal regulations;

Further, we prohibit the full opening of the border until the inspector general certifies that there is adequate capacity to conduct a sufficient number of truck inspections to maintain safety;

Further, we prohibit the full opening of the border until the Department of Transportation equips all Mexican border crossings with weigh-in-motion systems as well as fixed scales for enforcement action;

Further, we prohibit the full opening of the border until the inspector general certifies that there is an accessible database containing sufficiently comprehensive data to allow for safety performance monitoring of all Mexican drivers entering the United States; and

We prohibit the full opening of the border until the inspector general certifies that the Department of Transportation has published certain overdue regulations relating to motor carrier safety.

In addition, the pending Murray-Shelby perfecting amendment improves the inspection requirement in the Mexican truck provisions in the committee-reported bill to require the inspection of all Mexican trucks that do not display a current Commercial Vehicle Safety Alliance—CVSA—inspection decal—and requires renewal of those decals every 90 days.

This is the so-called California standard, and adding it to the underlying inspection and enforcement regime included in the committee-reported bill, we believe, improves the overall inspection process.

According to the Commercial Vehicle Safety Alliance, current data and information on Mexican companies, who intend to travel internationally from Mexico to the United States, is quite limited. This is because:

First, there have been few safety regulatory requirements placed on the industry until very recently;

Second, there are a limited number of personnel trained and continually performing oversight functions; and

Third, the information infrastructure has not been in place to capture and record the results of the current limited oversight being performed by the Mexican Government.

Given the shortcomings in the inspection and regulatory regime for Mexican trucks and the immediacy of the Mexican truck issue, the Murray-Shelby approach is one way to move this issue forward while balancing the need to foster safety on our highways without closing the border to Mexican trucks.

While this is an emotional issue for many, the Murray-Shelby approach is a dispassionate treatment of the core issues related to inspection, border and information infrastructure investment, and providing a rational playing field for international trucking activities. I stand ready, with the Senator from Washington, to work with interested Members and the administration to move this legislation to conference.

In conference, we will continue to work with all interested parties to make sure that the requisite investments and safety protections are in place to further the Nation's interests in a safe, economically viable, and fair international truck inspection system.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that following the remarks of the Senator from North Dakota, the Senator from Colorado be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a very interesting and a very important issue. There are a number of ways to address this issue. One method is to address it in the manner chosen by my colleagues, Senator MURRAY and Senator SHELBY. Another method would be the approach chosen by the House of Representatives that passed by a nearly 2-to-1 margin, a provision that simply prohibits the use of funds in the next fiscal year to license trucks to go beyond the 20-mile limit that are doing hauls out of Mexico.

Let me describe this issue, if I might, so that we all get an understanding of what is happening. We are trying to plug together two economies with NAFTA, the North American Free Trade Agreement. I did not vote for NAFTA. I did not think it was a good trade agreement. I thought it was terribly negotiated, badly negotiated on our behalf. And I think evidence suggests that has been the case.

We took a trade relationship with Mexico, which had a small surplus for us, and turned it into a very large deficit that is growing and growing and growing. We took a deficit with Canada and doubled it, and then some. So I do not think NAFTA turned out very well for a range of reasons.

We were told, when we passed NAFTA: NAFTA will allow the product of unskilled labor from Mexico to be moved into the United States; and that is essentially what will happen with respect to the trade coming from Mexico. In fact, since NAFTA was passed, what are the most common imports and the largest imports from Mexico to the United States? The product of skilled labor—automobiles, automobile parts, and electronics—exactly the opposite of what was suggested when NAFTA was enacted.

But aside from all of that, aside from the fact that it has taken skilled jobs away from the United States and moved them to Mexico; aside from the fact that it has turned a surplus with Mexico into a huge trade deficit, we are now told by a panel that negotiates these issues of trade compliance that we must allow Mexican long-haul truckers into this country.

We have, since the NAFTA agreement, prohibited Mexican long-haul truckers from going beyond the 20-mile limit established by the previous administration. We are now told that must change, and we must allow access to the United States by Mexican long-haul truckers. Many are concerned about that, myself included.

Let me give you just an example of why one might be concerned.

The San Francisco Chronicle did a piece by sending a reporter to Mexico, who spent 3 days on the road with a Mexican long-haul trucker. I thought it would be interesting to discuss what happened with that Mexican long-haul trucker. It was described in a rather interesting and useful piece in the San Francisco Chronicle.

This was a trucker who went from Mexico City to Tijuana. That is the equivalent of driving from the bottom of Texas to the northern part of North Dakota; it is a very long trip. This driver traveled 3 days, 1,800 miles; and during the 3 days he slept 7 hours. Let me say that again. This person drove 1,800 miles and was awake 21 hours a day. No logbooks. No minimum hours of service. No drug testing. No inspections for safety.

The question is this, for this country: With such a different set of standards as relates to Mexican trucks versus United States trucks, and the Mexican trucking industry versus the United States trucking industry, do you want to drive down an American highway and in your rearview mirror see an 80,000-pound 18-wheeler behind you that may or may not have been inspected, and may or may not have brakes, and may or may not have been driven by somebody driving for 18 hours straight? Is that what you want for you and your family to see in your rearview mirror? Is this just sort of scare nonsense that we talk about? No, not at all.

Look at the difference in standards. We take great care in this country to describe very specific requirements for trucking firms and their drivers in the United States. They must have logbooks to describe how long they have driven and where they have driven. They must have safety inspections. They must take drug tests. They must have safety inspections on the equipment. There are minimum hours of service. There are a whole series of requirements they must meet. Why? Because in this country we decided long ago that if we are going to share our highways—and we must—with this very important part of our transportation system—trucks—then we want to be sure that some 2-door compact car sharing that highway with an 18-wheeler carrying 80,000 pounds—we want to make sure that safety is a preeminent condition in this country. So we established regulations. Some say all regulations are bad. I don't believe that. I think some regulations are critically necessary—for safe food, healthy drinking water, safe highways. On the issue of safe highways, we decided long ago with respect to our trucking industry what kind of requirements they must meet, and we have the inspectors, we have the investigators, we have the entire system in place.

This book is the "Federal Motor Carrier Safety Regulations," January 1, 1999, last revised. This is from the Department of Transportation. This rather large, imposing book is full of regulations. Why? It is to provide for public safety on America's roads. Now if that is what we do in this country, what happens in Mexico? Nothing equivalent to this happens in Mexico. Some say: Well, you know what you are doing. NAFTA was a trade agreement between the United States, Mexico, and Canada, and you are coming to the floor only talking about Mexico. Why not Canada?

The reason is obvious. Canada has a rather similar economy to ours. They have similar trucking regulations and safety requirements to ours, but there is nothing that is remotely similar with respect to Mexico. So we must, it seems to me, be concerned about the lifting of this 20-mile limit of Mexican long-haul trucks coming into this country. President Bush indicates he wants to do that on January 1. I disagree. The authors of the Transportation appropriations bill have a provision in this bill that says to the President: You can only do this under certain circumstances and under certain certifications. I happen to think that is a step in the right direction. I would much prefer, however, that we simply shut off funds for this purpose in the coming fiscal year. I have seen people certify anything—Republican and Democratic administrations. They have certified many things. If we say you must certify with respect to drugs in Mexico, they do it. If we say you must certify that El Salvador, in the 1980s, was responsible for human rights violations, they certify it.

I am worried about anything that requires anybody to certify because I think there are people here who will certify to almost anything, who will sign a blank sheet of paper. We are nowhere near ready to allow Mexican long-haul trucks into this country. We had a hearing in the Commerce Committee last week. I am a member, and I sat there all morning. I inquired of the witnesses. Some of the witnesses were the Secretary of Transportation, the inspector general, the head of the Teamsters Union, and so many others. I inquired of those witnesses, and the one conclusion with which I think everyone came away from that hearing is that there isn't a ghost of a chance of this country being ready to allow Mexican long-haul trucks into this country without compromising basic safety on American roads.

Let me cite some examples. This is the inspector general report of the Department of Transportation. He talks about the capability of inspecting Mexican trucks coming into this country. I think we have 27 border crossings. Only two of those border crossings have full-time inspectors 24 hours a day. So out of all the border crossings that would allow Mexican trucks to come in, only two have inspectors 24 hours a day. At 20 of the crossings, the inspectors who were there—and there are only a few of them—didn't have dedicated phone lines to access any databases so they could validate a simple thing like a commercial driver's license. At 19 of the locations, the inspectors had space to inspect 1 or 2 trucks at a time. At 14 of the locations, inspectors had 1 or 2 spaces to park vehicles placed out of service.

The inspector general talked to us about having to turn Mexican trucks back. He said: You know, we have a problem if we don't have a place to park them. I said: Why can't you turn them around? He said: For example, we have a Mexican truck come to the border and it is inspected—incidentally, 2 percent are inspected, so most of them are never inspected—but we inspect it. I said: Why can't you turn it back? He said: No, we have to park it. I said: Why? He said: Because it had no brakes. So we have an 18-wheel truck, with no brakes, trying to get into the United States, but they can't turn it back to Mexico because it has no brakes. To the extent that they have insurance, they buy 1 day of insurance.

So, look, the testimony by the Secretary of Transportation, the inspector general, and others demonstrates clearly that we are nowhere near being ready to allow Mexican long-haul trucks into this country.

This IG's report is a fascinating document that I suggest all of my colleagues read. Thirty-six percent of the Mexican trucks are turned back for serious safety violations—serious violations—and most of the trucks are not inspected at all. The implication is that we will somehow have the capability on January 1 to have a rigorous inspection and compliance program with respect to these Mexican trucks. There is nothing like that that is capable of being done between now and January 1. That won't be done between now and 2 years from now, in my judgment.

The only way you can possibly do this is if you have enough inspectors at the border and compliance officers to go down and actually make onsite compliance inspections of the Mexican trucking firms. There aren't anywhere near the resources to do that. Even the resources requested by the administration in this year's budget come up short of doing what they say they will or must do in order to be ready for January 1. They talked about the number of inspectors they would need—139—and then the IG said, by the way, that is the minimum number, that it would actually be more than that. The administration requested that number, and they came up 40 inspectors short because they are using the number twice for inspectors and compliance officers.

The point is that none of this adds up. It is fuzzy math, fuzzy policy. It is plain bad policy, in my judgment, to suggest we are anywhere near the time when we should allow Mexican long-haul trucks into this country.

The hearing we held last week persuaded me that we need to take aggressive and bold action. I am going to file an amendment—I do not know at this moment whether I will call it up—I am going to file an amendment this morning that will allow the Senate to vote on the House language.

The House language says simply: There shall be no funding allowed for the processing of applications for these trucks or licenses for these trucks to exceed the 20-mile limit in the coming fiscal year.

Is that going to change anything? No, because there is not a ghost of a chance of anyone being able to comply or to certify that we have the inspectors or the ability to allow these trucks into the country in the first place and still maintain safety on America's roads.

The fact is, even with the 20-mile limit—on this chart the States outlined in red are where Mexican trucks have been seen and Mexican truckdrivers stopped by law enforcement authorities. These are just the ones that have been stopped. Yes, it includes North Dakota.

I am constrained to say, as bad as this trade agreement was which hurts us on the northern end by allowing unfairly subsidized Canadian grain to come into this country, that what we will have now is the perverse circumstance, perhaps, of unsafe Mexican trucks hauling subsidized Canadian grain to American cities. Talk about a hood ornament for foolishness, that is it.

The States in red are where we have already seen Mexican trucks moving into this country, in violation of the law, I might add. The administration's proposal is to on January 1 open it up completely.

The DOT Office of Inspector General mentioned 36 percent of the Mexican trucks that were inspected were placed out of service. In fact, it said something more than that; it said serious safety violations. I mentioned one example of why they could not move the truck back into Mexico. They had to park it because it had no brakes.

A 1998 estimate was that 139 inspectors were needed. That is a conservative number. That number is based on conditions in 1998 and did not account for changes, such as expanded hours of operation and growth in commercial traffic.

They are 40 short of this number, but even that number, the IG says, is short of what is needed. Currently, the only permanent inspection facilities at the United States-Mexico border are the State facilities, two of them in California. Excluding those two crossings, they observed the following conditions: At 20 crossings, inspectors did not have dedicated phone lines. I mentioned that. At 19 crossings, they had the capability to inspect only 1 or 2 trucks.

All of us understand, we are talking about a Presidential veto. God forbid the President should veto this bill. It does not matter to me if he vetoes this bill. What matters to me is that we do good public policy that ensures the safety of the American people. That is all I am interested in.

The first and most important step we should take in the Senate, in my judgment, is to take the House language, put it in the Senate bill, and go to conference, and the House and Senate will have said: We will not allow funds to be used in this fiscal year to allow Mexican trucks to come into this country beyond the 20-mile border because it will jeopardize the safety of American highways.

Senator MURRAY and Senator SHELBY have put a provision in their bill, and if the provision works as it is written, I expect it will do the same as I propose to do with the House language.

My great fear is we have too many people in this town who will certify to almost anything, and an administration that wants to open it up on January 1, very likely, unless we prohibit the expenditure of funds to do so, will find a way to open that border. In my judgment, that will jeopardize safety on American highways.

I will conclude where I started. Some of the best evidence is anecdotal evidence. We have some information about accidents and the condition of Mexican trucks and the fact that there is very little done with respect to logbooks. In fact, Mexico requires logbooks, but they do not enforce it.

It is like when the maquiladora plants hosted American companies that wanted to build manufacturing plants to manufacture south of the border, and they said: Well, gosh, Mexico has very strict environmental laws with respect to polluting the air and water. Sure they do. They just do not enforce them. So what if they have the laws? It is totally irrelevant. You can have all kinds of laws on the books; if you have a blind eye to the enforcement, it is totally irrelevant.

With respect to this issue of logbooks and other things, some say: Mexico requires logbooks. Yes, they sure do; and nobody has them, and nobody cares.

I started with the anecdotal piece about the San Francisco Chronicle, and I will finish with that.

It is not, I am told, out of the ordinary for long-haul trucks in Mexico to be driven by Mexican drivers who are paid $7 a day, driving 15, 20—in this case, nearly 21—hours a day for 3- or 4-day trips.

The San Francisco Chronicle talked about the truckdriver who left Mexico City and drove to Tijuana. He drove 3 days. That driver slept 7 hours in 3 days, making $7 a day, driving a truck that would not have passed inspection in this country with a cracked windshield. No logbook, no drug inspection, no mandatory safety inspection on the vehicle.

Is that really what we want to allow to come into our country at this point? I think not. It has nothing to do with who it is. It has everything to do with whether it is safe.

The answer is, until the country of Mexico not only has regulations and standards that we can count on and rely on and that are enforced, and enforced rigorously, we ought to decide we will not let safety on America's highways be jeopardized, and the way to do that is, in my judgment, to pass the House prohibition on funding.

As I indicated, I am filing the amendment this morning. I am obviously going to continue to talk to colleagues. I share the same concern and interests that my two colleagues do. I think the language they have written is good language. I just believe in the end we will have people certifying to anything and the administration will find a way to allow these trucks to come in on January 1. That will be a giant step in the wrong direction for safety on America's highways.

We ought not ever engage in trade agreements that would in any way force us or squeeze us to compromise safety in this country. It does not matter whether it is food safety or highway safety, nothing in trade agreements ought to require us to diminish our standards that we have established for people in this country. That is why I am so concerned about this issue.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized.

Mr. CAMPBELL. Madam President, after listening to my colleague from North Dakota, I could say ditto and let it go at that because I certainly agree with his comments. I am inclined to tell the Senator from North Dakota, if he offers the amendment mirroring the House language, I would probably support that.

I want to speak today in support of Chairman MURRAY's language in the fiscal year 2002 Transportation appropriations bill, and I want to speak in favor of this language for a couple of minutes.

First and foremost, the safety of every American who travels on our streets and highways must not be compromised by vehicles that are unsafe by American standards, despite trade relations.

All of us in the Senate make our decisions based on a personal frame of reference, and certainly my frame of reference includes the 6 years I drove as a professional driver while I was putting myself through college years ago. In fact, I am still probably the only Member of the Senate who has a commercial driver's license and, in fact, still drives, more as an escape from the tediums of the Senate work than anything else, but I still get out on the road pretty regularly. I speak to drivers and spend a great deal of time at truckstops and places where they frequent, listening to their concerns.

I know the safety requirements that each American driver must adhere to are very complete. I am concerned that without the language provided in this bill and report, Mexican drivers will not be subject to the same standards. I am sure there are some very skilled and talented Mexican drivers, and we have to be very careful to make sure we do not do a blanket indictment on the Mexican trucking industry. My comments are certainly not meant to do that.

The standards between the equipment and the monitoring between drivers in the United States and Mexico, unlike the drivers of the United States and Canada, are worlds apart. This is an enormous safety issue, as my colleagues have already mentioned, and I do not think we should ignore this for a minute.

Mile for mile, American truckdrivers are much safer than drivers of automobiles. The single drivers are averaging about 5,000 miles a week in the trucks and, if they are team drivers, probably 10,000 miles a week. They have to be safe drivers.

Certainly those who have driven or have been around accidents involving trucks know that many of the trucks from Mexico are not in good repair. The average fleet of the American trucking industry, I am told, is 3 to 6 years old. These are figures I quote from the American Trucker's Association. The average Mexican fleet is 15 years old. When averaging 100,000 miles a year, it does not take much math to figure there is a huge difference in upkeep and maintenance on a truck traveling that much more over a period of 15 years. Wear and tear on the truck is huge.

In a truck-auto accident, obviously, the trucker will not get hurt—80,000 pounds versus 3,000 pounds. The law of physics says whoever is in the smaller vehicle will receive the most damage. Passenger vehicles driving alongside a truck face serious safety hazards if the truck is not in good repair. My concerns regard the unsafe trucks that are not being regulated.

American truckers, to be qualified for CDL, have to pass eight written tests, several driving tests, a physical every 2 years, and ongoing training in the company, which is in turn federally regulated. It is very easy to lose their license for any small infraction dealing with alcohol, drugs, or unsafe driving. There is almost zero tolerance allowed to remain a professional driver.

To my knowledge, Mexican drivers are not restricted to hours of service. This has been mentioned before. The U.S. truckdrivers are restricted. Each American truckdriver has specific regulations as to how long he is allowed to drive, how many hours he can be at the wheel, and he has to keep meticulous records in a logbook dealing with every single minute he is behind that wheel. The record is checked on a regular basis, and significant fines are levied to both the drivers and the owners of the vehicles who violate the service regulations.

By the way, I am holding one of the books of regulations, 1,112 pages long. There are seven of these books. This is title 49, section 171–180, and it is one of the sections dealing with transportation. This simply deals with transportation of hazardous materials. All American shippers, all carriers, and all drivers have to comply with the rules. Who in the heck will monitor compliance for the Mexican trucks? I can read English and speak it pretty well, but one must read some of the sections three or four times to understand the nuances of the regulations. I defy anybody to tell me the trucks coming from Mexico will comply with the letter of the law and the regulations as American drivers do.

The Mexican truck drivers are under no safety regulations, no incentive to adhere to our regulations, as I understand it. I raised these concerns as the Senator from North Dakota did when we were discussing the NAFTA treaty several years ago. We simply convinced very few people there were real dangers and of the unintended consequences of both fast track and the NAFTA agreement. Of course, it was shooed in. We are going to visit another agreement very shortly. I hope most of my colleagues in the Senate recognize sometimes in this pellmell rush to increase trade we have to revisit issues because we are not at all supportive at a later date.

The Mexico-based registered trucks are authorized to operate in a 20-mile border, as Senator DORGAN mentioned. This was provided under the original NAFTA agreement. They have been spotted, however, in 30 States, which I think is a clear violation of that trade agreement. Certainly it has not been addressed. Common sense demands the matter be addressed before we allow more uninspected trucks to enter our country.

Opponents of the Murray language point out the outstanding fine the U.S. must pay for violating truck agreements under NAFTA. I would like to know what the penalties have been for the Mexican trucks we have found all over the United States. This isn't an issue of discrimination or adherence to trade agreements, although they would like to reduce it to such, but an issue of safety for every American who travels the roads of America and an issue of fairness. A loaded tractor-trailer operating at highway speed is especially dangerous if the vehicle has worn brakes, bad steering, or any weaknesses in the integrity of the truck. We demand very strict safety guidelines, but clearly rollover risks are more acute when a truck is involved in an accident. A loaded semitruck of 80,000 pounds does not stop like a family sedan, but takes up to 10 times longer to stop.

I refer to an article in Land Line Magazine, and I ask unanimous consent it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. CAMPBELL. This article in Land Line Magazine reports four members of the House Subcommittee on Highways and Transit, headed by subcommittee chairman THOMAS PETRI, and the ranking member, Representative ROBERT BORSKI, recently conducted a fact-finding mission on border inspection stations. The purpose of the mission was to view the station and consider the possibility of opening new ones. The members were impressed the way the inspection stations of California, which have about a 25 percent out-of-service rate for the trucks from Mexico, similar to the ones in the United States. In other words, about one-fourth of the trucks, whether American or Mexican trucks, did not comply with the American safety standards. When it came to Texas, the results were vastly different because Texas doesn't have State facilities for inspecting. Clearly, if a trucker knows he will be stopped at one inspection system, he will go to the area of least resistance.

I refer to a paragraph in that article, quoting Representative BORSKI:

> "Texas' inspection system is virtually nonexistent . . . Trucks pour over the border there. They may be safe and may be not."
>
> "Texas has no infrastructure to look at trucks," he added. "During our visit, we were shown two parking spaces for inspecting trucks two at a time with 4,000 trucks per day at that crossing. The out-of-service rate was staggering. Texas Department of Public Safety Major Coy Clanton told us if they looked at seven or eight trucks, they would take five out of service for significant safety violations. I think the key is that a truck that isn't inspected will be neglected. I think that's the biggest danger."

I hope, when asked to vote for fast track, that we recognize the danger of simply reducing ourselves to rubber stamps for any administration. I voted against NAFTA, as did my colleague from North Dakota. I recognize that is the law now. We have to abide by the agreement.

However, let me also refer to some of the comments made by Jim Hoffa, the general president of the International Brotherhood of Teamsters, that he provided in a hearing before the Senate Committee on Commerce, Science, and Transportation on July 18:

> . . . the United States is under no legal obligation to implement the findings of the NAFTA panel. Under U.S. law, the health, safety and welfare of the U.S. citizens is paramount and to the extent NAFTA conflicts with any U.S. law dealing with health, environment and motor carrier/worker safety, U.S. law prevails. Even under the terms of NAFTA, the U.S. is entitled to disregard the panel's recommendation, and simply allow Mexico to take equivalent reciprocal measures or negotiate compensation or a new grant of some trade benefits to Mexico. Indeed, the United States has not traditionally allowed foreign countries or international bureaucracies to dictate its domestic policy, particularly where the health and safety of U.S. citizens is concerned . . .

Some would say that Mr. Hoffa, as the president of the Teamsters, may be somewhat of a protectionist. He has every right to be. By some estimates, the United States has lost 800,000 manufacturing jobs since NAFTA was implemented. Certainly the loss of jobs, although secondary to the safety of our people, is important. I think the language of this bill is vital to the health and safety of all of us. I urge my colleagues to support the Murray provisions of this bill.

I challenge the opponents of this position to explain why we should allow 80,000 pound accidents waiting to happen to drive the same roads our families drive.

I yield the floor.

EXHIBIT NO. 1

[From Land Line, July 2001]

CONGRESS FACT-FINDING COMMITTEE VISITS U.S.-MEXICO BORDER INSPECTION STATIONS

(By René Tankersley)

Four members of the House Subcommittee on Highways and Transit recently visited border inspection stations in San Diego, CA, and Laredo, TX, as part of a fact-finding venture to determine the safety of Mexican trucks crossing into the United States.

Subcommitee Chairman Rep. Thomas Petri (R–WI), ranking minority member Rep. Robert A. Borski (D–PA), Rep. Bob Filner (D–CA) and Rep. Tim Holden (D–PA) toured the border inspection stations May 19–20.

Land Line talked with Reps. Petri and Borski about what they saw and how it affected their outlook on the possible opening of the U.S.-Mexico border. Both Petri and Borski seemed thoroughly impressed with California's state-owned inspection station at the border between San Diego and Tijuana, Mexico. The state-operated station inspects trucks and truckdrivers for safety and compliance with state motor vehicle laws.

"California's very comprehensive truck inspection program applies to all trucks, Mexican and American," Petri said. "Trucks must have an inspection sticker, which is renewed every three months at the border station. If inspectors find problems with the equipment, the drivers either fix the problem there or receive an order, and sometimes a fine, to fix the problem and be re-inspected on their next trip to the border station."

Borski agreed, and added that the out-of-service rate at the California station is average. "California's inspection station has about a 25 percent out-of-service rate for trucks from Mexico, which is similar to the rate for U.S. trucks," Borski said.

The party of four also visited the federal border inspection station in San Diego. Here federal inspectors examine trucks for contraband, both illegal aliens and drugs, using their new laser x-ray machines x-ray the entire truck.

The federal government has about 15 contraband stations in Laredo due to the larger volume of goods coming through this border by truck and rail. The congressional party visited Laredo's newest facility, which inspects and x-rays boxcars and trailer piggyback units.

With the overwhelming workload at the U.S. Customs contraband stations, Borski is concerned with how opening the border will affect the officials there. "Government officials working down there are overwhelmed already," Borski said.

Texas does not have a state facility at the border crossing to inspect trucks for compliance with Texas motor carrier laws.

"Texas' inspection system is virtually nonexistent," Borski said. "Trucks pour over the border there. They may be safe and may be not."

"Texas has no infrastructure to look at trucks," he added. "During our visit, we were shown two parking spaces for inspecting trucks two at a time with 4,000 trucks per day at that crossing. The out-of-service rate was staggering. Texas Department of Public Safety Major Coy Clanton told us if they looked at seven or eight trucks, they would take five out of service for significant safety violations. I think the key is that a truck that isn't inspected will be neglected. I think that's the biggest danger."

Petri believes the Bush administration has planned for the needed improvements to the truck inspection system.

"President Bush in his budget provided for $100 million to improve inspections at the U.S.-Mexico border," Petri said. "We think they're in the process of replicating California's inspection station in Texas. It will be like anything else. If people know, the word goes out loud and clear that they are going to be inspected, or going to be fined or sent back, they'll get their equipment up to standard very quickly."

Borski agreed the California system should be replicated, but is concerned with the length of time it would take to build such a facility.

"They should set up a system like California's facility, or we shouldn't open the border," Borski said. "It will take at least 18 months to build an inspection station."

"In California the border is narrow, but in Texas there's maybe 15 crossings with virtually no inspection," Borski explained. "I don't think the border should be open in Texas any farther than that 20-mile radius until we get a better inspection system."

Borski and 30 other representatives are cosponsoring a resolution to urge the president not to open the border until safety inspection concerns are adequately addressed. "You can be for NAFTA and still insist on trucks being inspected," Borski said. "It's a safety question, not a trade question."

TWO BILLS WOULD BAR MEXICAN TRUCKS UNTIL THEY ARE SAFE

The Owner-Operator Independent Drivers Association is supporting legislation currently moving through both the U.S. Senate and House targeting truck safety under NAFTA.

House Resolution 152, introduced May 24 by U.S. Rep. James Oberstar (D-MN) and Rep. Jack Quinn (R-NY), would delay granting Mexican trucks authority to operate in the U.S. under NAFTA until a prescribed comprehensive plan to ensure their safety is in place. Thirty-one additional lawmakers are listed as original cosponsors of the Oberstar resolution.

Sen. Byron Dorgan's (D-ND) bill, introduced May 25, would halt cross-border operations until the Mexican trucks can meet safety standards. SB965 is cosponsored by Sen. Harry Reid (D-NV).

"Only about 1 percent of Mexican trucks entering the United States are inspected by the United States at the border, but 36 percent of those that are inspected are turned back for serious safety violations," Sen. Dorgan says. "Mexico does not have the same safety standards we have in the United States, "he said as he introduced the bill. "There are no minimum safety standards for trucks or equipment, no limit on the hours a driver can stay on the road, no drug testing. These trucks will put people on America's highways at serious risk. The American people don't want to drive down the highway and find they are alongside a severely overloaded truck with someone in the driver seat who may have been on the road for 20 hours or more."

Dorgan said ample evidence from California, Nevada and other states documents a significant number of Mexican trucks are regularly turned back at the U.S. Mexico border for serious safety violations, even under the current rules.

"Every day, every hour, these unsafe trucks are coming across our border, and that will only increase if the Administration plans are allowed to go forward," he said. Even the Department of Transportation acknowledges its enforcement program, which is seriously under-staffed, cannot assure the safety of Mexican trucks entering the United States.

"The serious shortcomings of trucks from Mexico is a problem that too many lawmakers are ingnoring," said OOIDA President Jim Johnston. "There is a great deal of opposition and concern among many people across the country for the current plan to open the border at the end of this year without appropriate safety measures in place."

OOIDA maintains that, while the Federal Motor Carrier Safety Administration has proposed several rules it claims will allow verification of Mexican carrier compliance with U.S. safety rules, the proposals only touch upon a fraction of the issues raised by the opening of the border. OOIDA points out other issues that will demand increased government supervision will be in the areas of Customs and Immigration, and compliance with all federal and state licensing, registration, permitting, environmental and user fee and tax requirements as every U.S. truck is required to do. Also left unanswered is how to process a Mexican truck or driver in violation of NAFTA trade rules or our safety standards.

"American truckdrivers must comply with enormous numbers of safety rules and regulations to operate legally on our highways," OOIDA's Johnston says. "These include a stringent physical examination and drug and alcohol testing of drivers, truck weight limits, and hours-of-service rules. Mexico does not impose the same rules on their trucks and drivers. It makes no sense, is reckless, and is completely unfair to create exceptions to these rules for Mexican carriers. That's what we will be effectively doing if we open the border before Mexico imposes equivalent rules and we are prepared to ensure their carrier's compliance with them."

OFFICIAL NAFTA PLAN NEARING COMPLETION: DEMOCRATIC SENATORS ASK BUSH TO HOLD OFF ON MEXICAN TRUCKS

The Federal Motor Carrier Safety Administration says the official North American Free Trade Agreement implementation plan is now nearing completion. FMCSA spokesman David Longo expects it to be available in mid-June. Meanwhile, more Washington lawmakers are voicing concerns about cross-border trucking. Fearing a compromise of safe roads, 10 Democratic senators have made the latest news, asking that the plan to allow Mexican trucks full access to U.S. highways be reconsidered.

In a letter sent June 11, the senators assured the president they are supporters of NAFTA, but said that granting access to U.S. roads could "seriously jeopardize highway safety, road conditions and environmental quality.

A NAFTA arbitration panel ruled in February that the United States was violating the treaty by not opening the border per provisions of the treaty, and the Bush administration launched a plan to comply. The Bush administration and transportation officials currently are establishing rules for cross-border trucking and want them finished in time to let the trucks operate in the United States before the end of the year. The public has until July 2 to comment on the proposal that would require all Mexican trucks to apply for permission to operate in the United States. A safety audit would be conducted within 18 months, but the senators are concerned about the interim.

The letter was signed by Sens. John Kerry (D–MA), Max Baucus (D–MT), Jeff Bingaman (D–NM), Tom Harkin (D–IA), Tom Daschle (D–SD), Ron Wyden (D–OR), Ted Kennedy (D–MA), Evan Bayh (D–IN), Joseph Lieberman (D–CT) and Richard Durbin (D–IL).

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

Mrs. BOXER. Madam President, I rise in support of the Murray amendment that is pending, as well as the underlying bill. I think Senator MURRAY deserves to be commended because she has taken on what is a huge safety issue for the people of our country, and she has done it in a way that has been open and transparent and she has listened.

I think with the additional amendment that she has at the desk right now—which really, in a sense, adopts a procedure we are using in California to inspect trucks to give them a decal so we know they are safe—adds immeasurably to her language that is already in the underlying bill.

I think the subject of NAFTA trucks is a very big issue because it isn't a theoretical issue anymore. It is a question of whether these trucks are safe. The Commerce Committee just held a hearing on the coming of the NAFTA trucks through the Mexican border.

I am a member of the Commerce Committee, and I will tell you right now, from a lot of hearings, I am relieved that the problem I am looking at is actually not as bad as I thought. In this case, I was far from relieved. It is much more worrisome, after having heard the testimony of Cabinet Secretary Mineta and the inspector general of the Department of Transportation.

The issue of the safety of what I call the NAFTA trucks is not about free trade, nor is it about protectionism.

I know that Senator MURRAY, who is shepherding this bill through and who is now presiding over the Chamber, is a tremendous advocate of free trade. I think back. I can't truly think of a time when she didn't come down on that side. She is taking the leadership on the safety question. That is really what it is. That is the bottom line.

Why should the Senator from California be concerned about this border truck issue? Clearly, my State has about 23 percent of all the NAFTA truck traffic. If it turns out that the trucks coming in are not safe, it is going to have a devastating effect on the people of California. That is something that is of great concern to me.

In 1999, there were 4.5 million commercial motor vehicles crossing at the California-Mexico border. It is estimated that most of these crosses were made by 80,000 trucks. The opening of the border is expected to increase the number of NAFTA trucks. For example, we have 190 applications awaiting full access to our highways at the DOT. Unless our safety standards are improved and—this is really the big word—"enforced," the result will be that Californians, whether driving to work, or a soccer mom driving her kids, or whoever happens to be in that motor vehicle, will be next to a truck that may not meet our standards or that may have a driver who is exhausted. I will explain why that is apt to be the case.

If I went along with the Bush administration, I would be putting those people at risk.

There is nothing more sacred to an elected official than protecting the health and safety of the people he or she represents.

This issue is very important to me. I want to show you a chart, which I will summarize. It will be very hard for the Presiding Officer to identify it from there. I will explain why the issue of NAFTA trucks is so important.

When former Congressman Mineta, now Secretary Mineta, was before the Commerce Committee, he said: Don't worry, Senator. We are going to enforce our own laws on the Mexican trucks and on the NAFTA trucks as they come through.

Then the logical question is, How many of these trucks have been inspected to date by the Federal Government? The answer is 2 percent of all the trucks that are coming in are being inspected.

Then you say: All right. In those inspections, how many of those trucks are passing the safety inspections?

The answer is 23 percent.

Let me go through that again.

The DOT is only inspecting 2 percent of the NAFTA trucks that are coming in across the Mexican border. Out of that, 23 percent failed inspection. It could be assumed that is the average that failed the inspection. Imagine how many trucks we would catch if we inspected 100 percent. How many people are in danger because we are not inspecting 100 percent? Therefore, those trucks are on the road.

Secretary Mineta says: Don't worry, be happy. We are going to put the American law into place on these inspections. Yet we don't have the inspectors. Oh, they will have them by January, they say.

I don't believe it. It isn't going to happen. As a matter of fact, I asked: What would happen if California then said in January we are tired of spending millions of dollars on our own inspections, and we are going to allow the Federal Government to inspect?

The inspector general said: We would be in big trouble.

Talk about an unfunded mandate, I think California is spending $30 million or $35 million on an inspection regime that is so good, by the way, that Senator MURRAY takes the decal plan. That is the amendment that is pending. But even with that, how many are we inspecting in California? Also, about 2 percent. We are only inspecting 2 percent of the trucks in California. Everyone says California is doing the best.

It is a harrowing issue for all of us. Those trucks are going to wind up all over the country—in Illinois and on the east coast. They are already showing up there, by the way. They are breaking the law. They are only supposed to go 20 miles from the border. But they are breaking through, and they are showing up.

How about this for one question—it was actually Senator ALLEN who asked the question of the inspector general: Why don't we just have those trucks turn around and go back to Mexico when they don't pass the inspection?

Do you know what the inspector general said? Because they have no brakes. They have no brakes.

Let me tell you why we have a problem. We have not checked these trucks as they come in. We are inspecting 2 percent. We can't get ready to inspect all the trucks by January 1.

Now I have a better chart to show you. It is the same thing but a little bit bigger. This is much better.

Here is our problem. In the United States, a truckdriver is allowed to drive up to 10 consecutive hours, work up to 15 consecutive hours with a mandatory 8 hours of rest, and cannot drive more than 70 hours during each 8-day period.

Some people think that schedule is too harsh. There are issues in our own country about driving up to 10 hours consecutively, working up to 15 consecutive hours with the mandatory 8 hours of rest, and not driving more than 70 hours during each 8-day period. There are some in our country, including a lot of the safety experts, who say that we are too weak; that our drivers are too tired; and that there are too many accidents. Yet we are about to allow Mexican trucks in because we can't enforce any of this at the border when they have none of these restrictions.

Let me repeat. There are no restrictions on Mexican drivers in terms of how many hours they have to work and on how many consecutive hours. There is no requirement of rest and no restrictions.

If you are only inspecting 2 percent of the trucks at the border, you apply this, and you find someone who has been driving, say, for 20 hours straight, there is really nothing you can do if that individual just gets right through the border.

We have random drug tests for our drivers. In Mexico, they do not have random drug tests.

Medical conditions and qualifications: Absolutely, in the United States, if you have certain medical conditions, you cannot get your license. In Mexico, there are no such qualifications.

The driving age for interstate driving in America is 21. In Mexico, it is 18.

You are going to have an 18-year-old driving big-rig trucks and not getting any rest, who was never subjected to a random drug test, who might have a medical condition, and who is never disqualified. And Secretary Mineta says: Don't worry, be happy; We will catch them at the border. But we do not because we do not have enough inspectors. That is why Senator MURRAY's language in the bill is so important because she is going to say: Look, we are not putting an arbitrary date on you, but you are not going to do this. You are not going to have this situation until you are ready to inspect all of these vehicles.

Let's look at the next chart.

Let's compare truck safety regulations. In the United States, there are comprehensive standards for components such as antilock brakes, underride guards, night visibility, and front brakes.

In Mexico, it is not as strong a test; there are less vigorous tests. For example, front brakes are not required. The maximum weight for a truck in the United States is 80,000 pounds; in Mexico it is 135,000 pounds.

For any of you who know the issue of what happens when these heavy trucks are on our roads in terms of what happens to our roads, we even have troubles today because people are saying our trucks are too heavy. In Mexico, it is a 135,000-pound limit.

Hazardous material rules: In America: strict standards, training, licensure, and an inspection regime. In Mexico it is very lax; there are fewer identified chemicals and substances and fewer licensure requirements.

Roadside inspections—you see those stops where trucks have to pull to the side and get inspected—we have them in the United States. They do not have them in Mexico.

Why is it important we show these differences? Because people say: We do not have problems with Canada. The thing is, in Canada they have regulations like ours. So inspecting all those trucks is not the same problem. When you have free trade between countries that have different rules and regulations as to the safety of the trucks, the safety of the drivers, it is a different situation.

So the reason we have shown all this to you—and I will again show you the first chart—is because we have drivers coming in our country in these NAFTA trucks who may be driving—how many hours consecutively in one case?—up to 20 hours without a rest. They were not subjected to a random drug test in their country. They slip through the border because we are only inspecting 2 percent of the vehicles. And they could have a medical problem from which, if they had it in this country, they would have been disqualified. They could be 18 years old.

I ask unanimous consent to have printed in the RECORD an article that appeared in the San Francisco Chronicle.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the San Francisco Chronicle, Mar. 4, 2001]

MEXICO'S TRUCKS ON HORIZON: LONG-DISTANCE HAULERS ARE HEADED INTO U.S. ONCE BUSH OPENS BORDERS

[By Robert Collier]

ALTAR DESERT, MEXICO.—Editor's Note: This week, the Bush administration is required by NAFTA to announce that Mexican long-haul trucks will be allowed onto U.S. highways—where they have long been banned over concerns about safety—rather than stopping at the border. The Chronicle sent a team to get the inside story before the trucks start to roll.

It was sometime way after midnight in the middle of nowhere, and a giddy Manuel Marquez was at the wheel of 20 tons of hurtling, U.S.-bound merchandise.

The lights of oncoming trucks flared into a blur as they whooshed past on the narrow, two-lane highway, mere inches from the left mirror of his truck. Also gone in a blur were Marquez's past two days, a nearly Olympic ordeal of driving with barely a few hours of sleep.

"Ayy, Mexico!" Marquez exclaimed as he slammed on the brakes around a hilly curve, steering around another truck that had stopped in the middle of the lane, its hood up and its driver nonchalantly smoking a cigarette. "We have so much talent to share with the Americans—and so much craziness."

Several hours ahead in the desert darkness was the border, the end of Marzquez's 1,800-mile run. At Tijuana, he would deliver his cargo, wait for another load, then head back south.

But soon, Marquez and other Mexican truckers will be able to cross the border instead of turning around. Their feats of long-distance stamina—and, critics fear, endangerment of public safety—are coming to a California freeway near you.

Later this week, the Bush administration is expected to announce that it will open

America's highways to Mexican long-haul trucks, thus ending a long fight by U.S. truckers and highway safety advocates to keep them out.

Under limitations imposed by the United States since 1982, Mexican vehicles are allowed passage only within a narrow border commercial zone, where they must transfer their cargo to U.S.-based long-haul trucks and drivers.

The lifting of the ban—ordered last month by an arbitration panel of the North American Free Trade Agreement—has been at the center of one of the most high-decibel issues in the U.S.-Mexico trade relationship.

Will the end of the ban endanger American motorists by bringing thousands of potentially unsafe Mexican trucks to U.S. roads? Or will it reduce the costs of cross-border trade and end U.S. protectionism with no increase in accidents?

Two weeks ago, as the controversy grew, Marquez's employer, Transportes Castores, allowed a Chronicle reporter and photographer to join him on a typical run from Mexico City to the border.

The three-day, 1,800-mile journey offered a window into a part of Mexico that few Americans ever see—the life of Mexican truckers, a resourceful, long-suffering breed who, from all indications, do not deserve their pariah status north of the border.

But critics of the border opening would also find proof of their concerns about safety:

—American inspectors at the border are badly undermanned and will be hard-pressed to inspect more than a fraction of the incoming Mexican trucks.

California—which has a much more rigorous truck inspection program than Arizona, New Mexico or Texas, the other border states—gave full inspections to only 2 percent of the 920,000 short-haul trucks allowed to enter from Mexico last year.

Critics say the four states will be overwhelmed by the influx of Mexican long-haul trucks, which are expected to nearly double the current volume of truck traffic at the border.

—Most long-distance Mexican trucks are relatively modern, but maintenance is erratic.

Marquez's truck, for example, was a sleek, 6-month-old, Mexican-made Kenworth, equal to most trucks north of the border. But his windshield was cracked—a safety violation that would earn him a ticket in the United States but had been ignored by his company since it occurred two months ago.

A recent report by the U.S. Transportation Department said 35 percent of Mexican trucks that entered the United States last year were ordered off the road by inspectors for safety violations such as faulty brakes and lights.

—Mexico's domestic truck-safety regulation is extremely lax. Mexico has no functioning truck weigh stations, and Marquez said federal police appear to have abandoned a program of random highway inspections that was inaugurated with much fanfare last fall.

—Almost all Mexican long-haul drivers are forced to work dangerously long hours.

Marquez was a skillful driver, with lightning reflexes honed by road conditions that would make U.S. highways seem like cruise-control paradise. But he was often steering through a thick fog of exhaustion.

In Mexico, no logbooks—required in the United States to keep track of hours and itinerary—are kept. Marquez slept a total of only seven hours during his three-day trip.

"We're just like American trucks, I'm sure," Marquez said with a grin. "We're neither saints nor devils. But we're good drivers, that's for sure, or we'd all be dead."

Although no reliable statistics exist for the Bay Area's trade with Mexico, it is estimated that the region's exports and imports with Mexico total $6 billion annually. About 90 percent of that amount moves by truck, in ten of thousands of round trips to and from the border.

Under the decades-old border restrictions, long-haul trucks from either side must transfer their loads to short-haul "drayage" truckers, who cross the border and transfer the cargo again to long-haul domestic trucks. The complicated arrangement is costly and time-consuming, making imported goods more expensive for U.S. consumers.

Industry analysts say that after the ban is lifted, most of the two nations' trade will be done by Mexican drivers, who come much cheaper than American truckers because they earn only about one-third the salary and typically drive about 20 hours per day.

Although Mexican truckers would have to obey the U.S. legal limit of 10 hours consecutive driving when in the United States, safety experts worry that northbound drivers will be so sleep-deprived by the time they cross the border that the American limit will be meaningless. Mexican drivers would not, however, be bound by U.S. labor laws, such as the minimum wage.

"Are you going to be able to stay awake?" Marcos Munoz, vice president of Transportes Castores jokingly asked a Chronicle reporter before the trip. "Do you want some pingas?"

The word is slang for uppers, the stimulant pills that are commonly used by Mexican truckers. Marquez, however, needed only a few cups of coffee to stay awake through three straight 21-hour days at the wheel.

Talking with his passengers, chatting on the CB radio with friends, and listening to tapes of 1950s and 1960s ranchera and bolero music, he showed few outward signs of fatigue.

But the 46-year-old Marquez, who has been a trucker for 25 years, admitted that the burden occasionlly is too much.

"Don't kid yourself," he said late the third night. "Sometimes, you get so tired, so worn, your head just falls."

U.S. highway safety groups predict an increase in accidents after the border is opened.

"Even now, there aren't enough safety inspectors available for all crossing points," said David Golden, a top official of the National Association of Independent Insurers, the main insurance-industry lobby.

"So we need to make sure that when you're going down Interstate 5 with an 80,000-pound Mexican truck in your rearview mirror and you have to jam on your brakes, that truck doesn't come through your window."

Golden said the Bush administration should delay the opening to Mexican trucks until border facilities are upgraded.

California highway safety advocates concur, saying the California Highway Patrol—which carries out the state's truck inspections—needs to be given more inspectors and larger facilities to check incoming trucks' brakes, lights and other safety functions.

Marquez's trip started at his company's freight yard in Tlalnepantla, an industrial suburb of Mexico City. There, his truck was loaded with a typical variety of cargo—electronic components and handicrafts bound for Los Angeles, and chemicals, printing equipment and industrial parts for Tijuana.

At the compound's gateway was a shrine with statues of the Virgin Mary and Jesus. As he drove past, Marquez crossed himself, then crossed himself again before the small Virgin on his dashboard.

"Just in case, you know," he said. "The devil is always on the loose on these roads."

In fact, Mexican truckers have to brave a wise variety of dangers.

As he drove through the high plateaus of central Mexico, Marquez pointed out where he was hijacked a year ago—held up at gunpoint by robbers who pulled alongside him in another truck. His trailer full of canned tuna—easy to fence, he said—was stolen, along with all his personal belongings.

What's worse, some thieves wear uniforms.

On this trip, the truck had to pass 14 roadblocks, at which police and army soldiers searched the cargo for narcotics. Each time, Marquez stood on tiptoes to watch over their shoulders. He said, "You have to have quick eyes, or they'll take things out of the packages."

Twice, police inspectors asked for bribes—"something for the coffee," they said. Each time, he refused and got away with it.

"You're good luck for me," he told a Chronicle reporter. "They ask for money but then see an American and back off. Normally, I have to pay a lot."

Although the Mexican government has pushed hard to end the border restrictions, the Mexican trucking industry is far from united behind that position. Large trucking companies such as Transportes Castores back the border opening, while small and medium-size ones oppose it.

"We're ready for the United States, and we'll be driving to Los Angeles and San Francisco," said Munoz, the company's vice president.

"Our trucks are modern and can pass the U.S. inspections. Only about 10 companies here could meet the U.S. standards."

The border opening has been roundly opposed by CANACAR, the Mexican national trucking industry association, which says it will result in U.S. firms taking over Mexico's trucking industry.

"The opening will allow giant U.S. truck firms to buy large Mexican firms and crush smaller ones," said Miguel Quintanilla, CANACAR's president. "We're at a disadvantage, and those who benefit will be the multinationals."

Quintanilla said U.S. firms will lower their current costs by replacing their American drivers with Mexicans, yet will use the huge American advantages—superior warehouse and inventory-tracking technology, superior access to financing and huge economies of scale—to drive Mexican companies out of business.

Already, some U.S. trucking giants such as M.S. Carriers, Yellow Corp. and Consolidated Freightways Corp. have invested heavily in Mexico.

"The opening of the border will bring about the consolidation of much of the trucking industry on both sides of the border," said the leading U.S. academic expert on NAFTA trucking issues, James Giermanski, a professor at Belmont Abbey College in Raleigh, N.C.

The largest U.S. firms will pair with large Mexican firms and will dominate U.S.-Mexico traffic, he said.

But Giermanski added that the increase in long-haul cross-border traffic will be slower than either critics or advocates expect, because of language difficulties, Mexico's inadequate insurance coverage and Mexico's time-consuming system of customs brokers.

> "All the scare stories you've heard are just ridiculous," he said. "The process will take a long time."
>
> In California, many truckers fear for their jobs. However, Teamsters union officials say they are trying to persuade their members that Marquez and his comrades are not the enemy.
>
> "There will be a very vehement reaction by our members if the border is opened," said Chuck Mack, president of Teamsters Joint Council 7, which has 55,000 members in the Bay Area.
>
> "But we're trying to diminish the animosity that by focusing on the overall problem—how (the opening) will help multinational corporations to exploit drivers on both sides of the border."
>
> Mexican drivers, however, are likely to welcome the multinationals' increased efficiency, which will enable them to earn more by wasting less time waiting for loading and paperwork.
>
> For example, in Mexico City, Marquez had to wait more than four hours for stevedores to load his truck and for clerks to prepare the load's documents—a task that would take perhaps an hour for most U.S. trucking firms.
>
> For drivers, time is money. Marquez's firm pays drivers a percentage of gross freight charges, minus some expenses. His three-day trip would net him about $300. His average monthly income is about $1,400—decent money in Mexico, but by no means middle class.
>
> Most Mexican truckers are represented by a union, but it is nearly always ineffectual—what Transportes Castores executives candidly described as a "company union." A few days before this trip, Transportes Castores fired 20 drivers when they protested delays in reimbursement of fuel costs.
>
> But Marquez didn't much like talking about his problems. He preferred to discuss his only child, a 22-year-old daughter who is in her first year of undergraduate medical school in Mexico City.
>
> Along with paternal pride was sadness.
>
> "Don't congratulate me," he said. "My wife is the one who raised her. I'm gone most of the time. You have to have a very strong marriage, because this job is hell on a wife.
>
> "The money is OK, and I really like being out on the open road, but the loneliness . . ." He left the thought unfinished, and turned up the volume on his cassette deck.
>
> It was playing Pedro Infante, the famous bolero balladeer, and Marquez began to sing.
>
> "The moon of my nights has hidden itself.
>
> "On little heavenly virgin, I am your son.
>
> "Give me your consolation,
>
> "Today, when I'm suffering out in the world."
>
> Despite the melancholy tone, Marquez soon became jovial and energetic. He smiled widely and encouraged his passengers to sing along. Forgoing his normal caution, he accelerated aggressively on the curves.
>
> His voice rose, filling the cabin, drowning out the hiss of the pavement below and the rush of the wind that was blowing him inexorably toward the border.
>
> ### HOW NAFTA ENDED THE BAN ON MEXICO'S TRUCKS
>
> The North American Free Trade Agreement, which went into effect in January 1994, stipulated that the longtime U.S. restrictions on Mexican trucks be lifted.
>
> Under NAFTA, by December 1995, Mexican trucks would be allowed to deliver loads all over the four U.S. border states—California, Arizona, New Mexico and Texas—and to pick up loads for their return trip to Mexico. U.S. trucking firms would get similar rights to travel in Mexico. And by January 2000, Mexican trucks would be allowed throughout the United States.
>
> However, bowing to pressure from the Teamsters union and the insurance industry, President Clinton blocked implementation of the NAFTA provisions The Mexican government retaliated by imposing a similar ban on U.S. trucks.
>
> As a result, the longtime status quo continues: Trucks from either side must transfer their loads to short-haul "drayage" truckers, who cross the border and transfer the cargo again to long-haul domestic trucks.
>
> The complicated arrangement is time-consuming and expensive. Mexico estimates its losses at $2 billion annually; U.S. shippers say they have incurred similar costs.
>
> In 1998, Mexico filed a formal complaint under NAFTA, saying the U.S. ban violated the trade pact and was mere protectionism. The convoluted complaint process lasted nearly six years, until a three-person arbitration panel finally ruled Feb. 6 that the United States must lift its ban by March 8 or allow Mexico to levy punitive tariffs on U.S. exports.
>
> ### COMPARING TRUCKING REGULATIONS
>
> The planned border opening to Mexican trucks will pose a big challenge to U.S. inspectors, who will check to be sure that trucks from Mexico abide by stricter U.S. truck-safety regulations. Here are some of the differences:
>
> *Hours-of-service limits for drivers*
>
> In U.S.: Yes. Ten hours' consecutive driving, up to 15 consecutive hours on duty, 8 hours' consecutive rest, maximum of 70 hours' driving in eight-day period.
>
> In Mexico: No.
>
> *Driver's age*
>
> In U.S.: 21 is minimum for interstate trucking.
>
> In Mexico: 18.
>
> *Random drug test*
>
> In U.S.: Yes, for all drivers.
>
> In Mexico: No.
>
> *Automatic disqualification for certain medical conditions*
>
> In U.S.: Yes.
>
> In Mexico: No.
>
> *Logbooks*
>
> In U.S.: Yes. Standaridized logbooks with date graphs are required and part of inspection criteria.
>
> In Mexico: a new law requiring logbooks is not enforced, and virtually no truckers use them.
>
> *Maximum weight limit (in pounds)*
>
> In U.S.: 80,000.
>
> In Mexico: 135,000.
>
> *Roadside inspections*
>
> In U.S.: Yes.
>
> In Mexico: An inspection program began last year but has been discontinued.
>
> *Out-of-service rules for safety deficiencies*
>
> In U.S.: Yes.
>
> In Mexico: Not currently. Program to be phased in over two years.
>
> *Hazardous materials regulations*
>
> In U.S.: A strict standards, training, licensure and inspection regime.
>
> In Mexico: Much laxer program with far fewer identified chemicals and substances, and fewer licensure requirements.
>
> *Vehicle safety standards*
>
> In U.S.: Comprehensive standards for components such as antilock brakes, underride guards, night visibility of vehicle.
>
> In Mexico: Newly enacted standards for vehicle inspections are voluntary for the first year and less rigorous than U.S. rules.

(Mr. DURBIN assumed the chair.)

Mrs. BOXER. It goes through the story of a driver who came across the border and who was completely exhausted. The article says:

> It was sometime way after midnight in the middle of nowhere, and a giddy [truck driver] was at the wheel of 20 tons of hurtling, U.S.-bound merchandise.
>
> The lights of oncoming trucks flared into a blur as they whooshed past on the narrow, two-lane highway, mere inches from the left mirror of his truck. Also gone in a blur were [the driver's] past two days, a nearly Olympic ordeal of driving with barely a few hours of sleep.

It is a harrowing story. The title of it is "Mexico's Trucks on Horizon, Long-distance haulers are headed into U.S. once Bush opens borders."

What the Murray language does in this bill is make sure, before this driver gets through the checkpoint, we can test him, we can talk to him, and we can tell him to get a rest. We can inspect his truck and see whether it meets the standards. That is why it is so important.

Quoting from the article:

> A recent report by the U.S. Transportation Department said 35 percent of Mexican trucks that entered the United States last year were ordered off the road. . . .

I was told 25 percent, but it looks like it is 35 percent of the trucks were ordered off the road.

Now remember, we are only inspecting a couple percent, but out of that 35 percent were ordered off the road.

In Mexico, no logbooks are required. They are required in the United States. The driver has to keep track of his hours and itinerary.

It says this driver slept a total of 7 hours during his 3-day trip.

I know that young people have good instincts, but I would say, if somebody sleeps for 7 hours on a 3-day trip, I do not want them driving next to a family in Washington State or Illinois or California or anywhere on our highways. It is a disaster waiting to happen.

The Murray amendment is very important—the one pending—and the underlying language in the bill to make sure there is not a premature rush to say open the borders, everyone is coming in, until we have done certain important things. And those things are outlined in the Murray bill. I am going to go through what they are.

The Federal Motor Carrier Safety Administration must perform a full safety compliance review of the Mexican truck company, and it must give the Mexican truck company a satisfactory rating. And now with the added decal, we know those trucks will be inspected every 90 days. Federal and State inspectors must verify electronically the status and validity of the license of each driver of a Mexican truck crossing the border. It goes on.

We are going to make sure, before we open up this border completely—and right now what we are doing is we are allowing those trucks to drive just 20 miles from the border—before we open them up completely, they will be safe.

They talk about, in this article, the fact that these drivers are taking stimulant pills. In this particular case, the driver said he did not do that; he just needed a few cups of coffee to stay awake.

Actually, before this reporter went on this long-haul trip with the driver—

> [The] vice president of Transportes Castores jokingly asked a Chronicle reporter . . . "Do you want some pingas?"

"Pingas" is slang for "uppers." So they did not even hide the fact that their drivers are using these pills.

Then the driver is quoted—this is really an incredible story; that is why I put it in the Record—as saying: "Don't kid yourself." He said this late on the third night. "Sometimes you get so tired, so worn, your head just falls." "Your head just falls."

So here the driver is coming in because of a free trade agreement, and the President of the United States, George Bush, has said he is picking a January 1 start date for them to have complete access to our highways. And if it was not for the Murray language, I will tell you, I think I would—there is an expression of throwing yourself in front of a truck—I would not go that far, but I would certainly use every legislative tool I had to stop that from happening because we know how dangerous it is.

The driver says—he has a religious statue in his truck— "Just in case, you know. The devil is always on the loose on these roads."

They talk about the wide variety of dangers that these drivers face.

So I would just have to say, in conclusion, that we have a very important set of standards that we have developed in our country for both drivers and for the trucks they drive. Therefore, when we allow a whole other set of trucks and a whole other set of drivers into our Nation, where, in that country, they have nowhere near our standards for the drivers and the trucks, we have to make sure that we can, in fact, check those trucks and check those drivers to make sure that we are not putting our citizens at risk.

People who are for 100-percent free trade always say: Cheap goods, cheap goods for our people. And in many cases, it is true. But I will tell you, if you start losing a life on the road, and more lives than 1 or 2 or 10 or 100 or 1,000, it does not matter if you have a cheap T-shirt or a cheap appliance, or anything, if you cannot live long enough to enjoy it.

So to those free trade advocates who absolutely come to this Chamber—and there is nothing they will see that will take them off their blind path of free trade—let me just simply say to them: You better imagine what could happen if we have a series of accidents where trucks do not have brakes, where drivers are exhausted and they are falling asleep at the wheel, where the trucks weigh 135,000 pounds, swaying on our freeways. This is crazy. In the name of free trade and George Bush's decision that January 1 is the magic date—not on my watch, Mr. President. Twenty-three percent of those trucks come into California. Not on my watch.

Now, the House took more drastic action— I would go so far as to support that—which simply says we are cutting off the money until we believe we are ready for this influx of trucks. Good for them over there. They are right. This is that dangerous. Once we have our regime in place, once we have these trucks inspected, once these drivers live by our rules, once we have enough enforcement, once we are ginned up at the border to do this right, I will be the first one here saying: good work, let's go.

But my colleagues ought to listen to the IG and his comments about how ill-prepared we are as of this date to accept this kind of influx.

So until we can guarantee the safety of these trucks and the condition of these drivers, until we can make those promises to our people, then I say that free access beyond that 20-mile border should not be granted. And until the Murray language is really carried out, I am going to do everything I can to make sure we do not allow in these kinds of truckdrivers who can barely keep their heads up. I am optimistic that our friends in Mexico will eventually adopt more rigorous standards. I am confident we will eventually be able to have drivers who are, in fact, not exhausted and not popping pills trying to keep awake. Eventually, it will happen. It will be good.

I am happy to yield to my friend if he has a question.

(Mr. EDWARDS assumed the chair.)

Mr. DURBIN. Mr. President, I followed the Senator's statement. I am glad she made this a part of the RECORD. I hope she believes, as I do, that the chair of this important Appropriations Subcommittee, Senator MURRAY, has included very valuable language in this legislation which will establish some standards once and for all in terms of Mexican trucks coming across the border into the United States.

I would like to ask the Senator from California the following question. Recently, the Ambassador of Mexico came to my office and we talked about the truck issue. I said to him: Will your country, Mexico, agree that whatever trucks you send across the borders and whatever truckdrivers you send across the borders, they will meet the same standards of safety and competence as American trucks and American drivers? He said: Yes, we will agree to that standard.

I ask the Senator from California, based on the experience in California, whether that has happened, whether or not she has found in the inspection that the drivers and the trucks meet the standard of competency and safety that we require of American trucks and American truckdrivers.

Mrs. BOXER. Unfortunately, I say to my friend, it has been a disaster. Although we have inspected approximately 2 percent of the trucks coming across, out of those, 35 percent have failed. They have failed the inspection, which means that either the driver doesn't meet our standards—he may be 18 years old or may have a medical condition—or the truck itself fails—maybe it is 135,000 pounds or more than the 80,000 pounds.

Prior to my friend walking in, I said I strongly support what Senator MURRAY is doing. I would even go further. I am glad her amendment takes us further. I commend her for what she has done. In terms of what the gentlemen told you in your office, if they have made that change, it is not a fact in evidence up until this point.

Mr. DURBIN. I also ask the Senator from California this, if she will further yield for a question. What the Senator is seeking, as I understand it, is at least the enforcement that Senator MURRAY has included in this Transportation appropriation bill, which includes, if I am not mistaken—and I stand to be corrected if I am—that we would in fact go into Mexico to the trucking firms, see these trucking firms, inspect their trucks in Mexico, understand the standards they are using for hiring drivers and the like; secondly, that all of the trucks coming in from Mexico would be subject to inspection in the United States.

It is my understanding, from Senator MURRAY's bill, that of the 27 points of entry in the United States, there are only 2 currently inspecting trucks on a 24-hour basis—2 out of 27. So we have a system where, frankly, many thousands of trucks come in from Mexico without the most basic inspection in terms of safety.

I ask the Senator from California if she believes this would move us toward our goal of having safer trucks and truckdrivers coming in from Mexico.

Mrs. BOXER. There is no question. Under the Murray language, she is very clear to state that the Federal Motor Carrier Administration must perform a full safety compliance review of the Mexican truck company, and it must give the Mexican truck company a satisfactory rating before granting conditional or permanent authority outside the commercial zone—meaning that 20-mile zone—and the review must take place onsite at the Mexican truck company's facility. That is absolutely accurate.

Again, the best of all worlds would be—and it would be terrific—if in Mexico they upgraded their laws to conform with American laws. We cannot force that, but I say as a friend of Mexico—a good friend—that is what they ought to do because then their people would be safer and we would not have to have all of this enforcement activity. But until they have brought their laws up to our level in terms of the trucks and drivers, we must enforce.

What I like about the Murray amendment—and I understand Senator SHELBY had a hand in this amendment, and I thank him from the bottom of my heart because 23 percent of that traffic comes right into my State. Without this amendment—and just setting an arbitrary date is a frightening thought—all these trucks would be coming in and we can only inspect 2 or 3 percent of them. God knows, we all fear what could happen in our States—a devastating accident with trucks that don't have brakes, drivers who have fallen asleep at the wheel, et cetera.

Mr. DURBIN. I thank the Senator for taking the floor and bringing this to our attention. We all encourage a free market economy and bargaining, but we don't want to bargain health and safety. We draw a line there. We hold other countries to the same standards to which we hold American trucking companies and American truckdrivers. Senators MURRAY and SHELBY have, I think, included language that moves us toward that goal.

I thank the Senator from California.

Mrs. BOXER. Mr. President, I thank Senator DURBIN for entering into this colloquy, and, again, I thank Senators MURRAY and SHELBY, and also Senator DORGAN, who has been working hard on the Commerce Committee. I also thank Senator FRITZ HOLLINGS, who, at my request in the Commerce Committee, did hold a hearing on this issue of NAFTA trucks. It was an eye-opener for us all. When you hear an inspector general talk about how a lot of these trucks don't have any brakes and they are trying to get into our country, that is a very frightening thought.

In conclusion, for those people who are free trade advocates—and my record on trade is I am for fair trade, which leads me to sometimes support trade agreements and sometimes not to. But for those who say "free trade at any price," let me tell you this is too high a price to pay. If you want to deal a blow to free trade, work against the Murray-Shelby amendment. If you work against that language in this bill, and we have a situation where this President can open up this border and we start to have a series of tragic accidents, I will tell you, that will be the biggest setback for free trade. You really want to advance free and fair trade and support this decal language in the amendment pending and support the language in the underlying bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FITZGERALD. I thank the Chair.

Mr. President, I rise to speak today about two amendments that I have filed and will call up later. I recognize now we are dealing with an amendment concerning the trucks from Mexico. I wish to speak about a different issue, and that is something that is tucked into the Senate appropriations bill that deals with aviation in the Greater Chicago area.

I have been working with my colleague, Senator DURBIN, almost since the day I came to the Senate, to find a resolution to the air traffic problems in the Chicago area. Senator DURBIN has included language in the appropriations bill, as it was reported from the Transportation Appropriations Subcommittee, that addresses aviation transportation in the Chicago area.

This is the language that appears in this fiscal year 2002 Transportation appropriations bill concerning the Chicago-area aviation: Section 315 says:

> The Secretary of Transportation shall, in cooperation with the Federal Aviation Administrator, encourage a locally developed and executed plan between the State of Illinois, the City of Chicago, and affected communities for the purpose of modernizing O'Hare International Airport, addressing traffic congestion along the Northwest Corridor including western airport access, and moving forward with a third Chicago-area airport. If such a plan cannot be developed and executed by said parties, the Secretary and the Administrator shall work with Congress to enact a Federal solution to address the aviation capacity crisis in the Chicago area.

In Chicago, aviation is the No. 1 issue. In fact, throughout northern Illinois, that is what my constituents are talking about. O'Hare Airport, which is one of the finest airports in the world, has been at capacity since 1969, and in recent years the traffic congestion has gotten worse than ever. I attribute a lot of that to a decision Congress made 2 years ago to lift the delay controls at LaGuardia and Chicago O'Hare Airports. After they lifted the delay controls which had been in effect since 1969, we started to see delays at O'Hare and LaGuardia go up exponentially.

As a result of those delays, now many people are trapped waiting on the tarmac at O'Hare and LaGuardia for their planes to take off. In fact, when I returned to Washington on Sunday evening, I was trapped on a United Airlines plane on the tarmac at O'Hare for at least 2 hours. I did not get into Washington until close to midnight.

This is becoming the norm that people experience as they travel through O'Hare, particularly in the summer months. Often, as we know, those airplanes are very uncomfortable, particularly in the hot weather, while you are waiting on the tarmac at O'Hare.

Last night, Senator DURBIN's office and my office had a softball game on the Mall. I am much chagrined to report that Senator DURBIN's office beat us by one run. I think the score was 9-8. But if we had been able to take one of the 22- or 23-year-old interns off Senator DURBIN's team and substitute that star athlete with Senator DURBIN, as my team was required to have me play, my team might have been more competitive. But Senator DURBIN spent, I believe, 3 hours on the tarmac at O'Hare yesterday and was unable to make that game. This is how it is when you travel through O'Hare.

I compliment Senator DURBIN on being active in trying to resolve the problems. Clearly, we are both interested in finding a solution, though we may have a different perspective on the solution.

One of the amendments I will later offer will add language to this section 315 that encourages any Federal, State, or local solution that comes out of this process to consider using the Rockford Airport.

Rockford is, I believe, the second largest community in the State of Illinois. It is on the Northwest Tollway, northwest of the city of Chicago. The Northwest Tollway runs from the Chicago loop out to O'Hare Airport and then it goes beyond, out to Rockford Airport.

Rockford Airport, which I visited a few weeks ago, is right now not being used, even though it is a wonderful facility with annual capacity for 237,000 operations a year. The airport has two magnificent runways: one 10,000 feet, another 8,200 feet. Right now the airport is being used for cargo operations. It is a hub for United Parcel Service, and they have been doing very well right there.

There is no reason the Rockford Airport should not be used to alleviate air traffic congestion in Chicago. Many of the solutions that others have proposed—expanding or modernizing O'Hare, tearing it up, rebuilding it so it can handle more flights, or building a third airport—those may all someday come to fruition, but all of those solutions will take years, if they ever happen at all, and they will cost hundreds of millions, even billions, many billions of dollars.

Meanwhile, just outside O'Hare, we have a fabulous airport that is already built, that does not require the expenditure of any money to get it used to alleviate air traffic congestion at O'Hare. The airport is being used sometimes to land planes from Midway or O'Hare when there is bad weather in the area and those planes have to land.

This chart is a schematic of the Greater Rockford Airport. We can see there are two runways that are already built, a 10,000-foot runway and an 8,200-foot runway. They also have plans for a future runway someday. Their passenger terminal is capable of handling 500,000 passengers per year. Their runways are state of the art. They have even, I am told, landed the Concorde at Rockford Airport. As far as I know, this airport is able to land any plane flying today.

It is superior in that respect—at least its runways are—to Chicago's Midway Airport, which was the busiest airport in the world before O'Hare was built in the late 1950s and early 1960s. The runways at Midway are only about 6,000 feet, and it makes it very difficult to have long-haul operations out of Midway.

I am going to offer language to section 315 that would encourage the use of Rockford. This is the wise thing to do for aviation consumers in the Chicago area and especially for the taxpayers, but it will not cost any money.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FITZGERALD. I yield to the Senator.

Mr. DURBIN. Would the Senator object to my being shown as a cosponsor to the amendment?

Mr. FITZGERALD. I agree to that, Mr. President.

Mr. DURBIN. I make that unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. If the Senator will further yield for a question, would the Senator not agree that when it comes to this Rockford Airport—we may have disagreements on O'Hare; we may have disagreements about other airports; but we are in agreement that Rockford has an extraordinary facility currently not utilized by any commercial air carrier. Senator FITZGERALD has contacted airlines and I have contacted them as well.

My understanding is one of the major airlines in our country visited Rockford this week. We all believe this is a resource that should be available, no matter what we do in Chicago with O'Hare or even in Peotone. We are 5 to 10 years away from seeing any significant change. In the meantime, Rockford is a resource that should be examined and utilized to try to reduce congestion and delays at O'Hare and to provide quality air service to the people living in and around the Rockford area.

Mr. FITZGERALD. I thank my colleague from Illinois. I thank Senator DURBIN for joining as an original cosponsor of this amendment and also for working with me. This is absolutely one of the bright spots on the aviation picture in Illinois today, one of the issues on which we hope to agree. It is one of the wonders of the world, in my judgment, that Rockford is not being used right now when it is so close to O'Hare. It is an easy answer, in my judgment, to alleviating traffic congestion at O'Hare.

I wish to point out a few things. In addition, there are 740,000 people living and working within 25 miles of Rockford Airport. Beyond that, there are 2.2 million people living within a 45-minute drive of Rockford Airport. There are probably not that many large cities in this country that would have that many people within a 45-minute drive of their airport.

Another point I have not made is that over 400,000 airline passengers a year depart from Rockford's market service area via bus to access the air transportation system at Chicago's O'Hare International Airport. Both American and United Airlines, which control almost all the operations at O'Hare, run several passenger shuttle buses to the Rockford Airport every day and funnel from there 400,000 passengers a year into their hub operation at O'Hare. That further congests O'Hare. In addition, I am told 800,000 people a year drive their cars from the Rockford area to get to O'Hare. There are 1.2 million people coming from the Rockford Airport—not using the Rockford Airport but coming out of Rockford to further congest O'Hare. It makes common sense we make greater use of the Rockford Airport.

I see Senator GRAMM is on the floor. I told him I would be happy to allow him to speak for a few minutes. With the approval of the Chair, I would like to come back and continue my discussion of Chicago aviation after Senator GRAMM has had an opportunity to speak.

With that, I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. McCAIN. Could I ask for 2 minutes on this issue?

Mr. GRAMM. I am happy to yield.

Mr. McCAIN. Mr. President, we now will be addressing the issue of Mexican carriers. It is going to be, I assure the managers, a subject of extended debate. We believe also that we will have sufficient votes to sustain a Presidential veto if it comes to that.

The Senator from Texas and I will be speaking on the substance of various amendments we will have. We expect, unfortunately, extended discussion on this issue.

I wish to discuss the lack of negotiation on this issue. The Senator from Washington and the Senator from Alabama have refused to sit down and talk to us about this issue. I am deeply disappointed in that. I have done a lot of business on the floor of the Senate recently on some very difficult issues. On each of those occasions we have at least had a dialog in negotiations to see if we could not find common ground. Unfortunately, the managers of the bill have not allowed such a discussion or debate.

I say to the Senator from Washington, I worked closely with her on an issue very important to her and her State because of a tragedy that took place on pipeline safety. No, I didn't always agree with the Senator from Washington, but we sat down and we worked together at hearings before the committee. I tell the Senator from Washington, I am very disappointed neither she nor her staff would sit down and discuss this issue with us so we could try to attempt to find common ground. I don't think we need a confrontation on this issue. I don't think the differences between the so-called Murray language and what the Senator from Texas and I are doing are that far apart. Now we have had to get the White House involved, the threat of a Presidential veto, and extended debate on this issue.

I ask again the managers of the bill: Could we please have a discussion and at least find common ground on this issue? So far, there has been an adamant refusal to enter into a discussion. I must say, I am very disappointed, especially on an issue of this importance, at least in my view, to the people of my State as well as the people of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Let me give an outline of where we are and how we got here. I will be happy to yield the floor and let the distinguished subcommittee chairman speak.

The House of Representatives, following a policy of the Clinton administration, voted to deny the President the ability to implement NAFTA. I remind my colleagues that we entered into an agreement with Mexico and Canada to form the North American Free Trade Agreement and to form the largest free trade area in the world. Part of that agreement was to have free trade not just in goods but in services. Part of that agreement is we set a timetable during which we would allow trucks to cross the border within a certain distance for border-type trade and then we would set up a phase-in process whereby trucks could go back and forth across the border between Mexico and Canada, Mexico and the United States, the same way they do between the United States and Canada.

The deadline for that agreement to be fully implemented was on the verge of passing when George Bush became President. He made it clear in the campaign and he made it clear when he became President that he felt obligated to live up to the agreements we had made with Mexico and Canada in NAFTA. Those agreements gave us the ability to set safety standards with regard to Mexican trucks that basically were similar to what we have with Canadian trucks and our own trucks. It did not give us the ability to have discriminatory standards.

The Teamsters Union had consistently opposed the implementation of this agreement. They opposed it, and President Clinton refused to begin the phase-in process, refused to start the inspection process, and now we are down to the moment of truth as to whether we are going to live up to the agreement we made in NAFTA.

I remind my colleagues, as tempting as it is for our own advantage, at least our perceived political advantage, to go back on the commitment we made to NAFTA—first of all, in doing so we are discriminating against our Mexican neighbor because we are treating them differently than we are treating our Canadian neighbors.

Secondly, all over the world, legislative bodies are debating whether or not to go back on agreements they have made with the United States. One of reasons I feel so strongly about this issue, I believe the credibility of the American nation is on the line as to whether we will live up to the agreement we have made.

Now, there is no question about the fact that the White House, after having an absolute prohibition on the implementation of the treaty in the House, the White House was delighted to see a similar action not taken in the Appropriations Committee. In that case, it was the lesser of what they perceived to be the two evils.

The problem is, when we look at the amendment currently in this bill, there are several provisions that clearly violate NAFTA, several of them violate GATT, and all of them represent a procedure whereby we treat Mexico very differently than we treat Canada.

Let me give three examples of provisions in the bill that clearly violate NAFTA.

The first is a provision in the bill that requires that Mexican trucks be insured by American insurers—not just insurers who are licensed in the United States but insurers who are domiciled in the United States. That is a clear violation of NAFTA and a clear violation of GATT because it basically denies national treatment standards to which we agreed.

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to stand in recess at 12:30.

Mr. GRAMM. I ask unanimous consent I might have 5 additional minutes.

Mrs. MURRAY. Mr. President, how much time does the Senator from Texas require at this time?

Mr. GRAMM. I have asked for 5 additional minutes.

Mrs. MURRAY. Mr. President, I would like 2 minutes to respond when the Senator from Texas concludes. Does the Senator from Alaska wish to make a statement?

Mr. STEVENS. Not during the lunch hour, no.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Let me review the three areas that are clear violations of NAFTA in this provision before us. The first is a provision requiring companies to buy American insurance. It is one thing to say they have to have insurance licensed in the United States. That would conform with NAFTA. But to say they have to buy insurance from companies domiciled in the United States is a clear violation of NAFTA, it is a clear violation of GATT, and it violates the national treatment standards that we have set out in trade. This is critically important to America because all over the world we have American business interests that would be jeopardized if other countries engaged in similar activities against America.

Another provision which clearly singles out Mexican truckers, where American truckers are not affected by a similar provision and neither are Canadian truckers, is a punitive provision that says if you are subject to suspension or restriction or limitations, you can't lease trucks to anybody else. No such requirement exists in American law. No such requirement exists with regard to Canadian trucks. But there is such a limitation in this amendment, and that limitation clearly violates NAFTA by denying Mexican economic interests the same protection of the law that American economic interests and Canadian economic interests have.

Another provision of the law which is totally different from the way we treat American trucks and the way we treat Canadian trucks is that if a foreign carrier is in violation, a foreign carrier can be permanently banned from doing business in the United States. Where is a similar provision with regard to Canadian trucks and American trucks?

Let me summarize, since I am running out of time, by making the following points: No. 1, I am for safety. I have more Mexican trucks operating in my State than any other person in the Senate, other than Senator HUTCHISON, who represents the same State I do. I am concerned about safety, but I do not believe we can sustain in world public opinion a provision that discriminates against our neighbors in Mexico, a provision that treats Canadians under one standard and Mexicans under another. If we want temporary measures whereby we can get Mexican trucks up to standard, that is something with which I can live. But permanent provisions where we are treating Mexico different than Canada, that is something with which I cannot live.

I think it is important that we try to work out a compromise. But I can assure you, given that the administration believes this issue is critical to the credibility of the United States in negotiating trade agreements and enforcing our trade agreements around the world, Senator McCAIN and I and Senator LOTT intend to fight to preserve the President's position.

Some suggestion has been made that we just would do a cloture on the amendment of Senator MURRAY. I remind my colleagues, the amendment is amendable. If it were clotured, we would have 30 hours of debate on cloture, and there would then be three other cloture votes on this bill. I do not think that is a road we want to go down.

What is the solution? The solution is to have strong safety standards, but you have to apply the same safety standards to Canadian trucks that you do to Mexican trucks. We do not have second-class citizens in America, and we are not going to have second-class trading partners. We cannot set one standard for Mexicans and one standard for Canadians in a free trade agreement that involves all three countries.

So Senator McCAIN and I are for safety, but we are not for protectionism. We are not for provisions that make it impossible for the President to provide leadership to comply with NAFTA, and we are willing to fight to preserve the President's ability to live up to our trade agreements.

I hope something can be worked out. I am not sure where the votes are. What I see happening is that protectionism is being couched in the cloak of safety. We are willing to have every legitimate safety provision for Mexican trucks that we have for Canadian trucks and for American trucks. We are willing to have a transition period where we have more intensive inspection. But in the end, in a free trade agreement involving three countries, we have to treat all three countries the same. What we cannot live with is discrimination against our trading partner to the south.

I appreciate the Chair's indulgence.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Washington has 2 minutes.

Mrs. MURRAY. Mr. President, I heard the comments of the Senators from Arizona and Texas. I want to make it very clear, I have never been against discussion. We put this bill out on the floor last Friday. It has been out here for 3 days. I have continually said I am happy to look at any language any Member brings me on any item of discussion under transportation. What I am against is weakening any of the safety provisions we have included in the committee bill.

The proposal that was given to me by the Senator from Arizona considerably weakens and actually guts many of the safety provisions that Senator SHELBY and I put into the underlying bill. That simply is not a path we are going to take on the Senate floor. Our provisions were adopted unanimously in the Appropriations Committee. I am not interested in going into a back room and negotiating a sellout of the committee or of the safety provisions that I believe are extremely important. That is simply a nonstarter for me as manager of this bill.

I do remind all Senators they can offer amendments and this Senator is happy to consider them as the rules allow. As far as the NAFTA provisions are concerned, I will remind all of our colleagues once again, the underlying bill is not a violation of NAFTA. That is very clear. I set that out in my remarks this morning, and I am to go through that again this afternoon.

Mr. President, I ask unanimous consent that at 2:15, when the Senate reconvenes, the Senator from Illinois be allowed 20 minutes to discuss his issue that he would like to present to us and then Senator BILL NELSON from Florida be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CLINTON).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois was to be recognized for 20 minutes.

The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent I be permitted to proceed now for 5 minutes, and then return to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, it isn't that this subject matter should be dealt with briefly, but I think I can express my concerns in 5 minutes. I hope others are as concerned as I about this issue.

Senator MURRAY is here on the floor. She is the chairman of the Subcommittee on Transportation. She has worked very hard to accommodate this bill through language with reference to Mexico and Mexican trucking and busing between our borders under NAFTA. She has worked very hard to get something much better than that which was passed in the House and she kept things from passing in our subcommittee that would be much worse than the arrangement we now have in the bill with her amendment.

I would like to say that the United States should be quite pleased today that we have a new relationship growing between the Republic of Mexico and the United States. It is obvious everywhere you go in Mexico with everyone you talk to, and with everyone you talk to in the border States, that the arrival of President Fox has brought a whole new attitude between these two great countries.

For instance, in the 29 years or so that I have been here, there have been four Presidents of Mexico, but not a single one was willing to say that the economic problems of Mexico are not America's problems, and we have to solve our own. President Fox is the first President to say we had better improve the permit system for people coming from his country to work here because he believes they should do this in a legal manner instead of a manner that leaves many Mexicans here in positions of hiding out while they hold jobs and they can't return home—some wonderful ideas about what should happen on our border in terms of cleaning up the border which has grown topsy-turvy. Law enforcement can now trust Mexican law enforcement for the first time in modern times. The litany goes on.

I, for one, hope the Senators from both sides of the aisle will find a way to sit down and draft a provision on the busing and trucking access to the United States pursuant to the NAFTA arrangements. There are some who have said their trucks aren't safe enough, that they don't have the right kind of insurance—and a rather major litany.

I suggest we had better be careful that we are not couching these things in a way so as to avoid what it really is. It appears to me it is borderline discrimination against Mexican enterprise. There has to be a better way to solve it than we have solved it in this Transportation bill, but in a way that will let Mexico and Mexico's leaders say we are equal partners with the United States, and that we are going to be treated the same way as Canada. Canada, America, and Mexico are the three partners. I believe to do otherwise is to say to the Mexican people and the new President: We don't care about you; we don't even care if we discriminate against you; we have a hot issue, and we are going to pass something; and maybe in a few years we can work something out with you, Mr. President of Mexico, as a NAFTA partner of the United States.

I believe the time is now, on this bill. The President has said he will veto the bill with the Murray language in it. That is official. We ought to sit down and work out something for them so it won't be vetoed.

There are great American transportation issues and problems for every Senator and for every State. We ought to get the bill passed. The way to get it passed is not to send it to the President with language he already said he will veto and offend Mexico unjustifiably. What we are doing is unjustifiable. Let's get it resolved.

There is a simple proposition around. Let's come up with a California solution. I am pretty familiar with the various solutions. Let us in the Senate say we stand ready to help.

I hope we can do this and pass the bill in due course—the full bill—and put some legislation in it that will protect Mexico against discrimination in trucking and busing and allow them to grow and prosper, but at the same time offer as much assurance as we can that their vehicles are going to be safe, and include whatever other requirements we need to ensure they are treated like trucks coming from Canada.

Mr. President, I stand in strong support of permitting Mexican motor carriers full access to the United States in a safe, fair, and timely manner.

The North American Free Trade Agreement went into effect in January 1994. The agreement calls on each country to apply national treatment to services of each of the trading partners. NAFTA required that Mexican trucks have full access to the United States by January 1, 2001.

Rather than prepare ourselves to meet this obligation, we foolishly prohibited our southern partner's trucks beyond 20 miles from the border.

An arbitration panel ruled that the United States violated NAFTA, and today we face the possibility of trade sanctions in excess of $1 billion per year of noncompliance.

Some hope to completely bar Mexican domiciled motor carriers, assuming that because they are Mexican, then they are necessarily unsafe.

I applaud Senator MURRAY's attempt to craft a balance to ensure that Mexican trucks are safe, while meeting our national obligation.

As a Senator from a border state, I am deeply concerned about the safety of Mexican trucks. However, I do not believe that we should use safety as an excuse to inappropriately discriminate against Mexico.

As such, I have some fundamental concerns about the language of Senator MURRAY's proposal.

Principally, I am troubled that it seems to harbor a deep mistrust of Mexico.

The United States and Mexico both agree that Mexico must comply with U.S. laws, and that it is the United States' right to enforce those laws. Why then, must we impose additional and unreasonable requirements before permitting Mexican motor carriers access?

NAFTA requires that each member country give national treatment to the other member countries. That means that Mexico and Canada must abide by U.S. safety standards when in the U.S.

Canada has been doing so for some time, and Mexico is prepared and eagerly awaits the opportunity to do so.

However, the current language contains a host of provisions requiring the DOT Inspector General to review the accuracy of Mexico's regulations and information.

These requirements are not only wholly offensive and paternalistic, but fall far outside the purview of the IG.

Furthermore, the Department of Transportation inspects Canadian or U.S. motor carriers' facilities only when there is evidence of impropriety or a record of safety violations. Yet, Senator MURRAY's provisions would require that DOT inspect every Mexican carrier's facilities before any permission is granted.

In short, this is discrimination, plain and simple.

The Administration recognized that the current Senate language is discriminatory and would violate NAFTA, and even issued a veto threat if such language is retained.

I understand that many are concerned about the safety of Mexican trucks, particularly since some statistics show that they have greater out of service rates than U.S. trucks. I favor inspecting trucks to advance legitimate safety concerns, and recognize that a direct correlation exists between the condition of Mexican commercial trucks entering the U.S. and the level of inspection resources at the border.

California is widely regarded as having the best inspection practices. As such, the out of service rate for Mexican trucks in California is commensurate to the rate for U.S. trucks.

Even the International Brotherhood of Teamsters support the California inspection system. In a letter to President Bush, Mr. James Hoffa stated, "Currently, California provides a model of what a proper border inspection program can achieve."

If we all agree that California's inspection system works efficiently, then perhaps we should model the Federal inspection program after it, and refrain from treating our southern NAFTA partner with such distrust.

Mexico has not indicated that it is unwilling to abide by our laws. In fact, Mexico has stated that it will subject its trucks to inspections more intense and more frequent than our own.

The issue is whether Mexican trucks on U.S. roads meet U.S. safety standards. Inspecting trucks should be the focus of an inspection program, rather than inspecting facilities in Mexico without just cause.

Mr. President, I stand in strong opposition to language that would discriminate against our southern partners and support proposals that would ensure the safety of U.S. highways in a fair and timely manner.

I am confident that an equitable solution may be reached that will ensure safe roads and meet obligations under NAFTA, and diffuse the threat of veto.

I yield the floor and thank the Presiding Officer for yielding me 5 minutes, and also the Senators who yielded me their time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. FITZGERALD. I thank the Chair and appreciate the Senator from Washington giving me the time to speak on a matter of great importance to the city of Chicago, and actually it is probably of some interest to the Presiding Officer, as she grew up in the city of Park Ridge which is right next to O'Hare International Airport.

I hate to say it, but since the Presiding Officer grew up in Illinois we have had problems at O'Hare. O'Hare has been at capacity since 1969. In fact, it was in that year that the FAA first put delay controls in at O'Hare Airport. Unadvisedly, I think 2 years ago, Congress lifted the delay controls at O'Hare and LaGuardia, and delays went up exponentially. That has kind of renewed and intensified the crisis we have in aviation in this country.

Madam President, I have filed an amendment I will discuss later that I am continuing to work on with my colleague from Illinois, Senator DURBIN. I hope we will be able to work out some arrangements, but my amendment would restore a Chicago supplemental airport to the National Plan for Integrated Airport Systems around the country, the so-called NPIAS list. For 10 years, Chicago had a supplemental airport on the NPIAS list. It was taken off in 1997 by the FAA. I think it is time we put the Chicago supplemental airport back on that nationwide plan for airports. There are several reasons that I say that.

I want to first point out exactly where we have our airports in Illinois for those who are following this debate. I show you a map of the Chicago area. We have O'Hare International Airport on 7,000 acres on the northwest side of the city of Chicago. It is also bounded by the cities of Park Ridge, Des Plaines, Elk Grove, Wood Dale, and Bensenville. We also have Midway Airport that prior to O'Hare's opening in the late 1950s, early 1960s, was the world's busiest airport, if you can believe it. I think President Kennedy appeared at O'Hare's grand opening in 1963 and by 1969 O'Hare was at capacity.

But if you look at where these airports are located, you see that in order to get more capacity to expand these airports we are confronted with a lot of problems. Midway Airport is right in the middle of a congested area within the city limits of Chicago. In fact, I have never heard the mayor of the city of Chicago suggest expanding Midway to have longer runways. The runways are only 6,000 feet at Midway, so it is very difficult to do a long-haul flight out of that airport.

Recently, Southwest Airlines, and also ATA, have been doing very well at Midway. Midway is almost back to where it was in terms of capacity before O'Hare was built. It is pretty much full right now. Then, of course, we have O'Hare. O'Hare has seven runways.

I will show you a map of those seven runways. This is a blowup of O'Hare Airport. All of this land in the interior shown on the map is filled with runways. In fact, O'Hare has more runways, as far as I know, than any other airport in the country. It has seven runways. It does about 908,000 flights a year.

But when you get into expanding O'Hare, you are met with some real logistical challenges. There is the Tri-State Tollway on the eastern boundary of O'Hare. You have the Northwest Tollway on the northern boundary of O'Hare, and you have Irving Park Road to the south, and you have York Road—Route 83—to the west.

So a lot of people have been saying to me: Why don't we just put down more runways at O'Hare? Many people think—and, in fact, some encourage the perception—that putting in new runways at O'Hare would be as simple as laying new sidewalks. But the fact is, it is very difficult to figure out how you get more capacity at O'Hare.

I show you on this map the existing configuration of the runways at O'Hare. This 7,000-acre field goes way back. The planning was started in the 1940s. It came on line in the late 1950s. I gather that the airport has had this runway configuration for many years—at least 30 years, maybe more. But there are seven runways at O'Hare. One of them is one of the largest runways in the country.

I believe this runway—14R-32L—is one of the longest runways in this country, about 14,000 feet. The problem with these seven runways, though, is that they are not really laid out properly. In fact, in an optimal configuration that would be done today in a new airport, they would lay these runways out in a parallel fashion so they do not intercept. If you have a plane landing on this runway shown on the map, for example, then another plane cannot be taking off on that runway.

So O'Hare's problem isn't that it does not have enough runways but that they are not laid out right. In fact, Atlanta's Hartsfield Airport, which only has four runways—they are trying to build more now—handles more flights now than O'Hare does, even though it only has four runways. That is because those runways are laid out in a parallel fashion, and you can have simultaneous departures and landings on those different parallel runways.

In any case, Mayor Daley has recently proposed getting more capacity out of O'Hare essentially by tearing all of this up and rebuilding it. In fact, I think the mayor proposes tearing up three runways and building four new ones. One of these runways—I think this runway, the 14,500-foot runway—

they would just tear up and demolish it. They would lay new runways all in a parallel fashion. But the problem is, this project gets very expensive, and it would take a very long period of time.

This is a diagram of Mayor Daley's proposed modernization of O'Hare, which really amounts to a tearing up and rebuilding of the airport. He would eliminate this runway and this runway I show you on the map, and he would lay parallel runways. He would leave this runway shown here in place. You would essentially have six parallel runways here, and then two parallel in this direction shown here. Essentially, it is kind of like a quad-four runway system. I think mainly these four parallel runways would be the ones that would be used.

In addition, the mayor would add a western access to the airport. The Presiding Officer would be very interested to know that when she grew up in Illinois, it was much easier to get to O'Hare than it is today. In fact, back in the 1950s and 1960s, there were just cornfields out in that direction. The Northwest Tollway was built in the late 1950s during the Eisenhower administration in 1958, and the development started occurring much later.

But now it is very difficult to get into O'Hare because there is not enough access. In fact, coming from my home in Inverness, which is only 12 miles to the northwest, sometimes it takes an hour to go those 12 miles east on the Northwest Tollway because of congestion.

So recognizing that congestion is a problem, the mayor would propose creating a western access to the airport with another major expressway coming into the west to relieve some of the bottleneck that enters now at the airport on the east.

Also, he would add a new terminal. I think basically what they have now is the main terminals, which he would redo under a program called the World Gateway Program that would cost $4 billion, or actually $3.8 billion, to be exact. They would give United terminals 1 and 2, and American terminals 3 and 4. My understanding of it is that most of the other airlines would be stuck at a desk out here on the west side of the airport.

These are the various elements that would have to be done in order to accomplish Mayor Daley's expansion plan. They would close the 3 existing runways, construct 4 new runways, make an extension of 4 runways, construction of the west terminal, construction of western airport access, acquisition of 433 acres, acquisition of 303 homes, and acquisition of 240 rental units. The costs of this proposal have been all over the map. I think the mayor initially disclosed about $6 billion. But that was pretty much just for tearing up and rebuilding the runways. He did not include the $4 billion he is spending now on the World Gateway Program. That brings it up, even by the mayor's cost estimates, to about a $10 billion reconstruction project.

The fact is, when you add in the cost of all the ancillary projects, including road building projects, you would probably have to expand the Northwest Tollway and the expressway to accommodate more people. In fact, you can barely get into the airport right now, as I have said. Imagine what it would be like trying to get into the airport after twice as many people are being urged to go into the airport. So it would be a very costly project—probably somewhere in the $15 billion range, possibly up toward $20 billion. The Chicago Tribune has had estimates ranging from $6.3 billion to $18.9 billion.

My thought is this: I believe we have an aviation crisis in Chicago because we lack capacity. We have far greater demand than we have capacity. O'Hare has capacity for about 908,000 flights a year. Mayor Daley's proposal of spending about $15 billion, and lasting at least 15 years following the approval process, would get us up to 1.6 million operations a year. I favor, instead of going forward with that proposal, building a supplemental Chicago airport. The reason I favor that is because it would bring far more capacity, far more quickly, at far less cost.

This is a chart that shows what would be involved in expanding O'Hare vis-a-vis what would be involved in building a third airport in the Chicago area. The cost could range from $13 billion to $26 billion for the O'Hare expansion. The estimated cost of the third airport, which would have six parallel runways and handle 1.6 million operations a year, would be only $5 billion to $6 billion—the same as Denver International Airport. Mayor Daley proposes adding 700,000 flights, or operations, a year for the money he proposes spending. For a third of the cost, you could get 1.6 million more operations a year.

In contrast to the 15-years-plus it would take the city of Chicago to tear up and rebuild O'Hare—and God only knows what the delays would be like while they were tearing up and rebuilding O'Hare—the State has estimated it could have the first phase of a third airport done in 3 to 5 years following the approval. That would only be with one or two runways to begin with; ultimate build-out would be six runways. There is great community support for the third airport. There is significant community opposition around the expansion of O'Hare.

Also, competition. Surprise, surprise, but United and American oppose a third airport. Well, United and American have at least 75 percent of the operations. In fact, United and American oppose a third airport because they, right now, have 76 percent of the hub gates at Chicago's O'Hare Airport.

If you look around the country, you will see that we have a tendency around the whole United States toward having a local air carrier that has a dominant position at a regional hub airport. If you look at Atlanta's Hartsfield, you have Delta with 62 percent of the hub gates. At Dallas-Fort Worth, you have American Airlines and Delta together controlling 84 percent of the gates. In Denver, a brand new airport, United is already up to 57 percent of the gates. At Washington/Dulles, United is up to 65 percent of the gates.

So, surprise, United and American oppose a third airport. The reason for that is they would not control the third airport in Chicago. There would be new entrants that would be allowed to come in and compete with them. It seems to me that we should not let that detour us because we are not representing the shareholders of the big six air carriers in the Senate. We need to be worried about aviation consumers. Over the last 20 years—in fact, since deregulation of the aviation industry in the late 1970s—operations in aviation have gone up 80 percent in this country. Yet we haven't built a single new major airport, except for the Denver Airport, which was simply a replacement for the old Stapleton International Airport, which got shut down.

As you look around the country, big airlines that have a dominant position in their market fight like the dickens to prevent another airport from being built because that would allow new entrants to come into their territory, and it would force them to lower costs and improve services or they lose new business to the new entrants.

Because United and American don't want new competitors coming into their marketplace where they have a duopoly should not deter anybody. What I think would be best for consumers in the Chicago area is if we did have another major hub airport and we had other carriers coming into compete with United and American. They are both good airlines. They have wonderful employees and thousands of wonderful pilots, mechanics, and stewardesses; but I believe the consumers in the Chicago area would benefit by having new choices. I think there are possibilities, such as getting a wonderful new startup airline such as a Jet Blue, or even a Southwest Airways, which is competing at Midway Airport in Chicago, but might someday enjoy having the opportunity to run longer haul flights out of the Chicago area and compete more head-on with United and American at O'Hare. To get one of those fine airlines in the new airport would be great for the Chicago area, and it would help decongest O'Hare for the rest of the Nation.

Now, in the few moments I still have, I want to make one final point. In this regard, I want to associate myself with my colleague from Illinois in the other Chamber, JESSE JACKSON, Jr. For many years he has been a strong proponent of a third Chicago area airport. It is the south suburbs and the southern limits of the city of Chicago that he represents in Congress. He makes the point that we should not want all economic activity in our State concentrated in one 7,000-acre site.

That is perhaps why I disagree with Mayor Daley, the mayor of the city of Chicago. He has a different constituency than I. As mayor of the city of Chicago, he wants to keep as much economic development as possible in the city of Chicago, and Chicago is a mighty fine city, and I hope it remains always strong.

Looking at this issue as a Senator with statewide responsibilities and concern for the whole State, I want other parts of Illinois to have jobs, economic development, and an economic engine, too. I want the Rockford area to have their airport used, I want jobs for the people in the south suburbs, and I want some convenience for the 2 million-plus people who live in the south suburbs who have to drive 2 hours or more to get to O'Hare on those crowded expressways.

Yesterday, there was a good column in the Chicago Tribune by a new columnist for the Chicago Tribune. Her name is Dawn Turner Trice. She analogized this issue actually to the G8 economic summit that was just concluded in Europe whereby the big G8 countries were talking about sharing the wealth with the rest of the world, forgiving some of the debts that Third World nations have, turning loans into grants, outright grants to help some of the developing countries.

She said: Why aren't we looking at this airport issue the same way in the State of Illinois? Why do we allow such a great concentration of wealth in one tiny 7,000-acre site and not worry about it anywhere else? She is absolutely right on that and, in addition, those wealthy communities around the airport have said enough is enough. Their quality of life is now negatively impacted by the continual cramming of everything into O'Hare. The idea of dramatically increasing the number of flights at O'Hare beyond what they are now presents a real dilemma to the Chicago area. People do not know how they can get there now. They cannot imagine what O'Hare would be like if the airport was expanded further.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FITZGERALD. Madam President, I thank you for this time, and I thank you for the opportunity to address this issue. I hope to be working with Senator DURBIN and my other colleagues to solve the aviation crisis in the country, beginning in Chicago.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized.

AMENDMENT NO. 1030

Mr. NELSON of Florida. Madam President, I rise in support of the Murray-Shelby version of the question of Mexican trucks on American highways that is in the Department of Transportation appropriations bill.

I support free trade, but free trade does not mean sacrificing the safety of Americans on our highways.

If you will just look at the comparison of safety standards for American trucks and Mexican trucks, the hours of service that a driver can perform are unlimited under Mexican standards.

There are no random drug tests.

A medical condition that will disqualify in America does not necessarily do so in Mexico.

The age for drivers of these trucks established in America is 21 and only 18 in Mexico.

The maximum weight on our highways in America is 80,000 pounds. In Mexico, it is 135,000 pounds.

As to vehicle safety standards, such as antilock brakes, in Mexico they do not even have to have brakes on the front wheels.

And then as to the question of cargo, carrying of hazardous materials, we have very strict standards in this country. In Mexico, they are very lax. There are fewer identified chemicals and fewer licensure requirements.

If ever there has been a case where the commonsense standards, the desires, and the wants of the American people are quite apparent, it is the Americans who get behind the wheel and drive on our highways and on the interstates and encounter huge trucks. How many times have we had, as a driver of a smaller vehicle, a concern about the safety of that big truck that was in front of us or passing around us or that was cutting from one lane to another in front of us.

We have in the interest of free trade in America a proposal to severely lower the standards of trucks coming from Mexico that we, as the consuming American public, as the driving American public, will have to encounter.

This is not even speaking on the question of the environment. I have been speaking only on the question of safety. On the question of the environment and emission standards, we clearly have in the various States different emission standards. In Mexico, those are much less.

I simply ask the question, Do we want to drive on our highways and encounter trucks with a driver who could be driving with no sleep; that because there was not a random drug test, that driver may be on drugs; he may have a medical condition that impairs his safety; he is less than 21 years of age; he is driving a truck of 135,000 pounds instead of 80,000 pounds; he does not have antilock brakes—indeed, no brakes on the front wheels; and that truck is carrying significant hazardous materials, not even to speak of the fact he is spewing all kinds of pollutants in that acrid smoke we all detest when we are behind a big truck.

The case is quite compelling. I would even be for a more stringent standard than the Senator from Washington has inserted into this bill, but her compromise, along with Senator SHELBY, is a good start in protecting the American people on their highways.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Missouri is recognized for 15 minutes.

Mr. BOND. I thank the Chair. I thank the managers of this bill, the Chair, Senator MURRAY, and Senator SHELBY for an outstanding bill. It is my pleasure to serve on the committee with them and to support this bill.

Senator MURRAY has been willing to accommodate many of the very important priorities submitted by the Bush administration, including $325 million for the U.S. Coast Guard Deep Water Systems Program, full funding of the President's request for Coast Guard retired pay and Reserve training, and certainly, as far as my State of Missouri, which is a very transportation-dependent State, we are very grateful for the recognition in our State of the needs in transportation, whether it be transit, buses in the metropolitan areas, transportation for the elderly and the disabled in rural areas, light rail, or a critical road project in southwest Missouri on U.S. Highway 71.

These are all things that are extremely important, and we are, indeed, grateful for the careful attention the Chair and the ranking member have provided to the needs of all of us in this body.

I have, however, raised a question at the subcommittee and full committee level at the request of the Secretary of Transportation. I raise this issue of the Mexican truck treatment. As we all know, in 1994, the North American Free Trade Agreement went into effect following congressional approval the previous year. I was here in 1993 and voted for this critically important trade agreement. Though I recognize not all of my colleagues were here, and some who were here did not support the agreement, the simple fact remains that NAFTA did pass. It is now the law of the land. The result is we, as Members of this body, have the responsibility to uphold the law and assure we take no deliberate action to violate it.

Unfortunately, we have received a Statement of Administration Policy, dated July 19, which, No. 1, commends the work that Senator MURRAY and Senator SHELBY, the Chair and ranking member, have done to address these many critical issues. They say the administration is pleased the Senate committee has provided necessary funding and staff to address critical motor safety issues. It repeats that the administration is committed to strengthening the safety enforcement regime to ensure all commercial vehicles operating on U.S. roads and highways meet the same rigorous safety standards. However, the Statement of Administration Policy goes on to say, the advice from the administration is that the Senate committee has adopted provisions that could cause the United States to violate commitments under NAFTA. Unless changes are made to the Senate bill, the President's senior advisers will recommend the President veto the bill.

That is the situation in which we find ourselves. This is too good a bill to be lost. We want to work together to make sure we do not lose the benefits of this bill or violate our agreements under NAFTA. We know for a fact that the NAFTA international tribunal has already issued a decree we violated obligations and are subject to sanctions ranging from $1 billion to $2 billion per year for continued violations. These sanctions could certainly lead to multiple problems, particularly in manufacturing, which has already seen three-quarters of a million jobs lost since 2000. The real fear in terms of trade is that if the sanctions continue with alternative suppliers being found from the European Union or elsewhere, the job losses could become permanent.

To set the context for the Senate bill, our colleagues on the other side of the Capitol took a very stringent view that would prohibit the use of any funds in the appropriations bill pending to process applications by Mexico domiciled motor carriers for conditional or permanent authority to operate beyond the commercial zone adjacent to the border. In other words, the House-passed language, as amended on the floor, effectively closes our borders to trade with Mexico while providing no money to address any of the concerns noted by those supporting the amendment. That is to assure safety for all trucks on the highway.

This action not only constitutes a direct violation of NAFTA, but it does not do anything to address the safety issues associated with the status quo on the United States-Mexico border.

A few moments ago we heard questions raised about the weight of trucks in Mexico, their brake systems, and other things. Let me go back to point out that under NAFTA and under the administration's policy, the inspection regulations would require that the trucks coming in from Mexico meet our standards. Whether it is weight, whether it is brakes, all of the safety standards that we impose on our trucks, that we impose on Canadian trucks, would be imposed on Mexican trucks.

As I mentioned earlier, the provision in this bill, headed by the Chair, Senator MURRAY, and Senator SHELBY, made very significant improvements in the legislation and added the money necessary to protect others who travel on the highways. That has to be our first responsibility. Everybody wants to make sure our highways and roads are as safe as possible. We are going to do that. What we need to do is figure out how to do that.

I raise a concern that some of the provisions in this bill could effectively close our border to Mexican trucks. I am very pleased to say we are expecting very shortly to be able to meet with the administration to find out precisely the kind of language changes that are needed. I trust and I believe the leaders of this committee, the Chair and the ranking member, will be able to work to find solutions to the language problems and the practical problems that cause the administration to believe this is a NAFTA violation. We do need to maintain our standing in the international community and make a good-faith effort to live up to our trading obligations. Certainly the obligation to open our borders to other countries that want to bring goods into our country in exchange for opening their borders to allow us to take goods into their countries is very important.

Whether or not my colleagues supported NAFTA at its inception, there should be no question that we should not do something in this body or in conjunction with the other body that would cause us to be in the position of breaking our agreements. That, I am afraid, is the major problem. We cannot and must not violate our agreements. The practical impact of the provisions, unless we can work out a change before it is sent to the President, would be a veto of the whole bill. Senator MURRAY and Senator SHELBY have worked too long and hard to get this bill together to lose it. Our agricultural exports, our manufacturing exports, the jobs for our farmers, the jobs for our workers, require we do this job properly.

If you have, as I have, listened to the congressional debate on letting Mexican trucks travel U.S. roads, you might think the United States is an unequipped, underdeveloped country. I pointed out that NAFTA permits us to require the same safety standards for trucks on highways. We have had more than 7 years to prepare for the inspection of trucks to ensure they meet U.S. safety standards as required by the North American Free Trade Agreement and as repeatedly requested by Mexico. Yet it appears the Teamsters Union and others with straight faces tell us that the world's wealthiest and most advanced nation does not have the resources to perform this relatively modest chore. That is the heart of their argument—U.S. inadequacy—and we should be ashamed of it, just as we should be ashamed of other arguments being made: we cannot inspect trucks coming across the border, not 7 million trucks; at maximum 180,000, or 300,000 trucks might be the most.

We have the right and the obligation to inspect these trucks. We should be ashamed of saying that we cannot inspect them. We have a lot of evidence already of trucks traveling on our highways. A Mexican trucking fleet has long been allowed to traverse this country en route to Canada with no notable safety hazard resulting. Only if the Mexican trucks want to stop to deliver goods throughout the United States do we want to bar them. Maybe it is a question of whose jobs are being impeded.

Mexican trucking firms can already travel throughout the United States so long as the firms are U.S. owned and no serious issues have been raised about that. Only if the Mexicans own the companies do we prohibit their trucks. Something to do with competition maybe. That raises questions.

Older Mexican drayage trucks, those long allowed to make short hauls in the 20-mile "commercial zones" on either side of the border, are as safe as similar U.S. trucks. As the American Trucking Association has noted, the Mexican vehicles are taken out of service for safety reasons at rates that are virtually identical to those at drayage operations at ports and intermodal facilities all across the United States.

If we need more proof, we only need to look to California, the only State that inspects every Mexican vehicle crossing its border. The out-of-service rate for Mexican trucks there is virtually the same as that for U.S. trucks. The president of the Teamsters, Mr. James Hoffa, calls California's program, which we propose for the rest of the border, "a model of what a proper inspection program can achieve."

What it has achieved is to show that we can, indeed, inspect Mexican trucks. California does it in two modern facilities, built mostly with Federal funds, with inspectors chiefly paid with Federal dollars, and those vehicles are as safe as U.S. trucks. How, then, can critics make the claims about dangerous Mexican trucks?

First, they mix apples and oranges, comparing older drayage trucks, which have a higher out-of-service rate in both our nations, with all U.S. trucks. Thus, when critics say the out-of-service rate for trucks at the border is 36 percent, or half-again higher than the 24 percent for all U.S. trucks, they are engaging in a little statistical sleight of hand. This, I find, is misleading.

In addition, there is a contention that under the administration's plan it would take 18 months to take any unsafe Mexican trucks off the road. But that is how long it would take to go into Mexico and audit Mexican firms' paperwork, maintenance records, drivers' logs and the like, not to inspect their trucks.

What we are seeking funds for in this bill, and what the administration has sought, is money for roadside truck inspections.

Similarly, as I said, many House Members signed a Teamster-generated letter that under NAFTA, 7 million Mexican trucks would be riding American highways, while only 180 Mexican firms have applied, and there are only about a total of 300,000 commercial trucks in all of Mexico.

The chief danger in this debate is not Mexican trucks but U.S. protectionism, which is already costing businesses and consumers dearly. About 75 percent of United States-Mexico trade, or about $195 billion of goods moves by truck with cargoes transferred from long-haul trucks to drayage trucks at the border and back to long-haul trucks for nationwide delivery. It is a senseless and expensive system that must be ended—not for the least reason that it keeps the older, more dangerous drayage trucks targeted by critics on the road.

As one who comes from an agricultural State, and 75 percent of our exports go into Mexico by truck, we depend upon trucking because 12.5 percent of the American agricultural exports go to Mexico. That gives us a trade surplus in agriculture of over $1 billion.

If we put these barriers up to Mexican trucks as Secretary Mineta, the Secretary of Transportation has noted, Mexico could impose compensatory tariffs of $1 billion on U.S. goods. Many U.S. workers and companies would feel the pain if Mexico were to exercise this right.

Perhaps more costly, however, would be the damage to our U.S. drive to get other nations to keep their borders open and to keep their trade commitments. As the world's largest exporter, we have the most at stake in this issue. Our case will be impossible if we violate our own word. I think it is past time. I hope we can very shortly work out something that the President has suggested, the Teamsters endorse, many on this floor have endorsed, and that is adopting the California model for all border States to provide the funds for facilities and inspectors, to make sure our highways are safe. That is No. 1. Every American has a right to demand that we ensure the safety standards for all the trucks on our highways.

I encourage all my colleagues to work with the Chair and the ranking member to ensure safety on America's highways while opening our borders to foreign trade, to assure compliance with our treaties, and to avoid a veto.

People in my State want to trade with Mexico just as the people in the rest of the country want to trade with Mexico. We can achieve safe highways while maintaining open borders and avoiding trade sanctions by applying universal inspections and standards across the board. We can get the job done. I look forward to working with the Chair of the Committee, Senator MURRAY, and Ranking Member SHELBY in the coming hours and days in an effort to see that we can attain these very reasonable goals for all Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The time of the Senator has expired. Who seeks time? The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I hope to clear the air somewhat with respect to comments made by my distinguished colleague from Arizona. I serve with him on the Appropriations Committee. We both voted to report out this particular Transportation appropriations bill with the Murray amendment. We reported it out unanimously.

The reason we did that is because the Senator from Washington, Mrs. MURRAY, and the Senator from Alabama, Mr. SHELBY, in a bipartisan manner, went about this particular task in a very deliberate, studied way. In other words, they went to the Department of Transportation and they went to the Motor Carrier Safety Improvement Act of 1999.

For example, the particular provisions I heard Senator GRAMM of Texas point out, there are two of them, relative to the leasing issue and the disqualification of vehicles operating illegally. They are both suspended upon implementation of the motor carrier provisions of NAFTA. That says "upon implementation." What the Senator from Texas was talking about as an extreme, terrible thing and everything else, is actually required. These provisions are required under the Motor Carrier Safety Improvement Act of 1999 that passed this Senate by 99 votes. Of course, I voted for it. The Senator from Texas and the Senator from Arizona voted for it, also.

It is talking of two particular provisions where, if you are found in violation, for example, you cannot then go lease your equipment for some other person to come in and do the job. That is provided for in this Motor Carrier Safety Improvement Act of 1999. I have it here in my hand, should there be any question.

Otherwise, the Senator from Texas was correct in a sense about leasing and domicile. When we drew up this provision, we checked with the Transportation Safety Department. In fact, I thought I was correcting Secretary Mineta in our hearing last week when he attested to the fact it never should be required that it be domiciled. And I said: Mr. Secretary, we got that from your Department.

Now the Department of Transportation says: Not quite. What they really meant was license in the sense of domesticating, having an individual in some State to be subject to service. In other words, if there is an accident and some aggrieved party wants to serve the particular—let's say Mexican truck—they have to have the State and an office and an individual to be served, subject to service that we all know about in the practice of law.

That could be corrected, as the Senator from Washington said, by amendment. True it is that, yes, Vicente Fox, the new President of Mexico, has given us hope with NAFTA. There is no doubt we have NAFTA. I opposed it as vigorously as anyone, but now we have to see that it works.

In all candor, this is the first chance I have seen that we can make it work under the new President, particularly with his Foreign Minister, Jorge Castaneda, who has taught up here in the United States. He has worked on this and I have talked to him about safety. Mexico does not really want to get embroiled in this. They are mostly interested in immigration and industry and economic expansion and everything else, and they don't want to cross wires with the United States on the matter of the Motor Carrier Safety Improvement Act Of 1999.

He said that to me several times. I understand that. Neither do we, because this is a reciprocal thing. If we required something up here in the United States that was untoward or discriminatory, they would require the same thing of us down in Mexico.

We are working this treaty out. These provisions under the Murray amendment are all in conformance with NAFTA—and are required by the U.S. motor carrier act. I can tell you that right now.

Senator MURRAY and Senator SHELBY should be commended for their thoughtful process. The President said we are going to license, and the trucks can come over January 1st. The confrontational Sabo amendment in the House said there will be no money to process applications and the trucks would not be eligible to come over. It said we are going to save money by cutting funding off for the fiscal year 2002. That doesn't get us anywhere. If we take up Representative SABO's legislative proposal, it will be another year and a half before we can address the issue. Nothing would happen until October of next year.

Everybody wants to move along on this particular score. Jimmy Hoffa testified at the hearing for this Murray amendment. We asked him about these particular amendments because we wanted to be sure it was deliberate and nondiscriminatory in the sense that it was required of the U.S. motor carrier act. That is the way it has been provided.

The Senator from New Mexico, Mr. DOMENICI, was correct in saying that we have every bit of hope and we are all working. But to say that it looks like partial discrimination and that we were trying to get some tricky kind of things on behalf of the Teamsters, or that these requirements cannot be complied with—it is totally out of whole cloth. I have never seen anybody work harder and give better leadership than the Senator from Washington with this Murray amendment. It is the Murray-Shelby amendment. It is bipartisan. It should remain so. All of this running around, I don't want to talk, or you don't want to talk, or whatever—that is nonsense. Put up the amendment so we can vote on the amendment and move on.

I think the Senator from Washington ought to be commended for the very studied way in which she has gone about this particular amendment and these requirements. Certainly once that gate is opened and the trucks are coming over, then they are coming over in some 27 particular spots, and we have to provide checkpoints and personnel, training, and everything else ourselves. So it is not just the Mexicans preparing themselves and so forth by January 1st, but us, too.

We don't make January 1st the drop-dead date under the Murray amendment. We say all of these things cannot be licensed; the border cannot be opened until A, B, C, or D in the Murray amendment are complied with. That is the studied, deliberate way to go about regulating at this particular point on the appropriations bill. It is important that it be done that way rather than overall on the House side.

We are not looking for the President to veto it. President Bush is smart. He is not going to veto safety. There is nothing in this particular measure that would require a veto. Let's get on with legislation in the particular appropriations bill.

I vetoed, like the distinguished Presiding Officer, for 4 years as the Governor. You wake up, and you want to read that veto message very clearly so it can not only be sustained legally but in the public domain. I can tell you that neither legally nor in the public domain the veto of the Murray amendment will be sustained. Nobody is trying to say we are going to stick it to you and we hope you veto it. None of that is in here. It unfortunately has gotten way off track.

I am not a party or even a member of the Subcommittee on Transportation in the Appropriations Committee, but I have watched how it was done. Yes, our committee, the Committee of Commerce, Science, and Transportation, had a hearing with Secretary Mineta. Those kinds of things were pointed out. I could go on at length about the hearings we had.

For example, the Comptroller General said:

> Strong enforcement will be needed for the minority of carriers that are egregious offenders and a risk to public safety. The Motor Carrier Safety Improvement Act of 1999, section 219, provides fines and disqualification sanctions for Mexican carriers operating without authority or beyond the authority in the United States. These fines range from $10,000 to $25,000. However, the act's provision has not been implemented, and this provision will expire when NAFTA's cross border trucking provisions are implemented.

These are the kinds of things we had before us at the hearing of Commerce, Science, and Transportation with Secretary Mineta. It was an excellent hearing.

We are ready to move on. I am convinced that we could report out a similar authorization bill this afternoon, if the committee met, similar to the Murray amendment. It would be right there, because we made our suggestions as to changes.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we be in a period of morning business, with Senators allowed to speak for up to 5 minutes each, until the hour of 3:40 p.m. today.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, I know there is a discussion going on off the floor with regard to coming to some resolution on the issue of Mexican trucking. I hope we can find a way to resolve this procedurally.

I applaud Senators MURRAY and SHELBY and others who reached the compromise that is now part of the bill, and I hope, whether we reach another agreement or whether we can't reach agreement and simply have votes, we can do that. I think we have made reasonably good progress before the August recess on appropriations.

I have had some discussions with the Republican leader, as well as with our caucus and my leadership. We have discussed just what remains to be done prior to the time we leave. I think it is fair to say we are way behind the curve with regard to where we should be on the appropriations front. We have only completed three appropriations bills so far. I hope at the very least we can complete our work on at least two more—Transportation and HUD/VA. I have indicated to Senator LOTT that would be my desire. I have indicated to my caucus that there is no question that we ought to be able to do those two. Senator BYRD, the chairman of the Appropriations Committee, shares my view.

So my expectation and my determination is that we complete our work on those two bills. We also have two emergency issues to deal with. First is the Agriculture supplemental authorization. It has already passed in the House. I am told that the Agriculture Committee is intending to vote on it tomorrow. It would be my expectation to take it up shortly after the committee action in an effort to get it through the floor and into conference in time to bring it back prior to the time we leave. That, too, is a very necessary piece of legislation, first, because of the relief it provides to millions of producers across this country—producers that are not only incorporated into the farm bill itself, but many other producers that do not have farm programs per se. If we do not act before the August recess, we will lose the budget authority that is dedicated under the budget resolution to agriculture and disaster assistance. It would then be taken out of next year's authorization.

We can't afford to lose the $5.5 billion authorization. But that is exactly what we face if we are not able to act. So I don't think we have any alternative, any recourse, except to ensure that the work is complete before we leave for the August recess.

Finally, the Export Administration Act is also in peril. The act expires during the August recess. The administration has indicated this is a high priority for them. It is a high priority for our caucus, but I think, on a bipartisan basis, Senators on both sides of the aisle have indicated a strong desire not to allow this legislation to expire in August. So it is my expectation that it, too, must be dealt with prior to the time we leave.

In addition, our Republican colleagues have expressed a strong interest in confirming additional nominees, and I have every expectation that we will be doing that as well. In the past 2 weeks, the Senate has now confirmed 77 nominees. I intend to move as many additional nominees to the floor prior to the recess as we can. I have discussed the matter with each of our Chairs, and they have volunteered extensive cooperation in bringing additional nominees to the Executive Calendar so we can move on them once the work has been done. To my knowledge, except for those nominees for whom there is a Republican hold, there are few, if any, nominees who have been on the calendar more than a couple of days. I do believe we owe every Senator the right to examine the nominees and to ensure that they are prepared to support them. But I will press for consideration and ultimately confirmation of those nominees prior to the time we leave.

All of us have August recess plans, but we have to accomplish these four essential items, in addition to the nominations that I want to be able to move forward and confirm before we take a vacation. I think we have a fundamental duty not only to build on what we have been able to do in the appropriations process, but also to deal with the many other additional requirements that are pending before the Senate prior to the time we leave.

So just to sum up, it is my hope, even though we are not making a lot of progress today so far on the Transportation bill, that we can complete it. I see the distinguished Chair of the subcommittee on HUD/VA on the floor. She has indicated that she knows of no significant legislative impediments to consideration of her appropriations bill. So at least those two bills will need to be addressed prior to the time we leave. And then, of course, as I said, there is the Agriculture authorization supplemental. I can't imagine that anybody would want to hold it up or want to delay its implementation. As I have noted, the House has already acted. It would be our hope and expectation that we cannot only act but that we can work out our differences with the House in time to assure that this bill is sent to the President before we leave. If we fail to do that, of course, we then fail to allocate the $5.5 billion committed to emergency agricultural spending in the budget.

The Export Administration Act, of course, is also something we need to consider. I see the Chair of the Banking Committee, whose jurisdiction it is, and he has indicated as well his desire to cooperate and move forward in a bipartisan way to ensure that we attain that goal.

So we have a lot of work to do in 2 weeks. I expect we are going to stay in late Tuesday, Wednesday, and Thursday nights. I think it is important for us to make full use of this week, and we will be doing so. If I am required to file cloture on Transportation by the end of the day, I will do so. I am withholding that at this point because I hope that some accommodation can be reached on a vote on whatever amendments may be offered on Mexican trucking. But we have to get on with our work. We simply can't afford these long delays throughout the week.

IN MEMORY OF OFFICERS GIBSON AND CHESTNUT

Mr. DASCHLE. Mr. President, in about 1 minute we will be observing a moment of silence in memory of Officers Gibson and Chestnut.

As my colleagues will recall, it was 3 years ago to the minute these unfortunate and tragic deaths occurred. I ask at the appropriate time, which is now, that we observe a moment of silence.

(The Senate observed a moment of silence.)

Mr. DASCHLE. Mr. President, I appreciate my colleagues' and everyone's attention. If I may say for a moment, I remember this day 3 years ago as if it occurred just yesterday. I did not know Officers Gibson and Chestnut personally, but I knew them, and as we all recognize, we take for granted all too often the tremendous service provided to us by our police and by those who guard our security each and every day.

The loss of life under circumstances such as this is all the more tragic when you appreciate their dedication to public service, their commitment to our good health and security, and the recognition that their families still grieve their loss.

I know I speak on behalf of the entire Senate in wishing the families of Detective Gibson and Officer Chestnut our very best and most heartfelt wishes and recognition, once again, of their tremendous dedication to public service and their commitment to us and to all those who survive and continue to work each and every day, in keeping with the spirit and dedication that they so ably demonstrated.

Mr. LEAHY. Will the distinguished leader yield?

Mr. DASCHLE. I will be happy to yield.

Mr. LEAHY. Mr. President, I associate myself with the words of our distinguished leader. I came over to the Senate for the express purpose of this moment.

Like the distinguished leader, I recall this tragedy. I had just arrived in Vermont on that day, and I recall when the police officers in the airport said: Senator, have you heard what happened? Any of us who has served in law enforcement has a sense of what goes through everybody's mind.

I thought of Officer Chestnut who just a few days before as I was going through the door stopped me and said my wife had just gone through. We were at some event up here. I do not even remember now what the event was. He said: I sent your wife on up. He said as a joke: You must be late because you are behind her. That is a family thing.

Detective Gibson traveled with different groups I had been with when we had hearings outside Washington and had gone with Senators on different events. A lot of times we were around when there would be dignitaries up here, and he would recognize the different Senators. It was always the same thing: He would see us or a family member: Here, come on through; and he would take care of us.

It can sometimes be very easy to take for granted the law enforcement around the Capitol. There is a significant law enforcement presence. It is, as the distinguished leader said, like family. We see them and are with them, and yet when something such as this happens, you realize they are the line of defense between us and that tiny, tiny, tiny fraction of people in this country who would do injury, not to us individually but to really the symbols of our Government.

I thank the distinguished leader for his words. I know they are words that will be joined by Senators on both sides of the aisle.

Mr. SARBANES. Will the distinguished Senator yield?

Mr. DASCHLE. I will be happy to yield.

Mr. SARBANES. Mr. President, I thank the leader for offering this moment of silence in honor of Detective Gibson and Officer Chestnut and the sacrifice they made. It represents the sacrifice so many men and women make each day in the Capitol so that the Nation's business is transacted.

I know both their families, of course, and I know how much the loss impacted them, how deeply they felt it. It is very fitting and appropriate that we should just bring our business to a halt, pause, and remember their tremendous contribution, their tremendous sacrifice, and that of many others who work here each and every day. I thank the leader for doing this.

Mr. DASCHLE. I thank the Senator.

Ms. MIKULSKI. Mr. President, I personally associate myself with the leader's remarks and that of my two colleagues. I also knew Officer Chestnut. He was a Prince George's County guy. In fact, he was days from retirement. He would probably be fishing on the Chesapeake Bay now with his grandchildren.

As we remark and express our gratitude for the men and women who protect us every day, we also have to think about their spouses, and we need to think about their children. They would not be here without their love and support. This is why, as we honor those who protect us, we also remember the families who support them so they can do so.

I thank the leader for pausing, and God bless the souls of those men, and God bless the men and women who protect us and their families.

Mr. DASCHLE. I yield to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I had occasion with four distinguished Senators to travel through Vermont. We had Detective Gibson and Officer Chestnut travel with us to ensure our security. They were wonderful and most efficient. In fact, it is not easy to maneuver four Senators around and keep track of them and their spouses and keep them on schedule.

We got to feeling closer to them under those circumstances. They were two wonderful men. I feel a certain sadness of the memories connected with that. They were truly wonderful, and their families, of course, we all got to know after this tragedy. They are fantastic people.

I echo the comments of the Senators from Maryland in making sure we watch out for them.

Mr. DASCHLE. I thank the Senator from Vermont.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate extend the period of morning business until 5 o'clock, with Senators allowed to speak for up to 10 minutes each.

Mr. McCAIN. I object. I would like to speak on the bill.

The PRESIDING OFFICER. The objection is heard.

Mr. McCAIN. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland.

Mr. SARBANES. Mr. President, parliamentary inquiry: Is the Senate now in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

TRIBUTE TO KATHARINE GRAHAM

Mr. SARBANES. Mr. President, I rise today to pay tribute to a wonderful American, an absolute giant in the field of journalism, and someone who broke through barriers for women all across this country, Washington Post publisher Katharine Meyer Graham.

There is little that has not been said over the last few days about Kay Graham and the remarkable life she led as a citizen of the Nation's Capital and the world. Although she was born into a well-off family and attended exclusive schools, Kay Graham did not retreat into a world of privilege and leisure. After graduating from the University of Chicago in 1938, she worked as a reporter for the San Francisco News. Not able to stay away from Washington for long, she returned the following year and took a job in the editorial and circulation departments of the Washington Post.

Kay Graham then began the next phase of her life, marrying Philip Graham who had clerked in the Supreme Court. Soon after their marriage, Phil Graham joined the Army Air Corps and Katherine followed him to military posts in South Dakota and Pennsylvania. A devoted wife and mother, she dedicated the next 20 years to her family as she brought up her four children: Lally, Donald, William, and Stephen.

Tragedy thrust Kay Graham into a role she never envisioned for herself. After the death of her husband in August of 1963, she took over the helm of the Washington Post and then proceeded to build the company into one of the finest news organizations and businesses in our country. When she took over as president of the Post, it was still a relatively small organization consisting of the newspaper, Newsweek magazine, and two television stations. It was Kay Graham and her associates who built the company into the publishing giant it is today. By emphasizing both scrupulous news reporting and attention to the bottom line, she was able to attract advertisers, investors, and readers alike, all while adhering to the highest journalistic standards. Kay Graham built the Washington Post into a Fortune 500 company and she was the first woman to lead a Fortune 500 enterprise.

Despite, or perhaps because of, her dedication to the family business, Kay Graham was willing to risk it all in pursuit of a news story that needed to be told. Many have spoken of the courageous editorial decisions she made when the Washington Post published the Pentagon Papers, and later when it led the investigation into the Watergate break-in. In both cases, Kay Graham bravely stood up to pressure and, indeed, intimidation from the highest levels of Government, risking in a sense her livelihood to ensure that the public learned the truth.

It is sometimes now difficult, being beyond that period, to appreciate the import and significance of those decisions. But at the time, her decision to pursue those critical stories was filled with peril, and she set an example for the country by coming through that difficult period like the true champion she was.

Kay Graham was an irreplaceable participant in the Washington community and on the world stage. She formed close friendships with political leaders on both sides of the aisle, with business leaders, with world dignitaries. Many of us had the privilege, on occasion, to discuss complicated and complex policy issues with Kay Graham, and we deeply appreciated her keen intellect and her thoughtful insights into the problems of the day. And throughout her life, she maintained a grace and sense of humor that endeared her to all that had the privilege of knowing Katherine Graham. She will be missed, not only as a reporter of the news but also as someone who truly contributed to the dialog of world affairs.

In 1991, she stepped down as chief executive of the Washington Post, and in 1993 resigned her position as chair. Yet even "in retirement" she remained an active member of the Post's board of directors, chairing its executive committee and maintaining an office at the Washington Post until her death last week. She also found time during this period to write her memoirs, an exceedingly moving story entitled "Personal History," which won the Pulitzer prize for biography in 1998.

The achievements of Kay Graham were tremendous and her dedicated service to the Washington Post, to our Capital City, and to our Nation, are great indeed. She will be sorely missed by all of us. She kept us informed, led our community, shared her wisdom, and was our friend.

I extend my deepest sympathies to her family and her many devoted colleagues at the Washington Post.

Mr. President, I have an editorial which appeared in the Baltimore Sun about Kay Graham entitled "Industry Titan, Publishers courage and judgment made one newspaper great, others stronger." It is a wonderful tribute, as it is from a peer. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, I close with this thought. It is indicative of her wonderful accomplishments with respect to the Washington Post that one can say, as I say now with confidence, that the Post will continue to be a great newspaper. Kay Graham institutionalized the Washington Post as a great organ for truth and for responsible journalism. As one thinks back on her legacy, perhaps one of its most significant aspects is that we can look forward in the expectation that the newspaper she built will continue to be one of the world's great newspapers because of the standards she established and the legacy she has left.

I yield the floor.

EXHIBIT 1

[From the Baltimore Sun, July 18, 2001]

KATHARINE M. GRAHAM

Industry titan: Publisher's courage and judgment made one newspaper great, others stronger

U.S. newspapers are better and stronger because of what Katharine M. Graham did at the Washington Post. Her death at 84 deprives the industry of a giant.

The core of her achievement was in three gut-wrenching, high-risk decisions made from 1971 to 1975.

In the first, she agreed over legal advice that the Post would print the Pentagon Papers, prepared from government documents detailing U.S. involvement in the Vietnam War, after the New York Times was enjoined from doing so. Other papers followed, and the precedent of prior censorship was undone.

The second was to support dogged investigative reporting of the burglary of the burglary of the Democratic National Committee, in behalf of President Richard Nixon,

> as it turned out, during the 1972 election campaign. What the Post, courts and Congress learned forced Mr. Nixon's resignation.
>
> The third, in 1975, was to respond to sabotage of presses by striking pressmen with a determination to publish with nonunion pressmen and defeat such tactics.
>
> The decision were connected. Without the first, she might not have stuck with the second, or without that triumph, the third.
>
> Katharine Meyer, born in 1917, never intended such a role in national life. Her financier father bought the failing newspaper in 1933. She married a brilliant young lawyer, Philip Graham, whom her father made associate publisher, later publisher.
>
> His progressive mental illness and suicide in 1963 propelled her timidly into his shoes if only to save the newspaper for the family. The rest is not merely history; it is her 1997 Pulitzer Prize-winning memoir, Personal History.
>
> As publisher and chief executive until turning power over to her son, Donald, in 1991, Mrs. Graham built a media empire. At its heart was a newspaper that penetrated its market as no other and that grew into one of the world's best.
>
> Mrs. Graham was a power in Washington, and a force in publishing—positive in both spheres—until her death following a fall in Sun Valley, Idaho. Her good works survive her.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I intend to speak on the pending Murray amendment. I ask unanimous consent to take as much time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS

MCCAIN-GRAMM ALTERNATIVES

Mr. McCAIN. Mr. President, we just concluded a meeting with several Members who were involved in this matter, including the distinguished minority whip, Senator REID. I thank Senator SHELBY, who was responsible for this meeting. I think it was helpful. Representatives of the administration were there. I think at least we were able to establish lines of communication and dialog on this important issue.

Before I discuss the proposed McCain-Gramm substitute that we may be proposing, depending on the status of negotiations, I wish to emphasize the importance of this issue. Here we are on an appropriations bill—an appropriations bill—a piece of legislation that profoundly affects, in my view and perhaps far more important the view of the administration, profoundly affects a solemn trade agreement entered into between three nations: United States, Mexico, and Canada. Here we are debating a provision on an appropriations bill that is supposed to pay for the transportation needs of this country.

I say again to my colleagues, this is the wrong way to do business. So, therefore, because of the deep concerns that I, Senator GRAMM, Senator BOND, Senator DOMENICI, and many others have, we have to do what we can to see that this appropriations bill does not have language in it which, as I say, in my view and that of the administration and objective observers, is in violation of the North American Free Trade Agreement. That is why we here have been tied up now for a couple of days and will continue to be so, unless we can come to some agreement that will satisfy the concerns we have that we would be violating the trade agreement.

I remind my colleagues again, a panel already has declared the United States is in violation of NAFTA because of our failure to allow carrier crossings.

We could be subject to sanctions to the tune of billions of dollars imposed by the Mexican Government. I hasten to add the Mexican Government has not threatened us, but we could be liable for that.

I hope our negotiations can continue. I hope that the advice of the senior advisers to the President recommending a veto of the bill in its present form will not happen. There are much needed transportation projects in this appropriations bill, and, in my own view, some that are not needed. But I will not go into that at this particular time.

The fact is that we need to negotiate. The areas of disagreement are not that great, but they are significant.

There are 22 provisions in this legislation which cumulatively would ensure that it would be impossible to implement the carrier truck crossings for 2 or maybe as much as 3 years. I hope we can get this worked out. As I say, our differences are not that great.

Unlike the House provisions, this legislation provides significant funding to enable the Department of Transportation to hire and train more safety inspectors and to build more inspection facilities at the southern border. I strongly commend the committee for this action.

However, as I previously explained, I have concerns over a number of requirements included in the bill that if enacted without modifications, could effectively prevent the opening of the border indefinitely. My concerns are shared by other colleagues and the administration.

The administration estimates the Senate provisions under section 343 would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition from allowing any Mexican motor carrier from operating beyond the commercial zones. This view is shared by a number of us, as well as the President's senior advisors, who have clearly indicated they will recommend the President veto this if it includes either the House-passed or pending Senate language.

I recognize that at first glance, many of the requirements in section 343 appear reasonable. However, I am informed by DOT officials that it simply cannot fulfill all 22 requirements imposed by section 343 in the near term. To quote from the Statement of Administration Policy, transmitted to the Senate last Thursday.

> The Senate Committee has adopted provisions that could cause the United States to violate our commitments under NAFTA. Unless changes are made to the Senate bill, the President's senior advisors will recommend that the President veto the bill.

There may be debate back and forth as to whether these provisions in section 343 of the bill are in compliance with NAFTA. The fact is that the senior advisers to the President of the United States have determined that it places us out of compliance. Therefore, that discussion becomes somewhat academic, if the President is going to veto the bill.

I would like to discuss the provisions of concern, and explain how our amendment proposes to address those concerns while seeking to retain the underlying intent of the provisions, at least in the context of safety. It is very important to point out that like the committee's approach, our amendment goes much further than the DOT had planned to go based on its May 2001, Federal Register notice of proposed rulemaking on how it would address cross border safety. But our approach would not prevent the border opening indefinitely.

First, section 343 requires the Federal Motor Carrier Safety Administration to conduct a full safety compliance review before granting conditional operating authority and again before granting permanent authority and to assign a safety rating to the carrier. The reviews must be conducted onsite in Mexico.

The problem with that requirement is that a compliance review assesses carrier performance while operating in the United States. It is conducted when a carrier's performance indicates a problem—that it is at risk. As a technical matter, a full fledged compliance review of a Mexican carrier would be meaningless since that carrier won't have been operating in this country and won't have the type of performance data that is audited during a compliance review. If DOT is forced to conduct what would largely be a meaningless compliance review, every carrier will receive a satisfactory rating because there will be no records or data from which to find violations of the Federal Motor Carrier Safety Regulations.

Further, DOT estimates it would cost $40 million if it is required to perform a compliance review of every carrier seeking operating authority and another $10 million to perform such a review onsite. Therefore, the Senate bill would need an additional $50 million if DOT is to carry out this largely meaningless mandate.

A workable alternative, however, would be to require a safety review, as included in our amendment. It is far more prescriptive than the type of review mentioned in the May 2001, notice of proposed rulemaking regarding implementation of NAFTA's cross border provisions. It would provide for a review of available performance data and safety management programs, including drug and alcohol testing; drivers' qualifications; drivers' house-of-service records; vehicle inspection records, proof of insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations. If warranted by safety considerations or the availability of safety performance data, the review should be conducted onsite.

I believe a safety review would go a long way in addressing the safety considerations and would likely provide the verification of data the managers of the bill are seeking. Frankly, it requires substantial analysis that is not imposed upon United States or Canadian carriers, who only need to complete an application available online and transmit it to DOT along with $300. I am very hopeful the Mexican Government will be willing to accept the type of approach described in our amendment, even though it would treat Mexican carriers substantially different than United States or Canadian carriers.

Second, the administration has raised concerns with the proposed requirement that each and every time a truck crosses the border, it must electronically verify the driver's commercial driver's license, CDL. The DOT has expressed considerable concern that such a requirement would significantly impede the flow of traffic and commerce at the border. Backups can already exceed more than 4 hours at some crossings in Texas. DOT has estimated such backups would increase immensely. The idling vehicles would obviously have an enormous impact on the environment. DOT also estimates the cost of electronic verification at all 27 crossings at $14.6 million.

It is important to note, we do not verify every license of every Canadian driver that crosses the northern border. I believe it would be discriminatory to check every single Mexican driver's license when we do not check other operators in this country. I believe it sends a signal we do not want to send and strongly caution all of my colleagues on this proposal.

As an alternative, our amendment would require that each truck that will be operating beyond the commercial zones to be inspected prior to operating in this country and that during such an inspection, the inspector would verify the driver's CDL. Each vehicle must display a valid Commercial Vehicle Safety Alliance, CVSA, decal obtained as a result of a level I or level V North American Standard Inspection. It is important to note that vehicles must be reinspected every 90 days to be valid.

Let me point out the Senator from Washington has offered an amendment to also require vehicle inspections. I suspect she developed the amendment after hearing last week that our amendment would include this important safety feature.

In further regard to verifying a driver's CDL, our amendment calls for DOT to institute a policy for random electronic or other verification of the license of drivers crossing at the border. This would be far less discriminatory, and would not have as great an impact on crossing delays.

Let me also point out that the record of Mexican drivers is better than that of either Canadian or United States drivers. Based on the available data provided by DOT, the out of service rate for Mexican drivers is 6 percent; it is 8 percent for United States drivers; and 9.5 percent for Canadian drivers. If the managers of this bill are concerned about drivers, perhaps they need to first focus on where the greatest safety problem appears to exist.

Third, section 343 would require all border crossings be equipped with both weigh-in-motion, WIM, systems and fixed scales and that every commercial truck crossing the southern border must be weighed. This requirement raises significant cost, space, and time considerations. DOT contends it would result in extensive construction and could postpone the border opening until 2003.

Weight enforcement has historically been a state enforcement responsibility, which is one of the reasons weigh stations are located throughout every state.

In the border States, for example, each State already has numerous weigh stations. California has 62 fixed scales and 10 weigh-in-motion systems. Arizona has 20 fixed scales and 5 weigh-in-motion systems. New Mexico has 12 fixed scales and 2 weigh-in-motion systems. Texas has 47 fixed scales and 2 weigh-in-motion systems.

The estimates cost of standard weigh-in-motion installation for a 4-lane configuration is $715,000. And while such systems help determine whether a truck should be weighed, a citation cannot be issued off the reading of weigh-in-motion equipment. FHWA further estimates the cost of installing fixed scales approximately $2 to $3 million each.

I note such a requirement is not imposed on trucks entering the United States from Canada. Moreover, this mandate simply is not the best use of limited resources. One crossing only had 198 trucks cross last year. I question the logic of requiring both a fixed-scale and weight-in-motion system at such a location. At a minimum, shouldn't we first be concerned about those locations with the greatest volume of traffic?

Our amendment would require each crossing to have a means of weighing a carrier and for DOT to initiate a study to determine which crossings should also be equipped with weight-in-motion systems that would enable State inspectors to verify the weight of each vehicle. It would not shift weight enforcement responsibilities from the States to the Federal Government, nor would it mandate that all 17 crossings have equipment that may not be needed.

Fourth, section 343 restricts a carrier's insurance provider to be based in the United States. While I am not opposed to requiring proof of valid insurance and for the insurance provider to be licensed in the United States, limiting providers to only those based in the United States would prevent a number of large providers from providing insurance, including Lloyds of London which covers many Canadian carriers. I am informed this could also raise issues with regard to NAFTA and WTO obligations. Therefore, our amendment would strike the proposed requirement for an insurance provider to be based in the United States.

Fifth, section 343 would prevent compliance with our NAFTA obligations until the Federal Motor Carrier Safety Administration completes six rulemakings or policy implementations required under the Motor Carrier Safety Improvement Act of 1999. Clearly, an agency should be held accountable to fulfill the obligations imposed on it. The Federal Motor Carrier Safety Administration is no exception.

Perhaps if the previous administration had ever nominated an Administrator to provide leadership over this agency, the rulemakings would have been carried out in a more timely manner. After all, the driving force behind its creation was the overwhelming evidence that motor carrier safety was in dire need of leadership. Yet President Bush's nomination of Joe Clapp to be Administrator of the Federal Motor Carrier Safety Administration last week marks the first time we will have had the opportunity to consider and confirm an administrator for this critical post.

Perhaps if the Senate would confirm the pending nominee to head the Department of Transportation's General Counsel's Office, the Department would be better equipped to complete these and other pending rulemakings. It is ironic to me that the proponents of section 343 are critizincig the current administration for the lack of action by the former, while at the same time holding up the current confirmation process.

Our amendment proposes to require DOT to issue several policies that we believe can readily be issued before the end of the year, including a policy requiring motor carrier safety inspectors to be on duty during all operating hours at all southern border crossings used by commercial vehicles; a policy to establish standards to help determine the appropriate number of Federal and State motor carrier inspectors for the southern border; and a policy to prohibit foreign motor carriers from operating in the United States that are found to have operated here illegally.

Our amendment further instructs the Department to complete the remaining three rulemakings listed in section 343. If the Department is unable to do so, which may be the case since there are holds on the pending nominee responsible for the rulemakings, it is to transmit to the Congress, within 30 days after the date of enactment of this act, a notice in writing that it will not be able to complete any of the rulemakings prior to the opening of the border that explains why it will not be able to complete the rulemaking, and the precise date it expects to complete the rulemaking. I am concerned that as much as DOT may want to finish these rulemakings, given the lack of a general counsel and other staffing considerations as a result of the transition, they simply might not be able to do so. Our ability to fulfill our NAFTA obligations should not be delayed by congressional "holds."

Sixth, section 343 requires the DOT inspector general to certify in writing that eight conditions have been met prior to permitting the President to open the border. Unfortunately, a number of the directives are, in my judgment, inappropriate requirements for an inspector general. I do not believe it would be appropriate for the IG to be required to certify certain actions of the Mexican Government. Nor do I think it would be appreciated if someone from the Mexican Government were making pronouncements about our practices, all contingent upon compliance with our NAFTA obligations.

Moreover, both the DOT Secretary and the DOT Inspector General believe these provisions call for inappropriate operational management by the inspector general. These proposed functions go beyond the scope of authorized activities in the Inspector General Act. Implementation of the NAFTA cross-border trucking provisions should not be conditioned on actions by the Inspector General.

We have the greatest respect for the work of the Office of the Inspector General. Therefore, our amendment would instead direct the inspector general to report on the number of Federal motor carrier safety inspectors hired, trained as safety specialists, and prepared to be on duty during hours of operation at the southern border by January 1, 2002; and to provide periodic reports on several other border-related issues. These would include reporting on, No. 1, the adequacy of the number of Federal and State inspectors at the United States-Mexican border; No. 2, the Federal Motor Carrier Safety Administration's enforcement of hours-of-service rules; No. 3, whether United States and Mexican enforcement databases are sufficiently integrated and accessible to ensure that licenses, vehicle registrations, and insurance information can be verified at border crossing or by mobile enforcement units; and No. 4, the level of capacity at each southern border crossing used by commercial vehicles to conduct a sufficient number of vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of the inspections.

We believe these reports would be very useful to the Secretary and the Congress as we all work to ensure that adequate safety enforcement efforts by the States and Federal Government are being carried out as we fulfill our NAFTA commitments.

Finally, section 343 would define the term "Mexican Motor carrier" as a "Mexico-domiciled motor carrier operating beyond the United States municipalities and commercial zones on the United States-Mexico border." Based on this definition, nearly the entire section would only be applicable to carriers that had been operating illegally in this country and a few that have authority. I am confident this is not the Appropriation Committee's intent and note there was an effort to strike the definition with a technical amendment on Friday.

However, striking that definition might then impose many of the requirements on those carriers that will only be operating in the commercial zones, as well as on United States and Canadian vehicles. The focus of this provision was to have been aimed at the long-haul carriers. The definition must be modified to clarify the intent. The provision should only apply to those motor carriers domiciled in Mexico that seek authority to operate beyond municipalities and commercial zones on the United States-Mexico border and only to those vehicles that will be operating beyond the municipalities and commercial zones.

We must allow Department of Transportation sufficient flexibility to effectively administer its motor carrier safety enforcement responsibilities. The language in section 343 does not meet that standard. I urge my colleagues to support modifications to section 343. Without changes, we can look forward to a veto of this bill. I would not suggest the managers take the risk that we would not have the votes to sustain the President's first veto.

Mr. President, I again thank Senator REID, Senator SHELBY, and others for beginning a dialog on this very important issue. During the meeting a suggestion was made that all of the provisions be dropped from the appropriations bill—which I think would be entirely appropriate because they are legislating on an appropriations bill—and the Senate and House go to conference with the onerous and unacceptable House provision in it. That is perfectly acceptable to me because there is nothing I can do as a Member of this body to affect what the other body does.

But as long as we have these provisions, the 22 provisions which cumulatively, in the view of the senior advisers to the President, make NAFTA unable to be implemented for at least 2 or 3 years, then we shall have to continue the parliamentary process.

So I think there are a number of options available, including dropping the entire language, which is what a senior Member has proposed, which I agree with, and let it go to conference with the other body, or accept specific amendments. Another amendment the Senator from Texas, Mr. GRAMM, has is to make sure Mexico is treated, in whatever implementation of NAFTA is accomplished, on an equal basis with the United States and Canada. I think that would be a very important amendment because we can't send a signal that we are somehow discriminating against one of the signatories of the North American Free Trade Agreement.

So I hope we can get this worked out. I hope my colleagues will understand, in our desire to complete this legislation, the importance of this issue to all Americans, but particularly those of us from border States, because we are the ones who have been most impacted by the North American Free Trade Agreement. We will be the most impacted on the border with implementation of that agreement, so we look with concern to the legislation before this body.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I ask for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL TRIBUTE TO KATHARINE GRAHAM

Mr. GRAHAM. Mr. President, 1 week ago today Katharine Graham died. Yesterday, she was buried next to her husband, my half brother, Philip Graham.

I have known Katharine for all but 3 years of my life. She married Phil in 1940, after what might be called a whirlwind courtship. After the honeymoon she came and, for the first time, visited her new in-laws. I was 3 years old at the time.

Mr. President, I was not a good boy at the age of 3. Some would suggest that there has not been much improvement in the intervening years. But my first encounter with Kay, as recorded in her memoirs, was as she sat at the desk writing her thank-you notes for her wedding. I toddled up and, I regret to say, spat upon Kay. She went to my mother and asked what was the significance of this behavior. My mother said, "Don't worry, he does that to lots of people." Despite that inauspicious beginning, this became a wonderful relationship that added much to my knowledge, to my values, to my appreciation and joy of life.

I was one of many thousands who had the opportunity to know Katharine Graham and be influenced by her exceptional personality. There have been many statements made about Kay in the last week, describing her range of accomplishments. I want to talk about Kay as a journalist and teacher. She understood the role of journalism in American life—to provide people the knowledge they would require to be empowered to be effective citizens in a democracy.

It is not the purpose of journalism to tell people how to think, or to select what information should be available to them. Rather, it is the purpose of journalism to provide the readers the full range of information from which they can make their own judgments.

Kay also led by example. The standards she set and lived by were themselves an important part of her role as journalist and teacher.

She liked politicians. Those who attended or observed yesterday's funeral service saw the number of people from this institution, current and past, and from other political segments of our society, who were there to honor her and to represent the friendships they had established.

She understood, in a way that my brother Phil probably did not, that politicians and journalists have different responsibilities in our democracy. Though they do not have to be adversaries, each side must be careful not to compromise their particular responsibility in an effort to be excessively deferential or even excessively friendly with the other side of that delicate occasion.

I think if Kay were here, she might agree that there are some particular aspects of her life which she has shared with people in our profession of politics. She might even admit that those aspects provide lessons from which we can and should learn.

The first is the lesson of compromise. Midway through her remarkable career as publisher of the Washington Post, Kay wrote about the importance of compromise in our democracy. This was at a time when some were saying that compromise was a sign of weakness, and that to give in to the other side, to not demand absolute concurrence with your stated beliefs, was a sign of weakness. As Kay so properly observed, that is a distortion of democracy. Democracy is a government of the people. By necessity, it requires all the people, representing all of their different backgrounds, values, perspectives and aspirations, to find a common ground upon which we can then move forward. Compromise is not a sign of weakness, it is a sign of the strength of our unique form of government.

Kay believed in this in her personal behavior. If you had been fortunate to have dinner at her table, there were a number of rules her guests were expected to follow. One of those rules was that you did not engage in a series of one-on-one conversations with the person who might be seated to your left or to your right, but rather the whole table was encouraged to bring the conversation to the center so that everyone would share what was being said, and by that sharing, the level of the conversation would be elevated and the value would be enhanced. Kay was a strong believer in encouraging effective participatory discussions, which would lead to those compromises and, in turn, lead to policies that would enhance our society.

Kay also was a person of great self-confidence. I believe one of the great attributes of a human being, particularly a human being who lives in the public arena, is non-arrogant self-confidence, which I would define as meaning that you have a set of core values, that you are not a person who waits for the next wind to come and fill your sail, but that you also understand your own limitations and are open to new information, to new perspectives on the information you already have. If such a person can be convinced over time that a previous position deserves to be modified based on new information, that person is prepared to do so.

Kay had many times in her life when she was challenged to exercise that principle of non-arrogant self-confidence. Probably the most stressful period in her life, and the period of her life that has received great recognition now in her passing, was the time that surrounded the Vietnam war through the Watergate era.

At one point, when things were particularly tense and it appeared as if the Washington Post alone—and she alone as the leader of the Washington Post—were under unusual duress, she asked of her colleagues at the Post: If we're so sure we're right, where is everybody else? Why aren't there some other people, some other newspapers that are prepared to pick up this same cause? That question could have led to a decision to abandon the cause because of its loneliness. Instead, she saw it as a challenge and recognized an even greater necessity to proceed.

We in politics from time to time may find ourselves as the only one or a member of a very small minority on a particular point of view. We must have enough self-confidence in our judgment and values that we are prepared to persist, and frequently, by so persisting, we will alter the opinion of others. At the very least, in the examination of history, we may have the experience of having our positions validated.

A third quality that Kay represented and which I suggest is a valuable quality for those in the profession of politics is a commitment to lifelong growth. There is a tendency in any area of human endeavor, but I think it is a particularly persistent one in politics, for people to reach a certain level of achievement and accomplishment, then say "this is the position I will hold for the rest of my life." Often, as people become more powerful in political positions, they also become narrower in terms of their own sense of the challenge of constant growth.

The Greeks recognized this over 2,000 years ago. One of the ways they tried to overcome this tendency was to require that all of the citizens of Greece periodically leave behind their trappings of power, prestige, and wealth and take on all of the tasks the Greek Republic required. It might be a menial task of working in the sewer plant of Athens, or it might be as commander of the Athenian Navy. The belief was that any well, liberally educated Greek citizen was capable of performing any task that would be assigned to them.

In many ways, Kay lived a life that had that Athenian sense of what a liberated, educated Athenian could do and how they might live their life in order to constantly challenge the perimeters that others would like to put around them.

She lived, in essence, over her 84 years two lives. Her first life for approximately 40 years was as a young girl born to privilege, a wife, a mother, a person content to live in comfort, to live in the background, to eat at the women's table, to live in a woman's world.

For the next 40 years, she was a woman, through tragedy, called upon to suddenly take on enormous responsibility. She had to learn, and learn fast, about the business and about journalism. She had to learn about the intersection of journalism and politics. She learned about the reality of the role of women in all of these worlds, and she mastered them greatly.

In her seventies she learned about herself. She committed to write her memoirs with the idea that they would give to her children and grandchildren and future generations an insight on her, her family, her husband, her mother and father, those things that had influenced her life. She decided to do this without the assistance of a ghostwriter or someone who would put her words on paper. Rather, she took up pen and yellow paper and for 7 years wrote her memoirs.

At the conclusion, she had accomplished her objective of having placed for all time her life on paper. She also saw some results which were probably unexpected. She changed the way that many women looked at themselves and looked at their possibilities.

Yesterday, at the funeral, a woman in a wheelchair told me about how much Kay Graham's life had meant to her when she was unexpectedly handicapped. She thought she had lost the opportunity to challenge herself or reach for her potential. Through Kay's example, she gained a renewed confidence her own potential.

Kay's memoirs also changed the way in which we think about the writing of autobiographies. It is not a book of histrionics. It is not a book meant to make people necessarily feel good or to placate and to soften events in the past. It is written with a directness of one friend talking to another with great candor. And it also was a lesson of what is possible.

At the age of 80, after 80 years of living, including 7 years of writing, Kay's memoirs won the Pulitzer Prize. What an enormous statement about a life which at every stage is one of growth and unwillingness to accept limitations.

I believe these examples of the lessons of compromise, of self-confidence, and of constant life growth are just part of the legacy that Katharine Graham has given to our society. I believe in these she speaks particularly to those in our profession of politics. Their proper learning and absorption will be of great value to us.

These are examples I will be honored to attempt to emulate. My only regret is that she will not be here to critique my performance.

Mr. HATCH. Mr. President, I would like to join my colleagues today in paying tribute to a great woman, Katharine Meyer Graham, whose untimely passing saddens those of us who had the pleasure, indeed the privilege, of knowing her. Her courage, determination and style are an inspiration to all of us in public service.

There are far too many cynics in this town, and unfortunately, there is far too much to be cynical about. But, at the end of the day, it is people like Kay Graham who have inspired and mentored a new generation of idealism, of American youths who strive to be the very best in all their chosen fields of endeavor. And that is the true story behind her unflagging support of two young, obscure, city-desk reporters who broke a story that changed our Nation forever.

There is much I will miss about Kay Graham. I could talk for hours about her many outstanding accomplishments, as a wife, a mother, and a publisher. But she was also a true and loyal friend to many, an incredible force for good. Kay was one of the most powerful women in our world, but what I remember most about her is that she was genuinely a nice person.

And so, today, let us pay tribute to Kay Graham's greatness and goodness, in public and in private. I hope the world will also learn a little more about her kindness, her humility, and the sense of charity that never left her.

Mr. President, one of the most touching tributes I can recall vividly describes the cycle of life and our profound transition. It likens our passage to the journey of a magnificent sailing ship, gliding through deep blue water, growing smaller and smaller as the sea meets the sky. And when the ship fades silently from sight, just as we think she is gone, we are reassured to know that on the opposite shore . . . she awaits.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended for 45 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION APPROPRIATIONS

Mr. DASCHLE. Mr. President, we have been in a quorum call now for several hours. As I understand it, there are still negotiations ongoing with regard to the trucking amendment. In order to accommodate further discussion, I would like to ensure that other Senators know I will be filing cloture tonight, and it will be very important during this negotiation period for other Senators to come to the floor to offer their amendments.

I expect there will be additional rollcall votes later on tonight. We know of two amendments that will be offered. We will expect rollcall votes on those amendments sometime after 6:30 this evening. Beyond that, there may be other amendments as well. But we will have additional votes tonight.

Senators ought to come to the floor. As I say, I reluctantly will file cloture with the hope that perhaps it could be vitiated if we can reach some agreement. But barring that, we will expect a cloture vote on Thursday. We would expect, as well, that Senators who have amendments that may not be germane postcloture can come to the floor, offer them, have them debated, and certainly have a vote on them as well.

So tomorrow we will be devoting time to amendments. If amendments are not offered, it would be my expectation that we would take up at least one, if not more, of the controversial nominations that might require some debate time. But we will address that in greater detail at a later moment.

At this point, I encourage Senators to come to the floor because we are entertaining amendments. We expect to offer a couple. As I said, we will have rollcall votes later on this evening.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. AKAKA). We are in a period of morning business.

Mrs. MURRAY. Mr. President, I yield to the Senator from Oregon.

Mr. WYDEN. Mr. President, I thank Senator MURRAY. I commend her for the excellent job she has done on this bill. This is an extremely important measure. She has done a first-rate job handling it. We appreciate it in the Pacific Northwest and across this country.

I want to take a few minutes tonight to discuss the situation that the flying public is facing as they look at using our airlines and our system of aviation this summer. Unfortunately, so many Americans are going to face long and tedious hours stranded in overcrowded airports. In many instances, they are not even going to have the basic courtesy of straight information about their flights, cancellations, and important details that are so essential to them when they make their plans.

It seems to me the central aviation problem today is that there are no consequences for this flagrant mistreatment of passengers. There really is no accountability. While this problem is extremely complicated, clearly demand exceeds supply in this country. We need more runways. We need better air traffic control. But you do not have to pour more concrete to start telling passengers the truth about their travel options in the United States.

Again and again we find that passengers are kept in the dark. They are not told when a flight is overbooked. For example, I have no problem with the airline selling a ticket to a passenger on an overbooked flight, but I think the passenger has a right to know that flight is overbooked. The inspector general found repeatedly that the airlines would know hours ahead of time that a flight was going to be significantly delayed by 2 or 3 hours. Yet the airlines would not go out and change the departure board.

It seems to me what we ought to require, in an area that is extremely complicated, is that passengers at least have a right to know what their travel options are. Senator REID and Senator McCAIN and I have been working together very closely for several years now. A bill has cleared the Senate Commerce Committee under the leadership of Chairman HOLLINGS and Senator McCAIN. Under normal circumstances I would offer a measure that would ensure passengers have these basic rights as they fly this summer in what proves to be a pretty exasperating travel season for millions of Americans. But, frankly, I do not like to legislate on an appropriations bill.

I think Chairman HOLLINGS and Senator McCAIN and Senator REID, our bipartisan group that has worked in this area, has put together a very good bill. It has passed the Senate Commerce Committee unanimously.

Suffice it to say, the chair of the Senate Transportation Committee has enough headaches in handling this legislation right now as to not put yet another challenge on the bill. But I will tell you my patience with respect to this matter is growing pretty thin.

Senator McCAIN and I introduced the first bipartisan passenger rights legislation back in 1999. The airlines then said there really was no problem. They said this was just an anecdotal situation and there really was not a problem.

Then, as the evidence began to pour in that this problem was systemwide, they said the answer is a voluntary approach. Just keep the U.S. Congress out of it and everything is going to be fine. The inspector general came forward and did an analysis of the voluntary approach and saw that was not working particularly well. Then the airlines said it was the FAA's fault, the Federal Aviation Administration.

The fact is, it has been a bottomless pit of excuses with respect to this question of improving passenger service in this country. Now the airlines have basically said that if passengers want any rights, they should basically go to court to try to get them. They will have a voluntary program, but if the passengers want any rights they should go out and try to find somebody in the trial bar to get interested in a lawsuit.

Suffice it to say, this country needs a straightforward, enforceable package of rights to protect the passenger.

I want to make it clear, I am not calling for a constitutional right to a fluffy pillow on your airplane flight or a legal right to a jumbo bag of peanuts. But I do think you ought to have a right to basic information such as when your flight is chronically delayed.

One of the areas the inspector general has felt most strongly about is a situation that would require airlines to inform a prospective passenger when a flight is going to be 2 or 3 hours late and has a track record of being that late 30 or 40 percent of the time.

I also think disclosing that information to the flying public would inject a bit of competition into the system because, if consumers could have that kind of information, then they might choose another flight, say, that was only late 10 percent of the time or they might choose another travel option altogether. You could begin to hold the airlines accountable. You could begin to have some consequences for this shoddy service to which the passengers are so often subjected.

The passenger bill of rights is really about the public's right to know. It is about giving passengers information. I was told early on that somehow giving passengers these rights was going to jack up the bills of consumers. It seems to me it only can be a force for holding costs down because when you give passengers information about their options, that helps to make the system more competitive and serves as a force to drive prices down.

I hope we will not have to wait much longer to get an enforceable set of passengers' rights in place.

I do not quarrel in the least with the airlines' argument that we need more funding for runways and air traffic control and infrastructure. The airlines are absolutely right. Today, demand exceeds supply with respect to American aviation, but I will tell my colleagues and the Senate that all the concrete in the world is not going to do it if the airlines are not required to give the passengers basic information about their flight options that is now in their possession. I am continually struck how it can be that this industry, which has performed such technological miracles in so many other areas, cannot devote just a tiny bit of that talent and ingenuity to making sure that passengers are kept well informed.

It seems to me it is a basic sort of proposition of industry in this country that you try to treat the customer properly, that you tell someone what their options are. But essentially aviation is one of the few industries—perhaps the only one—where you consistently can't get the product for which you contracted. If the local movie house doesn't have enough people for the 3 o'clock showing, the local movie house doesn't go out and cancel the 3 o'clock showing. It has been found again and again that is what airlines do when they don't think they have sufficient people on a particular flight.

I am not going to offer the passenger bill of rights as an amendment on Senator MURRAY's appropriations bill, but I wanted to come to the floor and say this is an area where I think the Senate is ready to go with the good work of Senator REID and Senator McCAIN, and particularly Senator HOLLINGS, who pulled together a bipartisan bill in the Senate Commerce Committee.

I think we are on our way to passing legislation that could make a real difference. Given the fact that it will take some time to get that new infrastructure which is needed in place—it is going to take time to get additional runways and improvements in air traffic control and other basic purposes—that is all the more reason to pass a passengers' rights bill now so that passengers, as we are building the additional infrastructure, can know what their travel options are and know how to plan what is best for them and their families.

I again thank Senator MURRAY for the excellent job she has done on this bill. I see Senator SHELBY and others are here as well. Senator SHELBY was very involved in passing and supporting passenger rights as well. I thank him for that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as the majority leader announced, we are moving towards an amendment that will be voted on shortly. I understand the Senator from New Jersey would like to speak for 12 minutes. I yield to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Washington for yielding the time.

I rise in opposition to efforts by Senator GRAMM and Senator McCAIN to strike the Murray language regarding access by Mexican motor carriers to United States highways. In fact, while I commend Senator MURRAY for her efforts to reach compromise with regard to access to United States highways by Mexican truck companies—I am indeed even opposed to her compromise—I believe that any compromise is going to result in danger to American motorists and believe the better course is for the Senate to follow the leadership of the House of Representatives and ban these trucks unless and until we are certain that American motorists can be safe.

Senator DORGAN and I have prepared such an amendment and are considering offering it. Obviously, that can only be done if, indeed, we begin by defeating Senator McCAIN's efforts.

While serving in the House of Representatives, I opposed the NAFTA treaty. I believed then, as I believe now, that for all of the advantages of integrating the economies of North America, NAFTA was a missed opportunity. It was a missed opportunity to establish regulatory environmental and labor requirements that would protect both our natural environment and also our human resources. Now we are about to make the same mistake again at an enormous price.

I do not believe NAFTA or any international law imposes on the United States an obligation to lower or ignore safety standards for our citizens in the name of free trade. I believe in free trade. I have often voted for free trade. I believe its economic advantages to our Nation are overwhelming. But our first obligation is always to protect the health and well-being of American citizens.

If there is a question as to whether allowing Mexican trucks immediate and unlimited access will endanger American citizens, one need look no further than developments along our southern border in the last decade.

Since the enactment of NAFTA, the number of Mexican commercial trucks crossing between our countries has increased by 324 percent. There are over 4.5 million commercial truck crossings a year into our Southern States. Only 1 percent of these vehicles are inspected by U.S. personnel. Thirty-six percent of those trucks inspected failed basic safety standards for such things as faulty brakes, broken lights, unsafe transportation, or dangerous cargo.

As this chart illustrates, the percentage of trucks ordered off the roads because of faulty brakes or hazardous and dangerous or toxic cargoes is 50 percent higher in Mexican trucks than in America trucks and nearly four times as high as with Canadian trucks. If you were to extrapolate this number on the basis of actually inspecting all those trucks crossing the American border, 1.5 million truck crossings would pose a safety hazard, the vast majority of which are obviously undetected. Public Citizen estimates that were we to do nothing, there would be an additional 3 million truck crossings.

Using this 36 percent failure rate, that means, incredibly, that we could expect 1 million hazardous truck crossings per year from Mexico to the United States. Based on our current experience, 1 million trucks are going to enter into the States that Members of this Senate represent with faulty brakes, hazardous cargo, unsafe lighting, and unsafe design.

How many lives will be consumed by 1 million faulty trucks on America's highways? It is a question no one can answer. But every Senator can agree upon this: It is going to cost lives—not maybe, not perhaps. People will lose their lives. This problem is driven by systemic flaws within the Mexican regulatory system which result in low compliance, lax enforcement, and little or no sanctions for violations.

The chart on my left demonstrates the stark difference between American and Mexican truck regulations, beginning with driver fatigue.

In order to assure that drivers are alert on American highways, American truckdrivers are limited to 10 hours of consecutive driving. Even with this American limit of 10 consecutive hours on the road, driver fatigue still causes one-third of all truck accidents in the United States.

Only months ago, Mexico instituted its first limitations on hours of service. But most trucks in Mexico are exempt from the limitation. Imagine American highways with Mexican truckdrivers who have no experience with these limitations and who lack compliance with driving for limited hours. Truckdrivers from Mexico earn, on average, $7 per day driving these truck rigs across the United States.

I can tell you this about a truckdriver who earns $7 a day to feed his family. Having him stop driving after 10 hours when he lives in those economic circumstances, not being accustomed to these regulations, having no history of them, with questionable enforcement—these trucks are going to be driven for hours and hours past current regulations.

Second, logbooks: In the United States, all truckdrivers are required to keep detailed logbooks of their driving time, cargo, and destination and to present them, on demand, for safety.

In Mexico, the law for keeping logbooks is not enforced, and border inspectors have reported that virtually none of the Mexican drivers entering the United States uses these logbooks—virtually none.

Weight limits: American trucks cannot exceed 80,000 pounds and are often inspected by weigh stations throughout the Interstate Highway System. Eighty-three percent of the fatal truck accidents in the United States involve trucks that are over 26,000 pounds, clearly establishing that heavier trucks are the cause of most fatal truck accidents.

In Mexico, the weight limit is an incredible 135,000 pounds, or 28 tons higher than the American limit. Equally as disconcerting as this higher weight limit is that even should the limit be reduced, there is inadequate infrastructure or even space along the border to perform weight compliance checks. Seventy percent of inspection sites in the United States have room for only one or two trucks. Not only are these trucks out of compliance, not only are they dangerous, but even if we were requiring compliance, we do not have the infrastructure to do it.

These trucks are coming to American roads. It is a safety problem, to be certain, that is going to cause loss of life. It is also an invitation to massive damage to American highways, massive damage to highways and bridges that are not designed for these kinds of extraordinary weights.

Hazardous materials: In the United States, all hazardous materials must be clearly marked with an official placard when transported, and all truckdrivers transporting hazardous materials must be specifically licensed. This has been done to ensure safety that when hazardous materials go through our neighborhoods and our cities and our States, we know the driver is competent, but we also know that driver is traceable and responsible if those toxic or hazardous materials are dumped in water supplies or streams or neighborhoods because of a long problem of criminal and even organized criminal activity in dumping these hazardous materials.

Nearly a quarter of all trucks entering the United States from Mexico are transporting hazardous materials but only 1 out of 14 is properly identified.

Age: The average age of a commercial truck in the United States is 4½ years. In Mexico, the average truck is 15 years old. There are few truck companies in America that operate any trucks that are 15 years old. "Average" or "median" age means a significant portion of Mexico's trucks is 20, 25, and 30 years old. By definition, such a truck is not safe to be operating on the American Interstate Highway System.

Lest anyone think my concerns are solely on the Mexican side of the border, let me discuss for a moment the failure of the United States to properly prepare for an inspection program.

On the assumption that Senator McCAIN's efforts will fail, we are left with Senator MURRAY's efforts to reach a compromise on this to try to improve this system. We hope she succeeds. But if she does, it will require a Federal inspection system.

Today, Federal and State inspectors are on duty 24 hours a day at only 2 of the 27 border crossings with Mexico. If a Mexican truck enters a border crossing when no one is there, it is not subject to inspection.

The Department of Transportation, under these proposals, is going to issue operating certificates to Mexican firms based on their answers to questionnaires. The Department will have 18 months to perform a safety audit on the firm. But the firm's trucks can freely travel throughout the United States during this 18-month period when the questionnaires are being reviewed.

Second, the inadequacy of the U.S. inspection infrastructure is an invitation to problems. Many State inspectors who augment Federal inspectors do not even routinely check for licenses and documents. Most border crossings lack any telecommunications, so the inspection personnel cannot even check on the validity of licenses and registrations being offered at border crossings.

I make these points to demonstrate that the Mexican trucking industry as well as the American inspection system are not ready to protect the American driving public. There is no infrastructure. There is inadequate personnel. There are not weigh stations. There are not even telephones. There are not parking spaces. There is an avalanche of old Mexican trucks, without requirements for safety or background or design, that are coming to the United States.

This Nation has spent more than 50 years modernizing its trucking industry, learning about safety, training drivers, ensuring that they understand how to operate these rigs. After 50 years of experience, and lowering mortality rates, we are now opening our borders to Mexican trucks.

I recognize that this issue is difficult because of our close relations with Mexico and our obligations under NAFTA. Indeed, on February 6 an international arbitration panel ruled that the United States cannot bar all Mexican applicants from entering the United States. The United States wants to comply with its international obligations. But the arbitration panel also found that because of vast differences between the two regulatory regimes, the United States did not have to treat Mexican applicants the same as it did United States or Canadian applicants.

The panel indicated that NAFTA did not restrict the ability of the United States to implement measures to ensure that Mexican trucking companies and their drivers meet United States standards. I quote:

> Nor does it (NAFTA) require that Mexican-domiciled firms currently providing trucking services in the U.S. be allowed to continue to do so, if and when they fail to comply with U.S. safety regulations.

Later on the panel added:

> U.S. authorities are responsible for the safe operation of trucks within U.S. territory, whether ownership is American, Canadian or Mexican.

I believe the authority of the U.S. Government in this area is clear. We have the right—indeed, we have the obligation—to ensure that our citizens are safe and our highways are operated to the very highest standards. The record in the United States, for all of our efforts, is not overwhelmingly positive. Despite 50 years of efforts, the highest design requirements in the world, the best training in the world, over 5,000 Americans are killed every year and over 100,000 people are injured on American highways because of accidents with heavy trucks.

There is no one in the Senate who can credibly argue that if Mexican trucks are allowed in the United States without adequate inspection, without modernizing the infrastructure, without a tremendous change in the operating performance of these old Mexican trucks, with poorly trained drivers, and no experience with modern regulations, these 5,000 deaths are not going to be increased and the loss of life will not be considerable.

Mr. President, I believe this case is compelling. There are few times Members of the Senate can cast a vote knowing that the results are potentially so dramatic. The citizens of our States are already frustrated with crowded highways that are deteriorating under heavy use. The loss of life from accidents is inexplicable—100,000 injured Americans.

To now open American highways to Mexican trucks, given their record of compliance, the failures of infrastructure, is to guarantee an increase in this dangerous situation.

I urge defeat of Senator McCAIN's efforts. Then the Senate needs to seriously consider whether the compromise that is in the legislation is sufficient to protect American families.

ORDER OF PROCEDURE

Mrs. MURRAY. Will the Senator yield for a unanimous consent request?

Mr. TORRICELLI. I am happy to yield.

Mrs. MURRAY. I thank the Senator from New Jersey.

Mr. President, I ask unanimous consent that at 6:40 p.m., we lay aside the pending Murray amendment, that the Senate vote in relation to the Fitzgerald-Bayh amendment regarding the Chicago airports, and that no second-degree amendments will be in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I would like to ask a question of the chairman. I didn't want to object. Will this be the last vote today?

Mrs. MURRAY. I cannot answer that question at this time. Senator DASCHLE has indicated he would like a number of votes, but I don't know the answer to that. I will ask the leader.

Mr. THOMAS. Would it be fair to ask—we have been in morning business almost all day—what kind of a management operation do we have going on here?

Mrs. MURRAY. I would tell the Senator that we have been working diligently all day long to move the Transportation appropriations bill. There are a number of Members on his side who have some concerns about the underlying provisions regarding safety of Mexican trucks, and we have been unable to move forward on that issue at this time. We hope to continue to work to resolve that issue and to move this bill forward.

Mr. THOMAS. We hear from the leader we will move forward. We have a lot of things to do. Yet we spend the whole day, frankly, accomplishing very little.

Mrs. BOXER. Will Senator MURRAY yield for a question?

Mrs. MURRAY. I am happy to yield.

Mrs. BOXER. I am confused by that colloquy. It is my understanding that a Republican Senator, or, rather, two Republican Senators had asked the Democratic manager and, for that matter, I am sure the Republican manager, to discuss an underlying provision of the bill. That is what has been happening. As a matter of fact, that Republican Senator came out to thank Senator MURRAY for agreeing to sit and negotiate. Am I right on that point?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. Isn't the reason for the delay to work out this problem?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. And the request came from two Republican Senators?

Mrs. MURRAY. The Senator is correct.

Mrs. BOXER. I thank my friend for sharing that information.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

AMENDMENT NO. 1058 TO AMENDMENT NO. 1025

Mrs. MURRAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Mrs. MURRAY], for Mr. FITZGERALD, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR, proposes an amendment numbered 1058 to amendment No. 1025.

Mrs. MURRAY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: Relating to commercial air service at the Gary-Chicago Airport)

On page 55, line 2, insert after "access," the following: "increasing commercial air service at the Gary-Chicago airport, and increasing commercial air service at the Greater Rockford Airport".

On page 55, line 7 insert after "Chicago area" the following: ", including Northwest Indiana".

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to Amendment No. 1058. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—100

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The amendment (No. 1058) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I am pleased to rise today in support of H.R. 2299, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 2002.

The bill provides $15.575 billion in discretionary budget authority, including $695 million for defense spending. The budget authority will result in new outlays in 2002 of $20.257 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $52.926 billion in 2002. Of that total, $28.489 billion in outlays counts against the allocation for highways spending and $5.275 billion counts against the allocation for mass transit spending. The remaining $19.162 billion in outlays, including those for defense spending, counts against the allocation for general purpose spending. The bill is within its Section 302(b) allocations for budget authority and outlays for general purpose, defense, highways, and mass transit spending. In addition, the committee once again has met its target without the use of any emergency designations.

Once again, I would like to commend Chairman BYRD and Senator STEVENS, as well as subcommittee Chairwoman MURRAY and Senator SHELBY, for their efforts to work cooperatively and expeditiously to move this legislation. The bill provides important new resources across all transportation modes. Not only does this bill fully meet our previous commitment to the highways, mass transit, and aviation programs, but it also provides important additional resources to improve pipeline safety and to support operations and development at the Coast Guard and the Federal Railroad Administration.

I urge the adoption of the bill.

I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2299, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES, 2002; SPENDING COMPARISONS—SENATE-REPORTED BILL

[In millions of dollars]

	General purpose	Defense	Highway	Mass transit	Mandatory	Total
Senate-reported bill:						
Budget Authority	14,880	695	0	0	(915)	14,660
Outlays	18,546	616	28,489	5,275	801	53,727
Senate 302(b) allocation:[1]						
Budget Authority	14,884	695	0	0	(915)	14,664
Outlays	19,164	0	28,489	5,275	801	53,729
House-passed:						
Budget Authority	14,552	340	0	0	(915)	13,977
Outlays	18,500	332	29,321	5,664	801	54,618
President's request:						
Budget Authority	14,552	340	0	0	(915)	13,977
Outlays	18,543	332	29,321	5,664	801	54,661
SENATE-REPORTED BILL COMPARED TO						
Senate 302(b) allocation:[1]						
Budget Authority	(4)	0	0	0	0	(4)
Outlays	(2)	0	0	0	0	(2)
House passed:						
Budget Authority	328	355	0	0	0	683
Outlays	46	284	(832)	(389)	0	(891)
President's request:						
Budget Authority	328	355	0	0	0	683
Outlays	3	284	(832)	(389)	0	(934)

[1] The 2002 budget resolution includes a "firewall" in the Senate between defense and nondefense spending. Because the firewall is for budget authority only, the appropriations committee did not provide a separate allocation for defense outlays. The table combines defense and nondefense outlays together as "general purpose" for purposes of comparing the Senate-reported outlays with the subcommittee's allocation.

Notes.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions. For enforcement purposes, the Budget Committee compares the Senate-reported bill to the Senate 302(b) allocation.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now go into a period of morning business, with Senators allowed to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EUDORA WELTY: REMEMBERING THE LIFE OF A GREAT SOUTHERN WRITER

Mr. LOTT. Mr. President, yesterday, writer Eudora Welty, a native of Mississippi, passed away at the age of 92. Miss Welty was best known for her short stories and the way they captured the life of the American South. Miss Welty had a gift in telling of the traditions and the relationships of her native south, and she received worldwide recognition for her work which helped make Southern writing a focus in 20th century literature. Many people do not know that she was also an accomplished photographer.

Miss Welty is considered by many literary authorities to be the greatest American writer of our time. She grew up in Jackson, Mississippi, and attended public schools. She often recalled trips to the Jackson library with her mother that began her love for literature. She attended Mississippi University for Women, where she was first published in the school newspaper, and went on to graduate from the University of Wisconsin. She returned to her native state in 1923 to live and write in the Belhaven neighborhood of Jackson, Mississippi, the remainder of her life.

Miss Welty began her career with the publishing of her first short story, "Death of a Traveling Salesman", which appeared in 1936. The Optimist's Daughter, published in 1972, earned Miss Welty the 1973 Pulitzer Prize for

Fiction. Her 1984 autobiography, One Writer's Beginnings, was a New York Times bestseller. Her stories are primarily set in Mississippi, and she had a special knack for writing about the people and places of home.

Mr. President, Miss Welty received numerous literary awards during her lifetime, including four O. Henry Prizes, the National Book Foundation Medal, and the American Academy of Arts' and Letters' William Dean Howells Medal. Her work has been adapted to Broadway stages, television, and movies. She received the Freedom Medal of Honor from Presidents Carter and Reagan, as well as Lifetime Achievement Awards from the National Endowment for the Humanities, National Governors Association, and American Association of University Women.

Miss Welty's writing had an influence on the lives of Mississippians and Southerners alike. Her gift of capturing the human spirit made her beloved by the nation and the world, as well. She was a great Mississippian who gave back to her community, and she will be missed by the entire literary world.

Mr. COCHRAN. Mr. President, I am sure most Senators have heard by now, or read in the newspapers, that Eudora Welty died yesterday in Jackson, MS. She was 92.

Miss Welty was a wonderful person and one of America's best writers. She was well known around the world for the excellent quality of her stories, and she was also appreciated in Mississippi for her generosity, warmth and good humor.

For several years my wife and I lived in her neighborhood, the Belhaven section of Jackson, and when we would see her she was always gracious and friendly. Everyone I knew loved her. So, it is not an exaggeration to say that the entire State of Mississippi is in mourning today.

She may have been every writer's idol, but she was every Mississippian's friend.

When I was a student in Europe in 1963 and was introduced to one of Dublin's leading artists, he said, "If you are from Jackson, Mississippi, then you must know Eudora Welty." At that time I really didn't know her very well, and I admitted it. Then he said, "Well, you must get to know her. She is, you know, the greatest living writer in the world today."

"Goodness," I thought. I didn't know she was that great. I had read "Delta Wedding" and a few of her short stories, but I didn't appreciate her widespread popularity and reputation until I spent a year abroad.

Her writings of course are widely read, well known and respected everywhere, including Mississippi. She has been honored at home and throughout the world. But it is in Mississippi that she was loved for her personal qualities as well as for her talent as a writer.

Tomorrow her body will lie in state at the old State capitol and on Thursday a memorial service will be held at Galloway Memorial Methodist Church where she was a member.

I ask unanimous consent that articles from today's Jackson daily newspaper, The Clarion-Ledger, which chronicle her writing, photography and the numerous awards she received be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AUTHOR GONE, BUT WORDS LIVE ON, EUDORA WELTY REMEMBERED

(By Billy Watkins)

She would quietly slip into Lemuria Book Store and head straight for the mystery section. No fanfare, no attention drawn to herself.

"I can still see her, dressed in her beige trench coat, standing over in a little nook of the store and browsing through the books like any other customer," said Lemuria owner John Evans. "She loved books, and she loved book stores. And I used to just sit and watch her and think how cool it was that Eudora Welty was in my book store.

"It doesn't get much better than that."

Welty, a world-renowned writer who was born in Jackson and lived here most of her life, died Monday at 12:25 p.m. at Baptist Medical Center. She was 92.

Welty was hospitalized Saturday suffering from pneumonia.

Welty will lie in state at the Old Capitol Museum from 2–5 p.m. Wednesday. It is open to the public.

On Thursday, visitation is set for 1 p.m. at Galloway Memorial United Methodist Church followed by a memorial service at 2:30 p.m.

Burial arrangements are incomplete.

Patti Carr Black, a long-time friend and one of Welty's editors, was in Welty's hospital room a half-hour before she died.

"She was not apparently conscious," Black said, "but doctors say that people who are in that situation know when others are in the room with them. I hope that's true."

Welty was famous for her short stories, novels and essays. Among her most notable works: The Ponder Heart; Why I Live at the P.O.; One Writer's Beginnings, her autobiography that was the longest-running book on the New York Times bestseller list in 1984; and The Optimist's Daughter, which won her a Pulitzer Prize in 1973.

Her literary career spanned eight decades, beginning in 1936 with the publication of her first short story, Death of a Traveling Salesman. In 2000, University Press of Mississippi published Church Courtyards, a collection of photographs.

Welty had three books of black-and-white photographs published. Some of the pictures were exhibited originally in small New York galleries in 1936 and '37. The photos are now high-priced collector's items.

Welty's work always focused on people—their simplicities and complexities.

"One of the things that made her great was her ability to get inside people's heads," Evans said. "Her eyes and ears picked up everything about people, and it was her softness and gentleness as a person that allowed her to do so.

"She was so non-threatening that people dropped their guard and let her inside them. And it carried over into every story she ever wrote, every photograph she ever took."

Welty wrote in 1980: "I have been told, both in approval and in accusation, that I seem to love all my characters. What I do in writing of any character is try to enter into the mind, heart and skin of a human being who is not myself."

She later said: "To me, the details tell everything. One detail can tell more than any descriptive passage in general, you know. That's the way my eye sees, so I just use it."

Welty always deflected any notion that she was famous, even though she was the recipient of honorary degrees from both Harvard and Yale, and she was knighted by France in 1987.

"I'm not any kind of prophet," she said in 1991. "I think you write about whatever's current . . . They won't be the same kind of stories but they'll be about human beings."

Black was one of the few people who had the opportunity to work closely with Welty.

"In times like these, we always react personally instead of thinking of the world's loss," Black said. "I guess the thing I'll miss about her most is her laughter. She had the greatest wit. We celebrated her birthday together for the past couple of decades. She loved a party.

"But she never wanted to be the center of attention—but she was because she's one of the nation's geniuses."

Larry Brown, an award-winning author from Oxford, said: "I remember reading some of her short stories in high school and really enjoying them. I met her one time, in 1989 when they gave me the Mississippi Arts and Literature Award, and had my picture taken with her. She really devoted her whole life to writing."

Willie Morris, the late Mississippi author wrote a 4,000-word essay for Vanity Fair magazine on the occasion of Welty's 90th birthday. In an April 1999 interview with The Clarion-Ledger, Morris called the article "a toast to Eudora."

Morris added: "I call her Eudora because she's been my friend since I was a little boy. I very strongly support the idea that she is the greatest living American writer. She's full of wackiness and humor and loyalty to her friends. She's just so generous. Always has been."

Shelby Foote, fellow Mississippi writer and longtime friend, said: "No one who ever spent as much as five minutes in her presence avoided being extremely fond of her. She had a childlike wonder she never lost."

Welty was born in her family home at 741 N. Congress St. on April 13, 1909. In 1923, the Welty family moved to the Belhaven-area home that her father built. She lived and wrote there most of her life. She never married.

The Tudor-style home on Pinehurst Street now becomes the property of the Mississippi Department of Archives & History, per Welty's wish.

In 10 years, Welty's portrait will permanently enter Washington's National Portrait Gallery, joining the likes of George Washington, Pocahontas, Mark Twain and Albert Einstein.

As her health declined in recent years, Welty rarely left her Jackson home. Only close friends and relatives were allowed to visit, but loyal readers continued to knock on her front door.

"She influenced every Southern writer because she taught us to write in our own voice," said Ellen Gilchrist, a Mississippi author who once studied under Welty at Millsaps College. "When I first read her, my mouth was hanging open because she wrote the way I and people I knew talked. It was a revelation to me.

"She was a beautiful lady, like my mother and my aunts. You didn't have to be a drunk living in Paris—you could be a nice lady and be writing books.

"It was an honor to know her."

"GRAND LADY" ADMIRED FOR PURE VOICE

(By Gary Petius)

The death of Eudora Welty, whose mind and heart pondered the separation between human beings, brought many together Monday in mutual grief and regard for the Pulitzer Prize-winning author.

"A giant tree has fallen," said David Sansing, historian and professor emeritus of history at Ole Miss in Oxford.

"William Faulkner, Tennessee Williams, Richard Wright, Eudora Welty: Who would think that this little state, with such a high rate of illiteracy, would produce these giants of literature, and all of the same generation?

"Eudora Welty was the last of those, the great four."

Dean Faulkner Wells of Oxford, niece of perhaps the greatest of those four, William Faulkner, said, "A grand lady of letters is gone. We will always revere her words, as will coming generations."

Wells' husband, author Larry Wells, said Welty "spoke to all generations. It was that pure voice, that humanity. You can't afford to lose people like Eudora Welty.

"In matters of the heart, she was never wrong."

One of the people who knew her heart best is Suzanne Marrs, a noted Welty scholar and an English professor at Millsaps College in Jackson. In a Monday news conference, she was reminded of the famous Lou Gehrig farewell speech that echoed in Yankee Stadium decades ago. "Today," Marrs said, "I think I'm the luckiest English teacher on the face of the earth: I had Eudora Welty as a great friend."

Marrs recalled a crowed elevator ride she took long ago with her friend, who was surrounded by a bevy of starry-eyed writers attending a seminar in Chattanooga. When Welty noted that everyone else in the car wore an ID, she said, "Oh, I've forgotten my nametag."

"She was that modest to believe she needed a nametag among all those people who knew her greatness," Marrs said.

Her humility and talent connected with people on both sides of the political and philosophical aisle. Mississippi Gov. Ronnie Musgrove, a Democrat, and U.S. Rep. Roger Wicker, a Republican, honored Welty on Monday.

"Not only will Mississippians miss her," Musgrove said, "but people literally around the world will miss her wisdom."

In remarks made on the floor of the House, Wicker said, "Eudora Welty understood not only the South, but the complex family relationships and individual struggles that have combined to give America its rich texture. Her works of fantasy and tall tale narration included two of my favorites, The Robber Bridegroom and The Ponder Heart . . . , which are still read aloud frequently at the Wicker household."

A statement from Mississippi native William Ferris, chairman of the National Endowment for the Humanities, read in part: "She chronicled the power of place in small towns and in rural areas with an intimacy and eloquence that was unique."

That eloquence charmed and inspired writers of various generations, including Elizabeth Spencer of Chapel Hill, N.C., who wrote the introduction to Welty's Country Churchyards. ". . . Her work will live on as the presence that we will miss so much," Spencer said.

In spite of that void, Sansing said, Welty leaves behind a wealth of literary heirs in Mississippi, including Larry Brown, Barry Hannah, Richard Ford and Greg Iles.

"There's no other geographic region in the world, on a per capita basis, that has produced so many really fine writers," Sansing said. "And there's no end in sight.

"(The late author) Willie Morris and I used to talk all the time about why this is so. And he always came back to one thing: It's the caliber of the whiskey we drink.'" Sansing paused.

"But I don't think Miss Welty drank much whiskey."

COMMITTEE ASSIGNMENTS PURSUANT TO S. RES. 120

Mr. LOTT. Mr. President, on behalf of the Republican Members of the Senate, I submit the following committee assignments for the Republican Party:

Special Committee on Aging: Mr. Craig, Mr. Burns, Mr. Shelby, Mr. Santorum, Ms. Collins, Mr. Enzi, Mr. Hutchinson, Mr. Fitzgerald, Mr. Ensign, and Mr. Hagel.

EXPLANATION OF VOTE

Mr. ENSIGN. Mr. President, on Thursday, July 19, I was unable to register my vote on rollcall vote No. 240, final passage of the fiscal year 2002 Energy and Water Development Appropriations Act. If I had been present to vote, I would have voted "yea."

Mr. DURBIN. Mr. President, I would like to note for the RECORD that I missed the vote on Monday, July 23, vote No. 247, because my flight arrived from Chicago 3 hours late at 8:30 p.m. Had I been here, I would have voted "yea."

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 17, 1990 in Salt Lake City, UT. Three men were charged with aggravated assault in the July 17 attack of a 17-year-old gay male. The three suspects, Roy Larsen, 20, Glen Chad Hosey, 20, and Brian Snow, 18, allegedly beat the victim with nunchaku in a city park.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 23, 2001, the Federal debt stood at $5,721,846,564,456.14, five trillion, seven hundred twenty-one billion, eight hundred forty-six million, five hundred sixty-four thousand, four hundred fifty-six dollars and fourteen cents.

Five years ago, July 23, 1996, the Federal debt stood at $5,171,664,000,000, five trillion, one hundred seventy-one billion, six hundred sixty-four million.

Ten years ago, July 23, 1991, the Federal debt stood at $3,549,898,000,000, three trillion, five hundred forty-nine billion, eight hundred ninety-eight million.

Fifteen years ago, July 23, 1986, the Federal debt stood at $2,069,977,000,000, two trillion, sixty-nine billion, nine hundred seventy-seven million.

Twenty-five years ago, July 23, 1976, the Federal debt stood at $619,301,000,000, six hundred nineteen billion, three hundred one million, which reflects a debt increase of more than $5 trillion, $5,102,545,564,456.14, five trillion, one hundred two billion, five hundred forty-five million, five hundred sixty-four thousand, four hundred fifty-six dollars and fourteen cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO REBECCA KANE

• Mr. SMITH of New Hampshire. Mr. President, I am pleased to announce that Rebecca Kane, from Lee, New Hampshire, was recently awarded the Young Naturalists Award for her essay entitled "Bog Trotting." This prestigious honor is only awarded to 12 student across the country and I would like to congratulate her on this outstanding achievement.

After reading Rebecca's essay, I have learned a great deal about my New Hampshire bogs. Her description of the pitcher plants was fascinating, but even more interesting was the introduction of different theories related to bog formation.

The pictures provided along with the detailed descriptions of the landscape around her were breathtaking and showed a great deal of literary skill beyond 12 years of age. Rebecca's appreciation of the bogs and ability to translate that insight into a stylistic prose is remarkable and exhibits a veritable talent.

As the senior Republican of the Environment and Public Works Committee, I am always concerned about our nation's natural resources and none more so than New Hampshire's beautiful landscape. After reading this essay, the bogs I live near have come to life. I look forward to hearing what new information she may discover about these natural wonders in the years to come.

Following Rebecca's trip to New York and multiple meetings with research scientists from the American Museum of Natural History, I hope she will return home and take advantage of these native surroundings by continuing to learn and build her skills as a writer and researcher.

Rebecca, congratulations again on this distinguished award. It is an honor to represent you in the U.S. Senate.•

TRIBUTE TO JACK JEFFREY

• Mr. REID. Mr. President, I rise today to honor John E. Jeffrey as he retires from an outstanding career of service to the people of Nevada.

I have known Jack since we were teenagers attending Basic High School in Henderson, NV. He is a talented electrician, a compassionate public servant, and a dedicated family man. Jack is also a friend.

Jack's public service began three decades ago, when he was elected to the Henderson City Council in 1971. Working to expand educational opportunity has been a central tenet of Jack's career. Fittingly, his first major accomplishment was to successfully negotiate with the Nevada State senate to acquire the first two buildings for the Henderson campus of Clark County Community College.

In 1975, Jack's influence expanded from City Hall to Carson City, when he was elected to the Nevada State Assembly by a margin of only six votes.

"We overspent," he said when told of the tiny bit of daylight between himself and his opponent. "We wasted money campaigning for the five votes I didn't need."

Jack's first of many reelections was won by a more comfortable 28-vote margin.

His 16 distinguished years in the Assembly include recognition as the Clark County Teachers Association's "Friend of Education," and the International Police Association's "Legislator of the Year."

Jack's Democratic colleagues respected him enough to elect him majority whip—a position close to my heart—in 1977, and then chose him as their majority floor leader in 1981.

Jack is proud to have been a tireless advocate for increasing special education funds while he was in the Assembly. He believes special needs students deserve a quality education too, and he worked to make sure there will be opportunities for them.

Since leaving the Assembly in 1991, Jack has continued to fight to improve the quality of life for working people in Nevada. He's been an active member of the International Brotherhood of Electrical Workers Local 357 all his adult life, and understands the trials and tribulations of working men and women and their families. Jack has been an invaluable asset to Southern Nevada Central Labor Council and to the Southern Nevada Building and Construction Trades Council, and earlier this month he was named "Consumer Advocate of the Year."

The working men and women in Nevada work in better and safer jobs because of Jack. In fact, all people in Nevada are better off because of Jack Jeffrey. I wish Jack and his wife, Betty, the very best in retirement.•

TRIBUTE TO JILL CHARLES

• Mr. JEFFORDS. Mr. President, today I rise to pay tribute to a woman of great dedication, compassion, and courage. Jill Charles, Artistic Director of the Dorset Theatre Festival and a Dorset, Vermont, resident, will long be remembered by those whose lives she touched as an accomplished artist, a loving mother, a giving mentor, and a dear friend.

It is our good fortune that Jill chose to bring her talent and love of theatre to Vermont. In 1968, she arrived in Dorset to work as an apprentice for Fred and Pat Carmichael's Caravan Theatre at the Dorset Playhouse. Subsequently, she earned a Bachelor of Arts degree in theatre from the University of Kentucky and was awarded a Master of Fine Arts degree in directing from Boston University. After the Carmichaels retired in 1976, Jill, with co-founder John Nassivera, established the Dorset Theatre Festival.

Jill was well known and highly respected for her work with young artists and for the guidance she provided for hundreds of pre-professional actors, designers and technicians who apprenticed under her direction during her twenty-six years as Dorset Theatre Festival Artistic Director. Her interest in the professional growth and emotional well-being of each member of the company was repeatedly reflected in her attention to matters large and small, and in countless acts of personal support and kindness.

A woman whose compassion and respect for others extended beyond her professional endeavors in the theatre, Jill was dedicated to her community and to the many humanitarian interests that she held dear. She was a dedicated foster parent for many years, and remained in contact with those children to whom she provided a home. She also was actively involved with the Second Chance Animal Shelter in Bennington, Project Pave (a support group for abused women), Race for the Cure, and the Dorset Congregational Church choir. She was also a founding member of the Cantare a capella singing group in Dorset.

The arts and humanities are a powerful force in bringing us together, in stretching our horizons, and in improving the quality of our lives. Jill Charles embodied the gifts of the arts and humanities. She will be greatly missed, but her presence will continue to be felt as her touch ripples outward like the action of a pebble tossed in a pond.•

TRIBUTE TO VALDON JOHNSON

• Mr. GRASSLEY. Mr. President, Valdon Johnson is a retired Assistant Professor of English, now Emeritus Professor of English, from the University of Northern Iowa and currently is a regular volunteer in my Waterloo Regional office.

Although Valdon's father died when Valdon was about 7, his mother had remarried about 5 years later. Valdon began his college career at Iowa State Teachers College, now the University of Northern Iowa (UNI) in 1950. His studies were suspended while he served in the Navy. He received his B.A. in English in 1958 and an M.A. in English in 1959. His first teaching position was with Webster City Junior College, now Iowa Central Community College. In 1962, Valdon received a Fulbright Award to teach English as a foreign language in Japan before returning to UNI in 1968, where for 26 years, he taught Linguistics and Humanities.

Valdon's first day in my office was September 23, 1994, his next was November 6, 1995. During the in-between time of about 13.5 months he recovered from a stroke that left him unable to talk. Not withstanding the stroke, he volunteered one to two days per week since. Valdon continues his other interests, which include the Masons and in traveling to the United Kingdom about every year, music (piano & organ), calligraphy, stenotype theory, handwriting analysis and religious history.

Although Valdon is unable to answer the phone, he does help with case work letter preparation, news paper clipping, filing and calligraphy. For over 7 years he has been a faithful, always on time volunteer and has been of invaluable assistance.

Valdon will celebrate his 69th birthday on August 15. I want to use this occasion to say "happy birthday" Valdon. And to say thanks for all you have done for me and for the people of Iowa.•

THE PASSING OF PATRICK McKERNAN

• Mr. BINGAMAN. Mr. President, I rise to make a few remarks concerning the recent passing of New Mexico's Patrick McKernan. Patrick McKernan recently passed away at the age of 60 due to complications of cancer. He is survived by his seven children and wife. McKernan, who has been deemed by many as "Mr. Baseball" was best known in New Mexico for his management of the Albuquerque Dukes AAA baseball team.

However, McKernan was more than just the manager of one of the most successful baseball teams in minor league history, he was also the man who helped pave the way for the success of professional sports in New Mexico. One of Pat McKernan's key philosophies was the belief that the Albuquerque Dukes were more than a Dodgers AAA affiliate; they were in fact Albuquerque's very own team. McKernan worked hard to make sure the people of New Mexico knew this.

McKernan's professional success is highlighted by recognition from his peers: three time PCL executive of the year, three time Eastern League executive of the year, 2000 inductee to the Albuquerque Sports Hall of Fame, and recipient of the "King of Baseball" lifetime achievement award. However, one of his most impressive achievements is not illustrated by any award, but by the fact that for more than 20 years, attendance at Dukes baseball games was well above the levels for the rest of minor league baseball.

McKernan's management made it easy for Albuquerque and the rest of New Mexico to love the Dukes. McKernan went above and beyond the duties of a general manager. McKernan believed that baseball was more than just a game, it could also in fact be used as a gateway to reach out to the entire community. He made it an obligation for Dukes management and players to personally reach out to the community that had so lovingly embraced it. Each Christmas, McKernan dressed as Santa Claus and personally handed out presents to needy children. McKernan showed his humanitarianism and genuine love of his fellow New Mexicans by donating excess food to local homeless shelters following every Dukes home game.

An editorial in The Albuquerque Tribune made a reference to Patrick McKernan and the city of Albuquerque by saying that they seemed almost intertwined in an ineffably charming enchantment. This statement is all too true. Not only did the world of baseball lose a brilliant and capable administrator, but the state of New Mexico also lost one its finest citizens and humanitarians. The citizens of Albuquerque and our state mourn the loss of Patrick McKernan.•

TRIBUTE TO LT. COL. JOHN D. WOODWARD USAF–RET

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Lt. Col. John D. Woodward USAF–Ret, of Manchester, NH, who passed away on July 8, 2001.

John was born in Pembroke, NH, and served with honor and distinction in the United States military. He began his military career with the United States Army in Panama and later served with the Coast Artillery, Infantry and Field Artillery. In 1942, John transferred to the Army Air Corps where he was commissioned a second lieutenant serving with the Army Air Force units throughout the South Pacific.

John was one of the founding members of Detachment B, 201st Air Service Group which was accorded Federal recognition at Grenier Field in Manchester, NH, as the original New Hampshire Air National Guard. He also served in the Korean Conflict with United States Air Force units in Greenland and Newfoundland.

Promoted to the rank of Lt. Col. in 1957, John became Deputy Commander for Materiel for the 157th Military Airlift Group, MAC, in 1966, and served in that capacity when the unit became the 157th Tactical Airlift Group. He was later appointed commander of the 157th Combat Support Squadron in 1975 when the Group became a unit of the Strategic Air Command.

John earned many medals and awards for his dedicated military service including: the Bronze Star, the American Defense Medal, the Good Conduct Medal, the American Theater Medal, the Asiatic Pacific Theater Medal with two battle stars, the Armed Forces Reserve Medal, the National Defense Service Medal, the World War II Victory Medal and the New Hampshire Air National Guard Medal. As a Vietnam veteran and senior member of the Senate Armed Services Committee, I commend John for his contributions to the people of New Hampshire and the country.

John was an active supporter of his local community who contributed as a member of organizations including: Sons of the American Revolution, the American Legion, Sons of the Union Veterans and as a Master Mason with Washington Lodge #61 of New Hampshire. He was a lifelong die-hard supporter of the Boston Red Sox and an enthusiastic golfer.

John is survived by his wife of 59 years, Betty; his daughters: Linda Woodward and Debra Woodward and his son, John D. Woodward II. He is also survived by a granddaughter, Megan Woods and two sisters: Esther Perron and Lillian Lesmerises.

John served his country and State with pride and dignity. I applaud him for his exemplary contributions to the United States military and New Hampshire. He will be sadly missed by all those whose lives he touched. It is truly an honor and a privilege to have represented him in the U.S. Senate.•

25TH ANNIVERSARY OF CHERRY VERSUS MATHEWS

• Mr. CLELAND. Mr. President, July 19th was the 25th anniversary of the U.S. District Court decision known as Cherry v. Mathews, a historic ruling that helped open the door to full and equal citizenship for disabled citizens.

Twenty five years ago, many disabled Americans could not use public transportation, go to schools and colleges, or even have access to parks, buildings, or voting booths. The Rehabilitation Act of 1973 was enacted to prohibit discrimination against an "otherwise qualified handicapped individual" in federally funded programs government-wide "solely by reason of his handicap." The statute included within its protections State and local governments, schools, universities, social service agencies, legal services offices, public housing, parks, and much more.

While the U.S. Department of Health and Human Services (HHS) argued that Section 504 of the Rehabilitation Act of 1973 was merely a "policy statement" that required no regulatory action, Dr. James L. Cherry of Georgia sought to assure legal rights and equality for disabled individuals. The lawsuit targeted Health and Human Services' Secretary David Mathews. His case was decided on July 19, 1976 when U.S. District Court Judge John Lewis Smith ordered HHS to develop the Section 504 regulation to prohibit discrimination against "handicapped persons" in any federally funded program.

Dr. Cherry's case led to a regulation under section 504 of the 1973 Rehabilitation Act that assures disabled citizens reasonable access to public programs and facilities. The case helped pave the way for the Americans with Disabilities Act, which expanded the protection from discrimination to all persons with disabilities.

Section 504 was the first "civil rights act" for persons with disabilities. It was modeled after Title VI of the Civil Rights Act of 1964 which prohibited discrimination against persons in federally funded programs on the basis of race, religion, national origin, and creed. However, "handicapped persons" were not protected from discrimination by the 1964 law.

Cherry v. Mathews was a landmark case that renewed our Nation's promise of equal opportunity for all Americans. As we observe the 25th anniversary of equal opportunity for disabled Americans, I urge us all to rededicate ourselves to this foundation of our Nation's greatness.•

HAPPY 60TH ANNIVERSARY TO MR. AND MRS. S. RICHARD JENNINGS JR.

• Mr. FRIST. Mr. President, I rise today to salute two very special Tennesseans, and indeed two outstanding Americans, who I am proud to call my friends, Virginia and Richard Jennings of Johnson City, TN. On Wednesday, August 29, 2001, Virginia and Richard will be surrounded by family and friends to celebrate the wonderful milestone of their 60 years of marriage.

In a time where so much in our society seems temporary and fleeting, Virginia and Richard have demonstrated each and every day the best of American values—devotion to their country, their community, their family, and to each other.

Married on Friday, August 29, 1941 at the First Baptist Church in Erwin, Tennessee, the Jennings embarked on their journey as newlyweds living in New York City until Richard was called to the service in World War II. Richard served in both of the war's theaters, and was in Europe on VE Day and Japan on VJ Day. While he was overseas, Virginia gave back to her community as an educator, teaching and coaching basketball.

On returning home, Richard began a distinguished career at Tennessee Eastman in Kingsport which spanned almost forty years. Virginia made a mark for herself in community service in Johnson City, generously donating her time as President of the Junior League, helping to found a mental health clinic, and serving on the city's planning commission. Both also made their spiritual lives a priority with their active membership in the Munsey Memorial United Methodist Church. Although raised as a Baptist, Virginia followed her mother's sound advice to be the best Methodist she could!

With all of their accomplishments, probably their proudest moments came with the arrival of two daughters, Eve Boyd Jennings in 1947 and Anne Bradshaw Jennings in 1954. The Jennings' family today boasts six grandchildren and five great-children, all of whom are the apple of their grandparents' eyes.

Through the years, Virginia, a devoted Republican, loved the thrill of politics. Former U.S. Senator Howard Baker tapped her into service as his Tri-Cities field representative where she served throughout his three terms in the Senate. Virginia became a living legend in that role. When I first ran for the Senate, I turned to her time and time again for advice and counsel, and she not only gave me the great honor of becoming a valuable mentor, but she has also bestowed upon my wife, Karyn, and me an even greater gift—her friendship and love.

Virginia and Richard Jennings epitomize the very best of what it means to be Americans. They are a national treasure. In anticipation of their 60th wedding anniversary on Wednesday, August 29, 2001, I want to thank Virginia and Richard for their service to our nation, and most importantly, for living their lives in a way that serves as a shining example for all of us to emulate. I am honored to be their U.S. Senator.•

IN MEMORY OF MIMI FARINA

• Mrs. BOXER. Mr. President, in the more than 25 years that I have been privileged to serve in public office, I have come to know many, many remarkable people. But rarely have I ever known anyone more talented, more compassionate, selfless and remarkable than Mimi Farina.

Last Wednesday, at age 56, Mimi Farina lost a courageous, two-year battle with neuroendocrine cancer. While people around the country and around the world are saddened by her death, Mimi's courageous, crusading spirit will surely live on in the work of Bread & Roses, an organization that she founded in 1974.

Bread & Roses is a unique, internationally renowned social services agency, held together by countless dedicated volunteers and a simple, compassionate mission: to bring free live music to people confined in institutions—in jails, juvenile facilities, hospitals and rest homes. Last year alone, Bread & Roses sponsored more than 500 concerts at some 82 institutions across the country.

Mimi Farina gave up her own promising singing career to found Bread & Roses and to nurse it through years of hard times. The inspiration for Bread & Roses came to her in 1973, when she accompanied her sister Joan Baez and blues artist B.B. King to a performance at Sing Sing prison. She was deeply moved by the prisoners' reaction to the music they heard that day. That experience, coupled with a performance of her own a short time later at a Marin County halfway house convinced Mimi of the enormous need for an organization like Bread & Roses.

Over the past quarter century, the work of Bread & Roses has been supported by a dazzling array of performers, including Bonnie Raitt, Pete Seeger, Paul Winter, Odetta, Lily Tomlin, Carlos Santana, Judy Collins, Robin Williams, Huey Lewis, Boz Scaggs and Taj Mahal.

As Bread & Roses grew in size and stature, Mimi became its most prominent and persuasive advocate. She received many awards and accolades, including "Woman of the Year" from the Bay Area Women in Music, "Most Valuable Person Award" from the National Academy of Recording Arts & Sciences, "Woman Most Likely to be President" from the San Francisco League of Women Voters, "Woman Entrepreneur of the Year" from the National Association of Women Business Owners and the 10th Annual Life Work Award from the Falkirk Cultural Center in San Rafael. She was among the first inductees into the Marin County Women's Hall of Fame.

I close today with an offer of my deepest condolences to the family of Mimi Farina and to those who loved her, and with these words from the poem "Bread & Roses," originally written for female laborers and put to music by Mimi:

Our days shall not be sweated from birth
until life closes.
Hearts starve as well as bodies: Give us
bread, but give us roses.•

TRIBUTE TO WARREN E. PEARSON

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Warren E. Pearson of Dixville Notch, NH, who passed away on June 28, 2001. He had fought a courageous battle with cancer and inspired many with his spirit and determination.

Warren was born in Lewiston, ME, and served with honor and distinction in the United States Army's 25th Infantry Division in Vietnam. While in the Army, he served as a military ski instructor and ski area manager in Fort Richardson, Alaska.

Warren returned to New Hampshire after his military service and assumed the position of head ski school instructor at The BALSAMS Grand Resort & Hotel in Dixville Notch. He was promoted through the ranks and became General Manager of the resort in 1971. In 1977 he became a managing partner and corporate vice president of The BALSAMS Corporation.

He was an active supporter of his community and served positions including: Director at The First Colebrook Bank, Chairman at First Colebrook Bankcorp, Board member of the Upper Connecticut Valley Hospital and member of the New Hampshire Better Business Bureau. He also served on the Board of Trustees at the Hanover Inn at Dartmouth College.

Warren was awarded professional recognition for his contributions in the hospitality industry including: Innkeeper of the Year Award from the New Hampshire Hospitality Association in 1980–81; New Hampshire Commission for the Arts, Business Award for Support of the Arts in 1985 and New England Innkeepers Association Outstanding Service Award.

Warren is survived by his wife of 34 years, Eleanor; his son, Michael and wife, Sharon; his son, Andrew and wife, Lorraine and a daughter, Tamme and three grandchildren: Duncan Pearson, Lindsay Pearson and Lilly Anne Pearson Robarts. He is also survived by his mother, Mildred Bollavance and two sisters: Deborah Cooke and Marcia Whitman.

Warren served his country and State with pride and dignity. As a Vietnam veteran, I commend him for his service in the United States Army and for his exemplary personal and business contributions to The BALSAMS Grand Resort and New Hampshire. He will be sadly missed by all those whose lives he touched. It is truly an honor and a privilege to have represented him in the U.S. Senate.•

HONORING WYNN SPEECE

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Wynn Speece of Yankton, South Dakota, who with her sixty years of broadcasting excellence at WNAX, 570 AM, has become the longest running radio personality in the nation.

Wynn began her career at WNAX in 1939 as a writer in the continuity department earning $20 a week. She later was given 15 minutes of air time each Saturday to mention the special premiums offered by WNAX advertisers. Her career advanced rapidly after the station's female director left, and she was selected to fill the position. In addition to her other duties, Wynn was asked to host a 15 minute program targeted primarily at homemakers six days per week, and on July 14, 1941, this show, known as the "Neighbor Lady," hit the air. Wynn's most avid listeners were provided by farms, ranches and small towns across the upper Midwest.

Six decades later, Wynn continues to conduct interviews for the local radio station and writes a long-running column for Yankton's Press & Dakotan where she has literally informed and entertained generations of listeners. Since her first show, Speece has interviewed hundreds of people, hosted 15,000 broadcasts, and received countless letters. With her outstanding talent, leadership and commitment to quality radio broadcasting, Wynn has enhanced the lives of countless South Dakotans.

Wynn's honors include the Marconi Award for the top small-market personality in the country, and earlier this year she received a distinguished alumni award from Drake University. She is a member of the South Dakota Hall of Fame, and was named one of Yankton's top Citizens of the Millennium by the Press & Dakotan in 1999.

Wynn Speece richly deserves this distinguished recognition. Therefore, it is an honor for me to share her extraordinary professional accomplishments with my colleagues.•

IN COMMEMORATION OF THE LIFE AND WORK OF HARRY BRIDGES

• Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate a little of the remarkable life of Harry Renton Bridges, one of America's great labor leaders and most impassioned voices for democracy, progress and human dignity. Harry's many friends and admirers will be celebrating the 100th anniversary of his birth on July 28 with a march to the plaza which bears his name in San Francisco.

Harry's legend began in 1934, when he helped lead the 83-day West Coast longshoremen's strike. This action remains a watershed moment in the history of the worker's movement in the United States. What was accomplished not only reverberated in San Francisco and up and down the West Coast, but eventually all across the country. Prior to this time, working conditions along America's waterfronts were deplorable. The men worked hard, for very little pay and often in very dangerous conditions. Under Harry's leadership, this changed. The strike brought employers to the table. As a result, dock workers and seamen were finally able to work with a measure of pride and security.

What began as an insurgent labor movement in 1934 eventually grew into the International Longshore and Warehouse Union or ILWU. Under Harry's guidance, the ILWU helped lead the way in the fight for workers' rights and forms of social justice in the United States and around the globe. The Union stood steadfast against fascism during the 1930's and 40's. During the war it protested the detention of Japanese-Americans. It was one of the first unions to be thoroughly racially integrated. It fought McCarthyism and the communist witch hunts and blacklists. Harry and the ILWU spoke out early and loudly against apartheid in South Africa. And the list goes on. Wherever Harry sensed injustice he responded instinctively to correct it.

Harry was a native Australian, but he made San Francisco his home. Here he is remembered as a hero. Many credit his vision and passion as a guiding force behind the City's compassion, tolerance and political progressiveness.

Two years ago the San Francisco Port Authority officially named the new Ferry Building plaza the Harry Bridges Plaza. It was a fitting tribute to a man who did so much to transform the waterfront. Efforts are currently underway to further honor Harry and his memory through the construction of a monument on the plaza.

Harry was truly one of a kind. Simply put, he cared enough to make a difference. Although he passed away over ten years ago, he and his memory continue to live on in the hearts of those who knew him and who continue to be inspired by his example.•

TRIBUTE TO KNIGHTS OF COLUMBUS ROCHESTER COUNCIL #2048

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the Knights of Columbus Council #2048 of Rochester, NH, on the creation of the successful Future Unlimited Banquet Program. Future Unlimited is an annual event which recognizes the Valedictorians and Salutatorians from eight high schools in the Seacoast region of New Hampshire.

The eight high schools represented in the program include: St. Thomas Aquinas High School, Berwick, ME, Dover High School, Somersworth High School, Farmington High School, Nute High School, Alton High School, Kingswood Regional High School and Spaulding High School.

I commend the Knights of Columbus Rochester Council for their recognition of the scholastic achievements of the high school seniors in the Seacoast region. As a former schoolteacher, I applaud the efforts of the Knights of Columbus for rewarding students who have established goals and high standards of excellence in their academic, extracurricular and civic endeavors.

The Knights of Columbus Rochester Council #2048 have served the citizens of Rochester and our state with pride and honor. The young men and women in the Seacoast region are blessed to have the encouragement and support of an organization which recognizes the qualities of hard work, perseverance and dedication. It is truly an honor and a privilege to represent them in the U.S. Senate.•

IN HONOR OF PATRICK BENTON

• Mr. JOHNSON. Mr. President, I rise today to pay tribute to Patrick Benton. I have had the good fortune of having Patrick as part of my staff since 1994, and I would like to thank him for all his hard work in his efforts on behalf of the people of South Dakota. Patrick is heading off to Colby College in September, and I have no doubt that our loss is their great gain.

While in high school, Patrick organized and led a student rally to save the Rapid City School District counselors who were in jeopardy of losing their jobs. Patrick represented South Dakota on a trip to Japan as part of the Sony student project abroad. Patrick began work as an intern in my Rapid City Office in mid 1998, and eventually joined my staff full time in November of that same year. In September 1999, Patrick moved to Washington, DC, and has been a critical part of my staff ever since.

Patrick has always been wise beyond his years, and he has built up the trust and confidence of the entire staff. Patrick has worked his way up to a Research Assistant position, and has been an invaluable resource in handling matters related to banking, telecommunications, labor, campaign finance reform, election reform, federal employees and the Postal Service. He has mastered a vast amount of technical knowledge in all of these areas. When people find out Patrick is on his way to college, they can't figure out how someone with such knowledge and judgment can possibly be only 19 years old.

While we will sorely miss Patrick, I join with my entire staff and my wife, Barbara, in expressing our pride in Patrick's achievement and promise, and our thanks for his years of service to South Dakota. However Patrick chooses to apply his formidable intellect and talents, we will all be the better for it.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 271. An act to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

H.R. 427. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

H.R. 451. An act to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes.

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

H.R. 2137. An act to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure.

H.R. 2215. An act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

The message also announced that the House has passed the bill (S. 468) to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building," without amendment.

The message further announced that the House has passed the bill (S. 1190) to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account, without amendment.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 451. An act to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked; to the Committee on the Judiciary.

H.R. 2137. An act to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

H.R. 2215. An act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 427. An act to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes.

H.R. 271. An act to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3013. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a Determination and Certification under Section 40A of the Arms Export Control Act relative to Afghanistan, Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria; to the Committee on Foreign Relations.

EC–3014. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Notification of Representatives in Connection with Motions for Revision of Decision on Grounds of Clear and Unmistakable Error" (RIN2900–AJ75) received on July 16, 2001; to the Committee on Veterans' Affairs.

EC–3015. A communication from the Assistant General Counsel for Regulatory Law, Office of the Chief Information Officer, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Cyber Security Architecture Guidelines" (DOE G 205.1–1) received on July 16, 2001; to the Committee on Energy and Natural Resources.

EC–3016. A communication from the Assistant General Counsel for Regulatory Law, Office of Management and Administration, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Work for Others (Non-Department of Energy Funded Work)" (DOE O 481.1A) received on July 16, 2001; to the Committee on Energy and Natural Resources.

EC–3017. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Beverages: Bottled Water; Technical Amendment; Confirmation of Effective Date" (Doc. No. 01N–0126) received on July 16, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3018. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Assuring Access to Health Insurance Coverage in the Large Group Market"; to the Committee on Health, Education, Labor, and Pensions.

EC–3019. A communication from the Secretary of Defense, transmitting, the report of retirements; to the Committee on Armed Services.

EC–3020. A communication from the Assistant Director for Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy, Installations and Environment, received on July 16, 2001; to the Committee on Armed Services.

EC–3021. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Eastern Aleutian District of the Bering Sea and Aleutian Islands" received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3022. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska" received on July 16, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3023. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, the report of the Annual Performance Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–3024. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3025. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–3026. A communication from the Acting Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Advisory Committee Management" (RIN3090–AG49) received on July 20, 2001; to the Committee on Governmental Affairs.

EC–3027. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on July 20, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–3028. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Full Approval of Operating Permits Program in Alaska" (FRL7012–9) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3029. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Arizona State Implementation Plan, Pinal-Gila Countries Air Quality Control District and Pinal County Air Quality Control District" (FRL7013–3) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3030. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to California State Implementation Plan, Bay Area Air Quality Management District, Lake County Air Quality Management District, Monterey Bay Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Jaoaquin Valley Unified Air Pollution Control District" (FRL7013–4) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3031. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District" (FRL7013–5) received on July 19, 2001; to the Committee on Environment and Public Works.

EC–3032. A communication from the Regulations Officer of the Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Collection of Supplemental Security Income (SSI) Overpayments from Social Security Benefits" (RIN0960–AF13) received on July 20, 2001; to the Committee on Finance.

EC–3033. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Foreign Trusts That Have U.S. Beneficiaries" (RIN1545–AO75) received on July 19, 2001; to the Committee on Finance.

EC–3034. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Recognition of Gain on Certain Transfers to Certain Foreign Trusts and Estates" (RIN1545–AY25) received on July 19, 2001; to the Committee on Finance.

EC–3035. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 01–063–1) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3036. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pine Shoot Beetle; Addition to Quarantined Areas" (Doc. No. 01–048–1) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3037. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation and Interstate Movement of Certain Land Tortoises" (Doc. No. 00–016–3) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3038. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Certification; Canadian Solid Wood Packing Materials Exported From the United States to China" (Doc. No. 99–100–3) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3039. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Accreditation Standards for Laboratory Seed Health Testing and Seed Crop Field Inspection" (Doc. No. 99–030–2) received on July 20, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3040. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communication Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotment, FM Broadcast Stations (Caro, Cass City, MI; Warsaw, Windsor, MO)" (Doc. Nos. 01–33, 01–34; RM–10060, RM–10061) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3041. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Rutland, Vermont)" (Doc. No. 00–12; RM–9706) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3042. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Steubenville, Ohio and Burgettstown, Pennsylvania" (Doc. No. 01–6; RM–10009) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3043. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Pana, Taylorville, and Macon, Illinois" (Doc. No. 00–160) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3044. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Thermopolis and Story, Wyoming" (Doc. No. 00–159) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3045. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Quartzsite, Arizona, and Leesville, Louisiana" (Doc. Nos. 01–70 and 01–71) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3046. A communication from the Senior Legal Advisor to the Bureau Chief of the Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Abingdon and Canton, Illinois" (Doc. No. 01–64; RM–10084) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3047. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—August 2001" (Rev. Rul. 2001–36) received on July 19, 2001; to the Committee on Finance.

EC–3048. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes; Request for Comments" ((RIN2120–AA64)(2001–0340)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3049. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Series Airplanes with P & W Model PW 4400 Series Engines; Request for Comments" ((RIN2120–AA64)(2001–0341)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3050. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332L2 Helicopters; Request for Comments" ((RIN2120–AA64)(2001–0343)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3051. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International CFM56–5C Turbofan Engines; Request for Comments" ((RIN2120–AA64)(2001–0342)) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3052. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Part 107, Airport Security" (RIN2120–AD46) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3053. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Part 108, Airplane Operator Security" (RIN2120–AD45) received on July 19, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3054. A communication from the President of the United States, transmitting, consistent with the War Powers Act, a report relative to peacekeeping efforts in the former Yugoslavia; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-152. A joint resolution adopted by the Legislature of the State of Maine relative to the Northeast Interstate Dairy Compact; to the Committee on the Judiciary.

JOINT RESOLUTION

Whereas, Maine has nearly 500 dairy farms annually producing milk valued at over $100,000,000; and

Whereas, maintaining a sufficient supply of Maine-produced milk and milk products is in the best interest of Maine consumers and businesses; and

Whereas, a University of Connecticut study, done while the Northeast Interstate Dairy Compact has been in existence, concluded that from July 1997 to July 2000, the price of milk to the consumer increased 29¢ of which 4½¢ went to the farmer; and

Whereas, Maine is a member of the Northeast Interstate Dairy Compact; and

Whereas, the Northeast Interstate Dairy Compact will terminate at the end of September 2001 unless action is taken by the Congress to reauthorize it; and

Whereas, the Northeast Interstate Dairy Compact's mission is to ensure the continued viability of dairy farming in the Northeast and to assure consumers of an adequate, local supply of pure and wholesome milk and also helps support the Women, Infants and Children program, commonly known as "WIC"; and

Whereas, the Northeast Interstate Dairy Compact has established a minimum price to be paid to dairy farmers for their milk, which has helped to stabilize their incomes; and

Whereas, in certain months the compact's minimum price has resulted in dairy farmers receiving nearly 10% more for their milk than the farmers would have otherwise received; and

Whereas, actions taken by the compact have directly benefited Maine dairy farmers by not diminishing the farmer's share; now, therefore, be it

Resolved, That We, your Memorialists, respectfully urge and request that the United States Congress reauthorize the Northeast Interstate Dairy Compact; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, each member of the United States Congress who sits as chair on the United States House of Representatives Committee on Agriculture or the United States Senate Committee on Agriculture, Nutrition and Forestry, the United States Secretary of Agriculture and each Member of the Maine Congressional Delegation.

POM-153. A resolution adopted by the House of the Legislature of the State of Michigan relative to the Detroit River International Wildlife Refuge Establishment Act; to the Committee on Environmental and Public Works.

HOUSE RESOLUTION NO. 116

Whereas, The Detroit River is a unique resource in many ways. This historic water route has been a major transportation thoroughfare since long before Europeans arrived, and its role in commerce has been a key part of the economic strength of two nations. In addition to these well-documented elements, the Detroit River also hosts great diversity in wildlife and ecological features; and

Whereas, The lower portions of the Detroit River include shoals, islands, and channels that support a variety of aquatic plants, fish, and wildlife. Although designated an American Heritage River in 1998, the Detroit River is still threatened by environmental practices; and

Whereas, Congress is considering a measure, H.R. 1230, that would establish the Detroit River International Wildlife Refuge. This bill would provide a mechanism to preserve the character of the area through land acquisition and agreements for cooperative management. Under this legislation, the Secretary of the Interior could acquire land along an 18-mile stretch of the Detroit River. A key component of the proposal is that it does not authorize the taking of land but relies upon willing sellers; and

Whereas, Establishing the Detroit International Wildlife Refuge along one of the great metropolitan regions in the country is an excellent investment in Michigan's resources; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Detroit River International Wildlife Refuge Establishment Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 26, 2001

POM-154. A resolution adopted by the House of the General Assembly of Pennsylvania relative to issuing a Coal Miners' Postal Stamp; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 121

Wheras, Our entire Nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous job which they performed so that we could have the fuel we needed to operate our industries and to heat our homes; and

Whereas, It would be proper and fitting for our Nation to recognize our coal miners, both past and present, for their contributions to this Nation; therefore be it

Resolved (the Senate concurring), That the general Assembly memorialize the United States Postal Service to issue a postal stamp to honor our coal miners and to commemorate their contributions to our nation and its citizens; and be it further

Resolved, That copies of this resolution be delivered to the United States Postal Service, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-155. A resolution adopted by the House of the General Assembly of the State of Pennsylvania relative to legislation protecting employees and retirees whose health care plans have been terminated by companies as a result of financial difficulties caused in whole or in part by unfairly traded foreign imports; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 212

Whereas, In the 1980s the American steel industry experienced an economic crisis due to existing trade policies resulting in steel mill shutdowns, steelworker layoffs and a weakening of the entire steel industry; and

Whereas, In the early 1990s the American steel industry experienced a period of relative stability; and

Whereas, In late 1997 and early 1998 the Asian economic crisis and the collapse of the Russian economy produced a flood of manufactured products, including steel, leading to the most serious crisis for the steel industry since the 1980s; and

Whereas, That crisis resulted in the layoffs of 10,000 steelworkers, bankruptcy of steel companies, weakening of the entire steel industry and increase in the level of imports deemed "normal and acceptable" by the Federal Government; and

Whereas, In the week ending December 30, 2000, the steel industry operated at less that 65% of capacity, its lowest operating level in 14 years; and

Whereas, Since the beginning of the Asian economic crisis, 14 steel companies have been driven into bankruptcy and many others are on the brink of bankruptcy; and

Whereas, The bankruptcy and potential bankruptcy of steel companies represents a threat to the health benefits of employees and retirees; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President and Congress to support and pass legislation establishing a Health Care Benefit Guarantee Corporation similar to the Pension Benefit Guarantee Corporation to ensure benefits to those employees and retirees whose health care plans have been terminated by companies as a result of financial difficulties caused in whole or in part by unfairly traded foreign imports; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-156. A resolution adopted by the House of the General Assembly of the State of Pennsylvania relative to domestic violence; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 239

Whereas, Between 2 and 4 million women each year are victims of domestic violence nationally; and

Whereas, At least 800,000 Pennsylvanians are victims of domestic violence each year; and

Whereas, Domestic violence is a health care problem of epidemic proportions; and

Whereas, Medical professionals have a unique opportunity to intervene in domestic violence as they are often the first resource a battered victim seeks for help; and

Whereas, Health care providers can be a critical link to safety by offering support, information, education, resources and follow-up services to patients who are identified as victims of domestic violence; and

Whereas, Approximately only 10% of primary care physicians across the nation routinely screen for partner abuse when a patient is not currently injured; and

Whereas, The General Assembly recognized the importance of screening patients for symptoms of domestic violence in enacting Act 115 of 1998, which established the Domestic Health Care Response Program; and

Whereas, Act 115 of 1998 made Pennsylvania the first state in the nation to establish patient screening and advocacy programs in hospitals and health care systems; and

Whereas, The Family Violence Prevention Fund recognized Pennsylvania as the only state to receive an "A" grade for laws regarding health care response to domestic violence; and

Whereas, A team from Pennsylvania has joined teams from 14 other states and tribes and the Family Violence Prevention Fund to create innovative and sustainable health care responses to domestic violence on a national level through the National Health Care Standards Campaign; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania recognize June 12, 2001, as "National Domestic Violence Health Care Standards Campaign Kick-Off Day" in Pennsylvania; and be it further

Resolved, That the House of Representatives encourage Pennsylvanians and health care professionals in this Commonwealth to learn more about the causes, signs, prevention and treatment for domestic violence; and be it further

Resolved, That the House of Representatives urge the Congress of the United States to recognize the "National Domestic Violence Health Care Standards Campaign" and to promote the screening of patients for domestic violence by health care professionals across the nation; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 2002.

*Harvey Pitt, of North Carolina, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2007.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 1222. A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building"; to the Committee on Governmental Affairs.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 1223. A bill to amend title 49, United States Code, to ensure equity in the provision of transportation by limousine services; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLARD:

S. 1224. A bill to amend title XVIII of the Social Security Act to extend the availability of medicare cost contracts for 10 years; to the Committee on Finance.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 1225. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 1226. A bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 1227. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 1228. A bill to amend title 18, United States Code, to authorize pilot projects under which private companies in the United States may use Federal inmate labor to produce items that would otherwise be produced by foreign labor, to revise the authorities and operations of Federal Prison Industries, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Ms. STABENOW):

S. 1229. A bill to amend the Federal Food, Drug, and Cosmetic Act to permit individuals to import prescription drugs in limited circumstances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mrs. CLINTON):

S. 1230. A bill to amend the Public Health Service Act to focus American efforts on HIV/AIDS, tuberculosis, and malaria in developing countries; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself and Mr. BURNS):

S. 1231. A bill to amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL:

S. 1232. A bill to provide for the effective punishment of online child molesters, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. HATCH, Mr. LEAHY, Mr. DEWINE, and Mr. DURBIN):

S. 1233. A bill to provide penalties for certain unauthorized writing with respect to consumer products; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 213

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 213, a bill to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.

S. 281

At the request of Mr. HAGEL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 345

At the request of Mr. ALLARD, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to strike the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 409

At the request of Mrs. HUTCHISON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 409, a bill to amend title 38, United States Code, to clarify the standards for compensation for Persian Gulf veterans suffering from certain undiagnosed illnesses, and for other purposes.

S. 498

At the request of Mr. MURKOWSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 498, a bill entitled "National Discovery Trails Act of 2001".

S. 543

At the request of Mr. DOMENICI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 676

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 676, a bill to amend the Internal Revenue Code of 1986 to extend permanently the subpart F exemption for active financing income.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 805

At the request of Mr. WELLSTONE, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. ALLEN) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 805, a bill to amend the Public Health Service Act to provide

for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle, congenital,
facios-capulohumeral,
myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 838

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 865

At the request of Mr. MCCONNELL, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 865, a bill to provide small businesses certain protections from litigation excesses and to limit the product liability of nonmanufacturer product sellers.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1025

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1025, a bill to provide for savings for working families.

S. 1037

At the request of Mrs. HUTCHISON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1044

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1044, a bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1207

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1207, a bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Albuquerque, New Mexico, metropolitan area.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. RES. 121

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. Res. 121, a resolution expressing the sense of the Senate regarding the policy of the United States at the 53rd Annual Meeting of the International Whaling Commission.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLARD:

S. 1224. A bill to amend title XVIII of the Social Security Act to extend the availability of Medicare cost contracts for 10 years; to the Committee on Finance.

Mr. ALLARD. Mr. President, I am pleased to introduce the Medicare Cost Contract Extension Act of 2001.

For decades, the Centers for Medicare and Medicaid Services (formerly the Health Care Financing Administration), has successfully offered health insurance providers two contracts to choose from: a Medicare risk contract, (Medicare+Choice), and Medicare cost contract. In an effort to expand and refine the Medicare+Choice program, the Balanced Budget Act of 1997 terminated the Medicare cost contract program effective December 31, 2002. To prevent this termination, in 1999 Congress passed the Balanced Budget and Refinement Act, which extended cost contracts for two years through 2004.

I am pleased that Congress passed into law this two-year extension of Medicare cost contracting. This extension will help Medicare beneficiaries in rural communities in the United States keep the quality health care they currently receive under their cost contract plans.

Congress should work to extend further Medicare cost contracts. The Medicare Cost Contract Extension Act of 2001 would accomplish this by extending by ten years the cost contract sunset date of December 31, 2004 to December 31, 2014.

Currently 298,683 Americans, and 18,050 Coloradans receive health care through Medicare cost contracts. Of the 18,050 Coloradans with cost contract plans, 16,075 (89 percent) of them live in rural Colorado, where few Medicare and Medicare+Choice providers operate. If Medicare cost contracts are eliminated, essentially two health care options for Medicare beneficiaries would remain: traditional Medicare fee-for-service, which can include Medigap, and Medicare+Choice. If Medicare cost contracts are eliminated, as scheduled in 2004, then thousands of seniors will be forced into these other Medicare programs.

Basic Medicare and Medicare+Choice providers, however, are few in rural Colorado, where health care demands are great. In addition to the fact that 89 percent of Colorado's seniors with cost contract plans live in rural areas, 6,358, 35 percent, of Colorado Medicare managed care beneficiaries live in counties in which Medicare+Choice is not even available. Further, cost contract plans are more widely used across the State than are Medicare+Choice plans: Medicare+Choice is the Medicare option of beneficiaries in only 20 of Colorado's 64 counties, while Medicare cost contracts are enjoyed by seniors in 46 counties in Colorado.

In addition to accessibility, basic Medicare has fewer benefits than cost contract plans, and Medigap has higher out-of-pocket expenses than cost contract plans. Cost contract plans often provide more benefits than Medigap, such as preventive care and prescription drug benefits, and Medicare Part B deductible coverage. In addition, some cost contract plans offer one rate for older Medicare beneficiaries, while Medigap plans charge higher premiums for beneficiaries who are older.

Further, beneficiaries under Medicare cost contracts value the services cost contracting companies offer. According to a 1999 U.S. Department of Health and Human Services study, the Medicare Managed Care Consumer Assessment of Health Plans Study, CAHPS, Medicare beneficiaries gave Medicare cost contract health insurers higher ratings than non-cost contract providers. Beneficiaries noted cost contracting HMOs solved problems, provided care, and provided customer service better than the majority of noncost contracting providers. These ratings demonstrate that cost contract insurers provide the quality service seniors want and the health benefits they need.

While the goal of the Balanced Budget Act of 1997 was to provide an alternative to basic Medicare through Medicare+Choice, Medicare+Choice has not accomplished this goal in rural America. One of the objectives of President Bush and Tommy Thompson, the Secretary of Health and Human Services, is to increase in the near future Medicare+Choice enrollment. I support and have confidence in this effort. Until Medicare+Choice coverage is readily available to rural cost contract recipients Congress should extend the current cost contract sunset for an additional ten years.

Medicare beneficiaries deserve a choice in how they receive their health care. Congress should allow one of these choices to remain Medicare cost contracts. On behalf of the 298,683 U.S. and 18,050 Colorado Medicare beneficiaries who obtain their health care from cost contract plans, I urge my colleagues to extend Medicare cost contract plans for ten years.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 1225. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLEN. Mr. President, I rise today to introduce the Liberty Bill Act, which directs the United States Treasury to print an abridged Constitution with the titles of salient articles and amendments of the Constitution of the United States on the back of our one dollar bill. Indeed, the redesign of a Ten, Twenty, Fifty or 100 dollar bill could incorporate this goal.

This important and innovative legislation is designed to educate, encourage and promote the understanding of the fundamental principles, the concept of self-government, free will and the protection of individual rights, of the United States for all Americans and people around the world who may use U.S. currency.

I believe that it is most fitting that the idea for the Liberty Bill Act began in a classroom in Liberty Middle School, in Ashland VA, and carried forth by students at Patrick Henry High School in Hanover County, VA, by students who wanted to do something good for this country and its democratic principles.

A little more than three years ago at Virginia's Poor Farm Park's amphitheatre, 170 students, representing Liberty Middle School, recited the abridged Constitution as part of a school project. The so-called Liberty Bill project left them with a deeper appreciation of the Constitution and how important it is that we, as Americans, fully understand our heritage and the principles of freedom, justice and liberty. And, fortunately for the rest of us, the Liberty Bill project also left them with the desire to communicate this appreciation to all Americans and to all people worldwide.

I am proud to say that these students did not simply stop their education at this juncture. Instead, they worked with their teacher, Mr. Randy Wright, to create a proposal that would serve as a reminder of our rights and responsibilities as citizens of the United States.

After careful thought and consideration, the students decided that putting the thoughts of our Constitution on the back of the dollar bill, something that passes through the hands of millions of people around the world every day, would serve as the powerful reminder of how important the Constitution is to our representative democracy.

In addition, the newly revised dollar bill would teach the progress of American history, highlighting amendments that were added to the Constitution as our nation evolved into the free and prosperous global leader it is today. For example, despite a strong belief in what some termed the "inherent and unalienable rights of man," the fledgling American government did not protect the individual rights and liberties of all Americans. In fact, it was not until 1865, upon the adoption of amendment XIII, slavery was abolished and all races were guaranteed their freedom under the law.

In addition, the right to vote and have a say in one's government and the policies that affect everyday life, was not extended to all Americans. In fact, only white men could vote until amendment XV, proclaimed in 1870, provided that all men could vote, regardless of their race or status as a former slave. Later, in 1920, amendment XIX rightfully extended suffrage to all of America's people, securing the right of women to have a voice in our government as well. For a representative democracy is not truly representative until all people are heard.

Referencing constitutional amendments, such as amendments XIII, XV, and XIX on our dollar bill, would help to highlight not only the adaptive qualities of our Constitution and its ability to reflect an increasingly enlightened awareness of the rights of all people, but teach us to appreciate and value these freedoms and rights as Americans.

The Constitution of the United States is one of the most important documents in all of history. Yet in this day and age many Americans do not even know all the rights and protections enshrined in the first ten amendments, our Bill of Rights. Many Americans fail to recognize the Constitution as framework of the United States government and its impact on our government and prosperity as a nation of free people.

The dollar bill is the most used and most recognized currency in the world, every day it pass through the hands of millions of people around the world. And, as the students of Liberty Middle School asked themselves three years ago: "What better way than to highlight the Constitution and promote the ideals and values it represents than putting the principles it embodies on the back of the dollar bill?"

Every day I come across adults who complain that they are powerless to affect our political process or laws. They claim that even their vote will not make a difference.

Yet, a group of middle school students, through their commitment and determination, have persevered.

In just three years these students have taken up the challenge to help ensure every American understands the basic precepts of our treasured Constitution. This group of students developed a plan to reach this goal. They have gained media coverage and the endorsement of editorialists nationwide and their local governments, receiving acclaim from such notables as the Wall Street Journal and CNN News, although, I have to believe that one of the most notable endorsements of all was from a middle school student named Jessie, who said of the Liberty Bill project: "A fantastic learning experience, the Liberty Bill has inspired me to pursue politics like never before."

Because of their work and dedication, the impact of the Liberty Bill project on the education of our students can be felt nationwide. A remarkable 21 schools, representing seven states, have also joined their effort, ranging from Bedwell Elementary School in New Jersey and Festus High School in Festus, MO, to Dickinson High School in North Dakota and Newcastle Middle School in Wyoming.

The students have taken their effort all the way to Capitol Hill. The Liberty Bill Act, H.R. 903, introduced in the 106th Congress eventually secured 107 consponsors and was supported by leadership on both sides of the aisle, including Speaker HASTERT, Majority

Leader ARMEY, Majority Whip DELAY, and Minority Leader GEPHARDT. In addition, eight Committee Chairmen and 3 Ranking Members endorsed the Liberty Bill proposal. I am confident that under the guidance of Congressman CANTOR, the Liberty Bill will enjoy even more success during the 107th Congress in the House of Representatives and I am looking forward to working with my colleagues to secure the Liberty Bill's success in the Senate.

Last February, I had the opportunity to attend a Liberty Bill Project presentation performed by students from the Patrick Henry High School of Ashland, VA. I cannot tell you how encouraging it is to see a group of young people who really get, who realize how important a full understanding of our Constitution is and the values it represents. Not only was this presentation one of the most wholesome and inspirational I have seen, it convinced me that the Liberty Bill Project is an exemplary way of capturing our imagination and providing a major contribution toward our understanding of our Constitution, history, and form of government.

Therefore, it is my privilege to stand here today, joining my colleague in the House of Representatives, Congressman ERIC CANTOR, and introduce the companion legislation in the Senate. I am proud to act as a representative for the hard work and dedication of our students and support their efforts to teach all Americans about the importance of the values and principles embodied by our Constitution.

Finally, I would like to take this opportunity to commend the fine efforts of the students of Liberty Middle School and their teacher, Mr. Randy Wright. Their success is a lesson to all of us, demonstrating that with initiative and hard work we can easily, positively educate Americans.

Thomas Jefferson once said, "If a Nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." This remarkable group of young people has shown all of us what can be accomplished through dedication, creativity and a desire to do what has not been done before.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Liberty Dollar Bill Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) many Americans are unaware of the provisions of the Constitution of the United States, one of the most remarkable and important documents in world history;

(2) a version of this important document, consisting of the preamble, a list of the Articles, and the Bill of Rights, could easily be placed on the reverse side of the $1 Federal reserve note;

(3) the placement of this version of the Constitution on the $1 Federal reserve note, a unit of currency used daily by virtually all Americans, would serve to remind people of the historical importance of the Constitution and its impact on their lives today; and

(4) Americans would be reminded by the preamble of the blessings of liberty, by the Articles, of the framework of the Government, and by the Bill of Rights, of some of the historical changes to the document that forms the very core of the American experience.

SEC. 3. REDESIGN OF REVERSE SIDE OF THE BILL.

(a) IN GENERAL.—Section 5114 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) LIBERTY DOLLAR BILLS.—

"(1) IN GENERAL.—In addition to the requirements of subsection (b) (relating to the inclusion of the inscription 'In God We Trust' on all United States currency) and the eighth undesignated paragraph of section 16 of the Federal Reserve Act, the design of the reverse side of the $1 Federal reserve notes shall incorporate the preamble to the Constitution of the United States, a list of the Articles of the Constitution, and a list of the first 10 amendments to the Constitution.

"(2) DESIGN—Subject to paragraph (3), the preamble of the Constitution of the United States, the list of the Articles of the Constitution, and the first 10 amendments to the Constitution shall appear on the reverse side of the $1 Federal reserve note, in such form as the Secretary deems appropriate.

"(3) AUTHORITY OF SECRETARY.—The requirements of this subsection shall not be construed as—

"(A) prohibiting the inclusion of any other inscriptions or material on the reverse side of the $1 Federal reserve note that the Secretary may determine to be necessary or appropriate; or

"(B) limiting any other authority of the Secretary with regard to the design of the $1 Federal reserve note, including the adoption of any design features to deter the counterfeiting of United States currency.".

(b) DATE OF APPLICATION.—The amendment made by subsection (a) shall apply to $1 Federal reserve notes that are first placed into circulation after December 31, 2001.

Mr. WARNER. Mr. President, I am deferring to my junior colleague from Virginia and am pleased to be an original cosponsor of legislation introduced by Senator ALLEN to place actual language from the Constitution on the back of the one dollar bill.

This legislation is related to a bill I introduced last year based on the idea of students at Liberty Middle School in Ashland, Va. Working with their teacher, Randy Wright, this began as a school project several years ago. I commend these students and Mr. Wright for their continued dedication on seeing this idea realized.

If you would think for a minute about the circulation of one dollar. it is fascinating to imagine how many people this message will reach, just how many hands a dollar will pass through even in just one year. Moreover, I believe this initiative exemplifies many of the principles laid out in the Constitution and the people's role in our government.

The Constitution is our Nation's most noble achievement. It embodies the freedoms and liberties we enjoy as Americans, and gives value and meaning to the laws by which we live. I agree with the students of Liberty Middle School that the Constitution belongs to the people. It should be in their hands.

I am pleased to support this important initiative.

By Mr. CAMPBELL:

S. 1226. A bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial; to the Committee on the Judiciary.

Mr. CAMPBELL. Mr. President, today I introduce the POW/MIA Memorial Flag Act of 2001. I am pleased to be joined by my friend and colleague Senator ALLARD as an original co-sponsor.

I want to begin my statement today describing a powerful and emotional sight that moves us to the core of our faith and beliefs about America and about those who served in the Armed Forces of our Nation.

Many of us have visited one or more of the military academies that train America's future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular branch of service. On the grounds of each academy is a chapel, spectacular places that are easily identifiable as places of worship.

In each chapel, a place has been reserved for those prisoners of war and the missing in action from each particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. These hallowed places have been set aside so that all POW's and MIA's are remembered with dignity and honor. It is a moving and emotional experience to pause at these reserved pews, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, marines, and pilots and to be inspired today by what they have done.

Yes, I believe we can and should do more to honor the memory of all the POW's and MIA's who have so gallantly served our nation.

Therefore, today I am introducing the POW/MIA Memorial Flag Act of 2001. This act would require the display of the POW/MIA flag at the World War II Memorial, the Korea War Veterans Memorial, and the Vietnam Veterans Memorial, all here in the Nation's Capital, on any day on which the United States flag is displayed.

Congress has officially recognized the POW/MIA flag. Displaying this flag would be a powerful symbol to all Americans that we have not forgotten, and will not forget.

As my colleagues well know, the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served that we might live in freedom.

Just as those special reserved pews in the chapels of the military academies recall the spirit and presence of our POW's and MIA's, so too will the display of their flag over the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial be a special reminder that we have not forgotten, and will not forget. This coming September 21, 2001, is National POW/MIA Recognition Day. I invite my Senate colleagues to please join me in passing this bill by then to display the POW/MIA flag on this special day.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "POW/MIA Memorial Flag Act of 2001".

SEC. 2. DISPLAY OF POW/MIA FLAG AT WORLD WAR II MEMORIAL, KOREAN WAR MEMORIAL, AND VIETNAM VETERANS MEMORIAL.

(a) REQUIREMENT FOR DISPLAY.—Subsection (d)(3) of section 902 of title 36, United States Code, is amended by striking "The Korean War Veterans Memorial and the Vietnam Veterans Memorial" and inserting "The World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial".

(b) DAYS FOR DISPLAY.—Subsection (c)(2) of that section is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) in the case of display at the World War II memorial, Korean War Veterans Memorial, and Vietnam Veterans Memorial (required by subsection (d)(3) of this section), any day on which the United States flag is displayed;".

(c) DISPLAY ON EXISTING FLAGPOLE.—No element of the United States Government may construe the amendments made by this section as requiring the acquisition of erection of a new or additional flagpole for purposes of the display of the POW/MIA flag.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 1228. A bill to amend title 18, United States Code, to authorize pilot projects under which private companies in the United States may use Federal inmate labor to produce items that would otherwise be produced by foreign labor, to revise the authorities and operations of Federal Prison Industries, and for other purposes; to the Committee on the Judiciary.

Mr. THURMOND. Mr. President, I rise today to introduce legislation that would comprehensively reform Federal Prison Industries or UNICOR. It would eliminate the preference that Prison Industries currently has to make products for the Federal Government, while for the first time allowing private companies to partner with FPI for inmate labor. These changes would benefit all interested parties without endangering this essential inmate work program. I am pleased to have Senator HATCH as an original cosponsor for this important bill.

FPI is a self-sufficient government corporation that provides work for over 20,000 inmates in the Federal Bureau of Prisons. This program is critical to keeping inmates productively occupied, which helps keep prisons safe for staff, inmates, and the public. At the same time, inmates learn important job skills that they can use when they return to society. FPI has been proven to be the best prison program in helping prevent inmates from returning to a life of crime. It does all of this without costing any taxpayer money.

Prison Industries is an especially critical program today as the inmate population continues to grow dramatically. The number of Federal prisoners has doubled since 1989, and is continuing to grow every year. For the Bureau of Prisons to maintain just 25 percent of the work-eligible inmates in FPI, it must produce more and more products to keep its growing population working and occupied.

Since it was created in 1934, Prison Industries has had the authority to sell products only to Federal agencies and not to the private sector. In return, Federal agencies generally must purchase items that FPI makes, if it can provide them on time and at competitive prices. This is known as the mandatory source requirement.

The equity of mandatory source has been debated for years. I believe that we should resolve this issue once and for all in this Congress by eliminating this governmental preference. However, we should do so in a way that will maintain, not destroy, this successful work program.

The preference that FPI currently has regarding the Federal market is essential as long as Prison Industries is only permitted to sell products to Federal agencies. However, Prison Industries can do much more and actually be a partner with the private sector if it has the opportunity. Thus, this bill would eliminate the mandatory source requirement, and it would allow private businesses to contract with FPI for inmates to make the company's products in the commercial market, both domestically and overseas.

One of the most promising areas for prison labor today is overseas markets where American companies simply cannot compete today. Economists, including respected labor expert Professor Richard Freeman, have argued that one of the best uses of prison labor is to produce goods that are not made in the United States, such as toys. This could help the American economy by bringing jobs back that we have lost. Of course, if prisoners make products that are not made in the United States, they are not displacing American workers. However, jobs would not only be created in prisons but also in the private sector. Private companies would provide raw materials, transport goods, and otherwise supplement the prison labor. This is a creative way to bring back industries whose entire economic support structure is overseas.

Also, this could prove to help FPI reduce its need to make the type of products that it makes today while keeping inmates just as busy. It would also make the work experience for the inmates even more practical if they were making products for the private companies. Thus, the legislation would permit private companies to contract with FPI to provide the labor to make products that are otherwise being made by foreign labor outside the United States, and pay the inmates at the current prison industry wages.

We must keep in mind that FPI has hidden burdens that increase its labor costs. Inmates are significantly less productive than private workers for various reasons including limited skills, less education, and the security needs at prisoner work areas. Nevertheless, under this legislation, when FPI contracted with private companies domestically, it would pay inmates the same as private employees who do the same type of work in the area. These "comparable locality wages" are identical to the wages that state prison industry work programs provide today. As under state prison work programs, the pay could never be below the Federal minimum wage.

The additional money that inmates would earn under these new higher wages would be used to help pay debts that the inmate owes to society, such as more restitution to victims and child support obligations. Also, if funds were available, inmates would reimburse the government for a portion of their room and board costs.

Further, the bill would increase the size of the Prison Industries Board of Directors to provide greater representation, including members recommended by the Senate and House leadership. Also, decisions about whether a product is otherwise being made by foreign workers outside the United States would be determined by an independent panel, separate from the Prison Industries Board. This panel would consist of representatives of the Departments of Commerce and Labor, as well as labor unions and the business community.

The cornerstone of the legislation is that the mandatory source requirement would be eliminated, which is a change that has long been sought by certain business and labor interests. The bill would phase it out over five years to permit a smooth transition and prevent any major disruptions in inmate labor programs. However, during this period, FPI would be prohibited from expanding beyond its current mandatory source levels in any existing federal market.

I believe that this bill represents comprehensive, fundamental reform of Prison Industries. It would not be an easy task for Prison Industries to transform its market, as this bill would require. However, I think this legislation constitutes a fair and equitable compromise for this longstanding issue. It eliminates the mandatory source once and for all. At the same time, it creates new markets for prison labor, especially overseas markets where America simply cannot compete today.

It is time that we took an entirely new approach toward the issue of prison labor. We have the opportunity to move Prison Industries into the new century as a new, dynamic partner with the private sector. I encourage my colleagues to join me and Senator HATCH in supporting this bold reform initiative.

I ask unanimous consent that the text of the bill and a section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Inmate Work Act of 2001".

SEC. 2. AUTHORITY TO CARRY OUT PILOT PROJECTS USING FEDERAL INMATE LABOR TO REPLACE FOREIGN LABOR.

(a) FOREIGN LABOR SUBSTITUTE PILOT PROJECTS AUTHORIZED.—Chapter 85 of title 18, United States Code, is amended in section 1761—

(1) in subsection (b), by striking "This chapter" and inserting "This section";

(2) in subsection (c), by striking "this chapter" and inserting "this section";

(3) by redesignating subsection (d) as subsection (f); and

(4) by adding after subsection (c) the following new subsections:

"(d) This section shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who are participating in industrial operations of Federal Prison Industries.

"(e) This section shall not apply to goods, wares, or merchandise manufactured, produced, or mined by convicts or prisoners who are participating in any pilot project approved as a foreign labor substitute by the Foreign Labor Substitute Panel established under section 1762.".

(b) FOREIGN LABOR SUBSTITUTE PANEL.—(1) Section 1762 of such chapter is amended to read as follows:

"§ 1762. Foreign Labor Substitute Panel

"(a) The Attorney General shall establish a panel to be known as the Foreign Labor Substitute Panel (in this section referred to as the 'Panel').

"(b) The Panel shall be composed of eight members, each of whom shall serve at the pleasure of the Attorney General, and who shall be appointed by the Attorney General as follows:

"(1) One member who shall be an officer, employee, or other representative of the Department of Commerce.

"(2) One member who shall be an officer, employee, or other representative of the Department of Labor.

"(3) One member who shall be an officer, employee, or other representative of the International Trade Commission.

"(4) One member who shall be an officer, employee, or other representative of the Small Business Administration.

"(5) Two members, each of whom shall be an officer, employee, or other representative of the business community.

"(6) Two members, each of whom shall be an officer, employee, or other representative of organized labor.

"(c)(1) Members of the Panel shall not receive pay, allowances, or benefits by reason of their service on the Panel.

"(2) Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(d) The Panel shall review proposals for pilot projects submitted to the Panel. For each proposal reviewed, the Panel shall approve the pilot project as a foreign labor substitute if, and only if, the Panel determines that the pilot project specified in the proposal satisfies each of the following requirements:

"(1) The pilot project is to be carried out by one or more private United States companies.

"(2) The goods, wares, or merchandise proposed to be manufactured, produced, or mined wholly or in part by Federal convicts or prisoners under the pilot project would otherwise be manufactured, produced, or mined by foreign labor.

"(e) Any determination of the Panel under subsection (d) shall be made available to the public upon request.".

(2) In the table of sections at the beginning of such chapter, the item relating to section 1762 is amended to read as follows:

"1762. Foreign Labor Substitute Panel.".

SEC. 3. RESTATEMENT AND IMPROVEMENT OF FEDERAL PRISON INDUSTRIES PROGRAM.

(a) IN GENERAL.—Sections 4121, 4122, and 4123 of title 18, United States Code, are amended to read as follows:

"§ 4121. Federal Prison Industries: status, mission, and management

"(a) STATUS.—Federal Prison Industries is a Government corporation. The headquarters of the corporation is in the District of Columbia.

"(b) MISSION.—The mission of Federal Prison Industries is to carry out industrial operations in accordance with this chapter using eligible inmate workers.

"(c) BOARD OF DIRECTORS.—

"(1) COMPOSITION.—Federal Prison Industries is administered by a board of directors composed of 12 members appointed by the Attorney General as follows:

"(A) One member appointed from among individuals recommended by the Speaker of the House of Representatives.

"(B) One member appointed from among individuals recommended by the minority leader of the House of Representatives.

"(C) One member appointed from among individuals recommended by the majority leader of the Senate.

"(D) One member appointed from among individuals recommended by the minority leader of the Senate.

"(E) Two members who shall be representatives of the business community.

"(F) Two members who shall be representatives of organized labor.

"(G) One member who shall be representative of victims of crime.

"(H) One member who shall be representative of the prisoner rehabilitation community.

"(I) Two members whose background or expertise the Attorney General considers appropriate.

"(2) TERMS.—

"(A) Except as provided in this paragraph, each member shall be appointed for a term of four years.

"(B) As designated by the Attorney General at the time of appointment, of the members first appointed—

"(i) 3 members shall be appointed for terms of 1 year;

"(ii) 3 members shall be appointed for terms of 2 years;

"(iii) 3 members shall be appointed for terms of 3 years; and

"(iv) 3 members shall be appointed for terms of 4 years.

"(C) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

"(3) COMPENSATION.—A member of the Board may not receive pay, allowances, or benefits by reason of his or her service on the Board.

"(4) QUORUM.—Seven members of the Board constitutes a quorum but a lesser number may hold hearings.

“(5) Chair.—The Chair of the Board is elected by the members.

“§ 4122. Federal Prison Industries: operating objectives, standards, and requirements

“(a) Operating Objectives.—Federal Prison Industries shall carry out its industrial operations so as to achieve each of the following objectives:

“(1) To increase public safety by reducing the rate of recidivism by providing as many inmates as possible with an opportunity to gain meaningful employment and vocational skills and improve their chances of becoming productive and law-abiding citizens after release from prison.

“(2) To minimize any adverse effects of the operations on domestic companies or workers.

“(3) To provide meaningful employment and vocational training for not less than 25 percent of eligible inmate workers.

“(4) To provide inmate workers with a source of income with which they may facilitate their ability to contribute to the discharge of their financial obligations.

“(5) To generate sufficient revenue to fund those operations.

“(6) To provide products and services that are market quality and competitively priced.

“(b) Performance Standards.—Federal Prison Industries shall carry out its industrial operations in compliance with the following standards, as applicable to correctional industry programs:

“(1) United Nations standards.

“(2) International Labor Organization conventions to which the United States is a signatory party.

“(3) Federal standards.

“(4) American Correctional Association standards.

“(c) Voluntariness.—Federal Prison Industries shall carry out its industrial operations only with inmate workers who participate in those operations voluntarily.

“(d) Wage Rates.—Unless otherwise provided by law, each inmate worker participating in the industrial operations of Federal Prison Industries shall be paid at a wage rate prescribed by the Board of Directors of Federal Prison Industries.

“(e) Protection of Certain Information.—Federal Prison Industries shall carry out its industrial operations so as to ensure that, in the production of a product or the performance of a service, inmate workers do not have access to—

“(1) personal or financial information about any citizen of the United States without prior notice of the access being provided to that citizen, including information relating to the citizen's real property, however described, unless that information is publicly available; or

“(2) information that is classified in the national security or foreign policy interests of the United States.

“(f) Vocational Training.—At the end of each fiscal year, Federal Prison Industries shall, if the Board of Directors determines that it is financially feasible to do so, contribute not less than 20 percent of its net profits for that fiscal year to provide for the vocational training of inmates without regard to their industrial or other assignments.

“(g) Exemption From Public Contracting and Procurement Laws.—Federal Prison Industries is exempt from all laws and regulations governing public contracting and the procurement of property or services by an agency of the Federal Government.

“(h) Liability.—The sole remedy for injury, death, or loss resulting from negligence in the design or production of a product, or in the performance of a service, by Federal Prison Industries shall be as follows:

“(1) In the case of a person suffering an injury, death, or loss in the performance of duties as an employee of the United States, chapter 81 of title 5, relating to compensation for work-related injuries.

“(2) In all other cases, chapter 171 of title 28, relating to tort claims.

“(i) Deductions From Wages.—

“(1) In general.—Subject to the other provisions of this subsection, the Board of Directors may deduct and withhold amounts from the wages paid to a Federal Prison Industries inmate worker and disburse those amounts for the following:

“(A) Payment of fines, special assessments, restitution to the victim, and any other restitution owed by the inmate worker pursuant to court order.

“(B) Allocations for support of the inmate worker's family under law, court order, or agreement by the inmate worker.

“(C) Reasonable charges for costs of incarceration, as determined by the Board of Directors.

“(D) Contributions to any fund established by law to compensate the victims of crime.

“(E) Amounts to be held on account and paid to the inmate worker upon release from the custody of the Bureau of Prisons.

“(2) Limitation.—The total of all amounts deducted and withheld from the pay of an inmate worker for a pay period may not exceed—

“(A) 80 percent of gross pay, in the case of an inmate worker specified in section 4123(d)(2); or

“(B) 50 percent of gross pay, in the case of any other inmate worker.

“(3) Exception.—The total specified in paragraph (2) may, with the consent of an inmate worker, exceed the limitation in paragraph (2)(A) or (2)(B), as applicable, if the amounts in excess of such limitation are for the purposes described in subparagraphs (B) or (E) of paragraph (1).

“(4) Agreement of inmate worker required.—Amounts may not be deducted, withheld, or disbursed under this subsection unless the inmate worker concerned has agreed in advance to the deduction, withholding, or disbursement of those amounts.

“§ 4123. Federal Prison Industries: transactions authorized

“(a) Sales to Agencies and Not-for-Profits.—Federal Prison Industries may sell products and services to government agencies and not-for-profit organizations.

“(b) Sales of Certain Commodities.—Federal Prison Industries may carry out a program to manufacture commodities specified in section 1761(b).

“(c) Participation in Foreign Labor Substitute Pilot Projects.—Subject to the requirements in subsection (e), Federal Prison Industries may make available inmate workers for participation in a pilot project approved as a foreign labor substitute by the Foreign Labor Substitute Panel, as referred to in section 1761(e).

“(d) Participation in BJA Pilot Projects.—

“(1) In general.—Subject to the requirements in subsection (e), Federal Prison Industries may make available inmate workers for participation in a pilot project designated by the Director of the Bureau of Justice Assistance, as referred to in section 1761(c).

“(2) Wage rate.—Each inmate worker participating in a pilot project specified in paragraph (1) shall be paid at a wage rate that complies with section 1761(c).

“(e) Requirements for Contracts With Private Companies.—In making available inmate workers for participation in a pilot project under subsection (c) or (d), Federal Prison Industries shall comply with the following requirements:

“(1) The inmate workers shall be made available through a contract between Federal Prison Industries and a private United States company.

“(2) The contract shall—

“(A) require that the labor performed by the inmate workers shall be carried out at a Federal Prison Industries facility;

“(B) include a clause that prohibits the company from displacing any of that company's existing domestic workers as a direct result of the contract with Federal Prison Industries; and

“(C) provide that any workforce reductions carried out by the company affecting employees performing work comparable to the work performed pursuant to the contract shall first apply to inmate workers employed pursuant to the contract.

“(f) Goals for Certain Businesses.—Federal Prison Industries shall, in consultation with the Small Business Administration, establish and strive to meet or exceed realistic goals for entering into contracts with one or more of the following:

“(1) A business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(2) A small business concern owned and controlled by socially and economically disadvantaged individuals, as that term is defined in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

“(g) Job Opportunities for Blind and Severely Disabled Individuals.—Federal Prison Industries shall establish business partnerships with organizations representing domestic workers who are blind or severely disabled, for the purpose of entering into contracts with private United States companies that would create job opportunities both for blind and severely disabled individuals and for Federal inmates.

“(h) Donation of Products and Services.—The Board of Directors may authorize—

“(1) the donation of a product or service of Federal Prison Industries that is available for sale; or

“(2) the production of a new product, or the performance of a new service, for donation.

“(i) Catalog.—Federal Prison Industries shall publish and maintain a catalog of all products and services that it offers for sale to government agencies and not-for-profit organizations. The catalog shall be periodically revised as products and services are added or deleted.”.

(b) Conforming Amendment.—Section 1761(c)(1) of such title is amended by striking “non-Federal”.

(c) Clerical Amendment.—The table of sections at the beginning of chapter 307 of such title is amended by striking the items relating to sections 4121, 4122, and 4123 and inserting the following:

“4121. Federal Prison Industries: status, mission, and management.
“4122. Federal Prison Industries: operating objectives, standards, and requirements.
“4123. Federal Prison Industries: transactions authorized.”.

SEC. 4. ELIMINATION OF MANDATORY SOURCE PURCHASE REQUIREMENT.

(a) In General.—Section 4124 of title 18, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: "This subsection does not apply to services.";

(2) by amending subsection (c) to read as follows:

"(c) Each Federal department or agency shall report purchases from Federal Prison Industries to the Federal Procurement Data System (referred to in section 6(d)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4))) in the same manner as it reports to such System any acquisition in an amount in excess of the simplified acquisition threshold (as defined in section 4(11) of that Act (41 U.S.C. 403(11)))."; and

(3) by amending subsection (d) to read as follows:

"(d)(1) The head of a Federal department or agency may purchase directly from Federal Prison Industries any of the following:

"(A) Any products with respect to which the requirement in subsection (a) has, under any authority, been suspended, waived, or not invoked.

"(B) Any services.

"(2) A purchase under this subsection may be made in any quantity and by any method that is determined appropriate by the head of the agency making the purchase without regard to any provision of law or regulation.".

(b) PLAN FOR PHASED ELIMINATION OF MANDATORY SOURCE.—Not later than 180 days after the date of the enactment of this Act, the Board of Directors shall submit to Congress a plan for the elimination of the requirement of section 4124(a) of title 18, United States Code. The plan shall provide for the following:

(1) Annual reductions in the total sales that are made by Federal Prison Industries under the requirement.

(2) A prohibition on any interim significant expansion of sales under the requirement above levels authorized by the Board of Directors of Federal Prison Industries for such sales before the date of the enactment of this Act.

(3) A prohibition on sales under the requirement after the date that is five years after the date on which the plan is submitted to Congress under this section.

(c) PUBLIC AVAILABILITY OF PLAN.—Not later than 30 days after the date on which the plan is submitted to Congress under this section, Federal Prison Industries shall publish the plan in a commercial business publication with a national circulation. Federal Prison Industries shall make copies of the plan available to the public upon request.

(d) REPEAL OF MANDATORY SOURCE REQUIREMENT.—Effective on the date that is 5 years after the date on which the plan is submitted to Congress under this section, section 4124 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b); and

(2) by amending subsection (d)(1)(A) to read as follows:

"(A) Any products.".

SEC. 5. PERIODIC EVALUATION AND REPORTS.

(a) IN GENERAL.—Section 4127 of title 18, United States Code, is amended to read as follows:

"§ 4127. Periodic evaluation and reports

"(a) EVALUATION BY GAO.—

"(1) MATTERS EVALUATED.—The Comptroller General shall provide for an independent evaluation of the operations of Federal Prison Industries to be carried out each year. The matters evaluated shall include the following:

"(A) The overall success of the operations.

"(B) The effects that any reduction in the purchases made under section 4124(a) has on the viability of Federal Prison Industries.

"(C) The extent to which Federal Prison Industries can successfully contract with private companies without adversely affecting domestic companies or workers.

"(2) VIEWS INCLUDED.—The Comptroller General shall ensure that, in the development of appropriate methodologies for the evaluation under paragraph (1), the views of the Foreign Labor Substitute Panel, private industry, organized labor, the Board of Directors of Federal Prison Industries, and the public are solicited.

"(3) REPORT.—Not later than March 31 of each fiscal year, the Comptroller General shall submit to Congress a report on the evaluation of the operations of Federal Prison Industries that was carried out under paragraph (1) for the preceding fiscal year. The report for a fiscal year shall, at a minimum, include the following:

"(A) The evaluation.

"(B) Any concerns raised about any adverse effects on domestic companies or workers, together with any actions taken in regard to the concerns.

"(C) The extent to which Federal Prison Industries maintained at least a 25 percent employment rate for eligible inmate workers.

"(D) The extent to which Federal Prison Industries conducted its operations on a financially self-sustaining basis.

"(E) Any recommended legislation to improve the administration of this chapter or the effects of the administration of this chapter, including any recommended legislation necessary to authorize remedial actions regarding—

"(i) any conduct of the operations of Federal Prison Industries in a manner that adversely affects domestic companies or workers (excluding the effects of normal competitive business practices);

"(ii) any failure of Federal Prison Industries to maintain at least a 25 percent employment rate for eligible inmate workers; or

"(iii) any failure of Federal Prison Industries to conduct its operations on a financially self-sustaining basis.

"(b) ANNUAL REPORT BY BOARD OF DIRECTORS.—

"(1) IN GENERAL.—The Board of Directors of Federal Prison Industries shall, each year, report under section 9106 of title 31 on the conduct of the business of Federal Prison Industries and the condition of its funds during the preceding fiscal year.

"(2) MATTERS INCLUDED.—In addition to the matters required by section 9106 of title 31, and such other matters as the Board considers appropriate, each report for a fiscal year under paragraph (1) shall include the following:

"(A) A statement of the amount of obligations issued under section 4129(a)(1) of this title during that fiscal year.

"(B) An estimate of the amount of obligations that will be issued under that section during the following fiscal year.

"(C) An analysis of—

"(i) the total sales by Federal Prison Industries for each product and service sold to Federal agencies and to private United States companies;

"(ii) the total purchases by each Federal agency of each product and service; and

"(iii) The Federal Prison Industries share of the total Federal Government purchases by product and service.

"(D) An analysis of the inmate workforce, including—

"(i) the number of inmates employed;

"(ii) the number of inmates used to produce products or perform services sold to private United States companies;

"(iii) the number and percentage of employed inmates, categorized by term of incarceration; and

"(iv) the various hourly wages paid to inmates engaged in the production of the various products and the performance of services authorized for production and sale to Federal agencies and to private United States companies.

"(E) Information concerning any employment obtained by former inmates upon release that is useful in determining whether the employment provided by Federal Prison Industries during incarceration provided those former inmates with knowledge and skill in a trade or occupation that enabled them to earn a livelihood upon release.

"(3) AVAILABILITY TO PUBLIC.—The Board of Directors shall make available to the public each report under this subsection.".

(b) CLERICAL AMENDMENT.—In the table of sections at the beginning of chapter 307 of such title, the item relating to section 4127 is amended to read as follows:

"4127. Periodic evaluation and reports.".

SEC. 6. RULES OF CONSTRUCTION AND DEFINITIONS.

(a) IN GENERAL.—Chapter 307 of title 18, United States Code, is amended by adding at the end the following:

"§ 4130. Construction of provisions

"Nothing in this chapter shall be construed—

"(1) to establish an entitlement of any inmate to—

"(A) employment in a Federal Prison Industries facility; or

"(B) any particular wage, compensation, or benefit on demand;

"(2) to establish that inmates are employees for the purposes of any law or program; or

"(3) to establish any cause of action by or on behalf of any person against the United States or any officer, employee, or contractor thereof.

"§ 4131. Definitions

"In this chapter:

"(1) The term 'eligible inmate worker' means a person who—

"(A) is committed to the custody of the Bureau of Prisons pursuant to section 3621 of this title;

"(B) is designated to a low, medium, or high security facility operated by the Bureau of Prisons; and

"(C) is physically and mentally able to work.

"(2) The term 'private United States company' means a corporation, partnership, joint venture, or sole proprietorship with a principal place of business in the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by adding at the end the following new items:

"4130. Construction of provisions.
"4131. Definitions.".

SEC. 7. CONFORMING AMENDMENT.

Section 436 of title 18, United States Code, is amended by striking "Whoever," and inserting "Except as otherwise provided in this title, whoever,".

FEDERAL INMATE WORK ACT OF 2001 SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the "Federal Inmate Work Act of 2001."

SECTION. 2. AUTHORITY TO CARRY OUT PILOT PROJECTS USING FEDERAL INMATE LABOR TO REPLACE FOREIGN LABOR

(a) Foreign Labor Substitute Pilot Projects

This section authorizes Federal Prison Industries, FPI or trade name UNICOR, to carry out pilot projects to produce products for private companies that would otherwise be produced by foreign labor. FPI currently has authority to perform commercial market services, but not for products. The interstate commerce restrictions contained in 18 U.S.C. 1761 concerning products are deemed not to apply to such projects when the provisions below are met.

(b) Foreign Labor Substitute Panel

This section establishes a Foreign Labor Substitute Panel, selected by the Attorney General. The Panel is to consist of eight members. In order to ensure that there is representation from those with expertise in the affected areas, this section provides that the Panel must be comprised of one representative from the Department of Commerce, the Department of Labor, the International Trade Commission, and the Small Business Administration; two representatives from the business community; and two representatives from organized labor. The Panel is not to receive pay, benefits, or allowances for their services, but may receive travel expenses. Any findings of the Panel must be made available to the public.

This section requires the Panel to review proposals for pilot projects. The Panel is authorized to approve a pilot project if, and only if, the Panel determines that: 1. the pilot will be carried out by one or more United States companies and 2. the goods, wares or merchandise proposed under the pilot would otherwise be manufactured, produced or mined by foreign labor.

SECTION 3. RESTATEMENT AND IMPROVEMENT OF FEDERAL PRISON INDUSTRIES PROGRAM

§4121. Federal Prison Industries: status, mission, and management

(a) Status

This section states FPI's status as a government corporation, whose headquarters is located in the District of Columbia.

(b) Mission

This section states that FPI's mission is to carry out industrial operations in accordance with the parameters of this section.

(c) Board of Directors

FPI's current statute provides for six Presidentially appointed Board of Directors who represent industry, labor, agriculture, retailers and consumers, the Secretary of Defense and the Attorney General. This section substitutes the Attorney General for the President and expands FPI's Board of Directors from the current six members to twelve members to increase representation from business, organized labor, victims of crime, and the inmate rehabilitation community. Four members would be required to be selected from the recommendations of the House and Senate majority and minority leadership. The Board also must include two representatives from the business community, two from organized labor, one member representing victims of crime, one representing prisoner rehabilitation community, and two additional members whose background and expertise the Attorney General deems appropriate.

This section continues the current provision that the Board of Directors serve without pay, allowances, or benefits. The members of the Board shall serve for a four year term or until the remainder of a four year term if a member is replaced. Seven board members constitute a quorum. The term limits for the first appointments are varied in order to provide for term limits that are staggered. The Chairman of the Board is to be elected by members of the Board.

§4122. Federal Prison Industries: operating objectives, standards, and requirements

(a) Operating Objectives

This section requires that FPI's operations be conducted so as to: 1. increase public safety and reduce recidivism by providing meaningful employment and vocational skills, 2. minimize adverse effects on domestic companies or workers, 3. provide meaningful employment and vocational training for not less than 25 percent of eligible inmate workers, 4. provide income so as to help inmates pay their financial obligations, 5. generate sufficient revenue to fund the corporation, and 6. provide market quality and competitively priced products and services.

(b) Performance Standards

This section requires FPI to comply with standards, as applicable to correctional industry programs, including: United Nations standards, and International Labor Organization Conventions to which the United States is a signatory party, Federal standards, and American Correctional Association Standards.

(c) Voluntariness

This section requires that inmates participate in FPI operations voluntarily. This is currently FPI's practice.

(d) Wage Rates

This section requires that inmate workers be paid the wage rates prescribed by the Board of Directors, unless otherwise provided by law.

(e) Protection of Certain Information

This section prohibits inmates from having access to personal or national security information, that is otherwise not publicly available.

(f) Vocational Training

While FPI is authorized to fund vocational training programs, this section specifies that where financially feasible, FPI contribute at least twenty percent of its net profits each year for this purpose.

(g) Exemption from Public Contracting and Procurement Laws

In order to be as competitive as possible in commercial market ventures, this section exempts FPI from federal procurement and public contracting requirements. This provision is consistent with exemptions granted to other federal agencies with commercial-like missions, such as the U.S. Postal Service and the U.S. Mint.

(h) Liability

This section provides that personal injuries arising out of FPI work shall be compensated pursuant to the Federal Employees' Compensation Act, for Federal Employees, or the Federal Tort Claims Act, for all other persons. This is consistent with current law.

(i) Deductions from Wages

This section permits the Board of Directors to make deductions from the amounts paid to FPI inmate workers to pay court ordered fines, restitution, child support, to compensate for reasonable charges for costs of incarceration, to compensate crime victims, and for amounts to be held on account and paid to the inmate upon release from the custody of the BOP. With certain exceptions, the deductions may not exceed 80 percent for FPI inmate workers being paid higher wage rates that comply with 18 U.S.C. 1761(c), for Prison Industry Enhancement pilot projects, or 50 percent for FPI inmate workers being paid prison industry wage rates. Current BOP policy permits these deductions to a maximum of 50 percent. This section requires that inmates agree in advance to any deductions, withholdings, or disbursement of those amounts.

§4123. Federal Prison Industries: transactions authorized

(a) Sales to Agencies and Not-For-Profits

This section permits FPI to sell its products, as well as services (which are already authorized in the commercial market), to government agencies and not for profit organizations. Currently, FPI may only sell its products to the federal government.

(b) Sales of Certain Commodities

This section also permits FPI to carry out programs to manufacture commodities specified in 18 U.S.C. 1761(b) (agricultural commodity sales, as well as commodities sold to federal, D.C. or state entities).

(c) Participation in Foreign Labor Substitute Pilot Projects

This section authorizes FPI to participate in pilot projects as approved by the Foreign Labor Substitute Panel.

(d) Participation in BJA Pilot Projects

This section authorizes FPI to make its products (in addition to services which are currently authorized) for private companies if inmates are paid a wage rate that complies with 18 U.S.C. 1761(c). This is similar to the authority that state prisons currently have to sell products to the commercial market, provided the inmates are paid comparable locality wages pursuant to the Prison Industry Enhancement, P.I.E., Program.

(e) Requirements for Contracts with Private Companies

In FPI contracts with companies pursuant to a pilot program, the contracts must require the inmate work to be carried out in a FPI facility. The contract must prohibit the private company from displacing any of its existing domestic workers as a direct result of the contract with FPI. Any workforce reductions carried out by the company performing comparable work must apply first to the inmate workers performing work under the contract.

(f) Goals for Certain Businesses

This section requires FPI, in consultation with the Small Business Administration, to establish and strive to meet or exceed realistic goals for entering into contracts with small business concerns and with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(g) Job Opportunities for Blind and Severely Disabled Individuals

This section requires FPI to establish business partnerships with organizations representing domestic workers who are blind and severely disabled to create job opportunities in furtherance of its efforts to contract with private companies.

(h) Donation of Products and Services

FPI would be authorized to donate products or services in the Board's discretion, which it currently cannot do.

(i) Catalog

This section requires FPI to continue to maintain a catalog of its products and services and keep it updated.

SECTION 4. ELIMINATION OF MANDATORY SOURCE PURCHASE REQUIREMENT

This section requires FPI to phase out its use of the mandatory source preference.

(a) In General

This section clarifies that the mandatory source preference in section 4124 applies to products only. Neither this section nor section 4124 require any Federal Government agency or department to purchase services from FPI. As is currently required by law, this section requires each Federal department or agency to report purchases from FPI to the Federal Procurement Data System. See 41 U.S.C. 405(d)(4). This section further clarifies that federal entities may continue to buy FPI products or services voluntarily and directly from FPI, even without the mandatory source requirement.

(b) Plan for Phased Elimination of Mandatory Source

This section requires that the Board of Directors develop and submit a plan to Congress within 180 days after the enactment of this Act, that would phase out mandatory source over a five year period.

(c) Public Availability of Plan

This section requires that FPI publish the plan in a commercial business publication with national circulation, and make it available to the public.

(d) Repeal of Mandatory Source Requirement

Effective five years after the date the plan is submitted, this section repeals the mandatory source requirement.

SECTION 5. PERIODIC EVALUATION AND REPORTS

§4127. Periodic evaluation and reports

(a) Evaluation by GAO

This section requires the GAO to provide for annual evaluations to assess the continued viability of FPI and its ability to contract with private companies without adversely affecting domestic companies or workers. The GAO is to ensure that the views of the Foreign Labor Substitute Panel, private industry, organized labor, FPI's Board of Directors and the public are sought in the development of appropriate evaluation methodologies by which to assess the program's overall success.

This Section also requires the GAO to report annually to Congress its evaluation FPI's operations, to include any concerns raised about any adverse impact on domestic companies or workers; the extent to which FPI was able to maintain at least a 25 percent employment rate for work eligible inmates; the extent to which FPI was able to conduct its operations in a financially self-sustaining manner; and any recommended legislation, if any, for statutory changes to improve the administration or effects of the program, including recommended remedial actions.

(b) Annual Report by Board of Directors

This section requires FPI to report annually to Congress on its operations and financial condition. Although the current statute requires these annual reports, this section expands the specific information to be included in such reports, such as the total sales of FPI products and services to Federal agencies and to private companies, the total purchase by Federal agency of each product and service, and the FPI share of the total Federal Government purchases. An analysis shall also determine the number of inmates employed, and the number and percentage of employed inmates in the production of products and the performance of services authorized for production and sale to agencies and private companies. The report must also include information concerning any employment obtained by former inmates upon release that is useful in determining whether the employment provided by FPI during incarceration provided those inmates with knowledge and skill in a trade or occupation that enabled those inmates to earn a livelihood upon release.

§4130. Construction of Provisions

This section is intended to preclude Federal inmates from asserting an employee-employer relationship or other entitlements out of their work with FPI.

SECTION 6. RULES OF CONSTRUCTION AND DEFINITIONS

§4131. Definitions

This section defines the terms used in this Act.

SECTION 7. CONFORMING AMENDMENT.

This section makes a conforming amendment.

By Mr. WELLSTONE (for himself and Ms. STABENOW):

S. 1229. A bill to amend the Federal Food Drug, and Cosmetic Act to permit individuals to import prescription drugs in limited circumstances; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I rise to introduce legislation that helps to correct the injustice that finds American consumers the least likely of any in the industrialized world to be able to afford drugs manufactured by the American pharmaceutical industry. The reason is the unconscionable prices the industry charges only here in the United States.

I am under no illusion that this legislation provides comprehensive or ultimate relief to Americans who are struggling to afford the prescription drugs they need. However, this bill does expose and highlight the problem American consumers face and it provides a certain measure of immediate relief for individuals struggling with the high cost of prescription drugs.

When I return to Minnesota which I do frequently, I meet with many constituents, but none with more compelling stories than senior citizens struggling to make ends meet because of the high cost of prescription drugs, lifesaving drugs that are not covered under the Medicare program. Ten or twenty years ago these same senior citizens were going to work everyday—in the stores, and factories, and mines in Minnesota, earning an honest paycheck, and paying their taxes without protest. Now they wonder, how can this government, their government, stand by, when the medicines they need are out of reach.

It is not just that Medicare does not cover these drugs. The unfairness which Minnesotans feel is exacerbated of course by the high cost of prescription drugs here in the United States, the same drugs that can be purchased for frequently half the price in Canada or Europe. These are the exact same drugs, manufactured in the exact same facilities with the exact same safety precautions. A year ago, most Americans did not know that the exact same drugs are for sale at half the price in Canada. Today, you can bet the pharmaceutical industry wishes no one knew it. But the cat is out of the bag, and it is time for Congress to begin to address these inequities.

Legislators, especially from Northern States but also from all around the country, have heard first-hand stories from constituents who are justifiably frustrated and discouraged when they can't afford to buy prescription drugs that are made in the United States, unless they go across the border to Canada where those same drugs, manufactured in the same facilities are available for about half the price. It is time to codify the right of Americans to go to Canada and certain other countries to buy the prescription drugs they need at a price they can afford. And it is time to allow Americans to obtain those necessary medications through the mail as well.

Driving to Canada every few months to buy prescription drugs at affordable prices isn't the solution; it is a symptom of how broken parts of our health care system are. Americans regardless of party have a fundamental belief in fairness, and know a rip-off when they see one. It is time to allow Americans to end-run that rip-off.

While we can be proud of both American scientific research that produces new miracle cures and the high standards of safety and efficacy that we expect to be followed at the FDA, it is shameful that America's most vulnerable citizens, the chronically ill and the elderly, are being asked to pay the highest prices in the world here in the U.S. for the exact same medications manufactured here but sold more cheaply overseas.

That is why today I am introducing with Senator STABENOW the Personal Prescription Drug Import Fairness Act, a bill which will amend the Food, Drug, and Cosmetic Act to allow Americans to legally import prescription drugs into the United States for their personal use as long as the drugs meet FDA's strict safety standards. With this legislation, Americans will be able to legally purchase these FDA-approved drugs in person or by mail at huge savings.

What this bill does is to address the absurd situation by which American consumers are paying substantially higher prices for their prescription drugs than are the citizens of Canada, and the rest of the industrialized world. This bill does not create any new Federal programs. Instead it uses principles frequently cited in both houses of the Congress, principles of open trade and competition, on a personal level, to help make it possible for American consumers to purchase the prescription drugs they need.

The need is clear. A recent informal survey by the Minnesota Senior Federation on the price of six commonly used prescription medications showed that Minnesota consumers pay, on average, nearly double, 196 percent, that paid by their Canadian counterparts. These excessive prices apply to drugs manufactured by U.S. pharmaceutical firms, the same drugs that are sold for just a fraction of the U.S. price in Canada and Europe.

Now, however, Federal law allows only the manufacturer of a drug to import it into the U.S. It is time to stop protecting the pharmaceutical industry's outrageous profits, and they are outrageous, and give all Americans the legal right to purchase their prescription drugs directly from a pharmacy in a limited number of countries with regulatory systems the FDA has found meet certain minimal standards.

Last year, the editors of Fortune Magazine, writing about 1999 pharmaceutical industry profits, noted that "Whether you gauge profitability by median return on revenues, assets, or equity, pharmaceuticals had a Viagra kind of year." In 2000, drug company profits were just as excessive.

Let's take a look at the numbers, so there can be no mistake:

Where the average Fortune 500 industry in the United States returned 4.5 percent profits as a percentage of revenue, the pharmaceutical industry returned 18.6 percent.

Where the average Fortune 500 industry returned 3.3 percent profits as a percentage of their assets, the pharmaceutical industry returned 17 percent.

Where the average Fortune 500 industry returned 14.6 percent profits as a percentage of shareholders equity, the pharmaceutical industry returned 29.4 percent.

Those record profits are no surprise to America's senior citizens because they know where those profits come from, they come from their own pocketbooks. It is time to end the price gouging.

We need every piece of legislation we can get to help assure our Senior Citizens and all Americans that safe and affordable prescription medications can be legally obtained from countries with a track records of prescription drug safety. The Personal Prescription Drug Import Fairness Act is one such step.

We all know that the giant step this Congress should be taking is the enactment of a comprehensive Medicare prescription drug benefit. Such a benefit should address two issues. First, Medicare beneficiaries are entitled to a drug benefit as good as Congress provides for itself. That means a low deductible, 20 percent copay, a cap on out-of-pocket expenses of about $2,000, and affordable premiums. Second, we need seriously to address the outrageously high prices that Americans are forced to pay for prescription drugs. If we address those high prices, we can provide a comprehensive benefit at a price that is affordable to Medicare beneficiaries and to the Federal Government. I have already introduced a bill, S. 925, the Medicare Extension of Drugs to Seniors Act of 2001, that provides affordable comprehensive benefits and makes it possible to enact them by reigning in the ever increasing cost of pharmaceuticals using three complimentary approaches.

But, while we wait for the Finance Committee and this Congress to act on a Medicare drug benefit, we should not lose the opportunity to provide some needed relief. That is why I am introducing the Personal Prescription Drug Import Fairness Act today.

This bill includes specific protections, which were not included in a recent House-passed amendment to the Agriculture Appropriations bill. These protections include: 1. importation for personal use only of no more than a 3 month supply at any one time; 2. limitation on country of origin; 3. no importation of controlled substances or biologics; 4. requirement that imported drug be accompanied by a form prescribed by the Secretary of HHS in consultation with the Secretary of the Treasury that makes clear what overseas pharmacy is dispensing the drug, who will be receiving it, and who will be responsible for the recipients medical care with the drug in the United States.

The only things that are not protected in this bill are the excessive profits of the pharmaceutical industry. My job as a United States Senator is not to protect those profits but to protect the people. Colleagues, please join in and support this thoughtful and necessary bill that will help make prescription drugs more affordable to the American people.

By Mr. FRIST (for himself and Mrs. CLINTON):

S. 1230. A bill to amend the Public Health Service Act to focus American efforts on HIV/AIDS, tuberculosis, and malaria in developing countries; to the Committee on Foreign Relations.

Mr. FRIST. Mr. President, I rise to discuss critically important legislation that I am introducing today along with Senator CLINTON to address the international crises of HIV/AIDS, tuberculosis, and malaria. The threats of HIV/AIDS, tuberculosis, and malaria are not strictly American problems, they ignore national borders, threatening the entire world. Together, these three diseases cause over 300 million illnesses and five million deaths each year.

We are all aware of the chilling global impact of HIV/AIDS, 22 million have already died worldwide and more than three million in the last year alone. Sixty million are currently infected with HIV, a number that increases by 15,000 each day. In 2000, 2.4 million individuals died in Africa alone.

Tuberculosis and malaria are also ravaging the developing world. Eight million people are infected with tuberculosis each year; over two million of whom die. There are over 400 million clinical cases of malaria diagnosed each year, resulting in over one million deaths. Over 700,000 of those who die each year are children. Malaria is endemic to 101 countries and territories.

Not only do these three diseases produce over 50 percent of the deaths due to infectious diseases each year, but they also have complex disease patterns that result in them facilitating each other's spread. By weakening the immune system, infection with HIV increases susceptibility to both tuberculosis and malaria. Furthermore, the increasing number of multi-resistant tuberculosis cases is largely attributed to resistance developed in HIV-infected patients. Finally, in treating severe anemia that commonly accompanies illness due to malaria, untested blood transfusions create a method of HIV/AIDs spread.

Historically, the United States has played a critical role in addressing international crises. There is perhaps no greater crisis that we face worldwide than the spread of deadly infectious disease. Therefore, we must provide the leadership to confront the global HIV/AIDS, malaria, and tuberculosis epidemics. History will record how we respond to the call.

We know what is needed to reverse the epidemic. Work by community-based organizations, both religious and secular, has been the linchpin of grassroots success. As a surgeon, I have traveled to numerous areas of Africa, Sudan, Kenya, the Congo, and Uganda. I have performed operations in converted school houses and ill-equipped hospitals where I seen first-hand the great need, and the important role, that American involvement can play in providing hope through health education and treatment.

We fight this battle in two ways—by improving primary prevention and expanding access to treatment. Actions to provide drugs to developing countries at dramatically reduced costs represent a promise to those currently suffering from AIDS. However, access to those treatments without appropriate health care infrastructure is a moot point. We must support the development of effective health care delivery systems, personnel training and infrastructure. We must also support programs targeting affected by AIDS, such as the millions of orphans.

I have already introduced legislation with Senator KERRY, the International Infectious Diseases Control Act of 2001. This Act would direct the President to work with foreign governments, the United Nations, UN, the World bank, and the private sector to establish the Global AIDS and Health Fund to fight HIV/AIDS, malaria, and tuberculosis. This fund would provide grants to governments and non-governmental organizations for implementation of effective and affordable HIV/AIDS, malaria, and tuberculosis programs, with initial priority to programs to combat HIV/AIDS.

It is important to contribute to these international efforts not only by providing monetary support but also our time, our energy, and our expertise. Therefore, today Senator CLINTON and I are introducing legislation to help mobilize our Nation's public health infrastructure in the fight against international HIV/AIDS, tuberculosis, and malaria. The Global Leadership in Developing an Expanded Response, GLIDER, initiative will place American health care providers in nations confronting the epidemics of HIV/AIDS, tuberculosis, and malaria and provide them with the tools to carry out prevention programs, care, treatment, and infrastructure development. In addition, it will evaluate current methods of treatment and levels of access to treatment and enhance disease surveillance. Finally, it will increase funding for research into treatment and vaccine development.

The GLIDER initiative expands programs administered by the Departments of State, Health and Human Services, Defense, and Labor to ensure that U.S. government agencies are contributing their scientific and diplomatic expertise to the problems associated with the spread of HIV/AIDS, malaria, and tuberculosis throughout the world.

This initiative, coordinated through the offices of the Secretary of State and Secretary of Health and Human Services, in collaboration with the Secretaries of Defense and Labor, targets four objectives: to promote and expand our primary prevention efforts, improve clinic-, community- and home-based care and treatment, provide assistance to those individuals who are affected by such diseases such as AIDS orphans and families, and assist with capacity and infrastructure development.

The close partnership between the Departments of State and Health and Human Services will be crucial in ensuring that this program is run in complete coordination with national, regional and local initiatives, medial and scientific experts, non-governmental organizations, and diplomatic missions. I would like to take a moment to thank Secretary Thompson and Secretary Powell for their personal commitment to this issue. I know that they are working together to bring the full force of the Administration behind the efforts to combat HIV/AIDS, tuberculosis, and malaria. Their support and input has been invaluable in helping us to draft legislation that builds upon and enhances our efforts to combat infectious diseases worldwide.

Another essential component to broadening the U.S. mandate for involvement in international health initiatives is the creation of the Paul Coverdell Health Care Corps, a Corps based on the Peace Corps and run through the Department of Health and Human Services. This Corps would provide assistance for the placement of health care professionals who wish to provide their services in developing countries dealing with the crises of HIV/AIDS, tuberculosis, and malaria. This legislation provides flexibility in the design of the program but ensures a wide variety of volunteer opportunities—both short-term and long-term projects, administered by the Ministries of Health, local communities, non-governmental organizations, both faith-based and secular, or the United States government.

Where do we go from here?

First, public-private partnerships are extremely important and should be encouraged to attack the pressing problems. This can take place through widespread support for the Global AIDS and Health Fund and by hastily enacting a vaccine development tax credit.

Furthermore, we should promote access to high-quality health care by engaging the American public health infrastructure in a collaborative effort to address an epidemic that has no regard for international boundaries.

We must enlist each stakeholder in the fight against HIV/AIDS. Political, ethnic, and religious leaders can coalesce support for prevention, care, and treatment programs as well as reduce stigmas attached to the disease—a crucial element to any prevention program.

Finally, we must not lose sight of the importance of prevention when attempting to provide treatment. Likewise, we must not let the importance of treatment for those presently be forgotten in the rush to enhance awareness and prevention efforts.

As Americans, our challenge has always been to work with other nations to create a better, safer world through courage, persistence, and patience.

That is still our challenge today. And I have no doubt that, as a nation, and as a people, we will rise to it.

The bipartisan legislation we are introducing today is an important step toward achieving these goals. I thank my cosponsors for their support. And, I look forward to working with all my colleagues to improve our international efforts to fight deadly infectious diseases by passing the GLIDER Act.

By Mr. WYDEN (for himself and Mr. BURNS):

S. 1231. A bill to amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, it is time to lift the veil of secrecy around energy markets in this country.

Now that electric power is being traded as a commodity, with electricity bought and sold in markets all across the country, basic information about things like transmission capability and outages must be made available to the public. This information is crucial both for the markets to function efficiently and for the public to have confidence in these markets. But, unlike other commodities, it is often difficult to get basic information about how electric power systems and markets work. Information about the supply, demand and transmission of electricity around the country is simply unavailable in many areas of the country to State regulators and the general public.

The electric power industry has not made this information available, and without Congressional action, Americans will continue to be kept in the dark about information they need to make informed choices and which will enable energy markets to work in a fair way.

Today, along with Senator BURNS, I am introducing the Electricity Information, Disclosure, Efficiency, and Accountability Act to open up access to operating information so that the markets can operate more efficiently, which can ultimately provide lower prices for consumers.

Our legislation will create a standard system to provide market participants, regulators and the public with access to key operational information about wholesale electric transmission systems and power markets. The bill requires operators of wholesale electric transmission and other bulk power systems to provide all system users with basic operating information, including all transmission line and generation facility data used to determine capacity or restraints on a transmission line and the supply and demand for electricity. Power system operators already have access to this information as part of their routine operation of bulk power systems. So there should be no additional burden on power generators to disclose information beyond what they are already providing to their system operators.

In general, the bill would require operating information to be released on a real-time basis, updated hourly. This would ensure that market participants can keep current with changing conditions throughout the day that impact market decisions. This release of real-time data will also ensure there is a level playing field for all users of the transmission grid and prevent some users from gaining a competitive advantage by access to non-public information.

At the same time, the bill also creates a mechanism for keeping commercially sensitive information confidential or delaying disclosure of information that could be used to manipulate markets. Our legislation gives the Federal Energy Regulatory Commission authority to decide what data is considered commercially sensitive and either should not be publicly disclosed or should only be disclosed when the data is no longer commercially sensitive.

In developing this legislation, we have worked with a broad range of stakeholders including market participants, regulators and consumer groups. The supporters include Enron, the largest electric power marketer in the U.S. today, the National Association of Regulatory Utility Commissioners, NARUC, and the Consumer Federation of America.

The bill we are introducing today will lift the veil of secrecy now shrouding the operations of electric power systems around the country. It will improve access to critical information about how electric power systems and markets work while fully protecting commercially sensitive data. By improving access to information, market participants will be better informed when they make the thousands of decisions that must be made every day about how electricity is generated to customers across the country. Better access to information will enable regulators to take appropriate steps to ensure our electric power systems are reliable and that markets are functioning properly. Ultimately, by creating more efficient systems and markets, electricity customers throughout the country will be better served.

I urge my colleagues to support the Electricity Information, Disclosure, Efficiency, and Accountability Act.

I ask unanimous consent that letters of support written by NARUC and the Consumer Federation of America be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,
Washington, DC, July 24, 2001.
Senator RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: Thank you for leadership in sponsoring legislation to address the data access difficulties confronting State Public Utility Commissions. Additionally, the National Association of Regulatory Utility Commissioners (NARUC) would like to thank you for working with NARUC members and staff to include in your draft legislation our recommendations on the types of information necessary to adequately monitor wholesale electricity markets and to assure proper access to such information. NARUC supports the draft legislation you are sponsoring regarding electricity information disclosure.

Many regional electric markets throughout the country have experienced price spikes of unusual and unexpected proportions. These price spikes have led to curtailment or shutdown of operations of some large industrial customers and to increased prices for smaller commercial and residential customers.

The high market price volatility has raised concerns about the integrity of the markets, leading to calls from numerous participants, consumers and policy makers for heightened monitoring of these markets by regulatory bodies. In order to identify corrective policy options to assure the public of the competitiveness and efficiency of the developing wholesale electricity market and its prices, regulatory bodies need access to data such as production for generating plants, transmission path schedules and actual flows.

The electric industry restructuring efforts of the federal government and the various states are based upon an assumption that wholesale markets are workably competitive. To that end, policy makers must have the ability to provide confidence to an already skeptical and uneasy public that the market is not being "gamed." This confidence can only be provided if regulators are able to access the data necessary to ensure that the market is functioning in a truly competitive fashion. To the extent data is currently shared among market participants for purposes of reliability, it should also be available to regulators and the public.

In conclusion, I would like to thank you again for considering NARUC's concerns and recommendations while you drafted the "Electricity Information, Disclosure, Efficiency, and Accountability Act." NARUC would be pleased to provide any additional assistance necessary to move this legislation forward.

Sincerely,

CHARLES D. GRAY,
Executive Director.

CONSUMER FEDERATION OF AMERICA,
Washington, DC, July 24, 2001.

Re Support for Wyden/Burns Electricity Information, Disclosure, Efficiency and Accountability Act.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.
Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATORS WYDEN AND BURNS: The Consumer Federation of America supports this legislation, which would require that essential information about the functioning and reliability of electricity markets be provided to the public, regulators and market participants on a real-time basis. This would include operating data used by wholesale system operators to determine available electric capacity and bottlenecks and to maintain reliability. Bid data would also have to be made available, such as the price, amount and delivery location of electricity that is purchased.

In a series of studies over the last three years, the Consumer Federation of America has documented in detail how the flawed deregulation of electricity in a number of states has led to extensive price spikes and brown outs for consumers and huge windfalls for many energy producers. Among the many steps that should be taken to fix this highly dysfunctional market is the creation of functioning market institutions and greater transparency. Market institutions should be developed before, not after, the trading of electricity begins so that trading is transparent and disciplined by market forces. Undeveloped information and trading mechanisms are prone to manipulation. As we've seen in California over the last year, when abuse occurs under such circumstances, consumers are vulnerable to price gouging and the provision of unreliable electricity.

Electricity markets have a multitude of complex transactions. Unfortunately, good information about these transactions is not generally available at crucial times, such as periods of scarcity when wholesale electric prices are being driven up very quickly. There is simply no centralized, reliable source of information, particularly for electric system operators. Moreover, the brokers who are the sources of information—on bid prices, for instance—may well have an interest in skewing it. Overall, a number of information and management weaknesses exist, including inadequate market forecasting tools, a lack of monitoring instruments and little real-time information to respond to market problems.

This legislation addresses the lack of timely information that exists about the rates, terms and conditions under which wholesale electricity is being offered. It is an essential step in making this nation's defective electricity markets more competitive and more pro-consumer.

Sincerely,

TRAVIS B. PLUNKETT,
Legislative Director.

Mr. BURNS. Mr. President, I am pleased to join Senator WYDEN today with the introduction of the Electricity Information, Disclosure, Efficiency, and Accountability Act.

Legislation dealing with market data for the wholesale electric power market is long overdue. The evolving wholesale electric power market is being hindered by the lack of data that power suppliers need in order to provide services to the market. Access to real time operational information leads to improved efficiencies of systems dispatch in the short term, which leads to lower prices for consumers. The absence of reliable, real time, market data hinders the ability of energy suppliers to manage price and volume risk and also prevents efficient utilization of transmission and generation capacity. Consequently, the increased costs associated with risks inherent in operating without reliable data are ultimately borne by consumers.

As our Nation moves towards consumer choice it is important that this Congress takes action to direct the Federal Energy Regulatory Commission (FERC) to craft rules designed to promote transparency in energy markets. This bill that Senator WYDEN and I have introduced will do just that.

By incorporating a standard system that would provide market participants, regulators and the public access to certain operational information concerning power markets and the transmission systems that support them, this plan would keep participants abreast of the changing power operating conditions throughout the day that impact market decisions required to manage risk. The recent fluctuations in the Western energy markets have shown Montana and every State in the West that we cannot shelter ourselves from the power operating conditions in other States. With more access to that information, our local and State suppliers can have the information to better protect their consumers.

This bill is backed by consumer groups, power marketers, and the national utility commissioners. It puts forward a framework that many of our colleagues can support. As the Senate continues to move closer to having movements on energy legislation, I would urge my colleagues to also support the Electricity Information, Disclosure, Efficiency, and Accountability Act.

By Mr. MCCONNELL:

S. 1232. A bill to provide for the effective punishment of online child molesters, and for other purposes; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1232

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cybermolesters Enforcement Act of 2001".

SEC. 2. MANDATORY MINIMUM SENTENCES.

Section 2423 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "not less than 5 and" before "not more than 15"; and

(2) in subsection (c), by inserting "not less than 5 and" before "not more than 15".

SEC. 3. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) CHILD PORNOGRAPHY.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 2252A (relating to material constituting or containing child pornography)," after "2252 (sexual exploitation of children),".

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, as amended by section 3 of this Act, is amended—

(1) by striking "or" at the end of paragraph (o);

(2) by inserting after paragraph (o) the following:

"(p) a violation of section 2422 (relating to coercion and enticement) or section 2423 (relating to transportation of minors) of this title, if, in connection with that violation, the sexual activity for which a person may be charged with a criminal offense would constitute a felony offense under chapter 109A or 110, if that activity took place within the special maritime and territorial jurisdiction of the United States; or"; and

(3) by redesignating paragraph (p) as paragraph (q).

(c) TECHNICAL AMENDMENT ELIMINATING DUPLICATIVE PROVISION.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking the first paragraph (p); and

(2) by inserting "or" at the end of paragraph (o).

SEC. 4. CHILD PORNOGRAPHY AS CONTRABAND.

Section 80302(a) of title 49, United States Code, is amended—

(1) in paragraph (5), by striking "or" after the semicolon;

(2) in paragraph (6)(D), by striking the period and inserting "; or"; and

(3) by inserting at the end the following:

"(7) material involved in a violation of section 2252A of title 18, United States Code (relating to material constituting or containing child pornography).".

By Mr. KOHL (for himself, Mr. HATCH, Mr. LEAHY, Mr. DEWINE, and Mr. DURBIN):

S. 1233. A bill to provide penalties for certain unauthorized writing with respect to consumer products; to the Committee on the Judiciary.

Mr. KOHL. Madam President, I rise today with Senators HATCH, LEAHY, DEWINE, and DURBIN to introduce the Product Packaging Protection Act of 2001. This measure will help prevent and punish a disturbing trend of product tampering, the placement of hate-filled literature into the boxes of cereal or food that millions of Americans bring home from the grocery store every day.

Opening a box of macaroni and cheese should not be a harrowing experience. But too many Americans have recently opened product boxes and found offensive, racist, anti-Semitic, pornographic and hateful leaflets. In the last few years, food manufacturers have received numerous complaints from consumers who report finding such literature inserted in their groceries. Hundreds more incidents have likely gone unreported. Pizza and cereal boxes appear to be the most frequent targets of this hate speech, but any product large enough for a vandal to insert an offensive leaflet is a potential target.

As disturbing as this conduct is, it is equally troubling that no Federal law exists. And only a couple of State laws are in place. The measure I introduce today will remedy this situation. It is supported by the manufacturers whose products are tampered with. It is necessary for us to help the American consumer.

It will empower the government to investigate and punish these reprehensible acts. Let me give you one example of how these acts impact unsuspecting Americans. This conduct can harm the youngest and most impressionable among us.

Recently, one morning, eight year old Mario Alexander of Chestnut Ridge, NJ decided to make himself breakfast one morning. In a kitchen cabinet, he found an unopened box of his favorite cereal, Oreo O's. So, he grabbed the cereal, a bowl, a spoon, and milk from the refrigerator. He then sat down at the kitchen table and opened the cereal box. In addition to the sealed bag of cereal inside, he also found a piece of paper. When he opened it, he discovered a graphic description of abortion. The leaflet also informed Mario that groups like the National Organization of Women and the American Civil Liberties Union are "Natural Born Killers." Imagine his surprise and confusion when he found that propaganda, not to mention the shock of his parents. No child should be unknowingly exposed to that kind of material. Yet, it happens regularly in kitchens across the country.

These are not isolated occurrences. In fact, Kraft Foods has documented over 80 incidents in the past four years alone, almost one every two weeks. Of course, there is no way to calculate the number of incidents that go unreported. Many manufacturers and distributors share Kraft's experience with this type of product tampering. Together, they recognize the need for this legislation and have signed a letter supporting the introduction and passage of this bill. The supporters of this bill include: the American Bakers Association, the American Frozen Food Institute, Food Distributors International, General Mills, the Grocery Manufacturers of America, the Independent Bakers Association, Kellogg's, Kraft Foods, the National Food Processors Association, and the National Frozen Pizza Institute.

No child, indeed no person, should have to face this type of assault in the privacy of their homes. But children like Mario Alexander are not the only victims of this kind of behavior. The companies that make these products have their names and reputations slandered by this activity.

Manufacturers have responded as best they can to these incidents. They have undertaken internal reviews to ensure that these leaflets are not getting into the products either at the manufacturing plant or during distribution. It is not until the products reach the shelves of the grocery store that these handbills are inserted, too late for the manufacturer or the distributor to do anything about it.

Unfortunately, when consumers or companies turn to the authorities for help, they cannot be assisted. According to the Federal Bureau of Investigations and the Food and Drug Administration's Office of Criminal Investigation, these actions are not covered by federal product tampering statutes. Those laws only cover the actual product themselves, but not the packaging. In response to incidents in their respective states, both New Jersey and California passed laws to criminalize this behavior. These States should be commended, but more should be done. Federal law needs to be amended accordingly.

The Product Packaging Protection Act of 2001 would prohibit the placement of any writing or other material inside a consumer product without the permission of the manufacturer, authorized distributor, or retailer. An exception would be made where the manufacturer places inserts in the product solely for promotional purposes. The penalty for violation of this measure would be a fine of up to $250,000 per offense and/or imprisonment of up to three years. Closing this gap in Federal law would appropriately punish people whose actions violate the integrity of the food product, compromise consumer's faith in the food they purchase in the grocery store, and damage the good name and reputation of the food manufacturer.

I look forward to its consideration and passage.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD following the completion of my remarks. I also ask unanimous consent that copies of the remarks of cosponsoring Senators be printed immediately following my statement.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Packaging Protection Act of 2001".

SEC. 2. TAMPERING WITH CONSUMER PRODUCTS.

Section 1365 of title 18, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f)(1) Whoever, without the consent of the manufacturer, retailer, or authorized distributor, intentionally tampers with a consumer product that is sold in interstate or foreign commerce by knowingly placing or inserting any writing in the consumer product, or the container for the consumer product, before the sale of the consumer product to any consumer shall be fined under this title, imprisoned not more than three years, or both.

"(2) As used in paragraph (1) of this subsection, the term 'writing' means any form of representation or communication, including handbills, notices, or advertising, that contain letters, words, or pictorial representations.".

Mr. HATCH. Mr. President, I am proud to sponsor, along with my good friend and esteemed colleague, Senator KOHL, the Product Packaging Protection Act of 2001. Other cosponsors include Senator DEWINE and the distinguished Chairman of the Judiciary Committee, Senator LEAHY.

This bipartisan legislation addresses a troubling development that has been increasingly reported over the last several years—the discovery by consumers of unauthorized pamphlets placed inside the packaging of everyday consumer products, such as breakfast cereal and frozen foods. In many cases, unsuspecting consumers, including young children, have found offensive messages inserted into the products they have purchased, including pamphlets explicitly advocating violence against particular racial, ethnic, and religious groups.

While Federal law currently prohibits tampering with consumer products that taints the product, or renders the labeling materially false, the law does not currently prohibit someone placing writings in or on the product after the product has left the manufacturer's control. The legislation being introduced today will close this loophole—providing the FBI and other Federal law enforcement agencies with jurisdiction to investigate these incidents and bring the perpetrators to justice.

With all the recent focus on protecting our children from corrupting influences on the Internet, we should not ignore old-fashioned "low tech" avenues by which harmful and often hateful messages may be disseminated. It is intolerable for the distributors of our foodstuffs and other consumer products to become the unwitting carriers of offensive harmful messages.

I look forward to working with Senator KOHL to ensure passage of this important legislation.

Mr. LEAHY. Madam President, I am pleased to join Senator KOHL, and others, on introducing the Product Packaging Protection Act of 2001.

Over the last few years, consumer complaints had been made about offensive material being inserted in various consumer products. These offensive materials range from neo-Nazi and anti-Semitic hate messages to pornographic images and disturbing anti-abortion images. Unfortunately, these materials have been found in consumer products often used by children, such as cereal boxes. Moreover, such activities pose risks to the safety of consumer products, which consumers reasonably expect to obtain from the store in pristine condition and without those products having been opened by unauthorized individuals.

To address this problem, this legislation would add a new prohibition to the Federal Anti-Tampering Act, 18 U.S.C. § 1365, to prohibit a person from intentionally tampering with a consumer product, without the consent of the manufacturer, retailer, or authorized distributor by inserting a writing in the consumer product or its container prior to its sale to a consumer. A person convicted of violating this new provision would be subject to a fine or up to two years' imprisonment. The term "tamper" is defined to mean meddling for the purpose of altering, damaging or misusing a product. See Webster's Dictionary. The bill describes in precise terms the tampering activity that would fall within the new criminal prohibition, and is intended to extend further protection to consumer products.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1040. Mr. DORGAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. DAYTON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1041. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1042. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1043. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1044. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1045. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1046. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1047. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1048. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1049. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1050. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1051. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1052. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1054. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1055. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1056. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1057. Mr. FRIST submitted an amendment intended to be proposed to amendment

SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1058. Mrs. MURRAY (for Mr. FITZGERALD (for herself, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR)) proposed an amendment to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) supra.

SA 1059. Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1060. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes.

SA 1061. Mr. TORRICELLI proposed an amendment to the bill S. Res. 128, supra.

SA 1062. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, supra.

TEXT OF AMENDMENTS

SA 1040. Mr. DORGAN (for himself, Mrs. BOXER, Mr. TORRICELLI, Mr. DAYTON, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table, as follows:

Strike section 343 and insert the following:

SEC. 343. None of the funds in this Act may be used to process applications by Mexico-domiciled motor carriers for conditional or permanent authority to operate beyond the United States municipalities and commercial zones adjacent to the United States-Mexico border.

SA 1041. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 7, add after the period the following: "Any discussions of the Secretary, the Administration, or other public entity, regarding the aviation capacity crisis in the Chicago area shall include the State of Indiana and the Gary-Chicago Airport as part of the solution to the crisis.".

SA 1042. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . (a) RESCISSIONS.—There is rescinded an amount equal to 1 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2002 in this Act for each department, agency, instrumentality, or entity of the Federal Government funded in this Act: *Provided*, That this reduction percentage shall be applied on a pro rata basis to each program, project, and activity subject to the rescission.

(b) DEBT REDUCTION.—The amount rescinded pursuant to this section shall be deposited into the account established under section 3113(d) of title 31, United States Code, to reduce the public debt.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2003 a report specifying the reductions made to each account pursuant to this section.

SA 1043. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . STUDY OF AVAILABILITY AND USE OF E85.

(a) DEFINITION OF E85.—In this section, the term "E85" means motor vehicle fuel that consists of 85 percent ethanol and 15 percent gasoline.

(b) STUDY.—The Secretary of Transportation shall conduct a study and submit to Congress a report on—

(1) the availability of E85 fueling stations;

(2) the quantity of E85 used by the Federal Government; and

(3) methods for increasing the quantity of E85 used in the United States.

SA 1044. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . REPORT ON RENEWABLE FUEL REQUIREMENT.

In consultation with the Secretary of Agriculture, the Secretary of Transportation shall conduct a study and submit to Congress a report on the potential costs and benefits for agricultural producers, the environment, and the energy security of the United States of implementing a requirement, phased in over several years, that the motor vehicle fuel sold or introduced into commerce in the United States be comprised of not less than a specified percentage of renewable fuel, which percentage would be equal to 5 percent by calendar year 2016.

SA 1045. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . PILOT PROGRAM ON E85 FUELING STATIONS.

(a) DEFINITION OF E85.—In this section, the term "E85" means motor vehicle fuel that consists of 85 percent ethanol and 15 percent gasoline.

(b) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Transportation shall establish a pilot program to increase the number of E85 fueling stations in the Chicago, Illinois, metropolitan area to at least 50 by the end of fiscal year 2002.

(c) REPORT TO CONGRESS.—As soon as practicable after the end of fiscal year 2002, the Secretary of Transportation shall submit to Congress a report on the results of the pilot program.

(d) FUNDING.—Notwithstanding any other provision of this Act, the Secretary of Transportation shall use $3,000,000 of funds made available to the Secretary under this Act to carry out this section.

SA 1046. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . STUDY OF TRANSPORTATION OF ETHANOL.

In consultation with the Secretary of Agriculture, the Secretary of Transportation shall conduct a study and submit to Congress a report on the ability of the United States transportation system to transport ethanol to—

(1) areas in the State of California; and

(2) other areas in the United States that—

(A) use reformulated gasoline under section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)); and

(B) as of the date of enactment of this Act, use methyl tertiary butyl ether in that reformulated gasoline.

SA 1047. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . PLAN TO INCREASE USE OF RENEWABLE FUEL BY FEDERAL FLEETS.

In consultation with the heads of other Federal agencies, the Secretary of Transportation shall develop a plan to increase the quantity of motor vehicle fuel used by Federal fleets (as defined in section 303(b)(3) of the Energy Policy Act of 1992 (42 U.S.C. 13212(b)(3)) that consists of renewable fuel to not less than 5 percent by calendar year 2016.

SA 1048. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 2, strike "States." and insert "States: *Provided further*, that that none of the funds appropriated under this heading may be obligated or expended for the lease or purchase of passenger motor vehicles until the Administrator of the Federal Aviation Administration

(1) instates any facility in the National Plan of Integrated Airport Systems that meets the criteria set forth in FAA Order 5090.3B, entitled "Field Formulation of the National Plan of Integrated Airport Systems", or any subsequently-published documents that cancel or supersede that order, for the inclusion of commercial service airports, general aviation airports, and general aviation heliports, either existing or new public-use facilities, in the National Plan of Integrated Airport Systems; and

(2) reinstates any airport in the plan that was removed for reasons other than those published in that order or subsequently-published documents.

SA 1049. Mr. FITZGERALD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 2, insert "increasing commercial air service at the Greater Rockford Airport," after "access,".

SA 1050. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . SAFETY BELT USE LAW REQUIREMENTS.

Section 355(a) of the National Highway System Designation Act of 1995 (109 Stat. 624) is amended by striking "has achieved" and all that follows and inserting the following: "has achieved a safety belt use rate of not less than 50 percent.".

SA 1051. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 19, line 13, strike the colon and all that follows through "section" on page 21, line 15.

SA 1052. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. No funds appropriated or otherwise made available to the Federal Aviation Administration by this Act, or any other Act, may be used to decommission or remove the temporary ASR–9 air surveillance radar to be located between Salt Lake City, Utah, and Provo, Utah, from that location until the installation and commencement of operations of an ASR–11 air surveillance radar to serve the same area to be served by that temporary ASR–9 air surveillance radar.

SA 1053. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 14, strike through line 24 on page 78 and insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO. No funds limited or appropriated by this Act may be obligated or expended for the review or processing of an application by a motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations; and

(iii) requires that every commercial vehicle operating beyond United States municipalities and commercial zones on the United States-Mexico border, that is operated by a motor carrier authorized to operate beyond those municipalities and zones, display a valid Commercial Vehicle Safety Alliance decal obtained as a result of a Level I North American Standard Inspection, or a Level V Vehicle-Only Inspection, whenever that vehicle is operating beyond such motor carrier operating a vehicle in violation of this requirement to pay a fine of up to $10,000 for each such violation;

(B) establishes a policy that any safety review of such a motor carrier should be conducted on site at the motor carrier's facilities where warranted by safety considerations or the availability of safety performance data;

(C) requires Federal and State inspectors, in conjunction with a Level I North American Standard Inspection, to verify, electronically or otherwise, the license of each driver of such a motor carrier's commercial vehicle crossing the border, and institutes a policy for random electronic verification of the license of drivers of such motor carrier's commercial vehicles at United States-Mexico border crossings;

(D) gives a distinctive Department of Transportation number to each such motor carrier to assist inspectors in enforcing motor carrier safety regulations, including hours-of-service rules part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) authorizes State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce such laws and regulations or to notify Federal authorities of such violations;

(G)(i) determines that there is a means of determining the weight of such motor carrier commercial vehicles at each crossing of the United States-Mexico border at which there is a sufficient number of such commercial vehicle crossings; and

(ii) initiates a study to determine which crossings should also be equipped with weight-in-motion systems that would enable State inspectors to verify the weight of each such commercial vehicle entering the United States at such a crossing;

(H) has implemented a policy to ensure that no such motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States;

(I) issues a policy—

(i) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;

(ii) with respect to standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border (under sections 218(a) and (b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 nt.)); and

(iii) with respect to prohibiting foreign motor carriers from operating in the United States that are found to have operated illegally in the United States (under section 219(a) of that Act (49 U.S.C. 14901 nt.)); and

(J) completes its rulemaking—

(i) to establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards (under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.)),

(ii) to implement measures to improve training and provide for the certification of motor carrier safety auditors (under section 31148 of title 49, United States Code), and

(iii) to prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States (under section 219(d), of that Act (49 U.S.C. 14901 nt.)),

or transmits to the Congress, within 30 days after the date of enactment of this Act, a notice in writing that it will not be able to complete any such rulemaking, that explains why it will not be able to complete the rulemaking, and that states the date by which it expects to complete the rulemaking; and

(2) until the Department of Transportation Inspector General certifies in writing to the Secretary of Transportation and to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on

Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations that the Inspector General will report in writing to the Secretary and to each such Committee—

(A) on the number of Federal motor carrier safety inspectors hired, trained as safety specialists, and prepared to be on duty during hours of operation at the United States-Mexico border by January 1, 2002;

(B) periodically—

(i) on the adequacy of the number of Federal and State inspectors at the United States-Mexico border; and

(ii) as to whether the Federal Motor Carrier Safety Administration is ensuring compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by such motor carriers;

(iii) as to whether United States and Mexican enforcement databases are sufficiently integrated and accessible to ensure that licenses, vehicle registrations, and insurance information can be verified at border crossings or by mobile enforcement units; and

(iv) as to whether there is adequate capacity at each United States-Mexico border crossing used by motor carrier commercial vehicles to conduct a sufficient number of vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of the inspections.

In this section, the term "motor carrier" means a motor carrier domiciled in Mexico that seeks authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1054. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. Funds available under this Act may be used by the Secretary of Transportation to cooperate with the Federal Trade Commission, including the sharing of data, in investigating and disclosing to the public the practices of air carriers in canceling flights that are not sufficiently full and other practices of air carriers that may be unfair, deceptive, or anticompetitive.

SA 1055. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. . Section 5117(b)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 449; 23 U.S.C. 502 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (F), and (G), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) FOLLOW-ON DEPLOYMENT.—(i) After an intelligent transportation infrastructure system deployed in an initial deployment area pursuant to a contract entered into under the program under this paragraph has received system acceptance, the original contract that was competitively awarded by the Department of Transportation for the deployment of the system in that area shall be extended to provide for the system to be deployed in the follow-on deployment areas under the contract, using the same asset ownership, maintenance, fixed price contract, and revenue sharing model, and the same competitively selected consortium leader, as were used for the deployment in that initial deployment area under the program.

"(ii) If any one of the follow-on deployment areas does not commit, by July 1, 2002, to participate in the deployment of the system under the contract, then, upon application by any of the other follow-on deployment areas that have committed by that date to participate in the deployment of the system, the Secretary shall supplement the funds made available for any of the follow-on deployment areas submitting the applications by using for that purpose the funds not used for deployment of the system in the nonparticipating area. Costs paid out of funds provided in such a supplementation shall not be counted for the purpose of the limitation on maximum cost set forth in subparagraph (B).";

(4) by inserting after subparagraph (D), as redesignated by paragraph (1), the following new subparagraph (E):

"(E) DEFINITIONS.—In this paragraph:

"(i) The term 'initial deployment area' means a metropolitan area referred to in the second sentence of subparagraph (A).

"(ii) The term 'follow-on deployment areas' means the metropolitan areas of Baltimore, Birmingham, Boston, Chicago, Cleveland, Dallas/Ft. Worth, Denver, Detroit, Houston, Indianapolis, Las Vegas, Los Angeles, Miami, New York/Northern New Jersey, Northern Kentucky/Cincinnati, Oklahoma City, Orlando, Philadelphia, Phoenix, Pittsburgh, Portland, Providence, Salt Lake, San Diego, San Francisco, St. Louis, Seattle, Tampa, and Washington, District of Columbia."; and

(5) in subparagraph (D), as redesignated by paragraph (1), by striking "subparagraph (D)" and inserting "subparagraph (F)".

SA 1056. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, Line 5, strike "$16,000,000" and insert "$13,000,000".

At the appropriate place, insert "$3,000,000 for Philadelphia, Pennsylvania, Cross County Metro project".

SA 1057. Mr. FRIST submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC 3. STUDY OF MISSISSIPPI RIVER BRIDGE IN MEMPHIS TENNESSEE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall conduct a study and submit to Congress a report on the costs and benefits of constructing a third bridge across the Mississippi River in the Memphis, Tennessee, metropolitan area.

SA 1058. Mrs. MURRAY (for Mr. FITZGERALD (for himself, Mr. DURBIN, Mr. BAYH, and Mr. LUGAR)) proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 55, line 2, insert after "access," the following: "increasing commercial air service at the Gary-Chicago Airport, and increasing commercial air service at the Greater Rockford Airport".

On page 55, line 7 insert after "Chicago area" the following: ", including northwest Indiana".

SA 1059. Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, line 15, before the period, insert the following: ": *Provided further*, That none of the funds made available by this Act may be used to conduct the United States Routes 64 and 87 Ports-to-Plains corridor study, New Mexico".

SA 1060. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes; as follows:

In section (1)(A) of the resolution, strike "on false charges".

SA 1061. Mr. TORRICELLI proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes; as follows:

In the first whereas clause of the preamble, strike "3 permanent residents" and insert "4 permanent residents".

In the eighth whereas clause of the preamble, by striking "and is expected to go on trial on July 14, 2001" and inserting "was tried and convicted on July 14, 2001, and is expected to be deported".

At the end of the fifteenth whereas clause of the preamble, add "and".

Strike the sixteenth whereas clause of the preamble.

SA 1062. Mr. DASCHLE (for Mr. TORRICELLI) proposed an amendment to the bill S. Res. 128, calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes; as follows:

Amend the title to read as follows: "Resolution calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 25, 2001, in SR–328A at 3 p.m. The purpose of this meeting will be to mark up the short-term farm assistance package.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the National Parks Subcommittee of the Committee on Energy and Natural Resources. The hearing will take place on Tuesday, July 31, 2001, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 689, to convey certain Federal properties on Governors Island, New York;

S. 1175, to modify the boundary of Vicksburg National Military Park to include the property known as Pemberton's Headquarters, and for other purposes;

S. 1227, to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes; and

H.R. 601, to redesignate certain lands within the Craters of the Moon National Monument, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, Attention: Shelley Brown, 312 Dirksen Senate Office Building, U.S. Senate, Washington, DC 20510.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, July 24, 2001. The purpose of this hearing will be to discuss livestock issues for the next Federal farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, to conduct an oversight hearing on the semiannual report on monetary policy of the Federal Reserve. The Committee will also vote on the nomination of Mr. Harvey L. Pitt to be a Commissioner of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 24, 2001, at 9:30 a.m., on Seaport Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 24, at 9:30 a.m., to conduct a hearing. The committee will receive testimony on proposals related to global climate change and measures to mitigate greenhouse gas emissions, including S. 597, the Comprehensive and Balanced Energy Policy Act of 2001; S. 388, the National Energy Security Act of 2001; S. 820, the Forest Resources for the Environment and the Economy Act; and provisions contained in S. 882 and S. 1776 of the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, at 10 a.m. (Panels 1 and 2), and 2:30 (Panel 3), to hold a hearing titled "The Administration's Missile Defense Program and the ABM Treaty."

WITNESSES

Panel 1: The administration's missile defense program

The Honorable Douglas Feith, Under Secretary of Defense for Policy, Department of Defense, Washington, DC and The Honorable John Bolton, Under Secretary of State for Arms Control and International Security, Department of State, Washington, DC.

Panel 2: Legal and technical issues associated with missile defense

The Honorable John B. Rhinelander, Senior Counsel, Shaw Pittman, Washington, DC; Dr. John M. Cornwall, Professor of Physics, University of California Los Angeles, and Professor of Science and Policy Analysis, RAND Corporation Graduate School, Los Angeles, CA; The Honorable Bill Schneider, Chairman, Defense Science Board, Adjunct Fellow, Hudson Institute; Washington, DC; and Dr. Robert Turner, Associate Director, Center for National Security Law, University of Virginia School of Law, Charlottesville, VA.

Panel 3: Means of addressing ballistic missile and weapons proliferation threats

The Honorable William J. Perry, Berberian Professor and Senior Fellow, Institute for International Studies, Stanford University, Stanford, CA; The Honorable Lloyd N. Cutler, Senior Counsel, Wilmer, Cutler & Pickering, Washington, DC; The Honorable R. James Woolsey, Partner, Shea & Gardner, Washington, DC; and The Honorable David J. Smith, President, Global Horizons, Inc., Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, July 24, 2001, at 10 a.m., for a hearing regarding S. 159, a bill to elevate the EPA to a Cabinet level department.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 24, 2001, at 10 a.m., in room 485, Russell Senate Building to conduct a business meeting on pending committee business, to be followed immediately by a hearing on S. 266, a bill regarding the use of trust land and resources of the Confederated Tribes of the Warm Springs Reservation in Oregon.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Tuesday, July 24, 2001, at 2 p.m., in Dirksen 226.

Panel I: William J. Riley to be United States Circuit Court Judge for the Eighth Circuit; Deborah J. Daniels to be Assistant Attorney General for the Office of Justice Programs; and Sarah V. Hart to be Director of the National Institute of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, for a hearing on prescription drug issues in the Department of Veterans Affairs. The meeting will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, of the Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, July 24, 2001, at 2:30 p.m. on prescription drugs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 24, 2001, to conduct an oversight hearing on the FHA Multifamily Housing Mortgage Insurance Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia be authorized to meet on Tuesday, July 24, 2001, at 2:30 p.m., for a hearing to examine "Who Cares for the Caregivers?: The Role of Health Insurance in Promoting Quality Care for Seniors, Children and Individuals with Disabilities."

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2299

Mr. DASCHLE. Madam President, earlier today I indicated that we had hoped we could continue to make progress on the Transportation appropriations bill, with some expectation of completing our work in the next day or so. That effort has not been as successful as I had hoped we could make it. For the last several hours, as our colleagues know, we have been attempting to negotiate language on the Mexican trucking issue. Our Republican colleagues are in many cases opposed to the language that is currently in the bill. It remains a very contentious issue.

I also suggested this afternoon that this is a matter that will continue to be the subject of ongoing negotiations and that I would be filing cloture tonight. The minority leader has indicated that we would not be required to file cloture tonight, even though I want to have the vote on cloture on Thursday. So we will ask unanimous consent that when we file cloture tomorrow, if it is required, that the vote still occur on Thursday. It is my understanding that we are now in a position to agree to that unanimous consent request.

I will not be filing cloture tonight. My hope is that tonight the negotiations can continue and that tomorrow we will have additional opportunities to see if we can find some way to resolve the matter.

I ask unanimous consent that should I file cloture on the Murray substitute and the bill tomorrow, the cloture vote occur on Thursday, as provided under rule XXII, with the mandatory quorum being waived.

The PRESIDING OFFICER (Mrs. BOXER). Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I remind Senators, if cloture is filed, all first-degree amendments must be filed by 1 p.m. on Thursday. I would like to announce as well that the negotiations throughout the day will necessitate that Senators who may have amendments that may fall under cloture offer them in the morning.

As I understand it, Senator MURRAY has been working with a number of our colleagues. They are planning to offer amendments tomorrow morning. There will be a number of amendments offered with rollcalls to accompany the debate. We expect rollcall votes tomorrow morning.

It is also my expectation, if those negotiations are ongoing, that we would take advantage of the time available to us.

I have been discussing with Senator LOTT the possibility of taking up the Iran Sanctions Act under a time limit that would be offered tomorrow sometime during the day. We anticipate spending a relatively short period of time thereon. I don't want to spend the entire day debating the issue, but it is a matter that has to be resolved prior to the time we leave recess as well. I would hope that we could take it up.

I understand there may be one amendment that we may want to consider. But that also is an issue that will be addressed tomorrow, if we cannot resolve the Mexican trucking matter in an expeditious manner.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Madam President, the other matter I would like to consider as well is the matter involving further consideration of nominations. There are a couple of nominations that we can turn to tomorrow that will involve some time.

Madam President, I ask unanimous consent, as in executive session, that the majority leader, after consultation with the Republican leader, may turn to the consideration of Wade Horn to be Assistant Secretary for Family Support at the Department of Health and Human Services and that he be considered under the following time limitation: 2 hours under the control of Senator WELLSTONE; 60 minutes under the control of Senator BAUCUS and Senator GRASSLEY; that when all time is used or yielded back, the Senate vote on the confirmation of the nomination, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's actions.

I further ask unanimous consent that upon the disposition of the Horn nomination, the Senate proceed to the consideration of Calendar No. 252, the nomination of Hector Barreto to be Administrator of the Small Business Administration and that there be 30 minutes for debate on the nomination equally divided between Senators KERRY and BOND, or their designees, and that upon the use or yielding back of that time, the Senate vote on confirmation of the nomination; the motion to reconsider be laid upon the table; the President be immediately notified of the Senate's action; that any statements on either of these two nominations be printed in the RECORD at the appropriate place, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Madam President, just to recap what we have agreed to, we will take up a number of amendments tomorrow morning relating directly to the Transportation appropriations bill. There will be votes on those amendments.

We will anticipate that ongoing negotiations will bring us to some conclusion about the need to file cloture tomorrow. If cloture is filed, the cloture vote will then occur on Thursday. If there is time to be allotted to other issues, the other issues will include the Iran Sanctions Act as well as the two nominations, Horn and Barreto.

We will have a number of rollcall votes tomorrow. Hopefully, we can continue to see real progress made on the Transportation appropriations bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALLING FOR UNCONDITIONAL RELEASE OF LI SHAOMIN AND ALL OTHER AMERICAN SCHOLARS OF CHINESE ANCESTRY

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 83, S. Res. 128.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 128) calling on the Government of the People's Republic of China to immediately and unconditionally release Li Shaomin and all other American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of Li Shaomin and the other detained scholars for their release, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENTS NOS. 1060, 1061, AND 1062

Mr. DASCHLE. Madam President, I understand Senator TORRICELLI has amendments at the desk. I ask that it be in order for the amendments to be considered in the proper sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I ask unanimous consent that the amendments be agreed to in proper sequence and the motions to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1060, 1061, and 1062) were agreed to, as follows:

AMENDMENT NO. 1060

(Purpose: To make a technical amendment)

In section (1)(A) of the resolution, strike "on false charges".

AMENDMENT NO. 1061

(Purpose: To make technical amendments to the preamble)

In the first whereas clause of the preamble, strike "3 permanent residents" and insert "4 permanent residents".

In the eighth whereas clause of the preamble, by striking "and is expected to go on trial on July 14, 2001" and inserting "was tried and convicted on July 14, 2001, and is expected to be deported".

At the end of the fifteenth whereas clause of the preamble, add "and".

Strike the sixteenth whereas clause of the preamble.

AMENDMENT NO. 1062

(Purpose: To make technical changes in the title)

Amend the title to read as follows: "Resolution calling on the Government of the People's Republic of China to immediately and unconditionally release all American scholars of Chinese ancestry being held in detention, calling on the President of the United States to continue working on behalf of the detained scholars for their release, and for other purposes.".

Mr. DASCHLE. Madam President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, the title, as amended, be agreed to, the motion to reconsider be laid on the table, and that any statements relating thereto be printed in the RECORD with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 128), as amended, was agreed to.

The preamble, as amended, was agreed to.

The title, as amended, was agreed to.

The resolution, as amended, reads as follows:

(The resolution will appear in a future edition of the RECORD.)

ORDERS FOR WEDNESDAY, JULY 25, 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Wednesday, July 25. I further ask unanimous consent that on Wednesday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 10 a.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator HUTCHISON of Texas, 9 to 9:30; Senator DURBIN, or his designee, 9:30 to 10.

Further, I ask unanimous consent that at 10 a.m. the Senate resume consideration of the Transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, there is also the possibility that we may move to the nominations of those who have been on the Executive Calendar now since the early part of May, the Treasury nominees Nos. 59, 60, 159, and 161. I have had a number of consultations with the Republican leader about those nominees. That also is a possibility. He has been discussing the matter with colleagues in his caucus, and we may have more to report with regard to those nominees at a later time.

Madam President, if there is no further business to come before the Senate, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. on Wednesday, July 25, 2001.

Thereupon, the Senate, at 7:48 p.m., adjourned until Wednesday, July 25, 2001, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 2001:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. JAMES O. ELLIS JR., 4995

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MICHAEL K. TOELLNER, 6463

To be major

RHESA J. ASHBACHER, 2213
JAMES W. BELL, 1061
ALLEN L. BENNETT, 6356
BRUCE S. BENNETT, 1900
DAVID L. BIRCH, 3705
CRAIG R. DEARTH, 0660
DAVID S. EATON, 8348
BRIAN A. FOLEY, 1121
DENNIS P. GALLAGHER, 7480
MARK T. GIESE, 6193
SEAN M. GODLEY, 9145
JAMES A. HESSEN, 5241
TODD A. HOLMQUIST, 2747
DANIEL P. LOTH, 0998
GEORGE R. MAUS, 3355
PHILIP F. MURPHY, 6715
HALLIBURTO J. SELLERS, 2836
DUANE M. SEWARD, 7733
MAREK M. SIPKO, 2697
DANIEL U. SPANO, 1629
MICHAEL A. WALL, 6363
BRIAN P. WRIGHT, 6967

To be captain

LEONARDO R. ABERCROMBIE, 8588
THOMAS R. ADDISON, 8690
MARK J. ALLEN, 0851
ALFRED J. ALVAREZ, 6896
DARREN M. ALVAREZ, 5168
DAVID C. ANDERSON, 8621
RICHARD T. ANDERSON, 8570
DAVID M. ANGERSBACH, 2208
RICHARD M. ATKINSON, 0154
WILLIAM R. BARBER, 4877
TRAVIS A. BARTELSON, 1821
RICHARD F. BARTOLOMEA, 6901
CHARLES S. BAUER, 3213
MATTHEW T. BELISLE, 8750
RICHARD D. BELLISS, 4444
DAVID C. BERGUM, 5116
DAVID R. BERKE, 0041
NATHAN B. BERRYMAN, 3697
CEDRIC C. BEVIS, 7394
SCOTT T. BIELICKI, 8427
PETER D. BLADES JR., 5096
JEFFRY A. BLAKE, 2563
COLIN J. BRAINARD, 9352
JASON L. BRADFORD, 9883
ROBERT B. BRODIE, 5070
JOHN M. BROOKS, 5655
DANA R. BROWN, 3942
JAMES J. BROWN, 7354
LEONARD J. BROWN, 8391
DOUGLAS J. BRUNE, 4240
ROBERT A. BURGIN, 1666
KYLE R. BURRESS, 5956
DANIEL P. BUTLER, 9226
OLIN M. CANNON, 3191
MICHAEL F. CARDOZA, 4398
JOHN F. CARSON JR., 3007
ALLEN D. CASSANO, 7895
JAMES W. CHIACCHIA, 5642
CHRISTOPHER M. CHOW, 4865
MARK W. CHRISTENSON, 2055
DEVIN L. CLEPPER, 0032
MICHAEL R. COLETTA, 1631
JEFFREY R. COOPER, 7861
BRYAN C. CORCORAN, 3860
ELMER K. COUCH, 6605
KYLE C. COUGHLIN, 8277

LEE A. CRACKNELL, 9819
KARL D. CRNKOVICH, 7351
ALISON L. DALY, 8197
EDWARD J. DANIELSON, 2986
SCOTT R. DAVIDSON, 6707
JEREMY L. DAVIS, 7282
STEPHEN J. DAVIS, 4513
JOSEPH C. DEIGAN, 6674
DWIGHT E. DEJONG, 0160
CORY E. DEKRAAI, 9264
WILLIAM R. DELORENZO, 6930
MARK E. DETHLEFSEN, 9127
SEAN C. DICKMAN, 4899
KEVIN L. DIGMAN, 4438
BRENDHAN J. DILLON, 5448
KEVIN J. DOBZYNIAK, 0877
JASON P. DOIRON, 4716
JOHN C. DOMAIN, 9822
BRYAN E. DONOVAN, 8612
BARRY M. DOWELL, 9899
BRIAN S. DRYZGA, 9794
MICHAEL S. DUCAR, 3988
KEVIN M. DUFFY, 6416
WADE J. DUNFORD, 3609
ANDREW D. DYER, 0245
MICHAEL J. EBY, 1715
AARON D. ECKERBERG, 0984
ERIC L. EMERICH, 7110
MARK J. ESKEW, 6914
ARMANDO ESPINOZA, 8564
GARY D. EWERS, 0374
MICHAEL M. FARRELL, 1158
MARY H. FAST, 1826
GREGORY F. FELEPPA, 6172
BLAINE M. FERGUSON, 3481
ROBERT B. FINNERAN, 2842
PATRICK L. FITZGERALD, 4453
PATRICK M. FITZGERALD, 4209
KEITH A. FORKIN, 8977
CESAR Y. FREITAS, 4449
DARYL M. FULLER, 8826
DENNIS P. GALLAGHER, 7480
PATRICK C. GALLOGLY, 8228
SEAN B. GARICK, 7108
PAUL M. GEDDES, 8512
THOMAS H. GILLEY IV, 1761
BRETT A. GIORDANO, 2273
STEVEN W. GISLASON, 8872
DAMEON P. GREEN, 2119
JEFFREY D. GROHARING, 3514
JASON S. GUELLO, 2093
ROBERT J. GUICE, 7369
CHRISTOPHER M. GUIN, 0630
REGINA M. GUSTAVSSON, 4346
PATRICK H. HANDLEY, 1956
DAVID B. HANEY, 9438
BRANDON L. HANSEN, 7893
EDDY I. HANSEN III, 2460
BRIAN J. HARDY, 1985
JACKIE D. HARRIS, 6938
EDWARD B. HASTINGS, 1398
RICHARD HAWKINS, 2931
ANA PAOLA M. HAYES, 7807
SCOTT W. HEANEY, 1566
RICHARD F. HENDRICK, 0132
WILLIAM T. HENNESSY, 1325
BRENT S. HEPPNER, 4480
CHRISTIAN HERNANDEZ, 3238
JAMES C. HERRERA, 1723
JAMES A. HESSEN, 5241
JOHN B. HICKS, 0956
GLEN R. HINES JR., 1343
KEVIN M. HOLCOMB, 9063
JAY M. HOLTERMAN, 1076
DARIN C. HOWELL, 2500
DAVID C. HUMPHREYS, 7083
DAVID J. HUMPHREYS, 8043
ANN M. HUOT, 5722
MICHAEL J. IRONS, 8796
DAVID G. IRVING, 6654
JAMES M. ISAACS, 2379
STEVEN M. JACKSON, 0557
BRENT M. JAMES, 2062
BRIAN L. JENKINS, 0626
MICHELLE P. JENNINGS, 7176
ALEXANDER W. JOHNS, 8110
BRENT A. JOHNSON, 9166
REGINALD J. JOHNSON, 4794
RICHARD D. JOYCE, 0405
NATHAN E. JUBECK, 2542
RONALD W. KEARSE, 3012
DAVID S. KEMPFER, 8558
STEVEN C. KEMPTON, 7613
MATTHEW J. KENT, 3823
MATTHEW D. KERLIN, 6450
GRANT C. KILLMER, 7024
DAVID M. KILMER, 6152
DARREN J. KISSELBURGH, 5743
BRIAN E. KISTNER, 6693
KEITH E. KNUTSON, 5525
SCOTT M. KOLTICK, 8380
KEITH E. KOVATS, 6814
CHRISTOPHER A. KRAJACICH, 4487
KURT E. KROGER, 8915
DAVID A. KULIK, 9275
CHARLES L. LACKEY, 2116
FRANK P. LAEMMLE, 0870
DWAINE D. LAMIGO, 8692
DAVID L. LANE, 9585
JONATHAN E. LANGLOIS, 3596
JOSEPH J. LEBRYK, 6636
BRETT A. LEE, 8938
KENNETH A. LEE, 2156
WILBUR LEE, 9589
DANIEL J. LEVASSEUR, 3244
DEVIN O. LICKLIDER, 0334
MICHAEL E. LINDBLOM, 0589
MICHAEL J. LONG, 9900
CHRISTOPHER D. LUCIANO, 5482
BENTON S. LUSK, 2427
ANDREW K. MACK, 4227
RICHARD E. MARIGLIANO, 4352
MICHAEL A. MARMON, 6303
STEPHEN A. MARSH, 5495
AARON C. MARX, 1964
GREGORY K. MAVOR, 7928
ARTHUR C. MCLEAN, 8494
BRIAN D. MCGOWAN, 2716
PAUL F. MEAGHER, 1087
CRAIG G. MERRIMAN, 1925
THOMAS B. MERRITT JR., 7613
TODD M. MILLER, 4841
JOHN E. MING, 1229
CHARLES A. MIRACLE, 1046
TIMOTHY B. MISSLER, 5494
ROBBY J. MITCHELL, 6483
CHRISTOPHER S. MOELLER, 3130
DONALD B. MOOR, 0699
THOMAS L. MOORE II, 5546
DAVID E. MOORE, 9952
NICHOLAS A. MORRIS, 9317
TANYA M. MURNOCK, 5487
STEVEN B. MURPHY, 0160
DONNA J. MURRAY, 9936
LISA B. MUSCARI, 8852
PATRICK L. NEILL, 5767
MELISSA J. NELSON, 1471
JONATHAN E. NEUMAN, 6358
JOSEPH L. NEWCOMB, 4654
THOMAS F. NICHOLS, 0522
JASON L. NICKERL, 3696
CHRISTOPHER M. NIEMANN, 3278
JAMES A. NOEL, 3383
JOHN C. NORTON JR., 0062
TILEY R. NUNNINK, 1498
CHADWIC G. OAKLEY, 8193
DOUGLAS B. OGDEN, 7440
WILLIAM C. OLIVER, 5523
FELIPE PAEZ, 5298
GREGORY M. PAGE, 8468
KEITH A. PARRELLA, 5695
BREVEN C. PARSONS, 4055
CHRISTOPHER D. PATTON, 0128
JASON L. PAYNE, 0822
MICHAELA C. PEARSON, 4887
DARIEN A. PEDOTA, 0577
CARL J. PEECHER II, 4433
TROY M. PEHRSON, 1042
MICHAEL J. PEITZ, 8077
NORA E. PENCOLA, 0506
PETER A. PETERSON, 3486
KRISTIAN D. PFEIFFER, 2222
MARK A. PICKETT, 3774
PAUL E. PINAUD, 4279
JEFFREY S. POOL, 8475
RUSSELL M. POOL, 7558
CHRISTOPHER A. POWERS, 1123
EDWARD L. QUINN JR., 0664
MARK A. RAFFETTO, 8722
WILLIAM L. RANEY II, 3742
WALTER D. REECE, 4937
KEVIN P. REILLY, 7538
DAVID S. RENTZ, 2380
JOHN D. REYES, 3392
JON C. RHODES, 5457
PHILLIP R. ROBERSON JR., 9372
STEPHEN A. ROBERSON, 4676
MATTHEW G. ROBINSON, 7193
PATRICK R. ROBINSON, 7468
JUSTIN J. RONNING, 4166
MICHAEL S. ROSEBERRY, 6999
WILLIAM H. ROTHERMEL, 9116
JEFFREY A. ROTHSTEIN, 1520
JOHN P. RUFFINI, 7756
MATTHEW R. SALE, 0185
BENJAMIN W. SAMMIS, 2788
ALFRED M. SANCHEZ, 0390
MARK K. SAUER, 4348
BRIAN S. SCHENK, 7643
KURT J. SCHILLER, 5049
KEVIN A. SCHLEGEL, 8133
SCOTT D. SCHOEMAN, 5845
ROBERT T. SCHWEIGER, 8855
ERIC S. SEUBRING, 9598
JAMES B. SEVERSON JR., 5186
ERIC M. SHAMBORA, 1341
MICHAEL A. SHAYNE, 8468
BRAD J. SHERMAN, 0537
JOSEPH J. SINELLI, 5294
PHILIP B. SMITH, 6596
REGINALD J. SMITH, 9512
STEPHEN M. SMITH, 1052
TRES C. SMITH, 6803
PAUL F. SPANGENBERGER, 8550
MARK J. STANTON, 8809
DAVID M. STEELE, 5424
JERRY A. STEVENSON II, 9770
KARL J. STOETZER, 9563
JEFFREY D. STONE, 1130
MATTHEW W. STOVER, 3056
MICHAEL A. STROUD, 3535
MICHAEL S. SWINGLER, 1526
DANIEL E. TARBUTTON, 1392
MATTHEW J. TAYLOR, 6695
CARL C. TILLMAN, 9827
CAMERON J. THRALL, 6678
CHRISTOPHER G. TOLAR, 9511
DEAN A. TOTH, 5110
JAMES J. TOTH, 6929
JAMES R. TRAVER, 2941
STEPHEN A. TYNAN, 3195
MARK L. UNGER, 9363
ANDREW E. VELLENGA, 6282
JOSE A. VERDUZCO JR., 1056
ROBERT S. VOLKERT, 9781
WOLFGANG W. VONASPE, 8535
TIMOTHY J. WALKER, 5442
CHRISTOPHER B. WALTERS, 7786
JAMES L. WARNER II, 5470
JOHN I. WASCHER, 3843
TIMOTHY B. WATERBURY, 6449
JAMES M. WEIS, 7119
DANIEL J. WEISNER, 4664
GARRETT R. WELCH, 7451
TIMOTHY E. WERNIMONT, 3634
JEFFREY A. WHITE, 0650
JAMES A. WHITLEY, 0992
DAVID E. WILKERSON, 2417
ABAXES A. WILLIAMS, 2545
ANTHONY H. WILSON, 8656
CRAIG A. WINGARD, 6789
MATTHEW D. WINKELBAUER, 5236
WILLARD E. WINKENHOFER III, 8633
BRIAN D. WIRTZ, 3710
ALAN R. YANKOWSKY, 1357
BRIAN C. YOUNG, 2636
ANTHONY J. ZIMMERMAN JR., 1444
SEAN E. ZUKOWSKY, 5269

To be first lieutenant

AARON D. ABDULLAH, 8415
ERIK R. ABRAHAMSON, 7731
CEASAR M. ACHICO, 8414
DAVID M. ADAMIEC, 8829
RAYMOND L. ADAMS, 8550
JOHN J. AHN, 0050
LOUIS M. ALBIERO JR., 5411
BRIAN S. ALBON, 5724
GREGORY J. ALLAN, 1670
EZIEKEL E. ALLEN, 8201
TIMOTHY E. ANDERSON, 0521
JOHN T. ANDRESS, 4964
AARON A. ANGELL, 5770
BRIAN ANTONELLI, 5232
ARTHUR D. ANZALONE, 4611
TOBEI B. ARAI, 5722
JONPAUL C. ARCHER, 5894
JOSEPH D. ARICO, 7922
JAMES F. ARMAGOST, 4977
ERICK M. ARMELIN, 1319
ADRIAN D. ARMOLD, 3900
MICHAEL J. ARPAIO JR., 2595
JASON D. ARTHAUD, 3191
LANCE R. ATTAWAY, 7857
SCOTT K. ATWOOD, 6348
BLAS AVILA JR., 8194
JULIE L. AYLWIN, 7979
SHERIF A. AZIZ, 3711
JOHN T. BADAMI, 3367
BROCKLYN D. BAHE, 4815
EDWARD BAHRET, 4157
GREGORY T. BAKER, 4270
THOMAS A. BAKER, 6831
GREGORY R. BAMFORD, 1831
ROBBI J. BANASZAK, 7860
JOHN J. BANCROFT JR., 8788
ROZANNE BANICKI, 5129
CHRISTOPHER T. BATES, 8246
BARTHOLOME BATTISTA, 8950
PAUL J. BATTY, 8368
JOHN P. BAZYLEWICZ, 8293
JOSEPH T. BEALS, 1515
BRADLEY P. BEAN, 6789
RYAN A. BEAUPRE, 0576
ERIC M. BECKMANN, 2968
ERIN S. BENJAMIN, 9522
TIMOTHY R. BENNETT, 2245
CHRISTOPHER E. BENSON, 9404
CHARLES H. BERCIER III, 5921
PETER M. BEREZUK, 9560
FREDERICK L. BERNIER, 4508
JOHN K. BEST, 7847
GREGORY S. BIAGI, 2203
MICHAEL J. BISSONETTE, 2686
EDUARDO C. BITANGA II, 2031
TROY B. BLACK, 6688
PAUL J. BLAIR, 4980
DONALD P. BLAND, 6184
DAVID R. BLASSINGAME, 8001
ANDREW C. BLOCKSIDGE, 7859
MICHAEL A. BOCCOLUCCI, 1930
BRAD P. BOITNOTT, 3865
BRANDON M. BOLLING, 4578
JOHN A. BONDS, 6924
JONATHAN A. BOSSIE, 5225
STEPHEN C. BOUCHER, 4113
TYLER E. BOUDREAU, 0288
CHRISTOPHER J. BOWER, 2715
JONATHAN L. BRADLEY, 5077
SEAN P. BRADLEY, 1989
BRANDON C. BROOKS, 5931
GARY D. BROOKS, 1442
CHRISTOPHER L. BROWN, 9651
MEREDITH E. BROWN, 2600
SHANNON M. BROWN, 8056
CHRISTOPHER A. BROWNING, 8339

AARON J. BRUNK, 0958
JOHN P. BRUZZA, 0242
CHRISTIAN J. BUCHANAN, 5385
WYNDHAM K. BUERLEIN, 4222
ERNEST L. BULLICRUZ, 4373
GREGORY S. BURGESS, 3779
RUSSELL A. BURKE, 4495
DOUGLAS W. BURKMAN, 2815
BRIAN M. BURNS, 4591
ERIC G. BURNS, 3897
LOUIS V. BUSH, 4121
GREGORY K. BUTCHER, 5261
BRADLEY J. BUTLER, 4953
SCOTT P. BUTTZ, 9023
DANIEL R. CAMPBELL, 4006
TAMARA L. CAMPBELL, 3452
RAFAEL A. CANDELARIO II, 6410
RONALD M. CANNIZZO, 7887
CHRISTOPHER P. CANNON, 2745
ROBERT A. CANO, 6883
PETER J. CAPUZZI, 9844
CONLON D. CARABINE, 5333
DAVID M. CAREY, 9696
FOSTER T. CARLILE, 2735
WILLIAM L. CARR, 2961
CHARLES A. CARTE, 3675
THOMAS CATUOGNO, 0912
MICHAEL R. CHALLGREN, 5667
JEREMY P. CHAPMAN, 3406
JEFFERY M. CHIOW, 9091
JAMES M. CHITTENDEN, 3729
DAVIS R. CHRISTY, 7538
DARIN A. CHUNG, 4834
JOSHUA D. CLAYTON, 0807
C R. CLIFT, 1859
DARIUS COAKLEY, 0062
LLONIE A. COBB, 9849
COLIN P. COCKRELL, 4007
WILLIAM J. CODY, 6873
BRIAN W. COLE, 9206
JAMES B. COLLINS, 5765
RYAN M. CONNOLLY, 1581
JUSTIN CONSTANTINE, 9390
LEE K. COOPER, 6660
ROBERT L. CORL, 6112
LESTER M. CORPUS, 8863
JEFFREY C. CORRIVEAU, 4469
STEPHEN L. COSBY, 6871
CHRISTOPHER G. COVER, 9332
BRADLEY S. COWLEY, 4415
CHRISTOPHER S. COX, 4482
LUKE A. COYLE, 0825
MICHAEL L. CRAIGHEAD, 8257
THOMAS R. CRELLIN, 9922
BRENT A. CREWS, 7390
MICHELLE E. CROFTS, 4484
KRISTOPHER M. CRONIN, 7441
CLINTON A. CULP, 5956
THOMAS P. CUNNINGHAM, 3425
CHRISTOPHER C. CURRAN, 0777
IAN C. DAGLEY, 8398
JEFFREY R. DANSIE, 6111
MEHDI A. DARAKJY, 6506
CARLOS M. DAVILA JR., 2278
CHRISTOPHER C. DAVIS, 9834
MARK S. DAVIS, 4354
ROBERT B. DAVIS, 8632
SCOTT R. DAVIS, 5246
TIMOTHY A. DAVIS, 3205
TIMOTHY R. DAVIS, 2047
NORMAN T. DAY, 3472
DAVID K. DECARION, 7302
MICHAEL J. DEDDENS, 9500
JOSE M. DELEON JR., 6800
ANDREW M. DELGAUDIO, 1722
BRYAN C. DELIA, 4745
GERALD DELIRA, JR., 5774
JOSEPH T. DELLOS, 5798
VINCENT A. DELPIDIO III, 5910
CHARLES W. DELPIZZO III, 6928
GREGORY P. DEMARCO, 1343
GREGORY R. DEMIK, 8603
COLLEEN R. DEMOSS, 3534
SAMUEL N. DEPUTY, 7402
CHRISTIAN T. DEVINE, 9127
PATRICIA M. DIENHART, 3200
MICHAEL C. DIETZ, 0367
JASON F. DIJOSEPH, 5051
ERIC C. DILL, 4472
ANDREW P. DIVINEY, 2172
ERIC L. DIXON, 4337
GILBERT F. DMEZA, 2778
WILLIAM DOCTOR, JR., 1211
KEVIN M. DOHERTY, 6585
HENRY DOLBERRY, JR., 2884
JOHN H. DOUGLAS, 6091
STEWART L. DOWNIE, 4216
DOUGLAS A. DOWSON, 3127
TERESA J. DRAG, 4974
ANDREW S. DREIER, 1771
JONATHAN A. DREXLER, 9272
STEPHEN D. DRISKILL, 9469
CHARLES E. DUDIK, 9082
CHRISTOPHER M. DUKE, 1343
JOSEPH R. DUMONT, 5408
JASON K. DUNCAN, 3944
CHRISTOPHER M. DUNDY, 6281
DOUGLAS R. DUNLAP, 9137
SEAN R. DUNN, 4851
TANYA M. DURHAM, 8449
MICHAEL E. DWYER, 5600
JONATHAN J. ECKHARDT, 6753
SCOTT C. EDWARDS, 3545
DAVID I. EICKENHORST, 3370
PHILIP E. EILERTSON, 7586
RYAN M. ELLER, 9129
JOHN M. ENNIS, 3041
RYAN J. ERISMAN, 2928
WILLIAM R. ERRETT, 5509
BRYAN M. ESPRIT, 1237
MICHAEL F. ESTORER, 0444
DANIEL J. EVANS, 0868
MATTHEW S. FAHRINGER, 1577
DAVID D. FAIRLEIGH, 4978
ROBERT B. FARRELL, 4215
TIMOTHY F. FARRELL, 9591
WILLIAM A. FEEKS, 0787
MATTHEW D. FEHMEL, 8338
DANIEL C. FELICIANO, 5811
WILLIAM T. FELTS IV, 7929
WILLIAM B. FENWICK, 8532
SCOTT E. FERENCE, 9337
ERNEST D. FERRARESSO, 8845
SHANNON R. FIELDS, 5529
FRANK E. FILLER, 0741
JAMES F. FINNEGAN, 3015
ROBERT C. FITZBAG, 9071
CHARLES N. FITZPATRICK III, 6925
ROBERT J. FITZPATRICK, 6224
MARY K. FLATLEY, 0490
PHILIP E. FLECHER, JR., 2364
MICHAEL C. FLEMMING, 2914
FREDERICK D. FOLSON, 6153
RYAN P. FORD, 0964
TRAVIS A. FORD, 9544
JUAN F. FORERO, 3057
BRYAN J. FORNEY, 5396
VINCENT P. FORTUNATO, 7903
MARC H. FOSTER, 5306
MARK E. FRANKO, 5979
AARON T. FRAZIER, 4179
CHRISTOPHER A. FRY, 4871
JASON A. GADDY, 2066
JER J. GARCIA, 7182
JOANNA L. GARCIA, 2460
KENNETH C. GARDNER, JR., 6474
JOSHUA T. GAUGHEN, 4394
SCOTT A. GEHRIS, 5580
LESTER R. GERBER, 2377
MICHAEL J. GERVASONI, 6554
PAUL M. GHIOZZI, 6808
PETER M. GIBBONS, 0814
JASON L. GIBSON, 6459
GINGER E. GIERMAN, 9660
TARRELL D. GIERSCH, 1761
JOHN S. GILBERT, 8577
JESSE J. GIPSON, 0037
RICHARD L. GLADWELL JR., 8205
IAN T. GLOVER, 8855
PATRICK M. GLYNN, 1961
MICHAEL B. GOLDSTEIN, 9581
CARLO J. GONZALEZ, 9066
GILBERTO C. GONZALEZ, JR., 6461
MATTHEW J. GORBATY, 5975
JAMES H. GORDON, 1021
DUSTIN B. GORZYNSKI, 2407
GREGORY F. GOULD, 5627
KENNETH B. GRAF, 2207
GRAHAM R. GRAFTON, 3026
BRANDON W. GRAHAM, 1258
KEVIN P. GRAVES, 6760
MICHAEL A. GRAZIANI, 9664
MAX S. GREEN, 8183
BRANDON C. GREGOIRE, 3036
ADAM W. GRESHAM, 0024
BRIAN R. GRIFFING, 5996
CHRISTOPHER M. GRIFFITH, 5218
JASON D. GROSE, 0289
CHRISTOPHER D. HAFER, 1636
DANIEL M. HAJEK, 7527
MICHAEL S. HALL, 8781
JASON M. HAMILTON, 0101
ALFRED B. HAMMETT II, 8225
JEFFREY L. HAMMOND, 6003
MARK A. HAND, 5569
MICHAEL F. HAND, 7239
PETER C. HANTELMAN, 2591
KEVIN B. HARBISON, 4189
ETHAN H. HARDING, 3916
TODD A. HARDING, 4527
JEFFREY M. HARRINGTON, 8034
RYAN E. HARRINGTON, 9414
CLINT C. HARRIS, 9416
GEORGE D. HASSELTINE, 1513
HOWARD H. HATCH, 5991
CORY M. HAVENS, 0111
MICHELLE L. HEATH, 1594
BRENDAN G. HEATHERMAN, 0714
WILLIAM C. HENDRICKS IV, 1559
ADAM G. HENRICH, 0911
ARTURO HERNANDEZLOPEZ, 4952
PHILIP R. HERSCHELMAN, 5360
DREW R. HESS, 5701
JASON W. HEUER, 1256
DOUGLAS P. HIBSHMAN, 3082
AARON P. HILL, 4250
RICHARD J. HOFHEINS, 7284
CHRISTOPHER L. HOLLOWAY, 7378
CHRISTOPHER M. HOLLOWAY, 3598
FRANKLIN R. OOKS II, 9904
JAMES B. HOOVER, 3468
JOSHUA D. HOPFER, 3543
MAX H. HOPKINS, 0890
WILSON M. HOPKINS III, 6451
BRYAN T. HORVATH, 2730
ALEJANDRO R. HOUSE, 7017
WILLIAM C. HOWLETT, 5683
JAMES B. HUNT, 2678
PER D. HURST, 8369
HENRY E. HURT III, 1366
JAY D. HUSBANDS, 7708
ANDREW J. HUSMAN, 5051
BRET M. HYLA, 2560
JOHN C. ILLIA, 8192
TIMOTHY W. IRWIN, 7135
VICTOR R. ISLAS, 6061
JOSHUA E. IZENOUR, 1224
CARLOS T. JACKSON, 7334
REGINALD L. JACKSON, JR., 5014
JOHN J. JAESKI, 5725
ROBERT E. JAMES, 2156
JASON M. JANCZAK, 9318
RYAN P. JANOSEK, 5487
DONALD A. JANVRIN, 4108
MIKE K. JERON, 9965
FERNANDO V. JIMENEZ, 0566
CHRISTOPHER H. JOHANSEN, 0903
THOMAS V. JOHNS, 6923
BRENT A. JOHNSON, 9166
CHRISTOPHER L. JOHNSON, 6771
GRANT M. JOHNSON, 0213
KIMBERLY A. JOHNSON, 1615
MICHAEL J. JOHNSON, 1200
PAUL K. JOHNSON III, 8523
RANDALL C. JOHNSTON, 3009
KEMPER A. JONES, 6450
SYDNEY F. JORDAN, JR., 3731
DAVID C. JOSEFORSKY, 1167
MICHAEL C. KAHN, 5402
DANIEL B. KALSON, 3593
TIMOTHY A. KAMB, 1824
ANDREW D. KARAMANOS, 2105
DOV KAWAMOTO, 6048
MARTIN P. KAZANJIAN, 9203
CHRISTOPHER F. KEADY, 7947
BRIAN K. KELLER, 3084
SHAWN M. KELLY, 8359
TIMOTHY L. KELLY, 9144
CHRISTOPHER A. KENNEDY, 9248
ERIN M. KEWIN, 7209
MATTISON J. KIDD, 0475
MARK A. KIEHLE, 0308
TROY O. KIPER, 5782
THOMAS F. KISCH, 5411
MICHAEL C. KLINE, 9829
AARON R. KNEPEL, 9369
TOMIS M. KNEPPER, 3374
JOHN D. KNUTSON, 1972
NOAH J. KOMNICK, 9732
VINCE W. KOOPMANN, 4784
PAUL B. KOPACZ, 2895
CHRISTOPHER M. KOREN, 5054
JEFFERSON L. KOSICH, 6620
SPEROS C. KOUMPARAKIS, 9790
CHARLES B. KROLL, 7397
LORI KRSULICH, 0488
MATTHEW B. KUCHARSKI, 3985
ADZEKAI M. KUMA, 5298
JOSEPH B. LAGOSKI, 1500
PHILIP C. LAING, 1970
JEFFREY K. LAMB, 6011
JUSTIN D. LAMORIE, 8158
SAMUEL W. LANASA, JR., 7222
CARROLL K. LANE, 9701
DEREK E. LANE, 6224
JEFFREY J. LARSON, 7243
GOTTFRIED H. LAUBE, JR., 4377
SCOTT A. LAUZON, 8932
ANDREAS D. LAVATO, 8158
GARY R. LAWSON II, 4993
DUSTIN T. LEE, 4902
SAMUEL K. LEE, 5280
ADAM V. LEFRINGHOUSE, 3446
JOEL T. LEGGETT, 5120
MATTHEW E. LEYMAN, 3625
DOUGLAS A. LINDAMOOD, 3854
JONATHAN B. LINDSEY, 8359
JOHN W. LITTON, 4332
JON B. LIVINGSTON, 0467
ANDREW J. LOCKETT, 1567
ANTHONY W. LOIGNON, 7351
BRYAN A. LOORYA, 0143
CARL M. LOWE, 6058
JOSH R. LOWE, 7539
JAMES T. LOWERY, 0303
MICHAEL R. LUCIANI, 7373
HAROLD Q. LUCIE, 1087
JONATHAN C. LUTTMANN, 1960
SCOTT J. MABEE, 6853
DAVID C. MAIER, 5229
SEAN W. MAITA, 9723
MAREK Z. MAKAREWICZ, 4280
MICHAEL J. MANIFOR, 7228
WILLIAM M. MAPLES, 2246
WILLIAM J. MARKHAM III, 9634
JON S. MARONEY, 4911
MICHAEL F. MARTIN, 3612
MICHAEL D. MARTINO, 6006
JUSTIN E. MARVEL, 0753
TAMARA A. MASON, 5109
RENEE L. MATTHEWS, 5512
STEPHEN W. MATTHEWS, 1758
CHRISTOPHER J. MAYFIELD, 5227
ADAM W. MCARTHUR, 9545
JAMES K. MCBRIDE, 9583
MICHAEL D. MCCARTY JR., 8043

MICHAEL M. MCCLOUD II, 9831
DANIEL G. MCCOLLUM, 7986
LUCAS M. MCCONNELL, 3623
GARY A. MCCULLAR, 0540
KEVIN M. MCDONALD, 3797
MARK J. MCDONALD, 8012
JOHN G. MCGARRY, 2841
GREGORY C. MCGEE, 1759
BRIAN T. MCGONAGLE, 6025
JAMES P. MCGONIGLE III, 4615
AMY M. MCGRATH, 4987
JAMES R. MCGRATH, 6019
RODRICK H. MCHATY, 4254
ADAM T. MCHENRY, 4591
CAMERON M. MCKAY, 1582
BRYAN T. MCKERNAN, 0721
ADAM T. MCLENDON, 6310
MICHAEL T. MCQUADE, 4257
JOHN P. MCSHANE, 7551
JEFFREY L. MEEKER, 5026
CHRISTOPHER M. MERRILL, 9571
CHRISTOPHER M. MESSINEO, 4325
CHRISTOPHER V. MEYERS, 8408
SHARRON M. MICHAEL, 0331
ADAM E. MILLER, 8046
BRIAN M. MOLL, 9039
JOHN M. MOORE, 9313
ELLIOT MORA, 3392
DAVID M. MOREAU, 0943
JENNIFER B. MORRIS, 5181
STEPHEN H. MOUNT, 1962
ROGER O. MOUSEL JR., 5412
JOHN P. MULKERN, 4861
BRIAN T. MULVIHILL, 8512
RAMON J. MUNOZ, 8509
SETH MUNSON, 3085
GERALD E. MURPHY, 9280
CHRISTOPHER M. MURRAY, 4451
SEAN M. MURRAY, 9097
MICHAEL R. NAKONIECZNY, 1147
YOHANNES NEGGA, 7782
NICHOLAS O. NEIMER, 2701
ANDREW J. NELSON, 4991
ISAAC D. NELSON, 2233
CHRISTINA F. NESMITH, 3453
JAMES D. NEUSHUL, 7289
DAVID E. NEVERS, 4934
VICTOR NEWSOM, 3017
DEREK J. NEYMEYER, 3871
CHRISTOPHER M. NICHOLSON, 1148
JONCLAUD A. NIX, 0770
MARVIN L. NORCROSS JR., 5100
WADE H. NORDBERG, 7829
BRIAN M. NORDIN, 4765
EDWIN NORRIS, 2544
RUSSELL H. NORRIS, 9120
ELTON D. OBRIEN, 3524
WILLIAM E. OBRIEN, 0738
CHRISTOPHER P. ODONNELL, 2096
JEFFREY M. ODONNELL, 2100
JEFFREY W. OLESKO, 4681
DONALD W. OLIVER JR., 2145
BERNARD J. OLOUGHLIN, 2670
READ M. OMOHUNDRO, 2352
PATRICK J. OROURKE, 6089
PAUL J. OVALLE, 3001
QUINTON S. PACKARD, 4612
SPENCER L. PADGETT, 6529
MARK A. PAOLICELLI, 0491
VASILIOS E. PAPPAS, 7755
JASON D. PARDUE, 5226
YOUNG K. PARK, 2397
GREGORY S. PARKER, 5215
TERENCE L. PARKER, 6548
THOMAS W. PARKER, 1352
RICHARD E. PARKINSON, 5250
RICHARD H. PARRISH, 2073
BRIAN C. PATE, 2940
ANGELA D. PATERNA, 9539
MATTHEW R. PEARCE, 5107
ERIC J. PENROD, 0276
CHRISTOPHER R. PERKINS, 9941
NATHAN T. PERKKIO, 1053
TRINITY D. PERSFUL, 0335
DAREN R. PETERSON, 2107
ROBERT C. PETERSON, 3933
MATHEW J. PFEFFER, 9244
TUANANH T. PHAM, 3441
BRADLEY W. PHILLIPS, 8839
NATHALIE C. PICADO, 4111
NEAL P. PLASKONOS, 8995
ROBERT J. PLEAK, 0187
CLAY A. PLUMMER, 7072
JAMES P. POPPY, 4310
CHERYL L. PORAK, 1967
AARON E. PRICE, 5390
CARL C. PRIECHENFRIED, 3759
ROBERT C. PRIJATELJ, 4305
JAMES PRUDHOMME III, 3230
RYAN A. PYKE, 4872
EUGENE A. QUARRIE III, 0225
MATTHEW M. RAFFERTY, 6282
GEORGE P. RAMSEY, 4294
ROBERT P. RANDAZZO, 7757
MILAN K. RATKOVICH, 6199
GUY W. RAVEY, 1421
HUNTER R. RAWLINGS IV, 3208
WILLIAM G. RAYNE, 8765
JAMES D. REDDING, 1531
ANDREW P. REED, 9025
MATTHEW L. REGNER, 5612
ROBERT B. REHDER JR., 5199
DAVID M. REILLY, 1851
PETER O. REITMEYER, 2522
KIMBERLY A. REITZ, 1213
JACOB L. REYNOLDS, 3547
PATRICK J. REYNOLDS JR., 4343
SHELTON RICHARDS, 5636
BRYAN D. RICHARDSON, 2895
JAMES E. RICHARDSON JR., 6580
JASON P. RICHTER, 9184
THOMAS A. RICKS, 6592
JASON P. ROBERTS, 4750
RICHARD C. ROBERTS, 9712
BENJAMIN C. ROBERTSON, 9737
EDWARD N. ROBINSON, 9812
NATHANIEL K. ROBINSON, 4288
RANDY L. RODEN, 1712
VICTOR G. ROEPKE, 0850
CHRISTOPHER B. ROGERS, 7421
DAVID M. ROONEY, 2698
OMAR W. ROSALES, 6314
AARON M. ROSE, 1631
ERIK M. ROSENBERRY, 5514
DAWN C. ROSENBLAD, 4920
MICHAEL RUSH, 7499
WILLIAM A. RUSHE IV, 1119
MICHEAL D. RUSS, 3301
TRAVIS G. RUSSELL, 7944
JOHN T. RYAN, 4142
RUSSELL C. RYBKA, 2415
STEVEN A. SABLAN, 8926
CHRISTI L. SADDLER, 0712
ANDRE P. SALVANERA, 6087
JOHN E. SAMPSON, 6154
TIMOTHY J. SANCHEZ, 8490
ERIC T. SANEHOLTZ, 6090
KURT M. SANGER JR., 8932
JOHN S. SATTELY, 0766
KEVIN T. SAUNDERS, 0485
KARL T. SCHMIDT, 1275
ZACHARY T. SCHMIDT, 0553
PAUL M. SCHNEIDER, 4952
TIMOTHY W. SCHNELLE, 3166
WILLIAM M. SCHRADER, 4161
SEAN D. SCHROCK, 0656
WILLIAM M. SCHWEITZER, 7475
DANIEL R. SCOTT, 6033
ROBERTO C. SCOTT, 6703
WILLIAM T. SCOTT, 8787
ROBERT C. SELLERS, 0429
MICHAEL J. SHEA, 5584
THOMAS M. SHEA, 0013
DAVID B. SHEALY, 1576
AARON P. SHELLEY, 0713
BRIAN O. SHELLMAN, 6556
JOHN E. SHEPARD, 9143
CHRISTOPHER J. SHIMP, 6425
LESLIE A. SHIOZAWA, 7297
ALAN D. SILVA, 8012
LOUIS P. SIMON, 6978
ADAN E. SISNEROS, 1611
JOSEPH G. SKRYD, 1054
DANIEL J. SKUCE, 4771
RICHARD T. SLACK, 2992
SAMUEL L. SLAYDON, 0669
DAVID B. SLAY, 0549
MARC R. SLEDGE, 5681
TIMOTHY M. SLINGER, 6461
GRAHAM F. SLOAN, 4406
DAVID P. SMAY IV, 3629
ANTHONY L. SMITH, 4545
ERIC D. SMITH, 2571
ROGER A. SMITH, 5100
STEFAN R. SNEDEN, 6069
SEAN P. SMITH, 7738
TRACI L. SNIVELY, 8412
WILLIAM R. SNOWMAN, 9996
KIRK M. SPANGENBERG, 1571
DAVID W. SPANGLER, 8021
RAYMOND V. SPAULDING, 3655
BENJAMIN O. SPIELER, 6213
MATTHEW A. SPURLOCK, 6659
RANDY J. STAAB, 6216
JAMES F. STAFFORD, 1310
JAMES R. STARR JR., 3144
RICHARD R. STEELE, 4359
ROBERT A. STEELE, 8689
JEFFREY S. STEPHENS, 7768
BLAIR A. STEVENSON, 1859
KENRIC D. STEVENSON, 5927
ALYSSA R. STEWART, 4758
JOHN E. STEWART II, 3220
ALEXIS G. STOBBE, 4536
STEVEN W. STORMANT, 1620
DEAN T. STOUFFER, 9774
KEVIN M. STOUT, 1435
WAYNE E. STUETZEL, 7337
JOSEPH C. SWANSON, 9690
THOMAS C. SWEATMAN, 6905
MICHAEL N. SWIFT, 7980
TROY S. SYBESMA, 9508
GREGORY V. SZEPE, 7209
DAVID C. SZWED, 2208
ERIK C. TAUREN, 8628
BARRON S. TAYLOR, 7338
BRIAN J. TAYLOR, 4411
BRIAN R. TAYLOR, 8470
COREY M. TAYLOR, 5117
JOHN S. TAYLOR, 7561
STEPHEN J. TAYLOR, 8643
JOSEPH D. TEASLEY, 0743
BRADLEY J. TEEMLEY, 9105
PATRICK K. TEMPLE, 2858
HAMARTRYA V. THARPE, 4939
AMY N. THOMAS, 8455
CHARLES G. THOMAS JR., 4681
PATRICK F. TIERNAN, 2702
JOHN W. TINNING, 2687
EMMANUEL V. TIPON, 3588
PETER M. TITTERTON, 1832
CURTIS J. TOMCZAK, 9602
ROBERT A. TOMLINSON, 6452
JOHN E. TOWN, 8478
MATTHEW W. TRACY, 8812
HEATHER A. TROUT, 1883
GAYLEN D. TRUSLOW, 1118
JOSEPH B. TURKAL, 1449
SHAWN S. TURNER, 2875
HANORAH E. TYERWITEK, 1952
JOSEPH S. UCHYTIL, 6179
EDWARD L. USHER, 5491
JAMES D. UTSLER, 5967
DAVID A. VALDEZ, 0828
JAMES D. VALENTINE, 8306
JOSHUA M. VANCE, 1797
CHAD D. VANDENBERG, 6880
MARK R. VANDERBEEK, 3732
TOBIAS K. VANESSELSTYN, 2620
CHAD I. VANSOMEREN, 4887
JAMES A. VAUGHAN, 1452
QUENTIN R. VAUGHN, 4369
ANTONIO E. VELASQUEZ II, 6103
WILLIAM M. VESSEY, 6256
SEAN M. VIEIRA, 6234
ROMAN P. VITKOVITSKY, 0630
JARED C. VONEIDA, 1924
PAT P. VONGSAVANH, 8568
PHILIP E. WAGGONER, 0140
THOMAS O. WAGNER II, 7645
MATTHEW B. WAGNER, 5755
JASON A. WALKER, 5468
WAYNE J. WALTRIP, 4395
THOMAS M. WARREN, 2628
GREGORY WARRINGTON, 6919
ALTON A. WARTHEN, 0761
ANTONIO H. WATERS, 0101
WILLIAM S. WEIS, 5481
ERIC E. WEISS, 2041
VINCENT J. WELCH, 4847
MICHAEL P. WESTHEAD, 4169
TASHA D. WESTINGHOUSE, 7511
JASON L. WHALEN, 0765
EDDIE R. WHEELER, 2982
JODY E. WHITE, 4115
VAN E. WHITE, 2340
DANIEL M. WHITLEY, 5726
VERNON C. WILKENS JR., 8920
DANIEL L. WILLIAMS, 8737
JAMES R. WILLIAMSON, 2842
BRETT M. WILSON, 0730
BRYAN D. WILSON, 9169
TIMOTHY E. WILSON, 5693
LYNN M. WISEHART, 5669
BRIAN E. WOBENSMITH, 2245
DOUGLAS N. WOLFE, 2140
BRIAN P. WOOD, 0487
WADE L. WORKMAN, 4537
RICHARD S. WORTHINGTON JR., 8890
ALEXANDER B. WRIGHT, 5036
NEAL B. WYNN II, 6961
JAMISON YI, 1123
LUKE R. YLITALO, 6266
NEBYOU YONAS, 5901
JEFFERSON T. YOUNG III, 0881
MATTHEW S. YOUNGBLOOD, 9406
AMGAD H. YOUSSEF, 1277
DANIEL R. ZAPPA, 7815
JUSTIN R. ZAPPA, 3022
BRIAN M. ZIEGLER, 4307
DANIEL M. ZONAVETCH, 0627

To be second lieutenant

RICHARD J. ALLAIN, 0637
BRENT J. BOMBACH, 4537
VINCENT H. BRIDGEMAN, 7389
PATRICK B. BYRNE, 4576
ERICK T. CLARK, 3152
LAWRENCE S. DIBBLE, 0304
PHILIP J. DYKEMAN, 2591
BRIAN S. GAHAGAN, 7949
WILLIAM E. GRANT, 0826
STEPHEN S. GRUBBS, 0488
JASON S. GUTTENBERG, 5958
CHARLES E. HAWTHORNE JR., 0681
MARTIN L. HEMBREE, 9710
MATTHEW M. HODGES, 6121
MICHELLE M. HOESING, 3192
MICHAEL M. HOFFMAN, 9432
DANIEL R. HOPKINS, 1305
JOSEPH M. JENNINGS, 8118
STEPHEN A. KINTZLEY, 3796
GARY K. KOON, 7469
ANDREW J. LAWLER, 6941
MATTHEW D. LUNDGREN, 1946
STEAN W. MAAS, 2452
SEAN P. MULLEN, 3179
WILLIAM M. MURPHY, 7724
MATTHEW A. NIELAND, 2295
ERIK V. ORIENT, 5103
WILLIAM F. PELLETIER III, 7718
STEPHEN M. PIRROTTA, 6788
JASON M. RUEDI, 9518
TEDD R. SHIMP, 9876
TODD M. SIEBERT, 9512
KEITH P. TIGHE, 2458

JEFFREY D. WALSH, 8010
EDWARD J. WITKOWSKI, 7777
MICHAEL T. ZIEGLER, 1301

HOUSE OF REPRESENTATIVES—*Tuesday, July 24, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CANTOR).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 24, 2001.

I hereby appoint the Honorable ERIC CANTOR to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue past 9:50 a.m.

The Chair recognizes the gentlewoman from California (Ms. SOLIS) for 5 minutes.

INTRODUCTION OF THE GABRIELENO/TONGVA NATION ACT

Ms. SOLIS. Mr. Speaker, a long time ago the Gabrieleno and Tongva Nation of California occupied the entire LA Basin and the islands of Santa Catalina, San Nicholas and San Clemente, from Topanga Canyon to Laguna Beach, from the San Gabriel Mountains to the sea. It was their land.

The California Gold Rush and railroad expansion assured that their land was taken and today is one of the largest urban centers in the world, but some things have not changed.

According to the Census figures, California's Native American population of over 309,000 became one of the largest in the State of California. Many of these Native Americans populate the area, making it the city with the largest concentration of Gabrieleno Indians. Yet they are not a federally recognized tribe.

It is not because they are not there. They are. They have been there for many centuries. In fact, dating as far back as the 1700s, 1771 to be exact, this Federal Government recognized the Gabrieleno and Tongva Nation.

Back in 1851, the U.S. Government sent Commissioner Barbour to establish a treaty with the Indians of Los Angeles but was suddenly called away, so that effort failed.

Back in 1852, the Superintendent of Indian Affairs, E.F. Beale, noted numerous Indian populations within Los Angeles County.

Numerous scholars and academics have also noted the existence of this nation, namely, Helen Hunt Jackson. In the mid-1880s she noted that the Gabrieleno/Tongva were continuing to live in the San Gabriel area as day laborers.

At the turn of the century, Hart Merriam and J.P. Harrington indicated that there were some groups of the nation living at the Tejon Reservation. It was further noted that one of the tribes represented at the reservation was the Tongva of San Gabriel.

In the early 1900s, the Federal Government allowed nation members, most of whom were one-half Indian blood, to register at the Sherman Indian School in Riverside, California.

The United States purchased land for the nation back in 1913, but by 1928 many nation members were still living in their traditional areas of San Gabriel and identifying themselves as tribal members, as evidenced by the California Indians' Jurisdictional Act.

Since 1928, the nation has participated in lobbying Congress via the Mission Indian Federation and was even a plaintiff in the Indian Claims Commission case.

Therefore, today I stand here to hopefully recognize and formalize this relationship that Commissioner Barbour was sent to treat back in 1851. Over and over again the Gabrieleno Indians have been the victims of bad timing or unfortunate circumstances, but nevertheless they exist today.

The bill federally recognizes the Gabrieleno Indians as a federally recognized tribe that will be eligible for current grants and services awarded to these entities. In a district like mine, this is a very significant and historical piece of legislation. In the 31st District of California, which is where I live and represent many, many constituents who live in poverty, this is no strange thing for us to be here today to recognize this very important tribe.

While Federal recognition would not guarantee necessarily food on their table, it would make this community eligible for housing, education, funds to clean the environment, and healthy care grants that would undoubtedly make their lives better.

It is important to note that this State-recognized tribe is not interested in gaming. In fact, they have turned away large companies that would have paid for their attorneys to fight for this Federal recognition. The tribe wants what is rightfully theirs, the recognition that they are always and have always been original citizens and we should treat them as such.

I ask my congressional colleagues here today to join me in providing Federal recognition of the Gabrieleno/Tongva Indians.

Mr. Speaker, I yield back the balance of my time.

PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, waiting on the horizon of this legislative week is the debate over the Patients' Bill of Rights. There has been much heat about this subject but very little light.

As Dr. Daniel Johnson memorably wrote in the July issue of the Wall Street Journal, "The debate over the patients' bill of rights is predictable. The Democrats favor more regulation. The Republicans favor less regulation. The insurers are holding on to their wallets, and trial lawyers smell blood."

Mr. Speaker, Dr. Johnson went on to write, "Now that the Senate has passed its bill, we can expect another bloody clash in the House, but beyond today's battle lies the possibility of a system that will make life easier for all concerned, not only employers and insurers but patients and physicians."

It is, Mr. Speaker, seizing on that opportunity that I rise in this Chamber today.

I came to Congress earlier this year anxious to support a Patients' Bill of Rights. The one that has captured my imagination and the one that I believe should capture the majority in the House of Representatives is that offered by my friend and colleague, a physician and the gentleman from the State of Kentucky, (Mr. FLETCHER).

The Fletcher bill offers three key factors that I believe the people of East Central Indiana need in a Patients' Bill of Rights. First, the Fletcher bill expands access to medical savings accounts so that more Americans can

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

save money to pay for health care. This provision, Mr. Speaker, will drastically reduce the ranks of the uninsured in our country and will give patients more control over their health care decisions.

Secondly, the Fletcher bill holds the right people responsible when patients are denied care or receive poor care. If an insurer or health plan makes a decision that harms a patient, the plan or the insurer will be held accountable in Federal and in State courts.

Finally, the Fletcher bill provides increased access to health insurance through associated health plans, allowing small businesses to join together to purchase health insurance. This will permit them to receive the same benefits of uniform regulation, economies of scale and administrative efficiency that large companies currently enjoy.

As I said, Mr. Speaker, there has been and likely this week will continue to be a great deal of heat and just a little bit of light in the debate over a Patients' Bill of Rights. But I rise today to urge my colleagues to strongly support the Fletcher legislation, a Patients' Bill of Rights that will protect not only patients and physicians but also our employer-based health insurance system in America.

Mr. Speaker, I yield back the balance of my time.

ORDNANCE AND EXPLOSIVE RISK MANAGEMENT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, for over two centuries the United States has been the stage for military action in training, beginning with the Revolutionary War. As a result, bombs and shells that did not go off as intended litter the countryside. Unexploded ordnance is an issue that deserves great attention and priority by this Congress.

It is difficult to find a congressional district across America that does not have a problem with unexploded ordnance. Well over 1,000 sites are known or suspected to be contaminated. They range from extremely remote areas in Alaska to dense urban environments such as Spring Valley here in Washington, DC, adjacent to the American University campus where the gentlewoman from Washington, D.C. (Ms. NORTON) and I led a tour this spring.

The number of acres within the United States contaminated with UXO is estimated at 20 million acres to perhaps 50 million acres or more. One of the most unsettling facts is that there is no accurate estimate. Even so, we know the price tag for cleaning this problem up is huge. According to the General Accounting Office in a report earlier this year, the Department of Defense estimates that its liability may be $100 billion or more just for cleaning up training ranges.

Today, the gentleman from Alabama (Mr. RILEY) and I are introducing the Ordnance and Explosive Risk Management Act to help the Department of Defense do its job. The bill would establish a single point of contact for policy and budgeting regarding former military ranges and other sites around the country. It puts someone in charge by establishing a program manager for UXO who is directly accountable to the Secretary of the Army.

It requires an inventory of explosive risk sites at former military ranges. This provision requires the Department of Defense to complete and annually update an inventory it started as part of an earlier process and establishes criteria for site prioritization among these many sites that need our attention.

The bill protects the public with the requirement of enhanced security measures at former military ranges and public awareness efforts regarding the dangers associated with these sites. It requires the Department of Defense to develop education and site security plans for former ranges in cooperation with property owners and other agencies.

The broad interest in Congress has helped us shape this bill. The gentleman from California (Mr. FARR), who has been working with the Fort Ord cleanup for years, understands and has urged the provision in our bill that creates the separate Department of Defense account for the removal and cleanup. Because it is so fundamentally different, this provision enables everybody who cares to be able to follow the issue.

One of the most important elements of our bill is a result of the experience of the gentleman from Alabama (Mr. RILEY) in dealing with the chemical demilitarization program. He feels strongly, and I agree, that it is important to have an independent panel to be able to look at the problems associated with cleaning up these contaminated sites. This advisory and review panel will include the National Academy of Science, nongovernmental organizations, the U.S. Environmental Protection Agency and representatives of the States. They will report annually to Congress on the progress made by the Department of Defense and make further recommendations for program improvements.

I appreciate the contributions of people like the gentleman from California (Mr. FARR) and the gentleman from Alabama (Mr. RILEY). This is a problem that is not going away. At least 65 people have been killed as a result of accidents from this military waste. Recently, American University just filed a lawsuit against the United States for almost $100 million because of problems related to the contamination of that campus when it was used as a site for the development and testing of chemical weapons during World War I and still has not been cleaned up thoroughly.

We have a responsibility in Congress to address this issue. I strongly urge my colleagues to join me in co-sponsoring this legislation, along with the gentleman from Alabama (Mr. RILEY), and make sure that this Congress is not missing in action when it comes to dealing with the consequences of environmental military contamination.

THE REAL PATIENTS' BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, let me say this morning as I did last evening that I am very hopeful that the Republican leadership will bring up HMO reform this week. We are hearing this perhaps Thursday or maybe Friday.

My greatest fear is that the true HMO reform, the real Patients' Bill of Rights, the Dingell-Ganske-Norwood bill, will not have an opportunity for a clean vote.

What we are hearing is that the President is coming back from Europe today. He is going to make one final effort to try to convince my Republican colleagues who voted for the Dingell-Norwood-Ganske bill in the last session to come off that bill and to vote for what I consider a very weak alternative sponsored by the gentleman from Kentucky (Mr. FLETCHER), one of my Republican colleagues.

Let me stress again that there is a real difference between the Patients' Bill of Rights that almost all Democrats and a significant number of Republicans support that we voted on 2 years ago and would make the real reforms that are necessary to correct the problems and the abuses of HMOs, as opposed to this alternative bill that the Republican leadership is putting up sponsored by the gentleman from Kentucky (Mr. FLETCHER), which is a lot weaker and does not really achieve HMO reform.

Let me explain that a little bit. The two main focuses of HMO reform, one is to make sure that decisions about what kind of care you get, what kind of medical care you get, whether you are able to have a particular medical procedure, whether or not you are able to stay in the hospital for a certain length of time, these kinds of medical decisions should be made by the physician and the patient, not by the HMO, not by the insurance company. We need to switch that around.

Right now, unfortunately, many Americans are denied the care that they really need that is medically necessary because the HMO is not willing to pay or denies the care.

The second point that we are trying to achieve with true HMO reform is to make sure that if your care has been denied, if your doctor says that you need an operation and the HMO says we are not going to pay for it, that you have a way to redress that grievance, which is that you can go to an external review board quickly that can overturn that decision that can make sure that you get the procedure or operation; or, ultimately, if that does not work, that you can go to court.

The problem is that the Fletcher bill, the bill that the Republican leadership wants to bring up and supports, really does not guarantee those two points, does not achieve what is necessary for HMO reform in those two major areas. Let me explain why.

The decision about what is medically necessary, about whether or not you are going to be able to get a particular type of treatment, well, unfortunately, the standard of review for what is medically necessary in the Fletcher bill is a lot weaker. It allows for the HMO to use all the kinds of bureaucratic tricks to make sure that they still control the process or the standard as to what kind of care that you get.

The Dingell-Ganske-Norwood bill, the real Patients' Bill of Rights, guarantees that that standard of review is one that is the normal practice by medical practitioners, by doctors in your community, and also with regard to specialty care.

For example, if you need a cardiological procedure, if it is a child and a pediatrician has to come into play, that that specialty care, the standard of review of what is medically necessary is made by the physicians by the standard in the medical community, by the standard in that specialty care community. You do not have that guarantee under the Fletcher bill.

On the second point, which is that if you are denied the care that you have the ability quickly to overturn that decision. Once again, the Fletcher bill falls short. It does not have the guarantee that we have in the real Patients' Bill of Rights that says that you have to be able to act quickly. That if you need an operation and you are being denied or you are in an emergency room and you are being denied something, that you can quickly go to an outside review board and have that overturned.

There are so many procedural roadblocks to your ability to overturn the decision in the Fletcher bill that you really do not have the ability to effectively address your grievances and to overturn that denial of care.

Mr. Speaker, I do not want anybody to be confused about what is going on here. What is going on here is that, once again, the Republican leadership is trying to deny the majority, most Democrats and enough Republicans that make up the majority for the real Patients' Bill of Rights, the opportunity to have a vote, a clean vote on that bill. That is what we want. That is what we demand. That is what we hope the Committee on Rules will achieve when we vote on this bill later this week. My greatest fear is we will not have this that clean vote, and I would ask that that be accomplished.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 20 minutes a.m.) the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CANTOR) at 10 a.m.

PRAYER

The Reverend Timothy N. Armstrong, Crossroads Community Church, Mansfield, Ohio, offered the following prayer:

Gracious God and Heavenly Father, we come to You this day, conscious of our own shortcomings, but nevertheless with great confidence, knowing that our trust in You is a faith well founded.

You alone understand the difficulties and hardships of these men and women who serve You and our country. You alone understand the weight of responsibilities, both personal and professional, which they must carry. You alone know of the private sacrifices which Your servants have bore in their pursuit of patriotism.

I ask that You bless them. Watch over them and their families. Strengthen them with courage and peace. May they be endowed, above all things, with Your sovereign grace and wisdom.

On this day, at every chair in this Chamber, may there be the whisper of Your wisdom. May these men and women hear Your still small voice and follow Your guidance for the good of all people.

Empower these representatives to be the relentless crusaders for righteousness in the lives of the people of our Nation. For whatever is true, whatever is noble, whatever is right, whatever is pure, whatever is lovely, whatever is admirable, whatever is excellent and praiseworthy, may they be passionate about these things.

We ask this in the strong name of Jesus Christ, for His sake and for His glory alone. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. ISRAEL) come forward and lead the House in the Pledge of Allegiance.

Mr. ISRAEL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING PASTOR TIMOTHY N. ARMSTRONG, CROSSROADS COMMUNITY CHURCH, MANSFIELD, OHIO

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, it is my privilege today to welcome one of my constituents as our guest chaplain, Pastor Timothy N. Armstrong of Mansfield, Ohio.

Pastor Armstrong is the founding and senior pastor of Mansfield's Crossroads Community Church. He started this interdenominational, independent evangelical church in a school gymnasium in 1996. With only 30 people in attendance initially, the church swelled to 200 within a month. Today, after less than 5 years, Crossroads welcomes more than 1,700 people per weekend.

Pastor Armstrong is an inspiration to the Mansfield community, bringing a unique and meaningful preaching style to his congregation. Through practical application of the Bible's truths to everyday living, he reaches out to the unchurched in and around Mansfield in a most effective way.

A graduate of Dallas Theological Seminary, Pastor Armstrong initially pursued a business degree in college, ultimately realizing his calling to the ministry. He and his wife, Michelle, are the proud parents of twin girls, McKenna Kate and Isabelle Grace.

Mr. Speaker, I want to thank Father Coughlin for giving Pastor Armstrong the opportunity to open today's session; and on behalf of my colleagues, I want to thank Pastor Armstrong for his spiritual guidance as we begin our work today.

REFLECTING ON OUR FALLEN FRIENDS

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. DELAY. Mr. Speaker, 3 years ago have now passed since the hot, sad day that an act of senseless violence took our friends, Detective John Gibson and Officer J.J. Chestnut, from us. The tragic shock of their loss is gradually receding and the weight of their absence is settling on us more deeply. It weighs on us because of the special men that they were.

And when we reflect back on our lost friends, their bearing, conduct and commitment reminds us of David's words to Solomon. He said, "Be strong and courageous, and do the work. Do not be afraid nor discouraged, for the Lord God, my God, is with you."

As we know, David charged his son Solomon to build a great temple for the Lord. Officer Chestnut and Detective Gibson were the protectors of a great tradition: open and accessible democracy.

Our fallen fellows and friends served their country and the cause of freedom in the United States Capitol, a building that stands as the world's foremost temple of liberty. But the Capitol could never have been built without an older American tradition of sacrifice and defense of the core freedoms that support our society. No less than other heroes who fell far from American soil, J.J. Chestnut and John Gibson are a part of that noble group.

Three years ago, hundreds of people were in grave danger. And as they operated under dire circumstances, Officer Chestnut and Detective Gibson stood tall for all of us. When America needed them to be courageous and strong, they were. And I know that they are with the Lord now.

They have our deepest respect and our deepest gratitude. We will never forget them or the values that they embodied. Today our hearts and prayers go out to the Chestnut and Gibson families. God bless them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

On July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. today, the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

SOCIAL SECURITY SYSTEM IS SECURE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, this is a $5 billion Treasury Note. More than $1 trillion of these are on deposit. Let me read from it: "This bond is incontestable in the hands of the Federal Old Age and Survivors Insurance Trust Fund," Social Security. This bond is supported by the full faith and credit of the United States of America. The United States of America is pledged to the payment of the bond with respect to both principal and interest. More than $1 trillion is on deposit.

Americans will pay $93 billion this year more in FICA taxes than is necessary to support the system, with the idea they are being deposited to pay for their retirement. In 2016, there will be $6 trillion on deposit, and Secretary O'Neill of the Treasury and the Bush Privatization of Social Security Commission is downtown right now like a hive of termites trying to undermine the system and say we might not honor that $6 trillion of debt.

Well, if the bonds on deposit backed by the full faith and credit of the United States of America will not be paid for Social Security, what other debts will this government default on?

ECONOMIC OPPORTUNITY IN THE 21ST CENTURY

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I want to go on record as saying I, for one, do not believe that former Senator Moynihan is a termite.

Mr. Speaker, I am worried about the left wing of the Democrat party. Mr. Speaker, I think they are losing it. In all corners of the Washington liberal establishment, there is panic. War has been declared on the people's tax relief. Just as the checks are in the mail, dire predictions and horrifying stories are being told about a government doing without, catastrophe for the economy, all because we sent a small portion of record surpluses back to the taxpayers who sent their money to Washington.

Good grief, Mr. Speaker. What are we to do with this kind of panic on the left?

Over the weekend, they put their foot down. A very distinguished Member of this body announced with pride his belief that the tax increases of 1993 were the right thing to do and that he would do it again.

Mr. Speaker, in a fine bit of revisionist history, the Democrat leadership has proclaimed that 1993 budget, Bill Clinton's first budget, as a huge boon to the American economy and the American people.

Let me say this about that budget. It did do three very important things: it did raise taxes on energy; it did raise taxes on seniors; and it raised taxes on the working middle class, that is, Mr. Speaker, working moms trying to move up the economic ladder. And this Member said he would do it again. I give him credit for brutal honesty, that is, it is honest and it is brutal.

What a view of the world. What a denial of basic economics.

Tax relief is good for the American economy, good for American families. The refund checks being delivered today to American homes even as we meet will help buy school clothes, help pay bills, maybe even help with home improvement projects to make a house more energy efficient.

Mr. Speaker, I call on my friends from the other side of the aisle, reject this view that the Government needs this money more than real people do. Come out into the light. Reject this war on tax relief and embrace the sunshine of economic opportunity for the 20th century. Try it once. Try it once. Cut taxes for real people; and I bet you will feel so good you will say, I will do it again.

SUPPORT THE GANSKE-NORWOOD-DINGELL PATIENTS' BILL OF RIGHTS

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, I have always been a strong advocate of the Patients' Bill of Rights and am proud to be part of cosponsorship of the Ganske-Norwood-Dingell bill, which is the bill that we will be debating this week, and no other bill.

There are protections within the Patients' Bill of Rights. The Patients' Bill of Rights creates an external appeals process that, once exhausted, allows the patient to pursue claims against the HMO in State or Federal court, depending on the cause of their harm.

What is getting those opposed to patient protection all hot under the collar? Because opponents do not want hard-working Americans to have access to their State courts when HMOs deny them proper health care. This hypocrisy escapes no one. No one is paying attention to the fact that the great defenders of "States' rights" in this Chamber are the ones opposed to allowing Americans access to State courts.

And why is it? Because they are afraid. They are afraid to let juries and State courts make decisions about what an HMO owes a patient who has been harmed as a result of the HMO's heartless, bottom-line-driven cost-cutting.

ALLOWING HANNAH TO LIVE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, right now the White House is trying to decide whether or not to allow scientists to kill living human embryos to harvest their stem cells. The debate, of course, is over whether or not living human embryos are people or property. If they are property, you can do anything you want with them. If they are people, they deserve protection.

Take a look at this chart of the life of Hannah, a 2½-year-old girl who was adopted as a frozen embryo. Here shortly after she was conceived; here when she was adopted and then implanted into her mother's, adoptive mother's womb; here on New Year's Eve, 1998, when she was born; and over here on the right you can see when she was a toddler, a baby.

□ 1015

Where on this chart did Hannah become a person? Where on this chart does she deserve protection?

Many of us believe that she deserves the right to protection, that she deserves to continue to live from the start. We hope the White House will make sure that all unborn girls and boys have the same chance to live and grow.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 16. Concurrent resolution expressing the sense of Congress that the George Washington letter to Touro Synagogue in Newport, Rhode Island, which is on display at the B'nai B'rith Klutznick National Jewish Museum in Washington, D.C., is one of the most significant early statements buttressing the nascent American constitutional guarantee of religious freedom.

The message also announced that pursuant to section 2761 of title 22, United States Code, as amended, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the Senator from Vermont (Mr. LEAHY) as Chairman of the Senate Delegation to the British-American Interparliamentary Group during the One Hundred Seventh Congress.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Delaware (Mr. BIDEN) as Chairman of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the One Hundred Seventh Congress.

FBI GETTING AWAY WITH PERJURY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, the FBI did not steal guns nor computers? Beam me up. The FBI destroyed incriminating evidence that would have whacked the FBI right out of the box. Even Chief Inspector Clouseau can smell out this diversion. From Waco to Ruby Ridge to Boston, the FBI has not only suborned perjury, they have lied to the courts, they have lied to Congress, they have lied to the American people, and they are getting away with it.

Mr. Speaker, I yield back the fact that the FBI destroyed evidence deliberately. They had no intention and no need to take any guns or any computers.

WALK FOR HOPE AGAINST BREAST CANCER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on Sunday, October 7, hundreds of south Florida residents will participate in the third annual Walk for Hope Against Breast Cancer at Aventura Mall. Walk For Hope Against Breast Cancer will help raise funds for lifesaving research at the City of Hope Medical Center and at Beckman Research Institute, a National Cancer Institute Designated Comprehensive Cancer Center.

Despite education on preventative measures and on early detection, the rate of cancer among women has continued to increase at an alarming rate. Current statistics indicate that 2.6 million women have breast cancer. Today, one in eight women will be diagnosed with breast cancer, and this year we will lose more than 40,000 women to this devastating disease.

Mr. Speaker, I congratulate the event cochairs of the walk, Michael Yavner and Mason Mishcon who, through their efforts, will enable City of Hope Medical Center to continue to provide care, regardless of a patient's ability to pay. Funds from this walk at Aventura Mall will also benefit clinical trials and hereditary and genetic-associated research.

I congratulate City of Hope and all involved in Walk for Hope for their dedication to fighting breast cancer.

KOREAN WAR MIA'S SUPPORT INTERNET-BASED INITIATIVE CALLED FINDING THE FAMILIES

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Mr. Speaker, we recently celebrated the 51st anniversary of the beginning of the Korean War, and among those that we honored were the 6,000 soldiers in that war who were designated as Missing In Action.

The cooling of tensions on the Korean Peninsula have allowed an unprecedented opportunity for the repatriation of the remains of those lost servicemen. At the same time, recent advances in DNA technology have made it possible to identify those remains once a DNA sample is obtained from a living descendent.

An organization called the Korean War Project has set up an Internet-based initiative called Finding the Families to locate the 6,000 families of servicemen missing in action from the Korean War. I have placed a link on my government Web site to their homepage so that the citizens of my district can search the directory of missing soldiers from their area in an attempt to find a living descendant who can provide a DNA sampling. I urge my colleagues to provide matching support in tracking down those missing families by providing similar links on their own Web sites, in addition to generating more public awareness of this important issue.

Mr. Speaker, our missing heroes deserve more than just our passive pledge not to forget, they deserve our active support. Supporting the Finding Families program is a way to do just that.

KEEPING PROMISES TO AMERICA'S PATIENTS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Napoleon Bonaparte once said that "if you wanted to be a success in the world, promise everything, deliver nothing." But we all know how successful Napoleon fared.

Yet, the supporters of the Ganske-Dingell Patients' Bill of Rights and its Senate equivalent seem to have forgotten the lessons of Napoleon Bonaparte. They are promising American families new patient protections and rights to health care. But, like Napoleon, they are promising everything and delivering nothing.

The unlimited liability in their "lawyer's right to sue" bill will result in over 6 million Americans losing their health care insurance. What type of patient protection is that? Rather than doctors taking care of their health needs, Americans will be finding trial lawyers taking them to the cleaners.

Americans deserve to get the health care they need and when they need it, a real promise we can keep and must deliver.

Mr. Speaker, I encourage all of my colleagues to support a real Patients' Bill of Rights, the bipartisan Fletcher-Peterson Patients' Bill of Rights.

DEMAND THE RELEASE OF GAO ZHAN FROM CHINA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, after a 1-day trial, China convicts a U.S.-based scholar of spying. Let me tell my colleagues who that is. Gao Zhan lives in this area. She is a mother, she is a wife, she is a researcher at the American University. She went to China to simply visit her relatives. She has a 5-year-old son that is a citizen. She has a husband that is a citizen of the United States. They would not allow the United States to sit in her trial and observe.

Gao Zhan needs to be released now. China needs to come into the world arena of friendship and understanding of human rights.

Secretary Colin Powell must demand her release, and we must pass a private bill in this Congress to make sure that Gao Zhan is a citizen of the United States. I have filed such a bill. There is a bill filed in the United States Senate. This bill must be brought forward, and we must demand that China understands that academics is not synonymous to spying. It is unfair. It is a tragedy. Unite this mother with her child; unite this wife with her husband. Unite this legal resident of the United States with her community. Demand Gao Zhan's release now.

SUPPORT A REAL PATIENTS' BILL OF RIGHTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, a CNN/USA Today/Gallup poll released last week shows that most Americans would oppose the McCain-Kennedy trial lawyers' bill because they know it would increase health costs. When asked point-blank if they are more concerned about suing HMOs or lawsuits driving up their health insurance costs, the majority of Americans said they feared the prospect of skyrocketing costs caused by lawsuits.

This is yet more proof that Americans want a Patients' Bill of Rights that ensures they get the care they need from a doctor they know. Americans want, need and deserve health care reform, not a trial lawyers' bill that would drive people into the ranks of the uninsured.

In short, I am with the American people who favor the responsible health care reform principles of the Fletcher-Peterson Patients' Bill of Rights. Under this bill, more Americans will be insured.

TRIBUTE TO FALLEN OFFICERS J.J. CHESTNUT AND JOHN GIBSON

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise first to thank the Speaker of the House and the majority whip and all of the Members of the House who today, with one voice, rise on this floor to pay tribute to the brave, courageous heroes who gave their lives so that others could live: Officers Gibson and Chestnut. I rise today in sorrow at the loss that occurred here in the people's House 3 years ago today.

In the aftermath of this event, as we gathered around the families of both officers Gibson and Chestnut, we voted never to forget their acts of bravery and to memorialize what they did for us and their country on that day.

Officers Gibson and Chestnut literally saved the lives of countless Members of Congress, our staffs, and countless visitors who pass through our halls every day to visit this shrine to our American democracy. We owe them a gratitude for which words alone do no justice.

These two men, strong and decent, rank in the legion of honor of those who died so that freedom may live in the everyday lives of all Americans. They remind us that all of the officers who work in this building are real heroes of our democracy; they are guardians of our way of life. They are the men and women who face danger every day, and who are pledged to protect this citadel of freedom so that the people's business can be conducted, and so that people can visit this site of our government and take part in our democracy.

Mr. Speaker, let me say that I have the honor of being served by two similar plain-clothes officers, and I want to again, as I did 3 years ago, take this opportunity to thank them and all of their colleagues who protect this building and all of us on a daily basis. We will never forget the sacrifice of these two officers. We will always cherish them and their families, and we will never forget that they died so that others could live and be free.

ANWR TECHNOLOGY III

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, opponents of ANWR often hold up a picture of big, grimy, old oil rigs; and they ask this question: Do we want one of these on our precious wildlife refuges? Of course not, but that is the wrong question. The question should be: Can modern technology allow us to drill in the Arctic with absolutely no impact on the wildlife or plant life there? The answer is a resounding yes.

Cutting-edge technology, like horizontal drilling, allows us to reach oil 4 miles away from a surface location. Thirty years ago, it took a 65-acre drill site to slant drill only 3 square miles. Today, a 16-acre drill site can now drill 50 square miles of subsurface. That means that today we can drill 15 times further on a drill site one-fifth the size of what we used when we started developing oil in the Arctic.

We no longer build gravel roads in for oil development there. Instead, companies build ice roads that melt away with spring, leaving no hint that they were ever there. Let us use this amazing technology to help stabilize gasoline prices and make this country more self-reliant.

SOCIAL SECURITY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, instead of strengthening Social Security, the President has used the surplus for tax cuts that overwhelmingly benefit the wealthiest Americans. The President's Commission on Social Security has issued a report that tries to scare the public into thinking that sacrificing their guaranteed income is the only solution.

Social Security has allowed generations of retirees to live with independence and dignity, and in more than 60 years Social Security has never once missed a paycheck. Unfortunately, the President wants to privatize Social Security, a proposal that removes a promise that Social Security will be there. Under privatization, funds in the Social Security Trust Fund would be diverted into the stock market, subject to an unpredictable outcome.

Contrary to the report's claims, women and minorities do not do better under privatization. Because women and minorities tend to earn less during their lifetimes, they have less money to invest and accrue for retirement. Social Security guarantees that they will have a secure pension that grows with inflation. Privatization erases that guarantee and replaces it with a fixed, limited income.

Social Security's financial challenges are manageable. They do not warrant the President's radical restructuring. We need measures to preserve and strengthen Social Security, not rescind its guarantee.

□ 1030

TRIBUTE TO RON UNDERWOOD, UNITED STATES PROBATION OFFICER

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, Mr. Ron Underwood will conclude 23 years of distinguished service to the Federal judiciary as a U.S. Probation Officer on August 31 of this year.

He grew up in Charlotte, North Carolina and earned a Bachelor of Arts degree from UNCC and a Master's from North Carolina State. He put his education on hold while he went to serve his country in the U.S. Air Force from 1967 until 1971. He began his career as a U.S. Probation Officer on November 6 of 1978. As an officer, he showed great concern for his community and also compassion for the criminal offenders with which he dealt.

Throughout his military service, employment as a U.S. Probation Officer, family and civic responsibilities, Ron has been a model of integrity, hard work and professionalism. His service to his country has been outstanding and deserving of thanks by all of us in Congress.

THE FLETCHER BILL, THE BEST HEALTH CARE PLAN FOR AFFORDABILITY AND ACCESSIBILITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, one of the goals that I wanted to accomplish as a Member of Congress is to help make health care more affordable and more accessible.

This week we have a choice between two bills. One of them is the Dingell-Norwood-Ganske bill. That bill seems to be an inner baseball game, intramural game between the affluent trial lawyers, the affluent medical community and the affluent insurance companies on who can sue who. As a result, health care costs, of course, are sure to rise.

On the other hand, we have the Fletcher bill that, unlike the other bill, addresses the issues of affordability and accessibility. It offers a Medical Savings Account so that the insured individual will become responsible and have an incentive to save money on his or her health care. That is one element, a key element, that is missing in our health care delivery service today.

It also helps the uninsured. That brickmason back home who has two or three people on his crew, right now he is priced out of health care. Under the Fletcher bill, there will be more competition and more opportunity for him to buy health care.

I urge my colleagues to vote for the Fletcher health care bill for affordability and accessibility.

THE PRESIDENT'S ENERGY POLICY WILL STEER AMERICA SAFELY THROUGH ENERGY CRISIS

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, America needs more energy. The West needs more electricity. The East will need heating oil this winter, just like it did last year. The entire Nation needs more natural gas.

We saw natural gas prices quadruple last winter. We saw seniors and low-income families struggling to heat their homes and still afford groceries. It is likely to happen again this year.

We must conserve energy. Conservation efforts have already made a big difference. They are part of the reason gasoline prices have been dropping.

Yes, we must rely more heavily on clean, renewable fuels. Yes, we must build our energy future around emerging technologies. Yes, we must produce more energy. We must produce more oil. We must produce more natural gas. Our cars still run on gasoline, and many of our homes are heated with natural gas and heating oil. Virtually all of the new generating plants built in the last 10 years in this country use natural gas.

Next week, the House will consider a comprehensive package that does all of this. The bill implements the President's natural energy policy. It creates a blueprint for steering us safely through the energy challenges we face now and the energy challenges we will face this winter and next summer.

There is only one sure way to prevent spikes in energy prices that hurt us all: ample supply.

URGING THE PRESIDENT TO TAKE MEANINGFUL ACTION ON GLOBAL WARMING

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, 2 weeks ago I was at the Arctic Wildlife Refuge, where the Bush administration wants to drill for oil.

While we will be debating whether to change that precious intact ecosystem, I wanted to advise Members that we are already changing the Arctic Wildlife Refuge. The reason we are changing it is that we are already causing global climate change, global warming.

What I found at the Arctic ocean is that the ice pack in the Arctic Ocean is shrinking significantly, almost a 50 percent reduction in depth, a 10 percent reduction in coverage.

I went to Denali National Park. The rangers told me that the tree line is moving north already due to global climate change. We are already changing the Arctic.

When the world met in Bonn 2 days ago to try to do something about it, the Bush administration sent the United States to the bench and did absolutely nothing. We as a leader in democracy abdicated, due to the Bush administration's ostrich like-proposals to do anything about global climate change.

I am urging the Bush administration to act, to lead the country and lead the world to do something meaningful about climate change so we do not destroy the world.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mr. CANTOR). Pursuant to House Resolution 199 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2506.

□ 1035

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 19, 2001, the bill had been read through page 1, line 6.

The Clerk will read.

The Clerk read as follows:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $753,323,000 to remain available until September 30, 2005: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2020 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2002, 2003, 2004, and 2005: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

AMENDMENT NO. 60 OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 60 offered by Mr. VISCLOSKY:

In title I, in the item relating to "SUBSIDY APPROPRIATION", after the aggregate dollar amount, insert "(reduced by $15,000,000)".

In title I, in the item relating to "ADMINISTRATIVE EXPENSES", after the aggregate dollar amount, insert "(reduced by $3,000,000)".

In title II, in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND"—

(1) after the aggregate dollar amount, insert "(increased by $18,000,000)"; and

(2) in the 4th proviso—

(A) after the dollar amount allocated for vulnerable children, insert "(increased by $5,000,000)"; and

(B) after the dollar amount allocated for HIV/AIDS, insert "(increased by $13,000,000)".

Mr. VISCLOSKY. Mr. Chairman, what does the amendment that I and the gentleman from West Virginia (Mr. MOLLOHAN) are offering do today? Our amendment will cut $3 million from the Ex-Im Bank's administrative expenses and $15 million for the Bank's subsidy appropriations.

I would, first of all, point out to all of my colleagues that the remaining subsidies and dollars in this bill for the Ex-Im Bank would still be $100 million more than the President of the United States requested in his budget this year. So even given the cut that the gentleman from West Virginia (Mr. MOLLOHAN) and I seek, we will be over the President's request by $100 million.

It is my understanding that with the change in how we will score for loan subsidies, that the range estimated to be provided under this bill will be between $12 and $12.5 billion compared to about $10.5 this year.

Why are we offering this amendment? We are offering this amendment because last year, over the objections of the administration and many Members of this House, the Ex-Im Bank approved an $18 million loan guarantee to Benxi Iron and Steel in China.

This loan increases Benxi's hot roll steel capacity by 11.5 million metric tons at a time when the world capacity is in excess of 280 million tons. Benxi Steel is currently involved in an antidumping case before the International Trade Commission because the Department of Commerce has already found that Benxi has dumped steel, and their margin of dumping on hot roll carbon steel dumping is 67.44 percent. This is also the highest margin found by the Commerce Department of six Chinese companies currently being investigated.

The American Iron and Steel Institute in April of last year wrote to the Ex-Im Bank and explained that China is increasing its government subsidies to steel in preparation for that country's entry into the WTO.

What is the consequence of this loan guarantee? This is a bad loan, and it has put American citizens out of work. Since 1998, 23,000 steel workers have lost their jobs. We now have 19 steel companies that are in bankruptcy, interestingly enough, one of whom declared bankruptcy last Monday when the Ex-Im Bank said they should revise some of their rules as to how these loan guarantees are made.

Within those companies, 42,556 Americans are now in jeopardy. Over 21 percent of all the steel capacity in the United States today is in bankruptcy; and, again, I emphasize there is already a 280-million ton excess capacity on the world market; and the Ex-Im Bank completely ignored that.

The industry has done everything possible to help itself. They have modernized. They have invested billions of dollars. They have closed 30 million tons of steel in the United States of America.

Hot roll products today sell for less than they did 20 years ago. Where are these employees and these bankrupt companies? They are in States like New York, Georgia, Connecticut, Alabama, Missouri, South Carolina, Minnesota, Arizona, Ohio, Indiana, Illinois, Pennsylvania, Michigan, Tennessee, Georgia, West Virginia, Texas, Utah, and now the State of California.

I find it interesting that Monday of last week, the week when people assumed this amendment would be debated in the House of Representatives, the President of the Ex-Im Bank proposed that they would sharpen their criteria in consideration of loans such as this. The President of the Bank said that they should apply to all products where there could be conceivable oversupply with the potential of harming domestic industry. What a terrific coincidence.

The gentleman from West Virginia (Mr. MOLLOHAN) and I and others are offering an amendment today. Last Monday, the Ex-Im Bank found religion. The fact is, under their rules and under their policy handbook, they do not have to change the rules. The rules say they never should have made that loan guarantee in the first place, and they ignored their own handbook.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, it seems to me that the gentleman has accomplished his mission here. He has gotten them, the Ex-Im Bank, to take seriously his point of view here on this particular matter.

It seems to me that to punish the Ex-Im Bank, this is what the gentleman would be doing, and they would be punishing the exporters of this country, many of which are small businesses who are struggling to stay in business, and take $3 million of their funds, which are for salaries.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, the gentleman's argument is based on if we could count on the Ex-Im Bank to be serious about their reviews.

In February 9 of 2001, they wrote a letter to me saying that in 1999, the Ex-Im Bank amended its economic impact procedures to make them more restrictive in order to minimize any potential negative impacts on companies.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. VISCLOSKY) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. VISCLOSKY was allowed to proceed for 2 additional minutes.)

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Then they granted this loan guarantee. Then they came out and said, "Another review of this policy has already been planned to begin shortly."

We are waiting forever for the Ex-Im Bank to review its plans not to hurt American manufacturers as they finance this overcapacity around the world.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman is an experienced legislator here. Obviously, if he is going to change the law, he has to change the substantive law here.

This is an appropriations bill, where we are trying to provide money to run the agency. What the gentleman needs to do is amend the legislation.

Mr. VISCLOSKY. Mr. Chairman, I have to reclaim my time.

I would simply respond to the gentleman that we want to drive home the point, because it is not a coincidence that the Ex-Im Bank found religion on Monday of last week. The fact is, and it is not a coincidence, that today and yesterday and last year the Ex-Im Bank, under their policy handbook and under the law, were prohibited from making a loan like that.

It is a fact that the Secretary of Commerce wrote to the Ex-Im Bank and said, "Do not make this loan. You have 280 million excess tons. You have lost 23,000 jobs in this country. You have 18 companies in bankruptcy, and another one went over the cliff last Monday."

They do not listen. The only thing they are going to understand is this entire House today voting to cut the recommendation that is contained in this bill, which I again would emphasize would leave the Ex-Im Bank at $100 million more than the President of the United States asked for in his budget request.

I would implore my colleagues to vote for the Mollohan-Visclosky amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

Mr. Chairman, I do rise in opposition to this. I think, as the gentleman from Washington explained very well, this is an attempt to try to take a baseball bat and hit Ex-Im Bank over the head. I understand. We do that a lot around here. But it does not get at the substance of it. It does not really get at the issue that the gentleman from Indiana and the gentleman from West Virginia really want to address, because of course it does not deal with a specific loan to a specific entity at all.

As the gentleman from Indiana has explained, it would take $18 million from the Export-Import Bank and transfer it to some other very worthy programs, like HIV/AIDS. It does so in the exact same amount as the Bank lent to the Benxi Iron and Steel Company in China.

Let me just address for a moment what the impact of this amendment would be on the work that the Ex-Im Bank does.

□ 1045

First of all, it needs to be noted that while the gentleman from Indiana referred to this as being still well above what the President had requested, this is the area that has taken the biggest decrease from last year in terms of what the President requested.

The President asked for a 25 percent cut to the Ex-Im Bank, $229 million less than the 2001 level of $927 million. We provided for $118 million more than that, but it is still $107 million less than last year. So there is no question that this amendment will significantly cut in to the work that the Ex-Im Bank does.

Fewer funds are in the Ex-Im Bank in their subsidy program this year, because if there are fewer funds, it relates directly to a lower volume of bank export financing. In fact, we cannot translate this and say this is $18 million, because the fact is this would result directly in $275 million less in Ex-Im Bank loan guarantees for next year. That is the result of taking this amount of money, $18 million of guarantees out, and what it translates into in terms of the impact on the Export-Import Bank.

We already have exporters in this country that are hurting because of the very strong dollar. A strong dollar is good for us, good for the economy, but it really hurts when it comes to our exporters, and we are hurt in that area. Alan Greenspan just last week testified in the Senate that the U.S. economy still faces a number of weaknesses. The capital spending is lagging, and unequivocally this demonstrates the pain we are feeling in today's economy. So this is not the time to be cutting one of the few tools that we have to help to promote exports and to help export-related jobs, specifically export-related jobs in the gentleman's district, and export-related jobs in all the other districts around this country.

Now, let me also point out the impact a $3 million cut to the Ex-Im Bank's administrative expenses would have. It disproportionately hurts small businesses. We have already recommended a level that is $2 million below what the President's request is. So this would cut into the technological upgrades that Ex-Im Bank is trying to do, and those are essential if we are going to process small business transactions, especially insurance transactions.

So let me summarize by saying that the gentleman's amendment is going to cut the work of the Ex-Im Bank. It is not going to have anything to do with the particular loan the gentleman is concerned about; but it is going to cut out jobs in his district, it will cut out jobs in West Virginia, it will cut out jobs around the rest of the country, because companies that want to do business overseas will not be able to compete with the work that other countries are able to do and to subsidize their companies in those countries.

So this is the wrong amendment at the wrong time, and I would urge we not do this.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. The gentleman has said this is about export-related jobs. Indeed, it is about export-related jobs. We have exported 23,000 steel workers' jobs because of the insensitivity of the American Government, and particularly this institution, over the last 3 years.

This particular loan was egregious, and we should be expressing as much concern about the export of jobs from this country. That is what we ought to be interested in. Those are the export jobs we ought to be interested in.

Mr. KOLBE. Reclaiming my time, Mr. Chairman, in the brief time that is remaining, I would just say I would challenge the figure that the gentleman has used as to whether that kind of job loss is a direct result of giving loans to the companies in question. But there is no doubt that cutting out Ex-Im all together, by cutting out the loans that they do, does result in a loss of sales and that does result in a loss of jobs.

Mr. MOLLOHAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise today to join my colleague from Indiana (Mr. VISCLOSKY), who has done such a tremendous job in this area in offering this amendment. The substance of our amendment is simple: we are seeking to cut $18 million in funds from the Export-Import Bank. Our amendment cuts $3 million from the $63 million provided for the administration expenses of the bank and $15 million from the approximately $753 million provided for the bank's subsidy.

Now, understand that the President only requested $633 million for the subsidy account. The committee has appropriated $753. So there is about a 120 million dollars between what the President requests. We are only taking $18 million from what the committee has appropriated, far higher than the President's request is still remaining.

The Visclosky-Mollohan amendment then takes the $18 million and places it in good places, Mr. Chairman, in the Child Survival and Health Programs fund, with $13 million targeted to the HIV–AIDS subaccount and $5 million targeted to the Vulnerable Children's subaccount that provides money for displaced children, orphans and blind children.

Mr. Chairman, why $18 million? Why an $18 million cut? The Export-Import Bank guaranteed an $18 million loan made by the Deutsche Bank of North America to the Industrial and Commercial Bank of China for purposes of modernizing the Benxi Iron & Steel Company's hot strip mill located in China. The Benxi hot strip mill located in China.

A letter from the Secretary of Commerce opposing this loan at the time it was being considered dated December 13, 2000, says "Imports of hot rolled steel from China have increased dramatically over the past several years from less than 6,000 metric tons in 1997 to possibly more than 450,000 metric tons by the end of 2000." We need to loan money so that China can increase its capacity in hot rolled steel? I think not, Mr. Chairman.

I want to offer my colleagues here in the House the following time line, which explains the climate in which the Export-Import Bank approved this particular loan guarantee:

November 13 of 2000, nine U.S. companies who produce hot rolled steel, including five integrated producers, one of whom is in my congressional district, four mini-mills, the Independent Steelworkers of America, and the United Steelworkers of America filed antidumping cases against China and 10 other countries. Benxi was cited in the case as an exporter of a product dumped in the United States.

December 3, 2000, the U.S. Department of Commerce decided to initiate the case based on the belief that there was evidence of dumping.

December 19, 13 days later, the Export-Import Bank, in its wisdom, approved the $18 million loan guarantee in spite of the evidence of dumping from China, and Benxi was a producer.

Two days later, December 22, the International Trade Commission made a preliminary determination that the imports of dumped hot rolled steel from China were causing injury to the United States industry.

Hello!

A Department of Commerce final determination will be issued in September, and the ITC will vote by the end of October on whether to impose duties. As my colleagues can see, the evidence of illegal dumping was overwhelming; yet nonetheless, the Export-Import Bank arrogantly ignored the fact that the world does not need any more steel capacity.

The steel report issued last July by the Department of Commerce correctly points out that there is significant overcapacity in the global steel industry. The report further points out that the London-based Iron and Steel Statistics Bureau estimated world excess capacity to be 250 and 275 million metric tons in 1997 and 1998. These figures have not fallen significantly, Mr. Chairman.

All of this information was available to the Export-Import Bank when they made this loan. We cannot allow an institution that is funded by American taxpayers' dollars to use that money to guarantee loans to support projects that put Americans out of work. Mr. Chairman, the 19th steel company has just declared bankruptcy, as the gentleman from Indiana (Mr. VISCLOSKY) pointed out a few moments ago, at the beginning of the week; 23,000 steelworkers have lost their jobs as a result of this crisis.

This loan was egregious, Mr. Chairman. This loan was outrageous, and we cannot let it stand.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the Visclosky-Mollohan amendment to cut the Export-Import Bank, and I urge my colleagues to do likewise and to join me in voting against it.

The Export-Import Bank provides crucial support for America's exporting businesses, especially small businesses and the workers that those businesses employ. Support for Ex-Im means real jobs for real people. In fiscal year 2000, Ex-Im Bank financed more than 2,500 U.S. export sales, supporting $15.5 billion of U.S. exports to markets worldwide. Eighty-six percent of these transactions directly supported small business.

In my district alone, since 1996, Ex-Im has supported 76 million in exports. Eleven of the 15 businesses supported are small businesses. Without Ex-Im, these transactions simply would not go forward. Ex-Im only gets involved when the private sector will not. Cutting Ex-Im means eliminating opportunities for American businesses and their employees.

Especially with our economy wavering, this is simply the wrong thing to do. Exports are crucial to the U.S. economy. Exports account for over one-quarter of U.S. economic growth over the last decade and support an estimated 12 million American jobs. In order to grow the U.S. economy and also to increase the number of jobs, export opportunities need to grow as well.

However, when it comes to international trade, the U.S. is falling rapidly behind. There are over 130 preferential-treatment trade agreements in effect in the world today. The European Union has 27, 20 of which they finalized in the last 10 years. Meanwhile, the U.S. is a party to only two, NAFTA and a free trade agreement with Israel. Exporting countries and other countries therefore have advantages in markets around the world that U.S. companies do not. In this environment, Ex-Im is increasingly important to support exports for U.S. businesses. Cutting Ex-Im will only push us further behind.

Mr. Chairman, this amendment is especially troubling because it cuts $3 million from Ex-Im's administrative budget. That is a direct blow to small business. Eighty-five percent of Ex-Im's administrative budget is comprised of fixed costs. Out of the remainder, Ex-Im uses a significant portion for seminars and other efforts to reach out to small business. In reality, transactions involving small businesses are the most labor intensive. Therefore, cutting Ex-Im's administrative budget has the real effect of cutting out export opportunities for small businesses.

I understand the sponsors of this amendment have concerns about a specific transaction. They want to make sure, and I understand this, that Ex-Im has appropriate economic impact protections in place. However, this amendment is clearly not the means to achieve that goal. First of all, Ex-Im does indeed have economic impact protections in place. More importantly, Ex-Im has responded to the concerns raised by the sponsors of this amendment by going through an extensive review of its economic impact procedures. The methods of evaluating economic impact are being reformed. In fact, the bank has released new draft procedures that are currently open for comment. So there is a process under way to address the concerns being raised by this amendment.

Mr. Chairman, cutting Ex-Im means cutting U.S. exports, and cutting Ex-Im's administrative budget means squeezing out opportunities for small businesses. I believe this is the wrong thing to do, is not necessary, and should be defeated. I urge my colleagues to join me in voting against it.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentleman's yielding to me, and I appreciate the statistics that the gentleman cites, these general statistics about the benefit of exporting to the American economy. Obviously, the benefit of exports to the American economy are great and very important to its well-being. I will stipulate to that.

What does concern me when we have this debate and there are those who cite the statistics, and stand up and do so so eloquently, is when do we talk about the downside? When do we talk about concern for the 23,000 steelworkers who have lost their jobs because of this kind of importing and the outrageous impact of the loan?

Mr. KNOLLENBERG. Reclaiming my time, Mr. Chairman, I would just say to the gentleman that there is a review process in place. They are looking at the gentleman's concerns.

Mr. MOLLOHAN. They said that in February of this year.

Mr. KNOLLENBERG. Reclaiming my time, I think it would be out of line to cut now because that does not do anything for the gentleman's problem.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment, and I move to strike the requisite number of words.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

□ 1100

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to the Visclosky-Mollohan amendment. I believe my colleagues are well intentioned here today. I would argue that they should take their case to the authorizing committee, and I would join them in trying to change the law so we would not be in this position in the future.

I also think that the Department of Commerce in the anti-dumping case is already directing real attention at this problem. That is what we should be focusing on.

Mr. Chairman, to come in here today and take $18 million out of the Export-Import Bank, $3 million of which comes from the administrative funds which were only increased by $1 million over last year's level, means an actual cut of 2 percent. This is salaries. This is health care. This is the fixed cost of the agency. I would say that is a very brutal cut.

The other money would come out of the money that is used by small businesses and large businesses to support U.S. exports. My concern with this amendment is we are punishing America's exporters who are also creating jobs. I feel for the gentleman for the loss of jobs to steelworkers. The gentleman has to admit that not all of their losses are due to the Export-Import Bank.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. Mr. Chairman, if the gentleman gets me additional time, I will yield to the gentleman.

Mr. Chairman, my concern is we are punishing another sector of the economy which is crucial to our economic health. In my State of Washington, one out of every three jobs is an export job. So my State would be punished by this amendment. In fact, we are $100 million below last year's level in terms of the loan guarantees. This administration has cut it. I would also point out that this is a new administration that is not responsible for what the previous administration did on this particular loan; and they have said that they are going to review this matter.

Mr. Chairman, I would say to the gentleman he has won his victory here today. The gentleman has convinced the new administration that this is something which should not be done in the future; and so do not punish the Export-Import Bank where jobs in my State will be lost.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, first of all, the gentleman speaks in terms that this cut is going to have a disastrous impact on exporters who are assisted by the Export-Import Bank and people in his congressional district, perhaps. Hardly. The President requested $633 million. This committee is appropriating $753 million, which is $120 million more than the President requested. We are simply taking $18 million.

Mr. DICKS. Reclaiming my time, but $100 million less than last year.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, to follow up on the point of the gentleman from West Virginia (Mr. MOLLOHAN), the word "cut" has been used here a lot. I used it myself.

Mr. Chairman, we are over the President's request; but my understanding is that the dollars appropriated, and the way it will be budgeted will provide for about 12 to $12.5 billion worth of subsidies.

Mr. DICKS. Mr. Chairman, reclaiming my time, if we had gotten last year's level, we would be at $15 billion in export support, so it is about a $2.5 billion cut which the gentleman will make worse with this $18 million cut.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we have had, in the last 3 years, 19 steel companies go bankrupt. That is sobering. Nineteen steel companies in this country. We have had 23,000 steelworkers, real jobs for real people, laid off. This is here and now.

Mr. DICKS. Reclaiming my time.

Mr. MOLLOHAN. Mr. Chairman, if I may finish. When the gentleman talks about going to the authorizing committee, we are not talking about dealing with an imminent danger. The gentleman serves on the Committee on Appropriations. The Committee on Appropriations can make a statement here and now. If we were to go to the authorizing committee, it may be 2 more years and another 19 steel companies going bankrupt.

Mr. DICKS. Mr. Chairman, reclaiming my time, the gentleman makes a mistake if he does not consider trying to change the law so the Export-Import Bank has to take into account the impact on the domestic economy of these exporters.

Mr. MOLLOHAN. Mr. Chairman, I look forward to joining the gentleman in that effort.

Mr. DICKS. Mr. Chairman, I told the gentleman I would be glad to help in that effort. But the point here today is this is a meat-axe approach. Coming in here and cutting $18 million out of Export-Import Bank does not make any sense. The new administration says they are going to take the gentleman's position into account. I would urge the gentleman to withdraw his amendment, he has made his point, and not hurt another sector of the economy.

Mr. MOLLOHAN. Mr. Chairman, the gentleman should urge something else because he knows that is not going to happen. Maybe the gentleman from Washington (Mr. DICKS) should urge his colleagues who might support his position to vote with him.

Mr. DICKS. Mr. Chairman, I always think my colleagues have good judgment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair requests Members follow regular order.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. This is a token amount of money being cut from the Export-Import Bank. The President asked for a $120 million cut. This is only $18 million. There was $120 million added over the present request. This is not a project that is a favorite of the President, and he has referred to this as a form of corporate welfare.

This is just a small effort to rein in the power of the special interests, the powerful special interests. It has been mentioned that jobs could be lost. In the debate, there has been emphasis on jobs, and the truth is that it may happen. Jobs could be lost. But what Members fail to realize is that the jobs lost are special interest jobs. If my colleagues take that same funding, and we never talk about what would happen to that $75 billion line of credit of the Export-Import Bank if it were allowed to remain in the economy. Other jobs would be created, so my colleagues cannot argue half of the case. We have to look at the whole picture. Special interest jobs would be lost. True market jobs would be increased.

Mr. Chairman, last week we had a vote on trade with China. I supported that vote. I believe in free trade and low tariffs. I believe in the right of people to spend their money where they please, and I believe it is best for countries to be trading with each other. But the very same people today arguing for these corporate subsidies claim they are for free trade. If my colleagues are for free trade, they should not be for corporate subsidies. They are not one and the same. They are different.

Free trade means there are low tariffs, but we do not subsidize any special interests. To me it is rather amazing, the paragraph that we are dealing with is called Subsidy Authorization. There is no pretension anymore. We just advertise, this as a subsidies. When did we get into the business of subsidies? A long time ago, unfortunately. I do not think that the Congress should be in the business of subsidies.

Mr. Chairman, this amendment has something to do with campaign finance reform. I am in favor of some reforms, that is, less control. People have the right to spend their own money the way they want; and when we have the problem of big corporations coming here and lobbying us, that is a secondary problem.

If my colleagues look at the corporations that get the biggest subsidies from the Export-Import Bank, they really lobby us.

Mr. Chairman, what I say is let us have some real campaign finance reform and let us get rid of the subsidies and the motivation for these huge corporations to come here and influence our vote. That is what the problem is. We do not need to get the money out of politics, we need to get the money out of Washington and out of the business of subsidizing special interests. That is where our problem is.

Last week we voted to trade with China, and I said I supported that. But anybody who voted against that bill because they do not like what is happening in China should vote for this amendment and also my amendment that is likely to come up.

China gets $6.2 billion, the largest subsidy to any country in the world from the Export-Import Banks. China gets it. So why do we first want to trade with China, then subsidize them as well, and then complain? I would suggest that those who claim they believe in free trade, they need to support this amendment because we are getting into the interference and manipulation of trade, the subsidy to big corporations.

Those who do not like China should vote for this because there is a suggestion that the Export-Import Bank serves the interest of China. So to me it should be an easy vote. The only problem with this amendment is that it is so small. It does not really address the big subject on whether or not the Congress should be in this business. Obviously they should not be. Where do you find the authorization to give subsidy appropriations in the Constitution? It is not there.

This is a charade. This is fiction when it comes to looking at constitutional law.

I would strongly urge a yes vote on this amendment and do not support this effort to benefit the big companies and hurt the little guys. The little guys are the ones who lose this line of credit and push their interest rates up.

Who gets the risk under this situation? The taxpayer. There is a lot of insurance in the Export-Import Bank. The risk goes to the taxpayer, but the profits go to the corporations. What is fair about that? The big corporation cannot lose. So why would the banks not loan to the big special interest corporations?

Mr. MASCARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have not seen such obfuscation in all my life as I have seen here this morning. Somehow they want us to believe that if we take $18 million out of their budget, that the whole import/export budget will collapse. The President's budget has $687 million in it. The House budget is $805 million.

Mr. Chairman, I rise in support of the Visclosky-Mollohan amendment which cuts $15 million from the Export-Import Bank subsidy appropriations and $3 million from their administrative expenses. It troubles me that the Ex-Im Bank approved an $18 million loan guarantee to modernize and improve production for a Chinese steel company. Yes, you heard it correctly. We are using American taxpayer dollars to modernize a Chinese steel company so that it can produce more steel for import into the United States, thereby, putting more steel workers on the unemployment line.

To add insult to injury, Benxi, the Chinese steel company, is currently involved in an anti-dumping case before the International Trade Commission. Once again, you heard it correctly. We are guaranteeing a loan for a Chinese steel company which has been charged with dumping steel on the American market.

Does the Ex-Im Bank not know that our domestic steel industry has been hurting since the flood of imports began in the late 1990s? In fact, since December of 1997, 18 steel companies, and I understand one more steel company with a combined total of 36,000 employees, have declared Chapter 11 bankruptcy which means 36,000 steel worker jobs could be in jeopardy. Since 1998 over 20,000 steel workers have lost their jobs.

Mr. Chairman, I recognize the competitiveness of the international marketplace, and I know our companies can compete if the playing field is level. In fact, we have the most efficient and productive steel workers in the world. However, not only do we lack a level playing field, but American taxpayers are now being asked to subsidize our competitors.

As John Stosel says on ABC's 20/20, "Give me a break." This must stop and Congress needs to send a message that it will not tolerate these misguided policies. I ask my colleagues on both sides of the aisle to support the Visclosky-Mollohan amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. Yes, I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I wanted to point out that on December 15, 2000 the board of directors of Ex-Im approved a guarantee for an $18 million credit to support export sales from General Electric in Salem, Virginia; Carlen Controls in Roanoke, Virginia; and CIC Company in Glenshaw, Pennsylvania for software control systems and main drive power supplies and it does go for this project. These are U.S. companies that got the loan guarantees.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. MASCARA. Yes, I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, the gentleman just made our point.

The lack of wisdom is in paying off these companies to support investments of the Benxi steel facility in China in order to enable the production of tremendous excess capacity in that plant. The gentleman just made the point.

Mr. DICKS. Mr. Chairman, if the gentleman from Pennsylvania will continue to yield, the point I was trying to make was that the gentleman said that the guarantee was given to the Chinese company. It was not given to the Chinese company. It was given to these three American companies.

□ 1115

Mr. MASCARA. Mr. Chairman, I think all of us agree that the Ex-Im Bank is valuable, that it is valuable to small businesses, that it is important for trade, but we are sick and tired of throwing it in our face. I represent steelworkers as well as the gentleman from Indiana (Mr. VISCLOSKY) and the gentleman from West Virginia (Mr. MOLLOHAN), and we are sick and tired of this country in our face, our workers being put out of work and using our taxpayers' dollars to do it.

Mr. Chairman, I am asking all my colleagues to support the Visclosky-Mollohan amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Visclosky-Mollohan amendment as the chairman of the authorizing subcommittee on the Committee on Financial Services. The ranking member of that subcommittee is the gentleman from Vermont (Mr. SANDERS). While I have served for 21 years on the Banking Committee, now the Financial Services Committee, this is the first year that I have been the chairman of the authorizing subcommittee that relates to the Export-Import Bank.

I would say to the gentleman from West Virginia and the gentleman from Indiana that the authorization for the Export-Import Bank expires on September 30, 2001 and there is broad and bipartisan concern with the case that the gentlemen have brought to our attention. It has also been brought to our attention by all of the members of the Steel Caucus. In fact, the gentleman from Vermont (Mr. SANDERS) and I introduced legislation last week at this time, H.R. 2517 and we have a section in that legislation specifically related to Benxi Steel and the transaction approved by the Export-Import Bank in December of 2000.

I would tell the gentlemen that the Export-Import Bank and Treasury, which has exercised veto authority over the transactions of the Export-Import Bank, also has this Member's attention, and I want to make changes. If the Banks think they are going to have a straight, clean reauthorization bill, they are not going to do it with my approval or my active involvement. I very much think we need to give some very specific direction to the Export-Import Bank in many areas, and I will welcome these gentlemen and other Members' concerns about this specific transaction and on other issues.

I also think it is crucial that the industries that uses the export credit guarantee programs of the Bank understand we need to build a base of support for the Bank within the small business community. Currently the small business community has about 18 percent of the transactions in dollars allocated. That is probably only because Congress pushed the Bank to move ahead in its 1996 authorization legislation.

Furthermore, the Export-Import Bank has this Member's attention because the Treasury stepped in earlier this year and vetoed two transactions, one of which is in my home State, on the use of the tied aid war chest. An Austrian firm got that contract for $7–9 million; and we lost $100 million worth of follow-up sales annually in irrigation equipment—all for no good reason.

So the Export-Import Bank deserves plenty of scrutiny. We need to give them very specific directions. The gentleman from Vermont (Mr. SANDERS) and I have begun that effort with section 16 in the legislation we introduced. If after examining it you do not think it is strong enough, we will listen to your ideas in a further way.

I also would say this, that you have had an impact already—at least potentially. As already pointed out, the Export-Import Bank is now going through a process of enlarging and clarifying and getting it right in terms of the Ex-Im Bank's impact procedures that they will consider. In short, and this is a quote from the Bank's statement of objectives, they want to make sure they have more information on the following: one, indicators of oversupply that could impact the long-term economic health of the potentially affected U.S. industries. They go on to clarify that objective. Secondly, to consider the broad competitive impact to U.S. industries. Here they are proposing to consider both direct and indirect impacts. And, third, to consider the views of interested parties, including the affected U.S. industry, labor organizations, U.S. manufacturers, Congress, nongovernment organizations and other U.S. Government agencies, to allow each group's view to be weighed in Export-Import Bank's deliberative process.

I cannot under House rules specifically speak about what the other body is going to do about this steel case, but let me just say it has their attention as well, and I think it should.

Now, I would like to ask my colleagues to think long and hard about what you are asking the House to do in addressing what is an appropriate redress of a very real grievance. Right now, the Export-Import Bank is dramatically underfunded, underresourced as compared to our competitors. The rationale escapes me, but this administration proposed to further cut the Bank's resources by 25 percent. The Committee on Appropriations has made up some of that difference.

One of the concerns I have is about the limit on the administrative budget of the Bank, not the transaction budget. The authorizing limitations are too skimpy. By this amendment you are cutting back the administrative accounty by $3 million. It should be going the other way. In fact, in our legislation, I would establish a sub-line item for funds for the administrative activities and boost such an authorization.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Mr. Chairman, this agency also needs more information technology capabilities. They are obsolete. The past chairman and the present chairman will admit that is a reality. We need to make changes in that respect. We need to make sure that they upgrade. That is particularly important for small business. If small business is going to take advantage of the opportunities or resources of the Export-Import Bank, they are the ones that really need to have good information technology in place in this agency. We push the Bank directly ahead in that area through the authorization legislation we have offered.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I would simply ask the question that, with the bill that we have today, is it not true that the subsidies that are going to be able to be provided with the Ex-Im Bank, even though we have an amendment to cut $18 million, is going to be increased substantially?

Additionally, I would ask the Member, is it not true that the Ex-Im Bank is required by law to assess whether its loans and guarantees are likely to cause substantial, direct injury to U.S. industry today?

I trust the gentleman's intention. I believe what he says. The law today says they are not supposed to do what they did last year. We need to drive home that point, and someone at the Ex-Im Bank ought to know what it is like to lose a job.

Mr. BEREUTER. I think the gentleman is accurately describing the language that is there. I think it does not go far enough. I think a clarification or elaboration or additional kind of limitations are appropriate. Now, they itemize in their proposed review process some of the things that might be considered. I hope that that gentleman, like this gentleman, will make his comments known to the Export-Import Bank during the comment period now underway.

Is there a cut in the resources of the Export-Import Bank? There is a dramatic cut in the resources proposed for the next fiscal year, despite the fact that the appropriators have restored some of that cut. A 25 percent cut was the original figure that came with the administration's budget. That would dramatically reduce our ability to compete with the export credit and guarantee agencies of other countries. It is the wrong direction. I can understand why these gentlemen want to see a change. I do, too.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has again expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 30 additional seconds.)

Mr. BEREUTER. We have this deadline coming up on the reauthorization of the Export-Import Bank, September 30. This is an issue that has to be resolved. It is a time for us to make the kind of changes, not to do something which punishes the Bank and not some changes which they can ignore, anyway. We need to give very specific guidelines and make sure that in fact acting in a fashion which is beneficial to American industry. We need to assure that the Bank does creates jobs in this country and that it does not have the opposite effect. We need to assure that the Bank is particularly attractive for the use of small business as well as for some of the largest firms in the United States.

I ask my colleagues, therefore, to reject this amendment and work with us when the authorizing legislation comes to the floor.

Mr. MCDERMOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is always interesting to listen to these discussions about the Export-Import Bank. Every nation in the world, the industrialized world, has an equivalent organization. The United States has the least of that kind of organized support of the business community through the Export-Import Bank. I hear Members come out here on the floor and deplore the trade deficit, that the United States takes everything in and never exports anything.

One of the problems with exporting into the Third World or to even other parts of the industrialized world is the question of whether or not they can pay back the debt. Now, if a bank wants to lend money to General Electric to sell some equipment to whatever country, all the Export-Import Bank does is guarantee that if the money is not paid back, they will pay the money. They have not lost any money in this process. But they need the capital as a backup for all the loans that go out into the world.

We have changed the Export-Import Bank. When I came to the Congress back in 1988, it used to be called the Boeing Bank. It is not the Boeing Bank anymore. It is a whole lot of other things. In fact, as we heard the list of people in this particular one, Boeing is not in it. It is General Electric and a lot of other things.

Last year, fiscal year 2000, there were loans to 2,176 small businesses. If you make one loan for Boeing for $100 million, it only takes one person, but if you are going to take 2,176 small business loans and help small business people get into the international economy, you have got to have people who can help them through that process. That is why the staff has gotten larger and why taking money out of the staff simply makes no sense.

I see the reason for the size of this amendment, $18 million. It fits the $18 million that already went out the door for the Chinese loan guarantee. But we are not canceling the loan. It is still going to go ahead. This is not the place to fight the argument that you have here.

If you want to make a change, the gentleman from Nebraska (Mr. BEREUTER) has said it more correctly, get in the authorizing bill and decide which industries you are not going to lend to. "We are not going to lend to any foreign steel industry because they compete with the United States." Then General Electric will not bother going out trying to sell anything to them. They will know at the beginning.

But this coming in afterward and saying to the bank, "Well, you lent to the wrong people so we're going to take your money back," I do not know what message they get out of that. I guess the message is, we should not loan to anybody who makes steel. Maybe we should not loan to anybody who makes cars. I mean, the Koreans make cars, the Indonesians make cars and other people. Maybe we should never lend any money to a country that has carmaking because it competes with Detroit.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I think the message is that you do not approve a loan guarantee that undermines an industry that is being already devastated by imports.

A point that we made earlier in the debate that Secretary Mineta made when he was Secretary of Commerce to the Export-Import Bank on this very subject was that China has gone from 6,000 metric tons in 1997 of hot-rolled production to 450,000 tons, and they did not need any more capacity. In that same time period we had nine bankruptcies and 23,000 unemployed steelworkers. That is the message that we are trying to send.

Mr. McDERMOTT. Reclaiming my time, I understand the gentleman's point, but the fact is the message has been sent and received. We have heard the gentleman from Nebraska (Mr. BEREUTER) already talk about it. That is going to be dealt with. But taking this money out of the bank is only going to cripple their ability to aid small businesses.

Big businesses can take risks. They do. It is nice to have the comfort of the Export-Import Bank. But little businesses who make a deal in some country, in Africa or Asia, are very much at risk and they need the capital. I do not see, unless you want to say that the Export-Import Bank cannot lend to any industry that is in competition with the United States, anything made in the United States, why pick on steel? Why should you protect steel? I do not think that you should protect steel any more than you should protect anybody else. We can do that in the authorizing bill.

The CHAIRMAN. The time of the gentleman from Washington (Mr. McDERMOTT) has expired.

Mr. MOLLOHAN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. KOLBE. Mr. Chairman, reserving the right to object, and I will not object, I just want to put Members on notice, we have been very generous here in extending the 5-minute debate continually here. At some point we are going to have to insist that each Member get their 5 minutes and speak. But I will not object at this point.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Without objection, the gentleman from Washington (Mr. McDERMOTT) is recognized for 1 additional minute.

There was no objection.

□ 1130

Mr. McDERMOTT. Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we are not trying to protect the steel industry in the sense the Member has used. I think, to my understanding, he has used that phrase. We are trying to protect the steel industry from unfair foreign competition, on the one hand; and we are definitely trying to protect it from an agency that is funded with the people's money going out and empowering China, which has a tremendous excess capacity at this point, from developing greater excess capacity.

Yes, we are trying to protect them from that kind of conduct and a major American agency that we fund being instrumental in making that possible.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, as a member of the Committee on Ways and Means, the gentleman knows that a 201 case has been filed on steel, and Benxi Steel is one of the companies named in that pending International Trade Commission case on steel products being imported into the U.S. from a variety of countries. So I think there is another potential area where redress can be pursued. A ruling is to be made on August 17, 2001.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to the gentleman from Nebraska (Mr. BEREUTER), we are glad we have the attention of his committee and other Members of the Congress with regard to the steel industry.

I hail from the great city of Cleveland, the home of LTV Steel. Let me just give you some statistical information about how important LTV Steel is to my community and the fact that it, along with 17 other steel companies in the United States, are currently in bankruptcy.

It is estimated that $2.27 billion of the 2001 gross State production in Ohio comes from LTV, an impressive amount given the total gross State product of Ohio is about $400 billion.

LTV employs 5,200 persons in Cuyahoga County and 6,600 Ohioans, including both organized and exempt positions.

Based upon the 2000 tax rates, LTV has 3,607 employees in local municipalities and provides tax revenue of $4,474,276 generated from the workers at LTV.

Based upon estimates, an additional 12,970 Cuyahoga County jobs are dependent on LTV operations and employees. Statewide, 27,020 jobs are relying on LTV. These jobs generate an additional $1.1 billion in wages.

LTV pays $338 million in annual wages and salaries and $68 million in benefits to current employees in Cuyahoga County, which amounts to about $406 million annually in the county.

Statewide, LTV represents $430 million in annual wages and $85 million in benefits to employees.

More than 34,000 employees, retirees and dependents across northeast Ohio rely on LTV for more than $72 million in medical benefits annually.

There are 15,000 retirees in Greater Cleveland alone receiving pension benefits.

Annually, LTV purchases $1 billion in goods and services from 1,600 Ohio companies.

The steel industry has about 1.75 percent of all the jobs in northeast Ohio, with LTV providing nearly 22 percent of the region's steel jobs, according to the latest information.

Why are we standing in support of the Visclosky-Mollohan amendment?

Because we are standing in support of the steel industry in this country. The real dilemma is, and I heard someone talk about Alan Greenspan talking about the fact that the steel industry, or industry, was not in a dilemma. Alan Greenspan is the one who said last week that we should get rid of minimum wage.

Why are we talking about this issue right here on the floor of the House? Because where else do we stand up for workers in the United States but on the floor of the House of Representatives of the United States?

There have been a rising tide of layoffs and bankruptcies, driven in large part by our government's failure to enact trade policies that are important and support the steel industry.

Why are we after Ex-Im Bank? Because it has in fact supported the steel industry in another country while the steel industry is dying in the United States. Steelworkers built our country, and we need to let the steelworkers continue to work and the steel industry to continue to prosper. In other countries, they subsidize the steel industry. In our country, we do not. Therefore, we should not be using public dollars in these United States, other United States taxpayers, to subsidize a country, a steel industry in another country like China.

Now, you are arguing to me these dollars go to American companies in the United States to support a steel company in China. I say to you we should not subsidize American companies that subsidize steel companies in foreign countries when we are in fact at a trade deficit in the steel industry.

Let me give you just a few more statistics. By the end of last year, the industry was operating at less than 65 percent of its capacity in the United States, the lowest operating level in more than 15 years.

Steel imports, which totaled less than 16 million tons in 1991, more than doubled in 10 years to an annual total in 2000 of 39 million tons. Where are they making the 39 million tons of imported steel? In companies like Benxi, which is subsidized by money from Ex-Im Bank.

More than 15,000 steelworkers have lost their jobs since January of 1998; 84,000 in the last 6 months.

Mr. Chairman, I say support the Visclosky-Mollohan amendment.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by thanking my friend, the gentleman from Nebraska (Mr. BEREUTER), for the work that he has done as chairman of the authorizing committee. The problem is that while he has conducted that subcommittee in a very nonpartisan way, and I think we have done some very, very good work to fundamentally reform the Export-Import Bank in terms of making it more responsive to American workers rather than multinational corporations, it remains to be seen whether the effort that we have labored for will in fact become law or even be heard. We were supposed to have a meeting of the subcommittee, which was canceled, I gather by the chairman of the committee. So we will learn more about that later.

Having said that, I rise in support of the amendment, because I am not at all sure that the reforms that need to be happening will in fact happen. Let me basically talk about the main concern that I have and why I support this amendment.

This amendment is right unto itself, but it touches on a broader issue. If American taxpayers are going to be laying out money to create decent-paying American jobs, then we have a right to expect that the companies who receive that money in fact are expanding their American workforce. That is not a very difficult proposition. The truth of the matter is that many of the major recipients of Export-Import funds have been some of the major companies in this country who are laying off American workers. In fact, according to Time Magazine, the top five recipients of Export-Import subsidies over the last decade have reduced their workforce by 38 percent.

So you take large corporations who go running to the Export-Import Bank, and they say, hey, we need this corporate welfare, and they get the support. And the next day they say, oh, by the way, thank you for the money; but we are now moving our factories to China or Mexico and laying off tens of thousands of American workers.

Our current trade policy, in my view, is a disaster. We have over a $400 billion trade deficit. We have close to a $100 billion trade deficit with China. To the degree that American taxpayers' money is to be used to subsidize American companies, the taxpayers of this country have a right to know that those companies are doing everything they can to increase jobs in the United States.

If a company like General Electric, and let me be specific about General Electric, says, and they advertise it to the world, they say, gee, we wish that we had a barge so that we could take all of our factories to the cheapest-labor countries in the world and layoff more American workers, that is what we want to do, that is what they say. And then they come to the Export-Import Bank and they say, here is a check for you. Go out, take your jobs to China, take your jobs to Mexico, use American taxpayer dollars for that purpose. The average American taxpayer is outraged by this behavior.

What the gentleman from Nebraska (Mr. BEREUTER) and I have attempted to do is to craft legislation which does two things: it says to companies that are hell-bent on taking our jobs to China and Mexico, you can do it; but do not come in and ask taxpayers of this country to subsidize it.

Second of all, we believe that small businesses are the engines for job creation in this country, and Export-Import has got to put more money into small businesses.

The issue of the steel company in China is just one of many examples. Taxpayer money, American taxpayer money, should not be used to hurt American workers.

In my view, in terms of the Export-Import Bank, we could do one of two things: we could kill the whole thing and say we are not giving any more subsidies, because it is corporate welfare. That would not be an irrational thing to do. The other thing that we can do, and the gentleman from Nebraska (Mr. BEREUTER) and I are attempting to do that, is to make the Export-Import Bank work for American workers, to support those companies that want to grow American jobs.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the only thing I would say to the gentleman, over the last few years the Export-Import Bank has created $60 billion of exports from the United States. That means that those were jobs created.

Mr. OXLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Let me say, this has been a spirited debate; and I want to first say that the gentleman from Indiana, I have great respect for, and I am a member of the Steel Caucus and I come from a steel State. But I have to tell you, this does not help the steel industry. It does not help our ability to create export-related jobs. This is an amendment that would severely cripple the Export-Import Bank's ability to create jobs, particularly in small business.

We have to understand that 80 percent of the transactions of the Export-Import bank deal with small business and help small business creating export markets all over the world. Every dollar of taxpayer money that is invested in Export-Import's program has seen historical returns of some $15 for every $1 in credit support for export transactions.

So the result of this amendment, whether we like it or not, and it is great to get up here and waive the bloody shirt about the steel industry, is it is going to cost us jobs, it is going to shrink our ability to export in other markets; and while this budget that we are dealing with is critical to creating export jobs, the amendment does quite the opposite.

Let us not try to punish the Export-Import Bank or do what we are trying to do here because of one controversial loan. I would say to my friend from Vermont, that was an aberration, not certainly something that is business as usual in regard to the China steel issue.

As the chairman of the authorizing committee, I am here to say that our committee is working assiduously on Export-Import reauthorization with the chairman of the subcommittee, the gentleman from Nebraska (Mr. BEREUTER); and I fully expect that we will report a bill that is balanced and fair and promotes exports all over the world.

Let me just say also to my friend from Vermont, who pointed out General Electric specifically, let me tell my friend from Vermont about a plant that I have in my congressional district in Bucyrus, Ohio, that is a General Electric plant. They make fluorescent lighting tubes. They currently create and build millions of those that are exported to Japan. They make a specific kind of smaller tube than that used over here that fits into the Japanese architecture and their homes and businesses; and, as a result of using Export-Import facilities, they are able to increase that market substantially. Those General Electric jobs in my congressional district are very, very important to me and to our community.

I would point out before the gentleman from Vermont makes what would appear to be a bad example of General Electric, I would say that the General Electric situation certainly that I pointed out is a very positive one and points out how good the Export-Import Bank can be.

□ 1145

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to mention to my friend that between 1985 and 1995, the workforce, the American workforce of General Electric went down from 245,000 to 150,000, precisely because it is the policy of General Electric to take American jobs to China and Mexico in order to get cheap labor. Does my friend not agree with me that we should use institutions like the Export-Import Bank to tell General Electric to reinvest in America so that we can create more good jobs like the one the gentleman referred to?

Mr. OXLEY. Mr. Chairman, reclaiming my time, I think the last thing the Export-Import Bank needs, and certainly the private sector needs, is micromanaging on the part of Congress dealing with a worldwide global economy.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point I would like to make is what they are doing here today with this amendment is punishing the export segment of the economy that creates thousands of jobs. In the State of Washington, the Boeing Company is the Nation's largest exporter. We are in a life and death struggle with Airbus. Airbus is subsidized by foreign governments. They have all kinds of loan programs to sell their exports all over the world.

What we are trying to ask for here is a level playing field. Let our American exporters compete. I want to protect the steel workers, but not at the expense of the machinists in the State of Washington. That is what we are talking about here.

Let us protect them both. Let us protect the steel workers and the machinists.

Mr. OXLEY. Mr. Chairman, reclaiming my time, let me thank the gentleman from Washington for his strong comments. Indeed, we are trying to expand the pie here. We are not trying to get in a situation, hopefully, that the gentleman from Vermont wants, which is the Congress determines what private industry hires and fires and then punishes the Export-Import Bank or successful exporters as a result.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. OXLEY) has expired.

(On request of Mr. MOLLOHAN, and by unanimous consent, Mr. OXLEY was allowed to proceed for 1 additional minute.)

Mr. OXLEY. Mr. Chairman, I yield to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, I appreciate the gentleman's comments. The gentleman describes the situation, I think, inaccurately; and I would like to calibrate his comments a little bit. The gentleman suggests and uses the word "cripple"; that the gentleman's amendment would severely cripple the Export-Import Bank.

I would like to point out to the gentleman in the short time we have that the President requested $120 million in the subsidy account less than the House appropriated. We are taking $18 million from the House. So, therefore, there is about $100 million left more in this bill than the President requested to do the good things that the gentleman is talking about and that the gentleman from Washington is talking about so that the government can support Boeing in its efforts against Airbus around the world.

We are not getting at the good things and the good jobs that are created by the Export-Import Bank. What we are getting at are the policies that undermine domestic industries that are extremely vulnerable at this period of time by financing projects that incredibly enhances capacity.

Mr. INSLEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have come to the floor on the abstract, idealogical, theoretical underpinnings of this debate which others have been eloquent on. I have just come to a very parochial, prosaic but, in my district, very meaningful position: this amendment is going to cost jobs of people who do work and export products around the world if it passes.

Now, I know that does not sound like a very high-falutin' argument couched in great economic theory, but the fact of the matter is, we are truly, as the gentleman from Washington (Mr. DICKS) said, in a life and death struggle in the aeronautics industry to see whether we are going to remain dominant internationally, or whether we will lose the dominant position in the world. It is just real simple. It is meat and potatoes. The fact of the matter is, if this amendment passes, we are going to lose the opportunity to export $275 million worth of products which means thousands of jobs.

Because the fact of the matter is, this is, and since a lot of people look at the Ex-Im Bank and think, if we just cut the Ex-Im Bank, these other entities will not have products. People are not going to just stop buying airplanes if we cut the Ex-Im Bank. They are just going to buy them someplace else. This is help for the American worker, not the foreign worker.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the gentleman from West Virginia has talked about all the steel companies that are gone. McDonnell Douglas used to build commercial airplanes; they are gone. Lockheed used to build commercial airplanes; they are gone. We have suffered in this area. We have one commercial airplane producer left in America: the Boeing Company. And they are in a life and death struggle against four governments that underwrite Airbus. I wish my friend from Vermont were as passionate in supporting the American companies trying to export as we are trying to protect the steel companies. I want to protect them as well.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, is the gentleman suggesting that all of the money that we are funding in the Export-Import Bank is going to go to Boeing?

Mr. INSLEE. Well, that would be acceptable, of course.

Mr. MOLLOHAN. Mr. Chairman, I am not sure how many votes the gentleman can get for it. Does the gentleman know how much money the committee is appropriating?

Mr. INSLEE. Mr. Chairman, reclaiming my time, clearly, Boeing and Boeing workers are not the only ones who have a stake in this controversy.

What I am trying to point out is that this has an immediate, real-life ramification for people who this morning got up and went to work in an industry that we are going to have a great chance of losing if we do not use the one very modest tool in our tool box to compete with this international conspiracy, if you will, to gain international dominance in this industry. And this is a very small tool we have. If we look at this compared to the subsidization of Airbus by the European community, this is almost nothing. Yes, Boeing is not the only player in this. But I came here to say that I have people in my district who care about it.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to answer the gentleman's question. Twenty-five hundred small businesses last year got Ex-Im Bank loans, totaling about $2.3 billion. Yes, the Boeing Company is a major user of this thing, and we finance sales that could not be financed any other way and the money is paid back. So what is wrong with that? I want to support the gentleman. I hope some day the American steel industry can export as well, and then the gentleman will be with me in supporting the Export-Import Bank.

Mr. INSLEE. Mr. Chairman, reclaiming my time, the other thing I want to point out is, although Boeing is a significant player in this, there are small businesses, we are talking 5- and 20-person shops, who can avail themselves of this benefit. Those jobs are just as important as the machinist jobs in Seattle. They may not be as visible, but they are just as important.

I also want to point out that I believe the future of the Ex-Im Bank is not just manufacturing, it is services. Because when we design various functions for financial services, insurance and the like, those are going to be small businesses as well dealing with intellectual capital. I believe that is more in the future of the Ex-Im Bank.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, the gentleman describes legitimate purposes and missions of the Export-Import Bank. What the gentleman may not understand if he did not hear the very beginning of the debate is we are going after with this amendment some egregious decisions made by the Export-Import Bank in subsidizing three of these small companies that empowers the Chinese.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY) will be postponed.

AMENDMENT NO. 56 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. PAUL:

Page 2, strike line 21 and all that follows through line 17 on page 3.

Mr. PAUL. Mr. Chairman, my amendment strikes the paragraph on page 2, line 21 entitled "subsidy appropriation." I do not believe this Congress should be in the business of subsidizing anyone. We should be protecting the American taxpayer, and we should be protecting the individual liberty of all American citizens, not dealing in subsidies.

This paragraph is found in the bill which is called "foreign operations." It is a subsidy to large corporations, and it is a subsidy to foreign entities and foreign governments. The largest foreign recipient of the foreign aid from this bill is Red China, $6.2 billion. So if one is for free trade, as I am, and as I voted last week to trade with China, one should be positively in favor of my amendment, because this is not free trade. This is subsidized, special interest trade, and I think that is wrong.

There has been a lot of talk today on the previous amendment dealing with jobs, and jobs are important. We have an economy now that is turning downwards and jobs are being lost. In this bill, this particular paragraph and the Export-Import Bank does deal with jobs.

Those in opposition to my amendment make the point that jobs are enhanced in the big corporations like Boeing. That is true, to a degree, but there is a net loss of jobs because the same entity, the Export-Import Bank, literally exports jobs by subsidizing and loaning money to foreign entities that compete with us. Not only does some of this money end up in the hands of our competitors and hurt us here at home, but it ends up in the hands of our potential enemies. This is the reason why we should be out of the business of the Export-Import Bank.

It has been said that this is a benefit to so many small corporations. In the last 2 years, more than half of the Export-Import Bank money went to Boeing. So it is not surprising that the gentleman early on mentioned that yes, he would not mind it if all of it went to Boeing. It is said that 85 percent of the money in the individual loans goes to smaller corporations. That is true, but 86 percent of the money goes to the giant corporations. So the big bucks serve the big interests who lobby us and spend a lot of time influencing Washington.

There is a lot of mal-investment in the economy, misappropriation of money and investments that generates overcapacity, which is a consequence of monetary policy. It is a serious problem; and we are today facing the consequence, because we are now moving into a rather severe recession. But at the same time, export financing compounds that problem. It adds on to it because it is an allocation of credit.

This argument that we create jobs is fictitious. We do not create jobs; we shift jobs, from the weak to the powerful. We do not create a new job by stealing, taking out $75 billion worth of a line of credit from the banks and giving it to special interests. Yes, it looks like they are getting a benefit, but the little guy does not have access to that amount of money. Why should the banks not loan Export-Import Bank money to the large corporations. They are protected. They are insured. Who insures them? The taxpayer. It is a ripoff. The taxpayer suffers all of the risks.

Now, if the deal is successful and there is no economic calamity in the country where we go and there is no political crisis, then who makes the profits? Corporations make the profits. It is the best deal going for large corporations.

If we oppose corporate welfare and think we ought to address it on principle and decide whether or not the Congress and the U.S. Government and the taxpayers should be in this type of business, we have to vote for my amendment to get us out of this business. This does not serve the interests of the general welfare of the people. This is antagonistic toward the general welfare of the people. It costs the taxpayers money, it puts the risk on the taxpayer, it serves the interests of the powerful special interests. Why else would they come with their lobbying funds? Why else would they come with their huge donations to the political action committees, unless it is a darn good deal for them?

□ 1200

They say it is a good deal for Boeing workers, but in 1995 there was a strike by the machinists against Boeing because Boeing agreed to buy the tail portion of the 737 from Red China.

We are certainly losing jobs to Red China, Mexico, and other places. I do not mind it if that is a market consequence, but when it is done at the expense of the American taxpayer and it hurts us, we should not do it.

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this amendment. The Export-Import Bank is a vital tool for helping United States businesses export United States goods. It should not be eliminated.

In an ideal world, governments around the world would not subsidize their exports, and the United States would not, as well. However, we all know that other countries sometimes engage in ruthless trading practices, and we must give the United States exporters the tools to compete. As long as exporters in Europe and elsewhere are getting assistance, the Export-Import Bank will be a vital tool for American exporters.

Recent trends show that export financing is becoming more, rather than less common, and major trading nations increased their government-provided export credit by 30 percent between 1993 and 1998. Total credit reached $488 billion in 1988 from other nations, while Export-Import Bank credits totaled just $14 billion.

Given the huge and growing trade deficits we face, it is imperative, in my judgment, that we give our exporters assistance to remain competitive in world markets.

I have questioned and will continue to question some of the Bank's practices and procedures, and the committee will continue to recommend appropriate funding levels for the Bank based upon our oversight and review of these practices.

However, eliminating them entirely, as this amendment proposes to do, would inflict serious harm on United States exporters, and I urge my colleagues to oppose this amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentlewoman from New York has just given some of the reasons, with data, to oppose this amendment. This is a draconian amendment. It eliminates the Export-Import Bank's transaction program altogether. It ends it. It is abject, total, unilateral disarmament.

Mr. Chairman, the American Export Credit and Guarantee Agency of the Export-Import Bank is already underfunded as compared to the similar institutions from other major export countries of Europe, Japan, and even elsewhere. We are outstripped as it is.

In a perfect world, we would not have to have subsidy, but we are dependent to a major extent in our economy on our job base, on being able to export. We have negotiated, with some success, rules for the use of subsidies by the major export countries through the OECD. We have not completely tied that down, if I may use that down, on tied aid. We still have to have a war chest the administration is about to use.

But this is not a perfect world. If our exporters are to compete, if we are to build and sustain a job base in this country, we must have an effective, properly funded Export-Import Bank in this country. This would totally eliminate it.

I would say that the gentleman is not guilty of doing things halfway. He goes all the way on a proposal.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Texas.

Mr. PAUL. I thank the gentleman for yielding, Mr. Chairman.

The gentleman makes the point that we fund in our Export-Import Bank less compared to other nations. That possibly is true.

Mr. BEREUTER. In absolute terms.

Mr. PAUL. The gentleman argues for an increase. But is it not true that the United States has had a healthier economy in the last 10 years than most of our competitors, indicating that it probably has not done us that much harm by not doing the same things that other countries do by penalizing their people with high taxation and making these subsidies?

Mr. BEREUTER. Reclaiming my time, our economic health relies on a lot of things, but we cannot confuse cause and effect. If we lost our export sector, we would be in deep trouble.

Take my own home State, for example, agriculture being one of the two major largest exporters. One-third, maybe even more, of everything we grow, like the rest of this country, is export. If we lose that base, if we would write off 95 percent of the world's people, we are in a hopeless condition.

I would say to the gentleman, I understand his ideological reasons for offering this. I happen to dramatically disagree. I think American citizens do not support the unilateral disarmament.

Mr. PAUL. If the gentleman will continue to yield, Mr. Chairman, why is it assumed that there would be no export funds available to export goods if we did not subsidize the exports?

Mr. BEREUTER. I would say to the gentleman, it does not totally cut off exports, but it does cut off a very significant base if we unilaterally disarm. Because in many areas, of course, we are competing for third-country markets where the subsidy from the French or the Germans or Japanese or some other major export company make the difference.

Without us being there, we certainly do not have a chance to effectively compete for those jobs, for those products to be exported abroad.

Mr. Chairman, I urge strong opposition to the gentleman's amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

I will be brief. Let me just say that I think the arguments have been laid out by my colleague, the gentlewoman from New York (Mrs. LOWEY) and by the gentleman from Nebraska (Mr. BEREUTER), the arguments against this.

I have a lot of respect for the gentleman from Texas; and his position on these matters. He is very consistent on these kinds of amendments. I do appreciate that.

Mr. Chairman, I find myself conflicted in the sense that I am a free trader and I oppose many of the things that many of my colleagues around here do endorse. However, in this case, the case of the Export-Import Bank, I do not go as far as the gentleman from Texas. The reason for not doing so I think is fairly simple.

As the gentleman from Nebraska pointed out, in a perfect world, in a perfect world we would not have an Export-Import Bank. The Europeans and the Japanese and all the other countries would not have the kinds of export subsidies that they have.

But the world is not perfect. The world of trade between countries is not perfect. There is taxation, there are regulations, there are export subsidies, there are a whole variety of things that go into making it a totally imperfect world.

So in this imperfect world, we have to deal with the reality of what we have. I believe that the Export-Import Bank helps us, helps particularly our small- and medium-sized businesses, not only the very large who ones who do get some of the money. They are not the ones who would not have access. They would have access. But it is the small and medium businesses that I think are very important to the United States, and it is very important particularly to smaller communities around the country that they are able to have access to this export financing credit that enables them to make a sale overseas, to close the deal.

The final thing that closes the deal is this Export-Import Bank subsidy. It enables them to do that where they would not otherwise be able to do it. Many of the other countries in the world use their aid very much as tied aid, and we have gotten away from that.

But the idea that you would have a specific loan given only if it buys a product from that country, we have tried to get away from doing that with our economic assistance, and I am glad to see that we have. The export financing, however, is absolutely critical for our companies that try to do this business overseas and are dealing in the imperfect world out there.

So I think it is very important that we keep that. Abolishing it completely, as the gentleman from Texas would have us do, abolishing that completely and taking away all of our ability to do that I think would simply be the wrong thing for us to do.

Mr. Chairman, I urge my colleagues to defeat this amendment and for us to continue to reform the Export-Import Bank, to continue to reform the whole process worldwide so we can rely less on these kinds of subsidies.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to associate myself with the gentleman's remarks and rise in strong opposition to the Paul amendment.

Mr. KOLBE. Mr. Chairman, I urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed until disposition of all perfecting amendments to this paragraph.

AMENDMENT NO. 48 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 2, line 25, after the dollar amount, insert the following: "(reduced by $25,000,000)".

Page 36, line 26, after the dollar amount, insert the following: "(increased by $25,000,000)".

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, the amendment restores $25 million that was cut by the Committee on Appropriations from the administration's request of $107.5 million for the Global Environment Facility administered by the World Bank.

In considering this amendment, Mr. Chairman, I would like to remind my colleagues of the motto "Think globally, act locally."

The GEF was established to forge international cooperation and help to finance efforts to address four environmental threats that transcend borders: climate change, degradation of international waters, biodiversity laws, and ozone depletion. It is administered jointly by the World Bank, the U.N. Development Program, and the U.N. Environmental Program, with a mission of bringing together governments, developing institutions, the scientific community, the private sector, and the NGOs toward a common goal of bringing about sustainable economic development.

In the period 1991 to 1999, GEF oversaw more than $2.7 billion in grants, which helped to leverage billions more in co-financing from partners, that is, recipient nation NGOs, the private sector, et cetera. More importantly, these projects are usually small in scale. However, when we add them altogether, they have a large, cumulative benefit to the global environment.

The United States is the leading donor to the GEF, and it is essential that we continue to lead the way in fostering sustainable development and sound environmental practices in developing countries.

Mr. Chairman, my amendment would help to ensure that the U.S. pays its full 2002 contribution of $107.5 million. GEF funding is especially critical in the area of global climate change, where we have tended to focus on alleged flaws in the Kyoto Treaty that place too much of a burden on industrialized nations, such as the U.S., and not enough on developing countries.

Whether one agrees with this proposition or not, we should all be in agreement when it comes to providing funds to help the developing world to do their part in reducing the risk of global climate change while providing the energy that is necessary for vigorous, sustainable economic development.

The GEF also will play a critical role in the implementation of the Convention on Persistent Organic Pollutants. So-called POPs include PCBs, DDT, and dioxins. Most have already been banned or are severely limited here in the U.S. However, since these chemicals do stay in the environment for a long time and have a tendency to spread around in the food chain, our own restrictions will be undermined if we do not also help developing nations reduce their use of these chemicals.

My amendment is supported by the leading environmental groups and organizations, including the NRDC, Friends of the Earth, US PIRG, LCV, Environmental Defense, American Oceans Campaign, and the World Wildlife Fund.

My proposed increase for the GEF is offset by the cuts to the Export-Import Bank subsidy appropriation. I am proposing this offset not because I have any particular animus toward the Export-Import Bank. I have always supported it. I personally come from a State that relies heavily on exporting goods to other countries.

However, we are putting more in that budget than the administration requests, and we are cutting this part of the budget below the administration request. The administration seems to believe that the Export-Import Bank can successfully carry out its mission with less funding, and I am willing to go along with that recommendation.

Mr. Chairman, I move the adoption of the amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me just say that I appreciate the comments that the gentlewoman from Texas has made and the substance of her amendment. I know what she is looking for, as she has said, is a full request for the Global Environment Facility.

Mr. Chairman, I would just say that I think this matter is one that is going to continue to be discussed between the House and Senate. Historically, the other body has usually funded this at a higher level, and I know we are going to be reviewing this in conference.

Certainly the issue is an important one, as recent debate worldwide and on the Kyoto matter just this last weekend has highlighted the importance of environmental issues; and having a body that looks at these issues and also one that helps to fund some of the projects dealing with the environment, I think that is very important. So I would just say to the gentlewoman that I believe that we will be reviewing this matter in the conference. I think she is probably going to be much happier when the conference report comes back as it relates to the Global Environment Facility.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, in view of that commitment and interest, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentlewoman from Texas is withdrawn.

There was no objection.

□ 1215

AMENDMENT NO. 12 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. CROWLEY:

Page 2, line 25, after the dollar amount, insert "(reduced by $1)".

Page 11, line 11, after the dollar amount, insert "(increased by $10,000,000)".

Page 25, line 7, after the dollar amount, insert "(reduced by $10,000,000)".

Mr. CROWLEY. Mr. Chairman, I am offering this amendment in conjunction with my colleagues, the gentleman from California (Mr. ROYCE) and the gentleman from Washington (Mr. MCDERMOTT). As cochairmen of the Congressional Caucus on India and Indian-Americans, the gentleman from California (Mr. ROYCE) and the gentleman from Washington (Mr. MCDERMOTT) have been leaders in their work with India and the Indian-American community.

Mr. Chairman, in January of this year, the Indian state of Gujarat was decimated by a devastating earthquake that killed thousands of people and turned its infrastructure into rubble. In the aftermath of this tragedy, there was a lot of Monday-morning quarterbacking as to why so many people were killed and why so much damage was inflicted. The answer, Mr. Chairman, is simple: the Gujarati Government was not prepared to deal with a disaster of such magnitude, despite the fact that this region and the south Asian region as a whole is routinely subject to such natural disasters.

The Crowley-Royce-McDermott amendment seeks to provide sorely needed funds to the U.S. Agency for International Development Office of Foreign Disaster Relief, the Kathmandu office, so that it may work with the governments and communities of Southeast Asia to develop emergency response and disaster preparedness capabilities.

There is no FEMA in India, there is no FEMA in Bangladesh, there is no FEMA in Nepal, there is no FEMA in Sri Lanka. In many Indian states like Gujarat, there is a serious lack of emergency equipment such as ambulances and fire trucks; and as a result, many thousands of people in Gujarat died needlessly because of such shortages in sorely needed equipment.

The Gujarat earthquake was but one more in a long series of natural disasters that have plagued South Asia. South Asia is in a geographical and geological crossroads that makes it very vulnerable to disasters. Massive cyclones regularly batter not only Gujarat, but also Orissa, Maharashtra, Andhra, Pradesh, and Sindh. Drought is a periodic way of life in western India and Pakistan as well. Every season, countless thousands die in Bangladesh due to flooding. The instability of the Himalayan Mountains forces Nepal in northern India to constantly dig out from avalanches and other slides.

Earthquakes have been a fact of life not only in Gujarat but all across the subcontinent for years. No country in the region fully has the capability to institute disaster preparedness and response programs in a manner that will be sufficient to deal with these disasters. Several countries of the region have approached the United States Government for technical assistance in order to establish their own agencies for disaster management. The establishment of FEMA-like organizations in South Asia would greatly increase the capacity of nations to deal with such disasters.

USAID's Office of Foreign Disaster Assistance, OFDA, currently has a representative based in Kathmandu, Nepal, who is charged with covering the entire region. Over the past 15 years, OFDA has developed a strong working relationship with these countries to help them identify the best response and preparedness system for each of these countries. An increase to OFDA's funding will allow that representative to expand and enhance programs in the region to help these nations prepare the appropriate response and preparedness capability to deal with past and future natural disasters.

The $10 million for this enhancement would be offset by a $10 million decrease in the Andean initiative. This is a small price to pay to enable the people of South Asia to survive natural disasters. The countless lives that could be saved by enhancing disaster preparedness in South Asia far outweigh the small amount of arms and military training that would be sent to South America for the same funds.

The consequences of natural disasters are varied. They may be considered in terms of human lives, material goods, economic activities, political impacts, associate or psychological factors. Societal and economic consequences of such natural disasters are too countless to mention. The severe cyclone that developed in the Bay of Bengal in October of 1999 hit the eastern coast of India with tremendous force, causing floods and wind damage in Orissa, Andhra, Pradesh, and West Bengal states.

A second, larger cyclone, the worst storm in almost 30 years, struck India's eastern coastline further impacting those states and the Bengal states.

The Indian Ministry of Agriculture's Central Disaster Mitigation Center reported 9,465 persons killed, 2,260 persons injured as a result of the two cyclones. Infrastructure destruction was catastrophic. More than 15 million people were impacted, 1.5 million homes completely destroyed, and damage to the power grid totaled more than 300 million rupees. There was a loss of substantial grain storage and limited access to safe drinking water, as well as damage to sewer systems.

Basically, Mr. Chairman, the country was decimated. If we do not do this, there will be economies that may never recover.

Mr. ROYCE. Mr. Chairman, I rise in support of the amendment; and I want to thank my friend, the gentleman from New York (Mr. CROWLEY), and the gentleman from Washington (Mr. MCDERMOTT), who serves with me as the cochairman of the Congressional Caucus on India and Indian-Americans. I want to thank them for their leadership on this amendment.

The three of us have introduced this amendment basically to add $10 million to the international disaster assistance fund for USAID's Office of Foreign Disaster Assistance. And the reason we have done this is really in the wake of that earthquake that struck Gujarat. Our hearts go out to the people of Gujarat. We had a chance to visit Gujarat and see the devastation caused by a quake of a magnitude of 6.9. There was one town we were in, the town of Bhuj, where literally every building seemed to have collapsed. In Ahmadabad, apartment complexes had collapsed like accordions on the people inside.

I think we know of more than 17,000 people that lost their lives in Gujarat. There are at least 600,000 homeless. I had, as I said, the opportunity to visit the people there after that quake; and it is hard to put into words the feeling one gets seeing block after block of homes collapsed, seeing the fact that the relief work did not get in early enough to save the people, many of the people whose lives could have been saved. And the tragic fact is that natural disasters come often to South Asia, to that subcontinent. And after the disaster, to add insult to injury, comes the monsoon season. Summer brings those monsoon rains and the cyclones whipping through the coastal regions. And so in western India and Pakistan, where this quake occurred, drought is a constant.

And now in the wake of this earthquake, we have the destruction of the dams and so thousands now will die from flooding, and thousands will die from flooding in Bangladesh as well. And, unfortunately, no country in the region has the capability, Mr. Chairman, to institute disaster preparedness and response programs in a manner sufficient to deal with these catastrophes. If they did, if they did, tens of thousands of human lives would be saved.

Now, we are in a position to help ensure that the nations of South Asia will be prepared to deal with its next natural disaster, and let there be no doubt there will be another one, by passing this amendment. This amendment would enable south Asian nations to establish a FEMA-type organization that would greatly increase their capacity to deal with any of the disasters of this type.

When I traveled to India shortly after the earthquake, I heard from Indian Government officials and relief organizations about the importance of a long-term disaster management plan. There was great interest in India in developing a disaster response agency and learning from FEMA's expertise. Currently, USAID's Office of Foreign Disaster Assistance has a single representative in South Asia, only one, charged with covering the entire region of South Asia.

This increase in the budget in OFDA's funding would allow for the expansion and enhancement of our efforts to help these nations develop this much-needed program. I urge my colleagues to support this amendment. It honors America's humanitarian interests; it also reflects America's growing political relations with this area of the world.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word, and I rise in support of this amendment, which would help mitigate the effects of future disasters in South Asia.

We witnessed with horror the devastation caused by the recent earthquake in Gujarat, India; but this was not the first nor will it be the last such occurrence in Southeast Asia. As reconstruction from the earthquake continues, we must look to improve the capacity of countries in the region to deal with similar events. The central purpose of our foreign assistance program is to help other countries build the capacity to help themselves.

We help build vibrant NGO networks in the developing world, we help ministries of education train teachers and develop curricula to educate their children, and we help create health care infrastructures to allow poor countries to deliver medication and care efficiently and effectively. We should also be helping other countries build their capacity to handle unavoidable natural disasters.

FEMA does a wonderful job dealing with crises in the United States. Our friends in India, Bangladesh, and elsewhere in the region require similar agencies to help them manage the devastation wrought by earthquakes, cyclones, avalanches and other disasters. Better disaster management will save lives. It will allow countries that have experienced tragedies to recover and reconstruct expeditiously. In the long run, it will lessen the massive need for United States foreign disaster assistance. I urge my conclusion to support this amendment.

Ms. DUNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very interested in this discussion of India, and I appreciate the sensitivities of it and feel great sympathy; but I have been watching on television this morning the debate that is occurring on the Ex-Im Bank and I really am very alarmed. So at this moment I rise in concern over the several amendments, two of which we will be voting on to cut or eliminate the Export-Import Bank.

Mr. Chairman, it is vital to restore this amount of money that already has been reduced by $107 million from the 2001's budget allocation. It is also important for us to think in terms of loans rather than subsidies. The Ex-Im Bank provides loan guarantees, not subsidies, to foreign nations. But the Ex-Im Bank support particularly is critical to the world's developing and emerging markets and nations that otherwise would not be able to receive private commercial lending guarantees to finance their sales.

I think anybody who lives in the Pacific Northwest has to be known as a fan of Boeing, and I am one of those. In fiscal year 2000 alone, the Export-Import Bank guaranteed aircraft loans for the sale of more than 60 aircraft to airlines in 15 different countries. In the last 2 years, Ex-Im Bank has guaranteed loans for 185 aircraft that are worth $11 billion. In my corner of the world, that means 17 percent of Boeing's commercial business.

The Ex-Im Bank is indispensable to the global competitiveness of United States exporters like Boeing and many other companies. I think this bank helps in its loan guarantees to level the playing field with our European competitors in many overseas markets. So I would certainly hope that the Members of this body, in their great wisdom and with great thoughtfulness, would maintain our competitive edge by opposing these amendments when they come to a vote.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Crowley amendment to the foreign ops bill that would add $10 million to the Office of Foreign Disaster Assistance at USAID.

It is my understanding that this amendment is going to be changed somewhat so that it is $1 million instead of $10 million but that we will try in conference to get the larger amount. I know that there is likely to be more money available at that level in conference, so I commend the author of this amendment for his efforts here.

I think this is very important, and let me stress that those of us who have been around here for a few years know that there are many natural disasters that befall the South Asia area, whether it be cyclones in Bangladesh, or earthquakes in India, or some of the other natural disasters that we have seen over the years. And, of course, the U.S. is always there to help out and to provide assistance when those disasters occur in India and surrounding countries. But the bottom line is what we are trying to do here today is, I think in many ways, much more important than disaster relief, and that is preparedness.

□ 1230

The idea of having a FEMA-type organization in place in South Asia to address a long-term disaster management program is probably the best idea I have seen around here in years in trying to cope with these natural disasters.

I can tell you from my experience as I live along the shore in New Jersey, we have had FEMA many times coming down and helping us with hurricane or Northeasterner preparedness. It has saved millions of dollars and so many lives over the years because we have FEMA and we have preparedness in place.

I have to imagine that in the case of South Asia, this will make a tremendous difference. That is why I encourage this effort whether it is $1 million or the $10 million that we hopefully will get eventually.

Let me say South Asia's geographic location makes it very vulnerable to disaster. The Gujarat earthquake in January was just one in a long series of natural disasters that has plagued the subcontinent. In fact, many states in India alone are continually ravaged by massive cyclones; and drought is a way of life in western India. Bangladesh sees thousands die in flooding, and the instability of the Himalayan Mountains force Nepal and Northern India to constantly dig out from avalanches and other slides.

India, and certainly no other country in this region, fully has the capability to institute disaster preparedness and response programs in a manner that will be sufficient to deal with these disasters. Several countries in the region have approached the U.S. for technical assistance in order to establish their own agencies for disaster management. The establishment for a FEMA-like organization in South Asia would greatly increase the capacity of nations to deal with such disasters.

USAID's Office of Foreign Disaster Assistance currently has a lone representative based in Kathmandu, Nepal who is charged with covering the whole region. An increase in that office would allow that representative to expand in and enhance our programs in the region to help these nations develop the needed programs.

Mr. Chairman, this amendment is very important. I cannot stress how important it is. I offer my full support to the gentleman from New York (Mr. CROWLEY), the gentleman from California (Mr. ROYCE), and other Members of our India caucus and encourage all of my colleagues to do the same.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in reluctant opposition to the gentleman's amendment to increase the amount available for international disaster assistance for South Asia for earthquake monitoring. While the Crowley initiative is important and well-intentioned, it is regrettable that he intends to find the needed resources by reducing the money set aside for the Andean Counterdrug Initiative. That portion of this initiative I cannot support.

The Andean Drug Initiative is critical to fighting the movement of illicit drugs coming into our Nation. Every community in our America has been touched by the pain and suffering that accompanies illicit drug usage. Having indicated these concerns, I understand that a compromise has now been worked out to reduce the $10 million portion to $1 million; and I will reluctantly support that compromise.

The recent earthquake in India did kill thousands of people and cause millions of dollars of damage. I would hope an appropriate amount is found to fund this much needed program.

If our Nation can help develop a monitoring system that will forecast future quakes, we would be greatly contributing to the safety of millions of South Asians. This is an important and worthy goal to achieve. Accordingly, I fully support the Kolbe compromise agreement.

Mr. McDERMOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come to the floor because I want to tell a tale of two cities. Seattle and Bhuj in Gujarat had earthquakes of about the same strength. Seattle lost one life, and a few buildings had some cracks here and there. There was quite a bit of physical damage but nothing like what happened to the city of Bhuj, the area in which Bhuj exists, that is, Gujarat, had somewhere between 25,000 and 100,000 people die. About 100,000 homes were flattened, and it had to do with the system of preparedness we have in this country for disasters and the absence of such a system in India.

As you heard from a previous speaker, USAID presently has one person sitting in Kathmandu to cover all of the subcontinent, and it is clearly not enough when you are looking at situations like this.

It used to be, the first years I was in Congress, we were out here every year giving money to some disaster here or there or another place. Hurricane Mitch or the Mozambican floods or a whole bunch of things. But this administration has said there will be no disaster relief for India or for El Salvador, and they are cutting down the use of money from the Surplus Commodities Program. All of those used to be programs that were used to deal with human misery.

I originally started with $100 million for earthquake rehabilitation to help them build homes that would survive this kind of an earthquake. I am down to $10 million now, and I cannot get it into that. But at least we can help them establish a system of earthquake preparedness like our own.

One of problems when you have buildings fall down like that is, how do you get to the people who are underneath it? What is required is saws that will cut concrete. One of things we know in the United States is if we have a disaster anywhere, we can have cement cutting saws there within a few hours. The ones that went to India came from Switzerland. You can imagine how long it took them to get organized in Switzerland, get them on a plane, and fly them. By that time people have been lying in rubble for 12 to 24 hours.

Mr. Chairman, a person can only survive in most of these situations for about 72 hours. Occasionally they find somebody after 4 or 5 days; generally, however, it is a very short window. So the Office of Disaster Preparedness is really to have a list and a cataloging of where are the things that we can use for this.

Mr. Chairman, we also need cranes. If workers are going to lift a 20-ton slab of concrete, they have got to have cranes available. All of these things in the United States, we do not have them sitting someplace, but FEMA knows where they are. If there is a problem, the calls go immediately, and the equipment comes in. That is what we are talking about here with this money for India.

Mr. Chairman, I hear there is perhaps a compromise in the works for $1 million. I only have this to say about $1 million. We are the richest country in the world. For us to look at a country of a billion people and say hey, we can find $1 million, that is not even a rounding error in this place today.

In my view, $10 million is a minimal contribution that we should be able to make to this. I hope the chairman and the ranking member, when they get to conference, will see if they cannot get the number up.

Mrs. MORELLA. Mr. Chairman, I rise in support of the Crowley, Royce, McDermott Amendment. This Amendment will add $10 million to the International Disaster Assistance fund for USAID's Office of Foreign Disaster Assistance to help six South Asian nations prepare and increase response capabilities for natural disasters. In turn, a heightened state of readiness will help the governments of India, Pakistan, Sri Lanka, Bangladesh, Nepal, and Bhutan save much-needed monetary and natural resources as well as countless lives.

The earthquake that hit India in January was the latest in a long series of reminders that South Asia is in a geological crossroads, which makes it especially vulnerable to disasters. The 7.9-magnitude earthquake in the State of Gujarat shook office buildings 900 miles away in New Delhi and was felt 2,000 miles away in Calcutta. The deaths of 15,000 people were a sobering illustration of the lack of disaster preparedness in India and South Asia.

As the world's two largest democracies, India and the United States have enjoyed a common commitment to the rule of law and basic freedoms as well as longstanding cooperation in the economic, commercial, and agricultural fields. The U.S.-India friendship extends to the fight against terrorism, the protection of the environment, and the expansion of trade.

Furthermore, India's unwavering dedication to democracy; universal suffrage; freedom of religion, speech, and the press; and a deep-rooted tradition of nonviolence and tolerance, have demonstrated that nation's progress on human rights. As a linguistically, religiously, and ethnically diverse nation—home to more that one billion people—India presents its leaders with daunting challenges. Nevertheless, India's leaders have confronted all problems directly and have shown the world how to live with differences under trying circumstances. They have demonstrated that tolerance and respect are often the keys to our mutual survival.

At the dawn of the 21st Century, as India and the United States continue to grow closer in terms of economic and trade relations, joint efforts on counter-terrorism, and strategic cooperation, let us extend our hand of friendship and our commitment to strong relations to all South Asian nations.

As a member of the Congressional Caucus on India, I ask my colleagues to join me in supporting the Crowley, Royce, McDermott Amendment.

Mr. LANTOS. Mr. Chairman, I rise in support of this amendment and I want to thank my colleagues from the International Relations Committee—Mr. CROWLEY and Mr. ROYCE—as well as Mr. MCDERMOTT, the co-chair of the India Caucus for introducing this amendment to the Foreign Operations Appropriations bill. This amendment would add $10 million to the Office of Foreign Disaster Assistance at USAID to fund a disaster preparedness and prevention program in South Asia.

Mr. Chairman, we have seen over the last two years a series of natural disasters that have wreaked havoc in the countries of South Asia—everything from the droughts, cyclones and floods that regularly afflict the subcontinent to the devastating earthquake that hit India and Pakistan earlier this year.

The South Asia region is one of the most disaster prone parts of the world has some of the poorest and most densely populated countries. Experts believe that there is a very high likelihood that an earthquake similar to the Bhuj earthquake will strike Nepal within the decade. Pakistan and Afghanistan are even now experiencing a severe drought that is causing thousands to flee their homes and abandon their farms.

And yet we have first hand experience in how effective response and early warning systems can save lives and minimize destruction from natural disasters.

Our Federal Emergency Management Agency (FEMA) has established a worldwide reputation for fast and effective disaster response. When disaster strikes in America, FEMA works with state and local governments, non-governmental organizations like the Red Cross and the Salvation Army, military and police authorities, and a myriad other actors to coordinate an effective disaster response. Such capacity is clearly needed in South Asia.

By working with each of these countries individually and collectively, OFDA can help these countries improve their response capacity and reduce the devastation and loss of life that inevitably follow natural disasters in South Asia.

Furthermore, by helping to establish greater regional cooperation in disaster management will help the countries of South Asia access and deploy much needed assets in a more cost effective way and could lead to greater cooperation in other areas.

Mr. Chairman, clearly all of the countries of South Asia could benefit enormously from better emergency preparedness and mitigation programs.

However, USAID's Office of Foreign Disaster Assistance (OFDA) currently has a lone representative based in Kathmandu, Nepal who is charged with covering the whole region. An increase to OFDA's funding would allow that representative to expand and enhance programs in the region to help these nations develop the needed programs.

These programs will help save thousands of lives and will ultimately save U.S. taxpayer money over the long run as the countries of South Asia improve and build their own disaster management and response capacity, thereby reducing their need for American assistance when disaster strikes—as it inevitably will.

I urge my colleagues to vote in favor of this amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today in strong support of the Crowley-Royce-McDermott Amendment. It is difficult for us to imagine the magnitude of destruction and loss caused by India's devastating earthquake in Gujarat. With over 30,000 dead, 500,000 homeless, and over $5.5 billion worth of damage, Gujarat desperately needs the resources to begin rebuilding and recovering from this tragic event. As India's largest trading partner and investor, the United States has a duty to help the people of Gujarat and ensure that natural disasters do not fracture the foundation of the world's largest democracy.

The key to avoiding the unnecessary deaths of thousands of individuals is to institute disaster preparedness and response programs throughout India. Many South Asian countries have asked our government for technical assistance so that they can develop disaster management programs. In order to be successful, however, these efforts need sufficient funds and resources. An additional $10 million in aid, a relatively modest contribution for the U.S., would not only provide relief to victims of the recent earthquake, but also help prevent future deaths should another earthquake strike this geographically vulnerable region.

With the proper resources, India can harness its manpower to surmount nature's greatest obstacles including cyclones, droughts, floods, and earthquakes. We cannot afford to see a repeat of January's tragedy, and we cannot watch as a nation which accounts for a quarter of the world's poor experiences needless suffering. I am certain that Congress will recognize that it would be inhumane not to vote in favor of this highly cost-effective amendment.

AMENDMENT OFFERED BY MR. KOLBE AS A SUBSTITUTE FOR AMENDMENT NO. 12 OFFERED BY MR. CROWLEY

Mr. KOLBE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. KOLBE as a substitute for amendment No. 12 offered by Mr. CROWLEY.

In lieu of the pending amendment:

Page 2, line 25, after the dollar amount, insert "(reduced by $1)".

Page 11, line 11, after the dollar amount, insert "(increased by $1,000,000)".

Page 25, line 7, after the dollar amount, insert "(reduced by $1,000,000)".

Mr. KOLBE. Mr. Chairman, I have listened with great interest to the remarks that have been made here on the floor, most notably by the gentleman from New York (Mr. CROWLEY); and I associate myself fully with the remarks about the importance of providing disaster relief to India and South Asia and planning for this kind of thing in advance so the number of lives lost can be reduced so the damage can be reduced so that the recovery can be greatly speeded up. I think the gentleman from New York (Mr. CROWLEY) has proposed an excellent idea.

Mr. Chairman, let me say why I have my amendment here. First of all, we have $200 million in the disaster assistance account. Whether we add $1 million or $10 million more is not going to direct $1 more to India or South Asia. There are adequate monies in that fund to handle the disasters that are likely to occur during the course of the year.

My second point is our report has language in it that urges them to give attention to this problem of disaster mitigation. I think the discussion we have had here today reinforces that. My substitute amendment, by adding the $1 million that is included in our report language into this account, makes it even more abundantly clear.

Mr. Chairman, I think the substitute amendment avoids us getting into the issues such as the gentleman from New York (Mr. GILMAN) has pointed out, all of the issues where this money comes out of, and we will have those debates shortly, and still makes the point that we expect the Agency for International Development and the Disaster Assistance Program to look carefully at this issue of mitigation of disasters.

Mr. Chairman, I appreciate the gentleman's bringing this to our attention and would hope that Members would be able to support our amendment.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, is it the intention of the gentleman's amendment to increase the funding for AID from $200 million to $201 million?

Mr. KOLBE. That is correct.

Mr. CROWLEY. And the gentleman has agreed to allocate through the conference process to work to ensure that $10 million will be allocated from the AID fund that will be directed to the South Asia region, the Kathmandu office?

Mr. KOLBE. Mr. Chairman, I would use the word "direct" rather than "allocate." We do not earmark. We have a direction that they make this money available, and they look carefully at the mitigation issues in South Asia. I believe it accomplishes exactly what the gentleman is asking us to do.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I am very pleased to accept the gentleman's substitute. I appreciate my colleague, the gentleman from New York (Mr. CROWLEY) expressing my views on the importance of the ability to respond to emergencies such as happened in India and Gujarat, and I am very pleased to work with the chairman to direct AID to direct the funds of $10 million towards this account. We both acknowledge the very important work of FEMA and the ability to respond to emergencies such as occurred in Gujarat, and working with countries to build that capacity.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this must be a real affirmation. As the gentleman recalls, we discussed this issue last week, and I support the gentleman from New York (Mr. CROWLEY) and thank him for his leadership and thank the gentleman for this amendment.

There are a number of Indo-Americans who have worked so hard on this disaster in India, among other places, and I think this is a very important step to help them in their efforts, and I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE) as a substitute for the amendment offered by the gentleman from New York (Mr. CROWLEY).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY), as amended.

The amendment, as amended, was agreed to.

□ 1245

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $63,000,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2002.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,608,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

Such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,024,000, to remain available until September 30, 2003.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 60 offered by the gentleman from Indiana (Mr. VISCLOSKY); amendment No. 56 offered by the gentleman from Texas (Mr. PAUL).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 60 OFFERED BY MR. VISCLOSKY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 162, not voting 13, as follows:

[Roll No. 260]

AYES—258

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baldacci
Baldwin
Barcia
Barr
Barrett
Barton
Bass
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Buyer
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Culberson
Cummings
Davis (IL)
Davis, Jo Ann
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dingell
Doggett
Doolittle
Doyle
Duncan
Edwards
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Filner
Flake
Foley
Ford
Fossella
Frank
Frost
Gekas
Gephardt
Gibbons
Goode
Gordon
Graham
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hart
Hastings (FL)
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hostettler
Hoyer
Hulshof
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
LaTourette
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Miller, George
Mink
Mollohan
Moran (KS)
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Price (NC)
Quinn
Rahall
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sherman
Sherwood
Shimkus
Shows
Shuster
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Wamp
Waters
Watkins (OK)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOES—162

Baird
Baker
Ballenger
Bartlett
Bentsen
Bereuter
Biggert
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cantor
Carson (OK)
Castle
Chambliss
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Cunningham
Davis (CA)
Davis (FL)
Davis, Tom
Deal
DeLay
DeMint
Dicks
Dooley
Dreier
Dunn
Ehlers
Ehrlich
Eshoo
Ferguson
Fletcher
Forbes
Frelinghuysen
Ganske
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goss
Granger
Graves
Greenwood
Hall (TX)
Hansen
Harman
Hayes
Hefley
Herger
Hobson
Hooley
Houghton
Hyde
Inslee
Isakson
Israel
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kerns
Kind (WI)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
Larsen (WA)
Larson (CT)
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McDermott
McKeon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moore
Moran (VA)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pitts
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Roukema
Ryun (KS)
Sanchez
Saxton
Schrock
Sessions
Shadegg
Shaw
Shays
Simmons
Simpson
Skeen
Smith (TX)
Smith (WA)
Snyder
Souder
Stenholm
Stump
Sununu
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Vitter
Walden
Walsh
Watson (CA)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson
Young (FL)

NOT VOTING—13

DeGette
Delahunt
Gallegly
Hastings (WA)
Horn
Hutchinson
Kilpatrick
Lipinski
Meehan
Reyes
Sabo
Scarborough
Spence

□ 1310

Messrs. GANSKE, GILCHREST, WELLER and DEMINT changed their vote from "aye" to "no."

Messrs. SPRATT, RANGEL, SANDLIN, BISHOP, RUSH, BACHUS, EVERETT, PETERSON of Pennsylvania, JENKINS and WHITFIELD, Mrs. KELLY and Mrs. JO ANN DAVIS of Virginia changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HORN. Mr. Chairman, on rollcall No. 260 I was inadvertently detained. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6, rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 56 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 47, noes 375, not voting 11, as follows:

[Roll No. 261]

AYES—47

Akin
Armey
Barr
Bartlett
Bass
Burton
Chabot
Coble
Conyers
Cox
Crane
Culberson
DeLay
Doolittle
Duncan

Edwards
Flake
Gibbons
Goode
Hayworth
Herger
Hilleary
Hilliard
Hoekstra
Hostettler
Hunter
Jones (NC)
McInnis
McKinney
Ney
Otter
Paul
Pence
Petri
Platts
Pombo
Rohrabacher
Royce
Schaffer
Sensenbrenner
Shadegg
Smith (MI)
Tancredo
Taylor (MS)
Taylor (NC)
Traficant
Wamp

NOES—375

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hefley
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

DeGette
Delahunt
Gallegly
Hastings (WA)
Kilpatrick
Lipinski
Meehan
Reyes
Scarborough
Spence
Stenholm

☐ 1319

Mr. HERGER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 and title I of Public Law 106–570, for child survival, reproductive health, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, $1,387,000,000, to remain available until expended: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs, and related education programs, which directly address the needs of mothers and children; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other infectious diseases; and (6) reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health programs: *Provided further*, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $295,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $434,000,000 for HIV/AIDS; $155,000,000 for other infectious diseases; $120,000,000 for UNICEF; and $358,000,000 for reproductive health: *Provided further*, That of the funds appropriated under this heading, up to $60,000,000 may be made available for a United States contribution to the The Vaccine Fund and up to $10,000,000 may be made available for the International AIDS Vaccine Initiative: *Provided further*, That of the funds appropriated under this heading and under the heading "Child Survival and Disease Programs Fund" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, up to $100,000,000 may be made available for a United States contribution to a multilateral trust fund to fight HIV/AIDS, malaria, and tuberculosis: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

AMENDMENT NO. 26 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Ms. LEE:

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the third dollar amount in the fourth proviso, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the dollar amount in the sixth proviso, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount, insert the following: "(decreased by $38,000,000)".

In title III of the bill in the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the first dollar amount, insert the following: "(decreased by $22,000,000)".

Ms. LEE. Mr. Chairman, first, I would like to begin by thanking the gentleman from Iowa (Mr. LEACH) for cosponsoring this amendment which would increase the United States contribution to the Global AIDS Trust Fund from $100 million to $160 million in fiscal year 2002. I would also like to acknowledge and thank the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, and the gentlewoman from New York (Mrs. LOWEY), the ranking member, and the gentlewoman from California (Ms. PELOSI) and the gentleman from Wisconsin (Mr. OBEY) for their strong leadership in the House Appropriations Subcommittee on Foreign Operations, and for increasing global HIV and AIDS with this initial $100 million increase, and by a proposed $100 million in the Labor-HHS appropriations bill.

Now, the United Nations Secretary General, General Kofi Annan, has stated that a $10 billion annual war chest is needed to fight HIV/AIDS. The Harvard AIDS Institute has stated that $10 billion is needed annually for HIV/AIDS prevention and treatment. So while these increases are taking us in the right direction, there still is not enough money for the Global AIDS Trust Fund.

Last year, the United States spent $490 million on global HIV/AIDS programs. This amount falls short of the billions required to fight the global AIDS crisis.

Now, we all know that the global AIDS crisis, particularly as it is affecting the African continent, is the greatest humanitarian crisis of our time. Eight thousand people died of AIDS every day last year and that means six people died every minute. Since the virus was first recognized 20 years ago, 58 million people have been infected and, at current rates of spread, the total will exceed $100 million by 2005. AIDS has orphaned over 10 million children in Africa. By 2010, there will be more than 40 million AIDS orphans.

I participated in the United Nations General Assembly Special Session on HIV/AIDS as part of the official United States delegation. World leaders, international HIV experts, and economists in civil society called for a $7 billion to $10 billion Global AIDS Trust Fund in order to address HIV and AIDS prevention, education, care, and treatment in Africa.

So I want to remind my colleagues that last year, both the House and Senate passed bipartisan legislation which authorized the establishment of the World Bank AIDS Trust Fund. This bill was signed into law by President Clinton.

Mr. Chairman, at this time I will insert for the RECORD a letter I received from the Secretary which indicates the importance of this legislation.

DEPARTMENT OF THE TREASURY,
Washington, DC, July 11, 2001.

Hon. BARBARA LEE,
Committee on Financial Services, House of Representatives, Washington, DC

DEAR MRS. LEE: Thank you for your letter of June 22nd on the negotiations to create a global fund for AIDS, tuberculosis, and malaria. I appreciate the leadership and support that Congress has demonstrated on this issue, and agree that the international community should work to reach agreement to establish the fund as quickly as possible. There has been considerable progress toward this end, and the United States is pushing hard to reach agreement on process details and timetables that will enable the fund to be established and operational by January 2002.

The United States support a fiduciary role for the World Bank in the global fund, and we are working with other donors to achieve consensus on such a role. We have already had preliminary discussions with the Bank on the substantive elements of such a function.

It is also the United States' position that the fund should be donor-controlled and broadly representative of all stakeholders, with a major operational role for medical and public health experts. We believe that a consensus is also beginning to form around these issues.

Thank you again for your continuing interest and concern in this urgent matter.

Sincerely,

PAUL H. O'NEILL.

Mr. Chairman, in order to remain at the forefront, our leadership, the United States leadership, must include providing significant funding to the Global AIDS Trust Fund. Actually, this year our authorization, which was agreed upon by our Committee on International Relations under the leadership of the gentleman from Illinois (Mr. HYDE), calls for approximately a $750 million distribution. The trust fund will provide direct funding for HIV/AIDS prevention, education, treatment, and care services. These funds are desperately needed.

I believe, and experts support, the fact that the United States must commit a minimum of $1 billion for the Global AIDS Trust Fund in order to lead this international effort. This will help leverage the $10 billion requirement, and it will keep the United States in a leadership position.

Now, I understand the financial constraints which are presented in this bill. However, I strongly believe that we must do everything that we can at every opportunity to bring us closer to that $1 billion level. So our $60 million amendment will do just that.

As discussions about a comprehensive and coordinated global response to the AIDS crisis has ensued, there have been many questions about whether or not African countries and HIV/AIDS service providers will be able to expend large amounts of funding on the pandemic. I want to remind my colleagues about the authorizing language in H.R. 3519, the Global AIDS and Tuberculosis Relief Act of 2000. The authorizing language included language that indicated that we must build the necessary health care and social infrastructure, while at the same time providing for care and treatment to ensure long-term success.

There have been reports which claim the developing countries and HIV/AIDS service providers will not effectively be able to absorb or distribute large amounts of money for the global pandemic. But according to a USAID report, there are over 25 countries that have been identified as high impact countries, yet aid is only scaling up in four of these countries. According to the USAID missions, capacities for increases in funding in Africa alone could be doubled and spent effectively.

As for offsets, I want to state for the record that the offsets for this amendment will come from an across-the-board cut of the foreign military financing budget increases from last year. These cuts do not include funding for Israel, Egypt, or Jordan. Our amendment will also cut funding from the Andean antinarcotic initiatives specifically, military spending for Peru only, once again, only from the increase this year.

Mr. Chairman, I urge adoption of the amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California (Ms. LEE).

Mr. Chairman, I want to commend the gentlewoman from California and the leadership that she has shown in this fight against HIV and AIDS, and I also want to say the same about the gentlewoman from California (Ms. PELOSI), the other member of our subcommittee. Both of them have been true leaders in this and, really, the conscience of the House in this matter.

I wish I could agree with the amendment, but I think that we have a carefully balanced bill when it comes to our priorities, so I find myself in disagreement with this amendment. I think it is worth noting that the committee has recommended a generous increase for international health, and it has reduced the President's request for both of the accounts that this amendment would reduce even further.

The amendment, while it may be well motivated, threatens the balance among competing interests, competing national interests that are found in this bill. Arriving at that balance with the gentlewoman from New York (Mrs. LOWEY), the ranking member, has not been easy; and I do not expect that all of the Members necessarily are going to agree with it. But once we upset that, once we demolish that balance, I do not think it is going to be easy to restore.

Unlike last year, we cannot count on the other body to restore assistance to the Andean nations, nor can we count on the other body to restore further cuts we make in military assistance to Poland or to the Baltic States.

Mr. Chairman, the amendment would also cut $22 million from the foreign military financing program. This is an account that is very large at $3.627 billion. But 94 percent of those funds in this year's bill are allocated for Israel, Egypt, and Jordan. Only $177 million is available to the rest of the world. Let me repeat those two figures. This amendment cuts $22 million, and that is one-eighth of the military assistance to countries outside of the Middle East.

Who is going to be affected by that? Will this cut be allocated against our friends in Poland, in Hungary, or the Czech Republic, those who have just joined NATO? It is inevitable that they are going to be affected by this. Last year we had a similar amendment, together with the Waters amendment, that eliminated all military assistance except to Israel and Egypt, and even reduced funding for those countries.

□ 1330

It also eliminated our military assistance to the Baltic States. Members ignored warnings from the gentleman from Alabama (Chairman CALLAHAN) in their rush to support popular causes of the day.

I know that many Americans of Baltic and Central European origin were concerned about the action taken by this body last year, because most of us heard from them. Those Americans recognized not just the symbolic importance but the material importance of the assistance we give to the Baltic States and to Poland and to Hungary.

We should not make the same mistake again, in my view, of ignoring those concerns and the vital strategic interest we have in that region.

With regard to HIV/AIDS, my own commitment and involvement in this issue I think is a matter of public record. Just last Friday I chaired a day-long panel here in the House of Representatives, four panels of experts and leaders who updated dozens of staff members and other Members of this body on the current situation with regard to the pandemic.

That day-long seminar drove home very clearly to me the comments and remarks and the truth of what the gentlewoman from California has said. The crisis in HIV/AIDS has not abated. It is getting worse in the world. It requires more resources, a lot more resources.

Our bill does provide those resources, above and beyond what was requested by the President, at the expense of other programs. My chairmanship of the Subcommittee on Foreign Operations, Export Financing and Related Agencies reflects the priority we are giving in this global fight against the scourge of AIDS. We have $474 million for HIV/AIDS, and we just added in a recent amendment another $18 million to that. Another $80 million was provided by the supplemental appropriations conference agreement that Congress sent to the President last Friday.

Taking those two bills together, this bill and the supplemental that we just sent to the President, the House would increase AIDS funding by 76 percent in this year, from $315 million in fiscal year 2001 to $554 million in 2002, and my mental calculations here are not reflecting the $18 million we just added in with the adoption of the other amendment a few minutes ago.

This increase, over 76 percent in HIV/AIDS funding, is what the committee has concluded that we can afford and effectively use within the allocation provided for this bill. I am uncertain whether another $60 million would be obligated and effectively used during the fiscal year 2002, but it would be spent eventually.

I know the gentlewoman has put all of this money into the International Trust Fund, which I think, as the gentlewoman knows, at this point is still just on paper. We do not have it organized.

So I would oppose this amendment and urge my colleagues not to adopt this amendment but to allow the subcommittee and committee's work in this area to stand.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Leach amendment. This amendment proposes a smart shifting of funds. It moves foreign military funds to an HIV/AIDS initiative that will affect positive changes in people's lives around the world.

HIV/AIDS affects more than 10 million young people around the world, making it the largest health crisis children face. As bad or worse is that this horrific virus has made orphans of millions of uninfected children whose parents have died from HIV/AIDS. How bad does it have to get before this Congress realizes that we need to take immediate and effective action against the global AIDS epidemic?

As yet, our response as a nation to this global pandemic has not kept pace with the enormous growth in this deadly disease. The countries hit hardest remain ill-equipped and unable to respond adequately.

AIDS is no longer only a health matter. It is a matter of social stability. It is a matter of economic development. It is a matter of international security.

Increasing the World Bank's HIV/AIDS Trust Fund by $60 million will help to reduce the rate of new infections. It will extend the lives of people living with HIV and provide care and support for children and families impacted by the disease. The availability of this funding will make the difference between death and a healthy future.

By passing this amendment, the United States will make a practical investment and a necessary investment in those across the globe who need our help, help they need now. I strongly urge my colleagues to support this amendment.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

First, let me congratulate and thank my good friend, the gentlewoman from

California (Ms. LEE), for her leadership in this effort; and I would also express my deep respect for the gentleman from Arizona (Mr. KOLBE) for his commitment in this area.

I know it is awkward for the Committee on Appropriations, after putting substantially more money into this process, to have Members come to the floor and ask for more. But let me explain why I think this is important.

If one were sitting on the moon and were to look down at this country and the world at this time, it is hard not to conclude that the greatest difficulty we have is disease control, particularly AIDS. Our Surgeon General has said that this is going to be the largest pandemic in human history, exceeding that of the bubonic plague of the 1300s and the epidemic of flu in the early part of the last century which both killed over 20 million people.

Twenty-two million have now died from AIDS, and in Africa alone 25 million have the HIV virus. Obviously, this is a disease that knows no borders. Obviously, it cannot be contained in continents. It is rapidly spreading into the subcontinent of Central Asia, into Southeast Asia, into the former Soviet Union. Over 1 million American citizens have the HIV virus.

Mr. Chairman, now with regard to where the resources for this amendment come from, this is a very modest amendment. It takes about $60 million from a military interdiction program in Peru and from foreign military sales.

Intriguingly, from a national security perspective, one of the great questions is, is the security of the average American citizen going to be more likely protected with giving guns and bullets to others at the turn of this century or through dealing with this disease in this kind of way—expecially when those guns and bullets apply to foreign military sales, not provisions for the military of the United States of America?

Finally, let me say why it is with some concern that I rise with the gentlewoman. In the last Congress, the Committee on Banking and Financial Services established a World Bank AIDS Trust Fund and authorized a substantial sum of money. Unfortunately, the appropriations process did not come forth with the matching obligation.

So what the gentlewoman from California (Ms. LEE) and I are attempting to do is to meet the beginning of that obligation in a much more serious way. This is the will of the Congress in an authorizing sense, and it is our view it ought to be matched in an appropriations way.

Finally, let me just say that it is self-evident that we have a humanitarian crisis, but it also is an economic crisis. It is a national security crisis. It is a crisis that has to be dealt with on a worldwide basis. That is precisely what the leaders of the world met this last week to talk about. It is precisely what this Congress has to deal with today.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding.

I want to commend the gentlewoman from California (Ms. LEE) for her effective work to fight for and provide funding for HIV/AIDS. I know the gentleman from Iowa (Mr. LEACH) has been an outstanding advocate of the same program.

Mr. Chairman, I have consistently tried to support that. But I reluctantly oppose this amendment, as it will cut into our important Andean antidrug initiatives and reduce some very important military assistance initiatives, as the chairman pointed out.

With regard to Peru, I just would like my colleagues, as they discuss assistance for Peru, to bear in mind the case of Lori Berenson, the case of the American citizen who has been wrongly imprisoned for far too long in Peru.

Mr. Chairman, while I commend our colleague, the gentlewoman from California, Ms. BARBARA LEE, on her effective work to fight and provide funding for HIV/AIDS, which I have continually supported, I reluctantly oppose this amendment as it will cut into our important Andean anti-drug initiatives and reduce some important military assistance initiatives.

And with regard to Peru, I urge my colleagues to bear in mind the case of Lori Berenson, the American citizen who has been wrongly imprisoned in Peru on charges of terrorism. This case needs to be closely examined before we consider granting the Peruvian government U.S. aid. Peru needs to understand that the present status of Lori Berenson is unacceptable.

While Peru has made great strides in improving its economy and fighting drugs, the Fujimori regime created a judicial system that is seriously lacking in independence. Lori Berenson was initially condemned under a flawed military court system that imprisoned hundreds of innocent Peruvians. Peru has now conceded that Lori was innocent of leading or participating in any terrorist organization. Her second trial should not have been held without a major revision and reform of Peru's anti-terrorism legislation. Her case will remain a thorny issue between the United States and Peru until Lori is released from prison.

Lori has been in prison for 5½ years, it is time for her to be able to return home.

Mr. LEACH. Mr. Chairman, let me just conclude by thanking again the gentlewoman from California (Ms. LEE), who is a stalwart and wonderful leader on this cause, and her fine staff.

Ms. CARSON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Lee-Leach amendment that would increase the United States contribution to the global HIV/AIDS fund from $1 million to $160 million. World leaders, HIV/AIDS experts and economists have called for a $7 billion to $10 billion fund in order to address HIV/AIDS. This amendment is simply a down payment.

Why are such funds needed? Because we are facing a worldwide crisis. More than 36.1 million people are currently infected and living with HIV worldwide, and 1.4 million of them, Mr. Chairman, are children. In the year 2000 alone, 8,000 deaths occurred every day, or nearly six deaths every minute. Experts predict more people will die of AIDS in the next decade than have died in all of the wars of the 20th century.

Equally devastating, the disease also threatens the health and well-being of uninfected children by taking the lives of their parents. By the year 2000, over 42 million children worldwide have been orphaned due to HIV/AIDS.

In the most severely affected regions of the world, a high proportion of teachers are too sick to work or are dying of complications due to AIDS.

Condom distribution is key to a successful HIV/AIDS prevention campaign. USAID has distributed over 1 billion condoms. In addition, USAID is supporting the development of female-controlled methods of prevention, such as microbicides.

If the U.S. Government is committed to supporting efforts that reduce mother-to-child transmission, we must put our money where our mouth is. An alarming number of children have acquired HIV/AIDS through MTCT, and 3 million children under the age of 15 have died of AIDS. USAID is also funding community outreach to pregnant women to make them aware of the risk for the unborn children.

We must ensure that African governments and development agencies in Africa receive the funding needed to continue to expand their work to prevent spread of HIV-AIDS and to treat the victims.

Once again, Mr. Chairman, I strongly urge support of the Lee-Leach global health amendment increasing contributions to the global HIV/AIDS fund. It is a pro-life effort, Mr. Chairman. I would encourage support.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the chairman of the Subcommittee on the Western Hemisphere of the Committee on International Relations, I have had a great deal of time and effort spent on the Andean area of this hemisphere; and if there is a place in this world that deserves some kind of financial aid, this is it, both in the military and also because of the fact that we have created a drug problem in this country and have made people in much weaker areas like the Andes region develop the idea of growing drugs there.

We need to support those areas. We need to support them in every way we can. Over half of this money that is involved here is for peaceful purposes.

Mr. Chairman, I noticed on the amendment that it applies all of this money to child survival and health programs. I was reading in record of the bill that, and not everybody talks about this, there is $434 million, and then it is $474 million in the bill. That is $45 million above the President's request and above $315 million last year. There is also $100 million in our supplement.

Mr. Chairman, the Child Survival and Health Program funds, and this is the part that I found interesting, it funds $295 million just for child survival, maternal health; for vulnerable children, $25 million; and for HIV-AIDS, $434 million. For other infectious disease, I checked on that, tuberculosis and others that generally spring up following on HIV-AIDS, and reproductive health and voluntary family planning, that also fits the HIV-AIDS program. Then there is a grant to UNICEF. Again, much of this could be applied to HIV-AIDS.

When we add it all up, there is over $1 billion 387 million that can be used in this particular area, much more than anybody has been willing to talk about so far.

I would just like to say that the Andean region deserves every consideration that we can give it because we have created the problem that exists there. The use of drugs in this country has created a monstrous drug problem in all of the Andean region; and it is, in my considered opinion, very important that we continue to support that area, especially since the people in Europe and the other parts of the world who have the same drug problem are doing nothing to assist.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words. I thank the sponsors of this legislation, the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH), for the outstanding work that they have done continuously, along with many, many Members who have joined in, including the gentlewoman from California (Ms. PELOSI) and many others who have joined in on this particular aspect of support of the HIV problem.

Let me simply say that my theme today is that we are our brothers' keepers. In newspaper reports we find that 95 percent of all AIDS cases are in the developing world and that this strain of AIDS could cause a drastic explosion if it jumps to the Western world. More than 70 percent of all people living with the disease, or 25.3 million HIV-positive individuals, live in Africa. However, this disease is moving to India. We find that the disease is growing the fastest in places like Russia and China; and, therefore, this is a world-wide disaster.

Over 10 percent of the population is infected in 16 African nations, but it is spreading. The U.S. Census Bureau calculates that by 2010 average life expectancy will be reduced by 40 years in Zimbabwe, Botswana, and in South Africa by 30 years. The disease destabilizes these nations by decimating their workforce, destroying any economic prosperity, depleting their military and peacekeeping forces, and leaving thousands and thousands of orphans. We expect in the years to come that we will find 40 million children orphaned in sub-Saharan Africa.

Let me emphasize the crux of this particular amendment. It is a modest amendment. And I do appreciate the needs of peacekeeping in our European nations, but I would simply say that there will be no opportunity for peacekeeping if we do not fight the devastation of AIDS. AIDS devastates the militaries of these respective countries. It provides military instability because the military personnel travel from country to country and take the infection and carry it elsewhere. It destroys economic development; and certainly because AIDS has no borders, our children are impacted.

So I simply offer my support for this amendment, and I believe it is a modest amendment in terms of the funds that it takes from the respective accounts.

I would lastly say on the drug issue, as would anyone, we want to diminish or decrease the amount of drug use in this country. But I believe a key element of that is treatment. No matter how much we try to fight the supply, if we do not deal with the issue of treatment, we are fighting almost a losing battle. I believe these funds will be vitally necessary and useful to be utilized to fight the devastation of HIV-AIDS.

Mr. Chairman, I rise to extend my strong support for the Lee-Leach Global AIDS amendment to the Foreign Operations Appropriations bill. This amendment would increase the United States contribution to the global HIV/AIDS fund from $100 million to $160 million.

The Lee-Leach amendment addresses the global HIV/AIDS crisis—the most urgent humanitarian crisis of our time. More people have died from HIV/AIDS over the last twenty years than from any other disease in history—21.8 million people. In this country we have been able to slow the rate of AIDS' death, but the disease is at crisis proportions in sub-Saharan Africa, where four-fifths of those deaths have occurred—an average of one death every eight seconds.

The Houston Chronicle reports that 95 percent of all AIDS cases are in the developing world, and that this strain of AIDS could cause a drastic explosion if it jumps to the Western world. More than 70 percent of all people living with the disease, or 25.3 million HIV-positive individuals, live in Africa. Over 10 percent of the population is infected in sixteen African nations. The U.S. Census Bureau calculates that by 2010, average life expectancy will be reduced by 40 years in Zimbabwe and Botswana, and in South Africa by 30 years. The disease destabilizes these nations by decimating its workforce, destroying any economic prosperity, depleting its military and peacekeeping forces and leaving thousands of orphans.

The epidemic is not limited to Africa. Indeed, the fastest growing front of the epidemic is now in Russia, where the number of new infections last year exceeded the total from all previous years combined. In 2000, the number of Russians living with HIV/AIDS skyrocketed from 130,000 to 300,000.

A multilateral response to the global AIDS crisis is the quickest mechanism to engage international donors and to initiate a coordinated international response to the global AIDS pandemic. World leaders, international HIV/AIDS experts and economists and civil society have called for a $7–$10 billion dollar fund in order to address HIV/AIDS prevention, education, care and treatment in Africa. A significant contribution to this goal would be a wise political and national security investment.

The global AIDS trust fund is designed to leverage significant contributions from the international community to fight this global killer. The Lee-Leach amendment would send a strong message that the United States is committed to eradicating HIV/AIDS from the face of the earth. If the Lee-Leach amendment is made law, it would provide significant direct grant funding to African governments, NGO's and civil society in regions of the world that have been hard hit by HIV/AIDS top turn the tied of HIV/AIDS. The Bush administration has told us that the trust fund would be ready to disburse funds by the end December 2001.

I urge all of my colleagues to remember that AIDS knows no borders. With more than 4 million infections annually, Africa remains the epicenter of the AIDS epidemic. However, AIDS is truly a problem that threatens global stability. In India, more than 3.7 million people are living with the virus. In 1999, the highest increase in reported rates of HIV transmission were found not in Africa, but in the former states of the Soviet Union. Keep in mind that stability in those countries that possess nuclear weaponry has been a goal of our foreign policy since the early days of the Cold War.

The $60 million we are seeking will be a down payment on a larger investment in the global AIDS trust fund. I urge my colleagues to recognize this investment and support those amendment.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. However, I do want to commend the author for her sincerity and the work that she has done on the HIV situation.

I oppose this for a number of reasons. First of all, let me reiterate what the gentleman from North Carolina (Mr. BALLENGER) just said, that we have over $1 billion in various appropriation efforts to combat AIDS. This bill alone, as the gentleman from Arizona (Mr. KOLBE) has said, we have a $474 million earmark, and then another $80 million that was in the supplemental budget, and we just increased this $18 million with the Visclosky amendment.

Now, compare that over $500 million, just on this bill, Mr. Chairman, to last year's $315 and the year before about $220 million. Clearly, this foreign operations committee is moving at a very aggressive pace to try to help this situation worldwide, but also in coordination with 12 other appropriation committees in their efforts.

This committee is also funding or encouraging the funding of such products as the Morehouse School of Medicine is doing in Atlanta, and other nonprofit organizations and research institutes. So we are clearly committed to fighting the AIDS situation.

I want to also talk about where this money is coming from, because the author of this amendment is taking money out of some very, very vital programs, the foreign military financing assistance programs. Let me just read the names of some of the recipients of this valuable money: Albania, Bosnia, Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Lithuania, Macedonia, Malta, Romania, Slovakia, and Slovenia. These are all emerging democracies in the Balkans.

How can we, at this critical point in their most recent history, turn our backs on them? Why would we cut this money to what are emerging as not just great democracies but also free people and allies for the United States of America? That is what is going on in the Balkans. That is where this money is coming from.

Now, let us look at the Western Hemisphere. This cuts money from people in Argentina, Belize, El Salvador, Haiti, Jamaica. Certainly, right now, with all the trouble Jamaica is having, it is not time to pull the rug out from under their military assistance.

So I would say, as well intended as this amendment is, it is financed through the wrong mechanisms. And, Mr. Chairman, if that is not bad enough, I want to talk about the Andean initiative and a lot of the criticism of that. And I share the criticism when we rush out on a defense contractor buyer spree, buying helicopters and creating a cottage industry for people who deal in quasi- military equipment, but there are some other programs in there that are extremely important.

Judicial training and witness monitoring that NGOs are doing for some of these countries. Now, I had a constituent several years ago who was jailed in Ecuador. And under the Ecuadoran system of government, an individual has to prove that they are innocent. The state does not have to prove that they are guilty. It is completely different than America. People are put in jail, and they have to build their own case. The government does not even have to tell the person jailed what they are charged for.

One of the great disservices we could inadvertently do for our constituents in America is to put them at further risk when they go to some of these countries in South America. They do need judicial reform, and this money cuts that very needed judicial reform.

So for these reasons I oppose this amendment. Again, I appreciate the sincerity of the authors and the supporters of it, but I think we need to look again at where they are taking the money and the track record of this committee, what it has done, and what its commitment remains to be on HIV.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Lee-Leach global AIDS amendment.

Mr. Chairman, I want to compliment the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) for their leadership on this issue. My second term in the House of Representatives, and last year, through my work with the gentlewoman from California (Ms. LEE), I became more and more aware of the need for this country to step up to the plate and take its leadership role in addressing the pandemic of AIDS.

In reality, as we nickel and dime our way towards paying for the AIDS pandemic in our country and across the world, we ought to be anteing up $1 billion from the United States that would allow us to leverage another $8 to $9 billion across the world to support this AIDS, to get rid of this AIDS pandemic.

The prior speaker specifically said that we were cutting funds. But in fact we are looking at funds to leverage to the trust fund, and we are not cutting USAID funds. We are not talking about bilateral funds, and we are not talking about decreasing the income of the various countries that are being dealt with. We are talking about decreasing an increase for these countries, because some of the dollars have actually sat being unused. For example, in the country of Peru, military funds for the Andean initiative sat unused for a number of years. In addition, funds in Colombia would not be affected. Additionally, cuts to this initiative are budget cuts only to budget increases over the next few years.

Let me for a moment, Mr. Chairman, tell my colleagues some of the 24 organizations that are supporting this piece of legislation, and these are organizations that are religious, health, hunger and research oriented groups.

They include ACT UP out of Philadelphia, AIDS Action, AIDS Alliance for Children Youth and Families, AIDS Nutrition Services Alliance, AIDS Vaccine Advocacy Coalition, Advocates for Youth, the American Public Health Association, Catholic Relief Services, Church World Service, Elizabeth Glaser Pediatric AIDS Foundation, Gay Men's Health Crisis, Global Campaign for Microbicides, Global Health Council, Health GAP Coalition, HIV Medicine Association, the Human Rights Campaign, Infectious Diseases Society of America, Maryknoll AIDS Task Force, the National Council of the Churches of Christ in the USA, the National AIDS Fund, PLAN International, the Presbyterian Church USA, Washington Office, the San Francisco AIDS Foundation, Student Global AIDS Campaign, and the Washington Office on Africa.

All of these organizations get it. All of these organizations understand the importance of our addressing the AIDS pandemic across the world.

Now, I am knowledgeable to the point that I have seen and I have read that there are grandparents across sub-Saharan Africa that are raising 35 and 40 grandchildren, and they are raising 35 and 40 grandchildren as a result of the fact that AIDS has wiped out generations across sub-Saharan Africa. We should not continue to let that happen.

It would be different if we could not make an impact. It would be different if we had to say to the world, World, we cannot help you, we can let this AIDS pandemic continue to spread. But we can make a difference, the big United States of America, the one that comes to the plate for everybody else.

Step up, America. Step up, United States, and fund this AIDS pandemic program at its maximum.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words. This amendment has the right heart but the wrong idea.

We all support increased efforts to address the world's HIV-AIDS crisis and the chairman of this committee is to be commended for his efforts to fund such programs. But the solution to AIDS is not to reduce the funding to combat illegal drugs on the streets of the United States or to reduce assistance to our allies.

This amendment reduces military assistance to many of our allies. Approximately half of this budget is dedicated to Israel and another large percent to Egypt. It is earmarked. That leaves only $177 million for the rest of the world, of which this amendment would strike $22 million, putting pressure both on Israel and Egypt as well as the rest of the countries of the world.

I represent a large Macedonian population. The country of Macedonia allowed our troops to be based there. They were drawn into the Balkan wars. A unified government that represented all different parts of Macedonia has come under duress because of their willingness to support America. Now we would turn around with this amendment and reduce aid to them.

I particularly rise as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources to discuss the importance of fully funding the Andean Regional Initiative, to ensure we continue effective efforts to reduce the supply of drugs to the United States. Of our total narcotics control budget, and I believe in a balanced approach, we spend just 17 percent on interdiction and all international aid programs, including our past support of Plan Colombia at $1.3 billion. We spend almost twice as much, 31 percent, on demand-reduction programs as well as other issues.

Although I strongly believe we must pursue a national strategy evenly balanced between supply and demand reduction, it is clear that our funding for international programs is not only extremely reasonable in proportion to overall drug control spending, but dollar for dollar has a disproportionate impact on our strategy. Moreover, it is a critical time to our allies in Central and South America.

In Colombia, opium growing in the north has continued unchecked and now provides the vast majority of the heroin that is on the streets of America and in our neighborhoods. In south Colombia, we are at the start of an aggressive program to eradicate the primary source of the world's cocaine. It is important for my colleagues to understand that we are still at the start of Plan Colombia. We are likely to falsely hear over and over today that it somehow has not worked. How can the plan have worked when the first helicopters are just arriving at the end of this month and in the next month? Last year's funding is just reaching there now.

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Yet we already see the coca growers and the poppy growers starting to move to other countries which is why we now have an Andean initiative.

The political situation continues to be unstable and politically volatile. The consequences of a lack of resolve on the part of the United States to maintain stability and democracy in Colombia will be monumental. Many of those consequences will be felt almost as harshly on the streets in our hometowns and in our neighborhoods in America.

To ensure that our efforts are effective, it is equally critical to support a regional strategy to maintain stability and democracy throughout the Andean region. Almost half of the money requested for the Andean initiative is for countries other than Colombia. Without military aid to help restore order, terrorism and conflict funded by American and European drug habits have exported terrorism and an unbelievable mess in each of these countries.

When you look at this, we talk about rebuilding their legal systems, we talk about alternative economic development, but when the judges are being killed, when families and children are being kidnapped, we first need to get order. As we work towards order, then we help to rebuild their countries. These countries need our help to ensure that narco-traffic does not simply spread from Colombia to destabilize and corrupt other nations, especially those who have made a concerted effort to eliminate the drug trade from their countries.

We need to battle the AIDS virus but we also need to battle the drug crisis.

Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I would like to make a couple of points quickly in response to what has been said here today.

There is $38 million that comes out of the economic assistance for the Andean countries. Forty-seven percent of the money that we have in that account goes to economic assistance. Half of it goes to economic assistance. So you are cutting the money from that.

You cannot just say you are cutting it from military. You are cutting it from the justice programs. You are cutting it from the poverty programs. You are cutting it from the alternative economic assistance programs.

Most of our programs have been consolidated to the Andean initiative, those in Latin America. If you take those out, there is only $146 million total for the entire region that is left in all other programs of assistance. So you are cutting drastically into those programs.

Lastly let me say a few words with regard to the trust fund. In this bill, we have $100 million in the trust fund. There is $100 million that we appropriated the other day that is in the supplemental. And, there is $100 million that will be included in the Labor HHS. In total, for the trust fund, we have $300 million. This amendment would increase it to $360 million. I say we are doing everything we can in the area of the international trust fund for AIDS and the other diseases.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I rise not only as ranking member of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform that the gentleman from Indiana (Mr. SOUDER), who just spoke, is chairman of, so I am very familiar with our efforts to fight drugs all over the world, but at the same time I stand here as one who was just informed by my health commissioner that in the City of Baltimore, which is only 45 miles away from here, in my district and three ZIP Codes, we have a level of AIDS that is approaching very rapidly the levels found in Africa and third world countries. That is 45 miles from here, less than an hour's drive.

So when the gentleman from Iowa (Mr. LEACH) spoke a little bit earlier about his concerns about making sure that we provide a proper defense for this country, that not only affects the third world but it also affects these very United States.

Mr. Chairman, I rise today in strong support of the Lee amendment which seeks to add the $60 million to the U.S. contribution to the Global AIDS and Health Fund, and I compliment her on her efforts and those associated with it.

I would also like to state for the record that I am disturbed by some of the comments made about this amendment. I am disturbed because I cannot believe that Members of this great House have questioned the integrity of the amendment. Last week I read in the CQ Daily Monitor a quote from a Member on the other side of the aisle when he said, "Are they really trying to add money to HIV/AIDS or trying to cut money from the other side?"

While our efforts in fighting international narcotics are a very serious issue and concern, there are many valid issues that must be addressed regarding our role in the Andean region.

Although I am a supporter of Plan Colombia, some of the concerns you have heard about today are valid and need further scrutiny. What is important at this juncture is finding a cure and stopping the spread of a deadly pandemic. AIDS is an all inclusive, nondiscriminatory disease that transcends country boundaries, age, gender, and race.

Experts predict that more people will die of AIDS in the next decade than have died in all the wars of the 20th century. It is estimated that $7 to $10 billion are needed to fight this global AIDS pandemic. Further, I recently read a statement that and I quote, "It is a dramatic paradox that the same continent that saw the appearance of a man 6 million years ago is starting to witness our disappearance this millennium." Yet we continue to quibble over $60 million.

Listen to the statistics. Worldwide, more than 36 million people are living with HIV/AIDS. That is more than the entire population of the great State of California. There are more than five million new infections each year; 600,000 of those are in children under the age of 15. By 2010, AIDS will orphan 44 million children. More than a fifth of all adults in at least four African countries are infected with the HIV/AIDS virus. According to the joint United Nations program on HIV/AIDS, if the crisis is not addressed, 100 million people will be infected worldwide by 2005.

I believe that the Congress and the President's demonstrated unwillingness to increase international family planning funds and the crushing debt burden these countries face leave many developing countries, particularly those in sub-Saharan Africa, with limited options, thereby exacerbating this devastating health crisis.

Of the 22 countries who have received debt relief under the Highly Indebted Poor Countries Initiative, two-thirds will spend more on servicing their debt than they spend on basic health care. As such, those who are suffering from HIV/AIDS and its related illnesses are left untreated and unaccounted for.

Mr. Chairman, we have the means and the moral obligation to maintain a commitment to be leaders and fighters on this issue. As such, I urge my colleagues to support the amendment of the gentlewoman from California (Ms. LEE). The funding is critical to sustaining the role that the Global AIDS Health Fund can play in eradicating the deadly effects of HIV/AIDS. Let us remain steadfast in our commitment.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Lee-Leach amendment which would increase the funding for the United States contribution to the Global AIDS Fund from $100 million to $160 million. I thank the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH) for all of their leadership that they have provided on this issue.

Last year I recall that they came to this floor and they asked for a bit more assistance; and the Members of Congress saw the wisdom in their words and work, and they supported them. I hope that the House will give support to this amendment that is being placed before Members today.

The global HIV/AIDS pandemic is the most severe health crisis of our time. Over 36 million people are currently living with HIV/AIDS, and 95 percent of them live in developing countries. The impact of the pandemic on sub-Saharan Africa defies description. Seventeen million Africans have already died of AIDS since the beginning of the pandemic, and 25 million Africans are living with HIV/AIDS. Over 6,000 people die from AIDS-related diseases every day in sub-Saharan Africa.

The pandemic has been especially devastating for children. Approximately 1 million children are living with HIV/AIDS in sub-Saharan Africa, and an estimated 600,000 African infants become infected with HIV each year through mother-to-child transmission either at birth or through breast feeding. The Joint United Nations Program on HIV/AIDS, U.N. AIDS, projects that at least half of all 15-year-olds will eventually die of AIDS in the worst-affected countries such as Zambia, Botswana, and South Africa.

Furthermore, over 12 million African children have lost their mother to AIDS and are considered AIDS orphans. The HIV/AIDS pandemic has curtailed the economic development of many African countries. AIDS is believed responsible for shortages of skilled workers and teachers, high rates of absenteeism, labor turnover, and the deaths of Africans at upper levels of management in business and government in many areas of sub-Saharan Africa.

USAID has estimated that Kenya's GNP will be 14.4 percent smaller in the year 2005 than it would have been without AIDS. In the Ivory Coast, five teachers reportedly die from AIDS during each week of the school year. Teachers and other skilled workers can be very difficult to replace. In some parts of Africa, employers find it necessary to hire two workers for each job opening because they expect one out of every two workers to die from HIV/AIDS.

The HIV/AIDS pandemic has disrupted the lives of farm communities and reduced agricultural production. When adult members of farm families become ill, they become unable to continue farming. Farm tools and animals may be sold to pay for their care. Children are forced to leave school and care for their parents. Sharp reduction in crops such as maize and cotton and other crops in Zimbabwe have been attributed to widespread illness and death from AIDS among farm families and agricultural workers.

United Nations Secretary General Kofi Annan has asked for the establishment of a Global AIDS Fund to address this devastating pandemic. He estimated that it will take $7 billion to $10 billion per year to mount a successful effort to treat HIV-infected people and stop the spread of AIDS.

The Global AIDS Alliance estimates that it will take $15 billion per year, yet current spending on HIV/AIDS is only $1 billion per year from all sources combined. This bill provides a paltry $474 million in funding for international HIV/AIDS programs. The United States certainly can do better. The United States should be a leader in global AIDS funding.

Mr. Chairman, I urge my colleagues to support the Lee-Leach amendment and demonstrate the commitment of Congress to worldwide efforts to stop the spread of this deadly disease.

Mr. Chairman, I know that some of us are beginning to sound like a broken record. But we will be on this floor day in and day out at every point that we can join this issue. We will be here. We will not sit silently by and watch the devastation that we are witnessing in the world, and particularly in sub-Saharan Africa, and be quiet.

One of my colleagues on the other side of the aisle said, What more do they expect? We are putting money in the budget. We keep putting money in the budget. Members heard what the estimates are. $1 billion from all sources when we need $10 billion to 15 billion. We have a long way to go.

Mr. Chairman, Members will be hearing from us often. Members will be hearing from us in the most profound way we can put forth this issue. We have got to have more money to stop the pandemic.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Lee-Leach amendment. I thank the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH) for introducing this amendment.

Mr. Chairman, we have heard about the severity of the AIDS pandemic. It has at this point exceeded in damage to human life the flu pandemic of 1918; and before it is stopped, it probably will exceed the damage to human beings of the Black Death of the 14th century.

There are some countries where one out of every four people is already affected. We still do not have a cure. We have some ameliorative treatments, and those treatments are not affordable to people in most of the developing world. It is the greatest single threat that humanity faces today.

The amounts of money we are spending on it, frankly, put us to shame when we consider the priorities. Any budget is a set of priorities. The Global AIDS Trust Fund in this budget will get $100 million in this bill; another $100 million in the Labor-HHS bill; bilateral aid from AID adds another $247 million, for a total of $447 million proposed in the United States budget.

Mr. Chairman, we are spending about $6 billion a year on missile defense research. Some people think we ought to spend more, some think we ought to spend less. $6 billion for a possible threat; $447 million for an existing mortal threat that is in front of our eyes.

□ 1415

The U.N. has estimated that we should be spending 7 to $10 billion a year, the world, not just the United States, seven to 10 times the $1 billion the world is spending on this now. This modest amendment would add $60 million. The total U.S. commitment would go from $447 million to $507 million in a budget of roughly $1.8 trillion.

Again, look what we spend money on: $6 billion on missile defense. This money, $60 million, is minimal. It is taken from foreign military aid, mostly to Latin American countries which, frankly, is not all that necessary, I do not know about the great military threats faced by Latin American countries, and from drug initiatives abroad which have not cut down the flow of drugs into this country. The threat of AIDS is a heck of a lot more threatening to us than any drug problem could ever conceivably be.

Mr. Chairman, I urge that we adopt this amendment. $60 million is a pittance. The gentlewoman from California (Ms. LEE) should have added another zero. It should have been $600 million. But then we would not seriously consider it. But the pittance that is added here is the very, very least we can do so that we can say to our children, we did not ignore the AIDS crisis, the worst crisis to humanity in at least 600 years.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just briefly wanted to rise to commend the makers of this motion, the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH), and commend them for their leadership. I also want to acknowledge the great job that the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) did in the bill in increasing the funds for HIV/AIDS because the number has increased. As one who has worked on this issue over the years, I can only say that this problem of HIV/AIDS has been exacerbated by poverty in the world. AIDS and poverty are a terrible combination. They exist side by side in the developing world.

But it is the poverty of our language that I wanted to address right now. We must have some poverty because we have not been able to convince the Congress of the need for us to have more funds into the global fund for AIDS and other infectious diseases.

My colleagues have spoken eloquently to the numbers of people with HIV/AIDS, and I want to repeat one of those numbers. That is, that left at the pace that we are going now, the UNAIDS program reports that, by the year 2005, 100 million people will be infected with HIV/AIDS. How much more staggering would the numbers have to become for us to respond in a way that is commensurate with the leadership of our country, that is commensurate with the need that is out there?

The HIV/AIDS issue internationally and at home challenges the conscience of the world. The United States must lead the way in meeting that challenge.

I will submit the rest of my statement for the record, but I commend once again the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) for their leadership on this.

Ms. WATSON of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am proud to speak today in support of the Lee-Leach amendment to dedicate resources to the fight against the global HIV/AIDS crisis. The scope and severity of this crisis are not just a global health challenge but one of economics as well. The crisis has been felt harshly by less developed countries, the very countries whose governments are least equipped to handle this scourge.

Critics of this amendment are concerned that it would reduce foreign military spending. But the global HIV/AIDS crisis poses as direct a threat to the security of many nations and the safety of their citizens as a more conventional military challenge would. The global fight against HIV/AIDS requires at least the same commitment that this Nation has made to training foreign militaries or fighting our war on drugs. If we do not take part in funding the research and the treatment, it could wipe out our forces, not only abroad but here in this country, too.

Let us shift our priorities. Let us train an army of doctors to fight the global HIV/AIDS crisis. Let us declare war on this dreaded disease. And, most importantly, let us vote for the Lee-Leach amendment which will take a strong first step at addressing the economic challenge of the global HIV/AIDS crisis.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Lee amendment. It is not a matter of debate that the HIV/AIDS crisis is devastating Africa. More than 25 million people in sub-Saharan Africa are living with HIV/AIDS. Nearly 4 million were infected during 2000 alone. AIDS has deprived children of their parents, robbed schools of their best teachers, and stripped businesses of their most able employees. It is devastating the military forces of many African countries, posing a serious threat to United States national security interests in the region, and AIDS will cut life expectancy in some African countries in half in the next decade. That is just Africa. HIV infections are growing exponentially in the Russian Federation, 3.7 million are already infected in India, and there is an emerging crisis in China.

HIV/AIDS is both a national security issue and a moral one. Our response must reflect the massive humanitarian and national security implications of the crisis. I am very pleased that this bill provides a total of $474 million to address the HIV/AIDS crisis. I am also pleased that our subcommittee has established a pattern in recent years of providing increasingly higher funding levels for this purpose. But I do believe we can do more. Our efforts to address this pandemic must be bilateral and multilateral and must encompass everything from care and treatment to prevention and education. The United States through USAID has taken a leadership role in the fight against HIV/AIDS. We should play a similar role in multilateral efforts as well.

I want to thank the gentlewoman from California (Ms. LEE) for her amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend my friends on both sides of the aisle who have brought to the attention of the House and the American people the pandemic problem of AIDS. I salute them in their efforts. Unfortunately, I believe that their efforts here may be well-intended, but in fact this amendment is somewhat misplaced.

Anyone who has held a dying African child in their arms, or witnessed someone suffering from AIDS, shares their well-intended compassion. I think this Congress has demonstrated, both in this bill and by the action of the Congress last week to increase the AIDS contribution by some 76 percent. I have held one of those dying African AIDS children in my arms. Unfortunately, at this time, to be honest, the only thing we can do is give them some comfort. Most of them will unfortunately die, and your heart does ache when you see the rows of graves across the African landscape and now across the horizon of many other countries.

The key to success in this area is research. We should be devoting our resources to research. I am pleased under the Republican Congress we have doubled the amount of money for medical research, and I think we are well targeted to finding a cure.

What we do not want to do here today in misguided compassion is to turn the clock back, though, on our efforts to stem illegal narcotics. This is a headline from my newspaper: Drug Deaths Top Homicides. For the first time, in 1999, drug-related deaths in this country exceeded homicides.

We knew that some years ago when we took over the House of Representatives as a new majority the seriousness of the threat we were facing with illegal narcotics. They made the same decision some time ago in the Clinton administration to start cutting some of these programs. On this chart is where the cuts started in 1993, the same kind of cut that is proposed here today. Unfortunately back then they started dismantling the Andean strategy and assistance. When this occurred we saw a skyrocketing of drug abuse in this country and drug deaths in this country. Only after we restarted this effort, and the chart here clearly points it out, have we made a dent in this problem.

Now would be the worst time to turn the clock back. Where is the heroin and the cocaine and the other drugs coming from that are killing our youth and our population in unprecedented numbers? They are coming from Colombia. That is why we targeted Colombia.

Does the plan work to stop illegal narcotics? With the Speaker and others involved in the subcommittee on drug efforts which the Speaker chaired before me, and we targeted the places where our drugs are coming from, Peru, Bolivia and Colombia. Unfortunately, the Clinton administration cut assistance to Colombia; and we were able just recently to start that with Plan Colombia. But we see in Peru almost a complete eradication of cocaine production. In Bolivia, I can announce that our task is complete and accomplished with few dollars.

The problem we have in Colombia is that terrorism, which is killing thousands and thousands of people, is financed by illegal narcotics traffic. Colombia is now the source of deadly heroin. Look at this chart. In 1993, zero amount of heroin was produced there. Now, 75 percent of the heroin killing men and women and children in our streets comes from Colombia. That is why we are targeting this country.

This is not a pretty picture. This is one of my constituents. His mother gave me this picture to show the Members of the House. This young man was one of my constituents. He died of a heroin overdose. That heroin is coming from Colombia. It came from this route that we would now eliminate and destroy a program that we have started and that we have begun anew to curtail these deadly drugs from coming into our country.

What is worse about the drug epidemic, and we will hear more testimony about this in the coming weeks, is the heroin use and hard drug use is hitting our teens. It is hitting our minorities, but it is also hitting those most vulnerable in our society, our young people, both minority and others.

To make a mistake here with misplaced compassion, I urge my colleagues not to do it. Do not make that mistake. We can address both the problems of AIDS and we can also fight the war on illegal narcotics.

Mrs. CHRISTENSEN. Mr. Chairman, I rise today in support of the Lee-Leach Global AIDS Amendment for the Foreign Operations Appropriations Bill.

The HIV/AIDS pandemic is the most devastating human disaster our world has ever known, with more people having died from AIDS-related complications than any disease, war, or natural human disaster ever recorded. Since the beginning of the fight against HIV/AIDS in the early 80's, more than 22 million people have died, with Sub-Saharan Africa bearing the brunt of the devastation.

At the present time, more than 70 percent of the 35 million people infected with HIV live in Sub-Saharan Africa, with the nation of South Africa having the world's largest number of HIV infected individuals, more than 4 million people, living with AIDS.

My area of the world, the Caribbean, though much smaller in size and population, has an HIV infection rates second only to those in Africa. AIDS is already the leading cause of death in the Caribbean for those aged 15 to 45 and as in many other areas of the world, the number of cases is growing at an exponential rate according to the Caribbean Epidemiology Center.

I am alarmed, as I am sure we all are, by the fact that left un-addressed, more than 100 million people, well more than ⅓ the population of the United States, will be infected with HIV by the year 2005. Something must be done!

Although the loss of life presents the most tragic consequences of HIV/AIDS, additional consequences include resulting military, social, and economic instability. AIDS, unlike many diseases, takes those in the most productive yeas of live, resulting in a significant decline in the number of individuals in affected countries that are available to serve as educators, health care providers, and other skilled laborers.

In addition, it has resulted in more than 13 million orphans, 95 percent of whom live in African nations. As a result of the significant losses of life, some developing democracies have begun to recruit these orphans, many of whom have no completed adolescence, into armies used to fight regional wars.

Although we still wish it were more, the Lee-Leach Amendment provides the opportunity for the United States to do its part in the global fight against HIV/AIDS, increasing the U.S. contribution to the global HIV/AIDS funds by $60 million to a total of $160 million. Our contribution will be used to leverage additional funds from our international partners in the public and private sector, with the hope of raising the 10–15 billion dollars per year requested by United Nations.

It would send a strong signal that the United States is committed to eradicating HIV/AIDS from the face of the earth and also provide significant direct grant funding to African and Caribbean governments, NGO's and civil society in regions of the world that have been hard hit by HIV/AIDS so that we can finally begin to turn the tide of the disease.

I urge my colleagues to support this worthwhile amendment, which will help save the lives of millions of people infected with HIV.

Mr. LANTOS. Mr. Chairman, I rise in support of the bipartisan Lee-Leach amendment to increase the United States contribution the global HIV/AIDS fund $100 million to $160 million.

Mr. Chairman, I want to thank the distinguished Chairman of the Foreign Operations Subcommittee Mr. KOLBE and the Ranking Democrat, NITA LOWEY for their hard work on this bill. I am grateful that they were able to find additional money for the bilateral HIV/AIDs program over the Administration request.

However, this amendment seeks additional funds for the Multilateral efforts. Mr. Chairman, a multilateral response to the global AIDS crisis is clearly the quickest mechanism to engage international donors and to initiate a coordinated international response to the global AIDS pandemic. World leaders including UN Secretary General Kofi Anan and international HIV/AIDS experts and economists have called for a 7–10 billion dollar fund in order to address HIV/AIDS prevention, education, care and treatment in Africa.

The global AIDS trust fund is designed to leverage significant contributions from the international community to fight this global killer. The Lee-Leach amendment would send a strong message that the United States is committee to eradicating HIV/AIDS from the face of the earth. If the Lee-Leach amendment is passed, it would provide significant direct grant funding to African countries, NGO's and civil society in regions of the world that have been hard hit by HIV/AIDS to turn the tide of HIV/AIDS.

Furthermore, the Bush administration has briefed us that the trust fund is making strong progress and should be ready to disburse funds by the end of this year.

A few weeks ago, my committee, under the leadership of our distinguished chairman, HENRY HYDE, passed a bipartisan, groundbreaking bill authorizing $750 million for a multilateral fund to combat HIV/AIDS.

So far, the Bush administration has offered $200 million—100 million from Foreign Ops and 100 million from Health and Human Services.

While this was a good start, it is by no means a good end. I urge my colleagues to support an increase to this fund by supporting the Lee-Leach amendment.

I know it is not easy to cut other programs and I wish it were not necessary. However, the Administration, in all its wisdom, has decided that a 1.6 trillion dollar tax cut is more important than funding these global priorities.

Well, that being the case, we cannot afford to wait around until the Administration gets its priorities straight. We must act now.

The Global AIDS fight must be joined now. The consequences if we wait are too terrible to contemplate.

I urge my colleagues to support this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the last word. The Lee-Leach amendment will increase the United States contribution to the global HIV/AIDS fund from $100 million to $160 million. This increase—albeit not enough to curb the pandemic, will be of enormous help in the short run because HIV/AIDS continues to devastate every corner of the globe. Mr. Chairman, it is incomprehensible to think that the increase called for in this amendment possibly cannot be adopted tonight because of the cynical few in this chamber who believe that Congress has more pressing needs right now than to further increase appropriations to control this epidemic. To them I say it is our duty and responsibility to not turn away now.

This year marks the 20th year since the Centers for Disease Control published its Morbidity and Mortality Weekly Report with a small segment dedicated to a rare pneumocystis pneumonia present in five gay men in Los Angeles. It was the first published account of what we would come to know as Acquired Immune Deficiency Syndrome, commonly known as AIDS.

Now, twenty years later, thirty-six million people presently live with HIV/AIDs worldwide and 22 million have died of the disease. In Sub-Saharan Africa, 25 million people are living with HIV/AIDS and in India, Southeast Asia and the Caribbean; the numbers of infections are rising at alarming rates.

Mr. Chairman, two-thirds of the world's 36 million AIDS victims live on the African continent—and women are the largest segment of victims and continue to be at the greatest risk.

This year, over six hundred thousand children will be born HIV-positive, or become infected after their birth and during breastfeeding. Few will survive childhood. Equally disturbing is the fact that the disease threatens the health and well being of uninfected children by taking the lives of their parents. By the year 2010, over 42 million children worldwide will become orphans due to HIV/AIDS.

Mr. Chairman, I urge my colleagues to support the Lee-Leach Amendment to increase our contribution to the global HIV/AIDS fund from $100 million to $160 million. It will be a wise humanitarian and national security investment.

Mr. GEPHARDT. Mr. Chairman, I rise in strong support of the Lee amendment to increase United States funds to fight the global HIV/AIDS pandemic and also in support of the McGovern amendment which will improve the health of mothers and children and combat the spread of infectious diseases around the world. I commend the authors and cosponsors of these amendments for bringing them before us today.

These two necessary and complementary amendments will enhance our efforts to help stop the spread of many terrible diseases, including polio, tuberculosis, and AIDS, and help children and their mothers around the world survive. The terrifying statistics about the HIV/AIDS pandemic, which is ravaging sub-Saharan Africa and threatens to do the same in many other regions around the world, are becoming all too familiar. Twenty-two million people world wide have died from AIDS, nearly double that number are living with HIV/AIDS, and if we don't take effective action 100 million people could be infected with HIV within the next four years. And a staggering number of orphaned children have been left by parents who have died because of AIDS.

But this pandemic is taking its toll not just in these personal terms. It is wreaking havoc on the economic and social fabric of many nations. In addition, this pandemic presents us with an international security problem as it fuels military instability, as well.

But we cannot allow the enormity of the problem to numb us or convince us that this pandemic is beyond our ability to fight it. Instead, the scope of what we face must serve as a siren calling us to take even stronger action than we have to date. I remain convinced that winning this battle is the moral imperative of our time. So let us marshal the resources we need and let us make sure we are using those resources wisely. We should pass these amendments to help us mount a comprehensive fight against HIV/AIDS and other deadly diseases.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LEE) will be postponed.

AMENDMENT NO. 27 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 27 offered by Mr. MCGOVERN:

Page 6, line 10, after the dollar amount, insert. the following: "(increased by $100,000,000)".

Page 7, line 3, after the dollar amount, insert the following: "(increased by $50,000,000)".

Page 7, line 5, after the second dollar amount, insert the following: "(increased by $50,000,000)".

Page 25, line 7, after the dollar amount, insert the following: "(reduced by $100,000,000)".

Mr. MCGOVERN. Mr. Chairman, let me begin by first thanking the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) for their incredible work on this bill.

Today, I rise to urge my colleagues to support this amendment that I and the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. PELOSI), the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from Texas (Ms. JACKSON-LEE) are offering together.

Mr. Chairman, this is a relatively simple amendment. First, it will add $50 million to the infectious diseases account specifically for international tuberculosis programs. We need to invest more in programs that combat the spread of TB. Funding for international TB control was virtually nonexistent in 1997. While funding has modestly improved in recent years, we still have a long way to go to make up for the long-running neglect.

□ 1430

Current funding levels are not sufficient to address the scope of the disease and to protect the health of Americans. TB kills 2 million people each year, and more than one-third of the world's population is infected with TB. It is the leading killer of women and creates more orphan children than any other infectious disease. As the New York Times editorialized last week, a little money now can control this neglected killer before we face a global epidemic.

The amendment will also add $50 million for the Child Survival and Maternal Health account. Eleven million children die every year from preventable causes. Child survival programs are critical to saving the lives of children and have been one of the most effective U.S. investments for the last decade and a half. The polio eradication programs in particular have been highly successful; and since 1998, polio has been reduced worldwide by 90 percent.

According to the World Health Organization, maternal health is the largest disparity between the developed and developing countries. Maternal mortality is on average 18 times higher in developing countries, and children are much more likely to die within 2 years of a maternal death.

The increase funding provided by this amendment for these global health programs will literally make the difference between life and death for billions of people. This is a modest investment that will yield critical returns.

The offset for these programs will reduce the $676 million Andean Counter-Drug Initiative by $100 million in military aid for the Colombian Armed Forces. Here, too, the choice is simple. This House has a chance to send a straightforward message to the Colombian military: sever all ties with the paramilitary groups and sever them now. As my colleagues know, over 70 percent of the human rights crimes committed against the civilian population in Colombia, massacres, torture and the destruction of communities and the displacements of the population, are perpetrated by the paramilitaries, and the Colombian military works in collusion with those groups. In fact, just recently Amnesty International issued a report on the persistence of ties between the Colombian military and their paramilitary cohorts.

The last Congress, the previous administration, and, to date, the current administration, have failed, in my opinion, to act seriously about human rights in Colombia. We have attached human rights conditions to our aid package that are essentially meaningless. If the Colombian military behaves badly, and it has, we have been content to waive our conditions and to keep writing checks. What kind of message did this send?

Today, we have an opportunity to send a different message, to show that we do care about human rights, that we are serious when we demand that the Colombian military stop collaborating with paramilitary forces. Congress should not be an apologist for bad behavior. We should not look the other way or rationalize what continues to be a disturbing alliance that threatens the future of civilian institutions in Colombia.

Now, let me point out to my colleagues that nearly $300 million remains in this bill to help Colombia and the Pastrana government with development, moving the peace process forward, strengthening civil and judicial institutions and supporting the police. In the defense appropriations bill, which we will debate later this year, there will be at least $80 million for the Colombian Armed Forces. In addition, approximately $158 million in military aid remains in the pipeline from last year's package.

This amendment is not about walking away from Colombia; rather, it is about saying very clearly that human rights do matter and that the way to promote stability in the region is for the Colombian military to end its collaboration with paramilitaries.

Now, even if some of my colleagues are ambivalent about the Colombian offset, I hope you will not be ambivalent about supporting increased funding for these critical women's, children and health programs. The Andean Counter-Drug Initiative is $226 million more than the amount in this bill for our worldwide programs to combat infectious diseases and for child survival and maternal health; $226 million more.

This amendment is truly about choices, about priorities, about saving lives. I urge my colleagues to support the McGovern-Hoekstra-Pelosi-Morella-Jackson-Lee amendment.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the McGovern amendment.

Mr. Chairman, I do rise in opposition to this amendment. I am reminded just a couple of days ago when we first took up this bill, last Thursday, that several Members came to the House floor to praise the bill. The manager on the other side of the aisle and I appreciated the compliments about bipartisanship and the balance that is reflected in the committee's recommendations. But approval of this amendment would weaken that hard-to-achieve bipartisanship. It would destroy the balance that is found in our bill. Let me explain why I think this is the case.

First, as a Member who comes from southern Arizona and represents a border State and a border district, I know the importance of Latin America to the United States. I am sure the gentleman from Massachusetts is also personally familiar with Latin America and parts of it. I am sure he does not intend to shortchange development in Latin America, but that is what this amendment would do.

Let me state a very simple fact: this amendment cuts development and humanitarian assistance for Latin America by $50 million, or more than 10 percent of the amount in this bill. Let me repeat and elaborate on what I just said: the McGovern amendment cuts development assistance to Bolivia, Peru, Ecuador and Brazil. The McGovern amendment cuts human rights and humanitarian assistance to internally displaced persons in Colombia. Yes, it would also cut some military assistance for Colombia. Read the last part of the amendment; page 25, line 7: "After the dollar amount insert the following, reduce by $100 million."

It does not read cut military assistance to Colombia by $100 million; it does not exempt economic assistance for the Andean region, assistance for Peru or Bolivia or funding for the Colombian National Police. Now, I have seen a "Dear Colleague" letter that makes those claims. In fact, it says, "The amendment does not cut any economic assistance for the Andean region, assistance for Peru, Bolivia or funding for the Colombian National Police." This is incorrect. This is not true. This is a misstatement. This is not a fact. It is not correct. It simply is wrong.

My conclusions reflect the text of the amendment that is before us. My assumption is that the executive branch will allocate reductions mandated by this amendment across all programs in the Andean Regional Initiative. It would be equally reasonable it assume that the executive branch would give priority to eradication and security assistance and make cuts in development and humanitarian assistance beyond what I assume.

It is not reasonable to assume, I think, that the executive branch under this, the previous President or any President, is going to take all the money out of the Colombian Army. So it is reasonable it assume this money is going to come out of economic assistance. As much as the gentleman from Massachusetts may wish that it would come all out of the military assistance, the amendment does not say that. So it is incorrect for us to assume that that would be the case. In fact, we can assume quite correctly that it would come out of all of those.

Of course, some support this amendment because they seek more funds to combat tuberculosis, and that is a noble cause. More deaths among women under 45 are caused by TB than by AIDS. It is the major immediate cause of death of those living with HIV-AIDS.

The question is how rapidly can the Agency for International Development and its cooperating organizations ramp up what had been a relatively small program for TB. Only 3 years ago, AID was spending less than $15 million for TB. This year, we recommend $70 million. That is an almost five-fold increase. It is difficult to implement that in the short-term.

This amendment would add another $50 million to that, bringing it to $120 million, or an eight-fold increase, 800 percent increase, over 4 years. Yes, the needs are there, but how quickly can we absorb that? How quickly can the infrastructure around the world absorb that?

I am reminded of the efforts of Queen Elizabeth I to cure her subjects of tuberculosis, of those people who were within the Queen's touch. In the 17th century, a form of glandular TB known as the King's Evil caused horrific swelling from infected glands in the neck. Eventually it led to death. So wherever Queen Elizabeth went around her kingdom, persons infected with this form of TB would crowd around her, hoping the royal touch would cure them. Some days she touched hundreds of people, and was exhausted by the effort.

I wish, I wish that the $50 million here for tuberculosis could make the difference hoped for by the sponsors of this amendment. However, like the royal touch of Queen Elizabeth, another $50 million for tuberculosis may raise indeed our spirits and make us feel good, but it is not going to affect tuberculosis for the current year.

Unlike Queen Elizabeth's touch, however, this amendment will have adverse effects. It will cut development assistance in Latin America. It will signal to our neighbors that this country is disinterested in their security and in their development.

I urge my colleagues to defeat this amendment.

Mr. TIERNEY. Mr. Chairman, I move to strike the last word.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. TIERNEY. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Chairman, I just want to make one point. The reason why our amendment does not specify military aid is because the amendment would have been ruled out of order. I am sure somebody on that side would have called a point of order against it. We would have been legislating on an appropriations bill.

Under the gentleman's argument, the entire $676 million Andean counter-drug package could be utilized for military aid in Colombia. Our legislative intent is being made clear by this debate. We do not want $100 million to go to the military of Colombia, because we are sick and tired of their continued collaborations with paramilitary groups.

The reason why we are moving this amendment forward, quite frankly, is because this Congress has not been clear, this administration, and, to be fair, the previous administration, has not been clear, about standing up for human rights. If we do not make it clear now by sending a strong signal to the military of Colombia that we want them to sever all ties with the paramilitaries now, then I do not know what we can do to make that case.

So that is what the intent of this amendment is, and that is why we did not specify the word "military" in this amendment.

Mr. Chairman, I include the following in the RECORD:

[From Amnesty International, July 2001]

COLOMBIA: MILITARY LINKS TO PARAMILITARY GROUPS PERSIST

In early 2001, Colombia's human rights crisis has continued to deepen against a background of a spiraling armed conflict. The parties to the conflict are intensifying their military actions throughout the country in campaigns characterized by gross and systematic violations of human rights and international humanitarian law. The principal victims of political violence continue to be civilians, in particular peasant farmers living in disputed areas, human rights defenders, journalists, judicial officials, teachers, trade unionists and leaders of Afro-Colombian and Indigenous communities. Violations of international humanitarian law by armed opposition groups increased significantly in 2000. These groups deliberately and arbitrarily killed several hundred people, including judicial officials, local politicians and journalists. In 2000, more than 4,000 individuals were victims of political killings, over 300 "disappeared", and an estimated 300,000 civilians were internally displaced. Armed opposition groups and paramilitary organizations kidnapped at least 1,500 people.

Illegal paramilitary groups—operating with the tacit or active support of the Colombian armed forces—carry out the majority of Colombia's political killings, many through massacres of four or more people. In contrast to their declared aim to combat guerrilla forces, paramilitary groups continued to target the civilian population through massacres, torture, the destruction of communities and the displacement of the population. The government has taken little effective action to curtail, much less to end, widespread and systematic paramilitary atrocities, despite repeated promises to dismantle paramilitary forces. The armed forces have failed to attack or dismantle paramilitary bases, the majority of which are located in close proximity to army and police bases. Collusion between the Colombian security forces—particularly the army—and paramilitary groups continues and, indeed, strengthened in 2000. Instances of collaboration include the sharing of intelligence information, the transfer of prisoners, the provision of ammunition by the armed forces to the paramilitary, and joint patrols and military operations in which serious human rights violations are committed.

Given the Colombian security forces' poor human rights record and their on-going collaboration with illegal paramilitary groups, Amnesty International opposes military aid to Colombia. Our opposition will continue until concrete steps are taken to systematically address these issues. Until then, military aid will only contribute to a deteriorating human rights situation and could strengthen specific units which collaborate with paramilitary groups.

Amnesty International USA recommends that the House of Representatives pass an amendment to cut military aid to Colombia from the Foreign Operations Appropriations bill;

Congress include strong human rights conditions excluding a national security waiver on any aid approved for Colombia;

Congress and the Administration urge the Government of Colombia to sever ties between the Colombian military and illegal paramilitary groups, capture and prosecute paramilitary leaders, and dismantle paramilitary bases; and

Congress and the Administration urge the Colombian State to carry out all human rights investigations and trials under civilian jurisdiction, with the full cooperation of the security forces.

[From the New York Times, July 19, 2001]

THE TUBERCULOSIS THREAT

The London neighborhood of Newham is a good illustration of the perils of complacency about tuberculosis. That East End borough now has 108 cases of tuberculosis per 100,000 inhabitants—double that of India and on a par with Russia. Many of those sick are immigrants from Asia and Africa, a reminder that tuberculosis anywhere can mean tuberculosis everywhere. But Newham is also suffering because London needs to spend more on public health. There are not enough nurses and specialists in the worst-hit areas to control the disease.

The House of Representatives will consider funding for international tuberculosis programs as part of the foreign operations appropriations bill this week. The bill currently provides only $70 million for global tuberculosis programs, just $10 million more than last year. Far more is needed to stop the global resurgence of the disease, which kills two to three million people a year.

The task is urgent in part because of the rise of tuberculosis resistant to the usual antibiotics. Dr. Lee Reichman, director of the New Jersey Medical School's National Tuberculosis Center in Newark, gives a chilling account of the threat in his new book, "Timebomb," written with Janice Hopkins Tanne. The epicenter is Russia, where the prison system is churning out resistant tuberculosis, Dr. Reichman says. But resistant forms of the disease have been found in virtually every part of the United States. Unlike standard tuberculosis, which can cost as little as $10 to cure, the resistant version costs upwards of $20,000 to treat over several years, and some patients cannot be cured.

The other reason more people are dying of tuberculosis today than ever in history is AIDS. One-third of the people in the world are infected with bacillus that causes TB. Ninety percent, however, will never get the disease—unless their immune systems are compromised by AIDS. Forty percent of Africans with AIDS have tuberculosis, which is the leading killer of people with AIDS.

That suggests a simple and cheap way of prolonging the lives of millions of AIDS sufferers—cure their TB. Once their tuberculosis is gone, many AIDS patients will enjoy years more of relatively good health before they get another opportunistic infection.

Tuberculosis kills more people around the world each year than any other infectious disease and is more easily transmitted than AIDS. But unlike AIDS, most forms are easily curable. The World Health Organization has just created a global drug fund that will supply countries with an uninterrupted flow of medicine if they can use it properly. A little money now can control this neglected killer before we face a global epidemic of a version that has outrun our ability to treat it.

EXCERPTS FROM THE COLOMBIA SECTION, "2000 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES"—U.S. DEPARTMENT OF STATE, FEBRUARY 2001

Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.

Throughout the country, paramilitary groups killed, tortured, and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes. . . . Paramilitary forces were responsible for an increasing number of massacres and other politically motivated killings. They also fought guerrillas for control of some lucrative coca-growing regions and *engaged directly in narcotics production and trafficking.* The AUC paramilitary umbrella organization, whose membership totaled approximately 8,150 armed combatants, exercised increasing influence during the year and fought to extend its presence through violence and intimidation into areas previously under guerrilla control while conducting selective killings of civilians it alleged collaborated with guerrillas. *The AUC increasingly tried to depict itself as an autonomous organization with a political agenda, although in practice it remained a mercenary vigilante force, financed by criminal activities and sectors of society that are targeted by guerrillas.*

Credible reports persisted of paramilitary installations and roadblocks near military bases; of contacts between paramilitary and military members; of paramilitary roadblocks unchallenged by military forces; and of military failure to respond to warnings of impending paramilitary massacres or selective killings. Military entities often cited lack of information or resources to explain this situation. *Impunity for military personnel who collaborated with members of paramilitary groups remained common.*

(Prepared by the Washington Office on Latin America, 202-797-2171. Emphases added)

UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS REPORT ON THE HUMAN RIGHTS SITUATION IN COLOMBIA, MARCH 20, 2001

The paramilitary phenomenon continues to expand and consolidate. The government's commitment to confronting these groups has been weak and inconsistent. Evidence of this can be seen in the responses to the [UN High Commissioner for Human Rights] Office's communications with the authorities about imminent attacks or about the existence of bases, roadblocks and paramilitary movements. The instruments adopted by the Government to combat paramilitary groups have proven ineffective in containing their expansion and dismantling them. In other cases those instruments have not been applied. There is still great concern about the persistent links between public servants and members of paramilitary organizations, as well as the lack of punishment. (Paragraph 254)

The paramilitary groups continue to be the principal perpetrators of collective killings. *The Ministry of Defense reports that paramilitary groups are responsible for 75 massacres, which is 76% of all massacres committed between January and October. The practice of collective killings of defenseless civilians is their principal method of operation and war strategy.* (Paragraph 88)

The fact that some of the military personnel dismissed this year have joined the paramilitary groups a few days after their removal from active service is an additional cause for deep concern and serious reflection . . . *There is a well-known paramilitary roadblock at the entrance of the village of El Placer, just fifteen minutes from a battalion of the Army's 24th Brigade. The roadblock continued to operate eight months after the Office reported directly observing it. The military authorities denied in writing the existence of this paramilitary post.* The Office also observed ongoing paramilitary operations at the "Villa Sandra" ranch, between Puerto Asis and Santa Ana. Putumayo, a few minutes away from the Army's 24th Brigade. Later there was a report of two raids by the public forces, though they apparently did not produce any results. The existence and operation of the paramilitary base is public knowledge. In fact, international journalists repeatedly visited the base and published interviews with the paramilitary commander. (Paragraph 134)

The Ministry of Defense has not made public the total number of internally displaced people registered during the year, but *according to numbers published by the Ministry, between January and June 2000, 71% of displacement was presumably caused by paramilitary groups.* 14% by guerrilla groups, 15% by combined guerrilla and paramilitary actions, and 0.04% by armed agents of the State. (Paragraph 141)

(Unofficial translation prepared by the Washington Office on Latin America, 202-797-2171. Emphases added.)

Mr. TIERNEY. Reclaiming my time, Mr. Chairman, I want to thank the gentleman from Massachusetts (Mr. McGOVERN), as well as the gentleman from Michigan (Mr. HOEKSTRA), the gentlewoman from California (Ms. PELOSI), and the gentlewoman from Maryland (Mrs. MORELLA) for their leadership and hard work on this issue. Would that we could legislate on this, because certainly we would move in the direction that the gentleman from Massachusetts (Mr. McGOVERN) has set forth.

I am pleased to support this important amendment. It is important to the millions of people who die from tuberculosis each year; it is important to the mothers in developing countries who have maternal mortality rates 18 times that of people in developed countries; and, Mr. Chairman, it is important to the people of Colombia who live in fear because our past efforts have failed them.

Last year, the Congress agreed to a $1.3 billion supplemental appropriation for a 2-year package for Colombia and surrounding countries. Now, between this appropriation and the defense appropriation, we are being asked for another $1 billion.

Last year we were told that our taxpayer dollars would be used to increase protection for human rights, expand the rule of law, and promote the peace process in Colombia. We were told it would be used to eradicate coca crops across Colombia. We were told it would be used to promote alternative crops and jobs in Colombia. That is what we were told.

After close examination of the evidence, we simply have to ask, where did the money go? The human rights situation in Colombia has gotten worse, the peace process is no closer than it was, and many of the crops eradicated were actually food crops. And now we are being asked to buy the same set of broken promises as last year, and this is not progress.

We all know that the Colombian military has close ties with the paramilitary organizations responsible for large scale massacres of civilians. Our own State Department has documented that the Colombian Armed Forces aid paramilitaries by providing them with intelligence, supplies, ammunition, and that they often fail to protect civilians from attacks.

The military funding we give in the hopes of helping the Colombian people is, to some degree, having the opposite effect. In the first 18 days of this year, 170 people were killed in 26 massacres. Data shows that as of April, deaths due to political violence roughly doubled those from previous years. These are innocent people trying to make Colombia a safer and more prosperous place, like Cristobol Uribe Beltran of the Association of Workers and Employees in Hospitals, Clinics and Organizations, who was kidnapped on June 27th and assassinated the very next day, innocent lives brought to an end for no legitimate reason. This is not progress.

We have seen the human rights abuses in Colombia continue to escalate since last year's aid package. More than 300,000 people were forcibly displaced from their home by political violence. There continues to be hostage-taking, torture, killing of civilians. Our aid is being used against people who have been mislabeled as guerrillas and are often students, professors and priests. They are taken captive by the paramilitaries and oftentimes never heard from or seen again. Our aid has been used to destroy food crops and put harmful herbicides in the rivers and ponds in Colombian villages. It has displaced people from their land and homes and forced them to relocate, and this is not progress.

We need to take a hard look at the situation we are dealing with in Colombia and make the sound judgment that our military aid efforts are simply not working. The aid we are providing is being misplaced, and I believe there is a role for the United States to play in this situation that is entirely different.

We can provide resources to build infrastructure, so crops can get to markets profitably; we can provide assistance to help build a court system to the point where it is effective, fair and respected; or we can build schools and roads and community support; or we can build a competent, efficient, respected police force and a military force that does not favor the paramilitaries or ignore paramilitary atrocities.

□ 1445

With all of these options at our disposal, we are being asked to choose the one we know will not work because it has not worked in the past.

This amendment recognizes that act and, instead, diverts some of this money from this wasteful program to one that saves lives. That is the intent of this legislation.

Mr. Chairman, we ask that this money be used for tuberculosis aid and not for military purposes.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, Congress's record in handling this issue is a sorry one indeed, and I think it institutionally ought to be ashamed of itself for its total lack of guts in defending our obligations under the Constitution and our prerogatives under the Constitution. Basically, we are engaged in a war a long ways away in Colombia, rather than engaging in that war on our own streets here at home. We cannot do much about that today under the rules under which we are being forced to debate this bill.

But I want to be very blunt about what I think is happening. We are right now engaged in this war, even though this Congress never had an intelligent, thoughtful debate through the normal processes of this House. We are not operating under an authorization produced by the authorizing committee. We are operating under a political compromise fashioned by the former President of the United States, Bill Clinton, and the present Speaker of the House, the gentleman from Illinois (Mr. HASTERT), and rammed through this House on both sides of the aisle with no real ability of the authorizing committee to effect in any way the outcome.

With all due respect to the Committee on Appropriations on which I have served for over 30 years, that is not the job of the Committee on Appropriations. The job of the Committee on Appropriations is to fund programs previously authorized, and certainly it is not the job of the Committee on Appropriations to get this country in a position where we could inadvertently be sucked into a conflict that could keep us there for years.

The question is not whether we like the rebels in Colombia and the question is not whether we like the President of Colombia; the question is whether or not we believe that that society, as presently constituted and constructed and organized, has the ability to make what we are doing in this program work and, in my view, based on long observations of that society, I do not believe that that is the case.

Mr. Chairman, I would like to quote something said by Jim Hoagland, who I think can accurately be described as a moderate conservative columnist in The Washington Post. This is what he wrote a year ago. "In Colombia, the United States pursues unattainable goals, largely for domestic political reasons with inappropriate tools." Then he says, "Now in the rush to the quagmire, we see the following:" and then he goes on to talk about what happens when it becomes clear that in the considered judgment of the U.S., air force officers in the Colombian military will not be able to maintain the Blackhawks under the conditions in which they will be flying has shown to be correct. He asked what will happen then. Then he simply goes on to make the point that the Congress is slipping us into this war little by little the way that Kennedy and Johnson did in Vietnam, and we all know what the disastrous results were of that operation.

I am also frankly mystified by the views of our new Drug Czar, John Walters. Walters was quoted a year ago as attacking the idea that we ought to focus on drug treatment. When he was discussing the value of that idea he said this: "This is an ineffectual policy, the latest manifestation of the liberals' commitment to a 'therapeutic state' in which government serves as the agent of personal rehabilitation."

I find that comment to be condescending and arrogant and, most of all, misguided. The fact is that if we take a look at the research done by SAMHSA, the agency charged with knowing what we are doing on drug treatment and rehabilitation, if we take a look at studies done by RAND, financed, in part, by the U.S. Army, they estimate that a dollar spent on treatment here at home is 23 times as effective as fighting a war or trying to interdict drugs internationally.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I am for doing both, but I am not for spending over $1 billion last year and almost that amount this year over 1,000 miles away from home when we still have drug addict after drug addict roaming the streets of our cities untreated and unable to get into the drug treatment programs that we have provided in this country, simply because this Congress is too misguided and does not provide the money.

It seems to me that this amendment is a token effort at what we ought to do on this program, and I, for one, intend to support it. I have no illusion that it is going to pass, but it is what we ought to do and, most of all, this Congress ought to have a full-blown, detailed debate on this issue after we have had briefings from the administration and others so that we know what the facts are on the ground and we are operating on the basis of facts, not ideology, or operating on the basis of substance, not politics. I think the leadership of both parties has been disgracefully negligent in getting us to drift into this war without any real thought about what the outcome is going to be.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. The Andean regional initiative in the bill is already $55 million below the President's request. At the same time, this bill has already provided $1.39 billion for child survival and disease programs, which has significantly increased.

Let us talk about health programs in particular. I want to talk about the public health effects of illegal drugs in the United States. The cocaine and heroin which comes to the United States from the Andean region, and almost all of our cocaine and heroin comes from the Andean region, seriously impact our hospital emergency departments. Heroin visits are rising and cocaine visits are holding steady. In 1999, more than half a million drug-related emergency room visits were reported, over 196,000 related to Andean cocaine and over 84,000 in American hospitals related to Andean heroin. Every year, our Nation spends $12.9 billion to cover the health costs of illegal drugs, which have predominantly come in from the Andean region.

I support the bill's generous funding level for international health programs. I believe it is extremely ill-advised to further increase this spending at the expense of a significant portion of our international narcotics control program, which is fundamentally designed to protect the health of American citizens by keeping illegal drugs out of the United States. These programs account for just 5 percent of our overall drug budget. In fact, the $100 million at stake in this amendment is 11 percent of the entire U.S. budget for international narcotics control. We cannot and should not trade the health of American citizens simply to make a political statement.

Now, I would like to respond to a number of false allegations that have occurred regarding what is going on in Colombia. Colombia is not Vietnam. It is a longtime democracy. It is one of the oldest democracies in this hemisphere. Vietnam was not.

The Colombians themselves are fighting and dying. They are not fighting and dying because of their political problems, they are fighting and dying because of our narcotics addictions in the United States. This is not a civil war, this is a war funded, whether they be the ultra-rightist groups or whether they be the FARC, whether they be the ELN, through narco-protection and narco-dollars. We have caused their conflict. We have moral obligations to help them address their conflicts. They have had the equivalent of 30,000 American police officers killed in the line of combat trying to eradicate drugs that are being grown for our neighborhoods and our streets. It is not like Vietnam. It is a country that was a democracy where now, people have fled because they are kidnapped, because they are terrorized, because of our addictions. We are not engaged in a war in Colombia. We are trying to assist them fight a war that was driven by us.

Furthermore, we heard about the peace process in Colombia. President Pastrana, whether we agreed with it or not, and I had some reservations, he gave a demilitarized zone. He bent over backwards to work with the FARC. What he got was slapped in the face. He turned his other cheek. They continued to grow drugs and they expanded their operations, and what he got when he turned his cheek was they slapped him in the face. The failure of the peace process is not with the Colombian government. They have turned their cheek and turned their cheek and turned their cheek.

We have also heard that many crops were eradicated that were food crops. That is simply a false allegation on fumigation, and I am sure we are going to debate that further today.

Furthermore, there have been smears on the Colombian military. We have worked to improve the human rights division. A number of us on the Republican side have been criticized in the past for being too oriented towards the Colombian National Police which had a great human rights record. With the last administration and with the support of the House, we expanded our aid to the military in return for commitments on human rights. It is not an easy process, as we have tried to educate other countries where we provide military aid around the world in addition to our military when they are overseas and our police forces, so occasionally there are human rights violations.

It has not been proven that they have gotten worse, nor is it proven that they have ties to the ultra-rightists in that country and where there are, we ought to rout them out. That is why some of us have been more oriented towards giving the money to the Colombian national police rather than the military. Their elected government in Colombia asked us for help for their military, rather than just the Colombian national police. We responded to an elected government unlike Vietnam, and then we get criticized because some of the funds went to the military.

Furthermore, some of the blame in Colombia being placed on the government or on our anti-narcotics efforts is like blaming police officers for the fact that crime has increased. It is like blaming judges and the citizens for the fact that terrorism has increased. What they have is a rampant problem in their country that is indeed threatening democracy, and what we seem to want to do at times is stick our head in the sand and say, well, this does not have anything to do with us. In 1992 to 1994 this House, along with the newly elected President, cut the interdiction budget. What we saw was a supply coming into America soar. We saw the prices on the street drop. We saw the purities come up. To get back to where we were in 1992, we would have to have a 50 percent reduction in drug abuse in America.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 1 additional minute.)

Mr. SOUDER. Mr. Chairman, it is critical, not because of what is happening in Colombia, but because 67 to 80 percent of all the crime in every Member's district is drug-related. We should not cut back our efforts when we know where the coca is being grown; we know where the heroin poppy is being grown. When it spreads into the oceans and then crosses our borders, from the Canadian border, the Mexican border, the East and West Coast and starts to moving into our streets, it becomes more expensive to find it, it becomes more expensive to treat it, it becomes more expensive to lock people up, than if we can help the Colombians and the Peruvians and the Equadorians and the Bolivians fight the battle in their homelands.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the McGovern amendment; and I commend the gentleman for his leadership in bringing it to the floor. I want to follow up on some of the remarks made by the gentleman from Wisconsin (Mr. Obey), the distinguished ranking member, on the need for us to have this debate.

We are talking about, between last year and this year, a $2 billion expenditure on this initiative that has seen very little light of day in terms of what it contains and what its effectiveness is. What the McGovern amendment would do is to take $100 million from that funding for the Andean initiative and spend it on child survival and maternal health and to fight infectious diseases, polio tuberculosis and malaria.

□ 1500

Where that money would come from is a line in the bill that simply says, "for necessary expenses to carry out section 480 of the Foreign Assistance Act solely to support counterdrug activities in the Andean region of South America, $676 million, to remain available until expended." It does not say anything about economic assistance, human rights, humanitarian assistance, or anything like that. It says, "$676 million."

We would have liked for this amendment to be a match for the one I offered in committee, where we could say that the $100 million came from the military assistance, but the Committee on Rules would not have put that in order.

So in responding to the comment of the gentleman from Arizona (Mr. Kolbe) that it takes from these other areas, no, it does not. The goal is to take it from the military assistance. If the administration chooses to take it from humanitarian and economic assistance, that is the choice of the administration. It is not the wish of the gentleman from Massachusetts (Mr. McGovern) or the cosponsors of his amendment.

Why is this important? The gentleman from Wisconsin (Mr. Obey) said earlier that the Rand organization presented a report that said that treatment on demand in the United States is 23 times more effective than eradication of the coca leaf in the country of origin. Think of it. It is estimated to cost about $32 million to reduce demand in the United States 1 percent by treatment on demand.

If instead we try to reduce demand 1 percent in the United States by eradication of the coca leaf in Latin America, it will cost over $700 million. Do the math. That is 1 percent for a 1 percent reduction.

In our country, there are about 5½ million substance abusers. About 2 million of them receive treatment, and 3½ million do not. Why are we not spending the money, which is 23 times more effective, on treatment on demand to reduce demand in our country, rather than sending all of this money, to the tune of $2 billion, and it will grow next year, for a policy that has been ineffective?

I am very respectful of President Pastrana and his good intentions and hard work and, again, in recognition of the fine work that my colleagues, the gentleman from Arizona (Chairman Kolbe) and the gentlewoman from New York (Mrs. Lowey), the ranking member, have done on this bill, but this part of the bill must be debated more fully and the Andean Initiative must be reduced.

What does the gentleman from Massachusetts (Mr. McGovern) spend the money on? He spends it on tuberculosis. Few diseases are as devastating and widespread as TB. TB kills 2 million people each year and is only second to AIDS as the biggest infectious killer of adults in the world.

Although there is a very cost-effective cure for this disease, only one in five who are sick receive adequate treatment. The good news is that effective treatment does exist. It is called DOTS, the Directly-Observed Treatment Short course, and it is effective. It costs between $20 to $100 to save a life.

According to the international TB experts, a worldwide investment of $1 billion is needed to make DOTS available to all of those ill with TB, and an appropriate U.S. share would be $200 million. The money would go to the foreign operations bill, to increase its funding for polio eradication.

While the bill has $25 million in it, Rotary International, which has been a leader in the eradication of polio, says we need a minimum of $30 million for that eradication. We are in a race to reach every last child with polio. We can do it.

We need the resources to do so. It seems to me that is money much better spent than in the unknown, slow-to-come, trickling-through-the-pipeline humanitarian or economic assistance that was promised to Colombia but where they have seen more on the military side and hardly anything on the humanitarian and economic side.

Mr. Chairman, I urge my colleagues to follow the leadership of the gentleman from Massachusetts (Mr. McGovern) and all the other makers in this amendment. I have failed in the subcommittee and in the full committee, but I am more hopeful on the floor of the House that if we want to reduce demand of drugs in the United States, we will do it in a cost-effective way.

If the burden of proof of this is, have we helped the Colombian people and reduced drugs in the U.S., we have failed on both counts. Support the McGovern amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, lest our friends on the other side of the aisle forget that the Plan Colombia concept was a Clinton administration proposal to help save Colombia from becoming a failed narco-state on the Clinton watch, we need to stay the course. We have not even delivered most of the equipment we promised to Plan Colombia, the helicopters that were provided for. In fact, they just started arriving this month. So how can we attest to the fact that this is a failure? It has not even started in full. Let us be fair and accurate in this debate.

With what we in the Congress previously gave to the Colombian National Police ahead of Plan Colombia, their antidrug units are already about to totally eliminate opium this year, the source of more than 70 percent of the heroin coming to the United States. We also eradicated 30,000 hectares of coca in southern Colombia with Plan Colombia, all since mid-December of 2000, far ahead of schedule.

All the above was accomplished in the year 2000 by the anti-narcotics police without one credible allegation of human rights abuse against its antidrug units. In April, 2000, the Institute for Defense Analysis, the IDA, reports that our efforts with the anti-narcotics police in Colombia, both in eradication as well as hitting labs and breaking up major trafficking organizations, have produced the lowest purity and the highest prices here for cocaine since early 1985, the lowest purity and the highest prices since 1985.

This low purity and high prices for cocaine in 15 years here at home means less and less young people are going to become addicted to cocaine, and they will not require the expensive treatment and incarceration in our Nation.

So I repeat, Mr. Chairman, less and less American kids are going to be addicted to cocaine because of what we are doing under Plan Colombia today, despite the uninformed critics, who offer no real workable alternatives.

So let us stay the course. Fighting drugs at their source is still the best and most cost-effective way, before they arrive on our shorelines, destroying our young people, increasing crime in our communities, and producing even more costs in treatment and incarceration.

Accordingly, I urge our colleagues to defeat the McGovern amendment and make certain that we are not going to surrender in this war on drugs.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the McGovern, Hoekstra, Pelosi, Morella, Jackson-Lee amendment.

Mr. Chairman, if I might have the attention of the House, this is an important debate because I think the American people are trying to understand just where the tension is between those of us who are interested in maternal-child health and immunization and the opponents of the bill.

First of all, let me say, Mr. Chairman, that just a couple of days ago the White House had Youth Day on Saturday, opening up the White House to thousands of youth who came to the United States Capitol, including Boy Scouts, who many of us see walking throughout the Capitol, who are here for the Jamboree to be held in Virginia.

I mention that because we in America are interested in promoting healthy children. Therefore, we have emphasized in preventative health millions of dollars to immunize our children. With that in mind, this is what this legislation is about. It is the capability worldwide to ensure that there are healthy children and healthy mothers, to ensure that there is prenatal care as it relates to nutrition, and to ensure that there is immunization.

Let me juxtapose those needs of saving lives of children, of providing the nutritional needs through the foreign operations bill, to what this amendment does. This amendment takes only $100 million out of a $2 billion pot.

This does not label those of us who support this amendment as antidrug enforcement or not understanding the drug issue. What we do understand is that America has been fighting drugs in Mexico and in Colombia and places throughout the world without a lot of success. We realize that we have not placed as much emphasis on treatment and bringing down the desire.

This is all about supply. I heard a good friend and colleague mention that we are trying to take money out of police operations and other operations as it relates to drug enforcement. That is absolutely a misinterpretation of our amendment. All we are doing is taking $100 million, which may be taken out of the foreign military aspect of this drug effort, out of a $2 billion line item.

So, Mr. Chairman, let me emphasize what we have been able to accomplish with assistance on the idea of child nutrition.

If a child is not killed by measles, it may cause blindness, malnutrition, deafness or pneumonia. It is possible to save millions of children per year just by increasing immunization rates from 75 percent to 90 percent and by assuring access to essential nutrients, such as vitamin A, which increase resistance to disease and infection.

In developing nations we are finding that children are dying of the normal childhood diseases which here in America children do get but they survive because of immunization. Annually, immunizations avert 2 million childhood deaths from measles, neonatal tetanus, and whooping coughs, which if we travel to the developing nations we will find those diseases devastating to children.

The success of these programs in the world's poorest regions is even more striking when one considers that the vaccination rate in the United States only reached 78 percent, 78 percent in 1998. Unfortunately, immunization rates are not improving everywhere. Coverage in sub-Saharan Africa has decreased. Thirty percent of children still do not receive their routine vaccinations, and 30 million infants; and measle infection rates have improved in the last 10 years, but there are still 30 million cases of measles.

We must reduce hunger and malnutrition, which contributes to over one-half of the childhood deaths throughout the world. We can do so through these child and maternal health programs. Almost 150 million children are malnourished. We have watched the stories in Sudan, in Ethiopia, in other war-torn countries.

I believe the most important aspect of this debate is for us not to be considering that we are killing the drug enforcement program in parts around the world, including Colombia. That is not the case. We are asking for a small, minute number of dollars to be able to save millions and millions of children.

I believe this is a fight worthy of its name. I am delighted to be on this amendment. I have an amendment that I had intended to offer, but I believe this debate is so important that we need to focus on the juxtaposing of what we are standing for here today, saving lives, as opposed to the depleting of a $2 billion pot.

Mr. Chairman, I am a cosponsor of this amendment. I ask support for this amendment. I will consider whether or not I will withdraw my amendment that will come subsequently. This is an important issue.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the McGovern-Hoekstra-Pelosi-Morella-Jackson-Lee global health amendment to H.R. 2506, the fiscal year 2002 Foreign Operations Appropriations bill.

I want to commend my friend, the gentleman from Massachusetts (Mr. McGOVERN), for taking the lead in bringing this important amendment to the House floor.

What the amendment does is it shifts $100 million from military aid, and this is the intent, to Colombia to the Child Survival and Health Programs Fund. It would add $50 million for child survival and maternal health programs that improve maternal and child health and nutrition, reduce infant and child mortality, and support polio eradication programs.

Additionally, this amendment would add $50 million for infectious disease, and that is specifically for international tuberculosis programs. While TB overall is on the decline in this country, it continues unabated globally. An estimated 8 million people worldwide develop active TB each year. There are 2 million TB-related deaths worldwide each year, and TB causes more deaths among women worldwide than all cases of maternal mortality combined.

TB is the leading cause of death among people who are HIV-infected, accounting for one-third of AIDS deaths worldwide. The global TB epidemic could impact declines that have been made in the United States.

Mr. Chairman, it is impossible to control TB in the United States until we control it internationally. According to experts, an additional $1 billion is needed to adequately address this killer. The United States must take a leadership role in supporting and substantially increasing spending programs to eliminate the spread of TB worldwide. Passage of this amendment would translate into $120 million for international TB eradication efforts for fiscal year 2002.

Equally as important is increased funding for the child survival and maternal health programs. Each year, more than 10 million children die before reaching their fifth birthday due to preventable infectious diseases such as pneumonia, measles, and diarrhea.

□ 1515

Nearly 500,000 women die of pregnancy-related causes each year; and every minute around the world 380 women become pregnant, 110 women experience pregnancy-related complications, and one woman dies.

Mr. Chairman, the $100 million this amendment seeks to shift is offset strictly by military aid to the Colombian Armed Forces. I want to emphasize the fact that it does not, despite what we have heard, it does not touch any police aid, which would be $152 million, and it certainly does not touch any of the $146 million for social and economic investment in Colombia. Neither does it affect the remaining $277 million of the military economic or development aid for Peru, Bolivia, Ecuador, or Venezuela that is contained within the $676 million Andean Counterdrug Initiative.

Mr. Chairman, this amendment should pass by voice vote on its merits alone. However, if there is a recorded vote, I urge passage of the McGovern-Hoekstra - Pelosi - Morella - Jackson-Lee global health amendment.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, much is in dispute about this whole issue of what to do in Colombia, but I do not think anyone can dispute that there is no visible evidence that the human rights situation in Colombia has improved since Congress approved last year's mostly military aid package, and I think that should indicate to us that we ought to think about what we are doing.

With the indulgence of the chairman of the subcommittee, the gentleman from Arizona (Mr. KOLBE), I had an opportunity to visit Colombia about 4 months ago with a number of Members of this body, and we had an opportunity to talk with a number of different people in the government in Bogota, but then also visited as much as we could in the short period of time on the front lines of the areas in the Colombian civil war, particularly in Putumayo Province, and a couple of other provinces in the south of the country.

Now, I believe that President Pastrana and the defense minister are genuinely looking for an acceptable way to end this long conflict. Some elements of the military certainly are in collaboration with the right-wing paramilitaries, and I suspect doing so in defiance of President Pastrana. I really do not believe that he is in any way encouraging them. In fact, the tensions are clearly obvious within the military in Colombia, from what I could see of the visit. The Department of Defense has discharged whole units where there is evidence of collaboration; and that, of course, is part of the tension.

But I think that our heavy use of military aid to the suspect Colombian military drives the United States' policy into the pattern of the El Salvador example from a decade and more ago, a period of time when year after year we were spending on an average of $400 million or more year to the Salvadoran military, which was directly involved in the worst civil and human rights abuses in El Salvador, including the infamous killing of Catholic nuns, who, of course, were in sympathy with the plight of the Salvadoran people.

Now, in my view, the Salvadoran example provides some example for the sides in Colombia to use. Ten years ago, the two sides in the civil war in El Salvador realized that they were simply killing the very best young people from both sides and that it was disastrous for everyone there, and so they sat down together to create a new future for El Salvador. And a version of that, it seems to me, is the way that this craziness in Colombia has got to end.

I think the amendment that has been offered by the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Michigan (Mr. HOEKSTRA) provides a message. It would send a message that the purely military solution, in this case in Colombia, is a dead-end solution for Colombia and that it is really time to try something else.

The gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, suggested, or pointed out, that this message is a blunt message; and it is, because it cuts $100 from the $676 million assigned for the Andean Counterdrug Initiative. But the administration can take that money from the military side, from the military side in Colombia, not from the civil police, not from economic aid there or in the other nations of Ecuador and Peru and Brazil, if that is where it is otherwise intended to go.

There must be a better way to do this. It is time to try something else than the failing effort to impose a purely military solution on the long-standing, nearly 30-year civil war that is going on in Colombia. Therefore, with a slight bit of ambivalence, I started here ambivalently, therefore I am supporting and commending the gentlemen from Massachusetts and Michigan for their leadership on this issue.

Mr. KIRK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to this amendment, but I do want to salute the gentleman from Massachusetts (Mr. MCGOVERN) for his work on behalf of Mr. Moakley's long work in support of human rights in El Salvador and in support of human rights in Colombia; but I reluctantly oppose this amendment.

Recently, I accompanied the Waukegan Police Department on a raid of a crack house. There we found the crack addicts in the basement, but then I found that this was actually a home with three little bitty babies in it and a 12-year-old smoking crack cocaine. We cannot surrender the drug war. We need to make sure that we protect those who cannot protect themselves.

But there are two purposes of the drug war. The first purpose of a U.S. drug war is to reduce the narcotics flow into the United States, and on that we have not done well. But there is a second purpose; and that second purpose, Mr. Chairman, is to prevent narcogovernments from taking power. We saw it once already in our history when the government of Panama fell and a narcogovernment took control there.

Manuel Noriega turned the Immigration Ministry in Panama into an enormous drug lab. And two things happen once a narcogovernment takes control: first, economies of scale; and, secondly, research and development. The research and development in the narcotics industry created crack cocaine, a $5 single hit, that was an enormous boost to the illegal drug industry. And we cannot let that happen in Colombia.

The United States has an important and positive role to play in supporting civil society in Colombia. Colombia, our neighbor, is in the middle of a nationwide crisis which threatens the entire region, and they have asked for our help. So the question is not should we become engaged, but how we should become engaged and to what end. Had this amendment redirected funds to support civil society in Colombia, especially judicial reform, I would have strongly supported it. However, simply pulling support from Colombia and its fight against drugs and its fight against narcoterrorism is not the solution.

I believe it is vitally important to support Colombian institutions that are working in an effective fashion to bring criminals to justice, whether these criminals wear the uniform of rebels who profit from drug trafficking or are right-wing paramilitaries who fill their war chests with cash culled from the same dirty source. I would even mention that some of these lawbreakers wear the Colombian uniform of the armed services and support illegal activities of paramilitary groups that are responsible for most human rights violations in Colombia.

But I would note that all aid under this bill passes through the Leahy amendment, vetting people to ensure respect for human rights. There are institutions in Colombia that do a truly exceptional job fighting injustices engulfing the country; and among them is the attorney general, known as the Fiscalia, and the Colombian National Police. Most of the recent high-level captures of paramilitary leaders and rebel chieftains are the result of the dedicated work of the attorney general's office, where hundreds of prosecutors are working against tremendous odds to transform the written word of Colombia's laws into real-life consequences for criminals.

For instance, it is the attorney general's office that has done the painstaking investigations that have resulted in arrest warrants for top paramilitary leaders recently. They hit at the heart of the paramilitary structure, their drug profits; and they need our help. For their part, the leadership of the Colombian National Police has literally turned an institution around over the past decade, from one stained by human rights violations into a professional force. They have done what so far the Colombian military has not, sending a clear and pointed message that rank-and-file human rights violators will not be tolerated.

Since 1994, when General Jose Serrano took over, over 11,000 officers have been dismissed for crimes that vary from corruption to extrajudicial execution. In their place are officers who know their first duty is to obey the laws themselves before they bring criminals to justice. General Gilibert continues to uphold this tradition and needs our support to continue to enforce the law, particularly in regards to human rights.

Mr. Chairman, we should not surrender Colombia to drug lords of the right or the left. Defeat in this instance of civil society would mean at least 10 percent of Colombia would attempt to move to the United States. I would hope in the future we could work together in a bipartisan fashion to craft an aid package that supports the Democrat center, civil society, prosecutors, police officers, judges to create a Democrat forum in Colombia where we could win the war against the tyranny of the right or left.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Chairman, I just want to point out one thing. First of all, this bill contains $152 million of police aid. There is $72 million in police aid from last year that is still in the pipeline. Nobody here is advocating that we surrender. What we are saying is send a signal to the military that we want them to sever ties with the paramilitary. That is what this is about.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Chairman, I just want to make clear a couple of points here. First of all, we are not abandoning Colombia. This foreign aid package still includes $299 million in aid for Colombia for alternative development, the police, and judicial reform. It includes another $276 million in economic and security assistance for the other countries in the Andean region. It does not affect any of the military aid that will be coming before us in the defense appropriations bill.

We are emphasizing the funding in our amendment that supports peace, development and an end to poverty that leads to drug cultivation. We are eliminating funding that further militarizes the conflict. That is the purpose of our amendment. We are eliminating the aid for a strategy in southern Colombia that has failed in every country where it has been tried and which is opposed by all 13 mayors of Putumayo and all six governors of southern states of Colombia.

What we are trying to do is send a strong, clear signal at last that the Colombian military must cut its ties to the paramilitaries. My concern, and the concern of a lot of us who are supporting this amendment, has been that we talk the talk when it comes to human rights but we do not walk the walk. We put in language in our Colombia aid package, conditionality language on human rights; and yet when the Colombian military does not abide by those guidelines, we simply waive those guidelines. That is the wrong signal to send.

I do not know how continuing to support a military, continuing to send a signal that we are going to turn a blind eye to human rights violations does anything to deal effectively with the drug problem in our country or deal with illegal growth of coca plants in Colombia, or deal with strengthening civilian institutions. The fact of the matter is, continuing to support the Colombian military without insisting they abide by human rights criteria, I think sends the wrong signal and it adds instability, not stability, to the region.

Mr. BROWN of Ohio. Reclaiming my time, Mr. Chairman, I rise in support of the McGovern amendment to shift the $100 million from aid to Colombia's military to global health programs.

Since Plan Colombia began last year, the human rights situation has worsened. There are reports of atrocities both by right-wing paramilitary groups and left-wing guerrillas.

□ 1530

The AUC paramilitary group has gone on a bloody rampage across Colombia, massacring hundreds of civilians.

In the Naya River Valley and other places throughout Colombia, the military has failed to take sufficient steps to prevent paramilitary massacres, despite ample public warnings about the attacks.

Our own State Department has documented the ongoing links between the Colombia military and the paramilitaries. According to the State Department, impunity for military personnel who collaborate with members of paramilitary groups is all too common.

Mr. Chairman, we have a great opportunity on the floor of the House. We have an opportunity to cut $100 million out of $2 billion, but $100 million which will, on the one hand, curb human rights abuses and, on the other hand, take that $100 million and spend it on maternal health and on polio and on tuberculosis control.

When we look at what the world has done in the last 20 years when we have the resources, it is clear that $100 million can be spent very, very well. In one state in India a couple years ago because of government and public health authorities involvement in a tuberculosis pilot project, they reduced the death rate by 94 percent from tuberculosis in that one state in India.

Polio was eradicated in the Western Hemisphere in 1991. The last case was in Peru because of government health authorities and NGOs and others making that commitment. Since then we have almost eradicated polio around the world and should have eradicated it by 2005.

In one day in 1999, in the country of India, where NGOs from around the world and public health authorities from around the world and the government of India concentrated on vaccinations that day and immunized, in one day in India in December, 1999, 134 million children.

The point, Mr. Chairman, is when we use these public health resources well, we can make a big difference. The McGovern amendment does that. It is a small but important step in our efforts to eradicate infectious disease, to curb human rights abuses and to make this world a more healthy place.

Mr. HOEKSTRA. Mr. Chairman, I move to strike the requisite numbers of words.

Mr. Chairman, I thank the gentleman from Massachusetts (Mr. McGovern) for allowing me to work with him on this amendment.

Regrettably, I come to the floor to talk about this issue on an appropriations bill. This discussion would be much better if we were going through an authorization process, but this is the only place we can talk about a very critical issue.

I think there is a great degree of uncertainty of how this program is working. We know that on this appropriations bill there is significant legislation that will further militarize this situation. I think we need to be nervous about that. That is why I looked favorably on this amendment when it was proposed to me and why I chose to co-sponsor it.

In the last few months, I have had the opportunity to travel to Africa. Investing in health care around the world is an important investment. We were in Lagos, Nigeria. We had the opportunity to witness the effects of polio and recognize that polio is still a disease that faces way too many children around the world. Investing in child survival and health programs is a good investment.

In contrast to that, I think there is a sincere concern about our efforts in the drug war. As I listen to the debate today, I hear terms such as we have to reduce the drug flow, narco-governments, surrender to drug lords. I sometimes wonder if we are willing to sacrifice all U.S. values in this fight on drugs.

We know that in certain cases, and we will be talking about one of those later on today in another amendment that I will be proposing, when we tried to work out some protections that would embody basic human values and basic U.S. values and rights that we cherish in this country, we are not willing to extend those basic rights to the people in South America. We are willing to do other legislation in this appropriations bill but carrying basic rights that we treasure in this country and that we afford to our own citizens, we are not willing to extend to our colleagues south of the border.

Are we willing to sacrifice all decency and basic human rights so that we can benefit here in the U.S. while others suffer in other parts of the world? I am not sure that is the direction that we want to go.

The U.S. values that we cherish here are the same values that we should share and export to other parts of the world. We need in this bill, since it is the only vehicle that we will have an opportunity to express our values on and our feelings and opinions, we need to use this bill to say we are going to defend U.S. values and U.S. rights in this country and we are going to ensure that those values and those rights are extended into other countries where we are engaged and where we are invested.

The greatest export that we have around the world is not dollars, but it is a vision of freedom and it is a vision that says freedom and human rights are a basic right that people around the planet should share. We are the model. That model should not change when we leave our borders.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Arizona (Mr. KOLBE) will be recognized for an additional 5 minutes.

There was no objection.

Mr. KOLBE. Mr. Chairman, I would just like to make some observations on the amendment and the speakers that we have had.

I want to remind my colleagues what the issue really is here. We are not talking about whether or not we should be putting more money into HIV/AIDS and child survival fund. We recognize the importance of doing that. We have money that is going into those funds. We are increasing the amount for tuberculosis rapidly. We believe, in fact, that we are increasing it as rapidly as we can be. Some might argue that it is faster than the absorption. We are not even sure exactly how those program dollars are going to get spent, but the need is tremendous.

We are facing a pandemic in this world in HIV/AIDS unlike anything that any of us in our lifetimes have experienced, unlike any kind of plague that has beset this world in the last several hundred years. We need to be focused on that. We need to understand that it is a global issue. It is not just one here in the United States. It is not just one in Africa. We are now seeing it in Haiti and the Caribbean. We are seeing it in South Asia. We are seeing it in the Central Asian republics. We are seeing it in the Caucasuses and we are beginning to see it in Southern China.

This epidemic is spreading around the world, and we need to apply the proper resources to it. Mr. Chairman, our bill does do that. We make every attempt to get money into the international trust fund as well as money into our bilateral programs.

Mr. Chairman, let me repeat again where we are with this trust fund, a trust fund which, I might add, has not yet been established, a trust fund that under the umbrella of the United Nations would provide funding for programs around the world, but we still do not know how the governance of that trust fund will be done.

Nonetheless, we have $100 million in our bill for that. Last Friday, this House approved a supplemental appropriation which is now on the desk of the President for $100 million; the Labor-HHS bill will have another $100 million. That is $300 million in 1 year from this country alone towards the trust fund.

I realize that one can always argue that more is needed, but we have to balance our bill with the requirements of our other national security requirements, including those in South America, the need to make sure that the needs of the battle against drugs in Latin America continues, as well as the economic assistance in those countries.

Mr. Chairman, I urge my colleagues when they consider this amendment that they realize that we have a balance in this bill, and I would hope that my colleagues would consider it carefully and that they would reject this amendment.

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The CHAIRMAN. Pursuant to the Chair's announcement of earlier today, the Committee will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Will all present in the Chamber please rise for a moment of silence.

Ms. CARSON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the Chair for appreciating the work of the officers here and around the world.

I speak on behalf of the McGovern-Hoekstra-Pelosi-Morella amendment that adds $50 million to infectious disease programs to combat tuberculosis and $50 million to the Child Survival and Maternal Health Program.

This money will be taken from the Andean Counterdrug Initiative that would provide $100 million in additional U.S. funding for Plan Colombia. The current administration asked for a 1-year $1 billion military aid package to continue funding Plan Colombia and other antidrug initiatives in surrounding countries.

While I respect that initiative, I prefer to support this global health amendment because I believe that additional funding for the Colombian military will only draw the United States further into Colombia's brutal 4-decade old civil war.

Furthermore, I cannot in good conscience support funding for a military in Colombia that has close connections to paramilitaries responsible for some 70 percent of the most severe human rights violations in the world. Seventy-one percent of the 319,000 people internally displaced last year were driven from their homes by paramilitaries, according to the Colombian President's office. The $1.3 billion aid package that we sent Colombia last year has not improved the Colombian military human rights record. Hardly any high ranking military officials implicated in connection to paramilitaries have been dismissed since the United States aid began to be implemented last August.

Mr. Chairman, as reported in last Thursday's issue of The New York Times, 40 percent of Africans with AIDS have tuberculosis, which is the leading killer of people with AIDS. Tuberculosis kills 2 million people each year, and is on the rise globally. Tuberculosis is the greatest killer of people with HIV-AIDS and young women worldwide. Tuberculosis treatment in the form of directly observed treatment, DOTS, is one of the most cost-effective treatments available today.

And to combat high infant mortality rates, a small investment in programs such as measles, diphtheria, whooping cough, tetanus, and polio will greatly impact many children's lives.

We can save billions of dollars in the future if polio and other preventable diseases are no longer a threat to children, and countries no longer need to vaccinate their children. The change in children's health worldwide is priceless. The funding needed to achieve this goal is invaluable by comparison.

Mr. Chairman, I urge strong support of this amendment.

□ 1545

Mr. CROWLEY. Mr. Chairman, I move to strike the requisite number of words.

I rise today in support of the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) to reduce funding for the Andean Initiative by $100 million. During the consideration of Plan Colombia, I had some serious concerns regarding the manner in which the $1.3 billion would be distributed. I believed that the concentration of those funds on military rather than on economic and social assistance was a grave miscalculation. The assistance provided to the Colombian military has been used to support and intensify the long tradition of human rights abuses in Colombia in my opinion. Plan Colombia has bloodied the hands of this Congress.

I believe that this reduction of $100 million should be taken from the account directed to the Colombian military to send a message that these abuses of basic human rights will not be tolerated any longer. I cannot stand idly by while this body attempts to make the same mistake once again. Though I believe that the Andean Initiative takes steps toward a broader regional strategy and addresses the shortcomings of Plan Colombia, the President's request for the distribution of this account is incredibly deficient.

The most glaring deficiency is the lack of support for the country of Ecuador. We are talking about a country that has struggled for years with high inflation, a high rate of unemployment and a low per capita income. We are talking about a country that provides the United States a forward operating location at the Manta Air base to conduct drug surveillance missions free of charge.

Under the administration of President Noboa, Ecuador has done nothing but demonstrate acts of loyalty and friendship toward the United States. How do we repay them? By providing only $39 million, $39 million when Peru and Bolivia are receiving well over $100 million each. This is not providing support for a friend in need. This is a slap in a friend's face.

Ecuador is dealing with the daunting task of keeping the coca production beyond its borders. With the increasing activity by Colombian paramilitaries in the Putumayo region, this is becoming more and more difficult every day.

If the Colombian military and paramilitaries are successful in driving the guerillas out of southern Colombia, the problem will not be solved. The guerillas will simply move elsewhere to resume their business. This funding will not allow Ecuador to secure its borders or resist the movement of the guerillas into the Sucumbios region of Ecuador.

Just last month, the Revolutionary Armed Forces of Colombia crossed the Rio Putumayo into Ecuador and set up roadblocks on a main highway. This is the beginning of the terror for Ecuador. We can take steps in this Chamber to nip this in the bud.

Ecuador once shared a 367-mile border with Colombia. It now today shares a 367-mile border with rebel forces. Something must be done before this situation gets out of hand. No Member wants to be down on this floor next year voting for an aid package called Plan Ecuador.

I sincerely believe that the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) are committed to improving the situation in Ecuador. As this bill goes to conference, I would like to offer my assistance to ensure that the underfunding of Ecuador be addressed and rectified.

I also note that this money that will be redirected to child survival and maternal health as well as combating the spread of infectious disease. With so much suffering in this world today, why must we contribute to more of it? Let us take this opportunity to promote the welfare of both Colombia, the Andean region and global health entirely.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the McGovern-Hoekstra-Pelosi-Morella-Jackson-Lee amendment which adds $50 million to the infectious diseases account to combat tuberculosis and $50 million to the child survival and maternal health account. The offset comes from a $100 million cut in funding for the Colombian military.

As a relatively new Member of this august body, the most important parliamentary body in the entire world, what has struck me is the capacity of the United States for relatively small amounts of money, relative to the amount of money that we have and the amount of money that we spend, to do good in the world and to end the suffering of millions of people. That is what this amendment allows us to do.

I had the experience of going to Colombia with one of the sponsors of this amendment, the gentleman from Massachusetts. One of the things that we did was go to Barrios Kennedy, a place for displaced people, people who have been displaced by the multi-decade war that we are helping to fuel in Colombia. When we went to this crowded community and we met with families there, it was so sad because many of the families would put forward their children who were so sick and who were getting no help from the government, who were not getting the kind of help they needed or wanted from the United States. When they saw Members of the United States House of Representatives, they thought, can you help us? They showed us their health care bills that they could not pay. They held up their sick children. They were pleading for help.

This amendment gives us the opportunity to do two things for those people: one, to help their children with their health care needs; and, two, to end the continued problem of displacement.

How do we do that? Cutting funds from the Colombian military makes sense. This is a military that has repeatedly been implicated in the brutalization and murder of the very people that it is supposed to protect. Last year, there was an average of at least one massacre a day in Colombia, leaving thousands murdered and millions displaced. They flock to cities like Bogota where we met with some of them.

While many of the attacks were carried out by guerillas and paramilitary, these illegal armed groups operate with impunity from the military. In fact, they are often aided in their efforts by the Colombian armed forces personnel.

This amendment sends two clear messages: one, that we care about the children and the poor and the sick in this world, that we want to eradicate polio, that we want to get rid of tuberculosis; and, two, we send an important message to the Colombian military that we will not tolerate nor support the kinds of human rights violations that continue to devastate the people of Colombia that we say we are there to help.

I urge all my colleagues to join in strong support of this well-thought-out amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the McGovern amendment, reducing the amount of military assistance for Colombia and increasing funding for child survival maternal health, tuberculosis and malaria. Regardless of whether you support the huge U.S. investment in arming and training the Colombian military and police, the facts are clear. The acceleration of military activity in southern Colombia as a result of Plan Colombia funding has led to less government control, more violence, and no reduction in drug cultivation processing or transshipment. As a result of these and other developments, President Pastrana is now considering signing a law which would provide the Colombian military with extraordinary power and exemptions from judicial review.

During debate on Plan Colombia last year, Members were assured that alternative economic development was as much a priority as military and police aid. We were also told that our European allies would compensate on the economic assistance side for the imbalance in our own program.

What actually happened? A massive fumigation campaign commenced last December in southern Colombia before any alternative economic development programs were in place. By last March, no alternative crop assistance had been delivered to communities which had agreed to voluntary eradication. Today, as we speak, assistance is being delivered in only two of the 29 communities that have signed pacts. In fact, only 1,800 of the 29,000 people in the affected area are actually receiving assistance today. Military assistance programs have proceeded rapidly, while economic assistance from Europe never materialized, and United States assistance has been slow in arriving. We are adept at wielding the stick of Plan Colombia, but the carrot is nowhere to be found.

The McGovern amendment would reduce military assistance to give alternative development programs more time to be implemented. We owe the poorest of Colombia's poor who have been terrorized by the ongoing conflict the opportunity to eradicate their illegal crops voluntarily. And when they agree, we must have the capacity to deliver on our promises immediately. That is not the case today.

Congress provided over $1 billion for Plan Colombia, of which only about half has been spent. The majority of the military equipment funded in that package has not even been delivered to Colombia. Spending this $100 million on infectious diseases is good policy and will not slow our progress in the war on drugs in Colombia. In fact, it will actually help, by demonstrating that our policy is balanced. It will also increase the likelihood that the alternative development pacts will be sustainable over time.

The examples of successful voluntary eradication programs in Bolivia and Peru show that manual/voluntary eradication is the most effective and sustainable method of achieving long-term change. In order to bring that about, poor farmers must receive some actual benefits and gain confidence in their government. This has not yet happened in southern Colombia. The McGovern amendment will help solidify these alternative programs by slowing the pace of military assistance. I urge my colleagues to support it.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment really is not about allocation of child survival and health programs funding. Because if you just take a moment to look at the history here, we have $1.4 billion, nearly $1.5 billion allocated this year. Some 4 years ago, it was half the amount. It took a Republican Congress to increase this program, and it is an important program, and it is a targeted program which will aid in child survival worldwide.

But that is not the debate here. The debate is to really declare war on Plan Colombia. Some of the same opponents, Mr. Chairman, that we had toward giving any assistance to the Colombian military are the same opponents that we have here today.

We have heard that this is a purely military solution. Mr. Chairman, we have not had the military involved in Colombia really until this Plan Colombia came about. The Clinton administration blocked all of the military assistance to Colombia. Time and time again the Congress appropriated funds for helicopters. What do we need helicopters and transport vehicles to get to the Colombian military for? To get to the violence and get to the drugs. It does not take rocket science to figure this out. The drugs, the heroin, the cocaine are in the hills and distant lands in Colombia; and you need a way to get there.

Just a few minutes ago we dedicated a moment of silence to two Capitol police officers to whom as Members we will always be indebted because they sacrificed their lives to protect us. Do you know how many Colombian police have died to date? Over 5,000. There will be no moment of silence for those 5,000 Colombian police.

We have been to Colombia, many times. The Speaker helped develop this program. The administration for years blocked military assistance, and we got a huge increase in the production of heroin. From zero in 1993 to 70 percent of all the heroin coming into the United States is now coming in from Colombia because they blocked the military from stopping it.

Yes, there is violence out on the right side. You hear them talk about the military and how they are committing crimes. They did not tell you about the left wing, the FARC. They did not tell you about the ELN who cut people's throats, who use people in the most abusive ways you can ever imagine in human rights violations; and the terror is equally divided on both sides.

□ 1600

But they do not tell you that in order to stop the violence, to even get the police there without being slaughtered in Colombia, that you need some way to get them there. The key to that is our military assistance, the military, which we are training three battalions, providing helicopters and assistance to get them there. They encircle an area, and the police come in, arrest the terrorists and drug dealers, all of whom are financing the terrorism that has killed 35,000 people.

Do you want to care about human rights? Then allow Plan Colombia to at least go forward for 1 year. The aid is not even there. The helicopters that we begged and pleaded with the Congress and this administration to send there 3 and 4 years ago, are still not there. The last time I was there, they had four helicopters that were operating part of the time, and one was being cannibalized for parts. Now, how do you run an effective anti-illegal narcotics campaign like that?

Over one-half of the package is for assistance. If the assistance is not there, then get after the Department of State to get the assistance for alternative crop development and other programs to help people. But you will not build roads, you will not build schools, you will not save people's lives in Colombia until you have a comprehensive plan to make it all work.

So do not pull the guts out of the plan. Do not destroy a well-balanced plan that has protections against human rights abuses, that has a targeted approach and balance between a small amount of military delivering troops who are trained to an area to protect police.

You have heard about sacrifice of U.S. values. Well, the U.S. values our freedom.

The CHAIRMAN. The time of the gentleman from Florida (Mr. MICA) has expired.

(By unanimous consent, Mr. MICA was allowed to proceed for 1 additional minute.)

Mr. MICA. Mr. Chairman, sacrifice of U.S. values, I heard that. Freedom and human rights. Well, there will not be freedom in Colombia while they are killing each other.

It is in the United States' interests, it is in our interests as a neighbor not to let our friends continue killing our friends, just as it was in any other country in South America or around the world where we sent our assistance. But, in this case, there are no troops involved, only training and assistance and close supervision.

Mr. McGOVERN. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Massachusetts.

Mr. McGOVERN. Mr. Chairman, I just wanted to respond to the points the gentleman made that we are trying to take the guts out of this package. Let me remind the gentleman that $152 million in police aid is in this package; $72 million in police aid is in the pipeline, and an estimated $80 million in military aid.

Mr. MICA. Mr. Chairman, reclaiming my time, you can take that police aid and dump it in the Potomac River, because the police will never be effective unless they are protected to go in there. You will have another 5,000 police lose their lives in Colombia.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I am the last speaker, let me just say: this amendment is the equivalent of burning down a house because one of the rooms is messy and it needs cleaning. In our Child Survival Account in this bill, we are spending $1.387 billion on child survival, maternal health, vulnerable children, HIV-AIDS, other infectious diseases, reproductive health and voluntary family planning and a grant to UNICEF.

Included in this very, very important expenditure of $1.3 billion is five primary childhood killers: a focus on diarrhea, acute respiratory infections, malnutrition, malaria, directed primarily at children, and vaccine-preventible diseases. We are also looking at contaminated water. We are working to improve maternal health to protect the outcome of pregnancy, neonatal and young infants, to save the lives of the mothers by improving maternal nutrition, promoting birth preparedness, improving safe delivery and postpartum care, and managing and treating life-threatening complications of pregnancy and childhood.

I keep hearing about values. This committee is already weighing in at $1.3 billion, and we believe that we can work to continue to support the war on childhood diseases.

Now, Mr. Chairman, why do I say they are just burning down the whole house? The author of this amendment a few minutes or hours ago said that this amendment does not direct a cut towards military. Now, I understand that they are angry at the military, but this amendment does not stop there. It is not earmarked. Therefore, it does go after human rights; it does go after judicial reform. It goes after all the good parts of Plan Colombia, which I think they would support.

But I want to address why is their military involved. Maybe it would be better to send down the Boy Scouts. Maybe we could send AmeriCorps in there. Maybe we could send the Peace Corps. Maybe we could send my church Sunday school group down there, and they could interface with these drug dealers and say, you really do not want to kill people, do you? Maybe that would work better. But I think not.

Let me read to you a part of the Andean counter-drug initiative report. It talks about Bolivia's 5-year plan to eliminate illegal coca cultivation. Why do we have seven countries involved in this? Just keep in mind that the drug dealers and drug problems are kind of like fire ants in neighborhoods. You treat fire ants in your yard, they go to your neighbor's yard. And drugs work the same way.

This talks about the eradication operation in the Yungas Mountains. It says coca is located in remote areas that are well guarded by resistance and militant coca growers, making it difficult, dangerous and costly to remove. The international narcotics elimination plans to go in there with aircraft, C–130Bs, and supply personnel.

It talks about one road where there are violent ambushes and attacks from coca growers and traffickers. It talks about this one road in the Yungas being the world's most dangerous road, that aside from tricky hairpin turns, the rocky and gutted road is seldom wider than 11 feet, necessitating its closure by soldiers to allow one-way traffic during various times of the day.

Eradicating coca is very, very dangerous business, and that is why you have paramilitary in there. I wish there was another way to fight drugs, but the money is too great.

Think about what we are faced with here in the United States of America. This is a product that if you work for the drug dealer, you do not have business cards, you do not advertise, you do not have brochures; and yet this insidious product is so bad that it can be obtained nearly on every school yard in the United States of America. I would challenge my 434 colleagues, if you do not believe me, go ask schools, particularly high schools in your districts, to the kids, can you get illegal drugs by the end of the day? And at most high school seniors' classes, about half the hands go up and say yes, they can.

This is a threat to society, not just in America, but all over the world. That is why you have to get tough with it. That is why you have to use the military.

But, again, Mr. Chairman, very, very importantly, this amendment does not stop at military. This cuts into judicial training; it cuts into efforts to assist displaced people and other human rights violations. This is a reckless and sloppy amendment, and it should be voted down. I would hope that the author of it would just withdraw it.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of maintaining our commitment to the Republic of Armenia and Nagorno-Karabakh. While I support the language on the Nagorno-Karabakh peace process and direct aid allocation, I am disappointed that aid to Armenia is somewhat less than the fiscal year 2001 level of $90 million. Nonetheless, I am hopeful that the Senate and the conferees will correct this oversight in the coming weeks.

The United States has a long history of extending a helping hand to those people overseas struggling to make a better life, recover from a disaster or striving to live in a free and democratic country. It is this caring that stands as a hallmark of the United States around the world and shows the world our true character as a Nation.

Armenia alone among the New Independent States faces the unique challenge of developing its economy in the face of devastating blockades. The dual Turkish and Azerbaijani blockades have cut off Armenia's traditional trade routes and severely limited Armenia's access to the outside world.

As long as Armenia suffers from blockades on its east and west borders, continued and robust U.S. assistance to Armenia is necessary.

It is alarming that aid to Armenia has been decreased by 8 percent, while the administration has increased aid to Azerbaijan by 46 percent. Why are we rewarding a government that blockades its neighbor and was recently cited among the most corrupt nations in the world? Reducing aid to Armenia, while increasing aid to Azerbaijan, would send the wrong message about American priorities in the region.

Mr. Chairman, Azerbaijan continues to violate section 907 of the Freedom Support Act, a U.S. law enacted with bipartisan support in Congress and with the support of the Bush administration in 1992 in response to Azerbaijan's blockade of Armenia and Nagorno-Karabakh.

It is vital that the fiscal year 2002 foreign operations appropriations bill maintains section 907 of the Freedom Support Act without any weakening amendments or additional exemption being carved out. The reasonable and clear condition for lifting section 907 has not been met; and given the sensitive, ongoing Nagorno-Karabakh peace negotiations, section 907 must remain in place.

Mr. Chairman, let us not reward the Azerbaijani government, which is in violation of U.S. law. That same government, Mr. Chairman, has consistently been cited by our own State Department for its grim human rights efforts, as well as its flagrant violation of the most basic principles of democracy, free and fair elections.

We must apply a consistent set of conditions on foreign assistance recipients regarding their commitment to democratic principles, standards of international conduct, economic reform, and respect for human rights.

According to the State Department's 2000 Country Report on Human Rights Practices in Azerbaijan, Heydar Aliyev, who assumed presidential powers after the overthrow of his democratically elected predecessor in 1993, was reelected in October of 1998 in an election marred by serious irregularities, violations of election law and lack of transparency in vote counting at the district and national levels.

President Aliyev and his supporters continue to dominate the government and multiparty 125-member parliament. There were numerous serious flaws in the elections held in 2000. Serious irregularities included disqualifications of candidates, a flawed appeals process, ballot box stuffing, manipulated turnout results, premarked ballots, severe restrictions on domestic nonpartisan observers, and a completely flawed vote-counting process.

The constitution, which laudably establishes a system based on a division of powers among the presidency, legislature and the judiciary, unfortunately has been undermined by a judiciary which does not function independently of the executive branch and has proven itself corrupt and inefficient.

Severe disparities of income have emerged that contribute to patronage and corruption. In contrast, Mr. Chairman, the report by the State Department on Armenia says the following: "The Armenian government demonstrated the strength of its constitutional system following the tragic events of October of 1999. In the wake of the assassination of the Prime Minister and other top leaders, Armenia followed constitutional procedures and continued the normal business of government. Exchanges and training and partnership programs provide opportunities for current leaders and the next generation of Armenians to learn about the U.S. society and institutions firsthand and to forge personal ties with individual Americans and U.S. institutions. Armenia continues efforts to improve its business climate, increase investment and create jobs. The government is implementing final measures necessary for entry into the World Trade Organization."

Finally, Mr. Chairman, the government has demonstrated a willingness to cooperate with the U.S. in preventing weapons of mass destruction, proliferation, and in fighting international terrorism. We must continue the pressure on both Turkey and Azerbaijan and increase our support to Armenia.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to use this time, if I may, or some of it at least, to talk about the amendment that has been offered to us by the gentleman from Massachusetts (Mr. McGOVERN).

This amendment would shift $100 million dollars of U.S. aid from the Colombian military to maternal health and child survival programs, as well as a fund to fight tuberculosis. Over the past year, we must be aware that the situation in Colombia has deteriorated. Since August of 2000, when our government began delivering the new aid package, up to this moment, there has been a severe escalation of human rights violations in Colombia.

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The number of massacres by paramilitary and guerilla forces in the first 4 months of this year is nearly double the number in the first 4 months of the year 2000. Despite an increase in U.S. aid, the military rarely acted to protect innocent civilians, and there are numerous instances of collaboration between the Colombia military and right-wing paramilitary groups.

A disturbing example of this took place in the City of Barrancabermeja. On July 6 of this year, a group of heavily armed paramilitary reportedly tried to assassinate trade union leader Hernando Hernandez. Mr. Hernandez, however, narrowly escaped after being warned by friends. The case in this particular city, the case of Mr. Hernandez, is one of the lucky ones. In the first 45 days of this year, 145 people have been killed in this small city, Barrancabermeja.

These killings take place in spite of the fact that this is one of the most militarized cities in all of Colombia. The Colombian Army's Fifth Brigade maintains a military presence, and that includes the U.S.-funded 61st Advanced Riverine Battalion. These units have made absolutely no serious efforts to restrain the paramilitaries from committing these atrocities.

Mr. Chairman, U.S. funding of the Colombian military has led to more human rights abuses, an increased number of political killings while, at the same time, not at all reducing drug use or violence in our own country. This amendment offered by the gentleman from Massachusetts (Mr. McGOVERN) takes money away from a failing program and shifts it to important and grossly underfunded global health initiatives.

Mr. Chairman, I urge the adoption of the amendment.

Mr. POMEROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise, along with the gentleman from Wisconsin (Mr. GREEN), my Republican friend and colleague, to express at this point in the debate on this bill our bipartisan appreciation for the leadership of the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, and the gentlewoman from New York (Mrs. LOWEY), the ranking member, for the substantial increase they commit in this budget to basic education.

Basic education in particular is about girls' education, because they are the ones most likely to be held out of school. The data shows tremendous return for the investment made in this area for each year past fourth grade: a 10 percent reduction in family size, a 10 percent reduction in infant and maternal mortality, and 15 to 20 percent increases in wages. This increase is precisely in line with the leadership of President Bush who has said recently, "Literacy and learning are the foundation of democracy and development. I am directing the Secretary of State and Administrator of the Agency of International Development to develop an initiative to improve basic education and teacher training in Africa."

Under the leadership of the President, the G–8 communique issued just this past weekend said, "Education, in particular, universal primary education and equal access to education at all levels for girls, must be given high priority in our development programs."

Former Secretary Treasury Larry Summers has said, "Educating girls quite possibly yields a higher rate of return than any other investment available in the developing world." Present Secretary of the Treasury Paul O'Neil said in a recent op-ed in The New York Times, "Education is inextricably linked to improving living standards."

Perhaps the most eloquent quote I have heard regarding the imperative of girls' education was issued by the chairman of the board of a community school in Bamako, Mali. This gentleman said, "Bringing girls education is like bringing light into a dark room."

That is why I am so proud of the work of the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY). I had a chance to see with the gentleman from Wisconsin (Mr. GREEN) the effects of this funding and work on expanding girls' education in Africa.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. GREEN), a true leader in advancing the cause of basic education around the world.

Mr. GREEN of Wisconsin. Mr. Chairman, I know the hour is late, I know the day is long, but I think it is important for us to show appreciation, so I commend both the chairman of the subcommittee and the ranking member for their tremendous commitment here.

What we are doing is not just about education and education reform; it goes much beyond that. As the gentleman from North Dakota has alluded to, we know that an educated child who becomes an educated parent is truly the key to solving many of the health care challenges in the developing world. We know that an educated community breeds democracy. We know that as expectations rise, as people learn about what is taking place beyond the border, those forms of tyranny and government control that are in many places of the world cannot survive. They will fall to democracy. Of course, education, as we all know, fosters economic development.

So what we have done and what we are doing today is truly a wonderful thing. I do want to show my personal appreciation and on behalf of many of the villages that the gentleman and I visited together, we thank our colleagues.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to respond very briefly to my good colleagues with appreciation for their important work in this area. It has been a privilege for me and the gentleman from Arizona (Mr. KOLBE), for us to feel we have had some part in making sure that young girls around the world will get educated so they can play an important role in their community and raise their families and raise their communities and hopefully lead to a more peaceful world. I thank the gentleman from North Dakota and the gentleman from Wisconsin for their important work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to join my colleagues in offering an amendment to this bill that will permit the United States Agency for International Development to provide valuable support for global child and maternal health programs and to combat global infectious diseases.

This amendment will provide $50 million additional funding for Child and maternal health programs and $50 million additional funding for the USAID's valuable infectious disease program. We are not asking for new funding, but merely funds from the State Department's Andean Counterdrug initiative.

We know firsthand that the health and survival of a child is directly linked to the health of his or her mother. Infectious diseases continue to take a toll on the developing world. Ten million children will die before their fifth birthday this year due to preventable diseases, such as diarrhea, pneumonia and measles. In addition, infectious diseases, such as tuberculosis and malaria, take the lives of millions of people living with HIV/AIDS. All of these deaths are preventable and by strengthening the basic health and nutrition services in developing countries, we can make a difference.

We must recognize that the U.S. federal budget allocation to foreign aid has hit a record low, and is now less as a proportion of our national income than in any other industrialized nation. Foreign aid is not only one percent of our federal budget.

In September, we will mark the ten-year anniversary of the 1990 World Summit for Children. At that summit, the U.S. joined with over 70 other nations in committing to the reduction of child and maternal deaths. Substantial progress has been made since 1990, but many goals have not yet been met. We need to redouble our efforts to expand programs that can sharply reduce the millions of preventable deaths.

Despite the good work of many organizations and individuals worldwide, each year more than ten million children die before reaching their fifth birthday due to preventable infectious diseases, such as pneumonia, measles, and diarrhea. This is equivalent to every child living in the eastern half of the United States. While diarrhea remains one of the leading causes of death in the developing world, at present one million childhood deaths are averted every year due to diarrheal prevention and appropriate treatment programs.

Clean water and sanitation prevent infections, and oral rehydration therapy (a simple salt sugar mixture taken by mouth, which costs only pennies and was developed through U.S. research efforts overseas) has been proven to be among the most effective public health interventions ever developed.

Global immunization coverage has soared from less than 10 percent of the world's children in the 1970s to almost 75 percent today. Annually, immunizations avert two million childhood deaths from measles, neonatal tetanus, and whooping cough. The success of these programs in the world's poorest regions is even more striking when one considers that the vaccination rate in the United States only reached 78 percent in 1998.

Unfortunately, immunization rates are not improving everywhere. Coverage in sub-Saharan Africa has decreased. 30 percent of children still do not receive their routine vaccinations—30 million infants. Measles immunization rates have improved in the past ten years but there are still 30 million cases of measles every year.

If a child is not killed by measles, it may cause blindness, malnutrition, deafness or pneumonia. It is possible to save millions of children per year just by increasing immunization rates from 75 percent to 90 percent, and by assuring access to essential nutrients such as Vitamin A, which increases resistance to disease and infection. Vitamin A supplementation is protective and will protect a child from the most serious consequences of measles, such as blindness and death, and costs only four cents per year per child. Deficiencies of both iron and iodine are among the most harmful types of malnutrition with regard to cognition. Iodine deficiency disorder is the leading preventable cause of mental retardation in children and it renders children listless, inattentive and uninterested in learning.

We must reduce hunger and malnutrition, which contribute to over one-half of childhood deaths around the world. We can do so through these Child and Maternal Health programs. As estimated 150 million children are malnourished, which puts them at even greater risk for infections. Protecting children from disease and malnutrition increases their ability to learn and thrive. The issue of hunger and nutrition was so important to my predecessor, Mickey Leland, that along with Congressmen TONY HALL and BEN GILMAN, he founded the House Select Committee on Hunger in 1983. The bi-partisan non-profit Congressional Hunger Center grew out of this effort in 1993 and fights national and global hunger. It is important that we in Congress continue these efforts.

According to the United Nations, approximately 828 million people are chronically undernourished in the world today. Approximately 300 million are children. UNICEF reports that 32 percent of the worlds' children under five years of age, about 193 million, have stunted growth, which is the key indicator for undernutrition.

Weak health and poor nutrition among school age children diminish their cognitive development either through physiological changes or by reducing their ability to participate in the learning experience, or both. The extra demand on school age children to perform chores, for example, or walk long distances to school, creates a need for energy that is much greater than that of younger children. Available data indicate high levels of protein energy malnutrition and short-term hunger among school age children, and deficiencies of critical nutrients are pervasive.

Poor nutrition and health among school children contribute to the inefficiency of the educational system. Children with diminished cognitive abilities and sensory impairments perform less well and are more likely to repeat grades or drop out of school. The irregular school attendance of malnourished and unhealthy children is one of the key factors in poor performance. Even temporary hunger, common in children who are not being fed before going to school, can have an adverse effect on learning.

For those of you who worry that their home districts will not support such additional aid, I offer that polls consistently show that Americans support putting a high priority on addressing world hunger and poverty. In a recent survey by the Program on International Policy Attitudes at the University of Maryland, 87 percent polled support foreign food and medical assistance. Only 20 percent surveyed supports cuts in efforts to reduce hunger. 62 percent said that combating world hunger should be a very important goal for the United States. 76 percent positively rated giving child survival programs more money. Only about one fourth positively viewed giving military aid to countries friendly to the United States.

U.S. food aid alleviates poverty and promotes economic growth in recipient countries. As incomes in developing countries rise, consumption patterns change, and food and other imports of US goods and services can increase. Hence, supporting child nutrition programs is an effort that we can and must all support.

This amendment will benefit families in many other important ways. Nearly 500,000 women die of pregnancy-related causes each year. Every minute, around the world, 380 women become pregnant, 110 women experience pregnancy-related complications, 1 woman dies. Each year, an additional 15 million women suffer pregnancy-related health problems that can be permanently debilitating, and over 4 million newborns die from poorly managed pregnancies and deliveries.

Ninety five percent of maternal deaths occur in the developing world. In some sub-Saharan African countries, the risk jumps still further: one in every 14 girls entering adolescence will die from maternal causes before completing her child-bearing years—compared to 1 in 1,800 girls in developing countries.

According to the World Health Organization, maternal health is the largest disparity between the developed and developing countries. While infant mortality (death to infants less than one year), for example, is almost 7 times higher in the developing world than in the developed, maternal mortality is on average 18 times higher. Beyond the consequences for women, the health of their children is also put at risk. Children are much more likely to die within two years of a maternal death. The chances of death are 10 times greater for the newborn and 3 times greater for children 1 to 5 years.

Reducing maternal deaths is to be an effective investment in healthy families—and therefore in sustainable development—around the world. These deaths can be averted through services that include skilled attendants at birth with necessary equipment and supplies, community education on safe motherhood, improvement of rural and urban health care facilities. Most of these interventions are low-tech and low cost.

Maternal deaths affect women in their most productive years, and as a result the impact reverberates through their families, their communities, and the societies in which they live. The diminished potential productivity of the women who die is $7.5 billion annually and $8 billion for the newborns who do not survive.

Ninety-nine percent of maternal deaths can be prevented with improved pregnancy care, nutrition, immediate postnatal care as well as appropriate treatment for the complications of incomplete abortions. The WHO Mother-Baby program has identified a package of health interventions that, for a cost of $1–3 per mother, can save the lives of countless women and will begin to do so immediately upon implementation.

U.S. funding for maternal health programs has remained level at $50 million for the past 3 years. While other global health and development programs have received increased attention, women continue to die needlessly of preventable causes.

Through this amendment, we also seek additional funding to prevent infectious diseases.

Almost 2 million people die each year from tuberculosis (TB). It is estimated that one-third of the world's population is infected with tuberculosis, although it lies dormant in most people. Deadlier and more resistant forms of TB have emerged and have spread to Europe and the U.S., re-introducing the possibility of TB becoming a global killer. Moreover, since HIV/AIDS reduces one's resistance to infectious diseases, TB is easily transmitted to an infected individual. It is regarded as the most common HIV-related opportunistic infection in developing countries.

Many advances have been made to reduce the prevalence of these diseases by the USAID, in collaboration with other international agencies. For example, the World Health Organization's Roll Back Malaria campaign had decreased the death rate from malaria by 97 percent in some countries. WHO has also started a "directly observed treatment strategy," or DOTS, to fight tuberculosis. Under this strategy, patients are given second-line drugs when they become resistant to first-line drugs.

Similarly, tuberculosis (TB) has re-emerged on the world stage in deadlier and more resistant forms. With the appearance of multi-drug resistant TB, and its spread to Europe and the U.S., we face the possibility that this could again become a leading killer of the rich as well as the poor.

Infectious diseases account for 8 percent of all deaths in the richest 20 percent of the world and 56 percent in the poorest 20 percent. This poorest fifth of the world's population is seven times more likely to die as a result of infectious diseases, accounting for 56 percent of deaths within this population segment. Children are particularly susceptible to infectious diseases, which tend to be exacerbated by malnutrition, and all-too common condition in developing countries.

Finally, this amendment does not seek to cut any economic assistance for the Andean region, assistance for Peru or Bolivia, or funding for the Colombian National Police. It only seeks to cut some military aid to Colombia, aid that does not help the Colombian people, as will these valuable heath programs.

The human rights situation in Colombia has deteriorated since Congress approved last year's aid package. The Colombian military continues to collaborate with right-wing paramilitaries that commit over 70 percent of human rights abuses, such as the paramilitary massacres of civilians that have nearly doubled in 2001 compared to last year.

The U.S. is engaged in a costly military endeavor with no clear exit strategy. The high level of military aid threatens to draw the U.S. further into Colombia's civil war. The amendment leaves intact $152 million in police aid, and estimated $80 million in the Defense Appropriations bill, $30 million in expected drawdowns and IMET, and $158 million in military aid in the pipeline from FY 2001. Security assistance accounts for 71 percent of expected U.S. aid to Colombia this year.

Military aid escalates the conflict and weakens the fragile peace process by emboldening those who hope to solve the conflict on the battlefield and undermining government and civilian leaders seeking a peaceful resolution to the conflict.

President Bush himself said this Tuesday that "A world where some live in comfort and plenty, while half of the human race lives on less than $2 a day, is neither just, nor stable."

I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) will be postponed.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

I rise, Mr. Chairman, to enter into a colloquy with the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations.

Specifically, I would like to discuss with him the excellent effort Bolivia has made on the war on drugs. We have heard a lot of talk about the nonsuccesses with some of our drug programs in South America and Central America, but the success story in Bolivia is unparalleled.

As the distinguished chairman knows, as a part of a cooperative effort with the United States and other nations of the Andean region, in 1997, Bolivia instituted its 5-year antidrug plan, the so-called "Dignity Plan." When the plan was initiated, Bolivia was the second major producer of coca in the world. There were 45,800 hectares of coca plants in Bolivia. But in the 3 years the plan has been in existence, the Bolivian government has conducted more than 16,900 drug interdiction operations. It has destroyed more than 4,000 cocaine labs; it has arrested some 14,400 individuals implicated in narcotrafficking; it has seized more than 50,000 kilos of cocaine. From 1997 to August 2000, 43 tons of drugs have been seized in Bolivia, including 1.4 million tons of liquid substances and 1 ton of solid chemical substances.

In short, Bolivia has been a full partner to the United States in its war on drugs. It has focused both on eradication and interdiction, even though the effort has caused severe problems for the Bolivian economy and for the Bolivian people. Therefore, I hope the chairman will do all he can to see that Bolivia is fully funded in fiscal year 2002. It is critical that Bolivia be provided the necessary resources to sustain its progress and not to become a victim of its success. It must have the ability to make the necessary investments to enable its economy to handle the effects of illegal drug traffic.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to thank the gentleman from Alabama (Mr. CALLAHAN), the former chairman of this subcommittee, for bringing this matter to our attention. No one has been more involved in helping to bring this problem in Bolivia to a conclusion, or to the successful plan that we have today. I want to thank him for bringing this to our attention.

I agree completely with what he has said here today. Bolivia does deserve our support and I intend to do all I can to be helpful with this country and I know that I can count on the gentleman from Alabama (Mr. CALLAHAN) for his full support in this effort.

Mr. CALLAHAN. Mr. Chairman, the gentleman certainly can.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 26 offered by the gentlewoman from California (Ms. LEE) and amendment No. 27 offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The Chair will reduce to 5 minutes the time for the second electronic vote after the first vote in this series.

AMENDMENT NO. 26 OFFERED BY MS. LEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 26 offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 240, not voting 6, as follows:

[Roll No. 262]

AYES—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Ganske
Gephardt
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)

Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—240

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roukema
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Delahunt
Hastings (WA)
Kilpatrick
Lipinski
Scarborough
Spence

□ 1650

Mr. HOLDEN, Mrs. MYRICK, Mrs. KELLY, Mr. ROSS and Mr. BERRY changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 27 OFFERED BY MR. MCGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 27 offered by the gentleman from Massachusetts (Mr. McGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 249, not voting 6, as follows:

[Roll No. 263]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Doggett
Doyle
Duncan
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Ganske
Gephardt
Gordon
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moore
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rohrabacher
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Thompson (CA)
Thompson (MS)
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—249

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dingell
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Hall (TX)
Hansen
Hart
Hastert
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski

Keller
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Delahunt
Hastings (WA)
Kilpatrick
Lipinski
Scarborough
Spence

☐ 1659

Mr. DICKS and Mr. KENNEDY of Minnesota changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Chairman, due to official business in my District, I respectfully request a leave of absence for part of the day today, Tuesday, July 24, 2001. As a result of my absence, I missed recorded votes earlier today. Had I been present to vote I would have voted as follows on the following amendments to H.R. 2506, the fiscal year 2002 Foreign Operations Appropriations Bill: "Aye" on rollcall No. 260, the Visclosky amendment; "no" on rollcall No. 261, the Paul amendment; "aye" on rollcall No. 262, the Lee amendment; and "aye" on rollcall No. 263, the McGovern amendment.

☐ 1700

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

I rise for the purposes of entering into a colloquy with the gentlewoman from New York (Mrs. MALONEY), and for that purpose I would yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding to me, and I thank him for his leadership on this bill along with the gentlewoman from New York (Mrs. LOWEY).

Mr. Chairman, after the tragic war in Bosnia, there are many children who have lost their parents, been deserted, and have been left to fend for themselves. These are children who need and deserve a stable, safe environment where they can grow up and enjoy the support of a loving family. I strongly believe that we should support and work to help these children.

We must direct USAID to work with the Bosnian government to address the special needs of children at risk, especially orphans. These funds would be designed to support the Bosnian government to set up systems, mechanisms and/or institutions to, first, identify urgently homeless children and provide for their immediate care and protection; two, pursue reunification with other family members if possible; three, establish foster care and/or adoption arrangements; and, four, where appropriate, establish procedures that permit legitimate international adoption.

Like the Pearl S. Buck Initiative after the Korean War, we must work to establish an institutional structure to help our governments work in a cooperative manner for the good and well-being of the children.

Between now and conference, I hope that we will work together with the administrator at USAID in order to assess the scope of the problem of orphaned children of Bosnia. I strongly urge that this matter be considered in conference in order to ensure that USAID addresses the problem and work towards finding a solution. I urge USAID and other appropriate organizations such as UNICEF to address this really horrible stressful condition of many, many orphaned children in Bosnia. I also would like to compliment the work of the gentleman from Florida (Mr. YOUNG) and his wife, Beverly, in working to help these children.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I want to thank the gentlewoman from New York for her comments and for bringing this matter to our attention and to say that I am in complete agreement with what she has said. I believe that Congress has to work with USAID to help assess the problem in Bosnia and Herzegovina and work to develop a solution.

I also just want to say that our full committee chairman, the gentleman from Florida (Mr. YOUNG) and his wife, Beverly, as was noted, have been working on this issue for many years. They have met with heads of state. They have met with other high officials in Bosnia and elsewhere in the region in attempts to get infants eligible for adoption, and I think they have had some very notable success. I will continue to work very closely with Chairman YOUNG and his wife on this matter as well and work with the gentlewoman from New York (Mrs. MALONEY) and other Members who have this interest.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2506 in the Committee of the Whole pursuant to House Resolution 199 no further amendment to the bill may be offered except: (1), Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate. (2), The amendments printed in the CONGRESSIONAL RECORD and numbered 4, 7, 30, 33, 38, 44, and 59, which shall be debatable for 10 minutes each. (3), The amendments printed in the CONGRESSIONAL RECORD and numbered 8, 11, 47, 50, 55, and 61, which shall be debatable for 20 minutes each. (4), The amendments printed in the CONGRESSIONAL RECORD and numbered 5, 23, and 34, which shall be debatable for 30 minutes each. (5), The following amendments, which shall be debatable for 40 minutes each. The amendment printed in the CONGRESSIONAL RECORD and numbered 32. The amendment by Representative CONYERS of Michigan, that I have placed at the desk.

Each such amendment may be offered only by the Member designated in this request, the Member who caused it to be printed, or a designee, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment), and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. Points of order against the amendment numbered 44 and the amendment by Representative CONYERS for failure to comply with clause 2 of rule XXI are waived.

The SPEAKER pro tempore. The Clerk will report the proposed Conyers amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Page 25, line 8, strike "these" and all that follows through the colon on line 13, and insert:

section 3204(b) of Public Law 106–246 is amended by adding a new subsection (b)(3) as follows:

"(3) FURTHER EXCEPTION.—Nothwith standing paragraph (2), the limitation contained in paragraph (1)(B) may be waived (i) if the President certifies to the appropriate committees of the Congress that the aggregate ceiling of 800 United States personnel contained in paragraph (1) will not be exceeded by such waiver, and (ii) if Congress is informed of the extent to which the limitation under paragraph (1)(B) is exceeded by such certification.": Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading for assistance for Colombia: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations:

Mr. KOLBE (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arizona?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 199 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2506.

☐ 1708

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, with Mr. Thornberry in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill was open for amendment from page 6, line 1, through page 10, line 15.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

One, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; two, the amendments printed in the CONGRESSIONAL RECORD and numbered 4, 7, 30, 33, 38, 44, and 59, debatable for 10 minutes each; three, the amendments printed in the CONGRESSIONAL RECORD and numbered 8, 11, 47, 50, 55 and 61, debatable for 20 minutes each; four, the amendments printed in the CONGRESSIONAL RECORD and numbered 5, 23, and 34, debatable for 30 minutes each; five, the following amendments debatable for 40 minutes each: the amendment printed in the CONGRESSIONAL RECORD and numbered 32, and the amendment by the gentleman from Michigan (MR. CONYERS) that is at the desk.

Each such amendment may be offered only by the Member designated in the request, the Member who caused it to be printed, or a designee, shall be considered as read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for a division of the question.

AMENDMENT NO. 5 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BROWN of Ohio:

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $20,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the fourth dollar amount in the fourth proviso, insert the following "(increased by $20,000,000)".

In title IV of the bill in the item relating to "CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY", after the first dollar amount, insert the following: "(decreased by $10,000,000)".

In title IV of the bill in the item relating to "CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND", after the first dollar amount, insert the following: "(decreased by $10,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN.)

Mr. BROWN of Ohio. Mr. Chairman, I yield 3½ minutes to myself.

Mr. Chairman, in developing countries, tuberculosis kills more than 2 million people a year, 1 person every 15 seconds. In India alone, 1,100 people die from tuberculosis every day.

Tuberculosis is the greatest infectious killer of adults worldwide. Forty percent of HIV-positive people die due to tuberculosis-related complications. These statistics are staggering not just because of the sheer number of people affected, but because most people think we have eradicated TB. I was a senior in high school when the tuberculosis sanatorium closed in my community.

Foreign travel has brought tuberculosis back to the U.S., often in its most lethal, drug-resistant form. We need to launch a smarter, better-funded effort to protect ourselves from tuberculosis. We have the means with medications and vaccines to stop TB. We need the means to adequately deploy these resources domestically and internationally to prevent the spread of tuberculosis.

Here in Congress, we have gone from zero to $60 million in 3 short years in terms of funding. Mr. Chairman, 4 years ago, the institution had no financial commitment to the battle against worldwide tuberculosis. Three years ago Congress gave $12 million to anti-tuberculosis efforts, 2 years $35 million; and last year, we reached a milestone when Congress appropriated $60 million to combat international tuberculosis.

Our commitment to international tuberculosis control has stimulated the involvement of other industrialized nations. Earlier this year, Canada made an important contribution to the World Health Organization's new tuberculosis drug facility. This facility will help provide much-needed drugs to those developing nations implementing tuberculosis treatment programs.

The statistics on access to TB treatment worldwide are pretty grim. Fewer than one in five of those with tuberculosis are receiving directly observed treatment short course. Based on World Bank estimates, DOTS treatment is one of the most cost-effective interventions available costing just $20 to $100 to save a life, and producing cure rates of up to 95 percent even in the poorest country.

Mr. Chairman, we have a small window of opportunity during which stopping TB can be cost-effective. The failure to effectively treat tuberculosis, which comes from incorrect or interrupted treatment and inadequate drug supplies, creates stronger tuberculosis strains that are resistant to today's drugs.

An epidemic of multi-drug resistant TB could cost billions to control with no guarantee of success. MDR tuberculosis has been identified everywhere. It threatens to return tuberculosis control to the pre-antibiotic era in this country and abroad when no cure for tuberculosis was available.

In the U.S., treatment normally costing about $2,000 a patient soars to $250,000 with MDR tuberculosis, and oftentimes, half the time, at least, those infected with MDR TB do not survive.

To control tuberculosis more effectively, it is necessary to ensure the effectiveness of tuberculosis-control programs worldwide. That is why a commitment to a global strategy is necessary. WHO and U.S. tuberculosis experts have estimated that an additional $1 billion is needed annually to control tuberculosis.

This amendment, the Brown-Morella-Wilson-Andrews-Green amendment, will set the pace for other countries to continue the good work that this Congress has begun. The gentleman from Arizona (Mr. KOLBE) and others have been generous in their support of tuberculosis.

Mr. Chairman, we need to do more to save lives by supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1715

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Arizona is recognized for 15 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say I think the gentleman's heart is definitely in the right place, and I appreciate what he is doing here. But let me say my opposition is based largely on the choice of the offsets here: cutting $10 million which is the entire appropriation for the World Bank's Multilateral Investment Guarantee Agency, known as MIGA, and $10 million from the Asian Development Fund. I know it is not exactly popular on this floor to rise and talk about multilateral development banks and what they do, but I feel the need here today to speak out for a moment about it.

I find the proposed transfer from the Asian Development Fund to increase funding levels for bilateral tuberculosis activities very strange and puzzling indeed. The Asian Development Fund is an organization that provides highly concessional financing for the poorest people in Asia. In 2002, Asian Development Fund activities will include child nutrition, immunization activities, education interventions and other basic needs. Also, the Asian Development Fund is a strong supporter of tuberculosis reduction projects and considers DOTS a highly effective program. This is actively supported throughout the Asian Development Bank's health activities. Therefore, I think the amendment robs multilateral tuberculosis activities to pay for bilateral ones.

I want to point out to those that might support the gentleman's amendment that a reduction in the U.S. contribution here will trigger a clause in the Asian Development Fund agreement that encourages other donors to default if the U.S. does not pay its agreed-upon contribution. So the overall impact of this on the poorest of the poor people of Asia is going to be exponentially much, much greater than the gentleman from Ohio realizes or I think thought of at the time he proposed this amendment.

Let me speak for a moment about the proposed reduction to the World's Bank's Multilateral Investment Guarantee Agency, or MIGA as it is known. As many of my colleagues realize, private investment flows to developing countries now drown out, they completely cut off all the official development assistance from the U.S. and the rest of the donor community. If we can help the poorest nations, who are often the very riskiest of the investments that we have, gain access to private capital, then they have a better opportunity to raise their own standard of living.

MIGA, through its provision of political risk insurance and coverage of foreign exchange risks, is one of the tools that facilitate private sector activity in the world where it would otherwise not occur, in the poorest of nations with the least access to capital.

It is for these reasons, Mr. Chairman, that I urge my colleagues to oppose the Brown amendment and at the same time commend him for what he is attempting to do and for the cause that he works for.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time and commend him for his leadership on this issue because I think it is one that is very important to the public health future of this country and this region of the world.

When New Mexico became a State in 1912, the city of Albuquerque where I live had one-third of its population as active, active TB cases. A third of the population was sick with a disease which at that time had no cure. Antibiotics changed that. But now major health institutions in this country have identified tuberculosis as one of the reemerging infectious diseases that poses a threat to U.S. health. It is not just regular tuberculosis, though. It is multidrug-resistant tuberculosis.

In Mexico, 6 percent of the tuberculosis cases are multidrug-resistant. What that means is the regular antibiotics do not work and you have to have very expensive, high-end antibiotics to have any chance of curing the disease. We have had outbreaks in this country of multidrug-resistant tuberculosis. The only answer is the eradication of the disease. That will take a worldwide public health effort.

The good news is that it is cost effective to eradicate it when it is not cost effective to treat multidrug-resistant TB. The worldwide commitment will be about $1 billion a year. The U.S. contribution should grow towards about $200 million a year over many years.

We have made tremendous progress since the late 1990s, going from really no commitment at all to a significant commitment. I want to commend the chairman for his efforts. We need a continued national commitment to the eradication of TB worldwide. That is why I stand in support of the gentleman's amendment, to continue that focus and effort on eradication of this disease before it becomes too big for us to eradicate.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time, but I also thank him for his leadership in sponsorship of this amendment and I am pleased to add my name to it along with the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Texas (Mr. GREEN) and the gentleman from New Jersey (Mr. ANDREWS).

This amendment is going to provide $20 million in much-needed added resources for the fight against tuberculosis globally. We have all heard tuberculosis is one of the world's deadliest diseases, killing over 2 million people worldwide each year. It is the leading cause of death among people with AIDS. Sub-Saharan Africa has the world's highest TB incidence. In many sub-Saharan countries, the number of people with TB has quadrupled since 1990, mainly because of AIDS.

I want to point out a particular group of people that are disproportionately affected by this, and that is women. TB is the greatest killer of young women in the world. In fact, TB kills more women than all causes of maternal mortality and more women than AIDS. In the developing world, tuberculosis destroys girls' and women's futures. TB tends to attack its victims in their most productive years, often killing or sickening the primary breadwinner of a family. In order to pay for the medical costs and generate income, families frequently take their young girls out of school and put them to work. It also means the loss of educational opportunity for girls in poor families.

Besides the direct health effects, there is often a stigma that attaches to a woman with TB. This leads to increased isolation, abandonment and divorce. According to the World Health Organization, recent studies on India found that 100,000 women are rejected by their families because of TB every year. The litany goes on. I could cite a lot more cases.

I want to point out that the emergence of drug-resistant TB is a threat to all of us here in the United States. An outbreak of drug-resistant TB in

New York City in the 1990s cost almost a billion dollars to bring under control, and several hundred victims died.

TB control is cost effective. A full course of drugs costs as little as $10 per person in the developing world. The treatment method approved by the World Health Organization is 95 percent effective. Unfortunately, only one in four of those affected with TB have access to treatment, despite the fact that it is extremely cost effective and simple to administer. The global community must do more to adequately address this disease by investing in quality tuberculosis control programs, especially in countries with a high incidence of TB. The United States should lead the way with this seed money.

I urge my colleagues to join me in voting "yes" on this amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in support of the amendment that I am privileged to cosponsor. I want to speak for a moment about the appropriateness of the offsets that have been chosen in this amendment. The first is the elimination of funding for MIGA. We have heard some persuasive arguments from the chairman of the subcommittee about the good work that MIGA does in the more desperately poor parts of the world. I agree they do some work, but I think that it is overstated to say they do much.

The top five countries to receive assistance from MIGA in fiscal year 2000 were Brazil, Argentina, Peru, Russia and Turkey. None of these five countries is eligible for funds under the International Development Agency program that provides for loans to the poorest countries in the world. MIGA is not providing economic development in the poorest sections of the world. There are other programs that do so. I think that this offset is appropriate.

Second, with respect to the Asian Development Fund, it is my understanding that the increase in this bill is $30 million. This amendment reduces the increase by one-third. There is still a $20 million increase in that fund as a result of this amendment.

There are many problems brought to this floor that we cannot do very much about. This is one where there is a solution within our reach. Tuberculosis has a cure. Three out of four people in the poorest parts of the world do not have access to that cure. We can do something about that by adding $20 million to the fund under this bill. We have a smart way to do it. It is a compassionate thing to do. I would urge my colleagues from both sides of the aisle to support this amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself the balance of my time.

I would again ask the House support of this amendment. The House has moved in the right direction in tuberculosis funding over the last 4 years. The House of Representatives and the Senate and the President by signing the legislation in the past have not just pushed the ball forward but have been the catalyst for other nations around the world, especially Canada, the Netherlands and philanthropists around the world to fully fund more antituberculosis efforts. It has made a difference and saved hundreds of thousands of lives around the world. We have the opportunity to do even more.

I ask the House support for the Brown-Wilson-Morella-Andrews-Green amendment.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

I would just very briefly in closing note, as the gentleman from Ohio said, we are moving in the right direction. In fact, I think we are moving very much in the right direction. Two years ago this program, the tuberculosis program, had $15 million allocated for it. This last year it was $60 million. This year it is $70 million. The supplemental appropriation bill that we have adds even more to it than that. In the regular appropriations, that is almost a fivefold increase in 2 years' time for this one single program.

Is it needed? Yes, it clearly is needed. We are certainly moving in the right direction. The gentleman's amendment, while I sympathize with it, I think is just wrong in where it takes the money from. I think to take it out of these particular programs that will mean no lending to the very poorest of the poor in that account I think is wrong.

I would urge my colleagues for that reason to oppose this amendment.

Mr. GREEN of Texas. Mr. Chairman, I rise today in support of the Brown-Morella-Green-Andrews amendment to increase funding to fight the international threat of tuberculosis.

Most Americans believe that the battle against tuberculosis is over. Treatment and prevention measures have resulted in a decline in tuberculosis cases in the United States. In fact, U.S. TB cases declined seven percent in 2000, reaching an all-time low.

Despite our success in the U.S., tuberculosis continues to be one of the most devastating infections killers in the world, accounting for more than 2 million deaths each year.

The statistics are startling: More than one-third of the world's population is infected with tuberculosis; It is the leading killer of women, surpassing any cause of maternal mortality; It creates more orphaned children than any other infectious disease; Tuberculosis is the leading cause of death among HIV-positive individuals, causing over 30 percent of AIDS deaths; and As the number of tuberculosis cases has increased, a multi-drug resistant strain has emerged that poses a major public health threat in the US and around the world.

With the increase in global travel and migration, we cannot be content to control tuberculosis in the United States. We must step up our efforts to eliminate the global threat of tuberculosis.

That is what this amendment does. By providing additional funding for tuberculosis control, we can bolster our worldwide prevention and control efforts.

The World Bank has determined that modern TB treatments are among the most cost-effective health interventions available today.

For every dollar we spend on TB prevention and control, we can save an estimated $3 to $4.

Mr. Chairman, this amendment makes a wise investment to address a very serious problem.

I urge my colleagues to support the Brown amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BROWN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BROWN) will be postponed.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word for the purpose of yielding to the gentleman from Oregon (Mr. BLUMENAUER) for a colloquy.

Mr. BLUMENAUER. I thank the gentlewoman for her courtesy in yielding to me.

Mr. Chairman, I rise for the purpose of entering into a colloquy, if I could, with the distinguished gentleman from Arizona, the subcommittee chair. I have enjoyed working with him over the years on a number of areas that deal with international affairs, trade and development.

I rise today because of deep concern with the work that we have with the Agency for International Development's Environment and Urban Programs.

Mr. Chairman, we are told by the experts that we are going to see 2.5 billion people added to the world's urban population in the next 25 years. The overwhelming majority, over 90 percent of them, are going to be in the least developed countries of the world. Already, some 30 percent of these communities do not have adequate drinking water, 50 percent do not have basic sanitation, and we are facing the one program in the Agency for International Development that deals with the urban programs that has a crying need for budget assistance.

□ 1730

Its budget has been $4 million last year. This is down from $8 million in 1993. It has been going down and holding steady.

I guess I would like to engage the gentleman in a colloquy to inquire if it is possible to work with the committee and with USAID to find ways to see that this program receives its proper emphasis and to encourage AID to build on its pass successes by increasing this program's funding levels.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I would like to say that I appreciate the gentleman from Oregon's comments, and I agree that the AID's Office of Environment and Urban Programs is a cost-effective investment.

In addition, I concur with his belief that a report of the nature he has described would be, I think, useful to us. I am happy to work with the gentleman from Oregon in extending the message to AID that we would like to see a greater investment in the Office of Program Funding, while at the same time maintaining or increasing the operating funds for the office.

Mr. BLUMENAUER. Mr. Chairman, if the gentlewoman will yield further, I appreciate the gentleman's words. I look forward to working with the gentleman and with the ranking member, the gentlewoman from New York (Mrs. LOWEY).

I include for the RECORD some additional information about this matter.

Congress plays a key role in the use of the development assistance budget in addressing issues of cities in the developing world. Cities around the world must accommodate 2.5 billion additional people in the next 25 years and 95 percent of these people will be in cities of the developing world.

In the large urban areas of developing countries, 30 percent do not have access to safe drinking water and 50 percent do not have adequate sanitation. A crisis is in the making and if left unattended, problems due to rapidly expanding cities will have serious repercussions for these nations as well as for us here at home in the U.S.

When cities work, the economic growth and potential for trade exists. When things go wrong in cities, it affects the entire nation. We need to support foreign assistance programs that help make cities in the developing world work. We need to help build the capacity to plan for and provide the basic services, promote economic growth, reduce environmental degradation, and improve health services—at the city level.

That is why in its Outlook 2015, the Central Intelligence Agency ranks rapid urbanization among its top seven security concerns. The CIA's report states, "The explosive growth of cities in the developing countries will test the capacity of governments to stimulate the investment required to generate jobs, and provide the services, infrastructure, and social supports necessary to sustain livable and stable environments. Cities will be sources of crime and instability as ethnic and religious differences exacerbate the competition for ever scarcer jobs and resources."

The U.S. Agency for the International Development's Office of Environment and Urban Programs provides support for enabling cities to provide environmental services and infrastructure. This Office assists USAID missions and carries out regional activities worldwide through staff based in Regional Urban Development Offices overseas. This RUDO network strengthens urban-rural linkages and emphasizes the key role played by market towns and secondary cities. I urge support for it.

I also wish to insert the following document which was provided to me by the Coalition for Sustainable Cities. PADCO, Inc. (Planning and Development Collaborative International) in Washington, DC is the contact for this Coalition.

URBAN PROGRAMS AT USAID

Rapid urban growth is having a profound impact on sustainable development, and USAID can do more to address the urban challenge.

Very soon half of the world's population will be urban, and almost all the world's 2.5 billion increase in population over the next 25 years will take place in the cities of the developing world.

Poverty, malnutrition, and chronic disease are shifting their concentration from rural to urban areas. Slum conditions adversely affect natural resources, health, security, and economic progress.

Cities are also the engines of economic growth in developing countries, and urban focused programs can increase efficiency in addressing the causes and symptoms of poverty.

THE NEED FOR URBAN PROGRAMS: THE GROWING CONSENSUS

There is a growing awareness that megacities, with populations of 10 to 20 million, in the developing world are increasingly becoming of great concern, as demonstrated by articles in the June 11th article in the Washington Post and in the April 2001 edition of the "Global Outlook" Journal.

CONCERNS AT USAID

USAID knows how to work with the private sector to address urban challenges and capitalize on urban opportunities, but results are diminishing because both central funding for urban programs and the number of USAID urban technical staff have been declining rapidly, and are not being replaced.

Although the new reorganization of USAID makes tremendous strides in several key areas, it does not mention the small, but critical international urban programs that focus on making cities work.

The Regional Urban Development Offices (RUDO) Network, which enables urban experts to function regionally and are so critical to international urban programs, are in danger of being eliminated, even though Mission directors overwhelmingly support the RUDO Networks.

The valuable Housing Guaranty/Urban Environmental Credit program was terminated last year and may need to be created again. It represents the only opportunity to move capital resources into critical areas Congress has traditionally viewed as necessary. Through private sector loans with a USAID/USG guaranty substantial amounts of resources have been leveraged into priority areas at minimal cost and risk.

USAID CAN BE PART OF THE SOLUTION

Urban Programs must play a part in the new thinking at USAID.

The agenda is to create more: public/private partnerships for urban service delivery; market based financing for basic urban infrastructure including schools and primary health clinics; private credit and micro-finance for housing and enterprise development; and community participation in planning and management down to the neighborhood level.

USAID Development Assistance, especially as related to Urban programs, has a significant afterlife. It is truly a beneficial investment for both here and abroad.

The Regional Urban Development Offices network should be mandated.

Additional resources should be provided to USAID to enable it to address the growing urban challenge. The role of USAID and the RUDOs should be used as a catalyst to efforts by private organizations.

AMENDMENT NO. 47 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 47 offered by Ms. JACKSON-LEE of Texas:

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $100,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the first dollar amount in the fourth proviso, insert the following: "(increased by $60,000,000)".

In title II of the bill in the item relating to "CHILD SURVIVAL AND HEALTH PROGRAMS FUND", after the fourth dollar amount in the fourth proviso, insert the following: "(increased by $40,000,000)".

In title II of the bill in the item relating to "ANDEAN COUNTERDRUG INITIATIVE", after the first dollar amount, insert the following: "(decreased by $100,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 10 minutes.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) will control the time in opposition.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I believe that the Members have engaged in this debate for an extensive amount of time. My amendment follows the McGovern, Hoekstra, Pelosi, Morella, Jackson-Lee amendment, but it breaks the funding down differently. It provides $60 million additional funding for child and maternal health programs and $40 million additional funding for the USAID valuable infectious disease program.

What I would like to do, Mr. Chairman, is simply read into the RECORD the emphasis and the issue dealing with maternal health, and hopefully we can find an opportunity to work through these issues as we move toward conference.

Let me cite for you a particular emphasis or citation as relates to the World Health Organization.

They have indicated that maternal health is the largest disparity between the developed and developing countries. While infant mortality, deaths to infants less than 1 year, for example, is almost seven times higher in the developing world than in the developed, maternal mortality is, on average, 18 times higher. Beyond the consequences for women, the health of their children is also put at risk. Children are more likely to die within 2 years of a maternal death. The chances of death are 10 times greater for the new born and three times greater for children 1 to 5.

We had a vigorous discussion on the floor of the House, with many Members citing developing nations. My funds, likewise, take dollars from the Andean Counterdrug Initiative. I only refer the chairman to the point that we want these dollars to come out of military. I also refer the chairman to the point that we have seen the tragedy of a broken drug enforcement system with the loss of the missionary in the Peruvian drug war.

However, I am more interested in a solution, and I would like to address the ranking member on this issue and to express my interest, both I hope in the earshot of the chairman, of making these additional funds available for this maternal health program in a way of working through this process and through conference.

I would like to yield to the gentlewoman from New York on this issue, if I might. I have discussed the basis of my amendment. I have indicated that we have discussed this fully in the previous amendment. I believe that the ultimate goal of all of us is to get more dollars to dying mothers and dying children around the world and more help for them as it relates to infectious diseases.

I would hope as we see this legislation going through, that we might find a way to work with the other body and work with the chairman and work with the gentlewoman to look for opportunities to find funding for these very desperate needs.

Mrs. LOWEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank my good friend from Texas for bringing these issues to our attention once again, and I know of the commitment of the gentleman from Arizona (Chairman KOLBE) and the gentleman from Florida (Chairman YOUNG) to these issues, and I can assure the gentlewoman as the bill moves through the process, we will continue to work together to provide as much resources as we can direct to this very important issue.

Again, I thank my colleague from Texas for her important discussion of these priorities.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for her commitment, and I thank the chairman of the full committee and the chairman of the subcommittee for the work that I know that they have done.

In order not to generate a negative vote on such an important issue and to make sure that language follows suit and we get some response on this issue of maternal health and child nutrition, let me at this time work with these Members and the committee and withdraw the amendment that I have just proposed, looking forward to a solution as we move toward conference.

Mr. Chairman, I rise today to offer an amendment to this bill that will permit the United States Agency for International Development to provide valuable support for global child and maternal health programs and to combat global infectious diseases.

This amendment will provide $60 million additional funding for Child and Maternal Health programs and $40 million additional funding for the USAID's valuable infectious disease program. I am not asking for new funding, but merely funds from the State Department's Andean Counterdrug initiative. I introduce this amendment on the heels of the McGovern-Hoekstra-Pelosi-Morella-Jackson amendment to emphasize the importance of funding these programs and to shift a bit more funding into Child Health and Maternal Health programs, because, as chair of the Congressional Children's Caucus, I place a special emphasis on this program.

We know firsthand that the health and survival of a child is directly linked to the health of his or her mother. Infectious diseases continue to take a toll on the developing world. Ten million children will die before their fifth birthday this year due to preventable diseases, such as diarrhea, pneumonia and measles. In addition, infectious diseases, such as tuberculosis and malaria, take the lives of millions of people living with HIV/AIDS. All of these deaths are preventable and by strengthening the basic health and nutrition services in developing countries, we can make a difference.

We must recognize that the U.S. federal budget allocation to foreign aid has hit a record low, and is now less as a proportion of our national income than in any other industrialized nation. Foreign aid is now only one percent of our federal budget.

In September, we will mark the ten-year anniversary of the 1990 World Summit for Children. At that summit, the U.S. joined with over 70 other nations in committing to the reduction of child and maternal deaths. Substantial progress has been made since 1990, but many goals have not yet been met. We need to redouble our efforts to expand programs that can sharply reduce the millions of preventable deaths.

Despite the good work of many organizations and individuals worldwide, each year more than ten million children die before reaching their fifth birthday due to preventable infectious diseases, such as pneumonia, measles, and diarrhea. This is equivalent to every child living in the eastern half of the United States. While diarrhea remains one of the leading causes of death in the developing world, at present one million childhood deaths are averted every year due to diarrhea prevention and appropriate treatment programs.

Clean water and sanitation prevent infectious, and oral rehydration therapy (a simple salt sugar mixture taken by mouth, which costs only pennies and was developed through U.S. research efforts overseas) has been proven to be among the most effective public health interventions ever developed.

Global immunization coverage has soared from less than 10 percent of the world's children in the 1970s to almost 75 percent today. Annually, immunizations avert two million childhood deaths from measles, neonatal tetanus, and whooping cough. The success of these programs in the world's poorest regions is even more striking when one considers that the vaccination rate in the United States only reached 78 percent in 1998.

Unfortunately, immunization rates are not improving everywhere. Coverage in sub-Saharan Africa has decreased. 30 percent of children still do not receive their routine vaccinations—30 million infants. Measles immunization rates have improved in the past ten years but there are still 30 million cases of measles every year.

If a child is not killed by measles, it may cause blindness, malnutrition, deafness or pneumonia. It is possible to save millions of children per year just by increasing immunization rates from 75 percent to 90 percent, and by assuring access of essential nutrients such as Vitamin A, which increases resistance to disease and infection. Vitamin A supplementation is protective and will protect a child from the most serious consequences of measles, such as blindness and death, and costs only four cents per year per child. Deficiencies of both iron and iodine are among the most harmful types of malnutrition with regard to cognition. Iodine deficiency disorder is the leading preventable cause of mental retardation in children and it renders children listless, inattentive and uninterested in learning.

We must reduce hunger and malnutrition, which contribute to over one-half of childhood deaths around the world. We can do so through these Child and Maternal Health programs. An estimated 150 million children are malnourished, which puts them at even greater risk for infections. Protecting children from disease and malnutrition increases their ability to learn and thrive. The issue of hunger and nutrition was so important to my predecessor, Mickey Leland, that along with Congressmen TONY HALL and BEN GILMAN, he founded the House Select Committee on Hunger in 1983. The bi-partisan non-profit Congressional Hunger Center grew out of this effort in 1993 and fights national and global hunger. It is important that we in Congress continue these efforts.

According to the United Nations, approximately 838 million people are chronically undernourished in the world today. Approximately 300 million are children. UNICEF reports that 32 percent of the worlds' children under five years of age, about 193 million, have stunted growth, which is the key indicator for undernutrition.

Weak health and poor nutrition among school age children diminish their cognitive development either through physiological changes or by reducing their ability to participate in the learning experience, or both. The extra demand on school age children to perform chores, for example, or walk long distances to school, creates a need for energy that is much greater than that of younger children. Available data indicate high levels of protein energy malnutrition and short-term hunger among school age children, and deficiencies of critical nutrients are pervasive.

Poor nutrition and health among school children contribute to the inefficiency of the educational system. Children with diminished cognitive abilities and sensory impairments perform less well and are more likely to repeated grades or drop out of school. The irregular school attendance of malnourished and unhealthy children is one of the key factors in poor performance. Even temporary hunger, common in children who are not being fed before going to school, can have an adverse effect on learning.

For those of you who worry that their home districts will not support such additional aid, I offer that polls consistently show that Americans support putting a high priority on addressing world hunger and poverty. In a recent survey by the Program on International Policy Attitudes at the University of Maryland, 87% polled support foreign food and medical assistance. Only 20% surveyed supports cuts in efforts to reduce hunger. 62% said that combating world hunger should be a very important goal for the United States. 76% positively rated giving child survival programs more money. Only about one fourth positively viewed giving military aid to countries friendly to the United States.

U.S. food aid alleviates poverty and promotes economic growth in recipient countries. As incomes in developing countries rise, consumption patterns change, and food and other imports of U.S. goods and services can increase. Hence, supporting child nutrition programs is an effort that we can and must all support.

This amendment will benefit families in many other important ways. Nearly 500,000 women die of pregnancy-related causes each year. Every minute, around the world, 380 women become pregnant, 110 women experience pregnancy-related complications, 1 woman dies. Each year, an additional 15 million women suffer pregnancy-related health problems that can be permanently debilitating, and over 4 million newborns die from poorly managed pregnancies and deliveries.

Ninety-five percent of maternal deaths occur in the developing world. In some sub-Saharan African countries, the risk jumps still further: one in every 14 girls entering adolescence will die from maternal causes before completing her child-bearing years—compared to 1 in 1,800 girls in developing countries.

According to the World Health Organization, maternal health is the largest disparity between the developed and developing countries. While infant mortality (death to infants less than one year), for example, is almost 7 times higher in the developing world than in the developed, maternal mortality is on average 18 times higher. Beyond the consequences for women, the health of their children is also put at risk. Children are much more likely to die within two years of a maternal death. The chances of death are 10 times greater for the newborn and 3 times greater for children 1 to 5 years.

Reducing maternal deaths is an effective investment in healthy families—and therefore in sustainable development—around the world. These deaths can be averted through services that include skilled attendants at birth with necessary equipment and supplies, community education on safe motherhood, improvement of rural and urban health care facilities. Most of these interventions are low-tech and low cost.

Maternal deaths affect women in their most productive years, and as a result the impact reverberates through their families, their communities, and the societies in which they live. The diminished potential productivity of the women who die is $7.5 billion annually and $8 billion for the newborns who do not survive.

Ninety-nine percent of maternal deaths can be prevented with improved pregnancy care, nutrition, immediate postnatal care as well as appropriate treatment for the complications of incomplete abortions. The WHO Mother-Baby program has identified a package of health interventions that, for a cost of $1–3 per mother, can save the lives of countless women and will begin to do so immediately upon implementation.

U.S. funding for maternal health programs has remained level at $50 million for the past 3 years. While other global health and development programs have received increased attention, women continue to die needlessly of preventable causes.

Through this amendment, we also seek additional funding to prevent infectious diseases. Almost 2 million people die each year from tuberculosis (TB). It is estimated that one-third of the world's population is infected with tuberculosis, although it lies dormant in most people. Deadlier and more resistant forms of TB have emerged and have spread to Europe and the U.S., re-introducing the possibility of TB becoming a global killer. Moreover, since HIV/AIDS reduces one's resistance to infectious diseases, TB is easily transmitted to an infected individual. It is regarded as the most common HIV-related opportunistic infection in developing countries.

Many advances have been made to reduce the prevalence of these diseases by the USAID, in collaboration with other international agencies. For example, the World Health Organization's Roll Back Malaria campaign had decreased the death rate from malaria by 97% in some countries. WHO has also started a "directly observed treatment strategy," or DOTS, to fight tuberculosis. Under this strategy, patients are given second-line drugs when they become resistant to first-line drugs.

Similarly, tuberculosis (TB) has re-emerged on the world stage in deadlier and more resistant forms. With the appearance of multi-drug resistant TB, and its spread to Europe and the U.S., we face the possibility that this could again become a leading killer of the rich as well as the poor.

Infectious diseases account for 8% of all deaths in the richest 20 percent of the world and 56% in the poorest 20 percent. This poorest fifth of the world's population is seven times more likely to die as a result of infectious diseases, accounting for 56% of deaths within this population segment. Children are particularly susceptible to infectious diseases, which tend to be exacerbated by malnutrition, an all-too common condition in developing countries.

Finally, this amendment does not seek to cut any economic assistance for the Andean region, assistance for Peru or Bolivia, or funding for the Colombian National Police. It only seeks to cut some military aid to Colombia, aid that does not help the Colombian people, as will these valuable health programs.

The human rights situation in Colombia has deteriorated since Congress approved last year's aid package. The Colombian military continues to collaborate with right-wing paramilitaries that commit over 70% of human rights abuses, such as the paramilitary massacres of civilians that have nearly doubled in 2001 compared to last year.

The U.S. is engaged in a costly military endeavor with no clear exit strategy. The high level of military aid threatens to draw the U.S. further into Colombia's civil war. The amendment leaves intact $152 million in police aid, an estimated $80 million in the Defense Appropriations bill, $30 million in expected drawdowns and IMET and $158 million in military aid in the pipeline from FY 2001. Security assistance accounts for 71% of expected U.S. aid to Colombia this year.

Military aid escalates the conflict and weakens the fragile peace process by emboldening those who hope to solve the conflict on the battlefield and undermining government and civilian leaders seeking a peaceful resolution to the conflict.

President Bush himself said this Tuesday that "A world where some live in comfort and plenty, while half of the human race lives on less than $2 a day, is neither just, nor stable."

I urge my colleagues to support this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,098,000,000, to remain available until September 30, 2003: *Provided*, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That $135,000,000 should be allocated for children's basic education.

AMENDMENT NO. 33 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. ROEMER:

Page 10, line 20, after the dollar amount, insert the following: "(increased by $12,000,000)".

Page 13, line 13, after the dollar amount, insert the following: "(reduced by $1,100,000)".

Page 37, line 20, after the dollar amount, insert the following: "(reduced by $3,900,000)".

Page 38, line 6, after the dollar amount, insert the following: "(reduced by $7,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. ROEMER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER) for 5 minutes.

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in government we do some things extremely well, and occasionally we make some mistakes. In the Microenterprise Loans for the Poor Program, this is an exemplary program that is innovative, that works off a revolving loan basis, that regenerates money, and helps the poorest of the poor people help themselves out of poverty. It is directed primarily at growing small businesses in the smallest and poorest countries, and it helps primarily women and their children.

What more could you ask for than an effective aid program for the United States to run and assist other people in other countries around the world?

This program works so well, Mr. Chairman, that it helps people like Sarah Doe, from Liberia, who fled the Ivory Coast and lost her husband tragically in war. She has four children. This Microenterprise Loans for the Poor Program loaned her $16. Now, to us, $16, people spend that at lunch; $16 is what she might see in a year. This helped her grow a small business selling donuts. She continued to grow it and get some more loans. She now has a savings account, a successful business, and she is putting her four children through school.

This is a great program. It is an innovative program. We are talking about new things to use in the Microenterprise Loans for the Poor Program like the poverty assessment tools, trying to make sure that we continue to target loans at the poorest children.

Twelve million dollars is what this amendment would increase the $155 million in this appropriations bill by; $12 million to literally help millions of people, women, small businesses and their children.

I think this $155 million in the bill, it is not a ceiling on what we can spend, so I am hopeful that the gentleman from Arizona (Mr. KOLBE), who has been an advocate and proponent of this program, and certainly the gentlewoman from New York (Ms. LOWEY), who champions this program left and right, can hopefully fight for more money, more innovation, and more revolving loans that help the poorest of the poor around the world.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not really in opposition to what the gentleman is certainly attempting to do. Let me just say that the gentleman has very eloquently laid out the case I think for microlending programs. I have had an opportunity, as I know the gentleman has, to see a number of these programs very recently, and before that found some very heartwarming stories in Uganda when I was there a few years ago of some of our micro-credit programs we have in that country.

I think one of the arguments that is frequently lost in our debate about health issues, is how important economic growth is to addressing some of the health issues that we have been talking about here at great length today.

A country cannot have a health system, infrastructure, hospitals, nurses, midwives, or clean water if it does not have economic growth. Micro-credit is a jump-start. It is what we can use to get economic growth going. I think it is a very, very important part of our assistance program; and I am very, very much in support of that program.

I also think it is worth noting when we talk about health that micro-credit can be very important in communities that have been ravaged by HIV and AIDS, because in those communities frequently the only thing that is available, not large investments, not large amounts of capital, the only thing available for those people to survive and sustain themselves are small projects, craft projects very often, and those can only be done with this kind of micro-credit.

So I think the gentleman from Indiana is absolutely correct. I think that what the gentleman is attempting to do here is the right thing to do, and I have continued to urge and will continue to urge USAID to put as much emphasis as possible on this program, because I am very supportive of it.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate my colleague for again speaking out so forcefully for microenterprise. We have been working on this issue a very long time, and I do applaud the gentleman's efforts in this area.

We know that microenterprise is not charity; it is an outstanding investment. It helps the poorest of the poor break the cycle of poverty and achieve self-sufficiency. With barely more money than any of us would spend on a new suit or a weekend away, a woman receiving a microenterprise loan can literally change the course of her life. The loan may enable her to open a small restaurant, start a small business, buy some chickens, sell their eggs, make bread to sell to her neighbors.

The small amount of income and the small amount of savings that this loan makes possible will pay for a small uniform for her daughter, who may not have otherwise gone to school. It will pay for doctor visits for her family, for nourishing food to keep everyone healthy and active.

This small amount of money, which is paid back in full and on time more than 95 percent of the time, often less than $300 and many times less than $100, will give an entire family new hope for the future.

Mr. Chairman, microenterprise works. We should increase our investment in these important programs. I want to applaud my colleague again for his focus on microenterprise, and I want to assure the gentleman that I intend to work with our Chair, who is a very, very active supporter of microenterprise as well, that we will do all we can to get additional funds in this program.

Mr. Chairman, I am very pleased to yield to the gentlewoman from California (Ms. PELOSI), the ranking member of the Permanent Select Committee on Intelligence, who has worked with us on this very critical issue.

Ms. PELOSI. Mr. Chairman, I thank the ranking member for yielding me time, and I commend her and our distinguished chairman and the maker of this motion, the gentleman from Indiana (Mr. ROEMER), for their interest in this micro-lending.

The gentlewoman from New York (Mrs. LOWEY) and I have visited these micro-lending sites throughout the world. We visited in India, Guatemala, and just all over; and we have seen how these small businesses have changed not only the families, but the communities. So it is money well spent. It is a remarkable thing what a difference a few hundred dollars can make.

□ 1745

Again, it is all part of the integrity of the bill when we talk about debt forgiveness, alleviation of poverty, raising the standard of living, raising the literacy rates, improving the health of children, child survival; it is all of one piece, because the economic opportunity that is there has a tremendous impact on families and the empowerment of women.

So I commend the gentleman from Indiana (Mr. ROEMER) for his leadership on this. It is a very, very important issue. I cannot think of another place where a small amount of money goes such a very long way.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, again, I want to thank the gentleman from Indiana for his leadership. I look forward to working with him on this very important issue, and I look forward to working with the chairman.

Mr. ROEMER. Mr. Chairman, I yield myself the remaining time to conclude by thanking the eloquent Members of the House of Representatives, the gentlewoman from California (Ms. PELOSI), the ranking member on the Committee on Intelligence, who has, in her previous job on the Subcommittee on Foreign Operations fought so hard and so successfully for these programs; the gentlewoman from New York (Mrs. LOWEY), who is a real champion of these programs, visiting them across the world; and the gentleman from Arizona (Mr. KOLBE), who is so articulate and champions this program, and I hope will continue to work with Senator LEAHY to see that more funds are included for this good effort and goodwill in conference.

I do not think if I pushed this to a vote, Mr. Chairman, and won unanimously that I could get the kind of eloquence and support from such important people making decisions in conference as I have from this colloquy. So with that, I would like to work with the chairman on some report language on poverty assessment tools.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $200,000,000, to remain available until expended.

AMENDMENT NO. 32 OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Ms. PELOSI:

Page 11, after line 12, insert the following:

In addition, for international disaster assistance for El Salvador, $250,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. PELOSI) and a Member opposed each will control 20 minutes.

Does the gentleman from Arizona (Mr. KOLBE) seek to control time in opposition?

Mr. KOLBE. I do, Mr. Chairman, and I also reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order and will control the time in opposition.

The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 20 minutes.

Ms. PELOSI. Mr. Chairman, I yield myself such time as I may consume.

This amendment will provide $250 million in emergency international disaster assistance for El Salvador. The United States has been a leader and a major contributor to international humanitarian disasters. Last year, the committee provided $135 million in emergency funding for Mozambique and southern Africa, so there is precedent for doing this funding under the emergency funding in this bill.

Two years ago, the committee provided approximately $621 million in emergency funding for Hurricane Mitch. The earthquakes in El Salvador this year in January and February, caused more damage in El Salvador than Hurricane Mitch did in the entire area of Central America. This is a terrible, terrible disaster.

During Hurricane Mitch, the United States provided approximately 40 percent of the overall international contribution. This amendment for $250 million would increase the overall U.S. contribution to about 40 percent of the overall international contribution.

USAID called the El Salvador earthquakes the worst disasters in the region in over 50 years. Estimated costs of rebuilding El Salvador ranged between $1.6 and $2.8 billion.

It is important to note that in terms of the disaster and the tragedy there, in terms of housing, 200,000 homes were destroyed by the earthquake, leaving about a half a million people homeless. Roads, bridges, health care and water facilities were either damaged or destroyed and hundreds of people died. On March 7, 2001, the gentleman from Massachusetts (Mr. MOAKLEY) led a bipartisan group of 75 Members of Congress in sending a letter to President Bush asking for a significant emergency package for El Salvador. On March 21, 2001, the House passed H. Con. Res. 41 by a vote of 405 to 1 supporting substantially increasing reconstruction and relief assistance for El Salvador in connection with the earthquakes.

For many years, Mr. Chairman, the United States took a leading role in the affairs of El Salvador, and it is only right that we remain involved today. This tragedy has left thousands of children, women, and men at risk, and the entire country's future is in serious jeopardy. A compassionate and generous response from the United States is essential to those lives and to the region's stability.

Mr. Chairman, I urge my colleagues to support this amendment for $250 million in emergency spending for disaster relief in El Salvador.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be very brief on this, as I reserve the point of order.

I would just say that the gentlewoman's amendment again, like many others here, I think, is right from the heart; and there is no question that the devastation that has occurred in El Salvador has been tremendous. I have been down there since the earthquake just a month after the second earthquake occurred down there. The devastation is tremendous. I was down there just a few days after Hurricane Mitch in Honduras and in Nicaragua.

The gentlewoman is absolutely right; in the areas where this is concentrated, the damage is even worse and the number of deaths that occurred is greater than we experienced in Hurricane Mitch. So the devastation to this one tiny country of El Salvador, which was working so hard and making so much progress to get back on its feet economically, has been tremendous.

However, let me just say that we believe that we have in our account for disaster assistance, we have sufficient funds to pay for what is going to be needed to help in the immediate future to help to do three things: one, the cleanup after the disaster; and now, the housing, the temporary housing and converting that into more permanent housing; and then the beginnings of the rebuilding of the infrastructure. The amounts that we have available in our account for that this year, in my opinion, are sufficient.

Since the gentlewoman is removing so much money from a particular account, I would have real objections to doing that. But again, I want to say to the gentlewoman that I certainly accept in good faith what she is trying to do and I believe that the problem down there is a very major one, and I hope that these words that she has said and that I am saying are being listened to by our people in the State Department and USAID, and that we are going to move as quickly as possible to give all assistance that we can to El Salvador.

Mr. Chairman, I reserve the balance of my time.

Ms. PELOSI. Mr. Chairman, I yield myself 1 minute.

I would just like to respond to the distinguished chairman. I know that he is concerned about the people of El Salvador, and I accept as a compliment his statement that my amendment comes from the heart, and maybe it does, but it indeed also comes from the head.

A tremendous need is there, and we can express all the compassion in the world that we want, but it is no substitute for real funding to meet the needs of the people of El Salvador.

My concern about what the distinguished chairman has said is that the funds that will be used under his plan are coming from other disaster assistance. It is coming out of funding for the Sudan, Afghanistan, the Congo, and even taking money from the child survival and development assistance account. I do not think the poorest children in the world should have to pay for the compassion of the American people to meet the needs of the El Salvadorans at this time of tragedy.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. OLVER), who has helped fight this fight in full committee, who has visited El Salvador and speaks with authority on the subject.

Mr. OLVER. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, on January 13 of this year, a 7.6 Richter magnitude earthquake hit El Salvador. It was followed 1 month later on February 13 by a quake that measured 6.6 on the Richter scale. The combined devastation included 1,200 people killed and more than $2 billion in damage. Approximately 175,000 homes lie anywhere between severe damage and utter rubble, leaving 15 percent of the population of the country without habitable homes; homeless.

Now, the gentlewoman's amendment will add $250 million in disaster relief to the promised $100 million in the bill. This is really a very modest sum. The $100 million in the bill is a small sum; even with the 250 added, it would be a modest sum, particularly when we consider America's recent involvement in El Salvador.

During the 1980s, there was an 11-year period when more than 75,000 people lost their lives in El Salvador's civil war and at least 20 percent of the population went into exile. Nearly three-quarters of a million of those exilees are in the United States, many of them citizens, and others very close to citizenship. So we have a large Salvadoran population in the United States. The U.S. Congress helped to fuel this devastation by $1 billion over those years in military aid, mostly to the military government in El Salvador, which helped to lead to the devastation.

In addition, there was a good deal of other aid. Total U.S. aid was nearly $300 million per year other than the military assistance; $300 million per year for 11 years in that Nation. So indeed, the $100 million for this disaster is a very modest sum, and even with the $250 million added, it is still a modest sum.

I had the opportunity to visit El Salvador with the distinguished chairman of the subcommittee, and there is some reluctance in making the argument on this, because I know how hard he works, and I know he views this as a serious matter. But we had an opportunity to see villages and towns that had the worst of the destruction near the epicenter, the capital city, the large capital city was not much affected. We saw communities of 10,000 and 20,000 where virtually every home was so severely damaged that it was not habitable. We visited a large town where the hospital was so severely damaged that the operating room was out in the front yard in the patio under a tent.

So there is no question about the need. The increased U.S. funding is needed to ensure that aid reaches the places of greatest need. The best disaster relief work is being done by local municipalities in combination with churches and grass-roots groups and NGOs. Our disaster aid agency, USAID, can help to address this by delivering assistance through the nongovernmental channels and using the aid process to support decentralization and the development of municipal governments there.

Mr. Chairman, the disaster has ravaged our neighbor, El Salvador. It is critically important that we help the people of El Salvador rebuild their lives. The money promised in this bill is a step in the right direction, but the amendment that has been offered by the gentlewoman from California is needed. I urge my colleagues to support this amendment.

□ 1800

Mr. KOLBE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS), who has worked so hard to better the lives of the Salvadoran people.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to support the Pelosi amendment to provide some more emergency disaster assistance to El Salvador, but I want to take a moment to thank the gentleman from Arizona (Chairman KOLBE) for putting $100 million in the current legislation before us to send down there.

Two devastating and deadly earthquakes rocked the central American Nation of El Salvador on January 13 and again on February 13. The first quake measured 7.6 on the Richter scale and had a depth of 9.6 miles and occurred off the El Salvadoran coastline 5.6 miles southwest of San Miguel.

The second quake measured 6.6 on the Richter scale, had a depth of about 20 miles, and occurred 48 miles east of San Salvador. Neighboring countries of Guatemala and Honduras also felt this quake. I visited El Salvador and personally saw the destruction these quakes left in El Salvador.

Recently, I visited this proud country and had the opportunity to see firsthand the devastation and effect these quakes have had on the people. I met with many Salvadorans who shared with me their personal tragedies which resulted from the earthquakes. Crops have been ruined, homes destroyed, and families left destitute.

I also met with the President of El Salvador, who shared his concerns about the fate of El Salvador and its people. This tragedy has directly affected hundreds of thousands of children, women, and men throughout the country. These devastating earthquakes were responsible for over 1,100 deaths and more than 8,500 injuries. In addition, the quakes damaged or destroyed over 330,000 homes. In total, over 1.5 million Salvadorans have been affected by these national catastrophes.

The humanitarian needs of our neighbors in El Salvador are substantial. El Salvadorans need clean water, health care, homes, schools, crop assistance, and paved roads. These needs are compounded by severe poverty, particularly in the rural areas, which affects 63 percent of El Salvador's rural population.

The damage assessments continue to rise. The United States Agency for International Development reports that the cost of rebuilding after the two earthquakes will be more than $2.8 billion.

Adding to the devastation are the aftershocks that continue to occur in El Salvador. The United States Geological Survey reports that hundreds of landslides have occurred, making the roads impassible in some places around lakes, while debris flowing around such lakes have altered drainage patterns, which will cause sediment dams to form during the rainy season.

In addition, many roads and bridges have been washed out or blocked by landslides and mudslides. Tens of thousands of people still lack adequate drinking water and must depend on clean water transported by trucks. Currently, UNICEF is organizing the distribution of water and working closely with the Pan American Health Organization and the World Health Organization.

Mr. Chairman, I believe the Pelosi amendment is critical to provide much-needed funding for emergency international disaster assistance to El Salvador. The U.S. has been a leader and major contributor to relief of humanitarian disasters.

For example, last year Congress provided $135 million in emergency funding for Mozambique and southern Africa. Two years ago, Congress provided approximately $621 million in emergency funding for Hurricane Mitch. USAID has rated the El Salvador earthquakes as the worst disasters in the region in over 50 years, dwarfing damage done by Hurricane Mitch to all of Central America.

At this time, estimated costs of rebuilding El Salvador are substantial. Humanitarian needs are staggering. Efforts thus far to reprogram funds will not adequately address the needs of Salvadorans at this critical time.

I believe this emergency funding is a necessary first step to address the needs of the rural poor and the areas hit hardest by the earthquakes. The $250 million in the Pelosi amendment would help to restore community infrastructure in housing, schools, health facilities, potable water systems, and municipal facilities.

After years of brutal civil war and unrest, El Salvador has emerged as one of the most stable nations in Central America. Not only has El Salvador developed a thriving economy, but also it has instituted many significant democratic reforms.

I am deeply concerned that the damage and human suffering caused by these earthquakes threaten the future stability and the economic success of this great country. I cannot stand by and allow this tragedy to result in sociopolitical backsliding.

I thank the gentlewoman from California (Ms. PELOSI) for raising this issue, and encourage the Congress to reexamine the possibility of providing much-needed additional emergency assistance to the people of El Salvador.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from Virginia (Mr. MORAN), who has been in this fight for a long time for this funding for disaster assistance to the people of El Salvador. On any number of occasions in the full committee under the supplemental and on this bill he has been a champion.

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend, the very distinguished gentlewoman from California, for yielding time to me. She has introduced an amendment that we should all support.

Mr. Chairman, our neighbor needs our help desperately. What is our excuse for not helping our neighbor? We have a $10 trillion economy, we have more surplus than we have ever had, we just gave ourselves a $2 trillion tax cut, and our neighbor needs our help desperately. They had an earthquake that they could not have done anything about.

Imagine, 1.6 million, one out of four people in El Salvador has been affected. In fact, about 10,000 were killed or seriously injured. Our neighbor needs our help.

Three hundred thirty-five thousand homes were destroyed, and El Salvador tells us that they do not possibly have the money to build even 30,000. So 90 percent of the people lost their homes and are not going to be able to rebuild a home. They are families. They all have kids. They are living in tents. Our neighbor needs our help.

We have never had as much capacity as we do today to help. We have no excuse not to help. When we think of the health care, the sanitation needs, the housing, they need it all.

We provided $6 billion during the 1980s in military aid. Where are our priorities? Tens of thousands of Salvadorans are in this country because of the terror of the "death squads" that we contributed to. Where are our priorities? We have $100 million in this bill to help our neighbor. They need $2.1 billion, according to the United Nations development program; and we pledge $110 million, 5 percent.

Where is the other 95 percent going to come from? They have no other neighbors as close nor as capable as we are of helping. So we are going to turn our backs on our neighbors? That is what we are doing with 5 percent? It is an insult.

Mr. Chairman, this is defining of who we are as a nation. I know the gentleman's heart is in the right place. Certainly his words were in the right place in the supplemental. This should have been in the emergency supplemental. We were told when we tried to get the money that there was going to be more money in the regular bill, but it is not here. The money is available; but the priorities are not in the right place.

This is wrong, not to do more for our neighbor. One out of four people were affected, killed, injured, homeless. They are desperate. We need to go to their assistance. We need to define what kind of a country, what kind of a people we are. There are a lot of Salvadoran Americans who believe in the compassion and greatness of that definition, who came to this country because they believed we were capable of doing more than we are doing now for their home country.

This should be a national priority. We should support the Pelosi amendment.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be very brief. I just wanted to respond to the gentleman from Virginia, who I have great admiration for and who I have traveled with on many occasions, including to Latin America.

It is not a correct statement, though, to say that we have no money in our legislation. We have $100 million, and it is earmarked. It is a legal earmark. We have it set aside specifically for El Salvador.

One can argue and make a case that that is not sufficient. We tried to balance the various priorities that we have. I know Members have heard that before. But I do not want that to go unchallenged here. I do not want Members to go away thinking that we have not provided anything for El Salvador. We have, indeed. We do have $100 million.

He also made the statement that the money is there for the rest of it. I do not know where he is referring to, but since we know all of our allocation is used, if we want to put more money in, if we do not do it as an emergency, we cannot. If we do it as an emergency, it is there, from the American taxpayers, by borrowing or reducing the surplus. But it has to come from someplace. It comes from the American taxpayers.

If we are talking about taking it out of our current bill, our current allocation, I would just note that it is entirely used, so we do have to take it from someplace else. I would say that, as we have heard here earlier, whatever the issue is, there are a lot of competing interests here.

I just want to make it clear to my colleagues who might be listening to this debate that we do indeed have $100 million earmarked in the bill for reconstruction and for relief, disaster relief in El Salvador.

Ms. PELOSI. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), the Vice-Chair of the Democratic Caucus and a champion on this issue.

Mr. MENENDEZ. Mr. Chairman, let me first thank the gentlewoman, not only for yielding time to me but for her amendment and for her work in this regard. She has helped bring us to the forefront on this issue. I appreciate her work, working with me as the ranking Democrat on the Subcommittee on the Western Hemisphere.

Earlier this year, the Central American nation of El Salvador was devastated by two earthquakes. The U.S. Agency for International Development estimates that close to 1,200 people died and over 85,000 were injured. There were 335,000 homes that were destroyed or damaged. Nearly 1.6 million Salvadorans have been affected, almost one in every four of the country's population; and the estimated costs of rebuilding El Salvador ranges between $1.6 and 2.8 billion.

The January and February earthquakes caused more damage in El Salvador than Hurricane Mitch did throughout the whole of Central America. In fact, USAID called the El Salvador earthquakes the worst disaster in the region in over 50 years, dwarfing the damage done by Hurricane Mitch.

Yet, in the aftermath of Hurricane Mitch, the United States provided approximately $621 million in emergency funding and close to $1 billion when DOD costs were included. That is about 40 percent of the overall relief contribution. In response to this calamity, we introduced, along with 26 of my colleagues, the recovery bill to authorize emergency appropriations of about $350 million in international disaster assistance for El Salvador. The House and Senate responded by passing resolutions in support of increased funding for El Salvador.

On March 7 of this year, our beloved late colleague, the gentleman from Massachusetts, Mr. Moakley, led a bipartisan group of 75 Members of Congress in sending a letter to President Bush asking for a significant emergency aid package for El Salvador.

On March 21, the House passed House Concurrent Resolution 41 by a vote of 405 to 1 supporting "substantially increasing reconstruction and relief assistance for El Salvador in connection with the earthquakes."

But the House Subcommittee on Foreign Operations, Export Financing and Related Programs has included a paltry $100 million from existing programs for El Salvador in this bill. That is certainly better than the $58 million requested by the administration, and I appreciate the chairman doing that, but it remains woefully inadequate and certainly does not substantially increase, as the resolution calls for, the funding. In fact, it provides just about 5 to 6 percent of what the country actually needs.

The Salvadoran people have set an example for the entire world with their impressive transition from authoritarian rule and horrific civil war, in which 75,000 Salvadorans died, to democracy and peace. Our nations are closer than ever. The U.S. is El Salvador's largest trading partner and is an important ally on many fronts, including drug trafficking.

We invested billions of dollars in Central America during the 1980s in terms of promoting peace and democracy, but we did it through a military context. Now, since those peace accords were signed in 1992, El Salvador has developed a thriving economy and instituted significant democratic reforms, making it one of the most stable nations in the region.

How could we let that investment go to rot? Because what is happening in that country, with such enormous displacement, is to put at risk the very stability, the very democratic institutions, the very underpinnings of democracy that we spent billions in Central America trying to create.

That is not in the national interest of the United States; and it is not in the national security interests of the United States when we allow the consequences of what is happening in El Salvador in immigration, in a variety of health consequences, in a variety of subjects that we are concerned about, as our neighbors to the south have those problems, affect us as well.

It is in the national interest of the United States to support the Pelosi amendment. I do hope that the other side will allow it to be made in order so this House can have a vote on this most important issue.

Ms. PELOSI. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from California (Mr. BECERRA), and thank him for his leadership in this fight, as well.

Mr. BECERRA. Mr. Chairman, let me thank the gentlewoman for yielding time to me but, more importantly, for her longstanding and abiding concern and help in areas of Latin America, and for understanding the issues so well.

I would also like to make sure I recognize the chairman of this subcommittee from the Committee on Appropriations for his long-standing work in the area as well.

Mr. Chairman, this is not just help, but it is an investment. This is a chance to help Salvadorans get on their feet and back to work. It is a chance to help them rebuild their homes and businesses in El Salvador and not have them think about going to other places to have those opportunities to feed the family and have an opportunity to grow.

□ 1815

Let us help them in their home country.

Remember, El Salvador is a nascent democracy. It is a fragile democracy that 15, 20 years ago did not exist. Rather than forget it and let it go back to the old days when they did not have a chance to let their people make decisions for that country, let us help them get back on their feet.

Salvadorans are doing their best to get back on their feet, and Americans of Salvadoran descent are doing their fair share. More than $1.7 billion on an annual basis goes from Americans of Salvadoran descent to family members still in El Salvador to try to help them in their home country of El Salvador. We should be there to help as well.

We can do more; we should do more. This assistance is not a handout; it is an investment with a partner to say to them we will help you roll up your sleeves and with your own hands rebuild your country. It is the right thing to do.

I join my colleague and friend, the gentleman from Virginia (Mr. TOM DAVIS), in supporting this request. I know we have limited dollars, but I believe that the good work of the gentleman from Arizona, who has been so demonstrative in his efforts to try to help so many people around the world, and with the good efforts of the gentlewoman from California we can get this thing done and show the people of El Salvador we are ready to help them; not with a handout but to let them, with their own hands, rebuild their country with the good assistance of a partner like the United States of America.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR), a member of the Committee on Appropriations, and thank him for his leadership on this issue.

Mr. FARR of California. Mr. Chairman, I thank the gentlewoman for yielding me this time. I want to also thank the chairman of the committee for inviting me to go to El Salvador right after the earthquake. As a former Peace Corps volunteer from South America, I was able to bring some insight into it.

What I learned is more than what I took, and that is that Congress needs to step up to the plate and do more. And not only Congress needs to do more. The churches that have done a wonderful job need to do more; the people-to-people programs need to do more; and the adoptive city programs that have been so effective in El Salvador need to do more. We all need to do more because we cannot afford not to make El Salvador's modernization work. It is a country that has gone through all the struggles we have watched.

If, indeed, nation building is going to work, peacekeeping is going to work, microloan programs are going to work, trade policy is going to work, if indeed the credibility of the United States is going to work, then we have to step up to that plate and continue to be there in this incredible disaster.

I was able to visit after Hurricane Mitch in Honduras and in Venezuela. El Salvador even needs more help than those countries.

Ms. PELOSI. Mr. Chairman, I yield myself the balance of my time.

I want to thank the chairman for allowing us to have the debate, because he could have insisted on his point of order at a much earlier time. I am grateful for that so that our colleagues and those who follow Congress can know about this important issue.

I do regret, however, that at the end of the day we are not going to have a respectable package of assistance to El Salvador. When the emergency supplemental bill came before our committee, which would have been the vehicle for all of this emergency spending, the representation that was made to us was that we will revisit this in our bill for the fiscal year 2002, and that we did less in the supplemental than we would have liked to have done.

Well, we have come down this road from supplemental to subcommittee to full committee to the floor, and what we have is a nice contribution but not a real sign of seriousness of how we take the disaster in El Salvador. I am very sad because the $100 million that the gentleman from Arizona (Mr. KOLBE) has in the package comes from other disaster assistance, from the child survival account, from economic support funds. Why do those important programs, why do the poorest children in the world have to pay for U.S. assistance to El Salvador?

I visited El Salvador in the 1980s. I saw the military assistance, $6 billion worth, going down there because it was said it was in our national interest. Well, if El Salvador is an area of concern to the United States to the tune of $6 billion in the middle 1980s, why can we not be generous to the tune of $250 million to do our share in helping the people of El Salvador in this time of need?

Again, I wish the chairman would not insist on his point of order, and I thank my colleagues for this very serious debate.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time, before I make a point of order, and say to the gentlewoman that I appreciate her comments and again would say that I am very sympathetic.

The Salvadoran people are wonderful people. I have known many of them in my own community and had one of them who came as a refugee from Salvador as an intern working for me and is today one of my very close friends. They are wonderful people, and they deserve all the help we can give them; and I hope we will be able to give them support and even more support than perhaps is in this bill.

But I would note that we do have the $100 million, and while $25 million may come from current assistance accounts, the rest is money that would be added. So I do think that we are making a good start in helping El Salvador.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time, and I make a point of order against the amendment.

I would make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and, as such, constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If no Member wishes to be heard on the point of order, the Chair is prepared to rule.

The Chair finds this amendment includes an emergency designation under section 251(b)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for some additional comments on the Pelosi amendment. The recent earthquakes in El Salvador devastated the country, destroying 175,000 homes, leaving over 1 million people homeless, leveling schools, community buildings, and demolishing key components of the country's infrastructure. Although we did include $100 million, as our chairman has stated, in this bill, the low level of assistance, especially to a country where we invested billions of dollars to end conflict and achieve stability, is simply tragic.

I am proud that the United States was able to react to the devastation quickly. Our relief supplies reached those who needed them most in a timely manner and earthquake victims appreciate our help. It is time, my colleagues, to make a larger commitment to helping the people of El Salvador recover from this natural disaster. We should not be satisfied with shifting funds around to piece together an assistance package. We must, in my judgment, make a serious investment in building infrastructure, constructing permanent housing, reconstructing schools and clinics and creating jobs.

The United States needs to show leadership in helping El Salvador. The international community will follow our lead. Our lack of generosity in this instance has affected and will continue to affect the willingness of the international community to devote funds to relief and construction efforts.

The United States has had a strong national security interest in achieving stability in El Salvador and has demonstrated this interest in past years with serious investment. It would be unconscionable, in my judgment, to turn our backs on El Salvador at this critical point when the future of the country is hanging by a thread.

If we invest in the short- and long-term health of El Salvador now, we will avoid costly problems later on. If we continue to withhold a serious commitment of resources, there is no telling what the price will be in terms of instability and unrest later on. And that is why I strongly support the Pelosi amendment.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 20, line 7 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the bill from page 11, line 13, through page 20, line 7, is as follows:

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $40,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of loan guarantees, up to $12,500,000, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961: *Provided*, That such funds shall be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, and under the heading "Assistance for Eastern Europe and the Baltic States": *Provided further*, That such funds shall be made available only for micro and small enterprise programs and other programs which further the purposes of part I of the Act: *Provided further*, That during fiscal year 2002, commitments to guarantee loans shall not exceed $177,500,000: *Provided further*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2003.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $44,880,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $549,000,000: *Provided*, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $30,000,000, to remain available until September 30, 2003, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II,

$2,199,000,000, to remain available until September 30, 2003: *Provided*, That of the funds appropriated under this heading, not less than $720,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: *Provided further*, That not less than $655,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That not less than $35,000,000 of the funds appropriated under this heading should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: *Provided further*, That not less than $15,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in the previous proviso, the term "assistance" includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, nonmilitary vehicles, tents, and shoes.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $25,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2003.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $600,000,000, to remain available until September 30, 2003, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That funds made available for assistance for Kosovo from funds appropriated under this heading and under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002: *Provided further*, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading: *Provided*, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $768,000,000, to remain available until September 30, 2003: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, 15 percent may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That of the funds appropriated under this heading, not less than $1,500,000 should be available only to meet the health and other assistance needs of victims of trafficking in persons.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(b) Of the funds appropriated under this heading, not to exceed $125,000,000 may be made available for assistance for Ukraine.

AMENDMENT NO. 50 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 50 offered by Ms. KAPTUR:

Page 20, beginning on line 8, strike "not to exceed $125,000,000 may" and insert "not less than $125,000,000 should".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 10 minutes.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition and to reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved on the amendment, and the gentleman from Arizona (Mr. KOLBE) will control the time in opposition.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 10 minutes.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume, and I rise and wish to present to the committee an amendment that concerns Ukraine.

The real issue for us here in the House today is whether the United States should begin walking away from the most strategic country in Central Europe: Ukraine. My amendment says stay the course with the democratic forces for reform. It says do not single out Ukraine as the only nation in the world that will receive a one-third cut from last year's allocation. My amendment will allow the committee and will allow this Congress more flexibility as we move towards floor passage and conference in order to restore the funds that rightfully should go to democracy building in that new republic.

Let me just say that proposing to reduce assistance for Ukraine comes at absolutely the wrong time. The third set of parliamentary elections are about to occur. During the last week of August, Ukraine will celebrate its 10th year of independence. This kind of ill-advised action by this Congress is going to give the forces that are against reform a greater share of authority inside that country. I do not really think that the gentleman, the chairman of the committee and other Members that proposed this initially, really want that to happen.

Put it in the context of our own country. It took us 11 years from the time of the Declaration of Independence to adopt our own Constitution, 89 years to end slavery at the end of the Civil War, 141 years to give women the right to vote, and 188 years for the adoption of the civil rights acts of our country. Now, I am not suggesting Ukraine should take that long. All I am saying is that after 10 years certain Members may be expecting too much.

Let me also say that other nations, like Russia, are making very favorable overtures toward Ukraine, particularly with the recent appointment of former Russian Prime Minister Viktor Chernomyrdin as the new Russian Ambassador to Ukraine. America should be no less interested in Ukraine. Further, the House bill does not even meet the administration's request of $170 million for Ukraine, and President Bush and Secretary Powell have both stressed the importance of this strategic partnership.

Even the wife of the slain journalist Heorhiy Gongadze wrote a letter to all of us in which she says, "Do not do this. It would be a terrible mistake to adopt the House committee version." She says, "Condemn the actions and inactions of the Ukrainian executive power when appropriate, demand open and honest investigations, seek the truth about my husband's murder, and cut off funding or restrict it, if you deem it necessary, but please do not reduce the aid to Ukraine that is so important in the building of a normal Democratic society." I will insert her full letter in the RECORD.

This September, we are going to have the first Rada-Congressional exchange to try to more completely work together as legislative bodies in our respective communities, to try to help to integrate Ukraine more fully into the world community.

☐ 1830

Do I think everything is rosy in Ukraine? I would be the first to say no. Much more remains to be done on nuclear safety.

I wish to insert in the RECORD two letters. One from our U.S. Department of Energy and one from the Ukrainian Ambassador to the United States talking about the serious nuclear safety issues that still remain and need to be addressed in Ukraine.

We need full investigations into the suspicious deaths of independent journalists. We need an independent and free press and media and allow them to develop and help them to develop in that country. We need to urge Ukraine to create a judicial system and rule of law that yields justice. We need to ensure human rights and free speech to help advance that country toward a more open free market economy with reliable and transparent credit institutions, and we need to help them complete land title reform and agricultural transition to a privatized system of production.

The report that accompanies the bill is also inadequate. I am going to also insert into the RECORD tonight more complete language that should be in the report that urges Ukraine toward these types of reforms.

But let me remind our colleagues, Ukraine has had major accomplishments over the last decade. It has, at our request, completely dismantled its nuclear weapons. It has worked to become and wishes to be part of the full union of European and western states. Ukraine refused to sell turbines to Iran giving up an economic sale in excess of over $100 million.

The current President of the Ukraine personally invited Pope John Paul II for an historic visit with Ukraine. I might say to the chairman of the full subcommittee, with all due respect, last week you spoke eloquently of not isolating China and you voted on behalf of opening China up. I can tell you China arrests Catholic bishops. She would not invite the Pope into that country. In fact, she ordains phony bishops. So I would say do not treat Ukraine in a manner any worse than you would treat China.

If you look at Ukraine, she has a growing middle class. It has grown at over 6 percent this last year. Industrial production is up by a fifth. Land privatization is occurring. Small businesses are up by 40 percent. Small bank accounts have started. In fact, and this is really important for our colleagues to understand, almost all of the U.S. assistance to Ukraine does not go to the government. In fact, it goes to help the development of the very organizations that are working for all the good causes I have just talked about: small business development, exchange programs, support for independent media, municipal development, nuclear clean up; all these very, very worthy causes.

So in offering this amendment today it was my hope to put some of this on the RECORD. It is my hope that as this bill moves toward full passage and over to the Senate that we might get some perfecting language that would not single out Ukraine for this type of harsh treatment by the people of the United States.

In fact, our hope is that this discussion today and the chairman's willingness to allow us to talk about this in giving us some time on the floor will help to give us a meeting of minds so that we can, in fact, perfect the House language and help Ukraine move herself into the company of the free nations of the world.

DEPARTMENT OF ENERGY,
NATIONAL NUCLEAR SECURITY ADMINISTRATION,
Washington, DC, July 23, 2001.

Ambassador WILLIAM B. TAYLOR, Jr.,
Coordinator of U.S. Assistance to the NIS, U.S. Department of State, Washington, DC

DEAR AMBASSADOR TAYLOR: We understand that the House Committee on Appropriations report on foreign operations limits Ukraine assistance in 2002 to $125 million, based partly on the completion of major nuclear safety projects. The International Nuclear Safety Program has completed the safety parameter display system project, the simulator project, and the Chernobyl Replacement Heat Plant project. However, additional nuclear safety work is needed in Ukraine.

Projects that are not yet complete include: simulator and operator training; completion of in-depth safety assessments; physical security upgrades; nondestructive examination improvements; operational safety improvement's; emergency cooling reliability upgrades; plant computer upgrades; and nuclear fuel qualification.

I recently returned from a visit to Ukraine for commissioning of the Chernobyl replacement heat plant and for reviewing State/AID supported projects at the Khmelnytskyy nuclear power plant. I saw impressive progress due to State/AID assistance at both locations. The Ukraine safety program is at a pivotal stage. On the one hand, clear improvements to safety and operations are evident and documented. However, an enduring safety culture has not taken hold and important projects remain to be completed which Ukraine is currently unable to provide for itself. Until that safety culture is firmly established, cutbacks may endanger the progress made to date, e.g., they may drive Ukraine to seek help from Russia in some areas.

We plan to complete nuclear safety improvements at reactors in the countries of the former Soviet Union by 2006. A reduction in funding would prevent current projects from being completed, and reduce the sustainability of the already completed projects. We hope you will support this important work at the same level as last year. We look forward to continuing to work with you.

Sincerely,

JAMES M. TURNER,
Assistant Deputy Administrator.

EMBASSY OF UKRAINE,
July 17, 2001.

Re Foreign Operations Appropriations Bill—Assistance for Ukraine.

Hon. JIM KOLBE,
Chairman, Subcommittee on Foreign Operations Appropriations, House of Representatives, Washington, DC.

DEAR MR. KOLBE: This letter is written to express my alarm about the level of funds provided for assistance to Ukraine in the Foreign Operations Appropriations bill. I am the widow of Georgiy Gongadze, the Ukrainian journalist whose brutal, unsolved murder has received so much international attention and which led to my seeking refuge in America. As I understand it, the House Appropriations Committee reduced the President's recommendation for aid to Ukraine by $44 million. I think this is a terrible mistake. Furthermore the Committee's proposal indirectly refers to my husband's murder to justify their reduction.

If Congress uses my husband's murder as justification to reduce U.S. aid to Ukraine, this will send absolutely the wrong message to those honorable people who are still working (and with whom I worked) so hard to build a democratic nation. Conversely, such an approach will play into the hands of the anti-reformists who seek to thwart democracy and benefit from the perpetuation of the corrupt legacy of the Soviet system. My husband sought the development of a free and independent media, of non-governmental and of local organizations to build a civil society in Ukraine—these entities are the ones that desperately need America's help. The assistance provided in your bill goes to such programs to help the very people who need and should have American money and counsel, good people who will be isolated and alone without U.S. support. As a lawyer who worked with such groups, I know that American assistance is the lifeblood of these programs—and it is here where the seeds of democracy must be sown.

I am sure that we share very serious concerns about the direction and actions of the Executive branch of Ukraine. However, please do not let these concerns keep the United States from providing the level of aid needed by those that are making a real and valuable difference, especially at the grass roots level. Condemn the actions and inactions of the Ukrainian executive power when appropriate, demand open and honest investigations, seek the truth about my husband's murder and cut off funding or restrict it if you deem necessary, but please—do not reduce the aid to Ukraine that is so important in the building of a normal, democratic society.

Thank you for your time and consideration of my concerns.

Respectfully,

MYROSLAVA GONGADZE.

EMBASSY OF UKRAINE,
Washington, DC, July 9, 2001.

Hon. MARCY KAPTUR,
The House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN KAPTUR, I wish to address you on a matter of urgency for the country and people I represent as Ambassador here in Washington.

I was informed that a few days ago the Appropriations Subcommittee on Foreign Operations approved a draft Foreign Operations Bill that instituted a cap of $125 million of technical assistance to be made available for Ukraine next fiscal year, thus reducing by $44 million the amount requested for my country by the US Administration.

The draft Committee's Report advances three reasons for this reduction: "the completion of a long term projects in nuclear safety, the continuing setbacks to needed reform, and the unresolved deaths of prominent dissidents and journalists in Ukraine".

I believe that both Subcommittee's recommendation and its substantiation would be quite different if all the relevant facts were taken into consideration.

Of particular concern to all Ukrainians would be the message that "projects in nuclear safety have been completed". Ukraine just a few months ago marked that 15th anniversary of the Chernoby meltdown and mourned its countless victims. Disastrous effects of that tragedy are still having tremendous negative impact on everyday life of millions in Ukraine—diverting close to 10% of the GDP for programs to alleviate the damage from this horrific calamity. The message that the United States considers its involvement in upgrading nuclear safety of the existing nuclear reactors in Ukraine as "completed" would only exacerbate deeply felt sense of so many Ukrainians that we have been abandoned by the international community to deal single-handedly with the problem of a global magnitude.

As to "continuing setbacks to needed reform", it is clear that we could have done better in the past. On the other hand, the country has demonstrated spectacular sustained economic growth over the last 18 months while being fully dependent on imports of gas and oil and getting no assistance from the international financial institutions. It is rather difficult to imagine how this could have been achieved without reforms finally starting to produce the positive effects on the economy.

As for the last reasoning of the Subcommittee recommendation, let me unequivocally state that the disappearance of journalist Heorhiy Gongadze is considered in Ukraine not only as a terrible human tragedy but also as a case that needs to be fully investigated in a manner that would leave no doubt as to its circumstances and culprits. We value assistance provided by the FBI to the Ukrainian law enforcement agencies in the investigation and hope that this cooperation will help resolve the case in the near future.

This August Ukraine marks 10th Anniversary of our independence. After hundreds of years of oppression, unimaginable sufferings and millions of deaths the Ukrainian people will be celebrating our first decade of freedom. This will be the time for festivities but also for deep reflections on our past, present and future. This will also be the time when Ukrainians will remember the crucial role of the United States in helping us achieve this long sought and hard earned freedom. When Ukraine was under Soviet dominance the United States Congress created a strong bond between the Ukrainian and American peoples by adopting each year resolutions demanding freedom for captive nations. Ten years after this freedom had become reality this bond could and should be reinforced by continuous assistance provided by the Congress directly to the Ukrainian people.

I rely on your deep knowledge and understanding of the crushing problems a newly independent state has to overcome and your vision of Ukraine's future as a democratic and prosperous member of Western community of nations, that you have shared with me, in helping to provide next fiscal year adequate funds for effective and meaningful technical assistance to the People of Ukraine.

Sincerely,

KOSTYANTYN GRYSHCHENKO,
Ambassador.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will be brief on this as I reserve my point of order on this.

I would just like to respond to the gentlewoman from Ohio (Ms. KAPTUR) and the comments she has made. I understand how strongly she feels about this issue. I also feel strongly about the people of the Ukraine and their rights to have a free and an open society.

Mr. Chairman, this bill does not signal an abandonment of Ukraine. Let me note that we have $125 million in the bill for the Ukraine. Is that down? Yes, it is down. Last year was $170 million; before that it was $225 million. Nonetheless, at $125 million we are two and a half times the amount that we have in the bill for India, a country of a billion people. So the $125 million that we are spending on this one country, we hope this newly emerging democracy in Central Europe, is certainly not pocket change.

As the gentlewoman from Ohio (Ms. KAPTUR) knows, the Ukraine is a struggling new republic. I am quoting here from her own letter, "a struggling new republic riddled with corruption, lacking a robust justice system and crawling its way to an open society. There are horrendous abuses there."

Those are her words from her own dear colleague letter.

After 10 years and after spending more than $1 billion in U.S. taxpayers money in aid to the Ukraine, this subcommittee, this committee has decided to send a strong message to the government of the Ukraine, and that is that our admiration for the long suffering and freedom loving people of the Ukraine does not excuse the abysmal failures that we have seen demonstrated over and over again by its government. Most recently, as the gentlewoman has referred to the letter from the widow of the person murdered in that horrible and tragic murder of a journalist in the Ukraine, one that remains unsolved these weeks later with not much prospect that we are going to see a resolution of it.

Mr. Chairman, I would say when we go to conference that the House position on aid to the Ukraine is going to hinge on what happens in Kiev between now and then. It does not hinge on perfecting language here on the floor of the House of Representatives. It hinges on actions by the government of the Ukraine. If that happens, we will certainly, in the conference committee, be able to make changes to the amount of aid that we make available to that country. But until then I think clearly we were sending the right message.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the Kaptur amendment which would create a floor rather than a ceiling for the level of funding to the U.S. assistance to the Ukraine. The level of funding provided for assistance to Ukraine, as has been pointed out, $125 million, is not insignificant. However, it does represent a precipitous $44 million reduction from last year, the 2001 level of $169 million.

I share the concerns about some of the recent developments in the Ukraine which are raised in the report language, including the unresolved deaths of Ukrainian journalists. In fact, I was the first Member to express concerns about murdered journalist Georgiy Gongadze following his disappearance last September.

In May, the Helsinki Commission, which I co-chair, held a hearing devoted exclusively to the situation in Ukraine. Clearly the downward trends and negative developments in Ukraine were enumerated, and the leadership of Ukraine were strongly encouraged to demonstrate in word, and as the chairman pointed out, in deed as well, greater respect for human rights and the rule of law.

Mr. Chairman, 2 weeks ago I cochaired the U.S. delegation to the OSCE Parliamentary Assembly in Paris. One of the most moving and most powerful moments of that entire meeting was Mrs. Gongadze's acceptance of the OSCE Prize for Journalism and Democracy on behalf of her murdered husband. And as the gentlewoman pointed out, she has called on this body not to cut this funding.

While we were troubled by the developments in the Ukraine, including the situation of the media and the April ouster of Ukraine's reformist Prime Minister, we cannot deny the positive developments either. These include for the first time in over a decade strong economic growth, continued good relations with her neighbors, and a cooperative partnership with the West, especially the United States.

Now is not the time to cut assistance. Ukraine still has tremendous needs. For example, the Chernobyl power plant was shut down last December, but the consequences of that nuclear disaster still leaves an indelible mark on the Ukrainian nation.

They need continued assistance in overcoming this devastating legacy, especially its toll in cancer and other serious illnesses. Ukraine's weak medical infrastructure still faces considerable challenges, such as the growing AIDS problem. As the gentlewoman from Ohio (Ms. KAPTUR) pointed out, very little of our assistance benefits directly the Ukrainian government. Instead, it goes to programs that help NGOs and the independent media or municipal and small business development.

With the parliamentary elections approaching next March, NGOs, political parties and reform-oriented local governments working to strengthen democracy in Ukraine need our support, as does the independent media.

Finally, Mr. Chairman, in his address at Warsaw University during his visit to Poland last month, President Bush stated, "The Europe we are building must include Ukraine, a nation struggling with the trauma of transition. Some in Kiev speak of their country's European destiny. If this is their aspiration, we should reward it."

Mr. Chairman, I hope the gentlewoman's amendment is adopted as this work-in-progress makes its way through the House and conference.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Chairman, Ukraine has demonstrated a consistent willingness to develop a robust friendship and mutually beneficial partnership with the United States.

At our request, Ukraine has abolished the third largest nuclear arsenal in the world and has maintained a consistent nonproliferation policy ever since. I might add that in some cases this has been done at considerable fiscal detriment to Ukraine. The refusal of aid to Iran in their nuclear program is one such program that warrants our praise and appreciation.

Ukraine has successfully and peacefully negotiated border treaties with all of its neighboring countries and has maintained a distinctive partnership with NATO. Ukraine has made significant contributions to regional and international peace and stability through its participation in NATO-led peacekeeping missions.

The economic growth of Ukraine is integral to its development as a democracy. Without Ukraine's stable government and infrastructure, the hope of further Democratic reforms will fade because a government preoccupied with its own survival cannot guarantee even basic rights for its citizens.

There are members of government in Ukraine, hard-line Communists, who would like to see Ukraine return to the days before Ukraine's independence. It has been a consistent struggle for Ukraine to come so far, and I think, frankly, the timing of the cut proposed in the bill here could not be worse. In my estimation, it will unwittingly empower the antireformists and stall the progress for years which have been made.

Ukraine, on August 24, will celebrate its 10th anniversary of independence. The Ukrainian people will mark their first 10-year anniversary of freedom after hundreds of years of oppression. This is a monumental achievement and should be welcomed and praised. While I understand the concerns that were raised by the committee and do not wish to minimize them, there are very, very many positive achievements in Ukraine that have been achieved with the support and assistance of this Congress.

Mr. Chairman, I hope that we can stand behind those positive reforms and see them sustained. I would ask the gentleman's assistance as this process moves forward in achieving that.

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) has ½ minute remaining. The gentleman from Arizona (Mr. KOLBE) has 4 minutes remaining.

Ms. KAPTUR. Mr. Chairman, I yield ½ minute to myself.

Mr. Chairman, I urge my colleagues to support the Kaptur-Schaffer amendment and to maintain levels of funding for Ukraine. Help Ukraine move toward reform, especially in memory of the slain journalists. Many of those independent journalists would want us to help their cause inside Ukraine. Do not walk away from her now.

Mr. Chairman, I want to also express my great appreciation to the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, for allowing this discussion to ensue this afternoon, for the serious manner with which he has dealt with those who do not share his position, and the gentlewoman from New York (Mrs. LOWEY) for her graciousness as we move this amendment forward.

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Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

I wanted to extend my congratulations to the gentlewoman for her strong support of the people of Ukraine. I know of her work as the ranking member of the Subcommittee on Agriculture in providing technology and assistance to the good people, understanding that by giving them the tools and giving them the skills they can help themselves to a strong democracy.

I just want to assure the gentlewoman that I support maintaining a robust assistance program in Ukraine. Our aid helps build democracy, strengthens local government, encourages a free press and builds a stable and prosperous society. The current situation in Ukraine dictates that we maintain support for those in Ukrainian society who seek democracy, freedom and stability.

Again, I want to thank her for her important work. I know that we will continue to work together.

Mr. KOLBE. Mr. Chairman, before I yield back my time, continuing to reserve my point of order, I would just like to say I also thank the gentlewoman from Ohio and the gentleman from Colorado for their contributions not only to this debate but to the ongoing work that both of them and other Members of the House of Representatives have done to help support the people of the Ukraine.

I think there is no doubt, Mr. Chairman, that we have a common objective. We all want to make sure that the Ukrainian people have their opportunity to have a democracy, to have their voices heard in their country. They want to have freedom. They want to have the same rights that Americans have and that other peoples around the world have. We have no disagreement with that. We have no disagreement among ourselves about the objectives. There are sometimes differences over how we achieve that objective. Sometimes it is carrot, and sometimes it is a stick. Sometimes we do not always agree on which is the right time to administer either the carrot or the stick, and we may have that disagreement here, but we do not have any disagreement over the objectives that we are trying to achieve for the Ukraine.

I will certainly pledge to continue to work with the gentlewoman from Ohio on making sure that everything that we do in our subcommittee is designed to help promote democracy and a civil society in the Ukraine.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

That rule states, in pertinent part, "an amendment to a general appropriation bill shall not be in order if changing existing law." The amendment gives affirmative direction, in effect.

Mr. Chairman, this amendment does do that and therefore, I believe, is not in order.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. KOLBE. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the gentleman from Florida (Mr. MILLER).

I yield to the gentleman from Florida.

Mr. MILLER of Florida. Mr. Chairman, today I had planned to offer an amendment to the Foreign Operations bill that would allow aid to only be given to countries who have extradition treaties with the United States.

Mr. Chairman, I will not be offering that amendment today, but I would like to take this opportunity to discuss the importance of placing international extradition treaties higher on our foreign policy priority list. Will the committee agree that this is a pressing issue that needs to be addressed?

Mr. KOLBE. Yes, I would say that the current process of extradition certainly is a very troubled one and needs to be reformed.

Mr. MILLER of Florida. This past week Ira Einhorn was finally extradited from France. While this is a notable victory, the extradition came only after several years of legal maneuvering and political posturing by Einhorn and the government of France. The Pennsylvania legislature actually had to pass a new law in order for the French to agree to the extradition. Four long years after the first request and 24 years after the murder of Holly Maddux, justice has finally been served. I know that Holly's family is more than relieved to have their sister's killer behind bars, but had they not had the financial resources to continue their pursuit of justice for 24 years, he may never have been returned.

Whether or not a country approves of the U.S. system of justice should not be a factor in the decision to return a convicted killer to the United States. For those countries receiving foreign aid, that point could not be more valid. I cross-referenced the list of nations who would receive aid in this year's Foreign Operations bill with the list of countries who do not have extradition treaties. The result was a distressing 65 countries. That means that the United States taxpayer dollar goes to 65 countries who have not taken the time to negotiate a treaty with the United States on extraditing violent criminals. That is unacceptable. The problem needs to be addressed.

An extradition treaty is not a matter of rocket science. It is a document typically no longer than a few pages that establishes an agreement of cooperation in returning criminals.

The blame cannot be placed entirely on these countries. Our own Department of State needs to make negotiating extradition treaties a higher priority. Some of these nations are willing to come to the table and work with us, but the United States must also be willing to put forth the effort needed to get the job done. It is a mutually shared responsibility that we have put off for far too long.

For every Ira Einhorn there is another 3,000 cases that remain open. Families of these victims need closure. It is not right for the U.S. to willingly support countries who spit in the face of our system of justice.

Last Thursday, I introduced legislation that would reform international extradition. H.R. 2574 would put uncooperative nations on notice. This bill gives teeth to the Departments of State and Justice in requesting that a criminal be extradited. Right now, all we can say is "please," and most of the time that is insufficient.

H.R. 2574 would require the Department of State to submit a country by country report on outstanding extradition cases. The President would then, based on that report, submit to Congress a list of uncooperative countries. Those nations would then face the threat of sanctions, including a loss of U.S. foreign aid, refusal of visas to government officials visiting the U.S., and U.S. votes against the country in any international financial institution.

Mr. Chairman, I hope the gentleman can help with this in the future.

Mr. KOLBE. Reclaiming my time, the gentleman from Florida has certainly been a leader on this issue. I appreciate his calling this matter to our attention and highlighting it today. I look forward to working with him on ways that we can improve our extradition laws and will be sure to discuss this topic with any of the countries that come before our committee or approach me on receiving aid.

Mr. MILLER of Florida. I thank the gentleman. I hope we can get the Department of State to put this at a higher priority and we can continue to push this issue.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 25, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the bill from page 20, line 11, through page 25, line 2, is as follows:

(c) Of the funds appropriated under this title, not less than $82,500,000 should be made available for assistance for Georgia.

(d) Of the funds appropriated under this title, not less than $82,500,000 should be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Not more than 30 percent of the funds appropriated under this heading may be made available for assistance for any country in the region. Activities authorized under title V (nonproliferation and disarmament programs and activities) of the FREEDOM Support Act shall not be counted against the 30 percent limitation.

(g)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(h) Of the funds appropriated under this heading, not less than $45,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat infectious diseases, and for related activities.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $12,000,000.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $16,042,000: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $275,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2003.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $217,000,000, to remain available until expended: *Provided*, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That during fiscal year 2002, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, not more than $16,660,000 may be available for administrative expenses.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $676,000,000, to remain available until expended: *Provided*, That these funds are in addition to amounts otherwise available for such purposes and are available without regard to section 3204(b)(1)(B) of Public Law 106–246: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That of the funds appropriated under this heading, not more than $14,240,000 may be for administrative expenses.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONYERS:

Page 25, line 8, strike "these" and all that follows through the colon on line 13, and insert: section 3204(b) of Public Law 106–246 is amended by adding a new subsection (b)(3) as follows:

"(3) Further exception.—Notwithstanding paragraph (2), the limitation contained in paragraph (1)(B) may be waived (i) if the President certifies to the appropriate committees of the Congress that the aggregate ceiling of 800 United States personnel contained in paragraph (1) will not be exceeded by such waiver, and (ii) if Congress is informed of the extent to which the limitation under paragraph (1)(B) is exceeded by such certification.": *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading for assistance for Colombia: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations:

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very critical discussion that we are about to enter into involving the Andean Regional Initiative. When Plan Colombia was passed in the appropriations bill last year, Congress assured the public that we would not be getting into Colombia's 37-year-old civil war and there would be no mission creep. The goal of assistance to Colombia was to support counterdrug activities. Safeguards were put into Plan Colombia to prevent an escalation of U.S. involvement without congressional oversight, which included a 500-person U.S. military cap and a 300-person U.S. civilian contractor cap. Civilian contractors are those many ex-military people who work closely with the military although they are civilians.

Now, while the appropriations bill before us maintains the 500-person cap on military, it lifts the 300-person civilian contractor cap for Colombia under the Andean Regional Initiative. The current language would permit unlimited increases of U.S. civilian contractors without notifying Congress.

Now, thanks to so many people here on the committee, I have new admiration for the ranking member, the gentleman from Wisconsin (Mr. OBEY), and all of my friends on the other side, but particularly the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from Illinois (Ms. SCHAKOWSKY). We have reached an agreement. This amendment that we now have before us is an amendment in place of amendments 9 and 10 which creates safeguards against an unlimited increase in civilian contractors without congressional notification. The agreement reached would maintain an aggregate ceiling of 800 United States personnel in Colombia which consists of a 500-person cap on U.S. military personnel and 300 on U.S. civilian contractors.

Mr. Chairman, let me just give my colleagues the operative problem that we are working under. Ninety percent of the cocaine and 60 percent of the heroin that reaches the United States is produced in Colombia, and so this is very critical. We have several forces working down there. Besides the U.S. military, we have the Colombian military. Beside three rebel organizations, we have a reactionary paramilitary in Colombia which, once we get the Colombian army to lighten up, then we have the paramilitary coming in doing even more damage than the Colombian army was doing. And then we have our own private civilian contractors doing God knows what under the loose arrangements that we have.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, let me thank my colleague from Michigan for his leadership on this issue and actually my other colleague from

Michigan for his great leadership on this issue as well. I want to make sure that every Member understands the importance of this amendment.

The current law now limits the use of military personnel in Colombia to 500 people and civilian personnel to 300. In order to increase that number of civilian contract personnel, the President must first report to Congress and Congress would have to approve by passing a joint resolution. That is the current law right now.

The bill that then was before us without explanation would have revoked Congress' oversight authority entirely on this subject. But fortunately now we have the Conyers-Hoekstra-Schakowsky amendment that has been agreed to, a unanimous-consent amendment, that would restore the aggregate limit of 800 personnel in Colombia, that would maintain the 500 personnel cap for U.S. military and that would allow an increase of the 300 U.S. civilian contractors but only to the extent that the 500-person military cap has not been reached.

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Fortunately, this amendment still requires that a report be made, that Congress be informed if we are going to go beyond the 300.

My concern with the increase in contract personnel has been expressed many times. We all learned with dismay that two American civilians, Veronica Bowers and her infant daughter, Charity, were killed when the missionary plane they were in was shot down over Peru. What was even more shocking was that it became clear that the plane was first identified as suspicious by U.S. civilians working under contract for the CIA.

With all the shock and sadness came a lot of questions; but unfortunately, the CIA, the Department of State, and the private firms involved have not come forward to provide any answers. We also know that employees of these firms have been involved in gun battles in Colombia, some contract employees have died. I have recently found out that we are still employing one of the private firms implicated in the Iran Contra scandal. To me, it is clear we should not be employing private companies to carry out military activities in Colombia at all on behalf of the United States.

But this is not a debate about the use of contractors. Whether or not Members agree on the need for private military contractors or contractors to carry out other duties, Congress must maintain oversight responsibility and a limit for this very important aspect of U.S. policy.

I thank the sponsor of this amendment for maintaining those aspects of oversight and limitations.

The CHAIRMAN. Does the gentleman from Arizona (Mr. KOLBE) seek to control the time in opposition?

Mr. KOLBE. Mr. Chairman, I seek to control the time in opposition. I will take a page out of the book of the gentleman from Wisconsin (Mr. OBEY) and say at the moment I am opposed to the amendment, and will claim the time in opposition to it.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 20 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not expect to be in opposition to this amendment at the close of the time. I think it is important to take time to talk about this, because I think, frankly, there has been a lot of misinformation about this issue. I want to thank the gentleman from Michigan and the gentlewoman from Illinois for their efforts to work with us to find what I think is a reasonable compromise, which I will come back to very shortly here in talking about it.

There are two issues that are involved in this amendment. One is the cap on civilian contractors. That is section 3204(b)(1)(B) of public law 106-246. It refers to the cap on the number of civilian contractors that is a part of Plan Colombia funding that was enacted in the Emergency Supplemental Appropriations Bill in fiscal year 2000.

As part of the Plan Colombia supplemental, we put a cap both on military personnel and on civilian personnel. We did not want to get into another Vietnam. We wanted to try to avoid that, so this cap was placed specifically on there for that purpose. It was placed at a level of 500 persons on the military side and 300 on the civilian side.

The military personnel cap has not and is not an issue at all with this committee. We are not close to that, and there are no indications that we would ever reach that amount. The gentleman's amendment would combine the two caps, so the total number of personnel, military and civilian, cannot exceed 800.

Now, why is that important, that we give this greater flexibility by combining those two and making the total number of contractors in Colombia 800? The civilian contractors include those that are associated, of course, with the Department of Defense; but it also includes those that are in the State Department, the Agency for International Development, and the Departments of Justice, Commerce, Treasury and Customs.

The cap applies to all, and I want to repeat that, all U.S. contractors in Colombia. It also includes the search-and-rescue teams for U.S. spray planes. It includes the NGOs helping to improve civil society, including guaranteeing human rights for Colombians and assisting internally displaced persons.

Let me also point out I have been very disappointed in the pace of implementation of the alternative development plans in Colombia. I have been vocal about my concerns, and in our report we address this very specifically I think with some pretty strong language about the economic development and economic assistance side of the Plan Colombia and moving that forward. Less than 5 percent of the funds for judicial reform have been obligated, let alone spent. Less than 5 percent of the funds at USAID have been spent.

While I am extremely disappointed with the pace they have had, it is relevant to note those figures here now, because we do expect that to pick up very dramatically in the months ahead. We believe those funds are going to begin to flow here in the remainder of this fiscal year, and certainly in the beginning of the new fiscal year. These funds will be contracted out to the same civilian contractors that are limited in number by the cap.

Now, the civilian cap of 300 has not been approached to date. As of May 15, the number of civilian contractors in Colombia totalled 171. The number of civilian contractors has also remained steady for about the last 6 months. But with the delivery of the Blackhawk helicopters, and the first of them arrived this month, and the alternative development that is finally beginning to get going as we have been prodding USAID to get moving with that, the number of contractors in Colombia could very easily come close to or could exceed the number of 300 in fiscal year 2002.

For example, deliveries late this year and early next year of 12 new spray planes will require the use of civilian contractors for training and logistical assistance. Contractor support is also required in connection with the delivery of the Blackhawk and the Huey II helicopters in the next year. These are very complicated machinery; and they require a great deal of material and assistance, support, and personnel support, to maintain.

So I think that it is very likely that we could find ourselves bumping up against this cap just when we are talking about the maintenance personnel on the aircraft programs we have down there, not including anything we are trying to do in the civil society, in the justice programs and the other AID programs. So I think that it is very important that we give greater flexibility.

I am interested in seeing this work. I know there is disagreement about the Andean Initiative; but I think all of us, if we are going to spend the money, want to see it have some success. We cannot do that if we do not have the personnel there.

I again thank the gentleman for agreeing to this amendment to give this flexibility. I think the gentleman's amendment does give the flexibility that we need to give to the administration.

If I might, Mr. Chairman, let me take another minute to talk about the other issue, and that is the one where the gentleman from Michigan references section 482(b) of the Foreign Assistance Act. This is the one that prohibits the use of funds to buy arms except for arming of anti-narcotics aircraft, U.S. personnel or U.S. contractors.

Let me state this very clearly: our inclusion in the bill of a waiver of this provision, is not, repeat, not, a change in U.S. policy. There are no secrets that are being kept here. This same provision was in the legislation that was requested by the Clinton administration; it was in the law, the bill, that we passed in 2000, the supplemental appropriation legislation; it was requested again by the Bush administration this year; and it is included again by the subcommittee and the committee this year when we did our report.

So the provision is needed again by the administration in order to train Colombian army counternarcotics battalions that support and protect the eradication efforts. The exceptions provided in this section do not allow for this, and thus a waiver is needed again this year.

When Plan Colombia was introduced last year, a key to the Clinton administration proposal was the training and equipping of three Colombian counternarcotics battalions. The section 482(b) waiver was needed by the administration to complete these goals.

Of the $1.3 billion appropriated for Plan Colombia, $6 million was used to equip the battalions with guns and ammunition, less than ½ of 1 percent of the total funds provided for Plan Colombia.

So let me say one more time, the inclusion of this provision is not a change in policy. We have seen the waiver as a part of the law for over a year, and we have heard of no abuses of the authority in it. The success of the counternarcotics battalions is key to the success of Plan Colombia, what we now call the Andean initiative.

These battalions are a basic pillar of our policy to strengthen Colombia's ability to counter the drug traffickers, provide a safer environment for eradication efforts, and to protect development and the human rights for the non-governmental organizations that operate down there. We should not tie the hands of this administration just as Plan Colombia is getting started. Not only is this an eradication and interdiction effort, but it is also a chance to offer alternatives to the small farmers and the communities in southern Colombia, to strengthen their judicial system and provide human rights monitoring.

The gentleman's amendment does allow for that waiver, with notification; and I have no problem with the notification provision in there. Therefore, I would say that I will vote to accept the Conyers amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the gentleman from Michigan for offering this amendment and to explain why I think it is necessary. I have great misgivings about this entire Andean initiative. I think it is a dubious enterprise put together by someone who qualifies more to be permanent president of an Optimist Club than president of anything else. But, nonetheless, I think we have to work with what limited opportunities we have.

My misgivings about this program were expanded even more and magnified even more by one of the provisions in this bill which this amendment corrects. Last year, as part of an effort to ease the passage of this $1.3 billion initiative in the appropriations supplemental, the administration, then the Clinton administration, accepted the Byrd amendment, which limited overall personnel in the region to 800. This bill originally sought to eliminate that cap, and the amendment being offered by the gentleman from Michigan today restores that cap. I want to tell you why I think that is important.

When the Gulf of Tonkin Resolution came up back in the sixties, Senator Gaylord Nelson from my home State was determined to offer an amendment to the Gulf of Tonkin Resolution, which specified that that resolution would not be used in any way to inject troops into Vietnam. He was told by then Senator Bill Fulbright, chairman of the Foreign Affairs Committee, that Fulbright was convinced that there was no need for Nelson to offer that amendment, because President Johnson had assured Mr. Fulbright that he would never use the resolution for that purpose. So Nelson reluctantly agreed not to offer that amendment, preventing the use of that resolution as an excuse to inject American troops above the advisers that were then present. Everyone lived to regret it, except for about 50,000 Americans, who did not when they went to Vietnam.

That is why I think it is important to retain this cap. Better to be safe than sorry.

While I appreciate the gentleman from Arizona's indication that he did not believe this amendment was necessary in order to restrain the administration, I think it is always better for the Congress in instances like this to be safe, rather than sorry. It seems to me that I have only been around here 32 years, and in that time I have had plenty of occasions where I have seen administrations of both parties lie to me.

So, with all due respect to any administration, I would prefer to see the Congress retain its ability to keep us out of a mess. That is what I think this amendment seeks to do; and I hope, as we move to the Senate, we can tighten it even further.

I strongly believe that this Andean effort, while well-intentioned, is misguided and misdirected. I really believe if we want to deal with the drug problem, we will only win that problem by dealing with it here at home.

I firmly believe that every single dollar which we are committing to this effort would be much better spent to see to it that every single American who ought to be in a drug treatment program and is not in that program is afforded the opportunity to get into one of those programs.

To me, if we want to solve the problem of drugs, we will solve it in the end by dealing on the demand side of the ledger. If you can gain a little bonus on the interdiction side, so be it. But I can recall after chairing the Subcommittee on Foreign Operations for a number of years, being told by the deputy in charge of interdiction under President Reagan that in fact we did not during all of those years interdict more than 2 percent of the drugs that were aimed at entry into the United States. I hardly think that statistic, while it has improved somewhat these days, we are not exactly having a crashing success when it comes to interdiction; and I think in the end it would be better if we used money to reduce demand in our own society. But for the moment, we do not have the ability to do that because of the rule under which we are debating this bill.

Meanwhile, I think this is a good reasonable action, and I congratulate the gentleman for agreeing to this compromise. I want to express my appreciation to the gentleman from Arizona for accepting the compromise.

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Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, for the recent way that he and the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, and the gentleman from Michigan (Mr. HOEKSTRA) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) have all helped us come to what I think is an important part of this appropriations bill as any I can think of.

I would like the gentleman from Arizona (Mr. KOLBE) and his staff to join with me in examining something that Arianna Huffington has brought to our national attention. There are two reports, one from the Center for Public Integrity, which has found that the United States' antidrug money is frequently funneled through corrupt organizations in the Latin America side, sometimes it is the military, sometimes it is the paramilitary, sometimes it is their intelligence organizations; and that this money is really going nowhere and meeting none of the objectives that we voted on it for. In addition, it ends up frequently contributing to the violation of human rights. This cannot go on.

I have a lot of respect, growing respect for the people of Colombia who have to carry the burden of what their government is doing, what their army is doing, what the paramilitary is doing, what the rebel countries are doing, and it seems to me that we need to take a close look at this study to which I have referred.

The other study to which I refer is with much less enthusiasm, but I think it gives a telling message. Here we have the Rand Corporation, a wonderfully dedicated public sector organization commissioned by the United States Air Force to study this whole question of how we deal with the narcotics issue in Colombia. What was their recommendation? They said well, look, why do you not just cut out the pretense of the counternarcotics approach? Why do you not just get in the war and settle this thing and come to the direct assistance of the Colombian government?

For 37 years there has been a fierce civil war going on; 37 years, and their recommendation, because they were paid by the U.S. Government to study this, and their recommendation is, get in the war, help the Colombian Government put down the rebel organizations, of which there are three or more by this time, who hold and have held parts of this country under their command.

So we have to tiptoe through this set of tulips with great care. This is not a simple matter of sending over some "private contractors" to join in with our military. Remember, everything the private contractors do is a part of our military operation. They are armed. They are mostly veterans. They know what war is about. They are not there to practice peace. So it is very, very important that we recognize that we are being torn and tested by these two very different reports, one which was done by a nonprofit group, not at government expense, and the other was done, paid for by the U.S. Air Force that said, let us get in the war and really help our Colombian Government out.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time. I applaud the gentleman for bringing forward this amendment, and the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Arizona (Mr. KOLBE) for agreeing to this revised amendment.

I think, as the gentleman from Michigan has stated very effectively, it is important that Congress maintain its oversight and that it preserves our ability to review and monitor what the administration is doing, and in Plan Colombia, one of those measurements that Congress should keep its fingers on, are the number of contractors and the number of U.S. military personnel involved in this process. As the gentleman stated, when this plan was approved in the fiscal year 2001 supplemental appropriations bill, there were many of us that were concerned about "mission creep." These gaps were put in place to ensure that there would be no "mission creep" without congressional review and oversight. This amendment preserves that.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The amendment was agreed to.

AMENDMENT NO. 44 OFFERED BY MR. HOEKSTRA

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Mr. HOEKSTRA:

Page 25, line 16, insert before the period the following:

Provided further, That, of the funds appropriated under this heading, $65,000,000 shall not be available for obligation until (1) the Secretary of State submits to the Congress a full report on the incident of April 20, 2001, in which Veronica "Roni" Bowers and her 7-month old daughter, Charity, were needlessly killed when a Peruvian Air Force jet opened fire on their plane after the crew of another plane, owned by the Department of Defense and chartered by the Central Intelligence Agency, mistakenly targeted the plane to be potentially smuggling drugs in the Andean region; and (2) the Secretary of State, Secretary of Defense, and Director of Central Intelligence certify to the Congress, 30 days before any resumption of United States involvement in counter-narcotic flights and a force-down program that continues to permit the ability of the Peruvian Air Force to shoot down aircraft, that the force-down program will include enhanced safeguards and procedures to prevent the occurrence of any incident similar to the April 20, 2001, incident.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

Mr. KOLBE. Mr. Chairman, while I expect to change my position by the end of the debate, for the moment, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) will control the time in opposition.

The Chair recognizes the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, I yield myself such time as I may consume.

Let me explain the amendment, but before I do that, I would like to thank my colleagues on the other side of the aisle for agreeing to work with me on this amendment. I also want to thank the gentleman from Arizona (Mr. KOLBE), the chairman of the subcommittee, for working out an agreement that enables us to move forward and reach a compromise that I think we all feel very good about.

Let me explain my amendment. My amendment withholds $65 million from the $676 million in H.R. 2506 for the Andean counter-drug initiative for the Peruvian military and police forces until two things happen. First, the Secretary of State submits to Congress a full report on the incident of April 20, 2001; and secondly, that the Secretary of State, the Secretary of Defense, and the director of the Central Intelligence Agency certify to Congress 30 days before any resumption of the U.S. involvement in counter-narcotics flights in a force-down policy that permits the shooting down of an aircraft by the Peruvian Air Force until enhanced safeguards and procedures are in place to prevent any similar incidents from the April 20, 2001 event, that any incidents in the future would be prevented from occurring.

Let me explain what happened on April 20. On April 20, 2001, two American families engaged in missionary work in South America became innocent victims of our Nation's war on drugs. A young mother and her 7-year-old daughter were needlessly killed when a Peruvian Air Force jet opened fire on their plane which was returning her, her husband, and their two children to their missionary home after flying from Iquitos, Peru to obtain adoption papers for their daughter.

The pilot, who was seriously wounded in the shoot-down, amazingly was able to safely land the plane on the Amazon River, saving the lives of his other passengers and himself.

How did this tragedy happen? While we know a lot of details; unfortunately, at this point in time, Congress and the public have not yet been able to review the investigative report which is still being developed.

Basically, the Peruvian Air Force shot the missionary plane after another plane owned by the United States Department of Defense, chartered by the CIA, and staffed with U.S. Government "contractors" mistakenly targeted the missionary plane to be potentially smuggling drugs in the Andean region.

For several years now, the U.S. has been participating in a joint drug interdiction effort with Peru that has a force-down intercept program that permits the Peruvians to shoot down aircraft that our government identifies and targets. I have learned that there have been other concerns about certain actions of the Peruvian Air Force in the past. The kinds of concerns that could have and should have raised a red flag warning that tragedies such as this could occur.

With so many questions and concerns over obvious procedural, legal, and moral flaws with this type of policy, we have an obligation to review the information. We should review the findings before making a decision whether or not to continue funding our country's direct involvement in a counter-narcotics effort that permits the killing of innocent people and treats it as an acceptable loss. We should be having a serious debate on the merits of our country's participation in this type of force-down policy which, according to the State Department, is only permitted in two Andean countries.

I ask that my colleagues please remember what the real cost of this event has been: a young woman, a daughter, a wife, a mother, a friend, and a woman dedicated to sharing her faith with the people of Peru, along with her young adopted daughter, was killed.

There was no reason for this, there was no purpose, and there was no gain. This is only devastation laid on the doorstep of a family whose life was devoted to sharing the message of God.

As we consider the lives lost and forever altered by this event, we must consider the policy that led to the involvement of the United States. As a Congress, we must weigh our desire to stop the flow of drugs into this country against the need to keep innocent people, no matter what their country of origin, safe. We must carefully consider whether we should continue to embrace a policy that can and has resulted in unnecessary and unwarranted and unacceptable loss of life. As we reflect on the actual events, the policy that led to those events, and the reasons the policy contributed to these events, please do not forget we are talking about real people.

In a July 17, CNN article, a senior Bush administration official was quoted as follows: "We better ensure that the likelihood of this happening again is as close to zero as humanly possible." With the report, review and certification, we can move closer to ensuring that this never happens again.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume to say that I do not intend to oppose the gentleman's amendment. I understand that the intention of the amendment is to limit the funds, to withhold them until there are two conditions, which the gentleman has described, two conditions met by the administration.

There is no reason why the administration should not be willing to or able to meet these conditions. The gentleman is entitled to have a report, and the Members of Congress are entitled to have a report so that we know fully what happened in the tragic incident that the gentleman has described.

Secondly, before there ever is a resumption of this shoot-down policy, there needs to be adequate safeguards to make sure that this kind of tragic accident cannot occur again.

Let me take a moment of my time to discuss the merits of the United States program, assistance program in Peru, because I believe that cutting funds to Peru would be counterproductive in our drug eradication efforts and development assistance to our South American ally.

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I know that the administration is going to meet the conditions of the gentleman as soon as possible, but let me point out just last year this very bill included a provision limiting assistance to Peru until free and fair democratic elections took place. And they did, so I do not think it would be the intention of any Member of this body to respond now, after this important event has taken place in Peru, by responding and cutting off aid because of another incident that we are unhappy about.

They met the conditions that we asked them to do, and I do not think that we would want to cut off the aid to Peru, which is now emerging so strongly as a democracy.

Peru is the world's second largest producer of coca leaf and cocaine base. Peruvian traffickers transport the cocaine base to Colombia and Bolivia, where it is converted to cocaine. The alarming recent evidence of a surge in opium and poppy cultivation being established under the direction of Colombian traffickers should be a matter of concern to all of us.

Peru is a prime candidate for spillover effects from Colombia as our eradication efforts in Colombia are successful. But still, for a fifth year in a row, Peruvian coca cultivation declined, an estimated decline of 70 percent since 1995. So the U.S.-Peruvian interdiction program and the manual coca eradication program that is continuing has been a major factor in this reduction.

Our support of law enforcement efforts is complemented by an aggressive effort to establish an alternative development program for coca farmers in key coca growing areas to voluntarily reduce and eliminate coca cultivation. We are now seeing the private sector beginning to cooperate with the effort to create markets for new goods, primarily for coffee and for cacao.

Commitments to coca reduction have increased significantly, with communities coming forward demanding to participate in the program. Over 500 communities in Peru have agreed to a reduction in coca production and coca cultivation, and for the first time leaders of one entire geographic region, the 77 municipalities in San Martin, have agreed to eliminate coca production.

These are good news events that I described. This is progress that we are making; and, for that reason, I would think it would be a terrible mistake for us to cut off our program, our assistance to Peru altogether.

But because I believe that the conditions the gentleman from Michigan has suggested need to be met before we resume this program, I am certainly willing to withhold that aid until they can meet those conditions, as I understand that they are prepared to do. For that reason, I would vote to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was agreed to.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 75, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the bill from page 25, line 17, through page 75, line 16, is as follows:

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, contributions to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $715,000,000, which shall remain available until expended: *Provided*, That of the funds appropriated under this heading, not more than $15,000,000 may be available for administrative expenses: *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of the Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $15,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $311,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided further*, That of this amount not to exceed $14,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $6,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law: *Provided*, That these funds shall be subject to the regular notification procedures of the Committees on Appropriations.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $224,000,000, to remain available until expended: *Provided*, That of unobligated balances of funds available under this heading from prior year appropriations acts, not less than $25,000,000 may be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: *Provided further*, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $65,000,000, of which up to $1,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,627,000,000: *Provided*, That of the funds appropriated under this heading, not less than $2,040,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $535,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2002 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2001, whichever is later: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $35,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $348,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2002 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $135,000,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $82,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $803,400,000, to remain available until expended: *Provided*, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $10,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $10,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $103,017,050, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,991,500.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $196,000,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the United States Administrator of the Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading “Foreign Military Financing Program”, not to exceed $2,000 shall be available for entertainment expenses and not to exceed $150,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading “International Military Education and Training”, not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading “Trade and Development Agency”, not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for “Nonproliferation, Anti-terrorism, Demining and Related Programs”) pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by decree or military coup: *Provided*, That assistance may be resumed if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office or substantial progress has been made towards the holding of democratic elections.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 2002.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading “Assistance for Eastern Europe and the Baltic States”, shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for “Child Survival and Health Programs Fund”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Assistance for Eastern Europe and the Baltic States”, “Assistance for the Independent States of the Former Soviet Union”, “Economic Support Fund”, “Peacekeeping Operations”, “Operating Expenses of the United States Agency for International Development”, “Operating Expenses of the Agency for United States International Development Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Foreign Military Financing Program”, “International Military Education and Training”, “Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2003.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2001, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Sudan, Zimbabwe, Pakistan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to $16,000,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to $1,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this

Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or Sudan, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "Peace Corps", "International Military Education and Training", and "Foreign Military Financing Program", may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 526. Funds appropriated by this Act that are provided to the National Endowment for Democracy may be provided notwithstanding any other provision of law or regulation: *Provided*, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not to exceed $3,000,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country: *Provided further*, That funds made available pursuant to the authority of this section for programs, projects, and activities for the People's Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary

Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985: *Provided further*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; and the Bureau for Asia and the Near East: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) During fiscal year 2002, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for "Economic Support Fund", assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2002, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violate internationally recognized human rights.

EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

The CHAIRMAN. Are there amendments to that portion of the bill?

POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I would like to make a point of order that the language on page 75, lines 21 through 23, is not in order because it violates clause 21 of the House rules which prohibits legislation in an appropriation bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I wish to be heard.

The CHAIRMAN. The gentleman from Arizona is recognized.

Mr. KOLBE. Mr. Chairman, the Committee on International Relations is objecting to language in the bill that prevents authorization acts from earmarking previously appropriated funds.

The gentleman from New Jersey (Mr. SMITH) on behalf of the committee is objecting to language that has been carried in this bill for 3 years. I believe that the authorization committee should set policy and funding ceilings, but they should not be allowed to earmark appropriated funds or mandate minimum funding levels, either before or after we have enacted appropriations bills.

However, as a technical matter, it is correct that this language is legislative in nature, and I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and section 539 is stricken from the bill.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 107, line 10, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the bill from page 75, line 17, through page 107, line 10, is as follows:

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 541. To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 542. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 543. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 544. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 545. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 546. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 547. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 548. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 550. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 551. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 552. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 553. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.—

None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) Certification Required for Disbursement of Funds.—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) Definitions.—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

HAITI COAST GUARD

Sec. 554. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard: *Provided*, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

Sec. 555. (a) Prohibition of Funds.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) Waiver.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) Period of Application of Waiver.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

Sec. 556. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

DISCRIMINATION AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

Sec. 557. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

ASSISTANCE FOR THE MIDDLE EAST

Sec. 558. Of the funds appropriated in titles II and III of this Act under the headings "Economic Support Fund", "Foreign Military Financing Program", "International Military Education and Training", "Peacekeeping Operations", for refugees resettling in Israel under the heading "Migration and Refugee Assistance", and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading "Nonproliferation, Anti-Terrorism, Demining and Related Programs", not more than a total of $5,141,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: *Provided*, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2002 be made available for activities that, if funded under this Act, would be required to count against this ceiling: *Provided further*, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

Sec. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

Sec. 560. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance (except for assistance for basic education) for the Central Government of Cambodia.

FOREIGN MILITARY TRAINING REPORT

Sec. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2002, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2001 and 2002, including those proposed for fiscal year 2002. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

Sec. 562. (a) Of the funds made available under the heading "Nonproliferation, Antiterrorism, Demining and Related Programs", not to exceed $95,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as "KEDO"), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 15 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula;

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 15 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2003 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

(e) The final proviso under the heading "International Organizations and Programs" in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) is repealed.

PLO COMPLIANCE REPORT

SEC. 563. (a) REPORTING REQUIREMENT.—The President shall, at the time specified in subsection (b), submit a report to the Congress assessing the steps that the Palestine Liberation Organization (PLO), or the Palestinian Authority, as appropriate, has taken to comply with its 1993 commitments to renounce the use of terrorism and all other acts of violence and to assume responsibility over all PLO or Palestinian Authority elements and personnel in order to assure their compliance, prevent violations, and discipline violators, including the arrest and prosecution of individuals involved in acts of terror and violence. The President shall determine, based on such assessment, whether the PLO or the Palestinian Authority, as appropriate, has substantially complied with such commitments. If the President determines based on the assessment that such compliance has not occurred, then the President shall, for a period of time of not less than six months, impose one or more of the following sanctions:

(1) Notwithstanding any other provision of law, the President shall withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), and such section shall apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accords.

(2) The President shall designate the PLO, or one or more of its constituent groups (including Fatah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17) as a foreign terrorist organization, in accordance with section 219(a) of the Immigration and Nationality Act.

(3) United States assistance (except humanitarian assistance) shall not be provided for the West Bank and Gaza Program.

(b) SUBMISSION OF REPORT.—The report required under subsection (a) shall be transmitted not later than 60 days after the date of enactment of this Act and shall cover the period commencing June 13, 2001.

(c) UPDATE OF REPORT.—The President shall update the report submitted pursuant to subsection (a) as part of the next report required under the PLO Commitments Compliance Act of 1989 (title VIII of Public Law 101-246).

(d) WAIVER AUTHORITY.—The President may waive any or all of the sanctions imposed under subsection (a) if the President determines and reports to the appropriate committees of the Congress that such a waiver is in the national security interests of the United States.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 564. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 565. Notwithstanding any other provision of law, funds appropriated under the heading "Economic Support Fund" may be made available for programs benefiting the Iraqi people and to support efforts to bring about political transition in Iraq.

WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2002, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the headings "International Military Education and Training" and "Foreign Military Financing Program" may be made available for Indonesian Ministry of Defense or military personnel if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian Armed Forces and militia groups responsible for human rights violations in Indonesia and East Timor.

MAN AND THE BIOSPHERE

SEC. 569. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program.

TAIWAN REPORTING REQUIREMENT

SEC. 570. Not less than 30 days prior to the next round of arms talks between the United States and Taiwan, the President shall consult, on a classified basis, with appropriate Congressional leaders and committee chairmen and ranking members regarding the following matters:

(1) Taiwan's requests for purchase of defense articles and defense services during the pending round of arms talks;

(2) the Administration's assessment of the legitimate defense needs of Taiwan, in light of Taiwan's requests; and

(3) the decision-making process used by the Executive branch to consider those requests.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 571. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country that the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) Whenever the prohibition on assistance required under subsection (a) or (b) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 572. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), as amended, is further amended by striking "December 31, 2001" and inserting in lieu thereof "December 31, 2002".

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 573. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs", not more than $25,000,000 for fiscal year 2002 shall be available for the United Nations Population Fund (hereafter in this subsection referred to as the "UNFPA").

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2002 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

(d) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(1) Not later than February 15, 2002, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 574. (a) Information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that process relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

PROCUREMENT AND FINANCIAL MANAGEMENT REFORM

SEC. 575. (a) FUNDING CONDITIONS.—Of the funds made available under the heading "International Financial Institutions" in this Act, 10 percent of the United States portion or payment to such International Financial Institution shall be withheld by the Secretary of the Treasury, until the Secretary certifies to the Committees on Appropriations that, to the extent pertinent to its lending programs, the institution is—

(1) Implementing procedures for conducting annual audits by qualified independent auditors for all new investment lending;

(2) Implementing procedures for annual independent external audits of central bank financial statements for countries making use of International Monetary Fund resources under new arrangements or agreements with the Fund;

(3) Taking steps to establish an independent fraud and corruption investigative organization or office;

(4) Implementing a process to assess a recipient country's procurement and financial management capabilities including an analysis of the risks of corruption prior to initiating new investment lending; and

(5) Taking steps to fund and implement programs and policies to improve transparency and anti-corruption programs and procurement and financial management controls in recipient countries.

(b) REPORT.—The Secretary of the Treasury shall report on March 1, 2002 to the Committees on Appropriations on progress made by each International Financial Institution, and, to the extent pertinent to its lending programs, the International Monetary Fund, to fulfill the objectives identified in subsection (a) and on progress of the International Monetary Fund to implement procedures for annual independent external audits of central bank financial statements for countries making use of Fund resources under all new arrangements with the Fund.

(c) DEFINITIONS.—The term "International Financial Institutions" means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Inter-American Investment Corporation, the Enterprise for the Americas Multilateral Investment Fund, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the International Monetary Fund.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 576. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 577. Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of Public Law 106–113, as amended, is further amended by striking "years 2000 and 2001" and inserting in lieu thereof "years 2000, 2001, and 2002".

POINT OF ORDER

Mr. SMITH of New Jersey. Mr. Chairman, I make a point of order that the language on page 107, lines 11 through 17, is not in order because it violates clause 2 of rule XXI of the House rules which prohibits legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from Arizona (Mr. KOLBE) wish to be heard on the point of order?

Mr. KOLBE. No, Mr. Chairman.

The CHAIRMAN. The Chair finds that this provision directly amends existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and section 577 is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

WAR CRIMINALS

SEC. 578. (a) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, with the exception of humanitarian assistance and assistance for democratization, to any country, entity or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the Former Yugoslavia (the "Tribunal") all persons in their territory who have been publicly indicted by the Tribunal.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate committees of the Congress that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators, the provision of documents, and the surrender and transfer of publicly indicted indictees or assistance in their apprehension; and

(2) taking steps that are consistent with the Dayton Accords.

(c) The Secretary of State may waive the application of subsection (a) with respect to a country, entity, or municipality upon a written determination to the Committees on Appropriations of the House of Representatives and the Senate that provision of assistance that would otherwise be prohibited by that subsection is in the national interest of the United States.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment on behalf of the gentleman from Maryland (Mr. CARDIN) and myself.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SMITH of New Jersey:

Page 108, after line 20, insert the following:

SENSE OF THE CONGRESS RELATING TO COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

SEC. 579. (a) FINDINGS.—The Congress finds as follows:

(1) All member states of the United Nations have the legal obligation to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia.

(2) All parties to the General Framework Agreement for Peace in Bosnia and Herzegovina have the legal obligation to cooperate fully with the Tribunal in pending cases and investigations.

(3) The United States Congress continues to insist, as a condition for the receipt of foreign assistance, that all governments in the region cooperate fully with the Tribunal in pending cases and investigations.

(4) The United States Congress strongly supports the efforts of the Tribunal to bring those responsible for war crimes, crimes against humanity, and genocide in the former Yugoslavia to justice.

(5) Those authorities in Serbia and the Federal Republic of Yugoslavia responsible for the transfer of Slobodan Milosevic to the Tribunal at The Hague are congratulated.

(6) The governments of Croatia and Bosnia are congratulated for their cooperation with the Tribunal, particularly regarding the transfer of indictees to the Tribunal.

(7) At least 30 persons who have been indicted by the Tribunal remain at large, especially in the Republika Srpska entity of Bosnia-Herzegovina, including but not limited to Radovan Karadzic and Ratko Mladic.

(8) The Parliamentary Assembly of the Organization for Security and Cooperation in Europe recently adopted a resolution that emphasizes the importance of cooperation by member states with the Tribunal.

(b) SENSE OF CONGRESS.—It is the sense of Congress that:

(1) All governments, entities, and municipalities in the region, including but not limited to the Federal Republic of Yugoslavia, Serbia, and the Republika Srpska entity of Bosnia and Herzegovina, are strongly encouraged to cooperate fully and unreservedly with the International Criminal Tribunal for the Former Yugoslavia in pending cases and investigations.

(2) All governments, entities, and municipalities in the region should cooperate fully and unreservedly with the Tribunal, including (but not limited to) through—

(A) the immediate arrest, surrender, and transfer of all persons who have been indicted by the Tribunal but remain at large in the territory which they control; and

(B) full and direct access to Tribunal investigators to requested documents, archives, witnesses, mass grave sites, and any officials where necessary for the investigation and prosecution of crimes under the Tribunal's jurisdiction.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition, and I reserve a point of order against this amendment.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order, and will be recognized on the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH) for 10 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

This amendment, Mr. Chairman, underscores our resolve to bring to justice those responsible for war crimes, crimes against humanity, and genocide.

Sometimes some people wonder if it is really worth introducing this complex and complicating factor called justice into U.S. policy toward the region. Justice may be nice, they argue, but regional stability is what is really needed in the Balkans. Insisting on the prosecution of war crimes, they continue, certainly does not help in this regard, and if our European allies are not pushing this, why should we?

Mr. Chairman, in response, I ask that my colleagues make sure that time has not faded the horrific images of the Yugoslav conflict, images of prisoners interred in camps like Omarska, the mass graves of Vukovar, Srebrenica, and in recent weeks those uncovered in Serbia itself.

I would just say parenthetically on a trip the gentleman from Virginia (Mr. WOLF) and I made in the early months of the war against Croatia, we went to Osijek and Vukovar. We were there when it was surrounded by Serbian military snipers. There were MiGs flying overhead. We met with people inside of wine cellars who would not come out because every day snipers were just picking off innocent civilians, killing these people as they walked down the street, as they leveled one block after another.

The people who were in Vukovar Hospital, soon after we left, just months after we left when that city under siege was overtaken, were literally taken out and killed in a terrible, a horrible way, just shot and put into a mass grave.

So I would respectfully submit that we must remember those frightened, innocent peasants who we all saw the images of day in and day out on CNN fleeing over mountain passes with whatever they could carry. There were stories of snipers in Vukovar, in Sarajevo, in Mostar, in other cities, shooting anybody that crossed the street; or the militants lobbing shells at schools or kids who wrongfully hoped it would be safe enough to do a little sleigh riding in their hilly neighborhoods.

It is virtually impossible for us, I would submit, to comprehend what it is like for these people who did nothing wrong, who posed no threat to anyone, to have encountered such hostility and such hatred. We must never forget nor should we ever stop seeking justice for those who fled, for those who were tortured, for those who were raped repeatedly.

We had hearings, Mr. Chairman. The gentleman might recall in the Helsinki Commissions we brought in rape victims who, as a matter of state policy, the Serbian government and the Bosnian Serbs were trying to make an example of these women to break the back of those people in Serbia, in Bosnia. It was horrible to see the blank faces and the vacant look in their eyes, the look of pain, as they came forward to tell of their stories.

We must put ourselves in their shoes as we consider this amendment. We must stand there on the edge of that ditch and try to ponder the notion that these drunken people had their rifles pointed at their backs, and those sons and daughters and fathers and everyone else were killed. There needs to be an accounting.

We must remember that these culprits of these horrific crimes are today living their lives at large, mostly in the Republic of Srpska, and in Serbia as well.

As a matter of fact, a history of ancient hatreds is really a myth. They like to throw that out, that somehow this was just all of these animosities, generation after generation. Nothing was inevitable. This did not have to happen. Those responsible for this carnage need to be held to account, people like Karadzic, Mladic, and some 30 others who have already been indicted by the tribunal who are walking the streets free today. They need to be held to account.

Mr. Chairman, I offer this amendment. I know the chairman may raise a point of order. It does express our collective concerns as Democrats, Republicans, and Independents in favor of going forward and being as aggressive and attentive as we can be.

As I said at the outset, time should not fade these memories. As we learned from the Holocaust and the atrocities of Nazis, we hunt down until we bring to justice those who have committed these horrible acts.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

As the gentleman knows, we worked together to craft appropriate language regarding aid to Yugoslavia and its cooperation with the War Crimes Tribunal. The bill carries similar language to the fiscal year 2001 bill. It allows assistance to Serbia until March 30, 2002, at which time the Secretary of State must certify that Serbia is cooperating with the Tribunal, taking steps consistent with the Dayton Accords to limit financial cooperation with the Republic of Srpska, and is respecting minority rights.

The bill also carries separate language requiring that all countries cooperate with the international criminal tribunal or face penalties. We arrived at this language through negotiations with the chairman, and it enjoys the support of most members of the committee.

I understand and agree with the concerns addressed in the gentleman's amendment, and I am happy that the language included reflects many of those concerns. I am pleased to note that soon after our subcommittee marked up this bill former President Milosevic was turned over to the Tribunal.

Despite this historic event, I strongly support retaining this language. It recognizes the simple fact that many war criminals remain at large and that our assistance should continue to be conditioned to a great degree on continued cooperation with the Tribunal.

I thank the gentleman for his leadership on this issue.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I continue to reserve a point of order on this amendment, and I yield myself such time as I may consume.

Mr. Chairman, let me just say about this issue, I understand the concerns that people have, and it is one that I share. We want to make sure that war criminals are brought to justice. We want to make sure that we move in Serbia to help develop democracy in that region. These are not mutually exclusive, by any means. But sometimes the orbits may come into conflict.

We have two provisions in our bill relating to war criminals. Section 582 is a variation of last year's provision affecting Serbia. Section 578 is a streamlined replacement for the so-called Lautenburg amendment that applies to all countries in the Balkans.

That language, and I was just reading it the other day, it is pages and pages and pages in the bill that was so complicated it was just routinely waived. The committee recommendation this year I think is much more straightforward.

Regarding Serbia, last year's language prohibited most assistance to Serbia after March 31 of 2001 unless the President can certify, among other things, that Yugoslavia was cooperating with the War Crimes Tribunal in The Hague. Such a certification was made last year. We have received requests to continue and even to strengthen the language this year.

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Our recommendation continues the language largely unchanged from last year. I am not enthusiastic about doing that. We need to help the people of Serbia and the reformers in that country and the long struggle they have been facing to reform their society. Punishing them for not fulfilling every aspect of The Hague Tribunal's directives may not, and I think is not, positive in the long run. We want to help the democratic governments in the Balkans. We are not trying to hurt them. We are not trying to stunt their democratic growth.

The Hague Tribunal is part of an effort to promote democratic governments. We cannot sacrifice the future of democratic governments to the procedural niceties, however, of the tribunal. They need to work together. They need to go hand in hand. The tribunal needs to do its stuff, but the countries are not always going to find it possible to comply with every single thing that the tribunal might ask them.

But I think it is worth noting, as every Member of this body is well aware, that President Milosevic, the key war criminal we were insisting that Serbia send to the tribunal, has been sent to The Hague. That has caused an enormous political difficulty for the government in Serbia. Let us not underestimate the great difficulties the Serbian Government, both at the provincial level as well as at the national, the federation level, has had in dealing with this problem.

We also recognize that Croatia needs to send additional war criminals to The Hague. By bowing to international pressures, particularly pressure from the United States, the new democratic governments in the regions are facing tremendous risks, as we have been seeing with the political upheaval that has followed the transfer of President Milosevic to The Hague. So in our strong desire to have full compliance with the tribunal, I hope we do not end up hurting the very governments that we are trying to help.

So for that reason, I think this is bad legislation, a bad approach to the problem.

Mr. Chairman, I continue to reserve the balance of my time and also the point of order.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes, just to respond briefly. And I know a point of order is lodged against this, or will be shortly, but the language really does focus on all governments, entities, and municipalities in the region.

And, frankly, when we have a sense of impunity, and I know Kostunica and others are trying to do their part to try to rein in. While I was in Paris, at the OSCE parliamentary assembly, we had a very, very meaningful, as did other members of our delegation, meeting with the speaker of the parliament in Serbia. And I believe they really are serious about trying to rein in on the impunity that unfortunately was the modus operandi of Serbia for so long and the Republic of Yugoslavia.

This language tries to say we are on your side, we want to help rid, or at least get to justice, those people who have committed these terrible crimes, because they intimidate their own people. On day two of the bombing, one of the people who had come to our Helsinki Commission and had testified on behalf of free media, at a time when Milosevic had shut down S92, and other independent media, he was murdered right after the bombing began. He was shot dead gangland-style by the thugs of Slobodon Milosevic. Some of those same people are still walking the streets.

Otpor has come out, and they are naming names of police who have committed atrocities, putting themselves at considerable risk. So it seems to me that the more we encourage those democratic forces, and this is sense of the Congress language granted, the quicker they will get to a free and hopefully a robust democracy.

Let me just finally say, and I say to this my good friend the chairman, our hope is that we look very seriously at a police academy for the Republic of Yugoslavia. We met with General Ralston, our delegation, on our trip, and he made it very clear that the Kosovo Academy, which has now graduated some 4,000 police, really is the model for the region. It is the way we ought to be going.

If we want to exit and pull out NATO troops, U.S. troops, we need to have on the ground the kind of stability and transparency that a properly trained police academy with an emphasis on human rights can bring. And it seems to me that Bosnia and the Republic of Srpska and, of course, the Republic of Yugoslavia could benefit greatly from it. So I ask the amendment be supported by my colleagues.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time, and I make a point of order on the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and, therefore, violates clause 2 of rule XXI. That rule states in part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment proposes to state a legislative position. This is a sense of Congress, clearly states a legislative position, and therefore violates that part of the rule. And I would ask for a ruling of the Chair.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The amendment offered by the gentleman from New Jersey proposes to state a legislative position of the House. As such, the amendment constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

USER FEES

SEC. 579. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 580. Funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries.

HEAVILY INDEBTED POOR COUNTRIES TRUST FUND AUTHORIZATION

SEC. 581. Section 801(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429) is amended by striking "$435,000,000" and inserting "$600,000,000".

FUNDING FOR SERBIA

SEC. 582. (a) Funds appropriated by this Act may be made available for assistance for Serbia after March 31, 2002, if the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2002, the Secretary of the Treasury should instruct the United States executive directors to international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

IMPROVING GLOBAL HEALTH THROUGH SAFE INJECTIONS

SEC. 583. (a) In carrying out immunization programs and other programs for the prevention, treatment, and control of infectious diseases, including tuberculosis, HIV and AIDS, polio, and malaria, the Administrator of the United States Agency for International Development, in coordination with the Centers for Disease Control and Prevention, the National Institutes of Health, national and local governments, and other organizations, such as the World Health Organization and the United Nations Children's

Fund, shall develop and implement effective strategies to improve injection safety, including eliminating unnecessary injections, promoting the availability and use of single-use auto-disable needles and syringes and other safe injection technologies, strengthening the procedures for proper needle and syringe disposal, and improving the education and information provided to the public and to health professionals.

(b) Not later than March 31, 2002, the Administrator of the United States Agency for International Development shall transmit to the Congress a report on the implementation of subsection (a).

EL SALVADOR RECONSTRUCTION

SEC. 584. During fiscal year 2002, not less than $100,000,000 shall be made available for rehabilitation and reconstruction assistance for El Salvador: *Provided*, That such funds shall be derived as follows: (1) from funds appropriated by this Act, not less than $65,000,000, of which not less than $25,000,000 shall be from funds appropriated under the heading "Economic Support Fund", not to exceed $25,000,000 shall be from funds appropriated under the heading "International Disaster Assistance", and not to exceed a total of $15,000,000 shall be from funds appropriated under the headings "Child Survival and Health Programs Fund" and "Development Assistance"; and (2) from funds appropriated under such headings for foreign operations, export financing, and related programs for fiscal year 1999 and prior years, not less than $35,000,000: *Provided further*, That none of the funds made available under this section may be obligated for nonproject assistance: *Provided further*, That prior to any obligation of funds made available under this section, the Administrator of the United States Agency for International Development (USAID) shall provide the Committees on Appropriations with a detailed report containing the amount of the proposed obligation and a description of the programs and projects, on a sector-by-sector basis, to be funded with such amount: *Provided further*, That of the funds made available under this heading, up to $2,500,000 may be used for administrative expenses, including auditing costs, of USAID.

AMENDMENT NO. 11 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer amendment No. 11.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. CONYERS: Page 112, after line 22, insert the following:

PROHIBITION ON AERIAL SPRAYING EFFORTS TO ERADICATE ILLICIT CROPS IN COLOMBIA

SEC. . None of the funds made available in this Act under the heading "DEPARTMENT OF STATE–INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" or "DEPARTMENT OF STATE–ANDEAN COUNTERDRUG INITIATIVE" may be used for aerial spraying efforts to eradicate illicit crops in Colombia.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 10 minutes.

Does the gentleman from Arizona (Mr. KOLBE) wish to control the time in opposition?

Mr. KOLBE. Mr. Chairman, I seek to control the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS) for 10 minutes.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, this amendment is exceedingly uncomplicated. It calls for the prohibition of aerial spraying efforts in Colombia in an attempt to eradicate illicit crops. We are offering this amendment because this program and this part of our Plan Colombia Andean Initiative has been spectacularly unsuccessful.

We have a number of photographs that I just want to bring to my colleagues' attention. The picture of the baby was taken by an American photographer, Angeline Rudd, was taken on a delegation that she went on to Colombia in March of this year. The little child was caught under the aerial spray and the rash is a result of the exposure to the herbicide. The photos of cows grazing in a typical pasture in Putumayo were taken January 2001 by Paul Dix, professional photographer from this country. And the next picture, several days later, shows a cow, a dead cow that had grazed on a pasture that had been sprayed with our defoliant of choice, Roundup.

This cow and others had failed to notice a warning Monsanto had issued against grazing livestock within 30 days in fields that have been sprayed with Roundup, the chemical used in aerial fumigation.

Now, here is the problem. I pose no preference of how we take care of the eradication of drugs, coca crops; but the problem, if we destroy farmer's crops before we have gotten to the agricultural alternative, guess what happens to the farmers? Okay, this is not complicated, my colleagues. No military background required or not much agricultural background either. All we do is watch and see what happens as a result.

As results-oriented people, we cannot be destroying poor farmers' crops, who then either have to, one, go further into the rain forest, clearing virgin forest for more coca crops, which destabilizes the ecosystem; or they join the 2 million or more internal refugees in Colombia, who usually end up in the cities; or they join the largest employers in the region, the right-wing paramilitary or the left-wing guerrillas, if they do not get killed in a war between both of them, who are trying to control more land. Not a pleasant picture.

And so supply-side eradication has a lot in common with its namesake, supply-side economics.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Michigan for calling this to the attention of the House and to agree with him in saying that aerial fumigation is not going to solve Latin America's poverty problem, it sure is not going to deal with the drug addiction problems here at home; but what it is accomplishing is it is ruining farmers' land, it is damaging the health of farming families, and it is damaging their livestock.

Surely the work that is being suggested by many leaders, which is basically a manual inspection of crops, is preferable to an aerial fumigation that wreaks havoc on land and human health. So I want to thank the gentleman for his attention to this and indicate my support for those efforts.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I believe the gentleman from Michigan has raised a very important point for us to ponder. Unfortunately, we kind of find ourselves as a body in a "darned if you do and darned if you don't situation." Because there are areas that have been reported to us that the best way to get to them is through aerial fumigation, and I think the gentleman knows that.

But it is certainly not the intent of our Congress to hurt children, hurt livestock, hurt crops and do inadvertent harm to the population of these countries. I am not sure what the solution is, but I do want to say there is a reason that we are doing this aerial fumigation, as the learned gentleman knows. And I want to say that as a member of the committee, and I am with the chairman on this, we want to work with the gentleman on this in any way we can, and I appreciate the gentleman bringing it up.

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Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, has the gentleman ever heard of manual destruction of the crops as a process?

Mr. KINGSTON. Reclaiming my time, yes. Unfortunately, some of the reports say in a high, mountainous remote area, the best way to get to them is from the air because of the resistance.

I do agree that manual destruction is superior. One thing the gentleman has not mentioned is the pollution to the water that comes downstream when these agents are applied. We do need to continue to work this thing through, and figure out the best way to destroy the crops.

Mr. CONYERS. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Illinois (Ms. Schakowsky).

Ms. SCHAKOWSKY. Mr. Chairman, in February I had an opportunity to go to Colombia along with the gentleman from Massachusetts (Mr. McGOVERN), and we met with all 12 mayors from Putumayo; and they had one message, please stop the fumigation.

The next day we went along with Ambassador Anne Patterson to Putumayo, and we met with impoverished farmers whose legal crops had been destroyed by U.S. fumigation planes. We heard from Colombians whose children suffered from severe rashes after being sprayed.

Mr. Chairman, after the birth of my granddaughter yesterday, I am particularly sensitive to the picture of the baby shown by the gentleman from Michigan (Mr. CONYERS), and the problems caused to children. I saw some of those children.

It was reported to us that local drinking water sources were contaminated from fumigation, as were fish farms. This testimony was news to Ambassador Patterson, who agreed that more research on the human health effects of the fumigation is needed.

So many of those suffering under our policy are the poor, working families not involved in the coca trade. Those who admitted to us that they grew coca also had compelling arguments for a different strategy to eradicate the crop. They informed us that their plots were sprayed, and they would simply move into the jungle, damaging more fragile habitat, and still producing the product. Others said they would continue to grow coca because Colombian and U.S. government promises to provide alternative development and support and food aid yielded no results.

All of the democratically elected mayors from the southern region came to Washington, and they said, Let us use manual eradication, as we have done in Peru in order to successfully get rid of coca. They want to get rid of coca, too, but they want support for economic development and alternatives without the coca.

The gentleman from Michigan (Mr. CONYERS) mentioned Monsanto's Roundup. On the label it says when used in the United States, "It is a violation of Federal law to use this product in any manner inconsistent with its labeling. Do not apply the product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application."

Entire communities have been sprayed in Colombia. We see livestock, we see crops, we see water, we see children being sprayed. It is time for us to end this policy.

Mr. Chairman, even one of the companies that benefits from Roundup, ICI, a British chemical company, announced 2 weeks ago it would no longer supply one of the ingredients to the chemical herbicide because, "it did not wish to be responsible for damage to humans, animals or the ecology of southern Colombia." If it is good enough for this company that wants to profit, it ought to be good enough for this Congress to say no more fumigation.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, the use of eradication aerial spraying in Colombia, while controversial, when put into overall perspective is not as alarming as many would have us believe. While I admire the objective of the gentleman who presented the amendment, the gentleman from Michigan (Mr. CONYERS), all of the coca eradication spraying sponsored by U.S. policy in Colombia combined uses less than 10 percent of the Roundup herbicide used overall each year in that same nation for their legitimate farming and other usual eradication uses. That same herbicide, Roundup, long licensed since 1993 by our own EPA for use here in our own Nation, is used safely as well in many other areas of legitimate agricultural production in Colombia. In fact, the drug producers themselves often use this same herbicide to keep weeds down around the illicit coca bush to be eradicated by our spray planes.

The real environmental damage is done by the drug producers who slash and burn the Amazon jungle to plant coca and opium, and then pour tons of chemicals into the rivers from their illicit laboratories.

Mr. Chairman, there is no other alternative but to help Colombia. We must work with them to improve their military's human rights records, which concerns all of us. And as to the manual eradication idea in Colombia, the narcoterrorists will not let that happen. Just last year, for example, when record levels of both opium and coca were aerially eradicated by the anti-drug police, there was not one allegation of human rights abuse against the anti-drug unit, as I pointed out earlier today. It is a record we and they can be justly very proud of, especially in the middle of a raging civil war, a war that is often financed by the illicit drug monies.

Mr. Chairman, I urge the defeat of this amendment. It is a misguided proposal to end aerial eradication of coca growth.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, has the gentleman from New York heard of Agent Orange in Vietnam and the aftereffects?

Mr. GILMAN. Yes, I am familiar with that, but Agent Orange is not the kind of spraying that they are using here. They are using Roundup that the farmers themselves use for their weeds. The farmers in Colombia use this Roundup themselves. We use it.

Mr. CONYERS. The gentleman from New York will endorse this brand, Roundup?

Mr. GILMAN. Well, apparently it is being used in our own country as well. The EPA has approved it.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

We have already stood and debated the record of implementation of Plan Colombia. One thing which is crystal clear is that programs designed to provide benefits of alternative development simply have not materialized.

Assistance is currently being delivered in only two of the 29 communities that have signed pacts to voluntarily eradicate coca. There are wide-ranging views about the effectiveness of aerial spraying, but no one disputes the fact that you cannot expect farmers to stop growing coca if there is no capacity to help them grow something else.

We have heard a lot of promises for improvement from the administration, but the fact is that we have been promising acceleration of the program since March, and we have seen very little progress in terms of additional communities actually receiving assistance.

Another basic concern is that there are no plans to set up alternative development programs in other regions of Colombia where they are spraying crops. In western portions of Colombia, for example, where many Afro-Colombians reside, spraying has occurred, and there are no alternative development programs and no plans to set them up.

This amendment simply says, let us take a time out to rethink our policy. Getting poor farmers to voluntarily and manually eradicate coca is the ultimate goal of the program. Should not we have programs in place that demonstrate the rewards of such courageous actions before we spray on such a wide scale?

In the rush to provide military assets and push into southern Colombia, we left out a critical part of the plan. The only thing we succeeded in was generating overwhelming public opposition and distrust in the regions being sprayed. Is that the path to a long-term solution? Will that muster the support of the local populations and governments?

This amendment would halt spraying in Colombia and would give planned alternative development programs time to mature and demonstrate success. If this were allowed to occur, it would speed eradication of coca and bring us closer to the ultimate goals of Plan Colombia which we all share.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume to insert into the RECORD a letter from a senator of the Colombian legislature, Rafael Orduz, who makes the case to the Congress to consider this problem that is being discussed and hopes that we can learn as much about it and the harms that are coming from it as we can so that we may be able to work together to make the Andean Initiative as successful as it possibly can be made.

Mr. Chairman, I think this is a good time for me to indicate that under consultation with the ranking members of both sides, I am going to soon ask unanimous consent to withdraw this amendment. I think the discussion has been important and I hope it will be useful for all parties.

BOGOTA, COLOMBIA,
July 23, 2001.

Congress of the United States of America

DEAR CONGRESSMEN: You are debating the budget that would finance anti-narcotics strategy in the framework of Plan Colombia for fiscal year 2001–2002. As a Colombian Senator it is my duty to express the concern of millions of Colombians regarding the continuation of chemical fumigations (using Round-Up) to eradicate illegal crops in Colombia. Three arguments for suspending fumigation should be considered: 1. The strategy is not productive. Since 1992, the year in which the use of Round-Up for fumigations in Colombia was adopted, the total area has expanded by 400 percent (40,000 hectares in 1992, 160,000 hectares in 2001). You should consider the cost-benefit relationship on behalf of your electorate. American taxpayers are financing an inefficient strategy.

2. Evidence exists of environmental damage from the application of the aerial fumigation. Legal crops meant to feed families are frequently fumigated and water sources are contaminated. The physical impossibility of acting with precision has led to the fumigation of agricultural projects financed with international technical cooperation. There are serious doubts regarding the effects of additives that are being used along with RoundUp (like Cosmoflux). I believe that given the uncertainty regarding environmental effects, in a society like that of the United Sated great caution would be exercised in deciding to fumigate without having in hand studies of environmental impact.

3. The fumigations have generated the forced displacement of thousands of families toward the large cities, on the one hand, and toward areas of the Amazon where the cultivation of illegal crops is expanding due to the absence of alternative agricultural development policies. In a context of armed conflict and forced displacement in which the State must seek a monopoly on the use of force [by] combating groups outside the law, the fumigations are an attack on the civilian populations, especially indigenous, Afro-Colombian and humbles peasant communities.

There exists in some sections of the Congress [of Colombia], for the reasons noted, the objective of reforming the anti-narcotics legislation. On the one hand, to de-criminalize the small producer with the objective of involving him in plans for alternative development and manual eradication of illegal crops, and on the other, to suspend the fumigations.

The Governors of the south of Colombia, elected by popular vote, have serious proposals for regional alternative development and reject the fumigations.

With other senators we have encouraged a public debate in Bogota for next July 31 on the inappropriateness of the fumigations.

Your collaboration is very important. The tragic business of narco-trafficking involves demand and supply. You must examine the hypothesis that each dollar invested in prevention and treatment of addictions is more cost-effective. It is very importance to attack the financial aspects of the business on the supply side, while manual eradication accompanied by plans for alternative development will be more efficient for combating narco-trafficking.

Cordially,

RAFAEL ORDUZ, *Senator.*

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, first I would like to thank the distinguished gentleman from Michigan (Mr. CONYERS) for his willingness to work together.

This is a tough issue. Nobody wants to have children or families damaged by any type of chemical eradication or any other sort of method of destroying drugs. It is important that we understand that this is not Agent Orange. This herbicide, the only one that is used in aerial eradication, actually our government uses less than 10 percent of what is used in Colombia. The remaining 90 percent is predominantly used to spray coffee and also for other agricultural products such as soybeans. It is used for weed control in plantations of fruit trees and bananas. It is also used in areas for sugar cane.

We do not not drink Colombian coffee, not use the fruit nor the soybeans nor the sugar cane from Colombia because it has been sprayed with these items, nor do the people in Colombia. Furthermore, the narco-people themselves use the same chemical to get rid of the weeds inside the poppy and the coca.

We need to look at the best way possible to use this, but it is not that the herbicide is dangerous. Yes, lawsuits can back off companies from offering it, and say that there are potential problems in any chemical. But 90 percent of this is used in Colombia for food products and it is also used by the heroin coca growers themselves.

There were also some comments made about alternative developments not being in many parts of Colombia. Alternative development is a very difficult issue. For example, in Bolivia where they do the hand eradication. Mr. Chairman, I have been down in Colombia at least five or six times and down in Peru multiple times and in Bolivia about four or five times. What we see in alternative development and in their eradication, they were able to do the hand eradication which is very expensive, but they were not getting shot at like in Colombia.

If you had agricultural extension agents in America who had to carry an Uzi, we probably would not have as many people willing to be an agricultural extension agent. We have to get some semblance of law and order.

It would be better if we can do hand eradication. It would be more expensive for us, more expensive for the Colombians, but first we have to have some sense of order on the ground or the people trying to do that manual eradication will be killed. They will be massacred.

□ 2015

We have to look for ways to do this.

Furthermore, I have met with different people representing all the regions of Colombia and in Peru and have seen projects, particularly in Bolivia and Peru, where alternative development is starting to work. This year's bill has $482 million for social, legal and alternative development projects. We have some in Plan Colombia.

The funny thing about last year's bill is it takes a while to build a helicopter. The helicopters are just getting there. The aid is just getting there to Colombia. If we can get the order, hopefully the alternative development and the social development can continue, and then we can look at other ways to deal with eradication if we can get a little bit of order.

One last story that I want to share, because it was a very unusual moment for me and several other Members. While we were waiting for Speaker HASTERT to come together with the rest of our delegation, we met a young man who had been with the FARC, and he had been collecting the dues from the agricultural growers. We asked him, just offhand, if he had ever killed anybody.

He said, "Yes."

We said, "Why?"

He said, "Because the man was late in his payment."

We said, "How did you kill him?"

He said, "I warned him twice. The man was late on his bill."

We said, "But how would you do something like that?"

He said, "Well, I tried to collect it twice. Then he and his son were eating in town, and I went up behind him with a gun and shot him in the back of the head. But he deserved to die. He hadn't paid his money to us."

That is the type of battle that we are in in Colombia because of our drug habits in America. We need to work on drug treatment, prevention, but we also need to help these people whose country is being overrun. We need to do it in a way that is safe for children and families. Hopefully, we can work together to do that.

Mr. KOLBE. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Wisconsin (Mr. OBEY), hoping that he will reserve a little time for me so I can respond to the gentleman from Michigan.

Mr. OBEY. Mr. Chairman, I appreciate it very much. I will only take 1 minute.

I want to illustrate something. What is this? That is the sound of one hand clapping. The only point the gentleman from Michigan is trying to make is that eradicating coca without giving farmers something else to do is not very effective. It produces the same results as one hand clapping.

All he is trying to suggest, I believe, is that if you want to continue the spraying, at least deliver the aid that we said would be delivered in a simultaneous fashion. Because if you do not you guarantee the failure of the program.

I thank the gentleman for yielding.

Mr. KOLBE. Reclaiming my time, Mr. Chairman, I think most of the points that need to be made about the eradication, the fumigation, the spraying program in Colombia have been made. There is only one that I would like to make before responding directly to the question or the comments that were made by the gentleman from Michigan, and that is that we have seen over and over again that unless we have this, I do not like to use the word hammer, but unless we have this leverage of this fumigation program, we have found that farmers do not sign up for the alternative development programs.

I was down there. Time and again we found this to be the case. Once you were serious and showed that you were ready, prepared to fumigate, then the farmers were ready to sign up for the alternative economic development. Without that, you really do not have much leverage to get them involved in the program. I think there is a good reason why we really need to have the fumigation program.

Having said that, let me just say to the gentleman from Michigan that I am as concerned as he is about the alternative economic assistance programs down there. When we were there in the Putumayo region in Puerto Asis, we heard over and over again from farmers that the fumigation is going on and they are not getting the kind of economic assistance that had been promised to them.

The message that we left with our USAID people down there and that we have conveyed to them since we have been back here is that those programs must go apace, they must go along with this. You cannot have the fumigation, you cannot have the spraying if you do not give people some alternative of something they can do. In response to the fumigation, as an alternative for it, they need to have some kind of economic livelihood that they can pursue in these regions.

So I would say to the gentleman that I quite agree with him, that it is absolutely imperative, absolutely important that the money that we have set aside, which is substantial in this bill, half of the money is set aside for alternative economic development in this region, that that money be set aside and that they use that money, they contract with the contractors they have available down there, they get this money into the region and that we do the alternative economic assistance. It is absolutely imperative that we do that. Without that, our credibility is nil. We may have sprayed the area, but we have not given the people any basis on which they can rebuild an economic life for themselves. I quite agree with the gentleman.

Mr. CARDIN. Mr. Chairman, I rise today to offer a bipartisan amendment, on behalf of three members of the Helsinki Commission, which expresses the sense of Congress that all governments should cooperate fully and unreservedly with the International Criminal Tribunal for the Former Yugoslavia.

My amendment congratulates the governments of Serbia, the Federal Republic of Yugoslavia, Croatia and Bosnia for their cooperation to date with the Tribunal. I particularly want to commend those authorities in Serbia and the Federal Republic of Yugoslavia that were responsible for the transfer of Slobodan Milosevic to the Hague.

My amendment also states that much work remains to be done in cooperation with the Tribunal. At least 30 persons who have been indicted by the Tribunal remain at large, especially in the Republika Srpska entity of Bosnia-Herzegovina, including but not limited to Radovan Karadzic and Ratko Mladic.

The amendment also calls on all governments, entities, and municipalities in the region to cooperate fully and unreservedly with the Tribunal, including, but not limited to:

(1) the immediate arrest, surrender, and transfer of all persons who have been indicted by the Tribunal but remain at large in the territory which they control; and

(2) full and direct access to Tribunal investigators to requested documents, archives, witnesses, mass grave sites, and any officials where necessary for the investigation and prosecution of crimes under the Tribunal's jurisdiction.

In our deliberation over the years, including here in the House of Representatives, we have repeatedly focused on war crimes, crimes against humanity and genocide in the former Yugoslavia, as well as the need to bring those responsible for these crimes to justice.

The presence of Slobodan Milosevic in The Hague is the most significant development in this ongoing effort. I want to congratulate the Prime Minister of Yugoslavia and local Serbian officials for their courageous leadership in making this possible. We have also recently seen steps taken by the governments of Croatia and Bosnia to turn over military indictees. These are all very positive developments. It is, however, not the end of the story. Trials still need to take place, and there are still at least 30 persons, perhaps more, who have been indicted by the international tribunal but remain at large, especially in the Republika Srpska entity of Bosnia-Herzegovina. These indictees need to be apprehended and transferred to the Hague. Just as importantly, access to archives and officials, particularly in Belgrade, still need to be granted so that the whole story can be told. We must be relentless in pursuing these objectives, for three basic reasons.

First, there must be justice for the sake of justice.

Debates in this House and in other capitals around the world too often focus on the prosecution of these crimes as a foreign policy tool while the criminal acts themselves become distant memories if not forgotten events. Let me give you just two examples.

In Croatia during the second half of November 1991—almost ten years ago—about 260 men were removed from the Vukovar hospital after the city's surrender, driven to the nearby Ovcara farm, beaten, executed and buried in a mass grave. These were real people, and this was an abomination. Six years ago this July, the UN safe haven of Srebrenica in Bosnia was over-run. Thousands were captured or tracked down, again real people who were executed in groups and buried in mass graves.

Anybody who argues for greater flexibility on cooperation with the Tribunal or that enough has been done to sideline the likes of Radovan Karadzic and Ratko Mladic and other indicated persons need to read the specifics of cases like these, and many others, and put themselves in the place of the victims before doing so.

Second, the truth will facilitate democracy.

I am convinced that those in Serbia who have advocated cooperation with the Tribunal, like their counterparts in Croatia and Bosnia, are not only doing a right and courageous thing for the victims of crimes being prosecuted by The Hague; they are also doing the right and patriotic thing for their own societies. These atrocities were the product not of history but primarily of a cruel and highly nationalistic leader named Milosevic and his murderous minions.

When collective guilt is wrongly assumed, therefore, it can be countered by cooperation with the Tribunal.

Third, these crimes could happen again.

I believe we all need to keep in mind that what has happened in the Balkans in the 1990s—in our time—is not unique to the Balkans or Africa, and it is wrong and chauvinistic to think otherwise. Sixty years ago, other societies found themselves wrapped up in hatred against others, leading to the Holocaust.

Can we not finally say, as we begin this new century, "Never Again"? None of us know with certainty the answer to that question. But we do know that by supporting the work of the International Criminal Tribunal for the former Yugoslavia the United States Congress has played an important role in protecting the national minorities around the world from such atrocities. Our voice was not silent—it was heard—and we have the right to demand "never again."

Let me also add that I am very pleased that earlier this month the Parliamentary Assembly of the Organization for Security and Cooperation in Europe adopted a resolution which calls on all member states to cooperate fully with the Tribunal. Recently I met with ICTY Chief Prosecutor Carla Del Ponte, and I am convinced that the U.S. Congress can play a vital role in encouraging governments in the region to cooperate with the Tribunal. Indeed, U.S. leadership is seen by European governments.

CONDITIONALITY

In the Balkans, October 5, 2000 brought the overthrow of Slobodan Milosevic's illegitimate regime, and a new chance for Serbia and Yugoslavia to turn away from war and nationanlism and embrace reforms that would lead them into a European future.

The victorious Democratic Opposition of Serbia (DOS) coalition further consolidated its gains by decisively defeating Milosevic loyalists in December's parliamentary elections. But the struggle for Serbia's reformers continued within the broad DOS coalition, as sizable and powerful elements of the coalition remained reluctant to abandon nationalism and expansive territorial aspirations.

Tensions between reformers and nationalists within the new FRY and Serbian governments have been most evident over the issue of compliance with the International Criminal Tribunal for the former Yugoslavia (ICTY). FRY President Vojislav Kostunica and other nationalists have argued vehemently against complying with this international obligation, claiming the ICTY has an anti-Serb bias, while reformers within DOS have claimed that compliance is important if Serbia is to break with its dark past, establish the rule of law, and lay the groundwork for economic recovery.

U.S. aid conditionality forced a confrontation on this issue through a threatened March 31, 2001 cutoff of American support tied to compliance with the ICTY, a severing of FRY military assistance to Bosnia's Republika Srpska entity, and improvements in human rights. This conditionality emboldened reformers and sparked a serious debate within Serbia over the difficult decisions that could determine the country's fate. Aid conditionality assisted those within the government who supported the freeing of many, but not all, of the remaining illegally held Kosovo Albanian prisoners, the issuance of a pledge to cut off support to the Bosnian Serb army by May 31, and the transferring of two indictees to The Hague, and finally, the arrest of Slobodan Milosevic. Milosevic was only transferred to the Hague on the eve of a decision by the U.S. Government to participate in a regional Donor's Conference.

I strongly support the Administration's commitment to continuing to condition U.S. aid. In our view, cooperation means a comprehensive and predictable process with regard to requests from the Tribunal, whether that be by transferring any and all indictees on its territory or by consistently honoring requests for access to witnesses (official and non), documents, archives, and mass grave sites. For any judicial institution, "cooperation" must be a comprehensive and predictable process, whereby good faith is consistently demonstrated.

In closing, I urge members to do the right thing on behalf of the victims, and on behalf of future generations of individuals who are subject to persecution based on ethnicity and religion, and vote "yes" on this amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I strongly support amendment offered by the Gentleman from New Jersey that would provide $30 million to protect and assist victims of trafficking and to help countries meet minimum standards for the elimination of such trafficking. This amendment and this money will demonstrate the United States' commitment to ending one of the worst human rights abuses.

It is estimated that 1,000,000 to 2,000,000 women are trafficked annually; half are between the ages of 5 and 15, and 50,000 of those women are transported into the United States. According to the United Nations, trafficking in women and girls is expected to surpass trafficking in drugs and guns as the world's leading illegal industry. Yet we spend billions to fight the illegal importation of drugs and almost nothing on these people who are regularly bought and sold for prostitution, illegal labor, bonded labor, servile marriage, sex tourism, pornography, and use in criminal activities. We take for granted that slavery is a terrible relic of the past, but for these millions of women, they live it every day.

Today, we have the opportunity to do something about this absolutely unacceptable practice. I urge my colleagues to join me in supporting funding to protect and assist victims of trafficking, and to help countries meet minimum standard for the elimination of such trafficking.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 34 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. SMITH of New Jersey:

Page 112, after line 22, insert the following:

FUNDING FOR TRAFFICKING VICTIMS PROTECTION ACT OF 2000

SEC. . (a) Of the amounts made available in this Act under the items "DEVELOPMENT ASSISTANCE", "ECONOMIC SUPPORT FUND", "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", "ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION", "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", and "MIGRATION AND REFUGEE ASSISTANCE"—

(1) $10,000,000 shall be made available for prevention of trafficking in persons, as authorized by section 106 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386);

(2) $10,000,000 shall be made available for the protection and assistance for victims of trafficking of persons, as authorized by section 107(a) of such Act; and

(3) $10,000,000 shall be made available to assist foreign countries to meet minimum standards for the elimination of trafficking, as authorized by section 134 of the Foreign Assistance Act of 1961.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Arizona (Mr. KOLBE) each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to offer this amendment along with my cosponsors, the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from California (Mr. LANTOS) and the gentleman from Pennsylvania (Mr. PITTS), to bring this Foreign Operations appropriations bill up to the funding level authorized by the Victims of Trafficking and Violence Protection Act, Public Law 106–386.

As the prime sponsor of Public Law 106–386, I just want to say I am absolutely determined to fully fund each and every provision of this landmark legislation. If we are serious about ending this modern slavery and assisting abused women and children, it is the least we can do.

Last week, Mr. Chairman, under the leadership of the gentleman from Virginia (Mr. WOLF), the Commerce-Justice-State appropriations bill fully funded the law enforcement provisions of the Victims of Trafficking and Violence Protection Act, including $10 million for victims services programs for victims of trafficking; $10 million for grants to reduce violent crimes against women on campus; $40 million for legal assistance for victims of violence; $7.5 million for education and training to end violence and abuse of women with disabilities; and $15 million for the Safe Havens for Children pilot program.

Mr. Chairman, as most Members already know, the Victims of Trafficking and Violence Protection Act represents a comprehensive effort to address the growing problem of trafficking in human beings, particularly women and children, into forced prostitution and other forms of slavery. This brutal form of transnational crime is a growing problem around the world. The United States is regrettably a significant receiving country. Indeed, the Central Intelligence Agency estimates that nearly 50,000 people are trafficked into the United States each and every year. Victims who have escaped tell us about the horrible conditions that they were forced to endure.

Just parenthetically, we have had hearings in our subcommittee. We have heard from the victims themselves and heard their terrible stories and heard their plea to do something. They tell us about the unspeakable acts that they often were subjected to.

Our amendment, Mr. Chairman, will help to fulfill the promise of the Victims of Trafficking and Violence Protection Act by appropriating the following amounts.

First, section 106 of Public Law 106–386 called for $10 million for prevention, and that is what this amendment does, prevention of trafficking through support for education and training programs so that potential victims will have the moral and material resources to resist the traffickers. This $10 million could include projects such as microcredit, which the United States already funds, so long as they are targeted at potential trafficking victims.

This amendment also provides $10 million for protection of trafficking victims who have been freed from their terrible bondage, fulfilling section 107 of Public Law 106-386. This money will help to pay for shelter care, rehabilitation and similar projects.

And section 108 of the law would be fully funded at $10 million for assistance to foreign governments who wish to reform their laws and practices to meet with the minimum standards established in section 108 for the elimination of trafficking set forth in the Act, again to help these countries punish the perpetrators and protect the victims of these awful crimes.

I encourage Members, if they have not, to look at the Victims of Trafficking and Violence Protection Act of 2000, the report that has just been issued by the State Department, with its tierage, tier 1, tier 2, and tier 3, where countries are named. Then there is a narrative about countries that are problems. Many of the countries are mentioned, but especially the tier 3 countries, those that really need to get their act together about what they might do in order to reform themselves.

Mr. Chairman, I want to make some observations about where this money will come from. This amendment does not mandate reductions in any particular program. It simply identifies six accounts out of which the State Department and AID is currently funding antitrafficking initiatives. I am told that the Department's unofficial estimate is that they currently spend between 13 and $15 million. It mandates that the total be increased to the levels authorized by the Trafficking Victims Protection Act. All told, these accounts include billions of dollars; and the Department and AID would need to find an additional $15 million to fully fulfill this legislation. This is not only doable, Mr. Chairman, it is a moral imperative.

Finally, Mr. Chairman, I would like to be very clear about the reasons for inclusion of the Migration and Refugee Account in this amendment. The refugee account is woefully underfunded. In real dollars we spend substantially less on refugee protection than we did 6 or 7 years ago. It also exists for a particular purpose, protection and assistance to refugees and other persons of similar concern.

The sponsors of this amendment have absolutely no intention that the State Department or AID should begin funding law enforcement assistance or development assistance projects out of the refugee account. However, certain antitrafficking initiatives such as grants to the International Organization for Migration for the purposes of reintegrating returned trafficking victims who have voluntarily returned to their home countries may legitimately be funded out of the Migration and Refugee Account.

My understanding is that the current amount of such funds is about $1.5 million, and the intention of this amendment is that antitrafficking expenditures from the account should remain in that range until new money is found in the Migration and Refugee Account, so as not to force further reductions in other urgent refugee protection projects.

Mr. Chairman, this bill, again which is a work in progress, currently provides $715 million for refugee protection. I would hope that we could up that amount of money. Of course, that is something that needs to be done in conference.

Let me just say, Mr. Chairman, that this amendment is bipartisan. I think it is needed. When we worked through the Victims of Trafficking and Violence Protection Act last year, we had many, many meetings with Members on both sides of the aisle and with our Senate counterparts working out these amounts. It is doable. It has good support from all of the NGOs that will provide these services. I ask for its support.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

I rise in strong support of this amendment which would increase our capacity to address one of the most egregious violations of human rights around the world. The State Department's recent report on trafficking has confirmed the bleakness of the situation. Each year at least 700,000 people are trafficked across international borders. The vast majority of these are women and children, and most victims are forced into what can reasonably be labeled as modern day slavery.

□ 2030

They work in sweatshops and brothels. They live in squalid quarters, and they are stripped of their most basic human rights.

Trafficking is not someone else's problem, and it is not a problem affecting only the developing world or only countries with political and social instability. Between 45,000 and 50,000 people are trafficked to our own country each year, and some of our closest friends in the international community have the most severe problems with trafficking in the world.

We can attack this problem in many ways. One is through direct investment in ending the practice of trafficking, apprehending those responsible, providing support for trafficking victims and assisting our allies with tackling the problem within their own borders. Any effective strategy, however, will recognize that the problem runs deeper than this. Trafficking is a symptom of poverty and instability, it is a symptom of the devaluation of girls and women in society, and it is the symptom of hopelessness. We must treat the symptom, but we must not neglect the disease.

I urge my colleagues to support not only increased funding to fight trafficking, but also increased funding for all of our development priorities.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as has been indicated by the gentleman from New Jersey and by the gentlewoman from New York, this amendment addresses some very serious concerns that this body has and that those of us in the United States have, the issues of trafficking in persons.

It is a problem that is generally dealt with through programs in the Department of Justice and in the State Department, and some of these programs are funded in this bill. But others, however, are not funded. They are funded through the Commerce, Justice, State and the Judiciary appropriations bill.

This amendment seeks to fully fund several authorization categories that are established in the Victims of Trafficking and Violence Protection Act of 2000. The problem is that those categories, which would become earmarks in our bill, do not coincide with any categories currently in use by the agencies. They are not used, as far as I can tell, but any Department or agency.

I am unable to obtain from the State Department any comprehensive listing of projects involving trafficking, either those now under way or those proposed for fiscal year 2002. The Agency for International Development cannot tell us what accounts it is using for what projects involving trafficking.

So, Mr. Chairman, I oppose this amendment in its present form on principle, as well as I think very practical grounds. I would point out that I think the amendment creates a bureaucratic imbroglio for us. The $30 million is divided into three categories that are taken from six appropriation accounts. It will take a year or more to match projects with categories. To the extent that the fiscal year 2002 budget includes less than $30 million, someone has to designate the funding source for whatever additional proposals that can be mobilized.

I think this amendment is seriously flawed, while the intent I would concur with 100 percent. For that reason, I have serious problems with the amendment in its present form.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 1 minute, just to make the point to my good friend and colleague, the distinguished chairman of the subcommittee, that the victims of Trafficking and Violence Protection Act of 2000 is a new law. It was signed in late October by the President. It was the result of almost 2 years of work and working with our Senate colleagues, and it lays out criteria for the establishment of these programs, for example, prevention of trafficking, some of those programs to keep children, especially girls, in elementary and secondary schools, and to educate those persons who have been victims of trafficking.

We just got, even though it was due on June 1, as prescribed, the Department was late, but it was late because I think they wanted to do an adequate job because this is a very, very important piece of information about trafficking, so they were about a month late, but it lays out all of the different countries, tier one, tier two and tier three.

This is a work in progress in terms of what will the programs look like. We lay out criteria, and we want and we will demand that AID and the State Department faithfully fulfill this.

Programs are in the process of being created. This is not like something that came off the shelf. So the money, I believe, will be well spent. We could spend much more in order to try to mitigate this trafficking problem, but this is at least a good start.

Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in support of the Smith-Morella-Slaughter-Lantos amendment to streamline the Nation's efforts to combat the practice of human trafficking, and I associate myself with the comments that were just made by the gentleman from New Jersey (Mr. SMITH) in response to the comments of the great chairman, the gentleman from Arizona (Mr. KOLBE). I also want to thank him for his leadership, too.

Between 1 and 4 million individuals are trafficked against their will every year in, and are forced to work in, a form of servitude. The International Organization for Migration estimates that trafficking in human beings is a $5 billion to $7 billion a year industry worldwide. In some countries, such as those in Southeast Asia, between 2 and 14 percent of the gross domestic product is attributed to the trafficking of women.

Traffickers use deception, coercion, or debt bondage to extract worker services from these women, which include forced prostitution, domestic work, servile marriage, begging, or criminal activities. Trafficking in women and girls, principally for prostitution or other sexual exploitation, but also for forced labor, is the largest sector of human trafficking, and it appears to be growing.

The states of the former Soviet Union and Southeast Asia are principal sources of trafficked women, but women are taken from many developing countries where their vulnerability is rooted in poverty and in many cases their low social status. Shockingly, approximately 50,000 women and girls are trafficked into the United States annually, and, in response, Congress passed the Trafficking Victim Protection Act last year, with the help of the gentleman from New Jersey (Mr. SMITH), and it was signed into law. This legislation authorized more than $30 million to prevent trafficking by educating at-risk people and giving them alternatives, aiding victims of trafficking and helping law enforcement address this problem effectively.

I believe that this amount, coordinated by the Trafficking Task Force, which the bill also established, is an appropriate level to minimize the practice of trafficking. My concern, however, is because this funding is spread out in so many different parts of the budget, that it will not be effectively coordinated and will not have the greatest possible impact on the problem. This amendment, which effectively earmarks $30 million for prevention, protection, and assistance to foreign countries, passed the House last year with 371 votes.

The huge increase in human trafficking is a product of globalization and the growing ease with which many things move across borders, ranging from information to capital to goods. The question over whether to adopt this amendment is really one of priorities. I believe that working to end trafficking in humans is a very high priority for the United States, and I urge the Members to support this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, from 1861 to 1865, 500,000 American soldiers died in a war to end slavery. When the war ended, the 13th amendment was added to the Constitution to ban slavery forever from American soil. And yet it continues today.

Today's slaves are women and children, brought to America to work in brothels. They are here against their will, they are beaten into submission, they are trapped in a country they do not know and whose language they cannot speak. The Central Intelligence Agency tells us that 50,000 sex slaves are brought to America every year. Globally, the number is in the millions trafficked into prostitution.

Last year, Congress passed the Trafficking Victims Protection Act to do something about this continuation of slavery on American soil, and this law is being implemented as we speak. Now we need to make sure that the money is appropriated to implement this law. This amendment will give direction to the bureaucracy.

Mr. Chairman, I want to thank the gentleman from New Jersey (Mr. SMITH) for his leadership on this issue, and I call on my colleagues to pass this amendment so we can begin the process of eradicating slavery from American soil once and for all.

Mr. LANTOS. Mr. Chairman, this is a good amendment, and I hope the entire House adopts it. Trafficking is a huge problem, with some 3 million women and children being trafficked into sexual slavery and forced labor each year, with as many as 50,000 being trafficked into the United States each year. Last year, Congress addressed this problem by passing the landmark Trafficking Victims Protection Act of 2000, but that act only authorized funding through fiscal year 2002.

Now, we need to carry through with the commitments made in this Act. We need to fully fund the international programs related to these critical programs. I understand that in FY2000, more than $14 million dollars may have been spent to combat trafficking, and that there was some increase in these programs for FY2001. Fully funding last year's authorization of $30 million is a modest increase over last year in dollar terms, to reach out to tens of millions of potential victims, to help millions of actual victims, and to help prevent trafficking by increasing the capacity of foreign governments to address this growing crisis.

The U.S. must do its share on trafficking. But so do foreign governments. Last year, the Trafficking Victims Protection Act of 2001 provided that if countries did not meet certain minimum standards regarding trafficking in persons, U.S. non-humanitarian, non-trade foreign assistance would be cut off. In the Administration's first annual report on trafficking in persons, the State Department reported that 23 countries did not meet these standards, including many of our friends around the world. We have a duty to help those countries reach their minimum standards, as well as helping the million of victims around the world.

Some may call this amendment an earmark and argue against it. However, this amendment gives flexibility to the Administration by allowing the funding for trafficking to be drawn from a number of accounts. We do not intend, however, that funds be used for purposes other than those that were appropriated. For example, funds from the Migration and Refugee Account are to be used for reintegration and resettlement of trafficking victims into their home countries, as is being done today. In this connection, I note that I hope the Chairman and Ranking Member will make efforts to make further increases to the MRA account as the legislation moves forward.

Mr. Chairman, $30 million is not much money when you look at the magnitude of this problem, and we have given sufficient flexibility to allow the Administration to properly administer this provision. I ask that all members support the amendment.

Mrs. MALONEY of New York. Mr. Chairman, I join with my colleague from New Jersey in support of women and children around the world and rise in strong support of the Smith Amendment.

This amendment fulfills the promise for the Trafficking Victims Protection Act.

The exploitation of our world's women and children in trafficking is a tragic human rights offense.

Without the funds that this amendment provides, it is the victims of trafficking that will once again suffer.

Forced to work in slave labor conditions in factories, farms, and even brothels. Once these victims are freed from their prisons they are in desperate need of rehabilitation, health care, and shelter.

This amendment provides 10 million dollars in funds to pay for these services so that these women and children can return to having normal lives.

Traffickers often lure their victims with the promise of better jobs, increased opportunities, better lives. Instead of making this dream a reality, the victims are forced into a life of terror, violence, and fear.

This amendment provides 10 million dollars for education and training programs so that potential victims have the resources to resist the lies and schemes of traffickers. Prevention is a key component to combating this international human rights issue.

Mr. Speaker, this amendment is important to the fight against trafficking because not only does it provide funds to protect the victims, it also provides 10 million dollars in assistance to foreign governments who wish to change their laws and practices to meet with the minimum standards for the elimination of trafficking outlined in the Trafficking Victims Protection Act. We must work with our allies and friends to stop these predators from profiting from the victimization of women and children around the world.

Yes, there is much more we should do to prevent trafficking and punish the predators that profit from the exploitation of women and children.

This amendment is important because it provides continued support to trafficked victims. Making a significant difference in the lives of millions of women and children around the world.

Once again I commend my colleague for introducing this amendment. Let us continue to support the victims of trafficking, I urge a YES vote on the Smith Amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. SMITH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SMITH) will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 7 offered by Mr. BROWN of Ohio:
>
> At the end of the bill, insert after the last section (preceding the short title) the following new section:
>
> SEC. . None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of any good or service by a company that is under investigation for trade dumping by the International Trade Commission, or is subject to an anti-dumping duty order issued by the Department of Commerce.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

For what purpose does the gentleman from Arizona (Mr. KOLBE) arise?

Mr. KOLBE. Mr. Chairman, I seek the time in opposition to the amendment, and I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order against the amendment.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on December 19, 2000, the Export-Import Bank approved an $18 million loan guarantee to modernize and improve production at Benxi Iron and Steel, China.

The Department of Commerce has found Benxi's dumping margin on hot rolled carbon steel products to be 67 percent. So if it costs $100 to make and sell steel in China, they are selling it in the U.S. for $59. The Ex-Im Bank was urged against making this loan by former Secretary of Commerce Minetta and a bipartisan congressional coalition, but the Export-Import Bank still offered the loan guarantee to the Chinese company. The bank's action will increase the production of more steel in a world market which already has an excess raw steel production capacity of 270 million metric tons excess.

The last few years have been disastrous for the steel industry. Bankruptcy at, for instance, Ohio CSC, Republic Technologies and LTV were not caused by a crisis in the economy, but in fact demand for steel has been at record levels in recent years.

These problems were caused primarily by unfairly traded imports that have led the Department of Commerce to approve a number of anti-dumping orders on a variety of steel products. The issue of dumping has also been acknowledged by the administration's actions regarding the 201 investigation on steel.

Yet while we enforce laws against dumping, the Ex-Im Bank actually offers assistance to foreign manufacturers that threaten our companies. The ITC is also investigating cases concerning a wide range of industries from crude oil to textiles to agriculture.

The U.S. Government should prevent foreign producers from sending their dumped, illegal products into this market. Organizations such as the Ex-Im Bank should refrain from providing financial support to foreign companies that break the rules.

The Ex-Im Bank should not rush to offer U.S. funds to a foreign company that is cheating the U.S. economy. These companies that achieve assistance from the Nation's programs should not undermine the livelihood and future of our workers.

Today I have the privilege to be joined by the chairman of the Committee on Financial Services Subcommittee on International Monetary Policy and Trade, the gentleman from Nebraska (Mr. BEREUTER).

I would ask the gentleman from Nebraska (Mr. BEREUTER), his bill, if I could engage in a colloquy, H.R. 2517, reauthorizes the Ex-Im Bank. Does this legislation identify the concerns of the steel industry and address the issue of trade dumping?

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Yes, it does, Mr. Chairman. Section 16 of H.R. 2507 requires the Export-Import Bank to reassess its adverse economic impact test as a result of the $18 million Ex-Im Bank loan guarantee to the Benxi Iron & Steel Company and specifically references this bank transaction.

Currently the Ex-Im Bank has economic impact procedures which consider the potential negative impact on the U.S. economy of goods manufactured by the purchasers of the U.S. exports. However, it does not adequately consider indirect impacts.

Mr. BROWN of Ohio. Mr. Chairman, reclaiming my time, to whom will the Export-Import Bank be responsible in offering its findings?

Mr. BEREUTER. Again, if the gentleman will yield further, within 1 year after the date of enactment, the Export-Import Bank will have to submit a report on this reassessment to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate.

Mr. BROWN of Ohio. Mr. Chairman, reclaiming my time, can we expect this bill to be addressed in the near future?

Mr. BEREUTER. Mr. Chairman, if the gentleman will yield further, the

Export-Import Bank's authorization expires on September 30 of this year. The Subcommittee on International Monetary Policy and Trade and the Committee on Financial Services expect to mark up the bill and consider it on the floor before then.

Mr. BROWN of Ohio. Mr. Chairman, reclaiming my time, I would like to thank my colleague from Nebraska for offering his time. I join him in recognizing the importance that the U.S. cannot afford to promote the interests of companies that choose to break the rules on trade.

I especially appreciate the gentleman from Arizona (Chairman KOLBE) for giving us this time.

Mr. BEREUTER. Mr. Chairman, if the gentleman will yield further, if I may say, I commend the gentleman. It was a bad decision that needs to be reassessed. I appreciate his effort.

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Ohio (Mr. BROWN) is withdrawn.

There was no objection.

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AMENDMENT NO. 23 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 23 offered by Mr. KUCINICH:
>
> Page 112, after line 22, insert the following:
>
> BAN ON EXPORT-IMPORT BANK ASSISTANCE FOR CERTAIN TRANSACTIONS RELATING TO FOSSIL FUELS
>
> SEC. ___. None of the funds made available in this Act may be used for the provision by the Export-Import Bank of the United States of any kind of assistance for a limited recourse project or a long-term program involving oil and gas field development, a thermal powerplant, or a petrochemical plant or refinery.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 15 minutes.

Does the gentleman from Arizona (Mr. KOLBE) seek to control the time in opposition?

Mr. KOLBE. Mr. Chairman, I rise to seek the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 15 minutes.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, throughout the world, people are celebrating the leadership of many nations in coming to an understanding yesterday that global climate change is something that indeed must be dealt with and that the protocols which were worked out years ago in Kyoto are something that many nations want to move ahead with in order to meet the challenge of global warming. And, like many of my colleagues, I believe that the United States should take a leading role in fighting global warming.

Our country, with only 4 percent of the world's population, contributes one-quarter of the world's carbon dioxide emissions.

The administration has acknowledged that global warming is indeed occurring and that carbon dioxide emissions are a culprit. However, the administration refuses to support the Kyoto Treaty. It reasons that since the protocol does not apply to developing countries, then it should not apply to the U.S.

I do not agree with that logic. It is not logical, because the administration is financing fossil fuel projects in developing countries that actually contribute to complicating and worsening global warming. Not only does the administration oppose the global warming agreement because it does not require that developing countries make the same reductions as industrialized nations, but the administration is funding global warming and pollution projects in those same developing countries.

Through the Export-Import Bank, the United States provides subsidies to U.S. companies to create coal-fired power plants, oil refineries, oil pipelines, diesel generators, and a host of other projects that pour millions of tons of carbon dioxide in the atmosphere. In the last few years, these projects were created in developing countries like Angola, Algeria, India, Tunisia, Turkmenistan, China, Venezuela, and Chad. Some of these projects include an $88 million oil project in Angola by Halliburton Energy; a $134 million oil pipeline in Algeria; an $81 million coal-fired power plant in India; and several diesel generator sets for $19 million in Bahrain.

Last year, the Export-Import Bank spent $2 billion on fossil fuel projects. This amount represents 28 percent of the bank's entire budget. This is not an appropriate use for a significant chunk of the budget and, historically, the Export-Import Bank has not devoted such sizable resources to fossil fuel projects. The bank's spending on global warming projects skyrocketed last year from only 3 percent in 1999.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I really appreciate the gentleman's leadership in bringing this to the House's attention.

I just want to share with my colleagues why I think this is so important. Two weeks ago I was on the shores of the Arctic Ocean, the Arctic Wildlife Refuge where I was told that the ice under the Arctic has lost 50 percent of its depth due to global climate change; global warming, in the last several decades, 10 percent of the extent of the Arctic ice. I was told by the Denali rangers that the tree line on the tundra in the Denali National Park has moved north several miles just while they have been working there in the last decade and a half. The fact of the matter is, we are causing significant changes in the global climate system.

What have we received from the current administration in our ability to deal with this? Nothing. The leader of the Free World, the most technologically advanced society on Earth, the contributor of 25 percent of all of the carbon dioxide in the world, even though we have 4 percent of the population, and our administration, do we know what they offered us as leadership? Nothing in Bonn. As a result of that, we need, in Congress, to start showing some leadership on this subject. The gentleman from Ohio has brought an amendment that will, for one of the few times, one of the first times, ask us to consider one of our policy directives on how it contributes to global climate change.

Now, given the fact that global climate change is on us already, does it not make sense to have a better mix of funding, of financing of other energy programs, to have an increase in our research budget and financing for renewable energies for solar, for hydro, for wind, for geothermal and less for fossil-based fuels? That is the nature of this amendment.

I would suggest to my colleagues that in the next several years in this Chamber, because we are not getting leadership from the White House, it is up to us to do our job to scrub these budgets, to scrub our policy statements, and find a way to encourage the United States to be a leader in climate change.

Mr. Chairman, I appreciate the gentleman's efforts.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the amendment, and I think the record probably should be set straight on what the Export-Import Bank does with respect to fossil fuel plants. They are the only export credit agency in the world that calculates and records the carbon dioxide emissions for fossil fuel power plants. Of the major export credit agencies, Ex-Im Bank is the only one that has World Bank-equivalent environmental standards which includes or covers all of the emissions out of a power plant.

Beginning in 1997, the Ex-Im Bank assumed a leadership role among international export credit agencies on environmental issues. Ex-Im Bank stands as the only major export credit agency of the G–7 willing to decline support for a foreign project whose environmental effects cannot be adequately mitigated.

Ex-Im Bank is recognized internationally for its progressive environmental policy. Ex-Im Bank spearheaded U.S. Government efforts at recent G–8 summits to encourage leaders of other nations to require that their export credit agencies adopt effective environmental guidelines. The Ex-Im Bank offers enhanced financial support with its environmental export credit insurance and under its loan guarantee and medium-term insurance programs. Since 1995, the Export-Import Bank has supported $3 billion for environmentally beneficial U.S. exports and environmentally beneficial projects.

In addition to proactively encouraging U.S. companies to export environmentally friendly goods, Export-Import Bank has environmental review procedures to ensure that the projects that it supports are environmentally responsible. The Export-Import Bank provides environmental guidelines for industries ranging from logging to mining to hydropower to oil and gas development. If a project does not meet all Ex-Im environmental measures, the bank will work with the exporter to implement mitigation efforts.

Projects proposed are evaluated on the basis of air quality, water use and quality, waste management, natural hazards, ecology, socioeconomic and sociocultural framework, and noise. In short, the Export-Import Bank's environmental guidelines add significant value to the projects it finances. Emissions of project pollutants and effluents have been reduced, and ecological effects of the Bank-supported projects have been mitigated extensively.

Mr. Chairman, this agency is doing its job; it is setting the standard for the world. Therefore, I think this amendment is not needed. I urge its opposition.

Mr. KUCINICH. Mr. Chairman, I yield myself such time as I may consume.

The Export-Import Bank does have the authority to fund clean, efficient, renewable energy technology in order to make such projects affordable to developing countries. The amendment, I would like to point out, does not reduce funding to the Export-Import Bank, nor does it prohibit certain companies from asking for the Bank's support. The purpose of this amendment is merely to ensure that if the United States is going to underwrite energy projects, we are not aggravating the global warming problem.

Now, I would like to ask, for the purposes of a colloquy, the gentleman from Nebraska (Mr. BEREUTER) to kindly engage here a moment.

I think what we have been able to do on our side is to try to identify what is, unfortunately, a contribution of global climate change, not that that is the intention of the Export-Import Bank. I would agree with the gentleman that the Export-Import Bank does try to make contributions to these developing countries that would improve the quality of life. But is there anything that we can do that the gentleman would suggest as we move towards another year of relationship with the Export-Import Bank in the House of Representatives, would the gentleman suggest anything that we might be able to do that might serve to implement in a more finer way the guidelines which the Export-Import Bank does have which could encourage it to fund clean, efficient, and renewable energy technology?

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I appreciate the gentleman's question, and I would say this, and I would make this commitment as the subcommittee chairman during this Congress.

If we find that what the Export-Import Bank is doing is not giving proper assessment to fossil fuel power plants, then we could seek a legislative alternative, and we would examine the record on this in this respect. I would say as a way of trying to do that, this gentleman would certainly entertain as I think about it the possibility of a GAO study to see if, in fact, as an outside source, if the Export-Import Bank is exercising proper environmental procedures and review of fossil fuel plants.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, I thank the gentleman, and I would appreciate the gentleman's assistance in making this kind of an inquiry, because I think it would be helpful in terms of a policy direction that would, in fact, go towards sustainability and clean and renewable energy, and, in some ways, be of help to the United States in our dilemma to be able to meet the requirements of Kyoto.

Ms. LEE. Mr. Chairman, I rise to strike the last word.

I stand today in strong support of the Kucinich-Lee amendment that seeks to limit the Export-Import Bank's support of fossil fuel projects.

Global warming is happening.

In response to the President's request, the National Academy of Science has completed its latest study on the subject.

They concluded: "Greenhouse gases are accumulating in earth's atmosphere as a result of human activities . . . . Temperatures are, in fact, rising."

Their report goes on to say that "national policy decisions made now and in the longer-term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in this century."

The impact of these rising temperatures will be felt first and hardest in the developing world.

The Sahara is expanding. Pacific islands are disappearing beneath rising waters.

One of the criticisms of the Kyoto Protocol raised by President Bush and others is that the developing world is left out of the effort to reduce emissions.

At the same time, the Export-Import Bank is the largest public financier of fossil fuel projects, the leading culprit behind global warming.

We are bankrolling global climate change.

Instead, we should be investing at home and abroad in cleaner energy technologies.

Wind energy, for example, is a proven commercial success and a great candidate for further investment.

This last week the leading industrial nations of the world—except the United States—met at Bonn and agreed to take up the challenge of global climate change.

Because the U.S. has abandoned the Kyoto process, we did not have a seat at that table.

We must be leaders on climate change and we must begin by passing this amendment.

I urge you to support this amendment and to vote in favor of cleaner technologies and more consistent policies.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong opposition to this amendment.

What this amendment attempts to do is equate the valuable work of the Export-Import Bank with a fatally flawed provision of the Kyoto Protocol. This attempt is misleading at best, and at worst damaging to the developing world.

The production of energy is a fundamental element of economic development. The countries of the developing world need energy in order to raise the standard of living for their people and make progress in essential areas such as education and healthcare. Without energy, this progress is not possible. Unfortunately, this amendment would prohibit the Export-Import Bank from helping developing countries to address these important needs.

Mr. Chairman, fossil fuels remain essential to the production of energy and no amendment is going to change that reality. The fact of the matter is fossil fuels are the dominant source of energy in the world—and particularly in developing countries. According to the Energy Information Administration, in 1999, 85 percent of the world's energy production came from fossil fuels. If you exclude OECD countries, those which essentially exclude the industrialized world, that number increases to 92 percent. In essence, 92 percent of the energy produced in the developing world comes from fossil fuels.

Without fossil fuels, the majority of the world, and particularly the developing world, simply would not have energy. Without energy, mortality rates remain high, education remains low, and economic growth doesn't exist. Developing countries need energy and Ex-Im has an important role to play in meeting that need.

Unfortunately the sponsors of this amendment are misinformed. The Kyoto Protocol is fatally flawed because, among other reasons, it does not include rapidly industrializing nations like Mexico, Brazil, China, and India. These countries account for over 40 percent of the world's population. This has nothing to do with the Export-Import Bank.

Furthermore, the Kyoto Protocol is not based on sound science. The recently released National Academy of Sciences report on climate change has wrongly been characterized as proving the earth will continue to warm and that human-induced greenhouse gases are a significant culprit. The reality is, it does no such thing. In fact it uses the words "uncertain" and "uncertainty" 43 times in a 28-page report. On the very first page it states "current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments, either upward or downward."

When it comes to climate change, the only thing we know for sure is that there are too many gaps in our knowledge of global warming to commit to the Kyoto Protocol.

Mr. Chairman, this amendment is ill-advised and misleading. It would do nothing more than prevent the Export-Import Bank from helping to make progress in the developing world.

I urge all members of the House to oppose this amendment.

Mr. KUCINICH. Mr. Chairman, given the gentleman's gracious willingness to assist in this, I yield back the balance of my time, and I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Ohio (Mr. KUCINICH) is withdrawn.

AMENDMENT NO. 55 OFFERED BY MR. OSE

Mr. OSE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 55 offered by Mr. OSE:

Page 112, after line 22, insert the following:

PROHIBITION ON UNITED STATES CONTRIBUTION TO THE UNITED NATIONS INTERNATIONAL NARCOTICS CONTROL BOARD

SEC. . None of the funds appropriated by this Act may be used for a United States contribution to the United Nations International Narcotics Control Board.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. OSE) and a Member opposed each will control 10 minutes.

Does the gentleman from Arizona (Mr. KOLBE) seek to control the time in opposition?

Mr. KOLBE. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. OSE) for 10 minutes.

Mr. OSE. Mr. Chairman, I yield myself such time as I may consume.

I rise today to draw attention to an action taken by the United Nations this past May. While most of us are aware that the United States was not reelected to the United Nations Human Rights Commission, little attention has been paid to the fact that we were also removed from the International Narcotics Control Board. In fact, despite assurances from our allies that they would support the reelection of our ambassador to the board, he received just 2153 votes. This was a direct slap in the face from our so-called allies and friends at the U.N., especially considering our long history on the board and in support of the U.N.'s drug interdiction efforts.

The United States has been a founding member of the International Narcotics Control Board and now no longer serves there. The ambassador, our ambassador, was serving as vice-chair of the board and was considered a likely candidate to serve as its next chairman.

In addition to our long history, the U.S. is the single largest contributor to the U.N. drug control program, contributing $20 million in year 2000, which is more than the next three largest contributors combined.

□ 2100

The United States also contributes another $20 million to international organizations for drug programs. This does not even count our efforts in Colombia, the Andean region, or Mexico. When we total all of our international drug program spending, the United States spends over $1.2 billion on international drug efforts, on top of the $19.2 billion we spend on domestic drug control efforts.

In another slap, just as we were replaced on the Human Rights Commission by nations with horrid human rights records such as the Sudan, Syria and Cuba, the U.S. was removed from the International Narcotics Board and replaced by the Netherlands and Peru.

Let us look at this decision a little closer. On the actual website of the Embassy of the Netherlands, which is WWW.Netherlands-embassy.org, they have a statement regarding their commitment to keeping drug laws. Keep in mind, this was a country elected to the International Narcotics Control Board in our stead.

This is their statement. I am quoting directly here:

"The sale of small quantities of soft drugs in coffee shops (which are not allowed to sell alcohol) is therefore technically an offense, but prosecution proceedings are only instituted if the operator or owner of the shop does not meet [certain] criteria." The gentleman is correct, and our thinking is correct. Their own government web page clearly states they are not going to enforce their own drug laws.

The other country that was elected to take our spot, or elected to the International Narcotics Control Board, that is, Peru, has top officials, including their president, a top general, and a top diplomat who are all facing charges of conspiring with the very drug lords they had promised the United States they would fight against.

It is clear that both the Netherlands and Peru are our friend and allies. However, in this case I cannot believe that either is more qualified to serve on a board aimed at controlling illegal international narcotics than our country, the United States.

My amendment demonstrates that we do not take the fight against drugs lightly. It compounds the message we have sent here all day. Nor will we be deterred from our rightful goal of destroying the illegal international drug cartels.

When an organization such as the Narcotics Control Board denies the contribution that America has made to this fight by virtue of refusing to elect them to the Board, they are rejecting the knowledge and resources that the U.S. brings to the battle, and it is frankly only right that we take our resources and focus them elsewhere.

The purpose of my amendment is very straightforward. In addition to the dues that we pay, which come under a different appropriations bill for the U.N., in addition to the dues that we pay, the United States makes many voluntary contributions to United Nations organizations. My amendment would prohibit such voluntary contributions from being made to the International Narcotics Control Board.

This is not a unique request. There are limitations throughout this bill of a similar nature. On page 7, line 19; page 17, line 8; page 25, line 14; page 30, line 19; page 31, line 2; page 32, line 8. I could go on.

That section of the bill dealing with international organizations on page 40, line 1, places limitations on discretionary or voluntary contributions to international organizations similar in nature to the International Narcotics Control Board.

Frankly, it is my hope that our allies will hear our message, see the light, and again elect an American representative to the International Narcotics Control Board. In the meantime, if they do not want our participation, they surely would not want our money.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise a little bit in bewilderment about this amendment, and certainly not because I am against the spirit of it. The amendment, as the gentleman from California, my good friend, has pointed out, would prohibit the U.S. contribution to the United Nations International Narcotics Control Board.

Given what has happened to us there, I certainly do not think any of us would be opposed to that. After what happened last May when the United Nations Economic and Social Commission voted the United States off the U.N. International Narcotics Control Board, I think we would see good reason not to make any further contributions to it.

It is a deplorable event and one that I think has disappointed me, certainly as a representative of a border State where we have significant drug problems. We suffer along the border from the drug war and the trafficking that comes through our area.

But, having said that, Mr. Chairman, the U.N. International Narcotics Control Board is not funded in the foreign operations bill. Let me say that again. There are no monies in this bill for the United Nations International Narcotics Control Board. It is funded as a line item in the United Nations regular budget, which is funded under the Commerce-Justice-State appropriation bill in the amount of approximately $700,000.

So it has no effect whatever. The amendment has no effect whatever on the U.N. International Narcotics Control Board. It is a little bit like saying or bringing this amendment up in the D.C. appropriations bill and saying, but it is not funded here, and saying, well, that is okay, but if it were funded, we just want to make the point.

If that is what the gentleman is trying to do, if only it were funded here, we just want to make the point that we do not like it, all right. But let me make it very clear that this amendment I will not resist for the very simple reason that it does not have any impact whatever on the bill, but I just think that all the Members need to know this is not going to in any way impact the contributions we make to the International Narcotics Control Board.

Mr. Chairman, I reserve the balance of my time.

Mr. OSE. Mr. Chairman, I yield 4½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank the gentleman for yielding time to me. I support the amendment of the gentleman from California. I think it is a great amendment.

I am astonished and disgusted by the way our country has been treated by the other member countries of the United Nations. In 1964, the United States played a key role in establishing the U.N. International Narcotics Board. This board plays a crucial role in monitoring compliance with U.N. drug conventions on substance abuse and illegal trafficking.

This May we lost our seat. We were voted off the very board we helped to establish. We were voted off by the 54-member U.N. Economic and Social Council. Only 29 of these member countries thought the United States should maintain its rightful place on this important board. Instead, our former seat will be held by the Netherlands.

I have been told by those in the international community that this is just international politics as usual. I disagree. That is because anyone who reads the newspapers knows that Holland is to the drug Ecstacy what Colombia is to cocaine. Let us put our cards on the table. Eighty percent of the Ecstacy that makes its way to the United States is produced in the Netherlands, which is taking our place on the board that we created, or at least helped to create.

In fact, the United States government is considering adding Holland to the short list of decertified countries that are considered drug-producing or transit countries, joining the ranks of Afghanistan and Burma. These are the truths about Ecstacy. This summer, more than 750,000 Ecstacy tablets are being consumed each week in the New York-New Jersey area. The Star-Ledger in New Jersey just had a big article about it. The vast majority of these tablets come from, guess, Holland.

Newark International Airport, which borders my district in northern New Jersey, is the number one port of entry for this drug. Customs inspectors seize over 1 million Ecstacy pills and tablets smuggled into Newark International Airport. That is why it is personal to me as a parent and a grandparent from New Jersey. Those are our kids out there in clubs being introduced to this drug, and a country that is considered by our government to be the principal source of Ecstacy worldwide is not doing enough to stop it from coming to our shores.

Now this very same country sits on the international board that we helped create to put an end to illegal drug trafficking.

This is not a harmless drug. Long-term use causes severe brain damage. Even occasional use can result in heart rate and blood pressure problems as well as liver damage. The general perceptions of drugs coming out of this jungle or that mountain are washed away, our general perceptions. It is only what we know so far. God only knows what other studies will conclude in the years ahead about this recreational drug.

Holland, with its government's lax attitude towards illegal drugs, does little to stop the manufacture and the export of Ecstacy. That should not be a surprise, coming from the country that has needle parks and legal red light districts. Nevertheless, Holland will now sit on the International Narcotics Control Board in our former seat.

In this vote, the politics is personal. Please join me in supporting the amendment offered by the gentleman from California (Mr. OSE) to send a strong message to the U.N. and all of its member countries.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Georgia (Mr. KINGSTON), a member of the subcommittee.

Mr. KINGSTON. Mr. Chairman, I thank my beloved chairman for yielding this time to me in support of this amendment.

Mr. Chairman, I think that the gentleman from New Jersey has raised some very valid points about Ecstacy. I think that the gentleman from California has raised some very valid points about the U.N.

I think if we go back to last week we can see that on the Commerce-State-Justice bill the gentleman from Texas (Mr. PAUL), when he offered an amendment that said we do not wish to participate in the U.N. funding anymore, he got a lot of votes. I would love to say that at the U.N. people would have been watching the Paul amendment last week as many Members of Congress, and I think it was 50 to 60, voted to get out of the U.N. by not funding it anymore.

I say that I love the U.N., but the fact is that there is no adult supervision at the U.N. these days. They go off on their own tear, and bureaucrat A from country A talks to bureaucrat B from country B, and then they go to a committee and then they go to a subcommittee, and then they pass a resolution. Then they do an amendment, and then they add to their agenda. Then they go to lunch.

That is why the U.N. is not as effective as it should be. It is not as respected as it should be, because of silly and foolish actions. Can Members imagine in a room full of mature, responsible adults kicking the United States of America off an antidrug commission? Here we are, global leaders. Here we are, and we have been debating for 6 hours on our drug initiative in South America. We are all over the globe. It is our children that are at risk.

But to folks at the U.N., it is their children at risk, as well. The drug problem is all over the globe. That is why the United States is leading the international efforts. We are going to continue to do so with or without the U.N. It is just that it is the desire of this Member that there was somebody down there paying attention, somebody who says, "Okay, guys, you have made your point. You hate America. But this issue is too important to play silly games on."

That is why I support the Ose amendment.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. OSE).

The amendment was agreed to.

AMENDMENT NO. 38 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. TRAFICANT:

Page 112, after line 22, insert the following:

PROHIBITION ON ASSISTANCE FOR THE RUSSIAN FEDERATION

SEC. . None of the funds made available in this Act may be used to provide assistance to the Russian Federation.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

Does the gentleman from Arizona (Mr. KOLBE) seek to control time in opposition?

Mr. KOLBE. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) will be recognized.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would stop all money from going to Russia, who spies on us every day, had Robert Hansen and who knows how many more FBI agents on the payroll.

In my opinion, they are stabbing us in the back. I know that this amendment will not pass, but I just wanted to get my little 2 cents worth and warn the Congress that they had better take a good look at the nation that Ronald Reagan dismantled, because their intentions are anything but honorable.

Giving them money in my opinion is very stupid, and I think Congress should hire a proctologist to analyze the behavior of this.

Mr. LANTOS. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. TRAFICANT.

I believe that this ill-conceived amendment will cause irreparable damage to U.S.-Russian relations at time when we must intensify our engagement with Russian civil society. Cutting all aid to Russia, as the Traficant amendment requires, would undercut our efforts to strengthen the forces of democracy in Russia and would therefore undermine U.S. national security interests.

I am just as concerned as my colleagues about the Russian government's proliferation of weapons of mass destruction to Iran, its cozy relations with Iraq, and its mistreatment of American citizens who have been falsely accused of spying.

And I am equally concerned about the Russian leadership's recent crackdown on independent media outlets, its human rights violations in Chechnya, its failure to curb rampant corruption, and its lack of a transparent judicial system.

However, I strongly believe that the only way the United States can effectively address these issues is to stay engaged with Russian civil society. Make no mistake—promoting a democratic Russia is in our national security interests.

I believe that the appropriators did a commendable job in addressing the authoritarian actions of the Russian government without damaging the core programs which benefit the Russian people and advance our national security interests.

This bill already withholds U.S. assistance to the Russian government if its proliferation to Iran continues. I strongly support this provision. Rightfully, the bill does not put the same restriction on U.S. assistance to Russia grassroots civil society, including non-governmental organizations and independent media. The bill also specifically exempts assistance to combat infectious diseases; to promote child survival; to strengthen non-proliferation activities; to support progressive regional and municipal governments; to expand exchanges and partnerships; and to provide judicial training. These initiatives—critical to the development of Russian civil society—deserve our continued support.

Without a viable civil society, Russia cannot achieve true economic prosperity—nor will it cease to be a potential security threat to the United States. This is why earlier this year I introduced the Russia Democracy Act to enhance our democracy, good governance and anti-corruption efforts. Enhancing our effort with non-governmental organizations is the right path, not this misguided amendment. The bill under consideration is consistent with the Russia Democracy Act; the Traficant amendment clearly is not.

Millions of Russian citizens desire to become part of the West culturally, policitally, and in many other senses. These forces need to be strengthened. In the final analysis, a democratic Russia, respecting human rights and observing international norms of peaceful behavior, is squarely in U.S. national security interests. Ceasing all aid to Russia, as the Traficant amendment requires, would delay the realization of this vision for Russia. I strongly urge my colleagues to defeat the amendment.

Mr. TRAFICANT. Having given my 2 cents, Mr. Chairman, I ask unanimous consent that that amendment, which would not be passed by this Congress, be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 59 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 59 offered by Mr. TRAFICANT:

At the appropriate place, insert:

SEC. . None of the funds made available by this Act may be used to award a contract to a person or entity whose bid or proposal reflects that the person or entity has violated the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

□ 2115

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

We have just gone through a period in our history where America's procurement by bureaucrats has become so convoluted that even the Pentagon bought black berets made in China. The excuse was they could not have made them in a timely fashion in America.

Our constituents that go to Quantico to visit the Marines are given complimentary gifts that are pocket calculators made in China. The Marines stamp on one side, made in China on the other.

This body is stupid, and as a Member of this body I can attest to that. Having said that, this amendment says that anyone who has a conviction of having violated the Buy American law is not entitled to any money under the bill.

I would hope it would be accepted without controversy.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. KOLBE), the distinguished chairman, if he is in the affirmative.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time, and I would simply say that the amendment the gentleman described earlier was not in order. This amendment that he has refiled is simply a Buy America provision and does not refer to anything about people who are convicted.

So with that understanding, that the refiled amendment is the one that we are considering here, I have no intention of objecting to it.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time and ask for an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 5 offered by the gentleman from Ohio (Mr. BROWN) and amendment No. 34 offered by the gentleman from New Jersey (Mr. SMITH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. BROWN OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Ohio (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 268, noes 159, not voting 6, as follows:

[Roll No. 264]

AYES—268

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Foley
Ford
Fossella
Frank
Frost
Gallegly
Ganske
Gephardt
Gilchrest
Gillmor
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pitts
Platts
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Sherman
Shimkus
Shows
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson
Woolsey
Wu
Wynn

NOES—159

Aderholt
Akin
Armey
Baker
Ballenger
Barr
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Camp
Cannon
Cantor
Capito
Castle
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
DeLay
DeMint
Diaz-Balart
Dreier
Dunn
Ehrlich
Emerson
Everett
Ferguson
Fletcher
Forbes
Frelinghuysen
Gekas
Gibbons
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hayes
Hayworth
Herger
Hobson
Houghton
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (NY)
Kingston
Knollenberg
Kolbe
LaFalce
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller (FL)
Miller, Gary
Myrick
Nethercutt
Ney
Northup
Nussle
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roukema
Ryun (KS)
Schrock
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Traficant
Vitter
Walden
Walsh
Watts (OK)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOT VOTING—6

Hastings (WA)
Lipinski
Reyes
Scarborough
Spence
Young (AK)

☐ 2142

Mr. GILMAN changed his vote from "aye" to "no."

Messrs. DOOLITTLE, JONES of North Carolina, GANSKE, CALVERT, ISSA, KERNS, and Mrs. BONO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT 34 OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 6, as follows:

[Roll No. 265]

AYES—427

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis

McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Hastings (WA)
Lipinski
Radanovich
Scarborough
Spence
Young (AK)

☐ 2150

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no further amendments, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002".

Mrs. MALONEY of New York. Mr. Chairman, last January, instead of celebrating one of the most important dates on the calendar for the people of India—the 51st anniversary of the Republic of India, we unfortunately mourned the death of hundreds of people who died in the tragic earthquake.

At that time, many of us stood on the House floor to offer our sincere condolences and deepest sympathies.

Today, we stand on the floor to offer disaster relief funding for India in order to cope with that earthquake.

The rebuilding of the state of Gujarat is an enormous challenge, with economic damage possibly topping $5 billion.

This amendment demonstrates our support for our friends in India and proves that we are here to help in their time of need.

US-India relations are warmer than they have been in years.

We have seen a dramatic increase in economic and family ties.

As the largest democracy in the world, India has shown a genuine commitment to improving its economic ties to the United States and the U.S. and India have formally committed to work together to build peace and security in South Asia, increase bilateral trade and investment, meet global environmental challenges, fight disease, and eradicate poverty.

This is an important time in US-India relations and this is an important amendment that deserves our support.

Mr. CROWLEY. Mr. Chairman, I rise today in support of this bill. I want to commend chairman KOLBE our ranking member, Congresswoman LOWEY for crafting a fair and comprehensive bill that addresses the needs of many nations throughout the world.

As conflict continues around the globe, from Northern Ireland to the Middle East, this bill has taken the appropriate steps to provide the tools for future prosperity and the potential for reconciliation.

As the cycle of violence continues in the Middle East, it is essential that we take the appropriate steps to facilitate an atmosphere of peace. The Middle East package in this appropriations bill takes important steps toward that end by including balanced funding for Israel and Egypt, as well as essential funding for Jordan and Lebanon.

Specifically, this bill provides economic funding in the amount of $720 million for Israel and $655 million for Egypt. Additionally, it provides $2.04 billion in military financing for Israel and $1.3 billion for Egypt. I would like to make a special note to commend Israel for voluntarily requesting a reduction in its economic assistance. It is my sincere hope that this funding will foster an atmosphere for reconciliation. I would also like to thank the committee for recognizing the work of the Galilee Society. The Galilee Society works with Israeli-Arabs and Israeli-Jews on projects that are in the mutual interest of both communities. From water purification to child immunizations, Galilee has looked beyond the religious and cultural differences that are often divisive in this part of the world for the betterment of the society as a whole.

Furthermore, the funding provided for the International Fund for Ireland in the amount of $25 million is a crucial element in facilitating an environment in Northern Ireland in which all sides can live together and prosper for the common good. With the peace process on tenuous ground, programs such as the International Fund for Ireland are essential for Irish youth from the North and from the Republic to work together to improve the future of their respective homelands. It gives me great pleasure to report that the committee has also recognized the International Women's Democracy Center for its contribution to the Northern Ireland Peace Process and other quests for peace throughout the world. I had the honor of hosting several women from Northern Ireland during their visit to Washington. I was impressed by the manner in which these women worked together irrespective of faith to achieve a common objective. It is my hope that the experience that these women had in Washington stays with them upon returning to Northern Ireland. The prospects for peace depend on it.

While it is not nearly enough to successfully battle the HIV/AIDS pandemic in African countries, Asia and elsewhere, I am pleased that the bill includes $434,000,000 for HIV/AIDS as part of the $1,387,000 for Child Survival and Health Programs Fund. It is $396,000,000 above the request for FY2001. I hope we can continue to do more to help this dire situation in so many developing countries.

I am also pleased that there is some sorely needed help for Heavily Indebted Poor Countries (HIPC). By directing that half of the $6 million being provided to the Treasury Department's Office of Technical Assistance, and the Treasury International Affairs Technical Assistance program, be provided to eight or more of the HIPC countries, Congress is helping these countries get out of their financial morass. While debt relief is a key to recovery for many of these countries, with these funds, Treasury could provide fiscal and monetary advisors to HIPC countries to help develop strong indigenous capabilities to manage financial matters more effectively.

Continued assistance to Armenia is critical to regional stability in the Caucasus. Armenia has been a participant in good standing to the Minsk Group process and is working constructively to help create an equitable solution to the conflict over Nagorno Karabakh. Until that occurs, and thereafter, Armenia needs our help. Its economy is struggling to survive embargoes on two of its borders and the government is taking key steps to combat corruption and move towards a democratic society and prosperous economy. The $82 million in funding will continue to help move Armenia towards those ultimate goals.

Though I am pleased overall with the funding levels included in this bills, I have many concerns regarding the Andean Initiative.

Despite the fact that this funding is a vast improvement over Plan Colombia, I believe that it fails to address the needs of countries, such as Ecuador, to effectively combat the spillover effect from the drug war in Colombia. Furthermore, this initiative continues to provide financial and military assistance to the Colombian military. With an abysmal human rights record, the Colombian military should receive no support from the United States.

It is my hope that these funding deficiencies will be addressed and rectified in conference.

I congratulate Mr. KOLBE and Mrs. LOWEY for their diligent work on this bill, and I urge my colleagues to support its passage.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of this bill. I thank Chairman KOLBE and Ranking Member LOWEY for succeeding in developing such a bipartisan bill.

I think that it addresses many of our global concerns and adequately funds many important programs.

But, there is one glaring omission that I think must be addressed.

The bill does nothing to remove the anti-democratic, anti-woman global gag rule from imposing its harsh standards on our poorest, and most vulnerable women and children around the world.

You've heard it so many times before—the gag rule isn't about abortion. It's about women dying, to the tune of 600,000 a year.

That is equal to one or two jumbo jets crashing every single day.

And, it's about saving women's lives.

The fact remains that since 1973, no U.S. federal funds have been or are used around the world for abortions.

During the time we are debating this bill, 65 women will die from pregnancy related complications.

They are dying because they don't have access to the most basic health care. Let me be clear, the global gag rule restricts foreign NGO's from using their own funds. In America, this language is unconstitutional. Around the world, it's unconscionable.

The gag rule is enough to make you gag.

It cripples foreign NGO's ability to practice democracy in their own countries. The United States has always been dedicated to exporting the very best of our country, from our ideas of freedom and democracy to products that help make life better. Unfortunately, the global gag rule exports one of the worst, if not the worst, of our country's internal politics.

Politics surrounding a policy that is unconstitutional in our own country and forcing it on the poorest women and nations of the world.

And with dire effects.

We can't afford to stifle the international debate on family planning by tying the hands of NGO's with an anti-woman gag rule.

The gag rule forces NGO's to choose between their democratic rights to organize and determine what is best in their own countries and desperately needed resources of U.S. family planning dollars.

We know that family planning reduces the need for abortions. We know that it saves lives. The gag rule reduces the effectiveness of family planning organizations and should be eliminated.

This is a good bill, but we can't forget that it does nothing to remove a very dangerous policy, the anti-women, anti-democratic global gag rule. I hope that in conference that this harmful language is removed once and for all.

The CHAIRMAN. No further amendments being in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 199, he reported the bill, as amended pursuant to that rule, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 46, not voting 6, as follows:

[Roll No. 266]

YEAS—381

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Harman
Hart
Hastings (FL)
Hayworth
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—46

Barr
Berry
Collins
Combest
Condit
Cubin
Cunningham
Duncan
Everett
Flake
Goode
Goodlatte
Hall (TX)
Hansen
Hayes
Hefley
Herger
Hilleary
Hostettler
Jenkins
Jones (NC)
Kaptur
Kerns
Lucas (OK)
McInnis
Otter
Paul
Petri
Phelps
Pombo
Rahall
Roemer
Rohrabacher
Royce
Ryun (KS)
Schaffer
Sensenbrenner
Stark
Stearns
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Toomey
Watkins (OK)
Weldon (FL)

NOT VOTING—6

Hastings (WA)
Johnson, Sam
Lipinski
Scarborough
Spence
Young (AK)

☐ 2209

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. LINDER, from the Committee on Rules, submitted a privileged report

(Rept. No. 107–158) on the resolution (H. Res. 206) providing for consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 21

Mr. GREEN of Wisconsin. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 21.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules if a recorded vote or the yeas and nays are ordered or if the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

ILSA EXTENSION ACT OF 2001

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1954) to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, as amended.

The Clerk read as follows:

H.R. 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ILSA Extension Act of 2001".

SEC. 2. IMPOSITION OF SANCTIONS WITH RESPECT TO LIBYA.

(a) IN GENERAL.—Section 5(b)(2) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; 110 Stat. 1543) is amended by striking "$40,000,000" each place it appears and inserting "$20,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to investments made on or after June 13, 2001.

SEC. 3. REPORTS REQUIRED.

Section 10 of the Iran and Libya Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) REPORT ON EFFECTIVENESS OF ACTIONS UNDER THIS ACT.—Not earlier than 24 months, and not later than 30 months, after the date of the enactment of the ILSA Extension Act of 2001, the President shall transmit to Congress a report that describes—

"(1) the extent to which actions relating to trade taken pursuant to this Act—

"(A) have been effective in achieving the objectives of section 3 and any other foreign policy or national security objectives of the United States with respect to Iran and Libya; and

"(B) have affected humanitarian interests in Iran and Libya, the country in which the sanctioned person is located, or in other countries; and

"(2) the impact of actions relating to trade taken pursuant to this Act on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

The President may include in the report the President's recommendation on whether or not this Act should be terminated or modified.".

SEC. 4. EXTENSION OF IRAN AND LIBYA SANCTIONS ACT OF 1996.

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) is amended by striking "5 years" and inserting "10 years".

SEC. 5. REVISED DEFINITION OF INVESTMENT.

Section 14(9) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; 110 Stat. 1549) is amended by adding at the end the following new sentence: "For purposes of this paragraph, an amendment or other modification that is made, on or after June 13, 2001, to an agreement or contract shall be treated as the entry of an agreement or contract.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1954.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1954, the ILSA Extension Act. The Iran-Libya Sanctions Act requires that the executive branch consider sanctions against foreign firms that invest in the energy sectors of Iran and Libya. Its aim is to deprive those countries of revenues that they can use to foment terrorism against our Nation and its allies and to develop weapons of mass destruction. The act, which was initially passed in 1996, which I was pleased to sponsor, will expire on August 5.

On May 9, the Subcommittee on the Middle East and South Asia held hearings on the bill in draft form. On May 23 I introduced a bill, the ILSA Extension Act, together with my colleague, the gentleman from California (Mr. BERMAN), that would renew the act for an additional 5 years. On June 13, the Committee on International Relations favorably reported H.R. 1954 by a record vote of 41 ayes and 3 noes. On July 13, the House Committee on Ways and Means unanimously adopted to adopt a 5-year renewal extension as well.

Bipartisan support for renewing ILSA is strong in the Congress. At the present time, we have 252 cosponsors in the House of Representatives, and in the Senate 74 Senators. Support for extension remains strong because Iran continues to threaten our national security by developing weapons of mass destruction and by supporting radical groups that support terrorism. Iran's supreme leader, Ayatollah Khamenei, calls Israel "a cancerous tumor."

As for Libya, although Libyans stand convicted of killing Americans, Britons and others by bringing down Pan Am Flight 103, the Libyan Government has failed to take responsibility for its actions in this matter as required by the U.N. Security Council and to pay compensation to the victims' families.

Thus, we remain firm in our opposition to both countries.

Moreover, there is ample evidence that ILSA has delayed exploitation of Iran and Libya's energy resources and made their development more difficult and more expensive. As a result of this act, few major energy companies want to jeopardize their ties to the huge U.S. market in exchange for the difficult investment conditions that now prevail in both Iran and Libya.

Finally, ILSA does not affect any American companies. It is aimed solely at foreign companies that take advantage of our executive-order ban on U.S. investment in Iran and in Libya.

To prevent Iran and Libya from doing further harm, I respectfully urge my colleagues to vote for H.R. 1954 to renew ILSA for an additional 5 years.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1954.

Mr. Speaker, let me first pay tribute to my good friend, the gentleman from New York (Chairman GILMAN); the bipartisan leadership of the House of Representatives, the Republican Leader, the gentleman from Texas (Mr. ARMEY), and the Democratic Leader, the gentleman from Missouri (Mr. GEPHARDT); my good friend and colleague, the chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE); and over 250 colleagues who have seen fit to cosponsor this most important legislation.

□ 2215

The Iran-Libya Sanctions Act imposes sanctions on foreign companies that invest in either Iran or Libya's energy sector. It, therefore, limits those two nation's oil profits, which each of those countries is using to bankroll weapons of mass destruction and terrorist activities.

Now, the initial reasons for applying sanctions on Iran and Libya are as compelling today, Mr. Speaker, as they were 5 years ago when this body saw fit to impose these sanctions on these 2 dictatorial, terrorism-supporting nations.

Iran continues to support terrorism. Iran continues to develop weapons of mass destruction, including nuclear weapons, and it is fanatically opposed to the peace process in the Middle East and to the very existence of the only democratic nation in the Middle East, our ally, the State of Israel.

Let me say a word regarding Iran's record of terrorism, Mr. Speaker. In its most recent annual edition entitled Patterns of Global Terrorism, our Department of State describes Iran, "as the most active State sponsor of terrorism on the face of this planet." Even since ILSA, the Iran-Libya Sanctions Act, took effect, Iran has continued to assist terrorists in the murder of Americans. In announcing the indictments for the Khobar Towers tragedy, the 1996 bombing in Saudi Arabia that took the lives of 19 of our servicemen and servicewomen, Attorney General John Ashcroft said, "Elements of the Iranian government inspired, supported, and supervised" members of the Saudi Hezbollah, the group thought to be primarily responsible for the attack. The indictment makes clear Iran's deep involvement with the suspects themselves.

Iran also provides aid and training and resources to the most blood-thirsty terrorists in the world, Hamas, Palestinian's Islamic Jihad, Lebanon's Hezbollah, all of which share totalitarian goals. Iran's patronage of these Middle Eastern terrorist groups has been demonstrated repeatedly by scholars, by journalists, and by our own judiciary.

In 10 cases, Mr. Speaker, in recent years, U.S. courts have ruled in favor of U.S. citizens seeking damages from Iran as victims, or family members of victims, for Iran-backed terrorism. One of these cases involved a direct attack by a member of the Iranian Revolutionary Guards. The other nine involved attacks by Hezbollah, Hamas, and the Palestinian Islamic Jihad which were proven to our courts' satisfaction to be dependent on Iranian training, money, and arms.

Mr. Speaker, there is no sign of a letup. According to the highly respected military affairs correspondent, writing just a few days ago on July 17, "Iran has transferred hundreds of tons of weapons, ammunition and other materials to Hezbollah through Syria in recent days." This highly respected journalist writes, "Iranian assistance via Hezbollah to Palestinian terrorist organizations that attack Israel is increasing and Hezbollah in turn is training Palestinian terrorists in Hezbollah bases in Lebanon's Beka'a Valley."

The list of murderous and terrorist actions carried out by Iranian-backed terrorists is endless. Sixty-three people killed, including 17 Americans, in the April, 1983 U.S. embassy bombing in Beirut. Mr. Speaker, 241 U.S. Marines killed in the barracks bombing in October 1983. I might mention parenthetically some of us visited with those Marines just days before they lost their lives because of Iranian-supported terrorism.

Mr. Speaker, 29 were killed in the 1992 bombing of the Israeli embassy in Buenos Aires. Sixty-six innocent men, women and children were killed in the 1994 bombing of the Jewish Community Center in Buenos Aires. I have not even begun to exhaust the most infamous incidents. What about all the kidnapping, torture, and murders that are the daily fare of these groups, the casual violence that barely makes the headlines. All of this, Mr. Speaker, has occurred with active support of the Islamic Republic of Iran.

This disgrace has been going on for more than 2 decades now. It is quite a tradition that Iran has established, and the very least we can do is answer. That is what ILSA, the Iran-Libya Sanctions Act, does. It is our response to murder, our attempt to dry up some of the monies that nourishes this terrorist monster.

Last year, Mr. Speaker, Iran successfully tested an 800-mile range missile capable of delivering these catastrophic weapons of mass destruction against its neighbors, including potentially Turkey, Egypt, Jordan, and Israel. Now, Iran recently held an election for President and the winner was the incumbent, Mr. Khatami, the most reform-oriented of the candidates that the clinical establishment allowed to run.

As my colleagues know, Mr. Speaker, one cannot just run for office in Iran. One must have the good housekeeping seal of approval of the ruling Ayatollah. The President in Iran is far less powerful than Iran's chief clerical official, the supreme leader. Real control in that country is in the hands of the clergy. The security organizations, the judiciary, the media, and the military are all under the control of the Ayatollah.

Now, I have spoken mainly of Iran, but there is a lot to be said of Libya. This country, which for so long has been run in a dictatorial fashion, still refuses to accept responsibility for the downing of Pan Am 103 and refuses to provide compensation for the families of all those innocent victims.

I would like to say a word, Mr. Speaker, about the effectiveness of the Iran-Libya Sanctions Act. Some argue that ILSA has not had an impact on the Iranian economy. That, Mr. Speaker, is demonstrably false. Even Iranian officials, including the President of Iran, have acknowledged that our legislation has had an enormous economic impact. In a 1998 report to the United Nations, Iran complained that ILSA had caused "disruption of its economy, decline in its gross national product, and contributed significantly to the reduction of international investment in oil projects and cancellation of some contracts." That is precisely what we are after.

As one obvious example of ILSA's impact, I would like to point to the energy resources of the Caspian Sea. For several years now, Mr. Speaker, Iran, Russia, and Turkey have been vying to host the main export pipeline for newly discovered oil and gas in Azerbaijan. Several of the international energy companies involved in the region prefer to pipe their product through Iran to the Persian Gulf. Economically and geographically, clearly, that would be the way to go. The reason they have chosen not the Iranian route is our legislation. Amoco, Exxon, and others do not want to risk the sanctions imposed by this body.

Recently, BP Amoco agreed to export Azerbaijani gas through Turkey, a member of NATO, rather than Iran. No major pipeline for Azerbaijani oil has been built yet, but when it is, it will go through Turkey and not Iran, all of that thanks to our legislation.

I am very proud of the fact, Mr. Speaker, that our Committee on International Relations, with an overwhelming bipartisan vote of 41 to 3, saw fit to expand our legislation for an additional 5 years. The Bush administration attempted to cut the length of time of this extension to 2 years, and overwhelmingly, on a bipartisan basis, our committee rejected the Bush administration's proposal, as will this House, tomorrow morning when we vote on this matter.

This piece of legislation is one of the most important items we will pass during the current Congress directly related to our national security. I want to again thank all of my colleagues who have worked on this in the various committees where this legislation has been carefully considered.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. KIRK), a former staff associate on our House Committee on International Relations.

Mr. KIRK. Mr. Speaker, I rise in strong support of this legislation to extend the Iran-Libya Sanctions Act. I want to applaud the leadership of the gentleman from New York (Mr. GILMAN), my former boss and now colleague, and the gentleman from California (Mr. LANTOS), our ranking Democratic member, who is a leader for us all on the issue of human rights.

Mr. Speaker, Iran claims that it has a new moderate status, but all we see is the persecution of the Baha'is and Jewish minorities. We see terrorist bombings from the Beirut bombing to Khobar Towers. I want to make a special note for the life of John Phillips, a U.S. Marine from Wilmette, Illinois, that lost his life in the Beirut bombing.

Iran sponsors terrorism through its intelligence service, the MOIS. We saw that over 200 days ago the MOIS's wholly owned subsidiary, Hezbollah, kidnapped three Israeli soldiers.

□ 2230

For 200 days we have had no proof of life. For 200 days we have had no word on their condition. That is the current record of Iran today, a record added to by the launch of the Shahab-3 missile, a long-range missile with components from North Korea that we know is pointed straight at U.S. forces in the Persian Gulf and at Jerusalem.

Mr. Speaker, with this extension we send a message that a state that sponsors terrorism, that proliferates weapons of mass destruction, cannot do business as usual. I applaud the committee and urge adoption of this measure.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the previous speaker for his powerful and eloquent statement.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN), the distinguished senior ranking member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me first thank the gentleman from California (Mr. LANTOS) and the gentleman from New York (Mr. GILMAN) for their leadership on this issue not just in bringing the extension bill to the floor but also in their work on the original bill in passing the Sanctions Act. It has been an extremely important tool that we have had available to us, and it has helped us enforce the sanctions against these two terrorist countries.

There is no mistaking that Iran and Libya both are countries that harbor terrorists and terrorist activities and have been involved in the production of arms of mass destruction.

I am very pleased, Mr. Speaker, that on the Committee on Ways and Means, on which I have the honor of serving, we were able to also agree to a 5-year extension. I think the 5-year extension is a very important part of this legislation. It gives us the continuity of foreign policy against terrorist countries that extends beyond any one administration, that it is clear that this is not a matter that is of one administration's concern but this is our concern, our Nation's concern, and one policy that we want to be able to continue.

It is a tool that is available to the administration. It is a tool where the administration has plenty of flexibility under this statute, as we want the administration to have. But we want to make it clear that if one does business with terrorist states we do not want them doing business with us. We do not want our people supporting terrorist activities. That is what this legislation does. It speaks to our priorities. It speaks to what we believe in as a nation.

I am very proud to have joined my colleagues in this effort. It is a very important bill. It is one that I am sure will enjoy strong support in this body and has enjoyed strong support in both the committees that considered it.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New York (Mr. ENGEL), from the Committee on International Relations.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from California for yielding time to me. He spoke so eloquently that there is nothing left to say, because he so thoroughly covered the reasons why this bill ought to be supported.

I want to also commend my colleague, the gentleman from New York (Mr. GILMAN), for his hard work and energy on this issue. I have no doubt that when we vote tomorrow it will overwhelmingly pass, because it deserves to pass. It is an important bill.

I am delighted to be back on the Committee on International Relations, where I voted for this bill, as did virtually the entire committee.

Mr. Speaker, the Iran-Libya Sanctions Act is an act that is very, very important. We must resoundingly say no to terrorism wherever it rears its ugly head in any place in the Earth.

Iran and Libya are two countries that have been at the forefront of exporting terrorism. No one can deny that. Actions speak louder than words. Time and time and time again various countries, including our own, have felt the brunt of their terrorist activities. They also have weapons of mass destruction that they sell to rogue states, and they work hard to undermine anything that is decent throughout the world.

I am also delighted that this bill has been extended for 5 years, as was pointed out by the gentleman from California (Mr. LANTOS). That had been questioned, and it is right to be extended for 5 years, because anything less would be a retreat.

We must be unequivocal. This Congress must be unequivocal, this Nation must be unequivocal, and our world must be unequivocal in saying no to terrorism.

I would have taken it one step further, if I had my total way. I would have included Syria on the list of nations that export terrorism and would have covered Syria with similar sanctions. But that was not to be. There will be other resolutions and other legislation covering Syria, which has a stranglehold on Lebanon, and Syria needs to get out of Lebanon.

But Hezbollah, which operates in Lebanon, is backed by the Iranians. They could not function if it were not for Iran and Syria, so it is important that we tell Iran that we are not going to tolerate their terrorism or their weapons of mass destruction.

The same with Libya. The world looks to the United States. We are the last remaining superpower in the world. If we stand for anything, it should be for human rights and squarely against terrorism.

Mr. Speaker, I am very proud to join my colleagues in supporting ILSA, the Iran-Libya Sanctions Act, and let this Congress send a strong message to the world that terrorism and weapons of mass destruction used in a terrorist way will not be tolerated.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield my remaining time, 2 minutes, to my colleague, the gentleman from California (Mr. SHERMAN), a distinguished member of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, since we have additional time, I am pleased to yield 3 more minutes to the gentleman from California (Mr. SHERMAN).

The SPEAKER pro tempore (Mr. KIRK). The gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I commend the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. BERMAN) for authoring this statute. I commend the gentleman from California (Mr. LANTOS) for standing so strong against efforts to weaken this bill, standing as strong as the Athenians at Marathon after attack after attack to try to water down, weaken, or shorten this important act.

I want to associate myself with the comments of all previous speakers, because this bill is critical to American values and to our allies. But I want to point out that this is the most important thing we can do here in Congress to protect American national security, because in this century the greatest threats to our security are terrorism, and as the gentleman from California (Mr. LANTOS) and others pointed out, much of that originates in Tehran, and nuclear proliferation.

Iran is the country hostile to the United States most likely to develop nuclear weapons. It is the combination of those two threats, nuclear terrorism, that poses the single greatest combined threat to the safety of Americans.

What this bill does is it focuses on Iran's economy. Iran is not a small country with a huge amount of oil. It is not Abu Dhabi. It is a country with an increasingly large population and an economy that is not doing well. Iran will become a net importer of oil if it does not get western capital and western technology to expand and improve its oil fields.

Largely as a result of our actions here today and the actions taken by this Congress 5 years ago, Iran has not been able to obtain that capital and technology, and the vast majority of requests for proposals and requests to contract with western oil companies have been denied.

One can only imagine the nuclear weapons program that Iran could have financed if this bill had not been passed 5 years ago, and we must focus on extending it now for another 5 years.

The Iran-Libya Sanctions Act for the last 5 years has made it more difficult for the Iranian government to have the financial wherewithal to engage in an all-out program to develop nuclear weapons, and it must be continued.

Now, we are told that there is this new rise of moderates in Iran. There may be differences in Iran on domestic issues and cultural issues, but the so-called moderates and so-called extremists are united in two things, support for international terrorism and a belief that Iran should develop nuclear weapons. No amount of discord in Tehran should distract us from our need to make sure that that government does not have the assets it could use to develop nuclear weapons and to continue its support of terrorism.

Mr. Speaker, there are those who wonder whether our sanctions are successful. The gentleman from California (Mr. LANTOS) quoted the statement of the government of Iran saying that, in fact, we have deprived that government of money, that we have adversely affected its gross national product.

More recently, the country of Sudan, subject to different sanctions, subject to the threat of sanctions here in this Congress, did not obtain investment from Canada's Tasman Oil Company because this Congress was merely considering sanctions, namely, delisting from the New York Stock Exchange of those who invest in Sudanese oil.

So sanctions have been successful, both in dealing with Iran and in dealing with Sudan. As to Libya, yes, we have not achieved the change of policy we would like, but why did Libya turn its two murderers over to international justice, or the two accused of murder, one who was convicted? Only because of international sanctions spearheaded by the United States.

Recently, there have been those who have asked us to extend this act for only 2 years. If we had done that, it would have been such a sign of weakness as to give courage and strength to the most aggressive elements in Tehran.

I want to commend all of those who took a leadership role in making sure that this bill would be extended for 5 years. I look forward to an enormous affirmative vote tomorrow.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I have two issues. The first is a technical one.

I would ask the gentleman, is it not the case that in the report of the Committee on International Relations accompanying H.R. 1954 it was the intention of the Committee in the last line on page 8 that the report states "Iran or Libya" rather than just "Libya"?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New York.

Mr. GILMAN. That is my understanding of what the committee intended. The amendment to ILSA made by section 4 of H.R. 1954 applies both to Iran and Libya.

Mr. LANTOS. Mr. Speaker, if I may continue our colloquy, I would like to raise issues concerning recent developments of direct relevance to our discussion of ILSA. I am referring to major oil investment deals that both the Italian national oil company, ENI, and Japan's national oil company have recently announced.

As we know, the Italian company recently agreed to invest $550 million in an Iranian oil field in a deal that will ultimately be worth well over $1 billion. This deal is the first time that a foreign concern has been allowed to invest in an onshore Iranian oil field. It is also uniquely structured as a buy-back deal that could, if realized, serve as a model for future oil developments in Iraq.

It is now apparent, Mr. Speaker, that a number of foreign oil companies have been watching the Italian national oil company's growing investment in Iran, now totalling over $2.5 billion, to determine whether it will elicit a U.S. response under the Iran-Libya Sanctions Act.

In addition, Mr. Speaker, Japan made a commitment last week through its oil company to invest in a gas field in Iran, indicating that foreign companies and their governments are increasingly confident that the United States will not impose the sanctions that Congress mandates, should these companies invest in Iraq. In fact, the Japanese trade minister himself defiantly stated when signing the deal in Tehran that Japan is not affected by U.S. pressure.

Both the Italian and the Japanese companies are not private entities acting independently of their government. The Japanese oil company is wholly-owned by the Japanese government, and the Italian government owns 36 percent of the Italian oil company.

Given this state of affairs, I urge President Bush to approach the Italian and Japanese governments to convince them to halt these morally repugnant investments.

□ 2245

Should these diplomatic initiatives fail, I believe President Bush has a moral obligation to impose sanctions on the relevant governments, as he is directed under ILSA, without waiver.

Would the chairman agree that it is now time for the United States to react firmly in the face of such flagrant disregard for international principles and both the spirit and the provisions of our legislation?

Mr. GILMAN. Mr. Speaker, if the gentleman will continue to yield, I too would like the President to act. Hopefully, President Bush will consider publicly stating that ILSA will be fully implemented, if these deals proceed forward, without any waivers. If we fail to act resolutely in these cases, the credibility of our Nation's foreign policy and international sanction regimes will almost certainly be undermined.

Mr. LANTOS. Reclaiming my time, Mr. Speaker, I want to thank the chairman very much for his strong and unequivocal statement.

And let me just add as a direct message to both the Italian and Japanese companies concerned, that should the administration not take appropriate action, we will come here with new legislation mandating sanctions against these companies or others that might take similar action.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume, and I want to thank the gentleman from California (Mr. LANTOS) for his strong support of this measure and his being a cosponsor. As a ranking member of our committee, he has been an eloquent speaker and has been a longtime supporter of human rights in our committee and making certain that the world of nations abide by peaceful principles.

Mr. SHERMAN. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from California.

Mr. SHERMAN. Mr. Speaker, I want to associate myself with the comments made in this colloquy and say that to those two companies, in addition to all of the sanctions outlined in ILSA, we should come back, if necessary, in this Congress, and mandate that those who violate ILSA's strict provisions are denied all access to American capital markets and that their stocks and bonds will not be listed on NASDAQ or the New York Stock Exchange.

We are studying those types of provisions in the Committee on Financial Services, and I am confident that we will have the votes to make sure that this access to American capital markets, which is increasingly important to Japanese and European companies, will not be available to those companies that invest significantly in the Iranian petroleum sector.

Mr. PAUL. Mr. Speaker, there are a number of problems with this move to extend the Iran/Libya Sanctions Act.

First, the underlying Act places way too much authority both to make determinations and to grant waivers, in the hands of the President and the Executive Branch. As such, it is yet another unconstitutional delegation of authority which we ought not extend.

Moreover, as the Act applies to Libya, the authority upon which the bill depends is a resolution of the United Nations. So, any member who is concerned with UN power should vote against this extension.

Furthermore, the sanctions are being extended from a period of five years to ten years. If the original five year sanction period has not been effective in allaying the fears about these governments why do we believe an extra five years will be effective? In fact, few companies have actually been sanctioned under this Act, and to the best of my knowledge no oil companies have been so sanctioned. Still, the sanctions in the Act are not against these nations but are actually directed at "persons" engaged in certain business and investments in these countries. There are already Executive Orders making it illegal for US companies to undertake these activities in these sanctioned countries, so this Act applies to companies in other countries, mostly our allied countries, almost all of whom oppose and resent this legislation and have threatened to take the kinds of retaliatory action that could lead to an all out trade war. In fact, the former National Security Advisor Brent Scrowcroft recently pointed out how these sanctions have had a significant adverse impact upon our Turkish allies.

Mr. Speaker, I support those portions of this bill designated to prohibit US financing through government vehicles such as the Export-Import Bank. I also have no problem with guarding against sales of military technology which could compromise our national security. Still, on a whole, this bill is just another plank in the failed sanctions regime from which we ought to loosen ourselves.

The Bush Administration would prefer this legislation to expire and, failing that, they prefer taking a first step by making the extension last for a shorter period. In this I believe the Administration has taken the correct position. For one thing, there have been moves, particularly in Iran, to liberalize. We harm these attempts by maintaining a sanctions regime.

I also have to point out the inconsistency in our policy. Why would we sanction Iran but not Sudan, and why would we sanction Libya but not Syria? I hear claims related to our national security but surely these are made in jest. We subsidize business with the People's Republic of China but sanction Europeans from helping to build oil refineries in Iran.

There has been a real concern in our country regarding the price of gasoline. Since these sanctions are directly aimed at preventing the development of petroleum resources in these countries, this bill will DIRECTLY RESULT IN AMERICANS HAVING TO PAY A HIGHER PRICE AT THE GASOLINE PUMP. These sanctions HURT AMERICANS. British Petroleum and others have refused to provide significant investment for petroleum extraction in Iran because of the uncertainty this legislation helps to produce. The tiny nation of Qatar has as much petroleum related investment as does Iran since this legislation went into effect. Again, this reduces supply and raises prices at the gas pump.

Will the members of this body return to their district and tell voters "I just voted to further restrict petroleum supply and keep gas prices high"? I doubt that.

Mr. Speaker, I am fully aware of the legislative realities as regards this legislation and the powerful interests that want it extended. However, it is not just myself and the Bush Administration suggesting this policy is flawed. The Atlantic Council is a prestigious group co-chaired by Lee Hamilton, James Schlesinger and Brent Scowcroft that has suggested in a recent study that we ought to end sanctions upon Iran.

Mr. Speaker, I believe the time has come for us to consider the U.S. interest and the benefits of friendly commerce with all nations. We are particularly ill-advised in passing this legislation and hamstringing the new Administration at this time. I must oppose any attempt to extend this Act and support any amendment that would reduce the sanction period it contemplates.

Mr. DIAZ-BALART. Mr. Speaker, I rise in support of the Iran-Libya Sanctions Extension Act. I do not believe that now is the time to end the provisions set out under ILSA. While I hope that the internal situation in Iran and Libya may one day merit lifting the provisions of ILSA, it does not appear to be the case at this time. Recognizing the tenuous nature of peace in the region, and our continued support of our ally, Israel, I believe we must support the Iran-Libya Sanctions Extension Act.

Iran is still actively seeking to obtain weapons of mass destruction (WMD) assisted by China, Russia, and North Korea. Such a threat to our allies, such as Israel, and to international peace and security is not indicative of a state concerned with immediate reform. According to the State Department, Iran remains an active state sponsor of international terrorism. Any state that resorts to terrorism is cowardly and certainly deserves no special consideration. I also would like to stress that Iran continues to commit human rights abuses, particularly against members of certain religious faiths.

Libya has not yet compensated the families of the victims of Pan Am flight 103. Libya also continues to harbor and foster terrorism and is likely seeking weapons of mass destruction.

Given these realities and many others, I again do not believe now is the time to end sanctions on Iran and Libya.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KIRK). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1954, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

The SPEAKER pro tempore. Without objection, and pursuant to 10 U.S.C 4355(a), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Military Academy:

Mrs. TAUSCHER of California.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for half the time until midnight as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I will assure those Members, and especially the staff here this evening, that I will give them something to look forward to, and that is that we will probably not go half the time available to me, but I do appreciate the opportunity.

I wanted to address an issue of concern to me, and it is an issue that I have risen before to discuss here on the floor of the House and I think certainly deserves our attention again this evening, and that issue is immigration, and specifically the problems created by massive numbers of people coming into the United States illegally.

Recently, Mr. Speaker, a trial balloon was floated. It was floated by a working group that was appointed for the purpose of coming up with some proposals to deal with the issues of immigration, illegal immigration to the United States, and a variety of other related issues. That trial balloon was a proposal, and the proposal was to provide amnesty for up to 3½ million Mexican workers.

Now, I say it is specifically designed for Mexicans who are here in the United States. It is not Guatemalans, it is not Haitians, it is not any other nationality, it was for 3½ million Mexican people here in the United States illegally, and it was to essentially just give them amnesty if they had been here a long enough period of time. Well, that trial balloon was met with a great deal of resistance, to say the least. Certainly our office received many, many calls. I am sure the offices of many Members of the House and Senate were similarly affected by this trial balloon, and the response was almost unanimously in opposition to such a proposal.

There is a basic fairness issue here, a fairness issue that I think most Americans see. And it does not matter how one feels about the whole issue of immigration in general, those who are pro-immigrant, as I think most of us are. As a matter of fact, I think all of us have to be very cognizant of and very sensitive to the fact that we are all here as a result of someone's decision to come to the United States at some time in the recent past. Even those of us in the country who identify themselves as Native American probably came here, their ancestors, over a land bridge from Asia. So we are all in one way or another immigrants to this country.

The issue of immigration in general is not the point in this case. The point in this case is whether or not we are going to simply ignore the fact that people have chosen to violate the law of the United States to come here and then be rewarded for that action by being given amnesty. Now, we recognize that that, as I say, is at least unfair. I think most people would agree that it offends their sense of justice. And it should. It should.

What would happen if we would suggest that any other kind of crime be treated in such a manner? If someone comes here, if they were in the United States and involved with some criminal activity, and for a long enough period of time and they did not get caught, would we simply say, King's X, it is okay, they were able to avoid the authority long enough, so we should give them amnesty? Well, we do not do that. Of course not. And we should not do that in this case, and I think a majority of Americans feel the same way.

Well, as a result of the kind of reaction that that proposal had, we saw that today another proposal has been floated. This one is designed to be a "compromise proposal," and it says, all right, we will not just go ahead and grant three, four million people, and by the way it will be far more than that when all is said and done, but let us just take their numbers for the time being, we will not grant three to four million people amnesty who are here illegally just because they are here illegally, we will establish some sort of guest worker program into which these people can enroll and then we will grant them amnesty.

Well, Mr. Speaker, that is really not a compromise. That is really not something anybody can get too excited about and say, oh, in that case, absolutely, all right, I see that it is worthy of doing. It is, of course, exactly the same proposal. We are simply going to reward illegal behavior by providing amnesty if they have been here long enough.

The other interesting aspect of this whole thing, Mr. Speaker, is that we have tried this before. The idea of giving amnesty to people who are here illegally and who have been here for a long time, or some period of time anyway, and can prove that they have paid rent here or a variety of other criteria that we establish to determine how long someone is here illegally, has been tried before. In 1986, we did this, exactly the same plan, and it was a result of the fact that people were concerned about the massive number of people who were coming across our borders illegally. And in order to get a handle on that and to strike a compromise with people who want massive immigration, people who essentially frankly want to essentially erase the borders, in order to strike a compromise with them and to not look as though we were being too antagonistic to these people who have arrived here and come in here illegally, we decided to have an amnesty program.

That was 1986. We adopted exactly the same thing. And it was designed to stop the flow of illegal aliens into the country. At that point we were going to get a handle on it and say, okay, if someone is here, if they have been here a long time, we are going to give them amnesty. Eventually they can become a citizen of the United States, even though they broke our laws to get here.

Well, of course it did not work. As anyone may have guessed, to suggest that rewarding someone for that kind of behavior would stop that kind of behavior is counterintuitive, to say the least. It is hypocritical, I suppose, to even suggest that we should think that somehow or other the millions of people waiting outside our borders to come into the United States, tempted to do so illegally if they need to, are told if they do that, if they come in illegally, and if they can hide from the authorities long enough, they will be given legal status.

□ 2300

That was the message, right, that is the message we send. Just exactly as anyone would have expected, they came. They came in massive numbers.

Now, Mr. Speaker, first of all let me say I do not blame them for trying. I am sure that if I were in the situation they are in, many of these people, I would be trying to do the same thing. I would be seeking a better life as my grandparents did, perhaps yours. Certainly, as I say, everyone here at some point in their history looks back to someone who made that decision.

But I must say, Mr. Speaker, that there is a process we have established for immigration into this Nation. The process is one that we must actually adhere to if we are to even pretend that we are a Nation that has control of its own borders.

If you look on a map of the world, you will see every country identified by an outline, by a line around that country separating it from its adjoining neighbors. We have such a line separating us from Mexico and from Canada.

Why is the line there, I guess I would ask. If there is no purpose for a line that separates one nation from another, then we should erase it. We should just simply forget about the idea that we have established one nation a little bit different than any nation around us. That, therefore, we are identifying ourselves as this separate entity, separate laws, separate history, separate culture, certainly open to immigration but with a separate identity.

I happen to believe that that is an important aspect of nation state. I believe it is okay to, in fact, have that line. We have it whether it is good or not. The reality is if we are going to have a line that we call a border, then there is a responsibility of this House and of the other body and of the President of the United States to establish the policy of who comes across that border.

That is the true and one unique responsibility of the Federal Government. It is to decide who can come in and who does not have whatever it is we believe is important for entrance into this country. It could be on any set of criteria you want to establish. It could be because we need workers in various industries. We need farm workers. We need workers in the construction industry. We need workers in the high tech industry. All of these things can be used as a reason for immigration.

We establish a policy. We say, okay, here is how many we need this year for this particular task. Here is who we want to come into the United States. We want people that perhaps are going to bring capital into the United States. That is a pretty good thing. Maybe we need more lawyers, I do not think so, but, whatever it is, if it is lawyers, if it is engineers, if it is agricultural workers, it does not matter.

What is important, Mr. Speaker, is that we make that decision who it is we believe with what attributes we think necessary to come into this country, the attributes we believe would be important and enhance life in the United States. That is why we have borders. That is why we pretend to have an immigration policy. But, Mr. Speaker, if you ignore that, if you pretend as though that border does not exist and you simply allow people to come across in the kind of numbers we have seen for the last 2 decades, many things happen.

Massive immigration into the United States both legally and illegally has been a factor in certainly the growth of the Nation, the population of the Nation. As a matter of fact, 50 percent of the Nation's growth in the last census was a result of immigration legally, legal immigration, and illegal immigration, 50 percent or more.

That is the census figure and I assure you, Mr. Speaker, that the census figures are far too conservative. But let us use them for the time being.

Fifty percent of the growth in the Nation is due to immigration, legal and illegal, far more illegal than legal. That means that 50 percent of the pressure applied in communities all over the Nation for more highways, more hospitals, more schools, the infrastructure that has to be built to support that kind of population is a result of this immigration pressure. It also has other ramifications.

The day before yesterday I happened to pick up the paper in my hometown, Denver, Colorado, and I read a story about the fact that several police agencies are having to either hire or ask volunteers to come on board that would go out with policemen on their calls, especially domestic violence calls or, in the case that was cited in the paper, it was an accident, a boating accident. People were drunk and they crashed their boat and about 8 or 10 had fallen overboard and some were drowning.

When the police got there, when the rescue teams got there, they could not communicate with any of the people who were in dire straits, and there was a lot of concern about the fact that this is not unique, that this particular situation is not unique, that there had been many times when police had been called out to a variety of different situations but had trouble communicating because the people did not speak English.

So now police departments all over the country, this is not unique to Colorado, they are putting people on who have a variety of language skills so that they can perhaps respond to these issues. They are becoming concerned.

Businesses are becoming concerned because they are fearful of lawsuits being brought by people who cannot speak English or read it; and, therefore, cannot read the safety warnings or whatever kind of instructions are on the product. So consultants are telling businesses that now they should be hiring people, they should be, of course, printing things in different languages and/or hiring people to be able to communicate in various languages.

I ask you, Mr. Speaker, how many languages will we have to try and communicate in in order to satisfy this sort of legalistic tendency on the part of many people in our country and to avoid lawsuits? In my district, I have school districts where there are over 100 languages that are spoken right now.

Mr. Speaker, we can handle immigration. I am not for a moment saying that we have to slam the door shut tight behind us and that no one else can come into this country. We can and should continue to allow people to seek access to the United States and to the freedom and the economic opportunity we offer. We should do so mindful of the fact that there is a certain number above which we cannot really accommodate that easily anymore.

Mr. Speaker, I suggest that a million legal immigrants, plus those that we bring in under the status of refugee, plus the four or five million that stream across our borders illegally, I suggest that it is too much. We cannot handle the massive numbers coming in here. That does not mean that we, in fact, are opposed; or that I am opposed to any sort of immigration, but we cannot handle it at these numbers. There are ramifications to it. There are ramifications to it in our schools with attempts to impose bilingual education in classrooms, teaching children in a language other than English so they accomplish very little in terms of achieving the skills necessary to be successful in our society.

The pressures are there. Why? It is because the numbers are here at such a level as to force a change in the structure of society.

There are ramifications to massive immigration. It behooves us, it is our responsibility as the organization established, the entity established to, in fact, determine who comes into the country and who will not be allowed to come in. It is our responsibility to set an immigration policy that is good for the immigrants who we allow in and good for the United States on the receiving end.

An amnesty program for millions of people who came here illegally, that is not a good proposal. That is not a plan, Mr. Speaker. That is surrender. It may be, it has been suggested, as a matter of fact, that this plan was proposed with the thought in mind that it would attract a certain number of voters from various ethnic communities, that they would support our efforts and the efforts of the party in the White House, my party.

Well, I do not know, Mr. Speaker, if that is true or not, but I will tell my colleagues this. Even if it were true that we would find a huge number of Hispanics in this country changing their attitude about the Republican Party and, therefore, voting for us in massive numbers, I do not know whether that is true or not but it does not matter. We should not make laws in this country for specific groups in order to entice them to support us, our party or our candidacy.

□ 2310

We should make laws that benefit all members of our society.

I believe with all my heart, Mr. Speaker, that we can in fact entice, encourage, explain our position. We can provide an explanation of who we are as Republicans, let us say, explain the principles upon which our party is founded, principles of individual freedom, individual responsibility, and I believe we can make a case for someone to become a Republican on that basis. Certainly the Democrats are free to do the same thing. But that is the free marketplace of ideas. That is the whole concept behind this government, that people should be encouraged to support us one way or the other because of who we are, not because we make a law especially for them, not just because their ethnic group or their sexual preference or whatever. We have already divided this country up in so many ways, it is hard to really understand who we are as a Nation as opposed to some balkanized country in Eastern Europe.

We have divided ourselves into so many camps, Mr. Speaker, with so many different interests. We have constructed a political system that is supposed to now sort of accentuate these differences, but this is not healthy for this democracy, not healthy for this republic, and it is certainly the wrong reason to make law.

Mr. Speaker, the other day we had an event in Denver. A gentleman came up to me at this event and he told me a story. This was an elderly gentleman. He told me about an acquaintance of his who was a Filipino by birth. He had fought against the Japanese in the Filipino resistance in the Second World War. He eventually became associated with and worked in some capacity or other with American military in the Second World War. He was wounded in that process. After the war, this gentleman, after having, remember, fought the Japanese, supported the United States in that endeavor, fought on the side of the United States, fought shoulder to shoulder with American servicemen in the Philippines, this gentleman applied for citizenship to the United States. Well, he waited one year and one year grew to two and two grew to three and eventually it was 20 years that went by before this gentleman, remember, a person who had put his life on the line, who had fought shoulder to shoulder with American servicemen, it was 20 years before he was allowed to come into the United States as a legal citizen. Not too long thereafter, I think 2 or 3 years after he was here unfortunately, he died. He had waited most of his life to come to the United States and to do so legally took him, as I say, 20 years.

Now, Mr. Speaker, what do we say to his relatives? What do we say to his memory? If we suggest, not only suggest but propose a law that would give what he so desperately sought, access to this country legally, if it would give it to millions of people who snuck into the country, who did not fight in any way, had no greater claim to come into this Nation than anyone else, except that they wanted the benefits of this life, of this society. What do we say to people like that? How can we look them in the face and tell them that they live in a just society?

Mr. Speaker, there are literally hundreds of millions of people like this gentleman who would give anything to come to the United States and who have in fact applied for entrance into this country. But we have a quota for people from certain areas and we establish how many can come in, supposedly. If you are going to do it legally, you wait. That is exactly the way it should be. You do it by the rules. It is a travesty to offer amnesty to people who ignored these laws. Again, I am not blaming them individually, but I am also saying that it has not been in our interest to reward them for that action.

Mr. Speaker, I believe that massive immigration into this Nation in the numbers we are talking about is one of the most serious domestic policy issues we face. It is extremely difficult to get many of my colleagues to stand up here and talk about this because there is a fear that if you do so, you will be branded as a racist, a xenophobe, a variety of relatively unpleasant things that no one likes to be called. Certainly I do not consider myself to be any of those things. I believe that I am pro-immigrant, having come from an immigrant family. I believe that the United States has been made richer in many, many ways by the contributions of immigrant families from the time our Nation was founded. I am not against immigration. We can handle a certain number of people in here every year. But we cannot handle the millions and millions of people who are streaming into this Nation and who are waiting to stream into the Nation.

What if we really did eliminate the border? What if we really said, "Well, if you want to come, come. Come on ahead." Does anybody wonder about what would happen? How many hundreds of millions of people would stream into the country? Could we really handle this? Could we really provide for them and for ourselves and for our children the kind of quality of life that we have come to build and expect in this country? I do not think so. I do not believe anybody believes that.

So I ask to be rational in our approach to immigration. I believe that most of the immigrants who have recently arrived in the United States legally would agree with me, that that is the way it should be done. I believe most of the immigrants here today would say that the people coming in should not be rewarded for that kind of behavior, when they themselves, the people who came here legally, had to go through all of the hoops and did it right. So I do not think we are unique in calling for a complete reversal of this peculiar policy that has been proposed to give amnesty. I hope that we will once again regain control of our borders, I hope that we will establish guest worker programs that will satisfy the needs of business and industry in the United States, those that tell us day after day—they tell me, anyway—that they would go out of business if they did not have the opportunity to use guest workers, but in reality all of that can be handled through a guest worker program.

□ 2320

We do not have to rely on illegals in order to serve us, because the illegals themselves are exploited more often than not by these employers. They are paid less, they are ill-used, they are ill-treated, because they know that if you are here illegally, you are afraid to turn anybody in. This is not a good deal.

Illegal immigration is not a good deal for the immigrant, it is not a good deal for the United States, and it should not be rewarded by amnesty.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL (at the request of Mr. GEPHARDT) for July 23 on account of a death in the family.

Mrs. JONES of Ohio (at the request of Mr. GEPHARDT) for July 23 on account of the funeral of a close family friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

The following Members (at the request of Mr. TANCREDO) to revise and extend their remarks and include extraneous material:

Mr. COBLE, for 5 minutes, today.

Mr. HORN, for 5 minutes, July 25.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 468. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 25, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3020. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-301146 FRL-6793-8] (RIN: 2070-AB78) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3021. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Henry T. Glisson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3022. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Frederick McCorkle, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3023. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Frank Libutti, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

3024. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

3025. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide [FRL-7014-5] (RIN: 2060-AI42) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3026. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to the North Atlantic Treaty Organization (Transmittal No. 08-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

3027. A communication from the President of the United States, transmitting a supplemental report, consistent with the War Powers Resolution, to help ensure that the Congress is kept fully informed on continued U.S. contributions in support of peacekeeping efforts in the former Yugoslavia; (H. Doc. No. 107–107); to the Committee on International Relations and ordered to be printed.

3028. A letter from the Secretary, Department of Commerce, transmitting the semiannual report on the activities of the Inspector General for the period October 1, 2000 through March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

3029. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in May 2001, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

3030. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3031. A letter from the Personnel Management Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3032. A letter from the General Counsel, Department of Defense, transmitting a draft bill entitled, "Exemption from Certain Immigration Inspection Fees"; to the Committee on the Judiciary.

3033. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace: Hagerstown, MD [Airspace Docket No. 01–AEA–01FR] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International (CFMI) CFM56–5C Turbofan Engines [Docket No. 2001–NE–08–AD; Amendment 39–12224; AD 2001–09–17] (RIN: 2120–AA64) received July 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Heber City, UT [Airspace Docket No. 00–ANM–12] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2–1C, B2–203, B2K–3C, B4–2C, B4–103, and B4–203 Series Airplanes [Docket No. 2000–NM–374–AD; Amendment 39–12289; AD 2001–13–09] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3037. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, Kingman, AZ [Airspace Docket No. 01–AWP–17] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3038. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace: Lloydsville, PA [Airspace Docket No. 01–AEA–04FR] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3039. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2000–NM–116–AD; Amendment 39–12263; AD 2001–12–08] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3040. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; LaFayette, GA [Airspace Docket No. 01–ASO–5] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3041. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CT58 Series and Former Military T58 Series Turboshaft Engines [Docket No. 2001–NE–07–AD; Amendment 39–12262; AD 2001–12–07] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3042. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establish Class E Airspace: Greensburg, PA [Airspace Docket No. 01–AEA–02FR] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3043. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF34–1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines [Docket No. 2000–NE–22–AD; Amendment 39–12261; AD 2001–12–06] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3044. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Roosevelt, UT [Airspace Docket No. 00–ANM–17] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3045. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 2000–NM–303–AD; Amendment 39–12265; AD 2001–12–10] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3046. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Cody, WY [Airspace Docket No. 00–ANM–25] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3047. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and A300 B4; A300 B4–600, B4–600R, and F4–600R (Collectively Called A300–600); and A310 Series Airplanes [Docket No. 2001–NM–194–AD; Amendment 39–12299; AD 2001–13–17] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3048. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Mosby, MO [Airspace Docket No. 01–ACE–6] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3049. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace and Establishment of Class E4 Airspace; Homestead, FL [Airspace Docket No. 01–ASO–4] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3050. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Series Airplanes [Docket No. 2000–NM–291–AD; Amendment 39–12264; AD 2001–12–09] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3051. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of a Class E Enroute Domestic Airspace Area, Las Vegas, NV [Airspace Docket No. 01–AWP–16] received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3052. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Jet Route J–713 [Airspace Docket No. 00–ANM–5] (RIN: 2120–AA66) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1937. A bill to authorize the Secretary of the Interior to engage in certain feasibility studies of water resource projects in the State of Washington; with an amendment (Rept. 107–155). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 2540. A bill to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes; with amendments (Rept. 107–156). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. H.R. 2511. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage energy conservation, energy reliability, and energy production; with an amendment (Rept. 107–157). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 206. Resolution providing for consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–158). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PUTNAM:

H.R. 2600. A bill to amend title 49, United States Code, to provide that air carriers may not transport unaccompanied minors under the age of 18 without written certification of a custodial parent's, foster parent's, or legal guardian's permission, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PUTNAM:

H.R. 2601. A bill to amend title 18, United States Code, to provide penalties for the enticement of children which interferes with parental authority; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. LEACH, Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. COOKSEY, Mr. SMITH of Michigan, and Mrs. NAPOLITANO):

H.R. 2602. A bill to extend the Export Administration Act until November 20, 2001; to the Committee on International Relations.

By Mr. THOMAS:

H.R. 2603. A bill to implement the agreement establishing a United States-Jordan free trade area; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself, Mr. SANDERS, Mrs. ROUKEMA, Mr. BAKER, Mr. SHAYS, Mrs. MALONEY of New York, and Mr. LAFALCE):

H.R. 2604. A bill to authorize the United States to participate in and contribute to the seventh replenishment of the resources of the Asian Development Fund and the fifth replenishment of the resources of the International Fund for Agricultural Development, and to set forth additional policies of the United States towards the African Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, and the European Bank for Reconstruction and Development; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself, Mr. RILEY, Mr. EVANS, Mr. MANZULLO, Mr. UNDERWOOD, Mr. EHLERS, Mr. FARR of California, Mr. WALDEN of Oregon, Mrs. TAUSCHER, Mr. HERGER, Mr. THOMPSON of California, Mr. HILL, Ms. MCKINNEY, Mr. DELAHUNT, Ms. HARMAN, Mr. KIND, Ms. NORTON, Ms. VELÁZQUEZ, and Mr. BAIRD):

H.R. 2605. A bill to amend title 10, United States Code, to require the development and maintenance of an inventory of sites within former military ranges known or suspected to contain unexploded ordnance (UXO) or other abandoned military munitions that pose a threat to human health, human safety, or the environment, to improve security at such sites and public awareness of the dangers associated with such sites, and for other purposes; to the Committee on Armed Services.

By Mrs. CAPITO:

H.R. 2606. A bill to provide project assistance, loan guarantees, and tax credits for a coal gasification demonstration project, and for other purposes; to the Committee on Science, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mrs. MCCARTHY of New York, Mr. MALONEY of Connecticut, Mrs. MALONEY of New York, Mr. KING, Mrs. LOWEY, and Mr. CROWLEY):

H.R. 2607. A bill to authorize a project for the renovation of the Department of Veterans Affairs medical center in Bronx, New York; to the Committee on Veterans' Affairs.

By Mr. GREENWOOD (for himself and Mr. DEUTSCH):

H.R. 2608. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the cloning of humans, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LAFALCE:

H.R. 2609. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes; to the Committee on Resources.

By Mrs. LOWEY (for herself, Mr. HYDE, and Mr. MURTHA):

H.R. 2610. A bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Ms. DELAURO, Mr. MCDERMOTT, Mr. CROWLEY, Mr. KILDEE, Mr. HYDE, and Mr. KUCINICH):

H.R. 2611. A bill to amend the Federal Food, Drug, and Cosmetic Act relating to freshness dates on food; to the Committee on Energy and Commerce.

By Mr. MCINNIS (for himself, Mr. NUSSLE, and Mr. TANCREDO):

H.R. 2612. A bill to amend title XVIII of the Social Security Act to assure that Medicare beneficiaries have continued access under current contracts to managed health care through the Medicare cost contract program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE (for himself, Mrs. MINK of Hawaii, Ms. MCKINNEY, Mr. NORWOOD, Mr. SPRATT, Mrs. MYRICK, Mr. BOUCHER, Mr. SHOWS, Mr. HAYES, Mr. GONZALEZ, Ms. HART, and Mr. BURR of North Carolina):

H.R. 2613. A bill to amend the Trade Act of 1974 to revise the limitations on trade readjustment allowances under the trade adjustment assistance program for workers; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself, Ms. ESHOO, Mr. NADLER, Mr. SANDERS, Mr. SCHIFF, Ms. PELOSI, Mr. MCDERMOTT, Ms. LEE, Mr. BLAGOJEVICH, Mr. FILNER, Mr. HOLT, Mr. HINCHEY, Mr. TIERNEY, and Ms. WOOLSEY):

H.R. 2614. A bill to amend title 49, United States Code, to improve highway safety by requiring reductions in the aggressivity of light trucks; to extend average fuel economy standards to all light trucks up to 10,000 pounds gross vehicle weight; to require phased increases in the average fuel economy standards for passenger automobiles and light trucks; to improve the accuracy of average fuel economy testing and public information regarding average fuel economy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. BURTON of Indiana, Mr. HINCHEY, Mr. KLECZKA, Mr. SCHAFFER, Mr. TANCREDO, and Mr. WAMP):

H.R. 2615. A bill to repeal sections 1173(b) and 1177(a)(1) of the Social Security Act, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 2616. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. RYAN of Wisconsin:

H.R. 2617. A bill to promote international monetary stability and to share seigniorage with officially dollarized countries; to the Committee on Financial Services.

By Mr. SHAW:

H.R. 2618. A bill to clarify the accounting treatment for Federal income tax purposes of deposits and similar amounts received by a tour operator for a tour arranged by such operator; to the Committee on Ways and Means.

By Ms. SOLIS:

H.R. 2619. A bill to reaffirm and clarify the Federal relationship of the Gabrieleno/Tongva Nation as a distinct federally recognized Indian tribe and to restore aboriginal rights, and for other purposes; to the Committee on Resources.

By Mr. OSE:

H.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States to require Members of Congress and the President to forfeit the compensation paid to them starting at the conclusion of each fiscal year until all of the general appropriations bills for the following fiscal year are enacted; to the Committee on the Judiciary.

By Mr. VITTER:

H.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. ACKERMAN (for himself and Mr. CHABOT):

H. Con. Res. 194. Concurrent resolution expressing the sense of Congress to encourage full participation in the Asian Pacific Economic Cooperation (APEC) forum; to the Committee on International Relations.

By Mr. EVANS (for himself, Mr. MORAN of Virginia, Ms. KAPTUR, Ms. LOFGREN, Mr. WOLF, Mr. DOGGETT, Ms. PELOSI, Mr. McNULTY, Ms. McKINNEY, Mr. KUCINICH, Mr. HONDA, Mr. McGOVERN, Mrs. MINK of Hawaii, Mr. ABERCROMBIE, Mr. UNDERWOOD, Mr. SANDERS, Ms. RIVERS, and Ms. McCOLLUM):

H. Con. Res. 195. Concurrent resolution expressing the sense of Congress that the Government of Japan should formally issue a clear and unambiguous apology for the sexual enslavement of young women during colonial occupation of Asia and World War II, known to the world as "comfort women", and for other purposes; to the Committee on International Relations.

By Mr. HANSEN:

H. Con. Res. 196. Concurrent resolution expressing the sense of the Congress that hunting seasons for migratory mourning doves in the Pacific Flyway Region should be modified so that individuals have a fair and equitable opportunity to hunt such birds; to the Committee on Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

169. The SPEAKER presented a memorial of the General Assembly of the State of Delaware, relative to House Concurrent Resolution No. 12 memorializing the United States Congress to enact H.R. 20, that was introduced on January 3, 2001, and that modifies provisions of the Clean Air Act, regarding the oxygen content of reformulated gasoline and improves the regulation of the fuel additive methyl tertiary butyl ether (MTBE); to the Committee on Energy and Commerce.

170. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 35 memorializing the United States Congress to require federally controlled emission sources to reduce their emissions by the same percentages and on the same schedule as state-controlled sources; to the Committee on Energy and Commerce.

171. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 84 memorializing the United States Congress to expand the number of and funding for federally funded community health centers and other federal community-based safety-net programs specifically directed to poor and medically underserved communities in states with the highest numbers of uninsured residents; to the Committee on Energy and Commerce.

172. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 214 memorializing the United States Congress to establish a separate Federal Medical Assistance Percentage for the Texas-Mexico border region; to the Committee on Energy and Commerce.

173. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 28 memorializing the United States Congress to repeal the federal regulation relating to the three-shell limit and the magazine plug requirement found in 50 C.F.R. Section 20–21; to the Committee on Resources.

174. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 51 memorializing the United States Congress to urge the Department of the Interior to reconsider the necessity of designating the Arkansas River shiner as a threatened species and the necessity of designating critical habitat in Texas for the Arkansas River shiner; to the Committee on Resources.

175. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 256 memorializing the United States Congress to relocate the U.S. Border Patrol Training Academy to the southwest Texas border region; to the Committee on the Judiciary.

176. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 10 memorializing the United States Congress to create a federal category under the NAFTA agreement, for NAFTA traffic-related infrastructure damage, to provide counties and municipalities with funding for commercial vehicle weigh stations within the 20-mile commercial border zone; to the Committee on Ways and Means.

177. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 37 memorializing the United States Congress to provide tax credits to individuals buying private health insurance; to the Committee on Ways and Means.

178. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 77 memorializing the United States Congress to amend provisions of the Internal Revenue Code of 1986, as added by PL 106–230, to exempt state and local political committees that are required to report to their respective states from notification and reporting requirements imposed by PL 106–230; to the Committee on Ways and Means.

179. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 104 memorializing the United States Congress to pass legislation amending the Internal Revenue Code to give each person who serves on a jury under certain circumstances or in certain localities a $40 tax credit per day of service and to give each person who is summoned and appears, but does not serve, a one-time $40 tax credit for that day; to the Committee on Ways and Means.

180. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 98 memorializing the United States Congress to make the problem of subsidized Canadian lumber imports a top priority; to the Committee on Ways and Means.

181. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 226 memorializing the United States Congress to amend the Internal Revenue Code of 1986 to allow for the issuance of tax-exempt facility bonds for the purpose of financing air pollution control facilities in nonattainment areas and to provide that such tax-exempt facility bonds issued during the years of 2003, 2004, 2005, 2006, or 2007 for the construction of such air pollution control facilities not be subject to the volume cap requirements; to the Committee on Ways and Means.

182. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution No. 22 memorializing the United States Congress to urge the Environmental Protection Agency to provide maximum flexibility to the states in the implementation of federal environmental programs and regulations; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

183. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 210 memorializing the United States Congress to enact the Railroad Retirement and Survivors' Improvement Act of 2001; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ALLEN.

H.R. 36: Mr. TOWNS.

H.R. 51: Ms. McKINNEY.

H.R. 85: Mr. McNULTY.

H.R. 101: Mr. GUTIERREZ.

H.R. 123: Mr. HEFLEY, Mr. LUCAS of Kentucky, Mr. REHBERG, and Mr. UPTON.

H.R. 144: Mr. OLVER.

H.R. 162: Mr. SNYDER.

H.R. 210: Mr. HASTINGS of Florida.

H.R. 413: Mr. GUTIERREZ.

H.R. 420: Mr. HORN.

H.R. 436: Mr. MASCARA.

H.R. 458: Mr. DUNCAN.

H.R. 476: Mr. KERNS.

H.R. 482: Mr. KERNS.

H.R. 488: Mr. SHERMAN.

H.R. 649: Mr. CLYBURN.

H.R. 662: Ms. MILLENDER-McDONALD, Mr. HOUGHTON, and Mr. BEREUTER.

H.R. 663: Mr. SNYDER.

H.R. 781: Mr. MASCARA, Mr. UNDERWOOD, Ms. WATSON, Mr. FALEOMAVAEGA, and Mr. CLAY.

H.R. 797: Mr. KLECZKA.

H.R. 798: Mr. KLECZKA.

H.R. 810: Mr. BEREUTER and Mr. KOLBE.

H.R. 822: Mr. SMITH of Washington, Mr. MOLLOHAN, and Mr. FRANK.

H.R. 853: Mrs. NAPOLITANO.

H.R. 854: Mr. BENTSEN.

H.R. 921: Mr. FOLEY.

H.R. 938: Mr. TOWNS.

H.R. 951: Mr. BRADY of Texas, Mr. MATHESON, Ms. PRYCE of Ohio, Mrs. DAVIS of California, and Mr. LARSON of Connecticut.

H.R. 967: Mr. SAXTON, Mr. ANDREWS, and Mr. MATSUI.

H.R. 981: Mr. ARMEY.

H.R. 1007: Mr. SHIMKUS and Mrs. NORTHUP.

H.R. 1024: Mr. NUSSLE, Mr. TERRY, and Mr. CANTOR.

H.R. 1043: Mr. SHERMAN and Ms. HARMAN.

H.R. 1044: Mr. SHERMAN.

H.R. 1070: Ms. RIVERS, Mr. KIND, and Mr. CAMP.

H.R. 1090: Mr. WEINER, Mr. GONZALEZ, and Mr. ROHRABACHER.

H.R. 1097: Mr. KENNEDY of Rhode Island, Ms. HARMAN, and Ms. PELOSI.

H.R. 1101: Mr. PITTS and Mr. JEFFERSON.

H.R. 1130: Mr. FATTAH.

H.R. 1136: Mr. PLATTS and Mr. TIAHRT.

H.R. 1192: Ms. KAPTUR.

H.R. 1198: Mr. LaHOOD, Mr. BACA, Mr. WELDON of Florida, and Ms. WATSON.

H.R. 1202: Mr. WAMP, Ms. PELOSI, Mr. GONZALES, Ms. HARMAN, Mr. NUSSLE, and Mr. FORD.

H.R. 1212: Mr. BRADY of Texas and Mr. BLAGOJEVICH.

H.R. 1282: Mr. ARMEY, Mr. SHOWS, Mr. THORNBERRY, Mr. HAYES, Mr. ROHRABACHER, Mr. SESSIONS, Mr. TAUZIN, and Mr. DeLAY.

H.R. 1293: Mr. TURNER and Ms. LEE.

H.R. 1343: Mr. MASCARA.

H.R. 1354: Mr. PASCRELL and Mr. FROST.

H.R. 1401: Mr. THOMPSON of Mississippi.

H.R. 1412: Mr. PETRI, Mr. GALLEGLY, Mrs. MYRICK, Mr. GEKAS, Ms. ESHOO, Mr. JONES of

North Carolina, Mr. ROGERS of Kentucky, Mr. BURR of North Carolina, Mr. CALVERT, Mr. BALLENGER, Mr. HAYES, and Mr. CLYBURN.

H.R. 1476: Mr. FATTAH.

H.R. 1494: Mr. LARSON of Connecticut.

H.R. 1509: Mr. GUTIERREZ, Ms. LOFGREN, Mr. OSBORNE, Ms. HARMAN, and Mr. DEFAZIO.

H.R. 1511: Mr. CALVERT, Mr. GUTIERREZ, and Mr. LARGENT.

H.R. 1517: Ms. BALDWIN and Mr. BARCIA.

H.R. 1556: Mr. BENTSEN.

H.R. 1582: Mr. BONIOR.

H.R. 1586: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1587: Mr. WEXLER.

H.R. 1597: Ms. WOOLSEY.

H.R. 1599: Mr. CANTOR.

H.R. 1604: Mr. SNYDER.

H.R. 1609: Mr. STEARNS, Mr. JOHNSON of Illinois, and Mr. KOLBE.

H.R. 1624: Mr. PLATTS, Mr. SERRANO, Mr. MANZULLO, Mr. SWEENEY, Ms. MCCOLLUM, Mr. MATSUI, Mr. SMITH of Washington, and Mr. LAFALCE.

H.R. 1644: Mr. MOLLOHAN.

H.R. 1669: Mr. MCDERMOTT and Ms. HOOLEY of Oregon.

H.R. 1682: Mr. NADLER.

H.R. 1700: Ms. MILLENDER-MCDONALD and Mr. KUCINICH.

H.R. 1711: Mr. DEFAZIO and Ms. HOOLEY of Oregon.

H.R. 1718: Mr. SAWYER, Mr. COYNE, Mr. KILDEE, Mr. KLECZKA, Mr. SCHIFF, Mr. PHELPS, Ms. HOOLEY of Oregon, Mr. GUTIERREZ, Ms. SOLIS, Mr. PRICE of North Carolina, Mr. ANDREWS, Mr. LARSON of Connecticut, Mr. CARDIN, Mr. MEEHAN, Mr. ACKERMAN, Mr. MASCARA, Mr. HILL, Mr. SABO, Mr. SMITH of Washington, Mr. TURNER, Mr. TRAFICANT, Mrs. NAPOLITANO, Mr. BOSWELL, Mr. SANDLIN, and Mr. MENENDEZ.

H.R. 1723: Mr. BERMAN, Mr. ANDREWS, Mr. BISHOP, Mr. BORSKI, and Mr. MALONEY of Connecticut.

H.R. 1726: Mr. RUSH, Mr. CARDIN, Mr. KUCINICH, and Mr. NADLER.

H.R. 1744: Mr. MCGOVERN, Mrs. MINK of Hawaii, and Mr. CUNNINGHAM.

H.R. 1750: Mr. MASCARA.

H.R. 1751: Mr. MASCARA.

H.R. 1810: Mrs. BIGGERT.

H.R. 1822: Mr. GORDON, Ms. RIVERS, and Mr. PETERSON of Pennsylvania.

H.R. 1827: Mr. BEREUTER.

H.R. 1832: Mr. GEKAS and Mr. JEFFERSON.

H.R. 1861: Mr. BEREUTER.

H.R. 1897: Mr. BONIOR, Mr. RUSH, Ms. MCKINNEY, Mr. CLAY, Mr. BORSKI, Mr. INSLEE, Mr. MATSUI, Mr. PASCRELL, Mr. THOMPSON of Mississippi, and Mr. MASCARA.

H.R. 1907: Ms. WATSON.

H.R. 1950: Mr. DOOLITTLE and Mr. PICKERING.

H.R. 1975: Mr. PLATTS, Mr. WALDEN of Oregon, Mr. MATHESON, Mr. MCINNIS, Mr. ENGLISH, and Mr. MCDERMOTT.

H.R. 1979: Mr. UDALL of Colorado and Mr. WATKINS.

H.R. 1984: Mr. CALVERT.

H.R. 1990: Mr. TOWNS.

H.R. 1996: Mr. BLAGOJEVICH.

H.R. 2001: Mr. ENGLISH and Mr. CALVERT.

H.R. 2071: Mr. PRICE of North Carolina.

H.R. 2073: Mr. BLUNT.

H.R. 2081: Ms. MCKINNEY and Mr. HOBSON.

H.R. 2088: Mr. MOORE and Mrs. BIGGERT.

H.R. 2098: Mr. ROTHMAN, Mr. BENTSEN, and Mr. WEINER.

H.R. 2117: Mr. LAFALCE.

H.R. 2123: Mr. HALL of Texas.

H.R. 2125: Mr. LOBIONDO.

H.R. 2145: Mr. BONIOR.

H.R. 2152: Mr. MEEKS of New York, Mr. TOWNS, Mr. TRAFICANT, Mr. ETHERIDGE, Mr. LIPINSKI, and Mr. SNYDER.

H.R. 2157: Mr. SNYDER and Mr. MASCARA.

H.R. 2178: Mr. DOYLE.

H.R. 2200: Mr. PAUL.

H.R. 2219: Mr. BEREUTER.

H.R. 2220: Mr. LATOURETTE.

H.R. 2221: Mr. UDALL of Colorado.

H.R. 2223: Mr. MCGOVERN, Mr. POMEROY, and Mr. HALL of Texas.

H.R. 2263: Mr. KUCINICH.

H.R. 2308: Mr. FROST and Mr. CANTOR.

H.R. 2316: Mr. SAM JOHNSON of Texas, Mr. LAHOOD, Mr. PUTNAM, Mr. Cantor, Mr. FLAKE, Mr. PLATTS, Mr. TOOMEY, Mr. ROGERS of Michigan, Mr. DOOLITTLE, Mr. COOKSEY, Mr. AKIN, Mr. VITTER, Mr. NETHERCUTT, Mr. NEY, Mr. GIBBONS, and Mr. SESSIONS.

H.R. 2319: Mr. LANTOS.

H.R. 2323: Mr. SESSIONS and Mr. MASCARA.

H.R. 2339: Mr. BRYANT.

H.R. 2340: Mr. CUMMINGS.

H.R. 2343: Ms. JACKSON-LEE of Texas.

H.R. 2349: Mrs. DAVIS of California, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. COSTELLO.

H.R. 2380: Ms. NORTON, Ms. BERKLEY, Ms. SLAUGHTER, Mr. BOUCHER, Ms. SOLIS, Mr. EHRLICH, and Mr. SHIMKUS.

H.R. 2390: Mr. TERRY.

H.R. 2417: Mr. LARGENT.

H.R. 2418: Mr. CARSON of Oklahoma.

H.R. 2435: Mr. WOLF.

H.R. 2436: Mr. SOUDER.

H.R. 2453: Mr. WEXLER and Mr. CUMMINGS.

H.R. 2456: Mr. TOM DAVIS of Virginia and Mr. SHAYS.

H.R. 2458: Mr. MATHESON and Ms. BALDWIN.

H.R. 2476: Mr. NEAL of Massachusets, Mr. OBERSTAR, Mr. TIERNEY, Ms. KAPTUR, and Mr. STARK.

H.R. 2494: Mr. SHOWS, Mr. CAPUANO, Mr. RODRIGUEZ, Mr. LIPINSKI, Mr. GRAVES, Ms. SANCHEZ, Mr. FROST, and Mr. FALEOMAVAEGA.

H.R. 2498: Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. ACKERMAN, Ms. CARSON of Indiana, Mrs. JONES of Ohio, Mrs. MALONEY of New York, and Ms. SCHAKOWSKY.

H.R. 2503: Ms. MCKINNEY.

H.R. 2527: Ms. BALDWIN.

H.R. 2540: Mr. ABERCROMBIE, Mr. SNYDER, Mr. PASCRELL, Mr. FALEOMAVAEGA, Ms. BERKLEY, Ms. MCKINNEY, Mr. HASTINGS of Florida, Mr. SANDERS, Mr. GONZALES, Mr. GUTIERREZ, Mr. DOYLE, Mrs. TAUSCHER, Ms. CARSON of Indiana, and Mr. EDWARDS.

H.R. 2550: Mr. HOUGHTON and Mr. NEY.

H.R. 2560: Mr. FROST.

H.R. 2563: Ms. SOLIS, Mr. MASCARA, Mr. LANGEVIN, Mr. VISCLOSKY, Mr. BALDACCI, and Mr. ACKERMAN.

H.J. Res. 6: Mr. MCGOVERN.

H.J. Res. 54: Mr. HYDE and Mr. PLATTS.

H. Con. Res. 89: Mr. BEREUTER.

H. Con. Res. 102: Mr. FROST, Mr. BISHOP, Ms. BROWN of Florida, Mr. CLAY, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. FORD, Mrs. JONES of Ohio, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. OWENS, Mr. SCOTT, and Mr. TOWNS.

H. Con. Res. 116: Mrs. BIGGERT.

H. Con. Res. 152: Mr. KIRK.

H. Con. Res. 162: Mr. ANDREWS and Mr. RUSH.

H. Con. Res. 177: Ms. WATERS, Ms. NORTON, Mrs. MALONEY of New York, Mr. RUSH, Mr. WAXMAN, Mr. HINCHEY, Mrs. CAPPS, and Mr. BONIOR.

H. Con. Res. 178: Mr. TOM DAVIS of Virginia, Mr. WOLF, Mr. SOUDER, Mr. MORAN of Virginia, Mr. CRENSHAW, Mr. COBLE, Mr. BLUNT, Mr. GOODLATTE, Mr. UPTON, Mr. PITTS, Mr. BURTON of Indiana, Mr. GILMAN, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, Mr. HOUGHTON, Mr. CANTOR, Mr. HYDE, Mr. HASTINGS of Florida, and Mr. ISAKSON.

H. Con. Res. 180: Mr. WEXLER, Mr. DEFAZIO, Mr. SERRANO, Mr. HORN, Mr. FRANK, Ms. ESHOO, Mr. PRICE of North Carolina, Mr. SNYDER, Ms. BALDWIN, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. LARSON of Connecticut, Mr. STRICKLAND, Mr. ROEMER, Mr. BONIOR, Ms. WATSON, Mr. MCNULTY, and Mr. UNDERWOOD.

H. Con. Res. 181: Mr. HONDA, Mr. HINCHEY, Mr. PETERSON of Pennsylvania, Mr. UNDERWOOD, Ms. MCKINNEY, and Mr. WELDON of Pennsylvania.

H. Res. 144: Mr. RODRIGUEZ and Mr. BEREUTER.

H. Res. 152: Mr. OBEY.

H. Res. 191: Mr. FERGUSON, Mr. KERNS, Mr. HILLIARD, Mr. CHABOT, Mr. BURR of North Carolina, Mr. PITTS, Mr. FLAKE, Mrs. JO ANN DAVIS of Virginia, and Mr. DAVIS of Illinois.

H. Res. 193: Mr. WEINER, Mr. MOLLOHAN, Mr. KNOLLENBERG, and Mr. BRADY of Texas.

H. Res. 197: Mr. OSE, Mr. CALLAHAN, Mr. NEY, Mr. CANTOR, and Mr. PETERSON of Pennsylvania.

H. Res. 202: Mr. HOLDEN, Mr. SPRATT, Mr. OBEY, Mr. NUSSLE, Mr. CUNNINGHAM, Mr. BROWN of Ohio, Mr. MARKEY, Mr. WU, Mr. ROHRABACHER, Mr. DINGELL, Mr. MURTHA, and Mr. GREENWOOD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 21: Mr. GREEN of Wisconsin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2590

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 4: At the end of title I (before the short title), insert the following:

SEC.   . The Secretary of Treasury shall establish a commission to oppose the privatization of Social Security, the diversion of Social Security revenues to the stock market, and the reduction of Social Security benefits.

H.R. 2590

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction, after the President has certified to Congress that the Cuban Government has released all political prisoners and has returned to the jurisdiction of the United States Government all persons residing in Cuba who are sought by the United States Government for the crimes of air piracy, narcotics trafficking, or murder.

H.R. 2590

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6: At the end of the bill (preceding the short title) insert the following new section:

Sec.   . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

H.R. 2590

Offered By: Mr. Rangel

Amendment No. 7: At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec.   . None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except those provisions that relate to the denial of foreign tax credits or to the implementation of the Harmonized Tariff Schedule of the United States.

H.R. 2590

Offered By: Mr. Hastings of Florida

Amendment No. 8: Add at the end before the short title the following:

Sec. 6   . The amounts otherwise provided by this Act are revised by increasing the amount provided for "Federal Election Commission—salaries and expenses" by $600,000,000 and by decreasing each other amount appropriated or otherwise made available by this Act which is not required to be appropriated or otherwise made available by a provision of law by such equivalent percentage as is necessary to reduce the aggregate amount appropriated for all such amounts by the amount of the increase provided under this section.

H.R. 2590

Offered By: Mr. Inslee

Amendment No. 9. Page 89, strike lines 18 through 20.

H.R. 2590

Offered By: Mr. Sanders

Amendment No. 10: At the end of the bill, insert after the last section (preceding the short title) the following:

Sec.   . None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to section 307 of the Tariff Act of 1930, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

H.R. 2590

Offered By: Mr. Souder

Amendment No. 11: In title III, in the item relating to "Federal Drug Control Programs-high intensity drug trafficking areas program", before the period at the end insert the following:

: *Provided further*, That the Director shall reduce by 5 percent funds expended in High Intensity Drug Trafficking Areas containing States that permit the use of Schedule I controlled substances under State law in a manner inconsistent with the Controlled Substances Act (Public Law 91–513)

H.R. 2590

Offered By: Mr. Wynn

Amendment No. 12: At the end of the bill (preceding the short title) insert the following new section:

Sec.   . None of the funds made available in this Act may be used to initiate the process of contracting out, outsourcing, privatizing, or converting any Federal Government services unless such process is carried out in accordance with the requirements regarding public-private competition set forth in OMB Circular A–76.

H.R.

[VA and HUD Appropriations, 2002]

Offered By: Mr. Andrews

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec.   . For an additional amount for the Environmental Protection Agency for grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) for State expenses of formulating source water assessment programs under section 1453 of such Act, and the amount otherwise provided in this Act for "Department of Housing and Urban Development—Management and Administration—Salaries and Expenses" is hereby reduced by $85,000,000.

H.R.

[VA and HUD Appropriations, 2002]

Offered By: Mr. Andrews

Amendment No. 2: In title III, in the item relating to "Consumer Product Safety Commission—salaries and expenses", insert before the period at the end the following:

: *Provided*, That, of the amount provided under this heading for nonsalary expenses, $2,500,000 shall not be available for obligation until June 1, 2002.

H.R.

[VA and HUD Appropriations, 2002]

Offered By: Mr. Kleczka

Amendment No. 3: At the end of title I, insert the following new section:

Sec.   . (a) Authority of Department of Veterans Affairs Pharmacies to Dispense Medications to Veterans on Prescriptions Written by Private Practitioners.—Subsection (d) of section 1712 of title 38, United States Code, is amended to read as follows:

"(d) Subject to section 1722A of this title, the Secretary shall furnish to a veteran such drugs and medicines as may be ordered on prescription of a duly licensed physician in the treatment of any illness or injury of the veteran.".

(b) Clerical Amendments.—(1) The heading of such section is amended by striking the sixth through ninth words.

(2) The item relating to that section in the table of sections at the beginning of chapter 17 of that title is amended by striking the sixth through ninth words.

H.R.

[VA and HUD Appropriations, 2002]

Offered By: Mr. Roemer

Amendment No. 4: In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—medical and prosthetic research", after the aggregate dollar amount, insert the following: "(increased by $10,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Departmental Administration—general operating expenses", after the aggregate dollar amount, insert the following: "(increased by $56,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Departmental Administration—construction, minor projects", after the aggregate dollar amount, insert the following: "(increased by $10,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Departmental Administration—grants for construction of state extended care facilities", after the aggregate dollar amount, insert the following: "(increased by $30,000,000)".

In the item relating to "National Aeronautics and Space Administration—human space flight", after the aggregate dollar amount in the first paragraph, insert the following: "(reduced by [$1,831,300,000,000]) (increased by $300,000,000)".

In the item relating to "National Aeronautics and Space Administration—human space flight", after the aggregate dollar amount specified in the second paragraph for the development of a crew return vehicle, insert the following: "(reduced by [$275,000,000])".

In the item relating to "National Aeronautics and Space Administration—science, aeronautics and technology", after the aggregate dollar amount, insert the following: "[(reduced by $343,600,000)] (increased by $290,000,000) (increased by $20,000,000) (increased by $6,000,000) (increased by $49,000,000)".

In the item relating to "National Science Foundation—research and related activities", after the aggregate dollar amount, insert the following: "(increased by $405,000,000)".

In the item relating to "National Science Foundation—major research facilities construction and equipment", after the aggregate dollar amount, insert the following: "(increased by $62,000,000)".

In the item relating to "National Science Foundation—education and human resources", after the aggregate dollar amount, insert the following: "(increased by $34,700,000)".

In the item relating to "National Science Foundation—salaries and expenses", after the aggregate dollar amount, insert the following: "(increased by $5,900,000)".

H.R.

[VA and HUD Appropriations, 2002]

Offered By: Mr. Roemer

Amendment No. 5: At the end of the bill (before the short title), insert the following:

Sec.   . None of the funds made available in this Act may be used by the National Aeronautics and Space Administration—

(1) to obligate amounts for the International Space Station in contravention of the cost limitations established by section 202 of the National Aeronautics and Space Administration Authorization Act of 2000 (Pub. L. 106–391; 42 U.S.C. 2451 note); or

(2) to defer or cancel construction of the Habitation Module, Crew Return Vehicle, or Propulsion Module elements of the International Space Station.

EXTENSIONS OF REMARKS

A TRIBUTE TO WARREN C. CHAO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. LANTOS. Mr. Speaker, today I rise in tribute to an outstanding American, the late Mr. Warren C. Chao who led a life of service, great accomplishment and ultimate achievement of the American dream.

Mr. Chao was born into meager circumstances during a time of great turmoil in Manchuria, China, on March 16, 1914. Even as a young man, he was deeply committed to receiving an education and left his family to attend school in Beijing at the age of 15. During the Japanese occupation, Mr. Chao was unable to return to his home.

When he was at last able to return, Mr. Chao was distressed to learn that his father had been tortured and arrested by the Japanese army and that his family had been forced to sell their farm to buy his father's freedom, leaving them indigent. Also after returning to his native Manchuria, Mr. Chao completed his undergraduate work in Civil Engineering. For five years after his graduation, Mr. Chao committed himself to public service by building agricultural infrastructure for Chinese farmers. During this time he supervised various flood management projects in China, including the Yellow River project, which is, world renowned as one of the most challenging water projects ever undertaken by man.

Mr. Speaker, in 1948, during the Chinese Civil War, Mr. Chao worked on water conservation projects in Manchuria for the Nationalist government. A staunch anti-communist, he was forced to escape on foot, disguised as a peasant, to rejoin his wife who had previously left Manchuria for the safety of Beijing. Unfortunately, Mr. Chao's parents and extended family were unable to join him. After a brief stay in Beijing, Mr. Chao and his wife traveled to Taiwan, not knowing that they would not see their homeland again for more than 40 years.

Once in Taiwan, Mr. Chao got a job with the Taiwan Sugar Company as a Civil Engineer. During the eleven years he was employed by the Taiwan Sugar Company, he was recognized as a pioneer in developing western Taiwan's coastal agricultural areas. After leaving the Taiwan Sugar Company, Mr. Chao was employed by the National Taiwan Power Company as the Senior Hydraulic Engineer, and was instrumental in building numerous large hydraulic dams and power stations. Due to his technical and supervisory expertise, he was appointed to be the Irrigation Engineer for the Sino-American Joint Commission on Rural Reconstruction, a venture supported by the United States Agency for International Development.

Mr. Speaker, at the age of 55, Mr. Chao immigrated to the United States in pursuit of a better life for his family. He moved to San Francisco on August 8, 1970. His lack of skill in the English language hindered Mr. Chao professionally, but he persevered, performing hard physical labor to support his family.

Like many Americans, Mr. Chao succeeded despite tremendous odds against him. He worked hard to get ahead and attended graduate school in civil engineering at the University of California at Davis, and environmental engineering at the University of California at San Francisco. He returned to engineering at the Naval Supplies Center in Alameda where he served as a Civil Engineer for 15 years, retiring at the age of 78, after spending his entire professional life using his technical knowledge to benefit others.

Mr. Speaker, sadly Mr. Chao passed away on August 14, 1999. His family described his passing in peace and comfort and recalled these selfless words from his final days: "This road is getting too long and hard and I don't want to make it too hard for you." I will close with the words of Mr. Chao's son Michael, who paid the greatest tribute a child can to a parent by memorializing his father as a man of "accomplishment, sacrifice for his family, service to his country and unyielding spirit and enthusiasm for education."

I ask my colleagues to join me in commending Mr. Chao for a life well lived, for the legacy of public service, for his commitment to his family in America. I invite my colleagues to join me in paying tribute to Warren Chao.

COMMUNITY SOLUTIONS ACT OF 2001

SPEECH OF

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. MANZULLO. Mr. Speaker, with great reluctance, I will vote against the Community Solutions Act (H.R. 7), an otherwise outstanding piece of legislation. The bill allows additional not-for-profits the same ability to administer federal programs as the Salvation Army, Catholic Charities, and Lutheran Social Services have demonstrated for years; it allows appreciated IRA's to be cashed in and donated to charities without having to declare a gain in income; and much more. There is one very troubling provision, however.

In an effort to encourage businesses and individuals to make facilities available to not-for-profits, including churches, section 104 of the bill creates different legal standards of care owed by the landlord to the tenant. For example, if a shopping center made a community room available, for free or rental, and an attendee fell down the stairs, the charity could have greater liability for injuries than the landlord who has actual control of the stairs. If the church lacked the insurance or other resources, the attendee might be left without a complete remedy, or any remedy at all.

Apart from the merits of these different liability standards for not-for-profits, that whole issue belongs in the state legislatures, not the United States Congress. Congress has no constitutional authority to determine landlord-tenant liability. This is how good intentions result in bad law, and how federal government power continues to grow.

I raised these important concerns, but they were not heeded. While there is an exemption or "opt-out" for states in section 104(e) of the bill, it is wholly inadequate. It requires states to enact a law claiming exemption from the federal standards, but even then it provides no exemption for federal cases (such as those based on diversity of citizenship) and no exemption for state cases where diversity of citizenship exists. In other words, even if a state enacts a law opting out of the federal liability standards, those federal standards still apply in numerous cases, including (1) all cases brought in federal court and (2) all cases brought in state court where any plaintiff or any defendant is from a different state. Such a diluted exemption does very little to address the important policy and constitutional concerns noted above.

The bill does not need section 104 to carry out the President's worthy goal of expanding charitable choice. I sincerely hope the bill can be changed to reflect these serious concerns, and will work toward that end.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mrs. CAPPS. Mr. Speaker, due to airplane malfunctions I was detained in returning from my district last night and missed three votes. Had I been here I would have made the following votes: rollcall No. 257—"yes", No. 258—"yes" and No. 259—"yes".

HIV/AIDS IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. RANGEL. Mr. Speaker, while we take into account the millions who die each year in Africa from this deadly disease we know as HIV/AIDS, we must also focus our attention on the Caribbean, as the second largest population to become infected with this devastating disease, as reported in the front page of the Washington Post yesterday, for those who may have missed it, I submit it for the record.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Two-thirds of all those diagnosed with the AIDS virus in the Caribbean are dead within two years. What is even more outrageous is that AIDS is the leading cause of death in the Caribbean for those aged 15 to 45 and the numbers are growing.

About one in every 50 people in the Caribbean, or 2% of the population has AIDS or is infected with HIV, the virus which causes AIDS; more than 4% in the Bahamas, and 13% among urban adults in Haiti.

The UN estimates that there were 9,600 children infected in the Caribbean. Further, the Caribbean Epidemiology Centre (CAREC) as well estimates that the overall child mortality rate will increase 60% by 2010 if treatment is not improved.

Clearly, there is a need not only for the United States government's assistance but also for those major private foundations that provide AIDS money for Africa to also develop programs that will come to the aid of those in the Caribbean.

I proudly commend Congresswoman DONNA CHRISTENSEN and her efforts to raise awareness in the community, as this disease is kept silent. I also commend the government of the Bahamas as being the only country in the region that has offered universal antiretroviral treatment over the last several years.

While we simply take medical services and treatment for granted in this country, as the number of AIDS cases decreases per year in North America and increases in the Caribbean; it is our obligation to help provide assistance to these governments in order for them to provide a simple service to their people, enabling them to live prosperous and healthy lives.

TRIBUTE TO THE IDAHO AVIATION CAREER EDUCATION PROGRAM

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. OTTER. Mr. Speaker, I rise today to pay tribute to the Idaho Aviation Education (ACE) program, jointly sponsored by the Idaho Transportation Department Division of Aeronautics and the Idaho Aviation Hall of Fame. Last week, two dozen young people from across Idaho were able to take part in the ACE program and learn about the opportunities and excitement available in the aviation industry. These high school students learned about air traffic control, flight maintenance, Idaho's illustrious flying heritage, and the pride that comes from a job well done. Students were even given the opportunity to navigate light aircraft through the Boise foothills, demonstrating the real life uses of geography and mathematics skills acquired in school.

I would like to thank all of the people who work to make the ACE program a reality, especially Pam Franco at the Idaho Division of Aeronautics. I would also like to thank the families in the Boise area who took the ACE students into their homes as guests. I am proud of all of the ACE students and encourage them to pursue their dreams into the Idaho skies.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. PASCRELL. Mr. Speaker, I was unavoidably detained by a delayed flight and was unable to be present last night for floor votes. If I had been present, I would have voted in the affirmative on H.R. 2137, H.R. 1892, and S. 468.

SUPPORT FOR THE ARMENIAN TECHNOLOGY GROUP

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to express my support for the Armenian Technology Group's efforts to assist the development of rural private enterprise in the Caucasus and Central Asia regions of the former Soviet Union.

Both as a farmer and as one of this body's Representatives from the world's most prolific agricultural regions, the San Joaquin Valley, I appreciate ATG's work around the world. Just last week, ATG announced the results of its seed multiplication efforts in Armenia. ATG did not merely double the production of wheat in Armenia—the organization was responsible for creating a net four hundred and thirty percent increase in wheat yield.

This, Mr. Speaker, is one of the great success stories in America's foreign assistance history. It is why I am pushing for ATG to receive the resources necessary to replicate its work along the legendary Silk Road in Central Asia. The Central Asia region has not witnessed the type of market-driven successes that we had hoped for at the time of the dismantling of the Soviet Union. I am confident, however, that ATG can help these countries move on the path to economic and market reform and eventual prosperity.

Mr. Speaker, I invite you and our colleagues in this distinguished House to learn more about ATG and the amazing work it has done. May the organization continue to be allowed to prosper in Armenia and elsewhere—it is truly one of America's treasures that we can share with the rest of the world.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 257, Criminal Law Technical Amendments Act of 2001. Had I been present I would have voted "yea."

I was unavoidably detained for rollcall No. 258, Family Sponsor Immigration Act of 2001. Had I been present I would have voted "yea."

I was unavoidably detained for rollcall No. 259, the James C. Corman Federal Building Designation Act. Had I been present I would have voted "yea."

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. MANZULLO. Mr. Speaker, last night, while the House of Representatives was voting, I was unavoidably detained from participating due to adverse weather conditions that kept me from arriving at the Capitol on time. Had I been present I would have voted "yea" on the following bills: H.R. 2137—Criminal Law Technical Amendments Act of 2001; H.R. 1892—Family Sponsor Immigration Act of 2001; and, S. 468—James C. Corman Federal Building Designation Act.

HONORING HENRY L. "HANK" LACAYO

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to Henry L. "Hank" Lacayo, an outstanding community leader from California, on the occasion of his 70th birthday. I want to recognize Hank's lifetime of service he has provided the Nation through his dedication to leadership and social activism.

After graduating from John C. Fremont High School in 1949, Hank served in the U.S. Air Force and was later hired at the North American Aviation's Los Angeles Division in 1953. He then embarked on a career in organized labor starting with his election in 1962 to serve as President of the United Auto Workers (UAW) Local 887.

Until 1972, Hank represented 30,000 workers at North American Aviation, later known as Rockwell International in Los Angeles. Appointed as an Administrative Assistant to then-UAW President Leonard Woodcock, Hank moved to Detroit, Michigan in 1974. There Hank was appointed National Director of the UAW's political and legislative department. For the successive three UAW's Presidents, Leonard Woodcock, Douglas Fraser, and Owen Bieber, Hank served as administrative assistant.

During the administration of President John F. Kennedy, Hank served as an advisor to the U.S. Department of Labor. He has since been a trusted advisor to several U.S. Presidents. Hank was named a National Director of the UAW Community Action Program, the UAW's political and legislative arm, in 1976.

Hank's total devotion to his community is evidenced by the many organizations that he has chaired worldwide. Hank is a founding member of Destino 2000, the Hispanic Legacy fund, Co-Founder and Past Chairman of the Board of the U.S. Hispanic Leadership Institute and currently serves on the Community Advisory Board of the California State University Channel Islands.

Hank's remarkable leadership skills are valued throughout the world as noted when he was appointed in 1994 and 1996 as an International Election Observer to the Presidential elections in Honduras and Nicaragua.

Hank's devoted service to the community around him has been recognized through his receipt of honors in the form of the National Hero Award from the U.S. Hispanic Leadership Institute, 1993 Labor Leader of the Year from the Tri County Labor Council (Ventura, Santa Barbara and San Luis Obispo), and by the Hank Lacayo Community Center in Van Nuys, California.

Mr. Speaker, I ask my colleagues join me in honoring the contributions that Hank has given to a myriad of communities through his lifetime. And we all join in wishing him a very happy birthday.

CALL FOR RECOGNITION OF AND ACTION ON THE HUMANITARIAN CRISIS OF AIDS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. RANGEL. Mr. Speaker, I rise before you today to call attention to the worldwide humanitarian crisis of AIDS. As we consider appropriations for fiscal year 2002, I urge my colleagues to increase our focus on the fight against HIV and AIDS.

I support and applaud the substantial increase in funding to fight HIV/AIDS around the world. I am happy to see that Foreign Operations Appropriations Act for Fiscal Year 2002 includes $474 million for combating HIV/AIDS, roughly $45 million more than the Bush administration requested. The bill provides for $100 million of the promised $200 million U.S. contribution to the new United Nations Global Fund to fight HIV/AIDS, Malaria, and Tuberculosis. I hope that this contribution is the first of many, a down payment on our global future.

As I consider the recent U.N. AIDS conference, I think about the world's people rallying together, in all of our richness and complexity, to fight something so basic yet elusive: a virus. It is shocking and difficult to absorb the reality of the expansive damage done by an organism so small.

It was 20 years ago that we began this fight, and it is a difficult anniversary. Thankfully, past disagreement on this issue has given way to building consensus that AIDS is an international emergency that threatens global security and stability. For the United States, this is a matter of the highest urgency and national interest. The moral, humanitarian, economic, and international security threats posed by AIDS mandate concentrated and immediate action.

We are all aware of the health crisis presented by AIDS. The facts are staggering and quoted often. At times, the numbers are so emotionally unwieldy that it is difficult to absorb the reality of this epic loss in a meaningful way.

Again, we survey the damage: 21 million people have lost their lives to AIDS. Of those, 17 million victims were Africans. This loss of human life is unparalleled. Sub-Saharan Africa is home to about 10 percent of the world's population—and more than 70 percent of the worldwide total of infected people. The United Nations reports that 25.3 million adults and children in sub-Saharan Africa are currently infected with the HIV virus and that 12.1 million African children have been orphaned by AIDS since the epidemic began 20 years ago. These children are left to a life of malnutrition and limited educational opportunity.

Beyond Africa, the impact of AIDS is increasing in Asia, Central America, Eastern Europe, and India. The situation is also dire closer to home. The Caribbean is fast

The world's poorest countries are those hardest hit. As the virus destroys the lives and bodies of individuals, it eats away at the very fabric of developing nation-states. Tragic and personal experiences with death in these countries are adding up to disastrous social and economic trends.

UNAIDS states that 95 percent of the world's 34.3 million HIV-infected people live in developing countries, countries where access to care and much-needed medicines are limited. Development is reversed and already-fragile governments are strained. Developing economies are further marginalized by as much as 20 percent. As nations lose entire generations, they lose skilled workers, teachers, doctors, and leaders. The virus is depriving Africa of those who could best contribute to its future, leaving behind economic decline and political upheaval.

African and other third-world nations, long on the back burner of U.S. policy consideration, now demand our attention and cooperation. This continuum of suffering must be met with a continuum of real and immediate intervention. This epidemic is truly the greatest developmental challenge of our lifetime.

The situation is dire, yet is my hope that in the midst of this crisis, we can find great opportunity. Perhaps we can meet this challenge, employing crisis as a tool to improve medical training, treatment, and health care delivery infrastructure for the world's neediest people.

We must meet the urgency of this great calamity and move from shocking figures to strategic, collaborative interventions. The United States must use both our resources and our moral influence as we urge all nations to join in this fight.

We must augment our own contributions and urge increased international donations to the World Bank AIDS international trust and the U.N. Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis. The President recently requested roughly $2.5 billion for Theater Missile Defense (TMD). Surely, we can do more for AIDS.

Strategic, multilateral partnerships must be formed between governments, non-governmental organizations, pharmaceutical companies, and private foundations and industry to further a comprehensive program of worldwide HIV/AIDS prevention, awareness, education, and treatment. We must focus on authorizing critical assistance to fight the disease in sub-Saharan Africa and other developing countries.

I wish to stress that we must not lose hope as we face tough decisions and the difficult balancing of different positions and approaches. We must allocate rationed resources and discuss the appropriate balance between prevention, treatment, and research. We must craft a compromise between important international trade rules and critical access to HIV-related drugs. We must temper the urgent need for the availability of antiretroviral drugs with the reality of health systems that are not prepared for diagnosis and treatment. As we work to extend the lives of people living with AIDS, we must pursue aggressive and phased-in interventions. Without focused funding on the improvement of medical infrastructure, we entertain dangerous public health risks posed by the introduction of drug-resistant strains. We must anticipate and constructively respond to all these challenges as they arise, for they will arise. But let it be said: challenges and hurdles are never a reason to not attempt change, especially when the goal is reduction of extreme human suffering and prolonging of life. We must frame setbacks as opportunities for improved efforts.

Lastly, I urge my colleagues to consider the effects of trade and debt reduction policies that influence the treatment of the disease. We must push for the full implementation of the African trade bill and Caribbean Basin initiative. Additionally, it is essential that we provide debt relief to the world's poorest countries and enable these countries to reinvest the savings in treatment, prevention, education, and poverty reduction efforts.

I urge my colleagues to let these appropriations be another step in U.S. leadership on this issue. Our own citizens have led the fight in awareness and advocacy on this issue—let us meet them in their determination and dedication. Let these funds be the beginning of increased efforts to treat and prevent this terrible disease. If we miss this opportunity for leadership, we will lose an entire generation. We cannot come late in our response.

I thank my colleagues for their continued cooperation and action on this issue. It is my wish that our efforts will result in a day where much like smallpox, the worldwide plague of AIDS will be only a memory; poignant, yet firmly in our past.

PAYING TRIBUTE TO THE TRW CHASSIS SYSTEMS' FENTON PLANT

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the TRW Chassis Systems' Fenton Plant for receiving the prestigious Michigan Voluntary Protection Programs (MVPP) Star Award for workplace safety and health excellence. They were presented with the award by the Michigan Department of Consumer & Industry Services on June 15, 2001 during a ceremony at the plant.

In receiving this award, the plant was subject to intense competition and a verification audit with stringent criteria that emphasizes management commitment, employee involvement and low accident rates. The Fenton plant's accident rates and lost work day rates are far below the Michigan average for the industry.

Therefore Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to the TRW Chassis Systems' Fenton Plant for receiving the Michigan Voluntary Protection Programs Star Award.

HONORING MS. DOROTHY PERRY, A CHAMPION OF AFFORDABLE HOUSING

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to Ms. Dorothy Perry, the Parents' Day Council's Florida Parent of the Year 2001. Ms. Perry is a worthy honoree for the 7th Annual Congressional Parents' Day Celebration. One of the unsung heroines of our community, Ms. Perry has been a trailblazer throughout her many years of dedication and service under the aegis of the affordable housing movement.

She has wisely chosen the challenge of ensuring home ownership as an affordable right for ordinary folks, who have done and are doing their fair share in contributing to the good of our community. For many years, long before the dream of affordable housing became a priority on the public agenda, Ms. Perry has been relentless in her passionate commitment to helping countless people in my community fulfill their wish of someday owning their dream house.

Tonight's honor is yet another recognition of her devotion to the little people. In fact, a few years ago the United Nations honored her as the adoptive mother par excellence of some 2000 children, having literally transformed her home in my district's James E. Scott Public Housing into a "safe and loving haven" for them.

Indeed, Ms. Perry symbolizes the community activist who genuinely gives credence to the dignity and optimism of the American spirit. She serves as an indelible reminder of what a difference a caring individual can make in the lives of our children in whose hands our future lies.

On behalf of a grateful nation, I salute her and wish her Godspeed in all her endeavors!

RECOGNIZING BLUE AND WHITE SUNDAY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. KILDEE. Mr. Speaker, I rise today to join Community Baptist Church of Davison, Michigan, in honoring the dedicated men and women of law enforcement throughout Genesee County. This Sunday has been declared by Community Baptist Church as "Blue and White Sunday," in honor of the members of each police department in Genesee County. The Community Baptist Church of Davison recognizes that our police officers should be surrounded with our prayers.

As a Member of Congress, I consider it both my duty and privilege to work to promote, protect, defend, and enhance human dignity. I know that because of Genesee County's loyal police forces, this task becomes easier. It takes a special kind of person to patrol our streets and ensure our citizens' safety, and because of their commitment to justice, the cities and townships of Genesee County have collectively become a better place.

I applaud Community Baptist Church for their insight in honoring these valiant people who have made it their life's work to preserve peace and order, and have served the public trust. In addition, they have become role models, colleagues, and friends to the community.

Mr. Speaker, we owe law enforcement officials throughout the country a debt of gratitude. Every day they put their very lives on the line to shield our loved ones and us from harm, and for that I am more than thankful. I ask my colleagues to please join me in recognizing their efforts.

H.R. 427, THE LITTLE SANDY WATERSHED PROTECTION ACT

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. WU. Mr. Speaker, I rise today as an original cosponsor in support of H.R. 427, the Little Sandy Watershed Protection Act. I thank my colleague from Oregon, Mr. BLUMENAUER, for spearheading such an important bill for Oregon.

This important legislation will extend the boundary of the Bull Run Management Unit, a bit Northeast of Portland, to include the Little Sandy watershed. By doing this, we will help secure the water quality of potential sources of drinking water for the Portland metro area. Additionally, by securing the Little Sandy watershed, we will protect the water quality and habitat of anadromous fish, including steelhead and Chinook, listed under the Endangered Species Act.

Mr. Speaker, this common sense solution is "Oregonesque." The bill maintains the integrity of the Association of O&C Counties and authorizes Clackamas County to seek $10 million for watershed restoration projects that relate to the Endangered Species Act listings or water quality improvements. This local and federal partnership is needed to help recover these populations of endangered steelhead and Chinook. By working together to protect watersheds and habitat today, we will avoid the clashes between species protection and other land uses tomorrow.

Thank you again for lending me the time, and I urge all of my colleagues to support this responsible bill. I yield back the balance of my time.

KATIE HENIO WINS NATIONAL VOLUNTEER AWARD

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. UDALL of New Mexico. Mr. Speaker, I am delighted to rise today and recognize Katie Henio, a 73-year-old sheepherder and weaver from the Navajo Reservation, who is receiving a national community volunter award this week.

Katie is receiving the Yoneo Ono award from the Rural Community Assistance Corporation for her work with the Ramah Navajo Weavers Cooperative, a grassroots group made up of over forty traditional weavers who live on the Ramah Navajo Reservation in the pinon pine country of west central New Mexico. Founded by seventeen women in 1984, the non-profit group is working toward two broad goals: to increase family self-reliance on indigenous resources, and to strengthen important and distinctive land-based traditions, values, and spirituality for future generations of Ramah Navajos.

The Ramah Navajo weavers offer high quality traditionally handspun, hand-woven Navajo weavings. Colors are from natural wools or native plants found on or near the Ramah Navajo Reservation, giving a wide range of reds, blues, grays, yellows, tans, and browns. Each weaver raises her own sheep, creates her own designs—many of which have been passed on through generations by family members—spins her own yarns, hand-dyes the yarns using vegetal dyes from local plants, and weaves on the traditional Navajo upright loom.

Katie has been the President of the association since 1985 and serves on the planning committee to develop Navajo language and culture curriculum at Pine Hill schools. Katie has also had a children's book written about her, "Katie Henio, Navajo Sheepherder." That book has taught children around the country—far from the Navajo reservation—about the ways of her people and celebrates their lifestyle.

The Yoneo Ono award is given each year to a volunteer who has made a contribution to improving the quality of life in his or her community. It is named in honor of one of the founders of the Rural Community Assistance Corporation, a nonprofit group dedicated to improving the lives of rural citizens in 12 western states.

In this day and age, one is hard pressed to find someone so selfless in caring for her community and fellow citizens. Katie epitomizes the values that all of us should strive for: leadership, commitment, dedication, compassion, and self sacrifice. Mother, grandmother, great-grandmother and pillar of her community, Katie's devotion to those around her has rightfully earned her he respect and admiration of those she has served and will continue to serve.

Mr. Speaker, as my colleagues are aware, I serve as the ranking member on the Small Business Subcommittee on Rural Enterprise, Agriculture and Technology. As someone who has dedicated himself to raising awareness of the unique challenges that face rural America, I believe that Katie Henio is an example of a volunteer in a rural community pulling people together and thriving. She has demonstrated that individuals working together make a difference. I wish to extend my best wishes and congratulations to Katie on a job well done, and encourage this wonderful organization to keep up the good work.

INTRODUCTION OF A RESOLUTION ENSURING A FAIR AND EQUITABLE OPPORTUNITY TO HARVEST MIGRATORY MOURNING DOVES IN THE PACIFIC FLYWAY

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. HANSEN. Mr. Speaker, I am pleased to introduce today a House Concurrent Resolution calling for a renegotiation of the Migratory Bird Treaty of 1916 to promote fair and equitable hunting opportunities for sportsmen in the western United States.

Specifically, my legislation provides for a lengthening of the migratory mourning dove hunting season in the Pacific Flyway Region. This region includes the states of Arizona, California, Colorado, Idaho, New Mexico, Oregon, Utah, Washington, and Wyoming.

The nationwide hunting season opening date for migratory mourning doves is September 1st, as established by the Migratory Bird Treaty. However, in the Pacific Flyway Region, 75 percent of the migratory mourning dove population has already moved south by this traditional opening day. Because of this naturally occurring event, sportsmen in western states, including my own State of Utah, are denied the same hunting opportunities for mourning doves as millions of other Americans.

This Resolution is the first step towards correcting this problem by urging the President to take immediate action to begin discussions for the necessary renegotiation of the Migratory Bird Treaty with the appropriate counties who are signatories to this document. It is only through these modifications that sportsmen across the United States will be able to enjoy equally fruitful hunting experiences.

It is important to note that migratory mourning doves are the most widely distributed game bird in North America, as well as the most harvested. Current hunting regulations for mourning doves have been conclusively found to cause no significant effects on recruitment of fledglings in mourning dove populations. An extended hunting season of one additional week at the end of August will pose no threat to migratory mourning doves as game managers will be free to update any regulations necessary to allow for a lengthened season.

This resolution has already found approval with many sportsman groups and wildlife managers throughout the Pacific Flyway region, especially in the intermountain states of Colorado, Idaho, Utah, and Wyoming.

Mourning dove hunting remains a time honored tradition in the Pacific Flyway region, and it is essential that more equitable harvesting conditions be established. Congress should pass this resolution as an act of fairness and as an expression of our gratitude to western sportsmen who have consistently demonstrated a commitment to conserving wildlife by contributing millions of dollars to the Federal Aid to Wildlife Conservation Fund. I urge the expeditious passage of this Resolution so that we can start the process of resolving this inequitable situation.

CONGRATULATIONS TO SEVERAL HOSPITALS IN WESTERN PENNSYLVANIA

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. HART. Mr. Speaker, I rise to the floor today to congratulate several hospitals in western Pennsylvania that were just named as some of the best in the country by U.S. News and World Report.

Pittsburgh has a long history as a hub of research and development in health care. From the life saving work of tissue research, to their reputation as a world-renowned provider of pediatric care, Pittsburgh area hospitals continue to make breakthroughs in the care and treatment of the sick. Three local hospitals made U.S. News and World Report's annual assessment of the country's best hospitals, and I would like to pay tribute to them now.

Children's Hospital of Pittsburgh was ranked as one of the best pediatric hospitals in the country, a testimony to their efforts to ensure that children are in playgrounds and camps during the summer, not hospital beds. The University of Pittsburgh Medical Center was named as one of the top otolaryngology centers due to their commitment to curing disorders from hearing loss to neck cancer. The University of Pittsburgh Medical Center also joined Allegheny General Hospital in Pittsburgh as two of the best centers in America to treat cancer.

These hospitals are on the front lines every day, searching for more answers and providing more cures to some of the most painful and debilitating disorders known to man. I commend these and all other hospitals as they work to make our lives healthier and happier. It is through their tireless work and dedication that we continue to expand the quality of life and health of all western Pennsylvanians, as well as people throughout the world.

TRIBUTE TO CENTRAL NEW YORK BENEFACTOR SHERMAN SAUNDERS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. WALSH. Mr. Speaker, I rise today to recognize a neighbor who has generously given of his time, talent, and finances to benefit the Central New York community. Mr. Sherman Saunders, a local businessman, was honored earlier this week at a surprise eighty-third birthday party in Syracuse, New York.

Mr. Saunders was born on July 10, 1918, in Syracuse to a local family that operated a stone and gravel business. Mr. Saunders' great-grandfather started the business as a livery stable on West Onondaga Street. After receiving a civil engineering degree from Syracuse University, Mr. Saunders ran the family business, eventually expanding it to sell sand and Redi-Mix in addition to stone and gravel. Many major Syracuse area landmarks and development projects utilized his company's services during their construction, and the Central New York community continues to literally rely upon him as it grows and prospers.

Mr. Saunders and his wife of forty-two years, Marie, have six children—Judith, Karen, Gail, Michael, Sandy, and Marilyn—and continue to reside in the Syracuse area. Their son Michael directs the family business today.

Besides Mr. Saunders' community contributions as a local businessman, Mr. Saunders has been a tireless advocate for good government. With a keen interest in politics, Mr. Saunders has given generously to local candidates for public office. Mr. Saunders has also been a generous benefactor to such local organizations as the Greater Syracuse Boys & Girls Club, various youth recreation organizations, the SPCA, and Syracuse-area Catholic Charities.

Mr. Saunders' longtime philanthropic work is deserved of such special recognition this week, but his modest and humble demeanor makes his generosity even more noteworthy. As his family and friends gather in celebration of his birthday, I wish him continued health and prosperity as he enters his eighty-fourth year and thank him for his numerous contributions to making Syracuse a better place to live, work, and raise a family.

IN MEMORY OF KENNETH HERMAN BLOHM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor the life of Mr. Kenneth Herman Blohm, whose lifelong career of public service influenced many lives on the Central Coast of California. Mr. Blohm, who passed away on July 2, 2001, is survived by his two sisters, five children, nine grandchildren, and seven great-grandchildren. His wife of 56 years, Agnes O'Grady Blohm, died in 1990.

Mr. Blohm was born in Watsonville, California on November 8, 1908. He worked as an auditor for the Railroad Express Agency from 1926–1963, and then served as a Monterey County judge for ten years. Mr. Blohm served in the California State Guard during World War II, and in 1942, he was President of the Spring District School Board in Salinas. From 1969 until 1974, he served as President of the North Monterey County School District, and in 1976, Mr. Blohm was elected to the Monterey County Board of Supervisors, where he served until 1980. Beyond his contributions as a public servant, Mr. Blohm dedicated himself to the broader community. He was a member, and leader, of the Salinas Elks, the Castroville Rotary, the Knights of Columbus, the Gambetta Little League, the Elkhorn School Parent-Teacher Association, and the Boy Scouts of America.

Mr. Blohm, known as a man with firm convictions, truly believed in his work, and worked towards improving the quality of lives on the Central Coast. Throughout his term on the Monterey County Board of Supervisors, he was a frequent critic of county land-use policy and often voted in favor of property owners who appealed county planning decisions. He strongly believed in voting his conscience and believed that every citizen had the right to be heard on an issue before it became policy. Throughout his years of public service he remained loyal to his belief in less government control over land and property. Although Mr. Blohm was a critic of state Coastal Commission procedures, in 1978, the Board of Supervisors picked Mr. Blohm as its representative on the Coastal Commission.

Mr. Blohm remained strong in his beliefs, and was a supporter of programs that he believed would benefit the Central Coast. His admirable career of public service was dedicated to improving the Coastal Coast, and his contributions have made a significant impact. I, along with the Central Coast community, would like to honor the life of Mr. Blohm's whose dedication and contributions are truly commendable.

TRIBUTE TO WHITEMAN AIR FORCE BASE 509TH BOMB WING EMERGENCY RESPONSE TEAM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. SKELTON. Mr. Speaker, let me take this means to pay tribute to the Whiteman Air Force Base 509th Bomb Wing emergency response team. On July 12, 2001 the team successfully helped a TWA flight divert a tragedy by acting with precision and expertise.

The 509th Bomb Wing emergency response team is made up of firefighters, security forces, medics, transportation, chaplain, legal, public affairs, and services. Nearly every unit at Whiteman AFB played a role in the successful execution of this mission. After an emergency landing the team was on hand to help safely unload every passenger and transport them to the community center.

At the community center passengers were offered an array of services and support, including meals, free phone calls and entertainment. Members of the team did sign language for a hearing impaired family, spoke Japanese to three passengers that spoke no English and spent there own money on snacks for the travelers.

Mr. Speaker, I want to commend the members of the 509th Bomb Wing emergency response team for such outstanding performances during the recent unexpected commercial landing. These men and women went above and beyond the call of duty and deserve our praise. I know that Members of the House will join me in sending the 509th Bomb Wing emergency response team a heartfelt thank you for a job well done.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mrs. JONES of Ohio. Mr. Speaker, had I been present on Monday, July 23, 2001, the record would reflect that I would have voted: on roll 257, H.R. 2137, Criminal Law Technical Amendments Act of 2001, "yea"; on roll 258, H.R. 1892, Family Sponsor Immigration Act, "yea"; and on roll 259, S. 468, James C. Corman Federal Building Designation Act, "yea".

I was unable to return to Congress on July 23, 2001 due to a funeral of a close family friend. Therefore, I respectfully request an excused absence for July 23, 2001.

PERSONAL EXPLANATION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. ROEMER. Mr. Speaker, I regret that as a result of several unanticipated flight delays associated with my travel from South Bend, Indiana in my district, I was not able to be present in the chamber to cast my votes on Monday, July 23, 2001. Had I been present, I would have voted "yea" on Rollcall No. 257—H.R. 2137, the Criminal Law Technical Amendments Act; "yea" on Rollcall No. 258—H.R. 1892, the Family Sponsor Immigration Act; and "yea" on Rollcall No. 259—S. 468, the James C. Corman Federal Building.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. NUSSLE. Mr. Speaker, on Monday, July 23, my vote was not recorded on rollcall votes Nos. 257–259. Had my votes been recorded, they would have been in the following manner:

Rollcall vote No. 257 (to suspend the rules and pass, as amended H.R. 2137)—' "yea".

Rollcall vote No. 258 (to suspend the rules and pass, as amended, H.R. 1892)—' "yea".

Rollcall vote No. 259 (to suspend the rules and pass S. 468)—' "yea".

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 257, Criminal Law Technical Amendments (H.R. 2137), had I been present, I would have voted "yea"; on rollcall No. 258, H.R. 1892, Family Sponsor Immigration Act, had I been present, I would have voted "yea"; and on rollcall No. 259, S. 468, the James C. Corman Federal Building Designation Act, had I been present, I would have voted "yea".

HONORING THE CONTRIBUTIONS OF WILLIAM N. GUERTIN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. LEE. Mr. Speaker, I rise today in celebration of a community leader, Mr. William N. Guertin, who has served the interests of physicians and patients in Alameda and Contra Costa Counties since 1971. Mr. Guertin served as Assistant Executive Director of the Alameda-Contra Costa Medical Association (ACCMA) from 1971 to 1984 and in 1984 became Executive Director of the ACCMA. He continues to serve in that position. Today, I would like to express my sincere appreciation for his leadership in serving the public by promoting and improving the quality of medical care administered to patients throughout his tenure.

Mr. Guertin is well-respected among medical association executives across the country, having been elected to serve on the Board of Directors of the American Association of Medical Society Executives (AAMSE) in 1994. He will be installed as President of AAMSE on July 27, 2001, in Washington, D.C., due to his exemplary accomplishments in the field of medicine

The Alameda-Contra Costa Medical Association (ACCMA) is the second largest county medical association in California, currently with a membership of approximately 3100 medical doctors. Under Mr. Guertin's executive leadership, the ACCMA has promoted the quality of medical care and the well-being of patients in the East Bay community in numerous ways.

Mr. Guertin has worked hard to protect physicians from impositions that interfere with their ability to practice medicine and to preserve their relationships with patients. This has directly benefited physicians by allowing them to maximize their abilities to provide quality care for their patients.

Mr. Guertin has also been involved with exposing proposals that would exploit patients and physicians for profit. His goal has always been to uphold the quality of care for patients by exposing any measures that might hamper this goal in any way. He has extensively reviewed and analyzed health plan contracts while educating physicians on the perils of signing unfair agreements. Often these contracts will contain provisions that conflict the relationship between doctors and their patients by refusing doctors the right to provide medically necessary treatment to patients. As a result of Mr. Guertin's efforts, many physicians refuse to sign contracts that withhold their right to make treatment decisions for their patients.

In his tenure at the ACCMA, Mr. Guertin has created programs and activities to promote public health, quality and access to care, and professional standards in the local medical community. This has allowed patients within the community to lead more robust and healthier lives.

Mr. Guertin has continued to bring issues affecting quality of care to the attention of elected officials and the public to promote effective reforms.

He has operated a community blood bank to maintain an adequate blood supply and needed blood services for patients in Alameda and Contra Costa Counties. This has proved to be highly advantageous and convenient in efficiently providing vital care to patients within the community.

Mr. Guertin has also participated on statewide and national advisory committees to promote medical association activities on behalf of physicians and patients.

He has dedicated his life to promoting quality care for patients. He has worked diligently to ensure that physicians are able to promote quality medical care. Mr. Guertin is a respected leader, activist, and humanitarian. He has brought about a wealth of positive change to our community.

I thank Mr. Guertin for dedicating his time and insight for many years and for providing such quality care to individuals. I also congratulate him on his election as the President of the American Association of Medical Society Executives. I am positive that he will continue his outstanding work in promoting the welfare of patients and improving the quality of our lives. Congratulations Mr. Guertin and I wish you the best in your quest to improve the lives of our community in the Bay Area and throughout the nation.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. SCHAKOWSKY. Mr. Speaker, during rollcall vote No. 257 on 7/23/2001 I was unavoidably detained. Had I been present, I would have voted "yea".

TRIBUTE TO THE LATE MARY G. IEZZI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. TRAFICANT. Mr. Speaker, please insert the obituary on the attached sheet in today's CONGRESSIONAL RECORD.

MARY G. IEZZI, 91, CO-FOUNDED ALBERINI'S

NILES—Mary G. Iezzi, 91, 103 Moreland, died 3:52 a.m. Tuesday, May 1, 2001, at Shepherd of the Valley Lutheran Home.

She was born Aug. 28, 1909, in Niles, a daughter of August and Sadie Polita Corso.

Mrs. Iezzi co-founded Alberini's Restaurant with her daughter and son-in-law, where she worked in the kitchen, making her famous homemade spaghetti sauce for the past 43 years, until two months ago.

She was a member of the Niles Jehovah's Witnesses Kingdom Hall and enjoyed cooking.

Her husband, Thomas, whom she married Oct. 31, 1926, died July 28, 1978.

Survivors include a son, Raymond of Niles; a daughter Gilda Alberini of Warren; two brothers, Anthony and John Corso, both of Niles; two sisters, Catherine DiFebo of Hermitage, Pa. and Rose Liberatore of Niles; a granddaughter and caregiver with whom she resided, Mary Ann Nicholas of Niles; eight grandchildren; eight great-grandchildren; and a great-great-grandchild.

Two daughters, Sadie Nicholas and Isabelle Iezzi; two brothers, August and Joseph Corso, and two sisters, Margaret Soriano and Ann Corso, are deceased.

The funeral service is 11 a.m. Friday at Joseph Rossi Funeral Home in Niles, where friends may call 5 to 8 p.m. Thursday. Burial will be in Niles City Cemetary.

TRIBUTE TO ROSALIE S. WOLF, PIONEER IN FIGHT AGAINST ELDER ABUSE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. MCGOVERN. Mr. Speaker, I rise today to pay tribute to Rosalie S. Wolf, Ph.D. Rosalie, an international leader in the fight against elder abuse, the long time Director of the Institute on Aging of the University of Massachusetts Memorial Health Care System in Worcester, as well as a friend and constituent, passed away on June 26, 2001.

Rosalie Wolf was the Founder and President of the National Committee for the Prevention of Elder Abuse. Through her research, advocacy, and coalition building skills, Rosalie brought the issue of elder abuse to the halls of Congress in search of legislative solutions. She helped raise the public consciousness about the scourge of elder abuse, neglect and exploitation.

During Rosalie's tenure as president, the Committee advised Congress and the Executive Branch on legislation and other programs that were needed to combat elder abuse and neglect. Rosalie testified on several occasions before Congress and served as a project director for three national programs funded by the Administration on Aging regarding elder abuse information dissemination. She also served as a delegate to the 1995 White House Conference on Aging and she helped secure passage of a resolution on elder abuse prevention.

In addition to these accomplishments, she also served as an organizational partner and member of the management team for the National Center on Elder Abuse in Washington. Rosalie worked as Editor and contributor to the highly acclaimed Journal of Elder Abuse and Neglect. Her impact was felt internationally when she worked to found the International Network for the Prevention of Elder Abuse.

Rosalie Wolf was the recipient of many awards, most notably the Donald P. Kent award from the Gerontological Society of America for exemplifying the highest standards of professional leadership in gerontology through teaching, service, and interpretation of gerontology to the larger society.

The UMass Memorial Health Care System was fortunate to have Rosalie Wolf as the Executive Director of the Institute on Aging. National aging policy grows more important as the nation continues to age. Rosalie Wolf, through her work and leadership, became a true champion to those who were victimized by elder abuse.

The national aging network mourns the passing of Rosalie Wolf. She was a leader with great intellect and integrity. She was dedicated to her work and determined to make a difference in the fight against elder abuse. I offer these words on behalf of Rosalie and on behalf of her family, her many professional colleagues, and admirers.

At this point, I submit into the RECORD two additional items related to Rosalie Wolf. The first is her obituary from the Worcester Telegram and Gazette. The second is a heartfelt tribute written by a close colleague of Rosalie's from California, Lisa Nerenbert.

ROSALIE WOLF, 74

WORCESTER.—Rosalie (Savat) Wolf, 74, of 25 Ashmore Road, an active researcher and worker in the fields of elder abuse prevention and gerontology, died Tuesday, June 26, in UMass Memorial Medical Center—Memorial Campus after an illness.

Her husband, Wallace W. Wolf, died in 1988. She leaves two sons, Dr. Gary L. Wolf of Worcester and Dr. Jonathan S. Wolf of Upper Saddle River, N.J.; a daughter, Amy Wolf of New York City; her twin sister, Constance Kreshtool of Wilmington, Del.; and five grandchildren. A sister, Nancy Melnik of Cherry Hill, N.J., predeceased her. She was born in Worcester, daughter of Samuel and Tillie (Lederman) Savat. She graduated from Classical High School and graduated with Phi Beta Kappa and summa cum laude honors from University of Wisconsin. She earned a doctorate in social welfare policy from Brandeis University in 1976.

Since 1990, Mrs. Wolf was executive director of the Institute on Aging at UMass Memorial Medical Center, and assistant professor of family medicine, community health and psychiatry at the University of Massachusetts Medical School. From 1981 to 1990, Mrs. Wolf was associate director of the University Center on Aging at University of Massachusetts Medical Center. She previously was director of the gerontology planning project at the University of Massachusetts Medical Center for four years. From 1976 to 1977, she was a project director of data monitoring and evaluation for the Division of Family Health Services, Massachusetts Department of Public Health.

She received numerous grants and awards for her research in elder abuse and authored and edited many articles on the subject. She was the founder and editor of the journal of Elder Abuse and Neglect.

Mrs. Wolf was active in the gerontology field on the local and national level, serving in several capacities. She was honored by Temple Emanuel as a life trustee. She also assisted in writing legislation for a number of states and testified before the U.S. Congress at least once or twice a year for the past 10 years.

The funeral service will be held at 2:30 p.m. Thursday, June 28, in Temple Emanuel, 280 May St. Burial will be in B'nai B'rith Cemetery. Memorial observance will be held through Sunday, July 1, at the residence of Dr. and Mrs. Gary Wolf, 10 Donna Road. Memorial donations may be made to the Wallace W. Wolf Endowment Fund, Jewish

Healthcare Center, 629 Salisbury St., Worcester, MA 01609; or to Temple Emanuel, 280 May St., Worcester, MA 01602. Perlman Funeral Home, 1026 Main St., is directing arrangements.

ROSALIE WOLF, PHD—IN MEMORIAM

(Submitted by Lisa Nerenberg, friend and colleague)

For over two decades, Dr. Rosalie Wolf was the driving force behind a movement to ensure the safety, security, and dignity of our nation's most vulnerable members . . . the elderly. She devoted much of her career to exploring the causes, patterns, and treatment of elder abuse and neglect through her own groundbreaking research and by promoting the work of others. She edited the Journal of Elder Abuse & Neglect, spearheaded multiple demonstration projects, and provided advise and help to countless organizations and individuals.

Dr. Wolf was committed to helping seniors remain in their homes and communities, avoiding unnecessary institutionalization. But she also recognized that achieving that goal required a safety net of supportive and protective services, and that to create such a safety net required the cooperation of multiple disciplines. Much of her work was devoted to promoting cross-disciplinary exchange and cooperation. She founded the National Committee for the Prevention of Elder Abuse, a remarkable diverse network of researchers, educators, police, prosecutors, advocates, health care professionals, and protective service personnel to promote research, advocate for enlightened policy, raise public awareness, create grassroots local programs, and promote collaboration. It is a distinctive and distinguished group; the common thread among its members is the respect they share for Dr. Wolf. Bringing together people with diverse perspectives hasn't always been without strife. Different disciplines bring divergent views and interests to the table, particularly with respect to personal freedom, family responsibility, society's obligation to protect vulnerable members, and holding perpetrators accountable. Dr. Wolf thrived on creative exchange and believed that when committed, thinking people come together with a common purpose, their differences strengthen and enrich the field.

Her broad focus was also reflected in her work worldwide. She collaborated with scholars, teachers, and practitioners in Finland, Japan, India, Argentina, and the UK. She was a founding member and chair of the International Network for the Prevention of Elder Abuse, a member of the World Health Organization Consulting Group for the World Report on Violence, and a member of the Steering Committee of the United Nations International Working group on Trauma.

Dr. Wolf answered calls to the National Committee herself. Whether it was a senator calling for background on a proposed bill or a high school student writing a paper on abuse, she was equally receptive, equally gratified by their interest, and equally willing to drop what she was doing to be of help. She was a valued source of information and assistance for the Justice Department, the Department of Health and Human Services, and the National Institute on Aging. She served on government task forces and focus groups, and testified before Congressional committees on numerous occasions.

Dr. Wolf was Director of the institute on Aging at UMass Memorial Health Care in Worcester, and Assistant Professor in the Department of Medicine and Family Practice Studies at the University of Massachusetts Medical School. She was a member of the management team of the National Center on Elder Abuse and was active in the American Society on Aging and the Gerontological Society of America, which awarded her its Donald P. Kent award in 1998.

In the last year of her life, as her health declined, colleagues begged her to slow down-if not to pass the torch, then at least to let others help clear her path. But there was always one more conference, one more article, or one more new project to plan. It was her colleagues who ended up being swayed during these exchanges; they emerged with renewed energy and commitment. Her passion was contagious.

She brought people together, mentored, guided, encouraged, and motivated. She led with grace, dignity, wisdom, humility, and boundless energy. Even in death, she will continue to lead through the contributions she has left behind, the relationships she has forged, and the example she has set.

CONGRATULATING EL SEGUNDO POLICE CHIEF TIM GRIMMOND ON HIS RETIREMENT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. HARMAN. Mr. Speaker, I rise today to honor Tim Grimmond, who will be retiring at the end of this month as chief of the El Segundo Police Department.

For those of us who have been privileged to call him a friend, Tim's retirement is bittersweet. It's well-deserved, for sure, but for those of us left to fight another day, Tim's departure from the ranks means that we will no longer have the benefit of his perseverance, his insight and expertise, and his leadership in the war against crime.

Tim dedicated his life and immense talents to the South Bay. His law enforcement career began at an early age, when he became a cadet in the Hermosa Beach Police Department in 1964. Transferring to the El Segundo Department in 1967, Tim advanced through the ranks, ultimately becoming Chief of Police in 1992—just as I was elected to Congress. How quickly time goes by.

In my view, what truly made Tim's tenure as chief unique was his vision in seeing how technology could be used to combat crime—how it could be used to give law enforcement and citizens the upper hand in protecting lives, property, the peace and our values. To achieve this goal, Tim understood the importance of developing partnerships between local, state and federal governments. In fact, a success that he and I are particularly proud of is the siting in El Segundo of the Department of Justice's Western Regional Law Enforcement and Technology Center.

One of five federal centers nationwide, the Law and Tech Center's role is to research, review, develop, and implement innovative technologies for both regional and national law enforcement and corrections services. With an

More recently, I worked with Tim on the issue of radio interoperability. Given the multiplicity of broadcast frequencies and varying radio equipment, it's sometimes seems easier for one police agency to yell out the window to another than to find a common broadcast frequency or compatible equipment. In a region the size and population of Los Angeles County, and with our history of natural disasters, this shouldn't be the case and, under Tim's leadership, we are beginning the process of solving this communications problem.

Knowing him as we do, it's easy to believe that Tim is a mentor to many. He is generous in the amount of time and energy he devotes to his profession, to his fellow officers, to civic groups, and to young people. I am honored that he devoted time to me—inviting me to join him and the other South Bay chiefs in learning about the challenges that face law enforcement. Armed with the guidance and advice that Tim and others have given, I am proud to have translated their needs into federal policies supportive of their hard work.

Of course, any list of accomplishments doesn't begin to summarize one's life—particularly one as active as Tim's. Indeed, I was surprised recently to learn that Tim is a talented artist. He enjoys the arts of woodworking and painting and one of his watercolors hangs in my Redondo Beach district office. What other hidden talents does he have besides frequenting "Blackie's House of Beef" when he's in Washington, DC?

I will miss having Tim as one of the police chiefs in the 36th district, but he will forever remain a friend and an inspiration on the true meaning of public service.

IN RECOGNITION OF BRIAN COSS HEROISM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Mr. Brian Coss of Nokomis, Illinois, for his recent show of courage at the Nokomis Park Pool.

Brian Coss has worked as a lifeguard at the pool for the past four years. Recently, when a woman became disoriented and ended up face-down in the water, Brian quickly responded by diving in an rescuing her. If he had not spotted the woman, she would have drowned.

Brian Coss is a diligent, 18 year-old high school student who is spending his summer working two jobs. He is also an Eagle Scout and junior assistant scoutmaster for a local scout troop. Brian Coss certainly deserves our recognition for his hard work and bravery.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. SCHAKOWSKY. Mr. Speaker, during rollcall vote No. 258 on July 23, 2001 I was unavoidably detained. Had I been present, I would have voted "yea".

A SPECIAL TRIBUTE TO RANGER ROBERT GEER ON THE OCCASION OF HIS INDUCTION INTO THE RANGER HALL OF FAME

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. GILLMOR. Mr. Speaker, I rise today to recognize a truly great American. An American war hero who will soon be inducted into the United States Army Ranger Hall of Fame. Mind you, being a Ranger to begin with is an honor in itself, but being inducted into the Ranger Hall of Fame is an honor of unbelievable proportions. On Wednesday, July 25, 2001, Robert Geer of Norwalk, Ohio will join the ranks of the elite as an inductee in to the US Army Ranger Hall of Fame in Fort Benning, GA.

Soon after the conclusion of World War II, Robert Geer joined the US Army in 1948. His Army career only lasted 4 years, but they were extraordinary years. In 1950, he volunteered for the prestigious Rangers and was assigned to 1st Ranger Infantry Company (Airborne).

As the Korean War escalated he was sent into action on the Asian continent. One particular battle in February of 1951, the Battle of Chipyong-Ni, ended his Army career. On February 3, the 23rd Regimental Combat Team (RCT), under the command of Colonel Paul Freeman, was ordered to hold a crossroad and protect the vital communications hub at Chipyong-Ni. During the next several days, patrols reported extensive Chinese movement. In fact, 18,000 troops were encircling the 23rd Regimental Combat Team's position. On February 13, the Chinese attacked the position. The 23rd Regimental Combat Team was overrun. Splintered and wounded, the Rangers and a piecemeal platoon of survivors from the overrun companies were ordered to retake the lost position.

Soon the platoon leaders and officers were killed. The chaos that ensued prevented the make-up platoon mounting coordinated attack. The Ranger platoon pressed forward under heavy fire. Ranger Geer assumed command and continued to attack with the few remaining Rangers. As they were securing the position, a grenade was thrown in his direction. Unable to see the grenade in the deep snow, Ranger Geer thrust his weapon between himself and where he assumed the grenade to be. When the grenade exploded, shrapnel tore out his left eye and destroyed his weapon. Bleeding, blind in one eye, unarmed, grossly outnumbered and out of ammunition Ranger Geer ordered a withdrawal. He continued to fire, covering the withdrawal of his troops until his ammunition was expended. Armed only with a knife, he discovered his brother, Richard, who was wounded twice in the fight. Ranger Geer carried his brother's wounded body off the hill on that cold February day. Sadly, Richard paid the ultimate price and was killed in action.

Mr. Speaker, it is truly men like Ranger Robert Geer that make this great country what it is today. He has set an example for all Americans and especially his grandson. T.J. Root, who currently attends the United States Military Academy. I ask my colleagues to join me in honoring him and thanking him for his service to the country.

RECOGNIZING THE CITY OF BATAVIA AS NEW YORK STATE'S "CAPITAL FOR A DAY"

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. REYNOLDS. Mr. Speaker, I rise today to inform this body that on Wednesday, July 25, 2001, the Capital of New York state is moving to the city of Batavia, in picturesque Genesee County. While the move may not be permanent, it is significant, and will provide residents of Batavia and Genesee County an opportunity see, first hand, all their state government has to offer.

Commissioners and Executive Directors of 18 State Agencies—along with New York State Governor George Pataki—will be at Genesee County Community College for "Agencies at Your Service," providing information on a wide variety of programs and services, as well as allowing local residents to sign up for such programs as Child Health Plus.

Governor Pataki will end the day with a Town Hall meeting at the Genesee Center for the Arts. Capital for a Day is a tremendous outreach initiative, and the governor should be commended for his unique and visionary effort to bring state government directly to the people of New York state.

Further, Capital for a Day will provide our community an opportunity to showcase Batavia and Western New York to all of the Empire State.

Mr. Speaker, I ask that this Congress join me in recognizing the city of Batavia as New York state's Capital City for Wednesday, July 25, 2001.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. RYUN of Kansas. Mr. Speaker, I was unable to be present on July 23, 2001 to cast recorded votes for Rollcall No. 257, 258 and 259. If I had been present, I would have voted yea on No. 257, 258 and 259.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 236. On Approving the Journal, had I been present I would have voted Yea;

Roll Call No. 237, H.R. 1, No Child Left Behind, disagreeing to Senate amendment and agreeing to a conference. Had I been present I would have voted Yea;

I was unavoidably detained for Roll Call No. 238, H.R. I, motion to instruct conferees. Had I been present I would have voted Yea;

I was unavoidably detained for Roll Call No. 239, the Maloney Amendment, increasing funding for the Census Bureau by $2 million in order to facilitate more accurate counting of Hispanic subgroups. Had I been present I would have voted Nay;

I was unavoidably detained for Roll Call No. 240, the Maloney Amendment. Had I been present I would have voted Nay;

I was unavoidably detained for Roll Call No. 241, the Delay Amendment. Had I been present I would have voted Yea; and

I was unavoidably detained for Roll Call No. 242, the Jackson-Lee Amendment. Had I been present I would have voted Nay.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. SCHAKOWSKY. Mr. Speaker, during rollcall vote No. 259 on July 23, 2001, I was unavoidably detained. Had I been present, I would have voted "yea".

RECOGNIZING MATTHEW ALEXANDER ENGEL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize one of New York's outstanding young students, Matthew Alexander Engel. The Boy Scouts of his troop will honor him as they recognize his achievements by giving him the Eagle Scout honor on this coming Thursday, July 26th.

Since the beginning of this century, the Boy Scouts of America have provided thousands of boys and young men each year with the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

This award is presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Mr. Engel, and bring the attention of Congress to this successful young man on his day of recognition. Congratulations to Matthew and his family.

IN MEMORY OF ROBERT LESLIE GRAINGER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. FARR of California. Mr. Speaker, I rise today to honor Mr. Robert "Bob" Leslie Grainger, who recently passed away. Mr. Grainger was a dedicated community member for many years, and was heavily involved in the California Rodeo in Salinas, California.

Mr. Grainger was born in Lincoln, Nebraska and lived in Salinas for 67 years. He attended Stanford University, was a member of the Sigma Chi Fraternity, and became a farmer and produce grower. During his military service in World War II, Mr. Grainger held the rank of First Lieutenant, and he received the Air Medal with three Oak Leaf Clusters. Mr. Grainger served as the California Rodeo Salinas President in 1977 and was heavily involved in announcing at the annual event. Furthermore, Mr. Grainger involved himself in many community activities, such as the Boy Scouts and Eagle Board of Review and the First Presbyterian Church. In his free time, he was an avid fisherman, hunter, and golfer. Throughout his lifetime, Mr. Grainger established himself as a successful agricultural businessman and dedicated community member.

Mr. Grainger's contributions and loyalty to the Salinas Valley were hallmarks of his long years of community service. Therefore, I honor the life and contributions of Mr. Grainger with his friends and family, including his wife of 54 years, Sally; his sons, William and Joseph of Salinas, and John of Carmel; his sisters, Olive Bundgard of Salinas and Lesley Browne of Lincoln, Nebraska; his eight grandchildren and one great-childdaughter.

ENSLAVEMENT OF WOMEN DURING THE COLONIAL OCCUPATION OF ASIA AND PACIFIC ISLANDS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. EVANS. Mr. Speaker, this afternoon I was joined by Ms. Soon Dok Kim, an unconquered survivor of one of the worst crimes committed against women—the mass rape of 200,000 women and girls orchestrated by the Imperial Japanese Army. To this date the Government of Japan still has not issued a clear apology, offered state reparations, or attempted to educate it's population on these atrocities. Therefore, I am introducing a resolution in Congress today that calls upon the Government of Japan to formally issue a clear and unambiguous apology for the sexual enslavement of young women during the colonial occupation of Asia and Pacific Islands during World War II.

Ms. Soon Dok Kim told a large audience this afternoon about how she was kidnaped from her village at 17 years old and forced to be a comfort woman. She is a very courageous person to take such a public role and share the story of her suffering in order to seek justice.

It has been almost 56 years since Japan surrendered to the allied powers. Very few comfort women are still alive and time is running out for Japan to properly account for its actions. We must act soon and remember that there is no statute of limitations on crimes against humanity.

When human rights are violated, the international community must act because we have a moral responsibility to do so.

So, let us do what is just and what is right for the comfort women and other victims. Let us speak out for them. Let us stand up for them. Let us lend them our strength.

We must act, and we must speak out because in the end, people will remember not the words of their enemies, but the silence of their friends.

Let us not remain silent.

DALLAS INNER CITY GAMES

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. FROST. Mr. Speaker, I rise today to honor the Inner-City Games, a nationwide program dedicated to providing opportunities for inner-city youth to participate in sports, educational, cultural, and community enrichment programs. In recent years, the program has expanded its education efforts by focusing on educational technology and the digital divide.

The Inner-City Games was formed in response to the growing number of children across the nation living in poverty and facing the negative influences surrounding them in inner-city neighborhoods. Involving young people in sports clinics and competitions teaches valuable life lessons, brings young people from different cultures together on an equal playing field and teaches kids about teamwork, discipline, setting goals, working hard, and the valuable lessons of winning and losing. At the Inner-City Games, young people are taught that participation and learning are more important than winning and losing.

Inner-City Games brings together local community leaders, creating an alliance between the private and public sectors to achieve their mission. Mayors, Police Chiefs, Public Schools, Parks and Recreation Departments, Public Housing and other youth service providers are working together to create a truly meaningful opportunity for thousands of young people across the country.

Mr. Speaker, the Inner-City Games are due to launch in Dallas, Texas this week. This makes Dallas the 15th city to join this remarkable program. I commend the efforts of the city of Dallas and the tremendous number of people and organizations that came together to make the Games possible. Today, I especially want to thank Mr. Todd Wagner, National Board Member and Dallas Chairman for the Games. Mr. Wagner was instrumental in bringing the Inner-City Games to Dallas, and he deserves recognition for his outstanding efforts.

Mr. Speaker, I am proud of the Inner-City Games and the opportunities it creates for thousands of young people across America. I know my colleagues will join me in congratulating the City of Dallas as they launch the first annual Dallas Inner-City Games this week, as well as Inner-City Games across America.

END OF INDIA-PAKISTAN TALKS SIGNALS INSTABILITY IN SOUTH ASIA

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. MCKINNEY. Mr. Speaker, I was disappointed to see that the recent talks between Pakistan and India ended with no agreement due to India's intransigence. India wanted a statement that Pakistan was engaging in cross-border terrorism, when India itself is responsible for terrorism against its own people.

Last month, a group of Indian soldiers tried to burn down a Gurdwara and some Sikh houses near Srinagar in Kashmir. This terrorist act was prevented by the efforts of townspeople of both the Sikh and Muslim faiths. In March 2000, during former President Clinton's visit to India, the government killed 35 Sikhs in Chithisinghpora, according to two independent investigations. The book Soft Target shows that India blew up its own airliner in 1985. 329 innocent people died in that explosion. The newspaper Hitavada report that the Indian government paid an official to generate state terrorism in Kashmir and in Punjab, Khalistan. According to a 1994 State Department report, the Indian government paid more than 41,000 cash bounties to police officers to kill Sikhs.

Before the meeting, the Council of Khalistan wrote to President Musharraf. They noted that he and his government had been friendly to the Sikhs and their cause of freedom. They noted that in 1948 the Indian government promised the United Nations that it would hold a plebiscite so Kashmiris could decide their political status in a free and fair vote. This shouldn't be too hard for "the world's largest democracy" to do, but we are now more than halfway through 2001 and it hasn't been held yet. When does India plan to keep its promise?

In addition, the people of Khalistan, the Sikh homeland, declared their independence from India on October 7, 1987 and the people of primarily Christian Nagaland are actively seeking theirs. In all, there are 17 freedom movements in India. When will these people be allowed by "the world's largest democracy" to exercise their right to self-determination? Self-determination is the birthright of all people and nations.

Mr. Speaker, if America can do something to help bring democracy and freedom to South

Asia, that is not only in our national interest, it is the right thing to do. Fortunately, there are measures we can take to help bring freedom, peace, and stability to that dangerous region. The time has come to stop providing American aid to India—remember, this is public money—until India begins to treat all its people fairly and ends the repression against the minorities. The other thing that we can do is strongly urge India to hold a plebiscite, not just in Kashmir as it promised in 1948, but in Khalistan, Nagalim, and everywhere else that people seek their freedom. This will help to defuse the tense situation in South Asia and enhance America's national security by bringing us new allies in the subcontinent.

Mr. Speaker, I would like to place the Council of Khalistan's letter to President Musharraf into the RECORD for the information of my colleagues.

COUNCIL OF KHALISTAN,
GURU GOBIND SINGH JI, TENTH MASTER,
Washington, DC June 27, 2001.

Hon. GENERAL PERVEZ MUSHARRAF,
President of Pakistan,
Islamabad, Pakistan.

DEAR PRESIDENT MUSHARRAF, On behalf of the Sikh Nation, I congratulatle you on becoming President of Pakistan. We hope and pray that this step will be useful for the people of Pakistan, the Sikhs, and the people of South Asia.

Soon you will be visiting India. We sincerely hope that your visit will go well and will be productive to the cause of peace and freedom in South Asia.

While you are in India, I urge you to visit the Golden Temple in Amritsar. The Sikhs who visited Nankana Sahib last fall were so well treated that we know you are a friend of the Sikh Nation. Your visit to the Golden Temple will enhance your friendship with the Sikh nation.

You are aware that India divided Pakistan through a war and created the nation of Bangladesh. You are also aware that India promised in 1948 to hold a plebiscite on the future of Kashimir. Fifty-three years later, that plebiscite has still not been held. The people of Punjab, Khalistan also seek their freedom, and General Javed Nasir has endorsed the achievement of Khalistan by peaceful means. In addition, there are freedom movements in Nagalim, Tamil Nadu, Assam, Manipur, and other nations under Indian occupation. Self-determination is the birthright of all peoples and nations. Support for the freedom movements within India's borders would also be in Pakistan's interest, as well as the interest of peace, freedom, and stability in South Asia. In addition, it would help to prevent another war between India and Pakistan.

India has murdered over 250,000 Sikh since 1984, more than 75,000 Kashmiri Muslims since 1988, over 200,000 Christians in Nagaland since 1947, and tens of thousands of Dalits, Tamils, Manipuris, Assamese, and others. It has admitted to holding over 52,000 Sikh political prisoners without charge or trial. Recently in Kashmir, Muslim and Sikh villagers caught a group of Indian soldiers trying to burn down a Gudwara and overpowered them. Is this the way of "the world's largest democracy"? Add to this the fact that India started the nuclear arms race in South Asia with their nuclear tests. India is a destabilizing and repressive country seeking hegemony in the subcontinent.

President Musharraf, I urge you to support the freedom movements in Kashmir, Khalistan, Nagaland, and all the other nations seeking their freedom from India. I urge you to press the Indian government on this issue and urge them to hold a free and fair plebiscite on the question of independence, monitored by the international community. This would go a long way towards establishing stability, peace, and freedom in South Asia.

Sincerely
DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

MARKING THE CENTENNIAL OF THE VILLAGE OF VANDERBILT, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. STUPAK. Mr. Speaker, certainly one of the milestone events in the history of our nation was the adoption of the Constitution by a convention of the states in 1787. But another significant event in our history took place that year. Congress, operating under the governing document known as the Articles of Confederation, approved a plan for the growth of the Untied States known as the Northwest Ordinance.

I call these facts to mind, Mr. Speaker, because the Northwest Ordinance spelled out to the world that the United States planned to settle the areas that would eventually become Ohio, Indiana, Illinois, Wisconsin, and my own state of Michigan.

Despite this early commitment by the young nation to expand, settlement came late to many of these areas. In my congressional district the Village of Vanderbilt is celebrating its centennial, making it a young community even by the standards of this young nation. The community plans to mark its celebration with three days of festivities at the end of July.

Communities like Vanderbilt sprang into being when railroads pushed north into the vast timberlands of the upper Midwest. Vanderbilt itself is named for Cornelius Vanderbilt—famously known as Commodore Vanderbilt—who in 1866 took over the railroad that runs through this small village, located near the northern end of Lower Michigan.

The efforts of Commodore Vanderbilt to build for himself a sprawling rail empire are the stuff of American legend, the legendary tycoon did not visit all his holdings. As Vanderbilt local historian Bonnie Karslake has written, "None of the Vanderbilts ever lived in northern Michigan, even though the town as named for them."

Bonnie Karslake's history details the arrival of the first permanent settlers and the development of the first local businesses around 1880. Such business activity, like the Vanderbilt Bowl Factory under the proprietorship of G.G. Williams, were based on forest products. As Bonnie's history makes clear, however, a village truly becomes a community when other businesses and services arrive, such as the Vanderbilt Gazette in 1883 and the Corwith Township Library in 1884.

Within a decade of 1879 the community acquired three hotels, a two-story school, three sawmills, a planing and shingle mill, a stave mill, and a store and post office. Among other professionals and tradesmen, it had a taxidermist, a shoemaker, a constable, a milliner, a barber, a liquor dealer, a druggist, blacksmiths, wagon makers and two justices of the peace. Though not yet incorporated as the Village of Vanderbilt, by 1887 a community had sprung to life in the North Woods, much as the writers of the Northwest Ordinance had envisioned 100 years before.

Elizabeth Haus, village president, has said that residents have planned "an old-time celebration" to mark the milestone 100 years. In addition to celebrating the centennial of Vanderbilt's incorporation, the community will also mark the 100th birthday of the Vanderbilt Community Church building, one of the centers of community life.

Mr. Speaker, I ask that you and my House colleagues join me in wishing the people of Vanderbilt a joyous centennial celebration and in praying the community can thrive and continue to be a great place to live, work and raise families.

TRIBUTE TO EDWARD AND SALLIE McCLAIN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Edward and Sallie McClain of Charleston, South Carolina, who have been chosen as the South Carolina Parents of the Year for 2001. Reverend and Mrs. McClain will be honored on July 25, 2001 with this prestigious award at the seventh annual Congressional Parents' Day Celebration cosponsored by The American Family Coalition and The Washington Times Foundation.

Reverend and Mrs. McClain have been married for 42 years. They have nine children, twenty grandchildren, and two great-grandchildren. All of their children lead successful lives, ranging from personnel directors and electrical engineers to Olympian basketball players and college students. I have no doubt their success is due in strong part to the selfless and unconditional love bestowed upon them by their parents and passed on to their children.

In addition to this complete and absolute devotion to their family, Reverend and Mrs. McClain continually extend their hearts to the Charleston community. Reverend McClain, a former educator and minister of Calvary African Methodist Episcopal Church, serves on the local school board. Reverend McClain is also one of the founders of the Interdenominational Ministerial Alliance, in which Mrs. McClain plays an integral role as well. Reverend and Mrs. McClain began a soup kitchen that has operated for 17 years. They hold special church services every year to honor the young people in their church who have achieved academic excellence, and have been leaders in a highly effective program against drug dealing in their neighborhood. These examples are only a fraction of the contributions Reverend and Mrs. McClain have made to the Charleston community.

Mr. Speaker, I ask you and my colleagues to join me in recognizing Edward and Sallie McClain. The distinguished couple has continually put their children, their church, and their community before their own needs. Reverend and Mrs. McClain are examples of passionate parental role models in an age when such models are becoming both more rare and more crucial.

COMMUNITY SOLUTIONS ACT OF 2001

SPEECH OF

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. THUNE. Mr. Speaker, I had the opportunity this last April to travel around my home state of South Dakota and visit just a few of the hard-working local charities that would benefit from the Community Solutions Act, H.R. 7. I am continually amazed by the kind hearts of the neighborhood saints who work and volunteer at these organizations. Day in and day out these folks serve the poor, the weak, and the victimized.

I have also been witness to the bureaucratic processes of the welfare state. The question that seems to always work its way into my head is, "why is there such a visible difference between our government services and local organizations?"

First of all, local charities and organizations are efficient. Money is almost always scarce in this line of work, so they must learn to stretch every penny they receive.

Secondly, local charities and organizations are exactly that . . . local. Folks here in Washington can devise a system to deal with the National Substance Abuse Problem, but what works in Canton, South Dakota? I have a feeling those who have lived there know the unique local factors that contribute to substance abuse and can make a difference in people's lives.

Thirdly, local charities and organizations are compassionate. A deep sense of calling can be the only reason why the armies of compassion continue to serve. Their calling shows itself in the care that is shown.

Because of what I have seen and heard from those who work and volunteer at these local organizations, I am convinced that we must take every opportunity we can to support them. And by passing H.R. 7 today, we'll be one step closer to achieving that goal. Through the expanded tax deductions, incentive would be put in place for individuals to give to the charitable groups they deem worthy of their hard-earned income. Any increase in charitable donations is well worth the decrease in taxes the government would receive. Why? Because these groups are performing many of the same duties our government would have to otherwise provide. Let's foster the charitable spirit alive in our constituents and allow all of our civil society the opportunity to serve.

TRIBUTE TO THE IRON WORKERS LOCAL UNION NO. 25 100TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. BONIOR. Mr. Speaker, I am honored to recognize the Centennial Anniversary of a proud organization. On Saturday, July 21, 2001, the loyal and hard working members, contractors, dignitaries and their families of the Iron Workers Local Union No. 25 joined together in celebration of the largest iron workers' local in the country, a dedicated group of over 4,500 members.

Iron Workers Local Union No. 25 has been a charter member of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers since July 18, 1901. They are a local union for bridge, structural, ornamental, reinforcing, rigging, pre-engineered, pre-cast, glazing, fence, siding and decking, conveyor and canopy construction workers. Jurisdiction stretches from the State of Michigan to parts of Canada, however most of the Union's early work displays itself in the city of Detroit. Buildings such as the American Car & Foundry plants, Dime Savings Bank, Broadway Theater, Cobo Hall, City County Building, and the Renaissance Center give testament to their dedication and tireless efforts. They pride themselves in saying "We Built Detroit." I most sincerely agree.

The organization has been a trailblazer for fair wages, benefits, shorter workdays and safety for the trades. Ensuring strength and solidarity in thirty-four counties including both Macomb and St. Clair, Local Union No. 25 is certainly worthy of applause and recognition.

Today, the organization has a membership of approximately 4,500. After 100 years of honorable service, Local Union No. 25 celebrates this remarkable milestone with a grand celebration that I was honored to attend.

On the 100th Anniversary of the Iron Workers Local Union No. 25 we celebrate the people who have made this organization remarkably successful. I applaud Local 25 for their outstanding dedication, and I urge my colleagues to join me in congratulating them on this landmark occasion.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. MOORE. Mr. Speaker, Vice President CHENEY invited me to participate in an event in Kansas City, Missouri, that took note of the impending mailing of tax rebate checks to millions of Americans, including 877,000 Kansans, as the result of the enactment of H.R. 1836, which I supported.

For this reason, I was absent during the consideration of H.R. 2216, which made supplemental appropriations for fiscal year 2001. Had I been present for rollcall 256, which was final passage of this conference report, I would have voted "yes".

BREAKDOWN OF INDIA-PAKISTAN TALKS SHOWS INDIA'S CONTEMPT FOR DEMOCRACY, PEACE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. TOWNS. Mr. Speaker, I think we were all distressed by the breakdown of the talks between India and Pakistan aimed at reducing tensions in South Asia, one of the most troubled areas in the world. The fact that the talks broke down increases the danger and the instability in that region.

It looks as if much of the blame for the breakdown goes squarely to the Indian government. As Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, put it, "It is very clear that India does not want a peaceful solution to the Kashmir issue." India's Defense Ministry spokeswoman did not even mention Kashmir among the topics under discussion. Three drafts of a joint statement were vetoed by the Indian cabinet. As you know, the Indian government is run by the militant, Hindu nationalist BJP, a branch of the pro-Fascist Rashtriya Swayamsewak Sangh (RSS), which has said that everyone in India must be Hindu or be subservient to Hinduism. The RSS published a booklet last year showing how to implicate Christians and other religious minorities in false criminal cases.

India's human-rights violations have been well documented. It has killed over tens of thousands of Sikhs, Muslims, Christians, Dalits, and other minorities. It has burned churches, prayer halls, and Christian schools, destroyed the most revered Muslim mosque in India, and attacked the seat of Sikhism, the Golden Temple. It has killed priests and raped nuns. Indian troops were recently caught in a village in Kashmir trying to set fire to a Gurdwara and some Sikh homes. This atrocity was prevented by the joint action of Sikh and Muslim villagers. The Indian government killed 35 Sikhs in Chithisinghpora in March 2000. In 1997, Indian troops broke up a Christian religious festival with gunfire.

India admitted to holding over 52,000 Sikhs in illegal detention without charge or trial under the repressive TADA law, which expired in 1995, according to a recent report by the Movement Against State Repression. It was routine to rearrest people released under TADA and to file charges in more than one state simultaneously to deter prisoners from contesting the charges. Amnesty International notes that there are tens of thousands of Sikhs and others being held as political prisoners. Christians, Muslims, and other minorities are also held as political prisoners in large numbers. A few months ago, the Council of Khalistan called on the political prisoners to run for office from their jail cells. This might be the most effective action that the political prisoners and minority political leaders can take. I call upon President Bush to press India for the release of all political prisoners. Why are there political prisoners in a democracy?

India has murdered Christians, Sikhs, Dalits, Muslims, and other minorities by the tens of thousands. Should the United States be supporting such a country, especially when it tries to immunize its human-rights violations by proclaiming itself a democracy?

America is the bastion of freedom in the world. It is our mission to extend and expand liberty wherever and whenever we can. Accordingly, we should stop U.S. aid to India until we no longer have to stand up here denouncing its human-rights abuses and we should support the birthright of all people, the democratic right to self-determination. If India is truly a democracy, it should live up to its promise made 53 years ago to hold a plebiscite in Kashmir. If India genuinely believes in democratic values, it must hold plebiscites on the political future of Kashmir, of Nagaland, of Punjab, Khalistan, and of all the nations seeking their freedom from India. India is an inherently unstable country composed of many different nations whose breakup is inevitable. For the cause of peace, prosperity, stability, security, and freedom, we must do whatever we can to ensure that this occurs peacefully like the breakups of the Soviet Union and Czechoslovakia, not violently like that of Yugoslavia. Unfortunately, India seems to be headed down the violent path. Let us work to help end the violence, repression, and terrorism and to ensure freedom and peace for all the peoples of that troubled region.

Mr. Speaker, I would like to insert the Council of Khalistan's press release about the breakdown of the India-Pakistan talks into the RECORD at this time.

INDIAN ARROGANCE EXPOSED DURING MUSHARRAF-VAJPAYEE SUMMIT

PLEBISCITE IN KASHMIR, PUNJAB, AND OTHER NATIONS ESSENTIAL FOR PEACE IN SOUTH ASIA

Washington, DC, July 17, 2001.—Indian hypocrisy was exposed to the international community when they refused to mention the word Kashmir during the bilateral talks between Pakistani President Musharraf and Indian Prime Minister Vajpayee. The Indian Foreign Ministry's press spokeswoman, Niruparna Rao, did not even list Kashmir among the items discussed. Aides to President Musharraf said that three drafts of a joint statement had been approved by both sides but the Indian Cabinet vetoed them.

"It is very clear from these actions that India does not want any peaceful solution to the Kashmir issue," said Dr. Gurmit Singh Aulakh, President of the Council of Khatistan, which leads the Sikh struggle for independence from India. "India must learn that 54 years of repression in Kashmir which resulted in the murder of over 75,000 Kashmiris and the expenditure of over $2 billion a year have not extinguished the flame of freedom which is burning in the hearts of the people of Kashmir," he said.

"India must keep its promise of a plebiscite in Kashmir, which it agreed to in 1948 in a United Nations resolution," Dr. Aulakh said. "India is morally wrong. If India is a democracy, why is it afraid of a vote?," he asked. "How can India justify its invasion annexation of Hyderabad, where the ruler was a Muslim and the majority population was Hindu, but by the same token in Kashmir population is Muslim and the ruler was Hindu and India sent the army to maintain its illegal occupation?," Dr. Aulakh asked.

India is not one country and it is not one nation. It is a multinational state put together by the British for administrative convenience. India is a vestige of colonialism. India has 18 official languages and there are 17 freedom movements within its borders. The fundamentalist Hindu ruling BJP government is on record that anyone living in India must either be a Hindu or subservient to the Hindus. This is not acceptable to the Sikh, Christian, or Muslim minorities.

India has unleashed a reign of terror on the minorities. In 1984, the Indian government attacked the Golden Temple, the holiest shrine of the Sikh religion, and 38 other Gurdwaras and killed over 20,000 people during that attack throughout Punjab. India demolished the Babri mosque in Ayodhya, the most revered mosque in India, and it is planning to build a Hindu temple on that site. Similarly, Christian churches, prayer halls, and schools have also been demolished. Christians have also seen the murder of priests, rape of nuns, the murder of a missionary and his two sons, ages 8 and 10, by burning them alive while they slept in their jeep and other atrocities. Now the government plans to expel his widow from the country.

Last month, Indian soldiers were caught red-handed attempting to burn down a Gurdwara and several Sikh homes in Kashmir. Sikh and Muslim townspeople overpowered the troops and prevented them from carrying out this atrocity. In March 2000, while former President Clinton was visiting India, the Indian government murdered 35 Sikhs in the village of Chithisinghpora in Kashmir and tried to blame the massacre on alleged militants. In November 1994 the Indian newspaper Hitavada reported that the Indian government paid the late governor of Punjab, Surendra Nath, $1.5 billion to organize and support covert state terrorism in Punjab and Kashmir.

Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations and published in *The Politics of Genocide* by Inderjit Singh Jaijee. Over 52,000 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. Since 1984, India has engaged in a campaign of ethnic cleansing in which over 50,000 Sikhs have been murdered by the Indian police and security forces and secretly cremated. The Indian Supreme Court described this campaign as "worse than a genocide." General Narinder Singh has said, "Punjab is a police state." U.S. Congressman Dana Rohrabacher has said that for Sikhs, Kashmiri Muslims, and other minorities "India might as well be Nazi Germany."

"The people and nations of the subcontinent are entitled to freedom and self-determination," said Dr. Aulakh. "It is time for India to do the democratic thing and end the repression," he said. "It will help the Indian government and the people of India to give freedom to all the nations of South Asia," he said. "As soon as it happens, the South Asian nations can make a South Asian economic market parallel to the European Economic Community where the nations are independent but joined economically, which benefits every member," he said. "It will also include Pakistan, Bangladesh, Nepal, Sri Lanka, and others. This will reduce tensions and the nuclear threat in this dangerous region and will benefit all the people of South Asia," Dr. Aulakh said.

HONORING EUDORA WELTY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. PICKERING. Mr. Speaker, Mississippi has lost one of its most treasured authors. We all mourn the passing of Eudora Welty and as Mississippians, we celebrate her accomplishments and her love of our state and its people. She is recognized around the world as a Pulitzer Prize winner and an ambassador for Mississippi by sharing her vivid descriptions of its people and places so that others might learn about our state through her writings.

Ms. Welty won the Pulitzer Prize in 1973 for her work titled "The Optimist's Daughter". She was presented with numerous other honors and awards including the National Book Award for fiction in 1971, the National Medal for Literature 1980 Book Award, and the National Medal of Arts in 1987. She was the first living writer ever to be included in the prestigious Library of America series in 1999.

Mr. Speaker, today we recognize and honor Ms. Welty for her outstanding literary achievements and awards. While we are all saddened by her death, we celebrate her life and her concern for the people of Mississippi and all of America. Her writing shows the care and concern she had for her fellow man. Ms. Eudora Welty will truly be missed by all of us.

TRIBUTE TO MARANDA PHILLIPS HOLMES

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Maranda Phillips Holmes of Charleston, South Carolina, a recent recipient of a National Jefferson Award. Mrs. Holmes is greatly admired for her outstanding community and public service. I join the citizens of Charleston County in expressing our deepest gratitude for everything she has done and continues to do.

Mrs. Holmes, who is often known as "Mother Teresa," has been a church and community volunteer for more than forty years. She has served on numerous boards and commissions, including the Neighborhood Housing Service Commission where she helped provide loans and grants to those wishing to renovate their homes. She is an extraordinary person and throughout her life has made extraordinary contributions to her church, and the politics, and social welfare of her community.

Mrs. Holmes has been the recipient of 154 awards that reflect her lifelong dedication to community improvement. The American Institute—an organization founded in 1972 by Jacqueline Kennedy Onassis, Senator Robert Taft, Jr., and Sam Beale—presents this prestigious award annually. The award seeks to recognize individuals for their outstanding community and public service. WCSC-Channel Five, a local television station, produced a thirty-minute documentary highlighting the contributions on Mrs. Holmes and two other National Jefferson Award recipients.

Mr. Speaker, I ask you to join me today in honoring Mrs. Maranda Phillips Holmes for the incredible service she has provided for the citizens of her community. The world is a better place because of her years of distinguished service, and she has certainly earned the honor this notable award recognizes. The citizens of Charleston County and I congratulate Mrs. Holmes on her outstanding accomplishments and wish her the best in all of her future endeavors.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. ABERCROMBIE. Mr. Speaker, yesterday, on July 23 I was necessarily absent and was not able to vote on three recorded votes. Had I been present, I would have voted as follows:

H.R. 2137—Criminal Law Technical Amendments Act of 2001—Yes; H.R. 1892—Family Sponsor Immigration Act of 2001—Yes; S. 468—James Corman Federal Buildings Designation—Yes.

ON THE ANOINTMENT OF REVEREND DR. HUBERT BANKS AS BISHOP

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate Reverend Dr. Hubert Banks on his elevation to the Office of Bishop in the Pentecostal Deliverance Tabernacle Worship Center in Ridgewood, New Jersey. On July 29, 2001, Reverend Dr. Banks will be consecrated as Bishop, one of the highest levels in his faith, at the Gilmore Memorial Tabernacle in Paterson, New Jersey. Reverend Dr. Banks has devoted his life to his faith, community, his family, and to ministering throughout the world. He is truly an exemplary man of faith and we are fortunate to have him serve our northern New Jersey community.

Reverend Dr. Banks has faithfully ministered since 1985, however his involvement with the Church began when he was twelve years old. A graduate of Ridgewood High School, he has served as Director of various youth, senior, and state choirs and worked actively with youth faith groups. His outstanding leadership and devotion brought him to the position of deacon while continuing his work with a men's chorus. At this point, Reverend Dr. Banks was also named Board Chairman of the Allene Gilmore Day Care Center.

In 1980, Reverend Dr. Banks was licensed into ministry as an Evangelist by the United Christian Church and Ministerial Association. One year later, he was ordained and went on to found the Pentecostal Deliverance Ministry. Reverend Dr. Banks then brought his spiritual leadership overseas as he spent time ministering in Israel. Since that experience, he has spent extensive time doing evangelistic work throughout Africa in Venda, Malawi, and Johannesburg. In 1990, Reverend Dr. Banks was promoted to District Elder in the Northern New Jersey region and received his Doctorate Honoris Causu from the Shiloh Theological Seminary shortly thereafter. In 1998, Reverend Dr. Banks was named Bishop-Elect under the Faith Tabernacle Outreach Ministries and now, three years later, he will be appointed to the respected position of Bishop in a traditional ceremony, rich with his faith's symbols. With his elevation to the title of Bishop, Reverend Dr. Banks will serve a larger congregation, bringing his dedication to new churches in the area. These churches are fortunate to have such an outstanding man both leading and serving their communities.

Reverend Dr. Banks' life as a minister includes his wife and two daughters, three stepsons and five grandchildren. Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating Reverend Dr. Banks for his elevation to the position of Bishop and for the outstanding example he sets for all of us.

HONORING ANDREW A. ATHENS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. GILMAN. Mr. Speaker, I rise today to recognize an outstanding American, a humanitarian and a dedicated health provider, Andrew A. Athens.

Mr. Athens has dedicated his life not only to serving his family, his faith, and his nation, but is trying to improve the quality of life for millions of patients in need of health care throughout the world. With the same dedication and work ethic, Andy Athens and his wife, Louise, have raised their children and grandchildren in the best traditions of philanthropy, respect, and good will.

Andy was born in Chicago, IL, the son of Greek-American immigrants. He went on to serve as a captain in the U.S. Army during World War II where he distinguished himself in the European and African campaigns for which he was decorated with the Bronze Star. Following the war, he helped rebuild the infrastructure of war-ravaged Europe, which service earned him a citation from the Hungarian Government. Subsequent to his return to America, Andy cofound Metron Steel Corporation, in which he served as its president for 41 years and during which time it became a major steel service center in the Midwest.

A life-long activist in the Greek Orthodox Faith, Andy Athens has held leadership roles on the local, Diocesan and national levels. While President of the Archdiocesan Council of the Greek Orthodox Archdiocese of America from 1974–1995, the highest position a layman can hold in the Church's national administration, Andy helped to establish the charitable arms of the Greek Orthodox Church in America, the International Orthodox Christian Charities, and Leadership 100. For his outstanding humanitarian service, Andy received numerous awards, including the highly regarded Religious Heritage of America Award, the Athenagoran Human Rights Award, the Medal of Saint Paul, and other honors. Furthermore, Andy's service to the National Church has earned him the international recognition of the leader of World Orthodoxy, the Ecumenical Patriarch of Constantinople, who has elevated Andy to the rank of Archon of the Order of Saint Andrew.

Responding to the need for political action, Andy mobilized the Greek American community to petition elected officials and to express their views for global action. In 1974, he founded the United Hellenic American Congress (UHAC), and continues to serve as its' chairman. UHAC has helped to bridge the gap between the Greek American communities who govern nationally and globally. It is a voice for human rights violations in the Mediterranean and the Balkans and the need for religious freedom in Turkey. Continuing his international humanitarian service, in 1995, Mr. Athens was elected to serve as the 1st President of the World Council of Hellenes Abroad (SAE).

Andy's greatest political and humanitarian achievements have been in his service with the SAE, which represents 7 million Hellenes living outside of Greece. Under Andy's leadership, the SAE instituted an historic program bringing primary health care and job opportunities to Hellenes and their neighbors living in the countries of the former Soviet Union. The SAE Medical Relief Program has established three health care centers in Georgia, a clinic and visiting nurses program in Ukraine, and a health care clinic in Armenia. Soon, they will begin a full program in Albania. They have managed to help more than 34,000 patient's per month throughout these clinics.

Mr. Speaker, I invite my colleagues to join in honoring Andrew A. Athens, a "Greek-American global advocate of all the values that have made our nation so strong." Mr. Athens has lived the American dream based on honor, duty, faith and respect. He has truly been saintly as a philanthropic global advocate for the values we all embody as Americans.

EUROPEAN INTERESTS ARE NOT ALWAYS THOSE OF THE U.S.

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the July 22, 2001, editorial from the Omaha World-Herald entitled "Why America Says No."

Currently, the U.S. is under intense pressure from members of the European Union (EU) to conform to what they deem best for their combined interests. While U.S. economic and security interests often intersect with those of its European allies, such convergence is not always the case. Environmental standards (particularly those outlined in the Kyoto Protocol), agriculture subsidy levels, and the use of genetically modified organisms (GMOs) are among the issues on which the U.S. and the EU disagree. Participation in the proposed permanent International Criminal Court (ICC) is yet another issue on which the U.S. national interests and many other countries' national interests diverge.

Mr. Speaker, it should be noted that choosing not to participate in institutions such as the ICC is not, as some continue to argue, equal to isolationism. Choosing not to engage in conversations with other leaders on difficult issues is isolationism. President Bush, while rightly standing strong against pressure to pursue international agreements and institutions which would be contrary to American interests, has engaged his European counterparts in dialogues on the tough issues and should be commended for doing so.

[From the Omaha World-Herald, July 22, 2001]

WHY AMERICA SAYS NO

One of the irritants in President Bush's current dealings with European nations is his administration's opposition to a permanent International Criminal Court. The 15-member European Union is one of the leading proponents of a United Nations plan to form such a tribunal.

Bush should stand firm. Not because a world court would be a bad thing as a general principle—indeed, in the abstract the idea has appeal. And not even because the trend of recent years toward some kind of world government is a direct affront to American sovereignty, as it surely is.

The U.S. government should continue to be against this proposal because America's potential exposure to the potential misuse of such an entity is greater than that of most other nations.

That's because America is a superpower that is often called upon to be the world's policeman. By tradition and instinct, it has chosen to pursue an active, interventionist foreign policy during many stretches of its history, acting as a force for good in the world. No nation has single-handedly done more to defend down-trodden people against tyranny or to combat the problems of disease, poverty and deprivation.

Accordingly, America has had far-flung military and civilian operations sometimes in circumstances or with outcomes sufficiently ambiguous as to make it a target for prosecution in an international court if the people who ran that court happened not to like Americans.

The purpose of the proposed entity would be to try and sentence war criminals, violators of human rights and perpetrators of genocide. Administration officials fear that the machinery of an international court could, if it fell into the wrong hands, mean trouble for American troops or their leaders—trouble caused by someone who tried to paint an American military intervention (Haiti? Panama?) as a violation of human rights or a foreign policy decision (Henry Kissinger on the bombing of Cambodia in 1970) as a war crime. Not everyone sees things through the same eyes. George Bush, the former president, is either a national liberator or a war criminal, depending on whether you are Kuwaiti or Iraqi.

The spectacle of Americans, based on foreign policy differences, being hauled before a foreign tribunal without the protections of the U.S. Constitution would be an affront to U.S. sovereignty.

Moreover, standards evolve unpredictably. Just a few years ago, the death penalty was widely used around the world. Recently, moralists all across Europe applauded when Amnesty International labeled the United States a human rights violator for not outlawing capital punishment. does that make George Bush and Bill Clinton, under whom executions were conducted when they were governors, violators of human rights? Not now, perhaps. But later? The evolution continues.

Thirty-seven nations have ratified the treaty that would form the court. They range from E.U. nations to Senegal, Croatia and Tajikistan. Increasingly, collective operations seem to appeal to the E.U. and parts of the Third World. Americans may just have to recognize—and hope they recognize it, too—that our interests are sometimes different from theirs, and govern ourselves accordingly.

DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mr. BAIRD. Mr. Chairman, I want to thank my colleague FRANK LUCAS for joining me in offering this important amendment.

The Methamphetamine/Drug Hot Spots Program provides funding for states to pay for the costs associated with fighting meth. This includes identifying and dismantling meth labs and training law enforcement to respond to labs.

Last year, Clark County in my district received funding from this program to hire an additional meth detective for our local drug task force.

As one of the founders of the Meth caucus, I am pleased to offer an amendment to increase the funding for this important program. Forty-two members of our caucus asked appropriators to increase funding for the Meth/Drug Hot Spots from $48.5 million (FYO1) to $60 million. The bill before us today funds this program at $48.3, $11.7 less than requested by our bipartisan caucus.

Our amendment would increase the funding for this program to $60 million. We are proposing to accomplish this by reducing the increase given to the International Broadcasting Operations by $11.7 million, which received a $32 million increase in this bill. Our amendment would still provide for more than a 5% increase for International Broadcasting Operations. This is still more than President Bush's request for no more than a 4% increase in the growth of federal spending.

I want to make clear that this amendment is in no way meant to take away from the important role that International Broadcasting Operations has in spreading the American ideals of freedom and democracy throughout the globe. The amendment is designed to help our law enforcement officials stop the scourge of methamphetamine abuse here at home.

I thank my colleague from Oklahoma for joining me in offering this amendment and I ask for your support.

THE PATIENT PRIVACY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. PAUL. Mr. Speaker, I rise to introduce the Patient Privacy Act, which repeals those sections of the Health Insurance Portability and Accountability Act of 1996 authorizing the establishment of a "standard unique health care identifier" for all Americans, as well as prohibiting the use of federal funds to develop or implement a database containing personal health information.

Establishment of such a medical identifier, especially when combined with HHS's misnamed "federal privacy" regulations, would allow federal bureaucrats to track every citizen's medical history from cradle to grave. Furthermore, it is possible that every medical professional, hospital, and Health Maintenance Organization (HMO) in the country would be able to access an individual citizens' record simply by entering the patient's identifier into a health care database.

When the scheme to assign every American a unique medical identifier became public knowledge in 1998, their was a tremendous outcry from the public. Congress responded to the public outrage by including language forbidding the expenditure of funds to implement or develop a medical identifier in the federal budget for the past three fiscal years. Last year my amendment prohibiting the use of funds to develop or implement a medical ID unanimously passed the House of Representatives.

It should be clear to every member of Congress that the American public does not want a uniform medical identifier. Therefore, rather than continuing to extend the prohibition on funding for another year, Congress should simply repeal the authorization of the national medical ID this year.

As an OB/GYN-with more than 30 years experience in private practice, I know better than most the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given their doctor will be placed in a data base accessible by anyone who knows the patient's "unique personal identifier?"

I ask my colleagues, how comfortable would you be confiding any emotional problem, or even an embarrassing physical problem like impotence, to your doctor if you knew that this information could be easily accessed by friend, foe, possible employers, coworkers, HMOs, and government agents?

Many of my colleagues will admit that the American people have good reason to fear a government-mandated health ID card, but they will claim such problems can be "fixed" by additional legislation restricting the use of the identifier and forbidding all but certain designated persons to access those records.

This argument has two flaws. First of all, history has shown that attempts to protect the privacy of information collected by, or at the command, of the government are ineffective at protecting citizens from the prying eyes of government officials. I ask my colleagues to think of the numerous cases of IRS abuses that were brought to our attention in the past few months, the history of abuse of FBI files, and the case of a Medicaid clerk in Maryland who accessed a computerized database and sold patient names to an HMO. These are just some of many examples that show that the only effective way to protect privacy is to forbid the government from assigning a unique number to any citizen.

The second, and most important reason, legislation "protecting" the unique health identifier is insufficient is that the federal government lacks any constitutional authority to force citizens to adopt a universal health identifier, or force citizens to divulge their personal health information to the government, regardless of any attached "privacy protections." Any federal action that oversteps constitutional limitations violates liberty as it ratifies the principle that the federal government, not the Constitution, is the ultimate arbitrator of its own jurisdiction over the people. The only effective protection of the rights of citizens is for congress and the American people to follow Thomas Jefferson's advice and "bind (the federal government) down with the chains of the constitution."

Those who claim that the Patient Privacy act would interfere with the plans to "simplify" and "streamline" the health care system, should remember that under the constitution, the rights of people should never take a backseat to the convenience of the government or politically powerful industries like HMOs.

Mr. Speaker, the federal government has no authority to endanger the privacy of personal medical information by forcing all citizens to adopt a uniform health identifier for use in a national data base. A uniform health ID endangers constitutional liberties, threatens the doctor-patient relationships, and could allow federal officials access to deeply personal medical information. There can be no justification for risking the rights of private citizens. I therefore urge my colleagues to join me in supporting the Patient Privacy Act.

PRIVATE CALENDAR AGREEMENT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. COBLE. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XXIV, clause six, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the Committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors system the House has established to deal with the great volume of Private Bills.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or question about a particular Private Bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement adopted on July 24, 2001, the Members of the Private Calendar Objectors Committee have agreed that during the 107th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: the gentleman from North Carolina (Mr. COBLE), the gentleman from Georgia (Mr. BARR), the gentleman from Ohio (Mr. CHABOT), the gentleman from Virginia (Mr. BOUCHER), and the gentlelady from Connecticut (Ms. DELAURO).

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance considerations to private bills by not asking that we depart from the above agreement unless absolutely necessary.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, and Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in support of the DeGette amendment, and I thank my colleague for her strong leadership on this issue.

A woman's right to make a private decision to terminate a pregnancy is the law of the land. The prohibition on prisoners' access to abortion services in federal prison facilities contained in this bill does not make it impossible for women in prison to obtain an abortion—but it deliberately makes it more expensive, more difficult and less private.

In my view, the only reason the ban does not go further—ban abortion outright—is because Americans support a woman's right to choose. I know that many of my colleagues do not, and I respect their views on this issue. I know that these colleagues would vote to overturn the Roe v. Wade decision immediately, if they thought they could get away with it.

But they don't go that far, because Americans wouldn't let them get away with it.

Instead, those who oppose a women's right to choose take every opportunity to make the decision ever more difficult, dangerous, and expensive.

I support the DeGette amendment because I believe that's the wrong approach. If we agree that there should be less abortion, we can and should work together to make the decision to terminate a pregnancy less necessary. The policy we are debating in this amendment—which allows women in federal prison to pay for an abortion outside but not obtain one inside the prison system—only makes the decision to terminate harder.

What could we do to make the need for terminating a pregnancy less necessary? We could do more to promote contraceptive access and use. We could work harder to educate people about taking responsibility for protecting themselves from unintended pregnancy. We could do more to prevent sexual assault, rape and incest. We could work together—as our constituents clearly would like us to do—to ensure that most women never need to make the personal decision about terminating their pregnancy.

Less necessary—not more harassing and less private.

I ask my colleagues to join me in supporting the DeGette motion to strike.

SENATE—*Wednesday, July 25, 2001*

The Senate met at 9 a.m. and was called to order by the Presiding Officer, the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of Hope, fill us with Your Spirit of hope so that we may be positive communicators of hope to the people around us and in the ongoing business of the Senate. Bless the Senators with a fresh draught of dynamic hope. May their hope be more than wishing, yearning, or surface optimism but hope that has its source and strength in Your faithfulness. You gave birth to the American dream, You watched over our growth as a nation with Your providential care, and You intervened in crises and strife to turn our struggles into stepping stones toward Your vision of a nation of righteousness, justice, and opportunity. We have every reason to be hopeful as we deal with the momentous and mundane issues this day will dish out. Give the Senators the zest, verve, and vitality of authentic hope today. For them and all of us who work with or for them, we pray that You will hope through us, God of Hope. Only then can we experience the deep wells and living streams of true hope for everyone and every problem, every circumstance and every situation. With vibrant hope we press on with expectation and enthusiasm. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the minority have their full 30 minutes this morning and that the majority also have their full 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, there will be 1 hour of morning business today, with the first 30 minutes under the control of Senator HUTCHISON. For the second 30 minutes, Senator DURBIN will speak from 9:30 to approximately 9:45. The final 15 minutes of the majority's time will be consumed by Senator WELLSTONE.

Shortly after 10 a.m., the Senate will resume consideration of the Transportation Appropriations Act. The majority leader has indicated there will be rollcall votes on amendments or other matters throughout the day.

In addition, as the leader announced last night, the Senate will likely consider several Executive Calendar nominations and S. 1218, the Iran-Libya sanctions bill. As a foundation from the prayer of the Chaplain where he said we should go forward with zest, verve, and vitality, I am not sure I can define each of those, but they sound really good. I hope we can move forward expeditiously and complete our work prior to the target adjournment next Friday—a week from this Friday.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized for 30 minutes.

TAX REBATES

Mrs. HUTCHISON. Madam President, I rise today to talk about the tax rebate checks that started going in the mail this very week. In fact, I have already talked to someone who has received a tax rebate. It made me feel so good to know that something we have worked so long to do and so hard to do is now beginning to reach the American people.

I think it is a very timely opportunity for the American people to have a little extra money in their pocketbooks, to be able to do some of the things that maybe they weren't going to be able to do, and also, hopefully, to help spur this economy that is certainly in a stagnant phase.

We are very excited that July 23 is the week that the first set of checks go out. They will be going out between now and the end of September. And everyone who paid taxes last year will receive a rebate. If you paid taxes and you are a single person, you will receive $300. If you paid $300, you will receive $300 back. If you are a single person who is the head of a household—a single mom or dad—you will receive $500 in the mail. If you are a married couple, you will receive $600 in the mail if you paid taxes and if you filed your taxes for 2000. Starting July 23, those checks will be in the mail during the course of the next 2 months.

Now, we are very hopeful that people will be able to take this money and do something that they might not have been able to do otherwise. It might be just helping buy the children back-to-school supplies or clothes or shoes; it might be a little added something for a vacation—if you are getting your check in time for vacation, or maybe you are planning on doing it. It could be investing for your pension. It could be that little added bonus of $300 or $600 that you would put into retirement. Whatever a person does with their money will help the economy because it will be an investment—an investment in something for use today or an investment in something for use over the next few years. All of that will be helpful. We are looking at layoffs being advertised in the newspaper now, so people are needing that little extra boost in many ways.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

I think it is just a great opportunity to say that we do have a surplus in our Government. We are doing the job that we were elected to do in a responsible way by covering the expenses that we know we must cover—expenses such as a strong national defense, expenses for Medicare and Social Security, expenses for the welfare needs for our country. A lot of money is going into education. We are increasing education spending by 14 percent.

But there is still money left over because we have been careful with our taxpayer dollars, and we thought that the people should share in that surplus. They created that surplus and they should share in it. They pay for it. The taxpayers of our country fund the Government, and when we are efficient, we think the taxpayers who pay the bills should get the return.

We are very proud of the fact that the checks are starting to come in the mail today and people will start seeing they have money coming.

I am proud all of us in Congress have come together to do this, and I am very pleased this rebate is just the beginning. In fact, we are going to see rate cuts. Many people who have taxes withheld will see their withholding has gone down 1 percent. So less is being taken out of their paycheck. They will be paying fewer taxes next year and every year for the next 10 years.

Over the next 10 years, we will gradually decrease the marriage tax penalty. This is a tax that hits married couples where there are two working spouses and they pay more in taxes because of a quirk in the Tax Code, and we are eliminating that quirk or at least we are whittling it away. We have not totally eliminated it, but hopefully we will get to do that someday as well.

We are lowering the marriage tax penalty. We are going to eliminate the death tax, a tax that I think is the wrong approach. If one is seeking the American dream, we want them to keep the money they earn and we want them to be able to pass it to their children if they choose to do that. We certainly do not think Uncle Sam should tax a person's death, and we especially do not want people to have to sell assets—small business assets or property—in order to pay the death tax.

There is more coming. The downpayment is in the mail today, and we are very proud to be able to talk about it.

I thank the Chair. I yield the floor to the Senator from Missouri.

Mr. BOND. Madam President, my sincere thanks to my colleague from Texas for giving us that fine overview of what is happening this week. I am very happy to report I had the pleasure last Friday of joining my colleague from Kansas, Senator BROWNBACK, and several Members of the House, in a trip to Kansas City, MO, with the Vice President and the Secretary of the Treasury, Paul O'Neill.

We went out to see a fascinating operation, not well-known, the Federal Financial Management Service branch of the Treasury in Clay County, North Kansas City. There the men and women who work for the Treasury Department's FMS are turning out 1.2 million checks a day. They print the checks, they put them in envelopes, they sort them by ZIP Code, and they are ready to go out the door. They do the whole process there. There are 1.2 million checks a day going out.

I do not happen to have the lowest last two digits in my Social Security number, so mine will not be coming for several weeks, but it was thrilling to see a promise made and a promise kept.

That is one of the things the Vice President talked about, and the President joined us by videotape to emphasize the fact that last year he said we needed a tax reduction, and he delivered. He delivered with help from a Republican Congress, and we also thank those on the other side of the aisle who joined with us to make it a bipartisan push to get the bill passed ultimately, and three Members from the other side of the aisle who stayed with us on the very difficult votes to make sure we did not lose any more from the amount promised by the President.

The President signed the Economic Growth and Tax Relief Reconciliation Act of 2001 on June 7, and we are seeing literally the checks in the mail. It is a change from the old laugh lines from the Federal Government: I am here to help you, and the check is in the mail. This time we are from the Federal Government, the checks are in the mail, but we are returning your money. This is not somebody else's money you are getting.

This act provides the largest tax cut to the American people since 1981, and not a moment too soon given the economic slump we are currently enduring.

There has been a lot of talk about how maybe, with the economy slowing down, we cannot afford a tax cut. Let me tell my colleagues and anyone else who is interested that whether you are a supply-sider or a Keynesian, there is no better time for tax relief to get the economy moving by leaving money in the hands of those who earned it and allowing them to spend it and invest it. My colleague from Texas told us about the many different uses these tax rebates can be put to, but putting that money back in the hands of the hard-working Americans who earned it is the very best thing we can do to get the economy growing again.

We saw what happened when the Republican Congress pushed through a capital gains reduction about 4 or 5 years ago. No. 1, despite the gloomy predictions of many old-line liberal economists, receipts to the Federal Government did not go down. In fact, they went up because more people unlocked the investments they had locked away with large capital gains built up and they sold those assets, generating revenue for the Federal Government. More important, they invested in the economy, in the information technology that kept the economy growing through much of the remainder of the 1990s.

Alan Greenspan, who is no wild-side, born-again, anti-government conservative, had been preaching to us on the Budget Committee, the Banking Committee, and anybody who would listen to him that we needed to start reducing the debt.

With the Republican takeover of Congress in 1994, we did force through a balanced budget. We did bring spending under control. We are starting to bring the debt down. We have provided the incentive for the economy to grow with a capital gains tax reduction, and we generated more revenue with that tax reduction.

Late last fall, when Alan Greenspan came before us, he said: The time has come to start giving money back to those who earned it. Tax rates are too high. We need to continue to move to reduce the debt, but we have threatened to build up such a surplus, because of the excessive taxation imposed on this economy in 1993, that we are going to be in a position where we will put a stranglehold on the economy and potentially have the Federal Government buying up private assets, i.e., nationalism or socialism, if we do not start leaving more money in the pockets of hard-working Americans. So we began the process promised by President Bush of reducing taxes.

It turns out that not the recession officially but the downturn that was forecast by the stock market in March of last year, and which really began to take effect this quarter a year ago, which really accelerated during the winter, was getting worse, and the tax relief that President Bush promised was not only a matter of fairness for American taxpayers but it was a vitally needed boost for the economy.

When there is an economic downturn, the worst thing that can be done is to raise taxes. Herbert Hoover had a depression named after him because when he saw the economy turn down, he said: We have to maintain the surplus. So he jacked up taxes and tariffs, and he led the United States to take the world down into a worldwide depression.

I hope we have learned. I hope we have learned we can tell those naysayers who say, oh, my gosh, we have an economic downturn so we have to raise taxes, that is the dumbest thing we can do. There is very rarely a time when we will see fiscal policy being an accurate, effective countercyclical measure.

This is the time to put money back in the pockets of hard-working Americans who have earned it. I am very proud to have been one to support that tax cut all the way.

The rebate checks are going out, the child tax credit will increase, the marriage penalty will be reduced, educational savings improvements will be made. For Missouri small businesses, the devastating impact of the death tax will be reduced, and there will be incentives for helping people fund their retirement.

There is more to be done. I look forward to working with my colleagues to assure that permanent tax relief, that this measure is made permanent, and that we have a more fair, simpler, and flatter Tax Code. We are working to fulfill the promise that President Bush made. I am proud to have been part of it. I look forward to continuing to work on that team.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Missouri for talking about his trip with the Vice President, and once again emphasizing a promise made is a promise kept. I thank the Senator from Missouri.

I yield up to 5 minutes to the Senator from Idaho.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Madam President, I thank my colleague from Texas for bringing this issue to the floor this morning and allowing time to talk about what is going on in the mailboxes of Americans today. The rebate checks are coming home.

A week and a half ago I was in Idaho walking across a street in a small town. A lady yelled across the street at me: When am I getting my check?

True story. It happened. I said: They will be mailed out in a week and a half. What are you going to do with your check?

She says: I have four kids and we are going to Wal-Mart to buy school clothes.

That is the message that is coming home to America today. President Bush recognized that hard-working Americans were being taxed at the highest level ever in our country's history. He worked with us, we supported him, and as a result, when someone says today "the check is in the mail," literally it is happening.

This week, America's taxpayers began to receive the rebate check we promised them, that President Bush promised them, that began to pull down the surplus and keep money out of the hands of Government and return tax dollars to the hard-working American families who sent them here in the first place.

In Idaho households, over 380,000 checks will arrive between now and September 24. That represents $167 million to Idaho. That is a lot of money in our State. We are a small State. We have 1.2 million citizens. That is going to have a phenomenal impact on the Idaho economy. Nationally, that is 91.6 million taxpayers and about $39 billion.

This time, I am proud of what we have done as a Congress. Congress did it right. Tax relief is reaching the people at the right time. It will boost their confidence in the economy and their Government. I think it will restore a little financial freedom when they need it. I think you must always recognize with hard-working families, mom and dad both working, if they have children, and of course they want children, that is a very important but very real expense.

Just like that lady in Blackfoot the other day who said, "I'm going to Wal-Mart and buy clothes for my kids," Americans will spend it; they will save it. I don't care about all the great speculation and debate that Americans are not going to save it and it isn't going to help the economy. Speculators, frankly, I don't care. It is the citizens' money that is being returned to them and they will do a little bit of both with it. I think it is important we recognize once the money is in the hands of the American working family, politicians can't direct it or, more importantly, misdirect it.

The moms will go to Wal-Mart and buy clothes for their kids. It may pick up a good number of tankfuls of gas. It may well put food on the table or it might go into someone's savings account. That is what it is all about.

I heard some critics try to disparage or make fun of the rebate, saying it is only $300 or $500 or $600. To some families, getting a $600 check in the mail can make all the difference in the world about some of the choices they will make this late summer or fall. It may well be the price they pay for a little additional vacation they had cut short because of the energy bills and the higher gas prices that they were going to be paying this year. That is what a tax rebate is all about. Anyone who ridicules the rebate, my guess is they have lost touch with the American people and the hard-working men and women who get up every day and go to work and spend 8 or 10 or 12 hours at work and pay their taxes because they think that is the way good Americans ought to function. Many do it, and thank goodness they do it. Now we are able to reward them just a little bit.

My advice to the naysayer: If you don't need the rebate, give it back to the Treasury. Give it to a charity. Do something with it other than spend it on your family or save it because it is your money and we have guaranteed you the freedom to make that choice.

By the way, the Treasury Department has always had a fund to receive contributions. So those who do not like the tax cut, give it back. Those who find it valuable, spend it and enjoy it. It is your money. The check is in the mail.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. I thank the Senator from Idaho. I appreciate all the work he has done to make this tax relief package a reality. He has been working on it for a long time. He is one of our leaders and we appreciate his keeping the promises he made to the people of Idaho in helping every American have a little more money in the next 2 months to spend on the needs that he described, such as the mom of four children going to Wal-Mart to buy the clothes for her children to start school.

Now, Madam President, I yield up to 5 minutes to Senator Thomas from Wyoming.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. Madam President, I thank my friend, the Senator from Texas, for this time.

It is important we talk a little bit about some of the things that have been done and the impact we will see immediately. This is unique. I cannot recall it ever happening this way before, where there were excessive dollars available that came in, and more taxes than were necessary to carry out the essential elements of Government. There was a need for an economic boost and there is. So we took this opportunity to return some of this excess money to the people who have paid it.

That is a basic issue and one we deal with quite often. That is a difference of philosophy in terms of how we handle money. Obviously, everyone agrees there has to be a sufficient amount of money to take care of the necessary functioning of Government, although there is a difference in view of what the functions would be. There is also a philosophical difference among those who would say we have money, so let's increase the role of Government; let's spend more and have more programs. Others say, wait a minute, let's try to keep the role of Government limited and return this excess money to the people who paid it. That is what this is.

It is a very basic issue, one that is philosophical but it is the right thing to do.

I hear this business, from time to time, about millionaires are going to get $300 a day. How many people do you think, of all the taxpayers who are going to get a check in the mail, are millionaires? The people I have seen are not millionaires, the people who are going to get some of the money they paid. All taxpayers who have paid their dollars will reap some benefits from this distribution.

That is what it is all about. Further, I think it is necessary at the same time to recognize that on June 7 of this year, this Republican Congress and the White House kept a commitment to the American people and delivered the most significant tax relief in 20 years. Not only will we have this distribution, of course, which is designed to give some immediate impact to it, both for the taxpayers themselves and for the economy—$300 for single filers, $500 for single moms, $600 for families, and that is very important—but following that, of course, is a new tax law that goes a long way to restore fairness in the Tax Code.

It reduces the marriage penalty, which my friend from Texas was obviously almost the singular leader in causing that to happen, and we appreciate it, the death tax, doubles the child credit and child care enhancements. We need to recognize that over a period of time we are going to do a great deal to increase fairness and return dollars via the Tax Code, although that doesn't happen for several years. That is why this is very important, this immediate impact. I think it is one of the greatest things that can happen. And, in addition, it should happen.

We now hear people talking about raising taxes, for heavens' sake, when we are facing difficulties in the economy. When we find ourselves with real surpluses, to talk about raising taxes —give me a break. I cannot imagine anything more unlikely to happen than that.

I think we should feel very good about what has happened. I am hopeful all these checks will be out very soon. They are now in the mail. Beyond this, I want to emphasize again we have had a significant change in the tax culture and the Tax Code over time. This is the most important thing. I am happy to have had a chance to participate in it and recognize it today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I thank the Senator from Wyoming for working on this ever since he has been in the Senate, for being committed to tax relief for every hard-working American, and for being one of our leaders, speaking out on this issue and talking about how important it is that we not only give tax relief right now, but also hopefully will have another tax relief package in the near future. We want to have all the surplus used wisely. That means part of it should go back to the taxpayers who have worked so hard to earn it.

I am pleased to yield the remainder of our time to the Senator from Pennsylvania, Mr. SANTORUM.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania has 3 minutes 20 seconds.

Mr. SANTORUM. Madam President, I thank the Senator from Texas and the Senator from Wyoming for being here this morning to talk about what I think is one of the most important issues we can talk about in the Senate, and that is what we are going to do to strengthen our economy. Why is it I put it in that context? The right medicine at this time is to put more resources into the economy to get this rather flat-line economy right now jump started.

Over the past year now, we have been going through a fairly substantial economic slowdown. The right medicine is exactly what the Congress did. We worked very hard with the President of the United States to pass a tax relief measure that got an infusion of money out into the public just in the nick of time, I hope—I hope just in the nick of time to help get this economy up and going and churning again. Checks are in the mail and being received by people all across America in amounts that are substantial, in amounts that are meaningful to people, to families who are preparing for their children to go back to school and need to buy school clothes and books and school supplies. Those are the kinds of expenditures that I know, with the number of children I have, can put a real pinch in your budget because they are one-time expenditures, mostly at end of the summer, the beginning of the fall, and they are very difficult to budget.

This check coming at this time can provide some help to middle-class and lower income families who really do need this help and help the economy at the same time. It gets that infusion of money into our economy.

I am proud that we were able to work in a bipartisan way in the Senate. Twenty-five percent of the Senate Democrats along with the Republicans voted for this proposal. It showed that with good leadership we can get bipartisan work done to meet the needs of the American people, to help the average American. At the same time, we can strengthen our economy at a time when we are going through a very difficult slowdown.

I know there are other things we need to do. We need a national energy policy because at least in my State, in Pennsylvania, we have some real problems in our manufacturing sector, driven principally by high energy prices over the past 18 months. We need to have a national energy policy so we do not have these spikes that cause economic downturns and difficult times in our manufacturing sector, which is still, from my perspective, a very important sector of our economy.

We need to do something on trade. We need to open up new opportunities to trade around the world, which by doing so will create better jobs in America. The economy is important. We need to be aware here in the Senate of what we can do at a time of economic slowdown to get this economy up and running.

The first and most important thing is to reduce the tax burden on the American public to get more money in the economy. The second thing is to develop a national energy policy to make sure we have stable, long-term, affordable, clean energy for America's future so we are not relying on foreign energy and that problem. The third thing is to increase trade.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the next 30 minutes shall be under the control of the Senator from Illinois.

THE TAX CUT

Mr. DURBIN. Madam President, historians and political scientists will find this a very interesting morning debate in the Senate. Over the next few months, they ought to take a look at what primarily Republican politicians and the President are saying and mark it as a special part of American history because the American people really have been lobbied by the President and by his supporters to support a tax cut. They have been lobbied to support a tax cut.

This morning we have had an array of Republican Senators coming to the floor to explain why a tax cut is a good thing.

Think about it. The average person in Illinois would think a $300 check for a person or a $600 check for a family is obviously a good thing. That is going to help pay for school expenses, as the Senator from Pennsylvania said. It is going to be around if you need it for whatever the cause—paying off last winter's heating bill or taking care of some expenses around the house. These are real things that families face, and $300 from the Government or $600 from the Government, of course, is a good thing.

But, of course, the reason the Republicans are spending so much time trying to convince us it is a good thing is because there is some doubt as to whether, on a long-term basis, the President's tax cut is really the right thing for America. Do we need an economic stimulus right now? You bet we do. This economy apparently is continuing to go down.

Yesterday the stock market took quite a hit. I hope it recovers soon. Everyone does—anyone who has a pension fund or IRA or 401(k) or any kind of investment. But we do need a stimulus for this economy. Alan Greenspan is desperately looking for the right stimulus. He has reduced the prime rate from time to time to try to stimulate the economy. It doesn't seem to be working as he hoped because long-term interest rates have not come down, and that is kind of an indicator as to whether or not we are going to be moving forward and the people who make investments believe we are so they can have some confidence in our future.

To say we need some kind of tax cut now for economic stimulus for families, you bet; I think it is a good idea.

This would have been an easy thing to vote for—$300 for individuals, $600 for a family. But that is not what President Bush proposed. That is not what passed the Senate.

What he passed was a package of tax cuts that span 10 years. How do you get to a point where you can say what America's economy is going to look like 2 years from now, 5 years from now, or 10 years from now? That is where a lot of us think this tax cut proposed by the President went too far. He should have come in with a tax cut as a stimulus for this economy now. The Democrats and Republicans both support that kind of a tax cut. But when you expand it to a 10-year program, when you cannot say with any certainty what this economy is going to look like, you run some real risk.

The fact is, the truth is, in a very short period of time, in a matter of just weeks since the President had his bill signing, we have received some economic information about the current state of the economy that shows that all the economists who painted the rosiest picture in the world to justify a tax cut may have been wrong about this year, let alone 10 years from now.

This morning, KENT CONRAD, chairman of the Senate Budget Committee, brought in Members to talk about some of the problems they can foresee. If you look at them, they are already very troubling. Even this year it will be necessary, because of President Bush's budget and tax cut, for us to take $17 billion out of the Medicare trust fund—the trust fund for the elderly and disabled that is clearly under siege because of the number of people who need it and the increasing cost of medical care. Already this year, because of the Bush tax cut, we are going to have to start raiding the Medicare trust fund.

I can tell you that Republican and Democratic Senators alike said that would never happen; we are going to protect these trust funds. Yet already we can see that is on the horizon. Sadly, it gets worse.

In a very short period of time, we are not only raiding the Medicare trust fund but also the Social Security trust fund. For what? Because the surplus is not adequate to cover the Bush budget and tax cut. That is what it boils down to.

Those who come to the floor and take great pride in having voted for this Bush tax cut and this Bush budget also have to acknowledge that they were wrong in the economic forecast. There are already revisions that we are receiving showing that America's economy is not growing as fast as they said it would. We find ourselves in a perilous position.

It has not been that long ago; I can remember when I was first elected to Congress when we had deficit after deficit. We piled up a national debt of $5.7 trillion. That is our national mortgage. When people receive a $300 check from the Federal Government, I hope they don't think we have paid off the mortgage before we sent the check. No. The mortgage is still out there for all the folks receiving the check and their children and their children. It is still there.

What does our national debt cost Americans? One billion dollars a day in interest. How do we raise the money to pay the interest on the national debt? You will see it in your payroll tax. You will see it in your income tax. We continue to collect $1 billion a day to pay the old debt—the mortgage—of Americans at a time when we are sending out a refund of $300 for individuals and $600 for families.

You say to yourself: What would have been the more prudent and careful thing to do, the conservative thing to do, if you want? Certainly, from my point of view, it would have been to pay down this national debt as fast as possible; get this off the books as quickly as you can so our children don't have to carry that burden and so we don't have to collect over $350 billion a year to pay interest on our old mortgage, our national debt. That should have been our first priority. It was not the first priority of the Bush budget.

Second, if you are going to have a tax cut, let's have a tax cut to stimulate the economy. But let's focus it on families who really need the money. Many families who will receive $300 or $600 really need the money.

When you look at the Bush tax cut, it isn't a tax cut that is directed toward working families or those who are struggling to make ends meet. It is a tax cut where 40 percent of the benefits go to people making over $300,000 a year.

I find it incredible that the President and his friends in Congress believe that people making over $300,000 a year desperately need a tax cut. In fact, they get 40 percent of all the tax breaks. That is what the Bush tax plan proposed.

As individuals receive $300 with this tax cut, keep in mind that if your income is over $1 million a year you will receive a $300 tax cut check every other day under the Bush tax cut plan. That is the unfairness of this.

For us to really put ourselves on the line and to imperil our economic future by enacting a tax cut based on economic assumptions that have already proven to be wrong because we didn't pay down the national debt as we should have when we had the chance to do it but instead declared a bank holiday with $300 checks for everybody is where we missed the boat.

It is not popular to say pay down the national debt. People do not rise, cheer, applaud, and say they really love that Senator who wants to pay down the debt. No. As you go down the parade route, they say: Cut my taxes. I heard it before the July break, and I have heard it as long as I have been in this business.

What is the responsible thing to do for this country? As we see now, it isn't enacting the Bush budget, which has us this year already raiding the Medicare trust fund to pay for the tax cut and soon to be raiding the Social Security trust fund to do the same.

What else is at risk? Secretary of Defense Donald Rumsfeld, who has been doing a review of the Department of Defense, has said we need to make some significant changes in the way we defend our country. All of us, I hope, agree that is our highest single priority—the common defense of America. Yet when Secretary Rumsfeld is put on the spot, when people ask, How will you pay for this, he is at a loss. He can't answer it. The money has already been spent. The money has been spent on a tax cut projected for the next 10 years.

I think that is shortsighted. Instead of focusing on paying down the national debt and on the defense of America as our highest priority, we have decided that a tax cut primarily for the wealthiest people in America is a much higher priority.

I don't think history is going to judge us well for that. The men and women in uniform who put their lives on the line for the country expect us to do the very best we can for them. They expect that equipment works. They expect to be well armed and trained so they can defend America and its interests.

For us to have to shortchange that or cut back on that because of this Bush budget and tax cut I don't think makes much sense.

Let me add another thing. If you ask American families, What is the highest priority issue in your life that you think the Government can deal with time and again, whether it is a State poll or a Federal poll or a local poll, the answer always comes back: education. The answer is education. People believe education is really what America is all about. That has been our ladder of opportunity in this country.

The President came forward with a bipartisan education bill supported by Democrats and Republicans. I supported it, too. I thought it was a good piece of legislation. I might have made some changes here and there, but on balance I thought it really moved us in the right direction. It said for the first time in a long time that the President's party was committed to investing in education.

It wasn't that long ago that the President's party and its party platform wanted to eliminate the Department of Education in Washington. They said this is a State and local issue; it shouldn't be Federal. They have changed. Thank goodness they have. I think it is a wise course they have taken now—to say that the Federal Government should make strategic investments in education for the good of our country.

That is what the bill said—include accountability for teachers and tests for students. It included a lot of incentives to deal with afterschool programs and to improve the quality-of-reading programs, mathematics and science programs. These are all great ideas and great investments. But the sad news is, because of the Bush budget, the money is not going to be there to invest in education. We will pass legislation saying this is a good thing to do. We will authorize it. We will approve it as a concept. But when it comes to appropriating the money and actually spending the money, we are going to find that it is not there. That is the difficulty, too.

Again, as we receive these tax cut checks in the mail, we have to put it in perspective. Life is a tradeoff. Politics is a tradeoff. In this tradeoff, we have decided that a tax cut plan by President Bush that is primarily loaded for the rich is far more important than paying down the national debt, improving America's national defense, and investing in education. In the long run, I think that is going to be viewed as very shortsighted. I think we should have been more careful and more prudent in the approach that we took.

When you look at the long-term outlook for the amount of money that will be taken from the Social Security trust fund and the Medicare trust fund, next year we will have to raid the Social Security trust fund by some $24 billion and the Medicare trust fund by $38 billion. That means people who are paying payroll taxes today to sustain today's Social Security retirees have to understand that the trust fund they are counting on to be there when they retire is going to be diminished because of the Bush budget and because of the Bush tax plan. This is something that is a reality. It is a reality that we have to face in Congress. It is not one we are happy to face but one we must face.

Let me also say that when it comes to other economic assumptions in the President's budget, there are some real weaknesses, too. The President's budget did not include appropriate contingencies for natural disasters. I hope there will never be another one. I know there will be. When there is a disaster, we will rise to the occasion—whether it is a flood in Illinois or a hurricane or a tornado. All of these things cause problems, and the Federal Government rallies to help families solve them. It costs money. The Bush budget, sadly, does not have enough money for that help.

Tax extenders are programs such as investment in research for corporations that come up with new and innovative and creative products. These need to be reextended. They cost money. The Bush budget didn't provide that.

The alternative minimum tax, which was established to try to catch the high rollers who might escape some tax liability, has really been ignored, and it should not be. Yet the Bush budget does not take into account that is something that obviously has to be done or we will end up penalizing middle-income families who thought they were receiving a tax cut, on the one hand, from the President and, on the other hand, get nailed with the alternative minimum tax.

So what we have here, sadly, is a budget proposed by the President that already has us raiding the Medicare and Social Security trust funds that already imperils our ability to deal with priorities, such as national defense and education and paying down the national debt.

I see my colleague from Minnesota is in the Chamber.

THE PRESIDENT'S COMMISSION TO STRENGTHEN SOCIAL SECURITY

Mr. DURBIN. Madam President, I want to say a word or two, in closing, about the effort that has been made by the President's commission to strengthen Social Security. I hope this commission is going to be more objective in the way they deal with the Social Security Program. All of us understand that Social Security cannot go on indefinitely, that it needs help, and that we need to make the appropriate investments to make sure that Social Security is there for generations to come.

It is the most broadly based and most successful social program in the United States. Social Security gives to retirees the safety net they need to live a life of comfort. Along with Medicare, these are the two things that retirees really count on in America.

I am concerned about the draft interim report by President Bush's commission which is supposed to look to the future of Social Security. The report makes many misleading assertions in an attempt to convince the public that Social Security is on the verge of collapse. I hope that any commission entrusted with the challenge of strengthening Social Security will carefully consider all options for reform. Unfortunately, this commission has been charged only with the task of how to convert Social Security into a system of private accounts, not with the careful study of whether or not this is the right thing to do.

Let me give you an example. If you wanted to invest in a mutual fund today, you would generally find there is a minimum investment. Why is there a minimum investment? Because there is an administrative overhead cost to that investment. Unless you put in $500 or $1,000 or $2,000, it really does not warrant the administrative cost. Think about it in terms of individuals who decide they want to invest $100 a month, let's say, of their Social Security check into a private investment. Administrative costs come with each of those investments, and that has to be taken into account in the real world.

Secondly, we have seen yesterday—and we have seen over the last year—that although the stock market can be very generous to those who invest in it, it can also be very cruel. And any who happen to have invested in the last year, making retirement dependent on their investments, will have to think twice about it because things have not gone well in a lot of indices, whether it is the Dow Jones or the S&P 500.

So those who think the stock market will always go up, historically they are right, it has always gone up, but there are peaks and valleys. If you should happen to make the investment of your Social Security retirement fund at a point when we are in an economic valley in the stock market, you may find all you counted on is not there when you need it. That is an important consideration.

There has also been a consideration that some 2 percent of Social Security would be invested in these private investments. Because it is a pay-as-you-go system, that could require cuts of up to 40 percent in the benefits under Social Security or increases in Social Security payroll taxes.

So what I would say to the President's commission is: Give us your alternative in its entirety, give us your program, get beyond the principles and the theories. Tell us how you are going to pay for this. If we are going to move to private investment and private accounts, show us how this will work.

This program of Social Security, created in the days of Franklin Delano Roosevelt, was one many people branded as socialism. Many predecessors of the folks on the other side of the aisle voted against it because they thought it was an experiment in which America should not be involved. History has proven them wrong. Social Security is important. But those of us who serve today in the Senate and the House have an important responsibility to serve that legacy well, to make certain that Social Security and Medicare are here for many years to come.

We can make Social Security stronger, and we can guarantee to successive generations that safety net will be there, but we have to be prudent and careful in the way we approach it.

Madam President, I yield the floor.

(Mrs. CARNAHAN assumed the chair.)

TRANSPORTATION APPROPRIATIONS AND LONG-HAUL TRUCKERS

Mr. WELLSTONE. Madam President, just in the time we have remaining, I really would like for us to move forward on this legislation and, indeed, on other legislation that is important to people's lives.

I want to speak to three different questions.

First of all, on the Murray amendment—and presumably we will have more time for debate; I do not know whether or not we have a filibuster that is going to be sustained or whether or not there is going to be some agreement, but I want to thank Senator MURRAY for her good work.

I tell you, people in Minnesota, as we look at I–35 coming from the south, are interested in safe drivers and safe trucks and safe highways. They are interested in their own safety. Frankly, I think it is terribly important that all of us support Senator MURRAY's amendment.

For my own part, I also want to give a lot of credit to what Congressman SABO from our State of Minnesota has done on the House side. He basically has said, we are not going to have the funding to grant the permits because there is just simply no way that right now we are going to be able to have any assurance that the safety standards are going to be there.

I want to make one point that perhaps was brought up yesterday in the debate but which I think is really important as well. As a Senator, I do not really make any apology for also being concerned about—above and beyond safety—the impact this is going to have on jobs in our country, frankly, the impact of NAFTA on jobs in our country.

In particular, I think the very powerful implications of all this are as we see more and more subcontractors crossing the border at maquilas, it is far better, from the point of view of people in Minnesota, that the subcontractors to our auto plants or to other parts of our economy are located in the United States. With a lot of the transportation being done by American trucks, that is what happens.

The Bush administration is pushing this full force, and they are not even interested in respect for the safety standards.

The other thing that is going to happen is, you are going to have more and more subcontractors basically located in Mexico because Mexican trucks take whatever is produced there right to wherever it needs to go in the United States, thus eliminating a lot of other jobs.

So I think this is not just about truckdrivers, not just about Teamsters, not just about safety—all of which I think is very important—I think it is also about living-wage jobs in our own country. It is also about our economy. Frankly, in some ways, though I support the Murray amendment, I really appreciate Mr. SABO's effort. And we will see what happens on the floor of the Senate, whether or not we will have an amendment similar to Mr. SABO's amendment in this Chamber.

But I think, at the very minimum, we have to insist on the safety standards, and, at a maximum, eventually we are also going to have to have yet more honest discussion about this new global economy and where people fit into it. All that happened in Italy and all that happened in Seattle I would not defend—not all of it, by any means, but what I will tell you is that there are an awful lot of people in our country and throughout the world who are raising very important justice questions. They are not arguing that we are in a national economy alone. They are not arguing that we ought to put up walls on the borders. But they are arguing, if we are going to have a new global economy and we are in an international time, then above and beyond it working for large financial institutions and multinational corporations; it ought to work for working people; it ought to work for human rights; it ought to work for consumer protection; it ought to work for small producers; and it ought to work for the environment.

Frankly, I think that is part of what is being debated in this Chamber. We have a very, what I would call incremental, pragmatic amendment, which Senator MURRAY has done an admirable job of defending. I am amazed other Senators believe this goes too far by way of assuring basic safety on our highways. I think we need to defend Senator MURRAY's effort.

Above and beyond that, I have some real questions about whether or not all of this will be enforced and then properly certified. Then above and beyond that, I have some real questions about these trade agreements and the impact they have on whether or not we will have living-wage jobs for the people in our country to enable people to earn a decent standard of living so they can support their families.

And above and beyond all that, eventually, I am telling you —it may not be this year; it may be 5 years from now; it may be 10 years from now—we are going to design some new rules for this international economy, so that rather than driving environmental standards down, or wages down, with a complete lack of respect for human rights, we can have the kind of standards that lift up people's lives.

A PRESCRIPTION DRUG BENEFIT

Mr. WELLSTONE. Madam President, since we are, for the moment, stalemated here, I rise to express my strong commitment to our moving forward on a prescription drug benefit. Obviously, we will not be able to do it now, but people in the country are certainly interested in the politics that speak to the center of their lives.

I want to see us eventually pass a bill that calls for health security for all citizens. Before we do that, we ought to have a decent prescription drug benefit. I recommend to my colleagues a Sunday story in the New York Times, front-page story by Robert Perrin. I forget the name of the coauthor; I apologize.

The gist of the piece was that it is going to be very difficult, within the $300 billion allowance over the next 10 years because of the tax cuts, to have a benefit that is going to work for a lot of elderly people. If the premiums are too high and the copays are too high and the deductibles are too high, many people can't afford it. Quite to the contrary of the stereotype of greedy geezers traveling all over the country playing at the most swank golf courses, the income profile of elderly people is not high at all. Disproportionately, it is really low- and moderate-income people.

So, A, people will not be able to afford the benefit. And then, B, if we don't deal with the catastrophic expenses—that is to say, after $2,000 a year, people should not be paying any more additional expenses—then it is going to be a proposal or a piece of legislation that is going to invite mutiny. People are going to say: We thought when you campaigned that you made a commitment to us. We thought you made a commitment to affordable prescription drugs. But you are not willing to do it.

I have introduced a piece of legislation called MEDS. At a very minimum, we are going to have to understand $300 billion over 10 years will not do the job. We have to understand that this tax cut that has boxed us all in is a huge mistake. We are going to have to be intellectually honest with the people in the country, and we are going to have to find our courage. Frankly, I predict we will revisit—the sooner, the better—this tax cut proposal. It is too much Robin Hood in reverse, too much going to the very top of the population. And now we are without the revenue and the resources to do well for people with an affordable prescription drug. "Affordable," that is what everyone campaigned on.

In addition, yesterday Senator ROCKEFELLER, chairing the Veterans' Affairs Committee, had Secretary Principi come in. He is a good man. I have a great deal of respect for him. I think he cares deeply about veterans. He was talking about prescription drug benefits within the VA. I asked him several times whether or not he felt that their global budget and the discount they insist on has enabled them to hold down the cost. The copay for veterans for prescription drugs right now is $2. He said: Absolutely.

Maybe what we are going to have to do—there are Republicans who will agree; I hope all the Democrats agree—is also have some cost containment. We have 40 million Medicare recipients. I suppose we might be able to say that 40 million Medicare recipients represent a bargaining unit and we want a discount from these pharmaceutical companies that are making excessive, obscene profits.

There are a lot of issues people care about. There are many issues on which we need to move forward. In particular, in order to do well by people, we are going to have to be not only intellectually honest, but we will have to have some political courage—political courage to talk about the ways in which this tax cut bill puts us in a straitjacket and amounts to a miserable failure from the point of view of our being able to do well for people and from the point of view of our being willing to live up to our promises. Everybody who ran for office talked about an affordable prescription drug benefit.

In addition, we are going to have to challenge some of the profits of the pharmaceutical industry and have some cost containment so this works.

VICTIMS ECONOMIC SECURITY AND SAFETY ACT

Mr. WELLSTONE. Madam President, today I am going to introduce legislation, the Victims Economic Security and Safety Act, with Senator MURRAY—she probably will not be able to be at the press conference because she is doing such an admirable job of standing her proper ground for safety—Senator SCHUMER and Senator DODD; and Representatives CAROLYN MALONEY and LUCILLE ROYBAL-ALLARD on the House side.

Basically, this legislation deals with what is a huge problem; that is to say, estimates are that as many as 50 percent of the victims of domestic violence have lost jobs in part due to their struggle. The same thing holds true for victims of sexual assault.

The legislation addresses three or four issues. No. 1, it would provide emergency leave for those women—sometimes men, almost always women—who are having to deal with the battering and with the violence, be it in the home, be it sexual assault, be it stalking. It will allow them to take some time off from work to see a lawyer, to see a doctor, to do what they need to do.

No. 2, it would extend unemployment compensation to people who are forced to leave their jobs in order to provide for their own safety and their children's safety. Amazingly, this happens in about 50 percent of the cases: Quite often for these women, the man—be it the former husband, a stalker, somebody who has assaulted them sexually—will come to their workplace and constantly be there. And in order to be safe, in order sometimes literally to save their lives, in order for their children to be safe, they then have to leave work. We want to, with documentation, be able to provide some unemployment compensation.

No. 3, it would prohibit discrimination against victims of domestic and sexual assault. This is critically important. What happens is the employer—and some of the employers are great—sometimes says: This is creating a lot of trouble. Therefore, we fire you.

That is the last thing in the world you want to do.

It also provides protection from insurance company discrimination. There is no reason why women should be battered again by an insurance company that says: We understand that this guy has come to work, is threatening you, that you have this problem. We don't think you are a good bet for health insurance.

Finally, it provides tax credits to companies that will provide the programs and the help.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended for another 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

STALKING AND DOMESTIC VIOLENCE

Mr. REID. Madam President, before the Senator from Minnesota leaves the floor, I wish to say I was not able to hear all of his statement but most of it. He mentioned what we need around here is political courage. That is something that is not lacking in the service of the Senator from Minnesota.

I appreciate his legislation regarding stalking and domestic violence. Stalking is a very evil thing, for lack of a better way to put it. I can't imagine how difficult it is for people who are stalked.

Senator ENSIGN and I had the misfortune of having somebody who was stalking us. It was very serious. He felt he had been aggrieved in Mexico and that we should do something about it. Of course, there was nothing we could do about it. It became a very big burden on my staff. He wouldn't leave my office. Finally, in an effort to get attention, rather than shoot one of my staff members or me, he shot himself in front of my office. He survived the gunshot wound and proceeded to continue to harass us. He was convicted and sent to prison. I only say that because if people of our stature and in the public awareness have difficulties, I can't imagine people who don't have the U.S. marshals and other people protecting them. So we need to do more. It is a very insidious thing. We need to do a better job of training law enforcement, although they are trained much better than they were regarding domestic violence. We need to have judges who better understand domestic violence.

I am anxious to look at the Senator's legislation. It sounds as if it is heading toward the correct destination. We need to focus more attention on this national problem.

Mr. WELLSTONE. Madam President, I thank my colleague from Nevada and tell him that, as we move forward, we will talk about some companies that have put together model programs. Again, unfortunately, what a bitter irony that for too many of these women—part of what this is all about is control. They have had the courage to move out of the home because the home is very dangerous for them and very dangerous for their children. Still, about every 15 seconds a woman is battered in the United States. Maybe this guy will come to work—and basically he doesn't want her to be working, so that is part of her independence. He will stalk her and make threats. Then all too often the employer will basically let her go, saying it is too much trouble. Then where is she? Quite often, she is forced back into a horrible situation. In about 50 percent of the cases, it happens where the guy or woman comes to work and the threats are made.

We are saying there has to be a way we can provide additional help and support. So we do a number of different things for those who have been victims of violence in homes, sexual assault, and stalking. A number of things are in this legislation. I think it would make a huge difference. I thank my colleague for his comments.

Mr. REID. I will say one more thing to the Senator. There are more animal shelters than there are domestic crisis shelters in America. In Nevada, a rapidly growing community, we are so understaffed. We have a lack of facilities. These brave women are willing to break away from this domestic violence, and we are having trouble finding a place for them to go. It is a really difficult situation, not only in Nevada but all over the country. It is a national problem. We have helped with some national moneys but not nearly enough.

Mr. WELLSTONE. I thank my colleague.

In addition, even if women have been in shelters, there is no affordable housing.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2299, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, we are this morning discussing the Transportation appropriations bill. As Members know, this bill contains many, many important infrastructure projects across this country for Members' airports, the Coast Guard, roads, infrastructure, bridges. We are trying diligently to move this bill forward so we can make progress and move to the House for a conference so we can do our duty in terms of the transportation infrastructure in this country and getting those projects funded.

I know many Members have priority projects in here they want to make sure are included. Senator SHELBY and I have been working extremely hard together in a bipartisan manner to ensure those projects move forward in a timely fashion.

We implore all of our colleagues who have amendments to come to the floor this morning. It is 10:30 on Wednesday morning. We are here. We are ready. We are waiting for those amendments to be offered. I understand Senator GRAHAM of Florida will be here shortly to offer his. I let all Members know, postcloture their amendments may fall, and we are going to be moving to that very quickly. Members have this morning, the next hour and a half, to offer any amendments they would like to have considered, either to be included in a voice vote that we hope to have or to be offered as amendments. Otherwise, they may not get their project debated on the floor and included in our bill.

Senator SHELBY and I are ready to consider any amendments that Members bring. We let them know that if they don't bring them shortly, they will probably not be allowed to be offered or included in the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I come to the floor to speak again about the issue of highway safety and the issue of allowing Mexican long-haul truckers to come in beyond the 20-mile limit in this country because, as the President suggests, that is part of what NAFTA requires. I disagree with that.

Before I talk about that issue, I will talk about something that happened yesterday and has been happening day after day on the floor of the House. A colleague stood up yesterday and said: Is this a way to run the Senate? He was upset at the end of the day that not much had happened on this appropriations bill. What is happening on these appropriations bills is, we are working in the Appropriations Committee to get these bills out. The chairman of the committee, Senator BYRD, and the ranking member, Senator STEVENS, have done a wonderful job working with all of the subcommittees. We are getting the bills out of the Senate Appropriations Committee. We are getting them to the floor of the Senate. What we see is a slow-motion action by people in the Senate who decide they really don't want the Senate to act. They don't want the Senate to move.

I don't think it is in the Senate's interest and I don't think it is in the country's interest to slow this process down. We have very limited time. We on the Appropriations Committee have tried to do a serious job of putting together good appropriations bills that we can consider, to move forward, so we can have conferences and get the spending bills in place and signed into law before October 1.

Senator MURRAY and Senator SHELBY have worked on this piece of legislation. While I have differences on the issue of Mexican trucking with not only the chairman and the ranking member, I also have differences, very substantial differences, with others who want to offer amendments from the other side. We ought to be able to resolve it, have the amendments and have the votes and move on, finish whatever other amendments are available to be offered to this bill, go to third reading, and pass this appropriations bill.

I bet Senator MURRAY and Senator SHELBY, who have exhibited enormous patience sitting on the floor waiting for people to offer amendments, would like nothing better than to have this Senate dispatch this bill. Today. Move the amendments. Get this bill out of here.

While someone stands on the floor and says, is this any way to run the Senate, the way Senator DASCHLE and other leaders are trying to run the Senate, bringing bills to the floor, offering amendments, and getting the bills passed, others are sitting on the back seat of the bicycle built for two with the brakes on, peddling up hill.

The message is either lead or get out of the way for those who want to stall the business. Senator DASCHLE has come to the floor and said that these are the pieces of legislation we have to finish before the end of next week. He is serious about that. He should be. He understands what the Senate has to accomplish. We have some who don't care much; they want to stall and stall and stall.

We have a number of appropriations bills that are waiting. Let's get this bill done and then move on. It seems to me it serves no national purpose to hold up appropriations bills for any great length of time.

Having said that—which I said because I was nonplused by someone standing up being critical of the way the Senate is being run when we are doing the right thing but we are not getting the cooperation; we need the cooperation to get these things done—we ask for more cooperation today to see if we cannot get this appropriations bill moving and through the Senate.

This morning's Washington Post says "Battle on Mexican Trucking Heats Up." It describes two positions on the issue of Mexican trucking. Really, there are three positions. I want to describe the one the Washington Post forgot to mention. There is the position that is offered in this legislation by Senator MURRAY and Senator SHELBY. They have negotiated and reached a position that describes certain conditions that must be met before Mexican long-haul trucks move into this country. The other position is the position adopted by the House by a nearly 2–1 vote which says we cannot spend money; we are prohibited from spending money to approve the licenses or approve the permits to allow Mexican trucks to come into this country beyond the 20-mile limit during the coming fiscal year. I happen to favor the House approach because I think that is the only way to stop what otherwise inevitably will happen.

The approach taken by the Chair of the subcommittee and the ranking member is one that I think has merit, but one that I think requires certifications that certain things are met. My experience with certifications is that if an administration wants to do something, it will certify anything. I worry very much it will not stop what I don't want to happen. What I don't want to happen is this: I don't want Mexican long-haul truckers to be doing long hauls into the United States of America until and unless we are sure they are going to meet the same safety requirements our trucking industry has to meet: the same safety requirements with respect to equipment, and the same safety requirements with respect to drivers.

As I did yesterday, I refer to a wonderful piece written in the San Francisco Chronicle by a reporter who went to Mexico and rode with a Mexican long-haul trucker. This is what he discovered. He rode 3 days in a Mexican truck with a truckdriver. During the 3 days, they traveled 1,800 miles and that truckdriver slept 7 hours in 3 days, driving a truck that would not have passed inspection in this country, driving a truck for $7 a day, driving a truck that if it comes to the border in this country under today's circumstances would likely not be inspected for safety, and if it were allowed to continue into this country on a long haul, one would expect that some American driver in his or her rearview mirror would see a truck with 80,000 pounds on an 18-wheel truck moving down America's highways without an assurance it has brakes, without assurance it has the kind of safety equipment that we require in this country. I don't think that is what we ought to allow.

I will not speak at great length because I think there are a couple others who wish to offer amendments this morning. Let me compare the safety regulations between the United States and Mexico. The free trade agreement between our two countries, one which I voted against, has in my judgment, not been a good trade agreement for our country. Prior to the trade agreement, we had a slight trade surplus with Mexico; now we have turned that into a very large deficit. Now we are told by President Bush that because of that trade agreement, we must allow Mexican trucks into our country beyond the 20-mile border. In other words, we must allow Mexican trucks without the same safety requirements—because those safety requirements do not exist in Mexico—to come in with drivers making $7 a day and do long hauls in the United States. That is not a trade agreement that seems, in my judgment, to represent this country's best interests.

Here are the differences between the United States and Mexico with respect to safety regulations: Vehicle safety standards in the United States, comprehensive standards for components such as anti-lock brakes, underride guards, nice visibility, front brakes: Mexico, far less rigorous and, in fact, in some places no inspection. Maximum weight: 80,000 pounds in the United States; 135,000 pounds in Mexico.

Hazardous materials rules: Very strict standards, training, licensure and an inspection regime in this country that is very strict. In Mexico, fewer identified chemicals and substances and fewer licensure requirements.

Roadside inspections: In this country, yes; in Mexico, no.

Hours of service: In the United States you can drive up to 10 hours consecutively in the trucking industry. You can work up to 15 consecutive hours with a mandatory 8 hours of rest. You cannot drive more than 70 hours during each 8-day period. In Mexico, none.

I described the driver who drives for 3 days and has 7 hours of sleep, driving with a reporter from the San Francisco Chronicle riding beside him—3 days, 7 hours. Do you want you or your family to have that truck in your rearview mirror? I don't think so. Hours of service in Mexico, none.

Random drug testing: In Mexico, none. In the United States, yes, for all drivers.

Medical condition disqualification: In the United States, yes, we do disqualify them for medical conditions if they cannot meet medical conditions. In Mexico, no.

Logbooks: In Mexico they say, yes, we require logbooks. There is a requirement in law. But, in fact, no driver carries a logbook. It is very much like the Mexican contention that they have very strict environmental rules. When we had American manufacturing plants moving to the maquiladora border, at the border between the United States and Mexico, we had people worrying about environmental rules. Mexico said: Yes, we have very strict environmental laws. Yes, they do and they do not enforce any of them. Strict laws, no enforcement. The same is true with logbooks.

Finally, here is a picture. GAO, the Government Accounting Office, did the investigation. Overweight trucks from Mexico hauling steel rolls at Brownsville, TX, a gross weight of 134,000 pounds. The U.S. limit is 80,000 pounds. The Department of Transportation's Inspector General said, when we talked about lack of parking spaces at inspection stations in this country as trucks enter—and, incidentally, there are very few inspection stations; only two of them on all of that border are open during all commercial operating hours. Most of them have one or two parking spaces. In response to one of the problems with parking spaces, when we said, why don't they just turn the trucks around if they are unsafe, he said: Let me give an example. We have a truck come in from Mexico and we inspect it and it has no brakes. We cannot turn it around and send it back to Mexico with no brakes, an 18-wheel truck with no brakes.

Is that what you want in your rearview mirror? I don't think so.

We have 27 inspection sites, two of them have permanent facilities. Most of them have no access to telephone lines to be able to check drivers' licenses on some sort of database. The fact is, this is a colossal failure. It would be a serious mistake for our country to embrace a policy suggested by the President to allow Mexican long-haul trucks to come into this country beyond the 20-mile border and haul all across this country with an industry that nowhere near matches the safety requirements that we insist on in this country for trucks and truckdrivers.

All of us understand the consequences. I understand there are people who believe very strongly that we ought to just allow this to happen because it is part of our trade agreement. No trade agreement in this country, none, should ever compromise safety in this country—not with respect to food safety, not with respect to highway safety. No trade agreement has the right to compromise safety for the American people at any time, period.

We have a disagreement about this issue. We will resolve it, I assume, soon. The sooner the better as far as I am concerned. My hope is that we will see people come to the floor of the Senate and offer whatever amendments exist on not only this issue but other issues today. Then we can finish this bill.

Senator DASCHLE, the majority leader of the Senate, has made it quite clear we have work to do. It does not serve this Senate's interests to decide to stay away from the floor of the Senate but try to hold up the work of the Senate. Let's come to the floor. Let's hash these amendments out, decide what we want to do with them, vote on them and pass this piece of legislation. The Senate owes that to the appropriators and the Appropriations Committee. We owe it to Senator DASCHLE and Senator LOTT, who are trying to make this Senate do its work on time.

I hope today we can see real progress on this bill. I hope especially one way or another, with one strategy or another, we can find a way to represent this country's best interests on the subject of stopping or preventing the long-haul Mexican trucks from coming into this country because they do not have anywhere near the equivalent safety standards on which we must insist they have, before we allow them to be on American roads.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

AMENDMENT NO. 1064 TO AMENDMENT NO. 1025

Mr. GRAHAM. Madam President, in October of last year I spoke to the Senate about a specific part of the Transportation appropriations, and that was the earmarking of intelligent transportation systems, or ITS, funds. At that time I expressed my concern that intelligent transportation funds had been earmarked over the last several appropriations cycles, and that earmarking was inconsistent with the purposes and objectives of the underlying legislation which authorized ITS funds which was TEA-21, the current Surface Transportation Act.

The Surface Transportation Act clearly stated the money was to be allocated on a competitive solicitation process overseen by the Secretary of Transportation. I discussed this in the last few months with both Senator MURRAY and Senator SHELBY, and raised my concerns. Therefore, I am pleased to say that, while there are still earmarks of ITS funds in this legislation, they, in my opinion, are noticeably less onerous than those earmarks to which I objected last October. I thank Senator MURRAY and Senator SHELBY for their efforts in that direction.

Let me give a little history and also point out some of the improvements which have given me encouragement from last year's Transportation appropriations bill.

In March of 1998, Congress overwhelmingly approved groundbreaking transportation legislation, TEA-21. This was not only intended to revamp distribution of Federal highway funds but was also to usher America into the completed interstate period of our highway history. We had spent the better part of a half century building the interstate system. By the 1990s, that mammoth national effort, at least as it had originally been conceived, has largely been accomplished. So the question was, Where do we go in the "after interstate construction" period?

One of the areas in which the Congress clearly believes we needed to go is to make the interstate and our other national highway systems as efficient as possible. As the Presiding Officer, who comes from a large and growing State, I can appreciate the number of interstate lanes you can build through a city such as St. Louis or Kansas City is just about limited unless you are prepared to do very significant demolition of an urban environment.

We increasingly are asking ourselves how we make these systems that are already in place operate as efficiently as possible. The 1998 TEA-21 legislation set aside money for research and development and also for the deployment of components of intelligent transportation systems. The goal was to accelerate our knowledge of how we make these systems more efficient and then to develop sound national policy for dealing with traffic congestion in the 21st century.

The Intelligent Transportation Program works to solve congestion and safety problems, improve operating efficiencies in vehicles and in mass transit, in individual automobiles and commercial vehicles, and reduces the environmental impact of growing travel demand. Intelligent transportation systems use modern computers, management techniques, and information technology to improve the flow of traffic.

ITS applications range from electronic highway signs that direct drivers away from congested roadways, to advanced radio advisories, to more efficient public transit.

This plan, developed by the Environment and Public Works Committee, was thoughtful and had a specific purpose in mind: to foster the growth of ITS, and, in a scientific manner, gather results from new ITS programs so that we could make wise decisions when the next transportation bill is authorized.

We might make the decision that ITS has been a failure and we should abandon attempts to improve the efficiencies of our highways. I personally doubt that will be the answer. It is more likely, I hope, that the answer will be that the practical necessities and limitations of other alternatives require us to try to make our existing highways as efficient as possible and that there are some means of doing that.

One of my concerns from last year's bill was the small dollar amount allocated to most of the earmarks. If you looked at last year's Transportation appropriations bill under the provision of ITS, you saw almost a mind-numbing list of specific communities with dollar amounts behind them. I know from personal experience that ITS, while a very potentially valuable component of any transportation plan, is not inexpensive. The plan I am most familiar with is Orlando, FL, which is a plan that combines many of the components of a modern ITS system and has had a pricetag in excess of $15 million. Therefore, when I saw many earmarks that were in the range of $500,000, I wondered where they were going to get the "critical mass" of funds needed to do an effective ITS system, where there was going to be a critical mass of the various components of ITS that would give us the kind of information we are going to need to make the judgment as to how far we can push this technology and these management systems as an increasingly significant part of our national transportation policy.

This year's Senate bill has earmarks. But many of them seem to reach the level of critical mass. That gives me encouragement that we are going to actually learn something from these projects because there are enough resources for a community to do a serious ITS program.

A second concern is that there has been little correlation between what we have identified as the Nation's most congested communities and where we have sent our ITS money. In the legislation of last year, as I pointed out in my October statement, almost no money went to the cities that had been designated as among the 70 most congested cities in America. There has been some improvement this year.

The source of information the Federal Government looks to to determine where the greatest congestion on the highway exists is a study which is produced annually by the Texas Transportation Institute located at Texas A&M University. They published their annual report for this year in May. The 10 most congested cities in America, based on this analysis, are, in order:

Los Angeles; San Francisco-Oakland; Chicago; Seattle; Washington, DC, and suburbs; San Diego; Boston; Atlanta; Denver; and the Portland, OR, area.

Unlike last year's appropriations bill, actually some money was allocated this year to these most congested cities: $3.75 million is going to the State of Illinois, assuming some of that will be directed towards the third most congested city in America; $4 million to the Washington, DC, area, the fifth most congested area; $1 million to Atlanta, the eighth most congested area; and $6 million to the State of Washington, again assuming that some will go to the fourth most congested area of Seattle.

Having said that, I point out that 6 of the 10 most congested areas did not receive any of the funds. Of the 44 earmarked areas in the Senate bill, 23 are directed towards cities or localities that are in the top 70 most congested areas in America, according to the Texas Transportation Institute study.

Even though I personally believe that there should be no earmarks and that we should fully comply with the prospects laid out in TEA-21, I am encouraged to see that the money seems to be directed, more so than in the past, to where the need is the greatest. I again commend Senator MURRAY and Senator SHELBY for that.

As I mentioned last year, I am not categorically opposed to earmarks. There may be appropriate areas within a mature transportation program where it is appropriate for Congress to indicate a national priority. As a former Governor, my preference is to allocate these funds to the States so that the States which have the responsibility for managing the transportation systems for all of their citizens can make intelligent judgments as to priorities, and then to oversee to determine that the actual results which led to the appropriations were accomplished.

I have grave concerns about where we are earmarking funds in a program that is evolving, where the stated purpose is to be able to enhance our knowledge of how this system operates, so that in the future we can make more informed judgments as to whether it is a program that deserves continued specific Federal support or whether it should be abandoned or whether it should be accelerated because of its demonstrated contribution. I am concerned about the relationship of earmarks to the legislative structure which led to the establishment of these creative and evolving programs.

In an effort to allay those concerns about earmarks, I have presented to the managers of this legislation—I am pleased to state that they have accepted—an amendment that I will soon offer. This amendment states that all of the earmarked projects will have to meet the authorization standards that were included in TEA–21 as to their significance and the contribution they will make towards our better understanding of the potential for intelligent transportation. I thank again Senators MURRAY and SHELBY for having indicated their acceptance of this amendment.

Let me conclude with a few words of caution. There is a role for the National Government beyond just redistribution of highway funds to the States and territories and the District of Columbia which benefit from those funds. We also have the opportunity, from time to time, to be a national laboratory for new, innovative ideas. There were several of those in TEA–21.

There was a new idea about innovative financing, how we could better put national, State, and, in some cases, private funds together in order to finance transportation projects. There was a new idea about streamlining and coordinating the permitting of transportation projects so some of the long delays that we are all familiar with could be avoided in the future. There was the innovative idea of enhancing our knowledge of intelligent transportation systems in order to make our highways more efficient.

Most of those involve a specific program, with specific funding authorizations. Most of those were intended to use a competitive process so that the best of the best ideas could be given a chance to be demonstrated in real life, that our knowledge would be accelerated.

However, if we proceed in a manner that every time we try to use a national laboratory of innovation, what happens is, the funds that were provided for that end up being earmarked in an unsystematic, I would say in some cases, irrational manner, then what is the point? Why should we try to be a laboratory of innovation if that goal will be frustrated by the manner in which the funds are distributed, that rather than being distributed on a competitive basis, where merit and contribution to the national store of knowledge will be the primary objective, we distribute the money based on who happens to have the most influence within the appropriations process?

If that is going to be the pattern, then I, for one, would say, let's abandon the concept of the U.S. National Government as a laboratory, and let's just put all those moneys back into the pool to be redistributed to the States under an established formula.

I would personally hope we would not abandon that objective and that important role the Federal Government can play as a laboratory, but it is going to require the kind of discipline that we have made between October of 2000 and now into July of 2001, where there has been progress made in the Senate. We are going to have to continue that discipline as we go into conference with the House of Representatives, which, unfortunately, from my examination, has continued most of the practices that I bemoaned back in the fall of last year—a long list of small projects that do not seem to have the critical mass or the direction towards where congestion has been demonstrated to be the greatest and, therefore, where the opportunities to learn most about these ITS projects is the greatest.

So I will hope our conferees will stand strong for the principles they have already adopted and the principles which are represented in the amendment which I offer and ask for adoption.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 1064 to amendment No. 1025.

Mr. GRAHAM. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that the funds set aside for Intelligent Transportation System projects are dedicated to the achievement of the goals and purposes set forth in the Intelligent Transportation Systems Act of 1998)

On page 17, line 11, insert after "projects" the following: "that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note)".

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, Senator SHELBY and I have both seen the amendment. It is a good amendment, and I think it will be accepted on both sides.

Mr. SHELBY. That is right. I have no objection.

Mrs. MURRAY. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to amendment No. 1064.

The amendment (No. 1064) was agreed to.

Mr. GRAHAM. Madam President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM. Thank you, Madam President. And I thank Senator MURRAY and Senator SHELBY for their consideration.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank the Senator from Florida and would, again, let all Members know that Senator SHELBY and I are in the Chamber. We say to all Senators, one more time, Members have just a short timeframe to come to us with any of their amendments.

I understand the Senator from Georgia is on his way. We have heard from several other Senators who may have amendments. I remind all Members that they just have a short time this morning to get their amendments here if they want to speak on them or they will probably not be able to speak to their issue.

We want to move this bill forward. We are here. We are ready. We are working. And we would appreciate it if Members would let us know what amendments they have so we can move this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes, with the proviso that if someone comes to offer an amendment on the underlying bill, I will relinquish the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DORGAN and Mr. REID are printed in today's RECORD under "Morning Business.")

Mr. REID. Mr. President, the manager of this bill and I have spoken on a number of occasions. We have some down time here. The Senator from Georgia is on his way and should be here momentarily to offer an amendment. We look forward to him offering that amendment.

We have work that has to be done. We have to work on this bill. The Senator from Washington and the Senator from Alabama have spent weeks of their lives working on this bill. For me, in the State of Nevada, the Transportation bill is very important. It is one of the ways that we in Nevada—especially the rapidly growing Las Vegas area—are able to keep up with the growth—or try to. We need this.

Not only is this an important bill—immediately when we think about transportation, we think of highways—but also the innovations in this bill are tremendous.

Mrs. MURRAY. If the Senator from Nevada will yield for a moment.

Mr. REID. I am happy to yield to the Senator from Washington.

Mrs. MURRAY. Mr. President, we are here on the floor talking about the Transportation appropriations bill, as the Senator from Nevada has stated. We have taken some time to hear about the Patients' Bill of Rights because no Members have come to the floor to offer their amendments.

I can share with you, as chairman of the Transportation Appropriations Subcommittee, many Members on the floor, Republicans and Democrats, have come to me over the last 5 weeks to tell me how critical an airport is in their State, or a road, a bridge, or a highway. Many Members have thanked me for the money for the Coast Guard and for pipeline safety. Many Members have mentioned to me the critical issues facing their States, their infrastructure needs that have piled up. We have done a good job—Senator SHELBY and I—in putting a lot of money into these projects that will help families in every State in this country to be better able to get to work quickly, to take care of their kids and get to a babysitter and pick them up before they go home, to go to an airport that has improvements so they don't have long waits. Those issues are critical.

One amendment on our side is from the Senator from Georgia. He will be here shortly. I have heard rumors of several Members on the Republican side who have amendments. So far, none of them has come to the floor. I tell all of our Members that we cannot get this to conference and advocate for those needs that you have impressed upon us unless we move this bill off the floor. We are here, and we want to work with you on amendments. But unless somebody comes and offers an amendment, we are unable to move forward.

I remind everybody again that we are moving to a cloture vote tomorrow. Your amendments will not likely be in order after that, and we will not be able to help you with that. Again, I plead with our colleagues on both sides, if you have amendments, come to the floor now. Let us know. We are happy to work with you. Otherwise, your project will not be part of the bill that is going to move out of here.

I thank my colleague from Nevada.

Mr. REID. If I may say to the manager of this bill, I believe that cloture will be invoked. This legislation is so important to this Senator and my colleague, the junior Senator from Nevada.

We know how this bill helps us. The Senator mentioned surface transportation. One of the things the Senator is helping us with on this bill, which we needed so badly, is a fixed-rail system, the monorail we have to take from the airport. McCarran Field now gets almost 40 million visitors a year in that little airport, and we need some way to bring those people into the strip and the downtown.

I say to my friend, having managed a number of appropriation bills over the years, if by some chance this bill does not pass and whoever is responsible for defeating this bill, either directly or indirectly, when this bill goes on some big omnibus bill, many of these projects, many of these programs which Senator MURRAY and Senator SHELBY have worked so hard on will just be gone. Is that a fair statement?

Mrs. MURRAY. The Senator from Nevada is absolutely correct. We can fight for these projects in the conference bill with the House committee that has spoken on many of these issues as well. If cloture is not invoked and this bill ends up in an omnibus bill, we will be subject to whatever small amount of money we have left to deal with, and we do not know what that will be, depending on some of the other appropriations bills that go through here.

I tell my colleague from Nevada that I have worked very hard to fund the President's priorities within this bill. In fact, we did much better in the Senate bill than the House did for the President's priorities. Those may well not be part of the final package if we move to an omnibus bill on this.

I agree with the Senator from Nevada; we will likely invoke cloture tomorrow because so many Members have such critical projects that may not be there if we do not move on this bill.

I say to my colleague from Nevada, and to the Presiding Officer of the Senate, it is clear there is one issue that is hanging up this bill at this point, and that is the issue of safety on American highways, that is the issue of whether or not we are going to implement strong safety protections for our constituents across this country in this bill.

Senator SHELBY and I have worked very hard in a bipartisan manner to put together strong safety requirements that we believe will ensure that the Mexican trucks under NAFTA that are crossing our border have drivers who are licensed, that have been inspected at their sites, that are not overweight, and we can assure our constituents we have safe roads. We believe the unanimous consent of the Appropriations Committee allowed us to move forward on that.

We believe a number of Members of the Senate agree with those safety provisions and are not willing to doom their projects on a cloture vote over the safety provisions that have been included in this bill. Again, that vote will occur tomorrow and we will see where the votes are. We want to move this bill forward.

I see the Senator from Georgia is here. I do know he has an amendment, and we will hear from him shortly on that, and we will be able to move to a vote on that amendment. I again remind all of our colleagues, if they have amendments, get them to the floor.

Mr. REID. It is my understanding—and I say to my friend from Washington, she and her staff have spent a lot of time trying to work something out with Senators MCCAIN and GRAMM—that as we speak there are negotiations in progress; Is that true?

Mrs. MURRAY. The Senator from Nevada is correct.

We met late last night with the staffs from a number of Republican offices. We believe we are able to talk to them about some issues on which we can possibly agree, but as many Members of the Senate on both sides agree, we cannot compromise on some key safety provisions we believe are essential. We are continuing to talk to Senator MCCAIN, Senator GRAMM, and other Senators on the other side who do not want to see provisions in this bill regarding safety.

We will continue to have those discussions up to and including the vote tomorrow, but I tell all of our colleagues I think the provisions in this bill regarding safety are absolutely imperative. I think a majority of the Members of the Senate agree with us. That does not preclude us from talking. We have given our full faith to do that.

We will be meeting with those Members again this afternoon and with the Department of Transportation to see if we can come to some agreements on that, but meanwhile we are ready and willing to work.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1033 TO AMENDMENT NO. 1025

Mr. CLELAND. Mr. President, I ask unanimous consent to temporarily lay aside the pending amendment and call up amendment No. 1033 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 1033 to amendment No. 1025.

Mr. CLELAND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the State of Georgia, in expending certain funds, to give priority consideration to certain projects)

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . PRIORITY HIGHWAY PROJECTS, GEORGIA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Georgia shall give priority consideration to the following projects:

(1) Improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the bridge over the Chattahoochee River.

(2) Widening Abernathy Road from 2 to 4 lanes from Johnson Ferry Road to Roswell Road.

Mr. CLELAND. Mr. President, this amendment addresses a critical issue of safety in my State of Georgia, and I want to thank the distinguished chairman of the subcommittee, Senator MURRAY, and the ranking member, Senator SHELBY, from the great State of Alabama, for all their work on this tremendous issue of transportation, which is the cornerstone and building block really of our economic development in this country.

Recently, State Farm Insurance ranked the most deadly intersections in the Nation, and five intersections in Georgia made that list. Georgia actually is the fastest growing State east of the Mississippi, and we are in many ways suffering the aftereffects in terms of our traffic problems.

Today I am offering an amendment to improve one of the five most dangerous intersections in my State. Specifically, my amendment would require the State of Georgia to give priority consideration to improvements that would impact the killer intersection of Abernathy Road and Roswell Road in Sandy Springs, just north of Atlanta. This deadly intersection is located in Metropolitan Atlanta which now has the longest average vehicle miles traveled in the Nation. It has, sadly, become the Nation's poster child for pollution, gridlock, and sprawl—not a pretty sight.

There are 85,000 automobiles which travel this particular corridor every day, and to make matters worse this artery narrows from four lanes to two lanes at the historic Chattahoochee River, as one crosses from Cobb County into Fulton County. The result is a bottleneck of historic proportions, which has continued to be a problem for 25 years. According to an article recently appearing in the Atlanta Journal-Constitution newspaper, "Fender benders never stop," at Abernathy and Roswell Road intersection and the four other killer intersections in Georgia which made State Farm's list.

Specifically, my amendment calls for Georgia to give priority consideration to improving Johnson Ferry Road from the Chattahoochee River to Abernathy Road, including the heavily traveled bridge over the Chattahoochee River. It also calls for priority consideration in widening Abernathy Road from two to four lanes from Johnson Ferry Road to Roswell Road. These improvements enjoy widespread bipartisan support in my State, from the Governor of Georgia to the Georgia Department of Transportation, to Cobb County and Fulton County and their elected commissioners.

I stress that my amendment calls for no new money—no new money. The improvements to this deadly intersection would come from formula funds already guaranteed to Georgia.

As the AJC article points out, this is not a new issue. The streets named by State Farm "have had their reputations for some time." In fact, my distinguished colleague in the House, Representative JOHNNY ISAKSON, has waged this important battle for 25 years. Congress now has an opportunity to do something which will be critically important to metro Atlanta, the State of Georgia, and the safety of their citizens. I call on my colleagues to support this amendment.

I thank the distinguished chairman of the subcommittee and ranking member from Alabama for this opportunity to talk about this important amendment.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. REID. Madam President, I ask unanimous consent the Cleland amendment be laid aside and Senator GRAMM of Texas be recognized to offer a first-degree amendment; further, that the time until 12:20 be under the control of Senator GRAMM and that the time from 12:20 to 12:25 be under the control of Senator MURRAY; that immediately following the expiration of her time, we would move to a vote in relation to the Cleland amendment; that there would be no second-degree amendments in order prior to the vote; further, that following the disposition of the Cleland amendment, the Senate resume consideration of the Gramm amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, I just ask for one clarification. My amendment would be a second-degree amendment to the pending Murray amendment. With that change, I would have no objection.

Mr. REID. Although I did not understand that, I do now and so I move to amend my unanimous consent request.

The PRESIDING OFFICER. Is there objection to the request as so modified? Hearing none, it is so ordered. The Senator from Texas.

Mr. GRAMM. Madam President, I thank the distinguished Democratic floor leader for working with me as he so often does in helping the Senate move forward in an efficient fashion.

Mr. REID. I thank the Senator.

AMENDMENT NO. 1065 TO AMENDMENT NO. 1030

(Purpose: To prevent discrimination in the application of truck safety standards)

Mr. GRAMM. Madam President, I send an amendment to the desk on behalf of myself, Senator MCCAIN, and Senator DOMENICI and I ask for its immediate consideration and I ask it be read.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. GRAMM] for himself, Mr. MCCAIN and Mr. DOMENICI, proposes an amendment numbered 1065:

At the end of the amendment, insert the following: "*Provided*, That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.".

Mr. GRAMM. Madam President, I think the amendment is fairly self-explanatory. But since this is somewhat of a complicated issue in that it has to do with a Transportation appropriations bill and a rider which is now pending to it, which I am trying to amend, and in that it relates to NAFTA, what I would like to do in the next few minutes is try to go back to the beginning and explain what the NAFTA agreement said, what the obligations are that we have undertaken—the President signing NAFTA, cosigning it with the President of Mexico and the Prime Minister of Canada—and what obligations we undertook as a Congress when we ratified that agreement by adopting enabling legislation, thereby committing not only the executive branch but the American Government to NAFTA.

Much has been said about truck safety. I want to make it clear to my colleagues and anybody who is following this debate that so far as I am concerned there is no disagreement about safety. In fact, I would argue that I am more concerned and with better reason about truck safety than any other Member of the Senate except my colleague from Texas, Mrs. HUTCHISON, since we have more Mexican trucks operating in Texas than any other State in the Union and the implementation of NAFTA will in and of itself assure that more Mexican trucks transit highways in Texas than in any other State in the Union.

What I want and what NAFTA calls for—and I believe that I will show convincingly what it calls for—is that Mexican trucks under NAFTA have to be subject to the same safety standards that we apply to our own trucks and to Canadian trucks, no more and no less.

There are some circumstances where the inspection regime and the enforcement regime might be different, but the standards and the impact cannot be different. Let me begin with a document. This thick, brown document I have here is the North American Free Trade Agreement. This is the agreement that was signed by the President of the United States, the President of Mexico, and the Prime Minister of Canada. It is the agreement through legislation that we ratified. I want to read from this agreement as it relates to cross-border trade in services. Transportation is a service. The basic two commitments we made under this NAFTA trade agreement are embodied in the following two articles: Article 1202, national treatment, says:

> Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances, to its own service providers.

Let me read that again "each party"—obviously that is the United States, Mexico, and Canada—"shall accord the service providers of another party"—that is our trading partners, so "we" are the United States, that is Mexico and Canada—"treatment no less favorable than that it accords in like circumstances to its own service providers."

The second provision is a most-favored-nation treatment, and it says basically the same thing, but for completeness let me read both:

> Each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, to the service providers of any other party or nonparty.

What is our obligation under this trade agreement that the President signed and we ratified by passing legislation which was signed into law, making this agreement the law of the land?

Our obligation is with regard to cross-border trade in services and, in this particular case, trucks. We are going to treat Mexican trucks the same as we treat our own trucks, and we are going to treat our own trucks the same as we treat Canadian trucks.

The basic commitment we made when we ratified this agreement was that we were going to treat Mexican trucks no less favorably than we treated trucks in the United States. We were going to allow in a free trade agreement the free provision of trucking services in North America, whether those trucking services were provided by an American company, a Mexican company, or a Canadian company. Each of those companies would be subject to safety standards, but the safety standards would have to be the same. They would not have to be implemented identically, but the standards would have to be the same.

There is a proviso. I want to be sure that I talk about this proviso. The United States has a proviso in the agreement. That proviso is on page 1,631. It consists basically of three provisions. The first provision says that 3 years after the date of signatory of this agreement, cross-border truck services to or from the border States of California, Arizona, New Mexico, and Texas, such persons will be permitted to enter and depart the territory of the United States through different ports of entry.

In other words, the first reservation or proviso was that for 3 years we were going to allow Mexican trucks only in these border States. Three years after we entered into the agreement and it was in force, we were going to allow cross-border scheduled bus services. That was the second reservation or proviso.

The third was that 6 years after the date of entry into force of this agreement we would have cross-border trucking services provided on a nationwide basis.

What does the treaty say that the President signed and that we ratified with an act of Congress? It says, subject to phasing in a policy for 3 years where the trucks operate only in border areas, after the treaty was in force for 6 years we would have free trade in trucking.

Those are the only provisos. We had no other reservations in this trade agreement.

The basic principle of the trade agreement was that we would have national treatment for Mexican trucks. Converted into simple, understandable words, that means Mexican trucks would be treated for regulatory purposes as if they were American trucks—no better, no worse. That is the law of the land. This is a ratified trade agreement which is now the law of the United States of America.

Let me try to explain what would be allowed under this law and what would not be allowed under this law.

There has been a lot of discussion about whether or not the pending Murray amendment violates NAFTA. Let me go over, within the provisions of what I have just read, what constitutes a violation.

First of all, the provision makes it very clear that you have to have the same standards. You cannot have discriminatory standards. But, obviously, it also makes it clear that you don't have to enforce them in exactly the same way. For example, it would not be a violation of NAFTA for us to begin our new relationship with Mexico by inspecting Mexican trucks that come into the United States.

I note that would be substantially different than what we do now. Currently, in the year 2000, 28 percent of all American trucks operating in our country were inspected. Forty-eight percent of all Canadian trucks operating in America were inspected. Seventy-three percent of all Mexican trucks were inspected.

It would not be a violation of NAFTA in admitting Mexican trucks to operate nationwide, for the first time for us to inspect every truck until standards were established and until a pattern was developed where it became clear that Mexican trucks were meeting American standards.

After the point where the disqualification rate was similar on American trucks, Canadian trucks, and Mexican trucks, then continuing to require an inspection of all Mexican trucks without any evidence that such inspection was required to meet the standards, at some point that would become a violation of NAFTA, but it would not be a violation in the implementation phases.

Senator MCCAIN has proposed—and I support—a safety regime that initially would inspect every truck coming into the United States from Mexico. If the way the Mexican Government keeps its records is different than the way the Canadian Government keeps its records or the way the United States Government keeps its records, it would not be a violation of NAFTA for us to set up a separate regime in how we interface with the Mexican Government to enforce uniform standards. That would not be a violation. But where violations come is not in enforcing under different circumstances. Where violations come is when the standard is different.

It is perfectly within the bounds of NAFTA that you can have a different inspection regime because of the difference in circumstance. But it is a violation of NAFTA, a violation of the law, and a violation of the letter and the spirit of an international obligation that we undertook and we willingly ratified when you have different standards for Mexican trucks as compared to American trucks and Canadian trucks.

Let me give you four examples of provisions in the Murray amendment that violate NAFTA.

Again, why do they violate NAFTA? It is not a violation of NAFTA if you have a different inspection regime to achieve the same result. That is contemplated in NAFTA. In fact, the North American Free Trade Agreement arbitration panel has noted that there is nothing wrong with enforcing the same standards differently depending on the circumstances.

Let me cite four violations. Under the Murray amendment, it is illegal for Mexican trucks to operate in the United States unless they have purchased American insurance. That is a flat-out violation of NAFTA. Why do I say that? Because it is not required in the United States that Canadian trucks purchase American insurance. In fact, the great majority of trucks that operate in the United States from Canada—100,685 trucks last year—the great preponderance of those trucks had either Canadian insurance or British insurance. Many of them are insured by Lloyd's of London.

Requiring that Mexican trucks have American insurance is a violation of NAFTA because we do not require that our own trucks have American insurance. We require that they have insurance, but we do not require that the insurance company be domiciled in the United States of America. We require that Canadian trucks have insurance, but we don't require that the insurance company be domiciled in the United States of America. But the Murray amendment requires that Mexican trucks have insurance from insurance companies that are domiciled in the United States of America. And that is as clear a violation of NAFTA as you can have a violation of NAFTA. It violates the basic principle of national treatment.

Let me give you a second example.

We have regulations related to companies leasing their trucks. We have laws and regulations in the United States. We enforce those laws on American trucks. We enforce those laws as they relate to Canadian trucks. But the Murray amendment has a special provision that applies only to Mexican trucking companies. That provision is that Mexican trucking companies, if they are under suspension or restriction or limitations, cannot lease their trucks to another company.

I am not arguing that we should not have such a provision in the United States. Quite frankly, I would be opposed to it. Why would we force a trucking company that cannot provide a certain service to simply let its trucks sit idle when the trucks can pass a safety standard and some other trucking company might use them?

For our own trucks, we have deemed that to be inefficient. For our own trucking companies, we have deemed that to be destructive of their economic welfare. We have the same standard for Canadian trucks. But under the Murray amendment, we do not have the same provision with regard to Mexican trucks. Therefore, the Murray amendment violates NAFTA. It violates NAFTA because you cannot say that an American company that is subject to suspension, restriction, or limitation can lease its trucks, that a Canadian company that is subject to the same restrictions can lease its trucks, but that a Mexican company, that is subject to the same restrictions, cannot lease its trucks. You can treat Mexican trucks any way you treat your own trucks, but you cannot, under NAFTA, treat them any differently. I made that clear when I read the two provisions directly related to trucking.

Another clear violation is a violation with regard to penalties. We have penalties in the United States. If you are a bad actor, if you do not maintain your trucks, if you do not operate them safely, if you violate other provisions, we, in the name of public safety, do—and we should—impose penalties. But the penalties that we apply to our own truckers and we apply to Canadian truckers, under this bill we would have a different penalty regime, and that penalty regime would prohibit foreign carriers from operating—reading the language—apparently, permanently, based on violations.

Look, we would have every right, under NAFTA, to say, if you violate the law, you are permanently banned from ever being in the trucking business again. We very quickly would have nobody in the trucking business. But we can do that. If we did that to our own trucking companies, we could do it to Mexican trucking companies; we could do it to Canadian trucking companies. But what we cannot do—the line over which we cannot step, and which this pending measure, the Murray amendment, does step—is treat Mexican trucks and Mexican trucking companies differently than you treat American trucking companies and than you treat Canadian trucking companies.

Let me give one more example, and then I will sum up, because I see my dear colleague, Senator McCAIN, is in the Chamber.

Another provision of the pending Murray amendment makes reference to the Motor Carrier Safety Improvement Act of 1999. This was a provision of law adopted by the Congress, signed by the President, in 1999, that made revisions relative to safety.

This bill was adopted, and it applies to every American trucking company, and it applies to every Canadian trucking company. And it can apply to every Mexican trucking company. But that is not what the provision in the Murray amendment does.

The Murray amendment says, until the regulations that are contained in this 1999 law are written, and fully implemented, Mexican trucks cannot operate in the United States. If the bill said, American trucks cannot operate until it is implemented and Canadian trucks cannot operate until it is implemented, we might all go hungry, but that would not violate NAFTA.

What violates NAFTA is, while we have not written the regulations and implemented this act, we have 100,000 Canadian trucks operating in the United States. And by singling out Mexican trucks and saying they cannot come in until these regulations are written and implemented—which probably cannot be done for 2 years, according to the administration; and I am for the implementation of this law; I am for the regulations—but you cannot say, under a national treatment standard, which we entered into—signed and ratified—you cannot say, American trucks can operate without this law being implemented, Canadian trucks can operate without this law being implemented, but Mexican trucks cannot operate without this law being implemented. That violates NAFTA. And it is clearly illegal under the treaty.

Let me sum up by saying I have a letter from the Secretary of the Economy in Mexico. Let me conclude by reading just a couple sentences, and then I want to yield to Senator McCAIN.

I quote the letter:

> Mexico expects nondiscriminatory treatment from the U.S. as stipulated under the NAFTA. . . . Each and every truck company from Mexico ought to be given the opportunity to show it complies fully with U.S. standards at the state and federal levels. . . .
>
> We are very concerned after regarding—

I am sure they mean "looking at"—

> the Murray amendment and the Administration's position regarding it that the legislative outcome may . . . constitute a violation of the agreement.

This amendment would guarantee that we do not discriminate against Mexico. That is what this issue is about. This is not about safety; this is about the question of whether or not Mexican trucks, in a free trade agreement, where we committed to equal treatment, will in fact be treated equally.

Madam President, it is my understanding that we have the floor for another 6 minutes, and then the Senator from Washington will be recognized. Didn't the unanimous consent agreement say 12:25?

Mrs. MURRAY. The unanimous consent agreement gives the Senator until 12:20. I have 5 minutes, and then we go to a vote.

Mr. GRAMM. Was it 12:20?

Let me ask unanimous consent that Senator McCAIN have 5 minutes and then Senator MURRAY have as much time as she would like.

Mr. REID. The only problem with that is one of the Senators has a personal situation. What we can do is have Senator McCAIN speak until 12:25, and then Senator MURRAY speak from 12:25 until 12:30, and the vote will be put over by 5 minutes.

Mr. GRAMM. We thank the Senator.

Mr. REID. Madam President, I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Madam President, I thank my friend from Nevada for his usual courtesy and consideration. I may not even take the 5 minutes because I think we will be debating this amendment for some period of time.

Let me assure my colleagues, we are not seeking to hold up the appropriations process, as was alleged earlier today. Nor is it acceptable for us to be told to go ahead and pass this legislation and hope that it is worked out in a conference where neither the Senator from Texas nor I will be present.

I won't sit idly by on this issue just because I don't happen to be serving on the Appropriations Committee.

Let me remind my colleagues, the jurisdiction of truck and bus safety is under the Senate Committee on Commerce, Science, and Transportation. I can assure the Senate, I was not consulted in advance regarding the Appropriations Committee's truck provisions. This is my opportunity to express my views and seek what I believe are reasonable modifications to certain provisions that are simply not workable.

The amendment would take an important first step to ensure the intent of any of the provisions ultimately approved by the Congress is not allowed to discriminate against Mexico. This does not say they can't be different. It says they can't discriminate.

Later on I will go through various provisions that clearly discriminate. I believe our disagreement is really about the question of whether the Murray provisions are simply different methods or if, in their totality, the 22 requirements result in an indefinite blanket ban. The panel ruled that a blanket ban was a violation of our NAFTA obligation, and the senior advisers to the President of the United States have clearly indicated they will recommend the President veto this bill if it includes either the House-passed or pending Senate language.

As the Statement of Administration Policy said yesterday: The Senate committee has adopted provisions that could cause the United States to violate our commitments under NAFTA, et cetera.

This is a very serious issue. The lesson here should be, No. 1, we should not be doing this on an appropriations bill. That is the first lesson. Members of the committee of jurisdiction were neither consulted nor involved in any of this process. Then once we were told it was there, we should ignore it because it is already in there and leave it to the appropriators. I will not do that. I will not do that on this issue or any other issue, including one that is viewed, at least by the President of the United States, as a violation of the North American Free Trade Agreement, a solemn treaty entered into by three nations.

This is a very serious issue. That is why we may spend a long, long time on it.

A suggestion has been made that the language be dropped. It was made by a member of the Appropriations Committee. I fully support that. Let the language be dropped. We understand there is onerous language in the House. We will proceed because we can't do anything about what the other body does.

Another suggestion has been to negotiate. I have to tell my colleagues again, there has not been negotiations. Thankfully, there has been a meeting. I have negotiated perhaps 200 pieces of legislation since I have been in this body, some of them fairly serious issues such as campaign finance reform, a Patients' Bill of Rights, the line-item veto, and others. I am used to negotiating. I want us to at least come to some agreement. In many respects, on the 22 requirements as imposed by this legislation, we could have some workout language. So far there has not been one comma, not one period, not one word changed in the present language of the bill.

That is why Senator GRAMM and I are required to at least see that we do not discriminate against our neighbor to the south, and we will have other amendments to make sure that it doesn't happen, not to mention a violation of a treaty in wording that is contained in an appropriations bill.

Later this year I am going to propose a rule change on which I am sure I will only get a handful of votes. We ought to abolish the Appropriations Committee. The Appropriations Committee has taken on so much power and so much authority. It was never envisioned that we would be here debating language in an appropriations bill that violates a treaty, a solemn treaty between three nations.

If I seem exercised about it, I am because we are not giving every Senator the voice that they deserve in representing the people of their State when, on appropriations bills, language of this nature is added which has such profound impact not only on domestic but international relations.

I will discuss much further this important amendment by the Senator from Texas.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, clearly, as the Senator from Arizona knows, our staffs met until a little after midnight last night. We stand ready to continue to talk with him about any way that we can find that allows him and other colleagues on the other side to believe we have moved.

We also have to deal with a number of colleagues, both Republicans and Democrats, who believe as strongly as I do in safety. And we will continue to have those discussions and negotiations as long as possible.

The amendment sent forward by the Senator from Texas is about whether or not we can put provisions into legislation that require safety on our highways regarding Mexican trucks. Any effort by the Senator from Texas to change that and try to talk about other issues simply is not fact. This is an issue of safety. The provisions under the bill do, in fact, subject Mexican trucks to stricter provisions than do Canadian trucks, but there is a very good reason for that. It is shown on this chart.

Of the trucks that are inspected, 36 percent found in violation are Mexican trucks; 24 percent, American; only 14 percent, Canadian. It is very clear that Mexican trucks crossing the border have safety violations. That is why a number of our constituents across this country are telling us that, in order to move forward the NAFTA provisions, we need to ensure that our people who are driving on the highway, who see Mexican trucks or Canadian trucks or American trucks, know they are in fact safe.

This isn't discriminating against Mexico. It is ensuring the safety of the American public is something that this Congress and this Senate stands behind.

I am a supporter of NAFTA. I am a supporter of free trade. But I am not a supporter of allowing the American public traveling our highways to be unsafe. The provisions in the underlying bill do not violate NAFTA, no matter what the Senator from Texas says. That is not just my opinion. It is the opinion of the arbitration panel under NAFTA that said in their document:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian or Mexican.

Clearly, they tell us that we have the right in this country to ensure that trucks coming across our borders are safe. That is what the Murray-Shelby amendment does. It is not just my opinion. It is the opinion of the NAFTA arbitration panel that is very clear about that.

The Senator from Texas is trying to say we are violating provisions of NAFTA. We are not. We are assuring, as we have a right to under the treaty, that people who travel in this country, families who are on vacation, traveling to work, dropping their kids off at school, know that the trucks on the highway with them follow specific safety provisions. That is what the underlying amendment does.

The amendment before us clearly is an attempt to gut those safety provisions and will mean that families in this country cannot be assured of their safety.

We have a right under NAFTA to do that. As a supporter of NAFTA, I will fight with everything I have to assure that the American public is safe under any treaty obligation we have.

I thank the Chair.

VOTE ON AMENDMENT NO. 1033

Mrs. MURRAY. Madam President, I ask for the yeas and nays on the Cleland amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1033. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. THOMPSON) is necessarily absent.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 8, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—90

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Bunning
Enzi
Gramm
Hutchison
McCain
Specter
Thomas
Voinovich

NOT VOTING—2

Jeffords
Thompson

The amendment (No. 1033) was agreed to.

Mr. DASCHLE. I move to reconsider the vote by which the amendment was agreed to.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Madam President, we have been consulting on both sides of the aisle over the last several moments. The authors of the Gramm-McCain amendment have agreed to a vote on that amendment at 1:45. It is my expectation we will have a vote at 1:45 on the McCain-Gramm amendment and then we will at that point entertain the possibility of moving to the Iranian-Libyan Sanctions Act if we can reach a unanimous consent agreement with regard to time.

So far, one of our colleagues is still contemplating what his legislative options might be, and we have not been able to reach that agreement. If we are not able to reach that agreement, we will proceed with additional amendments to the transportation bill.

I yield the floor.

AMENDMENT NO. 1065

The PRESIDING OFFICER (Mrs. BOXER). The Senator from North Dakota.

Mr. DORGAN. Are we on the Gramm-McCain amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Madam President, I rise in opposition to the amendment. Some of us think the Murray-Shelby amendment that is in the bill is not strong enough. I certainly would oppose attempts to weaken it. The issue here is not that we are singling out one country versus another country. The issue is safety on American highways. The fact is that we have a trade agreement that links the United States, Canada, and Mexico. I happen to have voted against that agreement because I think it is very hard to link two economies as dissimilar as the economies of the United States and Mexico.

Notwithstanding my vote against the trade agreement, I don't think anyone who voted in favor of it ever would have contemplated, when they were voting, that we would be required to compromise safety on America's highways as part of the trade agreement. That is not logical at all.

I indicated earlier this morning that we and Mexico have very different standards with respect to long-haul trucking. The proposition by the President and by the NAFTA arbitration panel that ruled on this is that we should allow Mexican long-haul trucks to operate within this country beyond the 20-miles in which they are currently permitted.

The logical question to ask is, What should we expect from the Mexican trucking industry? Can we expect them to meet the same safety requirements that are imposed on American trucking firms and drivers? The answer clearly is no. They have no minimum standard hours of service in Mexico. They do not carry logbooks in their truck. They, by and large, do not have inspections for safety on their vehicles. They have no random drug testing for their truckdrivers. You can just go on and on. All of us understand they do not have anywhere near the kind of safety inspections and regulatory requirements that we impose on our trucking industry in this country.

Let me refer again to the San Francisco Chronicle that I thought did a wonderful piece. I know it is just anecdotal but still it is, in my judgment, representative of what we find with the Mexican trucking industry.

A reporter went to Mexico and spent 3 days riding with a Mexican trucker. They had a long-haul truck carrying freight from Mexico City to Tijuana. They drove 1,800 miles in 3 days. The truckdriver slept 7 hours in 3 days. This is a truckdriver sleeps 7 hours in 3 days and drives a truck that could not pass a safety inspection in this country. And we are told that a trade agreement requires us to allow Mexican trucks into this country for long hauls, notwithstanding other issues.

It is illogical, in my judgment, to do that. This is not about singling Mexico out. It is about protecting our people on our highways.

Do you want or do you want your loved one to look in a rearview mirror and see an 18-wheel truck bearing down on you with a 80,000-pound load, wondering whether it has been inspected, whether it has brakes, whether the driver has driven for 2 days and slept for 6 hours? Do you want that for yourself or your family or your neighbor? I don't, nor do I think would most Americans want that to be the case.

I know one might say: You are being pejorative here about Mexican truckers and the Mexican trucking industry. All I can tell you is it is a very different industry than the U.S. trucking industry. They drive a much older fleet of trucks than we do. They do not have the same requirements that we have imposed on our drivers. They don't have the same inspection regime that we impose on American trucks.

The question for this Senate is, What kind of safety requirements are we going to require and impose on our highways with respect to foreign trucks that are coming into this country hauling foreign goods? I have said before, let me just say it again, the ultimate perversity, in my judgment, of this terrible trade agreement will be to have Mexican long-haul truckers driving unsafe trucks, hauling unfairly subsidized Canadian grain into American cities. You talk about a hood ornament to foolishness, that is it.

With respect to the amendment, the amendment on the floor now is to weaken the Murray-Shelby language. I have spent time on the floor saying, frankly, the Murray-Shelby language is not bulletproof as far as I am concerned, in terms of preventing unsafe vehicles from coming onto American highways. I would much prefer the House version, the so-called Sabo language, which the House passed 2–1, which simply said no funds can be expended to approve applications to allow long-haul Mexican trucks into this country in the next fiscal year.

It will take some time to integrate the trucking requirements and regulations between our countries. Perhaps it can be done, but there is not a ghost of a chance it can be done by January 1 of next year, which is when President Bush says we ought to allow this to happen. There is not a ghost of a chance for that to occur.

We had a hearing in the Commerce Committee on which I serve, and the Secretary of Transportation and the Inspector General for the Department of Transportation testified. The testimony was fascinating. We have 27 border stations through which Mexican trucks now move into this country. They are only allowed to go 20 miles into this country because of safety concerns. Yet we have found truckdrivers operating Mexican trucks in 26 States in our country, including the State of North Dakota. So we know that the current 20-mile limit is being violated.

At the hearing we held in the Commerce Committee, we were told of the 27 border stations through which trucks enter this country. Only two of them have inspection facilities that are open during all commercial hours of operations. Even in those circumstances there are a very limited number of inspectors. In most cases where they have inspectors, they work only a few hours a day, and they have one or two parking spaces for a truck.

We asked the Secretary and Inspector General of the Department of Transportation: Why do you need a parking space? They said: We just can't turn them back. For example, if a truck comes and has no brakes, we can't turn that truck back to Mexico. Let's not forget that 36 percent of the Mexican trucks inspected are placed out of service for serious safety violations.

Think about this for a moment. A truck shows up at the border with a driver who has been driving for 3 days and has had 7 hours of sleep. They discover it has no brakes. They don't have a parking space to park it. They know they cannot turn it back. Here we in the Senate are debating about allowing trucks into this country unimpeded.

The other side says that Mexican trucks face a serious inspection regime. Show me. Show me the money. Show me the money you are going to commit to have a rigorous regime of inspection at every single U.S.-Mexico border crossing. Show me the money because it doesn't exist.

Even if you show me the money, show me the compliance regime by which you send investigators down to Mexico to investigate the trucking companies before they give them the Good Housekeeping Seal of Approval so we know when someone shows up with a logbook that it hasn't been filled 10 minutes before they reached the border; that it is not somebody who has been up for 20 hours. Show me the money by which you will be able to show the American people they should have confidence these trucks and drivers belong on America's highways.

You cannot do it because that money does not exist in our appropriations bills to accomplish that task, and everybody here knows it. Yet we are debating the conditions under which we allow these trucks into this country.

The issue before us is the amendment offered by my colleagues, Senators GRAMM and McCAIN. I do not support it. In fact, I do not support at all allowing Mexican trucks to enter this country during the next fiscal year. What I do support is to have our people seriously begin discussions on how you could create reasonably similar inspection opportunities and investigations of the trucking companies and their drivers so at some point when we do this, that we have some certainty of safety on America's roads.

We are nowhere near that time frame. It is not going to happen in 6 months. And, in my judgment, it is not going to happen in 18 months. But we have to start working on it now. The best way to work on it, in my judgment, is to do what the House of Representatives did. The worst possible thing to do at this moment is to water down the Murray-Shelby language, which is too weak. This amendment waters down language that I think is not sufficient.

The worst possible moment for this Senate would be to support an amendment that carves out the foundation or weakens the foundation of a protection that, in my judgment, still does not meet efficiency.

I am going to oppose the amendment offered today by my two colleagues. I have great respect for both of them.

In my judgment, the Senate will do this country no favor if it rushes to say that the NAFTA trade agreement allows us to compromise safety on America's roads. A trade agreement, should never, under any circumstance, ask any of us to cast a vote that jeopardizes the safety of America's highways. No trade agreement has that right. No trade agreement that anyone votes for, in my judgment, should allow that to happen to this country.

I yield the floor.

Mr. BINGAMAN. Madam President, I would like to address the Gramm amendment and the underlying issue of cross-border trucking.

First, I compliment Chairman MURRAY and Senator SHELBY for their fine work on this Transportation Appropriations bill and to thank them for the funding provided for a number of important projects in New Mexico.

At the outset, let me say that I supported NAFTA, and I continue to support free trade. I do believe NAFTA is good for the country and good for New Mexico. However, it is not inconsistent with NAFTA to ensure that trucks and buses crossing the border from Mexico meet all of our safety standards.

I do believe the American people expect Congress to ensure that our highways are safe to all users. The fact is safety standards in Mexico for trucks and buses are not the same as in our country. NAFTA doesn't require that they be consistent. Under NAFTA, domestic trucks and buses operating in Mexico must comply with Mexican standards and Mexican vehicles operating in our country must comply with our standards. The Mexican Government has never sought reduced safety or security standards for its trucks and buses.

The regulatory structure and systems currently in place of ensuring the safety of trucks and buses in Mexico, including driver safety records, licenses, insurance records, hours of service logs, and so forth, are not as sophisticated as ours or those used in Canada.

In recognition of the differences in standards and regulatory regimes, the NAFTA Arbitration Panel concluded the United States did not have to consider applications from Mexican vehicles exactly the same as we treat U.S. vehicles. The certification process for Mexican trucks and buses needs to be adapted to the different forms and availability of safety information used by government officials in Mexico. The Gramm amendment would have forbidden any adaption of our certification process to the safety and regulatory situation in Mexico.

Let me be clear, the Senate bill does not discriminate against Mexico. The Murray language in this bill does not establish different safety standards for Mexican-owned trucks and buses. Rather, the Senate language will ensure that Mexican trucks and buses meet the same safety standards that U.S. and Canadian trucks are required to meet, before they are allowed free access to our highways.

There is another point I would like to make. The State of New Mexico is not ready to deal with a dramatic increase in cross-border trucks. The New Mexico Department of Public Safety has not completed the truck inspection facility at Santa Teresa—our largest border crossing—because the Governor vetoed $1 million he had requested for the project. Another facility at Orogrande, on U.S. Highway 54 in Otero County, has not been built. Both of these facilities were to include both weigh-in-motion and static scales to ensure all cross-border trucks comply with New Mexico's weight-distance road-use fees. They will also be equipped to perform full level-one safety inspections.

For years Congress has failed to provide the additional funds needed for border States to prepare for the additional truck traffic that we all know would result from NAFTA. This year, the Senate bill has provided an additional $103.2 million—$13.9 for 80 additional Federal safety inspectors, $18 million in safety grants to States, and $71.3 million for construction and improvement of inspection facilities such as those at Santa Teresa and Orogrande in my State. The House bill, unfortunately, does not contain this additional funding.

I applaud Senator MURRAY and the members of the Senate Committee for providing this important additional funding. I urge the House to accept the Senate funding levels. When the additional inspectors are in place and our inspection facilities are completed, I believe we will be in much better position to begin opening our borders fully to cross-border trucking.

Again, I compliment Chairman MURRAY and Senator SHELBY for their work on this bill.

Mr. BAUCUS. Madam President, I rise today to discuss the issue of Mexican trucks. I want to applaud Senator MURRAY and Senator SHELBY for their efforts to craft a common-sense solution on this issue. Their provision would ensure strong safety requirements and would be consistent with our obligations under NAFTA.

As most people are well aware, the last Administration delayed opening the border to Mexican trucks because of serious safety concerns. Indeed, numerous reports have documented these concerns failing brakes, overweight trucks, and uninsured, unlicensed drivers to name just a few.

The Department of Transportation's most recent figures indicate that Mexican trucks are much more likely to be ordered off the road for severe safety deficiencies than either U.S. or Canadian trucks.

While a NAFTA arbitration panel has ruled that the United States must initiate efforts to open the border to these trucks, we need to be clear about what the panel has said.

The panel indicated, and I quote: "the United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican."

Moreover, U.S. compliance with its NAFTA obligations—and again to quote the panel: "would not necessarily require providing favorable consideration to all or to any specific number of applications" for Mexican trucks so long as these applications are reviewed "on a case-by-case basis."

In other words, the U.S. government is well within its rights to impose standards it considers necessary to ensure that our highways are safe.

The Administration has suggested that it is seeking to treat U.S., Mexican, and Canadian trucks in the same way—but we are not required to treat them in the same way. That's what the NAFTA panel said.

With Mexican trucks, there are greater safety risks. And where there are greater safety risks, we can impose stricter safety standards.

In addition to safety, we must also be concerned about the effect on our environment. I am co-sponsoring an amendment by Senator KERRY to ensure that—consistent with the NAFTA—opening our border to Mexican trucks does not result in environmental damage.

Mr. REID. Madam President, I ask unanimous consent that the time between now and 2:15 p.m. be equally divided between Senators GRAMM and MURRAY, or their designees, and that at 2:15 either Senators MURRAY or SHELBY be recognized to move to table the Gramm amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wanted to add my voice to the Senator from North Dakota. It is just beyond me that in the name of free trade we would be for sacrificing the safety of Americans on American highways.

I had occasion to rise on the floor yesterday to point out with a chart all of the huge differences between the safety standards for trucks in Mexico and trucks in America. If there is one consistent complaint I have had in a lifetime of public service to my constituents, it is about safety on our roadways. How many times over the course of three decades have the people of Florida said to me as their elected representative that they saw this or that safety violation or they were concerned about how the truck suddenly cut them off or that they saw a truck spewing all kinds of emissions.

If we then allow new lower standard Mexican trucks on American roadways, not even to speak of the lower safety standards that have been articulated by the Senator from North Dakota, what about the environmental standards? What about all of the emissions that will be coming from these trucks that we don't allow from our own trucks? Are we not concerned about our environment? Are we not concerned about global warming? Are we not getting ready to seriously address the mileage standards of automobiles and SUVs in order to try to reduce the emissions into the atmosphere to try to do something about global warming?

Here we are about to address an amendment that is going to allow for lower emission standards for Mexican trucks.

It is, as we say in the South, just beyond me that we would seriously allow, in the name of free trade, this safety-jeopardizing situation for our American motorists on our American highways.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Madam President, I ask unanimous consent that under the quorum, the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, how much time is on each side?

The PRESIDING OFFICER. On Senator GRAMM's side, 31 minutes 15 seconds; on the side of the Senator from Washington, 27 minutes 45 seconds.

Mrs. MURRAY. Thank you, Madam President.

Madam President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I thank the Senator from Washington not only for yielding me the time but for leading this effort in what has been a difficult and important moment for the Senate.

Madam President, it is fairly said that in an institution such as the Senate, every interest is ultimately represented; in an enormous country of varied industries and peoples, there is someone who will represent every cause.

The cause that Senator MCCAIN brings to the Senate today is fair trade. Indeed, this is a cause in which we have all participated in recent years. I voted for the Canadian-American Free Trade Agreement. I have come to this Chamber in favor of the World Trade Organization. We have all understood that open, free, and fair trade is a foundation of our prosperity. But, ultimately, Senator MCCAIN makes the point not for free trade, but that any good cause can be taken to its illogical conclusion. This is the limit of common sense, and it is a collision between our fundamental belief in free trade and our belief in a variety of other causes for more than a generation.

We believe in free trade, but we also believe in a number of other things I want to outline for the Senate today.

We believe in protecting American citizens on our highways. We believe in the highest standards of automotive construction. We believe in emissions controls. We believe in safety from hazardous cargo. We believe in licensing and training drivers. We believe in all of these things.

We believe in free trade, to be certain, but not to the exclusion of everything else. That is the issue before the Senate.

For 50 years, we have looked, in horror, at the death toll on American highways. Every year, 100,000 Americans are injured on our American highways with large trucks hauling cargo. Not hundreds but thousands of Americans lose their lives.

Democrats and Republicans and State legislatures and the American Congress have responded through the years by insisting on weight limitations, training, and better engineering. It has been a struggle of generations to reduce these numbers, even as our economy grew.

The Senator from Arizona would bring to this Senate Chamber today a proposal that on January 1 the United States will allow Mexican trucks to come across the borders on to the highways of every State in the Nation, recognizing that at the 27 crossing points from Mexico to America there are inspectors, 24 hours a day, at 2. Every other road, during all those hours of the day, is without inspection for weight or qualifications or licenses. Those trucks will traverse our highways.

Would the Senator from Arizona come to this Senate Chamber and ask that we repeal weight limitations on American trucks? I think not.

Would he come to this Senate Chamber and ask that we repeal emissions controls? I doubt it.

Would he like to offer a requirement that we reduce licensing requirements from the age of 21 to 18 years old? How about the licensing of the trucks themselves? How about background checks for criminal activity for those who will haul hazardous cargo? I doubt it.

The Senator from Arizona is a reasonable man. He cares about his constituents and, obviously, his country. No Member of this Senate would propose any of those things. Yet that is the practical effect of exactly what he offers.

Mexico, until recently, has had no restrictions on hazardous cargo—no warnings, no signs, no background checks. Those cargoes will flow into America.

Mexico does not have the emissions controls of the United States that have been so important in my State and other urban areas around the country. Those trucks will come into the United States.

Ten years ago, Senators rose in this Chamber—to the man and woman—as we witnessed hazardous cargoes being dumped into our rivers and along our highways, as people dumped these dangerous cargoes. We did background checks to ensure the highest integrity of those hauling such cargoes. Mexico does not. One day it might. Today, it does not. Those trucks will enter America.

Why would we do indirectly—by allowing unlicensed, uninspected Mexican trucks into the United States—that which no logical person would do directly in repealing our own laws? This is the effect.

And here is the further reality: One day, if NAFTA succeeds, the regulatory systems between Mexico and the United States will be similar as they are between the United States and Canada. One day, respect for environmental protection, hazardous cargoes, and labor rights will be similar. That will be a good day for all nations. And in that equalization, this border can truly be liberalized and opened fully and fairly, for the movement of peoples and cargoes as we now want it, for trade under NAFTA.

We have not reached that point. These are fundamentally different transportation systems. The average Mexican truck is 15 years old. That means Mexican highways have trucks that may be 20, 25, and 30 years old. The average truck on the interstate highway system in the United States is 4 years old—with modern emissions controls, modern braking systems, antilock braking systems, and equipment for foul weather, with proper communications.

I respect my colleagues on the other side of the aisle. But as they rise to defend NAFTA, who will rise in this Senate Chamber and defend the average American family, who rides the interstate highway system, with their children strapped in the back seat, to go out for the afternoon, already sharing our interstate highway system with massive 18-wheel trucks, sometimes two and three trucks long, a necessity of a modern economy, now sharing that road with 18-year-old drivers, potentially in 15-, 20-, and 25-year-old trucks, hauling massive cargo while unlicensed, uninspected, potentially harzardous cargo? It is not a theoretical threat.

Of those Mexican trucks that now are inspected, theoretically, arguably the best of the Mexican trucks, since they are subjecting themselves to inspection, 40 percent are failing. The most common element: their brakes don't work; second, inadequate stoplights. Who in this Senate wants to be responsible for telling the first American family to lose a wife or a child that this was at the alter of free trade? Free trade to be sure, but have we become so blinded in our faith in free trade that we have lost our commitment to all other principles, including the safety of our own constituents?

I have seen causes without merit in the Chamber of the Senate before, but never a cause that so little deserved advocacy. To be intellectually honest, the authors of this amendment that would strike Senator MURRAY's language in the bill should come to the floor with the following proposal: The United States has a limit of 85,000 pounds for trucks because heavier trucks destroy our roads and cost the taxpayers billions of dollars in repair. Mexican trucks are 135,000 pounds. Come to the Senate floor and repeal the American limit and make it identical with Mexico, if that is what you believe.

American drivers are 21 years old. In Mexico, they are 18. Come to the Senate floor and repeal the 21-year-old limit. We are licensing these drivers to ensure they can handle hazardous cargo and toxic waste. Come to the Senate floor and repeal that background requirement.

I do not believe Senator MURRAY's language is perfect. I do not believe in a year or in 18 months we can reconcile differences between the trucking industry in Mexico and the United States. Indeed, I do not believe we can do so in a decade.

I am certain of this: There is no chance of having an inspection regime in place by January 1—none. This is not only wrong; this is irresponsible. I, for one, if I were the only Member of this institution, would not have my fingerprints on the loss of life that will follow.

Yes, there is an advocate for every cause in the Senate. Perhaps every cause should be heard, every voice should be recognized. This cause does not deserve advocacy. Free trade, yes, but to the exclusion of the safety and interests of our citizens, never.

I rise in support of Senator MURRAY's language and urge the Senate to reject the amendment offered by the Senator from Arizona.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that the last 5 minutes of the debate be reserved for Senator SHELBY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that time spent under the quorum call be equally divided and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mrs. MURRAY assumed the chair.)

Mrs. BOXER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent to be told when I have used up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Then I will end my remarks and the Senator from Arizona can have the floor at that time.

Madam President, I have listened to this debate, and I have participated in it. I believe, in light of Senator TORRICELLI's remarks, that if he was the only one in the Senate who felt strongly about this issue and how right you were on the issue, Madam President, he would stand and be proud.

I want to make it clear that a lot of us do agree with you about the importance of passing your underlying language and your amendment that you offered to strengthen the safety of NAFTA trucks.

As a member of the Commerce Committee—I am a new member—I had the honor of sitting through the hearing that I actually had requested that Senator HOLLINGS hold on the issue of NAFTA trucks. I have nothing but the highest regard for former Congressman Mineta, now the Secretary of Transportation, but I believe very much—and this is with great respect—that he is not really ready to make January 1 the deadline to allow these trucks into the interior of the country.

One of the things that happened at that hearing was one of the witnesses said something to the effect that those of us who were concerned on the safety issue were really against Mexico. I remember at the time Senator DORGAN, in a sense, chastised that particular witness and said: This is ridiculous.

I said at the time, and I want to repeat now, that the reason I feel so strongly that the trucks coming through our country should be safe is to protect the people that I represent in California, 30 to 40 percent of whom are Mexican Americans.

I want to protect all the people. I want to make sure, as Senator TORRICELLI says, truckdrivers who come through the border are rested; that they don't have any medical condition that might prevent them from driving for hours; that in fact we can test them for drugs as we do with our own truckdrivers. Your decal amendment that is so important would say that the truck companies in Mexico would have to comply with our safety standards, and they would be inspected in Mexico and not have situations that we have now where the trucks are stopped at the border and, by the way, 2 percent of the trucks coming in are stopped because we don't have enough enforcement. And as Senator TORRICELLI said, 40 percent of them fail; my figure is about 36 percent, but it is somewhere in that vicinity.

And then I asked the inspector general, who appeared at the Commerce Committee hearing, why it was that we didn't send these trucks back. He simply said, "because they have no brakes." I would not want to be the Senator in this Chamber who votes against Senator MURRAY's safety language and has to face the parent of a child who is killed, or a family of survivors of someone who is hurt or killed.

I was at a press conference about a year ago where I was calling for tougher standards for our own trucks, our own drivers. We still have far too many injuries on our own highways, and we need to even tighten those up. What we are ready to do here with this loophole amendment offered by Senator GRAMM is to dilute your provision and Senator SHELBY's provision that would, in fact, simply ensure that we are ready for this phase of NAFTA. We cannot be so ideological, bow down at the altar of free trade, and blind ourselves to reality. If it means somebody makes a complaint against us, I want to be there, I say to my friend from Arizona. I will defend us. I will say to those folks sitting in judgment of us that we want our people safe on the roads.

When I asked former Congressman Mineta, now Secretary Mineta, about this, he said the law says we cannot allow trucks on our roads that don't meet the standards. That is right, but if we can't enforce it, what good is it? If we can't enforce the law, what good is it?

If we have a law, and we do, which says you can't walk into a supermarket and pull out a lethal weapon and threaten someone, but we never enforce it, and there are robberies going on all over the country and nobody is enforcing it and going after the bad guys, what good is it?

So until we have enforcement mechanisms in place where all trucks are inspected either at the border or they have a decal before they cross, I am not afraid to fight for our right in a court that is looking at NAFTA. Senator MURRAY and Senator SHELBY say very clearly that their provision does not violate NAFTA—does not violate NAFTA. The fact is, I happen to know that Senator MURRAY supports many free trade agreements. The Senator's State depends on free trade. Yet you are the one who has taken a considered approach to this. You have made sure your language doesn't interfere with NAFTA. You are simply saying that we want to make sure before these provisions go into effect, where these long-haul trucks can come in, that they, in essence, are compatible with our laws. What a straightforward, commonsense idea. I can't imagine how the American people could understand it if we would do anything less. We have to have the same standards, and we have to enforce the same standards.

Therefore, I strongly support Senator MURRAY's amendment in the underlying bill, the decal amendment.

I yield the floor at this time.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona.

Mr. MCCAIN. Madam President, I could not help but be entertained by the remarks of the Senator from California who says—I guess she feels if she says it often enough, it will be true—that it doesn't violate NAFTA; it doesn't violate NAFTA; it doesn't violate NAFTA.

Well, although she may not agree with the results of the last election, the fact is that the President of the United States happens to be an individual who believes that it is in violation of NAFTA, and his senior advisers have said the Murray language is in violation of NAFTA, and the President has said he may have to veto because of NAFTA. So with all consideration for the views that the Murray language is not in violation of NAFTA, the fact is, according to the President's senior advisers, it is.

This morning at 11:15, the President said:

> I also am aware that there are some foreign policy matters in the Congress. And I urge Congress to deal fairly with Mexico and to not treat the Mexican truck industry in an unfair fashion; that I believe strongly we can have safety measures in place that will make sure our highways are safe. But we should not single out Mexico. Mexico is our close friend and ally and we must treat them with respect and uphold NAFTA and the spirit of NAFTA.

So every Senator is entitled to their views; I view them with great respect. But the reality is that the President of the United States and his senior advisers—unless changes are made, the President's senior advisers will recommend that the President veto the bill. So that is the situation on the ground, as we say.

This amendment that is pending, however, really has everything to do with discrimination, and this amendment is very simple in its language because all it says is:

> Nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.

We need to talk about some facts for a minute. These are the numbers of trucks and inspections in the United States. There are 8 million registered trucks in the United States; 2.3 million of them have been inspected. That is 28 percent. Now, 100,685 Canadian trucks have been in the United States, of which 48,000, or 48 percent have been inspected. There have been 63,000 trucks from Mexico operating in the United States, of which 46,000, or 73 percent of them have been inspected.

According to the McCain-Gramm-Domenici amendment, which the administration agrees with, we would make sure that every Mexican truck is inspected—every single one.

This chart says "inspection results/out-of-service rates." It says 8 percent in the United States, 9.5 in Canada, and 6 percent in Mexico. The vehicle out-of-service rate for Mexico is 36 percent. The problem is that it has been 36 percent, as opposed to 14 percent for Canada, and 24 percent for the United States. That is why we have in our substitute some very detailed, important, and very stringent requirements, including:

The Department of Transportation must conduct a safety review of Mexican carriers before the carrier is granted conditional operating authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border.

The safety review must include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with U.S. motor carrier safety rules and regulations.

It requires every vehicle operating beyond the commercial zones of a motor carrier with authority to do so to display a Commercial Vehicle Safety Alliance decal obtained as a result of a level 1 North American standard inspection or level V vehicle-only inspection, and imposes fines on motor carriers operating a vehicle in violation of this requirement to pay a fine of up to $10,000.

It requires the DOT to establish a policy that any safety review of a motor carrier seeking operating authority to operate beyond U.S. municipalities and commercial zones on the U.S.-Mexico border should be conducted onsite at the motor carrier's facilities when warranted by safety considerations or the availability of safety performance data.

It requires Federal and State inspectors, in conjunction with a level 1 North American standard inspection, to verify electrotonically or otherwise, the license of each driver of such a motor carrier commercial vehicle crossing the border, and for DOT to institute a policy for random electronic verification of the license of drivers of commercial vehicles at U.S.-Mexico border crossings.

There are two pages in the McCain-Gramm-Domenici substitute that require additional inspections, verification, insurance, rulemakings, et cetera. But all of those are not in violation of NAFTA. One reason why they are not is because of this information here. Federal motor carrier safety laws and regulations apply to all commercial motor vehicles operating in the United States.

When the United States-Mexico border is open, all Mexican carriers that have authority to operate beyond the commercial zones must comply with all Federal motor carrier safety laws and regulations and all other applicable laws and regulations.

Mexican carriers will be subject to the same Federal and State regulations and procedures which apply to all other carriers that operate in the United States. These include all applicable laws and regulations administered by the U.S. Customs Service, the Immigration and Naturalization Service, the Department of Labor, and the Department of Transportation. All of these Federal motor carrier safety requirements have to be complied with by any carrier that comes up from Mexico.

For the illumination of my colleagues, this is what is required for a Canadian carrier to operate within the United States of America. This is off the Federal Motor Carrier Safety Administration's Web site.

Basically, what is required is, over the Internet, to verify under penalty of perjury, under the laws of the United States of America, that all information supplied on the form or anything relating to the information is true and correct. Then $300 is sent in and the carrier operates in the United States of America. That is what is required as far as Canadian vehicles are concerned.

I hope someday carriers from Mexico will be able to exercise exactly that same procedure. We all know that is not possible now, and that is why we need very much to have additional requirements until such time as Mexican carriers meet the standards that prevail in the United States of America.

I have a number of comments about section 343, the so-called Murray language, and I will not go through them right now because the subject of discussion is the pending Gramm amendment. The pending Gramm amendment basically says that we cannot discriminate against Mexico. This amendment was carefully crafted.

In all candor, so that everybody knows what they are voting on, some of the language in the so-called Murray language would be negated by this because in the view of the President, in the view of this Senator, in the view of the Department of Transportation, and in the view of the country of Mexico, the language contained is discriminatory. This is a very important issue to our neighbors to the south. This is a very important issue in our relations with Mexico.

It is a very important issue for those who purport to be a friend of the country of Mexico. This is a very important issue. The fact that we are going to vote on whether we choose to or choose not to discriminate against the country of Mexico, and we are taking a recorded vote on that issue, is one of significant importance.

I hope all of my colleagues will vote, no matter how they feel about the Gramm-McCain amendment or the substitute on which Senator GRAMM, Senator DOMENICI and I will seek a vote at the appropriate time.

We intend to stay on this issue. We intend to do whatever we can in the future to make sure the Appropriations Committee does not legislate on an appropriations bill, particularly where it affects trade agreements between sovereign nations, and we intend to see this issue through. We are heartened by the support and commitment of the President of the United States as expressed as recently as a couple of hours ago.

Madam President, I reserve the remainder of my time.

Mr. SHELBY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, it is my understanding that quorum calls will be equally divided. Is that correct?

The PRESIDING OFFICER. The Senator needs to make that request.

Mrs. MURRAY. I ask unanimous consent that the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, how much time remains on our side?

The PRESIDING OFFICER. Six minutes.

Mrs. MURRAY. Madam President, I know the last 5 minutes of our time is yielded to Senator SHELBY, so I ask unanimous consent to use 1 minute of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I rise to make a very simple point. The Senator from Arizona listed a series of provisions contained in his proposed substitute. Those provisions, such as the requirement to inspect every truck, would apply to Mexico, not to Canada, and that really is the point. We can and should impose strict requirements on Mexico.

The Senator cited inspection statistics. These are the results of those inspections. We believe very clearly, as the NAFTA arbitration panel has stated, that the underlying provisions are not a violation of NAFTA, and we think the Senate should uphold the NAFTA arbitration panel by voting to table the Gramm amendment.

I know Senator SHELBY has 5 minutes remaining on his side. How much time is left on the other side?

The PRESIDING OFFICER. Senator MCCAIN has 17½ minutes left, and there is 5 minutes left on the side of the opponents of the Gramm amendment.

Mrs. MURRAY. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, first of all, we do not disagree over the fact that the February report of the NAFTA Dispute Resolution Panel does not prevent the United States from imposing different requirements on foreign carriers. In fact, let me quote from the report:

> It is important to note what the Panel is not determining. It is not making a determination that the Parties of NAFTA could not set the level of protection that they consider appropriate in pursuit of legitimate regulatory objectives. It is not disagreeing that the safety of trucking services is a legitimate regulatory objective.

I agree with that.

The panel goes on to say:

> The United States may not be required to treat applications from Mexican trucking firms exactly the same as applications from the U.S. or Canadian firms, as long as they are reviewed on a case by case basis.

That is why I pointed out the difference between how a Canadian carrier can enter the United States, basically filing over the Internet, as opposed to the provisions we have in our substitute which are very stringent and detailed.

> However, in order to satisfy its own legitimate safety concerns the United States decides, exceptionally, to impose requirements on Mexican carriers that differ from those imposed on U.S. or Canadian Carriers, then any such decision must (a) be made in good faith with respect to a legitimate safety concern and (b) implement differing requirements that fully conform with all relevant NAFTA provisions.

I believe that what our disagreement is really all about is the question of whether the Murray provisions are simply "different methods" or, if in their totality, the 22 requirements—there are 22 requirements in the Murray language—result in an indefinite blanket ban. The panel ruled that a blanket ban was a violation of our NAFTA obligations.

As I have already mentioned on several occasions, the administration estimates that the Senate provisions under section 343 would result in a further delay in opening the border for another 2 years or more. This would be a direct violation of NAFTA. It effectively provides a blanket prohibition on allowing any Mexican motor carrier from operating beyond the commercial zones. Does that permit a case-by-case review of a carrier? I do not believe so.

I would like to find one objective observer who does not view the Murray language as delaying implementation of NAFTA by 2 or 3 years. I do not see how in the world any objective observer could believe that the requirements, including onsite inspections and the inspector general going down into Mexico, could possibly do anything but delay the implementation of NAFTA, and that is what it is all about. This view is shared by a number of us, as well as the President's senior advisers.

Let me give an example of a provision that could be viewed as more than simply different. It concerns how a Mexican carrier would receive authority to operate in the United States under the Murray provision.

The Murray provision requires the Federal Motor Carrier Safety Administration to conduct a full safety compliance review before granting conditional operating authority and again before granting permanent authority to assign a safety rating to the carrier. The reviews must be conducted onsite in Mexico.

The problem with that requirement is that a "compliance review" assesses carrier performance while operating in the United States. It is conducted when a carrier's performance indicates a problem—that it is "at risk." As a technical matter, a full-fledged compliance review of a Mexican carrier would be meaningless since that carrier would not have been operating in this country and would not have the type of performance data that is audited during a compliance review. If the Department of Transportation is forced to conduct what would largely be a meaningless compliance review, every carrier will receive a satisfactory rating because there will be no records or data on which to find violations of the Federal Motor Carrier Safety Regulations.

There are, three more important provisions that clearly would delay the implementation of NAFTA, and that is clearly a violation of NAFTA.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CARPER). The Senator reserves the remainder of his time. Who yields time?

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, we have heard a lot about this debate in the last few days, what it is about and what it is not about. I believe the Senator from Texas, Mr. GRAMM, my good friend, continues to define this issue as one about identical treatment of Mexican trucks, U.S. trucks, and Canadian trucks.

Unfortunately, for my good friend from Texas, this is not about creating a rubber-stamp approach to trucks entering our country and driving on our highways. This is about providing an approach tailored to the out-of-service rates we see in Mexican trucks.

Unfortunately, for the position put forth by my good friends from Texas and Arizona, under NAFTA, we have the right and we have the obligation to provide for safety on our highways in the United States and to regulate Mexican trucks entering this country as long as such regulations are "no greater than necessary for legitimate regulatory reasons such as safety." This language came from the arbitration panel.

The Murray-Shelby provision is clearly within the legitimate safety interests that we have an obligation to regulate in this country. Also, unfortunately, I believe, for my colleague from Texas, his argument that the Murray-Shelby provision violates NAFTA, violations of NAFTA are not judged by the Senate or even the administration. Alleged violations of NAFTA are ruled on by an arbitration panel. That is part of the agreement. His contention that NAFTA would be violated does not make it so.

If you want to talk about discrimination, let's talk about discrimination against the American driver. Nothing in NAFTA should be misread to require that we give Mexican drivers a pass on safety standards while we strip our drivers of their licenses for infractions that may be honored in Mexico or which the Senator's amendment tells us that we should ignore because to do otherwise would violate a treaty that I never supported.

This is about enforcing the safety regulations of the United States of America. That is within the purview of NAFTA, as it would be for the Mexican Government to do likewise.

At the proper time, I will move to table the Gramm-McCain amendment.

The PRESIDING OFFICER. The Senator from Alabama and the Senator from Washington have 2 minutes remaining. The supporters have 13 minutes remaining.

Mr. SHELBY. Mr. President, I reserve the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Texas.

Mr. GRAMM. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Thirteen minutes.

Mr. GRAMM. Mr. President, first, I want to read a statement made earlier today by the President related to this issue. This is what the President said:

> I urge Congress to deal fairly with Mexico and to not treat the Mexican truck industry in an unfair fashion. I believe strongly we can have safety measures in place that will make sure our highways are safe. Mexico is

our close friend and ally, and we must treat them with respect and uphold NAFTA and the spirit of NAFTA.

The issue before us is not safety. There is agreement in the Senate that we want to inspect Mexican trucks, and there is a commitment to inspect every single Mexican truck. We only inspect 36 percent of the Canadian trucks. No one disagrees that in starting up a new system with Mexico it is proper, to begin with, to inspect every single truck. The issue is not safety; the issue is discrimination.

Basically, when we signed NAFTA, the President made the commitment and we ratified it, and that commitment said with regard to trucks coming across the border, going in both directions, all three nations committed that "each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, with its own service providers."

That is what we committed. Convert it into simple English, we committed to treat Mexican trucking companies operating in the United States exactly as we treat American trucking companies, and exactly as we treat Canadian trucking companies. The issue before us is not safety. The issue before us is discrimination and protectionism.

We have every right to inspect Mexican trucks. If you look at the agreement, we do not have to—in implementing uniform standards, we can implement them differently with regard to Mexican trucks if circumstances are different. Senator MCCAIN and I, and the President, have said in our initial implementation it is proper to inspect every Mexican truck, whereas we inspect only one out of three Canadian trucks and only one out of four American trucks each year.

But what we cannot do and what the Murray amendment does is set different standards for Mexican trucks than it sets for American trucks and for Canadian trucks.

It is one thing to say we are going to have safety standards and Mexican trucks have to live up to those standards, but it is quite another thing to set totally different standards. Let me give four examples. It is very simple.

Today we have trucks operating all over America, 100,000 of them from Canada, and virtually none of those trucks are insured by American insurance companies. We have American trucks operating in the United States that are not insured by American insurance companies. Many Canadian trucks are insured by Canadian companies, or by Lloyd's of London. American trucks in some cases are insured by Canadian companies and by British companies. But the Murray amendment puts a requirement on Mexico that we do not put on ourselves, that we do not put on Canada. That requirement is having to have insurance from companies domiciled in America. That is a flatout violation of NAFTA. No denial can change that fact. That is a clear violation of the treaty into which we entered. It is illegal and it is unfair.

We have, in the Murray amendment, three other provisions that clearly violate NAFTA. It is one thing to say we are going to have penalties and that those penalties are going to apply to anybody operating a truck in the United States of America. I want penalties because I want safe roads and highways. We have more Mexican trucks operating in Texas than any other State in the Union. I want safety.

But to say that while we have various penalties for American trucks and truckers, for Canadian trucks and truckers, that we are going to have an entirely different penalty regime for Mexican truckers, so that a violation can forever ban a Mexican trucking company from operating in the United States is discrimination. It is illegal, it violates NAFTA. If we wanted to say if you are an American trucking company and a Canadian trucking company and you have a single violation that you are forever banned from being in the trucking business, that would be GATT legal. It would be crazy because you can not operate a big trucking company without some violations. But we could do it, and it would be legal.

But what you cannot do under NAFTA is you cannot say we are going to have one set of penalties with regard to American trucks and Canadian trucks, and a totally different set of penalties with regard to Mexican trucks.

Under our current trade agreements, United States companies and Canadian companies can lease trucks to each other. In fact, that is necessary for good business. If you do not have the business, you own the trucks, they are sitting there, they meet safety requirements, you lease them to somebody else. If you do not have that right, you do not stay in the trucking business long.

But the Murray amendment has a unique provision that relates only to Mexico. Only Mexican truck operators are forbidden the right to lease trucks if they are in violation in any way.

We might want to say, if you have any violation, you cannot lease trucks. If we apply that to Americans and to Canadians, we can apply it to Mexicans. But what you cannot do is have different standards in a free trade agreement, where we are committed to treat Mexican producers exactly the way we do our own.

Finally, on safety standards, we passed a law in 1999 changing safety standards with regard to trucks. I want to implement that bill. The regulations have not been written and it has not been implemented. The Murray amendment says because it has not been implemented, that Mexican trucks cannot come into the United States even though we have entered into a treaty, which has been ratified, saying they can.

If the Murray amendment had said because we have not promulgated regulations, because we have not implemented these new rules, that Canadian trucks cannot operate in the United States, that American trucks cannot operate in the United States, and Mexican trucks cannot operate, we would all go hungry tonight, but that would be legal with regard to the agreement that we entered into called NAFTA. But to say that because we have not promulgated the rules and because we are not at this point therefore enforcing these rules, that Canadian trucks can operate and American trucks can operate but Mexican trucks cannot operate, is a clear, irrefutable, indisputable violation of NAFTA.

Basically what we are seeing here is a choice between special interest groups and high on the list is the Teamsters Union. They don't want Mexican trucks because they don't want competition.

My point is we should have thought about that when we approved this trade agreement because we made a solemn national commitment to allow Mexican trucks to operate in the United States, American trucks and Canadian trucks to operate in Mexico. Our credibility all over the world in hundreds of trade agreements is on the line. If we go back on the commitment we made to our neighbor, if we discriminate against Mexico, how are we going to have any moral standing in asking other countries to comply with the agreements they negotiated with the United States?

It is my understanding, while I think we should have more time to debate this—one of the authors of the amendment, Senator DOMENICI, has not had an opportunity to speak—and while I would like to have more time, it is my understanding there is going to be a motion to table. It is also my understanding that there may be a cloture motion tomorrow.

I want to assure my colleagues that I am not sure where the votes are, but I am sure what my rights as a Senator are. I want to assure you that I am going to use every power that I have as a Member of the U.S. Senate to see that we do not discriminate against a country that has a 1,200-mile border with my State. I am going to use every power I have as a United States Senator to see that we do not violate NAFTA, to see that we do not destroy the credibility of the United States in trade relations around the world.

What that means is we will have, not one cloture vote, we will have five cloture votes. At some point here people are going to want to go on to other business. I want to assure my colleagues if there is not some compromise here that produces a bill the

President can sign, we are not going to other business.

Finally, let me conclude by saying this bill is not going to become law until we comply with the treaty. The President is not going to sign the bill. We can fool around and have five cloture votes and hold up all other business until we get back from Labor Day. We can stay in August. We are going to see the full rules and protections of the Senate here because this is a critically important agreement.

When you start not living up to agreements that you made with your neighbor, you start to get into trouble, whether you are a person or whether you are the greatest nation in the history of the world.

I think the Murray amendment is wrong. Senator McCain and I have been willing to compromise. The President is willing to compromise. But we are not going to compromise on violating NAFTA. That is a compromise that is not going to occur. We can come up with a safety regime. It doesn't have to be identical with Canada and Mexico, but the requirements have to be identical. That is what the trade agreement says.

The Murray amendment in four different areas violates NAFTA. This has to be fixed if we are going to go forward.

I urge my colleagues to vote for the pending amendment, which I have offered with Senator McCain and Senator Domenici. I urge them to oppose a motion to table. I assure them that this issue is not going to go away. The Senate may vote to discriminate against Mexico, but they are going to get to vote on it on many occasions.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes 1 second.

Mrs. MURRAY. Mr. President, this amendment that is before us, no matter what we hear, is about safety, is about our ability as a country to ensure that our constituents—whether they are traveling to work, taking their kids to daycare, going on vacation, or traveling down the highway—are safe. We have a right in this country to ensure the safety of our constituents.

I hear our opponents saying this is a violation of NAFTA. Do not take my word for it. Take the word of the NAFTA arbitration panel. They have clearly told us that the United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. United States authorities, in their words, are responsible for the safe operation of trucks within United States territory, whether ownership is United States, Canadian, or Mexican.

We have a right under treaties right now to ensure the safety of our citizens on our highways. That is what this amendment is about. That is what this vote is about—whether or not we will undermine that safety all on our own here in the Senate and go beyond what the NAFTA panel has told us we can do and undermine the NAFTA panel, or whether we are going to stand up for safety. That is what this amendment is about.

I urge all of our colleagues to vote on the side of families and safety.

I yield to my colleague.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I move to table the Gramm-McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 35, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—65

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—35

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Chafee
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Roberts
Thomas
Thompson
Thurmond
Voinovich

The motion was agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I want to thank a number of my colleagues, especially Senator Gramm and Senator McCain. I also especially thank the distinguished Republican leader for his help in getting us to this point.

We have been discussing throughout the day the schedule for the balance of the day. I will propound a unanimous consent request for the moment that will allow us now to take up the Iran-Libya Sanctions Act. Following that, it will be my intention to move to a couple of the nominations that we agreed yesterday we would take up. There are time requests for debate on both nominees, and we will accommodate those requests as the unanimous consent provided for last night.

With that understanding, I will propound the request.

I ask unanimous consent that following the vote with respect to the Gramm amendment, regardless of the outcome, the Senate proceed to the consideration of Calendar No. 98, S. 1218, the Iran-Libya sanctions bill, and that the bill be considered under the following limitations: that there be a time limitation of 60 minutes for debate on the bill, with the time equally divided and controlled between the chairman and ranking member, or their designees; that the only first-degree amendment in order to the bill be a Murkowski amendment regarding Iraq's oil; that there be 90 minutes for debate with the time divided as follows: 60 minutes under the control of Senator Murkowski, 30 minutes under the control of the chairman and ranking member, or their designees; that upon the use or yielding back of time on the amendment, the amendment be withdrawn; that upon the use or yielding back of all time, the bill be read the third time, and the Senate proceed to vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Reserving the right to object, Mr. President, from the standpoint of clarification, the amendment that I am prepared to offer, according to the statement by the majority leader, would be withdrawn. It had been my request of both leaderships that the condition on withdrawing the amendment would be the assurance that I would have an opportunity for an up-or-down vote at a future time on the issue of oil imports from Iraq. I request consideration, if indeed the leadership will consider that, associated with the appropriate opportunity—maybe on one of our trade agreements that will come before this body—that I would be allowed at least not more than an hour and a half or 2 hours to debate that and have the assurance of an up-or-down vote. I ask the leadership for that consideration.

Mr. DASCHLE. Mr. President, if I may respond, Senator Murkowski has reiterated the understanding we have on both sides of the aisle with regard to his offering an amendment at a later date on Iraq oil on another bill. I will certainly provide him with a vote in relation to that amendment when that time comes.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object, are the intentions, after disposition of the nominations, to return to the pending legislation?

Mr. DASCHLE. In answer to my colleague from Arizona, the intention would be that we go right back to the Transportation appropriations bill. What I am hoping, frankly, is that over the course of the next several hours we can continue our discussions. Our staff has indicated again that they are willing to begin the discussions in earnest, with the hope that we might proceed with some expectation that we find some resolution. It is our hope that while our colleagues debate these other matters, that will free up those people who have been involved in this issue to talk, and it would be our intention to come back to this.

Mr. McCAIN. Further reserving my right to object, we have just established 35 votes, which is sufficient to sustain a Presidential veto, which has been threatened on this bill. I hope it will motivate the other side to engage in a meaningful negotiation, which has not happened so far, so that we can resolve the situation.

I reiterate my commitment to remain through a series of cloture votes, if necessary, until we get this issue resolved to the satisfaction of those who are concerned about it, including the President of the United States.

Mr. MURKOWSKI. Reserving the right to object, just for clarification from the leader, the Senator from Alaska requested specifically the assurance of an up-or-down vote, and I believe the majority leader indicated a reference "in relation to." I don't want to mischaracterize the intent. I wanted to have an understanding I would be afforded an opportunity for an up-or-down vote.

Mr. DASCHLE. I will have no objection to an up-or-down vote.

Mr. LOTT. Reserving the right to object, and I will not object, I want to say that I appreciate the majority leader's comments about the need for us to have a serious effort to find a compromise on this issue that is still pending on the Transportation bill. I thank him for the assurances given to Senator MURKOWSKI.

As I understand it now, we will go to the Iran-Libya Sanctions Act and have 60 minutes on that bill. Senator MURKOWSKI will have his time, and we will go to final passage. Then after some debate time, we will have one or two votes on nominees. Did the Senator clarify that?

Mr. DASCHLE. Mr. President, in answer to the Republican leader's question, the answer is, we would provide for the debate allotted under the unanimous consent that we were able to arrive at last night. In regard to the Horn nomination and the nomination for the Administrator of the SBA, in both cases, as I understand it, rollcalls have been requested. So it is my intention that we would have debate on the two nominees and then the votes on those yet tonight. Then we will revert back to Transportation.

Mr. LOTT. I thank the Senator. Further reserving the right to object, I know there are strong feelings on the question of the U.S.-Mexican truck crossing at the border, a lot of ramifications, and making sure it is NAFTA compliant, and making sure the trucks come into the country in a safe way after being inspected. I understand all of that.

This is an appropriations bill and this language should not even be on this bill. Clearly, though, this can be resolved.

While everybody is in a position of wanting to get dug in, let me point out that this issue could go on for days. It is really not necessary. I have never seen an issue that is more clearly in the realm of having an agreement worked out. We ought to do it. I urge both sides to do their very best to accomplish that.

I thank Senator DASCHLE for giving these answers. I withdraw my reservation.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, and I shall not, I wanted to inform the majority leader that the proposition of discussions about the Murray language, in my judgment, should not just be among those who support the language and those who wish to weaken it. Others wish to strengthen it. While there is a disagreement on this issue, it is not just on one side. I hope if discussions ensue in the coming hours on this subject, they include those of us who believe the Murray language is not strong enough.

Mr. DASCHLE. Mr. President, I say to Senator DORGAN that I don't think we ought to exclude anybody. Clearly, no one has devoted more time to the issue and has been more eloquent on the floor with regard to safety and the importance of recognizing the issue of safety than Senator DORGAN. Senator MURRAY has accommodated everybody, and I know in these discussions that would be her intent as well. I appreciate the Senator's interest in being involved in these discussions. I want to say that we hope to include anybody that has an interest in it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ILSA EXTENSION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill, S. 1218, by title.

The assistant legislative clerk read as follows:

A bill (S. 1218) to extend the authorities of the Iran and Libya Sanctions Act 1996 until 2006.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Mr. SARBANES. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is beginning consideration of S. 1218. The Senator from Maryland controls 30 minutes; the Senator from Texas controls another 30 minutes.

Mr. SARBANES. Mr. President, I thought I would make a very short opening statement. Senator MURKOWSKI is here and wants to launch into the debate of his amendment. We want to move along, and I am hopeful we will be able to yield back a considerable amount of time on the bill itself and time with respect to the Murkowski amendment. Altogether, there is 2½ hours allotted for all of that: 1 hour on the bill and 1½ hours on the Murkowski amendment.

Mr. SCHUMER. Will the Senator yield?

Mr. SARBANES. I yield.

Mr. SCHUMER. Mr. President, I ask that after the Senator speaks, I be recognized for a short period of time before we begin the discussion of Senator MURKOWSKI's amendment.

Mr. SARBANES. Fine. I will hold my time down because I do want to get to the Murkowski amendment and the Senator from Alaska is in the vicinity.

Mr. President, I rise in strong support of S. 1218, the renewal authorization legislation for the Iran-Libya Sanctions Act, commonly known as ILSA. This legislation was reported favorably out of the Committee on Banking, Housing, and Urban Affairs by a vote of 19–2. We made some modifications. Therefore, a committee print served as the vehicle for the committee markup, but this committee print paralleled closely with the renewal legislation introduced by Senator SCHUMER of New York and Senator SMITH of Oregon which garnered 79 cosponsors.

I am including in the RECORD the full list of the 79 cosponsors. I ask unanimous consent that the list be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. Mr. President, I especially thank Senators SCHUMER and SMITH for their leadership on this issue. We are very appreciative of the very vigorous effort they mounted with respect to this issue. The existing ILSA legislation expires on August 5 of this year. Therefore, we need to move quickly to approve this legislation. This will extend ILSA for another 5 years. It will lower the threshold for foreign investment in the Libyan energy sector from $40 million to $20 million to trigger sanctions. That puts Libya on a par with Iran at the existing requirement, and it closes a loophole in the existing legislation making it clear that modification or addition to an existing contract would be treated as a new contract for purposes of evaluating whether such amendment or modification would invoke the sanctions. There has been a loophole with respect to companies operating in Libya, and we need to address that.

With respect to the Iran portion of ILSA I wish I could come to the Chamber and report there has been a significant change in Iranian conduct that warrants a response from the Congress in terms of when we consider whether to extend these sanctions forward. Unfortunately, Iran's support for terrorism continues unabated. The latest State Department Report on Patterns of Global Terrorism 2000 states:

> Iran remains the most active state sponsor of terrorism in 2000. Its revolutionary guard corps, the IRGC, and the Ministry of Intelligence and Security, MOIS, continue to be involved in the planning and execution of terrorist acts and continue to support a variety of groups that use terrorism to pursue their goals.

Iran is also stepping up efforts to acquire weapons of mass destruction. The latest unclassified CIA report to Congress on worldwide weapons of mass destruction acquisition notes:

> Iran remains one of the most active countries seeking to acquire weapons of mass destruction and advanced chemical weapons technology from abroad. In doing so, Iran is attempting to develop an indigenous capability to produce various types of weapons—chemical, biological, and nuclear—and their delivery systems.

In June of this year, when the Justice Department handed down indictments in the Khobar Towers bombing case, a case in which 19 of our airmen in Saudi Arabia were killed in 1996, the Attorney General stated publicly that Iranian officials "inspired, supported, and supervised members of Saudi Hezbollah," which is the group that carried out the attack.

As for Libya, very briefly, it has fulfilled only one aspect of the U.N. Security Council resolutions relating to the Pan Am 103 bombing; namely, the handing over of the suspects for trial. Libya has not fulfilled the requirement to pay compensation to the families of the victims, to accept responsibility for the actions of its intelligence officers, and to renounce fully international terrorism.

In fact, President Bush on April 19 of this year stated:

> We have made it clear to the Libyans that sanctions will remain until such time as they not only compensate for the bombing of the aircraft, but also admit their guilt and express remorse.

Because Iran and Libya have not clearly fulfilled the requirements of ILSA, I believe that not to extend ILSA for a full 5 years would send the wrong signal. Failure to do so would be seen as a sign of lack of resolve on the part of the United States.

I also believe that placing Libya on a par with Iran with regard to ILSA's conditions sends a strong signal to Libyan leader Qadhafi that the pressure will be kept on until he fulfills all relevant U.N. Security Council resolutions concerning the bombing of Pan Am Flight 103, which I remind my colleagues killed 270 people, including 189 Americans.

This legislation had overwhelming support in the committee in being brought before the Senate. It has been endorsed by a clear majority—a very substantial majority—of Members of this body, and I urge my colleagues to support the legislation.

I yield the floor.

EXHIBIT 1

ILSA COSPONSORS

Senators Schumer, Smith (OR), Hollings, Rockefeller, Reed, Levin, Durbin, Carnahan, Johnson, Gregg, Cleland, Campbell, Murray, Allard, Mikulski, Ensign, Collins, Bob Smith, Lieberman, Harry Reid.

Senators Corzine, Sessions, Kyl, McConnell, Boxer, Santorum, Shelby, Voinovich, Breaux, Torricelli, Clinton, Stabenow, Harkin, Kohl, Daschle, Bob Graham, Inouye, Thomas, Helms, Brownback.

Senators Feinstein, Kennedy, Grassley, Craig, Warner, Biden, Bingaman, McCain, Sarbanes, Bennett, Wyden, Hutchinson, Bunning, Dorgan, Crapo, Bill Nelson, Edwards, Kerry, Hatch, Lott.

Senators Cochran, Frist, Akaka, Conrad, Bayh, Dayton, Allen, Snowe, Miller, Wellstone, Landrieu, Dodd, Cantwell, Ben Nelson, Leahy, Bond, Lincoln, DeWine, and Murkowski.

Mr. SARBANES. I yield 7 minutes to the Senator from New York, after which it is the intention we go to the amendment of the Senator from Alaska.

The PRESIDING OFFICER (Mr. REED). The Senator from New York is recognized.

Mr. SCHUMER. I thank the Chair, and I thank the chairman of our Banking Committee, the Senator from Maryland, for bringing this matter to the Chamber with such alacrity. I thank him on behalf of Senator SMITH and myself who have been the lead sponsors of this legislation, as well as the 78, now 79, cosponsors.

As has been said, time is of the essence. With the original ILSA law set to expire on August 5, the Senate needs to swiftly pass this bill to get our version approved by the House and then over to the President for his signature within the next 10 days. I again thank Senator SMITH for working so hard with me on bringing this bill forward so quickly. It is a bipartisan bill. We have garnered 79 cosponsors and the support of both the chairman of the Banking Committee, as you just heard, and most of the membership of the Banking Committee as well.

Mr. President, I rise today to urge my colleagues to support the Iran and Libya Sanctions Extension Act of 2001, a bill originally introduced by Senator GORDON SMITH and me, currently supported by 79 cosponsors.

Time is of the essence. With the original ILSA law set to expire on August 5, the Senate needs to swiftly pass this bill, get our version approved by the House, and then over to President Bush for his signature within the next 10 days.

I know time for debate is limited, but I just want to say a few words in support of this important bill which extends U.S. sanctions against foreign companies which invest in Iran and Libya's oil sector for five more years.

First, I would like to thank Senator SMITH for his invaluable leadership on this bill. I would also like to thank Senator SARBANES for giving this bill his utmost consideration and following through with a hearings and markup schedule which got the bill reported out of the Banking Committee last week on a 19–2 vote.

Everyone in Congress is well acquainted with ILSA; it passed unanimously in both Houses in 1996.

And today it is vitally important for Congress to once again speak out loudly and strongly in support of maintaining a hard line on two of the world's most dangerous outlaw states.

In fact, the argument in support of reauthorizing ILSA for another five years is a very simple one: over the past five years, Iran and Libya have done nothing to show they should be welcomed into the community of nations and benefit from better relationships with the United States and our allies.

Quite the contrary.

Despite the election of so-called "moderate" President Mohammad Khatami in 1997, Iran remains the world's most active state sponsor of terrorism, and has been feverishly seeking to develop weapons of mass destruction.

Just last month, a U.S. Federal grand jury found that Iranian government officials "supported and directed" the Hezbollah terrorists who blew up Khobar Towers in Saudi Arabia in 1996, an act which killed 19 brave American servicemen.

And Iran proudly supports the Hamas terrorist group, whose most recent claim to fame was sending a suicide bomber into a crowded disco in Tel Aviv killing 21 Israeli teenagers.

As far as Libya is concerned, we recently learned beyond a doubt that the Libyan government was directly involved in the bombing of Pan Am 103—

one of the most heinous acts of terrorism in history.

Yet Libya still refuses to abide by U.N. resolutions requiring it to renounce terrorism, accept responsibility for the Libyan officials convicted of masterminding the bombing, and compensate the victims' families.

These actions by Iran and Libya are not actions worthy of American concessions. They are actions worthy of America's most supreme outrage, and worthy of U.S. policy that does everything possible to isolate these nations in hopes of preventing them from doing further harm to America and our allies.

Some in the Administration argue that the United States should lift or ease sanctions on rogue states like Iran and Libya first, and decent, moral, internationally-acceptable behavior will follow.

I say that is twisted logic.

If these states are serious about entering the community of nations, and seeing their economies benefit from global integration, they must change their behavior first.

They must adapt to the world community, the world community should not adapt to them.

I have spoken to people on all sides of the issue of sanctions, particularly with respect to sanctions on Iran. And even those most opposed to sanctions on Iran cannot tell me any viable alternative to ILSA.

The idea that United States concessions to Iran through ending or watering down ILSA would bring about change for the better in Iran, and moderation in its foreign policies, is not simply misplaced speculation, it would be prohibitively dangerous policy.

An Iran emboldened and enabled by billions more in foreign investment leading to hundreds of millions more in oil profits would simply mean a more potent threat to America and our allies. Plain and simple.

The truth is ILSA has been very harmful to Iran—over the past five years, the threat of sanctions has successfully dissuaded billions in foreign investment, causing the Iranian government to invest in its own oil fields rather than in terrorism and weapons programs.

In fact, since ILSA was enacted, Iran has promoted more than 55 foreign investment opportunities in its energy sector and landed only eight contracts worth a total of roughly $2.5 billion—earning Iran barely half of what its tiny Persian Gulf neighbor, Qatar, netted in foreign investment during the same period.

With ILSA firmly in place, Iran cannot hope to fulfill its goal of attaining $60 billion in foreign investment over the next decade which it needs to rehabilitate and modernize its oil sector.

But ILSA is not simply about harming Iran and Libya's ability to do business and accrue greater oil revenues. It is about American leadership in the world in doing what's right.

Mr. President, the United States stands in the international community as a beacon of freedom—a beacon of what's right. Our great nation is about much more than economic might. It is about moral leadership, and combating those who wish to vanquish the principles of liberty and freedom which Americans have fought and died over the centuries to uphold.

An overwhelming vote today in support of ILSA reauthorization will send a strong signal that the United States is not prepared to relinquish the moral high ground when it comes to dealing with the worst renegade states—those who wish to disrupt our way of life.

Although some of the administration would like to water down ILSA, a veto-proof vote here in the Senate today would say to the Administration and the world that sanctions against the world's worst rogue states will remain firmly in place.

After all, the alternative is unthinkable: What would the international community think should the world's greatest power relax sanctions on two rogue states that have shown themselves to be so outside the family of nations, and engaged in some of the most dastardly acts the world has ever seen?

Mr. President, don't get me wrong, I fully support the Bush administration's desire to review U.S. sanctions policies to make sure they are working effectively.

But ILSA is as close as we have come to a perfect sanctions regime. First, it is highly flexible: It grants the President full waiver authority on a case-by-case basis, and it contains a menu of sanctions options ranging from a slap on the wrist, to more serious economic retaliation.

Second, its sunset provisions are profoundly reasonable: Libya needs to simply own up to its responsibility for Pan Am 103; Iran simply needs to stop its support for international terrorism and end its obsessive quest for weapons of mass destruction.

So for those who argue for eliminating or weakening ILSA, I say this: Only two states can eliminate the need for ILSA, Iran and Libya.

For Iran that means an unconditional end to its support of international terrorism, and its dangerous quest for catastrophic weapons. Let Iran prove it is moderate before America rewards it.

For Libya, it means full acceptance of responsibility for the Pan Am 103 bombing, and full compensation for the families of the victims.

If the day arrives that Iran and Libya fulfill these reasonable international obligations, ILSA will no longer be needed and it will be terminated.

Unfortunately, that day is not yet in sight.

I urge my colleagues, in the strongest possible terms, to vote yes for ILSA reauthorization.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Mr. President, I will yield 5 minutes to the Senator from Massachusetts. I thank the Senator from Alaska for his courtesy. I say to other colleagues who want to speak on the bill itself, we will still reserve some time and they can speak later, but Senator MURKOWSKI has been waiting for quite a while to bring up his amendment. I yield 5 minutes to Senator KENNEDY, and then I assure the Senator from Alaska, we will go to his amendment.

Mr. MURKOWSKI. I am happy to accommodate Senator KENNEDY.

Mr. KENNEDY. Mr. President, I thank the Senator from Alaska for his courtesy. I will take just a moment. I know I speak for the 13 families from Massachusetts who lost loved ones; and they continue to be strongly supportive of this legislation. I thank the Senator from Maryland for all of his work and for his timeless energetic leadership on this extremely important issue.

We are reminded every day that we live in a dangerous world. As a member of the Committee on Armed Services, we have been listening to the proposal of the administration about anti-ballistic missile systems. We have been watching the leaders of the great industrial nations meeting in Europe. We have seen President Bush and President Putin meeting to talk about nuclear weapons.

As a member of the Committee on Armed Services, all of us are convinced the great threat to the United States is in the form of terrorism: nuclear proliferation, bioterrorism, computer terrorism, but it is terrorism. That is the principal threat to the safety and security of the people of the United States and our allies.

We are relentless in dealing with the state of terrorism around the world. We spend a great deal of money doing that. The best way we can deal with the issue of terrorism is to show persistence, consistency, and as much tough-mindedness as the terrorists. The way to do that is to not forget and not forgive the brutal attacks and killings and assassinations of the Americans and citizens of 22 other countries in the Pan Am 103 disaster.

Members of Congress, and those who talk about wanting to deal with terrorism, ought to be here every single day. Unless we are going to be persistent and unless we are going to be tough-minded and unless we are going to deal with this and demonstrate to the world we are serious about dealing with the problems of state-sponsored terrorism, no matter how much we are going to spend on ballistic systems, no matter how much we will spend on the nonproliferation of weapons, how much we spend on intelligence, it will undermine our effectiveness.

The matter before the Senate sends a clear message, that we have not forgotten about state-sponsored terrorism in Libya. It is as clear as that.

According to the State Department, Iran continues to be "the most active state sponsor of terrorism." Sanctions should continue on that nation.

There is also a compelling foreign policy rationale for extending sanctions on Libya. Easing sanctions on Libya by allowing the law to expire would have a far-reaching negative effect on the battle against international terrorism and the 12-year pursuit of justice for the 270 victims of the bombing of Pan Am flight 103.

Current law requires the President to impose at least two out of six sanctions on foreign companies that invest more than $40 million in one year in Libya's energy sector. The President may waive the sanctions on the ground that doing so is important to the U.S. national interest. For Libya, the law terminates if the President determines that Libya has fulfilled the requirements of all U.N. resolutions relating to the 1988 bombing of Pan Am flight 103. Those conditions, which were imposed by the international community, require the Government of Libya to accept responsibility for the actions of its intelligence officer, disclose information about its involvement in the bombing, provide appropriate compensation for the families of the victims of Pan Am flight 103, and fully renounce international terrorism.

President Bush has emphasized his support for these conditions. As he stated on April 19, "We've made it clear to the Libyans that sanctions will remain until such time as they not only compensate for the bombing of the aircraft, but also admit their guilt and express remorse." Yet the Government of Libya continues to refuse to meet the conditions of the international community. Until it does, both the United States and the international community should continue to impose sanctions on the regime.

Despite the conventional wisdom that economic sanctions do not work, they have been effective in the case of Libya. As a result of the United Nations sanctions, the U.S. sanctions, and diplomatic pressure, the Libyan Government finally agreed in 1999 to a trial by a Scottish court sitting in the Netherlands of two Libyans indicted for the bombing. Last January 31, one of the defendants, a Libyan intelligence agent, was convicted of murder for that atrocity.

The court's decision clearly implicated the Libyan Government. The conviction was a significant diplomatic and legal victory for the world community, for our nation, which was the real target of the terrorist attack, and for the families of the victims of Pan Am flight 103.

The Iran Libya Sanctions Act is also intended to help level the playing field for American companies, which have been prohibited from investing in Libya by a Presidential order issued by President Reagan in 1986. The statute enacted in 1996 imposed sanctions on foreign companies that invest more than $40 million in any year in the Libyan energy sector. The objective of the 1996 law is to create a disincentive for foreign companies to invest in Libya and help ensure that Amercian firms are not disadvantaged by the U.S. sanctions. Since the sanctions on U.S. firms will continue, it is essential to extend the sanctions on foreign firms as well.

The administration has indicated that it has no evidence of violations of the law by foreign companies. But some foreign companies are clearly poised to invest substantially in the Libyan petroleum sector, in violation of the law. A German company, Wintershall, is reportedly considering investing hundreds of millions of dollars in the Libyan oil industry in violation of the law.

Allowing current law to lapse before the conditions specified by the international community are met would give a green light to foreign companies to invest in Libya, putting American companies at a clear disadvantage. It would reward the leader of Libya, Colonel Qadhafi, for his continuing refusal to comply with the U.N. resolutions. It would set an unwise precedent of disregard for U.N. Security Council Resolutions. It would undermine our ongoing diplomatic efforts in the Security Council to prevent the international sanctions from being permanently lifted until Libya complies with the U.N. conditions. And it would prematurely signal a warming in U.S.-Libyan relations.

Our European allies would undoubtedly welcome the expiration of the U.S. sanctions. European companies are eager to increase their investments in Libya, but they do not want to be sanctioned by the United States. They are ready to close the book on the bombing of Pan Am flight 103, and open a new chapter in relations with Libya.

But the pursuit of justice is not only for American citizens. Citizens of 22 countries were murdered on Pan Am flight 103, including citizens of many of our allies. The current sanctions were enacted on behalf of these citizens as well. Our government should be actively working to persuade European countries that it is premature to rehabilitate Libya.

I am especially pleased that two modifications to the Libya section make by the House International Relations Committee are included in this legislation. I commend Chairman SARBANES for his leadership by including these provisions in his mark.

The first modification reduces the threshold for a violation in Libya from $40 million to $20 million. Under current law, a foreign company can invest $40 million in Libya before sanctions kick in, but it can only invest $20 million in Iran. When the law was originally drafted, the threshold for both Iran and Libya was $40 million. When it was reduced for Iran, it was not reduced for Libya. It should have been. The threshold for a violation should be $20 million for both Iran and Libya.

The other modification closes a loophole in the law that allows oil companies to expand upon contracts that were signed before the current law was enacted. A number of companies which signed contracts before ILSA became law are expanding their operations, such as by developing fields adjacent to those in which they made their original investment, and calling this expansion a part of the original contract.

The law should cover modifications to existing contracts and agreements. Even if the original contract pre-dates ILSA, subsequent investments that expand operations should be treated as a new contract. This point should be clarified in the law, and the administration should aggressively seek the information necessary to enforce it.

I ask unanimous consent that a letter written by the President of the Victims of Pan Am Flight 103, Inc. asking the Congress to make these modifications to existing law be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VICTIMS OF PAN AM FLIGHT 103, INC.,
Cherry Hill, NJ, 23 May, 2001.

Subject: Iran-Libya Sanctions Act.

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: The members of our organization, the Victims of Pan Am Flight 103, Inc. urge you to vote to extend the Iran-Libya Sanctions Act

The Scottish court in the Netherlands convicted a Libyan intelligence agent, Abdel Basset al-Megrahi, of the murder of 270 innocents on Pan Am flight 103. The judges also found that Megrahi was acting "in furtherance of the purposes of Libyan Intelligence". Within a few hours, President Bush declared on CNN, to the world, that the Scottish Court's decision proved the Libyan government was responsible for the murders of our loved ones.

U.N. Security Council resolutions 731 and 748 require that Libya turn over the suspects for trial, cooperate in the international investigation, pay appropriate compensation to the families and end support of international terrorism. The Libyan Regime must be made to comply fully with the UN Resolutions.

Allowing ILSA to lapse would undermine President Bush's statements the day of the verdict, the intent of the UN Security Council's resolutions and give tacit approval to Quadhafi's flagrant disregard for international law and human life. It would, in effect, reward Libya's murderous actions and stonewalling. It would declare open season on Americans.

We ask that you support two changes to the law. The first would reduce the threshold for a violation from $40 million to $20 million. The threshold for a violation for investment in Iran is $20 million. There is no compelling reason why the threshold for investment in Libya should not be the same.

The second change would close a loophole in the law that enables oil companies to expand existing contracts and avoid being examined for violations. We understand that a number of European companies which signed pre-ILSA contracts are expanding operations by, for example, developing fields adjacent to the fields in which they had their original investment and portraying this expansion as part of the original contract. Our organization believes such investment should always be investigated for ILSA violations. Even if the original contract pre-dates ILSA, any post-ILSA investment, no matter how large or remote from the original contract, should be treated as the entry of a new contract and investigated for an ILSA violation.

We respectfully suggest that if ILSA is not renewed, the United States will have failed in one of the most important challenges it faced in the 2nd half of the twentieth century.

Our organization strongly supports an extension of ILSA, which has worked well to deter significant new investment in the Libyan oil sector and look forward to working with you toward that extension.

Sincerely,

ROBERT G. MONETTI,
President.

Mr. KENNEDY. These families, as all families, are enormously important. Many have been out there at Arlington and had Presidents of the United States meet with them. Many have followed closely the developments that have taken place regarding the trial. Many of us have spent a good deal of time with these families. If we are going to keep faith with these families, if we are going to be serious about dealing with State-sponsored terrorism, if we are going to at least be able to have some impact on countries that may be thinking a little bit about sponsoring some terrorism around—if they know the United States is going to continue to lead the world in not forgetting and not forgiving State-sponsored terrorism, it may make some difference and it may result in the saving of American lives. It certainly can help move us so hopefully someday we get a sense of justice out of the loss of lives as we know them in the Pan Am 103 tragedy.

Extending the law that requires sanctions on foreign companies that invest in Libya for another five years is in both the security interest of the United States and the security interest of the international community. Profits in Libya should not come at the expense of progress against international terrorism and justice for the families of the victims of Pan Am flight 103.

Seventy-eight Members of the Senate have cosponsored legislation to extend the Iran Libya Sanctions Act for five years, and S. 1218 was approved by a vote of 19-2 by the Senate Banking Committee.

I urge my colleagues to approve this legislation without delay.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the floor manager, my good friend, Senator SARBANES, and Senator KENNEDY.

First, let me speak to the underlying bill. I very much appreciate the leadership bringing it up at this time. The bill before the Senate, as I understand it, has only one cosponsor, Senator SARBANES, the chairman of the Banking Committee, which reported this as an original bill. However, there are 79 cosponsors of the underlying bill sponsored by Senators SMITH and SCHUMER. I want the record to note I am on that bill.

Mr. SARBANES. Will the Senator yield on that point?

Mr. MURKOWSKI. It is of no consequence to me, but I think it is——

Mr. SARBANES. It is important. The list of cosponsors was sent to the desk and the Senator is included in the list. The reason the bill came out of the committee this way, when you do a committee print, is that is how it had to be presented. We did a committee print instead of the original bill that was introduced because there were some relatively minor changes that were made, and we laid down a committee bill, as it were, for markup purposes.

Mr. MURKOWSKI. I certainly understand and appreciate that. I just wanted the record to note why I was not seen as a cosponsor on it. Obviously, not being a member of the committee, and understanding the intention of the chairman—as former chairman, I understand the procedure and I do not take issue with it. But I wanted the record to note, as the floor manager indicated, my support of the bill.

Mr. SARBANES. I thank the Senator.

AMENDMENT NO. 1154

Mr. MURKOWSKI. I rise on an issue of grave concern. Clearly, I stand with my colleagues and those who have spoken on the justification of extending the sanctions timeframe for another 5 years on both Iran and Libya.

I hope the Chair will notice that there is another country that is excluded from this list, and that is Iraq. The presumption is that it is taken care of under the U.N. sanctions.

I have come to this floor to speak of inconsistencies before in our foreign and energy policy. I come today to address an inconsistency in relationship to what this particular bill addresses. It addresses the attitude prevailing in the Senate that we are going to stand against terrorism.

Clearly and appropriately that attitude should be directed to Iran and Libya. But the same moral question is applicable to our relationship with Iraq. I am not going to go into great detail on the prevailing attitude in Iraq with regard to terrorists, but I think the prevailing attitude of Saddam Hussein is known to all Members—his continued criticism of Israel. I think it is fair to say he concludes almost every address with the words "death to Israel," or quotes to that effect.

I am not going to stand here and take a contrary position on the issue of condemning those that foster terrorism, Iran and Libya, which this amendment addresses, and an extension of the sanctions for another five years. But I do want to raise awareness of an inconsistency here. I am referring, of course, to our growing dependence on imported petroleum from Iraq.

Let me show the reality of what is happening in this country. I know many Members have, since the price of gasoline has gone down, an indifferent attitude that the question of our national security has had little impact on this debate. But I think it has every relevance to this debate because our national security is threatened by our escalating dependence on foreign imports. You have to separate energy sources. You have to separate the energy that comes from our conventional sources, whether they be nuclear, hydro, natural gas, wind alternative—from oil because oil moves America. Oil moves the world. You do not generate much electricity with oil, but you move everything and everybody. We are becoming more dependent on imported oil, particularly from disturbing sources.

Many in this body will remember in 1973 we had the Yom Kippur war. We had gas lines around the block in this country. We were 37-percent dependent on imported oil.

The public was outraged. How could this happen? We created a Strategic Petroleum Reserve. We said this country will never ever approach or exceed 50-percent dependence on imported oil. We are 56-percent dependent now. The Department of Energy has indicated we are going to be 66-percent dependent by the year 2010, approximately 65-percent dependent in the year 2008.

This dependence is very real and there is no relief in sight. I want to make it again clear I support this underlying bill. There is no justification in my mind for allowing the Iran-Libya Sanction Act to lapse. I have talked to many people, many interest groups on this subject. But I want to go on record to recognize that we have not imported more than a drop of oil from Iran in 20 years or, for that matter, Libya.

On the other hand, do you have any idea what we are importing from Iraq today? You should, because it is a million barrels a day. Yet Iraq is not included in these sanctions.

I am not going to go into the reason, but I am going to point out the obvious. This chart was made not so very long ago, when we were importing

750,000 barrels a day. Now this figure should read 1 million barrels a day; the Persian Gulf, 2.3 million; OPEC, 5 million barrels a day.

Make no mistake about it, OPEC is a cartel. Cartels are illegal in the United States. They are antitrust violations. But we have become addicted to oil. We don't produce enough in this country. We are increasing our dependence and also, if you will, compromising our national security. What did we see as late as 3½ weeks ago? Our friend Saddam Hussein, in a beef with the United Nations, decided to curtail his production. He took 2½ million barrels a day off the world market. We were led to believe OPEC would increase production 2½ million barrels a day and there would be no shortage. That didn't happen. Saddam Hussein curtailed for a month 2½ million barrels a day. A little over 60 million barrels didn't get to the market. OPEC didn't increase the production. The price stabilized. It went up a little bit.

Make no mistake about it, blood is thicker than water, if I can use that expression, in the sense of OPEC making a determination that while the United States is one of their largest customers, they also had an obligation to respond to what Saddam Hussein was attempting to do; that was to get more flexibility from the U.N.

I go into this in some detail because I don't think my colleagues or the American public really understand the significance of what this means to the national security of this country.

When we take his oil, he takes our money. We gave Saddam Hussein $6 billion last year alone for the purchase of oil. What does he do with that money? He pays his Republican Guard to take care of his safety and other personal needs. He develops a missile capability, a delivery capability, and a biological capability. At whom does he aim it? He aims it at our ally, Israel.

I don't know about you, Mr. President, but that bothers me. It shows a grave inconsistency in our foreign policy.

Mr. President, my amendment attempts to address that by requiring that we terminate our purchase of oil from Iraq.

What does that mean? If I were to spill this water on this desk, it would spill to all four corners of the desk. That is the way the oil market works. There is so much oil out in the world, and there is so much consumption. If we choose not to buy —when I say "we," I am talking about America's oil companies—from Iraq, that will relieve Iraq of oil to be purchased by somebody else, and that somebody else can relieve their purchaser. So we can basically purchase the oil from someone other than Iraq. But obviously Iraq has it for sale. The terms are probably favorable in the competitive market.

I am not going to go too far down that pipeline other than to suggest that we don't necessarily short ourselves a million barrels a day if we don't buy our oil from Iraq. There are other places to buy that oil.

But I want to remind the American people that since the end of the Gulf War in 1991 we have enforced a no-fly zone, flying over 250,000 sorties. Those sorties have specifically been initiated to prevent Saddam Hussein from threatening our allies in the region. Every time we fly a sortie, we are putting American men and women in harm's way, because he attempts to take down our aircraft.

It is pretty hard to get an estimate of how much we have expended to keep Saddam Hussein in his box since the 1990 invasion of Kuwait. It has been estimated, as near as we can determine, that it is some $50 billion.

That war was in early 1991. Saddam invaded Kuwait in the summer of 1990. What was his objective? We know the war was, at least in part, over oil. His objective was to go through Kuwait, and then on into Saudi Arabia, and control the world's supply of oil—the life's-blood of the world.

Every day we place our service men and women in harm's way. We lost 147 American lives, we had 450 American wounded and 23 American prisoners of war in the 1991 Gulf War.

I said this before on this floor. I think I have it right. We take Iraqi oil, we put it in our airplanes, and send our pilots to go after Iraqi artillery and return to fill up with Iraqi oil again.

Mind you, there is a sanctions bill on the floor against Iran, and sanctions against Libya. Where is Iraq? Some say that is covered by the U.N. sanctions. Come on, let's not kid each other. We know he is black-marketing a significant amount of oil outside the sanctions because we have no enforcement of the sanctions. The U.N. doesn't have ready access to his country, and only limited control over what he does with the money. We know he is not taking care of the needs of his people with the money he gets from oil sales.

Again, through this entire presentation, I appeal as we consider the bill before us, where is Iraq? Why aren't we initiating meaningful sanctions against Iraq at the same time?

Last week, Iraq fired a surface-to-air missile into Kuwait airspace for the first time since the 1991 Gulf War. The missile was aimed at a United States unarmed surveillance aircraft on routine patrol several miles inside the Kuwait border with Iraq. That is reality. But it is hardly makes the newspaper. It is not news anymore. We take it for granted.

Saddam Hussein is heating our homes in the winter, gets our kids to school each day, gets our food from the farm to the dinner table, and of course we pay him to do that.

What does he do with the money he gets for the oil? As I indicated, he pays his Republican Guard to keep him alive. He also supports international terrorist activities. We have heard from our colleagues regarding Iran and Libya. I agree with them. This issue on Iran and Libya is a moral stance against those countries that foster terrorism. But again, where do we stand on Iraq? Saddam funds a military campaign against American service men and women and against those of our allies. He builds an arsenal of weapons of mass destruction. The threat is real to our men and women and our allies in the Persian Gulf.

You may recall, as I do, the hundreds of Kuwaitis who remain unaccounted for since the Gulf War and who were kidnapped from Kuwait on Saddam's retreat in 1991. Hundreds of thousands of Iraqi lives have been lost. Countless Iraqis are suffering due to Saddam's continuing tyranny.

I find this extraordinary. I find it outrageous that the Senate has been silent. We seem to have our heads buried in the sand. We are all for extending unilateral sanctions against Iran and Libya, but where is Iraq? What is different here? Is it because of our increased dependence on his oil? How did we allow ourselves to get into such a situation?

For a number of years the United States has worked closely with the United Nations on the Oil for Food Program.

The program allows Iraq to export petroleum in exchange for funds which can be used for food, medicine, and other humanitarian products. But despite more than $15 billion available for these purposes, Iraq has spent only a fraction of that amount for the people's needs. Instead, the Iraqi Government spends the money on items of questionable and often suspicious purposes. Why?

Why, when billions are available to care for the Iraqi people, who are malnourished—some of them are sick; some of them have inadequate health care—would Saddam Hussein withhold the money available and choose, instead, to blame the United States for the plight of his people? He does.

Why is Iraq reducing the amount it spends on nutrition and prenatal care when millions of dollars are available from the sale of oil?

Why does $200 million worth of medicine from the U.N. sit undistributed in Iraqi warehouses?

Why, given the urgent state of humanitarian conditions in Iraq, does Saddam Hussein insist that the country's highest priority is the development of sophisticated telecommunications and transportation infrastructure?

Why, if there are billions available, and his people are starving, is Iraq only buying $8 million worth of food from American farmers each year?

I do not personally have a quarrel with the Oil For Food Program. It is well-intentioned. I do, however, have a problem with letting Saddam Hussein manipulate our growing dependency on Iraqi oil.

Where are we on this issue? We are silent. Three times since the beginning of the Oil For Food Program, Saddam Hussein has threatened or actually halted oil production, disrupting energy markets, and sending oil prices skyrocketing. Why?

Why does he do this? He does it to send a message to the United States. Do you know what the message is? The message is: I have leverage over you. And by the indication of our increased imports, as I indicated, the figure is one million barrels a day now. It seems he is pretty much right on target there.

Every time he has done this, he has had his way. We have proven ourselves addicted to Iraqi oil. Saddam has been proven right: He does have leverage over us.

Last month, in a display of displeasure over U.S. attempts to revise the sanctions regime, as I indicated, he withdrew 2.5 million barrels a day from the market for 30 days. OPEC did not make it up. Now we are importing over a million barrels a day. Ten percent of our oil imports come directly from Saddam Hussein.

Am I missing something? Is this really acceptable to this body? We have placed our energy security in the hands of this individual.

The administration has valiantly attempted to reconstruct a sensible, multilateral policy towards Iraq. Attempts have, unfortunately, not been successful. I think that before we can construct a sensible U.S. policy towards Iraq, we need to end the blatant inconsistency between our energy policy and our foreign policy. We need to get our heads out of the sand. We need to end our addiction to Iraqi oil. We need to basically find another alternative.

To that end, in the amendment that I have at the desk, I am offering language to prohibit imports from Iraq, whether or not under the Oil For Food Program, until it is no longer inconsistent with our national security to resume those imports.

I have had a colloquy with the leadership and the floor manager, and I agreed to submit my amendment to the desk, to speak on it, and withdraw it, with the proviso that I would receive an up-or-down vote at a later time on my amendment which would prohibit the purchase of Iraqi oil into the United States until certain conditions have been filled. And that is my intention. But I think it important to point out we simply cannot ignore this inconsistency in foreign policy.

We simply cannot turn our heads and say, on one hand, we stand firm against terrorism associated with Iran and Libya and simply not mention Iraq, turn a blind eye towards our increased dependence on Iraqi sources as a supply of oil, and not make a connection somehow that if there is justification for sanctions against Iran and Libya, there certainly is justification for equivalent sanctions against Iraq.

The bill that my good friend, the senior Senator from Maryland, has proposed addresses, obviously, the issue of extending the sanctions on Iran and Libya. I support that, as I have indicated. I recognize the various interests and the number of Members who are already in favor of the underlying bill. I respect that. But I would implore our colleagues to recognize that we are on a very dangerous, slippery slope with Iraq as we simply take for granted their willingness to sell us oil, and we take for granted our continuing dependence—an increasing dependence—on that source and seem to be totally unconcerned about it.

We are legitimately concerned about Iran and Libya, but Iraq sanctions terrorism as well. Is it because we have allowed ourselves to become more dependent on Iraq? This is almost like an examination of conscience—the conscience of our country, the recognition of our national security imperatives.

My good friend from Maryland may expect me to go into a long-winded explanation of other alternatives for our increased dependence on oil. I believe that many alternatives can come domestically from the United States. However, America's environmental community that suggests we cannot do it here at home.

But that environmental community isn't concerned with the national security consequences of our increased dependence on Iraq. I think the American people are inclined to take for granted that they can go to the gas station and simply pick up the hose and put it in their automobiles. We have had occasions where individuals have said: I thought that is the way it came. I forgot all about the reality that somebody had to find it, recover it, refine it, ship it, and make it available. Do we care about the fact that so much of it is coming from Iraq—a place with which we are in a virtual state of war?

We stand against terrorism from Iran and Libya. But where do we stand on the imminent threat from Iraq?

As we again address the reality of whether Americans should care where their oil comes from, it is fair to state there seems to be little concern about how environmentally compatible the development of Saddam Hussein's oil fields are. We do not seem to care about that. It is too far away. We want his oil. We will pay for it. End of discussion.

But should we care where it comes from? Yes, we should, just as we should care very much about allowing terrorism to flourish in Iran and Libya. We should care about how we are contributing through our addiction to Iraqi oil to Saddam Hussein's campaign of terror.

We should stand against the environmental degradation that is associated with some of the exploitation of resources in other countries that ultimately are bound for the United States.

What about our economy? The greatest single contributor to the deficit balance of payments is the price of imported oil. We send our dollars overseas; we send our jobs overseas. We have the resources here at home, not to totally relieve but to a degree lessen our dependence. Do we have the fortitude to recognize the alternatives are here?

This is a message that I don't think is very complex. It is a message based on simple but indisputable facts. That reality is, we move America and we move the world on oil. We are becoming more and more committed to that oil coming from Iraq, and Iraq has more and more leverage on the United States as a consequence of that. Again, I ask myself: Where is Iraq in the bill that is before this body?

I have agreed to withdraw my amendment with the provision that the floor leadership has assured me of an up-or-down vote on my amendment at a later time. I want the administration, the State Department, and the domestic oil industry in this country that imports this oil from Iraq to get the message that I mean business. We are going to have in this body an up-or-down vote to either terminate our imports from Iraq and find our oil someplace else until such time as the administration and the President satisfies us that the inconsistencies associated with our relationship with Iraq are adequately addressed.

Iraq should be part of this bill before us. However, in accordance with my agreement with the Leadership, I will withdraw the amendment, and unless there are other Members who want to speak on this on my time, it would be my intention, if there are no others, with the agreement of the floor manager, I would consider yielding back the time.

The PRESIDING OFFICER. The clerk will report the amendment for the information of the Senate.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1154.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the United States' energy policy toward Iraq consistent with the national security policies of the United States)

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE AND FINDINGS.

(a) SHORT TITLE.—This Act can be cited as the "Iraq Petroleum Import Restriction Act of 2001".

(b) FINDINGS.—Congress finds that—

(1) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced "No-Fly Zones" in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(2) Further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, nothwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that:

(1) the United States is not engaged in active military operations in enforcing "No-Fly-Zones" in Iraq, supporting United Nations sanctions against Iraq, preventing the smuggling by of Iraqi-origin petroleum and petroleum products in violation of UNSC Resolution 986, complying with United Nations Security Council Resolution 687 by eliminating weapons of mass destruction, or otherwise preventing threatening action by Iraq against the United States or its allies; and

(2) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

SEC. 4. HUMANITARIAN INTERESTS.

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

SEC. 5. DEFINITIONS.

(a) 661 COMMITTEE.—The term "661 Committee" means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) UNSC RESOLUTION 661.—The term "UNSC Resolution 661" means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) UNSC RESOLUTION 986.—The term "UNSC Resolution 986" means United Nations Security Council Resolution 986, adopted April 14, 1995.

SEC. 6. EFFECTIVE DATE.

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

AMENDMENT NO. 1154, WITHDRAWN

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Maryland.

Mr. SARBANES. Mr. President, I wanted to take a few minutes to address some of the comments of the Senator from Alaska. We have time on the amendment. Then I would be happy to yield back the time. I assume the Senator would yield back his time on the amendment. Then we would just be left with completing the bill. If I may now be recognized to speak on the time allotted with respect to the amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I say to the Senator from Alaska, there is much in what he said. I certainly agree with his condemnation of Saddam Hussein. He asked, why isn't Iraq in this bill?

I think there are two reasons. One is, the bill was addressed to do a very simple, straightforward thing, and that was to extend the Iran-Libya sanctions. We did not undertake, either with hearings or in any other way, to examine the Iraqi situation.

Secondly, the Senator has given Members of this body a lot of food for thought with respect to the Iraq situation. Let me add a couple of observations which Members should keep in mind. This goes back to the administration's efforts now to tighten sanctions at the United Nations with respect to Iraq and the fact that the United States is part of an effort, through the U.N., to constrain Saddam Hussein.

Iraq is able to sell oil to foreign companies, including American companies, but legally only under the guidelines of the U.N. Oil For Food Program.

It is true they are bootlegging oil, and they have some middlemen at work. Of course, they are trying to tighten the regime in order to preclude those two possibilities. But the money that is being paid for the oil under the U.N. Oil For Food Program goes into a U.N.-controlled escrow account. The expenditures of that money out of the escrow account, the disbursement is subject to our review and our veto.

This is all an effort to try to ensure that the money goes in for humanitarian purposes involving the Iraqi people and not for Saddam Hussein's purposes.

The fact that we have been able to work through U.N. Security Council resolutions means that there is a program in place barring companies from making energy investments in Iraq. That is now being followed by the United States and by other countries as well. We are trying to monitor this program to alleviate the humanitarian situation and to ensure that the moneys do not go into the coffers of Saddam Hussein.

We are in a sensitive situation at the United Nations because we just got the existing sanctions regime extended. We were unable to get the sanctions regime altered, as we ran into difficulties in the end from Russia. We have to be very careful how we move on this situation so we don't risk losing the existing multilateral sanctions regime which, although not perfect, is serving a very useful purpose.

Obviously, if the U.S. companies are barred under the U.N. Oil For Food Program, other companies will fill the gap. I am more concerned about the fact that if we start playing this unilateral game on Iraq where we have multilateral sanctions in place, we may erode and undermine the multilateral sanctions.

As we consider this proposal, and as the Senator from Alaska has indicated, he anticipates it will be back before us at some future time, we have to keep in mind this very difficult situation we have at the U.N.—Secretary Powell's efforts to sharpen the sanctions and to focus them in a more direct way. I don't think we want to jeopardize that.

I think Members need to keep that in mind as we consider the Iraqi situation.

Mr. MURKOWSKI. If I may respond to the floor manager.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. I yield myself a minute or so.

It is not the intention nor the wording of my amendment to in any way alter the Oil For Food Program. That stays. My amendment does not jeopardize that. Let me make a couple of points in response.

What I wish to emphasize is our increasing dependence on this source. It is now 10 percent of the total oil that we import. The significance of that is that, as the Senator from Maryland pointed out, is that the Oil-for-food program is kind of like a sieve. There are these sanctions, but as the Senator from Maryland noted, the oil seeps out through other routes than the U.N. Unfortunately, it doesn't have an adequate safeguard.

So he is able to fund a significant amount of oil outside of the U.N. sanctions. And then the last point I want to make is that this is a unique situation. We should remind people that we are flying sorties, enforcing a no-fly zone over a country that we are allowing ourselves to become more dependent upon. I think that is very dangerous from the standpoint of national security.

Obviously, Saddam Hussein himself and his record of terrorism speaks for itself. We rightly condemn Iran and Libya for harboring and sponsoring terrorists. I think Saddam Hussein fits into that category as well. In addition, we should not forget that have a growing dependence on an individual who, at virtually every opportunity, concludes major speeches with "death to Israel."

Clearly, we are almost at war with this individual. These are the inconsistencies that need to be brought out and recognized for what they are and addressed in some responsible manner. The efforts by the Senator from Alaska to address this—first, to bring it to the body, which I have done today, and I have a commitment for an up-or-down vote from leadership, and I hope that the conscience of America reflects to some degree on each of our colleagues the fact that this is not, by any means, the best situation we could have in our foreign policy, nor our national security, by increasing dependence on this particular source. I would feel much better getting it from the OPEC nations rather than Saddam Hussein. That concludes my remarks. I thank my friend for his courtesies.

Mr. SARBANES. Has the amendment been withdrawn?

The PRESIDING OFFICER. Yes.

Mr. SARBANES. I yield back the time we had on the amendment.

Mr. MURKOWSKI. I yield back my time, too.

Mr. GRAMM. Will the Senator yield 3 minutes?

Mr. SARBANES. I think the Senator from Texas has time.

The PRESIDING OFFICER. Yes.

Mr. GRAMM. I yield myself such time as I might consume.

Mr. President, first of all, I congratulate Chairman SARBANES on this bill. This is a bipartisan bill. I think it is a good bill. I think it is justified. I am not unaware of the fact that things are happening in Iran. I continue to hope that a great country with a very proud history, with 67 million people, will have an awakening of freedom, and that Iran will rejoin the community of nations at some point. But while our committee is not unaware of the fact that there are some promising signs in Iran, the policy of the Government is still a policy that we find objectionable. Therefore, I support this bill.

If something changes in Iran, if there is a change in policy, produced either by a change in the Government or a change in the policy of the Government, I think there is strong support in our committee, in the Congress, and in the country to change the current policy. But it is up to Iran and its people as to what course they are going to follow, whether they are going to be one of the responsible nations in the world or whether they are going to support terrorism.

Let me also say that I see no sign that any similar hope is present in Libya. The bottom line is that we have to judge nations as we judge people, based on how they behave. When they behave irresponsibly, we can take note of it if we want to discourage that behavior.

I hope we will get a strong vote. I have to say that when our committee debated this issue, while there was an overwhelming vote of support, we had a very good debate. Many important points were raised, and I was quite proud of how seriously we took this issue.

I don't have any intention to use my 30 minutes. I don't know if anyone else on my side wishes to speak, so maybe for the time being I will reserve my time and see if anybody comes over. Let me conclude my remarks and see if there is anyone on the Democrat side who wants to speak. I hope my colleagues will vote for the Iran-Libya Sanctions Act. I believe that, unfortunately, it is needed. I hope things will change so that we can lift these sanctions some day, and I hope it is soon. But something has to change to make that happen.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. I will yield the Senator from Oregon as much time as he might require.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. I thank Senator GRAMM. I will be brief. Mr. President, I compliment the ranking member and the chairman of the Banking Committee for bringing this legislation to the floor. It has been my privilege to introduce it to their committee with Senator SCHUMER, the Senator from New York—a Republican and a Democrat.

Senator SCHUMER and I came together on this bill in the belief that, as America pursues its national interests abroad, we should not forget our national values at home. One of the national values that I believe we have is our commitment to the State of Israel to defend it in its existence. This is a commitment that continues today in some very troubled waters. But the truth is, if you examine the globe and try to evaluate where America could be drawn into a conflict, surely the Middle East is one of those.

Some of the actors in the Middle East, it seems to me, have made it clear in recent days that their intention is not to make peace with Israel but to eliminate Israel from the map. To that end, we see in Iran a nation that is pursuing its petroleum business in order to buy its munitions, its weapons business, to build weapons of mass destruction and the rocketry to deliver them, to engage in this deadly trade—all aimed at the State of Israel.

What can we do about that? Well, one of the things this Congress and the American people have done as an expression of our commitment is to establish the Iran-Libya Sanctions Act. We need to renew that before August 5 or it will lapse. It will now be renewed, I believe, for an additional 5 years. It is very important that we do this because, currently, Iran is giving $100 million a year to finance the activities of Hezbollah, Islamic Jihad, and Hamas. They are supplying them with the deadliest of munitions, and we are seeing their work played out on the streets of Jerusalem.

Further, now we know that Iran is proliferating all kinds of weapons of the deadliest kind. So the only peaceful means we have to respond is with our dollars and with these sanctions, which try to thwart the development of petroleum projects in Iran—by the way, they have been very effective in that interruption—the profits from which can be spent on weapons of mass destruction.

Where does Libya come in? Libya still refuses to abide by U.N. Security Council resolutions regarding Pan Am flight 103, which require that Tripoli formally renounce terrorism, accept responsibility for the actions of its Government officials convicted of masterminding the bombing, provide information about the bombing, and pay appropriate compensation to the families of the victims. Further, Libya is a prime suspect of many of the past terrorist actions that have rocked the Middle East.

ILSA threatens the imposition of economic sanctions against foreign entities investing in Iran and Libya.

Again, as we look at how effective it has been, of the 55 major petroleum projects in Iran that have sought foreign investment, I am only aware of a half dozen or so that have received foreign investment. This is the best and most peaceful way we have to respond to a buildup of weaponry that could threaten Israel's existence and draw the United States into conflict as well.

I believe ILSA has proven it works. I believe it reflects our national values, and I believe it restates in the clearest of terms our commitment to the security of Israel and its place in the world.

I am pleased over 78 of our colleagues have signed on as original cosponsors of this bill.

I thank the chairman of the committee and the ranking member for bringing it to the floor today and to a vote, I assume, very soon.

I yield back the remainder of my time.

Mr. SARBANES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 10 minutes remaining, and the Senator from Texas has 21½ minutes remaining.

Mr. SARBANES. There is a total of 31 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. SARBANES. Mr. President, I am going to put in a quorum call and alert my colleagues if there is anyone else who wishes to speak on this bill, they should let us know and come to the floor promptly. Otherwise, we will yield back all of our time and schedule this matter to go to a vote at 6:30 this evening. I will get further guidance on that, but for the moment I will put in a quorum call with the alert to other colleagues, if there is anyone else who wishes to speak on this bill, they should let us know and come at once. Otherwise, we are going to draw this debate to a close.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I join my colleagues in support of renewing the Iran-Libya Sanctions Act to protect American interests in the Middle East. Despite promising changes within Iranian society, Iran's external behavior remains provocative and destabilizing. Iran continues to aggressively foment terrorism beyond its borders and develop weapons of mass destruction as a matter of national policy. Consistent calls from its leaders for Israel's destruction, and the Iranian government's bankrolling of murderous behavior by Hezbollah, Hamas, and other terrorist groups, should make clear to all friends of peace where Iran stands, and what role it has played, in the conflagration that threatens to consume an entire region.

Nor has Iranian-sponsored terrorism targeted only our Israeli ally. According to Attorney General Ashcroft, Iranian government officials "inspired, supported, and supervised members of Saudi Hezbollah" responsible for the 1996 terrorist attack on Khobar Towers, which took the lives of 19 U.S. service men. According to former FBI Director Freeh, that chain of responsibility extends to Iran's most senior leadership.

Critics of our Iran sanctions policy make two arguments. The first is that these sanctions are ineffective. But according to the Iranian government itself, in a 1998 report to the United Nations, ILSA caused "the disruption of the country's economic system," a "decline in its gross national product," and a "reduction in international investment." As Lawrence Kaplan points out in this week's edition of The New Republic, since ILSA was enacted in 1996, Iran has promoted over 50 investment opportunities in its energy sector but has secured only eight oil contracts. Sanctions have a deterrent effect on international investors, notwithstanding the foreign policies some of their national governments pursue.

The second argument of sanctions critics is that ILSA renewal would stifle American-Iranian rapprochement, in which we hold a strategic interest. This argument would carry weight had our government not repeatedly sought to initiate an official dialogue on normalization with Iran. But our highest leaders have extended the olive branch on several occasions. Each time, the Iranian government has rejected it. In June 1998, then-Secretary of State Albright called for mutual confidence-building measures that could lead to a "road map" for normalization. The Iranian government rejected this unprecedented overture. In March 2000, Secretary Albright gave another speech in which she expressed regret for American policy towards Iran in the past, called for easing sanctions on some Iranian imports, and pledged to work to resolve outstanding claims disputes dating to the revolution. Iran's government deemed this offer insufficient to form the basis for a new dialogue. In September 2000, then-President Clinton and Secretary Albright went out of their way to attend President Khatami's speech at the United Nations an important diplomatic symbol of our interest in a new relationship. But the Iranians again balked. I ask: whose policy is static and immovable America's, with our repeated diplomatic entreaties for a more normal relationship, or Iran's, which rejects all such overtures even as it steps up the very behavior we find unacceptable?

Nor is it time for the United States to lift sanctions on Libya. The successful conclusion of the Lockerbie trial, which explicitly implicated Libya's intelligence services in the attack, does not absolve Libya of its obligations to meet fully the terms of the U.N. Security Council resolutions governing the multilateral sanctions regime against it. Libya has not done so. Libya's support for state terrorism, as certified again this year by our State Department, and its aggressive efforts to develop chemical and potentially nuclear weapons, exclude Libya from the ranks of law-abiding nations.

Lifting sanctions now on Iran and Libya would be premature and would unjustly reward their continuing hostility to basic international norms of behavior. I support extension of ILSA in the knowledge that it is not American sanctions policy but unacceptable behavior by these rogue regimes that precludes a new policy toward them at this time.

Mr. ENZI. Madam President, I rise to express my concerns about the lack of review and reporting requirements for S.1218, the reauthorization of the Iran-Libya Sanctions Act, known as, ILSA. I believe that a renewal of any sanctions law should accompany a full review and report to the Congress on the effectiveness of the sanctions policy it imposes.

First, I want to express my support for the goals of ILSA. All of us want to prevent terrorist organizations from carrying out their terrible activities and we want to stop the dangerous proliferation of weapons of mass destruction, (WMD), technology. We must work with our allies and friends to use multilateral means and pressure these entities and countries to depart from these dangerous activities and work to encourage them to behave in a manner consistent with international norms. In the case of Libya, multilateral agreement on the course of action has been largely reached. Libya must take full responsibility for the despicable terrorist act resulting in the downing of Pan Am flight 103. In the case of Iran, however, the level of multilateral agreement is less consistent, in part because Iran has made some changes, albeit very small.

The Banking Committee recently reported, by a 19 to 2 margin, the Iran-Libya Sanctions Act. I was one of those who could not support the bill at the time because it failed to require a report on the results of ILSA. I believe that this Congress has neither taken adequate time to examine the effectiveness of ILSA, nor the consequences of renewing ILSA for 5 years.

At the Banking Committee markup, I supported Senator HAGEL's amendment, which would have reauthorized ILSA for two years, and more importantly, required the President to report to the Congress on the effectiveness of the Iran-Libya Sanctions Act. The administration also requested a 2-year reauthorization so it could have a better opportunity to review its effectiveness. It is reasonable and prudent policy to review sanctions laws on a periodic basis. It would help ensure that the administration and Congress work together to forge an effective, commonsense policy which promotes our national security and foreign policy goals. We are living in a complex and more globalized world, so periodic review is necessary to keep pace with new developments. I also encourage a review of all of our sanctions statutes specifically relating to Iran to ensure a simplified approach to U.S. sanctions policy toward Iran.

The current ILSA does not sanction Iran and Libya. Instead, it sanctions those who engage in certain levels of investment in Iran's and Libya's petroleum sectors. In addition, it does not appear to me that the Congress fully considered the few positive developments that have occurred in Iran since the 1996 when ILSA was first passed. I fully understand that the hard-line clerics still control many of Iran's policies. However, we must not turn a blind eye toward Iran's election of Khatemi and the desire of young Iranian people to liberalize Iran's policies. Instead of showing some willingness to work with Iran, we are demonstrating our own inflexibility.

The United States has direct national security interests in maintaining the stability of the Middle East. Israel is an island of stability within this turbulent region. It deserves the support of the United States. In doing so, however, we must do everything possible to avoid making enemies for both the United States and Israel in that region. The U.S. must remain strong, but willing to revisit issues of such importance to the security of both the United States and Israel. It is my hope that despite the lack of a reporting requirement in S.1218, the Bush administration will conduct a thorough review of the effectiveness of ILSA and other sanctions laws.

Mrs. CLINTON. Madam President, I rise today to speak in support of S. 1218, the Iran Libya Sanctions Extension Act of 2001. This legislation will extend for another five years the Iran Libya Sanctions Act of 1996, which would otherwise expire on August 5, 2001.

In 1996 Congress unanimously enacted ILSA in response to Iran's emergence as the leading state sponsor of international terrorism, its accelerated campaign to develop weapons of mass destruction, its denial of Israel's right to exist, and its efforts to undermine peace and stability in the Middle East.

Five years later, the U.S. State Department's "Patterns and Global Terrorism," reported that Iran still remains "the most active state-sponsor of terrorism" in the world, by providing assistance to terrorist organizations such as Hezbollah, Hamas, and the Islamic Jihad.

Eleven short days from now, ILSA is set to expire. That is why we must act today to renew this important legislation to deter foreign investment in Iran's energy sector—its major source of income. By doing so we can continue to undermine Iran's ability to fund the development of weapons of mass destruction and its support of international terrorist groups.

In February of this year, I met with families of the American victims of the bombing of Pam Am Flight 103 in 1988. Brian Flynn, from New York City, recalled driving to John F. Kennedy airport to retrieve the body of his brother, J.P. Flynn, who had perished in the bombing. Brian remembered: "There was no flag, no ceremony, no recognition that he was killed simply for being an American."

Earlier this year, once again Brian drove to John F. Kennedy airport, this time, to go to the Netherlands to listen to the verdict against two Libyan nationals indicted for the bombing. A Libyan intelligence officer was found guilty of murder in the bombing, in the words of the court, "in furtherance of the purposes of . . . Libyan Intelligence Services." Yet Libya continues to refuse to acknowledge its role and to compensate the family members of 270 victims of the bombing. The State Department reports that Libya also remains the primary suspect in several other past terrorist operations. Brian and so many family members of the dozens of New Yorkers killed in the bombing, have written to me and conveyed how important it is for the United States to continue to hold Libya accountable for its support of international terrorism.

By acting now to renew ILSA, the Senate is sending a clear message to Iran and Libya that their dangerous support for terrorism and efforts to develop weapons of mass destruction are unacceptable and will not be tolerated.

Mr. SARBANES. Madam President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SARBANES. Madam President, I ask unanimous consent that the vote on final passage of S. 1218, the Iran-Libya sanctions bill, occur this evening at 6:30.

Mr. REID. Madam President, reserving the right to object, and I will not object other than to indicate to all of the Senators within the sound of my voice, we are going to attempt to have two, maybe three, votes at 6:30. Senator WELLSTONE will be here at 4:30 to begin the dialogue, the debate on the Horn nomination, and then after that we are going to go to the nominee for the Small Business Administration, Mr. Barreto. We hope we can have those votes also at 6:30.

I appreciate the usual good work of my friend from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I want to make it clear to colleagues that I am ready to speak on the nomination of Wade Horn to be HHS Assistant Secretary for Family Support. We are moving forward and are trying to get some work done. I am ready to speak. I think there are other Senators who want to speak in favor of the nomination. My guess is that it is a relatively noncontroversial nomination and there will be strong support. It can be a voice vote. It doesn't matter to me. But I want to speak and get this work done now. I am ready to do so.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. DASCHLE. Madam President, pursuant to the order of July 24, I now ask that the Senate proceed to executive session to consider the nominations of Wade Horn and Hector Barreto. I believe the time allotted for Mr. Horn is 2 hours and the time for Mr. Barreto is a half hour.

Mr. WELLSTONE. Madam President, will the majority leader yield?

Mr. DASCHLE. I am happy to yield.

Mr. WELLSTONE. I do want to say to the majority leader, I do not think we will need anywhere near that much time. So I say it can probably be done in an hour with people speaking on both sides.

Mr. DASCHLE. Madam President, for the information of our colleagues, it may be that we will have one rollcall vote on the Iran-Libyan Sanctions Act at some point. Currently, it is scheduled for 6:30. I understand that vote has been scheduled for 6:30 to accommodate some Senators who are attending a memorial service. I would suggest we proceed now to the nomination of Mr. Horn. And we will provide our colleagues with more information as it is made available to us. I yield the floor.

NOMINATION OF WADE F. HORN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Wade F. Horn, of Maryland, to be Assistant Secretary for Family Support, Department of Health and Human Services.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, again, for the sake of my colleagues' schedules, I do not think this will take that much time. I know there are some Senators who want to speak. I think it is a relatively noncontroversial nomination. I certainly do not need 2 hours.

I do want to speak on the nomination of Dr. Wade Horn to the position of Assistant Secretary for Family Support at the Department of Health and Human Services.

This is a very important position. Once confirmed for this position, Dr. Horn is going to have authority over the administration of the Federal welfare, child care, child welfare, foster care, and adoption programs. He is going to have considerable influence in the upcoming reauthorization of the so-called welfare reform legislation.

These are issues that all of us care about. But, as my colleagues know, much of my own background, in addition to teaching, was community organizing. Most of that was with poor people. And much of that was with single-parent families, almost always women, sometimes men. Unfortunately, when marriages dissolve, or when it comes to the responsibility of raising children, it disproportionately falls on the shoulders of women.

I have devoted a lot of time to these issues. I really believe that, for me, if I have a passion, it is around the central idea that every child in our country should have the same opportunity to reach her or his full potential. That is what I believe. I suppose all of us do. Maybe people have different ideas how we realize that goal, but, for me, that is the core value that informs me as a Senator. And I am for everything—public sector, private sector—that makes that more likely, more possible, and I am opposed to whatever makes it less possible.

In my opinion, Dr. Horn's views about the causes of the circumstances of these families—especially single-parent families, almost always headed by women—as well as a number of his stated proposals as to how to address these circumstances make him not the right choice to serve in this position. I do not think he is the right person for this job.

I hasten to add that I have met with him. I am sure that this discussion in the Senate Chamber is of great interest to Dr. Horn. As I say, I have met with him. He was more than obliging to come by. I thought we had a very good discussion. And I do not say that as a cliche. He responded in writing to a number of questions I sent to him following the conversation.

I think he feels just as strongly about these issues as I do. I think he would fight against any policy he thought would be harmful to low-income families, especially poor children. I do not want to caricature him. We have an honest but fundamental disagreement about the best way to move families in this country from poverty to self-sufficiency.

I ask unanimous consent to have printed in the RECORD a letter and the signatures of more than 90 organizations that oppose this nomination.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 14, 2001.

DEAR SENATOR: We are writing to urge your opposition to the nomination of Wade Horn as Assistant Secretary for Family Support at the Department of Health and Human Services. We ask that you investigate the writings and philosophy of Mr. Horn and that you question him thoroughly when he comes before the Senate Finance Committee for confirmation.

The HHS Assistant Secretary for Family Support, the country's top family policy post, will be making important decisions and recommendations on many critical public programs which serve predominantly lower income children and families, including welfare, childcare, child welfare, child support, adoption, foster care, child abuse and domestic violence. The person who holds this job will also influence the Administration's positions and activities dealing with next year's reauthorization of the Temporary Assistance to Needy Families (TANF) programs. This person must be able to understand and promote the needs of ALL families in our society.

Wade Horn wants the government to promote marriage by penalizing families where the parents divorce, separate, or do not marry. He also wants the government to tell unmarried mothers to surrender their children for adoption. There is very little "support" for families in these sentiments.

With Wade Horn as Assistant Secretary for Family Support, we fear a Department of Health and Human Services that will penalize, and promote discrimination against, families headed by a divorced. Separated, or never-married parent or where both parents live in the home but are not married. Horn has written that single parent families should be denied public benefits whose supply is limited—such as public housing, Head Start, and child care—unless all married couples have been served first. Horn has written that cohabiting parent families should be denied any welfare benefits at all, and kept at the end of the waiting list for other benefit programs.

Due to divorce, separation, death, abandonment or their parent's never-married status, more than half the children growing up today will spend some of their childhood in a single-parent family. An increasing number of children live in two parent families where the parents delay marriage, choose not to marry or are prevented by law from marrying. Horn advocates penalizing all these children.

By supporting Wade Horn's nomination as Assistant Secretary for Family Support at the Department of Health and Human Services, President Bush's campaign call to "Leave No Child Behind" rings hollow. If the President's true intention is to support all of America's families and children, rather than judging and penalizing many, he should appoint an individual who can work with Congress, our states and our own dedicated organizations to ensure that we will be more—not less—compassionate when dealing with our children and families living at or near poverty.

Sincerely,

Abortion Access Project
ACORN
AIDS Action Committee
Alternatives to Marriage Project
American Ethical Union
Applied Research Center
Arizona Coalition Against Domestic Violence
Association of Reproductive Health Professionals
Boston Coalition of Black Women
Boston Women's Health Book Collective
Business and Professional Women/USA
Center for Community Change
Center for Reproductive Law and Policy
Center for Third World Organizing
Center for Women Policy Studies
Center on Fathers, Families and Public Policy
Chicago Jobs Council
Chicago Metropolitan Battered Women's Network
Children's Foundation
Choice USA
Coalition Against Poverty
Coalition for Ethical Welfare Reform
Coalition for Humane Immigrant Rights
Coalition of Labor Union Women
Colorado Center on Law and Policy
Communications Workers of America
Community Voices Heard
Democrats.com
Displaced Homemakers Network of New Jersey
Empire State Pride Agenda
EMPOWER,
Family Economic Initiative
Family Planning Advocates of New York State
Feminist Majority
Finding Common Ground Project at Columbia University
Grassroots Organizing for Welfare Leadership (GROWL)
Hawaii Coalition for the Prevention of Sexual Assault
Hawaii State Coalition Against Domestic Violence
Hesed House
inMotion, Inc.
Institute for Wisconsin's Future
Iowa Coalition Against Domestic Violence
Jewish Women International
Los Angeles Coalition to End Hunger & Homelessness
Make the Road by Walking
Massachusetts Welfare Rights Union
McAuley Institute
Men for Gender Justice
MOTHERS Now
National Association for the Advancement of Colored People (NAACP)
National Association of Commissions for Women
National Black Women's Health Project
National Center on Poverty Law

National Coalition of Anti-Violence Programs
National Employment Law Project
National Family Planning and Reproductive Health Association
National Gay and Lesbian Task Force
National Organization for Women (NOW)
National Women's Conference
National Women's Political Caucus
New York City Gay & Lesbian Anti-Violence Project
9to5, National Association of Working Women
Nontraditional Employment For Women
North Carolina Coalition Against Domestic Violence
Northeast Missouri Client Council for Human Needs
Northeast Washington Rural Resources Dev. Assoc
NOW Legal Defense and Education Fund
PADS, Inc
Pennsylvania Lesbian and Gay Task Force
People United for Families
Planned Parenthood of New York City
Poor People's United Front
Progressive Challenge Project, Institute for Policy Studies
Public Justice Center
Rural Law Center
Sociologists for Women in Society
Survivors Inc.
Texas Council on Family Violence
Unitarian Universalist Service Committee
Voters For Choice Action Fund
WEEL (Working for Equality and Economic Liberation)
Welfare, Education, Training Access Coalition
Welfare Law Center
Welfare Made a Difference Campaign
Welfare Rights Organizing Coalition
Welfare Warriors
Women's Center at the University of Oregon
Women's Committee Of 100
Women Employed
Women's Environment and Development Organization
Women's Housing and Economic Development
Women's Institute for Freedom of the Press
Women's Institute for Leadership Development
Women's Law Project

Mr. WELLSTONE. A lot of the organizations listed include women and children organizations and, in particular, organizations that do the down-in-the-trenches work dealing with domestic violence. That is what I want to talk about. It does not get discussed enough.

In this disagreement, I want to address, in particular, Dr. Horn's focus on "marriage promotion and responsible fatherhood policies." He is a prominent advocate of "marriage promotion and responsible fatherhood." Some of these ideas are going to be central to the reauthorization of welfare "reform" next year.

Again, I always put "reform" in quotes. Just as single moms were the focus in 1996, single dads could very well be in the spotlight next year. I do not think that, in itself, is a bad thing. I doubt whether there is anyone among us who would argue against the importance of where fathers fit in with families, about the importance of investing in the needs of low-income men, just as we should be concerned about the needs of low-income women.

The question is, what kind of investments we should make, and how can we best serve the needs of low-income adults, men and women, and also their children?

Dr. Horn most recently was president of the National Fatherhood Institute which was created in 1994 "to counter the growing problem of fatherlessness by stimulating a broad-based social movement to restore responsible fatherhood as a national priority."

I believe in the importance of responsible fatherhood. Having three grown children and six grandchildren, I certainly believe in it. I am not here to speak against responsible fatherhood.

He also sat on the board of Marriage Savers, which is a Maryland-based group promoting community marriage covenants that are designed to make divorces more difficult to obtain. Dr. Horn has in the past urged States to take advantage of opportunities created by welfare reform to address what many cultural conservatives consider to be the root of society's social ills today, the decline of the traditional family.

In 1997, he wrote a report, along with Andrew Bush, director of the Hudson Institute's Welfare Policy Center. Dr. Horn recommended that States basically—I have to use this word— "discriminate" against single-parent families by establishing "explicit preferential treatment for marriage in the distribution of discretionary benefits such as public housing and Head Start slots."

Now, although he has distanced himself from this suggestion, as recently as June of this year, Dr. Horn has continued to advocate for policies that would provide financial incentives for marriage.

Let me go back to 1997. I know this is not the issue that carries the most weight in the Senate Chamber. I am not trying to be self-righteous. There is a reason why so many organizations and so many people around the country work in this area. The notion of women being battered at home and what the children see, that is just not so much on our radar screen, although a woman is battered every 15 seconds of every day in America. When you start making an argument that for Head Start or public housing the way that you are going to encourage marriage is to give preferential treatment to those who are married, what you do is you put poor women in a situation where they dare not leave a home which is so dangerous for them and their children because then they may not have any Head Start benefits for their child or they may not be in line to get the housing they need. Why in the world would anyone ever want to advocate such policies?

I am sorry. A lot of this discussion today on my part will be low key for me, but not this part of the discussion. I know that Senators don't think about this, but just think about the harshness of these kinds of proposals. Dr. Horn, I hope, is going through some rethinking on this question as well. I think he is, from the discussion we had. But it concerns me for anyone as recently as 4 years ago to advocate that for low-income families, you give preferential treatment to those who are married so that single-parent homes headed by women, almost always, are put at a disadvantage. Then we are going to make it hard for this woman to get out of this situation. Sometimes you don't want women to stay in the homes. Sometimes you don't want them to stay in the marriages because they are hellish situations. Somebody has to say that in the Senate.

The only reason I am speaking today, after having already testified to the goodwill of Dr. Horn as a person, is because I am going to stay so close to his work, and I am going to insist that not one proposal come from this administration that puts some of these women and these children in jeopardy. This problem of violence in homes is a real problem in our country.

In a recent article, entitled "Wedding Bell Blues, Marriage and Welfare Reform," Dr. Horn suggested that Congress could mandate that States implement policies such as West Virginia's current practice. That is, you provide a cash bonus to single mothers on welfare who marry their child's biological father, or perhaps, he has suggested, Congress could provide a $5,000 cash payment to a woman at risk of bearing a child out of wedlock, if she bears her first child within marriage, to be disbursed in $1,000 annual payments over 5 years as long as she remains married.

Again, I know if these proposals are made within the framework of promoting responsible fatherhood or promoting intact families or being opposed to divorce, it may sound attractive. But again, think about the ways in which these proposals can be in some circumstances actually dangerous to the well-being of many low-income women and children. Somebody in the Senate has to advocate this position.

My wife Sheila—more Sheila than I—has spent years now working on domestic violence issues. There is no doubt in my mind, none, that policies that tie financial incentives to getting married or staying married will result in increased incidents of domestic violence. Think about it for a moment. If a low-income woman is faced with a choice of receiving $1,000 a year, especially a woman who with her children is living in extreme poverty, or leaving a situation where she has been abused, what is she likely to do? What kind of incentive have you built into public policy?

You have built in an incentive which says to this woman: You need to stay at home. You need to marry this man. You need to stay married to this man. What if this man has battered her over and over and over again?

How can so many Senators who supported the Violence Against Women Act, where we finally have begun to address this issue, now not express concern about these kinds of proposals?

By the way, if we can afford to give families with children an extra thousand dollars a year, then by what logic can we possibly suggest that other families with children should be made poor simply because their parents are unmarried? Think about it for a moment. Why should a child, no fault of his own or her own, just because that child is the daughter or son, little daughter or son, of a single parent, a family where the parents are not together, be penalized? This is nonsensical. These are rather perverse priorities or incentives built into public policy.

When considering marriage as a solution for poverty, we need to face the reality that violence against women is a significant cause of women's poverty. Domestic violence makes women poor, and it keeps them poor. The majority of battered women attempt to flee their abusers, but many of them end up on welfare or they end up homeless. Study after study demonstrates that a large proportion of the welfare caseload, consistently between 15 and 25 percent, consists of current victims of serious domestic violence. Between one-half and two-thirds of the women on welfare have suffered domestic violence or abuse at some time in their adult lives. Over 50 percent of homeless women and children cite domestic violence as the reason they are homeless.

Please understand, whether it be preferential treatment for Head Start or affordable housing, or whether it be bonuses that reward women for staying in a marriage, let's not put low-income women in a position where they are in a very dangerous home, they are being battered, and quite often their children are battered as well.

Their children witness the violence not in the movie, not on television, but in their own living rooms. The children can't do as well in school. Don't create a set of financial incentives that are going to make it harder for these women and these children to be able to leave these circumstances. That is what I am saying today. These are my concerns. That is why you have close to 90 organizations—by the way, hardly any of them would have any clout—that have real concerns about this. For these women and children, the cost of freedom and safety has been poverty. Marriage is not the solution to their economic insecurity.

By the way, do you know that one of the problems is, even if these women leave and they go to shelters—as my colleague from Nevada said earlier today, in many of our States we have more animal shelters than we have shelters for women and children who experience violence. How about that? Then, if they are in a shelter, there is no affordable housing to go to. As opposed to making proposals, which Dr. Horn has made, that talk about all these bonuses and ways of promoting marriage, why don't we, instead, put the emphasis on responsible fathers?

Don Frazier, who was mayor and a great representative of the House of Representatives, did a lot of that in Minnesota. We should do more. But if we have this kind of money, why don't we put it into affordable housing?

Marriage is not the solution to their economic insecurity. For some of these women—can I say this one time in this Chamber? For some of these women, marriage could even mean death. I am sorry. I am going to say it again. That is true. I feel strongly about this. I know what the reality is, from what I have seen with my own eyes from the work Sheila and I have done with women who have been faced with violence in their homes. For some of these women, not only is marriage not the answer to their economic insecurity, for some of them marriage could even mean death. It will undoubtedly mean economic dependence on the abuser. Many battered women are economically dependent on their abusers. Between one-third and almost 50 percent of abused women, surveyed in five studies, said their partner prevented them from working entirely. In fact, we introduced legislation today—Senator MURRAY, Senator DODD, Senator SCHUMER were a part of this—in which we said—and we had people from the business community and the labor community testify—part of the problem is a lot of women, when they try to leave and work, the abuser, the stalker, comes to work, threatens them, comes into the office and makes a scene, and guess what happens. The employers let the women go. They say we can't take this any longer, and then she loses her job.

Of the 96 percent of women who report they experienced problems due to domestic violence, 70 percent have been harassed at work, 50 percent have lost 3 days of work a month as a result of abuse, and 25 percent have lost at least 1 job due to domestic violence.

Do you want to put these women in a situation where they have to stay in these marriages? Marriage is not always the answer, colleagues. I have been married 37 years—maybe closer to 38 years. It has been the best thing that ever happened to me. God, I will sound corny. I am most religious in my thinking about having met Sheila when we were 16. It is the best thing that ever could have happened to me. I am not just saying some trumped up thing on the floor of the Senate. But marriage is not always the answer or the alternative to poverty for many of these women and children.

Dr. Horn has not shown the understanding and sensitivity to these questions he needs to show. He is a good person. He will be nominated. I already said that. But I at least want to speak about my concerns.

The Congress has recently recognized that domestic violence is a serious national problem. We have the Violence Against Women Act and other legislation, and it seems to me that we ought to at least be very sensitive to these concerns.

Dr. Horn and others in the responsible fatherhood movement argue that many of our most pressing social problems—school violence, teen pregnancy, and substance abuse, to name a few—can be directly related to the absence of fathers in the lives of their children.

David Blankenhorn of the Institute for American Values has gone so far as to suggest that fatherlessness is "the engine that drives our most pressing social problems." And topping the list of concerns, of course, is child poverty. For many of these advocates, the solution to ending child poverty is clear: marriage. They argue that what we really need to do is to teach low-income men to properly value marriage and family, based on the presumption that low-income men don't.

Can I also say this at the risk of annoying some colleagues? You know what. I am over and over again struck by the fact that too many Senators seem to know so much about the values of poor people, but they have never spent any time with any of them. It is like I don't know where our understanding of the values of people and how they live their lives comes from. It is certainly not based upon a lot of experience. I believe it is incorrect to presume that low-income men somehow value marriage and fatherhood less than other men. In fact, there is considerable evidence that low-income men value marriage and fatherhood just as much as you do, Mr. President, and as much as I do. But these advocates look at the data indicating a correlation between child poverty and single parenthood, and rather than consider the fact that all too often it is the poverty that leads to the single parenthood, not single parenthood that leads to the poverty, they argue that marriage is the way to eliminate the poverty. That is what I am worried about with Dr. Horn because he is going to be in a key position.

Here is the way one low-income mother put it to me, and thank God for her wisdom:

> They can marry off everybody in my neighborhood, but then all we'll have is two poor people married to each other.

This is what is really at the heart of the matter. You don't end poverty by simply promoting marriage. In fact, you probably promote more successful marriages if that is your goal. And do you know what. I think that is our goal. Let me state as a given that every Senator, or almost every Senator wants to promote more successful marriages. One of the ways is by ending poverty.

My colleague from Indiana will speak for Dr. Horn. I made it clear that I met him. He cares as much as I do. It is an honest disagreement. I made the argument, I say to Senator BAYH from Indiana—and we will voice vote this with overwhelming support. I needed to come to the floor because some of Dr. Horn's advocacy of preferential treatment for Head Start and affordable housing for two-parent, married households, and arguments that you want to have bonuses for people to get married and stay married—I made the argument that the implications of this, when it comes to violence in homes, is grim and harsh. You don't want some of these women to be in a position of feeling as if they can't leave a home where they are being battered and their children are being battered. That is what some of these proposals do.

As to some of his ideas, he said, "I no longer necessarily believe all of this." But I have said some of these arguments about promoting marriage are fine; I am for it. But for some women this is not the answer.

You don't want to have financial incentives, or disincentives, if you will, that put women in a position where the choice is, Do I stay in this home where I am being battered, my child can be battered, or my child witnesses this violence, or if I leave then no longer will I get a Head Start benefit, or I will lose my bonus I have received for being in this marriage or I will not be able to get affordable housing.

That is one of the things that concerns me the most, I say to two good colleagues. One of the reasons we have so many of these organizations in the trenches working in domestic violence expressing this concern is because of this argument. Someone needs to say it because Dr. Horn will be in this position, and then we will work with him.

I am all for promoting responsible fatherhood and marriage, but I do not want to do it in such a way that we end up—I said this before my colleagues came—for some of these women, marriage is death. That is right. For some of these women, staying in a marriage means they will lose their lives. I do not want public policy or social policy that makes it more difficult for them to leave these homes which are not safe homes, where they should leave these homes. That is part of what this debate is about.

In just the few minutes I have left, the other part of the argument I want to make is if, in fact, you want to promote successful marriages, especially if you are talking about the low- and moderate-income community, one of the ways to do it is to focus on some of these economic issues. There is a whole world of problems out there, such as unemployment, not having a living-wage job, drug and alcohol addiction, depression and mental illness, poor education, jail time, hunger and homelessness, and, in all due respect, quite often these are the reasons that marriages do break up.

Unless we talk about marriages and responsible fatherhood in the context of also dealing with these very tough problems that rip families apart, I do not think we go very far, and I will insist all of them be considered.

Frankly, it is not necessarily his fault, but I do not hear much from this administration in terms of being willing to invest some of the resources in any number of these different areas.

We had a proposal in Minnesota. I said "had." It was the Minnesota Family Investment Program. It was a pilot program. Too bad, because from my point of view, this is welfare reform. Two former Governors did a great job saying we are going to put a lot of money into childcare, into job training skills development, into making sure these families do not lose their medical care, and we are going to put a lot of money into significant income to disregard when they made more money, they then lost, dollar for dollar, what they were making.

Studies compared former AFDC recipients to those on MFIP and found MFIP individuals were 40 percent more likely to stay married and 50 percent less likely to be divorced after 5 years. There you have it. That is part of what we need to do.

Mr. President, do you know what. That is not what we are doing in a lot of this so-called welfare reform. As a matter of fact, finally I got the Food and Nutrition Service study the other day. I said to them: Tell me what is going on with food stamps. Why have we had a 30-percent-plus decline in food stamp participation post 1996? They said: In some cases, people are working and maker better income. In most cases, they are not, but they do not know they are eligible any longer.

There were cuts in food stamp benefits, massive cuts in benefits to legal immigrants. Frankly, Families USA points out there are some 660,000 people who no longer have medical assistance because of the welfare bill. In too many cases, people have dropped out.

Berkeley and Harvard did a study of the childcare situation and found that many of these kids were in dangerous situations or in front of a TV, and it would not surprise anyone if they came to kindergarten way behind.

I am for promoting families, responsible fatherhood, and I want these children to have as much a chance as other children, and I want to know from where the commitment comes.

Marriage is not, in and of itself, the way to address the root causes of poverty, and it is no reliable long-term solution to poverty, particularly poverty among women and children, and, in general, two incomes are better than one. It is far better to have two parents in the household, but that fact is not sufficient to support an argument that marriage will lead to an end of family poverty.

There are many reasons that women, more often than men, experience an economic downfall outside of marriage: Discrimination in the labor market; lack of quality, affordable accessible childcare; domestic violence; and I also say to my colleagues—Senator REID said it earlier—in many States there are more animal shelters than shelters for women who come out of these very dangerous homes.

Moreover, the tragedy of it is, after they get out of shelters, there is no affordable housing. As a matter of fact, this is going to become a front-burner issue for us because we are not doing anything by way of getting resources back to State and local communities, and it is a huge crisis. It is not surprising that the other day there was a report that came out in the Washington Post pointing out the issue really is not poverty, the issue is we have to double the official definition of poverty, which is around $17,000. If you want to be realistic of what it takes for a family to make it, there are many families with incomes under $40,000 who are having a heck of a time making it, and one of the reasons is the cost of housing.

If you do not address these factors that keep women from being economically self-sufficient, then your marriage and family formation advocates are merely proposing to shift the woman's dependence from the welfare system to marriage. You see what I am saying? There is a missing piece here, I say to Dr. Horn and others.

Some women should not be dependent on their marriage. They should get out of their marriage. They should not be there. They should get out of these homes with their children because if they stay, they are going to be murdered and their children—talk about posttraumatic stress syndrome. What do my colleagues think it would be like to be a little child? I have been with them. I met with some of these families and have seen a mother who has been beaten up over and over, day after day. What do my colleagues think that does to children?

With domestic violence and divorce at the current rates, marriage will never be the sole answer. The solution is not, as Dr. Horn and others suggest, to interfere with the privacy rights of poor women but, rather, let's focus on economic self-sufficiency.

Congress should not use women's economic vulnerability as an opportunity to control their decisions regarding their marriage or, for that matter, childbearing. Fighting poverty and promoting family well-being will depend on positive Government support, for policies that support low-income parents in their struggle to obtain good jobs so that they can have a decent standard of living, so they can give their children the care they know their children need and deserve. That is what it ought to be about.

I disagree with Dr. Horn on this policy, but colleagues and the public should be further aware that certain recent statements and writings by the nominee signal that basic views which underlie his policy positions I think are a little bit over the top.

I have already talked about how I like him, I say to both colleagues because I know they know him. I will give a couple examples.

Dr. Horn has recently written, for example, that females raised by single mothers "have a tendency toward early and promiscuous sexual activity." That material was given to me by advocate organizations. That is in direct quotes. From where in the world does that come? Where is the evidence for that?

He recently wrote that males raised by single mothers have "an obsessive need to prove their masculinity." He reportedly has linked single mothering or father absence to acts of violence carried out by males, such as the shootings at Columbine High, although, by the way, in that case, the families were intact. These were not single-parent families. This is not an attack on character.

I want Dr. Horn to know he is going to be nominated on a voice vote. He will be supported. That is fine. But I want to be on record saying I don't think he is the right choice. I certainly want to question some of the statements he has made and, more importantly, some of the positions he has taken. He will be the one in the middle of the welfare reform. He will be the one dealing with a lot of the policy that affects low- and moderate-income families.

Ninety organizations have urged the Senate Committee on Finance to oppose his nomination. A majority of them are organizations that deal with domestic violence. That is where the real fear is. I have heard from too many people whose opinions I respect and whose judgments I value, starting with my wife Sheila, to allow the nomination to pass silently. Dr. Horn will be confirmed, but I felt compelled to raise these issues and concerns about some of the policies I think he is likely to promote as Assistant Secretary for Family Support. I hope he proves me wrong; he may very well.

I hope he will use the occasion of this appointment to reconsider some of his views—not all; he is entitled to many of his views. The issues are too important and too many lives are affected to not speak out. I hope Dr. Horn and others at Health and Human Services, as well as colleagues in the Senate, will carefully consider the implications of policies that we all propose that affect low-income families.

I said earlier, and I meant it as a criticism of Senators on both sides of the aisle, although we cannot generalize, I am always amazed we infer the values of people. We seem to know so much about the values of people and how they live their lives, especially low-income people—that fathers do not respect fatherhood or the pathology of their lives—when hardly any Members spend any time with them. Dr. Horn is an example of someone who has inferred people's values, which can be downright dangerous, especially when we are talking about violence in homes today.

What we really need to do is to support these women and children. Therefore, I hope the Senators, as we go forward with the welfare reauthorization bill and we make policy that affects directly the lives of poor people in this country, will make it our business to be very careful. They are not on the Senate floor, they have very little clout, and in too many ways they are right out of Michael Harrington's "The Other America." They are invisible and without a very strong voice. There are helpful organizations, thank God, such as the Children's Defense Fund, but not enough.

I wish Dr. Horn the very best. We will work together. But I want Dr. Horn to know I have a lot of concerns which I have discussed today. I am not speaking for myself, but for a lot of people in the country, especially those down in the trenches doing the work, dealing with the violence in families, trying to protect women and children, to make sure they can rebuild their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Before my colleague from Minnesota leaves the floor, I express my appreciation to him and compliment him for the passion he brings to the cause of helping those less fortunate in our society. There is no Member of this body who feels more strongly about empowering those who need opportunity in our country than Senator WELLSTONE. For that, I compliment the Senator and thank him for being such a valuable Member of this body.

I also say, before the Senator leaves the floor, I find myself in strong agreement with his sentiments about the rights of women, particularly that they are not given incentives to stay out of relationships that are abusive, or assisting or providing incentives for men with a proven record of abuse from entering family relationships where they do not belong.

I am not familiar with all of the statements he has made, but I can say from my own experience with Dr. Horn that it is my understanding he has distanced himself from several of these controversial statements. I can say from my personal experience with him in working on the Responsible Fatherhood Act that he has shown a great willingness to ensure that abusive men are not reinserted into family situations and, in fact, women are protected, as they should be. We should insist upon this, even as we try to promote men living up to their responsibility and doing right by not only their children but the mothers of their children.

We had a recent conference at the Thurgood Marshall Center in Washington, DC, a lower income area, and we were heartened to see representatives from many organizations representing low-income America. I am glad the Responsible Fatherhood Act has been advocated by the Black Caucus.

From my experience, Dr. Horn has shown great empathy toward the cause of helping children with a less fortunate background. I know it is entirely appropriate that the Senator comes to the floor and expresses his concerns. I thank him, before he gets on with his busy schedule, for his championing of the cause of the less fortunate, to express strong support for his dedication, particularly ensuring that women are not placed in abusive situations but, in fact, are protected from abusive men who would do them or their children harm. I express those sentiments before the Senator has to leave.

Mr. WELLSTONE. I thank the Senator from Indiana for his graciousness. I think the statement he just made, especially dealing with violence in homes, is extremely important. I thank the Senator.

Mr. BAYH. Mr. President, I rise to express my strong support for the nomination of Wade Horn to be Assistant Secretary of HHS for Family Support. I am confident that he will do an outstanding job in discharging his duties for all Americans.

I have known Dr. Horn personally since 1996 when I had the privilege as Governor of our State of holding one of the first conferences in the country on the importance of promoting more responsible fatherhood on the part of many men.

The vast majority of men in our society, when they bring children into the world, do the right thing by supporting children economically, emotionally and economically, and supporting the mothers. Regrettably, in recent years, in the last decade or so, we began the alarming trend of many men walking away from responsibilities, financial and otherwise, with great detriment to the children and the mothers of those children and, because of that, the society and taxpayers, as well.

Wade Horn worked with us not only in that conference but in fashioning legislation in the Halls of Congress to do something about this epidemic of fatherlessness that harms our society in so many important ways. He understands that a child growing up without the involvement of a father, emotionally or financially, is five times more likely to live in poverty, twice as likely to be involved with drugs or alcohol abuse, twice as likely to commit a crime of violence, twice as likely for a young girl to be involved with teen pregnancy, and much more likely to get involved in a variety of situations that will harm a youngster throughout the course of his or her lifetime.

Wade Horn is committed to doing something about this phenomenon, and thereby strengthening families and helping children. He understands this effort is not only good for America's children; it is good for taxpayers, as well.

Many of the issues we debate in this Chamber, many of the initiatives we pursue to try to help America really deal with the manifestations of what are actually deeper underlying problems. If we are going to get at the root causes of the problems that afflict too many of America's children, we have to deal with them where they begin, the breakdown of the American family, and, in particular, too many men bringing children into the world and walking away, leaving women and taxpayers to try to pick up the pieces by themselves. That is not right. We spend hundreds of billions of dollars each and every year to try to overcome the consequences of irresponsible fathers not living up to their obligations.

Wade Horn understands that if we are going to do right by those kids and do right by our citizens who are picking up the tab, we need to do something about this problem. So he has committed much of his life to doing exactly that.

He also understands that this effort will be good for women. Women are doing heroic work, particularly single mothers, to try to pick up the pieces when men bring kids in the world and walk away.

It is not right that those women should labor without the emotional support and the financial support to which they are entitled. Our responsible fatherhood initiative is designed to help children, help taxpayers, and help women as well.

As I mentioned before our colleague, Senator WELLSTONE, had to leave the floor, we reached out to many women's organizations to make sure this effort is done in a way that is sensitive to the concerns of women who have experienced the horror of being battered or abused by a spouse or male companion. We want to make sure that is not the case; that, in fact, we protect women and children from the consequences of that type of behavior.

Wade Horn has been involved in that effort to make sure we pursue strengthening families to help women and children with legitimate and important concerns and take into account the scourge of domestic violence that is unfortunately all too frequent in society today.

Mr. Horn, when he is confirmed, will be in a position to be intimately involved in the next generation of welfare reform that we will undertake this year and next. Because of his lengthy experience laboring in these vineyards, I think he is ideally suited to this task.

Let me offer a very brief recitation of some of Dr. Horn's experience. From 1989 to 1993, Dr. Horn was Commissioner for Children, Youth and Families, and Chief of the Children's Bureau within the U.S. Department of Health and Human Services. Dr. Horn also served as a Presidential appointee to the National Commission on Children from 1990 to 1993, a member of the National Commission on Childhood Disability from 1994 to 1995, and a member of the U.S. Advisory Board on Welfare Indicators from 1996 to 1997.

Prior to these appointments, Dr. Horn was the director of outpatient psychological services at the Children's Hospital, National Medical Center here in Washington, DC, and an associate professor of psychiatry and behavioral sciences at George Washington University.

Currently, Dr. Horn is also an adjunct faculty at Georgetown University's Public Policy Institute, and an affiliate scholar with the Hudson Institute.

Simply put, if I could just summarize, I have known Dr. Horn now for several years. I know of no more decent, more compassionate individual. I know of no one who cares about the cause of helping children more than Wade Horn, or the cause of strengthening America's families and that is what this really comes down to. Whether it is within the bonds of marriage or outside, this all comes down to the cause of helping children, and in so doing not only helping those little ones but helping society as a whole.

In conclusion, let me just say among his many other attributes, Wade Horn is an author. He authored a book after his own experience with cancer and wrote very eloquently in that book about the emotions that he experienced when he was sick, fighting cancer, seeing his own little girls come to his bedside.

I know, based upon that personal experience and his many years of efforts in the vineyards of good public policy, there is no one who will bring a deeper, more heartfelt conviction to the cause of helping children, helping women, strengthening families, and strengthening America than Dr. Horn. I respectfully urge my colleagues to vote in support of his confirmation.

Before, I yield the floor, I would also like to say how much I respect my colleague from Delaware. I thank Senator CARPER for his efforts on behalf of the Responsible Fatherhood Act. Perhaps it is not a coincidence that Senator CARPER and I are both former Governors and have personally been in a position of actually implementing welfare reform, not simply enacting it into law.

For that reason, I salute my dear friend and colleague, Senator CARPER, and thank him for his presence as well today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, let me say while Senator BAYH is still here, we have not only been Senators together, as he said, we have been Governors together. We were also fathers of young boys, his a few years younger than mine.

He believes, as I believe, and certainly as Wade Horn believes, while emphasizing the importance of fathers and fatherhood, we have no intention, no need, no interest in diminishing the importance of the role of mothers. Every child deserves not just one loving, nurturing, caring parent but two. To the extent that we as a society can encourage men to live up to the responsibilities of the children they father and bring into this world, those children will be better for it and so will our country.

I say a special thanks to Senator BAYH, for his leadership on this issue. I am delighted to be able to support these efforts.

Senator BAYH has known Wade Horn for a half dozen or so years. So have I. I have known him through our work with the National Governors' Association where he came from time to time, at our invitation, to speak on fatherhood. I have known him through his role in cohosting the National Summit on Fatherhood, where I have had the opportunity to participate. I have invited him to my home State of Delaware to speak at our Governor's prayer breakfast, to focus on fatherhood and the importance of fathers in our lives.

I also know him, having hosted him in our Governors house, having spent time with him and his wife there. I met his children, his daughters. I have some idea, not just what the author is like, not just what the speaker is like, not just what the policymaker is like, but I feel as if I know him a little bit as a human being. I have seen him in the role of devoted husband and loving father as well.

Senator WELLSTONE said, before he finished his remarks—and I appreciated the concerns he expressed—and I think this is a quote, "Dr. Horn will be in this position and we will have the opportunity to work with him." I hope he is right. I believe Senator WELLSTONE is right in that.

Based on my experience from the last 6 years of knowing Wade Horn and his family, I believe we will appreciate the opportunity to work with him. I feel confident those who question his nomination will come, in the end, to be glad that he was nominated and that we voted to confirm him.

I know others have gone back and looked at the words that have been attributed to Dr. Horn in the past. They could do that for me or the Presiding Officer or for any of us and have it appear we say things that, taken out of context, we may not have really said or intended to say. I have never heard Wade Horn speak about compelling women to remain in an abusive relationship or threatening relationships. I have heard him say that too many men fall short in meeting their obligations to the children they father and to the women who bear those children.

I have never heard Wade Horn disparage single moms for the work that they do in raising children. I have heard him speak of the need for young girls to see, in their own lives, a father who treats a mother in a way that that young girl herself would want to be treated by her husband someday. I have heard him say there are young boys in this country who need to see how a man treats his wife so that young boy will know how he should treat his wife someday, when he has grown.

I have never heard Wade Horn say that children raised by single moms routinely turn out badly. I have heard him say that all children deserve to be raised by two loving, caring, nurturing parents, and that includes their fathers.

I have heard it said that as to 16-year-old girls who become pregnant, drop out of school, never marry the father of the children that they bear, 80 percent of them—80 percent of those women and their families will live in poverty at some point in time. As to the 16-year-old girl who does not become pregnant, does not drop out of school, graduates from school, waits until the age of 20 to have a child and marries the father of that child, there is an 8-percent likelihood that family will live in poverty—80 percent on the one hand, 8 percent on the other hand.

I cannot stand here today and vouch for those numbers. But if they are even close, I think they serve to underscore for us the need for fathers, for men who father children, to take seriously their obligation to the children they father and to the women who bear them.

I believe Wade Horn will serve in this capacity doing a number of good things for the families of our country, men and women, boys and girls. But I think he is going to be a good voice, a recurring voice, one we need to hear, that says: Fathers are not dispensable. They are as important today as they were 100 years ago or 200 years ago. We need to remember that, those of us who are fathers and those of us who someday will be.

I am pleased to rise today in support of this nomination, and I hope it will receive ringing endorsement from this body.

I yield the floor.

Mr. KOHL. Madam President, I rise today to add my voice in support of the nomination of Wade Horn to serve as Assistant Secretary for Family Support at the Department of Health and Human Services.

I have had the pleasure of working with Wade Horn over the past few years on an issue that is vitally important to both of us—making sure that children receive the child support money they are owed. This has been a very positive and productive working experience. Dr. Horn and I share the goal of changing the current child support distribution system, which harms children by allowing States and the Federal Government to keep their child support money instead of distributing it to the kids who need it. Through his experience, Wade Horn recognizes that fathers pay more child support when they know their children will actually receive their money and benefit from it. He understands that the route to responsible fatherhood means we have to remove government-created barriers that actually discourage fathers from paying child support, and create more incentives for fathers to become actively involved in their children's lives.

I have greatly appreciated Wade Horn's commitment to changing the child support distribution system. His suggestions, input and advocacy have helped move this issue forward during the past several years, and I look forward to working with him to pass this vital legislation once he is confirmed. Together, I am hopeful that he and Secretary Thompson, who is also a tremendous advocate of child support distribution reform in his own right, will make this a top priority in the Bush Administration so that children get the support they are owed and need.

As President of the National Fatherhood Initiative, Dr. Horn understands that fathers, mothers and children often need support and help to maintain a strong and stable family life. His organization's goal has been to encourage fathers to become positive role models for their children and become fully involved in their lives. He has worked to encourage greater support services and assistance for low-income fathers so they can actively and responsibly participate in their children's upbringing. Not only do their children benefit from their support and involvement, but all of society reaps the benefits of having stronger families.

I realize that some have raised concerns about views Dr. Horn has expressed in the past regarding government support for single-parent families. It is my understanding that he has reconsidered many of those views and has committed to serving all families who need support and assistance. I believe this is critical; our nation must address a variety of issues to help working families of all shapes and sizes, and I look forward to working with him on a range of issues important to families—including increasing funding for Child Care, Head Start, and continuing to provide support for families making the transition from welfare to work. These will not be easy tasks, but I am hopeful that Wade Horn will take a thoughtful, balanced approach to addressing these matters. I urge my colleagues to support his nomination.

Mr. ROCKEFELLER. Madam President, I am proud to support the nomination of Dr. Wade Horn to be the Assistant Secretary for Family Support at the Department of Health and Human Services. As chairman of the National Commission on Children, I had a unique opportunity to work closely with Wade Horn. From that experience, I know how deeply Wade cares about children and families. I know that Wade is willing to listen to diverse views and find common ground, which will be key to his success in this important position.

On the Children's Commission, committed advocates representing both the liberal and conservative policy views came together to learn about child development and we struggled to find bipartisan policy initiatives to help children and their families. Our process was intense, but it led to a bold, bipartisan report full of recommendations to change policy to support children. Throughout that process, I witnessed how Wade Horn was willing to take risks for the right reasons.

I am proud to say that the Children's Commission report has been a guidebook for my legislative initiatives on children's policy. While there is much more to do on children's issues, we are making real progress. The Children Commission that Dr. Horn and I supported in 1991 called for a refundable child tax credit and an improved Earned Income Tax Credit. Our report recommended changing the welfare system, then known as Aid to Families with Dependent Children. It stressed the importance of child support enforcement. It called for education reform with a greater emphasis on local schools. And it even had a controversial chapter called "Creating a Moral Climate for Children," which challenged public officials, the media, the entertainment industry, and individuals to serve as role models for children.

Many of our recommendations from the Children's Commission have become public policy, and I continue to build on this foundation.

While Dr. Horn and I do not agree on every issue, we do strongly agree about the importance of supporting children and families. We agree on the importance of bipartisanship on children's issues, especially in the area of child welfare and adoption. We agree about the importance of direct and honest communication and cooperation between Congress and the Department of Health and Human Services.

Because I have worked with Dr. Wade Horn on the Children's Commission and during his previous position in the first Bush administration, I am confident that he will be a committed leader on children's issues in this administration. I look forward to working with him, including on the reauthorization of the Safe and Stable Families Program this year.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the nomination of Wade Horn.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak on the pending business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I want to speak on behalf of the nominee to be Assistant Secretary for Children and Families at the Department of Health and Human Services, Dr. Wade Horn.

I got to know Dr. Horn while working with him on several fatherhood initiatives. He has been an outstanding leader in the fatherhood movement. And I am confident that he will serve with distinction in the position to which he has been nominated.

Dr. Horn is a dedicated public servant, a distinguished child psychologist, a skilled administrator, and an excellent choice to lead the Administration for Children and Families—a key and critical position for the administration.

Dr. Horn is a highly respected child psychiatrist, with a proven record of both competence and integrity. He has consistently demonstrated his deep commitment to increasing the well-being, strength, and stability of families and children in general, and at-risk children in particular.

It bears mention that Dr. Horn was previously confirmed by the Senate 11 years ago for the position of commissioner of the Administration for Children, Youth and Families. As the Commissioner for the Children, Youth and Families Administration, Dr. Horn administered numerous programs serving children and families, including Head Start, foster care and adoption assistance, the National Center on Child Abuse and Neglect, runaway and homeless youth shelters, and various anti-drug programs.

Since leaving the Department of Health and Human Services, Dr. Horn has served as the President of the National Fatherhood Initiative—where I really got to know him—a nonpartisan initiative which has drawn the support and involvement of several Senators from both sides of the aisle, including myself, Senator LIEBERMAN, Senator CARPER, and Senator BAYH. As the President of the Fatherhood Initiative, Dr. Horn has been at the forefront of the effort to encourages fathers to become more involved in the lives of their children and families. The Fatherhood Initiative has conducted both national forums and targeted outreach programs to at-risk families to encourage increased responsibility, affection, support, and involvement of fathers something we desperately need in their country. He has also authored regular columns dispensing advice to parents on how to raise healthier, happier, and more secure children, which have helped and encouraged literally thousands of families across the country.

One of the criticisms leveled against Dr. Horn is that he has sat on the board of Marriage Savers, and has been involved in marriage promotion programs. Why this is a criticism, I am not sure. Dr. Horn would never, has never advocated that anyone stay in an abusive marriage. No one believes this, despite inferences to the contrary on the floor of this Senate. What he has done is worked with groups that work with couples who want to strengthen their marriage and their family. And I would think that working towards strengthening marriage in our country—which has, let me note, a divorce rate near 50 percent—would be regarded as a positive qualification, not grounds for criticism.

We have Marriage Savers programs in Kansas. In two counties in the State of Kansas, Marriage Savers programs have helped to reduce divorce rates by over thirty percent in that area. This is a great achievement, not a questionable activity. That Dr. Horn's involvement with Marriage Savers—a group dedicated to working with individuals who have requested assistance in strengthening their marriage—would somehow be cited as a red flag in Dr. Horn's record is utterly baffling.

Dr. Horn has never advocated that women stay in abusive situations. He is saying that in marriages where children are involved, it is a good thing for a married couple to try to work through their problems.

With the background, temperment, and record that Dr. Horn has, it is difficult to understand why this nomination should have generated any debate at all. I don't think that anyone can credibly raise a question about Dr. Horn's qualifications for the job. I look forward to the confirmation of Dr. Horn to the position of Assistant Secretary for Children and Families at the Department of Health and Human Services, and I wish him the best in this capacity.

Finally, I note that this is an extraordinarily qualified nominee to this position. He is a person who has worked in this field virtually his entire life, who has worked successfully in this field and in an area of endeavor in which we need a lot of help. Our children and families are suffering in this country. Dr. Horn has worked himself, personally and directly, to put families back together. That is something we should be applauding, not questioning or condemning.

I strongly support the nomination of Dr. Wade Horn to this position within the Department of Health and Human Services.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. REID. Madam President, on behalf of Senator WELLSTONE, I yield back his time on the Horn nomination.

Madam President, is there further time on the other side?

The PRESIDING OFFICER. There are 2½ minutes remaining.

NOMINATION OF HECTOR V. BARRETO, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION

Mr. REID. Madam President, I ask unanimous consent, under the direction and authority of the majority leader, that we now move, pursuant to an order entered on July 24, to the Barreto nomination, for the Small Business Administration.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Hector V. Barreto, Jr., of California, to be Administrator of the Small Business Administration.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me request 5 minutes of the time allotted to our side for my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I rise to briefly discuss the nomination of Hector Barreto to head the Small Business Administration. I note that Senator KERRY, the chairman of the Committee on Small Business and Entrepreneurship, supports this nomination. I plan to support the nomination as well. I think he is a good appointment. He will serve our country well. I look forward to working with him in his new role as Administrator of the Small Business Administration.

As he begins his tenure at the SBA, I did not want this moment to go by without pointing out to him, and to the SBA, that we face, in my judgment, a rather severe challenge about an issue that concerns me greatly. Let me describe the issue.

The SBA has packaged up a series of loans that it has made, including disaster loans, and sold them with deep discounts to financial companies around the country. The representation to the American people was that this would not impact their loans at all, and it is just a matter of selling them so that the SBA does not have to do loan servicing.

That sounded benign enough, I guess, to almost everybody in the country. It sounded benign enough to Congress. And so the SBA sold loans, including disaster loans.

Let me describe the impact of what has happened as a result of the sale of those loans.

Most Americans will remember the great flood in the Red River Valley in 1997, when the city of Grand Forks, ND, with nearly 50,000 residents, had to evacuate the entire city. The city was inundated with floodwaters from the Red River. In the middle of the flood, after the entire city had been evacuated, a fire started in the downtown area of the city. So we had the spectacle of nearly 3 years worth of snow falling in 3 months and when the snow melted, it caused a dramatic flood along the Red River, inundating the city of Grand Forks. Then a fire started in the middle of the city, and firetrucks tried to get into the evacuated city on flatbeds and various devices to fight a fire in the center of downtown Grand Forks.

It was a devastating time for the people of Grand Forks. When the waters receded, most homeowners and business men and women of Grand Forks, came back to their homes and businesses to find severe damage. They found massive damage in buildings all across this city.

The city, of course, was helped by FEMA, the SBA and other agencies of the Federal Government. President Clinton came to Grand Forks and said: You're not alone. The American people are with you. The American people want to help you. And, indeed, the American people did.

This Congress was generous to the communities along the Red River Valley and to Grand Forks especially. Grand Forks and East Grand Forks were hit very hard, and they required a substantial amount of help.

So many of these businesses and families, in order to get back on their feet, took a low-interest SBA loan, often a 4-percent loan with a rather lengthy term. We provide disaster loans in law so that the SBA can help these families and businesses get back on their feet after a natural disaster.

Then, after these businesses and homeowners were able to get the loans to help them get back on their feet, the SBA sold the loans, including disaster loans, to private companies. These are private financial companies that come in and buy a batch of loans and often pay about 70 cents on the dollar and then assume the responsibility for servicing the loans.

That is a long story to tell you where we are at the moment. We have discovered that homeowners and businesses in Grand Forks, ND, that were hit with one disaster—that is, a disaster coming from a river that inundated their community—are in the middle of another disaster. These people have discovered that their disaster loans were sold to private companies. These loans are now being serviced by private companies who have put many of these families and businesses right smack in a pair of handcuffs when it comes to trying to sell their home and buy another home or sell an asset in a business in order to buy another asset to make the business more efficient.

The companies that bought these loans are now saying: No, you can't substitute collateral. If you do that, you are going to have to pay a very substantial fee. We will not allow you to transfer the lien. In other words, the company is sticking to the terms of the SBA loan with respect to the interest rate and time but is not nearly as flexible as the SBA has always been with these homeowners and businesses. The SBA would tell borrowers: We understand, we will allow you to transfer the lien to the next home you are going to buy, or, we understand, you can purchase these additional assets your business needs to become more efficient and transfer the lien from the other asset you are going to sell.

What homeowners and small business owners are discovering now is that no such flexibility exists with private companies. Instead, they are told: No dice. That is a very serious problem. People hit with a disaster are now given a pair of handcuffs when a private company buys their disaster loan. That is wrong. That ought not happen.

Let me just mention a couple people. There is a woman named Marie from Grand Forks, ND, who wrote me and said: I'm another flood victim trying to find a way to transfer the current loan I have from the SBA to another property. My SBA loan was sold to Aurora Loan Services, and I have been told by Aurora they don't transfer loans, period. So essentially I'm out of luck. Personal circumstances made it necessary for me to sell my property, and I need this low interest rate in order to be able to afford another property and get back on my feet.

A man named Steven also wrote to me. He is a businessman in Grand Forks, ND. He said: I'm an optometrist. In the flood of 1997, our office received 5 feet of water. Pretty much a total loss.

Madam President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I will not read all of this letter, but Steven goes on to say: We see the opportunity to borrow money at 4 percent for 30 years as a gift from the American people.

These people were inundated with water, in deep trouble, and the Federal Government said: We are here to help you. Let's give you a helping hand to get you back on your feet.

The letter continues: Nobody was going to make our community whole overnight, but these loans over 30 years, would go a long way in helping.

Then he describes his need to have flexibility to purchase additional assets and the difficulty he has had trying to negotiate with the company that purchased the loan. They have simply said: No dice. No way.

What he is saying is that he has been handcuffed by this process.

He had no idea that would be the case. He had no idea the SBA would sell his disaster loan to a private company that won't allow him to transfer a lien as the SBA has almost always done to disaster victims. I tell these stories only to say there is something wrong with this process.

We ought not sell disaster loans. We simply should not do that. The SBA should service those loans and do so in a thoughtful and rational way. Let's not sell those loans. We certainly ought not allow citizens who have been hit with a disaster discover there is a second disaster around the corner if they need to sell a home and purchase another or need to purchase an essential asset for their business but can't sell the old asset because they can't transfer the lien. This is not a fair thing to do.

We ought to do a couple things. No. 1, we should ask the new SBA head—someone who I intend to support and vote for, Mr. Barreto—to work with us to see that these companies that have purchased the old loans will use the same flexibility in servicing those loans as the SBA previously did.

No. 2, let's not have the SBA selling these loans in the future. That is not the right thing and the fair thing to do. It may require legislation, I expect, to prevent that. I hope to discuss that with some of my colleagues and hope they will agree that those who have been hit with disaster in this country don't deserve to be handcuffed later by a private company that is able to buy deeply discounted SBA disaster loans. This is not the right thing to do to the citizens of this country who have suffered through a disaster. We can do better. I hope we will. I hope my comments will be noted by Mr. Barreto. I wish him well. Although I don't expect there will be a recorded vote on his nomination today, I think he is a good appointment. I commend the President for offering this candidate for public service. I hope we can get together and visit about this important issue very soon, when he assumes office.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I yield myself up to 5 minutes of the time on this side on the nomination of Mr. Hector Barreto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, it is a pleasure to rise today to join with my colleagues and urge them to support the President's nomination of Hector V. Barreto, Jr., as Administrator of the Small Business Administration.

We have just received word that there will be a voice vote rather than a recorded vote. For the friends and supporters of Mr. Barreto, that simply means that everybody has agreed upon it, and apparently we will not have to go through a rollcall vote. It does not mean in any way that we view this nomination as less important. It is just that as a result of the work done on the Committee on Small Business and Entrepreneurship, his nomination should go through.

He was approved unanimously by the committee under the leadership of my colleague, Chairman JOHN KERRY. The nomination of Mr. Barreto comes at a critical time when the Small Business Administration's assistance and development programs will be tested very thoroughly as a result of the slowing economy.

The SBA has a promising future and a very important mission that can best be realized with effective leadership to refocus the agency on the programs and missions established by Congress.

I believe President Bush has shown his commitment to supporting that mission and the Nation's Main Street small business community by his nomination of Mr. Barreto.

The need for a proven leader with a track record of business experience has never been greater at the SBA. It is time the SBA concentrate on sound management of its operations and existing programs rather than expanding its reach with new programs.

I expect Hector Barreto's experience in the financial services industry, his standing in the small business and Latino communities will serve the President, the Nation, and small business very well.

When we review Mr. Barreto's credentials, it is easy to see he has exceptionally fine roots. He was born and reared in Kansas City, MO. He went to high school in Kansas City. He received his degree from Rockhurst University, also in Kansas City. I have known his father, a prominent business leader in the Hispanic community, for many years. Even though he comes to us from California, I assure you, he really is a Missourian at heart.

Hector Barreto, Sr., founded the United States Hispanic Chamber of Commerce, and in recent years Hector Barreto, Jr., has been serving on its board of directors. With his Missouri heritage and his strong business foundation, there really isn't much more that needs to be said about the President's nominee.

Seriously, however, we should look closely at Mr. Barreto's small business background and his business experience. His early work immediately out of college was as area manager for the Miller Brewing Company. But his small business experience began in earnest when he moved to California and established the Barreto Insurance and Financial Services Company. His goal simply was to provide insurance and financial services to southern California's expanding Latino population.

It takes a lot of nerve and confidence in one's abilities just 3 years after finishing college to move halfway across the United States to set up a small business.

His business should be distinguished from the go-go dot-com undertakings of the 1990s, where investors could not wait to be separated from their money. Mr. Barreto's small business was and is more of a Main Street USA variety, and his goal simply was to provide insurance and financial services that were very much needed in the minority community in southern California.

With each new Presidential administration, we hear how difficult it is to attract top-notch talent to serve in the often thankless and usually criticized jobs of serving in Government. We are fortunate to have someone of the caliber of Mr. Barreto who knows what it is to start a small business from scratch and work hard to make it grow. This is the American dream of millions of entrepreneurs. His exposure to the challenges he faced will serve him well as SBA Administrator.

We should not lose sight of the fact that Mr. Barreto is making a sacrifice by leaving his small business to spend the next 3, maybe 4, maybe more, years at the SBA. In response to this call to Government service, Mr. Barreto won't be there to run his business. We need to remember that Hector Barreto is not a senior company official leaving a large business where there is always someone ready to step up from the ranks to take over. Most often in a small business, there is not someone waiting in the ranks, and the small business suffers or closes its doors when the owner leaves.

Although he may not be closing his business for good, Mr. Barreto is taking a long leave of absence and the business is going into an extended status of hibernation. His is a significant sacrifice.

As ranking member of the Senate Committee on Small Business and Entrepreneurship, I have had the opportunity to discuss with him his views on targeting the most critical problems at the SBA and prioritizing solutions that might be implemented. I sincerely appreciate the energy and dedication with which Mr. Barreto approaches these tasks.

We have a ripe opportunity to retool the SBA and its programs to better capitalize on the remarkable potential small business offers to fuel the economy and generate economic growth.

I am confident that Hector Barreto will do a solid job at the helm of the SBA. I look forward to working with him to address key concerns about agency programs and operations.

I urge and thank my colleagues for their support of the President's nomination of Hector V. Barreto, Jr., to be Administrator of the Small Business Administration.

Madam President, I now yield 5 minutes or as much time as he should require to the distinguished Senator from Virginia, Mr. ALLEN, a member of our committee, and ask that any remaining time be reserved.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Madam President, I thank the ranking member of the Small Business Committee, Senator BOND, who cares a great deal about small business issues.

I am pleased to stand with my colleague and for all the people in the Senate today and give my support for the confirmation of Hector V. Barreto, Jr., as Administrator of the Small Business Administration, which is, of course, the top post in that agency.

On July 19, the Committee on Small Business and Entrepreneurship, of which I am a member, unanimously approved Mr. Barreto for the position of Administrator of the Small Business Administration. As a member of the committee, it was my privilege to attend the hearing and cast my vote in support of this fine candidate.

What also was very inspirational was Mr. Hector V. Barreto, Sr., and his story, a gentleman who came up from Mexico, settled in Missouri, and started a business. And then Hector, of course, went on even further.

It really is the American dream of opportunity, of a small business, a man with a dream, his father, and then obviously inculcating in his son that same sort of spirit and hard work and dedication and honesty.

I know that Mr. Barreto, Sr. was very proud of his young son and what everyone was saying about him that day of the committee hearing.

This nomination does come at a particularly crucial time, as the SBA will need the guidance of a strong and qualified leader to ensure that its assistance and development programs are available to small businesses during this time of challenging, slowing economic growth. I believe Mr. Barreto is particularly qualified to develop new and innovative ways for the Small Business Administration to refocus and better target its resources to promote growth and access to capital for small business owners and entrepreneurs and increase opportunities for minorities and women in the small business community.

Madam President, I want to take this opportunity to focus on Mr. Barreto's background and his experiences because what somebody has done in the past is a good indicator of what he or she will do in the future. I believe it will provide him also with a very special insight into the unique challenges facing minority- and women-owned businesses, especially small businesses.

Mr. Barreto, just 3 years out of college, left his home State of Missouri and moved to California to start up a small insurance and financial services company to address the financial needs of southern California's expanding Latino population and the needs of all southern California's minority communities. Once in southern California, Mr. Barreto became involved in the Latin Business Association, serving as the organization's chairman in recent years.

In addition, Mr. Barreto served on the award-winning Los Angeles Minority Business Opportunity Committee and also as vice chairman of the U.S. Hispanic Chamber of Commerce.

As a result of his dedication and outreach, Hector Barreto has received the support of many businesses and business organizations nationwide, including a significant number from California-based organizations and Latino business groups.

It would take far too long to mention all of the groups supporting his nomination, but I want to mention a few. The endorsements have come from widely diverse groups, such as the Hispanic Business Roundtable and the Minority Business Roundtable, the U.S. Chamber of Commerce and the U.S. Hispanic Chamber of Commerce, as well as other Chamber affiliates, such as the Los Angeles Area Chamber, New Jersey Regional Chamber, San Antonio Hispanic Chamber, the Korean American Coalition, and the Hispanic Business Women's Organization.

Given Mr. Barreto's credentials, background, and past experiences, the work he has done to increase economic opportunities for minority communities, the extremely positive and overwhelming bipartisan support afforded him by members of the Small Business Committee, I believe he is exactly the right candidate for this position.

A vote in favor of this nomination is a vote in support of the interests and the needs of small business owners, particularly minority business owners, providing them with the experience, dedication, and leadership that Mr. Barreto will bring to the Small Business Administration and its very important programs.

I thank the Chair and I yield back the remainder of my time.

Mr. KERRY. Madam President, I join with my colleagues in support of the President's nomination of Hector V. Barreto, Jr., to be Administrator of the U.S. Small Business Administration, or SBA.

Mr. Barreto was born and raised in Kansas City, MO. He received a B.S./B.A. degree in management and Spanish, in 1983, from Kansas City's Rockhurst College.

As Administrator of the SBA, it will serve Mr. Barreto well that he comes from the small business community and can appreciate the challenges small business owners face. He founded Barreto Insurance and Financial Services in 1986 and serves as president-owner. The firm provides financial services and business insurance to the Los Angeles area Latino community. He also founded a second business, TELACU-Barreto Financial Services, which is one of the first Latino-owned securities broker-dealers, specializing in retirement-pension plans.

Mr. Barreto has been active in Latino business affairs. He has served as vice-chair of the U.S. Hispanic Chamber of Commerce, an organization founded by his father, Hector Barreto, Sr. He also has served as chair of the Latin Business Association, Founding Member of the New America Alliance and chair of the Latin Business PAC, and on several corporate boards, including GE Financial Advisory Board, Sempra Energy Advisory Board and the TELACU Industries Board of Directors. Many of these groups have joined more than 90 others in support of Mr. Barreto's nomination.

I am pleased with Mr. Barreto's small business roots and admire his efforts to empower Hispanic Americans to share in our country's economic vitality. I hope he will bring the insights gained from his experiences to his leadership at the SBA.

SBA has played an instrumental role spurring the growth of this country's small businesses. The Agency has helped Americans start, run, and grow their businesses by offering access to credit and capital, procurement guidance, business management education and technical assistance.

I met with Mr. Barreto last week. We had a good discussion about SBA and the many issues and obstacles that small business owners and entrepreneurs must face on a daily basis. I look forward to working together with Mr. Barreto to make the SBA even more effective than it's been.

There is a strong benchmark from which to start. SBA's record has been nothing short of extraordinary, particularly in view of a 22 percent staff level reduction. From 1993 through 2000, SBA provided more services to more small businesses than in the entire previous history of the Agency. Its loan portfolio almost quintupled from $10 billion to nearly $50 billion and its venture capital dollars practically doubled from $10.2 billion to over $19 billion. Moreover, SBA approved more than $19 billion in loans to some 80,000 minority-owned businesses—more than double the amount recorded during the Agency's prior 39 years.

Typically, SBA's assistance is needed most during economic downturns. If the economy continues to cool, as many economists predict it will, Congress and the administration will need to redouble their support for the policies and programs that SBA has used so successfully to stimulate the growth and contributions of America's small businesses.

One of the best opportunities to do so is in the shaping of SBA's budget. The budget with which we were presented this year was inadequate. That is why Senator BOND and I worked together to pass an amendment to restore large, unwise cuts in SBA's fiscal year 2001 budget. As Mr. Barreto assumes a key role in the preparation of SBA's fiscal year 2002 budget, I hope he will work with us and fight hard for a budget that adequately funds important SBA programs.

The administration's commitment to small businesses should start with SBA's new Administrator. Specifically, we will look to Mr. Barreto, for the vision, leadership, and management skills required for SBA to surpass the progress made by the Agency over the last 8 years in supporting and encouraging small business and entrepreneurship.

I urge my colleagues to support Mr. Barreto's nomination.

Mrs. FEINSTEIN. Madam President, I am proud to express my support for Hector Barreto, nominee for Administrator of the Small Business Administration, and a fellow Californian.

Mr. Barreto has been involved with small business concerns from an early age. His father, Hector Barreto, Sr., helped found the U.S. Hispanic Chamber of Commerce. As a young adult, the nominee helped his father manage a family restaurant, an export-import business, and a construction company.

In 1986, Barreto founded a small business of his own: Barreto Insurance and Financial Services.

The entrepreneur designed the firm to address a lack of financial services available to Southern California's rapidly growing Latino population.

Today, the firm generates $3 million in sales a year, and is considered one of the premier insurance and retirement planning firms in Los Angeles.

Barreto also acts as the vice chairman of the board of the Hispanic Chamber of Commerce and until 1997, he was chairman of the board for the Latin Business Association in Los Angeles.

Barreto founded the Latin Business Association Institute, an extension of the Latin Business Association, to provide technical assistance, education, and business development opportunities to Latin Business Association members.

For his dedication and commitment to the Latino Business Community, Barreto was awarded the Gold Medal of honor by the Multicultural Institute of Leadership for his work in promoting diversity and improving race relations.

In addition, he has received special recognition from Congress, the California State Senate and Assembly, the County of Los Angeles, the Mayor's office, the City of Los Angeles, YMCA, and the American Red Cross.

The number of small businesses continues to rise exponentially both in California and across the country. I look forward to working with Mr. Barreto to see that our small businesses flourish. I am pleased to support his nomination.

Ms. CANTWELL. Madam President, I rise in support of the nomination of Hector Baretto to the position of Administrator for the Small Business Administration.

First, I want to take this opportunity to thank the Small Business and Entrepreneurship Committee Chairman KERRY and Ranking Member BOND for working so diligently on issues affecting small businesses. Small businesses, always important to our communities and our economy, have taken new and heightened importance in our changing economy.

The position for which Mr. Baretto has been nominated for, Administrator of the Small Business Administration, has probably never had as much significance as it does in the current economy. Small businesses are now, more than ever, a source of the innovation that is critical to the continued growth of the economy. In my state, one of the largest high-tech companies, Microsoft, was a small business not so long ago. As we have watched our unemployment figures drop now for several years, small businesses have been the largest community contributing to job creation.

In fact, many of the leading high-tech companies in America were small businesses only years ago—or remain small businesses today. But along with the great successes, there are many small businesses with great ideas that have yet to get a foothold in our economy. These companies, many minority- and woman-owned, need the assistance of the Small Business Administration.

I was alarmed when the administration presented its first budget with deep cuts in SBA funding. Fortunately, Senators KERRY and BOND were able to restore much of that money in the Senate Budget Resolution and I would hope that as Administrator, Mr. Baretto would work to forestall any future efforts by others in the administration to impair SBA's ability to fulfill its important mission.

The President's budget requested no money for the SBA's new markets venture capital program and the National Veterans' Business Development Corporation just when it is getting started in its efforts to help veterans, particularly service-disabled veterans, who want to start or expand their businesses and develop a plan to become self-sustaining by fiscal year 2005. The President's budget freezes funding for the Women's Business Centers at $12 million and the Women's Business Council at $750,000. The Council is very helpful to the Congress, monitoring and researching the contribution of women business owners and the obstacles they face, including increasing their access to government contracts loans, and venture capital.

These programs have been extremely valuable to the small business and entrepreneurial communities. I hope that as Administrator, Mr. Baretto will defend these programs and help the administration understand their significance for veterans, women, and minorities. I think expanding and diversifying the pool of small business owners is one of the most significant areas in which the SBA contributes, and an area in which I believe the Small Business Administration can do more.

I congratulate Mr. Baretto and urge Senators to vote to confirm him as Administrator of the Small Business Administration.

Mrs. CARNAHAN. Madam President, small businesses are the backbone of the American economy. They create two of every three new jobs, produce 39 percent of the gross national product and are responsible for more than half of the Nation's technological innovation.

Our Nation's 20 million small businesses provide dynamic opportunities for all Americans. Therefore, I believe we need a strong administrator to ensure that the SBA functions effectively on behalf of America's small businesses.

Mr. Barreto is a native of Kansas City, MO who has demonstrated a belief in the entrepreneurial spirit of small business owners.

As Chairman of the Board for the Latino Business Association, Mr. Barreto has shown his commitment to providing Latino Americans with business opportunities, education, and technical assistance.

He also serves as the Vice Chairman of the Board of the United States Hispanic Chamber of Commerce. In this capacity, Mr. Barreto is successfully representing the interests of the Hispanic business community by strengthening national economic development programs and increasing business relationships between the corporate sector and Hispanic owned businesses.

I am pleased that the President has put forward a nominee with such a strong record of leadership and commitment to promoting the success of small businesses. I supported Mr. Barreto's nomination in the Senate Committee on Small Business and Entrepreneurship, and I am similarly pleased to support his nomination here on the floor of the United States Senate.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, it is my understanding that we are now in executive session; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Pending before the Senate is the nomination of Hector Barreto; is that right?

The PRESIDING OFFICER. The Barreto nomination is the pending nomination.

VOTE ON THE NOMINATION OF HECTOR V. BARRETO

Mr. REID. We have had no request for a rollcall vote. I ask that we move forward on the vote at this time.

The PRESIDING OFFICER. Is all time yielded back on the nomination?

Mr. REID. On this nomination I don't think there is any time to yield back. If there is, I ask unanimous consent that it be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Shall the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON THE NOMINATION OF WADE HORN

Mr. REID. It is my understanding that now the confirmation of the nomination of Wade Horn would be the next matter before the Senate.

The PRESIDING OFFICER. The Senator is correct. There are 2½ minutes remaining.

Mr. REID. The time of the Senator from Minnesota has been yielded back. I ask unanimous consent that the 2½ minutes controlled by the minority be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

All time is yielded back.

The question is, Shall the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. REID. I move to reconsider the vote.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER OF BUSINESS

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, under a previous order, we had agreed to a vote at 6:30 p.m. I know the memorial service is still underway. We will accommodate Senators who have other plans. I ask that we proceed with the vote. I also note this will be the last vote of the evening.

I have not yet been given a report from our negotiators as to the status of the ongoing discussions with regard to Mexican trucking, but I will file a cloture motion tonight and expect if we are able to resolve these questions, we can vitiate it in the morning. With that, I think we ought to proceed with the vote.

ILSA EXTENSION ACT OF 2001—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 6:30 p.m. having arrived, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question before the Senate is, Shall the bill, S. 1218, pass? The yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—96

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lincoln
Lott
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Hagel
Lugar

NOT VOTING—2

Inouye
Landrieu

The bill (S. 1218) was passed, as follows:

S. 1218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ILSA Extension Act of 2001".

SEC. 2. EXTENSION OF IRAN AND LIBYA SANCTIONS ACT OF 1996.

Section 13(b) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; Public Law 104–172) is amended by striking "5 years" and inserting "10 years".

SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO LIBYA.

(a) IN GENERAL.—Section 5(b)(2) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; 110 Stat. 1543) is amended by striking "$40,000,000" each place it appears and inserting "$20,000,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to investments made on or after June 13, 2001.

SEC. 4. REVISED DEFINITION OF INVESTMENT.

Section 14(9) of the Iran and Libya Sanctions Act of 1996 (50 U.S.C. 1701 note; 110 Stat. 1549) is amended by adding at the end the following new sentence: "For purposes of this paragraph, an amendment or other modification that is made, on or after June 13, 2001, to an agreement or contract shall be treated as the entry of an agreement or contract.".

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 1025, the Murray-Shelby substitute amendment.

Patty Murray, Ron Wyden, Patrick Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, James Jeffords, Daniel Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara Mikulski, Tom Daschle, and Richard Shelby.

CLOTURE MOTION

Mr. DASCHLE. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2299, the Transportation Appropriations Act.

Patty Murray, Ron Wyden, Patrick Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, Robert C. Byrd, James Jeffords, Daniel Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara Mikulski, and Tom Daschle.

Mr. DASCHLE. Mr. President, under the unanimous consent agreement we reached yesterday, the vote on cloture will occur tomorrow. We have been working with our colleagues on both sides of the aisle. I appreciate very much Senator McCAIN's cooperation in trying to reach a mutually convenient time for the vote. Unfortunately, there are other colleagues who are unable on the Republican side to agree to an earlier time for consideration of the bill, even though it was our hope that we could come to the bill at the normal time of convening tomorrow. But that is impossible.

We will have the cloture vote at 1 o'clock. We will reconvene, as a result of the current circumstances, at 12 noon tomorrow. That will accommodate the need for additional discussion among all of those who are participating in the negotiations with regard to the Mexican trucking issue.

I understand we have made some progress this afternoon. I am hopeful we can continue to talk through the night and tomorrow morning as well.

This will facilitate additional discussion and hopefully perhaps reach some conclusion. If it does, we will vitiate the cloture motions. If it does not, of course, the cloture motion votes will then occur at 1 o'clock tomorrow afternoon.

I thank my colleagues. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period of not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALFONSO E. LENHARDT

Mr. REID. Mr. President, the day before yesterday I met for the first time Alfonso Lenhardt. I met him in the majority leader's office. We were standing there alone after some niceties. I asked him: What is the pin on your lapel? He said: It is a Purple Heart. It is a medal for being injured in combat. He didn't say that, but that is what the Purple Heart stands for.

I mention that because I have a lot of affection for the Senate. I have a lot of affection for this Capitol complex. One of the main reasons I have so much affection is that I worked nights as a Capitol Hill policeman while going through law school. I can remember walking through Statuary Hall, never having had any understanding of who those great men were in the true sense of the word. I had the opportunity of meeting Everett Dirksen. I remember walking on the floor. I was the policeman assigned to the Ohio Clock, as it is called. I was there when this man with long, white hair and a wonderful voice, Senator Everett Dirksen, came by. He was asked to comment on the first hydrogen explosion of a nuclear device by the Soviet Union. I stood there and listened to him.

I have fond memories of not only my congressional experience but also as a young man working as a Capitol policeman. My boss was the Sergeant at Arms. The Sergeant at Arms of the House and the Senate are very important positions.

I mention meeting with General Lenhardt because I think we should understand what a great choice this man is to be the Sergeant at Arms of the U.S. Senate. He is a professional in the true sense of the word. Prior to some preliminary issues, Senator DASCHLE never knew the man. His very fine chief of staff, Pete Rouse, and our very excellent Secretary of the Senate, Jeri Thomson, went through the process and came to Senator DASCHLE with a number of people. This is the person that Senator DASCHLE chose. What a great choice. He is a professional.

One of the jobs he had in the U.S. Army was to be the commanding general of the organization that takes care of national security and law enforcement programs.

In 1997, after more than 31 years of domestic and international experiences in national security and law enforcement, he retired from the U.S. Army. His responsibilities in the military were significant. He is a two-star general. I am told that he could have had a third star, but he decided to retire prior to doing that.

His last position with the Army was as commanding general of the U.S. Army Recruiting Command. There were over 1,800 separate locations of which he was the leader. He managed an Army installation consisting of 130,000 acres of training areas, administrative and logistical facilities, and support operations for over 23,000 civilian employees, military retirees, soldiers, and family members.

He also served as the senior military police officer for all police operations and security matters throughout the Army's worldwide sphere of influence.

So to have him at the Senate, having the responsibility, among other things, for the security of this Capitol complex, says it all. He certainly has had the experience. This man not only has had an outstanding military career, but he has a bachelor of science degree in criminal justice from the University of Nebraska, a master of arts degree in public administration from Central Michigan University, and a master of science degree in the administration of justice from Wichita State University. He also completed executive programs at Harvard University's Kennedy School of Government and the University of Michigan Executive Business School.

He has been active in public service. This is a man who is outstanding. Those who watch the Senate proceedings on C-SPAN or who visit the Capitol, to see this historic site, may not realize all the work that goes into running the U.S. Capitol. The responsibilities are enormous. Unless something goes wrong, we take them for granted.

Senator DASCHLE has done some very fine things during his 7 years as Democratic leader, and he has done some great things during his short time as majority leader, but I think there is nothing that I have been more impressed with than his selection of General Alfonso Lenhardt as the Sergeant at Arms of the U.S. Senate. I hope everyone in the Senate will have the opportunity to meet this man and to recognize what a fine person Senator DASCHLE has selected.

He is going to be our protocol officer and our chief law enforcement officer. He will also be the administrative manager for most of the Senate's wide-ranging support services. We could not have a better person.

THE PATIENTS' BILL OF RIGHTS

Mr. DORGAN. Mr. President, the Senate recently passed the Patients' Bill of Rights and we are anxiously awaiting action by the House. The Patient Protection Act, or the Patients' Bill of Rights, is something we have spent a great deal of time on in the Senate.

As Senator DASCHLE indicated, it was one of our top priorities. We had a great deal of difficulty getting it through the Senate. It took us a good number of years to do that, but after 4 or 5 years of debate, we finally got a Patient Protection Act passed by the Senate. We are now waiting for the House to take similar action.

The President says he will veto it. And that is the way the legislative process works. We have to do the best we can to advance public policies that we think strengthen this country. We have done that under the leadership of Senator DASCHLE, with the cooperation of my colleagues on both sides of the aisle. We passed a real Patient Protection Act or a real Patients' Bill of Rights. Let me describe why that is important and what it does.

All of us have had lengthy debates about what is happening to health care in this country, as more and more Americans have been herded into these groups called managed care organizations. They were created, in some cases, for very good reasons, to try to reduce the cost of health care and control and contain the cost of health care.

But in recent years, the for-profit organizations that have become part of the managed care industry have, from time to time, taken actions with respect to patient care that have much more to do with their bottom-line profit than it has to do with patient care.

So we had a debate about a Patient Protection Act that says the following:

One, you ought to be able to know all of your medical options for treatment, not just the cheapest option for medical treatment. That ought to be a fundamental right for patients.

Two, if you have an emergency, you ought to have a right to go to an emergency room. Sound simple? Yes, it is simple. But it is not always the case in this country that with an emergency, you are going to get reimbursement for emergency room treatment by a managed care organization.

Three, you have a right to see a specialist when you need one for your medical condition. Does that sound simple and pretty straightforward? Sure, but it doesn't happen all the time.

You have a right to clinical trials. You have a right to retain, for example, the relationship you have with your oncologist who has been treating you for breast cancer for 7 years. Even if your employer changes health care organizations, you have a right to continue to see the same oncologist who has been treating you for cancer for 7 years.

Those are the kinds of provisions we put in the Patient Protection Act. Let me describe why we did it. We did it because in this country too often patients are discovering that what they believed they were covered for in their medical or health care plan was not in fact covered at all.

I have told the story of the woman who went hiking in the Shenandoahs. She fell off a 50-foot cliff and sustained very serious injuries. She was unconscious. She had multiple broken bones and was in very serious condition. She was brought to an emergency room on a gurney unconscious. She survived after a long convalescence, only to find out that the managed care organization said they would not pay for her emergency room treatment because she had not had prior approval for emergency room care. This is a woman hauled into an emergency room unconscious, told that she should have gotten prior approval for emergency room care.

Does that literally cry out and beg for some kind of legislative attention? Yes, it does. It is just one piece of the Patient Protection Act providing that, if you have an emergency, you have a right to emergency room treatment.

There are so many other examples. For instance, the issue of what is medically necessary. I have held up pictures on the floor of young children born with terribly deformed facial features, being told that the correction of that radically deformed facial feature is not "medically necessary," and therefore the insurance they thought they had with the managed care organization would not cover it.

I have told the story often of my colleague, Senator REID of Nevada and I, holding a hearing in the State of Nevada on this subject, where we heard from a mother of a young boy named Christopher Roe who died at age 16. Christopher had cancer. This young boy fought cancer valiantly but lost his life on his 16th birthday. In the process of fighting cancer, they also had to fight in order to get the treatment he needed. He didn't get it in time. It is an unfair fight to ask a 16-year-old boy to fight cancer and have to fight the insurance company at the same time.

His mother held up a picture of young Christopher, a big colored poster picture, and cried at the end of her testimony as she described her son looking up at her from the bedside asking: Mom, how can they do this to a kid? What he was asking was: How can they do this? How can they not provide the treatment I need to give me a chance to live? That boy died at age 16.

I have told that story. I have told many other stories, including the story of Ethan Bedrick. Ethan had a very difficult birth and was born with very serious problems because the umbilical cord had shut off his oxygen. A doctor had decided, after evaluating him, that he had only a 50-percent chance of being able to walk by age 5 if he got certain rehabilitative services. A 50-percent chance for this little boy to be able to walk by age 5 was "insignificant," and, therefore, the services were denied.

Does it sound bizarre? Does it sound like a system with which we are acquainted? Not to me. This all sounds just Byzantine, that decisions are made about health care on what is medically necessary, what is an emergency, what kind of treatment is available, what kind of treatment is necessary. Some decisions have been made with an eye toward the bottom line of the corporation providing the health care. And that is wrong because human health is not a function of someone's bottom line.

We had a woman who suffered a very serious brain injury. She was still conscious. She was in an ambulance, and she asked the ambulance driver to take her to the furthest hospital. There was one closer. She wanted to go to the one that was a bit further away. This is someone in an ambulance with a brain injury. She survived and later was asked: Why did you not want the ambulance to drop you off at the nearest hospital? She said: Because I understood the reputation of that hospital. It was their bottom line, their profit; I did not want to be presented on a gurney with a brain injury and be looked at by a doctor who thought in terms of profit and loss. Doctors wouldn't do that, but a health care system determined by profit and loss, how much would this cost? I wanted someone to see me and determine they wanted to fight for my life regardless of cost.

That is what people have been concerned about with respect to managed care. Not all managed care organizations have done this. Some are wonderful. Some have done a great job. Some have not. Some have taken a position that jeopardizes people's health. They have said to people: Here is your option for medical treatment, not giving them all the options that might be available to them, only describing the cheapest option that would be available to be delivered by the health care organization.

Is that fair to people in this health care system? The answer clearly is no.

So we have had a fight in the Senate the last 3, 4, 5 years. We have a managed care organization that is big, strong, well financed, and they very aggressively oppose what we are trying to do. On the other side are doctors, the American Medical Association. They want to practice medicine in the hospital room. They want to practice medicine in the clinic. They don't want to practice medicine only to find out that some young fellow 1,000 miles away, working as a junior accountant for an insurance company, who hasn't yet shaved twice a week, is making decisions about health care that the doctor is going to deliver in the hospital room.

That is not the kind of health care they are dedicated to provide the American people. They didn't study in medical school for the purpose of having somebody 1,000 miles away, who knows very little about health care, tell them how they ought to treat a patient.

So we have a battle between the managed care organization, that has spent a great deal of money, putting ads all over television to try to defeat it, and doctors, patients, and other health groups saying: We need this.

It was long past the time to get this done, and we finally did it. We finally got it done. We got it through the Senate after a number of years. Now it waits in the House for action. We read day after day of reasons that somehow it is not quite getting done. The big industries that have something at stake are making all the efforts they can to try to defeat the legislation. And if we get it through the House of Representatives—and we should; there is no excuse for this Congress not passing this legislation—the President says he will veto it.

He has a right to veto it. I must say, though, what we have enacted in the Senate is almost exactly what they have for law in the State of Texas. I know President Bush vetoed it first when he was Governor of Texas, but later it became law without his signature in Texas. What we are trying to do for the country says essentially the same as exists in the State of Texas with respect to a patients' protection act.

Again, let me say that we have a lot of issues in this country. We sink our teeth into a good number of them throughout the year in the Senate.

This is a critically important issue for us to get done this year. This issue is very important. We have a responsibility to continue applying pressure in this circumstance to the House. I hope the American people will apply pressure to the House and say: Get this done. Do this bill. Bring it up for a vote, pass it, and send it to the President.

The President says he will veto it. I don't know that that is the case. I hope when he looks at this bill, he will understand this is the right bill for the American people. It is the right thing to do.

It is very interesting to me that as we look at all of the challenges we face in this country, we have had some great successes, and almost every step of the way we have had people who have said: Not me, help me out, this won't work. All of us come from towns and have friends who are there sitting around being crabby all day long, those who describe what won't work.

I come from a town of 300 to 400 people. I spent most of my formative years there. Three or four people there were always crabby about things, and they said, "This won't work," or, "This will never do." But the rest of the town was out doing things. They paved our Main Street while others said it could not be done. It got done because the builders and the doers decided to make it happen.

The same is true in the Senate. It doesn't matter what the issue is, it doesn't matter whether it is Social Security, workers rights, minimum wage, we have people in this body who have opposed everything for the first time, and it doesn't matter what it is. Those who progressively want to make changes strengthen this country. It is our burden to say, here are our ideas, here is what we must do to strengthen our country.

We have done that. A Patient Protection Act is just one more step in a series of things that we know must be done to help the American people deal with a health care system that has increasingly moved toward managed care and has increasingly empowered the bigger interests and taken away from the American people and the individuals who need health care the opportunity to fight back. That is what the Patient Protection Act or Patients' Bill of Rights is about.

Now we have passed that legislation. We have had good leadership in the Senate, and in the last couple of months we have passed legislation dealing with that Patients' Bill of Rights and a number of other things that have been welled up for a long while in the Senate. But now it is done. It is up to the House to do the same. I call on the President to join us. I urge the House to pass this bill, and then I urge the President to sign the bill. Let this bill work for the American people.

I know the Senator from Nevada, who attended a hearing with me that I referenced recently, cares a great deal about this issue. I know that at the hearing in the State of Nevada I heard exactly what I had heard at hearings I held in New York, Minnesota, and elsewhere. I held hearings as chairman of the Democratic Policy Committee on this issue. It didn't matter where you were, you would hear the same story; that is, that patients in this country expect the kind of health treatment they were promised by their health care plan, when they get sick and need health care. Too often they discover that that kind of delivery of health care service is not available to them when they need it.

We have, as I indicated, a number of challenges facing us this year. This is but one. I think it is one of the most important challenges. I hope in the not-too-distant future the House of Representatives will take action, as the Senate has already done, and we will see a Patient Protection Act become law in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have said before that the Senator from North Dakota has spent a great deal of time on the Patients' Bill of Rights, developing a foundation so that the legislation could pass. It was Senator EDWARDS' legislation, along with Senators KENNEDY and MCCAIN. But the real foundation for that legislation came as a result of the work that Senator DORGAN did around the country as the chairman of the policy committee, holding hearings all over America. He mentioned Las Vegas. There was a dramatic hearing held in Las Vegas, with people complaining about how they had been mistreated or not treated. Not only did we have patients coming in, we had physicians coming in and telling us how they could not render care that they, in their expertise, training, and experience, indicated needed to be done, and their managed care entity would not let them do it. There are cases where a doctor has been pulled off the case because his recommendations for treatment were not what the HMO or the managed care entity wanted.

I have great respect and admiration for the Senator from North Dakota for helping us lay a foundation so that we could pass successful legislation. All eyes are now upon the House of Representatives, to make sure they pass legislation that is in keeping with what we did over here. They are trying to spin this, saying the legislation in the Senate is all about lawyers.

The legislation that passed in the Senate of the United States had nothing to do with lawyers and everything to do with patients. Out of a bill that contains 100 percent substance, 2 percent dealt with lawyers and 98 percent dealt with patients.

I look forward to the bill passing in the House. Also, I have such great admiration and respect for Dr. NORWOOD, who has been willing to step beyond the pale. He has been willing to go beyond what most of the time happens in partisan politics. Congressman NORWOOD, a Republican, has said he can't do what his leadership has asked him to do. He believes in a Patients' Bill of Rights, and he has been a leader. I have such great respect for him.

I express my appreciation to the Senator from North Dakota.

THE DEPARTURE OF ROBERT D. FOREMAN

Mr. HATCH. Mr. President, I would like to take a moment to pay tribute to Robert D. Foreman who has served as a health advisor to me for the past 8 years. Rob came to my staff after distinguished service in the House of Representatives, in the Executive Branch, and in a national trade association.

I suppose that Rob's experience staffing Medicaid and Medicare issues for me, and earlier for our colleagues on the House Interstate and Foreign Commerce Committee, now called the Energy and Commerce Committee, have prepared him well for his new assignment as President George W. Bush's Director of the Office of Legislative Affairs at the Centers for Medicare and Medicaid Services. I am confident that he will be a great asset to Secretary Thompson, Administrator Scully, and the President as they work to preserve and strengthen Medicare, and confront the many challenges facing the Center for Medicare and Medicaid Services, CMS.

Rob is able to grasp complex issues and use his keen sense of humor to bring together parties with differing views on pending legislation. With his research and command of the legislative process, he has helped us make significant contributions during the past eight years on many key pieces of legislation including the defeat of the Health Security Act and enactment of the Children's Health Insurance Program, the Health Insurance Portability and Accountability Act of 1996, the Balanced Budget Act amendments and subsequent revisions, and the Skilled Nursing Facility legislation.

I also have been able to count on Rob to be a powerful advocate for the disabled, and the less fortunate, and to be my liaison with my Disability Advisory Committee in Utah. He also has been a tireless advocate for Native Americans and has enhanced my work on the Committee on Indian Affairs.

For those who have been blessed to work with Rob, they understand that beneath the soft-spoken, dedicated work of this kind man is the caring heart of a true gentleman. He is a man you can genuinely trust, a man of his word, a man of integrity. He seeks not just to do his job, but to do it well. He came to his office each morning not to work, but to serve. His gentle nature is equaled only by his loyalty and work ethic.

I am grateful to Rob for his efforts, for his personal sacrifices, and for the many nights and weekends he spent ensuring that work on these vital issues was complete. I want to publicly thank him for all of his many contributions. I wish him the best as he confronts this new challenge.

RETIREMENT OF JESS ARAGON

Mr. HARKIN. Mr. President, I rise today to call to your attention the retirement of one of our country's finest public servants. Jess Aragon, the Budget Officer of the Department of Labor's Employment and Training Administration, is leaving after 33 years of Federal service. In his capacity as Budget Officer, he controlled the formulation, justification, and execution of some $10 billion of our taxpayers' funds in a manner that set him apart for his professionalism and courtesy. He has personally assisted the Appropriations Committee time and time again, and has been especially helpful when the chips were down and information was desperately needed to make our bills and reports come together.

A native of Albuquerque, NM, Jess' career began with a four-year stint in the Air Force. Following this, he entered public service with the New Mexico State Employment Security Agency, after which he joined the Department of Labor. He and his wife, Myra, are retiring to San Juan, PR, and I, and the other members and staff of the Appropriations Committee, wish them all the best, and offer a heartfelt thanks for a career devoted to serving the American people.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 8, 1994 in Medford, OR. A man who said he thought their lifestyle was "sick" killed two prominent lesbian activists, who had been domestic partners for many years.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

RULES OF PROCEDURE OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. JEFFORDS. Mr. President, in accordance with the rule XXVI (2) of the Senate. I ask unanimous consent that the rules of the Committee on Environmental and Public Works, adopted by the committee today, July 25, 2001, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) Regular Meeting Days: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) Additional Meetings: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) Presiding Officer:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) Open Meetings: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) Broadcasting:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) Business Meetings: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) Subcommittee Meetings: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) Continuing Quorum: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) Reporting: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) Hearings: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) Announcements: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) Statements of Witnesses:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all

members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) Notice: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) Amendments: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) Modifications: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) Proxy Voting:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) Subsequent Voting: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) Public Announcement:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) Regularly Established Subcommittees: The committee has four subcommittees: Clean Air, Wetlands, and Climate Change; Transportation, Infrastructure, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund, Toxics, Risk and Waste Management.

(b) Membership: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) Environmental Impact Statements: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) Project Approvals:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) Building Prospectuses:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) Naming Public Facilities: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

HEALTH CARE PROFESSIONALS AS VOLUNTEERS

Mr. WYDEN. Mr. President, when Americans see people in need, their first instinct is to help. It is the kind of attitude that makes our Nation great. But imagine if you had the knowledge and the tools to help someone in need—but weren't permitted to lend a hand.

Health care professionals all across our country are prevented from donating their services in the free clinics that serve those most desperate for medical care, because these practitioners do not have malpractice coverage that will cover their work in volunteer clinics. Today, I urge Secretary Tommy Thompson and his Department of Health and Human Services to finish a job that Congress started 5 years ago and solve this problem once and for all.

For several years now, doctors and dentists in Oregon have been calling me, saying they want to give back to their communities by volunteering in free clinics, but are not allowed to do so. I also have been contacted by an organization—Volunteers in Medicine—that operates free clinics across the country. They know of many health care providers who want to volunteer but cannot.

When Congress passed the Health Insurance Portability and Accountability Act, or HIPAA, in 1996, one small provision was included, aimed at helping health care providers who wanted to volunteer in free clinics but were concerned about malpractice claims. Section 194 of HIPAA would let free clinics apply to the Secretary of Health and Human Services to have health providers certified and given immunity from malpractice claims.

This small provision could be a big help to the uninsured and those who count on free clinics for health care. The problem is, this provision of HIPAA has been overlooked and regulations for this section—detailing how the legislation should be implemented—were never written.

I am sending a letter to Secretary Thompson calling on him to get those regulations written and published as soon as possible. This should not be difficult. Legislation passed in 1992, which extended the Tort Claims Act coverage to volunteers in community health centers, can serve as a model.

Congress did the right thing in 1996 in recognizing this problem, but we need to finish the job. Two things need to happen now. We need those regulations published, and Congress needs to appropriate funding for the provision.

This will not solve the problems of the more than 40 million Americans without health insurance, but it sure could make a big difference in making care more accessible. It could make a big difference in the lives of the many health professionals who want to give back to their communities.

I again want to urge Secretary Thompson today to get these regulations published as soon as possible. For my part, I intend to stay on the job to assure his Department has funding for this provision.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 24, 2001, the Federal debt stood at $5,724,984,658,043.75, five trillion, seven hundred twenty-four billion, nine hundred eighty-four million, six hundred fifty-eight thousand, forty-three dollars and seventy-five cents.

One year ago, July 24, 2000, the Federal debt stood at $5,668,098,000,000, five trillion, six hundred sixty-eight billion, ninety-eight million.

Five years ago, July 24, 1996, the Federal debt stood at $5,173,226,000,000, five trillion, one hundred seventy-three billion, two hundred twenty-six million.

Ten years ago, July 24, 1991, the Federal debt stood at $3,551,395,000,000, three trillion, five hundred fifty-one billion, three hundred ninety-five million.

Fifteen years ago, July 24, 1986, the Federal debt stood at $2,071,116,000,000, two trillion, seventy-one billion, one hundred sixteen million, which reflects a debt increase of more than $3.5 trillion, $3,653,868,658,043.75, three trillion, six hundred fifty-three billion, eight hundred sixty-eight million, six hundred fifty-eight thousand, forty-three dollars and seventy-five cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO COLONEL JEFFREY A. WAITE

• Mr. BOND. Mr. President, it is with great pleasure that I rise today to pay special tribute to an outstanding soldier who has distinguished himself in his service to our Nation. Colonel Jeffrey A. Waite will take off his uniform for the last time this month as he retires from the National Guard on July 31st, 2001, following 32 years of service.

Colonel Waite is a fifth generation Missourian who makes our State proud. He began his career by enlisting in the Missouri Army National Guard in 1969 and continued to excel as he climbed through the ranks to Colonel. He imparted his love of the State and to the military to his son, who is now the sixth generation of Waite's to serve our Nation's military. He is a proud Missourian and American.

Colonel Waite completed his initial training at Ft. Bragg, NC and Aberdeen Proving Ground, MD in the spring of 1970 and was commissioned through the Missouri Military Academy Officer Candidate School as a Second Lieutenant of Field Artillery in 1972. He holds a bachelor of science degree in business administration from Southwest Missouri State College and a master of science in business administration from Boston University. In addition, his military education includes the Ordinance Officer Basic and Advanced courses, U.S. Marine Corps Staff Course, U.S. Army Command and General Staff Course, the Air War College, and the Army War College.

Throughout his career, Colonel Waite has held a variety of positions at nearly every level of the Army National Guard. He entered active duty with the National Guard "Captains to Europe" program where he served abroad in Giessen, Germany with the 19th Maintenance Battalion as an Armament Maintenance Officer and Battalion Logistics Officer. Colonel Waite is also to be recognized for his service as Assistant Professor of Military Science, Hofstra University, an important program for developing the soldiers of our future.

Throughout his career, Colonel Waite's level of commitment and service has been recognized and rewarded through numerous decorations and awards. Colonel Waite has demonstrated the utmost patriotism and dedication and has consistently gone above and beyond the call of duty.

Colonel Waite's retirement represents a loss to the both the National Guard Bureau and the Department of Defense. Throughout his career, Colonel Waite made innumerable long-term positive contributions to both the military and our Nation. On behalf of the citizens of Missouri and a grateful Nation, we wish Colonel Jeffrey A. Waite, his wife Lori, and four children all the best for a happy retirement.•

TRIBUTE TO MOUNTAIN VALLEY MEDICAL CLINIC

• Mr. JEFFORDS. Mr. President, right now in my home state of Vermont, a very special institution, the Mountain Valley Medical Clinic, MVMC, in Londonderry, VT, is celebrating 25 years of service. Rural clinics such as Mountain Valley, play a critical role in delivering health care, especially in States as rural as Vermont.

Twenty-five years ago, it was not unusual for communities such as Londonderry, to receive health care through a single practitioner, who serviced the region. In 1976, as Londonderry's sole practitioner, Dr. Elizabeth Pingree, was retiring, the impending lack of health care in the area became a real concern. A group of involved citizens recognized that people would either be forced to drive great distances to be seen by a physician, or they would go without care. The entire community responded by coming together to create the Mountain Valley Medical Clinic.

The founding fathers, and mothers, of Mountain Valley recognized the rapidly expanding need for improved and broader health care services in the area. With tireless energy, enthusiasm and dedication, these key individuals succeeded in generating widespread support throughout the neighboring communities. They raised funds, developed plans, created a board of volunteers, and opened a state-of-the-art, comprehensive, health care facility to serve area residents and visitors. Additionally, they created an infrastructure that served all citizens regardless of their ability to pay.

Since opening its doors in 1976, more than 300,000 patients have visited this clinic for care. Over the recent decade, more than 11,000 per year have sought medical assistance. Much of the cost of the care has been curtailed by Medicare, Medicaid, or provided without reimbursement. Staying true to its mission, the dedicated staff and volunteer Board of Directors balanced financial losses, each and every year, with the generous support of the community.

As a model rural health care facility, Mountain Valley reminds us that bigger, faster, cheaper, and fancier, do not necessarily translate to better health care. In fact, many part-time residents in this community consider Mountain Valley to be their primary care provider, even though, or perhaps because, they reside in large cities up and down the east coast. I wish other institutions could follow the example of Mountain Valley Health Clinic.

As this noteworthy institution celebrates its 25th anniversary, it remains one of a kind. It is unique among its peers throughout the country for its philosophy and independence, but most of all, because it is the product of so many remarkable people and ideas. It is truly part of the communities it serves. Residents and visitors in the Mountain Valley service area have much to be proud of, and grateful for, with the steadfast medical care given by the professionals and staff at Mountain Valley Medical Clinic.•

TRIBUTE TO COMMISSIONER ROBERT W. VARNEY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to an esteemed colleague and dear friend, Robert W. Varney, Commissioner of the New Hampshire Department of Environmental Services, NHDES, on being appointed Regional Administrator for the Environmental Protection Agency, EPA—New England.

Mr. Varney has served the Granite State as Commissioner of NHDES since July of 1989, having been appointed by three Governors, JUDD GREGG, Steve Merrill and Jeanne Shaheen, with the unanimous approval of the Executive Council. Mr. Varney was responsible for the great task of overseeing all of New Hampshire's air, water and waste programs issues. He is recognized nationally as an environmental leader, and has presided over countless prestigious environmental committees and organizations, including President of the Environmental Council of the States, ECOS, the National Organization of State Environmental Commissioners and has served on the National Environmental Justice Advisory Council.

While his national recognition is commendable, Mr. Varney's prowess in the New England region has been demonstrated by his high ranking positions on numerous regional organizations such as the Gulf of Maine Council on the Marine Environment, the Ozone Transport Commission, the New England Governors Conference Environment Committee, and the New England Interstate Water Pollution Control Commission, just to name a few. In June 2000, his efforts to partner with the private sector were recognized when he was presented with the Paul Keough Environmental Award for Government Service by the Environmental Business Council of New England.

As former Chairman and current ranking member of the Senate Committee on Environment and Public Works, and one time Chairman of the Superfund Sub-committee, I have had the pleasure of working quite closely with Mr. Varney on a wide range of issues. On numerous occasions I have depended on his far-reaching environmental expertise to testify before Congress on key issues such as the dangers of the fuel additive MTBE, the current status of superfund cleanup activities and on successful state environmental programs.

With the help of Mr. Varney's leadership, New Hampshire has become, and continues to be, a front-runner in exploring innovative, low-cost technologies while reaping the benefits of developing successful Federal and State relationships. I commend Mr. Varney for his exemplary service to New Hampshire, and look forward to watching the success that will follow him in this next endeavor. New Hampshire, New England and the Nation are truly fortunate to have such a dedicated environmental leader take on the vitally important role of EPA Regional Administrator, and I am certain he will execute this duty with comparable distinction. It is with pleasure that I extend my deepest congratulations and hope for future success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:46 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 468. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

H.R. 2131. An act to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2004, and for other purposes.

S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings accounts.

The enrolled bills were signed subsequently by the President pro tempore (Mr. BYRD).

At 1:34 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2506. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that pursuant to 10 U.S.C. 4355(a), the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Military Academy: Mrs. TAUSCHER of California.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2506. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 25, 2001, she had presented to the President of the United States the following enrolled bills:

S. 468. An act to designate the Federal building located at 6230 Van Nuys Boulevard in Van Nuys, California, as the "James C. Corman Federal Building."

S. 1190. An act to amend the Internal Revenue Code of 1986 to rename the education individual retirement accounts as the Coverdell education savings account.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3055. A communication from the Deputy Administrator of the General Service Administration, transmitting, pursuant to law, a report relative to a Building Project Survey for Jefferson City, MO; to the Committee on Energy and Natural Resources.

EC–3056. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the Manufactured Housing Program User Fee Authority; to the Committee on the Budget.

EC–3057. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated July 24, 2001; to the Committees on Appropriations; the Budget; and Foreign Relations.

EC–3058. A communication from the Acting Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of a nomination for the position of Commissioner of Social Security, received on July 23, 2001; to the Committee on Finance.

EC–3059. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision to Rev. Proc. 2001-2" (Rev. Proc. 2001-41) received on July 23, 2001; to the Committee on Finance.

EC–3060. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Exxon v. Commissioner" received on July 24, 2001; to the Committee on Finance.

EC–3061. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a report relative to the Parity of Pay between Active and Reserve Component members of the Armed Forces based on length of time on active duty; to the Committee on Armed Services.

EC–3062. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the current unit cost of a major defense acquisition program that has increased by at least 15 percent; to the Committee on Armed Services.

EC–3063. A communication from the Deputy Secretary of Defense, transmitting, the report of retirements; to the Committee on Armed Services.

EC–3064. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve" (RIN2900–AK40) received on July 23, 2001; to the Committee on Veterans' Affairs.

EC–3065. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice: Medical Opinions from the Veterans Health Administration" (RIN2900–AK52) received on July 23, 2001; to the Committee on Veterans' Affairs.

EC–3066. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on July 23, 2001; to the Committee on Environment and Public Works.

EC–3067. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for Water, received on July 23, 2001; to the Committee on Environment and Public Works.

EC–3068. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator for Prevent, Pesticides, and Toxic Substances, received on July 23, 2001; to the Committee on Environment and Public Works.

EC-3069. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for Enforcement and Compliance Assurance, received on July 23, 2001; to the Committee on Environment and Public Works.

EC-3070. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator for International Activities, received on July 23, 2001; to the Committee on Environment and Public Works.

EC-3071. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC-3072. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list; to the Committee on Governmental Affairs.

EC-3073. A communication from the Acting General Counsel of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, received on July 23, 2001; to the Committee on Governmental Affairs.

EC-3074. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Chairman of the Foreign Claims Settlement Commission, received on July 23, 2001; to the Committee on the Judiciary.

EC-3075. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of service in acting role for the position of Administrator of the Drug Enforcement Administration, received on July 23, 2001; to the Committee on the Judiciary.

EC-3076. A communication from the White House Liaison for the Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information and the designation of acting officer for the position of Administrator of the Drug Enforcement Administration, received on July 23, 2001; to the Committee on the Judiciary.

EC-3077. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Office of Elementary and Secondary Education, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3078. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Office of Legislation and Congressional Affairs, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3079. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3080. A communication from the White House Liaison for the Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Office of Educational Research and Improvement, received on July 23, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-3081. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation entitled "National Science Foundation Authorization Act for Fiscal Years 2002 and 2003"; to the Committee on Health, Education, Labor, and Pensions.

EC-3082. A communication from the Chairman of the National Foundation on the Arts and the Humanities, transmitting, pursuant to law, a report relative to the Arts and Artifacts Indemnity Program for Fiscal Year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-3083. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the evaluation of driver licensing information programs and assessment of technologies dated July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3084. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning the withdrawal of certification for Indonesia pursuant to the present sea turtle protection program; to the Committee on Commerce, Science, and Transportation.

EC-3085. A communication from the Executive Director of the Amtrak Reform Council, transmitting, a report relative to institutional and management changes; to the Committee on Commerce, Science, and Transportation.

EC-3086. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the West Yakutat District, Gulf of Alaska" received on July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3087. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Laundering Procedures in (1) the Standard for Flammability of Children's Sleepwear; (2) the Standard for Flammability of Mattresses and Mattress Pads; and (3) the Standard for Flammability of Carpets and Rugs" (RIN3041-AB69) received on July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3088. A communication from the General Counsel of the Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Automatic Residential Garage Door Operator Standard" (RIN3041-AB86) received on July 23, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3089. A communication from the Senior Legal Advisor to the Mass Media Bureau Chief, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; West Hurley, Rosendale and Rhinebeck, New York, and North Canaan and Sharon, Connecticut" (Doc. No. 97-178) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3090. A communication from the Senior Legal Advisor to the Mass Media Bureau Chief, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Wallace, Idaho and Bigfork, Montana" (Doc. No. 98-159) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3091. A communication from the Senior Legal Advisor to the Mass Media Bureau Chief, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Kingman and Dolan Springs, Arizona" (Doc. No. 01-63) received on July 24, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3092. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-3093. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the certification of a proposed license for the export of defense articles or services sold commercially under contract in the amount of $50,000,000 or more to Kazakhstan and Russia; to the Committee on Foreign Relations.

EC-3094. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of the fifteen percent danger pay allowance for Belgrade and Yugoslavia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 407: A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes (Rept. No. 107-46).

By Mr. HARKIN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1246: An original bill to respond to the continuing economic crisis adversely affecting American agricultural producers.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Dan R. Brouillette, of Louisiana, to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. SCHUMER, and Mr. DEWINE):

S. 1234. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 1235. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. HATCH):

S. 1236. A bill to reduce criminal gang activities; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1237. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 1238. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. ENSIGN, and Mr. LUGAR):

S. 1239. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable outpatient prescription drugs; to the Committee on Finance.

By Mr. BENNETT:

S. 1240. A bill to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself and Mr. ALLARD):

S. 1242. A bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM (for himself, Mr. MURKOWSKI, Mr. REID, Mr. NELSON of Florida, Mr. INHOFE, Mr. WARNER, and Mr. BURNS):

S. 1243. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. CHAFEE, Ms. COLLINS, Mr. DASCHLE, Mr. BAUCUS, Mr. BREAUX, Mr. TORRICELLI, Mrs. LINCOLN, Mr. GRAHAM, Mr. BINGAMAN, Mr. KERRY, Mrs. CLINTON, and Mr. CORZINE):

S. 1244. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:

S. 1245. A bill for the relief of Renato Rosetti; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 1246. An original bill to respond to the continuing economic crisis adversely affecting American agricultural producers; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. KENNEDY:

S. 1247. A bill to establish a grant program to promote emotional and social development and school readiness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. CHAFEE, Mr. REED, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. WELLSTONE, Mr. DAYTON, Mrs. FEINSTEIN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. KENNEDY, Mr. CORZINE, and Mr. DODD):

S. 1248. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE (for himself, Mrs. MURRAY, Mr. SCHUMER, Mr. DODD, Mr. DAYTON, Mrs. CLINTON, and Mr. INOUYE):

S. 1249. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. ROCKEFELLER, the names of the Senator from Florida (Mr. NELSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 122

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 122, a bill to prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless that State finds clear and convincing evidence of fraud, and for other purposes.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 258

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 267

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 452

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 452, a bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians, providers of services, and ambulance providers that are attempting to properly submit claims under the medicare program to ensure that the Secretary does not target inadvertent billing errors.

S. 486

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 501

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 501, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 543

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 677

At the request of Mr. HATCH, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 775

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 775, a bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program.

S. 781

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 781, a bill to amend section 3702 of title 38, United States Code, to extend the authority for housing loans for members of the Selected Reserve.

S. 805

At the request of Mr. WELLSTONE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 805, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Duchenne, Becker, limb girdle,. congenital, facioscapulohumeral, myotonic, oculopharyngeal, distal, and emery-dreifuss muscular dystrophies.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 824

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 824, a bill to establish an informatics grant program for hospitals and skilled nursing facilities.

S. 838

At the request of Mr. DODD, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 838, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 979

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 979, a bill to amend United States trade laws to address more effectively import crises, and for other purposes.

S. 992

At the request of Mr. NICKLES, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 994

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 994, a bill to amend the Iran and Libya Sanctions Act of 1996 to extend authorities under that Act.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1037

At the request of Mrs. HUTCHISON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1037, a bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes.

S. 1040

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1040, a bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment.

S. 1042

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1087

At the request of Mr. NICKLES, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1116

At the request of Mr. INOUYE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1116, a bill to amend the Foreign Assistance Act of 1961 to provide increased foreign assistance for tuberculosis prevention, treatment, and control.

S. 1169

At the request of Mr. FEINGOLD, the names of the Senator from Georgia (Mr. MILLER) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1200

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1200, a bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor.

S. 1203

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1203, a bill to amend title 38, United States Code, to provide housing loan benefits for the purchase of residential cooperative apartment units.

S. 1206

At the request of Mr. VOINOVICH, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1206, a bill to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota

(Mr. Dayton) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. Schumer, and Mr. DeWine):

S. 1234. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, the Internet has dramatically changed the lives of the American people. The way in which we work, live, play, and learn has been forever changed. The benefits this new technology has brought to us are truly innumerable. Unfortunately, however, the technology has also created some fearful problems. In particular, the Internet is fast becoming an increasingly popular means by which criminals pursue their nefarious activities.

Perhaps no criminal activity is as nefarious as sex crimes directed at children. And alarmingly, the Internet has proved to be a boon for these sexual predators. Before the Internet, these deranged individuals operated in the open, lurking near parks or schools in an effort to lure children. Now they are able, with almost absolute anonymity and from the security of their homes, to reach our children over the Internet.

The result is frightening. According to State and local law enforcement officials, the Internet has brought an explosion in sexual predator and child pornography activity. Since 1995, the FBI alone has investigated more than 4,900 cases involving persons traveling interstate for the purpose of engaging in illicit sexual relationships with minors and persons involved with the manufacture, dissemination and possession of child pornography.

According to the Bureau, computers have rapidly become one of the most prevalent communications devices with which pedophiles and other sexual predators share sexually explicit photographic images of minors and identify and recruit children for sexually illicit relationships.

This fact is not lost on the public. When asked about cyber-crime, a majority of Americans pointed to child pornography as their biggest concern. The Pew Internet & American Life Report Survey found that 92 percent of Americans are concerned about child pornography. Americans are rightly concerned that the Internet does not become a haven for those who would commit these horrific crimes.

The Anti-Sexual Predator Act of 2001, which I am introducing today, provides much-needed tools to investigators tracking sexual predators and child pornographers. The legislation will be particularly useful to investigators tracking sexual predators.

Although in many cases much of the initial relationship between these sexual predators and their child victims takes place online, the predators will ultimately seek to have personal contact with the child. Thus, the communications will move first to the telephone, and then to face to face meetings. The telephone calls between the perpetrators and the victims therefore represent a dangerous step in the luring of the child. And the more access the sexual predator is allowed to the child victim, the greater the chance that the predator will succeed in convincing the child to continue the "relationship" and agree to personal meetings.

As the laws stand today, investigators do not have access to the Federal wiretap statutes to investigate these predators. Absent this authority, law enforcement officers, upon discovery of the on-line relationship, are left to attempt to gain information about the relationship from an often uncooperative or resentful child who believes that he or she is "in love" with the perpetrator. Providing wiretap authority not only will aid law enforcement's efforts to obtain evidence of these crimes, it will also help them stop these crimes before the predator makes physical contact with the child.

The Anti-Sexual Predator Act of 2001 will add three predicate offenses to the Federal wiretap statute. This addition will enable law enforcement to intercept wire and oral communications relating to child pornography materials, the coercion and enticement of individuals to travel interstate to engage in sexual activity, the transportation of minors for the purpose of engaging in sexual activity.

To be sure, law enforcement will still need to obtain authority from a court in order to obtain a wiretap, and the court will authorize the wiretap only if the government meets the strict statutory guidelines laid out in Title III. Thus, this legislation does nothing to undermine the legitimate expectations of privacy of law-abiding American citizens.

This legislation fills a gap in our arsenal against child pornographers and sexual predators. I know we all share this goal, and I urge my colleagues to join me in expeditiously acting on this important legislation. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1234

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Sexual Predator Act of 2001".

SEC. 2. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.

(a) Child Pornography.—Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 2252A (relating to material constituting or containing child pornography)," after "2252 (sexual exploitation of children),".

(b) Transportation for Illegal Sexual Activity.—Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 110 Stat. 1274), as paragraph (q);

(2) by striking paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-565); and

(3) by inserting after paragraph (o) the following:

"(p) a violation of section 2422 (relating to coercion and enticement) or section 2423 (relating to transportation of minors) of this title, if, in connection with that violation, the sexual activity for which a person may be charged with a criminal offense would constitute a felony offense under chapter 109A or 110 of this title, if that activity took place within the special maritime and territorial jurisdiction of the United States; or".

By Mr. HATCH:

S. 1235. A bill to make clerical and other technical amendments to title 18, United States Code, and other laws relating to crime and criminal procedure; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Law Technical Amendments Act of 2001".

SEC. 2. TECHNICAL AMENDMENTS RELATING TO CRIMINAL LAW AND PROCEDURE.

(a) Missing and Incorrect Words.—

(1) Correction of garbled sentence.—Section 510(c) of title 18, United States Code, is amended by striking "fine of under this title" and inserting "fine under this title".

(2) Insertion of missing words.—Section 981(d) of title 18, United States Code, is amended by striking "proceeds from the sale of this section" and inserting "proceeds from the sale of such property under this section".

(3) Correction of incorrect word.—Sections 1425 through 1427, 1541 through 1544 and 1546(a) of title 18, United States Code, are each amended by striking "to facility" and inserting "to facilitate".

(4) Correcting erroneous amendatory language on executed amendment.—Effective on the date of the enactment of Public

Law 103-322, section 60003(a)(13) of such public law is amended by striking "$1,000,000 or imprisonment" and inserting "$1,000,000 and imprisonment".

(5) INSERTION OF MISSING WORD.—Section 3286 of title 18, United States Code, is amended by inserting "section" before "2332b".

(6) CORRECTION OF REFERENCE TO SHORT TITLE OF LAW.—That section 2332d(a) of title 18, United States Code, which relates to financial transactions is amended by inserting "of 1979" after "Export Administration Act".

(7) ELIMINATION OF TYPO.—Section 1992(b) of title 18, United States Code, is amended by striking "term or years" and inserting "term of years".

(8) SPELLING CORRECTION.—Section 2339A(a) of title 18, United States Code, is amended by striking "or an escape" and inserting "of an escape".

(9) SECTION 3553.—Section 3553(e) of title 18, United States Code, is amended by inserting "a" before "minimum".

(10) MISSPELLING IN SECTION 205.—Section 205(d)(1)(B) of title 18, United States Code, is amended by striking "groups's" and inserting "group's".

(11) CONFORMING CHANGE AND INSERTING MISSING WORD IN SECTION 709.—The paragraph in section 709 of title 18, United States Code, that begins with "A person who" is amended—

(A) by striking "A person who" and inserting "Whoever"; and

(B) by inserting "or" after the semicolon at the end.

(12) ERROR IN LANGUAGE BEING STRICKEN.—Effective on the date of its enactment, section 726(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) is amended—

(A) in subparagraphs (C) and (E), by striking "section" the first place it appears; and

(B) in subparagraph (G), by striking "relating to" the first place it appears.

(b) MARGINS, PUNCTUATION, AND SIMILAR ERRORS.—

(1) MARGIN ERROR.—Section 1030(c)(2) of title 18, United States Code, is amended so that the margins of subparagraph (B) and each of its clauses, are moved 2 ems to the left.

(2) CORRECTING CAPITALIZATION IN LANGUAGE TO BE STRICKEN.—Effective on the date of its enactment, section 607(g)(2) of the Economic Espionage Act of 1996 is amended by striking "territory" and inserting "Territory".

(3) CORRECTING PARAGRAPHING.—The material added to section 521(a) of title 18, United States Code, by section 607(q) of the Economic Espionage Act of 1996 is amended to appear as a paragraph indented 2 ems from the left margin.

(4) SUBSECTION PLACEMENT CORRECTION.—Section 1513 of title 18, United States Code, is amended by transferring subsection (d) so that it appears following subsection (c).

(5) INSERTION OF PARENTHETICAL DESCRIPTIONS.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended—

(A) by inserting "(relating to certain killings in Federal facilities)" after "930(c)";

(B) by inserting "(relating to wrecking trains)" after "1992"; and

(C) by striking "2332c,".

(6) CORRECTION TO ALLOW FOR INSERTION OF NEW SUBPARAGRAPH AND CORRECTION OF ERRONEOUS INDENTATION.—Section 1956(c)(7) of title 18, United States Code, is amended—

(A) in subparagraph (B)(ii), by moving the margin 2 ems to the right;

(B) by striking "or" at the end of subparagraph (D);

(C) by striking the period at the end of subparagraph (E) and inserting "; or"; and

(D) in subparagraph (F), by striking "Any" and inserting "any".

(7) CORRECTION OF CONFUSING SUBDIVISION DESIGNATION.—Section 1716 of title 18, United States Code, is amended—

(A) in the first undesignated paragraph, by inserting "(j)(1)" before "Whoever";

(B) in the second undesignated paragraph—

(i) by striking "not more than $10,000" and inserting "under this title"; and

(ii) by inserting "(2)" at the beginning of that paragraph;

(C) by inserting "(3)" at the beginning of the third undesignated paragraph; and

(D) by redesignating subsection (j) as subsection (k).

(8) PUNCTUATION CORRECTION IN SECTION 1091.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "subsection (a)(1)," and inserting "subsection (a)(1)".

(9) PUNCTUATION CORRECTION IN SECTION 2311.—Section 2311 of title 18, United States Code, is amended by striking the period after "carcasses thereof" the second place that term appears and inserting a semicolon.

(10) SYNTAX CORRECTION.—Section 115(b)(2) of title 18, United States Code, is amended by striking ", attempted kidnapping, or conspiracy to kidnap of a person" and inserting "or attempted kidnapping of, or a conspiracy to kidnap, a person".

(11) CORRECTING CAPITALIZATION IN SECTION 982.—Section 982(a)(8) of title 18, United States Code, is amended by striking "Court" and inserting "court".

(12) PUNCTUATION CORRECTIONS IN SECTION 1029.—Section 1029 of title 18, United States Code, is amended—

(A) in subsection (c)(1)(A)(ii), by striking "(9)," and inserting "(9)"; and

(B) in subsection (e), by adding a semicolon at the end of paragraph (8).

(13) CORRECTIONS OF CONNECTORS AND PUNCTUATION IN SECTION 1030.—Section 1030 of title 18, United States Code, is amended—

(A) by striking "and" at the end of subsection (c)(2)(A);

(B) by inserting "and" at the end of subsection (c)(2)(B)(iii);

(C) by striking "; and" at the end of subsection (c)(3)(B) and inserting a period;

(D) by striking the period at the end of subsection (e)(4)(I) and inserting a semicolon; and

(E) by striking "and" at the end of subsection (e)(7).

(14) CORRECTION OF PUNCTUATION IN SECTION 1032.—Section 1032(1) of title 18, United States Code, is amended by striking "13," and inserting "13".

(15) CORRECTION OF PUNCTUATION IN SECTION 1345.—Section 1345(a)(1) of title 18, United States Code, is amended—

(A) in subparagraph (B), by striking ", or" and inserting "; or"; and

(B) in subparagraph (C), by striking the period and inserting a semicolon.

(16) CORRECTION OF PUNCTUATION IN SECTION 3612.—Section 3612(f)(2)(B) of title 18, United States Code, is amended by striking "preceding." and inserting "preceding".

(17) CORRECTION OF INDENTATION IN CONTROLLED SUBSTANCES ACT.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)(2)) is amended by moving the margin of subparagraph (C) 2 ems to the left.

(c) ELIMINATION OF REDUNDANCIES.—

(1) ELIMINATION OF REDUNDANT PROVISION.—Section 2516(1) of title 18, United States Code, is amended—

(A) by striking the first paragraph (p); and

(B) by inserting "or" at the end of paragraph (o).

(2) ELIMINATION OF DUPLICATE AMENDMENTS.—Effective on the date of its enactment, paragraphs (1), (2), and (4) of section 601(b), paragraph (2) of section 601(d), paragraph (2) of section 601(f), paragraphs (1) and (2)(A) of section 601(j), paragraphs (1) and (2) of section 601(k), subsection (d) of section 602, paragraph (4) of section 604(b), subsection (r) of section 605, and paragraph (2) of section 607(j) of the Economic Espionage Act of 1996 are repealed.

(3) ELIMINATION OF EXTRA COMMA.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(A) by striking "Code,," and inserting "Code,"; and

(B) by striking "services),," and inserting "services),".

(4) REPEAL OF SECTION GRANTING DUPLICATIVE AUTHORITY.—

(A) Section 3503 of title 18, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3503.

(5) ELIMINATION OF OUTMODED REFERENCE TO PAROLE.—Section 929(b) of title 18, United States Code, is amended by striking the last sentence.

(d) CORRECTION OF OUTMODED FINE AMOUNTS.—

(1) IN TITLE 18, UNITED STATES CODE.—

(A) IN SECTION 492.—Section 492 of title 18, United States Code, is amended by striking "not more than $100" and inserting "under this title".

(B) IN SECTION 665.—Section 665(c) of title 18, United States Code, is amended by striking "a fine of not more than $5,000" and inserting "a fine under this title".

(C) IN SECTIONS 1924, 2075, 2113(b), AND 2236.—

(i) Section 1924(a) of title 18, United States Code, is amended by striking "not more than $1,000," and inserting "under this title".

(ii) Sections 2075 and 2113(b) of title 18, United States Code, are each amended by striking "not more than $1,000" and inserting "under this title".

(iii) Section 2236 of title 18, United States Code, is amended by inserting "under this title" after "warrant, shall be fined", and by striking "not more than $1,000".

(D) IN SECTION 372 AND 752.—Sections 372 and 752(a) of title 18, United States Code, are each amended by striking "not more than $5,000" and inserting "under this title".

(E) IN SECTION 924(e)(1).—Section 924(e)(1) of title 18, United States Code, is amended by striking "not more than $25,000" and inserting "under this title".

(2) IN THE CONTROLLED SUBSTANCES ACT.—

(A) IN SECTION 401.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended—

(i) in paragraph (1), by striking "and shall be fined not more than $10,000" and inserting "or fined under title 18, United States Code, or both"; and

(ii) in paragraph (2), by striking "and shall be fined not more than $20,000" and inserting "or fined under title 18, United States Code, or both".

(B) IN SECTION 402.—Section 402(c)(2) of the Controlled Substances Act (21 U.S.C. 842(c)) is amended—

(i) in subparagraph (A), by striking "of not more than $25,000" and inserting "under title 18, United States Code"; and

(ii) in subparagraph (B), by striking "of $50,000" and inserting "under title 18, United States Code".

(C) IN SECTION 403.—Section 403(d) of the Controlled Substances Act (21 U.S.C. 843(d)) is amended—

(i) by striking "of not more than $30,000" each place that term appears and inserting "under title 18, United States Code"; and

(ii) by striking "of not more than $60,000" each place it appears and inserting "under title 18, United States Code".

(e) CROSS REFERENCE CORRECTIONS.—

(1) SECTION 3664.—Section 3664(o)(1)(C) of title 18, United States Code, is amended by striking "section 3664(d)(3)" and inserting "subsection (d)(5)".

(2) CHAPTER 228.—Section 3592(c)(1) of title 18, United States Code, is amended by striking "section 36" and inserting "section 37".

(3) CORRECTING ERRONEOUS CROSS REFERENCE IN CONTROLLED SUBSTANCES ACT.—Section 511(a)(10) of the Controlled Substances Act (21 U.S.C. 881(a)(10)) is amended by striking "1822 of the Mail Order Drug Paraphernalia Control Act" and inserting "422".

(4) CORRECTION TO REFLECT CROSS REFERENCE CHANGE MADE BY OTHER LAW.—Effective on the date of its enactment, section 601(c)(3) of the Economic Espionage Act of 1996 is amended by striking "247(d)" and inserting "247(e)".

(5) TYPOGRAPHICAL AND TYPEFACE ERROR IN TABLE OF CHAPTERS.—The item relating to chapter 123 in the table of chapters at the beginning of part I of title 18, United States Code, is amended—

(A) by striking "2271" and inserting "2721"; and

(B) so that the item appears in bold face type.

(6) SECTION 4104.—Section 4104(d) of title 18, United States Code, is amended by striking "section 3653 of this title and rule 32(f) of" and inserting "section 3565 of this title and the applicable provisions of".

(7) ERROR IN AMENDATORY LANGUAGE.—Effective on the date of its enactment, section 583 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (111 Stat. 2436) is amended by striking "Section 2401" and inserting "Section 2441".

(8) ERROR IN CROSS REFERENCE TO COURT RULES.—The first sentence of section 3593(c) of title 18, United States Code, is amended by striking "rule 32(c)" and inserting "rule 32".

(9) SECTION 1836.—Section 1836 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "this section" and inserting "this chapter"; and

(B) in subsection (b), by striking "this subsection" and inserting "this section".

(10) CORRECTION OF ERRONEOUS CITE IN CHAPTER 119.—Section 2510(10) of title 18, United States Code, is amended by striking "shall have" and all that follows through "United States Code;" and inserting "has the meaning given that term in section 3 of the Communications Act of 1934;".

(11) ELIMINATION OF OUTMODED CITE IN SECTION 2339A.—Section 2339A(a) of title 18, United States Code, is amended by striking "2332c,".

(12) CORRECTION OF REFERENCES IN AMENDATORY LANGUAGE.—Effective the date of its enactment, section 115(a)(8)(B) of Public Law 105–119 is amended—

(A) in clause (i)—

(i) by striking "at the end of" and inserting "following"; and

(ii) by striking "paragraph" the second place it appears and inserting "subsection"; and

(B) in clause (ii), by striking "subparagraph (A)" and inserting "clause (i)".

(f) TABLES OF SECTIONS CORRECTIONS.—

(1) CONFORMING TABLE OF SECTIONS TO HEADING OF SECTION.—The item relating to section 1837 in the table of sections at the beginning of chapter 90 of title 18, United States Code, is amended by striking "Conduct" and inserting "Applicability to conduct".

(2) CONFORMING HEADING TO TABLE OF SECTIONS ENTRY.—The heading of section 1920 of title 18, United States Code, is amended by striking "**employee's**" and inserting "**employees'**".

SEC. 3. ADDITIONAL TECHNICALS.

Title 18, United States Code, is amended—

(1) in section 922(t)(1)(C), by striking "1028(d)(1)" and inserting "1028(d)";

(2) in section 1005—

(A) in the first undesignated paragraph, by striking "Act,," and inserting "Act,"; and

(B) by inserting "or" at the end of the third undesignated paragraph;

(3) in section 1071, by striking "fine of under this title" and inserting "fine under this title";

(4) in section 1368(a), by inserting "to" after "serious bodily injury";

(5) in section 1956(c)(7)(B)(ii), by inserting "or" at the end thereof;

(6) in section 1956(c)(7)(B)(iii), by inserting a closing parenthesis after "1978";

(7) in subsections (b)(1) and (c) of section 2252A, by striking "paragraphs" and inserting "paragraph"; and

(8) in section 2254(a)(3), by striking the comma before the period at the end.

SEC. 4. REPEAL OF OUTMODED PROVISIONS.

(a) Section 14 of title 18, United States Code, and the item relating thereto in the table of sections at the beginning of chapter 1 of title 18, United States Code, are repealed.

(b) Section 1261 of such title is amended—

(1) by striking "(a) The Secretary" and inserting "The Secretary"; and

(2) by striking subsection (b).

(c) Section 1821 of such title is amended by striking ", the Canal Zone".

(d) Section 3183 of such title is amended by striking "or the Panama Canal Zone,".

(e) Section 3241 of such title is amended by striking "United States District Court for the Canal Zone and the".

By Mrs. FEINSTEIN (for herself and Mr. HATCH):

S. 1236. A bill to reduce criminal gang activities; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Criminal Gang Abatement Act of 2001, a bill to give law enforcement additional tools to fight the scourge of gang violence.

This legislation builds on and improves the Violent Crime Control and Law Enforcement Act of 1994, the first Federal statute to address directly the problem of criminal gangs.

I am delighted that Senator HATCH joins me in introducing this bill and I thank him for his hard work in helping develop the legislation.

I know that this bill will be familiar to my colleagues. It is similar to legislation that was included in the Juvenile Justice bill in the last Congress.

The Senate passed the Juvenile Justice bill overwhelmingly. Unfortunately, it did not become law. That is why Senator HATCH and I are introducing this gang legislation separately.

Mr. President, I care deeply about solving the problem of gang violence and crime.

I worked extensively on this problem when I was Mayor of San Francisco and have long considered it one of my top priorities.

I am often struck by how vicious gang crimes can be, and how damaging they are to the victims and to the surrounding community.

Let me give you a couple of recent examples from my own home city of San Francisco.

Last year, gang members tried to rob a passerby with an assault weapon from their car. When the victim resisted, the gang shot the victim 17 times. The victim survived but will never walk again.

Only two months before that assault, two rival gangs had a shootout in San Francisco's Mission District. An innocent bystander was caught in the crossfire and shot through both legs.

A brave eyewitness gave law enforcement the name of one shooting suspect, who was then arrested. The gang then tracked down the witness, put a 9 millimeter automatic to his head, and threatened to kill him for cooperating with the police.

I would like to explain how this legislation will help deter and punish such crimes, and why Congress should act quickly to pass it.

First, the bill makes it a separate Federal crime to recruit persons to join a criminal street gang with the intent that the recruit participate in a Federal drug or violent crime.

The penalty is up to 10 years in jail. The offender can also be held responsible for reimbursing the government's costs in housing, maintaining, and treating the minor until the age of 18.

The purpose of this provision is to deter criminal gang recruitment.

Such recruitment has continued to grow and grow every year.

Even while crime has been dropping generally, the number of criminal gangs and gang members has spiraled.

The 1999 Justice Department survey of gangs, the most recent available, found that the number of gang members has increased 8 percent just from 1998.

In fact, the growth of criminal gangs in the country over the last 20 years, has been extraordinary.

Twenty years ago, the gang problem was centered in Los Angeles and Chicago. Today, though, there are gangs in all 50 States and the District of Columbia.

In 1980, there were gangs in 286 jurisdictions. Today, they are in over 1500 jurisdictions.

In 1980, there were about 2000 gangs. Today, there are over 26,000 gangs.

In 1980, there were about 100,000 gang members. Today, there are 840,500 gang members.

Let me read from a Department of Justice publication entitled "The

Growth of Youth Gang Problems in the United States: 1970–1998" that was just released a few months ago:

> Youth gang problems in the United States grew dramatically between the 1970's and 1990's, with the prevalence of gangs reaching unprecedented levels. The growth was manifested by a steep increase in the number of cities, counties, and States reporting gang problems. Increases in the number of gang localities were paralleled by increases in the proportions and populations of localities reporting gang problems. There was a shift in regions containing larger numbers of gang cities, with the Old South showing the most dramatic increase. The size of the gang-problem localities also changed, with gang problems spreading to cities, villages, and counties smaller in size than at any time in the past.

And as gangs have increased, so have all forms of youth violence.

That is because youngsters who join gangs are much more likely to commit violent crimes than similarly situated youngsters who are not in gangs.

Research shows, for example, that young people who join gangs are four to six times more likely to engage in criminal behavior when they are gang members than when they are not.

And it is also because gang members are responsible for a large proportion of violent crime. They don't just commit one violent crime but many.

One study found, for example, that gang members, who were 14 percent of sample, reported committing 89 percent of all serious violent offenses in the area.

Enacting this bill would give law enforcement an important tool to deter criminal gang recruitment, thus reducing gang crime.

The bill makes it a separate Federal crime to use a minor to commit a Federal violent crime, and sets penalties for doing so.

The penalty is twice the maximum term that would otherwise be authorized for the offense or, for repeat offenders, three times the maximum penalty.

The bill also increases the minimum penalties for persons using minors to distribute drugs.

Currently, both first-time and repeat offenders can receive a minimum of only a year.

Under the bill, a first-time offender will receive at least 3 years and a repeat-offender will receive at least 5 years.

These provisions are intended to deter gangs from recruiting youngsters to commit crimes.

Gangs recruit minors because they know that children are often not fully aware of the consequences of their actions.

Gangs also know that, if the child is caught, he or she will probably receive lighter punishment than an adult.

Gangs commonly start new recruits as drug lookouts or runners.

Once the youngsters get older, gangs encourage them to engage in more violent activity.

And young recruits often commit violent crimes to gain the gang's respect and improve their status within the gang.

I am very troubled by the fact that many youngsters, some barely in their teens, are lured into gangs by older children and start a life of crime even before they start high school.

One study of eighth graders in 11 cities, found that 9 percent were currently gang members and 17 percent said that they had belonged to a gang at some point in their lives.

According to California law enforcement, the average age of a new gang recruit in Los Angeles is 11, in San Diego 12–15, and in San Francisco 15.

In Alabama, it is 12–14. In Virginia, it is 13. In Ohio, it is 16.

In gangs such as the Latin Kings, babies of gang members are considered gang members from birth.

A South Carolina law enforcement officer told us that he recently looked into the case of one six-year-old child, who was found wearing typical gang attire, holding a gun and beeper, and tattooed with the phrase "Thug Life."

I believe that we need to punish gang recruitment of children very severely. This bill would do that.

The bill increases the penalties for gang members who commit drug or violent crimes and who use physical force to tamper with witnesses, victims, or informants.

The bill also generally directs the U.S. Sentencing Commission to increase penalties for criminal street gang members who commit crimes.

There is a strong link between gangs and drugs. By fighting gangs, we can help reduce the supply of illegal drugs in this country.

According to the 1999 Justice Department gang survey, almost half of youth gang members sell drugs to generate profits for the gang.

A survey of California law enforcement by my staff found that gang members in the States' largest cities are involved in 50 to 90 percent of all drug offenses.

This is confirmed by gang members themselves.

For example, in one survey of State prison inmates who were gang members, almost 70 percent said that they had manufactured, imported, or sold drugs as a group.

Worse, the DOJ 1999 gang survey found that about 40 percent of youth gangs are "drug gangs," that is, gangs organized specifically to traffic in drugs.

This is an increase from the 34 percent reported for 1998. The increase was particularly pronounced in rural areas.

There is also a close correlation between gangs and violent crimes.

For example, gangs commit about half of all violent crimes in California's major cities. In some areas of Los Angeles, such as South Central and East Los Angeles, gangs account for 70–80 percent of all violent crimes.

The increased penalties in this legislation will help reduce drug and violent crimes, including threats against witnesses and informants.

Currently, under the Federal gang statute, 18 U.S.C. 521, gang members can only get enhanced penalties for gang crimes that involve drugs or violence.

The penalty is up to an additional 10 years in jail.

This bill allows enhanced penalties for crimes that are often committed by gang members but which may not involve drugs or violence.

These crimes include distributing explosives, kidnapping, extortion, illegal gambling, money laundering, obstruction of justice, and illegally transporting aliens.

The crimes act as "predicate" crimes permitting an additional charge of participating in a criminal gang.

The Federal gang statute is sort of similar in design to the criminal RICO statute. That statute permits an additional RICO charge where the defendant, as part of his or her criminal conspiracy, commits two or more predicate acts.

The bill ensures that, for gang offenses, offenders can get a sentence up to 10 years greater than the maximum term they receive for their most serious offense. They can also forfeit property derived from the offense.

The offenses added by the bill are those commonly pursued by gangs.

One study of gangs in various counties, for example, found that: 44–67 percent of gang members reported being involved in auto theft; 34–48 percent in intimidating or assaulting witnesses or victims; and 4–10 percent in kidnapping.

Other studies have found that gang extortion is also common.

Drug gangs commonly use booby traps, that sometimes include explosives, to protect their cultivation or manufacturing sites from law enforcement authorities and the public.

Numerous gangs illegally launder their illicit drug profits.

These include Russian and West African criminal gangs as well as street gangs such as the Bloods, Crips, Gangster Disciples, and Latin Kings.

Alien smuggling and harboring is especially prevalent in San Francisco, Los Angeles, Boston, and New York.

Among the worst offenders is the brutal Fuk Ching gang.

After a police crackdown in New York, law enforcement reports that Fuk Ching began to branch out to Chicago, Maryland, and western Pennsylvania.

The changes made by this legislation should help reduce drug and violent crimes.

The Travel Act allows Federal prosecutors to charge certain interstate crimes such as extortion, bribery, and arson, and for business enterprises involving gambling, liquor, drugs, or prostitution.

This statute was passed in 1961 with Mafia-related criminal activity in mind.

This legislation amends the Travel Act to enable law enforcement to respond more effectively to the growing problem of organized, highly sophisticated, and mobile criminal street gangs.

While the Travel Act currently allows law enforcement to target some activities, such as drug trafficking, the list is not complete.

The list needs to be updated to better reflect interstate crimes often committed today by gang members.

Thus, the bill amends the Travel Act to include crimes such as drive-by shootings, serious assaults, and intimidating witnesses.

In California's largest cities, gang members commit 80–100 percent of all drive-by shootings and around 50 percent of violent crimes.

The numbers are similar for other states as well.

A recent survey in Illinois, for example, found that 50 percent of the jurisdictions in that state face a serious problem of gang drive-by shootings.

The bill also increases the maximum penalty for most violations of the Travel Act from 5 years to 10 and authorizes the death penalty for certain homicides that technically do not qualify as murder.

Defendants who commit violent crimes covered by the act or who try to intimidate or retaliate against witnesses can get 20 years. And, if they kill someone, they can get life imprisonment or the death penalty.

The bill should ensure that prosecutors can use the Travel Act to act against crimes caused by the new Mafia: organized street gangs.

The bill would increase the penalties for using or attempting to use physical force to intimidate witnesses.

The bill would increase the maximum punishment for this crime from 10 years to 20 years.

The bill would also create a crime of threatening to use physical force against a witness.

Such a threat could be punished by up to 10 years.

Violent crimes by gang members often go unpunished because witnesses are afraid that, if they testify, gangs will kill or hurt them or their families.

For example, the Philadelphia deputy district attorney testified before Congress in 1997 that a very high number of the unsolved homicides in Philadelphia were unsolved due to gang intimidation.

One study found that intimidation of victims and witnesses was a major problem for 40–50 percent of prosecutors.

A similar study determined that witness intimidation occurs in at least 75 percent of violent crimes in gang-dominated neighborhoods.

Recently, DOJ estimated that witness intimidation has been growing since 1990 and is now a factor in about two-thirds of violent crimes committed in some gang-dominated neighborhoods.

The bill would help deter and punish victim and witness intimidation by gangs.

The bill amends several criminal statutes to address violent crimes frequently or typically committed by gangs.

Crimes include carjacking, assault, manslaughter, racketeering, murder-for-hire, and fraud against the United States.

These amendments make it easier for prosecutors to prove these crimes by eliminating or modifying the intent requirement for the crimes or by increasing the penalties for violations.

The bill permits the Attorney General to designate high intensity interstate gang activity areas, HIIGAs, and authorizes $100,000,000 for each of 7 years for these task forces.

These provisions are modeled after similar provisions creating high intensity drug trafficking areas, HIDTAs.

HIDTAs are joint efforts of local, State, and Federal law enforcement agencies whose leaders work together to assess regional drug threats, design strategies to combat those threats, and to develop initiatives to implement the strategies.

HIDTAs are based on an equal partnership between different law enforcement agencies.

HIDTAs integrate and synchronize efforts to reduce drug trafficking.

They eliminate unnecessary duplication of effort and maximize resources.

And they improve intelligence and information sharing both within and between regions.

HIDTAs are necessary because drug trafficking tends to be "headquartered" in certain areas of the country, from which it spreads to other areas.

Moreover, drug traffickers have been highly organized and developed sophisticated interstate and international operations.

However, both of these points are true for criminal gangs generally.

While criminal street gangs flourish in certain urban areas such as Los Angeles and Chicago, they typically also use these cities as bases to invade more rural locales.

In addition, many gangs have gone from relatively disorganized groups of street toughs to highly disciplined, hierarchical "corporations," often encompassing numerous jurisdictions.

The Gangster Disciples Nation, for example, developed a corporate structure.

They had a chairman of the board, two boards of directors, one for prisons and one for streets, governors, regents, area coordinators, enforcers, and "shorties," youth who staff drug-selling sites and help with drug deals.

From 1987 to 1994, this gang was responsible for killing more than 200 people. Moreover, one-half of their arrests were for drug offenses and only one-third for nonlethal violence.

In 1996, the Gangster Disciples Nation and other Chicago-based gangs were in 110 jurisdictions in 35 States.

Southern California-based gangs are equally well-dispersed.

In 1994, gangs claiming affiliation with the Bloods or Crips, both of whom are based in Southern California, were in 180 jurisdictions in 42 states.

As a result of such dispersal, violent criminal gangs can be found in rural areas.

For example, Washington State law enforcement told us about one gang member that they traced from Compton, California to San Francisco, then to Portland, Seattle, and Billings, Montana, and finally Sioux Falls, South Dakota.

The Justice Department has found that, from the 1970s to the 1990s, the number of small cities or towns, those with populations smaller than 10,000, with gangs increased by between 15 to 39 times.

This is a larger relative increase than for cities with populations larger than 10,000.

In the 1999 National Youth Gang Survey, law enforcement estimated that almost 1 of every 5 of gang members in their area were migrants from another area.

In fact, 83 percent of respondents said that the appearance of gang members in more suburban or rural areas was caused by migration of gangsters from central cities.

Gang members even travel to countries such as Mexico and El Salvador.

The Logan Heights Gang in San Diego, for example, is currently employed by the Arellano-Felix Cartel to help guard drug shipments in Mexico.

The Logan Heights Gang has also been linked to the killing of Cardinal Juan Pasados-Ocampo in Guadalajara in 1993.

As gangs have spread into rural areas and become more interstate and international, it has become more important than ever to ensure coordination between local, state, and federal law enforcement to combat gangs.

The HIDTA program has worked well and provides a good model for the high intensity interstate gang activity area program that this bill creates.

I expect that the high intensity interstate gang activity area program will help reduce the gang problem in the same way that the HIDTA program has helped reduce the drug problem.

The bill also allows serious juvenile drug offenses to be Armed Career Criminal Act predicates.

This provision ensures that career criminals do not escape higher sentences just because their most serious drug offenses occurred when they were a juvenile.

Under this legislation, all armed career criminals will get up to the maximum statutory maximum of 15 years in jail, time which may be not reduced through suspension or probation.

The bill makes the gang statute consistent with the Supreme Court's recent opinion in Apprendi v. United States.

In that decision, the Supreme Court held that any fact that increases the penalty for a crime beyond the statutory maximum must be treated as an element of the offense.

This decision has caused some problems for law enforcement in prosecuting gang crimes.

This is because the Federal gang statute has been treated as a sentence enhancement statute, not a standalone criminal offense statute.

Before Apprendi, prosecutors would charge gang members with drug and other crimes.

If they were convicted, they would then ask the court to enhance the gang member's sentence because of his or her membership in a criminal gang.

On many occasions, this sentence enhancement would go beyond the statutory maximum for the underlying offenses.

In light of Apprendi, this bill rewrites federal law to ensure that prosecutors can charge gang members for a separate offense under the federal gang statute.

In doing so, the bill also makes it easier for prosecutors to charge gang members by reducing the membership requirement for a criminal gang from a minimum of five members to a minimum of three members.

The bill authorizes $50,000,000 for 5 years to make grants to prosecutors' officers to combat gang crime and youth violence.

This money will help implement this legislation by ensuring that law enforcement has the money to prosecute gang members.

This is important legislation.

I urge my colleagues to act quickly to pass it.

I would also ask unanimous consent that the text of the bill and an accompanying section-by-section description be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Gang Abatement Act of 2001".

SEC. 2. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

(a) PROHIBITED ACTS.—Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§ 522. Recruitment of persons to participate in criminal street gang activity

"(a) PROHIBITED ACTS.—It shall be unlawful for any person to use any facility in, or travel in, interstate or foreign commerce, or cause another to do so, to recruit, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent that the person being recruited, solicited, induced, commanded, or caused to be or remain a member of such gang participate in an offense described in section 521(c) of this title.

"(b) PENALTIES.—Any person who violates subsection (a) shall—

"(1) be imprisoned not more than 10 years, fined under this title, or both; and

"(2) if the person recruited, solicited, induced, commanded, or caused is a minor, at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the person until the person attains the age of 18 years.

"(c) DEFINITIONS.—In this section:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' has the meaning set forth in section 521 of this title.

"(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"522. Recruitment of persons to participate in criminal street gang activity.".

SEC. 3. PENALTIES FOR USE OF MINORS IN CRIMES OF VIOLENCE.

(a) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"§ 25. Use of minors in crimes of violence

"(a) PENALTIES.—Whoever, being a person not less than 18 years of age, intentionally uses a minor to commit a crime of violence for which such person may be prosecuted in a court of the United States, or to assist in avoiding detection or apprehension for such an offense, shall—

"(1) be subject to twice the maximum term of imprisonment and twice the maximum fine that would otherwise be authorized for the offense; and

"(2) for the second and any subsequent conviction under this subsection, be subject to three times the maximum term of imprisonment and three times the maximum fine that would otherwise be authorized for the offense.

"(b) DEFINITIONS.—In this section:

"(1) CRIME OF VIOLENCE.—The term 'crime of violence' has the meaning set forth in section 16 of this title.

"(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

"(3) USES.—The term 'uses' means employs, hires, persuades, induces, entices, or coerces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"25. Use of minors in crimes of violence.".

SEC. 4. INCREASED PENALTIES FOR USING MINORS TO DISTRIBUTE DRUGS.

Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b), by striking "one year" and inserting "3 years"; and

(2) in subsection (c), by striking "one year" and inserting "5 years".

SEC. 5. CRIMINAL STREET GANGS.

(a) IN GENERAL.—Section 521 of title 18, United States Code, is amended to read as follows:

"§ 521. Criminal street gangs

"(a) DEFINITIONS.—In this section:

"(1) CONVICTION.—The term 'conviction' includes a finding, under Federal or State law, that a person has committed an act of juvenile delinquency involving an offense described in subsection (c).

"(2) CRIMINAL STREET GANG.—The term 'criminal street gang' means an ongoing group, club, organization, or association of 3 or more persons, whether formal or informal—

"(A) that has as 1 of its primary purposes or activities the commission of 1 or more of the offenses described in subsection (c);

"(B) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subsection (c); and

"(C) the activities of which affect interstate or foreign commerce.

"(3) STATE.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) OFFENSE.—

"(1) IN GENERAL.—Whoever during the commission of an offense described in paragraphs (1) through (10) of subsection (c)—

"(A) participates in a criminal street gang with knowledge that its members engage in or have engaged in a continuing series of offenses described in subsection (c);

"(B) intends to promote or further the felonious activities of the criminal street gang or maintain or increase the person's position in the gang; and

"(C) has been convicted within the past 5 years of an offense described in subsection (c),

shall be imprisoned for a term that is not more than 10 years greater than the maximum term provided by statute for the most serious offense described in paragraphs (1) through (10) of subsection (c) that the person was found to have committed as a basis for the person's conviction under this section.

"(2) CONSTRUCTION WITH OTHER CONVICTIONS.—A term of imprisonment imposed under this section shall run consecutively with any term imposed upon conviction of another count under the same indictment or information for an offense described in subsection (c).

"(3) FORFEITURE.—A person convicted under this section shall also forfeit to the United States, notwithstanding any provision of State law, all property, whether real or personal, derived directly or indirectly from the offense, all property used to facilitate the offense, and all property traceable thereto. The forfeiture shall be in accordance with the procedures set forth in the Federal Rules of Criminal Procedure and section 413 of the Controlled Substances Act (21 U.S.C. 853).

"(c) PREDICATE OFFENSES.—The offenses described in this subsection are as follows:

"(1) A Federal felony involving a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C.

802)) for which the maximum penalty is not less than 5 years.

"(2) A Federal felony crime of violence (as defined in section 16 of this title) against the person of another.

"(3) An offense under section 522 of this title.

"(4) An offense under section 844 of this title.

"(5) An offense under section 875 or 876 of this title.

"(6) An offense under section 1084 or 1955 of this title.

"(7) An offense under section 1956 of this title, to the extent that the offense is related to an offense involving a controlled substance.

"(8) An offense under chapter 73 of this title.

"(9) An offense under section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A), 1327, 1328)).

"(10) A conspiracy, attempt, or solicitation to commit an offense described in paragraphs (1) through (9).

"(11) A State offense that would have been an offense described in paragraphs (1) through (10), if Federal jurisdiction existed.

(b) Amendment of Special Sentencing Provision.—Section 3582(d) of title 18, United States Code, is amended—

(1) by striking "chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title" and inserting "section 521 or 522 (criminal street gangs) of this title, in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title,"; and

(2) by inserting "a criminal street gang or" before "an illegal enterprise".

(c) Conforming Amendment Relating to Orders for Restitution.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46 or chapter 96 of this title" and inserting "section 521 of this title, under chapter 46 or 96 of this title,".

SEC. 6. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF CRIMINAL GANGS.

(a) Travel Act Amendments.—Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "and thereafter performs or attempts to perform" and inserting "and thereafter performs, or attempts or conspires to perform";

(B) by striking "5 years" and inserting "10 years"; and

(C) by inserting ", and may be sentenced to death" after "if death results shall be imprisoned for any term of years or for life";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

"(b) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce with intent, by bribery, force, intimidation, or threat, directed against any person, to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding, or by any such means to cause any person to destroy, alter, or conceal a record, document, or other object, with intent to impair the object's integrity or availability for use in such a proceeding, and thereafter performs, or attempts or conspires to perform, an act described in this subsection shall be fined under this title, imprisoned not more than 20 years, or both, and if death results, shall be imprisoned for any term of years or for life, and may be sentenced to death."; and

(4) in subsection (c), as so redesignated, by inserting "assault with a deadly weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), shooting at an occupied dwelling or motor vehicle, intimidation of or retaliation against a witness, victim, juror, or informant," after "extortion, bribery,".

(b) Amendment to Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense level for violations of section 1952 of title 18, United States Code, as amended by this section.

SEC. 7. INCREASED PENALTIES FOR USING PHYSICAL FORCE TO TAMPER WITH WITNESSES, VICTIMS, OR INFORMANTS.

(a) In General.—Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "as provided in paragraph (2)" and inserting "as provided in paragraph (3)";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

"(A) influence, delay, or prevent the testimony of any person in an official proceeding;

"(B) cause or induce any person to—

"(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(ii) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

"(iii) evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

"(iv) be absent from an official proceeding to which such person has been summoned by legal process; or

"(C) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph (3)."; and

(D) in paragraph (3), as so redesignated—

(i) by striking "and" at the end of subparagraph (A); and

(ii) by striking subparagraph (B) and inserting the following:

"(B) in the case of—

"(i) an attempt to murder; or

"(ii) the use, or attempted use, of physical force against any person,

imprisonment for not more than twenty years; and

"(C) in the case of the use of the threat of physical force against any person, imprisonment for not more than ten years.";

(2) in subsection (b), by striking "or physical force"; and

(3) by adding at the end the following:

"(j) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(b) Retaliating Against a Witness.—Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(e) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

(c) Conforming Amendments.—

(1) Witness tampering.—Section 1512 of title 18, United States Code, is amended in subsections (b)(3) and (c)(2) by inserting "supervised release," after "probation".

(2) Retaliation against a witness.—Section 1513 of title 18, United States Code, is amended in subsections (a)(1)(B) and (b)(2) by inserting "supervised release," after "probation".

SEC. 8. OTHER VIOLENT OFFENSES FREQUENTLY OR TYPICALLY COMMITTED BY GANGS.

(a) Carjacking.—Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

(b) Amendments Relating to Violent Crime in Areas of Exclusive Federal Jurisdiction.—

(1) Assault within maritime and territorial jurisdiction of united states.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm,".

(2) Manslaughter.—Section 1112(b) of title 18, United States Code, is amended by striking "ten years" and inserting "twenty years".

(3) Offenses within indian country.—Section 1153(a) of title 18, United States Code, is amended by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 of this title is greater than five years," after "a felony under chapter 109A,".

(4) Racketeer influenced and corrupt organizations.—Section 1961(1)(A) of title 18, United States Code, is amended by inserting "or would have been so chargeable except that the act or threat (other than gambling) was committed in Indian country, as defined in section 1151 of this title, or in any other area of exclusive federal jurisdiction" after "chargeable under State law".

(c) Amendments to Statutes Punishing Violent Crimes for Hire or in Aid of Racketeering.—

(1) Murder-for-hire.—Section 1958(a) of title 18, United States Code, is amended by inserting "or other felony crime of violence against the person" after "murder".

(2) Violent crimes in aid of racketeering.—Section 1959 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (4)—

(I) by inserting "specified in paragraphs (1) through (3)" after "threatening to commit a crime of violence"; and

(II) by striking "five" and inserting "ten";

(ii) in paragraph (5), by striking "ten" and inserting "twenty";

(iii) in paragraph (6), by striking "three" and inserting "ten"; and

(B) in subsection (b)—

(i) by striking "and" at the end of paragraph (1);

(ii) by striking the period at the end of paragraph (2) and inserting "; and"; and

(iii) by adding at the end the following new paragraph (3):

"(3) 'serious bodily injury' has the meaning set forth in section 2119 of this title.".

(d) Conspiracy.—Section 371 of title 18, United States Code, is amended—

(1) by designating the first paragraph as subsection (a);

(2) in subsection (a), as so designated, by striking "either to commit any offense against the United States, or";

(3) by striking the second paragraph; and

(4) by adding at the end the following new subsection:

"(b) If two or more persons conspire to commit any offense against the United States, and one or more of such persons do any act to effect the object of the conspiracy, each shall be subject to the same penalties as those prescribed for the most serious offense the commission of which was the object of the conspiracy, except that the penalty of death shall not be imposed.".

SEC. 9. SERIOUS JUVENILE DRUG OFFENSES AS PREDICATE FOR ARMED CAREER CRIMINAL STATUS.

Section 924(e)(2)(C) of title 18, United States Code, is amended by inserting "or serious drug offense" after "violent felony".

SEC. 10. SENTENCING GUIDELINES FOR GANG CRIMES, INCLUDING AN INCREASE IN OFFENSE LEVEL FOR PARTICIPATION IN CRIME AS A GANG MEMBER.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to eliminate the policy statement in section 5K2.18 of the guidelines regarding section 521 of title 18, United States Code, and instead provide a base offense level in chapter 2 of the guidelines for offenses described in sections 521 and 522 of title 18, United States Code, that reflects the seriousness of these offenses. Such guidelines shall include an appropriate enhancement (which shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing guidelines) for any offense described in section 521 if the offense was both committed in connection with, or in furtherance of, the activities of a criminal street gang and the defendant was a member of the gang at the time of the offense. Such guidelines shall also include an appropriate enhancement (which shall be in addition to any other adjustment under chapter 3 of the Federal Sentencing Guidelines) for a person who, in violating such section 522, recruits, solicits, induces, commands, or causes another person residing in another State to be or remain a member of a criminal street gang, or who crosses a State line with intent to violate such section 522.

SEC. 11. HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.

(a) DEFINITIONS.—In this section:

(1) GOVERNOR.—The term "Governor" means a Governor of a State or the Mayor of the District of Columbia.

(2) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREA.—The term "high intensity interstate gang activity area" means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) STATE.—The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(b) HIGH INTENSITY INTERSTATE GANG ACTIVITY AREAS.—

(1) DESIGNATION.—The Attorney General, upon consultation with the Secretary of the Treasury and the Governors of appropriate States, may designate as a high intensity interstate gang activity area a specified area that is located—

(A) within a State; or

(B) in more than 1 State.

(2) ASSISTANCE.—In order to provide Federal assistance to a high intensity interstate gang activity area, the Attorney General may—

(A) facilitate the establishment of a regional task force, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the high intensity interstate gang activity area; and

(B) direct the detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to the high intensity interstate gang activity area.

(3) CRITERIA FOR DESIGNATION.—In considering an area (within a State or within more than 1 State) for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the extent to which gangs from the area are involved in interstate or international criminal activity;

(B) the extent to which the area is affected by the criminal activity of gang members who—

(i) are located in, or have relocated from, other States; or

(ii) are located in, or have immigrated (legally or illegally) from, foreign countries;

(C) the extent to which the area is affected by the criminal activity of gangs that originated in other States or foreign countries;

(D) the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, as an indication of their determination to respond aggressively to the problem;

(E) the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activities in the area; and

(F) any other criteria that the Attorney General considers to be appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2002 through 2008, to be used in accordance with paragraph (2).

(2) USE OF FUNDS.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 60 percent shall be used to carry out subsection (b)(2); and

(B) 40 percent shall be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall ensure that not less than 10 percent of amounts made available under paragraph (1) in each fiscal year are used to assist rural States affected as described in subparagraphs (B) and (C) of subsection (b)(3).

(B) RURAL STATE DEFINED.—In this paragraph, the term "rural State" has the meaning given the term in section 1501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b)).

SEC. 12. AUTHORITY TO MAKE GRANTS TO PROSECUTORS' OFFICES TO COMBAT GANG CRIME AND YOUTH VIOLENCE.

(a) IN GENERAL.—Section 31702 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) to allow the hiring of additional prosecutors, so that more cases can be prosecuted and backlogs reduced;

"(6) to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(7) to provide funding to assist prosecutors with funding for technology, equipment, and training to assist prosecutors in reducing the incidence of, and increase the successful identification and speed of prosecution of young violent offenders; and

"(8) to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle, $50,000,000 for each of fiscal years 2002 through 2006.".

SEC. 13. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended by striking "arresting officer" each place it appears in the first and second sentences and inserting "arresting officer or another representative of the Attorney General".

CRIMINAL GANG ABATEMENT ACT OF 2001—SECTION-BY-SECTION

SECTION 1

The short title of the bill is the "Criminal Gang Abatement Act of 2001."

SECTION 2

Adds section 522 to Chapter 26 of title 18, which prohibits any person from traveling in, or using any facility in, interstate commerce to recruit or retain a person as a member of a criminal street gang with the intent that the recruited or retained individual participate in an offense described in section 521(c) of the title. Section 521(c) offenses are Federal felonies involving controlled substances for which the maximum penalty is not less than five years, a Federal felony crime of violence involving the use or attempted use of physical force, and conspiracies to commit either of these two offenses.

The penalties for violating the section include imprisonment for not more than 10 years, fines, or both. In addition, if the individual who was recruited is a minor, the defendant may be held liable for any costs incurred by the Federal, State, or local government for housing, maintaining, and treating the minor until the age of 18.

The term "criminal street gang" is amended in section 5 of this bill.

SECTION 3

Prohibits the intentional use of minors to commit a crime of violence or to assist in avoiding detection or apprehension for such an offense. Any first-time offender shall be subject to twice the maximum term of imprisonment and fine that would otherwise be authorized for the offense. For any second or subsequent conviction under the section, the offender is subject to three times the maximum penalty.

SECTION 4

Amends 21 U.S.C. 861 to increase the minimum penalty to three years for any first-time offender who employs or uses a minor to distribute, receive, or avoid detection of a controlled substance in violation of the title or title III. The minimum punishment for a repeat offender is increased to five years.

SECTION 5

Amends 18 U.S.C. 521 to transform it from a penalty enhancement provision to an offense and, in so doing, also redefines the term "criminal street gang" to reduce the membership requirement from "5 or more persons" to "3 or more persons." The rewriting of section 521 is in response to *Apprendi* v. *United States*, 530 U.S. 466 (2000), in which the Supreme Court held that any fact that increases the penalty for a crime beyond the statutory maximum, other than for a prior conviction, must be treated as an element of the offense.

The proposed amendment establishes ten predicate offenses in subsection c. Those offenses are: a Federal felony involving a controlled substance for which the maximum penalty is not less than 5 years; a Federal felony crime of violence; an offense under newly created section 522; an offense under section 844, (importation, manufacture, distribution, and storage of explosive materials; an offense under sections 875 or 876, kidnapping and extortion; an offense under section 1084 or 1955, illegal gambling; an offense under section 1956, money laundering, to the extent it relates to an offense involving a controlled substance; an offense under chapter 73 of title 18, obstruction of justice; an offense under section 274(a)(1)(A), 277, or 278 of the Immigration and Nationality Act, illegal transportation of an alien; and a conspiracy, attempt, or solicitation to commit an offense described above.

Any person who commits one of the predicate offenses while participating in a criminal street gang with the intent of promoting the felonious activities of the gang, and who has been convicted within the past five years of one of the predicate offenses, faces an additional 10-year consecutive sentence for the predicate crime. The bill also provides for the forfeiture of any property derived directly or indirectly from the offense.

The bill also amends 18 U.S.C. 3582(d) to allow the court to include as part of the sentence for any person convicted under section 521 or 522 an order requiring the offender while in prison to not associate or communicate with a specified person upon a showing of probable cause that the association or communication is for the purpose of enabling the offender to be engaged in illegal activity.

SECTION 6

Amends 18 U.S.C. 1952 to increase the maximum penalty for traveling in interstate or foreign commerce or using any facility in interstate or foreign commerce to distribute the proceeds of any unlawful activity or for promoting, managing, establishing, carrying on of any unlawful activity from five years to ten. In addition, the bill authorizes the death penalty for any person convicted of traveling, or using any facility, in foreign or interstate commerce to commit any crime of violence to further an unlawful activity, if that act of violence results in death. Conspiring to violate the section is treated the same as an actual or attempted violation.

The bill amends the section to include new subsection b, which provides that any person who travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce with the intent to delay or influence the testimony of or prevent from testifying a witness in a State criminal proceeding or who seeks to cause any person to destroy, alter or conceal evidence and thereafter performs, or attempts or conspires to perform, an act described above shall be imprisoned not more than 20 years, fined, or both, and if death results, may be imprisoned for any term of years or for life, or be sentenced to death.

The proposed section also amends redesignated subsection c by amending "unlawful activity" to include assault with a deadly weapon, assault resulting in serious bodily injury, shooting at an occupied dwelling or motor vehicle, and intimidation of or retaliation against a witness, victim, juror, or informant.

Finally, the bill directs the United States Sentencing Commission to amend the Federal Sentencing Guidelines to provide an appropriate increase in the offense level for violations of the newly amended section.

SECTION 7

Amends 18 U.S.C. 1512 to increase the penalties for the use of physical force or the threat of physical force with the intent to influence, delay, or prevent the testimony of any person in an official proceeding.

The bill increases the maximum term of imprisonment for the use of physical force against any person in violation of the section from 10 years to 20 years. In the case of the use of the threat of physical force against any person, the individual may be imprisoned for not more than ten years. Identical penalties are assessed for those who conspire to commit any offense under the section.

SECTION 8

This section amends various sections of title 18 to address violent offenses frequently or typically committed by gangs. Most of the amendments either eliminate a mens rea requirement or increase the penalty for a violation.

Subsection a amends 18 U.S.C. 2119 by eliminating the requirement that the offender intend to cause death or serious bodily harm during a carjacking in order to violate the section.

Subsection b amends: 1. 18 U.S.C. 113(a)(3), dealing with assaults within the maritime and territorial jurisdiction of the United States, by striking the requirement that the offender intend to do bodily harm when assaulting a person with a dangerous weapon; 2. 18 U.S.C. 1112(b), dealing with manslaughter within the maritime and territorial jurisdiction of the United States, by increasing the maximum penalty for voluntary manslaughter from ten years to twenty; 3. 18 U.S.C. 1153(a), which deals with offenses committed within Indian country, by including within the list of offenses subject to the same law and penalties as all other persons "an offense for which the maximum statutory term of imprisonment under section 1363 of this title is greater than five years"; 4. 18 U.S.C. 1961(1)(A) by including within the definition of "racketeering activity" the illegal activities specified in the section that "would have been chargeable" under State law "except that the act or threat, other than gambling was committed in Indian country, as defined in section 1151 of this title, or in any other area of exclusive Federal jurisdiction".

Subsection c amends: 1. 18 U.S.C. 1958(a), dealing with murder-for-hire, by bringing within the scope of the section those who travel, or use any facility, in interstate or foreign commerce with the intent that a felony crime of violence against the person be committed in violation of the laws of any State or the United States. As it currently stands, the section applies only to those who intend that a murder be committed; 2. 18 U.S.C. 1959, which deals with violent crimes in aid of racketeering. The bill increases the penalty for violating various subsections of section 1959. The maximum punishment for threatening to commit a crime of violence is increased from five to ten years; for attempting or conspiring to commit murder or kidnapping is increased from ten to twenty years; and for attempting or conspiring to commit a crime involving maiming, assault with a dangerous weapon, or assault resulting in serious bodily injury is increased from three to ten years. The amendment also incorporates the definition of "serious bodily injury" set forth in section 2119 of the title as the term was previously undefined within the section.

Subsection d amends 18 U.S.C. 371, dealing with conspiracies to commit offenses against or to defraud the United States. The bill strikes the second paragraph of section 371, dealing with conspiracies involving misdemeanors. A second subsection is added that provides that if two or more persons conspire to commit any offense against the United States, and one or more such persons acts on the conspiracy, each shall be subject to the same penalties as those prescribed for the most serious offense that was the object of the conspiracy, except that the penalty of death shall not be imposed.

SECTION 9

Amends the term "conviction" in 18 U.S.C. 924(e)(2)(C), part of the Armed Career Criminal Act, to include an act of juvenile delinquency involving serious drug offenses.

SECTION 10

Requires the United States Sentencing Commission to amend the Federal sentencing guidelines to eliminate the policy statement in section 5K2.18 dealing with sentence enhancement for gang crimes. As with the amendment to 18 U.S.C. 521 in section 5 of the bill, the deletion is in response to the recent decision in *Apprendi* v. *New Jersey*, 530 U.S. 466 (2000).

Instead of the to-be-deleted and no longer appropriate policy statement, the proposed amendment directs the Commission to provide a base offense level for offenses described in 18 U.S.C. 521 and 522 that reflects the seriousness of the offenses-including an appropriate enhancement for any offense described in section 521 committed by a member of a criminal street gang in connection with the activities of the gang. The guidelines are also to include an appropriate enhancement for a person who, in violating section 522, recruits, solicits, induces, commands, or causes another person residing in another State to be or remain a member of a criminal street gang, or who crosses a State line with intent to violate section 522.

SECTION 11

Permits the Attorney General to designate an area as a high intensity interstate gang activity area. The Attorney General makes such designation upon consultation with the Secretary of the Treasury and the Governors of the appropriate States. In making such designation, the Attorney General considers the extent to which gangs from the area are involved in interstate or international criminal activity, the extent to which the area is affected by the criminal activity of gang members who are located in, or have relocated from, other States or foreign countries, the extent to which State and local law enforcement agencies have committed resources to respond to the problem of criminal gang activity in the area, the extent to which a significant increase in the allocation of Federal resources would enhance local response to gang-related criminal activity in the area, and any other criteria deemed appropriate.

After such designation, the Attorney General may provide assistance to the area by facilitating the establishment of a regional task force, consisting of Federal, State, and local law enforcement, for the coordinated investigation, disruption, apprehension, and prosecution of criminal activities of gangs and gang members in the area. In addition, the Attorney General may direct the detailing from any Federal department or agency, subject to the approval of the head of that department or agency of personnel to the high intensity interstate gang activity area.

The bill authorizes $100,000,000 for each of fiscal years 2002 through 2008. Sixty percent of the appropriation is to be used to carry out the activities described above. The remainder is to be used to make grants for community-based programs to provide crime prevention and intervention services that are designed for gang members and at-risk youth in the designated areas. The bill further requires the Attorney General to ensure that not less than 10 percent of the amounts spent each fiscal year are used to assist rural States.

SECTION 12

Amends the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 13862, to permit additional uses for grants made by the Attorney General under the section. The additional uses are: to hire additional prosecutors; to provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively; to provide funding to assist prosecutors with funding for technology, equipment, and training; and to provide funding to assist prosecutors in their efforts to engage in community prosecution, problem solving, and conflict resolution techniques through collaborative efforts with police, school officials, probation officers, social service agencies, and community organizations.

The bill authorizes the appropriation of $50,000,000 for each of fiscal years 2002 through 2006 to carry out the subtitle.

SECTION 13

Amends 18 U.S.C. 5033 so that government officials, other than the arresting officer, may advise juveniles of their rights, notify the Attorney General, and notify the juvenile's parents of the juvenile's detainment and rights. This provision clarifies a provision that has been interpreted in an overly literal manner by the Ninth Circuit and is now causing numerous problems for law enforcement in that circuit. *See United States* v. *Juvenile* (RRA-A), 229 F.3d 737, 748 (9th Cir. 2000) (Trott, J., dissenting).

By Mr. INOUYE:

S. 1237. A bill to allow certain individuals of Japanese ancestry who were brought forcibly to the United States from countries in Latin America during World War II and were interned in the United States to be provided restitution under the Civil Liberties Act of 1988, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, I rise to introduce the Wartime Parity and Justice Act of 2001, the Senate companion bill to H.R. 619. Among other things, the bill provides restitution to Latin Americans of Japanese ancestry who were brought to the United States, then interned in Immigration and Naturalization Service camps during World War II.

Between December, 1941, to February, 1948, more than 2,000 men, women, and children of Japanese ancestry were relocated from thirteen Latin American countries to the United States. During World War II, the United States had these individuals shipped to the United States to be traded with the Japanese Government for American prisoners of war. Of this number, approximately 800 were traded for American prisoners of war. The remaining individuals were placed in internment camps throughout the United States.

The governments of those thirteen Latin American countries cooperated with the United States because they received millions of dollars in monetary compensation for their assistance. Much like their Japanese American counterparts in the United States, these people were selected merely because of their ethnic origin.

The big difference, however, is that the United States made an effort to redress the wrong committed against the Japanese Americans. The Civil Liberties Act of 1988, signed into law by President Reagan, allowed for monetary compensation of $20,000 and an apology from the United States Government to all Japanese Americans interned in camps throughout the country. More than 120,000 Japanese Americans were placed into these internment camps because they were a "threat" to national security. To this day, not one case of sabotage or espionage by Japanese Americans during World War II has been uncovered by the United States Government.

Japanese Latin Americans were not an eligible class under the Civil Liberties Act of 1988 even though they suffered under the same conditions experienced by their Japanese American counterparts.

In 1996, Japanese Latin Americans sued the United States Government in Mochizuki v. the United States of America. Through the settlement of this case, the Japanese Latin Americans were eventually awarded $5,000 each, along with a letter of apology signed by President Clinton. The settlement agreement explicitly allows for further action by Congress to fund Japanese Latin American redress, in light of the fact that Japanese Americans were allowed $20,000 under the Civil Liberties Act of 1988.

My bill will allow us to correct this inequity by offering $20,000 to eligible Japanese Latin Americans. The Japanese Latin Americans who chose to accept their $5,000 award would be offered up to an additional $15,000 each. This bill would also reauthorize the educational mandate in the Act to continue research and education efforts, ensuring the internees' experiences will be remembered, and hopefully, to prevent recurrences.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 1238. A bill to promote the engagement of young Americans in the democratic process through civic education in classrooms, in service learning programs, and in student leadership activities, of America's public schools; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, I hope that colleagues will support a bill I am introducing today: the Hubert H. Humphrey Civic Education Enhancement Act. Senator DAYTON joins me as an original co-sponsor of this legislation. As a co-sponsor of Senator DODD's electoral reform bill, I look forward to a debate later this year on a strong electoral reform measure that will ensure that all Americans who wish to vote be able to do so easily and without facing acts of intimidation and to do so using equipment that ensures all votes will be counted. However, as we think about reforming the methods through which our democracy is practiced on Election Day, we should focus attention on an issue that arguably presents a challenge to the vibrancy of that democracy that is even more fundamental: the decline of young Americans' engagement in public affairs. Turning the tide on political detachment by young persons through a new commitment to civic education in our public schools is the purpose of the Humphrey Act.

Civic knowledge, civic intellectual skills, civic participation skills, and civic virtue on the part of the American citizenry are all crucial for the vitality of a healthy representative democracy. But, there is growing evidence that many of our younger citizens are lagging in all of the components necessary for their effective engagement in public life as they enter adulthood. Because all these skills and values are vital to effective citizenship, a multifaceted approach to enhancing civic education in our Nation's elementary and secondary schools, expressed in the Humphrey Act, is a true national priority.

There are numerous pieces of evidence for a crisis in civic education that threatens the future vibrancy of our democracy. The most recent nationwide survey of incoming college freshmen conducted by the Higher Education Research Institute at the University of California at Los Angeles reports that only 28.1 percent of the students entering college in the fall of 2000 reported an interest in "keeping up to date with political affairs." This was the lowest level in the 35 year history of the survey. In 1966, 60.3 percent of students reported an interest in political affairs. In addition, the 1998 National Assessment of Educational Progress, NAEP, Civics Assessment revealed startling results in terms of American students' competence in civics at grade levels 4, 8, and 12. At each grade level the percentage of students shown to be "Below Basic" outnumbered the percentage in the "At or above Proficient" and "Advanced" levels combined. Thirty-one percent of fourth-grade students, thirty percent of eighth-graders, and thirty-five percent of high school seniors were "Below Basic" in their civics achievement. And, a 1999 study published by the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin showed that the introduction of mandated state assessments in other fields, but typically not in civics, has resulted in a reduction in the amount of class time spent on civics.

Moreover, in the years after leaving high school, young Americans are becoming less engaged in the democratic process. While 50 percent of Americans between the ages of 18 and 25 voted in 1972, only 38 percent of that age group voted in 2000. And, according to a Harvard University survey published in 2000, 85 percent of young people now say that volunteer work is better than political engagement as a way to solve important issues. It is this evidence that links this effort directly to any serious electoral reform effort. Therefore, it is time for a serious national response to all of these troubling indicators on the civic health of those that we are relying upon to be thoughtful, active citizens in the years ahead. The vibrancy of American elections of the future depend upon our revitalizing civic education today.

It is most appropriate that this legislation focused on enhancing civic education would also serve as a memorial to one of the great Minnesotans of the twentieth century, Hubert H. Humphrey. As a political scientist, Mayor of St. Paul, United States Senator and as Vice President of the United States, Hubert H. Humphrey exemplified thoroughly the application of civic knowledge, civic intellectual skills, civic participation skills, and civic virtue in our representative democracy. As a teacher of political science at Macalester College, Hubert Humphrey made the case to students that, to be effective citizens, they must be informed about the political process and be analytical about the issues of their time as they take stances on them. By becoming active in party politics and, eventually, by running for office, Humphrey was a role model of a participant in the democratic experience at the local, State, and national levels. His belief in promoting public service was also shown in his nonstop work, beginning in his first campaign for President in 1960, in envisioning and supporting the Peace Corps program. Finally, Hubert Humphrey stood firm in his principles on so many occasions, exemplifying the civic virtue that is a crucial ingredient of complete citizenship. His moving oratory supporting President Truman's civil rights proposals at the 1948 Democratic National Convention helped to shift his political party and, eventually, the entire nation on one of the fundamental issues of his time. He showed fortitude in speech after speech and vote after vote on the floor of this Senate in expressing his heartfelt duty to support America's neediest citizens. As he put it: "The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped." There simply is no more worthy person to memorialize in a new significant national commitment to civic education than Hubert H. Humphrey.

Recognizing that there is no single answer to revitalizing civic engagement in young Americans, the Humphrey Act includes five sections, each centered on bettering a different aspect of civic education in the elementary and secondary schools of America. Together, these five components of the Humphrey Act offer a thoughtful step forward in American civic education.

First, in decades past, new and veteran teachers in the field of social studies had high-quality professional development opportunities made available to them through programs funded by the federal government as part of the National Defense Education Act, the Education Professional Development Act, the National Science Foundation, and other programs designed by the Department of Education. In recent years, most of these federally-funded opportunities, particularly helpful for new teachers, have disappeared. Social studies teachers, most of whom are now nearing retirement age, have told me how crucial these programs, generally in the format of summer institutes, were in aiding their ability to excite and inform their students about civics. We need to offer the same opportunities to younger civics teachers and the same benefits of good civics teachers to their students. Therefore, the Humphrey Act authorizes, at $25 million annually, summer Civics Institutes to promote creative curricula and pedagogy. The establishment of a new set of university and college campus-based summer institutes for teachers of all grades focused both on enlarging the teachers' knowledge of specific content as well as helping them to teach civics in exciting ways is a way that the Federal Government can play a role in quickly making a difference in enhancing the civics classroom for America's students.

Next, when high in quality, service learning programs have been shown to increase student efficacy in public affairs and to enhance students' knowledge of how government works and how social change can be brought about. For instance, according to a 1997 study, high school students who participated in service learning programs have been shown to be more engaged in community organizations and to vote than their nonparticipant counterparts 15 years after their service learning experiences. I know that many of my colleagues have heard stories from students and educators engaged in service learning that add depth to this data. I will recount just one description of a recent school-based service learning program in Huntsville, Alabama, coordinated by the St. Paul-based National Youth Leadership Council, that exemplifies the power of service learning as a force in civic education. After the 8th grade students on a field trip to a historic cemetery discovered that it had been "whites only," a second field trip discovered the burial site for the town's African-Americans in the 19th century. That cemetery was found to be in a deplorable state, with vandalized headstones, unmarked graves, and poorly kept records. The students key question: "What are we going to do about it?" This led to the creation of the African American History Project and any number of learning experiences emanating out of this service to accurately rehabilitate the cemetery: Math classes platted the unmapped cemetery; history students undertook oral histories; research on those buried in the cemetery took students to the court records and to the pages of a 19th century black newspaper. One of the results of the endeavor was the development of a curriculum on the history of African-Americans in Huntsville for third-graders by the middle-school students with the assistance of their teachers. In this case, service and learning were almost entirely interwoven.

It is crucial, however, to connect service learning experiences to classroom civics curriculum to long-term payoff in terms of promoting students' involvement in public affairs. The Humphrey Act would increase the authorization of funds for the school-based Learn and Serve Program and would authorize Service Learning Institutes dedicated to training/retraining service learning teachers. Raising the authorization level of the school-based Learn and Serve program to $65 million would allow an expansion of a program for which the funding levels have been flat in recent fiscal years and would enhance states and local districts to more sharply link service learning programs to civic knowledge and engagement. Moreover, presently there is little money left for the professional development of new service learning instructors, including mid-career teachers who are interested in being retrained in service learning. Therefore, it is important to develop a summer campus-based Service Learning Institutes program, to parallel the Civics Institutes program. Great strides have been made in the field of service learning in recent years even with a limited federal investment; it is time for this national investment to increase in the interest of the future vitality of our democracy.

Third, we should do more to encourage local schools' innovation in the development of community service programs that explicitly link volunteer activities to social change in their communities. Therefore, the Humphrey Act incorporates provisions of a bill introduced in the House of Representatives by Representative LINDSEY GRAHAM to make spending on community service programs an allowable use of funds for districts under the "innovative programs" section of the Elementary and Secondary Education Act. Specifically, it would allow local schools to use federal money to fund community service programs which "train and mobilize young people to measurably strengthen their communities through nonviolence, responsibility, compassion, respect, and moral courage." I applaud the philosophy and work of Do Something, a national organization founded in 1993 guided by the principle that young people could change the world if they believed in themselves and had the tools to take action. Using a project-centered approach, Do Something recognizes young people as effective leaders and, in the projects that they have promoted in hundreds of communities linking students and caring educators together, they have helped young persons turn their ideas into action. This section of the Humphrey Act would promote the work of Do Something and other local community service endeavors in schools all over the country.

Next, our Nation's public middle-schools and high schools often miss opportunities to develop and support student governments that are viable voices for students in the operations of those schools. A 1996 study by the National Association of Secondary School Principals showed that fewer than half of high school students believed that their student government "affects decisions about co-curricular activities." Barely one-third expressed confidence in those governments' ability to "affect decisions about school rules." We should also be concerned about the decline in participation in student leadership activities. Between 1972 and 1992, student government participation fell by 20 percent and work on student publications fell by 7 percent. Effective, innovative student government in which the representatives of the students are connected to the decision-making processes in the school do more than simply enhance the experiences of those who are in the elected student leadership positions. It also sends the message to those leaders' constituents that participation in politics and government can truly make a difference in one's daily life. Dynamic student leadership experiences can make a difference in promoting the civic education within America's middle-schools and high schools. Therefore, this bill develops a competitive grants program to provide funding for school districts to use in strengthening student government programs. In a similar manner, student engagement in local or state government activities or on school boards can be crucial in allowing young persons to experience first-hand early in their lives that participation does indeed matter. At present, in some communities, high school students are explicitly involved in the activities of city government and school boards; we should do all we can to make that more common. The grant programs in this portion of the Humphrey Act, therefore, also may be used to develop innovative programs for student engagement in governmental activities.

Finally, while a variety of civics education enhancement programs have been implemented through Federal Government efforts and at the state and local level, no comprehensive, national research exists on the short- and long-term efficacy of such programs in encouraging civic knowledge and other learning or in promoting civic engagement. This contrasts with the extensive research on the effectiveness of different approaches to the teaching of reading and mathematics that has driven decisions about curricula in those fields. Therefore, the final section of the legislation authorizes the Department of Education's Office of Educational Research and Improvement, OERI, to carry out an extensive five-year research project on the frequency and efficacy of different approaches employed in civic education, with attention given to their effectiveness with different subgroups of students. These include traditional classroom-based civics education, the federally-funded "We the People . . . the Citizen and the Constitution" curricular program, experiential learning programs such as the Close Up program, service learning, student government, as well as more innovative programs such as the "public works" approach to civic engagement, designed by the Hubert Humphrey Institute of Public Affairs at the University of Minnesota, that involve work on common projects of civic benefit with a focus on bringing together individuals with ideological, cultural, racial, income, and other differences in carrying out the project. So that we make wise curricular and funding decisions in the future we need to know which approaches, and combinations of approaches, to civic education are the most effective in achieving the outcomes we expect.

We should celebrate the efforts of all who have been involved in the civic education of America's students. This bill does not denigrate their efforts. But, because the engagement in public affairs by our young people is so important for the long-term health of our democracy, it is time to take a step forward in establishing a comprehensive new federal commitment to civic education. The Humphrey Civic Education Enhancement Act combines new commitments to the professional development of civics teachers, an increase in funding for school-based service learning and the professional development of service learning teachers, local innovation in community service programs in schools, and an encouragement of a revitalized student involvement in student leadership programs and in local government. I am proud that a broad range of organizations recognize the need for this legislation and have endorsed this bill. These include the National Council of the Social Studies, the State Education Agency K–12 Service-Learning Network, the National Youth Leadership Council, Do Something, the National Community Service Coalition, Earth Force, Youth Service America, the American Youth Policy Forum, the National Association of Secondary School Principals, and the National Association of Student Councils.

Hubert Humphrey said, "It is not enough to merely defend democracy. To defend it may be to lose it; to extend it is to strengthen it. Democracy is not property; it is an idea." Let us extend democracy and, in so doing, create a new generation of civic engagement. I strongly urge my colleagues to memorialize Hubert H. Humphrey and his life of civic engagement with the passage of this legislation.

By Mr. HAGEL (for himself, Mr. ENSIGN, and Mr. LUGAR):

S. 1239. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable outpatient prescription drugs; to the Committee on Finance.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rx Drug Discount and Security Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Voluntary Medicare Outpatient Prescription Drug Discount and Security Program.

"PART D—VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"Sec. 1860. Definitions.

"SUBPART 1—ESTABLISHMENT OF VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"Sec. 1860A. Establishment of program.
"Sec. 1860B. Enrollment.
"Sec. 1860C. Providing enrollment and coverage information to beneficiaries.
"Sec. 1860D. Enrollee protections.
"Sec. 1860E. Annual enrollment fee.
"Sec. 1860F. Benefits under the program.
"Sec. 1860G. Selection of entities to provide prescription drug coverage.
"Sec. 1860H. Payments to eligible entities for administering the catastrophic benefit.
"Sec. 1860I. Determination of income levels.
"Sec. 1860J. Appropriations.

"SUBPART 2—ESTABLISHMENT OF THE MEDICARE PRESCRIPTION DRUG AGENCY

"Sec. 1860S. Medicare Prescription Drug Agency.
"Sec. 1860T. Commissioner; Deputy Commissioner; other officers.
"Sec. 1860U. Administrative duties of the Commissioner.
"Sec. 1860V. Medicare Competition and Prescription Drug Advisory Board.".
Sec. 3. Commissioner as member of the board of trustees of the medicare trust funds.
Sec. 4. Exclusion of part D costs from determination of part B monthly premium.
Sec. 5. Medigap revisions.

SEC. 2. VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by redesignating part D as part E and by inserting after part C the following new part:

"PART D—VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"DEFINITIONS

"SEC. 1860. In this part:

"(1) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Medicare Prescription Drugs appointed under section 1860S(a).

"(2) COVERED OUTPATIENT DRUG.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'covered outpatient drug' means—

"(i) a drug that may be dispensed only upon a prescription and that is described in clause (i) or (ii) of subparagraph (A) of section 1927(k)(2); or

"(ii) a biological product or insulin described in subparagraph (B) or (C) of such section.

"(B) EXCLUSIONS.—

"(i) IN GENERAL.—The term 'covered outpatient drug' does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than those restricted under subparagraph (E) of such section (relating to smoking cessation agents).

"(ii) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered outpatient drug under this part shall not be considered to be such a drug if payment for the drug is available under part A or B (but such drug shall be so considered if such payment is not available because the eligible beneficiary has exhausted benefits under part A or B), without regard to whether the individual is entitled to benefits under part A or enrolled under part B.

"(3) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who is—

"(A) eligible for benefits under part A or enrolled under part B; and

"(B) not eligible for prescription drug coverage under a medicaid plan under title XIX.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that the Commissioner determines to be appropriate to provide the benefits under this part, including—

"(A) pharmaceutical benefit management companies;

"(B) wholesale and retail pharmacy delivery systems;

"(C) insurers;

"(D) Medicare+Choice organizations;

"(E) other entities; or

"(F) any combination of the entities described in subparagraphs (A) through (E).

"(5) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"SUBPART 1—ESTABLISHMENT OF VOLUNTARY MEDICARE OUTPATIENT PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

"ESTABLISHMENT OF PROGRAM

"SEC. 1860A. (a) PROVISION OF BENEFIT.—The Commissioner shall establish a Medicare Outpatient Prescription Drug Discount and Security Program under which an eligible beneficiary may voluntarily enroll and receive benefits under this part through enrollment with an eligible entity with a contract under this part.

"(b) PROGRAM TO BEGIN IN 2003.—The Commissioner shall establish the program under this part in a manner so that benefits are first provided for months beginning with January 2003.

"(c) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program under this part.

"(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

"ENROLLMENT

"SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

"(1) ESTABLISHMENT OF PROCESS.—

"(A) IN GENERAL.—The Commissioner shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Except as otherwise provided in this subsection, such process shall be similar to the process for enrollment under part B under section 1837.

"(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive the benefits under this part.

"(2) ENROLLMENT PERIODS.—

"(A) IN GENERAL.—Except as provided under subparagraph (B) or (C), an eligible beneficiary may not enroll in the program under this part during any period after the beneficiary's initial enrollment period under part B (as determined under section 1837).

"(B) SPECIAL ENROLLMENT PERIOD.—In the case of eligible beneficiaries that have recently lost eligibility for prescription drug coverage under a medicaid plan under title XIX, the Commissioner shall establish a special enrollment period in which such beneficiaries may enroll under this part.

"(C) OPEN ENROLLMENT PERIOD IN 2003 FOR CURRENT BENEFICIARIES.—The Commissioner shall establish a period, which shall begin on the date on which the Commissioner first begins to accept elections for enrollment under this part and shall end on December 31, 2003, during which any eligible beneficiary may—

"(i) enroll under this part; or

"(ii) enroll or re-enroll under this part after having previously declined or terminated such enrollment.

"(3) PERIOD OF COVERAGE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided under section 1838, as if that section applied to the program under this part.

"(B) ENROLLMENT DURING OPEN AND SPECIAL ENROLLMENT.—Subject to subparagraph (C), an eligible beneficiary who enrolls under the program under this part under subparagraph (B) or (C) of paragraph (2) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(C) LIMITATION.—Coverage under this part shall not begin prior to January 1, 2003.

"(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B OR ELIGIBILITY FOR MEDICAL ASSISTANCE.—

"(A) IN GENERAL.—In addition to the causes of termination specified in section 1838, the Commissioner shall terminate an individual's coverage under this part if the individual is—

"(i) no longer enrolled in part A or B; or

"(ii) eligible for prescription drug coverage under a medicaid plan under title XIX.

"(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of—

"(i) the termination of coverage under part A or (if later) under part B; or

"(ii) the coverage under title XIX.

"(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

"(1) PROCESS.—

"(A) IN GENERAL.—The Commissioner shall establish a process through which an eligible beneficiary who is enrolled under this part shall make an annual election to enroll with any eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

"(B) RULES.—In establishing the process under subparagraph (A), the Commissioner shall use rules similar to the rules for enrollment and disenrollment with a Medicare+Choice plan under section 1851 (including the special election periods under subsection (e)(4) of such section).

"(2) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization must enroll with an eligible entity in order to receive benefits under this part. The beneficiary may elect to receive such benefits from the Medicare+Choice organization in which the beneficiary is enrolled if the organization has been awarded a contract under this part.

"(3) COMPETITION.—Eligible entities with a contract under this part shall compete for beneficiaries on the basis of discounts, formularies, pharmacy networks, and other services provided for under the contract.

"(c) ENROLLMENT PERIOD FOR BENEFITS IN 2003.—The processes developed under subsections (a) and (b) shall ensure that eligible beneficiaries are permitted to enroll under this part and with an eligible entity prior to January 1, 2003, in order to ensure that coverage under this part is effective as of such date.

"PROVIDING ENROLLMENT AND COVERAGE INFORMATION TO BENEFICIARIES

"SEC. 1860C. (a) ACTIVITIES.—The Commissioner shall provide for activities under this part to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding enrollment under this part and the prescription drug coverage made available by eligible entities with a contract under this part.

"(b) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in subsection (a) shall ensure that eligible beneficiaries are provided with such information at least 60 days prior to the first enrollment period described in section 1860B(c).

"ENROLLEE PROTECTIONS

"SEC. 1860D. (a) GUARANTEED ISSUE AND NONDISCRIMINATION.—

"(1) GUARANTEED ISSUE.—

"(A) IN GENERAL.—An eligible beneficiary who is eligible to enroll with an eligible entity under section 1860B(b) for prescription drug coverage under this part at a time during which elections are accepted under this part with respect to the coverage shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act) or any other factor.

"(B) MEDICARE+CHOICE LIMITATIONS PERMITTED.—The provisions of paragraphs (2) and (3) (other than subparagraph (C)(i), relating to default enrollment) of section 1851(g) (relating to priority and limitation on termination of election) shall apply to eligible entities under this subsection.

"(2) NONDISCRIMINATION.—An eligible entity offering prescription drug coverage under this part shall not establish a service area in a manner that would discriminate based on health or economic status of potential enrollees.

"(b) DISSEMINATION OF INFORMATION.—

"(1) GENERAL INFORMATION.—An eligible entity with a contract under this part shall disclose, in a clear, accurate, and standardized form to each eligible beneficiary enrolled for prescription drug coverage with such entity under this part at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such prescription drug coverage. Such information includes the following:

"(A) Access to covered outpatient drugs, including access through pharmacy networks.

"(B) How any formulary used by the eligible entity functions.

"(C) Grievance and appeals procedures.

"(2) DISCLOSURE UPON REQUEST OF GENERAL COVERAGE, UTILIZATION, AND GRIEVANCE INFORMATION.—Upon request of an eligible beneficiary, the eligible entity shall provide the information described in section 1852(c)(2) (other than subparagraph (D)) to such beneficiary.

"(3) RESPONSE TO BENEFICIARY QUESTIONS.—Each eligible entity offering prescription drug coverage under this part shall have a mechanism for providing specific information to enrollees upon request. The entity shall make available, through an Internet website and in writing upon request, information on specific changes in its formulary.

"(c) ACCESS TO COVERED BENEFITS.—

"(1) ENSURING PHARMACY ACCESS.—

"(A) IN GENERAL.—Each eligible entity with a contract under this part shall permit any pharmacy located in the area covered by such contract to participate in the pharmacy network of the eligible entity if the pharmacy agrees to accept such operating terms as the eligible entity may specify, including any fee schedule, requirements relating to covered expenses, and quality standards relating to the provision of prescription drug coverage.

"(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring a pharmacy to participate in a pharmacy network of an eligible entity with a contract under this part to participate in any other coverage program of the eligible entity.

"(2) ACCESS TO NEGOTIATED PRICES FOR PRESCRIPTION DRUGS.—For requirements relating to the access of an eligible beneficiary to negotiated prices (including applicable discounts), see section 1860F(a).

"(3) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—Insofar as an eligible entity with a contract under this part uses a formulary, the following requirements must be met:

"(A) FORMULARY COMMITTEE.—The eligible entity must establish a pharmaceutical and therapeutic committee that develops the formulary. Such committee shall include at least 1 physician and at least 1 pharmacist.

"(B) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES.—The formulary must include drugs within all therapeutic categories and classes of covered outpatient drugs (although not necessarily for all drugs within such categories and classes).

"(C) APPEALS AND EXCEPTIONS TO APPLICATION.—The entity must have, as part of the appeals process under subsection (f)(2), a process for appeals for denials of coverage based on such application of the formulary.

"(d) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE; MEDICATION THERAPY MANAGEMENT PROGRAM.—

"(1) IN GENERAL.—For purposes of providing access to negotiated benefits under section 1860F(a) and the catastrophic benefit described in section 1860F(b), the eligible entity shall have in place—

"(A) an effective cost and drug utilization management program, including appropriate incentives to use generic drugs, when appropriate;

"(B) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in paragraph (2); and

"(C) a program to control fraud, abuse, and waste.

"(2) MEDICATION THERAPY MANAGEMENT PROGRAM.—

"(A) IN GENERAL.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration provided by a community-based pharmacy that is designed to ensure that prescription drugs made available under this part are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

"(B) ELEMENTS.—Such program shall include—

"(i) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means; and

"(ii) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means.

"(C) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

"(D) CONSIDERATIONS IN PHARMACY FEES.—An eligible entity with a contract under this part shall establish fees for pharmacists, pharmacies, and others providing services under the medication therapy management program that take into account the resources and time used in implementing the program.

"(3) TREATMENT OF ACCREDITATION.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to prescription drug coverage provided under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

"(A) Subsection (c)(1) (relating to access to covered benefits).

"(B) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

"(e) GRIEVANCE MECHANISM.—Each eligible entity shall provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the eligible entity provides covered benefits) and eligible beneficiaries enrolled with the entity under this part in accordance with section 1852(f).

"(f) COVERAGE DETERMINATIONS, RECONSIDERATIONS, AND APPEALS.—

"(1) IN GENERAL.—An eligible entity shall meet the requirements of section 1852(g) with respect to covered benefits under the prescription drug coverage it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

"(2) APPEALS OF FORMULARY DETERMINATIONS.—Under the appeals process under paragraph (1) an individual who is enrolled with an eligible entity with a contract under this part for prescription drug coverage may appeal any denial of coverage of a prescription drug to obtain coverage for a medically necessary covered outpatient drug that is not on the formulary of the eligible entity (established under subsection (c)) if the prescribing physician determines that the therapeutically similar drug that is on the formulary is not effective for the enrollee or has significant adverse effects for the enrollee.

"(g) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—An eligible entity shall meet the requirements of section 1852(h) with respect to enrollees under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to enrollees under part C.

"ANNUAL ENROLLMENT FEE

"SEC. 1860E. (a) AMOUNT.—

"(1) IN GENERAL.—Except as provided in subsection (c), enrollment under the program under this part is conditioned upon payment of an annual enrollment fee of $25.

"(2) ANNUAL PERCENTAGE INCREASE.—

"(A) IN GENERAL.—In the case of any calendar year beginning after 2003, the dollar amount in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount; multiplied by

“(ii) the inflation adjustment.

“(B) INFLATION ADJUSTMENT.—For purposes of subparagraph (A)(ii), the inflation adjustment for any calendar year is the percentage (if any) by which—

“(i) the average per capita aggregate expenditures for covered outpatient drugs in the United States for medicare beneficiaries, as determined by the Commissioner for the 12-month period ending in July of the previous year; exceeds

“(ii) such aggregate expenditures for the 12-month period ending with July 2003.

“(C) ROUNDING.—If any increase determined under clause (ii) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

“(b) COLLECTION OF ANNUAL ENROLLMENT FEE.—

“(1) IN GENERAL.—Unless the eligible beneficiary makes an election under paragraph (2), the annual enrollment fee described in subsection (a) shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1839 is collected and credited to such Trust Fund under section 1840.

“(2) DIRECT PAYMENT.—An eligible beneficiary may elect to pay the annual enrollment fee directly or in any other manner approved by the Commissioner. The Commissioner shall establish procedures for making such an election.

“(c) WAIVER.—The Commissioner shall waive the enrollment fee described in subsection (a) in the case of an eligible beneficiary whose income is below 200 percent of the poverty line.

“BENEFITS UNDER THE PROGRAM

“SEC. 1860F. (a) ACCESS TO NEGOTIATED PRICES.—

“(1) NEGOTIATED PRICES.—

“(A) IN GENERAL.—Subject to subparagraph (B), each eligible entity with a contract under this part shall provide each eligible beneficiary enrolled with the entity with access to negotiated prices (including applicable discounts) for such prescription drugs as the eligible entity determines appropriate. If such a beneficiary becomes eligible for the catastrophic benefit under subsection (b), the negotiated prices (including applicable discounts) shall continue to be available to the beneficiary for those prescription drugs for which payment may not be made under section 1860H(b). For purposes of this subparagraph, the term ‘prescription drugs’ is not limited to covered outpatient drugs, but does not include any over-the-counter drug that is not a covered outpatient drug.

“(B) LIMITATIONS.—

“(i) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the negotiated prices (including applicable discounts) for prescription drugs shall only be available for drugs included in such formulary.

“(ii) AVOIDANCE OF DUPLICATE COVERAGE.—The negotiated prices (including applicable discounts) for prescription drugs shall not be available for any drug prescribed for an eligible beneficiary if payment for the drug is available under part A or B (but such negotiated prices shall be available if payment under part A or B is not available because the beneficiary has not met the deductible or has exhausted benefits under part A or B).

“(2) DISCOUNT CARD.—The Commissioner shall develop a uniform standard card format to be issued by each eligible entity that may be used by an enrolled beneficiary to ensure the access of such beneficiary to negotiated prices under paragraph (1).

“(3) ENSURING DISCOUNTS IN ALL AREAS.—The Commissioner shall develop procedures that ensure that each eligible beneficiary that resides in an area where no eligible entity has been awarded a contract under this part is provided with access to negotiated prices for prescription drugs (including applicable discounts).

“(b) CATASTROPHIC BENEFIT.—

“(1) IN GENERAL.—Subject to paragraph (4) (relating to eligibility for the catastrophic benefit) and any formulary used by the eligible entity with which the eligible beneficiary is enrolled, the catastrophic benefit shall be administered as follows:

“(A) BENEFICIARIES WITH ANNUAL INCOMES BELOW 200 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose modified adjusted gross income (as defined in paragraph (4)(E)) is below 200 percent of the poverty line, the beneficiary shall not be responsible for making a payment for a covered outpatient drug provided to the beneficiary in a year to the extent that the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, exceed $1,200.

“(B) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 200 AND 400 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose modified adjusted gross income (as so defined) exceeds 200 percent, but does not exceed 400 percent, of the poverty line, the beneficiary shall not be responsible for making a payment for a covered outpatient drug provided to the beneficiary in a year to the extent that the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, exceed $2,500.

“(C) BENEFICIARIES WITH ANNUAL INCOMES ABOVE 400 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose modified adjusted gross income (as so defined) exceeds 400 percent of the poverty line, the beneficiary shall not be responsible for making a payment for a covered outpatient drug provided to the beneficiary in a year to the extent that the out-of-pocket expenses of the beneficiary for such drug, when added to the out-of-pocket expenses of the beneficiary for covered outpatient drugs previously provided in the year, exceed $5,000.

“(2) ANNUAL PERCENTAGE INCREASE.—

“(A) IN GENERAL.—In the case of any calendar year after 2003, the dollar amounts in paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount; multiplied by

“(ii) the inflation adjustment determined under section 1860E(a)(2)(B) for such calendar year.

“(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

“(3) ELIGIBLE ENTITY NOT AT RISK FOR CATASTROPHIC BENEFIT.—

“(A) IN GENERAL.—The Commissioner, and not the eligible entity, shall be at risk for the provision of the catastrophic benefit under this subsection.

“(B) PROVISIONS RELATING TO PAYMENTS TO ELIGIBLE ENTITIES.—For provisions relating to payments to eligible entities for administering the catastrophic benefit under this subsection, see section 1860H.

“(4) CATASTROPHIC BENEFIT NOT AVAILABLE TO CERTAIN HIGH INCOME INDIVIDUALS.—

“(A) IN GENERAL.—An eligible beneficiary enrolled under this part whose modified adjusted gross income for a taxable year exceeds 600 percent of the poverty line shall not be eligible for the catastrophic benefit under this subsection.

“(B) BENEFICIARY STILL ELIGIBLE FOR DISCOUNT BENEFIT.—Nothing in subparagraph (A) shall be construed as affecting the eligibility of a beneficiary described in such subparagraph for the benefits under subsection (a).

“(C) PROCEDURES FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—

“(i) IN GENERAL.—The Commissioner shall establish procedures for determining the modified adjusted gross income of eligible beneficiaries enrolled under this part.

“(ii) CONSULTATION.—The Commissioner shall consult with the Secretary of the Treasury in making the determinations described in clause (i).

“(iii) DISCLOSURE OF INFORMATION.—Notwithstanding section 6103(a) of the Internal Revenue Code of 1986, the Secretary of the Treasury may, upon written request from the Commissioner, disclose to officers and employees of the Medicare Prescription Drug Agency such return information as is necessary to make the determinations described in clause (i). Return information disclosed under the preceding sentence may be used by officers and employees of the Medicare Prescription Drug Agency only for the purposes of, and to the extent necessary in, making such determinations.

“(D) DEFINITION OF MODIFIED ADJUSTED GROSS INCOME.—In this paragraph, the term ‘modified adjusted gross income’ means adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986)—

“(i) determined without regard to sections 135, 911, 931, and 933 of such Code; and

“(ii) increased by the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax under such Code.

“(5) ENSURING CATASTROPHIC BENEFIT IN ALL AREAS.—The Commissioner shall develop procedures for the provision of the catastrophic benefit under this subsection to each eligible beneficiary that resides in an area where there are no eligible entities that have been awarded a contract under this part.

“SELECTION OF ENTITIES TO PROVIDE PRESCRIPTION DRUG COVERAGE

“SEC. 1860G. (a) ESTABLISHMENT OF BIDDING PROCESS.—The Commissioner shall establish a process under which the Commissioner accepts bids from eligible entities and awards contracts to the entities to provide the benefits under this part to eligible beneficiaries in an area.

“(b) SUBMISSION OF BIDS.—Each eligible entity desiring to enter into a contract under this part shall submit a bid to the Commissioner at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

“(c) AWARDING OF CONTRACTS.—

“(1) IN GENERAL.—The Commissioner shall, consistent with the requirements of this part and the goal of containing medicare program costs, award at least 2 contracts in each area, unless only 1 bidding entity meets the terms and conditions specified by the Commissioner under paragraph (2).

“(2) TERMS AND CONDITIONS.—The Commissioner shall not award a contract to an eligible entity under this section unless the Commissioner finds that the eligible entity is in compliance with such terms and conditions as the Commissioner shall specify.

“(3) COMPARATIVE MERITS.—In determining which of the eligible entities that submitted bids that meet the terms and conditions specified by the Commissioner under paragraph (2) to award a contract, the Commissioner shall consider the comparative merits of each of the bids.

“PAYMENTS TO ELIGIBLE ENTITIES FOR ADMINISTERING THE CATASTROPHIC BENEFIT

“SEC. 1860H. (a) IN GENERAL.—The Commissioner shall establish procedures for making payments to an eligible entity under a contract entered into under this part for—

“(1) providing covered outpatient prescription drugs to beneficiaries eligible for the catastrophic benefit in accordance with subsection (b); and

“(2) costs incurred by the entity in administering the catastrophic benefit in accordance with subsection (c).

“(b) PAYMENT FOR COVERED OUTPATIENT PRESCRIPTION DRUGS.—

“(1) IN GENERAL.—Except as provided in subsection (c) and subject to paragraph (2), the Commissioner may only pay an eligible entity for covered outpatient drugs furnished by the eligible entity to an eligible beneficiary enrolled with such entity under this part that is eligible for the catastrophic benefit under section 1860F(b).

“(2) LIMITATIONS.—

“(A) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the Commissioner may not make any payment for a covered outpatient drug that is not included in such formulary.

“(B) NEGOTIATED PRICES.—The Commissioner may not pay an amount for a covered outpatient drug furnished to an eligible beneficiary that exceeds the negotiated price (including applicable discounts) that the beneficiary would have been responsible for under section 1860F(a).

“(c) PAYMENT FOR ADMINISTRATIVE COSTS.—

“(1) PROCEDURES.—The procedures established under subsection (a)(1) shall provide for payment to the eligible entity of an administrative fee for each prescription filled by the entity for an eligible beneficiary—

“(A) who is enrolled with the entity; and

“(B) to whom subparagraph (A), (B), or (C) of section 1860F(b)(1) applies with respect to a covered outpatient drug.

“(2) AMOUNT.—The fee described in paragraph (1) shall be—

“(A) negotiated by the Commissioner; and

“(B) consistent with such fees paid under private sector pharmaceutical benefit contracts.

“(d) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

“DETERMINATION OF INCOME LEVELS

“SEC. 1860I. (a) PROCEDURES.—The Commissioner shall establish procedures for determining the income levels of eligible beneficiaries for purposes of sections 1860E(c) and 1860F(b).

“(b) PERIODIC REDETERMINATIONS.—Such income determinations shall be valid for a period (of not less than 1 year) specified by the Commissioner.

“APPROPRIATIONS

“SEC. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the enrollment fees collected under section 1860E.

“SUBPART 2—ESTABLISHMENT OF THE MEDICARE PRESCRIPTION DRUG AGENCY

“MEDICARE PRESCRIPTION DRUG AGENCY

“SEC. 1860S. (a) ESTABLISHMENT.—There is established, as an independent agency in the executive branch of the Government, a Medicare Prescription Drug Agency (in this part referred to as the ‘Agency’).

“(b) DUTY.—It shall be the duty of the Agency to administer the Medicare Outpatient Prescription Drug Discount and Security Program under subpart 1.

“COMMISSIONER; DEPUTY COMMISSIONER; OTHER OFFICERS

“SEC. 1860T. (a) COMMISSIONER OF MEDICARE PRESCRIPTION DRUGS.—

“(1) APPOINTMENT.—There shall be in the Agency a Commissioner of Medicare Prescription Drugs (in this subpart referred to as the ‘Commissioner’) who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) COMPENSATION.—The Commissioner shall be compensated at the rate provided for level I of the Executive Schedule.

“(3) TERM.—

“(A) IN GENERAL.—The Commissioner shall be appointed for a term of 6 years.

“(B) CONTINUANCE IN OFFICE.—In any case in which a successor does not take office at the end of a Commissioner’s term of office, such Commissioner may continue in office until the appointment of a successor.

“(C) DELAYED APPOINTMENTS.—A Commissioner appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

“(D) REMOVAL.—An individual serving in the office of Commissioner may be removed from office only under a finding by the President of neglect of duty or malfeasance in office.

“(4) RESPONSIBILITIES.—The Commissioner shall be responsible for the exercise of all powers and the discharge of all duties of the Agency, and shall have authority and control over all personnel and activities thereof.

“(5) PROMULGATION OF RULES AND REGULATIONS.—

“(A) IN GENERAL.—The Commissioner may prescribe such rules and regulations as the Commissioner determines necessary or appropriate to carry out the functions of the Agency.

“(B) RULEMAKING.—The regulations prescribed by the Commissioner shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.

“(6) DELEGATION OF AUTHORITY.—

“(A) IN GENERAL.—The Commissioner may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Agency as the Commissioner may find necessary.

“(B) EFFECT OF DELEGATION.—Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Commissioner.

“(7) CONSULTATION WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—The Commissioner and the Secretary shall consult, on an ongoing basis, to ensure the coordination of the programs administered by the Commissioner with the programs administered by the Secretary under this title and under title XIX.

“(b) DEPUTY COMMISSIONER OF MEDICARE PRESCRIPTION DRUGS.—

“(1) APPOINTMENT.—There shall be in the Agency a Deputy Commissioner of Medicare Prescription Drugs (in this subpart referred to as the ‘Deputy Commissioner’) who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) TERM.—

“(A) IN GENERAL.—The Deputy Commissioner shall be appointed for a term of 6 years.

“(B) CONTINUANCE IN OFFICE.—In any case in which a successor does not take office at the end of a Deputy Commissioner’s term of office, such Deputy Commissioner may continue in office until the entry upon office of such a successor.

“(C) DELAYED APPOINTMENT.—A Deputy Commissioner appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

“(3) COMPENSATION.—The Deputy Commissioner shall be compensated at the rate provided for level II of the Executive Schedule.

“(4) DUTIES.—

“(A) IN GENERAL.—The Deputy Commissioner shall perform such duties and exercise such powers as the Commissioner shall from time to time assign or delegate.

“(B) ACTING COMMISSIONER.—The Deputy Commissioner shall be Acting Commissioner of the Agency during the absence or disability of the Commissioner, unless the President designates another officer of the Government as Acting Commissioner, in the event of a vacancy in the office of the Commissioner.

“(c) CHIEF ACTUARY.—

“(1) APPOINTMENT.—

“(A) IN GENERAL.—There shall be in the Agency a Chief Actuary, who shall be appointed by, and in direct line of authority to, the Commissioner.

“(B) QUALIFICATIONS.—The Chief Actuary shall be appointed from individuals who have demonstrated, by their education and experience, superior expertise in the actuarial sciences.

“(C) DUTIES.—The Chief Actuary shall serve as the chief actuarial officer of the Agency, and shall exercise such duties as are appropriate for the office of the Chief Actuary and in accordance with professional standards of actuarial independence.

“(2) COMPENSATION.—The Chief Actuary shall be compensated at the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.

“ADMINISTRATIVE DUTIES OF THE COMMISSIONER

“SEC. 1860U. (a) PERSONNEL.—

“(1) IN GENERAL.—The Commissioner may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out through the Medicare Prescription Drug Agency.

“(2) FLEXIBILITY WITH RESPECT TO CIVIL SERVICE LAWS.—

“(A) IN GENERAL.—The staff of the Medicare Prescription Drug Agency shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to subparagraph (B), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and schedule pay rates).

“(B) MAXIMUM RATE.—In no case may the rate of compensation determined under subparagraph (A) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(b) Budgetary Matters.—

“(1) Submission of annual budget.—The Commissioner shall prepare an annual budget for the Agency, which shall be submitted by the President to Congress without revision, together with the President's annual budget for the Agency.

“(2) Appropriations requests.—

“(A) Staffing and personnel.—Appropriations requests for staffing and personnel of the Agency shall be based upon a comprehensive workforce plan, which shall be established and revised from time to time by the Commissioner.

“(B) Administrative expenses.—Appropriations for administrative expenses of the Agency are authorized to be provided on a biennial basis.

“(c) Seal of Office.—

“(1) In general.—The Commissioner shall cause a Seal of Office to be made for the Agency of such design as the Commissioner shall approve.

“(2) Judicial notice.—Judicial notice shall be taken of the seal made under paragraph (1).

“(d) Data Exchanges.—

“(1) Disclosure of records and other information.—Notwithstanding any other provision of law (including subsections (b), (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code)—

“(A) the Secretary shall disclose to the Commissioner any record or information requested in writing by the Commissioner for the purpose of administering any program administered by the Commissioner, if records or information of such type were disclosed to the Administrator of the Health Care Financing Administration in the Department of Health and Human Services under applicable rules, regulations, and procedures in effect before the date of enactment of the Medicare Rx Drug Discount and Security Act of 2001; and

“(B) the Commissioner shall disclose to the Secretary or to any State any record or information requested in writing by the Secretary to be so disclosed for the purpose of administering any program administered by the Secretary, if records or information of such type were so disclosed under applicable rules, regulations, and procedures in effect before the date of enactment of the Medicare Rx Drug Discount and Security Act of 2001.

“(2) Exchange of other data.—The Commissioner and the Secretary shall periodically review the need for exchanges of information not referred to in paragraph (1) and shall enter into such agreements as may be necessary and appropriate to provide information to each other or to States in order to meet the programmatic needs of the requesting agencies.

“(3) Routine use.—

“(A) In general.—Any disclosure from a system of records (as defined in section 552a(a)(5) of title 5, United States Code) pursuant to this subsection shall be made as a routine use under subsection (b)(3) of section 552a of such title (unless otherwise authorized under such section 552a).

“(B) Computerized comparison.—Any computerized comparison of records, including matching programs, between the Commissioner and the Secretary shall be conducted in accordance with subsections (o), (p), (q), (r), and (u) of section 552a of title 5, United States Code.

“(4) Timely action.—The Commissioner and the Secretary shall each ensure that timely action is taken to establish any necessary routine uses for disclosures required under paragraph (1) or agreed to under paragraph (2).

“MEDICARE COMPETITION AND PRESCRIPTION DRUG ADVISORY BOARD

“Sec. 1860V. (a) Establishment of Board.—There is established a Medicare Prescription Drug Advisory Board (in this section referred to as the ‘Board’).

“(b) Advice on Policies; Reports.—

“(1) Advice on policies.—On and after the date the Commissioner takes office, the Board shall advise the Commissioner on policies relating to the Medicare Outpatient Prescription Drug Discount and Security Program under subpart 1.

“(2) Reports.—

“(A) In general.—With respect to matters of the administration of subpart 1, the Board shall submit to Congress and to the Commissioner of Medicare Prescription Drugs such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of such subpart. Each such report shall be published in the Federal Register.

“(B) Maintaining independence of board.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

“(c) Structure and Membership of the Board.—

“(1) Membership.—The Board shall be composed of 7 members who shall be appointed as follows:

“(A) Presidential appointments.—

“(i) In general.—Three members shall be appointed by the President, by and with the advice and consent of the Senate.

“(ii) Limitation.—Not more than 2 such members may be from the same political party.

“(B) Senatorial appointments.—Two members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Committee on Finance of the Senate.

“(C) Congressional appointments.—Two members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the Committee on Ways and Means of the House of Representatives.

“(2) Qualifications.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

“(d) Terms of Appointment.—

“(1) In general.—Subject to paragraph (2), each member of the Board shall serve for a term of 6 years.

“(2) Continuance in office and staggered terms.—

“(A) Continuance in office.—A member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

“(B) Staggered terms.—The terms of service of the members initially appointed under this section shall begin on January 1, 2002, and expire as follows:

“(i) Presidential appointments.—The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

“(I) 2 years;

“(II) 4 years; and

“(III) 6 years.

“(ii) Senatorial appointments.—The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

“(I) 3 years; and

“(II) 6 years.

“(iii) Congressional appointments.—The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

“(I) 4 years; and

“(II) 5 years.

“(C) Reappointments.—Any person appointed as a member of the Board may not serve for more than 8 years.

“(D) Vacancies.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

“(e) Chairperson.—A member of the Board shall be designated by the President to serve as Chairperson for a term of 4 years, coincident with the term of the President, or until the designation of a successor.

“(f) Expenses and Per Diem.—Members of the Board shall serve without compensation, except that, while serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

“(g) Meeting.—

“(1) In general.—The Board shall meet at the call of the Chairperson (in consultation with the other members of the Board) not less than 4 times each year to consider a specific agenda of issues, as determined by the Chairperson in consultation with the other members of the Board.

“(2) Quorum.—Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.

“(h) Federal Advisory Committee Act.—The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

“(i) Personnel.—

“(1) Staff director.—The Board shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

“(2) Staff.—

“(A) In general.—The Board may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out by the Board.

"(B) FLEXIBILITY WITH RESPECT TO CIVIL SERVICE LAWS.—

"(i) IN GENERAL.—The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to clause (ii), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and schedule pay rates).

"(ii) MAXIMUM RATE.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Federal Supplemental Medical Insurance Trust Fund established under section 1841, and the general fund of the Treasury, such sums as are necessary to carry out the purposes of this section.".

(b) CONFORMING REFERENCES TO PREVIOUS PART D.—

(1) IN GENERAL.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this section.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) TIMING OF INITIAL APPOINTMENTS.—The Commissioner and Deputy Commissioner of Medicare Prescription Drugs may not be appointed before March 1, 2002.

SEC. 3. COMMISSIONER AS MEMBER OF THE BOARD OF TRUSTEES OF THE MEDICARE TRUST FUNDS.

(a) IN GENERAL.—Section 1841(b) of the Social Security Act (42 U.S.C. 1395t(b)) is amended by striking "and the Secretary of Health and Human Services, all ex officio," and inserting ", the Secretary of Health and Human Services, and the Commissioner of Medicare Prescription Drugs, all ex officio,".

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on March 1, 2002.

SEC. 4. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking "attributable to the application of section" and inserting "attributable to—

"(1) the application of section";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(2) the Voluntary Medicare Outpatient Prescription Drug Discount and Security Program under part D.".

SEC. 5. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

"(v) MODERNIZATION OF MEDICARE SUPPLEMENTAL POLICIES.—

"(1) PROMULGATION OF MODEL REGULATION.—

"(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the Medicare Rx Drug Discount and Security Act of 2001, the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit package classified as 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) so that—

"(i) the coverage for outpatient prescription drugs available under such benefit package is replaced with coverage for outpatient prescription drugs that complements but does not duplicate the benefits for outpatient prescription drugs that beneficiaries are otherwise entitled to under this title;

"(ii) a uniform format is used in the policy with respect to such revised benefits; and

"(iii) such revised standards meet any additional requirements imposed by the Medicare Rx Drug Discount and Security Act of 2001;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2003 NAIC Model Regulation').

"(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2003, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2003 Federal Regulation').

"(C) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

"(D) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2003 NAIC Model Regulation or 2003 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

"(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as 'A' through 'I' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

"(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

"(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

"(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2003 NAIC Model Regulation or 2003 Federal Regulation; and

"(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

"(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.".

By Mr. BENNETT:

S. 1240. A bill to provide for the acquisition of land and construction of an interagency administrative and visitor facility at the entrance to American Fork Canyon, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to introduce the Timpanogos Interagency Land Exchange Act of 2001.

Before I explain the details of my legislation I would like to share with my colleagues a bit of the area's history. So everyone understands the lay of the land, Timpanogos Cave is in American Fork Canyon, which is a 45-50 minute drive south of Salt Lake City. Now that my colleagues have a general idea of the location let me share some information on the designation of the cave. After being solicited by a group of Utahns familiar with Timpanogos Cave, President Warren G. Harding, invoking the Antiquities Act, designated the Timpanogos Cave National Monument on October 14, 1922. It just so happens that today is the 77th anniversary of the dedication of the Timpanogos Cave National Monument. The dedication took place on July 25, 1924. The Secretary of the Interior at that time, Hubert Work, invited a group of journalists from New York City on a five week tour of the recently created national parks and monuments in the west. Ostensibly, the tour had been organized to publicize the features of the new parks of the quickly growing National Park Service. After spending over a month visiting National Parks, the group arrived at Timpanogos Cave National Monument of the 25th of July where Mr. Alvah Davison, a noted New York publisher, gave the dedication speech.

I believe it is fitting on the 77th anniversary of the dedication of the Timpanogos Cave National Monument to introduce legislation that will enhance the unique visitor experience at this site. The Timpanogos Interagency Land Exchange Act of 2001 authorizes the exchange of 266 acres of United States Forest Service land for 37 acres of private land. This newly acquired land will serve as the site for a new visitor center and administrative offices of the Pleasant Grove Ranger district of the Uinta National Forest and the

Timpanogos Cave National Monument. My legislation also authorizes the construction of the new interagency facility. This new facility, which will be located near the mouth of American Fork Canyon in the town of Highland, UT, will not only benefit the visiting public, but will also result in better coordination between the NPS and USFS.

The land exchange requires the Secretary of Agriculture's approval and must conform with the "Uniform Appraisal Standards for Federal Land Acquisitions." Furthermore, the exchange is being conducted with a private landowner who is willing to trade his property for various USFS parcels on the Uinta National Forest.

The necessity for this legislation is ten years overdue. The original visitor center at Timpanogos Cave was built as part of the NPS's Mission '66 program. Unfortunately it burned down in 1991. In 1992, as an emergency measure, the NPS began use of a 20 foot by 60 foot double-wide trailer to serve temporarily as a make-shift visitor center. The trailer still serves today as the visitor center. The trailer is not suitable for the monument's annual visitation of 125,000 people. On high visitation days the center is easily overrun by the public. Additionally, the center suffers from rock-fall that has caused significant damage to the roof of the trailer and raises obvious safety issues.

The NPS will not be the only beneficiary of this new site. As I stated before,the Pleasant Grove Ranger District of the Uinta National Forest will also be getting a new home. Currently, the Pleasant Grove Ranger District is housed in a 1950's era building that was not designed for today's staffing requirements or modern day computer and communications needs. It is simply too small and too outdated. The new facility will meet the space needs of the ranger district and be more technology friendly. Furthermore, the public now will be able to visit one conveniently located office to inquire about NPS and USFS activities.

I view the Timpanogos Interagency Land Exchange Act of 2001 as simple legislation that will correct a decade old problem. I look forward to working with the Committee on Energy and Natural Resources to move this legislation quickly.

By Mr. SPECTER:

S. 1241. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation designed to permit certain youths, those exempt from attending school, between the ages of 14 and 18 to work in sawmills under special safety conditions and close adult supervision. I introduced identical measures in the 105th and 106th Congresses. Similar legislation introduced by my distinguished colleague, Representative JOSEPH R. PITTS, has already passed in the House twice before. I am hopeful the Senate will also enact this important issue.

As the former Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have strongly supported increased funding for the enforcement of the important child safety protections contained in the Fair Labor Standards Act. I also believe, however, that accommodation must be made for youths who are exempt from compulsory school-attendance laws after the eighth grade. It is extremely important that youths who are exempt from attending school be provided with access to jobs and apprenticeships in areas that offer employment where they live.

The need for access to popular trades is demonstrated by the Amish community. In 1998, I toured an Amish sawmill in Lancaster County, PA, and had the opportunity to meet with some of my Amish constituency. In December 2000, Representative PITTS and I held a meeting in Gap, PA, with over 20 members of the Amish community to hear their concerns on this issue. On May 3, 2001, I chaired a hearing of the Labor, Health and Human Services and Education Appropriations Subcommittee to examine these issues.

At the hearing the Amish explained that while they once made their living almost entirely by farming, they have increasingly had to expand into other occupations as farmland has disappeared in many areas due to pressure from development. As a result, many of the Amish have come to rely more and more on work in sawmills to make their living. The Amish culture expects youth, upon the completion of their education at the age of 14, to begin to learn a trade that will enable them to become productive members of society. In many areas, work in sawmills is one of the major occupations available for the Amish, whose belief system limits the types of jobs they may hold. Unfortunately, these youths are currently prohibited by law from employment in this industry until they reach the age of 18. This prohibition threatens both the religion and lifestyle of the Amish.

Under my legislation, youths would not be allowed to operate power machinery, but would be restricted to performing activities such as sweeping, stacking wood, and writing orders. My legislation requires that the youths must be protected from wood particles or flying debris and wear protective equipment, all while under strict adult supervision. The Department of Labor must monitor these safeguards to insure that they are enforced.

The Department of Justice has raised serious concerns under the Establishment Clause with the House legislation. The House measure conferred benefits only to a youth who is a "member of a religious sect or division thereof whose established teachings do not permit formal education beyond the eighth grade." By conferring the "benefit" of working in a sawmill only to the adherents of certain religions, the Department argues that the bill appears to impermissibly favor religion to "irreligion." In drafting my legislation, I attempted to overcome such an objection by conferring permission to work in sawmills to all youths who "are exempted from compulsory education laws after the eighth grade." Indeed, I think a broader focus is necessary to create a sufficient range of vocational opportunities for all youth who are legally out of school and in need of vocational opportunities.

I also believe that the logic of the Supreme Court's 1972 decision in Wisconsin v. Yoder supports my bill. In Yoder, the Court held that Wisconsin's compulsory school attendance law requiring children to attend school until the age of 16 violated the Free Exercise Clause. The Court found that the Wisconsin law imposed a substantial burden on the free exercise of religion by the Amish since attending school beyond the eighth grade "contravenes the basic religious tenets and practices of the Amish faith." I believe a similar argument can be made with respect to Amish youth working in sawmills. As their population grows and their subsistence through an agricultural way of life decreases, trades such as sawmills become more and more crucial to the continuation of their lifestyle. Barring youths from the sawmills denies these youths the very vocational training and path to self-reliance that was central to the Yoder Court's holding that the Amish do not need the final two years of public education.

I offer my legislation with the hope that my colleagues will work with me to provide relief for the Amish community. I am pleased to have received a commitment on the Senate floor from Senator KENNEDY, Chairman of the Committee on Health, Education, Labor, and Pensions, to hold a hearing on this issue, and I urge the timely consideration of my bill by the full Senate.

By Mr. GRAHAM (for himself, Mr. MURKOWSKI, Mr. REID, Mr. NELSON of Florida, Mr. INHOFE, Mr. WARNER, and Mr. BURNS):

S. 1243. A bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules; to the Committee on Finance.

Mr. GRAHAM. Mr. President, today I am introducing with my colleagues, Senators MURKOWSKI, REID of Nevada, NELSON of Florida, INHOFE, WARNER and BURNS legislation entitled the Spaceport Equality Act.

Currently airports, high speed rail, seaports, mass transit, and other transportation projects can raise money through the issuance of tax-exempt bonds. The Spaceport Equality Act amends the Internal Revenue Code to clarify that spaceports enjoy the same favorable tax treatment.

The U.S. aerospace industry manufactures nearly 70 percent of the world's satellites, but only 40 percent of the satellites that enter the atmosphere are launched by this country. Our Nation's spaceports are a vital component of the infrastructure needed to expand and enhance the U.S. role in the international space arena. The Spaceport Equality Act is an important step in increasing our competitive position in this emerging industry.

This bill will stimulate investment in expanding and modernizing our Nation's space launch facilities by lowering the cost of financing spaceport construction and renovation. Upon enactment, the bill will increase U.S. launch capacity, and enhance both our economic and national security.

The commercial space market is expected to become increasingly more competitive in the next decade. The ability to have a robust space launch capability is in our best interests economically as well as strategically.

My proposal does not provide direct Federal spending to our commercial space transportation industry. Instead, it creates the conditions necessary to stimulate private sector capital investment in infrastructure. This bill offers Congress the chance to help open a new age to space, where the States and local communities can themselves take part in space transportation.

To be state of the art in space requires state of the art financing on the ground. I urge my colleagues in the Senate to join us in this important effort by co-sponsoring this bill.

I ask unanimous consent that the text of the bill and a short summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spaceport Equality Act".

SEC. 2. SPACEPORTS TREATED LIKE AIRPORTS UNDER EXEMPT FACILITY BOND RULES.

(a) IN GENERAL.—Paragraph (1) of section 142(a) of the Internal Revenue Code of 1986 (relating to exempt facility bonds) is amended to read as follows:

"(1) airports and spaceports,".

(b) TREATMENT OF GROUND LEASES.—Paragraph (1) of section 142(b) of the Internal Revenue Code of 1986 (relating to certain facilities must be governmentally owned) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR SPACEPORT GROUND LEASES.—For purposes of subparagraph (A), spaceport property which is located on land owned by the United States and which is used by a governmental unit pursuant to a lease (as defined in section 168(h)(7)) from the United States shall be treated as owned by such unit if—

"(i) the lease term (within the meaning of section 168(i)(3)) is at least 15 years, and

"(ii) such unit would be treated as owning such property if such lease term were equal to the useful life of such property.".

(c) DEFINITION OF SPACEPORT.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(l) SPACEPORT.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the term 'spaceport' means—

"(A) any facility directly related and essential to servicing spacecraft, enabling spacecraft to launch or reenter, or transferring passengers or space cargo to or from spacecraft, but only if such facility is located at, or in close proximity to, the launch site or reentry site, and

"(B) any other functionally related and subordinate facility at or adjacent to the launch site or reentry site at which launch services or reentry services are provided, including a launch control center, repair shop, maintenance or overhaul facility, and rocket assembly facility.

"(2) ADDITIONAL TERMS.—For purposes of paragraph (1)—

"(A) SPACE CARGO.—The term 'space cargo' includes satellites, scientific experiments, other property transported into space, and any other type of payload, whether or not such property returns from space.

"(B) SPACECRAFT.—The term 'spacecraft' means a launch vehicle or a reentry vehicle.

"(C) OTHER TERMS.—The terms 'launch', 'launch site', 'launch services', 'launch vehicle', 'payload', 'reenter', 'reentry services', 'reentry site', and 'reentry vehicle' shall have the respective meanings given to such terms by section 70102 of title 49, United States Code (as in effect on the date of enactment of this subsection).".

(d) EXCEPTION FROM FEDERALLY GUARANTEED BOND PROHIBITION.—Paragraph (3) of section 149(b) of the Internal Revenue Code of 1986 (relating to exceptions) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR SPACEPORTS.—Paragraph (1) shall not apply to any exempt facility bond issued as part of an issue described in paragraph (1) of section 142(a) to provide a spaceport in situations where—

"(i) the guarantee of the United States (or an agency or instrumentality thereof) is the result of payment of rent, user fees, or other charges by the United States (or any agency or instrumentality thereof), and

"(ii) the payment of the rent, user fees, or other charges is for, and conditioned upon, the use of the spaceport by the United States (or any agency or instrumentality thereof).".

(e) CONFORMING AMENDMENT.—The heading for section 142(c) of the Internal Revenue Code of 1986 is amended by inserting ", SPACEPORTS," after "AIRPORTS".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

THE SPACEPORT EQUALITY ACT

DESCRIPTION OF PRESENT LAW

Present law allows exempt facility bonds to be issued to finance certain transportation facilities, such as airports, docks and wharves, mass commuting facilities, high speed intercity rail facilities, and storage or training facilities directly related to the foregoing. Except for high-speed intercity rail facilities, these facilities must be owned by a governmental unit to be eligible for such financing. Exempt facility bonds for airports, docks and wharves, and governmentally-owned, high-speed intercity rail facilities are not subject to the private activity bond volume cap. Only 25% of the exempt facility bonds for a privately-owned, high-speed intercity rail facility require private activity bond volume cap.

Airports.—Treasury Department regulations provide that airport property eligible for exempt facility bond financing includes facilities that are directly related and essential to the servicing of aircraft, enabling aircraft to take off and land, and transferring passengers or cargo to or from aircraft, but only if the facilities are located at, or in close proximity to, the take-off and landing area. The regulations also provide that airports include other functionally related and subordinate facilities at or adjacent to the airport, such as terminals, hangers, loading facilities, repair shops, maintenance or overhaul facilities, and land-based navigational aids such as radar installations. Facilities, the primary function of which is manufacturing rather than transportation, are not eligible for exempt facility bond financing.

Public Use Requirement.—Treasury Department regulations provide generally that, in order to qualify as an exempt facility, the facility must serve or be available on a regular basis for general public use, or be part of a facility so used, as contrasted with similar types of facilities that are constructed for the exclusive use of a limited number of nongovernmental persons in their trades or businesses. For example, a private dock or wharf leased to and serving only a single manufacturing plant would not qualify as a facility for general public use, but a hangar or repair facility at a municipal airport, or a dock or a wharf, would qualify even if it is leased or permanently assigned to a single nongovernmental person provided that person directly serves the general public, such as a common passenger carrier or freight carrier. Certain facilities, such as sewage and solid waste disposal facilities, are treated in all events as serving a general public use although they may be part of a nonpublic facility, such as a manufacturing facility used in the trade of business of a single manufacturer.

Federally Guaranteed Bonds.—Bonds directly or indirectly guaranteed by the United States (or any agency or instrument thereof) are not tax-exempt. The Treasury Department has not issued detailed regulations interpreting the prohibition of federal guarantees and the scope of the prohibition is unclear.

EXPLANATION OF SPACEPORT EQUALITY ACT

The Spaceport Equality Act clarifies that spaceports are eligible for exempt facility bond financing to the same extent as airports. As in the case of airports, the facilities must be owned by a governmental unit to be eligible for such financing.

The term "spaceport" includes facilities directly related and essential to servicing spacecraft, enabling spacecraft to take off or land, and transferring passengers or space cargo door from spacecraft, but only if the facilities are located at, or in close proximity to, the launch site. Space cargo includes satellites, scientific experiments, and other property transported into space, whether or not the cargo will return from space. The term "spaceport" also includes other functionally related and subordinate facilities at or adjacent to the spaceport, such as launch control centers, repair shops, maintenance or overhaul facilities, and rocket assembly facilities that must be located at or adjacent to the launch site. The term "spaceport" further includes storage facilities directly related to any governmentally-owned spaceport (including a spaceport owned by the U.S. Government.

It is intended that spaceports shall be treated in all respects as serving the general public and will therefore satisfy the public use requirements contained in present Treasury Department regulations. It is also intended that the use of spaceport facilities by the federal government will not prevent the spaceport facilities from being treated as serving the general public, will not prevent the spaceport from being treated as owned by a government unit, and will not otherwise render such facilities ineligible for exempt facility bond financing. In addition, the amendment specifies that payment by the federal government of rent, user fees, or other charges for the use of spaceport property will not be taken into account in determining whether bonds for spacesports are federally guaranteed as long as such payments are conditioned on the use of such property and not payable unconditionally and in all events.

By Mr. KENNEDY (for himself, Ms. SNOWE, Mr. ROCKEFELLER, Mr. CHAFEE, Ms. COLLINS, Mr. DASCHLE, Mr. BAUCUS, Mr. BREAUX, Mr. TORRICELLI, Mrs. LINCOLN, Mr. GRAHAM, Mr. BINGAMAN, Mr. KERRY, Mrs. CLINTON, and Mr. CORZINE).

S. 1244. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's a privilege to join Senator SNOWE and Senator ROCKEFELLER and many others in introducing the Family Care Act of 2001 to expand health coverage to millions of families.

Families across America get up every day, go to work, play by the rules, and still cannot afford the health insurance they need to stay healthy and protect themselves when serious illness strikes. Family Care is a practical, common-sense solution for millions of hardworking families, and it deserves to be a national priority.

The legislation we are introducing today will provide health insurance to millions of Americans. And it does so without creating a new program or a new bureaucracy. It builds on the existing Children's Health Insurance Program. By allowing children *and* their parents to be covered, we can reduce the number of uninsured Americans by one-third.

Four years ago we worked together, Republicans and Democrats, to expand coverage to uninsured children in families whose income is too high for Medicaid but not enough to afford private health insurance. The Children's Health Insurance Program has already brought quality health care to over 3 million children, and many more are eligible.

Our bill is an important step to build on that initiative. Over 80 percent of children who are uninsured or enrolled in Medicaid or CHIP have uninsured parents. Expanding CHIP to cover parents as well as children will make a huge difference to millions of working families.

We also need to do more to help sign up the large number of children who are already eligible for health coverage but have never enrolled. The numbers are dramatic. Ninety-five percent of low-income uninsured children are eligible for Medicaid or CHIP. If we can sign up these children, we can give almost every child in America a real chance at a healthy childhood.

Our legislation includes steps to make it easier for families to register and stay covered. Patients will enroll, and will enroll their children, too.

We also know that many families lose coverage because complicated applications and burdensome requirements make it hard to stay insured. Our bill sees that families will have a simple application and that they won't have to enroll over and over again. It also makes sure that families they aren't excluded because that have simple assets like cars.

I am pleased that this legislation has so much support in the Finance Committee. In addition to Senator SNOWE, we have the support of every single Democrat in that committee. I hope that we can move on this legislation before the August recess.

These are long-overdue steps to give millions more Americans the health coverage they deserve. It's a significant step toward the day when every man, woman and child in America has affordable health coverage. The Nation needs both, and I'm hopeful that Congress will enact both as soon as possible.

I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE OF TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FamilyCare Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title of title; table of contents.
Sec. 2. Renaming of title XXI program.
Sec. 3. FamilyCare coverage of parents under the medicaid program and title XXI.
Sec. 4. Automatic enrollment of children born to title XXI parents.
Sec. 5. Optional coverage of legal immigrants under the medicaid program and title XXI.
Sec. 6. Optional coverage of children through age 20 under the medicaid program and title XXI.
Sec. 7. Application of simplified title XXI procedures under the medicaid program.
Sec. 8. Improving welfare-to-work transition under the medicaid program.
Sec. 9. Elimination of 100 hour rule and other AFDC-related eligibility restrictions.
Sec. 10. State grant program for market innovation.
Sec. 11. Limitations on conflicts of interest.
Sec. 12. Increase in CHIP allotment for each of fiscal years 2002 through 2004.
Sec. 13. Demonstration programs to improve medicaid and CHIP outreach to homeless individuals and families.
Sec. 14. Technical and conforming amendments to authority to pay medicaid expansion costs from title XXI appropriation.
Sec. 15. Additional CHIP revisions.

SEC. 2. RENAMING OF TITLE XXI PROGRAM.

(a) IN GENERAL.—The heading of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended to read as follows:

"TITLE XXI—FAMILYCARE PROGRAM".

(b) PROGRAM REFERENCES.—Any reference in any provision of Federal law or regulation to "SCHIP" or "State children's health insurance program" under title XXI of the Social Security Act shall be deemed a reference to the FamilyCare program under such title.

SEC. 3. FAMILYCARE COVERAGE OF PARENTS UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) INCENTIVES TO IMPLEMENT FAMILYCARE COVERAGE.—

(1) UNDER MEDICAID.—

(A) ESTABLISHMENT OF NEW OPTIONAL ELIGIBILITY CATEGORY.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(i) by striking "or" at the end of subclause (XVII);

(ii) by adding "or" at the end of subclause (XVIII); and

(iii) by adding at the end the following:

"(XIX) who are individuals described in subsection (k)(1) (relating to parents of categorically eligible children);".

(B) PARENTS DESCRIBED.—Section 1902 of the Social Security Act is further amended by inserting after subsection (j) the following:

"(k)(1)(A) Individuals described in this paragraph are individuals—

"(i) who are the parents of an individual who is under 19 years of age (or such higher age as the State may have elected under section 1902(l)(1)(D)) and who is eligible for medical assistance under subsection (a)(10)(A);

"(ii) who are not otherwise eligible for medical assistance under such subsection, under section 1931, or under a waiver approved under section 1115 or otherwise (except under subsection (a)(10)(A)(ii)(XIX)); and

"(iii) whose family income exceeds the income level applicable under the State plan under part A of title IV as in effect as of July 16, 1996, but does not exceed the highest income level applicable to a child in the family under this title.

"(B) In establishing an income eligibility level for individuals described in this paragraph, a State may vary such level consistent with the various income levels established under subsection (l)(2) based on the ages of children described in subsection (l)(1) in order to ensure, to the maximum extent possible, that such individuals shall be enrolled in the same program as their children.

"(C) An individual may not be treated as being described in this paragraph unless, at the time of the individual's enrollment under this title, the child referred to in subparagraph (A)(i) of the individual is also enrolled under this title.

"(D) In this subsection, the term 'parent' includes an individual treated as a caregiver for purposes of carrying out section 1931.

"(2) In the case of a parent described in paragraph (1) who is also the parent of a child who is eligible for child health assistance under title XXI, the State may elect (on a uniform basis) to cover all such parents under section 2111 or under this title.".

(C) ENHANCED MATCHING FUNDS AVAILABLE IF CERTAIN CONDITIONS MET.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by striking "or subsection (u)(3)" and inserting ", (u)(3), or (u)(4)"; and

(ii) in subsection (u)—

(I) by redesignating paragraph (4) as paragraph (6), and

(II) by inserting after paragraph (3) the following:

"(4) For purposes of subsection (b) and section 2105(a)(1):

"(A) FAMILYCARE PARENTS.—The expenditures described in this subparagraph are the expenditures described in the following clauses (i) and (ii):

"(i) PARENTS.—If the conditions described in clause (iii) are met, expenditures for medical assistance for parents described in section 1902(k)(1) and for parents who would be described in such section but for the fact that they are eligible for medical assistance under section 1931 or under a waiver approved under section 1115.

"(ii) CERTAIN PREGNANT WOMEN.—Expenditures for medical assistance for pregnant women under section 1902(l)(1)(A) in a family the income of which exceeds the income level applicable under section 1902(l)(2)(A) to a family of the size involved as of January 1, 2000.

"(iii) CONDITIONS.—The conditions described in this clause are the following:

"(I) The State has a State child health plan under title XXI which (whether implemented under such title or under this title) has an effective income level for children that is at least 200 percent of the poverty line.

"(II) Such State child health plan does not limit the acceptance of applications, does not use a waiting list for children who meet eligibility standards to qualify for assistance, and provides benefits to all children in the State who apply for and meet eligibility standards.

"(III) The State plans under this title and title XXI do not provide coverage for parents with higher family income without covering parents with a lower family income.

"(IV) The State does not apply an income level for parents that is lower than the effective income level (expressed as a percent of the poverty line) that has been specified under the State plan under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)), as of January 1, 2000, to be eligible for medical assistance as a parent under this title.

"(iv) DEFINITIONS.—For purposes of this subsection:

"(I) The term 'parent' has the meaning given such term for purposes of section 1902(k)(1).

"(II) The term 'poverty line' has the meaning given such term in section 2110(c)(5).".

(D) APPROPRIATION FROM TITLE XXI ALLOTMENT FOR CERTAIN MEDICAID EXPANSION COSTS.—Subparagraph (B) of section 2105(a)(1) of the Social Security Act, as amended by section 14(a), is amended to read as follows:

"(B) FAMILYCARE PARENTS.—Expenditures for medical assistance that is attributable to expenditures described in section 1905(u)(4)(A).".

(E) ONLY COUNTING ENHANCED PORTION FOR COVERAGE OF ADDITIONAL PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(i) in the fourth sentence of subsection (b), by inserting "(except in the case of expenditures described in subsection (u)(5))" after "do not exceed";

(ii) in subsection (u), by inserting after paragraph (4) (as inserted by subparagraph (C)), the following:

"(5) For purposes of the fourth sentence of subsection (b) and section 2105(a), the following payments under this title do not count against a State's allotment under section 2104:

"(A) REGULAR FMAP FOR EXPENDITURES FOR PREGNANT WOMEN WITH INCOME ABOVE JANUARY 1, 2000 INCOME LEVEL AND BELOW 185 PERCENT OF POVERTY.—The portion of the payments made for expenditures described in paragraph (4)(A)(ii) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage.".

(2) UNDER TITLE XXI.—

(A) FAMILYCARE COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following:

"SEC. 2111. OPTIONAL FAMILYCARE COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State child health plan may provide for coverage, through an amendment to its State child health plan under section 2102, of FamilyCare assistance for individuals who are targeted low-income parents in accordance with this section, but only if—

"(1) the State meets the conditions described in section 1905(u)(4)(A)(iii); and

"(2) the State elects to provide medical assistance under section 1902(a)(10)(A)(ii)(XIX), under section 1931, or under a waiver under section 1115 to individuals described in section 1902(k)(1)(A)(i) and elects an applicable income level for such individuals that consistent with paragraphs (1)(B) and (2) of section 1902(k), ensures to the maximum extent possible, that those individuals shall be enrolled in the same program as their children if their children are eligible for coverage under title XIX (including under a waiver authorized by the Secretary or under section 1902(r)(2)).".

"(b) DEFINITIONS.—For purposes of this title:

"(1) FAMILYCARE ASSISTANCE.—The term 'FamilyCare assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income parents.

"(2) TARGETED LOW-INCOME PARENT.—The term 'targeted low-income parent' has the meaning given the term targeted low-income child in section 2110(b) as if the reference to a child were deemed a reference to a parent (as defined in paragraph (3)) of the child; except that in applying such section—

"(A) there shall be substituted for the income level described in paragraph (1)(B)(ii)(I) the applicable income level in effect for a targeted low-income child;

"(B) in paragraph (3), January 1, 2000, shall be substituted for July 1, 1997; and

"(C) in paragraph (4), January 1, 2000, shall be substituted for March 31, 1997.

"(3) PARENT.—The term 'parent' includes an individual treated as a caregiver for purposes of carrying out section 1931.

"(4) OPTIONAL TREATMENT OF PREGNANT WOMEN AS PARENTS.—A State child health plan may treat a pregnant woman who is not otherwise a parent as a targeted low-income parent for purposes of this section but only if the State has established an income level under section 1902(l)(2)(A)(i) for pregnant women that is at least 185 percent of the income official poverty line described in such section.

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of FamilyCare assistance to targeted low-income parents under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income parent.

"(2) Any such reference to child health assistance with respect to such parents is deemed a reference to FamilyCare assistance.

"(3) In applying section 2103(e)(3)(B) in the case of a family provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to the entire family.

"(4) In applying section 2110(b)(4), any reference to 'section 1902(l)(2) or 1905(n)(2) (as selected by a State)' is deemed a reference to the income level applicable to parents under section 1931 or under a waiver approved under section 1115, or, in the case of a pregnant woman described in subsection (b)(4), the income level established under section 1902(l)(2)(A).

"(5) In applying section 2102(b)(3)(B), any reference to children is deemed a reference to parents.".

(B) ADDITIONAL ALLOTMENT FOR STATES PROVIDING FAMILYCARE.—

(i) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following:

"(d) ADDITIONAL ALLOTMENTS FOR STATE PROVIDING FAMILYCARE.—

"(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States to provide FamilyCare coverage under section 2111, there is appropriated, out of any money in the Treasury not otherwise appropriated—

"(A) for fiscal year 2002, $2,000,000,000;

"(B) for fiscal year 2003, $2,000,000,000;

"(C) for fiscal year 2004, $3,000,000,000;

"(D) for fiscal year 2005, $3,000,000,000;

"(E) for fiscal year 2006, $6,000,000,000;

"(F) for fiscal year 2007, $7,000,000,000;

"(G) for fiscal year 2008, $8,000,000,000;

"(H) for fiscal year 2009, $9,000,000,000;

"(I) for fiscal year 2010, $10,000,000,000; and

"(J) for fiscal year 2011 and each fiscal year thereafter, the amount of the allotment provided under this paragraph for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).

"(2) STATE AND TERRITORIAL ALLOTMENTS.—

"(A) IN GENERAL.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

"(i) in the case of such a State other than a commonwealth or territory described in clause (ii), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to 98.95 percent of the total amount of the allotments under such section for such States eligible for an allotment under this subparagraph for such fiscal year; and

"(ii) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to 1.05 percent of the total amount of the allotments under such section for commonwealths and territories eligible for an allotment under this subparagraph for such fiscal year.

"(B) AVAILABILITY AND REDISTRIBUTION OF UNUSED ALLOTMENTS.—In applying subsections (e) and (f) with respect to additional allotments made available under this subsection, the procedures established under such subsections shall ensure such additional allotments are only made available to States which have elected to provide coverage under section 2111.

"(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2001. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for FamilyCare assistance.

"(4) REQUIRING ELECTION TO PROVIDE FAMILYCARE COVERAGE.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State has made an election to provide FamilyCare assistance.".

(ii) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(I) in subsection (a), by inserting "subject to subsection (d)," after "under this section,";

(II) in subsection (b)(1), by inserting "and subsection (d)" after "Subject to paragraph (4)"; and

(III) in subsection (c)(1), by inserting "subject to subsection (d)," after "for a fiscal year,".

(C) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting "AND PREGNANCY-RELATED SERVICES" after "PREVENTIVE SERVICES"; and

(ii) by inserting before the period at the end the following: "and for pregnancy-related services".

(3) EFFECTIVE DATE.—The amendments made by this subsection apply to items and services furnished on or after October 1, 2001, whether or not regulations implementing such amendments have been issued.

(b) RULES FOR IMPLEMENTATION BEGINNING WITH FISCAL YEAR 2005.—

(1) REQUIRED COVERAGE OF FAMILYCARE PARENTS.—Section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)) is amended—

(A) by striking "or" at the end of subclause (VI);

(B) by striking the semicolon at the end of subclause (VII) and insert ", or"; and

(C) by adding at the end the following:

"(VIII) who are described in subsection (k)(1) (or would be described if subparagraph (A)(ii) of such subsection did not apply) and who are in families with incomes that do not exceed 100 percent of the poverty line applicable to a family of the size involved;".

(2) EXPANSION OF AVAILABILITY OF ENHANCED MATCH UNDER MEDICAID FOR PRE-CHIP EXPANSIONS.—Paragraph (4) of section 1905(u) of the Social Security Act (42 U.S.C. 1396d(u)), as inserted by subsection (a)(1)(C), is amended—

(A) by amending clause (ii) of subparagraph (A) to read as follows:

"(ii) CERTAIN PREGNANT WOMEN.—Expenditures for medical assistance for pregnant women under section 1902(l)(1)(A) in a family the income of which exceeds the 133 percent of the income official poverty line."; and

(B) by adding at the end the following:

"(B) CHILDREN IN FAMILIES WITH INCOME ABOVE MEDICAID MANDATORY LEVEL NOT PREVIOUSLY DESCRIBED.—The expenditures described in this subparagraph are expenditures (other than expenditures described in paragraph (2) or (3)) for medical assistance made available to any child who is eligible for assistance under section 1902(a)(10)(A) (other than under clause (i)) and the income of whose family exceeds the minimum income level required under subsection 1902(l)(2) (or, if higher, the minimum level required under section 1931 for that State) for a child of the age involved (treating any child who is 19 or 20 years of age as being 18 years of age).".

(3) OFFSET OF ADDITIONAL EXPENDITURES FOR ENHANCED MATCH FOR PRE-CHIP EXPANSION; ELIMINATION OF OFFSET FOR REQUIRED COVERAGE OF FAMILYCARE PARENTS.—

(A) IN GENERAL.—Section 1905(u)(5) of the Social Security Act (42 U.S.C. 1396d(u)(5)), as added by subsection (a)(1)(E), is amended—

(i) by amending subparagraph (A) to read as follows:

"(A) REGULAR FMAP FOR EXPENDITURES FOR PREGNANT WOMEN WITH INCOME ABOVE 133 PERCENT OF POVERTY.—The portion of the payments made for expenditures described in paragraph (4)(A)(ii) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage."; and

(ii) by adding at the end the following:

"(B) FAMILYCARE PARENTS UNDER 100 PERCENT OF POVERTY.—Payments for expenditures described in paragraph (4)(A)(i) in the case of parents whose income does not exceed 100 percent of the income official poverty line applicable to a family of the size involved.

"(C) REGULAR FMAP FOR EXPENDITURES FOR CERTAIN CHILDREN IN FAMILIES WITH INCOME ABOVE MEDICAID MANDATORY LEVEL.—The portion of the payments made for expenditures described in paragraph (4)(B) that represents the amount that would have been paid if the enhanced FMAP had not been substituted for the Federal medical assistance percentage.".

(B) CONFORMING AMENDMENTS.—Subparagraph (B) of section 2105(a)(1) of the Social Security Act, as amended by section 14(a) and subsection (a)(1)(D), is amended to read as follows:

"(B) CERTAIN FAMILYCARE PARENTS AND OTHERS.—Expenditures for medical assistance that is attributable to expenditures described in section 1905(u)(4), except as provided in section 1905(u)(5).".

(4) EFFECTIVE DATE.—The amendments made by this subsection apply as of October 1, 2004, to fiscal years beginning on or after such date and to expenditures under the State plan on and after such date, whether or not regulations implementing such amendments have been issued.

(c) MAKING TITLE XXI BASE ALLOTMENTS PERMANENT.—Section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) for fiscal year 2008 and each fiscal year thereafter, the amount of the allotment provided under this subsection for the preceding fiscal year increased by the percentage increase (if any) in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average).".

(d) OPTIONAL APPLICATION OF PRESUMPTIVE ELIGIBILITY PROVISIONS TO PARENTS.—Section 1920A of the Social Security Act (42 U.S.C. 1396r–1a) is amended by adding at the end the following:

"(e) A State may elect to apply the previous provisions of this section to provide for a period of presumptive eligibility for medical assistance for a parent (as defined for purposes of section 1902(k)(1)) of a child with respect to whom such a period is provided under this section.".

(e) CONFORMING AMENDMENTS.—

(1) ELIGIBILITY CATEGORIES.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(A) by striking "or" at the end of clause (xii);

(B) by inserting "or" at the end of clause (xiii); and

(C) by inserting after clause (xiii) the following:

"(xiv) who are parents described (or treated as if described) in section 1902(k)(1),".

(2) INCOME LIMITATIONS.—Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended—

(A) effective October 1, 2004, by inserting "1902(a)(10)(A)(i)(VIII)," after "1902(a)(10)(A)(i)(VII),"; and

(B) by inserting "1902(a)(10)(A)(ii)(XIX)," after "1902(a)(10)(A)(ii)(XVIII),".

(3) CONFORMING AMENDMENT RELATING TO NO WAITING PERIOD FOR PREGNANT WOMEN.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) by striking ", and" at the end of clause (i) and inserting a semicolon;

(B) by striking the period at the end of clause (ii) and inserting "; and"; and

(C) by adding at the end the following:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income parent who is pregnant.".

SEC. 4. AUTOMATIC ENROLLMENT OF CHILDREN BORN TO TITLE XXI PARENTS.

Section 2102(b)(1) of the Social Security Act (42 U.S.C. 1397bb(b)(1)) is amended by adding at the end the following:

"(C) AUTOMATIC ELIGIBILITY OF CHILDREN BORN TO A PARENT BEING PROVIDED FAMILYCARE.—Such eligibility standards shall provide for automatic coverage of a child born to an individual who is provided assistance under this title in the same manner as medical assistance would be provided under section 1902(e)(4) to a child described in such section.".

SEC. 5. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(iii) PARENTS.—If the State has elected the eligibility category described in clause (ii), caretaker relatives who are parents (including individuals treated as a caregiver for purposes of carrying out section 1931) of children (described in such clause or otherwise) who are eligible for medical assistance under the plan.

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.".

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following:

"(E) Section 1903(v)(4) (relating to optional coverage of categories of lawful resident alien children and parents), but only with respect to an eligibility category under this title, if the same eligibility category has been elected under such section for purposes of title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2001, and apply to medical assistance and child health assistance furnished on or after such date, whether or not regulations implementing such amendments have been issued.

SEC. 6. OPTIONAL COVERAGE OF CHILDREN THROUGH AGE 20 UNDER THE MEDICAID PROGRAM AND TITLE XXI.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902(l)(1)(D) of the Social Security Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting "(or, at the election of a State, 20 or 21 years of age)" after "19 years of age".

(2) CONFORMING AMENDMENTS.—

(A) Section 1902(e)(3)(A) of the Social Security Act (42 U.S.C. 1396a(e)(3)(A)) is amended by inserting "(or 1 year less than the age the State has elected under subsection (l)(1)(D))" after "18 years of age".

(B) Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended by inserting "or such higher age as the State has elected under subsection (l)(1)(D)" after "19 years of age".

(C) Section 1920A(b)(1) of the Social Security Act (42 U.S.C. 1396r–1a(b)(1)) is amended by inserting "or such higher age as the State has elected under section 1902(l)(1)(D)" after "19 years of age".

(D) Section 1928(h)(1) of the Social Security Act (42 U.S.C. 1396s(h)(1)) is amended by inserting "or 1 year less than the age the State has elected under section 1902(l)(1)(D)" before the period at the end.

(E) Section 1932(a)(2)(A) of the Social Security Act (42 U.S.C. 1396u–2(a)(2)(A)) is amended by inserting "(or such higher age as the State has elected under section 1902(l)(1)(D))" after "19 years of age".

(b) TITLE XXI.—Section 2110(c)(1) of the Social Security Act (42 U.S.C. 1397jj(c)(1)) is amended by inserting "(or such higher age as the State has elected under section 1902(l)(1)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2001, and apply to medical assistance and child health assistance provided on or after such date, whether or not regulations implementing such amendments have been issued.

SEC. 7. APPLICATION OF SIMPLIFIED TITLE XXI PROCEDURES UNDER THE MEDICAID PROGRAM.

(a) APPLICATION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting "subject to paragraph (5)", after "Notwithstanding subsection (a)(17),"; and

(B) by adding at the end the following:

"(5) With respect to determining the eligibility of individuals under 19 years of age (or such higher age as the State has elected under paragraph (1)(D)) for medical assistance under subsection (a)(10)(A) and, separately, with respect to determining the eligibility of individuals for medical assistance under subsection (a)(10)(A)(i)(VIII) or (a)(10)(A)(ii)(XIX), notwithstanding any other provision of this title, if the State has established a State child health plan under title XXI—

"(A) the State may not apply a resource standard;

"(B) the State shall use the same simplified eligibility form (including, if applicable, permitting application other than in person) as the State uses under such State child health plan with respect to such individuals;

"(C) the State shall provide for initial eligibility determinations and redeterminations of eligibility using verification policies, forms, and frequency that are no less restrictive than the policies, forms, and frequency the State uses for such purposes under such State child health plan with respect to such individuals; and

"(D) the State shall not require a face-to-face interview for purposes of initial eligibility determinations and redeterminations unless the State requires such an interview for such purposes under such child health plan with respect to such individuals.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to determinations of eligibility made on or after the date that is 1 year after the date of the enactment of this Act, whether or not regulations implementing such amendments have been issued.

(b) PRESUMPTIVE ELIGIBILITY.—

(1) IN GENERAL.—Section 1920A(b)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended by inserting "a child care resource and referral agency," after "a State or tribal child support enforcement agency,".

(2) APPLICATION TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding at the end after and below paragraph (2) the following flush sentence:

"The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).".

(3) APPLICATION UNDER TITLE XXI.—

(A) IN GENERAL.—Section 2107(e)(1)(D) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended to read as follows:

"(D) Sections 1920 and 1920A (relating to presumptive eligibility).".

(B) CONFORMING ELIMINATION OF RESOURCE TEST.—Section 2102(b)(1)(A) of such Act (42 U.S.C. 1397bb(b)(1)(A)) is amended—

(i) by striking " and resources (including any standards relating to spenddowns and disposition of resources)"; and

(ii) by adding at the end the following: "Effective 1 year after the date of the enactment of the FamilyCare Act of 2001, such standards may not include the application of a resource standard or test.".

(c) AUTOMATIC REASSESSMENT OF ELIGIBILITY FOR TITLE XXI AND MEDICAID BENEFITS FOR CHILDREN LOSING MEDICAID OR TITLE XXI ELIGIBILITY.—

(1) LOSS OF MEDICAID ELIGIBILITY.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking the period at the end of paragraph (65) and inserting "; and", and

(B) by inserting after paragraph (65) the following:

"(66) provide, in the case of a State with a State child health plan under title XXI, that before medical assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XXI shall be made and, if determined to be so eligible, the child (or parent) shall be automatically enrolled in the program under such title without the need for a new application.".

(2) LOSS OF TITLE XXI ELIGIBILITY AND COORDINATION WITH MEDICAID.—Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(A) in paragraph (3), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following:

"(D) that before health assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XIX is made and, if determined to be so eligible, the child (or parent) is automatically enrolled in the program under such title without the need for a new application;";

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph:

"(4) COORDINATION WITH MEDICAID.—The State shall coordinate the screening and enrollment of individuals under this title and under title XIX consistent with the following:

"(A) Information that is collected under this title or under title XIX which is needed to make an eligibility determination under the other title shall be transmitted to the appropriate administering entity under such other title in a timely manner so that coverage is not delayed and families do not have to submit the same information twice. Families shall be provided the information they need to complete the application process for coverage under both titles and be given appropriate notice of any determinations made on their applications for such coverage.

"(B) If a State does not use a joint application under this title and such title, the State shall—

"(i) promptly inform a child's parent or caretaker in writing and, if appropriate, orally, that a child has been found likely to be eligible under title XIX;

"(ii) provide the family with an application for medical assistance under such title and offer information about what (if any) further information, documentation, or other steps are needed to complete such application process;

"(iii) offer assistance in completing such application process; and

"(iv) promptly transmit the separate application under this title or the information obtained through such application, and all other relevant information and documentation, including the results of the screening process, to the State agency under title XIX for a final determination on eligibility under such title.

"(C) Applicants are notified in writing of—

"(i) benefits (including restrictions on cost-sharing) under title XIX; and

"(ii) eligibility rules that prohibit children who have been screened eligible for medical assistance under such title from being enrolled under this title, other than provisional temporary enrollment while a final eligibility determination is being made under such title.

"(D) If the agency administering this title is different from the agency administering a State plan under title XIX, such agencies shall coordinate the screening and enrollment of applicants for such coverage under both titles.

"(E) The coordination procedures established between the program under this title and under title XIX shall apply not only to the initial eligibility determination of a family but also to any renewals or redeterminations of such eligibility.".

(3) Effective date.—The amendments made by paragraphs (1) and (2) apply to individuals who lose eligibility under the medicaid program under title XIX, or under a State child health insurance plan under title XXI, respectively, of the Social Security Act on or after October 1, 2001 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

(d) Provision of Medicaid and CHIP Applications and Information Under the School Lunch Program.—Section 9(b)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(2)(B)) is amended—

(1) by striking "(B) Applications" and inserting "(B)(i) Applications"; and

(2) by adding at the end the following:

"(ii)(I) Applications for free and reduced price lunches that are distributed pursuant to clause (i) to parents or guardians of children in attendance at schools participating in the school lunch program under this Act shall also contain information on the availability of medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and of child health and FamilyCare assistance under title XXI of such Act, including information on how to obtain an application for assistance under such programs.

"(II) Information on the programs referred to in subclause (I) shall be provided on a form separate from the application form for free and reduced price lunches under clause (i).".

(e) 12-Months Continuous Eligibility.—

(1) Medicaid.—Section 1902(e)(12) of the Social Security Act (42 U.S.C. 1396a(e)(12)) is amended—

(A) by striking "At the option of the State, the plan may" and inserting "The plan shall";

(B) by striking "an age specified by the State (not to exceed 19 years of age)" and inserting "19 years of age (or such higher age as the State has elected under subsection (l)(1)(D)) or, at the option of the State, who is eligible for medical assistance as the parent of such a child"; and

(C) in subparagraph (A), by striking "a period (not to exceed 12 months) " and inserting "the 12-month period beginning on the date".

(2) Title XXI.—Section 2102(b)(2) of such Act (42 U.S.C. 1397bb(b)(2)) is amended by adding at the end the following: "Such methods shall provide 12-months continuous eligibility for children under this title in the same manner that section 1902(e)(12) provides 12-months continuous eligibility for children described in such section under title XIX. If a State has elected to apply section 1902(e)(12) to parents, such methods may provide 12-months continuous eligibility for parents under this title in the same manner that such section provides 12-months continuous eligibility for parents described in such section under title XIX.".

(3) Effective date.—

(A) In general.—The amendments made by this subsection shall take effect on October 1, 2001 (or, if later, 60 days after the date of the enactment of this Act), whether or not regulations implementing such amendments have been issued.

SEC. 8. IMPROVING WELFARE-TO-WORK TRANSITION UNDER THE MEDICAID PROGRAM.

(a) Making Provision Permanent.—

(1) In general.—Subsection (f) of section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is repealed.

(2) Conforming amendment.—Section 1902(e)(1) of the Social Security Act (42 U.S.C. 1396a(e)(1)) is repealed.

(b) State Option of Initial 12-Month Eligibility.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a), by adding at the end the following:

"(5) Option of 12-month initial eligibility period.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply."; and

(2) in subsection (b)(1), by inserting "and subsection (a)(5)" after "paragraph (3)".

(c) Simplification.—

(1) Removal of administrative reporting requirements for additional 6-month extension.—Section 1925(b)(2) of the Social Security Act (42 U.S.C. 1396r–6(b)(2)) is amended—

(A) by striking subparagraph (B);

(B) in subparagraph (A)(i)—

(i) in the heading, by striking "and requirements";

(ii) by striking "(I)" and all that follows through "(II)" and inserting "(i)";

(iii) by striking ", and (III)" and inserting "and (ii)";

(iv) by redesignating such subparagraph as subparagraph (A) (with appropriate indentation); and

(C) in subparagraph (A)(ii)—

(i) in the heading, by striking "reporting requirements and";

(ii) by striking "notify the family of the reporting requirement under subparagraph (B)(ii) and" and inserting "provide the family with notification of"; and

(iii) by redesignating such subparagraph as subparagraph (B) (with appropriate indentation).

(2) Removal of requirement for previous receipt of medical assistance.—Section 1925(a)(1) of the Social Security Act (42 U.S.C. 1396r–6(a)(1)) is amended—

(A) by inserting "but subject to subparagraph (B)" after "any other provision of this title";

(B) by redesignating the matter after "Requirement.—" as a subparagraph (A) with the heading "In general.—" and with the same indentation as subparagraph (B) (as added by subparagraph (C)); and

(C) by adding at the end the following:

"(B) State option to waive requirement for 3 months previous receipt of medical assistance.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.".

(3) Permitting increase or waiver of 185 percent of poverty earning limit.—Section 1925(b)(3)(A)(iii)(III) of the Social Security Act (42 U.S.C. 1396r–6(b)(3)(A)(iii)(III)) is amended—

(A) by inserting "(at its option)" after "the State"; and

(B) by inserting "(or such higher percent as the State may specify)" after "185 percent".

(4) Exemption for states covering needy families up to 185 percent of poverty.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6), as amended by subsection (a), is amended—

(A) in each of subsections (a)(1) and (b)(1), by inserting "but subject to subsection (f)," after "Notwithstanding any other provision of this title,"; and

(B) by adding at the end the following:

"(f) Exemption for State Covering Needy Families Up to 185 Percent of Poverty.—

"(1) In general.—At State option, the provisions of this section shall not apply to a State that uses the authority under section 1902(a)(10)(A)(ii)(XIX), section 1931(b)(2)(C), or otherwise to make medical assistance available under the State plan under this title to eligible individuals described in section 1902(k)(1), or all individuals described in section 1931(b)(1), and who are in families with gross incomes (determined without regard to work-related child care expenses of such individuals) at or below 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

"(2) Application to other provisions of this title.—The State plan of a State described in paragraph (1) shall be deemed to meet the requirements of section 1902(a)(10)(A)(i)(I).".

(d) Effective Date.—The amendments made by this section take effect on October 1, 2001, whether or not regulations implementing such amendments have been issued.

SEC. 9. ELIMINATION OF 100 HOUR RULE AND OTHER AFDC-RELATED ELIGIBILITY RESTRICTIONS.

(a) In General.—Section 1931(b)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1396u–1(b)(1)(A)(ii)) is amended by inserting "other than the requirement that the child be deprived of parental support or care by reason of the death, continued absence from the home, incapacity, or unemployment of a parent," after "section 407(a),".

(b) Conforming Amendment.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1), in clause (ii), by striking "if such child is (or would, if needy, be) a dependent child under part A of title IV".

(c) Effective Date.—The amendments made by this section apply to eligibility determinations made on or after October 1, 2001, whether or not regulations implementing such amendments have been issued.

SEC. 10. STATE GRANT PROGRAM FOR MARKET INNOVATION.

(a) In General.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a program (in this section referred to as the "program") to award demonstration grants under this section to States to allow States to demonstrate the effectiveness of innovative ways to increase access to health insurance through market reforms and other innovative means. Such innovative means may include any of the following:

(1) Alternative group purchasing or pooling arrangements, such as purchasing cooperatives for small businesses, reinsurance pools, or high risk pools.

(2) Individual or small group market reforms.

(3) Consumer education and outreach.

(4) Subsidies to individuals, employers, or both, in obtaining health insurance.

(b) Scope; Duration.—The program shall be limited to not more than 10 States and to a total period of 5 years, beginning on the date the first demonstration grant is made.

(c) Conditions for Demonstration Grants.—

(1) In general.—The Secretary may not provide for a demonstration grant to a State under the program unless the Secretary finds that under the proposed demonstration grant—

(A) the State will provide for demonstrated increase of access for some portion of the existing uninsured population through a market innovation (other than merely through a financial expansion of a program initiated before the date of the enactment of this Act);

(B) the State will comply with applicable Federal laws;

(C) the State will not discriminate among participants on the basis of any health status-related factor (as defined in section 2791(d)(9) of the Public Health Service Act (42 U.S.C. 300gg-91(d)(9)), except to the extent a State wishes to focus on populations that otherwise would not obtain health insurance because of such factors; and

(D) the State will provide for such evaluation, in coordination with the evaluation required under subsection (d), as the Secretary may specify.

(2) Application.—The Secretary shall not provide a demonstration grant under the program to a State unless—

(A) the State submits to the Secretary such an application, in such a form and manner, as the Secretary specifies;

(B) the application includes information regarding how the demonstration grant will address issues such as governance, targeted population, expected cost, and the continuation after the completion of the demonstration grant period; and

(C) the Secretary determines that the demonstration grant will be used consistent with this section.

(3) Focus.—A demonstration grant proposal under this section need not cover all uninsured individuals in a State or all health care benefits with respect to such individuals.

(d) Evaluation.—The Secretary shall enter into a contract with an appropriate entity outside the Department of Health and Human Services to conduct an overall evaluation of the program at the end of the program period. Such evaluation shall include an analysis of improvements in access, costs, quality of care, or choice of coverage, under different demonstration grants.

(e) Option To Provide for Initial Planning Grants.—Notwithstanding the previous provisions of this section, under the program the Secretary may provide for a portion of the amounts appropriated under subsection (f) (not to exceed $5,000,000) to be made available to any State for initial planning grants to permit States to develop demonstration grant proposals under the previous provisions of this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated $100,000,000 for each fiscal year to carry out this section. Amounts appropriated under this subsection shall remain available until expended.

(g) State Defined.—In this section, the term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 11. LIMITATIONS ON CONFLICTS OF INTEREST.

(a) Limitation on Conflicts of Interest in Marketing Activities.—

(1) Title xxi.—Section 2105(c) of the Social Security Act (42 U.S.C. 300aa-5(c)) is amended by adding at the end the following:

"(8) Limitation on expenditures for marketing activities.—Amounts expended by a State for the use of an administrative vendor in marketing health benefits coverage to low-income children under this title shall not be considered, for purposes of subsection (a)(2)(D), to be reasonable costs to administer the plan unless the following conditions are met with respect to the vendor:

"(A) The vendor is independent of any entity offering the coverage in the same area of the State in which the vendor is conducting marketing activities.

"(B) No person who is an owner, employee, consultant, or has a contract with the vendor either has any direct or indirect financial interest with such an entity or has been excluded from participation in the program under this title or title XVIII or XIX or debarred by any Federal agency, or subject to a civil money penalty under this Act.".

(b) Prohibition of Affiliation With Debarred Individuals.—

(1) Medicaid.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i))is amended—

(A) by striking the period at the end of paragraph (20) and inserting "; or"; and

(B) by inserting after paragraph (20) the following:

"(21) with respect to any amounts expended for an entity that receives payments under the plan unless—

"(A) no person with an ownership or control interest (as defined in section 1124(a)(3)) in the entity is a person that is debarred, suspended, or otherwise excluded from participating in procurement or non-procurement activities under the Federal Acquisition Regulation; and

"(B) such entity has not entered into an employment, consulting, or other agreement for the provision of items or services that are material to such entity's obligations under the plan with a person described in subparagraph (A).".

(2) Title xxi.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 5(b) and 7(b)(3), is further amended—

(A) in subparagraph (B), by striking "and (17)" and inserting "(17), and (21)"; and

(B) by adding at the end the following:

"(F) Section 1902(a)(67) (relating to prohibition of affiliation with debarred individuals).".

(c) Effective Date.—The amendments made by this section shall apply to expenditures made on or after October 1, 2001, whether or not regulations implementing such amendments have been issued.

SEC. 12. INCREASE IN CHIP ALLOTMENT FOR EACH OF FISCAL YEARS 2002 THROUGH 2004.

Paragraphs (5), (6), and (7) of section 2104(a) of the Social Security Act (42 U.S.C. 1397dd(a)) are amended by striking "$3,150,000,000" each place it appears and inserting "$4,150,000,000".

SEC. 13. DEMONSTRATION PROGRAMS TO IMPROVE MEDICAID AND CHIP OUTREACH TO HOMELESS INDIVIDUALS AND FAMILIES.

(a) Authority.—The Secretary of Health and Human Services may award demonstration grants to not more than 7 States (or other qualified entities) to conduct innovative programs that are designed to improve outreach to homeless individuals and families under the programs described in subsection (b) with respect to enrollment of such individuals and families under such programs and the provision of services (and coordinating the provision of such services) under such programs.

(b) Programs for Homeless Described.—The programs described in this subsection are as follows:

(1) Medicaid.—The program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) CHIP.—The program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) TANF.—The program under part of A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(4) SAMHSA block grants.—The program of grants under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-1 et seq.).

(5) Food stamp program.—The program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(6) Workforce investment act.—The program under the Workforce Investment Act of 1999 (29 U.S.C. 2801 et seq.).

(7) Welfare-to-work.—The welfare-to-work program under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)).

(8) Other programs.—Other public and private benefit programs that serve low-income individuals.

(c) Appropriations.—For the purposes of carrying out this section, there is appropriated for fiscal year 2002, out of any funds in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended.

SEC. 14. TECHNICAL AND CONFORMING AMENDMENTS TO AUTHORITY TO PAY MEDICAID EXPANSION COSTS FROM TITLE XXI APPROPRIATION.

(a) Authority To Pay Medicaid Expansion Costs From Title XXI Appropriation.—Section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) is amended to read as follows:

"(a) Allowable Expenditures.—

"(1) In general.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount for each quarter equal to the enhanced FMAP of the following expenditures in the quarter:

"(A) Child health assistance under medicaid.—Expenditures for child health assistance under the plan for targeted low-income children in the form of providing medical assistance for expenditures described in the fourth sentence of section 1905(b).

"(B) RESERVED.—[reserved].

"(C) CHILD HEALTH ASSISTANCE UNDER THIS TITLE.—Expenditures for child health assistance under the plan for targeted low-income children in the form of providing health benefits coverage that meets the requirements of section 2103.

"(D) ASSISTANCE AND ADMINISTRATIVE EXPENDITURES SUBJECT TO LIMIT.—Expenditures only to the extent permitted consistent with subsection (c)—

"(i) for other child health assistance for targeted low-income children;

"(ii) for expenditures for health services initiatives under the plan for improving the health of children (including targeted low-income children and other low-income children);

"(iii) for expenditures for outreach activities as provided in section 2102(c)(1) under the plan; and

"(iv) for other reasonable costs incurred by the State to administer the plan.

"(2) ORDER OF PAYMENTS.—Payments under a subparagraph of paragraph (1) from a State's allotment for expenditures described in each such subparagraph shall be made on a quarterly basis in the order of such subparagraph in such paragraph.

"(3) NO DUPLICATIVE PAYMENT.—In the case of expenditures for which payment is made under paragraph (1), no payment shall be made under title XIX.".

(b) CONFORMING AMENDMENTS.—

(1) SECTION 1905(u).—Section 1905(u)(1)(B) of the Social Security Act (42 U.S.C. 1396d(u)(1)(B)) is amended by inserting "and section 2105(a)(1)" after "subsection (b)".

(2) SECTION 2105(c).—Section 2105(c)(2)(A) of the Social Security Act (42 U.S.C. 1397ee(c)(2)(A)) is amended by striking "subparagraphs (A), (C), and (D) of".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251), whether or not regulations implementing such amendments have been issued.

SEC. 15. ADDITIONAL CHIP REVISIONS.

(a) LIMITING COST-SHARING TO 2.5 PERCENT FOR FAMILIES WITH INCOME BELOW 150 PERCENT OF POVERTY.—Section 2103(e)(3)(A) of the Social Security Act (42 U.S.C. 1397cc(e)(3)(A)) is amended—

(1) by striking "and" at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iii) total annual aggregate cost-sharing described in clauses (i) and (ii) with respect to all such targeted low-income children in a family under this title that exceeds 2.5 percent of such family's income for the year involved.".

(b) REPORTING OF ENROLLMENT DATA.—

(1) QUARTERLY REPORTS.—Section 2107(b)(1) of such Act (42 U.S.C. 1397gg(b)(1)) is amended by adding at the end the following: "In quarterly reports on enrollment required under this paragraph, a State shall include information on the age, gender, race, ethnicity, service delivery system, and family income of individuals enrolled.".

(2) ANNUAL REPORTS.—Section 2108(b)(1)(B)(i) of such Act (42 U.S.C. 1397hh(b)(1)(B)(i)) is amended by inserting "primary language of enrollees," after "family income,".

(c) EMPLOYER COVERAGE WAIVER CHANGES.—Section 2105(c)(3) of such Act (42 U.S.C. 1397ee(c)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting appropriately;

(2) by designating the matter beginning with "Payment may be made" as a subparagraph (A) with the heading "IN GENERAL" and indenting appropriately; and

(3) by adding at the end the following new subparagraphs:

"(B) APPLICATION OF REQUIREMENTS.—In carrying out subparagraph (A)—

"(i) the Secretary shall not require a minimum employer contribution level that is separate from the requirement of cost-effectiveness under subparagraph (A)(i), but a State shall identify a reasonable minimum employer contribution level that is based on data demonstrating that such a level is representative to the employer-sponsored insurance market in the State and shall monitor employer contribution levels over time to determine whether substitution is occurring and report the findings in annual reports under section 2108(a);

"(ii) the State shall establish a waiting period of at least 6 months without group health coverage, but may establish reasonable exceptions to such period and shall not apply such a waiting period to a child who is provided coverage under a group health plan under section 1906;

"(iii) subject to clause (iv), the State shall provide satisfactory assurances that the minimum benefits and cost-sharing protections established under this title are provided, either through the coverage under subparagraph (A) or as a supplement to such coverage; and

"(iv) coverage under such subparagraph shall not be considered to violate clause (iii) because it does not comply with requirements relating to reviews of health service decisions if the enrollee involved is provided the option of being provided benefits directly under this title.

"(C) ACCESS TO EXTERNAL REVIEW PROCESS.—In carrying out subparagraph (A), if a State provides coverage under a group health plan that does not meet the following external review requirements, the State must give applicants and enrollees (at initial enrollment and at each redetermination of eligibility) the option to obtain health benefits coverage other than through that group health plan:

"(i) The enrollee has an opportunity for external review of a—

"(I) delay, denial, reduction, suspension, or termination of health services, in whole or in part, including a determination about the type or level of services; and

"(II) failure to approve, furnish, or provide payment for health services in a timely manner.

"(ii) The external review is conducted by the State or a impartial contractor other than the contractor responsible for the matter subject to external review.

"(iii) The external review decision is made on a timely basis in accordance with the medical needs of the patient. If the medical needs of the patient do not dictate a shorter time frame, the review must be completed—

"(I) within 90 calendar days of the date of the request for internal or external review; or

"(II) within 72 hours if the enrollee's physician or plan determines that the deadline under subclause (I) could seriously jeopardize the enrollee's life or health or ability to attain, maintain, or regain maximum function (except that a State may extend the 72-hour deadline by up to 14 days if the enrollee requests an extension).

"(iv) The external review decision shall be in writing.

"(v) Applicants and enrollees have an opportunity—

"(I) to represent themselves or have representatives of their choosing in the review process;

"(II) timely review their files and other applicable information relevant to the review of the decision; and

"(III) fully participate in the review process, whether the review is conducted in person or in writing, including by presenting supplemental information during the review process.".

(d) EFFECTIVE DATE.—The amendments made by this section apply as of October 1, 2001, whether or not regulations implementing such amendments have been issued.

NATIONAL WOMEN'S LAW CENTER,
Washington, DC, July 24, 2001.

Hon. EDWARD M. KENNEDY,
Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATORS KENNEDY AND SNOWE: We would like to thank you for your leadership in introducing the "FamilyCare Act of 2001," which would allow states to provide health insurance coverage for millions of women. This is such a critical women's health issue that over one hundred organizations working on women's health throughout the nation have endorsed the bill. The list of these organizations follows:

ORGANIZATIONS ADDRESSING WOMEN'S HEALTH THAT ENDORSE THE FAMILYCARE ACT OF 2001

9to5 National Association of Working Women
AFL–CIO
Abortion Access Project
Abortion Rights Fund of Western Massachusetts
ACCESS/Women's Health Rights Coalition
African American Women Evolving
Alan Guttmacher Institute
American Association of University Women
American College of Nurse-Midwives
American College of Obstetricians and Gynecologists
American Counseling Association
American Federation of Teachers
American Medical Women's Association
American Public Health Association
Americans for Democratic Action
Association of Maternal and Child Health Programs
Association of Reproductive Health Professionals
Boston Women's Health Book Collective
California Women's Law Center
Catholics for a Free Choice
Center for Community Change
Center for Reproductive Law and Policy
Center for Women Policy Studies
Central Conference of American Rabbis
Child Care Law Center
Choice USA
Church Women United
Coalition of Labor Union Women
Connecticut Association for Human Services
Connecticut Sexual Assault Crisis Services
Connecticut Women's Health Campaign
Contact Center
FamiliesUSA
Family Planning Advocates of New York State
Family Violence Prevention Fund
Family Voices
Feminist Majority
Feminist Women's Health Center
Florida NOW
Friends of Midwives, CT
Hadassah
Human Rights Campaign

Human Services Coalition of Dade County
Jewish Women International
Jewish Women's Coalition, Inc.
Juneau Pro-Choice Coalition
Justice for Women Working Group of the National Council of Churches
Lutheran Office for Governmental Affairs, ELCA
McAuley Institute
Maine Women's Health Campaign
March of Dimes
Mexican American Legal Defense and Education Fund
Ms. Foundation for Women
National Abortion and Reproductive Rights Action League
National Abortion Federation
National Asian Women's Health Organization
National Association of Commissions on Women
National Association of Community Health Centers, Inc.
National Association of Nurse Practitioners in Women's Health
National Association of Public Hospitals and Health Systems
National Association of Social Workers
National Black Nurses Association
National Black Women's Health Project
National Center for Policy Research for Women and Families
National Center on Poverty Law
National Center on Women and Aging
National Coalition Against Domestic Violence
National Council of Churches of Christ in the USA
National Council of Jewish Women
National Council of Women's Organizations
National Family Planning and Reproductive Health Association
National Health Law Program
National Hispanic Council on Aging
National Hispanic Medical Association
National Network of Abortion Funds
National Organization for Women
National Partnership for Women and Families
National Training Center on Domestic and Sexual Violence
National Women's Health Network
National Women's Law Center
National Women's Political Caucus
New York Affiliate of the National Abortion and Reproductive Rights Action League (NARAL/NY)
Northwest Connecticut Chapter of the Older Women's League
Northwest Women's Law Center
NOW Legal Defense and Educational Fund
Ohio Empowerment Coalition
Oregon Law Center
Planned Parenthood Federation of America
Progressive Leadership Alliance of Nevada
Project WISE/Project Inform
Religious Coalition for Reproductive Choice
Religious Network of Equality for Women
Service Employees International Union
Society for Women's Health Research
Texas Council on Family Violence
Union of American Hebrew Congregations
Unitarian Universalist Association of Congregations
Welfare Law Center
Welfare Rights Initiative
Westchester Coalition for Legal Abortion
Wider Opportunities for Women
Women Employed
Women Empowered Against Violence, Incorporated
Women Leaders Online
Women of Reform Judaism
Women Work!
Women's Emergency Network
Women's International Public Health Network
Working for Equality and Economic Liberation
YWCA of the USA
Zeta Phi Beta Sorority

Sincerely,

MARCIA D. GREENBERGER,
Co-President.
REGAN RALPH,
Vice President, Women's Health and Reproductive Rights.

AMERICAN ACADEMY OF PEDIATRICS,
Washington, DC, July 24, 2001.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: On behalf of the 55,000 members of the American Academy of Pediatrics, I am writing to express the Academy's strong support of the Family Care Act of 2001. This legislation takes critical steps to ensure that every child in the United States has access to affordable quality health care. We are pleased that you and your colleagues have put this measure forward and we look forward to working with you in the coming months to ensure that the bill's provisions become law.

In addition to the important expansion of coverage options under Medicaid and SCHIP, including those for pregnant women and immigrant children and their families, we strongly endorse the numerous components of the legislation that will make getting enrolled, and staying enrolled, in Medicaid and SCHIP simpler for children and families. By expanding the types of entities that are able to perform presumptive eligibility determinations, consolidating application and enrollment procedures and providing for automatic redetermination of eligibility, states can ensure that children and families have seamless access to quality care.

We appreciate your continued attention to the health care needs of our nation's children. If we can be of assistance in your efforts, please do not hesitate to contact me at (202) 347-8600.

Sincerely,

GRAHAM NEWSON,
Director,
Department of Federal Affairs.

AMERICAN HOSPITAL ASSOCIATION,
Washington, DC, July 24, 2001.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor, and Pensions, U.S. Senate, Russell Building, Washington, DC.

DEAR CHAIRMAN KENNEDY: The American Hospital Association (AHA), which represents 5,000 hospitals, health care systems, networks, and other providers of care, shares your goal of expanding access to health care coverage for the nation's over 42 million uninsured Americans. As you know, eight out of every 10 uninsured persons lives in a working family. Ten million of the uninsured are children. The uninsured are concentrated disproportionately in low-income families. And while health care coverage by itself does not guarantee good health or access to appropriate health services, the absence of health care coverage is a major contributor to poor health.

AHA supports an array of legislative proposals that would expand coverage to low-income people, including those that would build on current programs such as Medicaid and the State Children's Health Insurance Program (S-CHIP), and those that would use changes in the tax code to bolster coverage. Therefore, AHA strongly supports the objective of your bipartisan legislation, the Family Care Act of 2001, sponsored with Senator Snowe. Your legislation embraces, as one option, expanding state options to allow coverage of the parents of children covered by S-CHIP. We support provisions that would improve state options for Medicaid coverage for children, pregnant women, and those making the transition from welfare to work. Furthermore, we applaud your provisions that would simplify applications, increased outreach activities, and create state grant programs to encourage market innovation in health care insurance. AHA believes these are good first steps toward lowering the number of the uninsured.

In addition to expanding public programs, AHA supports other measures that utilize the tax code to make health care insurance more affordable for low-income working families. Toward that end, AHA also supports the bipartisan REACH Act drafted by Senators Jeffords, Snowe, Frist, Chafee, Breaux, Lincoln and Carper; and the bipartisan Fair Care for the Uninsured Act (S. 683) sponsored by Senators Santorum and Torricelli. Both of these bills would establish refundable tax credits to help low-income families purchase health care insurance.

Our nation's hospitals see every day that the absence of health coverage is a significant barrier to care, reducing the likelihood that people will get appropriate preventive, diagnostic and chronic care. AHA supports your efforts to help more low-income families to get the health care coverage they need and deserve. We thank you for your leadership and we look forward to working with you to advance the Family Care Act of 2001.

Sincerely,

RICK POLLACK,
Executive Vice President.

NATIONAL ASSOCIATION OF CHILDREN'S HOSPITALS,
Alexandria, VA, July 24, 2001.

Hon. EDWARD KENNEDY,
Hon. OLYMPIA SNOWE,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY AND SENATOR SNOWE: On behalf of the National Association of Children's Hospitals (N.A.C.H.), which represents over 100 children's hospitals nationwide, I want to express our strong support for your introduction of the "FamilyCare Act of 2001."

As providers of care to all children, regardless of their economic status, children's hospitals devote more than 40% of their patient care to children who rely on Medicaid or are uninsured, and more than three-fourths of their patient-care to children with chronic and congenital conditions. These hospitals have extensive experience in assisting families to enroll eligible children in Medicaid and SCHIP. They are keenly aware of the importance of addressing the challenges that states face in enrolling this often hard to reach population of eligible children.

In particular, N.A.C.H. appreciates your efforts to simplify and coordinate the application process for SCHIP and Medicaid, as well as to provide new tools for states to use in identifying and enrolling families. We strongly support your provision guaranteeing continuous 12-month eligibility for children and parents, which will address one major problem in assuring coverage for eligible children.

N.A.C.H. also applauds your provisions that continue children's coverage as the first priority of the SCHIP program, including (1) requiring states to first cover children up to 200% of poverty and eliminating waiting lists in the SCHIP program before covering parents, and (2) requiring every child who loses coverage under Medicaid or SCHIP to be automatically screened for other avenues of eligibility and if found eligible, enrolled immediately in that program.

N.A.C.H. further supports your legislation's provision to give states additional flexibility under SCHIP and Medicaid to cover legal immigrant children. In states with high proportions of uninsured children, such as California, Texas and Florida, the federal government's bar on coverage of legal immigrant children helps contribute to the fact that Hispanic children represent the highest rate of uninsured children of all major racial and ethnic minority groups. Your provision to ensure coverage of legal immigrant children would be extremely useful in improving this situation.

N.A.C.H. greatly appreciates your efforts to provide all children with the best possible chance at starting out and staying healthy. We welcome and look forward to working with you to pass the "FamilyCare Act of 2001."

Sincerely,

Lawrence A. McAndrews,
President and CEO.

March of Dimes,
Washington, DC, July 24, 2001.
Hon. Edward Kennedy,
U.S. Senate, Washington, DC.

Dear Senator Kennedy: On behalf of more than 3 million volunteers and 1600 staff members of the March of Dimes, I want to commend you for introducing the "Family Care Act of 2001." The March of Dimes is committed to increasing access to appropriate and affordable health care for women, infants and children and supports the targeted approach to expanding the State Children's Health Insurance Program contained in the Family Care proposal.

The "Family Care Act of 2001" contains a number of beneficial provisions that would expand and improve SCHIP. The March of Dimes strongly supports giving states the option to cover low-income pregnant women in Medicaid and SCHIP programs with an enhanced matching rate. We understand that Family Care would allow states to cover uninsured parents of children enrolled in Medicaid and SCHIP as well as uninsured first-time pregnant women. SCHIP is the only major federally-funded program that denies coverage to pregnant women while providing coverage to their infants and children. We know prenatal care improves birth outcomes. Expanding health insurance coverage for low-income pregnant women has bipartisan support in both the House and Senate.

The March of Dimes also supports Family Care provisions to require automatic enrollment of children born to SCHIP parents; automatic screening of every child who loses coverage under Medicaid or SCHIP to determine eligibility for other health programs; and distribution of information on the availability of Medicaid and SCHIP through the school lunch program. The March of Dimes also supports giving states the option to provide Medicaid and SCHIP benefits to children and pregnant women who arrived legally to the United States after August 23, 1996, and to people ages 19 and 20. The National Governors Association recently endorsed this proposal as part of its legislation policy platform.

Finally, we commend you for raising issues such as the elimination of assets tests in Medicaid and CHIP for parents and children as well as providing for guaranteed continuous 12-month eligibility for parents and children enrolled in Medicaid and CHIP. While controversial, we hope states would voluntarily adopt these provisions which would provide the kind of continuity that is so important for keeping families insured.

We thank you for your leadership in introducing the "Family Care Act of 2001" and are eager to work with you to achieve approval of this much needed legislation.

Sincerely,

Anna Eleanor Roosevelt,
Vice Chair, Board of Trustees; Chair, National Public Affairs Committee.
Dr. Jennifer L. Howse,
President.

The Catholic Health Association,
Washington, DC, July 24, 2001.
Hon. Edward M. Kennedy,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

Dear Senator Kennedy: On behalf of the Catholic Health Association of the United States (CHA), the national leadership organization of more than 2,000 Catholic healthcare sponsors, systems, facilities, and related organizations, I write to thank you for your efforts to expand health coverage for uninsured low-income families. CHA shares your commitment to the goal of accessible and affordable care for all, and we strongly support the "Family Care Act of 2001" as an important step toward that goal.

The "Family Care Act of 2001" would allow states to extend Medicaid and State Children's Health Insurance Program (SCHIP) coverage to parents of children already eligible for these programs. Most of these individuals are working but do not have incomes sufficient to afford the high cost of private insurance. Family Care is a cost-effective way to address this problem. Not only would it reduce the number of uninsured parents but it would also improve enrollment of uninsured low-income children in Medicaid and SCHIP at a time when more than 10 million children still do not have health coverage. While a number of states have already initiated efforts to expand SCHIP to parents and to eliminate enrollment barriers, much more needs to be done. Moreover, the additional funding called for in your bill is essential if states are to proceed with the assurance of federal support for their coverage expansion efforts.

We are also pleased that your bill would address gaps in Medicaid and SCHIP coverage for pregnant women and legal immigrants.

Catholic hospitals and healthcare systems provide inpatient and outpatient care in 48 states and more than 360 local areas. Every day we see the impact that lack of health insurance has on families' access to coordinated and high-quality health care. With a substantial federal surplus, Congress and the administration simply must make addressing this problem a national priority. We applaud your leadership in introducing the "Family Care Act of 2001" and look forward to working with you and your colleagues to advance this important bill.

Sincerely,

Rev. Michael D. Place, STD,
President and CEO.

Childrens Defense Fund,
Washington, DC, July 24, 2001.
Hon. Edward M. Kennedy,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

Dear Senator Kennedy: We are taking this opportunity to thank you for your work on the FamilyCare Act and your intention to introduce the bill in the current Congress. This proposal has the strong support of the Children's Defense Fund because it provides and strengthens health care coverage for uninsured children and their parents. Building on the successes of Medicaid and the Children's Health Insurance Program (CHIP), this legislation will increase coverage for uninsured children, provide funding for health insurance coverage for the uninsured parents of Medicaid and CHIP-eligible children, and simplify the enrollment process for Medicaid and CHIP to make the programs more family friendly.

We look forward to working with you for passage of the FamilyCare Act by the Congress.

Sincerely,

Gregg, Haifley,
Deputy Director Health Division.

By Mr. KENNEDY:

S. 1247. A bill to establish a grant program to promote emotional and social development and school readiness; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, I am proud to introduce the Foundations for Learning Act. I want to thank my son, Patrick for his leadership in developing this legislation. This bill is an extremely important piece of legislation that addresses the whole child's early development.

There is no question that healthy emotional and social development are critical to school success. The development of curiosity, self-direction, the ability to cooperate with peers and to exhibit self-control are essential before a child can be ready to learn. Children whose lives are threatened by socio-economic disadvantage, violence, family disruption and diagnosed disabilities are at a severe disadvantage in the classroom. There is no question these children cannot perform at their highest academic potential.

While we are all concerned about reading readiness and children's readiness to learn, we cannot ignore the underlying factors that enable them to learn. We know that children cannot learn when they are hungry or sleepy, but rarely do we stop to think about their emotional ability to learn. Children who are angry, afraid or cannot control their own emotions, or have no sense of self-direction, and ability to resolve conflicts with peers are not ready to learn either.

Last month, a national study reported that children who receive more than 30 hours per week of non-parental child care exhibit higher levels of aggressive behavior than those who spend less than 10 hours per week in comparable settings. The study called national attention to the quality of child care that parents entrust the care of their young children to. It also rekindled the Nation's interest in the early years and how these years contribute to a young children's development. As we debate investments in early care and education, we must not underestimate the need to look at the social and emotional readiness of the child that leads to later academic readiness.

Studies are showing that increasing numbers of children are unprepared to cope with the demand of school, not because they lack the academic tools, but because they lack the social skills and emotional self-regulation necessary to succeed. In a survey of kindergarten teachers, 46 percent said that at least half of their class had difficulty following directions, 34 percent reported half of the class or more had difficulty working as part of a group, and 20 percent said at least half of the class had problems with social skills. Is it a surprise that children who cannot follow simple directions and get along with their peers cannot learn to read?

According to the latest data, 61 percent of children under age 4 are in regularly scheduled child care. With such a high percentage of our youngest children in child care and with such certainty as we have that early care and education has a long-lasting if not permanent impact on an individual's social and academic development, we cannot deny the necessity of ensuring that those providers are equipped to work with all of our children including those with emotional and behavioral problems.

Neither can we deny that the most important relationship in a child's life is the one with his or her parents. It is absolutely essential to the child's future success that the parent-child relationship be as healthy as possible. Without a close, dependable relationship with a healthy and responsible adult, a child's potential for growth could be severely and permanently impaired. We must provide high quality education and support not only for children but also for their parents.

The goal of this legislation is to enable all children to enter school ready to learn by focusing on the social and emotional development of children ages 0–5. The bill would accomplish this by: providing family support initiatives such as parent training and home visitation to provide intensive early interventions to families of at-risk children; providing consultations and professional development opportunities for child care workers and hiring of behavioral specialists by early childhood service providers and the development of curriculum for use in early childhood settings; providing early intervention services to at-risk children to promote their emotional and social development; and by developing community resources and linkages between early childhood service providers to enhance the quality of services to children.

This bill will help communities lay the foundation for school readiness by providing funding to integrate emotional and social development support services into early childhood programs and strengthening the capacity of parents to constructively manage behavior problems.

Study after study had shown that intervention can work to increase the quality of early care and educational experiences that children receive. Study after study has shown that financial resources are essential to improving quality of early care and education. Study after study has shown that investments in young children can save costs of adolescents' incarceration tomorrow. Investing in young children is well worth the investment. If we're serious about adequately preparing our children for school and for life, we must provide communities, families, child care providers with the necessary resources to support the development of a healthy whole child.

I hope that my colleagues will join me in supporting and pushing this important legislation.

By Mr. KERRY (for himself, Mr. CHAFEE, Mr. REED, Mr. JEFFORDS, Mr. SARBANES, Mr. LEAHY, Mr. WELLSTONE, Mr. DAYTON, Mrs. FEINSTEIN, Mr. LEVIN, Mr. SCHUMER, Mr. DURBIN, Ms. STABENOW, Mrs. BOXER, Mr. KENNEDY, Mr. CORZINE, and Mr. DODD):

S. 1248. A bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, our Nation is facing an affordable housing crisis. Recent changes in the housing market have limited the availability of affordable housing across the country while the growth in our economy in the last decade has dramatically increased the cost of housing that remains. That is why, along with sixteen cosponsors, I am proposing to address the severe shortage of affordable housing by introducing legislation that will establish a National Affordable Housing Trust Fund.

The Affordable Housing Trust Fund that is established in this legislation would create an affordable housing production program, ensuring that new rental units are built for those who most need assistance extremely low-income families, including working families. The goal is to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families. Seventy-five percent of Trust Fund assistance will be given out, based on need, through matching grants to states. The States will allocate funds on a competitive basis to projects that meet Federal requirements, such as mixed-income projects and long-term affordability, and to address local needs. The remainder of the funding will be competitively awarded by the Department of Housing and Urban Development, HUD, to intermediaries such as the Enterprise Foundation, which will be required to leverage private funds. A portion of the Trust Fund will be used to promote home ownership activities for low-income Americans.

Funding for the Trust Fund would be drawn from excess revenue generated by the Federal Housing Administration and Government National Mortgage Administration beyond the amounts necessary to ensure their safety and soundness. These Federal housing programs generate billions of dollars in excess income, which currently go to the general Treasury for use on other Federal priorities. It is time to stop taking housing money out of housing programs. These excess funds should be used to help alleviate the current housing crisis. According to current projections, approximately $5.7 billion will be available for the Trust Fund in the first year and $2 billion will be available each year thereafter.

The need for affordable housing is great. While many Americans have benefitted from the growing economy over the past decade, it has also fueled a dramatic increase in the cost of housing. Many working families have been unable to keep up with these increases. HUD estimates that more than five million American households have what is considered "worst case" housing needs. Many of these families are spending more than half their income for housing or are living in severely substandard housing. Since 1990, the number of families who have "worst case" housing needs has increased by 12 percent, that's 600.000 more American families that cannot afford a decent and safe place to live. Recent growth in our economy also has squeezed many working families out of tight housing markets across the country. On average, a person needs to earn more than $11 per hour just to afford the median rent on a two-bedroom apartment in the United States. There is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for a two-bedroom apartment. This hourly figure is dramatically higher in many metropolitan areas, an hourly wage of $22 is needed in San Francisco; $21 on Long Island; $17 in Boston; $16 in the D.C. area; $14 in Seattle and Chicago; and, $13 in Atlanta.

Mikala Bembery is a single mother with two boys who now lives in Framingham, MA. Her family's housing story is not unique for many low-and moderate income families in Massachusetts and across the nation. In 1995, Mikala lost her full-time job and could not make the rent on the fair market apartment in which she and her children lived. While she quickly got a part-time job, for the next two years, the Bembery family was forced to live with friends or in rooming houses because they did not initially qualify for either a shelter or a Federal Section 8 subsidy. Finally, after appealing HUD's decision and months of delay, Mikala was given a Section 8 voucher for her family. You would think that obtaining a Section 8 voucher would allow the Bembery family to find affordable housing. However, because there is a dramatic shortage of affordable housing in Massachusetts, it took several months of searching to find a new apartment for her family. Every available apartment was viewed by hundreds of people and landlords were able to pick and choose whom they wanted. Because of Mikala's strong work history, she and her family were finally able to move into a new apartment two years after she lost her full time job. Although, Mikala kept working and her children stayed in school throughout their ordeal, this family is still struggling to rebuild their lives.

Working families in this country are increasingly finding themselves unable to afford housing. A person trying to live in Boston would have to make more than $35,000, annually, just to afford a 2-bedroom apartment. This means teachers, janitors, social workers, police officers and other full time workers may have trouble affording even a modest 2-bedroom apartment.

At the same time, there has been a tremendous decline in the available stock of affordable housing. Between 1993 and 1995, there was a 900,000 decline in the number of affordable rental units available to very low-income families. From 1996 to 1998, there was another 19 percent decline in the number of affordable housing units. This amounted to a dramatic reduction of 1.3 million affordable housing units available to low-income Americans. Making matters worse, many current affordable housing providers are deciding to opt-out of their Section 8 contracts or are prepaying their HUD-insured mortgages. These decisions have limited further the availability of affordable housing across the country. Many more providers will be able to opt-out of their Section 8 contracts in the next few years, further limiting the availability of affordable housing in our nation. This decline has already forced many working families eligible for Section 8 vouchers in Boston, Massachusetts to live outside the City there is no affordable housing available.

The loss of affordable housing has exacerbated the housing crisis in this country, and the Federal Government must take action. We have the resources, yet we are not devoting these resources to fix the problem. Despite the fact that more families are unable to afford housing, we have decreased federal spending on critical housing programs over time. Between 1978 and 1995, the number of households receiving housing assistance was increased by almost three million. From 1978 through 1984, we provided an additional 230,000 families with housing assistance each year. This number dropped significantly to 126,000 additional households each year from 1985 through 1995.

In 1996, this Nation's housing policy went all the way back to square one—not only was there no increase in families receiving housing assistance, but the number of assisted units actually decreased. From 1996 to 1998, the number of HUD assisted households dropped by 51,000.

During this time of rising rents, increased housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to increase the amount of housing assistance available to working families. Unfortunately, President Bush and Republicans in the Congress have again failed to assist working families in obtaining decent affordable housing. From fiscal year 1995 to fiscal year 1999, Republicans in control of the Congress diverted or rescinded more than $20 billion from federal housing programs for other uses.

This year, many Republicans in the Congress and the Bush Administration have supported more than $2 billion in additional cuts for the Department of Housing and Urban Development budget. These cuts include terminating the Drug Elimination Program, reducing funding for the Community Development Block Grant, and funds incremental Section 8 vouchers for 53,500 fewer families. Thankfully, under the leadership of the Democrats in the Senate and Chairman BARBARA MIKULSKI, the worst of these cuts have been restored in the Senate FY 2002 VA-HUD and Independent Agencies Appropriations bill. Nevertheless, we still have much more work to do. The Commonwealth of Massachusetts is expected to receive a reduction in federal assistance at a time when my State has the greatest need. The future is even bleaker. These reductions at HUD follow the enactment of a tax plan that will make it almost impossible for any significant increases in the HUD's budget over the next decade. We need to bring housing resources back up to where they belong and the National Affordable Housing Trust Fund will provide desperately needed funds to begin production of affordable housing in the United States. Enacting the Housing Trust Fund legislation is an important step in the right direction to add resources to housing and to help begin producing housing again.

We can no longer ignore the lack of affordable housing, and the impact it is having on families and children around the country. It is not clear to me why this lack of housing has not caused more uproar. How many families need to be pushed out of their homes and into the streets, before action is taken. I believe it is time for our Nation to take a new path, one that ensures that every American, especially our children, has the opportunity to live in decent and safe housing. Everyone knows that decent housing, along with neighborhood and living environment, play enormous roles in shaping young lives. Federal housing assistance, has benefitted millions of low-income children across the nation and has helped in developing stable home environments. However, too many children currently live in families that have substandard housing or are homeless. These children are less likely to do well in school and less likely to be productive citizens. Because of the positive affect that this legislation would have on America's children, the Trust Fund was included in the Act to Leave No Child Behind, a comprehensive proposal by the Children's Defense Fund to assist in the development of our Nation's children.

I also believe that our Nation deserves a program that would assist in maintaining the affordable housing stock that already exists. I am working with Senator JAMES JEFFORDS in developing legislation to help preserve our affordable housing stock. It is my hope that this legislation will be taken up and passed this Congress so that we can avoid losing any more affordable units. However, we must also focus on producing additional housing, which is exactly what this Housing Trust Fund will do.

I urge you to support this legislation which restores our commitment to providing affordable housing for all families. We can no longer turn our backs on those families who struggle every day just to put a roof over their heads.

Mr. LEAHY. Mr. President, I rise today in support of the National Affordable Housing Trust Fund Act of 2001. This is an important piece of legislation that will help address the lack of affordable housing available in our Nation today.

For far too long we have neglected our Nation's stock of affordable housing, allowing too many properties to fall by the wayside. Between 1995 to 1997 the nation lost 370,000 affordable rental units, nearly 5 percent of the housing available to low-income families. These homes were lost to deterioration, demolition, or simply because landlords opted out of Federal programs in order to secure more lucrative rents.

Unfortunately these units were not replaced at a pace adequate enough to address the need. Our most vulnerable populations, the low-income, the elderly, and working families, have been left with the difficult task of finding an apartment or a house that they can afford. Roughly five million households in the United States have "worst case" housing needs. These families are spending over 50 percent of their incomes on rent alone, leaving precious little to put groceries on the table, gas in their cars, or buy clothes for their kids.

In my home State of Vermont, the situation is no different. Production of new housing has stalled, prices for rental units have dramatically increased, and rental vacancy rates are at an all time low. The competition for housing, any housing at all, is so great that many low and middle-income families must stay in hotels, school dorms, and homeless shelters until they can find a permanent place. This results in a huge personal and emotional loss to the families and drives up the needs for additional State and Federal social services dollars to help these people in their time of crisis.

For those fortunate enough to find an apartment available for rent, few are able to afford the rent that the market demands. It is estimated that the average person would have to earn over $11 dollars per hour to afford a two bedroom apartment at the Fair Market Rent.

While Vermont has a dedicated community of State officials, no profit organizations, advocates and affordable housing developers working to ensure the housing needs of our State's population are met, the resources are simply not available to construct the number of units necessary to alleviate the problem. As a result the number of homeless families in the state are rising.

In Chittenden County, Vermont's most populous region, the number of families seeking services from homeless shelters has risen 400 percent in three years, over half of these families are working families, unable to afford a place to live even while holding down a job. This is a trend we see spreading throughout the state. We cannot allow this to continue.

The creation of a National Affordable Housing Trust Fund will go a long way to help address this situation. By harnessing revenues generated by other Federal housing programs, States, communities and non-profit organizations, will be able to leverage local funds for new housing construction in the most needy areas.

I cannot think of a time in recent history when it has been more important to reaffirm the federal government's commitment to the housing needs of this country, and I am proud to rise as a cosponsor of this bill. There is a long road ahead of us in our endeavor to create a National Affordable Housing Trust Fund, and I look forward to working with my colleagues to ensure that the final product is fair and equitable to all regions of the country, including rural and small states.

I urge my colleagues to join me in support of this legislation.

By Mr. WELLSTONE (for himself, Mrs. MURRAY, Mr. SCHUMER, Mr. DODD, Mr. DAYTON, Mrs. CLINTON, and Mr. INOUYE):

S. 1249. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, along with my colleagues, Senators MURRAY, SCHUMER, DODD, DAYTON, CLINTON and INOUYE, I am introducing legislation that if adopted would have a most profound and even life-saving effect on people who are victims of domestic and sexual violence and their families. It is called the Victims' Economic Security and Safety Act. Similar to the Battered Women's Economic Security and Safety Act, which I introduced last session, the legislation acknowledges that the impact of domestic and sexual violence extends far beyond the moment the abuse occurs. It strikes at the heart of victims' and their families' economic self sufficiency. As a result, many victims are unable to provide for their own or their children's safety. Too often they are forced to choose between protecting themselves from abuse and keeping a roof over their head. This is a choice that no mother should have to make. Nor should any person face the double tragedy of first being abused and then losing a job, health insurance or any other means of self sufficiency because they were abused.

In response to this cycle of violence and dependence, and in response to domestic and sexual violence's devastating impact on a victim's financial independence, this legislation would help to ensure the economic security of victims of domestic violence, sexual assault and stalking so they are better able to provide permanent safety for themselves and their children and so they are not forced, because of economic dependence, to stay in an abusive relationship. In the fight against violence against women, and after the passage of the Violence Against Women Act of 2000, this legislation is a next, critical step.

The link between poverty and domestic and sexual abuse is clear. For example, according to the United States Conference of Mayors, domestic violence is the fourth leading cause of homelessness. A 2000 study conducted by the Manpower Research and Development Corporation of Minnesota's welfare program, the Minnesota Family Investment Program, showed that 49 percent of single-parent long term recipients were in abusive relationships while they were receiving or had recently been receiving MFIP benefits. A 1998 GAO study found that when compared with women who report never experiencing abuse, women who report having been abused experience more spells of unemployment; greater job turnover; and significantly higher rates of receipt of welfare, Medicaid and food stamps.

Economic dependence is a clear reason people who are in abusive relationships may return to abusers or even may not be able to leave abusive situations in the first place. Abusers will go to great lengths to sabotage their partner's ability to have a job or get an education so that their partners will remain dependent on them. If we want battered women and victims of sexual violence to be able to escape the dangerous, often life-threatening situations in which they are trapped, they need the economic means to do so. Yet, victims of domestic and sexual violence face very serious challenges to self-sufficiency every day.

Multiple studies of domestic violence victims who were working while being abused found that as many as 60 percent of respondents said they had been reprimanded at work for behaviors related to the abuse, such as being late to work, and as many as 52 percent said they had lost their jobs because of the abuse. Almost 50 percent of sexual assault survivors reported they had lost their jobs or were forced to quit in the aftermath of the assaults. A study from the National WorkPlace Resource Center on Domestic Violence found that abusive husbands and partners harass 74 percent of employed battered women at work.

The effects of this are felt not only by the victims of such abuse and their families, but also by employers and the nation as a whole. From the perspective of employers, a 1999 CNN report found that 37 percent of domestic violence victims said that domestic violence impacted their ability to do their job and 24 percent said it caused them to be late for work. A survey of employers confirmed this—49 percent of corporate executives said that domestic violence harmed their company's productivity. The Bureau of National Affairs has estimated that domestic violence costs employers between $3 billion and $5 billion in lost time and productivity each year. Ninety-four percent of corporate security and safety directors at companies nationwide rank domestic violence as a high security concern, and homicide continues to be the leading cause of death of women in the workplace. The United States Department of Labor, in 2000 reported that Domestic Violence accounted for 27 percent of all incidents of workplace violence.

More generally, prior to 1994, the Congress gathered years of testimony and evidence as to the negative impact of gender violence in the national economy and found that gender violence costs the economy $10 billion per year.

Victims need to be able to deal with these problems without fear of being fired and without fear of losing their livelihoods and their children's livelihoods. Corporations, too, need to be able to ensure their employee's safety and productivity. That is the goal of this legislation. VESSA would help break down the economic barriers that prevent victims from leaving their batterer or abuser, protect victims from violence in the workplace and mitigate the negative economic effects of violence on employers and on the national economy.

The bill would provide emergency leave for employees who need to address the effects of domestic and sexual assault. That way, if a victim had to go to court to get a restraining order or leave work to find shelter, the victim could take limited leave without facing the prospect of being fired, demoted or financially penalized.

The bill would also extend unemployment compensation to people who are forced to leave their job to provide for their safety or their children's safety. As mentioned above, homicide is the leading cause of death for women in the workplace, 15 percent of these deaths are due to domestic violence, 11 percent of all rapes occur at the workplace. These grim statistics do not begin to address the many women that are physically injured or otherwise harassed at work each day. Often, the only way to escape that kind of brutal stalking is for a victim to leave her job so she can relocate to a safer place. In circumstances in which a victim is forced to leave a job to ensure her own safety, unemployment compensation should be available to her, so that she does not have to make the terrible choice of risking her safety to ensure her livelihood.

Further, VESSA would prohibit discrimination in employment against victims because of domestic and sexual assault. Victims should not be fired or passed over for promotions for reasons beyond their control. Maintaining a victim's dependence is the insidious goal of an abuser. The abuser must never be rewarded for his crime and a victim should never face severe punishment because of being abused.

The bill would also prohibit insurance providers from discriminating against such victims because of a history of domestic and sexual assault. Such discrimination only forces people to lie about their victimization and avoid medical treatment until it is too late. It punishes victims for a perpetrator's crime.

Finally, the bill recognizes the positive role that companies can play in helping victims of domestic and sexual violence at the same time that they can increase their own productivity. It would provide a tax credit to businesses that implement workplace safety and education programs to combat violence against women.

For women attempting to escape a violent environment, this legislation could be a lifeline. I urge that all my colleagues support it so that we can help ensure that no more women are forced to trade their family's personal safety for their economic livelihood. I urge that my colleagues support it so that no more women have to face the double violation of first being assaulted and second losing their job or their self-sufficiency because of it. In what seems to many like a hopeless situation, we can take very strong actions to improve the safety and the lives of the millions of victims of domestic and sexual violence. The cycle too many people face can end. Today we have the opportunity not just to help victims escape violence, but also to provide for so many people a light at the end of a very dark tunnel. Today we can give victims hope that they will not only survive, but that they will be able to maintain or regain their independence and have a safe, happy and productive future. I urge my colleagues to join me in support of this bill and to cosponsor this bill.

Mrs. MURRAY. Mr. President, I am proud to join with my colleagues, Senators WELLSTONE and SCHUMER, to introduce the Victims Economic Safety and Security Act, VESSA. VESSA will help our country take the next step forward to protest victims of domestic violence. In 1994, our country took a dramatic step forward by passing the historic Violence Against Women Act, VAWA. This landmark legislation brought together social service providers, victim advocates, law enforcement, and the courts to respond to the immediate threat of violence. VAWA has been a success in meeting the immediate challenges. But there is still work to be done.

Between 1993 and 1998 the average annual number of physical attacks on intimate partners was 1,082,110. Eighty-seven percent of these were committed against women. According to recent government estimates, more than 900,000 women are raped every year in the United States. Women who are victims of abuse are especially vulnerable to changes in employment, pay, and benefits. Because of these factors they need legal protection.

Today, it's time to take the next step. Our bill will protect victims who are forced to flee their jobs. Today a woman can receive unemployment compensation if she leaves her job because her husband must relocate. But if that same woman must leave her job because she's fleeing abuse, she can't receive unemployment compensation. That's wrong, and our bill will protect those victims.

Our bill will also protect victims by allowing them unpaid time to get the help they need. Today, a woman can use the Family Medical Leave Act, FMLA, to care for a sick or injured spouse. But a woman cannot use FMLA leave to go to court to stop abuse. Our bill will correct these fatal flaws.

Finally, our bill will protect victims of domestic violence from insurance discrimination. Insurance companies have classified domestic violence as a high risk behavior. That punishes women who are victims. Once again, women must sacrifice their economic safety net if they choose to come forward and seek help from violence. Title IV of VESSA would prohibit discrimination in all lines of insurance against victims of domestic violence, stalking and sexual assault.

I am proud of the guidance we've received from advocates in crafting this legislation. I want to thank them for their efforts and their commitment to breaking the cycle of violence. I want to particularly acknowledge the efforts of the advocates in Washington State who have provided invaluable input in drafting this legislation. Without the grassroots support for our communities, we couldn't have passed VAWA in the first place. Their support and leadership will help us take this critical next step in passing VESSA.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1063. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1064. Mr. GRAHAM proposed an amendment to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) supra.

SA 1065. Mr. GRAMM (for himself, Mr. MCCAIN, and Mr. DOMENICI) proposed an amendment to amendment SA 1030 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1025 proposed by Mrs. MURRAY to the bill (H.R. 2299) supra.

SA 1066. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1067. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1068. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1069. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1070. Mr. CRAPO (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1071. Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill

H.R. 2299, supra; which was ordered to lie on the table.

SA 1072. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1073. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1074. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1075. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1076. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1077. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1078. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1079. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1080. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1081. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1082. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1083. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1084. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1085. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1086. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1087. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1088. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1089. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1090. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1091. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1092. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1093. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1094. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

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SA 1096. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1097. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1098. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1099. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1100. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1101. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1102. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1103. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1104. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1105. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1106. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1107. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1108. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1109. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1110. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1111. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1112. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1113. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

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SA 1115. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1116. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1117. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1118. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1119. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1120. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1121. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1122. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1123. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1124. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1125. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1126. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1127. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1128. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1129. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1130. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1131. Ms. COLLINS (for herself, Ms. SNOWE, Mr. SCHUMER, Mr. BAUCUS, Mr. BINGAMAN, Mr. INHOFE, Mrs. CLINTON, Mr. BURNS, Mr. BROWNBACK, Mr. AKAKA, Mr. JEFFORDS, and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1132. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1133. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1134. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1135. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1136. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1137. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1138. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1139. Mr. GRAMM (for himself, Mr. McCain, and Mr. Domenici) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1140. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1141. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1142. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1143. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1144. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1145. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1146. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1147. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1148. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1149. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1150. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1151. Mr. GRAHAM (for himself and Ms. Snowe) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1152. Mr. ALLARD (for himself and Mr. Inhofe) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1153. Mr. BAYH (for himself and Mr. Lugar) submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1154. Mr. MURKOWSKI proposed an amendment to the bill S. 1218, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006.

SA 1155. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions.

SA 1156. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, supra; which was referred to the Committee on Health, Education, Labor, and Pensions.

SA 1157. Mr. SMITH, of New Hampshire (for himself, Mr. Harkin, and Mr. Hatch) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1063. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 19, strike the end period and insert a semicolon.

On page 78, between lines 19 and 20, insert the following:

(3) the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Transportation and in consultation with State agencies charged with developing and implementing State implementation plans, provides to Congress an evaluation of the impacts of implementing the cross-border trucking provisions of the North American Free Trade Agreement on public health, welfare, and the environment, including—

(A) attainment and maintenance of the national primary and secondary ambient air quality standards for any air pollutant under section 109 of the Clean Air Act (42 U.S.C. 7409); and

(B) emissions of toxic air pollutants; and

(4) if the Administrator of the Environmental Protection Agency finds, after considering the results of the study required by this subsection, that regulation of cross-border trucking is necessary to prevent adverse effects on public health, welfare, and the environment (including attainment of national ambient air quality standards), the Administrator, in consultation with the Secretary of Transportation and the United States Trade Representative, shall develop and implement appropriate and necessary regulations, consistent with the obligations specified under the North American Free Trade Agreement, to prevent the adverse effects, and provide to Congress necessary and appropriate legislative proposals, consistent with the obligations specified under the North American Free Trade Agreement, to prevent the adverse effects.

SA 1064. Mr. GRAHAM proposed an amendment to amendment SA 1025 submitted by Mrs. Murray and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 17, line 11, insert after "projects" the following: "that are designed to achieve the goals and purposes set forth in section 5203 of the Intelligent Transportation Systems Act of 1998 (subtitle C of title V of Public Law 105-178; 112 Stat. 453; 23 U.S.C. 502 note)".

SA 1065. Mr. GRAMM (for himself, Mr. McCain, and Mr. Domenici) proposed an amendment to amendment SA 1030 submitted by Mrs. Murray and intended to be proposed to the amendment SA 1025 proposed by Mrs. Murray to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the end of the amendment, insert the following: "*Provided*, That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.".

SA 1066. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 39 line 24, strike the period and insert "; and

"$2,000,000 for San Bernardino, California Metrolink project.".

SA 1067. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, line 14, insert before the semicolon ", including $350,000 for Alameda Contra Costa Transit District, buses and bus facility".

SA 1068. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 10, after "Code:", insert the following: "$5,000,000 shall be available to the State of Mississippi for construction of facilities to house the Center for Advanced Vehicular Systems and Engineering Extension Facility, to remain available until expended;".

SA 1069. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECT SOCIAL SECURITY SURPLUSES ACT OF 2001.

(a) Short Title.—This section may be cited as the "Protect Social Security Surpluses Act of 2001".

(b) Revision of Enforcing Deficit Targets.—Section 253 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 903) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) Excess Deficit; Margin.—The excess deficit is, if greater than zero, the estimated deficit for the budget year, minus the margin for that year. In this subsection, the margin for each fiscal year is 0.5 percent of estimated total outlays for that fiscal year.";

(2) by striking subsection (c) and inserting the following:

"(c) Eliminating Excess Deficit.—Each non-exempt account shall be reduced by a dollar amount calculated by multiplying the baseline level of sequesterable budgetary resources in that account at that time by the uniform percentage necessary to eliminate an excess deficit."; and

(3) by striking subsections (g) and (h).

(c) Medicare Exempt.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 253(e)(3)(A), by striking clause (i); and

(2) in section 256, by striking subsection (d).

(d) Economic and Technical Assumptions.—Notwithstanding section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Office of Management and Budget shall use the economic and technical assumptions underlying the report issued pursuant to section 1106 of title 31, United States Code, for purposes of determining the excess deficit under section 253(b) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by subsection (b).

(e) Application of Sequestration to Budget Accounts.—Section 256(k) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(k)) is amended by—

(1) striking paragraph (2); and

(2) redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively.

(f) Strengthening Social Security Points of Order.—

(1) In general.—Section 312 of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended by inserting at the end the following:

"(g) Strengthening Social Security Point of Order.—It shall not be in order in the House of Representatives or the Senate to consider a concurrent resolution on the budget (or any amendment thereto or conference report thereon) or any bill, joint resolution, amendment, motion, or conference report that would violate or amend section 13301 of the Budget Enforcement Act of 1990.".

(2) Super majority requirement.—

(A) Point of order.—Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(B) Waiver.—Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "312(g)," after "310(d)(2),".

(3) Enforcement in each fiscal year.—The Congressional Budget Act of 1974 is amended in—

(A) section 301(a)(7) (2 U.S.C. 632(a)(7)), by striking "for the fiscal year" through the period and inserting "for each fiscal year covered by the resolution"; and

(B) section 311(a)(3) (2 U.S.C. 642(a)(3)), by striking beginning with "for the first fiscal year" through the period and insert the following: "for any of the fiscal years covered by the concurrent resolution.".

(g) Effective Date.—This section and the amendments made by this section shall apply to fiscal years 2002 through 2006.

SA 1070. Mr. CRAPO (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

Sec. 350. (a) In General.—Section 47109 of title 49, United States Code, is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) Grandfather Rule.—

"(1) In general.—In the case of any project approved after September 30, 2001, at an airport that has less than .25 percent of the total number of passenger boardings at all commercial service airports, and that is located in a State containing unappropriated and unreserved public lands and nontaxable Indian lands (individual and tribal) of more than 5 percent of the total area of all lands in the State, the Government's share of allowable costs of the project shall be increased by the same ratio as the basic share of allowable costs of a project divided into the increased (Public Lands States) share of allowable costs of a project as shown on documents of the Federal Aviation Administration dated August 3, 1979, at airports for which the basic share was 80 percent on August 3, 1979. provided that this subsection shall apply only if—

"(A) the State contained unappropriated and unreserved public lands and nontaxable Indian lands of more than 5 percent of the total area of all lands in the State on August 3, 1979; and

"(B) the application under subsection (b), does not increase the Government's share of allowable costs of the project

"(2) Limitation.—The Government's share of allowable project costs determined under this subsection shall not exceed the lesser of 93.75 percent or the highest percentage Government share applicable to any project in any State under subsection (b).".

(b) Conforming Amendment.—Subsection (a) of Section 47109, title 49, United States Code, is amended by striking "Except as provided in subsection (b)", and inserting in lieu thereof "Except as provided in subsection (b) or subsection (c)".

SA 1071. Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 1, insert "preserving service at Chicago Meigs Airport ('Meigs Field')," after "Airport.".

SA 1072. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 18, insert "and" after the semicolon.

On page 75, beginning with line 23, strike through line 2 on page 76

On page 76, line 3, strike "(vi)" and insert "(v)".

SA 1073. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 7, insert "and" after the semicolon.

On page 78, beginning in line 14, strike "vehicles; and" and insert "vehicles.".

On page 78, strike lines 16 through 19.

SA 1074. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.

On page 75, line 23, strike "(v)" and insert "(iv)".

On page 76, line 3, strike "(vi)" and insert "(v)".

SA 1075. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike line 9 through 25.

On page 78, line 1, strike "(F)" and insert "(E)".

On page 78, line 8, strike "(G)" and insert "(F)".

On page 78, line 16, strike "(H)" and insert "(G)".

SA 1076. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 19 through 24.

On page 77, line 1, strike “(D)” and insert “(C)”.

On page 77, line 9, strike “(E)” and insert “(D)”.

On page 78, line 1, strike “(F)” and insert “(E)”.

On page 78, line 8, strike “(G)” and insert “(F)”.

On page 78, line 16, strike “(H)” and insert “(G)”.

SA 1077. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, line 19, strike “and based”.

SA 1078. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 3 through 6, and insert the following:

“(vi) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;”.

SA 1079. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 5 through 7.

On page 73, line 8, strike “(C)” and insert “(B)”.

On page 73, line 12, strike “(D)” and insert “(C)”.

On page 73, line 19, strike “(E)” and insert “(D)”.

On page 74, line 1, strike “(F)” and insert “(E)”.

On page 74, line 5, strike “(G)” and insert “(F)”.

On page 74, line 12, strike “(H)” and insert “(G)”.

On page 74, line 21, strike “(I)” and insert “(H)”.

SA 1080. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 23, strike through line 4 on page 73 and insert the following:

“(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border; and

“(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations;”.

SA 1081. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 15, strike “Between United States and Mexico.” and insert “In the United States.”.

In the following places, strike “Mexican” and insert “foreign”;

(1) Page 72, line 18.
(2) Page 73, line 6.
(3) Page 73, line 10.
(4) Page 73, line 13.
(5) Page 74, line 14.
(6) Page 76, line 4.
(7) Page 77, line 5.
(8) Page 77, line 15.
(9) Page 77, line 18.
(10) Page 78, line 3.
(11) Page 78, line 10.
(12) Page 78, line 20.

On pages 72 through 78, strike “United States-Mexico” each place it appears and insert “United States”.

On page 76, line 14, strike “in Mexico” and insert “Outside the United States”.

On page 77, beginning in line 9, strike “the Mexican government” and insert “the government of any foreign country that shares a border with the United States”.

On page 78, line 16, strike “in Mexico” and insert “in any foreign country that shares a border with the United states”.

On page 78, beginning in line 21, strike “Mexico-domiciled motor carrier” and insert “motor carrier domiciled in any foreign country that shares a border with the United States”.

SA 1082. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 13, strike “on-site”.

SA 1083. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 18, insert “and” after the semicolon.

On page 75, beginning with line 23, strike through line 2 on page 76.

On page 76, line 3, strike “(vi)” and insert “(v)”.

SA 1084. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.

On page 75, line 23, strike “(v)” and insert “(iv)”.

On page 76, line 3, strike “(vi)” and insert “(v)”.

SA 1085. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike line 9 through 25.

On page 78, line 1, strike “(F)” and insert “(E)”.

On page 78, line 8, strike “(G)” and insert “(F)”.

On page 78, line 16, strike “(H)” and insert “(G)”.

SA 1086. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 7, insert “and” after the semicolon.

On page 78, beginning in line 14, strike “vehicles; and” and insert “vehicles.”.

On page 78, strike lines 16 through 19.

SA 1087. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72 starting on line 23 strike “full safety compliance review of the carrier consistent with the safety fitness evaluation procedures set forth in part 385 of title 49. Code of Federal Regulations, and gives the carrier a satisfactory rating” and insert “safety review which includes verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carriers preparedness to comply with Federal motor carrier safety rules and regulations".

SA 1088. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73 line 5 strike "compliance" and line 7 following "facilities" insert "where warranted by safety considerations of the availability of safety performance data."

SA 1089. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73 line 9 strike "electronically" and insert in a "timely manner.

SA 1090. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73 starting on line 16 strike "including hours-of-service rules under part 395 of title 49, Code of Federal Regulations."

SA 1091. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74 starting on line 5 strike "Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and requires that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing" and insert "a means suitable for enforcement of determining the weight of commercial vehicles entering the United States at such a crossing."

SA 1092. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74 line 21 strike "regulations" and insert regulations, policies, or interim final rules."

SA 1093. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75 starting on line 3 strike ", that include the administration of a proficiency examination".

SA 1094. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76 strike all after "(2) the" through page 78 line 19.

SA 1095. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 1 through 4.

On page 74, line 5, strike "(G)" and insert "(F)".

On page 74, strike "(H)" and insert "(G)".

On page 74, strike "(I)" and insert "(H)".

SA 1096. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 5 through 11.

On page 74, line 12, strike "(H)" and insert "(G)".

On page 74, line 21, strike "(I)" and insert "(H)".

SA 1097. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 12 through 20.

On page 74, line 21, strike "(J)" and insert "(H)".

SA 1098. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 5 through 9.

On page 75, line 10, strike "(iii)" and insert "(ii)".

On page 75, line 16, strike "(iv)" and insert "(iii)".

On page 75, line 23, strike "(v)" and insert "(iv)".

On page 76, line 3, strike "(vi)" and insert "(v)".

SA 1099. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 10 through 15.

On page 75, line 16, strike "(iv)" and insert "(iii)".

On page 75, line 23, strike "(v)" and insert "(iv)".

On page 76, line 3, strike "(vi)" and insert "(v)".

SA 1100. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.

On page 75, line 23, strike "(v)" and insert "(iv)".

On page 76, line 3, strike "(vi)" and insert "(v)".

SA 1101. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 14, strike through line 24 on page 78.

SA 1102. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 7, insert "and" after the semicolon.

On page 78, beginning in line 14, strike "vehicles; and" and insert "vehicles.".

On page 78, strike lines 16 through 19.

SA 1103. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 9 through 25.

On page 78, line 1, strike "(F)" and insert "(E)".

On page 78, line 8, strike “(G)” and insert “(F)”.

On page 78, line 16, strike “(H)” and insert “(G)”.

SA 1104. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike lines 16 through 22.

On page 75, line 23, strike “(v)” and insert “(iv)”.

On page 76, line 3, strike “(vi)” and insert “(v)”.

SA 1105. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, line 18, insert “and” after the semicolon.

On page 75, beginning with line 23, strike through line 2 on page 76.

On page 76, line 3, strike “(vi)” and insert “(v)”.

SA 1106. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 23, strike through line 4 on page 73.

On page 73, line 5, strike “(B)” and insert “(A)”.

On page 73, line 8, strike “(C)” and insert “(B)”.

On page 73, line 12, strike “(D)” and insert “(C)”.

On page 73, line 19, strike “(E)” and insert “(D)”.

On page 74, line 1, strike “(F)” and insert “(E)”.

On page 74, line 5, strike “(G)” and insert “(F)”.

On page 74, line 12, strike “(H)” and insert “(G)”.

On page 74, line 5, strike “(I)” and insert “(H)”.

SA 1107. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 5 through 7.

On page 73, line 8, strike “(C)” and insert “(B)”.

On page 73, line 12, strike “(D)” and insert “(C)”.

On page 73, line 19, strike “(E)” and insert “(D)”.

On page 74, line 1, strike “(F)” and insert “(E)”.

On page 74, line 5, strike “(G)” and insert “(F)”.

On page 74, line 12, strike “(H)” and insert “(G)”.

On page 74, line 21, strike “(I)” and insert “(H)”.

SA 1108. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 8 through 11.

On page 73, line 12, strike “(D)” and insert “(C)”.

On page 73, line 19, strike “(E)” and insert “(D)”.

On page 74, line 1, strike “(F)” and insert “(E)”.

On page 74, line 5, strike “(G)” and insert “(F)”.

On page 74, line 12, strike “(H)” and insert “(G)”.

On page 74, line 21, strike “(I)” and insert “(H)”.

SA 1109. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 12 through 18.

On page 73, line 19, strike “(E)” and insert “(D)”.

On page 74, line 1, strike “(F)” and insert “(E)”.

On page 74, line 5, strike “(G)” and insert “(F)”.

On page 74, line 12, strike “(H)” and insert “(G)”.

On page 74, line 21, strike “(I)” and insert “(H)”.

SA 1110. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 19 through 24.

On page 74, line 1, strike “(F)” and insert “(E)”.

On page 74, line 5, strike “(G)” and insert “(F)”.

On page 74, line 12, strike “(H)” and insert “(G)”.

On page 74, line 21, strike “(I)” and insert “(H)”.

SA 1111. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 75, line 23, strike through page 76 line 2.

On page 76, line 3, strike “(vi)” and insert “(v)”.

SA 1112. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 3 through 7.

SA 1113. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 10 through 12.

On page 76, line 13, strike “(B)” and insert “(A)”.

On page 76, line 19, strike “(C)” and insert “(B)”.

On page 77, line 1, strike “(D)” and insert “(C)”.

On page 77, line 9, strike “(E)” and insert “(D)”.

On page 78, line 1, strike “(F)” and insert “(E)”.

On page 78, line 8, strike “(G)” and insert “(F)”.

On page 78, line 16, strike “(H)” and insert “(G)”.

SA 1114. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 13 through 18.

On page 76, line 19, strike “(C)” and insert “(B)”.

On page 77, line 1, strike “(D)” and insert “(C)”.

On page 77, line 9, strike “(E)” and insert “(D)”.

On page 78, line 1, strike “(F)” and insert “(E)”.

On page 78, line 8, strike “(G)” and insert “(F)”.

On page 78, line 16, strike “(H)” and insert “(G)”.

SA 1115. Mr. McCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 19 through 24.

On page 77, line 1, strike “(D)” and insert “(C)”.

On page 77, line 9, strike “(E)” and insert “(D)”.

On page 78, line 1, strike "(F)" and insert "(E)".

On page 78, line 8, strike "(G)" and insert "(F)".

On page 78, line 16, strike "(H)" and insert "(G)".

SA 1116. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 1 through 8.

On page 77, line 9, strike "(E)" and insert "(D)".

On page 78, line 1, strike "(F)" and insert "(E)".

On page 78, line 8, strike "(G)" and insert "(F)".

On page 78, line 16, strike "(H)" and insert "(G)".

SA 1117. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 9 through 25.

On page 78, line 1, strike "(F)" and insert "(E)".

On page 78, line 8, strike "(G)" and insert "(F)".

On page 78, line 16, strike "(H)" and insert "(G)".

SA 1118. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 1 through 7.

On page 78, line 8, strike "(G)" and insert "(F)".

On page 78, line 16, strike "(H)" and insert "(G)".

SA 1119. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 22 through 25; on page 75, strike lines 1 through 4.

On page 75, line 5, strike "(ii)" and insert "(i)".

On page 75, line 10, strike "(iii)" and insert "(ii)".

On page 75, line 16, strike "(iv)" and insert "(iii)".

On page 75, line 23, strike "(v)" and insert "(iv)".

On page 76, line 3, strike "(vi)" and insert "(v)".

SA 1120. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, beginning with line 21, strike through line 7 on page 76.

SA 1121. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 8 through 15.

On page 78, line 16, strike "(H)" and insert "(G)".

SA 1122. Mr. MCCAIN (for himself and Mr. GRAMM) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike lines 16 through 24.

SA 1123. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 350. (a) Congress makes the following findings:

(1) Section 345 of the National Highway System Designation Act of 1995 authorizes limited relief to drivers of certain types of commercial motor vehicles from certain restrictions on maximum driving time and on-duty time.

(2) Subsection (c) of that section requires the Secretary of Transportation to determine by rulemaking proceedings that the exemptions granted are not in the public interest and adversely affect the safety of commercial motor vehicles.

(3) Subsection (d) of that section requires the Secretary of Transportation to monitor the safety performance of drivers of commercial motor vehicles who are subject to an exemption under section 345 and report to Congress prior to the rulemaking proceedings.

(b) It is the sense of Congress that the Secretary of Transportation should not take any action that would diminish or revoke any exemption in effect on the date of the enactment of this Act for drivers of vehicles under section 345 of the National Highway System Designation Act of 1995 (Public Law 104-59; 109 Stat. 613; 49 U.S.C. 31136 note) unless the requirements of subsections (c) and (d) of such section are satisfied.

SA 1124. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 47, strike line 19 and all that follows through page 53, line 12.

SA 1125. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, lines 8 through 10, strike "the Woodrow Wilson Memorial Bridge Authority Act of 1995,".

SA 1126. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, strike lines 3 through 18 and insert the following:

"(4) distribute the obligation limitation for Federal-aid highways less $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for that section is equal to the amount determined by multiplying the ratio determined under paragraph (3) by $2,000,000,000;".

SA 1127. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, strike lines 3 through 13.

SA 1128. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 3, strike "$10,000,000" and insert "$23,000,000".

SA 1129. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 3, strike "$10,000,000" and insert "$23,000,000".

On page 81, strike lines 3 through 13.

SA 1130. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, beginning on line 21, strike "This paragraph" and all that follows through "(b)" on line 24, and insert the following:

Such section is further amended by inserting "(a)" before the first sentence and by adding at the end the following new subsections:

"(b) A shipyard or depot-level maintenance and repair facility of the Department of Defense located at a home port for a Coast Guard vessel shall be treated in the same manner as a Coast Guard yard or other Coast Guard specialized facility for the purposes of competition for and assignment of maintenance and repair workloads of the Coast Guard.

"(c)".

SA 1131. Ms. COLLINS (for herself, Ms. Snowe, Mr. Schumer, Mr. Baucus, Mr. Bingaman, Mr. Inhofe, Mrs. Clinton, Mr. Burns, Mr. Brownback, Mr. Akaka, Mr. Jeffords, and Mr. Nelson of Nebraska) submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, strike lines 3 through 13 and insert the following:

Sec. 349. (a) Amount Available in Fiscal Year 2002 for Essential Air Service Program.—Notwithstanding any other provision of law, $63,000,000 shall be available in fiscal year 2002 for purposes of the Essential Air Service program under subchapter II of chapter 417 of title 49, United States Code.

(b) Source of Funds.—The amount available under subsection (a) shall be derived as follows:

(1) First, from user fees collected by the Secretary of Transportation in fiscal year 2002 for flights over the United States that do not involve a landing in the United States, with the amount of such user fees used for that purpose not to exceed $50,000,000.

(2) Second and notwithstanding the limitation in the third proviso under the heading "Grants-in-Aid for Airports" in title I of this Act, from amounts transferred by the Administrator of the Federal Aviation Administration from amounts in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) that are available under that heading.

SA 1132. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 332.

SA 1133. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 74, strike lines 5 through 11, and insert the following:

"(G) determines the average number of commercial motor vehicles per month entering the United States at each United States-Mexico border crossing and equips any such crossing at which 250 or more commercial vehicles per month are entering with a means of determining the weight of such vehicles;".

SA 1134. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Strike Sec. 343 and insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States–Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

(D) gives a distinctive Department of Transportation number to each Mexican motor carrier operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States–Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

(F) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States; and

(I) publishes in final form regulations or issues policies—

(i) under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.) that establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards, that include the administration of a proficiency examination;

(ii) under section 31148 of title 49, United States Code, that implement measures to improve training and provide for the certification of motor carrier safety auditors;

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States;

(v) under section 219(a) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from operating in the United States that is found to have operated illegally in the United States; and

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty or transmits to the Congress within 30 days of the date of enactment of this Act, a notice in writing that it will not be able to complete such rulemaking or issue such policy, that explains why it will not be able to complete such rulemaking or policy, and the date by which it expects to complete such rulemaking or policy; and

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(E) there is adequate capacity at each United States-Mexico border crossing used by Mexican motor carrier commercial vehicles to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections;

For purposes of this section, the term "Mexican motor carrier" shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1135. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

Sec. . Of the funds provided under "Transit Planning and Research", $375,000 shall be available for a traffic mitigation feasibility study for Auburn University.

SA 1136. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the the table, as follows:

At the appropriate place in the bill, insert the following:

Sec. . Notwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105-383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall include the property under lease as of June 1, 2000 and otherwise be subject to subsections (a)(2) (a)(3), (b), and (c) of section 416 of Public Law 105-383.

SA 1137. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, insert the following:

Sec. . Section 41703 of title 49, United States Code, is amended by inserting the following subsection at the end of subsection (c):

(d) AIR CARGO VIA ALASKA.—For purposes of (c) of this section, cargo taken on or off any aircraft at a place in Alaska in the course of transportation of that cargo by one or more air carriers in either direction between any place in the Untied States and a place not in the United States shall not be deemed to have broken its international journey in, be taken on in, or be destined for Alaska.

SA 1138. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, strike lines 5 through 7.

SA 1139. Mr. GRAMM (for himself, Mr. McCAIN, and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 343, insert the following: "*Provided*, That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.".

SA 1140. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, strike subparagraph (H) on lines 16 through 19.

SA 1141. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike the semicolon on line 22 and all that follows through the parentheses on page 76, line 3, and insert the following: "; and

"(?)".

SA 1142. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 343, insert the following: "*Provided*, That not withstanding any other provision of this section, nothing in this section shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement."

SA 1143. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 3 through 7, and insert the following:

"(vi) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles; and".

SA 1144. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, strike lines 19 through 24.

SA 1145. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 9 through 25.

SA 1146. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 75, strike line 16 and all that follows through "(v)" on page 75, line 23, and insert in lieu thereof "(vi)".

SA 1147. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 17, strike "for" and insert in lieu thereof: "prior to January 1, 2001 for".

SA 1148. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, beginning with line 14, strike through line 24 on page 78 and insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.—No funds limited or appropriated by this Act may be obligated or expended for the review or processing of an application by a motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of such motor carrier to be performed before the carrier is granted conditional operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border, and before the carrier is granted permanent operating authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(ii) requires the safety review to include verification of available performance data and safety management programs, including drug and alcohol testing, drivers' qualifications, drivers' hours-of-service records, records of periodic vehicle inspections, insurance, and other information necessary to determine the carrier's preparedness to comply with Federal motor carrier safety rules and regulations; and

(iii) requires that every commercial vehicle operating beyond United States municipalities and commercial zones on the United States-Mexico border, that is operated by a motor carrier authorized to operate beyond those municipalities and zones, display a valid Commercial Vehicle Safety Alliance decal obtained as a result of a Level I North American Standard Inspection, or a Level V Vehicle-Only Inspection, whenever that vehicle is operating beyond such municipalities and zones, and requires any such motor carrier operating a vehicle in violation of this requirement to pay a fine of up to $10,000 for such violation;

(B) establishes a policy that any safety review of such a motor carrier should be conducted onsite at the motor carrier's facilities where warranted by safety considerations or the availability of safety performance data;

(C) requires Federal and State inspectors, in conjunction with a Level I North American Standard Inspection, to verify, electronically or otherwise, the license of each driver of such a motor carrier's commercial vehicle crossing the border, and institutes a policy for random electronic verification of the license of drivers of such motor carrier's commercial vehicles at United States-Mexico border crossings;

(D) gives a distinctive Department of Transportation number to each such motor carrier to assist inspectors in enforcing motor carrier safety regulations, including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) authorizes State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce such laws and regulations or to notify Federal authorities of such violations;

(G)(i) determines that there is a means of determining the weight of such motor carrier commercial vehicles at each crossing of the United States-Mexico border at which there is a sufficient number of such commercial vehicle crossings; and

(ii) initiates a study to determine which crossings should also be equipped with weigh-in-motion systems that would enable State inspectors to verify the weight of each such commercial vehicle entering the United States at such a crossing;

(H) has implemented a policy to ensure that no such motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States;

(I) issues a policy—

(i) requiring motor carrier safety inspectors to be on duty during all operating hours at all United States-Mexico border crossings used by commercial vehicles;

(ii) with respect to standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border (under sections 218(a) and (b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31133 nt.)); and

(iii) with respect to prohibiting foreign motor carriers from operating in the United States that are found to have operated illegally in the United States (under section 219(a) of that Act (49 U.S.C. 14901 nt.)); and

(J) completes its rulemaking—

(i) to establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards (under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.)),

(ii) to implement measures to improve training and provide for the certification of motor carrier safety auditors (under section 31148 of title 49, United States Code), and

(iii) to prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States (under section 219(d) of that Act (49 U.S.C. 14901 nt.)),

or transmits to the Congress, within 30 days after the date of enactment of this Act, a notice in writing that it will not be able to complete any such rulemaking, that explains why it will not be able to complete the rulemaking, and that states the date by which it expects to complete the rulemaking; and

(2) until the Department of Transportation Inspector General certifies in writing to the Secretary of Transportation and to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Appropriations that the Inspector General will report in writing to the Secretary and to each such Committee—

(A) on the number of Federal motor carrier safety inspectors hired, trained as safety specialists, and prepared to be on duty during hours of operation at the United States-Mexico border by January 1, 2002;

(B) periodically—

(i) on the adequacy of the number of Federal and State inspectors at the United States-Mexico border; and

(ii) as to whether the Federal Motor Carrier Safety Administration is ensuring compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by such motor carriers;

(iii) as to whether United States and Mexican enforcement databases are sufficiently integrated and accessible to ensure that licenses, vehicle registrations, and insurance information can be verified at border crossings or by mobile enforcement units; and

(iv) as to whether there is adequate capacity at each United States-Mexico border crossing used by motor carrier commercial vehicles to conduct a sufficient number of vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of the inspections.

In this section, the term "motor carrier" means a motor carrier domiciled in Mexico that seeks authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

Provided, That notwithstanding any other provision of this section, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this section shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.

SA 1149. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 55, line 2, insert after "access," the following: "fully utilizing Illinois Chicago-area reliever and general aviation airports including Aurora, DuPage, Lake in the Hills, Lansing, Lewis University, Palwaukee, Schaumburg, and Waukegan,".

SA 1150. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . General Mitchell International Airport in Milwaukee, Wisconsin shall be considered as an alternative airport in any plan relating to alleviating congestion at O'Hare International Airport.

SA 1151. Mr. GRAHAM (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 350. (a) INCREASE IN AMOUNT FOR OPERATIONAL EXPENSES OF COAST GUARD FOR LAW ENFORCEMENT OPERATIONS.—(1) The amount appropriated or otherwise made available for the Coast Guard under title I under the heading "COAST GUARD" under the paragraph "Operating Expenses" is hereby increased by $31,100,000.

(2) The amount available for the Coast Guard under the paragraph referred to in paragraph (1) by reason of that paragraph shall be available for the Coast Guard for purposes of law enforcement operations.

(b) Increase in Amount Available for Aviation Capability of Coast Guard for Law Enforcement Operations.—(1) The amount appropriated or otherwise made available for the Coast Guard under title I under the heading "COAST GUARD" under the paragraph "Acquisition, Construction, and Improvements" under the proviso relating to the acquisition of new aircraft and increasing aviation capability is hereby increased by $15,000,000.

(2) The amount available for the Coast Guard under the proviso referred to in paragraph (1) by reason of that paragraph shall be available for the Coast Guard for the acquisition of new aircraft and increases in aviation capability for purposes of law enforcement operations.

SA 1152. Mr. ALLARD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 20, lines 13 through 16, strike "$230,681,878 shall be set aside for the programs authorized under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century, as amended;" and insert "$1,000,000 shall be set aside for the program authorized under section 118(c) of title 23, United States Code, to be used for the project at Interstate Route 25 north of Raton, New Mexico; $229,681,878 shall be set aside for the programs authorized under sections 1118 and 1119 of the Transportation Equity Act for the 21st Century, of which none of the funds may be used to conduct the United States Routes 64 and 87 Ports-to-Plains corridor study, New Mexico;".

SA 1153. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 24, insert after "the State of Illinois," the following: "the State of Indiana,".

On page 54, line 25, insert after "affected communities" the following: "(including affected communities in Northwest Indiana)."

SA 1154. Mr. MURKOWSKI proposed an amendment to the bill S. 1218, to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE AND FINDINGS.

(a) This Title can be cited as the 'Iraq Petroleum Import Restriction Act of 2001.'

(b) FINDINGS.—Congress finds that—

(i) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced "No-Fly Zones" in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(ii) further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that:

(a) the United States is not engaged in active military operations in enforcing "No-Fly Zones" in Iraq, supporting United Nations sanctions against Iraq, preventing the smuggling by of Iraqi-origin petroleum and petroleum products in violation of UNSC Resolution 986, complying with United Nations Security Council Resolution 687 by eliminating weapons of mass destruction, or otherwise preventing threatening action by Iraq against the United States or its allies; and

(b) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

SEC. 4. HUMANITARIAN INTERESTS.

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

SEC. 5. DEFINITIONS.

(a) "661 Committee." The term 661 Committee means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) "UNSC Resolution 661." The term UNSC Resolution 661 means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) "UNSC Resolution 986." The term UNSC Resolution 986 means United Nations Security Council Resolution 98, adopted April 14, 1995.

SEC. 6. EFFECTIVE DATE.

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

SA 1155. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions, as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON HUMAN CLONING.

(a) SHORT TITLE.—This section may be cited as the "Human Cloning Prohibition Act of 2001".

(b) FINDINGS.—Congress finds that—

(1) some individuals have announced that they will attempt to clone human beings using the technique known as somatic cell nuclear transfer already used with limited success in cloning sheep and other animals;

(2) nearly all scientists agree that such attempts pose a massive risk of producing children who are stillborn, unhealthy, or severely disabled, and considered opinion is virtually unanimous that such attempts are therefore grossly irresponsible and unethical;

(3) efforts to create human beings by cloning mark a new and decisive step toward turning human reproduction into a manufacturing process in which children are made in laboratories to preordained specifications and, potentially, in multiple copies;

(4) creating cloned live-born human children (sometimes called "reproductive cloning") begins by creating cloned human embryos, a process which some also propose as a way to create embryos for research or as sources of cells and tissues for possible treatment of other humans;

(5) the prospect of creating new human life solely to be exploited and destroyed in this way has been condemned on moral grounds

by many, as displaying a profound disrespect for life, and recent scientific advances indicate that there are fruitful and morally unproblematic alternatives to this approach;

(6)(A) it will be nearly impossible to ban attempts at "reproductive cloning" once cloned human embryos are available in the laboratory because—

(i) cloning would take place within the privacy of a doctor-patient relationship;

(ii) the transfer of embryos to begin a pregnancy is a simple procedure; and

(iii) any government effort to prevent the transfer of an existing embryo, or to prevent birth once transfer has occurred would raise substantial moral, legal, and practical issues; and

(B) so, in order to be effective, a ban on human cloning must stop the cloning process at the beginning; and

(7) collaborative efforts to perform human cloning are conducted in ways that affect interstate and even international commerce, and the legal status of cloning will have a great impact on how biotechnology companies direct their resources for research and development.

(c) PROHIBITION ON HUMAN CLONING.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

"CHAPTER 16—HUMAN CLONING

"Sec.
"301. Definitions.
"302. Prohibition on human cloning.

"§ 301. Definitions

"In this chapter:

"(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing the nuclear material of a human somatic cell into a fertilized or unfertilized oocyte whose nucleus has been removed or inactivated to produce a living organism (at any stage of development) with a human or predominantly human genetic constitution.

"(2) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

"§ 302. Prohibition on human cloning

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce—

"(1) to perform or attempt to perform human cloning;

"(2) to participate in an attempt to perform human cloning; or

"(3) to ship or receive the product of human cloning for any purpose.

"(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, to import the product of human cloning for any purpose.

"(c) PENALTIES.—

"(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than **$1,000,000** and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than **$1,000,000**.

"(d) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.".

(2) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Cloning .... **301".**

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Federal Government should advocate for and join an international effort to prohibit human cloning, as defined in section 301 of title 18, United States Code, as added by this section; and

(2) the President should commission a study, to be conducted by the National Bioethics Advisory Commission or a successor group, of the arguments for and against the use of cloning to produce human embryos solely for research, which study should—

(A) include a discussion of the need (if any) for human cloning to produce medical advances, the ethical and legal aspects of human cloning, and the possible impact of any decision to permit human cloning for research upon efforts to prevent human cloning for reproductive purposes;

(B) include a review of new developments in cloning technology which may require that technical changes be made to subsection (c), to maintain the effectiveness of this section in prohibiting the asexual production of a new human organism that is genetically virtually identical to an existing or previously existing human being; and

(C) be submitted to Congress and the President for review not later than 5 years after the date of enactment of this Act.

SA 1156. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 723, to amend the Public Health Service Act to provide for human embryonic stem cell generation and research; which was referred to the Committee on Health, Education, Labor, and Pensions; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON THE CREATION OF HUMAN EMBRYOS FOR RESEARCH PURPOSES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15 the following:

"CHAPTER 16—HUMAN EMBRYO CREATION

"Sec.
"301. Definition.
"302. Prohibition on the creation of human embryos for research purposes.

"§ 301. Definition

"In this chapter the term 'human embryo' includes any organism not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this chapter, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

"§ 302. Prohibition on the creation of human embryos for research purposes

"(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce to create a human embryo for research purposes.

"(b) PENALTIES.—

"(1) IN GENERAL.—Any person or entity that is convicted of violating any provision of this section shall be fined under this section or imprisoned not more than 10 years, or both.

"(2) CIVIL PENALTY.—Any person or entity that is convicted of violating any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than **$1,000,000** and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than **$1,000,000**.

"(c) SCIENTIFIC RESEARCH.—Nothing in this section shall restrict areas of scientific research not specifically prohibited by this section.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

"16. Human Embryo Creation .... **311".**

SA 1157. Mr. SMITH of New Hampshire (for himself, Mr. HARKIN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2500, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. . None of the funds made available in this Act may be used by the Department of Justice or the Department of State to file a motion in any court opposing a civil action against any Japanese person or corporation for compensation or reparations in which the plaintiff alleges that, as an American prisoner of war during World War II, he or she was used as slave or forced labor.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 26, 2001 in SR–328A at 10:30 a.m. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination has been added to a full committee hearing previously announced for Friday, July 27, at 9:30 a.m. in SD–366 for the purpose of receiving testimony on H.R. 308, to establish the Guam War Claims Review Commission, and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.

The committee will also receive testimony on the nomination of Theresa Alvillar-Speake to be Director of the Office of Minority Economic Impact, Department of Energy.

For further information, please call Sam Fowler at 202/224–3607.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, July 25, 2001. The purpose of this meeting will be to mark up the short-term farm assistance package.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 25, 2001, at 9:30 a.m. on the nomination of Mary Sheila Gall to be Chairman of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 25 at 9:30 a.m. to conduct a hearing. The committee will receive testimony on legislative proposals relating to comprehensive electricity restructuring legislation, including electricity provisions of S. 388 and S. 597, and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 25 for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:45 a.m. The purpose of this business meeting is to consider the nomination of Dan. R. Brouillette to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2001, at 11 a.m. in SD–419, to hold a nomination hearing on Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea. Additional nominees to be announced.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 25, 2001, at 2 p.m. to hold a nomination hearing on:

Carole Brookins, of Indiana, to be United States Executive Director of the International Bank for Reconstruction and Development;

Ross J. Connelly, of Maine, to be Executive Vice President of Overseas Private Investment Corporation;

Jeanne L. Phillips, of Texas, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador; and

Randall Quarles, of Utah, to be United States Executive Director of the International Monetary Fund.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, July 25, 2001 at 9:30 a.m. for a hearing regarding "Rating Entertainment Ratings: How Well Are They Working for Parents and What Can Be Done To Improve Them?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Fulfilling the Promise of Genetics Research: Ensuring Non-Discrimination in Health Insurance and Employment during the session of the Senate on Wednesday, July 25, 2001, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on July 25, 2001, at 10:30 a.m. in room 216 Hart Senate Building to conduct a hearing on the Indian Gaming Regulatory Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, July 25, 2001, at 10:00 a.m., in Dirksen 226, on "S. 1157, the Dairy Consumers and Producers Protection Act of 2001."

TENTATIVE WITNESS LIST

Panel I: Daniel Smith, Esq., Executive Director, Northeast Interstate Dairy Compact Commission, Montpelier, VT; Gover Norquist, President, Americans for Tax Reform, Washington, D.C.; Stephen Burrington, Esq., Vice President, Conservation Law Foundation, Boston, MA, and Burt Neuborne, Esq., New York University School of Law, New York.

Panel II: The Honorable Jonathan Healy, Commissioner of Agriculture, Commonwealth of Massachusetts, Boston, MA; The Honorable Harold Brubaker, State Representative, State of North Carolina, Asheboro, NC; Senator Lois Pines, Esq., former Massachusetts State Senator, Newton, MA; Dr. James Beatty, Economist, Louisiana State University, Franklinton, LA; and Richard Groder, Wisconsin Farm Bureau, Mineral Point, WI.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Economic Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 25, 2001, to conduct a hearing on "Risks of a Growing Balance of Payments Deficit."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security Proliferation and Federal Services be authorized to meet on Wednesday, July 25, 2001 at 2:30 p.m. for a hearing regarding S. 995, the Whistleblower Protection Act Amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 25, 2001, at 9:00 a.m., in open session to receive testimony on global power projection, in review of the Defense Authorization Request for fiscal year 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Wednesday, July 25, 2001 at 2:00 p.m. in SD–226, on "Improving Our Ability to Fight Cybercrime: Oversight of the National Infrastructure Protection Center."

WITNESS LIST

Panel I: Ron Dick, Director, National Infrastructure Protection Center; Mr. Robert F. Dacey, Director, Information Security Issues, General Accounting Office; Ms. Sallie McDonald, Assistant Commissioner, Office of Information Assurance and Critical Infrastructure Protection, General Services Administration; and Mr. James A. Savage, Jr., Deputy Special Agent in Charge, Financial Crimes Division, Secret Service.

Panel II: Mr. Michehl R. Gent, President, North American Electric Reliability Council, and Mr. Christopher Klaus, Founder and Chief Technology Officer, Internet Security Systems, Inc.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Joe Steinberg, an intern in our office, be allowed to be on the floor during today's deliberations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent that Andrea Witt and Matthew Baggett of my staff be allowed the privilege of the floor during the duration of debate on this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I ask unanimous consent that Stephanie Zawistowski be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Madam President, I ask unanimous consent that Scott Holmer of my office be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2299

Mr. REID. Mr. President, I ask unanimous consent that second-degree amendments to the Transportation Appropriations Act may be filed until 12:30 p.m. tomorrow, Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION DISCHARGED

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nomination and that it be placed on the Executive Calendar: Josefina Carbonell, of Florida, to be Assistant Secretary for Aging, Department of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 26, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 12 noon, Thursday, July 26. I further ask consent that on Thursday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be 1 hour of debate equally divided between Senators DASCHLE and LOTT or their designees prior to the 1 p.m. cloture vote on the substitute amendment to the Transportation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as has been outlined, the Senate will convene at 12 noon tomorrow, with 1 hour of debate prior to a 1 p.m. cloture vote on the substitute amendment to the Transportation Appropriations Act.

ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Thursday, July 26, 2001, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 25, 2001:

DEPARTMENT OF THE TREASURY

JAMES GILLERAN, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 23, 2002, VICE ELLEN SEIDMAN, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KENNETH M. DONOHUE, SR., OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE SUSAN GAFFNEY, RESIGNED.

NUCLEAR REGULATORY COMMISSION

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2006. (REAPPOINTMENT)

ENVIRONMENTAL PROTECTION AGENCY

MARIANNE LAMONT HORINKO, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE TIMOTHY FIELDS, JR., RESIGNED.

DELTA REGIONAL AUTHORITY

P. H. JOHNSON, OF MISSISSIPPI, TO BE FEDERAL COCHAIRPERSON, DELTA REGIONAL AUTHORITY. (NEW POSITION)

DEPARTMENT OF STATE

JOSEPH M. DETHOMAS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR THE U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR, VICE DONALD STUART HAYS.

MICHAEL E. MALINOWSKI, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

ARLENE RENDER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

AGENCY FOR INTERNATIONAL DEVELOPMENT

PATRICK M. CRONIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE THOMAS H. FOX, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE COLE, OF INDIANA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS, VICE WILLIAM R. FERRIS, TERM EXPIRING.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate July 25, 2001:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

WADE F. HORN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

SMALL BUSINESS ADMINISTRATION

HECTOR V. BARRETO, JR., OF CALIFORNIA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, July 25, 2001*

The House met at 10 a.m.

The Reverend Thomas A. Cappelloni, Holy Name of Jesus Parish, Scranton, Pennsylvania, offered the following prayer:

Father, all powerful and everloving God, we praise Your oneness and truth.

We laud You as the God of creation and the father of Jesus our Saviour. He enriches us with His witness of justice and truth. He lived and died that we might be reborn in the spirit and filled with love for all people.

Once You chose a people, gave them a destiny, and when You brought them out of bondage to freedom, they carried with them the promise that all nations would be blessed and all people could be free. What the prophets pledged has come to pass in every generation. Our fathers came to this land as of out of the desert, into a place of promise and hope. In our time You still lead us to a blessed vision of peace.

You guide everything in wisdom and love. Accept the prayer we offer for our Nation. By the wisdom of our representatives and the integrity of this Congress, may harmony and justice be secured in lasting prosperity and peace.

These men and women stretch out their hands to share with You the government of Your holy people. Protect them by Your grace. Look upon this assembly of our national leaders and give them Your spirit of wisdom. May they always act in accordance with Your will and let their decisions be for the peace and the well-being of all.

We ask this through the holy name of our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. PUTNAM) come forward and lead the House in the Pledge of Allegiance.

Mr. PUTNAM led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be 10 one-minutes on each side.

WELCOMING THE REVEREND THOMAS A. CAPPELLONI

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute.)

Mr. SHERWOOD. Mr. Speaker, it is my privilege to welcome as our guest chaplain Father Thomas Cappelloni of the Holy Name of Jesus Church in Scranton, Pennsylvania. I would also like to take this opportunity to thank him for that wonderful invocation as well as to offer the Father my congratulations. This year marked 25 years since Father Cappelloni was ordained as a priest and gave his life to God and the community.

Father was born in Scranton, Pennsylvania, where he attended high school and continued his education at the University of Scranton. Then he continued his studies and his desire to become a priest led him to Mount St. Mary's College and Seminary where he earned a master's in systematic theology and in theology in counseling.

When Father Cappelloni returned to northeastern Pennsylvania, he spent time on the faculties of several schools and took the time to guide and counsel young students. He received his first pastoral assignment to St. Martin of Tours in Jackson, Pennsylvania, where he restored the church into a beautiful house of worship and served there until recently when he was transferred to Holy Name of Jesus in Scranton.

Mr. Speaker, it is my privilege to say that not only has Father Cappelloni earned the respect of his parishioners for his altruism and kindness but also his peers have recognized his intelligence and wisdom by naming him the Dean of Catholic Clergy for all of Susquehanna County.

Mr. Speaker, the good Father is an accomplished chef, an excellent musician, a host without par and a humanitarian above all. I thank him for being here today. His presence and blessing on this House means so very much to me and the people I represent.

THE CHECK IS IN THE MAIL

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, in the next couple of weeks, Americans will be receiving a tax refund of moneys paid to the Federal Government. The other side of the aisle claimed America could not afford it, we should not do it, it is not right.

Ladies and gentlemen, when that check arrives in the mail of those millions of Americans, I think they will thank the House of Representatives for their efforts in restoring faith in government. We are returning surplus to them and making certain our economy can be reinvigorated by that $55 billion of revenue we are sending home to them. Not our money, not our money here in Washington, but the money of the hardworking taxpayer.

The minority leader recently said if he had a chance to do it again, he would raise your taxes. Ladies and gentlemen, that is the difference of the political parties in power. Republicans would like to give you your money back. Others on the other side would like to take more and waste more of your hard-earned cash. The economy is struggling. Unemployment, layoffs are occurring throughout America. Let us signal to our constituents whose side we are on.

Ladies and gentlemen, we are on your side, hardworking Americans, giving you faith in government, restoring freedom, and making certain your hard-earned dollars are not wasted in the Capitol. If we keep it here, you can be assured it will be wasted. If we send it home, you will buy clothes for your kids, take your summer vacation, put your money in your savings account, but, after all, God bless you, it is your money.

RECOGNIZING 150TH ANNIVERSARY OF THOMASVILLE, NORTH CAROLINA

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I rise today to pay tribute to the city of Thomasville, North Carolina, part of which is located in my congressional district, as residents begin to celebrate the 150th anniversary of the founding of their city. The name Thomasville might sound familiar to my colleagues, because the Thomasville Furniture Company was established there and still has its headquarters in the Chair City. This fine company has made the city's name famous around the world. The 18-foot-

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

high chair downtown serves as a symbol of the industry's importance to the city.

While Thomasville is synonymous with furniture, it is a city of around 20,000 people and a thriving community in North Carolina's Piedmont Triad region.

Thomasville is named for State Senator John W. Thomas who helped pioneer the construction of the first railroad across North Carolina. He founded the town of Thomasville next to the railroad in 1852.

I salute my good friend Mayor Hubert Leonard and wish all the best to the residents of Thomasville as they celebrate the city's 150th anniversary.

CONGRATULATING THE LIDSKY FAMILY AND THE FOUNDATION FIGHTING BLINDNESS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the Lidsky family from my congressional district has inspired me to work toward a cure for eye degenerative diseases. Three out of the four of the Lidsky children—Ilana, Isaac and Daria—suffer from retinitis pigmentosa, a disease which in time will lead to blindness.

The Lidskys fight valiantly each and every day by broadening their network, working closely with scientists and organizing events to help raise research funds. On Sunday, September 9, together with the Foundation Fighting Blindness, the Lidskys will host the Generations Luncheon and Bazaar. The Foundation Fighting Blindness is rated by the National Health Council as the leading charity for the percentage of program dollars spent on research.

At present, 80 million Americans are at risk for developing diseases that can potentially lead to blindness. But fortunately through the efforts of the Foundation and of families like the Lidskys, the pace of research has accelerated. As a result, the once distant goal, a cure for blindness, is now within sight.

I ask that my colleagues help me in congratulating the Lidskys and the Foundation for their dedication in fighting eye degenerative diseases.

JUDGE RULES BONUSES IN ORDER IN WAKE OF CALIFORNIA POWER SHORTAGE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Even though California consumers are suffering the worst power shortage in history and outrageous costs, a Federal judge has ruled that the Pacific Gas and Electric Company can pay their top managers $17.5 million in bonuses. Now, if that is not enough to shock your crock pot, the company said, and I quote, "If we don't pay this $17.5 million, they're going to leave us."

Unbelievable. These fat cats should not be rewarded, they should be fired. Throw these bums out. Beam me up.

I yield back the fact that they should hire a proctologist to perform a brain scan on that Federal judge who is somewhere in Disney World.

ARCHER MEDICAL SAVINGS ACCOUNTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, when President Clinton took office, there were 38 million people uninsured. After 8 years, there are now roughly 43 million Americans who have no health insurance. Of those people, more than half of them are small business owners, their families, their employees, their loved ones.

The goal of a patients' bill of rights should be to help these people get good health insurance and truly reduce the number of uninsured. One excellent way to do that is to expand Archer medical savings accounts. Increasing access to medical savings accounts would help those people struggling to make ends meet. Medical savings accounts help people get the care they need from a doctor they know. You choose your doctor. You choose your hospital.

Increase the number of insured Americans. Support medical savings accounts and the Fletcher bill.

PATIENTS' BILL OF RIGHTS—DIRECT ACCESS TO OB–GYN CARE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about a key difference between the Ganske-Dingell bipartisan patients' bill of rights and the Fletcher alternative: direct access to OB–GYN care.

During my tenure in the State assembly, I wrote California's law that gives women direct access to their OB–GYN. This is a simple issue. A woman should not need a permission slip to see her doctor.

Women have different medical needs than men. OB–GYNs often have the most appropriate medical education and experience to address a woman's health care needs. Statistics in fact show that if there are too many barriers between a woman and her doctor, she is less likely to get the medical care that she needs.

The Ganske-Dingell bipartisan patients' bill of rights will require all health plans to give women direct access to their OB–GYN. The Fletcher alternative on the other hand includes conditions that could increase the time, the expense, and the inconvenience of a necessary doctor's appointment.

I urge my colleagues to vote for the real patients' bill of rights, the Ganske-Dingell bill, and give their female constituents access to the health care they deserve.

□ 1015

WHY UNLIMITED LAWSUITS WILL NOT IMPROVE HEALTH CARE

(Mr. TIBERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIBERI. Mr. Speaker, President Bush has pledged to sign into law the Patients' Bill of Rights that provides a full range of patient protections, including direct access to OB-GYNS, physician choice, emergency room coverage, pediatric care, and a ban on "gag" rules. What President Bush will not support is unlimited lawsuits.

A Washington poll released in early June showed a majority of Americans, 49 percent to 40 percent, prefer a different approach than one of unlimited lawsuits, believing that more litigation will drive up costs of medical care in America.

It must be clear that HMOs are not exempt from lawsuits. Federal courts have ruled 15 times since 1995 that HMOs can be held liable. ERISA does not shield HMOs from medical malpractice liability; it only preempts State laws on coverage of administration of benefits decisions.

Unlimited lawsuits will not improve patient care in America. A recent Harvard University study found that "almost 60 percent of costs to the malpractice system would wind up in bank accounts of lawyers, court administrators and insurance systems."

The goal of patients' rights legislation should be about reducing the ranks of the uninsured and increasing access to health care coverage.

Mr. Speaker, I urge support of the Fletcher bill.

VOTE FOR THE REAL PATIENTS' BILL OF RIGHTS

(Mr. SCHIFF asked and was given permission to address the House for 1 minute.)

Mr. SCHIFF. Mr. Speaker, I rise in support of the Norwood-Dingell-Ganske Patients' Bill of Rights.

For 5 years now, advocates of better health care have advocated for the real Patients' Bill of Rights, only to see that legislation shot down in this

House. This year, the fight goes on, and this year, as in the fight with campaign finance reform, opponents of a real Patients' Bill of Rights have offered a phoney. They cannot defeat it directly, so they try to defeat it indirectly with a watered-down, industry-supported version.

Mr. Speaker, we must reject this. To use the parlance of the industry itself, we ought to tell the industry, we need strong medicine to restore the relationship between patients and their physicians, and that bill, that alternative, is simply not on the formulary. That bill exceeds the scope of coverage. That bill simply cannot get in the door without referrals to specialists.

We need a real Patients' Bill of Rights. I worked on a real Patients' Bill of Rights in California and, like my colleague, we passed that bill, as in 30 other States, and now the alternative here, the Fletcher bill, would undermine the work of so many States around the country that have worked to foster the relationship between patient and physician. This cannot be allowed to happen.

NATIONAL MISSILE DEFENSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, one of the marks of a good leader is the ability to make those he leads feel secure from harm.

It has now been 2 decades since President Reagan pointed out that we have no defense from a missile attack. The American people want to be safe from any missile attack, but we still have not deployed a defense system.

President Bush brought implementation of a national missile defense system one giant step closer this week. He met with Russian President Putin to talk about it. President Putin is now more open-minded about that issue, and both leaders will be working hard to reduce the number of nuclear missiles in our national arsenals.

Mr. Speaker, this is a major step forward for our national security. America and the world are a little safer today than we were yesterday. And when Bush and Putin have come to a final agreement on missile arsenals and when we finally have a national missile defense system, every American will sleep more soundly each night with the knowledge that their President is doing everything possible to keep them safe.

SUPPORT GANSKE-DINGELL PATIENTS' PROTECTION ACT

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, after fighting for 5 years, we finally have an opportunity to pass real managed care reform in the House of Representatives. The American people are demanding health care, and it is time for us to stand up and deliver.

By passing the Ganske-Dingell Patients' Protection Act, patients will have access to emergency care, women will be able to see their OB-GYN without health plan interference, and children will have timely access to pediatric specialists.

Mr. Speaker, make no mistake: the Ganske bill is comprehensive, quality health care; a positive step toward improving Americans' health care, putting health care ahead of profits.

When it is time to vote for managed care, I urge my colleagues to vote for the reform that has an option that puts patients and doctors back in charge of their health care.

A TRIBUTE TO FATHER JIM WILLIG

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, this morning I would like to pay a special tribute to a recently departed friend, Father Jim Willig, a dedicated and dynamic Catholic priest who was called by our Lord last month after a 2-year battle with cancer.

Even while suffering from a debilitating illness, Father Willig continued to give to our community, sharing his memories and his message and inspirational book: Lessons From the School of Suffering: A Young Priest With Cancer Teaches Us How to Live.

The Cincinnati Enquirer noted that even while he faced impending death, "his faith remained strong and was an inspiration to others, like a lighthouse on a dark and storm-tossed sea." The Cincinnati Post accurately stated that "few touched as many lives as Father Jim Willig."

Father Willig will be sorely missed in the Cincinnati community, not only by his parents and 10 brothers and sisters and nieces and nephews, but by the countless people he has touched in his ministry.

Father Jim, your flock deeply misses you, but we know you are with our Lord.

GANSKE-DINGELL-NORWOOD BEST CHOICE FOR AMERICA

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, my constituents want a strong and enforceable Patients' Bill of Rights. They are tired of HMOs who deny them the health care that they need. They are tired of insurance company bureaucrats who overrule doctors' decisions. They want a bill like Ganske-Dingell-Norwood and others to protect the patients that they are supposedly required to protect because only this bill gives every American the right to choose their own doctor, the right to see health care specialists, the right to have direct access to an OB-GYN or a pediatrician, and the right to get prescription drugs that their physicians prescribe.

Only this bill holds health care plans accountable when they make a decision that harms or kills someone. Only this bill ensures that external reviews of medical decisions are conducted by independent and qualified experts.

We should take a chapter out of what happened in California. Our Governor there passed major reforms in HMOs, and I think that this House should take a look at what has happened there. They have done a fantastic job in actually being able to negotiate before they actually have to go to the court house.

Mr. Speaker, I ask for the support of my colleagues on this legislation.

V-CHIP TECHNOLOGY UNDERUTILIZED BY AMERICANS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise to highlight a study released yesterday by the Kaiser Family Foundation indicating that few parents use the V-chip to block their children from viewing sex and violence on television.

Mr. Speaker, Congress included a provision in the Telecom Act of 1996 that television sets 13 inches or larger sold after January 1, 2000, must be equipped with a V-chip to screen out objectionable programming.

Well, yesterday's study finds that 40 percent of American parents now own a TV equipped with a V-chip. However, despite high levels of concern about children's exposure to TV sex and violence, just 17 percent of these parents who own a V-chip, or 7 percent of all parents, are using it to block programs with sexual or violent content.

Some of my colleagues are quick to rely on government as a panacea for all of our problems. Yesterday's report reveals that the long arm of government regulation is no substitute for good parenting.

BIPARTISAN PATIENTS' PROTECTION ACT

(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend.)

Ms. WATSON of California. Mr. Speaker, I rise today to voice my strong support for the bipartisan Patient Protection Act, H.R. 2563, that will come before the House later this week.

The Ganske-Dingell bill is a step in the right direction for American health care. Doctors and patients must live with the outcome of their decisions. Now it is time for the health maintenance organizations to do the same.

Mr. Speaker, in many instances, HMOs have streamlined services and cut the cost of health administration. Spiraling costs seem to be contained, and medical options seem to be plentiful. However, containment of costs have also adversely affected the quality of patient care.

We now know that reform must happen. We now know that the middleman must be held accountable and liable for medical decisions. We now know that the basic American principles and values must be inherent in medical public policy.

The bipartisan Patient Protection Act gives all Americans the right to choose their own doctors, to hold a plan accountable when the plan makes a decision that could kill.

ENERGY POLICY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, Americans are looking for quick answers on the present energy prices and burden that is put on families and farmers. Nuclear power can help lead us in the right direction to address this problem.

Nuclear power plants provide about one-fifth of America's electricity, and about 30 percent of California's electricity. They also run 24 hours a day, 7 days a week, and are not affected by inclement weather, such as solar and wind.

Besides being able to run efficiently, nuclear power has a strong environmental record. For example, nuclear plants are free of numerous gases such as sulfur dioxide, mercury, carbon emissions, and nitrogen oxide.

Mr. Speaker, it is clear that nuclear power is the answer to at least alleviating the current energy crisis. Nuclear power is shown to be a reliable source, which is why the Congress must take the necessary steps to use nuclear power to address the energy shortages, not just in California, but, of course, the rising energy prices across the country.

SUPPORT THE PATIENTS' BILL OF RIGHTS

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, too many times when Americans get sick, not only do they have to fight their illness, but they also have to fight their managed care company. That is not right. It is up to the Congress now to make things happen.

For the last 2 years, we passed a bill and the Republicans have killed it in conference committee. It is time to pass the bill. If my colleagues agree with me that one should see the doctor of one's choice, then they should vote for this. If they agree that that doctor should have the decision to decide if one should see a specialist or not, then they should be in favor of this. If they agree that we should not have a gag order, that doctors should be able to provide the options that one should have, then my colleagues should vote for the Patients' Bill of Rights.

Mr. Speaker, it is up to us now. It allows a review. We did it in Texas. The then Governor, now President Bush, decided then to allow it to go through. Now he has a problem with it. We are only asking that we do the same thing that we have allowed in Texas and that is to allow an opportunity for people to see a doctor of their choice, to allow an opportunity for the physicians to decide on the specialists, to allow them an opportunity to have an external review.

Mr. Speaker, I ask that my colleagues support the Patients' Bill of Rights.

TIME TO IMPLEMENT COMPREHENSIVE AND BALANCED ENERGY POLICY

(Mrs. CAPITO asked and was given permission to address the House for 1 minute.)

Mrs. CAPITO. Mr. Speaker, I come to the floor today to urge this Congress to act immediately and implement a comprehensive and balanced energy policy.

The Bush administration has provided much-needed leadership on this issue, stepping up to the plate and articulating a clear plan to address our energy needs.

One part of the President's plan calls for the construction of 1900 new power plants to catch up with the current demand for electricity. Yesterday, I introduced a bill that calls for construction of one of those plants, using clean-coal technology called coal gasification.

Building more coal gasification plants makes sense for a number of reasons. Number one, the process removes virtually all the sulfur, nitrogen, and other pollutants, leaving cleaner air and water for future generations. Two, it uses an abundant resource, coal, which is the dominant source of power in our country; and three, it means jobs. Building new power plants, coal-based or not, creates lots of new jobs, creates rail operators, barge captains, truckers, construction workers, and also those that will be running the day-to-day operations in the plant.

Today, more than ever, the U.S. needs to adopt a policy making advanced clean coal technology easier and more productive. I look forward to working with this Congress to advance this technology.

PASS MEANINGFUL PATIENTS' BILL OF RIGHTS

(Mr. ROSS asked and was given permission to address the House for 1 minute.)

Mr. ROSS. Mr. Speaker, I am proud to be a cosponsor of the Ganske-Dingell-Norwood-Berry managed care reform legislation, H.R. 2563.

I would like to take a moment to talk about one of my constituents in south Arkansas. Her name is Wendelyn Osborne, who provides a real life example of the need for a meaningful Patients' Bill of Rights.

□ 1030

Mrs. Osborne has a congenital and rare bone disease that involves continuous growth of her jawbone. She was not expected to live past the age of 14. She is now 35.

Wendelyn's disease requires frequent trips to her specialist and surgeries. Unfortunately, each time she has to have an appointment, she must go through her primary care physician. Additionally, her surgeries to correct the continued growth of her jawbone, which are life-threatening, are considered cosmetic, but they are not.

The Ganske-Dingell-Norwood-Berry bill will help Wendelyn in the following ways. It will remove the gatekeeper to her medical care and allow her care to be coordinated by her specialist, and it will give her a fair and timely external appeals process that will allow her to appeal her case to independent medical experts.

Let us pass this bill. Let us pass it for Wendelyn Osborne.

INTRODUCING CHILDREN'S AIR TRAVEL PROTECTION ACT AND PARENTAL RIGHTS PROTECTION ACT

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Mr. Speaker, last year, as thousands of children do every day, a 15-year-old girl from my district logged onto her computer and struck up an online acquaintance. Little did she or her family realize that this was the beginning of a nightmare that continues to this day.

Lindsay's new online friend turned out to be a sexual predator who eventually convinced her to run away from her home in Florida, eventually to Greece. One of the most troubling aspects of this case was the lack of support and the disinterest from Federal authorities. Not only was the FBI reluctant to become involved, but the U.S. Attorney's Office has declined to enforce existing laws, claiming that this series of crimes involving interstate and international air transport and the use of the Internet to lure a child away from home into international sexual servitude is not a matter of Federal jurisdiction.

In response to this failure and the failure of the FAA and the Department of Transportation to use their rulemaking authority to address any of these issues, I have filed legislation that would clarify the power of the Federal Government to bring such predators to justice.

The Children's Air Travel Protection Act and the Parental Rights Protection Act would require that airlines get a written certification that a minor has parental or guardian's permission and would forbid the use of the Internet to interfere with a parent's authority or induce a minor to run away from home.

I would encourage my colleagues to join me in cosponsoring H.R. 2600 and 2601.

PATIENTS' BILL OF RIGHTS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, today I rise to voice my strong support for a real Patients' Bill of Rights, H.R. 2563, which is sponsored by the gentleman from Iowa (Mr. GANSKE), the gentleman from Michigan (Mr. DINGELL), the gentleman from Georgia (Mr. NORWOOD), and the gentleman from Arkansas (Mr. BERRY).

In working to craft patient protection, we must ask ourselves, are we really helping the patient? One of the biggest concerns raised by the proponents of the competing bill is that the liability limit on punitive damages is too high in the Ganske-Dingell-Norwood-Berry bill.

But I ask the Members, can anyone put a price tag on someone's life? If an HMO is found guilty of negligence, they should be held accountable for their actions; and HMOs exist to help patients, not to harm them. Opponents of the legislation argue that employers will be hurt by the liability provisions in this bill. This is misleading. Employers who do not directly participate in making medical decisions are protected from liability. Employers are also protected by language in the bill which allows them to name a designated decisionmaker to make decisions on their behalf.

I urge my colleagues to vote for H.R. 2563, the Ganske-Dingell-Norwood-Berry bill.

PROVIDING FOR CONSIDERATION OF H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 206

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. The amendment printed in the Congressional Record and numbered 5 pursuant to clause 8 of rule XVIII may be offered only by Representative Smith of New Jersey or his designee and only at the appropriate point in the reading of the bill. All points of order against that amendment are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 206 is an open rule providing for the consideration of H.R. 2590, the fiscal year 2002 Treasury-Postal Service appropriations bill. It provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and it waives all points of order against consideration of the bill.

House Resolution 206 also provides that the two amendments printed in the report of the Committee on Rules accompanying the rule shall be considered as adopted. This rule waives all points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI, which prohibits unauthorized or legislative provisions in an appropriations bill.

House Resolution 206 provides that the bill shall be considered for amendment by paragraph. The rule also waives all points of order against the amendment printed in the CONGRESSIONAL RECORD and numbered 5, which may be offered only by the gentleman from New Jersey (Mr. SMITH) or his designee, and only at the appropriate point in the reading of the bill, and shall be considered as read.

The rule allows the Chairman of the Committee of the Whole to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule provides for one motion to recommit, with or without instructions, as is the right of the minority. The underlying bill, H.R. 2590, provides a total of roughly $17 billion in funding for a variety of Federal agencies and departments, about $1.1 billion more than the current fiscal year, and $400 million more than President Bush's budget request.

The Committee on Rules approved this rule by voice vote last night, and I urge my colleagues to support it so that we may proceed with general debate and consideration of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Treasury-Postal Operations appropriations bill for fiscal year 2002 and in support of the rule.

I want to congratulate the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), for their work on this bill and for their recognition of the importance to the entire country of the necessary departments and agencies it funds.

For a moment, let me just say how important this bill is to the American people. It funds such diverse agencies as Customs and the Postal Service. It increases funding for the Office of National Drug Control Policy and the National Archives.

Mr. Speaker, in addition to the programs and agencies of national interest that I just alluded to, this bill contains a number of significant projects important to my home State of Florida that I would like to highlight briefly.

I am pleased that this bill contains $15 million for the completion of the new Federal courthouse in Miami. I cannot overemphasize the importance to our region that this facility will have. I know full well the burdens that our courts and judges face today. They have a difficult job in ideal circumstances. However, when these jurists are not given adequate facilities and resources, their job is made that much more difficult.

For the very same reasons, it is worth noting that this bill continues significant funding for the proposed new United States Courthouse in Orlando. I am especially pleased to see that the Committee on Appropriations has directed that the courthouse must complement the historic community and the future Florida A&M college of law.

As an alumnus of the law school, I am certain that the new facility in Orlando will continue the proud tradition of FAMU.

Additionally, this bill contains funding for improvements to the Federal building in Jacksonville and to the Federal Courthouse in Tallahassee. Let me be perfectly clear, these are necessary funds; and, frankly, they are needed throughout the country.

As the ranking member, the gentleman from Maryland (Mr. HOYER) and the others note in the report that accompanies this bill, this is not an issue of luxury for the judiciary. The courthouse requests represent an effort to keep up with the skyrocketing judicial workload while ensuring a safe environment for employees, detainees, and the public. I could not agree more.

Mr. Speaker, very soon in this debate my colleague and neighbor, the gentlewoman from Florida (Mrs. MEEK), will seek time to explain a very worthy program that she has fought tirelessly for.

Let me briefly extend my support to the First Accounts program. While the gentlewoman from Florida (Mrs. MEEK) will go into more detail, suffice it to say that this is one of the few programs in this bill which specifically targets low-income Americans. I wholeheartedly support the program and urge its full funding and authorization.

Finally, Mr. Speaker, I would like to discuss what I perceive to be one major omission of this otherwise good bill. This bill funds the Federal Election Commission. It has now been 240 days since our last Federal election, 240 days since we discovered what problems exist in this country when it comes to elections.

Mr. Speaker, I am embarrassed to report to the American people that, since the last election, Congress has done nothing, nothing in the area of appropriations. While we are spending millions of dollars on the Salt Lake Olympics and billions on a tax cut for the wealthy, we have not spent one penny to fix the problems that plague the last election, not one cent.

Columnist E.J. Dionne said yesterday, "Some problems are genuinely difficult to solve. Some problems are easy. When the solutions are clear, a failure to act is irresponsible, the result of a lack of will."

I submit to my colleagues and to the American people that the solutions to our disgraceful election systems are abundantly clear. Congress' failure to act is worse than irresponsible, it is shameful. The amendment I will offer later today is the first step toward fixing the problems that our States face in updating and modernizing their election equipment.

In fact, to my knowledge, Mr. Speaker, this will be the first time that Congress discusses this issue in the context of floor consideration of a relevant appropriations measure. Sure, Members have spoken in special orders, in travel around the country, or in hearings. They have had 1-minutes here on the floor. But, until today, we have been unable to discuss dollars and cents. I look forward to the candid debate that I am certain the amendment will generate.

With that aside, Mr. Speaker, let me again say that this is a reasonably good bill, and the rule is fine as far as it goes. I thank the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), for bringing this bill to the House.

This is a mostly bipartisan bill that helps millions of Americans from coast to coast, and I urge passage of the bill and adoption of the rule.

□ 1045

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4½ minutes to my friend, the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time, Mr. Speaker, and I rise in support of the rule. I think the rule is a fair rule that gives opportunity to debate this bill and protects some of the more controversial items that are within the bill for full debate.

I also want to say that I agree with the member of the Committee on Rules, the gentleman from Florida (Mr. HASTINGS), who has observed that this is a good bill and deserves passage. He is correct on that. I will be speaking more to that in the course of general debate.

Mr. Speaker, I wanted to rise to comment on the amendment that the gentleman from Florida (Mr. HASTINGS) will offer at the time of the bill's consideration. He will offer an amendment that will provide $600 million, as I understand it, to the FEC, for the purposes of effecting reforms in our election process throughout the United States.

It is clear that we need to invest in democracy. We invest a lot of dollars in national defense. We invest a lot of dollars in health care, education, and domestic spending. We invest a lot of dollars in entitlement programs. All of those dollars, in my opinion, are well invested, for the most part. But the Federal Government, Mr. Speaker, has never invested dollars in Federal elections. Never.

We have always allowed that to be a burden that we place on the States and local subdivisions. We assumed, correctly in most instances, incorrectly in some, that those elections would be held in a manner that would serve our democracy well. But, Mr. Speaker, our democracy is not served well when some Americans go to the polls, having registered to vote, and show up at the polls and, in the first instance, may find that their name is not on the list and, therefore, they are not allowed to vote, but are told that someone will try to get on the telephone and see if it can be straightened out, but find that in this high-tech age in which we find ourselves happily that lo and behold they cannot get through to the central office and cannot find out whether that individual is able to vote.

Too many jurisdictions do not have the ability to provide a provisional ballot to say, here, go ahead and vote, and then when tomorrow comes we will have some time and we will check to see whether or not this individual is a valid voter; and if they are, because they are entitled to vote, they will also ensure that that person's vote is counted. Every American that goes to the poll assumes that they go to the poll for the purposes of expressing their opinion in this, the greatest democracy on the face of the earth. They expect to play a role in the decision-making process of their country. And if their vote is not counted, they are discriminated against, they are precluded from participating fully in our democracy.

Happily, the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, and myself and many others, including the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), have sponsored legislation which will do what the gentleman from Florida seeks to do, and that is, A, provide resources; provide resources for technology that will ensure at least that technology does not undermine the voter's intent and constitutional right. In addition, it will say to States who take any Federal dollars that they need to comply with certain requirements; that they need to have a registration system that works; that they need not disqualify, they must not disqualify otherwise totally qualified Americans from voting by some inadvertent or mistaken or perhaps conscious effort to undermine the ability to vote of some Americans.

In addition, we are going to provide for provisional ballots, good registration, purging that is not unfair, and a system that has technology that works for every American. That is the minimal that we ought to do as a Nation.

We are proposing the investment this year, for which we are budgeting fiscal year 2002, of $550,000 million. That sounds like a lot of money. It is a lot of money. But spread across the 50 States, it is not. And I would hope that we will have full debate on the gentleman's amendment.

I am not sure what the disposition will be today, but in the final analysis we ought to adopt the gentleman's proposal. It is a proposal for democracy for our Nation's ideals and for our objectives.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume merely to respond to the distinguished gentleman from Maryland, the ranking member of the committee, that the jurisdiction allows for what is being contemplated today. I want to thank the gentleman from Maryland (Mr. HOYER) because I know of his sincerity in proposing measures that will assist in remedying the many problems in this country with reference to our election system.

I have been asked often, as I travel about the country, how much is it going to cost? And my reply has been and will continue to be that democracy does not have a price. We spend money around here on fleas knees studies. So it would seem to me that we could find money to correct problems that exist throughout this Nation with reference to the infrastructure for our election systems.

Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today in opposition to the previous question. I am very concerned about the fact that we are looking today at allowing a congressional pay raise as part of this rule.

I have to tell my colleagues that at this time, when we have just completed a decade where the watchwords have been fiscal responsibility, where we have been able to move to the point where we no longer have annual budget deficits, where we have actually paid down some debt, where we have had a great history over the last few years, and since I came to Congress to continue in that tradition, to preach frugality, to show fiscal responsibility, to be aggressive about paying down the debt, in my own State right now we have uranium miners, we have people who are exposed to radiation through fallout from Federal testing of nuclear weapons. They are dying right now and the Federal Government will not even fund them the compensation they are due. The Federal Government is sending them IOUs saying, well, we do owe you this money, we just do not have the money to give you, but we are okay giving a congressional pay raise.

I just do not think that fits with the times. And I think it is up to the Members of Congress to stand up and say we really do believe in fiscal responsibility. It is important we make a statement to the American people about our concerns about being responsible with their tax dollars.

This is an interesting procedural issue. We do not get to specifically have a straight up-or-down vote on a pay raise. I think we should. I think people deserve that. I think Congressmen ought to stand up and say whether or not they are for that. So for that reason I make these comments in opposition to the previous question and urge my fellow Members to vote "no" as well.

Mr. LINDER. Mr. Speaker, I yield myself 30 seconds to point out that nothing in this bill whatsoever deals with a Member of Congress' pay. No word whatsoever in this bill deals with congressional pay.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would say to the gentleman from Georgia (Mr. LINDER) that it is regrettable that it does not, because I for one believe that we are deserving of a cost of living adjustment, just so I go on record.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to clarify the situation. We have historically, on this bill, on the previous question, had a vote. We have had a vote because we think the public is entitled to that. If the previous question were not passed, an amendment may be in order to preclude the cost of living adjustment for Members.

Long ago we decided, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, and the gentleman from Missouri (Mr. GEPHARDT), the minority leader, that that was the fair and proper thing to do. Everybody in the leadership on both sides has agreed that cost-of-living adjustments that go to everybody in the Federal service are justified.

This is not in that sense a pay raise. It is what most Federal Government employees receive, and we will receive less than, by about 1.2 percent, than Federal employees do.

Mr. LINDER. Mr. Speaker, will the gentleman yield, and I will be glad to yield him a minute of my time?

Mr. HASTINGS of Florida. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, I would ask, does the gentleman from Maryland expect to vote for the previous question?

Mr. HOYER. Mr. Speaker, if the gentleman from Florida will yield to me for a response.

Mr. HASTINGS of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. The gentleman from Maryland will certainly vote for the previous question, and I urge the Members to vote for the previous question.

Mr. LINDER. I thank the gentleman.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4½ minutes to my good friend and colleague, the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, first of all, I am humbled and privileged this morning to have been given time by a young man for whom I have great admiration and praise, the gentleman from Florida (Mr. HASTINGS), who is now a member of the Committee on Rules. God has wrought that I should stand here and be able to speak after he gives me the opportunity. I thank him so much.

I am pleased to be a member of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, serving with the gentleman from Oklahoma (Mr. ISTOOK) and my good friend, the gentleman from Maryland (Mr. HOYER); and I rise in support of the rule for this bill. It is an open rule. The rule provides a self-executing amendment that I offered that will make the $10 million in fiscal year 2002 funding that the bill provides for the First Accounts program contingent upon the authorization of the program.

The gentleman from Ohio (Mr. OXLEY), of the Committee on Financial Services, had asked the Committee on Rules not to protect the First Accounts program from a point of order. The self-executing amendment is a means to address the concerns of the gentleman from Ohio, and I thank him and the Committee on Rules for supporting my amendment.

The First Accounts initiative is a demonstration program that is designed to help check-cashing ripoffs by improving the access of low- and moderate-income Americans to basic financial services that most of us take for granted. Most of us take for granted that we can go to the nearest corner to an ATM machine or to a bank and have our financial services needs met. That is not so in all communities in this country. It is one of the few programs in this Treasury, Postal bill that is specifically geared to helping low-income Americans.

It is estimated that 8.4 million low-income American families, 22 percent of all such families, do not have bank accounts. And, remember, families without bank accounts frequently resort to check-cashing services to pay bills and cash checks. My colleagues may have read in the newspapers recently of one very large check-cashing firm which has now been sued for having 30 stores across this country that were charging very high interest to low-income people. It is a ripoff, it is a sham, and of course this First Accounts services will allow people who do not have banks in their areas, who do not have credit unions in their areas to be able to cash their checks without having to pay such large interest on it.

We want to provide these "unbanked" families with low-cost access to financial services, and we think this will increase the likelihood that they will begin a savings program and accumulate some assets. It also will significantly decrease their reliance upon high-cost check-cashing services. In some of these neighborhoods, dotted throughout the neighborhoods, there are these big signs "check cashing services"; and of course on the day these people are paid, they are standing in line to get their checks cashed at these high-interest ripoffs in their community.

We are very happy that there is a placeholder in the bill to address election reform. And of course, the gentleman from Florida (Mr. HASTINGS) has spoken to that and so has the gentleman from Maryland (Mr. HOYER). If this country is going to right itself from the many wrongs we have seen in the last election, there certainly will be great attention to election reform. We must address it this year, not only for the problems we have in Florida but the problems we have throughout this Nation.

Because this is a Nation of laws, we must begin to provide laws and provide resources so people will get the right to vote. I cannot emphasize that too strongly and that people have died for this right. Certainly we in Congress would be remiss if we do not give them a fine, strong intellectual system; and I think this bill will sooner or later provide for that.

☐ 1100

Mr. Speaker, I thank the committee and the people who are members of this committee. We will go forward certainly from this after passing this strong rule to pass the Treasury and General Government Appropriations bill.

Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) and the members of the Subcommittee on Treasury, Postal Service, and General Government.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this amendment, consistent with the work of the gentlewoman from Florida (Mrs. MEEK) and the chairman of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), is included in the rule as self-executing, and I thank the Committee on Rules for doing that.

I rise first to congratulate the gentlewoman from Florida for working on this issue. It is a critically important issue to millions of what the gentlewoman referred to as the "unbanked," those who are not in the banking system. They do not have checks or ATM cards. They get ripped off every week when they try to cash their check or when they need a little money to bide them over. It is a significant problem.

I am pleased that the gentleman from Ohio (Mr. OXLEY) and the gentlewoman from Florida (Mrs. MEEK) have reached an agreement on this; and I hope the Committee on Financial Services will, in the very near future, authorize this program so this money, which is now fenced, subject to authorization, can move forward and the Treasury Department can implement a program which is critically necessary.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge my colleagues to support the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MATHESON. Mr. Speaker, I object to the vote on grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 293, nays 129, not voting 11, as follows:

[Roll No. 267]

YEAS—293

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barr
Barton
Bass
Bentsen
Bereuter
Berman
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (SC)
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Carson (IN)
Castle
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
Eshoo
Farr
Fattah
Filner
Flake
Fletcher
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
Lampson
Largent
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Linder
Lowey
Lucas (OK)
Manzullo
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Pickering
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sawyer
Saxton
Schakowsky
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stark
Stenholm
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Traficant
Upton
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)

NAYS—129

Aderholt
Baird
Baldwin
Barcia
Barrett
Bartlett
Becerra
Berkley
Berry
Bilirakis
Blagojevich
Boswell
Brady (TX)
Brown (OH)
Bryant
Burr
Capito
Capps
Carson (OK)
Chabot
Chambliss
Coble
Costello
Davis (CA)
Davis, Jo Ann
DeMint
Dingell
Edwards
Emerson
English
Etheridge
Evans
Everett
Ferguson
Forbes
Fossella
Gekas
Gibbons
Goode

Graves
Green (WI)
Hart
Hayes
Hayworth
Hill
Hilleary
Holt
Honda
Hooley
Hostettler
Hulshof
Inslee
Israel
Jenkins
Johnson (IL)
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
Leach
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matheson
McIntyre
McKinney
Meehan
Mica
Moore
Napolitano
Northup
Ose
Paul
Peterson (MN)
Petri
Phelps
Pitts
Platts
Pomeroy
Price (NC)
Rehberg
Riley
Rivers
Rogers (MI)
Ross
Royce
Ryan (WI)
Sanchez
Sanders
Sandlin
Schaffer
Schiff
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Smith (WA)
Solis
Stearns
Strickland
Stump
Stupak
Tancredo
Terry
Thune
Thurman
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Velázquez
Vitter
Wu

NOT VOTING—11

Hutchinson
Hyde
Lantos
Lewis (CA)
Lipinski
McGovern
Scarborough
Skelton
Snyder
Spence
Young (FL)

☐ 1127

Mrs. EMERSON, Ms. KAPTUR, Messrs. HAYES, BERRY, LEWIS of Kentucky, SIMMONS, FORBES, SHUSTER, GIBBONS, KENNEDY of Minnesota, PITTS, SHERWOOD, LEACH, BILIRAKIS, TANCREDO, HILLEARY, POMEROY, STUMP, EVERETT, HILL, MOORE, and Ms. HART changed their vote from "yea" to "nay."

Messrs. PASTOR, HILLIARD, FRANK, LAFALCE, and Ms. PELOSI changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2002

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–159) on the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

☐ 1130

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2590, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2590.

☐ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present to the House H.R. 2590. This is the fiscal year 2002 Treasury, Postal Service, and General Government appropriations bill.

As reported, this bill, of course, is within the agreed-upon balanced budget that has been agreed to by the House with the Senate and the President. The bill, compared to the current fiscal year operations, is $1.1 billion above the current operations. It is also some $340 million above the original request from the White House, although that number, Mr. Chairman, was amended somewhat. The supplemental request included funds for the 2002 Winter Olympics, which has been funded through the supplemental and has been reallocated accordingly within this bill.

As reported, Mr. Chairman, the spending allocation enables us to do a number of significant things regarding Federal law enforcement in particular.

Mr. Chairman, realizing that we have been favored with a positive allocation from the full committee chairman, the gentleman from Florida (Mr. YOUNG), it is a fair question how we have applied the extra $1 billion that has been made available. The short answer is we have sought to address some very significant needs, in particular in Federal law enforcement. Some 30 percent of Federal law enforcement is funded through this appropriation measure. We have also sought to address some very compelling needs regarding information technology.

Let me give an example, Mr. Chairman. We are all aware that the IRS has had significant problems dealing with the complexity of the Tax Code and in having a modern information system that will enable taxpayers to have correct information in the hands of the IRS and not be receiving incorrect notices. This allocates significant funding to accelerate the information technology advancement in the IRS.

In particular, within the Customs Service, we have what might be fairly called, Mr. Chairman, a rickety computer system that is utilized for handling some $8 billion worth of trade each day that goes through ports of entry with the U.S. Customs Service. That system is, frankly, on the verge of collapse; and we do not need to be losing $8 billion daily in trade because of an antiquated information system in Customs.

Even beyond the pace set by the administration's budget, we have put the funding in for what is called the Automated Commercial Environment, which is the new Customs information technology system that ties together some 50 agencies that are involved in the imports and exports handled by the Customs Service to make sure that this trade that is so vital to the economy of the United States of America can flow unimpeded.

So those areas, law enforcement, trade, drug interdiction as a key component of law enforcement, and the information technology, are the main areas in which we have provided investments through the Subcommittee on Treasury, Postal Service, and General Government bill.

The bill places, as I mentioned, a priority on counter-drug efforts in law enforcement. Let me mention some the elements by which that is done.

We have the Customs Air and Marine Interdiction Program, which has not had the aircraft or the boats to be able to keep up with the degree of smuggling of illegal drugs into the United States, such as in southern Florida, where I visited recently. They are in sore need of modern equipment to be able to stem the flow of illegal narcotics into America.

We put significant new investments into the effort, the manpower, expanding the manpower where they are overburdened and overworked, and also expanding the equipment available to them to do that.

We have funding for the Integrated Violence Reduction Strategy by Alcohol, Tobacco and Firearms, which is trying to stem the use of illegal weapons, or legal weapons used illegally, by people in the commission of violent crimes. Both the Youth Crime Interdiction Initiative and the Integrated Violence Reduction Strategy receive significant new funding in this measure.

Also significantly increased is what is known as HIDTA, the High Intensity Drug Trafficking Area program. Some $231 million in Federal resources is made available in this bill for coordinating the efforts between the State, the local and the Federal law enforcement agencies, which all must work together, especially in the areas where there are significant problems of drug trafficking.

We also have, Mr. Chairman, an effort to try to address the accumulated backlog that is clogging up the court system. Federal courthouses are funded in this bill to the tune of $326 million in construction, following the priorities laid out by the administration and the General Services Administration and the Administrative Offices of the Courts, to make sure that we are putting the funding where the courts are most overcrowded. So this includes the funding for site acquisition, design and/or construction of some 15 court houses across the Nation, which is one beyond the number that was originally proposed by the President, but does follow the same priority list as everyone has agreed upon, including the administration.

In regard to legislative items, I would like to point out, Mr. Chairman, that we continue the prohibition that is part of current law to make sure that Federal funds are not used to help pay for abortions through the Federal Employees Health Benefits Plan. This also continues the requirement that FEHBP includes coverage for prescription contraceptive services with certain circumstances for concerns of conscience and with key exceptions, but overall a clear policy on the coverage of contraceptives.

As we move through consideration of this measure on the floor, Mr. Chairman, I know we will hear different amendments. I will not try to cover them all at this time, rather than give an overview of the bill; but I know we will hear many different policies proposed that, frankly, Mr. Chairman, I do not think will be in order under the bill, or, even though they might technically be in order, will not be proper for inclusion in this bill and should be addressed through other legislation. We hope to keep this appropriation bill clear of any extraneous riders that are not really part of the central purpose of the measure.

I wanted to thank my colleagues on the subcommittee for all of their hard work and effort in putting this bill together. The gentleman from Maryland (Mr. HOYER), the ranking member of the Subcommittee on Treasury, Postal Service, and General Government, has been especially helpful in working together to resolve differences; and, frankly, Mr. Chairman, we have been able to come to agreement on some things that sometimes there are significant policy differences on, but a lot of hard work with the gentleman from Maryland (Mr. HOYER) and everyone else has gotten us through that.

I want to thank his staff members, including Scott Nance; the gentleman from Wisconsin (Mr. OBEY) and his staff; Rob Nabors; and of course, I would be remiss if I did not thank the excellent staff that we are able to enjoy on the Subcommittee on Treasury, Postal Service, and General Government: the chief clerk, Michelle Mrdeza; Jeff Ashford; Kurt Dodd; Tammy Hughes; and, on a delegated status from the Secret Service, Chris Stanley.

It has taken a lot of hard work to go through the details in this bill, having as many different Federal agencies that are at the heart of the executive branch, including the White House, the Office of Management and Budget, the General Services Administration, Office of Personnel Management, the Treasury Department itself, and many of the core Federal agencies, including in particular law enforcement.

I believe this is a good bill, Mr. Chairman, which merits people's support. It advances our objectives to combat the flow of illegal drugs, yet to improve the flow of legal commerce. It tries to address significant problems of overcrowding in the Federal courts by making sure that facilities are available to them.

Mr. Chairman, I would ask every Member of this body to support this bill, and look forward to working with the Members in considering amendments that they may offer.

Mr. Chairman, I include the following for the RECORD.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002 (H.R. 2590)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	162,381	181,768	173,496	+11,115	-8,272
Department-wide systems and capital investments programs	62,150	70,828	68,828	+6,678	-2,000
Office of Inspector General	32,827	35,150	35,318	+2,491	+168
Treasury Inspector General for Tax Administration	118,166	122,342	123,133	+4,967	+791
Treasury Building and Annex Repair and Restoration	30,932	32,932	30,932		-2,000
Expanded Access to Financial Services	9,978		10,000	+22	+10,000
Financial Crimes Enforcement Network	37,493	45,155	45,760	+8,267	+605
Counterterrorism Fund	54,879	44,879	36,879	-18,000	-8,000
Federal Law Enforcement Training Center:					
Salaries and Expenses	99,264	100,707	101,769	+2,505	+1,062
Acquisition, Construction, Improvements, & Related Expenses	54,086	21,895	22,834	-31,252	+939
Total	153,350	122,602	124,603	-28,747	+2,001
Interagency Law Enforcement: Interagency crime and drug enforcement	103,248	106,487	106,965	+3,717	+478
Financial Management Service	206,396	211,594	212,316	+5,920	+722
Bureau of Alcohol, Tobacco and Firearms	771,143	803,521	814,199	+43,056	+10,678
GREAT grants			10,000	+10,000	+10,000
Total	771,143	803,521	824,199	+53,056	+20,678
United States Customs Service:					
Salaries and Expenses	1,878,557	1,961,764	2,059,170	+180,613	+97,406
Harbor Maintenance Fee Collection	2,993	2,993	2,993		
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	132,934	162,637	183,853	+50,919	+21,216
Miscellaneous appropriations (P.L. 106-554)	6,985			-6,985	
Automation modernization:					
Automated Commercial System	122,443	122,432	122,432	-11	
International Trade Data System	5,389	5,400	5,400	+11	
Automated Commercial Environment	130,000	130,000	300,000	+170,000	+170,000
Subtotal	257,832	257,832	427,832	+170,000	+170,000
Customs Services at Small Airports (to be derived from fees collected)	1,993	3,000	3,000	+1,007	
Offsetting receipts	-2,000	-3,000	-3,000	-1,000	
Total	2,279,294	2,385,226	2,673,848	+394,554	+288,622
Bureau of the Public Debt	182,699	185,370	187,318	+4,619	+1,948
Payment of government losses in shipment	1,000	1,000	1,000		
Internal Revenue Service:					
Processing, Assistance, and Management	3,594,966	3,783,347	3,808,434	+213,468	+25,087
Tax Law Enforcement	3,366,380	3,533,198	3,541,076	+174,696	+7,878
Earned Income Tax Credit Compliance Initiative	144,681	146,000	146,000	+1,319	
Information Systems	1,522,416	1,563,249	1,573,065	+50,649	+9,816
Business systems modernization	71,593	396,593	391,593	+320,000	-5,000
Staffing tax administration for balance and equity	140,690			-140,690	
Total	8,840,726	9,422,387	9,460,168	+619,442	+37,781
United States Secret Service:					
Salaries and Expenses	824,885	857,117	943,777	+118,892	+86,660
Acquisition, Construction, Improvements, & Related Expenses	8,921	3,352	3,457	-5,464	+105
Total	833,806	860,469	947,234	+113,428	+86,765
Total, title I, Department of the Treasury	13,880,468	14,631,710	15,061,997	+1,181,529	+430,287
TITLE II - POSTAL SERVICE					
Payment to the Postal Service Fund	28,936	76,619	29,000	+64	-47,619
Advance appropriation, FY 2002	66,952	67,093	67,093	+141	
Advance appropriation, FY 2003			47,619	+47,619	+47,619
Total	95,888	143,712	143,712	+47,824	
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	390	450	450	+60	
Salaries and Expenses	53,171	54,165	54,651	+1,480	+486
Executive Residence at the White House:					
Operating Expenses	10,876	11,914	11,695	+819	-219
White House Repair and Restoration	966	8,625	8,625	+7,659	
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,665	3,896	3,925	+260	+29
Operating expenses	353	314	318	-35	+4
Council of Economic Advisers	4,101	4,192	4,211	+110	+19
Office of Policy Development	4,023	4,119	4,142	+119	+23
National Security Council	7,149	7,447	7,494	+345	+47
Office of Administration	43,641	46,032	46,955	+3,314	+923
Office of Management and Budget	68,635	70,521	70,752	+2,117	+231

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002 (H.R. 2590)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of National Drug Control Policy:					
Salaries and expenses	24,705	25,100	25,267	+562	+167
Counterdrug Technology Assessment Center	35,974	40,000	40,000	+4,026	
Total	60,679	65,100	65,267	+4,588	+167
Federal Drug Control Programs:					
High Intensity Drug Trafficking Areas Program	206,046	206,350	231,500	+25,454	+25,150
Special Forfeiture Fund	233,086	247,600	238,600	+5,514	-9,000
Unanticipated Needs	998	1,000	1,000	+2	
Elections Commission of the Commonwealth of Puerto Rico	2,494			-2,494	
Total, title III, Executive Office of the President and Funds Appropriated to the President	700,273	731,725	749,585	+49,312	+17,860
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase from People Who Are Blind or Severely Disabled	4,149	4,498	4,609	+460	+111
Federal Election Commission	40,411	41,411	43,223	+2,812	+1,812
Federal Labor Relations Authority	25,003	26,378	26,378	+1,375	
General Services Administration:					
Federal Buildings Fund:					
Appropriations	476,523	276,400	276,400	-200,123	
Advance appropriation, FY 2002-2004	(276,400)			(-276,400)	
Limitations on availability of revenue:					
Construction and acquisition of facilities	(477,676)	(386,289)	(328,816)	(-148,860)	(-57,473)
Repairs and alterations	(681,613)	(826,676)	(826,676)	(+145,063)	
Installment acquisition payments	(185,369)	(186,427)	(186,427)	(+1,058)	
Rental of space	(2,943,854)	(2,959,550)	(2,959,550)	(+15,696)	
Building Operations	(1,624,771)	(1,748,949)	(1,760,369)	(+135,598)	(+11,420)
Subtotal	(5,913,283)	(6,107,891)	(6,061,838)	(+148,555)	(-46,053)
Repayment of Debt	(70,595)	(72,000)	(72,000)	(+1,405)	
Total, Federal Buildings Fund	476,523	276,400	276,400	-200,123	
(Limitations)	(5,983,878)	(6,179,891)	(6,133,838)	(+149,960)	(-46,053)
Policy and Operations	137,406	138,499	137,515	+109	-984
Office of Inspector General	34,444	36,025	36,290	+1,846	+265
Electronic Government (E-Gov) Fund		20,000	5,000	+5,000	-15,000
Allowances and Office Staff for Former Presidents	2,511	3,552	3,196	+685	-356
Expenses, Presidential transition	7,084			-7,084	
Total, General Services Administration	657,968	474,476	458,401	-199,567	-16,075
Merit Systems Protection Board:					
Salaries and Expenses	29,372	30,375	30,375	+1,003	
Limitation on administrative expenses	2,424	2,520	2,520	+96	
Morris K. Udall Foundation:					
Morris K. Udall scholarship	1,996	1,746		-1,996	-1,746
Native Nations Institute		250			-250
Morris K. Udall Trust Fund			2,500	+2,500	+2,500
Environmental Dispute Resolution Fund	1,248	1,309	1,309	+61	
National Archives and Records Administration:					
Operating expenses	208,946	244,247	243,547	+34,601	-700
Reduction of debt	-6,084	-6,612	-6,612	-528	
Repairs and Restoration	101,536	10,643	10,643	-90,893	
National Historical Publications and Records Commission: Grants program	6,436	4,436	10,000	+3,564	+5,564
Total	310,834	252,714	257,578	-53,256	+4,864
Office of Government Ethics	9,663	10,060	10,060	+397	
Office of Personnel Management:					
Salaries and Expenses	93,888	99,036	99,036	+5,148	
Limitation on administrative expenses	101,762	115,928	115,928	+14,166	
Office of Inspector General	1,357	1,398	1,398	+41	
Limitation on administrative expenses	9,724	10,016	10,016	+292	
Government Payment for Annuitants, Employees Health Benefits	5,427,166	6,145,000	6,145,000	+717,834	
Government Payment for Annuitants, Employee Life Insurance	35,000	33,000	33,000	-2,000	
Payment to Civil Service Retirement and Disability Fund	8,940,051	9,229,000	9,229,000	+288,949	
Total, Office of Personnel Management	14,608,948	15,633,378	15,633,378	+1,024,430	
Office of Special Counsel	11,122	11,784	11,823	+701	+39
United States Tax Court	37,223	37,305	37,621	+398	+316
Total, title IV, Independent Agencies	15,740,361	16,528,204	16,519,775	+779,414	-8,429
Grand total	30,416,990	32,035,351	32,475,069	+2,058,079	+439,718
Current year, FY 2002	30,350,038	31,968,258	32,360,357	+2,010,319	+392,099
Advance appropriations, FY 2002 / FY 2003	66,952	67,093	114,712	+47,760	+47,619
(Limitations)	(5,983,878)	(6,179,891)	(6,133,838)	(+149,960)	(-46,053)

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2002 (H.R. 2590)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	145,000	148,000	148,000	+3,000	....
Federal Reserve Bank reimbursement fund	131,000	134,000	134,000	+3,000	....
US Mint revolving fund	13,960	22,000	17,000	+3,040	-5,000
Sallie Mae	1,000	1,000	1,000	....	....
Federal buildings fund	-74,000	31,000	-16,000	+58,000	-47,000
Advance appropriations:					
Postal service, FY 2001/2002	64,436	....	....	-64,436	....
Postal service, FY 2002/2003	-66,952	....	-47,619	+19,333	-47,619
Across the board cut (0.22%)	-47,000	....	....	+47,000	....
OMB/CBO adjustment	35,491	....	....	-35,491	....
Total, scorekeeping adjustments	202,935	336,000	236,381	+33,446	-99,619
Total mandatory and discretionary	30,619,925	32,371,351	32,711,450	+2,091,525	+340,099
Mandatory	14,679,607	15,690,450	15,690,450	+1,010,843	....
Discretionary	15,940,318	16,680,901	17,021,000	+1,080,682	+340,099

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bill. This is a reasonable bill, and I thank the gentleman from Oklahoma (Chairman ISTOOK) and the staff for working closely with our staff and with me and with our Members on bringing this bill to the floor.

As I said, I believe it is a reasonable bill, a bill that is higher than fiscal year 2001 and about one-third higher than the President's request. The bill provides strong support for our law enforcement agencies. Forty percent of law enforcement is covered by this bill, which surprises some, but it is a critically important component of our law enforcement efforts at the Federal level.

We support our law enforcement agencies by including $170 million above the President's request for the Customs Service to modernize their systems for the assessment and collection of taxes and fees, which total over $20 billion annually. That is important for all of our exporters and importers. It is important for every consumer in America, and the increase is an appropriate step for us to take to ensure that the information technology capability of Customs is at the level it needs to be.

It includes $15 million above the request for Customs Service to hire additional inspectors, a very important objective; $33 million more for Customs inspection technology; and $45 million in additional funding for the Secret Service to hire additional agents to reduce staggering overtime levels.

The chairman mentioned that, but let me call to the attention of some who may not know these figures that some of our Secret Service agents have been asked to work 90 hours per month.

□ 1145

Obviously, the job of a secret service agent is extraordinarily stressful. They need to be alert at all times; obviously, sometimes tense times as they guard the President, the Vice President and other dignitaries, and asking them to work 90 hours overtime is simply not safe for them or safe for those whom they protect.

In addition, we add an additional $25 million for the high intensity drug trafficking areas, the HIDTA program, and the chairman referred to those. They are an extraordinarily important asset of our law enforcement in this country, and a complement to local law enforcement in their fight against drugs and the trafficking of drugs. Their major contribution, in my opinion, is that they bring together Federal, State, and local law enforcement agencies to coordinate with one another to confront, to arrest, and to incarcerate those who would undermine the health of our communities by selling drugs on our streets, in our schools, and in our communities.

Mr. Chairman, for the IRS, this bill provides the Internal Revenue Service with a funding level above the President's request, including $325 million to modernize their computer systems and $86 million to complete the hiring of over 3800 employees necessary to establish a strong balance between compliance and customer service at the IRS.

Mr. Chairman, some years ago, we passed the Reform and Restructuring Act which asked the IRS to become more efficient and more customer-friendly. We also, at the same time, at the insistence of Secretary Rubin, then Secretary of the Treasury, hired a new Commissioner, Charles Rossotti. Mr. Rossotti is doing an excellent job and I think that perception is shared across the aisle and across ideologists. He is a business manager of the first stripe. He has brought his business management skills to IRS; and, because of that, I think we are seeing an improved IRS, a more efficient IRS, but there are still problems.

Mr. Chairman, significant improvements were made to the bill during the committee consideration. We were able to add back $10 million for the First Accounts program. We acted on that in the manager's amendment. There has been an agreement that the money appropriated for the First Account system will be subject to authorization.

We also provided a provision which carries out existing law of pay parity for our Federal employees with our military employees. Federal employees will continue to have, as the chairman has pointed out, the option, their choice, of contraceptive coverage under the Federal employee health benefit program.

Obviously, no bill comes to the floor that is a perfect one; and I want to mention, Mr. Chairman, some of my continuing concerns.

First, I am concerned about the decline in compliance activities at the IRS. I make the analogy to setting a speed limit at 55 or 60, and then having no enforcement of that speed limit. Clearly, what will happen not only in the short term, but over the long term, will be that drivers will drive faster and faster because of the lack of enforcement, and safety will be at risk. Frankly, what happens in the IRS, with less and less enforcement, we have, unfortunately some, who will not comply with their obligations. What that does is it places higher obligations on those who voluntarily and legally comply.

Mr. Chairman, in-person audits have decreased from 2 million in 1976 to 247,000 in 2000, an 88 percent decline. Now, that is an 88 percent decline from 2 million down to 247,000, but when we consider it in the context of the fact that we have millions of more taxpayers 25 years later, that decline in percentages of tax returns audited is even more dramatically reduced.

The additional FTEs included in this bill will go to help this problem, but I will continue to monitor, and I know the committee will as well, this situation closely to determine that the IRS is able to do the job that the Congress and the American public want them to do.

Another concern I have is the funding for courthouse construction. Although this bill includes funding above the President's request, the committee has fallen short of the judiciary's 5-year courthouse project plans. In fact, we have funded only half of what they say is needed over these last 5 years for courthouses.

As we have seen an increase in prosecutions, an increase in incarcerations to make our streets safer, the good news is the crime statistics throughout our country have gone down. That is what we wanted them to do. At the same time, the demands on our courthouses have gone up. In order to accommodate that, we need to invest to make sure that those courthouses are up to the job. I would hope that the committee would continue to focus on this issue very carefully.

The longer we underfund the judiciary's request, the higher the cost and the more pressing the need becomes.

Mr. Chairman, I am also concerned with several provisions in this bill that reduce legislative oversight responsibilities of the Executive Office of the President. We are going to be talking about those. There is a certain sensitivity that is particularly important as Congress reviews the budget request for the Executive Office of the President. In my opinion, the President of the United States deserves the appropriate respect and deference. However, it is also important that Congress not relinquish its oversight responsibilities. We will hear about these issues today as other Members of the body have similar concerns, and amendments will be offered.

I am encouraged, however, that this bill contains a placeholder for an issue important to all Americans, and that is election reform. We are going to be discussing that when the gentleman from Florida (Mr. HASTINGS) offers an amendment to add substantial dollars to this bill. I will not debate it further at this time, but it is a very significant concern which we will have to deal with either today or in a supplemental some weeks ahead.

Many Members of the body, Mr. Chairman, are rightfully concerned that neither the administration nor Congress has acted on election reform. I truly believe, as I have said in the past, that election reform is the civil rights issue of the 107th Congress. There is no more basic right for an

American or anyone who resides in a democracy but to have the right to vote, but as importantly, to have that vote easy to cast and properly counted.

Mr. Chairman, I have had several conversations with the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), who has shown a great willingness to consider and support election reform and election reform funding. I appreciate his efforts, and I hope we can make some positive progress on this issue for all Americans.

Mr. Chairman, in closing, let me say that this is a good bill. It funds properly the priorities that are the responsibility of this bill, and I would urge Members to support it when it comes time for final passage.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. MORAN), who has been so focused on the needs of Federal employees, and their pay and benefits; he has been extraordinarily helpful in years past and this year in fashioning a bill to ensure that Federal civilian employees are treated fairly and that we have the ability to not only retain our excellent public employees, but also to recruit, to fill the vacancies that will occur in increasing numbers in the years ahead.

Mr. MORAN of Virginia. Mr. Chairman, I very much thank the gentleman from Maryland (Mr. HOYER), my very close friend and neighbor and leader in so many ways, and particularly on the issues that are involved in this Treasury-Postal appropriations bill. I wanted to refer to three of them in particular: the effect on the Federal workforce; gender parity in terms of health insurance; and the money for the Customs modernization that is in this bill.

In terms of the Federal workforce, this includes an amendment that the gentleman from Maryland (Mr. HOYER), the gentleman from Virginia (Mr. WOLF), and I put in the full committee markup. It also reflects an amendment that I had added to this year's budget resolution that we should be providing the same pay raises for Federal civilian employees as we do for military employees. President Bush's budget includes a 4.6 to 5 percent increase for military employees and, in some cases, up to 10 percent. We think that civilian employees who work side-by-side with military personnel should get the same pay raise.

We have a crisis developing in the Federal workforce. Over the next 5 years, up to half of our Federal workforce will retire or at least be eligible for retirement. There are a number of things we can do to address this crisis. One of them is to implement the Federal Employees Pay Compensation Act that was passed back in 1990. Right now, we have a 32 percent pay gap between Federal civilian employees and people who perform the same function in the private sector. There is a 10 percent gap between military personnel and those people who perform the same function in the private sector. Both of those gaps should be narrowed and eventually eliminated, but we should at least provide the same pay raise for civilian as well as military personnel.

In terms of the Federal Employees Health Benefits Plan, this plan has been going up by double digits in each of the last 4 years. So it is important that we bring these premium costs under control while maintaining the current coverage of services, and since about half of our workforce are women, which we would expect, we should certainly treat women the same as we do men in terms of its coverage. Right now, there is a disparity.

President Bush's budget expressly rejects the bipartisan contraceptive coverage provision that has been part of this bill since 1998, so we put it back in in committee to make sure that women's contraception is covered under Federal health insurance plans. It is the largest single out-of-pocket expense for women during their working years, and there is no question that this is an important aspect of health insurance coverage and should be mandated if the executive branch is not going to include it.

There is no additional cost to the plan, according to the Office of Personnel Management; and I am glad that this will be part of this bill and should certainly be enacted.

Now, the last thing is the Automated Commercial System for Customs. There is an inclusion of money for the Customs Service to continue the computerization of our Customs Service. This is terribly important. We have miles of trucks backed up on our borders. This should have been put in place years ago. We will now be on schedule to put Customs automation on line within the next 5 years.

Mr. Chairman, this is a good bill. It should be passed with a strong bipartisan vote.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH) for the purposes of a colloquy.

Mr. LEACH. Mr. Chairman, I would like to briefly mention the subject the gentleman from Maryland (Mr. HOYER) mentioned earlier and that is the courthouse issue and the priority that might be given it. I would first like to compliment the committee and the professionalism in which they have approached the courthouse issue. As the gentleman knows, there is a long list which has been developed with the Department of Justice in a very professional, nonpolitical way.

I represent a town called Cedar Rapids, Iowa, which is on the cusp of whether it should be funded this year or the following year.

☐ 1200

It is my understanding, based on some public announcements this past week, that Senate appropriations leadership has indicated that they expect to fund the Cedar Rapids Courthouse, at least the beginning planning funding of about $15 million.

What I would like to inquire of the gentleman is, if resources become available and we can move down this next step, if there is any possibility that Cedar Rapids could be considered in this round.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman from Iowa, because I know he has been working diligently to secure the needed courthouse in Cedar Rapids.

I want to tell the gentleman that that is indeed the item that is next on the priority list that we have. We are fortunate we were able to go one beyond what the administration had proposed as far as funding courthouses. And again, as the gentleman mentioned, on a professional priority basis, a nonpolitical basis, Cedar Rapids has now moved to the top of the list, and we are looking at the potential of being able to find a way to potentially fund that during this year.

Obviously, we have not been able yet to reach that conclusion. We are still not through the entire budget process, but we do want to work together with the gentleman to look at the potential of making sure that moves along rapidly.

I do want to assure the gentleman that whether it ended up being this year or next year, it is at the very top of our priority list now.

Mr. LEACH. I appreciate that.

Mr. Chairman, I would like to just conclude with two comments.

One, again, I would express my appreciation for the professionalism of this whole consideration. Cedar Rapids, like many towns in America, has been on this list, and each town is anxious to get their courthouse done. There is a case for everyone around the country. It is my impression that the gentleman's subcommittee has been exceptionally professional in how they have done the prioritization.

I would only conclude with one brief aspect for my community. The community has really done a whole lot on the cost containment grounds with low-cost ground, et cetera. This is the heart of community revitalization for Cedar Rapids, so it is both a judiciary matter and, frankly, a community matter.

So to the degree that sympathetic consideration can be given this year, I personally would be deeply appreciative, and I thank the gentleman from Oklahoma for his thoughtful leadership.

Mr. ISTOOK. I thank the gentleman from Iowa. I very much appreciate his terrific effort on this matter.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies. She does an extraordinary job. We are pleased with her help on this bill. I appreciate the gentlewoman commenting on this, and her very important intervention.

Ms. KAPTUR. Mr. Chairman, I thank the able gentleman from Maryland (Mr. HOYER), the ranking member of the Subcommittee on Treasury, Postal Service and General Government, for yielding me this time.

I rise to engage the chairman of the subcommittee on Treasury, Postal Service and General Government, the gentleman from Oklahoma (Mr. ISTOOK), in a colloquy regarding public debt management.

Mr. Chairman, as part of the House report accompanying the fiscal year 2002 appropriation bill for the Treasury Department, the Committee on Appropriations directs the Bureau of Public Debt to provide a report to review the complete debt program of the Bureau from a fiscal management perspective, providing cost comparisons between high amount-low volume debt instruments and low amount-high volume debt instruments.

Another major concern regards the ownership of our public debt, particularly the extent and growth in foreign ownership of U.S. debt securities.

I would say to the chairman, the ownership of the government's debt is increasingly in the hands of foreign owners. Our government may not be sufficiently active in promoting the domestic ownership of our debt, especially to individuals, something that many of us in this Chamber can recall being a matter of national will and, indeed, pride.

As part of this review of the national debt, I believe that we should have a detailed report regarding the levels of ownership of savings bonds and other forms of public debt, rates of return on those savings bonds and other forms of public debt, and how savings bond ownership historically compares to other forms of public debt.

Would the gentleman agree that the review of the complete debt program of the Bureau of the public debt requested by the committee should contain a thorough analysis of debt ownership, differentiating between foreign and domestic customers as well as between individuals by income category, corporations, and governments; trends over the last 20 years with respect to what groups are purchasing U.S. debt; the amount of interest being paid to each bondholder category; and developments and trends over the last 20 years with respect to what media and methodologies are being used to affect debt transactions?

Mr. ISTOOK. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentlewoman for her interest, which is bona fide, on an important issue.

Yes, it is the intent of the Committee that the report provide information on customer demographics and transaction changes such as the gentlewoman described, as well as the detailed cost data, with sufficient detail to allow us to differentiate among all of the major forms in which the public debt is financed.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for the clarification and for his willingness to engage in this colloquy. It has been a pleasure to work with the gentleman.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON) to engage in a colloquy.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I also thank the ranking member and the chairman, both of them, for their support of the Federal Law Enforcement Training Center in Artesia, New Mexico, and in Brunswick, Georgia.

This very important Federal Training Center trains over 70, I believe the number exactly is 71, different Federal agencies. They have over 250 different classes. They get all kinds of hands-on training. It is very important for our law enforcement effort.

Mr. Chairman, I would be certainly remiss on this 3-year observance of the terrible tragedy we had with the Capitol Hill Police in this very building to not recognize yesterday's moment of silence in the memory of those great officers who bravely put their lives on the line and sacrificed their lives 3 years ago for this body and for all the tourists who come to the United States Capitol. They were trained at the Federal Law Enforcement Training Center.

Mr. Chairman, I wanted to ask the chairman if he would engage in a colloquy with me. I appreciate the gentleman's courtesy. I want to thank the gentleman for all the support he has given, and also ask a question.

As the gentleman knows, FLETC, the Federal Law Enforcement Training Center, is in the midst of a master plan for construction to meet their long-term capacity requirements, in particular the closure of the temporary U.S. Border Patrol Training Facility in Charleston, South Carolina, and to allow for transition of all basic training for border patrol officers to be carried out at the FLETC location in Brunswick, Georgia, and in Artesia, New Mexico, on those campuses, by the year ending 2004.

This transition will increase the workload both at Glynco and Artesia. Glynco is preparing to meet the increased demand. It is very important that they have the space and facilities needed to accommodate the additional students.

I greatly appreciate the efforts of the chairman and the ranking member and all the subcommittee members for the improvements that are already in this bill. I greatly appreciate the manager's amendment, which the gentleman just passed, and the gentleman's support of the additional construction funds.

Mr. Chairman, I just wanted to ask, as we move into conference, if the gentleman could say that these additional resources, and any others that may be out there, will have the support of the chairman as we go through the process with the other body.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I thank the gentleman for yielding.

I am very well aware of the important work being done at Glynco and of FLETC's critical role in providing the very highest quality in consolidated law enforcement training to Federal law enforcement organizations, as well as others that participate.

I applaud the strong personal support of the gentleman from Georgia for FLETC's work to achieve this mission.

We have indeed addressed some important construction requirements at FLETC to keep it on its necessary construction schedule. I certainly want to assure my colleague that I look forward to working with him further to ensure that additional FLETC funding is going to be given every consideration as the bill does move through the process.

Mr. KINGSTON. I certainly thank the chairman for that.

Again, I wanted to emphasize to the chairman and to the very capable staff, we appreciate everything that they do for them, not just in Brunswick, Georgia, but in Artesia.

I also want to thank the gentleman from Maryland (Mr. HOYER) for his support of FLETC. The gentleman from Maryland (Mr. HOYER) has visited the facility before, and I know staff has visited it, but the doors are wide open. Any time the Members want to come to Georgia, we would be glad to put on our dog and pony show for the gentleman and show off the facility.

Mr. ISTOOK. I certainly look forward to meeting the dogs and the ponies.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply want to say to the gentleman from Georgia, he is absolutely correct, the Federal Law Enforcement Training Center, located in Glynco, in his district, is not only a law enforcement agency that trains Treasury law enforcement, but, as the gentleman knows, trains a broad array of law enforcement officers, including non-Federal officers. It is a very, very important facility. They are one of the experts in the field.

We are very pleased to work with the gentleman and with them to carry out the very, very important job of not only training initially our law enforcement officers but from time to time giving them training that keeps them both technically, physically, mentally on top of their game.

I am also pleased, as the gentleman knows, that we are going to provide some local law enforcement training for all the law enforcement officers that are located here so they can keep up to speed on a week-to-week and month-to-month basis.

But there is no doubt that FLETC's job and its location at Glynco, which we have fought to keep centralized, so we do not putting training centers all over the country and can marshall and focus our expertise at that site, is a very important effort. I appreciate the gentleman's comments.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Florida (Mrs. MEEK), a very outstanding member of the subcommittee and of the Committee on Appropriations, someone who represents her district extraordinarily well in south Florida, in the Miami area, and someone who I count as a very dear friend. She has an amendment that has been included, which is a very, very important one. I think she wants to talk about that.

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time to me, the ranking member of our subcommittee. I thank the gentleman from Oklahoma (Mr. ISTOOK), the chairman.

Mr. Chairman, this is a very good bill. Certainly we need the support of the entire Congress on this bill. It is quite an improvement over last year's bill, and that is as it should be.

Mr. Chairman, there are many items in the bill that I like very much. There are one or two that perhaps could have been included that perhaps were not. I like the First Accounts program that pays parity to people of low income, and I like the parity amendment between the civilians and the military.

I like protection for the civil service. We heard very good testimony from the civil service, and I feel good about the fact that the bill provides $45 million for the Secret Service to address their overtime concerns.

There is $15 million for additional Customs Inspectors, which we need desperately in certain coastal areas of this country. There is $33 million to improve Customs inspection technology and $14 million for Customs air improvement programs.

I cannot say too much on behalf of law enforcement in the area of the Treasury-Postal bill in that each of the law enforcement agencies did receive considerable help through this bill. They very much needed it.

The Customs Service's Automated Commercial Environment, which we call the ACE program, ACE received $170 million more than the President's request. It is important that this particular initiative be bolstered by our subcommittee.

Most of all, Mr. Chairman, we owe a debt of gratitude to the staff of this committee. I am sure each of our subcommittees have wonderful staffs, but I saw that this particular committee staff went beyond what staff normally does to reach out to Members who need help, and I appreciate that.

We provide $15 million for the Miami Federal courthouse. That has been a long time coming, but it is here now; and thanks to the subcommittee, we have the remaining funds to build the Federal courthouse in Miami.

All Members realize that the Federal courts are really packed, and they do need money. They are the busiest ones in the country. Mr. Chairman, this bill does a lot.

I also want to mention the fact that there is one issue that we are not putting enough emphasis on in this country, and in this particular bill we did not put emphasis on it, either. That was electoral reform. The time has come that we do pay sufficient attention to election reform, and this is the committee to do that. So I do hope that this problem will be addressed in a better fashion another year.

☐ 1215

I am advised that my good friend, the gentleman from Maryland (Mr. HOYER), and the gentleman from Ohio (Mr. NEY) have already introduced legislation that will help us in terms of election reform. They are providing leadership on that, and it does not only fit some of the problems in Florida but the entire Nation.

Now, I do not have the time to discuss all the particulars, Mr. Chairman, and all the needs that were met through this particular piece of legislation, and there are, I am sure, other items that we could have funded and could have done a better job of; but we did cover law enforcement, we covered Customs, certainly, we covered the First Accounts initiative, and I am pleased with those significant steps that we take in this bill to improve our support for Treasury law enforcement, particularly with respect to Customs and the Secret Service.

I mentioned the $300 million investment for ACE, and as I have repeatedly discussed before, we need more Customs employees at Miami International Airport and the Miami seaport. And I thank the members of the committee and urge support of this bill.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding me this time. I would like to comment on a statement that appears in the report accompaning this legislation, to the effect that the Federal Elections Commission (FEC) has asked for approximately, $2.5 million, to update and enhance voting system standards. The committee notes they support these efforts but will wait for authorization from the Committee on House Administration, of which I am a member and of which the gentleman from Maryland (Mr. HOYER) is also a member.

I have good news for the chairman. I think I can save him some of that $2.5 million, and that is the reason I rise today. I have introduced a bill, H.R. 2275, that would hand this standards-setting duty over to the National Institute of Standards and Technology, which is the Nation's standard-setting organization. NIST is specifically given the mission of, and is well equipped to, set standards. They would do a very fine job of setting voting technology standards, at considerably less cost, and essentially at no cost to the gentleman's budget.

Let me describe this bill a bit more. As I said, the National Institute of Standards and Technology is the Nation's chief standard-setting organization; and they do not just pull standards out of the air. They always work with the user communities. They have a 200-year history of doing this, and do it well. A commission, which would be formed as part of this, would have the director of the National Institute of Standards and Technology as the Chair. The commission would also include a member from the American National Standards Institute, which is the private sector arm of standard setting and is well-known. There would be a representative of the Secretaries of State throughout this country, a representative from the Election Directors of the States, representatives from local governments, county clerks, city clerks and so forth, as well as technical representatives, individuals who are in universities and have experience working on voting and voting standards issues. And, of course, I am sure they will work with the FEC on this.

This commission would recommend standards. They would establish rather immediate voluntary technical standards; and then, after some time, they would develop permanent standards which are accepted by the user community. These standards would ensure the usability, accuracy, integrity, and security of voting products and systems used in the United States.

It is very important to recognize the Federal Government does not control the election apparatus. But H.R. 2275 outlines what we can do to help the city clerks and county clerks, who actually operate the voting systems, and the State authorities who supervise the local systems. Now, why have NIST do this? As I said, because they have the experience. They do this constantly, and I am certain they would do a very good job.

Let me add another comment, Mr. Chairman. I understand there is another amendment which will be offered later to include in this bill an extra $600,000 for communities to buy voting equipment. I think that is premature. I do not think anyone should buy new voting equipment until we review, determine, and establish good voting standards.

Let me give a specific example of why this is important. More and more of the voting machines are computerized, and yet they do not have any emphasis on security. The average college freshman could hack these systems and change election results. We need far better standards for security, integrity and usability so that any citizen can use them without training and the vote will accurately reflect the intent of the voter.

There is a lot of work to be done here. I believe asking NIST to set these initial standards is a good way to start. Additional legislative work that will have to be done will come from the Committee on House Administration and will be done by the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NAY), who is chairman of that committee, and by myself as a member, and with the other committee members.

There is much to be done here, but I believe having NIST work on the voting standards with the Federal Elections Commission and all the user groups is a very good way to start. And I just want to pass that information on to the chairman, and hopefully help him save some money in this bill.

Ms. RIVERS. Mr. Chairman, I rise today to speak about the Members' annual cost of living allowance, not to oppose the COLA but to reject the procedure we are using to consider it.

During my time in Congress, we have addressed this issue several times. In 1997, I opposed the increase because the Federal budget was in deficit, and we were proposing massive cuts to programs that everyday people rely upon. I was also concerned about the process the House employed in considering the COLA. I was unhappy that there was little public debate on the issue and only a procedural rather than a straight yes or no vote.

In 1999, the procedure was the same. Again, I was uncomfortable; and as I did with the 1996 COLA, I did not accept the increase and returned the net amount to the Treasury.

Now, many Members argue that COLA is not a raise per se and that the statute automatically authorizes implementation without requirement of debate or vote. Several point out that COLAs for other workers operate in just this fashion. This is true. It is absolutely correct. However, we are not like other workers. One hundred percent of our costs, both for employment and office expenses, are borne by the taxpayers. We also set our own salaries, and we have no direct employer or supervisor, except the public in the collective.

Few workers in this country enjoy such circumstances. We have the luxury through our own action, or in this case inaction, to alter the amount of money we earn. Given that, I believe a substantive vote on the COLA is the appropriate way to handle the annual increases. Nevertheless, it does not appear that my views are likely to prevail on this issue, although I will continue to promote a direct vote.

Mr. Chairman, I am not opposed to the COLA itself. I believe that Members can justify a 3.4 percent increase in their wages, but I also believe that the taxpayers who pay our salaries have a right to ask for that justification. In order to do so, however, they must be able to understand the House's action relative to its compensation.

I am not here to criticize or demean the hard work of the good people with whom I serve in this body. Nor do I wish to disparage the views of those who disagree with me. I have a personal sense of propriety that we should be doing this publicly. I am making it clear to my constituents that Congress is indeed voting to raise our salary.

Mrs. LOWEY. Mr. Chairman. I want to commend Chairman ISTOOK and Ranking Member HOYER for their hard work on this bill. I also want to thank members of the Appropriations Committee for supporting the reinstatement of my provision to provide contraceptive coverage to America's federal employees.

This is a very important provision, and I am grateful that the vote to sustain this coverage was both bipartisan and strong.

I am very proud to say that this provision, which gives 1.2 million federal employees of reproductive age access to contraception in their health plans, has been very, very successful.

Since the provision's enactment, there have been no problems with implementation and no complaints received by the Office of Personnel Management (OPM). Let me repeat that—no plan, no provider, no beneficiary has contacted OPM with a concern or complaint about the contraceptive coverage provision.

Before my provision was enacted, 81% of all FEHB plans did not cover the most commonly used types of prescription contraception. A full 10% covered no prescription contraception at all.

Today, federal employees can choose the type of contraception best medically suited for them.

My colleagues, let's remember why this is so very important.

Contraception is a family issue, and it is basic health care for women.

Although abortion rates are falling, today—still—nearly half of all pregnancies in America are unintended and half of those will end in abortion. Increasing access to the full range of contraceptive drugs and devices is the most effective approach to reducing the number of unintended pregnancies.

Americans share our goal. According to a recent national survey, 87 percent support women's access to birth control, and 77 percent support laws requiring health insurance plans to cover contraception.

Their message is clear: If we want fewer abortions and unintended pregnancies, we must make family planning more accessible.

And, my colleagues, this important benefit has not added any cost to FEHB premiums. This is important because when first introduced, the two main arguments against my provision were that covering contraceptives would add prohibitive cost to FEHB plans, and discriminate against religious providers.

Neither of those charges have proven to be true. This benefit has not added any cost to FEHB premiums.

Since the provision's inception, the OPM has not received any complaints about the provision from either beneficiaries, health professionals, or participating health plans. And this year's bill continues to respect the rights of religious organizations and individual providers.

These protections are identical to those that passed by the House in 1999. Let me summarize what the religious exemption in the bill right now provides.

Two plans identified by OPM as religious providers are explicitly excluded from the requirement to cover contraceptives, and any other plan that is religious is given the opportunity to opt out.

Furthermore, individual providers are exempted from having to provide contraceptive services if it is contrary to their own religious beliefs or moral convictions.

I believe that Americans want us to look for ways—as we did with contraceptive coverage—to work together, to find common ground. Increasing access to family planning is one way we can do that.

This is a good provision and I thank my colleagues for continuing to support it.

Mr. OXLEY. Mr. Chairman, I want to first thank Mr. ISTOOK and Mr. YOUNG for their cooperation in addressing the concerns of the Committee on Financial Services with respect to the Treasury, Postal and General Government Appropriations bill for fiscal year 2002. And while I am supportive of the bill in its current form, I do have a concern with certain language contained in the committee report. That language states:

> The Committee is aware that concerns have been expressed about the impact of the Federal Reserve/Department of Treasury proposed regulation to redefine real estate brokerage and management activities. The Committee expects Treasury to work with the Department of Housing and Urban Development when developing the final rule.

This language contradicts section 103 of the Gramm Leach Bliley Act of 1999 which provides that the Federal Reserve Board, together with the Department of the Treasury, shall have the sole responsibility to determine for financial holding companies what activities are financial in nature or incidental or complementary to such financial activity. Given this conflict between statutory law and the Appropriations Committee report, I have every expectation that the Federal Reserve Board will follow the letter and intent of the law.

In noting this contradiction, I am not expressing an opinion on the Federal Reserve Board/Treasury proposal to classify real estate brokerage and management activities as financial activities. I trust the Federal Reserve Board and the Department of the Treasury will fully consider the views of the public, the industries affected by this proposal, as well as the relevant Federal and State agencies, and take any time necessary to do so.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 2590, the Treasury and Postal Appropriations Act for Fiscal Year 2002. I congratulate Chairman ISTOOK on his leadership on this bill. This bill meets our requirements under the Balanced Budget Act and properly provides for critical operations of the Treasury Department and other important agencies.

I also want to thank the Subcommittee, in particular, for including a requirement that I requested to prevent federal government websites from collecting personal information on citizens who access federal websites and doing so without the knowledge of the person visiting the site. This is an important policy for our government—it is a policy that makes clear that we will lead by example when it comes to protecting peoples' privacy on the web.

Mr. Chairman, last year I added a provision to the Treasury, Postal Service and General Government Appropriations bill to prohibit federal agencies funded under this bill from using funds to monitor and collect personally identifiable information from the public who access government websites. Unfortunately, the previous Administration chose to ignore this law and allowed federal websites to continue to use tracking software to gather personal information from citizens who visit the website of federal agencies.

Even more disturbing, this past April a summary report by the Inspector Generals of each federal agency found that 64 federal websites are still using unauthorized tracking software, despite our direction to do otherwise.

What that means to the average citizen is that our government could be creating a database that would know about your visit to the IRS website and what you looked at there, your visit to the NIH website where you may have looked up information on a personal health matter, or that your child visited the website of the Drug Czar's office to do a report on the dangers of drug abuse. Do we really want to allow the government to keep that information about you and do so without your knowledge? The answer is clearly no.

Given the fact that my previous efforts have gone largely ignored, this year I expanded the provision to apply government-wide to all federal agency websites.

Mr. Chairman, the federal government has a responsibility to set the standard for privacy protection in the information age. Federal websites are fast becoming a primary source of information for the public and that's an excellent development. Now, it is essential that we not allow the public to lose confidence in the Internet or their taxpayer funded federal websites. These websites were designed to serve the public—they were not designed for the government to secretly collect personal information and track our movements on the Internet.

Mr. Chairman, we must ensure that if you visit a federal government website, both our tax dollars and our privacy are protected. With this prohibition in place, we do just that.

Again, my thanks to Chairman ISTOOK for his help and leadership on this issue. I urge support of the bill.

Mr. HOYER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I have no further requests for time, and I yield back the remainder of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendments printed in House Report 107–158 are adopted.

The amendment printed in the CONGRESSIONAL RECORD and numbered 5 may be offered only by the gentleman from New Jersey (Mr. SMITH) or his designee, and only at the appropriate point in the reading of the bill.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

Departmental Offices

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $174,219,000: *Provided*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

Department-Wide Systems and Capital Investments Programs

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $68,828,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

Office of Inspector General

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,508,000.

Treasury Inspector General for Tax Administration

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,474,000.

Treasury Building and Annex Repair and Restoration

For the repair, alteration, and improvement of the Treasury Building and Annex, $30,932,000, to remain available until expended.

Expanded Access to Financial Services

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $10,000,000, such funds to become available upon authorization of this program as provided by law and to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

Financial Crimes Enforcement Network

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $45,837,000, of which not to exceed $3,400,000 shall remain available until September 30, 2004; and of which $7,790,000 shall remain available until September 30, 2003:

Provided, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $36,879,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute unexpected threats or acts of terrorism, including payment of rewards in connection with these activities: *Provided*, That use of such funds shall be subject to prior notification of the Committees on Appropriations in accordance with guidelines for reprogramming and transfer of funds.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $102,132,000, of which $650,000 shall be available for an interagency effort to establish written standards on accreditation of Federal law enforcement training; and of which up to $17,166,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2004: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this açcount shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $27,534,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $107,576,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $213,211,000, of which not to exceed $9,220,000 shall remain available until September 30, 2004, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $816,816,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which not more than $10,000,000 shall remain available until September 30, 2003, for Gang Resistance Education and Training grants; of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2002: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of motor vehicles; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $2,056,604,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; not to exceed $30,000,000 shall be available until expended for the procurement and deployment of non-intrusive inspection technology; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $2,993,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $181,860,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2002 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $427,832,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $300,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until such expenditure plan has been approved by the Committees on Appropriations.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2002 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $43,000,000. From amounts in the United States Mint Public Enterprise Fund, the Secretary of the Treasury shall pay to the Comptroller General an amount not to exceed $250,000 to reimburse the Comptroller General for the cost of a study to be conducted by the Comptroller General on any changes necessary to maximize public interest and acceptance and to achieve a better balance in the numbers of coins of different denominations in circulation, with particular attention to increasing the number of $1 coins in circulation.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $192,327,000, of which not to exceed $15,000 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2002 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at $187,927,000. In addition, $40,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,808,434,000 of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,538,347,000, of which not to exceed $1,000,000 shall remain available until September 30, 2004, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $146,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,573,065,000 which shall remain available until September 30, 2003.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $391,593,000, to remain available until September 30, 2004, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the

Internal Revenue Service 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 745 vehicles for police-type use, of which 541 are for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $920,112,000, of which $2,139,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2003.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $3,457,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2002, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2002 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Crime and Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 119. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2002 until enactment of the Intelligence Authorization Act for fiscal year 2002.

SEC. 120. Section 122 of Public Law 105–119 (5 U.S.C. 3104 note), as amended by Public Law 105–277, is further amended in subsection (g)(1), by striking "three years" and inserting "four years"; and by striking ", the United States Customs Service, and the United States Secret Service".

SEC. 121. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate a museum at its National Headquarters in Washington, D.C., without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

This title may be cited as the "Treasury Department Appropriations Act, 2002".

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the bill through title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. Are there amendments to this portion of the bill?

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, senior citizens in my district have worked hard their entire lives and, with the help of Social Security, have been able to enjoy their golden years. A favorite pastime of seniors is attending card parties. Seniors enjoy the card playing. It can be fun and challenging as a test of skill and luck. Sometimes people will go from one card party to the other, they enjoy it so much. I see that as I visit my district. Something people do not like, though, is when they know that cards are being played with a stacked deck, a game that is rigged. That is really repugnant to the American sense of fairness.

Well, in its efforts to turn Social Security over to Wall Street, the administration has stacked the deck against senior citizens on Social Security, because the administration's Commission on Social Security is stacked with the kings of finance who want to privatize Social Security so they can get money for Wall Street interests. One member of the administration's Commission on Social Security is a former World Bank economist; another member, president of the business-financed Economic Security 2000, favors a fully privatized system; another member, an investment company executive with Fidelity; another member, AOL Time Warner former chief operating officer, who, at the same time, is involved with a Labor Department matter where the Labor Department has filed suit against Time Warner for denying its own workers health and pension benefits.

The deck is being stacked against our seniors. And while Wall Street's backing for the commission is being made known, Wall Street Journal reports on June 12 of the year 2001, a range of financial service firms are pooling their efforts and millions of dollars for advertising to assist in privatization. But the ad dollars, the Wall Street Journal goes on to say, are a pittance compared to the billions of dollars at stake for

Wall Street should Mr. Bush achieve his goal of carving private accounts from Social Security. To help build its own war chest, the coalition will hold a luncheon at New York's Windows on the World atop the World Trade Center.

The deck is stacked against the people of this country. Social Security is headed to the stock market to benefit the kings of finance. That is all this is about.

Well, we have other things to do in this Congress. We know that the administration has a doublethink on the size of the Social Security financial problem. The administration's tax cut would reduce revenue by about the same amount of the shortfall between Social Security obligations and revenues. The administration considers the tax cut "quite modest." Says Paul Krugman of The New York Times, in today's New York Times in an article on the op-ed page, "If it's a modest tax cut, then the sums Social Security will need to cover its cash shortfall are also modest. We're supposed to believe that $170 billion a year is a modest sum if it's a tax cut for the affluent, but that it's an insupportable burden on the budget if it's an obligation to retirees."

He talks about the commission wanting it both ways, what George Orwell called doublethink. That is what the commission report is all about, Paul Krugman says. It is biased, internally inconsistent, and intellectually dishonest.

I will be offering an amendment, Mr. Chairman, and that amendment would establish a commission that would oppose the privatization of Social Security. This commission would have the ability to protect Social Security and stop the diversion of Social Security revenues to the stock market and a reduction of Social Security benefits. This commission would be the answer to this administration's stacked deck, which wants to privatize Social Security to take money from the seniors and to give it to Wall Street.

The truth is that Social Security is solvent through the year 2034 without any changes whatsoever, and we have to defend the right of our senior citizens to have a secure retirement free from the greedy hands of Wall Street trying to glom on to that Social Security Trust Fund. We need to defend Social Security and everything it stands for.

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Ohio for offering this amendment which would require the Treasury Department to establish a commission to oppose the privatization of Social Security.

President Bush and his Commission on Social Security are using scare tactics and misleading claims to sell their privatization plan to American women. Privatizing Social Security will only hurt women, who rely most heavily on Social Security for their retirement.

The President's commission would have us believe that women would be better off giving up their guaranteed lifetime benefits for a risky private account. But we cannot afford to gamble the security and independence of our seniors on an uncertain stock market, which is just too risky. Women rely on Social Security in their senior years because they tend to earn less and live longer than men. They are also less likely than men to have private pensions through their employers. And women often spend less time in the workforce, taking almost up to 11½ years out of their careers to care for their families.

Do my colleagues know that in my own district about 58 percent of the Latina elderly women live alone and live in poverty? We should be concentrating on how we can improve Social Security benefits to reduce this deplorable level of poverty and not talking about privatizing schemes that will actually reduce their benefits.

□ 1230

I urge support for the Kucinich amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Ohio (Mr. KUCINICH) for raising this issue. There is obviously a desire to privatize Social Security by some. We, on this side, think that is a bad, bad mistake.

There can be no more dramatic showing of why that is a mistake than to look at the stock market into which presumably those private investments would go over the last 60 days. If one was retiring now and taking out their assets, they would lose. Obviously, if they had retired a year ago they may have won. But that is not a very secure Social Security.

The gentleman from Ohio (Mr. KUCINICH) raises an excellent point. This issue will be one of the most critical issues that we confront in this Congress. It will be debated not only in the Halls of Congress but throughout this country. I thank the gentleman from Ohio (Mr. KUCINICH) for raising this issue in his usual dramatic, pointed, and effective way.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I too would like to say a word about the proposed plan to begin a privatization of Social Security. We are being told by the privatizers in the Bush administration and elsewhere that the Social Security system is in some jeopardy and that, in fact, if we do not take drastic action, that the plan will begin to exhaust its funds somewhere around the year 2016.

Well, 2016 under the present set of circumstances is the point at which Social Security will begin to pay out more than it is taking in. But even at that moment it will have a surplus which will be in the trillions of dollars. The surplus today, for example, is $1.2 trillion. That is to illustrate that the Social Security system is in no crisis whatsoever. But we are being told that it is because the privatizers want to undermine the confidence of the American people in this system of Social Security which has provided just that now for almost 70 years.

Social Security has taken a situation where more than half of the American elderly are living under the poverty level and changed that to a situation where virtually no retirees, no elderly people are living in poverty thanks to the stability and the security in Social Security.

Now, the estimate that says that Social Security will begin running out of funds around 2016, of course, is just that. It is an estimate. It is based upon numbers that are made up. It is projections based upon those made-up numbers. If we used a different set of numbers, of course, we would likely come up with a different result.

Let us try that. Let us take the numbers that were used to justify the President's tax cut, a tax cut which I regard as being irresponsible, particularly in view of the fact that it gives most of its benefits to the wealthiest 1 percent of the population; but let us take the numbers that were used by the administration to justify that tax cut. Under those numbers we come up with a very different situation.

If we were to apply those numbers to the Social Security scenario, those more optimistic numbers, those numbers that show economic growth going out into the future, what we find is the Social Security system does not begin to pay out more benefits in 2016, but, rather, the Social Security system will last with great strength and vigor until at least 2075.

So, what does that tell us? It tells us that people are being disingenuous, people are being dishonest, people are using numbers to try to create an impression to undermine confidence in Social Security where there is no justification whatsoever for undermining confidence in Social Security.

The President tells us he would like to have a system whereby people could invest in the stock market. Well, there is nothing wrong with that. People, if they can afford it, ought to invest in the stock market. Why does the President not set up a program whereby this government will match the funds that people set aside outside of Social Security, independent of Social Security, and have that money invested in the stock market? That would be a very good idea. It would not undermine Social Security. It would leave it just as it is, strong and secure, providing benefits into the future just as it was intended to do and has always done.

If the President were really serious about trying to do something to help people in their retirement years, I have an idea for him. Here is what we ought to do. He ought to send to this Congress legislation which would strengthen the private pension plans of all American workers. We need that because there are a growing number of corporations in this country which are undermining their own pension plans, which are providing fewer benefits to their workers in the future, taking away from them health insurance as well.

We need to protect those pension plans. Many corporations are using those pension plans to pretend that they are profits within the company, thereby enhancing the compensation of executives for the company and making it appear as if the company is actually stronger than it is. That is wrong, and the private pension plans ought not to be used in that way.

So Social Security is in no trouble. Let us leave it. If we want to do something for retirees, we can set up an independent plan.

AMENDMENT NO. 4 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 4 offered by Mr. KUCINICH:
>
> At the end of title I (before the short title), insert the following:
>
> SEC. ___. The Secretary of Treasury shall establish a commission to oppose the privatization of Social Security, the diversion of Social Security revenues to the stock market, and the reduction of Social Security benefits.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. ISTOOK. Mr. Chairman, I understand the gentleman from Ohio (Mr. KUCINICH) has made his presentation and is prepared to have the Chair rule on his point of order.

Mr. KUCINICH. Mr. Chairman, that is correct.

Mr. NADLER. Mr. Chairman, I am deeply troubled by the way this Administration appears to tackle difficult policy questions. I fear a pattern may be developing.

The GAO is already investigating Vice President's CHENEY's secret meetings with energy executives on federal energy policy. There are questions about this Administration's faith-based office consulting with the Salvation Army about allowing discrimination with federal funds. There are further allegations that the President's Medicare Drug Plan was done in secret consultation only with representatives from the drug companies. Now, the Social Security Commission is looking at only one way to strengthen Social Security—they want to privatize it.

This type of one-sided look at policy questions is hurting the Bush Administration. Poll after poll shows that there is a growing concern that the President is too concerned with powerful special interests. His Administration appears to care more about energy companies and drug companies, than about consumers and seniors who need to buy prescription drugs.

Well, today, we are offering the President the opportunity to change that perception. Why not balance his one-sided, unbalanced, biased, pro-prviatization Social Security Commission with another Commission to study the other side of the issue? Both Commissions could make recommendations, and Congress and the President could hear from both sides of the debate before making any decisions. This is entirely reasonable, and I hope this amendment is adopted.

The new Commission, unlike Bush's current Commission, might be composed of people who have NOT advocated raising the retirement age and cutting benefits. The President should not have any problem filling the seats on this Commission, because most Americans do not support raising the retirement age or cutting benefits.

The new Commission might point out many of the views that Bush's Commission might not mention. The new Commission could study the need, feasibility, cost, fairness, and risks involved in privatization.

It might conclude, as many of us do, that privatization of Social Security is not necessary, not workable, not cheap, not fair, and not worth the risk.

Let me briefly explain these shortfalls.

First, privatization is not necessary. The Social Security Trustees predict a system that is solvent for 37 years and may in fact be solvent as far as the eye can see.

Second, the Trustees predictions are pessimistic, and have had to be revised every year.

Third, the Trustees pessimistic predictions are unreliable because they don't take into account the affect of the predicted long term labor shortage on wages, productivity, unemployment, or immigration policy.

IT WON'T WORK

(1) Privatization does not restore solvency to the system—simply diverting 2% of payroll to individual accounts simply makes the funding problem worse. It hastens the insolvency of the system.

(2) Privatization plans that claim to restore solvency to Social Security, only do so because they also cut guaranteed benefits, increase the retirement age, or create huge deficits in the non-social security federal budget. Cutting benefits, raising the retirement age, or adding general fund revenues can make the system solvent with or without the private accounts.

THE TRANSITION COSTS TOO MUCH

(1) The transition costs to a private system are enormous. Furthermore, $1.3 trillion of the surplus is no longer available to finance the transition because of the tax cut.

(2) There are enormous administrative costs to setting up millions of small investment accounts. Why not simply put that money into Social Security directly to make the system more solvent?

IT IS UNFAIR

(1) Under privatization the rich will earn more than the poor in their private accounts. Two percent of $70,000 is much more than two percent of $20,000. This will increase the disparity in the system.

(2) Privatization hurts women—who generally earn less, live longer, and take time out from the paid workforce to care for children.

(3) Privatization (diverting funds to private accounts) may jeopardize existing survivor and disability payments—putting children and those with disabilities at risk.

IT IS EITHER RISKY OR WILL NOT PRODUCE MAJOR GAINS

(1) Investing in the stock market is riskier than investing in bonds. As a result of the risk, the potential for gains is higher, but the potential for losses is higher as well. So, privatization could leave millions in poverty—is that a risk we are willing to take?

(2) If you want to minimize the risk of people ending up poor, you could limit their investments in lower risk stocks or mutual funds. Fine, but then the rate of return is smaller, and the accounts are less likely to make up for the cuts in guaranteed benefits needed to set up the accounts.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Oklahoma (Mr. ISTOOK) insist on his point of order?

Mr. ISTOOK. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill; and, therefore, it violates clause 2 of rule XXI.

That rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

This amendment gives affirmative direction, in effect, and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman wish to be recognized on the point of order?

Mr. KUCINICH. Mr. Chairman, I have made my point.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment imparts direction to the executive. As such, it is legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $76,619,000, of which $47,619,000 shall not be available for obligation until October 1, 2002: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2002.

This title may be cited as the "Postal Service Appropriations Act, 2002".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President and the White House Office

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per year as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $54,651,000: *Provided*, That $10,740,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $11,695,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $8,625,000, to remain available until expended, of which $1,306,000 is for 6 projects for required maintenance, safety and health issues, and continued preventative maintenance; and of which $7,319,000 is for 3 projects for required maintenance and continued preventative maintenance in conjunction with the General Services Administration, the Secret Service, the Office of the President, and other agencies charged with the administration and care of the White House.

Special Assistance to the President and the Official Residence of the Vice President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,925,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $318,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,211,000.

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,142,000.

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,494,000.

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $46,955,000, of which $11,775,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President: *Provided*, That $4,475,000 of the Capital Investment Plan funds may not be obligated until the Executive Office of the President has submitted a report to the House Committee on Appropriations that (1) includes an Enterprise Architecture, as defined in OMB Circular A–130 and the Federal Chief Information Officers Council guidance; (2) presents an Information Technology (IT) Human Capital Plan, to include an inventory of current IT workforce knowledge and skills, a definition of needed IT knowledge and skills, a gap analysis of any shortfalls, and a plan for addressing any shortfalls; (3) presents a capital investment plan for implementing the Enterprise Architecture; (4) includes a description of the IT capital planning and investment control process; and (5) is reviewed and approved by the Office of Management and Budget, is reviewed by the General Accounting Office, and is approved by the House Committee on Appropriations.

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,752,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: *Provided further*, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees: *Provided further*, That of the amounts appropriated, not to exceed $6,331,000 shall be available to the Office of Information and Regulatory Affairs, of which $1,582,750 shall not be obligated until the Office of Management and Budget submits a report to the House Committee on Appropriations that provides an assessment of the total costs of implementing Executive Order 13166: *Provided further*, That the Housing, Treasury and Finance Division shall, in consultation with the Small Business Administration, develop subsidy cost estimates for the 7(a) General Business Loan Program and the 504 Certified Development Company loan program which track the actual default experience in those programs since the implementation of the Credit Reform Act of 1992: *Provided further*, That these subsidy estimates shall be included in the President's fiscal year 2003 budget submission and the Office of Management and Budget shall report on the progress of the development of these estimates to the House Committee on Appropriations and the House Committee on Small Business prior to the submission of the President's fiscal year 2003 budget.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $12,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $25,267,000; of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $40,000,000, which shall remain available until expended, consisting of $17,764,000 for counternarcotics research and development projects, and $22,236,000 for the continued operation of the technology transfer program: *Provided*, That the $17,764,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $233,882,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2003, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, not less than $2,100,000 shall be used for auditing services and activities: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2001, shall be funded at fiscal year 2001 levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by 21 U.S.C. 1701 et seq., $238,600,000, to remain available until expended, of which $180,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998, of which $4,000,000 shall be made available by grant or other appropriate transfer to the United States Anti-Doping Agency for their anti-doping efforts; of which $50,600,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997; of which $1,000,000 shall be available to the National Drug Court Institute; and of which $3,000,000 shall be for the Counterdrug Intelligence Executive Secretariat: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the "Executive Office Appropriations Act, 2002".

Mr. ISTOOK (during reading). Mr. Chairman, I ask unanimous consent that the bill through page 40, line 2, be considered as read, printed in the RECORD, and open to amendment at any time point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment on behalf of myself and the gentleman from Maryland (Mr. HOYER).

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

On page 27, strike line 21 through page 28, line 22;

On page 28, strike line 24 through page 29, line 4;

On page 31, strike line 10 through page 32, line 17;

On page 33, strike line 1 through page 34, line 11; and

On page 39, strike lines 20 through 25.

On page 27, line 21, insert the following:

EXECUTIVE OFFICE OF THE PRESIDENT

For necessary expenses of the Executive Office of the President, including compensation of the President, $139,255,000; of which $450,000 shall be available for compensation of the President, including an expense allowance at the rate of $50,000 per year, as authorized by 3 U.S.C. 102; of which $54,651,000 shall be available for necessary expenses of the White House Office as authorized by law, including not to exceed $100,000 for travel expenses, to be expended and accounted for as provided by 3 U.S.C. 103.

Mr. WAXMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. ISTOOK. Mr. Chairman, this amendment does not add any dollars of spending to the bill, nor does it reduce any dollars of spending to the bill. The effect of the amendment, however, is just to consolidate several accounts dealing with the Executive Office of the President, the White House office.

By way of explanation, Mr. Chairman, this amendment is offered on behalf of myself and the ranking member, the gentleman from Maryland (Mr. HOYER). We have had some continuing discussions throughout the process of considering this legislation trying to accommodate the legitimate needs both of the executive branch and the legitimate needs of the legislative branch.

The executive branch sees that in having the White House accounts split up into some 18 different accounts, a needless complexity that adds expense, that adds burdens, that adds administrative hurdles that they must go through to accomplish anything.

For example, when we have funding that is appropriated separately to the executive residents, to White House repairs, to special assistants to the President, to the Office of Policy Development, to the White House office and so forth, any time they may have something as simple as say a service contract for copier services, or equipment repairs, they have to enter into multiple contracts, do multiple sets of bookkeeping.

Mr. Chairman, there is a burden that they see that they want to have removed to make it easier for the White House to do business.

On the other hand, we in the Congress have legitimate needs and desires to have oversight over spending of public funds. The gentleman from Maryland (Mr. HOYER) and I have been working diligently to try to strike the right balance.

We did want to offer an amendment, Mr. Chairman, and I think the point of order was raised against what the gentleman from California thought was going to be the amendment which had some substantive language to try to put in some safeguards for the benefit of the Congress to make sure that consolidating these accounts would not remove our oversight ability, and would make sure that the persons involved in the White House and expending public funds are still accessible and available to the Congress when we might need testimony and information and to perform our constitutional duties.

Because the gentleman from California intended to offer an objection to the unanimous consent that was necessary to do that, the gentleman from Maryland (Mr. HOYER) and I offer the second amendment which does consolidate accounts. It does not have the additional language that we would like to have; but I would represent to the body that the gentleman from Maryland (Mr. HOYER) and I and everybody else involved with this intend to make sure that the final product of this committee, whatever it might or might not do with consolidated different accounts, does so with all of the necessary safeguards to protect the proper constitutional prerogatives of the Congress.

So this amendment, Mr. Chairman, I believe will clearly be in order. It does not consolidate all 18 of the accounts that are generally under the Executive Office of the President. It does a consolidation of the funding of some 10 of those, but it is done with the express intent and purpose of being the placeholder that we need as we continue to work with the Senate and in conference, and of course with the White House in fashioning the final bill that ultimately will come before this body.

Mr. Chairman, I repeat that this amendment does not increase nor decrease the funding for the White House and the Executive Office of the President. It merely takes 10 separate line items in the bill, consolidates them into one so we might indeed make sure that we can bring up this issue when we get into a conference with the Senate. It is our placeholder for that purpose.

Mr. WAXMAN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before the gentleman from California (Mr. WAXMAN), the distinguished ranking member of the Committee on Government Reform, leaves, the gentleman from Oklahoma (Mr. ISTOOK) correctly points out that this is a placeholder. As I told the gentleman from California, I opposed the original amendment that was offered. It was defeated in committee. But I believe this is a subject worthy of discussion between now and conference, and I want to assure the gentleman that I will be talking with him as well to get his thoughts on this proposal that OMB has made.

Clearly they believe it is a proposal which will encourage greater efficiencies and effectiveness of management. Whether that is the case or not, we will see. I assure the gentleman that I will discuss it further with him.

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Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman very much for those assurances. I understand the chairman of the subcommittee also expressing the view that this is a placeholder.

The original proposal I found very troublesome. It would do things like allow all the money from the National Security Council to be used for the residence of the Vice President. I do not think that much power ought to be delegated away from the Congress to the executive branch. There are many accounts over which we ought to have a much closer opportunity to review.

I thank the gentleman for his assurances and will look forward to discussing the issue with him further.

Mr. HOYER. I thank the gentleman.

Reclaiming my time, let me say to the gentleman that the gentleman is correct that money could be shifted from the NSC account to other accounts, the Vice President's account or any other account. Obviously, that would have to be done, however, with the approval of the committee, because they would need a request to shift from one program to the other. However, I raised similar concern that this would facilitate that happening. Because at times we do not give as careful attention to the shifting of funds from one account to another as we do to the initial appropriations to that account, I think the gentleman's concern is well placed. I expressed it as well in committee. We will see how comfortable we can become with the ultimate agreement that we might reach.

I thank the gentleman for his input.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,629,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $43,689,000, of which no less than $5,128,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $26,524,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $6,086,138,000 of which (1) $348,816,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, U.S. Courthouse, $11,290,000

Arkansas:

Little Rock, U.S. Courthouse Annex, $5,022,000

California:

Fresno, U.S. Courthouse, $121,225,000

District of Columbia:

Washington, U.S. Courthouse Annex, $6,595,000

Washington, Southeast Federal Center Site Remediation, $5,000,000

Florida:

Miami, U.S. Courthouse, $15,000,000

Orlando, U.S. Courthouse, $4,000,000

Illinois:

Rockford, U.S. Courthouse, $4,933,000

Maine:

Jackman, Border Station, $868,000

Maryland:

Montgomery County, FDA Consolidation, $19,060,000

Prince Georges County, National Center for Environmental Prediction, $3,000,000

Suitland, U.S. Census Bureau, $2,813,000

Suitland, National Oceanic and Atmospheric Administration II, $34,083,000

Massachusetts:

Springfield, U.S. Courthouse, $6,473,000

Michigan:

Detroit, Ambassador Bridge Border Station, $9,470,000

Montana:

Raymond, Border Station, $693,000

New Mexico:

Las Cruces, U.S. Courthouse, $4,110,000

New York:

Brooklyn, U.S. Courthouse Annex—GPO, $3,361,000

Buffalo, U.S. Courthouse Annex, $716,000

Champlain, Border Station, $500,000

New York, U.S. Mission to the United Nations, $4,617,000

Oklahoma:

Norman, NOAA Norman Consolidation Project, $10,000,000

Oregon:

Eugene, U.S. Courthouse, $4,470,000

Pennsylvania:

Erie, U.S. Courthouse Annex, $30,739,000

Texas:

Del Rio III, Border Station, $1,869,000

Eagle Pass, Border Station, $2,256,000

El Paso, U.S. Courthouse, $11,193,000

Fort Hancock, Border Station, $2,183,000

Houston, Federal Bureau of Investigation, $6,268,000

Virginia:

Norfolk, U.S. Courthouse Annex, $11,609,000

Nationwide:

Non-prospectus Construction: $5,400,000: *Provided*, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $826,676,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and Alterations:

California:

Laguna Niguel, Chet Holifield Federal Building, $11,711,000

San Diego, Edward J. Schwartz Federal Building, U.S. Courthouse, $13,070,000

Colorado:

Lakewood, Denver Federal Center, Building 67, $8,484,000

District of Columbia:

Washington, 320 First Street Federal Building, $8,260,000

Washington, Internal Revenue Service Main Building, Phase 2, $20,391,000

Washington, Main Interior Building, $22,739,000

Washington, Main Justice Building, Phase 3, $45,974,000

Florida:

Jacksonville, Charles E. Bennett Federal Building, $23,552,000

Tallahassee, U.S. Courthouse, $4,894,000

Illinois:

Chicago, Federal Building, 536 South Clark Street, $60,073,000

Chicago, Harold Washington Social Security Center, $13,692,000

Chicago, John C. Kluczynski Federal Building, $12,725,000

Iowa:

Des Moines, 210 Walnut Street Federal Building, $11,992,000

Missouri:

St. Louis, Federal Building 104/105 Goodfellow, $20,212,000

New Jersey:

Newark, Peter W. Rodino Federal Building, $5,295,000

Nevada:

Las Vegas, Foley Federal Building—U.S. Courthouse, $26,978,000

Ohio:

Cleveland, Anthony J. Celebrezze Federal Building, $22,986,000

Cleveland, Howard M. Metzenbaum U.S. Courthouse, $27,856,000

Oklahoma:

Muskogee, Federal Building—U.S. Courthouse, $8,214,000

Oregon:

Portland, Pioneer Courthouse, $16,629,000

Rhode Island:

Providence, U.S. Federal Building and Courthouse, $5,039,000

Wisconsin:

Milwaukee, Federal Building—U.S. Courthouse, $10,015,000

Nationwide:

Design Program, $33,657,000

Heating, Ventilation and Air Conditioning Modernization—Various Buildings, $6,650,000

Transformers—Various Buildings, $15,588,000

Basic Repairs and Alterations, $370,000,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $186,427,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,959,550,000 for rental of space which shall remain available until expended; and (5) $1,764,669,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $6,086,138,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $137,947,000, of which $25,887,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $36,478,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $5,000,000 to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the House Committee on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $3,196,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

General Services Administration—General Provisions

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2003 request shall be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. The amount expended by the General Services Administration during fiscal year 2002 for the purchase of alternative fuel vehicles shall be at least $5,000,000 more than the amount expended during fiscal year 2001 for such purpose.

Merit Systems Protection Board

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $30,555,000 together with not to exceed $2,520,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et. seq.), $2,500,000, to remain available until expended: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute: *Provided further*, That not later than 90 days after the date of the enactment of this Act, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation shall submit to the House Committee on Appropriations a report describing the distribution of such funds.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,309,000, to remain available until expended.

National Archives and Records Administration

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $244,247,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That of the funds made available, $22,302,000 is for the electronic records archive, $16,337,000 of which shall be available until September 30, 2004.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $10,643,000, to remain available until expended.

National Historical Publications and Records Commission

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $10,000,000, to remain available until expended.

Office of Government Ethics

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,117,000.

Office of Personnel Management

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $99,636,000, of which $3,200,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition $115,928,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $21,777,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,498,000; and in addition, not to exceed $10,016,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $11,891,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,809,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2002".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2002 from appropriations made available for salaries and expenses for fiscal year 2002 in this Act, shall remain available through September 30, 2003, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 515. None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Office of Management and Budget who makes apportionments under subchapter II of chapter 15 of title 31, United States code, that prevent the expenditure or obligation by December 31, 2001, of at least 75 percent of the appropriations made for fiscal year 2002 to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), the Food for Progress Act of 1985 (7 U.S.C. 1736*o*), and section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)).

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 68, line 2, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted to note for anyone that may be confused because we had a pause, we were anticipating there would be another amendment that was to have been presented a moment ago. Obviously, it has not. So the effect of what we have asked unanimous consent to do is to open up the bill to amendments and move on to title VI, which is the general provisions where we know there are several Members that have amendments to offer in that section.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Maryland.

Mr. HOYER. So am I correct that through title VI now is closed?

Mr. ISTOOK. We are opening up the bill up to title VI. The entire bill is open for amendment to title VI. Then Members who have amendments on title VI may offer those. We are about to close off the bill prior to title VI.

Mr. HOYER. Mr. Chairman, as I understand it, we are now closed through title VI. I thank the gentleman for yielding.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 610. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 611. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 612. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2002, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2002 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2002 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2001, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2001, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2001.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 613. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 614. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 615. Notwithstanding section 1346 of title 31, United States Code, or section 609 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 616. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 617. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 618. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 619. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 620. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 621. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 622. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 623. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 624. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 625. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 626. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 627. Notwithstanding 31 U.S.C. 1346 and section 609 of this Act, funds made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 628. Notwithstanding 31 U.S.C. 1346 and section 609 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 629. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S.C. 3324, amounts paid to licensed or regulated child care providers may be in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 630. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 631. Nothwithstanding section 1346 of title 31, United States Code, or section 609 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 632. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 633. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

SEC. 634. Section 3 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting ", utilities (including electrical) for," after "military staffing".

SEC. 635. Section 6 of Public Law 93–346 as amended (3 U.S.C. 111 note) is amended by inserting ", or for use at official functions in or about," after "about".

SEC. 636. During fiscal year 2002 and thereafter, the head of an entity named in 3 U.S.C. 112 may, with respect to civilian personnel of any branch of the Federal government performing duties in such entity, exercise authority comparable to the authority that may by law (including chapter 57 and sections 8344 and 8468 of title 5, United States Code) be exercised with respect to the employees of an Executive agency (as defined in 5 U.S.C. 105) by the head of such Executive agency, and the authority granted by this section shall be in addition to any other authority available by law.

SEC. 637. Each Executive agency covered by section 630 of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of Public Law 105–277) shall submit a report 60 days after the close of fiscal year 2001 to the Office of Personnel Management regarding its efforts to implement the intent of such section 630. The Office of Personnel Management shall prepare a summary of the information received and shall submit the summary report to the House Committee on Appropriations 90 days after the close of fiscal year 2001.

SEC. 638. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON

USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any Federal government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 639. (a) Section 8335(a) of title 5, United States Code, is amended by striking the period at the end of the first sentence and inserting: "or completes the age and service requirements for an annuity under section 8336, whichever occurs later.".

(b) The amendment made by subsection (a) takes effect on the date of enactment with regard to any individual subject to chapter 83 of title 5, United States Code, who is employed as an air traffic controller on that date.

SEC. 640. (a) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 4507 the following:

"§ 4507a. Awarding of ranks to other senior career employees

"(a) For the purpose of this section, the term 'senior career employee' means an individual appointed to a position classified above GS–15 and paid under section 5376 who is not serving—

"(1) under a time-limited appointment; or

"(2) in a position that is excepted from the competitive service because of its confidential or policy-making character.

"(b) Each agency employing senior career employees shall submit annually to the Office of Personnel Management recommendations of senior career employees in the agency to be awarded the rank of Meritorious Senior Professional or Distinguished Senior Professional, which may be awarded by the President for sustained accomplishment or sustained extraordinary accomplishment, respectively.

"(c) The recommendations shall be made, reviewed, and awarded under the same terms and conditions (to the extent determined by the Office of Personnel Management) that apply to rank awards for members of the Senior Executive Service under section 4507.".

(b) REGULATIONS.—Section 4506 of title 5, United States Code, is amended by striking "the agency awards program" and inserting "the awards programs".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 45 of title 5, United States Code, is amended by inserting after the item relating to section 4507 the following:

"4507a. Awarding of ranks to other senior career employees.".

SEC. 641. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58; 2 U.S.C. 437g note) is amended by striking "violations occurring between January 1, 2000 and December 31, 2001" and inserting "violations that relate to reporting periods that begin on or after January 1, 2000, and that end on or before December 31, 2003".

SEC. 642. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 643. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002.

Mr. ISTOOK (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 95, line 16, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT NO. 9 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 9 offered by Mr. INSLEE:
> Page 89, strike lines 18 through 20.

Mr. INSLEE. Mr. Chairman, this amendment will assure that the Vice President's budget retains responsibility for the electrical costs associated with the Vice President's personal residence.

As Members know in quite a bit of controversy recently, the proposed bill in fact would remove responsibility for those personal bills, those electrical bills at the Vice President's residence and shift them away from the Vice President's budget and over to the financial shoulders of the United States Navy. We think that is a big mistake. We think it is a big mistake to remove accountability while many Americans are having great problems with their own electrical bills, for the Vice President to remove responsibility financially from his budget and shift it somewhere else in the Federal Government.

We would suggest that our amendment will benefit three groups of people by assuring accountability in the midst of this energy crisis remains with the Vice President's budget:

First, it will help our constituents, our citizens. The reason is, is that our citizens now are experiencing, many of them, skyrocketing energy costs. In my district people are paying 30, 40, 50, 60 percent more for their electrical bills. My constituents cannot send their bills for these skyrocketing electrical rates to the U.S. Navy. We do not think it is the right message to our constituents for the Vice President to say, but I'm going to send my skyrocketing electrical bill, and that bill is skyrocketing, to the U.S. Navy. We think it is the wrong message for our constituents. So it is good for our constituents who expect personal accountability in these expenditures.

Second, it is good for the U.S. Navy. We have got a lot of service personnel out there who justifiably are not happy about their housing, their pay, sometimes their health care. It is the wrong message to the sailors to be saying that that budget has got to take on the personal electrical expenses of the Vice President's residence.

Third, this amendment is good for the Vice President. The Vice President said he has not asked for this change to be made. This idea was not his, apparently. But the fact of the matter is, and perhaps it is sad to report, but it is true, there are Americans who are concerned about the Vice President's apparent lack of concern for the crisis in energy and some people who have suggested that he might be perhaps too close to the oil and gas industry.

Now, I think it would be beneficial if we can squelch those rumors, those rumors that have come up due to these secret meetings that the Vice President has had with the oil and gas industry he now refuses to divulge information about. Let us help him squelch the rumors about that by showing he will be personally accountable in this electrical rate crisis.

Some people have suggested that his comments about conservation, saying that conservation is just a personal virtue but not an economic policy, some people have concern that that shows too much closeness to the energy industry. Let us help him squelch those rumors to show he wants to be personally accountable and understands the problems of real Americans in this regard.

Some people have suggested that when the Vice President sat for 8 months and did nothing about the electrical crisis in California, Oregon and Washington, some people are concerned that that has demonstrated a lack of compassion and understanding for the plight of people on the West Coast whose energy prices have gone through the roof. Let us help him squelch those rumors to show personal accountability for these.

And some people have suggested that the Vice President's willingness to drill in our most pristine wilderness areas demonstrates not being in touch with the will of the American people but a little too close to the oil and gas industry. Let us help him squelch those rumors by showing personal accountability in fact for these obligations of the Vice President's office.

Mr. Chairman, perhaps this seems like a small budget item, and it is certainly a small dollar amount, about $180,000, in the context of the Federal budget. But leadership involves understanding the plight of those who are led. We have had a lot of people who are in tough times right now because of the downturn in the economy and the huge escalation in their energy prices. Let us help the Vice President demonstrate that he is in touch with the needs of ordinary Americans and assure that the Vice President's budget will in fact remain responsible for his electrical prices.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was hopeful that we could get through this debate without having an amendment such as this offered because I think it is based upon very misleading arguments and claims. I would certainly hope that nobody in this body would want to take a cheap shot at the Vice President of the United States. The Vice President by law resides at the Naval Observatory here in Washington, DC. The grounds are under the jurisdiction of the United States Navy.

Two years ago, they installed a separate meter for the residence. Now, it is not just the residence that comes through it because there is all the security lighting and there is the Secret Service needs. There is a lot more than would normally come under any residence. Besides that, it is a 33-room building that has the official functions as well as the residential functions as part of it.

□ 1300

After they installed the meter, Mr. Chairman, 2 years ago, they found out that the former Vice President, Mr. Gore, overspent on utilities 220 percent of his office budget. What they did then was have the Navy make up the difference for former Vice President Gore's utility bill, which I believe the difference was somewhere in the neighborhood of $125,000.

In December of 1999, under the former administration, the former administration proposed consolidating the utility bills of the Vice President's residence with the Navy's overall utility bills at the Naval Observatory to be under the jurisdiction of the Navy. That proposal was carried forward and carried out in the current budget, and the budget for the Vice President was reduced by the same amount as we had allocated for former Vice President Gore's utility bills.

Former Vice President Gore went into the Navy to pay the utility bill once they had a separate meter and found out how much it was. Now we are told that Mr. CHENEY is being irresponsible because the Navy is going to pay the bill, which means the taxpayers pay the bill, which was the same people that pay it anyway.

But, yet, Mr. Chairman, what they are not mentioning is that Mr. CHENEY is using about one-fourth less energy than Mr. Gore did at the residence. Now, there is your story. The current Vice President is only using 75 percent as much energy as the last Vice President. Yet they try to twist and manipulate things to make it appear that somehow Mr. CHENEY is being irresponsible and trying to evade his electric bill.

There is no truth to such an assertion. This is merely carrying out the plan that was put in place by the former administration, the Clinton administration, to have the Navy pick up the difference between what Mr. Gore had in his budget to pay his utility bill and what the actual bill was, because it was far beyond what Mr. Gore had in his budget. But, instead, they try to twist it where somehow Mr. CHENEY, who has reduced the bill, supposedly Mr. CHENEY is the one being irresponsible? No matter how it is manipulated, Mr. Chairman, that does not wash.

I would hope that any person who tries to use this to embarrass the Vice President of the United States would rethink it and perhaps get a little bit embarrassed, if not ashamed, at what they are trying to do.

This is an outrageous argument that we have been hearing on this. It is not based upon accountability of who pays the bills, because we have the meter, we know regardless. We know that the bill is something that is going to be at the taxpayers' expense, whether it is routed through the Naval Observatory account or whether it is routed through the Office of the Vice President; but the funding was not put in Mr. Gore's budget, and the funding was not put in Mr. CHENEY's budget to pay the entirety of the expense. Either way, the Navy was picking up the difference.

Mr. CHENEY is the one who is being responsible, who is getting by with 75 percent as much energy as Mr. Gore was using. That is the bottom line, and that is what we ought to be focusing on.

I do not yield on something as outrageous as this. I yield back the balance of any time.

Mr. FILNER. Mr. Chairman, I rise in support of the Inslee-Filner amendment.

Mr. Chairman, I thank the gentleman from Washington for raising this issue. We are not trying to embarrass the Vice President of the United States; we are trying to embarrass the administration for not having an energy policy for this country.

We are not arguing whether the taxpayer is going to have this bill one way or the other; we are arguing that the people in the West Coast are paying double and triple the prices they paid last year, and they have no help. The administration will not step in and do anything about their prices, will not do anything about the energy cartel that is doing this.

The Vice President does not have to worry about that. He just asks for a shift of the accounts. We are not accusing the Vice President of being irresponsible; we are accusing the Vice President of being clueless. We have suffered for a year in San Diego, California, and the West Coast, with manipulated prices that have doubled and tripled what we were paying a year ago. Think of the small business person who is paying $700 or $800 a month, and, 60 days after deregulation, is paying $2,500 a month.

I want the Vice President to think about the small business person who had to close his doors because he did not have anybody to take his bill up. And he conserves. I will accept your premise that the Vice President conserves. Our people conserved, and what happened? Their price went up, and they did not have anybody to bail them out.

Sixty-five percent of small businesses in San Diego County face bankruptcy today. We have asked the administration for help. What about the person on fixed income who was paying $40 or $50 a month and is facing a bill of $150 to $200 a month, and he or she conserved? They are using 30, 40, 50 percent less electricity and their price doubled or tripled anyway. Do they have the Navy to bail them out? No.

We asked the administration, we have asked the Federal Energy Regulatory Commission for a year now, bring us cost-based rates to the West Coast. That is what went on in this country for almost a century, the cost of production plus a reasonable profit.

It costs 2 or 3 cents a kilowatt to produce, the energy companies charge 3 or 4 cents, and they were making a real hell of a profit there. We were told to buy utility stocks when we grew up, that is the safest. That same 2 cents or 3 cents per kilowatt of electricity was selling for $3 or $4 recently.

We do not have a free market in electricity on the West Coast; we have a manipulated market that is throwing people out of business, throwing people out of their homes, and the electricity crisis, Mr. Chairman, still exists. Prices have gone down recently, but I will tell you the retail prices were not affected by that change, and my small businesses in San Diego and the rest of California and the West Coast are facing bankruptcy.

Now, Mr. CHENEY, who met with the Congress, people did not want to hear that. Now, I know why they did not want to hear it. He did not care whether the prices went up. He did not care if you conserved and your prices went up. It is not coming out of his budget. Just shift the budget over, coming out of the Navy budget.

I would say to the gentleman from Oklahoma (Mr. ISTOOK), we are not arguing whether the taxpayer is going to pay one way or another. We are not arguing that Mr. CHENEY is irresponsible. We are saying the administration is clueless about the suffering of the people who live on the West Coast and who have been paying these outrageous prices for a year. And we cannot transfer them to the Navy, although I am asking my constituents, since this seems to be the administration policy, shift your bills over to the Navy, I am asking all my constituents and all the people across the country, send your bills to the Navy care of the Vice President. Here is the address. Send your bills, which have doubled or tripled over the last year, to the U.S. Navy, care of Vice President CHENEY, who lives at what was called the U.S. Naval Observatory. If that is the administration policy, let us take advantage of it.

But I will tell you, if the Vice President thinks that they can escape a responsible energy policy, I challenge him to come to the West Coast and show how he has paid for his electricity bills.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I just wanted to make the point, the gentleman from Oklahoma was suggesting that somehow we are personally critical of the Vice President's attempt to move this accountability over to the Navy, and that is not our criticism. In fact, what we have been told is that the Vice President said this was not his idea; and if it is not his idea, I agree with him, it is a bad idea. He is not personally responsible for this.

Neither are we criticizing him for use of electricity in his residence. We are told he actually has taken some steps to reduce his electrical usage, and I think that is great. He should be lauded for his personal virtue in that regard.

What we are critical, however, of, and the point we are trying to make here, is that this administration, while shifting accountability to the Navy, is not lifting a finger to help get refunds of the billions of dollars that are owed to our constituents on the West Coast.

The economic analysis of some folks indicates we have been overcharged $8 billion by electrical gougers on the West Coast, although today the Federal Energy Regulatory Commission, finally, because we have been pushing them, not the administration, they have finally said we are going to do something marginal for California; but we are not going to lift a finger for Washington and Oregon.

Washington and Oregon need refunds. The point we are trying to make is this administration, while it is shifting responsibility for electrical rates to the Navy, will not lift a finger to help us get refunds in the States of Washington or Oregon, because of this worshipping at the alter of the free market.

That is the criticism we have of the Vice President. We laud him for his conservation. We now want him to get busy and help us get refunds in the Pacific Northwest.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I want to clarify some of the remarks that were made by the chairman. We believe that the difference is approximately 15 percent in the last 4 months. If you compare the first 6 months, it is an interesting comparison, because the Vice President, of course, was not in residence at the Vice President's residence. They were refurbishing the residence for the Vice President.

If you are just comparing the last 4 months, including a hot day yesterday and a cool month of June, there was a 15 percent difference over those 4 months between the two energy costs, which is clearly explained by the difference in weather.

But that attempts to respond to an alleged attack on the Vice President by attacking his predecessor. Now, I know consistency is the hobgoblin of small minds, but it would seem to be fair to the former Vice President not to go after these energy costs, as the majority wants the present Vice President to be free of these attacks.

The gentleman from Washington State pointed out, absolutely correctly, this is not about the Vice President. This is about the cost of energy. This is about a sensitivity that the administration ought to have, that the Congress ought to have, to the cost of heating one's home, of air conditioning one's home.

Now, let me correct, if I might, the chairman. The Secret Service is separately metered. The Secret Service has its own meter. Why? Because they use a lot of electric utilities. They use a lot of security lights, and they are metered themselves. So this is not an opportunity nor an effort to embarrass the Vice President.

But I will tell my friend, the chairman of this committee, with whom I have been working positively, who did not serve on all the years from 1995 to 2001 when there were repeated attempts to embarrass the President and the Vice President on the expenditures in the White House account, repeated attempts, unlike, I will tell the chairman, as he knows I feel strongly about, unlike 1981 through 1989, when Ronald Reagan was President of the United States, and unlike 1989 to 1993, when George Bush the First was President of the United States. It did not start to occur, for Members of Congress to go after individually either the Vice President or the President on administration of the House in which they live, until 1995, and it became very popular in 1996, 1997 and 1998 to rag on the President and the Vice President.

That is not what this is about. We have a crisis in America, and that crisis is energy costs. Some people in California and other areas of this country are put to the test of whether they are going to pay for an electrical bill or pay for their prescription drugs or pay for food.

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I am glad to yield to my friend from the Northwest, from Washington State, who has offered this amendment, to cogently raise this issue for all of America, not for the Vice President.

Mr. INSLEE. Mr. Chairman, I just want to read to the gentleman an email I got from a guy named Cliff Sinden a few months ago. He said, "I saw the press conference with you and the Senator. The message was the U.S. Government won't do a darn thing for you, just conserve. I have cut my electric consumption by 50 percent from last year, and the next 2 months should be even more, with the full effect of my conservation efforts.

□ 1315

What reward do I get? A $45 increase in my monthly charges."

I guess it is true that no good deed goes unpunished.

What we are saying by this amendment is that it is important for the administration to have an appreciation of what individual Americans are going through. Sending this signal to them is consistent with the rest of the administration's policies that they do not understand the depth of this crisis, and that is why we think this amendment is important.

Mr. HOYER. Mr. Chairman, reclaiming my time, and I thank the gentleman for the addition to the remarks that I made and that he is making.

I would reiterate what the gentleman just said. This is an issue about us focusing on what it costs from an emergency standpoint to run the residency of the Vice President and the residency of the White House, the President; it is not to embarrass either one of them. I do not think Vice President CHENEY is frankly using more or less energy than Vice President Gore.

What I think we ought to have is a focus of this Congress on those costs so that it shows us very clearly what it costs to heat, to air condition homes. I think in that respect, it is a good educational amendment and gives us a better budget focus, and I urge its adoption.

Mr. STRICKLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this issue is in the larger scheme of things, as we talk about our national budget, certainly not a huge sum of resources or money, but the most important thing we do in this Chamber is to decide how to use the resources available to us.

I am struck by the fact that last weekend when I was in my district, I met with a veteran who shared with me his concern that currently, when he went to the VA to get his prescriptions filled, he pays a $2 co-pay for his prescription, and that is likely to be increased to $7 per prescription. He shared with me that he takes 12 prescriptions a month. Going from a $2 copay to a $7 copay is a 250 percent increase for veterans in order for them to be able to get the medicines they need.

Mr. Chairman, we make choices around here all the time about how we are going to use our resources.

I have another constituent in my district who wrote me, saying that they had a child who was very ill and on oxygen, and they are struggling to keep their electricity from being cut off because they have been unable to pay their electricity bills.

Again, we make choices up here about how we are going to use our resources.

Now we want to use military funds to pay for the electricity bill at the Vice President's home. Well, in southern Ohio, we have a saying: "What is good for the goose is good for the gander," and I would like to share with my colleagues some quotes from the Vice President that appeared recently in the July 17 issue of The New York Times. I read: "Several weeks ago, Mr. CHENEY said consumers should decide for themselves whether or not they wanted to conserve electricity based on their ability to pay utility bills." I quote: "If you want to leave all the lights on in your house, you can, Mr. CHENEY said. There is no law against it. But you will pay for it."

What is good for the goose is good for the gander. It is unwise and I think unconscionable at a time when we are requiring veterans to pay more for their prescription drugs, when we are having constituents communicate with us about their ability to keep the electricity on in their homes, even when they have a sick child in that home, it is wrong to use military resources for this purpose.

Mr. Chairman, I simply would urge us to do the right thing. I do not think this is an attack on the Vice President, I really do not. It has been said here today that there is evidence that the Vice President has made efforts to conserve, and we applaud him for that. But there are Americans who are suffering deeply and greatly over this energy problem, and this administration has not responded appropriately, and we are just simply saying to the Vice President and to this administration, what you expect out of the American people in terms of responsibility and of paying their own bills, we should expect out of the Vice President.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Ohio for his eloquent statement. I would point out to our friends across the aisle, we are bringing up this issue on account of the Vice President, and our motives have been attacked for this.

I will tell my colleagues, we are a year into an incredible crisis on the West Coast; and yet, the majority party of this House has not allowed a debate on this issue. We have not been granted any amendments; we have not been granted any bills. I wrote to the Speaker weeks ago saying, let us have an up or down vote on these issues, of whether we should have cost-based rates on the West Coast, on whether be should have refunds of criminal overcharges. All we are asking is for a debate on this issue and a discussion and a vote. We cannot get it from this party. So we have had to use issues that come up in other bills to make our point.

Our point has been made and we are going to keep making it until we get it addressed. We are paying double and triple charges on the West Coast for our electricity, not because that is what the market, the free market gave us, that is because that is what a manipulated market gave us. We have been paying those bills for a year; we have been overcharged between $10 billion and $20 billion, and we want a refund on those overcharges.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just want to really try to put this in some perspective with what my colleagues have been saying. And what the Inslee amendment is about is that we are looking at hard-working Americans, and they are facing sky-high energy bills.

We look at the White House wanting the Congress to relieve the Vice President of his high electricity bill. People have spoken about the Western region of our country and the rolling blackouts, the record-setting gasoline prices in the Northeast and the Midwest, families struggling to pay off their energy heating bills, bills skyrocketing over the last several months. We are now looking at scorching summer temperatures, the high air-conditioning bills. The prices have constrained the budgets of our families, everyone. I guess here, even including the Vice President. But we have been calling, my colleagues and I, for urgent and long-term solutions to get some help and get price relief for consumers, additional funding for LIHEAP, energy efficiency and research.

It has been stated here that the Vice President belittles conservation, little more than a personal virtue. "If you want to leave all the lights on in your house, the Vice President said, there is no law against it, but you will have to pay for it."

The fact is that what he is doing is asking the Navy to assume the burden that he has with the high cost of electricity. Unfortunately, millions and millions of Americans do not have that opportunity. They have to pick up the cost of their electricity bills.

It is about relieving the people of this country of the high cost that they are facing and being willing to help them, and this administration has turned a blind eye to the harsh realities that our families face.

Mr. INSLEE. Mr. Chairman, will the gentlewoman yield?

Ms. DELAURO. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, just as a closing comment, I just want to make one thing clear. This amendment is not about DICK CHENEY. We have no interest in embarrassing him. Again, we just want to make clear, this is not about the Vice President personally. We simply are saying that we want our Vice President, whose idea of this was not his, this was not his idea to put this over on the Navy; that is that is why he is not personally responsible for it. If we do it, it is our responsibility.

Here is what we suggest. We just think we want our Vice President, when a constituent comes up to him at one of their town meetings that they hold and says, Mr. Vice President, I have to wear a parka; I have cut my energy 50 percent, but my bills keep going up, we just want our Vice President to be able to say, I know what you mean, mine are too. If we pass this amendment, he will be able to say that. I hope we can have bipartisan support of this idea and realize this is not the Vice President's fault.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as has been said numerous times, the issue here is not how much energy the Vice President is using. No serious-minded person is going to run around the Capitol as a light switch cop or an energy policeman. Mr. CHENEY happens to be the person who occupies the Vice President's residence, but this is not about him, this is about the way the office itself should be dealt with. What the issue really is here is whether or not that office is going to be treated the same as other Americans and whether the existing occupant of the office will be treated the same as previous occupants of the office.

Many Members of this House know that I often quote my favorite philosopher, Archie the Cockroach, and one of the things Archie said once was, "The cost of living ain't so bad if you don't have to pay for it." That is the issue that is at stake today, because if the provision in this bill passes, then whoever occupies that residency in present or future years will not have to pay for increases in the cost of living, as do other Americans.

Now, my understanding is that since 1999, the energy usage at the Vice President's residence has risen from $83,000 to $135,000, and my understanding is that it is expected to be $186,000 this year. So what is at stake is a simple question here: will whoever occupies that residence be insulated from those future increases in costs, increases which the average American will not be insulated from? That is the sole question at issue here, and it has nothing whatsoever to do with whether one likes the Vice President or not. I happen to like him. I have known him since 1965. I consider him to be a good friend and a fine public servant.

But I do note that like all of us, the present occupant of that office has made statements that he probably wishes he had back, and one has been previously cited, when he indicated, quote, "If you want to leave the lights on in your house, you can, but you have to pay for it." The problem is that under the provisions in this bill, he will not, while everyone else does.

I would point out also that if we take a look at the administration's justifications for this provision, we find the following sentence: "The rationale for this requested transfer of responsibility is based on the fluctuating and unpredictable nature of utility costs." Well, as I have tried to make the point, it seems to me that we should not be singling out specific occupants of specific offices in this country for exemption from the volatility of those prices.

I also note that in an article in The New York Times, they indicated that the White House said that by transferring all the President's costs to the Navy, there would be "no need for the administration to return to Congress to ask for emergency appropriations, in the event of an exceptionally cold winter or hot summer."

I would point out that it is interesting that they are interested in avoiding the need to ask for a supplemental by burying the cost somewhere else, but unfortunately, low-income families in this country who need programs such as the Low Income Heating Assistance Program are not subject to such delicate considerations.

The budget that the White House has presented for the Low Income Heating Assistance Programs this year effectively delivers about $1 billion less than was delivered last year. So all I am suggesting is that I think offices and persons who occupy them ought to be treated the same as previous and future occupants.

□ 1330

I also suggest that, as the gentleman said earlier, what is sauce for the goose is sauce for the gander. I do not think we ought to be seen as taking actions which exempt persons in government from some of the burdens which are so excruciatingly evident as they are applied to average citizens with respect to energy prices.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I love this institution, and I love this body, and I respect this institution. I respect this body. These halls of the Capitol are lined with famous people, famous art, as in past years, talking about issues of the day.

But with the advent of C–SPAN, we no longer talk to each other here. We no longer try to convince each other of the merits of our argument. We talk to the television. We are hoping that someone back in Alabama or back in California or back in Wisconsin is watching this, and we can make these political points and embarrass one side or the other.

Mr. Chairman, this debate today is almost ridiculous. We are not disputing the fact that the Vice President and his family have reduced the cost to the Federal taxpayers with respect to the uses of electricity at the official Vice President's residence. How ridiculous can we get when we stand up and argue, trying to embarrass one party or the other party over the uses of electricity?

There is no debate on the merits of this. If the Vice President's bill had shot up twice, then maybe we should talk to him about that. Maybe we should send him a message through C–SPAN or whatever methodology we have.

But the very facts, the undisputed facts, are that that is not the case. The power bills are being reduced since Vice President CHENEY has moved into this Naval facility. The question here is whether it is going to be paid for out of one account or the other account.

If we are trying to impress someone, we ought to impress upon the American people what the Vice President and his family are doing. That is, they are conserving electricity, which is very, very important. We ought to be telling the American people about the history of who used power, who left the lights on, who left the computers on.

But that is not what we are trying to do. We are not concerned about the cost of this. We are concerned about who is going to pay for it.

Let me tell the Members, a lot of people in Alabama watch this program, Mr. Chairman. My mother watches it. I will bet she is watching it right now, although I did not call her and tell her I was coming down here, or I know she would be watching it.

But if the American people we think are so dumb as they cannot see through this charade of an argument, then we do not have enough respect for the American people. If Members respect this institution, if they respect the government, as we have established in this country, if Members respect their own constituents, they would not waste the taxpayers' dollars debating this issue for 2 or 3 hours, trying to embarrass one party and trying to say that this party in power now is doing something wrong, because they are not.

This is a government facility. It is a Naval facility. The government has always paid these bills. The bills are less today than they were this time last year. We ought to get on with the business of the state and look at the rest of the important issues of this particular bill and stop trying to convince people watching this on C–SPAN that someone at the White House or someone at the Vice President's residence is doing something wrong. He is not.

I compliment the Vice President and I compliment Lynn Cheney and I compliment his staff for making the effort to prove to the American people that we can conserve by being the example of reducing his power needs at this official residence of the Vice President of the United States.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to congratulate the gentleman from Alabama (Mr. CALLAHAN) for addressing his remarks to the Chair while he talked about C–SPAN. He was not addressing the audience. He did a great job on that.

Mr. ARMEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was in my office working, and I happened to have my

TV on to keep an eye on the floor debate. All of a sudden when this amendment was brought up, I felt like I was getting a wake-up call, or maybe a wake-back call to a bad memory.

Mr. Chairman, 2 or 3 years ago we had a great debate on this floor. We had a great debate in committee. We had a great debate in conference. In this case, it was the tax bill.

A Member of our institution called Congress from the other side of the building and had a very important piece of legislation he was pushing, an amendment to the tax bill on chicken manure. We debated chicken manure for a long time. That member has since retired, and I had thought I would not be debating chicken manure again. I have to tell the Members, Mr. Chairman, this smells like chicken manure to me.

A few years ago, we had a debate about ammunition, the cost of ammunition to the military. The cost was too high, some people said. What we needed was some cheap shots. Mr. Chairman, I think we have some cheap shots today.

The Vice President of the United States for the last 8 years was a Democrat. To my party's credit, and I want to thank my colleagues, none of us were small enough to bring an amendment like this to the floor to try to embarrass the Vice President of the United States, as he inhabits the official residence of the United States, the expenses for which are primarily incurred on behalf of the official duties of the Vice President of the United States; a high honor, indeed, and an enormous responsibility to be the Vice President of the United States.

To have that great office ridiculed on the floor of this House in a debate that is reminiscent of the great chicken manure debate of years past, or the great cheap shot debate of years past, both of which were debates that had some legitimacy in public policy, to have those debates mocked here today in an effort to embarrass the Vice President is disappointing; disappointing I think for me, because I so love this body and so hope for the best to shine in this body; disappointing for America, who might ask their children to tune in for a civics lesson.

Let me just say this. Irrespective of what has been the record of electrical utility usage in the White House for the past 8 years, our current Vice President has already demonstrated a 28 percent reduction in the use of electricity. He is doing his very best as he carries out his official duties to use the resources made available to him for those purposes in order to achieve the results the Nation would hope from his office in the most efficient way possible.

Let me submit, Mr. Chairman, that this body pause for a moment to appreciate and respect the Vice President of the United States. Let me suggest, Mr. Chairman, that we reserve our chicken manure and our cheap shot debates for a more appropriate time.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me, and I thank the chairman.

Mr. Chairman, I came in as the majority leader was praising the Vice President and the hard job that he does. All of us on this side of the aisle agree with that. It is an august office, and he is working hard at his job.

But I will tell the Members, I would say to the majority leader, the small business people in my community are worthy of equal respect for working hard every day, for going to their jobs, for supporting their families, for working 16 and 18 hours a day. They conserve their electricity. They are trying to make their ends meet. They are facing an electricity market which puts them out of business.

Scores of business people in my district are out of business, I would say to the leader. That is the tragedy of this crisis, and 65 percent of all small business in my county face bankruptcy this year. We need to support them. We need to talk about the glory of their jobs.

How about the tough life that people on fixed incomes have, trying to make decisions between cooling their home and having a somewhat comfortable evening, even if their thermostats are set at 78 or 80 or higher; trying to buy their prescriptions; trying to buy their food? Their bill goes up from $40 or $50 to $150 or $200.

They do not have the option, I would say to the majority leader, of asking the Navy to pay their bill. These are people who have worked their whole lives for America. They have been veterans. They have supported and raised children and grandchildren. They are doing their jobs, just like the Vice President is doing his job. They are as worthy of our support and our eloquence as is the Vice President.

We have asked the leader and the Speaker, we have asked and begged them, put on the floor of the House a bill that allows us in our view to help these people. If they do not agree with it, vote it down, but give us a chance to debate these issues in a realistic fashion, so we do not have to use such appropriation bills that they find so difficult for us to speak on.

Give us an up-or-down vote on cost-based rates for the West coast. Give us an up-or-down vote on the refund of $10 billion to $20 billion of overcharges. They cannot shift their bills to the Navy. They cannot get a supplemental appropriation that we just passed last week that paid $750 million because the military had increased electricity bills on the West Coast. They got their bills paid for. How come my constituents, the constituents of the gentleman from Washington (Mr. INSLEE), the constituents of the gentleman from Massachusetts (Mr. FRANK), cannot have their overcharges paid?

I will tell the Members, they are criminal overcharges. The Federal Energy Regulatory Commission has found the prices that we pay in California and the West Coast to be illegal. They are illegal. Yet, we have paid them for 1 year.

I would ask the leader, yes, let us praise the Vice President, but let us praise the average people in our districts who are being brought to their knees by these prices.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, the majority leader has questioned my right or anyone's right to bring an amendment of this nature. I will not yield to him one inch.

I am not President, Vice President, majority leader, minority leader, committee chair, or ranking member. I am only one Member who understands one basic thing about my constituents: They question whether this administration understands the depth of the problems that they are experiencing.

I am only here not to do anything about Mr. CHENEY, I am just here asking my colleagues to make it so that the Vice President of the United States, who works for all of us, Democrat and Republican alike, can look Americans in the eye and say, my electrical bills are going up, too.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say in closing, without coming fully on the merits here I had not intended to speak, but I was struck by the objection to the notion that this might be embarrassing.

As one who has been both embarrassed himself and has sought to embarrass others, I regard the right to embarrass each other as one of the most cherished parts of American democracy. I am sorry to see that right denigrated, particularly by people who have freely engaged in it in the past.

□ 1345

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

This amendment should be better known as the "cheap shot" amendment. This amendment demeans the House. If you want to talk about energy policy, and I am so surprised that Members with as much seniority on the Committee on Appropriations would have the courage to stand up and speak in favor of this amendment. This amendment demeans the House. It really does, and you know it.

If you want to talk about energy policy, there is going to be an energy bill on the floor next week. If you want to talk about the lousy policy that California has had, because you know they did not have a policy, talk about it next week. But it does not have anything to do with paying the utilities by the Naval Conservancy of the official Office of the Vice President. That has nothing to do with this.

If you think we need an energy policy, take a look at the Bush-Cheney energy policy. They have one. And I think the gentleman from Texas (Mr. BARTON) and his subcommittee are going to trot it out here next week. If you do not like it, bring out an amendment. If you want more LIHEAP money, bring out an amendment. If you want to talk about who should pay the utility bills, bring out an amendment. Not on this bill. This demeans the House. Do not try to discredit the Vice President.

This is a shell amendment to try and demean the Vice President of the United States. I wonder if you would be doing this if your friend Senator LIEBERMAN had been elected Vice President. I doubt if this amendment would be on the floor today if Senator LIEBERMAN were Vice President LIEBERMAN. It would not be, and you know that.

We need an energy policy. We need to pay attention to energy. Nobody would dispute that. But you do not do it by trotting out an amendment trying to embarrass the Vice President of the United States

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Maryland.

Mr. HOYER. I thank my friend for yielding, and he is my friend, and I respect him because he cares about this institution.

Mr. LAHOOD. Absolutely.

Mr. HOYER. I do not know if he was speaking about me, I did not offer this amendment; but I will tell my friend, A, this is an amendment that was offered by the administration in its budget to shift the objective of spending from one account to the other.

Mr. LAHOOD. Reclaiming my time, Mr. Chairman, I would just say to the gentleman that this amendment says the Secretary of the Navy cannot pay the bill. That is not the amendment that was offered by the administration. You know that.

This amendment is being offered to try and embarrass the Vice President because some people around here think the administration does not have an energy policy. Well, we do have an energy policy, and we are going to debate it next week.

Mr. HOYER. Mr. Chairman, will the gentleman continue to yield?

Mr. LAHOOD. Of course.

Mr. HOYER. The gentleman did not allow me to finish.

The fact of the matter is, though, that it is a proposal in the budget to switch presently identified spending in one account to another account.

Mr. LAHOOD. Would you be doing this, would you be supporting this if it was Vice President LIEBERMAN? Of course, you would not. You know that. Nobody on your side would be doing this. We would not be having this debate.

This is a way to embarrass this administration. That is what it is. You do not have any other way to embarrass him, so you trot out this stupid amendment.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair wishes to inform Members that they should avoid references to Members of the other body.

Mr. LAHOOD. How much time do I have, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois has 1½ minutes remaining.

Mr. LAHOOD. Mr. Chairman, I suggest to the House, and I am not going to yield to anybody else, you have had plenty of time to demean the House. This amendment demeans the House. It demeans this bill, and it demeans all the Members of the House who vote for it.

So I would suggest that the Members of this House vote against this amendment and send a message you cannot trot out amendments just to embarrass a constitutional officer in the country, the second highest ranking constitutional officer. And, really, what it does, it demeans all of us. We have got better things to do around here than to take a cheap shot at the Vice President.

This is the "cheap shot" amendment. Vote it down.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

> Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

The distinguished majority leader suggested that this amendment is, in his inimitable styling, chicken manure. I would say that the issue of equity in a democracy is not "chicken manure," it is fundamental to our ability to govern in a democracy with a very large mistrust of government and public officials.

I can understand why someone who thinks that a tax bill that gives $53,000 in tax cuts to the wealthiest 1 percent of people in this society while it denies any tax cut whatsoever to 25 percent of the people who make less than $26,000 a year thinks that kind of a tax bill is equitable would think that an amendment such as this, which tries to address the issue of equal treatment, is somehow "chicken manure."

I think it is simply revealing of the mindset which allows people to call a tax bill like that equitable, and I am not at all surprised by it. I think the gentleman misses the larger point, and I am not surprised by that either. But I would simply say that what is at issue here is not as we have said on countless occasions, it is not what we think of the existing occupant of the Vice Presidential office. The issue is whether the second most powerful person in the land should be exempted from the same inflationary costs which are applied to every other citizen in this country. That is the issue.

The issue is not whether we are trying to embarrass the Vice President or not. We did not propose the change contained in this legislation. The White House did. The only way you can object to a change proposed by the White House, if it is carried in a bill like this, is to offer an amendment to delete it. That is exactly what we are doing. And for us not to offer this amendment would be to acquiesce in the pervasive acceptance of inequality and inequity which has become, unfortunately, all too routine under the leadership of this House.

Mr. FILNER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. FILNER. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman from Illinois earlier had said that this amendment demeans the House. I take what the gentleman says very seriously, because he has worked for this House, this institution, and loves this institution; and I know that. But I would say to the gentleman, we would be bringing up these amendments on energy bills if we were allowed to by the majority.

I would like you, Mr. LAHOOD, to go with me to the Committee on Rules when this energy bill you spoke of does come up, and ask them to give us the amendments that we have asked for. Ask them to give us the amendments for cost-base rates in the West; ask them to give us the amendments for overcharges; ask them to give us the amendments that we have sought.

I have written to the Speaker weeks ago to say schedule a bill that treats this crisis. We have been here for a year with this crisis, and have you responded? No. That is what demeans the House, our inability to talk about a crisis affecting America except in this context.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the ranking member for yielding.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Chairman. How much more time remains on the 5 minutes?

The CHAIRMAN. Does the gentleman from Wisconsin, who has the floor on a preferential motion, yield for that purpose?

Mr. OBEY. No, I do not. I would prefer to stick to the rules of the House.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has yielded to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. As I started to say, I have a great affection and respect for my friend from Illinois, and we are friends; but I have served a long time in this body. He has been here a long time as well. I do not believe I have ever tried to demean this House, and I hope he thinks I never would.

Now, this is not my amendment; but as I started to say to him, this is an amount which speaks to a legitimate legislative perspective, that is to say whether or not an expenditure should be in one section of the bill or another. This is a substantive issue. This is whether or not we should pay the utility bills of the Vice President's residence out of the Vice President's office account or we ought to pay it out of the Navy's account.

Nobody on this floor, nobody, has demeaned the Vice President. I have not heard one adverse word about the Vice President on this floor. This is a legitimate objective of legislators. You may disagree with the amendment, but it is not a demeaning amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired. Does a Member seek recognition in opposition to the motion of the gentleman from Wisconsin?

Mr. ISTOOK. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 5 minutes in opposition to the motion of the gentleman from Wisconsin.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, it would make no sense for this committee to rise at this time to let people try to distract us from the important work of this House. I realize that there is no rule that says you cannot offer a mean-spirited amendment.

Now, there is no rule that says you cannot take a cheap shot. There is no rule, as the gentleman from Massachusetts suggested, that says you cannot try to embarrass somebody, whether it is justified or not. No, there is no rule that requires us to use common sense in this body. There is no rule that requires Members of this House to have an electricity meter outside the door of their office so that their constituents can see how much energy they are consuming. There is no rule that says they cannot ask all their constituents to mail to them the people who either did the wrong things or did nothing to let utility rates and fuel prices go up. There is no rule that says you cannot send them your utility bill or your electric bill.

It saddens me, Mr. Chairman, it saddens me to hear people being caught with such an obvious ploy trying to take a cheap shot at the Vice President and then stand up in front of the Nation, in front of this body, Mr. Chairman, stand up and try to say, oh, we are not trying to embarrass the Vice President. Malarkey. Do not insult people's intelligence that way.

If you were sincere, and you said, well, we just want to make sure that the Vice President is accountable for the utility bills, then you would have said he will pay the bills instead of having the Navy pay them, as Mr. Gore did; he will pay the bills and we are putting money back in the budget to enable him to do so. Because the money that was allocated to Mr. Gore to pay his utility bills, which was $43,000 a year, has been backed out of the Vice President's budget.

In addition to that, over the last couple of years, the Navy paid over $200,000 to pay the utility bills of Mr. Gore's residence. Did they offer an amendment that says the Vice President is going to be accountable for his own bills and we will have the money in his budget so that he can do so? No.

The effect of this is they want to strip money out of the Vice President's budget so he has to choose between paying the electric bills or doing the job that he was elected to do, because they will take away facilities, they will take away staff, they will take away whatever it is. The money is not in the Vice President's budget to pay his utility bills. That was what was proposed by the Clinton administration, to say have the Navy do it. That is what is in this.

And what they are really trying to do is say we want to prevent the Vice President from doing his job. Oh, but we are nice and clean and pure. We are not mean-spirited people at all. They are caught. They are caught embarrassed in front of the country trying to take a cheap shot and come back and try to justify it.

You can dress up a pig in as many dresses and designer costumes as you want, Mr. Chairman, but it is still a pig.

□ 1400

I am not about to kiss this pig. Vote no on any motion to rise and vote no on the amendment itself.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, it strikes me as odd that here we are in the legislative branch. As I recall, in this building, which is our office, we have a protection service, an excellent protection service, the Capitol Hill Police. Is that billed, so to speak? That is billed in a separate account. Maybe we should look at that.

Who provides the medical services, the doctor for the Congress? Is that not the Navy?

Mr. ISTOOK. In short, as the gentleman from Georgia (Mr. KINGSTON) knows, there are a great number of services that are provided to each Member of this body in a collective manner without being allocated or billed to the individual Members.

Mr. KINGSTON. Who runs the Capitol Hill Historical Society or the Architect? Is that billed to the Congress?

Mr. ISTOOK. The Architect of the Capitol is part of the Legislative Branch budget.

Mr. KINGSTON. I think one thing we have to accept as Members of government is that there is a lot of cross billing and overlap.

Here we are in the Legislative Branch and we get the medical services from the Navy. We have the Historical Society services that provide part of the touring of the United States Capitol, our own office, and it is protected by the Capitol Hill Police.

Mr. ISTOOK. Reclaiming my time, the gentleman is correct about cross billing. We can look at the White House. There is a memorandum of understanding at the White House between literally dozens of different Federal agencies because they all become interrelated trying to provide the necessary services to the person that is the Chief Executive and the Commander in Chief of the United States of America. So too with the Vice President. There is a whole collection of entities that become involved in allowing him to do his duty.

Mr. Chairman, I oppose the motion to rise.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). All time has expired.

The question on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. LAHOOD. Mr. Chairman, I demand a recorded vote.

Mr. BARTON of Texas. Mr. Chairman, I had the recognition. I asked to strike the requisite number of words before the gentleman from Illinois (Mr. LAHOOD) was recognized.

The CHAIRMAN. A recorded vote has been requested.

A recorded vote was refused.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to direct the Members' attention to the word that is carved in the cabinet that is right here before us. It cannot be read too well, but it is tolerance. I want to speak a little bit about tolerance, and I want to speak a little bit about facts.

Facts are troublesome things but they are facts. The fact is that we use about 100 quads of energy in this country every year. A quad is a quadrillion BTUs. That is a fact. The fact is we produce only about 70 quads. Subtract 70 from 100 and we have a deficit of about 30. Thirty quadrillion BTUs of energy that this Nation is importing. That is a lot of energy.

Most of that is in the form of oil, but not all of it. We import electricity. We import natural gas. We import uranium to be refined into enrichment rods for our nuclear power plants. The only thing we do not import in terms of energy is coal. We are a net exporter of coal.

Some of the gentlemen that are supporting this particular amendment by the gentleman from Washington State (Mr. INSLEE) have been talking about the lack of an energy policy. We are going to have that bill on the floor next week. The major committees in the House reported it out last week. The Committee on Science reported it out by voice vote. That shows a little bit of tolerance there and a little bit of bipartisanship.

The Committee on Energy and Commerce where I am a subcommittee chairman, we reported it on a 50 to 5 vote. The gentleman from Virginia (Mr. BOUCHER) and the gentleman from Michigan (Mr. DINGELL) and others voted for the bill. That shows a little bipartisanship there.

The Committee on Ways and Means was a little bit tougher. It was a party line vote. The Committee on Resources was a bipartisan vote.

Those bills are being packaged together and it will be on the floor next week, we think, on Wednesday. There will be a lot of amendments made in order, some by Democrats and some by Republicans. We will have that debate on energy policy beginning next week.

My subcommittee this fall will put together an electricity restructuring bill, a pipeline safety bill, a nuclear waste bill, a hydroelectric reform bill. Hopefully, we will get bipartisanship, a little tolerance, and we will put those bills on the floor sometime this fall or next spring.

So we will have our energy debate. We will have our energy policy. I think the House will do what it is supposed to do and pass much of that and send it to the other body and hope that they work their will.

The particular pending amendment is kind of cute. Nobody can deny that. It gives people a forum to vent their frustration. Nothing wrong with that. Nothing illegal. But is it really worthwhile? I think not.

If we want to do some cute things look at the lights right up here. Some of the most energy inefficient lights in the country are lighting this debate so to speak.

The powerplant that provides the electricity is an old coal and oil-fired powerplant two blocks from the Capitol that many in the neighborhood think is an environmental hazard. If we want to engage in the kind of debate where we begin to point fingers, let us point at ourselves first. I am willing to be a part of that. But I am not willing to be a part of this particular amendment being considered as a serious amendment. It is really an amendment made in order to try to highlight an issue that we are going to have a lot of opportunity in the next week and in the next months to highlight. I hope we vote against this.

I am working with the gentleman from Washington (Mr. INSLEE). He is a champion of something called real-time metering and net metering. That will be in a bill that will come out of my subcommittee hopefully in the next 6 weeks. He will be a part of that process.

My friend, the gentleman from California (Mr. FILNER) has very eloquently depicted the plight of some of his constituents in southern California. We tried to put together a package for that earlier in the year. It floundered primarily on the fact that we could not get a consensus on price caps and we tried. We tried to get a consensus on price caps and we could not get it.

We may have that debate again next week on the floor, and, if so, we will have a spirited debate and let the votes fall where they may.

But on this amendment we should vote it on down and move on to the more substantive parts of the bill.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think like many Americans, when I first saw the articles in the paper about problems that the Vice President was having at his residence and his attempt to have the cost shifted to the Navy, what struck me more than anything was, wow, that is an expensive place to live. I was just amazed at how expensive it was. I started thinking about the time of year when we are talking about his bills and the major component, of course, is going to be air conditioning. It is summertime. We are here in Washington, D.C.

As I listened to this debate in my office, I was struck by the fact that I had an amendment to this bill that the Committee on Rules would not consider in order which would require the Federal Government when it purchases air conditioners to purchase energy-efficient air conditioners.

Now, the gentleman from Illinois said this was a cheap-shot amendment, and would not be considered if Mr. LIEBERMAN were Vice President. Well, it would just come from the other side of the aisle. This amendment was going to be debated regardless of who was Vice President, it was just who was going to have this amendment.

The point, this Navy Observatory residence is a Federal facility, and it should be using energy-efficient air conditioners. I tried to put in a public policy amendment to this bill to require the GAO to purchase energy-efficient air conditioners. It was denied access. So when I hear people say we are going to have this debate, we wanted to have this debate. We want to have this debate over energy conservation and energy efficiency, and we have been denied it.

That same amendment was part of the staff consensus bill in the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce that would have required the Federal Government to purchase energy-efficient air conditioners. It was taken out at the subcommittee basically on a party-line vote; a party-line vote saying we do not require the Federal Government to purchase energy-efficient air conditioners.

It is my hope the amendment will be permitted on the floor next week when we discuss the energy bill. But make no mistake about it, many of us on this side of the aisle believe there is a problem and that we, as the Federal Government have to purchase, energy-efficient air conditioners.

Mr. Chairman, in this Chamber we can talk the talk all we want; but until the Federal Government walks the walk, the American people are not going to believe us. Many Americans believe that elected officials say that is a problem for Middle America, but we are politicians, we are going to take care of ourselves. That is what it looks like to the American people. Until we as a Congress say we will lead this fight and try to do more to conserve energy, the American people are not going to buy it. I support the gentleman's amendment. I think it is a good amendment because I think it strikes at the heart of the matter.

To say that somehow it is not offered in good faith is wrong. Remember this change was requested by the administration. The only way to get this language out of the bill is to offer an amendment on the floor. That is exactly what my friend from Washington did. I hope most Members, a majority of Members in this Chamber vote "yes." It is good public policy.

Mr. Chairman, next week we can move on to the real debate which is how do we as the Federal Government make sure that we purchase energy-efficient appliances.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would admonish Members to refrain from mentioning Members of the other body by name.

Mrs. NORTHUP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important to recognize how we got here. We got here because we changed the way we measured the use of electricity and the use of power at the Vice President's residence. It turns out that the Navy has been subsidizing the Vice President's use of electricity for years, for years, all of the time with the previous administration.

Mr. Chairman, we are trying to make sure that we address this fairly. I have to say that I believe that it would have been nice if the previous administration had had a strategy to address energy for everybody. We all wanted a strategy. They had no strategy, and now we do have a crisis. Many of our constituents are paying for it.

I appreciate the gentleman that talked about our senior citizens on a fixed income and people of moderate income, and small businesses that are closing down. They all could have used a long-range energy strategy, and it failed to materialize with the last administration. That is why our constituents are suffering. I appreciate that the current Vice President has a strategy, that he is working hard to make sure that every American's bills come down.

I appreciate that he is conserving energy and using less than the previous Vice President so that what he advocates in conservation he is also demonstrating by his own actions. But the fact is that we did not have an administration that addressed these causes. In fact, last year the Vice President moved out of his residence and reminded us every day that he had moved to Tennessee, while the American people continued to pay high energy costs on his residence at the Naval Observatory.

So they got hit two ways. They had nobody that was addressing energy policy, and they were paying these energy costs.

The fact is that we are trying to address this now. We have an energy policy. We know the Vice President needs the staff, he needs to be able to do his job. That is why the American people support the Vice President and the Office of the Vice President.

We are glad that he has decided to stay in Washington and do his work instead of moving home like last year's Vice President did. As far as his own personal bills, he does have a residence in Wyoming where he came from, and he is paying the higher bills just like every other American is all over this country. He is paying the higher bills that he is incurring in the residence that he owns.

But just like every other American that goes to work someplace else than the home they own, the business, and in this case the government, is covering those expenses. That is the way every other American is treated. We certainly never send a bill to our Armed Forces when they live in our barracks and our inadequate housing on our bases and tell them to pony up for more of the energy costs, and we should not do that for anybody else that has to be away from the home they own to go to work.

He is here. He is using less energy. He is addressing himself to an energy policy for the first time that will bring all American's prices down.

Thank you, Mr. Vice President, for the restraint you have shown, for the hard work in leadership to stop talking about a problem and put an action plan together, and to have the courage for doing that. And thank you for staying in Washington, D.C. despite energy bills and acrimony and what is in your best political future, and for staying here and doing the job.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Members are reminded to address their remarks to the Chair.

☐ 1415

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it has been well documented the problems we are having in California with energy. My colleague from San Diego talks about his constituents. I think he works very hard for his constituents. But I would ask the gentleman from California, when Bill Clinton had this problem, for a year and a half, a year and a half, there were no calls for price caps. But now that we have a new President, the political expediency is to say, "Well, let's have caps," to shift the blame.

I would say that, under President Clinton's rule, for 8 years there was no energy policy and now we are developing a policy that looks long term, that is a balance between exploration, technology and, yes, conservation and energy effiency. Bill Clinton's FERC was nonexistent. Where were my colleagues on the other side calling for caps when FERC, in my opinion, did not do their job and let the horse out of the barn that caused many of the problems we are in right now?

George Bush appointed a FERC, and already they have started to act to control prices, and I think FERC has saved a lot of the ratepayers money in the State of California. We have already seen some of the prices come down. Some of that is because of the conservation of California residents who have seen that it is a way to bring their prices down.

Pete Wilson first came up with the idea, Governor Wilson, a Republican, for deregulation. But then we went to Gray Davis, the Governor, and said, if you allow this deregulation, but you do not allow for long-term purchasing contracts, it is going to kill San Diego. In where my friend from San Diego lives, as I do, San Diego Gas and Electric is a private company. They cannot buy public power unless there is an excess. Of course, there is no excess. And when we put ourselves at the mercy of outside resources, which has happened, then we end up in the situation we are in right now.

We warned Governor Davis. Governor Davis came in with a $4 billion surplus and increased that after we balanced the budget because we sent more money to the States. Now the State is bankrupt. There is no money for education. There is no money for health care for the people of California. There is no money for transportation, because he has bankrupted the State. We want our State back.

I would say, where were my colleagues pointing the fingers when all of this was going on and happening under Bill Clinton with no action by FERC? But now we have another President, the finger points, "Well, how about caps?" Caps do not produce one ounce of energy.

We have a President now that has an energy plan. We ought to get behind it and pass it. We have gone to a very positive plan. But I want to tell my colleagues, we doubled our population in the last 12 years in California. Most States cannot claim that. We have. But at the same time we have been forced to shut down existing oil and gas refineries. We have been prevented and even shut down many of the electricity generators by the same type of radical environmentalists that shut off all the water in Klamath that put 40 percent of the farmers out of business up there. They do not care.

Where were my friends then when we said, hey, we need more power for long-term planning? They were silent, the same people that are still trying to shut down hydroelectric in northern California, in Washington and in Oregon for fish.

We say, "Let's build spillways around so we can still have it." But, no, to the extremists, to the radical environmentalists, energy and water means growth, and they want to stop all growth.

Where were my friends from California then pointing the finger for their constituents for a long-term plan? We warned that this was going to happen. We are going to double our population in California over the coming decides. If we do not have this long-term plan for infrastructure, for conservation, for technology, for exploration, then we are going to really be in a problem.

But, no, they just want to say caps, let us bring a caps bill to the floor so they can point at the White House, who was in business one day and they started pointing the fingers at the White House.

The White House has helped.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote; and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

Page 89, strike lines 21 through 23 (section 635).

Mr. HINCHEY. Mr. Chairman, this amendment strikes section 635 from the bill here before us. In that section, the administration has proposed a new provision that allows the Secretary of the Navy to accept gifts of food, beverages, table centerpieces, flowers or temporary outdoor shelters for official functions at the residence of the Vice President.

What exactly does the term "official function" mean as it relates to this provision? What it means is among these:

Dinners hosting foreign dignitaries; receptions for visiting officials of States, territories or political subdivisions thereof; picnics hosted for residents of the U.S. Naval Observatory or the U.S. Secret Service protective detail; and meetings on policy matters or official social events with Federal agency heads, Members of Congress or with private persons.

This language in the bill before us raises some very serious questions. We know that executive branch employees cannot accept such gifts. We know that Navy personnel cannot accept gifts particularly from people who are seeking to influence them. Frankly, as an ex-serviceman, particularly as a former enlisted Navy veteran, I am deeply troubled by the idea that the Navy is going to be funneling special gifts from private persons and private entities to the Vice President of the United States. It also means that the White House can only accept food and drink in very limited circumstances, such as the annual Christmas party.

Yet this provision, the provision that I am seeking to strike from the bill, gives the green light to the Vice President to accept food and drink from private persons who come to meet with him on policy matters. It is hard to fathom why the administration feels the need for this provision. I hope that the President's tax cut has not left us in such condition that we need to be seeking these kinds of gifts from outside persons, particularly from corporations seeking favors from the administration.

Currently, the entertainment and reception costs incurred in the Vice President's residence for official functions are funded with appropriated dollars, and that is as it should be. Food and beverage at the Vice President's residence cost less than $50,000 a year. Surely we can afford to appropriate these funds so that the Vice President does not need to take handouts from corporations trying to curry favor with the administration.

Unfortunately, instead of trying to avoid the appearance that it is not beholden to special interests, this administration goes out of its way to be extra accommodating. From its decision on arsenic and mining wastes that have benefited big polluters to the Vice President's energy task force that met in secrecy and came up with a plan to benefit big oil and coal, this administration, even in its infancy, has been particularly adept at serving special interests.

Now we have meetings at the Vice President's residence sponsored by we do not know who, sponsored by perhaps Enron and Exxon meeting on energy issues, we can see the banners hanging over the room now; sponsored by Archer-Daniels-Midland on issues relating to agriculture; on meetings of social policy sponsored by the Cato Institute.

This is wrong. We ought not to have this crass kind of commercialization polluting the Vice President's residence. Meetings that occur there ought to be free and clear of inappropriate outside influence. Meetings that occur there and decisions that are made there ought to be based on the merits exclusively, entirely; and they ought not to be subject to the kind of outside influence that these meetings will inevitably be if we allow this provision to prevail.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word. I will not take 5 minutes.

We are all concerned about electricity costs, but let me tell Members some of the things that the Vice President and the President are not doing. They are not holding 400 Lincoln Bedroom lavish dinners for campaign contributors every single day for millions of dollars for the DNC. They do not have John Huang, Trie and Riady that are agents for the Chinese government and then sign an executive order giving missile secrets away to the Chinese. They are not holding these lavish parties.

There is a controlling authority, a legal controlling authority in the Vice President's office now, unlike the Vice President that made fund-raising calls out of there and then charged it to the taxpayers. So when you want to point fingers, where were you pointing fingers with the Clinton-Gore administration? Oh, no, they were silent.

But when you talk about costs, let us be realistic. The Vice President is trying to do everything he can to diminish the cost. The President has assigned the military a 40 percent goal of energy reduction. In California, they are already doing that. We were at Camp Pendleton. We were at other military bases. They have shut the things down. That is the same thing the Navy is doing, by reducing consumption. The President is doing that. So is the Vice President. But my colleagues want to talk about increased costs and shifting the blame.

The whole Clinton-Gore administration last year, over the last eight years, you know how corrupt they were. You know the millions and billions of dollars they spent. Look at Africa, $12 million for a trip to Africa. Where were the gentlemen when the President spent $12 million for press and aides going to Africa?

Yes, we are concerned about costs. But when you have got somebody that is focusing on that and then you blast them, we think it is a little ridiculous.

We have a good bill. We have a good balance from the President. We have bipartisan support. What we need to do is focus the energy of my colleagues on the other side. The gentlewoman from California (Ms. LOFGREN) and I are supporting a bill on fusion. We have got 11 nations involved in that. With the help of the gentleman from Massachusetts (Mr. MARKEY), we actually got some things into the bill of the gentleman from California (Mr. THOMAS) to give tax relief to people that conserve energy. Yet my colleagues want to talk about stuff like this. I think it is ridiculous.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me respond to what I perceive to be the unfortunate assertion of the gentleman from California with reference to corruption. He uses that word awfully lightly. No such things were ever frankly as I recall asserted even. They may have asserted that there was an overuse, but the word corruption I cannot recall being used. I think it was unfortunate that the gentleman from California used it. There is no such proof of any of that allegation.

The gentleman from Illinois talked about demeaning the House. I did not really get into it, but let me tell you, for the last 6 years we have heard rhetoric like that. The chances of this provision being included in this bill if it were Vice President Gore, the Vice President of the United States, are zero.

I do not say that because I speculate or that is my opinion. It is because I served on this committee for the last 6 years.

☐ 1430

I saw the attention to detail and the objections that were raised repeatedly by this committee's majority on expenditures and fine-tooth-comb analysis of those expenditures. This is not about corruption. This is about policy.

Now, I am not going to get deeply into this debate, but I do want to respond as forcefully as I know how to the assertion that somehow these amendments are different than amendments that have been offered in the past by the majority when the other party, my party, was in control of the White House and the Vice Presidency. Very frankly, we can debate these on policy grounds; I think that is appropriate.

There is no assertion here that the Vice President has done something wrong because they suggest that consumables be donated to the Navy for use at the Vice President's residency. What is asserted by the gentleman from New York is that this, again, takes out of our purview, first of all, the oversight on the expenditures, and, secondly, opens up the Vice President's residency to substantial private sector donations. Not to the Vice President's residency, but to the Navy, and puts the Secretary of the Navy in the position of accepting these donations. That is the issue before us, as to whether or not that is appropriate.

Mr. ISTOOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use 5 minutes. We do not need to bog down in more partisan debate on this. But I would suggest, Mr. Chairman, that we apply the same standard to the Vice President that is currently in the office as was applied to the White House with the current and former occupant. For all I know, Mr. Chairman, it may have been the practice, whether it was expressly authorized or not, by a former Vice President.

But I do know it is the practice every day, every night, involving the Congress of the United States. We have a multitude of meeting rooms here in this United States Capitol building. We have groups that commonly come in here, have breakfasts, lunches, dinners, receptions, in which the food and the beverage is provided by these groups. That is common practice.

Now, to say that somehow the Vice President, by having a far, far smaller number of events where somebody else might provide food or drink, is going to be irresponsible or corrupted, if that is the issue, then I would expect the proponents of this amendment to be on this floor saying kick all these receptions out of the U.S. Capitol, kick them all out of the House and Senate office buildings, if you believe that they have a corrupting influence.

Now, I know it is common, Mr. Chairman, for people to try to arrange meetings at times they can get people together, and you can get people together when you know they are going to have breakfast anyway, or lunch or dinner. That is common practice.

But to say that does not apply to the Vice President, who lives in the Naval Observatory and is away from facilities that otherwise could host things, if you want him bouncing back and forth every time he is going to do the same thing that most Members of Congress do on a regular basis, to be able to meet with people who have come from all across the country because they think they have important things that need to be shared with government officials in Washington, let us apply a uniform standard here.

If one honestly believes that somebody is going to be corrupted by having a hamburger or a steak or chicken or something to drink, or whatever it is, then, by all means, make sure you have a uniform standard, and go for what they call in some States "the cup of coffee rule," that you cannot have a cup of coffee paid for by somebody else because it might corrupt you.

But let us not say that we are going to be putting things on a level playing field or being evenhanded by voting to put that restriction only on the Vice President. I do not think that washes, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. COLLINS

Mr. COLLINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLINS:

At the end of the bill (before the short title), insert the following:

SEC. . The amounts otherwise provided by this Act are revised by reducing the amount made available for "Federal Buildings Fund" (and the amount specified in clause (5) under such heading for building operations), and increasing the amount made available for "National Archives and Records Administration—Repairs and Restoration", by $14,000,000.

Mr. COLLINS. Mr. Chairman, I rise today on behalf of a project to construct a new Southeastern Regional Archives in Atlanta, Georgia, for its National Archives and Records Administration. The regional archives provides a necessary service of acquiring, preserving and making available for research the permanent records of the Federal Government. Currently, all of the records in the Southeast are stored in a World War II-era warehouse that does not meet building codes and is scheduled to be condemned and torn down. My amendment would transfer $14 million of GSA's buildings operations account into the National Archives Repair and Registration Account.

The Southeast Regional Archives serves Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee. Its holdings include the records of the Civil War, World War I, the Tennessee Valley Authority, the Marshall Space Flight Center, the Kennedy Space Center, the Manhattan Project, the Centers for Disease Control, and the Federal courts of the Southeast region.

It is simply unacceptable to continue to store these documents, these important documents, I may say, that detail our Nation's history, in a facility that is due for the wrecking ball. National Archives acknowledges that these historic Federal records are currently at risk, housed in a warehouse wholly inadequate as an archival depository.

With the knowledge that this facility is inadequate for current and future requirements, National Archives began a serious search for a site for a new facility several years ago. Primary among the selection criteria was a site that would provide partnership opportunities with academic and cultural institutions. At its proposed location in Morrow, Georgia, National Archives will be sited immediately adjacent to Clayton College and State University. Sharing the site with National Archives will be the new Georgia Department of Archives and History building.

This effort is the culmination of years of negotiation between officials at National Archives, Clayton college, the Board of Regents of the University System of Georgia, the State of Georgia and the local business community. In recognition of the importance of this project, Congress has previously appropriated funds in FY 2000 for an environmental assessment and in FY 2001 for design of this facility.

The commitment of the Georgia Department of Archives and History, Clayton College and State University, and the National Archives to this project creates a historic partnership for services to the citizens of Georgia, the Southeastern United States, and the United States as a whole. All parties are now fully engaged in the project, and it is critical that we provide the necessary Federal contribution to keep this project on track.

I urge my colleagues to join me in support of this important amendment.

Mr. ISTOOK. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I state that we certainly have no objection to the gentleman's amendment. It is an important need that he has mentioned. We are unsure as we work with him regarding potential sources ultimately for funding, but we realize we need a placeholder in the bill for an account from which to fund it. So I look forward to working with the gentleman from Georgia to fill this important need.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill includes $146 million for the Internal Revenue Service to continue the Earned Income Tax Credit Compliance Initiative. I share the concern of the committee that the IRS have adequate resources for expanded customer service and public outreach programs, and strengthened enforcement programs to ensure the highest possible level of taxpayer compliance.

The EITC, which was created in 1970s and was significantly expanded by President Reagan and then again by President Clinton, serves to reward low-income Americans for the work they do. Millions of American families receive much-needed assistance in the form of tax credits that are based on the amount of income they earn.

There is a reason why President Reagan once referred to the EITC as the best anti-poverty and the best pro-family, the best pro-job creation measure, to come out of Congress. Recent studies have found that more than 60 percent of the increase in employment of single mothers has been due to the expansion of the EITC. The EITC has complemented and supported Congress' efforts to end welfare dependency by helping millions of poor women make the transition from welfare to work and remain self-sufficient.

As a member of the Committee on Ways and Means, I have taken a strong interest in the implementation of the effectiveness of the EITC. For all its success, the EITC has come under strong criticism for its complexity. Groups such as the American Institute of CPAs and the Tax Section of the ABA have commented on the extraordinary complexity of the EITC and have recommended simplification of the credit to assist taxpayers complying with the credit requirements.

The tax bill signed into law earlier this year by President Bush contained among its lesser known provisions important simplification of the EITC. Those changes were made on a bipartisan basis to eliminate disparities between regular income and the EITC and make it easier for low-income working Americans to understand the law and enjoy the benefits of the EITC.

The EITC taxpayer will now be able to base their credit on adjusted gross income, rather than having to do it on additional calculation of modified adjusted gross income. They will also be able to use the same definition of earned income that is used elsewhere in the Tax Code.

Under the new law, the IRS is directed to study and eventually implement use of "math error authority" to deny EITC taxpayers who do not reside with the children they claim. Perhaps the most important change is the bill simplifies the AGI tie breaker by giving the parent of a qualifying child clear primacy in claiming the credit.

These changes, which will begin to take effect next year, will have a significant impact on removing complexity from the Tax Code and making it easier for taxpayers to comply with the law in claiming the EITC. They will spare taxpayers from filling out pages of complicated work sheets and hunting down information not required on any other tax form.

EITC compliance has received a great deal of attention and study. Of course, we must work to ensure the integrity of this program, just as we must ensure the integrity of our income tax system. Efforts to further examine and improve the EITC compliance should accurately reflect the recent changes in the credit and IRS's growing list of tools to promote compliance.

Finally, such efforts must focus on IRS management of the program, its outreach and education strategy for taxpayers and tax preparers, and whether it is efficiently allocating its resources to achieve maximum reduction of EITC overpayments.

I am committed to working to streamline and improve the EITC, so that millions of low-income working families receive the assistance that this Congress has intended. I look forward to working with the gentleman from Oklahoma (Chairman ISTOOK) and the ranking member, the gentleman from Maryland (Mr. HOYER), in their continuing efforts to improve the effectiveness of the IRS management of this very important and worthwhile provision of our tax system.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. Does the gentleman from Maryland wish to address the matter pending before the House, the amendment offered by the gentleman from Georgia (Mr. COLLINS)?

Mr. HOYER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Maryland is recognized for 5 minutes.

Mr. HOYER. Mr. Chairman, the gentleman from Georgia talked to me about this amendment just a little while ago, I do not know exactly how long ago it was; and very frankly, I have not had the opportunity to review it, I have not really discussed it with the chairman, and am not going to ask for a vote on this.

But it is my understanding, I want to tell the gentleman from Georgia, first of all, there is a question about whether or not this money can be obligated this year. I do not know the answer to that question, but I will tell the gentleman I want to find that out from the National Archives, whether or not it is able to be obligated this year.

If it is not able to be obligated this year, obviously it will push out an expenditure that could be obligated this year. There is a tremendous backlog, as the gentleman knows, for capital improvements in every area of this country.

Secondly, we have not considered this in the subcommittee or full committee, so I do not know the full merits of this project. The gentleman tells me, and I understand what he is saying, first of all, it is not going to be in his district, so this is not a district concern.

□ 1445

I am a big supporter of the National Archives and its work, and they need facilities that are adequate and protective of the materials that they store. But I am in the unfortunate position of not knowing enough about the amendment, frankly, to support it.

I would tell the gentleman I will not oppose it at this point in time because the chairman wants to accept it, but I will be looking at this and I will discuss it with the gentleman and the conference committee to determine what we are going to do.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Georgia.

Mr. COLLINS. Mr. Chairman, I respect the gentleman's opinion and position on this, and I appreciate that, and we will be glad to work with the gentleman and with the Chairman in any way possible that we can to make sure that everyone understands that this project, where the current location is, where the future location will be, and in 2 weeks we will know whose district it possibly will be in, if it is in an open district in Georgia.

But it is a very vital need. It is one that has been worked on for quite some time. Also, in reference to GSA, there is a GSA facility that is across the county line from my particular district that is being closed as an effort to save money in the long run, and we concur with that effort. And we certainly appreciate and respect the gentleman's position.

Mr. HOYER. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

In closing, I also want to make the comment that although he takes this money out of an account that is a large account, it is a large account that has huge obligations in terms of the objects to which it is dedicated: that is, the maintenance and repair of Federal buildings all over this country. So although it seems to be a big pot out of which he is taking this money, it is, nevertheless, a pot which does not have enough money in it at this point in time to accomplish what GSA says is necessary in terms of repairs and alterations.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Georgia (Mr. COLLINS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TRAFICANT:

At the end of the bill (preceding the short title) insert the following new section:

SEC. . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Mr. TRAFICANT. Mr. Chairman, actually, I have a total of four amendments to this bill. This is the Buy American amendment that has been added to all appropriations bills.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order, because I am not sure which of the Traficant amendments is being offered.

Mr. TRAFICANT. Mr. Chairman, it is the Buy American amendment.

The CHAIRMAN pro tempore. The Chair would have to rule that the debate had already begun and the time had passed to reserve a point of order.

Mr. ISTOOK. Mr. Chairman, we have not seen a copy of the amendment. We understood that the only reference was to an amendment at the desk and did not identify which amendment was at the desk.

The CHAIRMAN pro tempore. This is amendment No. 6 printed in the RECORD.

Mr. TRAFICANT. Mr. Chairman, before I go to the elements of this amendment that has been added to all appropriations bills, I have the intention to offer three other amendments, but I may offer only one of them.

Let me explain what the other three are, briefly. One would stop the penny increase in postage stamps. The other would stop bonuses to postal brass who want to kill Saturday service and raise rates. I am not going to bother with those, but I will later tonight offer an amendment that will kill bonuses to IRS brass.

Now, the amendment, in order to be germane, had to be printed that it would kill all bonus incentives for the entire service. Let legislative history show that that is not my intention and, in conference, if it should pass, the Traficant amendment deals with the brass. Eighty percent of information given to taxpayers was wrong this last year by the Internal Revenue Service. Most of the audits they perform are on lower- and middle-income Americans.

So when I offer that, the argument is going to be that TRAFICANT wants to hurt everybody from getting bonuses. I do not, but to make it eligible, that is the way it reads now, and I would ask that if it passes, that the gentleman from Maryland (Mr. HOYER), our distinguished leader here, to make those changes.

The Buy American amendment is straightforward. Anybody who has, in fact, violated the Buy American Act is not entitled to any money under the bill.

Mr. Chairman, I yield to the distinguished ranking member, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding. I want to say that the gentleman has offered this to previous bills, and we have accepted this on previous bills, and I would presume, although I have not talked to the chairman about it, that he will accept it on this bill.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee.

Mr. ISTOOK. Mr. Chairman, we have no objection to the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. NUSSLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in favor of H.R. 2590 providing appropriations for the Department of Treasury, Postal Service and various general government operations. I compliment the gentleman from Oklahoma (Mr. ISTOOK), the chairman of the subcommittee, and the gentleman from Maryland (Mr. HOYER), the ranking member, for their work on this bill, as well as for their cooperation in making sure that this bill complies with the Budget Act and the budget resolution of 2002.

H.R. 2590 provides $17 billion in budget authority and $16.3 billion in general outlays for fiscal year 2002. This amount is within the subcommittee on Treasury and postal services and general operations 302(b) allocation, and the bill, therefore, complies with section 302 after the Congressional Budget Act of 1974.

The bill also provides $48 million in advance appropriations for fiscal year 2003, which will account against the allocation established pursuant to next year's budget resolution. This is an advance appropriation which is included in the list of permissible advance appropriations pursuant to section 201 of H. Con. Res. 83, which is the budget.

Mr. Chairman, H.R. 2590 does not designate any emergencies, an act that would increase the appropriation committee's 302(b) allocation. The bill provides $146 million in budget authority for compliance activities related to the earned income tax credit, as the gentleman from Maryland previously stated. Under section 314 of the Budget Act, I am required to increase the appropriate totals in the budget resolution and appropriation committee's 302 allocation by the amount that is appropriated for this activity, up to a maximum of $146 million. So accordingly, I have increased that appropriation committee's allocation. But this will not become permanent until the appropriation bill itself becomes law.

I would note with some amusement that this bill also includes a limitation that prohibits appropriations from being used to pay the salaries of OMB staff who prepare a table that shows the President's discretionary priorities across the 13 appropriation subcommittees. It seems rather curious that while the individual appropriation bills themselves are, of course, submitted to the President of the United States for his approval, he should not be allowed or his staff should not be allowed to even suggest how the overall level of discretionary spending should be allocated among the subcommittees. I would support an amendment to strike this provision. If such an amendment is not offered, I would strongly suggest to the chairman and the ranking member that this provision be dropped in conference. This is irrelevant to this appropriation bill. I would suggest to the committee leadership who have put together a very professional work product that this is a small-minded provision and has no business within this very serious bipartisan work product.

In summary, H.R. 2590 is fully consistent with the budget resolution and on this basis, I urge my colleagues to support this very important bill.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK:

Page 95, after line 16, insert the following new section:

Sec. . No part of any appropriation for the current fiscal year contained in this Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Mr. FRANK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK. Mr. Chairman, the bill that comes before us makes a change in existing law that I think is a mistake. Under existing law, and I am told that it has been this way since 1950, if the United States Senate votes down a nomination, that individual whose nomination was voted down cannot be the subject of a recess appointment. On the other hand, it has always been the case that if the Senate does not act on a nominee, that nominee can be the subject of a recess appointment.

Previous administrations, and I know we had some talk back and forth about whether the amendment involving the Vice President's house and his electric bill would have been offered if we had the former Vice Presidential candidate as the Vice President; I am not sure, as a fellow religionist of the former candidate, maybe the lights would have been out from Friday night to Saturday night, so maybe the electric bill would have been cheaper, but we do not have to face that here. Because this provision, the provision that says that you could appoint someone to a recess appointment, even if that person had been rejected by the Senate, that was requested by the Clinton administration of the Committee on Appropriations and the Committee on Appropriations correctly said no to it. So there is no argument here that there is any differential treatment.

Since President Truman, this has been the rule. The President has a right to make a nomination. The Senate has a right to vote on it. If the Senate fails to vote, then that individual could be given a recess appointment, as was, for instance, Bill Lann Lee, the Assistant Attorney General for Civil Rights. His nomination has not been voted on and, therefore, he could be given a recess appointment. But if the Senate votes someone down, takes up a nomination and votes it down, the law has been that that individual could not be paid and, therefore, could not get a recess appointment.

Now, people will say, and I know we are dealing here with inter-branch situations, and I know one of the taboos is that we here in this Chamber of the people are not supposed to take in vain the name of the lofty institution on the other end of the building, but it is relevant here for legislative purposes, so I assume I will have the indulgence of the Chair in pointing this out.

Here is the problem: right now, there is a difference in impact if the Senate votes someone down or fails to vote. If they fail to vote, that person is eligible for a recess appointment. If they vote the person down, he or she is not eligible. If we adopt the language that this administration and the Clinton administration and previous administrations have asked for, that difference will disappear, whether the Senate votes down a nomination or refuses to vote on it at all will make no difference in the President's ability to appoint that individual.

I think it is a mistake to do that. Many of us think it is wrong for action to be inaction. If there is opposition to a nominee, that opposition ought to come forward, there ought to be a debate and there ought to be a vote. Nominees ought to get votes. It ought not to be the case that nominations are killed simply by inaction.

Under the current system, as I said, the Senate has to make this decision. If they let a nomination die by inaction, that nominee is eligible for a recess appointment. If they do what the Constitution calls for and vote the nomination down, the nominee is not eligible for a recess appointment. Let us not collapse that difference. Let us not remove one incentive which now exists for the Senate to take action. Let us not create a situation legislatively where, if a nominee is voted down in an open vote with debate and a chance for people to speak on it, it has the same effect as if that nominee is held up by some inaction.

□ 1500

I do not think we ought to contribute to this situation. As Members know, that directly affects us. Sometimes disagreements occur. They have happened in the Senate. Bills have been held up. Appropriations bills were recently held up because of a dispute over whether or not nominations would be voted on.

There is a bicameral interest in there being action as opposed to inaction in the other body, because inaction in one body can lead to the kind of disputes that prevent both bodies from acting.

So this is not partisan, this is executive versus legislative. This was a request that was made by previous administrations who wanted to be unfettered. What this says is in this administration, as in any other, let the Senate vote. If they vote and vote someone down, he or she should not subsequently be given a recess appointment, which is constitutionally permitted but, in effect, a defiance of the vote.

If, on the other hand, they fail to vote at all, then it ought to be the case that that person is subject to a recess appointment, because they should be able to benefit from their own inaction.

Mr. ISTOOK. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

I understand the policy issues that he talks about regarding funding of persons who have been appointed but have not been confirmed by the U.S. Senate. However, the reason for not including language in this bill to try to protect the prerogatives of the Senate is because I believe, and many of us believe, that any language to protect the prerogatives of the Senate ought to be composed and sought by the Senate. Any language to protect the prerogatives of the House should be composed and offered by the House.

For this reason, I believe that we should leave this matter alone and not adopt the amendment offered by the gentleman from Massachusetts. I expect that the Senate in their version of this bill will want to include some language that they craft which may be the same or not the same as the gentleman prefers, but I would rather address that in conference with the Senate, knowing what they want.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I would say this. If we were talking solely about something that affected only the Senate, that I suppose would be reasonable.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I yielded for a factual questioning, not for a running argument. I realize we may have different interpretations of what is important here, but I do believe that this ought to be the prerogative of the Senate. The Senate can pursue it. They have the opportunity to do so.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have had some discussion about demeaning the House. The lack of intellectual integrity demeans the House. The bipartisan treatment of what the gentleman from Massachusetts refers to very clearly as institutional matters in a partisan way demeans the House.

Mr. Chairman, this is a constitutional issue not just for the United States Senate but for the Congress of the United States and for the House of Representatives, which, under the Constitution of the United States, has primary responsibility for appropriating dollars. It is not the Senate. The Senate cannot initiate appropriation bills or tax bills, as the chairman-to-be of the Committee on Ways and Means knows.

Mr. Chairman, the fact of the matter is, and I would hope that all of my colleagues on both sides of the aisle would take note of this debate, this provision has been in this bill for half a century. When I was chairman of the Committee, the Clinton administration sought to delete this language in 1993 and 1994.

I rejected that request and carried it in this bill. Why? Because what this amendment says is that an administration cannot appoint somebody who has already been rejected under the Constitution of the United States, which, yes, gives to the Senate the power to advise and consent, and if they have failed to consent to an appointment, the Congress of the United States has consistently held that we can then, whatever administration we are, Democrat or Republican, turn around and in effect thumb our nose at not just the Senate but at the Congress, and spend money that we have appropriated on an appointment that has been rejected by one arm of the Congress. For 50 years the Congress, both sides of the aisle, both houses, have stood for that.

Now, I said intellectual integrity, which I think also implies consistency.

We demean the House when we, from an institutional standpoint, treat an administration differently because they are of the other party. I told the Members how I treated the Clinton administration on this very issue, which I thought was not a partisan issue between the Clinton administration and the Republicans in this House that we Democrats had to protect, but was an institutional issue, where we had to protect the jurisdiction and integrity and equal stature of the Congress of the United States.

I would hope my Republican colleagues would sustain this amendment and would continue in place language which says that money that we have appropriated cannot be spent on an appointee that has been rejected by the Senate. That is of interest to us both.

Why? Because it is of interest that a co-equal branch of government remains co-equal, and that no administration, once the process has been pursued of presenting a nominee, having hearings on that nominee, having votes in committee and on the floor, and it is the judgment under the Constitution that that nominee should not take office, that any administration could not then turn around in an interim, after the Congress has gone home, and say, "I do not care what you said. I am putting this person in this position and we are going to pay him."

If there were not a 50-year practice, one could possibly say, oh, well, they are just going after the Bush administration.

Lastly, let me say this. Is there any doubt by anybody on the Republican side of the aisle, any doubt, that they would have rejected this proposal out of hand if it had been made by the Clinton administration? They would not have given it 5 seconds worth of thought, and they would have stood on this floor and railed against the arrogance of the administration to think that they could place in office somebody rejected under the Constitution pursuant to law for the position that they sought and were then placed in, notwithstanding the actions of the United States Senate.

I would hope on this issue that we would come together from an institutional equal-branch perspective and accept this amendment, and reinstate this language that we have carried for 50 years.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I tend to agree with the gentleman from Massachusetts and the gentleman from Maryland. I get upset when I think that someone is taking potshots, I am the first one to stand up and defend. I think the other two issues were, in my own opinion.

But I asked myself why, and I would yield time, why would President Clinton want to remove this in his tenure and why would it appear now. Would it be that if someone is not acted on, there is not a vote, that it would be a way to force the Senate to bring that to a vote and to discuss it? I think that part would be good.

But if the person has already been voted on under the Constitution, then I can understand why the gentleman would object to it.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman from California for his courtesy in yielding.

That is exactly what motivated me to offer this, in part. Right now under existing law there is a difference in outcome. If the Senate refuses to vote at all, then the President can make the recess appointment. But if the Senate does its constitutional duty, votes, and votes someone down, that person cannot be appointed. I think that is very good, because that means a nominee and a President have that right to a vote. It is more likely to require a vote.

If we were not to adopt this amendment, then the consequence of not voting and of voting someone down would be the same, and there would I think be fewer votes, more nominees killed silently, and I do not think that is appropriate.

I have to say, when we talk about prerogatives, if we talk about something that entirely affects the internal operations of one body or the other, I think we should defer. But when we are talking about public officers of the United States, then I think it is reasonable for us to do it.

I appreciate the gentleman allowing me to speak further.

Mr. CUNNINGHAM. My real concern is, and in the other body we have many confirmations in defense, NTSB, those sorts of things, that have been held up. I think there ought to be a way to force those to be seen, because the administration is operating at a disadvantage. If they are not voted on, then I think they ought to be able to to be appointed.

Mr. FRANK. Mr. Chairman, if the gentleman will continue to yield, that is one of the effects of putting back the amendment.

In other words, today, and with the amendment as adopted, if the Senate refuses to vote, then the administration can appoint that individual. But if the Senate does what the gentleman and I agree it should do, it takes it and votes it up or down in the public way and the nominee fails, then the nominee cannot get a recess appointment.

In other words, we should be constructing the situation so there is an incentive to vote on the nomination and not kill it silently. Under this amendment, there would be that situation. A nominee voted down could not get a recess appointment. A nominee killed silently could get a recess appointment. I think we should preserve that status quo.

Mr. CUNNINGHAM. The gentleman thinks that both President Clinton and President Bush would have wanted to put people in office that they wanted, even though they were not voted upon?

Mr. FRANK of Massachusetts. If the gentleman will continue to yield, yes, I think Presidents want to operate with as little constraint as possible. It is not a personal matter, it is institutional.

I do think that, although, frankly, I think the administration is making a mistake in asking this, because I think it is in their interest to get a vote, and this is the one mechanism we have for encouraging nominees to get a vote, rather than to be killed silently.

In other words, there should be a difference in consequence whether a nominee is silently killed by a refusal to vote or actually voted down. The amendment would say to the Senate: "Look, you have an incentive, if you do not like someone, to take up that nomination and vote the person down because that will keep the person from a recess appointment, rather than killing it silently."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WELDON of Florida:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . None of the funds made available in this Act may be used to implement, administer, or enforce any of the proposed amendments to part 1 or 31 of title 26 of the Code of Federal Regulations, as published in the Federal Register on January 17, 2001 (66 Fed. Reg. 3925, relating to Guidance on Reporting of Deposit Interest Paid to Nonresident Aliens).

Mr. WELDON of Florida. Mr. Chairman, it is my intent to withdraw this amendment, but I rise on the floor to speak on this issue and engage the chairman of the Committee on Ways and Means on a colloquy on this extremely important issue.

On January 17, 2001, the Department of Treasury proposed a regulation requiring all banks located in the United States to report to the Internal Revenue Service the amount of interest paid to nonresident aliens who are individual depositors in these banks.

I have a very, very deep concern about this proposed initiative. The interest payments in question are not subject to U.S. tax. This additional reporting requirement for banks will not further any U.S. financial interests in collecting revenues from foreign depositors, nor, in my view, is this requirement an appropriate means to accomplish any other public policy purpose intended to be served by the proposal.

This regulation will impose significant costs on the Nation as a whole. The proposal is in conflict with a longstanding objective of the Department and the Congress to encourage nonresident aliens to deposit their money in U.S. banks so that those funds can in turn be used to foster growth and development in this country and in the communities served by these banks.

For 80 years we have been encouraging foreign deposits in U.S. banks. I am concerned that adoption of this IRS proposal would place U.S. banks at a competitive disadvantage relative to banks of our trading partners, and will result in the significant withdrawal of foreign deposits in U.S. banks.

Indeed, as we are reducing taxes in an effort to put more money into our economy and stave off a recession, the IRS is proposing a regulation that could cause a much larger amount of capital to flee our economy.

Furthermore, I would like to point out to my colleagues that I am in possession of a letter from Americans for Tax Reform supporting this amendment.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding time to me. I understand his concern about this proposed regulation.

However, I do want to underscore that all of the gentleman's comments are in anticipation of this regulation being approved. It is in fact in the process of being reviewed. It was presented in the last few hours of the Clinton administration, and the Bush administration is examining it.

I do believe it may have the unfortunate consequence that the gentleman from Florida has indicated, and that is that a wholly unnecessary flight of capital, not just out of Florida but out of the United States, at a time when obviously people are looking to this country; notwithstanding our current economic concerns, they are still placing enormous amounts of capital in this country because of a reasonable return and primarily because of the security or low risk.

☐ 1515

We ought not to rock that boat unnecessarily.

I rise in concern on this amendment to the Postal Treasury bill because it is an amendment prohibiting monies being spent on a proposed regulation; and I do believe that is fraught, if in fact this practice were to become popular, with really completely disrupting the rulemaking process in the administrative branch. Because the language says no money can be used, how do we then collect the data to make an informed decision on whether the rule should go forward or not. The gentleman from Florida does not want the rule to go forward, but that is in this particular instance.

Therefore, I rise, one, to respond to his concerns about the potential problematic aspect of this proposed regulation, but, more importantly, to offer, because the Ways and Means has jurisdiction over this material, my office and potential hearing, but especially to get Treasury together with those particular interests and make sure that there is a complete understanding of the consequences of this regulation, if it goes forward.

Notwithstanding that effort, if it goes forward, I can assure the gentleman that there will be hearings on what would then be the completed regulation; and if in fact we did not get significant changes, we would then very well be moving legislation. That I believe would be the appropriate way to deal with this potentially vexing rule that is in the examination process in Treasury.

This amendment, although I know well-intentioned, really has, in the chairman's opinion, ramifications far beyond this one particular issue.

Mr. WELDON of Florida. Reclaiming my time, Mr. Chairman, I thank the gentleman for his insights. It is my intent now to withdraw the amendment, and I am certainly looking forward to working with the gentleman in the months ahead on this very, very important issue.

I know for Florida bankers this is an area of major concern. If the rule, as intended, were fully implemented, it could really hurt in particular minority communities that rely on these community banks for loans.

Mr. THOMAS. If the gentleman will continue to yield, I want to thank the gentleman very much for his interest in this issue, but most importantly his courtesy in not moving forward.

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ___. None of the funds made available in this Act for the United States Customs Service may be used to allow the release into the United States of any good, ware, article, or merchandise on which the United States Customs Service has in effect a detention order, pursuant to section 307 of the Tariff Act of 1930, on the basis that the good, ware, article, or merchandise may have been mined, produced, or manufactured by forced or indentured child labor.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, this is a noncontroversial amendment that I believe is going to be accepted by the majority and the minority.

Because, Mr. Chairman, we live in a world in which hundreds of millions of children work at child labor, in some cases in horrendous conditions and in some cases as indentured servants, without any freedom at all, several years ago we passed legislation here that prohibits the importation of products into this country made by children who are indentured servants.

This amendment strengthens that legislation by saying that if the Customs Service detains that product because they believe it is made by children who are indentured servants, it should not be released into the general public. Occasionally that happens now, and this amendment would put an end to that.

Mr. Chairman, this amendment deals with one of the most disgraceful and embarrassing aspects of our global economy: child labor.

Mr. Chairman, it is an outrage that American workers must compete for jobs with as many as 250 million defenseless children working around the world today without any hope of ever seeing the inside of a classroom. Children's rights groups estimate that the United States imports more than $100 million in goods each year which are produced by bonded and indentured children.

Especially outrageous is the plight of millions of child laborers, some as young as 4 years old, who are sold into virtual slavery and chained to looms for 14 hour days knotting the oriental rugs that grace the foyers and living rooms of countless homes and offices all across the country.

Exploited children toil in factories, mines, fields, at looms, and even brothels, sacrificing their youth, health, and innocence for little or no wages.

They are hand stitching the soccer balls that our kids play with every day. They are stitching blouses and slacks made in China and sold in Wal-Mart. They are even sharpening the surgical instruments used in our hospital operating rooms.

Mr. Chairman, this amendment will help end this disgrace. Specifically, it would prohibit the importation of goods on which the U.S. Customs Service has issued a detention order because of the use of forced or indentured child labor. I believe that this amendment would provide real teeth to the Indentured Child

Labor Import Ban that was first signed into law as part of the Fiscal Year 1998 Treasury-Postal Appropriations bill.

Currently, if the Customs Service finds information that reasonably indicates that imported merchandise has been produced with forced or indentured child labor, Customs may issue a detention order on these goods. However, these goods may still be exported into the United States unless the Customs Service issues a finding banning the importation of these goods into the United States.

Mr. Chairman, according to the Customs' website, the U.S. Customs Service has 24 outstanding detention orders on forced and indentured child labor dated as far back as October 3, 1991, but has only issued 6 findings banning the importation of these goods into the United States. At the very least, Congress should ban the importation of goods on which Customs has reasonable evidence that were made by forced or child labor.

According to 60 Minutes II, the U.S. Customs Service used the present law to curb the flow of hand-rolled, unfiltered cigarettes (known as "bidis") produced by indentured child labor in India. In India alone, there are approximately 50 million children working in factories or fields for little or no pay. Bidis are an especially insidious product. They are made by children in India, and are purchased by children in the United States. According to the Centers for Disease Control, 40 percent of American adolescents between seventh and 12th grade have tried them. These cigarettes are popular among American youth because they are sweetened with flavors such as chocolate, strawberry, licorice, mango, and even bubble gum, giving the impression that bidis are less dangerous than other cigarettes. To the contrary, bidis contain five times more tar and contain higher levels of nicotine than regular cigarettes. Unfortunately, even though Customs issued a detention order on one bidi manufacturer in India, bidis are still getting into the U.S., and the bidi industry is now a $1.5 billion industry. This amendment would help get rid of bidis in the United States.

The issue of the exploitation of child labor is not only a moral issue but it is an economic issue that is having profound impact on American workers. As consumers, we should not be purchasing products made by children who are held in virtual slavery—children who can not go to school, children who work horrendous hours each week, children who are beaten when they perform poorly on the job and children who are often permanently maimed when they attempt to escape from their slavery. But, equally important, we should not continue a trade policy which forces American workers to compete against desperate and impoverished people in countries such as China and Mexico who earn as little as fifteen or twenty cents an hour—whether those workers are children or adults.

We know how bonded child workers are bought and sold like cattle. We know about the horrendous working conditions they are forced to endure. We know about the violence that meets them when they cannot work hard enough to satisfy their masters or when they try to escape their slavery. As we begin the 21st century, we must make a firm commitment to eradicate child labor throughout the world. Please vote "yes" on this amendment.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I would like to advise the gentleman from Vermont that I appreciate his amendment, and I advise the Chair that we have no objection to the amendment and certainly are willing to accept it.

Mr. SANDERS. I thank the gentleman.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I, too, thank the gentleman for this amendment. As the gentleman may know, there have been similar amendments that the gentleman from Virginia (Mr. WOLF) and I offered to this bill all throughout the 1980s.

This is a good amendment. Clearly, the United States needs to be on the side of ensuring that this kind of abuse does not occur to children, women, and workers generally. This is a very good amendment, and I thank the gentleman for offering it.

Mr. SANDERS. I thank the gentleman for his support as well.

Mr. ENGEL. Mr. Chairman, I want to thank my colleague for offering this Amendment—it is very much in line with one that I offered to the FY02 Agriculture bill concerning cocoa products. My amendment passed this House with 291 votes—a strong statement by this body against the repugnant practice of child slavery.

We are constantly hearing about how we are at the dawn of a new millennium—we are in the 21st Century—and that things are just great and getting better.

But, Mr. Chairman, we still have labor practices that date back centuries. Labor practices so abhorrent that we thought that they were long gone—but they still remain. Child slavery continues to plague our world—and as the world's greatest economy we are in position to use our purchasing power to end this terrible practice.

My amendment focused on child slavery in cocoa fields in the Ivory Coast. The U.S. imports 3 billion tons of cocoa each year spending $13 billion on the chocolate industry. That means Americans do have a great deal of influence with their dollars.

Every year at Halloween our kids wander our neighborhoods in costumes to Trick or Treat. They collect dozens of chocolate treats. But, now I must wonder—will they be as sweet knowing that somewhere in the world a child is forced to work 12–14 hours in a cocoa field, is locked up for the night without adequate bathroom facilities, and is never paid. If he tries to escape he is severely beaten.

Let me quote one of the farmers about this: "If I let them go, I am losing money, because I spent money for them." He told one child "You know I spent money on you. If you try to escape, I'll catch you and beat you." This is an absolute horror.

Now the chocolate industry has responded—they are moving forward to determine the extent of the problem and to develop programs for monitoring labor practices. But I believe the federal government must act as well. The American people do not want to buy products made with child slave labor. It is wrong and we must act swiftly.

My colleague from Vermont's amendment wouldn't affect the coca industry, because cocoa products don't have a detention order on them. Yet. However, during this fiscal year, FY2001, the U.S. Customs Service has undertaken an investigation into these reports about the Ivory Coast.

Title 19 United States Code, § 1307, prohibits importation of products made, in whole or in part, with the use of convict, forced, or indentured labor under penal sanctions. A general provision in the FY1998 Treasury Appropriations Act specified that merchandise manufactured with "forced or indentured child labor" falls within this statute.

What does this mean for American growers of these products? Let me be clear—by not enforcing existing law, it means that the federal government is putting our farmers automatically at a competitive and economic advantage.

So I urge my colleagues to support this amendment for two reasons—first and foremost because there is just no reason for child slavery in our world. Second, because American farmers shouldn't be put out of business because of other country's non-existent labor standards.

I have said it before, but it bears repeating, we must be ever vigilant in our fight against child slave labor. Support the Sanders Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LIMITATION ON CERTAIN AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during consideration of the amendments numbered 5, 7, and 8 in the Committee of the Whole, pursuant to House Resolution 206:

One, the amendment numbered 7 shall immediately follow disposition of, or postponement of further proceedings on, the amendment numbered 5;

Two, the amendment numbered 5 shall be subject only to the amendment by the gentleman from Arizona (Mr. FLAKE) that I have placed at the desk;

Three, the amendment numbered 7 shall be subject only to one substantive amendment;

Four, the amendments numbered 5 and 7, and each specified amendment thereto, each shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any of those pending amendments; and

Five, debate on the amendment numbered 8, and all amendments thereto, shall be limited to 1 hour, equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. The Clerk will report the amendment to be offered by the gentleman from Arizona (Mr. FLAKE).

The Clerk read as follows:

Amendment offered by Mr. FLAKE as a substitute for the amendment offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 644. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Mr. ISTOOK (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Oklahoma?

Mr. HOYER. Mr. Speaker, reserving the right to object, and I will not object, I will say that we have discussed this unanimous consent request and the minority agrees.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2590.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, the amendment offered by the gentleman from Vermont (Mr. SANDERS) had been disposed of and the bill was open for amendment from page 68 line 3 through page 95 line 16.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 9 offered by the gentleman from Washington (Mr. INSLEE) and the amendment offered by the gentleman from New York (Mr. HINCHEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 9 OFFERED BY MR. INSLEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 9 offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 285, not voting 7, as follows:

[Roll No. 268]

AYES—141

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berry
Bishop
Bonior
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (OK)
Clay
Clement
Coyne
Crowley
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Doggett
Edwards
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Green (TX)
Gutierrez
Harman
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
McCarthy (MO)
McCollum
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moran (VA)
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Sherman
Shows
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—285

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)

Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schaffer
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Tierney
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Conyers
Gonzalez
Johnson, E. B.
Lipinski
Scarborough
Snyder
Spence

☐ 1547

Messrs. YOUNG of Alaska, WYNN, RAHALL, HILLIARD, CLYBURN, MOORE, HALL of Ohio and Mrs. CLAYTON changed their vote from "aye" to "no."

Messrs. BERRY, FORD and BAIRD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 8, as follows:

[Roll No. 269]

AYES—151

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson (OK)
Clay
Clayton
Clement
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Doggett
Edwards
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hoyer
Inslee
Jackson (IL)
John
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tauscher
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—274

Abercrombie
Aderholt
Akin
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Matsui
McCrery
McDermott
McHugh
McInnis
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Conyers
Gonzalez
Johnson, E. B.
Lipinski
Scarborough
Snyder
Spence
Waters

☐ 1555

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, on rollcall Nos. 268 and 269—Inslee amendment and Hinchy amendment—I was detained in a Senate meeting on Election Reform. Had I been present, I would have voted "yea" on both.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to the order of the House of today, during consideration of the amendments numbered 5, 7 and 8, the following order shall apply:

(1) The amendment numbered 7 shall immediately follow disposition of, or postponement of further proceedings on, the amendment numbered 5.

(2) The amendment numbered 5 shall be subject only to the amendment by the gentleman from Arizona (Mr. FLAKE) that has been placed at the desk.

(3) The amendment numbered 7 shall be subject only to one substantive amendment.

(4) The amendments numbered 5 and 7, and each specified amendment thereto, each shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any of those pending amendments.

(5) Debate on the amendment numbered 8, and all amendments thereto, shall be limited to 1 hour, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN:

At the end of the bill (preceding the short title) insert the following new section:

SEC. . None of the funds made available in this Act may be used to initiate the process of contracting out, outsourcing, privatizing, or converting any Federal Government services in contravention of Public Law 105–270.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 10 minutes, equally divided and controlled by the proponent and an opponent.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

□ 1600

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment to focus on a problem facing our government, and that is unregulated and uncontrolled out sourcing, or, as it is sometimes called, privatization. The amendment specifically says that in contracting out, privatizing or otherwise giving Federal work to the private sector, that we adhere to existing law, Public Law 105–270.

This law, known as the FAIR Act, the Federal Activities Inventory Reform Act of 1998, basically says that whenever there should be an outsourcing, there shall also be a competition to determine that the taxpayer gets best value, best value in terms of quality and in terms of cost. Unfortunately, we find Federal agencies are not adhering to the FAIR Act; they are outsourcing without this control mechanism, and what we further find is that this outsourcing has not been beneficial to the taxpayer.

Let me give you an example. In the fiscal year 2000 Defense Appropriations bill, my Republican colleagues wrote, "There is no clear evidence that the current DOD outsourcing and privatization effort is reducing the cost of support functions within DOD with high cost contractors simply replacing government employees. In addition, the current privatization effort appears to have created serious oversight problems for DOD, especially in those cases where DOD has contracted for financial management and other routine administrative functions."

My point is, there is no evidence that outsourcing is, per se, better than Federal employees. The United States Government has a great resource in its Federal employees. We also have a great resource in private sector companies. We ought to have a competition in which Federal employees can compete against private companies for those jobs that are considered for being contracted out.

That is what this bill would do. It is quite simple. It would give the taxpayer best value, both in terms of quality and in terms of cost. It merely requires the agencies to abide by our current law, which requires competition.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to oppose the amendment and claim the time in opposition.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Virginia is recognized for 5 minutes.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly agree with some of the things my colleague said in terms of outsourcing and trying to make it so it is not uncontrolled and unpredictable. The difficulty with this amendment is that it does not just implement the FAIR Act, the Federal Activities Inventory Reform Act. That act applied only to commercial activities.

This act, if you read the language, says none of the funds made available may be used to initiate the process of contracting out, outsourcing, privatizing, converting any Federal Government services.

This applies to IT functions, it applies to SEAT management, it applies to ship construction, it applies to Javits-Wagner-O'Day functions, engineering functions. What it does in these functions under the current regulations as they are written is we will have to use the A–76 process in terms of going out sourcing any of these.

The A–76 process is used in only 2 percent of DOD contracts, and in almost no civilian contracts, because it is a 2-year process. This would basically freeze outsourcing in non-commercial areas, something the FAIR Act was not intended to apply to originally.

This amendment, in my judgment, is going to hinder and possibly shut down segments of the Federal Government's operations because we do not have in many of these areas of high expertise information technology, engineering, the in-house capability to perform them.

Last year Congress mandated that GAO create the Commercial Activities Panel to study the policies and procedures governing the transfer of the Federal Government's commercial activities from its employees to contractors.

This panel is going to report back to Congress in May, next year, with recommendations for improvements. I believe that Congress should await the results of this review before we start to legislate on that issue.

So it is for those reasons that I would urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to comment on a couple points made by my good friend and colleague from Northern Virginia. First of all, it should be clearly understood, this amendment would not affect any existing contracts. Any existing contracts, commercial or non-commercial, are not affected by this bill.

Second, this bill is current law. Now, the gentleman may be correct in some respects that current law does not work as well as we would like, but that is not unique to this body, unfortunately; and efforts are under way to streamline current law. But it is current law; and it does say before you out source, you should have competition.

We regularly come to the floor and talk about the benefits to the taxpayer of greater competition. There should be more competition. Does the process take too long? Not necessarily, when you consider the length of some of the contracts involved, 3-year, 5-year contracts. The process is a reasonable process that gives Federal employees a fair opportunity.

If Federal employees are not performing some of these IT functions now, there would be no competition between Federal employees; it would be competition purely between private sector versus private sector. On the other hand, however, if Federal employees are performing these functions now and if they are doing a good job by virtue of both the cost that they charge to the Government as well as the quality that they provide based on their experience, then they should have the opportunity to compete to perform that contract as against a private sector company that is applying for that contract for the first time and may not be able to provide the same value.

I believe this is a reasonable approach.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for yielding me time and also rise in opposition to this Wynn amendment.

Mr. Chairman, the fact of the matter is that the gentleman from Maryland (Mr. WYNN) has been honest about his objections. The gentleman from Maryland (Mr. WYNN) does not like outsourcing. The gentleman from Maryland (Mr. WYNN) wants to try and stop outsourcing as it is occurring across the Federal Government today, and several weeks ago we were in a hearing where we attempted to talk about not only the impact, but also how things are occurring in the marketplace today as a result of the FAIR Act.

I oppose this amendment because I believe that we are waiting to find out what the results really are. The hearing that we held offered an opportunity for both sides to provide input.

I believe what this will do today is to shortcut a process that had begun several years ago, where we are waiting to find out the real-life examples about how well outsourcing can take place, to where not only the effect of saving money, but also utilizing the most cost-effective services, to where we can allow agencies to go and do those things that are their core competency and to engage themselves in the effectiveness for government, is what we are after.

I support the gentleman from Virginia (Mr. TOM DAVIS). I think what the gentleman from Virginia (Chairman DAVIS) is talking about is defeating the Wynn amendment because it is shortcutting, short-circuiting, our ability to hear back a report that is due to us, where we can make a decision based on the facts of the case and what we are presently doing.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Each side has 1½ minutes remaining. Because the gentleman from Virginia (Mr. TOM DAVIS) is not a member of the committee, the gentleman from Maryland (Mr. WYNN) has the right to close the debate.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I am very much troubled by an article that was written by Steve Kelman, who was President Clinton's Director of Federal Procurement Policy in the White House. Many may know Steve, Mr. Kelman says,

> This is not a pretty picture. If this was passed, it could literally grind government to a halt. What TRAC does is enormously expand the scope of the Office of Management and Budget's Circular A-76, and it will include services that have always been contracted out in the past. It particularly affects telecommunications services and information technology. It is a troubling procedure that almost exclusively focuses on costs, rather than best value, and demands huge investments of time and resources.

I think that is a troubling assessment from somebody who understands the issue.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want my friend from Maryland to know I stand in opposition, but reluctant opposition, because I too see a lot of imperfections with the A-76 study approach. I see a lot of families getting booted in midlife, mid-career, and often the subcontractors come back and rebill their costs. So I see a lot of imperfections with it.

But I do think one of the problems with TRAC and the reason I have not cosponsored it is because, as the gentleman from Virginia (Mr. TOM DAVIS) says, you have engineering, a lot of subcontracting, and routine maintenance and security issues which the Federal Government under this legislation would not be able to farm out, and those are things the Federal Government needs to do.

I want to wait for the study, but I wanted my friend from Maryland to know I want to work with him in the future, but it is important to wait for the study.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I also want to pay tribute to my friend from Maryland, who I honor and look forward to working with; but on this issue we have to agree, this amendment is opposed by the ITAA, the American Electronics Association, the Professional Services Council, and, of course, the administration.

What this does is expand what is currently reserved for commercial activities, to Javits-Wagner-O'Day Act, to recompetes in many sources cases. This could grind outsourcing to a halt. That is our concern on this, that it is overly broad.

I intend to work with the gentleman over the next year to try to get something workable on this. We have held hearings in our committee on this, but I think this amendment goes too far and it is not in the interests of the American taxpayer. So I have to urge my colleagues to disapprove it.

Mr. WYNN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would first like to acknowledge the gentleman is absolutely correct, he has been very generous in attempting to work with us and allowing us to have hearings on this issue.

I want to make a few brief points that I have to emphasize. One, no existing contracts will be affected by this amendment; two, if this work is not currently being done by Federal employees and is in fact being outsourced and competed among private sector companies, that will continue. So those concerns probably do not apply.

Now, what we are saying in this amendment is simply this: follow existing law. Existing law, the FAIR Act, says there shall be competition, private-public competition or private-private competition. In the case of Federal employees who are doing a good job, they ought to have the right to compete to keep their jobs, to do the work and give the taxpayer best value. If the private sector company can do it better in terms of value and costs, then the private sector would get the contract.

Finally, the suggestion has been made that since we are having a GAO study, we do not need this amendment. I reiterate, this is the law. We ought to follow it. If the GAO study comes back and says we need to change the A-76 process, make it less burdensome, I would be the first one to say that is a good idea and we ought to do that and accommodate the need to streamline the process.

But competition is good for America, whether it is competition between two private sector companies or whether it is competition between hard-working Federal employees with high levels of competence and private sector employees, companies who want to take their jobs. Let the competition begin. I believe this amendment is consistent with that philosophy.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was rejected.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I move to strike the last word and to lend my support to the Treasury-Postal appropriations bill before us that we are now debating and discussing. Although I unfortunately was not able to be on the floor during general debate, I really want to state my support for this bill and focus on an important provision that was included by the committee.

First, I am very pleased that the pay parity language for Federal employees and the contraceptive coverage for Federal employees were included during committee markup of this bill. These are necessary changes. I applaud the committee.

Secondly, I want to thank the chairman for including a 1-year extension allowing agencies to help low-income employees pay for child care. Many Federal employees are caught in a serious child care crunch. A recent study showed that one-quarter of all Federal workers had children under the age of 6 needing care at some time during the workday.

□ 1615

In some Federal child care facilities, employees are charged up to $10,000 or more per child per year. Many Federal employees simply cannot afford quality child care. So giving agencies the flexibility to help their workers meet their child care needs encourages family-friendly work places and higher productivity.

It is my hope that we can eventually pass a bill that will allow agencies to be authorized to permanently use money from their salary and expense accounts to help low-income employees pay for child care. I have such a bill, H.R. 555, that would do just that. I hope that the chairman would support me in such an initiative in the future.

Mr. Chairman, I encourage support for the bill.

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction, after the President has certified to Congress that the Cuban Government has released all political prisoners and has returned to the jurisdiction of the United States Government all persons residing in Cuba who are sought by the United States Government for the crimes of air piracy, narcotics trafficking, or murder.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, might I inquire whether or not the gentleman from Arizona (Mr. FLAKE) will offer his amendment now, and then the time will be equally divided?

The CHAIRMAN pro tempore. Does the gentleman from Arizona (Mr. FLAKE) wish to offer his amendment at this time?

Mr. FLAKE. No, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman from New Jersey (Mr. ROTHMAN) seek the time in opposition to the amendment of the gentleman from New Jersey (Mr. SMITH)?

Mr. ROTHMAN. No, Mr. Chairman. I am sharing time with the gentleman from New Jersey (Mr. SMITH).

The CHAIRMAN pro tempore. Is there a Member seeking time in opposition?

Mr. FLAKE. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. SMITH) for 10 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey (Mr. ROTHMAN), my good friend and colleague and coauthor of this amendment, be allowed to control half of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself 2 minutes and 15 seconds.

Among the largest new sources of revenue we could possibly provide the Castro regime at this point would be large scale United States tourism. So I and the gentleman from New Jersey (Mr. ROTHMAN) are offering this human rights amendment in the hope that any lifting of remaining travel restrictions to Cuba will be done carefully and thoughtfully with some regard to the consequences.

Mr. Chairman, it is important to be honest about what we are talking about when we talk about tourism to Cuba. The dictatorship gets rich—filthy rich—let us make no mistake about that, and will go on its merry way in arresting, beating, and torturing political dissidents.

Let me just point out, Mr. Chairman, that Human Rights Watch, in its report, and I urge Members to read it, makes the point that conditions in Cuba's prisons are inhuman. In recent years, Cuba has added new repressive laws.

Torture is commonplace in Cuba, and ugly beyond words. There is no freedom of speech or assembly in Cuba. The people of Cuba have no right to emigrate. And dissent continues to be suppressed with unspeakable cruelty. In light of this we should lift the travel ban. And to make matters worse, there is another outrageous lucrative form of travel to Cuba called sex tourism. Cuba is on the short list of destinations for middle-aged men looking for inexpensive commercial sex, including sexual exploitation by children, which is actively condoned by the government. We should have no part whatsoever in facilitating this kind of exploitation.

I want to make very clear, Mr. Chairman, that under current U.S. policy vis-a-vis Cuba much travel is permitted. As a result of Clinton's soft and feckless policy towards Cuba, Americans can and do travel to Cuba for certain purposes: journalism, educational purposes, humanitarian missions, government business, sick family members, and the list goes on. The amendment I propose today focuses on the tourist industry and whether or not reasonable, modest conditions should be imposed before we lift that particular travel ban.

Our amendment has two conditions: the Cuban government should return the violent criminals who have escaped American justice and who are currently hiding out in Cuba. The case of Joanne Chesimard is particularly egregious. Chesimard was sentenced to life for the murder of a New Jersey State Trooper, Werner Foerster, but is now living it up in Cuba. She—and scores of other murderers and air pirates and drug smugglers—must be returned to the U.S. to serve their time behind bars.

The second condition, Mr. Chairman, has to do with the release of hundreds of political prisoners. The State Department's Country Reports estimates that there are between 300-400 political prisoners, and they are being mistreated, tortured and abused. Before we give the green light to tourism en masse, before we head to Havana with bathing suits in our bags and fun and diversion on our minds, let's not forget the persecuted and the oppressed.

Let us not abandon, undermine or betray some of the most courageous dissidents on the face of the earth.

We should lift the travel ban, if and only if all political prisoners are released. We should lift the travel ban, only when all cop killers and felons convicted in the U.S. are back in U.S. prisons.

Vote "no" on Flake and "yes" on Smith-Rothman.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. FLAKE AS A SUBSTITUTE FOR AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY

Mr. FLAKE. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE as a substitute for amendment No. 5 offered by Mr. SMITH of New Jersey:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 644. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

Mr. FLAKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and the gentleman from New Jersey (Mr. SMITH) each will control 10 additional minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to divide my time with the gentleman from New Jersey (Mr. ROTHMAN).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this substitute in the form of an amendment. As we grew up in school, we were told that the difference between us and other nations is that we would allow our citizens to travel anywhere they want to. We could travel the world, see other cultures, visit other countries, without fear that we would find something better. Here, we are being told that that is not right.

I as a government official can travel to Cuba, but if someone in my family or some of my friends at home or others want to travel to Cuba, they have to seek a license. Now, that is wrong.

This amendment simply states that we ought to allow everybody the same privilege that we have as government officials. They ought to be able to travel to Cuba. We allow individuals to travel to North Korea. There are terrible human rights abuses going on there. We allow individuals to go to Sudan. There is human slavery going on in Sudan, probably discovered by people going there on visits. We allow people to go to Iran. Iran considers us the "Great Satan" and has been implicated in State-sponsored terrorism. But somehow, we still do not allow our citizens to go to Cuba. That is simply wrong.

Now, Fidel Castro, let us stipulate from the very beginning, is a tyrant, and we ought to stipulate that from the beginning and decide how best can we bring change to that island. The best way, I believe, is through engagement, not isolation.

Mr. Chairman, I reserve the balance of my time.

Mr. ROTHMAN. Mr. Chairman, I yield myself such time as I may consume.

First let me thank the gentleman from New Jersey (Mr. SMITH), my distinguished friend, who is really a national leader around the world for human rights, and it is a privilege to be a coauthor of this amendment with him.

In 1973, Mr. Chairman, New Jersey State Trooper Werner Foerster was shot in the back of the head on a New Jersey highway. A New Jersey jury, after its deliberations, convicted Joanne Chesimard of first degree murder and sentenced her to life in prison for the death of New Jersey State Trooper Foerster. She escaped prison and she went to Cuba where she now resides and lives freely. She is one of over 77 convicted felons living in freedom in Cuba. We cannot get her back. Why not? Castro will not send back those Americans convicted of crimes in America, including murder and air piracy; he will not permit them to come back.

Now, some of my colleagues, good and decent people all, wish and believe forthrightly that travel restrictions should be lifted on Cuba. They say it hurts Americans.

Well, we have sanctions on all kinds of countries. We had it on Libya, we just voted on that yesterday; Libya and Iran, and other countries who do terrible things to our people. Cuba is doing the same. Think of the widow and the orphaned son of Trooper Foerster and those families of the other victims of the 77 felons still in Cuba. How would we answer them when my colleagues say, well, let us release and do away with all restrictions on travel to Cuba. They have no good answer. Castro must release those individuals and then we can have free trade with Cuba. We already have some trade and travel with Cuba; we need the stick and carrot approach. Castro needs to return those convicts to serve their time in America.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the substitute amendment offered by the gentleman from Arizona (Mr. FLAKE) to ensure that no funds in this bill may be used to enforce travel sanctions on Cuba.

Mr. Chairman, in January of 1998, I was in Cuba to witness the historic visit by Pope John Paul II. During his time in Cuba, the Pope declared "May Cuba, with all its magnificent potential, open itself to the world and may the world open itself up to Cuba."

Mr. Chairman, whenever I travel to Cuba, I try to meet with Ekizardo Sanchez, one of the most respected dissidents inside Cuba and someone who actually spent 8½ years in a Cuban prison. Mr. Sanchez has repeatedly stated, "The more Americans on the streets of Cuban cities, the better for the cause of a more open society in Cuba."

I firmly believe that unrestricted travel by Americans to Cuba would be one of the best actions the United States could take to open political space for all Cubans. Most importantly, however, I support this amendment because I firmly believe it is the right of all Americans to be able to travel wherever they wish.

The current sanctions on travel to Cuba are undemocratic and go against the traditions and the values that make the United States of America so great and so respected in the eyes of the world community. The American people are not fools. They should be able to see firsthand both the good and the bad about today's Cuba. They do not need the United States Government to censor what they can see.

I trust the American people. I believe in their right to travel freely. I should also add that I have met with countless Cuban Americans who believe they should have the right to visit their relatives in Cuba any time they want and not just when some bureaucrat at the Treasury Department says they can.

Last year, this amendment passed with strong bipartisan support. I urge my colleagues to support the Flake substitute. This is the right thing to do. I hope it will be passed with a very strong vote.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN), the chairwoman of the Subcommittee on International Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong opposition to the Flake amendment because it would prolong the suffering and the oppression of the Cuban people under the totalitarian Castro regime, and I support the Smith amendment, because it would deny the Cuban dictatorship additional funds to host killers of U.S. police officers, cop killers such as Joanne Chesimard, who gunned down, in cold blood, New Jersey State Trooper Werner Foerster, or those who murdered New Mexico State trooper, James Harper.

The Flake amendment, however, would help keep those and other fugitives of U.S. justice in the lap of luxury, fugitives wanted for murder, for kidnapping, for armed robbery, among other terrible crimes.

The Fraternal Order of Police has said this about attempts such as the Flake amendment: "The American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the fabric of our society to foreign dictators like Fidel Castro."

I oppose the Flake amendment because it would provide that Communist regime with much-needed hard currency to extend its reign of terror.

☐ 1630

This amendment would help propagate a system of slave labor, where 95 percent of workers' wages are retained by the dictatorship, where the workers have no individual or collective rights as they must remain subservient to the Communist party and the upper cadres of the tyrannical regime.

The Flake amendment would help promote a tourist industry built on prostitution, particularly teenaged prostitution, and the exploitation of women. In fact, Cuba's tyrant Fidel Castro has boasted to his national assembly that highly educated jineteras, who are prostitutes, have low rates of AIDS, and, therefore, there is no tourism healthier than Cuba's. This appeared in the July, 2000, edition of the New Republic.

I rise in support of the Smith amendment because he does not ignore political prisoners, such as Dr. Oscar Elias

Biscet, Vladimiro Roca, and Jorge Luis Garcia Perez, who languish in squalid jail cells in isolation, devoid of any light.

I ask my colleagues to search their conscience, to listen to the echoes of America's Founding Fathers who understood that when one people suffer, all of humanity suffers.

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I rise in strong support of the Flake amendment. Many years ago, Hans J. Morganthau once said that when food does not cross borders, troops will. What he meant by that is the basic of all relationships is really trade and commerce.

I sincerely believe that not only what Hans J. Morganthau said, but also what one of my predecessors, Congressman Steve Symms, said when the Carter administration first shut down free and available travel between the United States and Cuba.

He said, if we truly want to change Cuba, if we truly want there to be a revolution, what we should do is load up a B-52 bomber and fly over the Cuban island and open those bomb doors and allow millions of Sears Roebuck catalogs to fall on Cuba. And when those Cubans opened those catalogues and see what they do not have, Mr. Chairman, they will cause their own revolution.

Mr. Chairman, let us open the doors and let the light shine in. Instead of taking our word for it, the American people can go find out for themselves.

Mr. ROTHMAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I ask my colleagues who wish to support the Flake amendment, how did my colleagues just vote on the Iran-Libya Sanctions Act? Did they say, we do not need sanctions? No, they said, in some circumstances, sanctions are appropriate.

In this case, we need sanctions to make sure that Castro returns the killer convicted by an American jury, sentenced to life for the bullet in the back of the head to a New Jersey State trooper, and the 76 other convicted felons he is harboring in Cuba living free.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would say to my friend, the gentleman from New Jersey, he keeps confusing sanctions with travel bans.

The gentleman has supported, this body has supported, a law which has been in effect now for 7 years which says, when we impose sanctions, we can no longer restrict the right of Americans to travel. Iran sanctions, yes. Banning Americans from going to Iran, no. That is existing Federal law.

I hear and I understand the evils of the Castro regime and the stories. Are they worse than any of the stories of the gulag in the Soviet Union, or Communist China during the cultural revolution, or North Korea, or any other place where Americans have an unimpeded right, and always did, to travel? Why? Because it is in America's foreign policy interest to establish contact with the people of those countries. People-to-people diplomacy is the most effective diplomacy.

Why is Castro still in and the Soviet Union collapsed? What a great policy we have. He is the longest-standing leader in the world. Boy, has American policy worked.

By the way, to my friends on the other side of the aisle, people who make compelling arguments frequently about the absurdity of some government regulation, the notion that a Federal agency, the Office of Foreign Assets Control, decides who can go and who cannot go, whether we like the purpose of the trip or whether we do not.

Micromanaging the details of the individual American's right to go to a place and establish those contacts I suggest to Members is totally inconsistent and an anathema to the entire philosophy of the GOP party. This is the most absurd kind of regulation, that seeks to determine which relatives have positive purposes, which people have negative purposes.

It does not work. Government cannot handle that. This is a relic of another time. Make this Cuba situation the same as Iran, Russia, all the other authoritarian regimes where Americans are permitted to exercise their constitutional right to travel. Vote for the substitute and against the underlying amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Staten Island, New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

I just want to talk about three people. Their names are Rocco Laurie, Werner Foerster, and Joanne Chesimard.

Rocco Laurie was born in Staten Island. He joined the police department in the late 1960s and then enlisted in the Marine Corps and went to Vietnam. He came back to rejoin the police department.

He was married in May of 1970; and, in 1972, he and his partner were on a foot patrol in the lower East Side of Manhattan. His partner was shot eight times in the back and was killed instantly. Rocco Laurie was shot seven times. He died 5 hours later.

Werner Foerster was a State trooper who was shot twice in the chest and then, execution style, twice in the head by Joanne Chesimard. Joanne Chesimard was convicted and then fled the United States and lives, I guess, as a hero in Cuba.

Recently, a couple of months ago, her companion so many years ago was arrested. He has now brought forward charges and reports that Joanne Chesimard was involved in planning the assassination and killing of police officers Rocco Laurie and Foerster, who were gunned down more than 30 years ago.

Is it too much to ask that we declare and demand of Fidel Castro that he send someone like Joanne Chesimard back to the United States before we pay him these courtesies? Do we not owe it to the honor of their families, their legacies, their wives, their police department, the communities from which they came? Is that too much to ask?

I think that is the purpose here. Send those cop killers back, people who robbed innocent people of their lives, so that then we can go about our travel. That is fair and reasonable.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman for yielding time to me.

I am somewhat surprised by my presence today on the House floor. It was a year ago this month in which we addressed the issue of Cuba and the opportunity to sell agricultural commodities, food, and medicine to that country. By an overwhelming vote of both parties in this House, this amendment was passed. Ultimately, through a long process, that amendment is being implemented, and rules and regulations have been announced by the Department of Treasury for us to comment on, and the opportunity for that trade, at least in theory, is now taking place.

In that same time frame, an amendment was offered to do what the gentleman from Arizona attempts to accomplish today, and by a vote of 232 to 186 we all agreed that travel to Cuba should be allowed. Yet that part of the day's activities a year ago remains to be implemented.

So I rise today to support the gentleman from Arizona in his effort to open the opportunity.

My interest in this topic began really in a selfish way, in trying to find a way to create additional markets for the farmers of my State, a place to export their agriculture commodities. But as I addressed and concerned myself with this issue, it became clear to me that this is something more than just about the self-interest of trade and exports of agriculture commodities to Cuba. It is about Cuban people. It is about freedom. It is about democracy. This is about the opportunity of changing a way of life.

In Kansas, we will try something once. If it fails, we very well may try it again, but if it fails a second time, we are going to be a little more skeptical. Maybe by the third time after failure we will decide to try something new.

For 42 years we have tried to change the government of Cuba, and we have failed. It is time for us to try something different that actually may work. It is time for a change. So Kansans with their common sense would say, okay, we tried, it does not work. Is there not something else we can do?

All of us want to change. Everyone that I have heard speak today wants to change the behavior of the government in Cuba. The question is, how we do it? What we have done does not work. I rise in support of the substitute offered by the gentleman from Arizona.

Secretary of State Colin Powell said that we will participate in activities with Cuba that benefit the people. I have now met with the dissidents of Cuba who say that this is the right policy and that we can change the behavior of the country for the benefit of the Cuban people. I ask that we try something new today.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Smith-Rothman amendment and in opposition to the Flake amendment. People of good will can have different opinions regarding the efficacy of easing restrictions, travel restrictions on Cuba. But certain facts are undeniable and are undebatable:

First, Cuban citizens enjoy no rights of free speech;

Second, there have been and there is no prospect of there being any democratic free elections in Cuba;

Third, as has been already pointed out, Cuba holds hundreds of political prisoners who are only guilty of being people of conscience;

And, fourth, Castro continues to disrespect in its entirety any basic level of human rights for his own people.

Then, on the other hand, the gentleman from Arizona (Mr. FLAKE) argues that, although that may be true, the way to change that is for more Americans to go to Cuba and allow more cash into Cuba.

I only wish that were true. If it were true, it already would have occurred, because Europeans and South Americans and people all over the world have been travelling to Cuba for years.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in support of his amendment.

Mr. Chairman, it is not difficult to support the positions that are taken by both sides here, those who have convicted murderers in Cuba and would want to see that they meet justice here in the United States.

For those, it would seem to me that the best way to do it is the way we do it with other countries, and that is to have extradition treaties. We cannot have that unless we are trying to have some relationship, unless we are trying to talk to people.

What you are doing here really is not beating up on Fidel Castro. He could care less what we are talking about here today. * * * You are saying that we do not trust Americans.

Mr. SMITH of New Jersey. My amendment is not disgracing anybody. I deeply resent it. * * *

Mr. RANGEL. I think the gentleman is out of order.

Mr. SMITH of New Jersey. The gentleman's disrespect is out of order.

Mr. RANGEL. I am telling you this, that Americans——

Mr. SMITH of New Jersey. I ask that words be taken down, Mr. Chairman.

The CHAIRMAN. The gentlemen will suspend.

Would the gentleman from New Jersey again state his request of the Chair?

Mr. SMITH of New Jersey. I would ask that the words that we were disgracing the American people with this amendment be taken down.

First, I would ask that those words be read back.

The CHAIRMAN. Members will be seated.

The gentleman from New York (Mr. RANGEL) will be seated.

The Clerk will report the words.

□ 1645

Mr. RANGEL. Mr. Chairman, I ask unanimous consent that my words be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman's words are withdrawn.

We will now proceed in order, and the gentleman from New York (Mr. RANGEL) has 45 seconds remaining of the time that was yielded to him by the gentleman from Arizona (Mr. FLAKE).

Mr. RANGEL. Mr. Chairman, I would like to make it abundantly clear to the gentleman from New Jersey (Mr. SMITH) that the concept that I think is disgraceful has nothing to do with individuals but has something to do with the American people having the right, in my opinion, to visit any country that they would want to visit.

I really believe that it is very bad policy for Americans, who are able to go to China, able to go to North Korea, able to go into Moscow, to be able to say that we are this fearful that we will be overwhelmed by the people, the good people in Cuba, or by Fidel Castro or by the military. So it seems to me that it is really offensive to the American people for someone to say that they have such little confidence in their willpower to succumb to communism in Cuba when we are strong enough, we are the strongest Nation in the entire world, to be able to say that flag that flies so hard is our flag.

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the amendment that my friend, the gentleman from Arizona (Mr. FLAKE), has presented, and certainly in support of the amendment offered by the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) before the body today.

Cuba is different. Cuba is 90 miles away. It is in this hemisphere. The Secretary of State of the United States says Cuba is different in treatment on these issues. The President of the United States says Cuba is different in treatment on these issues. Within the last 2 weeks, the President has said that the United States stands opposed to such tyranny, talking about Cuba, and will oppose any attempt to weaken sanctions against the Castro regime until it respects the basic human rights of its citizens, frees political prisoners, holds democratic free elections, and allows free speech.

That is a higher standard than even the gentleman from New Jersey (Mr. ROTHMAN) and the gentleman from New Jersey (Mr. SMITH) have put forth in this amendment. This is a sanction. Clearly, it is a travel sanction; but it is a sanction on a country that is the only dictatorship in our hemisphere.

Mr. Chairman, 77 convicted U.S. felons are in Cuba, people who have killed police officers are in Cuba, people on the FBI's 10 most wanted list are in Cuba. We need to have respect for our rule of law before we move forward with this kind of change in policy.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of his amendment.

Mr. Chairman, Cuba is a country roughly the size of Pennsylvania with a population approximately double the size of Indiana, about 12 million people. Yet with our failed policy of the last 40 years, we have elevated Castro and Cuba to China or Russia proportion. With our foreign policy, we trade with Russia. We let our people travel to Russia. We trade with China. We let our people travel to China. And we should be doing the same with respect to our foreign policy and Cuba.

There are three good reasons to vote for the Flake amendment: first of all, for our constitution. Our citizens' constitutional rights should not be trampled upon, forbidding them from travel to Cuba; but we should allow them to travel with the Constitution and take it to Cuba and show our freedoms and our liberties and other respect for human rights.

Secondly, having just been down to Cuba 2 months ago, having met with representatives of the Catholic Church, dissidents, human rights' leaders, people that have been in prison, what do they think about lifting the travel embargo? They are for it. Now, we can talk all around this issue in this great Chamber, but what about the people that are most affected by this policy? They want us to lift the travel embargo, the people that are dissidents and human rights' leaders and leaders of the church in Cuba.

Thirdly, Castro. Castro uses this trade and travel embargo to blame us for his problems. Let us open up the system to American ideas of human rights, free markets, capitalism, respect for one another and for the right to vote. Let us try and change after 40 years of failure. Let us vote for the Flake amendment.

□ 1700

Mr. ROTHMAN. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, this is an issue that, from my district at least, is a local issue. I represent a district that is 90 miles from the shores of Cuba and people visit under the existing process right now.

But one of the things that has been talked about, as recently as my last colleague who spoke, many of my colleagues have visited Cuba and they have met with dissidents and they have stayed in hotels. One of the things they are probably not aware of is that no Cuban is legally allowed to eat and enter a hotel in Cuba. They might have eaten with one of the so-called dissidents, but it was illegal under Cuba law, and the only reason why they could is because they are a Member of Congress.

Cuba is treated differently. But there is no other name on the list that people have offered that is 90 miles from our shore, but also has a unique system that Cuba has.

People have talked about Castro being in power for a long time. In many ways this dictatorship has been the most controlling in the world. If we look at the process of tourism and what keeps the Castro dictatorship around is, in fact, hard dollars. Passing the Flake amendment would, in fact, enable Castro to continue.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, 10 years in prison, a criminal fine of $250,000, a $50,000 civil penalty. Are these punishments for bank robbers, ax murderers, Al Capone, John Dillinger? No. No. This is what can happen to a United States citizen exercising his or her constitutional right to travel to Cuba without a license.

What is this license? In this case it is permission. Permission from our own government to exercise a fundamental constitutional right. We are treating our own citizens like school children who need permission to leave their classroom. We would expect this from the Cuban government, not from the government of the United States.

In fact, what we have done is erect our own Berlin Wall preventing free travel of American citizens. To paraphrase a former president, President Reagan, it is time to tear the wall down.

The travel ban has allowed our preoccupation with Fidel Castro to undermine a fundamental constitutional right. So let us invade Cuba, again, but let us do it this time with academics, missionaries, investors, human rights activists, and tourists. Let the college kids on spring break be the vanguard of this invasion. I know and I am confident that the result will be victory for the Americans and for the Cubans.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I was having a conversation with a colleague last night about this issue. He said a dissident came from Cuba and lobbied against the embargo. I tried to point out that if the totalitarian regime in Cuba allows one to come to the United States to lobby against sanctions against the dictatorship, it is with precise permission. If, however, one is truly seeking democracy, they are thrown in a dungeon or thrown out of the country or executed.

So what the Smith-Rothman amendment is saying is before the $5 billion a year, at least, in American tourism is sent to the dictatorship, let the representatives of the Cuban people, the leaders of the political parties, let them out of prison, and the cop killers and other fugitives from American justice including Joanne Chesimard and the other ones that the gentleman from New York (Mr. FOSSELLA) so eloquently was talking about, send them back and do not have them living in protected luxury by the totalitarian regime 90 miles away. That is all the Smith-Rothman amendment is saying.

It is not a question of insulting anyone's intelligence. It is a question of saying the people who represent the Cuban people, who are in prison today have a right to be free, and those who kill American cops and sell drugs and are terrorists have a need to be in prison in the United States.

Vote for Smith-Rothman. Vote against the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I rise in strong support of the Flake substitute amendment and I do so because our current policy towards Cuba is a relic and it needs to be updated.

It should be a priority of this Congress to change any program or any policy if it is deemed to be unsuccessful. Yet, we have allowed 40 years of unsuccessful public policy, and we have done next to nothing to improve it.

One way to foster change is through this amendment of our colleague from Arizona. The amendment would prohibit Treasury funds from being used to regulate the travel of American citizens to Cuba. It would effectively open up Cuba's borders for the free world and for free world ideas.

Mr. Chairman, when I came to Congress, it is fair to say that I was inclined to believe that we needed to reassess our relationship with Cuba. After visiting Cuba myself this year and meeting with the fantastic people of that country, I returned convinced that our policy is wrong. Americans want to travel to Cuba by an overwhelming 66 percent. Doing so will be good not only for the Cuban people and for Cuba, but it will be good for our country. Maintaining the status quo will do nothing to foster democracy in Cuba. We need to speak strongly today on the floor to reverse 40 years, 40 years of unsuccessful public policy. We need to tear down this travel ban, and we need to allow Americans to travel freely to other countries.

Mr. ROTHMAN. Mr. Chairman, I yield 3¼ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished ranking member of the Subcommittee on the Western Hemisphere.

Mr. MENENDEZ. Mr. Chairman, I have heard the voices of those who think Fidel Castro is a great guy; and I have heard the voices of those who want to do business in Cuba at any price, regardless what that price is. Americans love to travel, but they love democracy and human rights, and they love that more than anything else because they enjoy it more than any other country in the world.

The belief that Americans can change Castro through tourism flies in the face of millions of visitors from Canada, Mexico, Spain, Europe, Latin America and other parts of the world who over the last decade have visited Cuba and have not had one iota of change towards democracy and human rights.

We are a great people, but to believe that we uniquely possess the one key that can unlock, the changing of the mind of Fidel Castro, is to be incredulous.

What this amendment would do if adopted, it would take a law and let it lawlessly be violated because we would have no enforcement funds to prosecute that law. If you do not believe that the law is legit, change the law. But do not act lawlessly by saying we will not enforce a law that exists on the books.

Mr. Chairman, it will open the floodgate of dollars to Fidel Castro's Cuba. If the American people knew that 60 percent of Cuba's GDP goes to a tourism industry that is a state-run operation, a tourism industry by which Fidel Castro owns 50 percent of all of the foreign hotels and all of the Dollar Stores, which are inflated, to gouge tourists who go, they would say no, I will not visit there.

If, in fact, they knew that tourism does not go on behalf of the Cuban people but goes on behalf of the state, they would not go there. If they knew when they visit those hotels and tourist spots that the workers there cannot be hired directly by that foreign company, but is hired by the state employment agency sent there for which the state employment agency is paid in dollars, and Cubans are paid in worthless pesos, which is the equivalent of slave labor, to those of my colleagues who believe in the trade labor movement and labor rights, they must vote for the Smith amendment and against the Flake amendment.

For those who believe that, in fact, opening up the flood gates, as is suggested, and I do have great faith in Americans, but what happens when they go to Cuba, suggestions that tourism will facilitate visitation and engagement with human rights activists, political dissidents and independent journalists should be dispelled by the fact that Cuban law makes it a crime against the state to engage human rights activists and political dissidents. And believe me, that law is enforced.

Ask the two Czech citizens, one a parliamentarian and the other a journalist, who traveled to Cuba as tourists and were engaged with human rights activists, and were imprisoned.

Mr. Chairman, sunning one's self on the sand and surf on Varadero Beach, taking in a show at the Tropicana, smoking a Cohiba and sipping a Cuba Libre may indulge the fantasies of some, but it will not bring democracy to the Cuban people, it will not bring freedom to the Cuban people, and it will not bring respect for the human rights for those people in Cuba.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Arizona for his amendment. It is the right thing to do.

Mr. Chairman, I have not heard anybody on this floor suggest, as my friend from New Jersey stated, that we think Fidel Castro is a great guy. I do not know where that came from. Nobody has suggested that. I do not think anybody comes close to believing that. We know he is a dictator. There is no question about that.

But we want the idea of American freedom to find its fruition in Cuba as well as America. This travel restriction is un-American. Americans should be able to travel any place they want. And as they travel, they communicate with the citizens of other countries. When the Cuban people see the way we live because of what we believe in, that is going to topple the dictatorship.

Forty years. How long does it take to realize that a policy is not working? Our current Cuba policy has not worked. Let us build upon the freedoms that every American citizen represents when they travel someplace else.

Let me suggest to my colleagues that the historical context should be considered here as well. If it had not been for the way that the former regime had treated the Cuban people, the Communist Revolution could not have succeeded. The Batista government treated many of the Cuban people miserably, particularly its darkest-skinned citizens. That history has a lot to do with why Fidel Castro is still in power today.

Now it is time to try a different approach. Now it is time to let, yes, our students; imagine what would happen if they went to Cuba on a spring break. Fidel Castro would have nightmares over that threat.

But when Cubans see the way we live here, that is what is going to bring freedom to Cuba, and that is what is going to enable us to trade with Cuba, and that is what is going to enable us to have a real neighbor that we can work with.

Mr. Chairman, 40 years is too long. It is time to realize that the policy we are using today is not working. Let us try a new one. Let us pass this amendment.

Mr. ROTHMAN. Mr. Chairman, I yield 1¼ minutes to myself.

Mr. Chairman, there are several points I would like to make. Number one, there has been some statement that restriction on travel to Cuba would be unconstitutional. That is incorrect.

The United States Supreme Court has twice ruled that travel restrictions on Cuba, on Americans traveling to Cuba, is constitutional: Zemel v. Rusk in 1965, Regan v. Wald in 1984.

Forget the Constitution, we just exaggerated saying it is unconstitutional, is it the right policy choice? That is a fair question.

Mr. Chairman, I believe it is the right policy choice, and we choose to impose different treatment to different countries based on our own belief of what is fair and what will work.

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Make no mistake about it. There is some travel now to Cuba. If we eliminate all those restrictions, Castro will benefit by $5 billion in American hard currency.

Do we want to let him say 40 years of totalitarian rule will be rewarded with this? Treatment of your political prisoners will be rewarded with billions of dollars of American cash? Your failure to return cop killers, people who were convicted by juries in America, juries of their peers, of first degree murder, sentenced to life and Castro holds them in luxury and freedom down there and will not release them? What is the message we send to American law enforcement, State and local, about what we will do if they get killed by someone who then seeks refuge in Cuba?

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been a great debate. I said at the beginning that we ought to stipulate that Fidel Castro is a tyrant, that he is a liar, but I am surprised that those who agree with me on that are so eager to accept the notion that he wants tourism, that he wants more trade. I would submit that he does not.

When I was a child and my room was messy, the last thing I wanted was for my mother to come in. You do not want people to come in. So why should we take Fidel Castro's word for it? We ought to send our people there.

Let me just close by saying, it has been said that people can have differing opinions on this subject. They certainly can. Those who believe in isolation have had the last 40 years. It is time for those who feel differently to enact a new policy and move forward. If freedom is what we want for the Cuban people, let us exercise a little more of it ourselves.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

I was sitting here watching the debate. It was almost identical to debates of old, when we were fighting for freedom in the Soviet Union, when we were fighting for freedom in El Salvador, when we were fighting for freedom in Nicaragua. History proved us right and proved you wrong.

Allowing travel to Cuba is a terrible mistake. The benefits of free trade cannot flow to people who are ruthlessly oppressed by a rigidly controlling totalitarian regime. Supporters claim that American tourists will help average Cubans. But letting Americans travel to Cuba will strengthen Castro and do nothing to improve the lot of average Cubans. Freedom cannot penetrate Castro's Communist cadre because it operates more like an organized crime syndicate than a legitimate government.

But surely, we are told, joint ventures with foreign investors will change all that. All joint ventures in Cuba remain under Castro's thumb. Those businesses cannot even hire a Cuban worker without Castro's blessing. All the property in Cuba belongs to Castro. All the income that comes from these Americans will go to Castro.

We are also told that if we support trade in China, we ought to support it in Cuba as well. But China and Cuba, I think, is a poor comparison. In China, the government is allowing the rudiments of a market economy to form. Trade with China does benefit average people. Cuba is a monolithic island under the heel of Castro's regime. Under this dictatorship, the only entrepreneur is Castro. Castro's thugs cannot meet the basic needs of their people. This tyrant is teetering on the brink of an abyss. Why in the world would we reach out now to draw his evil, abusive regime back to safety?

Let it fall. Let it fall and liberate the Cuban people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. Flake) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. Smith).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. Flake) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. Smith) will be postponed.

Therefore, further proceedings on the first-degree amendment offered by the gentleman from New Jersey (Mr. Smith) will also be postponed.

AMENDMENT NO. 7 OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. Rangel:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104-114), except those provisions that relate to the denial of foreign tax credits or to the implementation of the Harmonized Tariff Schedule of the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. Rangel) and the gentleman from Florida (Mr. Diaz-Balart) each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. Rangel).

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Chairman, in the shadows of this great Republic of the United States is a small island 90 miles off our shore called Cuba. The most powerful Nation in the world somehow just fritters when we consider talking to the Cuban people, trading with the Cuban people or visiting in Cuba. The sanctions that we have had against this small nation that have been locked into place for over 40 years just have not worked. They never do. Unilateral sanctions never do work. It is so arrogant that not only do we have these sanctions against the Cuban people and their government but we are arrogant enough to put sanctions against our friends and our allies that want to do business with the people in Cuba.

It falls beneath the dignity of a great country to try to bring down a government in any country by using food and medicine and economic exchange as a weapon in order to do that. There is no way that we are going to convince the American people that Fidel Castro is more of a tyrant, more of a dictator, more oppressive than people in other parts of the world which we are doing business with.

In this very body, I could hear the opposition saying, "The only way to bring down communism in China is to engage these people in economic activity. The only way that we can bring about democracy is by using the tools of trade and cultural exchange."

We are saying the same thing about Vietnam, and a bill will be up before we go on recess, a country that is responsible for the taking of so many American lives. Again in North Korea, they are responsible for the loss of so many American lives. Again in China, responsible for the loss of so many American lives. We have never even had anyone mugged in Cuba. Yet we are saying that we have a higher standard in terms of ignoring the country and providing sanctions against us.

But there is something else, too. Trade is a two-way street. We now have farmers in the United States that have had markets closed to us. It just seems to me that if China has to go all over the world to get its dairy products, its meat, its rice and its chickens, then why should the United States of America markets be closed? Why should Cuban Americans not be able to do business with Cubans? Why do we put these handcuffs on ourselves when we truly believe that trade and opening up new economic opportunities is really the key to democracy?

So it just seems to me that, once again, we have an opportunity by taking away the funds that really operate this bureaucracy and to say that we respect the American people, we respect their economic judgment, and we respect the right of Americans to travel anywhere that Americans want to travel, that we are a strong people, we have a rich history and we do not allow Communists to frighten us here in the United States, in Havana, in Moscow or Hanoi.

Mr. Chairman, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida (Ms. Ros-Lehtinen), the distinguished chairman of the Subcommittee on Human Rights.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise today in strong opposition to the Rangel amendment because Cuba's terrible record of human rights violations was not exported there. The degrading treatment that the Castro regime inflicts on its own citizens is not the end result of the U.S. embargo on Cuba. The embargo is not responsible for the gulags for prisoners of conscience. The embargo does not forbid independent labor unions from existing. The U.S. embargo is not responsible for the systematic persecution and mistreatment of religious organizations, nonviolent opposition movements and human rights dissidents.

The U.S. embargo is not what drives a police officer to beat unconscious a political prisoner while she is on a hunger strike. The U.S. embargo does not mandate the summary execution of independent journalists and conscientious objectors. It is the totalitarian regime and its tyrannical leader who are the sole creators of a state that has perpetrated the most deplorable violations of fundamental human rights and freedoms against its own people throughout the last 42 years.

How does this Congress tell Vladimiro Roca, who is going on his 1,471st day in prison, the last 1,343 of those days have been spent in solitary confinement, that the very embargo he praised in a pamphlet entitled, The Homeland Belongs to Us All, an action which led to his imprisonment, will be weakened by those who choose to justify the inhumane behavior that Castro renders on his people?

They demand the innate human rights that every individual should never be denied. Castro has repeatedly stated that he will not change. He has underscored his position over and over again of socialism or death.

The regime continues to exert absolute control over all investments and business endeavors, requiring that all payments be channeled through the dictatorship's agencies. Its disregard for property rights of any kind has resulted in the regime falling into disgrace with even its most loyal trading partners, such as Canadian, Mexican and European investors whose machinery and payments have been stolen by the regime.

I urge my colleagues to strongly vote "no" on this amendment that goes against our American principles of freedom and human rights.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the gentleman's amendment that we normalize our relationship with that tiny island 90 miles off our coast. I do not think any of us are here today to condone Castro's actions. That is not the point. The point is that we need a rational foreign policy toward Cuba that is not based on emotion.

Yes, we want cop killers back in the United States. No, we do not condone gulags. But there are gulags in Cuba. There are gulags in China. There are gulags in Korea. That is not the point. We need a rational policy.

Second, the policy we have is not rational, and it has failed. It has failed for 40 years. It failed even when the Soviets abandoned Cuba. If this embargo did not work when the Soviets abandoned Cuba, it is never going to work. All it does is impose hardships on the Cuban people, and that plays right into Castro's hands.

Members of the State Department have said privately that this embargo is just what Castro wants, because it bans Cuban nationalism and allows him to continue his regime. Let us normalize our relationship as we have done with China and other countries.

Mr. DIAZ-BALART. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

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Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I wanted to, number one, stress to all of those who may be listening that the United States embargo allows the donation of food, clothing and medicine to the Cuban people. The embargo also allows the controlled sale of medicine, medical supplies and agriculture products to Cuba. It is extremely important for us to remember that, because people keep saying and acting like that is not the case. We have taken allowance to put in humanitarian considerations in there, which is far more than we get out of Castro.

Now, a lot of people keep talking about China, and I just returned from China 2 weeks ago, and want to talk a little bit about the difference between Communist China and Communist Cuba. Number one, they have a precedent. They do have two systems under one nation. Hong Kong, they have left the capitalism in Hong Kong. China has not infiltrated that and messed it up.

Secondly, they can also look across the waters and see Taiwan, which they consider still part of China and a province, but they understand how capitalism works because of Taiwan and because of Hong Kong.

Number two, China is eager to get into the WTO, not just as a business proposition, but they are interested in joining the world community today, one of human rights and business transparency and labor unions and audits and all the things that we have in the West.

Number three, there are already American companies doing business in China: International Paper, Rayon Air, Motorola, Coca-Cola. Motorola, 12 percent of their receipts are from China right now. The Chinese people are interested in capitalism, and the reason is, their brand of socialism is China, Inc., what works. They do not have this mantra to the throne of Karl Marx the way Mr. Castro does.

It is very important to remember that Jiang Zemin is far more democratic than Fidel Castro. That is why he is not afraid to have the Olympics come to Beijing and open up the nation to the scrutiny of the world by having the Olympics right in his capital.

I also want to say Russia has been alluded to here. Here again, you do not have one person. I went with the Speaker when the Speaker of the Dumas invited the gentleman from Illinois (Mr. HASTERT) on a trip, and they wanted to talk to us about reform.

One of the big reforms that the Russian people were interested in was judicial reform. They are interested in democrat processes. They do not believe in the old tenets of communism of 50 years. China, reform; Russia, reform; Cuba, no, sir. They are still stuck in time, and as long as Fidel Castro is there, they will not change.

Mr. RANGEL. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Rangel amendment. Although relations with most communist governments, such as China and Vietnam, are normalized, the United States continues to prohibit virtually any and all political, economic, or even cultural exchanges between the people of the United States and the people of Cuba. Since the early days of the Cold War, our government has been entrenched in an absolute embargo that has created much suffering on this Afro-Hispanic island only 90 miles away. This embargo is archaic, it is inhumane, and it must be changed.

Like many Members, I, too, have visited Cuba many times and met with the anti-Castro organizations. But, barring none, they communicated that the best way to address all issues, including human rights concerns, is to at least end the embargo, so dialogue can take place.

We all must be concerned about human rights violations, wherever they may occur in the world, including in our own United States of America, as minorities in our own country clearly understand. But the United States embargo against Cuba is a failed policy that has only served as an impediment to a rational foreign policy.

Now, for those who support fair trade, which I do, it is wrong to prevent the United States companies, our U.S.-based companies, our farmers, especially, from accessing the Cuban market. This could also mean thousands of jobs for United States workers. So we are really doing a disservice to our own people in our own country.

Not only must we strike down the restrictions on United States citizens' travel to Cuba, but we should end the embargo, and we should end it right away. It is the right thing to do.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I listened to my colleagues, and it is interesting, when we talk about Cuba, the word "emotions" always slips in; but I hear my colleagues come to this floor on other parts of the world, on questions of famine and human rights and AIDS, and they speak very passionately. We do not say it is an emotional issue.

We also question China, and yet many people vote against China MFN because they believe China should be sanctioned in that regard, but they believe we should lift everything as it relates to Cuba. But forced abortion, arrest of dissidents, Tiananmen Square, a whole long list, it seems to me if that after 25 years of engagement is our human rights success in China, we should review that policy.

Lastly, why, if lifting the embargo means the end of Castro, why is it his number one foreign policy objective? If it means his end, as everybody would suggest, why is it his number one foreign policy objective?

The fact of the matter is that I would ask my colleagues who vigorously support human rights and democracy, who seek sanctions in other parts of the world, like the Sudan and other places, that they need to understand that if we vigorously enforce a sanctions regime wherever we seek to impose sanctions, then we have an opportunity to have a public policy success using peaceful diplomacy versus anything else.

Lastly, we are the largest remitters of humanitarian assistance to the people of Cuba, more than all the other countries of the world combined over the last several years. It is Castro who keeps his people hungry by his failed policies.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, there was a demonstration out front the other day and up and down Connecticut Avenue. It was the Falun Gong trying to tell us about religious persecution in China. Yet we chase after China, we give them Most Favorite Nation status for trading purposes, and we forget about their human rights violations.

Yet 90 miles off the shore of Miami, we have a small country that is trying to survive, and we keep our foot on the back of their necks simply because there are few people who cannot get over the fact that he overthrew Batista. Batista had literally given Cuba to the multinationals, who practically owned it, to the gangsters, and everybody else who wanted to go down to Cuba and do whatever they wanted to do.

Well, we may not like the revolution, but we need to get over it. He has been trying to survive all of these years. It is time to do away with this policy. It does not make good sense.

Let me just tell you, Canada is reaping $260 million in trade; China, $156 million; France, $216 million. It goes on and on. The Farm Bureau wants to open up trade opportunities.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, the suffering of the Cuban people is caused by Fidel Castro, and not by the embargo. The money that is paid to the employees down there by businesses that go into Cuba does not go to the employees; it goes to Castro. If they are paid $400 a month, that $400 goes to Castro, and he pays them in the local currency, which is worth about $5 to $10 a month.

He is the one who keeps his heel on the neck of the people of Cuba. He is the one that causes the suffering down there. He is the one that causes the human rights abuses, and he is the one that has killed that economy.

Why does he want the embargo lifted? Because he knows if we have tourism going down there, he knows if there is trade with him, the money will go into his pocket; the money will be able to prop up his regime, and he will be able to continue his communist philosophy and dictatorship down there.

Finally, just let me say one more thing. People say he is no longer exporting revolution. I will tell you right now, Fidel Castro is supporting the FARC guerrillas in Colombia that are flooding our streets with drugs, that are killing our kids and ruining people's lives. The FARC guerrillas wear the berets that Che Guevara wore when he was down there exporting revolution for Fidel Castro.

This man is a tyrant, he is a man we should not deal with, he is a man who has killed his own people, and he is the one that suffers; not the people of Cuba, because he is the one that is keeping them under his heel and under his boot. Five to $10 a month is what they earn because of Fidel Castro.

Mr. RANGEL. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, listening to the debate, I could not help but remember the words of Harry Truman. When he was interviewed for the biography "Plain Speaking" just before his death in Independence, Missouri, he was asked the question, "What would you do about Cuba if you were still President?"

He said, "I would pick up the phone and call Fidel and say, I see you have some problems down there, Fidel. Why don't you come on up here, and we will talk about them and see if we can't settle this thing."

Boy, if he had only been President, and if other Presidents had only followed that kind of advice since then, we would not have the necessity of this debate today.

Why a strong, powerful country like the United States has to make an enemy of a weak, defenseless little country like Cuba is a question that we could speculate upon for some length of time. But one thing is absolutely clear, the policy of the last 40 years has failed. It is time to open the doors and let the fresh air come in.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining, and the gentleman from New York (Mr. RANGEL) has 1 minute remaining. The gentleman from New York (Mr. RANGEL) as the author will close debate on the amendment.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let us cut to the chase here. Let us cut to the chase. Let us cut to the chase, Mr. Chairman. Castro is 75 years old. He collapsed a few weeks ago and those surrounding him in the power clique were terrorized. His days are numbered.

What we are talking about today is the future of Cuba. It is the leadership that is in prison today, Antiunez, this young man, for example, who is facing an 18-year sentence because in high school he decided to say that the regime was evil and he opposed it and he sought democracy. Or Maritza Lugo, the chairman, the president of the 30th of November Democratic Party. She and her husband are political prisoners, though they have little daughters, like the gentlewoman from Florida (Ms. ROS-LEHTINEN) who is on the floor. Well, Maritza Lugo has two daughters, and they are both in prison, she and her husband, are both in jail, because they are leading a political party in Cuba.

And Vladimiro Roca, whose father, by the way, was the founder of the communist party in the 1920s, and now he is in a dungeon, because he is the president of the Social Democratic Party, and asked for free elections. Are they going to be released, and are their political parties going to be legalized and is the regime going to sit down with them and have free elections like happened in South Africa and like happened in Chile and like happened in Spain and Portugal and everywhere else, everywhere else the world stood for freedom?

Oh, no. But in Cuba we should discriminate, despite the fact that they are 90 miles from our shores. That is the issue that we are debating here today.

So our current law says three conditions, and the embargo is automatically lifted. The gentleman from New Jersey (Mr. MENENDEZ) authorized billions of dollars in the legislation that we passed a few years ago. It is already law for assistance to Cuba. Three conditions is what we seek for our neighbors 90 miles away: Liberate the political prisoners, legalize their political parties, and sit down with them and have an election. Is that too much to ask for our closest neighbors? It is not.

But the debate today is whether the regime continues after the demise of the tyrant, the death or the incapacity of the tyrant; or whether these people, the leaders of free Cuba, continue to receive our support, as this Congress has, despite the attitude of the executive office, not now, because President Bush supports the sanctions now, but other times in history they have not. Congress has always been with the Cuban people.

Stand with the Cuban people and their future leaders, not the tyrants. Oppose Rangel.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, that proves what a great country we have, that friends can disagree and, at the same time, attempt to move forward.

I think in addition to a great country, we have to really emphasize the importance of free trade and opening up new markets. Certainly for whatever tragedies people are suffering in Cuba, you cannot possibly believe that it is not worse in China. And if those on the other side of the aisle truly believe that trade is going to be the key of establishing better relationship and normalizing our relationship, then certainly I think we should have enough confidence in the American business people and enough confidence in the American people not to succumb to the dangers that communism offers.

□ 1745

This is a strong Nation. We can survive the threats of communism. We can enter into extradition treaties in order to bring back the convicts that are there. Let us face it. If the present dictator dies, who is going to replace him?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVI, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the substitute offered by the gentleman from Arizona (Mr. FLAKE); amendment No. 5 offered by the gentleman from New Jersey (Mr. SMITH); and amendment No. 7 offered by the gentleman from New York (Mr. RANGEL).

AMENDMENT OFFERED BY MR. FLAKE AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) as a substitute for the amendment offered by the gentleman from New Jersey (Mr. SMITH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the substitute amendment.

The Clerk designated the substitute amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 186, not voting 7, as follows:

[Roll No. 270]

AYES—240

Abercrombie
Aderholt
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bishop
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Camp
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Fletcher
Ford
Frank
Gallegly
Ganske
Gilchrest
Gonzalez
Gordon
Graves
Greenwood
Gutierrez
Harman
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Inslee
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shays
Sherwood
Shimkus
Shows
Simmons
Simpson
Slaughter
Smith (MI)
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Whitfield
Woolsey
Wynn

NOES—186

Ackerman
Akin
Andrews
Armey
Baca
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Berkley
Bilirakis
Blagojevich
Blunt
Boehner
Bonilla
Boyd
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Engel
Everett
Ferguson
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Green (TX)
Green (WI)
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hobson
Hulshof
Hunter
Hutchinson
Hyde
Israel
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Myrick
Northup
Norwood
Ortiz
Ose
Oxley
Pallone
Pascrell
Pence
Petri
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Traficant
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watts (CK)
Weldon (FL)
Weller
Wexler
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—7

Blumenauer
Cooksey
Lipinski
Meeks (NY)
Scarborough
Snyder
Spence

□ 1808

Mr. HALL of Ohio and Mr. KERNS changed their vote from "aye" to "no".

Mrs. MALONEY of New York and Messrs. HOUGHTON, BASS, WHITFIELD, and SHOWS changed their vote from "no" to "aye".

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. SMITH OF NEW JERSEY, AS AMENDED

The CHAIRMAN. The question is on Amendment No. 5 offered by the gentleman from New Jersey (Mr. SMITH), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 7 offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 227, not voting 5, as follows:

[Roll No. 271]

AYES—201

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berry
Biggert
Bishop
Bonior
Bono
Boswell
Boucher
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Capps
Capuano
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley
Doyle

Edwards
Emerson
English
Eshoo
Evans
Farr
Fattah
Filner
Flake
Ford
Frank
Ganske
Gilchrest
Gonzalez
Graves
Greenwood
Hall (OH)
Harman
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Houghton
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Nethercutt
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Rivers
Rodriguez
Roemer
Ross
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Shimkus
Simpson
Slaughter
Smith (WA)
Solis
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wynn

NOES—227

Ackerman
Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Berkley
Berman
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Borski
Boyd
Brady (PA)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
Etheridge
Everett
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Israel
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Menendez
Mica
Miller (FL)
Miller, Gary
Mollohan
Murtha
Myrick
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Pallone
Pascrell
Pence
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Regula
Reyes
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shows
Shuster
Simmons
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Traficant
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—5

Blumenauer
Lipinski
Scarborough
Snyder
Spence

□ 1818

Mr. DINGELL and Mr. HOUGHTON changed their vote from "no" to "aye."

Mr. TERRY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used by the Internal Revenue Service to pay any bonus or incentive payment to the Commissioner, the Deputy Commissioner, the Chief Counsel, the Chief Inspector, the Chief of Management and Administration, the Chief Financial Officer, the Chief of Operations, the Chief of Appeals, the Chief Information Officer, or the Chief of Communications of the Service.

Mr. TRAFICANT. Mr. Chairman, I have never heard so many Members coming over and saying they agree with me, but they have to oppose my amendment. They say they like what I am doing, it needs to be done; but they are going to have to vote "no." They say, I want to commend you, Mr. TRAFICANT, because what you are doing is an absolute necessity, but I am going to have to vote "no."

Now, let me explain what the amendment is. Two years ago, 81 percent of all information given by the IRS to our constituents was false and wrong. This year, they corrected it and they improved, only having 73 percent of the information given to our constituents to be deemed faulty. Now, I want my colleagues to listen to this. I want my colleagues to listen to what a GAO report said. The report said that 50 percent of all of our constituents' calls made to the Internal Revenue Service are not even returned; they go unanswered.

Now, here is what the Traficant amendment says. It lets all these IRS people go, but there are 10 people at the top that are prohibited from getting bonuses under this bill.

Every newspaper in America says Congress must be nuts allowing these IRS fat cats to reward themselves with bonuses while their constituents are getting screwed.

Now, I do not know if there is anybody willing to speak on this issue, Mr. Chairman, but I will say this. I understand the position of Ways and Means members, I understand leadership, but I want to say this. This has gone on long enough, year after year; and every year there is a reason. Now, one of the reasons I have heard was three of these positions mentioned are new people. Well, tell me, what new employees get bonuses the first year in the first place?

In the legislative history let it show that if my colleagues do not want to remove some of these people because they personally know them and they are St. Ignatius, I do not mind it. But the buck stops somewhere, and it is not stopping in the penthouse of the IRS. That means Congress has an inherent responsibility to make sure that our constituents' calls are returned; that our constituents get correct answers; and that our constituents are treated with respect.

If one out of every two Americans do not even have their call returned or answered, what is wrong with us? And when 73 percent of the advice they do give to the 50 percent that are lucky to get a return call, 73 percent of it is wrong. But they say it is an improvement over the 81 percent.

That is right, beam me up. I have great respect for my good friend, the gentleman from Ohio (Mr. PORTMAN). He has done a great job on taxes. Look, I do not want any complimentary regards here tonight, I do not want any pats on the back, I want an "aye" vote on my amendment. And if it is thrown out in conference, then throw it out in conference, but I want to say something to Congress. If we want to get the attention of the IRS, we could give them all the rhetoric we want, but this is stone cold business. This is exactly what Congress should be doing.

The Congress of the United States Government is a participatory democracy in this Republic, and it is time we do so. I am asking for an "aye" vote.

Mr. PORTMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my colleague, the gentleman from Ohio (Mr. TRAFICANT), has done a lot to help with IRS reform. I walked over a moment ago and told him I did want to compliment him as well as oppose his amendment. I was not talking about complimenting the amendment, however. I want to compliment him because in 1998 this Congress spoke almost with one voice at the end of the day for restructuring the IRS entirely, for putting in place dozens of new taxpayer rights.

The IRS, while it still has lots of problems, including phone calls that are not getting answered, including information that is not being accurately conveyed, is doing a little better. And even the gentleman said that in his statement. But in 1998 the gentleman from Ohio (Mr. TRAFICANT) pushed this House to put something in place that shifted the burden of proof from the taxpayers to the IRS in tax court. That was an important reform. It was not in the original reform and restructuring act. It was added, in part, again because the gentleman from Ohio (Mr. TRAFICANT) helped do that.

That is what I was going to talk about in terms of complimenting the gentleman in terms of helping us to get to a better system. Because what happens now all through the system is that the IRS has to really look at these cases to be sure they really have merit, rather than taking them all the way to court and having the burden, which is appropriately now on them as it is in every criminal court in America, rather than the burden being on the taxpayers, as it was before.

But this amendment, to my way of thinking, is counterproductive. Let me give a couple of examples. When we restructured the IRS, we provided for more incentive pay, which is part of the amendment; not just bonuses, but incentive pay. We actually provided they could pay these top people more than they were paying them at that time. Why? Because they could not attract good people, particularly in the information services area.

Management and information services is one of the great problems at the IRS. The left hand does not know what the right hand is doing. But it is partly because the left hand is using 1970s software and 1980s computers, and the right hand is using another stovepipe system that does not communicate with the first one. We have had to totally revamp that system, and they are doing it. They finally now have a general contractor and have put out a modernization effort that we are supporting in our committees and subcommittees in Congress, appropriations and authorization.

They are finally getting their act together. But to do that they needed better people and good people. And they are competing with the private sector. And I have to tell my colleague, the salaries they are paying these people is still significantly less than people doing comparable work in the private sector.

☐ 1830

It is very tough to get people.

Second, I would just like to make the point that some of these people who would not get an incentive payment or a bonus do not exist any more because we restructured the IRS and got rid of some of these positions. For example, there is no chief inspector. There is no chief of management administration. There is no chief of operations. There is a chief information officer but he is brand new, and I do not think we should penalize him yet until we see what kind of work he does.

There is no chief of communications. Some of these lists of titles no longer exist because of the restructuring. So in a sense we have turned the IRS upside down. They have restructured the entire operation.

We have forced them to do new performance measurements. We have forced them to live under some great new taxpayer rights. They are struggling with that a little bit. They still are not living up to what we hoped they would be by this point, but they are making improvements.

This is not the time for us, in my view, to send the wrong signal to the people who I hope are the good guys, the people who have come in, new people at the top who are from the private sector who we have attracted to the IRS by saying, we are not going to pay you as much as the private sector, but we will give you a decent salary so we can be somewhat competitive, and we will give you a chance.

Again, some of these people are brand new. Others have been there a year or two. We have to give them that chance. They are the ones that ought to be straightening out this bureaucracy and all of its problems. I would hope that while we send a strong message that Congress is watching, that the oversight board and the subcommittees and committees of this Congress ought to do their work. That we not accept this amendment.

I will mention one other thing, Mr. Chairman, if I might. The new oversight board which is a public/private board which is unique in government which was very controversial in this body, but we got it through, is supposed to be there to provide accountability to the IRS. One of their jobs specifically established by this Congress is to review the commissioner's selection, evaluation, and compensation of IRS senior executives.

Let them do their job. Let the oversight board work. Let the IRS continue to reform itself. Let us not penalize the very people we are relying on to try to straighten things out at the IRS.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, the two amendments that were placed in the IRS reform bill by former Chairman of the Committee on Ways and Means, Bill Archer, the Traficant amendments could not get a hearing for 12 years.

Yes, the first one shifted the burden of proof from the taxpayer to the IRS who was guilty in a civil court. The second one said they could not seize their homes without judicial consent. We let that go for 50 years.

Here are the statistics. Seizures of homes dropped from 10,037 a year to 150. Wage attachments dropped from 3.1 million to half a million. Liens dropped from 680,000 to 160,000.

You are right. Some of these positions do not exist and some of the reforms we did have worked. But the bottom line is someone is responsible here and new employees do not get bonuses. Those people at the top that are coming in, the Congress is saying no bonuses until you return our constituents' calls and until your information makes sense. That is not an unreasonable demand.

Let me say this, I commend Chairman Archer for having the courage to make those changes because they were not in the bill. The IRS vehemently opposed them as did the Clinton administration.

It is time to make this change and it is time to send this message. We are not from Western Union, but this strikes at the core.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHAW) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2590) making appropriations the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2590, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2950 in the Committee of the Whole pursuant to House Resolution 206 no further amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

The amendment numbered 8, which shall be debatable for 30 minutes.

The amendment by Representative FILNER of California that I have placed at the desk which shall be debatable for 40 minutes.

Each such amendment may be offered only by the Member designated in this request, the Member who caused it to be printed, or a designee, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The SPEAKER pro tempore. Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of implementing the final report of the President's Commission To Strengthen Social Security.

Mr. ISTOOK (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. HOYER. Mr. Speaker, reserving the right to object, I think there was a unanimous agreement that the gentleman from Florida (Mr. HASTINGS) would go next. We have the chairman here who wants to participate and others, if that is okay. I think it is okay with the gentleman from California (Mr. FILNER). We increased his time.

Mr. ISTOOK. Any such unanimous consent is fine with me. I believe it is necessary before we return to Committee that we do this.

Mr. HOYER. Mr. Speaker, I make a unanimous consent request that the order of the amendments be the gentleman from Florida (Mr. HASTINGS), then the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore. We are still on the unanimous consent request of the gentleman from Oklahoma (Mr. ISTOOK).

The Clerk will continue to report the amendment.

The Clerk continued to report the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mr. SHAW). Pursuant to House Resolution 206 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2590.

□ 1837

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from Ohio (Mr. TRAFICANT), had been postponed and the bill was open for amendment from page 68, line 3, through page 95, line 16.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except: pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; the amendment numbered 8, which shall be debatable for 30 minutes; the amendment by the gentleman from California (Mr. FILNER) that has been placed at the desk, which shall be debatable for 40 minutes.

Each such amendment may be offered only by the Member designated in the request, the Member who caused it to be printed, or a designee, shall be considered as read, shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HASTINGS of Florida:

Add at the end before the short title the following:

SEC. 6 . The amounts otherwise provided by this Act are revised by increasing the amount provided for "FEDERAL ELECTION COMMISSION—SALARIES AND EXPENSES" by $600,000,000 and by decreasing each other amount appropriated or otherwise made available by this Act which is not required to be appropriated or otherwise made available by a provision of law by such equivalent percentage as is necessary to reduce the aggregate amount appropriated for all such amounts by the amount of the increase provided under this section.

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 15 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I claim the 15 minutes in opposition to the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 3½ minutes to myself.

Mr. Chairman, my amendment provides an additional $600 million to the Federal Elections Commission for the purpose of assisting State and local officials in updating their voting systems.

240 days have passed since last year's embarrassment of an election. Congress should have acted by now. Aside from 1 minute speeches and special orders, press conferences, and hearings, this is the first time election reform has even been discussed in a meaningful way on the floor of the House, or in either of our legislative bodies.

The simple fact is the absence of a real debate on election reform is as much of an embarrassment as was the last election. Following last year's election, Florida's failing election system became the punch line of nearly every political joke around.

However, Florida took the criticism, bounced back and passed what I consider up to this point to be the most comprehensive election reform package in the country, albeit still deficient. It is not perfect by any means.

Florida's new election law seeks to remedy some of the core problems that occurred last year, particularly in the area of updating voting technology. However, as counties throughout Florida begin to update their voting systems, they are finding themselves unable to fund their needs, and this is true across America.

In my home county, Broward, it will cost more than $20 million to purchase the state-of-the-art voting system. The State is providing Broward County with a mere $2.3 million, leaving the county with the remaining tab.

Broward County, ground zero during the election debate, may not purchase the best voting machines on the market because it cannot afford them.

My concern is if we do not appropriate now and legislate later, as Senator MCCONNELL has said, then we are missing our opportunity to provide the necessary funds in time for election day 2002.

Mr. Chairman, Republican leadership has yet to provide us with a formal commitment that a submittal or emergency appropriations bill will accompany any election reform legislation. I am hopeful that, as this debate progresses, such commitment will be made.

The amendment sends a message to the American people that help is on the way. My amendment says to State and local governments throughout America that the Federal Government wants to assist them in updating their voting technology. The amendment makes the commitment that Congress has yet to make.

Contrary to what many argue, the need for election reform is much more than a civil rights issue. Rather, the need for election reform is a challenge to our democracy. It is a challenge that burns at the heart of every American who believes in our country's democratic heritage. It is a challenge that we cannot back down from, and it is a challenge that we will not back down from. There is no price tag for democracy, and it is time for Congress to tell America that it is willing to spend whatever it takes.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Florida (Mr. HASTINGS) has made a very valid point. We all remember the exercise in Florida last year as we tried to declare the winner of a Presidential election. But after the focus on Florida faded away, we also learned that many other States had similar problems, and in some cases they were more serious than the problems in Florida.

Shortly after we came back to convene the new Congress, the gentleman from Maryland (Mr. HOYER), the ranking minority member on the subcommittee, and I began conversations, along with the gentleman from Florida (Mr. HASTINGS), the gentleman from Ohio (Mr. NEY) on our side of the aisle, and a number of other Members; and we understand that the Federal Government does have a responsibility here.

Conducting elections has always been the province and the responsibility of the States and the local governments, but I think we have reached a point where there is going to be a tremendous need for financial assistance. As chairman of the Committee on Appropriations, I believe that we should be prepared to meet the Federal responsibility in providing the relief necessary so that our elections in the future are not clouded by missed votes or votes that are not counted, or whatever the problem might be.

□ 1845

I am not sure what the exact dollar amount should be today. My colleague from Florida and I have discussed this. I am not sure we are prepared to set a dollar amount today. But I just want to make the commitment again to the gentleman from Florida (Mr. HASTINGS) and the gentleman from Maryland (Mr. HOYER) as we have discussed many, many times before in private, that I am here to be supportive of this, and I believe most of our colleagues will as well, once we determine what the real number is as far as the Federal responsibility in partnership with our States and in partnership with our communities.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank my esteemed colleague the gentleman from Florida (Mr. HASTINGS) for yielding me this time. I support the Hastings amendment.

Our election system is sick. Mr. HASTINGS has a remedy. That remedy would go throughout this country and make us whole again.

Do not fool yourselves. The people of this country are upset. They are angry. They are disappointed. It is time that we step up to the plate and say, yes, let's fund this system and work out something that will make all Americans happy to be able to vote.

We cannot muzzle justice. No matter who says to move on, we cannot move on until justice is rendered. It is hard to imagine in a free world that I must stand here and beg to be sure that we get a system, that we have the Federal Government participate in the reformation of our system.

I want to thank the gentleman from Florida (Mr. HASTINGS) and the gentleman from Maryland (Mr. HOYER) for this initiative.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Jacksonville, Florida (Ms. BROWN), who happens to have a number of constituents standing by.

Ms. BROWN of Florida. Mr. Chairman, I want to thank the gentleman from Florida (Mr. HASTINGS) for bringing this amendment to the floor.

Twenty-seven thousand of my constituents were disenfranchised in the last election. The whole nature of the last presidential election, from the roadblocks set up in black areas, to innocent people labeled as felons and kicked off the voting rolls, to thousands and thousands of votes being thrown out, is not acceptable. Our current President was selected by the Supreme Court and not by the American people. This last election has destroyed people's faith in our very system of government.

Yesterday I heard a Member on this floor speaking on the Foreign Ops bill about the flaws in another country's election. It is shameful for us to discuss another country's election when we have our own American coup d'etat here in the United States.

I strongly urge my colleagues to vote "yes" on this amendment, so that we can begin the process of finally getting over this shameful election.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Paterson, New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, the great poet Langston Hughes asked, "What happens to a dream deferred?"

Well, in the case of the dream of fair and equal treatment at the polls, the dream deferred is a dream denied.

Last year's presidential election was a civics lesson for all of us. Unfortunately, not only did we learn that every vote counts, we learned that not every vote is counted.

For example, in Atlanta's Fulton County which uses punch card voting machines similar to those that gained notoriety in Florida, one of every 16 ballots for President was invalidated. In Harris County, Texas, which includes the city of Houston, 14,000 votes were not counted because the voter's selections simply did not register. In many Chicago precincts that have high African American populations, one in every six ballots was thrown out.

By not addressing this blatant inequality, we are letting down the thousands of Americans that take the time to vote each year and those votes are not counted because the voting machines in these districts are old, broken and inaccurate. Our goal should be simply to fix the system, to help in every way we can.

Yes, justice is difficult, Mr. Chairman, but as Sir James Mansfield said, "Let justice be done though the heavens fall." And Ferdinand I, the Emperor of the Holy Roman Empire, said, "Let justice be done though the world may perish." That should be our primary motivation, to bring justice to the system.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have no doubt that some citizens were disenfranchised, many of those in Florida.

But I also know that I thought it was a travesty for the Gore and the Vice President candidate to try and disenfranchise our military vote in Florida as well through technicalities.

A Federal law says that you do not require a postmark because an FPO or APO many times, our military, are not able to get there. But yet the Gore and Vice President candidate tried to send lawyers to disenfranchise on technicalities those votes.

Also, the State law says that you have to have a date on it. The absentee ballot that was sent out by Florida did not have a date on it. I do not know about you, but if it does not have a date on there, I am not going to add it.

Yes, across this country, we need a fair vote system. I do not reject that. But what I do reject is people trying to make political points, coming down, saying that the election was stolen.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. I thank the gentleman for yielding me this time.

Mr. Chairman, when we find neighborhoods built on top of toxic waste dumps, we respond to that emergency by buying out the homes and protecting the people who live there. When floods wipe out communities, we respond by buying out property to protect residents and help them find safe places to live.

Mr. Chairman, error-prone voting equipment is an emergency situation that threatens our democracy, and we need an immediate response. I commend the gentleman from Florida (Mr. HASTINGS) for offering an amendment that offers such a response. It is going to take some money to upgrade voting technology from error-prone punch card and other systems to reliable machines. We simply cannot afford to do nothing.

Just look at what error-prone voting equipment like punch cards does to our democracy. A study done by Cal Tech and MIT revealed that the spoilage rate for punch cards was as many as 986,000 ballots in 2000. In Florida last year the spoilage rate for punch cards was almost 4 percent. And in Cook County, Illinois, it was 5 percent during the last election.

Earlier this year, the gentleman from Maryland (Mr. HOYER), the gentleman from California (Mr. HORN) and I and other colleagues introduced the Voting Improvement Act, which would make buy-out grants available to any jurisdiction that used punch card voting systems in the last election. We want to see new equipment in place, and we want it there soon, in time for the 2002 elections. We want to buy out that inferior equipment and put accurate equipment in place that will give citizens the assurance that their vote is being counted. We need to push for adequate appropriations to make that happen.

Unfortunately, the President and our Republican friends failed to include any funding for election reform in the budget this year. But Congress can and must meet the challenge of restoring faith in our democracy. The Hastings amendment rises to that challenge, and I commend the gentleman for offering it.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the ranking member of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentleman from Florida for yielding me this time, and I also thank him for his statement and his continuing willingness to work with all of us for a mission that he thinks is very important and we share and we know is going to require money. He is going to be a critical player in that effort. We very much appreciate his role.

I rise, however, to pass along a paragraph that would have been in the statement of the gentleman from Ohio (Mr. NEY) had he been able to stay. Unfortunately, he had an engagement he could not get out of. If the gentleman from Ohio (Mr. NEY) were here, the chairman of the Committee on House Administration, he would have said this:

"These programs will cost money." "These programs" being the election reforms which are being discussed on the floor today. "I want to assure the gentleman from Florida (Mr. HASTINGS) that I am fully committed to ensuring that the necessary funds are authorized and appropriated."

I know that the gentleman from Ohio (Mr. NEY) has talked to the gentleman from Florida (Mr. YOUNG). I know that they are working together, that we are working together. This is a critical issue. I will have a few words to say on it later. But I am pleased that the gentleman from Ohio (Mr. NEY), although he could not be here, wanted me to make these remarks so that his commitment and his view of the importance of this issue was clearly on the record during the consideration of the Hastings amendment.

I might say at this point in time that the Hastings amendment's sum of $600 million is very close to the sums that are in most of the Senate bills and that the gentleman from Ohio (Mr. NEY) and I have been discussing will be necessary to effect the ends that I think all of us seek.

I thank the gentleman for yielding this time, and I thank him for his leadership on this issue.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. WATSON), one of our newer Members.

Ms. WATSON of California. Mr. Chairman, I would like to begin by thanking the gentleman from Florida (Mr. HASTINGS) for offering the amendment. As he has said, we are running out of time to fix our broken election process in time for the next elections.

The confusion surrounding last year's presidential election in Florida brought national attention to the failures of our voting process in many communities. I was in the Federated States of Micronesia at the time, and I could not believe what I saw. We resembled a banana republic.

In the 9 months since then, studies by the press, by universities, and even this House have all detailed the same problem, that too many Americans are forced to use outdated or faulty voting equipment. The vast majority of these faulty machines are concentrated in the communities of poor and minority voters.

No single act is more central to the American democratic process than casting a vote for the candidate of one's choice. The idea that some Americans might have their votes discarded because they live in the wrong neighborhood or they live as the wrong people should spur every Member of this body into action.

This amendment would finally give the Federal Election Commission the resources it needs.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Baltimore, Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I stand here to commend my good friend, the gentleman from Florida (Mr. HASTINGS), on his efforts to keep election reform alive and in the forefront of this body's legislative agenda.

I support this amendment in recognition that recently the principle of one person, one vote was abandoned, resulting in the disenfranchisement of thousands of citizens. It is time to take action to address this serious issue, and this amendment does just that.

Shamefully, the last national election resulted in numerous allegations of irregularities and minority vote dilution. The history of our country reveals the disturbing story of how many people fought and died in this country for the right to vote and exercise the full measure of their citizenship. It is outrageous that this country, the leader of the free world, continues to be plagued with this problem in this new millennium. Through numerous hearings, reports and individual citizen statements, it has come to light that outdated election systems caused thousands of votes to be undercounted, overcounted or not processed accurately.

□ 1900

Appropriately, this amendment would provide funding to the FEC to provide assistance to State and local governments in updating their election systems. This is not just a first step, but a giant leap towards addressing an issue that the American people believe in.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, there are a host of questions that need to be answered by the system of elections in this country, but there is one thing upon which Congress and I believe most Americans should agree: no single American should be disqualified by virtue of using a defective voting machine.

Mr. Chairman, it was not isolated to Florida or any other part of the country. My Secretary of State did a study and, strangely enough, twice as many votes were disqualified in counties that used punchcard systems in Oregon as counties that used optical scanners. Now, a lot of people will say we cannot afford to help the States and counties; we cannot afford a system of good technology for the people of America to record their votes flawlessly.

Come on. This is the basis, the foundation, of our franchise, what makes this country work. If we cannot afford to pay for that technology, if we cannot afford to have a better election system, then we are indeed headed toward very dark times.

This is a modest amount of money to resolve this problem, and this should be approved by this Congress.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, it is not relevant who anyone believes really, in quotes, "won" the election in Florida last year to this amendment. This amendment is necessary because we know that people are being deprived of their votes by faulty and inadequate voting equipment, probably in every State and certainly in most States of the Union. Certainly in my State of New York, as well as in Florida.

A report by the National Association of Election Commissioners in 1988 said that punchcard voting machines have more than twice the error rate and disqualification of other technologies then in use, and that they ought to be phased out and discarded, in 1988. An MIT study just said about $600 million a year is what is necessary to bring to bear modern technology which will tell the voter who has tried to vote for two candidates he would be disqualified or if he skipped a vote, you have done it, before you leave the voting booth so he can correct it if he wants to.

We ought to do that. We ought to make sure our future elections are accurate and fair, regardless of which side of the aisle you are on. I commend the gentleman from Florida (Mr. HASTINGS) for his amendment.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to my friend, the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, as a Floridian, I wanted to share the painful story about what happened in Florida one more time tonight. Part of the tragedy of the Florida election, which was our country's election, was that the margin of error ultimately exceeded the margin of victory.

After the election, one of the painful lessons we learned was that it was widely exposed that we had an inexcusably casual, and, quite arguably, unconstitutional deficiency in our voting election system. Shame on us. Shame on anyone in the position of an elected authority should anything like that ever happen again.

Now, as the gentleman from Florida (Mr. HASTINGS), and I commend him for offering the amendment, has pointed out, the State of Florida has taken the lead on making illegal the infamous punchcard voting machine and providing partial funding to counties, including the county of the gentleman from Florida (Mr. YOUNG) and me, to fund some form of substitute technology.

A consensus is developing among Democrats and Republicans here, and I believe around the country, that the solution is a form of technology that is precinct-based and that gives the voter the opportunity to verify his or her vote. In a State and country where we have increasing numbers of voters who are aging, who are experiencing disabilities, be it sight or something else, it is very important, it is fundamental, that that voter has the opportunity to verify his or her vote before they leave the voting booth.

I want to close by pointing out why the Hastings amendment is so important. Time is of the essence. If we do not adopt this amendment today, or do something shortly thereafter to take the chairman, the gentleman from Florida (Mr. YOUNG), up on his willingness to fund this, we are going to lose the opportunity to repeat the terrible things that happened in the last election in time for the 2002 elections.

So shame on us if we let the next set of elections result in the same problems. Let us get it fixed now. Time is of the essence. We know how to do it.

Mr. HOYER. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. Chairman, this is a good amendment. This is an amendment which sets the dollars at an appropriate level. There is an ad on TV that says the watch cost $150, the trip to Jamaica cost $1,500, the confidence of a child is priceless.

The confidence that a citizen has in its country is priceless; the confidence that a citizen has when they do the ultimate act of democracy, which is to participate as a Nation, as a people, as a society, in making decisions, in choosing leaders, in choosing options and priorities for their country.

The tragedy of the last election was that there are many Americans who know that they have the right to vote, but are not ensured that they will be able to vote, and, that if they do so, their vote will count. Part of that problem is a technological problem, and we need to solve it; and it will take money to solve that technological problem.

The other problem is for this great democracy to ensure that every citizen not only has the right, but is guaranteed by our society to have access to whatever their disability may be, whatever their status in life may be, access to the polling place and, yes, the ability to vote, whatever their disability may be, whatever their condition may be, and have the integrity of that vote being ensured and counted correctly.

I am thankful that the gentleman from Florida (Mr. HASTINGS) has offered this amendment. I am thankful for the leadership of the gentleman from Michigan (Mr. CONYERS), who has introduced a bill; for the gentlewoman from California (Ms. WATERS), who has traveled throughout this country with the gentleman from Florida (Mr. HASTINGS) and myself and others; for all those, not just from Florida, because this is not a Florida problem. The gentleman from Florida made that point. He is absolutely correct. This is a national problem, a national challenge, to ensure that our elections are as good as the rest of the world thought they were, and their confidence in that was put at risk this last election.

We need to solve it; we will solve it. I thank the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this morning in the Committee on Rules, which you Chair, the gentleman from Maryland (Mr. HOYER) said the following: "225 have passed where the Federal Government has committed zero dollars for the infrastructure in States and localities. This must change, and it must change now."

Mr. Chairman, I wanted to thank my good friend, the gentleman from Florida (Chairman YOUNG), for his interest in this issue. His presence here on the floor as our debate has proceeded sends a clear message to anyone who does not wish to see election reform succeed.

I also would like to thank my good friend, the gentleman from Maryland (Mr. HOYER), for his continuing efforts in producing an election reform package that is acceptable to all sides. Also I would like to thank the gentleman from Oklahoma (Mr. ISTOOK) for his efforts and willingness to participate with us and the gentleman from Wisconsin (Mr. OBEY) for his leadership in this body and the entire caucus.

In addiction, I would like to thank the gentleman from Ohio (Mr. NEY) for his leadership on this issue as well. The chairman has pointed out that the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER), a lot of us, have been discussing this matter, not in the light of the public as we have here today, but in an effort to really try to get something done. I am confident that under the leadership of these individuals, we will succeed in once again bringing dignity to the American election system.

One of my colleagues from California pointed out inequities with reference to military ballots. I did not bother to try to take a shot at him, because the election is over. It is time for us to move forward and reform our election system in this Nation. I challenge this body to roll up its sleeves and pass meaningful election reform.

Mr. Chairman, with that, with the chairman's final remarks, I am prepared to withdraw the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. ISTOOK), distinguished subcommittee chairman.

Mr. ISTOOK. Mr. Chairman, I appreciate the gentleman yielding me time.

Mr. Chairman, I thought in this discussion that people were having of the great importance of making sure that Americans have the opportunity to vote, to vote correctly, to make sure their vote is counted, to put the responsibilities where they lie, between the voter and those who administer the voting. I thought it is very important when we talk about the problems, that somebody get up and talk about somebody who has done it right, a State that has done it right, and that is my home State of Oklahoma.

Several years ago, our State spent millions of dollars that could have been spent on roads, could have been spent on schools, could have been spent on public health, but felt that there was a very pressing need to spend it on solid uniform voting equipment. Every county, every precinct in Oklahoma uses the optical scanner voting machines, and has for several years, which is one of the methods that is receiving the highest level of support from people talking about the way it ought to be done.

If a voter has an improper ballot that has been marked twice, for example, the machine will spit it right back out at you so you still have a chance to correct it. I know that is an important thing to a great number of people.

I wanted to give some credit to the people who did that in Oklahoma. Our State Election Board secretary, a Democrat, Lance Ward, deserves a lot of credit for the foresight, and those that came before him, to say that there is a pressing need.

So when we talk about having the Congress of the United States spend a great amount of money to help States out in this situation, let us remember that there are some States, or certainly there is Oklahoma, that had the foresight to put it in place to prevent these problems. I want to make sure that we consider that in whatever we craft.

We are trying to say when other States ask for financial assistance for election reform, remember, we already bore the cost; and we hope that will be duly considered with whatever is done with appropriations from this body.

There was a map in USA Today right after the elections talking about the great disparity and the types of machines or paper ballots used in different places; and you looked at patchwork quilts, not only among the 50 States, but within the 50 States. Except if you look at that USA Today map, there was one State that was solid, with modern up-to-date uniform voting systems, and that was my home State of Oklahoma. I want to give credit to the State officials who had that foresight.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I do so to thank everybody for the very important debate that we have just had here.

Mr. RUSH. Mr. Chairman, on July 9, 2001, the House Government Reform Committee released the results of a national study that examined the income and racial disparities in the undercount of the 2000 presidential election. At my request, the Committee investigated voting patterns in the First Congressional District of Illinois, which I represent. The investigation also examined the impact of different voting machines on the undercount. This was the first report to examine voter undercounts on both the national and local levels.

The report analyzed the voting results in 20 Congressional districts with high poverty rates and majority minority populations. The startling results of the investigation illustrated that voters in my district were almost seven times more likely to have their votes discarded than voters in affluent white districts.

This disturbing quantification gives my district the dubious distinction of being one of two Congressional districts with the highest rate of undercounted votes among those surveyed. The first District tied with the 17th District of Florida, with the undercount rate a disturbingly high 7.9 percent!

Overall, the report found that voters in low-income predominantly minority districts were significantly more likely to have their votes discarded than were voters in affluent, predominantly white districts.

The report also showed that better voting technology significantly reduced undercounts in low-income, minority areas and narrowed the disparity between the two types of districts and voting populations examined.

Ballot undrecounts in my Congressional district are nothing new. I have heard and responded to my constituent complaints for many years on this subject. However, now, we, in Congress, have quantifiable proof that better technology improves the undercount rate.

What can be done is illustrated simply before us—both by the Government Reform Committee report and by the gentleman from Florida's amendment. We must provide the financial resources so critically needed by state and local governments to update their voting equipment. I urge my colleagues to support the Hastings amendment.

Mr. CONYERS. Mr. Chairman. I support ALCEE HASTINGS' amendment to the Treasury-Postal Appropriations Act. The amendment will provide an additional $600 million to the FEC budget, funds that are necessary to assist state and local governments in updating voting systems. This is an excellent first step in tackling the election reform issue. It is disappointing that President Bush's budget made no allowance for election reform.

But additional funding is not enough. Just throwing money at the problem will not solve the problem. We will end up with states simply taking the money and using it in rich neighborhoods while a state could continue using most disenfranchising machinery and procedures for minority communities. Or, if we offer the money conditionally, states will simply elect to decline a federal check and opt out of any standards.

We must provide minimal guarantees to every eligible voter. This is precisely what the bill I have introduced with Senator DODD and Majority Leader DASCHLE, the "Equal Protection of Voting Rights Act," would do. The bill has a 140 cosponsors, more than any other election reform bill.

It sets comprehensive minimal standards for voting machines used in federal elections but does not tell states and localities what machine to buy—in other words, it only establishes a baseline for what the machines have to be capable of doing.

The standards for machines are common sense standards that would solve problems uncovered in 2000: First, to prevent spoiled ballots, machines would have to warn voters of mistakes like overvotes and undervotes and give voters a chance to correct these mistakes; Second, machines would have to be accessible to voters with disabilities; Third, the machines would have to be accessible to language minorities; Fourth, to eliminate the use of antiquated machines, the error rate for machines would have to be as close to zero as practicable.

To correct haphazard voting purges and registration mistakes by officials, the bill establishes a right for every citizen to cast a provisional ballot in a federal election if he or she believes he has been improperly excluded from the rolls.

To help prevent voter error and establish minimal standards for voter education, the bill requires that every registered voter in a federal election receive a sample ballot and instructions for filling out the ballot prior to an election.

To ensure that voting rights violations are reported, the bill requires that every registered voter receive a document advising them of their voting rights and who to contact if those rights have been violated.

The bill is constitutional. It is limited to federal elections. Under Art I, Sec. 4, Clause 1 of the Constitution, the Congress has the authority to set standards for federal elections.

It avoids creating an unfunded federal mandate by fully funding the minimal standards.

It recognizes that states may incur costs for meeting these obligations in state and local elections so it reimburses states for the costs of making state and local elections conform to the standards if they choose to do so.

Mr. YOUNG of Florida. Mr. Chairman, since my colleague from Florida has indicated that he intends to withdraw this amendment, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I ask unanimous consent that the amendment I offered be withdrawn.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Florida (Mr. HASTINGS) is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . None of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of implementing the final report of the President's Commission To Strengthen Social Security.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. FILNER) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment, which is only one sentence long, may be the most significant sentence that we vote on in this Congress, because it would prevent any funding being used for the purpose of implementing a Social Security privatization plan.

Now, why must we take what seemingly looks like a drastic step? Because we have seen the report that was just issued by President Bush's Social Security Commission, a commission handpicked by the White House because they already supported a privatization plan.

□ 1915

This report is obviously the first step towards setting the stage of robbing a vital benefit for seniors.

Mr. Chairman, the deck has been stacked, the process has been rigged, and we must stop it in its tracks. Social Security has come to be the cornerstone of our Nation's income protection system and provides disability, retirement, and life insurance protection to virtually all American citizens. Obviously, the system requires continued evaluation, but it is not in crisis today. But the interim report of the Presidential Commission tries to create a crisis, a crisis that does not exist. Even if we did nothing about Social Security, and nobody is suggesting that, but even if we did nothing, the system would pay full benefits through the year 2038. This is a manageable problem, not a catastrophe that requires risky and radical solutions.

The proposed privatization program which plans to take approximately 2 percent of the payroll tax for Social Security to allow individuals to invest in private accounts would result in a loss of over $1 trillion from the Social Security system between this year and 2011, and would decrease benefits by 50 percent.

My constituents do not want to see that decrease, and my constituents are unwilling to have their secure retirement gambled away in the stock market. The stock market is not the way, Mr. Chairman, to determine who will be financially able and stable in their retirement years.

We know that privatization would also decrease benefits for disabled beneficiaries and survivors. Social Security is more than a retirement program. Almost one-third of its beneficiaries receive benefits because they or a family member are disabled or because a family member has died. In the case of survivors and those disabled, recipients have a shorter time period to accumulate balances in their individual accounts, so their benefits would be drastically reduced under a privatization plan. Women in this Nation would be disproportionately affected and hurt, and we will hear statements to that effect from my colleagues.

Privatizing Social Security, Mr. Chairman, is tantamount to gambling with the security of millions of Americans. It would expose workers and retirees to unacceptable risks, as well as substantial administrative fees that would eat into the returns. It would undermine the concept that through Social Security, we take care of each other, from neighbor to neighbor, and from generation to generation.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK) for 20 minutes in opposition of the Filner amendment.

Mr. ISTOOK. Mr. Chairman, I yield 6 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, sometimes in this body it pays to read the amendment. The amendment says that at the end of the bill, insert after the last section preceding the short title the following new section: none of the funds appropriated in this act for the Office of Management and Budget may be used for the purpose of implementing the final report of the President's Commission to strengthen Social Security.

I do not read the word privatization in this amendment. I have read the report, the interim report of the commission. I do not read the word privatization in that report.

I am absolutely dumbfounded why we would talk about the President implementing the recommendations anyway. The recommendations and any implementation is going to have to come back here to the Congress. It is us that are going to have to change the method Social Security is going forward with if it is going to be changed at all.

But let us talk for just a moment about the trust fund itself. The trust fund, it is agreed by Democrats and Republicans, will not run out of Treasury bills until 2038. That is an estimate, but it is a pretty good one, and it is one we can count on. But we can also agree on the fact that there will not be enough cash coming into Social Security to pay the benefits beginning in 2016. What, then, is going to happen?

The Congress is going to have to do one of several things: either raise taxes and find the money, deficit spend in order to pay off the Treasury bills, cut benefits. Is there anyone in here that is prepared to do that? I think not.

So let us talk a moment about what is actually happening. I would like to call the attention of my colleagues to the communication from the Fiscal Assistant Secretary of the Department of Treasury, in which they warn that there is going to be a cash shortfall beginning, in this report, it says 2015. And the report clearly says that money is going to have to come from other sources beginning in 2015. My colleagues may say this report is not true. Let me tell my colleagues who signed it. The Secretary of the Treasury, Lawrence Summers; Secretary of Health and Human Services, Donna Shalala; the trustee, Stephen Kellison; Alexis Herman, who is Secretary of Labor; Ken Apfel, the Commissioner of Social Security under President Clinton, and there are others.

I think that what is necessary and what we must do is face up to the fact that we are facing a cash shortfall beginning in 2016, and it may slip, and it may come back to 2015, if the trust fund is further depleted. Sure, they are Treasury bills, and Treasury bills are a safe investment and it is a sign of the commitment of the Congress to the future retirees. But are we going to send our retirees beginning in 2015 or 2016 saying sorry, here is a check for some cash, but there is a shortfall, so here is a Treasury bill. Of course not. We are going to continue to send them cash. And we are going to maintain the strength of the Social Security system.

What did the Commission say? The Commission says that they have to accumulate some wealth. They have to accumulate something in order to pay future benefits. Did it say anything about privatization? No.

Now, we hear so much, and so many Members will get up and talk about the risky stock market. I was watching the unions protesting the meeting that was going on. But we are going to have an opportunity just next week, because the Railroad Retirement Fund is coming before this House, and we are going to have an opportunity to say that the railroad retirement fund now does not have to be limited to just investing in Treasury bills; the railroad retirement fund now can invest in stocks. Mr. Chairman, I will guarantee my colleagues that people on both sides of the aisle and the very people that are getting up and talking about the risky stock market are going to vote yes, and they are going to vote yes, because both management and labor wants it that way, because they understand that that is the way to accumulate real wealth.

I see my friend from New York (Mr. NADLER), who I am sure is going to get up and speak. He has a plan to save Social Security, but it involves the Social Security Administration investing in stocks and bonds of the private sector.

I think it is time that we stop these scare tactics. Let the Commission come forward with their report. And in order to implement any change in the Social Security system of any consequence is going to require legislation to come out of this body. So I am saying, let us not only have faith that they may come up with something that we can use and something that will be good, but let us have faith in ourselves, and let us live up to this problem that we have, and that is, we have a cash shortfall beginning in the year 2016. We will no longer have the payroll taxes coming in to take care of the benefits, and we are going to have to find the money to start paying off the Treasury bills.

This is going to be a huge problem, and the problem is caused by a very simple situation: we have less workers supporting less retirees than we have ever had before, and that is going to continue to go down, so not too long from now, we are going to be down to two workers per retiree. We can plan ahead; we can save Social Security for the next generation, so let us get together and let us get the job done and forget the scare tactics.

Mr. FILNER. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I support one thing the gentleman preceding me in the well said: let us stop the scare tactics. The scare tactics are contained in this report of the so-called Commission to Save Social Security. It is the Commission to privatize Social Security, not with aggregate investments, but with individual accounts, so Wall Street can better profit by charging 250 million people a little bit of money every month, reducing their benefits, ultimately, by 40 percent.

This report, for the first time in the 225-year history of the United States of America, is questioning whether or not the Federal Government will make good on its debts. Guess where the money in these accounts came from? He is saying, we are going to have a cash flow problem. Yes, Americans have been saving. We have been paying more taxes every year than are necessary to support Social Security with the idea that that money was put on deposit for future generations. This fund in 2016 will have more than $5 trillion, and $5 trillion of what? Of securities against the Federal Government.

In fact, one of these securities says, this bond is incontestable in the hands of the Federal Old Age and Survivors Insurance Trust Fund; this bond is supported by the full faith and credit of the United States and the United States has pledged the payment of the bond with respect to both principle and interest, yet the gentleman who preceded me and this so-called commission are questioning whether or not we can or will honor those bonds.

There is no question. We must honor those bonds, and we should honor those bonds and that obligation to the American people, through the process that we use to honor all other debts in the United States of America. We either run a surplus and we pay out of that, or we roll over debt. We have $6 trillion of debt. Now, it is okay apparently to honor the debts for people in Japan or industrial investors or anybody else, but we are now questioning whether we are going to honor the debt to the working people of America.

Mr. Chairman, this is extraordinary. It is bold in its scope. It is unprecedented that a Secretary of the Treasury, a President of the United States's hand-picked commission, would question whether or not we will honor this debt.

This year, Americans will pay $93 billion more in Social Security taxes than are necessary to support the system. If the gentleman who preceded me in the well is right, then let us lower that tax today, because we are defrauding the people of that $93 billion, because we are saying, hey, it is going to be really painful to pay that money back. We are taking it from them now, we are depositing it for them in the U.S. Treasury; we are telling them that it will pay their benefits, but maybe we will not be able to afford to honor that. That is absolutely extraordinary.

Social Security is totally and fully sound until the year 2038. It can pay 100 percent of every promised benefit to every American, every recipient, every beneficiary, disabled or dependent. After that, it can afford to pay 73 percent.

Now, that means we have a 27 percent problem beginning in 38 years, but what they are going to propose is to destroy the existing system, to steal the $6 trillion on account for the American workers, and convert to something else, and ignore the trillions of dollars in transition costs and benefits.

They can only get there a couple of ways. They are going to have to reduce existing benefits, or they are going to have to raise taxes to pay for the existing promises; one or the other. Or, they can honor the debts and fix the program in the future. The simplest way to do it is to lift the cap on earnings. If people earn over $80,000 a year, they do not pay the same tax as everybody else; they pay less. They only pay on the first $80,000. If we just lifted the cap and people paid Social Security on every penny they earn, guess what the actuaries say? The system is solvent forever, and, in fact, we could afford to lower the tax burden on working Americans.

□ 1930

Now, would that not be a great solution? But I do not think that is going to come out of a commission handpicked by President George Bush and supported by the Republican majority in this House, because that would mean the millionaires and billionaires would pay a little bit more to secure the retirement future of working Americans.

Mr. ISTOOK. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE), chairman of our Subcommittee on Foreign Operations, Export Financing and Related Programs from the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I think this amendment is really the height of irresponsibility. It is the height of the ostrich saying, "Let us put our heads in the sand." It is the height of the Alfred E. Newman, "What, me worry," syndrome. It pretends we do not have a problem when everybody knows there is a problem, every American.

If we talk to Americans out there, they know there is a problem with Social Security. Yet what we are hearing over here is, "What? There is no problem. There is nothing we need to do here."

I am glad, actually, that the gentleman from California has brought this amendment to us tonight, because at least it gives us a chance to call attention to the fact that we have a problem. I urge the Members of this body and I urge the American people to read this report, this interim report of the Commission, because it does talk about some of the problems.

The simple fact is, we have a system right now that really is not sustainable in the long run. The gentleman from Florida said it very well: We have a cash flow problem that begins in 2016, a cash flow problem. That is a very real problem that we have to deal with 15 years from now, in 2016.

Fifteen years ago I was finishing my first term in office. That was the middle of Ronald Reagan's second term. That was not that long ago. Fifteen years from now we begin to see a serious problem: How are we going to pay the benefits? Where are we going to borrow the money to make the cash, to cash in those bonds that the gentleman from Oregon was talking about, and to pay those benefits?

If we do not do anything by the year 2020 that requires cuts to Federal spending to address Social Security's financial shortfalls, it would equal the combination of Head Start, WIC, the Departments of Education, Interior, Commerce, and the EPA. Either we cut that or borrow the money someplace else, or we raise the taxes, as the gentleman said. But let us not deny the fact that we have a problem.

If tomorrow's shortfalls are faced today, if we had those problems right now, a two-earner couple with $50,000 in income would have to pay an additional $2,100 in taxes per year in the year 2030. I do not know about other Members, but I think these kinds of changes are really unacceptable.

The gentleman said that we have a system, do not tinker with it. We have made 50 changes-plus in the history of Social Security with the system. Do not tell me it is not going to be changed. It is a political system. We are going to make changes to it. We are going to have to do something. Let us figure out what we can do that protects everybody.

Let me just refer to the draft commission's report itself. I just want to read two simple paragraphs.

One, the third conclusion they reached, "The system is broken. Unless we move boldly and quickly, the promise of Social Security for future retirees cannot be met without eventual resort to benefit cuts, tax increases, or massive borrowing. The time to act is now."

And then they go on to say this: "If the problems spelled out in this interim report become a topic of national debate and receive the public's focus and scrutiny, that in itself will be a positive step forward. The greatest threat is in taking the course of least resistance, ignoring the challenge and doing nothing."

Mr. Chairman, those who oppose the Commission's report have a responsibility to stand here now, tonight, and tell us what we should do, what their conclusion is. The answer is not to put our heads in the sand and pretend there is not a problem. We do have a problem with Social Security, but it can be fixed. It can be fixed in a way that guarantees that those who get Social Security benefits now are protected today, and those who get them in the future are protected, but the young people have an opportunity to know that they, too, will have some benefits and some Social Security and some retirement system in their future, as well.

Mr. FILNER. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, some of my colleagues have talked about one putting one's head in the sand. I would agree that we must be careful not to keep our head in the sand while the President has appointed a commission which is fully in favor of privatizing Social Security.

I agree, it is time to stop the scare tactics. We do not need to scare the American people, or try to stampede them into believing that Social Security must be privatized, because the fact of the matter is the money is there. Social Security is solvent through the year 2038 without any changes whatsoever. It has $5 trillion in assets by the year 2015. There is no reason to scare the people and stampede them into agreeing with the privatization of Social Security.

It has been said that there is a cash flow problem. Mr. Chairman, next year the Department of Defense has a cash flow problem. In the year 2003, the Department of Defense, absent our action, will be lacking $330 billion they need for operation. But somehow this Congress in its wisdom finds a reason and a means to finance the operations of the Department of Defense.

I think it is important that we look at this Commission, because the amendment of the gentleman from California (Mr. FILNER) focuses on causing this Commission to lose its funding. Then Congress can regroup and fund a commission that would increase some kind of a debate here, because it is a one-sided story. The deck is stacked.

It is no secret, the Wall Street Journal said 2 months ago, that President Bush stacked his bipartisan Social Security Commission with members who agree with his goal of creating private accounts. That was the Wall Street Journal, May 10, 2001.

There are two Commission members, Ms. Weaver and Mr. Vargas, and they have "supported the most ambitious privatization plan, to carve 5 percentage points of the payroll tax for individual accounts. Recognizing the huge transition costs, [they] proposed a 1.52 percentage point boost in the payroll tax, $1.9 trillion in government borrowing and a higher retirement age."

Now, think about that: Privatization equals increased taxes, increased government borrowing, higher retirement age. If this Commission is a cure for Social Security, then the plague is a cure for the common cold.

Estelle James is a Democratic member of the Commission who "as a former World Bank economist was that body's main voice for privatizing government retirement programs worldwide." That is hardly the person American consumers and seniors, the baby boomers, can count on to give a fair picture of the state of Social Security.

Sam Beard, "Founder and president of the business-financed Economic Security 2000, which favors a fully privatized system," is hardly the person to give us an unbiased view.

Tom Saving, another Commission member, has written, "Strange as it sounds, we must destroy the social security system, as we know it, to save it."

Robert Pozen, an investment company executive with Fidelity, said, "Even partial privatization is not a panacea."

The Wall Street Journal went on to say, "He served on a panel that recommended partial privatization but also a higher retirement age and reduced benefits, including spousal benefits."

End the stacked deck.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it is such a disservice to the American people to make this issue a political issue. It is easy to demagogue because seniors are frightened about the possibility of losing their Social Security benefits.

The facts are very clear: Thirty years ago it took 33 people to come up with the funding for every one retiree through their Social Security taxes. Today it takes three people to come up with the taxes to accommodate that Social Security benefit for every one Social Security retiree. And the estimate is in another 15 to 20 years it is only going to be two people working in the United States to have to pay enough taxes to accommodate every single one retiree.

To suggest that we should do nothing now because we might ruin the system is ridiculous. There are a lot of ways that maybe we could help cure the program. What the President has suggested, what the gentleman from Arizona (Mr. KOLBE) and others and I have suggested in the several bills we have introduced, in the last 7 years I have introduced three bills that have been scored, each of which has been scored by the Social Security Administration, to keep Social Security solvent for the next 75 years.

Every time I introduce a bill, from the first one in 1994 until the one last year, the solutions have to be more drastic because we are running out of time. We are wasting these kinds of funds that are coming in. The problem is real. The demographics are real. There are more seniors in relation to the number of people that are paying for those benefits.

If we do not do something, if we use this issue to scare people politically, we are doing a disservice to this Chamber, to the American people, and to those people on Social Security.

There are only two solutions to fix the problem, or maybe three solutions to fix the Social Security problem: Either bring in more revenues, so one can afford the payments, or reduce the amount that is going out in payments.

The real key date is not some date off in 2033, when it says the Social Security Trust Fund is becoming insolvent. The real date that we have to pay attention to, the latest estimate is 2016, when there is less money coming in from the Social Security taxes than is required to pay benefits. With the downturn in the economy, the next estimate is going to be less than that year of 2016.

Let us move ahead. Let us make sure if there are any private investments that they be limited to safe investments. Let us make it clear to the American people that we are not using any of the disability insurance funds, the disability insurance or the survivor benefit trust funds. That is off the table. That is not being considered.

How do we get a better return than the 1.7 percent that future retirees are going to get from the Social Security taxes the employees and employers have paid in?

Mr. FILNER. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in 1935, about 178 Republicans voted against establishing Social Security. One voted for it. In 1964, 30 years later, the Republican party, behind Barry Goldwater, said, "Let us get rid of Social Security. Let us make it private." Thirty years later they are right on schedule again, and they want to destroy Social Security in order to save it.

To do this, the Bush administration sets up a biased commission. They have a habit of setting up biased commissions: first, Mr. CHENEY's energy task force of oil company executives; and now this task force, composed 100 percent of people who are on record as favoring the partial or full privatization of Social Security.

We can have an honest amendment that says, do not implement the report of the Commission because we know it is going to be privatization, because they said so. They told us that. We do not have to wonder about what it is going to be. "Let us establish a commission to investigate the problem and come up with the solution that they designed before they investigated the problem."

We are told in 2016 Congress, in order to pay off the Social Security bonds, will either have to raise taxes, cut benefits, or borrow to pay back these bonds. Why? Why did we increase FICA taxes, Social Security taxes in 1983 and cut the benefits in order to build up a trust fund so that it would keep Social Security solvent? Now they tell us those $5 trillion in assets do not matter, they are not real assets. Well, they are real assets to the Social Security system.

True, the government is to pay it. It will cost, to pay it, $200 billion a year, starting in 2016. How are we going to pay it? For one thing, the tax cut that we approved a few weeks ago will cost about $400 billion a year starting in 2011, once it is fully phased in. Half of that tax cut would pay for all the bonds on an annual basis.

They are only part of the bonds. That is part of the national debt of the United States. They are no different than the bonds that are held by Mitsubishi or the series E bonds held by the gentleman from Michigan (Mr. SMITH). We always pay back those bonds.

We are not going to have to raise taxes or cut benefits. If we do, it is a government budget problem, not a Social Security problem.

Now we are told the solution is privatize; take a system which guarantees a person a certain benefit, a certain retirement benefit, and tell them they will only get a certain fraction of that benefit, and the rest of it will depend on their luck on the stock market.

Maybe they will do well, and maybe they will not. A lot of people will do well, but a lot of people will not do well, and we will recreate the situation we had before Social Security in which some people have good retirements and others are in abject poverty because their investments were foolish or simply unlucky.

□ 1945

We are told that the railroad retirement system is going to invest in the stock market, pension funds will invest in the stock market. Sure, the whole system does, not individuals, and that makes all the difference in the world. If the Government decided to buy private stocks and bonds with the Social Security Trust Fund to get greater returns, the Government has a budget problem if those stocks do not pan out. The individuals still are guaranteed by law their Social Security. So the fact that pension funds invest in stocks does not mean we ought to put individuals at risk of the private stock market.

We are also told by an operation, by this task force, by others, Chicken Littles, that the sky is falling, we are going to run out of money. Well, the system will have enough money to pay all benefits for the next 37 years, if we believe the trustees; and then it will have a 28 percent shortfall, if we assume that the rate of economic growth of the United States is going to plummet to a rate not seen since the Depression and going to stay there.

Mr. FILNER. Mr. Chairman, I yield 4½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman for yielding me this time and for introducing this amendment.

I rise in strong support of the Filner amendment, which would prohibit the Office of Management and Budget from spending any funds to implement the final report of the President's Commission to Strengthen Social Security. People with disabilities, minorities, and women are especially hurt by Social Security privatization.

Today, there are approximately 45 million Americans receiving Social Security benefits, over 4 million of whom reside in my home State of California. Many people depend on this retirement benefit as a source of major income. Social Security is the principal source of retirement income for two-thirds of elderly Americans, representing 90 percent of the annual income for 29 percent of all seniors over the age of 65. In fact, Social Security benefits lifted approximately 13 million senior citizens out of poverty last year.

Social Security is not just a retirement program for our seniors. For millions of Americans, Social Security is the only protection against the shackles of low lifetime earnings, the financial hardships related to death or disability, the danger of poverty in old age, and the uncertainty of inflation. Privatization undermines these protections and adds one more risk that workers would have to worry about, and that is Wall Street.

Let me just bring a little diversity to this debate this evening. Elderly African Americans and Latinos rely on Social Security benefits more than white elders do. From 1994 to 1998, African American and Latino seniors and their spouses relied on Social Security for about 44 percent of their total income, while white elders and their spouses relied on the program for only 37 percent of their total income. This is because minorities, unfortunately, have a lower rate of pension coverage. Only 29 percent of elderly African Americans and 22 percent of elderly Hispanic Americans get a pension income. By comparison, 45 percent of white seniors do. Unfortunately, people of color are disproportionately represented among low-wage workers; therefore, it is much harder for them to set aside savings for retirement. Privatization of Social Security will jeopardize their retirement income.

Now, people with disabilities are also hurt significantly by privatizing their benefits. As of January 2001, over 13 million Americans, or about 30 percent of all Social Security beneficiaries, rely on Social Security disability. For the average wage earner with a family, Social Security offers the equivalent of a $200,000 disability insurance policy. The vast majority of workers would not be able to get similar coverage from the private sector. The GAO concluded in a January 2001 examination of Social Security privatization plans that the income from workers' individual accounts was not sufficient to compensate for the decline in the insurance benefits that disabled beneficiaries would receive.

The uncertainty of privatization also hits women extra hard. Poverty among American women over 65 is already twice as severe as among men in the same age group. Women are more likely to earn less than men and are more likely to live longer. Women also lose an average of 14 years of earnings due to the time out of the workforce to raise children or care for ailing parents or spouses. And since women generally have a higher incidence of part-time employment, they have less of an opportunity to save for retirement. Most privatization proposals make no provision for these differences and would thus make poverty among women even worse.

Currently, Social Security provides guaranteed lifelong benefits. No matter what the stock market does the day one retires, or in the months leading up to retirement, an individual's benefits will be unaffected.

The American people deserve the truth. Now that the Bush administration has passed a $1.6 trillion tax cut that primarily benefits the wealthy, they are trying to find another method of paying for Social Security due to the lost revenue. But the proposal to privatize Social Security does absolutely nothing to extend the life of the program or save it. It diverts money from the Social Security Trust Fund.

We must put money in to protect the trust fund, not deplete the fund. We have an obligation to strengthen Social Security, not privatize it.

Mr. ISTOOK. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 7½ minutes remaining and the time has expired for the gentleman from California (Mr. FILNER).

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in strong opposition to this amendment tonight, and I am deeply troubled by some of the rhetoric that I have heard from some of my colleagues criticizing the commission report for highlighting the fiscal challenges facing the system and suggesting that reform is not necessary. If we listen carefully, we will find many of my colleagues have suggested reform, but they have a preconceived notion of what is going to be voted on ultimately on this House floor.

Now, I began to get very involved in Social Security reform about 6 years ago when the first of our two grandsons, Cindy's and mine, were born. Cole will be celebrating his sixth birthday this month; Chase will be celebrating his fourth birthday. And I resolved at that time that I did not want them, my two grandsons, to look back 67 years from their birth and say if only my granddad would have done what in his heart he knew he should have done when he was in the Congress, we would not be in the trouble we are in today.

Take a look at the commission report, the interim commission report. I want my colleagues to see if they really disagree with the numbers the gentleman from Florida did an excellent job of outlining. Everyone knows in this body that beginning in 2016 we are going to have a difficult time funding the benefits. It can be done, but it is going to take some reform.

Listen carefully to the discussion tonight. Most of the responsible rhetoric tonight has suggested that there needs to be a correction, there needs to be some corrective measures taken, but they just do not like what they believe is going to be forthcoming. Well, be careful about that, because there are some other ideas that will be circulating.

Please be careful when talking about a stacked deck. Do my colleagues really believe that Senator Pat Moynihan is going to be part of a stacked deck that is going to do something that is going to be harmful to the elderly of this country? Do my colleagues really believe that? If my colleagues really believe that, then they are perfectly willing to come to this floor and say so, but I am not. I am not.

Take a look at the numbers. Look at the numbers and, for Heaven's sake, do not be as critical of something that has not yet happened as some are being tonight and recognize that we do need to move forward in a responsible way and in a bipartisan way.

Mr. ISTOOK. Mr. Chairman, I yield 15 seconds to the gentleman from California (Mr. FILNER), and just advise the Chair that I will have no further debate on this. However, I do have, on an unrelated matter, some time to yield for the purpose of a brief colloquy.

Mr. FILNER. Mr. Chairman, I wanted to thank the gentleman from Oklahoma, the gentleman from Florida, the gentleman from Arizona, and the gentleman from Michigan.

I thought this was a good debate. I think it is a debate that is most important to the American people and we will continue it on.

I agree with the gentleman from Arizona (Mr. KOLBE) that those of us who have a problem have responsibility for solutions, and that will come in the later debates. So I thank all for the high level of this debate.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did not bring this amendment before us tonight, but as long as it is here, I am going to vote for it, because I do believe that the Social Security commission staff report issued last week is a cynical effort to trash Social Security and undercut its public support in order to pave the way for cutting Social Security's guaranteed benefits and turn much of the program over to Wall Street. And I do most certainly believe that that commission is a stacked deck. Every single Democrat appointed to that commission was appointed by the President. And the last time I looked, their views do not represent very many Democrats when it comes to the issue of Social Security.

In my view, Social Security is the single best domestic program ever passed by this Congress, perhaps with the exception of the Civil Rights Act, and certainly Medicare is the next best after that. Obviously, we will need changes in the future, just as it has needed changes in the past in order to keep up with the times and remain solvent. But this report, in my view, is simply a scheme to frighten Americans into believing that we have to trash Social Security in order to save it. It is put forth by a commission that has already made up its mind to cut long-term benefits, and it ought to be recognized for what it is. And there is nothing wrong with being frank about that on the House floor. I have minimum high regard at best for that commission's makeup as well as its intended recommendations.

I would also say I do not know why we should be surprised that the Social Security System, beginning in a few years, will pay out more than it takes in for a number of years. It was designed to do that. Mr. Greenspan and the bipartisan group that made up the original commission in 1973 specifically designed it so that we would accumulate notes over a period of years and beginning in that year we would begin to pay down the assets that had been built up. That is the way it is supposed to work. And for the commission staff or its membership, be they Democrat or Republican, to suggest that that means the system is in mortal trouble is goomwah. And I think people know what goomwah is, if they come from a rural community.

So I would simply say, yes, we are going to have to take actions to strengthen Social Security, and that is why it is so tragic that the majority of this House and the White House cooperated in putting together a tax package that was so large that it took away virtually every dollar left in the surpluses that could have been used to strengthen Social Security long term, so that the tweaking that is going to be required in Social Security would have to be less than it now will have to be if we follow the misguided and misbegotten tax policies that this Congress recently imposed.

So I make no apology for voting for this amendment, and I make no apology for saying I have no confidence in the membership of that commission as presently constituted. It is a stacked deck, and it is a stacked deck full of jokers.

Mr. ISTOOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I wish to engage in a very brief colloquy with the gentleman from Oklahoma (Mr. ISTOOK) related to the fifth proviso under the heading "Office of Management and Budget."

It is my understanding that this proviso would prohibit the use of funds for the purpose of OMB calculating, preparing or approving tabular or other material that proposes the suballocation of a budget authority or outlays by the Committee on Appropriations. Is this the correct understanding of this provision?

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I am pleased to enter into a dialogue with the gentleman regarding this and would advise him that his understanding of the provision is correct.

Mr. TANCREDO. Reclaiming my time, Mr. Chairman, would the gentleman be amenable to reviewing the need for revision during the conference deliberations on this bill?

Mr. ISTOOK. If the gentleman will continue to yield, I would certainly agree to review this provision during the conference deliberations, and I appreciate the interest of the gentleman from Colorado and his patience and understanding that some things, of course, cannot be resolved until we come to conference with the Senate.

Mr. Chairman, I yield myself such time as I may consume in closing, and I want to echo the comments of the gentleman from California (Mr. FILNER) regarding his appreciation for the constructive comments that were made during the course of this debate.

□ 2000

Social Security is an extremely important issue to all of us.

Mr. Chairman, in opposing the amendment that was offered, I think it is necessary that everyone understand that when we are trying to find a solution to a very challenging circumstance, we do not find that solution by saying before we look for a solution, we have got to put on the blindfolds, put on the handcuffs, and put in the ear plugs. If my colleagues do that, they are going to be restricted from the start in what they can do. If my colleagues do that, they are not likely to find something that will resolve the problem; and the problem is very real.

As the gentleman from Florida (Mr. SHAW) pointed out, it was officials during the former administration, the Secretary of Treasury and HHS and so forth, who made a very compelling case for the major significance of the problem and the need to address it.

We cannot address it in a satisfactory way if we say solutions are going to be taken off the table before we even consider them, including solutions put forth by one of the leading Democrats, Senator Moynihan, formerly the Senator from New York.

I think we have to understand many people want very different solutions. Sometimes that differs a great deal with age. When talking to somebody who has already retired or who is about to retire, they want to make sure that they have everything that has been promised to them and it is not in jeopardy. I do not think that any Member of this body would want to place the benefits of anyone in jeopardy. I think we all want to make sure that everybody receives what has been promised to them.

But at the same time, there are a significant number of Americans who say, I want to control more of my own destiny. For so many years, I put so much into Social Security and I am not satisfied, either with the rate of return or what they deem to be the level of security. And they want to control more of their destiny, just as those who participate as Federal employees in the Thrift Savings Plan and the 401(k) plan have different options from which to choose. It is perfectly possible that we may establish an opportunity for people to choose whether they want to continue in exactly the same thing they have now, or they want to have some choices, but without enabling either one to impose their choice on the other.

If we adopt this amendment, we are foreclosing opportunities to be flexible. We are foreclosing opportunities for Americans to have a greater level of choice in this crucially important decision in influencing their retirement. I believe this amendment should be defeated, but I believe the debate has been very healthy.

Mr. Chairman, this is the final matter of debate. We will be voting on the amendments held back, and then move on to final passage. I urge my colleagues to vote against this amendment; but certainly to vote in favor of the bill as we move towards its final passage.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FILNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FILNER) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) and the amendment offered by the gentleman from California (Mr. FILNER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. TRAFICANT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 24, noes 401, not voting 8, as follows:

[Roll No. 272]

AYES—24

Baker
Bilirakis
Chambliss
Coble
Collins
Duncan
Gibbons
Hall (TX)
Hansen
Hilleary
Hinchey
Jones (NC)
LaTourette
Ney
Norwood
Otter
Paul
Royce
Schaffer
Sessions
Tancredo
Traficant
Watson (CA)
Young (AK)

NOES—401

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clayton
Clement
Clyburn

Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—8

Bachus
Blumenauer
Lipinski
McGovern
Scarborough
Snyder
Spence
Watkins (OK)

□ 2031

Messrs. BROWN of Ohio, ROEMER, LANGEVIN, HEFLEY, WAMP, BRADY of Texas, LEWIS of Kentucky, HAYWORTH, SHIMKUS, PALLONE, WEINER, FOSSELLA, SKEEN and GREEN of Texas, Ms. KILPATRICK, Ms. McCOLLUM and Ms. RIVERS changed their vote from "aye" to "no."

Mr. CHAMBLISS and Mr. HILLEARY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY FILNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 238, not voting 7, as follows:

[Roll No. 273]

AYES—188

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Slaughter
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—238

Aderholt
Akin
Allen
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)

Kingston
Kirk
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bachus
Blumenauer
Knollenberg
Lipinski
Scarborough
Snyder
Spence

☐ 2039

Mr. HILLIARD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the final lines of the bill.

The Clerk read as follows:

> This Act may be cited as the "Treasury and General Government Appropriations Act, 2002".

The CHAIRMAN. There being no other amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 206, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 334, nays 94, not voting 5, as follows:

[Roll No. 274]

YEAS—334

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baldacci
Ballenger
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Coyne
Cramer
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
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Gonzalez
Gordon
Goss
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Granger
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Green (TX)
Greenwood
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Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kilpatrick
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Larson (CT)
Latham
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Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
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Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Schrock
Scott
Serrano
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (TX)
Solis
Souder
Spratt
Stark
Stenholm
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Traficant
Velázquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—94

Andrews
Baker
Baldwin
Barcia
Barr
Barrett
Bartlett
Berkley
Berry
Boswell
Brown (OH)
Carson (OK)
Chabot
Coble
Conyers
Costello
Cox
Crane
Crenshaw
Davis (CA)
DeFazio
Deutsch
Diaz-Balart
Duncan
Etheridge
Evans
Goode
Goodlatte
Green (WI)
Hall (TX)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Inslee
Israel
Johnson (IL)
Jones (NC)
Kerns
Kildee
Kind (WI)
Kucinich
Langevin
Larsen (WA)
Lucas (KY)
Luther
Maloney (NY)
Matheson
McInnis
Menendez
Moran (KS)
Paul
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Pomeroy
Putnam
Ramstad
Rohrabacher
Ross
Royce
Ryun (KS)
Sandlin
Schaffer
Schiff
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shows
Smith (MI)
Smith (NJ)
Smith (WA)
Stearns
Strickland
Tancredo
Taylor (MS)
Thune
Thurman
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Walden
Weldon (FL)
Wexler
Wu

NOT VOTING—5

Blumenauer
Lipinski
Scarborough
Snyder
Spence

☐ 2057

Mr. TURNER changed his vote from "yea" to "nay."

Mr. HOLT changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBER TO COMMITTEE ON ARMED SERVICES

Mr. FROST. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 207) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 207

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

Committee on Armed Services: Mr. Larsen of Washington.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would announce that further proceedings on the motion to suspend the rules and pass H.R. 1954, as amended, originally postponed on Tuesday, July 24, 2001, will resume tomorrow.

PERSONAL EXPLANATION

Ms. DELAURO. Mr. Speaker, I regret to report that on July 19 I inadvertently voted the wrong way during rollcall number 255 on House Joint Resolution 50, Disapproval of Normal Trade Relations for China.

I mistakenly recorded my vote as no. My vote should have been an aye for disapproval.

CHINA NORMAL TRADE RELATIONS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I want to build a strong relationship between the United States and China, but the normal trade relations China enjoys with the United States have done little to build a strong and mutually beneficial relationship between our two nations. It promotes few of our values or of our economic interests. China has engaged in unfair trade practices, pirated intellectual property, spread weapons and dangerous technology to rogue nations, suppressed democracy, denied its citizens religious freedom, and engaged in human rights abuses.

In so doing, China has gladly profited. Our trade deficit with China has mushroomed from $17.8 billion in 1999 to over $100 billion in 2000.

The United States should use our trade laws with China to pressure for greater access for American companies and goods. I oppose NTR for China because we need to let China know that more of the same is not acceptable. It is vital that we insist on fair and equal standards in compliance with all aspects of our trade laws. Until this happens, I cannot support NTR.

MAKING IN ORDER ON JULY 25, 2001, OR ANY DAY THEREAFTER, CONSIDERATION OF H.J. RES. 55, DISAPPROVING EXTENSION OF WAIVER AUTHORITY CONTAINED IN SECTION 402(c) OF TRADE ACT OF 1974 WITH RESPECT TO VIETNAM

Mr. GOSS. Mr. Speaker, I ask unanimous consent that it be in order at any time on July 25, 2001, or any day thereafter to consider in the House the joint resolution, House Joint Resolution 55, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for 1 hour equally divided and controlled by the chairman of the Committee of Ways and Means (in opposition to the joint resolution) and a Member in support of the joint resolution; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of sections 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam for the remainder the first session of the 107th Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ON THE 27TH ANNIVERSARY OF THE 1974 ILLEGAL TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, it is my honor and privilege to commemorate the 27th anniversary of the 1974 illegal Turkish invasion of Cyprus. I have commemorated this day each year since I have become a Member of Congress; and, unfortunately, each year the occupation continues.

The continued presence of Turkish troops represents a gross violation of human rights and international law. Since their invasion of Cyprus in July of 1974, Turkish troops have continued to occupy 37 percent of the island. This is in direct defiance of numerous U.N. resolutions and has been a major source of instability in the eastern Mediterranean.

Recent events have created an atmosphere where there is now no valid excuse to avoid resolving this longstanding problem.

Peace in this region cannot happen without continued and sustained U.S. leadership, which is why I am heartened that President Bush, like his predecessor, President Clinton, is committed to working for reunification of Cyprus.

He recently stated, and I quote, "I want you to know that the United States stands ready to help Greece and Turkey as they work to improve their relations. I'm also committed to a just and lasting settlement of the Cyprus dispute."

I was also encouraged to read last week that the European Union considers the status quo in Cyprus unacceptable and has called on the Turkish Cypriot side to resume the U.N.-led peace process as soon as possible with a view toward finding a comprehensive settlement.

Now is the time for a solution. More than 20 years ago, in 1977, in 1979, the leaders of the Greek and Turkish Cypriot communities reached two high-level agreements which provided for the establishment of a bicommunal, bizonal federation.

Even though these agreements were endorsed by the U.N. Security Council, there has been no action on the Turkish side to fill in the details and reach a final agreement. Instead, for the last 27 years, there has been a Turkish Cypriot leader presiding over a regime recognized only by Turkey and condemned as "legally invalid" by the U.N. Security Council in Resolution 541 and 550.

Cyprus has been divided by the green line, a 113-mile barbed wire fence that runs across the island, and Greek Cypriots are prohibited from visiting the towns and communities where their families have lived for generations.

With 35,000 Turkish troops illegally stationed on the island, it is one of the most militarized areas in the world. This situation has also meant the financial decline of the once rich northern part of Cyprus to just one-quarter of its former earnings.

Perhaps the single most destructive element of Turkey's fiscal and foreign policy is its nearly 27-year occupation of Cyprus. We now have an atmosphere where there is no valid excuse for not resolving this long-standing problem.

Cyprus is set for movement into the European Union in 2004. I am hopeful that this reality will act as a catalyst for a lasting solution of the Cyprus challenge. EU membership for Cyprus will clearly provide important economic, political, and social benefits for all Cypriots, both Greek and Turkish alike. This is why both sides must return to the negotiating table without any conditions.

There is also a new climate of cooperation between Turkey's Ismail Cem and Greece's George Pappandreou, and this is a very positive sign. More has been achieved in a year than what has been achieved in the past 40 years, but this cooperation needs to extend to the resolution of the Cyprus occupation.

While the U.S., the EU, Greece, and Cyprus have all acted to accommodate Turkish concerns, it remains to be seen whether Turkey will put pressure on Rauf Denktash to bargain in good faith. Make no mistake about it, if Turkey wants the Cyprus problem resolved, it will not let Denktash stand in its way.

Now is the time for a solution. It will take diligent work by both sides, but with U.S. support and leadership I am hopeful that we will reach a peaceful and fair solution soon.

Twenty-seven years is too long to have a country divided. It is too long to be kept from your home. It is too long to be separated from your family.

We have seen many tremendous changes around the world. The Berlin Wall came down. There are steps towards peace in Ireland. It is now time to add Cyprus to the list of places where peace and freedom have triumphed.

THE INTERNATIONAL SPACE STATION PROGRAM DESERVES OUR CONTINUED SUPPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I wanted to come here this evening and talk to my colleagues for a few minutes about the VA–HUD bill that is going to come up tomorrow and talk specifically about potential amendments that are going to be made.

It is important for us to lend our support to the overall NASA budget and, specifically, manned space exploration and those items that center around the International Space Station.

There has been an awful lot of talk in the last several weeks about potential cuts in the International Space Station because of the overruns that had been talked about for a long period of time. We are looking at building a facility that has never been built before and doing things that are absolutely new technology. The guesses in the expenditures of what it was going to take to create this facility have not always been right; and, unfortunately, we are facing more costs than what we originally anticipated.

Something has to be done about that. We hope we will find a way in our committees to ask the tough questions of the contractors and of NASA to make sure that we get a better handle on what is going to be spent in the future with regard to any space activity, whether it is manned or robotic.

But, right now, we are making some real serious decisions and potentially bad decisions with regard to the International Space Station. We are talking about taking parts of the International Space Station, such as the crew return vehicle, which allows a full crew of seven people to do the science necessary to get a return from our exploration in space.

If we stop the construction of the crew return vehicle, then we will only be able to accommodate three to six people on the International Space Station. If we did six, a total of two Soyuz return vehicles, one commander for each vehicle, that would dramatically reduce our ability to do the science that we have built the International Space Station for in the first place.

A lot has been done, and we have succeeded in getting significant amounts of monies put into the appropriations bill, which will be considered tomorrow in the VA–HUD and Independent Agencies appropriation bill.

Some of those amendments will be Space Station-killing amendments, so I am here to ask my colleagues to give very serious consideration to anything that would stop this huge investment that we have made and the opportunity for us to get a significant return on that investment over the next many years, an investment in knowledge of what is out beyond Earth's surface; what we might be able to gain in knowledge as we explore space that could change our health, our lives, knowledge-wise as far as why human beings are here; or perhaps something as simple as a solution to or a cure for a particular illness.

Those are the things we have gotten out of our space exploration for decades, and it is interesting to note some statistics: that in the 1960s, during the Apollo period, in the 1960s and 1970s, 4 percent of our Nation's budget went to NASA, 4 percent. Today, that amount is less than six-tenths of 1 percent.

It is also interesting that some of these amendments that may be considered tomorrow that will replace money from NASA, take money away from NASA and put it either into the VA or HUD parts of that bill, let us consider what has happened to Housing and Urban Development, as an example. They have had an increase from $16 billion to $31 billion in the last several years. The Veterans Administration has had increases from $40 billion to $50 billion, a 25 percent increase only in the last 4 or 5 years.

We want to support both of those. I will be supporting them. Both have had significant increases in this year's appropriation. The NASA budget has stayed flat, at $14 billion, for the last many years. It is time for our commitment to space to be reiterated, to be spoken of again in a way that we spoke of it in the 1960s.

I remember when President Kennedy challenged our country to send a man to the moon and return him safely within a decade, and we did it. It changed the way we educated our children, it changed the way we did business. It brought huge returns to us.

So, in wrapping this up, I ask my colleagues to pay very much attention to the VA–HUD appropriation tomorrow and to support NASA in every way they can.

☐ 2115

COMPACT DIVISIVENESS COULD DAMAGE DAIRY INDUSTRY

The SPEAKER pro tempore (Mr. FERGUSON). Under a previous order of the House, the gentleman from New York (Mr. SWEENEY) is recognized for 5 minutes.

Mr. SWEENEY. Mr. Speaker, recently, the Fort Atkinson, Wisconsin-based national dairy farm magazine, Hoard's Dairyman, on its editorial page, expressed its support for the continuation of the Northeast Dairy Compact and allowing other regions of the country to form their own compacts. As a representative of a Congressional District with a large dairy producing population, and as a strong advocate of States' rights, I implore my fellow Members to keep an open mind on the complex interstate dairy compact issues.

I would like to read this thought-provoking editorial from the prestigious dairy magazine from the heart of dairy country, Wisconsin.

"Editorial comment: Compact Divisiveness Could Damage Our Industry. Hoard's Dairyman. Fort Atkinson, Wisconsin. July 2001.

"Dairy compacts, in the eyes of their proponents, help stabilize and boost dairy farmer incomes by flooring Class I prices. Opponents see compacts as an unconstitutional restraint of commerce, a rip-off of consumers and processors, and distortion of supply and demand. We see the compact "cup" as being half full rather than half empty. That is why we support continuation and extension of the compact concept. We do so for the same reasons we work together to improve and stabilize their incomes.

"To us, compact pricing is of little difference to the overorder Class I premiums negotiated across the country by the dozen or more groups of dairy co-ops working together. Compacts are different in that they are not voluntary. Rebel processors and producers cannot circumvent the system by undercutting established prices. And unlike marketing federation boards, compact commissions represent consumers, processors, as well as producers.

"The Northeast Dairy Compact has improved incomes for dairy farm families, without hurting milk consumption or adding to price support costs. There is even a provision for leaving food programs, such as Women, Infants, and Children programs, unaffected by higher milk prices. Nor has the Northeast Compact contributed to lower Class III prices, as many in the upper Midwest contend. We see no reason to prevent dairy farmers in the South or other regions from working together the same way.

"Our biggest fear about compacts is that the issue will further divide the industry that needs cohesion more than ever. Unless cooler heads prevail, we will shoot ourselves in the foot over compacts just as we have on many other issues."

Mr. Speaker, it is a myth that upper Midwest farmers oppose dairy compacts. I urge my colleagues to pay attention to the growing support from across the country for dairy compacts. I look forward to working with my colleagues on both sides of the aisle from all States to advance this important legislation.

27TH ANNIVERSARY OF TURKISH INVASION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tonight I join my other colleague, the gentlewoman from New York (Mrs. MALONEY), on the House floor to remember a horrific act taken by Turkey against the citizens of Cyprus 27 years ago.

On July 20, 1974, the Nation of Turkey violated international law when it brutally invaded the sovereign Republic of Cyprus. Following the Turkish invasion, 200,000 people were forcibly displaced from their homes and a large number of Cypriot people, who were captured during the invasion, including five American citizens, are still missing today.

Earlier this year, the Turkish government was rebuked by the European Court of Human Rights when the court overwhelmingly found Turkey guilty of massive human rights violations over the last 27 years in a scathing 146-page decision. In the case of Cyprus versus Turkey, the court concluded Turkey had not done enough to investigate the whereabouts of Greek-Cypriot missing persons who disappeared during life-threatening situations after the occupation.

The court also found Turkey guilty of refusing to allow the return of any Greek-Cypriot displaced persons to their homes in Northern Cyprus. Families continue to be separated by the 113-mile barbed wire fence that runs across the island. The court found this to be unacceptable.

Mr. Speaker, I was also troubled by the court's findings on the living conditions of Greek Cypriots living in the Karpas region of Northern Cyprus. Residents in this region face strict restrictions on access to religious worship, no access to appropriate secondary schools for their children, and no security that their possessions will be passed on to their families after their death.

By disregarding international law and order, and by defying democratic principles, Turkey has over the past 27 years remained an anachronistic hostage to the past rather than choosing to look to the future with renewed vitality for cooperation and development.

Since the invasion, all efforts towards finding a just, peaceful, and viable solution to the problem have been constantly met with intransigence and the lack of political will by Turkey. The United States, which is trusted by all sides in this conflict, has the ability to help move the peace process forward. We must continue to support the United Nations' framework for negotiations between the Greek-Cypriot and Turkish-Cypriot communities. But currently peace negotiations are at a standstill.

Over the years, I have become quite familiar with the Turkish side's of well-known negotiation tactics. The Turkish side agrees to peace negotiations on the Cyprus problem only for the purpose of undermining them once they begin and then blames the Greek Cypriots for their failure. Once again, face-to-face negotiations that were scheduled for January have never occurred because Turkish Cypriot leader Rauf Denktash refuses to attend.

Mr. Speaker, while the U.S. should do everything possible to restart the U.N. negotiations, it should be made crystal clear to the Turkish leadership and Mr. Denktash that their unacceptable demand for recognition of a separate state in order to return to the negotiating table are completely unacceptable. No effort should be made to appease the Turkish Cypriot leader in order to return to the negotiating table.

And not only should Mr. Denktash return to the negotiating table, but he should negotiate in good faith in order to reach a comprehensive settlement within the framework provided by the relevant United Nations Security Council's Resolutions. These resolutions establish a bizonal, bicommunal federation with a single international personality and sovereignty and a single citizenship.

Mr. Speaker, for 27 years now, the people of Cyprus have been denied their independence and freedom because of a foreign aggressor. I urge all of my colleagues to join me in remembering what the Cypriot people have suffered and continue to suffer at the hands of the Turks. I also urge my colleagues to join me in pressuring the administration to focus American efforts to move the peace process forward on the Turkish military, which has real and substantial influence on decision-making in the Turkish government.

MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I look forward to spending this evening talking to my colleagues about an issue that I think is fundamentally important to not only this generation in America but to every future generation in America, at least as far out as we can see. It is also an issue that is absolutely critical for our friends and allies throughout the world. It is missile defense.

Now, I hope this evening to be joined by my colleague, the gentleman from Nebraska (Mr. OSBORNE), and the two of us will go through missile defense and talk a little about the necessity for it.

We have heard a lot of rhetoric here in the last few weeks about how missile defense is going to set off an arms race, about how missile defense does not make any sense, about how missile defense is not technologically feasible. But tonight I want to go to the facts, to cut through the rhetoric, and I want to get right to the meat. Because this issue is so critical for us, we cannot afford to let the substance be diluted by the rhetoric. Again, do not let the substance of missile defense for this country be diluted by rhetoric, because all of us lose.

I was at the World Forum in Vail, Colorado 2 or 3 years ago. Vail is in my district out in Colorado. And the World Forum, put on by President Gerald Ford, was a fabulous thing. Leaders from all over the world came there. Margaret Thatcher spoke. And when Margaret Thatcher spoke, you could almost hear a pin drop at this World Forum. She got up and said in response to a question on missile defense, she said to the leaders of the United States and to the leaders of the United Kingdom, you have an inherent responsibility. Now, remember, her whole sentence I am about to cite, her whole answer is maybe two or three sentences. But her response was that you have an inherent responsibility to the people that you represent to protect them, and failure to do so would be dereliction of your duty. Now, that is a summary of what she said. Failure to do so would be dereliction of your duty.

We have a known threat out there. We know there are missiles aimed at the United States of America. We know that there are other countries, and not just what used to be the Soviet Union, which was the big threat in my generation.

When I was a young child I remember my mom and dad telling me, during the Cuban missile crisis, that we were probably going to go to war in the next few hours. I remember the fallout shelters. And as I grew up, everything was Russia; the Soviet Union, the Soviet Union is going to launch an attack. And, of course, we in the mountains of Colorado were worried because we had Cheyenne Mountain, the headquarters for NORAD over in Colorado Springs.

But has the threat subsided? The threat has not subsided. I do not understand the reasoning of some of these people who are trying to convince the American people that the threat of a missile attack has subsided. In fact, I would venture to say that the threat of a missile attack has actually increased, because we now have a multitude of nations that have tested nuclear weapons. We know there are a multitude of nations out there that have missile technology.

We know, for example, that when the Soviet Union was the Soviet Union they had very strict control over their weapons. Today, we do not know what kind of control they have over their weapons. We know that we have China that is attempting to build up its military. And, frankly, I think China and Russia, as it now is, are more manageable than say a North Korea or a Pakistan or an India or over in the Middle East or some terrorist group.

And, God forbid, what if we had an accidental launch against the United States of America? What if somebody did not want to destroy the United States, what if somebody just launched by accident a nuclear missile for New York City? How strong do my colleagues think their rhetoric would stand up the day after that missile hit, or the minute after that missile hit, after standing on this floor and saying that we should not have a missile defense; that a missile defense is going to start off an arms race; that we should not defend our people; we should stick to an old treaty, a treaty that was drafted in 1972, 30 years ago.

How many of my colleagues are driving a 30-year-old car today? How many people do that? How many of my colleagues are using 30-year-old technology in their offices? How many people use 30-year-old technology in their airplanes? We do not do that, and we should not use that kind of technology to defend this country.

Now, what am I talking about? What treaty am I talking about? It is called the Anti-ballistic Missile Treaty. Let us talk about the Anti-Ballistic Missile Treaty. First of all, let me say to my colleagues that the theory of the Anti-Ballistic Missile Treaty was about really only two countries. There were two nations in the world that were capable of any kind of significant missile launch against somebody else in the world. One, the United States of America, and, two, the Soviet Union. These two superpowers possessed not only the knowledge of nuclear weapons, but they also had the capability of delivering these weapons, and delivering these weapons in multitudes and with deadly accuracy.

So the theory of the Anti-Ballistic Missile Treaty in 1968, 1969, and 1970, was, hey, look, Russia and the United States, and by the way I do not agree with this theory, but the theory was the best way for the United States not to attack Russia and the best way for the Soviet Union not to attack the United States was for both of them to agree not to build a defense. Because if these two countries have a missile, theoretically, and each knows it could be destroyed by that missile because it cannot defend against it, then each country will be less reluctant to fire their missiles. That is the theory of what happened.

Now, what does this treaty contain? Let us take a look at a little of what the treaty says, because it is important. I will refer to my poster here to the left. Article I: Each party undertakes to limit anti-ballistic missile systems and to adopt other measures.

And I will just summarize some of these. There is no need to go through each sentence. Each party undertakes not to deploy anti-ballistic missile systems for defense of the territory.

Now, remember, as we go through this treaty and as I talk tonight, I am not talking about the development of offensive weapons. The United States has significant offensive weapons.

□ 2130

I am talking about defensive weapons. I am not talking about firing a missile against another country, I am talking about defending the United States of America. So my discussion tonight is not as an aggressor. My discussion this evening with you is as a defender. A defender of the territory of the United States of America. And by the way, we should expand that as a defender of our allies in this world.

For the purpose of this treaty, an ABM system is a system to counter strategic ballistic missiles. Each party undertakes not to develop, test or deploy a defensive system which is sea-based, air-based, space-based or mobile land-based.

So in this treaty, the United States of America agrees with the Soviet Union, which as my colleagues know, the Soviet Union no longer exists. It has been broken into a number of different countries. Each party undertakes not to develop, test, or deploy a defensive weapon system. That is what that paragraph says. To ensure assurance of effectiveness of the ABM, each party undertakes not to give missiles, launches, or radars, other than ABM interceptor missiles, et cetera, or their elements in flight trajectory, and not to test them in a mode.

That says you cannot test. If the United States determines that they want to test some type of system to defend our country, we cannot do it under this treaty. This treaty is not cloudy. It is black and white. It is very clear in its definitions. If you want to build a defensive system for your Nation, you are not allowed to under this treaty. There is no way around it. This treaty is totally incompatible with our Nation or any nation, well, our Nation or the Soviet Union because there are only two parties to this agreement, the Soviet Union and the United States.

It is totally incompatible with this treaty for the Soviet Union or the United States to build some type of defense to protect their country from an accidental launch or an intentional launch of a missile against their country as long as this treaty exists.

They understood that this treaty may not be good forever. In fact, they put provisions in the treaty. They had the foresight, they had the foresight to put provisions in this treaty which would allow the parties to the treaty, again the Soviet Union and the United States, which would allow these parties to leave the treaty. To go out of the treaty.

I have heard recently and when I have read some of the press, some of you off this floor, frankly, who have made announcements that the United States would break a treaty. What would give any Nation the desire to make a treaty with the United States if the United States broke their word and broke these treaties.

We are not breaking the treaty. The treaty has contained within its four corners, within the four corners of the document, it has contained provisions of how to withdraw from that treaty.

So any representation by anyone that the United States of America through the Bush administration, which I commend for their leadership on this issue, any representation that withdrawal from this treaty is a breaking of the treaty is incorrect. The treaty itself contains provisions that allow withdrawal from the conditions of this treaty.

Again to my left on this poster, this is the article. This treaty shall be of unlimited duration. Each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty. It is a right. It is a right we retain for ourselves. It is a right the Soviet Union retained for themselves, and that is the right to be able to withdraw from this treaty. You have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interest. It shall give notice to the other party 6 months prior to the withdrawal from the treaty. Such notice shall include a statement of the extraordinary events of the notifying party in regards as having jeopardized its supreme interest.

Do we have circumstances which would justify extraordinary events? You know something, that is the easiest question of the night to answer. Have events occurred that are extraordinary in their nature which would allow us to withdraw from a treaty which prevents the United States from defending itself against missile attacks?

Number one, the Soviet Union is not around any more.

Number two, it is called Russia, Ukraine and other nations. The Soviet Union at that time in 1968, 1970, when these treaties were being negotiated, there was only one other country that had the capability to deliver missiles to the United States of America, and it was the Soviet Union.

Let me show you today what we have got. It is no longer just Russia. Look at my poster to the left. It is no longer just Russia. No longer just the Soviet Union. Today North Korea has the capability to hit the West Coast with their nuclear missile. Pakistan has nuclear capability and missiles.

India has nuclear capability and missiles. Israel has nuclear capability and missiles. China has nuclear capability and missiles. How much further do I have to go to justify extraordinary circumstances? Just one more nation other than the Soviet Union, in my opinion, justifies extraordinary circumstances.

Let me go on. And other countries have all successfully detonated nuclear weapons, in addition, Iraq, Iran. Do those strike some kind of familiar sound? Do my colleagues remember a war not too long ago? In addition, Iran, Iran and Libya all have ballistic missile technology that they could use to deliver either a chemical or a biological attack.

So we are not just talking about a nuclear warhead on top of one of these missiles. We are talking about the capability to deliver a biological weapon, some type of chemical weapon. These countries can destroy large portions of the United States of America; and we on this floor and our administration down the street, and the Senate on the other side, we have, as Margaret Thatcher has said, we have an inherent responsibility to protect the citizens of this country.

So how can anybody stand on this floor and say we should not have a missile defense or the President is wrong because he said this ABM treaty, you cannot have the ABM and the missile defense both. The treaty does not allow for it.

What the treaty does allow, it says in the treaty. The treaty says if you want to build a missile defense, you can withdraw from the treaty. We are not breaking the treaty, we are exercising our rights that we negotiated 30 years ago. That is to pull out of the treaty and build a defensive system for this country.

By the way, the President just recently returned from Europe, and I have seen a lot of press about how the Europeans are opposing President Bush and his missile defense. He is some kind of roving cowboy.

In Europe in the last few days, people are beginning to say, their leaders are saying, that George W. Bush is on to something. Somebody could launch a missile against Italy. Somebody could launch a missile against Spain, against London. We do not want to offend our other European brothers, but maybe we ought to look at it and see what Bush has in that bag.

The United States, by the way, is going to make it technologically feasible; and I will address that in a few minutes. The Europeans are saying, I know what everybody is saying on the podium, and I know what the European press is saying, but frankly as a leader of my country, I have an obligation to defend it.

So guess what happened last weekend? Italy's premier came out and said in a very aggressive nature, we support a missile defense system, and we encourage the United States of America to rapidly develop the technology to protect countries in this world from attack by a missile containing either biological, chemical or nuclear weapons.

Italy, the second one to jump on board. Our good friends, the United Kingdom, who have been wonderful allies, are on board. Guess who else? Spain. Spain is out there saying it is not such a bad idea. Maybe the best way, maybe the people that are most opposed to weapons in my opinion should be the strongest proponents of this.

What is the best way to make a missile ineffective? It is the capability to defend against it. Whether it is in Europe or the United States of America, those people that oppose the development of missiles that are opposed to any kind of violence, they ought to be the first ones signing on the bottom line. They should say the United States has come up with a pretty good idea.

Let me tell you that iron wall in Europe in opposition to American development of a missile defensive system, is showing significant cracks. It is my opinion, and the French usually lag behind, but it is my opinion that most of the European allies of ours and NATO over time will adopt the policy of the United States, and that is to defend their country from a missile attack.

Let us talk just for a moment about what happens if we do not, just to give you an idea.

On a Trident submarine, and the United States has Trident nuclear submarines. We have the most powerful military in the world. In fact, we have the most powerful military in the history of the world. We ought to have.

I had kind of a fun thing happen the other day. I love high school students to stop by. The 4-H students stop by. The Boy Scouts stop by. We have some leadership programs back in Washington stop by. Usually we have groups, and I open it up for questions. One of the questions was from one of the students, and these questions are bright questions. This generation coming out, they are a bright generation. I have a lot of hope for the future of this country just based on these young people I have had the opportunity to meet. But back to the question.

A high school student asked me, he said, Why do we need the CIA? Why do we need spies? My teacher, he implied his teacher thinks our country is being bad in essence because we have spies.

I said, Let us answer that question. How many of you in here play high school sports? Almost everyone raised their hands. I asked one of the young ladies what sport she played. She said, I play basketball.

I said, Tell me this. Before you play an opposing team, do you know the height of the person you are going to guard? Yes.

Do you know how many baskets that lady made in the previous games? Yes.

If it is a championship game, does somebody film them playing a prior game? Yes.

I said, That is gathering intelligence. By gathering intelligence, you are able to disarm, dispose of the threat before the threat becomes destructive. That was one point.

The second point, somebody asked why do we need such a strong military. I said it is very simple. This young man's name was John. I said John, if you were a black belt in karate and everybody in your class knew that and everybody knew if they tried to take your lunch or take something of yours, you would break their neck, how many fights do you think you would be in? John answered correctly, probably none. That is right.

By having a strong military, and my theory, by having a strong military defense for your country, by defending the citizens of your Nation, you will avoid violence. You do not bring on violence, you avoid violence because the people who decide they want to undertake a violent act against you understand that there are repercussions that have a deadly impact. Or if we put up a missile defense system, they understand that they may not be able to produce any type of weapon that could give that harm to a missile. It makes a lot of sense for the United States to have a strong military.

□ 2145

It makes a lot of sense for us to be able to defend this country. Let us take a look at what happens.

Let me step back just for a moment. The Trident submarine, nuclear launching base. We probably have 18 or so of those out there. I am not giving you anything that is classified, obviously. We probably have 10 or 12 of them at sea at any given time. Do you know that one Trident submarine, one nuclear submarine of the United States, has more firepower than all of the countries combined for all the years of World War II? That is how powerful. A nuclear submarine can launch 195 nuclear warheads. We have a powerful force out there.

But the other side has got a powerful force, too. And no matter how many submarines you have out there, you have got to have the capability not to just fire a missile if that, God forbid, ever became necessary, you have got to have the capability to stop an incoming weapon. Because if you do not, the odds of you having to fire your missiles out of one of those deadly submarines becomes much higher. If somebody shoots a missile at the United States of America and we are able to intercept it on its launching pad through a space intercept method or we can intercept it in space, we could prevent a war.

Let us say, for example, that somebody launches a missile by accident, an accidental launch. Let me tell you, it happens. We have planes that crash by accident. As we all know the tragedy, we lost a spacecraft by accident. Accidents happen. It is logical to say that, at some point in the future, there might be an accidental launch of a nuclear weapon or an accidental launch of a weapon containing chemical or biological elements that would be devastating to this country. If we knew we had an inbound missile coming in and we did not have the capabilities to stop it, we may very well go to war with that country. If that missile hit, for example, New York City or if it hit Washington, D.C., or it hit Orlando, Florida, we may very well go to war instantaneously. Our retribution would be quick, and it would be decisive.

But what if we found out later that the launch was by accident? What the missile defense system allows us is if the missile defense, if we have got that capability and there is an accidental launch that comes over and we are able to successfully stop that missile from hitting the mainland United States, we may have an allowance of time to find out that it was not an act of war, that it was an accident and because we had a missile defense system in place, we stopped the next world war. That alone justifies what President Bush is attempting to do and that is build a missile defense system for the United States.

Do we have the technological capability? Of course we do. We do not have it all in-house today, but about 2 weeks ago, remember, we did a test. We have had four tests. Two of them have failed. Two of them have been successful. Remember that when the Wright brothers flew their airplane or when we ran the car, any other major invention, the first time, how many space missions we had to have before we could finally figure out and how much money we went through, how to land on the moon or how to fly an airplane or how to make a car.

We are going to have failures. This technology is advanced. Remember that in order to intercept a missile in the air, en route, somebody told me one time it is the equivalent of throwing a basketball from San Francisco and making it through the hoop in Washington, D.C. This is tough technology.

Two weekends ago, the United States of America fired a missile. That missile was traveling 4½ miles a second. Imagine, a bullet, 4½ miles a second inbound. We fired a missile to intercept it, and it was traveling at 4½ miles a second. 4½ miles, 4½ miles, and we have got to bring the two together, and they cannot miss by that far. They cannot miss by a foot. They have got to hit. Guess what happened? We brought the two missiles together. We intercepted.

We will have the technology. We will have the technology to make a missile defense system in this country possible. We have an obligation to put on an expedited basis the necessary resources that it is going to take to bring us that technology.

Let me give you an idea of what just a couple of missile heads would do if we do not defend, for example, and somebody fired a two-warhead attack on Philadelphia. Two warheads, one-megaton devices, detonating the results. If they fired one warhead with two heads on it, just one, with two on it, we would have 410,000 people killed like that.

Some of my colleagues and some of the scholars in this country are saying and criticizing this country for saying that it should develop a system that will stop an inbound missile, that will stop a two-headed missile from wiping out 410,000 people in Philadelphia. What do we do today? If some foreign country, just so you know where we are today, one, we have a treaty that says we cannot defend ourselves with a missile defensive system. And, two, we today have a detection unknown before in the history of the world. It is called NORAD. It is located in Colorado Springs, the district of the gentleman from Colorado (Mr. **HEFLEY**), Colorado Springs, Colorado. NORAD has the capability to detect a missile launch anywhere in the world, and they can detect it within a few seconds.

So our country today, within a couple of seconds, can detect a missile launch anywhere. We can tell you within a few seconds more where that missile is going, at what speed it is going, the likely type of missile it is and where its target is.

But after that today, what can our country do? We can call up Philadelphia and say, you have an inbound missile, it has got, we think, two warheads, a minimum of two warheads on it. It is going to hit in 16½ minutes. That is all we can tell you. There is not anything we can do for you. We will pray for you, and we have alerted the White House so that we can prepare to go to war immediately. The President is prepared to launch an all-out nuclear retaliatory attack.

Why should we have to go through that? Why should we have to go through what at some point in the future is not going to be a test but is going to be a realistic either accidental or an intentional missile launch against the United States of America when we do not have to do it, when we can stop it? This may very well be the secret to stopping a war in the future.

So why would any of my colleagues oppose the President's position, number one, that the treaty, the anti-ballistic missile treaty is not valid. You cannot have that and a missile defense system at the same time. Do not think there is a way to tiptoe around the treaty. Do not think there is a way to talk fuzzy, warm talk and pat the Russians on the back and tell our European friends that, okay, we will do this, water it down a little here and there.

The fact is very clear and simple. You cannot have the treaty and have the missile defense system. You have got to do something with the treaty. The treaty allows you to do it.

We are not breaking the treaty. I have said this three times in my comments this evening. The President is not advocating the breaking of a treaty. The President, the Vice President, the Secretary of Defense, the Secretary of State and Condolezza Rice, they are not saying break the treaty. What they are bringing to our attention, and they are absolutely correct, what they are bringing to our attention is that the treaty contained within its own four corners allows us the rights, we have rights within this treaty, the right to withdraw from this treaty so that we can properly defend our country if extraordinary circumstances occur.

As I said earlier, what more extraordinary circumstances do you need as justification other than the fact that North Korea, India, Pakistan, China, Iraq, Iran, and several other countries now have nuclear capability and have missile technology?

Mr. Speaker, the old days of only the United States and the Soviet Union having missiles are over. Our generation, my generation, worried about the Soviet Union, but that is all we had to worry about was the Soviet Union as far as a missile attack with nuclear capability. That is what we had to worry about. Unfortunately, for the generation behind us, they have a multitude of concerns that they are going to have to worry about unless we accept our responsibilities in this generation and that is the responsibility of some type of vision to defend this country so that, as this new generation comes of age in our country, they are going to be able to relax knowing that if somebody launches accidentally against the United States or intentionally against the United States we will not have to sustain casualties in the hundreds and hundreds and hundreds of thousands. We will not have to do it because we will have the capability to defend against it.

Now, some of my colleagues, interestingly, have said, and some of the press, "Well, let's just have a very limited missile ballistic system. Let's just have a few defensive missiles in Alaska and nowhere else in the country. Let's just have a little bit."

Give me a break. Give me a break. You cannot do it halfway. You cannot afford to be derelict in your responsibility. You cannot afford to say to the United States of America, all right, we will protect this portion of the Nation, but the rest of you, because it happens to be politically correct today, we are not going to put a missile defensive system that will help you.

By the way, the missile attacks may not necessarily come against the cities. A good place for a missile attack may be Hoover Dam, knock out 70 percent of the water in the West, knock out the power generation. Psychologically, think of what you would do to a country. You could hit a nuclear generation facility. There are a lot of different targets out there. You cannot just say we are going to defend a little tiny part of the country. That is what some of my colleagues are saying.

I think some of my colleagues have picked this issue up not because they really believe that the United States should not have a missile defense system. I think some of my colleagues have picked this issue up simply because it is a big issue for our new President, George W. Bush, and so politically they are searching for something to attack the President on and this happens to be what they have gotten.

Let me beg all of you, and I said beg. I do not like begging anybody—neither do you—but let me beg each and every one of you, do not use this as your political issue. This is the wrong issue. From a bipartisan point of view, we all have an obligation, as fundamental as protecting our children when they were babies. We have a fundamental obligation to the people we represent to provide a defense for them, to make sure that nobody, friendly in case of an accidental launch or unfriendly in case of an intentional launch, we have an obligation to give our people the maximum protection, the maximum protection against that type of an attack.

Let us talk about the system the President has proposed.

Real briefly, before we get into that, let me just show this poster because I think this poster accurately reflects and gives you an idea. Remember, that in 1972 when the Soviet Union and the United States signed the Antiballistic Missile Treaty, this map only had two areas of blue color, over here in the Soviet Union and right here in the United States of America. Look at where we are today. Look at where we are today. These colors reflect right here countries possessing ballistic missiles.

Take a look at the number of countries that we have on this poster to my left. Let us start over in the extreme left, the Ukraine, UAE, U.S. obviously, Vietnam, Yemen, Taiwan, Syria, South Africa, Slovakia, Saudi Arabia, Russia, North Korea, South Korea, Libya, Pakistan, Poland, keep going, Iran, Iraq, Israel, Hungary, China, Croatia, Czech Republic, Egypt, France, Afghanistan, Algeria, Argentina, Bulgaria. Take a look at that.

Let me say, look to my left at this poster. How can any one of my colleagues say that with this kind of threat, and everywhere there is purple there is a threat to the United States of America, with this kind of a threat you are saying to the people of the United States of America that we should not be able to defend against this? How can you look at your constituents when you go back to your district? Or, even more importantly, how can you look at yourself in the mirror and say that under these kind of circumstances with this kind of current existing threat, not even assuming what will be in existence 10 years from now, but even under the current conditions of the threat, how can you look yourself in the mirror and say, I am not going to allow the country that I represent to build a missile defensive system?

□ 2200

You cannot do it. You cannot do it. We have that obligation. We owe it to the people of this Nation, and we have an obligation for vision to the people of the next generation and the next generation to make sure that no matter how spread over here on my left, no matter how spread this purple is, no matter how many countries in the world have missiles, we will have a missile defense system that will stop it. We will have a missile defense system that, by the way, we are willing to share with our friends. We can do it. We can do it, and we have an obligation to do it.

Now, let me shift. Earlier, as I said, I wanted to talk for a few moments about the capability of the technology that we have got. What do I envision of a missile defensive system?

Well, what we have got, we are going to have to have several elements of it. I do not have my diagram here this evening to show you, so I am going to explain it the best I can.

You do not want a missile defense system which intercepts the enemy missile or the accidental launch of a missile over the United States. That is the last resort. Why hit a missile over New York City? If it is going to hit New York City and you destroy it a mile above New York City, you may in fact have more casualties. You do not want to have to bring down a nuclear missile over the air space of the United States of America. So that is the last choice you want.

Now, that may be, under some circumstances, the only alternative you have got. But under the technology we are trying to develop, and, let me tell you, if the United States of America can put a man on the moon, if the United States of America can discover penicillin and utilize it in this country, if the United States of America can do some of the amazing accomplishments that we have done, whether it is the invention of the airplane, cars or et cetera, et cetera, et cetera, we can develop the technology to do what I envision, what the President envisions, the type of defensive system we need.

What would it include? It would have to have a space laser intercept. The advantage of being able to utilize a defensive satellite with laser intercept in space is that you can move that satellite to any trouble spot. So if, for example, and again referring to my map on the left, if, for example, we end up with a problem down in this area, and we have got a satellite defense system over here, take a look at this poster to my left, we can move the satellite so it is right over the country that is our threat.

Now, obviously if we have an accidental launch, we want to be able to pick that accidental launch up. But a lot of our threat in the future will begin with or be preceded with tensions between the countries. There will be high tensions. We will know that a conflict is approaching. So, as a defensive move, as a preemptive move, we will move our satellite over that vicinity where we think their missiles are located.

What we want to be able to do, the ideal situation is to destroy a missile that is targeted for the United States of America, to destroy that missile on its launching pad. Let the country that is going to send the missile our way, let them deal with the missile exploding on a pad right there in their own country.

How many countries do you think are going to want to fire a missile against the United States, a nuclear missile, or a biological missile, if they know that the United States has the capability of destroying that missile while it is still in their own country? There is not a lot of incentive to do that kind of thing.

So we have got a system that, upon its launch, or being able to destroy on its launching pad the missile. If the missile gets off its launching pad and begins to come across, then this is going to really be a three tier system, space, sea and land. So out over here, you are going to have to have intercept missiles based on ships that are going to be able to target and hopefully destroy that missile while it is out over the ocean, where it is going to have the minimal amount of impact.

Now, remember that any time you destroy a missile in air space, you still have air currents, so the fact that we destroy this missile out here somewhere over the Atlantic does not mean we are not going to have an impact over the continental United States. In fact, because of the air currents, we may very well.

But we do know this: We are a lot better off to destroy that missile here before it hits here in New York City or Colorado Springs or Los Angeles.

Finally, the third part of our technology, the land-based system would be our last resort, which means that our laser beam and our space defense system missed it, our ship sea defense system missed it, so we have got a final try, and that is our land-based system, as that missile comes into the final few miles before it hits its target.

My interest on discussing technology tonight is to tell you that the technology will be available; that the United States of America is leading every country in the world in the development of this technology; that this test that we had 2 weeks ago, where a missile was fired and approaching the target, 4½ miles a second, 4½ miles a second, our technology that we have right now, we were able to launch an intercept missile also going 4½ miles a second, and we were able to, in essence, bring two bullets together out there in the air space, and we stopped it. It was a successful test.

Now, we have a long ways to go, but we can accomplish this. I think one way to help us with this technology in this area is for us to give it political support.

My purpose here tonight is not to act like a scientist. I am not a scientist. I can no more tell you about nuclear physics, I am not much better at frying an egg than that. I can tell you about political support.

The President has stepped forward, I think in a very courageous manner, to say, look, somebody has to say what needs to be said, and what needs to be said is that the United States of America needs a defensive system; a defense not only against an intentional launch, but an accidental launch as well. And this President, George W. Bush, has had the courage to step forward.

All the politically correct people, the Europeans, people in our own country, people on this House floor, jump up as an issue, not because I think they really believe in it, but as an issue, and say, how dare you talk about the United States having a defensive system, a system that would protect them from an intentional or accidental launch? How dare you do that. That is not politically correct.

But our President is determined, and our President has in his heart and has as a principle of his entire philosophy that he has inherent responsibility to the people of the Nation that he serves to protect them from a missile launch. So he said what has to be said.

We need to give that President political support. Do not take cheap shots off this floor. Do not go to your newspaper and talk about technologically it is impossible. Our former President, I heard a former President say this morning, I heard a quote about it is a technological impossibility or something similar to that.

Wake up. What happened 2 weeks ago? We do have the technology available to get us to the point we need to get that will provide a defensive system for this Nation, for this generation and for the following generations, to protect our own children, not just ourselves, but our own children and our grandchildren from a missile attack. So we will have the technology.

But we are not going to get to the technology and we are not going to get to the point where we can protect the citizens of this country if we do not have enough guts to stand up and do what is necessary, and that is give the political support to the President and to the administration with a green light to go ahead, and say, Mr. President, build a system that will protect your and our country. Mr. President, you have an obligation to defend this country. You are on the right track.

Every one of us in these chambers, to the person, ought to be willing to stand strong against political correctness and say to the world, Look, world: No matter how much you criticize, the United States is not going to make itself a target for many multitudes of countries in the future to launch a missile attack against us.

The United States will not allow itself to get into a position where some small country, or some large country, or any country, can intimidate, threaten, or force the United States to take an action they do not want to take, simply because they have the capability to launch a missile into a city in the United States of America. We owe this to the people. We owe it to them.

So let me in my remaining moments, these last 12 minutes, kind of reiterate the importance of the issue that we are talking about tonight.

Obviously Social Security is critical for us. Health care is an important issue for us. Education, I could tell you about that. I would love to talk about education. To me in the West, public lands, water issues. There are a lot of important issues for us. So I am not meaning to discount any other issue. I am not meaning to dilute your own personal platform as far as what you think is important.

But I can tell you this: I sincerely believe that if we lay out all the issues, we put them on this table, I cannot believe of an issue that is more important nor a threat more impending than missiles, and that issue of missile defense is something important for every one of us on a bipartisan basis.

Unfortunately, what I am sensing is that my colleagues, a good number, not all of my colleagues, but some on the liberal side of the Democratic Party, the liberal aspects of the Democratic Party, have decided that a missile defense is not good for this country; that this country should not defend itself from a missile attack.

More than that, I think the real thing that is driving the liberal side of some of these thinkers is that it is President Bush really pushing it. He might get it done. We certainly cannot allow him to accomplish this kind of thing.

So I am asking all of you, and I asked in my previous comments, set the partisanship aside. Set it aside and think about the vision that we owe for future generations. Think about what we need to do to assure that people even 10 years from now will not be intimidated or have the entire future of this country at risk because somebody launches, accidentally, not even intentionally, somebody launches accidentally a missile against the United States of America.

We can all stand together. This is an issue that is not Republican, not Democrat. It is an issue that we can join with the administration, with George W. Bush, to take to the American people, and we can deliver to the American people a security net; a security net that is as important to the American people as a seat belt is to you in a car. We can deliver a security net that will assure the American people, and our allies, and our allies, that no other country in the world can threaten or launch a missile successfully against the United States of America.

Now, earlier in my comments I mentioned about political courage, and it is very interesting to hear all the bashing that has gone on about President George W. Bush's position of missile defense in Europe, that the Europeans, the way you read the media, you would think the Europeans are entirely unified in opposition to this; they are aghast; they are astounded that a Nation like the United States would think of building a system that would defend themselves from a missile attack.

But, do you know what? That wall has cracked. Do you know what? There are countries over there in Europe saying, wait a minute. You know, I think it is nice to bash the United States of America, but, you know, they got a point here. This missile defensive system, you know, it might work. In fact, after this test 2 weeks ago that they did, this thing is going to work, and the United States is going to have a system that defends their citizens from attack. Maybe we ought to do the same thing.

Who is saying that? Look at the United Kingdom, the Brits. They are saying, hey, we support the United States.

Take a look at Italy this last weekend. Take a look at the comments from Italy. Their leader has said in Italy, we strongly support and strongly advocate the United States of America building a defensive missile system.

Take a look at Spain. They are not far behind.

Do you know what is going to happen? As the rest of the world has in the past, as they are amazed by American technology, they are going to come on board. My prediction is 15 years from now, almost every Nation in the world will have some type of missile defensive system. And what happens when that happens? What happens when that happens? You know what? It takes that very deadly, lethal weapon, the missile; it significantly lowers the risk of impact, negative impact, from that missile. Because what good are missiles, especially in any kind of volume, if a defensive missile system will stop them from being effective, or, even more importantly, if you have a defensive missile system that will destroy the missile on its launching pad in the country that wants to fire it, so it does devastating damage to that country?

You know, there is not a lot of incentive to fire a missile against the United States, if you know the United States can pick it up, fire a laser, and stop that missile on its launching pad. It kind of makes short history of the people around your launching pad.

There are so many things that are essentially common sense in missile defense. Common sense in missile defense. Think about it. Go out and talk to your constituents this weekend. First of all, ask your constituents, find out how many of them today think we have some type of protection. It is surprising. A lot of our constituents think that today we can defend ourselves against a missile defense attack.

□ 2215

We cannot. Once you get by that with your constituents this week, sit down, put your partisanship aside, and for the liberal segment here, for the liberal people, put that aside, just for a few moments and ask the people, person-to-person, all politics aside, person-to-person, do you think it would be a good idea for this Nation to defend itself against an intentional or accidental launch against our citizens?

Guess what? You will get a resounding yes and probably followed by a comment, why have we not done it already? What are you guys doing? I thought we had a defensive system in place.

That is what the American people are saying to us. We are their leaders. We are not kings. We have been elected by these people in a representative government to come up here. We have fiduciary duties. That is the highest responsibility of duty to our Nation and to its people, to do what will protect the public interest and will protect our country and allow our country to remain strong into the future.

Right now, the number one issue at the very front is a missile defense system.

In conclusion, I ask every one of my colleagues, regardless of what State you are from, whether you are from Massachusetts or Florida or Oregon or Colorado, that you step forward and start giving political support so that we can then advance the technological support to implement, as President George W. Bush has asked, a missile defensive system to protect the citizens and future generations of this country. It is our responsibility. It is not our neighbor's responsibility. It is our responsibility. I hope each and every one of us carries it out to the fullest extent.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–163) on the resolution (H. Res. 209) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BLUMENAUER (at the request of Mr. GEPHARDT) for after 4 p.m. today and the balance of the week on account of emergency family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. DEUTSCH, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. DEFAZIO for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. HASTINGS of Washington) to revise and extend their remarks and include extraneous material:)

Mr. SWEENEY, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, July 26, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3053. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Blueberry Promotion, Research, and Information Order; Amendment No. 1 [FV–00–706–FR] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3054. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues Derived Through Conventional Breeding From Sexually Compatible Plants of Plant Incorporated Protectants (Formerly Plant-Pesticides) [OPP–300368B; FRL–6057–6] (RIN 2070–AC02) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3055. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Department's final rule—Exemption From the Requirement of a Tolerance Under the Federal Food, Drug, and Cosmetic Act for Residues of Nucleic Acids that are Part of Plant Incorporated Protectants (Formerly Plant-Pesticides [OPP–300371B; FRL–6057–5] (RIN 2070–AC02) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3056. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regulations Under the Federal Insecticide, Fungicide, and Rodenticide Act for Plant Incorporated Protectants (Formerly Plant-Pesticides [OPP–300369B; FRL–6057–7] (RIN: 2070–AC02) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3057. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the determination and a memorandum of justification pursuant to Section 2(b)(6) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

3058. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Office's final rule—Risk-Based Capital Regulation—received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3059. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Commission Policy Statement on the Establishment and Improvement of Standards Related to Auditor Independence [Release Nos. 33–7993; 34–44557; IC–25066; FR–50 A] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3060. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Assuring Access to Health Insurance Coverage in the Large Group Market"; to the Committee on Energy and Commerce.

3061. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 130–1130a; FRL–7016–4] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3062. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Control of VOC's from Wood Furniture Manufacturing, Surface Coating Processes and Other Miscellaneous Revisions [PA 168–4109a; FRL–7013–7] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3063. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions from Organic Chemical Production [MD 118 3073a; FRL–7014–1] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3064. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Rutland, Vermont) [MM Docket No. 00–12; RM–9706] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3065. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Caro and Cass City, Michigan) [MM Docket No. 01–33; RM–10060] (Warsaw and Windsor, Missouri) [MM Docket No. 01–34; RM–10061] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3066. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Steubenville, Ohio and Burgettstown, Pennsylvania) [MM Docket No. 01–6; RM–10009] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3067. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pana, Taylorville and Macon, Illinois) [MM Docket No. 00–160; RM–9928] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3068. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Thermopolis and Story, Wyoming) [MM Docket No. 00–159; RM–9889] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3069. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Quartzsite, Arizona) [MM Docket No. 01–70; RM–10082] (Leesville, Louisiana) [MM Docket No. 01–71; RM–10083] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3070. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Abingdon and Canton, Illinois) [MM Docket No. 01–67; RM–10084] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3071. A letter from the Chair, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a report on the District of Columbia Fiscal Year 2002 Budget and Fiscal Year 2002–2005 Financial Plan Review; to the Committee on Government Reform.

3072. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S.A. CFM56–3, –3B, and –3C Series Turbofan Engines, Correction [Docket No. 98–ANE–57; Amendment 39–12124; AD 2001–04–06] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3073. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Limited, Areo Division-Bristol, S.N.E.C.M.A. Olympus 593 Mk. 610–14–28 Turbofan Engines [Docket No. 2000–NE–07–AD; Amendment 39–12310; AD 2001–13–28] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3074. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7 Series Airplanes [Docket No. 2000–NM–272–AD; Amendment 39–12266; AD 2001–12–11] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3075. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters [Docket No. 2001–SW–02–AD; Amendment 39–12272; AD 2001–01–52 R1] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3076. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–90–30 Series Airplanes [Docket No. 2000–NM–323–AD; Amendment 39–12270; AD 2001–12–15] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3077. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes [Docket No. 2000–NM–320–AD; Amendment 39–12269; AD 2001–12–14] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3078. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model CN–235 Series Airplanes [Docket No. 2000–NM–262–AD; Amendment 39–12274; AD 2001–12–18] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Hawker 800XP Series Airplanes [Docket No. 2000–NM–176–AD; Amendment 39–12273; AD 2001–12–17] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–158–AD; Amendment 39–12277; AD 2001–12–21] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 2001–NM–33–AD; Amendment 39–12280; AD 2001–12–24] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and Model A300 B4–600, A300 B4–600R, and A300 F4–600R (Collectively Called A300–600) Series Airplanes [Docket No. 2000–NM–261–AD; Amendment 39–12297; AD 2001–13–16] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes Equipped with Rolls Royce Engines [Docket No. 98–NM–271–AD; Amendment 39–12296; AD 2001–13–15] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V Series Airplanes [Docket No. 2001–NM–83–AD; Amendment 39–12191; AD 2001–08–13] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4–601, B4–603, B4–620, B4–605R, B4–622R, and F4–605R (Collectively Called A300–600) Series Airplanes [Docket No. 2000–NM–306–AD; Amendment 39–12298; AD 2000–03–20 R1] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 99–NM–313–AD; Amendment 39–12292; AD 2001–13–12] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT–34), A45 (T–34A, B–45) and D45 (T–34B) Airplanes [Docket No. 2000–CE–09–AD; Amendment 39–12300; AD 2001–13–18] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 2000–NM–273–AD; Amendment 39–12267; AD 2001–12–12] (RIN: 2120–AA64) received July 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aircraft Operator Security [Docket No. FAA–2001–8725; formerly Docket No. 28978; Amendment No. 108–18] (RIN: 2120–AD45) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3090. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airport Security [Docket No. FAA–2001–8724; formerly Docket No. 28979; Amendment No. 107–13, 139–23] (RIN: 2120–AD46) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3091. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Rules of Practice: Medical Opinions from the Veterans Health Administration (RIN: 2900–AK52) received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3092. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Extension of Relief Relating to Application of Nondiscrimination Rules for Certain Church Plans and Governmental Plans [Notice 2001–46] received July 17, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3093. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that shrimp harvested with technology that may adversely affect certain sea turtles may not be imported into the United States unless the President makes specific certifications to the Congress by May 1, pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALSH: Committee on Appropriations. H.R. 2620. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–159). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2436. A bill to provide secure energy supplies for the people of the United States, and for other purposes; with an amendment (Rept. 107–160 Pt. 1).

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107–161). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2587. A bill to enhance energy conservation, provide for security and diversity in the energy supply for the American people, and for other purposes; with an amendment (Rept. 107–162 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on Ways and Means, Science, Transportation and Infrastructure, the Budget, and Education and the Workforce discharged from further consideration of H.R. 2587.

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H.R. 2436 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2436. Referred to the Committee on Energy and Commerce extended for a period ending not later than July 25, 2001.

H.R. 2587. Referral to the Committees on Ways and Means, Science, Transportation and Infrastructure, the Budget, and Education and the Workforce for a period ending not later than July 25, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HART (for herself and Ms. Baldwin):

H.R. 2621. A bill to amend title 18, United States Code, with respect to consumer product protection; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 2622. A bill to prohibit the interstate transport of horses for the purpose of slaughter or horse flesh intended for human consumption, and for other purposes; to the Committee on Agriculture.

By Mr. MEEHAN (for himself, Mr. McGovern, and Mr. Frank):

H.R. 2623. A bill to extend the deadline for granting posthumous citizenship to individuals who die while on active-duty service in the Armed Forces; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. Tom Davis of Virginia, Mr. Stupak, Mr. Souder, Mr. Frost, Ms. Jackson-Lee of Texas, Mr. Lantos, Ms. McKinney, and Ms. Roybal-Allard):

H.R. 2624. A bill to authorize the Attorney General to make grants to honor, through permanent tributes, men and women of the United States who were killed or disabled while serving as law enforcement or public safety officers; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. Filner, Mr. Honda, and Ms. Waters):

H.R. 2625. A bill to amend the Higher Education Act of 1965 to eliminate consideration of the amount of a student's tuition in determining the amount of a student's basic grant; to the Committee on Education and the Workforce.

By Mr. BOEHLERT:

H.R. 2626. A bill to authorize research, development, demonstration, and commercial application activities relating to clean coal technologies, and for other purposes; to the Committee on Science.

By Mr. CONYERS (for himself, Mrs. Christensen, Mr. Bonior, Mrs. Jones of Ohio, Ms. Solis, Mr. Davis of Illinois, Ms. Lee, Ms. Schakowsky, Mr. Thompson of Mississippi, and Mr. Rush):

H.R. 2627. A bill to amend title XIX of the Social Security Act to permit uninsured families and individuals to obtain coverage under the Medicaid Program, to assure coverage of doctor's visits, prescription drugs, mental health services, long-term care services, alcohol and drug abuse treatment services, and all other medically necessary services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CRAMER:

H.R. 2628. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the

Muscle Shoals National Heritage Area in Alabama, and for other purposes; to the Committee on Resources.

By Mr. CRANE (for himself, Mrs. Roukema, Mr. Snyder, Mr. Ferguson, Mrs. McCarthy of New York, Mr. McGovern, Mrs. Morella, Ms. Harman, Mr. Greenwood, Mr. Shimkus, Mr. Hall of Ohio, Mr. Rush, and Ms. Slaughter):

H.R. 2629. A bill to amend the Public Health Service Act to provide for research, information, and education with respect to blood cancer; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. Brown of Ohio, Mr. Waxman, Mr. Stark, Mr. Gephardt, Mr. Allen, Mr. Baldacci, Mr. Doyle, Mr. Frank, Mr. Frost, Mr. Green of Texas, Mr. Moran of Virginia, Mr. Moore, Mr. Pallone, Ms. Schakowsky, Ms. Norton, Mr. Blagojevich, Mr. Rush, Mr. Towns, Mr. Strickland, Mr. Kleczka, Mr. Boucher, Mrs. Christensen, Mrs. Thurman, Mr. Engel, Mr. Tierney, Mr. John, Mr. Markey, Mr. Watt of North Carolina, Mr. Owens, Mr. Wynn, Mr. Nadler, Mrs. Capps, Mr. McGovern, Mr. George Miller of California, Mr. Kildee, and Mr. Jefferson):

H.R. 2630. A bill to amend titles XIX and XXI of the Social Security Act to provide for FamilyCare coverage for parents of enrolled children, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DUNN (for herself and Mr. Cramer):

H.R. 2631. A bill to accelerate the repeal of the estate and generation-skipping transfer taxes and the reduction in the maximum gift tax rate; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mrs. Capito, and Mr. Terry):

H.R. 2632. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to affordable outpatient prescription drugs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN (for himself, Mr. Grucci, Mrs. Kelly, Mr. Hinchey, Mr. Gilman, Mr. Ackerman, Mr. King, Mr. Sanders, Mr. Pallone, Mrs. Roukema, Mrs. McCarthy of New York, Mr. LaFalce, Ms. DeLauro, Mr. McHugh, Mr. Fossella, Mr. Crowley, Mr. Weiner, Mr. Bass, Mr. Pascrell, Mr. Larson of Connecticut, Mr. Payne, Mr. Holt, Mr. Sweeney, Mr. McNulty, Mr. Ferguson, Mr. Menendez, Mr. Rothman, and Ms. Velázquez):

H.R. 2633. A bill to require the Secretary of Veterans Affairs to replace with a more equitable formula the current formula, known as the Veterans Equitable Resource Allocation (VERA), for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN (for himself, Mr. Grucci, Mrs. Kelly, Mr. Hinchey, Mr. Gilman, Mr. Ackerman, Mr. King, Mr. Sanders, Mr. Pallone, Mrs. Roukema, Mrs. McCarthy of New York, Mr. LaFalce, Ms. DeLauro, Mr. McHugh, Mr. Fossella, Mr. Crowley, Mr. Weiner, Mr. Bass, Mr. Pascrell, Mr. Larson of Connecticut, Mr. Payne, Mr. Holt, Mr. Sweeney, Mr. McNulty, Mr. Ferguson, Mr. Menendez, Mr. Rothman, Ms. Velázquez, Mrs. Maloney of New York, and Mr. Saxton):

H.R. 2634. A bill to require the Secretary of Veterans Affairs to modify the formula, known as the Veterans Equitable Resource Allocation (VERA) system, for the allocation of funds appropriated to the Department of Veterans Affairs for medical care to different geographic regions of the Nation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 2635. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals; to the Committee on Energy and Commerce.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Gilman, Mr. George Miller of California, Mr. Kildee, Mr. Strickland, Mr. Stark, Mr. DeFazio, Mr. Sanders, Mr. Udall of New Mexico, Ms. Jackson-Lee of Texas, Mr. Owens, Ms. Norton, Ms. McKinney, Mr. McGovern, Mr. Bonior, Ms. Schakowsky, Ms. Solis, Mr. Hilliard, Mr. Ford, Mrs. Jones of Ohio, Mr. Cramer, Mr. Langevin, Mr. Tom Davis of Virginia, Mr. Foley, Mr. Cummings, Mr. Sandlin, Mr. Abercrombie, Mr. Scott, Mrs. Mink of Hawaii, Mr. Blagojevich, Mr. Meeks of New York, Mr. Allen, Mr. Kucinich, Mr. Reyes, Mr. Conyers, Mr. Fattah, and Ms. Watson):

H.R. 2636. A bill to establish a grant program to promote emotional and social development and school readiness; to the Committee on Education and the Workforce.

By Mr. LoBIONDO (for himself, Mr. Capuano, Mrs. Bono, Mr. Baldacci, Mr. Spratt, Mr. Reyes, Mr. Duncan, and Mr. Spence):

H.R. 2637. A bill to correct inequities in the second round of empowerment zones and enterprise communities; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McKEON (for himself, Mr. Berman, Mr. Peterson of Pennsylvania, Mr. Sandlin, Mrs. Morella, Mr. Frank, Mr. Boehlert, Mr. Paul, Mr. Matsui, Mr. Stark, Mrs. Davis of California, Ms. Lee, Mr. Baldacci, Mr. Rush, Mr. Allen, Mr. Filner, Mr. Lantos, Ms. Lofgren, Mr. Frost, Mr. Sherman, Mr. Baca, Mr. Schiff, Mr. Waxman, Ms. Waters, Ms. Woolsey, Ms. Roybal-Allard, Ms. Solis, Ms. Watson, and Ms. Eshoo):

H.R. 2638. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mr. PITTS (for himself, Mr. Souder, Mr. Kind, Mr. Peterson of Pennsylvania, Mr. Fattah, Mr. English, Mr. Gekas, and Mr. Regula):

H.R. 2639. A bill to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Education and the Workforce.

By Mr. SERRANO (for himself and Mr. Lewis of Georgia):

H.R. 2640. A bill to establish the Elie Wiesel Youth Leadership Congressional Fellowship Program in the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. STARK:

H.R. 2641. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain gifts and benefits provided to physicians by prescription drug manufacturers; to the Committee on Ways and Means.

By Mr. UPTON (for himself and Mr. Stupak):

H.R. 2642. A bill to establish a National Commission on Farmworkers and Federal Health Coverage to study the problems of farmworkers under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. Baird, and Mr. Souder):

H.R. 2643. A bill to authorize the aquisition of additional lands for inclusion in the Fort Clatsop National Memorial in the State of Oregon, and for other purposes; to the Committee on Resources.

By Mr. YOUNG of Alaska (for himself, Mr. Hayworth, Mr. Camp, and Mr. Cannon):

H.R. 2644. A bill to make technical amendments to the Indian Child Welfare Act of 1978; to the Committee on Resources.

By Mr. BOSWELL:

H.R. 2645. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry that works in conjunction with State organ and tissue donor registries, to create a public-private partnership to launch an aggressive outreach and education campaign about organ and tissue donation and the Registry, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.J. Res. 58. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. STEARNS (for himself and Mr. Lewis of Georgia):

H. Con. Res. 197. Concurrent resolution expressing the sense of Congress regarding the establishment of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Government Reform.

By Mr. MEEKS of New York (for himself, Mr. Menendez, Mr. Rangel, Mrs. Christensen, Mr. Hinchey, Mrs. Clayton, Mr. Towns, Mr. Jackson of Illinois, Ms. McKinney, Mr. Clay, Ms. Brown of Florida, Mrs. Meek of Florida, Mr. Rush, Mrs. Jones of Ohio, Mr. Payne, Mr. Wynn, Mr. Owens, Mr. Thompson of Mississippi, Mr. Fattah, Mr. Hastings of Florida, Mr. Engel, Mr. Faleomavaega, Mrs. Maloney of New York, and Mr. Quinn):

H. Con. Res. 198. Concurrent resolution expressing the sense of Congress regarding civil unrest in Jamaica; to the Committee on International Relations.

By Mr. RANGEL:

H. Con. Res. 199. Concurrent resolution expressing the sense of the Congress regarding the national nutrition program for the elderly, on the occasion of the 30th anniversary of its establishment; to the Committee on Education and the Workforce.

By Mr. TIAHRT (for himself and Mr. Chambliss):

H. Con. Res. 200. Concurrent resolution expressing the sense of Congress in opposition to the retirement of 33 B-1 Lancer aircraft as proposed by the Air Force; to the Committee on Armed Services.

By Mr. FROST:

H. Res. 207. A resolution designating minority memebership on certain standing committees of the House; considered and agreed to.

By Ms. BROWN of Florida:

H. Res. 208. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in honor of Zora Neale Hurston; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mrs. Maloney of New York.

H.R. 133: Mr. Abercrombie.

H.R. 134: Mr. Underwood and Mr. Evans.

H.R. 179: Mr. Burton of Indiana.

H.R. 292: Ms. Millender-McDonald, Mr. Ackerman, Mr. Frost, Mr. McNulty, and Ms. Woolsey.

H.R. 293: Mr. Udall of Colorado.

H.R. 303: Mr. Issa.

H.R. 326: Mr. Kirk.

H.R. 331: Mr. Schaffer and Mr. Brown of South Carolina.

H.R. 397: Mr. Platts, Mr. LoBiondo, Mr. Honda, Mr. Rush, Mr. Clyburn, Mrs. Davis of California, Mr. Boswell, Ms. Brown of Florida, Mr. Davis of Illinois, and Ms. Kaptur.

H.R. 481: Mr. Nadler.

H.R. 490: Mr. Thompson of Mississippi, Mr. Hyde, Mr. Greenwood, Mr. Taylor of Mississippi, and Mr. Snyder.

H.R. 491: Mr. Brown of South Carolina, Ms. Millender-McDonald, Ms. Lee, and Mrs. Napolitano.

H.R. 527: Mr. Forbes, Mr. Graham, and Mr. Hall of Texas.

H.R. 534: Mr. Moore, Mr. Weller, and Mr. Bereuter.

H.R. 632: Mr. Traficant.

H.R. 638: Mr. Lewis of Georgia.

H.R. 664: Mr. Boswell and Mr. Peterson of Minnesota.

H.R. 677: Ms. Kaptur, Ms. Hart, and Mr. Hostettler.

H.R. 742: Mr. Boucher, Ms. Eshoo, and Mr. Leach.

H.R. 747: Mr. Sherman.

H.R. 781: Mr. Dingell.

H.R. 836: Mr. Smith of Washington.

H.R. 902: Mr. Kucinich.

H.R. 912: Mr. Platts.

H.R. 917: Mr. Sanders.

H.R. 975: Mr. Kennedy of Rhode Island.

H.R. 1051: Mr. Israel.

H.R. 1089: Mr. Shaw.

H.R. 1090: Mr. Price of North Carolina, Mr. Pastor, Mr. LaTourette, and Ms. Roybal-Allard.

H.R. 1097: Mr. Filner.

H.R. 1143: Mr. Andrews and Mr. Hall of Ohio.

H.R. 1155: Mrs. Davis of California, Mr. Rehberg, Mr. Sawyer, Mr. Thompson of Mississippi, Mr. Simmons, and Mr. Langevin.

H.R. 1170: Mr. Tierney.

H.R. 1254: Mr. Bereuter.

H.R. 1331: Mr. Clement and Mr. Simmons.

H.R. 1361: Mr. Bonior, Mr. Filner, and Mr. Gonzalez.

H.R. 1382: Mr. Price of North Carolina.

H.R. 1388: Mr. Gilchrest.

H.R. 1408: Mrs. Northup and Ms. Pryce of Ohio.

H.R. 1464: Mr. Hastings of Florida.

H.R. 1465: Mr. Simmons.

H.R. 1487: Mr. Rohrabacher.

H.R. 1597: Mr. Wamp.

H.R. 1645: Mr. Mollohan, Mr. Smith of Washington, and Ms. McCarthy of Missouri.

H.R. 1700: Ms. Woolsey, Mr. Fattah, and Mr. Cooksey.

H.R. 1707: Mr. Blumenauer.

H.R. 1718: Mr. Mollohan, Mr. Rothman, Mr. Kanjorski, Ms. Berkley, Mr. John, Mr. Berry, and Mr. Dicks.

H.R. 1733: Mr. Mollohan and Mr. Pascrell.

H.R. 1774: Ms. Ros-Lehtinen.

H.R. 1822: Mr. Strickland and Mr. LaHood.

H.R. 1891: Mr. Nethercutt.

H.R. 1895: Mr. Whitfield.

H.R. 1975: Mr. Inslee, Mr. DeMint, and Mr. Gillmor.

H.R. 1990: Ms. Eshoo.

H.R. 1997: Mr. Hoyer.

H.R. 2001: Mr. Young of Alaska.

H.R. 2081: Ms. Hart.

H.R. 2096: Mr. Gary G. Miller of California, Mr. Chabot, Mr. Weller, and Mr. Kerns.

H.R. 2117: Mr. Ford, Mr. Graham, and Mrs. Lowey.

H.R. 2122: Mr. Bereuter.

H.R. 2123: Mr. Ehrlich and Mr. Graves.

H.R. 2125: Mrs. Mink of Hawaii.

H.R. 2138: Ms. Watson.

H.R. 2158: Ms. Berkely.

H.R. 2164: Ms. Hart.

H.R. 2166: Mr. McDermott.

H.R. 2174: Mr. Snyder and Mr. Kucinich.

H.R. 2175: Mr. Kerns, Mr. Platts, and Mr. Kildee.

H.R. 2177: Mr. Carson of Oklahoma, Mr. Istook, and Mr. Rohrabacher.

H.R. 2181: Mrs. Mink of Hawaii, Mr. Larsen of Washington, and Mr. Baca.

H.R. 2220: Mr. Hefley and Mr. Frank.

H.R. 2263: Ms. Eshoo.

H.R. 2281: Mr. Rangel, Mr. Watt of North Carolina, Mr. Matsui, and Mr. Thompson of Mississippi.

H.R. 2294: Mr. Price of North Carolina and Mr. Abercrombie.

H.R. 2302: Mrs. Mink of Hawaii.

H.R. 2308: Mr. Hutchinson.

H.R. 2315: Mr. Burton of Indiana.

H.R. 2354: Mr. Gilman.

H.R. 2364: Mr. Kennedy of Rhode Island, Mr. Mollohan, and Mr. Matsui.

H.R. 2375: Ms. Slaughter, Mr. McGovern, Mr. Pascrell, Mr. Ford, Mr. Markey, Mr. Tierney, and Mr. Sawyer.

H.R. 2410 : Mr. Stearns.

H.R. 2417: Mrs. Bono.

H.R. 2453: Mr. Ehrlich.

H.R. 2487: Mr. Davis of Ilinois.

H.R. 2550: Mr. Knollenberg, Mr. McDermott, and Mrs. Thurman.

H.R. 2558: Mr. Gutknecht.

H.R. 2560: Mr. Costello and Mr. Rush.

H.R. 2563: Mr. Schiff, Mr. Rahall, and Mrs. Lowey.

H.R. 2592: Ms. Baldwin.

H.R. 2605: Mr. Abercrombie.

H.J. Res. 6: Mr. Grucci.

H. Con. Res. 17: Mr. Weiner.

H. Con. Res. 77: Ms. Schakowky, Mr. Brown of Ohio, Ms. Eschoo, Mr. Gutierrez, Mr. Kucinich, Mr. Hinchey, and Mr. Scott.

H. Con. Res. 131: Mr. Gilman, Mr. Shimkus, Mr. Blagojevich, Mr. Terry, Ms. Slaughter, Mr. Hoeffel, Mr. Knollenberg, and Mr. McGovern.

H. Con. Res. 164: Mr. Filner.

H. Con. Res. 178: Ms. Ros-Lehtinen.

H. Con. Res. 188: Mr. Kildee, Ms. Roybal-Allard, Mr. Andrews, Mr. Boswell, Mr. Petri, Mr. Allen, Mr. Udall of New Mexico, Mr. Bonior, Mr. Terry, Mr. DeFazio, and Ms. Jackson-Lee of Texas.

H. Con. Res. 195: Mr. Smith of New Jersey, and Ms. Eshoo.

H. Res. 132: Mr. Tierney and Mr. Frank.

H. Res. 133: Mrs. Tauscher, Mr. Shays, Mr. Frost, Mr. Strickland, Mr. Leach, Ms. Lofgren, Mrs. Kelly, Ms. Kilpatrick, Mr. Conyers, Mr. Engel, and Mr. Udall of Colorado.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2620

Offered By: Mr. Andrews

Amendment No. 1: At the end of the bill (before the short title), insert the following:

Sec.   . For an additional amount for the Environmental Protection Agency for grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) for State expenses of formulating source water assessment programs under section 1453 of such Act, and the amount otherwise provided in this Act for "Department of Housing and Urban Development—Management and Administration—Salaries and Expenses" is hereby reduced by, $85,000,000.

H.R. 2620

Offered By: Mr. Andrews

Amendment No. 2: In title III, in the item relating to "Consumer Product Safety Commission—salaries and expenses", insert before the period at the end the following:

: *Provided*, That, of the amount provided under this heading for nonsalary expenses, $2,500,000 shall not be available for obligation until June 1, 2002

H.R. 2620

Offered By: Mr. Kleczka

Amendment No. 3: At the end of title I, insert the following new section:

Sec.   . (a) Authority of Department of Veterans Affairs Pharmacies to Dispense Medications to Veterans on Prescriptions Written by Private Practitioners.—Subsection (d) of section 1712 of title 38, United States Code, is amended to read as follows:

"(d) Subject to section 1722A of this title, the Secretary shall furnish to a veteran such drugs and medicines as may be ordered on prescription of a duly licensed physician in the treatment of any illness or injury of the veteran.".

(b) Clerical Amendments.—(1) The heading of such section is amended by striking the sixth through ninth words.

(2) The item relating to that section in the table of sections at the beginning of chapter 17 of that title is amended by striking the sixth through ninth words.

H.R. 2620

Offered By: Mr. Roemer

Amendment No. 4: In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—Veterans Health Administration—medical and prosthetic research", after the aggregate dollar amount, insert the following: "(increased by $10,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES", after the aggregate dollar amount, insert the following: "(increased by $56,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—CONSTRUCTION, MINOR PROJECTS", after the aggregate dollar amount, insert the following: "(increased by $10,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES", after the aggregate dollar amount, insert the following: "(increased by $30,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after the aggregate dollar amount in the first paragraph, insert the following: "(reduced by [$1,831,300,000,00]) (increased by $300,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after the aggregate dollar amount specified in the second paragraph for the development of a crew return vehicle, insert the following: "(reduced by [$275,000,000])".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—SCIENCE, AERONAUTICS AND TECHNOLOGY", after the aggregate dollar amount, insert the following: "[(reduced by $343,600,000)] (increased by $290,000,000) (increased by $20,000,000) (increased by $6,000,000) (increased by $49,000,000)".

In the item relating to "NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", after the aggregate dollar amount, insert the following: "(increased by $405,000,000)".

In the item relating to "NATIONAL SCIENCE FOUNDATION—MAJOR RESEARCH FACILITIES CONSTRUCTION AND EQUIPMENT", after the aggregate dollar amount, insert the following: "(increased by $62,000,000)".

In the item relating to "NATIONAL SCIENCE FOUNDATION—EDUCATION AND HUMAN RESOURCES", after the aggregate dollar amount, insert the following: "(increased by $34,700,000)".

In the item relating to "NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(increased by $5,900,000)".

H.R. 2620

OFFERED BY: MR. ROEMER

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used by the National Aeronautics and Space Administration—

(1) to obligate amounts for the International Space Station in contravention of the cost limitations established by section 202 of the National Aeronautics and Space Administration Authorization Act of 2000 (Pub. L. 106–391; 42 U.S.C. 2451 note); or

(2) to defer or cancel construction of the Habitation Module, Crew Return Vehicle, or Propulsion Module elements of the International Space Station.

H.R. 2620

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 6: In title III, in the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—EMERGENCY PLANNING AND ASSISTANCE", strike the period at the end and insert the following:

: *Provided*, That of the funds made available under this heading, $25,000,000 shall be available for purposes of predisaster hazard mitigation pursuant to section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133).

H.R. 2620

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 7: In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the last dollar amount, insert the following: "(reduced by $7,200,000)".

In title III, in the item relating to "ENVIRONMENTAL PROTECTION AGENCY—LEAKING UNDERGROUND STORAGE TANK TRUST FUND", after the last dollar amount, insert the following: "(increased by $7,200,000)".

H.R. 2620

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 8: In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND", after the aggregate dollar amount insert the following: "(reduced by $1,265,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)", after the aggregate dollar amount insert the following: "(increased by $100,000,000)".

H.R. 2620

OFFERED BY: MR. DAVIS OF ILLINOIS

AMENDMENT NO. 9: At the end of title II, insert the following new section:

SEC. 2 . For carrying out the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.), and the aggregate amount otherwise provided in by this title for "PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND" is hereby reduced by, $100,000,000.

H.R. 2620

OFFERED BY: MR. EVANS

AMENDMENT NO. 10: In title I, in the paragraph under the heading "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", after the first dollar amount, insert the following: "(increased by $1,200,000,000)".

In title III, under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after the dollar amount, insert the following: "(reduced by $1,520,000,000)".

H.R. 2620

OFFERED BY: MR. EVANS

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds provided by this Act may be used for the purpose of implementing any administrative proposal that would require military retirees to make an "irrevocable choice" for any specified period of time between Department of Veterans Affairs or military health care under the new TRICARE for Life plan authorized in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public 106–398).

H.R. 2620

OFFERED BY: MR. FRELINGHUYSEN

AMENDMENT NO. 12: At the end of the bill, after the last section (before the short title) insert the following new section:

SEC. . None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement or administer the Veterans Equitable Resource Allocation system.

H.R. 2620

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 13: In title I, in the paragraph under the heading "VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the dollar amount, insert the following: "(increased by $24,000,000)".

In title III, under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after the dollar amount, insert the following: "(reduced by $24,000,000)".

H.R. 2620

OFFERED BY: MR. HOLT

AMENDMENT NO. 14: At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . The Director of the Federal Emergency Management Agency may hereafter provide assistance under section 33 of the Federal Fire Prevention and Control Act of 1974, as added by Public Law 106–398 (15 U.S.C. 2229) to non-profit emergency medical service units and non-profit ambulance services, even if such units and services are independent and do not fall organizationally under the auspices of fire departments.

H.R. 2620

OFFERED BY: MR. LAFALCE

AMENDMENT NO. 15: In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the aggregate dollar amount, insert the following: "(reduced by $100,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the dollar amount specified for the Downpayment Assistance Initiative, insert the following: "(reduced by $100,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE GRANTS", after the aggregate dollar amount, insert the following: "(increased by $122,600,000)".

In title II, in the item relating to "MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by $22,600,000)".

H.R. 2620

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 16: In the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by $25,000,000) (increased by $25,000,000)".

H.R. 2620

OFFERED BY: MR. NADLER

AMENDMENT NO. 17: In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES", after the first dollar amount insert the following: "(increased by $4,806,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the aggregate dollar amount insert the following: "(increased by $195,194,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the seventh dollar amount (relating to incremental vouchers), insert the following: "(increased by $195,194,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the eighth dollar amount (relating to amounts made available on a fair share basis), insert the following: "(increased by $144,762,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the ninth dollar amount (relating to amounts made available to nonelderly disabled families), insert the following: "(increased by $50,432,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the aggregate dollar amount insert the following: "(reduced by $200,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the second dollar amount (relating to the Downpayment Assistance Initiative) insert the following: "(reduced by $200,000,000)".

H.R. 2620

OFFERED BY: MR. OBEY

AMENDMENT NO. 18. At the end of the bill, insert the following new section:

"SEC. 427. Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001), is amended by adding after the table the following:

"In the case of taxable years beginning during calendar year 2002, the preceding table shall be applied by substituting '39.1%' for '38.6%'."

In Title I, "DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH ADMINISTRATION":

In the paragraph "Medical Care", strike "$21,281,587,000" and insert "$21,581,587,000" in lieu thereof.

In Title II, "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, PUBLIC HOUSING CAPITAL FUND":

In the paragraph entitled "Public Housing Capital Fund", strike "$2,555,000,000" and insert "$2,822,000,000" in lieu thereof.

In Title II, "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, RURAL HOUSING":

After the paragraph entitled "Housing Opportunities for Persons with AIDS" insert the following new paragraph:

"RURAL HOUSING AND ECONOMIC DEVELOPMENT

"For the Office of Rural Housing and Economic Development, $25,000,000."

In Title II, "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT":

After the paragraph entitled "Homeless Assistance Grants: insert the following new section:

"SHELTER PLUS CARE RENEWALS

"For the renewal on an annual basis or amendment of contracts funded under the Shelter Plus Care program, as authorized under subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: *Provided*, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary."

In Title III, "ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL PROGRAMS AND MANAGEMENT":

In the paragraph entitled "Environmental Programs and Management", strike "$2,014,799,000" and insert "$2,021,799,000 in lieu thereof".

At the end of the paragraph entitled "Environmental Programs and Management", insert:

": *Provided further*, That the on-board staffing level of the Office of Enforcement and Compliance Assistance shall be maintained at not less than the level authorized for this Office as of December 31, 2000".

In Title III, "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE":

Strike the paragraph following the center head entitled "National and Community Service Programs, Operating Expenses" and insert the following new section:

"(INCLUDING TRANSFER OF FUNDS)

"For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $311,000,000, to remain available until September 30, 2003: *Provided*, That not more than 450,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.).".

H.R. 2620

OFFERED BY: MR. PALLONE

AMENDMENT NO. 19: In the item relating to "ENVIRONMENTAL PROTECTION AGENCY—ENVIRONMENTAL PROGRAMS AND MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by $3,000,000)".

In the item relating to "ENVIRONMENTAL PROTECTION AGENCY—STATE AND TRIBAL ASSISTANCE GRANTS", after the 1st and 7th dollar amounts, insert the following: "(increased by $3,000,000)".

H.R. 2620

OFFERED BY: MR. ROEMER

AMENDMENT NO. 20: In title III, under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION", before the item relating to "OFFICE OF INSPECTOR GENERAL", insert the following:

REDUCTION OF AMOUNTS FOR INTERNATIONAL SPACE STATION

The amounts otherwise provided in this title for the following accounts and activities are hereby reduced by the following amounts:

(1) "Human Space Flight", the aggregate amount specified in the first paragraph of such account, $1,531,300,000.

(2) "Human Space Flight", the amount specified in the second paragraph of such account for the development of a crew return vehicle, $275,000,000.

(3) "Science, Aeronautics and Technology", the aggregate amount, $343,600,000.

H.R. 2620

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 21: In the item relating to "NATIONAL SCIENCE FOUNDATION—SALARIES AND EXPENSES", insert before the proviso the following:

, of which not less than $580,000 shall be available for experienced scientific construction management professionals

H.R. 2620

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 22: In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND", after the aggregate dollar amount, insert the following: "(increased by $10,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND", after the dollar amount specified for Youthbuild program activities, insert the following: "(increased by $10,000,000)".

In title II, in the item relating to "MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by $10,000,000)".

H.R. 2620

OFFERED BY: MR. WALDEN OF OREGON

AMENDMENT NO. 23: Insert before the undesignated paragraph at the end of the bill that contains the short title for the bill the following:

SEC. 427. DISASTER RELIEF FOR ECONOMIC HARDSHIPS CAUSED BY APPLICATION OF ENDANGERED SPECIES ACT.

Section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) is amended by adding at the end the following: "Such term also includes any application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) which, in determination of the President, causes economic hardship of sufficient severity and magnitude to warrant major disaster assistance under this Act.".

EXTENSIONS OF REMARKS

INTERNATIONAL MONETARY STABILITY ACT

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. RYAN of Wisconsin. Mr. Speaker, today I am reintroducing the International Monetary Stability Act, which I introduced in the previous Congress. The need for such an act is more pressing than ever.

Over the last decade there have been no fewer than seven major currency crises in developing countries. They have occurred in Africa's CFA franc zone (1993–94), Mexico (1994–95), East Asia (1997–98), Russia (1998), Brazil (1999), Turkey (2001), and Argentina (right now). In addition, there have been numerous minor crises.

These currency crises have often brought recession, bank failures, and political upheaval to the countries concerned. Some have spilled over to other countries and have even affected our own international trade and financial markets. American workers who produce goods for export to developing countries have seen their international competitiveness whipsawed by currency crises. It is no accident that, for example, U.S. steel producers have complained about the practices of producers in Brazil, South Korea, Russia, Ukraine—all countries that have had currency crises in recent years.

Amid the currency turmoil that has affected so many countries, the U.S. dollar has remained reliable. Though not perfect, the dollar is the standard by which other currencies are judged. The contrast between the performance of the dollar and the performance of most other currencies has created growing interest in official dollarization, whereby a country substantially or totally replaces its own currency with the dollar. By eliminating the national currency, dollarization eliminates currency crises. Until recently, Panama and a handful of microstates were the only independent dollarized countries. However, East Timor and Ecuador became officially dollarized last year, joined by El Salvador this year. Dollarization is being debated around the world, particularly in Latin America.

An important barrier to official dollarization is loss of seigniorage, the profit from issuing a currency. Currently, a country that dollarizes loses seigniorage to the United States. Besides this economic cost, dollarization also has a political cost, which is the feeling that a country that gives up its national currency receives no consideration from the United States for doing so.

The International Monetary Stability Act would permit the United States to share with officially dollarized countries some of the extra seigniorage we would earn from them becoming dollarized. The Act would not require the Federal Reserve to change U.S. monetary policy. Nor would the Act compel the United States to share seigniorage: if the Secretary of the Treasury judged that it was not in our best interest, he would not have to do so. Nor would the Act restrict countries that wish to dollarize: as is already the case, they could dollarize without qualifying to share seigniorage.

Without the International Monetary Stability Act, other relatively small countries may join those I have mentioned and become officially dollarized in the years to come. However, the larger the country, the higher its government and people perceive the economic and political costs of dollarization to be. The larger developing countries are precisely those whose currency crises have had the greatest international effect, including on the United States. The International Monetary Stability Act would reduce the perceived costs of dollarization in a way that would benefit both the United States and countries interested in dollarizing. It would provide a creative alternative to the policy of big international bailouts, which are well intentioned but have failed to prevent further crises in many of the countries that have been the largest recipients.

Mr. Speaker, monetary stability is in the interest of the United States and the rest of the world. Through the International Monetary Stability Act we can help extend its benefits.

IN HONOR OF KATHARINE GRAHAM

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. MILLENDER-McDONALD. Mr. Speaker, yesterday, Washington paid its last respect to an outstanding noble woman whose insight, courage and fortitude advanced one of this country's leading newspapers. I am here tonight to pay tribute to a visionary, business executive, women's rights activist, and a person very dear to me—Katharine Meyer Graham. While her passing deeply saddens me, I remain encouraged and uplifted by her legacy of courage and empowerment.

Before Katharine Graham, the Washington Post was a parochial local paper that lacked a national audience. Her profound vision and intellect transformed the landscape of American journalism and raised the standards for an impartial and free press. She took a small town paper and turned it into a national media giant known as the Washington Post Co., whose holdings include the Washington Post newspaper, Newsweek magazine, various television and cable broadcast systems, and interests in the International Herald Tribune and the Los Angeles Times-Washington Post News Service.

During the Nixon Presidency, the full scope of what became the Watergate Scandal would have never been known, had not this courageous woman stood up and said, "Print It!" The Post became the nemesis of the Nixon Administration. In turn, the President nearly crippled the Post with his failure to renew crucial television licenses, causing the paper's stock to plummet. During that crucial time, Katharine Graham showed the power of exposing truth. She championed the printing of the groundbreaking story, and insisted that the story be accurate and unbiased.

From the depths of the Watergate scandal to the top secret Defense Department reports on Vietnam known as the Pentagon papers, Katharine's stewardship of the Post and her indomitable spirit propelled her to become the most powerful woman in American newspaper history.

Katharine Graham commanded the largest Fortune 500 company ever run by a woman. She was chairwoman of the Executive Committee of the Washington Post Co., a Board Member of the Associated Press and President of the American Newspaper Publishers Association. This great woman was also the director of the newspaper Advertising Bureau Inc., a Trustee of the University of Chicago, George Washington University, and the Urban Institute, all this in addition to being a Pulitzer Prize winning author.

Katharine Graham's impact on women and young girls has been far reaching. This wonderful woman fought to overcame gender inequities prevalent in corporate America. She made it clear that women are a force to be reckoned with. Katharine Graham was a Board Member of the National Campaign to Reduce Teenage Pregnancy and a strong advocate for women's issues. She had the heart of a champion, which was evident in her life's commitments and accomplishments.

I am honored to have known this pioneer in my lifetime. To have known Mrs. Graham is to have known a trailblazing journalistic genius. Her legacy will live on through the Media powerhouse she built and the millions of lives she affected. I send my deepest sympathies to her family, friends, and colleagues. I will miss my dear friend tremendously.

HONORING JOHN TEETER OF PRESCOTT, ARKANSAS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. ROSS. Mr. Speaker, on Thursday, July 26, citizens in my hometown of Prescott, Arkansas, will be honoring one of our most beloved citizens, Mr. John Teeter. Mr. Teeter has devoted almost all of his adult life to serving his community and the people of Nevada County.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For decades, he served as a weather reporter in Prescott for the National Weather Service. His work helped to warn the weather service and the community of incoming severe weather, which no doubt helped to save the lives of friends and neighbors. Whether rain, sleet, snow or shine—through the heat of summer and the cold of winter, through droughts and floods—Mr. Teeter was there to record and report the conditions. As a weather reporter, he also worked with the Nevada County Rescue Unit to help them anticipate and respond to any severe weather disaster.

In addition to his service to the National Weather Service and the rescue unit, Mr. Teeter has been a member of the Kiwanis Club for over 40 years, helping to improve the lives of children in our community and throughout the world, and he is still active with the organization. He also continues to man the Nevada County Depot Museum in Prescott, which he has done for several years, showing students, visitors, and their families around the local museum at any time.

John Teeter is an outstanding example of the value of giving back to the community and an inspiration to so many of us. As a young boy growing up in Nevada County, he was a role model for me. Although I will be unable to attend the celebration on Thursday due to my responsibilities here in our nation's capitol, I join his family and friends in honoring him for his lifetime of achievements, and I am grateful for his many contributions to people of Prescott, Nevada County, and the State of Arkansas. I extend my warmest wishes to him for continued health and happiness in the years to come.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Mr. RUSH. Mr. Chairman, I rise in support of Representative WATERS and Representative KUCINICH's amendment to restore the ability of developing countries to make HIV/AIDS drugs available to their citizens. While I understand the importance of the intellectual property rights of the companies that create these vital drugs, my consciousness compels me to support this amendment. I must support this amendment out of a sense of morality and concern for my fellow mankind in Africa and other developing countries.

HIV/AIDS is ravaging developing countries and wiping out a whole generation of men and women. More than 25 million Africans are now living with HIV and last year alone, 2.4 million Africans died from the disease. Sub-Saharan African women are now the fastest-growing HIV-positive population.

The loss of mothers and fathers in Sub-Saharan Africa has resulted in a new social epidemic, parentless children. Two-thirds of 500,000 orphaned children in South Africa lost parents to HIV/AIDS, and over 30% of the children born to HIV+ women will develop pediatric AIDS. I have witnessed the orphanages over-flowing with children who have lost parents to this disease and it is astonishing.

I commend the pharmaceutical companies who have made efforts to provide HIV/AIDS medications available to Sub-Saharan Africa. Also, I thank the 39 pharmaceutical companies for placing humanitarian concerns over profits by dropping their suit against the South African HIV/AIDS law earlier this year.

However, if we do not act now whole cultures may perish before our very eyes. If we do nothing, our tacit acceptance of the HIV/AIDS crisis in Africa and other developing countries is unforgivable. We must pass this amendment and allow developing countries the flexibility they need to provide cost-effective treatment for people with HIV/AIDS. If for any other reason, we should pass this amendment for the children whose parents these drugs can keep alive.

SPEND COLOMBIA MONEY AT HOME

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. SCHAKOWSKY. Mr. Speaker, I want to share with all of my colleagues the attached editorial from the July 21, 2001 Chicago Tribune that articulates a position that I share. That is that our counter-narcotics efforts in Colombia are misguided, have not achieved the stated goals of US policy toward that country, and the funds required for implementation of this policy would be better spent working to address substance abuse here in the United States.

In the US, there are some 5.5 million people in need of substance abuse treatment. The federal government only provides treatment funding sufficient to cover 2 million of those individuals. That means that 3.5 million people in this country who are seeking treatment for their substance abuse problems are turned away. We know from a study conducted by the Rand Foundation that dollar for dollar it is twenty three times more effective to reduce drug consumption by investing in education, prevention, and providing treatment rather than trying to eradicate drugs at their source. Again, I strongly support the suggestion put forth by the attached editorial, that we should redirect the money we are spending to battle drugs in Colombia toward more effective programs here in the US, and I urge all members to consider it when making decisions on US policy toward Colombia and the Andean region.

[From the Chicago Tribune, July 21, 2001]

SPEND COLOMBIA MONEY AT HOME

In government, failed policies seldom are re-thought let alone abandoned—they tend to expand. Rather than blame flawed thinking or bad information, failure is interpreted as a sign of insufficient time or funding.

During the past 18 months, the $1.3 billion anti-narcotics Plan Colombia has not markedly reduced violence or drug production there—or made it more difficult or expensive to buy cocaine in the U.S. Undeterred by such failure, however, the Bush administration now is pushing a nearly $1 billion sequel, the Andean Counterdrug Initiative, that largely reinforces and expands past mistakes.

Debate began this week on funding the new initiative. Congress ought to consider alternatives, such as rechanneling the money into expanded drug rehabilitation at home.

A key component of Plan Colombia has been fumigation of coca crops. After fumigating approximately 128,000 acres of coca—along with people, farm animals and food crops—the effort has only succeeded in relocating the coca fields.

Most of the coca that used to grow in the Putumayo province has moved to nearby Nariño. "And if they fumigate Nariño, the problem will go to another place," warned its governor, while governor of Putumayo estimated that half the fields sprayed in his area were food crops.

The military component of Plan Colombia hasn't fared much better. Colombia guerrillas now are seeking shelter in neighboring Ecuador, spreading the violence. And by failing to deal with the murderous paramilitary units, the plan has increased bloodshed. On April 12 paramilitaries massacred 40 peasants and cut up their bodies with chainsaws, and the war-related body count nationwide is up to about 20 a day.

The Andean Initiative's solution to the spreading mayhem is to continue military aid to Colombia (about $363 million) and increase military aid to its six neighbors to defend themselves from the aftershocks. Ecuador and Brazil, for instance, would get about $32 million and $16.3 million respectively to reinforce their borders with Colombia.

Bush's initiative also provides social and economic aid to these countries—a welcome change—but still nearly 55 percent of the entire package would go to military aid.

Previous U.S. interventions succeeded only in moving coca production and drug violence from neighboring countries to Colombia. Now the process seems to be working in reverse.

American addicts' insatiable craving for narcotics—and the obscene profits to be made by suppliers—doom most supply-side police or military tactics, particularly remote-control operations masterminded from Washington.

Early in his administration, President Bush said he appreciated this reality and wanted to increase funding for drug administration programs.

Rethinking Plan Colombia and channeling some or all of that money into treatment and education programs would be a place to start. Such a U-turn would not be a typical government move, but it is the most sensible thing to do.

ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. RADANOVICH. Mr. Speaker, today we pause to remember the anniversary of Turkey's invasion of Cyprus. Twenty-seven years ago an estimated 35,000 armed Turkish troops invaded the small peaceful Mediterranean island of Cyprus. Nearly 200,000 Greek Cypriots lost their homes and became refugees in their own country. To this date, Turkish troops continue to occupy 37 percent of Cyprus's territory.

Simply put, the status quo in Cyprus is unacceptable and continues to have a detrimental effect to the interests of the U.S. in the eastern Mediterranean. Without question, improving the relations and cooperation between Greece and Turkey, two key NATO allies, is key to strengthening the stability of the region. Therefore, I urge the two parties to take the long steps needed to demilitarize and launch a much needed initiative to promote a speedy resolution on the basis of international law and democratic principles. We must have lasting peace and stability on Cyprus.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes:

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Smith-Morella-Slaughter-Lantos-Pitts amendment, to dedicate a total of $30 million of the bill's funds to protect and assist victims of trafficking in persons and help countries meet minimum standards for the elimination of human trafficking.

I was proud to be a lead cosponsor of the Victims of Trafficking and Violence Protection Act of 2000, Rep. SMITH's bill to monitor and eliminate human trafficking here in the U.S. and abroad. After an arduous six year struggle to address the problem of sex trafficking with my own legislation, last October I was pleased to see this bill pass with strong bipartisan support.

In June 1994, I first introduced legislation addressing the growing problem of Burmese women and children being sold to work in the thriving sex industry in Thailand. This legislation responded to credible reports indicating that thousands of Burmese women and girls were being trafficked into Thailand with false promises of good payinng jobs in restaurants or factories, and then forced to work in brothels under slavery-like conditions.

As I learned more and more about this issue it became abundantly clear that this issue was not limited to one particular region of the world. In addition, I found that human trafficking was not exclusively a crime of sexual exploitation. Taken independently, sex trafficking is an egregious practice in and of itself. It is also important, however, to be aware that people are being illegally smuggled across borders to work in sweatshops, domestic servitude, or other slaverylike conditions. I was pleased to see that the Victims of Trafficking and Violence Protection Act recognized the full magnitude of human trafficking and included provisions that effectively seek to address human trafficking.

The Act set forth policies not only to monitor, but to eliminate trafficking here in the U.S. and abroad. More importantly, it does so in a way that punishes the true perpetrators, the traffickers themselves, while at the same time taking the necessary steps to protect the victims of these heinous crimes. It uses our nation's considerable influence throughout the world to put pressure on other nations to adopt policies that will hopefully lead to an end to this abhorrent practice.

In the wake of the passage of the Act, however, there is still a great deal of work to be done. According to the recently issued 2001 Trafficking in Persons Report by the State Department, 23 countries are listed in "Tier 3"—signifying that they do not satisfy the law's minimum standards to combat trafficking and are not making significant efforts to bring themselves into compliance.

It is my hope that this report will serve as a catalyst for reinvigorated international efforts to end human trafficking. We must continue to work expeditiously to implement the provisions of the Act, that provide tough new penalties for persons convicted of trafficking in the United States.

Beginning in 2003, those countries that are listed in "Tier 3" may be denied non-humanitarian assistance from the United States, barring a Presidential waiver. As a result, the U.S. is now in a position to put pressure on other nations to adopt policies that will eradicate human trafficking practices inside and between their borders. We are also in a position to prosecute and punish the traffickers themselves and thereby put an end to coordinated kidnaping and exploitation of the most vulnerable members of society.

I urge my colleagues to join me in supporting this amendment to ensure funding for efforts to assist victims of human trafficking, and aid countries in eliminating this egregious criminal activity.

THE DUMPING OF FOREIGN STEEL

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. QUINN. Mr. Speaker, I rise today to share a few remarks about the dumping of foreign steel into U.S. markets. Recently, the Korea Iron and Steel Association dispatched a steel trade mission to the United States to convey the Korean steel makers concern over the United States movement to restrict imports of steel products, as well as to learn the position of the United States government and steel industry. This mission visited the USTR, Department of Commerce, the ITC and the American Iron and Steel Institute to express the Korean industry's concerns over the United States' stance on the recent start of a section 201 antidumping investigation.

Mr. Speaker, it is no secret that the U.S. steel industry is in crisis. As one who represents thousands of people whose livelihood relies on the steel industry, I can assure you that the injury suffered by the U.S. industry and the people it supports is very real.

The steel crisis has produced casualties at every level in America's steel communities. As a result of the most recent wave of dumped steel imports, over 23,000 good steel jobs have been lost and 18 steel companies have filed for bankruptcy since the beginning of 1998. Anyone who thinks that these problems are a thing of the past that were cured by the last round of steel orders should know that ten of those 18 bankruptcies have occurred in the last 8 months.

Several thousand workers, beyond those laid off, were forced to accept reduced work weeks, assignments to lower paying jobs, and early retirement. For those workers affected, alternative employment opportunities in the surrounding area are hard to come by, and those who do find other manufacturing jobs are often paid significantly less than what they previously made. The effects of these losses are felt right down the line—by workers' families and by other community businesses that simply cannot survive if their customers can no longer earn a paycheck.

Mr. Speaker, dumping has become such a problem because foreign producers are able to sell well below market in the United States because their own home markets are closed to competition, allowing them to maintain high at-home prices to subsidize losses abroad. In addition, subsidization of foreign producers by their governments is a primary reason why massive overcapacity in the world steel industry has been created and sustained. The structural problems in the world steel market have been created largely by the illegal practices of foreign producers, and the U.S. industry should not be forced to suffer as a result.

INTRODUCTION OF THE SAVE MONEY FOR PRESCRIPTION DRUG RESEARCH ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. STARK. Mr. Speaker, I rise today to introduce the Save Money for Prescription Drug Research Act of 2001. The pharmaceutical industry is crying wolf, claiming that forced to reduce prescription drug costs for seniors, they will be unable to continue lifesaving drug research and development. This bill allows them to stop wasting money on physician incentives and redirect those funds to R&D. It would do so by denying tax deductions to drug companies for certain gifts and benefits, excepting product samples, provided to physicians and encourage use of such funds on R&D.

Presently, these companies are spending billions of dollars on promotions to entice doctors to prescribe their products, and these dollars are tax deductible. According to a New York Times November 2000 article pharmaceutical companies spent $12 billion in 1999 courting physicians, nurse practitioners, and physician assistants hoping to influence their prescribing habits. Experts estimate that drug companies spend an average of between $8,000 and $13,000 on individual physicians every year. Gifts come in the form of watches, jewelry, trips and expensive meals. The New York Times article lists one example where SmithKline Beecham offered physicians a $250 'consulting fee' and choice of entree at an expensive restaurant, merely for agreeing to attend an update on use of a cholesterol-reducing drug. These campaigns contribute to preference and rapid prescribing of new drugs, and decreased prescribing of generics. In other words, tax deductible dollars contribute to the rising prices of prescription drugs.

For years the pharmaceutical industry has claimed that the high price of prescription drugs is due to investment in research and development. A recent Families USA report, however, indicated that this might not be the case. The report showed that at eight major pharmaceutical companies, investment in marketing, advertising and administration was more than double the investment in R&D. At Pfizer, for example, 39% of the net revenue, more than $11 billion, went to these expenses, while only 15% of revenues were devoted to R&D.

It is unquestionable that the research and development of new drugs is an expensive process. However, if the pharmaceutical industry intends to claim that it cannot afford research if drug prices for seniors are reduced, perhaps they ought to more carefully consider their priorities. Clever marketing ploys that influence physician prescribing habits do little to actually save lives, but do much to increase corporate profits.

Denying the pharmaceutical industry the ability to deduct expenditures for gifts to physicians is a solid step toward providing Americans with access to more lifesaving drugs. By redirecting drug company promotional expenditures to their R&D budgets, the American public would reap the benefit of increased medical breakthroughs. Gifts from pharmaceutical companies do not improve health care for patients.

This bill I am introducing today eliminates the tax incentives currently in place that encourage drug companies to continue to give gifts to doctors to influence their prescribing. It is my hope that the industry will redirect these dollars from existing gift practices to R&D. The pharmaceutical industry claims it needs financial help to increase R&D efforts. This bill gives them billions of new dollars for precisely that purpose. I urge the pharmaceutical industry to use these funds more wisely. I hope that my colleagues will join with me in supporting this endeavor to increase investment in the research and development of life saving drugs in the private sector.

[From the New York Times, Nov. 16, 2000]

HIGH-TECH STEALTH BEING USED TO SWAY DOCTOR PRESCRIPTIONS

(By Sheryl Gay Stolberg and Jeff Gerth)

As a busy internist, Dr. Bruce Moskowitz frequently prescribes cholesterol-lowering medicines and osteoporosis drugs for his elderly patients. Like most physicians, he is no stranger to pharmaceutical sales representatives, and he often chats with them about his preference in medication.

But the drug companies know more about Dr. Moskowitz than he realizes. Over the past decade, with the advent of sophisticated computer technology, pharmaceutical manufacturers have been quietly compiling resumes on the prescribing patterns of the nation's health care professionals, many of whom have no idea that their decisions are open to commercial scrutiny.

These "prescriber profiles" are the centerpiece of an increasingly vigorous—and apparently successful—effort by drug makers to sway doctors' prescribing habits. To create them, pharmaceutical marketers are buying information from pharmacies, the federal government and the American Medical Association, which generates $20 million in annual income by selling biographies of every American doctor.

The profiles do not contain patient names. But they do offer drug companies a window into one half of the doctor-patient relationship. And they are raising important public policy questions, both about the privacy of doctors' prescribing decisions, and how much commercial pressures influence them."As an extension of the doctor-patient relationship, doctors are entitled to privacy," said Lawrence O. Gostin, an expert in health privacy at the Georgetown University Law Center.

In describing the profiles as "a fundamental violation" of that privacy, Mr. Gostin said they also raise "an extremely important policy question, which is to what extent are health care prescribing practices influenced by commercial concerns?"

That question is now front and center in the political debate. With the price of prescription medication high on the national agenda, the impact of marketing on the cost of pharmaceuticals is at issue. But while the public discussion has focused largely on the recent trend toward advertising directly to patients, the industry still spends most of its money wooing doctors.

Of the $13.9 billion that the drug companies spent promoting their products last year, 87 percent, or about $12 billion, was aimed at doctors and the small group of nurse practitioners and physicians' assistants who can prescribe some medications, about one million prescribers all told.

"The pharmaceutical industry has the best market research system of any industry in the world," said Mickey C. Smith, a professor of pharmaceutical marketing at the University of Mississippi. "They know more about their business than people who sell coffee or toilet paper or laundry detergent because they truly have a very small group of decision makers, most of whom still are physicians."

Pharmaceutical sales representatives have been a staple of American medicine for decades. Their courtship of doctors is intensive and expensive, and their largess runs the gamut, from trinkets like prescription pads and pens, to staff lunches at hospitals and medical offices and offers of free weekends at resorts.

Prescriber profiles play a significant role in the courtship; pharmaceutical marketers say they use the reports to help determine which doctors should be offered certain perks. And the perks themselves worry ethics officials at the American Medical Association, who are trying to discourage doctors from accepting them, even as the association's business side sells information that facilitates the giving of gifts.

Dr. Moskowitz, of West Palm Beach, Fla., is one example. In late August, he received an invitation from two drug companies, the Bayer Corporation and SmithKline Beecham, asking him to a private dinner at the Morton's of Chicago Steakhouse, an expensive chain restaurant not far from his West Palm Beach office, on the evening of Sept. 18.

The topic was high cholesterol, including an update on Baycol, a drug the two companies jointly market. For his feedback, Dr. Moskowitz would be designated a consultant and given a $250 honorarium, along with his choice entree. He declined.

"Drug companies ask me, How can we change your prescribing, what would it take, do you want to serve as a consultant?" Dr. Moskowitz said. "The schemes get more and more desperate."

Although most doctors do not believe that such entreaties affect their professional behavior, some studies suggest otherwise. Dr. Ashley Wazana, a psychiatry resident at McGill University in Montreal, recently analyzed 29 studies on the effects of gifts to doctors.

Published in January in The Journal of the American Medical Association, Dr. Wazana's analysis found an association between meetings with pharmaceutical representatives and "awareness, preference and rapid prescribing of new drugs and decreased prescribing of generics."

His conclusion? "We are influenceable," Dr. Wazana said.

In an effort to save money, and also to avoid this influence, some clinics and hospitals have imposed a ban on free drug samples and visits from sales representatives and discourage doctors from taking consulting fees like the one offered by Bayer and SmithKline Beecham.

Among them is the Everett Clinic in Washington State, a group practice of 180 doctors that cares for 250,000 patients. Its officials say that drug costs have declined since the ban.

"Pharmaceutical marketing would often lead to physicians prescribing more costly medicines than are necessary," the clinic's medical director, Dr. Al Fisk, said.

But Dr. Bert Spilker, a senior vice president with the Pharmaceutical Research and Manufacturers of America, an industry trade group, said marketing "serves an essential function in the health care delivery system" by helping to educate doctors, so they can prescribe drugs more appropriately.

Drug companies, however, are often reluctant to disclose details about their marketing efforts, particularly the use of prescriber profiles.

"If we talk about what we do and how we do it," said Jan Weiner, a spokeswoman for Merck & Company, "then our competitors will know a whole lot more than they know now."

THE A.M.A. MASTER LIST

Singling out doctors is not new, but detailed prescriber profiles have been available only since the early 1990's, when most pharmacies adopted computer systems to process insurance claims, said Pat Glorioso, a marketing executive at I.M.S. Health, a leading pharmaceutical market research concern and one of two companies that specialize in collecting records of pharmacy sales.

Through the profiles, a drug company can identify the highest and lowest prescribers of a particular medicine in a single ZIP code, county, state or the entire country. They can learn, for example, which antidepressants a particular psychiatrist favors.

"It's very flexible in the way we can slice and dice the information," Ms. Glojioso said. "As technology has improved, we have just ridden that wave."

When pharmacies sell records of prescription drug sales, they do not show names of patients or, in some cases, their doctors. But those records are typically coded with identification numbers issued by the Drug Enforcement Administration to doctors for the purpose of tracking controlled substances. The government sells a list of the numbers, with the corresponding names attached, for fees that can nin up to $10,200 a month, depending on how widely the list will be distributed.

The American Medical Association, meanwhile, sells the fights to what it calls its "physicians' master file" to dozens of pharmaceutical companies, as well as I.M.S. Health and other market research concerns. Though only about 40 percent of American doctors are dues-paying members of the medical association, the database has detailed personal and professional infor-mabon, including the D.E.A. number, on all doctors practicing in the United States.

Pharmaceutical marketers consider the master file the gold standard for reference information about doctors. Combined with the records of pharmacy sales, the file helps create portraits of individual doctors, their specialties and interests. As the nation's largest doctors' group, the medical association has maintained the master file for nearly 100 years, and has licensed it for more than 50. It is so complete, A.M.A. officials say, that even the dead are included.

"We're trying to provide a reliable database, which is accurate, so that it can be used appropriately to focus efforts on ways that are beneficial to the patient," said Dr. Thomas R. Reardon, the association's past president, who was designated by the group to address these questions.

There are some restrictions, Dr. Reardon said: the roster cannot be sold to tobacco companies and it cannot be used to deceive doctors or the public. While they say sale of the master file brings about $20 million in annual income to the association, officials would not say what they charge individual companies.

Much of the information in the association's database is available from sources scattered around the country. But one major element is not: the medical education number, which the A.M.A. assigns to new medical students in order to track them throughout their careers. Most doctors do not even know they have one.

This number, which enables computers to sort through the huge A.M.A. master file, is "the core element in the database of tracking physicians," said Douglas McKendry, a sales executive at the Acxiom Corporation, a pharmaceutical marketing company that recently formed a partnership with the medical association to manage the database.

"The A.M.A. data helps identify the individual physicians that are being targeted," Mr. McKendry said.

Doctors who do not want their names sent to marketers can ask the association to remove them from the file, Dr. Reardon said. But in interviews, several prominent doctors said they were unaware that their biographies were being sold.

Among them is Dr. Christine K. Cassel, a former president of the American College of Physicians and chairman of the department of geriatrics at Mount Sinai School of Medicine in Manhattan. In Dr. Cassel's view, information about doctors' prescribing habits may appropriately be used by their health plans to improve quality of care. She called the commercial use of the data outrageous, saying, "This is not about quality. It's about sales."

DINNER AND A MOTIVE

Pharmaceutical marketing is big business not only for drug companies, but also for companies firms like I.M.S. Health and Acxiom, which cater to them.

Overall spending on pharmaceutical promotion increased more than 10 percent last year, to $13.9 billion from $12.4 billion in 1998. Experts estimate that the companies collectively spend $8,000 to $13,000 a year per physician. In recent years, as demands on doctors' time have grown more intense, pharmaceutical marketers say they have been forced to become more creative.

"You have to have a hook," said Cathleen Croke, vice president of marketing for Access Worldwide Communications Inc., which specializes in drug marketing. "if you offer them $250, that might get them. Or they are attracted to the prestige of being a consultant, that a company is asking for their opinion."

The offer of dinner and a $250 consulting fee was sufficient to draw about a dozen South Florida physicians to Morton's in West Palm Beach on Sept. 18. They gathered there, on a muggy Monday night, in a back room called the boardroom, where a slide show and a moderator from Boron, LePore & Associates Inc., the market research firm hosting the event, awaited their arrival.

Dr. Moskowitz, who has been in practice in West Palm Beach since 1978 and heads a group of 12 doctors, says he routinely receives—and rejects—such invitations.

The Morton's dinner was not open to the public; had Dr. Moskowitz accepted, he would have been required to sign a confidentiality agreement. Instead, he told the companies he intended to take a reporter for The New York Times.

But when Dr. Moskowitz and the reporter showed up at Morton's, the Boron LePore moderator, Alexander Credle, told them to leave.

"This is a clinical experience meeting, a therapeutic discussion," Mr. Credle said. "There is an expected degree of confidentiality."

Dr. Moskowitz asked Mr. Credle why he was invited; Mr. Credle had no answer. But in an interview a few weeks after the dinner, John Czekanski, a senior vice president at Boron LePore, said the invitations were "based on databases targeting physicians" who prescribe cholesterol-lowering drugs or who might.

Boron LePore calls these dinner sessions "peer-to-peer meetings," and in 1997, it acted as host at 10,400 of them. Typically, they feature presentations from medical experts, on the theory that doctors are receptive to the views of their peers. With new drugs coming onto the market all the time, physicians are hungry for information about them. Pharmaceutical companies say it is that desire for education, rather than a free meal or modest honorarium, that draws many doctors to the meetings.

But the dinners are creating unease among officials of the American Medical Association's Council on Ethical and Judicial Affairs, which in 1990 published guidelines that limit what gifts doctors may accept. The guidelines, which have also been adopted by the Pharmaceutical Research and Manufacturers' Association, the drug industry trade group, prohibit token consulting arrangement but permit "modest meals" that serve "a genuine educational function."

Compliance is voluntary, and Dr. Herbert Rakatansky, who is chairman of the A.M.A.'s ethics council, says doctors routinely ignore the rules. That is in part because they are murky, as the dinner at Morton's reveals.

Whether the dinner was intended to educate doctors, or was part of a marketing campaign, or both, is not clear. In the $7.2 billion market for the cholesterol-lowering drugs known as statins, Baycol ranks last in sales, with just $106 million in sales last year. Bayer and SmithKline Beecham recently introduced a new dosage for the drug, and the companies said they used the Morton's meeting to share new clinical data with doctors.

"As far as we're concerned, it's educational," said Carmel Logan, a spokeswoman for SmithKline Beecham. But Tig Conger, the vice president of marketing for cardiovascular products at Bayer, said the company intended to teach a select group of doctors about Baycol, then use their feedback to hone its marketing message. And Allison Wey, a spokeswoman for Boron LePore, said the dinner was "part education and part marketing."

RAISING ETHICS QUESTION

While Dr. Rakatansky, of the A.M.A., could not comment specifically on the Baycol meeting, he had harsh words for these dinners in general.

"We think 99 percent of those are shams," he said. "They are marketing devices and not true requests for information."

As to whether the dinner fit the "modest meal" criteria, that, too, is unclear, because the guidelines offer no specifics. At Morton's in West Palm Beach, the entrees range from $19.95 for chicken to $32.95 for filet mignon—a la carte. The sales manager, Lauren Carteris, said the restaurant frequently was the site of pharmaceutical meetings for Boron LePore.

"Doctors," Ms. Carteris said, "will only go to an expensive restaurant."

To heighten doctors' awareness about the ethics of accepting gifts, the medical association is beginning an educational campaign. In addition, The Journal of the American Medical Association devoted the bulk of its Nov. 1 issue to conflict of interest in medicine, including an essay entitled "Financial Indigestion" that questioned the effects of pharmaceutical company gifts on doctors' professional behavior.

But some prominent doctors say the medical association needs to address its own role, as a seller of information that helps drug marketers select which doctors to target.

"It potentiates this gift giving, and implicitly endorses it," said Dr. David Blumenthal, a professor of health policy at Harvard Medical School who has used the A.M.A.'s data for his academic research.

The sale of the master file to drug companies, Dr. Blumenthal said, "hands the weapon to the drug company that the A.M.A. is saying is an illicit weapon."

Dr. Reardon, the past president of the medical association, dismisses such a connection. Doctors are responsible for their own decisions about whether to accept gifts, he said, adding, "I don't think the database has anything to do with ethical behavior of physicians."

Dr. Reardon noted that drug marketers could obtain information about doctors from other sources, including the federal government. But Mr. Gostin, the privacy expert at Georgetown, who is also the health law and ethics editor of The Journal of the American Medical Association, said that did not justify the association's action.

"We live in a society where, if you comb long enough and hard enough with sophisticated enough search tools, you can find just about everything," Mr. Gostin said. "That doesn't mean it's all right for people to assemble it, make it easy and sell it."

As for Dr. Moskowitz, he is still receiving invitations from drug companies, despite his longstanding habit of spurning them. One arrived on Oct. 18, from Aventis Pharmaceuticals and Procter & Gamble Pharmaceuticals, who jointly market Actonel, an osteoporosis drug.

Attendance at the meeting, scheduled for Saturday , will be limited to 12 doctors, the invitation said. Breakfast and lunch will be served; in between, there will be a clinical discussion of osteoporosis, with 30 minutes reserved for doctors' feedback. The honorarium is $1,000.

HONORING PILGRIM ARMENIAN CONGREGATIONAL CHURCH

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Pilgrim Armenian Congregational Church for its 100 years of service to the Armenian community. The church was founded with only fourteen members on January 26, 1901.

The first Armenian settlers to the area did not speak English. They formed the Armenian Congregational Church so they could worship together, in their native tongue. Although it started with small numbers, church membership has grown steadily over the years. In its 100 years, the church has had eight full-time pastors and several interim pastors who have all served with much pride. Church members remain very dedicated to the church congregation, and the numbers continue to increase.

Members of the church are committed to their congregation, raising every dollar themselves for the construction of new buildings. Pilgrim Armenian Congregational Church has had three different houses of worship, all increasing in size to meet the demands of the congregation. The church has also established two additional funds, with all the income from those funds to be used solely for church needs. Many community members have found a home within Pilgrim Armenian Congregational Church.

Mr. Speaker, I want to congratulate Pilgrim Armenian Congregational Church for its dedication to the community over the past 100 years. I urge my colleagues to join me in wishing Pilgrim Armenian Congregational Church and its members many more years of continued success.

TRIBUTE TO WAYNE DeFRANCESCO, 2001 PGA CLUB PROFESSIONAL CHAMPION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. CARDIN. Mr. Speaker, I rise today to honor Mr. Wayne DeFrancesco, an assistant professional at the Woodholme Country Club in Baltimore, Maryland. Mr. DeFrancesco has just won the 34th annual PGA Club Professional Championship and has done so in dramatic style.

He won the Club Professional Championship with an amazing three stroke victory, overcoming a double bogey on the fourth and a bogey on the fifth hole. He solidified his win with a 17 foot, par-saving putt on the twelfth hole and a 15 foot uphill birdie on the sixteenth hole. Mr. DeFrancesco became just the third person ever to win this championship wire-to-wire, but the first in tournament history to have sole possession of first place in all four rounds.

This great victory is of little surprise considering that Mr. DeFrancesco has devoted a lifetime to the sport. He started his career as a Washington D.C. area high school champion and as letterman for Wake Forest University. Over the last twenty five years, Mr. DeFrancesco has won countless numbers of regional tournaments while at the same time working as an instructor in clubs along the East Coast. He has served as an editor to the Washington Golf Monthly Magazine and as a guest instructor on the Golf Channel. In 2000, he was recognized for his expert instruction as #42 among golf's greatest teachers, by Golf Digest.

We are living in a time when golf has a renewed excitement. Tiger Woods and Annika Sorenstam have captured the imaginations of people from all across the country. They have done so with skill, perseverance, and a strong work ethic that have brought this great game to new heights of popularity. In that same spirit Wayne DeFrancesco has mastered his craft.

Mr. Speaker, I want to congratulate this fine athlete on a terrific accomplishment and I wish him the best of luck when he competes for the PGA Championship at the Atlanta Athletic Club in August.

IN SUPPORT OF THE IRAN-LIBYA SANCTIONS ACT

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Ms. HARMAN. Mr. Speaker, I rise today to speak in support of the Iran-Libya Sanctions Act. ILSA is an important part of our commitment to prevent the proliferation of weapons of mass destruction and missile technology to Iran and Libya.

I wish I could stand here today and say that sanctions on Iran were no longer necessary. I wish I could say that Iran has responded to diplomatic overtures, halted its weapons programs, or stopped threatening Israel and our other allies in the Middle East.

But the reasons why we passed this law five years ago are even more pressing today.

While moderate leaders may be gaining power in Iran, reform has yet to reach their foreign policy.

In fact, Iran and Libya are both seeking to enhance their capabilities for producing and using weapons of mass destruction. Tehran is intent on bolstering her already significant chemical weapons arsenal and developing nuclear and biological weaponry, while Libya is again openly seeking expertise and technology needed for chemical weapons. In the case of Iran at least, this has led the CIA to conclude that it "remains one of the most active countries seeking to acquire weapons of mass destruction," and the State Department to find that it "remained the most active state sponsor of terrorism in 2000."

Sanctions work best when part of a comprehensive plan to combat proliferation. They require the support of our partners abroad. Sanctions under ILSA are therefore an important tool not simply to increase pressure on Iran but also to encourage Europe and Russia to cooperate with us on nonproliferation and counter-terrorism. While ILSA is often a sore spot in our relations with Europe, the threat of sanctions is getting the job done. When President Clinton waived sanctions against a foreign investment consortium, including Total SA of France and Gazprom of Russia, the EU and Russia promised greater cooperation on counter-terrorism and limiting the transfer of technology to Iran.

On a recent delegation to Russia led by DICK GEPHARDT, I met with members of the Russian Space Agency and found that our programs to counter the proliferation of missile technology are paying off We have invested much time and money in working with the Russian Space Agency on the International Space Station, and the result is that they have also improved cooperation on preventing the sale of missile technology to Iran. We need to expand these joint efforts with the Russians, so that we may begin to make progress in areas where they have not been as cooperative—such as the transfer of nuclear technology.

We cannot ease our commitment to prevent proliferation of weapons of mass destruction to Iran—we must step up our efforts with passage of ILSA. I await the day when reform in Iran means that they will no longer threaten the United States and Israel. Until then, we must maintain effective, targeted sanctions.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes:

Ms. SLAUGHTER. Mr. Chairman, had the Kaptur amendment been made in order, I would have supported it. The Kaptur amendment would have required that no less than $125 million of the bill's funds be provided to Ukraine. The bill caps funding to Ukraine at $125 million, 90 percent of which goes to humanitarian aid and non-governmental assistance programs. This represents a $44 million reduction in funding from last year. While I support measures to ensure funding for Ukraine, I also have serious concerns about recent events in Ukraine that have impeded steps toward a fully democratic society.

I have been a strong supporter of Ukraine throughout my tenure in Congress. In past years, I have taken a leading role in supporting increased funding for Ukraine. These efforts, along with those of my colleagues, have made Ukraine the third-largest recipient of U.S. aid. But, evidence of political corruption, suppression of the media and instability in the Ukrainian government have called this aid into question.

In April, the Communist-dominated Ukrainian parliament voted to dismiss Prime Minister Viktor Yushchenko and his government. The ouster of Prime Minister Yushchenko and his cabinet, widely viewed as the most successful govemmnent since Ukraine gained independence in 1991, is likely to slow down reforms at this most crucial time. This vote comes in the midst of the ongoing political crisis sparked by revelations on secretly recorded tapes implicating the involvement of President Leonid Kuchma and high government officials in the case of murdered journalist Heorhiy Gongadze. Most recently, another journalist, Ihor Oleksandrov, who sought to expose corruption and organized crime was brutally murdered by four men with clubs.

The State Department Annual Human Rights Country Report on Ukraine cites a mixed human rights record and notes the failure to curb institutional corruption and abuse in the Ukrainian government. One starling example of government corruption that has come to my attention is the case of U.S. investment fund, New Century Holdings. This investment company has been repeatedly thwarted in its efforts to develop a hotel it owns along with the City of Kiev. Despite owning a controlling interest in the hotel, New Century Holdings has been prevented access to the hotel, as local police have taken over the building for themselves. New Century Holdings has appealed to the Mayor and other local officials to no avail, and the Ukrainian government has been unable or unwilling to help. Meanwhile, the hotel remains undeveloped and the company's investment in Ukraine remains unrealized.

I value the strong relationship between the United States and Ukraine. However, Ukraine will never be a full partner of the United States, unless it fully embraces democracy and human rights. Ukraine has made significant progress in the ten years since it became independent, but pervasive corruption, lack of media freedoms, and the conduct of the investigation of the Gongadze case call into question Ukraine's commitment to being a fully democratic nation and hold Ukraine back from reaching its immense potential.

It is my hope that the debate on this amendment will send a positive message to the government of Ukraine, that the U.S. Congress will not simply rubber stamp funding requests for the Ukraine, without also considering the serious issues involved in Ukraine's democratic development. I am prepared to continue to work with Ukraine to determine how Congress can best assist them in staying on the road toward democracy and a free-market economy.

With this in mind, this fall the Congress-Rada Parliamentary Exchange Group will convene for the first time here in Washington. I urge all Members concerned about the evident setbacks in Ukraine, to take advantage of this opportunity to meet with our Ukrainian counterparts to share views on how both our countries can work to continue Ukraine on its path toward a fully democratic society.

HONORING SAM KADORIAN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Sam Kadorian for being named "Man of the Year" by the Armenian-American Citizen's League (A.A.C.L.). Mr. Kadorian received the award at the A.A.C.L.'s 68th Annual State Convention held in Van Nuys, CA.

Sam Kadorian is a survivor of the Armenian Genocide of 1915 and a longtime member of the A.A.C.L. Sam was eight years old at the time of the genocide and narrowly escaped death. He was on the bottom of a pile of bodies that were being stabbed with swords. One of the swords missed his chest by inches, leaving only a scar on his right cheek. Sam and his mother survived, but unfortunately Sam lost his father, brother, two sisters, and other friends and relatives in the Armenian Genocide.

Sam and his mother eventually boarded a ship for the United States, deciding to settle in Chicago. At the age of 35 Sam joined the United States Army where he served as a photographer. After his time in the U.S. Army, Sam moved to Southern California where he joined the Arrmenian-American Citizens' League. Since joining the A.A.C.L. Mr. Kadorian has been very active in the Los Angeles Chapter, serving in many capacities.

Mr. Speaker, I want to honor Sam Kadorian for being named "Man of the Year" by the Armenian-American Citizen's League. I urge my colleagues to join me in wishing Sam Kadorian many years of continued success.

PUERTO RICAN CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. KUCINICH. Mr. Speaker, I rise to honor the citizens of Puerto Rico on Constitution Day, July 25, 2001. The people of Puerto Rico established the Constitution of the Commonwealth of Puerto Rico for the very same reasons our forefathers wrote the Constitution of the United States of America, to establish themselves as a democracy.

The Puerto Rican Constitution ensures basic welfare and human rights for the people, ensconces the idea of a government which reflects the will of the people, and pays tribute and loyalty to the Constitution of the United States of America.

The Puerto Rican culture is a distinctly unique culture. By pledging allegiance to the Constitution of the United States of America, the people of Puerto Rico celebrate shared beliefs and the co-existence of both cultures. By ratifying their own Constitution, the people of Puerto Rico retain and honor their original heritage while expressing the desire to pursue democracy and happiness for themselves.

Mr. Speaker, I would like to recognize the following individuals for their contributions to the Greater Cleveland community: Ana Iris Rosario, Roberto Ocasio, Hector Vega, Maria Senquis, Dolly Guerrero Velez, Pastor Jose Jimenez, Victor Matos, Henry Guzman, Esther Monclova Johnson, Abelino "Al" Lopez, Yolanda Figueroa, Betty Villanueva, and Juan Alberto Gonzalez. I hope that my fellow colleagues will join me in honoring these individuals and praising the Puerto Rican people as they celebrate Constitution Day.

RECOGNIZING STUDENTS FROM NEW YORK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. ISRAEL. Mr. Speaker, it is with great pride that I rise today to recognize four of New York's outstanding young students: Anne Caruso, Megan Lockhart, Arielle Buck, and Rebecca Ambrose. In August, the young women of their troop will honor them by bestowing upon them the Girl Scouts Gold Medal.

Since the beginning of this century, the Girls Scouts of America have provided thousands of youngsters each year the opportunity to make friends, explore new ideas, and develop leadership skills while learning self-reliance and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love of community service. The Gold Awards represent the highest awards attainable by Junior and high school Girl Scouts.

I ask my colleagues to join me in congratulating the recipients of these awards, as their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, scout leaders, and countless others who have given generously of their time and energy in support of scouting.

It is with great pride that I recognize the achievements of Anne, Megan, Arielle, and Rebecca, and bring the attention of congress to these successful young women on their day of recognition.

HONORING SUSAN AND JAMES PETROVICH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mrs. CAPPS. Mr. Speaker, I would like to pay special tribute to two extraordinary citizens of the Santa Barbara community, Susan and James Petrovich. This couple has devoted so much of their time to various community organizations and events that it is difficult to imagine what Santa Barbara would be like without them. Because of their dedication, the United Boys and Girls Club will be honoring them on July 28, 2001.

As graduates of the University of California at Santa Barbara, the Petrovichs realized they had stumbled upon their ideal community, and decided to make Santa Barbara their permanent home. After her graduation, Susan attended the Hastings College of Law in San Francisco, but soon returned to the Central Coast to become one of the few female lawyers in Santa Barbara during the 1970s. Throughout her legal career, Susan has consistently dedicated her legal talents to helping others. She helped write the Santa Barbara County Agricultural Element in attempt to preserve agricultural lands, and authored a ballot measure to regenerate oak trees. She also serves on the site location committee for the Santa Barbara Montessori School, and supports the Legal Aid Foundation, the Santa Barbara Women Lawyers Scholarship Foundation, and the Santa Barbara County Cattlemen's Association. Her active involvement on all of those committees clearly demonstrates Susan's dedication.

Susan's committed dedication to Santa Barbara is only equaled by the involvement her husband James has demonstrated towards the community. James has been a local real estate broker and investor for over 25 years, and his talents in these fields have earned him several national and lifetime achievement awards. His talents have been especially apparent in Santa Barbara, where he has managed to negotiate properties ranging from beachfront motels to the open space that is now Santa Barbara's largest regional park, Elings Park.

However, James' community activism doesn't end with his real estate skills. He is the past president of the Santa Barbara Lions Club and the immediate past president of the Santa Barbara County Sheriff's Council. He has been an active fund-raiser for the Ben Page Youth Center, and is a member on several boards, including that of the Music Theater of Santa Barbara, the Elings Park Foundation, and the City's PARC Foundation, which funds many park projects. James has also served on the boards of CALM and is a founding trustee of United Against Crime. He has also co-chaired the site committee for the City's new police headquarters.

Because James and Susan Petrovich truly appreciate how wonderful it is to live in Santa Barbara, they have adapted a unique philosophy about the community, and strive to give back to the community the same amount of joy and success the community has given to them. It is obvious that the Petrovichs have more than adequately given their share back to this community, and have aptly contributed in making Santa Barbara a truly special place to live. I hope all of my colleagues will join me in acknowledging the Petrovichs on their honorable contributions to the Santa Barbara Community.

IN RECOGNITION OF COLONEL KENNETH S. KASPRISIN

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. POMEROY. Mr. Speaker, I rise today to recognize Colonel Kenneth S. Kasprisin. Three years ago, Ken assumed the position of Commander with the St. Paul District of the Corps of Engineers. During that time, I have come to know Ken not only as a fine, trusted public servant, but also as an extraordinary friend.

Throughout his time with the Corps, Ken has set the highest standards for himself and the people with the St. Paul District. Ken's drive and determination in working to make the Corps and the St. Paul District truly responsive to the needs of the people has resulted in service that is unmatched and pales in comparison to other districts within the Corps of Engineers. He is a man of great integrity, with a deep commitment to the issues he works on. I have been impressed both by his sincerity and his ability to look beyond the box to understand and advocate for proposals that are in the best interests of communities throughout the district. As Ken departs from his service with the Corps, he leaves behind a remarkable record of accomplishments that is matched by the dedication with which he has served.

No matter what challenge is posed, Ken is able to tackle it head on and is always able to meet or exceed it. Ken's keen ability to sift through complex issues has been well recognized by those within the Corps of Engineers and by Members of Congress. His work ethic has been nothing but top-notch as he has fought for improvements within the district. In particular, Ken has been diligent in his efforts to bring much needed relief to the folks in the Devils Lake Basin who have been plagued by years of flooding. He has fought hand and hand with the North Dakota congressional delegation as we have worked to implement workable solutions to this crisis.

Earlier this year, as communities in North Dakota and Minnesota battled the rising water of the Red River, Ken led efforts coordinating the emergency response to ensure residents and businesses received the vital protection they needed. But his commitment does not end there. Ken has worked with many communities throughout my state of North Dakota in developing long-term flood protection and solutions. Cities from Wahpeton to Grand Forks to my hometown of Valley City, will have the flood protection so desperately needed thanks to the leadership and dedication of Ken Kasprisin. There is no doubt that the Corps and North Dakota has been well-served under his leadership.

While Ken will be leaving the Corps of Engineers and the U.S. Army after a distinguished career of 26 years, we are very fortunate that he will continue in public service with the Federal Emergency Management Agency (FEMA). FEMA Director Joe Allbaugh could not have made a better choice! As he takes the reigns as regional director for Region X at FEMA, Ken will continue to serve as an effective public servant. I have no doubt that Ken will be a true asset to the agency and to the many people who are impacted by natural disasters each year. I wish him all the best in his new position.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 2001

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation with my colleagues, Congressman J.D. HAYWORTH of Arizona, Congressman DAVE CAMP of Michigan and Congressman CHRIS CANNON of Utah to amend the Indian Child Welfare Act (ICWA). This legislation has been drafted with the input of the Association on American Indian Affairs, Tanana Chiefs Conference, National Indian Child Welfare Association, National Congress of American Indians, tribal attorneys and the American Academy of Adoption Attorneys. It has always been my intent to have all affected parties participate in the legislative process in the drafting of ICWA amendments.

In 2001, we still have American Indian and Alaska Native children being adopted out of families, tribal communities and states. We continue to have this problem in Alaska and I have been asked to introduce ICWA amendments to further clarify ICWA.

Specifically, the bill details jurisdiction of child custody and child adoption proceedings that involve an Indian child.

The bill has a couple of specific provisions which outline jurisdiction in Alaska since Alaska is not a reservation state (outside of Metlakatla). The bill states that an Indian tribe in Alaska shall have concurrent jurisdiction with the State of Alaska over voluntary and involuntary child custody proceedings involving an Indian child who resides or is domiciled in Alaska. Additionally, a person seeking to adopt an Indian child in the State of Alaska, may file an adoption petition at any time in the tribal court of the Indian child's tribe. If the tribal court agrees to assume the jurisdiction over the proceeding, that tribal court has exclusive jurisdiction and no adoptive placement or proceeding can continue in the state court.

The bill makes conforming technical amendments conditioning an Indian tribe's existing right of intervention.

It clarifies that State and tribal courts are required to accord full faith and credit to tribal court judgments affecting the custody of an Indian child in ICWA child custody proceedings, and in any other proceedings involving the determination of an Indian child's custody, including divorce proceedings.

It clarifies that ICWA applies to voluntary consents to termination of parental rights and voluntary consents to adoptive, preadoptive and foster care placements.

It clarifies and adds exacting details on setting limits on when an Indian birth parent may withdraw his or her consent to an adoption.

It clarifies that tribe's are to receive notice of voluntary adoptive placements of Indian children and details the content of notice when an Indian child is placed for an adoption.

It clarifies in detail the intervention by an Indian tribe and sets specific time frames for intervention by a tribe in the voluntary foster care placement proceeding and voluntary adoptive proceeding. It also requires tribes to show why it considers a child to be covered by the ICWA.

It provides for a detailed notice to parents when a child is placed for adoption.

It provides detailed requirements for resumption of jurisdiction over child custody proceedings.

It imposes criminal sanctions on any individual, group or association who knowingly conceals whether a child is an Indian child or whether a parent is an Indian.

Finally, the bill provides further clarification of the definition of "Indian child" and "Indian child's tribe" as applied in child custody proceedings.

I think it is appropriate that Congress further clarifies the ICWA to ensure that American Indian and Alaska Native children are not snatched from their families or tribal communities without cause. In a recent July 1, 2001 article in the San Antonio Express News, the story stated that "This year, the head of the Child Welfare League of America offered American Indians something they have longed to hear for more than three decades: an apology for taking American Indian children." (San Antonio Express News, Sunday, July 1, 2001 Article "Torn from their roots; The unfortunate legacy of the Indian Adoption Project is that it has separated many Native Americans from their culture").

"It was genuinely believed that Indian children were better off in white homes," said Terry Cross, Executive Director of the National Indian Child Welfare Association. (San Antonio Express News, Sunday, July 1, 2001 Article).

That changed in 1978 when Congress passed the Indian Child Welfare Act. "Even now, Cross cites problems. Sometimes social workers are not properly trained to identify children as Indian. Or agencies fail to notify tribes of adoptions". (San Antonio Express News, Sunday, July 1, 2001 Article).

I believe that these FY 2001 ICWA amendments to be acceptable legislation which will protect the interests of prospective adoptive parents, Native extended families, and most importantly, American Indian and Alaska Native children.

The Committee on Resources will seek additional input from the Department of Justice, the Department of the Interior and the Department of Health and Human Services. I am hopeful that these agencies will again embrace this legislation so that we can affirm this country's commitment to protect Native American families and promote the best interest of Native children.

I urge and welcome support from my colleagues in further clarifying the ICWA to ensure no more American Indian or Alaska Native children are lost.

FIVE STRAIGHT STATE TITLES FOR SIXTH DISTRICT BASEBALL TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. COBLE. Mr. Speaker, on June 25, the Sixth District of North Carolina became the home of the AAU North Carolina State Championship baseball team for the fifth straight year. The Jamestown Jaguars captured the title after five tough games, winning four of them and losing only one. The Jaguars have been the North Carolina State Champions since 1997.

Concord, North Carolina was the site of the final showdown between the Jaguars and the Catawba Valley Storm. The Storm gave the Jaguars their only tournament loss in the third game, by a score of 3–2. The rematch for the Championship ended with the Jaguars winning 5–1.

Coach Dean Sink complemented the team's athletic ability and effort, telling the Jamestown News that "their maturity and camaraderie on and off the field is what really sets them apart."

The Jaguars are in Tennessee to begin the AAU Nationals in Kingsport from July 26 through August 3.

Congratulations are in order for Head Coach Dean Sink and his assistant coaches.

Members of the championship team include Anthony Autry, Chad Baker, T.J. Clegg, Travis High, Gator Lankford, Jessie Lewter, Matt McSwain, Mitch Sailors, Alex Sink, J.K. Whited, and Kunta Hicks. The Jaguars are coached by Dean Sink and his assistants, David Baker, Chuck Sharp, and Tony Clegg.

On behalf of the citizens of the Sixth District, we congratulate the Jamestown Jaguars on winning the state title and we wish them the best of luck in the coming national tourney.

H. CON. RES. 197: COPD AWARENESS MONTH—OCTOBER 2001

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. STEARNS. Mr. Speaker, today along with my distinguished colleague from Georgia, I rise to introduce a resolution that would designate this October as Chronic Obstructive Pulmonary Disease awareness month. This resolution will address the unmet need of raising the level of national awareness of Chronic Obstructive Pulmonary Disease, or COPD—a debilitating disease that affects an estimated 32 million Americans, is currently the nation's fourth leading cause of death, but yet little is known about it. In 1998 COPD was responsible for approximately 107,000 deaths and 668,362 hospitalizations. Furthermore, its devastating effects drain the U.S. economy of an estimated $30.4 billion each year.

COPD is an umbrella term used to describe the airflow obstruction associated mainly with emphysema and chronic bronchitis. Emphysema—which affects three million Americans causes irreversible lung damage by weakening and breaking the air sacs within the lungs. An additional nine million Americans suffer from chronic bronchitis, an inflammatory disease that begins in the smaller airways of the lung and gradually advances to the larger airways. Both conditions decrease the lungs' ability to take in oxygen and remove carbon dioxide. Long-term smoking—the most common cause of COPD—is responsible for 80–90 percent of all cases, while other risk factors include heredity, second-hand smoke, air pollution, and a history of frequent childhood respiratory infections. Common symptoms of COPD include shortness of breath, chronic coughing, chest tightness, and increased effort to breathe.

Mr. Speaker, I have focused on respiratory health care issues for many years, and I receive numerous letters from my constituents back in Florida, who live with progressive chronic respiratory illnesses, asking me to raise their voices on Capitol Hill. COPD is devastating and is not receiving the appropriate amount of attention. In 1999, COPD was the fourth leading cause of death in Florida, and the most current estimates from the National Health Lung and Blood Institute show COPD incident rates to be on the rise—in fact, while incident rates of all other leading causes of death in America are decreasing, COPD is increasing. By 2020, the Center for Disease Control believes COPD will be the third leading cause of death in the United States.

Unfortunately, there is no cure for this progressive and irreversible disease. But, if patients receive early diagnosis, there are treatment plans available to provide symptom relief and slow the progression of COPD. 16 million Americans have been diagnosed with COPD, and an equal number suffer from the disease but have yet to be diagnosed.

It is likely that we all know somebody with COPD—whether we live with it personally, or have a family member, friend or staff member with COPD. Designating the month of October as COPD awareness month is an opportunity for us all to familiarize ourselves with COPD so that we can attempt to alleviate the suffering and hopefully reduce the death rate associated with COPD. Please support this much-needed resolution.

ROUND II EMPOWERMENT ZONE/ENTERPRISE COMMUNITY FLEXIBILITY ACT OF 2001

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. LoBIONDO. Mr. Speaker, today, I am introducing, along with my colleague Congressman Capuano and other Members of the Empowered Communities Caucus, the Round II Empowerment Zone/Enterprise Community (EZ/EC) Flexibility Act of 2001, to provide funding authority and correct some inequities and inconsistencies with the Round II program. In 1999, 15 Round II urban and 5 rural empowerment zones were awarded to communities which designed the best strategic plans for comprehensive revitalization. The Empowerment Zone program is a 10 year project that targets federal grants to distressed urban and rural communities for community and economic development and provides tax and regulatory relief to attract or retain businesses.

Cumberland County, located in my Congressional District, is one of the 15 urban sites nationwide to win this designation, which is expected to create more than 6,000 new jobs over 10 years. Unfortunately, Cumberland County has only received approximately $8.5 million of the $30 million expected over the past 3 years. Round II empowerment zones did not receive the same Title XX block grant mandatory spending authority as the Round I zones did in 1997 and have to rely on the discretionary appropriations process each year. Even though the President requested full funding in FY02 ($150 million for the EZ program) the House Appropriations Committee did not include any funding for urban zones for the next fiscal year.

The legislation I am introducing today provides general funding authorization for the Round II EZ/ECs by authorizing the Secretary of HUD to make grant awards totaling $100,000,000 to each of the 15 Round II urban empowerment zones and the Secretary of Agriculture to make grant awards totaling $40,000,000 to each of the Round II rural empowerment zones and grant awards totaling $3,000,000 to each of 20 rural enterprise communities. This designation runs until 2009, and our zones must receive assurance that Congress will support continued funding, otherwise, they cannot be expected to operate and achieve long term capital plans or leverage private sector commitments to major infrastructure projects.

This legislation also includes clarification of the law which allows EZ/ECs to apply for community renewal status without the risk of losing already appropriated Federal funds. We have included language to broaden the definition of "economic development", which is the essence of the Zone's strategic plan, and have granted specific authorization for grants to be used as matching funds for other relevant federal grant programs, all in an effort to offer the EZ/EC program maximum flexibility. For every federal EZ dollar obligated, there are ten more dollars from the private sector committed to economic development in Cumberland County.

Our communities have already invested considerable resources in securing the Round II EZ/EC designations. Congress has a responsibility to carry out its promise to these distressed communities by making federal funding and tax incentives available to ensure new jobs, revitalize neighborhoods and spur economic growth over the next decade.

It is vital that we secure full funding for Round II Empowerment zones and Enterprise communities, so they may continue and complete their federally approved economic development plans. I urge the House to adopt the legislation before us today.

IN MEMORY OF JACQUELINE CARDELUCCI

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well being of the city of Riverside, California, was unparalleled. Riverside was indeed fortunate to have such a dynamic and dedicated business and community leader who willingly and unselfishly gave of her time and talents to make her community a better place in which to live and work. The individual I am speaking of is Jacqueline "Jackie" Cardelucci. I was fortunate to have been able to call her my friend. She died this week in her home after a long battle with cancer at the age of 63.

Jackie Cardelucci gave much during her years to her community and the whole of the Inland Empire. Born in Huntington Park, Jackie Cardelucci moved to Riverside where she lived for 18 years. A fixture in the community, Jackie was a talented businesswoman and never shied away from community involvement. She was co-owner of National Environmental Waste Corporation (NEWCO) and International Rubbish Service with her husband, Sam, for over 32 years. In that capacity she served as the companies' Public Relations Director with the City of Riverside business customers.

On a community level, Jackie served in an impressive array of boards and organizations even while receiving chemotherapy treatments for her cancer over the past eight years. Her philanthropic endeavors included the Mission Inn Foundation Executive Board, Riverside Art Alliance, Riverside Art Museum, Associate University of California at Riverside, Riverside Community Hospital 2000 Century, President of the Riverside Republican Women Federated for three years, Riverside Opera Guild, and Armenian & International Women's Association.

My deepest condolences go to her husband of 43 years, Sam; her son and daughter-in-law, Mark and Cathie; two brothers, Elisha and Ben; and two grandchildren, Jessica and Catherine. I send my prayers to them during this time of loss.

Mr. Speaker, looking back at Jackie's life, we see a life full of courage, tenacity and devotion to her family and community. Her gifts to Riverside and the Inland Empire led to the betterment of those who had the privilege to come in contact or work with Jackie. Honoring her memory is the least that we can do today for all that she gave over her lifetime.

HONORING IMAM W. DEEN MOHAMMED

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Imam W. Deen Mohammed for work to promote peace and Justice in the Islamic community. Mr. Mohammed is the current President of the Muslim American Society.

In 1992, Imam W. Deen Mohammed was the first Muslim to deliver an invocation on the floor of the United States Senate. In addition, he was invited to participate in the Presidential Inaugural Ceremonies and offered a prayer at those ceremonies. In 1995, the World Conference on Religion and Peace selected Mohammed as International President of their organization.

Imam W. Deen Mohammed is a recipient of the Luminosa Award from the Focolare Movement for his promotion of peace and inter-religious dialogue. In 1997, President Bill Clinton appointed Mohammed to the Religious Advisory Council within the State Department. Mohammed has also worked to establish a genuine dialogue with leaders of Christianity, Judaism, Islam and other faiths in his promotion of universal human excellence.

Mr. Speaker, I wish to honor Imam W. Deen Mohammed for his efforts in support of human excellence. I urge my colleagues to join me in wishing him many more years of continued success.

TRIBUTE TO WEST GENESEE'S WOMEN'S VARSITY LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. WALSH. Mr. Speaker, on Saturday, June 9, 2001, the West Genesee Wildcats defeated Bay Shore to win the New York State Class A Women's Lacrosse Championship. The Wildcats won the Class A final with a 16–10 victory over Bay Shore to top off an impressive 22–1 season and a dominant playoff run.

This talented group was guided by this year's All-CNY girls lacrosse coach, Bob Elmer, who is now in his second year leading the Wildcats. The State Champion Lady Wildcats previously won the Section III Championship and Upstate Regional to advance to the State Championship game.

The Lady Wildcats' star player is none other than the CNY Player of the Year, Martha Dwyer. West Genesse is also home to three other CNY team members: Chrissy Zaika, Meghan O'Connell and Nicole Motondo. The 2001 Class A Championship team also includes: Eileen Gagnon, Vanessa Bain, Shannon Burke, Laura Corso, Lindsey Shirtz, Kelly Fitzgerald, Colleen O'Hara, Milly Yackel, Kelly Kuss, Keri Rubeis, Nelli Nash, Katie Kozloski, Carolyn Maurer, Kim Capraro, and Eileen Flynn.

I am very proud of these young women and wish to celebrate the outstanding athletic achievements they have made this season. I am equally proud of the coaching staff and wish to join them, as well as the parents and other family members, teachers and administrators, in extending sincere congratulations for a job well done. This strong group of fine young athletes deserves special recognition.

HEALTH CARE SERVICES TO UNDOCUMENTED RESIDENTS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. GREEN of Texas. Mr. Speaker, I rise to introduce legislation which would allow states and localities to provide primary and preventive health care services to undocumented residents.

According to some estimates, there are as many as nine million undocumented residents currently living in the United States. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) prohibits public hospitals from providing free or discounted preventive service to undocumented immigrants—even if they pay for such services with State or local funds. PRWORA does, however, allow public hospitals to provide emergency room services.

This system has created a crisis in our nation's emergency rooms. Because undocumented residents cannot afford to see the doctor for routine physicals and preventive medicine, they arrive in the emergency room with costlier, often preventable, health problems. The Federation for American Immigration Reform estimates that 29 percent of this population uses hospital and other emergency services in a given year, compared to the 11 percent use by the general U.S. population.

The costs of this broken system are especially burdensome for our nation's public hospitals. Harris County Hospital District, in my hometown of Houston, Texas, estimates that emergency room care for undocumented residents cost taxpayers, insurance companies, and patients $225 million over the last three years. Hospitals in New York State provide a total uncompensated care for undocumented residents of $300 million to $380 million each year—almost one third of uncompensated care for the state.

Mr. Speaker, people should not enter any nation illegally, But I cannot understand a health care system that forces patients to let their health problems escalate into full fledged emergencies before it will provide them care. Wouldn't it make more economic sense to cover preventive services rather than let illnesses develop into painful and expensive complications? Most importantly, should the federal government be telling states and localities how they can and can't spend their own health care dollars?

That is why I am introducing legislation which would allow—not require—state and local programs to provide preventive and primary health care to undocumented aliens. This legislation would not provide a new benefit for undocumented residents. However, it would make sure that our health care dollars are spent more wisely by preventing emergencies—not treating them.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2001

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of our American flag and as a cosponsor of H.J. Res. 36, which would amend the Constitution to allow Congress to protect the United States flag from acts of physical desecration.

Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom. As an international emblem of the world's greatest democracy, the American flag should be treated with respect and care. I do not believe our free speech rights should entitle us to consider the flag as mere "personal property," which can be treated any way we see fit, including physically desecrating it as a form of political protest.

The American flag is a source of inspiration wherever it is displayed, and a symbol of hope to all nations struggling to build democracies. As a proud member of the House Armed Services Committee, I deeply admire those who have fought and died to preserve our freedoms. These men and women have bravely defended our flag and the fundamental principles for which it stands. They deserve to know that their government treasures the flag and all it represents as much as they do.

For these reasons I, as well as a great number of Americans, believe that our flag should be treated with dignity and deserves protection under the law. I urge my colleagues to join me in protecting one of the most enduring symbols of our nation and our democracy by adopting this resolution today.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes:

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Lee-Leach Global HIV/AIDS Amendment to the Foreign Operations Appropriations bill, which will increase the United States' contribution to the international AIDS trust fund from $100 million to $160 million.

In June 1981, scientists reported the first evidence of a disease that would become known as AIDS. Twenty years later, the AIDS pandemic has spread to every corner of the world. Almost 22 million people have already lost their lives to the disease, and over 36 million people are currently infected with the HIV virus. The numbers are indeed staggering.

Yet, the consequences of the AIDS pandemic extend far beyond the death tolls. The AIDS pandemic is much more than just a health crisis. It is a social crisis, an economic crisis, and a political, crisis. AIDS knows no borders, and respects no boundaries.

A world with AIDS is a world in chaos. Imagine growing up without parents, without teachers. Imagine living in a community with no options for work, no options for education, no mentors or civic leaders to help mold the community's youths into productive members of society. Imagine living in a world where people have no reason to plan for the years ahead, no reason to want to better themselves or improve society. This is the world of AIDS. This is the world we live in.

As the world's greatest nation—the nation that is most admired, most respected, and most powerful—we must take a leading role in the fight against AIDS. We must demonstrate to the global community the depth of our compassion, the breadth of our courage, and the strength of our commitment to the greater good. To do otherwise would be irresponsible and inhumane. Therefore, I wholeheartedly Support the Lee-Leach Global HIV/AIDS Amendment, and I urge my colleagues to do the same.

HONORING DAVID AND SUE ANN SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. MCINNIS. Mr. Speaker, I would like to take time to recognize two individuals, David and Sue Ann Smith. They have shared a life together for fifty years. These two were married in Gallup, New Mexico on December 28, 1951. This is a special and "golden" occasion, and quite an event in times when marriage doesn't always endure these long years. It shows great dedication and hard work, exemplifying such values for future generations in their family. As family and friends will gather to celebrate this joyous occasion, I too would like to recognize them at this special time.

David and Sue Ann have built and shared their life together these fifty years in Meeker, Colorado on the Smith Family Ranch that has been in the family for well over 100 years. It is a Centennial Ranch in Colorado. David and Sue Ann expanded the ranch in the late 1960's by adding the Barrett ranches and the Ed Sprod Ranch, and the ranch now surrounds the town of Meeker on all four sides.

In addition to the responsibilities of the ranch work, David and Sue Ann both have been heavily involved with their community. Both have been active on numerous Community Boards. David served on the School Board, worked with the Cub Scouts, served on the Planning and Zoning Commission and served as a Rio Blanco County Commissioner. He has been and still is involved with many water issues. He currently serves on the Meeker Town Ditch Committee, the Highland and Yellow Jacket Ditch Groups, and is also a long-standing member of the Colorado River District Board and the Colorado Water Conservancy Board.

Sue Ann has worked as a den mother for the Cub Scouts and has been a leader for various Girl Scout troops. She has also been active with the Colorado West Mental Health Group and many 4-H groups. She is now working with the Safe House Group, the Build a Generation Group, and she started the Walbridge Wing Family Support Group. As you can see, these two individuals have contributed and still contribute many hours of service and dedication to their community.

Their largest contribution has always been to their family. They have raised five children: David W. Smith, Brent A. Smith, Phillip M. Smith, Lori E. McInnis, and Brian E. Smith. They now have eleven grandchildren. Through their work on their ranch and all of their community service, they have provided their children and grandchildren with morals and values for hard work and the giving of oneself to others. The largest gift given is the example set forth through fifty years of a strong and determined love for each other.

David and Sue Ann, congratulations on your fifty years together. We wish you many more great years together.

HONORING GEORGE C. SPRINGER FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the Connecticut Federation of Educational and Professional Employees, AFT, AFL–CIO in paying tribute to their president of twenty-two years, and my dear friend, George C. Springer as he celebrates the occasion of his retirement. His outstanding leadership and unparalleled dedication has made a difference in the lives of thousands of families across Connecticut.

I have always held a firm belief in the importance of education and a deep respect for the individuals who dedicate their lives to ensuring that our children—our most precious resource—are given a strong foundation on which to build their futures. As a twenty year veteran of the New Britain, Connecticut school system, George made it his personal mission to help our students learn and grow—touching the lives of thousands of students.

During his tenure in the New Britain school system, George also served as an officer and negotiator for the New Britain Federation of Teachers, Local 871. Twenty-two years ago, he was elected to the position of state federation president. As the state president, George has been a tireless advocate for his membership and their families. I have often said that we are fortunate to live in a country that allows its workers to engage in efforts to better employee standards and benefits. George has been a true leader for teachers across the state, providing a strong voice on their behalf.

George set a unique tone for this organization, extending their mission beyond the fight for better wages, better work environments, and more comprehensive health benefits. He has led the effort of the Connecticut chapter to become more involved with the larger issues of how to improve our schools—for teachers and for students. Though we will miss him in the long battle ahead, George's leadership and outspoken advocacy on behalf of our public school system will continue to be an inspiration to us all.

In addition to his many professional contributions, George has also been involved with a variety of social service organizations in the community. The John E. Rodgers African-American Cultural Center, New Britain Boys Club, Amistad America, Inc., Coalition to End Child Poverty, and the New Britain Foundation for Public Giving are just a portion of those organizations who have benefited from his hard work and contagious enthusiasm.

It is my great honor to rise today to join his wife, Gerri, their four children, ten grandchildren and four great-grandchildren, as well as the many family, friends, and colleagues who have gathered this evening to extend my deepest thanks and appreciation to George C. Springer for his outstanding contributions to the State of Connecticut and all of our communities. He will certainly be missed but never forgotten.

ILSA EXTENSION ACT OF 2001

SPEECH OF

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. NETHERCUTT. Mr. Speaker, I am very concerned by public reports I read of continuing Iranian efforts to develop ballistic missiles and by the apparent coordination between Iran and other regional proliferators. I am equally troubled by the lack of contrition shown by Libya's leadership for their role in the bombing of Pan Am Flight 103. The sponsors of this bill argue that this measure will significantly advance efforts to constrain Iranian proliferation and will force Libya's government to demonstrate greater remorse for their previous sponsorship of terrorism.

These claims may well be true. But I am concerned by efforts to force through this bill under suspension procedures without opportunity for open debate and amendment.

The 106th Congress made very clear its support for substantially revising U.S. sanctions policy by adopting the Trade Sanctions Reform and Export Enhancement Act. This bill was signed into law by the President last year and lifted all unilateral sanctions on food and medicine, and significantly restricted the future application of such sanctions. The regulations governing the sale of food and medicine to formerly sanctioned states, including Iran and Libya, will be effective next week, and sales will be able to go forward.

I would like to believe that last year marked a significant philosophical shift in how the United States deals with sanctions policy. Generally, most Members agree that unilateral sanctions tend to have very little effect on targeted states, while they do hurt American interests. Unilateral sanctions also have a way of hardening opposition to the United States within the targeted country, and allow repressive governments to maintain a siege mentality that generally benefits the oppressors more than the oppressed. And the perception of hostility that accompanies such sanctions has a way of marginalizing reformist elements within the countries we seek to improve.

At the same time, unilateral sanctions have a way of greatly complicating our trading relationships with our allies. Extraterritorial sanctions, such as would be applied under this measure, are even more antagonizing to our most prominent trade partners.

Certainly, the House should, and regularly does, go on record with concerns about terrorism and proliferation. It is our responsibility to promote policies that change these reprehensible regimes. But I am concerned when this body debates sanctions policy with no opportunity for amendment on the floor. Sanctions go to the heart of our foreign policy, and are important enough to be deliberated in the open, during regular hours, with full participation by Members. Regretfully, this was not the case with H.R. 1954.

RECOGNIZING CARLIN MANUFACTURING

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Carlin Manufacturing on the occasion of their 20 year anniversary. Carlin Manufacturing is the world's leading manufacturer of mobile kitchens and specialty vehicles.

Carlin Manufacturing built its first mobile kitchen in 1980. Today, Carlin Manufacturing does business in over 30 countries. Each unit is custom built to suit the needs of their customers. Carlin Manufacturing has proven that high quality is essential through their careful quality checks during construction of the units.

Carlin Manufacturing has designed a wide variety of mobile kitchens for various uses. They have designed everything from units for commercial mobile restaurants to camouflage kitchen units that were used in Kuwait during the Gulf War. No matter the need, Carlin Manufacturing has always provided high quality mobile kitchens and serving facilities.

Mr. Speaker, I rise today to congratulate Carlin Manufacturing for its innovation and twenty year career in design of mobile kitchens. I urge my colleagues to join me in congratulating Carlin Manufacturing and wishing them many more years of continued success.

HONORING IMAM ABDUL-MAJID KARIM HASAN ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Muhammad Islamic Center of Hamden, Connecticut and the Interfaith Cooperative Ministries of New Haven, Connecticut in paying tribute to Abdul-Majid Karim Hasan as he celebrates his retirement.

For over twenty years, Imam Hasan has worked diligently as the Islamic Chaplain and director of Islamic Affairs for the Connecticut State Department of Corrections. What began as a volunteer effort to provide Islamic services to prisoners became a life-long career when in 1980 then Commissioner of the Department of Corrections, John Manson asked Imam Hasan to assume the responsibilities of Islamic Chaplain. As the first full-time Islamic Chaplain, Imam Hasan has been an invaluable resource for those of Islamic faith in the corrections system. Throughout this time he has been responsible for the implementation, evaluation, and oversight of all Islamic programs for both male and female correctional facilities throughout Connecticut. Serving as liaison between inmates, administration and the federal courts, Imam Hasan has left an indelible mark on the Department—a legacy that will not soon be forgotten.

In addition to his professional career, Imam Hasan has played a vital role in the Islamic community of New Haven for over thirty years. Imam Hasan's work with the Muslim American Society has spanned over four decades. First appointed as Minister of Muhammed's Mosque #40 in New Haven in 1971, he has been an invaluable asset to the Muslim community of Greater New Haven for over thirty years. As the spiritual director of the Muhammed Islamic Center, Imam Hasan has devoted countless hours to nurturing the spiritual needs of Muslims throughout the Greater New Haven region. His commitment and dedication to the mission of the Muslim American Society and his fellow Muslims is reflected in the myriad of awards and citations that adorn his walls.

This evening, as family, friends, and colleagues gather to pay him tribute, I am honored to extend my sincere thanks and appreciation for his many years of dedicated service and best wishes for many more years of health and happiness.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. ROYBAL-ALLARD. Mr. Speaker, due to an unavoidable scheduling conflict in my Congressional District on Monday, July 23, 1 was not present for rollcall votes Nos. 257–259. Had I been present, I would have voted "yea" on all three votes.

THE REPUBLIC OF KAZAKHSTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. TOWNS. Mr. Speaker, I would like to draw the attention of my colleagues to the issue of strengthening trade relations with one of the most promising countries of the post-Soviet era—the Republic of Kazakhstan. Kazakhstan has long been seen as a crossroads between East and West—a meeting place not only of continents, but of cultures, values, ideas, resources and trade.

Kazakhstan today has the best economic prospects in the region. It has highest rate of economic growth, especially throughout the current year. Already well-known for its abundant natural resources, the recent discovery of major hydrocarbon deposits in the offshore East Kashagan field on the Caspian Sea is expected to put Kazakhstan among ten leading world oil exporters in the first quarter of this century. Kazakhstan is also rich in natural gas, and has vast gold, uranium, ferrous, nonferrous and rare earth metal deposits. In addition, Kazakhstan has a highly developed agricultural sector, noted especially for grain and meat production.

The potential for cooperation and progress is great, and the time for action now. We must break away from the outdated constraints of a past era and seize the opportunity to put trade ties with Kazakhstan on a more solid, mutually beneficial basis.

Mr. Speaker, keeping in mind the importance of promoting and developing active U.S. trade relations with Kazakhstan which will not only open this huge market for Americans but also help to pave the way for true democracy in this country, I proudly cosponsored the legislation (H.R. 1318) that would grant permanent trade relations to Kazakhstan.

I am enclosing a letter from the U.S.-Kazakhstan Business Association signed by U.S. companies asking for our support to strengthen bilateral trade relations with this country by passing H.R. 1318 and the article "Cheney Aims To Drill Afar and Wide", published in "Washington Times" on July 20, 2001.

U.S.-KAZAKHSTAN
BUSINESS ASSOCIATION,
July 23, 2001.

Representative EDOLPHUS TOWNS,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE TOWNS: On behalf of the U.S.-Kazakhstan Business Association, I wish to convey the Association's strong support for the granting of permanent normal trade relations (PNTR) to Kazakhstan. We wish to encourage early approval by the Ways and Means Committee of H.R. 1318, introduced by Representative Pitts, and supported by you and other co-sponsors.

Association members include major U.S. corporations that have been in the forefront of Western investment in Kazakhstan. They are very deliberate about their decisions to enter emerging market economies and have seen the many positive advantages that investment in Kazakhstan affords. As energy sector revenues grow and spread through the country's economy, the Association seeks to encourage diversified investment in other sectors, such as agribusiness, mining, petrochemicals, and telecommunications. For these investments to be economic, however, it will be important for Kazakhstani firms, as well as joint ventures formed with American investors, to have predictable nondiscriminatory access to U.S. markets. Looking ahead to Kazakhstan's eventual accession to the World Trade Organization (WTO), our members will be particularly interested in our government being able to avail itself of all its rights under the WTO with respect to Kazakhstan.

Historical criteria that have withheld nondiscriminatory access for Kazakhstan products are no longer relevant. The country continues to make stepwise political and economic reforms that are attracting and retaining foreign investors. Kazakhstan courageously chose to de-nuclearize after independence and has fully supported nuclear nonproliferation objectives, dismantling bombers, missiles, and related facilities. It has complied with U.S. emigration requirements, and recently has taken considerable strides toward creating a free-market economic system—a development already recognized by the European Union. While the U.S. and Kazakhstan concluded a bilateral investment treaty in 1992, from its independence, Kazakhstan has demonstrated a strong desire to build friendly and cooperative ties with the U.S. across a broad range of relationships. The Association, therefore, believes it is in the best interests of the United States to approve PNTR for Kazakhstan and promote further development of more normal trade and investment relations between the two countries.

Similar letters have been sent to Representative Thomas and Representative Rangel of the House Ways and Means Committee, the Chairman and Ranking Minority member of the House International Relations Committee, and, regarding S. 168, to the Chairmen and Ranking Minority Members of the Senate Finance Committee and the Senate Foreign Relations Committee. In addition, sponsors, co-sponsors, and each member of the above committees have received courtesy copies.

The member companies and organizations listed below support the Association's position favoring PNTR for Kazakhstan and the respective House and Senate bills. Should you or your staff have any questions, please do not hesitate to contact me at (202) 434-8791.

Sincerely,

WILLIAM C. VEALE,
Executive Director.

List of Members Supporting H.R. 1318: ABB Inc.; Access Industries, Inc.; ACDI/VOCA; The AES Corporation; American Councils for Int'l Education; Bechtel Corporation; Chevron Corporation; Citizens Network for Foreign Affairs; Columbia University Caspian Project; Coudert Brothers; Exxon Mobil Corporation; Deere & Company; Fluor Corporation; Halliburton Company; International Tax & Investment Center; NUKEM Inc.; Parker Drilling Company; Parsons Corporation (membership currently being processed); Phillips Petroleum Company; Texaco Inc.

[From the Washington Times, July 20, 2001]

CHENEY AIMS TO DRILL AFAR AND WIDE

(By David R. Sands)

Debates over drilling at home have dominated the headlines, but the Bush administration's energy plan also calls for some aggressive prospecting in overseas markets as well.

Kazakhstan, Russia, India and even Venezuela stand to be big winners under key sections of the energy program, released by a task force headed by Vice President Richard B. Cheney on May 18.

Energy needs would assume a much greater role in considering whether to apply economic or other sanctions against unfriendly governments.

"There's a lot going on, on the international side in that report, and it's going to matter a lot to the entire global energy market," said Robert E. Ebel, director of the energy and national security program at the Washington-based Center for Strategic and International Studies (CSIS).

"The path the U.S. chooses on production and consumption will have a huge impact on the rest of the world," Mr. Ebel said.

The Bush plan calls for a major diversification of oil suppliers, away from the long-standing reliance on unstable or unfriendly Middle Eastern producers.

"Concentration of world oil production in any one region of the world is a potential contributor to market instability, benefiting neither oil producers nor consumers," the report said.

A survey released by the American Petroleum Institute (API) on Wednesday could boost the Bush plan, which faces a tough time in Congress.

The oil industry trade group found that U.S. crude oil imports for the first half of 2001 hit a record average of 60 percent of total demand, or 9.2 million barrels per day. Oil imports in April accounted for 62.8 percent of total demand, "the largest (monthly) share in history," API said.

Officials in the Central Asian country of Kazakhstan have expressed satisfaction with the Bush administration's focus on their market, where recent oil field discoveries have attracted intense industry interest.

"The new administration has showed a very complete and mutual understanding of the cooperation we hope to have in the future," Vladimir Shkolnik, Kazahstan's vice minister for energy and natural resources, said in an interview during a Washington trip this spring.

"I get the feeling they understand very well our potential," Mr. Shkolnik said.

While saying private investors must lead the way, the Cheney report devotes considerable time to the Kazakh market, urging U.S. government agencies to "deepen their commercial dialogue" with Kazakhstan.

The report also endorses the proposed pipeline from Baku, Azerbaijan, through Georgia to the Turkish port of Ceyhan. Enthusiastically backed by the Clinton administration, the Baku-Ceyhan pipeline has been resisted by Moscow, which sees the project as an effort to bypass Russia.

"The big question has always been how to get the oil and gas to market. With private companies like (British Petroleum) really pushing the pipeline, it's hard to see how the Bush administration could do a 180-degree turn from what the Clinton people were recommending," Mr. Ebel said.

To complete the bypass of both Russia and Iran, the Cheney report's authors called for the State Department to push for Greece and Turkey to link their gas pipeline systems, allowing even easier access to European markets for Caspian gas.

But Russia is also one of several other international producers that the Cheney task force recommends should be encouraged. Russia has about 5 percent of the world's proven oil reserves and a third of the world's natural gas, but needs major Western investment and significant legal and commercial reforms to exploit its potential.

While urging continued pressure on Middle East suppliers like Saudi Arabia and Kuwait to open their markets to foreign investors, the Bush administration blueprint seeks suppliers much farther afield.

Despite a series of sharp political and diplomatic exchanges with Venezuelan President Hugo Chavez, the United States should push to conclude a bilateral investment treaty with Caracas, said the administration proposal, and begin talks with Brazil to boost "energy investment flows" with both of the South American powers.

The report also directs U.S. agencies to help India "maximize its domestic oil and gas production," as well. One foreign policy recommendation that has taken some hits is the Bush proposal to include "energy security" as a factor when considering the usefulness of economic sanctions.

The administration was forced to retreat in the first congressional fight over such sanctions, in the face of strong bipartisan support for maintaining current restrictions on trade and investment with Iran and Libya.

HONORING DOCTOR PAUL ERRERA ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the many family, friends, and colleagues who gathered today to pay tribute to Doctor Paul Errera as he celebrates his retirement from service with the United States Department of Veterans Affairs.

Dr. Errera began his forty-seven year career with the VA as a first year resident in psychiatry at the West Haven, Connecticut VA Medical Center. He later went on to serve as the Chief of Psychiatry for fifteen years. In addition to his work in Connecticut, Dr. Errera spent nearly a decade in Washington, D.C. as the national Director of Psychiatry and Psychological Services. In that role, he was charged with the oversight of 172 VA hospitals across the country. In a career that has spanned nearly half a century, Dr. Errera has demonstrated a unique commitment to our nation's veterans and the quality of care they receive.

Throughout his tenure, Dr. Errera has been a visionary leader, stimulating fundamental change in the way mental health care is delivered. He has played an integral role in the development and implementation of innovative, community-based programs to meet the diverse mental health treatment needs of veterans. Dr. Errera's commitment and diligence has had a dramatic impact on the VA's treatment of its mentally ill patients—effectively changing the face of their approach and service to many of our nation's most vulnerable citizens.

Dr. Errera attributes his dedication to the historic role the United States played in twice freeing his homeland of Belgium—believing that the citizens of Belgium owe a great debt to the brave men and women who liberated his native country. I have often spoke of our nation's need to provide the best possible care to our veterans. These are the men and women who fought for the freedoms and values we hold so dear. Dr. Errera, with his unparalleled record of service to the veterans of this country, has set a new standard for us all to strive to achieve.

Dr. Errera, through his infinite good work has made a real difference in the lives of many US veterans and for that we owe him a great debt of gratitude. It is my great honor to rise today to extend my deepest thanks and appreciation to Dr. Paul Errera for his outstanding service at the United States Department of Veterans Affairs and my very best wishes to him and his family for many more years of health and happiness.

ILSA EXTENSION ACT OF 2001

SPEECH OF

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

Mr. ROTHMAN. Mr. Speaker, as a proud cosponsor of this well crafted legislation, I rise today in support of House Resolution 1954, the Iran Libya Extensions Act of 2001.

When this law was first enacted by the United States Congress in 1996 it imposed a number of economic sanctions against foreign companies that invest in the energy sectors of either Iran or Libya. Given those two nation's support for violence and terrorism, the bill passed overwhelmingly.

Unfortunately, nothing in those nations' behavior has changed since that bill passed unanimously by a vote of 415–0. Therefore, we must pass this bill to extend the Iran-Libya Sanctions Act (ILSA) for an additional five years.

As recently as March 13, 2001, President George W. Bush issued a statement declaring that Iran's government is, "a threat to the national security, foreign policy, and economy of the United States"—due to—"its support for international terrorism, efforts to undermine the Middle East peace process, and acquisition of weapons of mass destruction and the means to deliver them."

And to add to this concern, in early March of this year, the Islamic Republic of Iran reportedly signed a cooperation agreement with Russia that will give it access to sophisticated arms technology.

As for Libya, the Iran Libya Sanctions Act of 2001 extends sanctions against Libya designed to end only if our President determines that Libya has fulfilled the requirements of all U.N. resolutions relating to the horrific downing of Pan Am 103 in December of 1998.

Given that Libya has not yet accepted responsibility nor compensated the families of the victims of Pan Am 103, I think it is only just that ILSA's sanctions remain against Libya.

Mr. Speaker, for the reasons I have outlined, I believe it is important to continue these restrictions on trade with companies who do business with Iran and Libya.

I urge my colleagues to vote for H.R. 1954, brought to the floor by my good friend and the Chairman of the House International Relations Committee's Subcommittee on the Middle East and South Asia, Representative BEN GILMAN and the distinguished Ranking Member of the House International Relations Committee, Representative TOM LANTOS.

RECOGNIZING MR. DIONICIO MORALES OF THE MEXICAN AMERICAN OPPORTUNITY FOUNDATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. SOLIS. Mr. Speaker, I rise today to recognize one of the most inspiring and influential Latino leaders in the United States. Dionicio Morales is the founder and former President of the Mexican American Opportunity Foundation (MAOF), the largest Latino social-service agency in the United States. Mr. Morales has helped improve the lives of thousands of people, especially Latino youth and the elderly, by providing vital resources such as job training, senior services, naturalization services and child care programs in communities throughout California. The Mexican American Opportunity Foundation has established programs in the San Gabriel Valley, East Los Angeles, San Diego, Santa Ana, Oxnard, Salinas, and Bakersfield.

Mr. Morales' inspiring life is depicted in his autobiography entitled "Dionicio Morales: A Life in Two Cultures." In the book, Mr. Morales is described as a passionate leader who has led by example and knows first hand the struggles of the poor in detail. For many decades he has tirelessly organized and has fought to protect the rights of these individuals.

In the early 1960's Mr. Morales called the White House to request help in establishing programs to help employ and train Mexican Americans. Incredibly, Mr. Morales obtained a meeting with Vice President Lyndon Johnson, who agreed to help Mr. Morales through the President's Committee on Equal Employment Opportunity.

Nearly four decades later, due to that fateful call made by Mr. Morales, the Mexican American Opportunity Foundation now has a budget of over $60 million, making it the largest Latino organization in the United States.

Mr. Morales continues to be actively involved in the Mexican American Opportunity Foundation. He is a trailblazer and a true leader. I am privileged to recognize Mr. Morales' incredible life and applaud his work.

HONORING FENMORE SETON FOR HIS OUTSTANDING SERVICE TO THE UNITED STATES OF AMERICA

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. DELAURO. Mr. Speaker, earlier this month I had the distinct privilege of reading one of the most touching personal memoirs of the events of the invasion of Normandy, the turning point of World War II. A defining moment in our history, it is important to take a moment to reflect on the tremendous undertaking of the Allies and the unparalleled courage and bravery of the soldiers who fought, many making the ultimate sacrifice, for world freedom. It is my great pleasure to rise today to honor both the many servicemen who participated in the D-day invasion and my very dear friend, Fenmore Seton, by recounting his remarkable story.

In his memoirs Fen, a First Lieutenant in the Ninth Air Force of the United States Army Corps, captured the spirit and atmosphere of those first few memorable days. Hundreds of officers and soldiers were transported on Liberty Ships, normally equipped for crews of thirty. Under other circumstances such conditions would be considered intolerable, yet as they embarked from their staging area in Wale, there was little or no complaint from these exemplary men. Hour after hour the deafening roar of the planes overhead could be heard by the troops aboard the Liberty Ships in the Allies' Armada which stretched as far as the eye could see. Shortly before they began their mission, each man was given a printed letter of inspiration from the Allied Commander in Chief of "Operation Overload," Dwight D. Eisenhower. Climbing down the side of their Liberty Ships, on rope netting into the individual Landing Craft Infantry's, Fen and thousands of other soldiers began to make their way ashore.

Fen disembarked from an invasion landing craft on Omaha Beach on D-day plus three. Though they were supposed to make their beach landing one day earlier, the Ranger Infantrymen who were fighting for a foothold on the designated beach landing zone, had met intense firepower from the reinforced concrete German Pillboxes which delayed their arrival. Under strict blackout instructions, they moved to their rendezvous point in a completely unfamiliar place in the pitch dark, finding refuge in a nearby shelter only to awaken amid chickens and manure and the realization that they had slept in a cattle barn.

This was the first of seven battle campaigns, including the Battle of the Bulge, that Fen participated in as a member of the Ninth Air Force. In addition to the six battle stars that decorate his European Theatre ribbon, Fen was honored with the ribbon for Meritorious Service and Belgium's royal "Fourragere d'Honneur" for his service with the 70th Fighter Wing. However, it is not the honors, commendations, or medals that led Fen to take down his thoughts and memories of his extensive World War II experiences. It was, as he wrote, "because all Officers and Soldiers felt that World War II was a 'just' war . . . that had to be fought in order to defend civilization and to preserve our treasured American way of life."

As he concluded, Fen wrote: "Younger people particularly have little to no curiosity concerning World War II or the fact that the Normandy Invasion marked the turning point for the defeat of the Nazi Empire. I sadly suspect that most of the younger generation do not even recognize the significance of Pearl Harbor." It is my sincere hope that the young people of our nation and future generations remember the tremendous efforts that were made to preserve the freedoms we hold so dear. As the daughter of a veteran and a Member of this great body, I take pride in paying tribute to the veterans of World War II for their outstanding contributions to our great nation. They changed the course of history and for that we owe them a debt of gratitude that can never be repaid.

Today, I stand to extend my sincere thanks and appreciation to Fenmore Seton for his outstanding service to our country and for bringing this remarkable story to light. It is veterans, like Fen, whose stories will never allow future generations to forget one of the free world's greatest victories.

PERSONAL EXPLANATION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. DEGETTE. Mr. Speaker, on July 18, 2001, my vote on final passage of H.R. 2500, the "Commerce, Justice, and State Appropriations Act for Fiscal Year 2002" was not recorded. I support the bill and intended to vote "yes."

I support this bill because it is fair and bipartisan, and appropriately funds many important programs and agencies in the government. This bill appropriates $41.5 billion, which is 4 percent more than the current level and 2 percent more than requested by the president.

I am pleased that this bill adequately funds many important programs that have not received appropriate funding in the past. Specifically, H.R. 2500 provides $1.01 billion for the Community Oriented Policing Services, a program that I strongly support and that contributes to the safety of our neighborhood streets. It also provides $844 million for international peacekeeping efforts, including $2 million to conduct programs that monitor and combat human trafficking. $440 million is included for conservation programs to clean oceans and waterways. Additionally, the bill appropriates $329 million for the Legal Services Corporation which provides legal assistance to lower-income Americans.

COMMUNITY SOLUTIONS ACT OF 2001

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2001

Mr. MOORE. Mr. Speaker, I rise to express my grave concerns with the bill before us today. I have seen firsthand and know well the vital role that churches, mosques, synagogues and other religious institutions play in our communities. I believe, however, that both H.R. 7 and the Democratic substitute offer us a false choice and fail to protect our constitutional rights.

For more than 200 years, the U.S. Constitution has protected religious freedom by upholding each American's right to free exercise of religion and maintaining a separation between church and state. H.R. 7 would break down that historic wall.

Although the bill specifically states that government funds should not be used for worship or proselytization, meaningful safeguards to prevent such action are not included in the provisions. Indeed, as this bill is written, safeguards would be impossible. For example, if the purpose of a program is to end addiction by the adoption of a specific faith, it is impossible to separate the government service (drug and alcohol counseling) from the message of faith (proselytization). Even an "opt-out," which provides for a secular alternative to the services, does not change the fact that this bill provides government funding for religious activities.

Furthermore, both H.R. 7 and the Democratic substitute would provide direct funding to houses of worship. H.R. 7 gives federal agencies, at the discretion of the Secretary, the ability to take all the funding for a program and convert it into vouchers to religious organizations. This alarming provision takes $47 billion in federal funds away from the oversight of elected representatives in Congress. Furthermore, the bill expressly permits federal funding of worship and proselytization with these "indirect funds." The Democratic substitute, although it attempts to close the voucher loophole, does not alleviate my concerns with direct government funding of religion.

I am also deeply concerned that efforts to make religious organizations dependent on federal funds will cause them to lose their independence, autonomy and unique voice in our society. With public funding comes public scrutiny and accountability. Also, the provisions of H.R. 7 will inevitably put the federal government in the position of choosing one religion over another in awarding federal grants and contracts. Despite the fact that the bill assures us that the awarding of charitable choice funds would not constitute an "endorsement" of a certain religion, it takes little to imagine what will happen when a federal agency is forced to choose between two equally meritorious grants from different religious groups. Even worse will be the consequences when a cabinet secretary, by fiat, turns the program into a "voucher." A more egregious violation of the Establishment Clause can hardly be imagined.

I cannot state strongly enough my belief that religious organizations are an important part of our social fabric and provide absolutely vital services to people in need. Those services already can be provided by religious organizations in a way that is constitutionally sound. I encourage my colleagues to take this bill back to the drawing board and build on that record of service.

HONORING OTELLO AND CAROLYN MASSONI ON THEIR 50TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to extend my sincere congratulations to two outstanding community members and my good friends, Otello and Carolyn Massoni, as they celebrate their 50th wedding anniversary. Married for a half a century, they are a wonderful couple who have both done much for their community in Wallingford, Connecticut.

Perhaps best known for their incredible working relationship, Otello and Carolyn are a true inspiration for any couple. They have worked on a variety of projects—always together—though their most popular are their beautiful reproductions of Faberge Eggs and fabulous dollhouses.

Their dollhouse hobby began when Otello was recuperating from a surgical procedure. Working from a kit, Otello has built a number of breathtaking buildings in a wide variety of architectural styles. Carolyn took on the responsibility of decorating the houses. From hand-made curtains trimmed with lace to the smallest details on a miniature reproduction of a Sears catalog, no detail has been overlooked. Victorian, Gothic, Colonial and Tudor styles, as well as some cottages, a gazebo, and even a brick outhouse, Otello and Carolyn's collection is truly impressive.

Intricate detail, unparalleled patience, love and care—characteristics similar to the traditional ingredients thought to be included in marriage—have gone into each of the delicate reproductions of Faberge Eggs that decorate the Massoni's home. This remarkable hobby has drawn much attention to Otello and Carolyn's creative talents. With each taking on a different task, they are not only creating beautiful ornaments, but cherished memories. Featured in local newspapers on a variety of occasions, Otello and Carolyn's work has sparked the imaginations of many in area communities.

In addition to their creative hobbies, Otello and Carolyn have always been active in the Wallingford political arena. Their outstanding work with the Democratic Town Committee has benefitted many local elected officials, including myself. Their tireless efforts have gone a long way in bringing a strong voice to local residents and their interests.

Enjoying their retirement years together, Otello and Carolyn have found what may be the key to a successful marriage—teamwork. Whether with their hobbies or in the community, it is a rare moment not to see these two working together. It is with great pride that I rise today to join family and friends in congratulating my dear friends Otello and Carolyn Massoni as they celebrate their 50th Anniversary. My very best wishes to them for many more years of health and happiness.

TRIBUTE TO STATE SENATOR REGIS GROFF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to a man considered, after twenty years of service to be the "Conscience of the Colorado Senate." As a State Senator Regis Groff was a man who never backed down from a fight and always stood up for what he believed in. Although he often stood alone, he never hesitated to do what he believed was right.

As an African-American political leader from West, Regis was often pitted against the forces of discrimination, a battle in which he was consistently outnumbered. He pushed for Colorado to divest itself from business relationships with the apartheid regime of South Africa, and was a strong voice for enhancing voter registration. When it wasn't popular, he was also a voice for rational gun control. He was responsible for carrying Senate legislation in Colorado designating the birthday of Reverend Martin Luther King Jr. as a state holiday.

Regis Groff's convictions earned him respect from both sides of the aisle. One former colleague remarked, "there would be a hush when Regis went to the microphone." The former Colorado Senate President, a member of the opposing party, said, "Regis was the most fun and challenging person to debate at the microphone of anyone I served with in the legislature."

I would ask my colleagues to join me in paying tribute to a great and dedicated public servant. I am including an article from a recent edition of the Denver Post that recognizes the significant contributions of Regis Groff to the people of Colorado.

WHATEVER HAPPENED TO ... REGIS GROFF?: FORMER "CONSCIENCE OF COLORADO" SPEAKS FROM SIDELINES

(By James B. Meadow)

The former "Conscience of the Colorado Senate," the man who spent 20 years fighting—and mostly losing—the good fight is staring out the window of the clubhouse of the Park Hill Golf Course sympathetically watching grown men flail at a little white ball.

"Most retirees assume their golf game will be much, much better, but it doesn't happen that way," says Regis Groff. He flashes his trademark megawatt smile as he adds, "At least it didn't happen to *me*. But then I only play one-third as much golf as I want to."

Not that he's complaining, because these days life is better than just OK for Groff. For one, he looks a decade younger than his 66 years, almost too youthful to be the grandfather of four. For another, he takes a winter hiatus in Las Vegas every year.

He also indulges his passion for baseball by taking advantage of his Colorado Rockies season tickets. True, they're not his beloved Chicago Cubs, but few know better than Groff that life is riddled with compromise.

For two decades, he was the impassioned, eloquent spokesman for liberal causes in the Colorado Senate, a man whose flights of oratory were legendary.

"There would be a hush when Regis went to the microphone," says former Sen. Mike Feeley, calling the Democrat "the finest public speaker ever to grace the floor of the state Senate."

Even those at the opposite end of the political spectrum were Groff fans.

"Regis was the most fun and challenging person to debate at the microphone of anyone I served with in the legislature," says Tom Norton, former Senate president. "I don't know that he ever passed a whole bunch of bills. But he always made sure the point of view he represented was adequately considered."

Norton isn't exaggerating in his remarks about Groff not passing a whole bunch of bills.

"Oh, it was thorough frustration to have zero influence, no power," says Groff of his 20 years in the minority party; years of futilely fighting to ban capital punishment, have the state divest itself from business relationships with the apartheid regime of South Africa, enhance voter registration and establish gun control.

"But you have to raise issues that aren't popular," says Groff. "You try to raise issues that touch the conscience of each human being."

Although Groff dismisses Sen. Jana Mendez's claim that he was the conscience of the Senate as "overspeak," he doesn't deny that he was loath to back down from an issue.

That's why in April 1993, only months after Coloradans passed Amendment 2—largely seen as a slap at homosexual rights—Groff tried to get the Senate to put it back on the ballot to let voters "revisit" the measure.

That same session, he was blunt about his feelings for Douglas Bruce, author of Amendment 1, which limited the state's ability to raise taxes and spend money.

On the Senate floor, Groff said that Bruce, a California transplant, "slithered into Colorado and hoodwinked the state."

Standing alone was second nature to Groff: He was the Senate's only black. And political ostracism was nothing new for a guy who knew all about racial discrimination.

When he first arrived in Denver in 1963, to begin what would be a lengthy career as an educator, he and his wife were repeatedly denied rental homes in Park Hill because, as landlords told him, "We don't rent to coloreds."

Growing up the son of a potter in Monmouth., Ill., a small rural community, Groff wasn't allowed in the YMCA pool.

Racial intolerance was still an emphatic given when he was attending Western Illinois University. Along with a group of other black students, Groff led a successful push to force a local barbershop to serve black students.

His proudest moment as a legislator came in 1984, when he persuaded the Senate to pass a bill making Martin Luther King's birthday a state holiday.

He recalls that debate over the bill almost caused a fist fight with another senator. "I told him, 'I should kick your ass!,' and he said, 'C'mon!' but others stepped between us," laughs Groff.

Groff left the Senate in 1994 to head the state's Youth Offender System, a multimillion-dollar rehabilitation facility for violent juveniles. He quit in 1998 and then headed the Metro Denver Black Church Initiative.

These days, he says, "I have no gainful employment," content to be a grandfather, serve on boards, travel, golf, watch baseball, adjust to life as a divorced male after 33 years of marriage and basically do what he pleases.

Would he ever again consider elective office?

"No, no, no!" he says, recoiling in mock horror. "If 20 years of politics doesn't fill your appetite, then that appetite is so insatiable as to be dangerous."

Still, he does confess to more than a trace of envy now that Democrats control the Senate.

"You bet I'm jealous. I'd like to know how it feels to be in the majority," he says.

But then you'd expect a frank answer. After all, anything less from the Senate's former conscience would be, well, unconscionable.

HONORING THE LATE GLADYS "SKEETER" WERNER WALKER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember the accomplished and unforgettable life of Gladys "Skeeter" Werner Walker. She was truly a kind person and an outstanding athlete. As family and friends mourn her passing, I would like to pay tribute to this longtime resident of Steamboat Springs, Colorado.

Skeeter was born in Steamboat Springs, Colorado, with the rest of her family, and was the oldest of three siblings who grew up to ski in the Olympics. She and her two brothers, Buddy and Loris, trained locally on Howelsen Hill and traveled later to ski in the Alps. The Werner family's prominence in the skiing world flourished to such an extent that the name of the ski mountain in Steamboat Springs was changed from Storm Mountain to Mount Werner in their honor.

Skeeter began skiing at age one and entering competitions by the age of five. Perhaps one of her greatest achievements was being selected as the youngest member of the U.S. Alpine World Championship Team in 1954, at the age of 21. At the downhill event in Sweden, Skeeter placed 10th. Her triumph was awarded when she graced the cover of Sports Illustrated and became recognized as one of America's great Olympians. When Skeeter again returned to the Olympics in 1956 in Italy, she again garnered a 10th place finish in the downhill race.

Skiing was not Skeeter's only career. After retiring from skiing in 1958, she relocated to New York where she was a model and a fashion designer. The Yampa Valley drew Skeeter back in 1962, and along with her brother Buddy and his wife Vanda, they opened two ski shops in Steamboat and Skeeter initiated the first ski school at Storm Mountain. Every step of the way opened a new opportunity for Skeeter and her family that allowed them to have a dramatic impact on the Yampa Valley that will last forever. She fell in love with and, in 1969, married Doak Walker, the 1948 Heisman Trophy winner. Together, Doak and Skeeter helped to shape Steamboat and the skiing community. Doak passed away in 1998 following a skiing injury several months earlier.

As you can see, Mr. Speaker, Skeeter was a person who lived an accomplished life. Although friends and family are profoundly saddened by her passing on Friday, July 20, each can take solace in the wonderful life that she led. At the age of 67, Skeeter was an outstanding member of the community and a heroic role model for others. I know I speak for everyone who knew Skeeter well when I say she will be greatly missed.

PERSONAL EXPLANATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. MORAN of Kansas. Mr. Speaker, I rise today to acknowledge an error I made earlier today in voting for the previous question motion on the Treasury, Postal Appropriations bill. As is customary on such procedural motions I voted "aye." Had I been aware of the implications of the vote, I would have voted "no."

I have been and continue to be an opponent of Congressional pay raises. Fiscal discipline must start with our elected officials. My constituents don't get a cost of living increase every year and neither should we. Had I known the previous question vote would be construed as having anything to do with a congressional COLA, I would have opposed it.

Not only do I oppose the pay raise itself, but I strongly oppose the manner in which this issue is handled. We ought to have a clear "yes" or "no" vote on the pay raise and let the chips fall where they may. When given the opportunity to vote on the pay raise directly, I have always voted "no." If others feel differently, let them cast their vote in the light of day and explain it to their constituents. To disguise an issue as important as a congressional pay raise inside a procedural motion is less than honest. Such gimmicks further erode this institution's credibility and member integrity.

It is my responsibility to know all the implications of the motions and bills that I vote on. My constituents deserve my attention on each and every vote. One the issue of a congressional pay raise, the American people deserve better from all of us.

VETERANS HAVING HEALTH-CARE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to introduce legislation to ensure that all veterans, regardless of where they live, have equitable access to the best health care at VA medical centers across America, and especially in the Northeast.

Along with Congresswoman KELLY and Congressmen GRUCCI, HINCHEY and GILMAN, we are introducing two bills to improve the way the VA allocates funding for veterans medical care across the nation.

In 1997, Congress passed legislation that authorized the VA to develop a new formula for allocating veterans medical care dollars across the country. At the time, veterans were moving from the Northeast and Midwest to the South and West, and the VA's formula then did not address how to allocate funding with this shift.

Unfortunately, the new formula developed by the VA still failed to address the changing demographics of the veterans population. The so-called Veterans Equitable Resource Allocation formula (VERA) did begin to provide additional medical care dollars to areas with growing veterans populations, but unfortunately, the VA did so by slashing funding to states with veterans populations that remained stable, like my own state of New Jersey and others in the Northeast.

I know firsthand about the law of unintended consequences. VERA has had the terrible effect of restricting access of veterans to medical care in my part of the country because my district in New Jersey is part of Veterans Integrated Service Network (VISN) 3. This VISN has borne the brunt of VERA's funding shift. According to the VA's own figures, funding for VISN 3 has been reduced by 6 percent, or $64 million, at a time when other VISNs saw their allocations increase by as much as 47 percent or even 53 percent!

I continue to ask the VA how this practice is equitable and why medical care in the Northeast should be reduced.

New Jersey has the second oldest veterans population in the nation, behind Florida. Our state has the fourth highest number of complex care patients treated at VA's hospitals. Yet New Jersey's older, sicker veterans are routinely left waiting months for visits to primary care physicians and specialists or denied care at New Jersey's two VA nursing homes.

Something is fundamentally wrong with the VERA allocation formula if it continues to decrease funding for areas where veterans have the greatest medical needs. All veterans, regardless of where they live, have earned and deserve access to the same quality of medical care—care that is too often denied under the current formula based.

That is why I rise today with nearly 30 of my colleagues to introduce these two bills.

The first bill, the Veterans Equal Treatment Act, would repeal the VERA formula and direct the VA to devise a truly equitable allocation formula based on need.

The second bill, the Equitable Care for All Veterans Act, would require the VA to take steps to account for regional differentials—the differences in the costs of providing care in some areas of the country due to the high cost of living, long travel distances, and like—in determining the national means test threshold. This threshold currently stands at $24,000 for veterans across the country, regardless of where they live.

We know that the costs of such basic necessities as housing and utilities differ across the country. According to the National Low Income Housing Coalition, the ten least affordable States include New Jersey, New York, Pennsylvania, New Hampshire, Massachusetts, Maine, Vermont and Rhode Island. These States are parts of VISNs 1, 2 and 3—all three VISNs fare the worst under the present VERA allocation formula.

Mr. Speaker, VERA should be adjusted to reflect factors such as the high cost of housing in the means test. It is the least we can do to ensure that all veterans who need and deserve care are provided with access to VA medical centers.

I strongly encourage the Chairman of the House Veterans' Affairs Committee to hold hearings on these issues, and to move forward with changes to the VERA allocation formula as outlined in these two bills.

PERSONAL EXPLANATION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. DEFAZIO. Mr. Speaker, earlier today on the vote to consider the previous question on this bill I intended to vote “no” but inadvertently voted “aye”.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Ms. DELAURO. Mr. Speaker, during rollcall vote No. 255 on H.J. Res. 50, I mistakenly recorded my vote as “no” when I should have voted “aye”.

TRIBUTE TO THE ORIGINAL 29 NAVAJO CODE TALKERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2001

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to the original 29 Navajo Code Talkers, who courageously served this country during WWII. The original 29 Navajo code talkers developed a Navajo language-based code to transmit information while in the Pacific theatre. Their efforts were invaluable to this nation and helped bring the war in the Pacific to a close, impacting all Americans. Today these men or their surviving family members are receiving Congressional gold medals of honor as a symbol of our Nation's appreciation for their valor.

In early 1942 the Marines started to recruit Navajo men to serve as code talkers in the Pacific. The Marines were searching for a code, which the Japanese would be unable to break. Since the Navajo language is incredibly complex and consists of complicated syntax and tonal qualities, plus different dialects, it was an ideal code. The original 29 Navajo Code Talkers developed a code dictionary, which had to be memorized. This code consisted of English translations of Navajo phrases. The Japanese were never able to break the complicated code. The Navajo Code Talkers successfully sent thousands of messages, enabling the Marines and this Nation to achieve victory.

The war in the Pacific was brought to a close with the help of these original 29 Navajo code talkers and the hundreds of code talkers who followed. The Navajo, who bravely served this country, despite poor governmental treatment at home, should be commended for their service. I would ask my colleagues to join me, now and forever, in paying tribute to the original 29 Navajo Code Talkers who bravely served this nation. I am including an article from a recent edition of Indian Country Today, which recognizes the significant contributions of the Navajo Code Talkers.

[From Indian Country Today, July 11, 2001]

NAVAJO CODE TALKERS TO GET CONGRESSIONAL GOLD MEDALS

TRUE RECOGNITION A DECADE AFTER HEROISM

(By Brenda Norrell)

SANOSTEE, N.M.—The late Harrison Lapahie's Dine name Yieh Kinne Yah means “He finds things.” His son, Harrison Lapahie Jr., is honoring his father's name by finding Navajo Code Talkers who will receive Congressional gold and silver medals.

Born here in Sanostee, officially in 1923 but closer actually to 1928, Harrison Lapahie served in the U.S. Marines using his Native tongue to transmit the code never broken by the Japanese during World War II. Aircraft bombers were “Jay-Sho” buzzards, dive-bombers were “Gini” chicken hawks and battleships were “Lo-Tso” whales.

The original 29 Navajo Code Talkers who created the code will join George Washington, Robert Kennedy, Mother Teresa and Nelson Mandela as recipients of the Congressional gold medal, the nation's highest civilian honor.

With beautiful piano music and galloping horses, an eagle and an American flag on his Web site, Harrison Lapahie's son Harry links readers worldwide to the legacy and history of the Navajo warriors being honored more than half a century after their heroism with their Dine-based military code.

Charles Hedin, Navajo working in health recovery with veterans in Denver, discovered the search for his uncle on the Web site. The late John Willie Jr. was among the original 29 being sought to be honored in Washington this month.

“I was surfing the Web and I landed on Mr. Lapahie's Web site. I didn't know Zonnie Gorman was searching for relatives of Code Talkers. Filled with overwhelming pride, I called her and explained that John Willie Jr. was my uncle.”

“We compared some notes and I also helped her to find Adolf Murgursky, another Code Talker.”

Willie did not live long enough to receive his recognition.

“I have mixed emotions because the recognition for my uncle's war contributions has come 50 years later,” Hedin said, “He was one of the first 29.”

Still, he said, “I am so proud it is hard to express the feelings.”

Like Lapahie, Zonnie Gorman honors the memory of her father, Carl Nelson Gorman. The late artist, professor and storyteller and father of internationally renowned artist R. C. Gorman was president of the Navajo Code Talkers Association before his death in 1998.

Gorman, struggling to find the last five of the original 29 code talkers, said plans are being completed with the White House for the award ceremony. Another ceremony later in the summer on the Navajo Nation will honor nearly 400 other Navajo Code Talkers with silver medals.

Lapahie's Web site includes rare, original letters concerning creation of the code and his father's original maps from World War II in the Pacific, along with recognition from Sen. Jeff Bingaman, D–N.M.

Bingaman introduced legislation in April 2000 and pressed Congress to honor Navajo Code Talkers with gold and silver medals. The bill was signed into law Dec. 21, 2000, and the U.S. Mint began designing the special gold and silver medals.

"It has taken too long to properly recognize these soldiers, whose achievements have been obscured by twin veils of secrecy and time. As they approach the final chapter of their lives, it is only fitting that the nation pay them this honor," Bingaman said.

Another secret is revealed in the House bill that describes the code kept secret for 23 years and declassified in 1968.

"Some code talkers were guarded by fellow Marines, whose role was to kill them in case of imminent capture by the enemy."

There are also the names of others who did not live long enough to be recognized, young Navajos who died in combat in Okinawa, Guam, Iwo Jima and other on far away shores and hilltops.

Navajo Code Talkers killed in action were Paul Begay, Johnson Housewood, Peter Johnson, Jimmy Kelly Sr., Paul Kinlachcheeny, Leo Kirk, Ralph Morgan, Sam Morgan, Willie Notah, Tom Singer, Alfred Tsosie, Harry Tsosie and Howard Tsosie.

In the Web tribute to his father, Lapahie says Navajos have been warriors time and again since they signed the Treaty of 1868 with the United States.

"When the United States entered World War II in 1941, the Navajos again left the canyons, plains and mesas of their reservation homes to join the armed forces and played a crucial role in such combat arenas as Guadalcanal, Saipan, Bougainville, Tinian, Anzio, Salerno, Normandy, Tarawa, Iwo Jima, and countless other bloody islands and forgotten battlefields."

More than 3,600 young Navajo men and women joined the armed forces during World War II.

"Proportionately, that figure represents one of the highest percentages of total population in the armed service of any ethnic group in the United States."

Lapahie's Web site includes his father's translation of the Marine Corps Hymn into Navajo and a letter from the president of the Marine Corps Heritage Foundation. Lt. Gen. Ron Christmas writes of an upcoming print honoring the Navajo Code Talkers and notes Lapahie's translation of the corps hymn.

In remembering his father, Harry said, "There is a story when Dad was strolling on one of the islands, and went into a Japanese military site."

"Yet he was untouched because the Japanese thought that he was Japanese!"

Harry's father died in his Los Angeles apartment Nov. 26, 1985, and is buried near Aztec, N.M., not far from the Ute Boarding School in Ignacio, Colo., he attended as a child where he learned his baking skills.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 26, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

9:30 a.m.
Energy and Natural Resources
To hold hearings on H.R. 308, to establish the Guam War Claims Review Commission; and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.
SD–366

10 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to examine the problem, impact, and responses of predatory mortgage lending practices.
SD–538

JULY 30

9:30 a.m.
Governmental Affairs
To hold hearings to examine the rising use of the drug ecstacy, focusing on ways the government can combat the problem.
SD–342

1 p.m.
Judiciary
To hold hearings on the nomination of Robert S. Mueller III, of California, to be Director of the Federal Bureau of Investigation, Department of Justice.
SH–216

JULY 31

10 a.m.
Indian Affairs
To hold hearings on the implementation of the Indian Health Care Improvement Act, focusing on urban Indian Health Care Programs.
SR–485

Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine early detection and early health screening issues.
SD–430

Finance
To hold hearings on the nomination of Robert C. Bonner, to be Commissioner of Customs, and Rosario Marin, to be Treasurer of the United States, both of California, both of the Department of the Treasury; the nomination of Jon M. Huntsman, Jr., of Utah, to be a Deputy United States Trade Representative; and the nomination of Alex Azar II, of Maryland, to be General Counsel, and the nomination of Janet Rehnquist, of Virginia, to be Inspector General, both of the Department of Health and Human Services.
SD–215

11 a.m.
Foreign Relations
To hold hearings on the nomination of Vincent Martin Battle, of the District of Columbia, to be Ambassador to the Republic of Lebanon; the nomination of Edward William Gnehm, Jr., of Georgia, to be Ambassador to the Hashemite Kingdom of Jordan; the nomination of Edmund James Hull, of Virginia, to be Ambassador to the Republic of Yemen; the nomination of Richard Henry Jones, of Nebraska, to be Ambassador to the State of Kuwait; the nomination of Theodore H. Kattouf, of Maryland, to be Ambassador to the Syrian Arab Republic; and the nomination of Maureen Quinn, of New Jersey, to be Ambassador to the State of Qatar.
SD–419

2 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine asbestos issues.
SD–430

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine spectrum management and third generation wireless.
SR–253

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for the fiscal year 2002 for MILCON budget overview, defense agency, and Army construction.
SD–138

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2002 for the Department of Defense and the Future Years Defense Program, focusing on Navy shipbuilding programs.
SR–222

4 p.m.
Foreign Relations
To hold hearings the nomination of Robert Geers Loftis, of Colorado, to be Ambassador to the Kingdom of Lesotho; and the nomination of Joseph Gerard Sullivan, of Virginia, to be Ambassador to the Republic of Zimbabwe.
SD–419

AUGUST 1

9 a.m.
Small Business and Entrepreneurship
To hold hearings to examine the business of environmental technology.
SR–428A

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine trade issues.
SR–253

Armed Services
To hold hearings on the nomination of Gen. John P. Jumper, USAF, for reappointment to the grade of general

and to be Chief of Staff, United States Air Force.

SD-106

Energy and Natural Resources

Business meeting to consider energy policy legislation and other pending calendar business.

SD-366

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider proposed legislation entitled The Stroke Treatment and Ongoing Prevention (STOP STROKE) Act of 2001; the proposed Community Access to Emergency Defibrillation (Community AED) Act of 2001; the proposed Health Care Safety Net Amendments of 2001; S. 543, to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; and S. 838, to amend the Federal Food, Drug, and Cosmetic Act to improve the safety and efficacy of pharmaceuticals for children.

SD-430

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings on S. 989, to prohibit racial profiling.

SD-226

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings on S. 1233, to provide penalties for certain unauthorized writing with respect to consumer products.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of John Arthur Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board; the nomination of Jeffrey William Runge, of North Carolina, to be Administrator of the National Highway Traffic Safety Administration, Department of Transportation; and the nomination of Nancy Victory, to be Assistant Secretary for Communications and Information, and the nomination of Otto Wolff, to be an Assistant Secretary and Chief Financial Officer, both of Virginia, both of the Department of Commerce.

SR-253

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for the fiscal year 2002 for Navy construction and Air Force construction.

SD-138

AUGUST 2

9:30 a.m.

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

Energy and Natural Resources

Business meeting to consider energy policy legislation.

SD-366

10 a.m.

Indian Affairs

To hold hearings on S. 212, to amend the Indian Health Care Improvement Act to revise and extend such Act.

SR-485

Health, Education, Labor, and Pensions

To hold hearings on the nomination of John Lester Henshaw, of Missouri, to be an Assistant Secretary of Labor, Occupational Safety and Health Administration.

SD-430

Judiciary

Business meeting to consider pending calendar business.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

Energy and Natural Resources

To hold joint hearings to examine the effect of energy policies on consumers.

SH-216

Veterans' Affairs

To hold hearings on the nomination of John A. Gauss, of Virginia, to be Assistant Secretary of Veterans Affairs for Information and Technology; the nomination of Claude M. Kicklighter, of Georgia, to be Assistant Secretary of Veterans Affairs for Policy and Planning; to be followed by a business meeting to consider pending calendar business.

SR-418

SEPTEMBER 19

2 p.m.

Judiciary

To hold hearings on S. 702, for the relief of Gao Zhan.

SD-226

SENATE—*Thursday, July 26, 2001*

The Senate met at 12 noon and was called to order by the Presiding Officer, the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, the afternoon and evening ahead are filled with challenges and decisions. In the quiet of this creative moment of conversation with You, we dedicate these hours. We want to live them for Your glory. We praise You that You give strength and power to the Senators when they seek You above anything else. You guide the humble and teach them Your way. Speak to the Senators so that they may speak both in the tenor of Your truth and the tone of Your grace. Make them maximum by Your spirit for the demanding responsibilities and relationships of this day. And now we pray Your historic, Biblical blessing on every Senator. "The Lord bless You and keep You; the Lord make His face to shine upon You and be gracious to You; the Lord lift up His countenance upon You and give You peace." Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, July 26, 2001.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the previously scheduled cloture vote on the Murray-Shelby substitute amendment occur at 2 p.m. today and that the time from noon until 2 p.m. be divided as previously ordered—that is, equally between the two sides—and that it be in order for Senators to utilize some of the available time to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that the last 10 minutes of the debate, the time from 1:50 until 2 p.m., be divided between the two leaders or their designees, with Senator DASCHLE controlling the last 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that Senators have until 1:30 p.m. today—that is, from the previously scheduled 12:30 p.m. today—to file second-degree amendments to the pending legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, for the benefit of Senators, we felt it was imperative—and we are grateful there has been agreement between the two leaders—that this time be changed. There is a ceremony taking place in the Capitol today dealing with the Code Talkers, these very courageous Navajos who contributed so much to our success during World War II. So today there will be 2 hours of debate equally divided between Senators DASCHLE and LOTT or their designees prior to 2 p.m. A cloture vote on the substitute amendment to the Transportation act will occur at 2 p.m. We expect to remain on the Transportation act until we complete that. There will be rollcall votes throughout the day today, and there is much more work to do.

We hope we can recess for the August time period next Friday, and there is a lot of work to do from now until then. We hope everyone will cooperate and allow us to move forward as quickly as possible.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I yield myself such time as I may consume from the time allotted to the majority leader or his designee in order to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mrs. CARNAHAN pertaining to the introduction of S. 1250 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. We are in morning business, is that right?

The ACTING PRESIDENT pro tempore. The Senator is correct.

TAX RELIEF FOR WORKING FAMILIES—PART II

Mr. GRASSLEY. Mr. President, I rise to speak on the tax relief for working families that the Senate passed a few weeks ago and was signed into law by President Bush.

This is the second in a series of speeches I am giving to highlight the details of this bipartisan tax cut that provided significant relief to millions of Americans.

In today's speech I want to focus on the many provisions in the bipartisan bill that provide tax relief for working families and particularly families with children.

First, I wish to discuss the efforts to address the marriage penalty that existed throughout the structure of the income tax. For far too many years, the Tax Code penalized working families where both the husband and wife work. It is simply wrong that we had a Tax Code that penalized marriage.

The bipartisan tax cut completely ends the marriage penalty for many low- and middle-income families and makes significant strides in reducing the marriage penalty for all other families.

This is accomplished through two actions. First, the bill provides that the standard deduction for those who are married filing jointly will be set at two times the rate of a single individual.

For example, when everyone filed their tax returns this last April 15, the standard deduction for singles was $4,400. However, the standard deduction for married filing jointly was only

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

$7,350. If the new tax law had been fully enacted for tax year 2000, the standard deduction for married filing jointly would have been $8,800.

The second step we took was for the 10 percent and 15 percent marginal rate brackets for married filing jointly to be set at two times the rate of a single individual.

Again, to illustrate. If the first $6,000 of a single individual is taxed at 10 percent, then the first $12,000 of a married individual filing jointly will be taxed at 10 percent.

These two efforts will provide complete elimination of the marriage penalty for low- and many middle-income working families and will also benefit married couples with higher incomes.

Keep in mind, Mr. President, almost one-half of married couples take the standard deduction. These couples tend to be in the lower income brackets and they will get relief upfront.

The doubling of the 10 percent marginal rate bracket is done immediately. The remainder of marriage penalty relief is phased in over several years. The increase in the standard deduction is phased in over a 5-year period beginning in 2005 and the doubling of the 15 percent rate bracket also is phased in beginning in 2005 and is phased in over a 4-year period.

Many Senators were active in providing marriage penalty relief, but certainly Senator HUTCHISON of Texas was a leader in this issue.

Mr. President, let me take a moment to address the point some pundits have made about the fact that some of the marriage penalty relief provisions, as well as other provisions in the bill, are phased in. The requirement of phase-ins simply reflects the reality of the guidance we were provided by the budget resolution.

The budget resolution effectively requires us to phase in these, and other, provisions in the bipartisan tax bill. The budget resolution allows for more tax cuts over time as the economy grows and we see greater surpluses year-by-year.

The last piece of the bill that addresses marriage penalty is an expansion of the earned income credit, EIC, for married families with children. The EIC provides a cash payment to low-income working families. EIC is targeted particularly to help working families with children.

The EIC provision in the tax bill extends out the point at which the EIC begins to phase out for married families with children by $1,000 in 2002 increased to $3,000 by 2008. For example, this year, the EIC begins to phase out for married families with two children at roughly $13,000 of income. Under the new law, next year, the phase out for EIC will be approximately $14,000.

The EIC program directly benefits working families with children and this expansion sends a strong message to married couples that hard work will be rewarded under the tax code.

The extension of the EIC is certainly a tribute to Senator JEFFORDS' hard work.

All told, approximately $60 billion in tax reductions and outlays were devoted to addressing the marriage penalty. This bipartisan legislation provides marriage penalty relief to every family that pays income tax. In addition, millions of families who pay only payroll taxes, receive marriage penalty relief.

This is the most significant marriage penalty relief in over 30 years. And I would say 30 years is a long time. Finally, we're recognizing the value of marriage and stable families.

Mr. President, I have outlined the efforts to address marriage penalty in the bipartisan tax bill, and as you can see these provisions are strongly geared toward providing relief for low- and middle-income married couples.

Let me turn now, to another provision, the expansion of the child credit. The increase of the child credit will be a major benefit to the lives of millions of children in this country.

Under prior law, the child credit is $500 and only available to families that pay income tax. Further, this child credit phases out for single parents with income over $75,000 and $110,000 for married individuals filing jointly.

The bipartisan tax relief bill inreases the child credit to $600 immediately, and over time increases it to $1,000.

The bill protects middle income families from being hit by the alternative minimum tax, AMT, because of the child credit by making the child credit allowable against AMT. This provision helps ensure that middle-income families will realize the full benefit of the child credit. The AMT relief for middle-income families is due to Senator LINCOLN's strong advocacy.

In addition to increasing the child credit, the tax relief bill provides that millions of low-income children who previously did not benefit from the child credit because their parents did not have sufficient taxable income will now also benefit from the child credit. The bipartisan tax relief bill makes the child credit refundable for 16 million kids.

This expansion of the child credit program to low-income families happens immediately. I would say that this is a hallmark of the bill, that we sought to have provisions that help low- and middle-income families take place as soon as possible.

The refundable child credit provides that for every $1,000 above $10,000 that a family with a child makes, they will get $100 in child credit, up to the maximum amount of the child credit. In essence, a bonus of 10 percent for every dollar the working family makes over $10,000. For example, a single mother with one child making $16,000 will now get a check for $600. This is over and above the amount that single mother would receive from EIC. Thus, this single mother will pay no income taxes and will receive EIC as well as an additional $600.

Mr. President, let me make that clear: Last year, that single mom did not get one dime of child credit, this year because of this legislation that working mother will get a check for $600.

How many times have we heard complaints from the harsh critics of this legislation that it does nothing for those who pay only the payroll tax. That is just plain wrong. Under this legislation, the working mom, who pays no income tax receives a refund for this year of $600. Now, it doesn't come in the checks, but she gets it through an even bigger paycheck.

Let's take a look at another example: Under this example, a married couple with two children making $20,000 will now get $1000 from the new expanded child credit and will also benefit from the expansion of the EIC for married couples with children. Again, that is $1000 that family did not receive last year and now will receive because of the bipartisan tax cut.

Even better news for these families, the ten percent rate of payment for the child credit will increase from 10 percent to 15 percent in 2005. For example, the single mother I cited above, would get a 15-percent bonus for every dollar above $10,000 and given that the child credit will be increased to $700 in 2005, that single mother will receive the entire $700 child credit.

It is estimated that 16 million children from low-income working families will benefit from this expansion of the child credit. We have a lot of complaints from the critics of this legislation that low-income kids are left out. Nothing could be further from the truth. Let me report 16 million children benefit right away from this bipartisan legislation.

There is no question that the expansion of the child credit and EIC is a tremendous benefit to millions of working families. Approximately $170 billion of the bipartisan tax relief bill is dedicated to the child tax credit.

It is particularly vital that we make sure that hardworking families that pay no income tax are made aware of these new benefits that are available to them. It is also important that these families hear an important message of this bill: work pays.

We have sent out a notice to millions of Americans who pay income tax telling them the check is in the mail. However, we haven't informed the millions of American families with children who work full-time, but do not pay income tax, about the enormous benefits this tax relief bill has for their families.

I intend to write Secretary Thompson of HHS and Secretary O'Neill of

Treasury encouraging them to seek avenues that will educate and inform working Americans about these new provisions that put real money in the pockets of working families. I am particularly concerned that there be outreach to the millions of new Americans that speak Spanish, Vietnamese, Russian, and dozens of other tongues.

There is no doubt in my mind that this outreach to inform low-income families about the new child credit and expanded EIC is necessary. For clearly, anyone reading the New York Times or the Washington Post would have very little idea that the Congress passed, and President Bush signed into law, legislation that provides such great benefits to low-income families.

For example, the Washington Post on June 24, 2001, provided a summary of the tax provisions giving examples of the tax relief for different families at different incomes. Every example starts at $25,000 or higher.

Not a single example is given of the benefits of this legislation for a mother making say $14,000, $16,000, or $18,000. Nor is there a single example of the benefits for a married couple with two children that is making $17,000, $25,000, or $30,000.

I am stunned that these newspapers, that claim to be champions of working families, would completely ignore these major new benefits. Maybe the simple truth is they're a little embarrassed to admit that this bipartisan tax relief bill signed by President Bush actually does a great deal to help millions of working families that struggle to escape poverty.

So clearly there is a need to educate and inform because the newspaper editors are deciding that "all the news that's fit to print" is only news of interest to their middle-income and high-income readers and not their low-income readers.

Let me also add, that when we come to revisit welfare reform, I think it is important to bear in mind the billions of dollars that have been provided in this bill to encourage struggling families to enter the workforce or expand the number of hours they work. Too often, we get focused on the welfare-specific provisions and completely forget or ignore the major efforts to encourage work that are contained in the Tax Code.

Mr. President, that highlights the significant efforts the tax bill had to expand and increase the child credit. While many Senators were advocates of increasing the already existing child credit, and several Senators supported expanding the child credit and making it refundable—there is no question that Senator SNOWE was the key to making it a reality.

Now, I would like to discuss the provisions in the bipartisan tax bill to help working families meet the costs of child care.

The tax bill helps with the costs of child care in two provisions. First, the tax relief bill provides greater incentives for employer-provided child care with the creation of a tax credit for employer-provided child care facilities.

The tax relief act provides taxpayers a tax credit equal to 25 percent of qualified expenses for employer-provided child care and 10 percent of qualified expenses for child care resource and referral services. The maximum credit is $150,000 per year. This is $1.4 billion in tax incentives to encourage businesses to assist in providing child care for their workers.

This new tax initiative will help mothers and fathers to obtain child care—and hopefully child care near their place of work which will allow them the opportunity to spend more time with their children. Senator KOHL has long advocated this proposal and deserves great credit for making this part of the Tax Code.

The second provision regarding child care expands the already existing dependent care tax credit. This is a tax credit that particularly helps low- and middle-income families who pay for child care for their young children.

Thanks to Senator JEFFORDS' work, the bipartisan tax bill expands this program and will allow low and middle income families to take as a tax credit more of their costs of child care. The tax bill provides nearly $3 billion in additional tax relief for working families struggling to meet the costs of having their children in day care.

Thus, the bipartisan tax bill helps working mothers and fathers by encouraging employers to provide child care and also easing the cost burden of child care.

Let me turn now to the final provision I wish to discuss today in this speech that focuses on the provisions in the bipartisan tax relief bill that help working families and children. That provision is the expansion of the adoption tax credit.

I have long been a strong advocate of encouraging adoptions and know it brings joy to the children and the families. I am very pleased that the tax bill provides significant encouragement for families to adopt and reduces the costs of adopting parents.

Prior law provided for a $5,000 tax credit for qualified adoption expenses paid or incurred by a taxpayer in making an adoption. That amount was $6,000 for a special needs child. This full tax credit amount started to phaseout for taxpayers with modified adjusted gross income of over $75,000.

I am very pleased that the bipartisan legislation signed by President Bush increases the tax credit up to $10,000 for qualified adoption expenses and $10,000 for special needs children, regardless of whether there are qualified adoption expenses.

In addition, the new tax law expands the number of families eligible to take advantage of the adoption tax credit by having the credit begin to phaseout at $150,000 modified adjusted gross income.

This is a major expansion of the adoption tax credit and provides over $3 billion in tax incentives for families to adopt. Senators CRAIG and LANDRIEU are to be commended for their efforts in this matter.

Mr. President, that concludes my comments today on the tax relief act. As is plainly true, the tax relief accomplishes President Bush's goal of giving back the people's money. What is also plain and true is that a great deal of the tax relief is focused on helping working families with children.

I know many in the Capitol are very upset about the bipartisan tax bill because the tax relief means less money for them to spend. Incredibly, the Democratic leader in the other body has called for a tax increase.

But let me assure my colleagues, we do far better by allowing working families to keep more of their hard-earned money.

The benefits of the tax relief bill will be realized in millions of small, unseen, quiet acts and decisions that don't make the evening news and unfortunately for the politicians, don't involve cutting ribbons and making speeches.

I see working families now, because of the bipartisan tax bill, having more money in their pocket and being able to finally do the things they've planned or hoped for: be it buying a computer for their children; moving to a bigger apartment in a neighborhood with better schools; or purchasing healthier food for the dinner table.

These are just a few examples of the multitude of priorities that only the families can best decide—and not the bureaucrats in Washington.

It is my belief that with families getting to keep more of their hard-earned paycheck—the quiet talks at the kitchen table, after the children have been put to bed, will be more about opportunities and possibilities rather than fears and concerns.

Mr. President, I hope this speech will make those who have recently called for a tax increase to think again. My hope is that they may now better appreciate the enormous benefits of this legislation and think long and hard before they try to undermine its accomplishments.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

MEXICAN TRUCKS

Mr. BAUCUS. Mr. President, I rise today to discuss the issue of Mexican trucks.

I want to applaud Senator MURRAY and Senator SHELBY for their efforts to craft a common-sense solution on this issue. Their provision would ensure strong safety requirements and would be consistent with our obligations under NAFTA.

As most people are well aware, the last Administration delayed opening the border to Mexican trucks because of serious safety concerns.

Indeed, numerous reports have documented these concerns—failing brakes, overweight trucks, and uninsured, unlicensed drivers—to name just a few.

The most recent figures of the Department of Transportation indicate that Mexican trucks are much more likely to be ordered off the road for severe safety deficiencies than either U.S. or Canadian trucks.

While a NAFTA arbitration panel has ruled that the United States must initiate efforts to open the border to these trucks, we need to be clear about what the panel has said.

The panel indicated:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . . U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

Moreover, the panel also indicated that U.S. compliance with its NAFTA obligations "would not necessarily require providing favorable consideration to all or to any specific number of applications" for Mexican trucks so long as these applications are reviewed, "on a case-by-case basis."

In other words, the U.S. government is well within its rights to impose standards it considers necessary to ensure that our highways are safe.

The Administration has suggested that it is seeking to treat U.S., Mexican, and Canadian trucks in the same way—but we are not required to treat them in the same way. That's what the NAFTA panel said.

With Mexican trucks, there are greater safety risks. And where there are greater safety risks, we can—and must—impose stricter safety standards.

I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSPORTATION APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I rise to speak on the issue of the cloture vote that is upcoming. I also rise to speak on the amendment that is pending called the Murray-Shelby amendment, which is in violation of NAFTA.

As a person who believes very much in reducing barriers to trade between countries—and particularly for the benefit of America because other countries have much higher barriers than the United States—as we bring down barriers to trade and other countries, going to our level, it is obviously going to help the United States have a more level playing field in order to export our products and to be able to do it in a way that creates jobs in America. We all know export-related jobs are jobs that pay 15 percent above the national average.

While we have had a very big expansion in trade as a result of the North American Free Trade Agreement between the countries of Canada, the United States, and Mexico, we now have a rider on this bill providing an opportunity to put in place some restrictions which may in fact bring retaliatory action on the part of Mexico.

Obviously, when I hear a threat against American agricultural products as one form of retaliation, it gets my attention, being from an agricultural State, particularly when we work so hard to get lower barriers on trade in these international agreements. Quite frankly, barriers to trade are much greater on agriculture than they are for manufactured products and for services, because the worldwide tariff on agricultural products is 45 percent, whereas for most other products the average is about 10 percent to 12 percent.

U.S. tariffs and obstacles to trade are very low in agriculture compared to other countries.

As indicated in a letter, which I cosigned, to our colleagues for them to consider when voting on this provision of the bill, I am as concerned about safety of trucks from other countries using our highways. But I also understand that our Department of Transportation is also concerned about that and is going to put in place very shortly the very successful California system for inspection of trucks so we can make sure the trucks and drivers from other countries are using our highways safely.

But it was suggested yesterday by the Economic Minister of Mexico that if the Senate approves this provision and it becomes law, as the Reuters news article of yesterday indicated, "It would leave us"—meaning the country of Mexico—"with no other recourse than to take measures against the United States." The Economic Minister of Mexico, according to this report, said one option would be to block imports of high-fructose corn syrup from the United States.

This issue has already been one source of friction between our two countries. Mexico has already been placing prohibitive tariffs on our sweeteners. The United States won a World Trade Organization decision against Mexico on this issue. We will be putting in jeopardy the compliance of that measure if they retaliate.

I don't know why any Member of the Senate from an agricultural State—a very important industry in their respective States—would want to vote in support of the Shelby-Murray provision if there were a chance of retaliation against agricultural products, particularly those from the Middle West where corn is such an important agricultural product, and put in jeopardy our exports to China along the lines of the threat of the Economic Minister of Mexico.

I call upon Members of both parties who understand the importance of agriculture and understand the importance of our ability to export our agricultural production. We produce 40 percent more than we consume domestically, and the profitability of agriculture is very much tied to exports. Why would they want to do anything that would bring retaliation against American agriculture, particularly in the Midwest with products such as corn?

I hope every Member in every state where agriculture is an important product, where they are concerned about profitability of agriculture, and where they are particularly concerned about the ability to export our products, will consider the threat of the Economic Minister of Mexico and what they might do in retaliation. We ought to abide by the spirit of the North American Free Trade Agreement and reject the provisions of the appropriations bill that would restrict some of the international obligations of the United States.

I hope every Member will make sure they see their vote as a vote that could negatively affect American agriculture, particularly as it affects corn farmers in America. Why would anybody want to hurt American agriculture by voting for this provision?

American agriculture has benefited from the North American Free Trade Agreement. We are exporting much more agricultural products to Mexico than we did 7 years ago when this agreement was put in place. We should respect the spirit of it. International trade is a two-way street. We cannot expect just to export everything to other countries and not import as well.

I want to make sure that people understand that this vote could be potentially negative to American agriculture. I ask them to consider that.

I ask unanimous consent to print in the RECORD a letter from Lee Klien, president of the National Corn Growers Association, and Charles F. Conner, president of the Corn Refiners Association, speaking to their concern about the Murray-Shelby amendment and asking us to take into consideration the position of the Mexican Government, that they might retaliate against American agriculture, particularly American corn and corn products exported to Mexico.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 26, 2001.

DEAR SENATOR LOTT: The National Corn Growers Association and Corn Refiners Association, Inc. urge that the Senate not permit unrelated trade actions to destroy the $90 million market for U.S. high fructose corn syrup shipped to Mexico.

The Government of Mexico has clearly stated that if legislation to restrict access of the Mexican trucking industry to the U.S. becomes law, they will retaliate by placing restrictions on U.S. exports of high fructose corn syrup. These exports have already been dampened by trade actions of the Mexican government and could be ended entirely if the Mexican trucking measure passed by the House becomes law. Exports of high fructose corn syrup to Mexico put over $35 million in the hands of U.S. corn farmers and provide a much needed market for U.S. grain.

The U.S. recently won a case in the World Trade Organization contesting existing Mexican restrictions on high fructose corn syrup exports. This case, and other developments, could point to achieving a much larger market for U.S. agriculture in the years to come. Our groups strongly support measures and actions to open, not close, trade between the U.S. and our NAFTA partners.

We urge that you protect this market for U.S. agriculture and reject unwarranted protection that can damage U.S. trade and violate the intent of NAFTA.

Sincerely,

LEE KLINE,
President, National Corn Growers Associations.
CHARLES F. CONNER,
President, Corn Refiners Association, Inc.

Madam President, I yield the floor and suggest the absence of a quorum. And I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER (Mrs. CLINTON). Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, how much time is left on both sides?

The PRESIDING OFFICER. On the Republican side there are 20 minutes 43 seconds; on the Democratic side there are 35 minutes 54 seconds.

Mrs. MURRAY. I thank the Chair.

Madam President, in every part of our country Americans are frustrated by the transportation problems that we face every day. We sit in traffic on overcrowded roads. We wait through delays in congested airports. We have rural areas that are trapped in the past without the roads and the infrastructure they need to survive. We have many Americans who make their living along our shores, fishing or boating. They count on the Coast Guard to keep them safe. But today the Coast Guard does not have the resources to fully protect us. We have many families who live near oil and gas pipelines. They are afraid that those aging, untested pipelines could rupture, and with very good reason, given all the tragedies we have had lately. They want us to make pipelines safer.

Our transportation problems frustrate us as individuals, and they frustrate our Nation's economy, slowing down our productivity and putting the brakes on progress. It is time to help Americans on our highways, our railways, our airways, and our waterways. We can do so by passing this transportation appropriations bill.

For months, Senator SHELBY and I have worked in a bipartisan way with virtually every Member of this Senate to meet the transportation needs in all 50 States. They told us their priorities, and we found a way to accommodate them. We have come up with a balanced, bipartisan bill that will make our highways safer, our roads less crowded, and our country more productive. Now is our chance to put this progress to work for the people we represent.

Our bill has broad support from both parties. It passed the Transportation Appropriations Subcommittee unanimously. It passed the full Appropriations Committee unanimously. Now it is before the full Senate ready for a vote, ready to go to work to help Americans who are fed up with traffic congestion and airport delays.

In a short time, the Senate will vote to move forward on this very important bill. I hope the Senate will vote to invoke cloture so that we can begin working on the many solutions across the country that will improve our lives, our travel, and our productivity.

This vote is about fixing the transportation problems that we face, and it is about ensuring the safety of our transportation infrastructure. If you vote for cloture, you are voting to give your communities the resources they need to escape from crippling traffic and overcrowded roads.

If you vote for cloture, you are saying that our highways must be safe and that trucks coming from Mexico must meet our safety standards if they are going to share our roads. But if you vote against cloture, you are telling the people in your State that they will have to keep waiting in traffic and keep wasting time in congestion.

If you vote against cloture, you are voting against the safety standards in this bill. A "no" vote would open up our borders to trucks that we know are unsafe, without inspections, and without the safety standards we expect and deserve.

This vote is not about partisanship or protectionism. It is about productivity and public safety.

I want to highlight how this bill will improve highway travel, airline safety, pipeline safety, and Coast Guard protection.

First and foremost, this bill will address the chronic traffic problems facing our communities. In fact, under this bill every State—every single State—will receive more highway construction funding than the President requested. And with this bill, every State would receive more highway construction funding than they would under the levels assumed in TEA-21.

Our bill improves America's highways. Our bill also includes money to increase seatbelt use so we can save lives on our roads.

Let's vote for cloture so we can begin sending help to our States.

Secondly, this bill will improve air transportation, and it will make air travel more safe. This bill provides additional funding to hire 221 more FAA inspectors. The administration's budget did not provide this funding, but our bill does because it is a national priority.

Let's vote for cloture so we can begin putting these new inspectors on the job for our safety.

Third, our bill boosts funding for the Office of Pipeline Safety by more than $11 million above current levels. That means: funding all new 26 positions requested by OPS; $4.7 million for pipeline safety research and development; $8 million for testing and best safety practices; and $3.4 million to improve community right-to-know and to update our national mapping system

Let's vote for cloture so we can begin making America's pipelines safer before another tragedy claims more innocent lives.

Fourth, this bill will give the Coast Guard the funding it needs to protect us and our environment. Our subcommittee has held several hearings on this issue, and we have great respect for the men and women of our Coast Guard. We want them to be able to do their jobs safely with the training and support they need.

Our bill will help modernize the maritime 911 system. It will address serious staffing, training, and equipment shortfalls at search and rescue stations. And our bill funds the mandatory pay and benefit costs for our Coast Guard service members.

Let's vote for cloture so we can begin making our waterways safer.

These examples show how this bill will help address the transportation problems we all so desperately face at home.

This vote, though, is also about making our highways safe, so I want to turn to the issue of Mexican trucks. And I want to clear up a few things.

Some Members have suggested that Senator SHELBY and I have refused to negotiate on this bill. That simply is not the case. As I have said several times in this Chamber, we are here, we are ready, and we are listening. And we have had extensive meetings, bringing both sides together.

On Tuesday, our staffs met until well after midnight. Again yesterday, Wednesday, our staffs met from mid-afternoon until 3 a.m. this morning. We have worked, as well, this morning, meeting one more time. We have worked with all sides to move this bill forward.

I want to point out something else to those who say we must compromise, compromise, compromise. The Murray-Shelby bill itself is a compromise. It is a balanced, moderate compromise between the extreme positions taken by the administration and the House of Representatives.

On one hand, we have the administration, which took a hands-off approach to let all Mexican trucks across the border and then inspect them later, up to a year and a half later. Even though we know these trucks are much less safe than American or Canadian trucks, the administration thinks it is fine for us to share the road with them, without any assurance of their safety.

At the other extreme was the "strict protectionist" position of the House of Representatives. It said no Mexican trucks can cross the border and that not one penny could be spent to inspect them. Those are the extreme positions.

The administration said: Let in all the trucks without ensuring our safety. The House of Representatives said: Don't let any trucks in because they are not safe.

Senator SHELBY and I have worked very hard. We have found a balanced, bipartisan, commonsense compromise. We listened to the safety experts, to the Department of Transportation's own inspector general, to the GAO, and to the industry. We came up with a compromise that will allow Mexican trucks onto our highways and will ensure that those trucks and their drivers are safe. With this balanced bill, free trade and highway safety can move forward side by side.

This bill doesn't punish Mexico, and that is not our intention. Mexico is an important neighbor, ally, and friend. Mexican drivers are working hard to put food on their own families' tables, and we want them to be safe, both for their families and for ours.

NAFTA was passed to strengthen our partnerships and to raise the standard of living in all three countries. We are continuing to move towards that goal, and the bipartisan Murray-Shelby compromise will help us get there.

Right now Mexican trucks are not as safe as they should be. According to the Department of Transportation inspector general, Mexican trucks are significantly less safe than American trucks. Last year, nearly two in five Mexican trucks failed their safety inspections. That compares with one in four American trucks and one in seven Canadian trucks.

Furthermore, Mexican trucks have been routinely violating the current restrictions that limit their travel to the 20-mile commercial zone. The Department of Transportation's own inspector general has found that 52 Mexican trucking firms have already operated illegally in more than half of the United States.

We have, as Members of the Senate, a responsibility to ensure the safety of America's highways. The Murray-Shelby compromise allows us to promote safety without violating NAFTA.

During this debate we have heard from some Senators who say that they think ensuring the safety of Mexican trucks would violate NAFTA. We have heard that some White House advisers think ensuring the safety of Mexican trucks would violate NAFTA. I appreciate all of their opinions, but with all due respect, there is only one authority, only one official body that decides what violates NAFTA and what does not. That organization, established under the NAFTA treaty itself, is the arbitration board known as the Arbitral Panel. Here is what that authority said:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms . . .
>
> U.S. authorities are responsible for the safe operations of trucks within U.S. territory, whether ownership is United States, Canadian, or Mexican.

Those are not my words. Those are from the people who decide, the NAFTA arbitration panel. It is that simple. We can ensure the safety of Mexican trucks and comply with NAFTA. This bill shows us how with a commonsense safety measure.

Under our bill, when you are driving on the highway behind a Mexican truck, you can feel safe. You will know that truck was inspected and that the company has a good track record. You will know an American inspector visited their facility and examined their records, just as we do with Canadian trucking firms. You will know the driver is licensed and insured and the truck is weighed and is safe for our roads and bridges. You will know we are keeping track of which drivers are obeying our laws and which ones are not. You will know drivers who break our laws won't be on our roads because their licenses will be revoked.

You will know that the person behind the wheel of an 18-wheeler has not been driving for 20 or 30 straight hours. You will know that the truck didn't just cross our border unchecked but crossed where there were inspectors on duty. That is a real safety program. That will make me feel comfortable driving my family on our highways.

The administration's plan is just far too weak. Under the administration's plan, trucking companies would mail in a form saying they are safe and begin driving on our highways—no inspections for up to a year and a half. The White House is telling American families that the safety check is in the mail. I don't know about anybody else, but I wouldn't bet my family's safety on that.

I want an actual inspector looking at that truck, checking that driver's record, making sure that truck won't threaten me or my family.

The White House says: Take the trucking company at its word that its trucks and drivers are safe. Senator SHELBY and I say: Trust an American safety inspector to make sure that truck and driver will be safe on our roads.

This is a solid compromise. It will allow robust trade while ensuring the safety of our highways. The people of America need help in the transportation challenges they face every day on our crowded roads. This bill provides real help and funds the projects for which our Members have been asking.

Some Senators apparently would hold every transportation project in the country hostage until they have weakened the safety standards in the Murray-Shelby compromise. That is the wrong thing to do. Let's keep the safety standards in place so that when you are driving down the highway next to a truck with Mexican license plates, you will know that truck is safe. Let's vote for safety by voting for cloture on this bill.

In closing, this vote is about two things: Helping Americans who are frustrated every day by transportation problems, and ensuring the safety of our transportation infrastructure. Today I urge my colleagues to vote for cloture so we can put this good, balanced bill to work for the American people.

Voting for cloture means we can begin making our roads less crowded, our airports less congested, our waterways safer, our railroads better, and our highways safer. Virtually every Member of this Senate has come up to me and told me about the transportation challenges in their State. Senator SHELBY and I have listened. We have done everything we can to meet America's priorities.

Those who vote for cloture are voting to begin making progress across the country in ensuring the safety of our highways. Those who vote against cloture are voting to keep our roads and our airports crowded and to expose Americans to new dangers on our highways.

The choice is simple. I urge my colleagues to vote for cloture so we can begin putting this good, balanced bill to work for the people we represent.

I reserve the remainder of my time.

I ask unanimous consent that time under the quorum call be equally divided and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Madam President, I just want to make a few points before we vote on cloture. It is unfortunate that we are even at this point, but if cloture is the only way to move forward on the Transportation appropriations bill, then I urge my colleagues to support cloture.

This isn't a partisan issue—there is no such thing as Republican or Democrat roads. When the Transportation bill finally passes, I suspect that we will have all but a handful of Senators supporting the final bill.

You have to ask yourself who the winners and losers are in the situation we find ourselves today. I think it is hard to pick the winners, but clearly the loser in this situation is the administration. The amount of time that we have had to spend on this bill to this point—and that we will have to spend to complete action on it—pushes the appropriations process into an area that is dangerous for the administration.

The worst thing that can happen for the administration and budget hawks—I have been accused of being a budget hawk and a budget spender. I do not know how you do both—is to have appropriations bills back up against the end of the fiscal year. Unfortunately, the situation in which we find ourselves in this chamber today makes it much more likely that the President will be facing an omnibus appropriations bill.

If we have learned any lesson from the past few years, it is this: spending will increase in an omnibus bill. I know this President is committed to limiting the growth in government spending but, unfortunately, the Senate is making his job harder by failing to expeditiously move these spending measures.

Yesterday, the Department of Transportation, the Office of Management and Budget, and the White House all told me that Senators GRAMM and MCCAIN do not speak on behalf of the President—that the President speaks for himself.

So even if we could come to agreement on the Mexican truck safety provisions, we have no assurance that we have addressed the concerns that the President has with this measure.

The simple solution is to move this issue to conference. Although, I respect the rights accorded every Member of this body. I fail to understand why a small faction in the Senate to desire to tie up the Senate floor until this bill completely reflects their views.

The Senator from Washington and I have spent a great deal of time trying to understand and work with those Senators and their staffs to resolve these issues in the finest traditions of the Senate.

In fact, I remained hopeful that we could come to closure on a package that we could all support until shortly before noon this morning. Unfortunately, I believe we are at an impasse and it is time to let the Senate work its will.

I urge my colleagues to vote for cloture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

If no one yields, time will be charged equally to both sides.

Mr. BYRD. Madam President, I compliment the managers of this bill. They have put an enormous amount of time and effort and work into bringing the bill to the floor, marking it up in committee, and conducting hearings on it. I believe the Senate is in their debt.

This is a bill that is needed. It has important appropriations in it for our country and it is a bill that comes to the floor in a situation in which we are very constrained for time. We have the August recess fast approaching. We have already reported from the committee seven appropriations bills in addition to the supplemental appropriations bill.

The committee will be meeting this afternoon to report two additional appropriations bills. Thus, we will have nine appropriations bills reported by the committee, in addition to the supplemental, which has already been signed into law.

Here we are, with only a week remaining before the August break. Presumably, we will go home and not tackle this enormous task before we return. We have all these conferences that have to take place on these bills. I have talked with the chairman of the House Appropriations Committee just this morning. He agrees with me that we need to move ahead with these conferences. I have urged we at least get our staffs to work on the preliminary differences that exist between the two Houses, especially on my own bill, the Interior appropriations bill. So the two Houses, through the chairmen, are working together, not just the chairman. We also include our ranking member, Senator STEVENS, and in the case of my own bill, there is also, of course, Mr. OBEY and Mr. DICKS.

So we have work to do. I hope the Senate will invoke cloture on this motion. We must get on with our work. It is not my choice that we delay our work. Every Senator has certain rights. I respect the rights of any Senator to offer amendments, to debate, speak, even to delay. I have every respect for that. Those things are within Senate rules.

Again, I commend the managers of the bill. I commend our leader, Mr. DASCHLE; our assistant leader, Mr. REID of Nevada; and I hope Senators will respond to the demands of the moment, the demands being that we utilize our time, get on with the work of the Senate, pass this appropriations bill, and send it to conference.

There are 13 regular bills. Those bills have to be passed before we go home. They have to be passed to keep the Government running. I don't want to see an omnibus bill. I am against omnibus appropriations bills; things are done in a hurry. They are more costly because things are added which otherwise might not be added, and all too often the administration is virtually given an open invitation to come into the conference when there is an omnibus bill and we reach the fiscal deadline.

We have done very well thus far this year. We have a lot of work to do and I hope the Senate acts today to save time and act upon this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding that the time now is for the two leaders; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I say to Senator MURRAY, I have been impressed with her in days past. We worked together on a number of different issues. Her work this week in this appropriations bill has been exemplary. She has been tenacious. She has been willing to compromise, as a legislator must do. I think she and Senator SHELBY have done an outstanding job. It will be a real shame, in my estimation, if we do not have a bipartisan vote this afternoon to invoke cloture on this very important piece of legislation.

For me and the State of Nevada, this legislation is important. Transit, airports, highways—this is a bill that is vital to the people of the State of Nevada.

I want the ability shown by the Senator from Washington spread on the RECORD of the Senate. She has been a good, good legislator. I am proud to work with her, and I think, as far as the traditions of the Appropriations Committee are concerned, she is right there with the best.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask the last 5 minutes of the debate time today, as I asked earlier, be reserved for the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The majority leader is recognized.

Mr. DASCHLE. Madam President, I compliment the distinguished Senator from Washington for her outstanding work and leadership in bringing us to this point. She inherited a very difficult and challenging legislative set of circumstances. She has maneuvered through those circumstances admirably. I am grateful to her for the leadership and the direction she has provided the caucus.

Let me say as he walks on to the Senate floor, I am also very grateful for the outstanding leadership and cooperation provided by the distinguished ranking member from Alabama, Mr. SHELBY. The two have shown what real bipartisanship on complicated matters can be, and they personify it. I am grateful to both of them.

I think it is important to say what this issue is not, then say what it is, and then I think we ought to have a vote. What this issue is not is any threat to NAFTA, any threat to free trade. There have been rumors, in the last 48 hours in particular, that somehow the language presented in this bill would violate NAFTA. Nothing could be further from the truth. I think Senator BAUCUS made that point very eloquently on the floor just recently. I am grateful to him. But this is NAFTA-compliant. There is nothing about which we will now vote that has anything to do with violating NAFTA, so let's make that point clear at the beginning.

Second, there are those, in the last several days, who have somehow tried to imply that to be in favor of the Murray-Shelby language is to be anti-Hispanic. That is not only disappointing, it does a disservice to this debate. That kind of rhetoric ought not be excusable. This is a bona fide, very thoughtful, deliberate consideration about what ought to be American policy with regard to safety. No one in this country—no one—should deny the importance of our relationship with Mexico. No one should deny in any way, shape, or form the importance of open and free trade with Mexico as we consider all the important ramifications of this trade.

But for anyone to say that somehow to be supportive of this makes one anti-Hispanic, in my view, is a direct confrontation with the prestige and the extraordinary reputation of the two Senators who are authors of this bill, along with many other members of the Hispanic caucus and Members on both sides of the Capitol and both sides of the aisle who want to find a resolution to this matter.

This legislation is simply an effort to deal with a problem that is growing in importance and concern. We have a safety problem in this country that has to be addressed. We have standards that are adhered to by every trucking company, every truckdriver, every State in the country. All we are saying is, simply, if we are going to have continued trade with Mexico, if we are going to have Mexican trucks, let's at least ensure that Mexican trucks meet our safety standards. That is all the Murray-Shelby language does. It ensures some degree of confidence that we can address the question of truck safety.

This is not the extraordinary language that was added to the House bill. This is a recognition that we can find middle ground. I will say before the vote, and it ought to be emphasized, how grateful I am that these two Senators in particular spent all the last several days—in fact, we accommodated them with our floor schedule—to try to find common ground with those who oppose this language. They were here last night until 2 o'clock in the morning. I give them credit for making the effort to try to achieve the common ground we failed to achieve as a result of these negotiations.

Let there be no mistake: This vote is a vote about truck safety. This vote is an absolute necessity if we are going to move this Transportation bill forward. I will have no other choice but to pull the Transportation appropriations bill and move on to other issues, given the extraordinary amount of work that has to be done in the brief time we have between now and the August recess.

Let me end where I began by thanking the distinguished chair and ranking member and all of those who have demonstrated good, bipartisan leadership in reaching a solution to this very complex issue.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I am very concerned about unsafe Mexican trucks entering the United States and endangering American motorists. I have no doubts that there will be accidents and lives will be lost.

I very strongly believe that the U.S. Senate must stand firm and do everything in our power to make sure trucks are not allowed to travel throughout the U.S. unless they comply with all U.S. safety rules and regulations. This includes making sure Mexican drivers hold valid drivers licenses, retain adequate American insurance, and abide by U.S. hours of service limits.

Right now on our border, even if a Mexican truck crossing into the United States is inspected, the safety inspector has no idea how long the Mexican driver has been driving. I believe we should not let a driver who has been driving 20 hours into the United States because doing so would endanger American lives.

I have spoken with the Mexican Ambassador on this issue, and we both agreed that Mexican trucks should meet all U.S. laws. I don't want to discriminate against Mexican trucks, but we need to have the proper procedures in place before these trucks expand their travel throughout the United States. There are clearly not enough inspections at the border right now because only 1 or 2 percent of the trucks crossing the border are given safety inspections.

I believe strongly in this issue, and I raised these concerns with Senator MURRAY, the Chairman of the Transportation Appropriations Subcommittee, and I think she has done an excellent job to include provisions to address safety while still ensuring the language is NAFTA compliant.

The Murray-Shelby provisions will keep our highways safe, while meeting our obligations under the North American Free Trade Agreement.

I strongly believe that we must make safety the highest priority and that is exactly what the Murray-Shelby provisions do.

Last year, more than 5,300 Americans died in accidents involving commercial trucks. As the Department of Transportation's Inspector General said last Wednesday, 5,300 fatalities would mean an airline crash every two weeks.

Now just think about that. If there were a catastrophic transportation incident every 2 weeks, would we want to do something to worsen the danger and increase fatalities? I hope we wouldn't, but that is exactly what we are doing if we allow the Bush Administration to proceed and open up the entire U.S. highway system to Mexican trucks.

Mexican trucks pose significant safety threats when out on the roads. U.S. safety inspectors have found that, on average, 36 percent of the Mexican trucks inspected have significant safety defects. This means over one-third of all Mexican trucks have serious safety violations, such as defective breaks, inoperative steering, and bald tires. Truck drivers might also not have a valid drivers license, lawful insurance, or logbooks to document how many hours they have been driving without sleep.

True, U.S. trucks have an "out-of-service" rate of over 20 percent, but the rate for Mexican trucks at 36 percent is still well above the U.S. average.

More importantly, safety inspectors can only evaluate 1 or 2 percent of the 4.5 million trucks that cross the U.S.-Mexican border each year.

I believe that until our Nation has the people and the infrastructure at the border necessary to inspect Mexican trucks sufficiently, they must be contained in the 20-mile commercial zone where they now operate.

There are three different approaches to address how to keep our roads safe:

First, the House has said, "no matter what, keep the trucks out." On June 26 the House passed an unconditional ban on Mexican trucks, and that is one option.

Second, the administration and Senators working with the administration on this issue have said, "open the border as soon as possible." Now, they do call for some safety requirements and some enforcement to be in place, but this is not an issue where we should provide a half-loaf solution.

And third, there is the option that I support—the option chosen unanimously by the members of the Appropriations Committee—to put safety first and not open the border until specific safety requirements are in place.

The Senate Appropriations Committee has provided $103.2 million not approved by the House to pay for more resources at the border. The bill includes $13.9 million for additional safety inspectors, $18 million for grants to border states, and $71.3 million for facilities along the U.S.-Mexican border.

Even with the steps being taken, the Department of Transportation's Inspector General has said that "additional actions are needed to reasonably ensure the safety of commercial vehicles and drivers as they enter at the southern border, operate within the commercial zone, and traverse the United States."

To address these concerns, the Appropriations Committee included comprehensive safety provisions in this bill. Most importantly, Mexican trucks will stay within the commercial zone and off all other U.S. highways until they meet the safety standards demanded by American motorists.

Specifically, under the bipartisan Murray-Shelby provisions, Mexican carriers will be given full safety reviews before they will be allowed to operate in the United States and the Department of Transportation will keep a watchful eye on how they operate once they are found to be safe carriers through a follow-up safety audit.

In addition, the following steps must be taken by the Department of Transportation and the 190 Mexican carriers that are awaiting permits to send their trucks throughout the United States:

The Department of Transportation must:

Certify that all border crossings have complete coverage by trained inspectors during all operating hours;

Certify all 80 new border inspectors as "safety specialists";

Provide adequate facilities to conduct inspections and place unsafe trucks out of service;

Conduct a sufficient number of inspections to maintain safe roads; and

Certify that there is an accurate system to verify Mexican drivers licenses, vehicle registrations, and insurance certificates on the border.

Mexican carriers must:

Comply with U.S. hours-of-service rules so that U.S. inspectors know how long a trucker has been driving when they arrive at the border; and

Provide proof of valid insurance granted by a U.S. firm.

It is essential to recognize that the Murray-Shelby provisions don't open the border until safety standards are met, but the Bush administration wants to open the border as soon as possible and monitor safety while trucks are operating throughout the United States.

Should we not err on the side of caution and have our inspectors and infrastructure in place before Mexican trucks are allowed north?

As I mentioned, I have met with the Mexican Ambassador, Juan Jose Bremer, on this issue and we both agree that Mexican trucks should meet U.S. safety standards.

Because—at this stage—Mexican trucks present a greater danger than other trucks on our roads, we must protect American motorists.

I am encouraged by the steps Mexico has taken to work with the United States—not just on this issue, but on others as well. Yet, I am a strong supporter of the provisions authored by Senator MURRAY because I believe some more steps need to be taken on both sides to address safety before Mexican trucks travel throughout the United States.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Resumed

Mr. DASCHLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 1025, the Murray-Shelby substitute amendment.

Patty Murray, Ron Wyden, Patrick Leahy, Harry Reid, Hillary Rodham Clinton, Charles Schumer, Jack Reed, James Jeffords, Daniel Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara Mikulski, Tom Daschle, Richard Shelby.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1025 to H.R. 2299, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 70, nays 30, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—70

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Graham
Harkin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—30

Allard
Allen
Bennett
Bunning
Burns
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms

Hutchinson
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Thomas
Thompson
Thurmond
Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 70 and the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. SHELBY. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I yield my 1 hour postcloture debate to the Republican leader.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Illinois.

Mr. FITZGERALD. Mr. President, pursuant rule XXII, I yield my 1 hour to the Republican leader.

The PRESIDING OFFICER. The Senator has that right.

The Senator from Texas.

Mr. GRAMM. I yield to Senator STEVENS.

Mr. STEVENS. Mr. President, I yield my 1 hour to the manager of the bill on this side, Senator SHELBY.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRAMM. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is amendment No. 1030 to the substitute to the bill.

AMENDMENT NO. 1168 TO AMENDMENT NO. 1030

(Purpose: To prevent violations of United States commitments under NAFTA)

Mr. GRAMM. Mr. President, I have a second-degree amendment at the desk, amendment No. 1168. I call up this amendment on behalf of myself and Senator McCAIN and ask for its immediate consideration. I ask it be read.

The PRESIDING OFFICER (Mr. DAYTON). The clerk will report.

The legislative clerk read as follows:

> The Senator from Texas [Mr. GRAMM], for himself and Mr. McCAIN, proposes an amendment numbered 1168 to amendment No. 1030:
>
> At the appropriate place, insert the following: "*Provided*, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement."

Mr. GRAMM. Mr. President, this pending amendment is about as clear as the amendment can be. Basically, what the amendment says is that in terms of implementing this restriction on funding, notwithstanding any other provision of this section, which consists of 22 restrictions on the fulfillment of NAFTA in its transportation clause, that those provisions would be binding except to the extent the President finds them to be in violation of the North American Free Trade Agreement.

This amendment is very important because it gets down to the heart of the issue before us. The issue before us is when the President negotiates an agreement with sovereign foreign nations—as he did with the NAFTA, the most important trade agreement ever negotiated in the history of the Americas, with Mexico and Canada—when the President commits the Nation with his signature, as he did in San Antonio, TX, when he signed NAFTA, and then when Congress approves that trade agreement by an affirmative action of both Houses of Congress and the President's signature, whether we are bound by that agreement.

Having negotiated the agreement and having ratified the agreement, no matter how popular it may be, no matter what special interest group it might satisfy, we cannot give the word of our President and the ratification of our Congress and then come back after the fact and say we do not want to live up to our end of the bargain.

We have invoked cloture, which at some point 30 hours from now will bring a vote on the Murray amendment. The Murray amendment has many provisions. Many of those provisions violate NAFTA—the agreement that we entered into in San Antonio and ratified in the Congress—and, in doing so, go back on the word of the United States of America.

I object to this for a lot of reasons, but the biggest reason is whether one is an individual or whether they are the greatest nation in the history of the world, when they commit themselves to something, if they do not live up to it they lose their credibility.

It is an interesting paradox that we are in the Chamber of the Senate today going back on the commitment we made under NAFTA at the very moment that our President, our Secretary of State, and our trade representative are urging our trading partners all over the world to live up to agreements they have made with the United States of America.

All over the world today, parliaments and congresses are meeting. And just as it is true outside in the hallway here, there are representatives of powerful special interests there that are saying: Do not live up to this agreement with the United States because it is going to hurt some domestic economic and political interest. They are trying to make a decision: Should they live up to the commitment they made to the United States or should they go back on their word?

We are trying to exert moral authority and suasion in saying to them: Live up to the commitments you made to the United States. We are living up to our part of the agreement. We expect you to live up to your part of the agreement.

The biggest reason I am concerned by the action that we are starting to take here is that we are going back on our word, and not just our word in general, but our word to a neighbor that shares a 2,000-mile border with the United States of America. We are going back on our word with a neighbor that has had the equivalent of a political revolution and has elected a President who is more favorable toward trade, more favorable toward a strong and positive relationship with the United States, than any leader in Mexican history.

We all applaud what President Fox is doing and saying, his leadership, his reform. But I ask my colleagues what kind of signal are we sending to President Fox and what kind of position are we putting him in when we go back on an agreement that we have made with Mexico? This was not an agreement that was made by President George W. Bush alone; this was not an agreement made by President Clinton alone; this was not an agreement that was made by President Bush alone. This was an agreement that was made, ratified, and enforced by three Presidents—two of whom are Republicans and one on whom is a Democrat. It is an agreement that was ratified by a Congress that clearly understood that we were undertaking obligations in that agreement.

As some of my colleagues may have seen, there is a Reuters news story out this morning that describes Mexico's first response to what we are doing in the Senate. The headline on the Reuters news story is: "Mexico Warns Retaliation Against U.S. on Truck Ban." The article goes on to say:

> Mexico warned on Wednesday it would retaliate with trade measures against the United States if the U.S. Senate approves a measure prohibiting Mexican trucks from greater access to American roads.
>
> "In the event the Senate approves this and it becomes law, it would leave us no other recourse than to take measures (against the United States)," Economy Minister Luis Ernesto Derbez told reporters.
>
> He said one option would be to block imports of high fructose corn syrup from the United States, long a source of trade friction. . . .

I am concerned about starting a trade war with Mexico.

Mr. DORGAN. Will the Senator yield?

Mr. GRAMM. I will when I get through.

I am not just concerned about starting a trade war with Mexico. I am concerned about what we are doing to President Fox when we are taking action that violates the treaty we entered into with Mexico. I don't know what kind of position we put him in with his own people when the most important agreement we have ever entered into with Mexico is being abrogated by an action on an appropriations bill in the Senate.

What I do in the pending amendment is make it clear that in implementing the provisions of the Murray amendment, nothing in that amendment will apply in a manner that the President finds will violate the North American Free Trade Agreement. Now, our colleagues who support the Murray amendment say the amendment does not violate NAFTA. If the amendment does not violate NAFTA, then this amendment will do it no violence. But if, in fact, the amendment does violate NAFTA, and I believe it is obvious to any objective observer that it does, then this amendment will say that those provisions that violate NAFTA will not be enforced. That is what the amendment does.

Let me try to explain further, because this is a very complicated issue. What often happens in any great deliberative body is that people cloak objectives in very noble garb. What we have before the Senate is an amendment that claims to be about safety, when most of the amendment is about protectionism and about preventing America from living up to the obligation that it made under NAFTA.

Let me outline what I want to do. First, let me outline what NAFTA says, what it commits us to. Then I will draw a clear distinction in four or five examples about what violates NAFTA and what does not violate NAFTA. Then I will go through the provisions in this bill that violates NAFTA. Then I will conclude by reserving the remainder of my time and letting other people speak.

First, in Chapter 12 of the North American Free Trade Agreement as signed by the President and approved by Congress, reference is made to America's and Mexico's and Canada's obligation on cross-border trade and services. Our agreement was not just about goods coming across the border, but it was about services coming across the border.

Obviously, the service we are talking about today is trucking. Here are the two obligations to which we agreed in the NAFTA. I will read them because it is important people understand exactly what we are talking about.

The first article is called "National Treaty." What it says in English, and in Spanish, too, is that when we enter into this agreement, we are going to give Mexican companies and Canadian companies the same treatment we give to our own nationals. In other words, they are going to be treated the same. Hence the term "national treatment."

Specifically, it says "Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers." That is the exact language of NAFTA.

Now, what does that language mean? It says if you are a Mexican trucking company, you will face the same requirements, the same obligations, the same rules, the same laws, as you would face if you were an American trucking company and the same rules, the same laws, the same obligations, the same regulations that you would face if you were a Canadian trucking company.

There is another provision which is very similar to the national treatment provision, but called the most-favored-nation treatment provision. When we entered into this agreement with Canada and Mexico, we not only said we were going to treat them as we treat ourselves in this cross-border trade and services, but we committed we would treat them as well as we treated any other nation.

That language is as follows: "Each party shall accord to service providers of another party treatment no less favorable than it accords in like circumstances to service providers of any other party or of a nonparty."

In other words, what we committed to Mexico on that day in the mid-1990s was they could provide services on a competitive basis with services provided by American providers and by Canadian providers, and that they would be treated the same in like circumstances.

Now, we did have a proviso, a reservation. That reservation is in Annex I. I want to make sure that people understand that reservation in no way applies to the bill we are talking about here. The first reservation said that within 3 years of the date of the signature of the agreement, cross-border truck services to or from border States would be allowed to California, Arizona, New Mexico, and Texas. That is where trucks are currently operating today. Then, within 3 years there would be an agreement concerning cross-border bus service. And finally, within 6 years after the agreement went into force—and it went into force in 1994—cross-border trucking services would be allowed.

So that is the agreement we entered into. There is a distinction that needs to be drawn to explain the problem with the Murray amendment. The distinction is as follows: If circumstances in Mexico are different than they are in Canada or the United States, so long as the standards we apply are the same, we don't have to enforce them exactly in the same way.

For example, we have had a long association with Canada. As a result you can apply on the Internet for a license in Canada to operate a truck in the United States. You can pay $300 and you are in business. Because we are beginning a new process with Mexico, obviously we have to have a more stringent regimentation than that.

Senator McCain and I have proposed—and it is perfectly within the NAFTA agreement's purview—that to begin with, we inspect every single Mexican truck; inspect every single Mexican truck, and require that they meet every standard American trucks have to meet with regard to safety.

There is no debate here about safety. Everybody is for safety. I will just say that Senator McCain and I both have numerous Mexican trucks operating in our States today. The chairman and ranking member of the Transportation Appropriations Committee have no Mexican trucks operating in their States. I would say, since my people are affected more today and will be affected more when NAFTA is fully implemented than either of the States that are represented by the chairman and ranking member, I am obviously at least as concerned about safety as they are.

But there is a difference between safety and protectionism. Here is where the difference lies. Under NAFTA, we have every right to set standards and every obligation to set safety standards so Mexican trucks have to meet the same standards as trucks of the United States. Because the situation in Mexico is different, we can have differences in how they are implemented. In fact, today we inspect Canadian trucks. We inspect about 48 percent of the Canadian trucks that come into the United States. We inspect 28 percent of U.S. trucks. In fact, today, even though trucks are limited to the border area, we inspect 73 percent of Mexican trucks. Today we are inspecting Mexican trucks at a rate almost three times the rate we are inspecting American trucks, and that is eminently reasonable because we are establishing the safety of Mexican trucks.

There is no argument that we should have the right initially to inspect every single Mexican truck until we establish the quality of those trucks. But here is where the line is drawn. We can inspect them differently. We can inspect them initially, as long as there is any reason to believe they are different, more intensely. But we cannot apply different standards. That is where the Murray amendment runs afoul of NAFTA.

Let me talk about four ways the amendment clearly violates NAFTA. The first is a fairly simple measure, but it tells you what is going on in this amendment. Today most Canadian trucks are insured by London companies such as Lloyd's of London. Today some Canadian trucks are insured by Canadian insurance companies, and some by American insurance companies. Most American trucks are insured by American insurance companies; some are insured by foreign insurance companies. The plain truth is, many of the companies we know are located all over the world, so the insurance domicile distinction really doesn't mean as much as it once did.

Under NAFTA, we have the right to require that Mexican trucks have insurance. I believe with regard to the health and safety of our own people we have an obligation to require that they have insurance. But we cannot put a requirement on them that is different from the requirement we put on ourselves or on Canada. The Murray amendment violates that principle by saying Mexican truck operators have to carry insurance from companies that are domiciled in the United States of America. American companies do not have to have insurance from companies domiciled in the United States of America. Canadian companies do not have to have insurance from companies domiciled in the United States of America. Most of them have insurance from companies domiciled in Great Britain. But the Murray amendment says Mexican trucks have to be insured by companies domiciled in the United States of America.

That is a clear violation of NAFTA. NAFTA says we have to treat Mexico and Canada the way we treat our own providers. We do not require our providers to have American insurance, and indeed some of them do not. They have insurance from companies domiciled elsewhere. We do not require Canadian trucks to have American insurance, and very few of them do. They have British insurance, and they have Canadian insurance. And we have no right under NAFTA to require Mexican trucks to meet a requirement that our trucks and Canadian trucks do not have to meet.

Second, if a company finds itself unable to operate for some reason—maybe it has lost business, maybe it is subject to some suspension of a license, maybe there is some restriction imposed on it—it has the right to lease its trucks. If you are in the trucking business and you have these rigs that cost huge amounts of money sitting in your parking lot, and for some reason you cannot serve your customer and you cannot use this rig, it is a standard business procedure in the United States and in Canada to lease those trucks to somebody who can put them to use. That obviously is trying to protect your business from going broke.

We would have the right, under NAFTA, to say that Mexican trucks cannot be leased under a certain set of circumstances to another provider, as long as we did the same thing to our own trucks and to Canadian trucks. We have every right in the world to say to a trucking company that if they are subject to suspension, restriction, or limitations, they cannot lease their trucks. We have the national sovereign right, under NAFTA, to do that. But we do not have the right to say American companies can lease their trucks, Canadian companies can lease their trucks, but Mexican companies cannot lease their trucks under exactly the same circumstances. That is a clear violation of NAFTA—no ifs, ands or buts about it. You cannot have two different standards: One standard applies to the United States and to Canada and another standard applies to Mexico.

Under this amendment, if a Mexican company is found to be in violation of this provision, they can be barred from operating in the United States. In reading the language, this apparently could be a permanent ban. We have the right to ban any trucking company in America from having the right to operate if it should have a violation. And if we did that, since any big trucking company at any one time certainly will have a violation—maybe many violations—we could then we could apply it to Canada and Mexico and it would be NAFTA-legal. Of course we would all go hungry if we did that. It would be a crazy policy to do that, but we could do it.

But what we cannot do under NAFTA is say: OK, we have a regime of penalties for American companies and we apply that regime to Canadian companies, but for Mexican companies, we will apply a different regime even though we entered into a treaty—signed by the President and ratified by Congress—where we said we would treat them exactly as we treat ourselves.

We can't now come along and say that if you are an American trucking company or a Canadian trucking company these are your penalties, but if you are a Mexican trucking company the only penalty is the death penalty—i.e., we are going to put you out of business. That is a clear violation of NAFTA. There are no ifs, ands, or buts about it. It is a clear violation of NAFTA.

In 1999 we wrote a law that dealt with truck safety: the Motor Carrier Safety Improvement Act of 1999. When we wrote that law, we asked the Department of Transportation to promulgate regulations for its implementation. It turned out that it wasn't easy to do. The Clinton administration didn't get it done, and the Bush administration hasn't gotten it done yet.

We could say that until these regulations called for in this law are written and implemented, we will not allow any truck to operate in America. We could say that. That would not violate NAFTA. We could say the Federal Government has not written a regulation and, therefore, we are not going to let trucks operate in America. It would not violate NAFTA, because we wouldn't let Mexican trucks operate, we wouldn't let American trucks operate, and we wouldn't let Canadian trucks operate. We could do that. It would be crazy. I suspect people would be marching on the Capitol and the Senate would change it very quickly. But we could do it. It would not violate NAFTA.

But that is not what we are doing here. What we are saying here is that until the regulations that are called for in this act are written and implemented, American and Canadian trucks can operate freely. American trucks can roll right up and down the road with the radio going full blast, everybody happy. Canadian trucks can operate, come across the border, come and go wherever they want to. But until this law is implemented, Mexican trucks cannot come into the United States.

By saying that, we would be violating the national treatment standard of NAFTA. NAFTA says if you want to do something—no matter how crazy it is—as long as you do it to yourself, you can do it to Mexico and you can do it to Canada. But what you cannot do under NAFTA is simply say, arbitrarily: I don't want Mexican trucks operating in the United States. Until February 29 falls on a Thursday, we are not going to let Mexican trucks operate in the United States. That is about as arbitrary as the provisions of this amendment. There is no basis for doing that. It is arbitrary and it violates NAFTA.

There are many other things that could be violations. I have outlined just four. My amendment very simply does the following: It says that the Murray amendment would stand unless its provisions violate NAFTA. If they did violate NAFTA and remember that ratified treaties under the Constitution, to quote the Constitution, are the "supreme law of the land" then they would not be enforced. And I have outlined four examples of where the Murray amendment violates NAFTA.

I will conclude and reserve the remainder of my time, and let others speak. Here is the principle at issue: We can, should, and must require that Mexicans meet the same standard. We don't have to enforce them exactly in the same way.

For an example of something that would not be a violation to begin with but might become a violation: the checking of the driver's license of every trucker coming into the United States from Mexico. We don't do that for people coming in from Canada. We don't do that for every truck operating in the United States. We might choose to do that for people coming in from Mexico, until we establish the pattern for Mexican drivers.

Interestingly enough, so far our inspections show that the failure rate—the number of times that you don't let the driver on the road, you take them out of the truck—for American truckdrivers is 9 percent, and for Canadian truckdrivers it is 8.4 percent. Interestingly enough, only 6 percent of Mexican drivers are found to be in violation.

The plain truth is that most Mexicans who are driving big rigs are college graduates. The truth is, at least so far it appears, is that Mexican drivers are safer in terms of meeting our regimentation and requirements—if that in fact those requirements measure safety, and supposedly that is what they do—than our own drivers. That is data based just on trucks operating in our border States.

We would have every right to initially stop every truck and check every driver's license. But once we had established that there is no particular problem, then stopping every Mexican truck when we don't do it with our own trucks and we don't do it with Canadian trucks after we have established the pattern that Mexican drivers are just as qualified and licensed as ours would be a violation of NAFTA. Basically, the requirements don't have to be the same, but they do have to be reasonable in terms of burden relative to the problem.

I would think if our colleagues want to pass this bill, if they want to move this process forward, and if they don't want to violate NAFTA, they would simply accept this amendment. This would be a major step forward in fixing the problems we have with the bill. I wish they would accept it. They should accept it. They say this provision does not violate NAFTA, but then if they are right, the adoption of the amendment would have no impact on them.

Why is the amendment important? The amendment is important because we made an agreement with our neighbor to the south. We are in the process on the floor of the Senate, whether it is our intention or whether it is not our intention, of discriminating against Mexico, of saying to them that you are not really an equal partner in NAFTA. We said we were going to give you these rights, but we have decided we are not going to give you the same rights we give to Americans and we are not going to give you the same rights we give to Canadians. Quite frankly, I think it is outrageous.

I remind my colleagues that we are not saying you can't have different ways of enforcing our safety rules. We are simply saying in NAFTA you can't have a different set of rules.

Senator MCCAIN and I and the President support inspecting every Mexican truck and checking the license of every Mexican driver as they come across the border. But at some point when the patterns are set and we are through this transition period, we are going to have to treat them as we treat our own trucking companies when they have proven themselves. Why are we going to have to do that? We are going to have to do it because that is what NAFTA says.

I know there is a powerful special interest involved here. I know the Teamsters Union does not want Mexican trucks to operate in the United States. They are not out saying we don't want trucks operating in the United States because we are greedy, we are self-interested, and we do not want competition. They are not saying that.

I don't remember anybody ever coming to my office saying: Protect me from competition. I don't want to have to compete. I want to sell at a higher price. I want to make more money. I want to have a place in Colorado. And I want you to cheat the consumer to protect me. Nobody ever came into my office and said that. But they do come into my office and say: Protect me from this unfair competition. Protect me from these products that are not safe. Protect me from this. Protect me from that.

What the Teamsters are against is competition. You can argue that we ought not to have Mexican trucks in America because we ought not to allow competition. But the point is, it is too late. We signed an agreement. We ratified the agreement. Now it is time to live up to the agreement.

Under the Murray amendment, we are going back on our agreement. The proponents of this amendment can say until they are blue in the face that it does not violate NAFTA. But if it does not, accept this amendment. But I do not believe they are going to do that, because I believe their amendment does violate NAFTA. That is why Mexico is talking about retaliation today. That is why the President said that he is going to veto this bill.

In the end, we are going to have to fix this situation. We are going to spend weeks now, it looks to me, fooling around with this issue, when everybody knows in the end that it is going to have to be worked out. But we don't have any recourse now except to do it the way we are doing it.

I am not going to let the President be run over on this. I am not going to let Mexico be discriminated against. I do not think this is right. I do not think it is fair. And I think it destroys the credibility of the United States of America. So I am not going away. We have four more cloture votes. I want to say to my colleagues, don't feel that you have to vote with me against cloture. Vote for cloture. It is obvious that the forces who are against putting NAFTA into effect with regard to trucks have the votes. So I am not asking anybody to vote with me. But I am just saying that we are going to end up having to vote on cloture four times to get this bill to conference.

It can be fixed very easily. Simply take out the parts of the Murray amendment that violate NAFTA. That is what we are going to have to do. We can do it now. We obviously are not going to, but we could. We can do it next week. We can do it in September. But we are going to do it eventually.

I reserve the remainder of my time and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1055

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about amendment No. 1055, which has been filed and is at the desk. This is an amendment which I understand will be included in the managers' package. I thought it might be useful to make a comment or two about it.

This amendment is necessary in order to clarify congressional intent on the highway congestion relief program created under the 1998 TEA-21 highway authorization bill. Under the ITS, Traffic.com, a Wayne, PA, company employing some 150 workers, competed for and won an initial $8 million contract to create a traffic management system to monitor congestion in Philadelphia and Pittsburgh. The bidders competing for this initial contract expected and were led to believe that the winner on the first phase of the contract would automatically receive the follow-on contract.

The intent of the TEA-21 ITS provision was to eventually expand this program beyond Philadelphia and Pittsburgh and award the next phase of the contract to the same team that won the first phase.

The fiscal year 2001 Transportation Appropriations Act contained a $50 million earmark to further fund an intelligent transportation system, ITS, section 378, Public Law 106-346. This intelligence transportation system project was originally conceived under TEA-21 to serve as a national, interoperable program that would allow local residents and trucking companies to receive up-to-date information on traffic patterns and congestion.

TEA-21 section 5117 (b)(3)(B)(v) set forth that the ITS program should utilize an advanced information system designed and monitored by an entity with experience with the Department of Transportation in the design and monitoring of high-reliability, mission-critical voice and data systems.

It was thought at the time by the draftsmen that this provision would cover the $50 million, but there has been a determination by general counsel for the Department of Transportation that this language is insufficient. We had thought we might correct it with a colloquy, but we have been advised that there needs to be a so-called legislative fix.

In that light, I have submitted the amendment, which is No. 1055, which has been reviewed by the Department of Transportation. And we have been assured, I have been assured that the language in the amendment will be satisfactory.

This is an important matter to my constituents. It is a Wayne, PA, company employing some 150 workers.

I have conferred with Senator WARNER, who was a party to the initial transaction where, as is the case with many highway projects, the arrangements were worked out that the firm winning the first contract of $8 million, which was, as I say, Traffic.com, would get the second contract. But the legislative draftsmen were not sufficiently precise, as I have said. Senator WARNER confirmed to me yesterday that was the intent at that time, and he is prepared to confirm that.

The distinguished Senator from Washington, Mrs. MURRAY, chairman and manager of this report, had wanted confirmation from the authorizing committee that this was acceptable, as is the practice, if a matter like this is included in an appropriations bill. The appropriate process is to have the authorizers agree that it may be inserted, not to have any jurisdiction taken away.

I had consulted with the distinguished Senator from Nevada, Mr. REID, who is the subcommittee chairman, who is on the floor now and hears what I am saying, and also with the distinguished chairman, Senator JEFFORDS. They have concurred in this.

As I say, it is my expectation, having just conferred with the chairman, Senator MURRAY, that it be included in the managers' package. I thought it would be useful for the record to have this brief explanation as to precisely what happened and what the intent of the amendment will be as included in the managers' package.

As they say at wedding ceremonies, Senator MURRAY and Senator REID, if you have anything to say, speak now or forever hold your peace.

I thank the Chair. They used to call that an adoptive admission before they were declared unconstitutional, when I was a prosecuting attorney.

I thank Senator MURRAY, Senator REID, and my other colleagues.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I rise, obviously, in support of the amendment of the Senator from Texas. The reason the Senator's amendment should be really approved without a single dissenting vote is that the amendment says exactly what the proponents of this so-called Murray language in the appropriations bill are alleging. They are alleging that the language to which we and the administration object is not in violation of NAFTA.

I don't know the number of times—I would be glad to have a scholar research the number of times the Senator from Washington has said this is not a violation of NAFTA; this is not a violation of NAFTA; this is not in violation of NAFTA. So if the language is not in violation of NAFTA, then she should have no problem in approving this amendment, which says:

> Provided that notwithstanding any other provision in the Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American free trade agreement.

Mr. President, during the previous two administrations, I supported a lot of legislation that gave the President of the United States a great deal of leeway in determining foreign policy issues. I did that because of my fundamental belief that the President of the United States should be the individual who conducts foreign policy, obviously, with the advice and consent of the Congress of the United States. So this amendment seems to me to be perfectly in keeping with the rhetoric of the proponents of the present legislation as it stands.

I don't quite understand the objections to it, when the allegations are that the language in the appropriations bill is perfectly in compliance with NAFTA and doesn't violate it.

I want to mention again, particularly in light of the last vote that was taken—and we all know we only got 30 votes on the cloture motion and we needed 41—first, I am still confident that, as to the vote yesterday and other votes that will be taken, we have sufficient votes to sustain a Presidential veto. As we all know, the President has said he would regretfully have to exercise that option.

I also want to point out for the benefit of my colleagues, we have just affirmed a very dangerous practice, in my view. That practice—which in the years I have been here has gradually increased year after year after year—is a proclivity to legislate on appropriations bills. We now have major policy changes, major legislative initiatives, included on appropriations legislation. So when the cloture was voted a short time ago, it not only affirmed, unfortunately, the right—or new right of appropriators to legislate on appropriations bills, but it also can set a very dangerous precedent for the future.

There may be other amendments on other appropriations bills, which individual Senators view is in violation—in this case, of course, in violation of a solemn treaty agreement, but it may be in violation and affect issues that are important to them.

Senators who are not members of the Appropriations Committee, Senators who are simply members of authorizing committees, have suffered under the impression that any major policy changes or legislation would originate in their committees of which they are members, the authorizing committees. Instead, we now see an abrogation—a growing abrogation—and an affirmation of that abrogation of the responsibilities of those who are members on the authorizing committees—in my view, a grossly unwarranted assumption of authority on the part of the Appropriations Committee.

We all know what the purpose of an Appropriations Committee is, and that is to appropriate funds for previously authorized programs. I will be glad to read to my colleagues what the charter of the Appropriations Committee is. I must say, when I first came here—and I think the Senator from Texas who came here a couple years before me would agree—it was a very unusual circumstance when you would see an appropriations bill that had a legislative authorizing impact. We would find the pork barrel projects, although they were dramatically less; we would find the earmark. But now we have a custom, that is increasing year by year, where the Appropriations Committee, in direct violation of their charter, are now setting parameters, which in this case affect a solemn treaty between three nations.

Not only does this particular language, which is called, "not in violation of NAFTA," clearly authorize on an appropriations bill, but it even goes so far as to affect a solemn trade agreement.

I might add that is not just my view. That happens to be the view of the President of the United States and, almost as important, the view of the President of Mexico. Already the Mexican Government, in reaction to this pending legislation, has threatened sanctions which could reach a billion or more dollars against U.S. goods and services. Relations between the United States and Mexico, in my view—and coming from a border State I think I have some expertise on this subject—have never been better.

We have a new party in power in Mexico, a new leader, and for the first time we are seeing border cooperation the likes of which we have never seen before, including the apprehension and extradition of drug dealers, something we could not only not achieve before, I remember back in the 1980s when a U.S. drug agent was kidnapped, tortured, and murdered by individuals that at least allegedly could have had connections with the Mexican Government. We have come a long way in our relations.

I note the President's first state dinner will be in September in honor of President Fox of Mexico. The relationship between our President and the President of Mexico is close, it is cooperative, and it will act to the great benefit of all Americans, particularly those of us who represent border States because we have so many outstanding border issues: immigration, drugs, pollution, transportation, among others.

What do we do early in President Fox's administration? According to them, we violate a solemn treaty that was consummated years ago by previous administrations.

The provisions of Senator GRAMM and I require it, every vehicle beyond the commercial zones to be authorized and to display on their vehicle a decal of inspection, and the list goes on and on. State inspectors that detect violations will enforce such laws and regulations, and it goes on and on.

According to our legislation, we are not giving blanket approval to Mexican carriers to come across the border. What we are doing is imposing some reasonable restrictions which would then stay in compliance with the North American Free Trade Agreement.

Let me read from a letter we received from the NAFTA Coalition For Safe trucks:

> During its consideration of the bill to provide appropriations for the Department of Transportation for fiscal year 2002, we urge the United States Senate to adopt the McCain-Gramm amendment regarding the treatment of cross border trucking operations under the North American Free Trade Agreement.
>
> We represent the manufacturers, shippers and the transporters of the goods crossing the border, and want to ensure all necessary steps are taken to ensure the safe, reliable and efficient transportation of those goods between the United States and our trading partner to the South.
>
> Both the House-passed language and the language included by the Senate Committee on Appropriations violate NAFTA and will result in a "closed" border for the foreseeable future. While we commend the Senate Committee for seeking a solution to the outright ban contained in the House Bill, several of the requirements simply cannot be met and are unnecessary to ensure the safe operations of Mexican domiciled trucks when operating in the United States.
>
> Should the Congress vote to require the United States Government to continue to violate our obligations under NAFTA, Mexico will be free to impose extensive sanctions on U.S.-produced products. This will certainly lead to a loss of jobs for U.S. workers, particularly in manufacturing, which has already seen 785,000 lost jobs since July of 2000.
>
> We urge support of the McCain-Gramm Amendment, which will allow the United States to honor its commitments while establishing a safe and reliable flow of goods between the United States and our neighbor, trading partner and friend to the South.

It is signed by the American Trucking Association, National Association of Manufacturers, Grocery Manufacturers of America, U.S.-Mexico Chamber of Commerce, Agricultural Transporters Conference, Border Trade Alliance, United States Chamber of Commerce, National Foreign Trade Council, the Fertilizer Institute, and TASA Trucking, the very people who will be sharing the highways and bridges of America on both sides of the border with Mexican transportation carriers.

What we have done here—and I think it is important to put it in a certain perspective because there is a lot of heat of the moment; there are conversations about what the Teamsters will or will not do, how important it is for Republicans to gain the support of the Teamsters, and underlying it all is sort of a concern about really what would happen if these Mexican carriers came into the United States.

As the Senator from Texas pointed out, they are 25 miles inside of our border States. We are proud of the relationship we have with our Mexican neighbors to the South. We are proud of their friendship. We are proud of the progress that they have made, both politically and economically. We are proud to call them our neighbors.

What we have done, intentionally or unintentionally, is adopt language in an appropriations bill which was unknown to those of us on the Committee of Commerce, Science, and Transportation, unknown to the authorizing committee on which I am the ranking member. Language was adopted which, in the view of the President of the United States, in view of the President of Mexico, and I am sure the Canadian Government, and I am sure the NAFTA panels that judge these things, is a violation of a solemn trade agreement.

I do not want to waste time reviewing the enormous economic benefit that has accrued to all three countries as a result of the North American Free Trade Agreement. They are phenomenal. When NAFTA was adopted in 1996, there was $300 million worth of trade a day between the United States and Canada. Today there is a billion dollars a day of trade between the United States and Canada.

The numbers are comparable in the south. We have seen the maquiladoras. We have seen the growth of the economy in the northern part of Mexico far exceed the rest of Mexico. Why is that? It is because of the enormous increase in goods and traffic and services between the United States and Mexico.

We have seen now one of the most successful treaties, from an economic standpoint and I argue cultural and other aspects, now being undermined or violated by an act of the appropriations subcommittee of the Senate, without a hearing.

We did have a hearing on Mexican trucks in the Commerce Committee. We never acted. There was never a bill proposed. There was never any legislation proposed for consideration and markup by the Committee on Commerce, Science, and Transportation. No, it was stuck into an appropriations subcommittee bill.

Here is where we are: The repercussions of this action are significant and severe, not only to the people of my State but the people of this country.

We do not grow a lot of corn in Arizona; I wish we grew more, but clearly corn is one of the first areas where the Economic Minister of Mexico has said they may have to impose sanctions because they are entitled to impose sanctions as of this very day.

We have also just heard that telecommunications equipment might be the next target of sanctions enacted by the Mexican Government. Why would they do that? With all due respect, because they have significant manufacturing capabilities within Mexico of telecommunications equipment and it probably would not be too bad for Mexico in the shortrun if they were not subject to foreign competition, although we all know the unpleasant and unwanted consequences of the lack of competition in all products. That is the situation we are in. It is very unfortunate.

The Senator from Texas has an amendment which basically says none of the provisions in the appropriations bill would be applied in a manner that the President of the United States finds to be in violation of NAFTA. Literally, every bill we pass out of this body that has to do with foreign policy has a national security provision stating if it is in the interests of national security, the President can act if he deems so. Basically, that is sort of what this amendment of the Senator from Texas is all about.

I also want to make one other comment about this issue and what we have done. The Senator from Texas and I were allowed to propose one amendment, which was voted on, and we had many other amendments. Obviously, that effort is going to be significantly curtailed because of a cloture vote. I view that as unfortunate, too, because if in the future Members of the Senate are seeking a number of amendments to be considered, and cloture is imposed without them being able to have all their amendments considered, then I think we are obviously setting another very bad precedent for the conduct of the way we do business in the Senate.

For all of those reasons, I not only intend to slow this legislation, but I think we will have to try to see that this issue, no matter how it is resolved, resurfaces on several different vehicles in the future. I am not sure that there are many other issues before the Senate that are this important. We may have to, even after we have exhausted—if we do—all of our parliamentary options, exercise others as well.

I say that not only because of the impact on this issue but the impact on the way we do business in the Senate. I was very proud during consideration of the campaign finance reform bill that everybody had an amendment. Anybody who had an amendment, we considered it; we voted on it; and we worked on it for 2 weeks. On the Patients' Bill of Rights, we worked on it; we had amendments; everybody was heard from; and everybody got their say.

That is not the case with this legislation. It is not the case with this appropriations bill. I regret that. I have been here not as long as many but long enough to know when a very dangerous trend, a very dangerous precedent has been set, I recognize that. I will continue to do what I can to see that every Senator has the right to exercise his and her rights as Members of this body to see that their issues, their concerns, and particularly those that affect international agreements, are fully examined and voted upon and discussed and debated.

I intend, obviously, to talk more on the specifics of what we are doing, but I hope my colleagues have no illusions as to what is being attempted on an appropriations bill where there is absolutely no place for this legislation. Those who are only members of authorizing committees, take note, my friends, because you may be next.

Mr. GRAMM. Will the Senator yield?

Mr. McCAIN. I am happy to yield.

Mr. GRAMM. Obviously, the Senator shares with me the fact that we represent States that border Mexico, and in that process we both have had an opportunity to work with President Fox. Would the Senator agree with me that of all the people who have ever been heads of state in Mexico, that he is, perhaps, the most pro-American in terms of his outlook and willingness to work with us of anyone we have ever dealt with?

Mr. McCAIN. In response, I say to my friend, I don't think we have ever seen a friend of this nature in the history of the country of Mexico. We all know that there was one-party rule since the 1920s. We all know that when one party rules any country for an inordinate length of time, there is corruption. This is a breath of fresh air.

The Senator mentioned we come from border States. Our States are going to be affected first by Mexican carriers coming across our border. In the State of Washington and on the northern tier, there is free access of carriers from Canada. So I kind of wonder about the contrast there. The State of Washington has free movement of trucks back and forth across their border. Yet Representatives of the State of Washington want to restrict flow across our borders with our southern neighbor. I find that interesting.

Mr. GRAMM. Could I ask another question? You obviously know President Fox, and know Mexican politics. What kind of position do you think it puts President Fox in when he has staked his whole political future on a good relationship with the United States, and has committed himself to enforcing NAFTA in his own country, when the Senate is in the process of adopting a provision on an appropriations bill that clearly violates the NAFTA agreement? What kind of position do you think it puts him in?

Mr. McCAIN. The answer, obviously, I say to the Senator from Texas, is it must be somewhat embarrassing for him. I think that was very much appreciated by President Bush. President Bush has expressed on several occasions his concern with what is happening and has taken a very personal interest in these proceedings.

That is another point I emphasize. The relationship between President Fox and President Bush is as close and cooperative and good as any in the history of this country. I appreciated President Reagan's relationship with his southern neighbor as Governor of California. I believe the relationship of President Bush and President Fox opens up a vista for relations with Mexico the likes of which we have never seen, which there has already been manifestations of, by the extradition to the United States of drug dealers from Mexico. That would never have happened under a previous regime.

I think President Fox, obviously, could not be very pleased today and may have to answer to some of his critics, of which there are many since he just unseated a party that had been in power for 60 years.

Mr. GRAMM. If the Senator will yield, I am sure there are people who wonder why we take this issue so seriously. It seems to me our colleagues should be concerned about our relationship with this good man who is president of Mexico and our friend, and with the kind of position it puts him in, and with the message it sends that somehow we treat our neighbors to the north differently than we treat our neighbors to the south. It seems to me that socialists and anti-American politicians in Mexico from the very beginning of our relationship with Mexico have preyed on this point: that we don't respect Mexico, that we don't respect their people, that we treat them differently, that they are our poor neighbors. I conclude with the following question. Don't you believe that this amendment, in all of its terrible manifestations, plays into exactly the kind of demagoguery that has traumatized our relationship with Mexico for all these years?

Mr. McCAIN. First of all, I agree with the Senator from Texas. But also let me point out that because of this action that is taking place right now, the Mexican Government and the President are having to respond to domestic discontent with the threat of sanctions, and they are judged to be able to enact sanctions because the panel determined we are in violation of NAFTA as we speak. Until this legislation was pending, there was no word out of Mexico that they would impose these sanctions. But in the last day, the last 24 hours, the Mexican Government has felt compelled to say they will enact sanctions. Why? Because the legislation before us makes permanent the blocking of the border to Mexican carriers, which was allowed according—not only allowed, but a part, an integral part of the North American Free Trade Agreement.

I mention again to my friend from Texas a letter from the Secretary of the Economy, Luis Ernesto Derbez Bautista:

> We have been following the legislative process regarding cross border trucking on the floor of the U.S. Senate. This is an issue of extreme importance to Mexico on both legal and economic grounds. From a legal standpoint, Mexico expects non-discriminatory treatment from the U.S. as stipulated under the NAFTA. The integrity of the Agreement is at stake as is the commitment of the U.S. to live up to its international obligations under the NAFTA. I would like to reiterate that Mexico has never sought reduced safety and security standards. Each and every truck company from Mexico ought to be given the opportunity to show it complies fully with U.S. standards at the state and federal levels.
>
> The economic arguments are clear-cut: Because of NAFTA, Mexico has become the second largest U.S. trading partner with $263 billion of goods now being exchanged yearly. About 75% of these goods move by truck. In a few years, Mexico may surpass Canada as the U.S. largest trading partner and market. Compliance with the panel ruling means that products will flow far more smoothly and far less expensively between our nations. Doing so will enable us to take advantage of the only permanent comparative advantage we have: that is our geographic proximity. The winners will be consumers, businesses and workers in the three countries.
>
> We are very concerned after regarding the Murray amendment and the Administration's position regarding it that the legislative outcome may still constitute a violation of the Agreement. In this light, we hope the legislative language will allow the prompt and non-discriminatory opening of the border for international trucking.
>
> Finally I would like to underline our position, that to the Mexican government the integrity of the NAFTA is of the outmost importance.

That is from the Secretary of the Economy of the country of Mexico.

I see my respected friend, the Senator from North Dakota, on the floor. I know his views on NAFTA. I do not know if many of the Mexican trucks will be getting up to North Dakota. But I do know that the Mexican Government right now is deeply concerned about this legislation, and if it passes, I can see no other action the Mexican Government would take but to enact sanctions. As the Senator pointed out, this is a critical stage of our relations with that country.

I thank the Senator from Texas. I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for my friend from Arizona and, for that matter, for my friend from Texas. I might say my colleague from Arizona and I agree on a lot of things and we work together on a lot of things. I do not necessarily agree with a lot of things with my colleague from Texas. We tend more often to come down on opposite sides of the spectrum. But I did want to respond a bit to a couple of questions that were raised.

I just came from the Senate Appropriations Committee. I had to be there because we were marking up an appropriations bill. I was on the floor earlier intending to ask the Senator from Texas a question, but I was not able to be here when he finished his comments. One of the things he said I found very interesting.

Do you know what he said? He said if we do not allow Mexican long-haul trucks into this country, Mexico is going to take action against the United States. Do you know what they are going to do? He was quoting a Mexican official. He said they are going to impose sanctions or tariffs on high-fructose corn syrup from the United States to Mexico.

Do you know what? They have already done that. They are already in violation of NAFTA. An arbitration panel has found Mexico is in violation on high-fructose corn syrup. In fact, they have a high grade and low grade. Guess what. Mexico imposes the equivalent of 43 percent tariff on the low-grade corn syrup and the equivalent of a tariff of 76 percent on the high-grade corn syrup. So my friend from Texas says Mexico is now threatening to do something with respect to high-fructose corn syrup when in fact they are already violating international trade agreements in terms of the tariffs and the obstructions they put in the way of high-fructose corn syrup going from the United States to Mexico.

God forbid we be upset about that, that Mexico is going to do something to us that they are already doing in violation of the trade agreement.

I heard a long discussion by my colleague from Texas saying we may not and we must not violate NAFTA. I said yesterday and I will say again, there is nothing in any trade agreement, including NAFTA, nothing that will ever require us to compromise safety on America's roads. There is nothing that makes that requirement of the United States.

I would also say this. If one would allege that what we are about to do would be to violate NAFTA on behalf of American road safety and complain about that, I wonder then whether someone would complain about Mexico, for example, violating trade agreements with respect to the obstructions and the tariffs applied to high-fructose corn syrup that we now send to Mexico, or that we now try to send to Mexico.

This cuts both ways. But it only cuts one way when you talk about things that really matter; that is, highway safety in this country. The United States and Mexico have had a half dozen years to understand the consequences of allowing long-haul Mexican trucks into this country. They have had a half dozen years to prepare for this. What have they done? Nothing. Now we are told in 5 months the United States border must be open to Mexican trucks to come into this country for long hauls.

I will say again what I said yesterday. I am sorry if it is repetitious to some, but it is important to say it. The anecdotal evidence obtained by a reporter from the San Francisco Chronicle, I think quite masterfully presented to us in that feature story, is compelling. The San Francisco Chronicle sent a reporter to Mexico to ride with a long-haul trucker who began that ride in Mexico City and went 1,800 miles to Tijuana. That trucker was driving an 18-wheel truck that would not have passed inspection in this country, with a crack in its windshield among other things. That truck driver drove 3 days, 1,800 miles, and slept a total of 7 hours; had no logbook, no limits on his hours of service, and was never stopped for an inspection along the way. Now we are told: By the way, it is our requirement to allow that kind of truck to come into this country.

It is not our requirement. It is not. My colleagues will say: But what we are really saying is we want to inspect every truck. There is not a ghost of a chance of that happening, and we all know it.

Let me put up a chart that describes the differences in standards between the United States and Mexico. Hours of service: 10 hours of consecutive driving, and no more, in this country—10 hours, and no more. I am telling you, this reporter from the San Francisco Chronicle rode 3 days, 1,800 miles, with that truck driver, and the truck driver slept 7 hours in 3 days because there are no limitations on hours of service in Mexico. There are no limitations on the driver. These are drivers who make, on average, $7 a day, sleep 7 hours in 3 days. Is that what you want in your rearview mirror: A truck weighing 80,000 pounds with 18 wheels coming down the highway, perhaps with no brakes, with a driver that has been awake for 21 straight hours? Is that what we want in this country? I do not think so. And there is no trade agreement ever written—none—that requires this country to compromise safety on its roads.

I know some say: well, no one is suggesting a trade agreement would do that. They say they are suggesting a robust area of inspections. Not true. There is no requirement being proposed that investigators go into Mexico to investigate compliance of the Mexican trucking industry to make sure that when someone presents themselves at the border with a logbook, they have filled it out one-half hour before they arrived at the border. They simply fill out their logbook. They have been driving 21 straight hours, but they present a logbook saying they have only been on the road for 3 hours.

There is nothing remotely resembling a broad-scale compliance program or a broad inspection program at the border that would provide the margin of safety this country needs.

We have, I believe, 27 border entry points. Only two of them are staffed during all commercial operating hours. Most of them don't have telephone lines to access a driver's license database. Most of them don't have parking places where you can park a truck that is pulled out of service.

We asked the inspector general who testified last week: Why do you want a parking space if a truck shows up from Mexico that is not safe trying to come into this country? Why not just turn it around and send it back? He said: Let me give you an example. A truck shows up at the border and has no brakes. It happens. Are we going to send an 18-wheel truck back with no brakes? No. We have to park it.

The fact is that we only inspect a small percentage of trucks crossing the border. It is not a large percentage as has been alleged. We actually inspect a very small percentage of trucks coming into this country.

The proposal for additional investigators and inspectors is far short of what is needed to have a broad regimen of inspections. It is just far short of what is needed. I just did the math. I asked the Secretary of Transportation and the inspector general: Am I not right that you are short, and you don't have the people? The inspector general said: You are right, we are short of inspectors, because these numbers don't add up.

To those who say let's open the borders and somehow we will inspect all of these trucks, I say to them even if you could do that, where are the inspectors? They are not being proposed. They have some, but not nearly enough.

What about the compliance reviews of sending someone into Mexico to make sure the industry is going to require the kind of compliance that is necessary? I mentioned the requirement of logbooks. Mexico requires logbooks. They do. But nobody has them. It is just like Mexican laws with respect to the environment. They have very stringent laws with respect to pollution and the environment. They are not enforced. You can have wonderful laws, but if they are not enforced, they are irrelevant.

There is in Mexico a requirement for a standardized logbook. It is not enforced. Virtually no trucker in Mexico uses a logbook.

Alcohol and drug testing in this country, yes; Mexico, no.

Driver's physical considerations: In this country, a separate medical certificate, and an examiner's certificate is renewed every 2 years. In Mexico, a physical examination is required as part of licensing, But no separate medical card is required.

We have a weight limit of 80,000 pounds in this country. It is 135,000 pounds in Mexico.

Hazardous materials: I don't even want to describe the difference here. You can only imagine the difference.

Strict standards, training, and inspection regime in this country; there, a lax program, few identified chemicals and substances, and fewer licensure requirements.

Vehicle safety inspections: Here, yes, of course.

There they are not yet finalized.

Insurance: Incidentally, the inspector general pointed out that when they come across the border, they buy insurance for 1 day.

Some have questioned why I should care about this issue. One of my colleagues said: Senator DORGAN is from North Dakota, Mexican trucks probably won't even get to North Dakota.

But in fact they have already been found to be improperly operating in North Dakota. They have been stopped for a range of infractions and difficulties.

There is supposed to be a 20-mile limit for long-haul Mexican trucks in this country.

If someone says it is not going to affect North Dakota, they are wrong. It already has. They have already been apprehended on our roads.

Let me say, with this one question of inspections and all of the soothing words about, we will just inspect all those trucks, and there is not going to be any problem with the big 18-wheeler coming down the highway—let me describe where we are with inspections.

Out-of-service rates at El Paso, TX, 50 percent but only 24 percent at Otay Mesa, CA where they have a full inspection process.

I could put up 25 border crossings and you would find exactly the same thing.

It is preposterous to allege that in 5 months we are going to have a regime of inspections and compliance audits that will provide the margin of safety that we expect for our country's highways. It is not going to happen. There is not a ghost of a chance of it happening.

Let me again say that it is true, I voted against NAFTA.

Before this trade agreement which our trade negotiators negotiated with Mexico and Canada, we had a very small trade surplus with Mexico. It quickly turned into a very large deficit. Is it a trade agreement that works in our interest? I don't think so. We had a reasonably modest trade deficit with Canada. It quickly doubled. Is that a trade agreement that works in our interests? I don't think so.

Yes, I voted against the trade agreement. I have from time to time suggested that perhaps, just as we do in the Olympics, we require them to wear a jersey so they can look down and see a giant "U.S.A." printed on this jersey to see whom they are working for, so they remember from time to time whom they represent. I am so tired of our trade negotiators negotiating agreements that they lose in the first week.

Will Rogers once said that the United States of America has never lost a war and never won a conference. Surely he must have been talking about our trade negotiators. It takes them just a moment to begin negotiating with some country and give away the store. That is the case with NAFTA.

But I say this: There is nothing in that trade agreement—nothing in NAFTA—that requires our country to sacrifice safety on America's highways—nothing. We have had 6 years, I say to my colleague from Texas, for both countries to prepare for Mexican long-haul trucks to come into America, and neither country has done anything. Now we are told by the President that on January 1 we are going to take the lid off this 20-mile limit and Mexican long-haul trucks are coming in.

My position is this: There is not a ghost of a chance of our having the compliance and inspection capability to assure the American people that we have safety on our highways. I don't want my family, or yours, and I don't want any American family driving down the road looking in a rearview mirror and seeing an 18-wheeler coming with 80,000 pounds perhaps without brakes, with the driver having driven the rig for 21 straight hours, in a truck that has not been inspected. I don't want that for the American people, and no trade agreement requires that it happen.

To those of us who have come to the floor in the last several days on this issue, I say this isn't about trying to be discriminatory against anyone. If it were Norway, I would be saying the same thing. Canada has a reasonably similar system with trucking. We suspended trucking privileges for Canada for a number of years until they came into compliance. We restored them.

With airlines, what we do is very simple. We understand the safety issue with airlines. With airlines, we send compliance inspectors to airlines all around the world to insist and demand, if airlines want to come into our country, they must meet rigid compliance standards. We audit them and require them to comply. There are 13 countries in which their airlines are not allowed into the United States of America. Why? Because we have not deemed it safe to allow those airlines to come in.

That is the issue here with these long-haul trucks. It is very simple. This is not an issue about the Murray-Shelby language versus the Gramm-McCain amendment. There are more than two sides; there are three.

I happen to believe we ought to have the House language simply prohibiting funding for the issuing of licenses or permits to allow long-haul trucks to come in during the next fiscal year. I say no. If at the end of the next fiscal year it can be described to us that we have a full regime of compliance, investigators, and inspectors at the border, and if we set up all of the burdens to show us that this will work, then I will be the first to admit it and say I am with you. But that is not the case now. It will not be the case in January. In my judgment, it will not be the case in a year and a half.

Until that time, on behalf of the American people, we ought to insist—we ought to demand—on behalf of highway safety in this country that we take this issue seriously.

In my judgment, what we ought to do, at some point before this debate is over, is take the House language, the Sabo amendment that the House passed 2–1, put it on this bill, put it in conference, and keep it there; and say to the President: If you want to veto it, that is your choice. But if you want to do it, you are wrong. This Congress is going to do the right thing. If you want to do the wrong thing, that is up to you. But our job is to do the right thing right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I have a statement in support of Senator DORGAN's comments, but Senator GRAMM had something he wished to do for a minute or two. If I could yield to him and reclaim my time, I would appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, let me yield myself 3 minutes off my time. If you would let me know when that time is up, I will stop. And I thank Senator BYRD, who came over to speak, for letting me do this.

Mr. President, when I was a boy and my brothers and I got into arguments, my mama would always say: Argue about whether something makes sense, but don't argue about facts. So I am not going to get into an argument with our dear colleague from North Dakota. But I want to reiterate what the facts are.

When we entered into NAFTA, we had every right in our obligations under NAFTA to enforce safety standards in the United States of America. Any safety standard that we impose on our own truckers and Canadian truckers, we can impose on Mexican truckers. We could inspect every single truck coming into the United States from Mexico so long as we can show that inspection was needed to assure Mexican compliance with American law. But what we cannot do, what NAFTA clearly says is a violation, is setting one standard for American trucks and Canadian trucks, and then another standard for Mexican trucks.

It is interesting that our colleague decided to talk about Mexican truckers, because even though Mexican trucks are operating only in the border States now, our experience with inspecting the Mexican drivers has been very encouraging. In fact, of all the drivers inspected in America last year—where the truck was inspected and the driver was tested in terms of their log, their license, and their training—Canadian truckdrivers failed that test 8.4 percent of the time. American truckdrivers failed that test 9 percent of the time. Mexican truckdrivers failed that test 6 percent of the time.

Why is that so important? Because they are operating only in border areas. The trucks coming across are not even big 18-wheelers; they are small trucks basically carrying produce. The point I want to make is that we cannot have two different sets of rules under NAFTA. Many of the Mexican drivers that are going to be driving 18-wheelers are college graduates. Our experience, thus far, indicates that we are going to have many problems, but drivers are not going to be one of them. My point is that under NAFTA we can set whatever standards we want on Mexican trucks, but they have to be the same standards that we set on our own trucks.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. GRAMM. That is what is being violated by the amendment before us.

I thank the Chair.

Mr. DORGAN. Will the Senator yield for 1 minute?

Mr. CAMPBELL. I do still have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from Colorado, by previous order, is entitled to be recognized at this time.

Mr. CAMPBELL. I would like to give a statement, but if the Senator has a response for a minute or two, I do not mind yielding to him.

Mr. DORGAN. If the Senator would be kind enough to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I want to observe that the Senator from Texas said he doesn't think our States are involved because we have a 20-mile limit. My point is, Mexican truckdrivers have been stopped in North Dakota already exceeding the 20-mile limit, so of course we are involved. Twenty-four States have found that similar condition.

No. 2, the Senator from Texas said he didn't want to talk about the facts. The facts are that when Mexico alleged they are going to take action against our high-fructose corn syrup, does the Senator from Texas agree a panel has already ruled against Mexico, and they are now unfairly imposing tariffs on high-fructose corn syrup in violation of NAFTA? Does the Senator agree with that assertion?

Mr. GRAMM. Mr. President, I would respond that if you are trying to get somebody to live up to their agreement, are you in a stronger position if you live up to your end of it, or is your position weakened when you stop living up to your end of it?

If you want to enforce the agreement, then we need to live up to it. We need to be like Caesar's wife; we need to be above suspicion.

Mr. DORGAN. My point is, alleging somehow Mexico will hurt this country if we don't allow Mexican long-haul trucks into this country, with respect to high-fructose corn syrup, and actions they will take—the facts are stubborn. The Mexicans are already doing that unfairly.

I am a little tired of saying, "let's blame America for something we might do." How about blaming Mexico for something they are doing with respect to high-fructose corn syrup that is in violation of NAFTA.

I thank the Senator from Colorado for yielding.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Colorado.

Mr. CAMPBELL. Madam President, there are no Hispanic members of the Senate or I am sure they would say what I am about to with an equal amount of outrage. But since most Hispanics who trace their ancestry to Mexico are also part Native of the Americas, I think I can speak for them.

I am very disturbed that any Member of this body, regardless of party affiliation, would transform an issue of truck safety into a racial issue.

I take a back seat to no one in this body supporting Hispanics, like economic opportunity, race relations, English only, and a host of other issues. In fact, I believe I have the largest number of Hispanic staff members of any Senator in this body.

I am as concerned about jobs for Mexican workers as I am for American workers. I also know the only way to reduce illegal immigration is by stabilizing the Mexican economy. I want to do that. Does that mean I have to put my children's lives at risk on American highways? I won't do it, nor will I risk any American life in the name of free trade.

I would remind my colleagues that of the twenty Hispanic Members of the House, half of them voted for more restrictive measures than the proposed Murray-Shelby language.

I would strongly suggest that those who are using the race card in this debate for personal or political gain, put a lid on it and recognize that we have a duty to protect the lives and property of the people who sent us here.

Now that I have that off my chest, let me use a graphic illustration of just one—just one—of the reasons why we should be careful in allowing free access to our highways. The problems of hours of service, age of the trucks, drug testing, and monitoring compliance have been discussed by other Senators.

Since I am a certified CDL driver, let me focus on that facet of this problem. This is an enlarged page from a daily driver's log. These logs are required by the Federal Government and are reviewed and monitored. Mexican drivers have log books, too, but almost no oversight of their order. Note this area here on the log book. It is broken down into minute by minute sections of a 24-hour day.

Each working day, American drivers are required to fill out this form which enables Federal officials to track exactly what the driver was doing. I know of no other job in America, with exception of airline pilots, that has such a high degree of scrutiny. That scrutiny is meant to ensure safety on our highways. Why is it unfair to ask foreign trucks to comply with the same standards?

Let me now say a few words about the trucks themselves. We know that the American fleet averages 3 to 5 years old, while the Mexican fleet averages 15 years old. If the average is 15 years old, that means some trucks are 30 years old with all the inherent problems of old machinery.

What has not been mentioned is the use of the high-tech equipment that is on most new American fleets but rarely on older trucks. Modern U.S. trucks have CB radios, weather band radios, cell phones, and GPS tracking systems. This not only makes them more efficient but helps keep the driver out of trouble. His boss, the carrier, can tell at any given moment exactly where he or she is, what speed they are traveling, if there are bad road conditions ahead, if there are accidents or congestion that would require re-routing, and a host of other pertinent facts about both the driver and his vehicle.

The point is this. Do you think any company which pays as little as $7.00 per day to their drivers is going to invest the thousands of dollars to equip their trucks with this state-of-the-art efficiency and safety equipment? Not likely, particularly when you factor in the initial cost of $100,000 for each of those new tractors and for the $30,000 for those new trailers in the American fleet.

It is not always the big things that add up to safer highways. Sometimes subtle things are equally important. As an example, no driver or company that I know will run retreads on their front tires. There may be laws addressing this, but any driver with a lick of sense knows that the risk factor for himself and everyone near him goes up if, while thundering down the road at speed, pulling 80,000 pounds, a front tire blows out. They may run recaps on back tires because other tires will distribute the load in case of a blow out. But not the front.

Do Mexican trucks run recaps on front tires? Many do and again I would ask, do you think anyone paying his drivers $7.00 per day, will buy $400.00 tires for the front wheels when he can buy caps for a quarter of the price?

I stand before this body not just as a concerned Senator but as a licensed commercial truck driver. This amendment attempts to provide equal and fair standards. For my colleagues who believe this amendment violates components of our trade agreements, I challenge them to tell the American people they are willing to sacrifice the safety of our roads for the economic vitality of our neighbors.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, my friend from Arizona—we came to the House together; we came to the Senate together—stated a number of things in the last hour or so. He said, and I have it from the official transcript:

> I regret that. And I have been here not as long as many but long enough to know when a very dangerous trend or a very dangerous precedent has been set that I recognize it.

He further went on to say, again from the transcript:

> Cloture vote. I view that unfortunate, too, because if in the future Members of the Senate are seeking a number of amendments to be considered and cloture is imposed without them being able to have all their amendments considered, then obviously we are setting another, I think, very bad precedent for the conduct of the way we do business in the United States Senate.

He also said:

> I also want to make another comment about this issue and what we have done here. The Senator from Texas and I were allowed to propose one amendment, one amendment which was voted on, and we had many other amendments. But, obviously, that effort is going to be significantly curtailed.

My friend, the senior Senator from Arizona, said that a dangerous precedent has been set. No amendments could be offered. The senior Senator from Texas offered an amendment. It was tabled, defeated.

Senator MURRAY and I have begged for people to come and offer amendments, literally legislatively begged for people to come and offer amendments, day after day. No, there has been no dangerous precedent set.

This is the way the Senate has operated, by the rules. We want to move on with other legislation. The Senator from Arizona has refused to let us go forward, as has the Senator from Texas, to go forward on a Transportation appropriations bill that is vitally important to every State in the Union. Senator SHELBY and Senator MURRAY have worked very hard on this very important appropriations matter.

There was no choice but the leadership had to move to invoke cloture. What does that mean? It means stop unnecessary, dilatory debate. It was done on a bipartisan basis. This is not Democrat versus Republican. This is Democrats and Republicans wanting to move on with the business of this country; therefore, the business of the Senate.

We should move forward with this legislation. We are not doing that. Because of these dilatory tactics on this matter, we have been unable to move forward on other important legislative matters for this country.

Madam President, before we leave for the recess we have to finish the Export Administration Act. This is extremely important, and it expires August 14. This legislation is the most important aspect of the high-tech legislative agenda. The high-tech industry, by the way, is hurting. Just look at what is happening in the stock market. They need help. One of the things we can do to help is to change the rules so they can compete with the rest of the world. We don't want these jobs to be sent overseas. That is what is happening. We have a handful of Senators out of 100 who don't want us to move forward. Holding this up is wrong. The Export Administration Act is extremely important.

Madam President, the food and fiber in this country is produced by farmers and ranchers all over America. America is the greatest producer of food in the world. But we have another bill that we must take up before we leave to help the farmers and ranchers of America. It is called the agricultural supplemental bill. We have to do this because if we don't, the farmers of this country, by virtue of some budgetary provisions that are placed in the law, will lose over $5 billion. This is essential to the very survival of many farmers and ranchers in America. We can't move forward on that because of the dilatory tactics on this issue. No, there is no bad precedent set. We are following the precedent established in the Senate to move forward when dilatory tactics are being used.

I repeat, we have stood here and asked for amendments to be offered. All day Tuesday we were in quorum calls. All day. Yesterday, almost all day. So we need to move forward. We not only need to pass the agricultural bill that is so important, which I have referred to, we have to finish the conference on that bill before August. We need to move expeditiously with the Export Administration Act. Senator BOND and Senator MIKULSKI have spent many days of their lives working on another appropriations bill, VA/HUD and Independent Agencies, which is worth approximately $50 billion to this country, to keep the institutions of Government running. That needs to be finished before the August recess. But, no, we are being held up in a filibuster—that is what it is—and the Senate, on a bipartisan basis today, said enough is enough.

I think this is wrong. We need to move forward. When my friend says that a dangerous precedent is set, I respectfully disagree. The Senate is working as it has for 200 years—in fact, more than that. We are the great debating institution. That is what we are called. But there comes a time, under our rules, when enough debate is enough, enough stalling is enough, enough dilatory tactics is enough. That was confirmed today on a bipartisan vote.

The Senate has done the right thing. We need to move off of this legislation and move forward with other important matters to this country.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I wonder if I may have 15 minutes of Senator MCCAIN's time.

Mr. MCCAIN. Absolutely.

Mr. DOMENICI. Madam President, parliamentary inquiry. Is there a time limitation?

The PRESIDING OFFICER. The Senate is operating under cloture. Each Senator has a maximum of 1 hour.

Mr. DOMENICI. I ask to use 15 minutes of my time.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOMENICI. I may even take 5 or 10 more. I think maybe 15 minutes is more than I ought to use.

First, I want my colleagues to know that I am not here as part of any dilatory tactics. I wish we could resolve this issue. But I thought that at least I ought to add a little bit to the notion of the kind of problem we have—that it is serious, which has the potential of very serious repercussions; or rather is this a typical problem on the Senate floor?

I came to the Chamber because I suggest there is a sea change occurring in this hemisphere between the United States and Mexico. It is a great and positive sea change. If we look at our history, it is incredible that we have come to the year 2001 and we still have a great country on our border with which, for some reason or another, the United States has not had a long and abiding friendship with that has yielded benefits for both countries.

We have been the victims of Mexican leadership that blamed America. There were a number of their Presidents who, when things didn't go well in Mexico, chose to say: It is America's problem. They are so wealthy that they ought to take care of things. They are letting all our workers go there and get jobs when we need them over here.

Today, however, sitting right on our border is potentially the greatest trading partner we could have in the world. What we need to do is what the NAFTA agreement called for and let Mexico grow and prosper, so that as neighbors, we become gigantic partners in trade. Many of the sore spots between our countries will disappear if Mexico has a chance to grow and prosper.

All of a sudden, there is on the horizon, as a result of a very different election in Mexico, a new kind of President. There is nobody writing about Mexico that says anything different than that. A new kind of President was elected in the most democratic election they have ever had. We all see him. We all admire him. I understand he was in the city of Chicago to have a meeting and to speak with those who might be concerned about Mexican problems, and 50,000 people showed up in Chicago to hear President Fox speak.

What has he said? He has said this about America: You are not our problem. I am not going to blame America for our economic situation. I want to be a friend, neighbor, and partner; and I want the Mexican people to have their own jobs. He said: I want them to grow and prosper. All I want is fair treatment from the United States.

Whether people like international agreements or not, we did approve and ratify an agreement with Mexico and Canada on this hemisphere regarding free trade. That is of the most serious type of agreement.

I noted that my good friend, Senator REID, was on the floor discussing with Senator BYRD the issue of a great book out there named "John Adams," who was one of our great Founding Fathers. Would you believe that in the first 300 pages out of 600 pages of that book, which I am reading now, John Adams used the words "America thrives on free trade." Think of this now; that was just after or during the Revolutionary War. "Without free trade America cannot abide in this world, but we must sell our abundance in the world." John Adams said that more than one time.

Look at how long it took us to get an understanding that, with reference to Mexico and our neighbor Canada, we would open our borders and get rid of taxes that impose limitations upon free trade and move ahead together.

What else has the President of Mexico said? Believe it or not, he has actually said that he does not like the situation where Mexican men and women have to come here to find jobs. He does not like the situation with illegals coming here and getting jobs—not because he is angry at any of his people; he is saying they ought to be robust enough where that doesn't have to happen. He is saying: Let's work it out so we don't have the border conflicts over immigration that we are having today, which lead to big arguments and very serious sores between the two nations.

Right now, that country is growing. In fact, their gross domestic product is growing faster than America's. I wish we could turn around and reach that soon. So here is a rare opportunity to let this man lead Mexico and let the Mexican people become our friends and openly be sympathetic to us right now, as they are under his leadership. I can't think of anything worse than to turn that relationship around and have the Mexican leadership say that we are discriminating and treating them unfairly and watch this relationship sink into some kind of condition that will not let us, during the term of this new President who gets along with them very well, achieve the significant things that we can achieve together in this hemisphere. It will take some time.

I have come to the Chamber to give an example of how far we have come.

First of all, we have traveled a long road on this issue. The House of Representatives voted to ban Mexican trucks' access to the United States—period—and then put all kinds of limitations, including you cannot spend any money to help certify them or the like, which means we close the borders. That is essentially what the House amendment means: No trucks going back and forth. Everybody knows that would be a very serious mistake.

Some Senators here—minimal in number—had voiced their approval of this action of the House. Thankfully, Senator MURRAY did not. Senator MURRAY, chairman of this subcommittee, did not accept the House language, but proceeded to write her own language. She has attempted to craft something balanced to meet our obligation under NAFTA, while ensuring safety concerns.

Frankly, this Senator is as concerned as anyone about safety, but I do not believe implementing the NAFTA agreement, rather than breaking it, is inconsistent with safety, nor that it need be. I believe NAFTA can be implemented in such a way that we do no violence to it and we do not breach it or break it and still we have significant safety advantages over what we have today or what we can expect today. I believe that is what we ought to do in due course.

I suggest that probably there is no part of our transportation system that does more good for American trade and American commerce than the trucking industry, be it large or small, be it those who are members of the Teamsters or independents. The trucking industry in America spends a lot of money on making sure trucks are as safe as they can be.

We are all having trouble getting people to be truckdrivers and trained to do the right job. For certain, the wages are pretty good and are moving in the right direction. America can be very proud of that.

We ought to say we want those trucks to have an opportunity to go to Mexico, and we want Mexico to move in the direction of having trucks as safe as ours and, indeed, adopt safety regulations and certification rules together with Mexico, not separate, but together with them which will make sure we can say the same things are happening in Mexico with reference to their future.

Now, I come to the point. Senator MURRAY, as I just said, tried very hard to produce an amendment. It is very detailed. We have a disagreement about what the amendment does. I still have people telling me it violates NAFTA; that is to say, if we were to adopt it and keep it in law, there would be a justification for Mexico to say: Since you do not abide by NAFTA, we have an opportunity to say we are not going to abide by some other things, and take their action against us.

The Minister of Economy for the Republic of Mexico, with whom I had the privilege of meeting 5 months ago, has voiced his concern about the language. The President of the United States has voiced his concern about the language.

I believe, after talking to fellow attorneys and those schooled in NAFTA, it does violate NAFTA, but I do not want somebody to think by saying that, I am accusing anybody of doing anything intentionally wrong. Not at all. It is just there are others who say it does not violate NAFTA.

Here we are in the Senate Chamber with a group of Senators, albeit at this point smaller in number, saying it does violate NAFTA, and another group, larger, saying it does not. I submit, and actually since the two people who have the most to do with this are here, I submit that at least we ought to adopt an amendment—I am not saying this amendment—but we ought to adopt an amendment that simply says it is not the intention of this legislation to violate NAFTA. It is pretty simple language. Do not bulk it up with a whole bunch of things. Just say, since both sides seem to say it does not violate NAFTA, why don't we adopt an amendment to say it is not the intention of any of these amendments that have to do with Mexican-American trucking to violate NAFTA.

Mr. REID. Will my friend yield for a question?

Mr. DOMENICI. Yes.

Mr. REID. If I thought that would move the legislation along, I would be happy to speak to the manager and the majority leader.

Mr. DOMENICI. I am not the one moving the legislation along, nor am I the one trying to stall it. I am stating that I believe there is a common ground which at some point we ought to adopt unequivocally, and that is that there is no intention to violate NAFTA.

Mr. REID. If I can ask my friend one more question.

Mr. DOMENICI. Sure.

Mr. REID. The senior Senator from New Mexico and I have served together on the Appropriations Committee since

I came here. He is certainly someone from whom I have learned a great deal. I am fortunate to have been on the Energy and Water Development Subcommittee with the Senator from New Mexico for many years. We have been the chairman and ranking member off and on over those time periods.

After Senator BYRD, no one has as much experience as the Senator from New Mexico. I say to the Senator, you are a peacemaker. I understand that. Legislation is the art of compromise. I say to my friend from New Mexico, this is not an issue with which I have been heavily involved, but we do know the House has passed a very tough provision. In effect, what their provision says is no Mexican trucks coming to the United States, whereas the Senator from Alabama and the Senator from Washington have come up with a provision that is much softer than the House provision.

My point is, I cannot understand why this matter is not taken to conference and worked out there. That is where it is going to be worked out anyway, no matter what happens. I ask my friend if he will use his experience and the friendship everyone feels for him and the need to move this legislation along in an attempt, with his good offices, to work out a situation where we can take this to conference and work it out there.

Mr. DOMENICI. How much time do I have remaining, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 1½ minutes of his 15 minutes remaining.

Mr. DOMENICI. Did Senator REID's comments count against my time?

The ACTING PRESIDENT pro tempore. The Senator yielded for a question.

Mr. DOMENICI. I ask unanimous consent that it not be counted.

Mr. REID. Mr. President, I ask unanimous consent that the time I consumed be charged against me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Then how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes.

Mr. DOMENICI. I yield myself another 5 minutes, so I have 8½ minutes off my hour.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will conclude, hopefully not using the time I have allowed for myself. We have gotten to this point without anybody understanding how we got here. All of a sudden we are in an extreme logjam about something on which fundamentally we do not disagree.

I repeat, there is probably no Senator here who wishes Mexico and America to break off their ongoing friendly relationships which move in the direction of Mexico growing and prospering and together having a great trading relationship.

I have done the best I can to explain why free trade is important and why Canada, America, and Mexico can be important for all free peoples and how ludicrous it was we did not have this years ago, but now we have it.

I have concluded there are not very many Senators who want to openly defy and break that and cause Mexico to say we can now have repercussions on commodities that America is selling to Mexico by imposing duties. I don't think anyone wants that. We want the two countries to be able to work out, under NAFTA, a set of rules and regulations built around safety, fairness, and nondiscrimination toward Mexico.

That is very simple. That is what we ought to try to do. If I were to pose that question to Senators, I think there would be agreement. I came to the floor merely to suggest there ought to be a way to arrive at a conclusion that reaches the fundamentals.

It is strange that two groups of Senators say they are doing the same thing yet the things they are saying we should do are very different. For instance, those who favor the Murray amendment language—and I have just praised the Senator for her hard work and for how far she has come from the House proposal—there is a larger group who would say there is no intention to break the law and to break it and violate it in this Murray amendment.

It is interesting, on this side, if there are some people of bad faith—and I don't know of any of bad faith—it seems we are at each other's throats here. There appear to be relationships that are not working for some reason. On our side there are Senators—I am one—who think we do violate NAFTA with the amendment and its specificity, and it does discriminate against Mexico as compared with Canada, and we are not supposed to be doing that.

If we both—good, solid groups of Senators—think in that manner, that it doesn't violate, it does violate, or vice versa, why not find a way to not violate NAFTA? I cannot do it, I am not in control of this legislation. Why not find a way to unequivocally say we are not violating, there is no intention to violate NAFTA, it is not our intention, we want NAFTA to be implemented—language that is affirmative about what we are doing?

Having said that, I have a pending amendment, and I would strike a portion of it. It is the amendment of which I am speaking. It says it is the intention that we not violate NAFTA in this bill. I cannot bring it up now. It is not my intention. Nor do I intend to wait around and use that as a dilatory tactic.

Whatever time I reserved I yield back, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, pursuant to rule XXII, I hereby yield 1 hour for Senator McCAIN and 1 hour to Senator GRAMM.

The ACTING PRESIDENT pro tempore. The leader has that right.

Mr. LOTT. At this point, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent to use a portion of my time on a subject that is not germane to the matter before the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BYRD are printed in today's RECORD under "Morning Business.")

Mr. BYRD. Mr. President, I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield myself time under my time allotment.

Mr. President, I have been watching the debate intermittently this afternoon on the issue of trucks under the NAFTA agreement. I am really amazed that we are having this debate because I don't think there should be a question at all that we are going to make the safety of our highways the highest priority. I don't think anything in NAFTA says you can't. NAFTA does say that we will agree there is parity among Canada, the United States, and Mexico. There are ways to implement the differences in safety rules through negotiations. But the idea that we would give up the right to control the safety of our highways is a nonstarter.

I think we are very close in agreement on what those safety requirements should be. I think the administration and the Department of Transportation have been sitting at the table with many of us who are debating this issue. I think we are very close in substance with Senator GRAMM, Senator McCAIN, Senator MURRAY, and Senator SHELBY. Everyone has been involved in the process. I think we all agree that we have the ability for safe highways, to assure that we have safety on our highways, and that we are going to be evenhanded.

I really think what we are talking about is process. We are really talking about when we come to that determination. Many of us are concerned that if we don't talk about exactly what is going to be the end result, maybe it is not going to come out that way. But I think we have the ability to talk across the aisle.

I am certainly supportive of the stricter definitions that are in the bill. It is certainly better than what the House passed, which abrogates the responsibility under NAFTA.

I do not think we are very far apart. For all the heat that is being generated, I think we are very close to the language in the Murray amendment with the language the Department of Transportation is seeking. I think we are very close to coming to a conclusion. I hope we can agree in due time on that final language, or at least a process to get there. I think we are talking process, even though it seems there is a lot of heat being generated on the issue.

I am going to call up an amendment at the appropriate time, No. 1133, that will assure we have the ability to weigh trucks at a crossing where at least 250 trucks a year go across, where there will be commercial scales available to weigh trucks.

One of the differences between Mexico and the United States is weight limits. There is also a difference between Canada and the United States on this issue.

This is an important issue because, of course, our highways are maintained based on our weight limits. The heavier a truck is, the more wear and tear there is on our highways. So we do need to make sure that we have a system, once we agree on what the weight limits are going to be, to check those weights and assure that everyone is meeting the requirements.

So I am hoping my amendment No. 1133 will be adopted in due course. Senator DOMENICI is a cosponsor of my amendment. We are two Senators from border States who understand very much the wear and tear on highways. I would also say that the bill that is before us, thanks to Senator MURRAY and Senator SHELBY, has enough money to equip these stations.

Another action that the House took was to wipe out the money that would allow us to inspect these trucks. The House just went into a hole and hid. We cannot do that. The bill before us that has been laid out by the appropriations subcommittee does have good regulations. There should be some changes in the language, but I think we are close to coming to that agreement. And it does have the money for the inspection stations. I want to make sure that included in that agreement also are weigh stations, if there are going to be any number of trucks that go through at any one time.

We have lived with the 20-mile commercial zone in Texas, which has the most border crossings. Texas has 1,200 miles of border of the 2,000-mile border with Mexico. So we do have the most crossings, of course. We have the most highways. We have had a 20-mile commercial zone that was established by NAFTA in the interim period while we were working on these regulations.

There have been some problems within these commercial zones. Many people who live on the border are very concerned about seeing trucks that do not have the clear safety standards that American trucks are required to have. Only 2 of the 27 U.S.-Mexico border crossings are currently properly equipped with infrastructure and manpower to enforce the safety regulations. That is why I have worked so hard with Senator MURRAY and Senator SHELBY on the committee to restore the President's request for border safety activities.

This bill does have $103 million dedicated to border safety activities. So most certainly, I think we are on the right track to making sure that families who are traveling on American highways are not going to have to worry about substandard trucks from any other country being on that highway.

We agree that we should have agreements with Mexico and that Mexico should be comfortable in that they are not being discriminated against. That is not even a question, although it has certainly been a question in the Senate debate.

I hear from my border constituents. I talk to people in El Paso and Laredo and McAllen and Harlingen. They are the most concerned of all about the trucks they are seeing in this 20-mile commercial zone, where we have Mexican trucks that are legal as NAFTA provided in this early transition time. It is those people who are complaining the most about Mexican trucks that might not meet the same safety standards.

We have had a lot of debate. It is legitimate debate. But I do not think anyone in this Senate Chamber intends to violate NAFTA. I do not think anyone in this Senate Chamber intends for us to have unsafe trucks on American highways. So if we can all agree on those two points, I think it is time for us to come to an agreement on the process.

Let's have strict safety requirements; let's have a process by which we can inspect Mexican trucks, where Mexican authorities can inspect U.S. trucks that want to go into Mexico, and where we can have a certification process that requires that every truck must be inspected; but if it is inspected at a site before it crosses the border, and it gets a sticker, then we will agree that that truck can go through. But we also must have the facilities for those trucks that are not inspected and will not have that certification sticker.

We have to make sure that we provide the money for those inspection stations. This bill has the money. I want to make sure that weighing stations are as much a part of those border safety inspection facilities as are the checks that we would make for brakes, for fatigue, for driver qualifications, for good tires, and all of the other things that we would expect if we had our families in a car going on a freeway. We would hope that we would be safe from encroachment by a truck that did not meet the standards that we have come to expect in our country.

So I hope very much that we can come to a reasonable and expedited conclusion. I think we are all going for the same goal. I think there is no place in this debate for pointing fingers or name-calling. We do not need that. We need good standards, good regulations for the safety of our trucks, and to treat Mexican trucks and United States trucks in a mutually fair way. That is what we are trying to do.

I want to work with all of the parties involved. I think we have a good start in this bill, and I think we will be able to perfect this language in conference. I think everyone has shown the willingness to do that. I hope we can roll up our sleeves and pass what I think is a very good Transportation Appropriations Committee product. I think it is a good bill. It certainly adequately funds the major things that we need to do. With some changes in the Mexican truck language, which the sponsors of the legislation are willing to do, I think we can have a bill that the President will be proud to sign. That is my goal.

Mr. President, I reserve the remainder of my time and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CANTWELL). Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 27, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, July 27. I further ask that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date and the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2299, the Transportation appropriations bill, and that the time remaining under cloture be counted as if the Senate had remained in session continuously since cloture was invoked earlier this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object. Posing a question to the Chair, the time that is being used this evening will not count against any individual Senator's time; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the majority leader has asked that I announce that there will be no more rollcall votes tonight, but there are expected to be several tomorrow starting in the morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. SNOWE. Mr. President, today I rise to support an amendment to increase the Coast Guard's funding by $46.1 million. Unfortunately, under the funding levels in the pending bill, the Coast Guard would be forced to reduce routine operations by 20 percent. The increase provided by our amendment will address the Coast Guard's current readiness needs and raise the Coast Guard's law enforcement capabilities to the levels enacted in the budget resolution.

The past two national defense authorization bills mandated pay raises, new medical benefits, recruiting and retention incentives, and other entitlements that exceeded the funds appropriated during the consideration of the regular Transportation appropriations bills. Compounding this, the Coast Guard has had to face rising energy costs, aging assets, and missions that grow increasingly complex. To pay for these increases the Coast Guard has had to dip into its operational accounts resulting in reduced law enforcement patrols.

Without the funding authorized in this amendment, the Coast Guard will again be forced to reduce its level of operations. These routine operations are extremely important. As you know, the Coast Guard is a branch of the Armed Forces, but on a day-to-day basis, they are a multi-mission agency. Last year alone, the Coast Guard responded to over 40,000 calls for assistance, assisted $1.4 billion in property, and saved 3,355 lives.

These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, and other national security threats. And in 2000, the Coast Guard seized a record 132,000 pounds of cocaine and 50,000 pounds of marijuana through successful drug interdiction missions. They also stopped 4,210 illegal migrants from reaching our shores. They conducted patrols to protect our valuable fisheries stocks and they responded to more than 11,000 pollution incidents.

On April 6 Senior DEWINE, myself, and 10 of the colleagues offered an amendment to the budget resolution which was adopted by the Senate that addressed this very issue. That amendment increased funding for the Coast Guard by $250 million.

The amendment that we are offering today, will go a long way toward repairing the fundamental problems facing the Coast Guard. It will increase funding by $46.1 million in fiscal year 2002 so that the Coast Guard will not need to reduce its routine operations.

Now, during the drafting of the fiscal year 2002 Transportation appropriations bill, Senators MURRAY and SHELBY had a daunting task in crafting a bill that would cover a wide range of priorities within the allocations provided to their subcommittee. Fortunately, they both recognize the importance of the Coast Guard to their home States and the Nation and their bill provides a significant increase above the President's budget request accordingly. However, based upon the Coast Guard's estimates, this increase will not eliminate the need for operational cutbacks.

The $46.1 million increase we are asking for in this amendment is well below the $250 million the Senate agreed to in April, but the Coast Guard has assured us that they have taken a careful look at the funding allocations provided in this bill and that this small increase is all that is needed to restore the Coast Guard's operations and readiness. This will allow the Coast Guard to address an alarming spare parts shortage, maintain operations, and take care of other basic readiness problems.

By supporting this amendment, my colleagues will be saying that it is unacceptable to reduce these critical law enforcement missions and supplying the Coast Guard with the resources and tools they need to fulfill the mandates Congress has given them. It provides the Coast Guard with the foundation needed to do its job.

This is a bipartisan amendment, and I thank Senators GRAHAM and DEWINE for their efforts on behalf of the Coast Guard. This is noncontroversial amendment, and I urge my colleagues to support it.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak for not to exceed 10 minutes each, and further, of course, this time, under the previous unanimous consent agreement, will be charged against the postcloture time that is now pending.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Madam President, reserving the right to object, may I ask a question?

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I would be perfectly happy to go to morning business, but I want to be assured that tonight we are not going to go back on the bill.

Mr. REID. No. The only thing we are going to do is wrapup, and it will have no bearing whatsoever on the legislation.

Mr. GRAMM. With that understanding, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

NAVAJO CODE TALKERS' CONGRESSIONAL GOLD MEDAL

Mr. BYRD. Madam President, for those who toil in the clandestine world of national security, where the dictates of secrecy cloak heroes actions in vaults full of files marked with code words and warnings, there are precious few opportunities to stand before bright lights and listen to applause. Today, a group of men were honored who kept their secret from 1942 until 1968, when their talents and contributions in winning the war in the Pacific were finally declassified. Today was their turn in the sun, as the President awarded the original 29 Navajo Code Talkers the Congressional Gold Medal.

Now the world knows how these men gave the U.S. military a decisive edge in communications during the war in the Pacific theater and elsewhere. Their presence at Iwo Jima, at Guadalcanal, and throughout the Pacific provided U.S. military units with secure communications and the element of surprise that allowed U.S. forces to overwhelm dug-in Japanese units and win some of the bloodiest battles in World War II. The Navajo Code Talkers' unique contribution to the nation's security can be counted in those victories and in the number of servicemen who survived the war and returned home to their families.

The story behind the development of the Navajo Code Talkers is fascinating.

Every American knows the history behind December 7, 1941, the "day that will live in infamy," as Japanese forces launched a surprise attack on U.S. military bases in Pearl Harbor, Hawaii. Almost simultaneously, having assured themselves that the U.S. could not react militarily, the Japanese attacked and overwhelmed other islands throughout southeast Asia and the Pacific. U.S. losses were staggering, and reaction was immediate—the U.S. declared war against Japan and the other Axis powers within hours.

Declaring war and waging war, however, are two very different animals. The Pacific theater of war presented U.S. military forces with unique challenges. Distances were large, and the Japanese defenders were able to "dig in," creating bastions from which small numbers of Japanese troops could hold off invading forces and inflict terrible losses upon the military men of the United States. Synchronizing air, land, and seaborne forces in coordinated attacks proved to be a major challenge. And the Japanese held an early intelligence advantage.

An elite group of English-speaking Japanese soldiers would intercept U.S. radio communications and then sabotage the message or issue false commands that led American forces into ambushes. The U.S. responded by creating ever more complex military codes, but his effort had its own problems. At Guadalcanal, military leaders faced a two-and-a-half hour delay in sending and decoding a single message. Something needed to be done.

That something was first suggested by Philip Johnston, a World War I veteran who was familiar with the use of Choctaw Indians as Code Talkers during that war. Johnston, the son of a missionary who was raised on a Navajo Indian reservation and who spoke Navajo fluently, believed that the Navajo language was the ideal candidate for service as a military code. Navajo is an unwritten language of great linguistic complexity. It would be doubtful indeed to suppose that the Japanese Army would possess any fluent Navajo speakers. Mr. Johnston contacted the U.S. Marine Corps with his proposal in early 1942, and after a demonstration of his concept, a group of twenty-nine Navajo speakers was recruited to become Marine Corps radio operators.

Those first twenty-nine men, and the others that followed them and who will be receiving a Congressional Silver Medal in a ceremony next month, developed a code so successful that it became one of the war's most closely held secrets. The first twenty-nine recruits developed the original code vocabulary of some 200 terms. Then, in a novel way of addressing other words outside that initial vocabulary, the group developed an ingenious method of spelling out any other word using any Navajo words that would, when translated into English, begin with the initial letter that was desired. Thus, if a Code Talker wanted to spell "day," for instance, they could use the Navajo word for "dog" or "dig" or "door" followed by any Navajo words that translated to a word beginning with "a" and "y." Thus any five radio operators could pick a different combination of Navajo words that would, when translated, spell "day." "Dog" "ant," and "yellow" or "door," "apple," "yawn" would both give you the initials "d," "a," and "y" in the correct order. Combined with the unique linguistic and tonal qualities of the Navajo language, such flexibility made the Navajo Code bewildering to the Japanese yet speedy and flexible to use.

Military commanders credited the Code Talkers with saving the lives of countless American soldiers and with providing a decisive edge in such battles as those that took place in Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa. Major Howard Connor, the 5th Marine Division signal officer at Iwo Jima, had six Navajo Code Talkers working nonstop during the first 48 hours of the battle for Iwo Jima. Those six men sent and received more than 800 error-free messages during that period. Major Connor stated that "Were it not for the Navajos, the Marines would never have taken Iwo Jima." The raising of the American flag at Iwo Jima was captured on film—I can see it now—captured on film as one of the war's most compelling images, one that was translated into bronze at the Marine Corps memorial here in Washington, here in the city.

Today the Department of Defense has an Undersecretary of Defense for what is termed "C4ISR" which stands for Command, Control, Communications, Computers, Intelligence, Surveillance and Reconnaissance. Billions of dollars are spent in an effort to keep swift-moving combined military forces coordinated in an attack and aware of the dangers around them. In World War II, such things were more rudimentary. Communications were largely confined to open radio waves, making U.S. forces vulnerable to exactly the kind of intercept and sabotage practiced by Japanese forces. The Navajo Code Talkers, like World War I's Choctaw Code Talkers, represented an innovative and hugely successful answer to a problem that plagues military forces to this day. It is not surprising that the Department of Defense wanted to keep the Navajo Code Talkers a closely guarded military secret until 1968. What is laudable is that the Code Talkers kept their secret so well, despite every temptation to brag and every disappointment in having their priceless contribution remain hidden behind a Top Secret stamp.

In receiving the Congressional Gold Medal, the Navajo Code Talkers join a very short list of American heroes and luminaries that began with General George Washington on March 25, 1776. Their service merits this, the long-overdue thanks of a grateful nation and the award of the Congressional Gold Medal. To each Navajo Code Talkers, I offer the sincere thanks and deep appreciation of the United States Senate. My thanks also go to Senator Jeff BINGAMAN for sponsoring the legislation in the Senate authorizing the award of the Congressional Gold Medal to this gathering of heroes, the Navajo Code Talkers. It should never be too late to recognize and reward the heroism of those who risk much to preserve the freedom and liberty that we all enjoy. It is all too common to heap the laurels on the general, admirals, and other leaders, and to overlook the invaluable contribution made by each soldier, sailor, airman, and, in this case, each radio operator who put just as much on the line as did those with more braid and brass on their collars. The Navajo Code Talkers were an essential element in each victory, as much as the man at the top who gave the command to attack.

I close on that thought with the words of John Jerome Rooney, who wrote the following lines in his poem, "The Men Behind the Guns." I give you his first and last stanzas.

A cheer and salute for the Admiral, and here's to the Captain bold,
And never forget the Commodore's debt when the deeds of might are told!
They stand to the deck through the battle's wreck when the great shells roar and screech—
And never they fear when the foe is near to practice what they preach:
But off with your hat and three times three for Columbia's true-blue sons,
The men below who batter the foe—the men behind the guns!

Oh, well they know how the cyclones blow that they loose from their cloud of death,
And they know is heard the thunder-word their fierce ten-incher saith!
The steel decks rock with the lightning shock, and shake with the great recoil,
And the sea grows red with the blood of the dead and reaches for his spoil—
But not till the foe has gone below or turns his prow and runs,
Shall the voice of peace bring sweet release to the men behind the guns!

Today, Mr. President, I tip my hat and offer three times three to the Navajo Code Talkers.

Mr. CAMPBELL. Madam President earlier today I was honored to join President Bush, four of the five surviving Navajo Code Talkers, their families, and the families of all the Code Talkers in a ceremony in which the President awarded the Code Talkers the Congressional Gold Medal.

The ceremony also included other members of Congress, Indian tribal leaders, and dignitaries from around the Nation.

For far too many Americans, bred on cynicism and hopelessness, these men remind us what real American heroes are all about.

It is unfortunate that we could not have recognized these men and their contributions sooner than this.

Think of this—just 77 years before World War II, the grandfathers of these heroes were forced at gunpoint with 9,000 other Navajos from their homeland and marched 300 miles through the burning desert. For four long years the Navajo people were interned at the Bosque Redondo.

For these men and their comrades to rise above that injustice in American history and put their lives on the line speaks of their character and their patriotism.

Just as the Japanese were never able to break the Navajo Code, it is also a mystery why it took so long for our Nation to recognize the critical role the Code Talkers played in achieving victory in the Pacific.

The answer may lie in the secrecy of their mission.

The Navajo Code Talkers took part in every major assault the U.S. Marines conducted in the Pacific from 1942 to 1945. It was their duty to transmit messages in their native language, Diné Bizaad, a code the Japanese were never able to decipher.

Mr. Philip Johnston, the son of a missionary to the Navajos and one of the few non-Navajos who spoke the Navajo language fluently, was the individual responsible for recognizing the potential of the Navajo people and language and the contributions they could make to World War II.

A World War I veteran who knew the value of secure communications, Johnston was reared on the Navajo reservation, and recommended the Navajo language be used for this purpose.

The Navajo language is complex because it has no alphabet or symbols and fit the military's need for an "undecipherable code".

Johnston staged tests under simulated combat conditions with the commanding general of the Amphibious Corps, Pacific Fleet.

The tests demonstrated that Navajos could encode, transmit, and decode a three-line message in 20 seconds. After the simulation the Navajo were recommended to the Commandant of the Marine Corps to serve as Code Talkers. It was recommended that the Marines recruit 200 Navajos.

In May 1942, the first 29 of the 200 requested Navajo recruits attended boot camp. During this time they developed and memorized a dictionary and numerous words for military terms.

After the successful completion of boot camp, the Code Talkers were sent to a Marine unit deployed in the pacific theater. At this duty station it became the primary job of the Code Talkers to transmit information on tactics, troop movements, orders, and other vital battlefield communications over telephones and radios.

The Navajos were praised for their skill, speed, and accuracy in communications throughout the war.

At Iwo Jima, Major Howard Connor, 5th Marine Division Signal officer, declared, "Were it not for the Navajos, the Marines would never have taken Iwo Jima." Connor had six Navajo Code Talkers who worked around the clock during the first two days of the battle sending and receiving over 800 messages—all without error.

The Japanese, who were skilled code breakers, were confused by the Navajo language. The Japanese chief of intelligence, Lieutenant General Seizo Arisue said that while they were at times able to decipher the codes used by the other armed forces, they never were able to crack the code used by the Marines and Navajos.

American Indians and their commitment to this Nation can be described in one quote from David E. Patterson, of the 4th Marine Division, "When I was inducted into the service, one of the commitments I made was that I was willing to die for my country—the U.S., the Navajo Nation, and my family. My [native] language was my weapon."

I would like to thank the Navajo Code Talkers who served in World War II for their dedication and bravery to our Nation.

They believed in what they fought for and were willing to sacrifice their lives to create a communication system that was unbreakable.

Without these brave men and their knowledge of their language, the success of our Nation's military efforts in the Pacific would not have been possible.

I urge all Americans to thank these brave men for their uncommon valor and dedication to a cause higher than themselves.

Mr. DOMENICI. Madam President, I rise to formally pay tribute to the Navajo Code Talkers, who today received the Congressional Gold Medal.

The award of the Congressional Gold Medal, one of our Nation's highest honors, is a fitting tribute to the Navajo Code Talkers for their relentless efforts, sacrifice and dedication during the decisive battles for the Pacific in World War II. I am proud and honored to witness our country's long overdue recognition of the Navajo Code Talkers' place in history.

I salute my friend, Senator BINGAMAN, for leading the effort to bring national attention to the crucial role the Navajo Code Talkers played in the history of our country, and indeed, the world.

The Navajo Code Talkers began as an idea by Phillip Johnston, a Marine Corps officer living in Los Angeles, CA, whose father was a Protestant missionary on the Navajo reservation. He was aware that the Marine Corps was deeply troubled over Japan's ability to break American codes.

In late April of 1942, two recruiting officers were sent to the Navajo reservation. In May, 29 Navajos were sworn in at Ft. Wingate, NM, and taken to Camp Elliott where they became the first all-Navajo platoon in Marine Corps history—Platoon 382.

This was not an easy recruitment. Many Navajos were willing to help, but not as many were literate in the English language. The Navajo recruits adjusted well to boot camp, considering few had ever been off the reservation before. Many had never met "Anglos" before.

They fought across an ocean they had never seen, against an enemy they had never met. To ensure their own land would not be in danger, they joined in the effort with the United States.

The Navajo Code Talkers made a major contribution to WWII. They provided instantaneous technical, detailed communication. None of their codes were written; they were only memorized. The Navajo Code Talkers came to be known as extremely dependable. They were called upon for tasks other than just code talking; they also had duties as Marines.

The Navajo code was used almost exclusively during the battle of Iwo Jima. They were credited for sending and receiving over 800 messages with out an error.

"Were it not for the Navajos, the Marines would never have taken Iwo Jima," stated Major Howard M. Conner, signal officer for the Fifth Division.

Eventually there would be over 400 Marine Code Talkers who would play a vital part in the United States winning the war against Japan. In fact, the Navajo Code Talkers would participate in every assault the Marines took part in from late 1942 to 1945.

During the 3 years the Navajo Code Talkers participated in the war, Japanese Intelligence was able to break almost every U.S. Army and Army Air Corps code but not once were they able to break the Navajo code.

The Navajo Code Talkers are becoming more widely known by appearing in Veterans Day events, special honoring ceremonies, and there was even a Navajo G.I. Joe code talker toy developed. And now, a Hollywood film is being developed.

So I add my voice to the much-deserved recognition and appreciation going out today to the Navajo Code Talkers for their relentless efforts, sacrifice and dedication in the successful outcomes in the battle for the Pacific in World War II.

THE SPACEPORT EQUALITY ACT

Mr. REID. Madam President, I am pleased to join my distinguished colleague from Florida, Senator GRAHAM, as a sponsor of the Spaceport Equality Act.

Space commercialization holds great promise for the development of new drugs, ultrapure materials with incredible strength and flexibility, and even space tourism. To make space commercialization a reality, the US needs to support the growth of its domestic commercial space launch facilities or "spaceports." It's a sad state of affairs, but U.S. satellite manufacturers are facing increasing pressure to use foreign launch services due to a lack of a sufficient domestic launch capability.

The purpose of the Spaceport Equality Act is to ensure a strong U.S. launch capability. This act will provide tax exempt status for spaceport facility bonds, just like we do for publicly-owned airports and seaports. The government will not be directly funding the commercial space transportation business, but creating the conditions necessary to stimulate private sector capital investment in these spaceports. Coupled with the development of "reusable launch vehicles," these spaceports will be "aero-space ports" that will accommodate both air and space vehicles. Reusable launch vehicles are essential to reduce the cost of access to space by a factor of 10 to 100 from its present level of $2000/pound.

My home State of Nevada has an important role to play in space commercialization. As part of NASA's Space Launch Initiative, a public-private team will use the Nevada Test Site for orbital flights. This sets the stage for commercial space operations in Nevada as early as 2003–4.

The Spaceport Equality Act simply puts spaceports on equal footing with airports by treating them the same for purposes of exempt facility bond rules. I urge my colleagues to support this legislation which is essential to opening the space frontier for continued civil exploration and commercial development.

Mr. LUGAR. Madam President, earlier this month, the United States and the country of Kazakhstan successfully completed one of the most ambitious nonproliferation projects undertaken in history—the securing of one of the world's largest stockpiles of weapons-grade plutonium under the auspices of the Nunn-Lugar Cooperative Threat Reduction program. The security surrounding some three tons of plutonium—sufficient to make some 400 bombs—was enhanced and, commencing in 1998, the fuel assemblies containing spent nuclear fuel were packaged to prevent theft.

In August of 1998, I visited a torpedo factory in Almaty, then the capital of Kazakhstan, that had been converted to manufacture the big steel cannisters in which the plutonium-rich assemblies were packaged and sealed. The last cannister was sealed and lowered into a cooling pond in early July of this year.

Last week, the Washington Times carried a special report by Christopher Pala on this program under the title of "Kazakh Plutonium Stores Made Safe." I ask unanimous consent that this article be printed in the RECORD and urge all of my colleagues to inform themselves about a real success story in U.S.-Kazakhstan relations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 21, 2001]

KAZAKH PLUTONIUM STORES MADE SAFE

(By Christopher Pala)

ALMATY, KAZAKHSTAN.—U.S. officials last week voiced quiet satisfaction after one of the world's largest stockpiles of weapons-grade plutonium, located in a sensitive zone, was successfully made theft-proof in what the Energy Department called "one of the world's largest and most successful nonproliferation projects."

More than three tons of plutonium, enough to make about 400 bombs, had been stored in a fast-breeder reactor on the Caspian Sea shore in security conditions one early visitor described as similar to those of an office building.

Today, the plutonium has been fully secured, said Trisha Dedik, director of the U.S. Department of Energy's Office of Nonproliferation Policy, in an interview July 13 in Almaty, Kazakhstan's economic capital. "It's been a great success."

A day earlier, Miss Dedik and others took part in a ceremony at Aktau with Kazakh officials celebrating completion of the project.

The plutonium was produced by a BN–350 fast-breeder nuclear reactor on the arid northwestern shore of the Caspian, a few miles from the city of Aktau. Both the city and 350-megawatt power plant on the Mangyshlak Peninsula, the first-ever commercial breeder reactor, owed their location to considerable uranium deposits that were mined nearby.

The plutonium had been intended to be shipped to other parts of the Soviet Union for use as fuel in other reactors like it, but only one, the BN–600, was ever built. Located near Yekaterinburg on the eastern slope of the Urals nearly 900 miles north-northeast of Aktau, it ultimately took little or no plutonium from the BN–350, so the material just piled up.

The plant closed in 1999, at the end of its useful life.

After 26 years of providing electricity and water (by powering a desalination plant) to the Aktau region, the plant had an accumulation of 3,000 15-foot cylinders, called fuel assemblies, containing spent nuclear fuel.

About 7,250 pounds of weapons-grade plutonium could be extracted from the assemblies with relative ease, according to the Energy Department.

Nearly half the assemblies emitted little radiation and could be safely handled by workers wearing light protection. The other half were too "hot" to be handled by anything but robots. All spent years in a cooling pond the size of a football field at the plant.

"When I walked in there the first time back in 1995, it had all the security of a modern office building," said Fredrick Crane, an American physicist familiar with the plant.

"It was a clean and well-run reactor," said Mr. Crane. There were some guards, but otherwise all you needed was one code, like in an airport terminal, and you were in."

With each fuel assembly weighing 300 pounds, a couple of strong men with accomplices inside could spirit out the half-dozen cylinders it would take to make a nuclear bomb.

"It was attractive material, and it was accessible," said Miss Dedik of the Energy Department.

Just 500 miles to the south along the Caspian coastline lies Iran and what U.S. officials say is a covert nuclear-weapons program. Eight hundred miles to the southeast is Afghanistan, base and refuge of accused terrorist mastermind Osama Bin Laden, and due west, straight across the Caspian, Chechnya smolders.

"There are fast-breeder reactors in Western Europe and Japan, but the plutonium produced there doesn't accumulate like it did in Aktau. It's reprocessed pretty quickly," Miss Dedik said.

"There just aren't any big stockpiles. Remember, most weapons-grade plutonium is produced by dedicated reactors, controlled by the military, and they're usually much better guarded than this one was."

So in 1996, the government of President Nursultan Nazarbayev, the International Atomic Energy Agency and the United States quietly set up a program to immediately enhance security and, starting in 1998, to package the fuel assemblies to prevent theft.

Miss Dedik and Mr. Crane were among several dozen Americans who worked on the project, which was funded by the U.S. Cooperative Threat Reduction Program under the Nunn-Lugar Act. The law was named for its sponsors, Sen. Richard G. Lugar, Indiana Republican, and then-Sen. Sam Nunn, Georgia Democrat.

A torpedo factory in Almaty that had been converted to civilian work was assigned to manufacture big steel canisters in which four or six of the plutonium-rich assemblies—some "hot," some "cooled"—were packed together and sealed before being returned to the cooling pond.

Weighing more than a ton, the filled canisters are far too heavy to be handled by anything but a large robot, and all of them now emit lethal doses of radiation.

Last month, after nearly three years and $43 million in U.S. support, the 478th and last canister was welded shut and lowered into the pond.

At the plant, Mr. Crane said, there are now manned gates, closed-circuit TV cameras, X-ray machines and turnstiles with magnetic cards, along with sensors that monitor the nuclear materials around the clock.

The packing is designed to last 50 years, but the plutonium isn't destined to stay at the closed Aktau plant that long.

Eventually, under a decree signed six months ago by Mr. Nazarbayev, the canisters will be taken 2,750 miles by train to the former nuclear-testing grounds at Semipalatinsk, on the other side of this country four times the size of Texas.

There, silos will be dug into the steppe and the fat cylinders will be buried, using a technique perfected in the United States.

"It will be the longest rail shipment of plutonium ever attempted," said Miss Dedik. "They will have to design special transportation casks."

And since the rail line wanders through what is now Russia and Kyrgyzstan, special loops will have to be built so that the plutonium stays in Kazakhstan during its whole voyage.

CONTROLLING THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Mrs. FEINSTEIN. Madam President, last week I came to the floor to express my concern about U.S. policy at the U.N. Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

This was the first effort by the international community to address the issue of the illicit proliferation of small arms and light weapons at the United Nations. I believed it was imperative that the United States take a leadership role in the conference rather than being an impediment to progress.

It seemed to me, that the position staked out by Undersecretary Bolton in his opening statement at the conference—a position which I found to be unwarranted and unwise—had created the very real possibility the conference, because of the U.S. position, would be doomed to failure.

The conference did not fail—a consensus on a program of action was achieved. But the conference was far from a total success.

The conference had presented the international community with an unparalleled opportunity to take meaningful and concrete steps to develop and implement a clear international plan of action.

Instead the program of action, approved by the conference, is all too often silent on important issues, and all too often weak and equivocal in places where a course of action is needed.

The program of action does contain provisions addressing such critical issues as: establishing national regulations on arms brokers; the need for greater security of weapons stockpiles held by states; a commitment to carry out more effective post-conflict disarmament and demobilization programs, including the destruction of surplus stocks; and, criminalizing the illegal production, possession, stockpiling, and trade of small arms and light weapons.

If individual nations and the international community are able to effectively follow through in these areas it will mark a significant step forward on this issue.

And, just as importantly, the program of action calls for a follow-up conference, no later than 2006, the time and place to be determined by the 58th United Nations General Assembly.

Unfortunately, consensus on the program of action was only achieved after lengthy and sometimes acrimonious negotiations.

Many of the participants—especially those from sub-Saharan Africa, which has been hit so hard by the scourge of small arms and light weapons—have come away with a deep sense of disappointment that more was not accomplished.

And they are laying the blame for much of the conference's shortcomings squarely at the feet of the United States.

A number of critical issues were left out of the final program of action, including: failure to reach a commitment to negotiate international treaties on arms brokering or the marking and tracing of weapons; absence of any reference to regulate civilian ownership of weapons; no reference to protecting human rights; and, a lack of commitment to greater transparency on the trade in small arms and light weapons.

In addition, in all too many cases the forward looking action that was agreed on is to take place "within existing resources" rather than with the additional resources that are required to address this issue—or to only be carried out "as appropriate" allowing wide latitude for interpretation.

Considering the strong commitments for such issues as international agreements on brokering and the marking and tracing of weapons in the earlier drafts of the Program of action, it is very disappointing that these items were blocked from inclusion in the final document.

While some of the blame must also be allotted to others, the United States must face up to the role it played in impeding action on some of these issues—including in areas where the United States itself already has strong laws on the books.

For example, there were legitimate questions about what the appropriate language for the program of action should have been regarding private ownership of small arms and light weapons. But it is important to recognize that U.S. law and numerous Supreme Court rulings recognize that government regulations on private ownership of weapons is legitimate, notwithstanding somewhat spurious arguments about the nature of the Second Amendment raised by some who influenced the U.S. position at the conference.

The National Firearms Act and the assault weapons ban are just two of the laws that the United States has on the books which control private ownership of small arms and light weapons and pass constitutional muster.

For the United States to stand in the way of a non-binding document suggesting international efforts to seek ways, consistent with individual national constitutional and political structures, to control private ownership of small arms and light weapons is, to me at least, mind boggling.

This is especially important given the clear nexus between legal trade and private ownership and the growth of the international black market in small arms and light weapons.

According to the independent Small Arms Survey 2001 by the Graduate Institute of International Studies in Geneva, Switzerland, the black market often operates on a individual basis, where a small numbers of legally purchased guns are sold to illegal buyers across international borders.

Such individual black market transfers have a dramatic cumulative effect. The United States, with its huge stores of privately-held firearms, is both a source, a supplier, and a recipient of these transfers.

Although it is very difficult to quantify illicit arms trafficking in the United States, there are clear indicators that a number of criminal gangs operating on U.S. territory are active in the trafficking of small arms and light weapons into Canada and Mexico.

The United States is the largest source of illegal weapons for Mexico, for example, with this arms trade directly linked to the drug trade.

I believe that Ambassador McConnell and Assistant Secretary Bloomfield and others on the U.S. delegation acted to the best of their abilities to represent the United States. But I am also concerned that the unrelenting unilateralist position taken by the United States has served to undermine and damage our reputation as a leader in the international community.

The majority of delegations at the conference expressed displeasure with the U.S. attitude and approach to the meetings, sometimes in terms that verged on the undiplomatic.

For example, Camilio Reyes of Colombia, the president of the conference—who deserves recognition for his hard work on this issue—said at the conference's close that: "I must express my disappointment over the conference's inability to agree due to the concerns of one State on language recognizing the needs to establish and maintain controls over private ownership of these deadly weapons and the need for preventing sales of such arms to nonstate groups." Both of these issues were blocked by the United States.

As I stated on the floor last week, I believe that the global flood of small arms is a real and pressing threat to peace, development, democracy, human rights, and U.S. national security interests around the world.

These weapons are cheap: An AK-47 can be bought for as little as $15 in sub-Saharan Africa.

They are durable and easy to transport and to smuggle across international boundaries.

And, with little or no training, anyone—including children—can use these weapons to deadly effect.

According to the independent Small Arms Survey 2001, small arms are implicated in well over 1,000 deaths around the world every single day.

The goals of the United Nations conference was not to infringe on national sovereignty or to take guns away from their legal owners. And it would not have, in my opinion, even with the inclusion of some of the language to which the United States objected.

The freedoms and rights of American citizens would not have been diminished by a stronger, more forward looking program of action.

As Secretary General Annan stated, the goals of the conference were to address the problems created by "unscrupulous arms dealers, corrupt officials, drug trafficking syndicates, terrorists and others who bring death and mayhem into streets, schools and towns throughout the world."

The conference's program of action represents an important first step by the international community toward developing an international framework for cooperation and collaboration to promote better national and international laws and more effective regulations to eliminate the illicit trade in small arms and light weapons.

In fact, the United States has not formally consented to the program for action, so this is a step I urge the Administration to take as soon as possible.

And much more will be needed in the future. Many important issues that should have been addressed by the conference were not and other issues that were did not receive sufficient emphasis.

I am hopeful that, looking ahead, the United States will be able to play a more constructive leadership role as we work towards developing real and binding international norms and agreements on these issues.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 28, 1993 in New York City. Two gay men were beaten with a golf club by three men outside a Greenwich Village gay bar. Noel Torres, Joseph Vasquez, and David Santiago were charged in connection with the assault.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

HONORING THE HISTORY OF THE U.S.S. CASSIN YOUNG, DD–793

Mr. DURBIN. Madam President, I rise today to call attention to an important date in the history of a valiant ship, the U.S. Navy Destroyer U.S.S. *Cassin Young*, DD–793.

The ship today is moored with the U.S.S. *Constitution* in Charlestown, MA, and has been open to the public under the custody of the National Park Service since 1981.

The *Cassin Young* was constructed at the Bethlehem Steel Shipyards in San Pedro, CA, and commissioned on December 31, 1943. She was named for Captain Cassin Young, a true naval hero who received the Medal of Honor for valor during the attack on Pearl Harbor and who later lost his life during the great naval battle off Guadalcanal on Friday, November 13, 1942.

From early 1944 until the end of World War II in 1946, the U.S.S. *Cassin Young* was involved in active combat operations. She suffered strafing off the island of Formosa in 1944 and withstood two Japanese kamikaze attacks, one of them causing heavy damage. Despite this damage, the U.S.S. *Cassin Young* was repaired locally and returned to the battle line. The ship was the last destroyer to be struck by a kamikaze during the fight for Okinawa, a battle that was so destructive to the U.S. destroyer fleet. The U.S.S. *Cassin Young* lost 21 crew members and saw approximately 100 others injured in combat.

At war's end, the U.S.S. *Cassin Young* rested in mothballs until the Korean War brought expansion of the U.S. fleet and she was recommissioned on September 7, 1951, in Long Beach, CA. During her second tour of active duty, the U.S.S. *Cassin Young* operated with both the Atlantic and the Mediterranean Fleets and completed a voyage around the world to the Philippines and Korea. She returned to the western hemisphere via the Panama Canal and joined the Atlantic Reserve Fleet in April 1960.

In addition to her many Service Ribbons and Battle Stars, the U.S.S. *Cassin Young* received the Navy Unit Citation and the Philippine Presidential Unit Citation for her actions during World War II and also was given the Korean Presidential Unit Citation during the Korean War.

In 1978, the National Park Service acquired the U.S.S. *Cassin Young* and painstakingly restored her to the configuration under which she sailed in the 1950s. Ceremonies commemorating the second commissioning of the U.S.S. *Cassin Young* are scheduled to take place on August 18, 2001, when the ship will undertake a towed sea trial of Boston Harbor. Some 500 individuals, including many of the original crew members from both of her tours of duty, will be on board the ship as it tours the waters off Massachusetts' capital city. Former crew members and friends of the ship have created the U.S.S. *Cassin Young* Association, which counts more than 400 men and women among its members.

Through the U.S.S. *Cassin Young*, the citizens of this country and visitors from abroad have the opportunity to experience firsthand an heroic vessel that represents the sacrifices of our Naval personnel during not one, but two, wars.

It is my sincere desire that the U.S.S. *Cassin Young* remain available to the people of this country far into the future so that she and those who served aboard her may continue to receive the honor they so deserve.

PRAISE ON THE 11TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. JOHNSON. Madam President, I rise today in praise of the Americans with Disabilities Act on the occasion of its 11th anniversary. The advances in law, health care, education and technology promoted in this historic legislation over the past 11 years have given Americans with disabilities a new lease on life.

Today, 53 million Americans live with a disability, and 1 in 8 of them is severely disabled. According to the most recent data available, there are approximately 117,701 individuals sixteen years or older living with a disability in South Dakota and 57,233 who have a severe disability. Yet due to the landmark Americans with disabilities Act, the stereotypes against these persons are crumbling and they are able to lead increasingly integrated and fulfilled lives. The Act has guaranteed that people with disabilities be able to live in the most integrated settings possible in their communities. The Americans with Disabilities Act has also spurred research and improved care for seniors, children and mentally disabled persons. In doing so, the Act has ensured improved quality of life for people living with disabilities and has promised disabled children hope for a successful future. The contributions of the Americans with Disabilities Act over the past 11 years are an inspiration for what can be done to improve the lives of Americans living with disabilities, and a proponent of more progress in the future.

Once again, it gives me great pleasure to recognize and honor today's celebration on behalf of the millions of disabled Americans throughout this country.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, July 25, 2001, the Federal debt stood at $5,725,120,881,956.31, five trillion, seven hundred twenty-five billion, one hundred twenty million, eight hundred eighty-one thousand, nine hundred fifty-six dollars and thirty-one cents.

One year ago, July 25, 2000, the Federal debt stood at $5,670,718,000,000, five trillion, six hundred seventy billion, seven hundred eighteen million.

Five years ago, July 25, 1996, the Federal debt stood at $5,181,309,000,000, five trillion, one hundred eighty-one billion, three hundred nine million.

Ten years ago, July 25, 1991, the Federal debt stood at $3,557,315,000,000, three trillion, five hundred fifty-seven billion, three hundred fifteen million.

Fifteen years ago, July 25, 1986, the Federal debt stood at $2,072,020,000,000, two trillion, seventy-two billion, twenty million, which reflects a debt increase of more than $3.5 trillion, $3,653,100,881,956.31, three trillion, six hundred fifty-three billion, one hundred million, eight hundred eighty-one thousand, nine hundred fifty-six dollars and thirty-one cents during the past 15 years.

ADDITIONAL STATEMENTS

TRIBUTE TO THE 100TH ANNIVERSARY OF THE KUHLMAN CORPORATION

• Mr. DEWINE. Mr. President, I rise today to recognize an outstanding achievement resulting from a century of hard work and perseverance. This spring, the Kuhlman Corporation, a family-owned, Toledo-based company that provides Northwest Ohio and Southeast Michigan with quality concrete and building supplies, celebrated its 100th anniversary. This is quite a milestone—a testament to the Kuhlman Corporation's commitment to its customers.

In 1901, German immigrant and bricklayer, Adam Kuhlman, helped establish the Toledo Builders Supply Company. Mr. Kuhlman put up much of his own money to provide the Toledo Builders Supply Company with new brick oven equipment. The purchase of this equipment was a risky investment, but Mr. Kuhlman had the foresight to sacrifice his own money for the good of the company. The investment proved to be a good one, and, with his strong work ethic and solid business sense, Mr. Kuhlman turned Toledo Builders Supply into a very successful brick business.

In the mid-1920's, he became the majority stockholder and founded a new company, called Kuhlman Corporation—a fitting tribute to the man who shaped the early success of the company. Since then, the Kuhlman Corporation has remained a family-owned and operated business and maintains the values that made it so successful—hard work and innovation.

In 1928, the Kuhlman Corporation set the precedent for Northwest Ohio building suppliers by becoming the first company in the region to enter the ready-mixed concrete business. With a fleet of advanced mixing trucks, the Kuhlman Corporation traveled all over Northwest Ohio and Southeast Michigan, helping build structures, like Scott and Waite High Schools in Toledo, Anthony Wayne Bridge in Toledo, the Toledo Zoo, and the Medical College of Ohio.

The Kuhlman Corporation has survived two World Wars, a depression, severe inflation, and the constant fluctuation of the construction market to remain a leader in concrete and building supplies, now accumulating annual revenue of $36 million. The company has helped the people of Ohio and Michigan to build their dreams. At the same time, the Kuhlman Corporation has achieved the American dream.

So today, I salute the Kuhlman Corporation for a century of demanding work, inspiration, and commitment to the Toledo community. I wish them all the best for the next 100 years.•

REPORT ON THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE FIRST TWO QUARTERS OF FISCAL YEAR 2001 IN SUPPORT OF PLAN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to section 3204(e) of Public Law 106-246, I hereby transmit a report detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2001 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 26, 2001.*

MESSAGES FROM THE HOUSE

At 12:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate.

H.R. 1954. An act to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

At 1:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2590. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 625. A bill to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 778. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1099. A bill to increase the criminal penalties for assaulting or threatening Federal judges, their family members, and other public servants, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. LEVIN, Committee on the Judiciary:

James W. Ziglar, of Mississippi, to be Commissioner of Immigration and Naturalization.

Asa Hutchinson, of Arkansas, to be Administrator of Drug Enforcement.

Mr. LEVIN, Committee on Armed Services:

Air Force nominations beginning with Col. Charles C. Baldwin, and ending Col. Thomas J. Loftus. (See Executive Journal proceedings of March 22, 2001, for complete list.)

Air Force nomination of Maj. Gen. Lance L. Smith.

Air Force nomination of Maj. Gen. Thomas C. Waskow.

Air Force nomination of Maj. Gen. Richard E. Brown III.

Army nominations beginning with Col. Scott C. Black, and ending Col. Daniel V. Wright. (See Executive Journal proceedings of April 30, 2001, for complete list.)

Army nomination of Maj. Gen. Burwell B. Bell III.

Army nomination of Maj. Gen. John S. Caldwell, Jr.

Army nomination of Maj. Gen. James L. Campbell.

Army nomination of Lt. Gen. Michael L. Dodson.

Army nomination of Maj. Gen. David D. McKiernan.

Army nomination of Col. Marylin J. Muzny.

Army nomination of Brig. Gen. Thomas W. Eres.

Army nomination of Maj. Gen. John B. Sylvester.

Marine Corps nomination of Col. Kevin M. Sandkuhler.

Navy nominations beginning with Capt. Michael S. Baker, and ending Capt. Charles A. Williams. (See Executive Journal proceedings of February 27, 2001, for complete list.)

Navy nominations beginning with Capt. Robert E. Cowley III, and ending Capt. Alan S. Thompson. (See Executive Journal proceedings of February 27, 2001, for complete list.)

Navy nominations beginning with Capt. James E. Beebe, and ending Capt. John M. Stewart, Jr. (See Executive Journal proceedings of February 27, 2001, for complete list.)

Navy nominations beginning with Rear Adm. (lh) Kathleen L. Martin, and ending Rear Adm. (lh) James A. Johnson. (See Executive Journal proceedings of April 23, 2001, for complete list.)

Navy nomination of Rear Adm. (lh) Michael E. Finley.

Navy nomination of Vice Adm. Gordon S. Holder.

Navy nomination of Rear Adm. James C. Dawson, Jr.

Navy nomination of Vice Adm. Walter F. Doran.

Navy nomination of Vice Adm. Timothy J. Keating.

Navy nomination of Vice Adm. Michael G. Mullen.

(Nominations were reported with the recommendation that they be confirmed.)

Mr. LEVIN, Committee on Armed Services, reported favorably sundry nominations in the Army, Marine Corps and Navy which had previously appeared in the Congressional Record and, at the Senator's request and by unanimous consent, it was ordered that they lie at the Secretary's desk for the information of Senators:

Army nominations beginning with HADASSAH E AARONSON, and ending SANG W YUM. (See Executive Journal proceedings of June 21, 2001, for complete list.)

Army nominations beginning with DAVID L ABBOTT, and ending X8012. (See Executive Journal proceedings of June 22, 2001, for complete list.)

Army nominations beginning with CARL R. BAGWELL, and ending ALLEN M. HARRELL. (See Executive Journal proceedings of June 29, 2001, for complete list.)

Army nominations beginning with DENNIS E. PLATT, and ending LAWRENCE C. SELLIN. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Army nominations beginning with GEORGE J. CARLUCCI, and ending CHARLES P. SHEEHAN. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Army nominations beginning with JOSE R. ARROYONIEVES, and ending * BRIAN T. MYERS. (See Executive Journal proceedings of July 18, 2001, for complete list.)

Army nominations beginning with MARIA L. BRITT, and ending JOHN W. WILKINS II. (See Executive Journal proceedings of July 18, 2001, for complete list.)

Marine Corps nominations beginning with DONALD L. ALBERT, and ending TIMOTHY W. WALDRON. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Navy nominations beginning with MICHAEL G. AHERN, and ending RICHARD D. ZEIGLER. (See Executive Journal proceedings of April 23, 2001, for complete list.)

Navy nominations beginning with MILTON D. ABNER, and ending MICHAEL A. ZIESER. (See Executive Journal proceedings of April 23, 2001, for complete list.)

Navy nominations beginning with EDWARD P. ABBOTT, and ending ROBERT ZAUPER. (See Executive Journal proceedings of April 26, 2001, for complete list.)

Navy nominations beginning with SCOT K. ABEL, and ending WILLIAM A. ZIRZOW IV. (See Executive Journal proceedings of May 21, 2001, for complete list.)

Navy nominations beginning with CHRISTOPHER E. CONKLE, and ending PHILIP D. ZARUM. (See Executive Journal proceedings of May 21, 2001, for complete list.)

Navy nominations beginning with MARK M. ABRAMS, and ending DAVID P. YOUNG. (See Executive Journal proceedings of June 29, 2001, for complete list.)

Navy nominations beginning with MICHAEL J. NYILIS, and ending RYAN S. YUSKO. (See Executive Journal proceedings of June 29, 2001, for complete list.)

Navy nominations beginning with LEIGH P. ACKART, and ending HUMBERTO ZUNIGA, JR. (See Executive Journal proceedings of July 12, 2001, for complete list.)

Navy nominations beginning with DAVID M. BURCH, and ending MIL A. YI. (See Executive Journal proceedings of July 18, 2001, for complete list.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CARNAHAN (for herself, Mr. DeWine, Mr. Leahy, Mr. Daschle, Mr. Johnson, Ms. Landrieu, and Ms. Snowe):

S. 1250. A bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Ms. Collins):

S. 1251. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

By Mr. TORRICELLI:

S. 1252. A bill to amend title 18, United States Code, to make unlawful the tampering with computers of schools and institutions of higher education, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. Kennedy, Mrs. Feinstein, Mrs. Clinton, Mr. Torricelli, Mr. Corzine, Mrs. Boxer, and Mr. Reed):

S. 1253. A bill to protect ability of law enforcement to effectively investigate and prosecute illegal gun sales and protect the privacy of the American people; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. Reed, and Mr. Allard):

S. 1254. A bill to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WYDEN (for himself and Mr. Brownback):

S. 1255. A bill to encourage the use of carbon storage sequestration practices in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN (for herself, Mrs. Hutchison, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Breaux, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Campbell, Ms. Cantwell, Mrs. Carnahan, Mr. Chafee, Mr. Cleland, Mrs. Clinton, Ms. Collins , Mr. Craig, Mr. Daschle, Mr. Dayton, Mr. DeWine, Mr. Dodd, Mr. Domenici, Mr. Durbin, Mr. Edwards, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mr. Grassley, Mr. Gregg, Mr. Harkin, Mr. Hatch , Mr. Helms, Mr. Hutchinson, Mr. Inhofe, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Ms. Landrieu, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. McCain, Ms. Mikulski, Mr. Miller, Mr. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Roberts, Mr. Reid, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith of New Hampshire, Mr. Smith of Oregon, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Thomas, Mr. Thompson, Mr. Thurmond, Mr. Torricelli, Mr. Voinovich, Mr. Warner, Mr. Wellstone, Mr. Wyden, Mr. Nelson of Nebraska, and Mr. Carper):

S. 1256. A bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. Grassley):

S. Res. 139. A resolution designating September 24, 2001, as "Family Day—A Day to Eat Dinner with Your Children"; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. Lott):

S. Con. Res. 61. A concurrent resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st; considered and agreed to.

ADDITIONAL COSPONSORS

S. 205

At the request of Mrs. Hutchison, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 252

At the request of Mr. Voinovich, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 252, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 270

At the request of Mr. Bingaman, the names of the Senator from Arkansas (Mrs. Lincoln) and the Senator from West Virginia (Mr. Rockefeller) were added as cosponsors of S. 270, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 281

At the request of Mr. Hagel, the name of the Senator from Indiana (Mr.

LUGAR) was added as a cosponsor of S. 281, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 392

At the request of Mr. SARBANES, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 392, a bill to grant a Federal Charter to Korean War Veterans Association, Incorporated, and for other purposes.

S. 530

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 530, a bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for producing electricity from wind.

S. 535

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 535, a bill to amend title XIX of the Social Security Act to clarify that Indian women with breast or cervical cancer who are eligible for health services provided under a medical care program of the Indian Health Service or of a tribal organization are included in the optional medicaid eligibility category of breast or cervical cancer patients added by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

S. 543

At the request of Mr. WELLSTONE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 686

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 686, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for energy efficient appliances.

S. 744

At the request of Mrs. HUTCHISON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 744, a bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law.

S. 756

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 756, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from biomass, and for other purposes.

S. 776

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 776, a bill to amend title XIX of the Social Security Act to increase the floor for treatment as an extremely low DSH State to 3 percent in fiscal year 2002.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 912

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 912, a bill to amend title 38, United States Code, to increase burial benefits for veterans.

S. 913

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 960

At the request of Mr. BINGAMAN, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Hawaii (Mr. INOUYE), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 980

At the request of Mr. FITZGERALD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 980, a bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

S. 986

At the request of Mr. DEWINE, his name was added as a cosponsor of S. 986, a bill to allow media coverage of court proceedings.

S. 995

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 995, a bill to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1008

At the request of Mr. BYRD, the names of the Senator from Nevada (Mr. REID), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1008, a bill to amend the Energy Policy Act of 1992 to develop the United States Climate Change Response Strategy with the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, while minimizing adverse short-term and long-term economic and social impacts, aligning the Strategy with United States energy policy, and promoting a sound national environmental policy, to establish a research and development program that focuses on bold technological breakthroughs that make significant progress toward the goal of stabilization of greenhouse gas concentrations, to establish the National Office of Climate Change Response within the Executive Office of the President, and for other purposes.

S. 1075

At the request of Mr. BIDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1075, a bill to extend and modify the Drug-Free Communities Support Program, to authorize a National Community Antidrug Coalition Institute, and for other purposes.

S. 1119

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1119, a bill to require the Secretary of Defense to carry out a study of the extent to the coverage of members of the Selected Reserve of the Ready Reserve of the Armed Forces under health benefits plans and to submit a report on the study of Congress, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1144

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1144, a bill to amend title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.) to reauthorize the Federal Emergency Management Food and Shelter Program, and for other purposes.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1186, a bill to provide a budgetary mechanism to ensure that funds will be available to satisfy the Federal Government's responsibilities with respect to negotiated settlements of disputes related to Indian water rights claims and Indian land claims.

S. 1200

At the request of Mr. CLELAND, the names of the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. DAYTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1200, a bill to direct the Secretaries of the military departments to conduct a review of military service records to determine whether certain Jewish American war veterans, including those previously awarded the Distinguished Service Cross, Navy Cross, or Air Force Cross, should be awarded the Medal of Honor.

S. 1204

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1204, a bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the medicare program that have received an organ transplant.

S. 1226

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1226, a bill to require the display of the POW/MIA flag at the World War II memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

AMENDMENT NO. 1157

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 1157 intended to be proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CARNAHAN (for herself, Mr. DEWINE, Mr. LEAHY, Mr. DASCHLE, Mr. JOHNSON, Ms. LANDRIEU, and Ms. SNOWE):

S. 1250. A bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation; to the Committee on Armed Services.

Mrs. CARNAHAN. Mr. President, our Nation's Reserve components are assuming increasingly greater roles in the U.S. military. Today we have more commitments around the world but fewer Active Forces. For these reasons, we have increasingly come to depend on our Reserve components.

Since the gulf war, our Army and Marine Corps have increased their operations abroad by 300 percent. Air Force deployments have quadrupled since 1986. And our Navy now deploys 52 percent of its forces on any given day.

These deployments would be impossible without guardsmen and reservists. Last year's Reserve components served a total of 12.3 million duty days, compared to 5.2 million duty days in 1992.

It is time to recognize the contribution of our reservists and given them the benefits they deserve. We must find a way to provide immediate short-term relief to reservists who stand in need of our support, those who have just returned home from deployments abroad.

Last month, Senator LEAHY and six other colleagues set a goal to provide health care for all National Guard members and reservists. Senator LEAHY's legislation recognizes the role that Reserve components now play in our national security. This bill authorizes a Defense Department study to develop the most feasible plan to provide health care for all Reserve components.

Providing coverage to all reservists is a monumental task. It will require intense analysis in developing a cost-effective approach. But it is a worthy goal, one that will prove important to sustaining our force strength and our military morale.

Today I am introducing legislation that will take the first step towards Senator LEAHY's goal for covering reservists. The bill will significantly improve the quality of life for our men and women in the National Guard and Reserves. Reservists like SSG Jonathan Reagan, this young Army reservist just returned home from an 8-month peacekeeping mission in Kosovo. He served in the 313th hospital surgical unit providing care to military personnel and needy Kosovars. Yet when he returned home to Missouri, he found himself without health care coverage of his own.

Sergeant Reagan had just finished graduate school and was looking for a job as a physical therapist. Currently the law allows military personnel to extend their military health coverage for 30 days after they return home. Well, that was not enough for Sergeant Reagan. He was uninsured and was forced to purchase his insurance out of his own pocket.

Sergeant Reagan is not alone. Sergeant Jason Dunson served on that same deployment. He did not have health care coverage when he returned home to Springfield, MO, either. Luckily before he deployed, he transferred his 3-year-old daughter's health care coverage to his wife's plan. Unfortunately, his employer will not be able to cover him for a number of months.

But the case of CPT Terri McGranahan is the most troubling. She volunteered to be a part of our peacekeeping mission in Kosovo. During her service, she worked at a health clinic that had been newly painted with a toxic sealant.

When she returned home, her private health insurance company refused to retain her. Working in this clinic had made her very ill. Her condition resulted in pneumonia and eventually a spot on her lung.

She did not detect the condition right away. When she finally sought medical treatment, the 30 days of TRICARE coverage had already expired.

She asked the Army for help but was turned down. Moreover, her private insurer refused to cover her for a condition acquired during military service.

Eventually, she would be able to obtain reimbursements from the Department of Defense, once it was fully clarified that her illness was service related. But how long will she have to wait before she receives this relief? And why should she and her family be forced to undergo such stress as she endures a serious ailment, contracted while in the military service?

Senators DEWINE, LEAHY, DASCHLE, JOHNSON, LANDRIEU, SNOWE, and I have joined together to propose a short-term solution. Our legislation will allow Reserve and National Guard personnel to extend their TRICARE coverage for up to 1 year after their deployment.

Already, the Carnahan-DeWine bill has been endorsed by organizations across the country, including the National Guard and Reserve Committee of the Military Coalition, the Reserve Officers Association, National Guard Association, Enlisted Association of the National Guard, and several other organizations promoting quality of life to serve men and women.

The Joint Chiefs of Staff have indicated that this legislation would have a positive impact on military quality of life and retention rates. They further believe that such extension of benefits would assist members who, following activation and deactivation, decide to leave their civilian employment.

We are not asking for an overly extensive benefit for Reserve components. Some may think this proposal is far too modest. I understand that in the other body there is a proposal to provide an even more comprehensive approach. But I believe that before we attempt to establish a full health care program for these service men and women, it is essential that we authorize the Pentagon to explore the most feasible option. The bill and the legislation authored by Senator LEAHY will work to achieve this goal.

In the meantime, I am proud to be pursuing this initiative in the name of our Missouri National Guard and Reservists, as well as our country's other citizen soldiers. As the Kansas City Star stated in a recent editorial:

> The United States has come to rely more and more heavily on the military reserves and the National Guard.
>
> The men and women who make so many sacrifices to serve in those forces should not have to worry about inadequate health insurance coverage as soon as they return to civilian life.

Mr. President, let's do the right thing for our Nation's citizen soldiers.

Mr. LEAHY. Mr. President, I rise today to congratulate Senator CARNAHAN on the introduction of S. 1250. I am an original co-sponsor of her legislation that deals with health care shortfalls among members of the National Guard and Reserve. This bill will enable citizen-soldiers to receive health insurance coverage for up to one year following an extended deployment. It is an important part of a larger effort to ensure that all members of the National Guard and Reserve have adequate health insurance.

This bill arises out of the changing role of the National Guard and Reserve in defending our Nation. During the Cold War, the military reserves served as an ace-in-the-hole, ready to fight but held back as a force of last resort. As our military posture has shifted, reservists have started supplementing active forces and taken up a greater share of the burden of projecting our national military presence abroad.

In many cases, these proud men and women are serving side-by-side with their active duty counterparts in deployments that can last upward of six months. I will not repeat many of the facts and figures that Senator CARNAHAN so adeptly underscored in her statement, but, suffice to say here, our citizen-soldiers are experiencing all of the same hardships, challenges, dangers that full-time servicemembers go through every time they leave their barracks or launch into the skies.

This courage and sacrifice deserves our support, both in symbolic and concrete terms. Unfortunately, many are experiencing difficulties as they transition back-and-forth between their usual, employer-provided health coverage and the military TRICARE Prime coverage they receive when they deploy longer than 60 days. More disturbing are the cases where a reservist might be between jobs in their professions, go on an extended deployment, and return to that unemployed status with no health insurance coverage at all. There are innumerable variations on each one of these stories, but each points towards a larger problem.

Cases like those add up, inevitably impacting military readiness and raising troubling moral questions. Military readiness diminishes when soldiers, sailors, Marines, and airmen arrive for deployment less healthy than possible. Basic questions of fairness come into play when two people can do exactly the same job, but receive different levels of respect and gratitude from the country. Congress has the responsibility to deal with these inequities and tailor a solution to address the problem.

Recently, Senators CARNAHAN, DEWINE, DASCHLE, COCHRAN, JOHNSON, and SNOWE joined me to introducing S. 1119, the Selected Reserve Health Care Act. This bill commissions an independent, detailed study of the health insurance needs of our citizen-soldiers, but, more importantly, expresses the sense of Congress that every reservist should have full health care coverage. This is a long-term goal that may take some time to achieve. In the meantime, though, we should take steps to move us in the right direction.

Senator CARNAHAN's legislation will ensure a smooth transition back to civilian employment after an extended deployment. It increases the time that a member of the reserve can remain on TRICARE following deployment from one month to a year. Though it merely extends an existing benefit, it will provide a much-needed stopgap for those who are unemployed or facing difficulties with their civilian insurance providers. This legislation is sensible and affordable, finding a balance between our responsibilities to our servicemembers and our responsibilities as caretakers of the national treasury.

Senator CARNAHAN has shown tremendous leadership on this issue, not only co-sponsoring a companion legislation that I introduced almost a month ago, but, more importantly, by coming up with a realistic, concrete step to start addressing this complex problem today. I am happy to be an original co-sponsor of this legislation, and I look forward to working with her to enact both of these bills.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1251. A bill for the relief of Nancy B. Wilson; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today along with my colleague from Maine to introduce legislation for the relief of Nancy Wilson of Bremen, ME, who has been denied widow's benefits from Social Security despite the very extenuating circumstances of her case.

Nancy Wilson was denied Social Security widow's benefits because she had not been married to the late Alphonse Wilson for the required nine-month period prior to his death even though they had lived together as a couple for 19 years. Alphonse had been unable to marry Nancy earlier because Massachusetts law forbade him from divorcing his first wife, Edna, due to her being institutionalized with a mental illness. Upon Edna's death on April 12, 1969, Alphonse and Nancy were married just 20 days later, with Alphonse dying on December 5, 1969.

While the nine-month requirement for receiving widow's benefits was understandably created to prevent marriages in anticipation of death, the reason for Nancy Wilson's delayed nuptials were clearly unique. Given the extenuating circumstances, I urge my colleagues to support this private relief bill for Nancy Wilson.

Ms. COLLINS. Mr. President, I am pleased to join Senator SNOWE in introducing legislation for the private relief of Nancy B. Wilson. Nancy's compelling case merits such action.

In 1945, Al Wilson was married with two children when tragedy struck the family. His wife Edna was institutionalized following a severe mental breakdown, and Al was left with no one to care for his children. Five years later, he met Nancy Butler, who took up residence with Al and began caring for his two children, as well as her own son. The eldest child has written that Nancy "is the person who brought me up in place of my biological mother, who was institutionalized. I think of Nancy as my real mother."

Though Al and Nancy wished to get married, Al was prohibited from divorcing his first wife under a Massachusetts law barring divorce for reasons of insanity or institutionalization for insanity. Time passed, and although not legally married, Al and Nancy raised their family together.

Edna Wilson died on April 12, 1969, and Al and Nancy were married twenty days later. Tragically, just seven months after their wedding, Al died of cancer. Though only married for those seven months, Al and Nancy had lived together for 19 years.

When Nancy turned 64 she applied to the Social Security Administration for survivor's insurance benefits. She was told that a couple must be married for 9 months for the spouse to be eligible to collect survivor benefits, and that her legal marriage failed to meet that threshold. Nancy has since exhausted the administrative appeals process to no avail.

The private relief bill we are introducing will simply allow Nancy to receive widow's benefits from her husband's earnings. Though Al and Nancy were legally prevented from being married for all but seven months of their years together, they were, for all practical purposes, married for 19 years. She raised his children, allowing him to work and accumulate a Social Security benefit.

These unique circumstances illustrate why Congress must enact private relief legislation from time to time. Certainly, Nancy's unique situation fulfills the intent of the Social Security Act, and it is a situation that will not be repeated due to a change in Massachusetts law repealing the legal hurdle that prevented Al and Nancy from being married in the first place. Mrs. Wilson's case is truly compelling, and merits this corrective action by Congress. I urge my colleagues to support this measure.

By Mr. SARBANES (for himself, Mr. REED, and Mr. ALLARD):

S. 1254. A bill to reauthorize the Multifamily Assisted Housing Reform and Affordability Act of 1997, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today I am introducing the Mark-to-Market Extension Act of 2001 with my colleagues Senator REED and Senator ALLARD, the chair and ranking member of the Housing and Transportation Subcommittee of the Banking, Housing, and Urban Affairs Committee. This legislation will extend the Multifamily Assisted Housing Restructuring and Affordability Act of 1997, MAHRAA, for an additional five years.

The legislation will ensure that HUD continues to have the authority to restructure the rents and the mortgages of its FHA-insured section 8 project-based portfolio. These properties have been operating for the past 20 years on long term rental subsidy contracts, many of which are currently paying above-market rents. The program we seek to reauthorize provides HUD with the tools to reduce those rents to market levels and restructure the underlying mortgages so that the new, lower rents will be sufficient to cover the debt. At the same time, the program provides for the rehabilitation of these projects, and requires another long term commitment to keep the properties affordable.

This program expires in September. Both HUD and the General Accounting Office believe the program should be reauthorized in order to continue the progress in getting these projects restructured, rehabilitated, and on a sound footing for the taxpayer, for the owner, and for the resident.

In a hearing on this program held on June 19, we heard from all the stakeholders, HUD, and the GAO. We have adopted many of the recommendations heard at that hearing in this legislation. Some of the changes we have included should further reduce the costs of the program to the federal government, while simultaneously allowing for more extensive rehabilitation and more economic certainty for property owners. The bill also extends the authorization for funding for tenants, non-profits, and public agencies that participate in the restructuring process.

I ask unanimous consent that a section by section analysis be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION OF THE MARK-TO-MARKET EXTENSION ACT OF 2001

This legislation reauthorizes the "Multifamily Assisted Housing Reform and Affordability Act of 1997" (MAHRAA) with some amendments.

Section 1—Short Title.

Section 2—Purposes.

Section 3—Definitions.

Section 4—Provides for reauthorization of grants for tenant services, non-profits, and public entities engaged in the restructuring process; readjustment of calculation of properties eligible for exception rents; use of enhanced vouchers; notice regarding rejection of restructuring plan; voluntary participation of Preservation projects in mortgage restructuring upon sale or transfer of property; discretion for the Secretary in requiring owner contributions for new features in addition to basic rehabilitation; establish consistent rent standard; provide for GAO reports on physical and financial condition of the property and HUD's oversight; and, allow for resizing of second mortgages.

Section 5—Provides for consistent rent standard for projects undergoing restructuring, and for tenant-based vouchers.

Section 6—Provides for HUD-held mortgages to go through FHA's streamlined refinance process established by section 237(a)(7) of the National Housing Act; provides for the term of such loans to be up to 30 years.

Section 7—Technical correction to renumber a section of the law.

Section 8—Eliminate the requirement that the Director of the Office of Multifamily Housing Assistance Restructuring, OMHAR, be confirmed by the Senate; make the Director report to the FHA Commissioner; extend the program and Office for 5 years; and make the limitation on subsequent employment 1 year, consistent with Congressional rules.

By Mr. WYDEN (for himself and Mr. BROWNBACK):

S. 1255. A bill to encourage the use of carbon storage sequestration practices in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. WYDEN. Mr. President, today Senator BROWNBACK and I are introducing legislation that uses a simple, scientifically sound and entirely voluntary approach to combat global warming. It's not regulatory, and it's not revolutionary, except for the fact that this approach could account for and solve up to 50 percent of the United States' atmospheric carbon problem. The Carbon Sequestration and Reporting Act will expand the Nation's forested lands, protect watersheds, conserve agricultural lands and put forests and farms on the frontlines in the battle against global warming. The legislation is entirely voluntary and incentive-based. It makes new resources available to private landowners through State-operated revolving loan programs and USDA conservation programs to provide assistance for tree planting, other forest management actions, and soil conservation for the purposes of carbon sequestration. Both of these programs will lead to better water quality, less runoff pollution, better wildlife habitat and an additional revenue source for farmers and forest land owners.

Thirty-eight industrialized countries account for one-half of the carbon released into the atmosphere. The U.S., all alone, accounts for one-quarter of the total carbon released into the atmosphere. This country cannot afford to be a bystander on the climate change issue, and yet two days ago the headlines read: "Climate Agreement Leaves U.S. Out in the Cold;" "Isolated on Global Warming;" "178 Nations Reach Climate Accord; U.S. Only Looks On." I am convinced that it is possible to put together a bipartisan alternative to inaction. I started that process with the Forest Resources for the Environment and Economy Act. Today, I continue that process with Senator BROWNBACK as we introduce The Carbon Sequestration and Reporting Act.

We cannot afford to sit out this debate as it goes on around us. It costs between $2 and $20 per ton to store carbon in trees and soil but alternative strategies such as emissions reductions can cost up to $100 per ton. Sequestering carbon in forests and soil is a scientifically sound and cost-effective strategy that can reduce carbon dioxide levels by up to 50 percent. My approach has been to use trees for carbon sequestration; Senator BROWNBACK's approach has been to sequester carbon in agricultural soil. Our legislation joins the best of both these approaches.

I am not saying that carbon sequestration should be the only tool in our toolbox. We need all the tools available to address the enormous issue of global climate change. But we believe this approach, this bill, will provide a jump start to a stalled political process. Carbon sequestration is a technology that can begin working right now, today, to reduce the negative effects of climate change.

Investing in healthy forests today is an investment in the well-being of our planet for decades to come. In the Pacific Northwest, forests are more than critical environmental resources, they are also a cornerstone of our economy. The same is true for agriculture. Last year, in Oregon alone, agriculture accounted for over $3 billion in trade and business revenues. Investing in improved land management and conservation to offset greenhouse gases is a win for the environment, a win for agriculture and a win for local economies.

According to the Pacific Forest Trust, our forest lands in the United States are only storing one-quarter of the carbon they can ultimately store. Just tapping a portion of this potential by expanding and increasing the productivity of the Nation's 737 million acres of forests is an important part of a win-win strategy to slow global warming. The forestry component of this bill works through a revolving loan fund for private, non-industrial landowners to be used to plant trees for carbon sequestration and conservation purposes. The forestry loans are not limited by time, but can be forgiven if the landowner decides to institute a permanent easement on his or her land for the purposes of conservation and carbon sequestration. This bill also takes an important first step toward sequestering greenhouse gases on Federal lands: it directs the Forest Service to report to Congress on options to increase carbon storage in our national forests.

The agriculture portion of the bill will encourage landowners to offer the best plans detailing practices they would be willing to undertake to store additional carbon in the soil. The program is limited to 5 million acres, and is not a set aside. Rather, this bill encourages conservation practices like no-till, buffer strips and biomass production, to name a few, which are known to enhance soils' ability to store carbon. Using funding similar to current CRP payments, the agricultural contracts under this bill would be for a minimum of 10 years and USDA would be required—in conjunction with other agencies—to finalize criteria for measuring the carbon-storing ability of various conservation practices.

We know these types of approaches work because of the leadership of our home states in carbon sequestration practice and research: Oregon for forestry and agriculture and Kansas for agriculture. The objectives of this bill will be greatly aided by institutions like Oregon State University and Kansas State University, who are already conducting significant research on various carbon-storing practices.

This bill also makes important changes to the Energy Policy Act of 1992: it would strengthen the voluntary accounting and verification of greenhouse gas reductions from forestry and agricultural activities. The bill directs the Secretary of Energy to develop new guidelines on accurate and cost-effective methods to account for and report real and credible greenhouse gas reductions. These guidelines are absolutely necessary because without them we could be doing all the environmental good in the world, but we have no record of it and, therefore, no concept of the progress we would have made. The guidelines will be developed with the input of a new Advisory Council representing agriculture, industry, foresters, States, and environmental groups.

As in the last Congress, the forestry portion of the bill will pay for itself by using money that polluters pay when they are caught violating the Clean Air Act and Clean Water Act as there are currently no guarantees that these penalties, which revert to the General Fund, are used to improve our environment, but our bill would put the penalties toward this goal. We would use these fines to expand our forests, protect streams and rivers and help remove greenhouse gases from the air. The agricultural portion of this bill will be paid for by conservation appropriations to the USDA.

This bill is about taking advantage of a clear win-win opportunity. It's a win for the global environment. It's a win for sustainable forestry. It's a win for local water protection. And it's a win for rural communities. For these reasons, the forestry portion of this bill has already received positive reactions from timber companies and environmental organizations alike, including the National Association of State Foresters and the Society of American Foresters, American Forest and Paper Association, American Forests, Environmental Defense, Governor John A. Kitzhaber of Oregon, PacifiCorp, The Nature Conservancy, and The Pacific Forest Trust. The agricultural portion of this bill has received positive reactions from many of these same groups.

I look forward to pursuing this common-sense step toward protecting the environment and supporting our forest workers and agricultural interests.

I ask unanimous consent that the text of the bill and a summary of the Carbon Sequestration and Reporting Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Carbon Sequestration and Reporting Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CARBON ADVISORY COUNCIL

Sec. 101. Carbon advisory council.
Sec. 102. National inventory and voluntary reporting of greenhouse gases.

TITLE II—FOREST CARBON MANAGEMENT

Sec. 201. Forest carbon storage and sequestration.

TITLE III—CARBON SEQUESTRATION PROGRAM

Sec. 301. Establishment.
Sec. 302. Funding.
Sec. 303. Regulations.
Sec. 304. Effective dates.

TITLE IV—REPORTS

Sec. 401. Initial report.
Sec. 402. Annual report.
Sec. 403. State report.

TITLE I—CARBON ADVISORY COUNCIL

SEC. 101. CARBON ADVISORY COUNCIL.

The Energy Policy Act of 1992 is amended by inserting after section 1609 (42 U.S.C. 13388) the following:

"SEC. 1610. CARBON ADVISORY COUNCIL.

"(a) DEFINITIONS.—In this section:

"(1) CARBON ADVISORY COUNCIL.—The term 'Carbon Advisory Council' means the Carbon Advisory Council established under subsection (b).

"(2) CARBON SEQUESTRATION.—The term 'carbon sequestration' means the action of vegetable matter in—

"(A) extracting carbon dioxide from the atmosphere through photosynthesis;

"(B) converting the carbon dioxide to carbon; and

"(C) storing the carbon in the form of roots, stems, soil, or foliage.

"(3) CARBON STORAGE.—The term 'carbon storage' means the quantity of carbon sequestered from the atmosphere and stored in forest carbon reservoirs.

"(4) FOREST CARBON PROGRAM.—The term 'forest carbon program' means the program established under section 2404(b) of the Global Climate Change Prevention Act of 1990 to provide financial assistance for forest carbon activities through—

"(A) cooperative agreements; and

"(B) State revolving loan funds.

"(5) FOREST MANAGEMENT ACTION.—

"(A) IN GENERAL.—The term 'forest management action' means an action that—

"(i) applies forestry principles to the regeneration, management, utilization, and conservation of forests to meet specific goals and objectives; and

"(ii) maintains the productivity of the forests.

"(B) INCLUSIONS.—The term 'forest management action' includes management of forests for the benefit of—

"(i) aesthetics;

"(ii) fish;

“(iii) recreation;

“(iv) urban values;

“(v) water;

“(vi) wilderness;

“(vii) wildlife;

“(viii) wood products; and

“(ix) other forest values.

“(6) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term by section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(7) REFORESTATION.—

“(A) IN GENERAL.—The term ‘reforestation’ means the reestablishment of forest cover naturally or artificially.

“(B) INCLUSIONS.—The term ‘reforestation’ includes—

“(i) planned replanting;

“(ii) reseeding; and

“(iii) natural regeneration.

“(b) ESTABLISHMENT.—The Secretary shall establish an advisory council, to be known as the ‘Carbon Advisory Council’, to—

“(1) advise the Secretary on the development and updating of guidelines for accurate reporting of greenhouse gas sequestration from soil carbon and forest management actions;

“(2) evaluate the potential effectiveness of the guidelines in verifying carbon inputs and outputs from various soil carbon and forest management strategies;

“(3) estimate the effect of implementing the guidelines on carbon sequestration and storage; and

“(4) assist the Secretary in preparing the annual report required by section 402(a) of the Carbon Storage and Sequestration Act (including the assessment of the vulnerability of forests and agricultural land to the adverse effects of climate change).

“(c) MEMBERSHIP.—The Carbon Advisory Council shall be composed of 21 members as follows:

“(1) The Secretary of Agriculture (or a designee).

“(2) The Secretary of Energy (or a designee).

“(3) The Secretary of the Interior (or a designee).

“(4) The Secretary of State (or a designee).

“(5) The Administrator of the Environmental Protection Agency (or a designee).

“(6) The Chief of the Forest Service (or a designee)

“(7) 15 members appointed jointly by the Secretary of Agriculture and the Secretary of Energy as follows:

“(A) 1 member representing professional forestry organizations.

“(B) 2 members representing environmental or conservation organizations.

“(C) 1 member representing nonindustrial private landowners.

“(D) 1 member representing the forest industry.

“(E) 1 member representing Indian tribes.

“(F) 1 member representing forest workers.

“(G) 3 members representing the academic scientific community.

“(H) 2 members representing State forestry organizations.

“(I) 2 members representing nongovernmental organizations who have an expertise and experience in soil carbon sequestration practices.

“(J) 1 member representing commercial agricultural producers.

“(d) TERM.—

“(1) IN GENERAL.—Except as provided in paragraph (3), a member of the Carbon Advisory Council appointed under subsection (c)(7) shall be appointed for a term of 3 years.

“(2) CONSECUTIVE TERMS.—No individual appointed under subsection (c)(7) may serve on the Carbon Advisory Council for more than 2 consecutive terms.

“(3) INITIAL TERMS.—Of the members first appointed to the Carbon Advisory Council under subsection (c)(7)—

“(A) 5 of the members shall be appointed for a term of 1 year;

“(B) 5 of the members shall be appointed for a term of 2 years; and

“(C) 5 of the members shall be appointed for a term of 3 years.

“(e) VACANCY.—

“(1) IN GENERAL.—A vacancy on the Carbon Advisory Council shall be filled in the same manner as the original appointment was made.

“(2) FILLING OF UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

“(f) COMPENSATION.—

“(1) NON-FEDERAL EMPLOYEES.—A member of the Carbon Advisory Council who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Carbon Advisory Council.

“(2) FEDERAL EMPLOYEES.—A member of the Carbon Advisory Council who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

“(3) TRAVEL EXPENSES.—A member of the Carbon Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Carbon Advisory Council.

“(4) SUPPORT.—The Secretary shall provide financial and administrative support to the Carbon Advisory Council.

“(g) USE OF EXISTING COUNCIL.—The Secretary may designate a council in existence as of the date of enactment of this section to perform the tasks of the Carbon Advisory Council if (as determined by the Secretary)—

“(1) the responsibilities of the Carbon Advisory Council, as described in subsection (b), are a high priority for the existing council; and

“(2) the representation, membership terms, background, and responsibilities of the existing council correspond to the requirements for the Carbon Advisory Council established under subsections (c) and (d).

“(h) DUTIES.—

“(1) REVIEW OF GUIDELINES.—Not later than 18 months after the date of enactment of this section, the Carbon Advisory Council shall—

“(A) review the guidelines established under section 1605(b)(1) that address procedures for the accurate voluntary reporting of greenhouse gas sequestration from tree planting, forest management actions, and agricultural land;

“(B) make recommendations to the Secretary to amend the guidelines; and

“(C) before submitting the guidelines to the Secretary, provide an opportunity for public comment on the guidelines.

“(2) ESTABLISHMENT OF GUIDELINES.—

“(A) REPORTING GUIDELINES.—The recommendations under paragraph (1)(B) shall include recommendations for reporting guidelines that—

“(i) are based on—

“(I) measuring increases in carbon storage in excess of the carbon storage that would have occurred but for reforestation, forest management, forest protection, or other soil carbon and forest management actions; and

“(II) comprehensive carbon accounting that reflects net increases in the carbon reservoir and takes into account any carbon emissions resulting from the disturbance of carbon reservoirs existing at the beginning of a soil carbon or forest management action; and

“(ii) include options for—

“(I) estimating the indirect effects of soil carbon and forest management actions on carbon storage, including the potential displacement of carbon emissions;

“(II) quantifying the expected carbon storage over various time periods, as determined by the Secretary, taking into account the duration of carbon stored in the carbon reservoir; and

“(III) considering the economic and social effects of soil carbon and forest management alternatives.

“(B) ACCURATE MONITORING, MEASUREMENT, AND VERIFICATION GUIDELINES.—

“(i) IN GENERAL.—The recommendations under paragraph (1)(B) shall include recommended practices for monitoring, measurement, and verification of carbon storage from soil carbon and forest management actions.

“(ii) REQUIREMENTS.—The recommended practices shall, to the maximum extent practicable—

“(I) be based on statistically sound sampling strategies that build on knowledge of the carbon dynamics of forests and agricultural land;

“(II) compute carbon stocks and changes in carbon stocks, by taking field condition measurements and modeling;

“(III) include guidelines on how to sample and calculate carbon sequestration across multiple participating ownerships; and

“(IV) encourage the use of more precise measurements at the option of a reporting entity.

“(C) STATE GUIDELINES.—The recommendations under paragraph (1)(B) shall include State guidelines for reporting, monitoring, and verifying carbon storage under the forest carbon program.

“(D) BIOMASS ENERGY PROJECTS.—The recommendations under paragraph (1)(B) shall include guidelines for calculating net greenhouse gas reductions from biomass energy projects, including—

“(i) net changes in carbon storage resulting from changes in land use; and

“(ii) the effect of using biomass to generate electricity (including co-firing of biomass with fossil fuels) on the displacement of greenhouse gas emissions from fossil fuels.

“(3) REVIEW OF GUIDELINES.—At least once every 24 months, the Carbon Advisory Council shall meet to—

“(A) evaluate the latest scientific and observational information on reporting, monitoring, and verification of carbon storage from forest soil carbon and forest management actions; and

“(B) recommend to the Secretary, revised guidelines for reporting, monitoring, and verification of carbon storage from soil carbon and forest management actions to reflect the evaluation.

"(4) COMPLIANCE WITH OTHER LAWS.—The Advisory Committee shall meet, as necessary, to ensure that the guidelines for reporting, monitoring, and verification of carbon storage from forest management actions are revised to be consistent with any Federal or State laws enacted after the date of enactment of this section.".

SEC. 102. NATIONAL INVENTORY AND VOLUNTARY REPORTING OF GREENHOUSE GASES.

Section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) is amended by adding at the end the following:

"(5) AMENDMENT OF GUIDELINES.—Not later than 180 days after receiving the recommendations of the Carbon Advisory Council under subsection 1610(h)(1)(B), the Secretary (acting through the Administrator of the Energy Information Administration) shall, as appropriate, revise the guidelines established under paragraph (1) to reflect the recommendations of the Carbon Advisory Council.".

TITLE II—FOREST CARBON MANAGEMENT

SEC. 201. FOREST CARBON STORAGE AND SEQUESTRATION.

The Global Climate Change Prevention Act of 1990 is amended by inserting after section 2403 (7 U.S.C. 6702) the following:

"SEC. 2404. FOREST CARBON MANAGEMENT.

"(a) DEFINITIONS.—In this section:

"(1) CARBON ADVISORY COUNCIL.—The term 'Carbon Advisory Council' means the Carbon Advisory Council established by section 1610(b) of the Energy Policy Act of 1992.

"(2) CARBON STORAGE.—The term 'carbon storage' means the quantity of carbon sequestered from the atmosphere and stored in forest carbon reservoirs.

"(3) FOREST CARBON PROGRAM.—The term 'forest carbon program' means the program established under subsection (b) to provide financial assistance for forest carbon activities through—

"(A) cooperative agreements; and

"(B) State revolving loan funds.

"(4) FOREST CARBON RESERVOIR.—The term 'forest carbon reservoir' means—

"(A) trees, roots, soils, or other biomass associated with forest ecosystems; and

"(B) products from the biomass that store carbon.

"(5) FOREST LAND—

"(A) IN GENERAL.—The term 'forest land' means land that is, or has been, at least 10 percent stocked by forest trees of any size.

"(B) INCLUSIONS.—The term 'forest land' includes—

"(i) land on which forest cover may be naturally or artificially regenerated; and

"(ii) a transition zone between a forested area and nonforested area that is capable of sustaining forest cover.

"(6) FOREST MANAGEMENT ACTION.—

"(A) IN GENERAL.—The term 'forest management action' means an action that—

"(i) applies forestry principles to the regeneration, management, use, and conservation of forests to meet specific goals and objectives; and

"(ii) maintains the productivity of the forests.

"(B) INCLUSIONS.—The term 'forest management action' includes management of forests for the benefit of—

"(i) aesthetics;

"(ii) fish;

"(iii) recreation;

"(iv) urban values;

"(v) water;

"(vi) wilderness;

"(vii) wildlife;

"(viii) wood products; and

"(ix) other forest values.

"(7) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(8) INVASIVE SPECIES.—The term 'invasive species' means a species that is not native to an ecosystem, the introduction of which may cause harm to the economy, the environment, or human health.

"(9) NONINDUSTRIAL PRIVATE FOREST.—The term 'nonindustrial private forest' means forest land that is privately owned by a person that—

"(A) does not control a forest products manufacturing facility; and

"(B) manages the land solely for the purposes of timber production.

"(10) REFORESTATION.—

"(A) IN GENERAL.—The term 'reforestation' means the reestablishment of forest cover naturally or artificially.

"(B) INCLUSIONS.—The term 'reforestation' includes—

"(i) planned replanting;

"(ii) reseeding; and

"(iii) natural regeneration.

"(11) REVOLVING LOAN PROGRAM.—The term 'revolving loan program' means a State revolving loan program established under subsection (b)(2)(A).

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) FOREST CARBON PROGRAM.—

"(1) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with willing landowners who are State or local governments, Indian tribes, private, nonprofit entities, [and other persons] to carry out forest carbon activities on private land, State land, Indian tribe land, [or private land.]

"(2) REVOLVING LOAN PROGRAM.—

"(A) IN GENERAL.—In collaboration with State Foresters and representatives of nongovernmental organizations, the Secretary shall provide assistance to States to establish a revolving loan program to carry out forest carbon activities on nonindustrial private forest land.

"(B) ELIGIBILITY.—An owner of nonindustrial private forest land shall be eligible for assistance from a revolving loan fund for forest carbon activities on not more than a total of 5,000 acres of nonindustrial private forest land of the owner.

"(C) LOAN TERMS.—

"(i) IN GENERAL.—To be eligible for a loan under this section, an owner of nonindustrial private forest land shall enter into a loan agreement with the State.

"(ii) INTEREST RATE.—The loan agreement shall have loan interest rates that are established by the State—

"(I) to encourages participation of nonindustrial private forest landowners in the revolving loan program;

"(II) to provide a net rate of return of not more than 3 percent; and

"(III) to further the objectives of this section.

"(iii) REPAYMENT.—The loan agreement shall require that loan obligations be repaid to the State—

"(I)(aa) at the time of harvest of land covered by the revolving loan program; or

"(bb) in accordance with a repayment schedule determined by the State; and

"(II) at a rate proportional to the percentage decrease of carbon stock.

"(iv) INSURANCE.—The loan agreement shall include provisions that provide for private insurance, or that release the owner from the financial obligation for any portion of the timber, forest products, or other biomass that—

"(I) is lost to insects, disease, fire, storm, flood, or other circumstance beyond the control of the owner; or

"(II) cannot be harvested because of restrictions on tree harvesting imposed by the applicable Federal, State, or local government after the date of the loan agreement.

"(v) LIEN.—The loan agreement shall—

"(I) impose a lien on all timber, forest products, and biomass produced on land covered by the loan agreement; and

"(II) provide an assurance that the terms of the lien shall transfer with the land on sale, lease, or transfer of the land.

"(vi) BUYOUT OPTION.—The loan agreement shall include a buyout option that specifies the financial terms under which the owner may terminate the agreement—

"(I) before harvesting timber from the stand established with loan funds; and

"(II) by repaying the loan with interest.

"(vii) ATTRIBUTION.—The loan agreement shall provide that, until the loan is paid in full by the participating owner or otherwise terminated in accordance with this section, all reductions in atmospheric greenhouse gases achieved as the result of the loan shall be attributed to any non-Federal entities that provide funding for the loan (including the State or any other person or nongovernmental organization that provides funding to the State for the issuance of the loan).

"(viii) MONITORING AND VERIFICATION.—The loan agreement shall include provisions for the monitoring and verification of carbon storage.

"(D) PERMANENT CONSERVATION EASEMENT.—

"(i) IN GENERAL.—A borrower may donate to the State or to another appropriate entity a permanent conservation easement that—

"(I) furthers the objectives of this section, including managing the land in a manner that maximizes the forest carbon reservoir of the land; and

"(II) permanently protects the covered private forest land and resources at a level above that required under applicable Federal, State, and local law.

"(ii) TERMS.—A permanent conservation easement under clause (i) may permit the continuation of forest management actions that—

"(I) increase carbon storage on the land and forest; or

"(II) furthers the objectives of this section.

"(iii) EFFECT ON LOAN AGREEMENT.—

"(I) REQUIRED CANCELLATION.—If the borrower donates to the State a permanent conservation easement under clause (i), the State shall cancel—

"(aa) the loan agreement under subparagraph (C); and

"(bb) any liens on the timber, forest products, and biomass under subparagraph (C)(v).

"(II) PERMISSIBLE CANCELLATION.—If the borrower donates to another appropriate entity a permanent conservation easement under clause (i), the State may cancel—

"(aa) the loan agreement under subparagraph (C); and

"(bb) any liens on the timber, forest products, and biomass under subparagraph (C)(v).

"(E) REINVESTMENT OF FUNDS.—Any funds collected under a loan issued under this section (including loan repayments, loan buyouts, and any interest payments) shall be—

"(i) reinvested by the State in the revolving loan program; and

"(ii) used by the State to make additional loans under the revolving loan program.

‘‘(F) Records.—The State Forester of a State shall—

‘‘(i) maintain all records related to any loan agreement funded by a revolving loan fund of the State; and

‘‘(ii) make the records available to the public.

‘‘(G) Matching funds.—

‘‘(i) In general.—Beginning the second year in which a State participates in the revolving loan program, and each year thereafter, to be eligible to receive Federal funds under this subsection a State shall provide matching non-Federal funds equal to at least 25 percent of the Federal funds made available to the State for the revolving loan program.

‘‘(ii) Administration.—The State shall—

‘‘(I) provide matching funds in the form of cash, in-kind administrative services, or technical assistance; and

‘‘(II) establish procedures to ensure accountability for the use of Federal funds.

‘‘(H) Loan funding distribution.—

‘‘(i) Formula.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with State Foresters, shall—

‘‘(I) establish a formula under which Federal funds shall be distributed under this section among eligible States; and

‘‘(II) submit to Congress a report on the formula (including the methodology used to establish the formula).

‘‘(ii) Basis.—The formula shall—

‘‘(I) be based on maximizing the potential for meeting the objectives of this section;

‘‘(II) consider—

‘‘(aa) the acreage of un-stocked or under-producing private forest land in each State;

‘‘(bb) the potential productivity of the land;

‘‘(cc) the potential long-term carbon storage of the land;

‘‘(dd) the potential to achieve other environmental benefits;

‘‘(ee) the number of owners eligible for loans under this section in each State; and

‘‘(ff) the need for reforestation, timber stand improvement, or other forestry investments consistent with the objectives of this section; and

‘‘(III) provide a priority to States that have experienced or are expected to experience significant declines in employment levels in the forestry industry because of declining timber harvests on Federal land.

‘‘(I) Private funding.—A revolving loan fund may accept and distribute as loans any funds provided by nongovernmental organizations or persons to carry out this section.

‘‘(J) Bonneville power administration.—

‘‘(i) In general.—The States of Washington, Oregon, Idaho, and Montana may apply for funding from the Bonneville Power Administration for purposes of funding loans that meet—

‘‘(I) the objectives of this section; and

‘‘(II) the fish and wildlife objectives of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.).

‘‘(ii) Application of requirements under other law.—An application under clause (i) shall be subject to all rules and procedures established by the—

‘‘(I) Pacific Northwest Electric Power and Conservation Planning Council; and

‘‘(II) the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.).

‘‘(3) Eligible forestry carbon activities.—

‘‘(A) In general.—An owner may use a loan or other funds provided under this section to carry out eligible forestry carbon activities (as determined by the Secretary) that—

‘‘(i)(I) help restore under-producing or understocked forest land;

‘‘(II) provide for protection of forests from nonforest use; or

‘‘(III) allow a variety of sustainable management alternatives; and

‘‘(ii) have no net negative impact on watersheds and fish and wildlife habitats.

‘‘(B) Assistance.—The Secretary, in collaboration with State Foresters, shall provide guidance on eligible forestry carbon activities under this subsection.

‘‘(C) Application of other laws.—Funding shall not be provided under this section for activities required under other applicable Federal, State, or local laws.

‘‘(D) Pre-agreement activities.—Funding shall not be provided for costs incurred before entering into a cooperative agreement or loan agreement under this section.

‘‘(E) Limitation on land considered for funding.—No owner shall enter into a loan agreement under this section to fund reforestation of land harvested after the date of enactment of this section if the owner received revenues from the harvest that are sufficient to reforest the land.

‘‘(F) Eligible tree species.—

‘‘(i) Invasive species.—Selection of tree species for loan projects under this paragraph shall be consistent with Executive Order No. 13112 (42 U.S.C. 4321 note).

‘‘(ii) Program funding.—Funding for reforestation activities under this section may be provided for—

‘‘(I) tree species native to a region;

‘‘(II) tree species that formerly occupied the site; or

‘‘(III) nonnative tree species or hybrids that are noninvasive.

‘‘(G) Forest-management plan.—Priority shall be provided under this section to projects on land under a forestry management plan or forest stewardship plan that is consistent with the objectives of the carbon storage program.

‘‘(H) Use of funds.—

‘‘(i) Permitted uses.—Funds under this section may be used to—

‘‘(I) pay the cost of purchasing and planting tree seedlings; and

‘‘(II) pay other costs associated with the planted trees, including the cost of—

‘‘(aa) planning;

‘‘(bb) site preparation;

‘‘(cc) forest management;

‘‘(dd) monitoring;

‘‘(ee) measurement and verification; and

‘‘(ff) consultant and contractor fees.

‘‘(ii) Prohibited uses.—Funds under this section shall not be used to—

‘‘(I) pay for the labor of the owner; or

‘‘(II) purchase capital items or expendable items, such as vehicles, tools, and other equipment.

‘‘(I) Amount of financial assistance.—The amount of financial assistance provided to an owner under this section shall not exceed—

‘‘(i) 100 percent of total project costs of the owner, including funds received from any other source; or

‘‘(ii) $100,000 during any 2-year period.

‘‘(J) Federal funding.—During fiscal years 2001 through 2010, civil penalties collected under section 113 of the Clean Air Act (42 U.S.C. 7413) and under section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) shall be available, without further act of appropriation, to fund cooperative agreements and revolving loan funds authorized under this section.

‘‘(4) Allocation of funds.—The Secretary shall allocate—

‘‘(A) not less than 15 percent of available funds for cooperative agreements described in paragraph (1); and

‘‘(B) after determining that States have implemented a system to administer loans made under paragraph (2) in accordance with this section, 85 percent of available funds for State revolving loan programs.

TITLE III—CARBON SEQUESTRATION PROGRAM

SEC. 301. ESTABLISHMENT.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by inserting after chapter 1 the following:

“CHAPTER 2—CARBON SEQUESTRATION PROGRAM

“SEC. 1238. CARBON SEQUESTRATION PROGRAM.

‘‘(a) In General.—Effective beginning with the 2002 calendar year, the Secretary, acting through the Chief of the Natural Resources Conservation Service, shall establish a carbon sequestration program to permit owners and operators of land located in the United States to enroll the land in the program to increase the sequestration of carbon.

‘‘(b) Eligible Land.—

‘‘(1) In general.—Except as provided in paragraph (2), the Secretary may include in the program established under this chapter any land, as determined by the Secretary.

‘‘(2) Conservation reserve land and wetlands reserve land.—The Secretary may include in the carbon sequestration program land that is enrolled in the conservation reserve program or the wetlands reserve program established under subchapters B and C, respectively, of chapter 1, if the owner or operator of the land has not received any payments under the program for the implementation of carbon sequestration measures on the land.

‘‘(c) Maximum Enrollment.—The Secretary may maintain up to 20,000,000 acres of land in the United States in the carbon sequestration program at any 1 time during a calendar year.

‘‘(d) Duration of Contract.—

‘‘(1) In general.—For the purpose of carrying out this chapter, the Secretary shall enter into contracts of not less than 10 years.

‘‘(2) Certain land.—In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this chapter, the owner or operator of the land may, within the limitations prescribed under this section, specify the duration of the contract.

“SEC. 1238A. CARBON SEQUESTRATION PRACTICES.

‘‘(a) Criteria for Evaluating Carbon Sequestration Practices.—

‘‘(1) In general.—The Carbon Advisory Council established under section 1610(b) of the Energy Policy Act of 1992 shall develop, and propose to the Secretary, criteria for determining the acceptability of, and evaluating, practices by owners and operators that will increase the sequestration of carbon for the purposes of determining the acceptability of contract offers made by the owners and operators.

‘‘(2) Content.—The criteria shall address—

‘‘(A) forest preservation and restoration and afforestation;

‘‘(B) biodiversity enhancement;

‘‘(C) the use of acreage to produce high-storage crops;

‘‘(D) soil erosion management;

“(E) soil fertility restoration;

“(F) wetland restoration;

“(G) no-till farming practices;

“(H) conservation buffers;

“(I) improved cropping systems with winter cover crops; and

“(J) any other conservation practices that the Secretary determines to be appropriate for increasing carbon sequestration.

“(3) Regulations.—The Secretary, acting through the Chief of the Natural Resources Conservation Service and the Chief of the Forest Service, by regulation, shall establish criteria described in paragraphs (1) and (2).

“(b) Acceptability of Carbon Sequestration Practices.—

“(1) In general.—As part of a contract offer accepted under this chapter, the owner or operator shall agree to carry out on land enrolled in the program established under this chapter carbon sequestration practices proposed by the owner or operator that (as determined by the Secretary)—

“(A) provide for additional sequestration beyond that which would be provided in the absence of enrollment of the land in the program; and

“(B) contribute to a positive reduction of greenhouse gases in the atmosphere through sequestration over at least a 10-year period.

“(2) Maximum sequestration benefits.—In determining the acceptability of contract offers, the Secretary shall take into consideration the extent to which enrollment of the land that is the subject of the contract offer would provide the maximum sequestration benefits under the criteria developed under subsection (a).

“(c) Compliance With Carbon Sequestration Contracts.—

“(1) In general.—As part of a contract offer accepted under this chapter, an owner or operator of land shall permit the Secretary to verify that the owner or operator is implementing practices that sequester carbon in accordance with the contract, including an actual verification of the practices at least once every 5 years and such random inspections as are necessary.

“(2) Fraud or false statements.—Section 1001 of title 18, United States Code, shall apply to a statement, representation, writing, or document provided by an owner or operator under this subsection.

“(3) Confidentiality.—Information provided by an owner or operator under this subsection shall be considered to be confidential information for the purposes of section 552(b)(4) of title 5, United States Code.

“(d) Monitoring.—The Secretary, in consultation with the Administrator of the Energy Information Administration, shall develop forms to monitor sequestration improvements made as a result of the program established under this chapter and distribute the forms to owners and operators of land enrolled in the program.

“(e) Educational Outreach.—In consultation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, the Secretary, acting through the Extension Service, shall conduct an educational outreach program to collect and disseminate to owners and operators of land research-based information on agricultural practices that will increase the sequestration of carbon, while preserving the social and economic well-being of the owners and operators.

“SEC. 1238B. DUTIES OF OWNERS AND OPERATORS.

“(a) In General.—Under the terms of a contract entered into under this chapter, during the term of the contract, an owner or operator of a farm or ranch shall agree—

“(1) to implement a plan approved by the Secretary for carrying out on land subject to the contract practices that will increase the sequestration of carbon, substantially in accordance with a schedule, covering a period of not less than 10 years, that is outlined in the plan;

“(2) to place land subject to the contract in the carbon sequestration program established under this chapter;

“(3) in addition to the remedies provided under section 1238F(d), on the violation of a term or condition of the contract at any time at which the owner or operator has control of the land—

“(A) to forfeit all rights to receive rental payments and cost-sharing payments under the contract and to refund to the Secretary any rental payments and cost-sharing payments received by the owner or operator under the contract, and interest on the payments as determined by the Secretary, if the Secretary determines that the violation is of such nature as to warrant termination of the contract; or

“(B) to refund to the Secretary, or accept adjustments to, the rental payments and cost-sharing payments provided to the owner or operator, as the Secretary considers appropriate, if the Secretary determines that the violation does not warrant termination of the contract;

“(4) on the transfer of the right and interest of the owner or operator in land subject to the contract—

“(A)(i) to forfeit all rights to rental payments and cost-sharing payments under the contract; and

“(ii) to refund to the United States all rental payments and cost-sharing payments received by the owner or operator, or accept such payment adjustments or make such refunds as the Secretary considers appropriate and consistent with the objectives of this chapter; unless

“(B)(i) the transferee of the land agrees with the Secretary to assume all obligations of the contract;

“(ii) the land is purchased by or for the United States Fish and Wildlife Service; or

“(iii) the transferee and the Secretary agree to modifications to the contract that are consistent with the objectives of the program, as determined by the Secretary;

“(5) not to adopt any practice specified by the Secretary in the contract as a practice that would tend to defeat the purposes of this chapter; and

“(6) to comply with such additional provisions as the Secretary determines are desirable and are included in the contract to carry out this chapter or to facilitate the practical administration of this chapter.

“(b) Plan.—The plan referred to in subsection (a)(1)—

“(1) shall specify the carbon sequestration practices to be carried out by the owner or operator during the term of the contract; and

“(2) may provide for the permanent retirement of any existing cropland base and allotment history for the land.

“(c) Foreclosure.—

“(1) In general.—Notwithstanding any other provision of law, an owner or operator that is a party to a contract entered into under this chapter may not be required to make repayments to the Secretary of amounts received under the contract if—

“(A) the land that is subject to the contract has been foreclosed on; and

“(B) the Secretary determines that forgiving the repayments is appropriate in order to provide fair and equitable treatment.

“(2) Resumption of control.—

“(A) In general.—This subsection shall not void the responsibilities of such an owner or operator under the contract if the owner or operator resumes control over the land that is subject to the contract within the period specified in the contract.

“(B) Contract applicability.—On the resumption of the control over the land by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.

“SEC. 1238C. DUTIES OF THE SECRETARY.

“In return for a contract entered into by an owner or operator under section 1238B, the Secretary shall—

“(1) share the cost of carrying out on the land carbon sequestration practices specified in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest;

“(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for—

“(A) the use of carbon sequestration practices on the land; and

“(B) the retirement of any cropland base and allotment history that the owner or operator agrees to retire permanently; and

“(3) provide conservation technical assistance to assist the owner or operator in carrying out the contract.

“SEC. 1238D. PAYMENTS.

“(a) Time of Payment.—The Secretary shall provide payment for obligations incurred by the Secretary under a contract entered into under this chapter—

“(1) with respect to any cost-sharing payment obligation incurred by the Secretary, as soon as practicable after the obligation is incurred; and

“(2) with respect to any annual rental payment obligation incurred by the Secretary—

“(A) as soon as practicable after October 1 of each calendar year; or

“(B) at the option of the Secretary, at any time before that date during the year in which the obligation is incurred.

“(b) Cost-Sharing Payments.—

“(1) In general.—In making cost-sharing payments to an owner or operator under a contract entered into under this chapter, the Secretary shall pay not more than 50 percent of the cost of carrying out carbon sequestration practices required under the contract for which the Secretary determines that cost-sharing is appropriate and in the public interest.

“(2) Maximum amount.—The Secretary shall not make any payment under this chapter to the extent that the total amount of cost-sharing payments provided to an owner or operator for carbon sequestration practices from all sources would exceed 100 percent of the total cost of carrying out the practices.

“(3) Other federal assistance.—An owner or operator shall not be eligible to receive or retain cost-share assistance for land under this subsection if the owner or operator receives any other Federal cost-share assistance under this subsection with respect to the land under any other provision of law.

“(c) Rental Payments.—

“(1) In general.—In determining the amount of annual rental payments to be paid to owners and operators for carrying out carbon sequestration practices, the Secretary may consider, among other factors, the amount necessary to encourage owners or operators of land to participate in the program established by this chapter.

“(2) Bids or other means.—The amounts payable to owners or operators in the form of rental payments under contracts entered into under this chapter may be determined through—

"(A) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or

"(B) such other means as the Secretary determines are appropriate.

"(3) Factors.—In determining the acceptability of contract offers, the Secretary—

"(A) shall take into consideration the extent to which enrollment of the land that is the subject of the contract offer would increase the sequestration of carbon in accordance with section 1238A;

"(B) may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or wildlife habitat, or provide other environmental benefits; and

"(C) may establish different criteria in various States and regions of the United States based on the extent to which the sequestration of carbon, water quality, or wildlife habitat may be improved or erosion may be abated.

"(d) Form of Payment.—

"(1) In general.—Except as otherwise provided in this section, payments under this chapter—

"(A) shall be made in cash or in the form of in-kind commodities in such amount and on such time schedule as is agreed on by the owner or operator and specified in the contract; and

"(B) may be made in advance of determination of performance.

"(2) In-kind commodities.—If the payment is made with in-kind commodities, the payment shall be made by the Commodity Credit Corporation—

"(A) by delivery of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the land subject to the contract is located or at such other location as is agreed to by the Secretary and the owner or operator;

"(B) by the transfer of negotiable warehouse receipts; or

"(C) by such other method, including the sale of the commodity in commercial markets, as is determined by the Secretary to be appropriate to enable the owner or operator to receive efficient and expeditious possession of the commodity.

"(3) Substitution in cash.—If stocks of a commodity acquired by the Commodity Credit Corporation are not readily available to make full payment in kind to the owner or operator, the Secretary may substitute full or partial payment in cash for payment in kind.

"(4) State carbon sequestration program.—Payments to an owner or operator under a special carbon sequestration program described in subsection (f)(4) shall be in the form of cash only.

"(e) Payment to Others.—If an owner or operator that is entitled to a payment under a contract entered into under this chapter dies, becomes incompetent, is otherwise unable to receive a payment under this chapter, or is succeeded by another person that renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

"(f) Payment Limitations.—

"(1) Total amount.—The total amount of rental payments, including rental payments made in the form of in-kind commodities, made to a person under this chapter for any fiscal year may not exceed $50,000.

"(2) Amount per acre.—The amount of rental payments made to a person under this chapter for any fiscal year may not exceed $20 per acre.

"(3) Regulations.—

"(A) In general.—The Secretary shall issue regulations—

"(i) defining the term 'person' as used in this subsection; and

"(ii) prescribing such rules as the Secretary determines are necessary to ensure a fair and reasonable application of the limitation contained in this subsection.

"(B) Corporations.—The regulations issued by the Secretary on December 18, 1970, under section 101 of the Agricultural Act of 1970 (7 U.S.C. 1307) shall be used to determine whether corporations and their stockholders may be considered to be separate persons under this subsection.

"(4) Other payments.—Rental payments received by an owner or operator shall be in addition to, and shall not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under—

"(A) the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127), including the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.);

"(B) the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624); or

"(C) the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(5) State carbon sequestration program.—

"(A) In general.—This subsection and section 1305(f) of the Agricultural Reconciliation Act of 1987 (7 U.S.C. 1308 note; Public Law 100–203) shall not be applicable to payments received by a State, political subdivision, or agency of a State or political subdivision in connection with agreements entered into under a special carbon sequestration program carried out by that entity that has been approved by the Secretary.

"(B) Payments to states and political subdivisions.—The Secretary may enter into such agreements for payments to States, political subdivisions, or agencies of States or political subdivisions as the Secretary determines will advance the purposes of this chapter.

"(g) Exemption From Automatic Sequester.—Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall affect any payment under this chapter.

"(h) Other Assistance.—In addition to any payment under this chapter, an owner or operator may receive cost-share assistance, rental payments, or tax benefits from a State or political subdivision of a State for enrolling land in the carbon sequestration program.

"(i) Treatment of Payments.—Payments received by an owner or operator under this chapter shall be considered rentals from real estate for the purposes of section 1402(a)(1) of the Internal Revenue Code of 1986.

"SEC. 1238E. CHANGES IN OWNERSHIP; MODIFICATION OR TERMINATION OF CONTRACTS.

"(a) Changes in Ownership.—

"(1) In general.—Subject to paragraphs (2) and (3), no contract shall be entered into under this chapter concerning land with respect to which the ownership has changed in the 1-year period preceding the first year of the contract period unless—

"(A) the new ownership was acquired by will or succession as a result of the death of the previous owner;

"(B) the new ownership was acquired before April 1, 2001;

"(C) the Secretary determines that the land was acquired under circumstances that give adequate assurances that the land was not acquired for the purpose of enrolling the land in the carbon sequestration program; or

"(D) the ownership change occurred because of foreclosure on the land and the owner of the land immediately before the foreclosure exercises a right of redemption from the mortgage holder in accordance with State law.

"(2) Limitations.—Paragraph (1) shall not—

"(A) prohibit the continuation of an agreement by a new owner after an agreement has been entered into under this chapter; or

"(B) require a person to own the land as a condition of eligibility for entering into the contract if the person—

"(i) has operated the land to be covered by a contract under this section for at least 1 year preceding the later of—

"(I) the date of the contract; or

"(II) April 1, 2001; and

"(ii) controls the land for the contract period.

"(3) Options for new owner or operator.—If, during the term of a contract entered into under this chapter, an owner or operator of land subject to the contract sells or otherwise transfers the ownership or right of occupancy of the land, the new owner or operator of the land may—

"(A) continue the contract under the same terms or conditions;

"(B) enter into a new contract in accordance with this chapter; or

"(C) elect not to participate in the program established by this chapter.

"(b) Modification of Contracts.—The Secretary may modify a contract entered into with an owner or operator under this chapter if—

"(1) the owner or operator agrees to the modification; and

"(2) the Secretary determines that the modification is desirable—

"(A) to carry out this chapter;

"(B) to facilitate the practical administration of this chapter; or

"(C) to achieve such other goals as the Secretary determines are appropriate, consistent with this chapter.

"(c) Termination of Contracts.—

"(1) In general.—The Secretary may terminate a contract entered into with an owner or operator under this chapter if—

"(A) the owner or operator agrees to the termination; and

"(B) the Secretary determines that the termination would be in the public interest.

"(2) Congressional notice.—Not later than 90 days before taking any action to terminate under paragraph (1) a contract entered into under this chapter, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate written notice of the action.

"SEC. 1238F. BASE HISTORY.

"(a) In General.—A reduction, based on a ratio between the total cropland acreage on the farm and the acreage placed in the carbon sequestration program authorized by this chapter, as determined by the Secretary, shall be made during the period of the contract, in the aggregate, in crop bases, quotas, and allotments on the farm with respect to crops for which there is a production adjustment program.

"(b) PRESERVATION OF BASE AND ALLOTMENT HISTORY.—Notwithstanding sections 1211 and 1221, the Secretary, by regulation, may provide for preservation of cropland base and allotment history applicable to acreage on which carbon sequestration practices are carried out under this section, for the purpose of any Federal program under which the history is used as a basis for participation in the program or for an allotment or other limitation in the program, unless the owner and operator agree under the contract to retire permanently that cropland base and allotment history.

"(c) EXTENSION OF BASE AND ALLOTMENT HISTORY.—

"(1) IN GENERAL.—The Secretary shall offer the owner or operator of a farm or ranch an opportunity to extend the preservation of cropland base and allotment history under subsection (b) for such time as the Secretary determines is appropriate after the expiration date of a contract under this chapter at the request of the owner or operator.

"(2) CONDITIONS.—In return for the extension, the owner or operator shall agree to continue to abide by the terms and conditions of the original contract, except that the owner or operator shall receive no additional cost share, annual rental, or bonus payment.

"(d) VIOLATION OF CONTRACTS.—In addition to any other remedy prescribed by law, the Secretary may reduce or terminate the quantity of cropland base and allotment history preserved under this section for acreage with respect to which there has occurred a violation of a term or condition of a contract entered into under this chapter.

"SEC. 1238G. CARBON MONITORING PILOT PROGRAMS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Consortium for Agricultural Soils Mitigation of Greenhouse Gases, shall carry out 4 or more pilot programs to develop, demonstrate, and verify the best management practices for carbon monitoring on agricultural land.

"(2) CRITERIA.—The Secretary shall select pilot programs based on—

"(A) the merit of the proposed program; and

"(B) the diversity of soil sequestration types available at the site of the proposed program.

"(b) REQUIREMENTS.—Pilot programs carried out under this section shall—

"(1) involve agricultural producers in the development and verification of best management practices for carbon monitoring on agricultural land;

"(2) involve research and testing of the best management practices in various soil types and climactic zones;

"(3) analyze the effects of the adoption of the best management practices on watershed levels; and

"(4) use the results of the research conducted under the program to—

"(A) encourage agricultural producers to adopt the best management practices;

"(B) analyze the economic impact of the best management practices; and

"(C) develop the best management practices on a regional basis for watersheds and States not participating in the pilot programs.

"SEC. 1238H. FUNDING.

"The Secretary shall use to carry out this chapter (including to pay administrative costs incurred by the Natural Resources Conservation Service in carrying out this chapter)—

"(1) funds of the Commodity Credit Corporation made available under section 1241(a)(3); and

"(2) at the option of, and transfer by, another Federal agency, funds of the agency that are available to the agency for climate change initiatives or greenhouse gas emission reductions.".

SEC. 302. FUNDING.

Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by striking "chapter 4" and inserting "chapters 2 and 4".

SEC. 303. REGULATIONS.

(a) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out this title and the amendments made by this title.

(b) FINAL REGULATIONS.—Not later than 60 days after the date of publication of the proposed regulations, the Secretary shall promulgate final regulations for carrying out this title and the amendments made by this title.

SEC. 304. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title take effect on January 1, 2002.

(b) REGULATIONS.—Section 203 takes effect on the date of enactment of this title.

TITLE IV—REPORTS

SEC. 401. INITIAL REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Agriculture and other appropriate Federal agencies, shall submit to Congress a report on—

(1) the quantity of carbon contained in the forest carbon reservoir of the National Forest System and the methodology and assumptions used to determine that quantity;

(2) the potential to increase the quantity of carbon in the National Forest System and provide positive impacts on watersheds and fish and wildlife habitats through forest management actions;

(3) the role of forests in the carbon cycle; and

(4) the contributions of United States forestry to the global carbon budget.

(b) CONTENTS.—The report shall include an assessment of the impact of forest management actions on timber harvests, wildlife habitat, recreation, forest health, and other statutory objectives of National Forest System management.

SEC. 402. ANNUAL REPORT.

(a) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of Energy shall jointly submit an annual report on the results of the carbon storage program under section 2404(b) of the Global Climate Change Prevention Act of 1990 and carbon sequestration program under section 1238 of the Food Security Act of 1985 to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition and Forestry of the Senate;

(3) the Committee on Resources of the House of Representatives; and

(4) the Committee on Energy and Natural Resources of the Senate.

(b) GUIDELINES.—The Secretary of Agriculture, in consultation with the Carbon Advisory Council established under section 1610(b) of the Energy Policy Act of 1992, shall develop guidelines for the annual report that—

(1) require a statement of the quantity of carbon storage realized;

(2) include the data used to monitor and verify the carbon storage;

(3) are consistent with reporting requirements of the Energy Information Administration; and

(4) prevent soil carbon and forest carbon management actions from being counted twice.

(c) CONTENTS.—The report shall include—

(1) the information required by the guidelines developed under section 1610(h) of the Energy Policy Act of 1992;

(2) an assessment of the effectiveness of carbon monitoring and verification;

(3) a report on carbon activities associated with cooperative agreements for the forest carbon program under section 2404(b)(1) of the Global Climate Change Prevention Act of 1990;

(4) a State forest carbon program compliance report established by—

(A) reviewing reports submitted by States under section 403;

(B) verifying compliance with the guidelines developed under subsection 1610(h) of the Energy Policy Act of 1992;

(C) notifying the State of compliance status;

(D) notifying the State of any corrections that are needed to attain compliance; and

(E) establishing an opportunity for resubmission by the State; and

(5) an assessment of the effectiveness of the carbon sequestration program established under section 1238 of the Food Security Act of 1985, including a report on—

(A) sequestration improvements made as a result of the carbon sequestration program;

(B) sequestration practices on land enrolled in the carbon sequestration program; and

(C) compliance with contracts entered into under the carbon sequestration program.

SEC. 403. STATE REPORT.

Entities participating in cooperative agreements for forest carbon programs under section 2404(b)(1) of the Global Climate Change Prevention Act of 1990, and States receiving assistance to establish a revolving loan fund under section 2404(b)(2) of that Act, shall—

(1) monitor and verify carbon storage achieved under the forest carbon program in accordance with guidelines developed under section 1610(h)(2) of the Energy Policy Act of 1992; and

(2) submit an annual report on the results of the carbon storage program to—

(A) the Secretary of Agriculture; and

(B) any nongovernmental organization or person that provides funding for the carbon storage program.

THE CARBON SEQUESTRATION AND REPORTING ACT—BILL SUMMARY

SUMMARY

The purposes of the bill are to develop monitoring and verification systems for carbon reporting in forestry and agricultural soils, to increase carbon sequestration in forests and agricultural soils by encouraging private sector investment in forestry and conservation in agriculture, and to promote both the forestry and agriculture economies in the United States. This bill is a combination of two previously introduced bills, S. 820 and S. 785, introduced by Senators Wyden and Brownback respectively.

Title I: Carbon Advisory Council: Guidelines for Accurate Carbon Accounting for Forests. The bill directs the Secretary of Energy and the Secretary of Agriculture, through the Forest Service, to establish scientifically-based guidelines for accurate reporting, monitoring, and verification of carbon storage from forest management actions. The bill establishes a multi-stakeholder Carbon and Forestry Advisory Council to assist USDA in developing the guidelines.

Title II: Forest Carbon Management: State Revolving Loan Programs/Cooperative Agreements. The bill provides assistance to plant and manage underproducing or understocked forests to increase carbon sequestration by authorizing a state-run revolving loan program. Assistance is provided through Cooperative Agreements with State or local governments, American Indian Tribes, Alaska natives, native Hawaiians, and private-nonprofit entities; or through loans to nonindustrial private forest landowners. The Federal share of funding for Cooperative Agreements and the loan program will come from penalties that are being assessed against violators of the Clean Air Act and the Clean Water Act (civil penalties assessed in FY 1998 totaled $45 million).

Title III: Carbon Sequestration Program: Agriculture Conservation Program. The bill authorizes USDA contracts for a minimum of 10 years for farmers who wish to conserve land, improve water quality and sequester carbon by employing conservation practices, like no-till farming and the use of buffer strips to enhance carbon sequestration. The USDA would be required—in conjunction with other agencies—to finalize criteria for measuring the carbon-storing ability of various conservation practices. This bill allows farmers to submit plans on how they would store carbon on their land. Landowners already employing carbon-conservation practices would also be eligible. Participation in this program is completely voluntary, and is limited to 20 million total acres at a maximum $20 per acre.

Title IV Reports: Report on Options to Increase Carbon Storage on Federal Lands: The bill directs the Secretary of Agriculture, through the Forest Service, to report to Congress on forestry options to increase carbon storage in the National Forest System. *Forestry and Agriculture Reporting:* This bill will provide for a documented carbon database reported by participants to the Administrator of Energy Information Administration. The Administrator shall develop forms to keep track of both domestic and international sequestration gains. This data will provide a road map for dealing with climate change through independent carbon market offsets in the future.

By Mrs. FEINSTEIN (for herself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Ms. COLLINS, Mr. Craig, Mr. DASCHLE, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. ROBERTS, Mr. REID, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. NELSON of Nebraska, and Mr. CARPER):

S. 1256. A bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes; to the Committee on Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, on behalf of Senator HUTCHISON and myself and 71 other Senate cosponsors, I rise today to offer legislation to extend the life of the Breast Cancer Research Stamp for an additional six years.

I was surprised by the U.S. Postal Service's recent rule-making which could possibly terminate the Breast Cancer Research Stamp program by next July. The Postal Service effectively decided to permit only one stamp to be issued at a time to raise funds for a specific cause.

This rule would therefore force competition for survival among a number of other potential and worthy fund-raising stamps. This action would be a terrible mistake.

The Breast Cancer Research Stamp has demonstrated itself to be a highly effective and self-supporting fund-raiser.

To date, the stamp has raised $21.1 million for research in addition to the $60,000 the Postal Service has recovered for administrative costs.

Every year the stamp has existed, it has generated strong consumer sales. In two months of operation in fiscal year 1998, consumers bought 9.2 million stamps, generating $700,000 for research on net sales of $3.68 million.

In fiscal year 1999, consumers bought 101.2 million stamps, yielding 7.5 million for research on net sales of $40.48 million.

In fiscal year 2000, consumers purchased 119.9 million stamps, garnering $8 million for research on net sales of $47.96 million.

In fiscal year 2001, the program continues to be vital. With two months remaining, consumers have already bought 75.2 million stamps, raising $4.8 million for research on sales of $30.08 million.

In total, the American people have purchased 305 million Breast Cancer Research stamps. This means that, on average, more than one stamp has been purchased for every citizen in our Nation and 100 million stamps were sold per year since the stamp was first introduced in August 1998.

Clearly, the program continues to have a strong and committed customer base.

We should also recognize that the National Cancer Institute and the Department of Defense have put these research dollars to good use by funding novel and innovative research in the area of breast cancer.

According to Dr. Richard Klausner, National Cancer Institute director, these awards benefit "over a dozen critical areas of breast cancer research."

Millions of Americans have bought the stamps to honor loved ones with the disease, to highlight their own personal battle with breast cancer, or to promote general public awareness. Virtually everywhere I travel, people tell me they buy the stamps in the hopes of helping to find a cure.

Moreover, one cannot calculate in dollars or cents the value the stamp has played in increasing the visibility of the disease and the need for additional research funding.

The life of such an extraordinary program should not prematurely end because of an administrative decision.

There is still so much more to do because this disease has far reaching effects on our nation: breast cancer remains the leading cause of cancer among women. In 2001, approximately 192,200 women will get breast cancer. This year 40,200 women will die from breast cancer. Breast cancer represents 31 percent of all new cancers faced by women. Approximately 3 million women in the United States are living with breast cancer. Of these individuals, 2 million know they have the disease, and 1 million remain unaware of their condition.

We have learned over the past few years how effective the Breast Cancer Research Stamp is at promoting public awareness of the disease. Yet, we still must reach out to the one million American women who do not know of their cancer.

Some may argue that the Breast Cancer Stamp should end so that other semi-postal stamps can have their turn at raising funds for a cause.

But it is a faulty premise that only one semi-postal stamp can succeed at a time. I believe there is room for multiple fund-raising stamps at the same time.

Every year, the Postal Service issues dozens of commemorative steps. In 2001, for example, the Postal Service sold stamps commemorating topics as various as diabetes awareness, Black Heritage, and military veterans. Many of these stamps have sold extraordinarily well.

The viability of a postage stamp depends on its appeal to postal customers. Over a three year period, the

Breast Cancer Research has demonstrated a sustained and committed customer base.

I urge my colleagues to join me in passing this important legislation to grant the Breast Cancer Stamp another six years. Every dollar raised to fight the disease can help save lives.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF BREAST CANCER RESEARCH SPECIAL POSTAGE STAMP.

(a) SHORT TITLE.—This Act may be cited as the "Breast Cancer Research Stamp Act of 2001".

(b) REAUTHORIZATION AND INAPPLICABILITY OF LIMITATION.—

(1) IN GENERAL.—Section 414 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

"(h) This section shall cease to be effective after July 29, 2008.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—

(A) the date of enactment of this Act; or

(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (3) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.".

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 139—DESIGNATING SEPTEMBER 24, 2001, AS "FAMILY DAY—A DAY TO EAT DINNER WITH YOUR CHILDREN"

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 139

Whereas the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of the Nation's children;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have consistently found that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol, and cigarettes;

Whereas teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol, and cigarettes;

Whereas the correlation between family dinners and reduced risk for teenage substance abuse are well-documented;

Whereas parental influence is known to be 1 of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

Whereas family dinners have long constituted a pillar of family life in America: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 24, 2001, as "Family Day—A Day to Eat Dinner With Your Children";

(2) recognizes that eating dinner as a family is an important step toward raising drug-free children; and

(3) requests that the President issue a proclamation calling upon—

(A) the parents of the children of the United States to observe the day by eating dinner with their children; and

(B) the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. BIDEN. Mr. President I rise today with my colleague Senator GRASSLEY to submit a resolution to designate Monday, September 24, 2001 as "Family Day: A Day to Eat Dinner With Your Children." A similar resolution has been introduced in the House of Representatives by Representative RANGEL.

Last year, the Senate passed the first Family Day resolution. Since that time, a number of States have followed suit. The Governors of several States—including Alabama, Connecticut, Florida, Indiana, Maine, Nebraska, New Hampshire, New Jersey, Ohio, and South Carolina, have already issued Family Day proclamations and additional States are expected to do so in the near future. Family Day has been endorsed by the National Family Partnership, the U.S. Conference of Mayors, the National Association of Counties, the National Fatherhood Initiative, the National Restaurant Association, Join Together, the National Council on Family Relations, and the Community Anti-Drug Coalitions of America. The U.S. Chamber of Commerce is also urging its member chambers to adopt Family Day.

The idea for the resolution grew out of research done by The National Center on Addiction and Substance Abuse at Columbia University, CASA, a New York-based research organization led by former Secretary of Health Education and Welfare Joseph A Califano, Jr. Among CASA's many projects is an annual survey of the attitudes of teens and their parents on issues related to drugs, alcohol and cigarettes.

In its past three surveys, CASA has found that the more often a child eats dinner with his or her parents, the less likely that child is to use addictive substances. The results from the 1999 survey were the most striking, revealing that teens who almost always eat dinner with their families are 31 percent less likely than the average teen to smoke, drink or use illegal drugs and that teens who virtually never eat dinner with their families are 72 percent more likely to engage in these activities.

Of course, having dinner as a family is just a proxy for spending time with kids. It is not the meat, potatoes and vegetables that alter a child's likelihood to use drugs. It is the everyday time spent with mom and dad, the two most important role models in most kids lives.

I do not believe that this resolution will be the silver bullet to solving this Nation's drug problem. But I do feel these statistics are telling. CASA President Joe Califano talks about "Parent Power." It is important that parents know the power they have over their children's decisions and the power that they have to deter kids from drinking, smoking or using drugs. For example, nearly half of the teens who have never used marijuana say that it was lessons learned from their parents that helped them to say no.

Unfortunately, many parents are pessimistic about their ability to keep their kids drug-free; forty-five percent admit that they are resigned to the fact that their child will use an illegal drug in the future.

This pessimism is often reinforced by news reports that indicate that while most parents say that they have talked to their kids about the dangers of drugs, only a minority of teens recall the discussion. Rather than be discouraged by this apparent disconnect, I think it should teach us an important lesson: that talking to kids about drugs ought not just be a one-time conversation. Rather, it must be an ongoing discussion.

Keeping up on children's lives, including knowing who their friends are and what they are doing after school, is critical. The experts tell us that some of the telltale signs that a child is drinking or using illicit drugs include behavior changes, change in social circle, lack of interest in hobbies and isolation from family. These changes can be subtle; picking up on them requires a watchful eye.

Eating dinner as a family will not guarantee that a child will remain drug-free. But family dinners are an important way for parents to instill their values in their children as well as remain connected with the challenges that children face and help them learn how to cope with problems and pressures without resorting to smoking, drinking or using drugs.

I sincerely hope that all of my colleagues join me to support this resolution and send a message to parents that they can play a powerful role in shaping the decisions their kids make regarding drinking, smoking and drug use.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague Senator BIDEN in introducing a bi-partisan resolution designating September 24, 2001 as "Family Day: A Day to Eat Dinner With Your Children." This resolution recognizes the benefits of eating dinner as a family, especially as a way to keep children from using illegal drugs, tobacco, and alcohol.

Many of us here in this Chamber are parents, and some of us are even grand parents. We know the trials and difficulties of raising children. But we also know the rewards, as a father, one of my proudest moments is seeing the success of my children as they raise their own families. What I know, what many parents have come to realize, and what we are trying to emphasize through Family Day, is spending time with your children, having dinner with them regularly, is one of the best ways to develop and maintain a healthy family, and encourage our children to make healthy choices.

Senator BIDEN spoke about the most recent survey from the National Center on Addiction and Substance Abuse. And those are scary numbers, but also hopeful ones. Kids listen. Teens do recognize what their parents say. They see what their parents do. Communication is the key to all of this, and communication at the dinner table is a wonderful place for this to happen. All of this shows how essential it is for parents to get involved in their children's lives.

The family unit is the backbone of this country. Solutions to our drug problems involve all of us working together. Parents and communities must be engaged and I am committed to help making that happen. Parents need to provide a strong moral context to help our young people know how to make the right choices. They need to know how to say "no," that saying no is okay, that saying no to drugs is the right thing to do—not just the safe or healthier thing, but the right thing.

I am pleased to join with Senator BIDEN, the National Center on Addiction and Substance Abuse, the Community Anti-Drug Coalitions of America, and the National Restaurant Association in designating September 24, 2001, as "Family Day: a Day to Eat Dinner With Your Children." I urge our colleagues to join us.

SENATE CONCURRENT RESOLUTION 61—TO WAIVE THE PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970 WHICH REQUIRE THE ADJOURNMENT OF THE HOUSE AND SENATE BY JULY 31ST

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198(a)), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1158. Mr. DAYTON (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table.

SA 1159. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1160. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1161. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1162. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1163. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1164. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1165. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1166. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1167. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1168. Mr. GRAMM proposed an amendment to amendment SA 1030 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1025 proposed by Mrs. MURRAY to the bill (H.R. 2299) supra.

SA 1169. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1170. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1171. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1172. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1173. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1174. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1175. Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1071 submitted by Mr. FITZGERALD and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1176. Ms. SNOWE (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1130 submitted by Ms. COLLINS and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1177. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. BREAUX, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1132 submitted by Ms. COLLINS and intended to be proposed to the bill (H.R. 2299) supra; which was ordered to lie on the table.

SA 1178. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1179. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1180. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1181. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1182. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1183. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1184. Mr. SMITH, of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1185. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1186. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1187. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, supra; which was ordered to lie on the table.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill (S. 1246) to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1158. Mr. DAYTON (for himself and Mr. WELLSTONE) submitted an amendment intended to be proposed to amendment SA 1025 submitted by Mrs. MURRAY and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. 3 . PRIORITY HIGHWAY PROJECTS, MINNESOTA.

In selecting projects to carry out using funds apportioned under section 110 of title 23, United States Code, the State of Minnesota shall give priority consideration to the following projects:

(1) The Southeast Main and Rail Relocation Project in Moorhead, Minnesota.

(2) Improving access to and from I–35 W at Lake Street in Minneapolis, Minnesota.

SA 1159. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective one day after the date of enactment of this Act.".

SA 1160. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective one day after the date of enactment of this Act.".

SA 1161. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective one day after the date of enactment of this Act.".

SA 1162. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective two days after the date of enactment of this Act.".

SA 1163. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective three days after the date of enactment of this Act.".

SA 1164. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective four days after the date of enactment of this Act.".

SA 1165. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective five days after the date of enactment of this Act.".

SA 1166. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That notwithstanding any other provision of this Act, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this Act shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.".

SA 1167. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That effective one day after the date of enactment of this Act, notwithstanding any other provision of this Act, and consistent with United States obligations under the North American Free Trade Agreement, nothing in this Act shall be applied so as to discriminate against Mexico by imposing any requirements on a Mexican motor carrier that seeks to operate in the United States that do not exist with regard to United States and Canadian motor carriers, in recognition of the fact that the North American Free Trade Agreement is an agreement among three free and equal nations, each of which has recognized rights and obligations under that trade agreement.".

SA 1168. Mr. GRAMM proposed an amendment to amendment SA 1030 submitted by Mrs. MURRAY and intended to be proposed to the amendment SA 1025 proposed by Mrs. MURRAY to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following: "*Provided*, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement."

SA 1169. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That effective one day after the date of enactment of this Act, not withstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement."

SA 1170. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. . General Mitchell International Airport in Milwaukee, Wisconsin shall be considered as an alternative airport in any plan relating to alleviating congestion at O'Hare International Airport.

SA 1171. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND NAFTA COUNTRIES.

(a) STUDY BY SECRETARY OF TRANSPORTATION.—

(1) IN GENERAL.—The Secretary of Transportation shall conduct a study on the extent to which motor carriers from a NAFTA country currently operating in the United States, or applying for a long-haul permit to operate in the United States, meet or exceed the safety standards required for United States motor carriers.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall report to Congress on the results of the study conducted under paragraph (1).

(B) CONTENTS.—The report shall specify whether, according to the Department of Transportation standards relating to inspected motor carriers that are ordered off the road, the motor carriers from each of the NAFTA countries—

(i) meet or exceed the Department of Transportation standards compared to United States motor carriers; or

(ii) have a failure rate greater than United States motor carriers.

(3) ACTION BASED ON REPORT.—If the report described in paragraph (2) establishes that the motor carriers from a NAFTA country meet or exceed United States motor carrier standards, subsection (b) shall not apply with respect to the motor carriers of that country. If the report establishes that the motor carriers of a NAFTA country have a greater rate of failure than United States motor carriers, the provisions of subsection (b) shall apply with respect to the motor carriers of that country for fiscal year 2002.

(4) NAFTA COUNTRY.—For purposes of this section, the term "NAFTA country" has the meaning given that term in section 2(4) of the North American Free Trade Agreement Implementation Act.

(b) REVIEW AND PROCESSING CERTAIN APPLICATIONS.—In the case of a NAFTA country whose motor carriers have a greater rate of failure of the Department of Transportation inspections pursuant to the report described in subsection (a), no funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a motor carrier from that NAFTA country for authority to operate beyond United States municipalities and commercial zones on the United States border with that country until—

(1) the Federal Motor Carrier Safety Administration—

(A) performs a full safety compliance review of the carrier consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, and gives the carrier a satisfactory rating before granting conditional and, again, before granting permanent authority to any such carrier;

(B) requires that any such safety compliance review take place onsite at the motor carrier facilities of the NAFTA country;

(C) requires Federal and State inspectors to verify electronically the status and validity of the license of each driver of a commercial motor carrier from the NAFTA country crossing the border;

(D) gives a distinctive Department of Transportation number to each motor carrier from that NAFTA country operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires State inspectors whose operations are funded in part or in whole by Federal funds to check for violations of Federal motor carrier safety laws and regulations, including those pertaining to operating authority and insurance;

(F) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) equips all United States border crossings with that NAFTA country with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and requires that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no motor carrier from that NAFTA country will be granted authority to operate beyond United States municipalities and commercial zones on the United States border with that country unless that carrier provides proof of valid insurance with an insurance company licensed and based in the United States; and

(I) publishes in final form regulations—

(i) under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.) that establish minimum requirements for motor carriers from that NAFTA country, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards, that include the administration of a proficiency examination;

(ii) under section 31148 of title 49, United States Code, that implement measures to improve training and provide for the certification of motor carrier safety auditors;

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States border with that NAFTA country;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States;

(v) under section 219(a) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from operating in the United States that is found to have operated illegally in the United States; and

(vi) under which a commercial vehicle operated by a motor carrier from that NAFTA country may not enter the United States at a border crossing unless an inspector is on duty; and

(2) the Department of Transportation Inspector General certifies in writing that—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in a NAFTA country consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States border with a NAFTA country, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by motor carriers from NAFTA countries seeking authority to operate beyond United States municipalities and commercial zones on the United States border ;

(E) the information infrastructure of the government of the NAFTA country is sufficiently accurate, accessible, and integrated with that of United States law enforcement authorities to allow United States authorities to verify the status and validity of licenses, vehicle registrations, operating authority and insurance of motor carriers from that NAFTA country while operating in the United States, and that adequate telecommunications links exist at all United States-NAFTA country border crossings used by motor carrier commercial vehicles from that NAFTA country, and in all mobile enforcement units operating adjacent to the border, to ensure that licenses, vehicle registrations, operating authority and insurance information can be easily and quickly verified at border crossings or by mobile enforcement units;

(F) there is adequate capacity at each United States-NAFTA country border crossing used by motor carrier commercial vehicles from that NAFTA country to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections;

(G) there is an accessible database containing sufficiently comprehensive data to allow safety monitoring of all motor carriers from that NAFTA country that apply for authority to operate commercial vehicles beyond United States municipalities and commercial zones on the United States-NAFTA country border and the drivers of those vehicles; and

(H) measures are in place in the NAFTA country, similar to those in place in the United States, to ensure the effective enforcement and monitoring of license revocation and licensing procedures.

SA 1172. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the Inspector General of the Department of Transportation certifies to be in violation of the North American Free Trade Agreement."

SA 1173. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the Department of Transportation Inspector General certifies to be in violation of the United States' obligations regarding the granting of operating authority to Mexican motor carriers."

SA 1174. Mr. GRAMM submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following: "*Provided*, That notwithstanding any other provision of Act, nothing in this Act shall be applied in a manner that the President finds to be in violation of the United States' obligations regarding the granting of operating authority to Mexican motor carriers."

SA 1175. Mr. FITZGERALD (for himself and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 1071 submitted by Mr. FITZGERALD and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In the matter proposed to be inserted, strike "preserving service at Chicago Meigs Airport ('Meigs Field')," and insert "preserving and utilizing existing Chicago-area reliever and general aviation airports,".

SA 1176. Ms. SNOWE (for herself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1130 submitted by Ms. COLLINS and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

After "Coast Guard." add the following: "No percentage limitation on funds made available for depot-level maintenance and repair workload may be imposed as a result of this section.".

SA 1177. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. BREAUX, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 1132 submitted by Ms. COLLINS and intended to be proposed to the bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

Add before the period the following: "and insert the following:

SEC. 332, Notwithstanding any other provision of this Act, section 328 shall have no force or effect.

SA 1178. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that imposes additional requirements on Mexican nationals not imposed on Canadian nationals.

SA 1179. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

SA 1180. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

SA 1181. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals effective one day after the date of enactment of this Act.

SA 1182. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that impose additional requirements on Mexican nationals than imposed on Canadian nationals effective one day after the date of enactment of this Act.

SA 1183. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals effective one day after the date of enactment of this Act.

SA 1184. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. . SENSE OF THE SENATE ON FUNDING FOR THE NATIONAL SCENIC BYWAYS PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) Congress authorized the national scenic byways program (referred to in this section as the "program") under section 1219 of the Transportation Equity Act for the 21st Century (112 Stat. 219), which added section 162 of title 23, United States Code, to identify and recognize roads that have outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities;

(2) the program directs that, upon nomination by a State or a Federal land management agency, the Secretary of Transportation has authority to designate roads to be recognized under the program as All-American Roads or National Scenic Byways;

(3) the program provides discretionary grants for—

(A) scenic byway projects on an All-American Road, a National Scenic Byway, or a State-designated scenic byway; and

(B) planning, designing, and developing State scenic byway programs;

(4) Congress established priorities and eligibility criteria for the program in order to ensure that a project protects the scenic, historic, cultural, natural, recreational, and archaeological integrity of a highway and adjacent areas;

(5) using the criteria and guidance authorized under section 162 of title 23, United States Code, the Secretary of Transportation applies a competitive selection process to make grants to a wide variety of projects, with the project funding requests for each year being 3 times the amount of available funds;

(6) since authorization of the program under the Transportation Equity Act for the 21st Century, the Secretary of Transportation has received applications totaling over $60,000,000 each year, and has distributed grants totaling over $20,000,000 for each fiscal year, of which—

(A) in fiscal year 1999, 242 projects were funded out of 286 projects requested from 39 States;

(B) in fiscal year 2000, 122 projects were funded out of 262 projects requested from 42 States; and

(C) in fiscal year 2001, 142 projects were funded out of 288 projects requested from 43 States;

(7) for fiscal year 2002, the Secretary of Transportation has received application requests for 281 projects from 41 States;

(8) for the first time since the Transportation Equity Act for the 21st Century authorized annual funding for the national scenic byways program, the Committee reports by the Committees on Appropriations of the House of Representatives and the Senate for fiscal year 2002 have directed the program funds to specific activities, with the Senate Committee report directing the full amount of $28,550,348 provided for the program to only 6 States; and

(9) directing funds for the program to specific activities—

(A) thwarts the purposes of the program; and

(B) severely limits the number and variety of projects to receive grants.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the authorized amount for the national scenic byways program under the Transportation Equity Act for the 21st Century of $28,848,128 for fiscal year 2002 should be available for discretionary grant award by the Secretary of Transportation; and

(2) none of those funds should be directed to specific activities by Congress.

SA 1185. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, please insert:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States–Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

(D) gives a distinctive Department of Transportation number to each Mexican motor carrier operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States–Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

(F) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States; and

(I) publishes in final form regulations or issues policies—

(i) under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.) that establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards, that include the administration of a proficiency examination;

(ii) under section 31148 of title 49, United States Code, that implement measures to improve training and provide for the certification of motor carrier safety auditors;

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States;

(v) under section 219(a) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from operating in the United States that is found to have operated illegally in the United States; and

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty or transmits to the Congress within 30 days of the date of enactment of this Act, a notice in writing that it will not be able to complete such rulemaking or issue such policy, that explains why it will not be able to complete such rulemaking or policy, and the date by which it expects to complete such rulemaking or policy; and

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(E) there is adequate capacity at each United States-Mexico border crossing used by Mexican motor carrier commercial vehicles to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections;

For purposes of this section, the term "Mexican motor carrier" shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1186. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter being proposed please insert:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

(D) gives a distinctive Department of Transportation number to each Mexican motor carrier operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

(F) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States; and

(I) publishes in final form regulations or issues policies—

(i) under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.) that establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards, that include the administration of a proficiency examination;

(ii) under section 31148 of title 49, United States Code, that implement measures to improve training and provide for the certification of motor carrier safety auditors;

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States;

(v) under section 219(a) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from operating in the United States that is found to have operated illegally in the United States; and

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty or transmits to the Congress within 30 days of the date of enactment of this Act, a notice in writing that it will not be able to complete such rulemaking or issue such policy, that explains why it will not be able to complete such rulemaking or policy, and the date by which it expects to complete such rulemaking or policy; and

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(E) there is adequate capacity at each United States-Mexico border crossing used by Mexican motor carrier commercial vehicles to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections.

For purposes of this section, the term "Mexican motor carrier" shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1187. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 2299, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the Amendment please insert:

SEC. 343. SAFETY OF CROSS-BORDER TRUCKING BETWEEN UNITED STATES AND MEXICO.

No funds limited or appropriated in this Act may be obligated or expended for the review or processing of an application by a Mexican motor carrier for authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border until—

(1) the Federal Motor Carrier Safety Administration—

(A)(i) requires a safety review of the carrier before granting conditional and, again, before granting permanent authority to any such carrier;

(ii) requires that such safety review shall, at a minimum, include the verification of available safety performance data necessary to determine the carrier's preparedness to comply with United States motor carrier safety rules and regulations;

(B) requires that any such safety compliance review should take place onsite at the Mexican motor carrier's facilities where such onsite review is necessary to ensure compliance with United States motor carrier safety rules and regulations;

(C) requires a policy whereby Federal and State inspectors randomly verify electronically the status and validity of the license of drivers of Mexican motor carrier commercial vehicles crossing the border;

(D) gives a distinctive Department of Transportation number to each Mexican motor carrier operating beyond the commercial zone to assist inspectors in enforcing motor carrier safety regulations including hours-of-service rules under part 395 of title 49, Code of Federal Regulations;

(E) requires—

(i) inspections of all commercial vehicles of Mexican motor carriers authorized, or seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border that do not display a valid Commercial Vehicle Safety Alliance in accordance with the requirements for a Level I inspection under the criteria of the North American Standard Inspection (as defined in section 350.105 of title 49, Code of Federal Regulations), including examination of the driver, vehicle exterior and vehicle under-carriage, and

(ii) a Commercial Vehicle Safety Alliance decal to be affixed to each such commercial vehicle upon completion of the inspection required by clause (i) or a re-inspection if the vehicle has met the criteria for the Level I inspection when no component parts were hidden from view and no evidence of a defect was present, and

(iii) that any such decal, when affixed, expire at the end of a period of not more than 90 days, but nothing in this paragraph shall be construed to preclude the Administration from requiring re-inspection of a vehicle bearing a valid inspection decal or from requiring that such a decal be removed when it is determined that such vehicle has a safety violation subsequent to the inspection for which the decal was granted;

(F) requires State inspectors who detect violations of Federal motor carrier safety laws or regulations to enforce them or notify Federal authorities of such violations;

(G) initiates a study to determine whether (i) to equip significant United States-Mexico border crossings with Weigh-In-Motion (WIM) systems as well as fixed scales suitable for enforcement action and (ii) to require that inspectors verify by either means the weight of each commercial vehicle entering the United States at such a crossing;

(H) the Federal Motor Carrier Safety Administration has implemented a policy to ensure that no Mexican motor carrier will be granted authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border unless that carrier provides proof of valid insurance with an insurance company licensed in the United States; and

(I) publishes in final form regulations or issues policies—

(i) under section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 nt.) that establish minimum requirements for motor carriers, including foreign motor carriers, to ensure they are knowledgeable about Federal safety standards, that include the administration of a proficiency examination;

(ii) under section 31148 of title 49, United States Code, that implement measures to improve training and provide for the certification of motor carrier safety auditors;

(iii) under sections 218(a) and (b) of that Act (49 U.S.C. 31133 nt.) establishing standards for the determination of the appropriate number of Federal and State motor carrier inspectors for the United States-Mexico border;

(iv) under section 219(d) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from leasing vehicles to another carrier to transport products to the United States while the lessor is subject to a suspension, restriction, or limitation on its right to operate in the United States;

(v) under section 219(a) of that Act (49 U.S.C. 14901 nt.) that prohibit foreign motor carriers from operating in the United States that is found to have operated illegally in the United States; and

(vi) under which a commercial vehicle operated by a Mexican motor carrier may not enter the United States at a border crossing unless an inspector is on duty

or transmits to the Congress within 30 days of the date of enactment of this Act, a notice in writing that it will not be able to complete such rulemaking or issue such policy, that explains why it will not be able to complete such rulemaking or policy, and the date by which it expects to complete such rulemaking or policy; and

(2) the Department of Transportation Inspector General reports in writing to the Secretary of Transportation and the Congress that he will periodically report on—

(A) all new inspector positions funded under this Act have been filled and the inspectors have been fully trained;

(B) each inspector conducting on-site safety compliance reviews in Mexico consistent with the safety fitness evaluation procedures set forth in part 385 of title 49, Code of Federal Regulations, is fully trained as a safety specialist;

(C) the requirement of subparagraph (B) has not been met by transferring experienced inspectors from other parts of the United States to the United States-Mexico border, undermining the level of inspection coverage and safety elsewhere in the United States;

(D) the Federal Motor Carrier Safety Administration has implemented a policy to ensure compliance with hours-of-service rules under part 395 of title 49, Code of Federal Regulations, by Mexican motor carriers seeking authority to operate beyond United States municipalities and commercial zones on the United States-Mexico border;

(E) there is adequate capacity at each United States-Mexico border crossing used by Mexican motor carrier commercial vehicles to conduct a sufficient number of meaningful vehicle safety inspections and to accommodate vehicles placed out-of-service as a result of said inspections.

For purposes of this section, the term "Mexican motor carrier" shall be defined as a Mexico-domiciled motor carrier operating beyond United States municipalities and commercial zones on the United States-Mexico border.

SA 1188. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1246, to respond to the continuing economic crisis adversely affecting American agricultural producers; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7 . INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) REMOVAL OF LIMITATION.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended by striking subsection (d) and inserting the following:

"(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of animals in interstate or foreign commerce for any purpose or purposes, so long as those purposes do not include that of an animal fighting venture.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 30 days after the date of enactment of this Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on July 31, 2001, at 10 a.m. in room 485, Russell Senate Building, to conduct a business meeting on pending committee business, to be followed immediately by a hearing on Indian Health Care Improvement Act focusing on urban Indian Health Care Programs.

Those wishing additional information may contact committee staff at 202/224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 26, 2001. The purpose of this hearing will be to consider nominations for positions at the Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 26, 2001, to conduct a hearing on the nominations of Ms. Linda Mysliwy Conlin, of New Jersey, to be an Assistant Secretary of Commerce for Trade Development; Ms. Melody H. Fennel, of Virginia, to be an Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; Ms. Henrietta Holsman Fore, of Nevada, to be Director of the Mint; Mr. Michael J. Garcia, of New York, to be an Assistant Secretary of Commerce for Export Enforcement; and Mr. Michael Minoru Fawn Liu, of Illinois, to be an Assistant Secretary of Housing and Urban Development for Public and Indian Housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 26, 2001, to conduct the first in a series of hearings on predatory mortgage lending: the problem, impact, and responses.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 26, at 9:45 a.m. to conduct a hearing. The committee will receive testimony on legislative proposals relating to comprehensive electricity restructuring legislation, including electricity provisions of S. 388 and S. 597, and electricity provisions contained in S. 1273 and S. 2098 of the 106th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in Open Executive Session during the session of the Senate on Thursday, July 26, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 26, 2001, at 10:30 a.m., to hold a business meeting.

The Committee will consider and vote on the following agenda items:

Legislation:

S. , Foreign Relations Authorization Act, fiscal year 2002 and 2003.

S. 367, A bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

Nominations:

Mr. Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.

Mrs. Sue M. Cobb, of Florida, to be Ambassador to Jamaica.

Mr. Russell F. Freeman, of North Dakota, to be Ambassador to Belize.

Mr. Michael E. Guest, of South Carolina, to be Ambassador to Romania.

Mr. Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.

Mr. Thomas J. Miller, of Virginia, to be Ambassador to Greece.

The Honorable Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.

Mr. Roger F. Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Mr. Jim Nicholson, of Colorado, to be Ambassador to the Holy See.

Mr. Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 26, 2001, at 9:30 a.m., to consider the nomination of Lynn Leibovitz to be an Associate Judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, July 26, 2001, at 10 a.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, July 26, 2001, from 10 a.m.–12 p.m., in Dirksen 124 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 26, 2001, at 9 a.m., on chemical harmonization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Subcommittee on National parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 26, 2001, at 2:30 p.m., to conduct a hearing. The committee will receive testimony on S. 423, to amend the Act entitled "An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon," and for other purposes; S. 941, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; S. 1057, to authorize the addition of lands to Pu'uhonuao Honaunau National Historical Park in the State of Hawaii, and for other purposes; S. 1105, to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of the Grand Teton National Park, and for other purposes; and H.R. 640, to adjust the boundaries of Santa Monica Mts. National Recreation Area, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE—2001 MID YEAR REPORT

The mailing and filing date of the 2001 Mid Year Report required by the Federal Election Campaign Act, as amended, is Tuesday, July 31, 2001. All Principal Campaign Committees supporting Senate candidates must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8:00 a.m. until 6:00 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 61) to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and the Senate by July 31st.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Madam President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198(a)), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, under the previous order, I ask unanimous consent that the Senate adjourn for the evening.

There being no objection, the Senate, at 6:14 p.m., adjourned until Friday, July 27, 2001, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, July 26, 2001*

The House met at 10 a.m.

The Reverend Monsignor James G. Kelly, St. Margaret's Church, Buffalo, New York, offered the following prayer:

Heavenly Father, Lord of creation, all praise and thanks to You for the commission and gifts which You have given to us Your children to continue Your work in the world through the formation and fostering of civilization on this earth. Praise and thanks to You for this blessed Republic of ours and for the women and men who serve willingly and generously in its governance. Look with favor on the elected Members of this House of Representatives, bless them and guide them that they may not only enact laws that are just but also be the voice of those who have no voice, the most vulnerable and marginal of our society. Help these men and women to be persons who lead through the example of honesty, reverence for our traditions and integrity. Praise and thanks to You, our God, forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. LAFALCE) come forward and lead the House in the Pledge of Allegiance.

Mr. LAFALCE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The gentleman from New York (Mr. LAFALCE) will be recognized for 1 minute. All other 1-minutes will be postponed until the end of the day.

WELCOMING THE REVEREND MONSIGNOR JAMES G. KELLY

Mr. LAFALCE. Mr. Speaker, I want to both welcome and thank Monsignor Jim Kelly from St. Margaret's Roman Catholic Church on Hertel Avenue in Buffalo, New York, for coming here this morning and offering the opening prayer.

When I was a very young man coming out of law school, I was hired by one of the most prominent firms in Buffalo, Jackle, Fleischman, Kelly Swart, and Ausberger. It was Monsignor Kelly's dad, Harry Kelly, one of the best trial lawyers western New York has ever seen, who gave me my initial start. His sister Therese and her husband Tom bought a home just two doors away from the home that I lived in on Starin Avenue in the Town of Tonawanda.

The name Kelly is very, very Irish, but he ministers with great care and love and compassion to the parishioners of St. Margaret's, which is over 70 percent Italian American. He, in addition to that, tries, probably harder than anyone else, to promote peace and justice within the Diocese of Buffalo, because he is the Chairman of the Peace and Justice Commission for the Diocese of Buffalo.

Monsignor Kelly, we welcome you here today and we also say to you, one day late, Happy Birthday.

DISAPPROVAL OF NORMAL TRADE RELATIONS TREATMENT TO PRODUCTS OF VIETNAM

Mr. THOMAS. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 55) disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 55 is as follows:

H.J. RES. 55

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 1, 2001, with respect to Vietnam.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to the order of the House of Wednesday, July 25, 2001, the gentleman from California (Mr. THOMAS) and the gentlewoman from California (Ms. SANCHEZ) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to yield one-half of my time to the gentleman from Michigan (Mr. LEVIN) the ranking member of the Subcommittee on Trade of the Committee on Ways and Means and that he be permitted to yield the time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to House Joint Resolution 55 and, therefore, in support of extending Vietnam's Jackson-Vanik waiver. I believe this waiver represents the best hope for continued political and economic reform in Vietnam and, therefore, greater market access for American companies in one of Southeast Asia's most important emerging economies.

These three key issues come to bear on this question: Has Vietnam made progress in emigration? Have we continued despite great difficulty improving and committing ourselves to accounting for our servicemen still missing in action? And on free and equal access to trade and investment opportunities for American companies?

In each case, I believe the answer is yes. As we enter a new decade of bilateral cooperation, efforts to normalize relationships on both sides are bearing fruit.

Mr. Speaker, I was part of the first trade delegation ever to go to Vietnam under the leadership of then chairman of the Subcommittee on Trade Mr. Gibbons of Florida. We ventured to Hanoi and to Ho Chi Minh City. Although conditions, especially in the north of Vietnam, were relatively bleak, even at that time you could see the potential of then more than 75 million individuals who had an extremely high literacy rate and who seemed to be more than willing to work hard. The thing that struck me the most was the fact that there was an enormous number of foreigners in the country working on various trade arrangements. What was most striking is that virtually none of them were American. It was a clear indication that Vietnam, notwithstanding the difficulties we have with the government structure and notwithstanding the concerns that many of us have about the complete ability to account for our servicemen and women missing in action, that the United States if we continued our then current position was going to miss out; miss out not only in terms of economic opportunities but miss out in shaping this country which I believe will have a significant and positive impact in Southeast Asia.

Promoting emigration is at the core of the Jackson-Vanik structure. Vietnam, I believe, has taken significant

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steps to liberalize its emigration practices. Among other achievements, it has cleared for interview all but 73 of the nearly 21,000 individuals who have applied for consideration under the Resettlement Opportunity for Vietnamese Returnees program.

In addition to that, we really believe that the continued improvement in this area of human rights depends upon extending the Jackson-Vanik waiver, to let us positively influence the direction of Vietnam's economic and political future.

We in addition to this Jackson-Vanik waiver will today in the Committee on Ways and Means be considering a bilateral trade agreement between Vietnam and the United States. That will afford us further opportunities both as trading partners and a growing relationship which will eventually hopefully move to a strong friendship, a remembrance of our past relationships with a commitment to make sure in Southeast Asia this does not occur, because frankly I believe that Vietnam will be one of the key nations in Southeast Asia as it continues to grow in its trade relationships around the world. We saw with Thailand in 1997 how one country's instability can quickly spread to others. I believe over the next several decades, Vietnam can be an anchor for economic improvement in Southeast Asia but probably more important a laboratory in how we can move toward a more democratic structure in a regime that currently cannot be determined to be democratic.

Mr. Speaker, I reserve the balance of my time.

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent that I be allowed to yield half of my time to my friend, the gentleman from California (Mr. ROHRABACHER) so that he may be permitted to yield time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by saying that I have been now twice as a Congresswoman to Vietnam. I represent the largest Vietnamese segment of population outside of Vietnam in Orange County, California. Today's issue of the Jackson-Vanik is really an issue about emigration and our ability to make sure that reunification of families is happening here in the U.S., those who want to leave Vietnam and have been approved by the United States and their ability to get the right papers out of the Vietnamese government in order to make it here and come and join their families.

As the person who represents the largest group of Vietnamese people here in America, certainly our office gets to deal with all the problems of emigration between these two countries, the United States and Vietnam. That is really what this Jackson-Vanik waiver is about, whether the country of Vietnam is working in a positive manner to help us get that family reunification done. I would like to say that from our experience, and I will get into it in a little while, they have not. In fact, they are obstructing our ability to reunify our families here in the United States.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), another one of my California colleagues who has been working very much with the Vietnamese community.

Ms. LOFGREN. Mr. Speaker, I rise in support of H.J. Res. 55, a resolution denying the President's waiver for Vietnam from Jackson-Vanik freedom of emigration requirements. I urge my colleagues to vote in favor of this resolution.

I am proud to represent a community, Santa Clara County, that has been greatly enriched by the contributions of its Vietnamese American residents. For many years as an immigration attorney, a local elected official, and now as a Member of Congress, I have had the opportunity to work with these Americans on two issues close to their hearts and to mine, immigration and human rights. So it is these two issues that are at the forefront of my own thoughts as we discuss trade with Vietnam.

I continue to hear constantly stories about religious persecution, political repression, and unwarranted detentions coming from the Vietnamese American community in San Jose and from contacts overseas. That is why several weeks ago I along with the gentlewoman from California (Mrs. DAVIS) and the gentlewoman from California (Ms. SANCHEZ) hosted a hearing on human rights in Vietnam here in the Capitol.

Let me tell you what we learned at that hearing:

Religious persecution is common in Vietnam despite the guarantees in chapter V, article 70 of the Vietnamese Constitution that citizens shall enjoy freedom of belief and religion.

Portions of the Vietnamese penal code indirectly contradict guarantees of religious freedom. For example, Vietnamese citizens can be prosecuted for "undermining national unity" and "promoting divisions between religious believers and nonbelievers." Additionally the government of Vietnam has consistently violated article 18 of the International Covenant on Civil and Political Rights that "everyone shall have the right to freedom of thought, conscience and religion."

This is borne out by the treatment that the Catholic church, the Buddhists and the Christian Montagnards have experienced at the hands of the Communist government.

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In the course of this debate, we must not forget the names of those fighting for freedom in Vietnam:

Father Nguyen Van Ly, Father Chan Tin, Le Quang Liem, Father Nguyen Huu Giai, Father Phan Van Loi, the Venerable Thich Huyen Quang, the Venerable Thich Quang Do, Rev. Thich Tri Sieu, and Rev. Thich Tue Si.

Mr. Speaker, we must make sure that we use this tool that we have. I am a firm believer in trade, but I also know that we have individual relationships with each country, and we must use the tools available to us. We have a window of opportunity with Vietnam, and I know that if we insist that Vietnam improve its human rights record as a condition of trading with America, we would gain human rights advances in Vietnam.

So I think it is a tragic mistake for the United States to decline to use this tool that is available to us that would be effective in gaining freedom for those who are oppressed because of their religious beliefs in Vietnam.

For the priests and the devout who are persecuted today in Vietnam by the Communist government, I can only offer my embarrassed apologies that President Bush and this Republican leadership would turn a deaf ear to your suffering.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in opposition to this resolution, and I support the waiver for another year. We should be clear what is before us today. This waiver relates to the availability of export-related financing from OPIC and Ex-Im and the Department of Agriculture, and not broader than that.

Last year's vote in favor of the resolution was 93 and opposed 332. It was a bipartisan vote, with 23 Democrats voting in favor of it. I do not see any reason why we should step back. I do not think there is any rationale for moving backwards instead of sustaining this approach.

Our relationship with Vietnam, as we all know so well, has been a very complicated one. The war was indeed a bitter one and a deep and bitter experience for this country. We had very difficult relations with Vietnam for good reasons.

Then, in the nineties, a decision was made to lift the trade embargo that had been in place for 20 years, and in 1995 we opened a U.S. embassy in Hanoi, and it was in 1998 that the waiver of this nature first occurred. Since then, the waiver has been upheld.

There has been some progress, progress in terms of missing in action issues that are of deep concern to us. Recently nine Vietnamese died helping us in the search for U.S. MIA's. There has also been some improvement in emigration. It is far from perfect, but I do not think anybody would say the situation today is the same as it was 4 or 5 years ago.

I think that we need to find, as we did last year with China, a combination of engaging and pressuring of Vietnam, and it seems to me that to pass this resolution does not find at all the right combination.

We are endeavoring to help promote a free market economy in Vietnam. There are some steps in that direction.

We are going to be considering, as the chairman said earlier, a bilateral trade agreement in the Committee on Ways and Means this afternoon. That was negotiated about a year ago, and has only recently been submitted to us for action.

In that bilateral trade agreement, we will be considering a number of issues. It does not, in my judgment, address all the issues that need to be considered in our economic relationship with Vietnam. At some point there is going to be a desire to negotiate a textile and apparel agreement.

As I have expressed to the administration and to colleagues on my committee, and will express again this afternoon, it is vital as we go forth in our relationship with Vietnam that we consider all of the relevant economic and trade-related issues, including those of labor markets and the economy. The bilateral agreement before us this afternoon does not fully do that, though I favor moving ahead with it, with the proviso I have mentioned.

But the issue today before us is whether we should continue this waiver, whether it is a useful and, as I think, important part of the continuing efforts to find the right combination in our relationship with this country. It remains a command economy, there is no doubt about it. It remains a country where there is command by a central party over much of Vietnamese life. There is no doubt about it.

Therefore, we have to continue to press on the economic end in a broad way; we have to continue to press in terms of human rights, never give that up. But voting for this resolution today I think misses the best way to do that, and, therefore, while understanding and indeed lauding the concerns of those who support this, I would urge that we continue the path that was set a number of years ago of engaging and pressuring Vietnam.

The vote last year was really an overwhelming one, and I think the evidence since then indicates we should continue that approach and not step backwards.

Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have introduced House Joint Resolution 55, a resolution disapproving the extension of the President's waiver for the corrupt communist regime in Vietnam on the Jackson-Vanik provision of the Trade Act of 1974.

During the past 12 months, despite previous Presidential waivers, the communist regime in Vietnam has actually increased its brutal repression, especially against religious leaders and other members of the clergy; it has increased its repression of those who are advocating democracy; and it has increased its repression against ethnic tribal minorities.

When we take a look, especially at that last category, today, as we speak, the Montagnards, who were great allies of the United States of America, who risked their lives in order to save thousands of Americans, are under severe attack by the government of Vietnam. Yet we sit here and extend to them, again, a waiver on their conduct? I do not think so.

This Member of Congress spent some time with the Montagnards in 1967. I was in a small camp near Pleiku, Vietnam, and I found the Montagnard people, although they are very short people, to be some of the most courageous people in the world. Yet they cast their lot with us, and we abandoned them at that time at the end of the war. In 1967, probably some of those Montagnards were responsible for my life.

I did not spend a great deal of time up there, it was part of a political operation in the highlands of Vietnam, but I will say this: These people who risked their lives for us and then were abandoned at the end of the war, I remember thinking, whatever happened to those people? In 1975, I remember asking myself that.

Well, today, let us not abandon those people who fought for democracy in Vietnam again. Let us not abandon America's friends, again, by giving a waiver to a corrupt and tyrannical dictatorship that now controls Vietnam.

Mr. Speaker, what does this waiver really do? By the way, we are talking about waivers. I would like to thank my colleague from Michigan for outlining exactly what it does do and what we are really talking about today. Are we talking about breaking relations with Vietnam? No, this waiver would not do that. By rejecting this waiver, we would not be isolating Vietnam.

We are not talking about embargoing Vietnam. That is not what rejecting this waiver is all about. We are not even talking about whether American companies will be able to sell their products in Vietnam. That is not what rejecting this waiver would do.

What we are talking about today and what this debate is really all about is if we reject this waiver, we are preventing American businessmen who want to build factories in Vietnam, we are preventing them from an eligibility, from having eligibility for taxpayer-funded subsidies and loan guarantees. As my friend from Michigan stated, what we are really talking is OPIC and Export-Import bank loan guarantees and their credit.

What does that mean? That means the American people are going to be, through their tax dollars, subsidizing American businessmen for taking advantage of slave labor, meaning labor that cannot unionize, cannot demand its own wage, cannot quit. We are going to subsidize American businessmen to close their factories in the United States and set up their factories in Vietnam.

Does that make any sense? I do not think it makes sense to do that with a democratic country, much less to a country that is a dictatorship and stands for everything that America is supposed to be against.

Extending American tax dollars to subsidize or insure business with Communist Vietnam is bad business in and of itself and a betrayal of American values. Bad business, because of what? Well, why do these businessmen who want to set up these factories need these subsidized and guaranteed loans in the first place? I will tell you why they need that, because private banks will not give them the loans at the rates they need, because it is too risky for these American businessmen to set up their factories in Vietnam, because Vietnam is a corrupt dictatorship that nobody can count on. If it is bad business for American banks, should we put the taxpayers' money at risk? I do not think so.

It is not only bad business, but it is a betrayal of American values. The communist regime represents a repressive and corrupt dictatorship that is reprehensible and contrary to everything we believe in. They do not share our values and have not shown the slightest willingness to change.

We keep hearing, well, there has been progress. There has not been progress. There has been retrogression, just like we have seen in Communist China; retrogression. When we extend loan guarantees and we help out the regime, these gangsters do not say, oh, gee, how nice; maybe we should actually have some liberalization because they have been so nice to us.

No. They think we are a bunch of saps. They do not think we have the courage of our convictions. That is what is going on.

One last issue, the POW issue. There has been no progress on the POW issue. America spends $1 million every time there is a dig for remains of some American serviceman killed in Vietnam and left behind, $1 million. They are making a profit off of that. But they have done nothing but put obstacles in our way of finding out what happened to the 200 Americans who were reported and seen alive in captivity, but never came home after the war. Roadblock after roadblock.

I have made demands every year that we see the records of the prisons in which Americans were kept during the Vietnam War so that we can verify by those records that all of those people got home. Guess what? Those records have never been made available. Of course, the explanation is they were all destroyed by B–52 raids at the end of the war. Give me a break. They have not been forthcoming about POW's. They have, in fact, put roadblocks up in the way.

We should not reward this repressive regime by guaranteeing American businessmen's investments in their country. Of course, the American businessmen will make hundreds of millions of dollars, if not billions. The Vietnamese regime will benefit. But the Vietnamese people themselves will continue to suffer this repression, and the American taxpayer is going to be taken for a ride.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is no question, given the tragic history of the relationship in recent decades between the United States and Vietnam, that there would not be strong personal feelings.

□ 1030

We have to approach this legislation looking at it on the whole but, because of that, Mr. Speaker, I would like to serve notice that at the end of the debate, we intend to ask for a recorded vote so that all Members may express their own particular position on this issue.

As the gentleman from Michigan indicated, he has a concern beyond a bilateral trade agreement with the Government of the United States and Vietnam; and I want to indicate to him that I look forward to exploring with him and other Members of Congress the appropriateness of negotiating an incentive-based textile and apparel agreement with Vietnam, which I believe will begin to address the very concerns that the gentleman from California (Mr. ROHRABACHER), my friend and colleague, indicated about the fact that if, in fact, there is going to be economic progress in Vietnam on the basis of American investment and involvement, that the Vietnamese people themselves also benefit.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), but prior to that, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois (Mr. CRANE) and that he control the balance of the time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to urge my colleagues to oppose the resolution disapproving the President's extension of the Jackson-Vanik waiver for Vietnam.

Mr. Speaker, it has been 7 years since we ended our trade embargo and began the process of normalizing relations with Vietnam. Over these few years, good progress has been made. From its accounting of U.S. POWs and MIAs, to its movement to open trade with the world, to its progress on human rights, Vietnam has moved in the right direction. Granted, Vietnam certainly is not there yet, but Vietnam is moving in the right direction.

Mr. Speaker, House Joint Resolution 55 is the wrong direction for us to take today. Who is hurt if we pass this resolution today? We are.

It is the wrong direction for U.S. farmers and manufacturers who will not have a level playing field when they compete with their European or Japanese counterparts in Vietnam. It is the wrong direction for our joint efforts with the Vietnamese to account for the last remains of our soldiers and to answer finally the questions of their loved ones here, and it is the wrong direction for our efforts to influence the Vietnam people, 65 percent of whom were not even born when the Vietnam War was being waged.

Let us not turn the clock back on Vietnam; let us continue to work with them and, in doing so, teach the youthful Vietnamese the value of democracy, the principles of capitalism, and the merits of a free and open society.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from California (Mr. THOMAS) mentioned that we would be taking a recorded vote on this; and part of that, he mentioned, is because of the emotions that many of the Members in this House feel over the Vietnam war and situation. I am one of those whom the Vietnam war, in many ways, bypassed, having been a very young child during that time; but I do know that my emotions are very strong on this because I do represent a group of people who are trying to reunify their families.

Probably, nobody else has as many cases open, over 1,000; and probably nobody in this Chamber has two Vietnamese-speaking people who deal only with the reunification of families in our home district office. Many of my colleagues do not get to see what I get to see or see the cases that come before us, the cases like my colleague from Michigan mentioned that there has been positive change with respect to emigration from Vietnam to the United States.

I will tell my colleagues that 5 years ago when I started as a Congresswoman, one had to get an exit visa from the Vietnamese government before the United States would clear you for entrance into the United States. That has changed. Now, you get cleared by the United States, and then you go to the Vietnamese government and you ask for an exit visa, an ability to leave their country. When you go to that point, if you are in Vietnam, it usually costs you a $2,000 or $3,000 bribe in order to get that exit visa.

The annual wage for the annual household income in Vietnam today is about $300 a year, which means that if one is being asked for a $2,000 or $3,000 bribe in order to get an exit visa in order to come to the United States after you have been approved by the United States, there is just not a way that math works out, which means we have lots of open cases and people who are not able to come over, even though we in the United States said, yes, they are eligible under the laws passed to come and be reunited with their families in the United States.

This is why this issue is so important, because this is giving financial instruments to people who want to do business in Vietnam because Vietnam's government has opened up and has helped us on the emigration issues, but they have not done that. They have made it, in some cases, more difficult.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from California, both for her passion and leadership on this issue.

It is difficult, Mr. Speaker, to stand up against those veterans who have served in Vietnam, many of them who are pursuing this trade opportunity; but I think it is important to explain the extent of what the waiver actually means.

I am glad my colleagues who have debated this have already mentioned that we have been engaged in trade with Vietnam for a number of years. We are trading with Vietnam. On the basis of that trade, one would expect, and the American people would expect, that as we engage with Vietnam and we are not engaging in trade in Cuba, that we would see a decided and definitive change; that those in this country who we represent from Vietnam who are seeking reunification of their family members, that the country and the leadership in Vietnam would be eager to cooperate and collaborate so that loving families could be reunited.

This waiver is to waive the emigration requirement, and that is where we are suffering. Those who want to leave Vietnam in freedom are not being allowed to do so. How much more trade and engagement do we need to be involved in to have the leadership of Vietnam see the light?

Since 1982, authorities have detained, without trial, an 82-year-old patriarch of the Unified Buddhist Church. He is in poor health and requires immediate medical care; I said 82 years old. Today we will greet Gao Zhan home from China with a medical condition, a young woman who should not have been held in China, yet we are doing trade there. But here there is an 82-year-old man in jail, and they refuse to release him.

So there are questions that are pending in Vietnam. Based upon their lack of sensitivity to human rights, their lack of sensitivity to religious freedom, and the fact that we are engaged with them, it seems that they are making no decided efforts to change.

I believe that this particular resolution is an appropriate one, sends a message. If we trade with people, they need to understand that we believe in human rights and religious freedom.

Mr. Speaker, I rise in support of H.J. Res. 55. This resolution puts the principles of the United States first, and is required of this House in light of both the Jackson-Vanik amendment to the 1974 Trade Act and recent events affecting our diplomatic relationship with this developing nation.

Mr. Speaker, United States' law requires that permanent normal trade relations be granted to non-market economies that the president can certify have free emigration. Absent this showing, the President can waive the provisions of the amendment if doing so will promote emigration in the future.

Mr. Speaker, last year the U.S. signed a sweeping bilateral trade agreement with Vietnam. The World Bank estimates that this would increase U.S. imports from Vietnam $800 million from last year—a gain of 60%. The year 2000 trade imbalance with Vietnam was $496.9 million.

Mr. Speaker, the year 2000 review of human rights in Vietnam by the State Department noted that Vietnam has made improvements in its human rights record. Despite these improvements, the State Department still rated Vietnam as "poor" overall on human rights.

The State Department noted that the Vietnam Government continues to repress basic political freedoms, is intolerant of dissenting viewpoints, and selectively represses the religious rights of its citizens.

The Speaker last week I voted for the revocation of China's waiver authority under the 1974 Trade Act. In that case we were faced with a formerly hostile nation, a severe trade imbalance, and a nation unwilling to accept either the winds of change or the obligations of international citizenship.

In the instant case, Mr. Speaker, we have a similar situation. A formerly hostile nation with a large trade surplus and a questionable human rights record is up for trade waiver authority review. Although I rise in favor of this resolution, I do not seek to disparage the gains Vietnam has made in re-engaging the world. I seek a consistent balance between our trade priorities and the principles we use to steer this nation. We cannot continue to hold ourselves out as a nation of laws and turn our back on our convictions at every economic opportunity. We also need a faster response to our MIA's so their families can have closure.

Mr. Speaker, I rise in support of this resolution because our trade policy must be balanced with a sense of moral leadership. We should not hold our trade relationship over Vietnam, nor should we allow globalization to commit us to policies against our best sense as a nation. Vietnam has done much, but it can do more. Other countries may turn a blind eye to issues such as the rights of workers and the environment, but we are not other nations.

Mr. Speaker, I urge all members to vote in favor of H.J. Res. 55, disapproving trade waiver authority with respect to Vietnam. It is time to begin thinking about what trade should mean; huge deficits for the U.S. for the sake of a few reforms is not the answer.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Illinois (Mr. EVANS), who has been deeply involved in this issue.

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding. I urge my colleagues to oppose the resolution before us today.

This vote really is about how we best can achieve change in Vietnam. I believe the record stands for itself. We have achieved progress by engagement, by encouraging Vietnamese cooperation on important issues, such as human rights and political economic reform.

I can speak personally about this progress. I have been to Vietnam and seen the work of the Joint Task Force-Full Accounting, our military presence in Vietnam tasked with looking into the issue of missing servicemen and women. I have visited these young people and they are among the best and well-motivated group of soldiers I have ever met. Every day, from the searches of the jungle battle sites to the excavation of crash sites on precarious mountain summits, they put themselves in harm's way to recover our missing. In talking with them, it was clear to me that they were performing a mission that they truly believed in.

On April 7 of this year, the danger became all too real. On that day, seven American members of the Joint Task Force, along with nine Vietnamese, lost their lives in a helicopter crash as they were on their way to a recovery mission. The tragedy was a huge blow to the recovery efforts, as we lost both Americans and Vietnamese who had been deeply involved in finding our missing. We should remember our deceased as American heroes who gave their lives in pursuit of a mission they believed was a high honor and sacred duty.

If we pass this resolution of disapproval, we will be hindering that mission. The only way we can carry out this mission is to effectively have a presence in Vietnam, and to maintain the presence means reciprocating on the promises that we have made to reward the Vietnamese cooperation. Passing this resolution would definitely send the wrong signal to Vietnam, not to mention the brave American men and women who are still searching in the rice paddies and mountains of Vietnam.

Mr. Speaker, this is the 4th year that this House will vote on a resolution of disapproval. Since we first voted on this, the House has, each time, with growing and overwhelming support, voted down the resolution. Let us stay the course. Let us support our Joint Task Force-Full Accounting. Let us support our nation's bipartisan policy which has only furthered our goals toward a more open and cooperative Vietnam. Please vote against the resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H.J. Res. 55, Disapproving the Extension of Immigration Waiver Authority to Vietnam.

The resolution on the House floor today addresses the issue of whether the government of the Socialist Republic of Vietnam allows free and open emigration for its citizens. In 1999, President Clinton granted Vietnam a waiver of the Jackson-Vanik Amendment on this condition. Unfortunately, little improvement has been made since.

Boat People, SOS, an organization headquartered in my district, informed me that the official Communist government in Vietnam is still riddled by corruption. Additionally, the government continues to export thousands of political prisoners and former U.S. Government employees from participating in the U.S. refugee programs. Applicants, in some cases, are forced to pay $1,000 or more in bribes to gain access to these programs; this in a country where the average annual salary is $250.

The corruption that exists in the Vietnamese Communist government also undermines U.S. exchange programs. Our programs offer exceptional Vietnamese students the opportunity to study in the United States. However, the Vietnamese government excludes those students whose parents are not members of the Communist cadre. Thus, many qualified students are denied the opportunity to study in the U.S. exchange programs simply because their parents are not card-carrying members of the Communist party. This bias is one of many examples of the apartheid system that the government has implemented to punish those who do not agree with their ideology.

On the human rights front, the government has released some political prisoners, but many more individuals, including religious leaders, remain imprisoned indefinitely. Meanwhile, the government continues to arrest others who dare to speak out against them.

The Vietnamese Communist government simply does not tolerate basic civil liberties, such as the right to free speech, the right to freely exercise one's religion, and the right to peaceably assemble. Reports reveal that the Vietnamese police have forced many religious groups who renounce their beliefs or face the threat of imprisonment, beatings, or torture. When I visited Vietnam in 1998, a Catholic priest told me the Communist government does not even allow him to wear his vestments in public.

Even more egregious is the government's persecution of the Hmong. Over 10,000 of them have had to flee their ancestral lands in the north, traveling 800 miles in the south central highlands in Dak Lak Province because of government harassment and persecution. Many of them were arrested as "illegal migrants" or charged with practicing and "illegal religion" as part of the government crackdown on Hmong Christians.

Mr. Speaker, I urge approval of the resolution.

While the Vietnamese government may claim to have made strides, I would like to share with you evidence to the contrary. For example, four prominent individuals are presently imprisoned or under house arrest for practicing their religions. They are: Venerable Thich Huyen Quang, Patriarch of the Unified Buddhist Church of Vietnam; the Venerable Thich Quang Do; Father Nguyen Van Ly; and Mr. Le Quang Liem of the banned Hoa Hoa Buddhish Church.

In addition, Dr. Nguyen Dan Que a prominent prisoner of conscience who was released in late 1998, remains under house arrest in Saigon; while Professor Doan Viet Hoat and Mr. Le Chi Thien former prisoners of conscience who had been imprisoned for over 20 years for promoting democratic ideals, were forced to leave Vietnam as a condition of their release.

Additionally, since the fall of Saigon, the Government of the Socialist Republic of Vietnam has been systematically abusing the rights of the indigenous Montagnard peoples of Vietnam's central highland. There have been reports of summary executions, mysterious disappearances, arbitrary arrests, interrogations, beatings, torture, and forcible relocations of the Montagnard people from their traditional homes.

In 1999, the Vietnamese Communist Government ordered and carried out the destruction of a sacred religious site of the Khmer Krom in the former city of Saigon. They destroyed the Pali School building, and desecrated the Bodhi Tree where the remains of Khmer Krom soldiers—who fought bravely with the U.S. Special Forces during the war—are buried. To this day, the Khmer Krom continue to be harassed and persecuted for their role in the conflict.

In February of this year, thousands of Christian Montagnards peacefully demonstrated in the three of the four Central Highland provinces. In response, the Vietnamese Communist Government deployed military forces into the area, cutting off telephone communications, banning diplomatic international organizations from visiting the region, and terrorizing the Montagnard population. There have also been numerous reports of jungle executions. The situation in the highlands has deteriorated to the extent that many Montagnards are now fleeing into Cambodia. Amnesty International, Human Rights Watch, Refuge International, and the United Nations High Commissioner for Refugees have all called for urgent action to protect them.

Mr. Speaker, in light of these offenses, I believe H.J. Res. 55 is an important bill that deserves the support of every Member, and I urge my colleagues on both sides of the aisle to vote in favor of this resolution.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, shortly after the last election in November of last year, I traveled to Hanoi. I spent about a week there on a volunteer surgical mission. I found the people to be friendly and courteous. Make no mistake, though: the Communist government is not friendly to freedom. There is very little freedom of speech. There was a lot of soccer on TV, but there was not much discussion, and as the gentleman from Virginia just pointed out, the government has done bad things.

The question is, how do we affect a change in that? I oppose this resolution because I think the communication between Americans doing business in Vietnam brings a fresh perspective and information to the people of Vietnam.

□ 1045

I think that trade will actually help bring down that Communist government and that the communications between Americans doing business in Vietnam will actually end it. And the opening up of the communication that is necessary for that shows the Vietnamese what a true democracy is like.

There were lots and lots of questions that we all fielded on that surgical mission about what it is like to live in a democracy, and that is very useful. So cultural interchanges, professional interchanges, and, I think, business interchanges will actually help promote the type of democratic changes that we all want to see. For that reason, I oppose this resolution. I think we should continue trade with Vietnam just like we are doing with China.

Ms. SANCHEZ. Mr. Speaker, I yield myself the balance of my time.

A comment to the good doctor. This is not a trade vote. The bilateral trade agreement I know is going through the Committee on Ways and Means, and we can discuss the issues of trade and whether working with the people of Vietnam will allow for more open issues with respect to human rights and other things that I think we should be concerned about as a Nation. But this really is about does Vietnam allow its people to emigrate to the United States, does it work with us on issuing visas. And if it does a good job with that, we, in return, allow them, allow our business people to have these government programs that allow for financing and doing business in that country. That is the real issue.

Again, I believe that the government of Vietnam has not been forthright in its policies of emigration. Currently, religious persecution, human rights violations, economic restrictions, we know that they all still exist in Vietnam. And one does not have to go to Vietnam to see it. We hear it, we read it in reports that come back, reports from the United States Department of State as well as witnesses that we have had here, dialogue with our colleagues here. And the dialogue on Vietnam reveals the government still pursues a policy of repressing free expression and religious choice.

Those that oppose the government's mandates continue to be the target of mental and economic terrorism, and the administrative detainment of political and religious leaders who disagree with that Communist party platform still occurs. The U.S. State Department's 2000 Country Report on Vietnam states that the government's human rights record in Vietnam remains poor. It says that there are serious problems regarding religious freedom and the advancement of human rights.

In April of this year, the United States Commission on International Religious Freedom, a body that was created by this Congress in 1998 to monitor religious freedom in other countries, recommended that we withhold our support for most International Monetary Fund and World Bank loans to that government of Vietnam until it agrees to make substantial improvements in the protection of religious freedom. Our own body that we created has told us in a report just this past April that we should not be doing these types of financing mechanisms for that government until it cleans up its act.

Contrary to the Vietnamese government's pretense that it has no political or religious prisoners, many Vietnamese continue to languish in prisons because of their beliefs. The detention of these religious leaders, whether or not they tell us where they are or whether they put them under house arrest and do not let them leave their homes, is persecution. Police arbitrarily arrest and detain citizens for reasons including the peaceful expression of political and religious views and sometimes even beat them when they are arrested.

The judiciary is not independent. The government denies citizens the right to fair trials. The government continues to grossly violate human rights by incarcerating prisoners of conscience. Pro-democracy activists, scholars, and poets are still in prison for crimes such as using freedom and democracy to "injure the national unity." Vietnam continues to deny freedom of religion.

Mr. Speaker, this past year, I traveled to Vietnam; and I had the opportunity to meet with four of the six leading dissidents in Vietnam for human rights and for advocation of collective bargaining in the workplace, Professor Nguyen Thanh Giang, who used to be a member of the Communist party and then was kicked out because he did not support what this government is doing with respect to religious freedom and basic human rights; Mr. Pham Que Duong; and Mr. Hoang Minh Chinh. I met with all of them, and we discussed this whole issue of trade. The issue is that human rights violations continue, and there has been no movement.

Our reports say time after time that there is no movement on human rights. Even our own Ambassador, Pete Peterson, when he was out in my district in front of the Vietnamese community, when he was pressed for details about what positive things had happened in human rights, could not come up with one answer, at least not when he was in front of people who understand and have their families back there.

I also visited with the Most Venerable Thich Quang Do, someone I nominated to win the Nobel Peace Prize. There are 28 of my colleagues in this House who also signed that letter asking for that. Right now he is under arrest. It is not the first time in his life; it probably will not be the last time in his life. But it simply happens over and over and it does not change. If an individual is with the Buddhists, and they do not like that, then they have problems. If someone is with the Catholic faith, and they do not like what that individual is doing, if they are going out to help flood victims, they are put under house arrest. Right now, they have Father Ly under persecution simply because he went to try to help flood victims in the Delta area.

Nevertheless, Vietnam continues over and over to insist it has no political or religious prisoners. I urge my colleagues to vote for this resolution. It is time we became aware of what is really happening in Vietnam.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this resolution and urge Members to continue the MFN status for Vietnam, as we have done in the past with an overwhelming and bipartisan majority.

I, like many Members of Congress, have had an opportunity to travel to Vietnam and to visit with governmental leaders and with private citizens there, and with workers and others that are a part of that community, and with our former ambassador, Pete Peterson, who has been one of the most passionate supporters of improved political and economic relations with Vietnam. He has devoted countless hours to improving these relationships and to addressing the key issues that are before us today, and I think we ought to salute his tenure as our first ambassador to Hanoi.

I think we have to understand that, in fact, progress has been made. Many of my colleagues have raised a number of troubling subjects to us that I think we have to continue to bear down on and understand that problems do exist, but I think also in my discussions with Ambassador Peterson and with people in Vietnam, improvements, in fact, I believe, have been made. Enough? No, not at all. Do we need further progress? Clearly we do on the issues of emigration.

I also have had an opportunity to witness the Joint Task Force's efforts to locate and identify and to recover the remains of our many missing soldiers and airmen and see this extraordinary effort that is taking place. We are, hopefully, building a new and a positive relationship with Vietnam, which is the 12th largest population in the world and plays a key role in political and economic security in Southeast Asia.

Last year, Congress enacted legislation that I helped write creating a program to promote higher education exchanges between our countries. We should continue to build on these efforts because they are in the best interests of both nations. At the same time, we must be very clear, and many of our colleagues have touched upon these subjects here today, we must continue to work with this government and to include this government to assure the rights of all working people to form independent unions and engage in collective bargaining as provided under the rules of the International Labor Organization.

Vietnam clearly must accelerate its policies to ensure freedom of religion and political expression. We need to continue to work with several local and international environmental organizations to reduce the water pollution and protect the threatened species and generally ensure that economic development is not undertaken at the expense of the Nation's natural resources, which not only affects Vietnam but the entire region.

Free trade unionism, improved environmental policies, expanded political religious rights for all Vietnamese. These are all legitimate factors for securing improved and lasting trade relations with the United States and other democracies, and we should continue to work for those in Vietnam. But we must understand that this is a step that allows us to continue to engage with the Vietnamese on these matters, and we also know that there are other instruments that are waiting in terms of trade agreements, bilateral agreements, and, obviously, at some point, Vietnam's seeking, down the road, to engage with the WTO. Clearly, these thresholds must be continued to be raised as we grant those other relations.

So I think it is incumbent upon all of us to understand here and in Vietnam that this debate is about an evolving relationship, not about an acceptance of the status quo that we have today.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), one of the most distinguished foreign policy leaders or perhaps the most distinguished foreign policy leader in the House of Representatives and former chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman for his kind introduction, and I am pleased to rise in strong support of H.J. Res. 55, resolution disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam. I commend my good friend, the gentleman from California (Mr. ROHRABACHER), for his continual oversight of Vietnam and for introducing this important initiative.

Amnesty International has reported to us that the government of Vietnam continues to prevent independent human rights monitors from visiting Vietnam, and dozens of prisoners of conscience remained in prison and have remained there throughout the year 2000, and some are still in prison. Restrictions on released prisoners continue to be harsh. Political dissidents, independent labor leaders, and religious critics of the government have been subjected to imprisonment, to beatings, to torture, to surveillance, harassment, and denial of basic freedoms, including the freedom of expression.

In September, five members of the Hoa Hao Buddhist Church, and we met some of them in our committee just the other day, were sentenced to between 1 and 3 years imprisonment on trumped-up charges, where they still remain.

The State Department points out that the government of Vietnam prohibits independent political labor and social organizations. Such organizations exist only under government control. The Vietnamese government also restricts freedom of religion and significantly restricts the operation of religious organizations other than those entities that have been approved by the State. Dissident groups of Buddhists, Hoa Hao, and Protestants, in particular, face harassment by authorities.

Accordingly, we should not be rewarding the Vietnamese Communist dictatorship with trade benefits at this time. It is an insult to the thousands of American and Vietnamese men and women who were wounded or died in the war fighting for democracy, the rule of law, and for human rights.

Mr. Speaker, I urge my colleagues to fully support this resolution.

Mr. CRANE. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Seattle, Washington (Ms. DUNN), who graciously permitted the transfer of Boeing's headquarters to my home town of Chicago.

Ms. DUNN. I thank our gracious chairman for yielding me this time and thereby allowing me the opportunity to speak.

Mr. Speaker, I rise in opposition to this joint resolution to disapprove normal trade relations with Vietnam. I believe that we need to continue our policy of economic engagement with Vietnam.

□ 1100

President Clinton already signed a historic bilateral agreement that will require Vietnam to open its markets, to reduce tariffs, to ease barriers to our products in the United States and our services.

I am very pleased that the Committee on Ways and Means will be considering this agreement today in committee.

Twenty-six years after the end of the war, many of us are still haunted by Vietnam. It touched my generation. I saw boys go away from college and from our communities to fight in Vietnam; and we also saw our colleague, SAM JOHNSON, and former ambassador to Vietnam, Pete Peterson, our good friends, people we care about, who served our Nation honorably in Vietnam and made terrible sacrifices as prisoners of war. But I believe we can honor their service while still strengthening our economic relations with Vietnam.

Renewing normal trade relations does not diminish our commitment to address POW/MIA issues. I am from Seattle, and we have a large Asian/Vietnamese community. Many have become citizens, contributing to our communities. I do not think establishing normal trade relations with Vietnam diminishes the commitment that we all believe in our communities and in this Congress to POW/MIA issues, to human rights issues, and to issues of religious liberty.

Trade is an effective tool to pressure Vietnam to make economic and social reforms. I ask my colleagues today to oppose this bill and to support trade with Vietnam.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, this is an issue that really is a very central issue that we ought to be discussing on many levels. That is the question of what relationship we are going to have with the rest of the world.

I am one of those people who was involved in the Vietnam War, not in-country, but I saw what happened; and there are lots of reasons why we ought to keep them isolated. Yesterday we had an argument here about Cuba. We have tried to isolate them. We have isolated them for 50 years. It has not done any good. We tried it with China. It did not do any good. We finally opened up to them.

Now we have the Vietnamese. Let us isolate them, and somehow they will change. It will not do any good. The only way we are going to get anything done is when we begin to embrace and involve yourself with them. Nobody who is going to vote against this resolution is in agreement with communism. We do not agree with what the Vietnamese government is doing, but we have a difference of opinion about how we involve ourselves in bringing about that change.

My colleagues talk about the terrible Communist government and all these awful things. The next issue we are going to do on the floor here, sort of an irony, is that we are going to come out and pass a martial law rule in the House of Representatives.

The rules of the House are to protect the minority, and we do not have any problem standing up here and running over the minorities, and then we stand back and say, those awful people over there in that country who run over those minorities. So we have to be careful about being consistent.

If we do not want to deal with China, I can understand that; and there were some of my colleagues who are very consistent. They do not want to deal with China. They do not want to deal with Vietnam. They do not want to deal with Cuba. Those people I can understand. But the ones who pick and choose really need to do some thinking.

Why are we having this martial law in the next issue up here? The reason we are having it is because the leadership of the House wants to deal with a crisis. There is a real crisis out there. They have had a hurricaine in Texas. So we have to come out here and ram through help for people in Texas.

The White House says we should not do anything for the Indians. A hundred thousand houses flattened. Thirty thousand people killed. The United States can give $5 million to India, and that is fine.

I heard one of my colleagues say, we cannot let down the Montagnards. They were our allies. What about the people in El Salvador who we dragged through a whole war? Now they have an earthquake, the worst earthquake in the history of El Salvador, and the White House says, no, we are not going to help these El Salvadorans. They are living in the wrong place. They should have moved to Texas or Florida or somewhere we would help them.

The question of how we are going to relate and how we are going to get our people into these countries and how we are going to bring about change is a very complicated one.

I was in China when China was very tight, back in 1977. I have seen enormous changes. Has it gone far enough? No, it has not. Has Vietnam changed? Yes. Far enough? No. But the question is, at this point should we step back and say these folks are not doing it our way enough so we are not going to deal with them?

My view is nothing works that way. That is why I will vote to oppose this resolution. Not because I endorse communism or anything about that regime, but because we will never bring about any change simply by forcing, trying unilaterally for the United States to economically squeeze them into our mold. They will get there because the forces that we have are very powerful, and they will bring it about.

Vote against this kind of resolution.

Mr. ROHRABACHER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), who knows this issue is mainly about subsidizing American businessmen for building factories in Vietnam.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of this resolution.

Mr. Speaker, let us not kid ourselves. The government of Vietnam is not making progress on human rights. On the contrary, in recent months the government has substantially increased the frequency and the severity of its human rights violations and just recently, beginning in late winter, began a new and very cruel crackdown on the Montagnards, torturing, murdering, cordoning off. Mr. Speaker, this is the reality on the ground in Vietnam.

Let me also point out to my colleagues that there is no real religious freedom allowed by the government of Vietnam. The Unified Buddhist Church, the largest religious denomination in the country, has been declared illegal by the government, and over the last 25 years its clergy have often been imprisoned and subjected to other forms of persecution.

The patriarch of the Unified Buddhist Church, 83-year-old Thich Huyen Quang, has been detained for 21 years in a ruined temple, an isolated area in central Vietnam. Most Venerable Thich Quang Do, the executive president of the Unified Buddhist Church, has been in detention for many years and was recently rearrested when he sought medical care for Thich Huyen Quang.

The Hoa Hao Buddhist Church has also been under severe repression. According to the U.S. Commission on

International Religious Freedom, "this organization is made up of almost entirely," that is to say, the governing body of it, "of members of the Communist party," and they have not recognized and have not been recognized by the majority of the Hoa Haos.

Let me just say, recently Father Ly gave testimony to the U.S. Commission on Religious Freedom. We know what happened when he gave that testimony, and it was written testimony. He did not come here and present it. He, too, was arrested by the government of Vietnam and is being held.

So Catholic priests in Vietnam who speak out against religious persecution, sorry, they are going to be arrested and persecuted. That is the government that we are subsidizing.

Mr. Speaker, we have to take the side of human rights and the oppressed, and not stand with the oppressor. Let us see some real progress before we lavish trade on the government of Vietnam.

Mr. CRANE. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I served in Vietnam as a young marine. I met many extraordinary, wonderful people in Vietnam. I have visited Vietnam as a Member of Congress. I have had many, many conversations with Pete Peterson, the distinguished ambassador to Vietnam. My conclusion is this: Those Vietnamese, young and old, who are being persecuted religiously, basic human rights violations, torture, et cetera, are painfully, patiently waiting the return of the Americans to once again, but in a much different way, and perhaps much more effective, bring the opportunity for freedom to Vietnam to prevail.

Mr. Speaker, communism cannot exist against a tidal wave of hope, knowledge and a clear avenue of opportunity. The Jackson-Vanik waiver offers a portion of that avenue to open up. I urge a "no" vote on this opposition to Jackson-Vanik.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Speaker, who will close?

The SPEAKER pro tempore (Mr. SWEENEY). The Chair will recognize for closing speeches in the reverse order of the original allocations. Thus, Members should expect to close out their time in the following sequence: the gentleman from California (Mr. ROHRABACHER), the gentleman from Michigan (Mr. LEVIN) and the gentleman from Illinois (Mr. CRANE). The time of the gentlewoman from California (Ms. SANCHEZ) has expired.

Mr. ROHRABACHER. Mr. Speaker, I reserve the balance of my time.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this is an emotional issue for many of us. I have seen a lot of my friends die in Vietnam, as has my friend, the gentleman from Texas (Mr. SAM JOHNSON), who was a POW for six and a half years. Even we have different feelings on this particular issue, and it is hard.

I look, and people outside the United States could look, and point out the bad things about the United States. The gentleman from New Jersey (Mr. SMITH) did about Vietnam.

Look at a young African American that was drug down a country road, drug to his death. Look at the inequities to minorities in our judicial system sometimes. I acknowledge those and say we want to trade with the United States. But there is so much good. Most of the people who live in Vietnam today were not alive during the war.

The gentleman from Kentucky (Mr. ROGERS) asked me to go to Vietnam a couple of years ago and raise a flag over Ho Chi Minh City. I told him, no, I do not go on CODELS; and it would be too hard for me to go back. But I did go. I am glad I did.

Mr. Speaker, if you walk on the streets of Vietnam today, those people welcome Americans openhandedly. They want a chance, much like the people in Tiananmen Square did. I met the prime minister, and I asked him, why will you not get involved in trade that President Clinton is trying to get you involved in?

He said, Congressman, I am a Communist. If those people have things, I will be out of business as a Communist.

I said, trade is good. If we look at it that way, there is no movement with Saddam Hussein. There is no movement in Cuba with Fidel Castro, but there is in Vietnam.

Yes, there are a lot of pitfalls with this. I have a constituent that was arrested in Vietnam. I ask my colleagues to think about if we have a country like Vietnam that definitely are Communists, but they have made movement like the gentleman from Washington stated, I think we ought to support that trade and deny this resolution.

The SPEAKER pro tempore. Does the gentleman from Illinois (Mr. CRANE) have any further speakers?

Mr. CRANE. No, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California (Mr. ROHRABACHER) is recognized for his closing.

Mr. ROHRABACHER. Mr. Speaker, I yield 1½ minutes to myself to close.

Mr. Speaker, what are we debating here? Let us once again be reminded. Rejecting this waiver means one thing in policy. One policy decision is being made today, and that is whether or not we are going to subsidize American businessmen, take taxpayer dollars and guarantee the loans that they are getting and give them a lower rate of interest in order to set up factories in a Communist country, in Vietnam.

Mr. Speaker, I do not think that is a good idea for Democratic countries, and it certainly is not a good idea for dictatorships like Vietnam. Vietnam does not deserve a subsidy for American businessmen to set up factories, closing their factories in the United States, so these businessmen can take advantage of the slave labor in Vietnam. They do not deserve it.

As we have heard, Pete Peterson, one of our former colleagues, a former POW, could not come up with one example of where Vietnam was progressing in the right direction after all of these years of engagement.

We are not talking about trade. We are not talking about isolating Vietnam. We are talking about subsidizing businessmen to set up factories there. That is immoral as long as that country is such a dictatorship.

Let me add, this same government continues to stonewall us on the POW issue. Although they let us dig, we can dig, and they get millions of dollars for letting us dig in Vietnam for the bones of the 200 Americans left that we knew were in captivity at one point in Vietnam. They have put roadblock after roadblock which continues to prevent us from finding out what happened to those last 200 American POWs.

Mr. Speaker, I ask my colleagues to support my reject of the Jackson-Vanik waiver for this dictatorship in Vietnam.

Mr. Speaker, I include for the RECORD a letter addressed to me.

QUINN EMANUEL LOS ANGELES,
Los Angeles, CA, July 17, 2001.

Re U.S.-Vietnam Trade Agreement.

Hon. DAN ROHRABACHER,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN ROHRABACHER: I represent Mr. Dac Vi Hoang, a former Vietnamese businessman who fled Vietnam recently to escape persecution. I am writing to you to offer the testimony of Mr. Hoang regarding the political corruption and economic repression that stifle free enterprise in Vietnam.

Mr. Hoang was a prominent Vietnamese entrepreneur who owned Thanh My, Inc., an international exporter of lacquerware. Thanh My, Inc. enjoyed astounding success as a private corporation in the midst of a Communist regime, with annual sales of U.S. $3 million and 400 employees. Than My was internationally recognized as the first private corporation in Vietnam to receive permission to sell its shares to a foreign entity (although that permission was eventually revoked by the Vietnamese government).

Mr. Hoang accomplished this success despite having spent five years in a Vietnamese re-education camp because of his participation as an intelligence officer in the South Vietnamese army and cooperation with American armed forces during the Vietnam War. Mr. Hoang was severely tortured, both mentally and physically, while he underwent his "re-education."

The prominence Mr. Hoang achieved motivated him to advocate on behalf of private enterprise in Vietnam. In so doing, he repeatedly criticized, both privately and publicly, the repression of private enterprise and the economic policies of the Vietnamese government. This activity led to warnings, threats, and surveillance by the Vietnamese government. Eventually, Mr. Hoang received information that his arrest was imminent.

Mr. Hoang and his immediate family fled to the United States soon thereafter and they currently are seeking political asylum before the United States Immigration Court in Los Angeles. Mr. Hoang was one of the wealthiest people in Vietnam, and now he has nothing except the prospect of freedom in this Country. The hearing on his case was originally scheduled for July 13, 2001, but was continued until January 20, 2002 at the request of the I.N.S.

Attached is Mr. Hoang's declaration to the U.S. Immigration Court and a newspaper article that describes his plight. Mr. Hoang has continued to criticize the Communist regime in Vietnam since his arrival in this Country, and his comments have been widely broadcast in the media. Mr. Hoang was recently interviewed by Radio Free Asia, which broadcasts in Vietnam. If Mr. Hoang's testimony is relevant to the U.S.-Vietnam trade agreement ratification process, please do not hesitate to contact me at the telephone number listed above, or via e-mail at slr@quinnemanuel.com.

Respectfully yours,

SANDRA L. RIERSON.

□ 1115

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, Vietnam represents another challenge, how we integrate a command economy and a command society into the rule of law. It needs the right combination of engagement and pressure. I do not think trade is a magic wand. It is more than about market access. It is about labor market issues. It is about environmental issues. It is about a widened nature of issues. It is not an either/or proposition. We need to move forward on these issues, not backwards.

To vote "yes" on this is to vote to move backwards. I think it would be a mistake. I urge a "no" vote.

Mr. CRANE. Mr. Speaker, I yield myself the balance of my time. I rise in strong opposition to H.J. Res. 55 and in support of extending Vietnam's Jackson-Vanik waiver. Failure to extend the waiver here at the threshold of congressional consideration of the U.S.-Vietnam bilateral trade agreement would send terribly mixed diplomatic signals and would undermine the great economic reforms now gaining momentum in Vietnam.

On emigration, the central issue for the Jackson-Vanik waiver, more than 500,000 Vietnamese citizens have entered the United States under the orderly departure program in the past 10 to 15 years. As a result of steps taken by Vietnam to streamline its emigration process, all but 73 of the nearly 21,000 individuals who have applied for consideration under the Resettlement Opportunity for Vietnamese Returnees program have been cleared for interview.

Another critical issue in our bilateral relationship with Vietnam continues to be the fullest possible accounting of U.S. MIAs. As of last week, the fate has been determined for all but 41 of the so-called "last known-alive" cases. Future progress in terms of the ability of U.S. personnel to conduct excavations, interview eyewitnesses and examine archival items is dependent upon continued cooperation by the Vietnamese.

The effect of the Jackson-Vanik waiver at this time is quite limited, enabling U.S. exporters doing business in Vietnam to have access to U.S. trade financing programs provided that Vietnam meets the relevant program criteria. Nevertheless, the significance of Vietnam's Jackson-Vanik waiver is that it permits us to stay engaged with Vietnam and to pursue further reforms on the full range of issues on the bilateral agenda.

Extending Vietnam's waiver will give reformers within the government much-needed support to continue economic reforms. Therefore, I urge a "no" vote on H.J. Res. 55.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong opposition to House Joint Resolution 55, which would deny Normal Trade Relations (NTR) with Vietnam, the world's 13th largest nation with a population of 80 million people. I urge our colleagues to vote against the measure.

Mr. Speaker, the decision before us is much like the debate we had recently over trade relations with China. In the case of Vietnam, as with China, many opponents of NTR focus on the serious human rights violations committed by the Communist government. These are valid and compelling criticisms, as in Vietnam the practice of religion is routinely restricted and political freedom is brutally suppressed, especially public dissent.

However, these human rights abuses, as well as our concerns over minimum labor standards and environmental protection, will not be addressed by America continuing to turn its back to Vietnam.

I believe engaging with Vietnam by support of Normal Trade Relations and the Bilateral Trade Agreement will not only create new and fair business opportunities for America but, more importantly, will bring about significant political and social progress in Vietnam. Committing the Vietnamese Government to enact market-oriented reforms will enhance respect for the rule of law, ultimately leading to a more democratic society that respects and protects the rights of its citizens. Additionally, this will lay the foundation for Vietnam's eventual entry into the World Trade Organization, further reinforcing Vietnam's obligation and duty to conduct itself as a civilized and responsible member of the international community.

In supporting Normal Trade Relations for China last week, Mr. Speaker, I found particularly persuasive and enlightening the voices of those Chinese dissidents who have been persecuted and imprisoned for years—individuals who are among China's harshest and most vocal critics.

Prominent Chinese democracy activists such as Bao Tong, Xie Wanjun, Ren Wanding, Dai Qing, Zhou Litai and Wang Dan have urged the United States to extend China Normal Trade Relations as it would hasten China's entry into the WTO, forcing China's adherence to international standards of conduct and respect for the rule of law. Moreover, they argue that closer economic relations between the U.S. and China allows America to more effectively monitor human rights and push for political reforms in China.

Mr. Speaker, the wisdom of these courageous Chinese dissidents also applies in the case of Vietnam.

For a year, Hanoi's leaders have delayed signing the Bilateral Trade Agreement with us precisely because they fear economic reform and U.S. engagement will undermine the socialist foundation and monopoly on power of their Communist regime.

Mr. Speaker, the Communist leadership in Hanoi is right to be fearful. Normalizing trade relations between our nations will allow America to engage—promoting democracy and spurring political, social and human rights progress in Vietnam that in the long-run cannot be controlled nor stopped. I strongly urge our colleagues to engage the people of Vietnam, and oppose the legislation before us.

Mr. BEREUTER. Mr. Speaker, this Member rises in opposition to the H.J. Res. 55, which would disapprove the Bush Administration's extension of the waiver of Jackson-Vanik trade restrictions on Vietnam. Therefore, in voicing this opposition to the resolution, it is important for us to recognize what the Jackson-Vanik waiver does and does not do.

By law, the underlying issue here is about emigration. Based on Vietnam's record of progress on emigration and its continued cooperation on U.S. refugee programs over the past year, renewal of the Jackson-Vanik waiver will continue to promote greater freedom of emigration. Disapproval would, undoubtedly, result in the opposite.

The Jackson-Vanik waiver also symbolizes our interest in further developing relations with Vietnam. Having lifted the trade embargo and established diplomatic relations five years ago, the United States has tried to work with Vietnam to normalize incrementally our bilateral political, economic and consular relationship. This is in America's own short-term and long-term national interest. It builds on Vietnam's own policy of political and economic re-integration into the world. This will be a lengthy and challenging process. However, now is not the time to reverse course on gradually normalizing our relations with Vietnam.

Vietnam now continues to cooperate fully with our priority efforts to achieve the fullest possible accounting of American POW–MIAs. The Jackson-Vanik waiver contributes to this process.

The Jackson-Vanik waiver certainly does not constitute an endorsement of the Communist regime in Hanoi. We cannot approve of a regime that places severe restrictions on basic freedoms, including the right to organize political parties, freedom of speech, and freedom of religion. On many occasions, with this Member's support, this body passed resolutions condemning just such violations of civil and human rights.

The Jackson-Vanik waiver does not provide Vietnam with any new trade benefits, including Normal Trade Relations (NTR) status. With the Jackson-Vanik waiver, the United States has been able to successfully negotiate and sign a new bilateral commercial trade agreement with Vietnam. Congress will have an opportunity to decide in the future whether to approve it or not and whether to grant NTR to Vietnam. But, that is a separate process. The renewal of the Jackson-Vanik waiver only keeps this process going—nothing more.

Also it is important to note that the renewal of the Jackson-Vanik waiver does not aututomatically make American exports to Vietnam eligible for possible coverage by U.S. trade financing programs. The waiver only allows American exports to Vietnam to be eligible for such coverage.

Mr. Speaker, the Vietnam War is over and we have embarked on a new, though cautious and expanding, relationship with Vietnam. Now is not the time to reverse course. Accordingly, this Member urges a "no" vote on the resolution of disapproval.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution and urge my colleagues to uphold the current Jackson-Vanik waiver.

The Jackson-Vanik provision of the 1974 Trade Act was intended to encourage communist countries to relax their restrictive emigration policies.

The Jackson-Vanik waiver specifically granted the President the power to waive the restrictions on U.S. government credits or investment guarantees to communist countries if the waiver would help promote significant progress toward relaxing emigration controls.

Mr. Speaker, Senator Scoop Jackson was a staunch anti-communist. Yet, he was willing to consider to incentives to encourage the Soviet Union to relax its emigration policy.

In 1998, Charles Vanik, former Member and co-author of the Jackson-Vanik provision, sent me a letter expressing his strong opposition to the motion to disapprove trade credits for Vietnam and urged the Congress to uphold the current waiver.

Vietnam is experiencing a new era, driven by a population where 65 percent of its citizens were born after the war. Vietnam today welcomes U.S. trade and economic investment.

The Vietnamese Government has made significant progress in meeting the emigration criteria in the Jackson-Vanik amendment. Through a policy of engagement and U.S. business investment, Vietnam has improved its emigration policies, cooperated on U.S. refugee programs, and worked with the United States on achieving the fullest possible accounting of POW/MIAs from the Vietnam War.

Despite problems of corruption and government repression, there is reason to believe that our presence in Vietnam can improve the situation and encourage its government to become more open, respect human rights and follow the rule of law.

The economic incentives provided in Jackson-Vanik are all one-sided favoring U.S. firms doing business in Vietnam. I am among many of my colleagues who support approval of the U.S.-Vietnam Bilateral Trade Agreement that will be marked up by the Ways and Means Committee later today. This bilateral agreement will advance U.S. economic interests and further integrate Vietnam into the global economy.

Recently departed U.S. Ambassador to Vietnam, Pete Peterson, our esteemed former colleague and former POW, has been one of our nation's strongest advocates for expanding trade with Vietnam. Renewing the Jackson-Vanik waiver will increase market access for U.S. goods and services in the 12th most populous country in the world.

Disapproval of this waiver will only discourage U.S. businesses from operating in Vietnam, arm Soviet-style hardliners with the pretext to clamp down on what economic and social freedoms the Vietnamese people now experience, and eliminate what opportunity we have to influence Vietnam in the future.

Mr. Speaker, we have debated and soundly rejected similar disapproval resolutions in past years. I urge my colleagues to do the same today and uphold the presidential waiver of the Jackson-Vanik requirements.

The SPEAKER pro tempore (Mr. SWEENEY). All time for debate has expired.

Pursuant to the order of the House of Wednesday, July 25, 2001, the joint resolution is considered as having been read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CRANE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this vote on the passage of House Joint Resolution 55 will be followed by a vote on the motion to suspend the rules and pass H.R. 1954, the Iran-Libya Sanctions Act extension.

The vote was taken by electronic device, and there were—yeas 91, nays 324, answered "present" 1, not voting 17, as follows:

[Roll No. 275]

YEAS—91

Aderholt
Andrews
Baca
Ballenger
Barcia
Barr
Bartlett
Barton
Berry
Bonilla
Bonior
Brown (OH)
Brown (SC)
Burton
Buyer
Chabot
Coble
Collins
Conyers
Cox
Culberson
Davis, Jo Ann
Davis, Tom
Diaz-Balart
Doolittle
Duncan
Everett
Flake
Gilman
Goode
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastings (FL)
Hayes
Hayworth
Hilleary
Hoekstra
Holden
Honda
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Kennedy (RI)
Kucinich
LoBiondo
Lofgren
McIntyre
Menendez
Mink
Norwood
Otter
Paul
Pickering
Pitts
Pombo
Riley
Rivers
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Sanchez
Sanders
Scarborough
Schaffer
Shows
Smith (NJ)
Solis
Souder
Strickland
Stump
Stupak
Tancredo
Taylor (MS)
Taylor (NC)
Traficant
Visclosky
Wamp
Watson (CA)
Watt (NC)
Weldon (FL)
Weldon (PA)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—324

Abercrombie
Ackerman
Akin
Allen
Armey
Baird
Baker
Baldacci
Baldwin
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Greenwood
Grucci
Gutierrez
Hall (OH)
Hansen
Harman
Hart
Hastings (WA)
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)

Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rodriguez
Roemer
Rogers (KY)
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Spratt
Stark
Stearns
Stenholm
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watts (OK)
Waxman
Weiner
Weller
Wexler
Whitfield
Wicker
Wilson
Woolsey
Wu

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—17

Bachus
Blumenauer
Blunt
Chambliss
Cubin
Deal
Ehrlich
Emerson
Fletcher
Gekas
Houghton
Hunter
Jones (NC)
Lipinski
McNulty
Snyder
Spence

□ 1144

Messrs. ALLEN, DELAY, GIBBONS and LEWIS of California and Mrs. MEEK of Florida changed their vote from "yea" to "nay."

Ms. SOLIS, Mrs. JO ANN DAVIS of Virginia and Messrs. WAMP, HONDA, BERRY, FLAKE and BONILLA changed their vote from "nay" to "yea."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 55, the joint resolution just passed.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1145

(Mr. THOMAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include therein extraneous material.)

COMMUNICATION FROM THE SPEAKER OF THE HOUSE REGARDING THE IRAN AND LIBYA SANCTIONS ACT

Mr. THOMAS. Mr. Speaker, I am in receipt of a letter dated July 24 addressed to me as chairman of the Committee on Ways and Means signed by the Speaker of the House.

The letter says that "If the President submits a report, pursuant to the 'ILSA Extension Act of 2001' that contains a recommendation stating that the Iran-Libya Sanctions Act should be terminated or modified, and if a bill is introduced that would terminate or modify ILSA, as recommended by the President, within 60 legislative days of the filing of the President's report, then I will use my authority under Rule XII, clause 2(c)(5) to place a time limit of not more than 45 days on all committees to which such legislation is referred."

Mr. Speaker, I include for the RECORD the letter just referenced.

WASHINGTON, DC,
July 24, 2001.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to Rule XII, clause 2(c)(5), the Speaker may subject the referral of a bill to a committee of primary jurisdiction to appropriate time limitations. If the President submits a report pursuant to the "ILSA Extension Act of 2001" that contains a recommendation stating that the Iran and Libya Sanctions Act ("ILSA") should be terminated or modified, and if a bill is introduced that would terminate or modify ILSA, as recommended by the President, within sixty legislative days of the filing of the President's report, then I will use my authority under Rule XII, clause 2(c)(5) to place a time limit of not more than forty-five days on all Committees to which such legislation is referred.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

ILSA EXTENSION ACT OF 2001

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1954, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1954, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 6, answered "present" 1, not voting 17, as follows:

[Roll No. 276]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer

Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Conyers
Hilliard
LaFalce
McKinney
Paul
Rahall

ANSWERED "PRESENT"—1

Bonior

NOT VOTING—17

Blumenauer
Blunt
Cubin
Deal
Ehrlich
Emerson
Fletcher
Gekas
Houghton
Hunter
Jones (NC)
King (NY)
Lipinski
McNulty
Radanovich
Snyder
Spence

☐ 1206

Mr. CONYERS changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read:

"A bill to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GEKAS. Mr. Speaker, earlier today I missed rollcall votes No. 275 and No. 276 on H.J. Res. 55, Disapproving Normal Trade Relations with Vietnam and H.R. 1954, The Iran Libya Sanctions Act. During the vote I was in a part of the Capitol building where the occurrence of floor votes was not indicated by the light/bell system. I request that the RECORD reflect that had I been on the floor, I would have cast a vote against H.J. Res. 55 and in favor of H.R. 1954, which I have cosponsored.

CONGRATULATIONS TO HOUSTON SOLAR RACE TEAM ON WINNING WINSTON SOLAR CHALLENGE

(Mr. WICKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WICKER. Mr. Speaker, as we prepare to debate national energy policy, a solar-powered car race which concluded yesterday calls attention to the uses of alternative energy sources.

The Winston Solar Challenge is an educational competition among high school teams from across our Nation. The winner will compete in the world competition this November in Australia.

This 8-day race covered a 1,400 mile course from Texas to Indiana. The competition concluded late yesterday with the winning team finishing more than 271 miles in front of their closest competitor. I am immensely proud that the winner of this race is from the city of Houston, Mississippi, located in my district.

Under the guidance of advisers Danny Lantrip and Keith Reese, the team includes Captains Trey Ellison, Andy Goode, and members Daniel Black, Clay Bishop, Adam Duncan, Marshall Faulkner, Chris Free, Jason Mallone, Josh Moore, Casey Smith, Nikkie Smith, Bryan White, Jimmy Jones, and Jeannie Moore.

Congratulations to the Houston Solar Race Team on an extraordinary performance and a job well done. The city of Houston, Chickasaw County, the entire State of Mississippi, and now the United States of America are proud of you.

RECESS

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1317

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 17 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 107–164) on the resolution (H. Res. 210) providing for consideration of the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 209 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 209

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of July 26, 2001, providing for consideration or disposition of the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, last night the Committee on Rules met and reported this resolution waiving clause 6(a) of rule 13, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules. The resolution applies the waiver to a special rule reported by the Committee on Rules on or before the legislative day of Thursday, July 26, 2001, if the rule provides for consideration of the first 2002 VA–HUD appropriations bill.

Mr. Speaker, as my colleagues are aware, the Committee on Appropriations has completed its work and filed H.R. 2620, the fiscal year 2002 VA–HUD appropriations bill and the Members have had the opportunity to review this legislation which addresses some of our Nation's most pressing needs. In fact, yesterday the Committee on Rules received testimony on this bill from a number of Members in anticipation of reporting a rule to bring this legislation before the House.

Adoption of this rule now will simply allow us to consider the appropriations package today rather than holding up this bill until tomorrow or even next week.

Mr. Speaker, I urge my colleagues to support this rule and allow the House to complete its work on the business at hand.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this martial-law rule. I oppose the process that it represents where the Committee on Rules meets in the midnight hour rather than opening its deliberations in the daytime.

The hearing for this measure was held yesterday afternoon at 3 p.m. We have had more than adequate time to prepare the rule. I am at a loss to explain why we are once again preparing to circumvent the rules of the body and ram this controversial measure, martial law, down the throats of our colleagues. What aversion does this leadership have to regular order?

The "martial-law measure" we are considering is an extremely heavy-handed process and, under the Rules of the House, a two-thirds vote is required to consider a rule on the same day that the Committee on Rules reports it. But martial-law procedures allow us to bring a rule to be considered on the same day it is reported with a majority, rather than two-thirds vote.

Frankly, this process is baffling to many of us. For the first time in years, we are using this heavy-handed procedure on an appropriations bill, making its initial pass through the House. If anyone could explain the real reason why we find ourselves in this position, I look forward to hearing it. I urge my colleagues to vote "no" on martial law.

Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I have no further speakers, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 200, not voting 17, as follows:

[Roll No. 277]

YEAS—216

Abercrombie
Aderholt
Akin
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—17

Armey
Blumenauer
Carson (OK)
Cubin
Ehrlich
Houghton
Istook
Lipinski
McNulty
Myrick
Northup
Schaffer
Snyder
Spence
Tancredo
Udall (NM)
Waters

□ 1351

Mr. BERRY and Ms. ESHOO changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. McNULTY. Mr. Speaker, I was absent earlier today to attend the funeral of a member of my family and I missed rollcall votes number 275, 276 and 277.

Had I been present and voting, I would have voted yes on rollcall 275, yes on rollcall 276, and no on rollcall 277.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the Committee on Rules is planning to meet next week to grant a rule which may limit the amendment process on the Legislative Branch appropriations bill for fiscal year 2002. The bill was ordered reported by the Committee on Appropriations this morning and is expected to be filed later today.

Any Member wishing to offer an amendment must submit 55 copies of the amendment and one copy of a very brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol no later than 12 noon on Monday, July 30. Members should draft their amendments to the bill as reported by the Committee on Appropriations. The text is available at the Committee on Appropriations.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 2620, DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 210 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 210

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with", except that" on page 64, line 12, through "drinking water contaminants" on line 17. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendment printed in the report of the Committee on rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the report are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my colleague, the gentlewoman from New York (Ms. SLAUGHTER); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 210 is an open rule which provides for 1 hour of general debate, equally divided between the chairman, the gentleman from New York (Mr. WALSH), and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), on H.R. 2620, the fiscal year 2002 Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations bill.

The rule waives all points of order against consideration of the bill. After general debate, any Member wishing to offer an amendment may do so as long as it complies with the regular rules of the House. The rule makes in order one amendment printed in the report accompanying the rule and waives all points of order against that amendment.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI for legislating on an appropriations bill and prohibiting nonemergency designated amendments to be offered to an appropriations bill containing an emergency designation.

Finally, the rule permits the minority to offer a motion to recommit with or without instructions.

Mr. Speaker, this bill provides yet another example of a carefully crafted bill from the Committee on Appropriations that strikes a balance between fiscal discipline and social responsibility. I would like to commend the chairman and the ranking member, and all the members of the Committee on Appropriations, for making the tough decisions required to produce a thoughtful bill that meets our most important priorities.

While we can never agree on everything, this is a good bill which we can all agree addresses some of our Nation's most pressing needs. It takes care of our veterans, it addresses the Nation's critical housing needs, it helps to preserve and protect our environment, it invests in scientific research, and continues our exploration into space.

This legislation maintains our commitment to our Nation's veterans, who selflessly place themselves in harm's way so that we may enjoy the very freedoms which we so cherish. Our veterans deserve our thanks, but more importantly they deserve and have earned the benefits in this bill.

This year, the fiscal year 2002 Veterans-HUD appropriations bill provides an additional $1 billion over last year's increase for Veterans Medical Health Care, bringing the total to $21.3 billion.

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I am proud to inform my colleagues and, more importantly, our veterans that we have increased Veterans Medical Health Care by $4 billion over the course of the last 3 fiscal years.

This bill increases Veterans Medical and Prosthetic Research yet again, by $20 million, and provides an extra $128 million over last year's funding levels for the Veterans Benefit Administration to expedite claims processing.

Finally, H.R. 2620 provides $100 million for Veterans Extended Care Facilities, an increase of $50 million over the President's request.

Mr. Speaker, along with providing for the needs of our veterans, this legislation makes available important resources to help the most vulnerable in our society with a very basic need: placing a roof over their heads.

Low-income families will benefit through this bill's investment in the Housing Certificates Program, which provides funding for Section 8 renewals and tenant protection.

A $1.8 billion increase over last year's funding level will allow for the renewal of all expiring Section 8 contracts and provide needed relocation assistance at the level requested by our President. A total of $15.7 billion is provided for this important program in fiscal year 2002. This includes $197 million to fund some 34,000 new Section 8 vouchers.

In my district in Columbus, Ohio, we know all too well how crucial this housing assistance is for families who are trying to lift themselves up and improve their lives.

Other needed housing programs that help our elderly, that help people with AIDS and that help the disabled are also receiving increases over last year's funding levels in this report.

H.R. 2620 also looks toward the future by preserving and protecting our environment for the next generations to enjoy.

The bill targets funding and places an emphasis on State grants to protect the water that we drink and the air that we breath.

The State Revolving Fund for Safe Drinking Water is increased by more than $25 million from last year's level, the Clean Water State Revolving Fund is funded at $1.2 billion, equal to last year's level, and, finally, State Air Grants are increased $8 million over last year.

Mr. Speaker, this legislation provides important funding which maintains our commitment to the exploration of space and the improvements of science.

I am pleased to say that the National Science Foundation is increased by some 9 percent or $414 million above the last fiscal year. This will go a long way to try to help foster scientific discovery, promote basic research, as well as increase science education.

NASA also receives an increase that will bring total funding to more than $15 billion. It fully funds the space shuttle operations and increases funding for the International Space Station programs. This will enable the United States of America to maintain our superiority in space exploration and aeronautical research.

Finally, Mr. Speaker, this bill addresses an unexpected shortfall within the Federal Emergency Management Agency by providing $1.3 billion in emergency designated funding.

While, as a fiscal conservative, I am generally opposed to the use of emergency designations on appropriations bills, this bill and the amendment made in order under this rule provides that the funds will only be made available if it is determined that they are necessary for FEMA to meet the needs of the communities adversely affected by disaster. These funds simply represent an insurance policy for some of our Nation's hardest hit communities.

Mr. Speaker, this is a good bill, and it deserves our support. It takes a responsible path towards addressing our Nation's most pressing needs and priorities. I urge all of my colleagues to support this straightforward and noncontroversial rule, as well as this must-do piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague from Ohio for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, I have strong concerns about the rule and the process it represents. As I stated earlier, the Committee on Rules and the current leadership are developing a compulsive aversion to regular order. In what has become standard operating procedure, the Committee on Rules emerged only moments ago to consider what should be a noncontroversial open rule on an appropriations bill making its initial pass through this Chamber.

The underlying bill is too important for this country to be treated so cavalierly. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) deserve rich praise for their work, particularly in adding funds to the President's anemic budget for science. The President's budget requested a meager 1.2 percent increase for the National Science Foundation, barely half the amount necessary to cover inflation. The Committee wisely added $368 million to the President's request, an amount which will allow on-going research in basic physics, chemistry, mathematics and engineering.

I was particularly pleased and gratified to see the inclusion of $8 million for a proposed Infotonics Center of Excellence in my district of Rochester, New York. This project will utilize my region's established expertise in optics, the science of light, that is critical to the future economic success of New York State. This will be a cooperative research and development facility where academic researchers, industry leaders such as Kodak, Xerox and Corning, and small companies can pool their resources and expertise. With this funding, we can begin to bridge the gap between basic research and product manufacturing focusing in optics, fiberoptics and the emerging field of photonics, transmitting data by light.

I also want to thank the chairman for the increase in funding for HUD's Office of Lead Hazard Control funding. I was pleased that 50 of my colleagues signed my letter requesting this increase, and I look forward to continuing to work with the Committee as this funding works its way through the appropriations process. Many older houses and apartments still contain lead-based paint.

Research shows that children with elevated blood lead levels are seven times more likely to drop out of school and twice as likely to fall behind their peers in language acquisition. In my district of Rochester, New York, 37 percent of the children tested have more lead in their blood than the Centers for Disease Control and Prevention say is safe. This increased funding will be a critical step in addressing this problem.

Many Members on this side of the aisle have expressed concern over veterans medical care and public housing programs that serve the country's most vulnerable citizens and families. Unfortunately, an inadequate overall allocation has forced the majority to rely on budgetary gimmicks to stay within the subcommittee's budget ceiling. These gimmicks include almost $1 billion of delayed obligations and "pretend" budget allocations such as the recommendation to eliminate funding for the Corporation for National and Community Service, a recommendation which the chairman announced prior to reporting the bill that he intends to reverse in conference.

These problems will cause the VA-HUD bill to be the first of the seven appropriations bills reported by the Committee that may not share broad bipartisan support.

Mr. Speaker, this country has the resources to care for its veterans and to provide adequate housing for the poor, the elderly and the disabled.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I rise in support of the rule for the VA-HUD Appropriations bill.

I share the concerns of some Members that the designated emergency spending within the bill is at odds with our broader imperative to uphold the principles of fiscal discipline, and I applaud my colleagues for their conviction. Yet, at the same time, it is imperative that we ensure FEMA has the necessary funds to be prepared for disasters and emergencies.

Every year emergencies and catastrophes arise that draw down the account FEMA maintains to fund expenses stemming from emergency response efforts. In Houston, we just got hit with several feet of water in one day. Houston, if you have not been there, is built on a plain. There is only so much water that our system can accommodate. We got hit with a lot more than that. Now we are facing billions of dollars in damages. That is catastrophic damage. It is the exact reason that we classify some events as legitimate emergencies.

Mr. Speaker, I have opposed and will continue opposing attempts to manipulate the process by lumping wasteful spending in with the legitimate expenses that we incur by responding to actual emergencies, but that is not the case here. The FEMA account generally has emergency funds in contingency reserve to deal with true emergencies, and the flooding from Tropical Storm Allison caused a real emergency in Houston and all through the South. We know that cleaning up the damage has nearly wiped out FEMA's funding, so several weeks ago on this floor I opposed the partisan fear tactics that were used by some of my colleagues on other side of the aisle.

Mr. Speaker, the fact remains that FEMA has the funds necessary to carry out their duties for the remainder of this fiscal year. FEMA has the funds to make it through the year. The responsible thing to do is to restore the funds to the account. It will enable FEMA to assist Houston's recovery, and as we move into hurricane season it will enable FEMA to stand ready to meet any short-term contingency as well.

Mr. Speaker, I appreciate the work of the gentleman from New York (Mr. WALSH) as we move through this process, and I ask my colleagues to vote for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, so far, with the six appropriations bills which have passed the House, we have seen bipartisan support for every single one of them. This is the first bill that will generate considerable opposition, and I want to explain why.

The fault does not lie with the gentleman from New York (Mr. WALSH) or the subcommittee. He has done the very best job he could possibly do, given the allocation that he was given. The problem is that the allocation is too low, and that forces the bill to be at least a half billion dollars lower than it should be for veterans health care, and it cripples the enforcement of clean air and water laws across the country.

It forces the bill to provide inadequate funding for housing for poor kids. It forces the bill to eliminate the National Service Corps, which even the subcommittee itself admits is not a serious initiative, but they had to do it to, quote, "fit into the so-called budget rules". It forces a number of other reductions which everyone understands in the end are essentially irresponsible.

Why does it do that? It does it because the tax bill passed earlier in the year by this Congress sucked up every single dollar on the table, which meant that we had nothing left to deal with the long-term problems of Social Security, of Medicare, of education, of veterans medical care, of environmental protection or any other national priority.

Essentially, the House majority prevented the House from facing the real world trade-offs between tax cuts of the most well-off people in our society and other crucial funding for middle income and lower income people.

Mr. Speaker, that is why I asked the Committee on Rules to make in order an amendment. Since they are providing numerous other waivers, I asked them to make in order an amendment that would allow us to add $300 million to veterans health care, add $382 million to housing, add $311 million to the National Service Corps, add enough to restore the 65 EPA environmental enforcement positions that they have cut.

And we paid for it without cutting into the Medicare surplus, without adding to the deficit, by simply scaling back the size of the tax cut for people with incomes of over $330,000, by dropping it from 39.6 to 39.1 percent instead of the 38.6 percent that the House passed earlier this year.

Mr. Speaker, the folks we are talking about have seen their after-tax income grow by $414,000 per family over the last 20 years. I do not think that it is asking of them too much to say, instead of getting an average tax cut of $53,000, to only get a tax cut of about $25,000. I hardly think that is going to put them in the poorhouse.

If we had that amendment before us, we would be able to try to use that money, which would be $1.3 billion, use a billion of it in this bill for veterans health care, for housing, for environmental enforcement and the like, still leaving $300 million available for additional education and defense priorities.

That to me is what we ought to do, but the rule did not allow it. So I will be asking each and every one of my colleagues to vote against the previous question on the rule so that we can offer this amendment to allow the House to choose whether giving a $53,000 tax cut to people who make $1 million or more a year is more important than enforcing our environmental laws, more important than giving veterans the medical care they need, more important than providing decent housing for poor kids.

Mr. Speaker, I think the moral choice is obvious. I would hope that the House would allow us to face these trade-offs. The problem with the budget that has been passed is that, very skillfully, these trade-offs have been avoided. We have not been allowed to exercise real-world choices. It is time that we grow up and make these choices.

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Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from New York (Mr. WALSH) chairman of the Subcommittee on VA, HUD, and Independent Agencies.

Mr. WALSH. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on this rule and for guiding this bill through the House for the third year in a row. I hope we are as lucky this year as we have been the last two.

I think we have a good bill, Mr. Speaker. It is a work product that incorporates bipartisanship in its truest form. The gentleman from West Virginia (Mr. MOLLOHAN) and I have worked hand in hand. Our staffs have worked hand in hand and worked together on priorities. We had a manager's amendment in the full committee that the gentleman from West Virginia helped to write. We incorporated that, and the bill was passed out of committee on a voice vote. So both parties, all Members, supported the bill.

I think it is obviously a very complex bill. There are a lot of different issues in the bill. Perhaps the most important, as always has been the case, is Veterans. The authorizing committee asked for additional funds in medical care discretionary funds, and we provided a billion dollars over and above what was provided last year. So in the past 3 years, we will have increased veterans' medical care by just over $4 billion. That is a very substantial increase. It is a tremendous commitment on the part of the Congress to provide funds to the veterans. In each case, we have met or exceeded the President's request dating back from the previous administration.

We also provided over $400 million for construction. This is a direct response to Members who felt that medical care centers around the country were in need of repair, major construction. This is a huge commitment that has not been duplicated in many, many years. So I think we have made a real effort here to put the funds where they need to be in Veterans.

We have also provided an additional $175 million above last year to provide for veterans' claims processing. This is Secretary Principi's highest goal, to provide those resources. We are going to help him to meet that commitment to get those waiting times down for veterans' claims processing.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I appreciate what the gentleman has said in response to what we have already done by increasing the President's budget request for these extremely important issues. I know that we would like to do more. But we are doing the best we can to keep all of our bills within our budget number. We cannot go over that budget number.

What I wanted to say to our colleagues is that the Obey amendment might have been more acceptable except for one little problem, which I will refer to in a minute. All of our committees in the House, jealously guard their areas of responsibility and their areas of jurisdiction. The gentleman from Wisconsin is one of the outstanding leaders in doing that for the Committee on Appropriations, to preserve our prerogatives, and our responsibilities. The problem with the amendment that the gentleman from Wisconsin wanted to have made in order and he offered in the full committee, relates to two sentences:

"Paragraph 2 of section 1 of the Internal Revenue Code of 1986 relating to reduction in rates after June 30, 2001 . . .", This is the tax bill, ". . . is amended by adding after the table the following: in the case of taxable years beginning during calendar year 2002, the preceding table shall be applied by substituting 39.1 percent for 38.6 percent."

That would change the tax law. The Committee on Ways and Means rightfully is protecting their responsibility and their prerogatives, in being opposed to this. I think it is incumbent upon us if we intend to maintain the integrity of all of our committee structures, that this is the reason we were not able to accept this amendment.

I appreciate the gentleman yielding. I also appreciate the good work that he and the gentleman from West Virginia have done to produce a really good bill.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. Let me simply say that I am concerned with the integrity of this Congress. And I think we can start demonstrating that integrity by being willing to make the specific trade-offs that we have to make in the real world. The problem that we have is that the tax bill was passed before we ever had a budget. That was a clever device by which the House was shielded from having to choose whether it was more important to cut taxes by a specific amount for high-income folks or whether it was more important to use some of that money for veterans, for education, or for other high priorities. We have been denied every other way to make those trade-offs evident, so this is the only avenue left open to us. It may not be perfect, but it is a whole lot better than not joining the issue at all.

Mr. WALSH. I thank the ranking member for his comments. I would remind him that the Congress, both House and Senate, voted for that tax cut; and it is the law of the land.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentlewoman for yielding me this time.

Mr. Speaker, the rule before us today is an open rule that allows all amendments provided for under the House rules to be offered. It also waives all points of order against provisions included in the committee-passed bill.

Of particular importance and interest, it waives points of order against a provision offered in full committee by the gentleman from Texas (Mr. DELAY). This provision would provide $1.3 billion for the Federal Emergency Management Agency designated as emergency funding. We all know about the disaster that Tropical Storm Allison brought to Texas and the Gulf Coast.

Other States, Mr. Speaker, have also recently experienced federally declared disasters. My own State of West Virginia is struggling to recover from recent flooding. Twenty-two counties have been included in the Federal disaster declaration and a recent estimate for West Virginia has placed the damage cost in excess of $175 million.

We know that the storm season is just beginning, and FEMA has told us that they will need additional funding. We need to provide it to ensure that communities that suffer disasters are able to receive Federal assistance in a timely manner.

While we in the minority would have preferred providing this funding in the fiscal year 2001 supplemental bill that was recently considered, the administration blocked that effort. However, in the statement of administration policy with regard to this bill, on the topic of emergency funding, they have indicated that they do not object now to the House including the emergency funding in this bill for fiscal year 2002. I am pleased that the Committee on Rules protected this provision.

I am disappointed that the Committee on Rules did not grant a waiver making in order an amendment to be offered by the gentleman from Wisconsin (Mr. OBEY), ranking member of the full Committee on Appropriations. His amendment would have provided $1 billion in additional resources to adequately fund many of the accounts in this bill that are admittedly underfunded. As an offset, the amendment would have decreased the recently enacted reduction in the highest marginal tax rate by just .5 percent. While I might consider this a minor change, for those who supported the tax cut, it has the implication of shifting millions of dollars from the highest-income citizens in our land to benefit some of the neediest citizens and neediest communities in our land.

Because this amendment was not made in order, I support efforts to defeat the previous question so that the rule can be amended to permit the Obey amendment to be considered by the House.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I would like to thank the gentlewoman from Ohio for yielding me this time, especially in light of the fact that I am rising in opposition to this rule. I would point out that it is a very reluctant opposition. This is the first time that I have opposed a rule since I have been in Congress.

The fact is in recent years we have been spending too much money. The result of that is that we are in grave danger, as a result of the spending increases we have had in recent years and the economic downturn, that within a few short years we could be back to raiding Medicare and raiding Social Security. We made a promise we would not do that. This rule makes that problem worse. It makes that danger worse. Let me explain why.

This bill, as we know, adds $1.3 billion in funding for FEMA. Above and beyond the $1.4 billion ordinary funding for FEMA, there is 1.3 billion additional FEMA dollars that have an emergency designation. The significance of the emergency designation is that that money does not have to be offset. So that means it is in addition to the entire budget. It is above and beyond all that we are going to spend in 2002. House rules forbid putting an emergency designation into a non-emergency bill. This rule breaks that rule. It waives that provision.

Why was that done, again I ask? It was to make sure that this did not have to be offset. That is what is wrong with this. Those of us who are going to oppose this rule do not do so because we necessarily oppose the FEMA funding. What we oppose is the fact that we are not going to be able to strike the emergency designation and require this to be offset; and as a result, we are going to increase the risk that we may, in fact, end up raiding Medicare or Social Security at some time in the near future.

I would also point out the President did not request this. Normally when the President requests an emergency, he sends a letter requesting emergency funding and designates a specific event. The President did not do that. In fact, he issued a statement of administration policy. I will quote briefly. It says:

"The administration appreciates Congress' attentiveness to the needs of FEMA. The administration is not, however, prepared to commit to a specific level of contingent emergency appropriations at this time."

That is exactly what this does. It puts in an extra $1.3 billion. I urge my Democratic colleagues who object to not being able to offer an amendment, do not vote against the previous question only to vote for the rule. You ought to vote against the rule if you do not agree with this rule. I urge my Republican colleagues likewise.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I rise to also oppose the rule. The gentleman from Pennsylvania (Mr. TOOMEY) and I must read different things, but let me tell you why. This place passed out a tax cut way out there and now everybody stands up and says, "We don't have enough money to do what's necessary."

We are in such a fix that the leadership from Texas has to bring us out here and put us under martial law. Why? Because they want to have $1.3 billion in relief to Texas. Now, yesterday on the Foreign Ops bill, we could pass all this money, 300 and some odd million dollars to wipe out drugs in Colombia. But in this bill, because we need $1.3 billion, we take $310 million in drug money, fighting drugs, out of the public housing in this country. We worry about it in Colombia but not in our own cities. We wipe out AmeriCorps for $445 million. We are getting closer to that $1.3.

The issue here is what is an emergency. The White House says that what goes on in India, where they knocked down 100,000 houses and 30,000 people died, we can give them $5 million. That is how much the great and generous and rich United States can do. In El Salvador, where they have had the worst earthquake in history, we give them nothing.

So now the message here is to those Ecuadorians and San Salvadorans is get in a bus and get to Texas, because if there is any problem, it will get taken care of in Texas. The gentleman from West Virginia (Mr. MOLLOHAN) says that West Virginia has a few problems. Folks, get in the car and get to Texas, because that is what we are going to take care of. We are not going to take care of anything else. We are not going to take care of CDBG. We are cutting money out of there. Of course we passed this community money into the churches so we all better write a letter to our churches, send more money, because you are not going to get it from the Congress.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I wish to take this opportunity to thank the members of the Committee on Appropriations for their hard work on the bill. I offered an amendment in the Committee on Rules which was not granted a waiver and that is very, very disappointing, because my amendment would appropriate no additional funds and it would only authorize the use of existing funds for an important program. It would have authorized the Director of the Federal Emergency Management Agency to establish a minority emergency preparedness demonstration program to research and promote the capacity of minority communities throughout the country to get data, information, and awareness education through grants, contracts, or cooperative agreements with eligible nonprofit corporations. These nonprofits would do research on the status of emergency preparedness and disaster response awareness in African American and Hispanic communities across the country, in rural areas, suburban areas and determine how they are impacted by natural and man-made disasters and emergencies.

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Also, they would be authorized to develop and promote awareness of emergency preparedness programs in minority communities and to develop competent educational materials that could be disseminated in these communities and to organizations and institutions.

This was a good bill. It would be very helpful, particularly since in the past year there were 51 disasters in 33 different states, and this year there have been 23 disasters in 22 different states. The impact on minorities has been established by FEMA at 2½ times greater on minorities than any other group.

This is a very, very much-needed operation, given the disasters we have had; and I am very, very disappointed that the rule does not allow a waiver to allow consideration of my amendment, which has been printed and is in the RECORD.

I urge ultimate passage of the bill, but if we can defeat the rule and perhaps allow consideration of this amendment, I certainly would be appreciative. It would be good for America, good for African American and Hispanic communities that are impacted so greatly by our floods, tornadoes and natural disasters where there have been tremendous fatalities and loss of life over the past few years.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would encourage the gentleman that just spoke to offer that amendment when the time comes.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I appreciate the gentlewoman yielding me time.

Mr. Speaker, we are now in the eighth of 13 appropriations bills, and, as we drive this process to conclusion, I think it would be smart to stop and look at the fuel gauge.

That is what we have here, a gas gauge. We started out with a full tank, flush with surpluses, $95 billion this year. We did our resolution, 302(a), and gave $4 billion more than the baseline, so you take that out. We did a budget resolution with a placeholder number for defense. Now we are having to come back and put in a real number for defense, and, in outlay terms, it is $12 billion.

Because we did not adequately provide for defense and because we did not provide at all for emergencies, even though the chairman of our committee wanted to institutionalize that, it appeared that a bigger tax cut was feasible. So the tax cut for this year takes out $75 billion, but for a gimmick I will mention in just a minute. So when you factor in those changes you get down to $3 billion. That is how close we are to being empty.

Now, one thing saves us, and that is we did an artificial one-time transfer of funds from September 15 to October 1. The problem is, when we go home in August, that money may disappear when CBO does its update of the budget and economy. If that is true, we will really be running right on empty. That is all we have got left to provide for emergencies, to provide for other priorities that come along in this process before it is completed. That is what is wrong with the tax cut.

What happened? I do not blame the subcommittee at all. I did not get up to criticize the subcommittee. I think they have done as well as they could do with what was allocated.

But we pointed out if you went with this budget with these tax cuts and this allocation, this was going to happen to veterans. We could not fund fully the basic needs of the Veterans Health Care Program. It has happened. It has come to pass. We have less than they need. They have done a good job in trying to plus it up as well they could, but there is not enough there.

In the Housing Program, how could one pick a program that helps the vulnerable more than housing? We have a $20 billion backlog in capital requirements and maintenance needs. What are we doing? Taking a half billion dollars out of it. The housing projects are a haven for drugs. We are eliminating the Public Housing Drug Elimination Program.

This is a consequence of having a budget where we did not adequately provide for emergencies, we did not adequately provide for defense, we fooled ourselves about the size of the tax cut, and now we are inheriting the consequences. You see the fruits of this in the bill before us today.

I commend the committee for doing the best they could with what they have got, but these are the consequences of the tax bill that we adopted just a couple of months ago.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, the consideration of this appropriations bill and the rule attendant to it presents somewhat of a serious dilemma to all of us who are approaching this issue very carefully. On the one hand, it elicits only a sense of praise for the subcommittee chairman, the chairman of the full committee, the ranking members, for the way in which they have squeezed as much as they have into this bill, given the limited resources that they had to work with.

But that is essentially the problem. We have choked ourselves off in this country by this enormous tax cut that we passed earlier this year preceding the budget, in the craziest way of approaching fiscal policy I think we have seen in this government in a long, long time. What does that leave us with? It leaves us with some very serious problems we are not addressing.

The gentleman from South Carolina just made the point about housing. We have a $20 billion backlog in housing. We have a housing crisis in this country. Many people, in urban and rural areas across America, find it impossible to get a house. Municipal workers, for example, are not making enough money to afford a house in the present market. This is a housing crisis. There is no place for them to live and raise their families.

Similar things can be said about environmental protection. This bill does the best it can, but it does not provide nearly enough money to protect the quality of the natural environment from toxic discharges and other releases into the ambient air and the general environment.

That is a serious mistake. And why? Because we choked ourselves off with that huge tax cut, and we do not have the resources that we need to attend to vital concerns addressing our people. The same thing can be said about health care. The same thing can be said about our growing crisis in transportation. Look at any of the airports in this country and you can see it very, very clearly. Drive along the roads during rush hour. It becomes readily apparent. We are not doing anything to deal with the need for surface transportation, particularly rail transportation between our major cities.

So, this is a dilemma for all of us. We are not allowing ourselves to deal with these important issues facing the American people.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, the gentleman from New York just spoke of the inability of our budget to handle the needs of our people. I want to speak to the veterans' budget, the veteran parts of this budget, because the same is true there. We simply have let our veterans down in this budget. We have not honored the promise, we have not honored our commitment, we have not honored our contract with our Nation's veterans.

Now, we are fond on the Committee on Veterans' Affairs, at least on the Democratic side, of saying that you do not have a surplus until you have paid your bills, and we have not paid our bills to the Nation's veterans. We had a decade of flat-line budgeting, and, as a result, the quality of medical care declined, the waiting times for appointments expanded greatly, and the new diseases and the diseases of aging veterans could not be handled with the same professionalism as previously. So we have not paid our bills to our Nation's veterans.

Now, the distinguished chairman of the subcommittee said that we added $1 billion to last year's budget. Well, all independent analysts say that $1 billion for our veterans' health care system barely keeps up with inflation and does not allow us to make the gains that we had promised over the last decade.

I am going to make several amendments to this bill when the time is appropriate to bring the level of the budget up to a more appropriate level, especially in health care.

All the veterans' groups in this Nation got together to produce something called the Independent Budget. What they did here was a very professional analysis of what was needed to care for our veterans, not just give me more money here or give me more money there, but let us reduce the waiting times to this number of days by putting this much money in. Let us increase the number of positions in the Benefits Administration so we can decrease the waiting times for adjudication. Let us make sure we can have research that will deal with the new diseases, like hepatitis C and the Persian Gulf War illness. That is what this Independent Budget does, and that is what this Congress ought to do.

So I will be making amendments to increase the health care budget by $1.7 billion, which is what the veterans groups' analysis says. We will try to make improvements in the health research budget. We will try to make amendments to treat such diseases as hepatitis C and also to treat the Filipino veterans of World War II who we have denied care to for the last 50 years.

So we will make those amendments. I hope they will get the similar waiver that you have for emergency funding, that you have for other items. Let us really keep our commitment to our Nation's veterans.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I rise today in reluctant opposition to the rule. I have not been here long, but this will be the first rule that I have opposed. I am not insensitive to disasters like the one we had in Texas, but I just feel that it would be disaster to ignore the spirit of our own rules and go right back to emergency spending.

We are perilously close to dipping into the Social Security and Medicare surpluses. We promised our citizens that we would not do that. We are close to it. We need not do it.

The problem is not the tax cut, the problem is spending. We have had an average of 6 percent a year growth in spending over the past 3 years. That is the problem. We cannot simply cannot maintain that.

I urge a vote against the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me time.

Mr. Speaker, there you have it. You have got one group in the House who says a $4 billion increase is too much spending. You have another group in the House that says it is not enough spending. You have a group in the House who gauges all reality on how many billions of dollars you can spend. And yet this House has passed a very balanced budget, a budget that funds the priorities. It puts in money for Social Security and Medicare and Medicaid. It pays down the debt. It takes care of our normal obligations of government, such as education, transportation and health care. Then it returns dollars to the hard-working taxpayers, and then it spends money wisely.

Yet this reckless scheme of the Democrats to blame everything on a tax reduction, you know, Georgia is going to get in the form of $300, $500 and $600 checks $1.2 billion in the next couple of weeks. Now, that is $1.2 billion that is going to be spent by normal people, like Joe and Shirley Harrington in Wilmington Island, Georgia, and what they are going to do with that money is do something real glamorous like buy a dryer, or maybe buy some clothes for the kids who are going to be going back to school.

This is not going to be enough money for a nice vacation, the kind of money that the big Washington bureaucrats make up here. But, do you know what, they know how to spend their money more than I do.

That is what the debate is about here today, who should spend that money: the geniuses in Washington, the big bureaucracy who can control people's lives through their spending, or should we empower the citizens of America who earned the money, the people that it belongs to?

We are faced with a very important bill, a very balanced bill, a bill that puts our veterans' health care spending over $1 billion higher than what President Clinton did. I want to repeat that. Veterans' health care provides a $1 billion increase over the last year, and yet I hear my friends saying no to that.

□ 1445

We are also going to put more money in Veterans Administration and medical and prosthetic research, in national cemeteries, in State extended health care facilities, and in veterans' hospitals.

Mr. Speaker, this is very, very important money.

In addition to that, we are going to put money into housing so that the poorest of our citizens can have fair and decent public housing and, there again, it is increased. We are going to put money in to protect the environment; and I, as a member of the Subcommittee on the Interior of the Committee on Appropriations, think it is very important to fund Superfund and to put money in leaking underground storage tanks, and safe drinking water, in clean drinking water State revolving funds. These are all important projects. I want to support them, and that is why I am support the rule.

I think it is important to say also that this committee has had to make some tough decisions. There are still many of us who remember when President Clinton stood in the well of the House and said, I am going to set up AmeriCorps; we are going to start paying volunteers for what they are doing for free. I guess this was some new concept in socialism in America, but people who are volunteers are doing it because they want to do it for free, but President Clinton wanted to pay them. We are saying there has been a lot of waste in that program. We do not think it is wise at this point to continue that risky scheme of paying volunteers.

So I urge my colleagues to support this rule. It does comply with the budget. Our budget, again, takes care of Social Security, Medicare, the normal and needed obligations of government such as education and housing and, in this budget, veterans. Then, it returns a portion of the surplus to the citizens of America, after paying down the debt.

Mr. Speaker, I say to my colleagues, this bill is in compliance with that budget that has passed both Houses, and I urge my colleagues to vote for the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Speaker, I urge Members to oppose the previous question. If the previous question is defeated, the ranking minority member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), will offer an amendment to the rule. The amendment will make in order the amendment offered at the Committee on Appropriations by the gentleman from Wisconsin (Mr. OBEY) and also at the Committee on Rules.

The amendment adds $1 billion for veterans medical care, for critical housing programs, and to partially restore funding for the Corporation for National and Community Service, some of the issues that have been spoken to here during the debate on the rule. The money would come from paring back the recently enacted tax cut in the top tax bracket from 38.6 percent to 39.1 percent. That is one-half of 1 percent from the richest Americans to help some of the most vulnerable Americans and communities.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials at this point in the RECORD.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

PREVIOUS QUESTION FOR RULE ON H.R. 2620, FY2002 APPROPRIATIONS FOR THE VA/HUD

At the end of the resolution add the following new sections:

"SEC. . Notwithstanding any other provision of this resolution, it shall be in order without intervention of any point of order to consider the following amendment if offered by Representative Obey or his designee. The amendment shall be considered as read and shall be debatable for 60 minutes equally divided and controlled by the proponent and an opponent. All points of order are waived against the amendment. The amendment is not amendable and is not subject to a demand for the division of the question.

GENERAL PROVISIONS

At the end of the bill, insert the following new section:

"SEC. 427. Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001), is amended by adding after the table the following:

In the case of taxable years beginning during calendar year 2002, the preceding table shall be applied by substituting '39.1%' for '38.65'."

DEPARTMENT OF VETERANS AFFAIRS, VETERANS HEALTH ADMINISTRATION

In the paragraph "Medical Care", strike "$21,281,587,000" and insert "$21,581,587,000" in lieu thereof

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, PUBLIC HOUSING CAPITAL FUND

In the paragraph entitled "Public Housing Capital Fund", strike "$2,555,000,000" and insert "$2,837,000,000" in lieu thereof

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

After the paragraph entitled "homeless Assistance Grants: insert the following new section:

"SHELTER PLUS CARE RENEWALS

For the renewal on an annual basis or amendment of contracts funded under the Shelter Plus Care program, as authorized under subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: *Provided*, That each Shelter Plus Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary."

ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL PROGRAMS AND MANAGEMENT

In the paragraph entitled "Environmental Programs and Management", strike "$2,014,799,000" and insert "$2,021,799,000 in lieu thereof

At the end of the paragraph entitled "Environmental Programs and Management", insert:

": *Provided further*, That the on-board staffing level of the Office of Enforcement and Compliance Assistance shall be maintained at not less than the level authorized for this Office as of December 31, 2000"

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Strike the paragraph following the center head entitled "National and Community Service programs, Operating Expenses" and insert the following new section:

"(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $311,000,000, to remain available until September 30, 2003: *Provided*, That not more than $50,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.).

Mr. MOLLOHAN. Mr. Speaker, I urge my colleagues to vote "no" on the previous question so that we can have an opportunity to vote on this critical amendment.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, this is a good bill; and the Committee on Appropriations has done yeoman's work in balancing a number of very, very important priorities. The gentleman from Florida (Mr. YOUNG), the chairman of the committee; along with the gentleman from New York (Mr. WALSH), the subcommittee chairman; and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, have done a great job.

Mr. Speaker, H.R. 2620 responds to the needs of our veterans. It protects our environment. It keeps the U.S. at the forefront of space exploration. It provides needed funding to ensure new scientific discovery. It addresses our Nation's critical housing needs and, finally, helps more Americans realize the dream of owning their own homes. This we do without reversing tax relief that we just gave to the American people, tax relief which has not even gone into effect yet.

Mr. Speaker, I urge a "yes" vote on the rule and the underlying legislation. Support the previous question.

Mr. WELLER. Mr. Speaker, I rise today in strong support of the rule and the bill. For the past four years, my colleague, Mr. TANCREDO, and I have offered and amendment to the VA/HUD Appropriations bill to restore or increase the funding of the State Extended Care Facilities Construction line item. I am extremely happy to report that the Committee has fully funded the program at $100 million for Fiscal Year 2002.

This program is used to renovate and build state nursing homes for veterans. State facilities have proven that they can provide above quality care at a more cost efficient price than the federal government. In Fiscal Year 1998, the VA spent on average $255.25 per resident per day to care for long term nursing care residents, while state veterans homes on average spent $40.00 per resident. This continued in 1999.

Mr. Speaker, the State Extended Care Facilities Construction program addresses the issue of long-term care for our nation's veterans. With the ranks of those requiring VA care growing on a yearly basis, states already face huge financial burdens in helping to care for our veterans. In Illinois, the waiting list for admittance to the LaSalle and Manteno state extended care facilities are as long as two to three years, and many ill veterans go untreated or are under-treated due to the lack of beds.

Additionally, this funding will help pay the millions of dollars in back payments to state care facilities. In Illinois alone, last year over $6 million was owed to the state for construction projects to comply with the Americans with Disabilities Act and other facility updates. This funding helps with the payback of unfunded grant payments, and helps improve the supply of long term care for our veterans in the future.

There are two other programs that were not funded under this bill and it is my hope that we can work with Chairman WALSH and appointed conferees to have these provisions included in the final bill. I am requesting $800,000 through a HUD Special Purpose Grant or Community Development Block Grant to Cornerstone Services to relocate and expand its developmental training center. Cornerstone Services provides progressive, comprehensive services to persons with disabilities promoting choice, dignity, and the opportunity to live and work in the community. For 32 years, Cornerstone has been a leader in providing state-of-the-art services to meet the individual needs of persons with developmental disabilities, mental illnesses, physical disabilities, sensory impairments and dual diagnoses. The Will County-based, not-for-profit delivers developmental, vocational, and behavioral health services in five large agency-owned or leased locations and residential services in numerous agency or consumer-owned leased residences.

I am also requesting $600,000 to Joliet Junior College to assist funding efforts for the Bridging Community, Economic and Workforce Development through Local Partnerships Project. This project embodies many of the key components of Joliet Junior College's mission and philosophy, community development, economic development, and workforce development. The college's division responsible for this initiative is the Institute of Economic Technology. The institute operates a Small Business Development Center, Entrepreneurship Services Center, Dislocated Worker Assistance Center, Business Assistance and Training Center, and a Manufacturing Extension Center. The institute is a national model for business assistance services and economic development.

Both of these programs are desperately needed in my District and I hope that they will be included in the final VA/HUD appropriations bill.

Again, I would like to thank Chairman WALSH and the members of the House Appropriations Committee for committing to this funding, and for honoring our nation's veterans.

Mr. CHAMBLISS. Mr. Speaker, when the people of Georgia's 8th district first elected me to be their representative, I felt that our number one priority as legislators should be to operate the Federal government within its means. My view on this important matter has not changed. I cannot, in good conscience, cast a vote in favor of a pay increase for Members while the Federal government is operating under such strict spending limitations.

I have committed to the folks back in Georgia to getting our Federal government's fiscal house in order. With the economy slowing and our work in Congress to keep government spending in check, it is wrong for us to give ourselves a pay raise. We must keep big government in check and remain fiscally responsible. As I have for the past few years, today I voted to oppose a pay raise for Members of Congress.

By voting against the previous question on the rule, I want to go on record as being opposed to a cost-of-living-adjustment for Members of Congress.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 204, not voting 10, as follows:

[Roll No. 278]

YEAS—220

Aderholt
Akin
Armey
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Bachus
Barton
Blumenauer
Cubin
Houghton
Jackson-Lee (TX)
Jones (OH)
Lipinski
McKinney
Spence

☐ 1512

Mr. SCHIFF changed his vote from "yea" to "nay."

Mr. LEWIS of California and Mr. SMITH of Michigan changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TOOMEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 195, not voting 11, as follows:

[Roll No. 279]

AYES—228

Aderholt
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Bass
Bentsen
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Bonilla
Bono
Borski
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chambliss
Coble
Collins
Combest
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fattah
Ferguson
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hilleary
Hinojosa
Hobson
Hoeffel
Holden
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Oxley
Pascrell
Paul
Peterson (PA)
Petri
Pickering
Platts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Sabo
Saxton
Scarborough
Schrock
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Slaughter
Smith (NJ)
Smith (TX)
Stump
Stupak
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—195

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Barrett
Bartlett
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Boswell
Boucher
Boyd
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Flake
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Herger
Hill
Hilliard
Hinchey
Hoekstra
Holt
Honda
Hooley
Horn
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Largent
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Phelps
Pitts
Pomeroy
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Serrano
Shadegg
Shays
Sherman
Shows
Skelton
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson (CA)
Watt (NC)
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—11

Barton
Blumenauer
Boehner
Clayton
Cooksey
Cubin
Houghton
Jackson-Lee (TX)
Lipinski
Souder
Spence

□ 1531

Ms. BROWN of Florida and Mr. LAMPSON changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2620 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from New York?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Florida. Mr. Speaker, I thank the Chair for allowing me this time to advise the Members that we will do the best we can to expedite the conclusion of this bill today, if possible. It is a lengthy bill, and there are a lot of amendments. If the Members will cooperate and help us in assembling a list of all the amendments we will have to consider, we ask the Members who have amendments to offer to the VA-HUD bill to please present them at least by the close of the general debate on the bill. Hopefully, we would be able to finish this bill tonight.

I would also say that our leadership has made the decision that if we cannot finish the bill tonight that we would come back tomorrow to finish this bill, but we need to finish it before the beginning of next week.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. Mr. Speaker, I yield to the gentleman.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

Let me simply say I share the gentleman's desire to try to find a way to reach some type of understanding on this bill, but we have a practical problem. The problem is that there is considerable feeling on this side of the aisle that it is a might strange to ask for cooperation from the minority in setting time immediately after a martial law approach to this House was just rammed down our throats.

So while I will certainly work with the gentleman and I would urge every Member who has a potential amendment to, by the time general debate is over, get the text of those amendments to both sides so that we have some idea of what the universe of amendments is and we can try to work out a proposed timetable, I am not very optimistic at this point that we can get clearance on our side of the aisle.

I am told, for instance, that our leadership at this point is not contemplating providing clearance, but I would like us to continue to try to work this out. I know the possibility has been raised by myself of trying to get a time limit that would make certain that we would finish this bill. If we cannot finish it today, we could make sure that the timetable assured that we could finish it early on whatever day it was continued to.

I would hope, in light of the requests we have had from both sides, that that would not be tomorrow; that if we could not finish it tonight, it would go over to Monday or Tuesday. But I frankly do not care. I will be here either time. But I think people on the majority side need to understand that it is very difficult to get clearance on this side of the aisle after martial law has just been rammed down our throats. That is not usually the way in which the majority in this House elicits the cooperation of the minority in changing the rules.

Mr. YOUNG of Florida. Mr. Speaker, I would say to the gentleman that I do appreciate his comments and I do appreciate the way we have been able to cooperate on the previous appropriations bills to have the time limit agreements so that no Member would be denied an opportunity to say what they have to say, but that we would try to do it in an expeditious manner.

As our former colleague and dear friend, Moe Udall, used to say on many of these debates, anything that needs to be said has already been said. The problem is not everyone has said it yet.

So with the cooperation of the gentleman from Wisconsin (Mr. OBEY) and both sides, we would be able to expedite the consideration of this and get done today.

Mr. OBEY. Mr. Speaker, would the gentleman continue to yield?

Mr. YOUNG of Florida. Mr. Speaker, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply like to point out to the House that each of the previous regular appropriations bills has been supported on a bipartisan basis by the majority and minority. This is the first bill that we run into trouble on because, in our view, the allocation provided to the bill is insufficient, which means we will be starving housing, we will be starving veterans medical care and environmental enforcement.

Nonetheless, we had indicated our intention to work with the majority to try to work out time limits, but a little thing called martial law has blown that up. And I wish that people who have no responsibility for managing bills in this place, and I am speaking specifically of the leadership on the other side of the aisle, I know they like to wave magic wands and tell the committee to get its work done, but I wish that people who have an interest in seeing that work done in a timely fashion would work in a more cooperative manner with this side of the aisle if they are asking me to be able to get cooperation on this side of the aisle so we can do what the majority leadership wants to do.

It is sometimes hard to help people who do not want to help themselves.

Mr. YOUNG of Florida. Reclaiming my time, Mr. Speaker, I would like to thank Members for the bipartisan support on this rule. It was somewhat contentious, but we are prepared to take up the rule.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2620.

☐ 1538

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a privilege today to present for House consideration H.R. 2620, the Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations bill for fiscal year 2002. In the interest of time, I will try to be brief.

I would, however, like to begin by telling my colleagues that I believe this is a good bill and that the Administration has indicated that they support its passage. Just as presented in each of the past few years, this bill represents a joint effort of both myself and my distinguished colleague and ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

While we clearly have not agreed on every single aspect of the bill as reported, it nevertheless represents a true collaboration of effort for which I am very grateful.

With the House's indulgence, I would like to outline the highlights of the proposal.

First and foremost, this proposed bill is within the 302(b) allocation, budget authority and outlays, that approved by the committee. The bill's discretionary spending totals $85.4 billion in new budget authority, which is an increase of just over $2 billion above the budget submission and some $4.8 billion over last year's bill.

I note for the House that this level of discretionary spending includes emergency spending of $1.3 billion for FEMA disaster relief, which was amended during the full committee markup by the majority whip. The committee has tried, as best we can, to spread the proposed increases throughout the bill.

Discretionary veterans program will increae by $1.6 billion compared to last year, with $1 billion going to veterans' medical care and the remainder spread to research, processing veterans' compensation, pension and education claims, operating our national cemeteries and, most significantly, increasing the necessary construction at VA facilities by some $434 million. That is a direct response to Member requests, and we think it is a high priority. The proposal is well within the scope of the amount allocated in the budget resolution.

Housing programs will increase by $1.4 billion compared to 2001, with increases in the housing certificate fund, section 8, public housing, operating subsidies, the HOPWA program, the HOME investment partnerships, the housing for the elderly and disabled programs, and the lead hazard reduction program.

It is important to note that this proposal also includes some very difficult, but I believe extremely important and highly defensible choices and changes in policy direction. They are represented by reductions in the Public Housing Capital Fund and the drug elimination grant programs. Neither of these programs is serving the best interests of the people they were intended to benefit. It is our job, albeit a difficult one, to take whatever steps necessary to remedy the situation.

In the case of capital funds, it means getting tougher on public housing authorities to spend the dollars intended for the residents in the public housing authority properties. There are literally hundreds of millions of dollars worth of code violations and hazards in these buildings that are not getting fixed.

In the case of the drug elimination grant program, it means taking an honest look at whether HUD is the best entity to run a law enforcement program. Based on HUD's track record, I do not believe that it is.

Mr. Chairman, I know these two items in particular will be discussed at length throughout the development of this bill in the House and in conference with the Senate.

EPA funding increases some $229 million over the budget request, although a decrease below last year's funding level. This proposal continues to provide strong research programs as well as increased resources for the many State categorical grants and significant resources for clean water and drinking water state revolving fund and congressional priorities for water projects and infrastructure grants.

FEMA operating expenses will increase by nearly $135 million over last year. We have provided the budget request of $1.37 billion in on-budget nonemergency dollars for disaster relief.

In addition, by virtue of the amendment in full committee markup, which I mentioned before, we have also included an additional $1.3 billion in contingent emergency spending for disaster relief. Those funds would not be drawn on unless the White House specifically asked for them and declared an emergency. I would just add that such emergency provisions have been used for several years to provide FEMA the ability to meet the needs of natural disaster victims.

In addition, our total appropriation of $2.6 billion for disaster relief is actually below the current 5-year average of $3.2 billion.

NASA programs would receive an increase of $641 million over last year, and we have proposed several structural changes in the Agency's account structure to provide them greater programmatic flexibility and the Committee better oversight capability. We have also included funding to reverse some of the changes to the International Space Station proposed by the President. I believe this is the right decision if the research mission of the station is to be fulfilled.

Finally, I am proud to say we have raised the overall funding for the National Science Foundation by just over $414 million to a total program budget of $4.84 billion. This is a 9 percent increase compared to last year. The bulk of these funds, some $292 million, would go to improve available resources for NSF's core research programs, while the remainder would be spread to major research, construction and equipment, education and human resources programs, and salaries and expenses for NSF's capable staff.

☐ 1545

I would like to add that I personally would have liked to do more for NSF. However, to do so could only have been at the expense of other very important programs in other agencies. Having said that, given the increase proposed by the Administration of just 1 percent, I think we have done a remarkable job, and this is perhaps the aspect of the bill for which we can be most proud.

All Members are, of course, aware of the difficulty in putting these bills together, especially with so many diverse and competing interests. Developing the perfect bill is probably impossible. Nevertheless, I believe we have done a good job developing a bill that is both supportable and passable. Once again, I would like to thank my colleagues on the Committee from both sides of the aisle for their dedication, time, hard work, and thoughtful consideration of the provisions we have put into this bill. I would also like to thank our staff who has done a terrific job in helping us to sort out the priorities, to fund those priorities, and to make the hard decisions that are required. This job would be impossible without this highly professional staff.

Mr. Chairman, I include for the RECORD the budget tables representing the mandatory and discretionary spending provided in H.R. 2620.

VA AND HUD AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2620)
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	22,766,276	24,944,288	24,944,288	+2,178,012	
Readjustment benefits	1,634,000	2,135,000	2,135,000	+501,000	
Veterans insurance and indemnities	19,850	26,200	26,200	+6,350	
Veterans housing benefit program fund program account (indefinite)	165,740	203,278	203,278	+37,538	
(Limitation on direct loans)	(300)	(300)	(300)		
Administrative expenses	162,000	164,497	164,497	+2,497	
Administrative savings from prohibiting new Vendee Home Loans		-1,000			+1,000
Education loan fund program account	1	1	1		
(Limitation on direct loans)	(3)	(3)	(3)		
Administrative expenses	220	64	64	-156	
Vocational rehabilitation loans program account	52	72	72	+20	
(Limitation on direct loans)	(2,726)	(3,301)	(3,301)	(+575)	
Administrative expenses	432	274	274	-158	
Native American Veteran Housing Loan Program Account	532	544	544	+12	
Total, Veterans Benefits Administration	24,749,103	27,473,218	27,474,218	+2,725,115	+1,000
Veterans Health Administration					
Medical care	19,381,587	20,304,742	20,381,587	+1,000,000	+76,845
Delayed equipment obligation	900,000	675,000	900,000		+225,000
Total	20,281,587	20,979,742	21,281,587	+1,000,000	+301,845
(Transfer to general operating expenses)	(-28,134)			(+28,134)	
(Transfer to Parking revolving fund)	(-2,000)			(+2,000)	
Medical care cost recovery collections:					
Offsetting receipts	-639,000	-691,000	-812,000	-173,000	-121,000
Appropriations (indefinite)	639,000	691,000	812,000	+173,000	+121,000
Total available (excludes offsetting receipts)	20,920,587	21,670,742	22,093,587	+1,173,000	+422,845
Medical and prosthetic research	351,000	360,237	371,000	+20,000	+10,763
Medical administration and miscellaneous operating expenses	62,000	67,628	66,731	+4,731	-897
Total, Veterans Health Administration	20,694,587	21,407,607	21,719,318	+1,024,731	+311,711
Departmental Administration					
General operating expenses	1,050,000	1,194,831	1,195,728	+145,728	+897
Offsetting receipts	(36,520)			(-36,520)	
Total, Program Level	(1,086,520)	(1,194,831)	(1,195,728)	(+109,208)	(+897)
(Transfer from medical care)	(28,134)			(-28,134)	
(Transfer from national cemetery)	(125)			(-125)	
(Transfer from inspector general)	(28)			(-28)	
National Cemetery Administration	109,889	121,169	121,169	+11,280	
(Transfer to general operating expenses)	(-125)			(+125)	
Office of Inspector General	46,464	48,308	52,308	+5,844	+4,000
(Transfer to general operating expenses)	(-28)			(+28)	
Construction, major projects	66,040	183,180	183,180	+117,140	
Facility rehabilitation fund			300,000	+300,000	+300,000
Construction, minor projects	162,000	178,900	178,900	+16,900	
Miscellaneous appropriations (P.L. 106-554)	8,840			-8,840	
(Transfer to Parking Revolving Fund)	(-4,500)			(+4,500)	
Total	170,840	178,900	178,900	+8,060	
Grants for construction of State extended care facilities	100,000	50,000	100,000		+50,000
Grants for the construction of State veterans cemeteries	25,000	25,000	25,000		
(Transfer to Parking Revolving Fund)	(6,500)			(-6,500)	
Parking Revolving Fund		4,000	4,000	+4,000	
Total, Departmental Administration	1,568,233	1,805,388	2,160,285	+592,052	+354,897
Total, title I, Department of Veterans Affairs	47,011,923	50,686,213	51,353,821	+4,341,898	+667,608
(Limitation on direct loans)	(3,029)	(3,604)	(3,604)	(+575)	
Consisting of:					
Mandatory	(24,585,866)	(27,308,766)	(27,308,766)	(+2,722,900)	
Discretionary	(22,426,057)	(23,377,447)	(24,045,055)	(+1,618,998)	(+667,608)
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Housing Certificate Fund:					
Direct appropriation	9,740,907	15,717,392	11,494,242	+1,753,335	-4,223,150
Advance appropriations provided in previous acts	4,200,000		4,200,000		+4,200,000
Subtotal, discretionary	13,940,907	15,717,392	15,694,242	+1,753,335	-23,150
(Advance appropriation)	(4,200,000)		(4,200,000)		(+4,200,000)
(Mandatory reclassification of prior year advance)		(4,200,000)			(-4,200,000)

VA AND HUD AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2620)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rescission of unobligated balances: Section 8 recaptures (rescission)	-1,833,000		-886,000	+947,000	-886,000
Public housing capital fund	3,000,000	2,293,400	2,555,000	-445,000	+261,600
Public housing operating fund	3,242,000	3,384,868	3,494,868	+252,868	+110,000
Subtotal	6,242,000	5,678,268	6,049,868	-192,132	+371,600
Drug elimination grants for low-income housing	310,000			-310,000	
Revitalization of severely distressed public housing (HOPE VI)	575,000	573,735	573,735	-1,265	
Native American housing block grants	650,000	648,570	648,570	-1,430	
Indian housing loan guarantee fund program account	6,000	5,987	5,987	-13	
(Limitation on guaranteed loans)	(71,956)	(234,283)	(234,283)	(+162,327)	
Total, Public and Indian Housing	19,890,907	22,623,952	22,086,402	+2,195,495	-537,550
Community Planning and Development					
Housing opportunities for persons with AIDS	258,000	277,432	277,432	+19,432	
Rural housing and economic development	25,000			-25,000	
Empowerment zones / enterprise communities	75,000	150,000		-75,000	-150,000
Rural empowerment zones	15,000			-15,000	
Miscellaneous appropriations (P.L. 106-554)	110,000			-110,000	
Total	200,000	150,000		-200,000	-150,000
Community development block grants	5,057,550	4,801,993	4,801,993	-255,557	
Miscellaneous appropriations (P.L. 106-554)	66,128			-66,128	
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(1,261,000)	(608,696)	(608,696)	(-652,304)	
Credit subsidy	29,000	14,000	14,000	-15,000	
Administrative expenses	1,000	1,000	1,000		
Brownfields redevelopment	25,000	25,000	25,000		
HOME investment partnerships program	1,800,000	1,796,040	1,996,040	+196,040	+200,000
Homeless assistance grants	1,025,000	1,022,745	1,027,745	+2,745	+5,000
Shelter Plus Care	100,000	99,780		-100,000	-99,780
Total, Community planning and development	8,586,678	8,187,990	8,143,210	-443,468	-44,780
Housing Programs					
Housing for special populations	996,000	1,001,009	1,024,151	+28,151	+23,142
Housing for the elderly	(779,000)	(783,286)	(783,286)	(+4,286)	
Housing for the disabled	(217,000)	(217,723)	(240,865)	(+23,865)	(+23,142)
Manufactured housing fees trust fund		17,254	13,566	+13,566	-3,688
Offsetting collections		-17,254	-13,566	-13,566	+3,688
Savings from canceling S.1029			-8,000	-8,000	-8,000
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(160,000,000)	(160,000,000)	(160,000,000)		
(Limitation on direct loans)	(250,000)	(250,000)	(250,000)		
Administrative expenses	330,888	336,700	330,888		-5,812
Negative subsidy 1/	-2,246,000	-2,323,000	-2,323,000	-77,000	
Administrative contract expenses	160,000	160,000	145,000	-15,000	-15,000
Additional contract expenses	4,000	1,000		-4,000	-1,000
Streamlined down payment requirements	7,000			-7,000	
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(21,000,000)	(21,000,000)	(21,000,000)		
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)		
Administrative expenses	211,455	216,100	211,455		-4,645
Negative subsidy	-100,000	-225,000	-225,000	-125,000	
Subsidy	101,000	15,000	15,000	-86,000	
Guaranteed loans credit subsidy (emergency funding) (P.L. 106-554)	40,000			-40,000	
Non-overhead administrative expenses	144,000	144,000	139,000	-5,000	-5,000
Additional contract expenses	7,000	4,000		-7,000	-4,000
Total, Federal Housing Administration	-1,340,857	-1,671,200	-1,706,657	-366,000	-35,457
Government National Mortgage Association					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)		
Administrative expenses	9,383	9,383	9,383		
Offsetting receipts	-347,000	-382,000	-382,000	-35,000	
Policy Development and Research					
Research and technology	53,500	43,404	46,900	-6,600	+3,496
Fair Housing and Equal Opportunity					
Fair housing activities	46,000	45,899	45,899	-101	
Office of Lead Hazard Control and Healthy Homes					
Lead hazard reduction	100,000	109,758	109,758	+9,758	
Millenial Housing Commission					
Gifts and donations		1,500			-1,500
Management and Administration					
Salaries and expenses	543,267	556,067	556,067	+12,800	
Transfer from:					
Limitation on FHA corporate funds	(518,000)	(530,457)	(520,000)	(+2,000)	(-10,457)
GNMA	(9,383)	(9,383)	(9,383)		
Community Planning & Development	(1,000)	(1,000)	(1,000)		
Title VI	(150)	(150)	(150)		
Indian Housing	(200)	(200)	(200)		
Total, Salaries and expenses	(1,072,000)	(1,097,257)	(1,086,800)	(+14,800)	(-10,457)

1/ Not included in FY2001 CSBA tables.

VA AND HUD AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2620)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Inspector General	52,657	61,555	61,555	+8,898	
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)		
(By transfer from Drug Elimination Grants)	(10,000)			(-10,000)	
(By transfer from Public Housing Oper Subsidy)		(10,000)	(10,000)	(+10,000)	
Total, Office of Inspector General	(85,000)	(93,898)	(93,898)	(+8,898)	
Consolidated fee fund (rescission)		-6,700	-6,700	-6,700	
Office of Federal Housing Enterprise Oversight	22,000	27,000	23,000	+1,000	-4,000
Offsetting receipts	-22,000	-27,000	-23,000	-1,000	+4,000
Total, title II, Department of Housing and Urban Development (net)	28,590,735	30,580,617	29,979,968	+1,389,233	-600,649
Appropriations	(30,423,735)	(30,587,317)	(30,872,668)	(+448,933)	(+285,351)
Rescissions	(-1,833,000)	(-6,700)	(-892,700)	(+940,300)	(-886,000)
(Limitation on direct loans)	(300,000)	(300,000)	(300,000)		
(Limitation on guaranteed loans)	(382,332,956)	(381,842,979)	(381,842,979)	(-489,977)	
(Limitation on corporate funds)	(551,076)	(563,533)	(563,533)	(+12,457)	
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	28,000	28,466	35,466	+7,466	+7,000
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	7,500	7,621	8,000	+500	+379
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	118,000	67,948	80,000	-38,000	+12,052
Consumer Product Safety Commission					
Salaries and expenses	52,500	54,200	54,200	+1,700	
Corporation for National and Community Service					
National and community service programs operating expenses	458,500	411,480		-458,500	-411,480
Rescission	-30,000			+30,000	
Office of Inspector General	5,000	5,000	5,000		
Total	433,500	416,480	5,000	-428,500	-411,480
Court of Appeals for Veterans Claims					
Salaries and expenses	12,445	13,221	13,221	+776	
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	17,949	18,437	22,537	+4,588	+4,100
Department of Health and Human Services					
National Institute of Health					
National Institute of Environmental Health Sciences	63,000	70,228	70,228	+7,228	
Centers for Disease Control and Prevention					
Agency for Toxic Substances and Disease Registry	75,000	78,235	78,235	+3,235	
Total, Department of Health and Human Services	138,000	148,463	148,463	+10,463	
Environmental Protection Agency					
Science and Technology	696,000	640,538	680,410	-15,590	+39,872
Miscellaneous appropriations (P.L. 106-554)	1,000			-1,000	
Transfer from Hazardous Substance Superfund	36,500	36,891	36,891	+391	
Subtotal, Science and Technology	733,500	677,429	717,301	-16,199	+39,872
Environmental Programs and Management	2,087,990	1,972,960	2,014,799	-73,191	+41,839
Office of Inspector General	34,094	34,019	34,019	-75	
Transfer from Hazardous Substance Superfund	11,500	11,867	11,867	+367	
Subtotal, OIG	45,594	45,886	45,886	+292	
Buildings and facilities	23,931	25,318	25,318	+1,387	
Hazardous Substance Superfund	1,170,000	1,268,135	1,170,000		-98,135
Delay of obligation	100,000		100,000		+100,000
Transfer to Office of Inspector General	-11,500	-11,867	-11,867	-367	
Transfer to Science and Technology	-36,500	-36,891	-36,891	-391	
Subtotal, Hazardous Substance Superfund	1,222,000	1,219,377	1,221,242	-758	+1,865
Leaking Underground Storage Tank Program	72,096	71,937	72,000	-96	+63
Oil spill response	15,000	14,967	15,000		+33
State and Tribal Assistance Grants	2,620,740	2,232,943	2,355,000	-265,740	+122,057
Categorical grants	1,008,000	1,055,782	1,078,899	+70,899	+23,117
Subtotal, STAG	3,628,740	3,288,725	3,433,899	-194,841	+145,174
Total, EPA	7,828,851	7,316,599	7,545,445	-283,406	+228,846

VA AND HUD AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2620)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
Executive Office of the President					
Office of Science and Technology Policy	5,201	5,267	5,267	+66	....
Council on Environmental Quality and Office of Environmental Quality	2,900	2,974	2,974	+74	....
Total	8,101	8,241	8,241	+140	....
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)	(33,660)	(33,660)	(33,660)	....	....
Federal Emergency Management Agency					
Disaster relief	300,000	1,369,399	1,369,399	+1,069,399	....
(Transfer out)	(-2,900)	(-2,900)	(-2,900)	....	....
Contingent emergency funding	1,300,000	....	1,300,000	....	+1,300,000
Subtotal	1,600,000	1,369,399	2,669,399	+1,069,399	+1,300,000
Radiological emergency preparedness fund	....	-1,000	-1,000	-1,000	....
Disaster assistance direct loan program account:					
State share loan	1,678	405	405	-1,273	....
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	....	....
Administrative expenses	427	543	543	+116	....
Salaries and expenses	187,000	203,801	197,900	+10,900	-5,901
Defense function	28,000	30,000	30,000	+2,000	....
Subtotal	215,000	233,801	227,900	+12,900	-5,901
Office of Inspector General	10,000	10,303	10,303	+303	....
Emergency management planning and assistance	249,652	334,623	384,623	+134,971	+50,000
Defense function	20,000	20,000	20,000	....	....
Miscellaneous appropriations (P.L. 106-554)	100,000	....	....	-100,000	....
Subtotal	369,652	354,623	404,623	+34,971	+50,000
(By transfer)	(2,900)	(2,900)	(2,900)	....	....
Emergency food and shelter program	140,000	139,692	140,000	....	+308
National Flood Insurance Fund:					
(Limitation on administrative expenses):					
Salaries and expenses 1/	25,736	28,798	28,798	+3,062	....
Flood mitigation 1/	77,307	76,381	76,381	-926	....
(Transfer out)	(-20,000)	(-20,000)	(-20,000)	....	....
National Flood Migration Fund (by transfer)	(20,000)	(20,000)	(20,000)	....	....
Total, Federal Emergency Management Agency	2,439,800	2,212,945	3,557,352	+1,117,552	+1,344,407
Appropriations	(1,139,800)	(2,212,945)	(2,257,352)	(+1,117,552)	(+44,407)
Emergency funding	(1,300,000)	....	(1,300,000)	....	(+1,300,000)
General Services Administration					
Federal Consumer Information Center Fund	7,122	7,276	7,276	+154	....
National Aeronautics and Space Administration					
Human space flight	5,462,900	7,296,000	7,047,400	+1,584,500	-248,600
Crew return vehicle	....	....	275,000	+275,000	+275,000
Science, aeronautics and technology	6,190,700	7,191,700	7,605,300	+1,414,600	+413,600
Mission support	2,608,700	....	....	-2,608,700	....
Office of Inspector General	23,000	23,700	23,700	+700	....
Total, NASA	14,285,300	14,511,400	14,951,400	+666,100	+440,000
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	....	....
(Limitation on administrative expenses, corporate funds)	(296)	(309)	(309)	(+13)	....
Revolving loan program	1,000	1,000	1,000	....	....
National Science Foundation					
Research and related activities	3,287,000	3,263,981	3,579,340	+292,340	+315,359
Defense function	63,000	63,000	63,000	....	....
Subtotal	3,350,000	3,326,981	3,642,340	+292,340	+315,359
Major research equipment	121,600	96,332	135,300	+13,700	+38,968
Education and human resources	787,352	872,407	885,720	+98,368	+13,313
Salaries and expenses	160,890	170,040	170,040	+9,150	....
Office of Inspector General	6,280	6,760	6,760	+480	....
Total, NSF	4,426,122	4,472,520	4,840,160	+414,038	+367,640
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	90,000	95,000	105,000	+15,000	+10,000
Selective Service System					
Salaries and expenses	24,480	25,003	25,003	+523	....
Total, title III, independent agencies	29,918,670	29,404,820	31,407,764	+1,489,094	+2,002,944
Appropriations	(29,918,670)	(29,404,820)	(31,407,764)	(+1,489,094)	(+2,002,944)
Rescissions	(-30,000)	....	....	(+30,000)	....
Emergency funding	....	....	....	....	....
(Limitation on administrative expenses)	....	....	....	....	....
(Limitation on direct loans)	(1,525,000)	(1,525,000)	(1,525,000)	....	....
(Limitation on corporate funds)	(296)	(309)	(309)	(+13)	....

1/ FY2001 funding scored as non-add.

VA AND HUD AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 2002 (H.R. 2620)—Continued
(Amounts in thousands)

	FY 2001 Enacted	FY 2002 Request	Bill	Bill vs. Enacted	Bill vs. Request
OTHER PROVISIONS					
Filipino veterans provision	3,000			-3,000	
Grand total (net)	105,524,328	110,671,650	112,741,553	+7,217,225	+2,069,903
Appropriations	(106,087,328)	(110,678,350)	(112,334,253)	(+6,246,925)	(+1,655,903)
Rescissions	(-1,863,000)	(-6,700)	(-892,700)	(+970,300)	(-886,000)
Emergency funding	(1,300,000)		(1,300,000)		(+1,300,000)
(By transfer)	(66,560)	(66,560)	(66,560)		
(Transfer out)	(-22,900)	(-22,900)	(-22,900)		
(Limitation on direct loans)	(1,828,029)	(1,828,604)	(1,828,604)	(+575)	
(Limitation on guaranteed loans)	(382,332,956)	(381,842,979)	(381,842,979)	(-489,977)	
(Limitation on corporate funds)	(551,372)	(563,842)	(563,842)	(+12,470)	
Total mandatory and discretionary	105,133,328	114,867,650	112,616,553	+7,483,225	-2,251,097
Mandatory	24,581,866	31,504,766	27,183,766	+2,601,900	-4,321,000
Discretionary	80,551,462	83,362,884	85,432,787	+4,881,325	+2,069,903

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to begin by thanking our excellent chairman, the gentleman from New York, for the work that he has done in crafting this legislation, the many hours that he has spent involved in it. Throughout the development of the bill, he and his staff have been accessible; and they have made every effort to accommodate the concerns that the minority have presented to them.

As I know he will tell you, we have not seen eye to eye on nearly all the issues in this bill. But the communication necessary for a cooperative effort has occurred and that is certainly very much appreciated.

The departments and agencies that are funded in this bill all deserve adequate funding, but the allocation that we have been given simply does not make that possible. Congress has been operating under unrealistic budget constraints fashioned for the purpose of justifying a huge tax cut. Many concerns were raised during the consideration of that tax cut, most importantly the concern of ensuring the solvency of Social Security and Medicare. While Members from both parties professed that these funds were sacred, as we await the Congressional Budget Office's mid-term reestimates of the government finances, including projections for fiscal year 2002, which are due out in mid-August, it is becoming clear that the tax cut might well invade the Medicare surplus. This is exactly what Democrats were concerned about. This is not fair to our seniors, and it is not good fiscal policy.

It is that same tax cut that is forcing the Committee on Appropriations to make do with fewer resources than are needed. This has resulted in an inadequate allocation to this subcommittee. This has forced the gentleman from New York to engage in a balancing act. While he has been able to do many good things, he has by necessity had to underfund some important accounts.

First, let me mention two specific accounts where the gentleman from New York has markedly improved upon the administration's request. The National Science Foundation is provided $4.84 billion, an increase of $414 million over last year. This represents a 9 percent increase rather than the 1.2 percent increase that the President proposed.

NASA, an account that has been flat funded for the past several years, is in need of funding increases. NASA would receive an increase of $641 million over last year's funding for a total budget of $14.9 billion. Importantly, the bill and report also begin the process of addressing the cost issues associated with the International Space Station. It provides $275 million toward the Crew Return Vehicle, a vital station component that President Bush would eliminate. This funding is conditioned on NASA reporting back to this committee its plan to address the Space Station cost overrun issue. In addition, NASA is charged with ensuring that research is not compromised in the solution.

To underscore the point that research continues to be a principal justification for the Space Station, the chairman's mark includes an additional $35 million for Space Station research. Further, the chairman's amendment includes an amendment that I proposed to the chairman that will add an additional $25 million. Once again, this bill reflects the strong support that science enjoys among the members of this subcommittee. But ensuring adequate resources for science is only one of the many important responsibilities that needs to be fulfilled by this legislation.

The funding levels for several of the accounts are clearly inadequate. For example, to his credit, the chairman has increased discretionary funding to the Veterans' Administration by $1.6 billion over last year's level. While this is a large increase, it falls significantly short of the medical care need as outlined most recently by the chairman and ranking member of the Committee on Veterans' Affairs, the authorizing committee.

Programs within the Department of Housing and Urban Development are cut and several receive no funding at all. These include public housing capital funds, drug elimination grants, rural housing and economic development, empowerment zones, and shelter-plus-care homeless renewals.

The Corporation for National and Community Service is zero-funded and the Community Development Financial Institutions fund is sharply reduced from last year. I know that the gentleman from New York shares my concern about most of these accounts and that he would provide more resources to them if he could.

Today, amendments will be offered addressing some of the problems in the bill. However, even if adopted they will not remedy all the funding shortfalls in this legislation. Resources are simply not available to address the larger issues. We need more money.

From veterans, to housing, to water and sewer needs and even science, more needs to be done, Mr. Chairman. I hope that as this process moves forward, additional resources will be made available allowing us to properly fund the many needy, deserving programs in this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), a hardworking member of the subcommittee.

Mr. KNOLLENBERG. Mr. Chairman, I want to thank the gentleman first of all for yielding me time and I in particular want to thank the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for the very, very difficult and hard work that they have done on this bill. We have to obviously recognize Frank Cushing, who heads the staff, and all of the staff, who have done, I think, yeoman's work in bringing about the expertise that produces a product that is one that, I think, we should all be happy to support. The quality of the committee members should be highlighted along with the quality of their work product as well.

This appropriations bill is unique in that it covers an array of diverse agencies ranging from the Veterans Administration to the EPA. That is quite a broad stretch. It is not easy. It is not an easy task to bring this wide range of interests together into a single bill. But the gentleman from New York and the gentleman from West Virginia have a working relationship that I think makes all this possible.

The fiscal year 2002 VA–HUD bill is a fair piece of legislation produced under difficult circumstances, and it is within the budget resolution. It responsibly provides a $1 billion increase for veterans' medical health care, and increases funding for the Veterans Benefits Administration to reduce the backlog of claims. The bill increases funding for the Department of Housing and Urban Development by $1.4 billion and fully funds section 8 housing. H.R. 2620 also provides sound investments in research with a 9 percent increase for NSF.

The gentleman from New York, I believe, should be saluted for crafting this piece of legislation under these difficult circumstances. He has worked in good faith with the ranking member and the other side in a bipartisan way to forge the bill that is now before the House. As this process moves forward, we will have plenty of opportunities from Members to offer their suggestions and amendments before the President finally puts his signature on it.

This is a good, responsible bill. I encourage strongly my colleagues to support it.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Florida (Mrs. MEEK) who is a very effective, hardworking member of our subcommittee.

Mrs. MEEK of Florida. I want to thank the gentleman from West Virginia for yielding me this time, and I want to thank the gentleman from New York.

Mr. Chairman, I have had the privilege and the pleasure of serving on this subcommittee. It is a very good subcommittee. It is very hardworking. I also want to give my thanks to the staff. They have just worked assiduously with all of us to make this bill come out as it is. We do owe them a great debt of gratitude.

I want to say that the main problem I see with this bill is that it is underfunded. It is not because we do not have good leadership on this subcommittee or we do not have good supportive staff, but the fact that it is underfunded, the allocation was not adequate, probably due to the fact that we had to fund a great tax bill, now the results of that tax cut is coming back to haunt us in terms of being able to fund programs that come under our jurisdiction.

We were not able to fund veterans as much as we would have liked to have done. Therefore, we are seeing that as being a gap in this bill. The HOME account, however, there were some very good things going on in terms of accountability in the bill. The HOME account was increased by $200 million. It is one of the most valuable housing programs because it is very versatile and it is very effective.

That was very good of our subcommittee to be able to do this. Also, the subcommittee increased by 34,000 incremental vouchers which allow access to affordable housing on the private market. That is needed for additional low-income families. Section 202, one of my favorite programs for senior citizens, is increased by $4.2 million over fiscal year 2001. Also, this bill increases funding for HUD's Office of Lead Hazard Control. All these are strong points in the bill. Even though we were not able to fund adequately all of the programs, there are many bright spots in this bill, particularly what we were able to do for the National Science Foundation.

However, despite these responsible funding levels, Mr. Chairman, and these lack of funding levels that I would like to see, this bill underfunds some areas which I must call the committee's attention to. It underfunds public housing. It is a part of our bill, a part of our assessment that it should be funded strongly. It underfunds community development. It also cuts money from the Public Housing Capital Fund which helps to rebuild the worn-down and torn-up housing projects throughout this Nation. That is very badly needed. Children are in these housing projects. That makes it even more so. There are about 3 million low-income people that depend on public housing. One million of those are children.

The drug elimination grants which we have heard so many people talk about is also eliminated. It is needed. We need to keep drug trafficking out of our housing projects. Just the day before yesterday we voted $676 million in foreign aid to eliminate drugs. We need to eliminate drugs, Mr. Chairman, right here in our own country.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), another very hardworking and dedicated member of the subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the VA appropriations bill and to thank, as others have done, the gentleman from New York (Mr. WALSH) for his leadership and the gentleman from West Virginia (Mr. MOLLOHAN) for his leadership and cooperation.

Our bill, Mr. Chairman, helps the Veterans Administration provide health care to over 3.8 million men and women, who required last year over 717,000 inpatient visits and over 39 million outpatient visits to our Nation's 172 VA hospitals, 135 nursing homes, and over 600 outpatient clinics countrywide.

This bill provides for those purposes this year an additional $1.1 billion over last year's level for their medical care, for a total in the medical care account of $21.2 billion. With this latest increase, Congress will have provided an additional $4 billion for veterans' medical care over the past 3 years.

On a specific issue, our bill continues to direct Secretary Principi to address the serious issue of hepatitis C among the veterans population, particularly those of the Vietnam era.

On the housing front, the bill provides $30 billion for that agency, an increase of $2 billion over last year's level, and it continues our commitment to increasing housing opportunities for all people in need but especially for individuals with disabilities.

□ 1600

This bill that we consider today will provide funding for nearly 8,000 vouchers specifically to provide decent, accessible housing for individuals with disabilities who often must compete with programs that provide housing for the elderly.

On the environmental protection front, the committee has provided $1.2 billion for the Superfund hazardous waste cleanup program. This vital program cleans up our Nation's most polluted sites and, in many cases, can restore formerly toxic sites to new productive uses. My own State has more of these sites than any other State in the Nation. Despite local successes in the Superfund cleanups, there are many more sites to be cleaned up and more sites and brownfields sites than ever.

Like the chairman, I think we need to highlight the fact that this bill substantially increases funding for the National Science Foundation by $415 million, or 9 percent, over last year's level, for a total of $4.8 billion over last year's amount. Basic scientific research funding is critical, and I particularly commend the gentleman from New York (Chairman WALSH) for his leadership and responsiveness which led to this much-deserved increase.

The committee has also provided $14.9 billion for NASA, an increase of $641 million over fiscal year 2001. While the committee rightly has concerns about cost overruns of the International Space Station, overall NASA is responsible for a number of research initiatives.

For this and other reasons, I support the bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from West Virginia for yielding me time.

Mr. Chairman, I rise in support of the NASA funding included in this legislation, particularly as it relates to NASA Glenn Research Center in Cleveland. Glenn Research Center provides over $1 billion a year to Ohio's economy. Over 12,000 jobs exist in Ohio thanks to Glenn Research Center. Glenn Research Center grants over $10 million a year to Ohio's universities, and NASA has an important impact on our everyday lives.

Glenn Research Center has given us advances in biotechnology, to improve our health care, led in the development of quiet aircraft technology to minimize the noise in communities surrounding airports, and spearheaded research that benefits space travel.

Glenn Research Center also developed a lightweight battery that enables energy storage in space, in our own laptops and cell phones. This Congress's investment in Glenn Research Center benefits every American. I am pleased the subcommittee has recognized the importance of Glenn Research Center.

Mr. Chairman, I thank the gentleman from New York (Chairman WALSH) and I thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the distinguish gentleman from California (Mr. DREIER), the distinguished Chairman of the Committee on Rules, for the purpose of a colloquy.

Mr. DREIER. Mr. Chairman, I want to begin by complimenting both the gentleman from New York (Chairman WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for the superb job they have done on this bill, especially in the area of investment in scientific research and our Nation's space program.

I am joined by my very distinguished colleague, the gentleman from Glendale, California (Mr. SCHIFF), who has also joined with me in representing the area of Pasadena, which includes the Jet Propulsion Lab, and I would like to make a couple of comments about this.

Unfortunately, the vision that I just mentioned that the chairman and ranking member and the work of the subcommittee and the full committee reported out is not shared by the piece that came out from our friends in the other body. It not only does not provide sufficient funding for the National Science Foundation and NASA, but it goes so far as to propose the systematic dismantling of one of our Nation's national treasures, the Solar System Exploration Program.

While the proposed transfer of the Telecommunications and Mission Operations Directorate to the Consolidated Space Operations Contract is portrayed as an effort to save money and consolidate space operations, the cost savings are illusory and the transfer would be devastating to the space program.

The proposal assumes that an industry contractor can absorb the telecommunications and missions operations activities, but, in fact, because the deep space environment is substantially more hostile than the near-Earth environment, the personnel who presently operate the Earth orbiting satellites do not now possess the experience or training required to operate a spacecraft in deep space. Therefore, the contractor would have to hire new people to do the work.

Furthermore, in order to achieve the level of savings promised by the Senate, the contractor would be forced to conduct the missions with fewer than half the personnel presently on the missions. Unfortunately, we have already learned the short-staffing lesson the hard way. The Young Commission's findings on the loss of the two Mars missions concluded that the principal failure for both missions was the result of NASA headquarters' limitations on participation by the Jet Propulsion Laboratory's expert staff. Unfortunately, the bill from the other body ignores this finding and further weakens JPL's role.

In addition, the Senate proposal would transfer the mission operations and communications for all of the solar system exploration missions, including Galileo, Mars Global Surveyor, Ulysses, Cassini, Voyager and Mars Odyssey to an outside contractor.

Mr. Chairman, I am certain that this body did not authorize and appropriate the millions of dollars needed to fund these programs with the idea that they would then be outsourced to a new and inexperienced operations and communications team. We expect, and indeed should demand, that the operations of these high-risk, high-reward missions be conducted by the most capable, most qualified and the most experienced personnel available.

Mr. Chairman, I know personally NASA's Jet Propulsion Laboratory is the authority on deep space exploration, and the House cannot allow the Senate to place these vital missions in jeopardy simply to fulfill the parochial interests that exist in the other body.

I am joined, as I said, by my colleagues, the gentleman from California (Mr. SCHIFF), the gentleman from California (Mr. COX), the gentleman from California (Mr. LEWIS) and others to ask that you refuse to accept any of these shortsighted proposals during conference; and, in a bipartisan fashion, we offer whatever assistance we may have in this effort.

Mr. WALSH. Mr. Chairman, I thank the gentleman for his comments and look forward to working with him.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF) for the purpose of a colloquy.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to join my colleague and neighbor from California in his praise for your leadership as well as the leadership of the gentleman from West Virginia and to urge that we turn back the Senate's proposals which I believe will seriously undermine the Solar System Exploration Program.

Mr. Chairman, as you know, NASA's Jet Propulsion Laboratory is managed for NASA by the California Institute of Technology, Caltech. The Senate makes three proposals that are damaging to Caltech, damaging to NASA and damaging to the space program. The first is the transfer of telecommunications and mission operations to an outside contractor, as discussed by my colleague; the second is the reduction of $50 million from the Mars Surveyor program; and the third is the transfer of the Europa mission and the entire Solar System Exploration Program from JPL to an ad hoc grants program.

The combined impacts on JPL of these three proposals would be the elimination of 1,200 jobs at JPL and the resulting elimination of highly trained personnel and unnecessarily imperil our Nation's space exploration program.

Essentially, the Senate proposes that the critical mass of talent, experience and know-how which resides at JPL should be dispersed and that the core of NASA's exploration program should be conducted piecemeal and ad hoc.

At a time when the Nation is facing a critical shortage of experienced personnel in public service, the Senate proposals would terminate hundreds of engineers, technicians and scientists who possess the greatest level of knowledge regarding space exploration. The consequences would be tragic, and the Nation's space program would suffer a tremendous setback.

Mr. Chairman, I am proud to represent the best and brightest in a field where the advancement of science inspires young children and captures the imagination of millions, but I believe the space exploration program at JPL also serves the Nation as a whole.

NASA's solar exploration program carefully laid out and scrutinized resides at JPL because for the past 50 years this Congress has invested in the creation of the talent and infrastructure that exists at JPL. They are the experts, and this is rocket science.

For this body to allow that investment in space exploration to be jeopardized in this manner would be a disservice to the Nation and contrary to the fiscal duty we owe taxpayers.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to complete the colloquy.

Mr. Chairman, I would like to say I thank both gentlemen for their comments, and please be assured we will not allow investments made in the space exploration program to be wasted. Be assured that both the gentleman from West Virginia (Mr. MOLLOHAN) and I look forward to working with the gentleman from California (Mr. SCHIFF), the gentleman from California (Mr. DREIER), the gentleman from California (Mr. COX) and the gentleman from California (Mr. LEWIS) to ensure that JPL remains one of the premier space research facilities in the country.

Mr. DREIER. Mr. Chairman, if the gentleman will yield very briefly, I would just say this is not rocket science. What they do out at JPL is rocket science.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking minority member on the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, the Congressional Budget Office just finished the study which showed that over the last 20 years the wealthiest 1 percent of people in this country had an after-tax income gain on an annual basis of $414,000 per year. The tax bill which this Congress passed just a couple of months ago gave those people on average a $53,000 tax cut, about an 8 percent increase in their after-tax income.

That study also showed if you are exactly in the middle of the income stream, you have had an income increase over the past 20 years of about $3,400, and the tax bill that passed gave those folks not an 8 percent or 7 percent or 6 percent increase in their after-tax income, it gave those folks a 2 percent increase in their after-tax income.

That study also showed if you were in the poorest 20 percent of people in this society, that you actually have lost $100 in your annual income over the last 20 years, and those folks got a 1 percent on average increase in their after-tax income by the tax bill that passed, except for the almost one-third of people in that bracket who got nothing whatsoever because they made too little money to qualify for the tax cut.

That tax bill took so much money that it made it impossible for the Committee on Appropriations to give the gentleman from New York an adequate allocation for this bill; and because of that fact, not because of the desires of the gentleman, but because of the realities imposed by that misguided tax bill, this bill today is at least half a billion dollars short in providing needed veterans medical care. It is desperately short of the levels we need to be at to provide assistance for low-income people to obtain decent housing. It weakens our ability to provide environmental protection, and it does a number of other things that are not in the long-term interests of this country.

I have voted for the last five appropriation bills this House produced because I thought they were decent, bipartisan products, even though they were not perfect. But this bill I will not be supporting because of the shortcomings that I have cited.

I do want to say, however, that I think the gentleman from New York has done a very decent job with the limited amount of resources that he had available to him, and I especially commend him for the way he dealt with the science budget. We needed an increase over the White House budget for science.

There is another strange twist to this bill, however. We tried on this side of the aisle on three occasions to get the majority to recognize that we were going to need more money for disaster assistance in FEMA's budget for the existing fiscal year. We were blocked on each of those three occasions.

Now, however, this bill contains a $1.3 billion item which has been labeled an emergency by no one less than the distinguished majority whip. That is the same distinguished majority whip who last year took the floor to defend the idea that somehow funding the census was an emergency, as though we did not know that every 10 years we are required by the Constitution to conduct a census. So I find that flip-flop strange indeed.

It is because of that flip-flop that this bill has been delayed for the better part of a day, and yet the majority leadership now somehow expects us to be able to make up the time lost by the internal divisions within the majority party caucus on this issue, and yet they expect us to work a miracle and finish this bill by 10, 11, 12 o'clock tonight. There are some 44 amendments pending. I do not believe it is possible to come anywhere near closure, even though we will try to work with the majority.

So I would simply say that if this bill cannot be finished tonight, it ought to be clearly understood why. It is not because of any delay on the part of anyone. It is simply because of the inconsistency which was noticed by the majority party caucus, the inconsistency represented by the DeLay amendment. While I support the DeLay amendment, I regret the ridiculous turmoil that it has caused.

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Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I am the ranking minority member of the Subcommittee on Housing. There are enormous questions at issue here, and trying to rush them through would be inappropriate.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), the distinguished subcommittee chair of the authorizing committee.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his distinguished leadership on this issue.

Certainly, as the chairwoman of the Subcommittee on Housing, I have just completed a series of hearings on the availability of affordable housing. These hearings focused on many of the programs within the jurisdiction of this appropriation bill, such as HOME, CDBG, section 8 vouchers, section 202 elderly housing, homeless and the disabled.

We have an intelligent understanding, even in this good economy, that there are a growing number of hardworking Americans who suddenly cannot afford rental housing that they are occupying because of the higher rents in their particular area. So at our housing affordability hearings, witness after witness reinforced the need for improved administration, utilization, and delivery of HUD programs. Furthermore, programs like HOME, CDBG, HOPE, section 8 vouchers, disability and 202 for the elderly, all of these programs need community development groups that can help them and can more efficiently and effectively meet the needs of these vulnerable populations.

Now that we have concluded the hearings, it is our intention to begin crafting legislation that will help to meet the needs of the growing housing affordability and availability problem.

We must remember, and I say this as a strong fiscal conservative, we must remember that the American taxpayer deserves consideration in this budget debate as well. If directing resources from one program to another means, as is done in this bill, means resources are being more efficiently and effectively used, then we should be supportive. The gentleman from New York (Mr. WALSH) has done that in this bill.

I would like to point out that the bill is not absolutely perfect, but I must say that I wish it had included credit subsidies.

I rise in support of this bill today. Chairman WALSH was given limited resources, and he has worked hard to craft a bill that is fair to all the competing interests and programs within his jurisdiction.

As Chair of the Financial Services Subcommittee on Housing, I have just completed a series of hearings on the availability of affordable housing. These hearings focused on many of the programs within the jurisdiction of this appropriations bill, such as HOME, CDBG, section 8 vouchers, section 202 elderly housing, homeless and the disabled.

This country is facing a growing housing crisis. The growth in the economy has created a major dilemma for an increasing number of working class and low-income Americans—a better economy means higher rents in many areas. A growing number of hard working Americans suddenly can't afford the rental housing they are occupying, or can't even find any housing available that is geared to their income levels. In addition, our government is faced with the increasing budget needs of our existing public housing system as well as how to pay for future housing demands.

At our housing affordability hearings, witness after witness reinforced the need for improved administration, utilization and delivery of HUD's programs. Furthermore, programs like HOME, CDBG, HOPE VI, section 8 vouchers, section 202, disability and homeless programs need more flexibility so that housing finance agencies, PHAs and community development groups can more effectively and efficiently meet the needs of these vulnerable populations.

Now that we have concluded the hearings, it is our intention to begin crafting legislation that will help to better meet the needs of this growing housing affordability and availability problem. We will be looking at ways to improve the delivery and administration of HUD administered programs.

I know that many members plan to offer amendments today concerning programs that fall within the jurisdiction of the Subcommittee on Housing. I invite members who may have problems or concerns with this bill to work with the authorizing committee to address those concerns. Clearly, changes are warranted to many of these programs so that they better meet the needs of the people that so desperately need our help.

I consider myself a strong fiscal conservative, so for my part I do not automatically presume that each and every government program that currently exists deserves an increase in funding, merely by virtue of being there. Let us remember that the American taxpayer deserves consideration in this budget debate as well. If redirecting resources from one program to another means resources are being used more efficiently and effectively, then we should be supportive.

Faced with sharp budget constraints, Chairman WALSH has worked hard to use the taxpayers money in the most effective and efficient way possible. Where funds have not been spent in a timely manner, he has recaptured those funds and redirected them to programs that can use them now. Funding for programs with proven track records—like HOME, public housing operating subsidies, and housing for disabled and elderly has been increased in this appropriations bill.

This bill isn't perfect—for example, I wish it included credit subsidies to ensure the continued operation of the FHA multifamily loan program; and I will continue to work with both OMB and the Appropriation's Committee to determine how best to address continued funding for that program. In fact, just last week, I asked GAO to conduct a review of the issues surrounding the credit subsidy, such as how it is assessed and whether it is consistent with current default rates. There are good arguments on both sides of the issue relating to whether we have an accurate risk assessment of the credit subsidy. I am hopeful that the GAO will provide some insight on how best to proceed in resolving this crisis and whether an actual insurance premium is necessary.

Finally, I am glad that the Chairman has included provisions for the President's Downpayment Assistance Program. Home funds are distributed by formula to states and local participating jurisdictions which have the flexibility to use these funds for a variety of purposes, including downpayment assistance. The President's initiative would allow this to continue, but would require state and localities to use a designated amount of their funds for downpayment assistance.

This downpayment assistance set aside will go a long way to addressing the needs of many of those who currently are unable to own their own home. For this reason, I will oppose any amendment that seeks to reduce or eliminate the money for this important initiative.

On balance, this bill deserves your support, and we recognize that it outlines the foundation of review and legislative reform on our committee agenda for next year.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. ORTIZ) for the purpose of a colloquy with the chairman.

Mr. ORTIZ. Mr. Chairman, I thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) for yielding me this time.

I would like to enter into a colloquy at this point with the Chairman of the subcommittee, the gentleman from New York (Mr. WALSH). After testifying last spring, Mr. Chairman, the subcommittee has been very helpful in finding creative solutions to the challenges faced by a multitude of veterans living in the Rio Grande Valley. I know the limitations on our spending this year, and I applaud the gentleman's work.

I appreciate language in the VA-HUD report to this bill that directs the VA to work with the Defense Department to share resources to serve our veterans, our active duty military, military retirees, and their dependents. The language directs the VA and DOD to submit a plan to the Committee for three demonstration sites through which to integrate health care resources and reduce the burden on veterans.

I would like to propose that a hospital in South Texas, which is at the Naval Air Station in Corpus Christi, be considered as a prospective site for just such a demonstration to help our veterans. I know that the gentleman from Ohio (Mr. HOBSON), my good friend, has actually traveled to South Texas and looked at the facility with this in mind. There is room in the hospital and open beds that could be used to tend to the specialty care and the needs of our veterans.

I am grateful for a recent meeting with Veterans Secretary Anthony Principi in which we had a very good discussion about the needs of South Texas veterans. The Secretary was very engaged and helpful with suggestions. Secretary Principi agreed to have his experts at the VA study the prospect of having one of these demonstration sites at the Naval Air Station Hospital at Corpus Christi. I am very appreciative.

Mr. Chairman, I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman for his diligence on this very important issue in bringing the problem of accessible health care for the veterans of the beautiful area of South Texas that he calls home.

The VA and DOD have a great opportunity to do better in this area. I agree that the Naval Hospital in Corpus Christi would be an excellent candidate for this demonstration project, and I would encourage the VA to give this site every consideration when formulating a plan.

Mr. ORTIZ. Mr. Chairman, I appreciate the gentleman's help, and I yield to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I would also like to join in thanking the gentleman from Texas (Mr. ORTIZ) for bringing his testimony before the committee.

I visited this hospital in Corpus Christi, along with a number of other members of my subcommittee, and I really believe that the available capacity at that hospital and certainly the need of the veterans in that area would lend itself to progress in this program that he wants to do in this area. I want to commend the Chairman for encouraging the VA to work with DOD at the possibility of establishing not only this project, but other similar programs, because I think it comes into the extension of quality, cost-effective care for our veterans around the country, and the gentleman's facility in Corpus Christi is a good place to demonstrate that program.

Mr. ORTIZ. Mr. Chairman, I would like to thank the Committee again and the staff for their very diligent work.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services.

Mr. OXLEY. Mr. Chairman, I rise in support of H.R. 2620. I want to thank the gentleman from New York (Mr. WALSH), the chairman of the subcommittee, and the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, for putting together an appropriations bill that balances all of the competing interests and programs, given the fiscal restraints that we are under.

As the chairman of the Committee on Financial Services, the housing programs administered by the Department of Housing and Urban Development fall under our jurisdiction. To date, the committee has held at least nine housing program and oversight hearings to explore how to make these programs models of efficiency and expand housing opportunities for everyone.

What the hearings reveal is that we are facing a housing crisis. In some areas, that crisis is one of availability of housing, while in others, it is affordability, with low-income families paying more than 50 percent of their monthly income for housing. In other cases, it has been poor management of public and private resources and, indeed, our committee plans to look into that.

I applaud the committee on their work. For example, the HOME program is increased by some $200 million to accommodate the President's request. This new initiative will expand the homeownership dream, particularly for low-income, first-time home buyers. While the overall homeownership rate is 68 percent, we have lots of work to do in our minority and disabled communities to foster this American dream. I will oppose any amendments that diminish the Downpayment Initiative incorporated in the HOME program.

I do want to point out to my colleagues that there will be some amendments today related to the elimination of the Public Housing Drug Elimination Grant Program. As I understand, this program is duplicative and that the Public Housing Authorities already have existing authority to provide crime-fighting initiatives through the operating fund. H.R. 2620 increases the PHA operating subsidy to 8.1 percent to allow flexibility to do crime-fighting initiatives and other activities. Moreover, the Drug Elimination Program experienced many abuses, including HUD's approval to allow PHAs to use funds for "creative wellness" programs that teach residents to surround themselves with colored gemstones and incense; and I am not making this up, Mr. Chairman, to the tune of $800,000; for occasions and trips, and for controversial gun buy-back programs.

I am also concerned that there is $397 million of unspent funds, some dating back to as far as fiscal year 1997. I support the Administration's proposal to eliminate duplicate programs.

While I understand that there will always be more need than resources, it is important that Congress act in a fiscally prudent manner that balances the housing program investments made by the taxpayer with the legitimate needs of those citizens who are not finding adequate resources in the private sector. The

Committee on Financial Services, including the Housing Subcommittee chaired by Representative MARGE ROUKEMA, looks forward to working through the policy details that will ensure an improved housing delivery service.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH), a distinguished and hard-working member of the subcommittee.

Mr. FATTAH. Mr. Chairman, let me also thank the ranking member and the chairman of the subcommittee for their hard work.

I have a number of concerns about the bill, even though I am generally supportive. One of course is the elimination of the AmeriCorps program, and the elimination of the drug elimination fund. There is nothing controversial about gun buy-back programs in neighborhoods where people have been victimized by the illegal use of these guns. But I think that even though there are some unfortunate directions, there is a lot to be very pleased with in this bill, and I commend both the gentlemen who have had the leadership roles.

I wanted to yield a moment to the chairman, the gentleman from New York, to have a brief colloquy on the question of the reserve funds for public housing authorities.

I, along with the gentleman from North Carolina (Mr. PRICE), have talked before about our concerns about the move from 2 months to 1 month. We realize that the vast majority of housing authorities have not needed a 2-month reserve, but there have been instances where, for a small percentage of housing authorities where they have had to go beyond the 1 month. I just want assurances from the chairman that he will be mindful of this and monitor and seek to ensure that HUD would have the flexibility to be responsive so that no family presently being served would in any way be jeopardized by the decision, and I think the correct decision that has been made, which is to roll the reserve back to a 1-month status.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, certainly, it is not the committee's intent, nor do I believe this action will have any negative impact, on the ability of Public Housing Authorities to fully utilize their vouchers. It is my understanding that less than $46 million of the $1.3 billion in reserve funding was drawn down last year.

I assure the gentleman that it is the committee's intention that any PHA which exhausts its funds will be given additional funds to ensure that its legitimate needs are met. In fact, I have a letter from the Deputy Secretary which indicates that HUD will continue its long-standing policy to provide any Public Housing Authority that has exhausted its funds for legitimate needs with whatever funding is necessary to ensure that all families currently served retain their assistance.

Mr. FATTAH. Mr. Chairman, I thank the gentleman from New York.

Mr. WALSH. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I would also like to thank the committee staff for this worthy bill which promotes environmental cleanup and scientific study for areas impacted by toxic pollutants.

One such area of impact is Escambia County, Florida, which is my home county. In 1998, it ranked 22nd out of 3,300 counties in America in the amount of toxic releases reported to the EPA. Now there is mounting evidence that these toxic pollutants contributed to increased illnesses in Northwest Florida. Friends, neighbors, family members, and other constituents continue to ask me questions at town hall meetings and elsewhere about whether there is a connection between buried toxins and increased levels of cancer and other diseases.

Fortunately, the University of West Florida and Escambia County Health Department have formed a partnership to find scientific answers to these troubling questions. These questions as to whether toxins buried underground decades ago are now causing sharp increases in cancer and other deadly diseases need to be answered.

Also, too often, the affected areas are occupied by some of our poorest constituents, not only in Northwest Florida, but across America.

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That is why I am grateful that this committee has urged the EPA to study Escambia County's increased levels of illness, and it will impact not only Northwest Florida, but also affected areas across America.

That is why I encourage passage of this worthy bill, and thank the chairman and the staff for recognizing the importance of the measure.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK), distinguished member on the Subcommittee on Housing and Community Opportunity.

Mr. FRANK. Mr. Chairman, this bill is a stunning example of the social harm that is resulting from the excessive tax reduction of earlier this year.

We have widely acknowledged that there are housing crises in many parts of this country. The gentlewoman from New Jersey (Mrs. ROUKEMA), who chairs the subcommittee, has presided over hearing after hearing in which witnesses brought forth by both sides of the aisle have testified to that.

The very prosperity which benefits so many and is so welcome exacerbates the problem in many areas of those people in middle-income and lower-income categories who are not participating, and this bill systematically makes it worse. It is not a matter of what the subcommittee chose to do, it is a matter of the substantial reduction in resources mandated by that tax bill, which left them with no real options.

As a result of the inaction of this committee pursuant to that tax cut, the Federal Housing Administration, the FHA multifamily program, is shut down, has been shut down, and will remain shut down. When we get in the full House I will put in a letter from the homebuilders and realtors and many others lamenting this. We are not building multifamily units for middle-income people.

Public housing residents are savaged by the President's budget, and unfortunately, this bill repeats that. The public housing drug elimination program, I do not think it is duplicative to have more cops in public housing. This cuts virtually every aspect of public housing.

The President says he will leave no child behind. Who does he think lives in public housing, stuffed animals? Children live in public housing, the poorest children in this country. They are victimized by the poor resource allocation that this bill manifests.

This bill is, unfortunately, far below the minimum we should expect, and that is mandated by that irresponsible tax cut.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is kind of a strange institution we are operating in here, because both the chairman of the Committee and the ranking member I think have done a good job of operating within the context of what they are operating in. Unfortunately, they are playing with a budget the size of a baseball when the size of the need is, at best, the size of a softball or a soccer ball, or perhaps even a basketball or bigger.

The dramatic example of that is in the area of housing. The chairman, the Republican chairman, the Democratic ranking member, and those of us who sit on that committee have gone through hearing after hearing after hearing, and every single witness has come and said, "We need more affordable housing in this country." Yet, there is nothing that will address that need in this bill.

It is not because of the ranking member or the chairman of the Committee, it is because of the big tax cut that has taken all of the money that we should have been spending on low-income housing and affordable housing and sent it back to rich people, leaving poor people in destitute housing. That is a shame for our country.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

As co-chair of the Congressional Aerospace Caucus, I strongly support maintaining America's leadership in space exploration, research, and technology. That is why I rise in support of increased funding for the National Aeronautics and Space Administration.

Let me speak of two challenges being met by NASA in aircraft noise and engine emissions. The ultraefficient engine technology program at the NASA Glenn research center is improving local air quality around airports and reducing aviation's impact on global warming.

The program is developing revolutionary propulsion technologies for increased performance and efficiency of aircraft engines. The goal of NASA's quiet aircraft technology program is to develop technologies which will contain aircraft noise within airport boundaries.

The Federal Government is investing millions of dollars every year to insulate homes. Such sound insulation is the only feasible approach today. However, breakthrough technologies developed by NASA through the UEET program and the quiet aircraft technology program will properly address the problem by achieving significant reductions in aircraft noise and emissions.

I urge increased support for NASA. Not only will this funding enable the U.S. to remain at the forefront of space technology, but it will serve to give much-needed relief to our constituents who live near airports.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there have been a number of the speakers who have commented on HUD funding. I would just like to respond briefly on a couple of points.

First of all, we, unlike the Senate, increased Section 8 housing vouchers. We put, I believe, 34,000 new housing vouchers in. Eight thousand of those are specifically for people with disabilities. I think that it is the subcommittee stepping up to the plate and dealing with an issue that we have not fully dealt with in the past. The Senate provided no new Section 8 housing vouchers, so I think the House did an excellent job there.

We also increased operating expenses for the public housing authorities across the land by 8 percent. That is a very, very substantial increase.

Although we have a reduced amount of funding in the capital budget, I would remind my colleagues, there is $8 billion in the capital expenses pipeline for public housing authorities across the nation. That is $8 billion that is appropriated but unallocated to a specific project, and unspent.

We would urge those public housing authorities to move forward and allocate those funds toward a project. Otherwise, they will lose those funds, and we will assign them to public housing authorities that are spending their funds in a timely way.

The problem is, we are appropriating these monies and they are not taking care of their housing code violations, they are not taking care of the hazards that people living in public housing have to deal with every day. So it is our responsibility as a Congress to make sure those public housing authorities spend that money.

Lastly, the level of funding that we have provided is exactly what the Clinton administration asked for for the past 3 years. So to say that we did not do our job for HUD, Members can say that, but it is tougher to make the case because the facts I think would argue otherwise.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, I add my voice to those of my colleagues on this side of the aisle who have said there are stunning examples in this bill of how the tax cut has forced us into insufficient funding for important programs. I join everybody who has spoken in thanking the Chair and the ranking member for doing what they can with the insufficient budget they had.

Let me just add another stunning example, as my colleague, the gentleman from Massachusetts said, of the social harm that has been done by insufficient funding.

We all have said we have added $1 billion to the health care for our veterans in this budget. That is true. But $1 billion, given the inflationary cost of health care in this Nation, barely keeps up with that inflation; $1 billion barely keeps up with the inflation. How do we make up for all the years that we have not granted sufficient funding to our Nation's veterans?

Of all people, these are the folks who we should take care of before we declare a surplus, before we give a tax cut to the wealthiest 1 percent of our Nation. It is our veterans who have made this Nation the prosperous one it is. Yet, they have come last, again.

The so-called Independent budget that is put out by the veterans service organizations of this Nation, virtually every single veterans' organization has contributed to this independent budget, they think another $1.7 billion is necessary for the health care for our Nation's veterans to keep up with inflation and to deal with problems such as Hepatitis C, with problems of our aging veteran population, with bringing down the incredible 5 months and 8 months and year-long waiting times for specialty doctors.

So I will be proposing an amendment, when we get to that stage in the bill, to give $1.7 billion extra. We have emergency funding in this bill now. I would hope that this House would agree with me that the funding for our veterans is an emergency, that we ought to declare our support for our Nation's veterans and provide this level of funding.

There will be amendments to do that. There will be amendments to increase the medical research budget, to increase the budget to fight and treat Hepatitis C victims, and there will be amendments to give health care to the 75,000 Filipino veterans of World War II, one-third of them citizens of this Nation, and the others living in the Philippines who have contributed to our Nation's victory in World War II. It is time that we supported them.

Mr. WALSH. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my colleague for yielding time to me.

I want to praise both the chairman and the ranking member of this subcommittee for their outstanding work in a very difficult budget environment. I know the tough decisions they had to make were not easy, and I support the effort they have put forth.

I want to speak about one very small part of this bill we are going to be voting on today that impacts one very large group of people in America.

We talked about the FEMA budget and how we need to help resolve those problems created by disasters and reimburse towns and cities for the expenses they have lost, the debts they have in incurred. But we have not heard anything about FEMA's commitment to the 1.2 million men and women in this country who are the fire and EMS personnel.

Under the chairman's leadership, with the strong support of the full committee chairman, the gentleman from Florida (Mr. YOUNG), this past year the Congress for the first time established a grant program to support the Nation's domestic defenders. The $100 million that was allocated was requested by 30,000 fire and EMS departments across this country to the tune of $2.9 billion. We will only be able to fund a very small portion of that request.

I am pleased that this bill has an additional $100 million, and I am going to ask at a later point in time, when I offer an amendment, that my colleagues and the leadership of this subcommittee support the Senate position, which is $150 million.

We talk about the needs that we have in this bill, but Mr. Chairman, each year 100, on average, fire and EMS personnel die in the line of duty protecting our communities, and 85 percent of them are volunteers. The right thing for us to do is to support a program that will help prevent and protect these individuals from the loss of life and injuries that they assume on a regular and annual basis.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me. I know the chairman works very hard to try and craft some legislation that would address the issues of our community.

But I am concerned about the cut in housing that has occurred in this bill, particularly the drug elimination program that was provided for public housing. In Cuyahoga County, Ohio, that will mean the cut is equal to the entire budget for the law enforcement department at the Cuyahoga Metropolitan Housing Authority. For me and for my community and district, that is significant.

So I ask Members to rethink that. I ask them to realize that even though people think it is a stupid program, in fact the people who live in public housing that have had an opportunity to have drugs eliminated think it is a great program.

However, I do want to compliment the chairman and the ranking member on the work they have done for the NASA program. The NASA program in Cuyahoga County is very, very important. I want to thank the chairman, the gentleman from Ohio (Mr. HOBSON), and my ranking member for seeing that NASA had an opportunity to get additional dollars.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

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Mr. BENTSEN. Mr. Chairman, I rise in strong support of the bill for its functions that it annually funds, including funding for NASA and other issues. But in particular I want to talk about the funding for FEMA.

I strongly support the committee's decision to accept the amendment offered by my colleague, the gentleman from Houston, Texas (Mr. DELAY), to provide an additional $1.3 billion for FEMA as emergency funding. As Members know, Tropical Storm Allison dropped 40 inches of rain throughout the Houston area over a week-long period, causing damages up to about $5 billion affecting 90,000 people in Texas.

It is estimated that the damages in the Texas Medical Center in my district alone will exceed $2 billion, and it is expected with other disasters that we will far exceed what was originally budgeted and what the President originally called for. So I think this is a step in the right direction.

In fact, the other body, in their bill, has a figure up to $2 billion; and I hope that ultimately we can get there, because we know we will have other disasters in the remaining part of this year and in next year. And we will certainly need this funding so people in my district and other parts of Texas can get back on their feet.

Mr. WALSH. Mr. Chairman, can the Chair advise us as to how much time is remaining in general debate?

The CHAIRMAN. The gentleman from New York (Mr. WALSH) has 3½ minutes remaining and the gentleman from West Virginia (Mr. MOLLOHAN) has 2 minutes remaining.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Chairman, I rise in support of this fine bill that the chairman, the gentleman from New York (Mr. WALSH), and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), have brought to the floor.

I do not get excited about many Federal programs, but this bill contains money for two of the very best science agencies in the world, NASA and the National Science Foundation. These are programs that ultimately will result in an increased understanding of the world around us and will deliver practical benefits to the American taxpayers. It is a good bill.

Again, let me congratulate the Chair and the ranking member for their fine work, and I urge my colleagues to support the NASA funding in this bill.

It seems obvious to me that if we invest in these advanced science and engineering efforts now, when our economy is still relatively robust, we can help lay the groundwork for another generation of economic growth, which is good for all Americans.

NSF is our premier agency for support of basic research at academic institutions in the physical and biological sciences, in mathematics, and in engineering. Basic research discoveries launch new industries that bring returns to the economy far exceeding the original public investment.

The Internet, which emerged from research projects funded by the DOD and NSF, strikingly illustrates the pay-off potential of such research expenditures. In fact, over the past 50 years, half of U.S. economic productivity can be attributed to technological innovation and the science that has supported it.

Unfortunately, the simple truth is that during the 1990s we have been underinvesting in the fields of science that NSF supports.

A recent report from the National Academy of Sciences provides specific examples that make this case. The report shows that between 1993 and 1999 federal research support at academic institutions fell by 14 percent in mathematics, by 7 percent in physics, by 2 percent in chemistry, and by 12 percent in electrical engineering.

Inadequate funding for basic research in such important fields imposes a price on society, because new ideas are lost that would otherwise underpin future technological advances. Of even more importance, anemic funding of academic science and engineering research reduces the numbers of new young scientists and engineers, who constitute the essential element necessary to ensure the nation's future economic strength and security.

The bill before us provides funding growth for NSF in excess of nine percent. The increase will enable the Foundation to expand its investments in exciting, cutting-edge research initiatives, such as information technology and nanoscale science and engineering. Of course, I would like to see the budget-doubling rate of increase that was appropriated for NSF last year. But I understand the constraints the Committee faced and I believe they did a wonderful job under the circumstances.

NASA

I'd now like to turn to the bill's treatment of the National Aeronautics and Space Administration. I am a strong and unabashed supporter of our Nation's space program. It has delivered countless practical benefits to our citizens over the four decades since NASA was established. You only need to think about some of the things that have come from past investments in space research—including such things as worldwide satellite communications, space-based weather imagery, advanced medical diagnostic and telemetry devices, advanced materials—the list just goes on and on—to know that this has been money well spent.

I would be the first to say that we haven't been able to fund NASA as well as I would have liked over the past decade. We were trying to get the deficit under control, and NASA had to take cuts, just as other agencies had to take cuts. And I supported holding the line on NASA's spending, even though I supported its programs. However, we are in a different era and I believe it is time to increase our Federal investment in research and development. It's an investment in our future, and no agency symbolizes the future more than NASA.

This bill, I am pleased to say, takes a step in that direction. It provides an increase of more than four percent for NASA. Given the constraints facing the Committee, I appreciate the efforts of Chairman WALSH and Ranking Member MOLLOHAN to provide the additional funding.

Of particular interest to me is the fact that the bill provides $275 million for the Space Station Crew Return Vehicle, as well as additional funding for Space Station research.

I know that Members are concerned about the reported cost growth in the Space Station program. And those who know me know that I do not want to spend a single dollar more than is necessary to carry out the Federal government's programs—whether they are NASA programs or some other agency's programs. At the same time, we have to provide the resources needed to finish what we start, or we will just wind up wasting the taxpayer's money.

The International Space Station is going to be a world-class orbiting research facility if we are wiling to keep the faith and ensure that it has the capabilities successive Congresses have supported. Thus, we are going to need to invest in Space Station research facilities—and make sure that the Station can support the seven-person crew needed to carry out that research. This bill supports that vision.

I also support the additional funding provided to the Space Shuttle program. The Shuttle program is critical to our nation's exploration and use of space, and we need to ensure that it has adequate funding so that it keeps flying safely and reliably. In addition, the bill provides funding for a range of important programs in science, aeronautics, and technology.

These are programs that ultimately will result in increased understanding of the world around us and will deliver practical benefits to the American taxpayer. Again, let me congratulate the Chair and Ranking Member for their fine work, and I urge my colleagues to support the NASA funding in this bill.

Mr. WALSH. Mr. Chairman, I have no additional requests for time, and I reserve the balance of my time to close.

Mr. MOLLOHAN. Mr. Chairman, I have one remaining speaker.

Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, what this debate is about, really, is the priorities of this country. Several months ago it was the wisdom of the President of the United States and a majority of the Members of the Congress that we were a rich enough Nation that we could afford to provide hundreds of billions of dollars to the wealthiest 1 percent of the population, people who have a minimum income of $375,000 a year. That is how rich we were. But today, when we are talking about the needs of our veterans, the men and women who put their lives on the line to defend this country, the men and women who were wounded in action, well, guess what, today we do not have enough money to address their needs.

All over this country, including the State of Vermont, there are waiting lines for veterans to get the quality treatment that they need. There is speculation that the prescription drug program for veterans will cost veterans more money because we do not have, as a Nation, the funding available to take care of those people who made such sacrifices for this country. Hundreds of billions of dollars for tax breaks for those who do not need it but inadequate funding for our veterans.

Mr. Chairman, in my State, and again all over this country, millions of Americans are paying 50 or 60 percent or more of their limited incomes for housing. In one region after another in this country affordable housing is unattainable. Yet, once again, we apparently do not have enough money to adequately fund affordable housing in this country, so that families and children sleep out on the street and working people pay 50, 60 percent of their incomes for housing. Tax breaks for millionaires, yes; adequate funding for affordable housing, no.

And, once again, all over this country communities are struggling to make sure that the air that they breathe, the water they drink, is not polluted. Money for tax breaks, yes; money for the environment, no.

Mr. WALSH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), for joining me in this debate and a general discussion of the bill. As I said before, I think we have a good bill. I suspect that if we had $150 billion to spend, someone would stand up and say we just need more money. Last year, we provided a record increase in veterans medical care, the most ever in the history of this country in one year and we still had amendments asking for more money.

I think we have done a pretty good job of providing the resources that we need. I would remind my colleagues that back in the years of the Reagan tax cut, there was a very substantial tax cut but there was an agreement that they would cut taxes and that they would also commensurately cut spending. The tax cuts occurred, the spending cuts did not. Therefore, we wound up with very substantial budget deficits. I think that what we have done thus far this year is the right thing to do. We have had growing surpluses, we were collecting more money than the government needed to operate, and if the money was left there, it would have been spent. So the President proposed a tax cut that was supported by both the House, and the Senate, in very large numbers, and signed by the President. It is now law and the money is being mailed out to the taxpayers who were overpaying.

So we have to now take care of the spending part, which is really what this bill is about. It is spending priorities. We have close to $110 billion in this bill. Some of it is at our discretion, about $85 billion. I think we have done the best we could. I think we have met the priorities of the country.

We have increased veterans medical care by $4 billion in the last 3 years, if this bill passes. We have provided for the protection of the environment. We have provided for emergency relief, disaster relief for emergency victims, and we have provided for the housing of our Nation. I think we have made some difficult choices, but we have made wise choices. And I think that the people who pay the taxes would accept the fact that we have done our level best.

So I submit to my colleagues in closing the debate with my feeling that we have done the very best that we could.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would like to comment on H.R. 2620, VA-HUD-Independent Agencies appropriations for FY 2002. I intend to offer several amendments to this legislation to address my concerns regarding affordable housing and support of our only national community service program.

This bill appropriates $112.7 billion for programs and activities of the Veterans Affairs (VA) and the Housing and Urban Development (HUD) departments, and for independent agencies. The independent agencies included under this appropriations measure include the Environmental Protection Agency (EPA), the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), and the Federal Emergency Management Administration (FEMA).

The total appropriation in the bill is $7.2 billion (7%) more than FY 2001 funding and $2.1 billion (2%) more than the administration's request. On an adjusted basis (i.e., after certain official CBO budget scorekeeping adjustments have been made), the bill provides $112.6 billion—$7.5 billion more than the FY 2001 level but $2.3 billion less than requested.

As the founder and Co-Chair of the Congressional Children's Caucus, and congressional representative from the 18th Congressional District of Texas I have a strong interest in the well being of our nation's children and their families. I would like to offer the following amendments for the committee's consideration as it prepares the rule for consideration of this important legislation.

This year has been very difficult for the residents of Harris County and the City of Houston with the devastation caused by flooding as a result of Tropical Storm Allison. Although words cannot even begin to describe adequately the destruction that Houston and its surrounding areas, I will attempt to describe for you some of havoc that the storm has wreaked. The more than three feet of rain that fell on the Houston area beginning June 6 has caused at least 23 deaths in the Houston area and as many as fifty deaths in six states. Over 10,000 people have been left at least temporarily homeless during the flooding, many with no immediate hope of returning to their homes. More than 56,000 residents in 30 counties have registered for federal disaster assistance. Over 3000 homes have been destroyed, over 43,000 damaged. The damage estimates in Harris County, Texas alone are $4.88 billion and may yet increase. As to housing needs because of the flood, I will offer amendments to increase the housing funds to assist in rebuilding disaster-stricken homes.

Some of the most hard hit areas include the University of Houston, Texas Southern University, and the Kashmere Gardens neighborhood, a Houston enclave that is predominantly low income and possesses the fewest resources needed to bounce back from this once in a lifetime event.

However, I want to take particular note to some of the greatest damage to our city, which occurred at Texas Medical Center, because what has occurred affects us not just locally, or even just in Texas, but nationally. The Texas Medical Center, home to some forty medical institutions, is the largest medical center in the world. Globally renowned medical care and research takes place there. The flood has decimated these preeminent health institutions.

The flood has also damaged educational institutions. The University of Houston estimates that the damage to that institution is $250 million, in addition several schools in the North Forest Independent School District were also damaged.

Houston will recover, but to what extent and over what period of time remains to be answered, by the federal government's commitment to residents of that area. Therefore I support the effort to add $1.3 billion to FEMA's Disaster Relief Fund. I ask my colleagues to support this needed funding to assist in all the existing disaster declarations.

Assistance for residents in and around Houston has come from many quarters. I am particularly grateful for the assistance provided by AmeriCorps Volunteers, who were directed to the Houston area by the Corporation of National and Community Service. The Corporation's three major service initiatives are AmeriCorps, Learn and Serve America, and the National Senior Service Corps.

Over 200 AmeriCorps members from four regional campuses responded to a call-up from the American Red Cross to assist victims of Tropical Storm Allison in Texas and Louisiana. The members are serving as first-line family assistance representatives, helping families to receive immediate aid and to identify each family's long term needs. The corps members are also operating emergency assistance shelters, working in soup kitchens, and delivering meals to people affected by the flooding. Additionally, Spanish speaking members are helping translate emergency assistance forms for people who don't speak English. The members are working in ten emergency assistance shelters in the Houston, TX, vicinity and three shelters around Baton Rouge, LA.

Overall, the storm caused upwards of $4.88 billion in damage to Houston and surrounding Harris County. Over 20,000 homes were damaged by the flooding as the storm dumped over 36 inches of rain in some areas with some houses reporting over seven feet of water in them.

It is unfortunate that the Appropriations Committee zeroed out the account for the Community Development Fund, when the administration requested $411 million in funding for FY 2002. My amendment would restore the program and allow them to continue their work on the behalf of communities throughout the United States.

AmeriCorps, the domestic Peace Corps, engages more than 40,000 Americans in intensive, results-driven service each year. We're teaching children to read, making neighborhoods safer, building affordable homes, and responding to natural disasters through more than 1000 projects. Most AmeriCorps members are selected by and serve with projects like Habitat for Humanity, the American Red Cross, and Boys and Girls Clubs, and many more local and national organizations. Others serve in AmeriCorps*VISTA (Volunteers in Service to America) and AmeriCorps*NCCC (the National Civilian Community Corps). After their term of service, AmeriCorps members receive education awards to help finance college or pay back student loans.

AmeriCorps is a win-win program that I hope the rule for this legislation will allow it to continue in its work to help make America a better place to live. Homelessness in America continues to be a problem that seems to lack a broad commitment to see and end to this blight on the American Dream. Attempting to attribute homelessness to any one cause is difficult and misleading. More often than not, it is a combination of factors that culminates in homelessness. Sometimes these factors are not observable or identifiable even to those who experience them first hand (Wright, Rubin and Devine, 1998). For example, lack of affordable housing is a factor repeatedly cited as contributing to homelessness (Hertzberg, 1992; Johnson, 1994; Metraux and Culhane, 1999; National Coalition for the Homeless, 1999–F). However, lack of affordable housing is often representative of a collectivity of other problems. Other key factors include the inability to earn a living wage, poverty, welfare reform, unemployment and/or domestic violence that can combine to form a situation in which even the most basic housing is not affordable.

The support that AmeriCorps volunteers provided to Houston area residences must be supported by funds from the federal government in allowing families have homes to live in after the damaged caused by Tropical Storm Allison. I have an amendment that increases funds for HUD's Community Development Block Grant Program to be used as matching funds for home repair and buyout for Harris County and the City of Houston citizens who have been displaced by Tropical Storm Allison.

Rather than speak in terms of cause, we must focus on the factors that contribute to the alarming numbers of persons who are homeless. Among the leading risk factors associated with homelessness, the following factors are paramount: Lack of affordable/low-income housing; poverty; welfare reform; Lack of a living wage; mental illness; substance abuse; domestic violence; and lack of affordable health care. I for one do not want to add to this list; natural disasters as a cause of homelessness should this Congress fail to act.

Another key area of this legislation's appropriations provides funding to our nation's aerospace effort. The residents of the Houston Congressional District, which I serve, are located near the Johnson Space Center, which manages human space flight missions as part of National Aeronautics and Space Administration (NASA).

The National Aeronautics and Space Administration was created by the National Space Act of 1958, after the success launch of the world's first man made satellite by the Soviet Union. NASA is charged with the responsibility of conducting space and aeronautics research, development, flight activity designed to ensure and maintain U.S. preeminence in space and aeronautical endeavors.

The only real threat to date present to our nation's leadership in space is right here on Earth in the determination of some Members to see an end to this leadership.

The principal mission of the space station is to establish a permanent human presence in space to perform research in a near-zero gravity environment. The space station is the largest, most technologically complex space program ever undertaken. Requiring more than 40 space shuttle flights to complete, the space station will be approximately the size of a football field, weight nearly 1 million pounds, and have an interior volume comparable to two 747 aircraft. The space station will serve as a platform for a range of research activities in biology, physics, and materials science, as well as for Earth and astronomical observations. The experience gained using the space station will provide information to support decisions about future human exploration missions. In addition, it is hoped that the space station will attract a substantial number of commercial ventures, and that an increasing fraction of the space station operational costs will be covered by the private sector.

Our ability to reach for the stars is another priority, which will ensure that America remains the preeminent country for space exploration. Last year it was difficult to see NASA's budget cut and I support every effort to increase funding during the FY 2001 appropriations process. After garnering support for increased funding for General Science, Space and Technology, this year's budget is $1 billion above last year's appropriation. I am thankful for the hard work done in restoring and increasing NASA's funding.

I will vigorously oppose any attempt to cut funds from NASA's International Space Station budget or related accounts. NASA has become an easy target over the last few years only because our dominance of space exploration has not been challenged. However, I would like to remind my colleagues that this circumstance could change. For this reason, and the important medical and scientific breakthroughs that could be achieve by the science conducted aboard the space station I urge my colleagues to reject all attempts to decrease funding to NASA.

I would like for my colleagues as we amend this appropriations measure, that we keep our eyes on the long view and not the short term.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to H.R. 2620, the FY 2002 VA–HUD and Independent Agencies Appropriations bill because the funding level in the bill is woefully disappointing in the areas of veterans medical care and public housing programs that serve our country's most vulnerable citizens and families.

Mr. Chairman, the funding shortfalls in this bill, in my opinion, is totally unnecessary. We have the resources in this country to take care of our veterans as well as to provide adequate housing for the poor, the elderly and the disabled. But because my colleagues on the other side of the isle thought it more important to pass a $1.3 trillion tax cut.

I made a request to the subcommittee, which was unfortunately not funded, to assist the Virgin Islands in replacing and upgrading our wastewater and sewage treatment facilities. The government of the Virgin Islands is under EPA mandate to replace or upgrade significant components of our wastewater infrastructure to eliminate constant bypass discharges of wastes in violation of the Clean Water Act. In addition to the Clean Water Act concerns, the constant discharge of raw sewage on our streets and in our beaches are threatening the quality of life of Virgin Islanders as well as, our fragile Tourism economy.

Because my community continues to be plagued by this crisis, I will continue to seek the assistance of the Chairman and Ranking Member of the Subcommittee to explore the possibility that some assistance could be provided to my district to deal with this problem.

I urge my colleagues to oppose this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H.R. 2620, the VA, HUD and Independent Agencies Appropriations Act for FY2002. First, this Member would like to thank the distinguished gentleman from New York, the chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies from New York (Mr. WALSH), the distinguished gentleman from West Virginia, the ranking member of the subcommittee (Mr. MOLLOHAN), and all members of the subcommittee for the work they did under the tight 302(b) allocation.

This Member would like to focus his remarks on the following four areas: Section 8 housing, Section 184 Indian Housing Loan Guarantee Fund Program, and the Community Development Fund-Community Development Block Grant (CDBG) program.

SECTION 8 HOUSING

First, this Member is supportive of the treatment of the Department of Housing and Urban Development (HUD) Section 8 housing contracts. The legislation provides $15.7 billion to fully fund the renewal of all Section 8 housing assistance contracts and it provides $197.2 million to fund 34,000 new Section 8 vouchers.

SECTION 184 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

Second, this Member supports the $6 million appropriation for the (HUD) Section 184, American Indian Housing Loan Guarantee Program, which is the same as the Administration's request. This Member created the Section 184 program in consultation with a range of Indian housing specialists. The Section 184 program appears to be an excellent new program which is providing privately financed homes through a Government guarantee program for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land. The above appropriations should support loan guarantees totaling approximately $72 million which should assist an estimated 20,000 families.

OFFICE OF RURAL HOUSING AND ECONOMIC DEVELOPMENT

Third, this Member would like to specifically commend the Subcommittee for eliminating duplicative efforts of the Federal Government in rural housing and economic development. Unlike FY2002 and FY2001, this bill does not fund the Office of Rural Housing and Economic Development within the Department of Housing and Urban Development for FY2002. In fact, this Member testified before the VA, HUD and Independent Agencies Appropriations Subcommittee in opposition to HUD's duplicative efforts in rural housing.

As a long-term advocate of rural housing during his tenure in the House, this Member believes that we need to be careful of duplication in the efforts of the Federal Government in rural housing and economic development. In the past, the United States Department of Agriculture (USDA) through their Rural Development offices has successfully implemented numerous rural housing and economic development programs. As a result, this Member disagrees with HUD's efforts to duplicate USDA Rural Development staff.

COMMUNITY DEVELOPMENT FUND (CDBG)

Lastly, this Member would like to emphasize a concern about the VA, HUD, and Independent Agencies appropriations bill which in large part results from budgetary restraints. The Community Development Fund, which includes the CDBG program, is provided $4.8 billion, which is $255.6 million less than the fiscal year 2001 level. This reduction is of substantial concern to this Member. Indeed the CDBG program has been a model of local-Federal partnership.

The CDBG program not only is valuable to the larger entitlement cities, but it also gives assistance to those communities under 50,000 through state administering agencies. It is a Federal Government program with minimal overhead and bureaucracy. Moreover, CDBG has provided invaluable dollars to cities and rural communities for such things as affordable housing, public infrastructure, and economic development.

In conclusion, because of the necessity to fund important housing and community development programs, this Member would encourage his colleagues to support H.R. 2620, the VA, HUD and Independent Agencies Appropriations Act.

Mr. SMITH of Texas. Mr. Chairman, I strongly support the VA-HUD appropriations bill.

This bill funds NASA and keeps our nation's leadership in human space exploration on track.

I am particularly pleased that the bill increases funding for the space station so that a crew return vehicle can be built. This critical component will enhance on-orbit research activities by allowing for a crew of six astronauts.

Also, I support the funds provided for the space shuttle program. Despite a flat budget, the shuttle program is more efficient and safer than ever.

The Shuttle program is critical to our nation's exploration and discovery of space. Since the shuttle will have to fly until at least 2012 to meet our nation's human space flight goals, we must ensure that the program is properly funded to include necessary vehicle upgrades and ensure that we have the necessary infrastructure to support human space flight.

Earlier this year, the shuttle program celebrated its 20th anniversary and its 100th flight. We must ensure that the shuttle remains a safe and reliable vehicle in space for the next decade and beyond.

This bill takes us in that direction.

Mr. SMITH of Michigan. Mr. Chairman, I want to commend the chairman and ranking minority member of the VA/HUD, and Independent Agencies Subcommittee, Mr. WALSH, the gentleman from New York, and Mr. MOLLOHAN, the gentleman from West Virginia, for producing a bill that will ensure that the National Science Foundation (NSF) stays at the forefront of innovation.

For fiscal year 2002, H.R. 2620 provides $4.8 billion in funding for NSF, an increase of 9.3 percent over the fiscal year 2001 appropriation. Specifically, the bill provides about $3.6 billion for research, $135 million for research equipment and construction, and $885 million for education and human resources.

NSF is the government's premier science agency. It supports cutting-edge research to answer fundamental questions within and across scientific disciplines. Often the potential for failure is as great as that for success. But by encouraging such risks, NSF has helped fuel new industries and jobs that have propelled economic prosperity and changed the way we live.

Maintaining the Nation's leadership in science will require keeping open the pipeline of new ideas and innovations that flow from fundamental research. Although the private sector provides most of the research funding, which is expected to top $180 billion this year, its spending focuses largely on applied research with a near-term payoff. The Federal Government, therefore, has a significant role to play in supporting the long-term research the private sector needs but has little incentive to pursue.

We also need to increase the pool of talented scientists in our universities and workforce. Today, over half the graduate students in science and math at American universities are foreign born, and we are becoming increasingly reliant on foreign workers to fill critical jobs. Further, it is estimated that by 2020, 60 percent of the jobs will require the skills only 22 percent of the workforce has today. We can and must do better.

NSF is the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific disciplines from physics and math to anthropology and zoology. Today's NSF-led research in nanotechnology, advanced materials, biotechnology, and information technology are laying the groundwork for the technologies of the future, and in the process training the scientists, engineers, and technology entrepreneurs of tomorrow.

It is important that we continue to support NSF as part of a balanced federal research portfolio. Large science budgets at mission agencies like the National Institutes of Health, while welcome, are not enough.

As former NIH director Harold Varmus noted last year, breakthroughs in the biomedical field are increasingly dependent on breakthrough in other fields—computer science, chemistry, physics, and engineering—traditionally funded by NSF. Nowhere is this more evident than in the unraveling of the human genome, a remarkable achievement that could not have occurred without advances in computing and networking technologies funded by NSF and other agencies. This bill helps restore some balance.

I do have some concerns, however, about NSF's management of large scientific construction projects, and I will be offering an amendment to the bill that I hope will help NSF get the expertise it needs to oversee these large projects. I believe that the addition of some experienced federal project management professional would improve the institutional memory and accountability within NSF, and I look forward to working with Chairman Walsh to see that NSF gets the expertise it needs.

Mr. Chairman, during its first 50 years, NSF-supported research has improved our lives in countless ways. By further investing in basic research today, we can ensure that over the next 50 years our kids and grandkids will profit from the innovations of tomorrow.

Mr. LEWIS of California. Mr. Chairman, I want to express my strong support for the House version of the VA–HUD appropriations bill, and would especially like to associate myself with the comments of Mr. DREIER and Mr. SCHIFF relating to NASA. The importance of this legislation should not be underestimated. NASA and NSF are critical investments in the science and research that drive technology and our economy.

I am concerned about the Senate's action on the Solar System Exploration program. As my colleagues have already stated, the cuts and managerial changes proposed by the Senate would be devastating to the exploration of our solar system, as well as to the men and women who have dedicated their professional lives to extending our reach into deep space.

The Senate proposes to cut $50 million from the Mars Surveyor program. The exploration of Mars is an essential element of NASA's exploration program. Because of the nature of Mars' orbit around the Sun, we can only launch missions to Mars every two years. The reduction proposed by the Senate would force NASA to choose between taking unnecessary risks to meet the current launch schedule or delaying the mission another two years. Both of these results would increase the ultimate costs of going to Mars while limiting the ability of NASA to accomplish its mission.

Similarly, the proposed transfer of the telecommunications and mission operations directorate to an industry vendor would impede rather than enhance our ability to explore the solar system. My colleague, Mr. DREIER, discussed the impact on mission operations, I would like to discuss the impact on the communications program.

It takes great skill and sophisticated equipment to communicate with a tiny spacecraft billions of miles from Earth. Despite what Hollywood might lead you to believe, it is not as simple as just phoning home. To appreciate the complexity faced by NASA, the two Voyager spacecraft, launched in the 1970s are still flying and still sending back data, but they are literally billions of miles away and transmitting a signal that is so weak, that the signal is almost undetectable. In fact, your wristwatch operates on 20 billion times more energy. However, eliminating the highly-skilled staff which operates the Deep Space Network is tantamount to turning off the array.

Finally, despite the rhetoric about efficiency, there is nothing efficient about failure. Cutting funding and eliminating expert personnel may look good on the books today, but it will end up costing the taxpayers their space program.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of the provision on the VA HUD appropriations which grants access to veterans medical facilities for Filipino World War II veterans.

General Douglas MacArthur, referring to the defenders of Bataan and Corregidor, claimed that "no army has ever done so much with so little." Many of us take this as words of commendation meant for American forces defending the Philippines. However, we must not overlook the fact that a substantial portion of this defense force was composed of Filipino volunteers.

Although they fought and died alongside American comrades, these veterans were never afforded equal status. Prior to mass discharges and disbanding of their unit in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits they were promised, and lacking proper recognition, General MacArthur's words, "no army has ever done so much with so little," truly depict the plight of the remaining Filipino veterans today as they did half a century ago.

Access to veterans facilities would be of great benefit to these men and it could not come at a more opportune time. The past few years have seen the numbers of these men drastically decline. Now, mostly in their 80's and of declining health, the handful of these veterans now remaining more than ever need the benefits and recognition afforded the rest of their compatriots.

This provision is not the long awaited act that would restore benefits denied by Congress to Filipino veterans who fought under the American flag during World War II. However, it would go a long way towards recognizing the service and sacrifices of these men for the benefit of the United States. In the past, this country has considered Filipinos as "little brown brothers." Let us take an extra step and go a long way towards recognizing them as equals by acknowledging their service. Our "little brown brothers" were full partners in the struggle against Japan. Let us work towards having them become full partners in the distribution of benefits. I urge my colleagues to support this provision.

Ms. LOFGREN. Mr. Chairman, I want to highlight the bill's science funding.

Because this is the bill that funds six different agencies, funding requests for veterans and the homeless are pitted against science programs and space exploration. Unfortunately, this is an institutional reality the members of the Appropriations Committee face every year.

Given that reality Chairman WALSH and Ranking Member MOLLOHAN have succeeded in providing additional funding for science and technology.

The National Science Foundation and NASA have received a 9 percent increase in funding and 4.5 percent increase over current year funding respectively. While some Members and members of the scientific community wanted more—this bill is a good start to proper science funding. It is noteworthy that the committee has funded more than $200 million to educate K–12 students and their teachers in math, science and technology education.

The Congress is doing the heavy lifting that the President failed to do in his budget blueprint. I am very concerned about the President's priorities when it comes to science.

It is interesting that the Bush administration has proposed to double funding (a 13.5 percent increase over current year funding) for the National Institutes of Health (NIH) and it proposed a 1.3 percent increase for the National Science Foundation, 1.3 percent increase for NASA and reduced funding for the Department of Energy's Office of Science by less than 1 percent.

I do not often quote Former Speaker Newt Gingrich, but when it comes to science funding—he has it right. "To double NIH without doubling the broad base of science means in the long run we will cripple the evolution of science, because NIH cannot, in the long run, progress beyond physics, chemistry, mathematics, etcetera."

Recently E. Floyd Kvamme, the President's co-chairman of the Council of Advisors on Science and Technology, wrote that NSF and NASA will receive "increases." "In the case of NSF, its budget will grow 15 percent between 2000 and 2002," he said. That may be true. What he did not write was that that 13 percent of the increase occurred during the Clinton administration, according to the Congressional Research Service, with Bush requesting less than 2 percent under the rate of inflation.

The administration seems to be practicing fuzzy math to prop up its lack of leadership when it comes to Science and Technology.

We know that government support for science has a direct impact on innovation at universities and technology transfer in the private sector. As someone who represents Silicon Valley, my constituents and I know there is a direct link between competitiveness and innovation in science and technology.

Without adequate research and development funding by the federal government, we put our high technology companies and students at a competitive disadvantage.

The future is now. The U.S. has the opportunity to invest wisely in science and technology. Doing so keeps open the door to technological advancement. The door will slam shut without adequate research and development funding.

Earlier this year, the Senate adopted the Bond/Mikulski amendment to the budget resolution. This amendment increased current year funding to NSF by $674 million, to NASA by $518 million and to DOE's Office of Science by $469 million.

Though not included in the budget resolution conference report, I joined many of my colleagues in the House to support the science-funding goal of the Bond/Mikulski amendment as the appropriation process moves forward this year.

This bill already makes a start. Let's work with those who supported this effort in the other body earlier this year as this appropriations bill moves forward. With the support of my colleagues in the House, it is my hope that the final appropriations bill contains the science research and development increases that the Senate agreed to earlier this year.

Mr. HOBSON. Mr. Chairman, I rise in support of this bill and want to compliment my good friend and Chairman JIM WALSH for his hard work in crafting this very important appropriations bill. With this bill, the chairman and our committee worked hard to make sure that the medical needs of our veterans are met, and that their claims are processed in a timely fashion. It ensures that safe and affordable housing is provided for the low income, the elderly, and the disabled. It provides funding to make the water we drink cleaner and the air we breathe healthier. I am proud to serve on this committee which addresses these priority issues. In addition to the $1 billion increase for veterans medical care, I want to point out a few other highlights:

This bill provides the highest budget ever for the National Science Foundation at $4.8 billion. This is a 9 percent increase over last years level. Funding from NSF produces the in-depth research performed at almost every university across the country. Every single district benefits from this increase.

This bill also fully funds the renewal of all expiring section 8 housing assistance contracts, and provides 34,000 new Section 8 vouchers. These vouchers will be distributed to those most in need, and for the first time every, a portion will be designated for the disabled.

After almost a decade of being flat-lined, NASA is provided nearly $15 billion, including almost $7.6 billion for research and development. As the space station is now in successful orbit, I am pleased that this bill dedicates approximately $343 million to generate the unprecedented microgravity research the scientific community has been waiting for.

To address our environmental needs, this bill provides $1.2 billion for Clean Water State Revolving Funds, which provide grants to our communities to assist their efforts in building modern and adequate wastewater facilities.

This bill provides $2.25 billion for the Federal Emergency Management Agency to coordinate responses to our national disasters. I am especially pleased that $404.6 million is designed for FEMA's core activities to make sure that we are prepared to properly mitigate the disasters which might strike. I would like to recognize not only the FEMA officials who are all to often called to respond, but also the state and local emergency management teams who will benefit from this funding.

In conclusion, Mr. Chairman, I want to congratulate you and the staff again this year for crafting a well-balanced bill.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 220, providing appropriations to the Departments of Veterans Affairs and Housing and Urban Development and various independent agencies. While I have some concern about several provisions in the bill, the bill is technically consistent with the Budget Resolution and complies with the Budget Act.

H.R. 2620 provides $85.4 billion in budget authority and $88.1 billion in outlays for fiscal year 2002. The bill does not exceed the VA–HUD subcommittee's adjusted 302(b) allocation. Accordingly, the bill complies with section 302(f) of the Congressional Budget Act of 1974, which prohibits measures that exceed the reporting subcommittee's 302(b) allocation.

This bill designates $1.3 billion in emergencies, which triggers an automatic increase in the corresponding levels in both the Budget Resolution and the statutory caps. The appropriation is for FEMA Disaster Relief Operations in response to the recent tropical storm in Houston, Texas.

It is not entirely clear that the designation is necessary because the Budget Resolution provides ample resources for emergencies. With this said, the emergency designation is clearly permitted under existing law.

H.R. 2620 also provides $4.2 billion in advanced appropriations for the Section 8 Housing Certificate Program, which will be counted against the levels established in next year's Budget Resolution. This advanced appropriation is on the list of permissible appropriations under section 201 of H. Con. Res. 84.

I am somewhat concerned about several purported "offsets" in this bill. The bill claims $7 million from the repeal of a provision that was already signed into law. It claims another $121 million in savings from a veterans-related provision that already passed the House. Obviously, these savings can only be used once.

As Chairman of the Budget Committee, I am obligated to report to the Congress on how the appropriations bills compare to the Budget Resolution. Under existing law, this bill is consistent with the Budget Resolution and does not violate the Budget Act.

Nevertheless, the existing process with respect to emergencies is broken and needs to be fixed. At the very least, both Congress and the President should set aside resources for emergencies and restrict the use of these resources for legitimate emergencies.

Mr. BOEHLERT. Mr. Chairman, as chairman of the House Science Committee I rise in strong support of the FY 2002 VA, HUD and Independent Agencies appropriations bill. My good friends Chairman WALSH, and Ranking Minority Member MOLLOHAN have put together a bill that is very good for science, good for the space program, good for education, and good for the environment. That's a winning combination, one that's good for America. I thank them for their leadership.

Chairman WALSH shares my belief that basic research provides the foundation for economic growth and for the tremendous advances we have made in areas like biomedical research. The appropriation for the National Science Foundation contained within this bill reflects these beliefs. And the committee is to be commended for the 9 percent increase that he provided for the Foundation.

The bill also contains funding for the National Mathematics and Science Partnerships Program that was proposed by President Bush and that is authorized by my bill—H.R. 1858—that was unanimously reported out of the Science Committee. This program will bring colleges and universities and school districts together to form partnerships to improve the quality of elementary and secondary math and science education. Funding is also included to enable elementary and secondary teachers to participate in research projects conducted at State, Federal, and university labs.

I want to particularly thank the committee for including funding for the Noyce Scholarship Program. Named for the co-founder of Intel, this program provides scholarships to talented mathematics, science, and engineering students in exchange for a commitment to teach two years for each year of scholarship. I look forward to working closely with Chairman WALSH to retain this funding as the bill goes to conference.

The chairman is also to be commended for a bill that protects and expands NASA's scientific programs in Science, Aeronautics, and Technology while striking the right balance for the space station.

This bill sends a clear signal that Congress is not going to bail NASA out for its management failures. It also makes clear that we're willing to work with the Administration to identify additional resources to improve station capabilities, if we see the right management reforms and performance improvements at NASA. With that in mind, requiring the White House Office of Management and Budget to certify that NASA is containing its costs before obligating additional funds makes a lot of sense. Moreover, we should require the White House Office of Science and Technology Policy to certify that those additional funds will benefit the research effort.

Through careful fiscal management, we can ensure that the space station benefits science in the long run. The bill sets us on that path.

I particularly appreciate the committee's commitment to new space technology and its effort to bridge the gap between NASA and the Air Force. By directing additional funding into the Air Force Research Lab, the bill encourages NASA and the Air Force to pool their efforts on technologies that will benefit both agencies and the American people. Space based radar technology, for example, is vital to our national security, but also has immense applications in Earth science. A development program that reduces the cost of synthetic aperture radar technology will benefit both.

Similarly, the bistatic radar technology developed at Rome Research site has immense potential for upgrading our national launch range tracking capabilities at a low cost. By demonstrating this technology, we may finally break the logjam that has undermined our space launch competitiveness.

Let me turn for a moment to the budget for the Environmental Protection Agency. I appreciate the efforts of Chairman WALSH and his colleagues to provide a responsible budget to help meet the nation's environmental needs. On the whole, the bill is good news for EPA.

Clearly, many of us would prefer to see higher funding levels for some of the agency's programs, but the gentleman from New York has done an admirable job of balancing competing needs and working within difficult fiscal constraints.

As chairman of the Science Committee, I am particularly pleased the bill increases funding for the Science and Technology account from $640 million in the budget request to $680 million.

As a member of the Transportation and Infrastructure Committee and the Congressional Water Infrastructure Caucus, I am pleased the bill rejects the proposed cut to the Clean Water State Revolving Fund but am disappointed it doesn't provide at least $1.35 billion for the program. I appreciate the constraints facing the chairman but would encourage the committee to find a way to fund some of the important, water infrastructure and ecosystem restoration programs, such as the new sewer overflow control grants program and the reauthorized Clean Lakes program. I hope there are opportunities down the road to target assistance for such efforts.

I would also continue to note my concern with the Superfund program. The bill provides $1.27 billion. The appropriators are doing their best under the circumstances. Congress needs to change the circumstances; comprehensive reform and, at a minimum, a reauthorization of the corporate environmental income tax—twelve one hundreds of a per cent (which expired on December 31, 1995) should be the next course of action.

Mr. Chairman, this is a good bill for science, a good bill for the space program, and a good will for the environment. It aptly illustrates the tremendous leadership provided by my friend from New York, Chairman WALSH, and I urge my colleagues to support it.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. FOLEY) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

The Committee resumed its sitting.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The amendment printed in House Report 107-164 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered read, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veteran Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $24,944,288,000, to remain available until expended: *Provided*, That not to exceed $17,940,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really wanted to take this moment as we begin full consideration of this bill to thank the chairman, the gentleman from New York (Mr. WALSH) and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their work and the improvements that we have been able to afford the citizens of our country in this fiscal year 2002 appropriation bill for the Veterans Administration, the Housing and Urban Development Department, the Environmental Protection Agency, NASA, and the National Science Foundation.

The bill has many good points. Certainly the National Science Foundation increase, the President asked for an increase, we provided over an 8 percent increase in this budget. And even in smaller programs, like the Neighborhood Reinvestment Corporation, which has such a fine track record in communities across our country, a respectable increase. But I have to say that in other accounts this particular bill does not have adequate funding.

Other Members have talked about HUD's housing programs, and without question the reductions in public housing modernization, decreased by 15 percent; and community development block grants, every single community in this country affected by that cut by 6 percent; and homeless assistance down by nearly 9 percent. We still have not completely solved that problem across our country. The impact on Americans as a result of this underfunding of the HUD programs will be felt from coast to coast.

The bill eliminates the popular AmeriCorps program. HUD's Rural Housing and Economic Development programs have been eliminated. Empowerment zones, Enterprise communities, and the Public Housing Drug Elimination Grant Program I will talk about in a moment.

Now, I wanted to say a word about the Environmental Protection Agency, also a reduction, and as important as the reduction, the shift in responsibility for enforcement to the States. In the case of Ohio, my home State, The Washington Post reported just a couple weeks ago "Nowhere are the problems cited by the EPA studies of State enforcement performance more in evidence than Ohio where so much backlog remains. During the past 2 years, 72 percent of Ohio's plants and refineries had violations of the Clean Water Act, a third of the plants were in violation of the Clean Air Act, and over a third of the factories were found to be operating with expired permits required under the Clean Water Act."

So we have to be conscious that as this bill is considered, there are serious imperfections that are contained within it.

Others have referenced the veterans portion of the budget. We hear lots about the greatest generation; books have been written, movies, and we are about to build the World War II memorial, one of the most important pieces of legislation I have ever sponsored here in this Congress. Yet the Veterans Medical Care budget, the budget that will actually go to care for those that the Nation says it cares so very much about, underfunded by nearly $.5 billion over what the administration needs in order to accommodate the lines that are out there in hospital after hospital.

So as the bill moves forward, I really do look forward to working with the chairman and the ranking member to perfect it.

And I just wanted to say a word about the amendment I will be offering later this afternoon, because I heard my colleague, the gentleman from Ohio (Mr. OXLEY), come to the floor a little earlier and speak against the drug elimination program in public housing, and my friend and colleague from Ohio is a former FBI officer.

I was very surprised to hear that. But I have to tell him that perhaps the part of Ohio he represents is not like my own. But his position is going to hurt Cincinnati, it will hurt Dayton, it is going to hurt Toledo, it is going to hurt Steubenville, and it is going to hurt Lima, because in fact the drug elimination program goes to the very heart of communities where drug lords and this drug trade took control of people living under the most vulnerable of circumstances.

The local policing forces, sometimes out of sheer racism and sometimes out of the fact that when they wore a uniform they were not accepted inside those projects, did not patrol the projects. My colleagues can go across this country, in places like Chicago, where I personally visited, and see people on the roofs with repeating shotguns, with repeating rifles, at a certain time of day. If a drug deal was coming down on the street, a mother could not leave that project and go buy a bottle of milk because the drug lords were controlling the projects. Now, if we have not lived under that situation, we cannot appreciate what it really means.

But the amendment I will be offering will be to continue the drug elimination program in public housing at a level of $175 million, unlike this bill which zeros it out. And, in fact, our amendment will actually cut the program by nearly half from what was existing last year.

But to do this across America is truly a serious mistake.

□ 1700

Crime has been going down in our country. Why should we do any less than President Reagan, the first President Bush and President Clinton?

Mr. Chairman, I again thank the chairman and ranking member and look forward to perfecting this bill as it moves along.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $2,135,000,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5) and (11) of that section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $26,200,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2002, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $164,497,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,400.

In addition, for administrative expenses necessary to carry out the direct loan program, $64,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $72,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,301,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $274,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $544,000, which may be transferred to and merged with the appropriation for "General operating expenses".

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by 38 U.S.C. chapter 37, subchapter VI, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical care" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq., $21,281,587,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2002, and shall remain available until September 30, 2003: *Provided further*, That of the funds made available under this heading, not to exceed $500,000,000 shall be available until September 30, 2003: *Provided further*, That of the funds made available under this heading, not to exceed $3,000,000,000 shall be available for operations and maintenance expenses of medical facilities: *Provided further*, That the Secretary of Veterans Affairs shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: *Provided further*, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

AMENDMENTS OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a series of amendments, and I ask unanimous consent they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. OBEY:

General Provisions

At the end of the bill, insert the following new section:

"SEC. 427. Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to reductions in rates after June 30, 2001), is amended by adding after the table the following:

"In the case of taxable years beginning during calendar year 2002, the preceding table shall be applied by substituting '39.1%' for '38.6%'."

Department of Veterans Affairs, Veterans Health Administration

In the paragraph "Medical Care", strike "$21,281,587,000" and insert "$21,581,587,000" in lieu thereof.

Department of Housing and Urban Development, Public Housing Capital Fund

In the paragraph entitled "Public Housing Capital Fund", strike "$2,555,000,000" and insert "$2,837,000,000" in lieu thereof.

Department of Housing and Urban Development

After the paragraph entitled "homeless Assistance Grants: insert the following new section:

"SHELTER PLUS CARE RENEWALS

"For the renewal on an annual basis or amendment of contracts funded under the Shelter Plus Care program, as authorized under subtitle F of Title IV of the McKinney-Vento Homeless Assistance Act, as amended, $100,000,000, to remain available until expended: *Provided*, That each Shelter Plus

Care project with an expiring contract shall be eligible for renewal only if the project is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary."

Environmental Protection Agency, Environmental Programs and Management

In the paragraph entitled "Environmental Programs and Management", strike "$2,014,799,000" and insert "$2,021,799,000" in lieu thereof.

At the end of the paragraph entitled "Environmental Programs and Management", insert:

": *Provided further*, That the on-board staffing level of the Office of Enforcement and Compliance Assistance shall be maintained at not less than the level authorized for this Office as of December 31, 2000"

Corporation for National and Community Service

Strike the paragraph following the center head entitled "National and Community Service Programs, Operating Expenses" and insert the following new section:

"(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12501 et seq.), $311,000,000, to remain available until September 30, 2003: *Provided*, That not more than $50,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.).

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Is there objection to consideration on the amendments en bloc?

There was no objection.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendment thereto be limited to 50 minutes to be equally divided and controlled by the proponent, the gentleman from Wisconsin (Mr. OBEY), and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume. I thank the gentleman from New York (Mr. WALSH).

Mr. Chairman, let me explain what this amendment is all about.

I served in the legislature with a fellow by the name of Harvey Dueholm, who was a retired farmer, probably the single best legislator I ever knew. He had a number of pithy observations of life and politics in this country. One of the things he said regularly is that one of the problems with this country is all that too often the poor and the rich get the same amount of ice, but the poor get theirs in the wintertime.

That is certainly the case with respect to the tax bill which this Congress passed a number of weeks ago. To correct that, I am trying to offer this amendment today along with the gentleman from Illinois (Mr. EVANS) and let me explain what it is we are trying to do.

When the House voted on the tax bill, it voted on it separately before we even had a budget. That meant that, in effect, Members of this House were being shielded from the responsibility to make public choices about the tradeoffs that were wrapped into that tax bill.

We were never allowed the opportunity to explain in explicit terms what the size of that tax bill meant in terms of our ability to, for instance, deal with long-term shortfalls in Social Security, to deal with long-term shortfalls in Medicare, to deal with problems of short-funding in education or any other field.

I make no apology for the fact that I believe that it is more important for us to shore up Social Security than it is for us to give people a $300 refund check.

I make no apology for my belief that it is more important for us to shore up Medicare long term than to provide a $53,000 tax cut to the wealthiest 1 percent of people in this country.

I make no apology for the fact that I oppose the idea that we ought to cut in half the rate of increase we have had in Federal support for education over the past 5 years.

I make no apology for my belief that veterans are not receiving the health care they need in this country.

I make no apology for my concern about the lack of adequate shelter for some of the poorest children in this country.

I make no apology for the belief that we ought to have stronger environmental enforcement and that we ought to be willing to pay for it.

I think all of those priorities are a whale of a lot more important than providing the tax cut that we have provided to the wealthiest 1 percent of people in our society who make more than $330,000 a year.

So what this amendment tries to do is to make this Congress finally make specific choices about specific tax cuts versus specific funding programs. It is my belief that there is nothing wrong with cutting in half the tax cut that goes to people who make more than $330,000 a year so that we will have some money left on the table to provide what this amendment tries to provide, which is a $300 million increase in funding for veterans' health care and the various increases that I described previously in my statement to this House.

We are going to be providing well over $300 million in additional funds under this amendment for housing. We are going to be providing funds for Federal EPA enforcement to restore the positions that were cut for Federal enforcement. We are going to be restoring partially the funding for the Corporation for National Service. We pay for that by simply cutting in half the tax cut that was provided to the wealthiest 1 percent of people in this society.

Mr. Chairman, I bet that at least two-thirds of the people in that top 1 percent, if asked, would say that they would rather that we provide adequate housing and adequate health care for veterans than to keep whole their newfound tax bonanza.

I have a sign on the wall of my office, and every time a group comes in asking for money, which is about 18 times a day, before they sit down and talk about what they want out of Uncle Sam, I make them read the sign on the wall which says this: "What is there that you want me to do for somebody else that is more important than whatever it is you are going to ask me to do for you today?"

Mr. Chairman, I believe in a Judeo-Christian society. That is the fundamental question we ought to be asking ourselves. I believe if we ask that question of the folks who came in to lobby for those tax cuts for the most privileged people in this society that a whole lot of them would say, "We do not mind if you scaled our tax cut back just a little bit so you can provide to the least fortunate people in society or, in the case of veterans, to the people who decided that they would be willing to risk everything for somebody else."

Mr. Chairman, that is the choice that we are attempting to have the House make here today. I recognize that it is an unusual procedure because this is not in the jurisdiction of the Committee on Ways and Means, but I think doing the right thing is more important than jurisdictional dunghills.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) continue to reserve his point of order?

Mr. WALSH. I do, Mr. Chairman.

The CHAIRMAN. Does the gentleman from New York rise in opposition to the amendment?

Mr. WALSH. Mr. Chairman, I rise in opposition; and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. EVANS), the distinguished ranking member of the Committee on Veterans Affairs.

Mr. EVANS. Mr. Chairman, I am pleased to join with the gentleman from Wisconsin (Mr. OBEY) in cosponsoring the amendment he is offering.

The Obey-Evans amendment will provide substantial increased funding for veterans' medical care and other important programs.

I urge my colleagues to support the Obey-Evans amendment to address the significant shortfalls in funding for veterans' health care in the committee's bill.

I believe a $1.2 billion increase in veterans' medical care funding is fully justified. I have prepared an amendment to provide this increase.

There are many challenges that the VA will face in the near future. The VA must continue to honor its commitment to our most vulnerable veterans with the most serious disabilities. It must meet its growing infrastructure needs. Impending clinical staff shortages, including nurses, the VA's largest employee group, and the rising cost of gasoline plaguing areas around the country are among those challenges.

It is clear, however, that this House is not prepared to approve this $1.2 billion increase today. An increase that will be provided by the Obey-Evans amendment is needed. Long before President George Bush promised Americans a tax cut, we made a commitment to honor those who served and defended this Nation in its most dire hours. It is now our duty to make sure that our obligations are paid back to them. Our amendment will do this.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume, and I continue to reserve my point of order.

Mr. Chairman, this amendment is the same amendment that the gentleman from Wisconsin offered in the full committee. It was considered out of order in the full committee, and he is without question on message. He stays on message. I recognize that. I congratulate him for that, but I think the message is wrong.

The message should be that the President had an agenda to bring to the Congress. He brought it to the Congress. We had debate on whether or not the American taxpayer was paying too much money. The debate was resolved by Congress. The House and Senate voted to cut the tax rates that individual taxpayers pay. The people who pay the most money got the largest tax cut, the people who pay the least amount of taxes got the least tax cut, and those who do not pay taxes did not get any tax cut. I think that is pretty logical, and people can understand that.

Mr. Chairman, what we are charged with doing today is the Congress's primary role, which is creating a budget and spending taxpayers' money. We have an allocation. It is the allocation provided to us by the budget resolution and the Committee on the Budget in consultation with the Committee on Appropriations which handed down our allocation, and we have to live with that. That is our allocation.

Mr. Chairman, we have provided funds for almost every one of the areas that the gentleman would otherwise supplement funds, and we think that the funding is right.

I will close by saying I think this is the right formula for spending in this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

□ 1715

Mr. DAVIS of Illinois. Mr. Chairman, I rise in support of the Obey-Evans amendment. I do so because some of us said several months ago when we were debating the budget that we knew we were going to get to the point when we started talking about appropriations, there would be the same hue and cry because we knew then that you cannot get blood out of a turnip. We knew that a big tax cut would take away the possibility of providing the resources that we needed to care of the needs of our people.

And so here we are with one of the biggest debts that we have, and that is the debt that we owe our veterans, the debt that we owe the men and women who have given the last measure of everything that they had to give. Now we come and tell them that there is no water at the well, that there is not enough money to provide the needed services.

People in my community right now are gearing up for public hearings next week to talk about which one of our veterans hospitals will get closed. Will it be the Lakeside? Will it be the West Side? Will it be Hines? Will it be beds eliminated? Will it be mental health services that they cannot get?

And so I join with those who say if we have any responsibility, Mr. Chairman, it is the responsibility to fully fund medical services for the Veterans Administration. For those men and women who have given so much, at least we can give them a little.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order, and I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman for yielding time and for bringing up an amendment that gets to the heart of everything that we have been talking about in Congress for the last couple of months.

Let me begin by citing three words: priorities, priorities, priorities. In the United States today, we have by far the most unequal distribution of wealth and income of any nation on Earth. The wealthiest 1 percent of the population owns more wealth than the bottom 95 percent. The gap between the rich and the poor is growing wider. The CEOs of major corporations now earn over 500 times what their workers earn. Yet a few months ago it was the wisdom of the President of the United States and a majority of the Members of Congress that the richest 1 percent, those people who have a minimum income of $373,000 a year, need to have, over a 10-year period, hundreds of billions of dollars in tax breaks. That is what the President and the Congress said.

Some of us disagree. Some of us think that it is more important that we adequately fund education in this country so that every young person has the opportunity to succeed in this country. Some of us think that it is absurd that the average young person who graduates from college today ends up $20,000 in debt because we have cut back, over the years, Federal aid to education.

Some of us think that it is absurd that 1 week after the President signed the tax bill and the huge tax breaks for the rich, that 1 week later people on his Social Security advisory committee suddenly announced that we may have to cut back on the cost of living allowance for people on Social Security. Tax breaks for billionaires, but we do not have enough money to adequately fund Social Security.

In my State and all over this country, home health care agencies are having a terrible time and have received huge cuts in taking care of some of the oldest and most frail people in this country. Visiting nurses are unable now to do the job because this Congress, several years ago, savaged Medicare. We do not have enough money to take care of the old and the frail, but we do have enough money to provide huge tax breaks for billionaires.

In the United States today, we remain alone among industrialized nations in not having a strong prescription drug benefit program for our seniors. In Vermont and all over this country, elderly people do not know how they are going to pay for their prescription drugs. They are forced to choose between food and heat and their prescription drugs. We do not have enough money to provide strong prescription drug benefits. Let us support this important amendment.

Mr. WALSH. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding time.

Mr. Chairman, I rise today in strong support of this measure, the VA, HUD, and Independent Agencies Appropriations Act. I urge my colleagues to support the committee's funding in this measure.

This legislation does provide $51.4 billion in funding for the Department of

Veterans Affairs and that is an increase of $4.3 billion over last year's level. Included in that amount is a total of $21 billion for veterans health care. That is an increase of $1.2 billion over fiscal year 2001 levels, matching the request in the President's budget.

Mr. Chairman, as our veterans continue to age, they find themselves certainly in greater need of medical care with each passing year. While the increase for medical care does fall somewhat short of that advocated by some of the veterans service organizations in their annual budget reports, this amount is an historical increase. Moreover, it is refreshing to see the new administration demonstrate a commitment to ensuring that our veterans are going to receive adequate funding for health care. That element was sorely lacking in the prior administration which consistently submitted flat-lined budgets.

I would note, however, that unlike the last several years, some of these new funds need to find their way to the veterans networks up in the northeastern part of our country, particularly in New York. Due to the post-VERA formulas, the VISN which contains my congressional district remains the only one in the country which finds that its funding continues to be cut on an annual basis despite the increased funding nationally. That lack of funding takes place in spite of the fact that VISN 3 has a greater percentage of specialty care patients and otherwise unfunded mandates such as hepatitis C vaccinations. We have had to rely on emergency transfers by the Secretary of the VA to make up for a portion of the difference.

Given that the new chairman of the House Committee on Veterans' Affairs and I share the same vision, I am concerned that the arbitrary, capricious and flat-out discriminatory policy of the last few years in distributing the funds that are available should be corrected. I am requesting that the Committee on Appropriations reconsider the VA's funding allocation formula for VISN 3.

Given that, I note that H.R. 2620 does provide a badly needed 16 percent increase for the Veterans Benefits Administration to help mitigate the backlog in veterans' claims which has now resulted in multiyear delays in getting new compensation claims approved. Our veterans have served their country when called. It is unconscionable that many now pass away while waiting for that backlog of legitimate claims to be approved.

Mr. Chairman, I commend the committee for providing $300 million for short-term repairs and improvements to our aging medical facilities that was in legislation passed by the House earlier this year, a total of $371 million for VA medical research, and over $100 million for veterans State extended-care facilities.

In closing, Mr. Chairman, this measure is sound legislation. It provides adequate funding for so many areas in need and deserves the full support of our colleagues.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), the distinguished ranking member of the subcommittee.

Mr. MOLLOHAN. I thank the ranking member for yielding me this time.

Mr. Chairman, when the Committee on Rules was considering the form of the rule under which we would consider this appropriations measure, the gentleman from Wisconsin sought to have this amendment made in order. Unfortunately, it was not made in order.

Despite the fact that this amendment will not be voted on, I am pleased that the gentleman has offered it and was allowed to offer it. It is important because it puts into perspective the choices that we as a Congress have to make.

Not very many months ago, Mr. Chairman, this Congress passed a $1.6 trillion tax cut. That simply means that $1.6 trillion over the next 9 or 10 years has been taken out of general revenues for this country.

This amendment looks at that reality and it looks at what section of our population most benefited from that tax cut. In fact, the top 1 percent of income earners receive about 37.6 percent of that tax cut. It is that top 1 percent that was the greatest beneficiary of that $1.6 trillion tax cut—those people who make an average of $1.1 million a year. The Obey amendment looks at that reality and then looks at the underfunding in this bill and says that this would be a fair way to correct this underfunding. It seems proportional to calibrate that tax cut to that top 1 percent a little bit. That generates enough revenues to fund some of these terribly underfunded accounts in this bill and leaves a little bit left over for some other bills.

That is what the Obey amendment does. It takes .5 percent of the tax cut for the top income earners, which $1.3 billion (which gives you some estimation of how much money they are earning) and redirects it to some real people programs. That is a real priority and those are real choices and that is what this amendment does. It clearly identifies the problem areas in this bill.

With that $1.3 trillion, the amendment would increase funding for veterans medical care. It would increase it by $300 million. The amendment would also address the housing needs of low-income and disabled citizens. First, it would add $282 million to the public housing capital grant account, bringing that account to just over $2.8 billion, and while this remains below last year's funding, it does get it closer. Then funding would also be provided for shelter plus care grants. These grants combine low-cost housing with treatment and support services.

Mr. Chairman, this amendment is a good amendment. It takes money from where it can be afforded and gives it to those who need it most. I appreciate the gentleman offering it.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for all of his hard work on this bill. I want to underscore to those listening that this is a $4 billion increase in spending in VA–HUD.

Having listened to the arguments advanced by the other side of the aisle, it now becomes clear why Vice President Gore lost Arkansas and lost Tennessee, because he decided rather than advancing the ideas that can bring us together, they decide to fight the typical class warfare argument. Tax cuts for the rich has been repeated time and time again on this floor. They keep saying that 1 percent of the wealthiest Americans are getting the biggest advantage under the tax cut. But you will notice none of those on the other side of the aisle will tell you that a person, say, earning $300,000 a year pays about $120,000 in taxes.

□ 1730

They do not tell you the burden that that person carries to fulfill the bills we are passing on the floor today. I think the gentleman from New York (Chairman WALSH) has done a phenomenal job in trying to meet the priority needs of this Nation. If you look throughout the bill you will see increasing in funding for AIDS programs, homeless programs, military and other vital missions of this country.

Now, if the other side of the aisle believes that this tax cut is such a bad idea, I urge them to rally their supporters together and get their supporters to remit their checks, their Treasury checks, back to the Treasury and allow them to spend it as they will. I doubt that one person will step forward and sign the back of their Treasury check, whether they make $100,000, $50,000 or $20,000, so it can be spent in reckless abandon on this House floor.

I know this is going to be a fight about priorities, and I know this is going to be a fight about George Bush's tax cut, but, in my heart, I believe we can do both. I believe that a family trying to fit braces on their children's teeth needs a refund. I believe that people advancing an opportunity to maybe finally take a vacation need a refund. I believe people preparing to buy a washer-dryer could use a refund.

The other side wants to refund money to people who never paid the taxes because of the Earned Income Tax Credit.

I would suggest to Members, pay attention to this bill. Focus on the good things that it does. Recognize that there is $4 billion of increased spending on priorities, and avoid the shrill rhetoric of the other side when they call this tax cut for the rich a reckless scheme.

We are balancing the budget. We are preserving Social Security. We are finally increasing, if you will, the contributions to that account to make it solvent. We are working on prescription drug coverage for the seniors. We are working on a number of issues that will make this country stronger. But we will never be strong as a Nation if we continue to try to beat each other up over silly sound bites designed for the next election, rather than the business on the floor.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in support of this amendment which will shave just a tiny bit of the tax cut to the top 1 percent of wealthy people in this country in order to provide more funding for veterans and for other essential needs.

But I want to make a larger point in reference to some of what I heard from the other side of the aisle. We are told by the Social Security Task Force that, after 2016, we will have to either raise taxes or cut benefits to pay for these Social Security bonds that will be redeemed then. Well, those will be about $200 billion a year. The tax cut we passed a few days ago will be about $400 billion a year at that time.

So do not tell us we cannot keep faith with our senior citizens to redeem our Social Security bonds and pay out the full benefits. It would only cost to do that half the cost of the tax cut you just gave to the richest people in our country, and, in effect, taking away, if you listen to the rhetoric of the Social Security Commission, from all the people that depend on Social Security.

It is not difficult. We do not have to raise taxes. We just have to be careful in what we do and not do the tax cut for the richest 1 percent, if we want to redeem all those Social Security bonds and pay all the benefits. We do not have to destroy Social Security in order to save it. We just have to not pass the Republican tax cuts.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to, first of all, express my appreciation to the gentleman from New York and the gentleman from West Virginia, the chairman and the ranking minority member of the subcommittee, for the very respectable job they have done in putting this bill together. I think that we all need to recognize that.

But the problem we have with this bill, which is a very real and serious and definite problem, is based upon the fact that the tools they had with which to operate were inadequate. The funding number that they were given is too low. The reason for that is the leadership here, at the request of the President, insisted on passing a massive tax cut before we had a budget, before priorities were established. That was a basic and fundamental mistake, and it is one for which we are going to pay dearly, not just this year but in every succeeding year over the course of the next decade.

How are we going to pay? We are going to pay by inadequate provision for those people who defended this country in some of the most difficult and darkest times in our history, our veterans. We are not providing adequately for their health care, and we are not providing adequately for the general maintenance that many of them need. We are not doing that because we do not have the resources in this bill.

We are not providing enough housing for people who need housing all across America. We have a $20 billion housing deficit today that is not being adequately addressed, and we cannot address it because of the inadequate funding level in this bill.

People need housing. There are so many people in my district, I am sure, and in every district represented by every Member here, of people who cannot find adequate housing because housing is too expensive and their incomes are too low.

The gentleman from Florida was up here a little bit earlier in the context of this debate talking about questions that have been raised by his constituents concerning the relationship between toxic and hazardous waste and the exposure of people to toxic and hazardous waste and their health conditions, debilitating, declining health conditions. What is the relationship?

There is an unquestionable relationship between people who have been exposed to toxic and hazardous waste and decline in their health in forms of cancer, attacks of the endocrine system, in developmental disabilities. And this bill, unfortunately, because it has an inadequate funding level, does not deal with the problem of enforcement of toxic and hazardous waste laws. Therefore, people in Florida and other places all across the country are being exposed to toxic and hazardous substances which are destroying their health.

There is not enough money in this bill to deal with the problems of drug control in public housing. We fund hundreds of millions of dollars to deal with the problem that we think we have in South America, sending money down there to kill South Americans, but we do not provide enough money to save the lives of Americans in public housing. The priorities are inadequate, and it is because of inadequate funding because of that tax bill.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment does not reduce the size of the tax cut for a single middle-income American. The only persons affected on the tax side by this amendment are people in the top 1 percent of earners in this country who make more than $330,000 a year.

I am sure that they are all fine people. That is not the issue. I do believe that they can afford to have a slightly smaller tax cut. I do believe they do not need an entire $53,000 tax cut, which is on average what they will receive under the tax package that was passed. I do not believe that they need that full tax cut as much as sick veterans need better medical care, or as much as low-income children need to get out of rat traps and into decent housing, or as much as we all need adequate enforcement of our laws to protect the environment.

I am amused by one of the previous speakers who talked about the tax rebate and who it ought to go to. This has nothing whatsoever to do with the tax rebate. People are going to get their tax rebates, although I would note I did get a complaint from a reporter in my district because his grandmother, who died a year and a half ago, did get a tax rebate in the mail, and the letter was labeled: Blank name, "deceased." With all due respect, I do not know many people whose last name is "deceased."

I would prefer to see to it that what tax rebates we do give go to live veterans in need of health care, go to the families of live children who need better housing, and go to those Americans who are sacrificing in order to provide national service in their own communities; and I make no apology for that.

I find it interesting that somehow people talk about class warfare. I think the middle class has already lost, if there has been a war, because the CBO shows that the top 1 percent of earners over the past 20 years has had their after-tax income rise by $414,000, while the middle class has had their income rise over that same period, their after-tax income, by about $3,400. Some victory for the middle class.

So I would suggest, Mr. Chairman, if people think veterans are getting adequate health care, fine; oppose the amendment. If you think poor kids are getting adequate housing, fine; oppose the amendment. This issue is not whether you are for or against tax cuts. This is an issue of who you think has a greater need, who you think has a greater requirement for assistance from Uncle Sam.

Mr. Chairman, I reserve the balance of my time. I will be prepared to yield back the remainder of the time when the gentleman is prepared to yield back the remainder of his time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to close the debate, and I will honor the gentleman's agreement that I will yield as soon as he does.

Mr. Chairman, this is a phony choice. We do not have additional funds available to us to spend, and we cannot in the process of creating this legislation amend any existing legislation, and that is what the gentleman has asked us to do.

The debate over tax cuts is over. In fact, the check is in the mail. These funds are not available to us to spend. We have an allocation. It is a substantial amount of money. The subcommittee has met for hundreds of hours in hearings and in planning to develop this bill, as a subcommittee and full committee. The bill passed the full committee on a voice vote. I think it has strong support within the Committee and within the Congress; and, for that reason, Mr. Chairman, I would reserve my point of order and ask Members to continue to support this bill as it stands after having made the choices that we have made.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. Mr. Chairman, I insist on my point of order.

The CHAIRMAN. Does the gentleman wish to be heard on his point of order?

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment directly amends existing law, and I would ask for a ruling of the Chair.

The CHAIRMAN. Does anyone wish to be heard further on the point of order?

Mr. OBEY. Mr. Chairman, this amendment is fully consistent with the rules of the House. The House would have had the opportunity to vote on it if the Committee on Rules had waived the rules of the House in the same manner that they waived those rules for consideration of this bill as a whole. So I believe the amendment is consistent with the rules of the House. However, the manner in which those rules have been exercised I recognize has effectively blocked us from having this amendment come to a vote. I regret that, but I cannot do much about that.

□ 1745

The CHAIRMAN. The Chair will rule.

The Chair finds that this amendment directly amends existing law. The amendment therefore constitutes legislation in violation of clause 2, rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman in a colloquy.

Mr. Chairman, I rise today in support of the National Estuary Program and for providing additional funds for the program in the VA-HUD appropriations bill; and I would like to engage the chairman in a colloquy.

First, I would like to express my appreciation to the chairman and members of his subcommittee for their hard work and continued support of the National Estuary Program, NEP. Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program in 1987. The NEP's purpose is to facilitate State and local governments' participation in "Comprehensive Conservation and Management Plans" for threatened and impaired estuaries.

While the NEP has been successful in developing these CCMPs, we have increased the number of estuaries in the National Estuary Program without matching funding. This has the necessary affect of slowing our progress in restoring these estuaries.

In my district, for example, in New Jersey, an NEP called Barnegat Bay exists. The Barnegat Bay watershed drains from a land area of approximately 550 square miles. Over 450,000 people live in the Barnegat Bay watershed. That population actually doubles in the summer as people flock to the New Jersey shore. The continued economic health of the Barnegat Bay watershed is dependent upon the continued health and the national beauty of its waters. The Barnegat Bay estuary is not only a vital component of New Jersey's tourist industry, but an important natural resource that supports populations of commercially and recreationally significant fish, as well as rare and endangered species.

The Environment Protection Agency plays a vital role and collaborates with other Federal agencies, State and local governments, nonprofit institutions, industries, and citizens to address these estuaries' environmental issues.

The NEP received $20 million to develop its CCMPs. This is not enough to fund the implementation of the CCMPs for now 28 estuaries. That is why we must increase funding for the National Estuary Program to protect these vital natural resources and support the efforts of the local communities to implement their CCMPs.

The Senate bill currently has $25 million for the estuary program. I would urge the chairman to work with conferees of the Senate and House to increase the level of funding for the National Estuary Program.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding.

I would like to thank the gentleman from New Jersey (Mr. SAXTON) for his pioneering efforts in developing this very important national program and for his continued efforts to ensure the National Estuary Program remains a strong program to protect our national estuaries for the future.

I agree that this program has been successful with developing and maintaining local government, nonprofit, industry, and volunteer support from within the States where these estuaries are located. That is why we have increased funding this year for this program to $20 million, a $2 million increase over last year. I would be glad to work with the distinguished gentleman from New Jersey to assure that this very important program continues to protect and enhance our precious national estuaries.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Florida:

Page 7, line 19, after the dollar amount, insert the following: "(increased by $1,000,000)".

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to submit this amendment to the VA-HUD Appropriations bill. This amendment would appropriate an additional $1 million to the Veterans Health Administration.

I had another amendment that would come later, but I am not going to offer it in the interest of the time of all of the membership of this body, but I am determined to try and do something about the hypocrisy that sometimes abounds in this Congress.

I want to make it very clear that the gentleman from New York (Mr. WALSH), the chairman of the subcommittee; the gentleman from West Virginia (Mr. MOLLOHAN); the gentleman from Florida (Mr. YOUNG), the chairman of the full committee; and the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, have done the very best that they can within the budgetary boundaries under which they must operate.

The arguments that we are making do not go, in the final analysis, to class warfare, they go to: What is it that motivates us as individuals to want to take care of the needs of this country? It is commonly said, "The mark of a great country is not what it does for those with the most, but for what it does for those with the least." This bill clearly does not do enough, having argued that the persons who have the responsibility of perpetrating it have done what they can, but it does not mean all of us did everything that we could.

Public housing is grossly underfunded in this bill. This underfunding harms the people who depend on Congress to help them live meaningful lives. Without it, many could be evicted from their homes and forced into the streets. Congress, this institution, I think, tends to forget that we are talking about real people, about real families; people who depend on all of us, all 435 here and the 100 in the other body, to do something about their problems, to look out for them and to work to ensure that their lives are not wasted away in degradation and poverty.

It is not an abstract issue of refunding a few hundred dollars to people who do not really need the money. Let me address the gentleman from Florida, my dear friend and colleague, that said that not many would send theirs back. I would send mine back in the morning if I knew that it was going to provide for veterans; if I knew that it was going to provide for public housing in this country that is desperately in deterioration and in need of assistance from all of us.

Let me give as an analogy what transpired in the great State of Florida that I am a fifth generation person from. Living there all of these years, we came to a point where we decided 2 years ago that we were going to give the taxpayers, me, my mama, everybody else in Florida, $1 billion back, while our schools were deteriorating, while our election system was putrid, and while all of the circumstances surrounding those who are impoverished in our State were continuing to deteriorate. Ostensibly, each one of us was supposed to get $260. I never got my check. What it was was hocus-pocus. It was a whole bunch of mysterious accounting; but yet, when the legislature convened this year, there was a $1 billion shortfall, and still the schools are crumbling, still the schools are overcrowded. Yes, the poor are desperate.

The gentleman from Wisconsin was correct. None of us need not make an apology at all about caring, and every man and woman in this institution cares about veterans. But how did we address them? We did not address them. According to the major veterans' organizations, this bill provides less than one-half the amount that is considered necessary to ensure decent health care for our Nation's veterans.

Veterans put their lives on the line. We come down here and say that all the time. They put their lives on the line for all of us; they left their families for us.

I traveled with my Republican colleagues very recently to Normandy and we stood there and saw what veterans have done on behalf of all of us, and there was not a man or woman among us, and it was a bipartisan group, that did not leave there teary-eyed, mindful that we were standing on the shoulders of those 9,000 people, including countless others, who gave us this right to come here and try to do something for everybody, not just for a handful of people in our country.

Yet, we are not willing to pay even half of what veterans should receive.

Mr. WALSH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am told that this allocation of $1 million was recently in a second or third analysis of the funds available. The Congressional Budget Office found approximately an additional $1 million that had not been spent. The gentleman has proposed that we spend it in veterans' medical care. I cannot think of a better place to put this found money, so we will accept the amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH). I thank the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member, and maybe the gentleman from Florida (Mr. FOLEY); and I can use it on the 45th Street Veterans Administration Building.

The CHAIRMAN. Is there further debate on the amendment offered by the gentleman from Florida (Mr. HASTINGS)?

If not, the question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in order to take time, because apparently I will again not have the opportunity, to speak on a matter of very, very critical importance to many of my constituents, and to constituents all across the country. We have tried for many years to have the Congress act on a particular measure of importance to our Nation's honor.

Before the war, my colleagues will recall that the Philippine Islands were a United States protectorate, a possession. It had been in this status for 42 years. When the war came about, President Roosevelt issued a military order on July 26, 1941, in which he invited the citizens of the Philippines to enlist in the Army and to join forces with the United States to fight the enemy. Nearly 200,000 Filipinos responded without hesitation to defend their homeland and to defend the flag of the United States.

From 1941 to 1945, thousands of Filipino soldiers fought alongside American soldiers. They fought in every major battle in that area. They endured years of captivity as prisoners. They lost their lives defending our values and our sense of freedom.

Based upon the promises made to them by the United States Government, these veterans expected when the war ended that they would be treated the same as all other veterans of World War II. General McArthur reaffirmed that they would be treated like all other veterans.

Inexplicably, in 1946 the Congress broke that promise to the Filipino veterans by revoking their full benefits by passing Public Law 70–301. It is this act of Congress that we have been seeking for years to overturn. We have taken a few measured steps forward, but I rise today to call attention to this issue, because we should have included $30 million to provide for the health care of these veterans. That is the least that they are entitled to.

So I would hope that in the course of consideration of this bill and others like it in this House and in our respective committees, that we will find it possible to accord these few thousand Filipino World War II veterans, who are still surviving, the benefits that they are entitled to have as veterans who fought with our American veterans in the World War II battlefields.

□ 1800

Mr. SWEENEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I appreciate the assistance of the gentleman from New York (Mr. WALSH), the chairman, over the past months and years to address what has become an important and divisive area in our district, and that is our national environmental policy on contaminated sediments and, specifically, EPA's policy on contaminated sediments in the Hudson River.

By now, many in Washington and throughout the East Coast have heard of this controversy. I happen to represent the district in which the proposed 40 miles of dredging would occur.

Let us remember, Mr. Chairman, the EPA, in the closing months of the Clinton administration, proposed a massive environmental dredging project that would drastically affect both the ecology of the Upper Hudson River and the economies of the communities along its banks. This is a decision that the vast majority of the people in the communities that I represent, who are directly impacted, are rightly concerned about and concerned about the long-term impacts of any project and the scientific basis for it.

As it is, for the past several years the committee report has directed the EPA with respect to its policies on contaminated sediments. Specifically, the committee report states, "For fiscal years 1999 through 2001, the Congress included specific direction to EPA regarding the Agency's ordering of dredging or other invasive sediment remediation technologies pending the National Academy of Sciences' completion of a study intended to address dredging, capping, source control, natural recovery, and disposal of contaminated sediment, and comparing the risks of each technology.

"The committee notes that this study has been completed and published, and to the greatest extent practicable, expects the Agency to adopt as part of its own sediment remediation strategies those guidelines as presented in the Academy report."

Mr. Chairman, it is critical. It is critically important that the EPA follow this direction and implement the NAS recommendations, which were highly critical of community outreach efforts with respect to its review of the Hudson River PCB contamination.

In fact, the NAS found the EPA community involvement process in the Hudson to be a failure. Mr. Chairman, with EPA's cooperation, the NAS recommendations will inject sound science into a policy on the Hudson River that has unfortunately been driven by other agendas.

I want to remind everyone looking at this issue why I am concerned about the EPA's dredging and landfilling proposals.

As background, the Hudson Valley residents, having twice now been lied to or misled by the EPA, are understandably concerned about the impact of the largest environmental dredging project in history on the ecology of the river and the negative impacts on the region's economy.

First, in 1997, the EPA was forced to reveal that it was conducting secret studies on the Hudson Valley farmland for siting of PCB landfills, after many months of deliberately deceiving the public as to the existence of those studies. They were looking, Mr. Chairman, effectively, by virtue of eminent domain proceedings, to take the valuable farmlands, the property, the homes of the residents that I represent.

After this revelation and subsequent congressional hearings, EPA officials committed to prevent this type of public deception from ever happening again.

Sadly, and secondly, questions continue to exist on the logistics of handling and disposing of 100,000 truckloads, 100,000 truckloads, of PCB-contaminated sediment and the disruption it would bring to the river.

When the EPA released its report and proposed remediation plan for the Upper Hudson on December 12, 2000, Administrator Carol Browner and other EPA officials broadly discussed the possibility of siting two hazardous waste dewatering facilities at Moreau and Albany, New York. EPA officials flatly denied that the EPA had gone far enough to propose additional sites for such handling facilities.

On February 5 of this year, responding to a Freedom of Information request by CEASE, a local grassroots organization, the EPA was forced to release an internal memo identifying 12 such sites that the EPA was looking at to create those facilities.

Mr. Chairman, it seems that, on the issues most sensitive to local residents in this particular incident, the EPA's history indicates that its preferred policy is to hide from the public. This is a serious problem. It is important for my constituents in the 22nd Congressional District, and I think for all New Yorkers, to have confidence that the NAS scientific recommendations are properly considered.

Mr. Chairman, I include for the RECORD an editorial from today's Journal News located in downstate Westchester County, New York, that points out that "dredging would cause short-term elevations of PCB levels downriver. . . . It would damage marshlands, which might not be able to recover. And it might not, after all, thoroughly clean PCBs from the riverbed.

"With that much doubt still lingering about the safety and effectiveness of wholesale dredging, a limited approach sounds more like sensible prudence than a sellout."

Mr. Chairman, again I want to thank the gentleman from New York (Chairman WALSH) for his effort; and I would ask that all Members look at this issue.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to also draw the attention of the Members of this House to the Hudson River Superfund site. The Hudson River Superfund site is the largest Superfund site in the Nation. It runs for about 150 miles, from the Battery to the Federal dam at Troy.

It is a Federal Superfund site and a State Superfund site, for that matter, in New York because of the fact that the General Electric Company, over a period of several decades, dumped hundreds of tons of polychlorinated biphenyls into the Upper Hudson River above that dam. Most of these PCBs are now still concentrated in so-called hot spots or concentrations of PCBs in this location around Fort Edward and a number of other localities up above that dam.

This site is a hazardous waste site because PCBs are extraordinarily toxic. They are toxic in the sense that they are known to be cancerous in animals, and they are suspected to be and some would say known to be cancerous in humans, as well.

PCBs cause cancer. They also attack the endocrine system. That is the natural defense system of the body. It protects us against the invasion of disease. That endocrine system is attacked by PCBs. It makes it much more difficult for people to defend themselves against ailments and causes a whole array of sicknesses to exist in bodies that are exposed to these very toxic chemicals.

Furthermore, PCBs attack the developmental system, and they are known to cause low birthweight babies and to cause a deterioration in the intellectual ability of infants as the mothers have been exposed to PCBs. So, Mr. Chairman, that is just a given indication of the seriousness of this question.

For several decades, going back to in fact the late 1970s, both the State of New York and the Federal Government have examined this question. Over a period of time they have attempted to develop a solution for it. At no time, except within the last 8 years, has this been done in a very serious way.

However, over the course of the last 8 years, and particularly within the last 6 years, the Environmental Protection Agency has developed a plan to remediate much of the PCBs from the Hudson River in order to protect people, particularly those located up in the upper river but also those people who live in the lower river, from the damage that is caused by the presence of these PCBs in the river.

Let me say parenthetically, that damage, of course, has resounded throughout the ecological system of the Hudson River. Every form of life, from the tiniest biota to the largest animals at the top of the food chain, are affected with these PCBs; and anyone who eats any of the animals out of the river, any of the fish, chemicals, anything that comes out of the river, absorbs quantities of PCBs into their body.

The PCBs concentrate in the fatty tissues within the body. Those PCBs concentrated in the fatty tissues are passed on to infants by the lactating mothers of those infants, again giving an indication of the seriousness of this particular problem.

The EPA now has developed a plan to deal with this issue. That plan is to dredge the concentrations of PCBs, remove them from the river, and reduce very substantially the level of this problem and the damage it is causing to the environment and to human health.

Now, however, we receive indications from the new EPA in a new administration that once again we may be facing inordinate and irresponsible, unconscionable and unexplainable delays. It seems, it is rumored, that this EPA, under this new administrator in this new administration, is not going to follow through on the carefully developed plan formulated by the Clinton administration EPA, formulated by the scientists within the EPA, peer-reviewed by scientists outside of the EPA, and found to be sound in virtually every detail.

In spite of all that, this EPA under this administration, with this administrator, is backing away from the plan, we are told. How ironic that is when one considers that this EPA administrator, when she was the Governor of the State of New Jersey, repeatedly is on record saying that she favored dredging the PCBs out of the river. Now, apparently, she may be taking a different tune, apparently at the direction of the White House.

I hope that that is not the case. This is a serious problem, and it needs to be addressed intelligently and seriously.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from New York.

Mr. Chairman, I would like to thank the gentleman from New York (Mr. WALSH) for his leadership on the Subcommittee on VA, HUD and Independent Agencies in putting together this bill.

As a scientist, I am especially heartened by the funding increase provided for the National Science Foundation. This bill funds NSF at $4.8 billion, which is a 9 percent increase, $414 million over the fiscal 2001 funding level.

By approving this funding increase for NSF, we in the House make clear our understanding that the type of basic research in science and engineering that is supported by NSF is vital, not only to our Nation's continued economic leadership, but to continued increases in our standard of living and, indeed, to the sustainability of that standard of living.

In recent years we in Congress have been committed to doubling the budget of the National Institutes of Health by 2003. We are justifiably proud of that effort.

At the same time, we must also be aware that advances in the physical sciences, mathematics, computer science, and engineering are fundamental to the developments in medicine.

To give an example, the move to double the NIH budget is motivated largely by the desire to cure cancer, among other serious diseases. However, many of the tools used to diagnose and treat cancer, among them x-rays, MRIs, CAT scans, and radiation treatments, come from the world of physics.

Just yesterday I spoke to a research physician who pointed out that much of his research today would have been impossible just 15 years ago. The advanced tools that are now crucial to his work were developed just recently from work done in physics.

We in Congress should have the goal of doubling the budget of NSF over the next 5 years through 15 percent annual increases. Overall, scientific and technical progress requires a balance between all of the sciences, which requires that funding for NSF keep pace with the funding for NIH.

I applaud the chairman and his subcommittee for recognizing that fact by providing this substantial and well-justified funding increase for NSF in this bill.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from New York.

Mr. WALSH. I thank the gentleman from Michigan for his remarks and for his leadership on all science issues in the House and for being a strong advocate for science.

The subcommittee is acutely aware of the need for vigorous basic research effort in this country, which starts with the work of the National Science Foundation. Too often we overlook the importance of basic research in the sciences and in engineering also because its results are not always immediately applicable to tangible products. Breakthroughs in medical research, on the other hand, are more easily understood.

I would like to echo the gentleman from Michigan in saying that we would do well to recognize the diversity of scientific endeavors that contribute to medical advances. I find it telling that the recent very noteworthy success of the human genome project, for example, was built on cutting-edge research in computer science, chemistry and other subjects of the kind supported by NSF.

If the resources were available to us, the subcommittee would support an even greater increase in NSF funding than the 9 percent increase over fiscal year 2001 that is in the bill. We feel, nevertheless, that the increase is a strong start in guaranteeing that our Nation remains preeminent in basic research for years to come.

Mr. EHLERS. I thank the gentleman, Mr. Chairman.

AMENDMENT OFFERED BY MS. CARSON OF INDIANA

Ms. CARSON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. CARSON of Indiana:

In title I, in the paragraph relating to "VETERANS HEALTH ADMINISTRATION—MEDICAL CARE", after the aggregate dollar amount insert the following: "(reduced by $16,200,000)".

In title I, in the paragraph relating to "DEPARTMENTAL ADMINISTRATION—OFFICE OF INSPECTOR GENERAL", after the aggregate dollar amount insert the following: "(increased by $16,200,000)".

Ms. CARSON of Indiana. Mr. Chairman, my amendment provides additional funds to the Department of Veterans Affairs Office of the Inspector General, and it will reap a manyfold return in cost savings and result in a greatly improved quality of health care for American veterans.

The Department of Veterans Affairs is the second largest executive branch agency. Yet this behemoth is monitored by an Office of Inspector General staffed at one of the lowest levels among all 29 statutory Inspector Generals when Inspector General staffing is compared to total agency employment.

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The VA IG has a staff of 365 nationwide. If the VA office of the IG was staffed at just the average ratio among the 29 statutory Inspectors General, the staff would be 4,000 full-time employees. My amendment, Mr. Chairman, would provide funding for an additional 110 full-time staff on the IG's team and permit an acceleration of the IG's facility assessment program from its current 6-year cycle to a more reasonable 3-year cycle.

A migration from the 6-year cycle to the 3-year cycle would enhance the IG's ability to determine the root causes of departmental management inefficiencies. With proactive oversight, the VA Office of the Inspector General can identify tremendous cost savings measures and assure that taxpayers' dollars are put to their best use. In the end, this will provide for smarter management, greater cost savings, and, most importantly, better, more accessible health care for our veterans. An accelerated proactive assessment cycle would likely yield savings or redirect funds to better use in the billion dollar range.

In fiscal year 2000, the VA OIG staffed 369 positions at a cost of $45 million and was able to demonstrate solid performance results, including 338 arrests, 280 indictments, 247 convictions, 496 administrative sanctions, $302 million in funds put to better use, $11.4 million in dollar recoveries, and $13.8 million in fines, penalties, restitution and civil judgments. These savings were realized under the 6-year assessment cycle, and a 3-year cycle would do so very much more.

Mr. Chairman, let me assure my colleagues that I have long fought and continue to fight for the enhancement of medical benefits for veterans. As we consider adopting this amendment, I assure all of my colleagues that, as the ranking minority member on the Subcommittee on Oversight and Investigation of the Committee on Veterans Affairs, I consider this a true value of effective oversight, and I ask for their support of this amendment. It is cost effective.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am a little surprised, quite frankly, at this amendment. I fully expected there would be more amendments adding additional funds to the already precious dollars that are in VA medical care, but this amendment would take $16 million out of veterans medical care. This is money that goes toward surgical procedures, towards pharmaceutical drugs, towards nurses and doctors, heat and lights, and running these facilities. To hand over these funds to the Inspector General's office, to me, just does not make good sense. So I strongly oppose the amendment.

We have already provided the Inspector General with an increase of $6 million over last year, a 15 percent increase from in their fiscal year 2001 budget. It is also a $4 million increase over this year's budget submission. This amendment would result in close to a 50 percent increase in the budget. I suspect the Inspector General could not handle that much money, they could not put that many people on, and this money is dearly needed for veterans medical care. I would hate to jeopardize the health of our veterans by reducing this already substantial but certainly dear amount of money.

So I rise in strong opposition to the amendment.

The CHAIRMAN. Is there any further debate on the amendment?

Ms. CARSON. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Ms. CARSON. Mr. Chairman, I respect very much the gentleman's argument in terms of the amendment that I offered, and I realize that on its face it does probably raise red herrings in terms of what I am doing; that I may be taking away medical benefits from veterans in favor of the Inspector General. But as I indicated in my opening remarks, Mr. Chairman, this amendment is cost effective and it will allow the expansion of Inspectors General to generate more money for the Veterans Administration.

I would like to suggest, Mr. Chairman, that we engage in further dialogue with the chairman of the Committee on Veterans' Affairs and see if we cannot work out this situation in terms of advancing the idea that I have here in terms of trying to help the Veterans Administration.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. CARSON. I yield to the gentleman from New York.

Mr. WALSH. If the gentlewoman would be prepared to withdraw the amendment, we would be happy to sit down and discuss this with her at length, and with the authorizing committee, to see if we can address her concerns.

Ms. CARSON. Mr. Chairman, since the gentleman has offered that, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

MEDICAL CARE COLLECTIONS FUND

(INCLUDING TRANSFER OF FUNDS)

Amounts deposited during the current fiscal year in the Department of Veterans Affairs Medical Care Collections Fund under section 1729A of title 38, United States Code, shall be transferred to "Medical care", to remain available until expended.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available for obligation until September 30, 2003, $371,000,000, plus reimbursements.

AMENDMENT NO. 13 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GUTIERREZ:

In title I, in the paragraph under the heading "VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the dollar amount, insert the following: "(increased by $24,000,000)".

In title III, under the heading "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after the dollar amount, insert the following: "(reduced by $24,000,000)".

Mr. GUTIERREZ. Mr. Chairman, I would like to engage in a colloquy with the Republican manager, the chairman of the subcommittee, the gentleman from New York (Mr. WALSH), and the Democratic manager, my colleague, the gentleman from West Virginia (Mr. MOLLOHAN).

First, I would like to recognize both the chairman and the ranking minority member for their continued support for medical and prosthetic research in the Veterans Health Administration. It is in great measure due to their support and commitment that this bill has come to the floor with approximately $20 million more than had been initially programmed for prosthetic research.

Dating back to the spring, when I first contacted them and their colleagues in the Committee on Appropriations, urging them to take the necessary step that we began last year when the chairman similarly approved my amendment to raise the funding of this very program, they have once again responded affirmatively to my request that we increase the funding for this extremely important research program.

Secondly, I would like to emphasize that this increase will assist the VA research program in achieving the stability necessary for successful research, one that can eventually achieve its full potential for finding cures and treatments for many chronic and terrible diseases. The VA research program is uniquely positioned to advance diagnosis and treatment for conditions that particularly affect veterans, including prostate cancer, diabetes, heart disease, Parkinson's disease, mental illnesses, spinal cord injury, and aging-related diseases. But I remind my colleagues that, ultimately, our Nation as a whole is the beneficiary of research conducted by the VA.

Mr. Chairman, this generous increase would not have been possible without the complete support of the chairman and the ranking member. I believe in their commitment to this program and trust they will work with the Senate in conference to secure up to the $391 million for this program. I wish to note that our colleagues in the Senate have provided a $40 million increase for this deserving program. I ask the chairman and the valued ranking member for their commitment to work with their Senate counterparts during conference to achieve the highest possible funding for the VA medical and prosthetic research program.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I would like to thank the gentleman from Illinois for his advocacy in this area. The bill provides $20 million over last year's funding level for VA research, plus $30 million in construction funds specifically for research facility rehabilitation.

Because the Senate has provided a higher funding level for VA research in their bill, this account will be an issue in conference; and we will take into account the views and concerns of the gentleman from Illinois and the other Members who have expressed an interest in increasing funding for this important account as we move forward.

I thank the gentleman for his willingness to withdraw his amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I want to commend the gentleman for bringing this issue to the attention of the full House, and I want the gentleman to know that it is certainly high on the priority list for the chairman. He added $10 million in this account during the full committee, and we have just heard him express his real support for taking a strong look at it during conference.

I commend the gentleman for bringing it to our attention, and I understand he is going to withdraw his amendment, but I just want to assure him that both sides of the aisle are supportive and will support him in conference.

Mr. GUTIERREZ. Mr. Chairman, I thank both gentlemen for all their work on this issue, and I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there any further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $66,731,000, plus reimbursements: *Provided*, That technical and consulting services offered by the Facilities Management Field Service, including project management and real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,195,728,000: *Provided*, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5) and (11) that the Secretary determines are necessary to enable entitled veterans (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That of the funds made available under this heading, not to exceed $60,000,000 shall be available for obligation until September 30, 2003: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to four passenger motor vehicles for use in operations of that Administration in Manila, Philippines: *Provided further*, That travel expenses for this account shall not exceed $15,665,000.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOLEY:

In title I, in the paragraph relating to "DEPARTMENTAL ADMINISTRATION—GENERAL OPERATING EXPENSES", after the aggregate dollar amount insert the following: "(increased by $25,000,000)".

In title III, in the paragraph relating to "NATIONAL SCIENCE FOUNDATION—RESEARCH AND RELATED ACTIVITIES", after the aggregate dollar amount insert the following: "(reduced by $92,000,000)".

Mr. FOLEY. Mr. Chairman, as my colleagues know, the veterans benefits claim process in this country is a disaster. This disaster is not the fault of the dedicated employees of the VA or Mr. Anthony Principi, the new Secretary of Veterans Affairs, but rather the bulk of the blame lies with the years of neglect and lack of planning AND foresight.

When a typical veteran in my State has to wait an average of 171 days to get a response to a claim, no one can doubt that we have a serious problem. Would any of us expect to wait 171 days after filing a medical claim with our insurer before actually getting the check in the mail? No one would. No American would wait. Yet this is exactly what our national veterans have to face every time they file a benefit claim with the Veterans Administration.

What is worse is that, according to the administration's own budget, that 170-day wait may well exceed 270 days this year. That 100-day increase in the claims turnaround time is estimated by the administration even after the good chairman, the gentleman from New York (Mr. WALSH), has increased by a $128 million earmark in this bill to alleviate that problem. In fact, recently, in our supplemental bill, and I commend the gentleman from New York for aggressively pursuing this problem, he provided another $19 million. So we are making progress.

But let no one be mistaken, this is a crisis. Veterans in my State and across the country sometimes die before their health or other benefit claims can be processed.

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These claims stem from veterans who feel they have been unjustly denied the benefits they are entitled to and deserve. For example, my State of Florida has only one processing facility currently operating with a 24,000 case backlog. The second largest State in the Union with veterans residing in the State and only one processing facility.

My amendment will add $25 million to the VA general operating expense account for the express purpose of hiring and training additional claims processors. The increase would be offset by a similar amount from the National Science Foundation's $3.6 billion research account which the VA–HUD appropriations bill, and I will add, has generously increased over last year's level by $292 million.

The amendment is not aimed at lessening the good that the National Science Foundation does. But our rules require offsets, and this becomes a matter of priorities.

The Foley amendment uses the NSF's polar and antarctic research accounts as an offset. The base bill recommends $3.6 billion for National Science Foundation research next year, an increase of over $300 million. Taking $25 million from the NSF's already increased account is far less significant than the additional claims processors that the VA could hire with this additional funding.

This is a meaningful amendment which will make a significant dent in the turnaround time for claims processing. This is a nationwide problem, one that Secretary Principi and I have talked about. He has personally stated this is his primary goal of fixing as new head of the VA. Let us give him the funding he needs.

The amendment is about priorities. One of the highest priorities should be taking care of those who fought the wars for us. Yes, these are interesting times, and these are aggressive bills which I believe seek to solve a lot of our country's problems. But at a time when our Vietnam vets and Korean vets and World War II vets and Desert Storm vets are being told to wait, we are increasing by $300 million monies in accounts that probably could take a little bit of a reduction in order to satisfy and help those who have sacrificed.

Again, focus on where the amount of money comes from, the NSF's polar and antarctic research accounts as offsets.

I again thank the chairman and I do want to underscore the fact that his committee and his chairmanship has brought a lot of great benefits to veterans. I know help is on the way in a number of these other areas, but I would urge Congress to accept my amendment.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. I would remind my good friend and colleague from Florida that we are spending over $51 billion in the veterans' accounts this year. The entire science budget for the National Science Foundation is under $5 billion. That is a ten to one ratio. Obviously, one can see where our priorities are. They are on our veterans, on providing for their benefits, on providing for their health care, on providing for the administration that is a very important and significant portion of the Federal budget.

Fifty billion for veterans, less than 5 billion for research. We all know how important research is to the future of all Americans, including our veterans. Make no mistake about it, the investment that we are making in the National Science Foundation will resound also to the veterans as it will with all members of the American society. Besides, we have already increased this account by almost $146 million, the President's request.

For the benefits administration alone we provided just under $1 billion, $955 million. We funded this bill at the President's request which was an increase of $129 million over last year; $148 million if we consider the supplemental funding we passed last week.

We have fully funded the VA's plan to hire 400 claims processors, continuing our commitment to improve the claims situation as we provided funds for 400 new claims processors just last year.

This is Secretary Principi's highest priority. He is focused on this. He is asking for resources. He has a plan. Let us let him implement that plan.

The VA cannot hire more people at this point. More money will not translate to more people. The budget request for NSF's request by the President was barely a 1 percent increase. We are doubling the National Institutes of Health. It does not make sense to double the National Institutes of Health without making dramatic increases also in the National Science Foundation. It is the basic science, the math, the physics that makes all of this possible, all of this research possible.

So we needed to make that increase, and we did. The subcommittee stepped up to the plate and provided a 9 percent increase. The amendment of the gentleman from Florida (Mr. FOLEY) would cut nearly one-third of our increase out of that budget, a situation which I believe is absolutely the wrong thing to do.

The Nation's economy depends on the research conducted through NSF. I strongly oppose this amendment. These funds coming out of NSF will hurt the veteran just as much as if we cut them out of their own budget.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. The bad news is the gentleman states the problem correctly, that there are large delays waiting for these medical claims to be processed, to be considered. The good news, however, is that the chairman addressed the issue in this bill. It is contained in this bill.

The gentleman said let us give the Secretary the funding he needs. Well, the chairman gave him the funding he asked for, which I assume is the funding he needs. The President's request was fully funded at $146 million, a $146 million increase.

I think the gentleman should be pleased with the treatment of this problem in the bill, and it is being addressed aggressively last year with an increase of 400 new employees on task and 400 will be added as a result of this bill.

The offset the gentleman proposes is absolutely terrible. We have been working very hard during the last several years to increase NSF's funding. The gentleman takes it from the NSF increase and, by my computations, he is taking $92 million, which is about a third of the increase that we are providing for NSF.

So, on the one hand, I think the gentleman raises a legitimate concern. It is being addressed in the bill, however; and he should be pleased with that. On the other hand, where he is taking the money it is particularly difficult because that is an account that we are trying to increase. It is very meritorious to increase, and the cut he takes from that is really a horrendous cut that would be taken to NSF.

Mr. Chairman, I urge opposition to the amendment.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise with some reluctance to oppose this amendment, and the reluctance is that it is offered by my good friend the gentleman from Florida (Mr. FOLEY). The gentleman is engaged in a noble cause, but I will oppose it precisely for the reason that has been specified before this evening: This amendment would decimate the National Science Foundation's budget, particularly in the area of polar research and the Antarctic.

We discussed just a few moments ago the work of the National Science Foundation and how necessary it is to fund it at a level to keep pace with the funding at the National Institutes of Health, because so much of the work at the NSF is related to the work of the NIH in its battle to fight various diseases such as cancer, diabetes and the many other diseases that they are engaged in fighting.

In addition, the National Science Foundation is engaged in many other areas of research. In regard to the polar and Antarctic research which the gentleman from Florida seeks to cut, it is a unique research program that tackles many problems which cannot be tackled anywhere else in the world. For example, these research funds resulted in the first discovery of the ozone hole, which alerted our whole planet to the need to do something about chlorofluorocarbons and led to measures in both industry and government to end our very large use of chlorofluorocarbons; as a result we are beginning to see a shrinking of the ozone hole.

In addition, because of the unique position at the pole, this is an ideal spot for astronomy. From that position many stars can be viewed that cannot be seen well from other areas of our planet.

The amount that the gentleman is proposing to take out of this research budget is approximately one-third of the budget allocated for that work. That is a severe cut. We discussed earlier the small amount of the increase in the NSF budget compared to the NIH budget and discussed the need to seek a doubling of the NSF budget. We are not even close to doing that this year.

If we take even more money out, it would be a serious blow to the budget of the NSF and to the scientific work that is carried out at the National Science Foundation. All of us value that research and benefit from it very, very directly. If I had the time, I could spend an hour pointing out all of the benefits derived from the funds spent on the basic research done by the National Science Foundation.

For these reasons, I urge that we vote "no" on this particular amendment. I urge even more strongly that the sponsor withdraw the amendment. I think his effort to help veterans is noble, but his funding proposal would cause inestimable damage to the National Science Foundation.

Mr. Chairman, I urge the gentleman from Florida to withdraw his amendment so we do not engage in a vote which could be detrimental to the National Science Foundation.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to this amendment. The gentleman from Florida proposes to reduce research funding for the National Science Foundation (NSF) by $92 million and funding for the Department of Veteran Administration's (VA) General Operating Expenses account by $25 million.

For fiscal year 2002, this appropriations bill adds $4.3 billion to VA's fiscal year 2001 budget of $47 billion, and increase of over 9.2 percent. That $4.3 billion increase is nearly equal to NSF's entire budget. To this increase, the gentleman wishes to add $25 million by taking $92 million from NSF's significantly smaller appropriation.

Each year when the VA/HUD bill comes to the floor, amendments are offered that would strip NSF of funding to pay for other programs—some worthy, others not. I believe that this practice is shortsighted. This House has continually recognized the important role NSF and basic research have played in our Nation's economic and technological development.

NSF is the government's premier science agency. It supports cutting-edge research to answer fundamental questions within and across scientific disciplines. This research has helped fuel new industries and jobs that have propelled economic prosperity and changed the way we live.

Maintaining the Nation's leadership in science will require keeping open the pipeline of new ideas and innovations that flow from fundamental research. NSF is the Federal Government's only agency dedicated to the support of education and fundamental research in all scientific disciplines, from physics and math to anthropology and zoology. Today's NSF-led research in nanotechnology, advanced materials, biotechnology, and information technology are laying the groundwork for the technologies of the future, and in the process training the scientists, engineers, and technology entrepreneurs of tomorrow.

While I agree with the Gentleman on the need to reduce the backlog of VA benefits claims, I do not think that cutting the funding of the Nation's premier science agency is the way to do this. Therefore, I oppose this amendment and urge my colleagues to oppose it as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FOLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. HINOJOSA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage my friend, the gentleman from New York (Mr. WALSH), in a colloquy regarding funding for Hispanic-Serving Institutions, known as HSI's, under the National Science Foundation Education and Human Resources Program.

There are over 200 HSI's throughout this country that are enrolling an ever-increasing number of Hispanic college students. Hispanics are now the second largest minority in the United States. Many of these students are the first generation Americans in their family to attend colleges or universities. We need to encourage them to complete their education and to enter fields like math, science and engineering, where our country is experiencing a severe shortage.

The National Science Foundation is charged with the responsibility of improving math, science and engineering education across the country. To do this, NSF provides several competitive grant programs for which schools can apply to train teachers, students and improve the quality of their math, science, engineering and technology programs. Past authorization language has required the NSF to target under-represented populations. However, to date, Hispanic-Serving Institutions have received less than 2 percent of the grant funding available.

Mr. Chairman, does the appropriations subcommittee chairman agree that the NSF should be targeting under-represented populations such as the HSIs?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HINOJOSA. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, first, let me thank the gentleman from Texas for bringing up this important issue.

As the gentleman knows, we have made every effort to increase the budget for the National Science Foundation to the highest level possible and spread those funds as broadly as possible among programs throughout the Foundation. In this context, the subcommittee has placed great emphasis on providing additional dollars for several programs emphasizing math, science and engineering education.

Generally speaking, we in the Foundation should do all that can be done to promote these programs at all educational institutions, but I certainly agree with the gentleman that a special effort should be made to target minority-serving institutions and in particular Hispanic-Serving Institutions for enhancement of these important programs.

Mr. HINOJOSA. Will the chairman work with me and the leadership of the Congressional Hispanic Caucus to develop report language urging the National Science Foundation to do more aggressive outreach and grant solicitation amongst HSIs so that more of them can improve their math and science programs to better educate Hispanic students?

Mr. WALSH. Mr. Chairman, I will be glad to work with the gentleman from Texas and his Congressional Hispanic Caucus to find ways to make the grant programs funded under this bill more accessible to HSI's and to encourage the National Science Foundation to work to increase the number of HSI's participating in its grant programs.

Mr. HINOJOSA. Mr. Chairman, I thank the gentleman from New York (Mr. WALSH); and I thank the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN).

□ 1845

The CHAIRMAN pro tempore (Mr. FOLEY). The Clerk will read.

The Clerk read as follows:

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $121,169,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $52,308,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $183,180,000, to remain available until expended, of which not to exceed $20,000,000 shall be for costs associated with land acquisitions for national cemeteries in the vicinity of Sacramento, California; Pittsburgh, Pennsylvania; and Detroit, Michigan: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2002, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2002; and (2) by the awarding of a construction contract by September 30, 2003: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations any approved major construction project for which obligations are not incurred within the time limitations established under the preceeding proviso: *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

FACILITY REHABILITATION FUND

For altering, improving, or rehabilitating facilities under the jurisdiction of the Department of Veterans Affairs, $300,000,000 to remain available until expended: *Provided*, That of the funds made available under this heading $30,000,000 shall be only for projects authorized pursuant to section 2(b)(5) of H.R. 811 as passed by the House of Representatives on March 27, 2001; and $270,000,000 shall be only for projects achieving the purposes authorized in sections 2(c)(1), (2), and (3) of H.R. 811 as passed by the House of Representatives on March 27, 2001: *Provided further*, That none of the funds under this heading may be used for the construction of a new building unless a credible assessment, approved by the Secretary, demonstrates new construction would be more cost-effective than rehabilitating the existing building.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $178,900,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000, of which $25,000,000 shall be for Capital Asset Realignment for Enhanced Services (CARES) activities: *Provided*, That from amounts appropriated under this heading, additional amounts may be used for CARES activities upon notification of and approval by the Committees on Appropriations: *Provided further*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the HUD/VA Appropriation bill. I want to commend the chairman of the subcommittee Mr. WALSH and ranking democrat Alan Molhan on the funding levels provided for veterans programs by the bill.

This bill provides a 16 percent increase in funds for the Veterans Benefits Administration. VA Secretary Principi proposes to use these funds to hire and train 900 additional employees to address the increased workload in the disability and education claims areas. The increased workload is a result of an increased number of claims and legislative changes to the adjudication process. Addressing this backlog is an urgent task which the Secretary has attempted to confront in a very forthright and open manner.

But, frankly, I am deeply concerned and dismayed about the blatantly unfair criticism that blames him and the Bush administration for a situation that clearly was the result of policies and practices in place before he became VA Secretary. I share his concern about partisan attacks that hold him accountable because this backlog has not yet been resolved. I say to those who would make such criticisms that they cannot absolve themselves of some of the responsibility. Congress passed the Veterans Claims Assistance Act last year and that Act alone required the VA to review over 50,000 disability decisions to assure compliance with that act. In addition, the two previous VA Secretaries had substantial opportunities to make the claims process more timely and responsive to veterans, yet Secretary Principi faced a backlog of over 500,000 disability claims and 130,000 education claims when he took office. Sec. Principle is a good and honorable man who cares deeply about veterans. He is responsive and an outstanding leader. The criticism of him is unjustified, unfair and unwarranted.

As I noted, Mr. Chairman, this bill provides a 16 percent increase for the Veterans Benefits Administration. I cannot think of too many Departments that have seen a 16 percent increase in 1 year. I believe that this is probably as much money as could be productively used in fiscal year 2002. This budget is a very good one, but we should not assume that simply by increasing the budget these backlogs will disappear overnight. The VA is already hiring employees using funds they expect to receive in the supplemental appropriation bill. But it takes several years for an employee to obtain the requisite skills necessary to correctly decide a veteran's disability claim. While I expect we will see progress, there is no magic wand that will solve these matters overnight.

Mr. Chairman, on the health care side, the bill reported by the Committee on Appropriations, and again I want to thank the chairman and ranking member for their faithfulness to our veterans. This legislation provide a $300 million increase in funds to funding bill H.R. 811, which we passed earlier this year for medical facility rehabilitation projects. I want my colleagues to understand that even though we have not gotten Senate agreement yet on the Veterans Hospital Emergency Repair Act, H.R. 811, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) are willing to fund this new authorization. I think they break some very important ground by their willingness to do this.

As the chief sponsor of H.R. 811, I can say that it is readily apparent that even though the VA may need to tear down or declare excess some of its aging facilities that are vacant and not needed to serve veterans in the future, there is an urgent need to renovate medical facilities throughout the country that will be serving veterans for the foreseeable future. Unfortunately, the proposed budget for VA facility repair and renovation has not come close to meeting the documented needs of a system with an estimated value of some $35 billion.

An independent study by Price Waterhouse suggested that with a system as valuable as this one, an annual investment of about $700 million to $1.4 billion would be ideal. Unfortunately, VA budget proposals in the past few years contained far less than this for capital renovation projects. The changes in medical practice and technology demand that facilities be modernized on a regular basis; and frankly we have ignored that need in VA health care facilities in the last few budgets.

That is why all Members should be aware of the provision in the bill pledging $300 million in capital construction funds to keep VA facilities and the care they deliver up to date. This is the problem we were attempting to address in H.R. 811 when we passed it earlier this year, and this appropriations language likewise addresses it as well. Again, I want to commend the gentleman from New York and all members of the committee for supporting this funding.

The reported bill also includes substantial increases in the budgets for state home construction grants, medical and prosthetic research, and the national cemetery system. Coupled with a projected increase in receipts from insurers, an increase of $1.2 billion over the 2001 level would be provided for medical care. As the Chairman of the Subcommittee is aware, the VA carried forward $1.3 billion from last year into the current fiscal year. In addition, health care receipts are about 25 percent higher this year than last year, so that a total of $800 million in additional funds of medical care attributable to these receipts is a realistic possibility.

Mr. Chairman, I believe it is also fair to mention the issue of VA managers diverting medical care funds in a manner that reached new heights late last year. Of the $20 billion in medical care funds provided for the current fiscal year, $6.2 billion was appropriated for three items. Those three items are pharmacy (drugs), Hepatitis C care, and long-term care. As we learned earlier this year from newly-confirmed VA Secretary Tony Principi, VA doesn't need all of this $6.2 billion, and plans to spend $750 million of it on other health care needs.

Given the VA's ability to reprogram sums as a large as this without any explanation or authorization, it seems to me we need to take a much closer look at how VA is spending its money and what it is currently requesting. One of the themes I've stressed since becoming Chairman is to hold VA officials accountable for the decisions they make and how they spend taxpayer dollars. Thus, I think a one billion dollar increase is defensible and generous if we're going to have officials requesting funds for one purpose and then spending it one something else altogether. In addition, I believe we will finally see the long-awaited improvement in medical collections of around $200 million in the current fiscal year, and that increase should carry over into fiscal year 2002.

All in all, I believe this is a very good bill for veterans, one that provides substantial increases where the funds will do the most good. Given the demands by millions of veterans for a high-quality affordable health care benefit, it is nearly impossible to say that higher appropriations for medical care are unnecessary. But they is a very good bill, and it keeps our pledge to maintain the quality for those veterans now enrolled with VA for their health care. Mr. Chairman, I urge all Members to vote for this bill.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to identify with the remarks of my colleague who just spoke, the distinguished chairman of the Committee on Veterans' Affairs, and I wish to address the House in two capacities: one, as a friend of the veterans, as a veteran myself; and, two, in relationship to the amendment previously discussed by the gentleman from Florida (Mr. FOLEY).

The fact of the matter is I know of no better friends for the veterans of America than the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. WALSH). They both have very important roles to play, the gentleman from New Jersey as chairman of the Committee on Veterans' Affairs, the gentleman from New York, who is where the rubber meets the road, on the Committee on Appropriations.

We can do all the authorizing in the world, but it does not mean much unless you follow up with appropriations. The gentleman from New York, to his credit, time after time has been there for the veterans, time after time has put more money in the budget to address very real problems that must be solved if we are to fulfill our commitments to the men and women who have worn the uniform of the United States military.

I am very much aware of the delays in solving the claims processing crisis. Indeed it is a crisis. On several occasions I have spoken to the gentleman from New York about this. Others have, too. We have always received the same answer: "We will be there when we are needed. Don't just judge us by our words. Judge us by our deeds." This budget includes $128 million, an 11 percent increase, for the Veterans Administration to address the claims processing problem. That deserves our praise and support.

Now, we can always do more, but the fact of the matter is we are doing more than what is adequate to address a very real, legitimate problem. But to suggest that we take from another very sensitive area, and this is where I put on my second hat, as chairman of the Committee on Science, to suggest that we take money away from the National Science Foundation, which even Ronald Reagan, in my early years on the Hill, wanted to double funding for over a 5-year period, because he was wise then and we are wise now; and the gentleman from New York (Mr. WALSH) is evidencing the wisdom of the Congress in providing additional funds for the National Science Foundation.

I do not need to remind my colleagues that we have been through a decade of unprecedented growth, quarter after quarter, year after year, growth in our economy. It is a little bit soft right now, a little bit shaky. People are concerned. I would suggest to my colleagues in the House that the way to continue to move forward, to make sure this economy keeps percolating is, one, to do what we have already done, cut taxes to get money back into the pockets of the American taxpayer, and so that they can help keep this economy humming, but secondly to invest in appropriate science, to invest in the basic research that is so essential for the continued prosperity in America. We did not get where we have been these past 10 years, quarter after quarter year after year of growth because we just wished for better things to happen. We got there because we invested in science, and science has rewarded us with unprecedented developments. The whole Internet economy, the whole telecommunications industry growth, these are things that are products of science.

So I would suggest that to acquire $25 million more for something that is already being addressed in a very substantial way, $128 million more in the Walsh bill, but to get that additional $25 million by taking $92 million and, boy, talk about fuzzy math, it is tough to understand and explain in this short time how that comes about, but to take $92 million away from the National Science Foundation is just not the thing to do. We can do what we should do in a responsible way, continuing to provide more funding for the National Science Foundation and do what the gentleman from New York (Mr. WALSH) is proposing, more funding, $128 million more to solve a very real problem, that is, the backlog in the claims processing for the men and women who have served our Nation so nobly.

I want to thank the gentleman from New York for his leadership. I want to thank the gentleman from New Jersey, the chairman of the Committee on Veterans' Affairs, for what he is continuing to do, to make certain everyone clearly understands that our veterans are uppermost in our minds. We have an obligation. We have a commitment. We are going to meet it.

Mr. MORAN of Kansas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to join my colleague from New Jersey, my chairman. I chair the Subcommittee on Health for the Committee on Veterans' Affairs. I too would like to commend the gentleman from New York and the ranking member of this committee for their support of veterans issues and particularly for improving the access veterans can have to health care across the country.

But I would also like to come here this afternoon and thank my chairman for working on another issue and it is one that is very important to a community of mine back home, Hutchinson, Kansas. Hutchinson is a community of just over 40,000 people. On January 17 of this year, the city experienced a series of explosions caused by natural gas that leaked into abandoned salt mines that migrated under the community. People in Hutchinson woke up that day to headlines and photographs demonstrating a major occurrence had occurred in this small town. Explosions rocked the community for the next 2 days, and fires continued to burn for the next 5 months. The explosions leveled two downtown buildings, destroyed homes, hundreds of people were forced to relocate, move their home and businesses, and tragically two people died as a result of injuries sustained from this occurrence.

Just 2 weeks ago, another gas explosion occurred causing more damage to the community, both physically and emotionally. Hutchinson has a long history of salt production, resulting in hundreds of abandoned mines underneath the city and the surrounding region. In order to ensure that no natural gas further escapes and ignition occurs from these mines, each must be located and properly capped to ensure safety.

Addressing this situation is vitally important to this community and its future. It is an important priority for our country. Even President Bush mentioned in his energy strategy this tragedy. I have requested assistance from the chairman. This is the first time I have come to the gentleman from New York asking for assistance in this manner. I was anticipating being intimidated by the gentleman. He met me with sympathy and empathy. I am very grateful for that kind of response. I appreciate the gentleman indicating his willingness to assist and provide support as this bill goes to a House-Senate conference.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Kansas. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, just to briefly respond to the gentleman, I thank him for bringing this issue to my attention and to the attention of the committee. This catastrophic loss that occurred to his community, this devastating incident, seriously undermines public safety and economic activity in this city and the region. I know his concern is heartfelt. He has pressed this case before us. I will continue to work with the gentleman from Kansas during the conference to see what assistance we can provide to Hutchinson, Kansas. I thank him for his hard work on behalf of his community.

Mr. OLVER. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from New York, the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies.

□ 1900

Mr. Chairman, to address the serious shortage of suitable housing for frail, low-income seniors, the fiscal year 2000 VA-HUD bill included authorizing language to provide a pilot program for up to three grants for the conversion of unused or underutilized commercial property into assisted living facilities for the elderly. Unfortunately, in that year the appropriation language did not allow HUD to issue a NOFA to implement the authorizing language.

In fiscal year 2001, the necessary appropriation language was included in the VA-HUD bill, and $7.5 million of Section 202 funds were made available to provide for the pilot program of grants for the conversion of unused or underutilized commercial property into assisted living facilities. Yet, upon issuance of the NOFA, HUD rejected all applications for these grants.

Mr. Chairman, the bill before us today has again appropriated funds for the conversion of eligible assisted living projects. I am concerned that HUD will continue to ignore congressional mandates on this issue, and I would ask the chairman if he would work with me in conference to correct this problem so that we can expedite the previously authorized pilot program for the conversion of unused or underutilized commercial property into assisted living facilities for the elderly.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman for bringing this issue to our attention and for the amount of energy and thought he has put into this. We have discussed this at length, and I would be happy to work with the gentleman as the bill moves forward to address the issue prior to conference.

Mr. OLVER. Mr. Chairman, reclaiming my time, I appreciate the chairman's consideration.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the subcommittee. I want to commend the gentleman for the robust increases he has included in H.R. 2660 for veterans health care programs. I again want to reiterate to my colleagues that an increase of $1.2 billion for the VA's Medicare account will go a long way toward improving services for our veterans.

There is an area of particular interest to me I would like to discuss the with the distinguished chairman, and that is the success of Alzheimer's disease. I am proud to support a bill that will help to improve the treatment of veterans that suffer from this debilitating dementia.

As cochairman of the Congressional Alzheimer's Task Force, I am proud of the clinical research the VA has been conducting on Alzheimer's disease. As the chairman is aware, the VA has developed a very promising model to treat Alzheimer's patients at the Bedford, Massachusetts, VA facility. This model emphasizes a home-like setting, making patients feel comfortable, instead of subjecting them to painful and heroic medical interventions, and employs an interdisciplinary team of clinicians, dieticians and therapists. All reviews of the Bedford program have concluded that it provides better care than traditional long-term care approaches.

It is my hope that, with the additional resources contained in this bill, the VA will take concrete steps to examine successful Alzheimer's programs such as the Bedford VA model and look to expand this approach to other VA medical centers.

I will yield to the chairman on that issue.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, let me begin by thanking the distinguished chairman of the Committee on Veterans' Affairs for the passionate leadership that the gentleman provides on that committee for our veterans. He is always there to defend the interests of our veterans and to make sure we meet the commitments we made to our veterans.

I would also like to thank him for his interest and support in finding a cure for Alzheimer's disease. As the gentleman surely knows, nearly 600,000 veterans are estimated to be suffering from brain disease, dementia and related disorders such as Alzheimer's. I am in fact a member of the task force, and I share his commitment to helping patients and their families who are struggling with this condition.

As for the chairman's question, I believe that, yes, the VA should be carefully examining the Alzheimer's programs it manages, identifying promising models of care and then ensuring that successful models are implemented at other medical centers. In this manner, all of our veterans can receive the very latest treatment methods. Our veterans deserve nothing less.

Mr. SMITH of New Jersey. Mr. Chairman, reclaiming my time, I thank the distinguished chairman for his commitment to our Alzheimer's patients, particularly to those who happen to be veterans, the 600,000 that he mentioned.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected and $4,000,000 from the General Fund, both to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $100,000,000, to remain available until expended.

AMENDMENT NO. 17 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. NADLER:

In title I, in the item relating to "DEPARTMENTAL ADMINISTRATION—GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES", after the first dollar amount insert the following: "(increased by $4,806,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the aggregate dollar amount insert the following: "(increased by $195,194,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the seventh dollar amount (relating to incremental vouchers), insert the following: "(increased by $195,194,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the eighth dollar amount (relating to amounts made available on a fair share basis), insert the following: "(increased by $144,762,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", after the ninth dollar amount (relating to amounts made available to nonelderly disabled families), insert the following: "(increased by $50,432,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the aggregate dollar amount insert the following: "(reduced by $200,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the second dollar amount (relating to the Downpayment Assistance Initiative) insert the following: "(reduced by $200,000,000)".

Mr. NADLER. Mr. Chairman, this amendment will provide an additional 34,000 Section 8 vouchers, 10,000 of which will be reserved for disabled families. In addition, the amendment would add almost $5 million to veterans' extended care facilities.

I wish we could offer an amendment for a greater number of new vouchers, because the need is so great. Unfortunately, with such severe cuts to so many important housing programs necessitated by the budget resolution we passed earlier this year, it is difficult to find an offset that would provide the funds necessary to do so. We must focus the scarce resources in this bill on the areas of greatest need.

Therefore, the amendment offsets the increase in funds for additional Section 8 vouchers and for the additional funding for veterans' extended care facilities by removing $200 million from the Down Payment Assistance Initiative which is an unauthorized part of the HOME program. By postponing appropriations for this initiative until it is actually authorized and until a number of concerns raised by local mayors regarding the structure of the program have been addressed, we will be able to use these funds immediately on chronically underfunded housing programs.

Mr. Chairman, the Down Payment Assistance Initiative is not only unauthorized, no committee hearings have been held on this initiative, it is unclear how the program will be administered, it is unclear that most low-income people would have sufficient income to be able to utilize the program, and, frankly, we should hold hearings and we should properly design and authorize this program, and then we will know how much to appropriate for it. Meanwhile, we can better use these funds on the chronically underfunded existing programs.

This bill makes dramatic and alarming cuts to next year's housing budget, yet the need for housing assistance is staggering. By HUD's estimates, there are 5 million low-income families, almost 11 million people, who have worst-case housing needs: five million families who spend more than 50 percent of their income on rent or live in severely substandard housing. None of these 11 million people receive any housing assistance.

More importantly, there is not one local jurisdiction in the United States in which a full-time, full-time, minimum wage worker can afford the market rent for a one-bedroom apartment in his or her neighborhood. A study of 70 metropolitan areas showed that someone earning the minimum wage would have to work 100 hours a week to be able to afford the market rent in those areas.

What do we say to the working people of this country when they work endless hours, sacrificing time with their families, all in an effort to provide for their families, and they still cannot afford a decent place to live? We must not ignore these needs.

The Section 8 voucher program is one of the most effective and cost-efficient means of eliminating worst-case housing needs. 1.5 million families have been able to find affordable housing through the use of Section 8 vouchers. Rental assistance allows families to enter the private housing market and choose where they want to live. By reducing housing costs, these vouchers can free up funds within the budgets of low-income families for necessary expenses such as health and child care.

Unfortunately, the Section 8 program is severely underfunded. In New York City alone, there are nearly 200,000 people, 200,000 people, on the Section 8 waiting list. Nationwide, the average wait for those entering the Section 8 program is about 2 years; and in some places people have been on the waiting list for over 10 years.

Over the last 3 years, Congress has gradually increased Section 8 vouchers by too low an amount, but it has increased it by 50,000, 60,000, and 79,000 in the last 3 years respectively. But with a national waiting list of Section 8 vouchers being well over 1 million families today, these increases are drops in the bucket. This bill increases the number of Section 8 vouchers by only 34,000.

With so many people in need, it is not the time to reverse the progress of the last 3 years. To add only 34,000 vouchers this year is to actually cut the annual increase in vouchers by 46 percent.

This amendment will increase the housing certificate fund by $195 million to provide an additional 34,000 Section 8 vouchers, of which 10,000, as I said, will be targeted to the disabled. The remaining $4.8 million dollars in savings created by this amendment will be dedicated to the State Extended Care Facilities Program to finance the construction and renovation of veterans' nursing home and hospital care facilities.

I recognize, Mr. Chairman, that this amendment is a modest action, given the shortage of affordable housing, but it is necessary to help thousands of low-income families, while, at the same time, providing resources to improve home care facilities for our Nation's veterans. By increasing funding for programs targeted at a wide range of people, from those with disabilities, to veterans, to those working to make ends meet at low salaries, this amendment sends a message that all people are deserving of the dignity and stability of a decent home.

I urge all my colleagues to support it.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think this amendment is instructive because it shows how difficult it is to find additional funds in this to reorder the priorities in this bill.

The amendment would cut $200 million from funds that the President has asked us to provide to help low-income families to become homeowners.

Now we spend approximately $16 billion on Section 8 vouchers. We are actually looking at a program that will allow individuals to use those Section 8 housing vouchers to purchase a home. It is a pilot program. We believe that the American dream still exists, and the President has said not only should we try this pilot program with Section 8 vouchers for mortgages but we should provide $200 million to low-income families to help to make the initial down payment, that big chunk of money that we all know is necessary to plunk down before you can make a deal with a bank on the mortgage.

I cannot think of a better way, Mr. Chairman, to help families to move from welfare to work and from renting to owning. This is the President's major initiative in this bill, and I think we should honor it.

What the gentleman does is he proposes to take all of that money, all $200 million, and spend it in other areas of the bill. What he has proposed is to provide 34,000 additional Section 8 housing vouchers, and some 10,000 of those would go to disabilities.

I would submit that imitation is the highest form of flattery. That is exactly what we did in the bill. He is just doubling it.

But the problem with that is, while we have done our very best to provide new vouchers to help families in need of housing, we continue to see those funds go unused. None of the funds we provided for new housing vouchers in fiscal year 1999 or 2000 was actually used, and it is likely that this will be the case again this year, since HUD has not yet awarded the new vouchers that have been provided.

At the same time, public housing authorities continue to fail to use the vouchers they already have. On average, PHAs are providing fulfillment of only 93 percent of the vouchers that have been allocated. Consequently, huge amounts of money continue to go unspent. Last year, HUD recaptured over $1 billion in unused voucher funds, money that would have funded 171,000 vouchers.

So I cannot support, Mr. Chairman, taking these funds that will help poor families to buy their home, to get a piece of the rock, to get a piece of the American dream, to deny them that, by putting it into a program that HUD cannot possibly spend the money for.

What I urge is that we reject this amendment.

I submit for the RECORD a letter that I received in my capacity as chairman of the subcommittee from the Enterprise Foundation, the National Council of State Housing Agencies, the National League of Cities, the National Association of Counties, and the National Community Development Association supporting the HOME program and that $200 million presidential earmark.

JULY 26, 2001.

Hon. JAMES T. WALSH,
Chairman, Subcommittee on Veterans Affairs, HUD, and Independent Agencies, House Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The undersigned representatives of state and local governments and non-profit community development organizations thank you for increasing FY 2002 funding for the HOME Investment Partnerships (HOME) program to $2 billion in H.R. 2620, the FY 2002 VA/HUD appropriations bill. We strongly urge you to reject any House floor amendments to reduce HOME funding.

As you clearly recognize, HOME is one of the most important tools states and local governments have to respond flexibly to their unique and diverse affordable housing needs. HOME has consistently exceeded congressional expectations by assisting families with incomes below the HOME limits, leveraging significant public and private housing funds, and sparking innovative solutions to a wide array of housing challenges.

HOME's success in answering the nation's housing needs is limited by a single factor—inadequate funding. Though Congress authorized HOME at $2 billion when it created the program in 1990, Congress has never appropriated that amount. A HOME appropriation of $2 billion for the upcoming fiscal year is barely enough to compensate for the loss of purchasing power HOME has suffered since Congress first funded it nearly a decade ago.

We agree that a number of federal housing programs need more funding. HOME is one of the most deserving among them. Please insist on at least $2 billion in HOME funds in FY 2002.

Sincerely,

The Council of State Community Development Agencies.
The Enterprise Foundation.
The Local Initiatives Support Corporation.
The National Association of Local Housing Finance Agencies.
The National Council of State Housing Agencies.
The National League of Cities.
The National Association of Counties.
The National Community Development Association.

Mr. Chairman, I urge that Members reject the amendment.

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The CHAIRMAN. Is there further debate on the pending amendment?

If not, the question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

The Clerk will read.

The Clerk read as follows:

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2002 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2001.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2002 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2002, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2002, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2002, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a)(1) Section 1729B of title 38, United States Code, is repealed. Any balance as of the date of the enactment of this Act in the Department of Veterans Affairs Health Services Improvement Fund established under such section shall be transferred to the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code.

(2) The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1729B.

(b) Section 1729A(b) of such title is amended—

(1) by redesignating paragraph (7) as paragraph (9); and

(2) by inserting after paragraph (6) the following new paragraphs:

"(7) Section 8165(a) of this title.

"(8) Section 113 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note).".

(c)(1) Section 1722A(c) of such title is amended—

(A) in the first sentence, by striking "under subsection (a)" and inserting "under this section"; and

(B) by striking the second sentence.

(2) Section 8165(a)(1) of such title is amended by striking "Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title" and inserting "Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title".

(3) Section 113(b) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 38 U.S.C. 8111 note) is amended by striking "Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202" and inserting "Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of title 38, United States Code".

SEC. 109. Notwithstanding any other provision of law, the Department of Veterans Affairs shall continue the Franchise Fund pilot program authorized to be established by section 403 of Public Law 103–356 until October 1, 2002: *Provided*, That the Franchise Fund, established by title I of Public Law 104–204 to finance the operations of the Franchise Fund pilot program, shall continue until October 1, 2002.

SEC. 110. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 111. Funds available in any Department of Veterans Affairs appropriation for fiscal year 2002 or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $28,555,000 for the Office of Resolution Management and $2,383,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, that amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

Mr. FILNER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read through line 25 of page 20, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. WALSH. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The Chair will look to the manager for that unanimous consent request.

Mr. WALSH. Mr. Chairman, reserving the right to object, the ranking member of the authorizing committee has risen to offer an amendment, and we had had prior discussion, and I would suggest that remaining in regular order, I believe it would be the gentleman's opportunity to offer his amendment.

Mr. FILNER. Mr. Chairman, if the gentleman would yield, I thought that this would allow that to occur, and then all of the other ones at the end of title I.

Mr. WALSH. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from New York make a unanimous consent request to open up the bill through page 20, line 25?

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the bill, page 20 through line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 11 OFFERED BY MR. EVANS

Mr. EVANS. Mr. Chairman, I offer an Amendment No. 11.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. EVANS:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ___. None of the funds provided by this Act may be used for the purpose of implementing any administrative proposal that would require military retirees to make an "irrevocable choice" for any specified period of time between Department of Veterans Affairs or military health care under the new TRICARE for Life plan authorized in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public 106-398).

The CHAIRMAN. Is there objection to the consideration of this amendment at this point in the reading?

Mr. FILNER. Mr. Chairman, reserving the right to object, I had assumed that this was in title I, and there are about 6 or 7 amendments remaining in title I that I assume the unanimous consent allowed to occur. Did the maker of the motion assume that?

The CHAIRMAN. Amendment 11 is drafted to the end of the bill.

Mr. FILNER. Okay. But other amendments to title I would be in order?

Mr. WALSH. Mr. Chairman, we have no objection to the gentleman offering his amendments at this time.

The CHAIRMAN. That is without prejudice to any other amendment in title I.

Mr. FILNER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois (Mr. EVANS) is recognized for 5 minutes in support of his amendment.

Mr. EVANS. Mr. Chairman, my amendment would prohibit the Department of Veterans' Affairs from expending appropriated funds for the purpose of implementing a proposal contained in President Bush's budget.

The budget proposal would require all military retirees, including the one-quarter million veterans currently enrolled for care in the VA, to choose between either the VA or the DOD as their exclusive health care provider. This proposal has incurred the justifiable anger of our military retirees, the military itself, and the veterans service organizations. I believe that retirees have earned their right to access health care benefits in both systems and should be given that right and choice.

Mr. Chairman, while it is my understanding that the legislation will be needed to enact my proposal, I wish to prohibit any efforts by the Department of Veterans' Affairs to begin implementation of it. Congress should have more time to fully assess the effects this legislation will have and its impact on the lives of former servicemen and women.

Military retirees have devoted their lives to serving our country. We will breach our commitment if we allow the VA and the Department of Defense to simply implement their proposal that eliminates veterans' choice of providers. The truth is that these two systems provide very different packages of services and military retirees have earned the right to both.

I hope every Member of Congress will agree that this proposal is worthy of approval, and I urge its approval. I want to thank the gentleman from New York (Mr. WALSH) and my chairman on the authorizing committee, the gentleman from New Jersey (Mr. SMITH), for getting this done. I appreciate it.

Mr. WALSH. Mr. Chairman, I rise in support of the amendment. We have no objection to the amendment. We support in theory what the administration is trying to do. Both the VA and DOD cannot adequately plan and budget for services when both of these departments do not know the number of people they are serving. However, there are very few details from either VA or DOD, nor have we heard explanations on the effects or restrictions of the proposed policy. So until DOD and the VA can present us with a complete, well-thought-out plan, I support the amendment of the ranking member of the Committee on Veterans Affairs.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word, and I rise in support of the gentleman's amendment and fully support it. I just wanted to express that. I appreciate the gentleman's contribution to veterans.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Illinois (Mr. EVANS), my good friend and ranking member on the Committee on Veterans' Affairs, to prohibit the use of funds in fiscal year 2002, to implement the administration's proposal that military retirees be required to make an irrevocable choice between military or VA health care for a defined period of years.

While we certainly want to encourage more efficient use of scarce Federal health resources, at this juncture, we simply do not have enough information about the potential impact of that specific proposal. I do not think either the VA or the Department of Defense is really prepared to deal with the implications of requiring this choice, and both health care systems are already experiencing considerable strain serving their beneficiaries. We need to understand the implications of this proposal much, much better.

Mr. Chairman, I commend the gentleman for his amendment, and I urge my colleagues to adopt it.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong support of the Evans amendment. Forcing military retirees to choose between VA or DOD TRICARE is wrong.

Our country owes an enormous debt to the men and women who served in the Armed Forces.

It is because of their vigilance and dedication that we can enjoy the freedom that is cherished by every American.

In exchange for their service to our country, we promised them medical care for life. Without this amendment we will be taking a step backwards from this promise.

This issue is of the utmost importance to the military retirees in Marin and Sonoma counties.

Our community is fortunate to have the leadership of colonel Jack Potter, who works tirelessly to ensure that retired veterans have full access to both VA and DOD's TRICARE health care services.

Mr. Chairman, military retirees have earned their right to participate in both plans. If older retirees want to use tricare services for routine care, they should not then be forced to give up access to VA health care services.

The sixty-five thousand retired veterans in my district who are both medicare-eligible and enrolled in the VA Health Care System should not be the scapegoats for the Veterans' Administration's funding problems.

As colonel Potter points out, more than two-thirds of veterans who are enrolled in the VA health care system have disabilities.

If they want TRICARE for routine care, but are denied access to the VA's highly respected specialty care services, disabled veterans may not be able to get comparable care through other military or private health care systems.

Many will be referred back to the VA for this specialized care at their own expense—that's an unacceptable financial burden to place on these retirees.

Another important consideration for our older military retirees is access to no-cost services, such as hearing aids. These services will not be free under TRICARE.

As you can see Mr. Chairman, the plan proposed in the appropriations bill will cost our veterans more money for fewer medical care options.

I ask my colleagues to support the Evans amendment and correct the wrong that will be done to our deserving veterans.

The CHAIRMAN. Is there further debate on the amendment?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. EVANS).

The amendment was agreed to.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from New York (Mr. NADLER) to strike $200 million for the down payment assistance initiative to mostly fund additional section 8 vouchers. This amendment would move this bill in the wrong direction and should be opposed, as it was. As a member of the Committee on Financial Services Subcommittee on Housing and Community Opportunity and a former home renovator, I have worked on these issues, and I believe this legislation as drafted by the gentleman from New York (Mr. WALSH), moves in the right direction.

First, this amendment cuts the President's new down-payment assistance initiative for getting more first-time home buyers into their own homes. I cannot understate the importance of this initiative. So many Americans lack the opportunity to purchase a new home and spend a large percentage of their income on monthly rent. That can be the right choice for some, but most families greatly benefit from the purchase of their own homes. A home helps them create wealth for their families and, in the form of equity, also invests them in the community. In short, we help the families rise on the economic ladder and build stronger communities in the process. It is truly the American dream to own one's own home, a dream we have to help make a reality for families who currently lack that opportunity.

Second, this amendment designates funding for additional section 8 vouchers. This would be in addition to the 34,000 new vouchers this bill already provides. What I find interesting about this amendment is that the Democrat-controlled Senate provides half of that, 17,000 new section 8 vouchers. Why? In the report that accompanies the Senate bill, they stated, "The reduction from the administration's request reflects the concerns of the committee that vouchers do not always provide the best opportunities for low-income families to obtain affordable housing."

Perhaps our esteemed colleagues in the Senate know about the problems housing authorities have had in distributing section 8 vouchers.

In my home county of Westchester, New York, we have 13,207 people on the section 8 waiting list, yet the county and communities are not able to use all of their section 8 vouchers because of a combination of lack of available housing units and the inability of section 8 vouchers to cover the fair market rent for the area.

I cannot help but feel frustrated by this problem. Here we have a program in place with extra vouchers to assist families; here we have a very long list of families who have applied for this assistance, yet they are unable to use them because they are priced out of the market. Unfortunately, the solution to this problem is not to add more vouchers. That solution will only come with more and new and affordable housing coming on to the market.

In short, the legislation takes an important step in the right direction addressing the current affordable housing crisis in our Nation. Unfortunately, the Nadler amendment would have reversed these positive initiatives to add funding to an area where it cannot be used. I have urged my colleagues to join me in voting against the Nadler amendment.

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of title I, add the following new section:

SEC.   . (a) MEDICAL CARE.—In addition to amounts appropriated or otherwise made available for the Department of Veterans Affairs elsewhere in this Act, there is hereby appropriated $30,000,000 for "Medical Care" for health care benefits for Filipino World War II veterans who were excluded from benefits by the Rescissions Acts of 1946.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. FILNER. Mr. Chairman, I make this amendment which is embodied in bipartisan legislation by a large group of Members of this body, including the gentleman from New York (Mr. GILMAN), who wrote the maiden legislation; the gentleman from California (Mr. CUNNINGHAM), who has been a strong supporter of this legislation; the gentleman from Virginia (Mr. SCOTT), who is with us today; and the gentlewoman from Hawaii (Mrs. MINK), who spoke earlier; and the gentlewoman from California (Ms. PELOSI); the gentlewoman from California (Ms. MILLENDER-MCDONALD); the gentleman from California (Mr. FARR); and others who have contributed to this legislation.

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Mr. Chairman, 55 years ago this Congress committed a terrible injustice. After World War II, after the victory that occurred, of course first in Europe and then in the Pacific, those who were drafted into the U.S. Army from our Philippines protectorate were unceremoniously deprived of the benefits that were promised and earned as veterans of the United States. In 1946 the then Congress rescinded all the benefits that had accrued to our Filipine allies.

There was no doubt of the contributions that the Filipinos made. Side by side with Americans, they held onto the Philippines and held up the Japanese advance for many, many, many months beyond what the Japanese had expected, and thus allowed the United States, at a terrible time in 1941, to prepare for the war.

These Filipinos fought at Bataan, where their resistance took many, many months. When they were finally captured, Americans and Filipinos were led on the famous death march, where hundreds and hundreds died on the march and later in the prison camps in which they were held.

They fought bravely at Corregidor, and again the Japanese were held up much longer than they had expected before they conquered the Philippines. Along with Americans who were in the Philippines, their guerrilla forces harassed for many, many months until MacArthur was able to return. When MacArthur returned and landed at Leyte and then was able eventually, of course, to defeat the Japanese, he attributed a good part of his victory to his Filipino allies.

President Roosevelt had drafted all the units of the Philippine Army, all of the members of the Commonwealth Army, all of the so-called scouts, the Old Scouts, New Scouts, all of the guerrilla units into the American Armed Forces. The implication was that they would be treated as American soldiers, and therefore, American veterans. But after the war was over, the Philippines did achieve independence and this Congress said, "Thank you, but no thank you. Your new government can take care of you, and everything we promised, we rescind."

I thought that was a terrible injustice, Mr. Chairman. The injustice burns very deeply into the remaining veterans who are alive, barely 75,000 from over a quarter of a million or 300,000 who had fought in the war. They are in their seventies and eighties. What they want most before they die is the dignity and honor that would come from being American veterans.

This amendment I have before us is a step toward that where we provide them a very modest sum of money, $30 million, to be eligible for health care benefits, as any other U.S. veteran. I think this is the least of what we can do for these allies who did so much for us in World War II.

Mr. Chairman, because this has not been accepted earlier in authorization, I designate this as an emergency because it is an emergency. It is an emergency because our morality as a nation needs to be corrected, but more important, these gentlemen are about to die. Let us reward these folks finally with the honor and dignity that they deserve as our allies in World War II.

Mr. GILMAN. Mr. Chairman, I rise today in support of the amendment offered by the gentleman from California (Mr. FILNER) to add $30 million in health care benefits to a group of veterans who are in desperate need of our assistance.

Filipino veterans who fought by our side in World War II have never received fair and adequate veteran benefits because of the Congressional Rescission Act of 1946.

I have long been an advocate of assisting our Filipino veterans. For the past several Congresses, along with the distinguished gentleman from California (Mr. FILNER), we have introduced legislation to amend title 38 of the U.S. Code in order to provide that the persons considered to be members of the Philippine Commonwealth Army veterans and members of the Special Philippine Scouts, by reason of their service with the Armed Forces during World War II, should be eligible for full veterans' benefits.

Mr. Chairman, on July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members in the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East under the command of Lieutenant General Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos of the Philippine Commonwealth Army fought alongside the Allies to reclaim the Philippine islands from Japan. Regrettably, in return, Congress enacted the Rescission Act of 1946. That measure limited veterans' eligibility for service-connected disabilities and death compensation, and also denied the members of the Philippine Commonwealth Army the honor they deserved for being recognized as veterans of the United States Armed Forces.

A second group of veterans, the Special Philippine Scouts, called New Scouts, who enlisted in the U.S. Armed Forces after October 6, 1945 primarily to perform occupation duty in the Pacific, were similarly excluded from benefits.

These members of the Philippine Commonwealth Army and the Special Philippine Scouts served just as courageously as their American counterparts during the Pacific War in World War II. Their contributions helped to disrupt the initial Japanese offensive timetable in 1942 at a point when the Japanese were expanding their aggression unchecked throughout the western Pacific.

This delay in the Japanese plans helped to buy valuable time for the scattered Allied forces to regroup, to reorganize and prepare for checking the Japanese advance in the battles of the Coral Sea and Midway.

Many have forgotten how dark those days before that victory at Midway really were. Their actions also earned the Philippine soldiers the wrath of their Japanese captors. As a result, many of the Filipinos joined their American counterparts in the Bataan Death March, suffering inhumane treatment which redefined the limits of human depravity.

During the next 2 years, Philippine Scout units operating from mobile, isolated bases in the rural interior of the Philippine Islands conducted an ongoing campaign of guerilla warfare, tying down precious Japanese resources and manpower.

In 1944, Philippine forces provided invaluable assistance in the liberation of the Philippine Islands, which in turn became an important base for taking the war to the Japanese homeland. Without the assistance of these Philippine units and guerilla forces, the liberation of the Philippine Islands would have taken much longer and been far more costly in lives than it actually was.

In a letter to the Congress dated May 16, 1946, President Harry Truman wrote, "The Philippine Army veterans are nationals of the United States and will continue in that status after July 4, 1946. They fought under the American flag and under the direction of our military leaders. They fought with gallantry and courage under the most difficult conditions during the recent conflict. They were commissioned by the United States. Their official organization, the Army of the Philippine Commonwealth, was taken into the Armed Forces of the United States on July 26, 1941. That order has never been revoked and amended. I consider it a moral obligation of the United States to look after the welfare of the Philippine veterans."

Mr. Chairman, I believe it is time for us to correct this injustice to provide the members of the Philippine Commonwealth Army and the Special Philippine Scouts with the benefits of the services they valiantly earned during their service in World War II.

These veterans are well into the twilight years of their lives. It is long past time for our Nation to pay meaningful acknowledgment to their valuable contribution to the cause of freedom and democracy in the Second World War.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. FILNER) to restore some measure of health benefits to Filipino veterans who fought in World War II. This amendment would simply provide $30 million in health care benefits through the VA system for those veterans who honorably served our country.

On July 26, 1941, President Roosevelt issued a military order calling members of the Philippine Commonwealth Army into service. For nearly 4 years, over 100,000 Filipinos of the Philippine Commonwealth army fought alongside the allies to reclaim the Philippine Islands from Japan.

A second group, the Special Philippine Scouts, enlisted after October 6, 1945. Despite their valiant service, Congress enacted the 1946 Rescission Act to limit their veteran benefits.

Mr. Chairman, this amendment would be a small step towards ensuring Filipino veterans receive benefits just like other veterans who served in World War II. For fundamental fairness, I urge the adoption of the amendment, and want to thank the gentleman from California (Mr. FILNER) and the gentleman from New York (Mr. GILMAN) for their leadership.

Mr. WALSH. Mr. Chairman, I continue to reserve my point of order.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would say, Mabuhay ang Pilipinas, and to Filipinos, Mamahalin kita hanggang wakas.

To the Filipinos I say, I will love you until the end of Earth.

I was stationed in the Philippines for many years, and I lived and almost died with them in Vietnam. I want to tell the Members, there is no more loyal group to the United States than the Filipinos.

I have never met a Filipino that turned his or her back on the United States or a friend, but I think this country has turned its back for too long on those people that fought and died for Americans.

General MacArthur said, "I shall return." The Filipinos never left. They gave their todays for many, American lives. They fought and they died.

Many have seen the old John Wayne movies. They say, "It was just a movie," but it depicted the lives and the sacrifices of Filipinos at Corregidor, Manila, Baguio City. Places like that, and the Bataan Death March, ring in our ears and our history, but yet, Filipinos lived and died in those issues, in those battles.

I served with thousands of Filipinos in the Navy that served on Navy ships. They served for 20 years just so that they could become American citizens. We have turned our back on them for 60 years with their sacrifices, what they have given to this country. They have never forgotten.

I think the gentleman from New York said, how many are left today? Not very many. Yet, we promised them as veterans, as freedom fighters, veterans' benefits. They have been turned down.

So I thank the gentleman from California (Mr. FILNER) and the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. PELOSI), and people who support this issue.

Members will not see very many Filipinos on welfare. Instead, we will see their children at our universities, because if we go into the Filipino community we will see them honor God and country and hard work, and the family values that all of us cherish. But they live it every single day, not only as citizens here, but as citizens in the Philippines, as well.

The Navy right now, as a matter of fact, is short sailors. During a period of time, they were our most loyal sailors. I have a bill coming forward that says we ought to reinstitute that program to have Filipinos serve, so they could become American citizens, just like in the past.

I want to tell the Members, in San Diego, the last American flag to fly over the Philippine Islands before it fell, the gentleman from California (Mr. HUNTER) has it in his office. That flag, at great risk to a Filipino, when the Japanese tore it down in Baguio City, he wrapped it up in a piece of canvas and saved it for the end of the war, because it was of value to freedom. We should value those same traditions.

Today the President of the United States recognized thousands of Filipinos at the White House today for their 60 years of service as veterans. If we recognize that value, if we take a look and have a resolution to that from the President of the United States, from the Department of Veterans Affairs, Secretary Principi, then it should be recognized that they deserve the benefits due to veterans.

We are asking only for justice, what we say we all stand for in this body.

□ 1945

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the full 5 minutes, but I did want to rise to associate myself with the comments of our colleagues who have spoken before on behalf of the Filner amendment to restore health care benefits to Filipino war vets, and I thank my colleague for his leadership in offering this amendment and his leadership over the years on behalf of Filipino vets. He has done more than anyone, and any of us who care about the Filipino vets and the commitment our country has made to them are deeply in his debt.

As my colleagues have mentioned, for 4 years during World War II more than 100,000 Filipinos fought alongside the Allied Forces to free the Philippines from Japanese occupation. Drafted into the service in 1941 by order of President Roosevelt, these historic soldiers served under the command of Lieutenant General Douglas MacArthur, fighting valiantly to recapture the Philippines and playing a key role in the allied victory in the Pacific.

Our Nation has not given these veterans the honor and respect they deserve at the hands of our country. In 1946, Congress denied benefits to these veterans and to another group of special Filipino Scouts who enlisted in the U.S. Armed Forces after October 6, 1945. Although these brave soldiers, and many of their fellow soldiers, gave up their lives for freedom, our country denied them the recognition and benefits accorded to other servicemen and women in the Armed Forces. It took us 50 years to give the Filipino Scouts the promised citizenship.

Mr. Chairman, many of us in our communities and all of us in our country are very blessed with a great Filipino-American community. In spite of the fact that we have not honored our commitment to them, they have blessed our country with their commitment to family values, with their commitment to the work ethic, and with their very, very staunch patriotism.

This amendment would make $30 million available to provide Filipino veterans with the same health care benefits received by other World War II vets. These World War II Philippine veterans are elderly now, their numbers are dwindling. A number of them are suffering from health problems. We are running out of time. It is time to right this wrong and give the Filipino vets the recognition they deserve in their twilight years.

I urge my colleagues to support the Filner amendment on health benefits for Filipino vets. It is the least we can do, Mr. Chairman.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I stand to first commend my friend and my fellow Californian for his tenacious leadership in keeping this front and center, this issue that is really an unfair issue, and that is giving due diligence to the Filipino veterans who served admirably in World War II.

So with that, Mr. Chairman, I simply rise in strong support of the Filner amendment to H.R. 2620, the VA-HUD appropriations bill. This amendment would appropriate $30 million for medical care and general health care benefits for Filipino World War II veterans.

I have perhaps the largest concentration of Filipino citizens in my district in the city of Carson, and I tell my colleagues that they are constantly crying and pleading for fairness to be done and say this amendment will begin to correct a wrong visited upon the Filipino veterans who served alongside the U.S. forces during World War II.

Our agreement or even disagreement with the current policy and economic pressures should never diminish our love and profound respect for the men and women who chose duty over personal safety and went into the battle-torn areas carrying our flag. We should have resources to take care of those Filipino veterans who have sacrificed on behalf of our Nation.

This amendment simply addresses the health care needs for a forgotten group of veterans, namely the Filipino veterans. These loyal and valiant men fought, suffered, and, in many instances, died in the same manner and under the same commander as other members of the United States Armed Forces during World War II. Their services to the Nation parallels others whose efforts and service have not been recognized or compensated.

We cannot forget the valiant and valuable services performed by the Filipino veterans. The Filner amendment will appropriate $30 million for the health care benefits for these veterans of World War II who were excluded from benefits by the Rescissions Act of 1946. As we continue to address the needs of our Nation's veterans, we should heed the word of President Lincoln who called on all Americans "to care for him who shall have borne the battle."

I urge my colleagues to support this amendment and adhere to President Lincoln's call.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, I do.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and as such constitutes legislation in violation of clause 2, rule XXI.

I ask for a ruling of the Chair.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, I do. I understand the Chairman's reservation. He gives the impression that anything that constitutes legislation or emergency is somehow beyond the rules of this House, and yet in this bill there are dozens, I would think, maybe hundreds, I do not know, nobody can tell me, of provisions that are not authorized in legislation. In fact, we have a $1.3 billion emergency designation in the bill.

So to make the point that this is legislation and it is emergency, we all agree, but this has been done in this bill, in this Congress, many, many, many, many times for billions and billions and billions of dollars. I would just ask, on behalf of the 60,000 Filipino veterans that are left alive, that the gentleman does not insist on the point of order.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment includes an emergency designation under section 251(b)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985. Based on similar rulings—for example, on June 19, 2000—the amendment constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 3 OFFERED BY MR. KLECZKA

Mr. KLECZKA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KLECZKA:

At the end of title I, insert the following new section:

SEC. . (a) AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS PHARMACIES TO DISPENSE MEDICATIONS TO VETERANS ON PRESCRIPTIONS WRITTEN BY PRIVATE PRACTITIONERS.—Subsection (d) of section 1712 of title 38, United States Code, is amended to read as follows:

"(d) Subject to section 1722A of this title, the Secretary shall furnish to a veteran such drugs and medicines as may be ordered on prescription of a duly licensed physician in the treatment of any illness or injury of the veteran.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended by striking the sixth through ninth words.

(2) The item relating to that section in the table of sections at the beginning of chapter 17 of that title is amended by striking the sixth through ninth words.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

The Chair recognizes the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Chairman, I appreciate the chairman of the committee giving me time to explain the amendment, although I do recognize that a point of order does lay against this proposal.

The amendment I offer to the bill would improve veterans' access to prescription drugs by permitting the Veterans Administration to accept the prescriptions written by a veteran's family doctor.

As my colleagues listen to this explanation, they might say, gosh, this is common sense. Why is this not being changed today? Well, the current law mandates that the veteran who is going to get a prescription from the VA has to see his primary doctor. In its wisdom a few years ago, Congress permitted nonservice connected disability veterans access to medical care, specifically the drug benefit. However, because of this law, veterans are having to wait 9 months to a year before they can see a Veterans Administration doctor. And once they wait that long, naturally, they have to still go to their local pharmacy and pay the full price for their drugs. But once they finally get through the waiting process, the doctor at the VA will examine the veteran and, for the most part, come to the same conclusion that the veteran's family physician came to, and then they get whatever drug is being prescribed.

Well, not only are the veterans being inconvenienced by the long wait, but also the examination by the veteran's physician costs money. It is estimated that each visit to the primary VA doctor, which is duplicative at best, costs about $254. In fact, many times the cost to the veteran's hospital for the VA physician visit is more than the drugs being given to the veteran.

The Inspector General testified before a Senate committee on July 24 of this year, and he indicated their recommendation was that this process should be streamlined. They recommended that the VA seek a statutory change authorizing the VA to fill prescriptions written by a veteran's family doctor.

The thing that is very important to note is Members here, care, that IG indicated this change would save some $1.3 billion. Now, that cost savings can be plowed back into the veterans' health care and buy a lot of health care and clearly a lot of pharmaceutical drugs for veterans.

So, Mr. Chairman, I would hope that the chairman of the subcommittee would drop his request for the point of order. It clearly is appropriate to the bill, especially in light of the fact that this amendment would save the VA budget some $1.3 billion.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York (Mr. WALSH) insist on his point of order?

Mr. WALSH. Mr. Chairman, I do.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and, therefore, violates clause 2 rule XXI. The rule states in part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

This amendment directly amends existing law, and I would ask for a ruling of the Chair.

The CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. KLECZKA. Mr. Chairman, I do, and in closing and in response to the point of order being raised by the gentleman from New York, I cannot dispute that. In part there is legislating contained in this amendment. But in large part, and I think the gentleman would agree, if in fact the IG is even close to the mark, saving $1.3 billion in the legislation that the gentleman from New York and the gentleman from West Virginia took so much time to put together, and did such a great job on, would come in handy for providing payment for these prescription drugs that these veterans are getting.

But I think the gentleman is accurate in his assessment, and I ask the Chair to rule.

The CHAIRMAN. The Chair will rule.

The Chair finds that this amendment directly amends existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. FILNER) may offer his remaining four amendments to this title en bloc, may debate them for 16 minutes, equally divided, and I retain rights to reserve points of order on this en bloc amendment.

The CHAIRMAN. The Chair would ask the gentleman from New York to give the Chair a better explanation of the time division.

Mr. WALSH. Mr. Chairman, the idea is to provide each side with 8 minutes to discuss these four amendments en bloc. The gentleman from California (Mr. FILNER) and I have discussed this, and I believe he finds it acceptable.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. There will be 16 minutes for the Filner amendments en bloc, equally divided 8 minutes per side, and all amendments thereto.

AMENDMENTS NO. 1, 2, 4, AND 5 OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer amendments No. 1, 2, 4, and 5.

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The CHAIRMAN. The Clerk will designate the amendments:

The text of the amendments is as follows:

Amendments numbered 1, 2, 4 and 5 offered by Mr. FILNER:

AMENDMENT NO. 1

At the end of title I, add the following new section:

SEC.   . (a) MEDICAL CARE.—In addition to amounts appropriated or otherwise made available for the Department of Veterans Affairs elsewhere in this Act, there is hereby appropriated $1,700,000,000 for "Medical Care".

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT NO. 2

At the end of title I, add the following new section:

SEC.   . (a) COMPENSATION AND PENSIONS.—In addition to amounts appropriated or otherwise made available for the Department of Veterans Affairs elsewhere in this Act, there is hereby appropriated $3,000,000 for "Compensation and Pensions", to be available only to establish a presumption of service-connection for the occurrence of Hepatitis C in veterans who were exposed to Hepatitis C risk factors during active military, naval, or air service.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT NO. 4

At the end of title I, add the following new section:

SEC.   . (a) MEDICAL RESEARCH.—In addition to amounts appropriated or otherwise made available for the Department of Veterans Affairs elsewhere in this Act, there is hereby appropriated $24,000,000 for "Medical Research".

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT NO. 5

At the end of title I, add the following new section:

SEC.   . (a) READJUSTMENT BENEFITS.—In addition to amounts appropriated or otherwise made available for the Department of Veterans Affairs elsewhere in this Act, there is hereby appropriated $871,700,000 for "Readjustment Benefits". The provisions of H.R. 320 of the 107th Congress, as introduced, are hereby enacted into law, and the amount provided by this section shall be available only for the purpose of increases in benefits in the Montgomery GI Bill program made by those provisions.

(b) EMERGENCY DESIGNATION.—The entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the en bloc amendments.

The CHAIRMAN. A point of order is reserved against the en bloc amendments.

The gentleman from California (Mr. FILNER) is recognized for 8 minutes.

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a series of amendments with regard to the Veterans Administration budget.

The chairman of the subcommittee and the ranking member know that all of the Members of this body hold the view that their commitment to veterans cannot be challenged, nor can the commitment of our chair and ranking members of the authorizing committee.

Yet because of the budget situation we are in and notwithstanding improvements to the veterans budget over the last couple of years, the veterans budget is still grossly underfunded. As we like to say on the Democratic side at the Veterans Committee, we do not have a surplus unless we have paid our bills. We have not paid our bills to our Nation's veterans. We have not kept our commitment. We have not honored our contract.

My amendments try to put the money that would indicate our commitment back into this budget. I have the money designated as an emergency because, under the rules of House, otherwise I would have to take offsets to those agencies within this particular bill. I do not want to play off housing or environment or science against the needs of our veterans.

I will state that there is an emergency out there, Mr. Chairman. We have veterans who are waiting months and months and months, sometimes years for the adjudication of their claims. We have veterans waiting 5, 6, 8 months to see a doctor. We have veterans with hepatitis C, recently diagnosed, having emerged after 20 years, a fatal disease that we do not have sufficient understanding of or resources to treat.

We are condemning our veterans to die. We have not figured out how to provide long-range care. We have not done what we should have for the homeless veterans, 500,000 of whom are on the street tonight. We do not put sufficient money into medical research. Eleven or 12 years after the Gulf War, we do not have any understanding of or treatment for Persian Gulf War illness. Hundreds of thousands of veterans are suffering from that.

Mr. Chairman, we have the resources in our society to say to those who are under the GI bill for education, let us make that GI bill really effective.

Mr. Principi, who is now the Veterans Administration Secretary, wrote a report before he became Secretary when he was chairman of the so-called Transition Commission; and he proposed that the Montgomery GI bill for education fully fund education, tuition and fees at college, plus books, plus expenses, plus a stipend of roughly $1,000 a month. That would make that benefit real. That would give the veterans what they earned, and that would be a great recruitment tool for our forces.

Yet, what do we do now? We give a $500 or $600 a month stipend. Most veterans cannot use that because it is insufficient. So I am asking in my amendments for what we just owe our veterans and what we have the money for.

Our budget is based on the fact that we just passed the tax cut this year of about $2 trillion over the next decade. That leaves us without paying our debt to our veterans.

How do I know how much money is needed? The Chair of the committee is often saying, no matter what money we give, everybody wants more. I will tell my colleagues, all the veterans' service organizations of our country got together and produced something called the independent budget. It is a very analytical and professional job. It does not just say, give me more money because I am a veteran. It says, put in this much money to the veterans' benefit administration so we can reduce the waiting times for adjudication to 30 days. It says, put in the amount of money we need so we do not have to wait 6 months for doctors. It says, put in the money for research so we can deal with Persian Gulf War illness and we can deal with post-traumatic stress syndrome.

The veterans know what we need and we know we are not giving it to them, Mr. Chairman. We had on the floor earlier statements from the committee and from the authorizing committee that says we are doing everything we can for our veterans. I would challenge those colleagues to go with me to any town meeting anywhere in America and say to our veterans, we are doing what we should be doing for you. They would not be given a very good reception.

Mr. Chairman, I ask for an additional $1.7 billion for the health care of our veterans. The billion dollars that the Chair refers to that increased this year does not even keep up with inflation. We have got to at least keep up with inflation and move forward on a whole variety of efforts.

I have asked for money to make sure that veterans who are exposed to hepatitis C, probably a fatal disease, get the treatment and care that they need. I have asked that we fully fund the Montgomery GI bill at the level that is asked for in legislation that the gentleman from Illinois (Mr. EVANS) has introduced. I ask for research money to make sure that the VA, which has been in the forefront of research on a whole variety of things, a national resource that has been kept us and this Nation in the forefront of medical research.

We can keep those efforts in an excellent capacity. We can give the veterans the benefits they deserve. As our veterans are older, long-term care becomes more important. The aging of our population requires more resources and a different kind of attention.

And whether we are talking about the Persian Gulf illnesses, PTSD, Parkinson's disease, mental health illnesses, spinal cord injuries or heart disease, these are areas where we can give our veterans the treatment and care and attention they deserve.

So if we are to keep the promises that we made to our Nation's veterans, we should provide a budget that will address these needs.

Mr. Chairman, I urge my colleagues to support these amendments, to allow the designation of an emergency, to really show the veterans, the country which has produced this incredible surplus, they gave us this country and we owe it to them.

I know my colleague will ask for a point of order based on the fact that these are emergency designations. Come on, let us treat our veterans as real colleagues. Let us say it is an emergency. Let us give them the attention they need.

Mr. Chairman, I rise in support of my colleague's amendment which would restore the purchasing power of the GI bill.

I was encouraged earlier this session by the House's passage of H.R. 1291, the 21st Century Montgomery GI Bill Enhancement Act, which provided a modest and much needed increase to the GI bill's monthly benefits.

At a time when drastic tax cuts have overshadowed our nation's priorities, it was refreshing that the House took up legislation that improved education benefits for service men and women.

Educational benefits are the military's best recruiting tool, and the GI bill must be modernized to meet today's demands.

However, while this measure provides a stronger education package to the men and women who choose to serve our country in uniform, I regret that we could not have achieved more.

Ultimately, unfortunately, the cost of this legislation was considered too prohibitive after the Administrations $1.35 billion tax cut.

Tax cuts precluded Mr. EVANS the ranking member, from offering his amendment during subcommittee mark-up of H.R. 1291, which was abruptly canceled.

H.R. 320, the Montgomery GI Bill Improvements Act, which Mr. EVANS intended to offer as an amendment, would have significantly improved educational benefits for veterans by covering the full cost of tuition, fees, books and supplies as well as provide a subsistence allowance for those who enlist or reenlist for four years.

Mr. FILNER's amendment mirrors the objectives of H.R. 320 and would give the Montgomery GI bill a much needed boost and move us closer to offering a competitive education package for the men and women who served our country with their military service.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. WALSH. Mr. Chairman, I insist on my point of order.

Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law."

This amendment includes an emergency designation under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and, as such, constitutes legislation in violation of clause 2 of rule XXI, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. FILNER. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman from California (Mr. FILNER) is recognized.

Mr. FILNER. Mr. Chairman, I understand the technical basis for the point of order. I know the commitment that the Chair has for veterans, and I ask the gentleman to see beyond the technicalities. The gentleman knows his bill contains legislation that has not come before this House. He knows his bill contains emergency funds.

Mr. Chairman, this is not asking for any radical kind of move for this House. This is asking to make the commitment to our Nation's veterans that we have in our budget, the ability to do.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment en bloc includes an emergency designation under section 251(b)(2)(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 in each constituent part of the amendment en bloc.

Based on a ruling of the Chair on June 19, 2000, on a similar amendment, the amendment en bloc constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $16,334,242,000, of which $640,000,000 shall be from unobligated balances from amounts recaptured from fiscal year 2000 and prior years pursuant to a reduction in the amounts provided for Annual Contributions Contract Reserve Accounts, and amounts that are recaptured in this account to remain available until expended: *Provided*, That not later than October 1, 2001, the Department of Housing and Urban Development shall reduce from sixty days to thirty days the amount of reserve funds made available to public housing authorities: *Provided further*, That of the total amount provided under this heading, $16,125,241,000, of which $11,285,241,000 and the aforementioned recaptures shall be available on October 1, 2001 and $4,200,000,000 shall be available on October 1, 2002, shall be for assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437): *Provided further*, That the foregoing amounts shall be for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the Act (47 U.S.C. 1437f(t)), contract administrators, and contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act: *Provided further*, That amounts available under the first proviso under this heading shall be available for section 8 rental assistance under the Act: (1) for the relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; Stat. 1321–269); (2) for the conversion of section 23 projects to assistance under section 8; (3) for funds to carry out the family unification program; (4) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; (5) for tenant protection assistance, including replacement and relocation assistance; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: *Provided further*, That of the total amount provided under this heading, no less than $11,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That of the total amount provided under this heading, up to $197,246,000 shall be made available for incremental vouchers under section 8 of the Act, of which $157,334,000 shall be made available on a fair share basis to those public housing agencies that have a 97 percent occupancy rate; and of which $39,912,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of the Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act (42 U.S.C. 13618), and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: *Provided further*, That up to $195,600,730 from amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the Act: *Provided further*, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further*, That $886,000,000 is rescinded from unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2001 and prior years: *Provided further*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall not be available for this rescission: *Provided further*, That the Secretary shall have until September 30, 2002, to meet the rescission in the proviso preceding the immediately preceding proviso: *Provided further*, That any obligated balances of contract authority that have been terminated shall be canceled.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,555,000,000, to remain available until September 30, 2003: *Provided*, That, hereafter, notwithstanding any other provision of law or any failure of the Secretary of Housing and Urban Development to issue regulations to carry out section 9(j) of the United States Housing Act of 1937 (42 U.S.C. 1437g(j)), such section is deemed to have taken effect on October 1, 1998, and, except as otherwise provided in this heading, shall apply to all assistance made available under this same heading on or after such date: *Provided further*, That of the total amount provided under this heading, in addition to amounts otherwise allocated under this heading, $262,000,000 shall be allocated for such capital and management activities only among public housing agencies that have obligated all assistance for the agency for fiscal years 1998 and 1999 made available under this same heading in accordance with the requirements under paragraphs (1) and (2) of section 9(j) of such Act (except that the provisions of section 9(j)(4) shall not apply to such amounts): *Provided further*, That notwithstanding any other provision of law or regulation, the Secretary may not delegate to any Department official other than the Deputy Secretary any authority under paragraph (2) of such section 9(j) regarding the extension of the time periods under such section for obligation of amounts made available for fiscal year 1998, 1999, 2000, 2001, or 2002: *Provided further*, That notwithstanding the first proviso and paragraphs (3) and (5)(B) of such section 9(j), if at any time before the effectiveness of final regulations issued by the Secretary under section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) providing for assessment of public housing agencies and designation of high-performing agencies, any amounts made available under the public housing Capital Fund for fiscal year 1999, 2000, 2001, or 2002 remain unobligated in violation of paragraph (1) of such section 9(j) or unexpended in violation of paragraph (5)(A) of such section 9(j), the Secretary shall immediately recapture any such amounts and reallocate such amounts among public housing agencies that, at the time of such reallocation, are not in violation of any requirement under paragraph (1) or (5)(A) of such section: *Provided further*, That for purposes of this heading, the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to $51,000,000 shall be for carrying out activities under section 9(h) of such Act, of which up to $10,000,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program: *Provided further*, That of the total amount provided under this heading, up to $500,000 shall be for lease adjustments to section 23 projects, and no less than $43,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That of the total amount provided under this heading, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2002.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Illinois:

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING CAPITAL FUND", after the aggregate dollar amount, insert the following: "(reduced by $100,000,000)".

In title II, in the item relating to "PUBLIC AND INDIAN HOUSING—REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)", after the aggregate dollar amount, insert the following: "(increased by $100,000,000)".

Mr. DAVIS of Illinois. Mr. Chairman, the concentration of poverty, any way one looks at it, simply stated is not productive. It is inhumane, unethical. It is not diverse and does not work.

According to the 1999 census data, 32.3 million people in the United States live in poverty. That gives us a poverty rate of 11.8 percent. The National Coalition reports as many as 3 million people are homeless during the course of a year. Of this number, 80,000 of them are in the City of Chicago. The concept of mixing income in neighborhoods offers the best practice of hope for low-income individuals.

Chicago, one of the most poverty-stricken cities in the Nation, has a tremendous need to uplift the quality of life for its residents. Currently, in Chicago the Robert Taylor and Rockwell Gardens developments, two of the most well-known public housing developments in the country, are in separate need of Hope VI funding which will allow integration and economic prosperity.

I stand today, Mr. Chairman, to beg, to implore, to appeal to the entire 107th Congress, and to argue to increase the funding for this program by $100 million. Hope VI provides disadvantaged families and communities across the country with opportunities for revitalization and new chances, chances for advancement.

All of us would probably agree, Mr. Chairman, that it is time to tear down the high-rise public housing developments, the high-rises, as we know them, the concentrations of poverty. These families need hope and an adequate chance. It is time to fight inner city crime, teen pregnancy, high unemployment, which are all concentrated in the urban ghettos that exist in this Nation centered around high-rise public housing developments.

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To improve the quality of life for these families, it is necessary to improve the quality of public housing. We can do that by providing the necessary support services, the programs, that encourage residents to go to school, find employment, develop careers, and realize a better quality of life. All of this is found in HOPE VI.

By 1999, HOPE VI had provided benefits to 7,840 current resident families, including 4,076 families relocated to section 8 in new units, 5,668 new families in revitalized development, 1,969 families leaving TANF, and a 98 percent increase of youth participation in self-sufficiency programs. HOPE VI had achieved leveraged ratios of 31 cents for every dollar in 1993 and increased this ratio to $2.07 by 1999. HOPE VI revitalization has reduced the average density of on-site development from 23 to 11 and the average percentage of very low income families from 92 to 35 percent. The ultimate outcome of these developments has improved the quality of life for residents of HOPE VI developments and better integration into the overall community.

The city of Chicago has a bold new transformation plan for public housing, and, that is to replace the high-rises with mixed-income housing where individuals can interact with different-type persons across the board. But that transformation plan is contingent upon being able to receive assistance from HOPE VI. Unless there is adequate funding for HOPE VI, then we run the risk of going to the well and there being no water, of going to the trough and there being no substance.

And so I would urge, Mr. Chairman, that we support this amendment and continue to give hope to the millions of people who need hope and can receive it through the HOPE VI program.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would cut $100 million from the Public Housing Capital Fund in order to increase the HOPE VI program. As has been discussed today, we have already reduced the capital program for public housing. So I do not think it is a good idea to go any further.

The bill provides for $573 million in the HOPE VI program which is at the same level as last year. As the gentleman knows, the bill already includes a reduction below last year for capital fund based on the unspent fund problem. There are approximately $7 billion in unspent funds in the capital fund. There has been a lot of discussion and opposition to cutting it further or even cutting it that much. However, we do maintain funding for those public housing authorities which are actually spending their funds.

The gentleman's amendment would cut $100 million of the $262 million we have targeted to those high-performing public housing authorities in order to provide a 17 percent increase in HOPE VI. While I appreciate his support for HOPE VI, I must point out that, like the Public Housing Capital Fund, HOPE VI is another account where there are significant amounts of unspent funds. In fact, there are over $3 billion in unspent HOPE VI funds. So while I share the gentleman's support for the program, I cannot support cutting the capital fund further in order to provide a 17 percent increase in the HOPE VI program and, therefore, I urge the rejection of the amendment.

Mr. FRANK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if someone is doing an illustrated dictionary and needs perhaps a metaphorical or a dictionary of figures of speech and wants to illustrate the phrase "robbing Peter to pay Paul," that is the dilemma we are in now.

I know the gentleman from Illinois who cares deeply about lower income people is as unhappy as many of us on this side in particular are at this kind of choice. I admire his commitment to the HOPE VI program which has been a very important one, because HOPE VI has been extremely useful in my district. My dilemma is that we also have a problem with public housing capital funds. And so, Mr. Chairman, Members who are undecided as to how to vote on this will get no guidance from me. They seem on the whole to do without that in general, so that is okay. But this is important because it underlines the tragedy that this bill represents. It quite literally sets the poor against the poor, lower income working people against lower income working people, public housing against subsidized housing for the elderly, anticrime/drug efforts in public housing against efforts to rehabilitate that housing.

This indicates how terribly inadequate this bill is. The gentleman from New York said no matter how much money there was, people would say it was inadequate. I have to tell him he is wrong, and I hope he will test us someday. Come in here with a bill that does not cut virtually every program in real terms.

Let us talk about the public housing situation. The public housing operating budget is cut in real terms. We are told it gets an increase, but out of that increase they are supposed to pay the higher utility bills. By the way, the Secretary of HUD when he testified before our committee and was asked what the budget assumed, the operating budget for public housing regarding fuel bills, he told us he did not endorse this. He, as a good soldier, told us that the Energy Department had instructed him to say that the expectation is that fuel bills next year will be lower for the housing authorities and, therefore, they were to get less money for that. They are to get some additional money and out of that pay for the public housing drug elimination program. On the capital funds, it has already been reduced some. We are told, well, it is reduced because they have not spent it all. They have not spent it all in part because you do not spend responsibly right away, you have to do capital planning, and they are doing this.

This bill underfunds virtually every category where we are dealing with housing. Public housing in particular deserves our attention. I quoted before the President's laudable sentiment that he would not leave any child behind. More poor children live in public housing than in any other segment obviously of our society.

And we are talking about this terrible choice. The gentleman from Illinois is not attacking public housing. The HOPE VI program helps public housing. What we are talking about here, as he correctly brings to us with this amendment, is this terrible choice about public housing. Which aspect of it will we underfund the worst? Will we let the projects deteriorate in general with inadequate capital funding? Will we allow, under HOPE VI, some concentration to improve them?

There are other areas of problems. I will be getting later to the question of the Federal Housing Administration. I want to stress again, it is not simply the poor and lower income working people who are being hurt by this Congress' failure and this administration's refusal adequately to fund things, the FHA program that builds multiple family housing for middle-income people has been shut down for months for want of $40 million; and it will turn out later that they are, in fact, overcharging in other FHA programs, we are told by more than $50 million.

So this amendment is to me a terrible dilemma. We have two very valuable programs that serve the poorest people in this society, and we have to choose between them. The President said we need to do a tax cut of that magnitude because it is not the government's money, it is the people's money. People live in public housing. The government does not live in public housing. The residents of public housing are people who are in need. This dilemma is brought upon us by that irresponsible tax cut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Illinois. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. DAVIS) will be postponed.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had planned to offer an amendment regarding the National Science Foundation, an amendment that would help assure some much-needed expertise in scientific project management for the National Science Foundation. Rather than offer an amendment that might not have an appropriate dollar amount, I would like to engage in a colloquy with the distinguished gentleman from New York concerning the construction of scientific facilities and instruments provided in the National Science Foundation appropriation.

First let me congratulate the gentleman from New York and the Committee on Appropriations as well as his staff for the well-thought-out NSF appropriation. As he knows, NSF's primary mission includes funding peer-reviewed, investigator-initiated research by individuals or small groups. This is an operation that the NSF has managed well. However, NSF has seen its role in funding larger projects such as the construction of radio and optical telescopes expand significantly in recent years. Problems encountered in the management of some of these projects and concerns raised by the NSF inspector general suggest that the NSF may not have an adequate plan, adequate experience or adequate resources with which to effectively oversee these large-ticket projects. Indeed, language in the President's budget blueprint directs NSF to develop a plan "to enhance its capability to estimate costs and provide oversight of project development and construction."

Does the Committee on Appropriations share these concerns?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from New York.

Mr. WALSH. We do. The Committee on Appropriations shares the gentleman's concern concerning the current lack of oversight for project management within the National Science Foundation. In its March 2000 report to Congress, the Inspector General of the National Science Foundation reported that "NSF does not have adequate policies and procedures in place to address the complex problems involved in overseeing and administering large infrastructure awards." This is why the committee report included language directing NSF to establish project management procedures and accounting systems.

Mr. SMITH of Michigan. Reclaiming my time, I think that is excellent. The National Science Foundation is currently drafting a facilities management and oversight plan and is expected to present a final draft to the National Science Board at their August meeting. As chairman of the Subcommittee on Research, I will be holding a hearing early in September to review this policy and try to ensure that it will adequately address concerns with regard to accounting, appropriate management, and construction oversight of NSF projects.

Scientific experiments are, by their nature, high-risk ventures that challenge the state of the art, if you will, in a number of technologies. As a result, these projects require rigorous cost and schedule control systems so that management can identify problems early and minimize the impact on the total project cost and success. Just as importantly, these projects require a management team that is extremely knowledgeable about the underlying science and has extensive experience in the management of large-scale, complex scientific projects.

I hope that our two committees can continue to work together to ensure that NSF has the resources and personnel it needs to manage these large, taxpayer-supported projects.

Mr. WALSH. Mr. Chairman, the committee shares the gentleman's goal of providing NSF with sufficient resources to adequately manage and safeguard the taxpayer's investment. As he noted, NSF is increasingly involved in the construction of these large complex scientific experiments and facilities. It is also increasingly reliant on detailees and other temporary employees to supplement their Federal workforce. A cadre of experienced Federal project management professionals would certainly improve the institutional memory and accountability within NSF.

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Mr. SMITH of Michigan. Mr. Chairman, I look forward to continue working with the gentleman from New York

(Chairman WALSH), and certainly the ranking member, to assure that we maintain the high standards for quality in research equipment and construction projects as has been very evident in the excellent past work of NSF in research.

Mr. WALSH. Mr. Chairman, I thank the gentleman for bringing this issue before us. I look forward to working with the gentleman in the future.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,494,868,000, to remain available until September 30, 2003: *Provided*, That of the total amount provided under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: *Provided further*, That of the total amount provided under this heading, $10,000,000 shall be for programs, as determined appropriate by the Attorney General, which assist in the investigation, prosecution, and prevention of violent crimes and drug offenses in public and federally-assisted low-income housing: *Provided further*, That funds made available in the previous proviso shall be administered by the Department of Justice through a reimbursable agreement with the Department of Housing and Urban Development: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $573,735,000 to remain available until September 30, 2003, of which the Secretary may use up to $5,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 411 et seq), $648,570,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $5,000,000 shall be to support the inspection of Indian housing units, contract expertise, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which no less than $2,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided*, That of the amount provided under this heading, $5,987,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $52,726,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,987,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $234,283,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and expenses", to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $277,432,000, to remain available until September 30, 2003: *Provided*, That the Secretary may use up to $2,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,801,993,000, to remain available until September 30, 2003: *Provided*, That of the amount provided, $4,399,300,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301): *Provided further*, That $69,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act; $3,300,000 shall be available as a grant to the Housing Assistance Council; $2,794,000 shall be available as a grant to the National American Indian Housing Council; $5,000,000 shall be available as a grant to the National Housing Development Corporation, for operating expenses not to exceed $2,000,000 and for a program of affordable housing acquisition and rehabilitation; $5,000,000 shall be available as a grant to the National Council of La Raza for the HOPE Fund, of which $500,000 is for technical assistance and fund management, and $4,500,000 is for investments in the HOPE Fund and financing to affiliated organizations; and $34,424,000 shall be for grants pursuant to section 107 of the Act: *Provided further*, That no less than $15,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems: *Provided further*, That $21,956,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department.

AMENDMENT NO. 22 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Ms. VELÁZQUEZ:

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND", after the aggregate dollar amount, insert the following: "(increased by $10,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND", after the dollar amount specified for Youthbuild program activities, insert the following: "(increased by $10,000,000)".

In title II, in the item relating to "MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by $10,000,000)".

Ms. VELÁZQUEZ. Mr. Chairman, my amendment will increase funding for the YouthBuild program by $10 million. We are in the midst of an affordable housing crisis in this country. One of our most basic needs is to increase access to safe, affordable housing. That is why I am so concerned about the significant underfunding of so many of our most vital housing programs. Not only do many of our communities face a shortage of housing stock, but much of what is currently available is in disrepair and cannot be lived in.

That is where YouthBuild comes in. This program involves young people in meaningful work in their communities, constructing or rehabilitating much-needed homes for homeless and low-income people. Projects range from rehabilitating 10-unit buildings to constructing new single-family homes.

Finished buildings are rented as affordable housing. Sometimes they represent opportunities for low-income community residents to buy their first homes. As a result, housing that is substandard is transformed into attractive homes in communities where there is a critical need for housing.

As my colleagues are aware, the YouthBuild program provides grants on a competitive basis to nonprofit organizations to assist high-risk youth between the ages of 16 to 24 to learn housing construction job skills and to complete their high school education. What is more, program participants enhance their skills as they construct or rehabilitate affordable housing for low- and moderate-income persons. In fact, to date, more than 7,000 units of housing have been produced by YouthBuild participants.

As they develop these marketable skills which will allow them to secure future employment, they are contributing to the revitalization of their community, and they are doing it in conjunction with the many community-based organizations, local small businesses and international corporations who have provided matching funds for these programs.

YouthBuild is currently training 6,500 people at 145 sites in 43 States. While this is certainly commendable, we could and should be reaching so many more people and places. In fiscal year 2000, HUD received 273 YouthBuild applications but could only fund 78 of them. And while we should be increasing funding for this important program to allow every applicant to receive funding, it is instead funded well below the need.

What do we say to an 18-year-old kid who wants to get into the construction trade but cannot get training? "I am sorry, the funding is not there. You will have to find another way."

Although YouthBuild deserves a significant increase, given the current budget restraints, I am merely asking that this vital program receive an additional $10 million in fiscal year 2002. With this increase, we will provide aid to over 100 communities nationwide.

My amendment offsets this increase by taking an equivalent amount from HUD's Salaries and Expenses account, which receives a $25 million increase. It stands to reason that if we can afford the money to implement a program that requires our neediest citizens to work for free, then we should provide the funding necessary to give these people access to job training.

This is an amendment that everyone can support. If one supports promoting self-sufficiency and community involvement for at-risk youth, one should support the YouthBuild program. If one agrees that we are in a housing crisis and affordable housing that these programs produce will be valuable to our communities, one should vote for this amendment.

I hope that Members will support this amendment and work with me to begin a dialogue on the productive, successful means of promoting self-sufficiency.

I urge my colleagues to vote for the Velázquez amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am reluctant to oppose my good friend and colleague from New York who does such a great job for our State, but its difficulty is that the cut that has been proposed in the HUD Salaries and Expenses account would force HUD to either cut over 100 staff members in order to provide the 17 percent increase in YouthBuild, or find some other accommodation, which I think would dramatically affect HUD's ability to operate and administer its programs.

Last year, the YouthBuild program received a 17 percent increase in the fiscal year 2001 bill, and that increase was maintained in 2002.

This is obviously a very difficult choice, but I would ask Members to stay with the subcommittee bill; and, therefore, I would oppose the amendment, which would provide another significant increase to a program that was increased dramatically last year at the expense of HUD's staff.

Therefore, I urge rejection of the amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the Sonoma County People for Economic Opportunity in Santa Rosa, California, my district, operates a successful YouthBuild program, one that could actually be set up as a model across this Nation.

I am absolutely pleased and proud to stand in strong support of this amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) to increase funding for YouthBuild. In fact, if I had my way, we would set a path in this Nation so that every single year we would increase the YouthBuild program by at least 17 percent.

While building and remodeling homes for low-income families, YouthBuild-Santa Rosa participants literally rebuild their own lives. YouthBuild participants, who are unemployed young people between the ages of 16 and 24, learn construction skills that start them down a career path to a lifetime of well-paid jobs, jobs they can actually afford to raise a family on.

If a participant does not have a high school diploma, it is possible, encouraged and mandated that they complete their education, with strong support from mentors, tutors and learning labs.

YouthBuild programs help young people to develop personal and family living skills as they develop their life goals and their life plans. We know they do a good job, because 85 percent of the participants who completed their YouthBuild program went on to either attend college or to take good jobs. With the tools and skills they learn at YouthBuild, young people take control over their future. They do not become a burden to their communities. They do become contributors to their communities and to our country.

YouthBuild programs are great investments. I urge my colleagues to support the Velázquez amendment; and I urge that we increase the funding for YouthBuild, not just this year but every year in the future.

Mr. OWENS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, everybody says that they want to do things for young people. They recognize they are a special problem. But when you have a perfect program like YouthBuild, we have a great deal of difficulty getting it continued and expanded.

YouthBuild is the perfect program in terms of maximum participation and use of resources by the people who are being helped and minimum bureaucracy, minimum overhead. I have a YouthBuild program in my district, and it functions in the poorest community in my district, in one of the poorest communities in the United States.

Brownsville is a community that has many indices that run parallel in a negative way. No matter how you look at it, the number of young people who are in juvenile delinquency programs, the number of AIDS cases, the low level of education, the low reading levels, that community has every strike against it, and young people have a rough time.

But the YouthBuild program has a director who came aboard several years ago and said, "If you want to be in this program, no alcohol, no drugs. You have got to be here on time, and you have got to be here frequently. One or two absences, and you are out." Yet the program has a long waiting list.

Young people see the program as having a concrete and immediate consequence. They see themselves being able to get a job. They also are required to get a high school diploma at the same time.

You have some other features in this program which run parallel to some of the kinds of things that are being talked about at great length nowadays, the faith-based initiatives.

The program that runs in my community would not be there if it was not for the Episcopal Diocese working in cooperation with the community. A large investment was made by the Episcopal Diocese. They have helped to keep the program going and develop it, and now the program has been able to get funding from other sources.

YouthBuild on a national level has been able now to attract funding from foundations and from private industry. It is the model of a kind of partnership program that we should all be striving for.

But let us not let the willingness of the private sector to invest or the willingness of foundations to invest be a cop-out for the Federal Government. Why should we bow out of a program that costs very small amounts of money, and I think we are talking about a $10 million increase here? Every year we have asked for very small increases, and the money is definitely directed into the activities and the programs which help the young people.

It has a double impact, of course: the training for the young people, and then they actually do renovation and reconstruction of housing that poor people are able to go into.

So I would like to have us send a message out there, that we are no longer going to continue the present trend of backing away from the sponsorship of meaningful youth programs. In the Department of Labor, we have moved away from the Summer Youth Employment Program. Programs for young people have been relegated to the States to continue. The Summer Youth Employment Program, which was so vital, some States are doing a good job, some are not. But we backed away from that vital program. In general, the funding for youth programs has gone down in the Department of Labor, job training programs of the type offered by YouthBuild.

At the same time that we are backing away from job training programs, the programs that are meaningful in terms of providing occupational development for young people, shortages of all kinds keep developing. We are being told now that school construction in New York City is costing too much because they have a shortage of skilled craftsmen.

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We do not have enough carpenters; we do not have enough sheet metal people in the construction industry. We are having a problem of being overpriced because of the great pressure where the demand is greater than the supply in terms of skilled personnel.

Some years ago, we backed away from vocational education in New York City and the Federal Government. And we also ratcheted up the effort to provide vocational education to a new category we call technical education, and we got so technical until it got away from the education of youngsters who could go into some trades that pay very well and that are in demand. Youth Build brings us back to the reality that there are large numbers of young people who will not stay in school they will not go to college, but they are serious and they will respond to an effort where they see a concrete benefit at the end. Youth Build offers a concrete benefit at the end. They have a job doing something in the neighborhood, doing something that not only pays well to begin with, but it promises to pay more and more, and they are encouraged to go into the apprenticeship programs of the various trades.

So for $10 million we get $1 billion worth of response in terms of helping young people. I urge a yes vote for this important amendment.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

I will not take the 5 minutes. I just wonder how many of my colleagues, particularly the chairman and others on the other side of the aisle, who would restrict this program have visited one. I visited them twice in my district, and it is an inspiration to see young people who have dropped out, who are at risk, whose lives could end up being a total mess, back in school and learning construction skills and building housing for low-income families.

Now, what could be a more efficient and more productive use of Federal dollars for housing? We are taking at-risk kids, diverting them from problems, giving them education, teaching them construction skills and building housing for low-income people. This program could use a 50 percent or a 100 percent increase every year and put tens of thousands of kids back on the right track.

I urge my colleagues to support this very modest amendment to increase this program.

Mrs. MALONEY of New York. Mr. Chairman, I rise to strike the requisite number of words.

I thank the gentlewoman from New York for offering this amendment.

I strongly support her efforts to increase the appropriation for YouthBuild by $10 million. The current level of $60 million in the bill flat funds this laudable program—a program that helps at-risk youth learn valuable skills enabling them to gain employment and ultimately break the cycle of poverty. This $10 million increase will make a significant difference.

YouthBuild students work across the country, including in my city and state. In New York City, the unemployment rate is above the national average, and a significant number of these unemployed New Yorkers are young people. Programs like YouthBuild can have a positive impact on our nation's young adults.

The program offers job training, education, counseling, and leadership opportunities to unemployed and out-of-school young adults, ages 16–24, through the construction and rehabilitation of affordable housing in their own communities. Many graduates go on to construction-related jobs or college.

YouthBuild works in conjunction with Community Based Organizations, local small businesses, and international corporations who provide matching funds for these programs.

This is a great initiative we all can support. Not only does YouthBuild help individual young people, but their work benefits many low-income families in our neighborhoods.

I support the Valázquez amendment.

I urge my colleagues to invest in our young people!

Vote in favor of this amendment.

The CHAIRMAN. Is there further debate on the pending amendment?

Hearing none, the question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Of the amount made available under this heading, $29,387,000 shall be made available for capacity building, of which $24,945,000 shall be made available for "Capacity Building for Community Development and Affordable Housing" for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $4,989,000 of the funding to be used in rural areas, including tribal areas, and of which $4,442,000 shall be for capacity building activities administered by Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $54,879,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for residents of housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing and housing assisted under NAHASDA.

Of the amount made available under this heading, $25,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998, 1999, 2000, and 2001 may be utilized for any of the foregoing purposes.

Of the amount made available under this heading, notwithstanding any other provision of law, $59,868,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided*, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That no more than ten percent of any grant award may be used for administrative costs: *Provided further*, That of the amount provided under this paragraph, $2,000,000 shall be set aside and made available for a grant to YouthBuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $77,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $14,000,000, to remain available until September 30, 2003, as authorized by section 108 of the Housing and Community Development Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $608,696,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended: *Provided further*, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for "Salaries and expenses".

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until September 30, 2003: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,996,040,000 to remain available until September 30, 2003: *Provided*, That of the total amount provided under this heading, $200,000,000 shall be available for the Downpayment Assistance Initiative, subject to the enactment of subsequent legislation authorizing such initiative: *Provided further*, That should legislation authorizing such initiative not be enacted by June 30, 2002, amounts designated in the previous proviso shall become available for any such purpose authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended: *Provided further*, That of the total amount provided under this heading, up to $20,000,000 shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968; and no less than $17,000,000 shall be transferred to the Working Capital Fund for the development and maintenance of information technology systems.

AMENDMENT NO. 15 OFFERED BY MR. LA FALCE

Mr. LAFALCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. LAFALCE:

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the aggregate dollar amount, insert the following: "(reduced by $100,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS PROGRAM", after the dollar amount specified for the Downpayment Assistance Initiative, insert the following: "(reduced by $100,000,000)".

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE GRANTS", after the aggregate dollar amount, insert the following: "(increased by $122,600,000)".

In title II, in the item relating to "MANAGEMENT AND ADMINISTRATION—SALARIES AND EXPENSES", after the aggregate dollar amount, insert the following: "(reduced by $22,600,000)".

Mr. LAFALCE. Mr. Chairman, this amendment, which the gentlewoman from California (Ms. LEE) and I are offering jointly, would restore funding cuts made in the bill to vital homeless prevention programs in order to provide sufficient funding to renew expiring rental assistance grants for the disabled, the mentally ill, veterans, and other individuals at risk of homelessness.

One year ago, in a very bipartisan effort, Congress was forced to take emergency action to reinstate funding for the renewal of homeless Shelter Plus Care, and SHP permanent housing grants which HUD did not renew as part of its continuum of care funding process. This rescued thousands of our most vulnerable Americans from losing their rental assistance and from becoming homeless. In my district alone, almost 200 very low income individuals were threatened with the loss of assistance and the loss of a home.

Learning from this experience, last year's House-passed VA-HUD appropriations bill authorized renewal of expiring Shelter Plus Care grants through the section 8 certificate fund, which would have eliminated the risk of nonrenewal. In conference, the House and Senate agreed to a similar approach establishing a separate $100 million account for expiring Shelter Plus Care grants and directing HUD to develop a mechanism to renew expiring SHP permanent housing grants. Early this year, the administration's budget request was to continue funding this separate renewal account in the amount of $100 million.

So it seems inexplicable to me that the majority has elected to cut this $100 million renewal account. The effect is to reduce funding for homeless programs by $100 million and put tens of thousands of individuals at risk of losing their rental assistance.

The National Alliance to End Homelessness, which strongly supports the amendment of the gentlewoman from California and myself, has written that projects would be shut down in the best of circumstances under this bill, and further pointed out that effective planning would be impossible, and that local communities would be in grave doubt about the ongoing viability of existing projects.

The National Alliance for the Mentally Ill has written in strong support of our amendment and notes that the bill would have the effect of undoing last year's farsighted decision by Congress to promote long-term stable funding from HUD and threatened to disrupt successful local programs.

This amendment of the gentlewoman from California (Ms. LEE) and myself would avert this crisis by restoring the $100 million cut made to the account to renew Shelter Plus Care grants and providing an additional $22.6 million to renew all SHP permanent housing grants. Specifically, the bill increases the homeless assistance grants account by $122.6 million with the intent in conference to establish a reliable source of renewals, either through the section 8 account or a separate renewal account.

I understand that the majority will argue, as it does in their committee report, that action is not needed at this time to address renewal needs. The problem is that grants which expire on October 1, 2002 and later have no source of funding to renew such grants, except to apply for funding under the fiscal 2002 continuum of care competition. This is because the account established last year for renewals may not be used to renew any grants expiring after fiscal year 2002.

This exposes tens of thousands of at-risk families to the same risk of nonrenewal that we faced last year. However, even if such renewal grants are approved under the competitive award process, many projects will run out of money, and that is because the continuum of care awards have historically been made in December, months after many of the grants run out of money. It is for these reasons that all of the groups that deal with these programs say that the bill does not adequately address the problem of renewals.

I understand that the majority will argue, as it does in their committee report, that action is not needed at this time to address renewal needs. The problem is that grants which expire on October 1st, 2002 and later have no source of funding to renew such grants—except to apply for funding under the FY 2002 continuum of care competition. This is because the account established last year for renewals may not be used to renew any grants expiring after fiscal year 2002.

Finally, I would like to briefly anticipate objections the majority may have with our offset—the 50 percent reduction in new funding the bill provides for the administration's proposed $200 million Downpayment Assistance Initiative. $100 million is more than enough money in the first year for a program that has not even been authorized. If this program is so important, I would ask why the Housing Subcommittee has not even held a hearing on this initiative.

It would also ironic be ironic if the majority insists on $200 million for this initiative, when its very first action on taking over the House six years ago was to eliminate the $50 million in funding for a virtually identical program, the National Homeownership Trust Act, which also block granted funds to states for down payment assistance.

It is interesting to note Republican arguments at that time, that a down payment block grant program authorizes nothing that is not currently allowed under HOME and CDBG. That argument is still valid; apparently the majority no longer wants to emphasize this fact. $6 billion is currently available under these two programs for states, cities, and counties; so it is hard to argue that it is critically that they need all of the $200 million for this new initiative.

Finally, our amendment cuts $22.6 million from the HUD Salaries and Expense Account, still leaving a small increase compared to last year.

So I think we are faced with a simple choice: should we restore homeless funding cuts in this bill, cuts which threaten tens of thousands of individuals with the risk of homelessness—in order to fully fund a new, untested, unauthorized, undebated initiative that is already fully authorized under HOME and CDBG.

I think the choice is obvious. I urge support for the LaFalce-Lee amendment.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, this is one of many amendments which goes after the President's initiative to provide funds to low-income families to help them to buy homes. As I mentioned earlier, we have about $16 billion in the bill for section 8 housing vouchers, and I think there has been a high demand for those, and it is a popular program. We have provided additional funds for section 8. Some of those funds will be used in pilot programs around the country to help to encourage low-income families who are now renting to utilize those vouchers for homeownership, to make monthly mortgage payments.

What the President has proposed, and Secretary Martinez has asked us to support, is providing $200 million nationally so that those individuals would be provided with the funds to make that down payment, that big chunk of money that we all know we have to come up with in order to make the initial mortgage deal. The section 8 housing vouchers hopefully will provide the taxpayer and the owner with a very good investment, a very good return on those section 8 vouchers.

So it is an important initiative, and it would be wrong to deny low-income families moving from welfare to work and from tenantship to ownership. Those funds are important. We need to keep those funds where they are.

Now, as far as the homeless program where these funds would be provided, let me just state my feeling. I feel very strongly that we need to provide funds to help people who are homeless to find permanent homes. My first action as city council president in Syracuse back in 1987 was to establish a homeless and housing vulnerable task force. It has been working ever since. The need continues, but I think we have done a very good job in central New York in providing homes for the homeless.

We have provided over $1 billion in this bill for that purpose nationwide. It is an increase, albeit a slight increase, over last year. So the subcommittee's commitment and support for programs to provide help to the homeless is in place.

As I believe the gentleman knows, all fiscal year 2002 renewal costs for Shelter Plus Care programs are fully funded. Mr. Chairman, 2002 is fully funded. The committee has already indicated it would address fiscal year 2003 needs for this program in next year's bill. The committee's action is identical to the way funding for these costs have always been treated with the exception of 2001, and is identical to the way all programs in this bill are treated.

This amendment proposes to treat this program differently than every other program in this bill by using fiscal year 2002 funds to forward-fund fiscal 2003 costs. To do this, the gentleman would cut $100 million out of this very important program, and those funds would be divided amongst the States, including New York's, which would get a large proportion of these funds, and also to 594 cities to help provide affordable housing to members of our communities.

In addition, it would cause HUD to eliminate over 268 jobs by taking $22 million from salaries and expenses.

□ 2100

I believe the real intent behind the gentleman's agreement is to ensure that fiscal year 2003 funding needs for this program do not compete with any other program next year.

While I have sympathy for his desire to essentially create an entitlement program, we cannot support this. We oppose it. It makes no sense to cut funds to States and localities and eliminate HUD employees to set aside funding that is not even needed next year for this program. I would therefore urge rejection of the amendment.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say that the LaFalce-Lee amendment really aims to correct, as we heard, just one piece of this appropriations bill that cuts $1.7 billion in budget authority from HUD's budget.

This amendment is also, incidentally, supported by the United States Conference of Mayors. It restores funding for some of the most vulnerable people in our society, those who are homeless and have the special problem of dealing with mental illness, disabilities, or who are turning around their lives in recovery from alcohol or drug abuse.

The Shelter Plus Care and Supportive Housing Program subsidizes housing for people with these special challenges and also offers continuum of care services for mental illness and other disabilities. For example, in my home district in Alameda County of California, there are approximately 13,000 homeless people and many more at risk for homelessness.

Mr. Chairman, most of these people now more than ever are women and children. In every one of our congressional districts there are homeless people. Shelter Plus Care operates nationwide and helps keep thousands of disabled and mentally ill people from walking the streets at night untreated and with no place to live.

A California study found that supportive housing reduces emergency room services and in-patient hospital stays by more than 57 percent. So with this very small investment we can save taxpayers hundreds of millions of dollars and provide humane treatment and shelter.

In our affordable housing debate, we talk about rental assistance, we talk about home ownership for low-, moderate-, and middle-income individuals and families, which we all support. But our debate and our initiatives are very devoid of housing issues as it relates to the homeless, so this amendment really does recognize them as deserving of our attention, also.

The offsets to this amendment still leave $100 million for this unauthorized downpayment assistance program. We have not even held hearings yet on this unauthorized program, so we have all supported downpayment assistance programs, even when my colleagues on the other side have not.

This offset leaves intact a net increase also in HUD salaries and expenses over the last fiscal year. So, Mr. Chairman, there is really nothing compassionate about the cuts to HUD, nearly $2 billion in cuts made to fund the nearly $2 billion tax cut. That is not very compassionate, if you ask me.

This bill actually cuts $493 million from public housing programs, including the complete elimination of the Public Housing Drug Elimination Program. It cuts $640 million from Section 8, $322 million from Community Development Block Grants, $200 million from empowerment zones, and $25 million from the Rural Housing and Economic Development Program. So now with this, also, we are really seeing the real impact in the cost of this Bush administration tax cut.

So I guess what I want to ask tonight is, will this Congress really continue to place the burden of the tax cut on the back of the homeless, the mentally ill, and the indigent? What type of a society will we be if we approve this really I think disgraceful bill, if we do not amend it tonight?

I ask Members for an aye vote on this amendment to restore and support decent and humane treatment for our homeless and the mentally ill, who also happen to live in the richest country in the world.

Finally, let me just say that States, counties, and cities will get $6 billion in HOME and CDBG funds in fiscal year 2002 which can be used to do all of the activities authorized under the downpayment housing initiative.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the amendment offered by my colleague, the gentleman from New York (Mr. LAFALCE). This amendment unfortunately would cut in half the funding for an important initiative proposed by the President to assist low-income families to purchase their own homes.

With this money, he proposes to forward-fund the Shelter Plus Care program. While I am a strong supporter of the Shelter Plus Care program, it is not necessary to add additional funds to the program to ensure that all contract renewals will occur. This funding would then be used to forward-fund contracts in fiscal year 2003.

This would set an unnecessary precedent. I believe the money is put much better to use in the downpayment assistance initiative next year. We must do more to move low-income families into their own homes. This is a critical need that we need to work to address. We know the barriers for low-income families to purchase their own home, and one of the largest is the downpayment.

I cannot understate the importance of this initiative. So many Americans lack the opportunity to purchase a new home and spend a large percentage of their income on their monthly rent. That can be the right choice for some but not for all.

Most families greatly benefit from the purchase of their own homes. A home helps a family create wealth through equity. It also invests them into the community. In short, we help these families rise on the economic ladder and build stronger communities in the process.

It is truly the American dream to own one's own home, a dream we must make a reality for families who currently lack the opportunity to realize this goal.

In addition, the LaFalce amendment cuts $23 million from the salary and expense accounts from HUD. HUD is struggling with real problems these days. They have shut down programs because their mission in recent years has been so spread out that they have been incapable of properly overseeing and implementing the programs that they administer.

Secretary Martinez has been working to refocus HUD on their true core mission, one of providing and facilitating the creation of housing. This is not the time to reduce the resources of HUD.

The gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services, says he will oppose any amendment that cuts money for the downpayment assistance program of the HOME program. In short, let us work on the funding for the Shelter Plus Care program next year when they really need the funding.

In the meantime, let us fully fund the President's downpayment assistance initiative in this bill by joining me in defeating the LaFalce amendment.

Mr. FRANK. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, the gentleman from New York has offered a very thoughtful amendment, once again aimed at helping the people in our society most in need of help.

Now, it is unfortunate that the motif of this bill comes through again. It is so substantially underfunded because the tax cut deprived us of these revenues that it makes a choice between two needy groups.

This choice is a little easier for this reason. The $200 million in the HOME program which has, in this bill, been earmarked for a home ownership program is an interesting example of retrograde behavior on the part of my colleagues on the other side; not the only example, but an interesting one. This one more clearly leads to a repudiation of some of their own professed principles.

The HOME program has been a block grant, in effect. It gives monies to the cities and the consortia with a great deal of flexibility. It had been working very well, apparently too well for the Republican leadership and the President. The President decided he wanted to do something for poor people, but he did not want to actually spend any new money on doing it.

The President went shopping for the poor, but he unfortunately did not think when we were talking about poor people that he could go to a store, because that requires money, and he gave that away in the tax cut. So the President went to the recycling bin to see what he could find for the poor people.

He found $200 million that had already been assigned to the poor people. This great act of charity that comes forth Members should understand is not additional money. It is an earmarking of $200 million that had previously been sent to the mayors. I should not even say recycling, because that assumes somebody else had discarded it. The mayors had not discarded this. This is something the mayors had been planning to spend.

Indeed, the $200 million for home ownership, again, it is not a new money program. It is $200 million for home ownership taken out of a pot of money that had previously been given as a block grant to the mayors. So it is putting a categorical stamp, to a certain extent, on what had been a block grant program, which the Republicans will do from time to time when they want to, rhetoric to the contrary notwithstanding.

The mayors, the National Conference of Mayors, the League of Cities, do not like this earmark, so the $200 million here is over the objection of the people who have been the administrators of the program and the recipients of the program.

If indeed this amendment were ultimately not to pass, and of course the way we are working it tonight we will not know that for a while, probably until a couple of days until we have these roll calls, or maybe later, I will propose we will cancel out the $200 million earmarks and leave it where the mayors and League of Cities want it to be.

In other words, I think we should go back to the block grant and repudiate this faux gift that comes from the President. He is making a gift of somebody else's money for home ownership.

But, on the merits, we talk about the American dream. Let us first try to alleviate the American nightmare. Let us first try to show a response to the poorest of the poor, the homeless. Can there be in this wealthy society anything less morally tolerable than homeless children? Can anyone let any other program go by while children are still homeless?

The gentleman from New York gives us a chance to remedy that situation, to a certain extent, by taking money that is now being assigned to programs that the people who run the programs do not want. Granted, their first choice would be to have the money on an unrestricted basis, but the way it now stands, that is why we have, from so many mayors, support for this.

The President is also a bad one from that standpoint. HOME has been a very flexible, very well-run block grant. The notion of now letting conservative politicians look generous, not by providing any additional funding for low-income people but by putting restrictions on what has heretofore been a successful, relatively unrestricted set of programs geared to local needs, ought to be rejected.

So I hope this amendment is adopted. If this amendment is not adopted, I will then be offering next the amendment, and we will have the choice when the roll calls come to put all that money at least back into the unrestricted pot.

Let us not allow a situation in which the President plays Santa Claus with money that really should have gone to the mayors and which the mayors would rather see go to alleviating the homeless than not.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is horrible to be in a time of tight budgets and deficits. I have been through that in this Congress. But, of course, that is not the case today. But from the debate tonight on the floor, we would think that that was the case.

Earlier we heard, well, we could not afford to improve and enhance veterans' health care. There is just not enough money. We had to make tough choices. They had to make copayments and be deprived of needed health care.

We could not afford more money for the YouthBuild program to help reform youth, get them on a straight path, and build low-income housing.

Now we are being told we have to choose between the downpayment initiative and the Shelter Plus Care program. I thought we had a multitrillion dollar looming surplus. I thought that was why the Republicans jammed through a $1 trillion tax cut, particularly heavily oriented towards those who earn over $273,000 a year. Most of whom are not homeless, I expect.

Mr. Chairman, 3.5 million people are likely to experience homelessness during a given year in the United States, and 45 percent of those people will be employed. They do not meet the stereotypes. Thirty-nine percent are children, as mentioned by the gentleman from Massachusetts before me, and 27 percent are disabled.

One-third of families currently requesting shelter have to be turned away for lack of room, families trying to stay together. The family values party does not want to help them stay together because they are not putting the money out to do the job.

I am especially concerned in light of the committee's decision to increase the permanent housing set-aside, the 35 percent. Just last year the permanent housing set-aside was raised to 30 percent of all funds under McKinney-Vento. That last-minute change does not sound like it means anything except a percent here, in Washington, D.C.; a billion here, a billion there. But the last-minute change of Congress caused HUD to reprioritize their grants, and new transitional housing projects for homeless families were left on the chopping block.

In fact, in my district alone, Douglas County lost $126,458, a county with a very high unemployment rate that has been hit hard because of the recession in the timber industry. Curry County lost $113,637. Benton, Lincoln, and Lynn lost $271,518.

Other States lost money because of this additional set-aside.

☐ 2115

We should not be forcing these sorts of choices; $1.3 million all together for rural Oregon counties and $1 million for rural continuum of care.

We do not have to make that choice. If I just went back and pulled out the budget and the rosy scenario and all the things that have been used here on the floor to pass the tax cut that favors those who earn over $273,000 a year, we would find that if we just applied those same assumptions and rosy scenarios, or God forbid we cut back on the big tax breaks for those at the very top, we could afford all these and we would not have to make these choices.

So I reject what is being offered on the majority side, saying, oh well, we just cannot afford that this year, maybe next year; and, well, we have to make these tough choices. These are choices that need to be made to hold together the social fabric of this society, to hold together homeless families, to help the 39 percent of homeless kids, and the 27 percent who are disabled. We, the greatest society on Earth, can afford to do this little bit.

I urge my colleagues to strongly support this amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Lee-LaFalce amendment. According to HUD, over 10,000 San Franciscans are currently homeless. Shelter Plus Care and Supportive Housing Program permanent housing grants are a critical component of our nation's response to this growing crisis. These programs must be preserved, and this amendment provides the necessary funding.

Supportive housing programs link employment, substance abuse, mental health, and other supportive services to permanent supportive housing for chronically ill homeless individuals and families. Studies show that these programs are very successful. Tenants of supportive housing use fewer emergency room and inpatient hospital services, increase their earned income and rate of employment, and reduce their dependence on public assistance.

The claim that Shelter Plus Care does not need funding in FY 2002, and that such action would constitute "forward funding" is untrue. Failure to provide renewal funding will result in a significant shortfall for Shelter Plus Care Programs nationwide, and a loss of approximately 260 units of housing in my district.

I urge my colleagues to support the Lee/LaFalce amendment.

The CHAIRMAN. Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from New York (Mr. LAFALCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. LAFALCE) will be postponed.

The point of no quorum is considered withdrawn.

Mr. FRANK. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 230, not voting 14, as follows:

[Roll No. 280]

AYES—189

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—230

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan

Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
Menendez
Mica
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Blumenauer
Cubin
Hall (OH)
Hutchinson
Istook
Linder
Lipinski
McKinney
Meeks (NY)
Miller (FL)
Nethercutt
Radanovich
Spence
Stark

□ 2149

Messrs. McHUGH, KINGSTON, GUTKNECHT, GILLMOR, and PORTMAN changed their vote from "aye" to "no."

Mr. RAHALL and Ms. JACKSON-LEE of Texas changed their vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Chairman, after consulting with the committee that has jurisdiction on the floor this evening, we have determined that it is possible, with cooperation from our Members, for us to take the five votes that have been ordered thus far this evening in just a few more moments. Those five votes would be the last votes that Members would be asked to cast this evening. We would ask that the committee continue to work through title II this evening, with an understanding that any votes that are ordered on title II will be taken up at 9 o'clock in the morning when we resume the bill, and having completed the work through title II should make it possible for us, with good cooperation, to complete consideration of this bill by 2 o'clock tomorrow, our normal Friday getaway time.

The committee has been very cooperative. The committee is to be commended for their good spirit and their efforts to make life better for the Members. I should, however, advise the Members at this time that if we are unable to finish the work by 2 o'clock tomorrow, and everybody that has examined the amendments that are before us is in agreement that we should be able to do so comfortably given the time agreements that we can make, but if that is impossible, we will continue tomorrow to work beyond our normal Friday getaway time until such time as the bill is completed, and we will not leave until the bill is completed.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, on a bit lighter note for all of our colleagues, tonight happens to be a great event that you may not be aware of, but tonight happens to be the 20th anniversary of MIKE OXLEY being a Member of this great institution, having been elected in a special election in 1981. I think we all owe MIKE OXLEY a great round of applause for his 20th anniversary.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank the distinguished leader for yielding.

I question the gentleman's estimate about when we can finish this bill even if we were to proceed here tonight. There is a lot of material here. He might be right, he might be wrong, but my judgement is he is probably underestimating the amount of time it is going to take to finish this bill. I would not expect to be able to be finished by 2 o'clock tomorrow.

Mr. ARMEY. I appreciate the gentleman's observation. Let me just say, Mr. Chairman, that would be unfortunate for so many Members who had planned to leave by 2, but it has been my experience in this body that when we all work together and pull in the same direction, in good humor and cheer, that we can meet our goal. I fear we must try. Our schedule for next week is, quite frankly, very exciting; and we simply cannot afford to let this bill hold over for next week.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I understand Members' desires to leave, but there is a constitutional responsibility to debate seriously important issues. I am the ranking member of the Subcommittee on Housing and Community Opportunity. Under the schedule proposed by the majority leader, we would be debating much of these important housing issues beginning sometime after 11 o'clock tonight until the early hours with no votes. I cannot agree to that, and I must inform Members that there will be no assurance of not having votes. There are votes on appeals from the chair. There are motions to rise. The problem is that important issues have to be discussed. We have all week next week. I am ready to work, but I will not agree, and Members should not expect to leave at 11 o'clock while we debate these important issues and not have votes.

Mr. ARMEY. Mr. Chairman, the gentleman from Massachusetts has made his point. The fact is he can, in fact, delay everything we try to do tonight and prevent us from completing our work. In that event we would have to work through the weekend.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentleman from Florida (Mr. FOLEY); amendment No. 17 offered by the gentleman from New York (Mr. NADLER); amendment offered by the gentleman from Illinois (Mr. DAVIS); amendment No. 22 offered by the gentlewoman from New York (Ms. VELÁZQUEZ); amendment No. 15 offered by the gentleman from New York (Mr. LAFALCE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. FOLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. FOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 311, not voting 15, as follows:

[Roll No. 281]

AYES—107

Ackerman
Akin
Baird
Barr
Bilirakis
Bonilla
Boswell
Boyd
Bryant
Cannon
Cantor
Capito
Chabot
Coble
Condit
Costello
Crane
Crowley
Davis (FL)
Davis, Jo Ann
DeMint
Deutsch
Diaz-Balart
Dingell
Duncan
Dunn
Edwards
Engel
Evans
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Gekas
Gephardt
Gilman
Goodlatte
Goss
Greenwood
Gutierrez
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hostettler
Hutchinson
Israel
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Keller
Kelly
Kerns
Kildee
King (NY)
Kingston
Larsen (WA)
Lewis (KY)
LoBiondo
Maloney (CT)
Manzullo
McCarthy (NY)
Mica
Moran (KS)
Myrick
Ney
Otter
Pascrell
Paul
Pence
Pitts
Putnam
Ramstad
Rangel
Ros-Lehtinen
Royce
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sessions
Shadegg
Shaw
Simmons
Simpson
Skeen
Stearns
Strickland
Tancredo
Tauscher
Thurman
Tiberi
Toomey
Traficant
Turner
Udall (NM)
Visclosky
Weiner
Wexler

NOES—311

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Ford
Frank
Frelinghuysen
Frost
Ganske
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutknecht
Harman
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Stump
Stupak
Sununu
Sweeney
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Towns
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bass
Blumenauer
Cubin
Hall (OH)
Hall (TX)
Hunter
Istook
Linder
Lipinski
McKeon
Miller (FL)
Nethercutt
Northup
Spence
Stark

□ 2214

Mr. PICKERING and Mr. Langevin changed their vote from "aye" to "no."

Messrs. FLETCHER, SCHROCK, SESSIONS and ENGLE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. BASS. Mr. Chairman, on rollcall No. 281, I was unavoidably detained. Had I been present, I would have voted "no".

Mrs. NORTHUP. Mr. Chairman, on rollcall No. 281, I was inadvertently detained. Had I been present, I would have voted "no".

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6, of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 17 OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 139, noes 284, not voting 10, as follows:

[Roll No. 282]

AYES—139

Abercrombie
Ackerman
Allen
Baca
Baldacci
Baldwin
Barrett
Becerra
Berkley
Berman
Berry
Blagojevich
Bonior
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Carson (IN)
Clay
Coyne
Crowley
Davis (FL)
Davis (IL)
DeFazio
DeLauro
Dicks
Doggett
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gonzalez
Gutierrez
Harman
Hinchey
Hinojosa
Holt
Honda
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Luther
Maloney (NY)
McCarthy (NY)
McCollum
McDermott
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moran (VA)
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Tancredo
Tanner
Tauscher
Thompson (CA)
Thurman
Tiberi
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—284

Aderholt
Akin
Andrews
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bentsen
Bereuter
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit

Conyers
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cummings
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Largent
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lofgren
Lucas (OK)
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCrery
McGovern
McHugh
McInnis
McKeon
Meek (FL)
Mica
Miller, Gary
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Stupak
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Blumenauer
Combest
Cubin
Hall (OH)
Linder
Lipinski
Miller (FL)
Nethercutt
Spence
Stark

☐ 2222

Mrs. CLAYTON, Mr. CONYERS, and Mr. BARTLETT of Maryland changed their vote from "aye" to "no."

Mr. RUSH and Mr. BERMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 60, noes 360, not voting 13, as follows:

[Roll No. 283]

AYES—60

Andrews
Bishop
Blagojevich
Bonior
Brady (PA)
Carson (IN)
Carson (OK)
Clay
Clyburn
Condit
Conyers
Costello
Cummings
Davis (IL)
Davis, Jo Ann
DeGette
Doyle
Evans
Fattah
Filner
Gephardt
Gutierrez
Hilliard
Hoeffel
Holt
Honda
Jackson (IL)
Johnson, E. B.
Kaptur
Kildee
Kilpatrick
Kucinich
Lampson
Lee
Lewis (GA)
Lucas (KY)
McCarthy (NY)
McKinney
Mink
Myrick
Napolitano
Owens
Payne
Pelosi
Rahall
Ross
Rush
Sandlin
Schakowsky
Scott
Shays
Solis
Tauscher
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson (CA)
Wynn

NOES—360

Abercrombie
Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Oxley
Pallone
Pascrell
Pastor
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Berman
Blumenauer
Cubin
Hall (OH)
Hilleary
Linder
Lipinski
Meehan
Miller (FL)
Nethercutt
Otter
Spence
Stark

☐ 2229

Ms. HARMAN, Mr. BAIRD, and Mr. DOGGETT changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 22 OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 209, not voting 9, as follows:

[Roll No. 284]

AYES—216

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Chabot
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Dunn
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Honda
Hooley
Horn
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Woolsey
Wu

NOES—209

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Castle
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Gary
Moran (VA)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Blumenauer
Cubin
Hall (OH)
Linder
Lipinski
Miller (FL)
Nethercutt
Spence
Stark

□ 2239

Mr. HILLEARY, Mr. STEARNS, Mrs. JOHNSON of Connecticut, and Mr. ISAKSON changed their vote from "aye" to "no."

Ms. KILPATRICK, Mr. SKELTON, Mr. MATHESON, Mrs. MEEK of Florida, and Mr. HASTINGS of Florida changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. LAFALCE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. LAFALCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 124, noes 300, not voting 9, as follows:

[Roll No. 285]

AYES—124

Abercrombie
Ackerman
Allen
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Bishop
Blagojevich
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Carson (IN)
Clay
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank
Frost
Gephardt
Gordon
Green (TX)
Gutierrez
Holt
Honda
Hooley
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Miller, George
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Ross
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Sherman
Smith (WA)
Solis
Strickland
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wu

NOES—300

Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Brown (FL)
Brown (SC)

Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Issa
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schiff
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Blumenauer
Cubin
Hall (OH)
Linder
Lipinski
Miller (FL)
Nethercutt
Spence
Stark

☐ 2247

Mrs. NAPOLITANO changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that there be no more procedural votes this evening; that the committee be allowed to work with the Members in question on title II of the bill, without interruption; and as they complete that work this evening, any votes that are ordered on amendments be postponed until 9 a.m. tomorrow morning.

The CHAIRMAN. The Chair already has the authority to postpone votes on amendments but not on procedural motions.

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that there be no more procedural votes this evening and that the committee be allowed to continue its work on title II.

The CHAIRMAN. The Committee of the Whole cannot entertain that request.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent that title II be considered as read and open for amendment at any time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. FRANK. I object.

Mr. ARMEY. Mr. Chairman, it is clear and obvious to me that the Members of this body cannot work tonight effectively and make progress on this bill. That is unfortunate. Obviously, it will delay our departure tomorrow. But in consideration of the mood that we find on the floor this evening,

Mr. Chairman, I move that the Committee do now rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

PLAN COLOMBIA SEMI-ANNUAL OBLIGATION REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

Pursuant to section 3204(e) of Public Law 106–246, I hereby transmit a report detailing the progress of spending by the executive branch during the first two quarters of Fiscal Year 2001 in support of Plan Colombia.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 26, 2001.*

REPORT ON H.R. 2647, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2002

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–169) on the bill (H.R. 2647) making appropriations for the legislative branch for the fiscal year 2002, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2172

Mr. LANGEVIN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2172.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, Pursuant to Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, I submit for printing in the Congressional Record revisions to the allocations for the House Committee on Appropriations.

Adoption of the conference report on H.R. 2216, the bill making supplemental appropriations for fiscal year 2001, reverses the $184,000,000 outlay adjustment for fiscal year 2002 that was required upon the reporting of that bill by the Appropriations Committee. The conference report on the supplemental did not include any emergency-designated appropriations, which necessitated the earlier adjustment.

As reported to the House, H.R. 2620, the bill making appropriations for Veterans Affairs, Housing and Urban Development, and Independent Agencies for fiscal year 2002, includes an emergency-designated appropriations providing $1,300,000,000 in new budget authority to the Federal Emergency Management Agency. No outlays are expected to flow from that budget authority in fiscal year 2002. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

As passed by the House, H.R. 2590, the bill making appropriations for the Department of Treasury, the Postal Service, and General Government for fiscal year 2002, included $146,000,000 in new budget authority and $143,000,000 in outlays for an earned income tax credit compliance initiative. I also must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing appropriations for that purpose, up to the limits specified in the Budget Act (which are the same as the amounts shown above).

To reflect these required adjustments, I hereby increase the 302(a) allocation to the House Committee on Appropriations to $662,746,000,000 for budget authority and $682,919,000,000 for outlays. The increase in the allocation also requires an increase in the budgetary aggregates to $1,627,934,000,000 for budget authority and $1,590,617,000,000 for outlays.

These adjustments apply while the relevant legislation is under consideration and take effect upon final enactment of such legislation. Questions may be directed to Dan Kowalski at 67270.

HMO REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for half the time between now and midnight as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, we have some important issues coming up in this next week, I hope. One of those, I hope, will be a full debate with a fair rule on a patient's bill of rights.

We have been working on this legislation for about 5 years, and when we had this debate here on this floor 2 years ago, a young man and his mother came up from Atlanta, Georgia, to see how the debate would go. This little boy's name was James Adams.

When James was 6 months old, one night about 3 in the morning, he had a temperature of about 105 degrees. He was a pretty sick little baby. His mother phoned the 1–800–HMO number and she said, my little baby is really sick and has a temperature of over 104, and I think he needs to go to the emergency room. She was following the rules to get an authorization.

The HMO reviewer at the end of that telephone line said, well, I guess that would be all right. I will authorize you to go to this one particular emergency room because that is where we have our contract. But if you go to another one, you are on your own. So Jimmy's mother said, well, where is it? And the voice at the end of the telephone line said, I do not know, find a map.

Well, it turned out that this authorized hospital was clear on the other side of Atlanta, Georgia, at least 50 miles away. So, with an infant who was critically ill, a mom and dad who were not health professionals put little Jimmy in the car, they wrapped him up, and started their trek to the hospital. En route they passed three emergency rooms, but they did not have authorization to stop at those emergency rooms, and they knew if they did they would be left with the bill.

They were not medical professionals. They did not know how sick little Jimmy was.

□ 2300

So they pushed on. But before they made it to the authorized emergency room, little James Adams had a cardiac arrest.

Imagine yourself as the mother of this little baby, trying to keep him alive, or as the father driving this car when your wife is holding your son. He is not breathing, and you are trying to find the authorized emergency room.

Finally, he pulled into the driveway. His mother, Lamona, leaped out of the car screaming, "Save my baby. Save my baby."

The nurse came running out and started resuscitation. They put in an IV. They gave him drugs. They got his heart going, and they managed to save his life. But you know what? They did not save all of Jimmy.

Because of that arrest and the loss of circulation to his hands and to his feet he developed gangrene. Both hands and both feet had to be amputated. That was a medical decision that that HMO made. That reviewer could have said, your baby is sick. Take him to the closest emergency room. No. Dollars came over good sense. We have a contract with that distant emergency room. So we are only going to authorize care there.

Mr. Speaker, I suspect that we are going to have some people on this floor next week or maybe in September when we debate this bill, and they are going to get up here and they are going to say we should not legislate on the basis of anecdotes. That is just an anecdote.

I would say to those folks, that little boy is never going to touch the cheek of the woman that he loves with his hand. He is never going to play basketball. He is able to pull on his leg protheses with the stumps of his arm. But to get on his bilateral arm prostheses he needs help. He has hooks.

I will tell you, that little anecdote, he is now about eight. He is a pretty good kid. He is doing all right. I think he will be a productive member of society. But that little anecdote, as some would call that little boy, if he had a finger and you pricked it, it would bleed.

So I talk to my friends here on both sides of the aisle and I ask, why has it taken 5 years to rectify that? Do you know why that HMO did not take the proper care and precaution? Why they "cut the corners," as a judge who looked at the case said. That HMO's margin of error was razor thin, razor thin that judge said about that HMO's margin of safety. Probably about as razor thin as the scalpel that had to cut off both hands and both feet.

Do you know why that HMO did that? Because they passed here in Congress a law 25 years ago that said that the HMO is responsible for nothing but the cost of care denied. If they deny care to somebody who is dying and the patient dies, then they are not responsible for anything. In the case of this little boy, the only thing that HMO was responsible for was the cost of his amputation.

That child was in an employer plan protected under a law that was passed here in Congress 25 years ago, never meant to be applied to the health system. It was a pension law meant to benefit the people who were to get the pensions. It was not supposed to be a protection for health plans.

Mr. Speaker, how did this come about? Well, there has been a change in the health care system. It used to be the insurance companies, back 25 years ago, they did not make those kinds of decisions. They did not manage the care like they do now. You had a fee-for-service system, but the system has changed. We have seen time and time again HMOs consider the bottom line to be better or more important than the care of their beneficiaries.

That is why it is very important that we address this situation. I can tell one story after another, but those would just be anecdotes.

I can tell about a woman in Des Moines, Iowa, who just a week or two ago came up to me with tears in her eyes. She said, Congressman, I have had breast cancer. I have been on chemotherapy. My doctor told me that I needed a test to see whether the cancer had come back. But my HMO would not authorize it. They said it was not, quote, medically necessary. And HMOs can define medical necessity any way that they want. Some define medically as the cheapest, least expensive care, quote/unquote.

She said, I had to ask my husband to do something I had never asked him to do before. She said, I told my husband, Bill, you are going to have to fight and battle that HMO for me because they have worn me out. I am fighting my cancer. I need a test. All of my doctors say I do. There is no specific exclusion of coverage in my contract, and they will not give it to me.

Well, after a long time they finally said, yes, we will give it to you; and the morning she was supposed to have the test they changed their mind.

Mr. Speaker, we need a way to resolve these disputes before patients are injured. That is why in the Ganske-Dingell-Norwood bill we have a way to resolve these disputes. If an HMO denies care, a patient can appeal it in the HMO; and if they continue to deny it and the patient thinks they are not being treated fairly, the patient can go to an independent, external review panel of physicians. Their decision will be binding on the plan. But their decision would not be bound by the plan's own arbitrary guidelines of medical necessity, and that is one of the crucial differences between the Ganske-Dingell bill and the Fletcher bill.

If we look at the details of the language in the Fletcher bill, the bill supported by the leadership of this House, Members will see that through very, very clever, I would say cunning language, the independent panel can really only tell the HMO to do what an HMO reviewer would have done.

Furthermore, that HMO would not be liable for anything other than what a person acting in a similar situation, i.e., another medical reviewer, would have done. Ordinary care is the definition defined in a way that puts into legislative language protections that the HMOs do not even have now. The Fletcher bill gives HMOs affirmative defenses that they do not have under ERISA now. What we are trying to do is fix the law as it exists now.

□ 2310

So I tell my colleagues and friends on both sides of the aisle, if you vote for that Fletcher bill, you are going to be voting for a bill that is worse than current law. You are going to be voting for a bill that protects HMOs more than ERISA does now.

I do not know whether my colleagues want to go home and explain to their constituents how when we are dealing with a bill that is supposed to protect patients, they voted for a bill that protected HMOs. That does not make sense. We need a real patient protection bill.

I could go through a long list and read in boring detail how the legislative language in the Fletcher bill is worse than current law. But let me just read a short section from a nonpartisan law professor at George Washington University who has analyzed the Fletcher bill and says of the Fletcher bill:

First through its strong preemption language, the Fletcher bill would significantly restrict legal remedies that are potentially available now under State law in the case of death and injury caused by managed care organizations that operate medically substandard systems of care. In doing so, the Fletcher bill would displace decades of American jurisprudence regarding the liability of health organizations for the death or injury that they caused.

The Fletcher bill basically moves State law into Federal law. So for all of my colleagues who have spoken highly of States rights and the 10th amendment in the past, how are you going to justify that position with a vote for Fletcher? Dr. Rosenbaum says:

Second, the Federal remedy created by the legislation fails to provide a minimally acceptable alternative and even this remedy is rendered meaningless through caveats, limitations and provisos. The Federal remedy would have the effect of federalizing managed care medical liability law.

Now, my friends, you have an alternative. It is called the Ganske-Dingell-Norwood-Berry bill. This bill has been debated in the Senate. A lot of Republican Senators worked very hard to improve that bill. For instance, Senators SNOWE and DEWINE further strengthened the bill's language protecting employers from liability. It allowed an employer to shift responsibility to a designated decision-maker and thus free itself from liability when it is not involved in medical decision-making. That is important. That adds to our employer protections on liability that says unless you are directly participating in an HMO's decision, you cannot be held liable. That is fair. Almost all the employers in my district back home hire a PPO or an HMO, they do not get involved in the decisions that they make and they are not responsible. They would not be liable. That will be in our bill as we bring it to the floor.

The DeWine amendment, Senator DEWINE from Ohio, a Republican, further restricted the ability to file class actions. The Warner amendment, JOHN WARNER, Republican from Virginia, had an amendment that will be in our bill. It caps attorneys' fees. The Thompson amendment, Senator FRED THOMPSON, Republican from Tennessee, will be in our bill, that requires exhaustion of appeal remedies before a cause of action can be brought. The Phil Gramm amendment, Senator PHIL GRAMM, Republican from Texas, clarified that nothing in the bill prevents independent medical reviewers to require plans or issuers to cover specifically excluded items or services. That will be in the Ganske-Dingell-Norwood-Berry bill.

There are a number of other important amendments that will be in our bill. One of them was the Santorum amendment, Senator RICK SANTORUM, Republican from Pennsylvania, defines fetuses born alive as persons under Federal law and makes them eligible for protection under the patients' rights bill. That will be in our bill. Furthermore, we have provisions in the Ganske-Dingell-Norwood bill that would help people afford health insurance. We have 100 percent deductibility for the self-insured, for their health premiums, as an example. We expand medical savings accounts. That was a significant compromise from the Democratic side.

We think that the cries that the sky will fall, the sky will fall that we heard in Texas but never happened, that premiums would go out of sight, that lawsuits would just multiply, there would be an explosion, none of that happened. We wrote our bill several years ago based on Texas law. The Congressional Budget Office estimated that the cost of this bill in terms of insurance premiums would be a cumulative 4 percent over 5 years. Our opposition bill based on the Breaux-Frist bill from the Senate would raise premiums about 3 percent cumulative over 5 years. That is about 1 percent difference. We are talking in terms of increased costs for our bill of somewhere in the order of one Big Mac meal per employee per month. Most people in this country think that that would be well worth it in order to know that their insurance will actually mean something if they get sick.

There certainly has not been any explosion of lawsuits in Texas which our bill is modeled after. There have just been a handful. Several of them involve health plans that did not follow the law, demonstrating that there is a need for some type of enforcement. But a health plan ought to be liable if they are not following the law. There is a health plan in Texas that had a patient in the hospital who was suicidal, the doctor said the patient needed to stay in the hospital, the health plan said, "No, in our judgment, he doesn't need to be there, we're not going to pay for it," the family could not afford it, they took him home, he drank half a gallon of antifreeze and committed suicide that night. That health plan did not follow the law, because the law said that if there is a dispute, you are supposed to go to an expedited independent review and they just ignored it. If there is not an enforcement provision in these bills that is worth the paper it is written on, then nothing else in the bill will be worth what it is written on.

We have over 800 endorsing and sponsoring organizations commending our bill, calling for its passage. This includes most if not all of the consumer groups, the professional groups. They have looked at this bill in detail. They have looked at the Fletcher bill in detail. They know that if the Fletcher bill became law, it would abrogate the advances that have been made in States around the country in terms of protecting patients, particularly in the States that have placed some responsibility, some legal responsibility, on HMOs, States like Texas.

□ 2320

Now, Mr. Speaker, President Bush has issued a list of principles. We firmly believe that the Ganske-Dingell-Norwood bill meets those principles, especially after the addition of the amendments that were passed almost unanimously in the Senate.

The President has rightly been concerned about increases in costs. We think that our bill is affordable. The estimates by the Congressional Budget Office confirm that. Since the President during his campaign spoke glowingly of the patient protection bills in Texas, this is what we wrote our bill after. When I look at those seven points that the President said he would need to have for his signature, our bill meets those requirements.

Now, we are more than happy to work with President Bush on this, and our door is open. Members of our group have continued to discuss these items with the President. But it is time to move. It is time to get this legislation through the House and get it into the conference. We will be more than happy to continue discussions with the President on these.

I believe President Bush wants to see a Patients' Bill of Rights signed into law and this is the bill that meets his requirements, and it would just be a darn shame not to end up at the end of the day with a bill that meets those requirements, as we think our bill does.

Mr. Speaker, the Speaker of the House promised that we would have a vote on this patient protection bill before we left for our August recess. In fact, we were supposed to have this debate last week. Then it was postponed to this week. The word is out now that we may not have this vote next week either before we go home for August recess.

I would just remind my colleagues that every day HMOs around this country are making health decisions that in many cases are life and death. Those decisions are affecting our family members, our friends, our colleagues, our constituents back home. There is no excuse for not moving ahead and allowing the will of the House to work.

This is supposed to be a democratic institution. Let us have a fair debate, with a fair rule. Sure, there can be amendments. And let us let the will of the people work, and let us move forward in a prompt manner to help patients and our friends get a fair shake from their HMOs and their health insurers in their time of need.

I expect that people will keep their word on this. If we do not have this debate next week, that would be a shame. We should at least move promptly in early September.

But I will tell you, to not bring this bill up because you just cannot have your way, because you do not have the votes, is what I would call a pocket veto without a debate, and I do not believe that is the democratic way that we should run this House.

Mr. Speaker, let us move to a prompt and fair debate on this bill, and let us get on with the people's business.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LINDER (at the request of Mr. ARMEY) for after 5 p.m. today and the rest of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. OLVER) to revise and extend their remarks and include extraneous material:

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

The following Members (at the request of Mr. DEMINT) to revise and extend their remarks and include extraneous material:

Mr. HORN, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Friday, July 27, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the speaker's table and referred as follows:

3094. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, "Parity of Pay and Benefits For Active Duty Service and Reserve Service; to the Committee on Armed Services.

3095. A letter from the Secretary of the Navy, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 25 percent, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

3096. A letter from the Inspector General-Defense, Department of Defense, transmitting the semiannual report of the Inspector General and classified annex for the period ending March 31, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

3097. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve (RIN: 2900–AK40) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3098. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Safety Standard for Automatic Residential Garage Door Operators—received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3099. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule—Standard for the Flammability of Children's Sleepwear: Sizes 0 through 6X; Standard for the Flammability of Children's Sleepwear: Size 7 through 14—received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3100. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, Bay Area Air Quality Management District, Lake County Air Quality Management District, Monterey Bay Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District, San Joaquin Valley Unified Air Pollution Control District [CA 210–0285; FRL–7013–4] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3101. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Pinal-Gila Counties Air Quality Control District and Pinal County Air Quality Control District [AZ099–0039; FRL–7013–3] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3102. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permits Program in Alaska [FRL–7012–9] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3103. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and San Joaquin Valley Unified Air Pollution Control District [CA 169–0282; FRL–7013–5] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3104. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Amendments to the Iranian Assets Control Regulations—received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3105. A letter from the Acting Director, Office of Personnel Management, transmitting a report on the Physicians' Comparability Allowance Program, pursuant to 5 U.S.C.

5948(j)(1); to the Committee on Government Reform.

3106. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-105, "Health-Care Facility Unlicensed Personnel Criminal Background Check Temporary Amendment Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3107. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-103, "Carter G. Woodson Memorial Park Designation Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3108. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-96, "Corrections Information Council Temporary Amendment Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3109. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-99, "Closing of a Public Alley in Square 192, S.O. 93-89, Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3110. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-98, "Campaign Finance Amendment Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3111. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-93, "Lorenzo Larry Allen Memorial Park Designation Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3112. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-97, "Closing of a Public Alley in Square 622, S.O. 99-24, Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3113. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-91, "Election Petition Penalty Amendment Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3114. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-94, "Fort Stanton Civic Association Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3115. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-90, "Corrections Information Council Amendment Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3116. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-92, "Chesapeake Regional Olympic Games Authority Temporary Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3117. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-106, "Closing of Portions of 2nd and N Streets, N.E. and the Alley System in Square 710, S.O. 00-97, Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3118. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3119. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-100, "Public School Enrollment Integrity Temporary Amendment Act of 2001" received July 26, 2001, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

3120. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's annual report for FY 2000; to the Committee on Government Reform.

3121. A letter from the Acting Director, Office of National Drug Control Policy, transmitting the Office's FY 2001-FY 2007 Strategic Plan; to the Committee on Government Reform.

3122. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Recruitment and Relocation Bonuses and Retention Allowances (RIN: 3206-AJ08) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

3123. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2001, through June 30, 2001 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 107-108); to the Committee on House Administration and ordered to be printed.

3124. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 010122013-1013-01; I.D. 070901A] received July 18, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3125. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2001-SW-04-AD; Amendment 39-12271; AD 2001-12-16] (RIN: 2120-AA64) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3126. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes Equipped With Pratt & Whitney Model PW4400 Series Engines [Docket No. 2001-NM-115-AD; Amendment 39-12215; AD 2001-09-10] (RIN: 2120-AA64) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3127. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2001-NM-32-AD; Amendment 39-12154; AD 2001-06-07] (RIN: 2120-AA64) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3128. A letter from the Secretary, Department of Transportation, transmitting a report in accordance with the requirements of Section 2006(e) of the Transportation Equity Act for the 21st Century entitled, "Evaluation of Driver Licensing Information Programs and Assessment of Technologies"; to the Committee on Transportation and Infrastructure.

3129. A letter from the Deputy Administrator, General Services Administration, transmitting a report of Building Project Survey for Canton, OH; to the Committee on Transportation and Infrastructure.

3130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-36] received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3131. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Foreign Trusts That Have U.S. Beneficiaries [TD 8955] (RIN: 1545-AO75) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3132. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Recognition of Gain on Certain Transfers to Certain Foreign Trusts and Estates [TD 8956] (RIN: 1545-AY25) received July 19, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3133. A letter from the Chair, Ticket to Work and Work Incentives Advisory Panel, transmitting the Panel's Preliminary Advice Report on the Ticket to Work and Self-Sufficiency Program (the Ticket Program); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 210. Resolution providing for consideration of the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-164). Referred to the House Calendar.

Mr. YOUNG of Florida: Committee on Appropriations. report on the Revised Suballocation of Budget Allocations for Fiscal Year 2002 (Rept. 107-165). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 988. A bill to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse" (Rept. 107-166). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. House Resolution 193. Resolution requesting that the President focus appropriate attention on the issues of neighborhood crime prevention, community policing, and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority, and for other purposes (Rept. 107-167). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and commerce. H.R. 943. A bill to amend the Public Health Service Act with respect to the availability of influenza vaccine through the program under section 317 of such Act; with an amendment (Rept. 107-168). Referred to the Committee of the whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 2647. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107-169). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. COMBEST (for himself and Mr. Stenholm):

H.R. 2646. A bill to provide for the continuation of agricultural programs through fiscal year 2011; to the Committee on Agriculture.

By Mr. ALLEN (for himself, Mr. Baldacci, Ms. Carson of Indiana, Mr. Conyers, Mr. Crowley, Ms. DeGette, Mr. Frost, Mr. Hinchey, Mr. Holt, Mr. Israel, Mr. Lantos, Mr. McGovern, Ms. McKinney, Mr. Meehan, Mr. Moran of Virginia, Ms. Norton, Mr. Pascrell, Mr. Payne, Mr. Reyes, and Mr. Waxman):

H.R. 2648. A bill to ensure excellent recruitment and training of math and science teachers at institutions of higher education; to the Committee on Education and the Workforce.

By Mr. BURR of North Carolina (for himself, Mr. Towns, Mr. Borski, Mr. Scarborough, Mr. Boucher, Mr. Cox, Mr. Kolbe, Mr. Isakson, Mr. Oxley, Mr. Whitfield, Mrs. Emerson, Mr. Sweeney, Mr. Ehrlich, Mr. Goode, Mr. Barton of Texas, Mr. Barcia, Mr. Norwood, Mr. Bishop, Mr. Wynn, Mr. Greenwood, Mr. Lewis of Georgia, Mr. Upton, Mr. Bryant, Mrs. Biggert, Mr. Rush, and Mr. Hall of Texas):

H.R. 2649. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CALLAHAN:

H.R. 2650. A bill to extend the temporary suspension of the duty on 2–Methyl-4,6-bis[(octylthio) methyl]phenol; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 2651. A bill to extend the temporary suspension of the duty on 4-[[4,6–Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1 dimethylethyl)phenol; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 2652. A bill to extend the temporary suspension of the duty on Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate]; to the Committee on Ways and Means.

By Mrs. CLAYTON (for herself, Mr. Towns, Mr. Thompson of Mississippi, Mr. Bishop, Ms. Eddie Bernice Johnson of Texas, Mrs. Meek of Florida, Ms. Kilpatrick, Ms. Kaptur, Mrs. Jones of Ohio, Mr. Davis of Illinois, Ms. Carson of Indiana, Ms. DeLauro, Mr. Pomeroy, Ms. Brown of Florida, Mr. Clyburn, Mr. Conyers, Mr. Fattah, Ms. Lee, Mr. Lewis of Georgia, Ms. McKinney, Ms. Millender-McDonald, Mr. Meeks of New York, Ms. Norton, Mr. Owens, Mr. Payne, Mr. Watt of North Carolina, Mr. Wynn, Mr. Clay, Mr. Farr of California, Mr. Scott, Mr. Rush, Mrs. Thurman, Mr. Etheridge, Mr. Jefferson, Mr. Rangel, Mr. Ford, Mr. Cummings, Mr. Jackson of Illinois, Mr. Price of North Carolina, Mr. Hastings of Florida, and Ms. Jackson-Lee of Texas):

H.R. 2653. A bill to amend the Consolidated Farm and Rural Development Act to improve the agricultural credit programs of the Department of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mr. CLEMENT (for himself, Ms. Kaptur, Mr. Blumenauer, Mrs. Tauscher, Mr. Mica, and Mr. Honda):

H.R. 2654. A bill to designate the Surface Transportation Board as a forum to improve passenger rail and other fixed guideway passenger transportation by allowing improved access to freight track and rights-of-way for fixed guideway transportation in consideration for just and reasonable compensation to freight railroads; to the Committee on Transportation and Infrastructure.

By Mrs. DAVIS of California:

H.R. 2655. A bill to amend title 32, United States Code, to establish a National Guard program to assist at-risk youth develop life skills; to the Committee on Armed Services.

By Ms. DEGETTE (for herself and Mr. Udall of Colorado):

H.R. 2656. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DELAY (for himself, Ms. Norton, Mrs. Morella, and Mr. Tom Davis of Virginia):

H.R. 2657. A bill to amend title 11, District of Columbia Code, to redesignate the Family Division of the Superior Court of the District of Columbia as the Family Court of the Superior Court, to recruit and retain trained and experienced judges to serve in the Family Court, to promote consistency and efficiency in the assignment of judges to the Family Court and in the consideration of actions and proceedings in the Family Court, and for other purposes; to the Committee on Government Reform.

By Mr. DEMINT (for himself, Mr. Armey, Mrs. Johnson of Connecticut, Mr. Burr of North Carolina, Mr. Cooksey, Mr. Fletcher, Mr. Herger, Mr. Hoekstra, Mr. McKeon, Mr. Sam Johnson of Texas, Mr. Shadegg, Mrs. Myrick, Mr. Souder, Mr. Ryan of Wisconsin, Mr. Toomey, Mr. Stearns, Mr. Pitts, Mr. Bartlett of Maryland, Mr. Pence, Mr. Tiahrt, Mr. Paul, Mr. Manzullo, and Mr. Tiberi):

H.R. 2658. A bill to amend the Internal Revenue Code of 1986 to exclude employer contributions to health care expenditure accounts from gross income, and to amend title I of the Employee Retirement Income Security Act of 1974 to clarify the applicability of such title to plans employing such accounts; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL of Ohio (for himself, Mr. Boehlert, Mrs. Tauscher, Mr. Hobson, and Mr. Boyd):

H.R. 2659. A bill to amend title 10, United States Code, to enhance science and technology planning and budgeting by the Air Force, and for other purposes; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2660. A bill to direct the Secretary of Health and Human Services to prepare and publish annually a consumer guide to prescription drug prices; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. Spratt, Mr. Bonior, Ms. McKinney, Mr. Kennedy of Rhode Island, Mr. Frank, Mr. Kucinich, Ms. Kaptur, Mr. Hilliard, Mr. Capuano, Ms. Schakowsky, Mr. Filner, Mr. Sanders, Mr. Stark, Mr. Frost, Mr. Abercrombie, Ms. Hooley of Oregon, Mr. Inslee, Mr. Luther, Mr. Brady of Pennsylvania, Ms. Pelosi, Mr. Hinchey, Mrs. Clayton, Ms. Lee, Mr. Udall of New Mexico, Mr. Udall of Colorado, Ms. Woolsey, Mrs. Mink of Hawaii, Mr. Barrett, Mr. Crowley, Mr. Engel, Mr. Jackson of Illinois, Mr. Pascrell, Mr. Evans, Ms. Lofgren, Mr. Lantos, Mr. Gutierrez, Mr. Berman, Mr. Owens, Ms. Baldwin, Mr. Kleczka, Mr. Pallone, Mr. Mascara, Mr. Rahall, Mr. Traficant, Mr. Allen, Ms. Slaughter, Mr. McDermott, and Mr. Visclosky):

H.R. 2661. A bill to provide certain requirements for labeling textile fiber products and for duty-free and quota-free treatment of products of, and to implement minimum wage and immigration requirements in, the Northern Mariana Islands, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 2662. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. Sensenbrenner, Mr. Waxman, Ms. Roybal-Allard, Mr. Serrano, and Ms. Rivers):

H.R. 2663. A bill to require the Federal Trade Commission to amend the trade regulation rule on ophthalmic practice to require the release of prescriptions for contact lenses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KOLBE (for himself, Mr. Gilman, Mr. Oberstar, Mr. Dreier, Mr. Hinchey, Mr. Leach, Mr. McGovern, Mr. Regula, and Mr. Upton):

H. Con. Res. 201. Concurrent resolution expressing the sense of the Congress that the United States should establish an international education policy to further national security, foreign policy, and economic competitiveness, and promote mutual understanding and cooperation among nations; to the Committee on International Relations, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. MCKINNEY, Mr. CONYERS, Ms. CARSON of Indiana, and Ms. KILPATRICK):

H. Res. 211. A resolution expressing the sense of the House of Representatives that the Bush Administration should send a high-level delegation to participate at the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAVIS of California:

H.R. 2664. A bill for the relief of Brenda Jean Nellis; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 2665. A bill to authorize the use of a vessel to transport the former naval medium harbor tug USS *Hoga* to Port Everglades, Florida, for use as a memorial to veterans and for providing vocational seamanship training; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. EVANS.

H.R. 87: Mr. ANDREWS.

H.R. 97: Mrs. NAPOLITANO.

H.R. 162: Mr. EHRLICH, Mr. BONILLA, and Mr. KING.

H.R. 189: Mr. GOODE.

H.R. 218: Mrs. CUBIN, Mr. WELLER, Mrs. CAPITO, and Mrs. BIGGERT.

H.R. 239: Mr. HEFLEY, Ms. PELOSI, Ms. BALDWIN, Mr. DOYLE, and Mr. RADANOVICH.

H.R. 257: Mr. PLATTS, Mr. PETERSON of Minnesota, Mr. MCINNIS, and Mr. VITTER.

H.R. 267: Mr. PAYNE.

H.R. 303: Mr. FORBES.

H.R. 599: Mr. EHRLICH.

H.R. 606: Mr. TIERNEY.

H.R. 633: Mr. BOSWELL and Mr. NADLER.

H.R. 661: Mr. REYNOLDS and Mr. BLUNT.

H.R. 668: Mr. SHUSTER.

H.R. 684: Ms. NORTON, Mr. LANTOS, Ms. MCKINNEY, Ms. PELOSI, Mr. CUMMINGS, and Mr. EVANS.

H.R. 701: Mrs. BIGGERT, Mr. BOEHLERT, Mr. WATT of North Carolina, and Mr. ACKERMAN.

H.R. 703: Mr. BONIOR.

H.R. 774: Ms. LOFGREN.

H.R. 804: Mr. GRAHAM and Mr. SHIMKUS.

H.R. 822: Mr. GRAHAM.

H.R. 854: Ms. MCKINNEY.

H.R. 868: Mr. MOLLOHAN, Mr. COLLINS, Mr. SMITH of Washington, Mr. DICKS, and Mr. SCOTT.

H.R. 909: Mr. FOSSELLA.

H.R. 918: Ms. MCCOLLUM, Mr. UPTON, and Mr. GREENWOOD.

H.R. 936: Mr. ISRAEL, Mrs. NAPOLITANO, and Mr. SABO.

H.R. 951: Mr. JACKSON of Illinois, Mr. BLUMENAUER, and Mr. SERRANO.

H.R. 968: Mr. ROTHMAN.

H.R. 972: Mr. FATTAH.

H.R. 995: Mr. FRANK.

H.R. 1073: Mr. UPTON.

H.R. 1110: Mr. WICKER.

H.R. 1134: Mr. MCINNIS.

H.R. 1136: Mr. SHERMAN.

H.R. 1151: Ms. CARSON of Indiana.

H.R. 1170: Mr. BOSWELL.

H.R. 1177: Mr. GOODE, Mr. COYNE, Mr. LATOURETTE, Ms. BALDWIN, and Mr. FARR of California.

H.R. 1178: Mr. FRANK.

H.R. 1194: Mr. PRICE of North Carolina.

H.R. 1198: Mr. PLATTS, Mr. PRICE of North Carolina, Mr. OBERSTAR, and Mr. ABERCROMBIE.

H.R. 1202: Mr. PAYNE, Mr. GUTIERREZ, Ms. DELAURO, and Mr. GRAHAM.

H.R. 1238: Mr. MATSUI, Mr. CARDIN, and Mr. SHAW.

H.R. 1243: Ms. MCKINNEY.

H.R. 1268: Mr. TANCREDO.

H.R. 1296: Mrs. KELLY, Mr. BOSWELL, Mr. BEREUTER, Mr. NUSSLE, and Mr. KUCINICH.

H.R. 1305: Mr. STRICKLAND and Mr. PASTOR.

H.R. 1350: Mr. OLVER.

H.R. 1367: Mr. BONIOR.

H.R. 1377: Mr. INSLEE, Mr. BEREUTER, and Mr. FOSSELLA.

H.R. 1408: Mr. CRAMER.

H.R. 1507: Mr. BENTSEN, Mr. NETHERCUTT, and Mr. DOYLE.

H.R. 1536: Mr. MARKEY, Mr. FORD, Mr. UDALL of Colorado, and Mr. MORAN of Virginia.

H.R. 1556: Mr. SHUSTER and Mr. GOODE.

H.R. 1582: Mr. RODRIGUEZ.

H.R. 1596: Mr. FILNER and Mr. MCHUGH.

H.R. 1600: Mr. PRICE of North Carolina and Mr. WELLER.,

H.R. 1602: Mr. KELLER, Mrs. BIGGERT, Mr. SAM JOHNSTON of Texas, Mr. FLETCHER, Mr. GRAHAM, Mr. UPTON, and Mr. DEAL of Georgia.

H.R. 1605: Ms. HART.

H.R. 1609: Mr. LUCAS of Kentucky.

H.R. 1613: Mrs. BIGGERT and Mr. RANGEL.

H.R. 1624: Mr. FARR of California, Mr. HASTINGS of Florida, Mr. SESSIONS, Mr. WEINER, Mr. CROWLEY, Mr. BRADY of Texas, Mr. SABO and, Mr. REGULA.

H.R. 1650: Ms. BALDWIN.

H.R. 1680: Mr. ACKERMAN, Mr. DINGELL, and Ms. KAPTUR.

H.R. 1693: Mr. GUTIERREZ, Mr. LEACH, and Mr. ABERCROMBIE.

H.R. 1770: Mr. HASTERT.

H.R. 1779: Ms. WOOLSEY, Mr. BISHOP, Mr. LAMPSON, and Mr. EHLERS.

H.R. 1835: Mr. ENGLISH.

H.R. 1841: Mrs. MINK of Hawaii, Mr. GREEN of Texas, and Mr. FATTAH.

H.R. 1875: Mr. QUINN.

H.R. 1896: Mr. ANDREWS.

H.R. 1948: Mr. LANGEVIN.

H.R. 1964: Mr. KILDEE.

H.R. 1979: Mr. COOKSEY, Mr. KELLER, Mr. HALL of Texas, and Mr. GORDON.

H.R. 1983: Mr. BLUNT, Mr. ORTIZ, and Mr. GEKAS.

H.R. 1987: Mr. SESSIONS, Mr. BAKER, Mr. SMITH of Texas, and Mr. TIBERI.

H.R. 1990: Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CLYBURN, Mr. DAVIS of Illinois, Mr. FORD, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. MCKINNEY, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Mr. RUSH, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. WATT of North Carolina, and Mr. BERMAN.

H.R. 2012: Mr. GILMAN and Mr. RYAN of Wisconsin.

H.R. 2033: Mr. BECERRA, Mr. PASTOR, Mr. WATERS, Ms. LOFGREN, Mr. LANTOS, and Mr. MCGOVERN.

H.R. 2037: Mr. THOMAS, Mr. REYNOLDS, Mr. HOEKSTRA, Mr. SAXTON, Mr. BOEHLERT, and Mr. MCINTYRE.

H.R. 2070: Mr. DOOLEY of California.

H.R. 2074: Ms. PELOSI, Mr. PASTOR, and Mr. RODRIGUEZ.

H.R. 2081: Mr. ROHRABACHER.

H.R. 2094: Mr. PAUL and Mr. OTTER.

H.R. 2095: Mr. RODRIGUEZ.

H.R. 2117: Mr. WEINER.

H.R. 2118: Mr. PITTS and Mr. FRANK.

H.R. 2154: Ms. BALDWIN.

H.R. 2155: Mr. SCHAFFER.

H.R. 2156: Mr. PALLONE.

H.R. 2211: Ms. BALDWIN, Mr. WU, and Mr. NADLER.

H.R. 2219: Mr. GOODE.

H.R. 2220: Mrs. MCCARTHY of New York, Mr. THOMPSON of California, Mr. EHRLICH, and Mr. MCNULTY.

H.R. 2258: Mr. WEXLER.

H.R. 2310: Mr. MCDERMOTT.

H.R. 2317: Mr. FILNER, Mr. BORSKI, Mr. STARK, Mrs. THURMAN, Mr. MATSUI, Mr. MCNULTY, Ms. MCKINNEY, Mr. GRUCCI, Mr. LIPINSKI, Mr. MCGOVERN, Mr. FROST, Mr. KILDEE, and Mr. GONZALEZ.

H.R. 2329: Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Ms. LOFGREN, Mrs. CLAYTON, Mr. GOODE, Mr. TIERNEY, Mr. REHBERG, Mrs. MORELLA, Mr. DELAHUNT, Mr. WYNN, Ms. SCHAKOWSKY, and Mr. WU.

H.R. 2333: Ms. RIVERS.

H.R. 2334: Mr. COBLE.

H.R. 2337: Mr. SCHAFFER.

H.R. 2339: Mr. WOLF.

H.R. 2348: Mr. HONDA, Mr. BONIOR, Mr. MASCARA, Mr. MORAN of Virginia, Mrs. CHRISTENSEN, Mr. RUSH, and Ms. LEE.

H.R. 2357: Mr. DELAY, Mr. BAKER, Mr. HALL of Texas, Mr. DEMINT, Mr. RILEY, Mr. PETERSON of Pennsylvania, Mr. THORNBERRY, Mr. HUNTER, Mr. KINGSTON, Mr. ARMEY, Mr. PAUL, Mr. ROHRABACHER, Mr. LEWIS of Kentucky, and Mr. GRAHAM.

H.R. 2363: Mr. HOEFFEL, Ms. ROYBAL-ALLARD, and Mr. PASCRELL.

H.R. 2404: Ms. WOOLSEY.

H.R. 2466: Mr. DEMINT, Mr. SHOWS, and Mrs. NORTHUP.

H.R. 2478: Ms. SANCHEZ.

H.R. 2484: Mr. DOYLE and Mr. BOUCHER.

H.R. 2485: Mr. MATSUI.

H.R. 2487: Mr. RANGEL.

H.R. 2492: Mr. LEWIS of California, Mr. HALL of Texas, and Mr. HILL.

H.R. 2507: Mr. ROGERS of Michigan.

H.R. 2560: Mr. ACKERMAN and Mr. DEUTSCH.

H.R. 2573: Ms. RIVERS, Ms. ESHOO, Mr. WAXMAN, and Ms. BALDWIN.

H.R. 2592: Mr. EHRLICH.

H.R. 2608: Ms. DEGETTE, Mr. TOWNS,, and Mr. SAWYER.

H.R. 2615: Mr. FLAKE.

H.R. 2624: Mr. GILMAN, Mr. NADLER, Mr. CROWLEY, Mr. HOLDEN, Mr. MCNULTY, Ms. NORTON, and Mr. CRAMER.

H.R. 2629: Mr. BLAGOJEVICH.

H.R. 2630: Mr. BARRETT.

H.R. 2637: Mrs. MEEK of Florida and Mr. GREENWOOD.

H.J. Res. 6: Mr. FRANK.

H.J. Res. 15: Mr. MOLLOHAN.

H.J. Res. 54: Ms. HART.

H. Con. Res. 36: Mr. TOOMEY and Mr. PLATTS.

H. Con. Res. 58: Mr. HOEFFEL.

H. Con. Res. 153: Mr. MATHESON.

H. Con. Res. 160: Mr. GEKAS and Mr. MCGOVERN.

H. Con. Res. 162: Ms. Roybal-Allard.

H. Con. Res. 195: Mr. McDermott.

H. Res. 132: Mrs. Napolitano, Mr. Delahunt, and Mr. Walsh.

H. Res. 144: Mr. Duncan and Mr. Otter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2172: Mr. Langevin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2620

Offered By: Mr. Barcia

Amendment No. 24: Page 62, line 21, after the first dollar amount insert the following: "(reduced by $140,000,000)".

Page 64, line 5, after the dollar amount insert the following: "(increased by $140,000,000)".

H.R. 2620

Offered By: Mr. Bishop

Amendment No. 25: At the end of the bill (before the short title), insert the following:

SEC.   . ESTABLISHMENT OF PROGRAM.

Subtitle B of title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5197–5197g) is amended by adding at the end the following:

"SEC. 629. MINORITY EMERGENCY PREPAREDNESS DEMONSTRATION PROGRAM.

"(a) In General.—The Director shall establish a minority emergency preparedness demonstration program to research and promote the capacity of minority communities to provide data, information, and awareness education by providing grants to or executing contracts or cooperative agreements with eligible nonprofit organizations to establish and conduct such programs.

"(b) Activities Supported.—An eligible nonprofit organization may use a grant, contract, or cooperative agreement awarded under this section—

"(1) to conduct research into the status of emergency preparedness and disaster response awareness in African American and Hispanic households located in urban, suburban, and rural communities, particularly in those States and regions most impacted by natural and manmade disasters and emergencies; and

"(2) to develop and promote awareness of emergency preparedness education programs within minority communities, including development and preparation of culturally competent educational and awareness materials that can be used to disseminate information to minority organizations and institutions.

"(c) Eligible Organizations.—A nonprofit organization is eligible to be awarded a grant, contract, or cooperative agreement under this section with respect to a program if the organization is a nonprofit organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code, whose primary mission is to provide services to communities predominately populated by minority citizens, and that can demonstrate a partnership with a minority-owned business enterprise or minority business located in a HUBZone (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p))) with respect to the program.

"(d) Use of Funds.—A recipient of a grant, contract, or cooperative agreement awarded under this section may only use the proceeds of the grant, contract, or agreement to—

"(1) acquire expert professional services necessary to conduct research in communities predominately populated by minority citizens, with a primary emphasis on African American and Hispanic communities;

"(2) develop and prepare informational materials to promote awareness among minority communities about emergency preparedness and how to protect their households and communities in advance of disasters;

"(3) establish consortia with minority national organizations, minority institutions of higher education, and faith-based institutions to disseminate information about emergency preparedness to minority communities; and

"(4) implement a joint project with a minority serving institution, including a part B institution (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), an institution described in subparagraph (A), (B), or (C) of section 326 of that Act (20 U.S.C. 1063b(e)(1)(A), (B), or (C)), and a Hispanic-serving institution (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))).

"(e) Application and Review Procedure.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an organization must submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director shall establish a procedure by which to accept such applications.

"(f) Authorization of Appropriation.—There is authorized to be appropriated to carry out this section $1,500,000 for fiscal year 2002 and such funds as may be necessary for fiscal years 2003 through 2007. Such sums shall remain available until expended.".

H.R. 2620

Offered By: Mr. Davis of Illinois

Amendment No. 26: In title II, in the item relating to "Public and Indian Housing—public housing capital fund", after the aggregate dollar amount, insert the following: "(reduced by $100,000,000)".

In title II, in the item relating to "Public and Indian Housing—revitalization of severely distressed public housing (hope vi)", after the aggregate dollar amount, insert the following: "(increased by $100,000,000)".

H.R. 2620

Offered By: Mr. Hastings of Florida

Amendment No. 27: In title I, in the paragraph under the heading "Veterans Health Administration—medical care" after the first dollar amount, insert the following: "(increased by $1,000,000)".

H.R. 2620

Offered By: Mr. Hastings of Florida

Amendment No. 28: Page 7, line 19, after the dollar amount, insert the following: "(increased by $1,000,000)".

H.R. 2620

Offered By: Mr. Hastings of Florida

Amendment No. 29:

Page 21, line 13, after the first dollar amount, insert the following: "(increased by $1,000,000)".

Page 21, line 24, after the first dollar, insert the following: "(increased by $1,000,000)".

H.R. 2620

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 30:

In title III, under the heading "national and community service programs operating expenses"—

(1) strike "orderly termination of the"; and

(2) strike the proviso at the end.

H.R. 2620

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 31: At the end of title II, insert the following new section:

Sec. 2   . For an additional amount for providing public housing agencies with tenant-based housing assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to provide amounts for incremental assistance under such section 8, and the amount otherwise provided by this title for "Public and Indian Housing—public housing capital fund" is hereby reduced by, $100,000,000.

H.R. 2620

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 32: In title II, in the item relating to "Public and Indian Housing—housing certificate fund", after the aggregate dollar amount, insert the following: "(reduced by $50,000,000)".

In title II, in the item relating to "Public and Indian Housing—housing certificate fund", after the seventh dollar amount (relating to incremental vouchers), insert the following: "(reduced by $50,000,000)".

In title II, in the item relating to "Public and Indian Housing—housing certificate fund", after the eighth dollar amount (relating to amounts made available on a fair share basis), insert the following: "(reduced by $50,000,000)".

In title II, in the item relating to "Community Planning and Development—community development fund", after the aggregate dollar amount, insert the following: "(increased by $50,000,000)".

In title II, in the item relating to "Community Planning and Development—community development fund", after the second dollar amount (relating to the community development block grant program), insert the following: "(increased by $50,000,000)".

H.R. 2620

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 33: In title III, at the end of the matter relating to "National Aeronautics and Space Administration-science, aeronautics and technology" insert the following: "Additionally, for the Space Grant program, to promote science, mathematics, and technology education for young people, undergraduate students, women, underrepresented minorities, and persons with disabilities in the State of Texas, for careers in aerospace science and technology, $8,900,000.".

H.R. 2620

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 34: In title III, at the end of the matter relating to "National Aeronautics and Space Administration-science, aeronautics and technology" insert the following: "Additionally, for the Minority University Research and Education Program to emphasize partnership awards that leverage the National Aeronautics and Space Administration's investment by encouraging collaboration among the National Aeronautics and Space Administration, Historically Black Colleges and Universities, Other Minority Universities, and other university researchers and educators, $58,000,000.".

H.R. 2620

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 35: In title III, at the end of the matter relating to "NATIONAL SCIENCE FOUNDATION-EDUCATION AND HUMAN RESOURCES" insert the following: "Additionally, for training young scientists and engineers, creating new knowledge, and developing cutting-edge tools that together will fuel economic prosperity and increase social well-being in the years ahead, $662,000,000.".

H.R. 2620

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 36: Page 54, after line 6, insert the following new section:

SEC. 208. The amounts otherwise provided by this title are revised by increasing the aggregate amount made available for "PUBLIC AND INDIAN HOUSING—HOUSING CERTIFICATE FUND", increasing the amount specified under such item for incremental vouchers under section 8 of the United States Housing Act of 1937, reducing the amount specified under such item for rescission from unobligated balances remaining from funds previously appropriated to the Department of Housing and Urban Development, increasing the amount made available for "COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT FUND", and increasing the amount specified under such item for the community development block grant program, by $100,000,000, $100,000,000, $324,000,000, $224,000,000, and $224,000,000, respectively.

H.R. 2620

OFFERED BY: MS. PELOSI

AMENDMENT NO. 37: Page 92, strike lines 3 through 9.

H.R. 2620

OFFERED BY: MR. RANGEL

AMENDMENT NO. 38: At the end of the bill (before the short title), insert the following new section:

SEC. 4___. None of the funds made available by this Act may be used to implement or enforce the requirement under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c); relating to community service).

H.R. 2620

OFFERED BY: MRS. TAUSCHER

AMENDMENT NO. 39: In title III, in the matter relating to "ENVIRONMENTAL PROTECTION AGENCY-STATE AND TRIBAL ASSISTANCE GRANTS", after each of the first 2 dollar amounts insert the following: "(increased by $150,000,000)".

In title III, in the matter relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION-HUMAN SPACE FLIGHT" after the overall dollar amount insert the following: "(reduced by $150,000,000)".

H.R. 2620

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 40: At the end of the bill (preceding the short title) insert the following new section:

SEC. . No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

H.R. 2620

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 41: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used by the Department of Veterans Affairs to implement any provision of the April 2001 report entitled "Plan for the Development of a 25-Year General Use Plan for Department of Veterans Affairs West Los Angeles Healthcare Center".

H.R. 2620

OFFERED BY: MR. WELDON OF FLORIDA

AMENDMENT NO. 42: Page 47, line 10, after the first dollar amount insert the following: "(reduced by $50,000,000)".

Page 72, line 5, after the dollar amount insert the following: "(increased by $50,000,000)".

H.R. 2620

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 43: In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS ACT", strike "That of the total amount provided under this heading, $200,000,000" and all that follows through "as amended: *Provided further*,".

H.R. 2620

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 44: At the end of title II, insert the following new section:

SEC. 2 . For carrying out the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) and the functions of the clearinghouse authorized under section 5143 of the Drug-Free Public Housing act of 1988 (42 U.S.C. 11922), and the aggregate amount otherwise provided by this title for the "HOME INVESTMENT PARTNERSHIPS PROGRAM" is hereby reduced by, and the amount provided under such item for the Downpayment Assistance Initiative is hereby reduced by, $175,000,000.

H.R. 2620

OFFERED BY: MR. BONIOR

AMENDMENT NO. 45: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. [-]. None of the funds appropriated by this Act may be used to delay the national primary drinking water regulation for Arsenic published on January 22, 2001, in the Federal Register (66 Fed.Reg. pages 6976 through 7066, amending parts 141 through 142 of title 40 of the Code of Federal Regulations) or to propose or finalize a rule to increase the levels of arsenic in drinking water permitted under that regulation.

H.R. 2620

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 46: At the end of the bill, add the following new section:

"SEC. . Funding made available under this Act for salaries and expenses, excluding those made available for the Department of Veterans Affairs and the Environmental Protection Agency, are reduced by $25,000,000 and funds made available for "Environmental Programs and Management" at the Environmental Protection Agency are increased by $25,000,000 for activities authorized by law: Provided, none of the funds in this Act shall be available by reason of the next to last specific dollar earmark under the heading "State and Tribal Assistance Grants."

EXTENSIONS OF REMARKS

TRIBUTE TO BANU SINAR

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Banu Sinar of New Hyde Park. I have named her Citizen of the Month in the Fourth Congressional District for August 2001 in recognition of her outstanding abilities and growth as a student in the Literacy Volunteers of America—Nassau County (LVA–NC). LVA–NC is a non-profit organization that recruits and trains volunteers to work one-on-one or in small groups of students to improve their English language skills.

I hope Banu's example and her desire to improve her English and literacy skills will encourage people to volunteer their time to the Literacy Volunteers. With over 400 students waiting for help, I encourage the residents of the Fourth District to become involved.

Banu was selected as 2001 Literacy Volunteers Student of the Year. Today, there are more than 1,000 students currently studying with the organization, free of charge.

A Turkish immigrant who arrived in the United States two and a half years ago, Banu's fluency in Turkish enabled her to perform well at the international trade company where she works as a purchasing and sales agent. However, in order to feel more at home in the United states and to help her young daughter with homework, she wanted to learn to speak English. Banu enrolled with LVA–NC, and was assigned to tutor Marion Legler, also of New Hyde Park.

Banu's accomplishments are truly remarkable, and is an example of how tutors can make a difference in people's lives. I applaud her motivation and extraordinary commitment to her studies.

Wanting to contribute something to the organization that had assisted her so greatly, Banu helped to found LVA–NC's new Student Advisory Council. The group was established as a forum for students to help develop programs to aid new adult learners.

Banu lives with her husband Hankan and daughter Asli in New Hyde Park. I congratulate Banu and her family on this achievement, and on the impending birth of their second child in October.

IN HONOR OF MS. VERA HALL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. KUCINICH. Mr. Speaker, I rise today in honor of a great woman who has led a distinguished life of humanitarian activism, Ms. Vera Hall.

Ms. Hall is the daughter of Russian Immigrants who migrated to Ashtabula County where she grew up on a farm. Ms. Hall attended Ohio State University and later transferred to Radio School during World War II and began a career communicating and recording vital information to airline pilots. During the next 40 years Vera worked for the commercial airlines Pennsylvania Central which eventually became United Airlines. Throughout the four decades she was active in the labor movement first as ACEC and then CWA.

Her hobbies include gardening and the environment along with issues concerning peace. Ms. Hall is an expert organic gardener whose colorful perennial flower gardens are breathtaking. She is a dedicated environmentalist in her daily lifestyle as well as in her political beliefs. She is serious, committed, informed, and articulate on the issues of her concerns. She has served as the treasurer for both Womens International League for Peace and Freedom and for the Racial and Economic Equality. Ms. Hall has protested war, nuclear armament, racism, apartheid, and sexism.

Ms. Hall also enjoys spending her time enjoying the arts. She supports the theater, museums, music venues and other cultural institutions.

Mr. Speaker, please rise today and join me in applauding an individual who has made numerous contributions to the Cleveland area, Ms. Vera Hall.

INTRODUCTION OF A BILL TO AUTHORIZE THE USE OF A VESSEL TO TRANSPORT THE FORMER NAVAL MEDIUM HARBOR TUG U.S.S. HOGA TO PORT EVERGLADES, FLORIDA, FOR USE AS A MEMORIAL TO VETERANS AND FOR PROVIDING VOCATIONAL SEAMANSHIP TRAINING

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. HASTINGS of Florida. Mr. Speaker, I am proud to introduce a bill which authorizes the use of a vessel to transport the naval harbor tug U.S.S. *Hoga* to Port Everglades, Florida, for use as a memorial to veterans and provide vocational seamanship training.

This bill will carry out the longstanding intent of Congress in preserving and protecting historic landmarks and national monuments. The U.S.S. *Hoga* is recognized by the United States Park Service as a national monument, and appears in the national register of historic places. Unfortunately, the U.S.S. *Hoga* is no longer seaworthy, and cannot safely be towed on the open sea. If towed through the water, it may fall apart, and we stand to lose this national monument forever. Thus, I encourage you, Mr. Speaker, and my colleagues here in Congress, to support this initiative that will allow a means to transport the U.S.S. *Hoga* on a transporter vessel, enabling the ship to arrive undamaged to the state of Florida.

Veterans have long been the thread holding together out nation, defining American independence, and ensuring American freedom. Despite the high concentration of World War II veterans in Florida, with the majority of them calling South Florida home, the state of Florida is the only coastal state without a commemorative World War II warship. This legislation will assist the U.S.S. *Hoga* Association in transporting the U.S.S. *Hoga* to its final resting place at the New River in Ft. Lauderdale, Florida.

Mr. Speaker, in the next two decades, the last of the World War II veterans will have passed on. As an immobile World War II veteran, the U.S.S. *Hoga* will be a place for future generations to pay homage to those who fought bravely under and for the United States flag. The U.S.S. *Hoga* is indeed a national treasure, and will serve many additional uses in the state of Florida. Currently, boatyards are underemployed, and fewer Americans consider a calling to defend our great country. In addition to being a memorial, the U.S.S. *Hoga* will be used to train students in seamanship duties and promote national defense by preparing young Americans for service in the United States Navy.

Finally, Mr. Speaker, let me say that I take a great deal of pride in the fact that South Florida boasts one of the nation's highest percentage of World War II veterans. I would also like to commend the U.S.S. *Hoga* Association for the tremendous work and effort it has contributed to attain this goal. As we approach the 65-year mark commemorating the beginning of World War II, I ask that we fulfill a small request made by Florida veterans to aid them in transporting a tribute to those citizens who fought for our country.

I urge all of my colleagues to support this bill.

HONORING WAYNE BEVILL

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. CHAMBLISS. Mr. Speaker, I rise today to pay tribute to Dr./Rev. Wayne Bevill who is retiring after twenty-five years of dedication and service to the Macon Rescue Mission. Dr. Bevill has been such an inspiration to everyone he comes in contact with and will be loved and missed by the staff and Board of Directors.

I have been pleased since my election to the House of Representatives to have served

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on the Advisory Board of the Macon Rescue Mission and to have participated in the Grand Opening ceremonies for their fine new facility in Macon. After working so closely with Wayne Bevill on a number of faith-based endeavors, I have learned what an outstanding man he really is.

His extensive list of contributions to the community is astounding. He graduated from Rice Seminary and served as a chairman of multiple foundation, including the Bibb County Child Abuse Protocol, the Task Force Against Domestic Violence, the Middle Georgia Task Force for the Homeless, and the Bibb County Commission Task Force. He has received numerous awards for his service in helping victims of domestic violence, abused children, and homeless people. In fact, he opened the first shelter for battered women. By serving as Executive Director of the Macon Rescue Mission, he started the Macon Area Food Bank and ran the Dove Center for five years. Because of Dr. Bevill's commitment and hard work, the Macon Rescue Mission moved into its new facility in October of 2000, where it remains one of the finest and up to date facilities in the state of Georgia. In honor of his many accomplishments, Dr. Bevill received an Honorary Doctorate from Toccoa Falls College in May of 2001.

Mr. Speaker, I am proud to call to the attention of the House of Representatives the many accomplishments that have followed in the path of Dr. Wayne Bevill. I feel privileged to know such a dedicated and upstanding citizen. I thank him for his efforts to improve the lives of so many others in Macon and across Georgia.

TRIBUTE TO BILL EMMEL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Bill Emmel, lifelong blood donor and community advocate for blood donations, who I have named as Citizen of the Month in the Fourth Congressional District for July 2001.

The significance of Bill's commitment is profound. Particularly now, when Long Island is faced with a blood shortage crisis, his example is so important. He has helped to inspire a whole new generation of blood donors.

Bill has regularly donated blood since 1981. In his lifetime, he has donated 68 pints of whole blood and has made 91 platelet apheresis donations, for an incredible total of 159 donations as of July 12, 2001.

His extraordinary dedication is only one part of Bill's commitment to ensuring an adequate blood supply in the New York area. Understanding that his own enormous contribution is only a part of keeping Long Island adequately supplied, Bill advocates for blood donations both at work and at home. Upon learning that the Sewhanaka Union Free School District was not sponsoring blood drives due to liability concerns, Bill decided to pursue this great opportunity to recruit young donors. A resident of the school district, one of the largest in Nassau County, he met with insurance representatives, lawyers, Long Island Blood Service personnel, the superintendent and school board members, orchestrating a resolution in which the Sewhanaka School District would endorse blood drives. The effort paid off, and blood drives at the five Sewhanaka high schools have resulted in 775 donations since December 1999.

Not content to leave any stone unturned, Bill is working to get other districts which do not currently hold blood drives, such as the West Hempstead School District, to do so. He also serves as the blood drive chairperson for the Information Technology Department at the Metropolitan Life Insurance Company, where he has worked for fourteen years.

Long Island is lucky to have a person like Bill Emmel working so hard for such a noble cause. With any luck, the students in the Sewhanaka district that he inspired will become lifelong blood donors, helping to avoid another crisis in the future.

A 26 year resident of Floral Park, Bill hopes to make his 100th platelet donation this year. He is a single parent with two sons, Chris, 20, a student at St. John's University and Floral Park EMT, and David, 24, a St. John's graduate and web designer. I congratulate Bill and his sons on this achievement.

IN HONOR OF MR. JASON J. SANUK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Jason J. Sanuk, who will be honored for his attainment of Eagle Scout on August 8, 2001.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges that focus on self-improvement, social skills, and outdoor living.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

Most importantly, the Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent. The International Scouting Association strives to instill values to develop leadership in young men, and teach them the benefits of a strong character. Scouts are taught to follow and uphold these 12 pillars of the Scout Law in their daily life and treat all people with respect and dignity. At the start of every meeting, scouts hold high their right hand and recite the scout oath, a pledge to remain physically strong, mentally awake, and morally straight. These three guiding principles instill strong values in young leaders and teach them of respect, dignity, and equality for all.

Mr. Speaker, please join me in recognizing Mr. Jason J. Sanuk, an exceptional young man, on his dedication to improving the lives of others and his attainment of Eagle Scout.

INTRODUCTION OF THE PRESCRIPTION DRUG CONSUMER INFORMATION ACT OF 2001

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. HASTINGS of Florida. Mr. Speaker, with health care costs rising astronomically and millions of Americans feeling abused and neglected by their health care providers, it is high time that we in Congress do something to alleviate this situation. Americans feel vulnerable to the financial whims of the health care industry and they worry that their health will suffer because health care providers are more concerned with the bottom line on their quarterly reports rather than the line on a patient's heart monitor. I feel that it is my duty to stand up for the American people to protect them from runaway costs and abusive health care services.

I rise today to introduce the Prescription Drug Consumer Information Act of 2001. This bill directs the Secretary of the U.S. Department of Health and Human Services to prepare and publish an annual consumer guide detailing prescription drug prices. This catalog will prove invaluable both to consumers and to health care providers. This is a logical and necessary step in the process of ensuring affordable health care of every person in this country who buys prescription drugs. I submit that every single one of us is currently paying too much for quality health care.

Health insurance programs in the United States cover tens of millions of elderly and disabled persons. While these programs do provide quality coverage for many health care services, they often lack effective prescription drug benefits for the people who need them the most. This bill is a wonderful and significant first step in the process of providing those benefits.

Under the Prescription Drug Consumer Information Act of 2001, a complete consumer guide to all current and available prescription drugs will be distributed across the country. This catalog will contain a list of prices for all prescription drugs in an easy-to-understand format organized by therapeutic category so that the reader will be able to quickly peruse the various drugs for his or her specific condition. This catalog will be updated annually, and additional updates may be sent out during the year if a change were to occur in a drug's availability or price.

Mr. Speaker, this catalog will have numerous advantages for both consumers and health care providers. The most obvious advantage is that this catalog will enable the reader to quickly determine what drugs are available to treat his or her condition. Consumers will also be able to reduce their expenses for prescription drugs by comparing the prices of various drugs side by side. The convenience of being able to look up any prescription drug on the market for information about its price and effectiveness will prove to be an invaluable coup for the health care consumer.

My bill will also have advantages for health care providers. With this catalog, health care providers will be able to determine very easily the cost-effectiveness of certain prescription drugs as compared to other prescription drugs and therapies. This will result in a lower cost overall for both the health care provider and the consumer, as health care providers will be able to choose the most cost-effective prescription drug for their patients.

Mr. Speaker, I implore my colleagues to vote favorably on this important piece of legislation. My bill is a meaningful, proactive, and decent effort on our part to help the people that need our help. How could anyone possibly be against providing the American people with the information that they need to ensure that they receive the best health care possible? We all talk about the importance of extending prescription drug benefits to the American people. Mr. Speaker, my bill, which will benefit the American people by enabling them to have access to accurate and timely information about prescription drugs, is an important first step, and I sincerely hope that this House will recognize it as so.

TRIBUTE TO BISHOP ERIC McDANIEL

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Bishop Eric McDaniel, who was consecrated by his Senior Bishop, Sherman Watkins, in Columbus, OH, during the Holy Convocation of the Higher Ground Assemblies on June 23, 2001.

Bishop Eric McDaniel is the oldest of four children born to Bishop Allen and Lady Richardine McDaniel, and the proud father of Brittney and Bria McDaniel. As a child, Eric McDaniel demonstrated a gift for a life in ministry, in the areas of music and the preached word. At the age of 13, he became the church organist and choir director. At the age 16, he accepted his call to ministry and preached his initial sermon.

His combined musical talent and personal faith in God inspired Bishop McDaniel to write songs. He had no idea that one day his songs would reach the level of success that they have. Some of his songs include: "It Shall be Done," "Spirit Touch Me One More Time," "Thank You," "Come Unto Me," "Restore Your Joy," "When We Reach That Place," among many others.

In May 1993, Bishop McDaniel responded to the call of God to the office of pastor, and founded the Lord's Church Family Workshop Center, Inc., in the Bronx, NY. In June 2000, he was appointed to the office of Bishop and was consecrated one year later by his Senior Bishop.

Mr. Speaker, Bishop McDaniel is a fine example of a great community leader and a person dedicated through his faith to helping others.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Bishop Eric McDaniel and in wishing him continued success.

HONORING THE 100TH ANNIVERSARY OF KNIGHTS OF COLUMBUS COUNCIL 592

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 100th Anniversary of the Knights of Columbus Council 592 in Belleville, Illinois.

The Knights of Columbus organization was founded in 1882 by a 29-year-old parish priest, Father Michael J. McGivney, in the basement of St. Mary's Church in New Haven, Connecticut. Today, more than a century later, the Knights of Columbus has become the largest lay organization of the Catholic Church. The order has been called "the strong right arm of the church" and has been praised by popes, presidents, and other world leaders, for support of the Church, programs of evangelization and Catholic education, civic involvement and aid to those in need. As recently as 1992, Mother Theresa of Calcutta praised the Knights in a speech on the occasion of her reception of the first Knights of Columbus Gaudium et Spes Award.

Thanks to the inspired work of Father McGivney, as well as the millions of other Knights over the past century—the Knights of Columbus now stands at its pinnacle of membership, benefits, and service. Currently there are over 1.6 million Knights of Columbus—more than ever before in the order's history. Together, with their families, the Knights are over 6 million strong. They have grown to more than 12,000 Councils in the U.S., Canada, Mexico, the Philippines, Puerto Rico, Cuba, the Dominican Republic, Panama, the Virgin Islands, Guatemala, Guam, and Saipan.

One of the largest Knights of Columbus Councils in Illinois and one of the most active in the nation is observing its 100th Anniversary. Council 592, which has grown from 35 members to more than 900 today has a long history of service. Council 592 started in the old Lovingston Building in East St. Louis and served as its first headquarters. As their membership increased, the Council moved to the old Odd Fellows building in East St. Louis.

Council 592 has always played an important role in the community. Its civic, fraternal, and charitable projects were numerous. One such event that Council 592 started was their annual picnic. Started in 1922, the picnic was the forerunner of the Knights of Columbus picnics now held across the United States.

Inspired by the results of their activities, the Council's members started an extensive building program. The new Knights of Columbus building was opened in 1925 at a cost of a half a million dollars. The building, a brick structure of combined modern and Gothic architecture, was one of the most attractive buildings in East St. Louis and one of the finest Knights of Columbus buildings in the country. This new building served as the scene of the city's many dances, wedding receptions, meetings and other functions. It had a swimming pool, bowling alley, gymnasium, cafeteria, meeting hall, and a 41 person bachelor quarters. In the late 1960's the Council decided to move its operations to Belleville, Illinois on the edge of East St. Louis on Lebanon Road. The new facility opened in 1969.

Council 592's first, second, and third degree teams have repeatedly been acknowledged as the best in the Midwest. The Council's members have also been instrumental in starting nearly 20 other Knights of Columbus Councils in the area since 1901. A large number of Council members served in World War I and II as well as the Korean and Vietnam conflicts. Many members remain part of our armed forces today.

Charity remains a part of Council's 592's efforts. Their main charitable event is the annual Tootsie Roll day with the proceeds going to charitable organizations. The Council continues to hold numerous activities during the year for families of members. They work with the Ainad Shrine Bonds for Braces as well as the Crippled Children's Hospital.

The Knights of Columbus are Catholic gentlemen committed to the exemplification of charity, unity, fraternity, patriotism, and defense of the priesthood. The Order is consecrated to the Blessed Virgin Mary. They are unequivocal in their loyalty to the Pope, the Vicar of Christ on Earth. It is firmly committed to the protection of human life, from conception to natural death, and to the preservation and defense of the family. It was on these bedrock principles that the Order was founded over a century ago and remains true to them today.

Mr. Speaker, I ask my colleagues to join me in honoring the 100th Anniversary of the Knights of Columbus Council 592 and to honor its members both past, present, and future.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2506) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2002, and for other purposes.

Ms. BALDWIN. Mr. Chairman, I rise today in support of the Conyers-McKinney-Schakowsky Amendment and I urge my colleagues to vote in favor of it.

Last year, this House approved funding for Plan Colombia, ostensibly to fight the drug war in Colombia. Now repackaged as the Andean Initiative, it is the same failed policy that we have been pursuing for the past decade. It will not work because it ignores the fundamental realities of the region. It is impossible to stem the flow of illegal drugs from Colombia without addressing the civil war, paramilitary violence, unequal distribution of wealth and the breakdown of civil society.

Continuing to fund the Andean Initiative will result in more violence in Colombia. It will increase the number of displaced people. It will allow paramilitary violence to continue. Already this year paramilitaries have killed 529 people. It will continue a civil war that all military experts agree is hopelessly stalemated. And to the degree that it has any impact on eliminating coca production in Southern Colombia, it will simply shift that production to other parts of Colombia or neighboring countries. Crop substitution and alternative development projects, already underfunded in Plan Colombia, have not even begun. Because of U.S. funding, fumigation of coca fields has begun, leaving these farmers without any source of income. Imagine you were a poor farmer in Colombia, what would you do to provide income for your family?

Aerial fumigation may successfully kill coca plants, but it also contaminates other food sources. And it certainly creates fear and suspicion among the people in eradication areas.

Mr. Chairman, I believe we can reduce coca production in Colombia and the Andean region. However, military helicopters and aerial fumigation are never going to solve the problem. These tactics merely escalate the conflict and undermine the peace process in Colombia. Until we can move beyond the military strategy of Plan Colombia, we will never solve the drug problem, nor will we bring peace to Colombia.

A TRIBUTE TO SANTA CLARITA, CALIFORNIA'S "HERO OF THE WEEK" PROGRAM

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. McKEON. Mr. Speaker, I rise today to honor a wonderful program in the city of Santa Clarita called "Hero of the Week" as well as those individuals who have been honored in the program.

The program is sponsored jointly by the City of Santa Clarita Anti-Gang Task Force and Mad About Rising Crime Santa Clarita Chapter under the direction of Mr. Gary Popejoy. Started by Maria Fulkerson and Lorraine Grimaldo of the Santa Clarita Anti-Gang Task Force, the "Hero of the Week" program focuses on the positive actions of our youth rather than the negative. The program honors students for the constructive choices they have demonstrated. The students from the Santa Clarita Valley Junior and Senior High Schools are recommended by teachers and principals based on their observations of the student exhibiting positive behavior.

The students that are selected exhibit the qualities that we are looking for in future leaders of our nation. These students, many of whom have experienced difficult times in their own lives, have made remarkable improvements through this program. I am pleased to honor these students today here on the House floor.

On May 24th, 2001, the "Hero of the Week" program honored 44 members of my community for their outstanding activities that truly made them heroes in our neighborhood. These students have faced serious obstacles and, in many cases, faltered in the face of adversity. However, none of these students gave up. Their hard work and determination have truly earned them the title "Hero" in our community.

Mr. Speaker, I would like to conclude these remarks by listing the students honored by the city. I congratulate them and the sponsoring organizations for such a worthwhile and beneficial program.

HERO OF WEEK HONOREES

Chanine Adams, Nicole Anderson-Melendez, Leonardo Barragan, Samantha Berson, Laura Besenty, Junior Brambila, Marco Cardenas, Cassandra Cabrera, Sonny Castro, Josh Cook, Nick Dawson, Mae Ann Esparza, Jose Flores, Michael Glazier, Alana Comez, Dustin Gustaveson, Kristina Hagen, Julie Henry, Timothy Holmes, Kristyn Kennedy, Milad Khatibi, Michael Kolb, Jason Komen, Mandy Larochelle, Jane Lin, Shady Mansy, Jesse Marshall, Azadeh Mirbod, Ericka Ortega, Michael Ortiz, Kelly Polen, Jonathan Salgado, Cesar Santillan, Tara Stewart, Rafael Urquieta, Victor Vasquez, Antonio Wall, Mena Wasif, Adam Weiler, Lyndsey Wilson, Brandi Wright, Amanda Yaffe, and Dennis Yongmaneeratana.

CONGRESS MUST END LABOR RIGHTS VIOLATIONS ON AMERICAN SOIL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. GEORGE MILLER of California. Mr. Speaker, years have passed since the Departments of Labor-Interior-Justice and INS first documented widespread sweatshop conditions under the American Flag in the U.S. territory of the Commonwealth of the Northern Mariana Islands (US/CNMI). Years have passed since national media such as ABC's 20/20 first reported that thousands of young, Asian women in the US/CNMI toil as many as 12 hours a day at sub-minimum wages under dangerous and unhealthy conditions. And years have passed since U.S. Congress first had the chance to protect those who work on American soil by finally ending the exemption that has allowed this U.S. territory from following U.S. labor and immigration laws. Yet the Congress has turned a blind eye and allowed this exploitation to continue.

Too many US/CNMI clothing manufacturers continue to show complete disregard for U.S. laws. During the three-year period that ended on June 1, 2001, nearly 60% of the factories inspected by the Wage and Hour division of the Department of Labor had wage violations, and in one case, a single US/CNMI corporation owed more than $1 million in back-wages to its employees.

The Congress is partly responsible for the conditions that led to these labor violations. As you may be aware, federal immigration and minimum wage laws were not immediately extended to the territory when the Congress first established the US/CNMI. The temporary exemption was intended to help the territory develop its economy with local workers while responding to local concerns that U.S. immigration laws were too lax. However, the opposite has turned out to be the case. The local government has used its local control over its own lax immigration procedures to create a caste system that relegates disenfranchised foreign workers to the most abusive labor conditions and lowest wages. According to 1999 statistics, foreign workers held more than 85% of all private sector jobs, where they worked for sub-minimum wages, while nearly 50% of local residents held government jobs, where starting salaries are more than seven times that of the private sector.

For many years, the US/CNMI has aggressively developed an economy based on the importation of tens of thousands of desperately poor foreign workers from Asia who pay between $3,000–$7,000 for what they are told are good jobs in "America." Instead these workers are surrounded by barbed wire as the toil under the same dangerous unhealthy working conditions that are far too common in many of the countries from which they came. This practice of shipping indebted women from their native countries to sweatshops on American soil continues today, and it could easily lead to many more cases of human trafficking. While the Congress took the important step last year of passing legislation that allows for more aggressive criminal prosecution of human traffickers after they have committed that deplorable crime, we must also place immigration into the American territories under the control of the Federal government so that we can better prevent human trafficking before it ever happens.

Many of our constituents would be surprised to learn that the garments manufactured in the US/CNMI—in foreign owned factories with foreign labor and foreign fabric—are awarded use of the "Made in USA" label and enter the states both quota and duty free. In 2000, over $1 billion worth of garments came to the states, depriving the U.S. taxpayers of more than $200 million in duty fees. We are allowing US/CNMI garment manufacturers to deceive American consumers with the use of this label, and we are providing them with an enormous subsidy as they do it. This cannot continue. We must only offer the benefits of the "Made in the USA" label and duty free importing to those U.S. territories that agree to follow U.S. laws.

While the House Republicans have refused to even hold a hearing on the exploitation of workers in the US/CNMI, I am glad to report that we are beginning to win support from other places. On May 15, 2001, the Bush Administration endorsed the idea of federalizing immigration policy in the US/CNMI in the form of a letter from John Ashcroft's Assistant Attorney General. The Bush Administration endorsement argued that extending Federal rules to the territory: . . . would improve immigration policy by guarding against the exploitation and abuse of individuals, by helping ensure that the United States adheres to its international treaty obligation to protect refugees, and by further hindering the entry into United States territory of aliens engaged in international organized crime, terrorism, or other such activities.

Congress cannot continue to stand by and allow these labor abuses to continue on American soil. Today, I am joined by more than 40 co-sponsors as we introduce the "CNMI

Human Dignity Act," which would require that the Americans living in the US/CNMI live under the same laws as all of our constituents in our home districts. This legislation would extend U.S. immigration and minimum wage laws to the US/CNMI. This legislation also includes a provision to preserve the integrity of the "Made in USA" label by requiring that this benefit only be allowed for garments made in compliance with U.S. immigration and labor practices. It also conditions duty-free and quota-free imports from the US/CNMI upon compliance with U.S. laws. In addition, the legislation creates a one-time grandfather provision that allows non-resident individuals who have been long-term employees in the US/CNMI on the date of enactment to apply for permanent residence. Lastly, this legislation would assure that U.S. Customs agents have the authority to board and inspect ships in US/CNMI waters to address the numerous allegations of illegal transhipment of fully completed garments from Asia.

No member of the House of Representatives would tolerate sub-minimum wages and other severe forms of labor exploitation in his or her home district, and we should not tolerate those conditions in the American territories either. I urge you to join me in supporting the CNMI Human Dignity Act.

U.S. FUNDING FOR UKRAINE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. HINCHEY. Mr. Speaker, I oppose the provision in the Foreign Operations Appropriations Act for 2002 that reduces U.S. foreign assistance to the country of Ukraine to $125 million, which is $45 million below both last year's funding level and what the President requested.

With its geo-strategic location between Russia and our NATO allies, Ukraine has an inherent importance to our national security. It houses a major naval fleet with access to the Mediterranean and can be a major communication and oil conduit between Europe and Asia. As the 6th most populous nation in Europe, Ukraine is filled with resources and promise, and we can't afford to turn our backs on it.

Over the past 16 months, the Ukrainian economy has grown immensely. In fact since January of this year, Ukraine's GDP has risen by over 9%. The privatization of land and businesses has proceeded at an unprecedented rate and the National Bank of Ukraine has undergone a series of reforms to promote transparency and stability. These are tremendous accomplishments for a country that was part of the Soviet Union until 1991.

This year also marks the 15th Anniversary of the Chernobyl nuclear disaster and the impact of this tragedy continues to haunt the Ukrainian people. Children still suffer from illness caused by exposure to radiation. Much of the farmland, which is vital to the survival of the people, remains contaminated. The recent closing of the remaining Chernobyl reactors has added to the already severe power shortage in Ukraine. The disastrous effects of this tragedy demand that this body reach out the hand of humanitarian aid.

Despite its numerous accomplishments, Ukraine still requires U.S. assistance. The $125 million provided in this bill will not effectively fund the programs needed to assist Ukraine down the road toward democracy and prosperity. It is a shame that this bill severely cuts aid to this country, at a time when it is needed most. I believe that we should at least provide last year's level of funding, which was $170 million. Ukraine has made great strides since its independence and it deserves our continued support.

WORKPLACE REFORMERS ARE STIRRING IN CHINA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Ms. ESHOO. Mr. Speaker, I submit for the RECORD an op-ed piece written by Mr. William B. Gould IV that appeared in the San Jose Mercury News on Monday, July 23, 2001. Mr. Gould wrote the article upon his return from China where he conducted a series of lectures at local universities. I share it with my colleagues in the hope that they will find it as instructive as I did.

[From the San Jose Mercury News, July 23, 2001]

WORKPLACE REFORMERS ARE STIRRING IN CHINA

(By William B. Gould IV)

On an uncomfortably hot June afternoon in Shanghai, university students giggle as they complete their mandatory military exercises before departing for the summer. The coexistence of these out-of-uniform drills with the mirthful laughter of students mirrors much of the paradox of Chinese free market policies alongside Communist Party controls.

The free market has meant a labor market that has witnessed more than an incremental expansion of freedom to hire and fire—millions of dismissed Chinese public enterprise workers who have not found re-employment in the newly expanding private sector can testify to the latter. The same environment affects rural migrant workers who have streamed to the job-filled urban centers with a resolve that sometimes borders on the desperate. Their unemployment and second class status mean worker protest and government scrutiny of it. Like South Africa and Poland in the '80s, China has the potential for a mobilized worker discontent that could cut across most of the sectors of political and economic life.

Last year, for instance, 20,000 miners in the northeast went on a violent rampage of burning and window smashing as they faced dismissal.

Workers in a state-owned silk factory confronted with the same prospect, called for a new and independent union.

Standing in the way of such spontaneity are not only the security apparatus but also the Communist Party government unions, which perform none of the representative functions normally present where there is freedom of association. The Chinese government, though it signed last month a Decent Work agreement with the Geneva-based International Labor Organization, defiantly proclaims its continued hostility to the right of workers to choose their bargaining agents. Yet advocates of reform are stirring and American policy makers on Capitol Hill considering China's preferential trade status need to be aware of them.

As the military drills fade into the languid Shanghai air, labor law reform expert Dong Bao Hua tells me, "The essence of reform is to try to persuade policy makers that we want to have a government with open and societized features." This approach seeks to protect both rural migrants and those dislocated public enterprise workers through a number of avenues.

One is to provide a "hotline" with legal advice for workers with labor complaints, pregnant female employees who are unfairly dismissed, and those who have suffered workplace accidents.

Dong and his students have organized events in public squares to advertise their services. They use the courts and China's expanding government arbitration process. The cases move quickly by Western standards, most of them brought to conclusion within 60 to 90 days of a complaint's filing.

The arbitration mechanism, admittedly government controlled, resolves a variety of workplace disputes. (The so-called neutral third party is a Labor Ministry employee.) Workers can retain lawyers and in half of the cases in Shanghai they do so.

The bad news is that workers have difficulty getting their frequently fearful fellow employees to testify on their behalf. The Communist Party official government unions are of no or little help to them. As a Shenzen employment lawyer said to me: "No representatives of workers are in the arbitration process."

No one can completely anticipate the stress that the transition will place on China's workforce. The government's response to Tianannen Square illustrates the likely reaction to any new challenge or to an outcry against its unapologetic use of forced labor.

Yet the workplace democratic impulse is an international one. In South Africa and Poland, it had its origin in institutions far more modest than those that ultimately brought sweeping change. And Chinese officials may ultimately find comfort in the examples of Hungary and the Czech Republic, where reform did not include new Solidarity-type mass movements.

One of China's many puzzles lies in the prospects of and the government's answer to the new workplace reformers who have come on the scene.

TRIBUTE TO WILLIAM A. NACK ON BEING HONORED BY THE SAN MATEO CENTRAL LABOR COUNCIL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor Bill Nack, an extraordinary citizen of San Mateo County, CA who is being honored by the San Mateo Central Labor Council at its 22nd Annual COPE Benefit Dinner on July 27, 2001.

For over 30 years, Bill Nack has been an active member of the labor movement, a dedicated community leader, and an environmentalist in the San Francisco Bay Area. He has worked tirelessly to improve the health, the job safety and the economic conditions of workers in San Mateo County and throughout the nation.

Bill Nack currently serves as Business Manager and Executive Officer of the San Mateo County Building and Construction Trades Council, an association comprised of 26 construction unions and a membership of over 15,000 craftspeople.

For over 20 years, Bill Nack was an aircraft jet engine mechanic for United Airlines and a rank and file member of the International Association of Machinists, Local 1781. In 1987, he left United Airlines to work with the Santa Clara Central Labor Council and soon became the Deputy Executive Officer of the Santa Clara and San Benito Counties Building and Construction Trades Council.

As a resident of the San Francisco Bay Area, Bill Nack is a highly regarded member of the environmental community. Governor Gray Davis appointed him to the Bay Conservation and Development Committee (BCDC) to help ensure the protection of San Francisco Bay and in 1997, Bill became Chairman of the Bay Area Air Quality Management District's Advisory Council.

Bill Nack's involvement in our community is deep and broad. As a board member of Mid-Peninsula Rebuilding Together, he plays an integral role in helping to rehabilitate the homes and community facilities of low-income citizens, of the elderly, and for the disabled. He's also an active member of many other community organizations, including San Mateo County's United Way, and the San Mateo County Peninsula Policy Partnership, as well as the Bay Area Economic Forum.

Bill is married to fellow activist, Rayna Lehman, Director of AFL–CIO Community Services for the San Mateo County Central Labor Council and they are the proud parents of twin sons, Patrick and Benjamin.

Mr. Speaker, we are a better country, a better community, and a better people because of Bill Nack. It's a privilege to know him, to serve him as a constituent, to call him a friend, and to honor hi for his extraordinary leadership and I ask my colleagues to join me in paying tribute to him for all he has chosen to do.

TRIBUTE TO MR. LEROY DANIELS OF REDSTONE ARSENAL, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize Mr. LeRoy Daniels on the occasion of his retirement from the U.S. Army Aviation and Missile Command, located at Redstone Arsenal, Alabama.

Mr. Daniels has over 36 years of outstanding service to the defense of this nation. Throughout his years with the Army, he has served his nation in tours in Korea and at the Pentagon. He has been the Civilian Personnel Officer at both the U.S. Army Aviation Center and School at Fort Rucker, Alabama and is currently employed with the U.S. Army Aviation and Missile Command as Civilian Personnel Officer.

Mr. Daniels is a native of Troy and received both a Bachelors of Science and a Masters of Business Administration degrees from Alabama A&M University. He has received special recognition from the Secretary of the Army and the Secretary of Defense. For his leadership and vision for the Army, he has been honored with the Superior Civilian Service Award, the Commander's Award and the William H. Kushnik Award for Outstanding Achievement in Civilian Personnel among others.

His talents, skills and experience, which have made him so successful in his career, have also endeared him to his community. He serves as an Elder, a Sunday school teacher and sings in the Chancel Choir at the Church Street Cumberland Presbyterian Church. He is a member of the Alabama A&M University Business and Industry Cluster Publicity and Fund Raising Committee. He also stays active in Blacks in Government, the NAACP and the North Alabama Golf Club.

I wish Mr. Daniels the very best of luck in his retirement and, on behalf of the people of Alabama's Fifth Congressional District, I thank him for his extraordinary service to our community and the nation. I wish him a well-deserved rest.

NATIONAL PROSTATE CANCER AWARENESS WEEK

HON. FELIX J. GRUCCI, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. GRUCCI, Mr. Speaker, I rise today to bring awareness to the American public about a silent killer that will affect one in five American men in their lifetime: prostate cancer, and to assist the National Cancer Institute in recruiting men to participate in the largest ever prostate cancer prevention study.

Prostate cancer is the second leading cause of cancer death among men in this nation, according to the American Cancer Society. A family history of this disease can double your risk of being diagnosed with prostate cancer, as does a high-fat diet. Those men over the age of 40 are more likely to be stricken with the disease.

But while no one knows what causes prostate cancer, early detection is the best way to survive this sometimes deadly disease. In fact, according to the American Cancer Society nearly everyone whose prostate cancer is detected before it spreads survives.

To learn more about this disease, the National Cancer Institute is launching the largest-ever prostate cancer prevention study. The NCI will be recruiting 32,000 men for this trial, which will take up to 12 years to complete. Anyone interested in being a part of this trial can call 1–800–4–CANCER for information about where the study is being conducted in their area.

I'm proud that Stony Brook University Hospital—which is located in the First District of New York and is one of the finest medical institutions in the nation—is one of the four Long Island hospitals hosting sites for this very important study.

Next week, July 29–August 3, is National Prostate Cancer Awareness Week. I urge all men over the age of 40 to set aside time during this week to make an appointment with their doctor to schedule a prostate health screening. With early detection offering more treatment options and a better cure rate for those who are diagnosed with this disease.

Research into the prevention and cure for prostate cancer and other forms of this ailment is critically important; and additional research dollars are needed to achieve this goal is vital. That's why I have joined my colleague from Long Island, Congressman PETER KING in cosponsoring H.R. 281, the Taxpayer's Cancer Research Funding Act. This legislation would amend the Internal Revenue Code and allow certain individuals to designate that five dollars—or ten dollars in the case of joint returns—be directed to the Breast and Prostate Cancer Research Fund. These dollars would be used to award peer review research grants by the National Cancer Institute.

I ask all of my colleagues to inform their constituents about the National Cancer Institute's study and to urge the men in their district over the age of 40 to schedule a screening appointment during National Prostate Cancer Awareness Week and support H.R. 281.

HONORING THE 2000 GOVERNOR OF GUAM'S EMPLOYEE RECOGNITION PROGRAM AWARD WINNERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. UNDERWOOD. Mr. Speaker, the governor of Guam, acknowledges the hard work of government of Guam employees. The governor's employee recognition program, better known as the Excel Program, is the highest and most competitive employees awards bestowed by the governor—showcasing outstanding employees and programs within the government of Guam.

Local governmental agencies and departments participate in this program. Awardees are chosen within each department's nominees for a number of occupational groups. These groups range from clerical to labor and trades to professional and technical positions. The various awards reflect individual and group performance, valor, sports, community service, cost savings, and integrity.

My sincerest congratulations go to this year's awardees. I urge them to keep up the good work. I am pleased to submit for the RECORD the names of this year's outstanding employees.

THE WINNERS FOR OUTSTANDING PERFORMANCE IN 2000

INSPIRATION AND ENCOURAGEMENT AWARD

Medium Dept./Agency: Kenneth G. Castro, Social Worker III, Department of Youth Affairs.

Large Dept./Agency: Lydia C. Cruz, Chamorro Language and Culture Specialist, Department of Education and Susie Reyes Wells, Administrative Assistant, Guam Memorial Hospital Authority.

SILENT ONES

Small Dept./Agency: Benny C. Cruz, Engineer III, Guam Environmental Protection Agency.

Medium Dept./Agency: Edgardo D. Retumban, Customs & Quarantine Officer II, Customs & Quarantine Agency.

Large Dept./Agency: Shirley Movida, Nursing Assistant, Guam Memorial Hospital Authority.

Large Dept./Agency: Advanced Life Support, Guam Fire Department.

COST SAVINGS/INNOVATIVE IDEA OF THE YEAR

Medium Dept./Agency: Residential Substance Abuse Program, Department of Corrections.

Large Dept./Agency: Alvin M. Razon, Engineer II, Guam Power Authority.

INTEGRITY AWARD

Joaquina Meno, Youth Service Worker I, Department of Youth Affairs.

FEMALE ATHLETE OF THE YEAR

Connie C. Benavente, Private Secretary, Department of Public Works

MALE ATHLETE OF THE YEAR

Ricky P. Mendiola, Customs & Quarantine Officer III, Customs & Quarantine Agency.

SPORTS TEAM OF THE YEAR

DPW Sports Team, Department of Public Works.

PHYSICAL FITNESS AND WELLNESS PROGRAM OF THE YEAR

Vincent S.N. Perez, Customs & Quarantine Agency.

EXCELLENCE IN HIGHER EDUCATION

Yukiko Inoue, PH.D., Assistant Professor, Foundation & Educational Research, University of Guam.

PHOTO OF THE YEAR

Public Service & Children: Martha T. Tenorio, Department of Education.

Public Service & The Elderly: Christina Sablan, Governor's Office.

Public Service & Our Environment, Christina Sablan, Governor's Office.

Funny Moments of Public Servants: John T. Muna, KGTF.

Public Service is Wonderful: Christina Sablan, Governor's Office.

SILVER STAR MEDAL

Dr. Ron McNinch, Assistant Professor, University of Guam.

LIFESAVING MEDAL

Joseph J. Aguon, Utility Worker, Guam Power Authority.

Lillian O. Guerrero, Employment Program Administrator, Department of Labor.

Jesse A. Tainatongo, Firefighter I, Guam Fire Department.

COMMUNITY SERVICE

Annie P. Roberto, Program Coordinator III, Department of Public Health & Social Services.

UNIT OF THE YEAR

Small Dept./Agency: Guam Aquaculture Development & Training Center, Department of Commerce.

Division of Support Services for Individuals with Disabilities, DISID.

BRAC Division, Guam Economic Development Authority.

Medium Dept./Agency: Residential Substance Abuse Treatment Unit, Department of Corrections.

Large Dept./Agency: Agat Fire Station #5, Platoon "B" Personnel, Guam Fire Department.

DEPARTMENT OF THE YEAR

Small Dept./Agency: Guam Visitors Bureau.

Medium Dept./Agency: Department of Youth Affairs.

Large Dept./Agency: Guam Police Department.

PROJECT/PROGRAM OF THE YEAR

Small Dept./Agency: South Pacific Regional Environmental Program Ministerial Conference, Guam Environmental Protection Agency; 13th Guam Micronesia Island Fair, Guam Visitors Bureau; and KGTF Ready to Learn Service, KGTF.

Medium Dept./Agency: Special Projects Work Detail (Hagatna Detention Facilities), Department of Corrections; Customs/Freight Forwarder Task Force, Customs & Quarantine Agency; and Youth Crime Watch Program, Department of Youth Affairs.

PHOTO OF THE YEAR (BEST OF THE BEST)

Christina Sablan, Governor's Office: Public Service & The Elderly and Public Service & Our Environment.

EMPLOYEES ASSOCIATION OF THE YEAR

DPW Sports Association, Department of Public Works.

EMPLOYEE OF THE YEAR

General Clerical: Cheryl B. Peralta, Clerk II, Department of Public Health & Social Services.

Typing & Secretarial: Barbara Ann C. Sanchez, Secretary I (Typist), Department of Public Works.

Keypunch & Computer Operations: John A.P. Borja, Teleprocessing Network Coordinator, Guam Telephone Authority.

Office Management & Miscellaneous Administrative: Donny S. Sisior, Administrative Assistant, Department of Public Works.

General Administration & Management Systems Analysis: Gemma B. Johnston, Budget Analyst, Guam Power Authority.

Program Administration: Christina Garcia, Industry Development Specialist, Guam Economic Development Authority.

Accounting & Fiscal: Lilian Babauta, Accounting Technician III, Guam Telephone Authority.

Personnel Administration, Equal Employment & Public Information: Grace O. Garces, Public Information Officer, Guam Environmental Protection Agency.

Computer Programming & Analysis: Arden B. Bonto, Computer Systems Analyst II, Guam Telephone Authority and Shelia F. Compton, Program Coordinator II/Computer Systems Analyst, Department of Public Health & Social Services.

Statistics & Economics: Teresita B. Rosario, Research & Statistics Analyst II, Guam Telephone Authority.

Legal: Elizabeth T. Cruz, Legal Counsel, Guam Environmental Protection Agency.

Community & Social Services: Christine San Nicolas, Social Worker II, Department of Public Health & Social Services.

Employment Service & Related: Victoria Mafnas, Employment Development Worker II, Department of Labor.

General Education: Rowena Dimla, Teacher IV, Department of Education.

Compliance Inspection/Enforcement: Ricky P. Mendiola, Customs & Quarantine Officer, III, Customs & Quarantine Agency.

Public Safety: John S. Tyquiengco, Police Officer II, Guam Police Department.

Securities & Correction: Leodegario M. Buan, Detention Facility Guard, Department of Corrections.

Photography, Crafts & Graphic Arts: Frank C. Perez, Graphic Artist Technician II, Department of Education.

Environmental Health: Roland Gutierrez, Public Health Inspector II, Department of Public Health & Social Services.

Technical & Professional Engineering: Nelson C. Yap, Engineer II, Guam Telephone Authority.

Planning: Raymond J. Aflague, Planner IV, Guam Memorial Hospital Authority.

Wildlife, Biology, Agricultural Science & Related: Jeffery P. DeSoto, Plant Protection & Quarantine Officer I, Department of Agriculture.

Crime Scene & Related Technical: Monica P. Ada, Criminalist I, Guam Police Department.

Nursing & Detail Hygiene: Lea Bolano, Nurse Aide II, Department of Public Health & Social Services.

Nutrition & Health Education: Angelita E. Cruz, Dietetic Technician, Guam Memorial Hospital Authority.

General Domestic & Food Service: Edith Palma, Food Service Worker, Guam Memorial Hospital Authority.

Custodial: Johnny Quidachay, Housekeeper I, Guam Memorial Hospital Authority.

Labor, Grounds & Maintenance: Alfredo C. Fresnoza, Utility Worker, Department of Public Works.

Equipment Operation & Related: Lewis T. Cruz, Acting Equipment Operator Leader II, Department of Public Works.

Mechanical & Metal Trades: Edward P. Cruz, Auto Mechanic II, Department of Public Works.

Building Trades: Richard A. Quintanilla, Jr., Carpenter Leader, Department of Public Works.

Power System Electrical: Edwin B. Senato, High Voltage Cable Splicer/Electrician II, Guam Power Authority.

Telephone Installation & Maintenance: John B. Angoco, Jr., Switching Technician II, Guam Telephone Authority.

Electronics & Related Technical: Anthony C. Flores, Communication Technician II, Guam Power Authority.

SUPERVISOR OF THE YEAR

Keypunch & Computer Operation: Jimmy A. Pinaula, Computer Operations Supervisor, Guam Power Authority.

Office Management & Miscellaneous Administrative: Rosario U. Perez, Administrative Office, Guam Environmental Protection Agency.

General Administration & Management Systems: Ann Marie San Agustin, Administrative Office, Guam Telephone Authority.

Program Administration: Alma Javier, Program Coordinator III, Guam International Airport Authority.

Personnel Administration, Equal Employment & Public Information: Mary A. Cruz, Personnel Services Administrator, Guam Telephone Authority.

Computer Programming & Analysis: John J. Cruz, Jr., P.E., Systems Planning Supervisor, Guam Power Authority.

Community & Social Services: Edward H. Taitano, Social Service Supervisor I, Department of Youth Affairs.

Public Safety: Joseph S. Carbullido, Police Officer III, Guam Police Department.

Technical & Professional Engineering: Domingo S. Cabusao, Police Officer III, Guam Environmental Protection Agency.

Planning: Cynthia L. Naval, Planner IV, Department of Public Health & Social Services.

Crime Scene & Related Technical: Rose A. Fejeran, Criminalist III, Guam Police Department.

Nursing & Dental Hygiene: Janice L.S. Yatar, Community Health & Nursing Services Assistant Administrator, Department of Public Health & Social Services.

Nutrition & Health Education: Elsie Romero, Clinical Dietitian I, Guam Memorial Hospital Authority.

General Domestic & Food Service: Rodolfo Frianeza, Cook II, Guam Memorial Hospital Authority.

Labor, Grounds & Maintenance: Gerald O. Javier, Maintenance Supervisor, Guam International Airport Authority.

Equipment Operations & Related: John D. Charfauros, Acting Equipment Operator Supervisor, Department of Public Works.

Mechanical & Metal Trades: Dora J. Cruz, Planner Work Coordinator (Equipment Maintenance), Port Authority of Guam.

Telephone Installation & Maintenance: Malcolm Cepeda, Acting Switching Equipment Supervisor, Guam Telephone Authority.

MANAGER OF THE YEAR

Small Dept./Agency: Bernard T. Punzalan, Administration & Operations Manager, Guam Economic Development Authority.

Medium Dept./Agency: Gerald W. Davis, Chief of Division of Aquatic & Wildlife Resources, Department of Agriculture.

Large Dept./Agency: Arthur U. San Agustin, MHR, Administrator of Division of Senior Citizens, Department of Public Health & Social Services.

MERIT CUP LEADER AWARD

(Best of the best among the outstanding Supervisors & Managers of the year)

Gerald W. Davis, Chief of Division of Aquatic & Wildlife Resources, Department of Agriculture.

MERIT CUP EMPLOYEE AWARD

(Best of the best among the outstanding Employees of the year)

Roland Gutierrez, Public Health Inspector II, Department of Public Health & Social Services.

Cheryl B. Peralta, Clerk III, Department of Public Health & Social Services.

TRIBUTE TO ALICE PEÑA BULOS ON BEING HONORED BY THE SAN MATEO CENTRAL LABOR COUNCIL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Ms. ESHOO. Mr. Speaker, I rise today to honor Alice Peña Bulos, an extraordinary citizen of San Mateo County who is being honored by the San Mateo Central Labor Council at its 22nd Annual COPE Benefit Dinner on July 27, 2001.

Alice Bulos has played an integral role in our nation's political arena and our community's heritage for decades. She has worked tirelessly to encourage the participation of minorities in the political process and the empowerment of Filipina and other Asian-American women in their personal and professional lives. As a long-time political activist and as an adviser to President Clinton on the Federal Council on Aging, Alice Bulos has given voice to the concerns of millions of disenfranchised and needy Americans.

Alice Bulos is known as the "Godmother of Filipino American Politics." Together with her late husband Dony Bulos, she founded the Filipino American Grassroots Movement, a voter registration drive designed to involve Filipinos in the political process. She continues to serve as Chair of the Filipino American Caucus and has been outspoken on the rights and benefits due Filipino veterans who served during World War II. Alice has also served as the Charter President of the Fil-Am Democratic Club in San Mateo County, the Regional Chair of the National Filipino American Women's Network, and as a Board member of the National Asian/Pacific Democratic Council.

Community work is synonymous with Alice Bulos. Very few have done as much. She's a Board Member of the San Mateo County Chapters of the American Heart Association, the American Lung Association and the American Red Cross. She also serves on the Board of the Community Initiative on Multiculturalism and the Northern California Disaster Preparedness Network.

Alice Bulos has been an effective advocate on behalf of a number of other under-represented groups. She has led the effort to secure rights for workers at San Francisco International Airport by helping them join and organize labor unions. Alice has also worked to organize a coalition for Asian Pacific women to provide them with forums for education and business, and she has also established a support group for widows, focusing on self-esteem, self-respect, and independence.

In 1993, President Clinton appointed Alice Bulos to the Federal Council on Aging where she advised and assisted the President on matters relating to older Americans. Recognizing her exemplary work, the President again called upon Alice Bulos to serve in another advisory role—this time as a delegate to the 1995 White House Conference on Aging.

Alice is the widow of Donnie B. Bulos, a distinguished lawyer, and fellow political activist. She is the proud mother of Elizabeth, married to Carlos Ramilo, and has three magnificent grandchildren, Charity, Charles, and Clarke.

Mr. Speaker, Alice Peña Bulos is an extraordinary individual, a respected political and community leader, and a dearly valued friend. We are a better county, a better country, and a better people because of her. I ask my colleagues to join me in honoring this distinguished woman for all she has done and continues to do to make the American dream come true for others and to help keep the promise of democracy to everyone.

TRIBUTE TO MS. KIMBERLY A. SHELLMAN OF THE D.C. CHILDREN'S ADVOCACY CENTER

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor Ms. Kim Shellman as she finishes her duties here in Washington and moves to Atlanta to continue her work with children. Kim has been the founder, the inspiration and the blood, sweat and tears of Safe Shores—the D.C. Children's Advocacy Center. Since she first began working to provide the District of Columbia with its own child advocacy center over five years ago, she has brought professionalism, a tireless enthusiasm and a heart bigger than this city to the task. The D.C. Children's Advocacy Center is a non-profit, private-public partnership that coordinates an inter-agency team approach to child abuse cases in the District. It is modeled after the National Children's Advocacy Center that I started in Huntsville, Alabama, when I served there as District Attorney before my election to Congress. It is a joy to see something you started take off. The D.C. Children's Advocacy Center has shown us that the model can be successfully adapted in urban settings and with the unique government structure of the District.

Kim has accomplished an amazing amount here in Washington, and I have no doubt she will continue to excel in her new position in Atlanta. She has the unique ability to work with a system and sort through the bureaucracy to ensure that what's most important—our children—are being taken care of. The Children's Advocacy movement believes in putting the needs of abused children first and Kim embodies that belief. Throughout her career, she has sought out ways to help children within the confines of the justice system. As an elementary school teacher, volunteer at a Dominican orphanage, the Director of a tutoring program, a legal intern with the Family Division, a law clerk for the Presiding Judge of the Family Division at D.C. Superior Court, and finally as the Executive Director of Safe Shores, Kim has given freely of her talents, wisdom and energy to children. She has been recognized for her work with the U.S. Department of Health and Human Services 1998 Commissioner's Award for Outstanding Leadership and Service in the Prevention of Child Abuse and Neglect.

Kim has done everything for Safe Shores from supervising staff and team agencies to accounting to drafting policies and procedures to coordinating capital campaigns. She has been on the frontlines of child abuse prevention and treatment for over five years. Her success can be measured through each child that has gone through her program and has benefited from Safe Shores' services. She has been a tremendous asset for the district and we are sorry to see her go. We do, however, wish her the best as she begins her new job working with the Fulton County District Attorney's office to build a model CAC program there in Atlanta, Georgia. The children of Atlanta are very fortunate to have Kim on their side. On behalf of the U.S. House of Representatives, I wish Kim the best and sincerely thank her for going above and beyond the call of her duty on behalf of children.

TRIBUTE TO JACKIE DAVIS

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan and outstanding law enforcement officer. I am proud to recognize Jackie Davis in the Congress for his invaluable contributions and service to his community, to our state, and to our nation.

Cabot Police Chief Jackie Davis is a life long resident of northern Lonoke County, Arkansas and started his public service career as a volunteer firefighter with the Tri-Community Fire Department, where he served for approximately two years. Chief Davis then became a volunteer firefighter at the Cabot Fire Department, where he served until hired by the Cabot Police Department on August 1, 1985.

Since joining the Cabot Police Department, Chief Davis has advanced through the ranks of the Department, holding several positions including Patrol Officer, Senior Patrol Officer, Sergeant, and Lieutenant. Chief Davis has witnessed the rapid growth of the City of Cabot throughout his career as a police officer. Chief Davis was promoted to Chief of Police in 1997 and has demonstrated his proven ability to lead a progressive police department.

Chief Davis and his wife Kim are very active in the community, supporting various public programs and school activities. Chief Davis supports his children Todd, Alex, Tara and Stacy in their various hobbies and activities, specifically academic and athletic events.

Chief Davis is truly a "cop's cop" and his open door policy and listening ear have made him a positive mentor and leader for his officers. There is an old police saying, "every good cop stays a rookie at heart." Chief Davis is a fine example of what a Chief should be.

Jackie Davis is a law enforcement officer, a husband, a father, and a friend to many. He has dedicated his life to serving his fellow citizens as a leader in both his profession and his community, and he deserves our respect and gratitude for his priceless contributions. On behalf of the Congress, I extend congratulations and best wishes to my good friend Jackie Davis on his successes and achievements.

PENNSAUKEN HIGH SCHOOL JAZZ BAND

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. ANDREWS. Mr. Speaker, I rise today to commend and congratulate the hard work and effort of the Pennsauken High School Jazz Band. The Band has performed at the Inauguration of Christine Whiteman, Penns Landing in Philadelphia, Lincoln Center in New York City and various colleges and universities. They have won the Dixie Classics Championship and several other distinguished honors such as Best Rhythm Section, Best Trumpet Section, Best Trombone Section, outstanding soloist awards and many overall outstanding band awards. The Pennsauken Jazz Band secured 2nd place in the New Jersey State Finals, along with awards for the best trumpet section and rhythm section in the State. Additionally, the band has received a Superior Rating at every festival they have performed in. The members of the Spring 2000 Jazz band are: Zachary Andrews; Frank Cuccio; Kristin Cuccio; Julia DePasquale; Anthony DiDomenico; Steven Engel; Eli Ferrer; Steven Forrest; Tim Gerard; Rob Hill; Christine Hinton; Rich Johnson; Ken Juray; Brian Kilpatrick; Nathan Kranefeld; Joe Lucidi; Jim MacKenzie; Ben Markowitz; Corey Mossop; Louis Muzyczek; Dominic Natale; Jeff Rivera, Rich Slack; Ernest Stuart; Perry Sutton; Vincent Williams. I wish you all the best and continued success in your endeavors.

INTRODUCTION OF THE ROUND II EZ/EC FLEXIBILITY ACT

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. CAPUANO. Mr. Speaker, I rise in support of Round II EZ/EC Flexibility Act of 2001, bipartisan legislation I introduced yesterday with my colleague from New Jersey, Mr. LoBiondo.

The bill we introduced makes a number of small changes to the EZ/EC program that will provide these communities with greater flexibility in administering their economic development plans. Specifically, the bill authorizes $100 million in appropriations for each of the fifteen urban Empowerment Zones, $40 million for each of the five rural Empowerment Zones, and $3 million for each of the twenty rural Enterprise Communities.

The legislation also ensures that Empowerment Zones and Enterprise Communities that apply for one of the new Renewal Community designations will continue to receive the EZ/EC funding they were promised in 1999. Finally, the bill allows these communities to use their funding as the local match for receiving grants from other federal programs. This will help EZ/EC communities leverage additional resources to undertake economic development initiatives and provide job training and other vital social services.

Mr. LoBiondo and I have worked hard over the last several years to secure funding for the communities across the nation that were designated as Round II Empowerment Zones and Enterprise Communities. We both know first hand the successes of the EZ/EC program, and we will continue to work together in a bipartisan manner to ensure that these communities are allocated the resources they need to bring economic opportunity to all Americans.

INTRODUCTION OF THE CONTACT LENS PRESCRIPTION RELEASE ACT OF 2001

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. STARK. Mr. Speaker, today I join with several colleagues to introduce bipartisan legislation, the Contact Lens Prescription Release Act of 2001. This bill would enhance consumer fairness in the contact lens industry by requiring eyecare professionals to release contact lens prescriptions after completing the fitting process.

Currently, consumers throughout the United States enjoy unobstructed access to their eyeglass prescriptions. That's because back in 1973, the Federal Trade Commission issued a regulation requiring the automatic release of eyeglass prescriptions. Through this regulation, the FTC recognized that possession of both the prescription and the product constituted an unfair advantage for eye doctors and that consumers could safely manage their eyeglass prescriptions.

At the time, it made sense that this rule was not extended to contact lenses, which were a brand new technology. Furthermore, most were hard lenses that needed to be ground and fitted to each particular eye. Today, the contact lens market looks very different. Thirty-four million Americans wear contact lens and 85% of them choose soft contacts.

Contact lenses are fast replacing eyeglasses as the corrective instrument of choice for consumers. Yet despite this trend, in most states, prescribing eye care professionals can refuse to release contact lens prescriptions—even after patients complete the initial fitting process and even to longtime contact lens wearers who simply need their time-limited prescriptions renewed.

Eye doctors cite health concerns, yet the reality is they have a strong financial incentive to restrict consumer access to the contact lens market. Without their contact lens prescription, consumers are often forced to purchase contact lens from their prescribing eye doctor.

With contact lens wearers effectively denied the right to receive their own prescriptions, anti-competitive behavior has flourished. In fact, the American Optometric Association and Johnson & Johnson's, maker of the popular ACUVUE disposable contact lens, just reached a preliminary settlement in an anti-trust lawsuit filed by the attorneys general of 32 states.

The attorneys general alleged that defendants conspired both to force consumers to buy replacement contact lenses from eye care professionals only and to eliminate competition from alternative distributors, including pharmacies,

While the resolution of these anti-trust lawsuits is a step toward putting contact lens wearers on equal footing with eyeglass wearers, more action is needed. Contact lens wearers must be assured the same access to their prescriptions that eyeglass wearers currently enjoy. Yet the FTC has repeatedly failed to update its rule and extend prescription release requirements to contact lenses. This does not bode well for consumers. It means that in many states, people who wear contact lens cannot shop around for the best value and quality products.

In fact, this is exactly what happened to my wife back in 1994. Despite her request, this doctor refused to release her prescription, but was more than happy to sell her contacts through his professional office. At the time, it struck me as fundamentally unfair that eye doctors stand to profit from holding their patients captive. It still does.

My wife's predicament is hardly unique. Over the past few years, Consumers Union has issued several reports detailing similar problems in Texas. A 1997 survey found that 65% of Texas optometrists refused to release contact lens prescriptions upon request, yet 91% of these same individuals did not hesitate to fill a prescription released by another eye doctor. Where are the health concerns here?

The time has more than come for contact lens wearers to enjoy the same rights as eyeglass wearers. The Contact Lens Prescription Release Act would require the FTC to promulgate a prescription release rule for contact lenses paralleling the 1973 rule for eyeglasses. This would require eyecare professionals to release a patient's contact lens prescription to the patient after completing the fitting process. Upon request, contact lens prescriptions must also be released to an agent of the patient, such as an alternate contact lens distributor. Furthermore, eyecare professionals must promptly verify the information contained in a patient's prescription when an agent of the patient contacts them for such verification. To ensure that consumers are protected from misleading advertisements, the contact Lens Prescription Release Act would also make it an unfair trade practice to state or imply that contact lenses can be purchased without a valid prescription.

I encourage my colleagues to join me in support of this important legislation, what has been endorsed by Consumers Union. There is absolutely no reason for the law to be inconsistent relative to vision correction by eyeglasses vs. contact lenses. More fundamentally, there is no reason why any American should be denied the basic right to receive their prescription, whether they wear eyeglasses, contact lenses, or both.

NASA GLENN: A REGIONAL ECONOMIC ENGINE

HON. TOM SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. SAWYER. Mr. Speaker, Northeast Ohio is home to an outstanding NASA Agency Center bearing the name of one of our nation's true heroes, and our former colleague from the other body, John H. Glenn.

Just as John Glenn was a leader in space exploration, the NASA Glenn Research Center is a leader in aeronautics, space transportation, spacecraft technology, materials science, and even microgravity research.

NASA Glenn is an integral part of the NASA mission. But while it serves a national mission, it also serves as an incubator for industries and ideas throughout the Cleveland-Akron region and the state. The Greater Cleveland Growth Association estimates that the annual statewide spin-off from NASA Glenn comes in at nearly $1 billion and 12,000 jobs.

In my district, one of the results has been more than 30 grants to the University of Akron, which is itself a national leader in polymer science and engineering. Polymer technology, including nanopolymer technology which builds advanced materials at a molecular level, holds great promise for NASA programs.

From environmentally friendly batteries to vehicle components made from strong, lightweight nanopolymers, there are exciting concepts under development in Ohio. Many of them no doubt will be incorporated into NASA's aeronautics and space programs of tomorrow, thanks to the energy and vision of the NASA Glenn Research Center. Just as important will be the application of these technologies outside of NASA, through its technology transfer function.

We know that creative scientists can invent important technologies and devices when they are charged with a specific goal, such as sending an astronaut to the moon. But I am awed by the following statistic: The NASA Glenn staff have won more of R&D Magazine's R&D 100 awards than the staff of all other NASA agency centers combined. I cannot tell you why there is that much excellence at NASA Glenn. But I can tell you that there are very good things happening in Ohio, and they hold enormous importance for us in ways that perhaps neither the scientists nor we can predict.

The action by the Subcommittee, and particularly my good friend, the gentleman from Ohio (Mr. HOBSON), will be of great assistance to keep NASA Glenn and Ohio on this course set for excellence.

TRIBUTE TO TOM BARNES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. CALVERT. Mr. Speaker, I rise today to pay tribute to a most wonderful person, friend and father—Tom Barnes—who passed away at the young age of 55 last Wednesday, July 18th.

Calvin Coolidge, America's 13th President, once said, "No person was ever honored for what he received; honor has been the reward for what he gave." And Tom Barnes gave much to his community and the whole of the Inland Empire during his life.

A small piece of heaven just south of Corona, Tom's Farms, was Tom Barnes' gift to countless men, women and children. After years of selling fruit out of the back of his truck, Tom opened Tom's Farms in 1971. In the tradition of Walter Knott of Knott's Berry Farm and the culture of roadside stands, Tom offered tourists traveling through California's Inland Empire fresh fruits, antique furniture and dining all in the picturesque setting of country-style buildings painted yellow with green trim, a lake and the majestic shade of large trees. Today, Tom's Farms remains the perfect family outing and a traditional "must-stop" for anyone heading south on Interstate 15.

His roots take us back to Kansas City, Missouri where Tom got his start in business by selling his father's strawberries door to door. And today, Tom's Farms serves as a proud testimonial to that upbringing where fresh fruit and vegetables, finches and macaws, cheeses and wines, and country and antique furniture is offered for the delight of all who stop and take a moment to enjoy their surroundings. Through present expansion, including the addition of an animal farm, Tom's Farms promises to provide "down-home" enjoyment and family fun for years to come.

Tom Barnes was best known for his business finesse and a dedication to family and community involvement—particularly when it came to supporting local police and fire safety. In fact, for the past two years, Tom offered up Tom's Farms for the Great Taste of Corona, an annual event to raise funds for the police and fire departments. Additionally, Tom's versatility allowed him to expand Tom's Farms in the form of furniture stores in Corona and San Bernardino. He was also co-owner of TB Scott's restaurant in Corona with his best friend Scott Sherman.

Tom is survived by his wife, Leslie, two sons, two daughters and a grandchild. My prayers go out to them for their loss.

Mr. Speaker, looking back at Tom's life, we see a man dedicated to his family and community—an American whose gifts to the Inland Empire and southern California led to the betterment of those who had the privilege to come in contact or work with him. Honoring Tom's memory is the least that we can do today for all that he gave over his lifetime.

MOYLAN'S INSURANCE UNDERWRITERS, INC

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. UNDERWOOD. Mr. Speaker, thirty years ago, a small company founded on Guam with only three employees was charged with the daunting task of servicing the island's insurance needs. The small company soon blossomed into a thriving business and became a hallmark of professional integrity on Guam—Moylan's Insurance Underwriters Inc.

For the past thirty years, Moylan's has earned the reputation of being the "Home of the Good Guys and Gals" and has been at the forefront in providing insurance services to the people of Guam. Founded in 1971 by Kurt S. and Judith Moylan, the business today has nearly 100 employees with branches in Guam, Saipan, Palau, Pohnpei, Yap, Kosrae, Chuuk and the Marshall Islands.

In 1978, Moylan's acquired Daihan Insurance Underwriters, Inc., General Agent for Korea Reinsurance Corporation from Seoul, Korea and, in 1985, they added the Micronesian Insurance Underwriters (Overseas), a General Agent for the American Home Assurance Company, the New Hampshire Insurance Company and AIG Groups.

In 1997, Moylan's Insurance was named General Agent for the MMI Group. One of Australia's largest general insurers the MMI group is affiliated with some of the largest general insurance companies in the world. In 1998, First Net Insurance Company, a project of Moylan's Insurance Underwriters, Inc. was incorporated as a domestic Property and Casualty company. The company's reinsurance program for the year 2000 is underwritten by Allianz AG out of its regional office in Singapore. Allianz is one of the largest reinsurance and financial services organizations around the world, and is rated by Standard & Poor's as a AAA security, the highest possible rating under S&P's scale.

Through all its subsidiary corporations in Micronesia, Moylan's services a 3,000-mile area that is comparable to the size of the continental United States. With considerable growth over the past two decades, Moylan's has become a recognized name in insurance within the islands in the Pacific.

Taking time out of his business ventures, founder Kurt Moylan also managed to serve the people of Guam in the political sphere. In 1964, he was elected to the 8th Guam Legislature, the youngest person ever elected to political office on Guam. Two years later, Mr. Moylan, along with Carlos G. Camacho, Judge Vicente G. Reyes and former Governor Joseph Flores formed the Republican Party of Guam. At age 30, he was appointed by President Richard M. Nixon to serve as secretary of Guam, a title equivalent to the title of lieutenant governor of Guam. At 31, Kurt Moylan was sworn in as the first elected lieutenant governor of Guam. He served until 1974. He was also elected to serve in the 16th Guam Legislature in 1980. His son, Kaleo, continued this tradition when he was elected to the 25th Guam Legislature in 1999. He is still serving Guam in this capacity—having been reelected in 2000.

For thirty years now, the island of Guam has reaped great benefits from the services provided by Moylan's Insurance Underwriters Inc. and most especially from the entrepreneurial spirit of its founders Mr. Kurt S. and Judith Moylan, and the entire Moylan family. The people of Guam are grateful for their contributions. I offer my sincerest congratulations to the good guys and gals of Moylan's. I wish them continued success in the years to come.

RECOGNIZING THE UNANIMOUS DECISION OF THE NATIONAL LABOR RELATIONS BOARD IN CROWN CORK & SEAL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. BOEHNER. Mr. Speaker, I am pleased to bring to the attention of the House of Representatives, a remarkable and unanimous ruling of the bipartisan National Labor Relations Board—known as Crown Cork & Seal, 334 NLRB No. 92 (July 20, 2001)—that resolves an issue that many of us wrestled with throughout the 1990s. The issue is the legality of workplace teams under which employees work with their employers to resolve on-the-job issues including workplace health and safety, efficiency and productivity, training, and diversity. Prior to the Crown Cork & Seal ruling, there was some ambiguity as to whether these teams may be considered employer-dominated "labor organizations" under the National Labor Relations Act.

Those who were here during the 104th Congress are probably familiar with this issue. Thanks in large part to the efforts of my predecessor as Chairman of the Education and the Workforce Committee, William F. Goodling, and the former Chairman of the Employer-Employee Relations Subcommittee of that Committee, Harris Fawell, the Congress passed lelgislation—the "Teamwork for Employees and Managers Act" (TEAM)—aimed at addressing the ambiguity that existed. Disappointingly, President Clinton later vetoed that legislation and left the ambiguity in place.

Many of us could not understand why the issue was even contentious. The sham "company unions" which existed during the early years of collective bargaining—and which necessitated the inclusion of Section 8(a)(2) in the NLRA, making it an unfair labor practice for an employer to "dominate or interfere with the formation or administration of any labor organization or contribute . . . support to it"—are largely a relic of history. Yet the Board in its infamous Electromation case reaffirmed its interpretation of the statute's broad definition of "labor organization" to include an enormous variety of workplace teams. Subsequent attempts to "clarify" its ruling only muddied the waters further.

Unfortunately, because of the Board's holding in Electromation, employers were forced to make a difficult decision. On the one hand, they knew they needed the assistance of their employees in order to be competitive, but if they acted on that need they opened themselves up to litigation. American firms in every sector of the economy continue to learn that to compete successfully in a global economy, they need to follow the lead of the high-tech sector by engaging the full talents of their employees as never before. Today's employer-employee relationship is one of cooperation as opposed to the confrontational relations of previous generations.

The NLRB's decision in Crown Cork & Seal reflects this cooperative relationship by adopting a common-sense approach. While protecting the prohibition against company unions, the Board has ruled that a workplace team is not a "labor organization" if all it is really doing is assuming a function that previously was performed by a manager. That, in a nutshell, is what employee involvement is all about.

This decision will allow for the growth of employee involvement, which will, in turn, lead to a sea of change in the structuring of the employer-employee relationship. Companies will now be comfortable implementing progressive human resources practices, because they know it will benefit both the company and its employees through open communications and by pushing decision-making downward within the organization.

In closing, Mr. Speaker, I'd like to congratulate the bipartisan Board that issued this ruling unanimously—Republican Chairman Peter Hurtgen and Democrats John Truesdale, Wilma Liebman and Dennis Walsh. We should all applaud them for rishing above the partisan past of this issue. I sincerely hope that this landmark ruling points the way to a less contentious, more bipartisan approach in Washington in all of these areas where we need to upgrade laws that were passed in a previous century to apply to our workplace of today.

HONORING MICHAEL MARTIN MURPHEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. McINNIS. Mr. Speaker, our country has undergone dramatic changes in recent years, including continued urbanization of the American West. I would like to thank Michael Martin Murphey for his leadership in the crucial movement toward the preservation of our Western heritage.

Michael is blessed with many talents, which he has applied to promote this cause. He is best known for his extensive musical ability, which has earned him countless awards and fans. His Pop and Country music have made him an award-winning artist in those areas, and his American Cowboy Music is the top-seller of its genre. For example, Michael's hit, "Wildfire" is one of the "most-played songs in the history of radio" according to the Murphey Western Institute of Oklahoma at Medicine Park. In addition, "he is a five-time award winner in The National Cowboy Hall of Fame," and The Academy of Western Artists awarded him 1999 Best Album and Best Song. Michael conveys the essence of the West through his music, allowing his audience to experience the West, rather than only to read about it.

In addition to utilizing his musical ability, Michael has sprung into action using his relationship with Western land issues, his leadership skills, and his writing ability to get the word out about the preservation of Western heritage and culture. He is publisher of The American West magazine, for which he writes articles supporting his cause, and he is currently working on his first book. He also started what Country Music Magazine called "the best festival in the US," the Westfest, located in Vail, Colorado. This festival celebrates "Cowboys, Indians, Country and Western music, Rodeo, Western Art and the world of the American West." Michael understands the need to help people experience the West, empowering them to incorporate Western heritage into their own lives. Along those same lines, he recently established the Murphey Western Institute, a not-for-profit foundation "dedicated to the promotion, preservation and perpetuation of the culture and heritage of the American West through research, education, recreation and entertainment."

Mr. Speaker, Michael Martin Murphey is a man of conviction, and a man whose tireless endeavors have reached millions. I would like to pay him tribute for all that he has done to preserve and promote the American West, a significant aspect of our nation's history, and one of the most precious aspects of our American heritage.

COMMISSIONING OF THE COAST GUARD CUTTER "GANNET"

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. SHAW. Mr. Speaker, this weekend I have the honor of attending the commissioning of the Coast Guard Cutter *Gannet*, whose sponsor is Mrs. Dorothy Fuller Kleiderlein, mother of the late Robert Fuller, who died earlier this year in service to the U.S. Coast Guard as an auxiliarist. I am honored to be invited to such a ceremony, not only because the U.S. Coast Guard represents the best in public service and selfless sacrifice for our fellow Americans, but because I have always been a strong supporter of the Coast Guard's vital mission.

The occasion: An occasion such as this serves to remind us of the important role the Coast Guard plays in defending our national security and protecting the public safety. Many have sacrificed for the benefit of protecting our shores, for the safety of those who travel to and from our coastlines, and for the general support our law enforcement and maritime communities gain from key cooperation with the U.S. Coast Guard. But the commissioning of a new ship gives us more than a moment of reflection on the past. It is a call for renewal: renewed technology and modernized hardware, yes; but moreover, a renewed commitment to the mission, the ideals, and the goals embodied in the U.S. Coast Guard.

The Coast Guard's important mission and traditions: "Group Miami" is one of the Coast Guard's busiest and most active commands. Anyone who has resided in South Florida—or even visited—can see why. Search & rescue cases, counter-drug operations, migrant interdiction, and marine environmental protection are constant, ongoing demands. This new "Marine Protector" class coastal patrol boat, a state-of-the-art 87-foot cutter, the *Gannet*, will contribute to each of the duties we call on the Coast Guard to perform. We expect those who serve our country in uniform, in every service branch, to have the benefit of the best equipment and technology available. The *Gannet* is a renewal of that commitment.

Giving the best our best: The Coast Guard's biggest asset is the people who serve, whether in active duty, as reservists, or as auxiliarists. The best people deserve the best equipment and technology we can provide. Sometimes, even the most modern support isn't enough. We know the tragedy that befell Rob Fuller and Casey Purvis. We know that even with modern technology, the Coast Guard must constantly fight the elements of nature while striving to protect us all when nature—or in some cases, human nature—strikes. But their courage and that of their colleagues must be evenly met with our unwavering support for putting the best tools into the hands of those who risk their own lives to protect us.

That is why I am pleased to call myself a supporter of the United States Coast Guard and honored to be attending a gathering to commission the *Gannet*. If we are to continue to have a strong maritime industry, waters safe for recreational boating and streets safe from the scourge of drugs, we must put the resources where they matter most. I look forward to working with other leaders to make that vision a reality.

IN HONOR OF REBECCA WATSON'S DEDICATION TO TEACHING

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. McINNIS. Mr. Speaker, today I stand before you to honor a woman that exemplifies the qualities that are greatly needed in the education system today, Rebecca Watson. A creative, caring and committed teacher, Rebecca has spent her entire teaching career shaping the minds of the students that have passed through the halls of Taylor Elementary School in Palisade, Colorado. For two consecutive years, Rebecca has been nominated for the Disney Teacher of the Year award, and although she did not receive the award last year, the compliment of a second nomination this year speaks volumes of her influence as a teacher.

Rebecca is a life long resident of the Palisade area; in fact she attended the same elementary school in which she now teaches. She also attended Palisade High School where she participated in many activities, including spending three years as a Varsity Cheerleader. Rebecca was eager to continue her education, leaving for Fort Lewis College in Durango, Colorado the summer after graduation, while her future classmates stayed home. During the course of her college career, Rebecca participated in a unique program by spending the summer educating young women in the correctional facilities near Denver, Colorado. The program was a great learning experience, teaching both Rebecca and the girls lessons that they could carry with them the rest of their lives.

In the 26 years that Rebecca has been at Taylor Elementary she has taught a number of grades, but kindergarten is the grade level that she has grown to love. Rebecca continued to challenge herself and received her Masters Degree in Elementary education. In addition, she attends the Kindergarten Convention for elementary teachers every year. The minute you walk into her classroom you are sent back to being a five year old once again. The class is packed with colorful Sesame Street characters illustrating the alphabet or numbers. The irrepressible Cookie Monster is everywhere, reminding students that learning is fun. She is well respected among her peers and is often sought after for advice on classroom technique. Dee Crane, principal at Taylor, calls Mrs. Watson "a real star." She compliments Rebecca on her creativity, her love of the kids, and dedication. Rebecca is not only recognized by Taylor Elementary staff, but she also received the Mesa County School District Teacher of the Year Award in 1999. The nomination for Disney's Teacher of the Year was a surprise only to Rebecca. Although she was not chosen for the honor last year, she was asked to share her ideas from the "cookie class" on the Disney website. This year Rebecca was nominated for the honor again. It is inspirational to know at a time when our education system is under such critical attack that there are teachers going above and beyond to insure the students leaving there class have every advantage.

Mr. Speaker, as Rebecca's husband Allen, and daughters Kelly and Jodie, along with friends and colleagues wait to hear the final word on the Disney Teacher of the Year Award, I would like to wish her luck and thank her for her efforts. If all the teachers in this great Nation would follow Rebecca's example, the education system in the United States would benefit greatly. That said, I ask Congress to honor Rebecca Watson, she is truly an inspiration to not only her Colorado colleagues, but to teachers around the country.

ELEVENTH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. TOWNS. Mr. Speaker, I rise on the occasion of the eleventh anniversary of the Americans with Disabilities Act, which works on protecting our citizens with both hidden and visible disabilities from discrimination.

The Americans with Disabilities Act has been protecting citizens of this great nation for the past eleven years. In fact, 52.6 million Americans live with some level of a disability. That translates into one in every 5 people. In fact, one in every eight U.S. residents has a severe disability.

This Act does not allow people to discriminate against people with disabilities and requires that necessary accommodations be made to assist the disabled. Commonplace amenities such as elevators and ramps in all new buildings were virtually unheard of before the passing of the 1990 act. What is now viewed as a regular feature in movie theaters and other venues, listening aids were once uncommon and unavailable. One of the most recent triumphs of the Americans with Disabilities Act has been the United States Supreme Court Ruling that a golf cart must be supplied to disabled golfer, Casey Martin, for his PGA Tournaments. The Americans with Disabilities Act also extends to non-physical and more often hidden disabilities, allowing at the most basic level accommodations to be made for students in schools nationwide as well as elected officials, many of whom would never have had an opportunity for public service without ADA.

Mr. Speaker, for the past eleven years the Americans with Disabilities Act has been an integral part of this nation. As such, the Americans with Disabilities Act is more than worthy of receiving our recognition today. I hope that all my colleagues will join me in commemorating this truly remarkable law.

HONORING WILLARD ALLEN MEYER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I now rise to honor the life and memory of an outstanding person, Willard Allen Meyer. As family and friends mourn his passing, we all will remember Will's talents and remarkable life.

Much of Will's life was spent educating himself. He received his B.A. in Economics from Southern Illinois University, becoming the first person in his family to graduate from college. He then continued his education at the University of Freiburg in Germany and the University of Massachusetts. After his formal schooling, Will taught economics at Allegheny College. In addition to his impressive academic career, Will was a proficient carpenter, mason, as well as a business owner, chef, civic volunteer, and community servant.

Will was also a well-traveled man. His love of new experiences drove him to live throughout the United States, Germany, France and Switzerland. Will never ceased forging new adventures, and he passed away while on a much anticipated vacation with his family in Paris, France.

Will held a strong belief that every citizen had a responsibility to try to make his or her community a better place. Throughout his civic career, he served as a Breckenridge town Councilman, as Boulder County Democratic Party's Treasurer, and as President of PlanBoulder. Will worked at the Colorado Legislative Council as a budget analyst for 12 years, serving until he passed away. He also committed himself to the City Planning Board, City Parks and Recreation Board, and the Affordable Housing Task Force, among other organizations.

While his involvement with education and the community are to be remembered, Will's lasting legacy rests in his family. He was a dedicated husband to his wife, Lynne and a proud parent to his daughter, Virginia.

Mr. Speaker, Willard Meyer was a man who lived an accomplished life. Although friends and family are profoundly saddened by his passing, each can take solace in the wonderful life that the he led. I know I speak for everyone who knew Will when I say he will be greatly missed.

H.R. 7, THE CHARITABLE CHOICE ACT OF 2001

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Ms. DEGETTE. Mr. Speaker, I voted against H.R. 7, the "Charitable Choice Act of 2001" because it is a fundamentally-flawed bill that would put in jeopardy one of the bedrock principles of the United States—the separation of church and state. Many religious organizations receive government funds to provide certain services under a carefully crafted and judicially-tested model and I believe these organizations have an important place in the social safety net. However, I have serious concerns about this "Charitable Choice" bill because it significantly deviates from the current system and permits religious organizations receiving federal funds to evade the Civil Rights Act and engage in employment discrimination based on religion. Also, it contains a major loophole that blurs the line between direct and indirect assistance to religious organizations and endangers important protections against governmental funding of religious organizations.

Religious organizations have been permitted to receive federal funds for social services since 1996 when the welfare reform bill was enacted into law. With the passage of the welfare reform bill came strict guidelines that serve to ensure the separation of church and state and the preservation of anti-discrimination laws. The current charitable choice model provides certain constitutional protections to ensure that religious activities are not supported by tax dollars. One of these provisions requires religious organizations to keep federal funds in separate accounts that are open to audit by the government. I believe religious organizations should be able to receive funds through the process in current law that protects the character of religious institutions while preserving the civil liberties of the general public. However, H.R. 7 would greatly expand current law and would break down the constitutional protections of the current system.

H.R. 7 would enable a religious organization to engage in discriminatory practices based on religion if an employee or potential employee does not practice the teachings and tenets of that religion. This creates a gaping hole in the civil liberties of many individuals including unwed and pregnant women, gays and lesbians, women who have had abortions, and divorced individuals. It could even reach people who use birth control or favor reproductive rights. As if that was not enough, the bill intentionally supersedes any state or local antidiscrimination law. This means that a local law, passed by a community that believes employment discrimination based on religion is wrong could be effectively overturned if a religious organization receiving federal funds wants to fire an employee based solely on their beliefs. I find the willingness of this Congress to codify employment discrimination and destroy state and local antidiscrimination laws deplorable.

Additionally, the "Charitable Choice" bill would permit taxpayer dollars to go toward religious worship and proselytizing. Under current law, a religious organization that receives federal funding cannot use those funds for proselytizing, religious worship, or religious instruction. However, H.R. 7 contains an ill-defined provision that would allow federal funds to be funneled through governmental agencies in the form of vouchers that could be applied toward services provided by a religious organization. These funds would be available to religious organizations even if they are used for religious instruction, proselytizing, or sectarian worship. Congress should not weaken protections in current law that ensure the separation of church and state.

In conclusion, I believe H.R. 7 should have been defeated because it attacks some of the basic principles in America. I do not believe Congress should allow the wall dividing church and state to be chipped away. Congress should recognize the important contributions that religious organizations make in providing social services to needy people but should also maintain the essential protections for our democracy.

HONORING SUSIE LOAFMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to remember a caring and compassionate individual from Silvercliff, Colorado who has recently passed away. It is with profound sadness that I now rise to honor the life and memory of Susan Marie "Susie" Loafman who died on Wednesday, July 11, 2001.

Susie had endured cancer and diabetes for sometime, but this did not stop her from giving so much to others in her life and in the community. After graduating from Custer County High School in 1950, she proceeded to open a local restaurant in 1964 and named it "Susie's Cafe and Bar." The popularity of this establishment grew so great that people who knew of the restaurant would not drive by without visiting Susie's restaurant. Beyond the demands of operating the eatery, Susie was engaged civically with such organizations as the Chamber of Commerce, the Women's Club, the Altar and Rosary Society, the Merchants Association and the Custer County Cattlewomen. While adding to the community in this respect, she also built a strong foundation within the walls of her house by serving as a foster mother to over 30 foster children.

Mr. Speaker, at the age of 71, Susie Loafman will be remembered and appreciated for her spirit and kindness. As family and friends mourn her passing, her lessons and tenderness will live forever in the hearts of those that knew her and that she assisted. I would like to extend my deepest sympathy and warmest regards to her family at this time of remembrance. She will surely be missed.

IN REMEMBRANCE OF CAROLE JEAN THOMAS FAJARDO

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Ms. SOLIS. Mr. Speaker, I rise today to speak in remembrance of Carole Jean Thomas Fajardo, who passed away this month. Mrs. Fajardo was born in Pueblo, Colorado, and was a committed activist in the San Gabriel Valley and other areas. She graduated from the University of Texas in El Paso. She is survived by her husband Mr. Richard Fajardo who is a well-known attorney in the Los Angeles area. Her passions included music, art, animals, learning, and community empowerment efforts. And of course, Mrs. Fajardo adored her husband and family.

One of Mrs. Fajardo's most powerful traits was her innate passion for social justice. She served as a field deputy for Los Angeles County Supervisor Gloria Molina, and was instrumental in helping empower community members and community based organizations. She was also a Warden's assistant who counseled families and prisoners at the Louisiana State Penitentiary. One of her duties was to assist family members and media representatives during scheduled prison executions.

Mrs. Fajardo was also a strong supporter of the Mexican American Legal Defense and Education Fund (MALDEF) and served as executive assistant to MALDEF President Antonia Hernandez. This is where she met and fell in love with her husband Richard Fajardo.

Mrs. Fajardo was also a volunteer at the Central American Resource Center. During her years at CARECEN, she helped people in need and served as a strong supporter of immigrant and refugee rights.

Mrs. Fajardo will be dearly missed. Let us continue to keep her in our hearts and minds, and follow her example of leadership and caring.

HONORING CHUCK AND LORENE TOBIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor Charles "Chuck" and Lorene Tobin for their many years of devotion to each other as they celebrate their 50th wedding anniversary.

After their marriage, the Tobin's moved to Dolores, Colorado in 1951, where Chuck began to work for the Texaco Bulk Plant and volunteered for the local fire department. After a dedicated career, he retired in 1992. Lorene was employed as a cafeteria cook with the Dolores School system until 1988. Since their retirement, they have both been enjoying the great outdoors and other events throughout the community.

Chuck and Lorene met at the Old Del Rio Restaurant where she was a waitress, and the two instantly fell in love. They are the proud parents of two sons, Chuck and Mike Tobin, and a daughter, Lynda Grossberg. The couple still resides in Dolores, Colorado.

Mr. Speaker, it is a wonderful privilege and honor to salute the 50th anniversary of Chuck and Lorene Tobin. It is with excitement and admiration that I wish them many more great years together.

LIFT THE UNITED STATES EMBARGO ON CUBA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. PAUL. Mr. Speaker, encouraged in part by a recent resolution passed by the Texas State Legislature, I rise again this Congress to introduce my bill to lift the United States Embargo on Cuba.

On June 29, 2001, the Texas state legislature adopted a resolution calling for an end to U.S. economic sanctions against Cuba. Lawmakers emphasized the failure of sanctions to remove Castro from power, and the unwillingness of other nations to respect the embargo. One Texas Representative stated:

"We have a lot of rice and agricultural products, as well as high-tech products, that would be much cheaper for Cuba to purchase from Texas. All that could come through the ports of Houston and Corpus Christi." I wholeheartedly support this resolution, and I have introduced similar federal legislation in past years to lift all trade, travel, and telecommunications restrictions with Cuba. I only wish Congress understood the simple wisdom expressed in Austin, so that we could end the harmful and ineffective trade sanctions that serve no national purpose.

I oppose economic sanctions for two very simple reasons. First, they don't work as effective foreign policy. Time after time, from Cuba to China to Iraq, we have failed to unseat despotic leaders by refusing to trade with the people of those nations. If anything, the anti-American sentiment aroused by sanctions often strengthens the popularity of such leaders, who use America as a convenient scapegoat to divert attention from their own tyranny. History clearly shows that free and open trade does far more to liberalize oppressive governments than trade wars. Economic freedom and political freedom are inextricably linked—when people get a taste of goods and information from abroad, they are less likely to tolerate a closed society at home. So while sanctions may serve our patriotic fervor, they mostly harm innocent citizens and do nothing to displace the governments we claim as enemies.

Second, sanctions simply hurt American industries, particularly agriculture. Every market we close to our nation's farmers is a market exploited by foreign farmers. China, Russia, the middle east, North Korea, and Cuba all represent huge markets for our farm products, yet many in Congress favor current or proposed trade restrictions that prevent our farmers from selling to the billions of people in these ares. The department of Agriculture estimates that Iraq alone represents a $1 billion market for American farm goods. Given our status as one of the world's largest agricultural producers, why would we ever choose to restrict our exports? The only beneficiaries of our sanctions policies are our foreign competitors.

Still, support for sanctions continues in Congress. The House International Relations committee last week considered legislation that will extend existing economic sanctions against Iran and Libya for another 5 years. While I certainly oppose this legislation, I did agree with the President that we should at least limit the time period to 2 years, so that Congress could reassess the policy sooner. I introduced an amendment to this effect, but the majority of committee members voted to continue "punishing" Iran and Libya for 5 years; presumably some members would agree to maintain sanctions indefinitely. Interestingly the bill focuses on preventing oil exploration and development in the region, even when new sources of oil are sorely needed to reduce prices at the pump for American consumers.

I certainly understand the emotional feelings many Americans have toward nations such as Iran, Iraq, Libya, and Cuba. Yet we must not let our emotions overwhelm our judgment in foreign policy matters, because ultimately human lives are at stake. For example, 10 years of trade sanctions against Iraq, not to mention aggressive air patrols and even bombings, have not ended Saddam Hussein's rule. If anything, the political situation has worsened, while the threat to Kuwait remains. The sanctions have, however, created suffering due to critical shortages of food and medicine among the mostly poor inhabitants of Iraq. So while the economic benefits of trade are an important argument against sanctions, we must also consider the humanitarian argument. Our sanctions policies undermine America's position as a humane nation, bolstering the common criticism that we are a bully with no respect for people outside our borders. Economic common sense, self-interested foreign policy goals, and humanitarian ideals all point to the same conclusion: Congress should work to end economic sanctions against all nations immediately.

The legislation I introduce today is representative of true free trade in that while it opens trade, it prohibits the U.S. Taxpayer from being compelled to subsidize the United States government, the Cuban government or individuals or entities that choose to trade with Cuban citizens.

I submit for inclusion in the record, a copy of the Sense of Congress Resolution passed in Austin in late June.

SENATE CONCURRENT RESOLUTION NO. 54

Whereas, The relationship between the United States and Cuba has long been marked by tension and confrontation; further heightening this hostility is the 40-year-old United States trade embargo against the island nation that remains the longest-standing embargo in modern history; and

Whereas, Cuba imports nearly a billion dollars' worth of food every year, including approximately 1,100,000 tons of wheat, 420,000 tons of rice, 37,000 tons of poultry, and 60,000 tons of dairy products; these amounts are expected to grow significantly in coming years as Cuba slowly recovers from the severe economic recession it has endured following the withdrawal of subsidies from the former Soviet Union in the last decade; and

Whereas, Agriculture is the second-largest industry in Texas, and this state ranks among the top five states in overall value of agricultural exports at more than $3 billion annually; thus, Texas is ideally positioned to benefit from the market opportunities that free trade with Cuba would provide; rather than depriving Cuba of agricultural products, the United States embargo succeeds only in driving sales to competitors in other countries that have no such restrictions; and

Whereas, In recent years, Cuba has developed important pharmaceutical products, namely, a new meningitis B vaccine that has virtually eliminated the disease in Cuba; such products have the potential to protect Americans against diseases that continue to threaten large populations around the world; and

Whereas, Cuba's potential oil reserves have attracted the interest of numerous other countries who have been helping Cuba develop its existing wells and search for new reserves; Cuba's oil output has increased more than 400 percent over the last decade; and

Whereas, The United States' trade, financial, and travel restrictions against Cuba hinder Texas' export of agricultural and food products, its ability to import critical energy products, the treatment of illnesses experienced by Texans, and the right of Texans to travel freely; now, therefore, be it

Resolved, That the 77th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to consider the removal of trade, financial, and travel restrictions relating to Cuba; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the congress of the United States of America.

45TH ANTIOCHIAN ARCHDIOCESE CONVENTION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. ISSA. Mr. Speaker, I rise today to recognize and send my personal greetings to all those gathered for the forty-fifth Archdiocese Convention of the Antiochian Orthodox Christian Archdiocese of North America. In welcoming the diverse spiritual leaders of the Church that are gathering together, I want to especially welcome His Excellency, Issam Fares, Deputy Prime Minister of Lebanon.

I would like to commend the Antiochian Archdiocese for using this convention to search for ways to help young people and families struggling with the challenges of our society. This biennial convention is an opportunity to share the history, cultural heritage and religious dedication of the members throughout North America. The work of Antiochian Orthodox Church through such programs as the International Orthodox Christian Charities, the bone marrow testing drive, health fairs and the Jerusalem Project, are the finest examples of the religious freedom that only we share in the United States.

I wish to congratulate the members of the Antiochian Orthodox community on their efforts and wish them many years of success in their work throughout the United States.

RENEWAL OF THE IRAN LIBYA SANCTIONS ACT

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. FERGUSON. Mr. Speaker, it was not too long ago that Pan Am flight 103 left London's Heathrow airport for New York City on December 21, 1988. The plane was transporting 259 passengers, including students returning for the holidays, families eager to reunite with loved ones, tourists attempting to experience this great nation and business people on a routine trip.

Within an hour of takeoff, an explosion ripped through the plane and swiftly broke the aircraft into three pieces. The plan landed on the small Scottish town of Lockerbie, Scotland, killing 11 residents. If the delayed flight had taken off on time, the bomb would have most likely exploded over the Atlantic Ocean and we might not have ever known the cause of the accident.

Consequently, our government enacted the Iran and Libya Sanctions Act (ILSA) on August 5, 1996, to address the acts of terrorism condoned by these countries. The law rightfully mandates sanctions against foreign investment in the petroleum sectors of Iran and Libya, as well as exports of weapons, oil equipment and aviation equipment to Libya in violation of United Nations Resolutions 748 and 883. ILSA has served to bring justice to the culprits of these acts of terrorism.

Since then, a Libyan terrorist intelligence officer was found guilty of murder for his involvement in the Pan Am 103 explosion. Despite the conviction of this culprit affiliated with the Libyan government and further evidence indicating that regime's involvement, Libya still refuses to acknowledge any connection to the bombing or pay compensation to the families of the victims.

Today, the behavior that led the United States to take such measures against Iran in the first place has not improved, but grown even more severe in the past year. Iran continues to condone terrorism and recklessly fund groups, such as the Hezbollah, HAMAS, and the Palestine Islamic Jihad, who partake in acts of violence against civilians. Most disturbing, Iran continues efforts to acquire weapons of mass destruction—including nuclear, chemical, biological—and the missiles to deliver them.

The recent State Department Report on Patterns of Global Terrorism reiterates, "Iran remained the most active state sponsor of terrorism in 2000." The report also notes Iran has provided increasing support to numerous groups responsible for intentional attacks on civilians, while Iranian agencies "continue to be involved in the planning and the execution of terrorist acts." Moreover, Iran continues to provide funding, training and logistical assistance to a variety of radical groups in the Persian Gulf, Africa, Turkey and Central Asia.

For many years, Iran has been able to finance programs to acquire weapons of mass destruction and support terrorist activity through its energy exports, which are where most of the countries revenues derive. ILSA is an effective measure to deter foreign corporations from investing in Iran and reduce the amount of funds available to Tehran to support terrorism and weapons activities. In fact, ILSA has succeeded in specifically deterring Japanese investment, as well as European allies from investing in the energy sector.

Accordingly, I believe it is imperative the United States send a clear message to nations that resort to terrorism by promoting non-negotiable policies that directly reinforce the premise that these actions will not be taken lightly and have serious long-term consequences. By not renewing these sanctions or limiting their conditions in any capacity, the United States would illustrate that we are not concerned with offensive Iranian behavior. I strongly urge this Congress not to falter in our resolve to combat terrorism in the world.

We owe the renewal of these sanctions to the 270 victims of this particular act of terrorism, their families, and all the civilians who have been affected by these horrible acts of intimidation.

I pray for the families who paid the ultimate price, whose loved ones died. But they are not forgotten and these sanctions serve as a reminder of the terrorism that took their lives and the unwavering stance we must take. It is our responsibility to ensure that they have not died in vain.

A NEWSPAPER ARTICLE ON THE LIFE OF FREDERIC BASTIAT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2001

Mr. PAUL. Mr. Speaker, I commend to the attention of members an editorial appearing in the Wall Street Journal which is headlined "In Praise of an Economic Revolutionary." The column is authored by Mr. Bob McTeer, president and CEO of the Federal Reserve Bank of Dallas.

In his article, Mr. McTeer highlights the life of Frederic Bastiat, a member of the French Chamber of Deputies during the 19th century who made great contributions to both individual liberty and free markets with clear, simple and humorous observations and arguments. Bastiat was a pioneer in the field of economics who fought against the protectionist fallacies and absurdities that persisted in his day and indeed continue to haunt us today.

Bastiat understood well what few in Congress have come to grasp—that it is absurd to favor producers over consumers and sellers over buyers. This is because producers and sellers benefit from scarcity and high prices while consumers benefit from abundance and low prices. As a consequence, when government policies favor producers, the citizens of the United States are faced with scarcity and unnecessarily high prices. In essence, the economic pie is made smaller for all.

As members of Congress we should note, as Bastiat did, that because we have limited resources and unlimited wants, it is unwise to create inefficiencies for the purpose of creating or protecting jobs. As Mr. McTeer writes, "Progress comes from reducing the work needed to produce, not increasing it."

By supporting protectionist policies that tend to create stagnation and hurt consumers, some members stand in the way of economic progress that would benefit all. Yet we should reject these policies and in the tradition of Bastiat do away with the absurd notice that inefficiencies are good for this country and its people.

Mr. Speaker, again I commend Mr. McTeer's column and encourage the recognition of the economic revolutionary, Frederic Bastiat.

In Praise of an Economic Revolutionary

(By Bob McTeer)

"The state is the great fictitious entity by which everyone seeks to live at the expense of everyone else,"—Frédéric Bastiat (1801–1850)

Claude Frédéric Bastiat was born in Bayonne, in the southwest of France, 200 years ago last Friday. This week, I kicked off a conference in nearby Dax, France, celebrating Bastiat's contributions to individual liberty and free markets.

The whole world should be celebrating the birthday of this pioneer of free-market capitalism.

Bastiat's output was prodigious, especially in the last five years of his life. Through his writing and speeches, and as a member of the French Chamber of Deputies, Bastiat fought valiantly against the protectionism and socialism of his time. He proselytized for free trade, free markets and individual liberty. His weapons were wit and satire; his method was the reductio ad absurdum. More than any other person before or since, he exposed economic fallacies with a clarity, simplicity and humor that left opponents with no place to hide.

The most famous example of Bastiat's satire was his petition to the French parliament on behalf of candlemakers and related industries. He was seeking relief from "ruinous competition of a foreign rival who works under conditions so far superior to our own for the production of light that he is flooding the domestic market with it at an incredibly low price." The foreign rival was the sun. The relief sought was a law requiring the closing of all blinds to shut out the sunlight and stimulate the domestic candle industry.

Despite the publication of Adam Smith's "The Wealth of Nations" decades earlier, Bastiat was still fighting the mercantilist view of exports as good and imports as bad. He pointed out that under this view, the ideal situation would be for a ship loaded with exports to sink at sea. One nation gets the benefit of exporting and no nation has to bear the burden of importing.

Bastiat once saw an editorial proposing a Bordeaux stop on the railroad from Paris to Spain to stimulate local business. He wondered, why only Bordeaux? Why not have a stop in every single town along the way—a never-ending series of breaks—so the prosperity could be enjoyed by all? They could call it a "negative railroad."

This point is true even today. Trade with Mexico has boomed since the passage of the North American Free Trade Agreement and so has truck traffic across the Rio Grande. Luckily we have bridges to facilitate the crossing. But while the bridges were made for crossing, the hundreds of warehouses near the border were not. They're for storing and waiting—where Mexican truckers are required to hand over their cargo to domestic carriers. Bastiat had his "negative railroads." We have "negative bridges."

Then there's Bastiat's broken-window fallacy. It seems someone broke a window. It's unfortunate, but there's a silver lining. Money spent to repair the window will being new business to the repairman. He, in turn, will spend his higher income and generate more business for others. The broken window could ultimately create a boom.

Wait a minute, Bastiat cautioned. That's based only on what is seen. You must also consider what is not seen—what does not happen. What is not seen is how the money would have been spent if the window had not been broken. The broken window didn't increase spending; it diverted spending.

Obvious? Sure, but we fall for a version of the broken-window fallacy every time we evaluate the impact of a government program without considering what taxpayers would have done with the money instead. Some people even judge monetary policy by what happens, without considering what might have happened.

Most economic myths give way to Bastiat's distinction between the seen and the unseen. Related concepts include half truths and whole truths, intended and unintended consequences, the short run and long run and partial effects and total effects. Henry Hazlitt expanded on these themes in his wonderful book, "Economics in One Lesson." If you don't have time to read Bastiat's collected works, try Hazlitt's book.

Bastiat called attention to the absurdities that come from favoring producers over consumers and sellers over buyers. Producers benefit from scarcity and high prices while consumers benefit from abundance and low prices. Government policies favoring producers, therefore, tend to favor scarcity over abundance. They shrink the pie.

Bastiat stressed that because we have limited resources and unlimited wants, it's foolish to contrive inefficiencies just to create jobs. Progress comes from reducing the work needed to produce, not increasing it. Yet, a day doesn't pass that we don't hear of some proposal to "create jobs," as if there's no work to be done otherwise. If it's jobs we want, let's just replace all the bulldozers with shovels. If we want even more work, replace shovels with spoons. Bastiat suggested working with only our left hands.

I was cautioned that most of the participants in the Bastiat conference would probably be from other countries, since Bastiat's free-market views aren't highly regarded in France. That reminded me of my visit to Adam Smith's grave in Scotland a couple of years ago. I went into a souvenir shop about a block away and asked what kind of Adam Smith souvenirs they had. They not only didn't have any, they'd never even had a request for one before. What a shame!

HOUSE OF REPRESENTATIVES—*Friday, July 27, 2001*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 27, 2001.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, may the prayers of people across this Nation endow this Chamber with Your justice. May right judgement be brought to bear on all issues which affect Your people.

Floods, fire and volcanoes seize our attention. Negotiating war rooms, security chambers, prisons and waiting rooms cannot contain the anxiety of Your people.

Yet You, O Lord, endure like the Sun and the Moon from age to age. Your presence is like soft rain on the meadow, like raindrops on the Earth.

In our own days, justice shall flourish and peace till the Moon fails if You, Lord, rule from sea to sea.

Once again save the children when they cry and the needy who are helpless. Have pity on the weak for You alone have the power to save the lives of all.

Blessed be You, Lord God. You alone work wonders. May Your glorious name be blessed forever. Let Your glory cover the Earth both now and forever. Amen. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes at the end of the legislative day.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2620.

□ 0904

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 26, 2001, the amendment by the gentleman from New York (Mr. LAFALCE) had been disposed of and the bill was open for amendment from page 33, line 5, through page 37, line 9.

AMENDMENT OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK:

In title II, in the item relating to "COMMUNITY PLANNING AND DEVELOPMENT—HOME INVESTMENT PARTNERSHIPS ACT", strike "That of the total amount provided under this heading, $200,000,000" and all that follows through "as amended: *Provided further*,".

Mr. FRANK. Mr. Chairman, one of the popular and successful innovations in Federal aid to housing in recent years dating back to when the gentleman from Texas (Mr. GONZALEZ) was the Chair of the committee is the HOME program. The HOME program is one of the few programs now existing, perhaps the only one, which allows municipalities that feel the need to do housing construction. Many of us feel that we have a terrible problem in this country because of the increased price of housing, particularly in areas of housing shortage. While we are strong supporters of the section 8 voucher program, there is a large consensus, which you saw in the bipartisan witnesses before our hearings, that the voucher program alone is not enough, that it does not deal with the situation increasingly common in many of our areas, metropolitan areas and others, but particularly metropolitan areas, where economic pressures have driven housing prices so high and where production is so difficult for a variety of reasons.

The HOME program is the premier general production program. It is strongly supported by elected officials. The President proposed to take $200 million of the HOME funds and restrict them, restrict them in a way that they have not previously been restricted. The HOME program has been a genuine block grant with complete flexibility. One of the things you can do under the HOME program if the municipality or the consortium of municipalities wants to is to do a homeownership program. But it is not mandatory. This is part of a flexible approach. The President said, let's take $200 million of this plan and make it mandatory that they use it for that and only that. Now, the committee increased the funding, but it increased the funding by picking up this restriction.

What my amendment does is very simple. It has no offset because it needs no offset. It does not change the dollar amount of the bill, of the HOME program or of anything else. It simply removes from the HOME program as put forward in the bill a restriction on the use of $200 million which restriction would be imposed over the objection of the mayors. It is a restriction which takes a first unfortunate step towards converting a genuine flexible, successful, local-oriented block grant program into a partial categorical program. I stress again that the category which is earmarked in this bill at the President's request is an entirely permissible one. We are not preventing those municipalities that want to do it from doing this. We are saying that if the municipality wants to do it, it should be able to do it, but if it does not wish to do it, it should not have to do it. That is the critical point here.

I want to stress again that this is important because this bill, which fails

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

because of the tax reductions having taken away the revenue that we need to be responsible, this bill fails entirely to deal with the production problem. We do have some money in the 202 program for the elderly. We just had testimony that there are nine people on the waiting list for every section 202 elderly unit. If you want to know whether these programs are successful or not, look at that consumer satisfaction. Older people, 9 to 1, want to get into what is available. But that is only for the elderly. We have the low-income housing tax credit which does some good. But the primary program by which we can today do production is the HOME program. This bill fails as I said in not responding to the needs for another production program.

The problem of course is that no such program was on the books and so you cannot expect it to be appropriated before it is authorized. I hope we will in this Congress create an increased production program. But one way to do production—the only way—is to increase home funds. So I want Members to be very clear. The only way you can meet even a small part of the need for increased housing production, particularly in those metropolitan areas where the housing shortage makes vouchers unusable, is to free up the money in HOME. A homeownership program might be a useful one in some municipalities. My amendment does not in any way, shape or form restrict the ability to do that. But to impose that and to say to a city, here is a chunk of money that you cannot use for production, you cannot use for rehabilitation, you cannot use for anything else, you can only use it for homeownership, when that city might prefer to do it in different ways is a reversion to a way of thinking about congressional imposition on municipal flexibility that I had thought this Congress was beyond and I thought my friends on the other side were beyond.

So I hope the amendment is adopted. Now, there are other potential uses of the $200 million. We will have that conflict. But at this point I hope we can free this up and let the mayors spend this money as they see it, including on production.

Mr. WALSH. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. The President and the Secretary have made increasing homeownership opportunities for low-income families a top priority, one I believe each and every one of us can and should support. My experience as a city council member in Syracuse and city council president was that the strongest neighborhoods are the ones with the highest percentage of homeownership. Anything that we can do to promote homeownership, we should do.

The program that the President has asked us to support would provide funds for individuals and families to make a down payment in order to get a mortgage on a property. As most of us know who have bought homes, the hardest part is that initial stretch, to meet those initial monthly mortgage payments the first several years, but also to get that money for the down payment. It is essential to the equation of homeownership.

As you know, Mr. Chairman, we have made dramatic changes in this country in recent years through welfare reform. Thousands and thousands of families who have been chained to welfare over the years have now benefited by moving from the strictures of welfare into the workplace. The efforts of the Congress and the administration, in both parties, has given them hope, given them the opportunity and pride of being productive citizens. The next critical step to giving Americans the opportunity to really get a piece of the American dream, is homeownership.

This is a very critical program. This is the President's major initiative in this bill. So while the Administration request proposed an earmark for this initiative out of the HOME program, we did not do that. Instead, we have provided a $200 million increase over the request for the initiative. I want to make sure Members are aware that the down payment assistance is already authorized as a part of the HOME program. In fact, many States and localities are already using their HOME funds for this purpose. However, given the priority that many of us believe should be placed on homeownership, we have targeted the increase provided over the last year for homeownership as the President requested.

While down payment assistance is an authorized HOME activity, targeted funds would require some authorization changes to preserve the prerogatives of the authorization committee on which the gentleman from Massachusetts serves as ranking member by requiring those authorization changes to be made before targeting the funds. Should those changes not be made by next June, which I certainly hope will not be the case, States and localities can use these increased funds for any authorized HOME purpose.

☐ 0915

The debate over what changes should be made to bolster home ownership is not an issue for this bill. We leave that to the authorizing committee. However, I believe we should support the President and the Secretary in these efforts.

Mr. Chairman, if this program is implemented properly, we have the opportunity to help over 100,000 American families move from tenantship, rentership, to ownership. What a marvelous concept that is. What better way to use taxpayers dollars than to help people get their piece of the rock, to fulfill their American dream. Anyone who knows the rights and the responsibilities of home ownership knows there is a special feeling that goes with that.

Mr. FRANK. Mr. Chairman, will the gentleman yield for a clarification question?

Mr. WALSH. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I understand the point that says authorizing legislation has to be adopted, but it says until June 30, 2002. The appropriation, I assume, begins October 1st. Does this mean no money can be spent between October 1 and June 30, or that the mandate would not be in effect from October 1 until June 30?

Mr. WALSH. Mr. Chairman, reclaiming my time, my understanding is that the requirement is that the authorization committee do their job this year, pass the authorization. If they do not, then those funds would revert to the States and localities, as with the rest of the program.

Mr. FRANK. Mr. Chairman, if the gentleman would yield further, there is a time gap, because the appropriation kicks in October 1.

The CHAIRMAN. The time of the gentleman from New York (Mr. WALSH) has expired.

(On request of Mr. FRANK, and by unanimous consent, Mr. WALSH was allowed to proceed for 1 additional minute.)

Mr. WALSH. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK. My question was just this: Since the appropriation begins October 1, but the lapsing of the mandate kicks in June 30, 2002, what happens if the authorizing committee and the Congress do not pass the legislation then as of October 1? Is the mandate in effect and it ends on June 30, or does it never go into effect?

Mr. WALSH. Mr. Chairman, reclaiming my time, if the authorizing committee does its job, there is not a problem. We would expect the authorizing committee to do their job. If they do not do their job, then money reverts back to the States.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, could I ask the distinguished chairman a question, please, because I heard the gentleman from Massachusetts; and I thought he made good sense. And I heard the chairman, the gentleman from New York, I thought he made good sense.

Is there a disconnect here that has not been made clear to me? I did not hear the gentleman from New York (Mr. WALSH) say anything about what the gentleman from Massachusetts (Mr. FRANK) said. I would like to yield for the gentleman to explain that.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, my response was that this program is not authorized. We expect it to be authorized. If it is not authorized, the money would revert to the States as the rest of the formula for the HOME program already does.

Mr. CONYERS. Mr. Chairman, reclaiming my time, we can authorize it ourselves. Do we not have at least that much power? I thought we could do that. Who is this supreme authorizing body in Washington, D.C., that I do not know much about?

Mr. WALSH. If the gentleman would yield further, I would hope that the authorization committee would respect that this is the President's number one priority in housing this year and honor that request by doing the authorization.

Mr. CONYERS. So that is the gentleman's only reservation? That is the complaint?

Mr. WALSH. If the gentleman will continue to yield, we would expect the authorizing committee to get their work done. There is sufficient time in the year.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, there is a technical point and a more substantive one. The technical point is this: the gentleman from New York says that if the legislation is not authorized, then the money does go back to the recipient municipalities the way my amendment says.

The problem is that that does not happen in the bill until June 30, 2002, and this appropriation becomes effective on October 1. So from October 1 of 2001 until June 30, the money will be mandated and not available freely. The gentleman said well, he would hope, recognizing it was the President's priority, they would authorize it.

I know that motivates many on the gentleman's side. But the President's priority was not to have the Patients' Bill of Rights of Ganske-Norwood-Dingell, and the President's priority has been a different campaign finance reform.

I am pleased to say from time to time this House constitutionally differs with Presidential priorities, and the argument that something is not a Presidential priority, as my friend from Michigan has said, is not an argument.

So I think if the gentleman concedes that we should not be doing this without authorization, then he has it backwards, because his amendment language says as of October 1, if my amendment does not pass, there is this mandate and the mandate stays in effect for most of the fiscal year. I think that is the wrong way to deal with it.

Mr. CONYERS. Reclaiming my time, I do too. I think the subcommittee chairman is of good heart and great cheer and wonderful spirit, and I think the Frank amendment to this, notwithstanding what the President wished and wanted earlier on, maybe if we went back to the President, he would say this is not such a bad idea either. I do not know if we have time to do that, but I think the gentleman from Massachusetts (Mr. FRANK) has come up at least with a good idea.

Mrs. KELLY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to my friend from Massachusetts's amendment to strike the earmark for the Down Payment Assistance Initiative program in the HOME program. As a member of the Committee on Financial Services Subcommittee on Housing and Community Opportunity, on which I serve with my friend from Massachusetts, I believe that the President's proposal for low-income down-payment assistance must be a top priority.

When I read the Frank amendment, I was a little surprised, since I know my friend from Massachusetts to be a knowledgeable individual on issues concerning housing. Hence, I assumed he would realize the down payment assistance program is already an authorized purpose of the HOME program and is one that is in current use in towns and cities across the country.

In the past few months, we have both participated in a number of hearings on the lack of affordable housing in our Nation. We have been told again and again of the crisis we face.

The HOME program is important to housing production. It is an important housing production program, and I believe the gentleman from Massachusetts wants to facilitate as much new housing as possible. However, I also believe my friend from Massachusetts would recognize the real need to help low-income families with their down payments for their purchase of first home.

Let me be clear: the down payment initiative is not a solution to all the problems we face, but it is one important step that will greatly assist the families who use it.

In addition, in order to target this excess $200 million solely to down-payment assistance, we are required to take this issue up in our committee to target the assistance. I will do everything possible to work with my friend from Massachusetts and all of the other members of our committee to ensure we make these changes. However, if we fail to do this by next June, the funding will be utilized as regular HOME funds would.

With this in mind, I would hope that my friend from Massachusetts would withdraw his amendment so that we can join together to work on this issue and craft a program in the committee. I believe that our Subcommittee on Housing and Community Opportunity has a solid bipartisan approach to the housing programs that our Nation uses. This initiative will require us to work together to bring it into reality.

I also hope that my friend and all of our colleagues on this subcommittee will join us in working on this issue. As the gentleman from Massachusetts (Mr. FRANK) is the ranking member of the committee, I hope he will work to help craft a program to help more people own their own homes.

Mr. FRANK. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, first, I would point out the ranking member does not set the committee agenda. The committee has been in existence since January or February. The majority has not brought this item forward for us to debate.

Secondly, I thought the gentlewoman was making my argument. Of course I understand it is already authorized. That is why I do not think we need to force communities to do it. It is fully authorized. Some communities are doing it.

The difference between us is not whether this is not in some places a good idea, but whether Congress should retreat from the notion of a block-granted HOME program with reliance on local judgment and take for the first time the wrong step, I think, of mandating the specifics.

I would be glad to have the committee bring it up, but I do want to point out to the gentlewoman, she is a member of the majority. It is up to them to bring something forward.

The problem is this says the committee and House and Senate. It is not only up to the committee. If we do not get legislation through as of October 1, this gets mandated and the communities cannot enjoy the previous flexibility, and that is what I object to.

Mrs. KELLY. Mr. Chairman, reclaiming my time, I believe very strongly that this is a program that we must authorize very quickly. I believe very strongly that this is a program that will allow people to own their own homes. The more people at the low-income level that are able to do that, the better we all are, for our communities and across the Nation.

I urge my colleagues on both sides of the aisle to join me in opposition to this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that amendments numbered 44, 45 and 46 may be offered at any point during further consideration of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, I reserve the right to object only to explain the purpose for this unanimous consent request is to try to help us get an organized schedule today so we can move along expeditiously. This would simply allow these three amendments to be taken up early in the day. They will tend to be the more controversial amendments. We would like to get this process organized.

In addition, I would like to suggest that Members that have amendments that they wish to offer really should let us know what they are quickly, so that we can try to organize the balance of the day so we can complete this legislation.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I have first a question and then a comment.

If this request is granted, it is my understanding that this in no way affects the rights of other amendments to be offered, even though when we consider some of these amendments we would be moving ahead in the bill.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, the gentleman is correct. However, as we proceed through the bill, I think the gentleman and I both agree that Members that have amendments at a particular place in the bill should be here to offer them, because, as we announced several days ago, we are not going to be able to go back to the bill once we have passed that point.

Mr. OBEY. Mr. Chairman, if the gentleman will yield further, I will simply reemphasize that. If Members have amendments, they have a responsibility to be here in a timely fashion. It is not the committee's responsibility to protect Members who are not protecting themselves.

Mr. YOUNG of Florida. The gentleman is correct.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 44 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment concerning the Public Housing Drug Elimination Program.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 44 offered by Ms. KAPTUR:

At the end of title II, insert the following new section:

SEC. 2 . For carrying out the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) and the functions of the clearinghouse authorized under section 5143 of the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11922), and the aggregate amount otherwise provided by this title for the "HOME INVESTMENT PARTNERSHIPS PROGRAM" is hereby reduced by, and the amount provided under such item for the Downpayment Assistance Initiative is hereby reduced by, $175,000,000.

Ms. KAPTUR. Mr. Chairman, the amendment I am proposing would restore a program that the majority party has zeroed out in this legislation for the Public Housing Drug Elimination Program. This program has been in operation since President Reagan signed the legislation in his last administration, and was first appropriated, funds were first let around the country, by the first Bush Administration back in 1988.

Our amendment has been scored by CBO as budget neutral, both in outlays and budget authority, because of offsets from the HOME program and the Down Payment Assistance Initiative, which has not been authorized.

Last year Congress provided over $310 million to over 1,100 housing authorities across the country for this very, very successful program, which aims at keeping criminal activity down in some of the most vulnerable neighborhoods in our country where seniors, low-income families, and the disabled live on a daily basis.

□ 0930

It is a worthy program; it is a successful program that has been supported by both Republican and Democratic administrations. Frankly, I am rather perplexed, I am mystified, as to why any administration or any subcommittee would zero out a program with this rate of success.

Over 118 Members of this Congress have signed a letter to the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) supporting the continuation of this program, and with me here at the desk I have a list of Members' districts that include over 1,100 Housing Authorities where this program has been in operation and so successful.

Now, there is no question that crime has dropped nationwide and, in particular, in some of the most vulnerable areas of our cities, so let me explain what used to happen. What used to happen is that drug lords in places like Chicago literally controlled the roofs. I was in the housing field long before I was elected to Congress. I know what it is like to stand on the roof of a building and watch as mothers cannot leave a housing project to go buy milk because the drug lords control the streets, and if they had a deal coming down, you could not live your life.

This program aims to get rid of that, to set up police substations in many of these housing projects in some of the most dangerous parts of America to let the children in those areas have a chance at a decent life. This is a program with a track record, and it is a good one, and it should not be zeroed out.

Mr. SAWYER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I would like to take a moment to thank the gentlewoman for her enormous effort with regard to this program.

I am in support of this amendment. This amendment will help make sure that children living in our Nation's public housing, over 1 million of them, have safe and secure environments in which they can grow and succeed. They deserve this opportunity.

This amendment restores funds to the Public Housing Drug Elimination Program. These are programs that are disparate all across the country. Local authorities use these funds to supplement law enforcement activities in some cases, while others create drug intervention programs and new social support services. This program has a sterling record of success.

One reason is it allows housing authorities to tailor their programs to fit their individual needs and the needs of their residents. All over the country, children living in public housing who have participated in drug prevention activities have higher self-esteem, higher grades and fewer school absences.

Mr. Chairman, the gentlewoman talks about this program coming into effect under Ronald Reagan and being administered by President George Bush and HUD Secretary Jack Kemp. Earlier this session, the gentlewoman pointed out that more than a quarter of us, from one end of the political spectrum to the other, signed a letter to the leaders of this subcommittee to ask to continue funding for this program. That is because I suppose, in the end, children are not a partisan issue. The Public Housing Drug Elimination Program has never been a partisan issue, and neither is this amendment. Many Members have indicated their support for continued funding for this program. The amendment gives us the opportunity to show our support. It is drugs, and not this effective undertaking, that needs to be eliminated.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I would say to the gentleman from Akron, Ohio (Mr. SAWYER), thank you so very much. The gentleman was mayor of Ohio long before he was elected to this Congress and understands the importance of this program. He took time from a markup in another committee to be here this morning. We thank him so very, very much for his leadership and interest on this issue.

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would just like to begin my portion of this debate by stating that I am not aware that there has ever been a study to show that this drug elimination program is successful as a national policy. There are lots of anecdotal comments and individual programs around the country that have had some degree of success, but this program has never been declared a success by the Federal Government.

I am also not aware that there is a higher degree or a higher percentage of drug use or drug abuse in public housing than anywhere else in this country. I think, to a degree, it is a negative statement about the Federal Government's view of public housing to have a program specifically for drug elimination in public housing.

Having said that, the HOME program, as I have said before, will help Americans to move from tenantship, rentership, to homeownership. I think it is important that we provide specific funds for that purpose, and I hope the authorizing committee will make this authorization a reality.

Let me just talk a little bit about the drug elimination program. First of all, the program has $700 million of unspent funds. When this program began 13 years ago, it was funded at $8 million. It was designed to address a gap in services that State and local governments were not filling for public housing. A lot has changed since then. The crime bill, for example, provided somewhere in the neighborhood of $9 billion to States and localities to hire over 100,000 additional police officers, to fund 1,000 new Boys and Girls Clubs in public housing, as well as a variety of other juvenile crime prevention activities.

State and local governments have been provided the resources in public housing. Residents should be receiving the benefit of those Federal programs like everyone else.

Currently, less than one-third of all public housing authorities receive drug elimination funds. Just four of the public housing authorities in the country are receiving 25 percent of all of these funds. In New York City, where they receive somewhere in the neighborhood of $35 million to $40 million, half of the money, half of it, is going to pay the salaries of New York City police officers. That is what the crime bill was for.

So they are getting Federal funds through the crime bill to hire additional police. They are also using these drug elimination funds to pay police salaries, and that just is not what these funds were for.

All of the PHAs that have received money have not been able to spend it. The gentlewoman's hometown of Toledo, Ohio, is only now in the process of spending 1999 funds. In my hometown, in Syracuse, there is about $2 million in the pipeline for drug elimination programs. They can continue to use that money under this bill if they have pipeline funds and they have a program that they believe is effective. In Syracuse there are several that they believe are effective, so they can continue to use those funds.

In addition, we have increased the public housing operating fund by a little more than 8 percent, a very substantial increase. Under the law, public housing authorities can use those operating expenses for drug elimination programs or, basically, for any other program that they see fit. So they have the flexibility there to continue to do this sort of activity.

Secretary Martinez and President Bush asked us to eliminate this program. Secretary Martinez is a new Secretary. Just as we did with Secretary Cuomo when he had policy initiatives, we tried to honor those public policy initiatives; and the Congress, in most cases, complied. I would ask my colleagues to comply with Secretary Martinez. He does not believe that criminal justice is part of the core business of HUD. He wants HUD to get out of the criminal justice business.

As I said, if individual public housing authorities want to continue the programs that they feel are effective, they can use the pipeline funds, and they can use their HUD operating expenses which we have provided for a very strong increase.

Mr. Chairman, to close, I have a letter here signed by the Enterprise Foundation, the National Council of State Housing Agencies, the National League of Cities, the National Association of Counties, National Community Development Association which says, we need these home funds. We do not want them used for any other program. So they would oppose this amendment.

I urge my colleagues to oppose this amendment.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the tragedy in this whole HUD bill is that it is underfunded. I rise to support the amendment to keep the Public Housing Drug Elimination Program in operation.

Last night we discussed until 11 o'clock that there is $640 million cut out of the Section 8 Program. There is $240 million cut out of the Community Development Block Program. There is $445 million cut out now, in this budget, out of the Housing Modernization Program. There is $97 million less this year in the Homeless Assistance Program, and now we come to the Public Housing Drug Elimination Program, which has not been cut back but eliminated.

This program was started and signed into law in 1988 by President Reagan. President Bush won and continued the program. President Clinton increased the program, and last year it had a $310 million appropriation. This budget gives it zero.

So not only have we reduced those other categories of housing needed, one of the most-needed categories behind education and health in our country, moderate safe, clean housing does not exist for many Americans, and what this Republican Congress does, it has decimated that in this HUD budget even more.

What my colleagues need to also know is that last week this Congress passed a bill that gave $675 million to Colombia. Last year, this Congress gave $1.3 billion to Colombia, where it is documented that 90 percent of the cocaine and heroin comes from.

So I say to my colleagues, this drug elimination for public housing program, which does work well; and, the chairman ask for a study, do not zero it out. It is doing marvelous things. It is hiring people who live in public housing to take care, to guide, and to monitor their own living conditions so that the children can be safe, so that the seniors can have opportunity.

On the one hand, we can give Colombia $2 billion and cannot find $175 million for those who live in public housing to try to eradicate drugs, keep drugs down, and keep their housing safe. Something is wrong with that equation.

Mr. Chairman, I thank the gentlewoman from Ohio for introducing the amendment. Our offices have worked closely on this. This is not the time to cut public housing funds. Perhaps we should send the money to Colombia so we can stop the interdiction, but, quite certainly, we also ought to have treatment on demand, which none of these budgets address. Quite certainly, we ought to have a minimum of $175 million for people who live in public housing, again, not to eliminate the program. We need to ask for the testimony. We have testimonies to tell the gentleman that it works, and the study will prove that, too. It works.

Mr. Chairman, $2 billion to Colombia, and we cannot give $175 million to public housing who want to help themselves, to do what it takes to live in clean and safe housing. I think we can do better than that as a Congress. We are a much better Nation than that.

All of us do not agree with the Andean Colombia program, but we do support eradicating drugs in our society. The way we do that is to stop the flow, yes, and also treatment on demand.

When somebody who is addicted, whose life is in chaos finally gets ready for treatment and goes to a center in my district, they say, okay, fine, we are glad you are here. Come back in 3 months, and we will find a slot for you.

Come on. That is not how it works, America. My colleagues on both sides of the aisle, they have it in their districts, and I have it in mine. It is an American problem. We cannot give Colombia $2 billion on the one hand and not give a few million for the American citizens who Colombia has strung out.

Mr. Chairman, it is important that we adopt this amendment. It is important that we talk about what is really happening here. The HOME Program is a marvelous program. We want the Downpayment Program as well. The most important thing a person can do, a family can have, is a home. The stability, the consciousness, the being somebody really is defined in America by their home and their home conditions and how they live.

So I hope the Congress will think deeply about this amendment. Mr. Chairman, this is $175 million, on top of all of the cuts I already mentioned in Section 8, community development block grants, housing modernization and homeless assistance. We are going in the wrong direction. Vote "yes" on the Kaptur amendment.

☐ 0945

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentlewoman from Ohio (Ms. KAPTUR) to strike the $200 million from the President's down payment assistance initiative and add it to the drug elimination program.

This amendment would make two changes to this legislation we have at hand. I believe they are both wrong.

The amendment strikes down the President's proposed $200 million down payment assistance initiative. To strike this funding takes the legislation in the wrong direction.

As a member of the Committee on Financial Services' Subcommittee on Housing and Community Opportunity, we have held several hearings on the current affordable housing crisis we face in this Nation. We have heard again and again that affordable housing is not available, and many families cannot afford market rents. HUD has declared further that a fair market rent for a two-bedroom apartment in my area of Westchester County is $1,144 a month. That is higher than in New York City.

What we have to do is to help these families get out of the rentals and into their own homes so they can build equity in their home. To own their own homes means they can also build equity into our communities. That builds stronger communities for America. The President recognizes this need, and that is the purpose of the down payment assistance initiative.

First-time home buyers need all the assistance we can give them. It comes down to the fact that when one owns one's own home, they are vested. They are vested in the interests of the neighborhood, the local schools, and the community.

Unfortunately, this amendment seeks to strike this valuable initiative in order to fund the drug elimination program. In past years, I was a strong supporter of the drug elimination program. I have heard positive programs that are run with drug elimination funds. But this year, I have come to the conclusion that this program should be ended.

Let me just read some of the abuses from the Miami-Dade Housing Agency:

The money was spent before receiving the grant. Overtime money was paid to officers to bowl and play basketball. Janitorial services were done at elderly developments; and that is a good thing, but they bought phones and beepers and copiers, shirts and clocks, recreation equipment, journal vouchers. A lot of money was wasted instead of doing drug elimination.

I believe that it is very important that we try. I think Secretary Martinez has put it best when he testified before our Subcommittee on Housing and Community Opportunity this spring as to problems inherent in the program. He told us HUD does not have the resources to enforce and ensure that these funds are spent properly. He asked us to add additional funding to the public housing capital fund rather than to the drug elimination grant fund.

Since then, I have looked into the use of the drug elimination grants and I have been greatly saddened at the waste, fraud and abuse that has occurred in this program. I have found these funds have been spent on things like trips to Washington, D.C., a board retreat to St. Simon's Island in Georgia, renovations to kitchens that never existed, and consultants that pocketed a lot of money. The list goes on and on.

Worst of all, $800,000 was approved for creative wellness programs that are considered on the outer fringes of alternative medicine. This program involves God-Goddess typing according to an individual's gland activity. It also involves gemstones and colors for each personality type. This is not what the drug elimination program was meant to do. These abuses need to stop. We must ensure that HUD funds are spent on housing, not incense.

How do we start? I think it is very important that we join together in voting against the Kaptur amendment.

One last thing that I think is important to point out, this current appropriations bill has $34,000 new section 8 vouchers. That is twice as many as the Senate has in their bill.

The appropriations bill is a good bill for housing, and it is good for America. My friend, the gentleman from New York, has a good bill; and I ask my colleagues to join together in voting against the Kaptur amendment.

Ms. CARSON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in enthusiastic and fervent support of the amendment of the gentlewoman from Ohio (Ms. KAPTUR) to fund the Public Housing Drug Elimination Program.

It strikes me, Mr. Chairman, or it reminds me, it is reminiscent of the mathematical maxim that the whole equals the sum of its parts. We want safe communities. We want productive and mature and healthy children. We want public housing to thrive and to ultimately move those residents out into the economic mainstream. We want to continue to work on ways where we can reduce the size of the jail population, recognizing that the majority of inmates in jails in my district, and certainly around the country, are there because of drug-related offenses, which bears a humongous cost to taxpayers.

The Public Housing Drug Elimination Program has successfully enabled housing authorities to work cooperatively with residents, local officials, police departments, community groups, boys and girls clubs, drug counseling centers, and other community-based organizations to develop locally supported anticrime activities.

There is good public housing in Indianapolis. The Indianapolis housing agency, under the leadership of Bud Myers, has demonstrated expertise in administering the system. They received $2.2 over the last 4 years to help them in their work of drug elimination. The housing department has set up youth programs that focus on building self-esteem and reliance, and primary preventative kinds of activities to stop housing residents from getting involved in drug activities in the first place.

It is up to us as civic leaders and responsible citizens to instill a sense of value, dignity, and pride in today's youth. It is impossible, Mr. Chairman, for these people that work in the community to eliminate drugs, for people who work in public housing to do this without proper support.

Using the Public Housing Drug Elimination Program, our housing agency has been able to reduce criminal activity by 60 percent since 1995. The grants from this program have enabled IHA to implement a visible community policing effort, and thus has enabled these properties to be among the safest in the city. Imagine public housing safe in the city.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. CARSON of Indiana. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I appreciate the gentlewoman's statement and yielding to me.

Mr. Chairman, I have just lifted myself off the floor when I heard the chairman, the gentleman from New York (Mr. WALSH), say that there is no proof that public housing has more drug abuse. When the gentleman from New York (Mr. WALSH) said there was no proof that public housing has more drug abuse than anywhere else, this has to be put in some context.

I ask of the gentleman from New York (Mr. WALSH), where has the gentleman been? There is public housing, and this is not a condemnation of all public housing, but there is some public housing in which there is plenty of drug problems. I do not know what kind of proof the gentleman wants about that. Any inspection would tell the gentleman that. Ask the gentleman from New York (Mr. RANGEL), or ask any of us in any major city.

For the gentleman to be the chairman of the committee that determines what kind of protection we give to the people in public housing, and over billions of dollars controlled Federally, and for the gentleman to tell us that there is no indication that some public housing has more drug abuse than anywhere else, many of the public housing is in places where everybody has a high level of drug abuse all over the place.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. CARSON of Indiana. I yield to the gentleman from New York.

Mr. WALSH. It is my understanding, and we do have some communication on this and I will try to locate it if I can, from public housing directors who say to us, "We think that Members should know that there is no higher level of drug use or drug abuse in our housing than there is in the neighborhoods around our public housing authorities." We have provided billions of dollars to the criminal justice system.

Mr. CONYERS. If the gentlewoman will yield further, has the gentleman not gone out to a public housing project himself?

Mr. WALSH. I have. Absolutely. In my hometown, that is not the case.

Mr. GARY G. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is an interesting argument going on. We have a disagreement here. Someone said or we say there are no studies that demonstrate there is a problem. We talk about abuses. I have a list of abuses that I have no question about.

On the other side, we talk about a need for funding because there are criminal elements within public housing. I do not disagree with that. I am going to accept that argument, and from some facilities I have seen, I think the Members are accurate in that argument. I had one in the city of Upland that had a problem, and with additional funding, they reformed that problem.

I am willing to accept the argument from my colleagues on the other side that there is a problem in public housing and we need drug elimination funds to eliminate and deter these problems. But the problem with government is that rather than addressing the problem, we continue to put a Band-Aid over the sore. The problem is, we have forced people into public housing projects with section 8 vouchers because there is no place else for them to go.

A good friend of mine owns one of the largest nonprofits in the United States, and they have probably made 25,000 loans to low-income families to get them into housing. The name of the company is Hart. If Members go into Hart's buildings, every one of the employees in there were single parents, single women formerly on welfare. Every one of them today is in a home. They helped them get into homes. They provided buyers' assistance, down payments with zero government funding.

The problem we have here, Mr. Chairman, we have an administration and a Secretary of HUD altogether different than the previous Secretary of HUD that we had. For the last 2 years, I have spent more time battling with HUD, trying to make sure nonprofits could continue to operate to help poor people, because HUD did not like the competition.

Our Secretary today is different. How do we resolve this problem? Is there a problem with the criminal element within the public housing projects and drugs? I believe that is the case. How do we resolve that problem? Let us help people get out of public housing and into homes. Let us allow them to take the section 8 money and place a down payment on that home. Let us even let them take the section 8 vouchers that we force them to use to live in a dwelling, to use that to pay part of their payment to become productive parts of the community and established parts of the community.

Guess what is going to happen when we do that? I think my friends on the opposite side of the aisle have a different problem with this than I do. In 4 to 5 or 6 years, they will have built up enough equity in that home they are likely not to need the government's assistance to live any longer. To some people, that is scary. To me it is not.

So what do we do? We say we have a problem with housing projects that are funded by the government, but let us force people to live in those housing projects, because we will not let them use the money to buy a home. That just does not make sense to me at all.

Last year some of my colleagues on the opposite side of the aisle said on the drug elimination program money, when we finally start to succeed and eliminate the problem, let us cut their money off. What we are doing then, we were saying that we are only going to give money to communities that fail to solve the problem, and those that work hard and diligently and succeed in resolving the problem, we are going to cut their funds off, so they have to look to the local law enforcement to deal with a problem that tends to be generated by public housing.

If there was not a problem, address this question: Why do not funds provided by local government adequately deal with the problems within these housing projects? Because every community hires police officers. They manage to protect the rest of the community without assistance otherwise than what they receive in funding.

What we do is we say that is not adequate. We need to give them additional funding because there is a problem that is worse and needs Federal assistance than the rest of the community is experiencing.

That in and of itself is a problem. In this country, we have not been able to provide affordable housing for people, nor have we been able to provide housing stock for most people to move out of affordable housing into the next level.

□ 1000

Because the average home owner, when they buy a new home, realizes that 35 percent of the sales price of that home is directly attributed to government. Not indirectly through taxation of others; but direct assessments against the developer in order to get a building permit, 35 percent of that sales price goes to government. That means that if a young couple wants to but a $100,000 home, guess what? $35,000 of that $100,000 went to government.

Then, on the other hand we say, why cannot people in this country afford a home? The government is the problem. The government will never resolve the problem unless government does something to let the private sector work.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Let me speak in support of the Kaptur amendment. Let me say a couple of things. First of all, I have heard we should eliminate the drug elimination program because of waste and fraud. I cannot seem to recall a Member on the other side of the aisle ever wanting to eliminate any program in the Pentagon's budget because of waste or fraud. But any social program, any program focused at helping particularly disadvantaged communities is subject to this attack.

What we have is, for the first time in the country's modern history, the crime rate has gone down 8 years in a row. The majority party says let us try to interfere with that. Let us eliminate the COPS program. Let us make sure we do not have the gun buy back program. Let us eliminate the drug elimination program. Let us find those initiatives of the past administration that helped move the country in a downward trend in terms of the crime rate and let us remove them out of the way. Somehow, it would seem to me, that we would all, both parties, both the majority and the minority, be celebrating an 8-year decline in the crime rate in our country and that we would want to reinforce those initiatives that have been proven to be successful.

We just heard the gentleman from California (Mr. GARY G. MILLER) speak. I do not know where some of the Members here have been; but in any major city in our country, the police department proudly proclaims that they will not go in and provide protection in these public housing developments. It is unfortunate, but in our city it has been this way for a very long time. It is this way around the country.

It is the Federal Government's unfortunate burden since we are the landlord for these families which are mainly women and children, and rather than provide some assistance to them so they can live in safety or require the local community to provide adequate law enforcement, we want to wipe our hands of both this program in any other responsibility.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield, unlike your colleague who would not yield to the gentlewoman from Ohio (Ms. KAPTUR).

Mr. WALSH. Mr. Chairman, I would not tolerate that in my hometown.

Mr. FATTAH. The whole world is not your hometown.

Mr. WALSH. I understand that, but if we took some aggressive action with the local police, they have to go where the city council and the leaders of the community tell them. If it is in the city, it is their responsibility.

Mr. FATTAH. Reclaiming my time, we have a situation right now in the home city of the gentlewoman from Ohio (Ms. KAPTUR), Cincinnati, where the police department has refused to police in parts of the community. We cannot sit and ignore the fact that as a Congress we are saying, in these communities with a 99 percent of population of women and small children in which the Federal Government is the landlord, that we are not going to do anything to make sure that these communities are safe. And we are going to eliminate this program, and ignore the fact that, in our country, we have finally seen a major decrease in crime.

Maybe the majority party is not happy with that. I do not know. Maybe it is not politically helpful that there is a reduction in crime. Maybe that is why we want to pull the rug out of the COPS program and the drug elimination program and the gun buy back program, but I think that is an unfortunate way to proceed. I would hope that people would support the Kaptur amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FATTAH. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentleman from Pennsylvania (Mr. FATTAH) for bringing up the important point, that in many communities across this country, until this program was enacted, local police were not policing. In fact, in many places in America the local police had no relationship with the authorities. This program has drawn in local policing, whether it is county, State officials, local police, on-site resident management that are trained now in working with the local residents.

The relationship locally with the authorities was not always a good one. In many cases, and I cited Chicago in particular, which I never forgot after visiting there, the authorities were completely out of control. They were neglected. They neglected areas of our community.

I want to thank the gentleman for pointing out the importance of this program in creating an appropriate bond with local authorities so that now there is security, and crime has gone down all over this country including in these very important neighborhoods.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a similar amendment that I will withdraw. As I listen to this debate it seems to me that we are talking about two different worlds. It does not seem to me that we are talking about the one United States of America. I come from the city of Chicago, the third largest city in the country. I also represent 68 percent of the public housing in the city of Chicago. I want to invite the President and the Secretary of HUD to come and look at what public housing is like in the largest urban centers.

I also listen to my colleagues who do not seem to understand the differences between communities. And nobody created them exactly the way that they are; but if we look at the causes for drug addiction, the causes for drug use, I represent a district that has lost more than 140,000 manufacturing jobs over the last 40 years; 140,000 solid good-paying jobs have gone as a result of our trade policies.

I come from a community that represents the last wave of migration for people trying to escape what was a South that they could not tolerate and refused to continue to live in.

When we talk about public housing, in many instances we are talking about thousands of people stacked on top of one another. I have a stretch of public housing that goes from 2200 South to 5700 South, straight down what we call the State Street Corridor.

The second poorest urban area in America. And so if my colleagues tell me that we do not need drug elimination efforts, there is nothing the residents of public housing have liked more than to be able to establish their own drug prevention program on site right where they are so that, in spite of the conditions under which they live, children can understand that they can, in fact, grow up with the idea of doing more than standing on the corner hollering "crack" and "blow" or looking for a nickel bag or a dime bag.

So I really do not know where my colleagues have been or what it is that they are talking about. I invite all of my colleagues to come to the big city public housing developments and see what the policies of this Nation have created and then to tell me that we cannot find a little bit of money; that because of some fraud and abuse, that we are going to throw out the baby with the bath water.

Mr. Chairman, I cannot think of any program, any activity where we have not discovered some fraud, some abuse. But we did not stop making airplanes because there was fraud and abuse. We did not stop manufacturing automobiles.

So I would urge us, Mr. Chairman, that we rethink our position. That we take another look. That we support the reconstitution of this program. And I too would commend the gentlewoman from Ohio (Ms. KAPTUR) for all of the work and the tenacity with which she has pursued this issue.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Illinois for his eloquent statement. I thank him for giving us a snapshot of places in America where programs like this make an enormous difference. I thank him for his leadership, and I just wanted to place on the record the fact that HUD did do a study in 1999. In fact the inspector general of HUD did a study. They found no abuse in this program.

In fact, all HUD said, the inspector general, the inspection side of HUD merely said they ought to do some more studies around the country on how the program is working. They only asked for more paper reporting.

But on the ground, on the ground where people live every day, this is a successful program.

Mr. Chairman, I wanted to use this moment also to say to the gentleman from New York (Mr. WALSH), my good friend, who I really do not think his heart is in opposition on this program, but I want to say in my own town he said the money was not being spent. I would have to say that is not an accurate statement. In fact, over $700,000 of Federal and local money is being spent every year and is being spent according to the allocation formulas from HUD on schedule.

Mr. DAVIS of Illinois. Mr. Chairman, reclaiming my time, I say that we will either pay now or we will pay later.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unfortunately, I was unable to be here when there was a debate on the Frank amendment earlier this morning. As the chairwoman of the Subcommittee on Housing and Community Opportunity, I want to repeat my opposition to the Frank amendment and repeat what I stated in the general debate as of yesterday. That is the reference to the President's downpayment assistance program.

As I stated in the general debate, this is really a compassionate program so that we can help low-income people achieve the American dream. And that is what that program is all about.

Mr. Chairman, I want the Members to know also, because there was some discussion about the authorization of this legislation. As chairwoman of the Subcommittee on Housing and Community Opportunity, the authorizing subcommittee, I stated in the general debate that I would make every effort to assure that this important initiative would be authorized before the June 2002 deadline that is outlined in this bill, and I recommit myself to that publicly here.

Again, I think this is a compassionate effort. The President's program is an important one that will allow low-income families to share in the American dream of homeownership, and we should support it. In that context, as I stated in the general debate, I would, unfortunately, have to oppose the Frank amendment.

Mr. FRANK. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I repeat that the gentlewoman's chairmanship of the Subcommittee on Housing and Community Opportunity has been a very constructive one, because we have been building, I think, a very important record on the importance of housing and moving forward.

I do have to say on the specific question of authorization, I mentioned it only because the gentlewoman from New York who is no longer here said, "Well, I was the ranking member, we could do this." And my response was well, I am ready. Because I would say this to the gentlewoman, while there is a June 30 date in the bill which says we must authorize by June 30, or the funds revert, the funds start being subject to this restriction on October 1.

So I would ask the gentlewoman from New Jersey (Mrs. ROUKEMA), could she then schedule a hearing and markup? We probably cannot pass it by October 1, and we are about to go out. But I would hope as soon as we come back in session we could have such a markup so we could get this.

Mr. Chairman, the reason is this: This will be going to conference in September. I would hope the conference committee, which will have to ultimately decide whether to earmark it or not, would have the benefit of at least some committee deliberation on this substance.

Mrs. ROUKEMA. Mr. Chairman, reclaiming my time, I will make that commitment to the gentleman, regarding expediting a markup as soon as possible. But I do not believe that it is a reason for us to eliminate this provision in this appropriations bill.

As I pledged in my statement during general debate, I will move to expedite consideration for legislation. I believe the President's program is an important one that allows low-income families to share in the American dream of homeownership. This is evidence of the President's commitment to compassionate care for all our people.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to bring this debate back to where it started. We were in the midst of a very important debate on drug elimination grants. I rise in support of the Kaptur amendment and want to emphasize how important this program has been.

This program provides resources for public housing authorities to fight crime and drug use, an incredibly targeted and flexible program for that purpose. Many will say that that is not the proper role of public housing authorities. And while this may be true in the ideal world, the practical experience shows that local law enforcement authorities are not always up to the job. We know that housing authorities have crime problems that are indigenous, that are rooted, and we need programs which focus on that and go to those roots.

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Why do we propose reducing funds that they receive to fight crime, to hire law enforcement, to construct fences, to remove debris from alleys and to help residents break drug addiction? If we have problems with how some of the funding has been used, then we should address the inappropriate use of the program. Eliminating the entire program is not the answer. We really should be adequately funding drug elimination grants. This amendment, the Kaptur amendment, is an excellent start.

By supporting this amendment, I do not want to give the impression that the homeownership initiative she seeks to reduce is unworthy. It is not unworthy. It is a good proposal and should be considered. It is a new start, it is a new initiative, it is the President's. It has not gone through the authorizing process per se, but localities are already permitted to undertake downpayment assistance programs with funds that they receive through the normal HOME program allotment process.

This is simply a case of priorities. Drug use in public housing is a problem so great that it merits priority attention. The drug elimination grants program merits support.

I remember when Secretary Martinez appeared before our committee, he did not say, or I do not remember him saying, that this program was a bad program, the drug elimination program. He did not say that there was not the problem in housing authorities. What he said, as I remember it, was that this is not the right jurisdiction, this is not the proper place to fund this program, maybe it should be in the Justice Department.

Mr. Chairman, I serve on the subcommittee that funds the Justice Department. The Justice Department says that they are not into prevention programs, they are into solving crimes. So they say that Justice is not the proper place to fund drug elimination grant programs. So this bill is where the program is. This is where the program has been funded. This is where the program has been successful, however many hiccups it has had.

The problem still remains. We hope that the program has been successful so that the problem is on a downward trend line. But it still remains, the program is still viable, and the program should be funded.

Mr. Chairman, I rise in support of the gentlewoman's amendment and commend her for her efforts in this area.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. First of all, I would like to thank the ranking member for his strong support in clarifying why HUD is the proper administering authority for this program and the distinction between the Department of Justice and the Department of Housing and Urban Development.

I thought I would also like to place on the record a comment made by the gentleman from Massachusetts (Mr. FRANK) a little bit earlier. His time expired, but in other comments that Secretary Martinez made before the Subcommittee on Housing that the gentleman from Massachusetts is the ranking member of, he mentioned that Mr. Martinez said that, in terms of money available to HUD this year, that the Department of Energy estimated that utility costs would be going down; that before the Subcommittee on Housing he actually stated that the Department of Energy had told him to tell us that utility costs would be going down.

I find that incredible. The operating funds that exist in this bill will not be sufficient if you look at what is happening to utility rates across this country.

So this program is even more necessary in order to keep the cap on crime, keep arrests up, keep neighborhoods more safe and help with the prevention programs that the gentleman from West Virginia has so aptly described.

I thank him for yielding to me and for his support of this program.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from New York (Mr. WALSH).

Mr. WALSH. I thank the gentleman for yielding. I just wanted to address some comments that were made earlier.

I have the greatest respect for every Member who has spoken. I think these are heartfelt statements that are being made, but I wanted to just add some additional data to the arguments.

The gentleman from Chicago, who represents a very large public housing authority that he spoke about, their budget for drug elimination is approximately $8 million per year. Based on our analysis and HUD's audits, the Chicago Public Housing Authority has right now close to $19 million on hand to provide for future drug elimination programs. We do not say you cannot use existing funds. What we are saying is that, from this bill forward, we are not going to specifically appropriate funds for drug elimination. That means they can use those $19 million.

We provided an increase in funds for operating expenses across the board to public housing authorities, an 8 percent increase. In the case of Chicago, that would mean about a $15 million increase. That means they could take half of that operating fund increase and dedicate that for drug elimination if they saw fit for the future.

The gentlewoman who is about to speak I believe represents the Cleveland area. The Cuyahoga County Public Housing Authority has about $7.5 million available for drug elimination. They spend about $2.5 million per year. That would provide about 3 years' worth of drug elimination funds; and the operating fund increase for Cuyahoga County would be about $3.5 million per year, which is in excess of what their annual operating expenses are for drug elimination.

Mrs. JONES of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Would the gentleman repeat that, since he was talking about my congressional district? I did not quite hear what he said. Would he say it again?

Mr. WALSH. I would be happy to. In Cuyahoga County, which encompasses Cleveland, I believe, the public housing authority funding for drug elimination in 1999 was $2.4 million. That will not be spent out until next year. Those are 1999 funds. In 2000, $2.5 million was appropriated. That has not been spent, either. In 2001, another $2.5 million has not been spent. So there is approximately $7.5 million of unexpended funds in the drug elimination program.

Mrs. JONES of Ohio. This is as of today, what he is reporting from?

Mr. WALSH. As of today.

Mrs. JONES of Ohio. I would like to see it when he is done.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. WEINER. I would point out that many housing authorities around the country have a similar situation where drug elimination funds appear not to be spent because a large number of those dollars are used to recruit and hire police officers.

As the gentleman knows, right now in the country we have a phenomenon from coast to coast that there is a decline in the number of people that are coming forward to take these positions. In most cases, New York City being one of them, those funds have already been allocated.

Mr. WALSH. For example, New York City receives in the neighborhood of $40 million a year in drug elimination funds. Half of that money is going to pay salaries for police officers. Under the crime bill and the COPS AHEAD bill, New York City has received a half billion dollars to hire police officers. The drug elimination funds were not a supplement to the budget of the New York City Police Department. These funds were supposed to go for public housing authorities.

So the fact is, Mr. Chairman, there are lots and lots of dollars in the pipeline for drug elimination. If public housing authorities wish to use their operating fund balance to continue these programs, as my public housing authority in Syracuse has chosen to do, they can.

But what we are saying is we are not going to continue to fund this program because the Secretary of HUD, our new Secretary, has asked us to say we want to stick to our core business; we do not want to be in the criminal justice system; let the Justice Department fund this. And they do fund juvenile crime programs into the hundreds of millions of dollars. We think that these funds for the HOME project are far more important and far more in line with the core business of HUD. Let us help Americans to buy homes with these funds.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to the people of the United States, the argument that you are hearing this morning is the real reason why we should not have had a tax cut. We should not be standing here arguing about whether we fund a drug elimination program or we fund a homeless downpayment assistance program. The reality is that both of these programs need funding, and there are dollars in the U.S. budget to fund them both. But, instead, the United States policy on housing is such that we have to argue over $20 million for each of these programs.

Let me just switch for a moment to a discussion as to whether or not we should fund drug elimination programs in public housing. Before I came to Congress, I served for 8 years as the Cuyahoga County prosecutor. Many of you can stand up here and say what you think works. I can tell you what I know works. I know it works because it was my responsibility to have oversight over the Cleveland Police Department as well as oversight over the Cuyahoga County Metropolitan Housing Police Department. It took the effort of both of those departments to diminish and eliminate the drug problem at the Cuyahoga Metropolitan Housing Authority.

See, when we start talking about the importance of law enforcement, it is important to understand that the people get to know who the police officers are. You can stand in a vacuum and say that the City of Cleveland or the City of New York or the City of Chicago ought to fund police departments, but we as a government, the City of Cleveland is part of the United States Government. The City of Chicago is part of the United States Government. HUD housing is Federal housing. It is public housing. And the people there, regardless of who funds it, need to be able to live in safe housing.

Let me talk a little bit more about how law enforcement has moved from "lock them up and throw away the key" to some point talking about prevention. Part of prevention is using innovative programs to be able to talk to young people, to talk to older people about how you eliminate an addiction and begin to live in a wholesome housing situation. In fact, the public housing neighborhoods across this country have begun to be able to do that. It would seem to me that it would really be in the best interests of these United States, of the Federal Government, to talk about saving programs that are working.

Mr. Chairman, I appreciate the gentleman from New York letting me know that Cuyahoga County has $2.5 million in the pipeline and $2.5 million that might be available next year. I would like to ask him to give me more than $2.5 and to suggest to him, after having talked to the director of the Cuyahoga Metropolitan Housing Authority less than an hour ago, that maybe as of today's record there is not showing an expenditure but those funds are in fact ready and have been expended for purposes of that program. I am not sure how their accounting works.

Let me further say that some of the programs may not be what you traditionally believe are programs to deal with drug elimination, but I find it hard to believe that any of us who have not had the experience of working in drug elimination can stand on the floor of the House of Representatives and talk like we are experts. Those of you who have not had the experience owe it to yourself to go visit a housing authority to understand what you may in fact be funding.

I am heartened because, when we did in fact have a Subcommittee on Housing hearing and the Secretary of Housing came before the Subcommittee on Housing, I was dismissed as being out of line when I said to the Secretary of Housing, after he said there are no drug problems in elderly public housing in the United States, to ask him what country he had lived in in the past 10 years. I meant no disrespect. Mr. Secretary, if you are listening this morning, I mean no disrespect this morning. But what I need you to be able to understand is the problem that exists.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind Members that remarks need to be addressed to the Chair, not to the listening audience and not to anyone else observing this proceeding.

Mrs. JONES of Ohio. I apologize to the Chair.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Before my comments, might I ask a question of the ranking member?

☐ 1030

I am just curious. I hear lots of discussion that communities can use their operating subsidy to fund this program. If we look at the current year's budget for the operating subsidy and the drug elimination program, and compare it to the projected request for operating subsidy for next year, including all the increases in energy costs, does that amount exceed what we appropriated this current year for these two programs of operating subsidy and drug elimination?

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I understand what the gentleman is asking. He is asking is there a net increase or decrease of the funds out of which the drug elimination grants could be funded last year, as compared to this year.

Mr. SABO. That is right.

Mr. MOLLOHAN. There is a net decrease of $47 million as I compute it. The drug elimination program was funded at $310 million in 2001, and eliminated this year. $263 million was added to the Public Housing Operating Fund, and that resulted in a net decrease, or a net cut. And drug elimination grants were authorized to be activities to be funded out of the public housing operations up to $110 million. So the overall net cut is $47 million.

Mr. SABO. Mr. Chairman, reclaiming my time, that is an actual cut in funding from what is appropriated for this current year, at the same time that these housing agencies are also going to be required to pay significantly higher energy costs?

Mr. MOLLOHAN. Yes.

Mr. SABO. Mr. Chairman, reclaiming my time, the answer is obvious what we should do with the amendment proposed by the gentlewoman from Ohio: we should support it. But let me make a few other comments.

I think this debate is very useful, because it highlights the importance of housing. Over the last several years, I have been disappointed to the degree that housing has been off the agenda for both parties, and if there is any area where the Federal Government has played a primary role for decades, it has been in the development of housing policy in this country, whether it is through tax programs, through insurance programs, or through direct expenditures.

We have a crisis in the availability of low- and moderate-income housing in this country today, and I would suggest to my friends that while we have our extensive debates on education policy, that the Federal role in providing for low- and moderate-income housing in this country, in my judgment, is of greater importance to education policy in this country than many of the things we are doing in the education bill.

But if we have limited resources, what should be our priority? Clearly the first priority has to be that we are funding and operating in a decent and efficient manner the housing that exists. That means that we have to have sufficient appropriations for operating subsidies, that we deal with unique programs and problems, like the drug problem in public housing throughout this country. Next we should move to make sure that the housing that we have today is maintained through our rehab programs. Again, we find that those programs are funded at a grossly inadequate level in this bill.

Then we should move on to production, and we desperately need a production program in this country. We are not close to beginning to deal with that problem. I would love to see us doing it. But if we have to make choices, the first choice has to be that we fund in a sufficient fashion those programs that simply keep the existing housing supply operating in a safe manner for its residents, where they can enjoy life.

For some people to suggest that as part of that process of running large public housing projects we should not provide for security, I think flies in the face of reality.

Mr. Chairman, I hope we adopt the amendment offered by the gentlewoman from Ohio.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the highest respect for my chairman. I think he is a very fair man. He has operated this committee in a fair manner. But he is faced with a daunting task, which I do not think is defensible. He cannot defend the fact that the drug elimination grants have been worked out of the program.

Mr. Chairman, I stand to support the amendment offered by my good sister from Ohio. Her position is one of a white woman who has come to this arena to defend a program which has been eliminated which pretty much helps low-income people. The gentlewoman is not a lower income person. There are very few of them in this Congress.

I stand today to represent those neighborhoods which many of you have never seen. I stand today to talk about Peaches, who was killed in the housing project. I stand to talk about Little Bit, who was killed in the housing project, by drug dealers who live in the housing projects, who come in the housing projects and prey on the children, because they know they are hopeless residents of these areas.

Now, it is pretty good to talk about what is in the pipeline, and that is the argument which my good chairman has used. But it is a specious argument, in that it cannot be made for public housing, in that last year this Congress, of which I am a Member, appropriated $1.3 billion for Plan Colombia, the anti-drug program that was supposed to stop the flow of drugs from South America to this country. $1.3 billion. Yet I stand today trying to defend a program which we know is needed for the young people of our country.

Our good President wants to leave no child behind, but if he eliminates this program, he has already left behind the many youngsters in public housing who will be unprotected from the drug dealers that our police department overlooked for years because they did not have the manpower nor the ability to come in to public housing and fight this real ominous enemy we have in there, the drug dealers.

Now they have their own situation, where they can collaborate with the police department, where they can work with local agencies and bring a network to work against drugs in public housing. Public housing is good. It is the people that come into public housing and the people who come off the street and come in to hurt our children that are bad.

The Washington Post also reported that only about 5 percent of Plan Colombia's money has been spent, only about 5 percent. Yet we argue against $175 million which this good gentlewoman has asked for. Does the Congress zero the amount for Plan Colombia out of this year's funding bill? I repeat that question. It is not a rhetorical question, it is a true question.

Does the Congress zero them out, Plan Columbia, in this year's funding bill? No. Earlier this week we voted to add another $676 million to the program of Plan Colombia. That shows that the argument is specious that is used by my good chairman. So all this money that is supposed to be in the pipeline, it remains in there for Plan Colombia, but it does not remain in there for the poor residents of public housing. We must begin to respect these people. We must begin to note that it is the Government's job to respect them.

So I must say, if you do not fund this program, you are showing this Nation that you have turned around a program that works. Regardless of the party that you are in, you are doing the wrong thing for the American people, and it is indefensible. So anyone who stands up to defend this knows it is wrong.

It is so important that we understand, these are very small grants. They are not large. If one reads the report of our committee, you will see very large grants. But these grants, some are less than $25,000. A few million dollars they get for public housing. They are a small amount compared to the problem in New York, a small amount compared to the problem in California, a small amount compared to the public housing in Dade County-Miami. It is a small amount of money. Some of them are as small as $25,000.

We must slow the relationship of violent crime in public housing. You do not need a statistical report to see this. You read the paper every day, you listen to the radio. You see how it is rampant.

There is no report, and this again goes against something my chairman said, there is no report, statistical or not, that supports the claim that the drug elimination program is not effective. There are no reports. But there is a body of information that points to the success of the program, including the Best Practices Award given to them by HUD and organizations like public housing that recognize that the person-to-person, life-to-life success of this program is successful.

My point is, it is a specious argument. Let us pass this amendment offered by the good gentlewoman from Ohio, and let us go on with this good program.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the greatest respect for the chairman of the subcommittee, and I believe if we had an allocation that was sufficient this subcommittee would not have chosen to make this cut.

In the 1980s, we had a debate in this House and in this country about ways to make housing programs more efficient. I thought often that debate was mean-spirited. But the mantra was over and over again throughout those years, let us keep what is working and let us eliminate what is not. As a result, unfortunately, that meant cuts in the modernization program. It meant cuts in operating assistance.

In 1988, Ronald Reagan famously said our barest responsibility to the residents of public housing is their safety, and the drug elimination program was born. Since that time, we have had nearly a 30 percent reduction in crime in public housing. The program has been a success.

Now, you should not take my word for it, although when I was in the New York City Council I was the chairman of the Committee on Public Housing. Listen to what some Republicans have said.

Listen to what Secretary Martinez said earlier this year in response to a question from a Member of the other body. "HUD's Public Housing Drug Elimination Program supports a wide variety of efforts. Based on this core purpose, I certainly support the program."

A short while ago the gentleman from California (Mr. GARY G. MILLER) stood up to oppose this program. Let me tell you what he said on April 6 of the year 2000. "If the public housing are unable to continue the drug prevention efforts, the problems will return. Will we only allow a doctor to give enough medicine to reduce illness, or will we give enough medicine to cure the disease?" This is what he said in support of the program that supports public housing in Upland, California.

We have also heard from the former chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH.) "This type of program is necessary if we are to make public housing developments decent and safe communities."

Mr. Lazio, the former Member of this House from my State, also said, "The drug elimination program has funded many important and worthwhile items that have resulted in protecting people in public and assisted housing."

For a moment I would like to address some of the criticisms to this program raised by the opponents of the gentlewoman from Ohio. First, it is that crime reduction is not the primary mission of HUD. True enough. But that does not mean we do not fund modernization programs for better security systems. It does not mean we do not fund modernization programs and operating assistance for security guards. It is absurd to say that simply because it is not our primary mission, that we should walk away from a program that works.

Secondly, there is this weird Alice in Wonderland argument that says we are reinforcing the perception that drug problems are bad in public housing by having a program that has reduced crime problems in public housing.

I can tell you as a matter of fact, in New York City we have something called the COMSTAT program where you can see block by block, address by address, where the crime problems are.

Before the drug elimination program came into effect, there was a 30 percent difference the moment you crossed the street into public housing as opposed to the other way, and the reason is we used to have police precincts that were divided from the housing authority police division so we could see that.

If you think that the program is not working, all you have to do is look at the State of Texas. In the State of Texas, in the Austin Housing Authority, they had a 10 percent reduction compared to outside the housing authority because of the drug elimination program. In San Antonio, there was a 31 percent reduction in crime in the housing authorities, while the crime outside the housing authorities went up. So we not only know as a matter of fact that there is a problem, but we also know as a matter of fact that the problem is being solved by the drug elimination program.

Finally, because New York City has been mentioned so many times in a pejorative sense here, let me explain why it is that New York City is a slightly different creature than other places as it relates to the drug elimination program.

Unlike other places that throughout the eighties were tearing down their public housing, New York City was investing in it, so much so that it not only did not neglect housing authorities, it created its own police department specifically for the housing authority projects, unlike other municipalities in this country.

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Later on, a decision was made under Mayor Giuliani, and, frankly, when I served on the city council, to merge the police departments; and the Housing Authority and HUD said, under Republicans and Democrats alike, that that does not mean that New York City should then have to walk away from the assistance it was getting, simply because it made its police department more efficient.

One final point. This is the point about why there is so much money in the pipeline, and I tried to make the point earlier. We have a fundamental problem in this country, and we are seeing it in law enforcement programs throughout, that there is a backlog in the money we are allocating to police officers and when those dollars are hitting the streets. We saw that same spurious argument used against the COPS program, but every city supports it and, frankly, every Housing Authority supports this program.

Mr. MEEKS of New York. Mr. Chairman, I move to strike the requisite number of words.

I want to thank the gentlewoman from Ohio for this amendment, but, most importantly, I want to thank the gentlewoman of Ohio for thinking about me.

Mr. Chairman, as I hear people talking about the drug elimination program and hear people talking about those who live in public housing and I hear people talking about the American dream, let me tell my colleagues, I lived in public housing. I lived in public housing until I graduated law school. I have a relative that lives in public housing. Just because I am a Member of Congress does not mean I can get all of my relatives and friends out of public housing who live there on a daily basis. I visit them every time that I go home.

Not only do I represent public housing, I have relatives, I have lived there, and I would not be here if it was not for public housing.

We can build all the prisons we want, and they will come. They will fill up if we do not do anything.

When we talk about medicine today, we talk about preventive care. We talk about how we have to stop it early. We can stop them and kill diseases early so that we do not have to worry about disease.

What the drug elimination program is, it is preventive care. If we are talking about preventive care everywhere else, why can we not take care of America's poor? Because America's poor, like I, want to live the American dream; and the first thing in public housing that we see young people today, what they want to do is, indeed, that: just live. They are worried about their lives, when we talk to 15-, 16-year-olds; and they say they may not live until they are 18, 19, 20 years old. They just want to live. And what the drug elimination program does is give them the opportunity to have hope to live for tomorrow.

Why are we playing reverse RobinHoodism? Why are we taking away from the poor to give to the rich? What makes this country great, or what should make it great, is how we take care of the least of these.

The drug elimination program and the money that we are talking about really is just a drop in the bucket. We have got to have a conscience in this body.

When we talk about security and I think about my childhood, security happens in two ways. Security happens when, in fact, one has law enforcement there. One puts up gates. They put up these gates that help prevent crime. But it also beautifies the area for the people, the residents that are living there, and that presence helps, and it gives a relationship between the individuals who live in the complexes and the police officers.

But, most importantly, let me tell my colleagues why I could be a Member of the United States Congress today, because without certain programs of public housing, I doubt that I would be here. But it has programs that teaches and encourages young people and gives them hope and keeps them out of trouble. It has programs that has the opportunity and the ability to transcend one who is living among drugs and keeping drugs out of public housing. That is what this is all about.

So when we talk about a mere $175 million when we have over $7 trillion budget, a mere $175 million to save lives.

Mr. Chairman, there has been a big discussion about people receiving these tax cuts of $300 or $600 in a few weeks or a few months or whenever it comes. Do we know that that $300 or $600 will not save one life? It will not save one life. And what we are talking about here is saving lives, something that no one can ever recover. We must save lives so that people have the opportunity to live so that they can have hope for the American dream. And taking this money away, we are taking away people's hope, we are taking away their dream, and that is wrong.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to speak this morning. I know that people are all poised to go home, and we wanted to see if we could expedite the proceedings today so that we can get out as early as possible. But I could not help but come to the floor to speak on this issue.

I cannot believe that my friends on the opposite side of the aisle who define themselves as law and order, who would have us believe that they have some values that are better than others, who would have us believe that they are the only ones who care about crime in America, who would have us believe that we do not pay enough attention to crime, would dare come to this floor and support the elimination of a drug program in America's public housing projects.

America's public housing projects, for the most part, are poor people and some working people who are living basically in congested areas on top of each other, having to deal with some of the most difficult problems any human being could ever envision.

We have a lot of young people who are attracted to the lifestyles they see on television, who want to go to the concerts; a lot of young people who want the cars; a lot of young people who want what we tell them America can afford. No, they do not have the kind of support oftentimes that will ensure that they keep going and they get educated. Many of them are dropouts. Many of them are coming from families who are in trouble. But they are all stacked into many of America's public housing projects; and, yes, the dope dealers and others come into these places.

Mr. Chairman, we need the opportunity to educate, to prevent, to teach, to say to young people, there is another way. But Members on the other side of the aisle will tell us on this floor that we do not need to have a drug elimination program. Drugs are not a problem in the housing project, is that what they are telling us? No, what they are saying is, it is a problem, we know it is a problem, but we do not want the public housing project management to take the responsibility for the elimination of the drugs in public housing. What we would rather do is have the police run in, catch a 19-year-old with one rock crack cocaine and send him to the Federal penitentiary for 5 years on mandatory minimum sentencing. No prevention, no rehab, no inclusion of drug elimination in the management.

It is so outrageous to say this is not our core program. This is not what we do. We would not tell a high-paid co-op in New York, we would not tell the resident, we do not have anything to do with your security and drug elimination; we do not have anything to do with making sure this building is safe and you are not at risk. And we are not going to allow you to say that here today. It is absolutely hypocritical to talk about eliminating this drug program in public housing.

We know that many of us can talk from experience. We heard the previous speaker, the gentleman from New York, talk about his life, his experiences. Well, I want my colleagues to know many of us in the Congressional Black Caucus represent most of the public housing projects in America. They are part of our districts. We work there. We advocate for them. We try to make them safer. We try to give people hope. We try to give them a way by which they can get up and get out.

But when our colleagues come to the floor and they tell us that they do not care enough to support the idea that we can eliminate drugs, we can eliminate crime, that we can provide some security in public housing, then we must come to this floor and we must take our colleagues on and take our colleagues on our will.

Mr. Chairman, I am going to ask the Members of Congress from both sides of the aisle on this vote to forget about the fact that somebody told them they do not want to do this job. I do not know this new Secretary, but I am hopeful that is not the message that he sent to this floor. I am hopeful that somehow the gentleman is a little bit confused about the message.

I would ask that we support the amendment, and I thank the gentlewoman from Ohio (Ms. KAPTUR) for putting this back on this floor so that we could have this debate.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, let me thank the gentlewoman from Ohio for offering this amendment and really allowing us the time to debate this issue and to talk about those that we never have a chance to talk about, those individuals in our districts who are really just hanging from a cliff in terms of the basic substance and in terms of their income and in terms of the housing conditions in which they live.

This is just another example, this elimination of the public housing, drug elimination program, is just another example of really how shortsighted both in terms of policy and in terms of funding that this bill really is.

Mr. Chairman, now one-third of all residents who live in public housing, I want to remind our colleagues that a third of our residents are elderly. They are elderly. Local police officers do not patrol public housing. So if one does not support this amendment, one is really also in fact allowing thousands of elderly people to live in unsafe environments. How ironic, Mr. Chairman, that as my colleague so eloquently laid out and so clearly laid out, my colleague from Florida, how this Congress will support billions of dollars to be spent on drug interdiction in Colombia and in Peru, a policy that many of us know does nothing to stop drug abuse in this country, but this Congress just this week sent a message and now again, unless we support this amendment, will be sending another message, unfortunately, that we do not support a few hundred million dollars for drug elimination and patrol right here in our own country, in our own communities.

This is just downright wrong. This hypocrisy is really unjustified. I do not know how my colleagues go home and explain this to their constituents. I just do not know how they do it.

Mr. Chairman, I want to reiterate also that this bill cuts a total of over $1.7 billion from our national housing programs. This is no time to cut any funds to the HUD budget, because the Federal Government of the richest country in the world should and must provide a safety net at least for decent and safe shelter. When the richest country in the world has a growing homeless population, a working population where individuals work sometimes 80 hours a week to afford just a modest place to live, not spending valuable quality time with their children and families, then we really are not that rich after all.

This is really not the time to cut in real terms funding for community development block grants and home formula grants and public housing capital funds and, now, the drug elimination program. This whole budget really is a sham and a shell game, and it is a disgrace. It places this $2 trillion plus tax cut for the wealthy square on the backs of the homeless, public housing residents, the working poor. It is a real cynical ploy I think to pit all of these groups against each other so that they cannot come together and demand that this Congress finally stand up for them.

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They do not have a lot of lobbyists here. Our public housing residents may not have one representative here to really look out for them the way that they should.

But I thank the gentlewoman from Ohio (Ms. KAPTUR) and Members here today who are fighting drugs in our own country by fighting to restore this drug elimination program. It makes more sense than sending the money to Colombia and Peru for anti-narcotics efforts that really are not working.

Mr. Chairman, this VA–HUD bill cuts $493 million from public housing programs including the complete elimination of the Public Housing Drug Elimination Program. It is just another example of how short sighted—both in terms of policy and funding—this bill really is. I thank my colleague from Ohio for offering this amendment and for her leadership.

Mr. Chairman, let me remind you that one third of all residents who live in public housing are elderly. Local police officers do not patrol public housing. If you do not support the Kaptur amendment, you are in fact also allowing thousands of elderly people to live in unsafe environments.

How ironic, Mr. Chairman, as my colleague from Florida so eloquently and clearly laid out that this Congress will support billions to be spent on drug interdiction in Colombia and Peru—a policy that many know does nothing to stop drug abuse in this country—but this Congress will not support a few hundred million for drug elimination and patrol right here in our own country. This hypocrisy is unjustified and wrong and I don't know how you explain this back home

Mr. Chairman, I reiterate, this bill cuts $1.7 billion from our national housing programs.

This is no time for any cuts to the HUD budget because the federal government of the richest country in the world must provide a safety net, at the very least, of decent and safe shelter. When the richest country in the world has a growing homeless population and a working population where individuals must work 80 hours a week to afford a modest place to live, not spending valuable quality time with their children and families, then we really aren't that rich after all.

This is not the time to cut in real terms the Community Development Block Grant, HOME formula grants, and public housing capital funds and the Drug Elimination Program. This budget is a sham and a shell game. This bill places the $2 trillion plus tax cut, of which working families will see pennies on the dollar of the tax cuts realized for the wealthy, square on the backs of the homeless, working poor, middle income, and public housing residents. It is a cynical ploy to pit these groups against each other. Fighting drugs in our own country makes more sense to me than sending billions to Colombia for anti-narcotics efforts that are not working. Support the Kaptur amendment.

Mrs. JONES of Ohio. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Chairman, I failed to mention, and I thank the gentlewoman from California for yielding, that before I came to Congress, our district was represented by the Honorable Lewis Stokes. Congressman Stokes made a huge effort to see that public housing had the funding that it needed.

One of his real reasons for doing so was the fact that both he and his brother, the former mayor, Carl Stokes, former Ambassador Stokes, were both raised in public housing. At the public housing unit in Cuyahoga County, they made a museum to Carl and Lewis Stokes for the work that they had done in that community, where their mother by herself raised two young men.

We have to think about it like this, there may be another Carl and Lewis Stokes actually residing in public housing across this country. If we do not continue to fund a program such as this so that they can be inspired, so they can have an opportunity to live in a community that is free of drugs, we may be in a dilemma that we do not want to find ourselves in.

Again, I plead to my colleagues to listen to what we are saying, to listen to people who have experience and background and knowledge of what is going on in public housing.

The other thing I plead with them is to not get so caught up to say that the people here do not know what they are talking about, or our function is in a different direction, or our assignment is in a different direction. Our assignment as public officials is to do all on behalf of all the residents of the United States.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I have listened to the debate, and I am here for amendments that I intend to offer, but I captured from the collective voices that are raised that we do not want to go back. I rise to support the amendment of the gentlewoman from Ohio (Ms. KAPTUR), hoping that this Congress does not take us back 10, 15, 20 years.

As we watched the Department of Housing and Urban Development mature and grow in the last 8 years, we saw its vision was a corrective vision, focusing on distressed housing, rebuilding and providing opportunities for mixed units so seniors and single parents and others could live together in harmony.

We watched as we rebuilt not only Northern facilities but Southern facilities. We watched as we recognized that public housing has no neighborhood. It is in the South, the North, the East, and the West.

Now I come to find out that for some reason that the collective voices of the majority believe that our public housing developments, which I have come to know not as projects but as public housing developments, are not neighborhoods.

When I served on the Houston City Council, the public housing developments in my jurisdiction, which was city wide, became my neighborhoods. We worked together to plant community gardens. We talked about afterschool programs in the housing developments for the children there. We began to talk about transit systems that would address the needs of the children in the housing developments. In fact, in one of mine, we have a partnership between the Department of Education and a school on the grounds of that public housing development that is one of the best in the city.

What is missing in the vision or the concept of the majority on this idea of eliminating these drug enforcement programs is the fact that these are wholesale entities onto themselves. The Federal Government is the landlord, so in order to make it better, the landlord must provide policing, it must provide extracurricular activities, transportation, rehabilitation, and certainly, it must be able to provide the protection of those residents who live there against drugs.

In my community alone, 3,394 units of public housing will be impacted and 7,840 persons and 799 senior citizens. Multiply that minimally by 200 districts and we see the millions and millions of people that will be impacted.

It is my hope that this amendment passes, not because this is a tension between majority and minority, but because it is the right thing to do; that we made a mistake, that we are misdirected by taking monies and gutting, zeroing out a program that involves crime prevention, law enforcement, security, intervention, investigation, improvements in tenant patrols, treatment, and other activities geared toward cleaning up our neighborhoods, which happen to be public housing.

I believe this is a very, very vital program. I would ask that my colleagues protect this program. If there is fraud in this program, we do not throw the baby out with the bath water. We fix what is broken and we provide the opportunity for this program to work.

Mr. Chairman, I would inquire of the gentlewoman, she is from Ohio, I am from Texas, and I would ask her to explain that this is a regional program and will hurt all of us across the country as we attempt to clean up drugs in these housing developments, creating safe neighborhoods. This is what the vision of this Congress should be.

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentlewoman from Texas for yielding.

To reaffirm what she has said with me here today, I have documents from over 1,100 public housing authorities in our country and their neighborhoods that are benefiting from this program. Members should know and should check their own districts prior to voting on this amendment. It serves America coast-to-coast. It has made our communities more beautiful and safer places in which to live. It saves lives every day. I thank the gentlewoman for asking for that clarification.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, let me join the leadership of the ranking member. I appreciate his leadership on these many, many issues.

Mr. Chairman, I ask this Congress today to make a stand for not taking us back, I do not want to go back, and creating a vision of America that assumes that those who live in public housing developments are our neighbors, as well, and would want to have clean and safe places to live, and want the degradation of drugs to be taken away from them, lifted up from them so children can grow, elderly can be safe, and families can thrive.

I ask my colleagues to envision a future where all of us are united behind a new day, and that we vote for this amendment.

Mr. RANGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

Mr. Chairman, I come from a city that I am so proud of, but we have more than our share of problems when it comes to crime and drug addiction. The reason I have such a heavy heart is because from these poor communities, those that have access to a decent education and are able to get the tools to be able to negotiate through life, some have been able to make some major contributions to our communities, our city, our State, and indeed, our country. So many of us that come from these very same communities have been able to have the privilege to serve right here in the House of Representatives. I have heard a lot of that testimony here today.

One of the greatest things in being an American is not how much money one has, not how much wealth one has, but how much hope one has. When one comes from a poor community and is forced, through racism and economic circumstances, to see poverty every day, and one does not have hope nor believe one has an opportunity to get out of it, then sometimes one looks at drugs and abuses drugs and alcohol, figuring that one has nothing to lose.

Our young people really deserve better than that. That is what these programs are all about, to give kids enough hope to know that there is something to lose by making the mistakes and abusing drugs.

Mr. Chairman, I cannot understand why this great Nation and this Congress is prepared year after year to invest billions of dollars in the building of jails and penitentiaries, and yet refuses to recognize not only the money that we would be saving in education and prevention, but the contribution we are making to our great country by increasing the productivity, increasing the competition. If we say that we respect the people living in public housing, why can we not give them the support that they need in the communities to make certain that the kids can have a productive life?

These are rough times that we are going through because the majority has seen fit to rely on a $1.3 tax cut, and more is coming. But what good is the tax cut if we are not certain that we are going to be able to maintain economic growth? How can we do this unless we know that the workplace is going to be as productive as it can be, and how can we have this if we know that this great Nation of ours has more people locked up in jail per capita than any nation in the world and that 80 percent of the people who are locked up are there for drug- and alcohol-related crimes and that most all of these crimes are not crimes of violence but crimes where people have abused their own bodies?

So it seems to me that we all can be better Americans and better legislators if we could leave here knowing that we supported legislation to provide the resources to allow our young people to know that there are higher dreams, there are better opportunities than abusing drugs.

I congratulate all of those who have come to the well to try to convince us that we should leave here today saying that we have restored the money to the program.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in strong support of the amendment of my colleague from Ohio, to restore the Public Housing Drug Elimination Grant. I am dumbfounded as to why the President and my Republican colleagues would eliminate this program, which has proved to be an effective tool at combating drugs in public housing communities.

My colleagues, Public Housing faces a devastating cut of $494 million in cuts in this bill. The modest Kaptur amendment would restore funding to the Public Housing Drug Elimination Program. I cannot understand, Mr. Chairman, how this Congress can justify providing nearly $2 trillion to fight drugs in Colombia and yet provide nothing to fight drugs and crime in public housing communities here at home.

Sadly, Mr. Chairman, the public housing communities in all our districts have become a magnet for the purveyors of drugs and death. The Drug Elimination Program has been like a beacon in these communities helping authorities to eliminate drug-related crime. In addition to being used to pay for law enforcement personnel and investigators, it has been used for the development of drug abuse prevention programs that employ residents of public housing, as well as to provide physical improvements that increase security such as lighting and tenant support patrols. Indeed, the residents of public housing communities in the Virgin Islands have benefited from this program and will be hurt if it is eliminated as the underlying bill proposes to do.

I urge my colleagues to support the Kaptur amendment. If you support the residents of public housing communities in your districts having a safe, crime-free place to live, then you must support this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I am compelled to speak on the issue of drug elimination in public housing given the many public housing units in my district and the need to address my constituents' concerns regarding drug trafficking. I am here to support Representative KAPTUR's amendment. It is imperative that we in Congress pay more than lip service to the notion of truly attempting to eradicate drugs and violence in public housing.

Throughout my congressional district there are numerous public housing unit residents who are pleading for help and relief of violence and criminal acts. And I can tell you that those residents want to experience safe and secure lives devoid of drug traffickers and violence. However, it is puzzling to me that my colleagues in the majority fail to see the merits of providing for others what they routinely experience—safe and secure neighborhoods ofttimes devoid of drug trafficking.

We need to be supporting residents of public housing by providing the funds necessary to eliminate the insidious impact of drug use, abuse, and trafficking. It appears that conservative compassion is nowhere to be found on this issue. I call upon my colleagues to support the Kaptur amendment.

Mr. ENGEL. Mr. Chairman, I rise today to support the gentlelady's amendment to restore funding for the Public Housing Drug Elimination Program. I appreciate her compassion, thoughtfulness, and leadership on this important issue.

However, I must reluctantly oppose the bill. I know my good friend, the Chairman, has worked very hard to produce a bill. He is a good man and I cast no stones toward him today. I will just say that this bill wasn't given any where near the proper funding required to meet the pressing needs of public housing, veterans, environmental protection and research. In fact, the President didn't request nearly enough money for the programs in the HUD portion.

The committee's website states this bill increases the HUD budget $1.4 billion over FY01, bringing FY02 funding to $30 billion. Yet, even at that level it is $509 million below the President's request. After factoring out the budgetary impact of rescissions in funding, the bill actually provides just $449 million or 1.5 percent more than comparable FY2001 appropriations and $285 million—1 percent more than the request.

The bill before us cuts funding for public housing modernization by 15 percent, community development block grants by 6 percent and homeless assistance by 9 percent. It eliminates funding for public-housing drug-elimination grants, rural housing and economic development, and empowerment zones and enterprise communities. This is just unacceptable.

This bill cuts $445 million from the Capital Fund. Just weeks ago, I attempted to offer an amendment to the FY01 supplemental bill to provide additional funding to assist those in public housing with their rising utility costs. I said then that Public Housing Authorities were raiding their Capital Funds to pay utility costs. Now, we have a bill before us that takes more money from the Capital Funds.

I also take issue with the complete decimation of the Drug Elimination Program. For years, I have heard complaints that Public Housing was infested with drug dealers—I heard this from residents and from my colleagues on the other side of the aisle. As a result, we created a program to dedicate funds to hire police and get rid of drug dealers. It is very successful. What happens? In comes the new administration and they need to hold to their budget numbers so they propose killing it. The majority says that Public Housing Authorities can use their operating funds for drug elimination—but those funds are empty because of the utility bills. I feel like we are going in circles!

I looked for a way to boost funding in the public housing budget. But where would I find it? The other agencies in this bill are just as starved for funding and just as worthy. I will not steal from Peter to pay Paul.

Finally, I want to take a minute to talk about the perception of public housing. For too long, Congress has looked upon public housing residents as second class citizens. We continue to have the outrageous requirement that residents of public housing do community service. Do we ask that of people who take the mortgage interest tax deduction? Do we require the CEO of the major defense contractors to spend 3 hours a week in community service? No, and we never will. I am a product of public housing. Many of the other members of this body from New York City are products of public housing. We should celebrate the success that is public housing. Instead, with this bill we condemn it.

Mr. Chairman, this bill needs billions more. Billions that would be available were it not for the irresponsible tax cut just passed. This is a shame. We should do better. But, instead we have acquiesced our priorities to those of the new administration. The new administration has made it clear—it is more important to give rich Americans a tax cut than meeting our responsibilities to residents of public housing. That is why there is inadequate funds for this bill today.

I urge my colleagues to vote against this bill.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) will be postponed.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for the purpose of engaging in a colloquy with the gentleman from New York (Mr. WALSH), the chairman of the subcommittee, and also with my friend, the gentleman from Pennsylvania (Mr. FATTAH), who is also a member of the subcommittee, on language in the bill that will reduce the defined reserves available to individual public housing authorities for administering their tenant-based section 8 programs.

During full committee consideration of the bill, the gentleman from Pennsylvania and I expressed some concern that without the cushion of a guaranteed reserve beyond a single month, public housing authorities, when they seek to avoid running out of money before the end of the year, might less aggressively pursue full utilization of their allocation of vouchers.

I understand the committee's intention, through this language, to reduce the amount of unused budget authority that has resided in the section 8 reserve account. I hope to be able to continue talking with the subcommittee chairman between now and conference about ways to accomplish this goal without reducing the ability of public housing authorities to access the funding that is necessary to ensure that housing for families is not put in jeopardy.

In the meantime, I hope we can clarify for the record what is the committee's intent exactly with regard to the language in the bill.

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I want to join the gentleman from North Carolina in again expressing concern about the possible effect of the language in the bill on the availability of supplemental funding for public housing authorities, who, due to unforeseen circumstances, exhaust their 1-month reserves.

I would like to ask the gentleman from New York, the distinguished chairman of the subcommittee, if it is the committee's intention that the language in the bill should have no practical affect on the ability of public housing authorities to aggressively pursue maximum utilization of section 8 vouchers within the regulatory guidelines.

Further, I would like to ask the gentleman if it is the committee's intention that HUD should provide additional resources to any public housing authority that exhausts its allocated reserves due to unforeseen circumstances.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. PRICE of North Carolina. I yield to the gentleman from New York.

Mr. WALSH. I would be happy to respond to the gentleman, Mr. Chairman. Certainly it is not the Committee's intent, nor do I believe this action will have any negative impact on the ability of public housing authorities to fully utilize their vouchers. It is my understanding that less than $46 million of the $1.3 billion in reserve funding was used last year.

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I assure the gentleman that it is the Committee's intention that any public housing authority which exhausts its funds be given additional funds to ensure that its legitimate needs are met.

In fact, I have a letter from the Deputy Secretary which indicates that HUD will continue its long-standing policy to provide any public housing authority that has exhausted its funds for legitimate needs with whatever funding is necessary to ensure that all families currently served retain their assistance

Mr. PRICE of North Carolina. Reclaiming my time, Mr. Chairman, I thank the gentleman from New York for his helpful clarification of the committee's intent. I, too, have seen that letter from the Deputy Secretary and am somewhat reassured by the commitment that letter makes.

I am still a bit concerned, however, about how the bill's statutory reduction in the amount of reserves available to individual public housing authorities might in practice affect their ability to gain access to additional resources for legitimate needs.

I still hope we can come up with another solution that would provide a firmer guarantee to public housing authorities before the conference bill is finalized. But I do appreciate the gentleman's description of the committee's intent, and I look forward to talking further about this issue with both the gentleman from New York and the gentleman from Pennsylvania.

Whatever we do, we do not want to have our public housing authorities stopping short of providing as much housing as they possibly can to people in need.

Mr. FATTAH. Mr. Chairman, will the gentleman continue to yield?

Mr. PRICE of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I would also like to thank my chairman and also the gentleman from North Carolina for their interest in this matter, and I also look forward to further discussions as we approach conference on this bill. So I thank the gentleman for yielding.

Mr. PRICE of North Carolina. I thank the gentleman.

AMENDMENT NO. 45 OFFERED BY MR. BONIOR

Mr. BONIOR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 45 offered by Mr. Bonior:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

Sec. [-]. None of the funds appropriated by this Act may be used to delay the national primary drinking water regulation for Arsenic published on January 22, 2001, in the Federal Register (66 Fed.Reg. pages 6976 through 7066, amending parts 141 through 142 of title 40 of the Code of Federal Regulations) or to propose or finalize a rule to increase the levels of arsenic in drinking water permitted under that regulation.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 60 minutes, to be equally divided and controlled by the proponent and the opponent, myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. Bonior) is recognized for 30 minutes.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

My colleagues, years ago, Agatha Christie wrote a story of a wedding cake that was laced with arsenic. It took the world's greatest detective to untangle the mystery and to expose the culprit. Well, today's arsenic threat is not fiction, it is real, and it is no mystery. We do not need a brilliant detective to figure out the danger that this poses to the American people. We cannot continue to allow arsenic to poison America's drinking water.

The scientific evidence, Mr. Chairman, is beyond dispute. The National Academy of Science has determined that current drinking water standards are exposing millions of Americans to dangerous levels of cancer-causing arsenic. Recent tests show that in my home State of Michigan we have roughly 450 wells out of 3,000 community wells that feed drinking water to 376,000 people in my State that have high contaminants of arsenic in them.

There is one family that came to Washington very recently to describe the pain they are having, the Burr family. I met Katherine Burr a few months ago. She told me about her little boy, Richard. This boy, this baby, was born at 9 pounds, a healthy baby, but it struggled to keep baby formula down. The doctors did not know what to make of it. Four years later, Richard weighed 18 pounds, and his bones refused to harden. At age 10, he weighed 48 pounds, only half the normal weight of children his age.

His parents were desperate to find out what was going wrong here, and so they turned to another doctor. He suggested they test their drinking water. Of course, it was laced with arsenic. He had essentially been drinking a diluted form of rat poison for a decade. When they took him off, his health started to be restored somewhat. But who knows what lies ahead for Richard down the road.

Now the Bush White House is telling the Burr and millions of other Americans that it will block the tough new arsenic standards established in January. We have had 25 years of research on this. Twenty-five years. This original standard goes back to 1942, almost 60 years ago. We need to move forward.

This is not an isolated problem. A look at this map reveals arsenic concentrations in America. It reflects high levels of arsenic in major populated areas, such as California, New York, Michigan, Minnesota, Ohio, Illinois, North Carolina, and a whole host of other States, Utah, throughout this Nation. We all know that Americans may disagree on a lot of things, but drinking arsenic, Mr. Chairman, is not one of them. When we turn on the kitchen sink, we ought to be able to drink what comes out without worrying about being poisoned or poisoning our family.

This amendment which I am sponsoring with my colleagues, the gentleman from California (Mr. Waxman), the gentleman from Wisconsin (Mr. Obey), the gentleman from Ohio (Mr. Brown), the gentleman from Michigan (Mr. Kildee), and many, many others, will prevent this weakening or delaying of tough new standards on arsenic in our water.

I want to show my colleagues one other chart, if I might. Take a look at this chart. Arsenic and drinking water, 10 parts per billion. Most of the developed world has 10 parts per billion, most of the European Union countries, and, in addition to that, Australia, Mongolia, and there are a few others, Namibia, Syria, and a few other places around the world as well. At 50 parts per billion, Bangladesh, Bolivia, China, Indonesia, and the United States. We need to protect our citizens much better than we have.

Ultimately, doing this amendment will help people like the Burr family and protect communities across this country for generations to come. I urge my colleagues to vote "yes" on this amendment. Let us set a high standard for America's drinking water and give American families both peace of mind and healthier lives.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from New York (Mr. Walsh) is recognized for 30 minutes.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

I would like to make this as clear as I can at the beginning of the debate.

This amendment changes nothing. And, by the way, this is a rider. We try diligently to keep riders off of the appropriations bills. It is a legislative rider. I have heard the gentleman who is offering this amendment rail against riders in the past. This is a legislative rider to the bill; and if it were enacted, it would be the only legislative rider in the bill. So I would urge Members who oppose riders in general to oppose this amendment.

Having said that, whether or not this rider is passed, nothing changes. The law requires that the compliance date is 2006 for the standard for arsenic, regardless of when the rule is promulgated. So whether the standard that the Clinton Administration suggested in the late hours of its administration or the standard that current law requires is promulgated, neither will have to be complied with until the year 2006.

Let me just talk about the substance of the issue a little bit. Arsenic is a naturally occurring contaminant present in drinking water in 3,700 mostly small communities, particularly in the West. The Administration is updating the standard for arsenic to provide safe and affordable drinking water for all Americans. EPA recently began a review of the new arsenic standard that was issued just days before the end of the Clinton Administration to ensure that the standard is based on sound science, accurate cost estimates and is achievable for small communities.

The real concern here, obviously, is the health of Americans and the cost of promulgating a new compliance standard and implementing that standard in each and every town across the United States. And just to give my colleagues an idea what the impact is on small communities, 97 percent of those 3,700 systems affected by this rule are communities serving less than 10,000 people.

Treating water to remove arsenic is much more expensive for small communities than for large systems. The annual cost per household in small communities are projected to range up to $327 to comply with the regulatory level. Just to give an idea of the degree of difficulty for communities, we put in a small rural drinking water system in south Onondaga County, in my county. Just to provide water for those individuals, a public water system, it cost them over $300 annually just to get the water, to get the pipeline laid and to do the work. In addition, they will have to pay, obviously, for their consumption.

So to comply with the standard that is proposed under this legislative rider would cost towns and individuals as much as it would cost just to have water. So it doubles the cost, in effect, for water.

EPA's Small Community Advisory Committee recommended a level of no lower than 20 parts per billion, in part because of the potentially high cost of the rule. Additionally, time is needed to fully understand the magnitude of the impact of the standard on small communities. EPA has asked the National Drinking Water Advisory Council to review economic issues associated with the standard. The same organization will consider differences between EPA's cost estimates and those developed by the American Water Works Association Research Foundation.

EPA has estimated the cost of compliance of the rule at $180 million to $205 million per year, significantly different than AWWARF's October 2000, estimate of $690 million. Stakeholders will be provided the full opportunity to review and comment at each step of the review process.

The Safe Drinking Water Act of EPA required EPA to revise the existing 50 parts per billion standard for arsenic in drinking water by January 2001. Last year, Congress extended the deadline for the arsenic rule until June 22, 2001, allowing additional time to develop the final rule. In January 2001, EPA published a new standard for arsenic in drinking water that requires public water supplies to reduce arsenic to 10 parts per billion by 2006. On May 22, 2001, EPA delayed the rule's effective date until February 2002, to provide time for further review.

During May to August of 2001 the EPA is seeking outside expert review of the cost and the science underlying the arsenic standard. The expert panel will review health effect issues, cost issues, and benefit analysis.

We need to have good science. We need to make sure that the standard that is developed and that communities are forced to comply with meets all of those goals, health effect issues, cost issues, benefit analysis and estimates issues.

We all agree that we need safe drinking water. This bill provides hundreds of millions of dollars across the country, in my home State, in the home State of my colleague from West Virginia, in literally every State. Every Member in this body is committed to clean water and safe water in the strictest of standards. But those standards have to be determined by good science. Let us give the EPA the opportunity to develop and promulgate a proper rule based on good science.

But, remember, my colleagues, whether or not this legislative rider is attached to this bill, and I urge my colleagues not to do that, it will change nothing until 2006. So I urge that we reject this amendment and keep this legislative rider off of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume just to answer the last assertion by the distinguished gentleman from New York about not changing anything until 2006.

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That was, in fact, not correct. The new standard was to become effective on March 23, 2001. It would have taken effect immediately, Mr. Chairman, but it allowed eight water systems up until 2006 to install the necessary treatment facilities.

So that statement that the gentleman from New York (Mr. WALSH) has given us is not correct. It will take effect immediately but will allow people up to 2006 to install the facilities. We have waited 25 years for this 60-year-old standard to be lowered to get us in compliance with the rest of the civilized world that recognizes the poison's terrible effect that arsenic has on the human bodies. We are talking about skin cancer, lung cancer, bladder cancer, kidney problems. This is serious, serious stuff. Exponentially, the rate of incidence for these type of illnesses go up dramatically when we go over 10 parts per billion.

I urge my colleagues to look at the science and the data on this and vote accordingly.

Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN) on this amendment.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding time to me. I rise to urge a yes vote on this effort to get arsenic out of our drinking water.

It seems to me there could be two reasons for opposing this amendment. If one thinks arsenic in drinking water is a good thing, that would be a legitimate reason to vote against this effort. But I have not heard anyone make that argument.

If there is one thing we all seem to agree on is that we do not want arsenic in our drinking water. It is an extremely potent human carcinogen and it causes lung, bladder, and skin cancer and is linked to liver and kidney cancer. It is this simple: arsenic is a killer.

The second argument one could make against this amendment is that we need more science and that we are rushing a decision. One could make that argument, but the record shows this is not true.

Let me relate the brief history of this problem. For over 50 years, we had a woefully outdated drinking water standard for arsenic. Then in 1996, the House voted unanimously to require EPA to update the arsenic standard for drinking water. We required that EPA act by 2001. Finally in January, 2001 EPA set a new standard for arsenic at 10 parts per billion. Public health and environmental groups thought the standards should be lower. States suggested lower standards as well. Even Christie Todd Whitman had supported the standard at half this level when she was Governor of New Jersey. But EPA decided to stick to 10 parts per billion because the science supported it and it was a commonsense number.

This was the same standard adopted by the World Health Organization and the European Union. This amendment is based on good science and a comprehensive record and it accomplishes a comminutions goal. It reduces the amount of arsenic in our drinking water. In addition, we know that no major water company trade association has challenged the rule. In fact, the California/Nevada section of the American Water Works Association has written in strong support of the new arsenic standard.

We can have safe water at a reasonable cost all across the country. I think it is our obligation as a Congress to do that. That is what this amendment will do. I urge my colleagues to vote for the Bonior-Waxman-Obey-Brown-Kildee amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 5½ minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in opposition to this amendment because it is wrong and based on bad science. This has nothing to do with politics here in Washington. It has everything to do with public health in the American West.

The Environmental Protection Agency proposed to reduce the arsenic standard in water from 50 parts per billion to something lower. Then right at the last moment before the change in administrations, they set that level at 10 parts per billion. I think it is important to start out by understanding what small amount we are talking about. A part per billion means nothing to me. But this is what it is: in 32 years' time we are talking about the difference between 10 seconds and 50 seconds. That is the kind of levels we are talking about, detecting what the public health effects are in that small a difference.

The fact is we know very little about the effects of arsenic on people at low levels. It is broadly acknowledged that high levels of arsenic cause cancer. But we do not know what happens at low levels of arsenic. There is a terrible public health consequence that will affect rural water systems.

The EPA estimates that there are 3,500 rural water systems that would be effected by this. It is not about the timber industry. It is not about mining. It is about naturally occurring arsenic in the West. Arsenic is organic in the soil in the West because of our volcanic soils. In the State of New Mexico we have about 150 rural water systems where the naturally occurring arsenic level is about 10 parts per billion but below the current standard. They are in small parts, small communities all over New Mexico.

The gentleman wants to ignore the lack of scientific evidence at low levels of arsenic and just impose this rule without reviewing it. Guess what that means for me in New Mexico? That means the rural water system in San Ysidro, New Mexico will have to take out a loan of $2 million in order to meet the new standard. There are only 80 families served by that water system.

What that means is they are going to lose their rural water supply in San Ysidro, in Placitas, in Alto, in Cloudcroft. That does not help public health. The thing that is inexplicable about this is we have been living in New Mexico for hundreds and hundreds of years, and yet we have disproportionately low occurrences of the diseases associated with arsenic.

It is naturally occurring in our water and our soil, and yet the things that people are afraid of we have less of in New Mexico than in other parts of the country where there is no arsenic.

When I get up in the morning, I take vitamins. I take vitamins with iron. Most women do. If my daughter were to get into my vitamin bottle and take a lot of those vitamins, she could get really sick. But at low levels, they are healthy and we need them to survive.

We do not know what the health affects are of arsenic in very low levels. We do know that if we set that standard so low, we will force rural water systems to close and we will go back to having untreated water with wells.

There have been a number of scientific studies, some of which are selectively used by the Environmental Protection Agency. Most of them were done abroad. Very few of them deal with arsenic at low levels. There was only one in the State of Utah that looked at naturally occurring organic arsenic and the effect on the population. And while it was a small study, the only one funded by EPA in creating this rule, they ignored it because it was a small population. And yet the results showed that in that town in Utah, even though they have high levels of naturally occurring arsenic, they have very low levels of the diseases associated with arsenic and have for generations.

Mr. Chairman, it does not make any sense. That is why it does make sense to look at the science behind the rules.

Now, we think 20 parts per billion, 10 parts per billion, it does not make a big difference. But it does. It costs twice as much in capital costs to set up a water plant to treat down to 10 parts per billion as it does to 20. In my State of New Mexico, we are talking about a minimum of $300 million in capital investment, and then it costs more to take care of the water and operate it.

In closing, Mr. Chairman, I would like to read a letter from a gentleman in Cloudcroft, New Mexico. It says,

> I am the president, water boss, chief hole digger, fixer of leaks, certified small system operator of Silver Springs Water Association located near Cloudcroft, New Mexico. We are in the Lincoln National Forest, Sacramento Mountains at an elevation of about 9000 feet. We have no landfills, junk yards, Mafia burial grounds, large cemeteries, nuclear reactors, industry of any kind, sewage disposal plants, or anything which is a threat to our drinking water. Rain falls on our forests, trickles down into cracks and crevices and replenishes our water table. We gather our water from a spring and distribute it to about 25 homes. Before us, the Mescalero Apache Indians did the same.

Mr. Chairman, this is a wrong-headed amendment for policy reasons, and I urge that this House reject it.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I could respond to the comments of the gentlewoman from New Mexico (Mrs. WILSON), number one, the difference in the number of people that are affected between 10 and 20 parts per billion in the State of New Mexico is about 78,000 individuals in that State. The National Academy of Sciences said that drinking water at the current EPA standard could easily result in a total fatal cancer risk of 1 in 100. That is a cancer risk 10,000 times higher than EPA allows for food.

In addition to that, what are we talking about in terms of this risk? We are talking about especially children and pregnant women being vulnerable. We are talking about bladder, lung, skin cancer, kidney, liver and other types of cancers, skin lesions, birth defects, reproduction problems.

Mr. Chairman, this is a real problem. That is why so many countries, so many jurisdictions around the world have moved to this standard of 10 parts per billion.

We have good science dictating that this is a level at which we should move to, as opposed to staying at the old 60-year standard of 50 parts per billion that has caused problems like that which I have recited on the floor affected the Burr family in my own State.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I rise in strong support of this amendment to prevent any further delay or weakening in the arsenic standard for drinking water. As a Minnesotan and as a member of the Energy and Commerce subcommittee that deals with this particular issue, I wrote a letter to President Bush on this precise issue expressing my concerns over his failure to adhere to the lower standard in this area.

Mr. Chairman, we should not even be arguing about this issue today. Over 25 years of scientific research confirms the danger of arsenic. Arsenic is not a good thing. It is not a vitamin, as has been suggested here today, or alluded to.

It is a carcinogen that has been linked to many forms of cancer. As such, the dangers of arsenic warrant an urgent response from our government, and the Bush administration's withdrawal of the revised rule is unnecessarily risking millions of Americans today.

Mr. Chairman, the bottom line is that the United States' standard for arsenic should not be amongst the worst in the world. Our country should, in fact, be a leader in the world. And there is simply no excuse for delay.

Mr. Chairman, I submit a copy of my letter to President Bush on this issue, and I urge a "yes" vote on this amendment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 2001.

Hon. GEORGE W. BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I write this letter to express extreme concern over your Administration's decision to withdraw the recently revised standard for arsenic in America's drinking water. As a member of the Energy and Commerce Committee, which has jurisdiction over the Safe Drinking Water Act, I have requested a Congressional hearing on this matter.

In particular, I have two concerns about your Administration's decision. First, ample scientific evidence indicates that the finalized arsenic standard of 10 parts per billion ("ppb"), promulgated by the Clinton Administration, serves an important public health interest. Indeed, the current standard of 50 ppb was based upon data dating back to 1942; and water utilities, states, scientists, public health officials and environmentalists recommended a significant downward revision of this outdated standard. As I understand it, over 25 years of scientific research confirms the dangers of arsenic—a carcinogen that has been linked to lung, bladder, skin, liver, and kidney cancer—and warrants an urgent and expeditious response to improve the quality of our drinking water. As such, your Administration's withdrawal of the rule raises serious concerns about whether your decision jeopardizes the health of millions of Americans.

Second, Congress directed EPA to promulgate final standards on safe arsenic levels by January 1st of 2001 pursuant to the Safe Drinking Water Act Amendments of 1996. This deadline was extended to June 22nd, 2001, in the HUD/VA Conference Report for FY 2001. Consequently, your Administration's decision to withdraw the final rule is questionable legal fidelity. I would like to know how your Administration justifies its decision to ostensibly defy this legislative directive from Congress.

Mr. President, I look forward to a response from you on this important issue. In general, I believe that we can work together to resolve this issue in a bipartisan manner that best serves the public health interests of the American people.

Sincerely,

BILL LUTHER,
Member of Congress.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 4½ minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the amendment. This Member urges his colleagues to look at the facts when it comes to the issue of arsenic in drinking water.

The Bush administration's re-examination of this matter has led to heated rhetoric, wild exaggerations, and sound-bite politics. It is important to get the full story and to listen to those who would have been most affected by the proposed changes.

□ 1145

Many State and local officials as well as water system administrators have expressed concerns about the unnecessary and extraordinary costs which could be caused by the proposed change to 10 parts per billion. Unlike what the gentleman from Minnesota said or implied, no one is suggesting arsenic in drinking water is good. It is a matter of how much we reduce the standards to what the costs and benefits are.

This Member would begin by clearly stating the obvious. Everyone recognizes the importance of providing safe drinking water to all of our Nation's citizens. Also, I will say this. Some change in the arsenic standard may well be justified. However, it makes sense, it is rational, to base these changes on sound science rather than on emotion. The sound science is simply not there to justify a change from 50 parts per billion to 10 parts per billion.

Mr. Chairman, as many of us now know, in the last-minute flurry of activism in the final days of the Clinton administration, a final rule was rushed through which would have reduced the acceptable arsenic level in drinking water from 50 parts per billion to 10 parts per billion. However, new EPA Administrator Christine Todd Whitman quite rationally later announced that the Agency would seek a scientific review of this standard before implementing a new rule. I think everybody understands that arsenic standard is going to come down, and it should.

The Bush administration has made it clear that the arsenic level will be significantly reduced, in fact. However, it wants the final rule to be based upon sound science. It certainly appears that the Clinton administration made a very arbitrary decision based upon questionable studies.

The EPA seems to dismiss the most comprehensive U.S. study on this matter. In 1999, a study in Utah involving more than 5,000 people failed to find an increased incidence of cancer associated with arsenic in drinking water.

I think it is helpful to note that any community in the country now has the authority to lower arsenic in drinking water if they wish. The reason communities have not lowered their levels to 10 parts per billion is that the health benefits have not been shown to justify the enormous costs.

The American Waterworks Association stated in comments last year, "At a level of 10 parts per billion or lower, the health risk reduction benefits become vanishingly small as compared to the costs." The costs, however, are very real. The Association, which supports a reduction in the current arsenic standard, has estimated that the proposed rule would cost $600 million annually and require $5 billion in capital outlays.

The gentlewoman from New Mexico made the case about what had happened to her constituents in the State of New Mexico. My State is the most groundwater-dependent State in the Nation by a wide margin. Of 1,395 public water systems, only six or seven get any of their water from surface water sources. All the rest comes from groundwater. The result is that we put wells down that are not interconnected for treatment. Basically, our water is so good, with a few exceptions, we do not treat. We have no central point of treatment for groundwater that we use in our public water supplies. The costs to us are astronomical. The smaller the community, the larger the cost proportionally by a wide measure.

If there is a justification for moving to a lower standard, our communities will have to bite the bullet; and we will have to help them find a way to do that. But right now just to arbitrarily suggest money cannot be spent with respect to EPA's current examination when there is no sound science to suggest that it is reasonable to reduce it to 10 parts per billion does not make sense.

One of the claims that has been made about the arsenic problem is it is a result of mining. The arsenic in my State's water supply where it is found has nothing to do with mining. We basically have no mining. It is naturally occurring in our soils. Until lately, people in my district lived longer than any part of the country. La Jollans have passed us now, but we still, despite drinking some water that has arsenic levels relatively low in most areas and in other cases not quite as low as 10 parts per billion, it has not had an effect.

The standards that have been proposed here are not based upon good, sound science. I urge defeat of the amendment.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that this science argument that is being raised, I want to point out to the Members that it was a unanimous decision by the National Academy of Sciences to go to this safer level. This is based on 25 years of science.

Let me also say that for the vast majority affected by this high level of arsenic in their water, over 90 percent, the remedial cost of removing it is about $3 a month. What a price to pay for the knowledge and the peace of mind and the safety of one's family. It seems to me it is a reasonable thing to do.

With the cost of this, Mr. Chairman, with regard to our own fund to deal with cleaning our drinking water, we appropriated 800 and some million dollars last year to do that. We have a bill, H.R. 1413 right now, that would assist to improve public water systems, would be doubled to $2 billion annually. It has 174 Members who have sponsored that bill. I would urge my colleagues and the leadership on the other side of the aisle to schedule it for floor action.

Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I am happy to say that I have two healthy sons. When you look at your kids when they are newborn and you ask yourself, what do you want for them, what you conclude is that you want them to be able to go to a good school, you want them to be able to get a good job, you want them to be able to find a good life's partner, and you hope to God that they live long, happy, healthy lives.

The little things mean a lot. People talk about security for your families. The number one thing you want to know in your own home is that when you turn on that tap water, it is safe, it is reliable, it is not going to do any long-term damage. And people really do not know, they just count on their public authorities to keep their kids from harm. That is what this amendment is trying to do, plain and simple.

You have a choice. You can recognize the standards that were recommended by the scientific community, or you can decide you are going to stick by an outmoded standard which has been on the books since 1942. To any of you who are about to have children or grandchildren, I would suggest that is not even a close call. The Bonior amendment is clearly in the interest of public health, public safety. It is clearly in the interest of every single child and every single family in America.

When people prattle on in political debates about family values, I would suggest that this is a family value that ought to be put at the top of the list. Keeping every kid safe when they pick up a glass of water or when they go to a hamburger stand and get a hamburger or when they walk into a restaurant and get a glass of water, those are the basic issues that really account for quality in life. That is what the gentleman from Michigan is trying to say with this amendment. I am proud to cosponsor it with him. I would urge the House to adopt the amendment.

Mr. WALSH. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BOEHLERT), chairman of the Committee on Science.

Mr. BOEHLERT. I thank the gentleman for yielding me this time.

Mr. Chairman, let me start with a basic proposition on which I think we can all agree. Arsenic is not very good for us. Ever since I first read "Arsenic and Old Lace" as a kid, I made up my mind I was going to try to avoid it as much as possible throughout the rest of my life. I am absolutely convinced that arsenic would not appear on Martha Stewart's "It's a Good Thing" list. That I think we can all agree with.

But in my capacity as chairman of the Committee on Science, I would like to go over a little history. In 1999, the National Academy of Sciences issued a report on the safety of arsenic in drinking water. The Academy concluded that the arsenic standard for drinking water that we have had for the past 50 years was too high to ensure public safety and should come down as soon as possible. That standard was 50 parts per billion.

On January 22 of this year, the previous administration issued a regulation to lower the arsenic standard to 10 parts per billion and for the new standard to go into effect by the year 2006. The fact that the regulation was issued on the last day of the previous administration in and of itself does not necessarily mean that the arsenic regulation was rushed. As a matter of fact, it has been cooking for a number of years. A number of people have been legitimately concerned about it.

But regulations issued so late in any administration create at least the appearance of being rushed. That maybe is not necessarily so. But when the new administration came in, the new chief of staff Andy Card immediately issued an order: Hold everything. If I was President, I would have said to Andy Card, if you did not issue that regulation, I would have called you to task, because we want to take a good look at all these regulations. Particularly, we want to look at those that were issued in the waning days of an administration. And so the pause was ordered.

I want to stress this point. Any review of regulations must be fair. It should not simply be an excuse to gut the regulation. I agree, the National Academy of Sciences was absolutely right. We have to lower the arsenic level in our water. Fifty parts per billion is hard for me to even comprehend what that really means in my everyday life as I draw a glass of water from the tap. But if the National Academy of Sciences says it is so, I believe them.

We are in a time where everyone likes to say they are for science-based decision-making until the scientific consensus leads to a politically inconvenient solution, and then we look for an alternative. I like the idea that we are focusing on science.

So I was very pleased when the Administrator of EPA, soon to be the Secretary of EPA, a well-deserved acknowledgment of the importance of that responsibility, when she, unlike, I must admit, a counterpart in the Department of Labor who tried to make us feel good when they rejected the ergonomics rule which I think should not have been rejected and said we are going to deal with it sometime in the future, we did not say sometime in the future, Secretary Whitman said right now, and she is doing it in a very thorough, a very methodical way. She has given us assurance that we are going to meet the same timetable as the Clinton administration wanted to meet, that is, have full compliance by the year 2006.

That makes sense to me. That says no inordinate delay.

She has made certain that we understand the full dimensions of the problem. We have a range of from 3 to 20 parts per billion, and the proposed regulation that will be forthcoming in a timely fashion to meet the deadline will fall within that range. It might actually be more reduction than some people have called for.

The whole point of this is this: Let us do it right. Let us not decide that it is going to be 10 parts per billion only to find out after this very timely and expedited review that it really should be 7 parts per billion. Shame on us if we did that.

So let us get it right the first time. I have the fullest confidence in the Secretary of the Environmental Protection Agency that she will do it right. I have the fullest confidence that we are dealing with science-based decision-making. That is the right way to go about it.

I will feel a lot more comfortable when this is behind us instead of pending. I share the view of my distinguished colleagues that are advancing this proposal that we have to deal with it in a timely, constructive manner and we have to deal with it so that it gets the issue behind us in a way that we can all point to with a great deal of pride.

I hope one day, when this regulation is issued, Martha Stewart will say, "It's a good thing."

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

I bet Martha Stewart does not drink 50 parts per billion of water. I think she is probably drinking out of a really nice container of filtered water.

But to my friend from New York, whom I do respect enormously on these issues, let me just say a couple of things quickly before I yield to my friend from Ohio.

Number one, this does not preclude the Administrator from going lower than 10 parts, so if she wanted to go to 7 parts per billion she could do that under this amendment.

The second thing I would point out is that there is a dangerous level between 10 and 20 parts per billion, and it seems from everything that we know already that the Administrator is going to have a range, anywhere from 20 down to whatever level she decides.

□ 1200

I would say to my friend from New York, that means that 246,000 people in the State of New York will be at between that 10 and 20 parts per billion level, which the National Academy of Sciences in a unanimous vote in 1999 has said is not safe.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to protect the life of every single New Yorker because we have been losing population. We have been redistricted, we will go down two seats, and I do not want any New Yorker to go away. But I am just as much concerned with the people of Michigan as I am with New York.

Mr. BONIOR. Mr. Chairman, reclaiming my time, I appreciate that.

Mr. Chairman, I yield 3¼ minutes to the gentleman from Ohio (Mr. BROWN), a sponsor of the amendment.

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Michigan for yielding me time.

Mr. Chairman, we obviously know this issue. In 1942, a standard was set of 50 parts per billion. Science in those days recognized that arsenic was dangerous, they recognized it was a toxic substance. We all knew that. We have seen the play and the movie.

In 1942, when arsenic was set at 50 parts per billion, we did not know so much about arsenic as a potent carcinogen that can cause bladder cancer and lung cancer and skin cancer. We did not know it had been linked to kidney and liver cancer. We did not know in 1942 that it can be linked to birth defects and reproductive problems. We know that today.

The World Health Organization has recommended that that number be brought to 10 parts per billion. The National Academy of Sciences has said the 50 parts per billion is much, much too high. State after State after State in this country has brought the number way down to 10 or less. The State of Washington has recommended a standard of 3 parts per billion. My State of Ohio has recommended a standard of 10 parts per billion. Massachusetts has supported a standard of 5 parts per billion. Alabama supported a standard of 10 parts per billion.

The gentleman from Michigan (Mr. BONIOR) mentioned the number of people in Michigan than in New York. In Ohio, 137,000 residents in my home State may be drinking water with arsenic above the levels recommended by the National Academy of Sciences. Also the World Health Organization, in State after State after State in this country.

We can choose to stay with the 1942 level, the level that was determined 49 years ago, the level that we would continue to share with Bangladesh, the People's Republic of China, Bolivia, and a host of other countries; or we can bring our standard to 10, still exceeded by some countries, some countries are still more strict than 10, but we can bring our levels to 10 and join most of the rest of the industrialized democratic world.

You sit here and think why would this administration want to keep it at 50? Why would this administration, even if it says it wants to bring it down, why would it delay what the EPA, after years of study recommended to come to 10, and you keep asking yourself why would this administration do that?

We have heard this song before, but the administration clearly does not want to bring the standard down. It has delayed the standard, will not come to 10, likely, because all you got to do is look at the kind of people that are influential in this White House.

On energy issues, the energy companies seem to have a major role to play in White House decision making. On the Patients' Bill of Rights, it is the insurance companies that seem to have a major role in policy in this administration. On prescription drug coverage for seniors, this administration, this Congress has done nothing substantive on this issue, likely because of the influence of the prescription drug companies, the big, huge drug firms in this country, the influence they have on the White House.

Look at this issue. When you look at why won't they bring the standard for arsenic down to 10 parts per billion, why are they delaying this. This Republican Party received $5.6 million from the mining companies, $9 million from the chemical companies.

Mr. Chairman, listen to the scientists. Do not listen to the political contributors. Listen to the scientists. Support the Bonior amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I thank the gentleman for yielding me time.

For those of my colleagues who seem lost in the haze of rhetoric that we have heard from the other side that seems to surround the issue of arsenic, let me say that arsenic has nothing to do with oil, it has nothing to do with prescription drugs. Arsenic is a naturally occurring component in groundwater, particularly in the Western States, like Nevada, the one I represent.

There are communities in my State that have 100 parts per billion naturally occurring arsenic in the water. People have been drinking it for 5 and 6 generations, living decades into their 80s and 90s, with no ill-effects, like my colleague from New Mexico has said, of the current indicators that have been heard about by the fact that arsenic exists there.

The gentleman from Michigan should know that local communities in the district that I represent in Nevada want nothing more than to provide safe drinking water for everyone, and especially to the citizens of their communities.

But the gentleman should also know that before these small communities in my district can go out and build $10 million and $20 million water treatment plants, they want assurance that the EPA's mandated arsenic standards are based on sound science and accurate costs and benefit analysis. I do not know if anyone can tell me whether it is trivalent or pentavalent arsenic which is the high component in anybody's water that has the effect they are talking about.

But, keep in mind, if we implement such strict standards, and it is of such importance, as it is to this administration as well, then why did the previous administration under Mr. Clinton put this in place on his way out the door, and not 8 years ago when he came in prior to that? If this was such an important issue, I do not know and I am not sure anyone knows why they did not implement the new standards 2, 3, 4, 5, 6, 7, 8 years ago.

Mr. Chairman, this administration is committed to a stricter arsenic standard, and I support the implementation of a stricter standard. Mayors in Nevada and small communities, who have high levels of arsenic in their water, support stricter standards. But meeting the 25 parts per billion standard will cost our small communities millions of dollars to comply with; meeting a 15 parts per billion standard will cost even more; and meeting stricter standards will virtually bankrupt every small community.

I commend Administrator Whitman for taking a good, hard look at the politically motivated standard put in place by the outgoing Clinton Administration. Certainly, we should not be undercutting the hard work that she and her agency has put into this important issue.

Let us allow the EPA to complete its science review of arsenic standards, and let us vote no on Mr. BONIOR'S amendment.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to my friend from Nevada, the Nevada-California American Water Works Association has fully supported the 10 parts per billion standard. So when the gentleman talks about local input, I would say his own State and this association is asking for what we are asking for in this matter. I would like to hear the gentleman's response, if the gentleman from New York (Mr. WALSH) will yield.

Mr. WALSH. Mr. Chairman, I yield ½ minute to the gentleman from Michigan (Mr. BONIOR).

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Nevada.

Mr. GIBBONS. Mr. Chairman, I appreciate the gentleman's response to that. Certainly the California and Nevada Water Users Association has endorsed stricter standards, but the fact is that science does not tell us exactly at what level that standard should be and it has not looked at it from a cost-benefit analysis or operating cost.

They do want strict standards, they do want to lower it. As I have said, the mayors and all the water-user communities in my State want to have lower standards, but we also want the science to show exactly what standard we are going to and what the cost is going to be for these people.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time, and I certainly want to join my colleagues on this side of the aisle who have spoken in support of the gentleman's amendment to preclude this administration from weakening the arsenic standard.

The chairman of the subcommittee suggested that if this amendment passes, nothing changes. Oh, yes, something changes. What changes is we will stop seeing the EPA administrator, as she did yesterday, suggesting that she may weaken the standard; because if Congress overwhelmingly supports this amendment, the message will come from the House of Representatives that we want the standard to go forward, we want a standard to go forward that protects the American people from increased arsenic in their water supply, and we want the administration to quit fooling around with the special interests for the purposes of weakening this standard. Because that is what the EPA administrator, Ms. Whitman, said yesterday in the newspaper, that quite possibly this standard will be weakened.

That is exactly what the National Academy of Sciences suggested we not do. What the National Academy of Sciences suggested we do is the arsenic had to be reduced, and it had to be reduced as promptly as possible. Now what we see after years of work, after years of scientific study, after years of public comment, after years of the process going forward as it should, now the suggestion is somehow that we need good science.

Nobody has suggested that this is bad science. Nobody has suggested that. But the offering is now somehow we need good science so we can further delay this activity. The suggestion is somehow this amendment should not go forward because it would be a rider. Well, let me say, it would be nice to have a rider once in the public interest, because what we spend most of our time doing around here is fighting off riders that are added on to appropriations bills that are there for the special interests, that attack the environment, that attack the kind of regulation to protect the health and safety of the American people and their families in this country.

So, yes, I would hope finally we support a rider that defends the public interest and seeks to protect children and to protect families from increased arsenic in the water supply.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), who has been a strong leader on this issue.

Mr. PALLONE. Mr. Chairman, I am listening to my colleagues on the other side of the aisle talk about the science; but this is not about science, this is about special interests. If we remember at the time when this decision was made by the administrator of the EPA in March to delay, we read about all the reports and the papers about the chemical and mining industries that were at the White House asking that these arsenic standards, the good standard, be delayed.

One of the worst was the American Timber Industry. There was an article in The Washington Post the day before about how the American timber interests had come to the White House and demanded that the standard be delayed because they were concerned about wood beams that were treated and used for decks on boardwalks or in beaches or in people's backyards.

Let me tell you, my constituents who are very concerned about drinking water would much rather have the knowledge that they can drink water that is safe, rather than worrying about whether or not a board that is used for the boardwalk or their backyard deck is treated.

This is ridiculous. To suggest somehow that the science is still out there and that we do not know what the science is, we have said over and over again, the European Union, the World Health Organization, used the 10 parts per billion. The National Academy of Science talks about exposure at the current level and how it can result in serious cancer risk. The level of risk is much higher than the maximum cancer risk typically allowed by the Safe Drinking Water Act. Even the EPA administrator, my own former Governor, has said that the standard needs to be reduced. She talks about a reduction of at least 60 percent.

Well, we know the science is out there, and that this level, this standard that we are using now of 50 parts per billion, is going to cause people to have cancer and die.

What are we talking about here? We have statistics that show if you just go from 10 to 20 parts per billion, which maybe is what the EPA could ultimately do, that 3.5 million people would be impacted. It is ridiculous to suggest this standard. We know what the standard is. Let us adopt it. Let us adopt this amendment.

Mr. WALSH. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, it is amazing to me to watch this debate and see people rise one after the other talking about how important it is to lower this standard, and not one of you comes from a place where there is naturally occurring arsenic. It is real easy for a State to lower a standard to 10 or less, when you do not have any arsenic in the water. Who cares? There is no cost. There is no benefit to calculate. Do whatever you want to do, because you do not have the problem.

We are the ones that have the problem. We want the standard to be set right for public health, and that is what this debate is about.

The National Academy of Sciences did not say the standard should be at 10 parts per billion. It said that they unanimously decided it should be lower; not how low it should be. After the Clinton administration made its decision, the American Society of Civil Engineers in January concluded, "We believe that the Agency's final standard of 10 parts per billion is not supported by an unbiased weighing of the best available science."

□ 1215

These are the chemical engineers, the civil engineers in this country.

The problem with arsenic is not only in the water, though. A quarter of the food we eat has three times as much arsenic in it, 30 parts per billion, as we are setting for the standard for the water. When we eat seafood or mushrooms or rice, that has three times the standard my colleagues are requiring that we take out of the tap. This makes absolutely no sense, based on science.

The EPA was charged with coming up with a science-based standard, and they only funded one study in the State of Utah, and then they ignored the results and relied on others done in foreign countries with less stringent parameters that do not deal with low levels of arsenic exposure. That is what we are talking about, micro levels of arsenic exposure.

Mr. Chairman, I have heard talk today on the floor about plays and about movies and about Martha Stewart and about short stories in high school. But can anyone here answer me this: Why is it that New Mexico has higher naturally occurring arsenic than almost any other State in the Nation, but we have less bladder cancer, less liver cancer, the things associated with arsenic? The answer may be that green chili is the natural antidote, but the other answer may be that the standard is not right, and the science is not right, and we should not take away our water until we have the right answer.

Mr. BONIOR. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman from New Mexico. I want to inform my friend that there are many people on our side of the aisle who have naturally occurring arsenic in our own States and in our own communities. Michigan is a good example of that. We have a doughnut that extends from Washington County to Ann Arbor that runs up to the top of what we call the "thumb," where we have many, many naturally occurring arsenic components in well water.

So the gentlewoman is not the only one that has this particular problem, nor is the gentleman from Nevada.

The second point, in response to my colleague from New Mexico, is this: This is not just one National Academy of Science study. They have had six studies. This has been going on, as we have heard repeatedly now, for 25 years. This science has been looked at not only here in this country but abroad.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KILDEE), a person who has this in his particular constituency in a naturally forming way.

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the Bonior-Waxman-Obey-Brown-Kildee amendment for the fiscal year 2002 VA–HUD appropriations bill.

This amendment will restore implementation of reasonable arsenic reductions in drinking water, and it is time to address this very important health problem.

In some areas of my district in Michigan, we have a very high occurrence of unhealthy arsenic content in public drinking water systems and individual wells. I have heard too many stories of the negative health effects suffered by my constituents, and I believe we should move quickly to rectify this problem.

The current arsenic standards of 50 parts per million was developed in 1942, before President Bush was born, and it does not represent a public health standard consistent with our responsibility to ensure the health and welfare of citizens nationwide. We have learned much about arsenic since 1942.

The Clinton administration spent years studying the issue; and, in 1999, the National Academy of Science again affirmed the public health threat of 50 parts per million arsenic levels. Despite National Academy of Science's affirmation of our position, the Bush administration has unwisely delayed implementation of this health protection.

It is inaccurately suggested that the rulemaking was rushed. This is simply not so. This rulemaking is a result of years of study and public comment. The time for studies and delays has passed. The time for healthy drinking water is here. This Congress owes this to our people.

Mr. Chairman, I urge all of my colleagues to support this amendment.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), and a member of our leadership.

Ms. DELAURO. Mr. Chairman, the Bonior amendment simply prevents the Environmental Protection Agency from further delay or weakening of the arsenic standards for our drinking water. That is it.

We know that there are dangers in arsenic. We have known that for centuries. We know it is toxic. We know it is a carcinogen. It is found in the drinking water of millions of Americans. There have been many studies that show that it endangers our health, our children's health. The National Academy of Science has said it causes several forms of cancer, it causes heart disease and lung disease. In 1999, they further reported that the old standard "requires downward revision as promptly as possible." It could easily result in a total of a fatal cancer rate of 1 in 100.

Mr. Chairman, I say to my colleagues, there is not any question about it, arsenic is a killer.

So, what happened here in 1996? Oftentimes, people say that the Congress never acts to do anything. The Congress acted. It addressed this issue. It required the EPA to issue a safer arsenic standard and to issue a new regulation by January 1, 2001. That standard was put into place by the previous administration. But facing the pressure from its friends in the chemical industry and in the energy industries, the Bush administration delayed it for another 9 months and requested additional studies.

Mr. Chairman, how many studies do we need? We know what the standards should be. We have been looking at this for years. The fact is that 56 million Americans today drink tap water with excessive levels of arsenic. How many people have to develop cancer before the administration moves on this issue?

Let us strengthen our standards for our drinking water. Let us not delay. Why do we want to jeopardize the health of our children, our families any longer?

It is time for a stringent arsenic standard. I urge my colleagues to vote "yes" on this amendment.

Mr. WALSH. Mr. Chairman, I reserve 1½ minutes for closing.

Mr. BONIOR. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Washington State (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I support this amendment because I think it will help restore Americans' trust in their government.

There is a sad context of this debate which is that, unfortunately, the administration has poisoned the well of environmental consideration in this country.

When an administration tries to make it easier to use cyanide for mining waste, when it makes it easier to clear-cut international forests, when it backtracks on its climate change commitments to the world, when it tries to drill in our national monuments, how can we expect the American people to trust it when it sets an arsenic level for the water we drink?

We need this administration and this Congress to try to heal the breach and the lack of trust of Washington, D.C., right now and the administration policies on environmental measures. There is two ways to do that. Number one, pass this amendment. Number two, next week when our energy bill is on the floor, do not vote for a rule unless it lets a full group of environmental amendments to this energy policy to come to consideration of this House.

I hope that this weekend Members will think about what rule they are going to support. We need to have environmental decisions made by this House.

Mr. WALSH. Mr. Chairman, I yield the balance of our time to the distinguished gentleman from Maryland (Mr. GILCHREST) to close.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to this amendment, not because I am opposed to the concept but because I think that the gathering of science needs to be clearly understood as soon as possible in order for us to implement a level of arsenic that we know beyond a reasonable doubt that is safe for consumers.

I would like to tell the previous speaker that I believe totally that human activity is causing climate change, and we are working with the administration. We have a difference of opinion, but I as a Republican believe that climate change is real. I believe in strong protections for wetlands, strong protections for our national forests, strong protections for all of our environmental issues. But I believe in those issues based on the best available data and the best science that we can gather. It is difficult to get the best available science on the House floor by nonscientists as we continue to debate this issue.

The gentlewoman from Connecticut said it is time that we bring the studies to a conclusion and implement that information. Well, I would say that I would hope that scientific studies never come to a conclusion, that they continue to be ongoing, that when we have what we feel at the end of a particular study is the best available information then we will implement that particular process.

The EPA director, Christine Todd Whitman, is now engaged in a very quick, ongoing analysis of the data from the Clinton administration, from the National Academy of Sciences, and from the scientists that she has put on this particular issue. Christine Todd Wittman said in a very short period of time the level of arsenic that will be acceptable could be down to 5 parts per billion; not 10 parts per billion, but 5 parts per billion.

So let us let the administration move forward. I urge my colleagues to oppose the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I would like to express my strong support for the Bonior Amendment, which prohibits funds from being used to delay the national primary drinking water regulation for Arsenic, which was published on January 22, 2001. It is clear we have a problem with Arsenic in our water systems, and Congress must act expeditiously to remedy the problem. In 1999, in their report examining the levels of arsenic in drinking water, the National Academy of Sciences recommend that:

> EPA Must Immediately Propose and Finalize by January 1, 2001 a Health-Protective Standard for Arsenic in Tap Water. The National Academy of Sciences (NAS) has made it clear, and we agree, that EPA should expeditiously issue a stricter Maximum Contaminant Level standard for arsenic. Based on available scientific literature and NAS risk estimates, this standard should be set no higher than 3 ppb—the lowest level reliably quantifiable, according to EPA. Even an arsenic standard of 3 ppb could pose a fatal cancer risk several times higher than EPA has traditionally accepted in drinking water.
>
> EPA Must Revise Downward its Reference Dose for Arsenic. EPA's current reference dose likely does not protect such vulnerable populations as infants and children. Furthermore, "safe" arsenic intakes in the RfD present unacceptably high cancer risks. To protect children, EPA should reduce this reference dose from 0.3 micrograms per kilogram per day (µg-kg/day) to at most 0.1 µg-kg/day. For concordance with cancer risk numbers, EPA should reevaluate the RfD in more depth as expeditiously as feasible.
>
> EPA Should Assure that Improve Analytical Methods Are Widely Available to Lower Detection Limits for Arsenic. EPA must act to reduce the level at which arsenic can be reliably detected in drinking water, so that it can be reliably quantified by most labs at below 1 ppb, the level at which it may pose a health risk.
>
> Water Systems Should be honest With Consumers about Arsenic Levels and Risks. It is in public water systems' best long-term interest to tell their customers about arsenic levels in their tap water and the health implications of this contamination. Only when it is armed with such knowledge can the public be expected to support funding and efforts to remedy the problem.
>
> Water Systems Should Seek Government and Citizen Help to Protect Source Water. Water systems should work with government officials and citizens to prevent their source water from being contaminated with arsenic.
>
> Water Systems Should Treat to Remove Arsenic, and Government Funds Should be Increased to Help Smaller Systems Pay for Improvements. Readily available treatment technology can remove arsenic from tap water, at a cost that is reasonable ($5 to $14 per month per household) for the vast majority of people (87 percent) served by systems with arsenic problems. Very small systems serving a small fraction of the population drinking arsenic-contaminated water, however, will often be more expensive to clean up per household. Assistance to such systems should be a high priority for drinking water funds such as the SRF and USDA's Rural Utility Service programs. The SRF should be funded at least $1 billion per year to help systems with arsenic problems.
>
> EPA Should Improve its Arsenic, Geographic Information, and Drinking Water Databases. EPA should upgrade its Safe Drinking Water Information System to include and make publicly accessible all of the arsenic and unregulated contaminant data, as required by the Safe Drinking Water Act. EPA also should require water systems to provide accurate lat-long data using GPS systems, which will have widespread use in GIS systems by federal, state, and local officials, and the public, for source water protection, developing targeted and well-documented rules, and for other purposes.

The risk of cancer from arsenic contamination is too great for Congress to further delay the rule. According to the National Academy of Sciences, the lifetime risks of dying from cancer due to Arsenic in tap water is 1 in 100, when the arsenic level in tap water is at 50 parts per billion (ppb), which is the current rate. At 10ppb, the risk is 1 in 500, and at .5ppb, the risk is 1 in 10,000. One in 10,000 is the highest cancer risk the EPA usually allows in tap water for any element—why should arsenic be different?

Mr. Chairman, throughout my tenure in Congress I have supported legislation to reduce health risks and inform the public about water safety standards. in 1996, I voted for the Safe Drinking Water Reauthorization Act (PL 104–182), which directed the EPA to propose a new, cleaner, standard for arsenic in drinking water. At that time, Congress also directed the EPA, with the National Academy of Sciences (NAS), to study arsenic's health effects and the risks associated with exposure to low levels of arsenic. Three years later, in 1999, NAS concluded their report, and made the appropriate recommendations. Now, nearly two years later, we are still debating the rule. Mr. Chairman, the evidence is clear, Arsenic is in our water and poses a serious health risk—the American people can not wait any longer for action. I urge all members of Congress to support the Bonior Amendment.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in support of the amendment offered by Representatives BONIOR, WAXMAN, and BROWN. This amendment will prevent any further delay or weakening the arsenic standard for drinking water.

One of the very first acts of the new Administration was to delay EPA's new drinking water standard of 10 parts per billion for arsenic. The new proposed regulation would have replaced a nearly 60-year old standard adopted in 1942 before arsenic was even known to cause cancer. In 1999, the National Academy of Sciences found that the old arsenic standard of 50 parts per billion for drinking water did not achieve EPA's goal for public health protection and therefore, required a downward revision as promptly as possible.

As statutory deadlines for revision were missed in 1974, 1986, and 1996, we cannot afford to miss another one. The National Academy of Sciences easily estimated that the old standard could result in a total cancer rate of one in 100—a cancer risk 10,000 times higher than EPA allows for food. Questions have been raised as to causes associated with arsenic. As a known carcinogenic substance, arsenic causes bladder, lung, and skin cancer, and is toxic to the heart, blood vessels, and the central nervous system. Who in America is most vulnerable? America's children and pregnant women are more susceptible to this form of poisoning.

Mr. Chairman, we cannot afford any further delay in the implementation of EPA's arsenic standard. The EPA invested time and resources and the new standard is the result of 25 years of public comment and debate. Congress cannot miss this opportunity to improve America's water quality. We owe it to our nation's children.

I urge my colleagues to support the Amendment offered by Representatives BONIOR, WAXMAN, and BROWN.

Ms. ESHOO. Mr. Chairman, after catering to a host of special interests on the issues of tax policy and energy, it's amazing the reasons that the majority have come up with to stop legislation that is clearly in the public interest.

In this case, the majority wants to block efforts to protect citizens from arsenic in drinking water.

Anyone who's read an Agatha Christie mystery knows that arsenic is a poison.

We've spent 17 years extensively reviewing and studying the lethality of this element. We've learned that even low levels of arsenic exposure pose a public health risk.

Earlier this year, the EPA approved an arsenic standard of 10 parts per billion instead of the current standard 50 parts per billion.

The Bush administration rescinded this regulation pending further review by the National Academy of Sciences.

Do we really need more review? The standard has been on the table for decades. In fact, the U.S. Public Health Service first advanced it in 1962.

Is this debate really about sound science? Or is it really setting the public interest aside?

No matter where one lives in this country, we should be assured of safe drinking water. We cannot delay making this a reality. We must adopt the Bonior amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Michigan (Mr. BONIOR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BONIOR. Mr. Chairman, I demand a recorded vote and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. BONIOR) will be postponed.

The point of no quorum is considered withdrawn.

Mr. WALSH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2620, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

Mr. WALSH. Mr. Speaker, I believe an agreement has been worked out to the satisfaction of both parties. I ask unanimous consent that during further consideration of H.R. 2620 in the Committee of the Whole pursuant to House Resolution 210——

One, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

The amendment printed in House Report 107–164.

The amendments printed in the CONGRESSIONAL RECORD numbered 5, 6, 7, 12, 19, 20, 21, 24, 25, 30, 36, 37, 38, 39, 40, 41, 42 and 46.

Two amendments by the gentleman from Massachusetts (Mr. FRANK) and one amendment by the gentleman from Ohio (Mr. TRAFICANT) that I have placed at the desk.

One amendment en bloc by the gentlewoman from Texas (Ms. JACKSON-LEE) consisting of the amendments numbered 31, 33, 34 and 35.

Two, such amendments shall be debatable as follows:

Except as specified, each amendment shall be debatable for 10 minutes only.

The amendments numbered 6, 12, 24, 39 and 42 shall be debatable for 20 minutes each.

The amendments numbered 5 and 37 and one amendment by the gentleman from Massachusetts (Mr. FRANK) shall be debatable only for 30 minutes each.

The amendment numbered 46 shall be debatable only for 40 minutes.

Such debate shall be equally divided and controlled by the proponent and an opponent.

□ 1230

Three, each such amendment shall be offered only by the Member designated in this request, the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for a division of the question in the House or in the whole.

Four, all points of order are waived against amendment numbered 25.

Five, the amendment printed in House Report 107–164 may amend portions of the bill not yet read.

The SPEAKER pro tempore (Mr. BEREUTER). The Clerk will report the amendments.

The Clerk read as follows:

Amendment Offered by Mr. FRANK:

Page 93, after line 25, insert the following new section:

SEC. 427. The amounts otherwise provided by this Act are hereby revised by reducing the aggregate amount made available for "PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING OPERATING FUND", reducing the amount specified under such "PUBLIC HOUSING OPERATING FUND" item for the Inspector General for Operation Safe Home, reducing the aggregate amount provided for "MANAGEMENT AND ADMINISTRATION—OFFICE OF INSPECTOR GENERAL", and reducing the amount specified under such "OFFICE OF INSPECTOR GENERAL" item that is to be provided from the amount earmarked for Operation Safe Home, and none of the funds made available in this Act may be used to fix, establish, charge, or collect mortgage insurance premiums for mortgage insurance made available pursuant to the program under section 221(d)(4) of the National Housing Act (12 U.S.C. 1715l(d)(4)) in an amount greater than the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such program, by $5,000,000.

Page 93, after line 25, insert the following new section:

SEC. 427. The amounts otherwise provided by this Act are hereby revised by reducing the aggregate amount made available for "PUBLIC AND INDIAN HOUSING—PUBLIC HOUSING OPERATING FUND", reducing the amount specified under such "PUBLIC HOUSING OPERATING FUND" item for the Inspector General for Operation Safe Home, reducing the aggregate amount provided for "MANAGEMENT AND ADMINISTRATION—OFFICE OF INSPECTOR GENERAL", and reducing the amount specified under such "OFFICE OF INSPECTOR GENERAL" item that is to be provided from the amount earmarked for Operation Safe Home, and none of the funds made available in this Act may be used to fix, establish, charge, or collect mortgage insurance premiums for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) made available under any multifamily housing mortgage insurance program affected by the interim rule issued by the Department of Housing and Urban Development on July 2, 2001 (66 Federal Register 35070; Docket No. FR 4679-I-01), in an amount greater than the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such program, by $5,000,000.

Mr. WALSH (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. OBEY. Mr. Speaker, reserving the right to object, I just do so in order to allow the gentleman to make clear to the membership what this will mean for all of them for the rest of the day, and what it will mean for the further consideration of this bill.

It is my understanding that this will mean that after we take up the Menendez amendment, we will then vote on the accumulated amendments, and that there will be no further votes today; that the committee will rise, and that we will resume consideration of this bill Monday after 7, and proceed to completion of the bill Monday evening.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, that is precisely our understanding of this agreement.

Mr. OBEY. I thank the gentleman.

Mr. Speaker, I congratulate the gentleman from New York and the gentleman from West Virginia (Mr. MOLLOHAN) for the agreement.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. BEREUTER). Would the gentleman from New York specify the Traficant amendment that he intends?

Mr. WALSH. Mr. Speaker, one Traficant amendment is printed and the other is not printed yet. It is at the desk. It is his Buy American amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Ohio (Mr. Traficant).

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be made available to any person or entity convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

Mr. WALSH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from New York to dispense with the readings of the three unprinted amendments?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to House Resolution 210 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2620.

□ 1233

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 45 offered by the gentleman from Michigan (Mr. BONIOR) had been postponed and the bill was open for amendment from page 33, line 5, through page 37, line 9.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

The amendment printed in House Report 107–164.

The amendments printed in the CONGRESSIONAL RECORD and numbered 5, 6, 7, 12, 19, 20, 21, 24, 25, 30, 36, 37, 38, 39, 40, 41, 42, and 46.

Two amendments offered by the gentleman from Massachusetts (Mr. FRANK) and one amendment offered by the gentleman from Ohio (Mr. TRAFICANT) that have been placed at the desk.

One amendment en bloc offered by the gentlewoman from Texas (Ms. JACKSON-LEE) consisting of amendments numbered 31, 33, 34, and 35.

Such amendments shall be debatable as follows:

Except as specified, each amendment shall be debatable only for 10 minutes each.

The amendments numbered 6, 12, 24, 39, and 42 shall be debatable only for 20 minutes each;

The amendments numbered 5 and 37 and one amendment offered by the gentleman from Massachusetts (Mr. FRANK) shall be debatable for only 30 minutes each.

The amendment numbered 46 shall be debatable only for 40 minutes.

Such debate shall be equally divided and controlled by the proponent and an opponent.

Each such amendment may be offered only by the Member designated in the request, the Member who caused it to be printed, or a designee, shall be considered as read and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Appropriations, or a designee, each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for a division of the question.

The amendment printed in House Report 107–164, may amend portions of the bill not yet read.

AMENDMENT NO. 46 OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 46 offered by Mr. MENENDEZ:
>
> At the end of the bill, add the following new section:
>
> "SEC. . Funding made available under this Act for salaries and expenses, excluding those made available for the Department of Veterans Affairs and the Environmental Protection Agency, are reduced by $25,000,000 and funds made available for "Environmental Programs and Management" at the Environmental Protection Agency are increased by $25,000,000 for activities authorized by law: Provided, none of the funds in this Act shall be available by reason of the next to last specific dollar earmark under the heading "State and Tribal Assistance Grants."

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. MENENDEZ) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

At the outset, I want to thank the ranking member of the full committee and the gentleman from West Virginia (Mr. MOLLOHAN), the subcommittee ranking member, for all their hard work and cooperation on this amendment.

This amendment which I am sponsoring with my colleagues, the gentleman from Wisconsin (Mr. OBEY), the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Massachusetts (Mr. TIERNEY) would restore critically needed funding to the Environmental Protection Agency's Office of Compliance and Enforcement, which is responsible for enforcing America's most important and effective environmental laws.

To do so, we cut $25 million from nonpersonnel administrative costs from other parts of the bill except EPA and veterans' programs. Spread out over this bill, this will require very modest cuts in administrative expenses.

Mr. Chairman, I stand before the House today because I believe America's environment is under attack. Not too long ago, as a Presidential candidate, George Bush spoke strong words about protecting the environment, but today his promises to the American people ring hollow. In only a few short months, the Bush administration made its priorities clear to all of us, and environmental protection is apparently very low on the list.

While I am not surprised at the actions of President Bush or of EPA administrator Whitman, given her shoddy record of environmental enforcement in my home State of New Jersey, I am surprised that the committee went along with this dangerous course of action.

The bill before us today, at the direction of the administration, irresponsibly cuts $25 million from the EPA's enforcement budget, specifically targeting compliance, monitoring, civil and criminal enforcement, and Superfund enforcement.

If this bill passes in its present form, 270 positions would be eliminated from the Office of Compliance and Enforcement, which will result in 2,000 fewer inspections, an 11 percent reduction in criminal actions, and a 20 percent reduction in civil actions. These reductions would be devastating to EPA's ability to enforce clean air, clean water, and hazardous waste laws.

These are not just numbers we are talking about here. This is the water our children drink, the air they breathe, and the legacy we leave to the next generation. It is because of Federal enforcement officers that we have made so much progress in cleaning up our air and water.

Experience tells us the difference a strong EPA can make. Civil enforcement activities have resulted in real improvements in environmental quality. In fiscal year 1999, EPA's civil enforcement actions achieved over 6.8 billion pounds of pollutant reductions, but the bill before us would cut 6 percent of the staff positions from the Superfund hazardous waste cost recovery efforts, this from a program that in fiscal year 2000 recovered $231 million from responsible parties at Superfund sites.

This is pennywise and pound foolish because the cut in Superfund enforcement would reduce cost recoveries by over $50 million in fiscal year 2002, a reduction in revenue that greatly exceeds the funding necessary to fully restore the enforcement efforts.

The administration's budget also proposes to transfer $25 million to the States for environmental enforcement. While States could use additional help in ensuring compliance with environmental laws, that help should not come at the expense of EPA's successful enforcement programs.

Federal and State resources combined are not enough to fully enforce our Federal environmental laws as it is. Transferring scarce Federal resources to State programs when both compliance programs are underfunded is like robbing Peter to pay Paul. The fact is, the air and water quality in one State impacts the air and water in another State. There are no borders when the goal is a clean environment. That is why a clean environment should be a national priority.

Big polluters would like nothing more than to see a major reduction in Federal, civil, and criminal enforcement by the EPA, so cutting EPA's enforcement budget is sending the wrong message at a time when over 60 million Americans live in areas of the country that still fail to meet air quality standards.

We can do better, but this bill takes us in the wrong direction. I urge my colleagues to support this amendment because it is the right thing for the environment and it is right for America. Let us leave a legacy of clean lakes, clean rivers, fresh air. Let us leave a clean environment for our children.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized to control the time in opposition.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, there is no one in this Congress who cares more about the environment than I do. I had the good fortune as a young boy of growing up in the Finger Lakes region of New York State, and my experience showed me that the people that I saw on the streams where I fished, in the woods where I hunted, in the woods where I skied, are State officials, State employees. The States are the ones who do the enforcement work for the Environmental Protection Agency. The State folks know those streams. They know those lakes. They know the conditions and industry surrounding our watersheds. They enforce the laws.

I want to make it very clear, there are no cuts in the EPA budget. There are no cuts. The amendment that the gentleman proposes, however, is a cut. It is a cut to HUD, it is a cut to NASA, it is a cut to FEMA, it is a cut to the National Science Foundation.

If Members want to cut HUD or NASA, FEMA, the National Science Foundation, support the gentleman's amendment. But what I submit is that the people who do the enforcement day-to-day, who know the conditions, who know the watersheds, who know the lakes and rivers, we are providing them with the additional funds.

States conduct more than 95 percent of the environmental inspections and more than 90 percent of the environmental enforcement actions. It is the States that do the lion's share of the work, and it is the States that get the lion's share of this increase. This is an increase in the EPA enforcement budget.

As a fact, the fiscal year 2001 enacted budget for enforcement is $465 million. In this budget, according to the President's budget request and what we have committed to, the subcommittee has committed to, the level of funding is $475 million. How Members can arrive at a cut from that, it just defies logic.

What we do is we put the money where it is needed and where it is used. Mr. Chairman, I have the greatest respect for the Federal Government. I work in the Federal Government. I have the greatest respect for the employees who work within the Federal Government. But I want to make sure that the people who have the responsibility to protect my watershed, my drinking water, my neighbor's good health, I want to make sure those people know the system, the environmental systems. I want to make sure that they know the businesses and the business owners. I want to make sure that they know that their neighbors are the ones who are going to benefit from their vigor and activity in enforcing the laws of the land.

So let us put the money in the hands of the people who are going to do the enforcement work, and that is the State employees who have traditionally done the lion's share of this work. There is not a cut. I will just restate that, there is no cut in enforcement. This is an increase in enforcement. But if Members want to cut Federal agencies, cut HUD, cut NASA, cut FEMA, cut NSF, support the gentleman's amendment.

□ 1245

I would strongly urge that my colleagues not do that. These funds are needed by those agencies, and let us keep the enforcement in the hands of the State.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield myself 30 seconds.

Two points on the gentleman's comments. Number one, we simply cut nonpersonnel administrative expenses. Number one. And, number two, even EPA's own justification to Congress shows that there will be dramatic reductions in their staffing, in their ability for enforcement, in their civil and criminal penalties that they will be able to pursue.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I have great respect for the chairman of the subcommittee, but the reality is that if we do not provide enough money to keep these Federal enforcement officers in place and they have to be laid off, then, in effect, this is a cut and it means we cannot enforce the law. That is what we face here today.

We saw the same thing in New Jersey. The current EPA administrator used to be our governor in New Jersey. When she was governor, she cut back on the amount of money for the personnel, for the people that go out and do the inspections, for the people that conduct the criminal investigations against the polluters; and the consequence was that in New Jersey the environmental laws were not enforced. That is what is going to happen here again with this budget unless the Menendez amendment passes today.

It is a very insidious thing. People do not pay a lot of attention to enforcement. They pay attention to when the Clean Air Act or the Clean Water Act is weakened. But when an attempt is made to weaken the enforcement by not providing the personnel, the public does not notice. But it is more damaging, and I would suggest what is happening in this budget and the laying off these enforcement personnel will be more damaging to the environment than almost anything else the Republican leadership or the President has proposed since he came to office. So we must speak out against it.

I want to give an example how it also impacts the taxpayer. New Jersey has more Superfund sites than any other State. My district has more than any other district in New Jersey. When we cut back on the inspections for Superfund and we do not go after the polluters, then we do not get the money from the polluters to clean up the Superfund sites and then we have to spend the money out of the Superfund, which is taxpayers' money.

And my colleagues on the other side know that, in the case of the Superfund, we do not even have the tax in place on the chemical and oil polluting companies to pay for the Superfund. The money increasingly is coming out of the general funds, which means income taxes.

So the consequence of this is not only that we weaken the environmental laws but also that we put more of a burden on the taxpayer rather than on the polluters these inspectors go out and find and go out and enforce to clean up their act.

What is happening here is very insidious. I am sure this is only going to be the beginning. We will see the same thing next year with the President's budget. We have to put a stop to it. Pass the Menendez amendment.

Mr. WALSH. Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, could I inquire how much time remains on both sides?

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) has

12½ minutes remaining, and the gentleman from New York (Mr. WALSH) has 16½ minutes remaining.

Mr. MENENDEZ. May I inquire if the gentleman from New York has any speakers at all?

Mr. WALSH. I have not identified that yet. But as soon as I have a better figure on it, I will provide the gentleman with that.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I rise to strongly support this amendment. This amendment, very simply, restores 270 positions that are being cut by the Bush administration, positions that are needed to enforce our environmental laws.

I think the cutbacks that the administration is providing are consistent with what I regard as its generally misguided policy on environmental cleanup. I think the cutbacks they are trying to achieve in EPA enforcement are similar to the weakening of our attack on environmental problems that we see by their walking away from our obligation to try to work out an international treaty on global warming, for instance.

I think that their efforts to cut back on EPA enforcement are consistent with the White House efforts to reverse the new, more stringent standards for air-conditioning efficiency, a standard which the Clinton administration tried to implement and which would have saved us billions of dollars in energy costs if the White House had not walked away from those new standards.

If we take a look generally across the board at what the administration tried to do to shred the New Lands Legacy Agreement, which we reached in the Subcommittee on Interior last year, which over the next 6 years essentially doubles our ability to purchase key parcels of lands for future generations, all of those initiatives that the administration has taken have operated to reduce rather than strengthen our support for environmental cleanup. This is just one more instance.

It may seem like a small thing, but in my view it is not. The amendment is consistent with our efforts, for instance, to strengthen standards on arsenic in drinking water, which we just completed. So I would urge the House to support this amendment. I congratulate the gentleman for offering it, and I am happy to cosponsor it with him, and I would urge that the House adopt this amendment unanimously. I cannot think of a single constructive argument against the amendment.

Mr. WALSH. Mr. Chairman, I have no additional requests for time, and I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. TIERNEY), a cosponsor of this amendment.

Mr. TIERNEY. Mr. Chairman, I thank the gentleman from New Jersey for yielding me this time and thank all those who have worked on this amendment.

I think we should just get rid of the mirrors and the smoke on this, Mr. Chairman, and cut straight to the heart of the matter. This administration is simply attempting to undercut the authority and the effectiveness of the EPA by reducing its funding by 25 million people and putting 270 people out to pasture.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TIERNEY. I yield to the gentleman from New York.

Mr. WALSH. I would just remind the gentleman this year's budget is $10 million higher for enforcement in EPA.

Mr. TIERNEY. Reclaiming my time, I have respect for that, but the short part of the matter is that people are being put out of work at the EPA and enforcement will not proceed as it should on this.

This is nothing new. This majority and this administration have had a hostile attitude toward environmental protection for several years. In 1995, the House majority attacked an astounding 17 riders to eviscerate the EPA. And over several years running, the EPA was forbidden to spend any funds to implement or even prepare to implement the Kyoto Protocol that combatted global climate change. Frankly, without the efforts of colleagues in the Senate, without vetoes of then President Clinton, and without substantial public outcry, the EPA simply would have been crippled.

Further, it seems this administration has not learned anything from the last several months. Nearly every public indicator signals there is no issue on which the public and the administration disagree more strongly than on the environment. From clean air to water quality, the public is acutely aware that the majority and the White House are not protecting the people's interest or their needs.

Now they seek to attempt to undercut the EPA by shifting enforcement responsibility entirely to the States. We all support assisting the States in their efforts to ensure environmental law compliance, but that will not take care of problems across borders, that will not take care of the problem that this administration, in transferring that responsibility to the States, is risking an erosion of the standards that this legislative body has passed and calls upon the States to enforce.

This administration will almost certainly permit States to issue proposals that include incentives for voluntary compliance. And while some States are good stewards of environmental issues, others have a history of diluting enforcement of provisions that protect the public.

In such States, we have seen what happens to violators who simply choose not to voluntarily comply. Nothing. No penalties, no deadlines by which the standards must be enacted, nothing at all, Mr. Chairman. Voluntary compliance too often simply means "never having to say you're sorry."

Findings by the General Accounting Office also echo this sentiment. It finds serious cuts would result in 15 to 25 States receiving no funding at all. In those States the cutbacks would result in the absence of effective enforcement of protective safety measures. The EPA knows that there would be serious staff reductions that would result in this proposal; and I believe, Mr. Chairman, that is exactly what the administration is intending.

The facts are that the EPA enforcement resources are already stretched thin. The Washington Post recently outlined a case where a State seriously neglected its responsibilities and violated numerous environmental laws. The State had also shifted the burden to the residents to prove violations.

One case involved a power plant illegally emitting the hazardous gas styrene, which harms the nervous and respiratory systems. Without the efforts of the EPA, Mr. Chairman, which requires States to enforce the code, who knows how long those violations would have continued.

It is crucial that the EPA have the resources to enforce environmental laws. Enforcement of those laws is often the only thing that stands between polluters and justice. The Senate has already restored this funding in their version of the bill, Mr. Chairman, and I strongly encourage Members to do the same in this body.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

I just want to reiterate that the budget for enforcement is not cut, it is increased. And since the States do the lion's share of the enforcement, they receive the lion's share of the increase.

I think the idea is that we want to make sure that the money that is being spent on environmental protection is spent wisely, and we would like to have it in the hands of the individuals and in the hands of the States that are going to do the enforcement.

So this is obviously an increase in enforcement. I think if my colleagues support increasing enforcement, they would oppose this amendment.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. WALSH. The gentleman has more time than I do.

Mr. MENENDEZ. No, at this point, the gentleman has more time than I do.

Mr. WALSH. Then, in that case, I yield to the gentleman from New Jersey.

Mr. MENENDEZ. I thank the gentleman for yielding.

Just two points. As I understand it, $10 million of this goes to COLA, and the rest gets out of Federal enforcement. So to say Federal enforcement is in fact increased is not the reality. Federal enforcement is not increased.

Mr. WALSH. Reclaiming my time, Mr. Chairman, in fact, the EPA budget for enforcement is increased by $10 million over last year. The gentleman can define it any way he wants to, but this is an increase in funding for enforcement.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield myself 10 seconds simply to say that all the EPA COLA does is take those employees and give them an increase. It does not increase the manpower at EPA to do something about the environment. It takes the environmental cop off the beat.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the gentleman for yielding me this time, and I would like to thank the many friends who are in support of this amendment that has been offered, the Menendez-Waxman-Pallone-Tierney amendment.

This amendment simply restores EPA's enforcement budget to current levels. Without these funds, the EPA's ability to enforce the Nation's environmental laws will be greatly reduced.

Mr. Chairman, if we pass this appropriation without adopting this amendment, we will be doing a grave disservice to America's environmental health. The cut in the EPA's enforcement budget will result in a further degradation and destruction of environmental resources. As a result of this cut, there will be fewer than 2,000 inspectors, 50 fewer criminal actions and 50 fewer civil actions and the loss of millions of dollars in cost recovery.

This administration would like to rely on the States for enforcement action and, as a result, will cut some 270 enforcement positions. The EPA Inspector General said in a September, 1998, audit that six States have failed to report numerous serious violations of the Clean Air Act, as they are required to do. While performing more than 3,300 inspections, six States reported only 18 significant violations. In reviewing a small portion of those 3,300 inspections, the EPA turned up an additional 103 serious violations.

Other States have failed to report serious violations of Federal pollution laws, allowed major industrial polluters to operate without proper permits, and failed to conduct basic emissions tests of industry smokestacks, according to the studies.

□ 1300

Mr. Chairman, the EPA and the Justice Department can step up if we conclude a State is not doing an adequate job. But with limited resources only 3,537 lawyers, investigators, and staff will be involved in enforcement. I urge this amendment to be adopted.

Mr. MENENDEZ. Mr. Chairman. I ask two questions. First, what is the time on each side?

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) has 5 minutes remaining. The gentleman from New York (Mr. WALSH) has 15 minutes remaining.

Mr. WALSH. Mr. Chairman, I continue to reserve my time.

Mr. MENENDEZ. Mr. Chairman, the second question I have is who has the right to close in this debate?

The CHAIRMAN. The gentleman from New York has the right to close.

Mr. MENENDEZ. He has the right to close on my amendment?

The CHAIRMAN. That is correct.

Mr. MENENDEZ. I would ask of the gentleman then, since the time is lopsided, what does the gentleman intend to do in terms of speakers? It would be unfair to have a long list of speakers come at the very end.

Mr. WALSH. Mr. Chairman, I am not quite sure how to help the gentleman out. He has had more speakers than I have. He has expended his time less frugally than I have. I do not intend to use all my time to close.

Mr. MENENDEZ. I do not know if the gentleman should characterize it as "less frugally." We have Members who feel very passionately about this.

Mr. WALSH. I appreciate that. Many of our Members are very passionate about this also. But the fact of the matter is, I do not have any additional speakers right now so I will continue to reserve my time.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I want to commend the gentleman for this amendment and rise in support of it.

President Bush has proposed cutting EPA's enforcement budget by $25 million and giving these funds to the States. I do not oppose giving the States money for enhanced enforcement of environmental laws, however, our laws cannot be adequately enforced if EPA's budget is slashed.

This amendment restores critically needed funding for enforcement of our environmental laws. I urge all my colleagues to support this. If we have these cuts we are talking about 2,000 fewer inspections, a 20 percent reduction in civil actions, an 11 percent reduction in criminal actions. There are many environmental programs that the States are simply not in a position to enforce. For example, States cannot ensure that pollution from one State does not affect neighboring States. This is a job only the Federal Government can do. So I support the gentleman's amendment. I commend him for his leadership. I urge all my colleagues to vote for it.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for his amendment. I thank him for yielding the time because I think it is important to clarify what we are doing here. It is to suggest to the American public that we do not want them to be denied of enforcement protection that the EPA provides them in clean water protection and clean air protection.

It is interesting that my colleague would cite the cuts coming from across the board and he cited FEMA. Obviously, coming from Texas, I am particularly interested in making sure FEMA is funded fully. But we well know that OMB can make the decision as to where those cuts would come. This is simply an inclusion of $25 million to allow for 2,000 more inspections, to allow for 20 percent more civil actions to protect Americans in the issues of clean air and clean water, and to allow 11 percent more in criminal prosecutions when individuals ignore the environmental protection laws to enhance the quality of life for Americans.

So I think this is a simple process and a simple proposition and a good proposition. Let us do the right thing and provide the Environmental Protection Agency with the kind of enforcement they need to enhance the quality of life for all Americans.

Mr. WALSH. Mr. Chairman, I intend to use 2 minutes of our remaining time to close. As soon as the gentleman completes, I will yield back the balance of my time.

Mr. MENENDEZ. Mr. Chairman, could I ask how much time I have?

The CHAIRMAN. The gentleman from New Jersey has 3 minutes remaining.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are not taking money from the States, just a particular earmark. Nothing can stop the EPA administrator from using those monies for State programs if that is where they are most needed.

What we are doing is what I hear my colleague from the other side suggest that they want, which is more flexibility. We have greater flexibility here. But it is foolish to suggest that, in fact, we are not robbing Peter to pay Paul. And, secondly, it is also from the EPA's own estimate submitted to the Congress, not my words, the Republican-appointed administrator submits to the Congress this information, that, in fact, this is 270 or so full-time employees less than compared to the actual number of inspections done in fiscal year 2000 to the one under this request, we would have 5,000 less inspections, that we would have about 70 some-odd less criminal investigations, that we would have a serious number of decline in civil investigations, over 400 from fiscal year 2000.

That is not in any sense justified by saying that there is an increase. There cannot be an increase when we dramatically drop the number of people in the department, when we dramatically drop the number of civil and criminal actions, when we dramatically drop the number of inspections by EPA's own words. So this simply cannot be categorized anywhere, in fact, as an increase. Again, we are taking our monies for this purpose from nonpersonnel administrative functions and not out of veterans and not out of EPA.

Lastly, EPA remains the only enforcement authority for many Federal laws. Under the existing program as it is, 15 to 25 States would not get anything under the provisions that the chairman continues to seek to have.

So, Mr. Chairman, the question is simple. Do we want to leave a legacy of clean air and water for our children and grandchildren or do we want to take the environmental cop off the street?

A vote in favor of the amendment is a vote to keep the environmental cop on the street. It is a vote to ensure that the number one agency for all Americans in terms of their quality of their air, their water, their rivers, their streams, their lakes being protected is the EPA.

If we do not pass this amendment, we will have degraded the ability to enforce. This is a real cut to the EPA. That is why we need to restore the enforcement capacity the EPA must have for all Americans in all States across the Nation.

I urge my colleagues on both sides of the aisle to support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would end this debate by suggesting that there is no cut in enforcement. In fact, there is an increase in enforcement. This amendment is a fiction.

The funding level for last year was $465 million. This year it is $475 million. The fact of the matter is that the lion's share of the increase will go to the States where the lion's share of the work is done. Mr. Chairman, 95 percent of the environmental inspections are done at the State level; 90 percent of the enforcement actions are taken at the State level.

We need to empower the States to do the work. We need to get the money into the hands of the individuals who know our watersheds, our industries, and the sensitive areas of the country that need to be protected.

If my colleagues want to cut Federal agencies, HUD, NASA, FEMA, National Science Foundation, this is the amendment to do it. I do not advise that. Those agencies need these funds. This budget for this bill has been developed on a bipartisan basis. We have tried to provide assets where they are needed. We do not need to cut NASA any more. We certainly do not need to cut FEMA any more. We are trying to increase the National Science Foundation budget.

We have a terrific administrator for the Environmental Protection Agency. She is a tiger for the defense of our national environment. She has shown that through her experience as Governor. I think she will do a marvelous job. She believes that the lion's share of the enforcement belongs at the State level. At the end of the day when this bill is passed, the Environmental Protection Agency will have virtually the same number of people working in enforcement in 2002 as they have in 2001.

So, Mr. Chairman, I strongly urge that we reject this amendment and retain this level of funding, this increase in funding over last year.

Mr. OBERSTAR. Mr. Chairman, I rise in strong support of the Menendez-Waxman-Pallone-Tierney amendment to restore funding for EPA's efforts to protect human health and the environment. Without the amendment, this bill will significantly reduce the protection our Nation's environmental laws provide to the daily lives of our constituents.

Increasing resources for the states to enforce environmental laws is fine, but it must not come at the expense of Federal efforts. The Nation's advancements in environmental protection are as a direct result of Federal laws put in place where states simply could not or would not do the job.

The reason we have Federal environmental laws is because there is a need for Federal action. Taking money away from EPA to give it to the States does not result in a benefit to the environment, but only a benefit to the polluter. States and EPA work best when they work in partnership, not in competition. The Menendez-Waxman-Pallone-Tierney amendment restores this partnership.

Proponents of taking money from EPA and giving it to the States argue that the States are better equipped to handle local issues. Pollution is not a uniquely local blight. Pollution discharged from one State into a river affects the residents of other cities within a State or of other States. While many States are the primary enforcer of some portions of environmental laws, the State and Federal programs are not duplicative.

For example, States are not the enforcement authority for many environmental laws such as Clean Air Act mobile source standards affecting cars and trucks; right-to-know and emergency planning; the Toxic Substances and Control Act; the wetlands program under the Clean Water Act in 48 States; and the Oil Pollution Act. Even where States have primary implementing responsibilities, in areas such as the Great Lakes, the States have relied on EPA to ensure uniform and effective progress toward water quality improvement.

Shifting resources from the Federal Government to the States is not as simple as which entity will spend the money. Besides the diminution in enforcement of Federal laws where States are not coenforcement authorities, the Bush budget indicated that the funds would not be provided to all the States. EPA expects that 15 to 25 States will receive no funding under this new program. Therefore, in those States, EPA enforcement capabilities will be reduced with no additional resources available for the States to make up the shortcoming.

There will be no inspections, no enforcement, and public health will suffer, the environment will suffer. While States do conduct the largest amount of inspections and institute the greater number of enforcement actions, the Federal programs are the ones that take on the difficult cases where States are unwilling or unable to act.

The Federal Government has the unique role of addressing multistate issues where large corporations operate in several States; dealing with pollution that crosses State boundaries, like acid rain or downstream pollution of rivers or lakes; interstate hazardous waste; and global warming.

EPA enforcement is of direct benefit to the taxpayer and the environment. Every $1 spent on Superfund enforcement results on average in about $1.60 in direct cost recovery of government cleanup costs, and it creates another $6 in private party spending for cleanup of the Nation's most dangerous hazardous waste sites. A $5 million cut in Superfund enforcement activity could cost the Federal Government $8 million in recovery of money already spent, and preclude $30 million in additional cleanup.

Every $1 spent on enforcement of Federal clean air, clean water, and hazardous waste laws results in an average of $10 to $20 spent directly on pollution control equipment and other improvements. Without these non-Federal investments, continued progress in cleaning up the air, water and land cannot be achieved.

Providing additional resources to States to enforce their environmental laws can benefit human health and the environment. However, where these additional resources are provided at the expense of the Federal programs, environmental protection will suffer and human health will be compromised.

Support the Menendez-Waxman-Pallone-Tierney amendment to protect human health and the environment.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 43 offered by the gentleman from Massachusetts (Mr. FRANK); the amendment No. 44 offered by the gentlewoman from Ohio (Ms. KAPTUR); the amendment No. 45, offered by the gentleman from Michigan (Mr. BONIOR); and the amendment No. 46 offered by the gentleman from New Jersey (Mr. MENENDEZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 43 OFFERED BY MR. FRANK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 43 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 247, not voting 23, as follows:

[Roll No. 286]

AYES—163

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Smith (WA)
Solis
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—247

Aderholt
Akin
Andrews
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCrery
McHugh
McKeon
Mica
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Stupak
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wynn
Young (FL)

NOT VOTING—23

Blumenauer
Callahan
Cubin
Dunn
Frost
Hansen
Keller
Largent
Linder
Lipinski
McInnis
Miller (FL)
Quinn
Ros-Lehtinen
Scarborough
Slaughter
Smith (TX)
Spence
Sununu
Taylor (NC)
Watt (NC)
Wolf
Young (AK)

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Mr. BERRY and Mrs. CLAYTON changed their vote from "aye" to "no."

Messrs. RANGEL, UDALL of Colorado, and BOYD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendments on which the Chair has postponed further proceedings.

AMENDMENT NO. 44 BY MS. KAPTUR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 213, not voting 23, as follows:

[Roll No. 287]

AYES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett
Becerra
Bentsen
Berkley
Berman
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Engel
Eshoo
Etheridge
Evans
Farr

Fattah
Filner
Foley
Ford
Fossella
Frank
Gephardt
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Hutchinson
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Shows
Smith (NJ)
Smith (WA)
Solis
Souder
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu

NOES—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Bartlett
Barton
Bass
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Forbes
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy (MN)
Kerns
King (NY)
Kirk
Knollenberg
Kolbe
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lofgren
Lucas (OK)
Manzullo
McCrery
McHugh
McKeon
Mica
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Snyder
Spratt
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wynn
Young (FL)

NOT VOTING—23

Blumenauer
Callahan
Cubin
Dunn
Frost
Hansen
Keller
Largent
Linder
Lipinski
McInnis
Miller (FL)
Quinn
Ros-Lehtinen
Slaughter
Smith (TX)
Spence
Sununu
Taylor (NC)
Tierney
Watt (NC)
Wolf
Young (AK)

☐ 1341

Ms. JO ANN DAVIS of Virginia changed her vote from "aye" to "no."

Messrs. WHITFIELD, SHOWS, and FOSSELLA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 45 OFFERED BY MR. BONIOR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. BONIOR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 189, not voting 26, as follows:

[Roll No. 288]

AYES—218

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank
Frelinghuysen
Ganske
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hart
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—189

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Everett
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette

Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Manzullo
McHugh
McKeon
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Souder
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tauzin
Terry
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—26

Blumenauer
Callahan
Collins
Cubin
Dunn
Frost
Hansen
Hinojosa
Keller
Largent
Linder
Lipinski
McCrery
McInnis
Miller (FL)
Quinn
Ros-Lehtinen
Slaughter
Smith (TX)
Spence
Sununu
Taylor (NC)
Thomas
Watt (NC)
Wolf
Young (AK)

☐ 1350

Mr. ENGLISH and Ms. HART changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. THOMAS. Mr. Speaker, I was unavoidably detained during rollcall No. 288. Had I been present I would have voted "no."

AMENDMENT NO. 46 OFFERED BY MR. MENENDEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 46 offered by the gentleman from New Jersey (Mr. MENENDEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 214, not voting 37, as follows:

[Roll No. 289]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Barton
Becerra
Berkley
Berry
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—214

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bentsen
Bereuter
Biggert
Bilirakis
Blunt
Bonilla
Bono
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Calvert
Cannon
Cantor
Capito
Capuano
Carson (OK)
Castle
Chabot
Chambliss
Coble
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McHugh
McKeon
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Saxton
Scarborough
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Souder
Stearns
Stenholm
Stump
Sweeney
Tancredo
Tanner
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (FL)

NOT VOTING—37

Berman
Blumenauer
Boehner
Boswell
Callahan
Camp
Collins
Cubin
DeFazio
Diaz-Balart
Dunn
Frost
Hansen
Hilleary
Hinojosa
Keller
Kilpatrick
Largent
Larson (CT)
Linder
Lipinski
McCrery
McInnis
Miller (FL)
Pomeroy
Quinn
Ros-Lehtinen
Roukema
Slaughter
Smith (MI)
Smith (TX)
Spence
Sununu
Taylor (NC)
Watt (NC)
Wolf
Young (AK)

☐ 1358

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Chairman, on Friday, July 27, 2001, I was unable to be present for rollcall votes 286 through 289.

Had I been present, I would have voted "no" on rollcall No. 286, "no" on rollcall No. 287, "no" on rollcall No. 288, and "no" on rollcall No. 289.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chairman, I was unable to be present for rollcall votes Nos. 286, 287, 288, and 289, amendments to H.R. 2620, a bill making appropriations for the VA, HUD, and Independent Agencies for Fiscal Year 2002. Had I been present, I would have voted "yes" on rollcall votes Nos. 286, 287, 288 and 289.

Mrs. CLAYTON. Mr. Chairman, today, I rise in strong opposition to the elimination of the Office of Rural Housing and Economic Development (ORHED) of HUD. I recognize that there were many priorities in this appropriations bill, and not all of them could be addressed. However, Mr. Chairman, to eliminate essential programs such as Drug Prevention in public housing, and the Rural Housing and Economic Development program of HUD is a direct affront on my constituencies in North Carolina and on Rural America as a whole. I wish to discuss Rural Housing needs in this statement.

I applaud my colleague, MARCY KAPTUR, a champion of rural America, for her efforts by amendment to reinstate $25 million ($25,000,000) to maintain this program, but unfortunately, to no avail. I would like to also recognize my colleague Mr. HASTINGS, of Florida, who spoke passionately to restore this funding in the Rules committee, although, he represents an urban district, Mr. Chairman.

I can not stress enough the importance of the housing problems facing rural communities. In the richest country on earth, we still have close to 1 million occupied homes without adequate indoor plumbing; and 30 percent of all rural homes have coliform bacteria contamination in their water supplies. This is a disgrace, especially when it is apparent that this HUD program can help.

Consider these facts, Colleagues:

Over 2.1 million rural households are so severely cost-burdened that they pay more than half of their incomes for their dwellings. In addition, despite housing quality improvements in recent decades, many still continue to live in substandard housing, encompassing an astonishing 8.2 percent, or 1.8 million rural households.

There are approximately 36 million homes in rural America. Nearly half of them are actually located near larger cities within metropolitan areas.

Over 9 million rural households experience major housing problems, including cost burdens, moderate or serious physical problems, and overcrowding, with more than one person occupying a room. Many rural households have more than one of these problems, generally both high costs and substandard quality.

The most significant disgrace, Mr. Chairman, is the fact that more than a quarter of the rural households living in poor housing are required to pay more than 30 percent of their incomes for their substandard units.

Consider also that there are 200 counties in America that have poverty rates of 30 percent or higher. Almost all are rural counties. Only one is a big city county, and only 8 have populations of 60,000 or more.

Six of ten poor people in this country live outside the central cities, that is not to say that there are not great needs in our cities, but there is also a rural need. Those figures in a nutshell show why this program is so important.

There is also a tremendous housing need among certain populations such as migrant and seasonal farmworkers.

Mr. Chairman, we should remember that rural concerns and issues are nationwide. In fact, the largest rural states in terms of population are in this particular order: Pennsylvania, Texas, North Carolina, Ohio, New York and Michigan.

Mr. Chairman, there is no duplication of the ORHED programs; services provided by ORHED have unique qualities. Eventhough USDA Rural Housing Service (RHS) programs have been known to cater to rural residents RHS has suffered substantial funding cuts in recent years, and none of the RHS programs duplicate ORHED.

The HUD (ORHED) program is very useful to local groups because of its flexibility. Many groups of varying levels of experience and capacity have successfully applied to this popular program. This program provides flexible, innovative housing production and capacity building funds and constitutes a very small portion of the HUD budget. The program allows local communities to define their own needs and projects. The very high demand for this program attests to its need.

Mr. CASTLE. Mr. Chairman, I rise to speak in favor of a little known, but important program in the federal government—the U.S. Chemical Safety and Hazard Inspection Board (CSB). Many Americans are familiar with the work of the National Transportation Safety Board, which investigates airplane accidents. The CSB performs a similar role by investigating chemical accidents.

The CSB suddenly became important to Delaware nine days ago when a major chemical fire ignited at the Motiva Enterprises refinery in Delaware City, Delaware on July 17, 2001. This accident left eight people injured and one man missing. What makes this accident most troubling is that the sulfuric acid storage tank that caught fire had been declared unsafe by company inspectors a month earlier. The inspectors further recommended that it be taken out of service. In fact, the same tank had a previous record of vapor and liquid emission leaks.

I strongly believe that the time has come for a thorough investigation of the operations and practices at the Motiva Enterprises refinery at Delaware City. CSB's specialty in investigating such accidents and making recommendations for safety improvements are sorely needed in Delaware.

Currently, the CSB is conducting a preliminary investigation to determine if a more extensive investigation is warranted. My suspicion is that a full investigation will be required and I will be meeting with the CSB shortly to discuss this issue further.

Mr. Chairman, I want to express my strong support for the additional funding provided in this bill for the CSB. The bill increases funding for the CSB by $500,000 to $8 million. Because the accident at Motiva is just another in a long series of accidents at that plant, I want to make sure CSB has the resources to conduct a thorough investigation and make solid recommendations on how changes can be made at Motiva to keep Delawareans safe in the future. Last year, the CSB completed three investigations. So far this year, it has already initiated investigations of two incidents in Georgia and Indiana. Should the need for additional funding arise, I hope I can count on support from the VA–HUD Appropriations Committee to provide the necessary resources for the CSB.

Mr. LATOURETTE. Mr. Chairman, we are fortunate in Ohio to have one of the most outstanding federal installations that exists in the United States—NASA Glenn Research Center.

I wish to thank Chairman WALSH and Representative HOBSON for their hard work of the VA, HUD, Appropriations Committee, and for recognizing the importance of the work done at NASA Glenn.

This VA–HUD appropriations legislation goes a far way in restoring many of the dollars that have been cut over the years to NASA Glenn Research Center, and the Subcommittee should be applauded for its recognition of the importance of this Center.

Yet, there is still work to be done. There are advances in biotechnology to improve our health care; Quiet Aircraft Technology to improve our quality of life, and other important energy saving research—all conducted right at NASA Glenn Research Center.

This Center has an annual economic impact of more than $1 billion to the State of Ohio and provides in excess of 12,000 jobs.

And these are high tech jobs. Scientists and engineers in areas such as aerospace engineering, electrical engineering, chemistry, and physics account for more than half of the jobs at the Center . . . 25 percent of these employees have Ph.Ds.

NASA Glenn grants more than $10 million a year to Ohio's universities and pumps more than $243 million into Ohio industry through contracts.

Because NASA Glenn is the only NASA installation north of the Mason Dixon Line, its impact is felt far and wide across our Nation.

The accomplishments of NASA over the years are nothing short of amazing and many times we overlook the impact the NASA Glenn Center has on our everyday lives. NASA Glenn has been a leader among other NASA centers by winning more R&D 100 Awards than all other NASA Centers combined.

Historically, NASA Glenn's value to the Agency has been its strength in aeronautics and space. In response to the Agency's changing priorities NASA Glenn has endeavored to redirect its core competencies toward biotechnology (fluids and sensors), nanotechnology (advanced materials), and information technology (communications). NASA Glenn remains a leader in the areas of propulsion, power and communications.

Several of the testing facilities at NASA Glenn are unequaled, from the largest icing tunnel in the world, to the zero gravity research facility where most space shuttle and International Space Station experiments are tested before being launched.

The Agency encourages its centers to share knowledge and research with area academic institutions and research facilities. Northeast Ohio has an unbelievable wealth of knowledge when it comes to biotechnology. We have world-class health care facilities like the Cleveland Clinic and University hospitals. We also have some of the finest educational institutions like Case Western Reserve University.

Mr. Chairman, I hope that this Congress continues to realize the impact of NASA Glenn, and I urge the President and my colleagues to support NASA and the work at NASA Glenn to continue the fundamental research so vital to our future.

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Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENTS ON H.R. 4, SECURING AMERICA'S FUTURE ENERGY ACT OF 2001

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise today to notify Members that this morning the Committee on Rules sent out a Dear Colleague letter announcing that it intends to meet next week to grant a rule which may limit the amendment process on H.R. 4, the Securing America's Future Energy Act of 2001. The consolidated bill was introduced this morning and the text is available on the Committee on Rules Web site at www.house.gov/rules.

Any Member wishing to offer an amendment must submit 55 copies of the amendment and one copy of a very brief explanation, very brief explanation, of the amendment to the Committee on Rules in room H-312 of the Capitol no later than 6 p.m. on Monday. Let me say that again, Mr. Speaker, that is no later than 6 p.m. this coming Monday.

Members should draft their amendments to the bill that was introduced this morning. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 770

Mr. BISHOP. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 770, the Morris K. Udall Arctic Wilderness Act of 2001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1745

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 1745. My name is mistakenly added as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, I rise to inquire from the distinguished majority leader the schedule for the remainder of the week and next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to announce that the House has now completed its legislative business for the week. On behalf of all of us in the House, I would like to thank the Committee on Appropriations for its hard work on the VA-HUD appropriations bill that has been under consideration yesterday and today.

I would like to thank them in particular for the unanimous consent agreement reached earlier today. We will now be able to complete the consideration of that bill on Monday, once again due to their willingness to work on that night for that purpose and in that manner, Mr. Speaker, so it will become no longer necessary for us to worry about our weekend.

Mr. Speaker, the House will next meet for legislative business on Monday, July 30, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices later today.

On Monday, no recorded votes are expected before 6 o'clock p.m. Following suspension votes, the House will complete consideration of H.R. 2620, the VA-HUD Appropriations Act.

On Tuesday and the balance of the week, the House will consider the following measures:

The Legislative Branch Appropriations Act;

H.R. 2505, the Human Cloning Prohibition Act;

The Jordan Free Trade Agreement; and

H.R. 4, the Secure America's Future Energy Act of 2001.

Members should also be prepared to consider HMO reform legislation and trade promotion authority next week as they become available. Obviously, Members should expect another busy and productive week in the House with the possibility of several late nights.

Mr. Speaker, as is the tradition of this House, we must advise Members that we can give no firm guarantee for 2 o'clock getaway on Friday, the day we break for such a long work period. But I must say, Mr. Speaker, given the cooperative nature of this body, I have every confidence if we are willing to work late evenings, we will be able to get away for our district work period at the designated time next week.

Mr. BONIOR. Mr. Speaker, I thank my colleague for informing us of the schedule for next week.

If I might inquire of him a couple of questions. Is it his anticipation to finish up this bill we have just completed today, or at least finished working on today, on Monday evening?

Mr. ARMEY. If the gentleman will continue to yield, yes. In accordance with our unanimous consent request propounded earlier by the bill managers, we believe we can finish it Monday night after we take the suspension votes.

Mr. BONIOR. Mr. Speaker, we expect a late night on Monday, then. Would the gentleman care to venture how late we might be going Monday, and then the other evenings during the week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, my impression is that there is little work remaining on the bill, so we should not be extraordinarily late on Monday.

Mr. BONIOR. Mr. Speaker, the HMO bill, the Patients' Bill of Rights, do we have a time when that might be coming to the floor next week?

Mr. ARMEY. If the gentleman will continue to yield, Mr. Speaker, I thank the gentleman for his interest.

We are continuing to work with several Members on that bill. At this point, I can only say that we would expect it sometime from Wednesday through Friday.

Mr. BONIOR. The energy bill, can the gentleman give us a day when that may, in fact, reach the floor?

Mr. ARMEY. Again, we would expect that probably on Wednesday, but in that time frame, from Wednesday to Friday.

Mr. BONIOR. On the energy bill, can the distinguished majority leader give us an idea what kind of rule we are going to have on that? Are we going to have an open rule? Is it going to be closed? What are the feelings at this point with respect to the ability to bring that bill to the floor?

Mr. ARMEY. I am informed that the Committee on Rules is meeting next week. They have just announced a filing deadline for Monday. I understand that there are a great many Members with some very, what should I say, controversial amendments over which they are concerned; but I can only say that every conversation I have had leads me to believe that the Members should expect the Committee on Rules to be very understanding and generous with the rule.

Mr. BONIOR. And the fast track legislation? The gentleman is suggesting we will definitely see that, we might see that, or is it 50/50 we could see that? Where are we with fast track?

Mr. ARMEY. I thank the gentleman for his inquiry. If the gentleman will continue to yield, I am confident we will see it before we retire from work for our recess on Friday. I am just sorry I cannot give a more specific time.

Mr. BONIOR. I thank my colleague. I wish him a good weekend.

Mr. ARMEY. I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 30, 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M. ON SATURDAY, JULY 28, 2001 TO FILE REPORT ON H.R. 2505, HUMAN CLONING PROHIBITION ACT OF 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m. on Saturday, July 28, to file a report on H.R. 2505.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

URGING SUPPORT FOR THE INTERNATIONAL SPACE STATION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Tuesday at 1:39 p.m. the Space Shuttle Atlantis and its crew returned to Earth, successfully delivering and installing a new portal for spacewalkers, the International Space Station. On Monday of next week, we just learned, Mr. Speaker, that the debate over the future of NASA will land in this Chamber.

I rise today to urge my colleagues to remember that despite the fact that some of our forebears came to this continent in chains, all Americans are descended of pioneers who journeyed to or prevailed in this wilderness nation.

More than any other people on the Earth, we are a nation of explorers, and the debate next week will provide an important opportunity to restate this by providing resources for the International Space Station, for return vehicles and urgent repairs for the vehicle assembly building at Kennedy Space Station.

Let us not abandon this character of exploration that is one of the most compelling aspects of the American character.

DEBATING AMERICA'S ENERGY POLICY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, next week we will take up the energy policy bill, which really is going to be one of the most important bills, both from an energy and from an environmental perspective, in the next 10 years. It is our hope that during the next few days, the majority leadership will fashion a rule which will, in fact, allow environmental considerations in this bill.

We definitely need to improve this bill. We need to improve it by increasing the energy efficiency of our automobiles. This bill does not do it. We need to have additional tax incentives for renewable energy and clean conservation technologies. This bill does not do it. We need pipeline safety to make sure pipelines do not explode. This bill does not do it. We need better efficiency standards. Lastly, we ought to make sure we do not drill in the Arctic Refuge.

Mr. Speaker, I hope the Speaker will personally use his energy in the majority caucus to make sure we have a fair and honest debate on these very important environmental measures. Next week the House needs to speak on these. Let us give people in America trust in the environment as well as energy next week.

URGING THE HOUSE TO CONTINUE FULL SUPPORT FOR THE INTERNATIONAL SPACE STATION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I wanted to associate my words with those of the gentleman from Indiana (Mr. PENCE) who made the comments about the NASA budget, and to urge our colleagues to continue to support the tremendous work that has been done by the Committee on Appropriations to make sure that we have adequate funding to keep the International Space Station on the path that we have set it on, to make sure that we have a full crew of seven researchers and astronauts there, and that we accomplish the goals that we set for that, with a safe crew return vehicle and continued operation of the space shuttle in a safe and effective manner.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO MR. JOHN ROUSE, EDITOR OF THE BOWIE BLADE NEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to Mr. John Rouse. He is celebrating his 30th anniversary as the editor of the Bowie Blade News, a hometown newspaper located in Bowie, Maryland, in the heart of my district.

The first amendment states, and I quote, "Congress shall make no law abridging the freedom of speech or of the press." This first tenet of freedom in the Bill of Rights is vigorously exercised by the thousands of hometown newspapers that act as watchdogs for the American public against intrusion on its rights and property by the government and by others.

Newspapers across the country oversee elected officials' conduct and performance, reporting the facts and offering praise or criticism on their editorial pages. It is the prism by which many Americans gain their insight on just what is happening in the world, in America, and even right next door.

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We lament the fact that sometimes they are wrong, as human beings are wont to do, but most times they are right. In any event, they are absolutely essential to the continuation, to the growth and the vitality of democracy.

John Rouse, Mr. Speaker, has made an extraordinary contribution to his community by fulfilling this watchdog role in Bowie, Maryland, for 30 years. After serving in Vietnam as an Air Force officer, John joined the Bowie News as editor and became the editor and general manager of the new Bowie Blade News in 1978 when the two papers merged.

John reports issues fully and fairly and often shows his keen sense of humor. He is an adept writer, a skilled editor, and very much in tune to the needs, the hopes, and the vision of the people of Bowie. John's skills earned the Bowie Blade the 1999 Best in Show award by the Maryland, Delaware and D.C. Press Association, and his walls are covered by numerous other awards he and the paper have won over the years. The paper itself has received dozens of accolades under his stewardship.

Bowie, Mr. Speaker, is a vibrant community that has grown rapidly and changed greatly over the past 30 years. The city is in many ways a microcosm of the changes that have buffeted this country over the past few decades, from increased suburbanization to greater diversity. It certainly is no easy task to keep one's hand on the pulse of such a community, but that is exactly what John Rouse has been able to do for 30-plus years. He has kept himself constantly connected with the issues that are important to the city of Bowie and to its people.

John has snapped and growled at me more than once. I know that my colleagues can empathize with that in dealing with some of their local editors. But he has been an editor that I have been always in respect of. I always appreciate that his goal is to advocate for the best interest of his city, of his county, his State, and his country. He and I have grown to be friends and to hold each other in mutual respect and esteem.

Our democracy, Mr. Speaker, cannot continue to thrive without the likes of John Rouse, without whom the electorate would have a much harder time discerning fact from fiction when it comes to their local politicians, their community leaders, and the policies that are proposed.

So today, Mr. Speaker, I would like to say thank you, thank you to John Rouse, an editor of a small paper. Unlike Katherine Graham, not known worldwide, but equally important in the strength of our democracy, equally important to the informed citizenry of his community. I want to wish him the best of luck as he continues as the editor of this great little paper.

MESSAGE FROM THE SENATE

A message from Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 61. Concurrent Resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31.

27TH ANNIVERSARY OF TURKISH OCCUPATION OF NORTHERN CYPRUS

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, I rise today to commemorate an anniversary of human suffering, loss of life, and the usurpation of the basic rights of people and nations to live within secure borders. The anniversary I am referring to is that of the Turkish invasion and occupation of northern Cyprus 27 years ago. Some 6,000 Turkish troops and 40 tanks invaded the resource-rich north coast of Cyprus. In less than a month's time, more than one-third of the island was under Turkish control, displacing 200,000 Greek Cypriots from their homes.

Today, 35,000 Turkish soldiers, armed with the latest weapons and supported by land and sea, are stationed in the occupied area, making it, according to the United Nations Secretary General, one of the most militarized regions in the world. At an estimated cost of $300 million annually, Turkey continues to defy the international community and the U.N. resolutions with its policies towards Cyprus.

To date, more than 1,600 Greek Cypriots and four Americans remain unaccounted for, serving as a silent reminder of the unlawful invasion.

Eighty-five thousand Turks have been brought over from Turkey to colonize the occupied area with the aim of changing the demography of the island and controlling the political situation. The Greek Cypriot community that remains enclaved within the occupied villages continues to live under conditions of oppression, harassment, and deprivation.

Throughout the occupation, the U.N. has been trying to encourage a solution to the Cyprus problem. U.N. Secretary Kofi Annan has sponsored proximity talks between the President of Cyprus, Glafcos Clerides, and Rauf Denktash, the self-proclaimed leader of the occupied area. Unfortunately, those talks have been suspended due to Rauf Denktash's abrupt departure from the negotiating table.

Turkey's military and financial backing provides a leverage for the Turkish Cypriot leadership in its unwillingness to make any compromises. In 2000, Turkey provided $195.5 million to the self-proclaimed Turkish Republic of Northern Cyprus to relieve budget deficits and a 3-year aid package to boost the economy.

A sixth round of U.N.-mediated proximity talks did not convene in January, 2001, because Denktash refused to participate. The U.N. has said that Denktash has requested new talks not be scheduled. On May 29, 2001, the Turkish National Security Council, which expresses the views of the powerful Turkish military, declared an agreement depends on "the acknowledgment of the sovereign equality of two states on the island."

Mr. Speaker, the United States has a national interest in fostering peace and stability in the eastern Mediterranean region. We as a Nation cannot continue to pretend our NATO partner is not in clear violation of international law for its continued illegal occupation of its neighbor.

Last year, the Turkish government announced it had awarded a $4 billion contract for attack helicopters to an American company, Bell-Textron. However, before the sale can take place, the Department of State must issue an export license, and its decision must take into account both foreign policy and human rights considerations.

Sending attack helicopters to Turkey runs directly counter to American interests and values in the region and does not in any way foster peace and stability in the eastern Mediterranean.

Turkey has had a long record of using U.S.-supplied military equipment in direct violation of U.S. law. In 1974, Turkey employed U.S.-supplied aircraft and tanks in its invasion of northern Cyprus. Turkish forces continue to occupy today with the use of U.S.-supplied military equipment.

For the past 16 years, Turkey has been illegally using American weaponry, especially attack helicopters, in a campaign against its Kurdish population and has threatened to use them against Greece and Cyprus as well.

Amnesty International, Human Rights Watch, and even our own State Department have reported that Turkey has illegally used American attack helicopters in these attacks on the Kurds.

In a judgment delivered at Strasbourg on May 10, 2001, in the case of Cyprus versus Turkey, the European Court of Human Rights of the Council of Europe found Turkey to be in violation of 14 articles of the European Convention on Human Rights.

The 16–1 decision relating to the situation that exists in the occupied northern part of Cyprus since the 1974 Turkish invasion, found Turkey to be in violation of (Article 2) right to life; (Article 3) prohibition of inhuman or degrading treatment; (Article 5) right to liberty and security; (Article 6) right to a fair trial; (Article 8) right to respect for private and family life, home and correspondence; (Article 9) freedom of thought; (Article 10) freedom of expression; (Article 13) right to an effective remedy; (Article 1 of Protocol No. 1) protection of property; and (Article 2 of Protocol No. 1) right to education.

We in the United States pride ourselves for our respect for fundamental freedoms. Human rights norms are the cornerstone of U.S. foreign policy. It is time, Mr. Speaker, for the U.S. to use its considerable influence with Turkey to press Ankara to end its 27-year occupation of Cyprus.

Why are we so accommodating toward a country whose military regularly intervenes in domestic politics; a country that refuses to come to terms with its history of genocide against the Armenians; a country that is in violation of international law in the Aegean Sea; a country that imprisons an American citizen for allegedly conducting illegal prayer in a private home and insulting the secular regime; a country that has imprisoned four democratically elected Kurdish parliamentarians and a host of Turkish human rights activists and journalists; and a country that refuses to fully respect the rights and religious practices of its Christian communities?

It is time to speak out against these violations. It is time for the United States to take the lead.

EXONERATION OF CAPTAIN CHARLES B. McVAY III

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I am pleased to call to the attention of the House of Representatives a decision by the Department of the Navy that exonerates the late Charles Butler McVay III, captain of the heavy cruiser, the USS *Indianapolis* who was court-martialed and convicted 56 years ago after his ship sank in the closing days of World War II.

The survivors of that tragedy, Mr. Speaker, have relentlessly sought to have Captain McVay vindicated; and those who remain are relieved by the Navy's long-delayed yet justifiable decision.

On May 14, 1999, I ushered an 11-year-old student from Florida to drop H.J. Res. 48 into the system for consideration by the House. Hunter Scott went to a movie in Pensacola, Florida, and saw Jaws, in which there was a brief soliloquy about the sinking of the USS *Indianapolis*. Hunter's interest in the ship's disaster was the beginning of a school history project, trips to Washington, D.C., media attention, and an upcoming movie.

Language to exonerate Captain McVay was inserted in the Defense Authorization Act of 2001. The legislation expresses the sense of Congress that Captain McVay should be exonerated because some facts important to the case were never considered by the 1945 court-martial board. Classified data were not even made available to the board.

Survivors of the greatest sea disaster in our Navy's history at that time sought to have their captain's name cleared for periods that spanned several years, oftentimes efforts that drew controversy. The magnitude of the crusade was elevated by this young man's trip to the movies, his campaign to derive justice for the captain and the crew. Indeed, one person can make a difference.

Captain McVay's record has been modified to reflect his exoneration, a profound tribute to the crew, myself and young Hunter Scott especially.

Of the 317 survivors of the USS *Indianapolis* disaster, only 120 remain alive today. One of our strongest supporters has been Michael Monroney. Mike, the son of the late Senator A.S. Mike Monroney of Oklahoma and the retired vice president of TWR, Inc., is no stranger to Indiana. Mike served as administrative assistant to former Congressman John Brademas of Indiana in his first term.

Mike has an original poem, Mr. Speaker, which tells the story of the sinking of the USS *Indianapolis*, the fight for the survival of his crew, and the steadfast loyalty to their Captain. I submit herewith for the RECORD his poem:

A TRIBUTE TO THE MEN OF THE USS INDIANAPOLIS

(By Michael Monroney)

A still across the peaceful night
As the great ship split the sea
No omen nor warning
Of the disaster yet to be

The ship soon steered a straightened course
When the midnight bells did sound
Still no omen nor warning
Of the blast to drive her down

But then it struck in black of night
The death that came their way
With no omen nor warning
With no time for them to pray

The ripping crash of metal torn
The sound of dreadful screams
Though no omen nor a warning
It was, for some, the end of dreams

The torpedo hits had doomed their ship
She slipped into the deep
Too many of her youthful crew
Rode down to eternal sleep

Spread far across the heaving waves
In shock and left alone
The men of the *Indianapolis*
Had lost their mighty home

The dawn was slow in coming
But, when the sun rose in the sky
You could hear the sounds of moaning
From those who were yet to die

The tropic sea was cold at night
A merciless sun by day
Oh, yes, Lord be my shepherd
For the time had come to pray

They fought the thirst and hunger
And the monster from below
They shared their fears together
And watched their comrades go

As dead men slipped beneath the waves
Those left were heard to say
Oh, Lord, Please be my shepherd
Time had surely come to pray

The days went by, their ranks grew thin
And hopes began to fade
Would salvation ever reach them
As apparitions on them played

Ashore their ship was never missed
Their fate was in God's hands
But upon the empty ocean
Rose visions of fair lands

They had no food nor water
And more their rank grew thin
Until an angel flew above
A man named Wilbur Gwinn

An oil-slicked sea and blackened forms
Is what the pilot saw
What ship has sunk? He asked himself
As he looked down in awe

He dipped his wings, their spirits soared
Help must be on the way
And all their prayers seemed answered
On that sunny August day

Soon a second angel came in sight
His name was Adrian Marks
He set the plane down on the sea
To save them from the sharks

Their prayers were finally answered
Those living had been saved
Oh, yes, the Lord's their shepherd
For their ordeal have been waived

But no so for their captain
His anguish lay ahead
They blamed him for this tragic loss
Unjust charges to him read

His youthful crew was mystified
What could he have done wrong?
A man of such great honor
And they stood behind him strong

The trial took place, the statement heard
But facts were not exposed
The jury's verdict had been made
Yet truth was ne'er disclosed

The captain's name was ruined
And, though many questioned why,
So great the weight upon him
By his own hand did he die

Yet he's never been forgotten
By his crew he's still revered
And they'll remain united
Until his name's cleared

They seek the wrongful verdict
Struck from their captain's name
And all left from that fateful night
Stay angered by his shame

Their numbers dwindle through the years
Yet their fervor is still high
For their captain they'll seek justice
Until the last of them shall die

As legend grows around these men
Their story transcends time
Such loyalty to their captain
Should also live in rhyme

TO HONOR ADAM WALSH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I rise today to invite my colleagues to join me as a member of the Congressional Missing and Exploited Children's Caucus, and I choose to make yet another plea to my colleagues for them to join this caucus, because today marks the 20th anniversary of the abduction of Adam Walsh.

Many of my colleagues are familiar with John Walsh, the host of America's Most Wanted. John and his wife, Reve, lived through the personal tragedy of having their 6-year-old son, Adam, abducted and murdered at the hands of a stranger in 1981. After suffering through this tremendously emotional ordeal, John became a dedicated advocate to end violence against children, to fight crime, and to expand victims' rights in our criminal justice system.

John has shown, through his efforts and over 19 years of hard work, that one committed individual can make a difference to benefit all. Working with his wife, John became the Nation's leading advocate in the cause of protecting our children from violence and exploitation. He helped expand the powers of law enforcement authorities through the Missing Children Act of 1982, as well as working toward the creation of the National Center for Missing and Exploited Children.

Four years ago I came to Congress with what I thought was a very full agenda. However, in April of 1997, a 13-year-old constituent of mine was abducted and murdered, and my mission in Congress changed. I, along with the gentleman from Alabama (Mr. CRAMER) and former Congressman Bob Franks from New Jersey founded the Congressional Missing and Exploited Children's Caucus.

□ 1430

The purpose of this caucus is threefold. One, to build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions.

Two, to create a voice within Congress on the issue of missing and exploited children and to introduce legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction.

Three, to identify ways to work effectively in our districts to address child abduction. By developing cooperative efforts that involve police departments, educators and community groups, we can heighten awareness of the issue and pool resources for the purpose of solving outstanding cases and preventing future abductions, hold briefings with the National Center For Missing and Exploited Children and other child advocacy organizations.

Those are worthy goals. As a society, our efforts to prevent crimes against children have not kept pace with the increasing vulnerability of our young citizens. So I ask my colleagues to please contact my office if you are interested in joining this very important caucus. I ask the citizens of the United States of America to be aware of this dire problem that we face with our children in every community throughout our country. Our children, our grandchildren, our nieces, our nephews are counting on you to give them a voice in Washington, D.C.

STATEMENT AGAINST FEDERAL FUNDING OF EMBRYONIC STEM CELL RESEARCH

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, today I want to talk about a very serious issue that is currently under review by the Bush administration. Included in his decision process is a question, should the Federal Government fund human embryonic stem cell research.

This is clearly a very emotional issue with strong views on both sides. Viewpoints from groups as disparate as patient advocates and religious groups have weighed in. This is virtually a tug of war with neither side willing to concede.

As a strong supporter of biomedical research at the National Institutes of Health, I unquestionably recognized the call for the onward march towards understanding treatments and cures for many debilitating conditions that have been plaguing mankind for as long as we can remember. However, I also can see the morally troubling question behind embryonic stem cell research. Is it justifiable to purposefully end one life even if it results in the salvation of millions of others?

While religious viewpoints can certainly play a role in this debate, let us put that aside for the moment and approach this subject from a purely historical scientific perspective. Throughout history, scientific research has produced substantial social benefits. It has also posed some disturbing ethical questions. Indeed, public attention was first drawn to questions about reported abuses of human subjects in horrifying biomedical experiments during World War II.

During the Nuremberg War Crime Trials, the Nuremberg Code was drafted as a set of standards for judging physicians and scientists who had conducted biomedical experiments on concentration camp prisoners.

This code became the prototype of many later codes with the intention of assuring that research involving human subjects would be carried out in an ethical manner. It became a foundation of much international and United States law surrounding clinical research. Since 1975, embryos in the woman at this stage, at this same stage of development, about a week old, have been seen by the Federal Government as "human subjects" to be protected from harmful research.

Therefore, Mr. Speaker, my colleagues and the American people should realize since an embryo is a human subject, embryonic stem cell research without a doubt violates many of the tenets of the Nuremberg Code and U.S. law.

First, it says, "The voluntary consent of the human subject is absolutely essential." Of course, the embryo from whom a well-meaning scientist would extract cells would have no capacity to give its consent and exercise its free choice. Further, the code states that any experiments should yield results that are "unprocurable by other methods or means of study." Because stem cells can be obtained from other tissues and fluids of adult subjects without harm, it is unnecessary to perform cell extraction from embryos that will result in their death.

Even the Clinton National Bioethics Advisory Commission said that embryo destructive research should go forward only "if no less morally problematic alternatives are available for the research." They did not say to go forward with embryonic and adult stem cell research so we can see what works better. They did not say the alternatives had to work better than embryo destructive research. The only criteria that they gave is if there was a less morally problematic alternative to embryo destroying research, then using embryos would not be justifiable.

This is from the National Bioethics Advisory Commission, September 1999, this quote, "In our judgment, the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing the research . . . The claim that there are alternatives to using stem cells derived from embryos is not, at the present time, supported scientifically." There is an ethical alternative, and Federal money should not be spent on destroying human embryos.

Finally the code insists that "no experiment should be conducted where there is an a priori reason to believe that death or disabling injury will occur . . . even remote possibilities of injury, disability, or death." Without a doubt the embryo, of course, dies.

These are but a few doctrines of the Nuremberg Code which I ask you to consider while the Nation and the President grapples with this very serious decision.

Embryonic stem cell research treats an embryo as a clump of tissue with less protection than a laboratory rat. There are promising alternative sources of stem cells with which to perform promising medical research. We must not allow Federal dollars to fund this destructive and needless practice.

SUPPORT FOR THE DECISION TO REJECT UNITED-US AIRWAYS MERGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, an hour or so ago the U.S. Department of Justice announced that they will file suit to block the proposed merger of United Airlines and U.S. Airways. That announcement is the best news in U.S. aviation since deregulation.

The decision by the Justice Department to oppose the merger of United and U.S. Airways will keep airline competition alive. It will spare the flying public the increased costs, reduced competition, and deteriorating service that would have resulted from this merger, which in turn would have precipitated the consolidation of all of the remainder of domestic air service into three globe straddling mega carriers.

The Department of Justice and the Department of Transportation must now continue their vigilance to maintain strong and healthy competition in aviation and prohibiting barriers to competition that result from mergers, from biased reservation systems, and from predatory pricing practices. I congratulate the Justice Department for completing a thorough painstaking analysis of this proposed merger, reviewing its effects on hub-to-hub nonstop service in currently competitive markets, on the down-stream effect on remaining mergers, as well as the consequences for international competition.

ISOLATIONISM OF UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, I come to the floor today to speak about something that really bothers me. This country has a constant debate within its political body about what role we in the United States will play with respect to the rest of the world.

The battle between being an internationalist and being an isolationist is something that has gone on in this country, back and forth. Our decisions in the 1920s in this body to pass the Smoot-Hawley Tariff Act was a way of erecting barriers around the United States and ultimately led to the depression in 1929.

Those of us who consider themselves to be both free and fair traders have had great hope in our decision nationally to deal in trade with the whole world as a way of preventing countries from getting into wars. If one is trading with somebody it is much less likely that one is going to involve oneself in some kind of destructive war that will destroy one's own resources as well as those of the country with which one is dealing.

Beginning with the installation of the President by the Supreme Court of the United States, a new isolationism has begun to set in in this country and most people are not paying much attention to it or they are not putting it together and seeing the whole picture.

This isolationism is not one of economics but one of which the United States is isolating itself from the rest of the world in terms of public opinion about the problems which face the entire globe. And our country willy-nilly goes along deciding we are going to do it our own way. Never mind anybody else. We will do it our own way.

Now, in 1972 they created a convention to prevent the spread of biological warfare, 1972. It has been there for 30 years. But this administration went to the U.N. and said we refuse to be involved in finding any way to enforce that convention.

It is the same government that says that we are going to bomb the living daylights out of and sanction Iraq because they are creating biological weapons. If you refuse yourself to be allowed to be inspected on that issue, how can you stand and take a public position in that world and say, but they cannot do it and we are going to isolate them until we stop them. It is simply the United States saying we are bigger than they are, we can do whatever we want.

Recently within the last week or so, the Japanese and the European Union decided they were going to try and save the globe from global warming. They came to an agreement, a sort of Kyoto II if you will, because the United States walked away and said we will not be a part of this. We are not going to do anything. We will not worry about global warming. We will continue to do what we have always done.

We are 5 percent of the world's population using 25 percent of the energy in the world and producing the largest portion of the global-damaging chemicals in our air. But the rest of the world has said, well, okay, if the United States wants to sit over there on the sidelines we will try to save it without them. We isolated ourselves.

The President does not believe in the anti-ballistic missile treaty. He said we have to begin putting up a missile shield because we are really afraid of Korea and we are afraid of Iraq and we are afraid of these rogue countries. We are going to spend 50, $70 billion trying to prevent one missile if it ever should come from one of these countries and, in the process, tear up the treaty that said we are not going to have more missiles.

I do not think the problem is going to come from Korea or some other rogue country, North Korea. The problems are the old Soviet Union and Russia and the Chinese and some of these countries. It is much better to have an anti-ballistic missile treaty in place that is gradually bringing the number of missiles down.

To say we are going to prepare for the fact that there is going to be an escalation is simply to set it in motion. The minute we put up a shield everybody is going to say we have to arm because the Americans have a shield up and they can zing us any time they want. We will set off back into the Cold War. It is like George Bush won, when the Cold War ended, and they did not know what to do so now they will create Cold War II. That is what is going on here.

The CTBT Treaty, the Confidential Test Ban Treaty, the United States will not sign that. Why should anyone else? People get all excited when the Indians do it or the Pakistanis do it. Why? The United States of America will not say we will stop. Where do we have the moral authority to tell anybody else? We have isolated ourselves into a position of moral authority, but we cloak it in a kind of funny way with we will tell all the rest of the world what to do but do not tell us anything. That is not going to work.

□ 1445

HUMAN CLONING

The SPEAKER pro tempore (Mr. KIRK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Florida. Mr. Speaker, I rise today to try in the next hour to cover a host of issues that are being hotly debated today in this country. I mainly want to focus on the issue of human cloning.

Next week, the House of Representatives will take up a piece of legislation I authored with my colleague, the gentleman from Michigan (Mr. STUPAK), the Human Cloning Prohibition Act of 2001, H.R. 2505. This bill cleared the Committee on the Judiciary and is now scheduled to be taken up by the House on Tuesday.

I wanted to talk this afternoon about that bill, about a competing piece of legislation that has been introduced by the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Pennsylvania (Mr. GREENWOOD), H.R. 2172, focus on some of the differences between these two bills in terms of the way they deal with this issue of human cloning. And then I would also like to just go over some of the basics of sexual reproduction versus cloning reproduction and as well some of the issues associated with the stem cell debate, because the issue of human cloning and the issue of stem cells do overlap somewhat.

This chart I have next to me here on my left highlights some of the differences between these two bills. I would just like to go over that briefly.

The legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH) is H.R. 2172. I think theirs is also entitled the Human Cloning Prohibition Act. It allows the creation of human embryos through cloning technology to be used specifically for research and then for destruction. It allows research cloning, but I want to highlight there are no therapies that exist today in humans, nor is there an animal model. I say this because this form of cloning is referred to as therapeutic cloning. While it may be true that someday it may be possible to do this type of cloning they are talking about and use it for a therapeutic intervention in a patient, there are no known therapies today available for human cloning.

What their bill essentially is is a moratorium on implantation. I will get into that in a little bit more detail. Implantation is when the embryo actually seats itself in the womb and begins the process of further differentiating into a fetus. I say that their bill is a moratorium because they have a 10-year sunset on their bill. Their bill goes away, would have to be reauthorized in 10 years, and so I think it could legitimately be called a moratorium and not a real ban on so-called reproductive cloning.

I just want to highlight that all creation of cloned embryos is reproductive cloning. To say that their bill is a reproductive cloning ban I believe it is not really scientifically accurate. Really what it is is an implantation ban. The outcome of their bill is that it would create a 10-year prison sentence if it were enacted into law and up to a $1 million penalty if there was an attempt to implant a cloned human embryo. It would sanction the creation of embryos in the United States. It would make it legal.

There is a lab up in Worcester, Massachusetts, that I understand has harvested eggs from female donors specifically for this purpose. The Greenwood alternative would essentially give them the green light to go ahead.

What is, I think, potentially tragic about this bill is it would be the first time ever a Federal law would mandate the destruction of human embryos. Under the provisions of their bill, at least the way I read it, the embryos that they would create would have to be destroyed in the scientific research process because it makes it a crime to actually implant any of those embryos. And it would encourage the creation of cloned embryos which I think would increase the likelihood of reproductive cloning, the thing they are trying to ban.

The reason for that is really quite simple. If you are allowing laboratories all over America that are doing research in this arena to produce large quantities of cloned human embryos, then it would only be a matter of time before one of those embryos would be implanted in a woman. That would occur within the privacy of the doctor-patient relationship. Indeed, if one of those implanted embryos took and the woman became pregnant, that pregnancy essentially would be protected by the privacy provisions of Roe v. Wade. I think it is a piece of legislation that increases the likelihood of occurring exactly what it claims to be trying to ban.

I want to contrast that with the legislation that the gentleman from Michigan (Mr. STUPAK) and I have introduced, H.R. 2505. It bans human cloning for any purpose, both the creation of cloned embryos and implantation of those to initiate a pregnancy. I think this is the most effective way to prevent so-called reproductive cloning, trying to actually bring a cloned baby to birth. It does not affect embryo research or other cloning techniques.

I want to highlight that, but before I do that, I want to just get back to this issue here. Why is it so important and why is the Congress taking this issue up?

For one reason, I already said this, there is a lab that wants to start producing cloned embryos immediately and using those embryos to harvest stem cells for research. But, as well, the attempt to produce Dolly the sheep, which most people have heard of, the first mammal that was cloned, it took 276 tries to create Dolly the sheep. Many of those attempts ended in no pregnancy essentially, a miscarriage, but there were many, many sheep that were born with very, very severe birth defects.

Additionally, of all the species that have been cloned so far, and this includes cows, goats, mice, all of the animals, the babies that are born are very, very large. They have very, very large placentas. They are 15, 20, 30, 50 percent above normal birth weight. They have very, very enlarged umbilical cords. This is not well understood, but clearly if anybody attempts to do this with a human, it would be extremely hazardous to the woman who would be trying to give birth to a cloned human being. As I said, many were born with very severe birth defects when they tried to produce Dolly, particularly heart and lung defects.

So there are many issues here. The health of the mother could be threatened in trying to produce a cloned human baby. Additionally, the baby that was produced, if it had serious birth defects, who would be responsible for the health care of that baby? Who would be responsible for paying all those medical bills?

So it is universally agreed, we need to prohibit this. The best way to prohibit it, I believe, is to pass H.R. 2505.

Let me also add, and there has been, I think, some misinformation or disinformation that has been distributed on this issue. Our bill does not ban much of the research in this area. Specifically, I want to read directly from the bill.

Section 302(d) of the legislation states that "nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans."

So much of the research that will be done can continue to be done. You just cannot produce human embryos. I make this point and I am stressing this point for a reason. There are people opposed to our bill who are falsely saying that our legislation would essentially shut down this whole area of cloning research. That is just not correct. If you actually read the legislation, it can proceed.

So what would be the outcome if our bill becomes law?

Number one, similar to their bill, it creates a 10-year prison sentence and monetary penalties.

Obviously, as I stated, it prevents the creation of cloned human embryos as well as any attempt to try to induce pregnancy.

I want to also point out that it conforms with the currently existing law with many of our European allies.

There are some people falsely claiming that there are many countries where this is legal right now and it will, quote, all go overseas. In point of fact, that is not the case. Indeed, I spoke to a group from the European Parliament just this week. One of the members sent me a letter following our meeting, Dr. Peter Liese, who is a physician like myself, an internist like myself. He wrote to me pointing out that in a lot of European countries, and I am quoting him, like Germany, Austria, Switzerland, Portugal, Ireland, Norway and Poland, any kind of research which destroys embryos is prohibited by law.

In point of fact, the approach to this issue that is being suggested by the legislation introduced by the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH), the only country in the world where that is currently allowed is the United Kingdom, in England. And, indeed, it is a fact that they have come under a lot of criticism within the community of Europe because of their extremely liberal policy. And even in their country, they have a prohibition on doing any experimentation on embryos once the embryo has developed the early signs of a nervous system. So they at least have some restrictions on what can be done, whereas the Greenwood-Deutsch approach would set the United States apart from the rest of the world as having the most liberal approach to the creation of human embryos through the process of cloning and then essentially mandating that these cloned human embryos be destroyed.

I just want to cover a couple of important points in terms of the terminology associated with all this and some important facts as well. Embryo stem cells, which I will get into in more detail later, which can be used for research as everybody knows, there are no clinical applications of embryo stem cells today. We have heard a lot of rhetoric about the tremendous potential, quote-unquote, but there are no clinical applications using embryo stem cells today.

□ 1500

They were discovered in 1998, and the issue and debate in Washington is on whether or not we should have Federal funding. No attempt has been made, nor to my knowledge is it being considered, to make this illegal in the United States, embryo stem cell research. The debate we are having in this city is whether or not the Federal Government should pay for it. It is very similar to the debate as to whether or not the Federal Government should pay for abortions.

It has been a consensus here in this city amongst Democrats and Republicans that being that abortion is a very controversial issue, that the Federal Government will not fund abortions. This is a very, very similar debate.

It has been felt by many people that doing destructive research on human embryos is unethical and immoral. Therefore, perhaps maybe it should be made illegal that the Federal Government should not fund it, and that is the debate today, should the Federal Government start funding this research.

I want to point out that adult stem cells, which are being held out as a potential alternative to embryo stem cells for research purposes, have been successfully used in more than 45 clinical trials. I have been following the literature on this recently. The applications have been really, really, many. They have been used successfully to ameliorate the symptoms of multiple sclerosis, obviously to treat a whole bunch of bone marrow disorders, leukemias, anemias, used successfully to treat cartilage defects in kids, combined immuno-deficiency syndrome in kids, and this is going on today, using adult stem cells. Actually, it has been going on since the 1980s, and it receives all types of Federal funding. There are absolutely no restrictions today on adult stem cell research, nor is it considered unethical.

Now, just quickly, there are many types of cloning. You can clone cells, and this has been done with skin cells to do skin grafts, to create tissues, monoclonal antibodies, recombinate proteins. It has been going on since the 1940s. Our legislation will not affect this. This will be able to continue. Various types of non-cellular cloning, such as cloning DNA, proteins, RNA, which is ribonucleic acid. This has been used in genetic therapy. The production of recombinate insulins, DNA fingerprinting, diagnostic tests for forensics, fingerprint testing, parental tests, all have been going on since the 1980s. It is not affected by our legislation. People are falsely claiming that it will prohibit all forms of cloning. This is not true.

What it does is it makes illegal this procedure right here, and I am going to get into this in more detail, somatic cell nuclear transfer. This procedure has been around for many, many years, but in 1997 it was done to produce Dolly the Sheep. The question today is are we going to start cloning human embryos in the United States and in the near future.

Now, this poster I am showing here gets into the basics of how cloning is done. On the top here we show normal reproduction, where an egg unites with a sperm. Human beings, our cells have 46 chromosomes. It is actually 23 pairs of chromosomes in your body's cells, the cells of your skin, the cells of your liver.

The body goes through the process in the ovary and in the testes to produce 23 chromosomes in each one of these, so rather than having 23 pairs, you have the individual chromosomes. Then in the process of fertilization, the 23 here unite with the 23 here to produce a new human being. This is how each of us gets started, and the diagram shows the single cell fertilized egg, a 3 day old embryo shown here, and then a 5 to 7 day embryo.

Now, in the process of somatic cell nuclear transfer, what is done is you take an egg, and this is what they did with Dolly the Sheep. They extracted the nucleus with all of the chromosomes out of the egg. There is an alternate technique where you neutralize the nucleus. So you create an egg with no genetic material in it.

Then they went in the case of Dolly, they got this from a duct cell, and this just represents any cell in the body, and you extract the nucleus out of that cell. Then you take the nucleus and you put it in to the egg, and the egg begins to divide and forms an embryo, shown here.

Now, I want to highlight a couple of important points. When you go through this process, you create a unique individual, because you are reshuffling the chromosomes, and that is how each of us ends up with our own personal uniqueness.

In this situation here, you are creating a genetic duplicate of the individual that you have gotten this nucleus out of.

The other important point is biologically, ethically, morally, there is nothing different between this form and this form, other than this form is a genetic duplicate of the person you got the nucleus from. Indeed, if I were to do this procedure and extract the nucleus from any person, the baby that would be created here would be an identical twin of the person that you extract the nucleus from.

Now, this is the world's most famous clone, Dolly the Sheep. And just to reiterate how it was done, you had a female sheep, they extracted an egg from that sheep. They removed the genes, the nucleus out of that sheep, and created an egg that had no nuclear material in it.

In the case of Dolly, they got her nucleus from another sheep's udder and they put it in that egg. They cultured the embryo for a while, and once they were assured it was growing properly, they inserted it into the womb of a surrogate mother, essentially a third sheep, and, bingo, you get a clone.

Now, this diagram just shows the normal process in the human where an egg is produced from the ovary. High up in the fallopian tube is where the fertilization occurs. You get cell division, first into a two cell stage of embryo development, then a four cell stage, and then it goes to an eight cell stage called an uncompacted morula, and then that body of cells shrinks down to a compacted eight cell morula, and then you get further differentiation into an embryo. This is what we call implantation, when it actually adheres to the lining of the womb begins to actually differentiate into a fetus.

This diagram just shows the continuation of that process. This is a four week old embryo, a six week old embryo. It is in this stage here where they want to extract embryonic stem cells to do a lot of the stem cell research. Once the baby is born, if you extract cells from the baby or the umbilical cord blood, or from an adult person, and use stem cells from either of these sources, that is called adult stem cells. There is no destruction of the person when you extract stem cells there. But when you extract stem cells here, you essentially destroy the embryo. That is why it is called destructive embryonic stem cell research.

Now, the reason myself and many others are very optimistic that adult stem cell research, which is much less ethically and morally controversial than destructive embryonic stem cell research, is because we have been able to get bone marrow cells to differentiate into bone marrow adult stem cells.

These are adult stem cells extracted from the bone marrow to form more marrow, bone, cartilage, tendon, muscle, fat, liver, brain or nerve cells, other blood cells, heart tissue, essentially all tissues from bone marrow.

They have been able to extract adult stem cells from peripheral blood in your circulation and been able to get those differentiate into bone marrow, blood cells, nerves.

They have extracted stem cells from skeletal muscle and got them to differentiate into more skeletal muscle, smooth muscle, bone, cartilage, fat, heart tissue.

They have extracted adult stem cells from the gastro-intestinal tract and successfully been able to get them to differentiate into esophagus, stomach, small intestine and large intestine or colon cells.

Placental stem cells, adult stem cells in the placenta, have successfully been differentiated into bone, cartilage, muscle, nerve, bone marrow, tendon and blood vessel.

They have actually extracted stem cells from brain tissue and been able to get them to differentiate into all of these types of cells.

I say this just to simply make a point. There are lots of people claiming that destructive embryo stem cells research is so critically important, we have to do it. Adult stem cells research is very, very promising. Indeed, I believe it is much more promising, because embryonic stem cells, if they were implanted somebody to treat them, would be rejected by the immune system of a patient who received those cells, whereas if you extract adult stem cells from the patient themselves, from their marrow or from their peripheral blood, then there are no tissue rejection issues. So not only are you overcoming the ethical and moral concerns, but you are as well overcoming an important scientific concern.

Now, advocates for embryonic stem cells argue that the embryonic stem cells multiply much more and you can get them to grow much, much more in tissue culture. That indeed is true. The adult stem cells do not duplicate as often. They do not live as long in the lab as the embryonic stem cells have successfully done. And while on the surface that may sound good, a lot of the research with embryonic stem cells show when you implant them in animals, you get the same phenomena; the cells continue to grow, and they essentially form tumors. So the very argument that researchers are putting forward that these cells are more robust and they grow and grow and grow, is actually a significant clinical problem if you are ever going to use them in treating patients with disease.

□ 1515

They are going to have to somehow get these cells to stop duplicating. Otherwise, they will form tumors or cancers in the patients that they are putting them into. Indeed, it is my personal opinion that embryonic stem cell research will never, never turn out to have the kind of clinical applications that people are claiming that it will.

Indeed, I believe that the future is in adult stem cells for all the reasons I just outlined. There is genetic compatibility; there will not be tissue rejections for patients; there are not the problems with them duplicating over and over again so we will not have the concerns about them forming tumors; and, as well, obviously, there are no ethical or moral objections on the part of the public.

Mr. Speaker, I do want to assert that our legislation does not get into this issue of embryonic stem cell research. Heretofore, embryonic research has always centered on the issue of these embryos that are in the freezers in the IVF clinics that are so-called excess embryos that are so-called destined for destruction. Now, some people, myself included, argue that that is not necessarily the case.

The reason these embryos are in the freezers is because the fertility experts that keep them there have a lot of their patients come back years after they have had a baby by IVF technology and they say they want to have another baby, so that is why the embryos are in the freezer in the first place. As well, there are people that want to adopt these embryos out.

There is the adoption agency in California, Snowflake, that is actually doing this. I had the opportunity to see three babies that were born through this technology of adopting embryos.

But the debate has always been centered on those embryos in the freezers and that they are destined for destruction, supposedly, and, therefore, it is ethically and morally okay to use them in research protocols that essentially destroy them. But human cloning, as it is currently contrived and being proposed, takes us as a Nation in a whole new ghastly and horrible direction, and that is in one of creating embryos for destruction, for destructive research purposes. The morality and the ethics of this I think are totally different.

We have never as a Nation ventured into this area before where we are saying we are going to create embryos now purely for research purposes to be destroyed. We have that before us today. We have it before us now. It will be before this body, the House of Representatives, next week.

We will have two alternatives. Members of this body can choose the direction that is supported by me and the gentleman from Michigan (Mr. STUPAK), which is to say we are not going to go in that direction. We are not going to have human cloning, the creation of embryos, human life at its earliest stages, specifically just for research purposes and for destruction. We are going to say no to that procedure. As well, we are going to say no to allowing those embryos to be implanted in a woman for the purpose of generating a pregnancy, a baby, a human being.

Members of the body will have a choice, though. They will have another bill before them. The bill I spoke of at the beginning of this Special Order, the Greenwood-Deutsche bill, H.R. 2172, and their bill specifically allows the creation of human embryos through cloning technology to be used specifically for research purposes and destruction.

Our bill says, no, we do not want to move in that direction. It is not necessary. It is morally and ethically wrong, and it will ultimately, if we move in the direction that they are proposing, it will ultimately take us to the place where we are creating embryos in such quantities that eventually we will have attempts made at creating babies, creating human clones. Or, the body can choose to support and approve H.R. 2505, the bill that I believe very, very strongly is the morally and ethically correct way to go.

I believe this is a critical juncture for our Nation. The whole arena of biotechnology is exploding. We have had the human genome project, and we are moving very, very rapidly to a place where there can be many new breakthroughs in science and technology. Many of these are very, very good, but some of these I believe are extremely dangerous, extremely hazardous, and are morally and ethically wrong.

To say that we as a Nation are going to allow, permit, even encourage the creation of embryos, human embryos for destructive research purposes I think is extremely, extremely bad policy. It would put the United States in a position where it would have the most liberal policy on this issue in the world. Our bill I think puts us in the right direction where we are saying we are going to allow the good science to proceed, but we are not going to take this ghastly or grizzly step.

Now, before I close, I want to say one additional very important thing, and my colleagues are going to hear this from some people, that if we do this, if we pass this bill, if this bill is signed into law and, by the way, it has received the support of the Bush administration, they have indicated that they will support the bill of myself and the gentleman from Michigan (Mr. STUPAK), that this technology will just somehow go overseas and the cloning will proceed there. In response to that I want to say a couple of important things.

Number one, I think we have a moral and ethical obligation to do what is right within our own borders. To say that something bad is going to happen overseas, therefore we should not bother making it illegal here is absurd. I mean, nobody would suggest repealing our laws against slavery just because slavery currently exists in the Sudan. That would be, of course, reprehensible. Nobody in their right mind would propose that.

So I think the obverse certainly applies, that we would never want to say, no, we do not want to pass good legislation to make something that is morally and ethically wrong, you would never want to do that because it may happen somewhere else. I think that is a totally unjustifiable argument.

Another important point in this arena is this: I think the world does look up to the United States, and I think if we can pass a strong bill in this arena other countries will follow suit. Certainly, they will be encouraged to do so.

An important provision of our bill which I did not mention is the prohibition on importation. There are some people who would like to repeal this provision and essentially allow the creation of clones overseas and in the Bahamas, Mexico, whatever country, and then the stem cells or whatever material people are wanting to extract from those clones, part of their destruction could then be brought back into the United States. I thought this was an unacceptable situation so we have language in the bill barring the importation of clones or products from clones.

Lastly, I want to just cover a few important points.

I have talked a lot about the morality and ethics of this; and they will say, well, you cannot legislate morality. We hear that all the time. I would counter that everything we do in this body is rooted in morality and ethics.

We were debating earlier today the housing bill. Well, why do we have a housing program? Well, we have a housing program because when all of that got started during the New Deal there were a lot of people who thought it was morally and ethically wrong to have millions of Americans who were living well living next to people in squalor, without homes, with substandard housing, and so we began those programs.

We have the Social Security program, I believe, because most people feel it is morally and ethically wrong to allow senior citizens who do not have the ability to save during their working lifetime to live in abject poverty.

All of our laws, laws against murder and rape, are rooted in morality and ethics. This is just one more example. It is ethically and morally wrong.

Finally, let me close by just saying to all of my colleagues in the House, and I have heard this from some Members, why are we getting into this issue? As I stated at the outset, we are getting into the issue because we have to get into the issue. There is a company in Massachusetts that is preparing to begin the process of creating human embryos. As I understand it, they have harvested eggs from women donors, they have the eggs, they want to do the sematic cell nuclear transfer technology, begin creating clones, and then extracting from those embryos stem cells for research purposes and then destroying those cloned embryos.

So, Mr. Speaker, the time is now. We need to speak on this issue as a body. The Congress needs to speak on it, the President needs to speak on it, and I believe we should stand with the vast majority of Americans. A poll that I have seen shows that 86 percent of the American people feel that it is wrong to create embryos specifically to be used for research purposes and then destroyed. Eighty-six percent of the American people feel that this is the wrong thing to do.

Let me just add again, and I have said this earlier, I know there are many people, particularly many prolife people, several of the Republican senators I know have gotten up in that body and spoken on this issue, that feel that we should allow the destructive embryo research on these excess embryos in the freezers in the IVF clinics, so-called excess embryos. This bill does not address that issue. If this bill becomes law, that research could proceed and, indeed, that research actually can proceed in this country today. The debate is exclusively over whether or not the Federal Government should fund that research.

So I think we are headed as a body to a very, very critical point. Medical technology has been evolving rapidly in the United States for years and years and years, and we are at a precipice. We are at the edge of a tremendous decision. I think the right decision is to pass this bill, H.R. 2505, the Weldon-Stupak Cloning Prohibition Act of 2001. It is supported by the President of the United States; and the Senate, the other body, hopefully, will take the bill up and pass it as well.

□ 1530

PATIENT PROTECTIONS IN THE REPUBLICAN PATIENT BILL OF RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Kentucky (Mr. FLETCHER) is recognized for the remaining time of the gentleman from Florida (Mr. WELDON).

Mr. FLETCHER. Mr. Speaker, I just wanted to rise and discuss some issues regarding patient protections.

As we know, this is a piece of legislation that is anticipated to come before this body next week. It is a piece of legislation that has been debated for quite some time for a number of years here. Yet, unfortunately, we seem to be at somewhat of a logjam.

Let me say that we have been able to reach quite a compromise position in the bill that we have put forth, myself along with the gentleman from Minnesota (Mr. PETERSON), a Democrat, as well as the gentlewoman from Connecticut (Mrs. JOHNSON), who have worked very, very hard to really come together with a piece of legislation that is a very balanced approach.

Mr. Speaker, we have come a long way. However, there are some Members who did not want to increase the liabilities of HMOs at all. There are some people who wanted to open up unlimited lawsuits that would have driven up the cost of health care and increased the number of uninsured in this country.

Yet, Mr. Speaker, we have reached a good balance in this piece of legislation, the Fletcher-Peterson-Johnson legislation, that does three things particularly.

One, it increases the quality of health care in America. How does it do this? It does that by establishing the right of every patient in America that has insurance to be able to appeal to a panel of expert physicians. These are practicing physicians that are trained in the specialty to be reviewed. So if a patient has an HMO that questions their ability to get a particular treatment, they can go to this panel.

What we do is set the criteria of that panel to make sure that it is the highest standards of medical care in this country, state-of-the-art care. We establish that based on a consensus of expert opinion and what we call referred journals. Those are those medical journals like the New England Journal of Medicine, the Journal of the American Medical Association, that are reviewed by peers to make sure that the information in those journals is accurate and substantiated by scientific research.

We make sure that every patient in America has that option of coming and asking that expert panel whether or not they should receive this treatment. If they are not given that treatment, then we hold the HMOs liable. We hold them liable. Actually, if the HMO refuses to give what the experts say, we hold them just as liable as any physician is held liable in this country.

Yet the other side says that is not enough because they want to allow trial lawyers to sue no matter what the case is, even if the plan is offering the care; or if the plan actually is saying that the experts say this is not the appropriate treatment, then they want an opportunity, a right, to be able to sue that managed care facility.

What is that going to do? This is unlimited lawsuits. We have debated this for years. As a family physician, I know the extra costs of what we call defensive medicine, what the costs are. It is not thousands, it is not millions, it is billions of dollars of tests that are run, procedures that are performed, that are only done because of fear of frivolous lawsuits.

That does not improve the quality of health care. It actually has just the opposite effect on the quality of health care. There have been some studies done to show that frivolous lawsuits do not improve the quality of health care. As a matter of fact, they impair it.

Under the Democrats' bill, and again, they have been unyielding and lack the ability, it seems, to be able to yield or to compromise at all on this issue. Even though we have opened up liability tremendously, making sure that we punish bad players, they are unwilling to compromise. What has that done? That has made us unable to get a bill passed here.

Now I would hope they would be able to compromise some, because I believe all of us truly want to get a bill signed by the President that can help patients in this country.

Why will we not support the bill that has unlimited frivolous lawsuits and has no provisions, substantial provisions, for access? Because we know it will increase the uninsured in this country. Some estimates say from 7 million up to 9 million people will lose their health insurance.

What effect does that have on a patient? Patients that do not have insurance have poorer health. Disease progresses further along before they are actually diagnosed of the disease. If they are hospitalized and they do not have insurance, they die at three times the rate of a patient that has insurance. So it is very troubling to me when I see the flagrant disregard for the uninsured that the Democrats have expressed in their unwillingness to compromise with us and reach a real solution for patients in this Nation.

When I talk to constituents, Mr. Speaker, the number one concern I hear about, and I have been through many factories and small businesses and talked to workers, I ask them, "What are several of the things that are important to you?" They talk about the education of their children. But when we get down do it, just as important to them is the health care of their children.

Under the Democrat bill on this Patients' Bill of Rights, they will be threatened with losing their health care through many small businesses, and maybe even large businesses, because of the added burden of liability.

I have letters that have come, a number of letters from small businesses that say, we are not going to be able to offer health care to our employees under the provisions of the Democrat bill because of the liability that exists there. That is not helping patients. That will result in people losing the health care they get through their job, and that is one of the most important aspects about many individuals' employment.

I can think of a young lady on the line of Toyota Manufacturing Company. She installs the bumpers on Avalons and Camrys. I asked her about the benefits she gets through Toyota. She mentioned one of the major benefits she gets is the health care through her employers. Yet, that may be threatened under their plan. It would require that they look and ask, is it going to be possible to withstand the liability? Are they going to end up giving the money to this young woman, and having her have to go out and buy her own insurance?

Many companies will find out some way to make sure that does not happen, but inevitably, it will raise the premiums that that young lady is going to have to pay. That means there is less money for her to take care of those children she is so concerned about. That means there is less security that she is able to provide for her family. That means there is less peace of mind that she has as she is working to take care of those children.

Mr. Speaker, I want to cover a few more things about our health care bill. As we look at the guiding principles for our health care bill and this Patients' Bill of Rights, and again, this is a compromise that has been developed over a number of years, it is to improve the quality of health care. I spoke about that. It is making health care more accessible, more affordable, especially to the uninsured.

I mentioned that their bill does very little to do that. Actually, it will result in millions probably losing their health care. But we provide something called medical savings accounts. That means we can set aside money, much like an IRA, through our jobs, and we can use that money for health care. We can use it for routine health care that we all get to prevent diseases and to detect diseases early. We might use it for eyeglasses or other things that are important for health care and well-being.

This will allow more individuals to get insurance because in some of the pilot programs we have done with medical savings accounts, almost one-third of the people that get insurance through those did not previously have health insurance, so that certainly makes it more available to the uninsured, and helps us reduce the problem of 43 million Americans uninsured.

As we look at holding health plans accountable, we talked about if a health plan does not follow that external review, then they are held accountable, just as accountable as any physician. That is very important, and so we want to make sure that there is accountability.

When we look at the number of uninsured, just to kind of give you an idea of what the magnitude of the uninsured are in this country, look at these cities: Portland; Bakersfield; Phoenix; Denver; Dallas; Atlanta; Orlando; Lexington, and then that is my home city; Charlotte; Hartford; Syracuse; Cleveland; Chicago; Des Moines; Minneapolis; Salt Lake City.

If we added the population of all of those cities, that would equal the number of people in this country that have no health insurance. The last thing we want to do is to drive up the cost of health insurance.

Now, as we look at the provision, another provision I want to talk about, that is association health plans. We talked about MSAs, or medical savings accounts. But association health plans, what that does is allow small businesses to come together to self-insure and to offer a product nationally.

So, for example, my farmers are paying $800 or $900 a month for premiums to buy their health insurance on the individual markets. What this would allow is the American Farm Bureau Association to offer a national plan that is self-insured, much like the large companies do.

It is a fairness issue. Why can we not have small companies coming together and offering insurance products just like large companies do? If we do that, it is estimated that it will reduce the premiums by 10 percent to 30 percent. That will possibly allow us to insure as many as 9 million Americans.

If we look at that, it is equivalent to the people living in the following cities that are highlighted in black: Salt Lake City, Phoenix, Des Moines, and Atlanta. That is a number of people, an equivalent number of people of several cities in this Nation that would be able to get insurance through these association health plans.

Let me just close by saying there is a lot of. I think, demagoguery going on and criticism of the plan saying that we do not allow direct access, for example, to OB–GYN and pediatricians. In fact, that is just not true. We have the equivalency of 400,000 physicians in different organizations that endorse this bill because it does exactly what they know it needs to do to ensure that they can deliver the treatment they need to their patients.

It allows direct access to OB–GYN physicians. It makes sure that if a young lady is being cared for during her pregnancy, if the plan and the physician no longer have a contract together, that she can continue to get that care through that same physician: a physician whom she trusts, especially trusts for the delivery of a newborn child; and not only that, but postpartum care.

We also allow for clinical trials; that if there is a treatment that provides hope and it is approved by the FDA or by the National Institutes of Health or by the veterans' programs, that we can actually guarantee that the plan would cover that treatment.

It may be the only hope that that child has left, or that individual has left, ensuring that they get the treatment that would offer them a hope of health and well-being.

We also have been criticized, saying that we do not provide emergency care for neonatal care. This criticism is most laughable, and there is certainly a tremendous degree of demagoguery from the Democrats because of this reason.

We actually improve the provision they have, and say that not only a layperson's definition, but if even in the opinion the health professions, and even if the mother was not aware of the condition of the child, but if, under the opinion of a health care professional, the mother needed to bring that child in, that we guaranteed that that child would get treatment.

I can recall a child that needed treatment. The mother was in our practice and gave me a call. This happened to me on several occasions. I asked her to bring that child in. I can even recall one situation where the child was in very critical condition when that child arrived. Yet, young mothers sometimes do not know all of the precautionary signs, so it is very important to have this access provision.

We offer better access and better cover for neonates and those young infants, the newborns, than the other side does.

They are also talking about preemption of State laws. Yet our provisions make it easier for States that have equivalent patient protections to be able to use their laws, instead of having to use the Federal mandate. So we actually do less to supersede State law than the other side does, because about 33 States have passed patient protections at this time, and we think it is important that we allow that.

The bottom line, the Democrat plan is a bad plan for the most vulnerable in this Nation. Who are those? They are the low-income minorities, those right on the border. I know they speak a lot about this constituency, but when it comes down to the bottom line, they are putting politics before the most vulnerable in this society, because their plan will disproportionately affect low-income and minorities in this Nation and cause a disproportionate number of those to lose their insurance. It threatens the health care they get through their job.

Ours provides several plans to ensure that we can cover more individuals with health insurance, up to 9 million more. It has been estimated under their plan that several million will lose their health care, as we have shown.

So Mr. Speaker, I appreciate sharing this time on the Patients' Bill of Rights. I would hope that the Democrats, as we come back next week into session, that they would be willing to reach a compromise that is good for the American people; to stop this logjam and be able to pass a Patients' Bill of Rights that we can lay on the President's desk, because he has spoken very passionately about this issue, and wants very much a Patients' Bill of Rights for the American people.

I would hope they are willing to reach a compromise. We have compromised tremendously so we might get a patients' bill of rights passed.

PRESIDENT BUSH STANDS BY HIS CONVICTIONS ON MATTERS OF DEFENSE AND THE ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I draw Members' attention to President Bush and the great job that he has been doing withstanding public pressure to go in the opposite direction of which he believes to be true.

□ 1545

We have a sense about what George W. is about; and I believe that George W. is proving himself to be a great president and that, as time goes on, we will find that this gentleman, who has been castigated by his opponents in some very vile characterizations, is actually a very thoughtful person, and a person of high character, and a person of strength.

President George W. Bush has been willing to say things straight, in a straightforward manner that has enraged his political opposition, but yet by standing strong and tall, like President Reagan before him, who was also attacked in very personal and vile terms, our new president is finding that if he stands strong, that people will go in his direction. Because the things that he believes in, many of the things that he believes in, are clearly true but not in line with the liberal ideology that has dominated the American government and dominated the news media and communications in this country and in Western Europe.

Our new president, for example, has stood firm on the idea and the concept of missile defense. Prior to going to Europe recently, the President was under severe attack by the leading Democrat in the Senate, Tom DASCHLE, and he was being told that by insisting that the United States move forward on missile defense that it would in some way bring about a renewal of the arms race. How many of us heard that?

Now, I believe the Democrats certainly have a right to attack a Republican president or vice versa. That is what democracy is all about. We all have the right to criticize. But let us point out that while some people seem to be upset that the President was being criticized overseas, I am just upset with the fact that the Democrats were so adamant in their opposition to missile defense and that, now what, they were wrong, not that they were criticizing the President.

Missile defense is something that now seems to be becoming more acceptable to our European allies. And in fact, instead of being this roadblock to any type of good relationship with the government in Russia, now we see President Putin in Russia edging towards President George W. Bush's position.

Let us note that President Ronald Reagan first stepped forward with the idea that if we are going to be spending billions of dollars in order to protect the people of the United States it is better for us to build a system that indeed protects our people rather than a system that is based on annihilating millions of other people living in less free societies when they become engaged in a conflict with the United States.

During the Cold War, it made every sense to have a situation where the Russians knew that if they attacked the United States with their missile force that hundreds of millions of Russians would lose their lives, like hundreds of millions of our citizens, and that was a deterrent. But during the post-Cold War world, such a deterrent makes no sense at all.

Right now, for example, if there is an adversary, if there are people who in some way might be willing to take the risk of attacking the United States, they are not people who care about losing the lives of their own citizens. If the Communist Chinese were to launch one of their missiles at the United States, they could care less if there would be retaliation. The regime in Communist China murders their own people, so why would they care if we killed 1 million, 10 million or even 50 million of their people in retaliation for a missile attack that killed a million Americans?

George W. Bush's position, as well as Ronald Reagan's position, makes all the sense in the world. Let us not put ourselves in a position of having to murder millions of people in another country because their dictators, their bosses, the gangsters that control their country have attacked the United States of America. Let us, instead, protect ourselves and use our technological genius to build a system that will protect us against some attack with one or two missiles from a rogue country, from North Korea or from China or Iran or Libya.

Now, the Democrats have done everything they can to prevent this type of technology from being developed. During the 8 years Bill Clinton was President of the United States, he spent those 8 years spending the money on missile defense and channeling it in a direction so that that technology would not succeed. He kept us engaged in a treaty with the former Soviet Union, even though the Soviet Union had ceased to exist. He kept us in compliance with this treaty that we signed with old Communist dictators, even though communism and the Soviet Union no longer existed in Russia. We could have gotten out of that treaty.

And this is one thing George W. Bush is pushing for, out of the treaty that prevents us from thoroughly developing our anti-missile system. We could have gotten out of that, and by now have developed a system so that if China would launch a missile towards the United States that we could knock it down and protect Los Angeles or southern California or northern California, or even parts of the United States as far as Chicago. We would be able to protect the United States from a missile attack. But Bill Clinton decided, as President of the United States, that he did not support missile defense. So the money that we spent on missile defense was frittered away, frittered away and wasted. Now we are vulnerable and we have George W. Bush standing firm against all those who try to pressure him and say back down.

Well, I think it was one of Ronald Reagan's great moments, when he went to meet with Gorbachev and Gorbachev told him he had to agree not to develop a weapon system that could protect rather than kill people, and if he did that, if he stopped or gave up this idea of missile defense, he could sign a big treaty and be the biggest hero in the world, that Ronald Reagan walked away from it. George W. Bush is proving himself to be that same type of strong leader who will bring about a more peaceful world.

Ronald Reagan had no idea when he turned that down that the people of the world would see him as a strong and a tough leader who they could trust to make a decision and that that in and of itself would have a dramatic impact for the promotion of freedom and peace on the planet.

By the time Ronald Reagan was done being president, even though he had been nitpicked to death by people on the other side of the aisle, the Cold War was over, the Berlin Wall was on its way down, and democracy and peace were given a better chance than ever in my lifetime and in the whole 20th Century, all because Ronald Reagan stood tough.

George W. Bush is making those same tough stands against the same type of nitpicking that went on during the Reagan administration. Every time we took a stand against communism, there were those on the other side of the aisle trying to find a mistake that we made in order to thwart our efforts, whether it was in Latin America or whether it was with the Mujahedin against the Russian expansion in Afghanistan or elsewhere, or in the development of missile defense.

Our President today, George W. Bush, has that same strength of character. And if he maintains his courage, as he has been doing and as we have seen, and for the first time the world is starting to lean in his direction already in terms of the things he has said on missile defense, George W. Bush, like Ronald Reagan before him, will be able to make an incredible contribution to the contribution of freedom and peace on this planet.

Now, one of the other areas that George W. has been standing firm on is his refusal to submit the American people to the dictates of a Kyoto global warming treaty. For this tough stand that he has taken, George W. has been under vicious attack. But those of us in the United States who are proud that our country has a high standard of living and that in our country ordinary people can live decent lives, we applaud George W. Bush and his wisdom and his courage when it comes to the Kyoto Treaty.

Many people have heard congressman after congressman come to the floor of this body attacking George W. for not being part of the team when it comes to global warming and supporting the Kyoto Treaty. Time and time again we hear, "America is doing nothing on this global warming." Well, maybe the American people should understand when these Members of Congress get up and start talking that way and condemning George W. Bush for doing nothing what it is they want him to do. What is it that the Kyoto Treaty is demanding of the American people that George W. Bush is saying, no, I do not think that we are going to do that? What we are talking about are severe restrictions on our standard of living.

They claim the United States should be ashamed that we put more CO_2 into the air than any other country. That is the way they judge it. The United States puts more CO_2 into the air. Well, what does that mean? Well, that may mean that we have the highest standard of living of any other country of the world. And, yes, there is some CO_2 we put into the air. But in terms of the standard of living, if we put per $1,000 of GNP, we actually put less CO_2 in the air than anybody else.

So if we just judge it by how much we are putting in, of course that is a mandate for what? For lowering the GNP, for lowering the standard of living of regular people. That is what they are trying to force George W. to agree to, lowering the standard of living of ordinary Americans. Is that what we want?

By the way, these same fanatics who are trying to convince us about this "global warming problem," do not take into consideration that America, through its agriculture, has had a vast tree planting over the last 100 years. And by the way, we have many more trees in America today than we had 100 years ago. Because at the turn of the century there was a replanting of trees across America. Up in the Northeast, up in Maine, and up in New Hampshire and Vermont and those areas that were treeless by the turn of the century, or the 1800s, those were replanted. Go up there today and there are vast forests there. Those trees take the CO_2 out of the air. We actually take more CO_2 out of the air than any other country in the world.

The fanatics that want us to get involved in the Kyoto Treaty do not take that into consideration. Instead, they would have us, for example, pay $5 a gallon for every gallon of gas that we buy. Now, what is that going to do for the price of goods that are sent by truck? What will that do for the standard of living of average Americans, that $5 a gallon for gasoline? It will dramatically reduce the well-being of our people.

When we see people up here attacking George W. Bush on the Kyoto Treaty, that we are doing nothing, they will say what they want us to do is be engaged in a treaty that will lower the standard of living of ordinary people in this country, that will suck money right out of our pockets that could go to better food, better health care, better education. Instead, they are going to put it into higher prices for gasoline and other types of fuel.

It is vital that the public know what is going on in this attack against George Bush. Global warming, first and foremost, is not a scientific imperative. Let us talk about global warming for a minute. It is a politically driven theory. The people who are pushing global warming are not, by and large, being pushed by some scientific motivation but instead have a political agenda. Those people who are in the scientific community that have signed on have done so realizing that they are kowtowing to political powers and not to scientific knowledge.

□ 1600

Those exposing global warming, those scientists who are brave enough to step forward, do so knowing that they might be retaliated against. Our young people, for example, are being lied to about the environment in general, and they are being lied to especially about global warming. I see this every time a group of young people from my congressional district comes to Washington, D.C.

As a member of Congress, I represent Huntington Beach, California, Southern California, I went to high school in Southern California and now that I am a Member of Congress, every student group that comes from my congressional district here to Washington, D.C., I take the time and effort to talk to them and to get to know what they are thinking and try to find out as much about them as they are finding out about me and about government.

I ask them the same question, every single time, every group. How many of them believe, these are students from Southern California, believe that the air quality today in Southern California is cleaner or is worse than it was when I went to high school 35 years ago in Southern California? Ninety-five percent always say the same thing, almost every group says the same thing. They believe, 95 percent of them believe that the air quality in Southern California today is so much worse than when I went to high school 35 years ago. I was so lucky, they say, to have lived in a time and went to school in a time when the air was so clean. Of course, they are surprised when I tell them that they are absolutely wrong, that the real answer is 180 degrees in the other direction.

In fact, the air in Southern California has never been cleaner in my lifetime and they enjoy some of the best clean air ever in Southern California. These young people have been systematically lied to and been told that the environment is killing them. They are being told that the water is so much worse than it ever was.

The fact is that water quality in the United States has been vastly improved in these last 4 decades. Forty years ago if you tried to put your finger in the Potomac River they would come out and say, What the heck are you doing put your finger in the Potomac for? Do you want to get the acid burn on your finger?

Today you go out and people are swimming in the Potomac. People are fishing in the Potomac. What happened? I will have to admit that many regulations, many are regulations that the Democratic party pushed. Let me make no beans about it, the Democrats were in the front of the reform effort. That over the years tough measures were put in and there has been an enormous amount of environmental clean up that has taken place.

Unfortunately, the information about that cleanup has not made it to the American people and especially to our young people. They are being told the water is getting a lot worse. They are being told that the land is much more foul. Over the years of our country's history there were toxic waste dumps all over the place. There was no hope of cleaning them up. The land was spoiled. This was a horrible situation.

Guess what? With the technology we have developed today, we can clean up those sites. In fact, in my own district I worked with a company called Simple Green Company that has developed a way that in 60 to 90 days can take a contaminated soil and turn it into clean soil so it can be used for homes or schools or whatever.

We tried a demonstration project in my district. We took 10 acres of soil that used to be an old oil sludge dump, and sure enough, in about 90 days Simple Green, this company in my district, was able to turn that into a usable piece of property again. Mark my words, when people find out about this process, we will have toxic waste sites being cleaned up all over the country because it will be profitable to do so and we have the technology to do so.

But our young people are not being told that. Our young people are being told it is technology, the machines and the industrialization that has caused the problems. The fact is people are living longer today than they ever have. Although, yes, there are the diseases we face, other generations faced many of these same diseases long before there was this industrialization. Not to say that there is not some collateral impact, and we should be aware of that and study that.

This President has not only full funded but doubled the budget of the National Institute of Health so that we can scientifically look at the health patterns to see if we can help to cure some of those problems.

But in terms of the overall environment, it is so much better. For example, in 1966 a Mustang that my father owned, if you take the pollution coming out of that tail pipe and you examine the new Mustangs today and examine how much pollution is coming out of that tail pipe, 96 percent of the air pollution has been captured. The engines are that much more effective. They have cured 96 percent of that problem.

In Southern California, what that has meant is we have doubled or maybe even tripled our population. Yet the air quality is much much better.

Now, some people say, so what if they are lying to these kids? So what if the public is not getting the story. I can tell you so what. What is happening then is there are a group of people using these lies and the fear that our young people live in and that our other people live in to try to push their own political agenda which is a centralizing of power in Washington, D.C., and that is frightening enough, but their agenda as well is to empower global government through the United Nations and other institutions, to have the power to control our lives, our economic lives, in the name of stopping this horrible pollution.

This threat of global warming that is supposedly going to destroy people's lives and the whole planet, I am sorry but I am not about to give up my freedom to a bunch of unelected officials from other countries. By the way, the people that would be running these international bodies that will oversee the environment and, thus, oversee our economic lives and, thus, oversee every decision which we make as people, these bodies will not be manned and not be controlled by individuals who are elected. No.

They will be controlled by people who are not elected even in their home countries, much less by the people of the United States. Those people who run roughshod over their own countries in the Third World will end up with seats on the United Nations or on these global commissions or authority boards. They will be the ones making the decisions that we must run our lives by. I am afraid not. If that is what you are going to do to clean up the environment, count me out. Because within 10 years all of these bodies will be run by corrupt Third World people who are probably going to be bribed by Communist China, et cetera.

By the way, let us note that in the Kyoto Treaty which the President has been, and we can be grateful for this, has been standing steadfastly against, the Kyoto Treaty that these Democrats are trying to push on us and force down our throats, exempts from its regulations and its Draconian controls, exempts Communist China. Surprise, surprise, surprise.

What do you think that is going to do if we have all kinds of controls on America and in the United States? To open up a factory in the United States, it is going to cost so much more and that if you are going to create any jobs in the United States there is going to be all sorts of hoops people have to jump through and it will cost more money and more controls. But none of those controls and none of those extra costs exist in China. Where do you think people are going to set up their factories? They are going to set their factories up in China.

Let me note, we have some controls in the United States, environmental controls that are exemplary compared to China, compared to these Third World countries that are all exempt. So we have our businesses going to these places to set up factories where they can pollute even more. So the irony of it is the global warming treaty will create more pollution, not less, because it exempts the countries that permit the dirtiest of industrialization. No. You can count me out on that one.

Let us talk a little bit about global warming. What is it? People should understand what is being talked about. Global warming, supposedly, is carbon fuel, coal, oil and gas, et cetera, that is being put into the atmosphere in the form of carbon dioxide, that is CO_2, and supposedly CO_2 will raise the temperature of the planet and that will cause drastic changes in our weather. The ice flows. Supposedly the ice caps are already melting, and animal and plant life are being really threatened by global warming. Every time there is a hot day you can hear some global warming guy get up and say, oh, well, this is all caused by global warming.

Well, that is just so much global bologna. First and foremost, all of the recent scientific reports agree that there may or may not have been a minor change in this planet's temperature, its average temperature over the last 100 years. That there is, get this, no conclusive evidence that man has caused it. Now, that is what the facts are.

But if you listen to Dan Rather or you listen to our friends trying to push their political agenda here in the House, or if you pay attention to the news media besides Dan Rather and the rest of them, you are being told that you have all of these reports and the reports are confirming that the world is getting hotter and man is the cause.

In fact, it was not too long ago I saw a report on TV about one of these commissions and their study and it said the study has found out that it is getting warmer. This is Dan Rather in the beginning. That the Earth is getting warmer and man is at fault. By the end of that report where his own reporter in Washington said, of course, they have not indicated and they cannot prove whether or not man has had anything to do with this. A direct contradiction to this headline that Dan Rather lead into his own report. That is not something that is an odd situation.

If you take a look at all of the media reports on global warming, you will find when you look into the details, by the time you get to the end of the story you will find quotes from the report that they are supposedly pushing or talking about, and there are weasel words throughout the whole report because the scientists that are conducting these studies are not sure and, thus, they want to put into the report words that they can point to and say, well, we did not really say this. We said maybe. We said could lead to the conclusion that or possibly.

Look at these reports. Do not believe when you read something in the newspaper or hear it on television that some scientific body has conclusively decided this, do not believe it because it is not true. Not only is that not true, it is about as true as the fact that those poor kids in my district are being told that air pollution in Southern California is worse than it has ever been and they are scared to death that it is hurting their life.

Climate science, by the way, had become really a new entry into this whole idea of scientific study. Prior to 1980, there were only a handful of climatologists. Now they are everywhere. Why is that? How come there are so many climatologists all of the sudden?

The fact is that it is easy now to get a government grant if you are going to prove that global warming exists and it is very difficult to get a grant if you are trying to have a scientific study that will or will not prove that global warming exists.

Eight years ago when President Clinton took over the Executive Branch, he saw to it that there would be no scientific research grants going from the government to scientists who did not support the idea that we were under attack from some global warming trends. Unless they furthered the global warming theory, they were not going to get a government grant.

We were tipped off to this when the lead scientist, the Director of Energy and Research for the Department of Energy, a guy named Dr. Will Happer, immediately when Clinton was elected and took office, they could not move fast enough to fire this guy from his position because he did not agree with the global warming theory.

Dr. Happer, by the way, now is a professor of physics at Princeton University. But his removal back in Clinton's first few weeks in office sent a message to the scientific community.

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There does not appear to have been much information about global warming prior to the mid 1980s. But what we have been able to find out is that that information that was available before the 1980s indicated that there was going to be a new ice age. Back in the 1980s, some of the same scientists who are now warning us against global warming were warning us that there was going to be a new ice age and that global cooling was really the problem. This Member of Congress sat through hearings in which the advocates of global warming would appear and after a few questions they would admit, well, it could be global cooling, yes, it could be global cooling.

What is that all about? Why are we spending billions of dollars? Why are we giving up our freedom? Why are we permitting the standard of living of our people to go down based on that type of scientific logic? I think not. The fact is that in a span of 20 years, climate models have gone from predicting that we would all freeze to death in the new ice age to now we are all going to have to worry about being baked to death in a global furnace.

Some of the leading proponents, as I say, of global warming went from freezing to burning to death. Historically speaking, we know, by the way, let us just take a look at it, everybody should understand it a little bit, that the global climate changes. Global climate changes. There have been ice ages in the earth's past and there have been tropical ages. Both of those came about off and on throughout the hundreds of millions of years of the earth's life without any interference of man.

Now, the global warming theory, by the way, is that it is getting hotter because mankind is putting CO_2 into the air. Mankind is putting CO_2 into the air. Well, what about all those climate changes before humankind, before there were any railroads or industry or cars? Why did that happen? There is no real explanation for that. Well, there is an explanation. What the proponents of global warming will not tell you is that all of this CO_2 that they claim is causing global warming, all of that CO_2 that mankind puts into the atmosphere is only 5 percent of the CO_2 that goes into the atmosphere every year from all sources. Mother nature is putting 19 times more CO_2 into the air than human beings. But human beings are being blamed totally because we want to have a little higher standard of living.

By the way, when there is a volcano that erupts violently, all of a sudden there is dramatically more CO_2 in the atmosphere. One volcano like Krakatau or something can put as much CO_2 into the air as all of our industrialization. So it makes sense for us not to have good jobs? It makes sense for us not to have cars? Give me a break. The fact is that of all the reforms that global warming people want us to go through and restrictions and the Kyoto treaty, it would knock a little CO_2 out of the air but that is just mankind's contribution to that CO_2. If there is a volcano that erupts, that is taken care of right away and that does not even count anymore.

I had a Member of this Congress grab me by the arm the last time I spoke about this and said, "You know, DANA, you're wrong. The volcanoes do not put CO_2 into the air." And he cited all of these scientists.

I went back to my office, I got on my Internet, looked up the scientific basis and by the time I had to come down to the floor to vote the next time, I had the report right in front of me and, sure enough, volcanoes do put CO_2 into the air. Three percent every year of all CO_2 going into the air comes from volcanoes. Only 5 percent is coming from human activity. So if we have a large number of volcanoes or one big eruption, that means they just totally cancel out anything that we would do as humankind.

By the way, one other factor is, all of these people are talking about, "Oh, this horrible global warming, you can see its impact starting now." What is the global warming? What are these people telling us about our weather? Our weather supposedly is 1 degree warmer than it was 100 years ago. Let us look at this. One degree over 100 years and they are saying that that is a trend that is really frightening. These people cannot tell us what the weather is going to be like next week but they are afraid because they think that the weather is 1 degree warmer now than it was 100 years ago.

I heard about this meeting President Clinton had of climatologists and weather reporters from around the United States into the Oval Office, into the White House, about 5 or 6 years ago. He was going to have all these weathermen there, they were going to talk about global warming and this 100 years and the trend that is set up and, oh, my gosh, 100 years from now how bad it is going to be, when they all got to the White House and they had their meeting and during that meeting at the White House, a storm came across Washington, D.C. and there was a deluge of rain, it was raining horribly, but of those hundreds of weathermen and climatologists who knew all about weather so much, they could predict weather for 100 years, only three of them had brought their umbrellas to that meeting. What does that tell you? You cannot predict what the weather is going to be like 2 weeks from now. And if it is just 1 degree over 100 years, they are telling us that we are going to be so frightened out of our wits by that that we are going to submit to a global treaty that would give powers over our economy and bring down our standard of living, exempt Communist China and let them get all the development? No way. One degree over 100 years is this thing that they are fearful about. And at the same time, let us go back to that basic fact that we were just discussing. There have been changes in the earth's temperature many, many times. Even if that 1 degree over 100 years was right and, by the way, we do not know how they took the temperatures 100 years ago. We do not know who was taking the temperature down in some Pacific Ocean place. Was it a sailor who was reading the thermometer right or what about the guys out west or out in the jungles or something? Who was taking these temperatures 100 years ago? How do we know that it was 1 degree cooler 100 years ago? I would doubt that it is 1 degree warmer, it might be, but if it was and even if we were in a period of our earth's history where there was a slight bit of warming, that is the way it is sometimes. That is no excuse to change the standard of living of the American people.

Earlier in this millennium, we know, for example, or in the last millennium, I should say, Leif Ericson established a colony in Greenland. Greenland at that time was free from snow about half the year. Half the year it did not have any snow in Greenland. Yet less than 100 years after that, the colony had to be abandoned because the climate was growing colder. They had a mini ice age. Certainly we know that throughout our history, we have seen situations where the glaciers came down and then the glaciers receded. Is it possible now that maybe we are in a period where the glaciers are receding a little bit and then they will come down a couple of hundred years from now or a thousand years or a hundred thousand years from now? That is possible. Maybe we are in a period of the earth's history in which, as I say, those glaciers that came down and dug out the Great Lakes and now they have receded, maybe they still are receding. I know one thing, there was a report from the Canadian government that debunked the idea that the ice cap is melting. How many people have heard that? Again, it is like the kids being told in my area that the air pollution is so bad, now they are being told, the ice caps are melting, catastrophe is about ready to happen. The Canadian government just put out a report about 3 months ago, I happened to see it, no, the ice caps are not melting. The ice caps are not melting. They are not receding. There is just as much ice cap as there ever was. This is all baloney. It is called global baloney. Give up your freedom because we are going to try to scare you.

I do not think so. I do not think the American people will buy that. I think that George W. Bush deserves a medal for standing strong against these fearmongers who are trying to scare us into again centralizing power in Washington, D.C. and trying to scare us into centralizing power globally.

Let me just say a few things about George W. Bush overseas, the Kyoto Protocol and the media that has been really down on him. Ronald Reagan went through the same thing. I saw this personally. I worked in the White House with Ronald Reagan. He went through the same personal attacks. You had scientists, you had these liberal science groups that would get up and make the same claims about Ronald Reagan's theories, especially about his defense theories, and they all were proven wrong by the end of his administration. But let me just say, when you hear these reports by the scientific community, especially, for example, there was a report by the National Academy of Sciences, this is the one that Dan Rather was reporting on that I mentioned, and that National Academy of Sciences report which we were told proved conclusively that global warming was happening and that mankind was at fault, when you look at that, when you look at that report, it is so filled with caveats and weasel words that the scientific community was not putting itself on the line to support global warming, it was just drawing attention to the debate about the issue.

I have some documents that I will make part of the record considering this. Again, we have to take a look at what is being said and why it is being said and look very closely at this issue when people are talking about it. I am not suggesting that we should take anyone's word, either people who are anti-global warming or pro-global warming and take them just on face value. We need to make sure that we are very skeptical when people are trying to tell us that something dramatic is happening, whether it is to our weather or to anything else and be very careful before we make such awesome decisions that would change the standard of living and bring down the standard of living of our people.

One thing that people might want to note is that some people are telling us that the global warming phenomenon if there is a 1-degree increase in the earth's temperature, that there could be other explanations for it other than that mankind is using cars to get around in or that CO_2 is being put into the air by machines. For example, the earth's orbit around the sun is elliptical. What does that mean? That means at some time, the earth is closer to the sun and sometimes it is further away from the sun. That happens in 100-year cycles. We are finding now that maybe we might be a little bit closer in that curve and maybe that would account for the fact that things were 1 degree warmer over 100 years. Ancient Mayans and Aztecs observed that cycle, that solar cycle of 208 years. They have suggested that there is a 104-year decline in temperatures and a 104-year increase in temperatures just by the fact of how far you are from the sun.

By the way, also something that we might explain this is the fact that there are sun spots and there are solar storms. The sun itself may be the cause of global warming which of course has nothing to do with industrialization or automobiles or us putting CO_2 in the air. We also have to remember that water, water comprises so much of the volume of this planet. I think it is three-quarters of the planet is water. Yet there are no adequate global ocean temperature readings. All the readings have been done on land, have not been done of the water or of the air. So we have not tested the water temperature nor have we tested the atmospheric temperature. In fact, a renowned scientist just prior to me coming up here was with me coming here and said, there is absolutely no evidence that there has been any temperature change, not even that 1 degree over 100 years, no temperature change above the atmosphere.

If there has been no change there and no change in the water, how are these people able to come forward and be so fanatical about what they are trying to railroad us into?

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So, none of the readings include any deep water, and if there is any water temperatures, it is only very shallow water readings. So we have zero understanding of the deep waters that cover this planet, and no change, we see no change in the upper atmosphere. So how can we then try to think that with that type of data, not knowing how the other data has been collected, how can we possibly make decisions like the ones for the Kyoto Treaty that will so dramatically affect the standing of living of our people?

Let me go on to say one other thing about global warming. About 7 or 8 years ago, during the height of the Clinton Administration, this Member of Congress was visited by a high ranking scientist in the U.S. Government, and he made me swear never to tell who he was, but he said, Dana, these readings that they are using to back up their theory that we are going through global warming, they do not take into consideration cloud cover.

Get that. Not only do they not take water temperature or the sun or any of these other things, but cloud cover. They have not taken into consideration even if the clouds were covering that day, much less do they take into consideration that at one time, maybe 100 years ago, there was a lot of open space where they were taking the readings, and now that space is covered with concrete because it might be a city.

Now, what does that have to do with that one degree of increase in temperature there has been? These things make a lot of difference, and yet those people who are trying to tell us that global warming is a problem have not taken any of these things into account.

So, anyway, what can we determine by all of this? That global temperature records are flawed. We know they did not take into account what was going on with the sun, whether or not the areas that were being recorded were urban or rural over these last 100 years. They have not even taken into consideration the humidity factor in terms of the Earth's temperature.

Finally, let us look at the Earth's orbit itself. They do not take into account the Earth's orbit. They do not take into account the sun's situation. They do not take into account the clouds. They do not take into account their own long-term readings. They do not take into account the humidity. What they do take into account is a theoretical calculation that man-made CO_2s have something to do with global warming, and they have lots of hypothetical data about how human beings are polluting the world.

Okay, human beings are polluting the world, and that is certainly a fact, and we have to work to make sure that we correct pollution by better technology all the time. It does not mean that we have a global warming problem. It does not mean that we have to make drastic changes in our life or increase taxes or centralize power.

Most of the sources of CO_2, and that is the pollutant they are looking at, these greenhouse gasses, methane and CO_2, most of them are coming into the atmosphere naturally and are not manmade. Now, certainly we contribute a little bit. As I mentioned earlier, you have volcanic activity that creates CO_2. Three percent of all of the CO_2 in the world every year comes from volcanic activity. If a huge volcano goes off, it goes much more.

But how about these other sources? That is about the same level as mankind. The volcanoes put out about the same thing mankind puts out every year, unless there is a big volcano that goes off.

What about some of the other sources? The other sources of methane and CO_2 are what? How about insects and termites, and how about rotting wood? Do you know that insects and termites and rotting wood contribute much more to the CO_2 and methane that goes into the environment than human beings? All of our industrialization does not put into the environment as much CO_2 and methane that termites and insects and rotting wood do.

So if our main concern about pollutants is to bring those CO_2 levels of methane down, because we are so afraid of global warming, what would we do? What would be consistent with that? Well, they say you want to limit human beings' right to have their own automobiles, make it so expensive people cannot own a car, $5, $6 a gallon gasoline. We want to make sure there are controls on all the factories so we do not have good jobs, ordinary people lose their jobs. That is what they say. That would only get to maybe 1 or 2 percent of the CO_2 that is being put into the atmosphere.

If you are really consistent with what these fanatics, the global warming fanatics, would have you do, what we would do is bulldoze, are you listening to this, bulldoze all of the rain forests and all of the old growth trees, because, according to the global warming theory, the CO_2 and the methane that comes in, that is what is causing global warming, and rotting wood in rain forests and the insects eating that rotting wood and the old growth trees we have here in the United States and elsewhere are the major source of that pollutant. So what we need to do is bulldoze all those rain forests.

Now, do you think you are ever going to hear some global warming fanatic come down here and admit that? No way. But if you ask them, you keep pointing questions, they always try to dodge this question. In a hearing you keep on them, and you will get them to admit that yes, this is a much greater source for global warming gasses, you know, they call them greenhouse gasses, than industrialization.

Now. Well, I do not happen to think we should, and, by the way, I am not advocating that we bulldoze all the forests and all of the rain forests. By the way, what you would do then is plant young trees. It is young trees and plants that are young that soak in the carbon dioxide and give out oxygen. That is what you want for a better balance of CO_2 and oxygen in the planet. But I would not advocate that. But I do not believe in the global warming theory.

Interestingly enough, many global warming people also oppose nuclear power. Making sure we put the power of the atom to work in producing electricity would have a tremendous impact in lowering CO_2. Are you going to find them out here advocating that? No way. Instead, what they are advocating are stricter controls on the amount of money that is invested in businesses in this country, the amount of money that is invested in manufacturing facilities, and restricting the kind of activity that we can do industrially in this country. And who does that hurt? It hurts ordinary working people who want to have working class jobs. That is who it hurts. They are willing to do that. Their own theory would suggest they said bulldoze down all of the forests and all of the swamps and rain forests we have.

Do not hold your breath looking for those people to be consistent. Instead, what you can do is watch them come to the well day after day condemning George W. Bush for not going along with the global warming treaty, and being very nebulous about exactly what that means. He supposedly is doing nothing.

George Bush was 100 percent right in rejecting the Kyoto Protocol and demanding further scientific research before any drastic government policies are put into place. The most frightening element of the global warming debate is that intelligent people backed up by so-called experts are willing to give up the American way of life, and, yes, put into place regulations and taxes that would lower our standing of living.

Global warming advocates would have us give authority to unelected international officials. And all of this to me, I do not care if they call them international environmental bureaucrats or just international officials, if they have not been elected, I do not want them making decisions over my life. If these global warming fanatics have their way, Americans are going to be targeted as the bad guys.

If you ever listen to these arguments, whether it is Daschle or other global warming advocates, it is always the American people that put more pollutants into the air. No, that argument does not hold. In fact, what every person in the world puts into the air is only a minor, a minor, contribution to what global warming is all about. But, yet, the American people are trying to be stampeded by this campaign.

Now, I have seen campaigns like this before. I have seen people trying to scare people on various issues since I was a little kid. How many people remember when cranberries were supposedly going to cause cancer, and then all of a sudden the cranberry business for 2 years went to hell. People went bankrupt because our people were frightened into believing cranberries caused cancer. That is when I was a little kid.

Guess what? People are drinking cranberry juice. There are so many cranberries being consumed in our county, I cannot believe it.

Then there were cyclamates in soda. That was going to cause cancer. It cost our soda pop industry billions of dollars that evaporated. They put the cyclamates in, it was something to keep people from gaining weight.

Canada never took the cyclamates out. Then 10 years ago, after billions of dollars of cost they mandated in our business, that means there are fewer people employed, that comes right out of the general welfare of our people, that we do not have that wealth to make our lives better, guess what? The FDA said, guess what? We are sorry, the cyclamates do not cause cancer after all.

We also remember a very well-known movie star that convinced us only a few years ago that alar in apples caused cancer. Well, I am sorry, after about a year that actress was found to be wrong. But what happened in that year? Apple farmers suffered tremendous losses. Many families lost their whole life savings. They went out of business.

When we buy on total theories that are haywire and unscientific theories, there is an effect to this. There is a cause and effect. We buy on to things that are not scientifically proven, they are trying to scare us. Just like they are trying to scare the kids in my Congressional District about dirty air. That is the cleanest air we have had in decades, but if we buy on to those theories and get frightened, it will impact in a negative way.

Now, with the cranberries and the cyclamates and the alar, it just hurt various farmers. But if we buy on to the global warming theory, it is going to hurt all of us. It is going to bring down our standard of living.

Thank God we have a President of the United States that is willing to say this does not hold water; we need a lot more scientific research before we make such decisions; I am not going to go along with this global warming Kyoto Protocol. I commend him for that, and I would hope that the American people understand his wisdom and his courage and that he is standing there to protect us and to protect our standard of living.

With that, I would ask my colleagues to join me in recognizing that George W. Bush is doing this kind of job and that he is a good man, and wish him well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KIRK). The Chair will remind all Members that in order to preserve comity between the two chambers, Members will refrain from making personal references to Senators.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FROST (at the request of Mr. GEPHARDT) for after 12:30 p.m. today on account of official business.

Mr. HANSEN (at the request of Mr. ARMEY) for today on account of a death in the family.

Mr. KELLER (at the request of Mr. ARMEY) for after 1:00 p.m. today on account of family reasons.

Mr. MCINNIS (at the request of Mr. ARMEY) for today on account of family reasons.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for Thursday, July 26, before 3:00 p.m. on account of attending a family funeral.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Mr. WATT of North Carolina (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mr. SUNUNU (at the request of Mr. ARMEY) for today on account of attending a memorial service for his uncle.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. MCDERMOTT, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Monday, July 30, 2001, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3134. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 01–063–1] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3135. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation and Interstate Movement of Certain Land Tortoises [Docket No. 00–016–3] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3136. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Export Certification; Canadian Solid Wood Packing Materials Exported From the United States to China [Docket No. 99–100–3] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3137. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pine Shoot Beetle; Addition to Quarantined Areas [Docket No. 01–048–1] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3138. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Accreditation Standards for Laboratory Seed Health Testing and Seed Crop Phytosanitary Inspection [Docket No. 99–030–2] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3139. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Arthur K. Cebrowski, United States Navy, and his advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

3140. A letter from the Federal Register Liaison Officer Alternate, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Assessments and Fees [No. 2001–44] (RIN: 1550–AB47) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3141. A letter from the Federal Register Liaison Officer Alternate, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Liquidity [No. 2001–51] (RIN: 1550–AB42) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3142. A letter from the Federal Register Liaison Officer Alternate, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Conversion from Stock Form Depository Institution to Federal Stock Association [No. 2001–52] (RIN: 1550–AB46) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3143. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3144. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wallace, Idaho and Bigfork, Montana) [MM Docket No. 98–159; RM–9290] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3145. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kingman and Dolan Springs, Arizona) [MM Docket No. 01–63; RM-10075] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3146. A letter from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (West Hurley, Rosendale and Rhinebeck, New York, and North Cannan and Sharon, Connecticut) [MM Docket No. 97–178; RM–8329; RM–8739; RM–10099] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3147. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3148. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3149. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3150. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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3163. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3164. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3165. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3166. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3167. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3168. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3169. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3170. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3171. A letter from the Office of Headquarters and Executive Personnel Services, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3172. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 010112013-1013-01; I.D. 071201A] received July 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3173. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule— End of the Service Members Occupational Conversion and Training Program (RIN: 2900-AK45) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2001-41] received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate tax return; Form 706, Extension to File [TD 8957] (RIN: 1545-AX98) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Exxon v. Commissioner, 113 T.C. 338 (1999) (Docket No. 23331-95, 16692-97) received July 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3177. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Reduction in Certain Deductions of Mutual Life Insurance Companies [Rev. Rul. 2001-33] received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3178. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Collection of Supplemental Security Income (SSI) Overpayments from Social Security Benefits (RIN: 0960-AF13) received July 20, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2505. A bill to amend title 18, United States Code, to prohibit human cloning; with amendments (Rept. 107-170). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TAUZIN (for himself, Mr. Thomas, Mr. Hansen, and Mr. Oxley):

H.R. 4. A bill to enhance energy conservation, research and development and to provide for security and diversity in the energy supply for the American people, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, Ways and Means, Resources, Education and the Workforce, Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself and Ms. Velázquez):

H.R. 2666. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business.

By Mr. SMITH of New Jersey (for himself, Mr. Bilirakis, Mr. Everett, Mr. Buyer, Mr. Gibbons, Mr. Simmons, Mr. Brown of South Carolina, Mr. Wamp, and Mr. Kirk):

H.R. 2667. A bill to provide for a joint Department of Defense and Department of Veterans Affairs demonstration project to identify benefits of integrated management of health care resources of those departments, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 2668. A bill to amend title 18, United States Code, to prohibit the disposition of a firearm to, and the possession of a firearm by, non-permanent resident aliens; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself, Mr. OSBORNE, Mr. PICKERING, Mr. HALL of Texas, Mrs. CLAYTON, Mr. GOODE, Mr. BISHOP, Mrs. CHRISTENSEN, Mr. THUNE, Mr. SIMPSON, Mr. SCHAFFER, Mr. HUTCHINSON, Mr. CHAMBLISS, Mr. BRADY of Texas, Mr. STENHOLM, Mr. BOSWELL, Mr. THOMPSON of California, Mr. POMEROY, Mr. CONDIT, Mrs. EMERSON, Mr. BERRY, Mr. GIBBONS, Mr. ETHERIDGE, Mr. BLUNT, Mr. REHBERG, Mr. HAYES, Mr. STRICKLAND, Mr. KIND, and Mr. JOHN):

H.R. 2669. A bill to improve access to telecommunications and Internet services in rural areas; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mrs. MALONEY of New York, Mr. STARK, Mrs. THURMAN, Mr. GEORGE MILLER of California, Mr. MCGOVERN, Mr. CUMMINGS, Mr. FROST, Ms. NORTON, Mr. PETERSON of Minnesota, Mr. JACKSON of Illinois, Ms. BALDWIN, Mr. SANDERS, Mr. KILDEE, Mr. LANTOS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. LEE, Mr. SANDLIN, Mr. GUTIERREZ, Ms. ESHOO, Mr. MCNULTY, Mr. KUCINICH, Mr. OWENS, Mr. BONIOR, Mr. NADLER, Ms. CARSON of Indiana, Mr. HONDA, Mr. FRANK, Ms. MILLENDER-MCDONALD, Ms. HARMAN, Mr. ENGEL, Mr. CONYERS, Mr. BOUCHER, Ms. SOLIS, Mr. HOLDEN, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. RUSH, Mr. DEFAZIO, Ms. WATERS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mrs. CLAYTON, Mr. ABERCROMBIE, Mrs. CAPPS, Ms. DEGETTE, Mr. SHAYS, Mr. WAXMAN, Mr. BECERRA, Mr. LAMPSON, Ms. MCCOLLUM, Mr. HALL of Texas, Mr. FORD, Mr. SHERMAN, Mr. REYES, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. PASTOR, Mr. SERRANO, Ms. VELÁZQUEZ, Mr. HINOJOSA, Ms. SANCHEZ, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. BACA, Ms. PELOSI, Mr. CLYBURN, Mrs. MEEK of Florida, Ms. KAPTUR, Mr. FARR of California, Mr. MORAN of Virginia, Mr. LAFALCE, Ms. HOOLEY of Oregon, Mr. GILMAN, Mr. CROWLEY, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. MATSUI, Ms. DELAURO, Ms. SLAUGHTER, Ms. BERKLEY, Ms. BROWN of Florida, Mrs. CHRISTENSEN, Ms. LOFGREN, Mrs. MCCARTHY of New York, Mrs. JONES of Ohio, Ms. RIVERS, Ms. SCHAKOWSKY, Mr. WU, Mr. BERMAN, Ms. MCCARTHY of Missouri, Ms. KILPATRICK, Ms. MCKINNEY, Mrs. DAVIS of California, Mrs. LOWEY, Mr. EVANS, Mr. GREEN of Texas, Mr. MOORE, Mr. RANGEL, Mr. SNYDER, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. ACEVEDO-VILA, Mr. UNDERWOOD, and Mr. SCOTT):

H.R. 2670. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself and Mr. NEY):

H.R. 2671. A bill to amend title 38, United States Code, to suspend for five years the authority of the Secretary of Veterans Affairs to increase the copayment amount in effect for medication furnished by the Secretary on an outpatient basis for the treatment of service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. FOLEY:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to provide that no person born in the United States will be a United States citizen unless a parent is a United States citizen, is lawfully in the United States, or has a lawful immigration status at the time of the birth; to the Committee on the Judiciary.

By Mr. ENGEL (for himself, Mr. CANTOR, Mr. MCNULTY, Mr. SHERMAN, Mr. FROST, Mr. WEINER, Ms. ROS-LEHTINEN, and Mr. PLATTS):

H. Con. Res. 202. Concurrent resolution condemning the Palestinian Authority and various Palestinian organizations for using children as soldiers and inciting children to acts of violence and war; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAFFER (for himself and Ms. KAPTUR):

H. Con. Res. 203. Concurrent resolution congratulating Ukraine on the tenth anniversary of re-establishment of its independence; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Mr. COX, Mr. WAXMAN, Mr. GILMAN, Mr. WU, Mr. SMITH of New Jersey, Mr. MATSUI, Mr. LANGEVIN, Mr. ACKERMAN, Mr. CROWLEY, Ms. BERKLEY, Mr. SCHIFF, Mr. CANTOR, Mr. BISHOP, Mr. PITTS, Mr. TOWNS, Mr. HOEFFEL, Mr. BALLENGER, Mr. NADLER, Mr. BERMAN, Ms. MILLENDER-MCDONALD, Mrs. TAUSCHER, Mr. CUMMINGS, Mr. HOYER, and Mr. RUSH):

H. Res. 212. A resolution expressing the sense of the House of Representatives that the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance presents a unique opportunity to address global discrimination; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. BOEHLERT.

H.R. 103: Mr. SKEEN and Mr. LARGENT.

H.R. 116: Ms. MILLENDER-MCDONALD.

H.R. 218: Mr. SCARBOROUGH and Mrs. MALONEY of New York.

H.R. 292: Mr. CROWLEY AND MR. RANGEL.

H.R. 321: Mr. ABERCROMBLE.

H.R. 335: Mr. NETHERCUTT.

H.R. 448: Mr. UDALL of Colorado and Mr. KINGSTON.

H.R. 758: Ms. BALDWIN.

H.R. 877: Ms. PRYCE of Ohio.

H.R. 914: Mr. WICKER.

H.R. 936: Mr. DOYLE.

H.R. 950: Mr. REHBERG.

H.R. 951: Mr. SCHIFF, Mr. BASS, and Mr. ROTHMAN.

H.R. 959: Mr. RODRIGUEZ.

H.R. 1038: Mr. ABERCROMBIE.

H.R. 1070: Mr. GREEN of Wisconsin.

H.R. 1073: Mr. JOHN.

H.R. 1086: Ms. HOOLEY of Oregon.

H.R. 1089: Mrs. NAPOLITANO.

H.R. 1108: Ms. BALDWIN.

H.R. 1143: Mr. TIERNEY and Mrs. MEEK of Florida.

H.R. 1170: Mr. LEVIN.

H.R. 1198: Mrs. DAVIS of California, Mr. LEWIS of Georgia, Mrs. MCCARTHY of New York, Mr. RUSH, and Mr. ROTHMAN.

H.R. 1201: Mrs. CHRISTENSEN.

H.R. 1238: Mr. MCNULTY and Mr. RAMSTAD.

H.R. 1243: Mr. SHOWS.

H.R. 1290: Ms. CARSON of Indiana.

H.R. 1305: Mr. HORN.

H.R. 1307: Mr. BORSKI.

H.R. 1323: Mr. FATTAH.

H.R. 1330: Mr. WALDEN of Oregon.

H.R. 1377: Mr. RADANOVICH.

H.R. 1450: Mr. WELDON of Florida.

H.R. 1509: Mr. SANDERS and Mr. MORAN of Virginia.

H.R. 1522: Mr. HOEFFEL and Mr. EVANS.

H.R. 1584: Mr. NORWOOD.

H.R. 1598: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1609: Mr. BOYD.

H.R. 1611: Mr. PASCRELL.

H.R. 1644: Mr. GUTKNECHT.

H.R. 1645: Mr. PETERSON of Minnesota and Mr. BENTSEN.

H.R. 1681: Mr. PICKERING, Ms. HART, Mr. BURTON of Indiana, and Mr. KINGSTON.

H.R. 1700: Mr. DOYLE.

H.R. 1701: Mrs. KELLY.

H.R. 1703: Mr. UPTON.

H.R. 1707: Mr. BACA.

H.R. 1718: Mr. WEINER, Ms. WOOLSEY, Mr. CRAMER, Mr. ORTIZ, Mr. CARSON of Oklahoma, and Mr. SHOWS.

H.R. 1731: Mr. SCHAFFER, Mr. ARMEY, Mr. WALDEN of Oregon, Mr. FOLEY, and Mr. GILLMOR.

H.R. 1773: Mr. KUCINICH.

H.R. 1775: Mr. CONDIT, Mr. CALVERT, and Mr. DAVIS of Illinois.

H.R. 1784: Mr. REYES, Mr. CUNNINGHAM, and Mr. BERMAN.

H.R. 1798: Mr. HORN.

H.R. 1815: Ms. PELOSI and Mr. SMITH of Washington.

H.R. 1830: Mr. ABERCROMBIE, Mr. BAIRD, Mr. BLUMENAUER, Mr. BRADY of Pennsyulvania, Mr. CAPUANO, Mr. CARDIN, Ms. DELAURO, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. HINCHEY, Mr. HOEFFEL, Mr. INSLEE, Ms. LOFGREN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. NADLER, Mr. OBERSTAR, Mr. OWENS, Mr. PASCRELL, Ms. PELOSI, Mr. PHELPS, Mr. ROTHMAN, Mrs. TAUSCHER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. WEINER, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Mr. DOYLE, Mr. UDALL of Colorado, Ms. WOOLSEY, Mr. WU, Mr. LARSEN of Washington, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mrs. MEEK of Florida, Mr. PAYNE, Mr. MARKEY, Mr. OLVER, Mr. MORAN of Virginia, and Ms. BALDWIN.

H.R. 1893: Mr. FATTAH.

H.R. 1897: Mr. CROWLEY and Mr. KING.

H.R. 1918: Mr. WELLER.

H.R. 1931: Mr. DEUTSCH and Mr. YOUNG of Alaska.

H.R. 1935: Mr. UDALL of Colorado and Mr. FERGUSON.

H.R. 1961: Mrs. DAVIS of California and Mr. SHERMAN.

H.R. 1975: Mr. COSTELLO, Mr. BAKER, and Mr. BASS.

H.R. 1986: Mr. DAVIS of Florida, Ms. ESHOO, and Mr. VITTER.

H.R. 1997: Mr. ENGLISH.

H.R. 2023: Mr. JEFFERSON and Mr. BAKER.

H.R. 2047: Mr. SMITH of Texas.

H.R. 2074: Mr. FARR of California and Mr. GEORGE MILLER of California.

H.R. 2121: Mr. PAYNE and Ms. LEE.

H.R. 2166: Mr. RODRIGUEZ.

H.R. 2173: Mr. WAXMAN, Mr. CROWLEY, Mr. EVANS, and Ms. BALDWIN.

H.R. 2188: Mr. BORSKI, Mr. LANTOS, and Ms. HART.

H.R. 2200: Mr. SOUDER and Ms. BALDWIN.

H.R. 2212: Mr. ISAKSON, Mr. PLATTS, and Mr. SCHROCK.

H.R. 2235: Mr. COLLINS.

H.R. 2244: Mr. SMITH of Michigan.

H.R. 2291: Ms. HART.

H.R. 2294: Mr. EVANS.

H.R. 2316: Mr. GRAHAM, Mr. OXLEY, Mr. BAKER, Ms. DUNN, Mr. BURTON of Indiana, Mr. KNOLLENBERG, and Mr. SUNUNU.

H.R. 2329: Mr. BASS and Mr. SCHIFF.

H.R. 2339: Mr. PASCRELL and Ms. HART.

H.R. 2341: Mrs. BIGGERT, Mr. FLAKE, Mr. GILLMOR, Mr. GOODE, and Mr. KELLER.

H.R. 2362: Mr. HASTINGS of Florida, Mr. FRANK, Mr. CASTLE, and Mr. FROST.

H.R. 2364: Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Mr. HOEFFEL, and Mr. FRANK.

H.R. 2379: Mr. THOMPSON of Mississippi and Ms. PELOSI.

H.R. 2380: Mr. STRICKLAND and Mr. CRANE.

H.R. 2390: Mr. SOUDER.

H.R. 2398: Ms. JACKSON-LEE of Texas and Ms. HART.

H.R. 2405: Mr. TIERNEY, Mr. NADLER, Mr. OLVER, Mr. TOWNS, and Mr. STARK.

H.R. 2442: Mr. GEKAS.

H.R. 2454: Ms. PELOSI, Ms. SOLIS, Ms. HARMAN, Mrs. BONO, Mr. CALVERT, Ms. ESHOO, and Mr. CAPUANO.

H.R. 2457: Mr. LAHOOD, Mrs. CAPITO, Mr. PLATTS, Mr. BURR of North Carolina, Mr. ISAKSON, Mr. HERGER, and Mrs. EMERSON.

H.R. 2498: Mr. BARRETT.

H.R. 2550: Mr. HONDA.

H.R. 2559: Ms. NORTON.

H.R. 2592: Ms. PELOSI.

H.R. 2598: Mr. PASCRELL, Mr. CUMMINGS, and Mr. CONDIT.

H.R. 2605: Mrs. THURMAN and Mr. MCDERMOTT.

H.R. 2608: Mr. SCHIFF.

H.R. 2614: Mr. LANTOS, Ms. DELAURO, and Mr. SMITH of Washington.

H.R. 2663: Mr. FILNER.

H. Con. Res. 97: Mr. SWEENEY and Mr. CROWLEY.

H. Con. Res. 116: Mr. FRANK.

H. Con. Res. 131: Mr. FROST, Mr. MCNULTY, Mr. PORTMAN, Mrs. BIGGERT, Mr. DAVIS of Florida, and Mr. GALLEGLY.

H. Con. Res. 181: Mr. RUSH, Mr. RAHALL, and Mr. CROWLEY.

H. Con. Res. 188: Mr. ROYCE, Mr. SHERMAN, Ms. Watson, Mr. MCGOVERN, Mr. SABO, Mr. KUCINICH, and Ms. PRYCE of Ohio.

H. Res. 132: Ms. WATSON and Mr. MCHUGH.

H. Res. 200: Mr. HASTINGS of Florida, Mr. GILMAN, and Mr. BEREUTER.

H. Res. 202: Mr. RANGEL and Mr. ISRAEL.

H. Res. 211: Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. CLAY, Mrs. MEEK of Florida, Ms. LEE, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. HILLIARD, Mrs. CLAYTON, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mr. LEWIS of Georgia, Mr. WYNN, Mr. CLYBURN, Mr. PAYNE, Mr. JEFFERSON, Mr. SCOTT, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. BISHOP, Mr. FATTAH, Mr. OWENS, Mr. MEEKS of New York, Ms. BROWN of Florida, and Ms. WATSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 770: Mr. BISHOP.

H.R. 1745: Mr. GEORGE MILLER of California.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2620

OFFERED BY: MRS. WILSON

AMENDMENT NO. 47: Page 61, line 25, after the dollar figure, insert "(reduced by $15,000,000)".

Page 64, lines 5 and 9, after the dollar figures, insert "(increased by $15,000,000)".

SENATE—*Friday, July 27, 2001*

The Senate met at 10 a.m. and was called to order by the Presiding Officer, the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we dedicate this day to discern and do Your will. We trust in You, dear Father, and ask You to continue to bless America through the leadership of the women and men of this Senate. Help them as they grapple with the problems and grasp the potential for the crucial issues before them today.

You provide us strength for the day, guidance in our decisions, vision for the way, courage in difficulties, help from above, unfailing empathy, and unlimited love. You never leave us or forsake us; nor do You ask of us more than You will provide the resources to accomplish. So, here are our minds, think Your thoughts in them; here are our hearts, express Your love and encouragement through them; here are our voices, speak Your truth through them. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 27, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2299, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2299) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

Pending:

Murray/Shelby amendment No. 1025, in the nature of a substitute.

Murray/Shelby amendment No. 1030 (to amendment No. 1025), to enhance the inspection requirements for Mexican motor carriers seeking to operate in the United States and to require them to display decals.

Gramm amendment No. 1168 (to amendment No. 1030), to prevent violations of United States commitments under the North American Free Trade Agreement.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, the majority leader has asked I advise everyone that the Senate will resume consideration of the Transportation Appropriations Act under postcloture conditions. Cloture was invoked yesterday by a margin of 70–30.

We hope to be able to work out an agreement on this matter today, if possible. If we can't, we would have a vote tonight on the matter now before the Senate dealing with cloture at approximately 8:45. There will be votes throughout the day on other matters if we are not able to work something out.

As we announced yesterday, we very much hope we can move to the agricultural emergency supplemental authorization bill. It is extremely important that be done prior to the August recess. We also have, as my friend, the ranking member of the Banking Committee, knows, concern about moving forward on the Export Administration Act, which also should be done before our August recess because that law expires in mid-August. The high-tech industry throughout America has been calling our offices asking that we do this. With the slowdown of the high-tech industry, we need to move this legislation.

As I indicated, there will be rollcall votes throughout the day. We hope we can move forward on other matters, but we understand the Senate rules and will abide by whatever Senators MCCAIN and GRAMM think is necessary.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, the Senate is now considering the Transportation appropriations bill that has now been before the Senate for a week. There are a number of provisions in this bill that are extremely important to our Nation's infrastructure. This is a bill that I have been very proud to work on in a bipartisan way with the ranking member of my committee, Senator SHELBY. I will take a moment this morning to recognize the tremendous work and help of Senator SHELBY and his staff and our staff. They have spent long nights negotiating this bill this week, working to a point where we could get this bill out and do it in a way that provides the infrastructure we think is so important, whether it is for our airports, our railways, whether it is for our roads or waterways.

There are extremely important provisions in this bill for many Members of the Senate. We have had considerable requests from every Member of the Senate for important infrastructure improvements in their State. I am very proud of the work Senator SHELBY and I have done. We have worked extremely hard for the last 5 months to put this bill together. I think we have done a very good job. We have met and exceeded every request of this President, unlike the House, and we have done a good job, I believe, of meeting the transportation requirements of every Senator who has come to us.

I was pleased yesterday we were able to come to cloture on this measure on a very strong vote from the Senate of 70–30. I realize there are some Members of the Senate who think the provisions do not meet their requirements, but I think we have done a very good job of not doing what the House did, which was to absolutely prohibit any truck from coming across the border, and not do what the President has asked, which was to simply open up the borders and let trucks come through at will, but to put together a comprehensive piece of legislation which I believe will clearly mean we will be able to have a bill that is passed that assures constituents, whether they live in Washington State or constituents living in border States, when they see a truck with a Mexican license plate, they will know that truck has been inspected, that its driver has a good record, that it is safe to be on our highways, as we now require of Canadian trucks and American trucks.

Can we do better for all trucks on our highways? Absolutely. But it is clear we need to make sure, as NAFTA provisions go into place and we do start getting cross-border traffic, we can assure our moms who are driving kids to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

school, or our families who travel on vacation, or each one of us as we drive to work today, that we know our highways are safe. I believe the provisions we have put into this bill do make sure that happens.

I understand from the Senator from Nevada we will have a vote sometime this morning. I will take some time between now and then to walk through again what the compromise provisions are. I think they are very solid and give a lot of assurance. It is important we understand what we are passing out of the Senate.

The DOT plans to issue conditional operating authority to Mexican truck companies based on a simple mail-in questionnaire. All that Mexican truck companies will need to do is simply check a box saying they have complied with U.S. regulations and then their trucks will start rolling across the border. In fact, under the Department of Transportation plan, Mexican trucking companies will be allowed to operate for at least a year and a half before they are subjected to any comprehensive safety audit by the DOT.

So under the committee provisions that we have written in a bipartisan manner with the members of Senator SHELBY's staff, under the subcommittee's unanimous vote, and under the full committee's unanimous vote, no Mexican trucking firm will be allowed to operate beyond the commercial zone until inspectors have actually performed a compliance review on that trucking company. This review will look at the conditions of the truck and the recordkeeping. They are going to determine whether the company actually has the capacity to comply with United States safety regulations, and once they have begun operating in the United States, Mexican trucking firms will undergo a second compliance review within 18 months. That second review will allow the Department of Transportation to determine whether the Mexican trucking firm has, in fact, complied with United States safety standards, and it will allow them to review accident breakdown rates, their drug and alcohol testing results, and whether they have been cited frequently for violations.

The ratification of NAFTA 7 years ago anticipated a period when trucks from the United States, Canada, and Mexico would have free rein to service clients across all three countries. This was not really a change in policy as it pertained to Canada since the United States and Canada had reciprocal trucking agreements in place long before NAFTA was ever required. But it did, as we know, require a change when it came to truck traffic between the United States and Mexico.

Let me say that again. We have had a long-time policy that pertains to Canada because we have had reciprocal agreements in place for some time. But with the ratification of NAFTA, and now with the January deadline coming upon us, we knew we had to take action when it came to truck traffic between the United States and Mexico.

For several years the opening up of the border between these two countries was effectively put on hold by the administration because they had great concern over the absence of reasonable safety standards for trucks that were operating in Mexico. While Mexican trucks have been allowed to operate between Mexico and a very defined commercial zone along the border—20 miles—the safety record of those trucks has been abysmal. In fact, the Department of Transportation's own inspector general, the General Accounting Office, and many others have published a number of reports that have documented the safety hazards that have been presented by the current crop of Mexican trucks crossing the border.

At a hearing of the Commerce Committee just last week, the inspector general came to that committee hearing and testified about instances where trucks have crossed the border literally with no brakes. Think about the impact of that, if you are a mom driving your kids to school, or if you are driving a bus carrying a busload of kids to school, or driving on vacation, or if you are going to work: A truck that has no brakes and it has crossed the border because we have lack of inspectors, we have lack of inspection, and we have the lack of ability to assure the safety of those Mexican trucks.

Officials with that IG office visited every single border crossing between the United States and Mexico, and they have documented case after case of Mexican trucks entering the United States that were grossly overweight, that had no registration or insurance, and that had drivers with no licenses. We have an obligation to assure that the trucks that drive on our roads have registration, have insurance, have drivers with licenses, and that meet our weight requirements. These are simple, basic safety measures that we have to reassure every family who drives in our country.

In fact, according to the Department of Transportation's most recent figures, Mexican trucks are 50 percent more likely to be ordered off the road for severe safety deficiencies than United States trucks. And Mexican trucks are more than 2½ times more likely to be ordered off the road than Canadian trucks. Equally troubling to all of us is the fact that Mexican trucks have been routinely violating the current restrictions that limit their area of travel to the 20-mile commercial zones.

Knowing these things, we knew we had an obligation as we passed this bill in the Transportation Appropriations Subcommittee to make sure we put in safety requirements. Knowing that Mexican trucks are 50 percent more likely to be ordered off the road, we knew we had to put in safety requirements to assure, as trucks begin to travel beyond that 20-mile limit, even though as some of our colleagues have pointed out they are already doing so illegally—but once they are allowed to do that under the President's order, we need to make sure those trucks are safe before they come in.

The DOT inspector general found that 52 Mexican trucking firms have operated improperly in over 26 States outside the four southern border States. Already, in 26 States of our country, we have these trucks coming in. That is one reason Senator SHELBY, the ranking member of the Transportation Subcommittee, and I put the money into this bill that the House had stripped out—$15 million more than the administration had requested—in order to ensure that we have inspectors in place and inspection stations and weigh stations, so we can monitor the traffic crossing our southern border.

An additional 200 trucking firms violated the restrictions to stay within that commercial zone in the border States. We know Mexican trucks have been found operating illegally as far away from the Mexican border as New York State in the Northeast and my own State of Washington in the Northwest. We know the trucks are coming in now illegally to 26 States from 200 trucking firms. We want to make sure that as it becomes legal for them to be crossing the border, they are safe; that is a basic safety requirement, that we have an obligation as Senators to be able to go home and say to our constituents as the NAFTA provisions take effect.

Let me just take a moment to remind my colleagues, I supported NAFTA. I support free trade. I believe this NAFTA provision will raise the safety and health standards and labor standards for all three countries as it goes into place. But it will not do that if we lessen the safety requirements of the United States as it is implemented. That is why this provision is so critical.

One thing I found shocking was that the inspector general reported on one case where a Mexican truck was found, on its way to Florida to deliver furniture, and when that vehicle was pulled over, that driver had no logbook and no license. As I said, this is not unique; there have been experiences such as this in half of the States of the continental United States.

Given that kind of deplorable safety record, the official position of the U.S. Government since the ratification of NAFTA was that the border could not be opened to cross-border trucking because of the safety risks involved.

Why has that changed? Why are we now dealing with this provision on the floor of the Senate? Two things have basically changed that policy of restricting those trucks to within that 20-mile border.

First of all, of course, a new administration has come into power and they have said they want our borders opened.

Second, the Mexican Government successfully brought a case before the NAFTA arbitration panel. That panel has ruled the U.S. Government must initiate efforts to open the border to cross-border traffic. So in order to do that, a frenzy of activity occurred at the Department of Transportation so the border could be open to cross-border trucking, as soon as this autumn, they said.

The Department of Transportation has cobbled together a series of measures that was sort of intended to give us, as United States citizens, a sense of security, but I really saw it as a false sense of security as this new influx of Mexican trucks is coming across the boarder.

Both the House and the Senate Transportation Appropriations Subcommittees have looked at what the Department of Transportation is doing very hastily to allow these trucks in, and we determined it was woefully inadequate.

When the House debated the Transportation appropriations bill for fiscal year 2002, its concerns about the inadequacy of the Department of Transportation's safety measures were so grave that it resulted in an amendment being adopted on the floor of the House that prohibited the Department of Transportation from granting operating authority to any Mexico-domiciled trucking company during fiscal year 2002.

That amendment passed by a 2-to-1 margin. It is an amendment that prohibits the Department of Transportation from granting operating authority to any Mexican domiciled truck. That amendment passed 2 to 1 by a vote of 285–143. By the time the Transportation bill left the House, it was in pretty bad shape. Not only did they pass that amendment 2 to 1 to prohibit any truck from coming across, but they stripped every penny of the $88 million the administration requested to improve the truck safety inspection capacity of the United States-Mexico border.

That bill, I believed, and Senator SHELBY believed, and others who worked with us believed, was simply the approach that went too far by taking all of the money away so there were no inspectors, no inspection stations, no weigh stations, and no ability to allow the NAFTA provisions to go through. We believed that the administration's position, on the other hand, was also woefully inadequate. Their position was to allow Mexican trucks to come in, come across our borders, traverse all our States, and inspect them later. The House has one extreme and the White House has another extreme.

That is why Senator SHELBY and I sat down and worked with members of the appropriations subcommittee and the full committee. I commend Senator STEVENS and Senator BYRD who have been working diligently with both of us. They care deeply about the many provisions in this bill, from the infrastructure improvements that affect all of our highways and our waterways. The Coast Guard and the FAA have worked with us to move this bill to a point so we can get it passed in the Senate, get it to conference, work out the differences between us and the White House, and move to a point where we can fund the critical infrastructure, as many of our constituents sit in traffic this morning and listen to this debate.

What Senator SHELBY and I have done is to really write a commonsense compromise that will inspect all Mexican trucks and then let them in.

Let me say that again. The compromise position between the House at one extreme and the White House at another is to make sure that all Mexican trucks are inspected, and then let them in. Just as we require Americans to pass a driving test before they get a license, the bipartisan Senate bill requires Mexican trucks to pass an inspection before they can operate on our roads.

As I said, our bill includes the $103 million. That is $15 million more than the President's request.

The reason I say that again pointedly is the administration has said that with the provisions Senator SHELBY and I have put into this bill, they will not have the money to implement it.

I remind the administration that they asked for $15 million less than we appropriated. We put $103 million into this bill for border truck safety initiatives. If the Department of Transportation, the OMB, and the President determine when this bill gets to conference that we do not have enough money for the truck safety activities and that should be part of our discussion, they need to request more money in order to put that in place. We are happy to work with them on that request. But just to say we have not appropriated enough money and we can't ensure the safety of trucks coming in, to me, is a woefully inadequate response.

The bill we have before us establishes a number of enhanced truck safety requirements that really are intended to ensure that this new cross-border trucking activity doesn't pose a safety risk to our families and the people traveling on our highways, whether it is in a southern border State or a northern border State.

None of us wants to be sitting here several months from now or a year down the road and have a horrendous accident occur in our States and find after the fact the truck that was involved in the accident was never inspected at our border because of lack of inspections, was never weighed, or that the driver had an invalid operating license or a poor safety record. None of us wants to face our constituents with that kind of tragedy.

Senator MCCAIN has been a wonderful help to me in the past. We worked together on a bill on pipeline safety after a tragedy occurred in my State where three young people were killed when a pipeline broke. Oil from that pipeline traveled down along a 1-mile stretch of river in Bellingham, WA. Three young boys were fishing by that river and playing by that river. Tragically, one of them lit a match and the entire mile of that river burst into flames. Three young boys were tragically killed on that day.

As the ranking member of the Commerce Committee, Senator MCCAIN has been just absolutely wonderful in working with us on that provision and working to pass a bill out of the Senate. But, unfortunately, it is now hung up in the House, and it has been for some time. I hope they can move it forward to ensure that our pipelines are safe. But we did that after a tragic accident.

I think it is much more effective, much more wise, and the right thing to do to put the safety requirements in place before we are reacting to a tragic accident.

The safety provisions that are included in this Senate bill were developed based on the recommendations the committee received from the DOT inspector general, the General Accounting Office, and law enforcement authorities, including the highway patrols of the States along the border.

The provisions we put in this bill didn't just come from matching. We worked very closely, looking at what the DOT inspector general recommendations were, the GAO, law enforcement authorities, and highway patrols working along the southern border. We used their recommendations to draft and put in place what we believe are very strong safety provisions within the underlying bill.

Once again, I was very pleased that 70 Members of the Senate affirmed that we do indeed need to have these safety requirements in place and to move this bill along to final passage so we can put in place the important infrastructure requirements that this country is demanding and that our constituents are demanding.

Mr. DURBIN. Madam President, will the Senator from Washington yield for a question?

Mrs. MURRAY. I am pleased to yield to the Senator.

Mr. DURBIN. Will the Senator from Washington please advise Members of the Senate and those who are following this debate where we are in this debate on the Transportation appropriations bill?

Mrs. MURRAY. I think it was 2 weeks ago that the Senate Transportation Subcommittee unanimously passed a Transportation bill. The Senator from Illinois serves on that committee and has been working with us. I appreciate his concern. He has a number of projects in Illinois that I know he wants to have put in place, but he doesn't want them hung up by a long and protracted debate over another issue in the Senate. I know the Senator from Illinois, who serves on our subcommittee, worked well with Members on the other side several weeks ago. It was a little more than a week ago that it passed out of the full committee of the Senate Appropriations Committee. We worked in a bipartisan way and unanimously voted out the provisions of this bill that fund the infrastructure needs of all 50 States, which include the safety provisions we are discussing this morning. We went to this bill last Friday. I believe it was around 2 in the afternoon.

Mr. DURBIN. Is the Senator from Washington telling us that we have been debating this bill for a week?

Mrs. MURRAY. Yes. This bill has been debated in the Senate for an entire week now. We began debate last Friday morning. I made my opening remarks. Senator SHELBY and I have worked very closely on this bill. He made his opening remarks. We opened it up for debate. We have one amendment that is now pending on the bill that Senator SHELBY and I put forward which adds additional safety requirements to the underlying bill. It is, frankly, supported by every Member of the Senate, and by the White House, which has been requesting improved safety conditions as well. That began last Friday.

We asked Members to come to the floor to begin the debate, and we offered our bill up for amendment.

Mr. DURBIN. May I ask the Senator, I am trying to recall how many times we have voted this week on amendments to this bill. I can't recall more than a handful of times that we have voted.

Mrs. MURRAY. The Senator is correct. Senator SHELBY and I have been here. In fact, I got up at 4 o'clock Monday morning to come back from my home State of Washington to be on the floor Monday afternoon and ask Senators to bring their amendments forward. We waited. We have had a few amendments. I believe we have had four or five with which Members came to the floor and finally offered. We were here Monday evening:

I came back on Tuesday morning, ready and begging and telling Senators: We are ready to move this bill along. Offer your amendments. We will vote them up or down. In a week, we have only passed a handful of amendments that Senators have brought to the floor. I would have been happy if there were 20 amendments. Send them forward. We will vote them up or down.

Mr. DURBIN. If the Senator will yield, I ask the Senator from Washington, I believe she believes, as I do, that the nature of this legislative process in the Senate is, if you have an amendment, you should have the right to offer it, debate it, and bring it to a vote.

Mrs. MURRAY. Absolutely. The Senator from Illinois is correct. We are here. Senators have a right to offer amendments. We are happy to consider their amendments. In fact, we have had several amendments on both sides that were adopted by voice vote. We have been waiting in this Chamber. Our staffs have been working diligently until 2 or 3 o'clock in the morning every night in negotiations with Senators concerned about the safety provisions, as well as working with Members who have provisions within the bill. We could have finished this easily Monday evening with the number of amendments we have.

Mr. DURBIN. If the Senator will yield, on this important issue about the inspection of Mexican trucks and drivers coming into the United States, is it not a fact that yesterday we had a procedural vote, known as a cloture vote, which basically says that at some point the debate has to end, and we have to come to a vote? Can the Senator from Washington tell us what the vote was of the Senate to bring this debate to an end and bring this issue to a vote?

Mrs. MURRAY. The Senator from Illinois is correct. After sitting here all Friday, Monday, Tuesday, and Wednesday, it was determined, since Senators were unwilling to offer amendments and have them voted up or down, we needed to move along. As the Senator from Illinois knows, serving on the Appropriations Committee, we have a number of other appropriations bills that need to pass in order to meet the October 1 deadline. There are many other priorities of Senators.

We decided the best way to move forward was to have a cloture vote, which then allows us to move along and finish this debate. Seventy of the 100 Senators said: Yes, it is time to move along; We are done with offering amendments; We want to get this bill passed; We want the infrastructure improvements that are in this bill; We support the safety requirements; Move it out of the Senate so we can get to a conference and pass this bill.

Mr. DURBIN. I ask the Senator from Washington if she will yield for one or two more questions, and then I will yield the floor back to the Senator.

Mrs. MURRAY. Yes.

Mr. DURBIN. Is it not true that because we have spent literally a week with very few, if any, amendments being offered, with very little debate on the floor, and really just a slowdown of activity, that we have been unable to consider other important legislation? There is an Agriculture supplemental appropriations bill, which is an emergency bill that is needed, that we have been unable to bring to the floor, as well as the Export Administration Act, which is important for our economy so we can try to get people back to work and get businesses moving forward.

All of this is being delayed because we have been unable to even come to a vote on important questions such as the inspection of Mexican trucks and drivers. Is that not correct?

Mrs. MURRAY. The Senator from Illinois is absolutely correct. What is in this bill is extremely important to my constituents. We have some of the worst traffic in the Nation. I know the Senator from Illinois has severe traffic problems. We share airport concerns in our home States for which this bill has improvement funding. We are ready to go to final passage.

I would just add, I say to the Senator from Illinois, we have a managers' package ready to go. We could be done in the next half hour, move this bill out, and go to the Ag bill to which the Senator referred. I am deeply concerned that we have delayed its passage.

I have apple farmers and tree fruit farmers in central Washington who are in severe financial straits. They have suffered through a drought that has hurt their crops. They have suffered through the impact of an Asian market that has declined tremendously in the last several years. Many of them are having to sell their farms. To me, it is devastating to watch these poor families. We have help for them in that Ag bill. We have help for them in it, but they will not have that help until we pass this bill and move it on. And we need to do that, as the Senator from Illinois knows, before we leave next Friday. We have to get it to conference.

I ask the Senator from Nevada, am I correct that we need to get the Ag bill to conference, out of conference, and back to the floor?

Mr. REID. Absolutely.

Mrs. MURRAY. So every minute we delay here means that a family farmer in Yakima, WA, who is suffering under severe financial distress, is going to have to sit through an August break—a month-long August break—not knowing whether or not they are going to get help from the U.S. Government.

Mr. DURBIN. I say to the Senator from Washington, thanks for yielding for those questions. I will fight for any Senator's right to offer an amendment, and also to debate it and bring it to a vote. That is what a legislative body is all about. What we have seen for the past week is a slow dance. There are people who just do not want to see the Senate roll up its sleeves and get down to work.

We have a lot of things to do, such as for farmers, for exporting, and even for important issues such as the ones in the Transportation bill.

I salute the Senator from Washington for her patience and her perseverance and her strength. I hope we can get this job done very quickly and this bill passed.

Mrs. MURRAY. I thank the Senate from Illinois.

I would reiterate, again, that we are ready to go to final passage at a moment's notice. We could wrap this bill up in the next half hour quite easily. We have a managers' package. I do not believe there is any other Senator who has any requests out there. We could pass the managers' package and move to third reading within a few minutes and Senators could go home for the weekend.

I know many Senators have called and said: Can we finish? I have a noon flight I need to catch. I know that planes are leaving and people have plans for this weekend. I certainly would like them to be able to go home and see their families. I would like to go home and see my family, of course, but I am willing to stay here if that is what we need to do. And I will stay here because what is in this bill is so critically important to my constituents at home who are now sitting in traffic at 7:30 in the morning.

Many of them are traveling to work right now, probably sitting in traffic on the Alaskan Way Viaduct or the I-5 corridor because we have failed to do our job.

Mr. BYRD. Madam President, will the distinguished Senator, who is the manager of the bill on this side of the aisle, yield for a question?

Mrs. MURRAY. I would be delighted to yield to the Senator.

Mr. BYRD. I have a brief statement to make. I would like to make that statement and go on to other issues. The distinguished Senator from Arizona has been waiting. I would like to make my speech and get back to my office.

Could the Senator tell me about when I might be able to get the floor? How much longer will she need?

Mrs. MURRAY. Madam President, I ask unanimous consent that we do this: That the Senator from Arizona have 5 minutes to speak, and that following the Senator from Arizona, the Senator from West Virginia have——

Mr. McCAIN. As much time as he might consume.

Mrs. MURRAY. As much time as he may consume.

Mr. GRAMM. We have plenty of time.

Mr. McCAIN. Could we modify that? Could I have 7 minutes?

Mrs. MURRAY. Absolutely. That the Senator from Arizona have 7 minutes, and that following that, the Senator from West Virginia be recognized, and following that I would like to finish my remarks.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, and I will not object, other than to alert those Senators here. I have spoken to Senator MURRAY. She has spoken to Senator SHELBY. When these remarks are finished, there is going to be a motion to table on this amendment. I want to make sure everyone understands that or, otherwise, the Senator from Washington will move now to table.

Mrs. MURRAY. Madam President, I amend my unanimous consent request to state that following the Senator from Arizona and the Senator from West Virginia, Senator SHELBY would like——

Mr. GRAMM. Reserving the right to object.

Mrs. MURRAY. I ask that Senator SHELBY have 5 minutes.

Mr. GRAMM. Why don't you complete yours and then let me speak.

Mrs. MURRAY. And then I will be recognized at that time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRAMM. Reserving the right to object, Madam President, I would like to have an opportunity to speak before the motion to table is put.

Mrs. MURRAY. How much time would the Senator like?

Mr. GRAMM. I would like to have the opportunity to speak. I don't know exactly how long it is going to take. I will not speak for any extended period of time, but I want to hear what else is said.

Mrs. MURRAY. I will be happy to yield to the Senator from Texas for a specific period of time. If we can't work that out, then I will make the motion to table.

Mr. McCAIN. I object to the unanimous consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mrs. MURRAY. Madam President, then I will continue my remarks at this time.

Madam President, in a moment I am going to review the committee's safety recommendations in detail. But first I want to address the issue of compliance with NAFTA because it has been an issue that we have been talking about for some time.

I have heard it alleged in this Chamber that the provision that was adopted unanimously by the committee is in violation of NAFTA. I want the Senators in this Chamber to understand that nothing could be further from the truth.

I voted for NAFTA. I support free trade. My goal in this bill has always been to ensure that free trade and public safety progress side by side.

Rather than take my opinion on this issue or that of another Senator, we have a written decision by an arbitration panel that was charged with settling this very issue.

That arbitration panel was established under the NAFTA treaty. That panel's rulings decide what does and does not violate NAFTA.

I have heard many Senators say that provisions violate NAFTA or that the President should decide what violates NAFTA. In fact, I believe the amendment that is pending before the Senate says the President should decide what violates NAFTA. We do not decide that here. The arbitration panel decides what violates NAFTA. I will read to the Senate a quote from the findings of the arbitration panel. That quote is printed right here on this poster. I will take a minute to read it.

Mr. REID. Will the Senator from Washington yield?

Mrs. MURRAY. I am happy to yield.

Mr. REID. I would like to propound a unanimous consent request.

Madam President, I ask unanimous consent that following the remarks of the Senator from Washington, the Senator from Arizona, be recognized for 7 minutes; the Senator from West Virginia for 10 minutes; the Senator from Texas be recognized for up to 10 minutes; that the Senator from North Dakota be recognized for 10 minutes, Mr. DORGAN; and following that, the Senator from Alabama be recognized for 5 minutes for the purpose of offering a motion to table the amendment now pending.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY. Madam President, with that, let me quickly read this and remind my colleagues that the arbitration panel has stated that:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms. . . .

In other words, we have the ability within this country to write the safety provisions that we have written under these provisions to ensure the safety of the people who travel on our highways. That is the premise we have made. The amendment that we will be voting on shortly says that the President can decide what violates NAFTA and what does not.

Clearly, the arbitration panel makes that decision. The Senate effectively, I remind my colleagues, voted on the pending amendment when we tabled the Gramm-McCain amendment by a vote of 65–35. That amendment, as the amendment we will vote on shortly, is really a wolf in sheep's clothing. It is designed to gut the safety provisions in this bill by allowing the President to waive whatever safety provision in the bill he does not like.

If the Appropriations Committee thought that the DOT's plans to address the safety risks posed by Mexican trucks were adequate, we wouldn't have put the important safety provisions into this bill.

What this amendment does say is, OK, administration, whatever safety requirements in this bill you don't like, find a White House attorney who will say it is a violation of NAFTA.

Which provision will they choose to throw away? Will it be the requirement to verify that a Mexican truck driver's licence has not been revoked? Will it be the requirement to inspect trucks when they come across the border? Will it be a requirement to demonstrate that the Mexican trucks have insurance? Under the amendment we will vote on, we won't know. It simply says we will allow the President to gut whatever safety requirement he would like.

I voted for NAFTA. My goal is not to stop free trade. My goal is to see that free trade and safety progress side by side.

I yield the floor to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I am sorry the Senator from Illinois just left the floor because he seemed to be deeply concerned about the process. From a Chicago Tribune editorial, headlined "Honk If You Smell Cheap Politics," I will read a couple of quotes. Quoting from the Tribune:

> As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bee putt-putting to the grocery store in her Honda Civic somewhere in Pleasantville, U.S.A.
>
> Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray, and others pushing the Teamster line, instead are prattling on about road safety.

It ends with:

> President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some of its provisions.

I ask unanimous consent that the complete editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, July 27, 2001]

HONK IF YOU SMELL CHEAP POLITICS

As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bea putt-putting to the grocery store in her Honda Civic, somewhere in Pleasantville, U.S.A.

Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray (D-Wash.), and others pushing the Teamster line, instead are prattling on about road safety.

The Bush administration—with a surprising assist from Arizona Sen. John McCain—is right to insist that the U.S. comply with its obligations under the North American Free Trade Agreement and allow Mexican trucks full access to our roads, beginning in January.

Under NAFTA, which went into effect in 1994, there was supposed to be free access to all trucks within Canada, the U.S. and Mexico by January of last year. That only makes sense: There is no point in freeing up trade but restricting the means to move the goods.

But with the 2000 elections looming, President Bill Clinton caved in to pressure from the Teamsters and delayed implementation of the free-trucking part of the agreement. Democratic presidential candidate Al Gore got the Teamsters' endorsement and the Mexican government filed a complaint against the U.S. for violation of NAFTA rules. Mexico won.

A spokesman for the U.S.-Mexico Chamber of Commerce and others in Washington have whispered there may be bits of racism and discrimination floating around in this soup, because Canadian trucks and drivers are not subjected to similar scrutiny and can move about freely anywhere in the U.S.

It's worthwhile to note, too, that while the U.S. is banning Mexican trucks, Mexico is returning the favor, so neither country's trucks are going anywhere. As it stands, Mexican trucks can come in only 20 miles into the U.S. before they have to transfer their load.

Safety need not be an issue. An amendment proposed by McCain and Sen. Phil Gramm (R-Texas) incorporates safety inspection safeguards to be sure drivers and trucks are fit to travel U.S. roads. It's roughly modeled after California's safety inspection system along its own border with Mexico. Presumably, Mexico would inspect the trucks going the other way.

Those are reasonable measures to protect motorists on both sides of the border.

But Sen. Murray's amendment sets up a series of requirements and hurdles so difficult to implement that they would, in effect, keep the border closed to Mexican trucks indefinitely.

President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some its provisions.

Mr. McCAIN. The Senator from Washington just stated how she had received requests for Transportation appropriations from every Member of this body. I hope she will correct the record. She received no request from my office. She received no request, nor ever will receive a request from my office, for any transportation pork-barreling of which this bill is full.

This bill has surpassed the President's total budget request by nearly $4 billion. This year's bill contains 683 earmarks totaling $3.148 billion in porkbarrel spending. Last year, there was only $702 million. I congratulate the Appropriations Committee on this.

Always in the contract game of porkbarrel spending, some benefit substantially more than others. The State of West Virginia, for instance, will be the proud recipient of $6,599,062 under the National Scenic Byways Program. Of that money, $619,000 will be directed towards "Promoting Treasures Within the Mountains II" program; $8,000 will be given to Virginia's chapel, and $22,640 will go to fund the SP Turnpike Walking Tour.

The State of Washington will also benefit substantially from the National Scenic Byways Program. Under that portion of the bill, Washington will receive $2,683,767, of which $790,680 will fund the North Pend Orielle Scenic Byway—Sweet Creek Falls Interpretive Trail Project; $190,730 will be directed to the Paden Creek Visitor and Salmon Access, and $88,000 will fund the Oakcreek wildlife Byway Interpretive Site Project.

The programs go on and on. Let me tell you the real problem here, how great this problem gets over time: $4,650,000 is carved out of the Coast Guard portion of this bill to "test and evaluate a currently developed 85-foot fast patrol craft that is manufactured in the United States and has a top speed of 40 knots. Fortunately, and I am sure, coincidentally, for the State of Washington, there is only one company in the country which produces such a vessel, and it just happens to be Guardian Marine International, located in Edmonds, WA. Not only did the U.S. Coast Guard not ask for this vessel, they looked at the Guardian vessel, considered its merits, and concluded that it would not adequately meet the Coast Guard's needs. Taxpayers of America, look at the Guardian fast patrol craft which will be yours whether the Coast Guard wants it or not.

Yesterday, very briefly, my friend from Nevada said that I was mistaken in my comments about setting a precedent. I think his comments were well made. I accept them. There has not been the parliamentary movement as there should have been. I stick to and want to reiterate and will continue to reiterate my comments that what we are doing on an appropriations bill is precedent setting. We are changing and violating a solemn treaty made between three nations, and we are doing it on an appropriations bill.

The Senator from Washington just enumerated the wonderful language for safety that they have on an appropriations bill.

The authorizers, the committees that are given the responsibility and the duty to authorize, are the ones who should have written this language. The Appropriations Committee should only be appropriating money. Instead, in a precedent-setting procedure, they have now decided to include language which, according to the Governments of two countries, Mexico and the United States, two freely elected Governments of both of those countries have deemed in violation of this solemn treaty.

This language, according to the Mexican Government, according to the U.S. Government, is in violation of the North American Free Trade Agreement. We are subject, obviously, to significant sanctions but, more importantly, again, the Senator from West Virginia is on the floor and he knows the history of this body more than I do. I do not know of a single other time in the history of this body that a solemn agreement, a treaty, has been tampered with on an appropriations bill—in fact, abrogated to a large degree.

There were great debates over the role of the United States in Vietnam. That was conducted under the aegis of the Foreign Relations Committee. There were other great debates on other foreign policy issues. All of them were conducted in this Chamber under the aegis and responsibility of the Foreign Relations Committee and sometimes the Armed Services Committee.

I know of no time where the great debates on treaties were conducted as part of an appropriations bill on Transportation. This debate should be taking place under the responsibility of the Foreign Relations Committee and the Commerce, Science, and Transportation Committee, and I allege again this is a precedent-setting move which, if it carries—and I still hope that it does not—I am convinced the President can muster 34 votes to sustain a veto. This will have very serious consequences for the way we do business in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Madam President, I say to my friend from Arizona, who mentioned the money for scenic byways in West Virginia, all highways in West Virginia are scenic, all highways. They are all scenic, and the money in this bill for scenic highways in West Virginia is going to be yielded in conference with the House.

I take great pride in the fact that all of West Virginia's highways are scenic, and I thank the Senator from Arizona for bringing to the attention of the Senate these scenic byways.

There are scenic byways in Arizona also. My wife and I traveled through Arizona in 1960 on our way to the Democratic Convention in Los Angeles. We took the southern route, and we came back to Washington on the northern route. They are beautiful States that we traveled through.

Madam President, the North American Free Trade Agreement, NAFTA, went into effect on January 1, 1994. I voted against NAFTA. Now, 6 years later, the costs associated with NAFTA are becoming increasingly clear.

On February 6, 2001, a NAFTA dispute resolution panel concluded that the U.S. refusal to approve any applications from Mexican motor carriers who wanted to provide cross-border trucking services is a breach of NAFTA. Even though the panel determined that the Mexican regulatory system for trucks was inadequate, they decided that this was an insufficient legal basis for the United States to maintain its moratorium on approving cross-border trucking applications. In other words, the panel decided that, even though Mexican trucks barreling down American roads would endanger human health and safety, these trucks must be allowed to enter.

This panel's decision has shifted the American public's concern about safety into high gear. The Administration has said that it intends to lift the toll-gate to Mexican trucks sometime before January 1, 2002. Instead, we ought to downshift and carefully consider our route on this issue. Believing that Mexican trucks will suddenly come into compliance with U.S. trucking safety standards within the next six months is like believing that a car will keep running without gas.

Mexican trucking is not well regulated. Mexican truck- and driver-safety standards are nearly nonexistent. Mexican law fails to require many of the fundamentals of highway safety policy that are required by U.S. law and regulation, such as enforced hours of service restrictions for truck drivers or the use of log books. There is no Mexican truck safety rating system and no comprehensive truck equipment standards. From the lack of basic requirements, it is apparent that Mexico is making little investment, and undertaking no regular maintenance, to ensure that its trucks operate in accordance with fundamental trucking safety standards. Opening our borders to more Mexican trucks would allow Mexico to export more than just goods to the United States; it would export truckloads of danger.

Without Mexican investment to ensure that its motor carriers are operating safely, the financial burden of ensuring the safety of Mexico-domiciled motor carriers operating in the United States is loaded onto the shoulders of the American taxpayer. From 1995 to the present, the U.S. Department of Transportation has dedicated $22 million to the border States, above normal allocations, for the purpose of enhancing inspection capabilities. The Senate's fiscal year 2002 Department of Transportation Appropriations bill would appropriate an additional $103.2 million for increased border inspections of Mexican trucks. This amount is $15 million above the level included in the President's request. Of the more than $103 million provided, $13.9 million is provided to the Federal Motor Carrier Safety Administration to hire 80 additional truck safety inspectors, an amount of $18 million is provided for enhanced Motor Carrier safety grants for the border, and $71.3 million is provided for the construction and improvement of Motor Carrier safety inspection facilities along the border between the United States and Mexico. Have we taken leave of our senses?

In addition to the costs associated with an increased need for inspection, more Mexican trucks on U.S. roads will compromise safety, and could result in serious accidents on our highways. During fiscal year 2000, Federal Motor Carrier Safety Administration reports show federal and state border inspectors performed 46,144 inspections on Mexican trucks at the border and within the limited commercial zones where some Mexican trucks are currently allowed to travel. For those trucks that were inspected, the percentage of trucks taken off the road for serious safety violations, declined from 44 percent in fiscal year 1997 to 36 percent in fiscal year 2000. Regardless of these inspections, the fact remains that more than one in three Mexican trucks is a lemon. And we cannot count on inspections to cull out every single one of these time bombs and get them off our highways.

In February, I wrote to U.S. Trade Representative Robert Zoellick and Transportation Secretary Norman Mineta to urge that the United States not compromise the safety of America's highways. We cannot, because of a NAFTA dispute resolution panel decision, subvert U.S. safety standards that have been put in place to protect travelers on our Nation's roads. Until the United States and Mexico agree on comprehensive safety standards, and until the United States is able to effectively enforce those standards, we must stand on the brakes against efforts that would compromise current U.S.-imposed safeguards for Mexican trucks.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Texas is recognized.

Mr. GRAMM. Madam President, so many issues have been talked about. I want to begin my short remarks by reading the amendment which is pending, because we are going to vote on this amendment when a motion is made to table it. What the amendment does is it accepts everything in the Murray amendment with the following proviso:

> Provided that notwithstanding any other provision of the act, nothing in this act shall

be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.

In other words, unless something is in violation of the North American Free Trade Agreement, every provision in the Murray amendment will stand if this amendment is adopted.

Senator MURRAY and her supporters say nothing in her provision violates NAFTA. If nothing in her provision violates NAFTA, then this amendment will have no effect. This amendment, in essence, shows the emperor has no clothes. We are having a lot of discussion on how tough a safety standard we want. Under NAFTA, we can impose any safety standards we want on Mexican trucks, but we have to impose the same standards on Canadian trucks and on American trucks. Everyone is in agreement; we need to have safer trucks. Our own trucks need to be safer, Canadian trucks need to be safer, and Mexican trucks need to be safe to come into the country.

What is at issue is not safety but protectionism. What is at issue is, we had a President, George Bush, in 1994, who signed a solemn agreement with Mexico and Canada called the North American Free Trade Agreement. Then under another President, President Bill Clinton, we ratified this agreement by enacting a bill in Congress that President Clinton signed. Now, under another Republican President, President George W. Bush, we have an effort to enforce the agreement we entered into. Now we have an effort on an appropriations bill to violate the treaty we negotiated and signed in 1994 and that we ratified under a Democrat President.

Our colleagues keep talking about safety, but nothing having anything to do with safety would be stricken by this amendment. This amendment would strike provisions that violate NAFTA. What are some of those provisions? Provisions that say Mexican trucks have to carry a different type of insurance than American trucks and Canadian trucks. Provisions that say Mexican truckers cannot lease their trucks in the same way American truckers and Canadian truckers can lease their trucks; penalty provisions where the penalties are different for Mexican trucks than they are for American trucks and Canadian trucks; provisions that say until we promulgate regulations that have to do with the bill passed in 1999 that Canadian trucks can operate, American trucks can operate, but Mexican trucks cannot operate. There is no more logic to that provision in the Murray amendment than there would be in saying we are not going to live up to a treaty obligation we made until February the 29th occurs on a Sunday. It is totally and absolutely arbitrary and totally and absolutely illegal, and it violates an agreement we entered into and have enforced under three Presidents.

What our amendment does is simply say, take everything in the Murray amendment and it becomes the law of the land unless it violates NAFTA—unless it violates an agreement we entered into and Congress ratified. That is exactly what the amendment does; no more, no less.

If you vote against this amendment, obviously you stand up on the floor of the Senate and say anything you want to say; it is a free country. But if you vote against this amendment, you can't say, it seems to me, that you believe the Murray provision does not violate NAFTA. If you think it doesn't violate NAFTA, why not vote for this amendment and settle this issue? Obviously, anybody who votes against this amendment believes this amendment, despite all the denials of all the proponents, violates obligations we have in an agreement we entered with Mexico.

All over the world we are trying to get countries to live up to their agreements they have with us. What kind of credibility are we going to have when we go back on a solemn commitment we made to our neighbor to the south? What kind of credibility are we going to have when we treat our northern neighbor in one way, have one set of rules for them, but then we say to our southern neighbor, we have an entirely different set of rules for you. In fact, we have to implement laws we passed in the past before you are even going to get an opportunity, in violation of NAFTA, to ever have a chance to compete.

The plain truth is, as the Chicago Tribune pointed out this morning, Teamster truckers don't want competition from their Mexican counterparts. This is not about safety; this is about raw, rotten protectionism, and it is about a willingness to go back on a solemn commitment that our Nation made. I believe this is very harmful to America. I think it undercuts the best ally we have ever had in a President of Mexico.

I reiterate, this may happen, but it is not going to happen until every right that every Member of the Senate has is fully exercised. This is an important issue. Some of our colleagues might wonder; in fact, people watching this probably wonder, when Senator MCCAIN and I clearly don't have the votes, why don't we give this thing up? Our Founding Fathers, in establishing the structure of the Senate, understood there would be times when there would be issues that were important to America that were confusing, that people wouldn't understand, that could be cloaked in other issues. They understood there would be vital national interests at stake. For those circumstances, they gave one Member of the Senate the right to have extraordinary powers. It seems to me that having been blessed to have the opportunity to serve here, as we all have, when we believe that a fundamentally important issue to the future of America and, in this case, our relationship with our neighbor to the south and our credibility in the world are at stake, any Member has an obligation to use those rights.

I don't like inconveniencing my colleagues, but let me make it clear, at 8:42 tonight we will be in a position where cloture can occur on the bill. I am ready to vote. But I am going to exercise my full rights. The people of Texas hired me to represent their interest and the national interest, and Texas and the national interest are both violated by going back on a treaty we made with Mexico.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. DAYTON). Under the previous order, the Senator from North Dakota is recognized for 10 minutes.

Mr. DORGAN. Mr. President, as I walked on the floor, I heard the words "raw, rotten protectionism" used on the floor of the Senate. I had to smile because that is such an ill described position with respect to what the Senate is doing. If you were to try to misdescribe what is going on in the Senate, you could not do it more aggressively than to use terms such as "raw, rotten protectionism." There is nothing protectionist about this issue.

This issue is about a trade agreement called NAFTA: a terrible trade agreement that, in my judgment, sold out the interests of this country; a trade agreement that turned a very small surplus with the country of Mexico into a huge deficit; and turned a moderate deficit with Canada into a large deficit. NAFTA is a trade agreement that has not served this country's interests, and we are now told, as a part of this trade agreement, we are required as a country to allow Mexican long-haul trucks into this country. We are told that if we don't let in Mexican long-haul trucks, we are somehow guilty of violating the NAFTA trade pact. According to my colleague from Texas, if we don't allow Mexican long-haul trucks into America, Mexico intends to retaliate on the matter of corn syrup.

Sometimes it is a little too confusing. Mexico is already abusing its trade policies on corn syrup by imposing the equivalent of a tariff ranging from 43 percent to 76 percent on corn syrup exported from this country to Mexico. A panel has already ruled against Mexico on the issue of corn syrup, and, yet, they are now threatening that they may take action on United States corn syrup if we don't allow Mexican long-haulers into this country.

Is someone not thinking straight here? The only question, in my judgment, on this issue is, Is it in the interests of the American people to allow

Mexican long-haul trucks into this country at this time? If we allow Mexican trucks to operate unfettered throughout the United States, will it sacrifice highway safety? Will it jeopardize people on American highways? The answer to all of these questions is it will jeopardize safety, it will compromise safety on our highways, and this is not the time to do this.

Both the United States and Mexico have had 6 years to cogitate about this—6 years. Really almost nothing has been done. We have 27 border crossings where trucks enter the United States, but a minuscule percent of those trucks are inspected. Thirty-six percent of the Mexican trucks now coming into this country, and are now limited to a 20-mile zone, are turned back for serious safety violations—36 percent. In most cases there are no inspections at all. There are no facilities to inspect. In only two of the border locations are there inspection facilities during all commercial hours. In most cases, there are no parking spaces and there are no phone lines to verify, for example, commercial driver's license data, and so on.

I have said it before, and I will say it again—I know it is repetitious, but it is important to do—the San Francisco Chronicle, God bless them, sent a reporter down to ride with a long-haul trucker. He filed a report. Here is what he said.

This trucker he rode with traveled 1,800 miles in 3 days, slept 7 hours in 3 days—7 hours in 3 days—and drove a truck with a cracked windshield that would not have passed U.S. inspection. The situation is much different in Mexico than in the United States. In Mexico, there are no standard hours of service in Mexico. There is a logbook requirement, but it is not enforced so truckers do not have them. During the Chronicle reporter's ride with the Mexican trucker, there were no safety inspections along the way.

Now we are told if we do not allow Mexican long-haul trucks into this country, we are somehow in violation of NAFTA. This is not violating anything. I am so tired of a "blame our country first" on all these issues. We are not going to violate anything if we decide that highway safety in this country is important enough to say we will not, under any circumstances, allow Mexican long-haul trucks into this country until we have a regime of compliance and safety inspections that give us the assurance, yes, the assurance that Mexican trucks coming into this country and the drivers are meeting the same rigorous, aggressive standards we apply to American drivers and American trucks.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DORGAN. Do you want yourself, your families, your friends, your neighbors looking in the rearview mirror to see an 80,000-pound vehicle coming behind you with a driver who has not slept in 24 hours, who has brakes that may not work, and who has come across the border and has not been inspected? Is that what you want for yourself or your family? I do not.

Let me just say again, there is not a ghost of a chance by January 1, when President Bush wants to allow these trucks in, that the inspectors necessary to assure the protection of American drivers on America's roads will be in place. How do I know that? Because the Department of Transportation's Inspector General testified before the Commerce Committee and said the administration is short of inspectors. Even the plan they are proposing will not allow the inspectors to be present to make sure these trucks coming into our country are safe.

I will be happy to yield.

Mr. DURBIN. I would like to ask the Senator from North Dakota a question. I voted for NAFTA, but I voted for it with the understanding that we could impose the same health and safety standards on companies and countries exporting to the United States that we impose on American companies; that that would be fair trade. We would be treating ourselves the same way as we treat others.

I want to make it clear for the record, and I think the Senator from North Dakota has made this point, all we are trying to establish is that Mexican trucks and Mexican drivers will be held to the same standards of safety and competency as American trucks and American drivers. Is that the case?

Mr. DORGAN. That is exactly the case. Let me just again say that when the term "raw rotten protectionism" is used, it is wrong. There is nothing about this proposal to require similar standards on Mexican trucks coming into this country as already exists for the American trucking industry—there is nothing raw about that, there is nothing rotten about that, and there is nothing that is protectionist about that. It represents common sense, something that is too often obscured in these debates in this country in public policy. It is especially obscured in trade policy.

Let me just say this to my friend from Illinois. I am aware of not one trade agreement that this country has negotiated that would require us as Americans to sacrifice safety on America's roads. There is not one trade agreement or one word in a trade agreement that requires us to do that. We should not do that. We will not do that.

When President Bush says on January 1 we are going to remove the 20-mile limit, and we are going to have Mexican drivers and trucks come into this country unimpeded, when in fact he has not proposed the inspectors and compliance officers necessary to make certain this could be done safely, in my judgment he is saying this trade agreement requires us to diminish standards on America's roads. I will not accept that. I do not support that. None of us in this Chamber, in my judgment, should vote for it.

The PRESIDING OFFICER. The Senator will please suspend. Please take other conversations off the Senate floor.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. DORGAN. The Senator from Texas is attempting to weaken the provisions in the Murray bill. I happen to think the Murray provisions are too weak. I would like a stronger provision. I want the House provision to prevail that simply says during the next fiscal year, no funds will be used for certifying long-haul Mexican trucks to come into this country unimpeded beyond the 20-mile limit. As I said, I happen to think the Murray provision is not strong enough.

The amendment that is before us is to try to weaken the Murray provision. In my judgment, it makes no sense. I will not use terms such as "raw, rotten protectionism" because they are totally inappropriate about this decision. This is not about discrimination. It is not about trade. It is not about protectionism. It is not about anything that is raw or rotten. It is about whether we are willing to stand up for standards we have already established in this country for safety on our road dealing with 18-wheel, 80,000-pound trucks.

Do you want a driver behind you who has just come across the border who has been awake for 24 straight hours and is driving a truck that is unsafe, with no brakes? I don't think so. These standards are radically different in the United States. Ten hours of consecutive driving is all you can do in the United States. You have to have logbooks. In Mexico, they have no logbooks.

Alcohol and drug testing: In the United States, yes; in Mexico, no.

The list goes on and on and on.

We are nowhere near having equivalent standards and there is not a ghost of a chance of that happening on January 1. All of us ought to recognize it. This is not about trade. It is about safe hours and it is about common sense. I hope when this vote is taken, common sense will prevail.

The PRESIDING OFFICER. The Republican assistant leader.

Mr. NICKLES. I ask unanimous consent to speak for 5 minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I have been wanting to seek recognition, but I understood we were going to a rollcall. I say to the Senator from Oklahoma that if I can have 5 minutes to speak, I will not object.

Mr. NICKLES. I have no objection to the Senator speaking. I wish to speak for 5 minutes. If he wishes to, he can ask consent.

Mr. DURBIN. I ask consent that the Senator from Oklahoma and myself each be recognized for 5 minutes to speak.

Mr. REID. Reserving the right to object, if I may make a parliamentary inquiry, if we add 10 minutes to the time we have already, when will the vote take place?

The PRESIDING OFFICER. That will be 11:33.

Mr. REID. Senator SHELBY also has time.

The PRESIDING OFFICER. There will be 15 minutes and then the vote. Is there objection? Without objection, it is so ordered. The Senator from Oklahoma.

Mr. NICKLES. I am appreciative of the cooperation of our colleagues and also of the quality of the debate. I think we have had an interesting debate. I compliment the participants. I will just make a couple of comments.

I am reading this amendment and listening to some of the debate yesterday, and looking at this amendment, it says:

> Provided, That notwithstanding any other provision of the Act—

Talking about the Murray amendment that is included in the Transportation bill—

> nothing in this Act shall be applied in a manner that the President finds to be in violation of the North American Free Trade Agreement.

I know I heard people say yesterday the Murray amendment, the underlying legislation that is in the appropriations bill, is compliant with NAFTA, it is compliant with our treaty, a treaty we have already signed.

If that is the case, I think the proponents should adopt this amendment. I wish they would. I would think they would accept it. It would further clarify that we are going to keep our word in the treaty. A treaty is making a commitment on behalf of the United States with other countries. We should keep that.

If we are going to rewrite the treaty on this appropriations bill, we have a problem. I think we have a couple of problems because clearly this is legislation on an appropriations bill and we made rules that we were not going to do that. Now it turns out the rules are only sort of applicable. In other words, you can legislate—if you are in the committee and you legislate in committee, it is OK, but you cannot legislate on the floor.

Maybe we need to probably address that, and we probably will at a later date. But now I look at the legislation, and I have heard some people say that the legislation that came out of committee violates NAFTA. The proponents say no, it doesn't. Here is language that says nothing in this act should be applied in a manner that the President finds to be in violation of the NAFTA. This is further clarification that we are not going to violate NAFTA. That makes sense.

If we are going to rewrite treaties on appropriations bills, something is wrong. What about the Foreign Relations Committee? What about the Commerce Committee and committees that have jurisdiction over NAFTA? What about consulting the NAFTA partners? I have heard they are upset about the language that is coming out of the committee and that came out of the House.

I urge the proponents of the Murray amendment to adopt this language. I think it would further clarify. Maybe it would make a lot of this problem go away. This might make this bill entirely acceptable on all parts. This could be the solution.

I have heard people say nothing in the underlying bill violates NAFTA. Then let's accept this amendment. I believe we could have final passage on this bill today, and we could move on towards other legislative agenda items that all of us would like to do, including some nominations.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. REID. Is that an offer?

Mr. NICKLES. I would love to see that happen. I do not know if the other proponents will consult other people; maybe we can make that an offer. I would love to see that happen.

I think adoption of this language further clarifying that we are not doing anything to violate NAFTA would help make this bill much more presentable and much more acceptable—both to the administration and our trading partners in Mexico and in Canada.

I urge my colleagues not to support a tabling motion. Let's pass this amendment and this bill. Let's go to conference.

Mr. GRAMM. Mr. President, will the Senator yield?

Mr. NICKLES. Yes.

Mr. GRAMM. In response to the question from the distinguished Democrat floor leader, I believe the adoption of this amendment would make this debate an honest debate. We would all then agree that it does not affect NAFTA. I think that would be a major step in working out this whole thing. With the adoption of this amendment, I think in a fairly short period of time we could probably work this out in a way that, A, the Department of Transportation can implement, and, B, the President of Mexico and the President of the United States are not embarrassed by us abrogating NAFTA. I think this would be the linchpin for working something out, if we adopt it.

Mr. NICKLES. Today.

Mr. GRAMM. I think if we decided to, we could solve this problem within 2 hours. Working with the Department of Transportation, we could come up with an agreement that the Department of Transportation could make work. That is the first requirement. And, second, that does not violate our obligations under NAFTA.

Mr. NICKLES. Mr. President, I very much appreciate Senator GRAMM's comments, and also Senator REID's suggestion. I think this may help us break this bottleneck. I think too many people are too dug in to kind of look and say how we can fix this problem which we got into by legislating on an appropriations bill and possibly rewriting treaties. That is wrong, at least in this Senator's opinion. This language clarifies that we are not going to violate the treaty.

Let's pass this amendment and this bill, and let's go to other legislative agenda items.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. Mr. President, first I would like to ask the Senator from Washington, the chairman of the subcommittee, if she would yield for a question.

Mrs. MURRAY. I am happy to yield for a question.

Mr. DURBIN. Would she comment on the pending Gramm amendment and the impact she believes it will have on establishing standards for safety for Mexican trucks and Mexican truckdrivers?

Mrs. MURRAY. I thank the Senator for the question. I would be happy to enter into negotiations to talk about accepting this amendment if it didn't actually gut the provisions we have before us. This administration basically says to the President—actually the White House attorney would designate it—the provision of the underlying bill violates NAFTA. That is their position, not ours. It is their decision. They could revoke the Mexican driver's license provision we have, or the inspection of the trucks across the border and the insurance issue on Mexican trucks. At their whim, they could say we think that violates NAFTA.

I think the Members of the Senate have spoken quite loudly, 70–30, that we believe the provisions in this Senate bill are ones that we believe will protect drivers in the country. We have already seen what the DOT protections were. I believe the underlying amendment certainly as written is not safe for American drivers.

Mr. DURBIN. I agree with the Senator from Washington. If we adopt the amendment of Senator GRAMM of Texas, we are basically saying there are no standards when it comes to Mexican trucks and when it comes to

Mexican truckdrivers. It is whatever the White House attorneys decide. That, frankly, is an abdication of the responsibility of the Senate.

I hope all Members will join in voting for this Gramm amendment. I voted for NAFTA. When I voted for NAFTA, I was told that the United States would never have to compromise health and safety standards, and, that if we impose standards of safety on American trucks and truckdrivers, the same standards will apply to Canadian and Mexican truckdrivers. If we impose standards of the safety on our trucks, the same standards will be imposed on Mexico and Canada.

That is what is known as fair trade and fair standards evenly applied. Senator GRAMM and those on the other side of the aisle don't want fair trade. They want to have it so the Mexicans and Canadians and others who trade with the United States can establish in the name of free trade their own standards.

This weekend when you are on the highways across America and you look in the rearview mirror, if the truck coming up behind you is an American truck, you can be sure of one thing: It is subject to hours of service requirements so that the truckdriver doesn't stay in that seat so long that he is half asleep and driving off the road. You know the American truckdriver has to keep a logbook so we know where he has been and how long he has been driving. He is subject to inspection. He has been subject to alcohol and drug testing. He has had a physical. You know the minimum weight limit for the truck is 80,000 pounds, and so forth. But under the standards imposed by the Mexican Government, none of these apply. There are no hours of service requirements. If the truck coming up behind you on the highway is driven by a Mexican truckdriver, there is no prohibition or limitation on the hours he can drive the truck. Under their law, he has to keep a logbook. He ignores it, as most Mexican truckdrivers do. There is no basic alcohol and drug test, and there is no requirement for physicals as in the United States.

Let me tell you about an accident. If you get involved in an accident with a truck driven by an American driver for an American truck company, they have to have liability insurance between $750,000 and $4 million for that accident. The Mexican truckdriver, about $70,000 worth of insurance to cover bodily injury as well as physical damage.

When we say the Mexicans are going to have an opportunity to trade in the United States and we want to strike down trade barriers, we are not trying to strike down common sense. Common sense says that whether your family is on the road going to a Virginia vacation, or for business, when you look in the rearview mirror, or pass a truck, you ought to know that there is a safety standard applied to everybody who wants to use American highways.

Senator MURRAY has put in a reasonable amendment. She established the same standards for Mexican trucking companies and truckdrivers as the United States. Those who oppose this amendment don't want that to happen. The Gramm amendment gives the widest loophole in the world. Some attorney in the White House can declare that the standards for insurance, for example, for Mexico are just fine at $70,000. That is wrong. It is wrong for the American families who expect this Senate to stand up and protect them when it comes to the use of American highways.

I favor free trade. I voted for free trade. But I didn't do it with a blindfold. I did it with the knowledge that we ought to have standards to protect American companies, American individuals, and American consumers, and that the same standards should apply to those exporting to the United States and those producing in the United States. This is not protectionism. This is commonsense. Vote against the Gramm amendment.

The PRESIDING OFFICER. The Republican assistant leader.

Mr. NICKLES. Mr. President, just for the information of our colleagues, we will be voting probably within 5 minutes. I believe there will be a motion to table the Gramm amendment. So just for the Cloakrooms to alert all colleagues, there will be a rollcall vote in 5 minutes.

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 5 minutes.

Mr. SHELBY. Mr. President, over the course of the past several days, we have heard several Senators explain what they believe the North American Free Trade Agreement does and does not do. I believe this debate would be better served by reviewing the agreement itself.

Part Seven, Chapter Twenty, of NAFTA establishes the Free Trade Commission which shall resolve disputes that may arise regarding its interpretation or application. NAFTA also establishes a dispute settlement process in the event that the Free Trade Commission is unable to resolve a matter or if a third party brings forth a cause of action. Under NAFTA in these cases, the Commission "shall establish an arbitral panel." Again, I am quoting from the agreement.

Mr. President, I ask unanimous consent that the North American Free Trade Agreement Part Seven: Administrative And Institutional Provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH AMERICAN FREE TRADE AGREEMENT

Part Seven: Administrative and Institutional Provisions

Chapter Twenty: Institutional Arrangements and Dispute Settlement Procedures

SECTION A—INSTITUTIONS

Article 2001: The Free Trade Commission

1. The Parties hereby establish the Free Trade Commission, comprising cabinet-level representatives of the Parties or their designees.

2. The Commission shall:

(a) supervise the implementation of this Agreement;

(b) oversee its further elaboration;

(c) resolve disputes that may arise regarding its interpretation or application;

(d) supervise the work of all committees and working groups established under this Agreement, referred to in Annex 2001.2; and

(e) consider any other matter that may affect the operation of this Agreement.

3. The Commission may:

(a) establish, and delegate responsibilities to, ad hoc or standing committees, working groups or expert groups;

(b) seek the advice of non-governmental persons or groups; and

(c) take such other action in the exercise of its functions as the Parties may agree.

4. The Commission shall establish its rules and procedures. All decisions of the Commission shall be taken by consensus, except as the Commission may otherwise agree.

5. The Commission shall convene at least once a year in regular session. Regular sessions of the Commission shall be chaired successively by each Party.

Article 2002: The Secretariat

1. The Commission shall establish and oversee a Secretariat comprising national Sections.

2. Each Party shall:

(a) establish a permanent office of its Section;

(b) be responsible for

(i) the operation and costs of its Section, and

(ii) the remuneration and payment of expenses of panelists and members of committees and scientific review boards established under this Agreement, as set out in Annex 2002.2;

(c) designate an individual to serve as Secretary for its Section, who shall be responsible for its administration and management; and

(d) notify the Commission of the location of its Section's office.

3. The Secretariat shall:

(a) provide assistance to the Commission;

(b) provide administrative assistance to

(i) panels and committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), in accordance with the procedures established pursuant to Article 1908, and

(ii) panels established under this Chapter, in accordance with procedures established pursuant to Article 2012; and

(c) as the Commission may direct

(i) support the work of other committees and groups established under this Agreement, and

(ii) otherwise facilitate the operation of this Agreement.

SECTION B—DISPUTE SETTLEMENT

Article 2003: Cooperation

The Parties shall at all times endeavor to agree on the interpretation and application of this Agreement, and shall make every attempt through cooperation and consultations to arrive at a mutually satisfactory resolution of any matter that might affect its operation.

Article 2004: Recourse to Dispute Settlement Procedures

Except for the matters covered in Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters) and as otherwise provided in this Agreement, the dispute settlement provisions of this Chapter shall apply with respect to the avoidance or settlement of all disputes between the Parties regarding the interpretation or application of this Agreement or wherever a Party considers that an actual or proposed measure of another Party is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Annex 2004.

Article 2005: GATT Dispute Settlement

1. Subject to paragraphs 2, 3 and 4, disputes regarding any matter arising under both this Agreement and the General Agreement on Tariffs and Trade, any agreement negotiated thereunder, or any successor agreement (GATT), may be settled in either forum at the discretion of the complaining Party.

2. Before a Party initiates a dispute settlement proceeding in the GATT against another Party on grounds that are substantially equivalent to those available to that Party under this Agreement, that Party shall notify any third Party of its intention. If a third Party wishes to have recourse to dispute settlement procedures under this Agreement regarding the matter, it shall inform promptly the notifying Party and those Parties shall consult with a view to agreement on a single forum. If those Parties cannot agree, the dispute normally shall be settled under this Agreement.

3. In any dispute referred to in paragraph 1 where the responding Party claims that its action is subject to Article 104 (Relation to Environmental and Conservation Agreements) and requests in writing that the matter be considered under this Agreement, the complaining Party may, in respect of that matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.

4. In any dispute referred to in paragraph 1 that arises under Section B of Chapter Seven (Sanitary and Phytosanitary Measures) or Chapter Nine (Standards-Related Measures):

(a) concerning a measure adopted or maintained by a Party to protect its human, animal or plant life or health, or to protect its environment, and

(b) that raises factual issues concerning the environment, health, safety or conservation, including directly related scientific matters,

where the responding Party requests in writing that the matter be considered under this Agreement, the complaining Party may, in respect of that matter, thereafter have recourse to dispute settlement procedures solely under this Agreement.

5. The responding Party shall deliver a copy of a request made to paragraph 3 or 4 to the other Parties and to its Section of the Secretariat. Where the complaining Party has initiated dispute settlement proceedings regarding any matter subject to paragraph 3 or 4, the responding Party shall deliver its request no later than 15 days thereafter. On receipt of such request, the complaining Party shall promptly withdraw from participation in those proceedings and may initiate settlement procedures under Article 2007.

6. Once dispute settlement procedures have been initiated under Article 2007 or dispute settlement proceedings have been initiated under the GATT, the forum selected shall be used to the exclusion of the other, unless a Party makes a request pursuant to paragraph 3 or 4.

7. For purposes of this Article, dispute settlement proceedings under the GATT are deemed to be initiated by a Party's request for a panel, such as under Article XXIII:2 of the General Agreement on Tariffs and Trade 1947, or for a committee investigation, such as under Article 20.1 of the Customs Valuation Code.

Consultations

Article 2006: Consultations

1. Any Party may request in writing consultations with any other Party regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Agreement.

2. The requesting Party shall deliver the request to the other Parties and to its Section of the Secretariat.

3. Unless the Commission otherwise provides in its rules and procedures established under Article 2001(4), a third Party that considers it has a substantial interest in the matter shall be entitled to participate in the consultation on delivery of written notice to the other Parties and to its Section of the Secretariat.

4. Consultations on matters regarding perishable agricultural goods shall commence within 15 days of the date of delivery of the request.

5. The consulting Parties shall make every attempt to arrive at a mutually satisfactory resolution of any matter through consultations under this Article or other consultative provisions of this Agreement. To this end, the consulting Parties shall:

(a) provide sufficient information to enable a full examination of how the actual or proposed measure or other matter might affect the operation of this Agreement;

(b) treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information; and

(c) seek to avoid any resolution that adversely affects the interests under this Agreement of any other Party.

Initation of Procedures

Article 2007: Commission—Good Offices, Conciliation and Mediation

1. If the consulting Parties fail to resolve a matter pursuant to Article 2006 within:

(a) 30 days of delivery of a request for consultations,

(b) 45 days of delivery of such request if any other Party has subsequently requested or has participated in consultations regarding the same matter,

(c) 15 days of delivery of a request for consultations in matters regarding perishable agricultural goods, or

(d) such other period as they may agree,

any such Party may request in writing a meeting of the Commission.

2. A Party may also request in writing a meeting of the Commission where:

(a) it has initiated dispute settlement proceedings under the GATT regarding any matter subject to Article 2005(3) or (4), and has received a request pursuant to Article 2005(5) for recourse to dispute settlement procedures under this Chapter; or

(b) consultations have been held pursuant to Article 513 (Working Group on Rules of Origin), Article 723 (Sanitary and Phytosanitary Measures Technical Consultations) and Article 914 (Standards-Related Measures Technical Consultations).

3. The requesting Party shall state in the request the measure or other matter complained of and indicate the provisions of this Agreement that it considers relevant, and shall deliver the request to the other Parties and to its Section of the Secretariat.

4. Unless it decides otherwise, the Commission shall convene within 10 days of delivery of the request and shall endeavor to resolve the dispute promptly.

5. The Commission may:

(a) call on such technical advisers or create such working groups or expert groups as it deems necessary,

(b) have recourse to good offices, conciliation, mediation or such other dispute resolution procedures, or

(c) make recommendations, as may assist the consulting Parties to reach a mutually satisfactory resolution of the dispute.

6. Unless it decides otherwise, the Commission shall consolidate two or more proceedings before it pursuant to this Article regarding the same measure. The Commission may consolidate two or more proceedings regarding other matters before it pursuant to this Article that it determines are appropriate to be considered jointly.

Panel Proceedings

Article 2008: Request for an Arbitral panel

1. If the Commission has convened pursuant to Article 2007(4), and the matter has not been resolved within:

(a) 30 days thereafter,

(b) 30 days after the Commission has convened in respect of the matter most recently referred to it, where proceedings have been consolidated pursuant to Article 2007(6), or

(c) such other period as the consulting Parties may agree,

any consulting Party may request in writing the establishment of an arbitral panel. The requesting Party shall deliver the request to the other Parties and to its Section of the Secretariat.

2. On delivery of the request, the Commission shall establish an arbitral panel.

3. A third Party that considers it has a substantial interest in the matter shall be entitled to join as a complaining Party on delivery of written notice of its intention to participate to the disputing Parties and its Section of the Secretariat. The notice shall be delivered at the earliest possible time, and in any event no later than seven days after the date of delivery of a request by a Party for the establishment of a panel.

4. If a third Party does not join as a complaining Party in accordance with paragraph 3, it normally shall refrain therefore from initiating or continuing.

(a) a dispute settlement procedure under this Agreement, or

(b) a dispute settlement proceeding in the GATT on grounds that are substantially equivalent to those available to that Party under this Agreement.

regarding the same matter in the absence of a significant change in economic or commercial circumstances.

5. Unless otherwise agreed by the disputing Parties, the panel shall be established and perform its functions in a manner consistent with the provisions of this Chapter.

Article 2009: Roster

1. The Parties shall establish by January 1, 1994 and maintain a roster of up to 30 individuals who are willing and able to serve as panelists. The roster members shall be appointed by consensus for terms of three years, and may be reappointed.

2. Roster members shall:

(a) have expertise or experience in law, international trade, other matters covered by this Agreement or the resolution of disputes arising under international trade agreements, and shall be chosen strictly on the basis of objectivity, reliability and sound judgment;

(b) be independent of, and not be affiliated with or take instructions from, any Party; and

(c) comply with a code of conduct to be established by the Commission.

Article 2010: qualifications of Panelists

1. All panelists shall meet the qualifications set out in Article 2009(2).

2. Individuals may not serve as panelists for a dispute in which they have participated pursuant to Article 2007(5).

Article 2011: Panel Selection

1. Where there are two disputing Parties, the following procedures shall apply:

(a) The panel shall comprise five members.

(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days of the delivery of the request for the establishment of the panel. If the disputing Parties are unable to agree on the chair within this period, the disputing Party chosen by lot shall select within five days as chair an individual who is not a citizen of that Party.

(c) Within 15 days of selection of the chair, each disputing Party shall select two panelists who are citizens of the other disputing Party.

(d) If a disputing Party fails to select its panelists within such period, such panelists shall be selected by lot from among the roster members who are citizens of the other disputing Party.

2. Where there are more than two disputing Parties, the following procedures shall apply:

(a) The panel shall comprise five members.

(b) The disputing Parties shall endeavor to agree on the chair of the panel within 15 days of the delivery of the request for the establishment of the panel. If the disputing Parties are unable to agree on the chair within this period, the Party or Parties on the side of the dispute chosen by lot shall select within 10 days a chair who is not a citizen of such Party or Parties.

(c) Within 15 days of selection of the chair, the Party complained against shall select two panelists, one of whom is a citizen of a complaining Party, and the other of whom is a citizen of another complaining Party. The complaining Parties shall select two panelists who are citizens of the Party complained against.

(d) If any disputing Party fails to select a panelist within such period, such panelist shall be selected by lot in accordance with the citizenship criteria of subparagraph (c).

3. Panelists shall normally be selected from the roster. Any disputing Party may exercise a peremptory challenge against any individual not on the roster who is proposed as a panelist by a disputing Party within 15 days after the individual has been proposed.

4. If a disputing Party believes that a panelist is in violation of the code of conduct, the disputing Parties shall consult and if they agree, the panelist shall be removed and a new panelist shall be selected in accordance with this Article.

Article 2012: Rules of Procedure

1. The Commission shall establish by January 1, 1994 Model Rules of Procedure, in accordance with the following principles:

(a) the procedures shall assure a right to at least one hearing before the panel as well as the opportunity to provide initial and rebuttal written submissions; and

(b) the panel's hearing, deliberations and initial report, and all written submissions to and communications with the panel shall be confidential.

2. Unless the disputing Parties otherwise agree, the panel shall conduct its proceedings in accordance with the Model Rules of Procedure.

3. Unless the disputing Parties otherwise agree within 20 days from the date of the delivery of the request for the establishment of the panel, the terms of reference shall be: "To examine, in the light of the relevant provisions of the Agreement, the matter referred to the Commission (as set out in the request for a Commission meeting) and to make findings, determinations and recommendations as provided in Article 2016(2)."

4. If a complaining Party wishes to argue that a matter has nullified or impaired benefits, the terms of reference shall so indicate.

5. If a disputing Party wishes the panel to make findings as to the degree of adverse trade effects on any Party of any measure found not to conform with the obligations of the Agreement or to have caused nullification or impairment in the sense of Annex 2004, the terms of reference shall so indicate.

Article 2013: Third Party Participation

A Party that is not a disputing Party, on delivery of a written notice to the disputing Parties and to its Section of the Secretariat, shall be entitled to attend all hearings, to make written and oral submissions to the panel and to receive written submissions of the disputing Parties.

Article 2014: Role of Experts

On request of a disputing Party, or on its own initiative, the panel may seek information and technical advice from any person or body that it deems appropriate, provided that the disputing Parties so agree and subject to such terms and conditions as such Parties may agree.

Article 2015: Scientific Review Boards

1. On request of a disputing Party or, unless the disputing Parties disapprove, on its own initiative, the panel may request a written report of a scientific review board on any factual issue concerning environmental, health, safety or other scientific matters raised by a disputing Party in a proceeding, subject to such terms and conditions as such Parties may agree.

2. The board shall be selected by the panel from among highly qualified, independent experts in the scientific matters, after consultations with the disputing Parties and the scientific bodies set out in the Model Rules of Procedure established pursuant to Article 2012(1).

3. The participating Parties shall be provided:

(a) advance notice of, and an opportunity to provide comments to the panel on, the proposed factual issues to be referred to the board; and

(b) a copy of the board's report and an opportunity to provide comments on the report to the panel.

4. The panel shall take the board's report and any comments by the Parties on the report into account in the preparation of its report.

Article 2016: Initial Report

1. Unless the disputing Parties otherwise agree, the panel shall base its report on the submissions and arguments of the Parties and on any information before it pursuant to Article 2014 or 2015.

2. Unless the disputing Parties otherwise agree, the panel shall, within 90 days after the last panelist is selected or such other period as the Model Rules of Procedure established pursuant to Article 2012(1) may provide, present to the disputing Parties an initial report containing:

(a) findings of fact, including any findings pursuant to a request under Article 2012(5);

(b) its determination as to whether the measure at issue is or would be inconsistent with the obligations of this Agreement or cause nullification or impairment in the sense of Annex 2004, or any other determination requested in the terms of reference; and

(c) its recommendations, if any, for resolution of the dispute.

3. Panelists may furnish separate opinions on matters not unanimously agreed.

4. A disputing Party may submit written comments to the panel on its initial report within 14 days of presentation of the report.

5. In such an event, and after considering such written comments, the panel, on its own initiative or on the request of any disputing Party, may:

(a) request the views of any participating Party;

(b) reconsider its report; and

(c) make any further examination that it considers appropriate.

Article 2017: Final Report

1. The panel shall present to the disputing Parties a final report, including any separate opinions on matters not unanimously agreed, within 30 days of presentation of the initial report, unless the disputing Parties otherwise agree.

2. No panel may, either in its initial report or its final report, disclose which panelists are associated with majority or minority opinions.

3. The disputing Parties shall transmit to the Commission the final report of the panel, including any report of a scientific review board established under Article 2015, as well as any written views that a disputing Party desires to be appended, on a confidential basis within a reasonable period of time after it is presented to them.

4. Unless the Commission decides otherwise, the final report of the panel shall be published 15 days after it is transmitted to the Commission.

Implementation of Panel Reports

Article 2018: Implementation of Final Report

1. On receipt of the final report of a panel, the disputing Parties shall agree on the resolution of the dispute, which normally shall conform with the determinations and recommendations of the panel, and shall notify their Sections of the Secretariat of any agreed resolution of any dispute.

2. Wherever possible, the resolution shall be non-implementation or removal of a measure not conforming with this Agreement or causing nullification or impairment in the sense of Annex 2004 or, failing such a resolution, compensation.

Article 2019: Non-Implementation—Suspension of Benefits

1. If in its final report a panel has determined that a measure is inconsistent with the obligations of this Agreement or causes nullification or impairment in the sense of Annex 2004 and the Party complained against has not reached agreement with any complaining Party on a mutually satisfactory resolution pursuant to Article 2018(1) within 30 days of receiving the final report, such complaining Party may suspend the application to the Party complained against of benefits of equivalent effect until such time as they have reached agreement on a resolution of the dispute.

2. In considering what benefits to suspend pursuant to paragraph 1:

(a) a complaining Party should first seek to suspend benefits in the same sector or sectors as that affected by the measure or other matter that the panel has found to be inconsistent with the obligations of this Agreement or to have caused nullification or impairment in the sense of Annex 2004; and

(b) a complaining Party that considers it is not practicable or effective to suspend benefits in the same sector or sectors may suspend benefits in other sectors.

3. On the written request of any disputing Party delivered to the other Parties and its Section of the Secretariat, the Commission shall establish a panel to determine whether the level of benefits suspended by a Party pursuant to paragraph 1 is manifestly excessive.

4. The panel proceedings shall be conducted in accordance with the Model Rules of Procedure. The panel shall present its determination within 60 days after the last panelist is selected or such other period as the disputing Parties may agree.

SECTION C—DOMESTIC PROCEEDINGS AND PRIVATE COMMERCIAL DISPUTE SETTLEMENT

Article 2020: Referrals of Matters from Judicial or Administrative Proceedings

1. If an issue of interpretation or application of this Agreement arises in any domestic judicial or administrative proceeding of a Party that any Party considers would merit its intervention, or if a court or administrative body solicits the views of a Party, that Party shall notify the other Parties and its Section of the Secretariat. The Commission shall endeavor to agree on an appropriate response as expeditiously as possible.

2. The Party in whose territory the court or administrative body is located shall submit any agreed interpretation of the Commission to the court or administrative body in accordance with the rules of that forum.

3. If the Commission is unable to agree, any Party may submit its own views to the court or administrative body in accordance with the rules of that forum.

Article 2021: Private Rights

No Party may provide for a right of action under its domestic law against any other Party on the ground that a measure of another Party is inconsistent with this Agreement.

Article 2022: Alternative Dispute Resolution

1. Each Party shall, to the maximum extent possible, encourage and facilitate the use of arbitration and other means of alternative dispute resolution for the settlement of international commercial disputes between private parties in the free trade area.

2. To this end, each Party shall provide appropriate procedures to ensure observance of agreements to arbitrate and for the recognition and enforcement of arbitral awards in such disputes.

3. A Party shall be deemed to be in compliance with paragraph 2 if it is a party to and is in compliance with the 1958 United National Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the 1975 InterAmerican Convention on International Commercial Arbitration.

4. The Commission shall establish an Advisory Committee on Private Commercial Disputes comprising persons with expertise or experience in the resolution of private international commercial disputes. The Committee shall report and provide recommendations to the Commission on general issues referred to it by the Commission respecting the availability, use and effectiveness of arbitration and other procedures for the resolution of such disputes in the free trade area.

ANNEX 2001.2

Committees and Working Groups

A. Committees

1. Committee on Trade in Goods (Article 316)

2. Committee on Trade in Worn Clothing (Annex 300-B, Section 9.1)

3. Committee on Agricultural Trade (Article 706)

Advisory Committee on Private Commercial Disputes Regarding Agricultural Goods (Article 707)

4. Committee on Sanitary and Phytosanitary Measures (Article 722)

5. Committee on Standards-Related Measures (Article 913)

Land Transportation Standards Subcommittee (Article 913(5))

Telecommunications Standards Subcommittee (Article 913(5))

Automotive Standards Council (Article 913(5))

Subcommittee on Labelling of Textile and Apparel Goods (Article 913(5))

6. Committee on Small Business (Article 1021)

7. Financial Services Committee (Article 1412)

8. Advisory Committee on Private Commercial Disputes (Article 2022(4))

B. Working Groups

1. Working Group on Rules of Origin (Article 513)

Customs Subgroup (Article 513(6))

2. Working Group on Agricultural Subsidies (Article 705(6))

3. Bilateral Working Group (Mexico United States) (Annex 703.2(A)(25))

4. Bilateral Working Group (Canada (Mexico) (Annex 703.2(b)(13))

5. Working Group on Trade and Competition (Article 1504)

6. Temporary Entry Working Group (Article 1605)

C. Other Committees and Working Groups Established Under this Agreement

ANNEX 2002.2

Remuneration and Payment of Expenses

1. The Commission shall establish the amounts of remuneration and expenses that will be paid to the panelists, committee members and members of scientific review boards.

2. The remuneration of panelists or committee members and their assistants, members of scientific review boards, their travel and lodging expenses, and all general expenses of panels, committees or scientific review boards shall be borne equally by:

(a) in the case of panels or committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), the involved Parties, as they are defined in Article 1911; or

(b) in the case of panels and scientific review boards established under this Chapter, the disputing Parties.

3. Each panelist or committee member shall keep a record and render a final account of the person's time and expenses, and the panel, committee or scientific review board shall keep a record and render a final account of all general expenses. The Commission shall establish amounts of remuneration and expenses that will be paid to panelists and committee members.

ANNEX 2004

Nullification and Impairment

1. If any party considers that any benefit it could reasonably have expected to accrue to it under any provision of:

(a) Part Two (Trade in Goods), except for those provisions of Annex 300-A (Automotive Sector) or Chapter Six (Energy) relating to investment,

(b) Part Three (Technical Barriers to Trade),

(c) Chapter Twelve (Cross-Border Trade in Services), or

(d) Part Six (Intellectual Property),

is being nullified or impaired as a result of the application of any measure that is not inconsistent with this Agreement, the Party may have recourse to dispute settlement under this Chapter.

2. A Party may not invoke:

(a) paragraph 1(a) or (b), to the extent that the benefit arises from any crossborder trade in services provision of Part Two, or

(b) paragraph 1(c) or (d),

with respect to any measure subject to an exception under Article 2101 (General Exceptions).

Codex Alimentarius Commission, the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the International Telecommunication Union (ITU); or any other body that the Parties designate;

Land transportation service means a transportation service provided by means of motor carrier or rail;

Legitimate objective includes an objective such as:

(a) safety,

(b) protection of human, animal or plant life or health, the environment or consumers, including matters relating to quality and identifiability of goods or services, and

(c) sustainable development,

considering, among other things, where appropriate, fundamental climatic or other geographical factors, technological or infrastructural factors, or scientific justification but does not include the protection of domestic production;

Make compatible means bring different standards-related measures of the same scope approved by different standardizing bodies to a level such that they are either identical, equivalent or have the effect of permitting goods and services to be used in place of one another or fulfill the same purpose;

Services means land transportation services and telecommunications services;

Standard means a document, approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for goods or related processes and production methods, or for services or related operating methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method;

Standardizing body means a body having recognized activities in standardization;

Standards-related measure means a standard, technical regulation or conformity assessment procedure;

Technical regulation means a document which lays down goods characteristics or their related processes and production methods, or services characteristics or their related operating methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a good, process, or production or operating method; and

Telecommunications service means a service provided by means of the transmission and reception of signals by any electromagnetic means, but does not mean the cable, broadcast or other electromagnetic distribution of radio or television programming to the public generally.

2. Except as they are otherwise defined in this Agreement, other terms in this Chapter shall be interpreted in accordance with their ordinary meaning in context and in the light of the objectives of this Agreement, and where appropriate by reference to the terms presented in the sixth edition of the ISO/IEC Guide 2: 1991, General Terms and Their Definitions Concerning Standardization and Related Activities.

ANNEX 908.2

Transitional Rules for Conformity Assessment Procedures

1. Except in respect of governmental conformity assessment bodies, Article 908(2) shall impose no obligation and confer no right on Mexico until four years after the date of entry into force of this Agreement.

2. Where a Party charges a reasonable fee, limited in amount to the approximate cost of the service rendered, to accredit, approve, license or otherwise recognize a conformity assessment body in the territory of another Party, it need not, prior to December 31, 1998 or such earlier date as the Parties may agree, charge such a fee to a conformity assessment body in its territory.

ANNEX 913.5.A–1

Land Transportation Standards Subcommittee

1. The Land Transportation Standards Subcommittee, established under Article 913(5)(a)(i), shall comprise representatives of each Party.

2. The Subcommittee shall implement the following work program for making compatible the Parties' relevant standards-related measures for:

(a) bus and truck operations

(i) no later than one and one-half years after the date of entry into force of this Agreement, for non-medical standards-related measures respecting drivers, including measures relating to the age of and language used by drivers,

(ii) no later than two and one-half years after the date of entry into force of this Agreement, for medical standards-related measures respecting drivers,

(iii) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting vehicles, including measures relating to weights and dimensions, tires, brakes, parts and accessories, securement of cargo, maintenance and repair, inspections, and emissions and environmental pollution levels not covered by the Automotive Standards Council's work program established under Annex 913.5.a–3,

(iv) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting each Party's supervision of motor carriers' safety compliance, and

(v) no later than three years after the date of entry into force of this Agreement, for standards-related measures respecting road signs;

(b) rail operations

(i) no later than one year after the date of entry into force of this Agreement, for standards-related measures respecting operating personnel that are relevant to cross-border operations, and

(ii) no later than one year after the date of entry into force of this Agreement, for standards-related measures respecting locomotives and other rail equipment; and

(c) transportation of dangerous goods, no later than six years after the date of entry into force of this Agreement, using as their basis the United Nations Recommendations on the Transport of Dangerous Goods, or such other standards as the Parties may agree.

3. The Subcommittee may address other related standards-related measures as it considers appropriate.

ANNEX 913.5.A–2

Telecommunications Standards Subcommittee

1. The Telecommunications Standards Subcommittee, established under Article 913(5)(a)(ii), shall comprise representatives of each Party.

2. The Subcommittee shall, within six months of the date of entry into force of this Agreement, develop a work program, including a timetable, for making compatible, to the greatest extent practicable, the standards-related measures of the Parties for authorized equipment as defined in Chapter Thirteen (Telecommunications).

3. The Subcommittee may address other appropriate standards-related matters respecting telecommunications equipment or services and such other matters as it considers appropriate.

4. The Subcommittee shall take into account relevant work carried out by the Parties in other forums, and that of non-governmental standardizing bodies.

ANNEX 913.5.A–3

Automotive Standards Council

1. The Automotive Standards Council, established under Article 913.5(a)(iii), shall comprise representatives of each Party.

2. The purpose of the Council shall be, to the extent practicable, to facilitate the attainment of compatibility among, and review the implementation of, national standards-related measures of the Parties that apply to automotive goods, and to address other related matters.

3. To facilitate its objectives, the Council may establish subgroups, consultation procedures and other appropriate operational mechanisms. On the agreement of the Parties, the Council may include state and provincial government or private sector representatives in its subgroups.

4. Any recommendation of the Council shall require agreement of the Parties. Where the adoption of a law is not required for a Party, the Council's recommendations shall be implemented by the Party within a reasonable time in accordance with the legal and procedural requirements and international obligations of the Party. Where the adoption of a law is required for a Party, the Party shall use its best efforts to secure the adoption of the law and shall implement any such law within a reasonable time.

5. Recognizing the existing disparity in standards-related measures of the Parties, the Council shall develop a work program for making compatible the national standards-related measures that apply to automotive goods and other related matters based on the following criteria:

(a) the impact on industry integration;

(b) the extent of the barriers to trade;

(c) the level of trade affected; and

(d) the extent of the disparity.

In developing its work program, the Council may address other related matters, including emissions from on-road and non-road mobile sources.

6. Each Party shall take such reasonable measures as may be available to it to promote the objectives of this Annex with respect to standards-related measures that are maintained by state and provincial government authorities and private sector organizations. The Council shall make every effort to assist these entities with such activities, especially the identification of priorities and the establishment of work schedules.

ANNEX 913.5.A–4

Subcommittee on Labelling of Textile and Apparel Goods

1. The Subcommittee on Labelling of Textile and Apparel Goods, established under Article 913(5)(a)(iv), shall comprise representatives of each Party.

2. The Subcommittee shall include, and consult with, technical experts as well as a broadly representative group from the manufacturing and retailing sectors in the territory of each Party.

3. The Subcommittee shall develop and pursue a work program on the harmonization of labeling requirements to facilitate trade in textile and apparel goods between the Parties through the adoption of uniform labelling provisions. The work program should include the following matters:

(a) pictograms and symbols to replace, where possible, required written information, as well as other methods to reduce the need for labels on textile and apparel goods in multiple languages;

(b) care instructions for textile and apparel goods;

(c) fiber content information for textile and apparel goods;

(d) uniform methods acceptable for the attachment of required information to textile and apparel goods; and

(e) use in the territory of the other Parties of each Party's national registration numbers for manufacturers of importers of textile and apparel goods.

Mr. SHELBY. The amendment offered by the Senator from Texas that we have been talking about proposes instead to grant to the President of the United States the sole and final authority to determine what violates NAFTA in regard to highway safety. As much as I respect the office of the President of the United States and particularly this President, the office of the President is not—and should not be—put in this position. In addition, it is unnecessary because the Constitution, as we all know, already gives the President the power to veto legislation.

I believe it is a slippery slope to pursue the concept that the President of the United States, or any other administration official, should determine whether acts of Congress are consistent with treaty obligations or other laws.

I put my faith in the Founding Fathers and their wisdom to separate judicial and executive functions. The Senator from Texas, my good friend, makes some interesting and novel arguments. I would hope that his enthusiasm for his interpretation of NAFTA would not overwhelm our collective support for the constitutional separation of the executive and judicial branches of Government.

The Senator from Texas has argued on several occasions that the Murray-Shelby provision contains what he alleges are four violations of NAFTA. While I believe that we should allow the processes set forth in the NAFTA agreement that I quoted from to determine that, let me assure the Senator from Texas that if his amendment is adopted there is without question one violation of NAFTA—because his amendment clearly creates a new dispute resolution process within the office of the President that appears to be inconsistent—totally inconsistent—with NAFTA itself.

Mr. President, we have talked about this issue. I think we know what is going on. At this point, I move to table the Gramm amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), and the Senator from Alabama (Mr. SESSIONS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 30, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—65

Akaka
Allen
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Graham
Harkin
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—30

Allard
Bennett
Brownback
Bunning
Cochran
Craig
Crapo
DeWine
Domenici
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—5

Bond
Burns
Enzi
Feinstein
Sessions

The motion was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1180 TO AMENDMENT NO. 1030

(Purpose: To require that Mexican nationals be treated the same as Canadian nationals under provisions of the Act)

Mr. McCAIN. Mr. President, I send a second-degree amendment to amendment No. 1030 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1180 to amendment No. 1030:
>
> At the end of the amendment add the following:
>
> Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

Mr. REID addressed the Chair.

Mr. McCAIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McCAIN. I will be glad to yield to the Senator from Nevada for a question.

Mr. REID. I do not think the Senator wants to. I am going to move to table.

Mr. McCAIN. I thank the Senator from Minnesota. I thank him very much for recognizing me.

Mr. President, this amendment is very simple. It simply says the Mexican nationals will be treated exactly the same as Canadian nationals. It has nothing to do with requirements on trucks. It has nothing to do with requirements. It has nothing to do with how these individuals residing one to our north and one to our south would be treated exactly the same way as citizens of their country and trading partners.

I hope there will be no question that our neighbors to the north and the south will be treated on an equal and equitable basis.

I want to quote from the report again from the NAFTA dispute resolution panel.

I remind my colleagues, I believe we have 51 second-degree amendments on file. After this one is dispensed with, we will have 50 amendments remaining. They are all important additions. Hopefully, these modifications can be made to this legislation.

I point out, as we continue to debate this issue again I quote, since a number of my colleagues are in the Chamber, an editorial in the Chicago Tribune. I see my colleague from Illinois. The headline is: "Honk if you smell cheap politics." That is the headline. I emphasize for my colleagues, I am quoting from an editorial. This is not a reflection of my personal views:

> As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets. The talk is all about safety and concern about how rattletrap Mexican semis, driven by inept Mexicans, would plow into Aunt Bea putt-putting to the grocery store in her Honda Civic, somewhere in Pleasantville, U.S.A.
>
> Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray (D–Wash.), and others pushing the Teamster line, instead are prattling on about road safety. . . .
>
> Under NAFTA, which went into effect in 1994, there was supposed to be free access to all trucks within Canada, the U.S. and Mexico by January of last year. That only makes sense: There is no point in freeing up trade but restricting the means to move the goods.
>
> But with the 2000 elections looming, President Bill Clinton caved in to pressure from the Teamsters and delayed implementation of the free-trucking part of the agreement. Democratic presidential candidate Al Gore got the Teamsters' endorsement and the Mexican government filed a complaint against the U.S. for violation of NAFTA rules. Mexico won.
>
> A spokesman for the U.S.-Mexico Chamber of Commerce and others in Washington have whispered there may be bits of racism and discrimination floating around in this soup, because Canadian trucks and drivers are not subjected to similar scrutiny and can move about freely anywhere in the U.S.
>
> It's worthwhile to note, too, that while the U.S. is banning Mexican trucks, Mexico is returning the favor, so neither country's trucks are going anywhere. As it stands, Mexican trucks can come in only 20 miles into the U.S. before they have to transfer their load.
>
> Safety need not be an issue. An amendment proposed by McCain and Sen. Phil Gramm (R–Texas) incorporates safety inspection safeguards to be sure drivers and trucks are fit to travel U.S. roads. It's roughly modeled after California's safety inspection system along it own border with Mexico. Presumably, Mexico would inspect the trucks going the other way.
>
> Those are reasonable measures to protect motorists on both sides of the border.
>
> But Sen. Murray's amendment sets up a series of requirements and hurdles so difficult to implement that they would, in effect, keep the border closed to Mexican trucks indefinitely.
>
> President Bush vows to veto this version of the bill, and quite rightly so. In 1993, the U.S. signed and ratified NAFTA. The agreement went into effect in 1994. There is no justification now, more than seven years later, for the U.S. to try to weasel out of some its provisions.

The amendment, which I guess is going to be shortly tabled—I ask that the amendment be read one more time.

The PRESIDING OFFICER (Ms. STABENOW). Is there objection?

Mr. REID. Objection. I did not hear the request.

Mr. McCAIN. I asked that the amendment be read.

Mr. REID. That is fine.

Mr. MCCAIN. I will read it myself. I am more eloquent than the staff anyway.

Mr. REID. I would love to hear the amendment read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

AMENDMENT NO. 1180

At the end of the amendment add the following:

Notwithstanding any other provision of this Act, no provision of this Act shall be implemented in a manner that treats Mexican nationals differently from Canadian nationals.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Mr. MCCAIN. Madam President, do I still have the floor?

The PRESIDING OFFICER. The Senator lost the floor when he had the clerk read.

Mr. MCCAIN. Very good.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Wyoming (Mr. ENZI), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Tennessee (Mr. FRIST), and the Senator from Montana (Mr. BURNS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. SESSIONS) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 34, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Graham
Harkin
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Torricelli
Warner
Wellstone
Wyden

NAYS—34

Allard
Allen
Bennett
Brownback
Bunning
Cochran
Craig
Crapo
DeWine
Domenici
Ensign
Fitzgerald
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Specter
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—9

Bond
Burns
Enzi
Feinstein
Frist
Inhofe
Miller
Sessions
Stevens

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, it seems to me one of the very few things that has been agreed upon in the civilized world over the last few years is the benefits of free trade. It is the source of much of the prosperity we have enjoyed in this country because our advances in technology have led to increases in productivity. It has put us in a very competitive position with regard to the world. Trade has been an integral part of that. It has lifted millions and millions of people out of poverty.

As we see around the world, the expansion of free market philosophy sometimes leads to more democratic institutions. Very much of it is based on these economies opening up. Very much of that has to do with the benefits of free trade where people make the things that they make best and do the things they do best, open up their borders, turn their backs on protectionism, and engage in free trade with other countries.

The most remarkable example of that recently, it seems to me, would be the country of China. We have seen that country under Deng, starting back some years ago, opening up that country's economy somewhat, as many problems we have with them. I will not go into that today. That is a different subject for another day. But we have some very serious difficulties with them in terms of nuclear proliferation, for example. There is a story just today about that in the press that is very disturbing. We will deal with that at the appropriate time.

But we have to acknowledge that they have lifted millions and millions of their people out of poverty. They have bought into the notion that in order for them to prosper economically, in order for them to feed the 1.3 billion people they have, they are going to have to open up somewhat economically and they are going to have to engage in free trade.

We believe in the engagement of free trade with them, even to the extent of the substantial trade deficit. I think it is about $84 billion in deficit we are now running with them. But it attests to our commitment that we have for the general proposition of the benefits of free trade.

A third of the U.S. economic growth during the 1990s came from exports. Since the cold war, the United States has championed the values of democracy and free trade. Global free trade advances the democratic values of consumer choice, workers' rights, transparency, and the rule of law.

Therefore, it pains me to see us begin to move away from the principles of free trade and to hold ourselves open for the criticism that we are violating the agreement into which we entered. The argument can be made that while the world is moving in one direction, we in some respects are moving in another. There are more than, I believe, 133 trade agreements around the world. The United States is a party to two of them. One of the ones that has been beneficial to all parties concerned has been NAFTA. It has been beneficial to my State of Tennessee. I think it has been beneficial to the United States in general.

It pains me to see us move away from our solemn commitment. I think that is what the Murray provision does. I think that is the primary reason for the concern expressed by the Senator from Arizona and the Senator from Texas because their opinion—and apparently the opinion of the President of the United States—is that provision violates our commitment under NAFTA; it violates our commitment to free trade. We are moving in the wrong direction. We are moving in one direction when the rest of the world seems to finally have been convinced of what we are supposed to believe in; that is, benefits of free trade.

Trade benefits small businesses. Ninety-seven percent of all exporters are small businesses that employ fewer than 500 people. Free trade is an invaluable tool to economic development, oftentimes far more successful than direct aid. Trade encourages investment, creates jobs, and promotes a more sustainable form of development. Jobs created through trade often require higher levels of skills and create a higher standard of living for workers.

It is to everyone's benefit—and certainly to this country's benefit—to engage in activities that raise the standard of living which, in turn, often leads, as I say, to demands for individual rights in countries where those are so sorely lacking.

The combined effects of the Uruguay Round trade agreements and NAFTA have increased U.S. national income by $40 to $60 billion a year. Over 85 percent of NAFTA trade is manufactured goods, which grew by over 66 percent between 1993 and 1998.

On the agricultural front, which is important to my State, one of every three acres of U.S. farmland is planted for export.

So that is what is going on in the world. That is of what we are a part. That is in what we should be taking a leadership role. So when we are dealing with the primary trade agreement that we have, and dealing with our own hemisphere, and our own backyard, and our neighbors to the north and our neighbors to the south, and we, because of domestic, political, and economic pressure, willy-nilly do things that might be pleasing to certain, limited constituency groups but not only violate the agreement but violate the principles for which we are supposed to stand, when we do that, we are moving in a wrong and dangerous direction.

The United States is better off today because of that commitment we made. I think the United States is better off today because of that agreement we made. The U.S. economy experienced the longest peacetime expansion in history. That was not because we sat still. That was not by accident. All 50 States and the United States territories participate in NAFTA, and almost all have reaped benefits from more liberalized trade with both Mexico and Canada.

U.S. trade with NAFTA countries grew faster than the rate of global trade expansion. Overall, NAFTA has benefited the entire continent of North America through its promotion of competitiveness and lower prices for consumers. We all are very much aware of the fact that some folks have been displaced—some in my own State have been displaced—as we have gone through the adjustment our economy is having to go through now.

We all know that as we move from an agricultural economy to an industrialized economy to a very high-tech economy that we have now—as we move from one of those areas to another, there are some displacements, and it is unfortunate. The Government should be helpful in legitimate respects to make sure that, as far as workers are concerned, for example, we are mindful of that.

We have passed legislation, some of which workers in my own State have benefited from, to help make this adjustment come about, knowing that we have to make this adjustment, that we have to move from certain areas of our economy into other areas that are more competitive in the world economy and the world market that we have now.

But overall, from the time NAFTA was signed until last year, the following things have happened: U.S. gross domestic product grew by over $2 trillion, unemployment in the United States fell from 7 percent to 4 percent, real income rose by an average of $2,500 for every American. Trade between the United States and Mexico has tripled since 1993 to over $250 billion in 2000. Total merchandise trade among the NAFTA countries was $656 billion in 2000. The United States now trades more with Canada than with the EU. Total United States trade with Canada has doubled to $400 billion. Trade with NAFTA countries doubled from 1993 to 2000, while U.S. trade with the rest of the world grew by half as much.

So not only is free trade important, but this particular episode in our Nation's history with regard to free trade is especially important. The figures bear that out when looking at the American economy.

On another related subject, during the 1994–1995 peso devaluation, Mexico experienced its worst recession since 1932, with a 7-percent decrease in GDP. During the same time, U.S. exports fell by 8.9 percent, while European and Asian exports fell by 20 to 30 percent.

While in crisis, Mexico raised import tariffs on goods from all of its trading partners, with the exception of NAFTA members. NAFTA prevented the United States from experiencing the level of loss felt by both Asia and Europe.

Trade creates jobs. Over 20 million new jobs were generated by the U.S. economy during the 1990s. The U.S. Chamber of Commerce estimates that by 1999 NAFTA had created over 685,000 export-related jobs in the United States. Over 12 million U.S. jobs now rely on trade in this country.

Economists estimate that the $70 billion increase in United States exports to Mexico since NAFTA began created about 1.3 million new jobs. The U.S. Department of Commerce estimates that 6 million U.S. jobs are dependent on NAFTA-related exports alone. This gives us some indication of the significance of what we are dealing with.

Again, it pains me to see us move in a direction, not because we don't have a right to protect ourselves from trucks or anything else—we can enter into agreements that do that. When we deal with the agreements to start with, we can enter into those things. We can implement those agreements in ways that protect us. All that is allowed under NAFTA. But we cannot have different requirements for our friends in Mexico than we have for our friends in Canada. That is just not right, and it is not compliant with NAFTA. With all of these benefits, I think it is important that we understand what is at stake.

As self-centered as we might want to be—and I hope we are not, but even if we were, it is to our benefit to have a stable and a growing and a prosperous neighbor to the south, as well as to the north, for obvious reasons—for reasons having to do with immigration, for reasons having to do with the economy. That common border is not going to go away. Now that we have new leadership in Mexico, we have the opportunity to make progress in a lot of areas that we have not been able to for some time.

Surpassing Japan, Mexico is now the United States' second largest trading partner. Since the agreement's implementation, Mexico's gross domestic product has increased at an average annual rate of 3.7 percent. I think we have a right—the Nation that came up with the Marshall plan, the Nation that rebuilt much of Europe and Japan after World War II—to be proud of that.

Mexico's credit has improved as a result of NAFTA. Mexico has successfully paid back its loans from the 1995 peso crisis ahead of schedule. Early this spring, Mexico paid off all of its IMF loans. This successful recovery prompted major credit analysts to upgrade Mexican sovereign and corporate debt to investment grade.

Thanks in part to the democratic influence of free trade, NAFTA played a significant part in making Mexico a more democratic country. NAFTA helped foster the civil society in economic development that enabled Mexico to successfully transition to democratic rule after several years of a one-party system.

Those are some of the benefits of free trade in general. Those are some of the benefits to one of our trading partners. At this point in our history, when so much positive is going on in the world in terms of taking down barriers, in terms of intercourse of commerce and the flourishing of market principles in places heretofore unknown to them, we should be leading the world in all of these things. We should not be a part of only two agreements when the rest of the world is moving on. That is bad enough.

But now we are doing things, little by little, that are taking us in one direction while the rest of the world seems to be going in another. We are now in the midst of debating trade or environmental and labor standards. We have entered into an agreement with Jordan, and we are very concerned about their environmental standards. They happen to have some of the better labor and environmental standards already in that part of the world. Now, for domestic reasons, we want to impose nontrade-related requirements on people with whom we want to trade. They in turn, if we do that, have the right to impose those same things on us and to take us to court, so to speak, over changes in our own law potentially.

We don't give our President trade promotion authority. We have heard the debate on fast track over several years now. The President of the United States has not had the ability to enter into these agreements, putting us at a great disadvantage with regard to a large part of the world.

Again, why are we so reticent? Why are we moving in one direction? Why are we becoming more closed and raising more barriers at a time when the rest of the world is doing what we have always said we wanted them to do in taking down barriers, entering into bilateral and multilateral agreements?

I don't know why we would want to do that. I don't know why we would not want to give the President trade promotion authority. I do not know why we would want to hold ourselves up to the accusation of protectionism under these circumstances.

Should people of that persuasion succeed in restricting the freedom of trade, it will be U.S. consumers and workers who will lose out. Trade barriers will never prevent low-wage or low-skilled worker displacement. New technologies and improved efficiency will always displace low-wage and low-skilled workers. I am afraid that is an economic reality. We need to be convinced, apparently, of the obvious proposition that if we are really concerned about labor standards and the environment in some of these other countries, we need to help them lift their economy up so that they can take care of those matters themselves.

We are never going to make any permanent improvement because we try to coerce some small nation, through a trade agreement, to improve their labor and environmental laws. What we can do is enter into trade agreements with them that will let them participate in this global economy and in this prosperity that so many countries and so many people have enjoyed because of free trade and more open markets and which, as I said, in many cases leads to more democratic institutions. We are seeing that play out in Mexico as we speak, moving in the right direction. It is all a part of the same picture. It is a picture where free trade has the central role.

When I look at the current debate we are having, it is unfortunate that it is taking some time. But as I look at it and as we are required as individual Senators to make decisions as to where we stand, we ought to think hard about exactly where we stand and where we ought to stand. All these general principles I have been talking about in terms of the benefits of free trade and how it has benefited our country and how it has benefited Canada and Mexico and how this particular free trade agreement has benefited all of us, all those principles apply to the issue at hand. That is, are we doing something on an appropriations bill, almost as an afterthought as it were, that is going to move us not only contrary to the provisions of the solemn undertaking that we made with regard to NAFTA but take us contrary to the philosophical beliefs and longstanding positions that this Nation has had?

My understanding is that we can make changes or we can have requirements to implement the provisions under these agreements. We are free to do that with regard to Canadian trucks or Mexican trucks or anything else. We can implement this agreement in ways that will protect us, but we cannot change the agreement. We can't change the requirements, and we cannot give different treatment to Mexicans than we do Canadians.

We just voted down an amendment that said simply that we need to treat Canadians and Mexicans alike because we are all three in the same agreement. That was voted down. How anybody could vote against that, I have a hard time understanding.

We are getting down to some very core philosophies and beliefs. I am wondering what people will think about the United States of America in terms of a future trading partner when we cannot even reach a consensus on something such as that, which is not only the right thing to do, the clearly nondiscriminatory right thing to do, but it is the only thing to do to be in compliance with the agreement.

I appreciate the indulgence of the Chair.

Mr. GRAMM. Will the Senator yield for a question?

Mr. THOMPSON. I am happy to yield.

Mr. GRAMM. The Senator is a distinguished lawyer. I am not a lawyer, much less being a distinguished one. But I wanted to read to the Senator the language of NAFTA—it is very short—and ask the Senator if he would give to us his interpretation of what it means and what kind of parameters it sets.

This is in the section of the North American Free Trade Agreement that the President signed in 1994 and then we ratified. A Republican signed it. A Democrat led the ratification, and now we have a Republican President. We are in the third administration committed to this agreement that we entered into.

In the area we are discussing, cross-border trade and services, we have simple language as to what we committed to. I ask the Senator to just give us a description of what he, as a lawyer, a former U.S. attorney, sees this as meaning.

The heading on it is "National Treatment." This is what we committed to, pure and simple:

> Each party shall accord to service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers.

That is what we committed to. That is called national treatment.

Would the Senator give us sort of a legal and commonsense definition of what that is and what that means?

Mr. THOMPSON. Well, to me it means that we have to treat them and their people the way we treat ourselves and our people. That is a fundamental of trade and trade agreements, and something that is fundamental to this particular agreement. It has to do with the concept of equality and comity. It doesn't matter that one country is richer than another or has more population than another. It puts countries, from the standpoint of the agreement, from the standpoint of trade, on a basis of equal trading partners. We will treat you the way we treat our own people.

I must say, if we violate that and we treat them worse than our own people or worse than another trading partner or partner to the same agreement, such as Canada, then obviously they are going to reciprocate. And they are going to treat our people—in this case, our truckers—seemingly, however they feel they are entitled in reciprocation of us violating the agreement.

Mr. GRAMM. If I may, I will follow up by again, calling on the Senator's knowledge of the law and experience with it. Let me give the Senator some examples of provisions in the Murray amendment. In light of this provision that President Bush signed and we ratified with the support of President Clinton and which we are now trying to enforce under the new President Bush, I wanted to get your reading as to whether these provisions would violate the agreement that we made. Currently, Canadian trucks are almost all insured by companies from Great Britain; Lloyd's of London, I think, is the largest insurer of Mexican trucks.

Mr. THOMPSON. You mean Canadian.

Mr. GRAMM. Yes, Canadian. Some are insured by Canadian companies; some are insured by American companies. Most American trucks are insured by American companies, but not all American trucks. Lloyd's of London, as I understand it, insures some trucks. Quite frankly, it is very difficult to tell with a modern company where it is domiciled.

The Murray amendment says that Mexican trucks, unlike Canadian trucks and American trucks, have to have insurance bought from companies that are domiciled in the United States. Now, American trucking companies are required to have insurance. Mexican trucking companies are required to have insurance. The insurance has to meet certain standards. Canadian trucking companies are required to have insurance. But the Murray amendment says, unlike American trucking companies and unlike Canadian trucking companies, Mexican trucking companies have to buy insurance from companies domiciled in the United States of America.

In light of the language I just read, would the Senator see that as about as clear a violation of NAFTA as you could have?

Mr. THOMPSON. Yes, I would. I would wonder how we would view it if Canadians passed a law saying that American trucks had to buy insurance from companies that were domiciled in Mexico. I can't imagine anything that would be more contrary to the spirit I just described a minute ago. My understanding is—and the Senator can correct me if I am wrong—we can implement the agreement in several different ways. We are not bound; we can even do it different ways with regard to different trading partners, as long as it is an implementation under the circumstances that are presented in order to protect ourselves in ways we think are appropriate and reasonable. But we can't change the requirements of the agreement.

That seems to me to be a flatout change of the requirements—basic requirements of the agreement, and it goes contrary to the spirit and the letter of the law with regard to that agreement. Under the agreement, you simply can't treat different trading partners in different ways or change the terms or the requirements of the agreement.

Mr. GRAMM. Let me ask this. Under the Murray amendment, there is a provision that says while American trucks are obviously operating all over our country, and Canadian trucks are operating—about a thousand of them—and they are operating under current law, because of a bill we passed in 1999 called the Motor Carrier Safety Improvement Act—and I want to read you a short part of this which is relevant. Basically, what this bill finds is that the Department of Transportation is failing to meet the statutorily mandated deadlines for completing rulemaking proceedings on motor carrier safety and in some significant safety rulemaking proceedings, including driver hour of service regulations; extensive periods have elapsed without progress toward resolution and implementation. Congress finds that too few motor carriers undergo compliance reviews, and the Department's database and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources.

Finding these things, Congress, in 1999, passed a bill mandating that the Department of Transportation promulgate rules related to truck safety nationwide to apply to all trucks operating in America. Under President Clinton and now under President Bush, those rules, which turned out to be time consuming and complicated, have not been implemented. Canadian trucks are still operating even though these rules have not been implemented. American trucks are, obviously, operating even though these rules have not been implemented, or else we would not be eating lunch today.

But the Murray amendment said that because we have not promulgated these rules, until they are promulgated and until this bill is implemented, even though it applies to all trucking in America—until this happens, Canadian trucks would not be allowed into the United States of America. Now I ask, is that any less arbitrary a discriminatory provision than saying they would not be allowed until a full Moon occurred on a day where the Sun was in eclipse?

Mr. THOMPSON. I would say this would be worse than the hypothetical you mentioned about the Moon or the Sun because the situation you described there is within our discretion. The Sun and the Moon aren't, but, basically, as I understand what you read there, we are setting up a condition and basically saying we are going to discriminate until we comply with a condition that we have set up for ourselves. Quite frankly, it seems to be—and you might want to reread that original language you asked me about. It seems to me——

Mr. GRAMM. I will. It says—and this is the national treatment standard, and maybe I should pose this as a question. Is the Senator aware that the language in the national treatment standard says this? And this is a commitment we made to Canada and Mexico when the President signed this agreement in 1994 and the agreement that we committed ourselves to when we ratified it. The language is simple:

> Each party shall accord the service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers.

Mr. THOMPSON. Well, it seems to me that the situation you referred to a moment ago is pretty directly contrary to that provision you just read.

(Mr. DAYTON assumed the Chair.)

Mr. GRAMM. Let me pose just two more questions. Under the Murray amendment, a Mexican trucking company—let me start, if I may, by stating what the policy is today. As you are probably aware, most trucking companies do not own trucks; they lease trucks. The interesting thing about this whole debate is that we are debating as if Mexico is going to go out to some junkyard somewhere and put together a truck and drive it to Detroit. The reality is that they are going to rent the truck from Detroit just as American companies do. But we have this vast system where companies lease to each other because the last thing on Earth they want as a trucking company is to have a quarter-of-a-million-dollar rig sitting in their parking lot.

So if an American company has some restriction put on it, it is subject to some suspension or to some restriction or some limitation. And there is not a big trucking company in America that at one time or another has not been subject to one of these things.

In the United States and in Canada today, if a company is subject to some limitation so they cannot use the truck, then they lease it to somebody else. The Murray amendment says if a Mexican company is subject to some suspension, restriction, or limitation, the Mexican company cannot lease a truck to anyone else.

In light of the fact we committed that each party shall accord to service providers of another party treatment no less favorable than that which it accords, in like circumstances, to its own providers, does the Senator believe one can possibly justify, under NAFTA, allowing Canadian truck operators to lease their trucks and American truck operators to lease their trucks when they are under some restriction or limitation but not allow Mexican trucking companies to lease their trucks under exactly the same circumstances? Would the Senator not see that as a flagrant violation of NAFTA?

Mr. THOMPSON. In other words, there is no such requirement for Canadian trucks? There is no such requirement?

Mr. GRAMM. No, no such requirement.

Mr. THOMPSON. There is no such requirement imposed on trucks in the United States?

Mr. GRAMM. No such requirement.

Mr. THOMPSON. There is a requirement on Mexico, and Mexico alone, Mexican companies; is that what the Senator is saying?

Mr. GRAMM. That is right.

Mr. THOMPSON. That is, by definition, discriminatory and seemingly clearly contrary to the agreement. That is an interesting provision in and of itself. I am wondering whether or not an entire Mexican company is restricted, even if there is a problem, say, with just one or two trucks.

Mr. GRAMM. If they are subject to some limitation, they will be unable to lease their trucks to another user, say, in the United States or Canada.

Mr. THOMPSON. I do not know what that limitation would be, but obviously that is very broad.

I guess what is going through my mind is whether or not, even if we could under the agreement enter into such an arrangement, that would be a wise or fair thing to do because there is not a trucking company in the world that does not have some violations every once in awhile.

It cannot be prevented. There is too much stuff going on, and having been a truckdriver a little bit myself, I am very much aware that, try as one might, one has to have a lot of rules and regulations and a lot of difficulties facing them.

Obviously, nobody wants any renegades doing business anywhere, but to say any limitations ever placed on a company when they are doing business with regard to, say, maybe even one truck at one location, that in effect bans them for the rest of the Nation with regard to any other trucks, maybe even other trucks leased from another company, I do not see the wisdom in that, quite frankly. Regardless whether it is a good idea or not, it seems to be clearly discriminatory.

Mr. GRAMM. If I could pose the following question: Does it seem to the Senator that it might not only be discriminatory but pernicious in the following sense, that obviously this amendment was written by somebody who knew something about the trucking business?

Mr. THOMPSON. Sure.

Mr. GRAMM. I wonder if it does not strike the Senator as possible that the supporters of this amendment would recognize—and I am not talking about any Member of the Senate; I am talking about interest groups in the country—would recognize one of the ways of assuring no Mexican trucking company could ever compete with any American trucking company and Mexican drivers could never compete with American drivers would be to say that if one has any limitation imposed on them, they have to have their fleet sitting out on their tarmac. It seems to me that is more than unfair or a violation of NAFTA. That is a provision I believe one could argue is simply aimed at saying we are not going to allow Mexican trucks to operate, period.

Mr. THOMPSON. I say to the Senator, that is sad but true. It has a great deal to do with competition, or the desire for lack of competition, and when I say I do not see the wisdom in it, I guess I do not see the wisdom in such a provision unless I am a competing trucker who wants to look for any opportunity to make sure they have less competition. Unfortunately, that is what free trade is all about—competition.

When we entered into NAFTA, we committed ourselves to free and open competition. So I hope we do not get into a situation where we try to hang on technicalities or other provisions that are not only contrary to the agreement but are designed to limit competition.

I do not think we have a thing in the world to be afraid of. On the one hand, the implication seems to be that these are all terrible trucks and they do not know how to operate them. On the other hand, we are afraid of that kind of competition. It does not seem to make a whole lot of sense to me.

Mr. GRAMM. Let me ask the Senator about the final provision of the Murray bill. I could go on and on, but I am trying to make a point by a pattern. As the Senator knows from having been in the truckdriving business for awhile, there are various kinds of penalties one can get. One can get a parking ticket. They can get a speeding ticket. They can get a violation they are overloaded. They can get a violation for something blowing off their truck. They can get a violation if their mud flaps have gotten torn off. They can get a violation because of their tires. They can get a violation because their blinker does not work. It may look as if it is working inside, but it is not working outside.

Mr. THOMPSON. They have not had enough rest.

Mr. GRAMM. They have not had enough rest.

As a result, recognizing not all of these violations are equal, in the United States we have a list of penalties one can get, which might be a $50 fine, a $100 fine, and for serious things they might take someone out of their truck. They might not let one drive for a month. They might penalize the company. They might fix that kind of a problem by entering into an agreement with the company.

In America and in Canada today, we have a variety of penalties. In the Murray provision, if one is in violation of any of these requirements, one can be forever banned from operating trucks in the United States of America. Does that sound as if it is complying with NAFTA?

Mr. THOMPSON. For American trucks?

Mr. GRAMM. No, it is not for American trucks. It is not for Canadian trucks. It is for Mexican trucks. In other words, there is one regime of penalties for American trucks and Canadian trucks, but there is another regime for Canadian trucks, and the regime is focused on the death penalty.

Mr. THOMPSON. Does the Senator mean Mexican trucks?

Mr. GRAMM. I am sorry. I am focused south from Texas, but in the Chamber maybe it is obvious from the votes we are focused more north from here.

In any case, A, does the Senator see that as a violation; and, B, does the Senator see that again as one of these things which goes beyond a violation, where the objective is basically to prevent competition, more than just discriminate against Mexico but to create these artificial barriers which they cannot overcome?

Mr. THOMPSON. I think clearly so.

I have a broader concern in this, and that is, what is the signal that is being received from Mexico and from Mexicans who watch this and listen to this debate and see all of these provisions which are clearly discriminatory, that we do not treat Canada this way, but we are treating Mexico this way. What kind of signal is that?

We have a lot of highball rhetoric on the Senate floor about matters of discrimination, and worse, but I am wondering, in a situation such as this when it comes down to dollars or when it comes down to domestic interest groups that get involved in it, to try to pressure the United States to violate agreements we have entered into, what kind of signal that sends. And I wonder what President Fox, who has come in as a breath of fresh air, who has instituted components of democracy that they have not had, has reached out and is trying to get his arms around a tough economic situation in a complex culture and heritage, and has a good relationship with our President—I wonder what he must be thinking as he looks at all this. I don't think it is good.

Mr. GRAMM. Could I pose a question on that? With practical experience, I can only speak within my own lifetime, but in my lifetime we have never had a President of Mexico who was as committed in dealing with Mexico's problems and problems we have between the two countries or who was as remotely pro-American as President Fox.

This is a President who does not have a majority in his own Congress. In fact, he was elected President defeating the PRI, which is the old established party, but he does not have a majority in either the House or the Senate. He has numerous critics, and he has a coalition government where his Foreign Minister opposed NAFTA when NAFTA was adopted. He is a person who has, in essence, gotten way out on a limb in saying we can be a partner with the United States of America. Something that means more than that in Mexico is, we can be an equal partner with America.

How do you think it affects him in his political situation where, because he didn't have a majority in the Congress in either house, and he had been elected in almost a revolutionary election, he felt compelled to put together a coalition government where his Foreign Minister opposed NAFTA and who now will simply say, it is an agreement we entered into? That is as far as he will go.

What kind of position do you think it puts him in when we are no longer talking about idle speculation? I went through four different areas where, based on your legal background, you clearly concluded that there is no question, not even a gray area, that there are four—at least those are the only ones we went to—outright violations of NAFTA in the Murray amendment. No question about that, he said.

In what kind of position do you think it puts President Fox in when the United States Senate adopts provisions that violate the commitment we made to Mexico when we entered into NAFTA, we said Mexico was an equal partner with Canada and the United States, but they are not quite?

Mr. THOMPSON. I imagine his political opponents would see this as an opportunity to question his effectiveness and his relationship to this country.

It is coming at a time when he made certain commitments to work with us on problems that are very important to us. He has made commitments with regard to the illegal immigration problem knowing, as I believe most of us do, that before we can ultimately deal with that problem, we are going to have to have some progress in terms of the Mexican economy.

We can't beggar our neighbor and get by with it in this world today. We especially can't with that common border we have of 1,200 miles. We cannot solve that problem without a better Mexican economy. NAFTA is at the heart of that. He has to be looking at all of that and seeing us move away from that.

I say his political opponents have to be looking at that and seeing an excellent opportunity to do harm to NAFTA and the principles of NAFTA and to do harm to a new, fresh face on the scene who, as you say, is the best friend we have had down there in a long time, and who is trying to do the right thing.

For all those reasons, it is extremely unfortunate we are moving in that direction.

How much time remains on my hour?

The PRESIDING OFFICER. Eight minutes thirty seconds.

Mr. THOMPSON. I reserve the remainder of my time, and I yield the floor.

AMENDMENT NO. 1165 TO AMENDMENT NO. 1030

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Is it not true that the rules of cloture provide an amendment does not need to be read?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I call up amendment No. 1165.

The PRESIDING OFFICER. The clerk will report.

Mrs. MURRAY. Mr. President, I move to table the amendment and I ask for the yeas and nays.

Mr. GRAMM. I ask the amendment be read.

The PRESIDING OFFICER. Senators will withhold.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Regular order is for the clerk to report the amendment by number.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1165.

The amendment is as follows:

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective five days after the date of enactment of this Act.".

Mrs. MURRAY. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAMM. There is not a sufficient second.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3. Leg.]

Bennett
Daschle
Dayton
Gramm
McCain
Murray
Nickles
Reid
Thompson

The PRESIDING OFFICER. There are nine Senators present. A quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I move to instruct the Sergeant at Arms to request the presence of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Kansas (Mr. ROBERTS), and the Senator from Pennsylvania (Mr. SANTORUM), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 28, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Conrad
Corzine
Daschle
Dayton
Domenici
Dorgan
Durbin
Edwards
Feingold
Fitzgerald
Graham
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Stabenow
Thompson
Torricelli
Wellstone
Wyden

NAYS—28

Allard
Allen
Bennett
Breaux
Brownback
Bunning
Collins
Craig
Crapo
DeWine
Ensign
Gramm
Hagel
Helms
Hutchison
Kyl
Lott
McCain
McConnell
Murkowski
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thurmond
Voinovich
Warner

NOT VOTING—12

Bond
Burns
Dodd
Enzi
Feinstein
Frist
Inhofe
Miller
Roberts
Santorum
Sessions
Stevens

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

The Senator from Washington.

VOTE ON AMENDMENT NO. 1165

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Georgia (Mr. MILLER), are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN), would vote "aye."

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS), are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS), would vote "yea."

The PRESIDING OFFICER (Mr. CORZINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—88

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—12

Bond
Burns
Enzi
Feinstein
Frist
Inhofe
Jeffords
Miller
Roberts
Sessions
Stevens
Thomas

The motion was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, for the information of all Senators, there will be another vote. There will be a number of additional votes, five or six votes between now and 8 o'clock tonight. There will be another vote immediately.

I ask unanimous consent that the Senator from Utah be recognized for 30 minutes and that I be recognized immediately following the completion of his statement immediately following the next vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1164 TO AMENDMENT NO. 1030

Mr. DASCHLE. Mr. President, I call up amendment No. 1164.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1164 to amendment No. 1030.

The amendment is as follows:

(Purpose: To provide for an effective date)

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective four days after the date of enactment of this Act.".

Mr. DASCHLE. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent. I further announce that if present and voting the Senator from Montana (Mr. BURNS), would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—88

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—12

Bond
Burns
Enzi
Feinstein
Frist
Inhofe
Miller
Nickles
Roberts
Sessions
Stevens
Thomas

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, at the request of Senator LOTT pursuant to rule XXII, I yield his remaining hour to Senator GRAMM of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, with the indulgence of the Senator from Utah, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank the majority leader for his courtesy and accommodation. I appreciate the opportunity to speak at this time. I have been told by a number of my colleagues they appreciate the fact that I have the opportunity to speak because it gives them a half hour so they can go back to their offices and do something worthwhile. Some of them, as they said that, promised to read my remarks in the RECORD. I am very grateful for that indication.

Mr. President, I hold the seat from the State of Utah that was held for 30 years by Reed Smoot. Senator Smoot rose to be the chairman of the Finance Committee and was one of the leading powers of this body. He did many wonderful things. He was an outstanding Senator in almost every way. However, he had the misfortune of being branded in history because of his authorship of the Smoot-Hawley tariff, which stands in American economic history as something of a symbol of the isolationist-protectionist point of view. I have said to Senator Smoot's relatives, who are my constituents, with a smile on my face, that I have to do my best as a militant free-trader to remove the stigma of protectionist from this particular seat. I can say that all of Senator Smoot's relatives are equally as excited about free trade as I am, and they have indicated that they approve of that.

I rise to talk in that vein because I think much of the debate that has gone on here would be debate that might go all the way back to Reed Smoot. There is a protectionist strain in our attitude towards trade in this country, and it is showing itself in this debate—a position that says, well, yes, we believe in free trade, but we can't quite trust our trading partners to do the right thing when free trade begins. Yes, we believe in allowing Mexican goods and services to enter the country, but we don't quite trust the Mexicans themselves to take the responsibility of providing those services. This is particularly focused now on the issue of Mexican drivers at the wheels of Mexican trucks.

I am very interested that in this debate we are being told again and again that this bill does not violate NAFTA; that this is an issue about safety rather than an issue about NAFTA; this is not protectionist; this is not isolationist; this is not an obstruction of free trade; this is just about safety.

Of course, if you frame the question about safety, what Senator wants to rise on this floor and be against safe trucks? What Senator wants to rise on this floor and say, I am in favor of massive highway accidents caused by unsafe drivers? Nobody wants to take that posture. Yet that is why the attempts have been made to frame the debate in that fashion—so that it will ultimately end up a 100-to-nothing vote in favor of safety. If we were to ask the Senate to vote solely on the issue of safety, it would be a 100-to-nothing vote.

I would vote in favor of safety. Everybody is in favor of safety. However, the key vote I think came when the Senator from Texas offered a very short, one-sentence amendment that would have said nothing in this bill violates NAFTA. That amendment was voted down. Once again, nothing in this bill violates NAFTA, says the amendment. And the amendment gets voted down. How do we interpret that decision? We have to interpret that decision as saying that something in the bill absent that amendment does violate NAFTA. Otherwise, the amendment would have been adopted 100 to nothing because we say we are in favor of safety. We should say we are in favor of NAFTA.

I can understand those who are opposed to NAFTA voting against that amendment. But NAFTA passed this body by a very wide margin. It was bipartisan. It was supported across the aisle. NAFTA ran into some trouble in the House but not in the Senate. NAFTA has always been strongly supported here. Why didn't an amendment that says nothing in this bill shall be allowed to violate NAFTA pass with the same wide margin? It must be that there is something in this bill that violates NAFTA and people do not want to get that exposed. They don't want to have the basis for a lawsuit and someone coming forward and saying because of the Gramm amendment that says nothing in this bill can violate NAFTA, this provision of the bill has to go, or that provision of the bill is in conflict and has to be removed.

I think there is a prima facie case here, by virtue of the vote that has been cast, that this bill violates NAFTA. That is the position of the administration. The administration is not antisafety. The administration is anxious for proper inspection. Indeed, the Mexican Ambassador and other Mexican officials have said they are in favor of proper inspection and they don't want unsafe trucks rolling on the roads in America any more than we do.

Stop and think about it. Would it be in the Mexicans' self-interest to send dangerous trucks into the United States to cause accidents in the United States? Would that be a wise foreign policy move for the Mexicans as they try to build their friendship with the United States? It is obviously in their self-interest to see to it that the trucks that come across the border are safe. The Mexicans are not stupid. They would not do something so obviously foolish as to send unsafe trucks here.

So what are we talking about? We are talking about pressures within the American political system that want NAFTA to fail. We are talking about special interest groups inside the American political circumstance that want to keep Mexican influences out of America for their own purposes. These are people who were unable to defeat NAFTA in the first place. So they decide they will defeat NAFTA, or the implementation of NAFTA in the second place, by adopting regulations in the name of something that everybody agrees with, such as safety, that will produce the effect of destroying NAFTA and preventing NAFTA from taking place. We know how powerful some of those influences are within the American political circumstance.

We have seen how some people around the world are reacting to the new reality of a borderless economy. Some people use the phrase "globalization." I prefer to describe what is happening in the world as the creation of a borderless economy.

We see how money moves around the world now quite literally with the speed of light. The old days when money was transferred in attache cases handcuffed to the wrists of couriers who went in and out of airports are over. You can transfer money by sitting down at a PC that is connected to the Internet, pushing a few buttons and a few key strokes, and it is done, so that international investors pay no attention to artificial geographic borders. They move money. They move contracts. They move goods around the world literally with the speed of light.

Now, that upsets people. That upset some people in Seattle. They wanted to stop it, and they turned to looting, rioting, and civil disobedience in an attempt to stop it. From my view, that was a very difficult and unfortunate thing that happened in Seattle. The then-President of the United States was a little less convinced it was an unfortunate thing and said: Maybe we ought to listen to these people. Maybe there is something to which we ought to pay attention.

It got worse. Now it has escalated to the point, in Genoa, where one of the demonstrators has been killed—killed because of his attempt to see to it that we go back to the days when there were firm walls around countries, when the borders meant protectionism, where we go back to the attitude that produced the Smoot-Hawley tariff sponsored by the Senator in whose seat I now sit.

I do not mean to blame Senator Smoot because Senator Smoot was simply responding to the conventional wisdom of his day that said: If you keep all economic activity within your own borders, you will be better off. Senator Smoot, however well intentioned, was wrong.

I remember one historian who said the Smoot-Hawley tariff, contrary to conventional wisdom, did not cause the Great Depression; it merely guaranteed that it would be worldwide because we had reached a point in human history where one must trade with somebody other than one's own tribe.

There was a time when all trade took place in the same valley, among members of the same family, the tribe descending from a single patriarch. All of the trade took place there. Then they discovered they could do better if they started to trade with other tribes, but they stayed close to home. That mentality stayed with us. That mentality was behind the Smoot-Hawley tariff. That mentality is comfortable. That mentality makes us feel secure. It does not involve any threatening risk of dealing with strangers. It makes you feel really good when you are determined to trade only within your own tribe, but if you are going to increase your wealth, you are going to have to start trading with another tribe, and that means that artificial borders have to start coming down.

The Smoot-Hawley tariff demonstrated the foolishness of trying to keep trade entirely within the borders of a single country. But there are those, whether they are at Seattle or Genoa or, frankly, some on the floor of the Senate, who still want to do that, who still want to say: We will not trade outside our borders.

They fail to stop the treaties that say we will trade outside our borders, so they are saying: All right, if we cannot stop the treaty, we can at least stop the implementation of the treaty by adopting regulations that make it impossible for the treaty to work.

The fact is, in the United States we produce more than Americans can consume. That comes as a great surprise to many husbands and wives who think their spouses can consume all there is to consume, but it is true. We produce more than Americans can consume. We produce more food than Americans can eat. No matter how fat Americans seem to get in all of the obesity studies, we still cannot eat all the food we produce. We have to sell this food to somebody other than Americans, and that means we have to deal with the borderless economy. As we have taken steps to do that, we have entered into these free trade agreements.

We have to allow other people to come into our country with their goods and their food if we are going to send our goods and our food into their country. It is just that fundamental. I wish I could sit down with the demonstrators at Seattle and Genoa and elsewhere and explain that to them because, as nearly as I can tell, they do not understand that it is in their best interests to allow the borderless economy to grow, just as Senator Smoot did not understand, in his well-intentioned attempt to help the economy of the United States, that his protectionist stance was against his own best interests.

We found that out in the United States. We paid an enormous price for the protectionist attitudes that dominated this Chamber and both parties in the 1930s. Understand that the Smoot-Hawley tariff was not jammed down the throats of a recalcitrant Democratic Party by a dominant Republican Party. It was adopted as proper policy all across the country: Let's not trade outside our own borders. Let's protect what we have here and not expose it to the risk that foreigners might, in some way, profit at our loss.

As I say, the Smoot-Hawley tariff guaranteed that the Great Depression would go worldwide. We are smarter than that. We have treaties that are better than that. Frankly, I believe if Reed Smoot were still in this Chamber, he would endorse that; he would say: Learn from the mistakes of the past and move forward. He was that kind of a forward-thinking individual. But there are those, with regulations in this bill, who say: No. Since we couldn't defeat NAFTA, we will have to stop NAFTA another way.

The administration has made its position very clear. They intend to live up to the requirements of the treaty that has been signed. They intend to see to it that the United States discharges its responsibilities. They have said the language in this bill does not do that. And the President, if absolutely forced to do it—which he does not want to do—if absolutely forced to, has said he will veto this bill and send it back to us to rewrite.

I know of no one on either side of the aisle who wants that to happen. I know of no one who wants to have a veto. So under those circumstances, why aren't we getting this worked out? Why aren't we saying: All right, the President said he would veto it. The Mexicans have said they believe it violates NAFTA. Let's sit down and see if we can't work this out.

We cannot be that far away. I understand meetings have gone on all night trying to work it out: Nope, we can't do it. We won't budge. I am told: Well, go ahead, vote for this. It will be fixed in conference. In my opinion, that is a dangerous thing to try to do. I hope that is what happens. That is what many of the senior members of the Appropriations Committee have told me: Go ahead, vote for it. Let it go through without a protest. We will fix it in conference. I hope they are correct, but I want to make it clear that as the bill gets to conference the process is going to be watched. There are people who are going to pay attention to what goes on.

If indeed, by the parliamentary power of the majority, this gets to conference in its present language, let's not have it go to conference without any protest; let's not have it go to conference without any notification of the fact that in the minds of many of us, who are free trade supporters, this bill is a modern-day regulatory reincarnation of Smoot-Hawley.

I do not mean to overemphasize that. It is not going to cause a worldwide depression. It is not going to do the damage that Smoot-Hawley did. But it is crafted in the same view that says: A special interest group in the United States, that has power in the political process in the Senate, that is opposed to implementation of NAFTA, can, by getting Senators to stand absolutely firm on language that clearly violates NAFTA, have the effect of preventing NAFTA from going into effect on this issue.

So I hope everyone will understand the posture that I am taking.

This bill, in my view, clearly violates NAFTA. The vote that was taken against the Gramm amendment signals that people understand that it violates NAFTA or the Gramm amendment would have been adopted overwhelmingly.

I congratulate President Bush for saying, as the Executive Officer of this Government, charged by the Constitution with carrying out foreign policy: I will defend the foreign policy posture taken by the signers of NAFTA, and I will veto this bill, if necessary.

My being on the floor today is simply to plead with all of those who are in charge of the process of the bill and the language of the bill, to understand that they have an obligation, as this moves towards conference, to see to it that the effect of the Gramm amendment that was defeated takes place; that the bill is amended in conference in such a way that it does not violate NAFTA and that we do not go back on our international commitments; that we do not return to the days of my predecessor, Senator Smoot, and export protectionism around the world.

Mr. REID. Will the Senator yield?

Mr. BENNETT. I am happy to yield. Might I inquire of the time I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

EXECUTIVE SESSION

NOMINATION OF JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of John Schieffer to be Ambassador to Australia, reported earlier today by the Foreign Relations Committee, the nomination be confirmed, the motion to reconsider be laid on the table, that any statements be printed in the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? The Senator from Idaho.

Mr. CRAIG. Mr. President, reserving the right to object, and I will not object, I would like to engage the assistant majority leader. I am extremely pleased to see that one of our nominees is moving this evening, Mr. Schieffer, to become Ambassador to Australia. I do know that the assistant Republican leader and the assistant majority leader have been working for the last several days to get us to a point of a definable number of nominees that might be considered before we go out today and before we go out for the August recess and some time line as it relates to the consideration of others that are before us.

The Senator from Nevada understands some of our frustration. I am looking at a gentleman now before the Judiciary Committee who has not been given a time for hearing and consideration. He has been there since May 22, Assistant Attorney General for Natural Resources of the Environment. Yet I am told that he has been told that maybe sometime in November or December the Judiciary Committee might find time to get to his nomination.

Clearly the Senator from Nevada, as I understand, is working on this issue. Although he and the assistant Republican leader have attempted to refine it and define it, that is not a way to treat our President and the people he needs to run the executive branch of Government.

My question to the assistant majority leader is, To his knowledge, where are we now in the possibility of numbers as it relates to what we would finish before the August recess and some time line as to others that we could expect to deal with, let's say when we got back in early September, following the Labor Day period and on into October?

Mr. REID. I say to the Senator from Idaho, I have had a number of long discussions with my counterpart, Senator NICKLES. I think progress is being made. We have exchanged lists. We are exchanging scores of nominees. I think we are making good progress. There has been a little slowdown because of what has been going on on the floor the last few days. Not only have Senator NICKLES and I met on several occasions, but the majority and minority leaders have also met and discussed this. We have done very well. We certainly try not to do anything other than let the chairmen move as they believe their committee should move. We have had tremendous movement in most every committee—in fact, all committees.

As I said, we have exchanged with Senator NICKLES scores of nominees. And at the appropriate time, we are happy to sit down and discuss further with him, as the two leaders have indicated. Once we decide we have something to present to them, we will do that.

Mr. CRAIG. I thank the assistant majority leader.

Mr. President, as I have said, I will not object. It is important that we move these nominees along. I understand that the new Ambassador headed to Australia must get there for the ASEAN conference that is about to convene in the Asian, sub-Asian area which is critical to us and to our country as it relates to climate change and that whole debate, along with the trade debate and the relationships we have with Australia and New Zealand and other nations within that area.

I must also say to the assistant majority leader, clearly the debate on Mexican trucks and the Transportation bill, in my opinion, are an issue separate from the nominees.

Mr. REID. I agree with the Senator.

Mr. CRAIG. I know you had referenced some slowing down of the process. This process must not slow down. We have decisions that need to be made in the field. We have citizens waiting for decisions to be made by agencies of our Government who now are not making them or are making them not with Bush appointees but with former Clinton appointees. I don't think that is the way either of us want that to happen.

I hope that clearly we can confirm a substantial number before the August recess. We are going to pursue this and work certainly with you, and I and my colleague from Arizona will work with our leadership and with the assistant Republican leader. Time lines are critical.

I must tell the Senator that if what I am told is true, that when a nominee engages the staff of one of the committees to ask when he might be scheduled—and he has been there since May 22—and he is told, in essence, when we get around to it in November or December, that sounds to me like something other than timely scheduling. That sounds to me like a great deal of foot dragging on the part of the Judiciary Committee, its chairman, and its staff. If that is the case, and that can be determined, my guess is, there will be less work done here than might otherwise be done in the course of the next number of weeks, if we can't determine to move these folks ahead with some reasonable timeframe both for hearing and for an understanding of when they can come to the floor for a vote.

With that, I do not object.

Mr. REID. Let me say to my friend, we believe nominees should be approved as quickly as possible. I say respectfully to my friend from Idaho, this is not payback time. We have indicated, and I have indicated to the Senator personally, the majority leader has indicated to the minority leader—I spoke to my counterpart, Senator NICKLES—this is not payback time. We will not compare what happened to President Clinton to what has happened to President Bush.

We are going to do our very best. We are working as rapidly as we can.

I think what we have done is quite commendable. You are going to have to work with your side because a number of the holds on some of these important nominations are on your side.

We are doing the best we can. We appreciate your interest. I have taken the assignment given to me by my leader, as Senator NICKLES has by his leader, as being serious. We are doing our very best to come up with a product that will satisfy the body.

The PRESIDING OFFICER. Is there objection to confirmation of the nominee? Without objection, it is so ordered.

Mr. KYL. Mr. President, reserving the right to object.

Mr. REID. I have a parliamentary inquiry. I want to make sure the time is running against the cloture motion. If it is not, then we are not going to bother with this nomination because we don't have the time. Is this counting?

The PRESIDING OFFICER. The time is being charged to the 30 hours under the cloture motion.

Mr. KYL. I don't mean to take any time.

Mr. REID. We have a lot of time.

Mr. KYL. That is not the object. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to ask the assistant majority leader one, maybe two questions. This nomination is a great nomination, as the Senator from Nevada pointed out. It would not be my intention to object. What it demonstrates is, my understanding is that the President, or someone on his behalf, called and said can't we shake this nominee loose, for the reason the Senator from Idaho indicated. It illustrates the fact that we have held up the nominations so long that really important things are beginning to happen that require that we put these people in place.

Therefore, I think it is commendable to bring this nominee to the floor now. I ask the distinguished assistant majority leader—there are also some important efforts at the United Nations which require the attendance of John Negroponte, the nominee for Ambassador of the U.N. The President deserves to have his Cabinet filled out finally. John Walters, the nominee for drug czar, is somebody of great importance to the White House. I spoke yesterday with the Attorney General who asked if we could please get Tom Sansonetti, an assistant from the Department of Justice, confirmed as quickly as possible.

I ask the assistant majority leader, since there are 15 nominees who I think are on the Executive Calendar now, we can do all of those right now if he would agree not only that we could ask unanimous consent on this one nominee, but the others who are at least pending on the Executive Calendar before us.

Mr. REID. I don't think you can list in order of priority which of these nominations are more important than another. If you asked people before the committee, the Environment and Public Works Committee, it may not be, in the minds of some, as important to some under the auspices of the Judiciary Committee because that person is changing their lives to have a new assignment in life. It is very important. So we are doing everything we can to move through these quickly. We want to make sure that the chairmen and the chairwomen of these committees and subcommittees have the opportunity to do whatever they need to do to make sure it is brought before the Senate in the fashion they believe appropriate.

I say to my friend, in answer to the question, Senator NICKLES and I have been working and at an appropriate time we will report to the two leaders as to what we expect to happen on both sides in the next few hours.

Mr. KYL. Mr. President, then I will ask for a second question with the indulgence of the Senator. With all due respect, the answer is a nonanswer. It doesn't tell us when we might consider these nominees. The distinguished assistant majority leader said phrases such as "as quickly as possible" and "as rapidly as we can accommodate." Is it not true that there are 15—if I am incorrect, please give the correct number—15 people pending on the Executive Calendar who don't await anything except our action? We can do it now or at the end of the day. Nothing stands in the way—no committee chairmen, no further vote, nothing. As far as I know, there is no controversy with respect to any of these.

Is there any reason that this number, whether it be 14 or 15, could not be agreed to today?

Mr. REID. We hope before the day's end there are more than that on the calendar. Some will be reported today.

This is not quite as easy as the Senator from Arizona has indicated. The Department of the Treasury—these four people who have been reported out by the committee, by Senator GRASSLEY and Senator BAUCUS, are really important, we think—the Deputy Secretary, Assistant Secretary, Under Secretary, and another Under Secretary. These are being held up on your side. We are trying to work our way through this. I say to my friend that we are trying to do our best. We are acting in good faith. That is why we interrupted the proceedings for Mr. Schieffer.

Senator NICKLES and I have been given an assignment. I know you will accept what I say. He and I have been working hard, but I ask you to meet with him. We have had a number of discussions relating to the nominations. I am confident it is going to bear fruit very quickly.

Mr. KYL. I will not object. I appreciate the response of the assistant majority leader, although it suggests to me that these nominees are being held hostage to the legislative process. I hope we can get these confirmations as quickly as possible.

The PRESIDING OFFICER. Is there objection to the confirmation?

Without objection, it is so ordered.

The nomination was comfirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Utah is recognized for his remaining 9 minutes 30 seconds.

Mr. BENNETT. Mr. President, I thank the Chair and the assistant majority leader for his courtesy. I want to conclude by commenting once again on the importance of the United States keeping its international commitment, a commitment made to Canada and Mexico to allow a free trade area to occur on the North American continent. It is in our own interest. It is the intelligent thing to do, and historically it will see to it that the economies of all three of these countries will benefit.

Here is the first test we have of whether or not the actual regulations of NAFTA will be allowed to work in a way that benefits our neighbors to the south, even though it discomfits a powerful political group in the United States. If we fail that test, we will send a message to the Mexicans that says we didn't really mean it; we don't think you really should have equal status with the Americans. I can think of no more corrosive a message to send to the Mexicans than that one. That is why I think we must be as firm as we are trying to be in this debate of making it clear that we are going to hang on to this issue until it is resolved satisfactorily.

Mr. GRAMM. Will the Senator yield for a question?

Mr. BENNETT. I am happy to yield for a question.

Mr. GRAMM. Mr. President, it is not often we get an opportunity to have someone speak in the Senate who has built a successful business, who has been engaged in international commerce, who has negotiated contracts for millions of dollars. I would like to take this opportunity, since he has a few minutes left, to pose some questions to the Senator about the debate before us.

As the Senator is aware, we entered into a free trade agreement with Canada and Mexico in 1994. A Republican President signed the agreement in San Antonio, TX—George Bush. The agreement was ratified with the vigorous support of a Democrat President, Bill Clinton. We are in the process of implementing it under another Republican President. So this is an agreement that was supported on a bipartisan basis by three Presidents.

In that agreement, in the section having to do with the question before us, we have chapter 12, which is on cross-border trade and services. The language of the trade agreement is very simple. I would like to read it to you, and I would like to ask you some questions.

First of all, the language says very simply what America's obligation is under what it calls "national treatment." It is very simple. Our obligation to Canada, our obligation to Mexico, and their obligation to us is the following:

> Each party shall accord to service providers of another party treatment no less favorable than that it accords in like circumstances to its own service providers.

First of all, with regard to trucking companies, if you had to convert that legal statement of obligation into English, what do you think it would say?

Mr. BENNETT. I say to the Senator from Texas, I think it would say that Mexican trucks coming into the United States, Canadian trucks coming into the United States, or American trucks going into Mexico would all have to comply with the requirements of the States in which they were operating, but that in the process of thus complying, they would not have to change their procedures to a situation different from the procedures that were considered acceptable on both sides.

This is something that would require the Americans to say we will honor the Mexican Government's procedures just as we expect the Mexican Government to honor the American Government's procedures.

Mr. GRAMM. We would treat them the same. Whatever requirement we would have, they would have.

Mr. BENNETT. I say to the Senator, that would be my understanding of the part of the treaty which he has read.

Mr. GRAMM. Let me raise some issues in the time we have and see if the Senator believes that these issues violate the provision.

The Murray amendment says that under the Motor Carrier Safety Improvement Act of 1999, which we adopted and which has to do with motor safety in America, in general, Canadian trucks can operate in America. Let me explain the problem.

We have not yet implemented this law. Under President Clinton and now under President Bush, the difficulty in writing the regulations this bill calls for are so substantial that the provisions of this law have not yet been implemented.

Even though they have not yet been implemented, a thousand Canadian trucks are operating in the United States under the same regulations American trucks are operating. Many thousands of American trucks are operating. But under the Murray amendment, until the regulations for this law are written and implemented, no Mexican trucks can operate in the United States on an interstate commerce basis.

Would the Senator view that to be equal treatment?

Mr. BENNETT. I would not, and I say to the Senator from Texas that I am familiar with the American legislation to which he refers because I have had, as I suppose the Senator from Texas has had, considerable complaints from my constituents about the regulations proposed under that bill and have contacted the administration, both the previous one and the present one to say: Don't implement all aspects of this bill until you look at the specifics of these regulations; some of the things you are asking for in this bill would, in my opinion, and in the opinion of the constituents who have contacted me, make the American highways less safe than they are now.

To say we must wait until that is done before we allow Mexican trucks in, in my view, would not only be a violation of NAFTA, it would be a violation of common sense because we are not implementing that for our own trucks on the grounds that it would not be good, safe procedure for our own trucks.

Mr. GRAMM. Clearly, we are letting our trucks operate even though that law is not implemented; we are letting Canadian trucks operate even though it is not implemented, but in singling out Mexican trucks, it seems to me that violates the NAFTA agreement. Does the Senator agree with that?

Mr. BENNETT. Without the benefit of a legal education, it seems to me that violates the clear language of the NAFTA treaty.

Mr. GRAMM. In the time we have, let me pose a couple more questions.

Currently, most American trucks are insured by companies domiciled in America, though some are insured by Lloyd's of London, which is domiciled in Great Britain. Most Canadian trucks, it is my understanding, are insured by Lloyd's of London, which is domiciled in Great Britain. Some of them are insured by Canadian insurance companies domiciled in Canada. The Murray amendment says that all Mexican trucks must have insurance from companies domiciled in America, a requirement that does not exist for American trucks, a requirement that does not exist for Canadian trucks.

Does it not seem to the Senator from Utah that is a clear violation of the requirement that each party shall accord the service providers of another party treatment no less favorable than that it accords, in like circumstances, to its own service providers?

Mr. BENNETT. It certainly would appear to me to be a violation. It would seem an interesting anomaly if a Mexican trucking firm had insurance with Lloyd's of London and then was denied the right to operate on American highways on the grounds——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAMM. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

AMENDMENT NO. 1163 TO AMENDMENT NO. 1130

Mr. DASCHLE. Mr. President, I call up amendment No. 1163.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1163 to amendment No. 1030.

The amendment is as follows:

(Purpose: To provide for an effective date)

At the appropriate place, insert the following: "*Provided*, That this provision shall be effective three days after the date of enactment of this Act.".

Mr. DASCHLE. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—88

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—12

Bond
Burns
Enzi
Feinstein
Frist
Inhofe
Miller
Nickles
Roberts
Sessions
Stevens
Thomas

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator GRAMM be recognized for 30 minutes, and at the conclusion of that time, Senator DASCHLE or his designee be recognized.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Senator GRAMM of Texas.

Mr. GRAMM. Mr. President, I thank the distinguished majority leader for allowing me to be recognized.

Let me also say that we have a fair number of Members on this side who want to speak before we have our final cloture vote tonight. Whatever we can do to provide time for people to speak would be appreciated. Obviously, I understand the majority have their rights in terms of those.

Let me try to explain to my colleagues what this debate is about, at least as I see it. Obviously, the greatness of our individual personalities and of being human is, as Jefferson once observed, that good people with the same facts are prone to disagree.

I would like to try to outline how I see the issue before us, why it is so important to me, why I believe it is important to Senator MCCAIN, and why I want to do this so people will understand what this debate is about.

First of all, there is no debate about safety. Senator MCCAIN and I have an amendment that requires every Mexican truck to be inspected—every single one. Under our current procedures, 28 percent of all American trucks are inspected at least once during the year. Forty-eight percent of all Canadian trucks are inspected at least once during the year. Currently, 73 percent of all Mexican trucks coming into the border States—which is the only place they are allowed to operate—are inspected.

Senator MCCAIN and I believe in establishing our safety standards and assuring that Mexican trucks meet every safety standard that every American truck and every Canadian truck must meet. We think the logical way of doing that, to begin with, until we establish a pattern of behavior and until clear records are established is to inspect every single truck that comes across the border.

Under NAFTA, we cannot impose requirements on Mexican trucks that we don't impose on our own trucks and that we don't impose on Canadian trucks. But we have every right under NAFTA—I believe every obligation to our citizens—to assure that Mexican trucks are safe and to be sure they meet every safety standard that we set on our own trucks.

Let me also say that if we raise safety standards on our own trucks—in some areas I believe that is justified—we then would have every right to impose the same standards on Mexican trucks.

In 1994, the President of the United States, the President of Mexico, and the Prime Minister of Canada met in San Antonio to sign the North American Free Trade Agreement. It was the most historic trade agreement in the history of North America.

Under President Clinton, and through his leadership and exertion of efforts, the Congress ratified the North American Free Trade Agreement by adopting enabling legislation which the President signed. We are now in the final stages of implementing NAFTA.

One President signed NAFTA—a Republican President. A Democrat President fought for its ratification, and now a Republican is seeking to comply with the final procedures of NAFTA that have to do with cross-border traded services.

Our obligation under the treaty is very simple. It says each party shall report the service providers of another party treatment no less favorable than that it accords in like circumstances to its own providers.

In fact, the little heading "National Treatment" really defines what we agreed to that day in San Antonio and what we ratified here on the floor of the Senate. We agreed that we have every right to have every safety standard we want. We can impose any safety standard on any Mexican truck and on any Canadian truck so long as we impose it on every American truck.

No one disagrees that we can't have a different safety protocol for Mexico as they establish their pattern of behavior. As I said, Senator MCCAIN and I have proposed that we initially inspect every Mexican truck. But let me explain what is not allowed under the treaty which the Murray amendment does.

Under the Murray amendment, there is a provision that says we adopted a bill in 1999, and that bill had to do with highway safety. In fact, it was called the Motor Carrier Safety Improvement Act. It in essence said Congress was not happy with motor safety in America and we wanted changes. We wrote that law in 1999.

President Clinton found writing the regulations for the laws so onerous that those regulations have not yet been written. President Bush is trying now to comply with this law.

We have every right to ask that American law be complied with. But the point is this: We haven't written the regulations. The regulations are not being enforced, but yet there are thousands of Canadian trucks operating in America. There are thousands of American trucks operating in America. The Murray amendment says that until we implement this law by writing the regulations and enforcing them—something that probably cannot be done for 18 months or 2 years—no Mexican trucks will be allowed into America.

Under NAFTA, we can say until this law is implemented, no truck shall operate in the United States of America—American, Canadian, or Mexican. That would be NAFTA legal, because we would be treating Mexican trucks just as we treat American trucks and just as we treat Canadian trucks. We would all go hungry tonight. But we could do that.

What we cannot do under NAFTA is we can't say that American trucks can operate even though we have not implemented this law, and Canadian trucks can operate even though we have not implemented this law, but Mexican trucks can't operate because we haven't implemented this law. That is a clear violation of NAFTA; no ifs, ands, buts about it. It is no less arbitrary since the law has nothing to do with Mexico or Mexican trucks. It is no less arbitrary than saying that no Mexican trucks shall come into the United States until a phase of the Moon and a phase of the Sun reach a certain level on a certain day that might not occur for a million years. That is how arbitrary this is.

Unfortunately, it doesn't end there. Senator MURRAY, while opposing amendments that say things that violate NAFTA don't have to be enforced from her amendment, continues to say: My amendment doesn't violate NAFTA.

Let me give you some other examples.

Most Canadian trucks have British insurance. Most Canadian trucks have insurance from Lloyd's of London. Some of them have Dutch insurance. Some American trucks have British insurance, Dutch insurance, German insurance, and American insurance. As long as that company is licensed in America, and as long as it meets certain standards, those trucks can operate in the United States. In fact, we have Canadian trucks operating today when virtually none of them has American insurance. But the Murray amendment says, if you are operating Mexican trucks, those Mexican trucks must buy insurance from a company that is domiciled in the United States of America.

We have every right and obligation to require Mexican trucks to have good insurance. NAFTA allows us to do that. Logic dictates we do it. But we do not have the right to dictate where the company that sells the insurance is domiciled unless we are willing to do that to our own truckers, which we do not do. Currently, most trucking companies lease trucks.

The untold story of this whole debate is when Mexican truckers start operating in interstate commerce, they are not going to be driving Mexican trucks. By and large, they are going to be driving American trucks because trucking companies do not own many trucks. They lease their trucks. The Mexican companies are going to lease the trucks from the same companies that American companies lease their trucks.

Currently, when a company has leased trucks or purchased trucks, if something happens and they can't put those trucks on the road—and that something can be that they lose business or they are under some kind of suspension or restriction or limitation—they lease those trucks out to other companies. You can't be in the trucking business by having $250,000 rigs sitting in your parking lot.

Canadian trucking companies lease trucks when they cannot use them. American trucking companies lease trucks when they cannot use them. And at any time any big trucking company in America or Canada has at least one violation—at any time—often many because there are so many different things you can be in violation on.

The Murray amendment says if you are under any kind of limitation, and you are a Mexican trucking company, you cannot lease your trucks. What that does is not only violate NAFTA—clearly a violation because we do not have the same requirement for American trucking companies; we do not have the same requirement for Canadian trucking companies—and if you cannot use your trucks, if you are under any kind of restriction or limitation, then, obviously, you cannot be in the trucking business.

So what the Murray amendment does is it not only violates NAFTA, it writes a procedure that no one could stay profitably in the trucking business if they had to meet that requirement.

In the United States, there are a whole range of penalties you can get. You can get a penalty if your blinker light does not work. It may look as if it works inside, but it does not work outside. Your right mud flap is off. You are hauling too much cargo. Gravel is blowing out of the top. There are hundreds—maybe thousands; I don't know, but I will say hundreds—of potential violations you can have.

In America, those violations can mean a warning or a fine of $100; some of them that are serious may be more. It may be a warning to the company; it may be a consent decree with the company.

But under the Murray amendment, all that regime stays in place if the company is an American company, and it all stays in place if they are a Canadian company, but if they are a Mexican company, and they are found to be in violation, they get the death penalty; they get banned from operating in the United States of America.

Look, we could write a law that said, if you are in violation on anything, you are out of the trucking business in America. That would be crazy. The cost of trucking services would skyrocket, but we could do it, and it would be legal under NAFTA to do it to Mexican trucks. But you cannot have one set of rules for American trucks and another set of rules for Mexican trucks or Canadian trucks.

The amazing thing is that when so many people are talking about this debate, they write as if Senator McCAIN and I want lesser safety standards. Senator McCAIN and I want exactly the same safety standards for Mexican trucks that we have for American trucks, only we are willing to inspect every single truck until they come into compliance.

What we are opposed to is not tougher safety standards; what we are opposed to is protectionism, cloaked in the cloak of safety, where restrictions are written that, for all practical purposes, guarantee that Mexican trucks cannot operate in the United States—clearly in violation of NAFTA.

There are a few newspapers that are getting this debate right. The Chicago Tribune says today, in its lead editorial:

> Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination. But to admit that would sound too crass and self-serving, so Sen. Patty Murray, and others pushing the Teamster line, instead are prattling on about road safety.

That is the Chicago Tribune. The Chicago Tribune believes this is not about safety, that this is about protectionism, cloaked in the garb of safety.

Finally, let me explain to my colleagues why Senator McCAIN and I have us here on this beautiful Friday afternoon at 4 o'clock. Let me say to my colleagues that I am not calling these votes. In fact, I would be very happy to have no vote until we have the cloture vote tonight. The majority leader is calling these votes to try to get people to stay here, which is fine. It is his right.

But why we are doing this is because our Founding Fathers, when they wrote the Constitution, and they established the rules of the Senate, as it evolved, recognized that there would be those issues where the public would be easy to confuse. There would be those issues where special interest groups were paying attention, and they would be out the door of the Senate Chamber where they have every right to be. They would be lobbying. And there would be issues where you could cloak from the public what the real issue was.

Our Founders, in recognizing there would be those issues—and I personally believe this is one of them—gave to the individual Senator, whose views were not in the majority that day on that issue, the right to require that there be full debate, the right to require that those who wanted to end the debate get 60 votes. Senator MCCAIN and I are using those rights today because we believe it is wrong and rotten for America, the greatest country in the history of the world, to be going back on a solemn commitment that it made in NAFTA.

We think it hurts the credibility of our great country, when we are calling on people all over the world to live up to the commitments they made to us, for us to be going back on commitments we made to our two neighbors. We also think it is fundamentally wrong to treat our neighbors differently.

To listen to the debate on the other side, you get the idea we are trying to have different standards for Mexico. We want the same standards for Mexico, but we do not want provisions that, in essence, prevent Mexico from having its rights under NAFTA. That is what this issue is about.

I urge my colleagues—I know we are getting late in the day and I know people are pretty well dug in; and I know a lot of commitments have been made—but we need to ask ourselves some simple questions: No. 1, do we want to go on record in the Senate in passing a rider to an appropriations bill that clearly violates a solemn treaty commitment that we made in negotiating NAFTA? And it was not some President who made it. A Republican President signed it. A Democrat President fought to ratify it. We ratified it. And now a Republican President is trying to implement it. Do we really want to go on record today—on a Friday night—for going back on our word to NAFTA?

No. 2, we have a President in Mexico who is the best friend that America has ever had in a President in Mexico. He virtually created a political revolution in Mexico when he defeated a party that had ruled Mexico for almost all of the 20th century. He is pro-trade and pro-American. But he does not have a majority in either the House or the Senate in Mexico. He had to put together a coalition government where his Foreign Minister opposed GATT, opposed NAFTA, and the best his Foreign Minister will say with NAFTA is: Well, we agree to it.

What kind of position are we putting President Fox in when we pass a bill that violates our agreement in NAFTA and treats Canadians one way and Mexicans another? What kind of signal does that send? And does anybody here—since we are all involved in politics, and we understand that when you have a vulnerability, your political enemies exploit it—does anybody doubt that all the "hate America" crowds in Mexico—and there are a lot of them—does anybody doubt that they are going to use this as an issue against President Fox, that we violated our agreement, that we are their neighbor but we are not their equal neighbor, that we don't treat them that bad but we don't treat them as good as we treat the Canadians, that the U.S. Congress said what is good enough for Americans and good enough for Canadians is not good enough for Mexicans?

It is not a question of safety. We have every right to force them to do everything we do. We have a right to have a more strict regime until they prove they are doing it.

What we do not have a right to do is to have a bunch of things that claim to be safety that really say: You can't operate Mexican trucks in the United States. That is what this issue is about.

Obviously, it is frustrating when the word does not get out and people don't necessarily understand what the debate is. Tonight we are using powers that the Founding Fathers thought Senators ought to have. It is up to each individual Senator's conscious as to when they use those powers. We have used those powers on this bill.

It is wrong what we are trying to do. It will hurt America. It will hurt Texas. It will hurt the 20 million people I work directly for and the 280 million people I try to represent. At least that is my opinion. Since that is my opinion and I believe it and believe it strongly, I intend to use every power we have.

We will have a cloture vote tonight. I hope it will be defeated. I am prayerfully hopeful that perhaps a few of our Members will have some enlightenment or an enlightening experience between now and the appointed hour. But we have three more cloture votes after this one, and we intend to use our full rights as Senators to see that if we are going to abrogate NAFTA, if we are going to slap President Fox in the face, if we are going to run over President Bush, we are not going to do it without resistance, without strong, committed resistance. That is what this debate is about.

How much time do I have?

The PRESIDING OFFICER. The Senator from Texas has 6½ minutes remaining.

Mr. GRAMM. Mr. President, I will reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I have been listening to the debate today and yesterday. I think we have gone beyond the realm of reasonableness.

This is a debate about safety on American highways. We are voting on technical amendments that mean nothing. We are not moving the debate forward. A lot of people are being inconvenienced by votes that don't mean anything. We could all be here voting on substantive amendments until midnight. That is what we are here to do. But to just have technical amendments in order to wait it out and see how many people will leave is wrong.

I am very interested in safety on American highways. I think we can do it within the terms of NAFTA. We are smart enough to figure that out.

The question is not whether we have safety on American highways or we violate NAFTA. It is when we make the agreement. Make no mistake about it, that is the debate.

I ask all of my colleagues to sit down and let's come to a reasonable agreement on when we are going to address the merits of this issue. No one who has an IQ of 25 believes that changing the effective date on this bill every 30 minutes or tabling a motion to change the effective date is moving the ball on the substance one bit further.

Mr. President, I think it is time for us to act as a Senate; that all of the parties who have quite reasonable substantive arguments to make, who are very close to an agreement, sit down and determine when that agreement will be made so that we can come to a reasonable and responsible conclusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TORRICELLI). Without objection, it is so ordered.

COORDINATED BORDER AND CORRIDOR PROGRAM

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the distinguished senior Senator from Michigan and the distinguished chair of the Transportation Appropriations Subcommittee. As the chair knows, over the past few years, the State of Michigan has competed for funds under the Coordinated Border and Corridor Program of the Transportation Equity Act (TEA 21).

I ask the distinguished chair to give consideration to a particularly important project on our U.S.-Canadian border in Michigan. The Ambassador Bridge Gateway Project which will provide direct interstate access to the Ambassador Bridge and improve overall traffic flow to and from our U.S.-Canadian border, needs $10 million this year to keep the project on schedule. To date, there has been a total of $30.2 million in Federal funds either spent or committed with a State match of $7 million. Any consideration that the distinguished Chairwoman can provide is much appreciated.

Mr. LEVIN. I join my colleague from Michigan in asking the chair to give this important project consideration in conference, especially since no Michigan project is funded under this account. The Ambassador Bridge in Detroit, MI is a critical project for the State's trade infrastructure. It is one of the three busiest border crossings in North America, and more trade moves over this bridge than the country exports to Japan. It is crucial that we keep traffic moving safely and efficiently at this crossing. The Ambassador Bridge Gateway project will provide direct interstate access to the bridge, and improve overall traffic flow to and from the Ambassador Bridge. This project also has a wide range of support from the State, local government, metropolitan planning and the business community.

Mrs. MURRAY. I will be happy to work with my colleagues in conference on this matter and to look at the specific corridor project they are recommending.

Mr. VOINOVICH. Mr. President, for the past few days now, we have been here on the floor of the Senate debating a very basic question: do we trust our trading partners?

As I see it, this debate is not about truck safety, but, rather, it is about whether or not the United States is willing to honor its trade agreements and adhere to the principals of NAFTA.

Over the past several years, as my colleagues are aware, the United States has enjoyed one of its longest periods of economic prosperity in our history. Vital to this remarkable economic boom has been international trade. Trade is the economic lifeblood of the United States. Some twelve million American jobs depend directly on exports, and countless millions more, indirectly.

In fact, the growth in American exports over the last ten years has been responsible for about one-third of our total economic growth. That means jobs for Americans and of particular concern to this Senator, jobs for Ohioans.

The United States is the world's single largest exporter of goods and services, accounting for 12 percent of the world's total goods exports and 16 percent of the world's total service exports. Goods and services exports from the State of Ohio constitute a significant share of exports coming from the United States, making the Buckeye State the 8th largest exporter in the nation.

Ohio is a textbook example of why international trade is good for America. When I was Governor, I had four goals in the area of economic development—agribusiness, science and technology, tourism and international trade. We pursued each of these aggressively in order to maximize Ohio's business potential, especially in the trade arena.

Thanks to trade-stimulating agreements, such as the North American Free Trade Agreement (NAFTA), overall Ohio exports have skyrocketed 103 percent in just the last decade.

When the North America Free Trade Agreement took effect on January 1, 1994, it brought together three nations and 380 million people to form the world's largest free trade zone, with a collective output of $8 trillion. We in the State of Ohio were so excited about the potential of NAFTA, that in order to take advantage of this trade agreement, Ohio opened a trade office in Mexico shortly after NAFTA's passage.

Thanks to NAFTA, historic trade barriers that once kept American goods and services out of the Canadian and Mexican markets either have been eliminated or are being phased out. The positive economic effects have been astounding:

From 1993 to 1998, U.S. exports to Canada grew 54 percent and U.S. exports to Mexico grew 90 percent.

Also from 1993 to 1998, Ohio outperformed the nation in the growth of exports to America's two NAFTA trading partners. Ohio's exports to Canada grew 64 percent and Ohio exports to Mexico grew 101 percent.

But, in my view, if the Senate enacts the Murray amendment, we will be jeopardizing one of the most successful trading partnerships that this nation has ever had.

It is hard to believe that this legislation, which singles-out just one nation and holds up one crucial aspect of their trade policy to scrutiny, would not violate NAFTA.

I cannot fathom how supporters of this legislation ignore this fact.

I am every bit as concerned as any other member of this chamber about the safety of tractor trailer trucks. As anyone who has driven through my state of Ohio knows, it is a hub of long-haul trucking.

You can be certain that I do not want my constituents endangered by unsafe tractor trailer trucks regardless of their city, state or country of origin.

But we must be cognizant of the fact that, if this amendment is enacted, we will be unfairly discriminating against our second largest trading partner—Mexico.

Mexican trucks are already required to comply with our laws governing truck safety if they want to operate on our highways. The state and federal laws are already in place.

Is there room for improvements to safety? Of course. But, I also believe if these laws were adequately enforced, we would not be having this discussion today.

Do I think we should enforce these laws vigorously? Of course. But, I am not calling for this nation to enact restrictive laws that single out Mexico.

However, what the Senate is in the process of doing is raising the bar for our Mexican trading partners by requiring an extraordinary safety requirement that does not apply to our other NAFTA trading partner, Canada, and establishes a whole new regimen that Mexican trucks will have to follow that most American trucks do not.

Make no mistake: Our other trading partners throughout the world are watching what the Senate is doing, and our action—should the Murray amendment be enacted—could shake their faith in our willingness and ability to engage in truly "fair" trading practices.

The stakes are high—higher than I think anyone in this Chamber realizes.

The United States has proudly claimed itself a bastion of open markets for more than 200 years. Indeed, we have set the example of consistently striving to comply with our trade treaty obligations. But, how can we ask and expect other countries to abide by international trade rules if the United States flagrantly disregards them itself? If we want a rules-based system of international trade to work, so that we can have a level playing field across the board on all goods, America must lead by example and not pass xenophobic restrictions on our neighbors.

How can USTR Ambassador Robert Zoellick successfully negotiate vital trade agreements to open up new markets for American industry that will benefit American workers when the Senate signals that America is unwilling to play by the rules? What faith can our partners have? What can we demand of them?

If the Murray amendment is enacted, can you imagine the damage that we would bring upon ourselves when we try and negotiate the Free Trade of the Americas treaty? Who would trust us?

I can just imagine President Cordoza of Brazil—who is not too keen on the Free Trade of the Americas treaty to begin with—telling all of the Central and South American leaders that they shouldn't get into a treaty with the U.S.

He just might say that the U.S. Senate, that "reasoned, deliberative body" cannot be trusted, and is fanned by the flames of political opportunism.

Think also what the amendment will do to the budding relationship between

President Bush and President Vicente Fox? They have worked well together and I would hate to think that this amendment could set back our relationship with the Mexican leader and his nation.

President Bush is fully aware of what this amendment would mean, and I would like to quote from the Statement of Administration Policy on this bill:

> The Administration remains strongly opposed to any amendment that would require Mexican motor carrier applicants to undergo safety audits prior to being granted authority to operate beyond commercial zones on the U.S.-Mexico border, as this would violate the NAFTA agreement and the President's strong commitment to open the U.S.-Mexico border to free and fair trade.

This amendment defies logic and reason.

If this amendment is enacted, what the Senate would be doing is re-opening one of the most significant trade treaties in history by legislative fiat.

Mr. President, but we should not be modifying our international agreements via a rider to an appropriations bill. This is no way to run our foreign policy, nor our trade policy.

Senator McCAIN said the other day that the Commerce Committee, on which he is ranking and which has jurisdiction over surface transportation, has not considered any legislation on this important matter. This is precisely the kind of complex and delicate matter that deserves full and balanced consideration before we charge ahead and make a decision we most assuredly will regret later.

And what about my good friend from Texas, Senator GRAMM. His state has more border crossings from Mexico than any other state represented in this chamber. He would have every right in the world to oppose trucks from Mexico coming into his state.

But the Senator from Texas fully understands the importance of adhering to our trade agreements and he has spoken eloquently on this topic.

Mr. President, it is of obvious concern to make sure that all trucks that operate on American highways do so in compliance with all applicable safety standards.

However, this amendment goes too far in trying to ensure those standards, and it is an inappropriate response for the U.S. Senate to take.

I urge this body not to jeopardize the benefits of international trade in the haphazard way that this amendment would undertake.

Thank you, Mr. President.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the pending amendments be agreed to and the motions to reconsider be laid upon the table en bloc; further, that it be in order for the managers to offer a managers' amendment, postcloture, which has been agreed upon by the two managers and the two leaders, notwithstanding the provisions of rule XXII.

I further ask unanimous consent that the time until 6:25 p.m. today be equally divided and controlled and that at 6:25 p.m. the Senate proceed to a vote on the motion to invoke cloture on H.R. 2299.

The PRESIDING OFFICER (Mr. HARKIN). Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 1025 and 1030) were agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, parliamentary inquiry: How much time exists on both sides from now until the time for the vote?

The PRESIDING OFFICER. Ten and one-half minutes on each side.

Mr. McCAIN. Mr. President, under the agreement of the managers, I request the last 3 minutes be reserved for my comments or just before the final comments of the managers, whatever the managers desire.

The PRESIDING OFFICER. Does the Senator ask unanimous consent?

Mr. McCAIN. Yes, I ask unanimous consent.

The PRESIDING OFFICER. The understanding of the request is the last 3 minutes.

Mr. McCAIN. Either the last 3 minutes before 6:25 or the last 3 minutes before the comments of the managers, either one.

The PRESIDING OFFICER. Be reserved for?

Mr. McCAIN. My purpose.

The PRESIDING OFFICER. The last 3 minutes.

Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

Mr. TORRICELLI. Mr. President, as most Members of the Senate, I have listened to this debate patiently for many hours. I have heard many things said that Senators need to consider before this debate comes to a close. Mostly I have heard that the United States somehow will be violating our treaty obligations with Mexico if we insist upon the safety of our citizens on our highways from Mexican trucks. I have heard that this Senate would be turning its back on the NAFTA treaty. I have heard it not a few times but 5 times or 10 times.

For the consideration of my colleagues, I will answer it but once, because this Government does not violate a treaty obligation and the Senate does not violate the law or its obligations. Indeed, it has been said before, but in a recent arbitration panel decision looking at the NAFTA treaty and our obligations to our citizens and truck safety, it has been said:

> The United States may not be required to treat applications from Mexican trucking firms in exactly the same manner as applications from United States or Canadian firms . . . U.S. authorities are responsible for the safe operations of trucks within United States territory, whether ownership is United States, Canadian, or Mexican.

It is not our intention nor will this law violate our treaty obligations. It simply says this: 50 years of efforts to protect Americans on our highways are not abandoned. The facts are clear. Senator MURRAY simply wants to know that Mexican trucks entering America will be inspected and they will be safe.

Our intentions are well founded. Mexican trucks on average are 15 years old; American trucks are 4. Mexican trucks weigh 135,000 pounds; American trucks, 85,000 pounds. Mexican drivers are 18 years old; American, 21. American trucks are documented for hazardous or toxic cargo. Until recently, Mexican trucks were not.

Indeed, the evidence supports what Senator MURRAY is attempting to do. Forty percent of all Mexican trucks now entering the United States are failing inspections. This is not a small problem. One hundred thousand Americans a year are being injured, or their children are injured, or their neighbors are injured in serious trucking accidents in America. We share our neighborhood roads and our interstate highways with 18-wheel trucks weighing tens of thousands of pounds.

For what purpose has this Senate and our State legislatures for all these years required special engineering of trucks if we will not require it of Mexican trucks? Why do we have weight limitations? Why do we implement laws about special training and driving if we are to abandon that effort now? Of the 27 border crossings between Mexico and the United States, 2 have inspectors 24 hours a day.

What would the Senator from Texas and the Senator from Arizona do in these hours when Mexican trucks without training, without weight requirements, and without inspections arrive at America's borders if there is no one there to weigh them or inspect them or assure that our families are safe? That is a difference of what we do today. Senator MURRAY requires it. The Senator from Texas would not.

The United States has a right to insist under NAFTA that our citizens are safe. No, I say to Senator GRAMM, we don't have a right; we have an obligation recognized by an arbitration panel looking at Mexican law and American law and the NAFTA treaty.

I have never seen it more clear that the Senate has operated within its obligations and its rights to our citizens than in recognition of this amendment.

I do not know how long we will have to be here, but I can tell you this: If it requires tonight, tomorrow night, next week, next month, this Senator will not be responsible for American families losing their lives. I will stand for our treaty obligations, but first I will stand for our families.

I commend the Senator from Washington for her tenacity and her vision.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GRAMM. Mr. President, I yield myself 5 minutes.

Mr. President, let me read from the Chicago Tribune. The headline is "Honk if you smell cheap politics."

> As political debates go, the one in the Senate against allowing Mexican trucks access to the U.S. is about as dishonest as it gets.
>
> Truth is that Teamster truckers don't want competition from their Mexican counterparts, who now have to transfer their loads near the border to American-driven trucks, instead of driving straight through to the final destination.

We can scream and holler; we can be emotional all we choose to be, but this debate has nothing to do with safety and everything to do with raw, rotten protectionism. It has to do with violating NAFTA and destroying the good word of the United States of America.

The truth is that Senator McCAIN and I have offered an amendment that would require every Mexican truck to be inspected, that would require every Mexican truck to meet the same safety standards that the United States of America requires of its own trucks, and that those trucks would not be allowed to come into the United States until they had met those standards.

But the Murray amendment is not about safety; it is about protectionism. The Murray amendment says because of a 1999 law that we passed, that had nothing to do with Mexico—and was not fully implemented by the Clinton administration, and has not been implemented by the Bush administration—that Canadian trucks can operate in the United States, that American trucks can operate in the United States, but Mexican trucks cannot.

So we have not implemented a domestic law and, therefore, we are letting Canadian trucks in, we are letting our own trucks operate, but we do not let Mexican trucks in. That violates NAFTA. American truck companies can lease each other trucks. Nobody objects to that. Senator MURRAY does not object to it. Canadian companies can lease each other trucks. But under the Murray amendment, Mexican companies cannot.

Under the Murray amendment, there is only one penalty for Mexican companies, and that is a ban on operating in the United States of America, even though we have numerous different penalties for U.S. trucks than Mexican trucks.

Under the Murray amendment, we basically have entirely different standards for Mexico than we have for the United States of America and that we have for Canada.

Under the Murray amendment, basically we say: In NAFTA we said we were equal partners, but we didn't mean it. We are equal partners with Canada, but our Mexican partners are inferior partners that will not be treated equally.

The problem is, NAFTA commits us to equal treatment. This is not about safety; this is about protectionism. We are not here tonight because Senator McCAIN and I wanted to be here. We are here tonight because the majority party would not negotiate with us to come up with a bill that did not violate NAFTA.

We have offered two amendments. The first amendment said that any provision of the Murray amendment that violated NAFTA—a treaty, in the words of the Constitution, the supreme law of the land—that violated a commitment made by three Presidents and by the Congress would not be put into place. That was rejected.

The Senator from Arizona offered an amendment that said under the Murray amendment Mexican nationals and Canadian nationals would be treated the same. That was rejected by our colleagues who are in the majority party in the Senate.

So they say the Murray amendment does not violate NAFTA, but when we offered an amendment to not enforce the parts of it that do violate NAFTA, they rejected it. They say the Murray amendment does not discriminate against Mexico and Mexicans, but when we offered an amendment forbidding that they be discriminated against relative to Canadians, they rejected it.

The truth is, this is about special interest as compared to the public interest. I ask my colleagues—I understand politics; I have been in it a long time—is it worth it to destroy the good word of the United States of America on an issue such as this on an appropriations bill?

I urge my colleagues to vote against cloture.

Mr. President, I assume my time has expired. I yield the floor.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield our remaining time to Senator DORGAN.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes 53 seconds.

Mr. DORGAN. Mr. President, seldom in political debate—especially in the Senate—do you find a bright line between that which you think is thoughtful and that which you think is thoughtless. I think I have seen some lines recently.

Let me describe my reaction to someone who suggests those of us who stand up and worry about highway safety in our country are engaged in something that is raw, rotten, and protectionist.

What we are doing is not raw, not rotten, and has nothing to do with protectionism. If you use the word "protection" in the manner I describe our duties in the Senate, let me plead guilty for wanting to protect the interests of Americans on American highways. Let me plead guilty for wanting to protect those interests. I, of course, would never apologize to anyone for standing in the Senate saying this is a critically important issue on behalf of those in our country who travel our country's highways.

The question is, Shall we allow Mexican long-haul trucks in beyond the 20-mile limit? Senator MURRAY from Washington has said, the only condition under which they can come in beyond that 20-mile limit is when they meet the standards that we impose in this country. We have compliance reviews and inspections. We do it in a way that protects the American interests.

What are the differences between our standards and the standards in Mexico? We have had 6 years, and both countries have understood we have come to this intersection, but nothing has been done. I wish my friend from Texas would have had the opportunity I had to sit 3 hours in a hearing on this subject and listen to the inspector general tell us what he found on the U.S.-Mexican border. We know, of course, the standards are different.

In Mexico, there is no hours of service requirement. They can drive 24 hours a day. One newspaper reporter drove with one guy for 1,800 miles. In 3 days, the guy slept 7 hours. This is a truckdriver making $7 a day, sleeping 7 hours in 3 days, driving a truck that would not pass inspection in this country. And we have some in this Senate who say: Let's let that truck into this country, or at least let's let that truck present itself to an inspection station.

The inspector general, by the way, says there will not be inspectors sufficient at those stations to inspect those vehicles as they come into the United States. So to those who say our goal is to inspect all these vehicles, I say simply look at the numbers. The fuzzy math that the inspector general described for us between the budget requests and what actually is going to happen to these inspection stations, tell us that those trucks are going to come into this country—and they have already been doing it illegally in 26 States, incidentally, including the State of North Dakota. We have had Mexican long-haul truckers violating that 20-mile limit.

My question is this: If you have radically different standards, and we do—no hours of service requirement in Mexico; we do here for 10 hours. No logbooks in Mexico. Yes, they have a law, and they don't carry them in their trucks; we have the requirement here. No alcohol and drug testing in Mexico; we have it here. Drivers' physical considerations, there is a requirement here, really none in Mexico.

The fact is, it is clear we have radically different standards. What we are saying is, we ought not allow long-haul Mexican trucks into this country until we can guarantee to the American people that the trucks or the drivers are not going to pose a safety hazard to American families driving on our roads.

This is all very simple. It is not raw. It is not rotten. It has nothing to do with protectionism. That is just total nonsense. This has to do with the question of when and how we will allow Mexican long-haul trucks into this country.

What we are saying is, we will allow that to happen when, and if, we have standards—both compliance and reviews and inspections—sufficient to tell us that the Mexican trucking industry is meeting the standards we have imposed for over 50 to 75 years in this country in our trucking industry and for our drivers.

We have had a lot of talk about a lot of things that have nothing to do with the core of this issue. We are told that NAFTA requires us to do this. No trade agreement—no trade agreement at any time, under any circumstances—ever in this country has required us to sacrifice safety on our highways. No trade agreement requires us to sacrifice safety with respect to food inspection. No trade agreement requires us to do that.

I have heard for 3 days now that the NAFTA trade agreement somehow requires us to allow long-haul Mexican trucking beyond the 20-mile limit. That is simply not the case.

In fact, the strangest argument by my friend from Texas was that if we did not do this, the Mexicans say they are going to retaliate on corn syrup. The Mexicans are already in violation of NAFTA in corn syrup. A GATT panel already decided that. I think what we ought to do is protect the Murray language. She has done the right thing, and I hope, in the end, we will understand this is about safety for Americans on American roads.

The PRESIDING OFFICER. The managers' time has expired.

The Senator from Arizona is recognized for 4 minutes 2 seconds.

Mr. McCAIN. I thank the Chair.

Mr. President, first of all, in regard to the allegation of my friend from North Dakota, and the description of the regulations and rules in the country of Mexico, the fact is, in our substitute amendment it calls for the inspection of every single truck that comes into the United States from Mexico.

There is a long list of all the requirements of licensing: Insurance, commercial value, safety compliance decals, et cetera, et cetera—a long and detailed set of requirements for Mexican trucks to enter the United States of America. The difference is, it does not have the same cumulative effect that the Murray amendment does, which violates the North American Free Trade Agreement.

I have always enjoyed these billboards that are brought up on the floor that say: Does not violate NAFTA. Does not violate NAFTA. Unfortunately, for those who allege that, the Governments of the two countries that are involved have judged that it does violate NAFTA.

Perhaps if the election last November had turned out differently, a Gore administration might have viewed it not in violation of NAFTA. But here is what the President of the United States says: "Unless changes are made to the Senate bill, the President's senior advisers will recommend that the President veto the bill."

So everybody is entitled to their opinions. But if you are the President of the United States, you are the only one that is entitled to veto.

The Minister of Economics in Mexico:

> We are very concerned after regarding the Murray amendment and the Administration's position regarding it that the legislative outcome may still constitute a violation of the Agreement.

The elected Governments of the two countries say, indeed, this Murray language is in violation of NAFTA. They are the ones who are elected by their people to make the determination, not individual Members of this body.

Finally, as we wind up, I apologize for any inconvenience, any discomfort, any problems this extended debate has caused any of my colleagues. I know many of them had plans and were discomfited. I extend my apologies.

I hasten to add, I have been involved in a number of major issues over the years I have been here. There has always been a willingness to negotiate and work out problems. That was not the case on this issue. I pledge, no matter what the outcome of this vote, I am still eager to sit down and work out what I view are differences that can be resolved and should be resolved between the Murray language and what we are trying to do because I don't think we are that far apart.

Let's have men and women of good faith and goodwill sit down together after this vote so that we can resolve the differences. No one wants a Presidential veto of this bill; I agree. There is a lot of pork I don't agree with, but there are also a lot of much-needed projects. We don't want a Presidential veto. We have demonstrated that we have 34 votes and can easily sustain a Presidential veto.

After this vote, I again promise my colleague from Washington and my colleague from Nevada, who have been here constantly, we want to negotiate and work out our differences. I am convinced we can.

I yield the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on H.R. 2299, the Transportation Appropriations Act.
>
> Patty Murray, Ron Wyden, Pat Leahy, Harry Reid, Hillary Rodham Clinton, Charles E. Schumer, Jack Reed, Robert C. Byrd, James M. Jeffords, Daniel K. Akaka, Bob Graham, Paul Sarbanes, Carl Levin, Jay Rockefeller, Thomas R. Carper, Barbara A. Mikulski, and Thomas A. Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of Senate that debate on H.R. 2299, an act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "aye."

Mr. CRAIG. I announce that the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 27, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Graham
Harkin
Hollings
Hutchison

Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Shelby
Snowe
Stabenow
Torricelli
Warner
Wellstone
Wyden

NAYS—27

Allard
Allen
Bennett
Bunning
Craig
Crapo
Daschle
DeWine
Domenici
Enzi
Fitzgerald
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Smith (NH)
Thompson
Thurmond
Voinovich

NOT VOTING—16

Bond
Brownback
Burns
Feinstein
Frist
Helms
Inhofe
Miller
Nickles
Roberts
Santorum
Sessions
Smith (OR)
Specter
Stevens
Thomas

The PRESIDING OFFICER (Ms. STABENOW). On this vote, the yeas are 57, the nays are 27. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DASCHLE. Madam President, I enter a motion to reconsider the vote by which the motion was rejected.

The PRESIDING OFFICER. The motion is entered.

EMERGENCY AGRICULTURAL ASSISTANCE ACT OF 2001—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Madam President, I understand we are unable to get agreement to go to the Agriculture Supplemental Authorization. Therefore, I move to proceed to S. 1246, the Agriculture supplemental authorization, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on motion to proceed to Cal. No. 102, S. 1246, a bill to respond to the continuing economic crisis adversely affecting American farmers:

> Tom Harkin, Harry Reid, Jon S. Corzine, Max Baucus, Patty Murray, Hillary Rodham Clinton, Jeff Bingaman, Tim Johnson, Ted Kennedy, Jay Rockefeller, Daniel K. Akaka, Paul Wellstone, Mark Dayton, Maria Cantwell, Benjamin Nelson, Blanche Lincoln, Richard Durbin, and Herb Kohl.

Mr. DASCHLE. I ask unanimous consent this cloture vote occur at 5:30 p.m. on Monday, July 30, and I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, for the information of all Senators, this will be the last vote tonight, and we will have the next vote at 5:30 p.m. on Monday.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I want to further elaborate on the comments I made just a moment ago. We made the motion to proceed to the Agriculture supplemental authorization bill because we could not get agreement to bring it up on Monday. As most of my colleagues know, this is a very important piece of legislation for just about every State in the country. It has passed in the House. It is important to pass it before we leave, only because, as most of our colleagues probably already know, if we are not able to utilize and commit these resources prior to the August recess, the Congressional Budget Office has indicated to us that they will not allow us the use of these resources prior to the end of the fiscal year. We will lose $5.5 billion for Agriculture if this legislation does not pass prior to the time we leave in August.

I emphasize I am not making any threats. I am not trying to cajole. I am just trying to state the fact that we need to get this legislation done. This is not a partisan bill. The administration supports dealing with Agriculture. On an overwhelming basis, it passed in the House. We need to pass it in the Senate. I am very disappointed we are not getting the cooperation to proceed to this bill because it is such an important issue. It is for that reason, and only for that reason, that I have delayed the cloture vote on the Transportation bill.

There will be a cloture vote on the Transportation appropriations bill at some point, perhaps early in the week. But, nonetheless, it will happen. If we need to, we will run out the time to get to final passage and then vote on the bill. But I needed to get started on the Agriculture supplemental. And that is what the procedural motion that we just entered into entails.

I appreciate my colleagues' attention.

Mr. DORGAN. Madam President, I wonder if the majority leader will yield for a question.

Mr. DASCHLE. I am happy to yield to the Senator from North Dakota.

Mr. DORGAN. I am trying to understand what has happened. My understanding is that the majority leader is forced to file a cloture motion not to get the bill up but on the motion to proceed to the bill dealing with an emergency appropriation for family farmers. My understanding is in the budget we reserved an amount of money that we all understood was necessary to try to help family farmers during a pretty tough time. Prices have collapsed. Family farmers are struggling. We all understood we were going to have to do an emergency appropriation to help them.

My understanding at the moment is that you are prevented not only from going to the bill but you are having to file a cloture motion on a motion to proceed to go to the bill to try to provide emergency help for family farmers.

Is that the circumstance we are in and, if so, who is forcing us to do this?

I watched this week while for a couple of days nothing happened on the floor. The appropriations subcommittee chair was here wanting amendments to come, and no amendments came. It looked like the ultimate slow motion on the floor of the Senate. Now we are told—those of us who come from farm country—that not only can we not get to the bill but we have to file cloture on the motion to proceed for emergency help for family farmers.

What on Earth is that about, and who is forcing us to do this?

Mr. CRAIG. Madam President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator from Idaho.

Mr. CRAIG. I am forcing it as someone who has stood on this floor for the last 4 years and fought for nearly $8 billion a year for family farmers such as you have. We have stood arm in arm in that. But the bill that is coming to the floor is $2 billion over the budget that you have talked about and that slot in the budget that we prepared.

I must tell you that this Senator is going to vote for emergency funding for farmers in agriculture, but we are not going to go above a very generous budget to do so.

I thought it was most important. Yes, the House has moved. I believe the chairman of the authorizing committee is here, and he can speak for himself.

But it is my understanding that this bill will come to the floor about $2 billion ahead of where the House was. The House complied with the budget resolution. We are rapping on that door of spending that surplus in Medicare.

I don't care how you use the argument. The reality is very simple. The majority leader is moving us—and he is right—to a very important debate. But it was important for some of us who support farmers but also support fiscal integrity and the budget to stand up and say, Mr. Leader, we are out of budget, we are out of line, and we are $2 billion beyond where we ought to be. That is why I objected.

Mr. DASCHLE. Madam President, if I could regain the floor, let me say that

I appreciate and respect the position of the Senator from Idaho. I am not sure that having this debate on the motion to proceed is the appropriate place to do it. It seems to me that it would be an appropriate subject for an amendment to reduce the amount of emergency assistance from $7.49 billion to $5.5 billion. To say, we don't need to spend $7.49 billion. We could have that amendment and have a debate about it. But having a motion to proceed and then having a debate and a filibuster, if that is required on the motion to proceed, just delays when we can actually get into the discussion and debate about whether or not it ought to be $7.49, or $7.1 billion, or $5.2 billion. But we will finish this legislation only because of the ramifications of not finishing it, whether it is Monday, or Friday, or at some other time.

I put my colleagues on notice. I have no other recourse. This is not a threat. It is simply a fact that this is a piece of must-pass legislation. I hope people understand that.

I would be happy to yield to the Senator from North Dakota.

Mr. DORGAN. Madam President, if the majority leader will yield for one additional question, of course, the Senator from Idaho would have every right to come to the floor and protest that the amount of help for family farmers is too much, too generous, and this, that, or the other thing. The Senator has every right to do that. But I think that is different than trying to delay our ability to consider legislation that responds to an emergency need for family farmers.

My question to the majority leader was not about how much money was involved. My question was who is delaying this and why. I urge my friend from Idaho not to delay us. He has every right to come to the floor of the Senate and try to cut it or try to reduce it if he thinks it is too much, but allow us to immediately go to this on Monday because it is an emergency appropriations bill.

We all understood earlier this year that we needed an emergency supplemental. We provided the money for it. Now the Senator from Idaho has a dispute about how much money is going to come to the floor. Allow that bill to come to the floor and then offer an amendment. But don't force the majority leader to file a cloture motion on the motion to proceed. Speaking as somebody who represents farm country—I know the Senator from Idaho does as well—delaying on the motion to proceed is the worst way, in my judgment, to serve our family farm interests. All of us have the same interests.

I say to majority leader, I hope if there are disagreements about the amount of aid that we will have a debate about it. But I certainly hope that Members will allow us to get to this bill. It is an emergency appropriations supplemental bill designed to address an emergency. It ill-serves those who we intend to help to have to file a cloture motion on a motion to proceed to the actual bill.

Let's not do that. Let's get it to the floor and have at it on Monday, get it passed, and help family farmers.

I appreciate the majority leader yielding to me.

Mr. DASCHLE. I would be happy to yield to the distinguished chairman.

Mr. HARKIN. I thank the leader for yielding.

I say to my friend from Idaho that we enjoyed his being on the Agriculture Committee for a number of years. I am sorry that he is not now on the Agriculture Committee. Perhaps if my friend from Idaho were on the Agriculture Committee and had been involved in our debate and deliberations and the markup of the bill, he might not be holding this bill up because it was reported out on a unanimous voice vote. We only had one amendment to take it down to $5.5 billion. That fell on a 12–9 vote.

Two things: There are farmers who are hurting all over this country—not just in Iowa, or North Dakota, or Kansas but even in Idaho. Quite frankly, this Senator went out of his way to accommodate the wishes of Senators in this Chamber representing family farmers in their States to put into that bill what was necessary to meet some of those needs.

In fact, I say to my friend from Idaho, there are provisions in the bill that will help his farmers in Idaho that are not in the bill they passed in the House.

Second, I say to my friend from Idaho that the budget that was passed here allows in the 2001 fiscal year for the Agriculture Committee to spend up to $5.5 billion. It allows the Agriculture Committee to spend for the year 2002 $7.35 billion. The Agriculture Committee in the bill we are trying to consider here adheres to those limits. It is absolutely within the budget. The $5.1 billion goes out before September 3.

The Agriculture Committee recognized that the crop-year and the fiscal year don't coincide. The needs that farmers will have this fall as a result of the crop-year happen in the 2002 fiscal year. I think a lot of us thought that we could under the budget go into that $7.35 billion in 2002 and spend it in 2002. None of that $2 billion is spent in 2001; it is spent in 2002. That is allowed by the budget. We could have gone up to $7.35 billion, but we didn't. We wanted to hold some in reserve. By taking that $2 billion, we are able after the first of the fiscal year, October 1, we are able to have help for farmers until we get a farm bill passed or until we are able to perhaps come again some other time and expend the rest of the $7.35 billion.

I say to my friend from Idaho, this is within the budget the $5.5 billion we spend this year before September 30; the other $2 billion is spent in 2002, and there is nothing in the budget that prohibits the Agriculture Committee from saying in 2001 how we want that money spent in 2002. We have met all the requirements. There will be no budget point of order because we are well within the budget. I point that out to my friend from Idaho. He is no longer a member of the committee. I know that. I am sorry he is not. Maybe had the Senator been there he would have realized and recognized how we went about this and how we are not busting the budget in 2001.

Mrs. BOXER. Will the Senator yield?

Mr. CRAIG. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Idaho.

Mr. CRAIG. I thank my colleagues for all of those considerations and I wish I did serve on the authorizing committee of agriculture. I serve on the appropriating subcommittee for agriculture, the appropriations, so I watch Agriculture budgets closely.

What the Senator from Iowa said is absolutely right. It is forward-funding; it is reaching into 2002 and pulling money out for 2001. I understand that. I know it will be spent in 2002 in a 2001 supplemental. I understand what is being done. I also understand that is not necessarily the way it is done. But it is OK if you can get the votes on the floor to do it. It is not necessarily how we work budgets around here.

I will also say, whether I am holding this up or not, we will be on the Agriculture bill come Monday, and Monday evening you will get cloture and we will be there and probably move it quite quickly, depending on the amendments that come. The leaders know this. There are several amendments that may be very protracted in their debate.

The reality is, last year somebody made us file cloture on the Agriculture appropriations conference report. I don't believe that was talked about in such dramatic terms, but that is exactly what happened last year. I have it in front of me, Agriculture appropriations, 106th Congress. After all the work was done, the bill was ready to be sent to the President and be signed so the money could go out and somebody had to file cloture to move the bill.

I don't know that this is so unprecedented. Thou doth protest a bit too much.

We will be on the Agriculture bill come Monday. I do appreciate the work the Senator has done. He has worked thoroughly.

Mr. DASCHLE. I yield to the Senator from California.

Mrs. BOXER. I would like to try to summarize where we are and see if my leader, the majority leader, can confirm if this is accurate.

I think the word of the day is "delay." We are seeing an Agriculture bill, an emergency bill, being delayed. We are not going to be on it. We are going to have to debate a motion to proceed. For those people who don't know the rules of the Senate, you can invoke these rules and it can go slow. We are seeing a delay in getting help to our farmers; and we are seeing anything but a delay in the day we will have the Mexican trucks come barreling through our highways and byways when we should delay that until we have enough inspectors. We are only inspecting 2 percent of the trucks, and out of that 2 percent, 35 percent of the trucks are failing and a lot of them have no brakes.

I will not reiterate the horror stories and nightmares we heard in the committee.

Where we have a delay, we don't want a delay; that is, to help our American farmers. And where the other side is trying to do away with the delay is the day that we have trucks coming through our border into the interior of our country that are ill-equipped for those journeys.

I wonder if my leader would agree that is where we are right now.

Mr. DASCHLE. The Senator has described it very well. We have spent a week delaying completion of our work on the Transportation appropriations bill, fundamental investments in our Nation's infrastructure. Why have we done that? Because there are those who are opposed to the regulatory commitment that we want to make for truck safety in this country. They are willing to sacrifice public investment in our Nation's infrastructure not for days but for weeks because they don't think we ought to support a rigorous inspection and a rigorous standard of quality with regard to safety on our Nation's highways.

That is what this debate has been about now for several days. I am disappointed that only because of absentee Senators we lost the cloture vote tonight, but we will win that vote and inevitably we will win on the final passage of the Transportation bill. This has been nothing more than delay. This delay has been unnecessary, unproductive, and very unfortunate.

The Senator from California could not have said it better. She is right. There will be another day. We will deal with these issues. I will say, as I said a moment ago, there are some things we must do before we leave. We have no choice. So we can delay now and we will compound the problems and the circumstances involving our departure later.

Mr. REID. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. REID. I say to the majority leader in the form of a question, we don't have nearly as many farmers—we call them ranchers—in the State of Nevada, but we have some. They have benefits from this Agriculture bill—not as much as we think they should.

I say to the leader, farmers all over America are not concerned about the partisan politics. There are Democrat farmers and Republican farmers. Isn't that right?

Mr. DASCHLE. That is correct.

Mr. REID. The American public wants us to accomplish results. The fact that you have been a leader for a short period of time should not mean we cannot move forward with the legislation. Is that fair?

Mr. DASCHLE. I would say that is fair.

Mr. REID. We had the Senator from North Dakota, the Senator from California, the Senator from South Dakota, huge producers of food and fiber for this country. I know how important it is for your respective States that we move forward on this Agriculture supplemental.

I say to the leader, if I had been in my office I would have taken more calls, but I have been here most of the time, and I have had many, many calls from people interested in the high-tech industry, people on the cutting edge of what is going on in America today with computers. They want to be competitive. They think they are unable to be competitive because we cannot move forward on the Export Administration Act. There are Democrat and Republican farmers. There are also Democrat and Republican people involved in this high-tech industry. They don't care who gets credit for it.

Would the leader agree if we can move forward on the Agriculture supplemental and the Export Administration Act, there will be lots of credit to go around for Democrats and Republicans, and it would help this country?

Mr. DASCHLE. The Senator is absolutely right. The Senator has spent a good deal of time on this floor over not only of the past few months but of the past few years trying to pass the Export Administration Act. He ran into the same problems last year that we confront this year. There are those who are unwilling to consider the tremendous, negative repercussions that this country will continue to experience as a result of our inability to update the Export Administration Act now.

Further delay, and it expires. I might add, it expires in August. Further delay further undermines our ability to be competitive abroad. I don't know why anyone would want to be in a position to put this country into that kind of a situation, but because of objections on the other side, we have so far been unable to move the bill.

Mrs. CLINTON. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator from New York.

Mrs. CLINTON. As the majority leader well knows, I am new to this body and I think what we have just seen raises, in my mind, serious questions about what it is we are trying to accomplish for the people of our States and our country.

As I understand the response of the distinguished Senator from Idaho, the delay is because somebody "unnamed" delayed something last year. That, to me, is a strikingly inadequate explanation for a delay that is holding up our efforts to help our oldest industry and our newest industry.

With the fact that New York's largest economic sector is agriculture, which most people outside New York would have no idea of, I have a great interest in the Agriculture supplemental bill because we have some aid in there for farmers who are following in the tradition of those having farmed in New York for more than 400 years. Our apple farmers are on the brink of extinction if they do not get some emergency help. We had hail last year that destroyed the crop in the Mid-Hudson River Valley; it took out orchards in the north country. So this is not any geographic issue. This is a national issue that has to be addressed.

At the same time, in New York, we have some of the cutting edge high-tech industries that are begging for the kind of direction the Export Administration Act will give them, the certainty about what they can and cannot export, whether we can be competitive globally. Both of these important pieces of legislation have to be addressed in the next week.

It is regrettable that instead of doing the people's business, dealing with the agricultural needs and the high-tech needs that really cut across every geographic and political line we have in our Nation, we see this kind of delay.

But I would ask the majority leader, is it your intention to do everything you can possibly do, as our leader, who has done, in my view, an absolutely tremendous job since assuming the leadership, to make sure that the people's needs are met? And that includes the Agriculture bill and the Export Administration bill.

Speaking just as one Senator, I do not think there is anything more important than doing the work we were sent here to do, casting the votes that will help people, and it is striking that we do not seem to have the cooperation we need on the other side.

But I would ask the leader if it is his intention to make sure that we do the people's business before we leave for the recess that is scheduled.

Mr. DASCHLE. The Senator may be new here, but she certainly understands how this institution must work. It can only work with cooperation. As she has so rightfully indicated, the situation today is that on issues of great importance, as she said, to our oldest and our newest industries, there is no question that we cannot put any higher of a priority on the work that must be done in the next week than to address both of these bills.

The agricultural supplemental package represents, for many of our program crop farmers, a significant portion of the income they will receive in this calendar year. A large portion of the income they are depending upon rides on whether or not we get this bill done in the coming week. I do not know what percent some of our high-tech companies relate to the ability to export abroad, but I would not be surprised if it were not just as great.

So she is absolutely right. We cannot leave without addressing these critical pieces of legislation. Why? Because they expire. The authorization literally expires during the month of August. So we can do it Monday, Tuesday, Wednesday, or we can work into the weekend, or the following week, but we really have to understand that these are critical bills that must be addressed. And the only way we can address them, as she correctly points out, is through the cooperative effort of both parties, and I would hope both leaders.

Mr. REID. Will the leader yield just for one more brief question?

Mr. DASCHLE. I would be happy to yield.

Mr. REID. There have been comments the last several days about what has happened in the last year. I want the RECORD to be spread with the fact—I want this confirmed by the leader—one of the assignments you gave me as assistant leader was that when difficult matters arose on the floor, one of my assignments directly from our leader—TOM DASCHLE to HARRY REID—was to do what you can, HARRY REID, to help move legislation. If it benefited the Republicans, I still had that responsibility. And there are many statements in the RECORD by Senator LOTT of how he appreciated the work we did—my name was mentioned on occasion—to move legislation.

I did that because you believed it was the right thing to do to move legislation. That is why we were able to move eight appropriations bills last year—does the Senator remember that—before the August recess?

Mr. DASCHLE. I remember that vividly. I remember how it was that we were able to work through these important matters, because we understood that October 1st is the deadline to complete all of our work on appropriations and that when you fall short of that deadline, you find yourself in a very precarious situation, making decisions without careful thought and, in some cases, making mistakes.

We want to complete our work on time. We want to be able to finish these bills. I appreciate so much the cooperation, the effort, and the leadership shown by the Senator from Nevada in reaching that goal.

Mr. REID. Does the Senator from South Dakota, our distinguished majority leader, agree that when you were the minority leader, one of your primary responsibilities was to move legislation, no matter whether it was sponsored by a Democrat or a Republican, but to move legislation off this floor?

Mr. DASCHLE. By and large, that was exactly what we attempted to do. Obviously, there were many times when there were disagreements, but we tried to work through those disagreements. I am hopeful we can do so again in the coming week.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I will return the floor to the Senator in just one brief minute. I just want to say that I think no one knows more than I do how passionately this majority leader, the then-minority leader, worked with us to get legislation passed. That is why I repeat, eight appropriations bills were passed in this body last year before the August recess. That was hard work. It only came as a result of the direction of the majority leader saying, we have to get this stuff done, that is the responsible thing for this country; and we did it.

I know there are people who come in and make little snippets about the fact that things have happened in the past. Look at our record. Look at our record of how we helped move legislation. Of course, there were disagreements on our side, but they passed quickly. Lots of amendments were filed on bills. We worked through those.

I just say, I hope people will look at what we did and work with us to try to move legislation. We want to do that. If we do something that is good, there is credit for everyone to go around. If we do not do things, there is blame to go around, as well it should. But the blame now should be with the minority because they simply have not allowed us to proceed on important legislation for this country.

The PRESIDING OFFICER. The Senator from New York.

MORNING BUSINESS

Mrs. CLINTON. Madam President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. NICKLES. Mr. President, I have noted with interest the comments of Senators DASCHLE and REID regarding unfinished legislative work before the recess. What is also unfinished business before the recess is nominations. Over the past week, Senator REID and I have had a series of continued conversations regarding nominations, and we will continue to talk in good faith to make progress on nominations.

But our unfinished work here in the Senate is not just legislative in nature. It is necessary that we work hard to clear a sizable number of nominations before the recess, to give the President the public servants he needs to staff his administration, make it run, have it work, and see it accountable to the American people.

I look forward to seeing the Senate head towards the recess with work on both the legislative and executive calendars. I yield the floor.

PLIGHT OF DETAINED PERMANENT UNITED STATES RESIDENT LIU YAPING IN INNER MONGOLIA

Mr. DODD. Madam President, I rise today to bring to my colleague's attention a terribly distressing, and I am afraid, all too familiar situation; the arrest and detention of American citizens and permanent residents traveling in China. I specifically want to comment on the case of Mr. Liu Yaping. Mr. Liu is a resident of my home State of Connecticut and is married to a United States citizen. He has an American son and has been granted permanent residency in this country. Nevertheless, on a trip to his home country of China this past spring, he was abruptly detained and arrested on charges of tax evasion. More than four months after his initial arrest, the evidence against him for this alleged crime has yet to be produced by the Chinese authorities, and he has not been officially charged with a crime. In the meantime, he is being detained indefinitely.

Liu Yaping has been held in near isolation in Inner Mongolia, and we suspect that he may have been mistreated during his time in prison. He has been unable to contact his family, and because he is a permanent resident of the U.S., and not a citizen, he has been denied the right to consult with United States diplomats while in detention. He has been granted only very limited access to his attorneys, and has been unable to answer the charges against him.

The most troubling part of this story is that we have learned that Mr. Liu is ill and may die at any moment. It has been reported that he is suffering from a cerebral aneurysm, possibly caused by torture or beatings, for which he has gone largely untreated. Without immediate and appropriate medical attention, the aneurysm will continue to leak, and the danger is very real that he will die. His family has asked to review his medical records, but thus far this request has been denied. Instead, they receive only bills for medical services performed, without documentation or description. Mr. Liu's family has asked that he be transferred to a hospital in Beijing, but this request has been rejected by the Chinese government.

I cannot begin to imagine the toll that this ordeal has taken on Mr. Liu's wife, and 15 year-old son. Knowing their loved one is alone and in danger, they wait anxiously for any notice from the Chinese authorities indicating that his situation has improved. Mrs. Liu has been in steady contact with my office and grows increasingly distraught with each day that passes with no news of her husband. The U.S. embassy in China, despite their best efforts, has not been able to make inroads in this case, and due to Mr. Liu's grave medical condition, time has become an important factor when considering his case.

We cannot allow gross human rights violations to continue on our watch. It is the responsibility of all of us to ensure that our citizens and permanent residents receive just and equal treatment at home and abroad.

As my colleagues know, in the past year, several American citizens and permanent residents have been detained in China. Gao Zhan, an American University researcher, was sentenced to 10 years on July 24, after a lengthy detention and a brief trial, during which not a single witness was called. She was arrested on espionage charges and linked to recently convicted business Professor Li Shaomin, who was recently ordered deported. Mrs. Gao was recently granted medical parole, due to a worsening heart condition and, as a precedent exists for this type of parole, it is my hope that Mr. Liu will be granted a similar clemency. Until such time, though, we must do all we can to fight for the safety, basic human rights, and release of Mr. Liu.

As you may know, the Senate has not stayed quiet on this matter. Along with several of my colleagues, I have signed on as a cosponsor to Senate Resolution 128, urging the release of Liu Yaping and other American permanent residents and U.S. citizens. However, despite the efforts of Congress, I believe that this is an issue best dealt with at higher diplomatic levels. As you know, this Saturday, Colin Powell will be arriving in China. Secretary Powell has expressed his frustration with the situation of Mr. Liu, and I hope that he will raise the issue of Liu Yaping's incarceration with the Chinese authorities. Although the Chinese government has indicated that it wishes to focus on the larger issues of trade and economic cooperation between our two countries, I feel that a frank discussion on human rights is an equal priority. I hope that such a discussion would lead to a better understanding of American concerns in this case specifically, and the eventual release of all prisoners wrongfully detained in China.

I feel strongly that the Chinese government must understand that detaining our citizens without due process will only exacerbate the diplomatic tensions between our two nations. By creating a climate of fear for those Chinese-American citizens who would otherwise seek to bring their expertise and knowledge back to their homeland, China is discouraging the flow of intellectual capital back into its countryside, and compromising any confidence on the part of the United States regarding pledged improvements in human rights.

I wish Secretary Powell well on his trip, and urge the Chinese government to release Mr. Liu. I have asked Secretary Powell to bring this case up specifically while in China. It is my sincere hope that this action will bear fruit, and this matter will soon be resolved. Hopefully, Mr. Liu will soon be at home again in Connecticut, safe, and in the company and care of his family.

MURDERS CANNOT GO UNPUNISHED

Mr. McCONNELL. Madam President, the murder of American citizens abroad is always a cause for concern, and I want to bring the attention of my colleagues to the killings of the Bytyqi brothers from New York City. Agron, Mehmet, and Yli were reportedly discovered in a mass grave in Petrovo Selo, Serbia with their hands bound and gunshots wounds to their chests.

This heinous crime should be of particular concern to all of us. Not only were the Bytyqi brothers American citizens, but they were also of Albanian origin. We know well the brutal treatment of Albanians in Kosova and Serbia during the war. My heart goes out to all the victims and their families.

I recently wrote to Attorney General John Ashcroft asking for the Federal Bureau of Investigation to become involved in this case. Human rights workers and investigators, including from the United Nations, should assist in delivering justice to the Bytyqi family.

There are reports that the brothers were murdered by policemen. I know my colleagues will agree that the murder of Americans overseas cannot go unpunished. I will continue to closely follow developments in this case—as well as the continued detention of political prisoners in Serbian jails.

I ask that an article from the July 15th edition of the Washington Post detailing this crime appear in the RECORD following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 15, 2001]

THREE AMERICANS FOUND IN SERBIAN MASS GRAVE SITE

(By R. Jeffrey Smith and Peter Fin)

PRISTINA, Yugoslavia, July 14—The three young American men had their hands tied with wire. Their heads were covered by black hoods, and they were dressed in civilian clothes. They were each shot at close range, and their bodies were dumped in a pit dug in the Yugoslav national forest near the Serbian town of Petrovo Selo.

The men—all brothers of ethnic Albanian origin—had worked with their father as painters and made pizzas on Long Island before going to fight in the Kosovo war with the so-called Atlantic Brigade, a group of about 400 Albanian Americans who volunteered to join the rebel Kosovo Liberation Army. But they disappeared into a Serbian prison 17 days after the end of NATO's bombing campaign against Yugoslavia in 1999, when hostilities had ceased.

For nearly two years, neither their family nor the U.S. government was able to learn their whereabouts. Then, last week, their bodies were discovered in a mass grave by Serbian police investigators. Together with officials of a Belgrade-based human rights group, the police have begun to assemble a picture of how the men, born in Illinois, lost their lives during the violence that raged in and around the Serbian province of Kosovo in the spring and summer of 1999.

Serbian officials and others monitoring the probe say the three—Ylli, Agron and Mehmet Bytyqi, ethnic Albanians ages 24, 23 and 21 at the time of their death—appear to have been murdered by policemen. Their bodies were placed in the grave with 13 ethnic Albanians from Kosovo, not far from a special police training center 120 miles east of the capital of Belgrade. A second grave nearby contains 59 bodies, and investigators suspect they will find many other sites as they begin to probe the forest more carefully.

The Bytyqis are the first Americans to turn up in a Serbian mass grave. "Believe me, this is going to be a very important case for us," the U.S. chief of mission in Yugoslavia, William Montgomery, said in a telephone interview. "We need to get real information from the Yugoslav authorities. We are going to insist they do a full investigation."

Montgomery said he and other U.S. officials had sought information about the Bytyqis from the Yugoslav Foreign Ministry several times since Yugoslav President Slobodan Milosevic was ousted in October, but the ministry acknowledged only that the brothers had been imprisoned after the war ended.

Circumstantial evidence unearthed so far raises the possibility of a revenge slaying by policemen, possibly motivated by anger over the leading role that the United States played in pressing for Western intervention in Kosovo to halt human rights abuses committed by Yugoslav security forces against Kosovo's ethnic Albanian majority.

"They were killed because they were American citizens," said Bajram Krasniqi, a lawyer in Pristina, Kosovo's provincial capital, retained by the Bytyqi family to press for information about the case. "There were people in that prison who were in [the rebel army] . . . and they were eventually released. This is the only case where someone was arrested, taken to court, tried, released out of the prison and then executed.

"This crime was planned, ordered and conducted without any judicial act and it was done by Serbian officials in cooperation with officials at the prison," Krasniqi said. "Hopefully, the Serb authorities will now arrest these people and they will be brought to justice."

The men's mother, Bahrije Bytyqi, and their father, Ahmet Bytyqi, had moved their family from Illinois to Kosovo in 1979 and later separated. Ahmet moved to New York and Ylli, Agron and Mehmet joined him one at a time when each turned age 17.

Bahrije was expelled from Kosovo during the war by security forces but later returned to the southern Kosovo city of Prizren. She has been distraught and sedated since learning last week of the discovery of her sons' bodies in Serbia, and could not be interviewed today. When her 22-year old son, Fatos, a resident of Prizren, was interviewed today, he initially lied about his brothers' wartime activities, later explaining he had been "advised" not to discuss their membership in the Atlantic Brigade.

But members of the brigade interviewed in New York said that the brothers had been enthusiastic—if naive—volunteers in the unit. They had different personalities: Ylli was quiet, Agron an outgoing partier, Mehmet a hard worker. But all three left New York on the brigade's charter flight in the spring of 1999 and tried to join the same rebel unit—only to be told by rebel leaders that they had to fight separately.

"They had that youthfulness that exploded in their faces," said fellow rebel Arber Muriqui in New York.

In mid-June 1999, when NATO forces deployed inside Kosovo to police a cease-fire, the brothers escorted their mother back into the province. Roughly two weeks later, the brothers told Fatos they were going to Pristina. Their mission, he said, was to visit some ethnic Albanian friends from New York who had fought with the Atlantic Brigade.

Amid the postwar chaos—and seething tensions between ethnic Serbs and Albanians—they headed north in a Volkswagen Golf on June 26. An ethnic Roma neighbor of Bahrije's, Miroslav Mitrovic, has told the Belgrade-based Humanitarian Law Center, an independent group, that the three brothers offered him and two other Romas a ride out of Prizren and into southern Serbia, but Fatos says the brothers never mentioned the plan and he cannot confirm the tale.

There is a dispute between Fatos and Mitrovic over why the brothers did not have their U.S. passports with them on the journey; in any event, Fatos and the family lawyer say, the brothers carried other identification that clearly indicated they were American residents, including New York state driver's licenses. Around their necks, he said, were medallions bearing the seal of the Kosovo Liberation Army.

The brothers were detained at a Serbian checkpoint in the village of Merdare; the Romas were allowed to proceed, Mitrovic told the law center. A magistrate in the nearby town of Kursumlija sentenced them to at least 15 days in jail for illegally crossing the border between Serbia and Kosovo, a Serbian province. The next day—June 27—they were transferred to a prison in Prokuplje, in southern Serbia.

There, according to documents and testimony obtained by the law center, the three brothers were interviewed by a police inspector named Zoran Stakovic, whose specialty was cases involving foreign citizens. Four days before the end of their sentence. Stankovic came to the prison and told the warden to release them into his custody, the law center said it had learned.

Fatos said he was told by a prison official, whom the family bribed for information four months ago, that the three brothers were taken to the back door of the prison and handed over to two plainclothes police in the company of the uniformed patrolmen. They were driven away in the company of the uniformed patrolmen. They were driven away in a white car and never seen alive again.

Their family became so desperate that at one point they persuaded their lawyer, Krasniqui, to write a letter to Miloservic, pleading for information about her sons; their mother also went to the prison in Serbia to demand answers. "They were very hopeful that the boys would return because once they were in prison, Serb authorities would be aware that they are American citizens," and Marin Vulaj, vice chairman of the National Albanian American Council.

The law center made inquiries in August, September and October 1999, after Mitrovic contacted the center to express his own concern, but only received a copy of the brothers' prison release order.

"I was hoping they were alive," Fatos said. "We were very shocked. We had no idea how they could have gotten" to the mass grave site in Petrovo Selo. In a statement issued on Saturday, the law center demanded that the Serbian government "tell the mother the truth."

THE PACE OF JUDICIAL NOMINATIONS

Mr. LEAHY. Madam President, I was pleased that the Judiciary Committee was able to hold another confirmation hearing for judicial and executive branch nominees this week. Since the Senate was allowed to reorganize just before the July 4th recess, returned from that recess to reconvene on July 9 and then assigned members to committees on July 10, this was the fourth hearings on Presidential nominations that the Judiciary Committee has held in 2 weeks. I cannot remember any time in the last 6 years when the Judiciary Committee held four confirmation hearings in 2 weeks. Two of those hearings involved judicial nominees to the Courts of Appeals.

I appreciated that when Senators LOTT, BAUCUS, COCHRAN, and HUTCHINSON appeared before the Judiciary Committee to introduce nominees, they recognized that we were acting quickly. Likewise, the nominees who have appeared before the committee have recognized that we have been moving expeditiously and have thanked us for doing so. I appreciate their recognition of our efforts and their kind words.

Just last Friday we were able to confirm a number of judicial and executive nominations. We confirmed Judge Roger Gregory for a lifetime appointment to the U.S. Court of Appeals for the Fourth Circuit. This is a nominee who had waited in vain since June of last year for the Senate to act on his nomination. In the year that followed his nomination he was unable even to get a hearing from the Republican majority. This month, in less than 2 weeks the Judiciary Committee held that hearing, reported his nomination favorably to the Senate on a 19 to 0 vote and the Senate voted to confirm him by a vote of 93 to 1 vote. The supposed controversy some contend surrounded this nomination was either nonexistent or quickly dissipated.

In spite of the progress we have been making during the few weeks since the Senate was allowed to reorganize, in spite of the confirmation on Friday of three judicial nominations, include one to a Court of Appeals; in spite of the confirmation of two more Assistant Attorneys General for the Department of Justice, including the Assistant Attorney General in charge of the Civil Rights Division; in spite of the back-to-back days of hearings for the President's nominees to head the Drug Enforcement Administration and the Immigration and Naturalization Service on Tuesday and Wednesday of last week; despite our noticing a hearing for another Court of Appeals nominee and another Assistant Attorney General for this Tuesday; despite our having noticed expedited hearings on the nomination to be Director of the Federal Bureau of Investigation beginning next Monday; despite all these efforts and all this action, on Monday our Republican colleagues took to the Senate floor to change the tone of Senate debate on nominations into a bitterly partisan one. That was most unfortunate.

I regret that we lost the month of June to Republican objections to reorganization or we might have been able to make more progress more quickly. There was no secret about the impact of that delay at the time. Unfortunately, that month is gone and we have to do the best that we can do with the time remaining to us this year. This month the Judiciary Committee is holding hearings on the nominees to head the FBI, DEA and INS. In addition, we have held hearings on two more Assistant Attorneys General and the Director of the National Institute of Justice.

Just last Friday we were able to confirm Ralph Boyd, Jr. to serve as the Assistant Attorney General to head the Civil Rights Division. Of course, the Republican majority never accorded his predecessor in that post, Bill Lann Lee, a Senate vote on his nomination in the 3 years that it was pending toward the end of the Clinton administration. Some of those now so publicly critical of the manner in which we are expediting consideration of President Bush's nominations to executive branch positions seem to have forgotten the types of unending delays that they so recently employed when they were in the majority and President Clinton was urging action on his executive branch nominations.

I noted last Friday that we have already acted to confirm six Assistant Attorneys General as well as the Deputy Attorney General, the Solicitor General and, of course, the Attorney General himself.

We have yet to receive a number of nominations including one for the No. 3 job at the Department of Justice, the Associate Attorney General. We have yet to receive the nomination of someone to head the U.S. Marshals Service. Even more disturbing, we have yet to receive a single nomination for any of the 94 U.S. Marshals who serve in districts within our States. We have yet to receive the first nomination for any of the 93 U.S. Attorneys who serve in districts within our States.

We have much work to do. The President has work to do. The Senate has work to do. That work is aided by our working together, not by the injecting the type of partisanship shown over the last 6 years when the Republican majority delayed action on Presidential nominees or the partisan rhetoric that was cast about on Monday. That may make for backslapping at Republican fundraisers, but it is counterproductive to the bipartisan work of the Senate.

In this regard, I am also extremely disappointed by the decision of the Republican Leadership to have all Republican Senators refuse to chair the Senate. I was one who suggested to Senator DASCHLE, Senator LOTT and others that we resume the practice of having Senators from all parties chair the Senate. That was a longstanding practice in the Senate and the practice when I first joined this body. It was our practice until fairly recently when a breach in Senate protocol led to the period in which only Senators from the majority party sat in the chair of the President of the Senate.

I thought that it sharing the chair was one of the better improvements we made earlier this year when we were seeking to find ways to lower the partisan decibel level and restore collegiality to the Senate. It was a good way to help restore some civility to the Senate, to share the authority and responsibility that comes with being a member of the Senate. I deeply regret that the Republican minority has chosen no longer to participate in this aspect of the Senate. I am disappointed, and fear this is another sign that they are coming to view the Senate through the narrow lens of partisanship.

That partisan perspective, criticizing for criticism's sake or short-term political advantage, seems to be the motivation for the statements made in the wake of our achievements last Friday. If the Senate majority is going to be criticized when we make extraordinary efforts of the kind we have been making over the last two weeks, some will be forced to wonder whether such action is worth the effort.

Moreover, the criticism is ignorant not only of recent facts but wholly unappreciative of the historical context in which we are working. Let me mention just a few of the many benchmarks that show how fair the Senate majority is being.

This year has been disrupted by two shifts in the majority. We were delayed until March in working out the first resolutions organizing the Senate and its committees. Senator DASCHLE deserves great credit for his patience and for working out the unique arrangements that governed during the period the Senate was divided on a 50–50 basis. Likewise, I complimented Senator LOTT for his efforts in late February and early March to resolve the impasse.

In late May and early June the Senate had the opportunity to arrange a timely transition to a new majority. Republican objections squandered that opportunity and we endured a month-long delay in reorganizing the Senate. Ultimately, the reorganization ended up being what could have been adopted on June 6. Again, I commend Senator DASCHLE's leadership and patience in keeping the Senate on course, productive and working. During that month the Senate considered and passed the bipartisan Kennedy-McCain-Edwards Patients' Bill of Rights.

But work in the Judiciary Committee was limited to investigative hearings. We could not hold business meetings or fairly proceed to consider nominations. That period finally drew to a close beginning on June 29 and culminated on July 10 when Republican objections finally subsided, a resolution reorganizing the Senate was considered and Committee assignments were made.

Now consider the progress we have made on judicial nominations in that context. There were no hearings on judicial nominations and no judges confirmed in the first half of the year with a Republican majority. The first hearing I chaired on July 11 was one more than all the hearings that had been held involving judges in the first half of the year. The first judicial nomination who the Senate confirmed last Friday was more than all the judges confirmed in the first half of the year.

In the entire first year of the first Bush administration, 1989, without all the disruptions, distractions and shifts of Senate majority that we have experienced this year, only five Court of Appeals judges were confirmed. In the first year of the Clinton administration, 1993, without all the disruptions, distractions and shifts in Senate majority that we have experienced this year, only three Court of Appeals judges were confirmed all year. In less than 1 month this year—in the 2 weeks since the committee assignments were made on July 10, we have held hearings on two nominees to the Courts of Appeals and confirmed one. In 1993, the first Court of Appeals nominee to be confirmed was not until September 30. During recent years under a Republican Senate majority, there were no Court of Appeals nominees confirmed at any time during the entire 1996 session, not one. In 1997, the first Court of Appeals nominee was not confirmed until September 26. A fair assessment of the circumstances of this year would suggest that the confirmation of a Court of Appeals nominee this early in the year and the confirmation of even a few Court of Appeals judges in this shortened time frame of only a few weeks in session should be commended, not criticized.

The Judiciary Committee held two hearings on two Court of Appeals nominees this month. In July 1995, the Republican chairman held one hearing with one Court of Appeals nominee. In July 1996, the Republican chairman held one hearing with one Court of Appeals nominee, who was confirmed in 1996. In July 1997, the Republican chairman held one hearing with one Court of Appeals nominee. In 1998, the Republican chairman did hold two hearings with two Court of Appeals nominees, but neither of whom was confirmed in 1998. In July 2000, the Republican chairman did not hold a single hearing with a Court of Appeals nominee. During the more than 6 years in which the Senate Republican majority scheduled confirmation hearings, there were 34 months with no hearing at all, 30 months with only one hearing and only 12 times in almost 6½ years did the Judiciary Committee hold as many as two hearings involving judicial nominations in a month. So even looking at this month in isolation, without acknowledging the difficulties we had to overcome, our productivity compares most favorably with the last 6 years. When William Riley, the nominee included in the hearing this week is confirmed as a Court of Appeals Judge for the Eighth Circuit, we will have exceeded the Committee's record in 5 of the last 6 years. Given these efforts and achievements, the Republican criticism rings hollow.

I also observe that the criticism that our multiple hearings are proceeding with one Court of Appeals nominee ignores that has been a standard practice by the committee for at least decades. Last year the Republican majority held only eight hearings all year and only five included even one Court of Appeals nominee. Of those five nominees only three were reported to the Senate all year. Nor was last year anomalous. With some exceptions, the standard has been to include a single Court of Appeals nominee at a hearing and, certainly, to average one Court of Appeals judge per hearing. In 1995, there were 12 hearings and 11 Court of Appeals judges were confirmed. In 1996 there were only six hearings all year, involving five Court of Appeals nominees and none were confirmed. In 1997 there were nine hearings involving nine Court of Appeals nominees and seven were confirmed. In 1998 there were 13 hearings involving 14 Court of Appeals nominees and a total of 13 were confirmed. In 1999, there were seven hearings involving a rehearing for one and nine additional Court of Appeals nominees and only seven Court of Appeals judges were confirmed. Thus, over the course of the last 6 years there have been a total of 55 hearings and only 46 Court of Appeals judges confirmed.

I have also respectfully suggested that the White House work with Senators to identify and send more District Court nominations to the Senate who are broadly supported and can help us fill judicial vacancies in our Federal trial courts. According to the Administrative Office of the U.S. Courts, almost two-thirds of the vacancies on the federal bench are in the District Courts, 75 of 108. But fewer than one-third of President Bush's nominees so far, nine out of 30, have been for District Court vacancies. The two who were consensus candidates and whose paperwork was complete have had their hearing earlier this month and were confirmed last Friday.

I did try to schedule District Court nominees for our hearing this week, but none of the files of the seven District Court nominees pending before the Committee was complete. Because of President Bush's unfortunate decision to exclude the American Bar Association from his selection process, the ABA is only able to begin its evaluation of candidates' qualifications after the nominations are made public. We are doing the best we can, and we hope to include District Court candidates at our next nominations hearing.

The Senators who spoke earlier this week also sought to make much of judicial emergency designations. What they fail to mention is that of the 23 District Court vacancies classified as judicial emergencies by the Administrative Office of the Courts, President Bush has not sent the Senate a single nominee 23 District Court emergency vacancies without a nominee. Almost one-third of judicial emergency vacancies on the Courts of Appeals, 6 of the 16 are without a nominee, as well. Of course, Judge Roger Gregory was confirmed for a judicial emergency vacancy on the Fourth Circuit, but Republican critics make no mention of that either.

What I find even more striking, as someone who worked so hard over the last several years to fill these vacancies, is that the Republican criticism fails to acknowledge that many of these emergency vacancies became emergency vacancies and were perpetuated as emergency vacancies by the Republican majority's refusal to act on President Clinton's nomination over the last 6 years. Indeed, the Republican Senate over the last several years refused to take action on no fewer than a dozen nominees to what are now emergency vacancies on the Courts of Appeals. I remind my colleagues of their failure to grant a hearing or Committee or Senate consideration to the following: Robert Cindrich to the Third Circuit; Judge James A. Beaty, Jr. and Judge James A. Wynn, Jr. to the Fourth Circuit; Jorge Rangel, Enrique Moreno and H. Alston Johnson to the Fifth Circuit; Judge Helene White, Kathleen McCree-Lewis and Kent Marcus to the Sixth Circuit; Bonnie Campbell to the Eighth Circuit; James Duffy and Barry Goode to the Ninth Circuit. Those were 12 Court of Appeals nominees to 10 vacancies who could have gone a long way toward reducing the level of judicial emergencies around the country.

So when others talk about the progress we are finally making in Senate consideration of judicial nominations, I hope that in the future they will recognize our accomplishments, understand our circumstances, and consider our record in historical context. I have yet to hear our Republican critics acknowledge any shortcomings among the practices they employed over the last 6 years. When they have done that and we have established a common basis of understanding and comparison, we will have taken a significant step forward. As it is, I must sadly observe that partisan carping is not constructive. It seems part of an unfortunate pattern of actions this week that are a conscious effort to increase the partisan rhetoric. I would rather we work together to get as much accomplished as we possibly can.

QUESTIONS FOR PARENTS

Mr. LEVIN. Madam President, according to a study by the Brady Center to Prevent Gun Violence, in 1998, there was a gun in more than four out of every ten households with children and a loaded gun in one in every ten households with kids. These numbers are frightening. While most parents think to ask where their kids are going, who they are going with and when they will be home, how many think to ask the parents of their children's friends whether they keep a gun in their home and whether they keep it locked?

Unfortunately, the Brady Center's study reports that more than 60 percent of parents have never even thought about asking other parents about gun accessibility. If we want to protect our children from gun violence, these are questions we probably need to start asking. After all, while in 1 year firearms killed no children in Japan, 19 in Great Britain and 153 in Canada, guns killed 5,285 children in the United States. Asking another parent whether they keep a gun in their home is tough. But the question could save a child's life.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in April of 1996 in Myrtle Beach, SC. A man was beaten by a group of men yelling "we're going to get you, faggot" and left for dead in a trash bin under the body of his friend who had his throat slashed by the men. The attack occurred outside a primarily heterosexual bar. As a result of the attack, the man lost his hearing in one ear, suffered broken ribs and required 47 stitches in his face.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

TRIBUTE TO SENATOR MOYNIHAN AND HIS LEGACY OF DEFENDING ZIONISM

Mrs. CLINTON. Madam President, I rise today to honor one of the extraordinary legacies of my predecessor, Senator Daniel Patrick Moynihan, who served in this body for 24 years representing the people of New York.

With some seeking to insert contentious language regarding Zionism into declarations emerging from the upcoming United Nations World Conference Against Racial Discrimination, Xenophobia, and Related Intolerance in Durban, South Africa, I am reminded of Senator Moynihan's courageous statesmanship, when he condemned the 1975 U.N. resolution 3379 which infamously declared "Zionism is a form of racism and racial discrimination."

We should never forget the historic battle my predecessor waged to defeat this outrageous effort to de-legitimize the state of Israel and defame the Jewish people. Over 25 years ago, Senator Moynihan boldly called this hate-filled language "criminal." It was criminal then and it's still criminal today.

On the day the resolution passed, Senator Moynihan declared, "the United States . . . will never acquiesce in this infamous act . . . A political lie of a variety well known to the twentieth century and scarcely exceeded in all the annals of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelming truth is that it is not."

From the moment he entered the Senate in January 1977, Senator Moynihan dedicated much of his energy to repealing this despicable attack on Israel and the Jewish people, delivering passionate speeches on the Senate floor. As chair of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs, Senator Moynihan introduced Joint Resolution 246, which called on the U.N. to repeal the 1975 resolution.

It took 17 long years to remove this stain from the United Nations' reputation. And as we begin this new century, nothing could be more damaging to the promise and integrity of the U.N. than to revive to this ignominious statement. In order to help prevent the U.N. from reviving one of the moments of its greatest shame, Senators SCHUMER, SMITH, LUGAR and I have written the following letter to Kofi Annan, the Secretary General of the United Nations, condemning any attempts to include inflammatory anti-Israel language into declarations associated with the World Conference Against Racism in Durban.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 27, 2001.

Hon. KOFI A. ANNAN,
Secretary General of the United Nations, The United Nations, New York, NY.

DEAR SECRETARY GENERAL ANNAN: We are writing to express our serious concern regarding recent efforts to insert contentious language into declarations emerging from the upcoming United Nations World Conference Against Racism in Durban, South Africa. Such language, such as "the racist practices of Zionism," undermines the goals of the conference to eradicate hatred and promote understanding. This meeting of the international community should not be a forum to encourage divisiveness, but a time to foster greater understanding between people of all races, creeds, and ethnicities.

As you know, on November 10, 1975, the United Nations General Assembly designated Zionism a form of racism. It took sixteen long years for the United Nations to acknowledge that this offensive language had no place at such an important world body. In March of 1998, you appropriately condemned this ugly formulation when you noted that the "lamentable resolution" equating Zionism with racism and racial discrimination was "the low-point" in Jewish-UN relations. Our former colleague Senator Daniel Patrick Moynihan called this designation by the United Nations "criminal."

Though this "Zionism equals racism" language was overwhelmingly rescinded in 1991 by the General Assembly, this issue is far from resolved. With the Palestinians and Israelis in the middle of a delicate cease-fire and after months of violence, we believe that gratuitously anti-Israel, anti-Jewish language at a UN forum will serve only to exacerbate existing tensions in the Middle East.

Mr. Secretary, we in Congress applaud your hard work in restoring the reputation of the UN. We urge you to continue your efforts by advocating to all nations of the world the importance of keeping inflammatory language out of this important conference. It is our hope that the Conference on Racism remains only as an opportunity to promote peace and reconciliation among all people, not one to target Israel or Jews. We share a deep common interest in seeing the conference stay focused and embody a sense of unity in the fight against racism. Thank you for your attention to this matter of great importance.

Sincerely,

CHARLES E. SCHUMER,
HILLARY RODHAM CLINTON,
GORDON SMITH,
RICHARD G. LUGAR,
United States Senate.

Mrs. CLINTON. In 1975, Senator Moynihan warned his colleagues at the U.N. and the rest of the world that: "As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here . . . with full knowledge of what indeed would be lost."

Senator Moynihan recognized then, as we do today, that this language only serves to fuel hatred and bigotry throughout the world and has no place in international discourse. I am honored to have followed Senator Moynihan in the Senate, and I pledge to continue his tradition of promoting the principles of decency and human dignity and opposing efforts to sow hatred and bigotry, especially when they are cloaked in the guise of diplomacy.

I ask unanimous consent that the attached statement be printed for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPEECH TO THE UNITED NATIONS GENERAL ASSEMBLY, BY U.S. AMBASSADOR TO THE U.N. DANIEL PATRICK MOYNIHAN, NOVEMBER 10, 1975

The United States rises to declare before the General Assembly of the United Nations, and before the world, that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

Not three weeks ago, the United States Representative in the Social, Humanitarian, and Cultural Committee pleaded in measured and fully considered terms for the United Nations not to do this thing. It was, he said, "obscene." It is something more today, for the furtiveness with which this obscenity first appeared among us has been replaced by a shameless openness.

There will be time enough to contemplate the harm this act will have done the United Nations. Historians will do that for us, and it is sufficient for the moment only to note the foreboding fact. A great evil has been loosed upon the world. The abomination of anti-semitism—as this year's Nobel Peace Laureate Andrei Sakharov observed in Moscow just a few days ago—the Abomination of anti-semitism has been given the appearance of international sanction. The General Assembly today grants symbolic amnesty—and more—to the murderers of the six million European Jews. Evil enough in itself, but more ominous by far is the realization that now presses upon us—the realization that if there were no General Assembly, this could never have happened.

As this day will live in infamy, it behooves those who sought to avert it to declare their thoughts so that historians will know that we fought here, that we were not small in number—not this time—and that while we lost, we fought with full knowledge of what indeed would be lost.

Nor should any historian of the event, nor yet any who have participated in it, suppose, that we have fought only as governments, as chancelleries, and on an issue well removed from the concerns of our respective peoples. Others will speak for their nations: I will speak for mine.

In all our postwar history there had not been another issue which has brought forth such unanimity of American opinion. The President of the United States has from the first been explicit: This must not happen. The Congress of the United States in a measure unanimously adopted in the Senate and sponsored by 436 of 437 Representatives in the House, declared its utter opposition. Following only American Jews themselves, the American trade union movements was first to the fore in denouncing this infamous undertaking. Next, one after another, the great private institutions of American life pronounced anathema in this evil thing—and most particularly, the Christian churches have done so. Reminded that the United Nations was born in struggle against just such abominations as we are committing today—the wartime alliance of the United Nations dates from 1942—the United Nations Association of the United States has for the first time in its history appealed directly to each of the 141 other delegations in New York not to do this unspeakable thing.

The proposition to be sanctioned by a resolution of the General Assembly of the United Nations is that "Zionism is a form of racism and racial discrimination." Now this is a lie. But as it is a lie which the United Nations has now declared to be a truth, the actual truth must be restated.

The very first point to be made is that the United Nations has declared Zionism to be racism—without ever having defined racism. "Sentence first—verdict afterwards," as the Queen of Hearts said. But this is not wonderland, but a real world, where there are real consequences to folly and to venality. Just on Friday, the President of the General Assembly, speaking on behalf of Luxembourg, warned not only of the trouble which would follow from the adoption of this resolution but of its essential irresponsibility—for, he noted, members have wholly different ideas as to what they are condemning. It seems to me that before a body like this takes a decision they should agree very clearly on what they are approving or condemning, and it takes more time."

Lest I be unclear, the United Nations has in fact on several occasions defined "racial discrimination." The definitions have been loose, but recognizable. It is "racism," incomparably the more serious charge—racial discrimination is a practice; racism is a doctrine—which has never been defined. Indeed, the term has only recently appeared in the United Nations General Assembly documents. The one occasion on which we know the meaning to have been discussed was the 1644th meeting of the Third Committee on December 16, 1968, in connection with the report of the Secretary-General on the status of the international convention on the elimination of all racial discrimination. On that occasion—to give some feeling for the intellectual precision with which the matter was being treated—the question arose, as to what should be the relative positioning of the terms "racism" and "Nazism" in a number of the "preambular paragraphs." The distinguished delegate from Tunisia argued that "racism" should go first because "Nazism was merely a form of racism." Not so, said the no less distinguished delegate from the Union Soviet Socialist Republics. For, he explained, "Nazism contained the main elements of racism within its ambit and should be mentioned first." This is to say that racism was merely a form of Nazism.

The discussion wound to its weary and inconclusive end, and we are left with nothing to guide us for even this one discussion of "racism" confined itself to world orders in preambular paragraphs, and did not at all touch on the meaning of the words as such. Still, one cannot but ponder the situation we have made for ourselves in the context of the Soviet statement on that not so distant occasion. If, as the distinguished delegate declared, racism is a form of Nazism—and if, as this resolution declares, Zionism is a form of racism—then we have step to step taken ourselves to the point of proclaiming—the United Nations is solemnly proclaiming—that Zionism is a form of Nazism.

What we have here is a lie—a political lie of a variety well known to the twentieth century, and scarcely exceeded in all that annal of untruth and outrage. The lie is that Zionism is a form of racism. The overwhelmingly clear truth is that is it not.

The word "racism" is a creation of the English language, and relatively new to it. It is not, for instance, to be found in the Oxford English Dictionary (appears in 1982 supplement to Oxford Dictionary). The term derives from relatively new doctrines—all of them discredited—concerning the human population of the world, to the effect that there are significant biological differences among clearly identifiable groups, and that these differences establish, in effect, different levels of humanity. Racism, as defined in Webster's Third New International Dictionary, is "The Assumption that . . . traits and capacities are determined by biological race and that races differ decisively from one another." It further involves "a belief in the inherent superiority of a particular race and its right to dominate over others."

This meaning is clear. It is equally clear that this assumption, this belief, has always been altogether alien to the political and religious movement known as Zionism. As a strictly political movement, Zionism was established only in 1897, although there is a clearly legitimate sense in which its origins are indeed ancient. For example, many branches of Christianity have always held that from the standpoint of biblical prophets, Israel would be reborn one day. But the modern Zionism movement arose in Europe in the context of a general upsurge of national consciousness and aspiration that overtook most other people of Central and Eastern Europe after 1848, and that in time spread to all of Africa and Asia. It was, to those persons of the Jewish religion, a Jewish form of what today is called a national liberation movement. Probably a majority of those persons who became active Zionism and sought to emigrate to Palestine were born within the confines of Czarist Russia, and it was only natural for Soviet Prime Minister Andrei Gromyko to deplore, as he did in 1948, in the 299th meeting of the Security Council, the act by Israel's neighbors of "sending troops into Palestine and carrying out military operations aimed"—in Mr. Gromyko's words—at the suppression of the national liberation movement in Palestine."

Now it was the singular nature—if, I am not mistaken, it was the unique nature—of this national liberation movement that in contrast with the movements that preceded it, those of that time, and those that have come since, it defined its members in terms not of birth, but of belief. That is to say, it was not a movement of the Irish to free Ireland, or of the Polish to free Poland, not a movement of the Algerians to free Algeria, nor of Indians to free India. It was not a movement of persons connected by historic membership to a genetic pool of the kind that enables us to speak loosely but not meaninglessly, say, of the Chinese people, nor yet of diverse groups occupying the same territory which enables us to speak if the American people with no greater indignity to truth. To the contrary, Zionists defined themselves merely as Jews, and declared to be Jewish anyone born of a Jewish mother or—and this is the absolutely crucial fact—anyone who converted to Judaism. Which is to say, in terms of International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the 20th General Assembly, anyone—regardless of "race, colour, descent, or nationally or ethnic origin . . ."

The state of Israel, which in time was the creation of the Zionist Movement, has been extraordinary in nothing so much as the range of "racial stocks" from which it Orient and Jew from the West. Most such persons could be said to have been "born" Jewish, just as most Presbyterians and most Hindus are "born" to their faith, but there are many Jews who are just converts. With a consistency in the matter which surely attests to the importance of this issue to that religions and political culture, Israeli courts have held that a Jew who converts to another religion is no longer a Jew. Inn the meantime the population of Israel also includes large numbers of non-Jews, among them Arabs of both the Muslim and Christian religions and Christians of other national origins. Many of these persons are citizens of Israel, and those who are not can become citizens by legal procedures very much like those which obtain in a typical nation of Western Europe.

Now I should wish to be understood that I am here making one point, and one point only, which is that whatever else Zionism may be, it is not and cannot be "a form of racism." In logic, the State of Israel could be, or could become, many things, theoretically, including many things undesirable, but it could not be and could not become racism unless it ceased to be Zionist.

Indeed, the idea that Jews are a "race" was invented not by Jews but by those who hated Jews. The idea of Jews as a race was invented by nineteenth century anti-semites such as Houston Steward Chamberlain and Edouard Drumont, who saw that in an increasingly secular age, which is to say an age made for fewer distinctions between people, the old religions grounds for anti-semitism were losing force. New justifications were needed for excluding and persecuting Jews, and so the new idea of Jews as a race—rather than as a religion—was born. It was a contemptible idea at the beginning, and no civilized person would be associated with it. To think that it is an idea now endorsed by the United Nations is to reflect on what civilization has come to.

It is precisely a concern for civilization, for civilized values that are or should be precious to all mankind, that arouses us at this moment to such special passion. What we have at stake here is not merely the honor and the legitimacy of the State of Israel—although a challenge to the legitimacy of any member nation ought always to arouse the vigilance of all members of the United Nations. For a yet more important matter is at issue, which is the integrity of the whole body of moral and legal precepts which we know as human rights.

The terrible lie that has been told here today will have terrible consequences. Not only will people begin to say, indeed they have already begun to say that the United Nations is a place where lies are told, but far more serious, grave and perhaps irreparable harm will be done to the cause of human rights itself. The harm will arise first because it will strip from racism the precise and abhorrent meaning that it still precariously holds today. How will the people of the world feel about racism and the need to struggle against it, when they are told that it is an idea as broad as to include the Jewish national liberation movement?

As the lie spreads, it will do harm in a second way. Many of the members of the United Nations owe their independence in no small part to the notion of human rights, as it has spread from the domestic sphere to the international sphere exercised its influence over the old colonial powers. We are now coming into a time when that independence is likely to be threatened again. There will be new forces, some of them arising now, new prophets and new despots, who will justify their actions with the help of just such distortions of words as we have sanctioned here today. Today we have drained the word "racism" of its meaning. Tomorrow, terms like "national self-determination" and "national honor" will be perverted in the same way to serve the purposes of conquest and exploitation. And when these claims begin to be made—as they already have begun to be made—it is the small nations of the world whose integrity will suffer. And how will the small nations of the world defend themselves, on what grounds will others be moved to defend and protect them, when the language of human rights, the only language by which the small can be defended, is no longer believed and no longer has a power of its own?

There is this danger, and then a final danger that is the most serious of all. Which is that the damage we now do to the idea of human rights and the language of human rights could well be irreversible.

The idea of human rights as we know it today is not an idea which has always existed in human affairs, it is an idea which appeared at a specific time in the world, and under very special circumstances. It appeared when European philosophers of the seventeenth century began to argue that man was a being whose existence was independent from that of the State, that he need join a political community only if he did not lose by that association more than he gained. From this very specific political philosophy stemmed the idea of political rights, of claims that the individual could justly make against the state; it was because the individual was seen as so separate from the State that he could make legitimate demands upon it.

That was the philosophy from which the idea of domestic and international rights sprang. But most of the world does not hold with that philosophy now. Most of the world believes in newer modes of political thought, in philosophies that do not accept the individual as distinct from and prior to the State, in philosophies that therefore do not provide any justification for the idea of human rights and philosophies that have no words by which to explain their value. If we destroy the words that were given to us by past centuries, we will not have words to replace them, for philosophy today has no such words.

But there are those of us who have not forsaken these older words, still so new to much of the world. Not forsaken them now, not here, not anywhere, not ever.

The United States of America declares that it does not acknowledge, it will not abide by, it will never acquiesce in this infamous act.

HONORING BENJAMIN VINCI

Mr. SCHUMER. Madam President, Senator CLINTON and I rise today to recognize and honor the service of Benjamin Vinci of Port Chester, New York—a true American hero.

In 1941, at the age of 21, Benjamin Vinci left home to serve in the U.S.

Army, and by December of that year, was stationed in Hawaii with the 97th Army Coast Artillery Guard. Like so many there on the morning of December 7, 1941, Benjamin Vinci was going about his daily business. He had just completed all night guard duty and was eating breakfast when the whole base erupted in smoke and fire as Japanese war plans attacked Pearl Harbor and the surrounding area.

As bombers strafed the mess tent, a 50-caliber bullet hit Private Vinci in the back. But ignoring his wound, Benjamin Vinci reached an anti-aircraft emplacement and began to fight back. He stepped down only when he was ordered to find an ambulance and tend to his wound.

Along the way, instead of seeking cover, Benjamin Vinci ran down to the beach and rescued a man who had been shot through the legs. Helping the other soldier into a motorboat, he navigated through a hail of bombs and ammunition to the other side of the bay where he finally boarded an ambulance. But on the way to the hospital at Hickham field, planes targeted the ambulance and Benjamin Vinci was wounded again—this time a 50-caliber bullet coming to rest near his heart.

Mrs. CLINTON. In the aftermath of the attack, doctors believed Private Vinci's wounds were fatal, but he persevered. He received the Purple Heart and eventually was transferred to a hospital in Colorado, where doctors were able to remove one of the two bullets that had almost taken his life, but not both. He continues to carry with him the second bullet, which has never been able to be removed.

Disabled from his wounds, Benjamin Vinci returned to Port Chester after being discharged from the Army and resumed life as a civilian. For many years, Mr. Vinci worked as a vacuum cleaner salesman in Westchester County. He married Rose Civitella in 1945, and together they raised four children: Peter, Burnadette, JoAnn, and Joseph.

We honor and thank Benjamin Vinci for his tremendous sacrifice, vital contribution, and gallant service to our Nation. His acts of bravery are an exceptional example of the fortitude, determination, and strength of the American spirit. As Mr. Vinci carries the burden of his wounds and the bullet he received on that December morning of infamy, so too must we carry the memory of his heroic deeds, remembering and honoring all the men and women of that great generation—those veterans of World War II who saved our Nation, and the world.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Thursday, July 26, 2001, the Federal debt stood at $5,736,556,518,776.52, five trillion, seven hundred thirty-six billion, five hundred fifty-six million, five hundred eighteen thousand, seven hundred seventy-six dollars and fifty-two cents.

One year ago, July 26, 2000, the Federal debt stood at $5,669,530,000,000, five trillion, six hundred sixty-nine billion, five hundred thirty million.

Five years ago, July 26, 1996, the Federal debt stood at $5,181,675,000,000, five trillion, one hundred eighty-one billion, six hundred seventy-five million.

Ten years ago, July 26, 1991, the Federal debt stood at $3,558,449,000,000, three trillion, five hundred fifty-eight billion, four hundred forty-nine million.

Twenty-five years ago, July 26, 1976, the Federal debt stood at $619,492,000,000, six hundred nineteen billion, four hundred ninety-two million, which reflects a debt increase of more than $5 trillion, $5,117,064,518,776.52, five trillion, one hundred seventeen billion, sixty-four million, five hundred eighteen thousand, seven hundred seventy-six dollars and fifty-two cents during the past 25 years.

ADDITIONAL STATEMENTS

CANAL STREET STREETCAR GROUNDBREAKING

• Ms. LANDRIEU. Mr. President, I wish to congratulate New Orleans on the groundbreaking of the extension of the historic Canal Street Streetcar, which will eventually connect mid-city to downtown.

This groundbreaking is truly cause for celebration. It is a product of vision and hard work. The streetcar project enriches the city by combining New Orleans tradition with 21st century innovation. The new, state-of-the-art streetcars will be child safe, air-conditioned and in full compliance with disability laws. Not only is the streetcar project important to businesses and residents of the city, but it is also important for the expansion of tourism. By providing free, safe, public transportation, the Canal Street Streetcar will alleviate traffic on Canal Street. And it will connect all who take advantage of its use to several points of pride in the city such as the New Orleans Museum of Art.

Mayor Morial and the city council, Chairman Tucker, and several members of Louisiana's congressional delegation and I have worked hard for many years to secure funding to make this project a reality. Most recently, we helped secure $23 million for the streetcar in a transportation measure. I congratulate the local leadership for helping to make this possible. All who support this project in Congress will continue to do our part so that one day in the not-too-distant future, the streetcar will be up and running. In fact, in Washington, I will honor this dedication with an entry in the Congressional Record. The Canal Street Streetcar is a symbol of our state's rich heritage and New Orleans's eclectic character. I am proud to be a part of its restoration.•

TRIBUTE TO KEN KASPRISIN

• Mr. CONRAD. Mr. President, today I publicly thank Colonel Ken Kasprisin, who will leave his post as District Engineer and Commander of the St. Paul District of the U.S. Army Corps of Engineers today, July 27. Colonel Kasprisin is one of the finest individuals I have worked with as a U.S. Senator representing North Dakota, and we will miss him after he leaves the Corps.

North Dakota and the Nation owe Colonel Kasprisin a deep debt of gratitude. He has served as Commander of the St. Paul District since July, 1998, and he has served admirably. During that period, he has helped lead our communities through several flood disasters including the chronic flood at Devils Lake, ND. Throughout it all, he has always gone above and beyond the call of duty.

Colonel Kasprisin is among the most capable leaders I have ever had the pleasure of working with. He is a true professional, and has a unique ability to walk into a difficult condition, assess the situation, and calmly, but decisively, take action. He listens carefully to people and has a leadership style that invites creative solutions to complex problems.

Colonel Kasprisin is also a man of tremendous integrity. He cares deeply about the people of this nation, and his commitment to doing the right thing is unmatched. He has often been willing to fight for the needs of common citizens, even if it meant leading an uphill fight and challenging others within the Corps.

I know that the Colonel leaves the St. Paul Corps a better organization due to his leadership. The Colonel set high standards for his team, and they delivered time and time again. Under the Colonel's leadership, we have begun the flood protection project for Grand Forks, successfully fought several spring floods throughout the Red River Valley, and have continued to provide protection to residents of Devils Lake from the rising lake water. I will not forget the incredible contributions Colonel Kasprisin has made to the people of my State and the country.

But Colonel Kasprisin's departure from the Corps does not mean he is departing from public life. FEMA Director Allbaugh has tapped him to be the new FEMA Regional Director for the Pacific Northwest Region headquartered in Seattle. The Colonel's leadership will be a valuable addition to the FEMA team, and I believe Director Allbaugh made a great choice for that important position. Colonel Kasprisin will continue to make a difference in people's lives in that position and I am pleased that he has agreed to continue his public service.

I want to again express my deep appreciation and respect for Colonel Kasprisin for his service to my state and to our nation. We in North Dakota will miss you, Colonel, but wish you all the best in your new career.●

RETIREMENT OF MR. PAUL JOHNSON

● Mr. LEVIN. Mr. President, I rise today to pay tribute to a dedicated and distinguished public servant. Paul W. Johnson, the Deputy Assistant Secretary of the Army for Installations and Housing, is retiring at the end of this month after over 50 years of government service.

Paul Johnson began his career with the Federal Government serving on active duty with the Corps of Engineers beginning in 1949, and served as an engineer with the Army and the Air Force until he arrived at the Pentagon in 1962.

During his nearly forty years there, Paul Johnson became an institution in the Army and in the Pentagon. Since 1983, Paul has been the senior career official in the Army responsible for military construction, family housing, base realignment and closure, real property management and disposal, and real property maintenance issues for the active duty Army; the Army National Guard; and the Army Reserve. In this capacity, Paul is responsible for the management of over $200 billion in assets.

For decades, whenever there has been an Army installation or property issue where the Congress needed information or help, we called "PJ", because we knew we could rely on his leadership and sound judgment. And PJ did not hesitate to reciprocate and let us know when the Army needed help from the Congress to solve a problem. When you were talking to PJ, there was never any doubt that he was working to do what was best for the Army.

We will miss him, and the Army will miss him even more. I am sure all members of the Senate who have worked with Paul over the years, especially my colleagues on the Armed Services and Appropriations Committees, will join me in congratulating him on his astonishing record of over half a century of public service and wish him and his family all the best as he begins a well-deserved retirement.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3095. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of President of the Government National Mortgage Association, received on July 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3096. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–3097. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, the Air Force Structure Announcement for Fiscal Year 2002; to the Committee on Armed Services.

EC–3098. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Protection and Assistance for Victims of Trafficking" (RIN1115–AG20) received on July 25, 2001; to the Committee on the Judiciary.

EC–3099. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "End of the Service Members Occupational Conversion and Training Program" (RIN2900–AK45) received on July 26, 2001; to the Committee on Veterans' Affairs.

EC–3100. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Navajo Abandoned Mine Land Reclamation Plan" (NA–004–FOR) received on July 26, 2001; to the Committee on Energy and Natural Resources.

EC–3101. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diazinon, Parathion, O , O-Diethyl S-[2-(ethylthio)ethyl] Phosphorodithioate (Disulfoton), Ethoprop, and Carbaryl; Tolerance Revocations" (FRL6787–8) received on July 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3102. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lysophosphatidylethanolamine (LPE); Temporary Exemption From the Requirement of a Tolerance" (FRL6788–6) received on July 24, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3103. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Management Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–3104. A communication from the Acting Director of the Retirement and Insurance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Law Enforcement and Firefighter Retirement" (RIN3206–AJ39) received on July 26, 2001; to the Committee on Governmental Affairs.

EC–3105. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Governmental Affairs.

EC–3106. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report on the progress made in providing International Development Association grant assistance to Heavily Indebted Poor Countries; to the Committee on Foreign Relations.

EC–3107. A communication from the Chief Counsel of the Foreign Claims Settlement Commission, Department of Justice, transmitting, pursuant to law, the Annual Report for 2000; to the Committee on Foreign Relations.

EC–3108. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–3109. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–3110. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Estate Tax Return; Form 706, Extension to File" (RIN1545–AX98) received on July 24, 2001; to the Committee on Finance.

EC–3111. A communication from the Regulations Coordinator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Update to the Prospective Payment System for Home Health Agencies for Fiscal Year 2002" (RIN0938–AK51) received on July 26, 2001; to the Committee on Finance.

EC–3112. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Basis Shifting Tax Shelter" (Notice 2001–45, 2001–33) received on July 26, 2001; to the Committee on Finance.

EC–3113. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prevailing Commissioners' Standard Tables of Mortality and Morbidity" (Rev. Rul. 2001–38) received on July 26, 2001; to the Committee on Finance.

EC–3114. A communication from the Assistant Secretary of the Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Harmonization of Definitions of Terms in the Export Administration Regulations" (RIN0694–AC03) received on July 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–3115. A communication from the Acting Under Secretary for Domestic Finance, Department of the Treasury, transmitting, pursuant to law, the annual report on the Resolution Funding Corporation for the calendar year 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–3116. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Attainment for PM–10; Lakeview, Oregon, PM–10 Nonattainment" (FRL7018–5) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3117. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Attainment for PM–10; Oakridge, Oregon" (FRL7018–6) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3118. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Preliminary Assessment Information Reporting; Addition of Certain Chemicals" (FRL6783–6) received on July 24, 2001; to the Committee on Environment and Public Works.

EC–3119. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Type of Contracts" (FRL7020–5) received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3120. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Pharmaceuticals Production" (FRL7020–3) received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3121. A communication from the Director of the Office of Congressional Affairs, Office of State and Tribal Programs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Handbook on Nuclear Material Event Reporting in the Agreement States" received on July 25, 2001; to the Committee on Environment and Public Works.

EC–3122. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–3123. A communication from the Chief of the Division of Endangered Species, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions to Fishing Activities" (RIN0648–AP20) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3124. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery; Trip Limit Adjustments" received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3125. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 13" (RIN0648–AO41) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3126. A communication from the Acting Administrator for Fisheries, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 14" (RIN0648–AL51) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3127. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Large Coastal, Pelagic, and Small Coastal Shark Species; Fishing Season Notification" (ID061101A) received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3128. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Ocean Perch Fishery in the Central Regulatory Area, Gulf of Alaska" received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3129. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Central Regulatory Area of the Gulf of Alaska" received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3130. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Northern Rockfish Fishery in the Western Regulatory Area, Gulf of Alaska" received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3131. A communication from the Acting Director of the Office of the Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Aleutian District of the Bering Sea and Aleutian Islands" received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3132. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period" received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3133. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish by Vessels Using Trawl Gear in the Central Regulatory Area of the Gulf of Alaska" received on July 26, 2001; to the Committee on Commerce, Science, and Transportation.

EC–3134. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Extension of the Emergency Interim Rule That Implements 2001 Steller Sea Lion Protection Measures and the 2001 Harvest Specifications (implements Steller sea lion protection measures for the remainder of 2001)"; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lien on the table as indicates:

POM–157. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the federal Weatherization Assistance Program for Low-Income Persons and the Low-Income House Energy Assistance program; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 140

Whereas, the areas served by electric and gas utilities in Louisiana and throughout the South have poverty levels that are higher than the national average, with many customers being unable to afford utility service without sacrificing other necessities such as medicine and food; and

Whereas, disconnection of electric and gas service presents health and safety risks, particularly for the elderly, disabled, and small children residing in the substandard, poorly insulated, energy-inefficient housing that is prevalent in this region; and

Whereas, the federally funded WAP and LIHEAP are the nation's largest, most comprehensive effective residential energy efficiency and bill payment assistance programs, serving as a vital safety net during periods of escalating and volatile energy prices; and

Whereas, the state agencies and community-based organizations that administer WAP and LIHEAP and distribute the funds on behalf of those eligible and in need have demonstrated their capability to accomplish both energy efficiency services and bill payment assistance when these programs are adequately funded and assured of continued existence for a reasonable number of years; and

Whereas, the Fiscal Year 2002 Bush Administration proposed budget call for continuing LIHEAP funding at the same, inadequate levels as was provided during the past year, $1.4 billion nationally, an amount that was recently recognized as vastly insufficient by the United States Senate; and

Whereas, it is a matter of utmost importance and urgency to persuade both houses of the Congress of the United States to take swift and bold action to increase and release to the states the funding for WAP and LIHEAP: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to act at once to provide for advanced and increased funding of the Weatherization Assistance program for Low-Income Persons and he Low-Income Home Energy Assistance Program, so as to enable the programs to engage in planning their work more efficiently and engaging and retaining qualified employees. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–158. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the sale of crawfish and catfish imported from Asia and Spain; to the Committee on Commerce, Science, and Transportation.

HOUSE CONCURRENT RESOLUTION NO. 143

Whereas, Louisiana's crawfish and catfish industries are vital to the well-being of this state and its citizens; and

Whereas, these industries are facing a serious economic crisis due to the availability of inexpensive crawfish and catfish imported from Asia and Spain; and

Whereas, crawfish from China began appearing in the United States market in the early 1990s; however, they had no significant impact at the time because the amount of available Chinese crawfish was not enough to seriously affect the supply and demand associated with Louisiana's crawfish industry; and

Whereas, in 1993 and 1994 there was a substantial increase in the amount of Chinese crawfish, which harmed Louisiana industry, and crawfish are produced in China at a lower cost than is possible in Louisiana which allows their sale at prices with which Louisiana producers cannot compete; and

Whereas, Louisiana is also experiencing a similar problem with crawfish arriving from Spain being offered for sale at a low price; and

Whereas, since Louisiana crawfish farmers cannot compete with those in China and Spain, the crawfish plants are in danger of closing, which is devastating to Louisiana because it is difficult to re-open the plants because the crawfish peelers have sought other employment, and it is virtually impossible to replace that labor component of the Louisiana crawfish industry; and

Whereas, in response to the problem, the Federal Trade Commission recently imposed a duty on Chinese crawfish, which has allowed Louisiana fishermen and suppliers to compete with Chinese fishermen and suppliers; and

Whereas, nevertheless, crawfish suppliers are presently circumventing the duty and are still providing crawfish at a much lower price, so the threat to the Louisiana industry continues; and

Whereas, the Catfish industry in Louisiana is experiencing similar problems caused by imported Catfish from Vietnam and Spain; and

Whereas, between 1993 and 1999, the amount of Catfish exported from Vietnam increased from sixteen thousand five hundred tons to twenty-four thousand tons, and capital investments in Catfish production in the Mekong Delta have continued to grow dramatically: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to assist the Federal Trade Commission in preventing the sale of crawfish and catfish imported from Asia and Spain at prices with which Louisiana producers cannot compete. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–159. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to the federal-aid highway program; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 152

Whereas, legislation is pending introduction in congress to allow states to opt out of the federal-aid highway program; and

Whereas, those states opting out would be required to replace the federal gasoline tax with a state gasoline tax; and

Whereas, five states have laws in effect which would automatically increase the state gasoline tax should the federal gasoline tax be reduced; and

Whereas, if Louisiana were authorized to levy the gasoline tax, it could control more of the revenues and would be less subject to certain efforts by the federal government to control state policy: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to adopt legislation authorizing states to opt out of the federal-aid highway program. Be it further,

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–160. A concurrent resolution adopted by the House of the Legislature of the State of Louisiana relative to Section 527 of the Internal Revenue Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 188

Whereas, Congress passed the Full and Fair Political Disclosure Act and the President signed it into law (Public Law 106–230) to require public disclosure of political activities of organizations that usually do not disclose their expenditures or contributions; and

Whereas, Rep. David Vitter has introduced H.R. 527 (also known as the Vitter Bill) to correct and clarify P.L. 106–230 by reducing duplicative and burdensome federal reporting and disclosure requirements placed on state and local political candidates, their campaign committees, and state political parties; and

Whereas, H.R. 527 relieves individuals and groups from filing pursuant to Section 527 of the Internal Revenue Code if their sole intention is to influence the election of state and local public officers or officers in a state or local political organization and if the state and local contribution and expenditure reporting requirements relating to selections, nominations, elections, and appointments to such offices provide that the reports are publicly available; and

Whereas, H.R. 527 would not exempt any political committee from the requirements if it spent even one dollar on a federal election, including congressional races, or failed to abide by state and local contribution and expenditure reporting requirements; and

Whereas, H.R. 527 exempts state and local political committees because the law is geared toward the federal election cycle which usually does not conform to state and local reporting requirements; and

Whereas, H.R. 527 establishes an exemption for state and local political committees similar to the exemption for federal political organizations that report to the Federal Elections Commission; and

Whereas, H.R. 527 intends to leave intact the intent of P.L. 160–230 as a response to stealth political action committees that were able to raise and spend unlimited amounts of money for political advocacy without having to disclose the sources and amounts of donations, all while enjoying tax-exempt status: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support House Resolution 527 making changes to Section 527 of the Internal Revenue Code to exempt certain state and local political committees which are required to report contributions and expenditures pursuant to local or state law. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–161. A concurrent resolution adopted by the House of the State of Louisiana relative to the Bayou Lafourche restoration and diversion project from the Mississippi River; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 198

Whereas, until 1904, Bayou Lafourche carried about fifteen percent of the flow of the Mississippi River and provided vital nourishment for thousands of acres of coastal swamps and marshes throughout the Barataria and Terrebonne Basins; and

Whereas, after the bayou was sealed off from the Mississippi River in 1904 to prevent flooding, these marshes began to deteriorate and salt water began to encroach inland; and

Whereas, diverting river water into our coastal basins is the best tool we have to create a sustainable coast; and

Whereas, Bayou Lafourche provides the sole source of drinking water for about two hundred thousand citizens of Louisiana; and

Whereas, during the drought year of 2000, Bayou Lafourche became contaminated by salt water as far north as the Lockport water treatment plant, making the water hazardous to drink; and

Whereas, since 1996, the Breaux Act program has been investigating the feasibility of a project that would restore Bayou Lafourche by removing sediment that currently clogs the channel and by introducing about one thousand cubic feet per second of river water into Bayou Lafourche at Donaldsonville on a continuous basis, without flood risk to local residents; and

Whereas, the project has been proposed as a means of nourishing eight-six thousand acres of coastal marshes by reintroducing river water into a vast area that has been cut off from the river by levees; and

Whereas, the final design of the project should accommodate the reasonable concerns of landowners regarding erosion and property damage; and

Whereas, this one thousand cubic feet per second diversion project would also prevent the future saltwater contamination of municipal and industrial freshwater intakes; and

Whereas, this project would provide critical benefits to a large area of coastal marshes, it would restore the current sluggish, choked bayou to a flowing, healthy ecosystem, and it would provide a continuous supply of high quality fresh water for municipal and industrial needs into the future: Therefore, be it

Resolved, That the Louisiana Legislature does hereby memorialize the United States Congress to support, with funding, the expeditious implementation of the proposed Bayou Lafourche restoration and diversion project from the Mississippi River. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–162. A concurrent resolution adopted by the House of Legislature of the State of Louisiana relative to the pending charter boat moratorium in the Gulf of Mexico; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 114

Whereas, the charter fishing industry in Louisiana is in its infancy but has begun a period of healthy growth which can only be beneficial to the state's overall economic development and the capture of tourist dollars; and

Whereas, the Gulf States Fishery Management Council voted this spring to send to the National Marine Fisheries Service a recommendation for a three-year moratorium on the issuance of new charter vessel permits for reef and coastal migratory pelagic fishing; and

Whereas, the genesis of the recommended moratorium was concerned about the area of the Gulf of Mexico near Florida where the charter industry is much more mature, much more widespread, and has created a situation where there are too many boats with too many fishermen competing for too few fish; and

Whereas, the charter industry in Louisiana exists in a significantly different environment, one where there is not an overabundance of permitted charter boat captains and where there is an abundance of habitat and fish which should result in a productive charter industry; and

Whereas, a productive and expanding charter industry would be of great benefit to the economic health of the state, a benefit that would be denied the state of Louisiana if the moratorium were adopted and new charter captains would not be eligible for permitting: Therefore, be it,

Resolved, That the Louisiana House of Representatives does hereby memorialize the Louisiana congressional delegation and the United States Congress to express its desire to the National Marine Fisheries Service that the pending charter boat moratorium in the Gulf of Mexico not be implemented. Be it further,

Resolved, That if a moratorium is considered by the National Marine Fisheries Service, that the moratorium be limited to the eastern Gulf of Mexico with an authorization for continued expansion of the industry in the western Gulf of Mexico where there are no issues of overcrowding. Be it further,

Resolved, That a copy of this Resolution be forwarded to each member of the Louisiana congressional delegation and to the presiding officers of the United States House of Representatives and the United States Senate.

POM–163. A resolution adopted by the House of the Legislature of the State of Louisiana relative to international child slavery; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 128

Whereas, it is with great moral indignation and deepest concern that the Legislature of Louisiana learns of the continued use internationally of such an unspeakable practice as child slavery; and

Whereas, despite current efforts to end the practice of trafficking in child slaves, the trade remains a serious problem, particularly in West and Central Africa where this most disturbing practice has been on the rise; and

Whereas, currently thousands of children as young as six years of age are trafficked across borders into slavery to work long hours in harsh conditions as domestic servants, as farm and plantation laborers, and as sellers in markets; and

Whereas, while parents living in some of the poorest countries on the planet are on occasion wiling to sell their children for as little as fourteen dollars, often in the belief that their children will receive education and prosperous employment, the vast majority of these children become slaves usually laboring on coffee and cocoa plantations; and

Whereas, during long-distance transportation over land and sea, these children face arduous and sometimes fatal journeys riddled with hardships such as ships that lack sufficient supplies of food and fresh drinking water; and

Whereas, through a 1998–1999 research and interview project funded by the United Kingdom National Lottery Charities Board, Enfants Solidaires d' Afrique et du Monde, a nongovernmental organization in Benin, found that child slaves transported across the border between Benin and Gabon were subjected to fourteen- to eighteen-hour work days, heavy work, and oftentimes sexual abuse including rape and forced prostitution; and

Whereas, interviews by American media reporters in Sudan have revealed a similar pattern of torments, including forced marches, sexual abuse and mutilation, and violent beatings among slaves; and

Whereas, many destination countries of child slave trafficking have failed to take the necessary steps to end the exploitation of children in slavery or other abusive labor; and

Whereas, diplomatic collaboration between nongovernmental organizations and all national governments is important for developing long-term strategies for eliminating trafficking of child slaves and rehabilitating children who have suffered from this practice; and

Whereas, national governments, and particularly the United States government, should ratify and encourage implementation of key measures protecting children, such as the United Nations Convention on the Rights of the Child, to ensure that children are protected against slavery, should work to ensure that the United Nations International Convention Against Transnational Organized Crime includes a protocol to prevent, suppress, and punish the practice of trafficking in slaves, and should urge the United Nations to adopt a specific year as the International Year Against Trafficking in Human Beings to focus attention on the issue; and

Whereas, governments may curb the practice of child slavery internationally via economic tactics, such as embargoes on products and countries that use child slavery and urging action on the part of industries to purchase directly from plantations where they can ensure that growers implement core international labor standards, particularly those banning forced labor and illegal child labor, and by collaborating with other countries to ensure that international labor standards regarding slavery are enforced throughout such countries; and

Whereas, having repealed the terrible and horrific practice of slavery within our own borders with the Emancipation Proclamation and the thirteenth amendment to our constitution, the United States unequivocally opposes slavery in all forms and universally endorses the freedom and dignity of every human being; and

Whereas, in the true and compassionate knowledge that every child deserves the opportunity to live the life of a child without subjection to the burdens of injustice, child slavery can only be deemed insufferable and repugnant: Therefore, be it

Resolved, That the House of Representatives of the Legislature of Louisiana does hereby urge and request the United States Congress and the President of the United States to institute and enforce legislation and diplomatic action toward the eradication of child slavery internationally. Be it further

Resolved, That copies of this Resolution be transmitted to the presiding officers of both houses of the United States Congress, to the members of the Louisiana delegation to the United States Congress, and to President George W. Bush.

POM–164. A resolution adopted by the House of the Legislature of the State of Louisiana relative to the OCS oil and gas lease sales in the Gulf of Mexico; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 149

Whereas, it has been almost four years since the environmental impact statement was prepared for the Oil and Gas Lease Sales 169, 172, 175, 178, and 182 in the Gulf of Mexico; and

Whereas, as a result of public testimony in response to that EIS, there was recognition of the significant impact which will be felt relative to the infrastructure in offshore activity focal points such as Port Fourchon and LA Highway 1 through Lafourche Parish; and

Whereas, at the present time, forty of the forty-five deep water rigs working in the Gulf of Mexico are being serviced through Port Fourchon as are many of the rigs located on the OCS, with the accompanying increase in land traffic and inland waterway traffic, all primarily through Lafourche Parish; and

Whereas, efforts have so far failed to develop plans to mitigate these present and well-documented impacts while efforts to increase the number of leases in the gulf continue with no apparent effort to provide mitigation for current or increased impacts: Therefore, be it

Resolved, That the House of Representatives of the Louisiana Legislature does hereby memorialize the U.S. Congress to direct the Mineral Management Service to develop a plan for impact mitigation relative to the OCS oil and gas lease sales in the Gulf of Mexico. Be it further

Resolved, That a copy of this Resolution be forwarded to the presiding officer of each house of the U.S. Congress, to each member of the Louisiana congressional delegation, and to the director of the Minerals Management Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 127: A bill to give American companies, American workers, and American ports the opportunity to compete in the United States cruise market (Rept. No. 107–47).

H.R. 1098: A bill to improve the recording and discharging of maritime liens and expand the American Merchant Marine Memorial Wall of Honor, and for other purposes (Rept. No. 107–48).

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S.J. Res. 16: A joint resolution approving the extension of nondiscriminatory treatment to the products of the Socialist Republic of Vietnam. (Rept. No. 107–49).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations.

*Sue McCort Cobb, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Nominee: Sue McCourt Cobb.

Post: Ambassador to Jamaica.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, date and no., name, and amount:

1. Self:

Federal—Political

5/14/1996, 168—Senator Bob Dole for President (Compliance Fund)	$1,000.00
10/31/1996—Friends of Bob Graham	1,000.00
02/03/1997, 223—Friends of Connie Mack	500.00
03/26/1997, CEC—Campaign for New American Century	1,250.00
09/23/1997, 230—Friends of Bob Graham	500.00
11/24/1997, 231—Friends of Bob Graham	500.00
03/04/1998, 234—Friends of Connie Mack	500.00
03/11/1999, CEC4012—Gov. George W. Bush Expl. Comm	1,000.00
04/12/1999, 4570—Friends of Connie Mack (Contribution refund)	−1,000.00
03/22/2000, 522—Tom Gallagher Campaign (Contribution)	1,000.00
04/25/2000, 523—Presidential Trust (Contribution)	10,000.00
04/28/2000, AMEX—Republican National State Elections Committee	40,000.00
06/27/2000, 4030—Tom Gallagher Campaign (Contribution refund)	−500.00
07/17/2000, Allocation—Republican National State Elections Committee	−875.00
07/17/2000, Allocation—Republican National State Elections Committee	875.00
08/10/2000, 530—McCollum for US Senate (Contribution)	500.00
09/08/2000, 532—McCollum for US Senate (Contribution)	1,000.00
12/26/2000—Bush-Cheney 2000 Presidential Transition Foundation	5,000.00
Total Political (Contribution)	62,250.00

2. Spouse, Charles E. Cobb, Jr.:

FEDERAL—5081001—IN KIND CONTRIBUTIONS

08/24/2000, 0972—Mac Parking, Inc. (Valet Parking Service 8/24—Bush Event)	$1,100.00
08/28/2000, 4832—Bill's Catering (Catering Services Bush Event)	31,406.00
Total 5081001 in Kind Contributions	32,506.00

FEDERAL—5081001—POLITICAL CONTRIBUTION—CASH PAID

04/02/1996—Republican Ntl Committee (1996 Team 100)	55,000.00
05/03/1996—Republican Party of Kentucky	500.00
05/03/1996—Sutton for Congress	500.00
05/06/1996—Helms Campaign Committee	1,000.00
05/14/1996—Senator Bob Dole for (Compliance Fund)	1,000.00
06/14/1996—Weld for Senate	1,000.00
07/01/1996—Republican National State Elections Committee	3,100.00
08/05/1996—David Funderburk (8/5 reception)	250.00
08/06/1996—People for Lightfoot, Inc. (reception 8/8/96)	500.00
08/27/1996—Jack Kemp for	1,000.00
09/19/1996—Ilena Ros-Lehtinen (Buffet 9/20/96)	200.00
09/30/1996—Bill McCollum for Congress	1,000.00
10/10/1996—Republican Party (Senator McConnell) (Item not reflected in FEC Receipts and Expenditures)	500.00
11/01/1996—Republican Fund	1,000.00
03/14/1997—Republican Ntl Committee (Team 100)	10,000.00
03/14/1997—Republican Fund ($1,250 of $2,500 SMC)	1,250.00
03/26/1997—Campaign for a New American Century	1,250.00
04/02/1997—Ilena Ros-Lethinen (Item not reflected in FEC Receipts and Expenditures)	400.00
06/11/1997—Clay Shaw, Campaign Fund (Contribution)	500.00
11/20/1997—Friends of Don Nickles of Senate	500.00
01/05/1998—Bush-Quayle '92 (92 Compliance debt)	1,000.00
12/29/1997—Bill McCollum for Congress	1,000.00
04/14/1998, 3474—Republican National State Elections Committee (98 Team 100 Contribution)	10,000.00
05/19/1998, 20071—Campaign for a New American Century (1998 Contribution)	2,000.00
05/19/1998, Re-election—Friends of Mark Foley (Re-Election Campaign)	1,000.00
09/16/1998, 3716—Campbell for Senate Victory Fund (Campaign Contribution)	250.00
10/13/1998, Donation—SNOWPAC (Snowpac Contribution)	500.00
01/29/1999, 02699—Friends of Mark Foley (Re-Election Campaign)	500.00
02/25/1999, 3999—Senator Bill Frist Re-Election Campaign (Donation to re-election campaign)	500.00
03/11/1999, 4012—Gov. G.W. Bush President Expl. Comm. ($1,000 of $2,000 SMC)	1,000.00
03/18/1999, Donation—Hagel for Nebraska (Re-election campaign)	500.00
04/16/1999, 4079—Republican National State Elections Comm. (99 Team 100 Contribution)	10,000.00
05/21/1999, Re-election—Gordon Smith for U.S. Senate (Re-election campaign)	1,000.00
09/07/1999, 1999—Florida Victory Committee (1999 Contribution)	5,000.00
12/20/1999, 4470—1999 State Victory Fund Committee	12,000.00
12/30/1999, Alloc % of contribution JT FR	−8,960.00
12/30/1999—New Jersey Republican State Committee	612.00
12/30/1999—Republican Federal Committee of Pennsylvania	951.00
12/30/1999—California State Republican Party	2,201.00
12/30/1999—Illinois Republican Party	899.00
12/30/1999—New York Republican Federal Campaign Comm.	1,342.00
12/30/1999—Ohio State Republican Party	859.00
12/30/1999—Republican Party of Kentucky	325.00
12/30/1999—Republican Party of Virginia	534.00
12/30/1999—Washington State Republican Party	456.00
12/30/1999—Republican Party of Iowa	286.00
12/30/1999—Massachusetts Republican Party State Congressional Committee	495.00
03/30/2000, 4628—Tom Gallagher for US Senate (Campaign Contribution)	1,000.00
04/25/2000, 4660—Presidential Trust (Contribution)	10,000.00
04/28/2000, CPL Amex—Republican National State Elections Committee	40,000.00
06/09/2000, CPL052500—Abraham for Senate 2000	500.00
07/17/2000, Allocation—Republican National State Elections Committee	−875.00
07/17/2000—Republican National State Elections Committee	875.00
07/27/2000, 4776—McCollum for US Senate (Contribution)	2,000.00
08/24/2000, 4831—Friends of Dick Lugar (Contribution)	500.00
09/12/2000, 4854—Tom Gallagher for US Senate (Campaign Contribution)	500.00
11/08/2000, 4942—Bush-Cheney Recount Fund (Contribution) (Item not reflected in FEC Receipts and Expenditures)	5,000.00
12/26/2000—Bush-Cheney 2000 Presidential Transition Foundation	5,000.00
Total 508100—Political Contribution—Cash paid	191,200.00
Total 508100—Political Contribution—In kind and cash paid	223,706.00

COBB PARTNERS, LIMITED

FEDERAL

3/14/97—Republican Ntl. Committee (Team 100)	15,000.00
04/14/1998 4901—Republican National State Election Commit (98 Team 100 Contribution)	15,000.00
04/16/1999 5440—Republican National State Election Commit (99 Team 100 Contribution)	15,000.00
01/08/2001 6334—Presidential Inaugural Committee (Presidential Inaugural)	20,000.00
Total 7126000—Political Contributions	65,000.00

COBB PARTNERS, INC.

FEDERAL

5/16/1996—Republican National (Team 100–1996)	25,000.00

3. Children and Spouses: Christian McCourt Cobb, none; Kolleen Pasternarck Cobb, none; Tobin Templeton Cobb, none; and Luisa Salazar Cobb, none.

4. Parents (deceased).

5. Grandparents (deceased).

6. Brothers and Spouses: Peter Edmond McCourt, $1,400; Suzanne M. McCourt, none.

7. Sisters and Spouses: John D. Veatch, none; and Patricia Cobb Veatch, none.

*Mercer Reynolds, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein.

Nominee: Mercer Reynolds.

Post: Ambassador to Switzerland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions; date, donee, and amount:

1. Self:

8/99—Bush Exploratory Committee	1,000.00
12/22/99—1999 State Victory Fund	25,000.00
7/11/00—RNC Pres Trust	15,000.00
7/11/00—RNSEC Vic 2000	155,000.00
11/13/00—Bush-Cheney Recount Fund	5,000.00
5/30/97—Campaign America	250.00
12/1/00—Bush/Cheney Presidential Transition	10,000.00
1/6/98—Chabot for Congress	500.00
6/1/98	250.00
8/28/98	500.00
10/14/98	250.00
9/27/99	1,000.00
6/29/00	1,000.00
6/30/99—DeWine for U.S. Senate	1,500.00
2/23/00—Friends of Giuliani	500.00
7/26/00—Lazio 2000	500.00
8/30/99—McConnell for Senate	500.00
2/10/00—Portman for Congress	750.00
5/24/00	250.00
12/9/97	750.00
1/13/97—Republican Finance Committee	2,000.00
6/14/00—Voinovich for Senate	1,000.00
3/14/97	1,000.00

2. Spouse:

5/15/99—Bush	1,000.00
12/22/99—1999 State Victory Fund	25,000.00
2/10/00—Portman for Congress	750.00
5/24/00	250.00
12/9/97	750.00
7/12/00—RNC Pres Trust	20,000.00
6/14//00—Voinovich for Senate	1,000.00
7/14/97	1,000.00

3. Children and Spouses:

KATHRINE R. MCMILLAN

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—Georgia Victory 2000	10,000.00
6/28/00—RNC Pres. Trust	5,000.00

R. ANDREW MCMILLAN (None)

JAMES MERCER REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—RNC Pres. Trust	15,000.00

TIMOTHY LINCOLN REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—RNC Pres. Trust	15,000.00

JAMES DAVISON REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00
6/28/00—RNC Pres. Trust	15,000.00

GABRIELLE M. REYNOLDS

4/13/99—Bush Exploratory Committee	1,000.00
12/20/99—1999 State Victory Fund	10,000.00

4. Parents:

ANNA M. REYNOLDS

7/99—Bush Exploratory Committee	1,000.00

5. Grandparents (deceased).

6. Brothers and Spouses:

CHARLES E. REYNOLDS

4/20/99—Bush Exploratory Committee	1,000.00
8/22/00—Ohio Victory	5,000.00
8/22/00—RNC Pres. Trust	15,000.00

LESLIE REYNOLDS

4/20/99—Bush Exploratory Committee	1,000.00

7. Sisters and Spouses: Anna R. Hunter, none; and Rick Hunter, none.

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*Russell F. Freeman, of North Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize.

Nominee: Russell F. Freeman.

Post: Ambassador to Belize.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, date, donee, and amount:

1. Self:

3/15/99—Bush Exploratory Committee	$1,000
10/4/99—Dorso for Congress Campaign	500
11/16/99—Bush for President GELAC	1,000
5/24/00—Sand for Senate	250
8/7/00—RNC Presidential Trust	1,000
11/1/00—Sand for Senate	200

2. Spouse, Sarah (Susan) Freeman

3/15/99—Bush Exploratory Committee	1,000

3. Children and spouses: Russell G. Freeman (son)

3/15/99—Bush Exploratory Committee	1,000

Angie Freeman (daughter-in-law

3/15/99—Bush Exploratory Committee	1,000

Sarah F. Lebens (daughter)

3/15/99—Bush Exploratory Committee	1,000

Michael Lebens (son-in-law)

3/15/99—Bush Exploratory Committee	1,000

4. Parents, Louise Freeman (deceased) (mother):

9/30/98—Nalewaja for US Senate	100
3/13/99—Bush Exploratory Committee	1,000

5. Grandparents (deceased).

6. Brothers and spouses, Bradford M. Freeman:

6/5/97—Matt Fong for Senate	1,000
6/23/97—Friends of Dylan Glenn US Congress	500
1997—CA Republican Party	5,000
1997—CA Republican Party	1,000
1997—Friends of Dylan Glenn US Congress	500
1997—Friends of Dylan Glenn US Congress	500
1997—Republican Party of LA County	3,000
1998—Kit Bond for Senate	1,000
1998—Republican National Committee	1,000
1998—GOP House—Senate Dinner	15,000
1998—RNC Team 100	25,000
1998—Abraham Senate 2000	1,000
3/8/99—George W. Bush for President	1,000
1999—Republican National Committee	25,000
7/8/99—Jon Kyl for Senate	1,000
1999—Dorso for Congress	1,000
1999—CRP/Victory 2000	5,000
1999—CRP/Victory 2000	20,000
1999—Bush Legal & Compliance Fund	1,000
1999—1999 State Victory Fund Committee	5,000
1999—1999 State Victory Fund Committee	15,000
12/99—NJ Republican State Committee	848
12/99—NJ Republican State Committee	282
12/99—Republican Federal Com. of PA	1,317
12/99—Republican Federal Com. of PA	439
12/99—IL Republican Party	415
12/99—MI Republican State Party	1,371
12/99—NY Republican Fed. Campaign Com.	1,859
12/99—NY Republican Fed. Campaign Com.	619
12/99—Ohio State Republican Party	1,191
12/99—Ohio State Republican Party	397
12/99—Republican Party of Kentucky	451
12/99—Republican Party of Virginia, Inc.	740
12/99—Republican Party of Virginia, Inc.	246
12/99—Washington State Republican Party	631
12/99—Washington State Republican Party	210
12/99—Republican Party of Iowa	397
12/99—Massachusetts Republican State Congressional Committee	685
12/99—Massachusetts Republican State Congressional Committee	228
2/11/00—Friends of Dylan Glen 2000	1,000
2/25/00—RNC Victory 2000 Federal Acct.	10,000
2/25/00—CRP Victory 2000 Federal Acct.	5,000
5/11/00—RNC—CA Account	25,000
6/26/00—Abraham Senate 2000	1,000
7/12/00—Republican National State Election Com.	2,000
7/12/00—Republican National State Election Com.	1,750
2000—Bush-Cheney Recount Fund	5,000
12/6/00—Bush-Cheney Transition Fund	5,000

7. Sisters and spouses; none.

*Michael E. Guest, of South Carolina, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Michael E. Guest.

Post: Romania.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: not applicable.

3. Children and Spouses: not applicable.

4. Parents: Rupert E. Guest, none; and Jean L. Guest, none.

5. Grandparents (deceased).

6. Brothers and Spouses: not applicable.

7. Sisters and Spouses: Julie Parker Guest, none; and Michele Jean Guest, unknown.

*Stuart A. Bernstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Nominee: Stuart Alan Bernstein.

Post: Ambassador to Denmark.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

3/4/97, Freedom & Free Enterprise PAC	$1,000.00
4/16/97, Republican Leadership Council (FKA) Committee for Responsible Government	$500.00
5/13/97, Republican National Committee	$11,000.00
6/27/97, Citizen for Arlen Specter	$250.00
7/1/97, Friends of Connie Morella for Congress Committee	$250.00
9/22/97, Regula for Congress Committee	$500.00
10/22/97, Citizens for Arlen Specter	$250.00

10/22/97, Friends of Connie Morella for Congress Committee	$250.00
10/28/97, Campaign America Inc.	$1,000.00
11/19/97, George Bush Presidential Library	$500.00
12/22/97, Hatch Election Committee (Primary election contribution)	$500.00
3/3/98, Missouri Republican State Committee—Federal Committee	$250.00
3/19/98, Team Sununu	$200.00
5/22/98, Republican National Committee (Republican Eagles)	$5,000.00
5/26/98, D.C. Republican Committee Federal Campaign Committee	$200.00
6/15/98, Regula for Congress Committee	$500.00
6/18/98, Republican National Committee National State Elections Committee	$10,000.00
7/30/98, Republican National Committee (Republican Eagles)	$10,000.00
8/20/98, Republican National Committee National State Elections Committee	$11,610.00
10/28/98, Citizens for Arlen Specter	$200.00
10/28/98, The Coverdell Good Government Committee	$200.00
10/28/98, Ensign for Senate	$200.00
10/28/98, Sam Brownback for U.S. Senate	$200.00
10/28/98, Voinovich for Senate Committee	$200.00
10/28/98, Senate Victory '98	$1,000.00
2/25/99, Hatch Election Committee (Primary election contribution)	$1,000.00
3/23/99, Campbell Victory Fund	$1,000.00
4/15/99, Friends of George Allen (Primary election contribution)	$1,000.00
4/26/99, American Renewal PAC	$1,000.00
4/26/99, Republican National Committee National State Elections Committee	$25,000.00
4/28/99, Hatch Election Committee (refund)	−$500.00
9/8/99, Republican National Committee National State Elections Committee	$10,000.00
9/28/99, Republican National Committee National State Elections Committee	$15,000.00
9/28/99, Frist 2000	$1,000.00
10/11/99, D.C. Republican Committee Federal Campaign Committee	$250.00
10/20/99, Snowe for Senate	$1,000.00
10/29/99, D.C. Republican Committee Federal Campaign Committee	$750.00
11/18/99, Fund for a Responsible Future	$1,000.00
12/6/99, Friends of Giuliani Exploratory Committee	$500.00
1/6/00, Friends of Scott McInnis Inc.	$500.00
1/21/00, Republican National Committee National State Elections Committee	$10,000.00
1/21/00, Republican National Committee National State Elections Committee	$15,000.00
3/3/00, Yob 2000	$500.00
3/15/00, Roth Senate Committee	$500.00
3/16/00, Bush for President Inc.	$1,000.00
3/16/00, Friends of Connie Morella	$250.00
4/10/00, Friends of George Allen (Primary election contribution)	$500.00
4/28/00, Republican National Committee	$7,500.00
4/28/00, Republican National Committee	$2,500.00
4/28/00, Republican National Committee National State Elections Committee	$2,500.00
5/16/00, Bush-Cheney 2000 Compliance Committee Inc.	$1,000.00
5/17/00, Gordon Smith for Senate 2002	$214.00
5/17/00, Gordon Smith for Senate 2002	$729.23
5/18/00, Gordon Smith for Senate 2002	$1,000.00
6/2/00, Cantor for Congress	$250.00
6/9/00, Lazio 2000	$1,000.00
6/15/00, Friends of George Allen (refund)–	$500.00
6/15/00, Friends of George Allen (General election contribution	$500.00
7/6/00, Republican National Committee National State Elections Committee	$7,500.00
7/6/00, Republican National Committee National State Elections Committee	$7,500.00
7/6/00, Republican National Committee National State Elections Committee	$5,000.00
7/6/00, Republican National Committee National State Elections Committee	$5,000.00
7/17/00, Republican National Committee National State Elections Committee	$1,800.00
7/17/00, Republican National Committee National State Elections Committee	$1,800.00
7/25/00, Republican National Committee National State Elections Committee	$1,000.00
7/25/00, Republican National Committee National State Elections Committee	$1,000.00
9/15/00, Republican National Committee National State Elections Committee	$10,000.00
9/30/00, Republican National Committee	$5,000.00
10/5/00, Republican National Committee (refund)	−$5,000.00
11/28/00, Bush Cheney Recount Fund	$5,000.00
11/28/00, Bush Cheney Transition	$5,000.00
1/29/01, Republican National Committee National State Election Committee	$8,960.00

2. Spouse—Wilma Bernstein:

3/10/99, Bush for President Inc.	$1,000.00
11/3/99, Friends of George Allen	$500.00
12/22/99, 1999 State Victory Fund Committee	$10,000.00
12/22/99, New Jersey Republican State Committee	$241.00
12/22/99, Republican Federal Committee of Pennsylvania	$374.00
12/22/99, Illinois Republican Party	$353.00
12/22/99, Michigan Republican State Committee	$292.00
12/22/99, New York Republican Federal Campaign Committee	$528.00
12/22/99, Ohio State Republican Party	$338.00
12/22/99, Republican Party of Virginia	$210.00
4/28/00, Republican National Committee	$7,500.00
4/28/00, Republican National Committee	$2,500.00
4/28/00, Republican National Committee National State Elections Committee	$2,500.00
5/16/00, Bush-Cheney 2000 Compliance Committee Inc. (GELAC)	$1,000.00
9/30/00, Republican National Committee	$5,000.00
10/5/00, Republican National Committee (refund)	−$5,000.00

3. Children and Spouses—Adam K. Bernstein:

9/24/97, Friends of Evan Bayh	$250.00
3/2/98, Tom Davis for Congress	$100.00
3/24/99, Republican National Committee	$50.00
4/19/99, Governor George W. Bush Exploratory Committee	$1,000.00
5/10/99, Gore 2000 Inc.	$1,000.00
11/30/99, Bill Bradley for President Inc.	$500.00
8/18/00, Gore/Lieberman General Election Legal and Accounting Compliance Fund	$500.00
10/5/00, Friends of Connie Morella	$200.00

Tracy Margel Bernstein (spouse): $1,000.00, 11/26/99, Bush for President Inc.;

Alison Bernstein Shulman: none;
John Shulman (spouse): none;
Boruch Chaim Bernstein: none;
Ronit Bernstein (spouse): none.

4. Parents—Evelyn Bishoff (mother): none;
Fred Bishoff (step-father): none;
Leo Bernstein (father): none;
Beverly Bernstein (step-mother): none.

5. Grandparents—Benjamin Bernstein (deceased): none;
Celia Bernstein (deceased): none;
Morris Bernstein (deceased): none;
Anne Bernstein (deceased): none.

6. Brother—Richard Bernstein: $1,000.00, 11/9/99, Bush for President, Inc.

7. Sisters and Spouses—Mauree Jane Perry:

$1,000.00, 2/14/97, Emily's List
$1,000.00, 3/1/99, Feinstein 2000
$1,000.00, 9/15/99, Bill Bradley for President Inc.
$1,000.00, 3/31/00, Pelosi for Congress
$2,000.00, 3/31/00, PAC to the Future

Mark Perry:

$500.00, 7/15/99, Friends of Slade Gorton
$1,000.00, 9/15/99, Bill Bradley for President, Inc.
$1,000.00, 12/15/99, Bush for President Inc.
$1,000.00, 3/7/00, McCain 2000 Inc.
$1,000.00, 3/31/00, Nancy Pelosi for Congress

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*Charles A. Heimbold, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Nominee: Charles Andreas Heimbold, Jr.

Post: Ambassador to Sweden.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self:

New York Republican County Committee, $5,000, 02/97, Roy Goodman
Frist 2000, $1,000, 05/97, William Frist
Friends of John Hostettler, $500, 06/97, John Hostettler
Bristol-Myers Squibb—Political Action Committee, $5,000, 1997, to non-candidate committees and does not count against 1998 limits
National Republican Congressional Committee, $25,000, 10/97
Franks for Congress (Primary & General Election), $2,000, 01/98, Bob Franks
McCain for Senate '98 Committee (Primary & General Election), $2,000, 02/98, John McCain
Heather Wilson for Congress, $1,000, 05/98, Heather Wilson
Bliley for Congress, $1,000, 08/98, Tom Bliley
John D. Dingell for Congress, $1,000, 08/98, John D. Dingell
John Hostettler Committee, $1,000, 08/98, John Hostettler

Nancy Johnson for Congress, $1,000, 08/98, Nancy Johnson
Bennett '98 Committee, $1,000, 08/98, Robert Bennett
Friends of Senator D'Amato, $1,000, 08/98, Al D'Amato
Friend of Chris Dodd 1998, $1,000, 09/98, Christopher Dodd
Faircloth for Senate, $1,000, 09/98, Lauch Faircloth
Mikulski for Senate, $1,000, 09/98, Barbara Mikulski
Newt Gingrich Campaign, $1,000, 09/98, Newt Gingrich
Christopher Shays for Congress, $1,000, 09/98, Christopher Shays
Briston-Myers Squbb—Political Action Committee, $5,000, 1998
National Republican Senatorial Campaign Committee, $25,000, 10/98
Republican National Committee (State Election Committee), $50,000, 10/98
Zimmer 2000 (Congressman-Primary Election), $1,000, 02/99, Dick Zimmer
Torricelli for U.S. Senate, $1,000, 02/99, Robert Torricelli
Elizabeth Dole Exploratory Comm., $1,000, 02/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Franks for Congress (Re-election campaign), $500, 04/99, Bob Franks
Bill Thomas Campaign Committee (Primary and General Election), $2,000, 04/99, Bill Thomas
Re-elect Nancy Johnson for Congress, $500, 04/99, Nancy Johnson
Whitman for U.S. Senate (Primary—Refund—$650), $1,000, 06/99, Christine Todd Whitman
Whitman for U.S. Senate (Full refund—$1,000), $1,000, 06/99, Christine Todd Whitman
Friends of George Allen, $1,000, 06/99, George Allen
Bill Bradley for President, $1,000, 06/99, Bill Bradley
Tom DeLay Congressional Comm., (Primary and General Election), $2,000, 07/99, Tom DeLay
Hatch for President (Exploratory Committee), $1,000, 11/99, Orin Hatch
Friends of Giuliani, $1,000, 11/99, Rudolph Giuliani
Franks for Congress, $500, 11/99, Bob Franks
Bristol-Myers Squibb—Political Action Committee, $5,000, 1999, to non-candidate committees and does not count against 1998 limits
1999 State Victory Committee (Texas), $20,000, 12/99
New York Republican Committee, $5,000, 01/00, Roy Goodman
Bristol-Myers Squibb—Political Action Committee, $5,000, 2000
Guiliani Victory Committee, $25,000, 03/00
National Republican Senatorial Committee, $25,000, 03/00
National Republican Senatorial Committee, $75,000, 09/00
National Republican Congressional Campaign $50,000, 10/00
Arkansas 2000 (Republican National Committee—State Election Committee), $50,000, 10/00

2. Spouse—Monika Heimbold:

Pete Wilson for President, $1,000, 08/98, Pete Wilson
Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Whitman for U.S. Senate, $1,000, 06/99, Christine Todd Whitman
(Primary—Refund $650), Whitman for U.S. Senate (General Election—Refund $1,000), $1,000, 06/99, Christine Todd Whitman
Black America, $1,000, 09/00
Lazio for Senate, $1,000, 09/00, Rick Lazio

3. Children and Spouse—Joanna Welliver:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Eric Heimbold:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush
Lazio for Senate, $1,000, 09/00, Rick Lazio

Leif Heimbold:

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Charlotte Heimbold (daughter-in-law):

Elizabeth Dole Exploratory Committee, $1,000, 03/99, Elizabeth Dole
George W. Bush Exploratory Comm., $1,000, 03/99, George W. Bush

Peter Heimbold:

Lazio for Senate, $1,000, 09/00, Rick Lazio
Franks for Congress, $1,000, 10/00, Bob Franks

4. Parents—Charles Heimbold, deceased; Mary Heimbold: none.

5. Grandparents—Charles and Katherine Heimbold, deceased; Peter and Therese Corrigan, deceased.

6. Brothers and Spouses—Arthur Heimbold, none.

Margaret Heimbold (sister-in-law):

D.C. Republican Committee, $125, 04/97
D.C. Republican Committee, $105, 08/97
David Catania for City Council, $125, 07/98
D.C. Republican Committee, $250, 10/98
Republican National Committee, $100, 03/99
League of Republican Women—D.C., $25, 03/99
League of Republican Women, D.C., $50, 03/99
D.C. Republican Committee, $1,000, 04/99
League of Republican Women—D.C., $30, 05/99
D.C. Republican Committee, $200, 06/99
D.C. Republican Committee, $50, 07/99
League of Republican Women—D.C., $200, 03/00
Republican National Committee, $100, 03/00
League of Republican Women—D.C., $7.50, 03/00
D.C. Republican Committee, $100, 03/00
D.C. Advisory Council, $1,500, 06/00
Bush Delegate Committee, $100, 06/00
Tribute to Laura Bush, $150, 07/00
Mrs. Ann F. Heuer (D.C. Delegation), $140, 07/00
Mrs. Ann F. Heuer (Laura Bush Luncheon), $150, 08/00

Peter and Nancy Heimbold: Lazio for Senate, $25.00, 09/00, Rick Lazio.

Richard and Ursala Heimbold, none.

John and Jennifer Heimbold, none.

David and Ellen Heimbold, none.

7. Sisters and Spouses: none.

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*Jim Nicholson, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Nominee: Robert James Nicholson.

Post: US Ambassador to the Holy See.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best my knowledge, the information contained in this report is complete and accurate.

Conributions, amount, date, and donee:

1. Self:

$15,025, 1997, RNC
$15,605, 1998. RNC
$15,000, 1999, RNC

2. Spouse—Suzanne Marie Nicholson:

$100, 1997, RNC
$345, 1998, RNC
$200, 1998, Ron Schmidt for U.S. Senate (South Dakota)
$275, 1999, Susan B. Anthony List
$515, 1999, RNC
$280, 2000, RNC
$1,225, 2000, Susan B. Anthony List
$100, 2000, Virginia State Republican Party
$140, 2001, RNC

3. Children and Spouses—Robert James Nicholson, Jr., none; Nicholas George Nicholson, none; Katherine Marie Nicholson, none.

4. Parents—Donald J. Nicholson, deceased; Helen Nicholson, deceased.

5. Grandparents—Mr. and Mrs. John Dunn, deceased; Mr. and Mrs. William Nicholson, deceased.

6. Brothers and Spouses—John and Sophie Nicholson:

$110, 1997, RNC
$85, 1998, RNC
$200, 1998, DC Republican Federal Campaign Committee
$905, 1999, RNC
$50, 1999, Alan Keyes Committee
$500, 1999, Friends of George Allen
$291, 2000, RNC
$100, 2000, Ferguson for Congress
$500 Est., 2000, Friends of George Allen (cost to host fundraiser)
$500 Est., 2000, Governor Jim Gilmore (cost to host fundraiser)
$100, 2001, RNC

Patrick J. Nicholson:

$150, 1998, RNC
$250, 1999, RNC
$100, 2000, RNC

Timothy R. Nicholson:

$25, 2000, RNC.

7. Sisters and Spouses—Donna J. Staver:

$50, 1998, RNC
$50, 1999, RNC

Mary J. and Gary Ohm:

$50, 1998, RNC
$50, 2000, RNC

Margaret A. Nicholson, None.

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*Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece.

Nominee: Thomas J. Miller.

Post: Ambassador to Greece.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse—Bonnie Stern Miller, none.

3. Children and Spouses—Julie Michelle Miller (single), none; Eric Robert Miller (single), none.

4. Parents—Louis R. Miller, Jr. (deceased), none; Barbara S. Mason, none.

5. Grandparents—M/M Sam Shure (deceased), none; M/M Louis R. Miller (deceased), none.

6. Brothers and Spouses—Louis R. Miller (Sherry):

$1,000.00, 8/96, Pete Wilson (President)
$400.00, 4/97, Matt Fong (U.S. Senate)
$1,000.00, 1998, Janice Hahn (Congress)
$2,000.00, 12/00, Nate Holden (U.S. Congress)

M/M Richard M. Miller (Kathan), none.

Bruce D. Miller (single), none.

7. Sisters and Spouses; none.

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*Larry C. Napper, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Larry C. Napper.

Post: Republic of Kazakhstan.

Contributions, Amount, Date, and Donee:

1. Self: Larry C. Napper, None.

2. Spouse: Mary B. Napper, None.

3. Children and Spouses: John David Napper, None. Robert Eugene Napper, None.

4. Parents: Paul Eugene Napper, None. Annie Ruth Napper, None.

5. Grandparents: I.P. and Martha Cooner, None (Deceased). Charles and Nellie Kindell, None (Deceased).

6. Brothers and Spouses: Gary and Terri Napper, None. Billy Joe Napper, None.

7. Sisters and Spouses: None.

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*Thomas C. Hubbard, of Tennessee, A Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Thomas C. Hubbard.

Post: Korea.

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Lindley Taylor Hubbard, None. Carrie Swain Hubbard, None.

4. Parents: Thomas N. Hubbard, Jr. (Deceased). Rebecca Taylor Hubbard (Deceased).

5. Grandparents: Thomas N. Hubbard (Deceased). Lillian Hubbard (Deceased).

6. Brothers and Spouses. Cato Taylor (Deceased). Lolabelle Taylor (Deceased).

7. Sisters and Spouses: Edward Dow Hubbard (Brother), None. Piera Thomason (Sister), None.

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*Marie T. Huhtala, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marie T. Huhtala.

Post: Ambassador to Malaysia.

Contributions, Amount, Date, and Donee:

Self: $100.00, 1/20/2000, McCain for Pres.

Spouse: Eino A. Huhtala, Jr., None.

Children and Spouses: Karen and Sam Rulli, Jorma D. Huhtala, None.

Parents: Joe & Rosemary Mackey, None.

Grandparents: Austin & Bernice Williamson (deceased), Lois and Fred Wilkining (deceased), None.

Brothers and Spouses: Joe & Susan Mackey, Michael & Fiorenza Mackey, None.

Sisters and Spouses: Maureen & Tom White, None.

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*Franklin L. Lavin, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Franklin L. Lavin.

Post: Ambassador to the Republic of Singapore.

Contributions, Amount, Date, and Donee:

1. Self: 250.00 October 27, 2000 Republican National Committee; 500.00 August 19, 2000 Lazio 2000 Inc.; 1,000 June 17, 1999 Bush for President Committee; 1,000 November 2000 the Bush/Cheney Recount Committee.

2. Spouse: 250.00 October 27, 2000 Republican National Committee; 1,000 June 17, 1999 Bush for President Committee; 500.00 June 23, 2000 Hal Rogers for Congress Committee.

3. Children and spouses: Abigail, Nathaniel, and Elizabeth Lavin (none married), None.

4. Parents: Carl and Audrey Lavin: contributions of less than $100 to Ralph Regula for Congress and Tom Sawyer for Congress in both 2000 and 1998. Contribution of less than $100 to George Voinovich, exact date uncertain. Not in FEC records.

5. Grandparents: Leo B. and Dorothy Lavin (both deceased), None. Manuel and Blanche Perlman (both deceased), None.

6. Brothers and Spouses: Carl Lavin (junior) and Lauren Shay Lavin, None. Douglas Lavin and Lisa Greenwald, None.

7. Sister and Spouses: Maud K. Lavin: none. Locke Bowman (spouse): contributed to Congressional campaign of Jan Shakowski in 1998. Less than $100. Not in FEC records.

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*John Thomas Schieffer, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

Nominee: John Thomas Schieffer.

Post: Ambassador to Australia.

1. Self: John Thomas Schieffer: 500.00, 6/5/97, Martin Frost Campaign Committee; 500.00, 8/6/97, Martin Frost Campaign Committee; 1,000.00, 10/10/97, Martin Frost Campaign Committee; 1,000.00, 4/20/98, John Breaux Committee; 500.00, 9/2/98, Max Sandlin for Congress; 1,000.00, 3/31/99, Bush for President Inc.; 1,000.00, 6/20/99, Martin Frost Campaign Committee; 1,000.00, 8/2/00, Martin Frost Campaign Committee.

2. Spouse: Susanne S. Schieffer: 1,000.00, 3/31/99, Bush for President Inc.

3. Children and Spouses: Son—Paul Robert Schieffer, None.

4. Parents: Mother—Gladys Payne Schieffer, Deceased. Father—John E. Schieffer, Deceased.

5. Grandparents: Maternal Grandparents: Florence Payne, Deceased. Worth Payne, Deceased. Paternal Grandparents: Janette Schieffer, Deceased. Emmitt Schieffer, Deceased.

6. Brothers and Spouses: Brother—Bob L. Schieffer, None. Sister-In-Law—Patricia P. Schieffer, None.

7. Sisters and Spouses: Sister—Sharon Mayes, None. Brother-in-Law—Roger Mayes, None.

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*Roger Francisco Noriega, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Roger Francisco Noriega.

Post: U.S. Permanent Representative to the Organization of American States.

Contributions, Amount, Date, and Donee:

1. Self: $250, 10/10/95, Bob Dole for Pres.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Richard Noriega, None. Lucille Noriega, None.

5. Grandparents: All Deceased, None.

6. Brothers and Spouses: James P. Noriega (Deceased); Carlos R. Noriega (Deceased).

7. Sisters and Spouses: Rita and Michael Prahm, None. Rosalie and Douglas Jackson, None. Emilie Palmer (Divorced), None.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. 1257. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. DEWINE, Mr. CONRAD, and Ms. LANDRIEU):

S. 1258. A bill to improve academic and social outcomes for teenage youth; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, and Mr. HELMS):

S. 1259. A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1260. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Governmental Affairs.

By Mr. ROCKEFELLER:

S. 1261. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER (for himself, Mr. ROBERTS, and Mr. KENNEDY):

S. 1262. A bill to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of New Hampshire (for himself and Mr. ALLARD):

S. 1263. A bill to amend title XVIII of the Social Security Act to establish a voluntary Medicare Prescription Drug Plan under which eligible medicare beneficiaries may elect to receive coverage under the Rx Option for outpatient prescription drugs and a combined deductible; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1264. A bill to require the conveyance of a petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. REID, Mr. DODD, Mr. WELLSTONE, Mr. CORZINE, and Mr. FEINGOLD):

S. 1265. A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mr. SCHUMER, Mr. CORZINE, Mr. TORRICELLI, and Mr. LEVIN):

S. 1266. A bill to amend title XXI of the Social Security Act to expand the provision of child health assistance to children with family income up to 300 percent of poverty; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. LUGAR, Mr. ROBERTS, and Mr. HUTCHINSON):

S. 1267. A bill to extend and improve conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire:

S. 1268. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for real property taxes whether or not the taxpayer itemizes other deductions; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS (for himself and Mrs. FEINSTEIN):

S. Res. 140. A resolution designating the week beginning September 15, 2002, as "National Civic Participation Week"; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 141. A resolution to authorize testimony and legal representation in People of the State of New York v. Adela Holzer; considered and agreed to.

ADDITIONAL COSPONSORS

S. 145

At the request of Mr. THURMOND, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Missouri (Mrs. CARNAHAN) were added as cosponsors of S. 145, a bill to amend title 10, United States Code, to increase to parity with other surviving spouses the basic annuity that is provided under the uniformed services Survivor Benefit Plan for surviving spouses who are at least 62 years of age, and for other purposes.

S. 159

At the request of Mrs. BOXER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 318

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 356

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 356, a bill to establish a National Commission on the Bicentennial of the Louisiana Purchase.

S. 381

At the request of Mr. ALLARD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 381, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act, the Soldiers' and Sailors' Civil Relief Act of 1940, and title 10, United States Code, to maximize the access of uniformed services voters and recently separated uniformed services voters to the polls, to ensure that each vote cast by such a voter is duly counted, and for other purposes.

S. 543

At the request of Mr. WELLSTONE, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 567

At the request of Mr. SESSIONS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 567, a bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners.

S. 571

At the request of Mr. THURMOND, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 571, a bill to provide for the location of the National Museum of the United States Army.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 836

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

S. 839

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 852

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 852, a bill to support the aspirations of the Tibetan people to safeguard their distinct identity.

S. 940

At the request of Mr. DODD, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 952

At the request of Mr. GREGG, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 961

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 961, a bill to promote research to identify and evaluate the health effects of breast implants; to ensure that women receive accurate information about such implants and to encourage the Food and Drug Administration to thoroughly review the implant manufacturers' standing with the agency.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1030

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1044

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1044, a bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

S. 1066

At the request of Mr. HATCH, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1066, a bill to amend title XVIII of the Social Security Act to establish procedures for determining payment amounts for new clinical diagnostic laboratory tests for which payment is made under the medicare program.

S. 1083

At the request of Ms. MIKULSKI, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1083, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1084

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1256

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. RES. 138

At the request of Mr. BURNS, the names of the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. MILLER), the Senator from Connecticut (Mr. DODD), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 138, a resolution designating the month of September as "National Prostate Cancer Awareness Month."

S. CON. RES. 3

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. Con. Res. 3 , a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

AMENDMENT NO. 1132

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1132 intended to be proposed to H.R. 2299, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 1257. A bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the cold war; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, the cold war was the longest war in United States history. Lasting 50 years, the cold war cost thousands of lives, trillions of dollars, changed the course of history, and left America the only superpower in the world. Because of the nuclear capabilities of our enemy it was the most dangerous conflict our country ever faced. The threat of mass destruction left a permanent mark on American life and politics. Those that won this war did so in obscurity. Those that gave their lives in the cold war have never been properly honored.

Today I introduce a bill that requires the Department of the Interior to conduct a study to identify sites and resources to commemorate heroes of the cold war and to interpret the cold war for future generations. My legislation directs the Secretary of the Interior to establish a "Cold War Advisory Committee" to oversee the inventory of cold war sites and resources for potential inclusion in the National Park System; as national historic landmarks; or other appropriate designations.

The Advisory Committee will work closely with State and local governments and local historical organizations. The committee's starting point will be a cold war study completed by the Secretary of Defense under the 1991 Defense Appropriations Act. Obvious cold war sites of significance include: Intercontinental ballistic missiles; flight training centers; communications and command centers, such as Cheyenne Mountain, Colorado; nuclear weapons test sites, such as the Nevada test site, and strategic and tactical resources.

Perhaps no other State in the Union has played a more significant role than Nevada in winning the cold war. The Nevada Test Site is a high-technology engineering marvel where the United States developed, tested, and perfected a nuclear deterrent which is the cornerstone of America's security and leadership among Nations. The Naval Air Station at Fallon is the Navy's premiere tactical air warfare training facility. The Air Warfare Center at Nellis Air Force Base has the largest training range in the United States to ensure that America's pilots will prevail in any armed conflict.

The Advisory Committee established under this legislation will develop an interpretive handbook on the cold war to tell the story of the cold war and its heroes.

I'd like to take a moment to relate a story of one group of cold war heroes.

On a snowy evening in November 17, 1955, a United States Air Force C–54 crashed near the summit of Mount Charleston in central Nevada. The doomed flight was carrying 15 scientific and technical personnel to secret Area 51 where the U–2 reconnaissance plane, of Francis Powers fame, was being developed under tight security. The men aboard the ill-fated C–54 helped build the plane which critics said could never be built. The critics were wrong, the U–2 is a vital part of our reconnaissance force to this day. The secrecy of the mission was so great that the families of the men who perished on Mount Charleston only recently learned about the true circumstances of the crash that took the lives of their loved ones. My legislation will provide $300,000 to identify historic landmarks like the crash at Mount Charleston. I'd like to thank Mr. Steve Ririe of Las Vegas who brought to light the events surrounding the death of the fourteen men who perished on Mount Charleston nearly a half century ago, and for the efforts of State Senator Rawson who shepherded a resolution through the Nevada legislature to commemorate these heroes.

A grateful nation owes its gratitude to the "Silent Heroes of the Cold War." I urge my colleagues to support this long overdue tribute to the contribution and sacrifice of those cold war heroes for the cause of freedom.

By Mr. DORGAN (for himself, Mr. DEWINE, Mr. CONRAD, and Ms. LANDRIEU):

S. 1258. A bill to improve academic and social outcomes for teenage youth; to the Committee on the Judiciary.

Mr. DORGAN. Mr. President, today I am introducing the YMCA Teen Action Agenda Enhancement Act of 2001, along with my colleague Mr. DEWINE. This bipartisan legislation will enable the YMCA to reach more teenagers across the United States who are in need of safe, structured after-school activities.

Unfortunately, the evidence is all around us that our young people today need some extra care and support. Kids today face challenges and obstacles that I never dreamed about when I was growing up in Regent. Children are killing other children because they covet their tennis shoes or their jackets. Kids are having kids. One-quarter of adolescents report that they have used illegal drugs.

Part of the problem is the temptation that kids face when they have too much idle time on their own. Every day, millions of American teens are left unsupervised after school. Studies have shown that teens who are unsupervised during these hours are more likely to smoke cigarettes, drink alcohol, engage in sexual activity, and become involved in delinquent behavior than those teens who participate in structured, supervised after-school activities. Also, nearly 80 percent of teens who are involved in after-school activities are A or B students, while only half of those who are not involved earn these grades. Two out of every 3 teens said that they would participate in after-school programs to help them improve academically, if such programs were offered.

The YMCA is an exemplary organization that is dedicated to serving our nation's youth, and it wants to help them even more. Nearly 2.4 million teenagers, 1 out of every 10, are involved in a program offered by their local YMCA. The Y is a safe place for kids during after school hours. Teens participate in hundreds of programs that feature tutoring and academics, sports, mentoring, community service and life skills. To serve more teens who are in need of structured after-school programs, the YMCA has set a goal of doubling the number of teens served to 1 out of every 5 teens by 2005. This ambitious campaign is called the Teen Action Agenda.

The bill that I offer today provides funding to help the YMCA reach teens who want and need more after-school activities. This piece of legislation authorizes Federal appropriations of $20 million per year for fiscal years 2002 through 2006 for the YMCA to implement its Teen Action Agenda. This funding would in turn be distributed to local YMCAs that are located in all 50 States and the District of Columbia. Similar legislation was passed in the 105th Congress for the Boys and Girls Club and in the 106th Congress for the Police Athletic League to aid in their efforts to reach out to youth. The YMCA is an established and proven organization that is in the position to reach and influence thousands of teenagers who are in danger of falling through the cracks.

This bill will encourage public-private partnerships and leverage additional funding for teen programs. This legislation contains a matching component that will be met by the YMCA through local and private support. The matching component, along with the support the YMCA programs receive from national corporate sponsors, will turn $20 million in Federal funds into $50 million that will be invested in proven programs that serve the teens who are most in need.

In my State, there are six YMCAs that serve North Dakota teens. Through programs focusing on education, life skills, safety, leadership, and service learning, these YMCAs helped 12,500 teens in my State develop character and build confidence within the last year.

One example of how the YMCA reaches teens is the Teen Board recently established in Fargo. This board is comprised of teenage representatives who advise the YMCA and other community residents on issues and concerns affecting local teens. Similar teen programs have been created at the other YMCAs in my State. The legislation I introduce today will provide funding for these YMCAs to expand these important programs.

Nationwide, YMCAs partner with 400 juvenile courts, 300 housing authorities and over 2,500 public schools. While the YMCA is national in scope, they are local in control and every program is designed and evaluated to meet the communities' unique needs. I am confident that this bill will help the YMCA to continue to provide successful solutions for our Nation's teens and their families.

Edmund Burke once said, "All that is necessary for evil to triumph is for good people to do nothing." This legislation will provide good volunteers in YMCAs across the country with the additional resources they need to reach more teens. This bill represents a small step we can take to reach out to at-risk teens in communities across the Nation. For the sake of our children's future, I urge my Senate colleagues to join me in cosponsoring this piece of legislation.

By Mr. BROWNBACK (for himself, Mr. GRAHAM, and Mr. HELMS):

S. 1259. A bill to amend the Immigration and Nationality Act with respect to the admission of nonimmigrant nurses; to the Committee on the Judiciary.

Mr. BROWNBACK. Madam President, I rise today to introduce the Rural and Urban Health Care Act of 2001. I want to thank my cosponsors Senator GRAHAM and Senator HELMS for their support and leadership on this vital issue.

Nothing can traumatize a family more than a medical emergency, particularly one that may have been prevented by timely access to a needed medical professional. In Kansas, I know many communities that would be without a doctor if it was not for an immigrant physician. I know that many communities both in Kansas and around the country would benefit from a greater number of not only doctors, but nurses, nurse aides, radiologists, medical technicians, and other healthcare professionals.

In the area of nurses, it's become apparent that the problem has developed into one of national significance.

According to the American Organization of Nurse Executives, "A nursing shortage is emerging nationwide that is fueled by age-related career retirements, small to moderate increases in job creation, and reduced nursing school enrollments. Job replacement-related demands due to registered nurse age-related retirements are expected to increase rapidly over the next 5 to 15 years."

According to data from the Department of Health and Numan Services, today 18.3 percent of registered nurses are under the age of 35, compared to over 40 percent in 1980. Today, only nine percent of registered nurses are under the age of 30, compared to 25 percent in 1980.

Projections by economists Peter Buerhaus, Douglas Staiger, and David Auerbach show that by the year 2020, the number of registered nurses working in America will be "20 percent below the projected need."

I believe this legislation contains many crucial elements that would benefit many health care providers and the patients they serve.

First, the legislation amends the H-1C category established in the "Nursing Relief for Disadvantaged Areas of 1999. The problem with that category is that it allows only a handful of health care facilities throughout the country to hire nurses on temporary visas. That makes little sense. We should open the category up to facilities in all States, rather than select a handful of hospitals that alone would be allowed to hire foreign nurses on temporary visas. In addition, the bill streamlines some of the current processes to remove redundancy and situations that impede the arrival of nurses to work and help patients in the United States.

Second, the legislation retains stringent labor protections established previously for the H-1C category on wages, layoffs and strikes.

Third, the bill authorizes appropriations for the Secretary of Health and Human Services to work with states to develop programs aimed at increasing the domestic supply of nurses in the United States.

Finally, the legislation expands an already successful program by increasing from 20 to 40 waivers for foreign physicians that may be exercised by a particular State, as well allowing a carryover of any unused waivers to the next fiscal year. It also eliminates the sunset date of the program.

This bill does not attempt to solve all problems related to this issue. Other, more expensive solutions, primarily very long-term, may emerge from the HELP or Finance committees. However, it is not possible in one bill to address all outstanding financial or labor issues present in today's hospitals and nursing homes. Indeed, many of these issues will have to be addressed at the State level. But simply because we cannot solve all of today's health-care problems, does not mean that we abdicate our responsibility to find practical solutions to help real people.

I think this bill provides real and immediate help for problems that are only going to grew worse the longer we wait to address them.

I ask unanimous consent that the text of the bill and a section by section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural and Urban Health Care Act of 2001”.

SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES.

(a) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

“(m)(1) The qualifications referred to in the section 101(a)(15)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

“(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education, or has received nursing education in the United States or Canada;

“(B) has passed the examination given by the Commission on Graduates of Foreign Nursing Schools (or has passed another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services), or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

“(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to take the State licensure examination after entry into the United States, and the lack of a social security number shall not indicate a lack of eligibility to take the State licensure examination.

“(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

“(i) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility.

“(ii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

“(iii) There is not a strike or lockout in the course of a labor dispute, the facility did not lay off and will not lay off a registered staff nurse who provides patient care and who is employed by the facility within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition for clarification of such an alien under section 101(a)(15)(H)(i)(c), and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

“(iv) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed by the employer at the facility through posting in conspicuous locations.

“(v) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

“(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

“(II) transfer the place of employment of the alien from one worksite to another.

“(B) A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

“(C) The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies. Unless the Secretary finds that the attestation is incomplete or obviously inaccurate, the Secretary shall certify the attestation within 7 calendar days of the date of the filing of the attestation. If the attestation is not returned to the facility within 7 calendar days, the attestation shall be deemed certified.

“(D) Subject to subparagraph (F), an attestation under subparagraph (A)—

“(i) shall expire on the date that is the later of—

“(I) the end of the three-year period beginning on the date of its filing with the Secretary; or

“(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

“(ii) shall apply to petitions filed during the three-year period beginning on the date of its filing with the Secretary if the facility states in each such petition that it continues to comply with the conditions in the attestation.

“(E) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

“(F)(i) The Secretary shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for classification of nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) and each such petition filed by the facility.

“(ii) The Secretary shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary, but excluding any governmental agency or entity). The Secretary shall conduct an investigation under this clause if there is probable cause to believe that a facility willfully failed to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

“(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

“(iv) If the Secretary finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has willfully failed to meet a condition attested to or that there was a willful misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $1,000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

“(v) In addition to the sanctions provided for under clause (iv), if the Secretary finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(ii) (relating to payment of registered nurses at the facility wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

“(G)(i) The Secretary shall impose on a facility filing an attestation under subparagraph (A) a filing fee in an amount prescribed by the Secretary based on the costs of carrying out the Secretary's duties under this subsection, but not exceeding $250.

“(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

“(iii) The collected fees in the fund shall be available to the Secretary, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

“(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, subject to an extension for a period or periods not to exceed a total period of admission of six years.

“(4) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

"(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility; and

"(B) shall not interfere with the right of the nonimmigrant to join or organize a union.

"(5)(A) For purposes of paragraph (2)(A)(iii), the term 'lay off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.

"(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term 'facility' includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

"(7) Except as otherwise provided, in this subsection, the term 'Secretary' means the Secretary of Labor.".

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (a)) The amendments made by this section shall take effect not later than 90 days after the date of the enactment of this Act, without regard to whether or not regulations to carry out such amendments have been promulgated by such date.

SEC. 3. REPEAL.

Section 3 of the Nursing Relief for Disadvantaged Areas Act of 1999 (Public Law 106–95; 8 U.S.C. 1182 note; relating to recommendations for alternative remedy for nursing shortage) is repealed.

SEC. 4. QUALIFICATION FOR CERTAIN ALIEN NURSES.

(a) ELIMINATION OF CERTAIN GROUNDS OF INADMISSABILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by striking subsections (a)(5)(C) and (r).

(b) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(F)) is amended by adding at the end the following new sentence: "Any such petition filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien—

"(i) has passed—

"(I) the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS); or

"(II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or

"(ii) holds a full and unrestricted license to practice professional nursing in the State of intended employment.".

SEC. 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT.

(a) IN GENERAL.—Section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)(B), by striking "20" and inserting "40, plus the number of waivers specified in paragraph (4)"; and

(2) by adding at the end the following new paragraph:

"(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all States for a fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year.".

(b) ELIMINATION OF TERMINATION DATE.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416, as amended; 8 U.S.C.1182 note) is amended by striking "and before June 1, 2002".

SEC. 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS.

(a) GRANT AUTHORITY.—The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965) to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers.

(b) APPLICATION.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary of Health and Human Services determines to be essential to ensure compliance with the requirements of this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Health and Human Services such sums as may be necessary to carry out this section.

THE RURAL AND URBAN HEALTH CARE ACT OF 2001—SECTION-BY-SECTION

SECTION 1.

The Act may be cited as the "Rural and Urban Health Care Act of 2001."

SECTION 2. REQUIREMENTS FOR ADMISSION OF NON-IMMIGRANT NURSES

Section 212(m) of the Immigration and Nationality Act is amended as follows:

To qualify, the alien must:

1. Obtain a full and unrestricted license to practice professional nursing in the country where obtained nursing education, or received nursing education in the U.S. or Canada;

2. Pass the examination given by the Commission on Graduates of Foreign Nursing Schools (or other appropriate examination recognized in regulations of Secretary of Health and Human Services), or have a full and unrestricted license under State law to practice in state of intended employment;

3. Is fully qualified and eligible to take the State licensure examination after entry into the U.S., and lacking a social security number shall not indicate a lack of eligibility to take the State licensure exam.

The attestation with respect to a facility where an alien will perform services (referred to in section 101(a)(15)(H)(i)(c)), requires the following:

1. The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed at the facility;

2. The alien will be paid the wage rate for nurses similarly employed by the facility;

3. There is not a labor dispute involving a strike or lockout at the facility, and the facility did not lay off and will not lay off a registered staff nurse for a period beginning 90 days before and after the date of filing of any visa petition, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

4. At the time of filing of petition for registered nurses, notice of the filing has been given to the bargaining representative of the nurses at the facility, and in the absence of such representative, notice of the filing has been provided to the nurses employed by the employer at the facility through posting in conspicuous locations.

5. The facility will not:

a. Authorize the alien to perform nursing services at any work site other than a work site controlled by the facility;

b. Transfer the place of employment from one work site to another.

6. A copy of the attestation shall be provided to the nurses at the facility within 30 days of the date of filing.

7. The Secretary of Labor shall review an attestation only for completeness and obvious inaccuracies, and shall certify the attestation within 7 days of date of filing. If not returned within 7 days, the attestation shall be deemed certified.

8. An Attestation shall:

a. Expire on the date that is the later of:

1. The end of the three-year period beginning on the date of its filing with the Secretary, or

2. The end of the period of admission of the last alien section 101(a)(15)(H)(i)(c) was applied; and

b. Apply to petitions filed during the three-year period if the facility states in each petition that it continues to comply with the conditions in the attestation.

9. A facility may meet the requirements listed above with respect to more than one registered nurse in a single petition.

10. The Secretary shall:

a. Compile and make available to the public a list identifying facilities which have filed petitions for classification of non-immigrants under section 101(a)(15)(H)(i)(c), and provide a copy of the attestation filed for each facility.

b. Establish a process for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (but excluding any governmental agency or entity). The Secretary shall conduct an investigation if there is probable cause to believe that a facility willfully failed to meet conditions attested to. This will apply regardless of whether or not an attestation is expired or unexpired at the time a complaint is filed.

c. If a complaint is filed, the Secretary shall provide within 180 days of filing, a determination as to if a basis exists to make a finding described below (iv). If such a basis exists, the Secretary shall provide notice of such determination to the interested parties, and an opportunity for a hearing on the complaint within 60 days of the date of determination. The Secretary shall promulgate regulations providing for penalties, including civil monetary fines, upon parties who submit complaints that are found to be frivolous.

d. After notice and opportunity for hearing, if the Secretary finds that a facility has willfully failed to meet a condition attested to, or that there was willful misrepresentation of material fact, the Secretary shall notify the Attorney General of such finding and may also impose administrative remedies (including civil monetary penalties not to exceed $1000 per nurse per violation, with the total penalty not to exceed $10,000 per violation) as the Secretary deems appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

e. In addition to the sanctions listed above (iv), if the Secretary finds (after notice and opportunity for hearing) that a facility has violated conditions regarding the payment of registered nurses at the facility wage rate (subparagraph (A)(ii)), the Secretary shall order the facility to provide for payment of back pay to comply with such condition.

11. The Secretary shall:

a. Impose a facility filing fee, but not to exceed $250.

b. Such fees collected shall be deposited in a fund established for this purpose with the Treasury of the United States.

c. The collected fees shall be available to the Secretary, to the extent provided in appropriation Acts, to cover the costs described above.

The period of admission of an alien under 101(a)(15)(H)(i)(c) shall be for an initial period not to exceed three years, and subject to an extension not to exceed a total period of admission of six years.

A facility that has filed a petition under 101(a)(15)(H)(i)(c) shall:

1. Provide a wage rate and working conditions the same as those of nurses similarly employed by the facility.

2. Not interfere with the right of the immigrant to join or organize a union.

The term "lay off" with respect to a worker (for purposes of paragraph (2)(A)(iii)),

1. Means to cause the worker's loss of employment, other than a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

2. Does not include any situation in which the workers offered, as an alternative to such loss, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

3. Nothing in this paragraph is intended to limit an employee's or an employer's rights under a collective bargaining agreement or other employment contract.

The term 'facility' includes a hospital, nursing home, skilled nursing facility, registry, clinic, assisted-living center, and an employer who employs any registered nurse in a home setting.

The term 'Secretary' means the Secretary of Labor

1. Implementation:

a. No later than 90 days after date of the enactment of this Act, regulations to carry out this amendment shall be made by the Secretary in consultation with the Secretary of Health and Human Services, and the Attorney General. The amendments made shall take effect not later than 90 days after the date of the enactment of this Act, without regard to regulations have been made by that date.

SECTION 3. REPEAL

Section 3 of the Nursing Relief for Disadvantaged Areas As of 1999 is repealed.

SECTION 4. CERTIFICATION FOR CERTAIN ALIEN NURSES

Any such petitions filed on behalf of an alien who will be employed as a professional nurse shall include evidence that the alien has passed: (I) the examination given by the Commission on Graduates of Foreign Nursing Schools; or (II) another appropriate examination recognized in regulations promulgated in consultation with the Secretary of Health and Human Services; or holds a full and unrestricted license to practice professional nursing in the State of intended employment.

SECTION 5. WAIVERS OF TWO-YEAR FOREIGN RESIDENCE REQUIREMENT FOR FOREIGN PHYSICIANS

Section 214(1) of the Immigration and Nationality Act is amended

1. In paragraph (1)(B), by striking "20" and inserting "40, plus the number of waivers specified in paragraph (4)"; and

2. By adding at the end of the following new paragraph: "(4) The number of waivers specified in this paragraph is the total number of unused waivers allotted to all State for fiscal year divided by the number of States having no unused waivers remaining in the allotment to those States for that fiscal year."

SECTION 6. OTHER MEASURES TO MEET RURAL AND URBAN HEALTH CARE NEEDS

The Secretary of Health and Human Services shall award grants to States, local governments, and institutions of higher education to fund training, recruitment, and other activities to increase the supply of domestic registered nurses and other needed health care providers. There are authorized such sums as may be necessary to carry out this section.

By Mr. ROCKEFELLER:

S. 1260. A bill to provide funds for the planning of a special census of Americans residing abroad; to the Committee on Governmental Affairs.

Mr. ROCKEFELLER. Madam President, millions of Americans live and work overseas. While living abroad, they continue to pay taxes and they can vote in our Federal elections. They are American citizens and they want to be counted in the next decennial Census in 2010. To achieve this goal, it is essential to plan and prepare.

For several years, I have been working closely with Congresswoman Carolyn Maloney. She has been a true leader on the important issues of the U.S. Census and I am proud to work with her. The bill I am introducing today is the companion bill to H.R. 680. This legislation authorizes funding to being the work at the Census Bureau to count Americans living overseas. The House Appropriations Committee has included some funding for this important initiative which is encouraging news.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; SENSE OF CONGRESS.

(a) Findings.—Congress finds that—

(1) an estimated 3,000,000 to 6,000,000 Americans live and work overseas while continuing to vote and pay taxes in the United States;

(2) Americans residing abroad help increase exports of American goods because they traditionally buy American, sell American, and create business opportunities for American companies and workers, thereby strengthening the United States economy, creating jobs in the United States, and extending United States influence around the globe;

(3) Americans residing abroad play a key role in advancing this Nation's interests by serving as economic, political, and cultural "ambassadors" of the United States; and

(4) the major business, civic, and community organizations representing Americans and companies of the United States abroad support the counting of all Americans residing abroad by the Bureau of the Census, and are prepared to assist the Bureau of the Census in this task.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the Bureau of the Census should carry out a special census of all Americans residing abroad in 2004;

(2) the Bureau should, after completing that special census, review the means by which Americans residing abroad may be included in the 2010 decennial census;

(3) the Bureau should take appropriate measures to provide for the inclusion of Americans residing abroad in the 2010 decennial census and decennial censuses thereafter; and

(4) in order to ensure that the measures specified in the preceding provisions of this subsection can be completed in timely fashion, the Bureau should begin planning as soon as possible for the special census described in paragraph (1).

SEC. 2. FUNDING TO BEGIN PLANNING FOR A SPECIAL CENSUS OF AMERICANS RESIDING ABROAD.

For necessary expenses in connection with the planning of a special census of Americans residing abroad (as described in section 1(b)(1)), there is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 for fiscal year 2002, to remain available until expended.

By Mr. ROCKEFELLER:

S. 1261. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to increase the ability of absent uniformed services voters and overseas voters to participate in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

Mr. ROCKEFELLER. Madam President, millions of Americans live abroad, serving in our military or working in foreign countries. These Americans pay taxes and have the right to vote. They deserve to know that their votes will be counted.

Today, I am introducing legislation designed to streamline and improve the process for absentee ballots to help ensure that Americans living overseas can participate in American elections. The bill is called the Uniformed and Overseas Citizen Absentee Voting Reform Act. It is based on the bipartisan legislation introduced in the House of Representatives by Congresswoman CAROLYN MALONEY and Congressman THOMAS REYNOLDS. This bill is developed through recommendations of overseas Americans.

Our goal is to help both military and civilian citizens overseas to participate in elections. The right to vote is important in our country, and we need to encourage all of our citizens, including those millions living abroad, to participate in elections.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed and Overseas Citizen Absentee Voting Reform Act of 2001".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 3,000,000 to 6,000,000 American citizens, including 576,000 Federal employees and their overseas dependents in the armed services and in other Federal agencies, live permanently or temporarily reside outside the 50 States and the District of Columbia.

(2) The members of the armed services, their dependents, other employees of the Federal Government and their dependents, and the approximately 3,000,000 to 5,500,000 other American citizens abroad make an inestimable contribution to the security, economic well-being, and cultural vitality of the United States.

(3) Although great progress has been made in recent decades in assuring that these citizens have the chance to participate fully in our democratic process, the national elections of November 2000 revealed grave shortcomings in our system, with nearly 40 percent of overseas ballots rejected in one State alone.

(4) Moreover, during these elections it became apparent that timely information about the numbers of American citizens seeking to vote and voting from abroad, information which is essential to measure the effectiveness of our overseas voting system, is not currently provided by the States.

SEC. 3. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROVIDING ABSENTEE BALLOT.—

(1) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;";

(B) by striking the period at the end of paragraph (3) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application; and

"(5) transmit the absentee ballot for an election to each absent uniformed services voter and overseas voter who is registered with respect to the election as soon as practicable after the voter is registered, but in no case later than the 45th day preceding the election (if the voter is registered as of such day).".

(2) CONFORMING AMENDMENTS.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2) is amended by striking "as recommended in section 104" and inserting "as required under section 102(4)".

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff–3) is amended to read as follows:

"SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

"(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(4))—

"(1) the voter shall be deemed to have submitted an absentee ballot application for each subsequent election for Federal office held in the State; and

"(2) the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State (in accordance with the deadline required under section 102(a)(5)).

"(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

"(c) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.".

SEC. 4. REMOVING BARRIERS TO ACCEPTANCE OF COMPLETED BALLOTS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each State"; and

(2) by adding at the end the following new subsection:

"(b) SPECIAL REQUIREMENTS REGARDING ACCEPTANCE OF COMPLETED BALLOTS.—

"(1) MANDATORY MINIMUM PERIOD FOR ACCEPTANCE OF ABSENTEE BALLOT AFTER DATE OF ELECTION.—Notwithstanding any other provision of law, a State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot was not submitted in a timely manner if—

"(A) the ballot is received by the State not later than 14 days after the date of the election;

"(B) the ballot is signed and dated by the voter; and

"(C) the date provided by the voter on the ballot is not later than the day before the date of the election.

"(2) PROHIBITING REFUSAL OF BALLOT FOR LACK OF POSTMARK.—A State shall not refuse to count an absentee ballot submitted in an election for Federal office by an absent uniformed services voter or overseas voter on the grounds that the ballot or the envelope in which the ballot is submitted lacks a postmark if the ballot is signed and dated by the voter and a witness within the deadline applicable under State law for the submission of the ballot (taking into account the requirements of paragraph (1)).".

SEC. 5. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 4, is amended by adding at the end the following new subsection:

"(c) OTHER REQUIREMENTS AND PROHIBITIONS.—

"(1) RESPONSE TO SUBMITTED MATERIALS.—

"(A) APPLICATIONS FOR VOTER REGISTRATION AND ABSENTEE BALLOT REQUEST.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, the State—

"(i) shall immediately notify the voter as to whether or not the State has approved the application or request; and

"(ii) if the State rejects the application or request, shall provide the voter with the reasons for the rejection.

"(B) ABSENTEE BALLOTS.—With respect to each absent uniformed services voter and each overseas voter who submits a completed absentee ballot, the State—

"(i) shall immediately notify the voter as to whether or not the State has received the ballot; and

"(ii) if the State refuses to accept the ballot, shall provide the voter with the reasons for refusal.

"(2) USE OF FACSIMILE MACHINES AND INTERNET.—Each State shall make voter registration applications, absentee ballot requests, and absentee ballots available to absent uniformed services voters and overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications and requests to the State through the use of such machines and the Internet. Nothing in this paragraph may be construed to prohibit a State from accepting completed absentee ballots from absent uniformed services voters and overseas voters through the use of facsimile machines.

"(3) PROHIBITING NOTARIZATION REQUIREMENTS.—A State may not refuse to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

"(4) COMPILATION OF STATISTICS.—

"(A) IN GENERAL.—For each election for Federal office held in the State, each State shall compile and publish the following information with respect to absent uniformed services voters and overseas voters:

"(i) The number of voter registration applications received from each such group of voters, together with the number of such applications which were rejected by the State and the reasons for rejection.

"(ii) The number of absentee ballots sent to each such group of voters.

"(iii) The number of completed absentee ballots submitted by each such group of voters, together with the number of such ballots which were rejected by the State and the reasons for rejection.

"(B) Breakdown by local jurisdiction and overseas location.—In compiling and publishing the information described in subparagraph (A), the State shall break down each category of such information by county (or other appropriate local election district) and by the locations to which and from which the materials described in such subparagraph were transmitted and received.

"(C) Transmission to presidential designee.—With respect to information regarding a Presidential election year, the State shall transmit the information compiled under this paragraph to the Presidential designee at such time and in such manner as the Presidential designee may require to prepare the report described in section 101(b)(6).".

SEC. 6. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE.

(a) Educating Election Officials on Responsibilities Under Act.—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: ", and ensure that such officials are aware of the requirements of this Act;".

(b) Development of Standard Oath for Use With Materials.—

(1) In general.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.".

(2) Requiring states to use standard oath.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by sections 3(a) and 4, is further amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).".

(c) Transmission of Federal Write-In Absentee Ballot Through Facsimile Machines and Internet.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Transmission of Ballot Through Facsimile Machines and Internet.—The Presidential designee shall make the Federal write-in absentee ballot and the application for such a ballot available to overseas voters through the use of facsimile machines and the Internet, and shall permit such voters to transmit completed applications for such a ballot to the Presidential designee through the use of such machines and the Internet.".

(d) Providing Breakdown Between Overseas Voters and Absent Uniformed Services Voters in Statistical Analysis of Voter Participation.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by inserting after "participation" the following: "(listed separately for overseas voters and absent uniformed services voters)".

SEC. 7. GRANTING PROTECTIONS GIVEN TO ABSENT UNIFORMED SERVICES VOTERS TO RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 104 the following new section:

"SEC. 104A. COVERAGE OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS.

"(a) In General.—For purposes of this Act, an individual who is a separated uniformed services voter (or the spouse or dependent of such an individual) shall be treated in the same manner as an absent uniformed services voter with respect to any election occurring during the 60-day period which begins on the date the individual becomes a separated uniformed services voter.

"(b) Separated Uniformed Services Voter Defined.—

"(1) In general.—In this section, the term 'separated uniformed services voter' means an individual who—

"(A) is separated from the uniformed services;

"(B) was a uniformed services voter immediately prior to separation;

"(C) presents to an appropriate election official Department of Defense Form 214 showing that the individual meets the requirements of subparagraphs (A) and (B) (or any other official proof of meeting such requirements); and

"(D) is otherwise qualified to vote with respect to the election involved.

"(2) Uniformed services voter.—In paragraph (1), the term 'uniformed services voter' means—

"(A) a member of a uniformed service on active duty; or

"(B) a member of the merchant marine.".

SEC. 8. FINANCIAL ASSISTANCE TO STATES FOR COSTS OF COMPLIANCE.

(a) In General.—The Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act shall make a payment to each eligible State for carrying out activities to comply with the requirements of such Act, including the amendments made to such Act by this Act.

(b) Eligibility.—A State is eligible to receive a payment under this section if it submits to the Presidential designee (at such time and in such form as the Presidential designee may require) an application containing such information and assurances as the Presidential designee may require.

(c) Authorization of Appropriations.—There are authorized to be appropriated for the first fiscal year which begins after the date of the enactment of this Act such sums as may be necessary to carry out this section, to remain available until expended.

SEC. 9. EFFECTIVE DATE.

The amendments made by sections 3, 4, 5, 6, and 7 shall apply with respect to elections occurring after the date of the enactment of this Act.

By Mr. ROCKEFELLER (for himself Mr. Roberts, and Mr. Kennedy):

S. 1262. A bill to make improvements in mathematics and science education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Madam President, one of our major national problems is the dismal educational achievement of our children in the areas of mathematics and science. In 1989 President George H. Bush proposed and the Governors adopted as a national goal that by the year 2000, the United States would be first in the world in mathematics and science. Not only has our country neglected this education goal, the evidence shows that our country has not made significant improvements. Several studies have shown that in the intervening years, our performance relative to other industrialized countries is about average and there is no indication of any change. Furthermore, the evidence clearly shows that between the 4th and 8th grades our achievement level actually declines relative to other countries.

Not only is this a concern for our future competitiveness in the modern world but it could present a serious national security problem. The U.S. Commission on National Security/21st Century concluded in a February 2001 report that the "Second only to a weapon of mass destruction detonating in an American city, we can think of nothing more dangerous than a failure to manage properly science, technology, and education for the common good over the next quarter century."

One major factor in this situation is the lack of sufficient qualified mathematics and science teachers. A large number of mathematics and science teachers are not certified in their subject area. The greatest number of uncertified teachers are located in areas with large minority populations and high concentrations of poverty. This situation is of great concern since many studies have shown that full certification or a major in the field is a strong predictor of student achievement. Mr. Michael Porter of the Harvard Business School has documented that over 90 percent of urban schools report teacher shortages in mathematics and science. Furthermore, recently, the National Council for Accreditation of Teacher Preparation showed that 50,000 new teachers enter the profession each year lacking appropriate preparation. More than 30 percent of secondary mathematics teachers hold neither a major or minor in mathematics.

I am proud to have Senators Roberts and Kennedy as original cosponsors of this legislation since each is a recognized leader on education. We are introducing a bipartisan bill entitled the National Mathematics and Science Partnerships Act. Our bill is very similar to legislation reported out of the House Committee on Science, and I have worked with Chairman BOEHLERT on this important initiative. The purpose of this bill is to make a major impact on the teaching of technical subjects in grades K through 12. This bill accomplishes its goal by bringing the wider community including industry into the educational process through partnerships, by increasing the number of qualified teachers and providing support programs to improve their qualifications, and by providing access to master teachers, curriculum related materials, and research opportunities. The bill also sets up Centers of Research on Learning to determine which methodologies are most effective for educating our students in mathematics and science.

One of the main provisions authorizes the National Science Foundation to establish a program of mathematics and science education partnerships involving universities and local educational agencies. These partnerships will focus on a wide array of reform efforts ranging from professional development to curriculum reform for grades K through 12. The partnerships may include the State educational agency and 50 percent of them must include businesses. These partnerships are intended to conceive, develop, and evaluate innovative approaches to education in mathematics, science, engineering, and other technical subjects. A special feature is an emphasis on encouraging the ongoing interest of girls in science, mathematics, engineering, or technology preparing them to pursue careers in these fields.

A second provision authorizes the expansion of the National Science, Mathematics, Engineering, and Technology Education Digital Library to include peer reviewed elementary and secondary education materials. The library will serve as an Internet accessible resource for state-of-the-art curriculum materials in support of teaching technical subjects.

A third provision, that is of particular importance to me, provides for the establishment of a new scholarship program designed to encourage mathematics, science, and engineering majors to pursue careers in teaching. The program provides grants to universities who will, in turn, award scholarships to mathematics, science and engineering majors who agree to teach following graduation and certification. The institutions must also provide education and support programs for the scholarship recipients. A second element is that stipends will be offered to mid-career professionals in mathematics, science, or engineering who need course work to transition to a career in teaching. Recipients are required to teach in a K through 12 school receiving assistance under Title I of the Elementary and Secondary Education Act of 1965 as payback for the scholarship.

The bill also provides for a study of Broadband Network access for schools and libraries. This requires the National Science Foundation to determine how Broadband access can be used and can be effective in the educational process. This section is important to the future of the highly successful E-Rate program that is helping close the digital divide between rich and poor schools and urban, rural, and suburban schools.

Another important provision sets up a grant program to train master teachers to work in K through 9 classrooms to improve the teaching of mathematics or science. This program will develop an invaluable in-house resource for teachers of technical subjects.

There are a number of other provisions, all of which, address shortcomings in our current approach to education in technical subjects.

I often visit West Virginia schools, and during the school year I use the Internet to host on-line chats with students across the State. I believe that students, parents, and teachers recognize the important of math, science and engineering on the workplace, but we need a better support system for these key subjects in my State, and nationwide.

The National Mathematics and Science Partnerships Act is not by itself a solution to solving the crisis in technical education. However, in conjunction with the reauthorization of the Elementary and Secondary Education Act will begin the process of addressing a major national problem. I urge my colleagues to join us in making our children the best in the world.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MATHEMATICS AND SCIENCE PARTNERSHIPS ACT

The overall purpose of this bill is to make a major impact on the teaching of technical subjects in Grades K–12. Many studies have indicated that the US is seriously lacking in our ability to effectively convey scientific knowledge to K–12 students that will enable them to go on to college and major in technical fields. This situation has led to concern that we are losing our competitive edge in the modern world. A key element is the serious shortage of qualified math and science teachers. This bill helps by bringing the wider community including industry into the educational process, by increasing the number of qualified teachers, and by providing for access to support in the form of materials, research opportunities, and Centers of Research on Learning.

Most of the provisions of this bill originated in the House Science Committee and some of them reflect the Administration's desires. We, in Senator Rockefeller's office, have been working with the Science Committee for several months. Our major input is the inclusion of a Title that establishes scholarships for students who commit to teach mathematics or science in Grades K–12 in return. We have evaluated the other provisions and agree with them as will be reflected in the bill we are planning to introduce. The provisions of the proposed Senate bill are summarized below.

PROVISIONS OF THE "NATIONAL MATHEMATICS AND SCIENCE PARTNERSHIPS ACT"

1. Mathematics and Science Education Partnerships: This provides for universities or consortia to receive grants to establish partnership programs to improve the instruction of math and science. The partnerships may include local educational agencies and there is a mandate that 50% will include businesses. There is a strong section on programs aimed at girls. The appropriation is $200M/year for 2002–2006

2. Teacher Research Stipend: This provides grants for K–12 math and science teachers to do research in math, science and engineering to improve their performance in the classroom. The appropriation is $15M/year for 2002–2006.

3. National Science, Mathematics, Engineering, and Technology Education Library: This Title expands the existing Digital Library to archive and provide for the timely dissemination through the Internet and other digital technologies of educational materials to support the teaching of technical subjects. The appropriation is $20M/year for 2002–2006.

4. Education Research Centers: This Section will establish 4 multi disciplinary Centers for Research on Learning and Education Improvement. This provision is to do research in cognitive science, education, and related fields to develop ways to improve the teaching of math and science. It also provides for an annual conference to disseminate the results of the Center's activities. The appropriation is $12M/year for 2002–2006.

5. Education Research Teacher Fellowships: This Section provides grants for institutions of higher education to enable teachers to have research opportunities related to the science of learning. The appropriation is $5M/year for 2002–2004.

6. Robert Noyce Scholarship Program: This Title is an updated version of a scholarship program that Senator Rockefeller and Rep. Boehlert sponsored and passed in 1989. It calls for grants to universities or consortia to award scholarships or stipends to students who agree to become K–12 math or science teachers. Scholarships are for $7,500 and are limited to 2 years. In addition, there are provisions for a stipend to enable mid-career math, science and engineering professionals to receive their certificate to teach. The stipend is $7,500 for 1 year. Recipients under this subtitle are obligated to teach math or science. The requirement is 2 years for each year of support within 6 years of graduation. The university or consortium receiving the grant is responsible for monitoring compliance and collecting refunds from those who do not comply. The appropriation is $20M/year for 2002–2005 plus an unspecified amount for the NSF to administer the program for 2006–2011.

Political History: While the Noyce scholarship was authorized in 1989, we never secured appropriations to fund the program, in part because NSF had concerns about the scholarships and never lobbied OMB for the appropriations. This time, we worked with NSF staff to get their consent so that we really can promote these scholarships.

7. Requirements for Research Centers: Grant recipients establishing research centers must offer programs for K–12 math and science teachers and the quality of their programs is a criteria for awarding grants. There is no appropriation for the Title.

The bill to be voted on by the House also contains a number of other provisions added during the Science Committee Mark-up. These are contained in a title called "Miscellaneous Provisions".

1. Mathematics and Science Proficiency Partnerships: This section sets up a demonstration project for local educational agencies to develop a program to build technology curricula, purchase equipment, and provide professional development for teachers. It is specifically aimed at economically disadvantaged students and requires private sector participation. The private sector will donate equipment, provide funds for internships and scholarships, and other activities helping the objectives of this section. The appropriation is $5M/year for 2002–2004.

2. Articulation Partnerships between Community Colleges and Secondary Schools: Amends the "Scientific and Advanced Technology Act of 1992" (P.L. 102-476) to direct the NSF to give priority to proposals that involve students that are under represented in technical fields. (The act applies to two year Associate Degree granting colleges.) The appropriation is $5M/year for 2002–2004.

3. Assessment of In-Service Teacher Professional Development Programs: This section provides for the Director of the NSF to review all programs sponsored by the NSF that support in-service teacher professional development for science teachers. The purpose is to determine whether information technology is being used effectively and how resources are allocated between summer activities and reinforcement training. A report is due 1 year after enactment of this Act. There is no appropriation.

4. Instructional Materials: The NSF may award grants for the development of educational materials on energy production, energy conservation, and renewable energy. There is no appropriation.

5. Study of Broadband Network Access for Schools and Libraries: The NSF is to provide an initial report to Congress and provide an update every year for the next 6 years. The reports are to how Broadband access can used and can be effective in the educational process. There is no appropriation. This section relates to the ERATE law to which Senator Rockefeller is very committed.

6. Educational Technology Assistance; Learning Community Consortium: This section amends the "Scientific and Advanced Technology Act of 1992 to enable two year colleges to establish centers to assist K–12 schools in the use of information technology for technical subject instruction. The appropriation is $5M/year for 2002–2004. There is an additional appropriation of $10M to award a grant to a consortium of associate-degree granting colleges to encourage women, minorities, and disabled individuals to enter and complete programs in technical fields.

The Senate bill will also include a title that incorporates the provisions of HR 100. This bill was passed out of the House Science Committee at the same time as HR 1858. This bill was also included as Title II of S 478 previously introduced by Senator Roberts, cosponsored by Senators Kennedy and Bingaman. This approach is agreed to by the House Science Committee. The provisions are:

1. Master Teacher Grant Program: This provision establishes a grant program to train master teachers to work in K–9 classrooms to improve the teaching of mathematics or science. The appropriation is $50M/year for 2002–2004.

2. Dissemination of Information on Required Course of Study for Careers in Science, Mathematics, Engineering, and Technology Education: The NSF shall compile and disseminate information on prerequisites for entrance into college to pursue a course of study leading to teaching in a K–12 environment and on the licensing requirements for such teachers. The appropriation is $5M/year for 2002–2004.

3. Requirement to Conduct Study Evaluation: The NSF shall enter into an agreement with the National Academies of Sciences and Engineering to review existing studies on the effectiveness of technology in the classroom and to report not later than one year after enactment of this Act. The appropriation is $600K.

4. Science, Mathematics, Engineering, and Technology Business Education Conference: The NSF shall convene an annual 3–5 day conference for K–12 technology education stakeholders to 1. identify and gather information on existing programs, 2. determine the coordination between providers, and 3. identify the common goals and divergences among the participants. There will be a yearly report to the Senate Commerce Committee and the House Science Committee.

Mr. ROBERTS. Mr. President, I rise today, along with my colleagues, Senator ROCKEFELLER and Senator KENNEDY, to introduce a piece of legislation that continues to build on our efforts to improve math and science education.

The National Mathematics and Science Partnerships Act creates a program through the National Science Foundation NSF, that provides a variety of recruitment incentives for college students and individuals who are engineering, science and math professionals in other fields, to pursue teaching math and science. Additionally, math and science teachers are provided a variety of professional development opportunities. I am pleased to include in this legislation a portion of a bill I introduced earlier this year, S. 478, the Engineering, Science, Technology and Mathematics Education Enhancement Act.

The Math and Science Partnerships Act will provide grants for K–12 math and science teachers to do research in engineering, science and math to do research in these areas to improve their performance in the classroom, a demonstration project for LEAs to develop a program to build technology curricula, purchase equipment and provide professional development for teachers specifically aimed at economically disadvantaged students. It also provides in-service support and a master teacher grant program to hire master teachers who are responsible for in-classroom help and oversight. Additionally, the legislation assists high school students in pursuit of their careers as math and science teachers by informing them of courses they should complete in preparation for college.

Bipartisan efforts to increase and enhance math and science education has been encouraging and I am glad to see that math and science education is finally beginning to receive the recognition that is needed and deserved.

The need to recruit and retain teachers in the math and science fields as well as the need to improve the professional development opportunities for teachers currently teaching math and science is crucial. An article that appeared on May 6th in The Hutchinson News, discusses the teacher recruiting woes that the State of Kansas is experiencing. The article highlights Fort Hays State University in Hays, KS and tells of a young graduate, Lora Clark, who has a teaching degree in mathematics. With her degree Lora could have found a job anywhere in the State of Kansas or with several other States who were recruiting Fort Hays State teaching graduates. Thankfully, she chose to stay in her home state and fill a mathematics teaching position in Hanston, Kansas.

However, what stands out most from the article is the number of math and science positions available at the career fair at Fort Hays State and the number of students that have graduated with teaching degrees in math and science. There were 125 math and science teaching positions available and only 8 students graduating with math and science teaching degrees. We desperately need to fill these positions with teachers who have been properly trained and have professional development opportunities in order to encourage students to pursue fields in engineering, science, technology and math.

The U.S. will need to produce four times as many scientists and engineers than we currently produce in order to meet future demand. The U.S. has been a leader in technology for decades and the need for skilled workers that will require technical expertise continues to climb. Congress has had to increase the number of H–1B visas to fill current labor shortages within these fields, we need to focus on long-term solutions through the education of our children.

Improving our students knowledge of math and science is not only a concern of American companies but also a concern of U.S. National Security. According to the latest reports and studies regarding National Security, the lack of math and science education beginning at the K–12 level imposes a serious security threat. The report issued by the U.S. Commission on National Security for the 21st Century reports that "The base of American national security is the strength of the American economy. Therefore, health of the U.S. economy depends not only on an elite that can produce and direct innovation, but also on a populace that can effective assimilate new tools and technologies. This is critical not just for the U.S. economy in general but specifically for the defense industry, which must simultaneously develop and defend against these same technologies."

We are all aware of the need for good teacher recruitment and retention programs because of the shortage of teachers many of our states are experiencing or will experience. Math and science education is no exception and I am glad to join my colleagues in introducing a piece of legislation that will aid in improving and enhancing math and science education and I encourage my colleagues to join in our fight.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1264. A bill to require the conveyance of a petroleum terminal serving former Loring Air Force Base and Bangor Air National Guard Base, Maine; to the Committee on Armed Services.

Ms. COLLINS. Madam President, I rise today to introduce the MackPoint Petroleum Terminal Conveyance Act. This legislation will authorize the conveyance of a petroleum tank farm at MackPoint in Searsport, ME, from the United States Air Force, USAF, to the Maine Port Authority to promote economic development in the state of Maine. The bill would ultimately allow the transfer of a petroleum tank farm to the Maine Port Authority in the State Department of Transportation, which will provide critical support for the redevelopment strategy in the region. The Port Authority in Maine has developed a three-port strategic goal for economic development in Northern/Central Maine. This economic development remains high on my list of priorities, and this bill would bring us one step closer toward this goal.

I am introducing this bill as a companion to legislation, The Loring Pipeline Reunification Act, which I introduced on the floor earlier this year. This companion legislation would convey a section of a pipeline connected to the tank farm, from the USAF to the Loring Development Authority, LDA, also to contribute to the re-development of the former Loring Air Force Base. Created by the Maine State Legislature, Loring Development Authority is responsible for promoting and marketing the development of the former base so as to attract more economic development to Northern/Central Maine.

The tank farm and pipeline originally were built to supply the former Loring Air Base with fuel products critical to its mission as a support base for B-52 bombers and KC-135 tankers. Prior to the base's closure in 1994, Defense Fuels would deliver fuel products by tanker to the Searsport tank farm, where the line originates, and then pump them through the line to the base. For a period following the base closure, the Maine Air National Guard continued to use the Searsport Tank Farm and the pipeline segment from Searsport to Bangor to supply their activities in Bangor. After a study conducted by the Defense Energy Support Center, a division of the Defense Logistics Agency however, the Air National Guard changed their means of transporting fuel from pipeline to truck.

The Air National Guard supports the vision of re-unifying the pipeline and tank farm, as does the Maine State Department of Transportation, and Sprague Industries, the current owner of the land on which part of the tank farm sits. In consideration of the large geographical expanse of my State, with often treacherous winter conditions, and the fuel shortages that have vexed the Northeast over the past two winters, I believe that the conveyance of this tank farm and the adjoining pipeline would serve the public well. It would provide a safer means of transporting fuel and, by presenting a more efficient means of accessing fuel, manufacturing and processing plants currently considering new operations in the economically-challenged area would be better connected to the resources of the Eastern seaboard.

By Mr. DURBIN. (for himself, Mr. KENNEDY, Mr. REID, Mr. DODD, Mr. WELLSTONE, Mr. CORZINE, and Mr. FEINGOLD):

S. 1265. A bill to amend the Immigration and Nationality Act to require the Attorney General to cancel the removal and adjust the status of certain aliens who were brought to the United States as children; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, this past Spring thousands of students across our Nation donned their caps and gowns and received their high school diplomas as their proud parents and family members looked on. This is an important milestone in the lives of both the graduates and their parents.

However, while many of these graduates will be looking forward to college, tens of thousands of these students will never get to attend college and realize their dreams. Why? Because these children are undocumented. Most of these children were brought to the United States at a very young age by their parents and did not have the ability to make an independent decision about where they would live. They had no choice in matter. Thus, they grew up here. They went to school here. And like other children, they too had thoughts of realizing the American dream. These dreams are quickly dashed when these students realize that, unlike their classmates, college is not on their horizon because of their immigration status.

Although Congress and the United States Supreme Court rightfully require State and local education agencies to permit undocumented children to attend elementary and secondary school, there are very few mechanisms under current law for these children to legalize their immigration status or go on to college once they have completed their high school education. They are effectively denied the opportunity to go to college and are constantly under the threat of deportation. Their lives are filled with uncertainty and lost opportunity.

That is why I, along with Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD, am introducing the Children's Adjustment, Relief, and Education Act, CARE Act. Representatives CANNON, BERMAN, and ROYBAL-ALLARD introduced a companion bill in the House on May 21, 2001.

The CARE Act would provide immigration relief to undocumented children who are in the United States, have lived a significant portion of their lives in this country, are of good moral character, and are interested in remaining in the country and continuing their education. The CARE Act would help lift these vulnerable children from the shadows of society and free them to go to college, regularize their status, and fully contribute to our country, now their country.

The CARE Act includes three major provisions.

As to restoration of the State option to determine residency for purposes of higher education benefits, first, the Act would repeal Section 505 of the 1996 immigration law, under which any State that provides in-state tuition or other higher education benefits to undocumented immigrants must provide the same tuition break or benefit to out-of-state residents. In other words, under Section 505, a State must charge the same tuition to out-of-state U.S. citizens as it charges to resident undocumented aliens. Repeal of Section 505 would restore to the States the authority to determine their own residency rules.

As to immigration relief for long-term resident students, second, the Act would permit students in America's junior high schools and high schools who have good moral character, reside in the United States, and have lived in the United States for at least five years to obtain special immigration relief, known as cancellation of removal, so that they can go to college and eventually become United States citizens. The act also applies to high school graduates who are under 21 years of age and are either enrolled in or are seriously pursuing admission to college.

As to higher education benefits for Student Adjustment Act applicants, finally, the Act would ensure that students who are applying for immigration relief under the Act may obtain federal student assistance on the same basis as other students while their application is being processed.

This legislation would help children like Luis Miguel in my home State of Illinois. Luis was born to a single mother in Guadalajara, Mexico. His mother was having a very difficult time living in Mexico so she decided to take her children and migrate to the United States. Luis was eight years old. He didn't have a say in the matter.

Luis was enrolled in a grammar school and after school he worked in a supermarket carrying groceries for people. Because Luis' mother was unable to make ends meet, she sent Luis to live in Chicago with his aunt and uncle when he was nine. He has lived there ever since.

Luis is currently 17 years old and just finished up his junior year at Kelly High School in Chicago. He is an above average student, and hopes to attend the University of Illinois at Chicago someday and become a computer engineer. He says he loves being involved in all types of activities because it makes him feel good about himself, and motivates him to do better. He is very active in and out of school. He is part of his school band, where he plays percussion, and he plays soccer in the Davis Square Park League. In the past he has participated in his church's choir, marimba band and folkloric ballet dance group. Luis also volunteers as a teacher for catechism classes at Holy Cross Church.

Luis has so much promise. But without this legislation, he is barred from fulfilling his potential.

The same is true for a young musical prodigy who recently completed her senior year of high school in the City of Chicago. Because of her exceptional musical talent, she was offered a scholarship to Juilliard. It is only in filling out the application that she learned of her undocumented status. Her only recourse: go to Korea, where she has never been, and live her life there. I believe our Nation can do better than this.

These stories are not unique to Illinois. Tens of thousands of high school students across our Nation, some of them valedictorians, are similarly situated and face uncertain futures. They cannot continue their lives or education once they graduate from high school. Instead, they face deportation.

Not only do these children suffer but our Nation suffers because we are deprived of future contributors and leaders, increased tax revenues, economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers or engineers are forced, instead, to settle for the limited employment options available to those without a college degree.

Moreover, the damage to our communities starts long before high school graduation. Guidance counselors report that many promising students drop out of school at an early age once they realize that they will, as a practical matter, be barred from going to college.

I urge my colleagues to join me, Senators KENNEDY, REID, DODD, WELLSTONE, CORZINE, and FEINGOLD in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Adjustment, Relief, and Education Act" or the "CARE Act".

SEC. 2. DEFINITION.

In this Act, the term "secondary school student" means a student enrolled in any of the grades 7 through 12.

SEC. 3. STATE FLEXIBILITY IN PROVIDING IN-STATE TUITION FOR COLLEGE-AGE ALIEN CHILDREN.

(a) IN GENERAL.—Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; division C; 110 Stat. 3009–672) (8 U.S.C. 1623) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by this section to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 shall take effect as if included in the enactment of such Act.

SEC. 4. -CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR CERTAIN ALIEN CHILDREN.

(a) IN GENERAL.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b) is amended—

(1) in subsection (b), by inserting at the end the following new paragraph:

"(5) SPECIAL RULE FOR RESIDENTS BROUGHT TO THE UNITED STATES AS CHILDREN.—

"(A) AUTHORITY.—Subject to the restrictions in subparagraph (B), the Attorney General shall cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien who is inadmissible or deportable from the United States, if the alien applies for relief under this paragraph and demonstrates that on the date of application for such relief—

"(i) the alien had not attained the age of 21;

"(ii) the alien had been physically present in the United States for a continuous period of not less than five years immediately preceding the date of such application;

"(iii) the alien had been a person of good moral character during the five-year period preceding the application; and

"(iv) the alien—

"(I) was a secondary school student in the United States;

"(II) was attending an institution of higher education in the United States as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

"(III) with respect to whom the registrar of such an institution of higher education in the United States had certified that the alien had applied for admission, met the minimum standards for admission, and was being considered for admission.

"(B) RESTRICTIONS ON AUTHORITY.—Subparagraph (A) does not apply to—

"(i) an alien who is inadmissible under section 212(a)(2)(A)(i)(I), or is deportable under section 237(a)(2)(A)(i), unless the Attorney General determines that the alien's removal would result in extreme hardship to the alien, the alien's child, or (in the case of an alien who is a child) to the alien's parent; or

"(ii) an alien who is inadmissible under section 212(a)(3), or is deportable under section 237(a)(2)(D)(i) or 237(a)(2)(D)(ii)."; and

(2) in subsection (d)(1)(A), by inserting "or (5)" after "subsection (b)(2)".

(b) EXEMPTION FROM NUMERICAL LIMITATIONS.—Section 240A of the Immigration and Nationality Act (8 U.S.C. 1229b), as amended by this Act, is further amended in subsection (e)(3) by adding at the end the following new subparagraph:

"(C) Aliens described in subsection (b)(5).".

(c) APPLICATION OF PROVISIONS.—For the purpose of applying section 240A(b)(5)(A) of the Immigration and Nationality Act (as added by subsection (a))—

(1) an individual shall be deemed to have met the qualifications of clause (i) of such section 240A(b)(5)(A) if the individual—

(A) had not attained the age of 21 prior to the date of enactment of this Act; and

(B) applies for relief under this section within 120 days of the effective date of regulations implementing this section; and

(2) an individual shall be deemed to have met the requirements of clauses (i), (ii), and (iv) of such section 240A(b)(5)(A) if—

(A) the individual would have met such requirements at any time during the four-year period immediately preceding the date of enactment of this Act; and

(B) the individual has graduated from, or is on the date of application for relief under such section 240A(b)(5) enrolled in, an institution of higher education in the United States (as defined in clause (iv) of such section 240A(b)(5)(A)).

(d) CONFIDENTIALITY OF INFORMATION.—

(1) PROHIBITION.—Neither the Attorney General, nor any other official or employee of the Department of Justice may—

(A) use the information furnished by the applicant pursuant to an application filed under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) for any purpose other than to make a determination on the application;

(B) make any publication whereby the information furnished by any particular individual can be identified; or

(C) permit anyone other than the sworn officers and employees of the Department or, with respect to applications filed under such section 240A(b)(5) with a designated entity, that designated entity, to examine individual applications.

(2) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

(e) REGULATIONS.—

(1) PROPOSED REGULATION.—Not later than 60 days after the date of enactment of this Act, the Attorney General shall publish proposed regulations implementing this section.

(2) INTERIM, FINAL REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall publish final regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but shall be subject to change and revision after public notice and opportunity for a period of public comment.

(3) ELEMENTS OF REGULATIONS.—In promulgating regulations described in paragraphs (1) and (2), the Attorney General shall do the following:

(A) APPLICATION FOR RELIEF.—Establish a procedure allowing eligible individuals to apply affirmatively for the relief available under section 240A(b)(5) of the Immigration and Nationality Act (as added by this Act) without being placed in removal proceedings.

(B) CONTINUOUS PRESENCE.—Ensure that an alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of section 240A(b)(5)(ii) of the Immigration and Nationality Act (as added by this Act) by virtue of brief, casual, and innocent absences from the United States.

(f) CONFORMING AMENDMENT.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)), as amended by this Act, is further amended in paragraph (4) by striking "paragraph (1) or (2)" each place it occurs and inserting "paragraph (1), (2), or (5)".

SEC. 5. ELIGIBILITY OF CANCELLATION APPLICANTS FOR EDUCATIONAL ASSISTANCE.

(a) QUALIFIED ALIENS.—Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)) is amended by adding at the end the following new paragraph:

"(8) for purposes of determining eligibility for postsecondary educational assistance, including grants, scholarships, and loans, an alien with respect to whom an application has been filed for relief under section 240A(b)(5) of the Immigration and Nationality Act, but whose application has not been finally adjudicated.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if enacted on August 22, 1996.

Mr. KENNEDY. Mr. President, I strongly support the Children's Adjustment, Relief, and Education Act. This needed legislation will give thousands of immigrant children who are presently unable to obtain a higher education a fair opportunity to realize the American dream.

For too many of these children, the highest level of education they can hope to attain is a high school diploma. It is not their lack of ability or their lack of desire which holds these children back. It is the fact that they were born abroad to parents who unlawfully entered this country. Under current law, they are often denied State and Federal aid for higher education. In an economy in which higher education is a prerequisite for higher wages and benefits, the result of current law is to relegate these children to an uncertain future.

It is wrong to punish these children for their parents' actions. That is why I strongly support the CARE Act. It will help undocumented children who are in the United States, who have lived a significant portion of their lives in this country, who are of good moral character, and who want to remain in this country and continue their education. It will give them special immigration relief so that they can go to college and eventually become U.S. citizens. I urge my colleagues to support this important legislation.

By Mr. CRAPO (for himself Mr. LUGAR Mr. ROBERTS, and Mr. HUTCHINSON):

S. 1267. A bill to extend and improve conservation programs administered by the Secretary of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAPO. Mr. President, I rise today to introduce the Conservation Extension and Enhancement, CEE, Act. I am pleased to be joined in introducing this bill by Senator RICHARD LUGAR, the Ranking Member of the Senate Agriculture Committee, Senator PAT ROBERTS, and Senator TIM HUTCHINSON.

America's agricultural producers have long been the best stewards of the land. This legislation helps farmers and ranchers continue to meet the public's increasing demands for cleaner air and water, greater soil conservation, increased wildlife habitat, and more open space. These demands have resulted in more stringent applications of Federal and State environmental regulations, including the Clean Water Act, the Clean Air Act, and the Endangered Species Act. It is appropriate we direct our funding to help producers in their efforts to provide these public benefits.

Conservation is an important component of Federal farm policy. This proposal dedicates the resources necessary to ensure farmers and ranchers are receiving the assistance they need to provide the environmental benefits the public deserves. It will keep working farms working effectively from an economic and environmental perspective. To do this, CEE re-authorizes necessary conservation programs, makes enhancements to these voluntary programs, and provides increased funding to meet increasing needs.

The last farm bill built on the past successes of the Conservation Reserve Program, CRP, and Wetlands Reserve Program, WRP, and enhanced the flexibility of the compliance programs, while creating a number of new conservation programs. There are many success stories associated with these programs, both new and old. However, there have also been suggestions made to improve these programs. This initiative implements those suggestions to make the programs more effective and increases their funding.

CRP has been one of the most successful conservation programs in USDA history. The program provides a rental payment to producers for voluntarily converting highly-erodible or environmentally-sensitive cropland to a cover crop or grasses or trees. The program has led to a tremendous reduction in soil erosion, and has been responsible for creation of habitat for a wide variety of species. Unfortunately, CRP is currently nearing its acreage cap.

I share the concerns of many producers and rural Americans about the impact of idled land on production and main street economies. CEE increases the acreage cap by 3.6 million acres to a total of 40 million acres, but it sets aside those 3.6 million acres for continuous enrollment CRP and the Conservation Reserve Enhancement Program, CREP. These two programs, continuous CRP and CREP, focus on conservation buffers, allowing producers to maintain working lands, while getting assistance in protecting their most environmentally-sensitive lands.

WRP has played an important role in protecting and restoring wetlands. WRP provides payments to producers for enrolling wetlands in permanent, thirty-year, or ten-year easements. It also provides technical and financial assistance to land owners seeking help in restoring wetlands. The environmental benefits of wetlands cannot be underestimated. Unfortunately, WRP is nearing its acreage cap of 1.075 million acres. CEE allows for an additional 250,000 acres to be enrolled in the program annually.

The Farmland Protection Program is targeted at easing development pressure on agriculture lands. It provides a payment to producers who agree to enroll land in easements and has been an important program in meeting the public demand for open space. Again, producer demand far outpaces available funding. CEE provides $100 million annually to this important program.

Another successful program in need of continued authorization and funding is the Wildlife Habitat Incentives Program. This program provides technical and financial assistance to producers who want to establish improved fish and wildlife habitat. My bill provides $100 million annually to this program, while creating a pilot project that assists landowners in focusing their efforts on addressing species concerns before the species is in threat of listing under the endangered species act.

One of the most important programs available to assist producers is the Environmental Quality Incentives Program. EQIP provides technical and financial assistance to producers to adopt conservation practices. Demand for the program greatly exceeds existing funding. CEE provides for a tripling of the funding, while increasing flexibility in the program. EQIP has been the primary vehicle for assisting producers to comply with the Clean Water Act. It has been estimated producers will have to spend billions to comply with new regulations, such as total maximum daily loads and confined animal feeding operations. Increasing the funding and flexibility of the EQIP programs is vital to helping producers meet the challenges of the Clean Water Act and other environmental regulations.

Also included in this comprehensive bill is the creation of the Grasslands Reserve Program. Like the other conservation programs created through past farm bills, it is a bipartisanly-supported, voluntary program. The Grasslands Reserve Program would be a voluntary grassland easement program to provide protections for native grasslands. This will ease development pressure on ranchlands, providing a long-term commitment to wildlife and the environment. I am also pleased to be a co-sponsor of a free-standing Grassland's legislation introduced by my colleague, Senator LARRY CRAIG.

CEE also provides funding for the Conservation of Private Grazing Lands program. This program offers technical assistance to ranchers seeking to implement best management practices and other range improvements.

The bill codifies existing practices for the Resource Conservation and Development, RC&D, program, while increasing flexibility in the use of funds. RC&Ds effectively leverage federal funds to assist in stabilizing and growing communities while protecting and developing natural resources.

CEE also provides for several studies. It authorizes a National Academy of Sciences study to develop a protocol for measuring accomplishments. This protocol is necessary to ensure we are getting maximum environmental benefits for the taxpayer.

The bill also directs the Secretary of Agriculture to review existing disaster programs and report on how to improve the timeliness and effectiveness of the overall disaster program. Natural disasters are a constant threat to farmers and ranchers. Flooding, drought, fire, and other natural events impact even the most efficient operations, causing losses beyond producer control. An effective disaster program is vital to the survival of many farms and ranches.

Conservation programs are vital to continued progress in creating efficient, environmentally and farmer-friendly agricultural policies. This bill sets a baseline as we endeavor to create a farm policy that recognizes the importance of conservation efforts, builds upon past efforts, is equitable, and has measurable achievements. I ask my colleagues to join me in co-sponsoring this bill.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 140—DESIGNATING THE WEEK BEGINNING SEPTEMBER 15, 2002, AS "NATIONAL CIVIC PARTICIPATION WEEK".

Mr. ROBERTS (for himself, and Mrs. FEINSTEIN) submitted the following resolution: which was referred to the Committee on the Judiciary

S. RES. 140

Whereas the United States embarks on this new millennium as the world's model of democratic ideals, economic enterprise, and technological innovation and discovery;

Whereas our Nation's preeminence is a tribute to our great 2-century-old experiment in representative government that nurtures those ideals, fosters economic vitality, and encourages innovation and discovery;

Whereas representative government is dependent on the exercise of the privileges and responsibilities of its citizens, and that has been in decline in recent years in both civic and political participation;

Whereas Alexis de Tocqueville, the 19th century French chronicler of our Nation's political behavior, observed that the people of the United States had successfully resisted democratic apathy and mild despotism by using what he called "schools of freedom"—local institutions and associations where citizens learn to listen and trust each other;

Whereas civic and political participation remains the school in which citizens engage in the free, diverse, and positive political dialogue that guides our Nation toward common interests, consensus, and good governance;

Whereas it is in the public interest for our Nation's leaders to foster civic discourse, education, and participation in Federal, State, and local affairs;

Whereas the advent of revolutionary Internet technology offers new mechanisms for empowering our citizens and fostering greater civic engagement than at anytime in our peacetime history; and

Whereas the use of new technologies can bring people together in civic forums, educate citizens on their roles and responsibilities, and promote citizen participation in the political process through volunteerism, voting, and the elevation of voices in public discourse: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CIVIC PARTICIPATION WEEK.

The Senate—

(1) designates the week beginning September 15, 2002, as "National Civic Participation Week";

(2) proclaims National Civic Participation Week as a week of inauguration of programs and activities that will lead to greater participation in elections and the political process; and

(3) requests that the President issue a proclamation calling upon interested organizations and the people of the United States to promote programs and activities that take full advantage of the technological resources available in fostering civic participation through the dissemination of information.

Mr. ROBERTS. Madam President, we stand in the midst of an amazing period of history. Not since the industrial revolution has society witnessed such an explosion of technological advancements. The rise of the Internet yields volumes of information to anyone at anytime and is only a mouse click away. It is imperative that we use this medium responsibly.

The strength of our country is deeply rooted in informed citizens freely exchanging ideas. Common men and women engaged in the political process is the lifeblood of the United States. As legislators, we are the stewards of democracy. It is our duty to encourage citizens of all persuasions to actively play a role in this democratic saga.

With the emergence of the Internet, there is no better way to make this possible than by supporting this resolution. I, along with my distinguished colleague, DIANNE FEINSTEIN of California, am submitting a resolution entitled, "The National Civic Participation Week." It declares the week of September 15, 2002 as a time devoted to the education of the political process on the Internet. This resolution challenges the technical industry to create Web sites that promote civic involvement. Further, it calls on local communities to establish links that provide helpful information to its citizens such as polling locations, registration, and, voter information.

We submit this resolution today in response to the declining participation in the American political system, particularly among younger citizens. I offer some sobering statistics: In the last presidential election, of the 25.5 million Americans between the ages of 18–24, only 19 percent registered to vote and only 16 percent actually voted. In the 1996 presidential election, of the 24 million Americans that age, only 47 percent registered, and 32 percent voted. 22 percent of U.S. teens did not know from whom the United States won its independence. 14 percent thought it was France. 10 percent didn't know there were thirteen original colonies. About 23 percent didn't know who fought in the civil war.

Our country has come along way from the early days of the thirteen colonies. Those were times, as Alexis de Tocqueville wrote in his "Democracy in America," of citizens creating "freedom schools" to teach and learn of freedom and democracy and the role that each of us can play to help it flourish.

We believe that the Internet and other new technologies can play a crucial role in acting as "freedom schools." With so many young people drawn to the Internet, it is an ideal medium to cultivate democratic virtues and encourage participation. The possibilities are numerous. The World Wide Web has the potential to assist citizens on finding information with how the government works, how laws are made, and how citizens can effectively communicate with their elected officials.

This resolution offers no Federal mandates or governmental expenditures. It does not prescribe what information should be posted on the web or how it is disseminated. Instead, we as Senators are making a collective statement that we recognize the power of the Internet and its vast potential at promoting civic virtues. It is a resolution that encourages those within the technology industry to provide valuable information on the inner-workings of democracy.

Let us use the Internet's vast information highway to cultivate learning and greater awareness in civic affairs. It is our sincere hope that we can rekindle the spirit of the "freedom school" of the American Revolution through the Internet. May these new technologies illuminate and continue the lessons and dreams of our forefathers.

Mrs. FEINSTEIN. Mr. President, today Senator ROBERTS and I are submitting a resolution on civic participation. The resolution has three provision: 1. It proclaims the week beginning September 15, 2002 as National Civic Participation Week; 2. It proclaims National Civic Participation Week as a week of programs and activities that encourage greater participation in elections and the political process; and 3. It requests the President to issue a proclamation calling on organizations and the people of the country to promote the use of technology in fostering civic participation through the dissemination of information.

The thrust of this resolution is to encourage activities among Americans, especially young people, to use technology to become more involved in the country's civic life.

As our Nation's leaders, it is our job to show Americans, especially young people, the importance of being involved in local, State, and national affairs.

Civic participation is the arena in which citizens can express their views and engage in dialogue and actions that, influence public policy and guide public officials to carry out the citizen's views and recommendations.

With advances in Internet technology and other computerized forms of communication, today we can offer citizens new and innovative ways of learning about and interacting with their local, State and Federal Government in an easily accessible way.

With only 65.9 percent of all Americans registered to vote in the 1996 Presidential election, according to the Federal Election Commission, the Civic Participation Week resolution will try to make more people aware of their right and responsibility to take an active role in government.

There is no question that we need more Americans involved in their government. In fact, our democracy depends on it. In the most recent Presidential election last year in the United States, only 50.7 percent of the registered voters actually voted, according to the November 9, 2000 Washington Post. This compares to 49 percent in the 1996 and 50.1 percent in the 1988 Federal elections.

Among young people, the voter turnout in this country is considerably lower. In the 18–21 age group, only 43.6 percent are registered to vote, and a dismal 18.5 percent actually voted in 1998, according to Federal Election Commission data.

In many other countries, the voter turnout is considerably higher than in the United States. According to the Federal Election Commission, in Kazakhstan's 1999 Presidential election, there was a 87.05 percent voter turnout. In Iceland, there was a 85.9 percent voter turnout in the 1996 Presidential election. The 1995 Presidential election in Argentina had a 80.9 percent turnout of registered voters.

Internet technology may be an especially effective way to reach young Americans because information is highly accessible. Available at the click of a mouse, and young people seem to prefer computers as an information-gathering tool over more traditional methods.

This use of new technology can help bring people together and can promote citizen participation in the political process through more volunteerism, easier access to information, and heightened activism in our Nation's civic life.

I urge my colleagues to support this resolution.

SENATE RESOLUTION 141—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN PEOPLE OF THE STATE OF NEW YORK V. ADELA HOLZER

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 141

Whereas, the District Attorney of the County of New York in the State of New York is seeking testimony before the Grand Jury of the County of New York from Garry Malphrus, an employee on the staff of the Committee on the Judiciary, in a criminal action prosecuted by the People of the State of New York against Adela Holzer;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics of Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Garry Malphrus is authorized to testify in People of the State of New York v. Adela Holzer, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Garry Malphrus in connection with the testimony authorized in section one of this resolution.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on July 31, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss conservation on working lands for the next federal farm bill.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on August 2, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to discuss rural economic development issues for the next federal farm bill.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Madam President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, August 2, 2001, at 9 a.m., in SR–301, Russell Senate Office Building, to consider the following legislation: S. 565, the "Equal Protection of Voting Rights Act of 2001"; an original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; S.J. Res. 19 and 20, providing for the reappointment of Anne d'Harnoncourt and the appointment of Roger W. Sant, respectively, as Smithsonian Institution citizen regents; S. 829, the "National Museum of African American History and Culture Act of 2001"; and other legislative and administrative matters ready for consideration at the time of the markup.

For further information regarding this markup, please contact Kennie Gill at the Rules Committee on 224–6352.

SUBCOMMITTEE PRODUCTION AND PRICE COMPETITIVENESS

Mr. HARKIN. Madam President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Production and Price Competitiveness will meet on August 1, 2001, in SR–328A at 9 a.m. The purpose of this hearing will be to consider the U.S. Export Market Share.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 27, 2001, to conduct the second in a series of hearings on "Predatory Mortgage Lending: The Problem, Impact, and Responses."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DASCHLE. Madam President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, July 27, at 9:30 a.m., to conduct a hearing.

The Committee will receive testimony on the nomination of Theresa Alvillar-Speake to be Director of the Office of Minority Economic Impact, Department of Energy. The Committee will also receive testimony on H.R. 308, to establish the Guam War Claims Review Commission, and H.R. 309, to provide for the determination of withholding tax rates under the Guam income tax.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 27, 2001 at 11:30 to hold a business meeting.

The Committee will consider and vote on the following nominees:

1. Mr. Stuart A. Bernstein, of the District of Columbia, to be Ambassador to Denmark.
2. Mrs. Sue M. Cobb, of Florida, to be Ambassador to Jamaica.
3. Mr. Russell F. Freeman, of North Dakota, to be Ambassador to Belize.
4. Mr. Michael E. Guest, of South Carolina, to be Ambassador to Romania.
5. Mr. Charles A. Heimbold, Jr., of Connecticut, to be Ambassador to Sweden.
6. The Honorable Thomas C. Hubbard, of Tennessee, to be Ambassador to the Republic of Korea.
7. Mrs. Marie T. Huhtala, of California, to be Ambassador to Malaysia.
8. Mr. Franklin L. Lavin, of Ohio, to be Ambassador to the Republic of Singapore.
9. Mr. Thomas J. Miller, of Virginia, to be Ambassador to Greece.
10. The Honorable Larry C. Napper, of Texas, to be Ambassador to the Republic of Kazakhstan.
11. Mr. Roger F. Noreiga, of Kansas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.
12. Mr. Jim Nicholson, of Colorado, to be Ambassador to the Holy See.
13. Mr. Mercer Reynolds, of Ohio, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein.
14. Mr. John T. Schieffer, of Texas, to be Ambassador to Australia.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. I ask unanimous consent that Mark Zaineddin, a fellow in my office, be granted floor privileges during pendency of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. CLINTON. Madam President, I ask unanimous consent to proceed to executive session to consider the following nominations: Calendar Nos. 262 through 285, and the military nominations placed on the Secretary's desk; that the nominees be considered en bloc; that the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Charles C. Baldwin, 2219.
Col. Charles B. Green, 6223.
Col. Thomas J. Loftus, 1717.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Lance L. Smith, 7660.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas C. Waskow, 1732.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard E. Brown, III, 8999.

ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general, judge advocate general corps

Col. Scott C. Black, 1918.
Col. David P. Carey, 0214.
Col. Daniel V. Wright, 1462.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Burwell B. Bell, III, 7158.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John S. Caldwell, Jr., 8372.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. James L. Campbell, 9585.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Michael L. Dodson, 5712.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David D. McKiernan, 8864.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Marylin J. Muzny, 1719.

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Thomas W. Eres, 7180.

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John B. Sylvester, 4619.

MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Kevin M. Sandkuhler, 7415.

NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Michael S. Baker, 2305.
Capt. Lewis S. Libby, III, 7663.
Capt. Charles A. Williams, 6312.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Robert E. Cowley, III, 2000.
Capt. Robert D. Hufstader, Jr., 5472.
Capt. Nancy Lescavage, 7676.
Capt. Alan S. Thompson, 2891.

The following named officers for promotion in the Naval Reserve of the United States to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. James E. Beebe, 2459.
Capt. Hugo C. Blackwood, 6868.
Capt. Daniel S. Mastagni, 9620.
Capt. Paul V. Shebalin, 4813.
Capt. John M. Stewart, Jr., 5084.

The following named officers for appointment in the United States Navy to grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Kathleen L. Martin, 3639.
Rear Adm. (lh) James A. Johnson, 6264.

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael E. Finley, 8251.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Gordon S. Holder, 2235.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. James C. Dawson, Jr., 7743.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Walter F. Doran, 4942.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Timothy J. Keating, 8508.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Michael G. Mullen, 9509.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

ARMY

PN565 Army nominations (1232) beginning DAVID L. ABBOTT, and ending X8012, which nominations were received by the Senate and appeared in the Congressional Record of June 22, 2001.

PN593 Army nominations (3) beginning CARL R. BAGWELL, and ending ALLEN M. HARRELL, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN638 Army nominations (4) beginning DENNIS E. PLATT, and ending LAWRENCE C. SELLIN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN639 Army nominations (9) beginning GEORGE J. CARLUCCI, and ending CHARLES P. SHEEHAN, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN559 Army nominations (342) beginning HADASSAH E. AARONSON, and ending SANG W YUM, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 2001.

PN669 Army nominations (3) beginning JOSE R. ARROYONIEVES, and ending BRIAN T. *MYERS, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

PN670 Army nominations (8) beginning MARIA L. BRITT, and ending JOHN W. WILKINS, II, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

MARINE CORPS

PN641 Marine Corps nominations (61) beginning DONALD L. ALBERT, and ending TIMOTHY W. WALDRON, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

NAVY

PN594 Navy nominations (190) beginning MARK M. ABRAMS, and ending DAVID P. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN595 Navy nominations (206) beginning MICHAEL J. NYILIS, and ending RYAN S. YUSKO, which nominations were received by the Senate and appeared in the Congressional Record of June 29, 2001.

PN289 Navy nominations (231) beginning MICHAEL G. AHERN, and ending RICHARD D. ZEIGLER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN290 Navy nominations (347) beginning MILTON D. ABNER, and ending MICHAEL A. ZIESER, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2001.

PN436 Navy nominations (745) beginning SCOT K. ABEL, and ending WILLIAM A. ZIRZOW, IV, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN437 Navy nominations (260) beginning CHRISTOPHER E. CONKLE, and ending PHILIP D. ZARUM, which nominations were received by the Senate and appeared in the Congressional Record of May 21, 2001.

PN642 Navy nominations (484) beginning LEIGH P. ACKART, and ending HUMBERTO ZUNIGA, JR., which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2001.

PN671 Navy nominations (8) beginning DAVID M. BURCH, and ending MIL A. YI, which nominations were received by the Senate and appeared in the Congressional Record of July 18, 2001.

PN304 Navy nominations (315) beginning EDWARD P. ABBOTT, and ending ROBERT ZAUPER, which nominations were received by the Senate and appeared in the Congressional Record of April 26, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AUTHORIZING TESTIMONY AND LEGAL REPRESENTATION

Mrs. CLINTON. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 141, submitted earlier today by the majority and Republican leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant bill clerk read as follows:

> A resolution (S. Res. 141) to authorize testimony and legal representation in People of the State of New York v. Adela Holzer.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Madam President, this resolution concerns a request for testimony in a grand jury investigation in New York City relating to immigration fraud. The District Attorney for New York County has uncovered evidence that a New York resident extracted money from immigrants by falsely promising to obtain private relief legislation to benefit them through her contacts in Washington. The alleged scheme included fabrications of correspondence purporting to be from Senator THURMOND'S office. The District Attorney has requested that an employee on Senator THURMOND'S Judiciary subcommittee staff testify before the grand jury about the fabrications.

Senator THURMOND wishes to cooperate with the District Attorney by authorizing this employee to testify before the grand jury. Accordingly, this resolution authorizes this employee to testify, with representation by the Senate Legal Counsel.

Mrs. CLINTON. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 141) was agreed to.

The preamble was agreed to.

(The text of S. Res. 141 is printed in today's RECORD under "Statements on Submitted Resolutions.")

ILSA EXTENSION ACT OF 2001

Mrs. CLINTON. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1954, the Iran-Libya Sanctions Act, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

> A bill (H.R. 1954) to extend the authorities of the Iran and Libya Sanctions Act of 1996 until 2006, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. CLINTON. Madam President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid on the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1954) was read the third time and passed.

ORDERS FOR MONDAY, JULY 30, 2001

Mrs. CLINTON. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 1 p.m., Monday, July 30. I further ask unanimous consent that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 2 p.m. with Senators permitted to speak for up to 10 minutes each with the following exceptions: Senator DURBIN or his designee from 1 to 1:30 p.m.; Senator GRASSLEY or his designee from 1:30 to 2 p.m.; further, at 2 p.m. the Senate resume consideration of the motion to proceed to S. 1246, the Agriculture supplemental authorization bill, with the time until 5:30 p.m. equally divided between the chairman and ranking member or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. CLINTON. Madam President, the Senate will convene Monday at 1 p.m. with 1 hour of morning business. At 2 p.m., the Senate will consider the motion to proceed to the Agriculture supplemental bill. A cloture vote on the motion to proceed to the Agriculture bill will occur at 5:30 p.m. on Monday.

I have no further business to report, Madam President.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JULY 30, 2001

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Monday, July 30, 2001.

Thereupon, the Senate, at 7:31 p.m., adjourned until Monday, July 30, 2001, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 2001:

DEPARTMENT OF STATE

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

AIR FORCE NOMINATION OF COL. CHARLES C. BALDWIN.
AIR FORCE NOMINATION OF COL. CHARLES B. GREEN.
AIR FORCE NOMINATION OF COL. THOMAS J. LOFTUS.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. LANCE L. SMITH.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. THOMAS C. WASKOW.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

AIR FORCE NOMINATION OF MAJ. GEN. RICHARD E. BROWN III.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general, judge advocate general's corps

ARMY NOMINATION OF COL. SCOTT C. BLACK.
ARMY NOMINATION OF COL. DAVID P. CAREY.
ARMY NOMINATION OF COL. DANIEL V. WRIGHT.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. BURWELL B. BELL III.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN S. CALDWELL JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JAMES L. CAMPBELL.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF LT. GEN. MICHAEL L. DODSON.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. DAVID D. MCKIERNAN.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

ARMY NOMINATION OF COL. MARYLIN J. MUZNY.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

ARMY NOMINATION OF BRIG. GEN. THOMAS W. ERES.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

ARMY NOMINATION OF MAJ. GEN. JOHN B. SYLVESTER.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5046:

To be brigadier general

MARINE CORPS NOMINATION OF COL. KEVIN M. SANDKUHLER.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. MICHAEL S. BAKER.
NAVY NOMINATION OF CAPT. LEWIS S. LIBBY III.
NAVY NOMINATION OF CAPT. CHARLES A. WILLIAMS.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. ROBERT E. COWLEY III.
NAVY NOMINATION OF CAPT. ROBERT D. HUFSTADER JR.
NAVY NOMINATION OF CAPT. NANCY LESCAVAGE.
NAVY NOMINATION OF CAPT. ALAN S. THOMPSON.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

NAVY NOMINATION OF CAPT. JAMES E. BEEBE.
NAVY NOMINATION OF CAPT. HUGO G. BLACKWOOD.
NAVY NOMINATION OF CAPT. DANIEL S. MASTAGNI.
NAVY NOMINATION OF CAPT. PAUL V. SHEBALIN.
NAVY NOMINATION OF CAPT. JOHN M. STEWART JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) KATHLEEN L. MARTIN.
NAVY NOMINATION OF REAR ADM. (LH) JAMES A. JOHNSON.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

NAVY NOMINATION OF REAR ADM. (LH) MICHAEL E. FINLEY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. GORDON S. HOLDER.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF REAR ADM. JAMES C. DAWSON JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. WALTER F. DORAN.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. TIMOTHY J. KEATING.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

NAVY NOMINATION OF VICE ADM. MICHAEL G. MULLEN.

ARMY NOMINATIONS BEGINNING HADASSAH E. AARONSON AND ENDING SANG W. YUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 2001.

ARMY NOMINATIONS BEGINNING DAVID L. ABBOTT AND ENDING X8012, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 22, 2001.

ARMY NOMINATIONS BEGINNING CARL R. BAGWELL AND ENDING ALLEN M. HARRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

ARMY NOMINATIONS BEGINNING DENNIS E. PLATT AND ENDING LAWRENCE C. SELLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

ARMY NOMINATIONS BEGINNING GEORGE J. CARLUCCI AND ENDING CHARLES P. SHEEHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

ARMY NOMINATIONS BEGINNING JOSE R. ARROYONIEVES AND ENDING BRIAN * T. MYERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

ARMY NOMINATIONS BEGINNING MARIA L. BRITT AND ENDING JOHN W. WILKINS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

MARINE CORPS NOMINATIONS BEGINNING DONALD L. ALBERT AND ENDING TIMOTHY W. WALDRON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

NAVY NOMINATIONS BEGINNING MICHAEL G. AHERN AND ENDING RICHARD D. ZEIGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

NAVY NOMINATIONS BEGINNING MILTON D ABNER AND ENDING MICHAEL A ZIESER, WHICH NOMINATIONS WERE

RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2001.

NAVY NOMINATIONS BEGINNING EDWARD P. ABBOTT AND ENDING ROBERT ZAUPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 26, 2001.

NAVY NOMINATIONS BEGINNING SCOT K ABEL AND ENDING WILLIAM A ZIRZOW IV, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2001.

NAVY NOMINATIONS BEGINNING CHRISTOPHER E CONKLE AND ENDING PHILIP D ZARUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 21, 2001.

NAVY NOMINATIONS BEGINNING MARK M ABRAMS AND ENDING DAVID P YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

NAVY NOMINATIONS BEGINNING MICHAEL J. NYILIS AND ENDING RYAN S. YUSKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 2001.

NAVY NOMINATIONS BEGINNING LEIGH P ACKART AND ENDING HUMBERTO ZUNIGA JR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2001.

NAVY NOMINATIONS BEGINNING DAVID M. BURCH AND ENDING MIL A. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 18, 2001.

EXTENSIONS OF REMARKS

MEMORIAL DAY PRAYER, MYRTLE HILL CEMETERY GIVEN BY REV. WARREN JONES

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BARR of Georgia. Mr. Speaker, Rev. Warren Jones of Rome, Georgia, has long been an active member of the community. From his participation during college in every organization on campus except the Women's and the Home Economics Clubs, to the 18 agencies with which he currently volunteers, in addition to being a member of the Silver Haired Congress and Georgia's Silver Legislature, Rev. Jones has always believed in furthering the good of the community.

This prayer was delivered by Rev. Jones at the Memorial Day Dedication of the 1917–1918 Doughboy Statue at Veterans Plaza, Myrtle Hill Cemetery in Rome, Georgia on May 28, 2001. It contains important words and principles for all of us.

Let us pray:

To the God of Abraham, Isaac and of Jacob, to the Blessed Mother, and to our Lord and Savior, Jesus Christ:

We lift our voice in prayer on this Memorial Day to remember and give thanks for all those who have ever worn the uniform of our country; Army, Navy, Marine, Coast Guard, Air Force, Merchant Marine, WAC, WAVE, SPAR, Lady Marine, WASP.

Let us remember that Thomas Jefferson wrote "the God who gave us life gave us liberty at the same time." But for more than 225 years, each generation has learned anew "Freedom is not free."

Across the years civilians and service personnel have sung these songs:

For the Army:
God of our Fathers
Thy love divine hath led us in the past.
In this free land by thee our lot is cast.
For the Navy:
Eternal Father, strong to save
Whose arm hath bound the restless wave,
Who bidst the mighty ocean deep
It's own appointed limits keep
O hear us when we cry to thee,
For those in peril on the sea.
For the Air Force:
Lord guard and guide the men who fly
Through the great spaces of the sky,
Be with them traversing the air,
Uphold them with thy saving grace
O God protect the men who fly
Through lonely ways beneath the sky.

Today, we remember all the men and women who have served; who have sacrificed, who have been prisoners of war, and who are serving today—all around the world. And we remember they were young.

Especially do we remember this day—and every day—those missing in action, and their families.

God on high, hear my prayer
He is young—He is afraid
And I am old and will be gone.
Bring him peace, bring him joy
He is young, he is only a boy.
You can take, you can give,
Let him live, let him live, Bring him home!
(Les Miserables)

Four score and seven years have passed since Romans gathered on this very hill to bury our President's wife—Roman Ellen Louise Axson.

For the next four score and seven years, and all the years to follow, keep us ever mindful this is one nation under God.

Amen.

A PROCLAMATION RECOGNIZING THE OUTSTANDING WORK OF THE CITY OF HEATH, OHIO FIRE DEPARTMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the exemplary work of the Heath Fire Department has earned them the recognition of the Congressional Fire Service Institute for outstanding work in providing protection to their community; and,

Whereas, the partnership between the Fire Department and the city is a strong and essential component for serving the community effectively; and

Whereas, the relationship that has been cultivated between the Newark Fire Department and the city that it serves has proven to be an effective element for fire prevention;

Therefore, I ask that my colleagues join me in recognizing the impressive accomplishments of the Heath Fire Department that has brought honor, pride, and security to their community.

ROMANIA'S CHAIRMANSHIP OF OSCE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. SMITH of New Jersey. Mr. Speaker, this year, Romania holds the chairmanship of the 55-nation Organization for Security and Cooperation in Europe (OSCE). Obviously, this is one of the most important positions in the OSCE and, as Romania is a little more than half way through its tenure, I would like to reflect for a moment on some of their achievements and challenges.

First and foremost, I commend Romanian Foreign Minister Mircea Geoana for his leadership. In late January Minister Geoana met in the Capitol with members of the Helsinki Commission which I co-chair and again two weeks ago at the Parliamentary Assembly meeting in Paris, we had a helpful exchange of views. He has demonstrated, in word and deed, that he understands how important the role of chairman is to the work of the OSCE. His personal engagement in Belarus and Chechnya, for example, illustrates the constructive possibilities of the chairmanship. I appreciate Foreign Minister Geoana's willingness to speak out on human rights concerns throughout the region.

As Chair-in-Office, we also hope that Romania will lead by example as it continues to implement economic and political reform and to further its integration into western institutions. In this regard, I would like to draw attention to a few of the areas the Helsinki Commission is following with special interest.

First, many members of the Helsinki Commission have repeatedly voiced our concerns about manifestations of anti-Semitism in Romania, often expressed through efforts to rehabilitate or commemorate Romania's World War II leadership.

I was therefore encouraged by the swift and unequivocal response by the Romanian Government to the inexcusable participation of General Mircea Chelaru in a ceremony unveiling a bust of Marshal Ion Antonescu, Romania's war-time dictator. I particularly welcome President Iliescu's statement that "Marshal Ion Antonescu was and is considered a war criminal for the political responsibility he assumed by making [an] alliance with Hitler."

I encourage the Romanian Government to give even greater meaning to this statement and to its stated commitment to reject anti-Semitism. Clearly, the next step should be the removal of Antonescu statues from public lands, including those at the Jilava prison and in Slobozia, Piatra Neamt, and Letcani.

Mr. Speaker, I also appreciate the recent statement by Prime Minister Nastase that journalists should not be sent to jail for their writings. But frankly, it is not enough for the Prime Minister merely to reject efforts to increase the criminal penalties that journalists are now vulnerable to in Romania.

Non-governmental organizations have spoken to this issue with one voice. In fact, since the beginning of this year, NGOs have renewed their call for changes to the Romanian penal code that would bring it into line with OSCE standards. Amnesty International, Article I9, the Global Campaign for Free Expression, the International Helsinki Federation and the Romanian Helsinki Committee have all urged the repeal of articles 205, 206, 207, 236, 236(1), 238 and 239 from the criminal code and, as appropriate, their replacement by civil code provisions. I understand the Council of Europe made similar recommendations to Romania in 1997.

Moreover, the OSCE Representative on Freedom of the Media has said, clearly and repeatedly, that criminal defamation and insult laws are not consistent with OSCE commitments and should be repealed. There is no

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

better time to take this step than now, while Romania holds the Chairmanship of the OSCE.

Public authorities, of course, should be protected from slander and libel, just like every one else. Clearly, civil codes are more than adequate to achieve this goal. Accordingly, in order to bring Romanian law into line with Romania's international obligations and commitments, penal sanctions for defamation or insult of public authorities in Romania should be altogether ended. It is time—and past time—for these simple steps to be taken.

As Chairman-in-Office, Minister Geoana has repeatedly expressed his concern about the

Domestically, Romania is also in a position to lead by example in combating trafficking. Notwithstanding that the State Department's first annual Trafficking in Persons report characterizes Romania as a "Tier 3" country in the fight against human trafficking—that is, a country which does not meet minimum standards for the elimination of trafficking and is not making significant efforts to bring itself into compliance with those standards—it is clear the Government of Romania is moving in a positive direction to address the trafficking of human beings from and through its territory. For example, the Ministry of Justice is actively working on a new anti-trafficking law. The government is also cooperating closely with the Regional Center for Combating Trans-Border Crime, created under the auspices of the Southeast European Cooperative Initiative and located in Bucharest, and in particular, with the Center's anti-human trafficking task force.

I encourage the Govenmient of Romania to continue with these efforts and to undertake additional initiatives. For example, law enforcement officers in Romania, as in many other OSCE States, are still in need of thorough training on how to investigate and prosecute cases of suspected human trafficking. Training which reinforces the principle that trafficked persons deserve a compassionate response from law enforcement—as they are victims of crime themselves, not criminals—is necessary. When such training leads to more arrests of traffickers and more compassion toward trafficking victims, Romania will be a regional leader in the fight against this modem slavery.

Finally, Mr. Speaker, I would like to say a few words about the Romani minority in Romania. Romania may have as many as 2 million Roma, and certainly has the largest number of Roma of any OSCE country. Like elsewhere in the region, they face discrimination in labor, public places, education, and housing. I am especially concerned about persistent and credible reports that Roma are subjected to police abuse, such as the raids at the Zabrauti housing development, near Bucharest, on January 12, and in Brasov on February I and 9 of this year. I commend Romani CRISS and other groups that have worked to document these problems. I urge the Romanian Government to intensify its efforts to prevent abusive practices on the part of the police and to hold individual police officers accountable when they violate the law.

In the coming months, the OSCE will conduct the Human Dimension Implementation Review meeting in Warsaw, a Conference on Roma and Sinti Affairs in Bucharest, and the Ministerial Council meeting also in Bucharest, among other meetings and seminars. The legacy of the Romanian Chairmanship will entail not only the leadership demonstrated in these venues but also progress made at home through further compliance with OSCE commitments.

JOSEPH "RED" JONES HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long history of service to the community by my good friend, Joseph "Red" Jones of Luzerne County, Pennsylvania. Red will be honored with a tribute on August 17, 2001, the 50th anniversary of his calling square dances, which he has done exclusively for charity for the past 20 years.

Red first started calling square dances at the age of 13, and is considered to be among the best callers in eastern Pennsylvania. As befits his spirit of service, the event being held to honor him will raise money for several local charities supported by the Volunteers of America, including the Caring Alternatives Pantry, The Hartman Home and Dial-A-Driver.

Red has used this talent to benefit countless community organizations, school groups and booster clubs, church organizations, volunteer fire companies, little leagues and youth clubs, Habitat for Humanity, Valley Santa and terminally ill individuals. He has donated numerous hours of his time so that these organizations and good causes could generate more revenue and build their capacity to serve others.

In addition to helping countless community causes by calling square dances for them, Red has been a weekly volunteer for the past 17 years at Mercy Center, a Sisters of Mercy sponsored nursing home in Dallas, Pennsylvania, where he spends a great deal of time comforting and helping the residents.

Red's charitable works are only part of his long history of service to the community. He has served the nation as a Marine in the late 1950s and for most of the 1960s. He also served his neighbors for four years as a Luzerne County Commissioner and for 14 years as a member of the Lake-Lehman School Board. He served twice as president of the school board, and during his tenure the district showed tremendous improvement in academic performance and participation in athletic and extracurricular programs.

Mr. Speaker, I can tell you from personal experience that he worked well as a county commissioner with citizens and community leaders from both parties. His nonpartisan approach to government was instrumental in improving flood protection throughout the Wyoming Valley, expanding Luzerne County Community College, paving the way for the Luzerne County Arena, creating a countywide 911 emergency response system and boosting key initiatives for economic development.

Last but certainly not least, under Red's leadership as basketball coach at St. Vincent's High School in Pittston, the school was honored with four consecutive Wyoming Valley Basketball Officials Sportsmanship awards for sportsmanship, conduct and respect of the game, the officials and opposing teams.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the long and distinguished service of Joseph "Red" Jones to his neighbors and the nation, and I wish him all the best.

26 OF JULY MOVEMENT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. DIAZ-BALART. Mr. Speaker, yesterday marked another anniversary of the tragic events of July 26, 1953, when Fidel Castro, along with a band of supporters, attacked a military barracks in eastern Cuba in order to make a name for himself, causing the deaths of dozens of Cubans in what will doubtless be considered as a national day of mourning in Cuban history.

An acute observer of 20th century Cuban history, long-time journalist and writer Jack Skelly, has written a very interesting account of some of the tragic circumstances surrounding the 26th of July, 1953, and the so called "26 of July Movement" . It was published in yesterday's Miami Herald and I submit it for the record for the benefit of my colleagues and the American people.

THE MEN WHO LEFT THE 26TH OF JULY MOVEMENT

(by Jack Skelly)

One more 26th of July—count them. It has been 48 years since Fidel Castro, his brother Raúl, 17 men and two women attacked Moncada, the Cuban army barracks in Santiago de Cuba.

Twenty soldiers were killed. Fidel Castro and five others escaped to the nearby hills, where they soon were captured, tried and sentenced to 15 years each.

However, in May 1955, they were freed in a general amnesty by the Cuban Congress. Castro then went to Mexico to prepare for the Dec. 2, 1956, invasion of Cuba with 81 men.

Now once more Castro will be in the center where he will recount in a three -or four-hour speech (if he can endure that long) the glories of that 26th of July and the events that led up to the great victory on Jan. 1, 1959, when the revolution took over from the Batista regime.

Sadly, Castro will not be able to tell his audience that most of the leaders of the 26th of July movement "are at my side today."

The original 26th of July movement disappeared almost immediately after Castro sold out to the Soviet Union and the Cuban Communist Party.

The democratic members of the movement who fought side by side with him in the Sierra Maestra mountains and were in the underground in the cities and towns are dead, in jail or in exile.

BETRAYED COMRADES

The following are some of the original members who were double-crossed by Castro:

*Maj. Sorí Marín, author of the original agrarian-reform program, who fought alongside Castro in the mountains, was caught conspiring with other rebel army officers who had fought to restore democracy and freedom to Cuba. He was executed on specific orders of Castro himself several days before the Bay of Pigs invasion, April 17, 1961.

*Maj. Victor Mora saved Fidel, Raúl, Che Guevara and other survivors when they landed from Mexico on Dec. 2, 1956. A Sierra Maestra native, Mora led them around the Cuban Army to a safe haven high up in the mountains.

After the victory, it didn't take Mora long to realize that he and others had been sold out by Castro. Caught conspiring, Mora was sentenced to 10 years. Once released, he escaped to the United States, where he lived modestly in Little Havana.

*Pedro Luis Díaz Lanz flew weapons from Venezuela and Costa Rica to Castro's "eagle's nest" in the mountains. After victory, he was named Castro's personal pilot. But soon he complained to Castro that Raúl and Guevara were indoctrinating his air force men in Marxism.

Tipped that Castro had ordered his arrest, Díaz Lanz and his wife, Tania, and brother barely escaped to Miami in a sailboat in June 1959. Weeks later, Díaz Lanz became the first "26-er" to testify before a U.S. Senate committee, accusing Castro of selling out the revolution to the Soviet Union.

*Maj. Húber Matos, a school teacher turned guerrilla fighter, was one of the genuine heroes in the fight against the Cuban army. In October 1959, 10 months after the revolution came to power, Matos sent a letter of resignation to Castro, complaining that communists, who had not lifted a finger to oust the Batista regime, were taking over the revolution.

Castro ordered a court martial in which Matos was accused of being a "counterrevolutionary." After serving a 20-year sentence, Matos came to Miami, where he has been one of the leaders of the Cuban Forum.

*Jesús Yánes Pelletier was a sergeant in the Cuban Army assigned to Boniato Prison, where Castro was sent after being sentenced for attacking the Moncada barracks. Yánes Pelletier was ordered to poison Castro's food. He refused, was given a dishonorable discharge and then Joined the 26th of July movement.

When the revolution arrived, Castro made Yánes Pelletier a captain in charge of his personal guard. Soon Yánes Pelletier became disenchanted with the communists and began conspiring. He was caught and in 1977 was sentenced to 15 years. He refused to leave Cuba and was the vice president of the Cuban Committee for Human Rights before his death last year.

*Among the saddest cases—and there are hundreds in every city, town and village in Cuba—is that of Mario Chanes de Armas. He had impeccable credentials as a founder of the revolutionary movement with Castro before the attack on the Moncada barracks.

Chanes de Armas survived the Moncada attack, trained in Mexico, came over on the yacht Gramma and lived to greet Castro in Havana when the conquering heroes arrived on Jan. 9, 1959, on top of a U.S. Sherman tank. The movement disappeared after Castro sold out to the Soviet Union and the Communist Party.

Chanes de Armas could have had any position he wanted in the revolutionary government, but he opted to return to his work in a brewery. For two years he watched his former leader betray their movement. Finally, he spoke against the communists. He was tried as a "counterrevolutionary," and on July 17, 1961, was sentenced to 30 years.

After spending six years in solitary, he was released exactly 30 years to the date of his imprisonment. In 1993 he was united with his four sisters in Miami.

Although he doesn't belong to any exile political group, he forms part of a group of former prisoners who travel throughout Latin America talking to heads of states about the reality of Castro's Cuba.

HONORING SEN. PAUL COVERDELL OF GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BARR of Georgia. Mr. Speaker, on August 10, 2001 a building will be dedicated honoring the late Senator Paul Coverdell at the Federal Law Enforcement Training Center (FLETC), near Brunswick, Georgia. I would like to recognize Mr. Coverdell's commitment to our nation's education and America's criminal justice system.

Senator Coverdell was always an ardent supporter of the law enforcement community, not just in Georgia but nationwide. It is a honor to the Coverdell family and Georgia to have a part of the nation's premier interagency law enforcement training center named for Senator Coverdell.

As recent as June, 2000 Senator Coverdell was opposing attempts of other politicians to move part of the FLETC's training program elsewhere. Senator Coverdell and Representative JACK KINGSTON, in whose district the facility is located, were successful in maintaining FLETC's premier training role. It is evident Senator Coverdell had a personal interest in this absolutely essential federal facility.

Unfortunately I will not be able to attend the dedication ceremony. I would like to pass on to the Coverdell family and to former President George H.W. Bush and Mrs. Bush that this dedication makes me, Georgia, and the nation proud. We are forever indebted to Senator Coverdell for his untiring work for Georgia and the United States of America.

A PROCLAMATION RECOGNIZING THE OUTSTANDING WORK OF THE NEWARK FIRE DEPARTMENT

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the exemplary work of the Newark Fire Department has earned them the recognition of the Congressional Fire Service Institute for outstanding work in providing protection to their community; and,

Whereas, the partnership between the Fire Department and the city is a strong and essential component for serving the community effectively; and

Whereas, the relationship that has been cultivated between the Newark Fire Department and the city that it serves has proven to be an effective element for fire prevention;

Therefore, I ask that my colleagues join me in recognizing the impressive accomplishments of the Newark Fire Department that has brought honor, pride, and security to their community.

DEPARTMENT OF DEFENSE—DEPARTMENT OF VETERANS AFFAIRS HEALTH RESOURCES ACCESS IMPROVEMENT ACT OF 2001

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Veterans' Affairs Committee, I am introducing the "Department of Defense–Department of Veterans Affairs Health Resources Access Improvement Act of 2001" on behalf of myself and Mr. BROWN of South Carolina, Mr. EVERETT of Alabama, Mr. SIMMONS of Connecticut, Mr. GIBBONS of Nevada, Mr. WAMP of Tennessee, Mr. KIRK of Illinois, Mr. BUYER of Indiana, and Mr. BILIRAKIS of Florida.

America's servicemen and women, their families, and our veterans who have served in uniform deserve the best health care we can offer them as a Nation. My bill addresses the urgent need for the Departments of Defense and Veterans Affairs to improve their programs of health resource sharing as originally authorized by Public Law 97–174, the "Veterans' Administration and Department of Defense Health Resources Sharing and Emergency Operations Act of 1982." This authority was originally intended to provide opportunities to make it easier for the two Departments—whose combined health care budgets this year total over $35 billion—to increase the variety and amount of their health resource sharing for the benefit of their veteran and military beneficiaries, while helping hold down costs in Federal health care for the benefit of taxpayers.

Currently, the Secretaries of each Department have at their discretion the option not to share. With this bill, we take a new approach: it would make sharing the order of the day. Sharing must be an important priority of both Departments, and we should create strong incentives for the Secretaries to work together to achieve common ends. The bill's proposed findings are indicative of our disappointment with the current state of VA–DoD sharing. We believe that neither department has taken full advantage of sharing opportunities and that the intended results of the 1982 sharing authority have not been achieved. We know VA–DoD sharing could be greatly increased, and with this bill we want to get sharing moving again.

Mr. Speaker, this bill seeks to establish a health care facilities sharing demonstration project in keeping with the intent of the original legislation for VA–DoD sharing. Under the bill, five qualifying sites across the country would be selected for participation in a demonstration project. The purpose of the demonstration project is to identify and measure the advantages of sharing, and work through the challenges of the two systems becoming true partners in health care

This legislation would require a unified management system to be adopted in the five demonstration sites to the extent feasible. A unified system would incorporate budget and financial management, health care provider assignments, and medical information systems compatibility. At the present time, the two Departments' information systems are incompatible, but this legislation would also create a framework for greater software compatibility. By making such systems communicate better, we can better ensure continuity of care, equality of access, uniform quality of service and seamless transmission of data. This is a third important goal of our bill.

In addition, the demonstration project would provide for enhancement of graduate medical educational programs at the five sites for physicians in training and other health care providers. This will create a unique opportunity for health professions students by giving them a combined exposure that has not been available to them before. It would also bring a greater awareness and understanding of differences in the two beneficiary populations for new and experienced health care professionals alike.

Congress has made efforts in the past to promote specific sharing. At best, the results have been modest. For example, we authorized the Mike O'Callaghan Federal Hospital at Nellis Air Force Base outside Las Vegas. It is a 96-bed Air Force managed hospital with 52 VA-dedicated beds. This facility still has significant potential to serve as a model for sharing, but the VA and the Air Force made the decision to maintain separate budgets, financial, human resources, patient care records and data management systems. This facility, spending combined appropriations of over $46 million, is really operating as two independent federal facilities within the same walls, with needless duplications of systems and services and inefficient use of resources.

Another example is the VA Medical center and Kirkland AFB Hospital in Albuquerque, New Mexico. Albuquerque is a VA–Air Force partnership that provides admitting privileges to Air Force physicians. The relationship between the VA and Air Force at these facilities is an example of a good beginning to sharing. What was once a 40-bed Air Force hospital occupying VA space has evolved to a contractual relationship today. Now the Air Force purchases inpatient care services from the VA, rather than operating less efficiently as a separate hospital within the confines of the Albuquerque facility.

While many of the lost opportunities to share observed in Las Vegas do not pertain to the situation in Albuquerque, some do. For example, the Air Force and VA needlessly maintain separate dental clinics, central dental laboratory functions and separate supply chains. Also, the Air Force continues to maintain a management presence as though it were still operating as an independent facility, even though most of its activities duplicate those of VA.

The Committee has also examined sharing in VA and DoD health care facilities in San Diego, CA; Fayetteville, NC; Charleston, SC; and San Antonio and El Paso, TX. It appears that substantial benefits could be achieved on both sides of the sharing equation if sharing became more of a standard operating policy between VA and DoD. Obviously, sharing is more likely to occur if one potential partner has something perceived to be valuable or useful to offer the other and if the right incentives are in place to encourage follow-through on sharing arrangements. VA Medical Centers have been successful in fields such as rehabilitation, prosthetics, treatment of spinal cord injuries and geriatrics, but DoD medical facilities treat a broader base of patients, which provides opportunities for the medical staff to broaden its experience.

Some of these facilities that could share or share more are close neighbors, and close proximity clearly makes sharing much easier to achieve. For some of these essentially co-located facilities, a joint facility would almost certainly reduce administrative costs as well as staffing needs. With such savings, additional resources would be made available for patient treatment and technological improvements. For instance, at the San Diego VA Medical Center, the fiscal year 2001 budget is $202 million, and at the Balboa Naval Medical Center, the fiscal year 2001 budget is over $338 million. Although these facilities are only a few miles apart, no sharing occurs between them. The most recent clinical sharing between VA and the Navy in the San Diego area appears to have ended in 1989. It appears that Congress must be more vigorous or this deplorable situation will continue.

For too many neighboring VA and DoD health facilities, separate management and operations have become the only way they can conceive of doing business, even when another federal medical facility, also supported by tax dollars, may be little more than a stone's throw away. This separateness is mostly about ingrained habits, organizational cultures and protecting turf, and is not about promoting the best quality medical treatment for veterans and military patients, extending specialty care to more federal beneficiaries, or conserving scarce resources and funding.

Our bill would require, among other things, no later than two years after its enactment, the Secretaries of both Departments must submit to Congress a prospectus for the construction of a new joint federal medical facility. The two Secretaries would jointly select the location with two options to consider. They could select a location

Importantly, Mr. Speaker, this bill would make VA–DoD health sharing mandatory. This change in the law would require jointly located facilities, beginning with those participating in the demonstration project, to actively engage in developing and implementing meaningful and sustainable plans for sharing. We understand that DoD and VA health facilities do not always operate in the same fashion, and that even a small change in policy or procedure can have large consequences. That is why in order to fully test the principles of this sharing legislation, the Secretaries of DoD and VA would be granted the authority to waive certain administrative regulations and policies otherwise applicable within their respective Departments. This bill includes provisions for close monitoring of any administrative regulations and policies that the Secretaries would deem appropriate for waiver, and would require them to report to the Committee on Veterans' Affairs and the Committee on Armed Services on their use of such waiver authority.

In summary, this bill reflects the Committee's belief that veterans and military beneficiaries deserve the best health care a grateful Nation can offer. Through the creation of this demonstration project and other provisions of this bill, we hope to improve health resource sharing by providing stronger incentives for both departments to join forces and make VA–DoD sharing a reality.

When I assumed the Chairmanship of this Committee I promised to do what is right for veterans. I am convinced that the Department of Defense—Department of Veterans Affairs Health Resources Improvement Act of 2001 would be good for veterans and the military community alike. I urge my colleagues to come on board and support this bill.

HONORING JAMES GLOVER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. LEE. Mr. Speaker, I rise today to honor James Henry Glover for his role as an inspirational African-American family-man, friend and colleague.

James Glover was born in Kansas City, Missouri. In 1942, he enlisted in the United States Army and was stationed in New York, where he met his wife, Carrie Hunley.

Mr. & Mrs. Glover moved to San Francisco and began a family. As a husband, Mr. Glover worked hard to provide his wife a secure and stable home. As a father, he ensured that his children received the best education possible. He instilled in them and all that knew him the importance of an education.

Mr. Glover believed that people can continue to learn beyond the academics of the classroom. He believed that life itself taught lessons. From his experiences, he educated his family, friends and colleagues to the importance of tolerance, compassion for human beings and the power of love.

Mr. Glover was active in the NAACP and in the National Kidney Foundation. He contributed his services to these organizations, because he believed in the empowerment of people and service to his community.

I will always remember Mr. Glover as a proud father, always at the side of his son, Danny, with a smile on his face. Mr. Glover touched us with his love, his warmth, his compassion, his wisdom and his insight. He was an incredible human being who served as a wonderful role model and an inspiration for young African-American men.

Mr. Glover was an extraordinary and honorable man, who will be dearly missed. His memory will be cherished by his three sons, Danny Glover, Rodney Glover and Martin Glover, and to his daughter Connie Grier. I Join his family and friends to salute James Henry Glover.

THE LITTLE SANDY WATERSHED PROTECTION ACT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. DEFAZIO. Mr. Speaker, I'm proud to be an original cosponsor of H.R. 427, the Little Sandy Watershed Protection Act. This bill extends the boundaries of the Bull Run Watershed to include the Little Sandy Watershed, ensuring quality drinking water for the Portland Metropolitan area for many years to come. It will also protect water quality and vital habitat for wildlife, including endangered species of steelhead and chinook salmon.

The Bull Run Reserve was established in 1892 to provide clean and safe drinking water to the residents of Portland, Oregon, and surrounding communities. Over the next century, logging shrunk the reserve from 142,000 acres to just over 90,000. During the same time, the Portland Metropolitan area swelled to a population of nearly one million people. By protecting the hydrology of the Little Sandy Watershed, this Congress will build on over a century long legacy of drinking water protection for Oregon.

H.R. 427 is an important step in providing safe drinking water for Oregon's largest population center. I strongly support this bill and I urge its adoption.

EXPLANATION REGARDING H.R. 2506—THE FOREIGN OPERATIONS APPROPRIATIONS ACT

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. OTTER. Mr. Speaker, I rise today to provide an explanation of my vote against H.R. 2506, the Foreign Operations Appropriations Act.

I voted against H.R. 2506 because of my concerns about the level of federal spending and the dangerous assumption that federal tax dollars belong to the federal government and not the taxpayers in the states. This bill, which contained the vital economic and military aid our close allies deserve and which I support, became a vehicle for passing all manner of spending inconsistent with the principles I was elected to represent. I would like to name but a few of the multiple programs which, although good in themselves, do not justify the expenditure of taxpayers dollars.

For example, this bill contained more than $100 million each for the Asian and African development funds. As an international businessman I have engaged in extensive business ventures in both these continents. I do not see the need for my constituents to underwrite those ventures at the cost of their own well-being.

$35 million is appropriated for the European Bank for Reconstruction and Development. The people of Idaho should not be forced to pay their taxes into an institution that European governments certainly can afford to maintain themselves. $95 million was appropriated for the Korean Peninsula Energy Development Organization. I would suggest that Korea, one of the worlds largest economies, has the resources to fund this organization.

Thomas Paine once wrote that "What we obtain too cheap, we esteem too lightly." I hope my colleagues will join me in showing more esteem for the taxpaying men and women for whom the cost of this bill, along with the rest of the federal budget, is anything but cheap.

HONORING WATSON "MAC" DYER OF CAVE SPRING, GA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BARR of Georgia. Mr. Speaker, much has been written in recent years concerning the meaningful contributions made by those men and women who have fought for this great country, especially those who served during World War II. We are rapidly losing those who fought so gallantly and much can be learned from these soldiers, described as "The Greatest Generation."

One member of that generation is Mac Dyer of Cave Spring, GA. He will be 100 years old today, July 27, 2001. Born to Joseph Albert and Nina Collins Dyer in Union County, Georgia, in 1901, Mac has fond memories of growing up in the country. He remembers helping his father make sorghum syrup and driving two days by wagon to purchase any groceries they could not grow themselves.

Mr. Dyer served in the United States Navy during World War II, serving on the Submarine tender *USS Bushnel*, off Midway Island, as a Naval Photographer. After his discharge from military service, Mr. Dyer managed the print shop at Georgia School for the Deaf, and later became the Manager of the Georgia State Print Shop, retiring in 1961.

In 1952, Mr. Dyer married a lady friend he had known in his younger years. Jewell was the Librarian in Cave Spring. When Mr. Dyer moved to Atlanta to work for the State of Georgia, Jewell became involved with the Deaf Library of the State of Georgia. After her death, Mr. Dyer moved back to Cave Spring and became interested in genealogy, serving 16 years as President of the Rome Genealogy Society. He has traveled extensively, researching his family history, and has written five books, the last published in 1998.

Mr. Dyer will be honored with a birthday celebration on his birthday. The party will be held at the First Baptist Church of Cave Spring, where Mr. Dyer is a member. Many friends and acquaintances will gather there at noon to celebrate this special day with him. In addition to remaining active in his Church and neighborhood, he often travels to Alabama, or other Georgia cities for lunch so he can try something new each day.

Happy 100th Birthday, Mac, from a grateful nation.

HONORING JERI ANN BALICK

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. GARY G. MILLER of California. Mr. Speaker, it is with great pleasure that I rise to honor Jeri Ann Balick, Ed.D., who is retiring after 35 years of dedicated service to the San Bernardino School District.

From her first assignment in 1966 as a teacher at Adelanto School, to her current position as Director of Student and Family Advocacy, Mrs. Balick has demonstrated outstanding teaching skills, supervisorial expertise and leadership in the development of innovative educational programs.

Mrs. Balick's impressive record of academic, career and community service has earned the admiration and respect of those who have had the privilege of working with her. I would like to congratulate her on these accomplishments and sincerely thank her for her service to the San Bernardino School District.

TOP TEN ALL AMERICA CITY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize Independence, Missouri, a city in my district recently named a Top Ten All America City by the National Civic League for the third time. Of 93 cities that competed, Independence was unanimously selected by the 12 member panel of civic leaders during the first round. Independence previously received this honor in 1961 primarily for its city charter revisions. In 1981, it took top honors based on the work of the Independence Neighborhood Councils. On June 23, 2001, Independence again proved itself worthy of being the hometown of former President Harry Truman.

David Rein, a spokesman for the National Civic League, describes the winners as "models of exemplary grassroots problem solving," which perfectly describes the Independence delegation's message of "Together We Can." The special designation of All America City pays tribute to Independence's unique spirit and inventive approaches in dealing with youth, infrastructure, and other civic issues. The participating businesses, non-profit organizations, government agencies, and schools did a tremendous job demonstrating the rehabilitation of older communities and the dedication of its youth to public service. To win a recognition whose stated goal is to honor "communities that teach the rest of us how to face difficult situations and meet those challenges in innovative and collaborative ways" is an achievement Independence can be proud of for years to come.

Each city was judged on three efforts toward community betterment. Independence chose its street and park improvements, Midtown and Truman Road Corridor Project, and the William Chrisman High School Association for Chrisman Excellence "ACE" youth volunteer program. Independence has made $150 million worth of improvements to its transportation infrastructure in the past three years, and this past year 325 Chrisman students involved in the ACE program volunteered more than 11,000 hours of their time in community service. Those students who volunteered 40 hours or more were rewarded with a varsity letter.

Even more impressive, the City won this honor after overcoming a period of decline in its public facilities as well as civic apathy. In his presentation to the All America City judges Truman impersonator Ray Ettinger, while holding a replica of the famous "Dewey Defeats Truman" newspaper, declared to the jury, "I know a great comeback when I see one."

Mr. Speaker, please join me in honoring the 50 delegates and Mayor Ron Stewart who represented Independence in this competition. This award reflects the City's civic leaders and its citizens, whose commitment to bettering their hometown made these accomplishments possible. I concur with Lenneal J. Henderson, one of the All America City judges, who said, "There was no debate about Independence." Mr. Speaker, please join me in congratulating the City of Independence for its excellence. I am proud to represent them.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mrs. EMERSON. Mr. Speaker, I was unavoidably delayed at a meeting with the President and missed roll call votes 275 and 276 on July 26, 2001. Had I been present, I would have voted no on roll call vote 275 and yes on roll call vote 276.

PERSONAL EXPLANATION

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. NETHERCUTT. Mr. Speaker, last evening, July 26, 2001, I was unavoidably detained and missed Roll Call votes number 280, 281, 282, 283, 284, and 285.

Had I been present I would have voted "no" on each of these votes.

IN HONOR OF HARRY BRIDGES

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Harry Bridges, arguably the most significant labor leader of the 20th century. He died on March 30, 1990 at age 88. I am here to celebrate his life and achievements on this day, the 100th anniversary of his birth.

After leaving his native Australia at age fifteen he spent several years as a merchant marine, before he settled in San Francisco in 1920. In those days workers wages were ten dollars a week, with seventy-two hour work shifts. Work was dangerous and injuries were not uncommon. Harry Bridges set out to improve the lives of workers everywhere.

As leader of the International Longshoremen's and Warehousemen's Union (ILWU), the most progressive union of the time, Harry Bridges led the struggle for worker's dignity. He called for the San Francisco General Strike of 1934, which was suppressed with brutality, but Harry Bridges and the ILWU-led strike prevailed, and to this day, workers have benefited from safe work conditions, health care benefits, and eight hour work days. Today we can all hold our heads high and be proud of Harry Bridges' legacy.

Harry Bridges' passionate support for workers rights made him the enemy of the corporate titans and anti-union government officials. His persecution led to his attempted deportation, but justice prevailed. Supreme Court Justice Frank Murphy praised Bridges stating, "Seldom if ever in the history of this Nation has there been such a concentrated, relentless crusade to deport an individual simply because he dared to exercise the freedoms guaranteed to him by the constitution".

Harry Bridges successfully fought for the integration of segregated unions. In addition, he fought for women's rights and he opposed the internment of Japanese Americans during the Second World War. He later fought against apartheid in South Africa with strikes and boycotts of South African Cargo, and he advocated for divestment of the union pension funds from businesses that trade and operate in South Africa.

Harry Bridges and the longshoremen of the 1930's will be memorialized on July 28th when the City of San Francisco dedicates the plaza in front of its historic Ferry building as the Harry Bridges Plaza. He is truly deserving of such a distinguished honor. Harry Bridges is respected by the people of San Francisco, beloved by the workers of this Nation, and recognized as one of the most important labor leaders in the world.

FIREFIGHTERS ANTHONY V. MURDICK AND SCOTT B. WILSON

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. HART. Mr. Speaker, I take the floor today to pay tribute to two fallen heroes. Anthony Murdick and Scott Wilson were volunteer firefighters in Unionville, Pennsylvania, who drowned while trying to recover the body of a kayaker in Slippery Rock Creek in Slippery Rock Township, on April 8 of this year. Their deaths were the first in the line of duty in the 64-year history of the Unionville Volunteer Fire Company. Their lives and act of bravery are being honored at a memorial service this Saturday, July 26 in Slippery Rock Township.

Firefighters Murdick and Wilson, both from Butler, Pennsylvania, traveled similar paths in life. Both were 25 years old; both graduated from Butler High School; and both joined the Unionville Volunteer Fire Company as junior firefighters. Murdick and Wilson were also experienced divers. However, the creek's swift current prevented the firefighters from resurfacing after their dive to retrieve the body of the drowned Ambridge man.

In other ways, Murdick and Wilson's lives were very different. Murdick worked as a landscaper, and as a structural firefighter for the VA Medical Center in Butler. He was also taking classes to become a code-enforcement officer. Murdick is survived by his fiancée, Beth McCurdy, and their son, Talan.

Wilson graduated from Indiana University of Pennsylvania's criminal justice training program. He worked with the Butler Ambulance Service, served as a 911-operator, and also served as the director of the ambulance authority in Wetzel County. At the time of his death, Wilson was an instructor at the Butler County Area Vocational Technical School. Wilson is survived by his wife, Tracy, and son, Cole.

The act of courage and commitment that these men showed is extraordinary. Without fear or hesitation, Murdick and Wilson dove into the swift waters of Slippery Rock Creek, as their job called upon them to do. On Saturday, these two men will be honored for their valiant act by family, friends, fellow firefighters, and members of the community of Slippery Rock Township. I join them in their tribute and hope that others find inspiration in their sense of duty and selfless service just as I have.

CONCERN FOR THE AMERICAN WORKER

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. HONDA. Mr. Speaker, I rise today to express my deep concern for the health and safety of the American Worker. Ergonomic hazards contribute to hundreds of thousands of injuries each year, we must do more to address the problem. Unfortunately, instead of dealing with this serious problem, the President with help from the majority party in the House of Representatives, took the drastic step of overturning workplace safety regulations that had been carefully studied for the past 10 years.

The ergonomic rule that was overturned earlier this year protected over 100 million working women and men in this nation and covered over 6 million work sites around the country. These critically important ergonomic regulations would have prevented 4.6 million musculoskeletal disorders, including carpal tunnel syndrome and other ailments related to repetitive motion, force, awkward postures, contact stress and vibration.

Now the Bush Administration, in conjunction with its Labor Department, is going through the motions, dare I say "repetitive motions" of having "field hearings" to review the effects of ergonomic related injuries. These problems have been studied for the past 10 years, how much more information does this administration need to be convinced that this is a pressing matter?

I have seen recent testimony by Amy Dean, Executive Officer of the South Bay AFL–CIO Labor Council given at one of the Labor Department's ergonomic standard hearings. I believe this testimony illustrates the real life consequences of not protecting workers in this nation from ergonomic hazards and so I include it in the Congressional Record for the information of my colleagues.

TESTIMONY OF AMY B. DEAN, EXECUTIVE OFFICER SOUTH BAY AFL–CIO LABOR COUNCIL, JULY 24, 2001

My name is Amy Beth Dean and I am the Executive Officer of the South Bay AFL–CIO Labor Council. The Labor Council represents more than 100,000 working families throughout Silicon Valley.

In this community, there are union members in every occupation. We work in manufacturing. We work in construction. We work in health care. We look after young children, We're even the people who keep this building clean.

But far more important than any of those differences in the work we do, are the values we all share—values that begin with the belief that each of us has the right to a safe and healthy workplace. That's why I'm here today.

A number of years ago a British journalist once wrote that, "in politics, being ridiculous is more damaging than being extreme." By destroying OSHA's ergonomics standard—and then stacking these forums in favor of big business—the Bush Administration has demonstrated itself to be both. And American workers are paying for George Bush's extremism every single day.

Since George Bush and the Republicans in Congress killed this safety standard, more than 500,000 workers have suffered carpal tunnel syndrome and other injuries. That's one more worker every 18 seconds.

What kinds of workers are we talking about? Some of them are people who work in poultry processing plants. Some work with heavy equipment. Others work in places like nursing homes and warehouses. But many of these women and men work in high technology. They're clerical and technical workers. And many are professionals.

They're people like Patricia Clay. She works at the Referral Center at the Valley Medical Center. She worked for five years at a desk that was too high. She raised the issue with her supervisor, but her employer was indifferent. Eventually, she began noticing that something was wrong with her right hand. She found out it was carpal tunnel syndrome. Eventually, she lost so much strength that, after a while, she couldn't hold anything over two pounds. That meant she couldn't even pick up the baby grandson she was helping her daughter to look after. A week ago, Patricia Clark had surgery, but her doctor tells her she'll never be the same that she was before.

We know from experience that, with the right equipment and practices, injuries like those suffered by Patricia can be avoided. Just ask anyone who was on the staff at the San Jose Mercury News back in the mid-90s. As a result of using outdated computer keyboards and poorly designed workstations, there wre 70 repetitive stress injuries reported back in 1993.

I'm not talking about workers suffering an ache every now and then, but sometimes excruciating pain. I'm talking about the kind of pain that keeps you from leading a normal life. Well, those workers at the Mercury News were lucky. At that time, thanks to the effort of the San Jose Newspaper Guild—and the cooperation of the Mercury News—changes were made. The paper began investing in the kind of equipment computer users need. And guess what? By 1998 repetitive strain injuries declined by 49%!

But, the fact is, not every worker has an employer who wants to do the right thing. The fact is that far too many employers still believe they don't have an obligation to provide safe and healthy working conditions. Employers who would rather see workers wear wrist splints or undergo physical therapy, or even suffer through surgery than invest in computer keyboards that are safe to use.

It's the women and men working for those kinds of employers who need this ergonomic standard most of all. And those are the very people George Bush chose to betray.

I know that three questions are being asked of those participating in these forums. You've asked what is an ergonomics injury. You've asked how OSHA can determine whether an ergonomics injury was caused by work.

And you've asked what the most useful and cost effective government measures are to address ergonomic injuries. It seems to me that if the Department of Labor reviewed the 10 years of research and expert testimony it compiled to draft the ergonomics standard it could find the answer to those and many other questions.

Instead, I have a fourth question I would like to ask this Administration. When a young newspaper reporter's hands are numb after hours of typing at an obsolete keyboard, who is going to help her to drive her car?

When a baby cries out in the middle of the night and the pain in her mother's arms and hands is so severe from working at an obsolete keyboard that she can't reach down to lift that child from her crib and that young mother is left standing there with her heart breaking, who will be there to comfort her baby?

Will it be the company she works for? Will it be Secretary Chao? Or will it be George W. Bush?

I have no further comments.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. TANCREDO. Mr. Speaker, on rollcall vote 227 which occurred yesterday, July 26, I was present on the floor and I voted "aye" in support of H. Res. 209.

Unfortunately, the House voting machine did not record my vote.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 25, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes:

Ms. WATERS. Mr. Chairman, I rise today to support the amendment sponsored by Representative KUCINICH which would create a commission to oppose the privatization of Social Security.

Individuals may question why we would create a commission whose outcome is already known. Well, I would pose that question to the President.

On May second, when the White House Commission on Social Security was announced, the President said that when reforms are made, benefits must be maintained at their current level, payroll taxes cannot be raised, reforms must restore Social Security to "sound financial footing," and young workers must be allowed to invest part of their earnings in private accounts. So we knew what the Commission was going to recommend privatization.

But if we do privatize there is no way that we can satisfy the other requirements of President Bush. Privatizing will result in reduction of benefits and it will surely wreck the financial stability of the program.

First, advocates of privatization suggest diverting part of the payroll tax, which funds Social Security, into the private accounts. However, by doing this we actually put the program in greater jeopardy. Studies have shown that by diverting just 2 percent of the payroll tax to private accounts, we bring the solvency rate closer. The President's very plan to restore stability to the program actually bankrupts Social Security sooner than if we do nothing at all.

In addition, privatization does not guarantee financial security. As an Economic Policy Institute study shows, "a bursting of the stock market bubble has meant the largest absolute decline in household wealth since World War II, even after adjusting for inflation. In relative terms, the market's drop represents the sharpest decline in household wealth in 25 years." So it is very possible that this kind of market volatility could happen throughout a worker's lifetime, jeopardizing his or her retirement savings.

From the end of 1999 to the end of 2000, the total financial assets of American households declined 5% or $1.7 trillion. Therefore, the money some were planning on retiring with is not there any longer. Those who wanted to retire have to stretch their savings even further or continue working. That is a scary and unfair proposition for our seniors.

But what really concerns me is the idea of individuals putting their money in the stock market without sound financial advice. Many working families do not have the time or the extra money to hire financial advisors to make recommendations on where to put their money. The President's plan, indirectly, favors wealthy individuals and families because they are the only ones who have disposable income to invest, hire professionals and the time to meet with them.

Social Security is the most successful social policy to keep individuals out of poverty in the history of the United States. To privatize Social Security, especially without any type of professional advice, means to put individuals, mostly women and minorities, into poverty.

In 1997, 9 percent of all Social Security beneficiaries aged 65 or older were in poverty. Without Social Security, that number would have risen to 49 percent. In addition, without Social Security, nearly 60 percent of blacks, native Americans and Hispanics would have been in poverty. Privatization is not the solution to provide financial security for retirees.

What my colleagues and the public should be concerned about, though, is that the members of the commission had no alternative but to support privatization. In fact, as a condition of being named to the group, you had to support the idea of privatization.

It has been said many times that this is another way for President Bush to pay back his supporters who helped him into office. By supporting privatization, President Bush will put millions, probably billions, of dollars in the pockets of Wall Street firms and their CEOs. In fact, Wall Street firms are starting a multimillion dollar advertising campaign to win public support of the plan.

As the Wall Street Journal reported:

> ". . . a range of financial-service firms are pooling their efforts, and millions of dollars for advertising, to assist him in raising public concern about the retirement program's woes. But the ad dollars are a pittance compared with the billions at stake for Wall Street should Mr. Bush achieve his goal of carving private accounts out of Social Security."

The group's name? It is ironically called "Coalition for American Financial Security." The only financial security they ensure is their own.

So by adopting this amendment, sponsored by Mr. Kucinich, we will be able to provide a report to the President and to the public to show why privatization is a bad choice. Only then, when we can see both sides of the story, can we make an informed and sound decision.

60TH ANNIVERSARY OF MILITARY SERVICE OF PHILIPPINE COMMONWEALTH ARMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. GILMAN. Mr. Speaker, I rise to bring to my colleagues' attention the fact that yesterday was the 60th anniversary of President Franklin Roosevelt's Executive Order calling into military service the Commonwealth Army of the Philippines.

In accordance with this the White House released a statement yesterday commemorating this important anniversary. It is long overdue that we resolve the inequity in our Nation's failure to provide veterans benefits to these Philippine veterans.

I request that the full text of this statement be included in the RECORD.

THE WHITE HOUSE,
Washington, July 26, 2001.

I am pleased to send greetings to the 4,000 members of the American Coalition for Filipino Veterans as you celebrate "Filipino Veterans of World War II Day."

On July 26, 1941, President Franklin D. Roosevelt issued an executive order calling the organized forces of the Commonwealth Army of the Philippines to join the United States armed forces in preparing for the possible outbreak of war with Japan. Tens of thousands of Filipino soldiers bravely answered the President's call.

When war finally came, more than 120,000 Filipinos fought with unwavering loyalty and great gallantry under the command of General Douglas MacArthur. The combined U.S.-Philippine forces distinguished themselves by their valor and heroism in defense of freedom and democracy. Thousands of Filipino soldiers gave their lives in the battles of Bataan and Corregidor. These soldiers won for the United States the precious time needed to disrupt the enemy's plans for conquest in the Pacific. During the three long years following those battles, the Filipino people valiantly resisted a brutal Japanese occupation with an indomitable spirit and steadfast loyalty to America.

This month, as we commemorate the 60th anniversary of President Roosevelt's military order, we recognize the important service and contributions of Filipino soldiers in turning back aggression and preserving democracy. America extends to you heartfelt and abiding thanks for the sacrifices made by Filipino soldiers during World War II.

Laura joins me in sending best wishes for a successful celebration here in Washington, D.C.

MARKING THE 27TH ANNIVERSARY OF THE TURKISH INVASION AND OCCUPATION OF NORTHERN CYPRUS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. ROS-LEHTINEN. Mr. Speaker, Homer's Illiad reads on the birth of Venus: "The breath of the west wind bore her Over the sounding sea, Up from the delicate foam, To wave-ringed Cyprus, her isle . . . . [which] Welcomed her joyously."

This describes how after her birth, Cyprus, a place of tranquility, beauty, and peace—worthy of gods—served as the home of Venus herself. However, if other stories could still be added to the volumes of Greek mythology, we would read of the Trojan invasion and terror seized upon the goddess of love's paradise island.

Mr. Speaker, I applaud the persistent efforts of my colleagues CAROLYN MALONEY and MICHAEL BILIRAKIS for calling this special order and arduously maintaining the plight of the Greek Cypriots in the minds of their fellow Members of Congress.

On July 20, 1974, the island nation of Cyprus fell victim to 35,000 Turkish armed forces who invaded this land and tore it apart along a "Green Line." Remaining one of the most militarized areas of the world, Northern Cyprus has suffered a vast and continued deterioration of human rights protection throughout the last 27 years, despite an international agreement signed in 1975, known as the Vienna III agreement, which was originally drafted in order to guarantee the most basic human rights and freedoms to 20,000 Greek Cypriots and Maronites enclaved in the Karpass Peninsula, which feel under Turkish rule. Today, after systematic intolerable harassment, intimidation, and inhuman treatment, only 400 Greek Cypriots and 160 Maronites remain.

From the onset of the invasion in 1974, Turkish leaders initiated a campaign intent on the permanent displacement—or rather extinction—of the Greek Cypriots. Upon Turkey's invasion of Cyprus, 200,000 Greek Cypriots—victims of a policy of ethnic cleansing—were forced from their homes and became a population fo internally displaced peole, refugees, within theiri own country. These communities, these families were evicted from the towns and homes they have lived in for centuries, in order to accommodate over 80,000 settlers from mainland Turkey. The U.S. committee for Refugees calls the internal displacement of people in Cyprus the 'longest standing in the [European] region." Cyprus' total population is 750,000. Currently throughout the whole of the island, 265,000 people have been displaced because of the violent break up of one nation.

Furthermore, the Turkish led occupation of Northern Cyprus has created a labyrinth from which Greek Cypriots can *not* escape. The man-made "green line" imposed upon this ancient bicommunal culture is the embodiment of heinous practices of human rights violations employed by Turkish forces to divide this community. Freedom of movement and association are nonexistent. A Greek Cypriot press is prohibited. Even Turkish Cypriots are banned from engaging in bicommunal contact at the grassroots level with Greek Cypriots.

In addition, is the impunity allotted to Turkish armed forces responsible for the disappearances of 1,463 Greek Cypriots, including four Cypriot-Americans, despite Turkey's obligation under the UN Declaration on the Protection of All Persons from Enforced Disappearances. The regime in place in Northern Cyprus is guilty of taking an island nation community and turning neighbor against neighbor. Thus, the 27th anniversary of Cyprus' occupation comes at the heels of the European Court of Human Rights decision made on May 10th of this year, finding Turkey guilty of violating 14 articles of the European Convention on Human rights, and of being an illegal and illegitimate occupying force in Cyprus.

In December 1999, under the good auspices of the United Nations, proximity talks began, bringing both sides closer to possible negotiations. After 5 rounds of talks, and seemingly successful strides, the Turkish Cypriot leader has *STALLED HOPE*. His attempt for international recognition, despite the UN Security Council's call for non-recognition of Northern Cyprus in 1983, and demand for the withdrawal of the *sovereign* Republic of Cyprus' application for EU membership, are both ironic and foolish.

Mr. Speaker, as a Member of Congress with a long history of support of due justice and freedom of the enclave in Cyprus, I speak out today to convey to this Congress and the Administration the crucial necessity to maintain pressure on the Turkish government so as to ensure the continuation of the proximity talks, and hopefully soon, negotiations leading to the return, once again of a single sovereign and peaceful Cyprus as Venus knew it to be.

TURKEY INVASION OF CYPRUS

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would first like to thank my colleague from Florida, Mr. Bilirakis, for organizing this special event to commemorate the 27th anniversary of the Turkish occupation of the island of Cyprus.

In 1960, the Republic of Cyprus was formed after the island was granted independence by Great Britain. However, the people of Cyprus enjoyed this freedom for only fourteen short years. On July 20th 1974, sixteen days after our own independence day, Turkish troops invaded and took control of one third of the island nation. The Republic of Cyprus was then divided into two parts—Cyprus and the Turkish Republic of Northern Cyprus—by a 113 mile barbed wire fence. This present day equivalent of a Berlin Wall remains standing even now. As a result, over 200,000 Greek Cypriots were displaced and forced to flee their homes. To this day, they are not permitted to return.

The Turkish government has made little progress in normalizing any sort of relations with Cyprus. The Turkish government still maintains 35,000 troops on the island, making it one of the most militarized areas in the world. Most recently, the Turkish Cypriot leader refused to take part in talks with the U.N. Security Council about the issue of Cyprus unless his own preconditions were met.

Most disturbing though, the Turkish government is guilty of countless human rights violations against the island of Cyprus, including continued inhuman treatment, harassment, and intimidation. Because of this deplorable human rights record, no other nation besides Turkey itself recognizes the Turkish Republic of Northern Cyprus. It is a cruel irony that Cyprus, a nation so rich in history and culture, has been subdued by the most barbaric of methods-unlawful military occupation.

There is a glimmer of hope, though, despite the bleak outlook. The Republic of Cyprus is expected to be brought into the European Union. I hope that with their acceptance into the European Union, Cyprus will once again be able to become a free and united nation. And as a free and united nation, Cyprus will grant stability to a violate area of the world where the United States has crucial interests.

Mr. Speaker, during my years in congress, I have worked diligently on behalf of the Greek and Cypriot community to help locate family members lost during the Turkish invasion and advocated for the removal of the barbed wire which prevents the restoration of a independent and united Cyprus.

This Congress has let the issue of Cyprus remain quiet for too long. I ask my colleagues to show their strong support for a united Cyprus.

TURKEY INVASION OF CYPRUS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. ROTHMAN. Mr. Speaker, I rise today to mark the 27th anniversary of Turkey's invasion of Cyprus.

As Greek-Cypriots in America and around the world gathered last week to mark a tragic day in their nation's history, it is proper and fitting that we in this body join them in the hope that peace will soon return to their island nation.

As we gather on the floor of the House to mark the 27th anniversary of Turkey's invasion of Cyprus, 37 percent of that country remains occupied by Turkish military forces. It is equally unfortunate that five American citizens of Cypriot descent and over 1,600 Greek-Cypriots are still unaccounted for as a result of Turkey's 1974 invasion of Cyprus.

We, in this Congress, have passed resolution after resolution urging Turkey to withdraw its forces from Cyprus. We have passed measures and written letters urging Turkish-Cypriot leaders to renounce "declarations of independence" that they have issued in defiance of international law. And in the United Nations, the United States has consistently and forcefully urged Turkey to end its military occupation of over a third of the sovereign territory of the Republic of Cyprus.

Yet despite these efforts, today, we remain far from a final settlement that will end the artificial division of Cyprus.

It is my belief that Congress has a solemn obligation to speak out and support a just and lasting solution to the Cyprus problem. A solution which must follow the precepts laid down in United Nations Security Council 1250, which was adopted on June 29, 1999 and which in part reads, ". . . a Cyprus settlement must be based on a State of Cyprus with a single sovereignty." In short, the U.S. House of Representatives should serve as a guiding force in the pursuit of a reunified Cyprus, an island nation where all citizens enjoy fundamental freedoms.

Mr. Speaker, let me conclude by saying that I am of the belief that the solution to the Cyprus problem resides in the will of the United States and the international community to renounce the violence that divided Cyprus over a quarter century ago and to affirm that the reunification of Cyprus is a priority.

Mr. Speaker, let me close by thanking the Co-Chairs of the Hellenic Caucus, Representatives MICHAEL BILIRAKIS and CAROLYN MALONEY for their exceptional work. I look forward to working with them in the 107th Congress to ensure that some day soon, the unification, not the division of Cyprus, will be commemorated in this body.

TURKEY INVASION OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BILIRAKIS. Mr. Speaker, as I have done every year, I rise again today to reiterate my fierce objection to the illegitimate occupation of the island of Cyprus by Turkish troops and declare my grave concern for the future of the area, The island's twenty-seven years of internal division make the status quo absolutely unacceptable.

In July 1974, Turkish troops captured the northern part of Cyprus, seizing over a third of the island. The Turkish troops expelled 200,000 Greek-Cypriots from their homes and killed 5,000 citizens of the once-peaceful island. The Turkish invasion was a conscious and deliberate attempt at ethnic cleansing. Turkey proceeded to install 35,000 military personnel. Today, these troops, in conjunction with United Nations peacekeeping forces, make the small island of Cyprus one of the most militarized areas in the world. Over a quarter of a century later, about 1,500 Greek-Cypriots remain missing, including four Americans.

The Green Line, a 113-mile barbed wire fence, separates the Greek-Cypriot community from its Turkish-Cypriot counterpart. The Turkish Northern Republic of Cyprus (TNRC), recognized by no nation in the world except for Turkey, prohibits Greek-Cypriots from crossing the Green Line to visit the towns and communities of their families. With control of about thirty-seven percent of the island, Turkey's military occupation has had severe consequences, most notably the dislocation of the Greek Cypriot population and the resulting refugees.

Twenty-seven years later, forced separation of these two communities still exists despite efforts by the UN and G–8 leadership to mend this rift between north and south. So far, the UN, with the explicit support of the United States, has sponsored six rounds of proximity talks between the President of the Republic of Cyprus, Mr. Glafcos Clerides, and Mr. Rauf Denktash, the self-proclaimed leader of the TNRC.

Regrettably, the implementation of any agreements has been thwarted by the intransigent position taken by Mr. Denktash, with the full backing of the Turkish Government. His refusal to participate in the UN sponsored talks until demands for the recognition of Northern Cyprus as a separate state are met is unacceptable. Mr. Denktash has made it clear that his position on the issue is non-negotiable, leaving very little room for progress. In his recent testimony before the Senate Commerce, Justice, State, and Judiciary Appropriations Subcommittee, Secretary of State Colin Powell specifically singled out Mr. Denktash as the main obstacle in developing a comprehensive solution to the problem.

Impressively, even with this division constantly taking center-stage, the Republic of Cyprus has flourished and grown as an economy and society. Growth has been averaging 6% per year and its per capita income ranks near the top of all developed countries. Its unemployment rate of 3.6% is lower than that of the United States. It is a Europe-oriented nation that is of strategic, economic, and political importance to the region and to the rest of the world.

This success has brought Cyprus to a critical turning point in its history. For the first time, the people of Cyprus have the opportunity to seal their future by becoming part of the European Union which is about to accept a large number of new members. Upon accession to the European Union, Cyprus will, in capacity as a full member, be firmly anchored to the western political and security structures, enhancing both geographically and qualitatively the operational capabilities of the Western world.

The Republic of Cyprus and the United States share a common tradition of respect for human rights, a faith in the power of democratic institutions, and a commitment to free market economics. Our two governments have similarly had close ties. Consequently, it is in the interest of the United States to see a strong and vibrant Cyprus which will enhance the future strength of our alliance. To that end, the most meaningful way to ensure that outcome is to promote Cyprus's membership in the European Union.

Union membership for Cyprus also has the potential to resolve some of the ongoing disputes in the Mediterranean region. At the European Council meeting in Helsinki in December 1999, Turkey was granted the status of a candidate country for accession to the EU. In accordance with the Accession Partnership Document of Turkey, which was endorsed by the European Council meeting in Nice in December 2000, Turkey must strongly support the UN Secretary General's efforts to bring about a successful conclusion to the process of finding a comprehensive settlement of the Cyprus problem.

The European Council decision taken in Helsinki in December 1999 also states that the Council's decision on accession for Cyprus will not be preconditioned on a settlement to the Cyprus problem. On the other hand, it is understood that accession negotiations with Turkey cannot begin until Turkey complies with the stipulations and conditions laid down by the European Council decisions in Helsinki, Copenhagen and Nice.

The United States government has strongly supported the Helsinki Conclusions both on the issue of Cyprus' accession and Turkey's candidacy for membership and should continue to do so. Additionally, serious efforts have been undertaken by the UN Secretary General to resume negotiations between the two communities in Cyprus. These efforts have always enjoyed the full support of the United States.

It is obvious that resolution of the perennial dispute between Greece and Turkey on Cyprus remains the key to a successful and lasting settlement of the problem. Although the Helsinki decision does not consider a Greco-Turkish agreement on Cyprus a precondition for the accession of the Republic of Cyprus to the European Union, such an agreement would remove any obstacles to the accession of Turkey to the European Union, benefitting all parties concerned in the current dispute.

First, it will act as a catalyst in resolving the problem of Cyprus, which has been poisoning the relations among the parties to the conflict, their NATO allies, and the United States. Second, improvement in the relations between Greece and Turkey will also strengthen the South-Eastern flank of NATO so it can function in its full capacity, unhindered by ancient frictions that have virtually prevented any cooperation between the two allies at periods in the past.

Third, an agreement between the conflicting parties will enhance stability and security in two troubled regions of the world, the Middle-East and the Balkans. These areas are vital to the national interests of the United States and any stabilizing influence might serve to facilitate other peace agreements.

In pursuing this goal, it should be made clear to the Turkish leadership and Mr. Denktash that their position on these issues is unsatisfactory. No effort should be made to appease the Turkish-Cypriot leader in order to entice his return to the negotiating table. Not only should he return, but he should negotiate in good faith in order to reach a comprehensive settlement within the framework provided for by the relevant United Nations Security Council resolutions, This includes the establishment of a bizonal, bi-communal federation with a single international personality, sovereignty, and a single citizenship.

It would also be in the best interest of Turkey to cooperate with the United Nations and the rest of the international community on Cyprus in order to advance its own membership in the European Union. In addition, Turkey spends more than $200 million annually to sustain northern Cyprus; it also maintains 35,000 of its own troops illegally in the region. With settlement on the matter of Cyprus, this huge financial obligation will be removed. Northern Cyprus will perhaps be the greatest beneficiary of Cypriot membership and resolution of the entire affair. It is currently in a state of economic distress, being bolstered only by Turkish support. By joining the rest of Cyprus, it would become part of an already progressive economy, eliminating its financial dependence on Turkey.

So far we have seen that both Turkey and Mr. Denktash have sought to create preconditions on Cyprus' accession by tying that process to the resolution of a comprehensive settlement in Cyprus. The United States should remind Turkey that any threat against the Republic of Cyprus will be met with strong determination and opposition and that Turkey does not possess any veto power over European Union membership. Promotion of Cyprus' membership will remove what has been a stumbling block in comprehensive settlement negotiations, and it will allow Turkey to strive toward the laudable goal of its own accession.

We are all standing at the threshold of a historic opportunity that will shape the futures of generations of Cypriots, Greeks, and Turks. We have a responsibility to these ensuant generations to secure their futures by contributing to the efforts to create a peaceful world.

It is precisely to stress the above stated points that I have felt compelled to submit House Concurrent Resolution 164 which expresses the United States' support for Cyprus' admission to the European Union according to the Helsinki Conclusions of 1999 which state that while a solution to the political crisis in Cyprus is preferable prior to EU accession, it is not a precondition for entry.

Mr. Speaker, we have a moral and ethical obligation to use our influence as Americans to reunify Cyprus—as defenders of democracy, and as defenders of human rights. There have been twenty-seven years of illegitimate occupation, violence, and strife; let's not make it twenty-eight.

DR. ORNISH'S LIFESTYLE MODIFICATION PROGRAM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BURTON of Indiana. Mr. Speaker, I rise to speak on America's battle with heart disease. The Government Reform Committee, which I Chair, has been conducting an oversight investigation into the role of complementary and alternative therapies in our health care system. Dr. Dean Ornish has testified before our Committee. His program prevents heart attacks and strokes—not through expensive medication or surgery—but through lifestyle modification like diet, stress management and yoga.

It's innovative, low cost, non-invasive, and scientifically proven to be effective. Scientific research has demonstrated that Dr. Ornish's program not only helps prevent heart problems like arterial blockages, it actually reverses heart disease in people with serious conditions.

The Medicare program is currently conducting a pilot program to test Dr. Ornish's program on 1,800 Medicare patients. Last year, Congressman RANGEL and I introduced legislation to extend this demonstration program for two more years to make sure that all 1,800 patients can complete the program and be thoroughly evaluated. I really believe that this program can save lives, and save the Medicare program billions of dollars. At a time when HCFA has estimated that our health care costs will double by the year 2007, programs like this lifestyle modification program hold out real hope for reducing open-heart surgery and cutting down on the need for expensive prescription medications.

I salute Dr. Ornish for all of the hard work he has done on this issue for America.

45TH ANTIOCHIAN ARCHDIOCESE CONVENTION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. ISSA. Mr. Speaker, I rise today to recognize all the faithful here in Los Angeles for the Forty-fifth Archdiocese Convention of the Antiochian Orthodox Christian Archdiocese of North America. In welcoming the diverse spiritual leaders of the Church that are gathering together, I especially want to recognize His Excellency, Issam Fares, Deputy Prime Minister of Lebanon.

This biennial convention is an opportunity to share the history, cultural heritage and religious dedication of the members throughout North America. The convention is an opportunity for the Archdiocese to discuss social issues facing families today. The work of Antiochian Orthodox Church through such programs as the International Orthodox Christian Charities, the bone marrow testing drive, health fairs and the Jerusalem Project, are the finest examples of the religious freedom that only we share in the United States.

I wish to congratulate the members of the Antiochian Orthodox community on their efforts and wish them many years of success in their work throughout the United States.

TRIBUTE TO DAVE KORBELIK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to one of Colorado's outstanding public servants, Mr. Dave Korbelik who recently announced his resignation as County Commissioner. Dave Korbelik is a hard worker and has performed his elected duties with the highest degree of excellence. All who have been fortunate to know Dave speak of his deep commitment to his job and his community. I know Dave Korbelik and am glad to say that he has been a strong advocate for the citizens of Kit Carson County. Dave's representation will be sorely missed.

Dave saw his job as both a public duty and a challenge. Leaving his home to accept his new post leading the Farm Bureau in Trinidad, Colorado was not an easy decision. His reflections in a recent edition of the Flagler News capture the difficult nature of his decision. "This was not an easy decision to make. Kit Carson County has always been my home, and my family's home, and it will always be where our roots are deeply planted."

Dave is a distinguished individual carrying out both his personal and professional life with the values of dignity, respect, reverence to God, and a dedication to serving the public. He is truly a fine example for all Americans.

A constituent of Colorado's 4th Congressional District in Colorado, Dave not only makes his community proud, but also those of his state and his country. It is a true honor to know such an extraordinary citizen and we owe him a debt of gratitude for his service and dedication to the community. I ask the House to join me in extending hearty congratulations to Mr. Dave Korbelik.

PERUVIAN INDEPENDENCE DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. KUCINICH. Mr. Speaker, I rise today to commemorate the joyous occasion of the Peruvian Festival, 'Independence of Peru'. Peru is located in the southwestern section of South America and was a colony of Spain with other surrounding territories until 1821. After many ferocious battles against the Spanish army, Peru defeated Spain and gained their independence by becoming a democratic Republic on July 28, 1821. Peruvians in Cleveland have joined together year after year on this festive occasion to celebrate this day and honor their heroes, martyrs and intellectuals who shed their blood for freedom of their country from the Spanish Crown.

This year to celebrate the 180th anniversary of the Independence of Peru, an outdoor celebration is being held portraying a civic ceremony and a childrens' soccer tournament. A traveling team of eighteen Peruvian boys under the age of twelve are flying in from Lima, Peru and will play against Cleveland and Columbus teams. There will also be a group of students from Pittsburgh, LACU who will present dance and music performances.

My fellow colleagues, please join me in commemorating this festive affair to show our support of this Peruvian celebration.

RECOGNIZING THE HOUSTON MINORITY BUSINESS COUNCIL'S EXPO 2001

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Mr. BENTSEN. Mr. Speaker, I rise in recognition of the Houston Minority Business Council's EXPO 2001. As Texas' largest minority business development trade fair, EXPO provides a forum for major corporations to identify and build relationships with capable and dependable minority businesses and suppliers. This year's business forum will be held on Wednesday, September 26, 2001 at the George R. Brown Convention Center.

For many years, EXPO has served as a multi-faceted network linking Minority Business Enterprises (MBES) with leaders of major corporations. MBEs utilize EXPO as an efficient and productive means of connecting with key purchasing personnel and decision makers at major corporations. Corporations take advantage of this networking opportunity, using it as a tool to distribute personalized information on doing business with their companies. EXPO allows MBEs to gain valuable insights into both the local and national strategies of major corporations. Featuring approximately 200 major corporations and government agencies, EXPO prides itself in its ability to spur the development of minority businesses by bringing together minority businesses and corporate executives.

As a result of the Houston Minority Business Council's EXPO 2000, more than 2,000 participants were afforded the opportunity to furnish new business contacts and promote economic opportunity for their businesses. MBEs made an average of 23 sales calls from which 44 percent reported instantaneous results. On average, at least two-thirds of participants reported the establishment of new business relationships that totaled as high as $2 million in eight months. EXPO 2001 promises to be an even more successful event.

James Postal, of Penzoll Quaker State, will serve as this year's Honorary Chair. As in the past, participants can look forward to the stimulating and insightful remarks from the event's keynote speaker, Harriet Michel, President of the National Minority Supplier Development Council (NMSDC), a private non-profit organization that expands business opportunities to minority-owned companies. Her expertise on minority businesses and the issues they are facing will make her an interesting and exciting addition to the convention.

Mr. Speaker, the Houston Minority Business Council serves the important function of incorporating minority businesses in local and national commerce. Their mission, "to actively involve [their] members in efforts that will increase and expand business opportunity and business growth for minority business enterprises," is vital to the promotion and expansion of minority business opportunities. I applaud the efforts of the Houston Minority Business Council and look forward to another successftil event.

DEDICATION OF THE PACIFIC COAST HIGHWAY AS LOS ANGELES COUNTY VIETNAM VETERANS MEMORIAL HIGHWAY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 27, 2001

Ms. HARMAN. Mr. Speaker, I rise to commend the dedication taking place today in my district of more than 60 miles of the infamous Pacific Coast Highway as the Los Angeles Country Vietnam Veterans Memorial Highway. I regret that the House schedule prevents me from joining in the dedication ceremony, but wanted to share the remarks I had planned to make.

As this long stretch of road is dedicated to our Vietnam Veterans, the analogy of this road to a ribbon seems appropriate.

Roads sometimes divide, but this ribbon of road is designed to unite. It stretches seamlessly and ties the diverse communities that comprise the South Bay into one.

This ribbon of road is intended to heal, despite the divisiveness of the war itself. Just as this road embraces people from every walk of life, so too do we continue to embrace our soldiers, sailors and airmen.

This ribbon is intended to honor. Like the yellow ribbon used to signal our eternal hope of homecoming, this ribbon of road is dedicated not just to those who served and returned from Vietnam, but also to those who remain missing or unaccounted for.

But, while this ribbon of road is well-traveled and familiar, for those of us of the Vietnam generation, the war has started to recede—perhaps too quickly. What is our memory is now history to a sizable portion of our citizenry. Not only do they fail to understand the historic context of that war, they also fail to appreciate those who served.

Designating this highway will provide a constant and continuing reminder of the valor and sacrifice of the men and women who served in Vietnam. It will be a tribute—a memorial—a symbol to a not-so-distant period in our Nation's history.

Like a ribbon, it will bind our community in a collective expression of appreciation—of love—of gratitude—of remembrance.

Today's dedication ceremony is the result of the hard work of the members of the Vietnam Veterans of America Chapter 53, who first suggested to California State Assemblyman George Nakano the designation of the Vietnam Veterans Memorial Highway. Assemblyman Nakano was able to secure the passage of the appropriate state legislation to authorize this designation, while VVA Chapter 53 helped raise the private funding necessary to post signage along the way.

I commend the Joint efforts of Assemblyman Nakano and VVA Chapter 5 3 and welcome the inauguration of the Los Angeles County Vietnam Veterans Memorial Highway.

WALTER B. DORSEY A LIFETIME OF PUBLIC SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

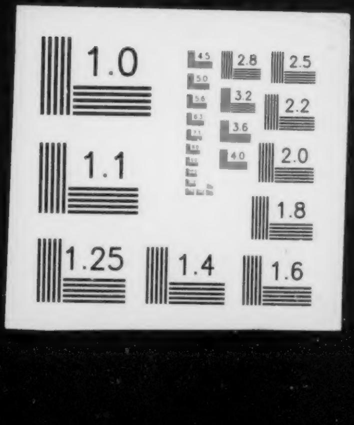
Friday, July 27, 2001

Mr. HOYER. Mr. Speaker, former Maryland State Senator and St. Mary's County, Maryland State's Attorney Walter B. Dorsey is being honored Saturday, July 28, 2001, at the Anniversary Crabfeast of the newspaper ST. MARYS TODAY for a Lifetime of Public Service.

Senator Dorsey is a third generation member of the Maryland General Assembly, having been preceded in service by his father, the late Circuit Court Judge Phillip H. Dorsey, who was elected to the Maryland House of Delegates in 1930 and 1934 and by his grandfather, Walter B. Dorsey, who was elected to the House of Delegates in 1911. Senator Dorsey was elected to the Maryland Senate in 1958 representing St. Mary's County, as was his father who was elected to the same seat in 1926. The late Judge Dorsey also served as a delegate to the Maryland Constitutional Convention in 1967.

Senator Dorsey was first elected St. Mary's County State's Attorney in 1954 after serving in the U. S. Army in Korea in the Judge Advocate General Corps. and won election again in 1982, 1986, 1990 and 1994 when he retired from office. Senator Dorsey also served as Deputy Maryland Public Defender during the administration of Maryland Governor Marvin Mandel. He has also maintained a law practice between his service as Public Defender and State's Attorney and at this time is of counsel to his the firm headed by his son Phillip H. Dorsey II as well as being engaged in the operation of Checker's Restaurants in Virginia and Maryland as a franchise owner. Senator Dorsey also owned and published the newspaper St. Mary's Journal in Leonardtown, Maryland from 1958 to 1961 as well as a doing a brief stint in the bakery business and developing the attractive waterfront new home community on Breton Bay known as Mulberry Point.

Senator Dorsey is married to his lovely wife of 28 years, Brenda B. Dorsey. Senator Dorsey has three sons and one daughter, Phillip, John Michael, Paul and Helen from his first marriage to the former Jeanne Duke Dorsey Mandel and two daughters he has raised with his wife Brenda, Sheryl and Suzanne.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